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OF THE

FIFTY-SEVENTH CONGRESS, SECOND SESSION.

VOLUME XXXVI.

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VOLUME XXXVI, PART II.

CONGRESSIONAL RECORD,

FIFTY-SEVENTH CONGRESS, SECOND SESSION.

These figures, in connection with others that I have quoted during the course of these remarks, are of sufficient magnitude to show that the trade and commerce and productions of Alaska have passed beyond infantile and experimental stage

Hereafter no statement of our nation's trade, her commerce, or her resources will be complete that does not include the Territory of Alaska.

FISHING INDUSTRY OF ALASKA.

The general public living outside of Alaska have no adequate conception of the magnitude of the fishing industry and fish-canning operations in Alaska. Canned salmon is now recognized everywhere as one of the staple food products of the world. Alaska probably produces nine-tenths of the canned-salmon product of the world, and a very superior quality of fish it is, too.

I attach hereto certain statistics regarding the salmon industry of Alaska, and the location of the salmon canneries of Alaska. The statement for the year 1891 is quite complete, but, as the Treasury Department are now making up the report for the year of 1902, I can only attach a summary of the report for the year last past.

An examination of these figures show that in the year 1891 this single industry in Alaska put out a product whose aggregate value amounted to almost $7,000,000, while there was an increase this last year of $1,741,506, making the aggregate value of their product for the year 1902 $8,667,673.

These figures give some idea of the magnitude of this one industry. Surely a land that is producing such great results in this line of industry is entitled to be represented on this floor, in order that this industry may be suitably protected and safeguarded, when we are considering legislation in reference thereto.

Report of salmon canneries in Alaska for the year 1901.

Name of cannery.	Owned by—	Location.	Cases.	Value.
Bristol Bay Canning Co.	Alaska Packers' Association.	Nushagak River.		
Alaska Packing Co	do	do	180,080	$630,916
Arctic Packing Co	do	do		
Do	do	Naknek River	75,430	264,320
Guardian Cannery	do	do		
Ugashuk Fishing Sta.	do	Ugashuk River	40,864	110,029
Bering Sea Cannery	do	do		
Point Roberts Packing Co. (2).	do	Koggiung	107,845	377,728
Horseshoe F. and M. Co.	do	do		
Egagek Fishing Sta	do	Egagek	31,740	110,090
Chignik Bay Pack. Co.	do	Chignik Bay	40,681	142,382
Alitak Packing Co	do	Alitak	41,614	145,049
Karluk Packing Co	do	Karluk	196,667	690,311
Alaska Improvement Co.	do	do		
Arctic Fishing Co	do	Kussilof	31,082	108,787
Pacific Packing Co	do	Odiak	40,665	142,327
Pyramid Harbor Pg. Co.	do	Pyramid Harbor.	30,709	107,481
Glacier Packing Co	do	Wrangell	59,027	177,081
Alaska Salmon and Fur Co.	do	Loring	89,423	265,839
Whalers' Chignik Cannery.	Pac. P. and Nav. Co	Chignik Bay	35,516	117,203
Hume Chignik Cannery.	do	do	29,927	104,838
Orca Cannery	do	Orca	36,530	120,549
Kenai Cannery	do	Kenai	17,925	59,152
Whalers' Uyak Cannery.	do	Uyak Bay	50,593	166,967
Hume Uyak Cannery	do	do	33,479	117,221
Hunters Bay Cannery	do	Hunters Bay	62,000	185,000
Nushagak River Cannery.	do	Nushagak River.	76,774	257,192
Quadra Bay Cannery	do	Quadra Bay	35,141	105,000
Petersburg Cannery	do	Petersburg	58,500	226,200
Sitkoh Bay Cannery	do	Sitkoh Bay	60,000	171,920
Santa Rita Cannery	do	Dundas Bay	21,750	70,000
Taku Fish Co. Cannery.	do	Port Snettisham.	14,574	47,712
Taku Pack. Co. Cannery.	do	Taku Inlet	27,000	78,000
Chilkoot Cannery	do	Chilkoot River	19,397	79,858
Thlinket Gerard Pt. Cannery.	do	Wrangell	26,536	92,876
Thlinket Santa Anna Cannery.	do	Santa Anna Inlet.	24,983	87,440
Yes Bay Cannery	do	Yes Bay	29,736	87,500
Kvichak River Cannery, No. 1.	North Alaska Salmon Co.	Kvichak River.	23,300	81,550
Kvichak River Cannery. No. 2.	do	do	23,400	81,900
Naknek Cannery	Naknek Pack. Co	Naknek	41,000	136,400
Bristol Bay Cannery.	Bristol Packing Co.	Ugashuk River	11,400	38,970
Koggiung Saltery	Northwestern Packing Co.	Koggiung	5,500	15,400
Klawak Cannery	N. P. Trading and Packing Co.	Klawak	36,412	113,000
Nushagak Cannery	Ala. Fishermen's Packing Co.	Nushaguk River.	38,724	135,450
Chuitna River Cannery.	Alaska Salmon Ass'n.	Chuitna River.	11,480	40,342
Ketchikan Cannery	Fidalgo Island Packing Co.	Ketchikan	49,326	155,000

Report of salmon canneries in Alaska for the year 1901—Continued.

Name of cannery.	Owned by—	Location.	Cases.	Value.
Taku Harbor Cannery.	San Juan Fishing and Packing Co.	Taku Harbor	25,500	$76,500
Ugashuk River	Red Salmon Packing Co.	Ugashuk River	8,500	28,000
Nushagak Cannery	Columbia River Packing Ass'n.	Nushaguk River.	24,284	86,612
Nushagak Saltery	Alaska Fishing and Packing Co.	do	5,287	17,000
Tonka Cannery	P. C. & N. P. Co	Wrangell Narrows.	19,432	60,632
Kell Bay Cannery	Union P. Co	Kell Bay	20,989	63,000
Lake Bay Cannery	Cross Sound P. Co.	Lake Bay	13,849	36,212
Metlakahtla Cannery.	Metlakahtla Indus. Co.	Metlakahtla	23,000	69,000
Nushagak R. Cannery	Alaska-Portland P. A.	Nushagak River.	20,667	74,400
Do	Alaska Salmon Ass'n.	do	17,700	63,720
Nushagak R. Saltery	C. E. Whitney & Co.	do	20,520	65,000
Ideal Cove Saltery	Muir Glacier P. Co.	Ideal Cove	1,765	5,300
Saakaar Saltery	C. F. Brockman	Saakaar	525	2,320
Thorne Bay Saltery	R. C. Bell	Thorne Bay	1,480	4,835
Point Barrie Saltery	F. C. Sepp	Point Barrie	467	1,122
Etoline Island Saltery	J. C. Frey	Etoline Island	135	648
McHenry Inlet Saltery.	J. C. Callbreath	McHenry Inlet	480	1,800
South Arm Saltery	Jacob Louth	Moira Sound	216	1,736
Eagle Harbor Saltery	Oliver Smith	Eagle Harbor	1,375	3,750
Copper Harbor Saltery.	Craig Millar	Copper Harbor	1,760	5,500
Pritchards Cove Fishery.	Great Northern Fishing Co.	Union Bay		
Beechers Pass Cannery.	Royer-Warnock P. Co.	Beechers Pass		
Port Althorpe Saltery	Perry Hinkle	Port Althorpe		
Bartlett Bay Cannery	Icy Straits P. Co	Bartlett Bay		
Taku Point Fishery	do	Taku Inlet		
Sundry (estimated)	Salteries not reported.		5,000	17,500
Total			2,076,661	6,926,167

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
DIVISION OF SPECIAL AGENTS,
Washington, January 16, 1903.

Hon. FRANCIS W. CUSHMAN, M. C.,
Washington, D. C.

DEAR SIR: Responding to your request I herewith hand you the salient figures of the salmon pack of Alaska for the season of 1902: Total number of canneries, 64; total number of salteries, 18, located all along the coast of Alaska from Wales Island, southeast Alaska, to Bristol Bay (Bering Sea), a distance, in round numbers, of 3,000 miles. Total number of salmon taken, 36,265,056; total number of cases, 2,558,297; total number of barrels, 25,384; total valuation, $8,667,673; total tax payable, $105,808.13; increase this year, 9 canneries and 12 salteries; total capitalization, $25,799,500; valuation of plants, $6,406,750; total number of hands employed, 13,822, whites, 7,567; Chinese, 5,366; natives, 2,675; wages paid $4,060,680; tin plate used, $1,383,680; vessels employed, 193, steamers, 125, sail, 68; increase of pack over last year, 554,659 cases; increase of value of output, $1,741,506.

Respectfully, yours,

H. M. KUTCHIN,
Special Agent.

Speaking of the salmon industry of Alaska, I desire to call to the attention of this House, as a most forcible illustration of the need for a Delegate from Alaska on this floor, a little recent history: During the first session of this present Congress the gentleman from New York [Mr. SULZER] called up before this House for consideration a bill which he claimed with great force and earnestness was destined, if enacted into law, to protect and encourage the salmon industry in Alaska and replenish the supply of that most valuable fish. The bill was most violently attacked on this floor. I do not pause at this time to undertake to prove that the bill was good or that it was bad.

The point I make is that while we were trying to discuss that bill on this floor half a dozen members spoke on each side of this question, each one giving his version of the conditions that existed in Alaska; each of these statements were widely at variance with the others, and could not all have been correct; and yet each member relied on his understanding of conditions in Alaska as his justification for his vote on that measure. Now, no one can blame this House if we make a mistake when we have acted according to the best light we have. But when we have an opportunity to get more light and fail to avail ourselves of it, then we lay ourselves open to the just criticism of mankind.

On the occasion of that debate if we had had a well-informed Delegate from Alaska on this floor, think how much light he could have given us on this subject.

I know that some men have objected to giving Alaska a Delegate because it will cost several thousand dollars. I will get to that interesting phase of this question shortly. But I may be permitted to remark in passing that, in reference to this salmon question alone, we were trying to legislate in the dark with reference to an industry whose annual output represents $7,000,000, when, with the comparatively trifling expense of securing a Delegate, we might have always at hand the best information

obtainable regarding that region and its people, with the protection of whose rights and property we are sacredly charged.

AGRICULTURE IN ALASKA.

It is not generally known to the world at large that Alaska is a region with splendid agricultural possibilities. The reason that these possibilities are not known is because every tourist that ever started for Alaska and never got farther than Wrangell or Sitka came back to the United States loaded with a highly colored assortment of misinformation, and immediately began to write hair-raising descriptions of his visit to the "frozen north," "the land of the midnight sun." He would write four columns about the glories of the Muir glacier, and the beauties of the floating iceberg, but nothing about agriculture.

Every alleged poet that never got farther west in his whole life than Poughkeepsie, N. Y., has worn the table of synonyms into a frazzle describing (?) Alaska. Here is a select sample:

Now far he sweeps, where scarce a summer smiles
On Bering's rocks or Greenland's naked isles;
Cold on his midnight watch the breezes blow,
From wastes that slumber in eternal snow;
And waft across the waves' tumultuous roar,
The wolf's long howl from Oonalaska's shore.

That is what one poet wrote about Alaska. There is enough frozen metaphor in that one stanza to blight the bloom of the Tropical Zone! [Laughter.]

Now, then, as a matter of fact which may surprise some of you gentlemen here, at Sitka, the capital of Alaska, it never gets cold enough to freeze ice in the winter; so that the residents of that portion of Alaska are obliged to ship manufactured ice from the United States to supply their wants during the summer!

There was an Alaskan prospector who had put in two winters under the shadow of the Arctic Circle. He made some money and came out to "the States" to have a good time during the winter. He was a great curiosity. People wondered how a human being could live in the intense cold of that far north.

He started for New York City. He had gotten along very well with the weather in Alaska, but when he started across the northern end of the United States in January then he discovered, in a climatic sense, that he was getting next the business end of the real thing. He was cold when he got to St. Paul; he was colder still when the breeze from the lake struck him at Chicago, and at Buffalo, N. Y., they found him frozen to death—stiff as an alpenstock, by the stove in the smoking car. [Great laughter.] That, Mr. Chairman, is a truthful recital of the sad and shocking end of Icicle Ike, of Coldfoot, Alaska. [Renewed laughter.]

Mr. PAYNE. Will the gentleman allow me a question? Does he think it would be kind to bring a gentleman down from Alaska to such a cold country as this?

Mr. CUSHMAN. If he did not have to come through the State of New York en route he would be all right. [Renewed laughter.]

Mr. PAYNE. He would have to come through Washington State.

Mr. CUSHMAN. The State of Washington—that is the banana belt, where the orange blossoms grow! [Renewed laughter.]

Alaska has two valleys alone—namely, the Tanana River Valley and the Copper River Valley—which contain agricultural land equal in area to the great States of Iowa and Ohio and capable of as high a degree of cultivation as those two States. In the Tanana River Valley alone there is 50,000 square miles of the finest kind of agricultural and grazing land, while in the Copper River Valley there is 35,000 square miles of the same kind of land. C. C. Georgeson, special agent in charge of the experiment station of the Department of Agriculture in Alaska, in speaking of the Copper River Valley, says: "The Copper River Valley has a great future. It will one day be a rich and flourishing country, and perhaps the most populous region of the future State of Alaska. Here are opportunities for thousands of families to make homes for themselves and gain independence." He says further that the Government will have to make the homestead laws so liberal that it will offer an inducement for settlers to go upon the land.

In the same report there is a communication from J. Lindley Green, who has made an extended tour through the valley of the Tanana River, and in which he says: "I also found very extensive portions with a rank growth of grass. The grass is perhaps the same as the red-top grass, or herd grass, we have in the States, and this variety is found in every part of Alaska." He says that he did not find anything in any other part of the country to equal the grass in the Tanana Valley, either in quantity or quality. He further says: "This grass grows to the height of from 4 to 4½ feet, and will produce from 2 to 3 tons of hay per acre. There are places where a mowing machine can be driven for 5 miles in one direction without lifting the sickle bar. As fine a quality of hay can be produced there as can be produced anywhere. I believe spring wheat, oats, and barley will mature there if properly handled. I know that potatoes, cabbage, peas, beans, turnips, carrots, radishes, beets, and a great many other vegetables can be produced there. Agriculture could be successfully carried on in this country." After he stated that he had traveled over a great deal of the Territory of Alaska, he states that "in the Tanana Valley agriculture could be carried on very successfully."

These quotations are from page 307 of the Annual Report of the Alaska Agricultural Experiment Station for 1901, by C. C. Georgeson.

At page 340 of the same report Professor Georgeson says: "The mineral resources of the Territory have not been fathomed. We only know that they are vast and it must take a long time to exhaust them. But great as is this hidden wealth, it can not build a State unaided. If agriculture is not developed in the Territory, Alaska must forever remain what it now is. Alaska can furnish homesteads of 320 acres each to 200,000 families. She has abundant resources to support a population of at least 3,000,000 people." "The reason," he says, "that Alaska is not settled is because the settlers can not get title to land, and as the laws are now, at best he is only allowed 80 acres." Professor Georgeson states that 320 acres would be more in harmony with the conditions, which require considerable pasture lands to make farming a success.

Secretary of Agriculture Wilson is now seeking an appropriation by Congress whereby he can experiment with Polled Angus cattle in Alaska, and predicts that if Congress will pass a liberal land law thousands of Americans will go to that country, which he believes to be one of the greatest future stock-raising countries in the world, as well as a great grass country; therefore the great wealth of Alaska will come from her agricultural possibilities. Notwithstanding the immense amounts of gold that Alaska will give to the world, agriculture and stock raising will be the future great wealth and foundation upon which to build and support a great population in that country.

The March number (1902) of the National Geographic Magazine contains a brief article upon the conditions in and the possibilities of Alaska, by C. C. Georgeson, of Sitka, Alaska, he being a special agent of the United States Department of Agriculture in charge of the agricultural investigations in Alaska. This article is not lengthy, but it contains so much general and valuable information and corrects so many false opinions regarding Alaska that I herewith incorporate the same into my remarks:

THE POSSIBILITIES OF ALASKA.

[By C. C. Georgeson, of Sitka, Alaska, special agent of United States Department of Agriculture in charge of Alaska investigations.]

He would have been considered a rash prophet who five years ago had the temerity to predict that Alaska would one day become a great and powerful State.

Yet, to-day, such a prediction would not be ascribed to prophetic sight, but simply a common-sense view, a foregone conclusion, based on the resources and possibilities inherent in the Territory. The change of opinion is due to the fact that it has been demonstrated that Alaska has agricultural possibilities of a high order. The development of agriculture will enhance the value of the other vast and varied resources of the Territory a thousandfold. It will make it possible to work the extensive placer mines not rich enough in gold to pay at the present prices for foodstuffs, as well as the enormous deposits of low-grade quartz ores found nearly everywhere in the mountains.

Alaska has been maligned, abused, and totally misunderstood. It has been regarded as a frozen, worthless waste, whose only value consisted in its seal fisheries, and totally incapable of furnishing homes for a civilized people. These ideas are still current even in quarters where one would naturally expect to find a knowledge of the facts. Through the instrumentality of Secretary Seward, Alaska was purchased from Russia in 1867 for the sum of $7,200,000. It has already paid for itself many times over, and still we have scarcely begun to realize how enormous the resources are. What the profits to the lessees of the sealing privilege have been will probably never be made known, but it is interesting to note that the rentals received or due the Government for the lease of this privilege from 1870 to 1895 amounted to almost the original cost of the Territory, namely, $7,192,540.41 (Senate Document No. 81, Fifty-fourth Congress, second session); and as to the income from mines, it is commonly reported that more than an equal sum has been taken from a single mine near Juneau, to say nothing of the millions taken out in other places.

Alaska has an area of 591,000 square miles, in round numbers; that is to say, it is as large as all of the United States east of the Mississippi River, exclusive of the four States of Florida, Georgia, Alabama, and Mississippi. It requires an effort of the mind to grasp the significance of such an expanse of territory. There never could be a greater misconception in regard to a geographical fact than the popular idea that it is a snow-covered, inhospitable waste, and it is strange that this idea should be so persistently propagated and disseminated among the people. As a matter of fact, you can travel from one end of the Yukon to the other in summer time and never see snow. You see, on the contrary, a tangle of luxuriant vegetation, large forests, and such delicacies as wild raspberries, red currants, huckleberries, and cranberries in profusion. In places the grass grows as high as a man's shoulder. At Holy Cross Mission I desired to photograph some cattle, native born, reared by the fathers, and for that purpose asked that they be turned into a meadow reserved for hay. To my astonishment I found that the cattle were totally out of sight when they got into the grass, which reached above their backs.

Alaskan tourists are largely responsible for the false conception which is abroad in regard to the agricultural possibilities of the country. The high mountain range which skirts the sea coast is covered with snow and glaciers. It has a rugged, forbidding aspect. People who go as far north as Skagway and back again to Seattle in a two weeks' trip fondly imagine that they are studying Alaska, and that they are quite prepared to pass judgment on the whole Territory, when, as a matter of fact, they have not been within 200 miles of the one hundred and forty-first meridian, where Alaska proper begins. To get anything like a correct idea of Alaska, one must go inside.

WHAT EXPERIMENT HAS PROVED.

Facts ought to carry greater weight than theories founded on misconception. Now, the facts are that all the hardy vegetables are grown with marked success all over Alaska south of the arctic circle, except on the coast of Bering Sea. I have never seen finer potatoes, cauliflower, cabbage, kale, peas, lettuce, and radishes than have been grown at the experiment stations at Sitka and Kenai. At Dawson I have seen a magnificent display of native-grown vegetables comprising all the hardy kinds; and at the chamber of commerce rooms of that town are displayed fine samples of barley, oats, and wheat in many varieties, perfectly normal in all particulars, and grown there by a local experimenter. At Eagle I have seen all the foregoing crops, and in addition a luxuriant growth of sweet peas, poppies, mignonette, and a host of other flowers in full bloom.

At Holy Cross Mission I ate new potatoes, cauliflower, cabbage, carrots, beets, lettuce, and radishes in the beginning of August, all produced in the mission gardens. At Rampart, in latitude 65, a station was established by the Department of Agriculture in the summer of 1900. Winter rye, seeded there in August of that year, lived through the winter perfectly under a good covering of snow. Although the temperature fell to 70° below zero, it came out in the spring in perfect condition, and matured grain by the first of August, 1901. Barley seeded in May of the latter year was ripe by the middle of August. At the headquarters station at Sitka I have for three years past grown as fine spring wheat as one could wish to see (samples of it may be seen at the Department of Agriculture), and barley and oats have been grown there successfully for four years. These grains have likewise been grown successfully at the experiment station at Kenai, on the Kenai Peninsula. This station is situated in a region where there are thousands of square miles of land available for farming and grazing.

Capt. W. R. Abercrombie, who constructed the trans-Alaskan military road, at my request seeded the past summer small quantities of wheat, barley, and oats at Copper Center, in the Copper River Valley, and he writes me that they all matured. Ripe oats were seen last September by Mr. Isaac Jones, an employee of the Department of Agriculture, on a tributary to the Forty-mile, in about latitude 64. Two Wisconsin men, Messrs. H. C. Nicolai and D. H. Clark, started to farm at Skagway two years ago. In September of last year I saw considerable fields of oats, potatoes, and cabbage grown by them. On Admiralty Island, near Killisnoo, a man named Thomas Baker has been growing vegetables and grains for years with noted success. Small patches of grain have been matured at Kadiak, at Afognak, at the Moravian Mission, on the Kuskokwim River, and at many other places. At Fort Selkirk an American named Frank Bach and at Dawson two brothers named Morgan, also Americans, have secured from the Canadian government tracts of upward of a hundred acres of land each, which they are farming successfully.

STOCK RAISING.

Cattle are kept at every considerable settlement in Alaska, except perhaps at Nome. They all do well. The treeless region to the westward of Sitka is especially well suited to cattle and all kinds of live stock. The Alaska Commercial Company has kept cattle, sheep, and Angora goats at Kodiak for many years, and they required but little feed and shelter, except in an occasional storm during winter. The data on these experiments were published in the report to Congress on the Alaska investigations for 1899. The natives at Kenai and Ninilchik, on Cook Inlet, have kept cattle for half a century or more. At the latter place they have upward of 30 head. But few breeding cattle have as yet found their way into the interior, but horses are quite numerous there.

In this connection it is of interest to note that in spite of the extremely cold winters in the interior there are many instances on record in which horses abandoned by prospectors in the fall have survived the winters and come out in the spring in fair condition. Mr. Mark E. Bray, an American miner, told me last summer that he used five mules in his mining operations on one of the tributaries of the Tanana. He abandoned them when he went out in the fall, it being too expensive to buy feed for them in Dawson, where he wintered. When he returned to the diggings the following April he found four of them alive and well; the fifth had been killed by the Indians. In the fall of 1899 Mr. Jack Dalton turned loose 45 head of pack horses he had used in carrying provisions over the Dalton trail, and in the spring of 1900 he found 43 of them alive and well and in fair condition.

AGRICULTURAL LANDS.

There are extensive areas of grass land in many parts of the interior. Mr. Isaac Jones, already referred to, made a reconnoissance last summer between Eagle, on the Yukon, and Valdes, on Prince William Sound. The distance between these two points as the trail runs is about 435 miles. He examined some 15 miles on either side of the trail, thus covering an area of 30 miles wide by 435 miles long. Within the boundaries of this strip he estimates that he saw 2,000,000 acres of pasture and farming land. In the region occupied by the Kechumstuk Indians, north of the Tanana, and especially along the South Fork of the Forty-mile, he reports that he crossed a meadow with the grass waist high for a distance of 8 miles. He also learned of horses which had run at large for two years in this region. The Kechumstuk Indians have given a new name to cattle. They call them "McKinley moose," and Americans were known to them as "McKinley men." The chief of the village had secured an American flag, which he hoisted on a tall pole whenever he learned that white men were in his territory. There is some hope for the civilization of a tribe which cherishes such sentiments. Mr. Jones's description of the country is highly interesting. It forms part of my report now before Congress.

WHAT IT MEANS.

The development of agriculture in Alaska means the settlement and development of the Territory. It means the making of homes, a permanent population, the rapid development of the mineral resources, the creation of wealth, the building of a State. If, on the other hand, no foodstuffs can be produced in Alaska, a large population is impossible, and it could never become a State. We can not imagine the possibility of sustaining even 100,000 people there if all that they required to support life must be brought from the States, a thousand miles distant, and carried hundreds of miles more from the ports of entry to the mining camps and villages in the interior. Under such conditions development of the natural resources must languish. Agriculture is the backbone of prosperity.

An adequate food supply is the first essential to the growth of population, to prosperity, to greatness, and if this factor were lacking in Alaska it would be doomed to remain a scantily populated Territory. States with little or no agriculture make no growth. Look at Nevada, for instance. But it is fortunate for Alaska, and therefore for the whole country, for the growth of any section benefits the whole, that she has agricultural possibilities to an extent which will make the fullest development of her resources practicable. Alaska can furnish homesteads of 320 acres each to 200,000 families. She has abundant resources to support a population of at least 3,000,000 people. Such a population would mean a volume of trade which would yield an immense and permanent income to the coast States. There are people who fear that the development of agriculture would prejudice the mining interests. Nothing could be further from the truth. On the contrary, it would be of the greatest possible help to the mining industry. It would reduce the cost of living, make labor more plentiful, and therefore cheaper, and give rise to better transportation facilities. It would then become possible to work the low-grade mines with profit and to materially increase the profits of the good mines.

THE EXAMPLE OF FINLAND.

The foregoing statements are borne out by the example of Finland. This little country lies wholly north of the sixtieth parallel. Alaska reaches 6 degrees south of this latitude. Finland is less than one-fourth the size of Alaska, and its agricultural area is less than 50,000 square miles; yet in 1898 Finland had a population of over 2,600,000 souls. Agriculture is the chief industry. Only about 300,000 people are city dwellers. They export large quantities of dairy products, live stock, flax, hemp, and considerable grain, and the population has increased some 825,000 in the last twenty eight-years, and this in spite of a very considerable emigration.

The conditions in Alaska from an agricultural standpoint are more favorable than those of Finland. We have a larger agricultural area, somewhat warmer summers, and the mines will yield the best possible home market. When the fishing industry of Alaska is developed it will engage the labors of hundreds of thousands of people, who must be fed in large measure from the farms. Alaska has a coast line of 26,000 miles, practically all of which affords splendid fishing ground. The salmon is as yet the only fish which has attracted attention. There are thousands of square miles of cod banks; the enormous halibut grounds have not been touched, and the myriad shoals of herring go by unheeded. An oil and guano factory has been established for some years at Killisnoo, a little village some distance from Sitka, in which the herring is utilized. There is room for 50 such enterprises. The guano sells readily for $30 per ton.

WHY ALASKA IS NOT SETTLED.

With such facts as to resources, why is Alaska not settled? Simply because settlers can not get title to land. There is much inquiry for land, but when the would-be settler learns the status of affairs he changes his plans. To get title the settler must first buy soldiers' additional homestead scrip, which can be located on unsurveyed lands. This will cost him anywhere from $5 to $15 an acre. Then he must deposit in the surveyor-general's office an amount which will cover the cost of the survey. United States deputy surveyors charge $15 to $20 a day and traveling expenses in Alaska. He must also pay for the office work, entries, etc. The result of all this is that a piece of raw land in Alaska will cost him as much as a good, improved farm in almost any State. Such conditions are prohibitive, and Alaska will not be settled as long as they prevail. Again, a homestead of 80 acres, which the law allows, is not large enough. Stock raising must of necessity become a leading branch in Alaska farming, and 80-acre stock farms will scarcely be much in demand. Three hundred and twenty acres would be more in harmony with conditions which require considerable pasture land to make farming a success.

Would it not be a wise policy to make the land absolutely free to bona fide settlers? The great expense necessary to reach the Territory with work animals, implements, and all that is required for a start, and the hardships incident to pioneer life in a rigorous climate far from civilization, entitle the pioneer to special consideration. The development of the Territory depends upon his work. He must blaze the way and bear the brunt of the battle. His courage, endurance, and self-sacrifice constitute the very foundations on which the State must be reared. The exploitation of the Territory's resources by wealthy corporations will not enrich or build the State. It is the pioneer, the settler, the home maker, who, with ax and grubbing hoe, subdues the wilderness and forces unwilling nature to yield him a livelihood; who nurtures a family; who rears the schoolhouse and church. It is he who is the State builder, and every practicable means employed to aid him in the onerous task will further the development of the Territory.

GOLD AND SILVER PRODUCTION OF ALASKA.

I have taken the trouble to procure from the United States Treasury Department, Bureau of the Mint, a statement of the production of gold and silver in Alaska from and including the year of 1880 to the year 1902, just passed. That statement is as follows:

TREASURY DEPARTMENT, BUREAU OF THE MINT,
Washington, January 14, 1903.

Hon. F. W. CUSHMAN,
House of Representatives.

DEAR SIR: Pursuant to your request I inclose herewith the following statement, by years, of the output of gold and silver in Alaska from 1880 to 1902, inclusive:

Year.	Gold.	Silver.	
		Coining value.	Commercial value.
1880	$6,000		
1881	15,000		
1882	150,000		
1883	300,000		
1884	200,000		
1885	300,000	$2,000	$1,648
1886	446,000	2,000	1,539
1887	675,000	300	227
1888	850,000	3,000	2,180
1889	900,000	10,343	7,481
1890	762,500	9,697	7,848
1891	900,000	10,343	7,904
1892	1,000,000	10,343	7,320
1893	1,010,100	12,412	7,491
1894	1,113,550	28,782	14,131
1895	1,615,300	86,880	43,953
1896	2,055,700	187,863	98,172
1897	1,778,000	150,497	70,402
1898	2,524,800	119,500	54,525
1899	5,459,500	181,140	84,276
1900	8,171,000	94,772	45,446
1901	6,904,400	71,110	28,740
1902	7,823,800	73,334	30,061
Total	44,960,650	1,054,316	513,344

We have no figures back of 1880.
Respectfully,

GEO. E. ROBERTS,
Director of the Mint.

It would really seem that a region that in the past three years has been annually pouring out a gold production of over $7,600,000 per annum ought to be entitled to some kind of representation on this floor. I surely hope no member will object to the passage of this pending bill to give to the people of Alaska a Delegate on the ground of the cost. It will ill become us to turn toward a people whose hardihood and whose pluck have been the means of producing so much wealth and say to them that we are opposed to their having a Delegate because it costs too much.

LAND LAWS OF ALASKA.

A most peculiar and anomalous condition exists in Alaska with reference to the land laws for that region.

The general land laws of the United States have heretofore by Congressional enactment been extended to Alaska. But, by reason of the peculiar conditions existing in Alaska, these laws are not applicable and are absolutely inoperative. This peculiar situation has tended to produce great confusion in the minds of many as to just what extent the land laws relating to Alaska are in force therein. The land laws are in force in Alaska, but the local condition is such that they are absolutely inoperative. In legal phraseology, this situation might aptly be termed a right without a remedy.

The confusion in the general mind on this subject has been heightened by the fact that the legislation in reference to the public and mineral lands of Alaska had been enacted piecemeal, and the various acts relating to the same are scattered through the statutes here and there.

In order to place in the RECORD a statement on the land law in Alaska that would be both brief and comprehensive, and at the same time one that would be recognized as reliable, I requested the Commissioner of the General Land Office of the United States to prepare for me a careful and comprehensive statement on this subject. I have received said statement from him embodied in two letters, which I will insert herein:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., March 29, 1902.

Hon. FRANCIS W. CUSHMAN,
House of Representatives, Washington, D. C.

MY DEAR SIR: Replying to your favor of yesterday, in which you request information as to the extent to which the public land laws of the United States have been extended and are now in force in Alaska, I beg to call your attention to the fact that by section 8, act of May 17, 1884 (23 Stat., 24), it is provided that—

"The land laws of the United States relating to mining claims and the rights incident thereto shall, from and after the passage of this act, be in full force and effect in said district, under the administration thereof hereinafter provided for, subject to such regulations as may be made by the Secretary of the Interior, approved by the President."

Since the passage of this act the mineral laws have remained in force in that district to the same extent and under the same conditions in which they are operative within the United States.

The act of March 3, 1891 (26 Stat., 1095), authorized entries of lands in that district for town site and for trade and business purposes. Section 12 of that act provides:

"That any citizen of the United States over 21 years of age, and any association of such citizens, and any corporation incorporated under the laws of the United States or of any State or Territory of the United States now authorized by law to hold lands in the Territories now or hereafter in possession of and occupying public lands of Alaska for the purposes of trade and business, may purchase not to exceed 160 acres, to be taken as near as practicable in the square form."

Section 10 of the act of May 14, 1898 (30 Stat., 413), limits the amount of land which may be taken for the purposes of trade and business to 80 acres.

Section 1 of said act provides:

"That the homestead land laws of the United States and the rights incident thereto, including the right to enter surveyed or unsurveyed lands under provisions of law relating to acquisition of title through soldiers' additional homestead rights, are hereby extended to Alaska, subject to such regulations as made by the Secretary of Interior. * * * *Provided*, That no entry shall be allowed extending more than 80 rods along the shore of any navigable water; and along such shore a space of at least 80 rods shall be reserved from entry between all such claims. And nothing herein contained shall be so construed as to authorize entries to be made or title to be acquired to the shore of any navigable waters within the said district. *And it is further provided*, That no homestead shall exceed 80 acres in extent."

Sections 2 to 9 of the same act authorize rights of way to be granted for certain purposes through the public lands in that district.

Section 11 of that act provides:

"That the Secretary of the Interior, under such rules and regulations as he may prescribe, may cause to be appraised the timber or any part thereof upon the public lands in the District of Alaska, and may from time to time sell and so dispose thereof as he may deem proper, for not less than the appraised value thereof, in such quantities to each purchaser as he shall prescribe, to be used in the District of Alaska, but not for export therefrom. And such sales shall at all times be limited to actual necessities for consumption in the District from year to year. * * * The Secretary of the Interior may permit, under regulations to be prescribed by him, the use of timber found upon the public lands in said District of Alaska by actual settlers, residents, individual miners, and prospectors for mineral, for firewood, fencing, buildings, mining, prospecting, and for domestic purposes, as may actually be needed by such persons for such purposes."

The act of March 31, 1899 (30 Stat., 1098), provided that "the system of public-land surveys is hereby extended to the district of Alaska."

The act of June 16, 1900, provides:

"That so much of the public-land laws of the United States are hereby extended to the district of Alaska as relate to coal lands; namely, sections 2347-2352, inclusive, of the Revised Statutes."

The acts above enumerated embrace all of the laws now in force which extend the operation of any of the public-lands laws to that district.

Since it may be interesting to you to refer briefly to the proposed legislation introduced at the present session of Congress on this subject, I beg to call your attention to House bill 227, entitled "An act to amend section 1 of the act of Congress approved May 14, 1898," and H. R. 231, entitled "A bill amending the act entitled 'An act to authorize the entry of lands chiefly valuable for building stone,' approved August 4, 1892, and making it applicable to Alaska."

The only lands surveyed in that district are those surveyed under the laws permitting mineral entries, entries for trade and business, or for the location of soldiers' additional homestead rights. None have been surveyed into sections and townships. The last annual report of this office shows that of the 368,101,444 acres (estimated) in that district but 2,236 acres have been surveyed.

If you find that I can be of further service in this matter I will very gladly respond to any additional suggestions you may make.

Yours, truly,

BINGER HERMANN, *Commissioner.*

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., January 14, 1903.

Hon. FRANCIS W. CUSHMAN,
House of Representatives.

MY DEAR SIR: Referring to your verbal request, I will supplement my letter of March 29, 1902, by mentioning the fact that the only law enacted which specifically refers to public lands in Alaska, and which was not mentioned in that letter, is the act of February 14, 1902 (31 Stat., p. 20), which provides that on and after June 1 last the number of land districts in Alaska should be reduced to one, the location to be fixed by the President; and the same act, on page 22 of the same volume of statutes, where an appropriation of $90,000 was made to continue the investigation of the mineral resources.

The only proposed legislation affecting Alaska which has been called to my attention since that date is House bill 12038, entitled "An act to amend an act extending the homestead laws to Alaska," etc., and Senate bill 4616, to grant title to certain parcels of land to the town of Juneau.

So far as I have been informed, these bills are still pending before Congress.

I herewith return my letter of March 29, above referred to, which you left with me on the occasion of your visit to-day.

Yours, truly,

BINGER HERMANN, *Commissioner.*

A brief summary of the situation in Alaska with reference to the public lands is about as follows:

Mining laws in Alaska.—That the mining laws of the United States are in full force in Alaska.

Homestead law in Alaska.—That the homestead law has been extended to Alaska with the limitation that only 80 acres may be taken instead of 160; however, the lands in Alaska not now being surveyed, it is impossible to take up a homestead of even 80 acres.

Trade and town-site act.—Under the land laws as extended to Alaska not to exceed 640 acres may be taken for town-site purposes, and 80 acres may be taken for trade or business.

Coal-land laws.—The United States land laws relating to coal lands have been extended to Alaska, but filings on coal lands in Alaska must, under said law, be made on surveyed lands, and there are no surveyed lands in Alaska.

Laws relating to surveys in Alaska.—The United States laws relating to the survey of the public lands have been extended to Alaska, but no survey of the public domain in Alaska has been had thereunder.

There are several propositions relating to the land laws of Alaska that strike me with peculiar force. In the first place, why should the homestead right in Alaska be limited to 80 acres? If the land is worthless, nobody will take up a homestead. If the land is good, citizens of the United States ought to be permitted to take it up.

The present law only permits the homesteader in Alaska to take 80 acres, instead of 160. I venture to say the man does not live who can produce an ounce of logic to justify that limitation of law as applied to Alaska.

It is frequently stated that the land in Alaska is worthless for agricultural purposes. That is not correct. But if it is of a poorer nature generally than the land elsewhere, then any man who is bold enough to try to make his living from Alaska soil ought to be permitted to take more of the land instead of less.

I am in favor of the bill now pending before this Congress, under which (if it shall pass) every homesteader in Alaska shall have the right to take not only 160 acres but 320 acres as a homestead.

In the last portion of the letter of the Commissioner of the General Land Office it is stated that the laws relating to the survey of public lands have been extended to Alaska. Understand me now, it is the law relating to the survey that has been extended to Alaska, not the survey itself.

The statement is made in the Commissioner's letter that out of 368,101,144 acres in Alaska there has been surveyed the stupendous area of 2,236 acres! That statement would be ridiculous if it were not pathetic. I do not recall but one incident in all my experience which reminds me of this condition.

A number of years ago some miners were prospecting in the State of Washington, and having found a very inviting prospect they selected one of their number to take the "cayuse" and go a hundred miles to the nearest town for the necessary supplies—commonly known as a "grub stake."

He was gone a long time and had a great many mishaps and misfortunes, but when he finally returned and the outfit was

unpacked and inspected it was found to consist of a barrel of whisky and one loaf of bread. The assembled miners surveyed the supplies for a little while in silence, and then the patriarch of the camp exclaimed, "Great God, Bill, what do you expect to do with all that bread?"

The question that is now agitating me most keenly is, what on earth are we going to do with all that surveyed land in Alaska?

In order to fully understand the direct connection that exists between the extension of the homestead laws to Alaska and the Government surveys being extended to the lands in Alaska I would state:

The homestead law of the United States only permits the citizen to locate his homestead on public land that has been surveyed. Now, then, practically none of the land in Alaska has ever been surveyed. Therefore, when you speak of the homestead laws being extended to Alaska, the statement is grossly misleading. To extend the homestead laws to any portion of the United States without at the same time extending the Government surveys is like producing the play of Hamlet with the melancholy Dane left out.

At this session of Congress this House has already passed a bill (H. R. 12098, passed the House December 6, 1902) increasing the amount of land which a homesteader may take in Alaska from 80 acres to 320 acres. This bill is now pending before the Senate and should pass at this session.

There is one important change in that bill that should be made in the Senate, and the amendment subsequently agreed to in this House; that is, an amendment to this bill permitting the homesteader in Alaska to take his homestead on either surveyed or unsurveyed lands. Such a law has heretofore been passed in regard to some of our Western States where the public domain had not been surveyed, and it proved to be an excellent measure.

When the homesteader is permitted to settle on unsurveyed land, he simply stakes out his homestead like a miner would stake out a mining claim. The only restriction on him should be that in staking out his homestead on unsurveyed public lands in Alaska the lines of his homestead claim should run north and south and east and west. Then, after he has resided on this land five years and proved up, he gets title to this land, whether the public surveys have been extended over this region or not. When the public surveys are extended over this region, the lines of his homestead remain just as he originally staked them out.

Now, that is the kind of a land law that Alaska needs, and the enactment of such a law as that will do more for the promotion of industry, the permanent settlement, and the speedy development of Alaska than everything else combined that has been done for that Territory since it passed from under the dominion of the Czar.

LICENSE LAW OF ALASKA.

On March 3, 1899, Congress enacted a license tax law for the district of Alaska, on occupations and business, and not on property. The legislation was unprecedented—in one case particularly, a liquor dealer pays $25 a year for a retail liquor license. This is collected by the collector of internal revenue for Oregon, to which Alaska is attached for internal-revenue purposes. By the license tax law of Alaska, passed as above stated, the liquor dealer is required to pay for the privilege of engaging in business an additional tax. This tax is graduated—where the population is 1,000 or less, $500; more than 1,000, $1,500, per year.

On June 6, 1900, Congress passed a civil code for the district of Alaska. This code provided for the incorporation of towns in Alaska, and further provided that one-half of the license money collected by the Government within the incorporated towns should be turned over to the municipality to be used exclusively for school purposes. In 1901 Congress amended it still further by providing that if it was shown to the judge of the district court where the incorporated town was situated that 50 per cent was not required for school purposes, all over and above that required for school purposes could be used by the council for general and municipal purposes.

There is a bill to amend the civil code now pending before the Senate which provides that all the license money collected within incorporated towns shall go to the municipality, not less than 25 per cent for school purposes, nor more than 50 per cent, and the balance to the municipality.

Under this license law for Alaska a license is required by the United States Government of all people in Alaska engaging in almost every conceivable kind of business.

Requiring this license of the inhabitants of Alaska before they are permitted to engage in business simply amounts to levying a tax, equal to the amount of the license, on each branch of business prosecuted in Alaska. The provisions of this license law are found in chapter 44 of the Criminal Code of Alaska, being the act approved March 3, 1899.

Under the provisions of this law a license or tax is levied upon almost every conceivable business in Alaska. For instance, I quote here some of the different kinds of business in that Territory upon which a license tax is levied: Abstract offices, banks, boarding houses, brokers, breweries, cigar manufacturers, public docks, wharves, and warehouses, fisheries, freight and passenger transportation lines, hotels, insurance agents, mines, mercantile establishments, meat markets, manufactories, physicians, planing mills, pawnbrokers, pedlers, patent-medicine venders, restaurants, real estate dealers, ships and shipping, sawmills, steam ferries, toll roads or trails, tramways, transfer companies, taxidermists, theaters, waterworks.

The provisions of this law have an alphabetical range from A to W, covering all business and property included within this range. One prominent resident of Alaska facetiously remarked that the only thing that prevented the American Congress from levying a tax on zebras was not the matter of Congressional modesty, but the climatic difficulty of rearing those animals in Alaska.

Now, then, under the provisions of this license tax law, which has been in force and effect in Alaska since July 1, 1899, the United States Government has collected from the citizens of Alaska the sum of almost $400,000.

This money has not been left in Alaska for benefit and development of that country or for the aid of the inhabitants thereof, but has been placed in the United States Treasury to help pay the debts and running expenses of the General Government.

The history of the United States Government from the organization of the thirteen original States clear down to the last tick of the clock does not contain a parallel in our treatment of any other Territory to that which we have accorded to Alaska.

In other Territories we have made appropriations directly from the United States Treasury to build up and develop the Territory. In the case of Alaska we have levied an unwarranted and indefensible tax on them to help build up the rest of the Federal domain.

I make free to say that there is in all our annals no precedent for our peculiar treatment of Alaska.

The American Congress, as the lawmaking body having jurisdiction over the Territories of the United States, owes it to itself and to them to repeal the Alaska license law to the very last line and letter.

It is hard enough for the pioneers of our country to develop the resources of our far-away frontier unencumbered, and there is no excuse for our levying tax upon their industry and demanding tribute of their toil.

BILLS INTRODUCED RELATING TO ALASKA.

The following is a list of bills introduced in the first session of the Fifty-seventh Congress relating to Alaska:

HOUSE BILLS.

Bill to provide a Delegate from Alaska to the House of Representatives. H. R. 9865. (By Mr. CUSHMAN, of Washington.)
Bill to prevent the extermination of fur-bearing animals of Alaska. H. R. 13387.
Bill to protect game and fish of Alaska. H. R. 11535. (Passed the House April 8, 1902.)
Bill redividing Alaska into three judicial districts. H. R. 11599. (Passed the House May 23, 1902.)
Bill reducing the number of land offices in Alaska. H. R. 8593.
Bill to encourage salmon culture in Alaska, H. R. 9976.
Bill to grant Trans-Alaskan Railway Company right of way in Alaska, H. R. 4387.
Bill to prohibit location of mining claims by power of attorney, H. R. 78.
Bills to provide for the election of a Delegate from Alaska to House of Representatives, H. R. 79 and 6522 (by Mr. LLOYD, of Missouri).
Bill to amend act extending homestead laws to Alaska, H. R. 227.
Bill extenging laws to Alaska relative to building-stone lands, H. R. 231.
Bill to prevent location of placer mining claims in Alaska by power of attorney, H. R. 3091.
Bill to prevent extinction of fur-bearing animals in Alaska, H. R. 4336.
Bill to amend act establishing civil government for Alaska, H. R. 7944.
Bill to reduce number of land offices in Alaska, H. R. 8593.
Bill to establish gas buoys along coast of Alaska, H. R. 8737.
Bill to encourage salmon culture in Alaska, H. R. 9201.
Bill to extend public-land laws to Alaska, H. R. 9514.
Bill to authorize leasing of islands in Alaska for breeding of fur-bearing animals, H. R. 10296.
Bill to grant right of way to Chilcat Railroad Company, H. R. 10785.
Bill to divide Alaska into three recording and judicial divisions, H. R. 11599.
Bill to provide for the organization of private corporations in Alaska, H. R. 12595.
Bill to grant a right of way to Alaska Southern Railroad Company, H. R. 12100.
Bill to extend timber-land act of United States to Alaska, H. R. 12117.
Bill relative to license money collected in Alaska, H. R. 12307.
Bill to erect a public building at Juneau, H. R. 12401.
Bill to grant title to certain school lands to city of Juneau, H. R. 12866.
Bill to amend political code of Alaska, H. R. 13388.
Bill to grant land to Alaskan Gulf and Yukon Railroad Company, H. R. 13389.
Bill granting right of way for telegraph and telephone lines in Alaska, H. R. 13873.

SENATE BILLS.

Bill to increase marshal's bond, S. 2044. (Passed and approved and is now law.)
Bill for establishment of light-house and fog-signal station on coast of Alaska, S. 267.
Bill to grant Trans-Alaskan Railroad Company right of way, S. 1296.
Bill to grant land to Women's Home Missionary Society of Methodist Episcopal Church, S. 1490.

Bill to establish gas buoys along the coast of Alaska, S. 3104.
Bill to divide Alaska into three recording and judicial divisions, S. 4068.
Bill for the protection of game in Alaska, S. 4302.
Bill to provide for the organization of private corporations, S. 4531.
Bill to grant Alaska Southern Railroad a right of way, S. 4338.
Bill to grant title to school lands to city of Juneau, S. 4616.

The foregoing list shows that there have been during this session of Congress 30 bills introduced in the House and 10 in the Senate relating to Alaska. An examination of these bills shows that they relate to 28 different subjects, and all of them are important.

Now then, in attempting to consider the legislation contemplated in all these bills, I say there is not a man on the floor of this House who has more than a slight and general knowledge concerning any of these subjects or the conditions which exist in Alaska affecting these various matters.

This state of affairs shows conclusively that if we are going to try to legislate for Alaska that we need someone on this floor who is intimately acquainted with the conditions in that region to furnish us information on all these various topics.

Permit me to remark, Mr. Chairman, that it is a most difficult task we are called upon to perform in this Chamber, to wit, legislating in regard to the rights and for the benefit of 76,000,000 of people.

Oftentimes in this Chamber it becomes a most difficult task for us to enact a law that will meet a certain emergency or relieve a given condition.

But how much more difficult, aye, how utterly impossible becomes our task when we are asked and required to legislate to relieve a certain condition and we have no way of absolutely informing ourselves exactly what that condition is or what controlling causes produced the condition.

And yet that is exactly the condition in which this body is often placed when we are trying to consider legislation for Alaska. I have seen it half a dozen times on this floor in my short service in this body.

NEED FOR A DELEGATE.

Not only are the Alaskan people entitled to a Delegate in Congress for their benefit, but we, as members of this lawmaking body, ought to give them a Delegate for our own benefit.

There should be some man on this floor authorized to speak authoritatively for the people and the interests of that mighty region.

There should be some man here whose credentials would make him responsible to us for what he says on this floor, and who would also, by reason of his position, be responsible to the people at home who elect him.

At present we are dependent for our information regarding Alaska on anyone we may be able to pick up from that region. At the present time every piece of humanity that happens to blow in upon us from that far-away region, be he wise or foolish, drunk or sober, immediately proclaims himself to be the only simon-pure, washed-in-the-wool, blown-in-the-bottle, fully authorized, and properly labeled walking delegate from Alaska! [Laughter.] Now, then, when we are considering in this body legislation for a region as big as that portion of the United States east of the Mississippi River, legislation that affects property rights and commerce that mount in their aggregate value into the millions of dollars, we ought not to be dependent for our information on any and every piece of human flotsam and jetsam that the Alaskan tide happens to deposit at our door!

I desire to insert at this point in my remarks certain tables, letters, statements, and statistics relating to Alaska, which have a bearing upon this bill we are now discussing:

POPULATION OF DIFFERENT STATES AT THE DATE OF THEIR ADMISSION, AND AMOUNT OF TERRITORY THEREIN.

Thirty-two States have joined the Union since the adoption of the Federal Constitution. Most singularly there have been contests over the admission of a large majority of them, in some instances resulting in long delays.

The following tabulation will be of interest:

History of former admissions.

Territory.	Year of admission.	Gross area (square miles).	Approximate population at admission.
Vermont	1791	9,565	92,000
Kentucky	1792	40,400	97,000
Tennessee	1796	42,050	71,000
Ohio	1802	41,060	76,000
Louisiana	1812	48,720	92,000
Indiana	1816	36,350	96,000
Mississippi	1817	46,810	70,000
Illinois	1818	56,650	40,000
Alabama	1819	52,250	120,000
Maine	1820	33,040	298,336
Missouri	1821	69,415	73,000
Arkansas	1836	53,850	63,000
Michigan	1837	58,915	137,000
Texas	1845	265,780	150,000
Florida	1845	58,680	69,000
Iowa	1846	56,680	69,000
Wisconsin	1848	56,040	212,000

History of former admissions—Continued.

Territory.	Year of admission.	Gross area (square miles).	Approximate population at admission.
California	1850	158,360	92,570
Minnesota	1858	83,365	120,000
Oregon	1859	96,030	43,000
Kansas	1861	82,080	128,000
West Virginia	1863	24,780	350,000
Nevada	1864	110,700	18,000
Nebraska	1867	77,510	85,000
Colorado	1876	103,925	117,000
North Dakota	1889	70,795	160,000
South Dakota	1889	77,650	300,000
Montana	1889	146,080	112,000
Washington	1889	69,180	273,000
Idaho	1890	84,800	84,385
Wyoming	1890	97,890	60,705
Utah	1896	84,970	242,000

AREA AND POPULATION.

Similar data concerning the four candidates for admission now compare as follows with the foregoing:

Territory.	Year.	Gross area (square miles).	Population in 1900.	Approximate population in 1902.
Arizona	1902	113,020	122,931	133,000
Indian Territory	1902	31,400	392,060	428,000
New Mexico	1902	122,580	195,310	202,000
Oklahoma	1902	39,030	398,331	455,000

Statement of revenues from Alaska since date of purchase in 1869.

Year.	Customs.	Public lands.	Tax on seal skins.	Rent of seal islands.	Miscellaneous.
1869	$18,504.30				
1870	4,655.22				
1871	4,097.47		$101,080.00		
1872	1,019.94		322,863.38		
1873			252,181.12	$55,000.00	
1874	321.93		272,081.25	55,000.00	[a] $29,529.17
1875	405.89		262,494.75	55,000.00	
1876			262,584.00	55,000.00	
1877	.54		236,155.50	55,000.00	
1878	4,814.75		198,255.75	55,000.00	
1879	437.18		262,447.50	55,000.00	
1880	1,950.50		262,400.25	55,000.00	
1881	2,188.63		262,594.50	55,000.00	
1882	1,046.66		261,885.75	55,000.00	
1883	2,856.52		262,295.25	55,000.00	
1884	645.40		196,875.00	55,000.00	
1885	298.09		262,400.25	55,000.00	
1886	1,276.42		262,489.50	55,000.00	[b] 1,000.00
1887	3,262.56	$375.00	262,452.75	55,000.00	
1888	2,338.44		262,500.00	55,000.00	
1889	5,037.36	2,610.00	262,500.00	55,000.00	
1890	6,926.83	750.00	262,500.00		
1891	3,256.17	2,661.00	214,673.88	55,000.00	
1892	5,831.03	420.00	45,749.23		
1893	6,723.33	515.00	23,972.60	Fox Islands	
1894	16,322.00	2,730.47	96,159.82	500.00	
1895	12,480.68	985.00	163,916.97	700.00	
1896	8,335.58	750.00	153,375.00	1,100.00	
1897	10,858.80	345.00	306,750.00	1,100.00	
1898	35,586.60	135.00	212,332.35	700.00	
1899	47,979.86	591.00	184,377.20	900.00	
1900	57,623.62	2,376.32	224,476.47	1,200.00	[c] 157,234.94
1901	86,593.15	1,889.66	229,755.75	2,900.00	147,255.33
1902 (9 months)	51,922.09	4,754.26	231,821.20		[c] 66,950.94
Total	405,597.54	21,887.71	7,079,396.97	999,100.00	401,970.38
Grand total.					8,907,952.60

[a] Sale of seal skins taken by Government agents.
[b] Forfeiture for taking seals unlawfully.
[c] License fees.

Shipments of domestic merchandise from Alaska to the United States, by articles.

Articles.	November, 1902.		Five months ending November, 1902.	
	Quantities.	Values.	Quantities.	Values.
Animals		$155		$1,693
Bones, hoofs, horns, etc		730		1,650
Books, maps, etc		756		2,586
Copper, and manufactures of		17,525		52,968
Cotton, manufactures of		318		4,275
Fibers, manufactures of		522		4,882
Fertilizers ..... tons	261	7,240	664	16,713
Fish:				
Cod, haddock, etc ..... pounds	340	9	490,600	22,849
Salmon		1,194,771		8,619,120
All other		60,772		71,427
Furs and fur skins		18,917		358,204
Iron and steel, and manufactures of		13,806		64,870
Leather: Boots and shoes ..... pairs	37	81	1,285	2,324
Oils: Fish ..... gallons	32,303	8,008	107,223	25,859

Shipments of domestic merchandise from Alaska, etc.—Continued.

Articles.	November, 1902.		Five months ending November, 1902.	
	Quantities.	Values.	Quantities.	Values.
Provisions, comprising meat and dairy products		$1,140		$1,796
Spirits, distilled ..... proof gallons..	7	39	176	601
Whalebone ..... pounds..			34,407	115,994
Wood, manufactures of		4,401		25,229
Wool, wearing apparel		761		15,589
All other articles		20,665		69,933
Total shipments of merchandise		1,350,616		9,478,556
Carried in American steam vessels		1,059,718		5,067,379
Carried in American sailing vessels		290,898		4,411,177

Estimated value of merchandise shipped from Pacific coast ports to Alaska from 1868 to 1901.

1868	$253,000	1886	$874,000
1869	251,000	1887	1,334,000
1870	262,000	1888	1,487,000
1871	216,000	1889	1,686,000
1872	427,000	1890	1,897,000
1873	799,000	1891	1,973,000
1874	704,000	1892	2,012,000
1875	633,000	1893	2,317,000
1876	385,000	1894	2,794,000
1877	326,000	1895	3,017,000
1878	268,000	1896	3,502,000
1879	317,000	1897	3,924,000
1880	463,000	1898	13,682,000
1881	548,000	1899	9,644,000
1882	585,000	1900	18,463,000
1883	668,000	1901	13,457,000
1884	615,000		
1885	853,000	Total, 1868 to 1901	91,184,000

COMMERCE OF ALASKA.

Shipments of domestic merchandise from the United States to Alaska, by articles.

Articles.	November, 1902.		Five months ending November, 1902.	
	Quantities.	Values.	Quantities.	Values.
Agricultural implements		$62		$2,534
Animals		4,236		44,708
Books, maps, engravings, etc		1,668		33,084
Breadstuffs		16,156		205,336
Candles ..... pounds..	8,270	898	179,475	15,943
Cars, carriages, and other vehicles		367		5,763
Chemicals, drugs, dyes, and medicines		7,579		58,077
Clocks and watches		595		4,886
Coal, bituminous ..... tons..	1,084	4,018	17,332	76,145
Coffee, roasted or prepared ..... pounds..	8,784	2,881	91,580	19,347
Copper, manufactures of		7		3,157
Cotton, manufactures of		4,218		77,390
Eggs ..... dozen..	20,250	7,324	345,085	92,722
Earthen, stone, and china ware		1,778		7,543
Fibers, vegetable, etc., manufactures of		1,789		16,853
Fish		1,480		20,343
Fruits and nuts		11,710		120,403
Glass and glassware		1,709		16,989
Gunpowder and other explosives		4,183		82,592
Hay ..... tons..	270	4,050	3,022	56,197
India rubber, manufactures of		5,820		54,665
Instruments and apparatus for scientific purposes		2,174		17,753
Iron and steel, manufactures of		35,634		407,549
Jewelry, and manufactures of gold and silver		559		8,216
Lamps, chandeliers, etc		500		2,300
Lead, and manufactures of		31		4,707
Leather, and manufactures of		6,025		53,459
Malt liquors		6,051		52,507
Musical instruments		1,810		9,831
Naval stores		129		8,189
Oilcloths		711		6,600
Oils		4,087		49,255
Paints, pigments, and colors		675		11,283
Paper, and manufactures of		4,736		37,218
Provisions, comprising meat and dairy products		45,287		414,470
Rice ..... pounds..	7,300	350	209,130	10,382
Salt ..... do....	120,550	1,028	2,716,005	19,369
Soap		481		6,788
Spirits, distilled ..... proof gallons..	4,871	9,991	43,386	87,833
Sugar, molasses, and confectionery		6,261		79,641
Tin, manufactures of		683		42,401
Tobacco, and manufactures of		12,721		138,372
Vegetables		17,264		186,019
Wine		911		8,937
Wood, and manufactures of		19,784		166,658
Wool, manufactures of		26,758		167,248
All other articles		7,084		34,053
Total shipments		294,253		3,045,675
Carried in American steam vessels		293,115		2,954,563
Carried in American sailing vessels		1,138		91,112

Total commerce of Alaska.

	November, 1902.	Five months ending November, 1902.
Shipments of domestic merchandise from the United States	$294,253	$3,045,675
Shipments of foreign merchandise from the United States		4,730
Imports from foreign countries	34,291	252,371
Total value of merchandise entering Alaska	328,544	3,302,776
Shipments of foreign merchandise to the United States	1,863	33,608
Shipments of domestic merchandise to the United States	1,350,616	9,478,556
Exports of domestic merchandise to foreign countries	122,369	1,222,360
Exports of foreign merchandise to foreign countries	458	10,486
Total value of merchandise leaving Alaska	1,475,306	10,745,010
Total value of gold and silver leaving Alaska for the United States	1,051,040	13,612,646
Total value of gold and silver leaving the United States for Alaska	8,050	100,863

Shipments of gold and silver from Alaska to the United States.

	Domestic.		Foreign.	
	November, 1902.	Five months ending November, 1902.	November, 1902.	Five months ending November, 1902.
Gold:				
Coin	$1,561	$15,861		
Ore	488,929	2,937,783	$559,433	$10,652,279
Silver:				
Coin	1,117	6,441		
Ore				282
Total	491,607	2,960,085	559,433	10,652,561
Carried in American steam vessels	491,607	2,955,085	559,433	10,652,561
Carried in American sailing vessels		5,000		

Vessels entered and cleared at ports of Alaska during November, 1902.

Vessels.	Entered from the United States.		Cleared for the United States.	
	No.	Net tons.	No.	Net tons.
Sailing:				
American	4	229	3	2,028
Foreign				
Steam:				
American	33	32,520	47	38,143
Foreign				
Total	37	32,749	50	40,171

Imports into and exports from Alaska in its commerce with foreign countries.

Countries.	Imports.			
	November—		Eleven months ending November—	
	1901.	1902.	1901.	1902.
Dominion of Canada:				
Quebec, Ontario, Manitoba, etc		$9,488		$142,245
British Columbia	$67,384	23,828	$516,887	298,583
Russia—Asiatic		975		1,777
Total	67,384	34,291	516,887	442,605

Countries.	Domestic exports.			
	November—		Eleven months ending November—	
	1901.	1902.	1901.	1902.
Dominion of Canada:				
Quebec, Ontario, Manitoba, etc		$121,485		$1,063,803
British Columbia	$284,388	884	$2,657,715	473,032
Russia—Asiatic				
Total	284,388	122,369	2,657,715	1,536,835

TREASURY DEPARTMENT,
OFFICE OF THE COAST AND GEODETIC SURVEY,
Washington, January 17, 1903.

Hon. FRANCIS W. CUSHMAN,
House of Representatives, Washington, D. C.

SIR: In reply to your letter of January 14, I have the honor to furnish the following statement relative to the shore line of Alaska:

	Statute miles.
Shore line of mainland	13,353
Shore line of islands	12,755
Total shore line of mainland and islands	26,108

Respectfully, yours,

O. H. TITTMANN, *Superintendent.*

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
DIVISION OF BOOKKEEPING AND WARRANTS,
Washington, January 17, 1903.

Hon. FRANCIS W. CUSHMAN,
House of Representatives.

SIR: In reply to your recent verbal request to be advised relative to the receipts and expenditures in the Territory of Alaska by years and in separate statements from March, 1899, to date, I have the honor to inclose statements covering the information desired, as follows: For the period from March 1 to June 30, 1899; for the fiscal year 1900; for the fiscal year 1901; for the fiscal year 1902; for the first six months of fiscal year 1903.

Respectfully,

H. A. TAYLOR, *Acting Secretary.*

Statement of the receipts and expenditures of Alaska from March 1, 1899, to to December 31, 1902.

MARCH 1 TO JUNE 30, 1899.

Receipts:	
Customs	$12,631.69
Internal revenue	7,500.00
Sales of public lands	202.50
Tax on sealskins	184,377.20
Rent of islands for propagating foxes	300.00
Miscellaneous sources	7,000.00
Total	212,011.39
Expenditures:	
Salaries, etc., office of governor	11,318.97
Contingent expenses, office of governor	1,000.00
Salaries, office of surveyor-general	920.57
Salaries, etc., agents at seal fisheries	8,998.34
Protecting salmon fisheries	1,000.00
Rent and incidental expenses of Territory	273.31
Buildings for United States courts	85.84
Supplies for native inhabitants	13,745.24
Education of Indians	1,234.07
Education of children	19,010.72
Purchase of reindeer	887.65
Maps of Alaska	4,125.89
Survey of Yukon River	15,000.00
Relief of people in mining regions	17,609.54
Revenue steamer, Yukon River	14,999.16
Scientific investigation of fur-seal fisheries	53.57
Transportation of destitute citizens	2,840.00
Expenses of United States courts	25,000.00
Expenses of revenue vessels	36,000.00
Customs service	28,000.00
Internal-Revenue Service	900.00
Salaries and commissions, land offices	1,100.00
Indian police	500.00
Total	199,603.57

FISCAL YEAR 1900.

Receipts:	
Customs	$57,023.62
Internal revenue	13,601.96
Sales of public lands	2,376.32
Tax on seal skins	224,476.47
Rent of islands for propagating foxes	1,200.00
License fees	157,234.94
Miscellaneous sources	16,072.77
Total	472,586.08
Expenditures:	
Salaries, etc., office of governor	26,655.98
Contingent expenses, office of governor	2,000.00
Salaries, office of surveyor-general	3,800.00
Contingent expenses, office of surveyor-general	1,000.00
Salaries, etc., agents at seal fisheries	11,473.41
Protecting salmon fisheries	5,512.47
Traveling expenses of Territory	2,301.40
Rent and incidental expenses, Territory	15,698.50
Buildings for United States courts	722.76
Supplies for native inhabitants	19,100.38
Expenses of steamer *Thetis*	15,872.76
Military telegraph and cable lines	60,000.00
Education of Indians	4,394.30
Education of children	32,970.62
Purchase of reindeer	12,746.68
Public buildings	475.39
Refuge station, Point Barrow	106.67
Alaska boundary survey	117.65
Maps of Alaska	9.89
Survey of Yukon River	8,633.14
Relief of people in mining regions	932.48
Survey of Portland Canal	.78
Expenses of United States courts	77,824.08
Expenses of revenue vessels	132,800.09
Customs service	52,367.79
Internal-Revenue Service	2,800.00
Salaries and commissions, land offices	3,158.80
Indian police	2,000.00
Total	495,416.02

FISCAL YEAR 1901.

Receipts:	
Customs	$86,593.15
Internal revenue	19,725.02
Sales of public lands	1,889.66
Tax on seal skins	229,755.75
Rent of islands for propagating foxes	2,900.00
License fees	147,255.33
Miscellaneous sources	6,341.03
Total	494,459.94
Expenditures:	
Salaries, etc., office of governor	46,074.24
Contingent expenses, office of governor	2,000.00
Salaries, office of surveyor-general	7,300.00
Contingent expenses, office of surveyor-general	1,500.00
Salaries, etc., agents at seal fisheries	5,336.26
Protecting salmon fisheries	5,945.65
Traveling expenses of Territory	3,596.46
Rent and incidental expenses, Territory	7,483.81
Buildings for United States courts	246.00
Supplies for native inhabitants	14,950.47
Expenses of steamer *Thetis*	49,403.28
Light and fog-signal stations	5,176.26
Military telegraph and cable lines	123,050.00
Military roads and bridges	100,000.00
Coaling wharf, Japonski Island	4,379.31
Education of Indians	3,446.75
Education of children	23,767.43
Purchase of reindeer	23,939.94
Care and custody of insane	356.21
Expenses of United States courts	387,460.33
Expenses of revenue vessels	188,519.47
Customs service	58,245.89
Internal-Revenue Service	2,100.00
Salaries and commissions, land offices	5,447.56
Indian police	1,561.98
Total	1,076,257.30

FISCAL YEAR 1902.

Receipts:	
Customs	$62,682.47
Internal revenue	23,281.17
Sales of public lands	5,819.96
Tax on seal skins	231,821.20
License fees (balance of 1901 receipts)	1,477.49
License fees collected in incorporated towns	22,463.30
License fees collected outside of incorporated towns	71,864.82
Funds other than license fees available for court expenses	8,523.39
Funds not available for court expenses	3,173.53
Miscellaneous sources	9,289.04
Total	440,396.37
Expenditures:	
Salaries, etc., office of governor	53,716.86
Contingent expenses, office of governor	2,000.00
Salaries, office of surveyor-general	7,633.91
Contingent expenses, office of surveyor-general	1,502.76
Salaries, etc., agents at seal fisheries	15,719.95
Protecting salmon fisheries	6,605.04
Traveling expenses of Territory	5,684.10
Rent and incidental expenses of Territory	1,683.43
Building for United States courts	1,520.93
Supplies for native inhabitants	22,446.20
Expenses of steamer *Thetis*	1,157.00
Light and fog-signal stations	104,143.75
Military telegraph and cable lines	106,491.47
Education of children	1,620.74
Schools outside of incorporated towns	25,334.45
Purchase of reindeer	31,531.90
Care and custody of insane	3,918.76
Relief of people in mining regions	44.86
Court-house and jail at Juneau	162.75
Payment to Alaskan Exploration Company	689.25
Expenses of United States courts	378,032.78
Expenses of revenue vessels	120,000.00
Customs service	66,292.43
Internal-Revenue Service	2,210.00
Salaries and commissions, land offices	8,617.65
Indian police	2,000.00
Transportation of destitute citizens	920.00
Total	971,680.97

JULY 1 TO DECEMBER 31, 1902.

Receipts:	
Customs	$48,563.33
Internal revenue	14,000.00
Sales of public lands	1,757.53
Tax on sealskins	57,236.55
License fees collected in incorporated towns	26,985.00
License fees collected outside of incorporated towns	24,510.26
Funds other than license fees available for court expenses	7,814.89
Miscellaneous sources	6,774.75
Total	187,642.31
Expenditures:	
Salaries, etc., office of governor	27,988.33
Contingent expenses, office of governor	1,000.00
Salaries, office of surveyor-general	4,147.20
Contingent expenses, office of surveyor-general	301.97
Salaries, agents at seal fisheries in Alaska	6,756.46
Protection of salmon fisheries	4,222.83
Traveling expenses of Territory	8,466.83
Rent and incidental expenses of Territory	1,780.72
Supplies for native inhabitants	19,500.00
Light and fog-signal stations	107,363.00
Military telegraph and cable lines	94,885.00
Purchase of reindeer	8,515.54
Care and custody of insane	2,189.50
Schools outside of incorporated towns	14,165.59
Court-house and jail at Juneau	450.00

Expenditures—Continued.	
Expenses of United States courts	$190,000.00
Expenses of revenue vessels	60,000.00
Customs service	35,000.00
Internal-revenue service	1,100.00
Salaries and commissions, land offices	5,000.00
Indian police	1,000.00
Total	593,812.97

RECAPITULATION.

Receipts:	
Customs	$268,094.26
Internal revenue	78,108.15
Sales of public lands	12,045.97
Tax on seal skins	927,067.17
Rent of islands for propagating foxes	4,400.00
License fees	305,967.76
License fees collected in incorporated towns	49,448.30
License fees collected outside of incorporated towns	96,375.08
Funds other than license fees available for court expenses	16,338.28
Funds not available for court expenses	3,173.53
Miscellaneous sources	45,477.59
Total	1,807,096.09
Expenditures:	
Salaries, etc., office of governor	165,754.38
Contingent expenses, office of governor	8,000.00
Salaries, office of surveyor-general	23,801.68
Contingent expenses, office of surveyor-general	4,304.73
Salaries, agents at seal fisheries	43,284.42
Protecting salmon fisheries	23,285.99
Traveling expenses of Territory	20,018.79
Rent and incidental expenses of Territory	26,889.77
Buildings for United States courts	2,575.53
Supplies for native inhabitants	89,742.99
Expenses of steamer *Thetis*	66,433.04
Light and fog-signal stations	216,683.01
Military telegraph and cable lines	384,406.47
Military roads and bridges	100,000.00
Coaling wharf, Japonski Island	4,379.31
Education of Indians	9,045.12
Education of children	82,369.51
Purchase of reindeer	77,621.71
Care and custody of insane	6,464.47
Public buildings	475.39
Refuge station, Point Barrow	106.67
Alaska boundary survey	117.65
Maps of Alaska	4,135.78
Survey of Yukon River	23,633.14
Relief of people in mining regions	18,586.88
Revenue steamer for Yukon River	14,999.16
Scientific investigation, fur-seal fisheries	53.57
Schools outside of incorporated towns	39,500.04
Survey of Portland Canal	.78
Court-house and jail at Juneau	612.75
Payment to Alaska Exploration Company	689.25
Transportation of destitute citizens	3,760.00
Expenses of United States courts	1,058,317.19
Expenses of revenue vessels	537,319.56
Customs service	239,906.11
Internal-Revenue Service	9,110.00
Salaries and commissions, land offices	23,324.01
Indian police	7,061.98
Total	3,336,770.83

SUMMARY.

	Receipts.	Expenditures.
March 1, 1899, to June 30, 1899	$212,011.39	$199,603.57
Fiscal year 1900	472,586.08	495,416.02
Fiscal year 1901	494,459.94	1,076,257.30
Fiscal year 1902	440,396.37	971,680.97
July 1, 1902, to December 31, 1902	187,642.31	593,812.97
Total	1,807,096.09	3,336,770.83

OFFICIAL DIRECTORY OF ALASKA.

DISTRICT GOVERNMENT.

Governor: John G. Brady.
Ex-officio secretary: William L. Distin.
United States land office: Surveyor-general, William L. Distin, Sitka; register, John W. Dudley, Juneau; receiver, T. M. Mullan, Juneau.
Department of Agriculture: Special agent, C. C. Georgenson, Sitka.
Superintendents: Fred. E. Rader, Sitka; H. P. Nielsen, Kenai; T. W. Neal, Copper Center.
Bureau of Education: Agent, Sheldon Jackson; assistant agent, William Hamilton; superintendent of schools, W. A. Kelly.
Internal revenue: John Cameron, deputy collector, Juneau.

CUSTOMS OFFICERS.

Sitka: D. H. Jarvis, collector; J. H. Causten, special deputy collector; Matthew Bridge, deputy collector; G. H. Van Houten, deputy collector; C. L. Hobart, stenographer.
Skagway: C. L. Andrews, deputy collector; F. S. Williams, deputy collector; H. L. Johnson, inspector; A. J. Walker, inspector; J. N. Wheeler, inspector; M. L. Sherpy, inspector; Angus Flemming, inspector.
St. Michael: J. W. Lysons, deputy collector; R. H. Hill, clerk; O. C. Hastings, inspector; M. S. Dobbs, inspector; N. W. O'Rear, inspector; G. G. Miller, inspector.
Ketchikan: J. R. Beegle, deputy collector; J. R. Willis, deputy collector; J. F. Pugh, inspector.
Eagle: L. U. Stenger, deputy collector; J. F. Vandewall, inspector.
Juneau: H. R. Shepard, deputy collector; E. L. Hunter, inspector.
Forty-mile: W. J. Idleman, deputy collector; W. F. Braggins, inspector.
Nome: S. J. Call, deputy collector; J. F. Sinnott, inspector.
Wrangell: F. E. Bronson, deputy collector; W. F. Thomas, inspector.
Unalaska: William Gauntlett, deputy collector.
Kodiak: Frederick Sargent, deputy collector.
Unga: N. Christensen, deputy collector.
Naldez: John Goodell, deputy collector.
Summit, White Pass: G. A. Waggoner, deputy collector.

UNITED STATES COURTS.

Division No. 1.—Judge, Melville C. Brown, Juneau; United States attorney, Robert A. Friedrich, Juneau; clerk, W. J. Hills, Juneau; United States marshal, James M. Shoup, Juneau.
United States commissioners: George E. Rodman, Wrangell; H. H. Folsom, Juneau; Carl Spuhn, Killisnoo; J. J. Rogers, Skagway; George M. Girton, Porcupine; Edward de Groff, Sitka; John J. Lyons, Valdez; John H. Brownlow, Sunrise; James R. Saunders, Chesna; Philip Gallaher, Kodiak; Frank A. Golder, Unga; Edward S. Stackpole, Ketchikan; Willian Duncan, Metlakaktla; Ulysses S. Rush, Kasan; John B. Sutton, Shakan; George M. Irwin, Douglas; A. R. Mackintosh, Haines.
Assistant United States attorneys: T. R. Lyons, Juneau; —— Shackelford, Skagway.
Deputy clerks: W. J. Abrams, Juneau; J. J. Clark, Juneau; Mrs. McClellan, Skagway.
Deputy United States marshals: W. H. McNair, chief office deputy, Juneau; J. P. Campbell, Sitka; John B. Hyburn, Juneau; William D. Grant, Wrangel; Lewis L. Bowers, Kodiak; J. W. Snook, Skagway; Edward C. Hasey, Valdez; Peter Nisson, Porcupine; W. Hills, Douglas; Arthur Shoup, Ketchikan; Joseph Tuboff, Killisnoo.
Division No. 2.—Judge, Albert Moore, Nome; United States attorney, Melvin Grigsby, Nome; clerk, George V. Borchsenius, Nome; United States marshal, Frank H. Richards, Nome.
United States commissioners: T. M. Reed, Nome; W. H. Ferguson, Council City; S. C. Henton, Teller; Lars Gunderson, Kugruk City; F. T. Merritt, St. Michael; W. T. Thompson, Shishmaref; W. J. Milroy, Candle City; Asa T. Weeks, Nome; L. C. Pease, Point Blossom; George W. Debus, Camp Riley; Edgar O. Campbell, St. Lawrence Island; Michael Dowd, mouth of Koyuk.
Assistant United States attorneys: George B. Grigsby, Nome; W. M. Landers, Nome; John L. McGinn, Nome.
Deputy clerks: Harry C. Gordon, Nome; John T. Reed, Nome; F. T. Merritt, St. Michael.
Deputy United States marshals: William R. Forrest, chief office deputy, Nome; George A. Leekley, Nome; Fred H. Anderson, Nome; Floyd W. Davis, Nome; George W. Commerford, Nome; John H. D. Bouse, Nome; Albert C. Griggs, Nome; G. B. Brubaker, marshal's clerk, Nome; Isaac Evans, Teller; S. J. Crabtree, Candle; A. B. Estabrook, Kugruk; D. W. Simmons, Council; A. H. Wilkes, St. Michael; John R. Richards, Unalaska; J. J. Jolly, Nome; Albert J. Lowe, Nome; J. M. Hicks, Teller; W. W. Getchell, Candle City; D. R. Dwyer, Council; Harry Chester, Chignik; W. H. Emerson, Bluff; J. M. Fortier, St. Michael; L. H. French, Nome.
Division No. 3.—Judge, James Wickersham, Eagle; United States attorney, Nathan V. Harlan, Eagle; clerk, A. R. Heilig, Eagle; United States marshal, George G. Perry, Eagle.
United States commissioners: Carl M. Johanson, Eagle; C. E. Claypool, Circle; Andrew J. Balliet, Rampart; D. A. McKenzie, Coldfoot.
Assistant United States attorney: Luther C. Hess, Eagle.
Deputy clerks: Robert M. Courtnay, Circle; James B. Wingate, Rampart.
Deputy United States marshals: E. E. Reynoldson, Eagle; Edgar Wickersham, Circle; George Dreibelbis, Rampart; James H. Johnson, Coldfoot.

THE PROVISIONS OF THE BILL.

I now desire to pass from the subject of my general remarks upon conditions in Alaska to the special provisions of this bill designed to give the people of that Territory a Delegate in Congress.

I shall endeavor to briefly explain the exact provisions of this bill and give some of the reasons which induced the Committee on the Territories to present the bill in its present form.

I ask all members of the Committee of the House to bear in mind that I speak now of the provisions of H. R. 16653, the bill which is pending and which will be offered as a substitute, and that I am not now speaking of H. R. 9865, in lieu of which the substitute at the proper time will be offered.

QUALIFICATIONS OF THE DELEGATE.

This bill provides that the qualifications of this Delegate shall be the same qualifications which the United States Constitution requires of members of Congress, to wit, to have attained the age of 25 years and have been seven years a citizen of the United States. This bill adds the further provision, of course, that at the time said Delegate is elected he shall be a resident of the Territory of Alaska. I hardly think that provision was necessary in the bill, for I do not conceive that the people of Alaska would ever select anyone to represent them in the capacity of a Delegate who was not a resident of Alaska.

POWERS AND DUTIES OF SAID DELEGATE.

The Delegate whose election is provided for under this bill will have the same powers, duties, and privileges as are exercised and enjoyed by Delegates from the other Territories. There is only one matter in which the Delegate provided for in this bill would not stand upon an exact plane with all Delegates from other Territories, and that one matter is that this bill does not make as generous a provision for the mileage of the Delegate from Alaska as the law accords to Delegates from other Territories.

THE MILEAGE QUESTION.

One of the questions that has been discussed somewhat at length in connection with this bill is, What, if any, allowance should be made to the Delegate from Alaska (for I assume that the House is going to pass this bill in some form) for his mileage or traveling expenses?

Now, I want to ask the attention of the members of this House for a moment or two while I make a short, clear, statement on this mileage question. I will tell you what the present law is on the subject of the mileage of Members and Delegates, and then I will tell you what provision this bill makes on that subject; and then the House can determine for itself whether it desires to

approve the provisions of this bill relating to the mileage of the Delegate, or to make some changes therein.

Under the present law every other Delegate and every Member of Congress is allowed, under existing law, 20 cents per mile each way by the shortest route of ordinary travel from his residence to the Capitol at Washington City; and this allowance is made to each Member and Delegate once for every attendance upon a regular session of Congress.

Now, then, my idea was to make the provisions of this bill such that the Delegate from Alaska, if the election of one is authorized, will stand upon an exact plane with every other Member and Delegate in reference to his allowance for mileage. However, there was a wide diversity of opinion on that subject among the members of the Committee on Territories, which committee considered and reported this bill. In deference to these differing opinions, the provisions of this bill that relate to the allowance for mileage to said Delegate are somewhat in the nature of a compromise.

Instead of providing that said Delegate shall receive the usual mileage allowed to Members and Delegates, this bill provides:

Provided, however, That such Delegate in lieu of all other allowances shall, in addition to his salary, receive the sum of $1,500 per annum, which shall cover all mileage and other expenses except stationery allowance and compensation for clerk hire.

I am perfectly frank with you in stating that I am so anxious to get this bill through and secure a Delegate for the people of Alaska that I will accept any provision in reference to mileage that this House in its wisdom wants to insert in this bill. The Delegate is the important thing to me in this legislation, and not the mileage.

My suggestion in reference to this matter, however, would be to so frame this bill that the new Delegate from Alaska shall stand upon an exactly equal plane with reference to mileage with every other Member and Delegate that has ever been elected to this body. I know of no reason why we should pay the native Hawaiian who is the Delegate from that Territory full allowance, 20 cents per mile traveling expenses by land and water, and then in this bill discriminate against a native-born American citizen who comes to us as a Delegate from Alaska. But, as I said, I am willing to accept the judgment of this House on this point, whatever it may be. I would be glad to get the bill passed if it did not make any allowance for mileage.

However, in connection with the matter of the mileage to be allowed to the Delegate from Alaska, and in closing my remarks upon that portion of this bill, I will place before this House the following facts and data, which will aid the House in its decision on this mileage question:

Mileage in Alaska, etc.

From—	To—	Miles.
Tacoma, Wash	Sitka, Alaska	[a]1,108.70
Do	Skagway, Alaska	1,035
Do	Juneau, Alaska	934
Skagway, Alaska	White Horse	109.79
White Horse, Alaska	Dawson	443.21
Dawson	St. Michael	1,028
Tacoma, Wash	Nome	2,407
Nome	St. Michael	115
Do	Unalaska	645
Unalaska	Skagway	1,989

[a] Inside pass.

Mileage of Delegate from Alaska figured at different points in Alaska to Washington City, at the figure of 20 cents per mile each way, or 40 cents per mile one way:

Juneau to Washington City, 4,465 miles (40 cents)	$1,786.00
Skagway to Washington City, 4,566 miles (40 cents)	1,826.40
Nome to Washington City, 5,938 miles (40 cents)	2,375.20
Circle City to Washington, 5,179 miles (40 cents)	2,071.60

The foregoing figures show what mileage a Delegate from Alaska would draw, if he resided at any of the above points in Alaska, in attending each regular session of Congress, if said Delegate shall be allowed the same rate of mileage that is now accorded to other Members and Delegates.

DELEGATE FROM HAWAII.

Act of April 30, 1900, provided that a Delegate to Congress shall be elected by the qualified voters of Hawaii. Such Delegate from Hawaii is entitled to a seat in the House of Representatives with the right of debate, but not of voting. His salary as such Delegate is $5,000 per year, and mileage at 20 cents per mile each way; the distance traveled from Hawaii to Washington City being 5,788 miles each way. This would make the mileage allowed to such Delegate from Hawaii about $2,300.

DELEGATE FROM PORTO RICO.

Act of April 12, 1900, provides for a "resident commissioner" from Porto Rico to the United States, to be elected every two years by the qualified voters of Porto Rico. Salary, $5,000 per annum. No seat in Congress. No mileage allowed.

TWO RESIDENT COMMISSIONERS FROM THE PHILIPPINE ISLANDS.

Section 8 of the act of July 1, 1902, provides that the first Philippine legislature (and at each session thereafter) shall choose two resident commissioners to the United States, entitled to official recognition, and entitled to salary of $5,000 per annum each and $2,000 additional each to cover all expenses. No person eligible who is not a qualified elector of said islands, owing allegiance to the United States, and who is not 30 years of age.

DATE OF ELECTION DAY.

This bill fixes the election day in Alaska as the last Tuesday in September. All the people from Alaska with whom we have been able to consult in relation to this matter have urged us to make the election day as late in the summer or autumn as possible, leaving, of course, time enough after election day to get the returns from all voting precincts to the governor before the cold weather of winter sets in. After a good deal of discussion and investigation we finally decided that the last Tuesday in September was about the best date for election day.

There is no doubt in my mind that a larger vote would be polled if the election day could be made a month later. But we have had a good many things to consider in this connection, and the last Tuesday in September will be a satisfactory solution.

QUALIFICATIONS OF ALASKAN VOTERS.

The qualifications required of those who shall vote in Alaska for the Delegate to be elected under this bill are very few. The bill provides:

That in order to be qualified to vote for said Delegate to Congress a person shall—

First. Be a male citizen of the United States and have resided in Alaska not less than ninety days immediately preceding the election at which he offers to vote.

Second. Have attained the age of 21 years.

Third. Be able to read and write the English or some other European language.

These are the sole qualifications required of each voter. We thought it best in drawing this bill to make the election machinery very simple, and also the qualifications of the voter very few and simple. If we had in this bill attempted anything very elaborate in the line of election machinery, or a long period of residence for each elector, then we would have had a bill that would not fit the conditions in Alaska.

THE DIVISION OF ALASKA INTO VOTING PRECINCTS.

The most important provision of this bill I conceive to be the portion of the bill which provides for the division of Alaska into voting precincts. The first bill I drew provided that the three district judges of Alaska should each divide his own judicial district into voting precincts, designating the boundaries by natural objects, and issue a proclamation calling for an election on the day provided in the bill, and as a part of said proclamation give a list and description of said voting precincts.

But after consultation with others in reference to this matter we decided that it was better to leave the matter of the creation of the different voting precincts as far as possible in the hands of the people of Alaska, rather than in the hands of any single person or official.

Therefore, in this bill we provided:

First, that each incorporated town in Alaska shall constitute one voting precinct.

Second, that all territory in Alaska lying outside of any incorporated town in Alaska shall be divided into voting precincts by the people living in the territory to be divided.

The bill carries out this idea, and I think it is a very excellent one. The details of the plan are provided for in the bill.

SENDING THE RETURNS TO THE GOVERNOR.

The provisions of this bill in relation to sending the returns to the governor are, that as soon as possible after the closing of the polls and the canvassing of the votes cast the election officers shall transmit a certificate of the result, together with the ballots cast, to the governor.

The returns of the election may be sent to the governor in any manner deemed advisable. That is left to the officers of election to determine. They may be sent by special messenger if deemed advisable, but that course is not necessary under this bill. They may be transmitted by mail if thought advisable.

Now, then, it will not require any great amount of time for the returns of this election to be sent from the different portions of Alaska to the governor at Sitka.

From Eagle and Circle City the returns will reach Sitka in ten days at the farthest. From Nome the returns will reach Sitka in about six days. And these are the two points in Alaska where voting precincts will be established that are farthest from Sitka.

THE COST OF THIS ELECTION.

There is no reason for any member refraining from voting for this bill by reason of the cost to the Government of holding the election. The cost of this election, be it great or small, will have to be paid by the people of Alaska.

On this point I will state for the information of this committee that the first bill (H. R. 9865) provided that the cost of the election should be paid from Government funds in the hands of the court in Alaska; that said costs should be allowed and paid as other court expenses.

This feature of the old bill was objected to by those whose opinions have great weight in this House.

It was insisted that the expense of this election should be borne by the people in Alaska. In order to be entirely fair in my statement, however, I should say it was not the amount of the expense that was objected to, but the statement was made that the people in Alaska should early learn the lesson of the cost of an election, and that if they bore the expense that the election would be conducted in a more economical manner.

Therefore, we who had charge of drawing this bill felt that we should be obliged to provide in the bill that the expense of the election should be paid by the people in Alaska. But there is no Territorial or other form of government in Alaska, and no Territorial treasury or other public fund in that Territory out of which we could provide that said election expenses should be paid. We were between Scylla and Charybdis.

I sought counsel in this matter of the most intelligent people from Alaska that I could find in Washington City. They advised me to provide in this bill for all the necessary election machinery, and leave out of the bill any provision as to cost, they assuring me that the people of Alaska would only be too glad to pay the expense of this election in return for the benefit which they would reap in securing a Delegate on this floor.

That accounts for the absence in this bill of any provision whatever in relation to the payment of the costs of election.

Now, then, I do not wish to prolong my portion of this debate, but I will be glad to answer any questions that I am able to answer that any member of the committee may desire to ask.

Mr. WARNER. Mr. Chairman, I would like to ask the gentleman some questions in order to get the information in the RECORD.

Mr. CUSHMAN. Certainly.

Mr. WARNER. I want to ask the gentleman what is the distance, in a straight line, from the east line to the west line of Alaska?

Mr. CUSHMAN. Two thousand five hundred miles.

Mr. WARNER. And from the southern to the northern line?

Mr. CUSHMAN. One thousand miles.

Mr. WARNER. Where is the present capital of Alaska situated?

Mr. CUSHMAN. It is at Sitka.

Mr. WARNER. How far from the northern line of Alaska to Sitka, in a straight line?

Mr. CUSHMAN. About 1,000 miles.

Mr. WARNER. Is it not 2,000?

Mr. CUSHMAN. No, sir.

Mr. WARNER. How far from Sitka to the west line of the district?

Mr. CUSHMAN. It is less than 1,500 miles.

Mr. WARNER. How many square miles are estimated to be in the district of Alaska—in the whole district?

Mr. CUSHMAN. About 600,000 square miles.

Mr. WARNER. How many square miles are estimated to be in the mining districts?

Mr. CUSHMAN. The gentleman can see the districts outlined on the map here.

Mr. WARNER. Yes; but I want to get it in the RECORD.

Mr. CUSHMAN. Well, I should say perhaps not over one-sixth of the Territory of Alaska is included within the mining districts.

Mr. WARNER. Is there over one-twentieth?

Mr. CUSHMAN. Well, perhaps not.

Mr. WARNER. Now, I observe that in your amendments here you continually refer to the territory as the Territory of Alaska.

Mr. CUSHMAN. Yes.

Mr. WARNER. I suggest to the gentleman that there is no such division and that it should be changed to the "District of Alaska."

Mr. CUSHMAN. But, as I understand, the United States Supreme Court decided in 163 United States Supreme Court Reports that Alaska is a Territory.

Mr. WARNER. It is a Territory of the United States, but its designation is "District of Alaska."

Mr. CUSHMAN. In that decision, as I read it, the court decided that it was a Territory, an unorganized Territory.

Mr. WARNER. The act of Congress designates that it is, and it designates it as the district of Alaska. I simply make the suggestion. I do not care anything about it.

Mr. SULZER. Mr. Chairman, I would like to ask the gentleman a question.

Mr. CUSHMAN. Very well.

Mr. SULZER. The gentleman knows that I am very much in favor of granting some relief to the people of Alaska. I would like to ask the gentleman, who is a member of the committee, and he has given a great deal of time and study to this question, why the committee did not bring in a bill to give the district of Alaska Territorial government?

Mr. CUSHMAN. Simply by reason of the fact that we realize it will be difficult enough to get even this small measure through giving them a Delegate. You can imagine, when you look upon this measure, the difficulty we had in getting even this small bill up, what our position would have been if we had come in here with a bill to give them a Territorial form of government.

Mr. SULZER. Let me ask the gentleman this question: Does he not think—he has been in Alaska, I understand—that the hundred thousand American citizens in Alaska are just as much entitled to home rule and self-government as the people in the Philippines or in Porto Rico or in the Hawaiian Islands?

Mr. CUSHMAN. Unquestionably. If I had my way to-day, I would like to see organized there a Territorial form of government. But let me suggest to the gentleman that when we get ready to frame a bill to provide a Territorial form of government for Alaska, the very first thing we shall need in the perfection of that bill will be some one on this floor who knows something about the conditions existing there to aid us in forming that bill.

Mr. SULZER. Then, Mr. Chairman, as I understand the gentleman—and I think I understand him—this bill is simply a step in the right direction—to give the Alaskans Territorial government.

Mr. CUSHMAN. Certainly.

Mr. SULZER. I should like to ask the gentleman one more question: Does he not think that his side of the House would be willing at this time to pass a bill giving the people of Alaska Territorial government, so that they should not be taxed without representation, so that they should be able to make their own laws, so that they should be able to collect their own revenue and use it for school purposes in Alaska?

Mr. BRICK. Allow me to state that no persons from Alaska have ever yet been before the committee asking for Territorial government at this time.

Mr. SULZER. In reply to what has just been said, let me remark that every newspaper in Alaska—and I have a number of them in my desk, and intend to print in the RECORD their editorials on this bill—every newspaper in Alaska asks for Territorial government. The people of Alaska are opposed to being taxed and having their revenues taken from them to be put into the United States Treasury instead of their own treasury.

Mr. BURLESON. Will the gentleman from Washington allow me a question?

Mr. CUSHMAN. Certainly.

Mr. BURLESON. What proportion of the people of Alaska are citizens of the United States?

Mr. CUSHMAN. About two-thirds.

Mr. BURLESON. What proportion are Indians?

Mr. CUSHMAN. About one-third.

Mr. BURLESON. What is the proportion of foreigners?

Mr. CUSHMAN. Well, when the gentleman spoke of "citizens of the United States," I thought he meant the white population. The white population of Alaska comprises about two-thirds of the people, and the other third is composed mostly of Indians.

Mr. BURLESON. What proportion of the white population are citizens of the United States, and what proportion foreigners?

Mr. CUSHMAN. If we had here now a well-informed Delegate from Alaska, he could unquestionably answer the gentleman's question.

Mr. BURLESON. Have you been to Alaska?

Mr. CUSHMAN. I have been through the portion of it down at Wrangell, Ketchikan, Juneau, and Skagway, but not through the main portion of Alaska.

Mr. BURLESON. Then the gentleman is unable to give the information I have just asked for?

Mr. CUSHMAN. I am unable to give the gentleman that information.

Mr. GAINES of Tennessee. Allow me an interruption. A few moments ago the gentleman was speaking of the requirements for the exercise of the elective franchise, and among other things he stated that, under the bill which, as I understand, is the one pending, No. 16653, the proposed elector must be able to read, write, and speak the English language.

Mr. CUSHMAN. Or some other European language.

Mr. GAINES of Tennessee. Now, then, in the other bill the

requirement is that the elector shall be able to "read and write the English language." Again, why does the gentleman add "or some other European language?"

Mr. CUSHMAN. Simply because we understand, having some knowledge of the subject, that there are some intelligent foreigners there—for instance, some Swedish or Norwegian people, or other people of that character—people educated in their own language, and to whom we ought to give the elective franchise.

Mr. GAINES of Tennessee. Why should there not be some requirement in keeping with that prescribed in Connecticut, Massachusetts, Wyoming, and other States—an educational test, something like this, that the elector shall be able to read and write the Constitution in English? Such a requirement incites a man to study the Constitution of the United States, which is not a bad thing for him to do.

Mr. CUSHMAN. The gentleman must understand that the condition existing in Alaska is different from that existing in any other locality with which I am familiar. This bill was drawn, so far as we could draw it, not to meet a theory, but to meet a condition; and we believed that such a clause as is inserted in the bill would meet the condition existing in Alaska.

Mr. GAINES of Tennessee. I hope the gentleman does not believe that the Constitution of the United States has not been extended to Alaska, and that copies of it can not be found there.

Mr. CUSHMAN. I hope that at this late hour my friend from Tennessee will not get started on the Constitution! [Laughter.]

Mr. GAINES of Tennessee. In view of the attitude so frequently taken by gentlemen on the other side, it is necessary now and then to remind them that there is a Constitution of the United States. Now, one other question. In the bill, which is not before the committee, the proposed elector must live in the precinct where he proposes to vote for sixty days. Now, you eliminate that provision entirely and you simply require that the man shall be for one year a resident of Alaska. Why have you stricken out the former requirement?

Mr. CUSHMAN. Simply because the population of Alaska is to some extent a moving population. For instance, in the spring they are moving from the towns out into the mining districts. In the fall they are moving from the mining districts in toward the towns. If we put an ironclad provision in this bill that a man must reside a certain length of time in the precinct, we would perhaps disfranchise a very large portion of citizens who are residents of Alaska and have every right to vote there.

Mr. GREEN of Pennsylvania. Mr. Chairman, I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield?

Mr. CUSHMAN. Certainly.

Mr. GREEN of Pennsylvania. It seems to me that under the present conditions that exist in Alaska, with the eastern section about as far away from the western section as California is from Maine, in order to have a man who could give us such information as we might require in respect to Alaska, it would be a sensible thing for us to grant to Alaska three representatives instead of having but one. One could be taken from the eastern section, one from the middle, and one from the western section. What has the gentleman to say to that proposition? Is not that what we require if we are to get information about Alaska?

Mr. CUSHMAN. In a certain sense it is certainly what we require, but likewise what we could not get, in my judgment, in this House.

Mr. GREEN of Pennsylvania. Why not?

Mr. CUSHMAN. Because I think a great many members would object to three Delegates on this floor representing 100,000 people.

Mr. GREEN of Pennsylvania. But they have no vote.

Mr. CUSHMAN. Certainly; they have no vote.

Mr. GREEN of Pennsylvania. And they could give us the information.

Mr. CUSHMAN. I am perfectly willing that a provision of this kind should be incorporated into the bill.

Mr. GREEN of Pennsylvania. And I think the gentleman will have to do it if he wants to have a bill which will be of any use here.

Mr. CUSHMAN. I do not wholly agree with the gentleman there. It would be a very useful provision, unquestionably.

Mr. GREEN of Pennsylvania. We have to-day a governor from Sitka. He knows no more about the country and its changes or about the country above there than the gentleman does, or I do. He will get his information from the newspapers, and if we are to have a man who can bring direct information to this House, we shall have to have a man who lives round a particular section, one along the eastern section, one up around the Nome country, and one about the western section, and those are the three developing spots of Alaska.

Mr. CUSHMAN. While there is some force in what the gentleman says, let me remind him that the men who reside in Alaska travel all over that Territory. Nearly every man in there has been from Eagle City down the Yukon River to Nome and back down the coast. You will find a man in Skagway to-day, at the head of the Yukon River next week, and perhaps at Nome the month after.

Mr. GREEN of Pennsylvania. But will those men know the present conditions or the existing conditions which require legislative action? They certainly will not.

Mr. CUSHMAN. Some of them will and some of them will not. They are just like other citizens who travel over the country—some of them never see anything except the inside of a railway coach and others learn something about the country through which they travel.

Mr. GREEN of Pennsylvania. Still, a man who is a resident of a particular place knows about the country round about and understands the conditions of the place where he resides, providing he is not a floater.

Mr. CUSHMAN. But does not the gentleman conceive that the men to whose judgment it is left to select this Delegate are going to select a man who has some general information about the entire Territory?

Mr. GREEN of Pennsylvania. That is the trouble. They can not possibly select a man. It is not in the nature of things to select a man who will be able to give this information unless we have a man who represents these different places, so far apart, so almost inaccessible, and I think it will be a very valuable thing, indeed a necessity, for Alaska to have three representatives instead of one.

Mr. HAMILTON. It would be the business of the Delegate to inform himself.

Mr. GREEN of Pennsylvania. He could not possibly inform himself.

Mr. CUSHMAN. Mr. Chairman, I yield to the gentleman from Iowa [Mr. LACEY].

Mr. LACEY. Mr. Chairman, I only want to take the time of the committee for a few minutes to call attention to one feature of this bill. The most difficult problem that those framing the bill had to contend with was to provide the local machinery with which to hold the election. Finally it was determined to select the organized towns and cities as one of the classes of election precincts. That left the other territory outside.

In order to provide for the voters outside of the towns it was proposed to allow each mining district, which is something analogous to the New England town meeting, to organize and select the election officers and specify the points at which the elections were to be held. This plan enabled the parties drawing the bill to avoid the original proposition of having the elections held under the direction of the courts, leaving the matter with the people themselves. And in view of the general proceedings in miners' meetings, and the intelligence with which those meetings exercise the rights that have been given to them by the mining laws, I believe there will be no difficulty on their part in organizing the local election machinery. The miners' meeting is the political unit in organizing such a Territory. That seemed to be the most difficult problem involved in the drawing of this bill, and I only wish to take the time of the committee long enough to call their attention to this proposed solution, which I believe to be entirely adequate to the situation there. If we have a Delegate from Alaska, that Delegate can aid in the framing of the future bill for a Territorial government, which must come sooner or later.

Alaska has great possibilities and her future may be greatly directed by an intelligent representation in this House.

She has had some serious difficulties arising from the appointment of bad men to office. A representative here, chosen by the people and representing the people, would be of much assistance in protecting them from such impositions in the future.

Under the proposed bill there will be no serious difficulty in holding an election, and the legislation for the Territory can then be framed with his assistance.

Mr. CUSHMAN. I yield to the gentleman from Missouri [Mr. LLOYD].

The CHAIRMAN. How much time?

Mr. LLOYD. I have an hour in my own right and I will use so much as is necessary.

Mr. CUSHMAN. I reserve the remainder of my time.

Mr. LLOYD. Mr. Chairman, I ask recognition in my own right.

The CHAIRMAN. Does the Chair understand the gentleman from Washington to reserve his time so that the gentleman from Missouri can be recognized in his own time?

Mr. CUSHMAN. Yes; as a member of the committee.

The CHAIRMAN. Is the gentleman from Missouri in opposition to the bill?

Mr. LLOYD. No; but I am a member of the committee.

The CHAIRMAN. If there is anyone who desires to be heard in opposition to the bill he is entitled to be recognized first.

Mr. RICHARDSON of Tennessee. There is nobody on the committee opposed to the bill, is there?

Mr. LLOYD. There is nobody on the committee opposed to the bill. I ask to be recognized as a member of the committee.

The CHAIRMAN. The gentleman is entitled to be recognized now if no one desires to be recognized in opposition to the bill.

Mr. LLOYD. That is all right.

The CHAIRMAN. If anyone desires to be heard in opposition to the bill he is entitled to be recognized first. The gentleman from Missouri.

Mr. LLOYD. I yield to the gentleman from Texas [Mr. WOOTEN] such time as he desires.

[Mr. WOOTEN addressed the committee. See Appendix.]

Mr. WOOTEN. I now yield, Mr. Chairman, the remainder of my time to the gentleman from Missouri.

Mr. LLOYD. Mr. Chairman——

Mr. WOOTEN. Mr. Chairman, if the gentleman will permit me, I ask permission, having spoken rapidly and impromptu, to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. LLOYD. Mr. Chairman, I would like to ask the gentleman in charge of the bill if he intends to go on further with the debate to-night?

Mr. CUSHMAN. I should like to take a vote to-night. I see no reason why we can not have a vote. I do not think that anybody here is opposed to the bill.

Mr. LLOYD. I think it would be well for the committee to rise. Does my friend from Illinois wish to be heard?

Mr. CANNON. I should like to be heard.

Mr. LLOYD. The gentleman from New York [Mr. SULZER] wishes to be heard, and it will take a half hour to read the bill.

Mr. CUSHMAN. I will state to the gentleman that my understanding is that to-morrow there is a special order for pension business, a privileged order, which will perhaps shut us out. Unless we get a vote to-night the bill will go over.

Mr. LLOYD. The bill can go over until Saturday if we do not finish it now. I think we can avoid any trouble about debate, however, and I will yield to the gentleman from New York [Mr. SULZER].

Mr. SULZER. Mr. Chairman, I substantially concur with all that the gentleman from Washington [Mr. CUSHMAN] has so well, and so ably, and so eloquently said regarding Alaska, and the needs of that vast domain for immediate legislation, looking toward home rule and self-government.

The bill now under consideration for a Delegate, however, in my opinion, does not go far enough. It will not meet the just demands of the people of Alaska, and I fear very much that it will not give satisfaction to, or meet the expectations of, the inhabitants of that vast territory. At the same time I do not fail to realize that this bill is a step in the right direction, that it will accomplish something, and I shall vote for it for that reason, indulging the hope that the time is not far distant when the Congress must give Alaska what Alaska wants—Territorial government. That is, sir, what the people up there want, and that is what they ought to have. It is right, and it is American. Alaska is just as much entitled to Territorial government to-day as Arizona or New Mexico. If we follow the precedents of the past we can not withhold this boon from the people of Alaska. They are fairly entitled to it.

In the light of all precedents and the experience of the past their population warrants it. For the benefit of those who know not, I insert a table which shows the population of 12 different States and Territories about the time they were given representation. Many of them had a representative for some time before the enumeration had been made which brought forth these figures. Probably at the time of their receiving Delegate privileges this population did not average 3,000 whites in each Territory, and they had very little but agricultural matters to look after, with no comparison in commercial affairs to Alaska to-day.

	Date of organization.	Population by census nearest date of organization.		
		Census.	White.	Total.
Arizona	Feb. 24,1863	1870	9,581	9,658
Dakota—North and South	Mar. 2,1861	1860	2,576	4,837
Idaho	Mar. 3,1863	1870	10,618	14,999
Illinois	Feb. 3,1809	1810	11,501	12,282
Indiana	May 7,1800	1800	2,402	2,517
Michigan	Jan. 11,1805	1810	4,618	4,762
Minnesota	Mar. 2,1849	1850	6,938	6,977
Mississippi	Apr. 7,1798	1800	4,446	7,600
Montana	May 26,1864	1870	18,306	20,595
Nevada	Mar. 2,1863	1860	6,812	6,857
Utah	Sept. 9,1850	1850	11,330	11,380
Washington	Mar. 2,1853	1860	11,138	11,594
Wyoming	July 28,1868	1870	8,726	9,118
Alaska		1890	4,298	32,052
		1896	10,000	37,000

In 1890 the census of Alaska showed a population of 32,052. The census report for 1900 gives the population of Alaska as 63,592. When we consider the vast difficulty attendant upon the full and correct enumeration of population in thickly settled and more accessible districts, and how frequently the statement is made even in large cities that the census enumerators failed to properly enumerate and return a considerable per cent of the population, then how much more likely is it that in a district like Alaska, a vast expanse of territory with widely scattered towns, settlements, and mining camps, isolated and separated, without railroad and telegraphic communications—how much more likely is it, I say, that where conditions like these exist that the census enumeration has not been full and complete.

I submit, in view of the foregoing, that it is not an extravagant estimate to place the present population of the Territory of Alaska at 100,000 people, and this population will undoubtedly increase in a greater ratio during the next few years than it has in the past.

The number of white people were less than 5,000 in 1890, with a very large portion of the remainder Indians and mixed. This great increase during the last ten years has not been caused by the births of natives. The Indian is rapidly passing away, so that the majority of the present population of 63,592 are beyond question whites who have emigrated from the States. These persons dominate the Territory, and in a short time, through the evolution of nature, the native Indian will have become a tradition.

Now, Mr. Chairman, by way of comparison, let me cite you a few cases. In the record of Territorial organizations we find that Nebraska, embracing all the district of country lying between the Missouri River and the Rocky Mountains and extending from the 40th degree of latitude to the boundary line between the United States and Canada, was made a Territory in 1854, with a population too insignificant to be mentioned in the report of the preceding census, if, indeed, it were ascertainable. Yet we find that six years later it had attained a population of only 28,841—less than half that of Alaska in 1900. The Territory of Dakota, embracing what are now the States of North and South Dakota, was organized in 1861, having for two years previous maintained a provisional government of her own, although she was credited by the census of 1860 with a population of only 4,837, which, owing to the unsettled state of the country induced by the great civil war during that decade, increased to the extent of only 9,544 in the next succeeding ten years.

The capital was established at Yankton, in the entreme southeastern end of what is now the State of South Dakota, distant from the most remote settlements little, if any, less than 700 miles. There were no railroads or wagon roads, and the means of communication, except between Missouri River points, were not only more primitive than is now the case in Alaska, but at the same time far more expensive and dangerous. The country was a vast wilderness of treeless prairie, arid plains, and "bad lands," which, but for the building of subsidized railroads in advance of settlement, would never have become the home of any considerable number of white men. It was not then known to possess any of the great natural resources of which Alaska can now truthfully boast, and had the little handful of hardy pioneers who set up a government of their own in advance of Territorial organization been subjected to the operation of a policy similar to that which long ago obtained in the government of Alaska, and is still in vogue, it is not improbable that what are now two great and prosperous States of the Union would have remained to this day, figuratively speaking, a wilderness.

And so, sir, with many, if not all, of the Territories when they were first organized. The facts and the figures conclusively prove that Alaska is more entitled now to Territorial government than any of the Territories organized in the years gone by west of the Mississippi River. Why should we deprive the citizens of Alaska of Territorial government? Is there a man here that can give any answer, except the logical answer that Alaska should become a Territory with all the rights of a Territory?

Mr. Chairman, the district of Alaska is a vast domain lying in the extreme northwestern corner of the North American continent, on Bering Sea and the North Pacific. It comprises an area of about 577,390 statute square miles, with a seacoast of 26,000 miles, or nearly two and one-half times the seacoast of the balance of the United States. The district was acquired by purchase by the United States from Russia for $7,200,000, and the boundaries as laid down in the treaty of cession of March 30, 1867, are: "Commencing from the southernmost point of the island called 'Prince of Wales Island,' which point lies in the parallel of 54° 40′ north latitude, and between the one hundred and thirty-first and one hundred and thirty-third degrees of west longitude (meridian of Greenwich), the said line shall ascend to the north along the channel called Portland Canal as far as the point of the continent where it strikes the fifty-sixth degree of north latitude; from this last-mentioned point the line of demarcation shall follow the summit of the mountains situated parallel to the coast as far as the

point of intersection of the one hundred and forty-first degree of west longitude (of the same meridian), and finally from the said point of intersection the said meridian line of the one hundred and forty-first degree in its prolongation as far as the frozen ocean. With reference to the line of demarcation laid down in the preceding article it is understood, first, that the island called 'Prince of Wales Island' shall belong wholly to Russia (now, by cession, to the United States); second, that whenever the summit of the mountains which extend in a direction parallel to the coast from the fifty-sixth degree of north latitude to the point of intersection of the one hundred and forty-first degree of west longitude shall prove to be at the distance of more than 10 marine leagues from the ocean, the limit between the British possessions and the line of coast which is to belong to Russia as above mentioned (that is to say, the limit of the possessions ceded by this convention) shall be formed by a line parallel to the winding of the coast, and which shall never exceed the distance of 10 marine leagues therefrom. The western limits, within which the territories and dominion conveyed are contained, passes through a point in Bering Straits on the parallel of 65 degrees 30 minutes north latitude, and its intersection by the meridian which passes midway between the island of Krusenstern, or Ignalook, and the island of Ratmanoff, or Noonarbook, and proceeds due north, without limitation, into the same frozen ocean. The same western limitation, beginning at the same initial point, proceeds thence in a course nearly southwest through Bering Straits and Bering Sea, so as to pass midway between the northwest point of the island of St. Lawrence and the southeast point of Cape Choukotski, to the meridian of 172 west longitute; thence from the intersection of that meridian, in a southwesterly direction, so as to pass midway between the island of Attou and the Copper Island of the Kormandorski couplet or group in the North Pacific Ocean, to the meridian of 193 degrees west longitude, so as to include in the territory conveyed the whole of the Aleutian Islands east of the meridian."

This is the vast domain of land ceded to the United States from Russia by the treaty in 1867, and the American people will never consent to give up an inch of it to Canada or any other country. It is ours and it must always be ours. We can not arbitrate our sovereignty, and we will never surrender our jurisdiction.

When this country in 1867 paid Russia $7,200,000 in gold coin for the Territory of Alaska, a great outcry arose over the shameful extravagance of the Government. We had purchased, it was alleged by these fault-finders, a barren waste of snow and ice, an arctic region incapable of cultivation, whose only treasure was the seals that might be killed along its coast. The Administration had squandered the money of the people, and shrewd Russia was laughing in her sleeve over our simplicity!

It is possible that Russia did laugh in her sleeve over the simplicity that she imagined she had discovered, but it is certain that by this time she has changed her laugh to a sigh over the results of her own shortsightedness, for Alaska is recognized to-day as one of the most important gold-producing lands in the world. Her mines are the mecca of armies of prospectors, who go there to search for the precious ore that is the foundation of the money systems of the commercial world. She has returned to us in gold ore alone more than we paid Russia for her possession, and the sources of her golden treasure have as yet scarcely been scratched.

But it is not only in mineral wealth that Alaska promises to be a valuable territory. That claim alone would be ample justification for the purchase of the arctic land, but she has other claims to add to this. Had anybody predicted, when the negotiation for her sale was conducted, that she could ever assume to be an agricultural country, he would have been regarded as a fit subject for treatment in a lunatic asylum. But we are progressing in knowledge. The Agricultural Department has been investigating, and it now announces that certain crops can be raised in Alaska at a good profit, and that great herds of cattle will thrive in her friendly climate.

Thus the purchase of Alaska promises to be one of the wisest things ever accomplished by our Government.

The great speech of Charles Sumner, delivered in the United States Senate in favor of the purchase of Alaska, in the light of to-day reads like a marvelous prophecy. Alaska ceased years ago to be called "Seward's folly." No amount of money could buy it from us to-day, and ultimately it will make three great States of the Union—and no doubt they will be called "Alaska," "Seward," and "Sumner." What a monument Alaska is to-day to the wisdom and far-sighted statesmanship of Charles Sumner and William H. Seward!

Mr. Chairman, another reason for a Delegate, which must impress itself with great force upon every member, is the fact that most of the relations with the Territory are direct with the General Government.

The Committee on the Territories, to whom was referred this bill providing for the election of a Delegate from the district of Alaska to the House of Representatives of the United States, defining citizenship and the qualifications of electors in said district, have had the same under consideration, and, without a dissenting voice, report unanimously that it do pass.

A bill of similar purpose was reported from the Committee on the Territories of the House of Representatives in the Fifty-third Congress near its close, too late for action, and another in the Fifty-fourth Congress, which for some reason failed to become a law. A third time, in the second session of the Fifty-sixth Congress, a similar bill was introduced and unanimously reported by the Committee on the Territories to the House, but the bill, on account of the press of business during the close of that session, failed of consideration in the House.

In my opinion, fortified by the judgment of the great majority of the population of the Territory of Alaska, whose best men have not only recommended it, but have urged it as an absolute necessity at this time, I submit that the Congress should no longer delay the right of these people to Delegate representation.

It is a tenet of our American creed that proper elective representation is the heritage of our citizenship. Whatever may have been the needs and the requirements of the limitations of Alaska in the past, I think the time has now arrived when it is not only feasible for its inhabitants to elect and have Delegate representation in the House of Representatives, but that its absolute necessity makes it a matter of right which we should heed by speedy action.

Alaska is a Territory whose prospects, resources, and commercial and political importance have heretofore been almost wholly unappreciated by most people. Even now, in the period of Alaska's marvelous development, the first thought of many persons is that a Delegate would be a doubtful experiment and an unnecessary expense, when, in fact, of all our outlying Territories, Alaska is the one whose needs in this respect are paramount. Its isolation, distance, and peculiar surroundings as to climate, soil, resources, business and trade conditions, as well as population, render it impossible for Congress to fully recognize its wants and exigencies.

Alaska has an area of over 577,000 square miles. It would cover one-sixth of the territory of the United States proper. Its resources are simply wonderful; with its mines of gold, silver, copper, and coal, its mighty forests of merchantable timber, its rich wealth of fur-bearing animals, its enormous fisheries of seal, whale, salmon, cod, and halibut, and its already great and commanding commercial and political importance. And then, in connection with all this, comes the voice of a resistless and increasing flow of the most manly, virile, and hardy people in the world, who say, "Give us the protection of an interested and sympathetic Government and we will not only support ourselves, but we will return direct into the United States Treasury revenues many times multiplying the amount of her investment by purchase."

At this point the expense of an election and the salary of a Delegate might well be considered. This country is a large territory of the primeval ruggedness of nature, unmitigated in part with long stretches of snow and ice and a scattered population. There may be inconveniences in an election on the frontier to which we are not accustomed, but that is the daily incident of their lives. Tenacity of purpose and power of endurance are the two essential qualities that took them there. They have great interests to be looked after, and they say, "We want a man at Washington who knows us, our country, and our business to represent us and our interests."

It will be of some inconvenience and expense, but they are asking the privilege to incur whatever inconvenience it may be to hold an election. After that the only question for us to consider is: Is it reasonable and practicable? Those who seem to be most competent to judge say it is. As to the expense, they pay it. That is all there is to that. While discussing this phase of the subject I desire to insert a statement from the Treasury Department showing the revenues and expenditures of the government of Alaska for the fiscal year 1900. This shows a balance in favor of the Treasury in the splendid figures of $282,950, out of which to pay the expense of an election every two years.

Statement of revenues and expenditures in Alaska, fiscal year 1900.

REVENUES.

Customs	$57,623.62
Public lands	2,376.32
Tax on seal skins	224,476.47
Rent of Fox Islands	1,200.00
License fees	157,234.94
Total	442,911.35

EXPENDITURES.

Expenses of Territorial government	$28,655.98
Salaries of agents at seal fisheries	11,473.41
Expenses, office of marshal, etc	17,969.90
Public buildings	475.39
Refuge station, Point Barrow	106.67
Alaskan boundary survey	500.00

Education of children	$32,970.62
Education of Indians	4,364.30
Protecting fisheries	5,512.47
Expenses of steamer *Albatross*	9,830.93
Supplies for native inhabitants	19,100.38
Building for United States courts	722.76
Reindeer for Alaska	12,746.68
Expenses, office of surveyor-general	4,800.00
Maps of Alaska	18.50
Survey of the Yukon River	9,780.69
Relief of people in mining regions	932.48
Total	159,961.16

But, aside from the question of expense, why should they not have a Delegate at this time? In the first place there is a large and ever-increasing body of the best kind of American citizens in Alaska—pioneers who are willing to forego the ease and luxury of life in the States to develop that great country. The best blood of a nation flows in the veins of its pioneers. They are the advance guard of progress. They have opened up in Alaska a mine of wealth that the world never dreamed of. They have made Alaska commercially great, and for a decade have felt the need and practicability of a Delegate, and have been asking it from our hands for years. To-day, with a population doubled since the last census was taken and material financial interests increased in a still greater ratio, they ask you for this legislation.

The bill under consideration gives the people of Alaska the right to vote for and to elect a Delegate from Alaska to the House of Representatives who shall have the same rights and the same privileges in this body as a Delegate from any of the other Territories in the United States. Alaska is entitled to that. No one can deny it. Her people should be heard on this floor, and the Alaskans want to be heard here by some one of their own selection—competent to speak for them. Some one vested with authority who will be responsible to them for what he says on the floor of this House regarding Alaskan matters, and who will be responsible to Congress as well. No one familiar with the facts can doubt that Alaska is entitled to Delegate representation. It is a fundamental principle of our theory of government that none of our citizens shall be taxed without just representation, and the Alaskans have been taxed by the Federal Government for years and years without representation and without having a voice in their own internal affairs.

Mr. Chairman, I have been to Alaska several times. I know something about that vast domain. I know something about the sentiments of the people who live there, and I stand here and declare with the confident knowledge that I can not be successfully contradicted that the people of Alaska—the people who have gone there, and who have lived there for years, and who are bona fide residents of Alaska, and intend to stay there during the rest of their lives—I know what they want, and I declare here that they want not only a representative in Congress, but they want Territorial government. They want the right that every other Territory in the Union has—the right to make their own laws, to levy their own taxes, to regulate their own internal affairs, and to spend the money gathered by the tax collector for their own use, for their own schools, for their own charitable institutions, for their own municipal affairs, and for their own peace and happiness. This is not asking too much in my opinion. It seems to me it is only fair and just and proper and right. Alaska has a population at the present time upward of 100,000 bona fide residents. It is true they are scattered over a vast domain of territory. But it is also true that they are an honest, brave, sober, manly, God-fearing people, who are of our kin, and who ought to be treated as American citizens.

I deprecate some of the remarks that have been made on the floor of this House during the pendency of this bill by gentlemen who have characterized the inhabitants of Alaska as nomads, as fugitives, and as a migratory people who go there simply to gather wealth and leave for the States just so soon as they have been able to get what they want. I deny these statements. I refute these allegations. I know they are not true. If some of the gentlemen who have made these unjust remarks and uncalled-for statements would only go to Alaska and see for themselves and talk to these people, they would come back here just as firmly convinced as I am that no people in all our land are more deserving of commendation for their patriotism and their law-abiding citizenship than the good, fearless, honest folk of Alaska. They are American citizens. They demand the rights of American citizens. They are entitled to all the rights of American citizens, and one of the fundamental rights of an American is the right to representation; the right to refuse to pay a dollar's tax to the Government unless he has a voice in its affairs; the right of local self-government; the right of petition; the right of assembly; the right to have a voice in the affairs of state and in making the laws that he must obey and that govern him and his fellow-citizens.

This bill, sir, will not accomplish what the Alaskans demand; but, as I said, it is a step in the right direction, and I shall vote for it because I believe it is the best we can get at the present time. I hope, however, when this bill passes the House and comes before the Senate, that the other branch of Congress will enlarge the scope of its provisions and, if possible, report a substitute for it that will give the people of Alaska what they most devoutly desire, and that is Territorial government. They demand Territorial government, and knowing the facts as I do, I unhesitatingly say, and I defy successful refutation, that under all the circumstances Alaska is now, and long has been, entitled to Territorial government, and Congress ought to give it to the Alaskans without any more delay. Alaska is an anomaly in our sisterhood of States and Territories. It has been said here that Alaska is a Territory because a justice of the United States Supreme Court, writing an opinion about it, characterized it as such. No doubt it is a part of the territory of the United States, and perhaps that is what the distinguished jurist meant. Others here declare that Alaska is only a district, and I am inclined to concur in that view. If Alaska was a Territory in the Union, it would have all the rights of a Territory. It is not a Territory in the sense that Arizona, New Mexico, and Oklahoma are Territories. It ought to be a Territory of our Government just the same as those other Territories and have all the rights and all the privileges that those Territories possess to-day; and the Alaskans will never be satisfied—never be contented—in my opinion, with any law that does not give them all the rights those other Territories possess.

A Delegate from an unorganized Territory would be not only a departure from all former precedent, but in the case of Alaska might be much more productive of evil than of beneficial results. In the absence of any form of local government, it may be impossible for a Delegate to properly represent the will and the wishes of the people, because of a lack of knowledge in the premises. I know that the people of Alaska are, in every point of view, abundantly capable of maintaining a local form of government, such as has always heretofore been accorded the Territories of the United States, and I deprecate the idea of further burdening the Congress with purely local legislation, as would, presumably, be the duty of a Delegate to press upon the attention of this body in the absence of Territorial organization. In my opinion, such legislation can safely be intrusted to the people of Alaska themselves, and in my judgment, instead of the bill providing a Delegate for the unorganized Territory, or district, of Alaska, an organic act should be passed, according to her people the measure of self-government to which they are justly entitled, and which has never heretofore, except in the case of Alaska, been withheld from any considerable body of American citizens engaged in the settlement of a new district.

Looking at the question in the light of the past, and by way of comparison with other portions of our country that have been made Territories in our Union, I believe that Alaska is more entitled to-day to Territorial government than seven-tenths of the other Territories that were organized. I am opposed, as a matter of right, and of justice, and of principle, to taxing the Alaskan people, gathering the taxes by a Federal tax collector, and, instead of giving the taxes to the people of Alaska for their own local purposes, depositing the money in the Federal Treasury and trying to govern Alaska from the Treasury Department or by the Congress, when nine-tenths of the men in Congress know absolutely nothing about the people up there, nor the country, either. But that is another story that will come up ere long, when we legislate to give Alaska Territorial government.

Mr. Chairman, something has been said here regarding the impossibility of holding an election in Alaska under this bill, should it become a law, and that its provisions would open the door to frauds on the ballot box. In my opinion, that conclusion is assumed, farfetched, and without justification. If this bill should become a law in its present state, the election of a Delegate in Congress from Alaska would be just as honestly conducted as the election for a Representative in Congress in any State. And the Delegate elected would be, no doubt, in the estimation of the Alaskans, or in the estimation of a mjority of them, the most competent man they could find to send here to represent them, to get their rights, and to give Congress the information desired regarding legislation.

Let me say here, Mr. Chairman, that I appreciate all that the gentleman from Washington [Mr. CUSHMAN] has done in getting this bill reported and before the House. I understand the difficulties he had to contend with. I am familiar with the obstacles which were put in his way. I know he has done the very best he could. He and I substantially agree regarding the immediate legislative needs of Alaska, but everything relating to Alaska can not be accomplished in one Congress. This bill is a step in the right direction—a forward step toward Territorial government—and it is apparently the very best that we can do for the Alaskans at the present time. I want to congratulate the gentleman from Washington and the members of the committee which reported this bill on the success which thus far has crowned their efforts,

and in the hope that this bill will accomplish some good I shall vote for it, and I trust it will pass by an overwhelming majority.

Mr. Chairman, I have spoken of Alaskan resources in general terms as a reason for her recognition. Her mines of gold, silver, coal, and copper, already known to be great, are considered by many practically inexhaustible. She has the largest stamp mill in the world at Treadwell and bids fair to become the greatest gold-producing country on earth. The rapid development of the gold and silver mining industry of Alaska during the past four years is shown by the fact that the production has advanced from about $3,000,000 in 1896 to about $7,000,000 in 1900. This will increase, rather than diminish. At present the value of the precious metals lies chiefly in the gold placers of Nome and the interior regions. In the Nome region some 5,000 square miles are known to carry auriferous gravels, while in the Yukon Basin the area of auriferous gravels is probably several times as large. But it is not all placer mining. Governor Brady says that quartz mining is the kind in which Alaska will be preeminent in the near future and that even now it is affording the finest illustration that the world knows of profitable working of low-grade ore.

In the coast region of southeastern Alaska mining for gold, copper, and silver has been going on for a number of years. The development of this industry has been especially rapid since 1898, and it promises to become one of the most important mining districts of the country. The discovery of copper deposits in Alaska was made only three years ago, and hence the development is comparatively insignificant, though there are three districts in which valuable copper ores have been found. Mining has only been done in the one lying on the coast, and many tons of copper ore have been shipped from the Territory. The investigations of the past two years have shown, however, that there are unquestionably vast undeveloped copper deposits in at least three districts of Alaska. The coal of Alaska embraces lignites, bituminous coal, and some anthracite. The lignites are the most widely distributed of the three, and are the ones that have been largely prospected. Coal has been found in nearly every part of the District, both on the coast and in the interior. It has been mined at probably 100 different localities, but up to the present time only for local consumption, and the aggregate output, of which there are no authentic data available, would not amount to more than a few thousand tons a year. The coal is so widely distributed in the district that it must be regarded as one of its most important resources. It is a conservative estimate to place the area occupied by the coal-bearing rocks at 100,000 square miles. Accurate statements can not be made as to the figures of the fish industry for the year 1900, but it can be said that it has been continually growing and is still in its infancy. More than one hundred varieties of food fish inhabit the Alaskan waters. The annual output of salmon alone will amount to more than $9,000,000 at this time. The Territory alone can feed the fish-eating world.

Mr. Chairman, no man can visit Alaska without being deeply impressed. Alaska is a wonderful country. No words can adequately describe it. It is the poor man's, and the rich man's, and the sportsman's paradise. It is a wonderland. The time, in my judgment, is at hand when this vast territory will be developed by American genius, American capital, and American enterprise, and take my word for it, there will be no more prosperous section in all this progressive land for American brawn and American brain. Alaska is the place for the new settler—for the hustler—for the man who wants to go ahead and get on.

Yes, Mr. Chairman, let me say again in conclusion, I shall vote for this bill, but in doing so I think I have made it clear that the bill does not go far enough, that it is only a step forward in the right direction to the one boon the good people in Alaska demand, and that is Territorial government. Alaska wants this; Alaska must have it; Alaska with her population of nearly 100,000 people; Alaska with her splendid and invigorating climate; Alaska with her beautiful scenery, her magnificent distances, her towering snow-capped mountains, her majestic rivers, her fertile fields, her great industries of fish and furs and timber and agricultural possibilities; Alaska with her immense wealth in gold and copper and silver and lead and iron and coal—mineral wealth beyond the dreams of the most imaginative person in the world; Alaska with her brave and loyal and God-fearing and patriotic American citizens; Alaska with her churches and schools, her splendid institutions, her towns and villages; Alaska under the blue dome of the Union sky and in the shadow of the midnight sun; Alaska with her incomparable glaciers, with her great harbors and innumerable lakes and countless cascades; Alaska, in the name of of all these and more, in the name of this generation and the glory of our institutions, I ask why you should not have the right of home rule, of local self-government, and all the rights of the Territories? [Applause.]

Mr. LLOYD. I reserve the rest of my time.

Mr. WARNER. Mr. Chairman——

Mr. CUSHMAN. I should like, if possible, to secure a vote on this bill to-night, though if it be the judgment of the Committee of the Whole that the committee ought to rise now, I do not wish to act in an unseemly way about a matter of that kind. I should like, however, to have a vote.

Mr. WARNER. Mr. Chairman, I wish to be heard only a few moments. While I think that Alaska should have some one on this floor to present its interests and tell us from time to time what he knows about the district, I am opposed to this bill and the methods by which it is being pressed. I know that Alaska is a great country. I have visited the fringe of it several times and have been impressed with its resources. I would not detract in the least from the high standing of Charles Sumner or William H. Seward as statesmen, but I do think they are not entitled to any great credit for acquiring Alaska.

They did not enter upon the matter as a business proposition; they did not urge the purchase of this Territory because it was a good bargain for the United States. It was purchased and paid for to cover the expenses of the Russian fleet in American waters in 1863. When England threatened to raise our blockade of the Southern ports and end the interstate war, Russia, which was friendly to the United States, sent her entire available fleet over to American waters and told Mr. Lincoln and Mr. Seward that that fleet was subject to their orders.

Mr. SULZER. Will the gentleman allow me a question?

Mr. WARNER. Yes, sir.

Mr. SULZER. Does the gentleman mean to imply that Secretary Seward and Senator Sumner purchased Alaska as a bribe to Russia?

Mr. WARNER. No, sir; I do not intend to imply anything of the kind. They were paying an honest debt. This Government owed Russia for the expenses of that fleet in 1863. That fleet was sent over to American waters, and remained the entire winter at the expense of Russia. When the war was over, and it was not deemed wise to let the whole world know what that secret understanding was, the United States wanted to pay the expenses of maintaining that fleet here during that winter; and those expenses were paid under cover of the purchase of Alaska, which, at that time, was not considered by anybody to be worth 10 cents in the current money of the country.

Mr. PAYNE. Did not Charles Sumner, in his great speech in the Senate upon the ratification of the treaty of purchase, describe in detail the resources of Alaska as completely, as thoroughly, and as truthfully as the gentleman from Illinois or any other gentleman can do it to-day?

Mr. WARNER. I presume that whatever Mr. Sumner said was better said than I could say it.

Mr. PAYNE. That is not the question.

Mr. WARNER. But Charles Sumner was opposed to the purchase of the district of Alaska until he was convinced by Mr. Seward and Mr. Lincoln that it was desirable to complete that transaction and to find some excuse for it.

Mr. SULZER. Was not that during the Administration of Andrew Johnson?

Mr. LACEY. Is it not true that Mr. Seward himself claimed that his reputation as a statesman depended more upon the Alaskan purchase than upon any other act in his life?

Mr. WARNER. I do not know whether he did or not. I would not take one bit of credit away from Mr. Seward or anyone else, but I do say at the time that purchase was made no one of the gentlemen in the Senate considered it a very good financial transaction as a purchase and a purchase alone; but that is immaterial. Let us get down to this bill. I think that Alaska should have representation on this floor, but I say it is unwise to obtain that representation by the methods prescribed in this bill.

The bill does not provide for a representation of the people of Alaska. It provides only that mining districts and incorporated towns shall be represented on this floor, and the gentleman in charge of the bill, when I asked how much of that Territory was covered by these mining districts, said about one-sixth.

Mr. CUSHMAN. Will the gentleman allow me?

Mr. WARNER. Yes.

Mr. CUSHMAN. Does the gentleman refer now to the Territory or to the population?

Mr. WARNER. I am referring to the Territory—the district. I presume there are people all over it.

Mr. CUSHMAN. Not by any manner of means.

Mr. WARNER. Then draw your lines and say where the representation shall go, and how far.

Mr. CUSHMAN. The lines are drawn and show where the population is.

Mr. WARNER. The bill provides that each mining district shall be an election district.

Mr. CUSHMAN. Yes.

Mr. WARNER. It provides that every person living outside of that mining district shall vote at that district, no matter how far away he may be.

Mr. CUSHMAN. In the nearest precinct next to the place where he resides.

Mr. WARNER. And the gentleman will make some of them go over a thousand miles to vote or not vote at all. Those mining districts are where they find the minerals. I asked the gentleman if one-twentieth was not nearer than one-sixth of the territory of Alaska covered by the mining districts, and he did not answer me, or if he did I did not hear him.

Mr. CUSHMAN. Will the gentleman yield a moment?

Mr. WARNER. Yes.

Mr. CUSHMAN. The situation is this: Wherever there is any population in Alaska a mining district has been created. Wherever the population is, there a mining district has been created. Now, then, there is no agricultural population in this country.

Mr. WARNER. "A house divided against itself can not stand." One of the gentleman's committee says Alaska is one of the greatest agricultural countries in the world.

Mr. CUSHMAN. It has wonderful agricultural possibilities, but of the 3,500,000 acres in that Territory there are but 2,000 acres which have been surveyed. That is one of the troubles that we have had here. There was nobody here to present that condition to us. The land has not been surveyed there. Nobody can get a homestead. The agricultural possibilities are there and the agricultural population will be there when they have an opportunity to get a homestead.

Mr. WARNER. I do not know of any country in the world where a man can get a homestead so easily or so large as in Alaska. If any one of you will go up into that fine agricultural country that Jorgensen from his heights in Sitka talks about, you can locate a homestead of 5,000 acres, if you want to, and you will not be disturbed for many years, I will undertake to say. There are other people besides the miners in Alaska, according to the statements on this floor.

There are fishermen; more, perhaps, than there are miners. It is an immense agricultural country. What I object to is the method of appointing this Delegate. The bill provides that there shall be election districts, and, according to the report accompanying the bill, it would require 150 different polling places. There are 577,000 square miles of territory in that district, according to the report. Each election district would have to be made 88 miles long by 62 miles wide in order to cover the whole country.

According to this bill you must advertise an election as thoroughly as it "may be." What would it cost to publish the notices of the elections that are to be held for the selection of the Delegates, and remember that this is the only election that will be held in Alaska except for municipal officers in incorporated cities? The only officer to be elected in Alaska, if this law is passed, is this Delegate. He is to be elected by a population which amounts to 63,000 people in summer time and about 15,000, perhaps, in winter time. The census of 1900 was taken in the summer time and there were 63,000 persons, all told, in Alaska at that time.

I will venture the statement that on the 1st day of the following December there were not 30,000 people in Alaska. They do not go up there for permanent residence. They go to make money, in the fierce race for wealth. These mining districts, the only ones that are recognized in this bill, are filled up and populated by miners alone, who go there, not for the purpose of locating or going into the country and living there and raising families, but for the purpose of getting gold and getting back to the States. And yet this bill recognizes no other class of people. According to this bill, the election must be held on the last Tuesday of September of each year, as I remember.

Mr. CUSHMAN. The last Tuesday in September.

Mr. WARNER. The returns must be in the hands of the governor before the 10th day of the following November. He has no jurisdiction to pay any attention to those that come in after that time. The average distance that will have to be traveled from the polling places, if fixed according to this bill, would be 1,000 miles as the crow flies, and to make that trip in the forty-five days that are allowed from the election to the time the returns must be in the hands of the governor a man would have to make 22½ miles a day in an air line.

In that country that would mean 45 miles a day by the routes that would have to be traveled, and it can not be made with the kind of conveyances they have up there. Forty-five miles a day each way for the messenger going down and back would require at least ninety days' travel. You would have to pay that man $5 a day for his trip for his time. Each messenger in carrying these returns to the governor would be entitled to four or five hundred dollars, and then he would not get big pay. There would be 150 of these messengers. There would be at least 150 election precincts and polling places. There are 5 officers to each one of these. Those officers would be allowed $5 a day according to this bill.

Mr. CUSHMAN. What is that statement?

Mr. WARNER. Five dollars a day.

Mr. CUSHMAN. They are not allowed anything.

Mr. WARNER. Then your report is wrong.

Mr. CUSHMAN. That report was drawn on the old bill. Objection was made to the old bill, and one of the objections that was made was to this provision.

Mr. WARNER. Well, then, we will knock down the barrier and we will have to pay them $10 a day. Miners who are getting out nuggets and the immense wealth you are talking about are not going to work for $5 a day if they are allowed their own price.

Mr. CUSHMAN. There is nothing in the bill that provides for a single penny being paid by the Government of the United States. Whatever the expense is, they pay it.

Mr. WARNER. Where is it provided that they be paid anything?

Mr. CUSHMAN. There is not anything provided in the bill.

Mr. WARNER. Then you will not have any election.

Mr. CUSHMAN. I will say to the gentleman that in the first bill we had a provision that the expenses should be paid by the Government, and objection was made to that from a very authoritative source in this House. In response to that we struck that out and submitted the only proposition that we could put in.

They have no treasury up there. We could not put in this bill a provision that the expenses should be paid from the Territorial treasury, because they have no Territorial treasury. We have collected $400,000 of their money, however, and turned it into the Treasury of the United States.

Mr. WARNER. If I were certain that your bill would stand as it is, I would be willing to let it go through, because it would not amount to anything. If you do not provide pay for anyone, nothing will be done. But I suppose you will come in for an appropriation later, and therefore I will go into the question as to how much it will cost for the holding of an election and getting the returns down to the governor.

The pay of the messengers who would have to travel night and day in order to get there in time; the salary of the Delegate, his mileage, his clerk hire, his stationery; those things alone would amount to $30,000 a year; not every two years, but they would amount to $30,000 a year, and I can give you the figures if you want them. That does not include anything to pay the cost of advertising, printing, stationery, rent of voting places, etc.

Mr. LLOYD. I should like to see those figures which the gentleman has.

Mr. WARNER. I will give you some of them right here.

A MEMBER. Give us all of them.

Mr. GAINES of Tennessee. Does the gentleman want to give a Delegate to Alaska at any time in the future?

Mr. WARNER. Yes; I do.

Mr. GAINES of Tennessee. Will it not cost $30,000 a year then?

Mr. WARNER. No; it will cost $5,000 a year, the mileage, the clerk hire, and the stationery; that is all.

Mr. CUSHMAN. That is all this bill does.

Mr. LLOYD. That is all this bill does.

Mr. WARNER. You are trying to sneak a bill through, then, under the impression that it will cost nothing, and later you will come in for an appropriation to pay the expenses of the election. If you will say you will never ask an appropriation to pay the expenses of conducting the election or taking the returns down to the governor, I will favor your bill, if you will put it in black and white and stick to it. [Laughter.]

The trouble is it is simply a wedge to get your fingers in and then the Treasury is wide open.

Mr. CUSHMAN. That is the Illinois method.

Mr. WARNER. Of course it is, and we are posted upon it. [Laughter.] Now let me show what the expenses will be. There are 150 polling places. The expense of getting these returns down to the governor at $5 a day, and you will not be able to get a miner at $10 a day to leave the mining districts at that time of the year. The mining district is the only place where you are going to hold an election. You are going to leave out the whole of the agricultural district, and only the miners are to be considered. It will cost for taking the returns, with a return trip of 150 messengers, $67,500, or $33,750 one way.

Mr. PAYNE. Are these returns sent down to Sitka?

Mr. WARNER. Yes; they are. There are two methods.

Mr. PAYNE. If they are sent there—I understand, according to the statement made, that about four-fifths of the population travel down toward that place about this time.

Mr. WARNER. About December.

Mr. PAYNE. Maybe you will find one of them that might go down for his expenses.

Mr. WARNER. The statute of limitations will bar him. The returns have to be there on the 10th of November.

Mr. PAYNE. But he will go a little earlier for that.

Mr. LACEY. Is it not a fact that after the certificate of election is made by the government, they will have to send a man from Sitka here to bring it to Washington.

Mr. WARNER. I presume it may be possible that it can come by mail.

Mr. POWERS of Maine. Will the gentleman allow me to ask him a question?

Mr. WARNER. Certainly.

Mr. POWERS of Maine. Is there anything in the bill that provides that the election returns have to be sent by messenger?

Mr. CUSHMAN. Not at all.

Mr. WARNER. Probably by wireless telegraphy.

Mr. POWERS of Maine. Are there not mail routes from the settlements on the Yukon to Sitka?

Mr. WARNER. My understanding is there are mail routes between those places.

Mr. POWERS of Maine. The proof before the committee is that there are mail routes. Could not they be sent by mail, just as they are sent in my State of Maine and in other States?

Mr. WARNER. They might be sent by mail, but they could not be sent in the short time allowed in this bill. You had better send them by special messenger, and he would have to hustle.

Mr. POWERS of Maine. In evidence which was given before the committee, statements were made that the mails from the mining camps and settlements on the Yukon were carried to Sitka in ten days in the winter as well as in the summer.

Mr. WARNER. That may be from the Yukon to Sitka, because you have a railroad across the White Pass and water transportation, and during the summer you have steamboats, but that is simply on the river. The White Pass railroad is the only one in Alaska. That is the one running from Skagway. You are having only 150 polling places in the Territory, and there will be no representation except for the mining districts. There is no telling how long that population may stay in any one place. A man may come into the district and tell the miners that he has discovered a new field 250 miles away. He shows them a few nuggets and some dust, and the whole outfit drops the work and swarms off to the other place, and it is astonishing how quickly they can get there. The trouble is that it does not give representation to Alaska.

Mr. BOWIE. These people who are not represented in this bill have no representation here, have they?

Mr. WARNER. They have two or three gentlemen down here every winter. The governor of Alaska was here several winters, and he would be glad to spend every winter here if authorized so to do. There is no gentleman up there well fixed but is glad to come down here to spend the winter.

Mr. BOWIE. Leaving off the officials, is it not a fact that there are some people who, because of the inaccessibility of the country, can not be represented? Is that any reason why those who can get to the polling place should not be represented?

Mr. WARNER. They should be represented, but not in this way. If a Delegate is to be selected in this way under this bill, he will be elected by the people at Juneau, Skagway, Wrangell, Ketchikan, Nome, or Douglas Island. I think the best thing to do is to vote this bill down and send it back to the Committee on Territories, and let them bring in another bill providing that the governor of Alaska, or the President of the United States on the recommendation of the governor and the three district judges out there, appoint a Delegate from Alaska to represent it, or let the three district judges in Alaska recommend a man to be appointed by the President from Alaska.

Mr. GAINES of Tennessee. Mr. Chairman, will the gentleman from Illinois yield?

Mr. WARNER. I will.

Mr. GAINES of Tennessee. Did not the gentleman aid in compiling what is known as the Alaska code?

Mr. WARNER. I did.

Mr. GAINES of Tennessee. And we worked on that for weeks and weeks. Why did not the gentleman then, when he had all the time and all the knowledge that he now has, and certainly as much eloquence and flow of speech—why did not the gentleman then put into the Alaskan code a provision giving the Alaskans a Delegate?

Mr. WARNER. Because I did not think it necessary then, and I hardly think it is now.

Mr. GAINES of Tennessee. The gentleman thought it was necessary to have a code of laws, and not have a man here to represent them in Congress?

Mr. WARNER. Certainly. Now, Mr. Chairman, it is objected by some that we should not have this Delegate appointed; that he should be elected by the people to represent Alaska. If he is elected by the people of Alaska he will be the only elective officer there except some municipal officers. The President appoints the governor, the secretary of state, the marshals, and the judges.

Now, a Delegate could be selected and appointed for the district of Alaska by either the President or the governor, who would perform the duties ably and in the interest of the people of that district, and it would cost the people of the United States only $6,000 or $7,000 at the most, and we would have no election contests from Skagway, Eagle, Nome, Wrangell, Juneau, Sitka, or Ketchikan. Let us give them a Delegate which will only cost $6,000 or $7,000 instead of $30,000 a year, and cut off all possibility of innumerable election contests.

Mr. CUSHMAN. Mr. Chairman, I ask unanimous consent that general debate be closed on the bill and that the pending substitute be now read.

Mr. UNDERWOOD. Will the gentleman yield to me?

Mr. CUSHMAN. Yes.

Mr. UNDERWOOD. If the gentleman will allow me the interruption, I think that possibly we may dispose of the reading of the bill by unanimous consent as we all understand what it is, and that we can come to a vote.

Mr. WILLIAMS of Mississippi. Mr. Chairman, it is now after half past 5. The bill must be read and that would take half an hour. The bill will have to be read because a majority of the members have never read it. Why not move that the committee now rise and enter into an agreement to take it up again on Saturday morning?

Mr. PAYNE. Let me suggest, Mr. Chairman, that to-morrow is pension day, but I understand that pension matters will not take all the day, and the gentleman can undoubtedly get time to finish the bill after that.

Mr. CUSHMAN. I see no reason why we should not vote at the present time.

Mr. PAYNE. The bill will have to be read before it is passed, of course.

Mr. WILLIAMS of Mississippi. That will take half an hour.

Mr. CUSHMAN. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. CUSHMAN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose, and the Speaker having resumed the chair, Mr. SMITH of Iowa, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 9865, the Alaskan Delegate bill, and had come to no resolution thereon.

Mr. WARNER. Mr. Speaker, I addressed the Committee of the Whole House and I would like to have leave to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

SENATE JOINT RESOLUTION AND SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate joint resolution and Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. R. 126. Joint resolution to provide for the printing of a digest of the decisions of the Court of Claims, together with the rules of practice of, and the statutes relating to, that court—to the Committee on Printing.

S. 7034. An act providing for the expenditure of money hitherto appropriated for the improvement and maintenance of Ashtabula Harbor, Ohio—to the Committee on Rivers and Harbors.

S. 7033. An act to amend an act entitled "An act to create a new division in the western judicial district of the State of Missouri," approved January 24, 1901—to the Committee on the Judiciary.

S. 6595. An act fixing the times and places for holding regular terms of the United States circuit and district courts in the western district of Virginia, and for other purposes—to the Committee on the Judiciary.

Mr. CUSHMAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 35 minutes p. m.) the House adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, the following executive communication was taken from the Speaker's table and referred as follows:

A letter from the Attorney-General, transmitting an opinion upon certain questions relating to the claim of the Cherokee Indians against the United States—to the Committee on Indian Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HULL, from the Committee on Military Affairs, to which was referred the joint resolution of the House (H. J. Res. 252) authorizing the Secretary of War to loan certain tents for use at Knights of Pythias encampment to be held at St. Louis, Mo., August 24 to 31, 1903, reported the same with amendment, accompanied by a report (No. 3308); which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LACEY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 16760) granting the Central Arizona Railway Company a right of way for railroad purposes through the San Francisco Mountains Forest Reserve, in the Territory of Arizona, reported the same without amendment, accompanied by a report (No. 3310); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. COWHERD, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 4221) authorizing the Commissioners of the District of Columbia to extinguish a portion of an alley in square 189, reported the same with amendment, accompanied by a report (No. 3311); which said bill and report were referred to the House Calendar.

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 15799) to confirm the name of Seward place for the space formed by the intersection of C street south and Pennsylvania and North Carolina avenues, District of Columbia, reported the same with amendment, accompanied by a report (No. 3312); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. BRICK, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 15132) for the relief of Serenus Kilbourne, reported the same with amendment, accompanied by a report (No. 3309); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 3243) to redeem certain outstanding certificates of the board of audit of the District of Columbia, reported the same with amendments, accompanied by a report (No. 3313); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 941) granting a pension to George Kelly—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 8796) granting an increase of pension to George Kelly—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12841) granting a pension to William King—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 16939) granting an increase of pension to Alexander T. Sullenger—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16077) granting a pension to Leighton M. Pervul, alias Charles H. Hunt—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16703) granting a pension to John R. Costen—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16265) granting a pension to Martha A. Parks—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 1878) granting a pension to John D. Lindsay—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. WOOTEN: A bill (H. R. 16973) making an appropriation for extermination and to prevent the ravages and spread of the insect pest known as the Mexican boll weevil or cotton-boll weevil, and for other purposes—to the Committee on Agriculture.

By Mr. JENKINS: A bill (H. R. 16974) permitting the building of a dam across the St. Croix River at or near the village of St. Croix Falls, Polk County, Wis.—to the Committee on Interstate and Foreign Commerce.

By Mr. DALZELL: A bill (H. R. 16975) to authorize the construction of a bridge across the Monongahela River, in the State of Pennsylvania, by the Eastern Railway Company—to the Committee on Interstate and Foreign Commerce.

By Mr. BALL of Delaware: A bill (H. R. 16976) to amend an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved June 13, 1902—to the Committee on Rivers and Harbors.

By Mr. LITTLE: A bill (H. R. 16977) for the appointment of an additional judge in the Indian Territory—to the Committee on the Judiciary.

By Mr. BRANTLEY: A bill (H. R. 16989) to amend the act making appropriations for sundry civil expenses of the Government, and for other purposes, approved June 6, 1900—to the Committee on Interstate and Foreign Commerce.

By Mr. NEVIN: A resolution (H. Res. 405) authorizing the Clerk of the House to pay Jacob Bader the sum of $202.50 out of the contingent fund of the House—to the Committee on Accounts.

By Mr. HASKINS: Resolution of the legislature of the State of Vermont, praying that Gen. William F. Smith be commissioned a major-general of the United States Army and retired with that rank—to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BALL of Delaware: A bill (H. R. 16978) for the relief of the estate of the late John Jacoby—to the Committee on Claims.

By Mr. BELL: A bill (H. R. 16979) granting an increase of pension to Marion W. Warden—to the Committee on Invalid Pensions.

By Mr. BURKETT: A bill (H. R. 16980) granting an increase of pension to William McBrien—to the Committee on Invalid Pensions.

By Mr. GRIFFITH: A bill (H. R. 16981) granting a pension to Ross Bacon—to the Committee on Invalid Pensions.

By Mr. LONG: A bill (H. R. 16982) granting an increase of pension to Andrew Curran—to the Committee on Invalid Pensions.

By Mr. MAHON: A bill (H. R. 16983) granting an increase of pension to S. B. Bartley—to the Committee on Invalid Pensions.

By Mr. OTJEN: A bill (H. R. 16984) to refund certain taxes paid by the Fred Miller Brewing Company, of Milwaukee, Wis.—to the Committee on Claims.

By Mr. RICHARDSON of Alabama: A bill (H. R. 16985) for the relief of the trustees of the public school building at Mooresville, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 16986) for the relief of Felix Werden—to the Committee on War Claims.

By Mr. STARK: A bill (H. R. 16987) granting an increase of pension to William G. Hildreth—to the Committee on Invalid Pensions.

By Mr. SUTHERLAND: A bill (H. R. 16988) authorizing the appointment of Eugene L. Swift to the active list of the Army—to the Committe on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of the Pennsylvania Shoe Manufacturers' Association, Philadelphia, favoring the bill for the creation of a department of commerce—to the Committee on Interstate and Foreign Commerce.

Also, petition of L. S. Vowell and other druggists of Washington, Pa., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. APLIN: Petition of retail druggists of Midland, Mich., for the enactment of House bill 178, for reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. BELL: Petition of Royal Gorge Lodge, No. 59, Brotherhood of Locomotive Firemen, Pueblo, Colo., favoring the repeal of the desert-land law—to the Committee on the Public Lands.

By Mr. BURKETT: Petition of the Methodist Episcopal Church of Tablerock, Nebr., for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. DALZELL: Petitions of sundry citizens of Allegheny County, Pa., in favor of legislation in restraint of the liquor traffic—to the Committee on Alcoholic Liquor Traffic.

By Mr. DINSMORE: Petition of W. V. Steele, of Gentry, Ark., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, petition of heirs of John W. Bean, deceased, late of Washington County, Ark., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. DRAPER: Petition of the American Blind People's Higher Education and General Improvement Association, favoring the higher education of the blind—to the Committee on Education.

Also, resolutions of King David Lodge, No. 28, of Troy, N. Y., Order of B'rith Abraham, asking for an amendment to the immigration laws—to the Committee on Immigration and Naturalization.

By Mr. EDWARDS: Petition of A. J. McMillan and other retail druggists of Glasgow, Mont., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. ELLIOTT: Resolutions of the Chamber of Commerce of Charleston, S. C., in relation to amending the currency laws and the deposits of public moneys—to the Committee on Banking and Currency.

By Mr. ESCH: Petition of Oak Grove Greenhouse Company, asking for the removal of the tariff on certain glass products—to the Committee on Ways and Means.

By Mr. FLOOD: Petition of John Glick, of Augusta County, Va., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of Christian Kline, of Augusta County, Va., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of John A. Cline, of Rockingham County, Va., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of William J. Foster (colored), of Vicksburg, Miss., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. GRAHAM: Petition of the Woman's Christian Temperance Union of the East End, of Pittsburg, Pa., against the repeal of the canteen law, and in relation to the sale of liquor in immigrant stations, Government buildings, etc.—to the Committee on Alcoholic Liquor Traffic.

Also, petition of the American Blind People's Higher Education and General Improvement Association, favoring the higher education of the blind, as provided in Senate bill 4038—to the Committee on Education.

By Mr. GRIFFITH: Papers to accompany House bill granting an increase of pension to Clemens E. Phillips—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting a pension to Russ Bacon—to the Committee on Invalid Pensions.

Also, petition of Minor Padgett Post, No. 180, Department of Indiana, Grand Army of the Republic, to accompany House bill granting an increase of pension to Ira Stout—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: Resolutions of the Ohio Horse Breeders' Association and Ohio State board of agriculture urging the passage of House bill 16656, for the free importation of pure-bred live stock for breeding purposes—to the Committee on Ways and Means.

By Mr. HASKINS: Resolutions of Vermont Officers' Reunion Society, praying that General William Farrar ("Baldy") Smith be commissioned a major-general of the United States Army and retired with the rank and pay of such—to the Committee on Military Affairs.

By Mr. HOWELL: Petitions of citizens of New Jersey, advocating the construction of a breakwater at Atlantic Highlands, Monmouth County, N. J.—to the Committee on Rivers and Harbors.

Also, petitions of citizens of South Amboy and Middlesex County, N. J., and Madison Transportation Company, of New Jersey, urging the improvement of Cheesequake Creek—to the Committee on Rivers and Harbors.

By Mr. HULL: Petition of General Hancock Post, No. 32, Grand Army of the Republic, Department of Iowa, favoring a national park upon the battlefield of Fredericksburg—to the Committee on Military Affairs.

By Mr. JACK: Petition of sundry citizens of Indiana and neighboring counties in the State of Pennsylvania, urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, resolutions of Redstone Presbytery, Presbytery of Butler, and Allegheny Conference, of the United Brethren Church, Scottdale, Pa., favoring the establishment of a laboratory for the study of the criminal, pauper and defective classes—to the Committee on the Judiciary.

Also, petition of the Keystone Watch Case Company, Philadelphia, Pa., urging the establishment of a department of commerce—to the Committee on Interstate and Foreign Commerce.

By Mr LASSITER: Petitions of Zimmer Co., Petersburg Retail Drug Association, and retail druggists of Emporia, Va., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. McANDREWS: Petition of Cook County Lodge, No. 266, Order of B'rith Abraham, Chicago, Ill., relating to methods of the immigration bureau at the port of New York—to the Committee on Immigration and Naturalization.

By Mr. MILLER: Petition of the Woman's Christian Temperance Union of Altavista, Kans., to prohibit liquor selling in Government buildings, etc.—to the Committee on Alcoholic Liquor Traffic.

By Mr. MOON: Petition of John E. Pyott, executor of John Hoyle, of Rhea County, Tenn., for reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of M. D. Thompson and others, heirs at law of William H. Stringer, deceased, praying reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. NEVIN: Petition of Harper & Bro., and others, of Hamilton, Ohio, favoring House bill 178—to the Committee on Ways and Means.

By Mr. RICHARDSON of Alabama: Papers to accompany House bill for the relief of Felix Weeden—to the Committee on War Claims.

Also, petition of citizens of Mooresville, Ala., for the relief of the trustees of public schoolhouse building in said town—to the Committee on War Claims.

By Mr. ROBINSON of Indiana: Petition of D. L. Leas, of Waterloo, Ind., against the incorporation of the Interstate Commerce Commission into the department of commerce bill—to the Committee on Interstate and Foreign Commerce.

By Mr. SHALLENBERGER: Petition of legislative committee of Branch No. 148, National Association of Post-Office Clerks, South Omaha, Nebr., asking for the passage of Senate bill 4949—to the Committee on the Post-Office and Post-Roads.

Also, petition of W. H. Byerly and others, of Franklin, Nebr., in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

Also, paper to accompany House bill 16388, granting an increase of pension to Thomas N. Hinson—to the Committee on Invalid Pensions.

By Mr. SULZER: Petition of Daniel Webster Lodge, No. 9, Order of B'rith Abraham, New York, N. Y., relative to immigration—to the Committee on Immigration and Naturalization.

By Mr. WOOTEN: Petition of druggists and citizens of Mesquite, Tex., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. YOUNG: Petition of the American Blind People's Higher Education and General Improvement Association, favoring Senate bill 4038—to the Committee on Education.

SENATE.

FRIDAY, *January 23, 1903.*

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Journal of yesterday's proceedings was read and approved.

A. E. K. BENHAM.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of A. E. K. Benham *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

JENNIE E. HALLER.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of Jennie E. Haller, administratrix of Samuel M. Haller, deceased, *v.* The United States; which, with the accompanying

paper, was referred to the Committee on Claims, and ordered to be printed.

SCHOONER ARDENT.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims, set out in the findings by the court relating to the vessel schooner *Ardent*, George Lee, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 15520) to establish a standard of value and to provide for a coinage system in the Philippine Islands; in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 1115) for the relief of Francis S. Davidson, late first lieutenant, Ninth United States Cavalry, and it was thereupon signed by the President pro tempore.

CREDENTIALS.

Mr. QUAY presented the credentials of BOIES PENROSE, chosen by the legislature of the State of Pennsylvania a Senator from that State for the term beginning March 4, 1903; which were read and ordered to be filed.

STATEHOOD BILL.

The PRESIDENT pro tempore. The Chair has received a memorial of the legislative assembly of New Mexico and also a joint resolution passed by the legislative assembly of New Mexico. If there be no objection the memorial and joint resolution will be printed in the RECORD and lie on the table.

Mr. KEAN. Let them be read.

There being no objection, the memorial and joint resolution were read, and ordered to lie on the table, as follows:

[Telegram.]

SANTA FE, N. MEX., *January 22, 1903.*

The PRESIDENT PRO TEMPORE OF THE SENATE,
Washington, D. C.

(Council joint memorial No. 11.)

To the Senate of the United States Congress:

Your memorialists—the legislative assembly of the Territory of New Mexico—most respectfully represent that on the 2d day of February, A. D. 1848, by the treaty of Guadalupe Hildago, entered into between the United States and the Republic of Mexico, the territory embraced within the territory of New Mexico and Arizona was ceded to the United States. That by that treaty the Government of the United States solemnly pledged the people of the ceded territory that the same would be incorporated into the Union of the States, and the people thereof admitted to the enjoyment of all the rights of citizens of the United States. That the national conventions of the Republican and Democratic parties have repeatedly pledged the support of their representatives in the United States Senate and House of Representatives to the admission of the Territories of Oklahoma, New Mexico, and Arizona to the sisterhood of States. That the House of Representatives of the Congress of the United States has, in compliance with the treaty obligations of the United States and the political obligations of its members, passed a bill (H. R. 12543) to enable the people of Oklahoma, New Mexico, and Arizona to form constitutions, State governments, and to be admitted into the Union on an equal footing with the original States.

That this bill has been transmitted to and is now pending in your honorable body without final action having been taken thereon. That bill embodies the hopes and aspirations of the people of New Mexico, who are well fitted to assume the form of government provided for in said bill, as is evidenced by the fact that New Mexico has made more educational progress during the last decade than any other part of the nation and has a common school system the peer of any in the nation; that within her boundaries there is taxable property of the value of more than $200,000,000, and that she has a sufficient population who have manifested their devotion and loyalty to the Government of the United States by furnishing more soldiers for the defense of the Government, according to population, in both the civil and Spanish-American wars, than any other State or other Territory in the nation.

In the opinion of your memorialists the people of Oklahoma and Arizona are likewise entitled to the blessings of statehood which will be secured to them by passing said bill, because the people of the Territories of Oklahoma, New Mexico, and Arizona have an inherent right to such an admission by virtue of the principles enunciated in the Declaration of Independence and because such admission is vouchsafed by the policy pursued by the Government of the United States in the admission of nearly all the States to the nation at a time when they were less fitted to assume self-government than are Oklahoma, New Mexico, and Arizona at the present time; because a Territorial form of government is intolerable and obnoxious to a free and ambitious people; because it is an incongruity under American institutions and should be maintained only so long as absolutely necessary to prepare its people for self-government; because it is a denial of the right of the people to take part in the affairs of the nation which requires allegiance and support from it, and because capital has not complete confidence in such a form of government and reluctantly lends its aid to the development of its resources.

We therefore most respectfully petition your honorable body to pass, at the earliest date possible consistent with the rights of and courtesies due to every one of the members of your honorable body, said bill (H. R. 12543) now pending and popularly known as the omnibus bill; and it is hereby

Resolved by the legislative assembly of the Territory of New Mexico, That the chief clerks of the legislative council and house of representatives, respectively, are hereby directed to transmit certified copies of this memorial to the honorable President pro tempore of the Senate of the Congress of the United States; and it is hereby

Further resolved, That the president of the council and the speaker of the house of representatives be directed to telegraph a copy of this memorial to the President pro tempore of the Senate.

J. FRANCISCO CHAVES,
President of Council.
W. E. MARTIN,
Chief Clerk of Council.
NESTOR MONTOYA,
Speaker of the House.
C. V. SAFFORD,
Chief Clerk of the House.

Telegram.]

SANTA FE, N. MEX., *January 22, 1903.*

PRESIDENT PRO TEMPORE UNITED STATES SENATE,
Washington, D. C.:

The following joint resolution was passed by the unanimous vote of both houses of the legislative assembly of New Mexico to-day:

Joint resolution No. 1.

Be it resolved by the council and house of representatives of the thirty-fifth legislative assembly of the Territory of New Mexico, That the thanks of the people of the Territory of New Mexico, through the thirty-fifth legislative assembly, are hereby extended to all those Senators who have by their voices, votes, and influence assisted thus far in our request for statehood as contained in H. R. 12543, commonly known as the omnibus statehood bill, and we earnestly pray their continued assistance in securing for us our rights as American citizens; and it is

Further resolved, That the president of the council and the speaker of the house of representatives be directed to telegraph a copy of this joint resolution to the President pro tempore of the Senate of the United States, and that the chief clerk of the council be directed to have these resolutions printed and a copy thereof transmitted to each member of the Senate of the United States.

J. FRANCISCO CHAVES,
President of Council.
NESTOR MONTOYA,
Speaker of the House.
W. E. MARTIN,
Chief Clerk of Council.
CHARLES SAFFORD,
Chief Clerk of the House.

Mr. BEVERIDGE. Mr. President, I send to the desk and ask to have read a petition of the Oklahoma Teachers' Association.

There being no objection the petition was read and ordered to lie on the table, as follows:

Whereas the Territory of Oklahoma and the Indian Territory are united in geographical location in the nature and character of their soil and climate and each is the complement of the other in those great natural resources which make a region fit for the home of a prosperous and enlightened people; and

Whereas the white people of the two Territories are united and bound together by common ties of relationship, habits, character, and social life, making their histories common and their destiny one; and

Whereas there are 150,000 white children of scholastic age in the Indian Territory who are absolutely deprived of the boon of public free schools and are the only subjects of the United States Government in either hemisphere that have been thus neglected; and

Whereas the parents of said children have made their homes in the Indian Territory at the invitation of the Indian tribal governments and at the earnest solicitation of the United States Government, and have by their labors transformed a wilderness into a land of civilization and orderly life: Therefore, be it

Resolved, By the Territorial Teachers' Association of the Territory of Oklahoma, that we petition the Congress of the United States to make provision for the immediate relief of our friends and neighbors by the enactment of laws which will authorize and provide for the establishment of a system of public schools in that area now embraced by the boundaries of the Indian Territory.

Mr. BEVERIDGE. Mr. President, I have a large number of petitions here, which I do not intend to ask to have read, of course, because I do not wish to unnecessarily occupy the time of the Senate, but there are two or three I have taken up at random from Oklahoma itself, which are very brief, and I desire to have them read.

The PRESIDENT pro tempore. The Senator from Indiana asks that the petition sent to the desk by him may be read.

There being no objection, the petition was read, and ordered to lie on the table, as follows:

We, the citizens of Chandler and Lincoln County, Okla., regardless of political party affiliation, in mass meeting assembled in the city of Chandler, this 8th day of December, 1902, hereby announce our belief in and allegiance to the single statehood principles enunciated by the recent resolutions of the Claremore statehood convention.

We desire to indorse and commend the broad and patriotic views of the Senate Committee on Territories as embodied in that committee's substitute bill, known as the Nelson bill, and which provides for single immediate statehood for Oklahoma and the Indian Territory.

We believe that any other policy than that which provides for the union of these twin Territories—so closely related socially and commercially, each so fairly and fully the complement of the other—upon an equal basis would be fraught with disaster to each, limit and cramp their boundaries and opportunities, and oppress their people with the burdensome and unnecessary taxation of dual State governments: Therefore, be it

Resolved, That we heartily indorse the Nelson statehood bill and urge its immediate enactment into law; and that a copy of these resolutions be furnished the local press and the original forwarded to Hon. C. B. Ames, at Washington, D. C., with a request that he present the same to the Senate Committee on Territories.

ROY HOFFMAN,
T. B. KNAPP,
J. D. PERKINS,
Committee on Resolutions.

Adopted without objection.

F. W. RASH, *President.*

Attest:

G. A. SMITH, *Secretary.*

Mr. BEVERIDGE. Here is another brief petition, which I ask to have read.

There being no objection, the petition was read, and ordered to lie on the table, as follows:

PONCA CITY, OKLA., *December 11, 1902.*

To the Senate of the United States:

We, the undersigned business men and residents of the city of Ponca, Kay County, Okla., hereby indorse the action of the majority of the Senate Committee on Territories in its report recommending the admission of Oklahoma and Indian Territories as one State, and respectfully urge that both Territories be admitted as one State, as recommended by the majority report of said committee, for the reason that both Territories are so situated geographically and their interests so closely allied as to require the union of the two in one State, if the future welfare of the two Territories is to be considered and the present interests of both be promoted.

We therefore hope that the bill embodying the report of the majority of said committee be enacted into law, to the end that one great State be erected from the two Territories which will be a monument to the good judgment of the Congress which created it, and the pride of all citizens of said State.

Most respectfully submitted.

[Numerously signed.]

Mr. BEVERIDGE. I send to the desk the last petition which I shall ask to have read at this time.

There being no objection, the petition was read, and ordered to lie on the table, as follows:

At a meeting of the Oklahoma County Medical Society, a representative body of the medical profession of the Territory, and of indifferent tenor politically, which meeting occurred the 23d instant, the following resolution was moved, duly seconded, and passed unanimously by the society:

"*Resolved*, That this meeting unequivocally indorse the bill known as the Senate substitute for the omnibus bill, providing for the entrance into the Union of those Territories known as Oklahoma and Indian Territories as one State, under the name of Oklahoma."

Signed by the officers of the Oklahoma County Medical Society and copies forwarded to Senators BEVERIDGE and COCKRELL.

R. D. LONG, M. D., *President.*
W. J. BOYD, M. D., *Secretary.*

Mr. BEVERIDGE. Mr. President, I have here a great number, several hundred, postal cards from the school children of the Indian Territory, which, of course, I do not intend to present and ask to have read at this time, but I send to the desk three or four of them. They consist of only one or two lines each. I ask that they may be read as they, perhaps, give the general tenor of the many hundreds of others which are their companions.

There being no objection, the Secretary read as follows:

PURCELL, IND. T., *January 7, 1903.*

Senator BEVERIDGE:

Please use your influence for the passage of the "Nelson bill."

MAY CARRICK.

PURCELL, IND. T., *January 7, 1903.*

Mr. BEVERIDGE:

It is my duty as a scholar at this school to write you a few lines and ask you to push the Nelson bill as much as possible, as we need more and public schools.

Yours, truly, HIMMIE SCHWARTZ.

PURCELL, IND. T., *January 7, 1903.*

DEAR SIR: We are in an awful shape down here, and want you to help us by passing the Nelson bill, if possible.

HOWARD L. GAMBLE.

PURCELL, IND. T., *January 7, 1903.*

Senator BEVERIDGE:

Please pass laws that will help school children in the Indian Territory.

EGGIE LEE BARTLETT.

Mr. BEVERIDGE. I call the attention of the Senate to the fact that the three or four postal cards which have been read are from school children in the Indian Territory, and that they are taken at random from a great many hundreds of similar postal cards, some of which I hold in my hand. I had them read to the Senate at this time in order that the Senate might see to what extent the agitation in favor of the union of these two Territories as one single and great State has gone.

As we have shown here before by petitions and letters from those people, and as was demonstrated by the great convention held at Oklahoma City, it is a matter which has reached the homes and the firesides and the schools of all the people. Perhaps it is an extraordinary circumstance (I doubt not it is the first time it has ever occurred in the history of this great body) that the Senate is memorialized and petitioned by the school children themselves.

Any Senator who may think that this has been inspired, as I have no doubt it has been suggested, can see from the language of the postal cards and the handwriting of the children themselves that it is an expression of their own individual feelings, representing their instincts and views, as well, no doubt, as those of their parents.

I shall not ask for a further reading of the petitions or postal cards or anything else at this time. I merely had two or three petitions read to show the Senate the growing feeling upon this question. Were it not that I do not want to consume the further time of the Senate I should ask that a large number of other petitions be read.

PETITIONS AND MEMORIALS.

Mr. PROCTOR presented a petition of Reed and Rattan Workers' Union No. 8693, of Brattleboro, Vt., praying for the repeal of the desert-land law and the commutation clause of the homestead act; which was referred to the Committee on Public Lands.

He also presented the petition of Rev. H. R. Miles and 60 other citizens of Brattleboro, Vt., praying for the enactment of legislation to provide an educational test for immigrants to this country; which was ordered to lie on the table.

Mr. PERKINS presented a petition of the Chamber of Commerce of San Francisco, Cal., praying that an appropriation be made for the erection and maintenance of an exposition building at Shanghai, China, and for the appointment of a commissioner in charge thereof; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Chamber of Commerce of San Francisco, Cal., praying that an appropriation be made for the purchase of the Nacimiento ranch in that State; which was referred to the Committee on Military Affairs.

He also presented a petition of the Chamber of Commerce of San Francisco, Cal., praying that an appropriation be made for the laying of a military submarine cable connecting the headquarters of the Department of the Columbia with the military garrisons in southeastern Alaska; which was referred to the Committee on Military Affairs.

He also presented petitions of the Pattern Makers' Association of San Francisco, of Local Union No. 10028, of San Francisco; of Iron Molders' Local Union No. 164, of San Francisco; of the Federal Labor Council, of San Francisco; of Local Union No. 7, of San Francisco; of Printing Pressmen's Local Union No. 132, of Stockton, and of Local Union No. 293, of San Francisco; all of the American Federation of Labor, and of Lodge No. 128, Brotherhood of Railway Carmen of America, of San Francisco, all in the State of California, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. GAMBLE presented a petition of the Lead City Miners' Union, of Lead, S. Dak., praying for the passage of the so-called eight-hour law; which was ordered to lie on the table.

He also presented a petition of the congregation of the Congregational Church of Milbank, S. Dak., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented the petition of Rev. William H. Hare, D. D., bishop of South Dakota, and the petition of Rev. Robert Doherty, of Yankton, S. Dak., praying for the enactment of legislation to recognize and promote the efficiency of Army chaplains; which were referred to the Committee on Military Affairs.

Mr. HALE presented a petition of Local Union No. 459, American Federation of Labor, of Bar Harbor, Me., praying for the repeal of the desert-land law and the commutation clause of the homestead act; which was referred to the Committee on Public Lands.

He also presented a petition of Lodge No. 271, Order of B'rith Abraham, of Portland, Me., praying for the enactment of legislation to modify the methods and practice pursued by the immigration officers at the port of New York; which was referred to the Committee on Immigration.

Mr. PENROSE presented a memorial of the Philadelphia Maritime Exchange, of Philadelphia, Pa., remonstrating against the enactment of legislation to temporarily extend the privileges of the coasting laws to foreign steamers carrying coal between American ports; which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. HARRIS, from the Committee on Military Affairs, to whom was referred the bill (S. 6681) for the relief of Rudolf Herbst, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 4337) granting an increase of pension to Elizabeth Thompson, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 6415) granting an increase of pension to Samuel J. Ratcliffe, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 6841) granting an increase of pension to Charles S. Boyington;

A bill (S. 7060) granting an increase of pension to Ann M. Jackman;

A bill (H. R. 7385) granting an increase of pension to John Kelley, 2d; and

A bill (H. R. 15999) granting an increase of pension to William F. Loomis.

Mr. GALLINGER (for Mr. PRITCHARD), from the Committee on Pensions, to whom was referred the bill (S. 3152) granting a pension to Esther G. Whorton, reported it with amendments, and submitted a report thereon.

He also (for Mr. PRITCHARD), from the same committee, to whom was referred the bill (H. R. 11197) granting a pension to the minor children of Daniel J. Reedy, reported it with an amendment, and submitted a report thereon.

Mr. SIMON, from the Committee on Pensions, to whom was referred the bill (S. 7003) granting an increase of pension to Sarah C. Merrell, reported it without amendment, and submitted a report thereon.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 2259) granting a pension to Sarah J. Snook; and

A bill (S. 2799) granting an increase of pension to Israel V. Hoag.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 6563) granting an increase of pension to William A. Dougan; and

A bill (S. 4466) granting a pension to Archibald McIntire.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 629) granting a pension to Caroline Fitzsimmons;

A bill (H. R. 9153) granting an increase of pension to John D. Binford; and

A bill (H. R. 10214) granting an increase of pension to Henry Thomas.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (H. R. 15069) granting an increase of pension to Daniel P. Marshall, reported it with an amendment, and submitted a report thereon.

Mr. DEBOE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7779) granting an increase of pension to William Belk;

A bill (H. R. 8247) granting an increase of pension to Francis M. McCoy;

A bill (H. R. 9734) granting an increase of pension to John P. Peterman; and

A bill (H. R. 13839) granting an increase of pension to John W. B. Huntsman.

Mr. STEWART, from the Committee on the District of Columbia, to whom was referred the amendment submitted by Mr. CLARK of Montana on the 21st instant, proposing to appropriate $2,000 for improving Kansas avenue from Trenton street to the north side of Utica street, in the District of Columbia, intended to be proposed to the District of Columbia appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. BURTON, from the Committee on Pensions, to whom were referred the following bills, reported them each with amendment, and submitted reports thereon:

A bill (H. R. 9658) granting an increase of pension to Robert Stewart;

A bill (H. R. 12563) granting an increase of pension to Horace Fountain; and

A bill (H. R. 8152) granting an increase of pension to William S. Hutchinson.

Mr. FORAKER, from the Committee on Military Affairs, to whom was referred the bill (S. 6098) to regulate the retirement of veterans of the civil war, reported it without amendment, and submitted a report thereon.

NAPOLEON B. STOCKBRIDGE.

Mr. GALLINGER. I am directed by the Committee on Pensions, to whom was referred the bill (S. 6348) granting an increase of pension to Napoleon B. Stockbridge, to report it favorably with an amendment and submit a report thereon.

The PRESIDENT pro tempore. The junior Senator from Maine asks unanimous consent that the pension bill just reported be considered. It will be read to the Senate.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment of the Committee on Pensions was, in line 8, before the word "dollars," to strike out "fifty" and insert "forty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Napoleon B. Stockbridge, late of Company A, One hundred and forty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LAVINIA F. POIRON.

Mr. FOSTER of Washington. I am directed by the Committee on Pensions, to whom was referred the bill (S. 6876) granting a pension to Lovinia F. Poiron, to report it favorably with an amendment.

Mr. QUARLES. I desire to ask unanimous consent for the present consideration of the bill which has just been reported by the Senator from Washington.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment of the Committee on Pensions was, in line 6, to strike out "Lovina" and insert "Lavinia;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lavinia F. Poiron, helpless and dependent daughter of John C. Poiron, late of Company A, Sixth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Lavinia F. Poiron."

F. M. VOWELLS.

Mr. BLACKBURN. By the courtesy of the Senator from Pennsylvania I ask unanimous consent for the present consideration of the bill (H. R. 1592) for the relief of F. M. Vowells.

The PRESIDENT pro tempore. The morning business is not yet completed.

Mr. BLACKBURN. I beg the President's pardon.

The PRESIDENT pro tempore. The Chair will recognize the gentleman from Kentucky as soon as morning business has been completed.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Mr. PROCTOR introduced a bill (S. 7091) to authorize the President to appoint Maj. Gen. William F. Smith, of the United States Volunteers, to the grade of major-general in the United States Army and place him on the retired list; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. COCKRELL. By request, without committing myself to what is in the bill, I introduce a bill for reference to the Committee on the District of Columbia.

The bill (S. 7092) for the relief of Anna R. Widmayer and Edgar A. Bates was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. CULBERSON (by request) introduced a bill (S. 7093) for the relief of the legal representatives of Dr. Thomas B. Waters, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. MASON introduced a bill (S. 7094) granting an increase of pension to Henry J. Patterson; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 7095) granting an increase of pension to Samuel W. Peak; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. GAMBLE introduced a bill (S. 7096) granting an increase of pension to William H. H. Beadle; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PENROSE introduced a bill (S. 7097) granting an increase of pension to Joseph Reese; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 7098) granting an increase of pension to Aaron B. Myers; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 7099) granting an increase of pension to Henry Stulen; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BEVERIDGE introduced a bill (S. 7100) granting an increase of pension to Magadelena N. Holstein; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 7101) granting an increase of pension to William A. McDaniel; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 7102) for the relief of Sarah J. Ireland; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. MCLAURIN of Mississippi (for Mr. MONEY) introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 7103) for the relief of the estate of Claham Blackman, deceased;

A bill (S. 7104) for the relief of Martha B. Moore;

A bill (S. 7105) for the relief of the estate of Alfred Swearingin;

A bill (S. 7106) for the relief of the estate of L. B. Wilkins, deceased;

A bill (S. 7107) for the relief of L. W. Graham, administrator of John Graham, deceased;

A bill (S. 7108) for the relief of the estate of Reuben Millsaps, deceased;

A bill (S. 7109) for the relief of Victoria O. Ginn, heir of J. B. Lewis;

A bill (S. 7110) for the relief of James M. Newman; and

A bill (S. 7111) for the relief of the estate of David A. Hamilton, deceased.

USE OF WATER FOR GENERATING POWER.

Mr. MORGAN introduced a bill (S. 7090) to regulate the use of the waters of navigable water courses for the purpose of generating power by riparian proprietors, which was read the first time by its title.

Mr. MORGAN. I ask that the bill be read at length.

The bill was read the second time at length, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That when any State, in virtue of the right of eminent domain on the shore of a navigable water course, or as the owner of the bed of such stream or body of water, grants the right or privilege of the use of such waters to a riparian proprietor for the purpose of generating or increasing power for driving machinery of any description at or near the site of any dam or lock constructed under an act of Congress for the benefit of the navigation of such stream or body of water, such right or privilege shall be subject to such limitation as will not interfere with the navigation of such stream, with such depth or volume of water as shall be prescribed in such act of Congress or in the plan of improvement under such act.

SEC. 2. That to acquire the right or privilege to use such waters for such purposes, under the authority of any State, the proprietor of such privilege, when it is obtained from a State wherein the land is situated, shall also obtain from the Secretary of War a permit to use such water. Such permit shall state the number of cubic feet of water per minute that such proprietor may use in such business, to be drawn from such water course, and it shall specify at what place or point provision shall be made for its return to the water course.

SEC. 3. That the Secretary of War shall grant a permit to such proprietor, when the quantity of water to be used for such purposes will not reduce the depth or volume of water in such water course, so as to impede or prevent its navigation at any place or in any stage of water, according to the requirements of the plan of work or improvement adopted by the Government. And Congress may at any time change the plan of such work although, in doing so, the permit granted by the Secretary of War is superseded or abridged as to the quantity of water that may be taken from such navigable stream.

Mr. MORGAN. I ask that the bill may lie on the table until to-morrow, when I shall submit some remarks upon it. It is a bill which is aimed at a response by a general law to a number of applications which are coming here for specific rights as to those waters where power is created by dams, locks, etc., erected by the Government of the United States.

The PRESIDENT pro tempore. The Senator from Alabama asks that the bill may lie on the table until to-morrow. The Chair hears no objection.

USE OF BOOKS IN CONGRESSIONAL LIBRARY.

Mr. PETTUS introduced a joint resolution (S. R. 158) concerning the use of the books in the Congressional Library by the people of Washington; which was read the first time by its title, the second time at length, and referred to the Committee on the Library, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the people of the city of Washington, and others temporarily residing in said city, shall have the right to the use of the books in the Congressional Library out of the Library building.

Provided, That this resolution shall not apply to such rare or valuable books as the joint committee on the said Library may, by general rule, reserve from such use; and

Provided further, That said joint committee shall make rules and regulations for the preservation and return of books so to be used out of the Library building.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. MALLORY submitted an amendment proposing to appropriate $32,000 for completing the construction of the roadway from Pensacola, Fla., to the national cemetery near that city, intended to be proposed by him to the Army appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. GALLINGER submitted an amendment proposing to appropriate $5,000 for paving California avenue from Columbia road to Phelps place, in the city of Washington, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. DRYDEN submitted an amendment proposing to appropriate $10,000 for the purpose of furnishing a national trophy and medals and other prizes to be contested for annually by the Army, Marine Corps, Navy, and the National Guard of the several States and Territories and the District of Columbia, intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

PRINTING OF PENSION ACT.

On motion of Mr. COCKRELL, it was

Ordered, That 500 extra copies of public resolution No. 42, approved July 1, 1902, be printed for the use of the Senate.

REPORT ON ALASKAN SALMON FISHERIES.

Mr. BARD submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That the report of Howard M. Kutchin, special agent of the Treasury Department, on the Salmon Fisheries of Alaska, for 1902, be printed, and that 750 additional copies be printed and bound in paper covers for the use of the Treasury Department.

NAVY CHAPLAINS.

Mr. GALLINGER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Navy be, and he is hereby, directed to furnish to the Senate, for publication as a document, copies of all correspondence relating to the pay and status of Navy chaplains that passed between the Secretary of the Navy and the Navy chaplains, referred to in Senate Document No. 10, of the present session, from the 1st day of November, 1901, to the present time.

HOUSE BILL REFERRED.

The bill (H. R. 15520) to establish a standard of value and to provide for a coinage system in the Philippine Islands was read twice by its title, and referred to the Committee on the Philippines.

TYPES OF BREECH MECHANISM.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted yesterday by Mr. GALLINGER, as follows:

Resolved, That the Secretary of War and the Secretary of the Navy, respectively, be directed to furnish the Senate with a list of the types of breech mechanism for ordnance made by or for the War and Navy Departments since January 1, 1891, or at present in course of construction, together with the number of each type made since the date mentioned, or at present in course of construction.

Mr. GALLINGER. I ask that that resolution may be passed over for the present, retaining its place.

The PRESIDENT pro tempore. The Senator from New Hampshire asks that the resolution lie on the table, retaining its place. Is there objection? The Chair hears none, and it is so ordered.

QUESTION OF PRIVILEGE.

Mr. HOAR. Mr. President, I rise to a question of privilege. I ask that the letter which I send to the desk may be read. I do not propose to discuss it, but I wish to have the letter read.

The PRESIDENT pro tempore. If there be no objection, the Secretary will read as requested.

The Secretary read as follows:

COMMITTEE ON BANKING AND CURRENCY,
HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C. January 22, 1903.

Hon. GEORGE F. HOAR, *Washington, D. C.*

MY DEAR SIR: The Republican platform of 1900 contained these words:

"We recognize that interest rates are a potent factor in production and business activity, and for the purpose of further equalizing and of further lowering the rates of interest, we favor such monetary legislation as will enable the varying needs of the season and of all sections to be promptly met, in order that trade may be evenly sustained, labor steadily employed, and commerce enlarged."

Inclosed please find a report upon the currency measure, which has been reported to the House and for which a rule has been granted.

This bill has the approval and support of the President, the Secretary of the Treasury, the Comptroller of the Currency, and the Director of the Mint.

If any portion of the report or bill which is appended should not be clear to you, I would thank you for calling my attention to it.

Very truly, yours,

CHARLES N. FOWLER.

Mr. HOAR. Let the letter lie upon the table. As I have said, I have no desire to say anything about it.

The PRESIDENT pro tempore. The letter will lie upon the table. The morning business is completed.

REGULATION OF IMMIGRATION.

Mr. FAIRBANKS and Mr. QUAY addressed the Chair.

The PRESIDENT pro tempore. The Senator from Indiana [Mr. FAIRBANKS] first addressed the Chair.

Mr. FAIRBANKS. Mr. President, I gave notice yesterday that I would this morning move to take up the immigration bill. When I gave the notice I understood it would be quite agreeable to the Senator from Pennsylvania [Mr. QUAY] having charge of the statehood bill that the residue of the morning hour should be

given to the consideration of the immigration bill. I ask the Senator if he is still willing that the Senate should proceed with the consideration of that bill.

Mr. QUAY. I regret to say that I can not concur in the suggestion. I acceded to the request of the Senator from Indiana yesterday morning with the understanding that no time would be occupied in the discussion of the bill. Since then the senior Senator from West Virginia [Mr. ELKINS] has informed me that he desires to address the Senate upon the question before the final passage of the bill; and he is detained from the Senate today by a sad affliction in his family. Therefore I can not consent to proceeding with the immigration bill now.

Mr. FAIRBANKS. I should like to ask the Senator from Pennsylvania whether we can not agree upon an hour some day next week—say Thursday—when the immigration bill may be taken up and disposed of?

Mr. QUAY. I will agree, so far as I am concerned, if unanimous consent can be had to fix a day for the final vote on the bill. That will accomplish, I suppose, what the Senator desires.

Mr. FAIRBANKS. I suggest that we agree to vote upon the immigration bill at 3 o'clock on Thursday next.

Mr. QUAY. I have no objection whatever to that.

Mr. SPOONER. Does that mean to preclude discussion?

Mr. FAIRBANKS. Not at all.

Mr. LODGE. I suggest that the bill be taken up immediately after the routine morning business on Thursday next.

Mr. FAIRBANKS. I ask unanimous consent that the immigration bill may be taken up at the conclusion of the routine morning business on next Thursday, and that a vote be had thereon at 3 o'clock.

Mr. QUAY. Mr. President, the unanimous-consent agreement of course is not to interfere with the regular order of business. [Laughter.]

Mr. HALE. Not to displace it?

Mr. QUAY. Not to displace the regular order after 2 o'clock on Thursday.

Mr. FAIRBANKS. Not to displace the regular order after 3 o'clock on Thursday.

Mr. QUAY. No; I want the regular order to proceed after 2 o'clock. We may as well vote before 2 o'clock.

Mr. FAIRBANKS. Does the Senator from Pennsylvania agree that the vote may be taken at 2 o'clock on Thursday next?

Mr. QUAY. Yes; I agree to that.

The PRESIDENT pro tempore. The Senator from Indiana asks unanimous consent that a vote may be taken on the bill known as the immigration bill, on all pending amendments and on the amendments that may be then offered at 2 o'clock on Thursday next.

Mr. QUAY. The Senator from Indiana will understand that I have no authority upon that point to speak for anyone but myself. I do not object at any time to fixing a date for a vote upon any bill that is before this body.

The PRESIDENT pro tempore. Is there objection?

Mr. CLAY. As a member of the Immigration Committee, I am anxious to see the bill passed, but without two or three of the amendments which have been adopted. I desire to say to the Senator from Indiana, that to take up this bill on Thursday next, and without any debate and without a chance to discuss two or three of the amendments, would be unfair to some of us who oppose certain features of the bill.

Mr. FAIRBANKS. The request does not exclude debate at all. The Senator is aware that the bill is now in the Senate, and my request is that we vote upon the bill at 2 o'clock on Thursday next. The Senator will have ample time to express his views upon any proposed amendment before that hour.

Mr. LODGE. Mr. President, as I understood the request of the Senator from Indiana, it was that the bill should be taken up immediately after the conclusion of the routine morning business on Thursday next, which would give an hour and a half for discussion, and it will be perfectly easy to extend the agreement so as to meet at 11 o'clock, and thus give additional time.

The bill has passed the Committee of the Whole and is in the Senate. There are no amendments pending, but there undoubtedly will be a separate vote on one or two of the amendments adopted as in Committee of the Whole. I do not think, except on the part of the Senator from West Virginia [Mr. ELKINS], that there is any desire for general discussion. There is certainly none on the part of the committee. The bill has been very thoroughly gone over. I think two or three hours of discussion would enable us to dispose of it.

Mr. CLAY. As I understand it, if the bill has been reported to the Senate, that will not prevent amendments from being offered?

Mr. LODGE. Certainly not.

Mr. CLAY. I desire to say to the Senator from Massachusetts that there is one amendment of the committee which has gone into the bill that ought to be taken out. That is the amendment which provides that if immigrants coming to this country should within two years after they come here become insane, the burden shall be upon such insane persons to prove that they did not inherit their insanity.

There is another feature of the bill to which I desire to call the attention of the Senate, and that is the provision which fixes the per capita tax at $3. The report of the Committee on Immigration clearly shows that it will not cost more than one-half that amount to administer the law.

There is another amendment, to which I shall not now call attention; but I do not believe we can dispose of the bill in an hour or two hours. If we had three or four hours to discuss it, we probably could dispose of it and pass it, but it would be manifestly unjust to some of us who do not believe the bill ought to pass in its present shape to take it up and discuss it simply for an hour and then put it on its passage. Therefore I am compelled to object.

The PRESIDENT pro tempore. Objection is made.

Mr. QUAY. I suggest that it would be better under the circumstances and that the Senator from Indiana would probably consult the safety of his bill by withdrawing his request for the present in order to see if some other accommodation can not be made about his bill.

Mr. FAIRBANKS. I withdraw the request for the present, and will confer with the Senator from Pennsylvania later with a view to agreeing upon a day for a final vote.

The PRESIDENT pro tempore. The request is withdrawn.

THE STATEHOOD BILL.

Mr. QUAY. I move that the Senate proceed to the consideration of the statehood bill.

Mr. BEVERIDGE. There is no objection to that.

Mr. BLACKBURN. Mr. President——

The PRESIDENT pro tempore. The Senator from Kentucky [Mr. BLACKBURN] rose during the morning hour and desired to be recognized, and the Chair stated he would recognize him immediately after the routine morning business was completed.

Mr. BLACKBURN. I do not want to interfere with the Senator from Pennsylvania in getting his bill before the Senate.

The PRESIDENT pro tempore. The Senator from Pennsylvania moves that the Senate proceed to the consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

The motion was agreed to.

The PRESIDENT pro tempore. The statehood bill is before the Senate as in Committee of the Whole. Does the Senator from Pennsylvania [Mr. QUAY] yield to the Senator from Kentucky [Mr. BLACKBURN]?

Mr. QUAY. Certainly.

F. M. VOWELLS.

Mr. BLACKBURN. I ask unanimous consent for the present consideration of the bill (H. R. 1592) for the relief of F. M. Vowells.

The PRESIDENT pro tempore. The Senator from Kentucky asks unanimous consent to proceed to the consideration of the bill named by him, which will be read to the Senate for its information.

The Secretary read the bill, which had been reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and insert:

That in auditing and settlement of the claims of F. M. Vowells as an officer in Company H, Sixth Regiment of Kentucky Cavalry Volunteers, for his services he shall be allowed and paid the pay and allowances of a second lieutenant of said company from the 1st day of August, 1863, to the 14th day of July, 1865, less any amount paid him as such lieutenant.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. LODGE. I ask that the report may be read.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the report submitted by Mr. COCKRELL on the 13th instant, as follows:

The Committee on Military Affairs, to which was referred the bill (H. R. 1592) for the relief of F. M. Vowells, have duly considered the same and submit the following report:

On this bill a report of the Committee on Military Affairs of the House of Representatives is as follows:

"The Committee on Military Affairs, to whom was referred the bill (H. R. 1592) for the relief of F. M. Vowells, report the same back to the House with the recommendation that it do pass.

"Frank M. Vowells, as shown by the records of the War Department, was enrolled July 10, 1862, was mustered into service and appointed sergeant of Company H, Sixth Kentucky Volunteer Cavalry, on September 15, 1862; that he was commissioned a second lieutenant instead of Isaac Graham, promoted August 1, 1863, and that he was borne on the rolls and present subsequent to that date as second lieutenant until he was honorably discharged as of that grade on July 14, 1865.

"It appears from the proof heard that when he was commissioned lieutenant he applied to L. D. Watkins, the colonel then commanding his regiment, for leave to go to the rear to muster as such lieutenant; that to this

request Colonel Watkins replied that they were just before the enemy; that his services at the front were needed, and that he would see to it that his right to pay of that rank would not be affected by his failure to muster, and that in obedience to duty and relying upon the assurance of his superior he obeyed the order. It is shown beyond controversy that the man served his country faithfully in the capacity above mentioned from August 1, 1863, to July 14, 1865; that he was commissioned to do; that he was paid as such up to October 31, 1864; that it was not his fault that he did not muster as second lieutenant, and that he was led to believe it unnecessary that he should. It is as conclusively shown that he was not paid anything after October 31, 1864, either as a private or officer. Under the facts proved, your committee recommend that the bill do pass."

The official record shows that Frank M. Vowells, late second lieutenant Company H, Sixth Regiment Kentucky Cavalry, was paid a salary as such from July 1, 1863, to October 1, 1864; that he was commissioned second lieutenant, vice Isaac Graham, promoted, August 1, 1863; that he was borne as second lieutenant on subsequent rolls, and was honorably discharged as of that grade July 14, 1865.

Your committee believe that, having performed the duties of that position during all that time, he is entitled to that pay from August 1, 1863, to July 14, 1865, and therefore report back the bill favorably with an amendment by striking out all after the enacting clause and substituting as follows:

"That in auditing and settlement of the claims of F. M. Vowells as an officer in Company H, Sixth Regiment of Kentucky Cavalry Volunteers, for his services, he shall be allowed and paid the pay and allowances of a second lieutenant of said company from the 1st day of August, 1863, to the 14th day of July, 1865, less any amount paid him as such lieutenant."

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the Committee on Military Affairs, which has been read.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

JULIUS A. KAISER.

Mr. PENROSE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Pennsylvania yield to his colleague?

Mr. QUAY. Yes, sir.

Mr. PENROSE. I ask unanimous consent for the present consideration of the bill (H. R. 6649) for the relief of Julius A. Kaiser.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks unanimous consent for the present consideration of a bill, which will be read in full to the Senate for its information.

The Secretary read the bill, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint Julius A. Kaiser upon the retired list of the Navy, in the grade of passed assistant engineer, as of the date he was entitled by law or navy regulations to examination for promotion from assistant engineer to said grade.

Mr. SPOONER. Mr. President, will the Senator from Pennsylvania kindly make some explanation of that bill?

Mr. PENROSE. A similar bill has passed the Senate twice heretofore, and this bill has passed the other House at this session.

Mr. SPOONER. Many bills have passed both Houses that ought not to pass.

Mr. PENROSE. I will ask to have the report of the committee read. The bill has been unanimously reported by the Committee on Naval Affairs each time it has been introduced.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the report submitted by Mr. GALLINGER on the 20th instant, as follows:

The Committee on Naval Affairs, to whom was referred the bill (H. R. 6649) for the relief of Julius A. Kaiser, having considered the same, report thereon with a recommendation that it pass.

The committee adopts the report of the House Committee on Naval Affairs, to whom the bill was referred in the House, which is as follows:

"The Committee on Naval Affairs, to whom was referred the bill (H. R. 6649) for the relief of Julius A. Kaiser, having considered the same, report it back with the recommendation that it pass, and adopt the report made on a similar bill in the Fifty-sixth Congress, first session, as follows:

"The Committee on Naval Affairs, to whom was referred the bill (H. R. 405) for the relief of Julius A. Kaiser, having carefully considered the same, report the same back with the recommendation that it pass, and adopt the reports made on similar bills by said committee in the Fifty-fifth, Fifty-second, and Forty-eighth Congresses, as follows:

[House Report No. 133, Fifty-fifth Congress, second session.]

"The Committee on Naval Affairs, to whom was referred the bill (H. R. 1579) for the relief of Julius A. Kaiser, submit the following report:

"Similar bills with this one have heretofore been considered by the Committee on Naval Affairs of the House and Senate during the Forty-eighth, Forty-ninth, Fifty-first, Fifty-second, and Fifty-fourth Congresses, and the facts and conclusions thereon then fully ascertained and reported to both Houses.

"Your committee, after fully considering the whole case, ask leave to adopt the report submitted by them in the Fifty-fourth Congress, and again recommend the passage of the bill."

[House Report No. 2346, Fifty-second Congress, second session.]

"The Committee on Naval Affairs, to whom was referred the bills (H. R. 1306 and H. R. 5697) for the relief of Julius A. Kaiser, submit the following report:

"The facts out of which this bill for relief arises will be found stated in House Report No. 534, Forty-eighth Congress, a copy of which is hereto appended as a part of this report. Your committee concur in the conclusions stated in these reports and report back the bill (H. R. 1306) and recommend its passage, and ask that H. R. 5697, of similar import, be laid on the table.

[House Report No. 534, Forty-eighth Congress, first session.]

"The Committee on Naval Affairs, to whom was referred the bill (H. R. 1348) for the relief of Julius A. Kaiser, having had the same under consideration, beg leave to submit the following report:

"Julius A. Kaiser is now an assistant engineer on the retired list of the Navy, having been retired on the 8th day of July, 1873, for disability incident to the service. It appears that the injury by which he was incapacitated for active service was a compound fracture of the forearm, received on January 1, 1870, while making some repairs to the machinery of the United States steamer *Ashuelot*. Although injured on January 1, 1870, he was not ordered before the retiring board until July, 1873, a period of three and one-half years, during all of which time he continued on duty on the Asiatic Station.

"Long before the time of his retirement he had completed the sea service required by regulation of the Navy Department to entitle him to promotion, but by reason of his absence in the Asiatic Station, and for other causes not involving fault on his part, he was not examined for promotion.

"Had he been so examined for promotion he would, under section 1562, Revised Statutes, have been entitled to the pay of passed assistant engineer from the date of completion of the sea service required by the regulations of the Navy Department.

"He completed the sea service on the 19th day of January, 1870, and was consequently entitled to the pay of a passed assistant engineer from that date but for the fact that his absence on duty prevented his examination.

"It appears that the other officers of his date, while not actually promoted until 1874, were given rank and pay under the section above referred to from the time they became entitled—one from the 19th of October, 1869, the other from the 31st of March, 1870.

"Mr. Kaiser's record in the service is exceptionally good. He served with distinction throughout the war, having much service on the monitors, which was justly considered the most arduous character of service.

"It seems to your committee that Mr. Kaiser is entitled to be put in the position which his actual service entitled him at the time of his retirement, and of which only the requirements of the service and no fault of his own deprived him, viz, to be promoted to passed assistant engineer from the date from which he was entitled by law and regulation to the rank and pay of that position.

"Your committee therefore recommend the adoption of this report and the passage of the bill."

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GILMAN B. JOHNSON.

Mr. GALLINGER. Mr. President, I ask unanimous consent for the present consideration of Senate bill 6983, a pension bill, which requires immediate attention if it is to do the beneficiary any good.

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent for the consideration of a bill which will be read for information.

Mr. QUAY. Mr. President, I have the floor, I believe.

The PRESIDENT pro tempore. The Senator from Pennsylvania has the floor. Does he yield to the Senator from New Hampshire?

Mr. QUAY. I desire to say that I shall not object to the bill of the Senator from New Hampshire, provided it elicits no discussion and there is no call for the reading of the report.

Mr. LODGE. Is it not a matter of right to have a report read?

Mr. QUAY. Calls for the reading of reports have become fashionable this morning.

Mr. SPOONER. Does the Senator mean that no business shall be transacted here except the statehood bill where the reading of a report may be asked for in connection with a bill?

Mr. QUAY. Then I will merely object.

Mr. GALLINGER. I hope the Senator will not object to this pension bill. This is a case where the soldier may not live long enough to derive any benefit from the bill if its passage should be delayed until to-morrow. I do not think the reading of the report will be called for in this case. Let the bill at least be read.

Mr. LODGE. I admit the power of the Senator from Pennsylvania [Mr. QUAY] to the fullest degree, but I do not admit that he has any right to stop the reading of a report.

Mr. SPOONER. As I understand it, we have the right to have a report read.

Mr. QUAY. Certainly that is true, but I have the right to object to the consideration of the bill.

Mr. SPOONER. Certainly.

Mr. QUAY. And I am giving notice that I will object to the consideration of bills if the reading of any more reports shall be called for.

Mr. GALLINGER. The bill will be withdrawn if there is any call for the reading of the report.

The PRESIDENT pro tempore. Is there objection to the consideration of the bill referred to by the Senator from New Hampshire [Mr. GALLINGER]?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 6983) granting an increase of pension to Gilman B. Johnson. It proposes to place on the pension roll the name of Gilman B. Johnson, late first lieutenant and regimental quartermaster Eleventh Regiment New

Hampshire Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REVENUE CUTTER FOR THE HAWAIIAN ISLANDS.

Mr. PERKINS. I request the Senator from Pennsylvania to kindly yield that I may ask unanimous consent for the present consideration of Senate bill 6534.

The PRESIDENT pro tempore. Does the Senator from Pennsylvania yield to the Senator from California?

Mr. SPOONER. I shall object to the consideration of the bill unless the report can be read or the Senate can be informed of the nature of the bill.

Mr. PERKINS. I will state that the bill is for the construction of a revenue cutter for use in the Hawaiian Islands. The report consists of about a dozen lines, being a recommendation from the Treasury Department. This cutter is an absolute necessity. The bill is in the interest of the public service, and I am sure my friend from Wisconsin always advocates anything which is for the benefit of our common country.

Mr. SPOONER. As the bill has been explained, I shall not object.

Mr. QUAY. I shall not object to this bill, but I give notice that I shall object to any further consideration of bills by unanimous consent.

The PRESIDENT pro tempore. The Senator from California asks unanimous consent for the present consideration of the bill named by him. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 6534) providing for the construction of a vessel of the first class for the Revenue-Cutter Service, to be stationed with headquarters at Honolulu, Hawaii. It appropriates $225,000 for the construction, under the direction of the Secretary of the Treasury, of a steam vessel of the first class for the Revenue-Cutter Service, to be stationed with headquarters at Honolulu, Hawaii.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STATEHOOD BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. QUAY. I should be pleased to have a vote, Mr. President, unless some Senator is ready to proceed.

Mr. BEVERIDGE. Is this the statehood bill?

The PRESIDENT pro tempore. The statehood bill is before the Senate as in Committee of the Whole.

Mr. BEVERIDGE. I was engaged in conversation. I thought the Senator said something about there being no further argument.

Mr. QUAY. I said I should be glad to have a vote unless some Senator was ready to proceed.

Mr. BEVERIDGE. The Senator need not worry; somebody will be prepared to argue this question.

Mr. QUAY. I am prepared to listen.

The PRESIDENT pro tempore. The Senator from New Hampshire [Mr. BURNHAM] is entitled to the floor.

Mr. BURNHAM. Mr. President——

Mr. BEVERIDGE. I ask the Senator from New Hampshire to yield to me for a few minutes.

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield to the Senator from Indiana?

Mr. BURNHAM. Certainly.

Mr. BEVERIDGE. I merely desire very briefly to conclude what I was saying on yesterday when the Senator from Alabama [Mr. PETTUS] moved to adjourn.

The PRESIDENT pro tempore. Will the Senator from Indiana yield to the Chair for one moment?

Mr. BEVERIDGE. Certainly.

The PRESIDENT pro tempore. There were two or three colloquies yesterday in the Senate, when it seemed almost impossible that the Reporters could hear what Senators had to say. The Chair calls the attention of the Senate to it and to the importance of Senators addressing the Chair, being recognized, and then in the course of their remarks not turning their backs entirely to the Reporters, thus making it difficult to have their speeches properly reported.

Mr. BEVERIDGE. I think that a large number of Senators were on their feet at the same time yesterday afternoon, and the interest in the bill became intense and in some places pointed.

The PRESIDENT pro tempore. The Chair desires to say one other word, which is that no Senator, under any circumstances, sitting in his seat, should undertake to address the Senate.

Mr. BEVERIDGE. I do not know who it was that did not make the Reporters hear, but I remember there were a great many Senators talking at the same time.

Mr. President, a discussion arose yesterday which afforded an illustration of an immediate character in support of one of the contentions of the committee. I was proceeding to address the Senate upon that point, in answer to some other Senators who had spoken, when the motion for adjournment came.

Attention was called by the Senator from Nevada [Mr. STEWART] to the fact that Virginia City, Nev., had at the time of the admission of that State a population of some 25,000 or 30,000 and that at present it has a population of four or five thousand. This astonishing decrease in population, Mr. President, is no longer astonishing when we consider its cause, and its cause is in common with the reason for the decrease of population in the entire State. The Senator furnished the reason himself. He said it was a mining town.

That, Mr. President, is the precise point which is made concerning population based upon the industry of mining. Necessarily it is not permanent. It would not be permanent if the hopes of the mine owners, in which we all share, should be realized. It is inevitable that a time shall come in the operation of mines like those containing copper and gold and silver when the deposits shall be exhausted; and the bunches and clusters of population that surround those spots for the reason of that industry depart when the industry ceases. Therefore we had in the speech of the Senator from Nevada yesterday afternoon a signal illustration of the instability and insufficiency for statehood of a population based upon that industry.

The committee, in its report, referred to the history of Tombstone, Ariz. It is not long since Tombstone, Ariz., was known through all the country as one of the richest, most vigorous, and most prosperous of mining camps in the country. But the water filled the mines, or for some reason or other they ceased their operations, and so that population of thousands shrank to hundreds.

So, Mr. President, I was proceeding to show, upon the statement of the Senator from Nevada, that if nothing but a mining industry is a base for population, it is too great a hazard to take in a population, however vast at the present moment, that has no assurance of its continuance except its dependence upon this particular industry.

In the case of Arizona the mineral deposits of the Territory are not only admitted, they are asserted by the committee. If I could, I should be quite as willing as any advocate and lover of that Territory to paint in as brilliant colors as possible the prospects of the mineral resources and deposits there—prospects though they to a certain extent merely are. But, conceding that they exist, the history furnished by the Senator from Nevada yesterday shows how unstable such a population is.

Now, Mr. President, suppose it to be true—and it is stated by all the witnesses before the committee; it is stated by every person who has made an argument upon that side; it was stated by the Senator from Ohio, I believe, and if I am not correct he will of course not permit me to make the statement—that the chief industry of Arizona at present is mining. It was further stated by the Senator from Ohio that we now have introduced into this industry, instead of old and slow and toilsome processes of prosecuting it, improved machinery that does in a day by one man's hand what scores of men could not do in a month before. Now, what does that mean, Mr. President? It means three things—the more speedy enrichment of the owners of the property; the more speedy depletion of the deposits they seek, and therefore, the more speedy decrease of the population there suddenly assembled.

I put it to any Senator whether he thinks it is just to the rest of the population of the United States that a State should be admitted which has this industry alone. I do not claim that Arizona has this industry alone. I will come to that in a minute, and at some future time more completely. What I was trying to impress upon the Senate is that where it is admitted that a Territory, when it becomes a State, shall bear some fair proportion in its population to the population of the rest of the Republic, the further condition should be that there should be some reasonable expectation that the population will be permanent. If it is admitted—and the Senator from Ohio has admitted—that a State ought to have some fair proportion of population compared with the population of the rest of the Republic, and if it be established that that fair proportion exists, and if it be further established that that population is not permanent, then it is not established at all. Because when you admit it with 500,000 people, or a hundred and fifty thousand, or any other number, and that population is based upon an industry the nature of which is precarious, and that population diminishes—as in the case of Tombstone, Ariz., as in the case of Virginia City, Nev.—then you have destroyed the very thing which you admit is necessary before a Territory shall be admitted as a State.

Mr. President, that much upon the question of population based upon the industry of mining. In this, I desire not only to disavow, but to assert that there is no reflection upon the mineral

deposits of Arizona or any other part of this Union. It has been stated that because the committee reported adversely to the admission of that Territory as a State in the Union—a question of statesmanship and not a business question—the committee reflected upon that Territory as a place for good investment. How absurd! It could not have been suggested except by an interested and partial mind. If men are interested in the industry of mining, they are not interested in it in order that they may have statehood or anything else. They are interested in it in order that they may get rich by it; and that is perfectly proper. Then, of course, if they are afterwards interested in it because they want to come to the Senate, that is perfectly proper, too. But the desire of a man to come to the United States Senate is hardly a sufficient basis on which to admit a Territory as big as all New England, New York, and Pennsylvania put together, and yet has a population, including 30,000 Indians not taxed, only as large as that of some of the very small towns of Pennsylvania.

I wish again to assert in the most positive terms—because we have seen that we have to be clear and distinct in our statements and emphatic as well or we will be misrepresented and accused of libeling somebody or something—that I do not state nor do the committee, nor does any person who agrees with the committee, that mining is the only industry down there. It is merely stated—repeating the language of the Senator from Ohio and all the witnesses—that it is the principal industry and, therefore, the principal thing upon which population depends.

For example, it was stated by the Senator from Ohio that the census was inaccurate because, at Bisbee, the chief mining camp there, more men were at work in the mines than were returned by the census enumerators. I can go even further than the Senator and say that at the time the census was taken Bisbee was not an incorporated town at all. Now it is a city—a city of a day and night's growth. I hope it will be a permanent city; but we have no assurance that it will be; and do we dare under our oaths as Senators, owing a duty to the people of this Republic, to admit a State or a number of people, however excellent they may be in quality, however earnest their desire, who next year may not be there.

Suppose, Mr. President, that in Arizona there were Virginia City, Nev., and Tombstone and Bisbee, and several other cities like them. Suppose the fate should overtake all of them that has already overtaken two of them, and suppose while in their flourishing condition we had admitted this Territory as a State. Suppose next year the mines gave out, the lode became exhausted, water had flooded the mines, and as in the case of Virginia City and as in the case of Tombstone, Ariz., and as in the case of a large number of instances which I could occupy all day in naming (and I think I shall some time give a list of the mines formerly, but not now, in operation in Arizona)—suppose, I say, that those people should leave and go into another Territory, the only one left, having been admitted as a State upon the basis that those people were there. Suppose they should leave and go into another Territory, and then we should admit that Territory as a State on the basis that those people are there at that minute. Suppose, then, that the mines in the new State should give out. Mr. President, it would not be very long until 80,000,000 people in the United States would have their laws made for them by the smallest fraction of the population of the United States.

Now, it is no answer to that to say that Senators here from such communities are most excellent Senators. They are. But the point is that it denies a government for, of, and by the people, because equal representation after all, not of sections, as was suggested by the Senator from North Dakota [Mr. MCCUMBER] in his clever speech the other day, but of the people, is the great democratic principle upon which our whole theory of government rests.

Mr. SPOONER. Mr. President.

The PRESIDING OFFICER (Mr. PETTUS in the chair). Does the Senator from Indiana yield to the Senator from Wisconsin?

Mr. BEVERIDGE. Certainly.

Mr. SPOONER. In this connection will the Senator from Indiana permit me to remind him that the ordinance of 1787 safeguarded the principle of proportionate representation in the local legislatures?

Mr. BEVERIDGE. I am very happy to be reminded of that fact; and I hope the Senator from Wisconsin——

Mr. FORAKER. I was unable to hear the inquiry of the Senator from Wisconsin. I should like to hear it.

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Ohio?

Mr. BEVERIDGE. Certainly.

Mr. FORAKER. I was unable to hear the inquiry of the Senator from Wisconsin, and if it is not asking too much I would be obliged if he would kindly repeat it.

Mr. SPOONER. I made no inquiry. I stated a fact.

Mr. FORAKER. Well.

Mr. SPOONER. And that fact is that the ordinance of 1787, which has been so much exploited here, if I may use that word without being offensive, safeguarded the principle of proportionate representation of the people in the local legislatures thereafter to be created under its provisions.

Mr. BEVERIDGE. And it provided that there should not be a government of square miles, whether occupied or not, but a government of people assembled on land.

Mr. President, that brings to my mind another thought, suggested by the Senator from Ohio [Mr. FORAKER] the other day. I called his attention to it, but in the sweep of his able argument he forgot it. I asked the Senator from Ohio the other day whether or not he agreed to the rule to which he so forcibly referred, and the history of which he traced with vividness—I am not sure with entire accuracy—the unit of representation rule; and I understood the Senator to say that he did; that is, that a State shall have a population at least equal to the unit of representation.

Mr. President, if that is so and if that is the position of the Senator from Ohio——

Mr. FORAKER. That is not what I said. The Senator is perfectly aware that what I said was that as to certain Territories, those carved out of territory acquired by these treaties, the unit rule had been applied in determining whether or not they had a right, a contractual, a treaty right, to ask for admission, but that it was always within the power of Congress to admit a Territory when it had a population less than the unit of representation.

Mr. BEVERIDGE. Oh, certainly; we all agree that Congress has power to admit a Territory of many thousand square miles with only 5 people in it, so far as power goes. But I call the Senator's attention to the fact that I asked him whether or not he stood upon the rule of the unit of representation. The Senator said he did, and then I followed that question by asking the Senator how about Arizona? The Senator said I supposed I was asking him a bothersome question. I said "not at all," and he said he would answer it later. But the Senator forgot to do so. Is that correct?

Mr. FORAKER. That is entirely incorrect. A reference to the remarks made at the time will show that as soon as I could reach it in order, and only a paragraph or two intervening, I proceeded to answer it, saying I had been contending as to what the rule was, and the rule having been established, I then proposed to show that Arizona presented a case which justified Congress in admitting her to statehood before she had a populatian equal to the unit of representation. I proceeded to show why we should be justified by pointing out her industrial conditions, her population, her business activity, and great annual products, not only of mines, but of other industries and other kinds of business.

Mr. BEVERIDGE. That very much clears up the situation, for I was going to point out that Arizona would fail under any rule that has been here suggested. Of course Arizona would come under the power of Congress, as to which everybody agrees, to admit any Territory, however large, with any number of people, no matter how small and no matter of what kind and character.

But the Senator said that in this instance we were justified in not observing the rule of the unit of representation and in admitting Arizona before that time. I suggest that the exact reverse is true, considering the facts and the proper deductions to be made from them, because most of the population, at least half of the population, depends upon the industry of mining. I suppose half, after you exclude 30,000 Indians out of the 123,000 people there. Then perhaps there is some grazing and farming, but it is chiefly mining, and we have seen, as demonstrated by the remarks of the Senator from Nevada yesterday, that the history of all mining camps in this country is that population based on mining, no matter how brilliant its present condition, no matter how promising its immediate future, no matter how vast the output from its mines, is certain, in the nature of things, not to be permanent.

If the Senator will read the testimony of the superintendent of the great Phelps, Dodge & Co. mines, at Bisbee, the greatest copper mines, with perhaps one or two exceptions, in the world, he will find it there shown that they have run channels—levels they call them—in various directions in the mountains. Copper does not lie in veins. It is in sacs or deposits. They have worked out many of the deposits. They hope and believe that the time is far distant when all those deposits shall be exhausted, and yet the nature of the case, the elements of the situation, show that the time must come when they will be worked out; and, furthermore, those elements of the situation are confirmed by the universal history of the mining industry.

That is not saying anything against the mining industry. We should all be highly delighted to own some mines ourselves, and I think Arizona in many of its parts will be a most excellent place for investment in mining; but that is no reason why it is a good place for investment in statehood. They are two separate industries.

Mr. MCCOMAS. Will the Senator from Indiana permit me?

Mr. BEVERIDGE. Certainly.

Mr. McCOMAS. I do not desire by any inquiry to divert the Senator from Indiana from his observations.

Mr. BEVERIDGE. I am happy to have the inquiry.

Mr. McCOMAS. But the Senator said that the mining industry and the statehood industry are two distinct industries. That brings to my mind several things as to which I want to ask information. The Senator is full of information on this subject.

Mr. BEVERIDGE. No; very limited.

Mr. McCOMAS. I have not seen, nor do I remember to have heard of until now, a serious, earnest discussion, in the other House or in this, prolonged, respecting the admission of these Territories as States, and I have read the reports on both sides and have looked in vain for a single reason for the present urgency. My question is a long one, but I should like the Senator to understand it.

Mr. BEVERIDGE. I see your question.

Mr. McCOMAS. The admission of the Territories is urged now, and I have sought to find, or to hear some one assign good reasons why they should be admitted this January, and if they fail, why substantial justice could not be done next January. We find an instant, pressing, urging of this proposition, on which I have been endeavoring to inform myself. There is an incessant, unceasing urgency for the immediate admission of these States now; no other time but now.

It postpones legislation in respect of trusts, in respect of interstate commerce, the regular and orderly passage of appropriation bills, and other important and pressing matters—for instance, the immigration bill, which ought to have been passed long ago and should at once be operative, and has reason for operation this January instead of next January. I ask the Senator from Indiana if he can tell me, or if he has encountered anything in this discussion and argument to which I have not paid attention, showing a good reason why we should neglect all the public business, turn it aside, give no heed to other things, and press forward to a speedy vote this proposition. My question is why should it not be allowed to go over and more urgent matters be taken up? I ask the Senator for such information.

Mr. BEVERIDGE. Like the Senator, I have not heard presented in the discussion in the Senate or by the report of any committee, or anywhere in the literature published to the people and public upon this subject, any reason for the policy of instantaneousness to which the Senator from Maryland refers.

Mr. FORAKER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Ohio?

Mr. BEVERIDGE. Certainly.

Mr. FORAKER. If the Senator from Indiana has answered to his entire satisfaction the very impressive question that has just been addressed to him by the Senator from Maryland, I should like to call the Senator's attention, in answer to what he has been saying as to the impossibility of there being any growth in the Territories of New Mexico and Arizona, to like statements made in the Senate of the United States at the time when we were acquiring New Mexico, in order that the Senator may see that statesmen as great as he would claim to be have been worse——

Mr. BEVERIDGE. No; as great as I would claim the Senator from Ohio to be.

Mr. FORAKER. Well, I do not mean to make anything personal.

Mr. BEVERIDGE. But you did.

Mr. FORAKER. I will change it. I will say that statesmen as great as any we can claim to have have been grossly mistaken as to the possibilities of New Mexico and Arizona. I have before me what I was unable to find in the hurry of the moment when I was addressing the Senate formally a few days ago, a speech made by Daniel Webster on the 23d day of March, 1848, when they had under consideration the acquisition of New Mexico and California.

Mr. BEVERIDGE. The Senator did quote from Daniel Webster the other day.

Mr. FORAKER. I did not quote this. I quoted what Daniel Webster said as to Lower California.

Mr. BEVERIDGE. Yes.

Mr. FORAKER. I quoted his statement that that flower garden of the world, as it is to-day, was a valueless waste about which nobody need be concerned. Now, I want to quote what he said about New Mexico and Arizona, for at that time New Mexico included Arizona.

Mr. Webster said:

> Well, then, as to New Mexico, there can be no more people there. The man is ignorant, stupid, who has looked at the map of New Mexico and read the accounts of it, who supposes there can be any more people there than there is now—some sixty or seventy thousand. It is an old, settled country, the people living along in the bottom of this valley on the two sides of a little stream, a garter of land only on one side and the other, filled by coarse landholders and miserable peons. It can sustain, not only under this cultivation, but under any cultivation that our American race should ever submit to, no more people than there are there now. There will, then, be two Senators for 60,000 inhabitants in New Mexico to the end of our lives and to the end of the lives of our children.

I want to read further from the same speech. I am reading from page 534 of part 1, Congressional Globe, Thirtieth Congress, first session, March 23, 1848.

> Sir, we take New Mexico and California. Who is weak enough to think that there is an end? Why, do we not hear it avowed every day that it is proper for us also to take Sonora and Tamaulipas, and other provinces or States of northern Mexico? Who thinks that the hunger for dominion will stop here of itself? Somebody has said that this acquisition is so mean and lean and unsatisfactory that we shall seek no further.
>
> In my judgment, sir, you may believe that, if you can believe that a rapacious animal that has made one unproductive foray won't try for a better; but further, there are some things that we can argue against with temper and submit to, if overruled, without mortification. There are other things that seem to affect one's consciousness of being a reasonable man and evince a disposition to impose upon his common sense. And of this class of topics or pretensions, I have never heard of anything and can not conceive of anything more ridiculous in itself, more absurd, and more affrontive to all sober judgment than the cry that we are getting indemnity.

The claim had been made that we should get indemnity for our expenses in the Mexican war by taking this territory, although we had to pay something to avoid taking more indemnity than we were entitled to. He said:

> Indemnity by the acquisition of New Mexico and California! I hold them not to be worth a dollar, and we pay for them a vast sum of money. We have expended, as everybody knows, large treasures in the prosecution of the war, and now what is there to constitute indemnity? What do gentlemen mean by it? Let us see how this matter stands. We get a country. We get a country, in the first instance, either by cession or acknowledgment of boundary—I care not which way you state it—the country between the Nueces and the Rio Grande. What this country is appears from a publication of an honorable gentleman in the other House—

This "honorable gentleman" takes the place in this instance of the honorable committee which visited the Territory and made a report from "investigation on the ground"—

> What this country is appears from a publication of an honorable gentleman in the other House in which he quotes an account given by Major Gaines. He says that the country is worth nothing; that he would not hazard the life of a single individual for every foot of land from San Patricio to the valley of the Rio Grande.

Mr. BEVERIDGE. Does the Senator from Ohio find any such——

Mr. FORAKER (reading):

> This gentleman has been there lately——

Mr. BEVERIDGE. Will the Senator excuse me?

Mr. FORAKER. Let me read one more sentence:

> This gentleman has been there lately and is well acquainted with the condition of the country. So far, then, as that part of our acquisition is concerned, I take it for granted it is not worth a dollar.

And much more to the same effect.

What I wanted to call the Senator's attention to is the fact that statesmen have been mistaken before, as we think the Senator is mistaken now. Certainly we all know that Mr. Webster was mistaken when he made the statements which have been quoted in this debate in regard to the absolute valuelessness of Lower California, and that he was mistaken as to the value of New Mexico and Arizona when he made the statement I have just read.

Mr. BEVERIDGE. Mr. President, the Senator has studied logic, and he therefore knows that the frailest form of reasoning is analogy. But even that most easily misleading form of reasoning goes limp and halt when one leg does not correspond with the other.

Now, I ask the Senator to please point out what inference he draws by the statements of Daniel Webster concerning this Territory. Does the committee make any such statement as that? Not at all, Mr. President. Has anyone made such a statement as that? At least I have heard none such, Mr. President.

Mr. FORAKER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Ohio?

Mr. BEVERIDGE. Certainly.

Mr. FORAKER. The Senator was contending that that country was of such an uncertain nature as to its development, the development of population, the development of the mining industry, the development of every other kind of industry, we could not with any safety expect it to have a future that would justify statehood.

Mr BEVERIDGE. No, Mr. President, that simply shows that I had only the divided attention of the Senator. He was engaged in listening to me with his ears, and he was looking at what Mr. Webster said with his eyes. The remark which he attributes to me did not cover the whole situation in those Territories at all. It was addressed to the single industry of mining, and the point was that population based on mining alone could not be permanent. Does the Senator say that such a population is permanent? I ask the Senator the question.

Mr. FORAKER. Mr. President, I suppose that depends upon the condition of the mines.

Mr. BEVERIDGE. Just so.

Mr. FORAKER. Population would stay there as long as the mines held out.

Mr. BEVERIDGE. Just so.

Mr. FORAKER. In Arizona they seem to be holding out remarkably well.

Mr. BEVERIDGE. At Tombstone, for instance?

Mr. FORAKER. They are multiplying day by day. People are flocking in there to open up mines and develop that industry. Over $33,000,000 in the grand aggregate was the product of Arizona last year. I do not remember exactly how much of that was from mining, but the principal part of it was from mines, I understand.

Mr. BEVERIDGE. Mr. President, the Senator will admit that, important as the product of the mines may be, statehood is not to be given on product alone, but on the number of inhabitants as well. Now, I ask the Senator to state this: To what does the Senator attribute the enormous decrease—that is not an adjective strong enough—of the population of Virginia City, Nev., and of Tombstone, Ariz.?

Mr. FORAKER. I am not familiar with the local conditions at those places.

Mr. BEVERIDGE. Well, the mines gave out or got filled with water.

Mr. FORAKER. But the Senator has stated as though it were a rule agreed upon that property has nothing to do with the question. Therefore it is not proper to be discussing it.

Mr. BEVERIDGE. On the contrary, I said it had much to do with it.

Mr. FORAKER. There is a condition——

The PRESIDING OFFICER. Senators must be in order. This debate must not degenerate into a conversation.

Mr. FORAKER. As I understand it, I have the floor, and I was answering the Senator from Indiana.

The PRESIDING OFFICER. The Senator from Ohio is correct.

Mr. FORAKER. The conversational part was interjected by the Senator from Indiana.

The PRESIDING OFFICER. The Senator from Ohio will proceed.

Mr. FORAKER. I want to proceed with all proper respect.

Mr. BEVERIDGE. Will the Senator from Ohio yield to me?

Mr. FORAKER. I know the Senator from Indiana does not like to have me take time——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Indiana?

Mr. FORAKER. Certainly.

Mr. BEVERIDGE. The Chair will find on examining the record that the Senator from Indiana had the floor and had yielded the floor to the Senator from Ohio to answer a question, and the Senator from Ohio was proceeding through the courtesy of the Senator from Indiana, which I am always very glad to give.

Mr. FORAKER. I know in what haste the Senator is to conclude his remarks, and therefore I shall not interrupt him further. I will at a later time, if it becomes absolutely important in the disposition of the question now before the Senate, make an investigation and try and get for the benefit of the Senate the information the Senator called for as to Virginia City and Tombstone and other places.

Mr. DUBOIS. Will the Senator from Indiana yield to me?

Mr. BEVERIDGE. I yield to the Senator from Idaho.

Mr. DUBOIS. I merely suggest to the Senator from Ohio and the Senator from Indiana that even if the mines give out they have accomplished their great object in building up splendid Commonwealths. California was peopled at first on account of the mines. So was Montana, and so was Idaho. In order to furnish the mining camps with provisions and supplies the lands were taken up. The mines have been the instruments to develop those great States, and it has been so in every mining part of the United States, with the sole exception of Nevada. So, if the mines give out the object has been accomplished of peopling those Territories. The mines are an insignificant part of every one of the so-called mining States and Territories.

Mr. BEVERIDGE. Mr. President, the Senator from Idaho has very cleverly made my point. Why was it, I will ask the Senator, that the mines having brought the people to California they stayed there? It was because the richness of California's fields shamed in comparison the wealth of her mines. It was because there were fields there and it was because there was water there. Why, then, did not that same thing occur in Nevada, since the Senator makes Nevada an exception? It was because when the mines were worked out there was not a body of land sufficiently large with sufficient water for people to live on. The Senator from Nevada [Mr. STEWART] said yesterday that there would be in the future, and I earnestly hope there will be, and I will vote, no matter how any person else in this Chamber votes, for any local measure that will improve that condition.

Now, the point made in reference to Arizona is that until the storage system is applied to those waters down there, until reservoirs are built, and catch-basins and great dams constructed which shall hold and conserve the waters and spread them for human uses over those fields, it does not make any difference how many mines they have, when the mines give out the people can not stay there, because there is no place to live upon.

The Senator from Idaho has stated what I was stating and all I was contending for, that the mines are in themselves a transient thing. That is not against the mines. The Senator admits it. He knows it because he has been in mining camps, and I myself have been in scores of mining camps. I have seen cities one year flourishing and filled with men and women who would become deadly enemies if anybody ever suggested that theirs would not be a city as permanent as eternity. The next year I have seen that town practically deserted, windows broken, doors torn off their hinges, walls falling to pieces, because the thing to keep the people there did not continue to keep them, because the mines had been worked out.

Mr. McCOMAS. Mr. President——

Mr. BEVERIDGE. Pardon me just a minute, until I get to your question. I wish to ask the Senator from Ohio whether or not he thinks his quotation from Webster answered what he admitted was the pertinent inquiry of the Senator from Maryland as to the reason of this policy of rush. Is there anything about the condition of this bill in what Daniel Webster said a great many years ago that explains the reason why there should be an instant demand at all hazards, at the hazard of the death of all other legislation, that these Territories should come in, in the face of the fact that many Senators here of judgment, and I hope of conscience, think the contrary? Could any great injury be done even in case we were wrong—and certainly our judgment is entitled to the considerate respect of our colleagues? The measure is sought to be rushed through right now, and the Senator from Maryland asked what was the reason for the instantaneousness of this measure. Did the Senator from Ohio answer it in his quotation from Webster?

Mr. FORAKER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield?

Mr. BEVERIDGE. Certainly; always.

Mr. FORAKER. I did not rise for the purpose of answering the Senator from Maryland. That was too difficult a proposition.

Mr. BEVERIDGE. Well, I agree.

Mr. FORAKER. That called for somebody who could do more than I was able to do. I had done all it was in my power to do to answer that proposition when I addressed the Senate formerly, and to the extent of some two or three hours. Therefore I announced when I arose that if the Senator from Indiana had made a sufficient answer and was ready to take up something else, I would read what Mr. Webster had said in respect to what the Senator from Indiana had been saying. I did not undertake to answer the Senator from Maryland.

Mr. DUBOIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Idaho?

Mr. FORAKER. Yes.

Mr. DUBOIS. I will have the temerity to try to answer the Senator from Maryland.

Mr. BEVERIDGE. It will take more than temerity; it will take information.

Mr. DUBOIS. Does the Senator from Maryland want to lay down the rule that the minority should cease to obstruct and yield to the majority? The majority of this Chamber have shown conclusively that they want statehood for these Territories. The House of Representatives have passed the bill. Now, the minority, through the Senator from Maryland, contend that the majority are obstructing this legislation which the majority think necessary to pass. The majority are willing to set a time twenty or thirty days from now to vote. When that is done these obstructive tactics will cease; this constant flow of oratory will not continue to pour out. When the time is set by which the majority can have a vote, then you can pass your other legislation.

And I say to the Senator from Maryland that the majority will have a vote. They have always had a vote in this Chamber, and they will have it on this bill. You may bring in a trust bill, you may unite Arizona and New Mexico, you may endeavor to contrive to present something which will divide our forces, but there will be a vote, as there always is a vote when the majority want it, and the minority and not the majority are obstructing legislation.

Mr. BEVERIDGE. We see now how clear as a cloud is the answer of even the acute Senator from Idaho—whose vividness of intellect no man in this Chamber or any place else admires more than I do—to the question put by the Senator from Maryland. The Senator from Maryland asked what is the reason for the rush? What is the philosophy of this combustible instantaneousness? Give us the reason for it, says the Senator from Maryland.

Here is a great question which will forever affect this country—as the Senator from Idaho contends—for good. We hope for good, too, but we think it doubtful now, and we say let us pause and consider and debate this question. The Senator from Maryland says, "What is the reason for this mysterious"——

Mr. SPOONER. It is not mysterious.

Mr. BEVERIDGE. Well, the Senator from Maryland said it was a mystery and the Senator from Wisconsin says it is not a mystery. So far as anything has appeared in argument it is mysterious, but I guess, in fact, it is not mysterious. I guess we all know.

Now, then, the Senator from Idaho leaps into the arena with an explanation of the mystery, and his explanation is, "We have a majority and we are going to have a vote." Well, that does not have even the merit of originality, because it has been stated on the floor——

Mr. FORAKER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Ohio?

Mr. BEVERIDGE. Certainly.

Mr. FORAKER. Why, if there is a majority favoring this bill, should they not have a vote?

Mr. BEVERIDGE. Who admits that there is a majority favoring this bill? If you will allow me, I will answer that right at this time.

Mr. FORAKER. I am not asking anybody to admit it, but the Senator's question assumed it, certainly.

Mr. BEVERIDGE. No, the Senator stated it.

The PRESIDING OFFICER. Senators must conduct this debate in order. The Senator from Ohio will proceed.

Mr. FORAKER. Mr. President, I submit I am undertaking to do so. The Senator from Indiana was answering something that had been said by the Senator from Idaho, and he was criticising the proposition that because there was a majority in favor of the statehood bill there should be a vote upon it. I am not asking the Senator to admit, but his criticism of the Senator from Idaho proceeded upon the idea that it was true, as claimed. Now, assuming that that is true, I want to know why that majority in this Chamber should not have a vote at some reasonable time in the future? Is this question one so difficult to comprehend that Senators can not discuss it and in reasonable time reach an intelligent conclusion?

Mr. President, every Senator here knows that this long protracted debate has no other purpose than that which has been asserted over and over again in the cloakrooms and in the lobbies and corridors of the Capitol, that this bill is to be talked to death. Everybody knows that that is the purpose of it, and the Senators who refuse to agree to a time to vote—ten days, twenty days, thirty days hence—and who insist that this bill shall hold the boards and shall receive constant attention until that time, they, I say, are the men who are obstructing the public business.

Nobody wants to continue debate but the other side. The Senator from Minnesota [Mr. NELSON] addressed this Chamber day after day consecutively for some six or seven days. That was his right. It was his privilege. Nobody took exception to it. Every day since others have addressed the Senate, one speech after another, and no exception has been taken to that.

But, Mr. President, if there is to be a charge about obstructing business, let the RECORD answer. Who is obstructing? I have been anxious all the while that the legitimate business of the Senate might be attended to; that a vote might be reached in the ordinary way and this bill be disposed of. I intend to vote for it, but whether my side prevails or fails, I think we owe it to ourselves as well as to the public business to agree to a vote at some reasonable time in the future, and then address ourselves to the public business, as we do when we consider other questions.

Mr. BEVERIDGE. Has the Senator asked me his question?

Mr. FORAKER. I did. The question I asked was why a majority, if there be a majority, should not be allowed to vote?

Mr. BEVERIDGE. Mr. President, the Senator asks me a question, and thereupon proceeds to make a vigorous and earnest and extended argument, to which I listened with pleasure, as I always do whenever I can get to the Senate Chamber when the Senator from Ohio is talking. But he based his question upon a statement which is not correct—that I was criticising the position of the Senator from Idaho [Mr. DUBOIS].

What I was criticising was the answer the Senator from Idaho made to the very important question put by the Senator from Maryland [Mr. MCCOMAS]. The Senator from Maryland asked, Why should there be such a lightning-like hurry about this thing; that he had not heard yet in any public statement. I told him I had not yet heard either. So the Senator from Idaho came in with his explanation. He said, "I will explain why," and his explanation was that they had the votes. I answered that by saying that, much as I admired the Senator from Idaho, that did not even have the virtue of originality, because I have heard it about sixteen or seventeen times before. That was the criticism I made upon the statement of the Senator from Idaho—that he had not answered the question of the Senator from Maryland.

I say I can not answer the question of the Senator from Maryland upon any of the discussions that have preceded. But now I want to say a word or two in answer to the Senator from Ohio and the Senator from Idaho. They have avowed it in the statement about votes and the number of votes. The Senator from Idaho has just stated—I will ask him to look at his remarks in the RECORD—that they had them, and that they were going to proceed upon them, and that nothing could divide you. That was the word used. No matter how meritorious other legislation might be, no matter how instant might be the public need of it, no matter how great might be the country's emergency, so strong was this combination that the Senator from Idaho boldly asserted here that nothing could divide them.

Mr. DUBOIS. Mr. President——

Mr. BEVERIDGE. Is not that so?

Mr. DUBOIS. Of course it is futile——

The PRESIDING OFFICER. The Senator from Idaho is not in order. Does the Senator from Indiana yield to the Senator from Idaho?

Mr. BEVERIDGE. Certainly; as a matter of course.

Mr. DUBOIS. It is futile for anyone to undertake to follow the Senator from Indiana. The Senator from Idaho did not say anything approaching what he avers I said. I said there would be a vote some time; that you may try to divert us, and so forth. I did not say anything about not being divided.

Mr. BEVERIDGE. The Senator from Idaho—and I appeal to the RECORD—said that we might put in the trust measures or some other kind of measures, but that it would be without avail, because, he says, "nothing can divide us." I appeal to the RECORD as to what the Senator said, and if I am wrong I shall be very glad to have the Senator correct me. If the Senator did not mean that, it is all right.

Mr. DUBOIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Idaho?

Mr. DUBOIS. Now let us have the RECORD read in order to see how forgetful—I will put it—the Senator from Indiana is.

Mr. BEVERIDGE. Very well.

Mr. DUBOIS. Let the Reporter read the remarks, and the Senator will see that I said nothing of the sort.

Mr. BEVERIDGE. Let the remarks of the Senator be read.

Mr. DUBOIS. The Senator has tortured my expression. It was not done by design, but he fails to see the connection in what I was saying. Let the remarks be read.

Mr. BEVERIDGE. The remarks of the Senator from Idaho I would be very glad to have read.

Mr. DUBOIS. Let that part of them be read.

Mr. BEVERIDGE. If my remarks do the Senator injustice, he will have ample reparation. I call for the reading.

The PRESIDING OFFICER. The Reporter will read as requested.

The Reporter read as follows:

The majority are willing to set a time twenty or thirty days from now to vote. When that is done these obstructive tactics will cease; this constant flow of oratory will not continue to pour out. When the time is set by which the majority can have a vote, then you can pass your other legislation.

And I say to the Senator from Maryland that the majority will have a vote. They have always had a vote in this Chamber, and they will have it on this bill. You may bring in a trust bill, you may unite Arizona and New Mexico, you may endeavor to contrive to present something which will divide our forces, but there will be a vote, as there always is a vote when the majority want it, and the minority and not the majority are obstructing legislation.

Mr. DUBOIS. If any Senator can interpret that to mean that I said you can not divide this side, he certainly does not catch the meaning. I said you might attempt to divide us, my fear is that you will, but I insisted that we would have a vote, and that is all, because the majority always have a vote in this Chamber.

Mr. BEVERIDGE. I was not incorrect, as it appears from the RECORD, in my recollection of what the Senator said, that there would be an attempt to "divide" his side. He then proceeded to say that they would have a vote because, he said, they had a majority. How could you have a majority if we "divided" your side?

Now, I am glad this incident has occurred, because it has led the Senator to express the fear that they might be divided. Mr. President, I sincerely hope, and I think that the Senator has good reason to believe, that there may be a division here. I am not at all certain that there are not several Senators who are listening and thinking about the earnest arguments that are being advanced here against the proposition, and to which at the beginning, at the last session, they were not expected to listen.

As to who is doing the real obstruction, the Senate and the country are informed. I am not going to go into that question. I was led into it the other day by the Senator from Pennsylvania [Mr. QUAY], and the result was that we occupied the floor all

afternoon, and there is no use in making a repetition of the statement which was there made. I appeal to the common understanding of the Senate. I appeal to the common——

Mr. QUAY. Will the Senator permit me to interrupt him?

Mr. BEVERIDGE. Certainly.

Mr. QUAY. The Senator from Pennsylvania did not occupy the floor during the entire time.

Mr. BEVERIDGE. No; but the Senator from Pennsylvania——

The PRESIDING OFFICER. The Senator from Pennsylvania must address the Chair and get his permission. Does the Senator from Indiana yield to the Senator from Pennsylvania?

Mr. BEVERIDGE. Now that the Senator has made his remark, of course it will not be necessary to yield; but I am always glad to yield to the Senator from Pennsylvania, except upon the final outcome of this bill, in which I do not expect to yield, but will expect the Senator in turn to do me the courtesy of yielding.

Now, Mr. President, the Senator from Pennsylvania did not occupy the floor, but the Senator was the cause of the floor being occupied.

Mr. DEPEW. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from New York?

Mr. BEVERIDGE. I do.

Mr. DEPEW. Mr. President, the Senator from Idaho says that the majority always have their way in this Chamber and that there has never been an instance to the contrary. If my reading serves me right there was a period when they were endeavoring to pass a tariff bill upon lines which had been agreed upon by the President of the United States and the majority in this Chamber, and the Senator from Pennsylvania succeeded in occupying the floor so successfully that he prevented the President of the United States and the majority in this Chamber from accomplishing what they desired.

Mr. BEVERIDGE. Mr. President——

Mr. QUAY. I have no objection——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Pennsylvania?

Mr. BEVERIDGE. Always, and especially now, Mr. President, but not finally.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. QUAY. I do not object at all, Mr. President, to the reflection cast upon me by the Senator from New York, but the facts were that the vote upon the final passage of that bill was not prevented and I was not able to prevent it. The bill passed, as the Senator from New York will remember——

Mr. BEVERIDGE. But with your amendment, however, accepted.

Mr. QUAY. With some slender amendment.

Mr. BEVERIDGE. Mr. President, with the modification accomplished for which the Senator had been for days and weeks addressing the Senate in order to convince their judgment that they should adopt it. That is to say, no business was conducted until the Senator had had his way in that instance.

I was not going into this question to-day. Once is enough. I would be very glad to go into it at any time, but I had not expected to address the Senate at all this morning, and I should not have done anything, except for interruptions, besides making two or three points I was making when the Senator from Alabama [Mr. PETTUS] moved an adjournment yesterday afternoon. I am very glad, however, that this has occurred. Something good always springs out of the natural course of debate.

Mr. MCCOMAS rose.

Mr. BEVERIDGE. I beg pardon; I hope the Senator from Maryland will permit me to conclude these remarks, because I have in mind what I want to say, and then I will hear the Senator.

I say that something good and fruitful always comes out of the natural course of debate. I shall not argue further at this time the responsibility for the holding up of legislation, which, as the late President McKinley would say, is an "immediate issue," because an immediate necessity, whereas this omnibus bill, at least, is not an immediate question. How can it be an immediate question? I see the Senator from Ohio and the Senator from Idaho, who have engaged me this morning. They are not arrogant men at all. They are reasonable men, and therefore they would not mean to say that this is an immediate issue, simply because by a count of noses there is the judgment of some men massed up against the combined judgment of other men.

There are a large number of Senators in this Chamber, and I am not so sure that they are in the minority either, who, having given the subject the best study of which they are capable, and having addressed to it the best judgment of which they are capable, and having brought to it, as I have no doubt the Senator has, all of the public conscience of which they are capable, still differ with the Senator. Now, that being the case, an issue is formed for debate. That is why the Senate Chamber was put in the Capitol. That is why the Senate was injected into our scheme of government.

Now, with that very great difference of opinion upon the part of sincere men, does a mere count of noses, even conceding it might show a majority, make it an instantaneous question?

Mr. FORAKER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Ohio?

Mr. BEVERIDGE. I do.

Mr. FORAKER. The Senator certainly concedes that this is a perfectly legitimate measure of legislation, and that in the natural and due course of legislation there ought some time, after a reasonable argument, to be a vote taken. The Senator has said that he does not know how this body stands with respect to this measure; that there may be a majority in favor of the bill which he is so vigorously opposing, but he thinks perhaps there is not. At any rate, he is quite sure that the debate has resulted in causing quite a number of Sentors who were disposed to vote for the statehood bill to waver in their support of it——

Mr. BEVERIDGE. I think some are almost converted.

Mr. FORAKER. And he seems to think some Senators are on the point of being converted to opposition to the bill. Does not the Senator think now that thirty days would be a long enough time for him to finish the conversion of these wavering Senators?

Mr. BEVERIDGE. I shall not undertake alone the conversion, Mr. President——

Mr. FORAKER. Mr. President——

Mr. BEVERIDGE. I have the floor.

The PRESIDING OFFICER. The conversation between the Senators must cease. Does the Senator from Ohio yield?

Mr. BEVERIDGE. Mr. President——

Mr. FORAKER. I wanted to ask another question.

Mr. BEVERIDGE. I have called the attention of the Chair to the fact that the Senator from Indiana had the floor and yielded to the Senator from Ohio for the purpose of the Senator asking a question.

The PRESIDING OFFICER. If the Senator will allow the Chair, he will say that when a Senator yields the floor generally he has it no longer.

Mr. BEVERIDGE. But I did not yield it generally, Mr. President. I yielded for a question. The Senator asked the question and then the Senator took the floor, as of right, though having it only by courtesy. I am perfectly willing to hear the Senator's answer, and I am willing at all times, even when having the floor, to address the Chair.

Mr. MCCOMAS. Will the Senator from Indiana yield to me for a time?

Mr. BEVERIDGE. Certainly.

Mr. MCCOMAS. Mr. President, the Senator from Indiana [Mr. BEVERIDGE] frankly admits, and well he may, that he can not answer my question why, with only forty days remaining of this session, the present bill is pressed continuously, instantly, imperiously for disposition to the prejudice of all other public business. The very able Senator from Ohio [Mr. FORAKER] protested that the bill was being talked to death, and made many interesting observations, but in no wise answered or attempted to answer my sincere question. I am not one of those who have talked this bill to death.

The Senator from Idaho [Mr. DUBOIS] delighted me in his fashion of some one reproving sin. The Senator from Idaho discussed the ethics of Senatorial obstruction. He is a past master in that, and I accept his exposition, if he says anything in respect of the methods of obstruction in this body. I think the Senator from Idaho knows and has practiced them all.

Personally, I have not talked upon this bill, and I have been sitting here for many days, and yet the Senator from Idaho, who chides some alleged obstructionists and predicts consequences which, from his large experience in the tactics of obstruction, perhaps he understands far better than I, announces that there will be a vote, that some time there will be a vote, and that the forces will not be divided. I protest that the Senator from Idaho is not the last authority upon the predominance of sentiment in this body upon any public question. Each Senator has but his own vote; but still, the Senator from Idaho carefully avoided answering my question.

Now, are we to spend the forty days and forty nights remaining in discussing this bill to the exclusion, for instance, of the Cuban reciprocity treaty, now made public. Shall this bill delay action in the remaining forty days and forty nights, and every appropriation bill to support the Government be held up that we may discuss only this bill forty days and forty nights? Is the serious and important consideration of trust legislation to be excluded, and can it be that Senators would be glad to use this bill in the Senate as a mere buffer to preclude any consideration of important legislation on that subject?

There is here also a bill which I am trying to get an opportunity

to urge upon the attention of this body—the bill is in respect to the eight-hour workday. I have been waiting here day after day to get some reasonable opportunity for that purpose, and I apprehend the Senator from Idaho will probably be with me on that proposition. He has not more interest than anybody else in these large concerns in which the public are eagerly waiting for us to pass upon in the brief time, which is speeding. Are we to be told that everything in which the people of the country have an interest is to be turned aside, and upon this question, which has waited for fifty-odd years, there can be no delay; that it must be this January and not next January; a question which has been passed by during all the Januaries of fifty-four years since Daniel Webster made the observation in the Thirtieth Congress which the Senator from Ohio just now read from his speech.

A man of very able intellect——

Mr. BURTON. Mr. President——

Mr. McCOMAS. Allow me to proceed for a while.

Mr. BURTON. Very well.

Mr. McCOMAS. A man of very clever and able intellect has written much about "the mistakes of Moses," but the verity and solemnity of the Pentateuch has not been weakened or in any wise lessened by that treatise on the mistakes of Moses. During this debate we have had frequent observations upon the mistakes of Daniel Webster. I listened with amazement just now to this last mistake of that great man, who will not be injured by the criticism even of the able Senator from Ohio, when he said, as he read it, that in the valleys of that country of Arizona there was not enough of valley and water to make in the course of years a large agricultural output.

I was thinking of the great State—small in population, but great in influence—of my friend from Vermont [Mr. DILLINGHAM] who is sitting here. I turned and asked him how the agriculture, that was $10,000,000 in value, of which the Senator from Ohio now vaunts as the great production of this to-be new State, compared with Vermont; and the answer of the Senator from Vermont who sat beside me was that in that State—a State with beautiful mountains, where there is not only pasture land, but immense mountains of granite—that total vaunted by the Senator from Ohio was not quite one-third of the product of the arable lands of the small State of Vermont, with all its great mountains taken away.

Instead of this being a mistake of Mr. Webster, I thought it was marvelous that Daniel Webster fifty-four years ago should have then predicted of this State, now 70,000 in population, that it would never grow great, and that now small in agriculture, it would never expand; and when only one-third of the agricultural product of Vermont after fifty-four years was to be made the basis to find fault with his forecast, and when the population had scarcely risen to 100,000 above the 70,000 then in the Territory.

The immigration bill is here to-day, for which I want a vote. I do not want to vote for the gates of Castle Garden to swing outward to all the disease, all the illiteracy, all the crime, and all the anarchy of the Old World. I would rather pass that bill in January and let these Territories grow in agriculture and grow in industries until next January, and then take up the statehood bill deliberately.

It will not do to say that this is not a serious question; it will not do to say that it will be pressed beyond all question unless the members of the Senate give some good reasons in the remaining forty days and forty nights why we should put aside all public business and pass this bill to the great detriment of the country, putting aside the serious business which we have, and which is pressing now in the appropriation bills, which must be passed; pressing now in the immigration bill, which must be disposed of in the interest of the country; pressing now in the Cuban treaty, which should not be delayed forty-eight hours; pressing now all along the line of material legislation.

I have stated these points, Mr. President; I have taken no time to debate this bill; but I wish some Senator would show me how and why it is that this is the only matter the American Senate ought to consider, and why it is the only matter in which the American people ought to be interested to the exclusion of the weightier subjects I mentioned.

I have a hope at some time to find some Senator who will explain why this bill should be disposed of and all else wait, and then only can public business of other kinds be taken up and be voted on by the Senate.

Mr. BURTON. May I ask the Senator a question?

Mr. BEVERIDGE. I have the floor, Mr. President.

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Kansas?

Mr. BEVERIDGE. I will yield to the Senator from Kansas, unless he is going to prolong the discussion on this point. I want to conclude what I have to say.

Mr. BURTON. I merely desire to ask a question.

Mr. BEVERIDGE. I yield to the Senator from Kansas.

Mr. BURTON. I did not quite get from the Senator from Maryland [Mr. McCOMAS] whether or not he was willing to have a vote on this bill at any time before the 4th of March.

Mr. McCOMAS. Personally I have no charge of this measure, and my answer to that question would not advance the desire of the Senator from Kansas [Mr. BURTON], but personally I think when more important things have been voted upon I should be quite willing to use the remaining time of the Senate, if there be any, for the consideration of this bill. [Laughter.]

Mr. TILLMAN. Will the Senator from Indiana yield to me?

The PRESIDING OFFICER. Does the Senator from Indiana yield?

Mr. BEVERIDGE. Certainly, I yield to the Senator.

Mr. TILLMAN. Mr. President, in view of the fact that claims are being put forth here and assertions made as to the status and intentions of Senators, based on a vote that was had a couple of days ago, I think it is proper that I should make known, as one of the Senators who voted to continue the consideration of this bill, what my attitude is in regard to it.

I want to vote for the bill, but I do not want to vote for it in the form in which it now is; and I wish to explain briefly, if the Senator from Indiana will indulge me, just how I feel about it.

Mr. BEVERIDGE. I will.

Mr. TILLMAN. The question has been asked here as to why there was such a necessity for urgency, why the bill was being pressed, and why everything else was shoved aside to give this bill the right of way. I am one of those old fogies who believe that a platform adopted by a political party in national conclave should mean what it says and say what it means.

Both parties as represented in this Chamber in their national platforms have announced themselves in favor of statehood for these Territories. Therefore if there was any faith to be put in their claims or the statement of policies upon which they went to the country, or if those platforms were made to get into office and then to be disavowed or trampled under foot, I for one, as a Democrat, protest that the Democratic party can not afford to occupy that attitude, and the Republicans are entitled to all the credit and honor, if they choose to assume it, that may come from such an attitude.

The situation, as I understand it, is simply this: There are in the Territory formerly called the Indian Territory—Oklahoma and the Indian Territory as they are now—something like eight or nine hundred thousand or a million white people who went into those Territories from the States to settle up and to create a new Commonwealth. Those people are our brethren. They are our fellow-citizens. They have some rights which both the Republican party and the Democratic party ought to respect. Their condition now is deplorable.

I happened to go down into that region the year before last, and I know something from personal observation of the situation. The people in Oklahoma are much better situated than the people of the Indian Territory—I mean the white people—for the reason that in Oklahoma there is some provision for free schools and for the machinery of government such as the States enjoy, whereas in the Indian Territory everything is tied up and hampered by the condition of the ownership of land by the Indians. The four or five hundred thousand white people there are, you might say, a sort of Ishmaelites. They are on Indian lands and can not get title. They are all clamorous for statehood in some form. The people in Oklahoma want statehood and the people in the Indian Territory certainly want statehood, either separately from Oklahoma or conjointly with it. If they can not obtain statehood then they want Territorial government the same as any other Territory.

There is a provision here in the statehood bill as it has been reported, as it passed the House of Representatives, and which, as it is claimed, has a majority of this Senate behind it, that to my mind is simply damnable in its cruelty and injustice. I will read it. After providing for the calling of a constitutional convention for the framing of the organic law, the apportionment of delegates, and all that kind of thing necessary for the birth of a new State, this omnibus statehood bill goes on, at the bottom of page 4, line 21, with a proviso to this effect:

Provided, That the constitutional convention provided for herein—

Speaking of Oklahoma—

shall, by ordinance irrevocable, express the consent of the State of Oklahoma that Congress may at any time, or from time to time, attach all or any part of the Indian Territory to the State of Oklahoma after the title to said lands in said Indian Territory is extinguished in the tribes now claiming the same, and the same assigned in severalty and subject to taxation.

What does that proviso mean? It means that Oklahoma is to be created into a State with all the rights of statehood conditioned upon her accepting hereafter, in whole or in part, other lands now in the Indian Territory, and the population thereof. In other words, the provision of this bill puts it in the power of the politicians in this Chamber to take the arid or semiarid, the

dry end of the former Indian Territory, great as are its resources and great as its capacity for maintaining a dense population, and create a State out of it; and ignore the claims and rights of the white men in the other end of the former Indian Territory or the present Indian Territory. That is the wet end, the rainy end, with land which is as rich in natural fertility as any land on this continent, and in some respects richer, not in fertility, but blessed in its climate, because I have seen land in both Oklahoma and the Indian Territory, and very large acres of it which, without fertilizers, will produce a bale of cotton to the acre, 20 bushels of wheat, 40 bushels of oats, 40 bushels of corn, and from two to three tons of alfalfa hay. Such a condition and climatic advantages do not exist anywhere else in this country of ours or in any part of the known world that I know of.

It is proposed, however, to create a State out of the poor and arid end, speaking relatively; then to ignore the rights of white people in the other end, parcel them out by piecemeal, and allow them to be "benevolently assimilated" as the political exigencies and opportunities may come around for a party to gain advantage at the expense of those citizens.

Consider for a moment this scheme of political brigandage and infamy. Are the white men of the Indian Territory of a different breed; are they inferior, that they should have no rights respected by this Congress? I do not consider that any man here will contend for any such doctrine as that. Yet here is your game; here is your programme: Instead of admitting the white people of the whole Indian Territory together, or creating two States, one of the Indian Territory and one of Oklahoma, or leaving the Indian Territory out entirely and creating a State of Oklahoma and let her go her way, you provide for something that has never been provided for before in our history, that this rich Territory, with its tax-paying power, shall be added to a State after it has been created and in such parcels as may be convenient.

You allow the arid end, Oklahoma, to locate the State capital, to locate all of the public institutions, the penitentiary, the State colleges, to get all of the benefits, and then you graciously admit hereafter these people in the other end to come in as wards in chancery, or as subjects to pay taxes. To support such a scheme is an outrage. Therefore, I never will vote for the statehood bill as it is now presented to us, and when people claim my vote, I want them to understand that it belongs to me, and I stand here as a representative of a State which believes in equality and justice and decent treatment of white people at least. [Laughter.]

Mr. BEVERIDGE. The Senator from South Carolina will bear me out when I say that, along the same lines upon which he has spoken, the report of the committee, of which I have the honor to be chairman, designated precisely what the Senator calls an outrage as "disgraceful." It is both an outrage and disgraceful. The Senator is right.

Mr. TILLMAN. Mr. President, I did not finish saying that I wanted the people of Arizona to get statehood. I want the people of New Mexico to get statehood, and I am going to vote to give them statehood, as my party pledged itself to do.

The PRESIDING OFFICER. The Senator from South Carolina is out of order.

Mr. BEVERIDGE. I yield to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. TILLMAN. I simply wanted to say that this one provision here is apart from my support of the omnibus bill, and I have tried to give the reason.

Mr. BEVERIDGE. Mr. President, I understood his position as he has explained it, and I simply called the Senator's attention to the fact that so far does the committee agree with him—and I had almost said that is the position of many people belonging to our own party—that what the Senator designates to be an "outrage" we in our report say is "disgraceful." Democrat or Republican, or whatever party a man belongs to, it is an outrage to divide those two Territories, as the Senator has said.

I rose here this morning and asked the indulgence of the Senator from New Hampshire [Mr. BURNHAM] to conclude, perhaps in five minutes, the remarks which I was about concluding when the Senator from Alabama [Mr. PETTUS] yesterday afternoon moved for an adjournment; but numerous interruptions, always welcome, have kept this colloquy going on for a considerable time. I do not intend to take up any more time now, and I should not have occupied so much had not the circumstances been as they are.

I will, however, call attention to one fact, because I see the Senator from Ohio [Mr. FORAKER] in the Chamber. I want to call the Senator's attention to the fact to which I was calling his attention a moment ago, that there was an analogy between the mistake made by Webster and the mistake being made now by the committee, by saying that the committee have never said anything of the kind that Mr. Webster said. We have stated the opportunities that there are there for further agricultural development, and have stated that they are based upon the creation of a successful irrigation system. The Senator from Ohio will not deny that that statement is made, and that it is correct.

Mr. FORAKER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Ohio?

Mr. BEVERIDGE. Certainly.

Mr. FORAKER. The only thing that surprises me in connection with the remarks which the Senator is now making is that he should apparently assume that I could not understand him when he told me that once. I sat here and heard the Senator tell me all that, but why now, when he is in such great haste to make progress in the discussion of this bill, he should take the pains to state it to me again, I am at a loss to understand.

Mr. BEVERIDGE. I will try to explain it to the Senator.

Mr. FORAKER. Again?

Mr. BEVERIDGE. Yes, if necessary to convince the Senator, I will accommodate him by explaining it any number of times, though this certainly is not to take time at this particular juncture, because I want to go away from the Chamber.

The comparison has been made with Webster, and I have pointed out to the Senator—and this makes, I think the Senator will say, the third time—that I made no such statement as Webster made.

Since the Senator made that point—and this is what I was coming to—I will point out to the Senator another analogy, which presents another side of the shield. It is that men have also often been mistaken by taking the mirage of their hopes for reality, and that might be the case with the Senator.

The Senator says that Webster was mistaken about New Mexico and Arizona, and therefore we may be mistaken about New Mexico. Well, I turn to the other side of the shield, and say many men have been mistaken about the prospects of Nevada, and therefore the Senator may be mistaken about the prospects of Arizona and New Mexico. I can point to reports—and I will hereafter read them at some time or other—made to the Senate by its committees and assuming to be made upon evidence containing statements most absurd in their extravagance. It is not for us to say that the Senators who made those statements here in formal reports were not entirely honest. Of course they were. They were simply mistaken; that is all. If a man may be mistaken in his poor view of the future of a section, also may he be mistaken in his too roseate view of the future of a section. So if the Senator's analogy is to be drawn upon us—and I have shown that it can not be—we can draw the other analogy upon the Senator.

It was stated that when Nevada came here to claim admission to the Union not only that she had 90,000 people and 40,000 voters, but that the prospects of her development were beyond the dreams of the most hopeful. Men believed that; they earnestly believed that; and upon their belief they made hazard of their fortunes. But they were mistaken, Mr. President; and so may it be possible that the Senator from Ohio is mistaken. I have called his attention to this merely to present the reverse of his analogy.

Mr. President, I shall not take up any more of the time of the Senator from New Hampshire. In all of this debate we are merely contending at the bottom and after all for the great fundamental principle of democratic government, to wit, that in determining the policies of the Republic it shall be the people who shall be represented, and not merely square miles that shall be represented.

I listened the other day to the almost mathematically accurate speech of the Senator from North Dakota [Mr. MCCUMBER], so closely knit in reasoning, but I was sorry to see it inspired by a thing which I know to not be a part of the Senator's mental make-up. He divided the country into sections. If there is a nationalist in this body; if there is a man in this body who has the views that this Constitution covers the whole Republic, that it does not bind its hands, but nerves its arms and enlightens its brain, it is the Senator from North Dakota. Some of the most engaging conversations I have ever had with any person concerning nationality, concerning unity, concerning a Government of the people of the nation, was at the last session with the Senator from North Dakota. Yet the Senator in his speech here the other day based his whole carefully poised argument upon the proposition that really it was a Government, so far as the Senate is concerned, not by people but by sections. I was sorry to see that introduced into this debate.

One of the greatest hopes that has inspired us all for the last thirty or forty years is that the day and era of sections had passed forever, and not only that there should be no North and no South, but also that there should be no East and no West. Yet we had it asserted here that sections must be represented; that section shall balance section; that mountain States must be set against prairie States, Western States against Eastern States. It is a false argument—a terrible doctrine. There are no sections. There must be no sections. There shall be no sections. There is

only one Republic, and that Republic is based not only on mountains and streams and fields, but, and chiefly, on the people. When you come to the bottom of this great question, the whole thing is the preservation of the fundamental principle upon which this Government, and all democratic governments, rests, to wit, the rule of the people, and not the rule of square miles.

I thank the Senator from New Hampshire very much for his courtesy.

Mr. DUBOIS. Will the Senator from New Hampshire pardon me? I will take but a few moments.

Mr. BURNHAM. Certainly.

Mr. DUBOIS. Mr. President, I am surprised at the line of argument of some Senators in this debate, and I desire to point out its unfairness. They constantly use Nevada as an illustration, and no other State. We are all aware of the fact that Nevada made no claims for statehood. A political exigency occurred at that time, and it was the desire of the dominant party and of the great majority of the other States that Nevada should be added to the Union. It did not come from the desire or the pressing of the people of Nevada.

During the fifteen years last passed there have been seven Territories admitted as States into the Union from this same region. I wish to call attention to the progress they have made. In 1890 North Dakota had 182,000 inhabitants; in 1900, 319,000. South Dakota had 328,000 in 1890; 401,000 in 1900. These are the recently admitted States. Montana had 132,000 in 1890; 243,000 in 1900. Idaho had 84,000 in 1890; 161,000 in 1900. Washington had 349,000 in 1890; 518,000 in 1900. Utah had 207,000 in 1890; 276,000 in 1900.

Now, in addition to that, look at the Territories. Arizona had but 59,000 in 1890, and 122,000 in 1900. New Mexico had 153,000 in 1890, and 195,000 in 1900. Even those Territories show the great increase of population which is shown by the Western States that have been admitted recently.

Is there a Senator on this floor who would want to take back the statehood which they gave to those Territories within the last ten or twelve years? Is there anything to which they find objection? When you give statehood to these Southern Territories they will increase much faster than they have done without it. An illustration comes to my mind in my own State. A few days ago a corporation put into bank $3,000,000 to reclaim 271,000 acres of land under the beneficent provisions of the so-called Carey Act passed by Congress. Capital comes in knowing it will have more security in a State. The reasons why that is true are numerous.

In a Territory, until a recent time, at any rate, the people did not know even who their officers would be: and in Territories—there has never been an exception to this statement, and there can not be—no one desires to go to the legislature. When they have their county conventions and have parceled out the offices which have emoluments, then they look around and ask, "Who will go to the legislature?" The office is not, as it is in the States, a stepping-stone to future political preferment. Business men will not go there and serve to get the per diem. The class of men in the legislatures in the Territories is much inferior to the class secured in the States.

But I rose chiefly to object that Senators should single out the State of Nevada in making the comparison.

Washington State has three Representatives in Congress, while Delaware has but one, and Delaware never can have more than one. New Hampshire and Vermont can have but two. Our States will have a million people in a few years. Then the proportion of our representation in Congress will not be fair compared with the smaller States of Rhode Island and Delaware and Vermont in the East. It is not just, and I protest against it, to compare Nevada with any of these Territories, although I agree with the Senator from Nevada [Mr. STEWART] that there is yet a future for that country. But every one of the newly admitted States of the West shows a great increase of wealth and population, and the Territories now seeking admission show a steady increase in wealth and population.

Mr. BURNHAM. Mr. President——

Mr. MCCUMBER. Will the Senator from New Hampshire yield to me for a moment?

Mr. BURNHAM. With pleasure.

Mr. MCCUMBER. I notice that the Senator from Indiana [Mr. BEVERIDGE] has just stepped out, but very briefly I wish to answer an allusion that was made with reference to the intendment of the argument which I made in the Senate some days ago.

If the Senator from Indiana arrived at the conclusion that the argument which I made in favor of the statehood bill tended to support the proposition that I believe in representation by sections, he certainly misunderstood the entire character of the address. On the contrary, the whole gist of the argument was to establish the fact that we should as near as possible, in the admission of new States, continually have in view the idea of the representation of population, and assuming that population is always dependent upon industries, that naturally in representing any industry according to its importance we are representing the population according to its importance.

I think I made it quite clear that the whole idea should be that it is the population and not the Territory that should be represented, and that in the present instance the industries of the country are not equitably represented in the Senate of the United States. That being so, and from the fact that they must remain substantially the same on account of the inability to change the representation, so that it will be greater than two Senators from each State, we should constantly and continually have in mind the balancing of the great industries of the country, so that each may have its just and appropriate representation. When we are doing that we are representing the people supported by any particular industry.

It is far from a reflection upon any Senator representing a State to say that in his representative capacity he looks particularly to the industries of his State, because that is his duty here. If one will look over the treaties that come before the Senate and see the influence of great industries upon them in the matter of considering what tariff should be levied upon any particular article, he will easily see the inability of some industries to make their voices sufficiently heard in the Senate, although their industries are important. I think that is the only conclusion the Senator could justly derive from the remarks I made the other day.

Mr. BURNHAM addressed the Senate in continuation of the speech begun by him on the 21st instant. After having spoken about two hours,

Mr. CARMACK. Will the Senator from New Hampshire yield to me for a moment?

Mr. BURNHAM. Certainly.

[Mr. BURNHAM's speech will be published entire after it shall have been concluded.]

J. V. WORLEY.

Mr. CARMACK. I wish to ask leave, if there be no objection, to call up a bill. I ask unanimous consent for the consideration of the bill (H. R. 2974) for the relief of J. V. Worley.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay $40 to J. V. Worley, of Hardin County, Tenn., to reimburse him for a like sum wrongfully collected from him by the United States marshal for the eastern division of the western district of Tennessee, in the sixth judicial circuit thereof.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 252) granting an increase of pension to Levi H. Peddycoard;

A bill (S. 1131) granting an increase of pension to Sydda B. Arnold;

A bill (S. 1614) granting an increase of pension to Nelson W. Carlton;

A bill (S. 1637) granting an increase of pension to Annie A. Neary;

A bill (S. 1903) granting an increase of pension to Hamline B. Williams;

A bill (S. 1978) granting an increase of pension to Wesley S. Potter;

A bill (S. 2084) granting an increase of pension to Samuel E. Ewing;

A bill (S. 2863) granting an increase of pension to Mary L. Purington;

A bill (S. 3238) granting a pension to Martha Elizabeth Hench;

A bill (S. 3250) granting an increase of pension to Winfield S. Piety;

A bill (S. 3298) granting an increase of pension to William A. Kimball;

A bill (S. 3607) granting an increase of pension to Oliver P. Helton;

A bill (S. 3644) granting an increase of pension to James Nealey;

A bill (S. 3730) granting an increase of pension to Jonas Olmstead;

A bill (S. 3773) granting an increase of pension to Leroy Roberts;

A bill (S. 3940) granting an increase of pension to Eliza C. Deery;

A bill (S. 3970) granting an increase of pension to Mary Elizabeth Fales;

A bill (S. 4121) granting a pension to Elizabeth Jacobs;

A bill (S. 4296) granting a pension to Andrew Ady;

A bill (S. 4332) granting an increase of pension to Mary B. Heddleson;

A bill (S. 4401) granting an increase of pension to Frederick Kropf;
A bill (S. 4412) granting an increase of pension to John J. Rees;
A bill (S. 4515) granting an increase of pension to Alfred O. Blood;
A bill (S. 4827) granting an increase of pension to George W. Scott;
A bill (S. 5244) granting an increase of pension to William H. Maxwell;
A bill (S. 5280) granting a pension to Dollie Cosens;
A bill (S. 5352) granting an increase of pension to William Flinn;
A bill (S. 5355) granting an increase of pension to George A. King;
A bill (S. 5412) granting an increase of pension to Henry E. Spring;
A bill (S. 5642) granting an increase of penson to Nicholas Smith;
A bill (S. 5976) granting an increase of pension to Milton Frazier;
A bill (S. 6071) granting an increase of pension to Mary Manes;
A bill (S. 6155) granting an increase of pension to William Markle;
A bill (S. 6182) granting an increase of pension to Lila L. Egbert;
A bill (S. 6257) granting an increase of pension to Mary B. Keller;
A bill (S. 6492) granting an increase of pension to Thomas Starrat;
A bill (S. 6514) granting an increase of pension to Stephen J. Houston;
A bill (S. 6526) granting an increase of pension to Orin T. Fall;
A bill (S. 6543) granting an increase of pension to David C. Morgan; and
A bill (S. 6614) granting an increase of pension to Bertha R. Koops.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (H. R. 14275) providing for additional terms of court in the western judicial district of the State of South Carolina;
A bill (H. R. 14839) providing that the circuit court of appeals of the fifth judicial circuit of the United States shall hold at least one term of said court annually in the city of Montgomery, in the State of Alabama, on the first Monday in September in each year; and
A bill (H. R. 15506) to amend section 14 of an act entitled "An act to divide the State of Texas into four judicial districts."

EXECUTIVE SESSION.

Mr. CULLOM. I ask the Senator from New Hampshire whether he would not be willing to yield in order that I may make a motion to go into executive session?

Mr. BURNHAM. Certainly. I have not concluded and I shall desire to proceed at some time later. I will yield for the present.

Mr. CULLOM. The Senator will occupy the floor, I suppose, at the next day's session. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After forty-five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Saturday, January 24, 1903, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 23, 1903.

PROMOTIONS IN THE ARMY.

Cavalry Arm.

Lieut. Col. Samuel M. Swigert, Ninth Cavalry, to be colonel, January 16, 1903.

Maj. Edward A. Godwin, Tenth Cavalry, to be lieutenant-colonel, January 16, 1903.

Capt. Robert D. Read, jr., Tenth Cavalry, to be major, January 16, 1903.

PROMOTIONS IN THE NAVY.

1. Commander Harrie Webster, to be a captain in the Navy, from the 4th day of January, 1903.

2. Lieut. Commander John M. Robinson, to be a commander in the Navy, from the 4th day of January, 1903.

3. Lieut. William S. Smith, to be a lieutenant-commander in the Navy, from the 4th day of January, 1903.

1. Surgeons Lloyd W. Curtis and Henry B. Fitts, to be surgeons in the Navy, with the rank of lieutenant-commander, from the 2d day of December, 1902.

3. P. A. Surgs. Washington B. Grove and Raymond Spear, to be passed assistant surgeons in the Navy, with the rank of lieutenant, from the 7th day of November, 1902.

5. Chaplain John P. S. Chidwick, to be a chaplain in the Navy, with the rank of commander, from the 11th day of September, 1902.

6. Chaplain Harry W. Jones, to be a chaplain in the Navy, with the rank of commander, from the 14th day of November, 1902.

7. Civil Engineer Luther E. Gregory, to be a civil engineer in the Navy, with the rank of lieutenant, from the 6th day of April, 1902.

8. Gunner Hugh Sinclair, to be a chief gunner in the Navy, from the 5th day of August, 1902, in accordance with the provisions of an act of Congress approved March 3, 1899.

Commander Charles W. Rae, to be a captain in the Navy, from the 4th day of January, 1903, vice Capt. Franklin Hanford, retired.

Lieutenant-Commander John K. Barton, to be a commander in the Navy, from the 4th day of January, 1903, vice Commander Harrie Webster, promoted.

POSTMASTERS.

ILLINOIS.

Peter A. Nelson, to be postmaster at Lamont, in the county of Cook and State of Illinois.

George C. Roberts, to be postmaster at Greenview, in the county of Menard and State of Illinois.

John W. Church, to be postmaster at Marissa, in the county of St. Clair and State of Illinois.

Silas D. Patton, to be postmaster at El Paso, in the county of Woodford and State of Illinois.

Henry M. Peeples, to be postmaster at Shawneetown, in the county of Gallatin and State of Illinois.

Abraham L. Coyle, to be postmaster at Gridley, in the county of McLean and State of Illinois.

Fred R. Brill, to be postmaster at Hampshire, in the county of Kane and State of Illinois.

Charles W. Vedder, to be postmaster at North Chicago, in the county of Lake and State of Illinois.

Charles Scofield, to be postmaster at Marengo, in the county of McHenry and State of Illinois.

M. H. Spence, to be postmaster at Elmwood, in the county of Peoria and State of Illinois.

Frederick P. Burgett, to be postmaster at Keithsburg, in the county of Mercer and State of Illinois.

William H. Pease, to be postmaster at Harvey, in the county of Cook and State of Illinois.

MAINE.

William T. Smart, to be postmaster at Lewiston, in the county of Androscoggin and State of Maine.

MARYLAND.

Ulysses Hanna, to be postmaster at Frostburg, in the county of Allegany and State of Maryland.

MINNESOTA.

William J. Cowling, to be postmaster at Ely, in the county of St. Louis and State of Minnesota.

Brown Duckstad, to be postmaster at Fertile, in the county of Polk and State of Minnesota.

Isaac I. Bargen, to be postmaster of Mountain Lake, in the county of Cottonwood and State of Minnesota.

George W. Rowell, to be postmaster at North Branch, in the county of Chisago and State of Minnesota.

William Gallagher, to be postmaster at Carlton, in the county of Carlton and State of Minnesota.

Axel Hammarsten, to be postmaster at Cokato, in the county of Wright and State of Minnesota.

Anders Glimme, to be postmaster at Kenyon, in the county of Goodhue and State of Minnesota.

Julius E. Haycraft, to be postmaster at Madelia, in the county of Watonwan and State of Minnesota.

Florence A. Vanderpoel, to be postmaster at Park Rapids, in the county of Hubbard and State of Minnesota.

Charles E. Fuller, to be postmaster at St. James, in the county of Watonwan and State of Minnesota.

William E. Easton, to be postmaster at Stillwater, in the county of Washington and State of Minnesota.

MONTANA.

Julia A. Kline, to be postmaster at White Sulphur Springs, in the county of Meagher and State of Montana.

OKLAHOMA.

Elmer E. Brown, to be postmaster at Oklahoma, in the county of Oklahoma and Territory of Oklahoma.

WISCONSIN.

Spencer G. Beers, to be postmaster at Darlington, in the county of Lafayette and State of Wisconsin.

Elden W. Woodworth, to be postmaster at Ellsworth, in the county of Pierce and State of Wisconsin.

Bernhard Beck, to be postmaster at Horicon, in the county of Dodge and State of Wisconsin.

Harry C. Hall, to be postmaster at Iron River, in the county of Bayfield and State of Wisconsin.

Joseph W. Fritz, to be postmaster at Ladysmith, in the county of Gates and State of Wisconsin.

Edward A. Bass, to be postmaster at Montello, in the county of Marquette and State of Wisconsin.

Frank L. Wilcox, to be postmaster at South Superior, in the county of Douglas and State of Wisconsin.

Edwin F. Ganz, to be postmaster at Alma, in the county of Buffalo and State of Wisconsin.

Charles P. Brechler, to be postmaster at Fennimore, in the county of Grant and State of Wisconsin.

William White, to be postmaster at Algoma, in the county of Kewaunee and State of Wisconsin.

Fitz James Hamilton, to be postmaster at Sturgeon Bay, in the county of Door and State of Wisconsin.

William R. McCutcheon, to be postmaster at Thorp, in the county of Clark and State of Wisconsin.

Morris F. Barteau, to be postmaster at Appleton, in the county of Outagamie and State of Wisconsin.

Francis R. Dittmer, to be postmaster at Seymour, in the county of Outagamie and State of Wisconsin.

Thomas Hill, to be postmaster at Spring Green, in the county of Sauk and State of Wisconsin.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January 23, 1903.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

BUSINESS OF JUDICIARY COMMITTEE.

Mr. JENKINS. I ask unanimous consent that during the remainder of this session the Committee on the Judiciary have leave to sit during the sessions of the House.

There being no objection, leave was granted.

POST-OFFICE APPROPRIATION BILL.

Mr. LOUD, from the Committee on the Post-Office and Post-Roads, reported a bill (H. R. 16990) making appropriations for the service of the Post-Office Department for the year ending June 30, 1904, and for other purposes; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. RICHARDSON of Tennessee. I reserve all points of order on this bill.

The SPEAKER. The gentleman from Tennessee reserves all points of order on the bill.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 16021) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CULLOM, Mr. WARREN, and Mr. COCKRELL as the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

S. 5891. An act to authorize the President to appoint Brig. Gen. H. C. Merriam to the grade of major-general in the United States Army and place him on the retired list; and

S. 6364. An act granting an increase of pension to Austin Almy.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 5891. An act to authorize the President to appoint Brig. Gen. H. C. Merriam to the grade of major-general in the United States Army and place him on the retired list—to the Committee on Military Affairs.

S. 6364. An act granting an increase of pension to Austin Almy—to the Committee on Pensions.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 1115. An act for the relief of Francis S. Davidson, late first lieutenant, Ninth United States Cavalry.

ORDER OF BUSINESS.

Mr. SULLOWAY. I move that the House resolve itself into Committee of the Whole for the consideration of bills on the Private Calendar, in order to-day under the rule.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole (Mr. CAPRON in the chair) and proceeded to the consideration of bills on the Private Calendar, in order this day under the rule.

ANNIE A. NEARY.

The first business was the bill (S. 1637) granting an increase of pension to Annie A. Neary.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Annie A. Neary, widow of William C. Neary, late first lieutenant, Fourth Regiment United States Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving, and $2 per month additional on account of the minor child of said William C. Neary until she reaches the age of 16 years.

The bill was ordered to be laid aside with a favorable recommendation.

LAURA S. PICKING.

The next business was the bill (S. 2806) granting an increase of pension to Laura S. Picking.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Laura S. Picking, widow of Henry F. Picking, late rear-admiral, United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 8 strike out "fifty" and insert "forty."

Add at the end of the bill the following: "and $2 per month additional on account of the minor child of said Henry F. Picking until he reaches the age of 16 years."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

THOMAS STARRAT.

The next business was the bill (S. 6492) granting an increase of pension to Thomas Starrat.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Starrat, late of Capt. William Ross's company, and Lieut. Cornelius Taylor's company, Florida Volunteers, Seminole Indian war, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

FANNIE M'HARG.

The next business was the bill (S. 6132) granting an increase of pension to Fannie McHarg.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Fannie McHarg, widow of John McHarg, late of Company B, Sixth Regiment United States Infantry, war with Mexico, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "sixteen" and insert "twelve."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

FRANCES COWIE.

The next business was the bill (H. R. 15754) granting a pension to Frances Cowie.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frances Cowie, widow of George Cowie, jr., late a captain in the United States Navy, and pay her a pension at the rate of $50 per month.

The amendment recommended by the committee was read, as follows:

Strike out all in the bill after the words "George Cowie," in line 6, and substitute therefor the following: "late commander, United States Navy, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LUCIEN B. LOVE.

The next business was the bill (H. R. 15812) granting a pension to Lucien B. Love.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lucien B. Love, late of Company C, Third Regiment Kentucky Volunteer Infantry, in the Mexican war, and pay him a pension at the rate of $20 per month.

The amendments recommended by the committee were read, as follows:

Amend the title so as to read: "A bill granting an increase of pension to Lucien B. Love."

In line 7 strike out "in the Mexican war" and substitute therefor "war with Mexico."

In line 8 add to the end of the bill the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM SHUP.

The next business was the bill (H. R. 1614) granting an increase of pension to William Shup.

Mr. LOUDENSLAGER. The proposed beneficiary of this bill is dead. I therefore move that the bill be laid aside to be reported to the House with the recommendation that it be laid on the table.

The motion was agreed to.

BENJAMIN CARDWELL.

The next business on the Private Calendar was the bill (H. R. 15622) granting an increase of pension to Ben Cardwell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ben Cardwell, of Shelby, Ala., late of Company —, —— Regiment —— Volunteer Infantry, Mexican war, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In the title and in the body of the bill change the Christian name "Ben" to "Benjamin."

Strike out all in the bill after the word "Cardwell," in line 6, and substitute the following: "late of Company K, First Regiment Alabama Volunteers, war with Mexico, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HARRY F. LIBBY.

The next business on the Private Calendar was the bill (H. R. 16148) granting an increase of pension to Harry F. Libby.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harry F. Libby, late of Company A, Third Regiment Illinois Volunteer Infantry, war with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MINERVA MURPHY.

The next business on the Private Calendar was the bill (H. R. 15873) granting a pension to Minerva Murphy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, subject to the conditions and limitations of the pension laws, the name of Minerva Murphy, a totally helpless daughter of Davis Murphy, late a member of Company F, Third Regiment Illinois Volunteer Infantry, in the war with Mexico, and pay her a pension of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after the words "Minerva Murphy," strike out "a totally" and substitute therefor the word "the;" and after the word "helpless," in the same line, insert "and dependent."

Strike out all in the bill after the word "late," in line 7, and substitute therefor the following: "of Captain Campbell's company, Third Regiment Illinois Foot Volunteers, war with Mexico, and pay her a pension at the rate of $12 per month."

In line 5, change the word "conditions" to "provisions."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GEORGE WHITE.

The next business on the Private Calendar was the bill (H. R. 14235) granting an increase of pension to George White.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George White, a survivor of the Mexican war, late Company K, Second Regiment Pennsylvania Volunteers, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendments recommended by the Committee on Invalid Pensions were read, as follows:

In line 6 strike out "a survivor of the Mexican war;" and in the same line, after the word "late," insert the word "of."

In line 7, after the word "Volunteers," insert "war with Mexico."

In line 8 change "twenty-five" to "sixteen."

The amendments were agreed to.

The bill was ordered to be laid aside with a favorable recommendation.

SIMON M. YATES.

The next business on the Private Calendar was the bill (H. R. 13711) for the relief of Simon M. Yates.

The bill was read, as follows:

Be it enacted, etc., That the Commissioner of Pensions is hereby authorized and directed to place on the pension roll the name of Simon M. Yates, of Hinds County, Miss., at the rate of $20 per month, on account of tuberculosis contracted while serving in Company E, First Mississippi Volunteers, in the Spanish-American war.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clase and substitute therefor the following: "That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Simon M. Yates, late of Company E, First Regiment Mississippi Volunteer Infantry, war with Spain."

Also amend the title so as to read: "A bill granting a pension to Simon M. Yates."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MAY E. BUNN.

The next business on the Private Calendar was the bill (H. R. 14407) granting a pension to May Jennings Bunn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of May Jennings Bunn, widow of George B. Bunn, late brigade surgeon with rank of major, United States Volunteers, war with Spain, and pay her a pension at the rate of $35 per month.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "brigade surgeon with rank of major" and substitute therefor "major and brigade surgeon."

In line 9 strike out "thirty-five" and insert in lieu thereof "twenty-five."

In line 6 strike out the Christian name "Jennings" and insert the initial "E."

Amend the title so as to read: "A bill granting a pension to May E. Bunn."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN B. ANDERSON.

The next business on the Private Calendar was the bill (H. R. 14168) granting a pension to J. B. Anderson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of J. B. Anderson, late courier, Col. O. W. Doniphan's Regiment Volunteer Infantry, in the Mexican war, and pay him a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6 change "J. B." to John B."

In line 7, after the word "Regiment," insert "Missouri;" and in the same line strike out "in the Mexican war" and substitute therefor "war with Mexico."

Amend the title so as to read: "A bill granting a pension to John B. Anderson."

In line 6 change "O.W. Doniphan" to "A. W. Doniphan."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ASA C. HILL.

The next business on the Private Calendar was the bill (H. R. 14604) granting an increase of pension to Asa C. Hill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Asa C. Hill, late of Company D, Bell's Regiment Texas Mounted Volunteers, war with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

GEORGE M. SMITH.

The next business on the Private Calendar was the bill (H. R. 14217) granting a pension to George M. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions

and limitations of the pension laws, the name of George M. Smith, late of Company A, Second Regiment Indiana Volunteer Infantry, Mexican war, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "Mexican war" and insert in lieu thereof "war with Mexico."

In line 8 strike out "thirty" and substitute therefor "twenty."

Amend the title so as to read: "A bill granting an increase of pension to George M. Smith."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

AUGUSTA W. SEELY.

The next business on the Private Calendar was the bill (H. R. 14143) granting an increase of pension to Augusta W. Seely.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Augusta W. Seely, widow of Capt. Henry B. Seely, United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Captain."

In line 7, before the words "United States Navy," insert "late lieutenant-commander."

In line 8 strike out "fifty" and insert "forty."

Add to the end of the bill the words: "and $2 per month additional on account of the minor child of said Henry B. Seely until she reaches the age of 16 years."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

THOMAS MARTIN.

The next business on the Private Calendar was the bill (H. R. 12971) granting a pension to Thomas Martin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Thomas Martin, late a private in Company F, Third United States Cavalry, upon the pension roll, and pay him a pension at the rate of $20 per month from and after the passage of this act.

The amendment recommended by the committee was read, as follows:

Strike out all in the bill after the word "place," in line 4, and substitute therefor the following: "on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Martin, late of Company F, Third Regiment United States Cavalry."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ALEXANDER J. THOMSON.

The next business on the Private Calendar was the bill (H. R. 12611) for the relief of Alexander J. Thompson.

The bill was read, as follows:

Be it enacted, etc., That on account of said injury so received a pension of —— dollars per month be allowed to said Alexander J. Thompson.

The amendments recommended by the committee were read, as follows:

Strike out the preamble and all after the enacting clause and substitute therefor the following: "That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alexander J. Thomson, late of Company L, First Georgia Regiment Volunteer Infantry, war with Spain."

Also amend the title so as to read: "A bill granting a pension to Alexander J. Thomson."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

FRANCIS N. BONNEAU.

The next business on the Private Calendar was the bill (H. R. 13826) granting an increase of pension to Francis N. Bonnean.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis N. Bonnean, late of the United States Navy, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In the title and the body of the bill change the spelling of the claimant's surname to "Bonneau."

In line 6 strike out "of the" and substitute therefor "commander's clerk."

In line 7 strike out "twenty" and insert "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DAVID K. WARDWELL.

The next business on the Private Calendar was the bill (H. R. 8085) granting a pension to David K. Wardwell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David K. Wardwell, late captain of Company F, Fifth Massachusetts Regiment Volunteer Infantry, and lieutenant-colonel of the Thirty-eighth Massachusetts Volunteer Infantry, and pay him a pension at the rate of $75 per month.

The amendments recommended by the committee were read, as follows:

Strike out all in the bill after the word "Wardwell," in line 6, and substitute the following: "late of Company E, First Regiment Massachusetts Volunteer Infantry, war with Mexico, and captain Company F, Fifth Regiment Massachusetts Volunteer Infantry, lieutenant-colonel Thirty-eighth Regiment Massachusetts Volunteer Infantry, and lieutenant-colonel Veteran Reserve Corps, United States Army, war of the rebellion, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving."

Also amend the title so as to read: "A bill granting an increase of pension to David K. Wardwell."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SOLOMON A. ALEXANDER.

The next business on the Private Calendar was the bill (H. R. 13793) granting an increase of pension to Solomon A. Alexander.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Solomon A. Alexander, late of Company G, Palmetto Regiment South Carolina Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "twenty" and insert "sixteen."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MICHAEL J. MADDEN.

The next business on the Private Calendar was the bill (H. R. 10644) granting a pension to Michael J. Madden.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Michael J. Madden, late of Company A, Forty-seventh Regiment United States Infantry, and pay him a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Infantry," insert "Volunteer," and after "Infantry" insert "war with Spain."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LAVINIA COOK.

The next business on the Private Calendar was the bill (H. R. 1027) for relief of Lavinia Cook.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to place upon the pension roll the name of Lavinia Cook, widow of Reuben Cook, private in Georgia Volunteers, Captain Loyall's company, in the Creek Indian war, at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

Strike out all in the bill after the word "authorized," in line 4, and substitute therefor the following: "and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lavinia Cook, widow of Reuben Cook, late of Captain Loyall's company, Georgia Volunteers, Creek Indian war, and pay her a pension at the rate of $8 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHARLES W. BRACKEN.

The next business on the Private Calendar was the bill (H. R. 15572) granting a pension to Charles W. Bracken.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles W. Bracken, late of Captain Highsmith's company, Texas Mounted Volunteers, and pay him a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

In line 7, after the word "Volunteers," insert "war with Mexico."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ENOS TURNER.

The next business on the Private Calendar was the bill (H. R 15400) granting an increase of pension to Enos Turner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Enos Turner, late of Company D, United States Mounted Riflemen, Mexican war, and late captain of Company F, One hundred and fifty-third Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "Mexican war" and substitute therefor "war with Mexico;" and in the same line strike out "late captain of."
In line 8, after "Fifty-third," insert "Regiment;" and in the same line, after the word "Infantry," insert "war of the rebellion."
In line 9 strike out "thirty" and insert in lieu thereof "twenty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHRISTIAN J. FLANAGAN.

The next business on the Private Calendar was the bill (H. R. 15997) granting an increase of pension to Christian J. Flanagan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Christian J. Flanagan, late captain of Company H, Thirty-fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Company," strike out the word "of."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN W. CHANCELLOR.

The next business on the Private Calendar was the bill (H. R. 16361) granting an increase of pension to John W. Chancellor.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Chancellor, late of Company H, Twenty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving, the same to be paid to him under the rules of the Pension Bureau as to mode and times of payment, without any deduction or rebate on account of any former erroneous payments of pension.

The amendments recommended by the committee were read, as follows:

In line 11 strike out the word "any."
In same line, after the word "former," insert the words "alleged overpayments or."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM H. CHAMBERLIN.

The next business on the Private Calendar was the bill (H. R. 15472) granting a pension to William H. Chamberlin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Chamberlin, late of Company K, First Regiment Wisconsin Heavy Artillery, and pay him a pension at the rate of $40 per month.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Wisconsin," insert the word "Volunteer."
In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."
In same line, after the word "month," insert the words "in lieu of that he is now receiving."
Amend the title so as to read: "A bill granting an increase of pension to William H. Chamberlin."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LYMUS WALLACE.

The next business on the Private Calendar was the bill (H. R. 16381) granting a pension to Lymus Wallace.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lymus Wallace, late of U. S. gunboats Essex, Clara Dolson, General Lyon, and W. H. Brown, United States Navy, war of 1861 to 1865, and pay him a pension at the rate of $30 per month in lieu of the pension he is now receiving under certificate No. 26496.

The amendments recommended by the committee were read, as follows:

Strike out all of lines 6, 7, 8, 9, 10, 11, and 12 and insert in lieu thereof the following: "of Lymus Wallace, late of U. S. steamships Clara Dolsen, General Lyon, and W. H. Brown, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Lymus Wallace."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DAVID M. SHOPSTAUGH.

The next business on the Private Calendar was the bill (H. R. 14398) granting an increase of pension to David M. Shopstaugh.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David M. Shopstaugh, late a member of Company E, of the Sixty-sixth Regiment of Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "a member."
In the same line, after the letter "E," strike out the word "of."
In line 7 strike out the word "the."
In the same line strike out the word "of."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "forty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY P. EVERTON.

The next business on the Private Calendar was the bill (H. R. 15206) granting a pension to Mary P. Everton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary P. Everton, widow of William Everton, late of Company L, Sixth Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $24 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "eight."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JANE P. CHESTER.

The next business on the Private Calendar was the bill (H. R. 15439) granting an increase of pension to Jane P. Chester.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jane P. Chester, widow of George F. Chester, late colonel of the Tenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7 strike out the words "of the Tenth" and insert in lieu thereof the words "One hundred and first."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

J. C. WILLIAMS.

The next business on the Private Calendar was the bill (H. R. 15528) granting an increase of pension to J. C. Williams.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of J. C. Williams, late of Company D, Eighteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "J." and insert in lieu thereof the word "John."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DANIEL R. LUCAS.

The next business on the Private Calendar was the bill (H. R. 15746) granting an increase of pension to Daniel R. Lucas.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel R. Lucas, late chaplain of the Ninety-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the words "of the."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN H. SMITH.

The next business on the Private Calendar was the bill (H. R. 16073) granting an increase of pension to John H. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John H. Smith, late of Company G, Thirty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MICHAEL MURPHY.

The next business on the Private Calendar was the bill (H. R. 15964) granting an increase of pension to Michael Murphy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Michael Murphy, late of Company B, First Maryland Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "First," insert the word "Regiment."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELIZA M. HUTCHINSON.

The next business on the Private Calendar was the bill (H. R. 16368) granting an increase of pension to Eliza M. Hutchinson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eliza M. Hutchinson, widow of Joseph H. Hutchinson, late of Company A, Second Regiment Nebraska Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving: *Provided, however*, That in the case of the death of the helpless child Grace A. Hutchinson, on whose account the pension of Eliza M. Hutchinson is increased, the pension of said Eliza M. Hutchinson shall continue only at the rate of $8 per month from and after the date of death of said helpless child.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM H. FRANCE.

The next business on the Private Calendar was the bill (H. R. 15533) granting an increase of pension to William H. France.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. France, late of Company G, One hundred and forty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

LUKE MADDEN.

The next business on the Private Calendar was the bill (H. R. 16445) granting a pension to Luke Madden.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Luke Madden, late of Company G, Ninety-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The amendments recommended by the committee were read, as follows:

Strike out all of lines 6, 7, and 8, and insert in lieu thereof the following: "of Luke Madden, alias John E. McDonald, late of Company G, Ninety-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Luke Madden, alias John E. McDonald."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

NIMROD F. CLARK.

The next business on the Private Calendar was the bill (H. R. 13240) granting an increase of pension to Nimrod F. Clark.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nimrod F. Clark, late of Company B, One hundred and thirty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN C. COLLAHAN.

The next business on the Private Calendar was the bill (H. R. 16210) granting an increase of pension to John C. Callahan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John C. Callahan, late first lieutenant Company A, One hundredth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Callahan" and insert in lieu thereof the word "Collahan."

In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "twenty-four."

Amend the title so as to read: "A bill granting an increase of pension to John C. Collahan."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GEORGE BROWN.

The next business on the Private Calendar was the bill (H. R. 16162) granting an increase of pension to George Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Brown, late of Company H, Fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "Company H" and insert in lieu thereof the words "Companies H and I."

Amend the title so as to read: "A bill granting an increase of pension to George Brown."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM O. BOUGHTON.

The next business on the Private Calendar was the bill (H. R. 15618) granting an increase of pension to William O. Boughton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William O. Boughton, late of Company B, First Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

AMANDA BURKE.

The next business on the Private Calendar was the bill (H. R. 12602) granting an increase of pension to Amanda Burke.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Amanda Burke, widow of Milo M. Burke, late of United States vessel Henry James, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out the words "United States vessel" and insert in lieu thereof the words "the United States ship."

In line 7, after the word "James," insert the words "United States Navy."

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "twenty."

In line 9, after the word "receiving," insert the words:

"*Provided, however*, That in the event of the death of the helpless child Edith Burke, on whose account the pension of Amanda Burke is increased, the pension of said Amanda Burke shall continue only at the rate of $8 per month from and after the date of death of said helpless child."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN A. T. M'PHERSON.

The next business on the Private Calendar was the bill (H. R. 15674) granting an increase of pension to John A. T. McPherson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John A. T. McPherson, late

seaman, United States steamship Fairplay, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In lines 6 and 7 strike out the words "seaman, United States steamship Fairplay" and insert in lieu thereof the words "of the United States ship Fair Play."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JANE A. TILLINGHAST.

The next business on the Private Calendar was the bill (H. R. 12214) granting an increase of pension to Jane A. Tillinghast.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jane A. Tillinghast, widow of Albert G. Tillinghast, late first lieutenant Companies A and H, Fourth Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 9 strike out the word "thirty" and insert in lieu thereof the word "seventeen."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ERVIN THOMPSON.

The next business on the Private Calendar was the bill (H. R. 13239) granting an increase of pension to Ervin Thompson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ervin Thompson, late of Company E, Forty-first Regiment Wisconsin Volunteer Infantry, and Company D, Fiftieth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 9 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JULIA ANGLADA.

The next business on the Private Calendar was the bill (H. R. 11417) granting an increase of pension to Julia Anglada.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Julia Anglada, widow of John Anglada, late a landsman, United States Navy, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the words "a landsman," and insert in lieu thereof the words "of United States ship Constitution."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM W. PAINTER.

The next business on the Private Calendar was the bill (H. R. 13689) granting a pension to William W. Painter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William W. Painter, late of Company K, Forty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty," and insert in lieu thereof the word "twelve."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ANSON LEWIS.

The next business on the Private Calendar was the bill (H. R. 12021) granting an increase of pension to Anson Lewis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anson Lewis, late first lieutenant Company K, Twelfth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the words "first lieutenant" and insert in lieu thereof the word "of."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES JONES.

The next business on the Private Calendar was the bill (H. R. 12508) granting an increase of pension to James Jones, quartermaster Sixty-sixth New York Volunteer Infantry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Jones, late quartermaster Sixty-sixth New York Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the words "New York," insert the word "Regiment."

Amend the title so as to read: "A bill granting an increase of pension to James Jones."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JERRY S. FISH.

The next business on the Private Calendar was the bill (H. R. 3460) for the relief of Jerry S. Fish, of Cameron, Marshall County, W. Va.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Jerry S. Fish, of Cameron, Marshall County, W. Va., son of Nathan S. Fish, deceased, late first lieutenant of Company B, Twelfth Regiment West Virginia Infantry, subject to the provisions and limitations of the pension laws, and allow him a pension of $25 per month.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jerry S. Fish, helpless and dependent son of Nathan S. Fish, late first lieutenant Company B, Twelfth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $12 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

AARON YOUNG.

The next business on the Private Calendar was the bill (H. R. 9987) granting an increase of pension to Aaron Young.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Aaron Young, late of Company D, Twenty-fourth Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, before the word "Infantry," insert the words "Colored Volunteer."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CARTER B. HARRISON.

The next business on the Private Calendar was the bill (H. R. 11139) granting a pension to Carter B. Harrison.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Carter B. Harrison, late adjutant Fifty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the words "thirty" and insert in lieu thereof the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOSEPH A. KAUFFMAN.

The next business on the Private Calendar was the bill (H. R. 8314) granting an increase of pension to Joseph A. Kauffman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Joseph A. Kauffman, late first lieutenant Company B, One hundred and fifty-fourth Pennsylvania Volunteer Infantry, and pay him a pension of $72 per month from and after the passage of this act. He is now on pension roll at $12 per month, invalid certificate numbered 888112, act June 27, 1890.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph A. Kauffman, late second lieutenant Company G, One hundred and eighty-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

BYRON ROBINSON.

The next business on the Private Calendar was the bill (H. R. 2531) increasing the pension of Byron Robinson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Byron Robinson, late of Company K, Fifth Vermont Volunteers, subject to the provisions and limitations of the pension laws, from $30 to $50 per month.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Byron Robinson, late of Company K, Fifth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Byron Robinson."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN A. WHITMAN.

The next business on the Private Calendar was the bill (H. R. 6498) for the relief of John A. Whitman, a blind soldier.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John A. Whitman, late of Company D, Sixty-ninth New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of the pension he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Sixty-ninth," insert the word "Regiment."

In line 8 strike out the word "twenty four" and insert in lieu thereof the word "thirty."

In same line strike out the words "the pension" and insert in lieu thereof the word "that."

Amend the title so as to read: "A bill granting an increase of pension to John A. Whitman."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARTHA J. BISHOP.

The next business on the Private Calendar was the bill (H. R. 3026) granting a pension to Martha J. Bishop.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha J. Bishop, widow of the late William P. Bishop, of Company A, Thirty-eighth Regiment of Indiana Volunteer Infantry, in the war of the rebellion, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "the late."

In same line, after the word "Bishop," insert the word "late."

In line 7, before the word "Indiana," strike out the word "of."

In line 8 strike out the words "in the war of the rebellion."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN R. DOUGHERTY.

The next business on the Private Calendar was the bill (H. R. 942) to pension to John R. Dougherty.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at a rate proportionate to the degree of disability from gunshot wound of left knee received at the battle of Panther Creek, Kentucky, on September 20, 1862, subject to the provisions and limitations of the pension laws, the name of John R. Dougherty, late of Company F, Fourth Indiana Legion, State militia.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John R. Dougherty, late of Company F, Fourth Regiment Indiana Legion, and pay him a pension at the rate of $12 per month."

Amend the title so as to read: "A bill granting a pension to John R. Dougherty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOSEPHINE HUSSEY.

The next business was the bill (H. R. 1013) granting a pension to Josephine Hussey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Josephine Hussey, daughter of Columbus Hussey, late of Company B, Thirtieth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

In line 6, before the word "daughter," insert the words "helpless and dependent."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM VOGAN.

The next business was the bill (H. R. 11388) granting a pension to William Vogan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Vogan, dependent father of Ivester Vogan, late of Company K, One hundredth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twelve."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

BELLE L. SPAULDING.

The next business was the bill (H. R. 3213) for the relief of Belle Spaulding.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Belle Spaulding, the widow of Frank P. Spaulding, late a member of Company A, Thirty-sixth Regiment New York Volunteer Infantry, on the pension roll at $12 per month.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Belle L. Spaulding, widow of Frank P. Spaulding, late of Company A, Thirty-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Belle L. Spaulding."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES ALLEN.

The next business was the bill (H. R. 1624) granting a pension to James Allen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll of the United States the name of James Allen, of Elizabethtown, Ky., late a private in Capt. Irvin Miller's company of Kentucky Volunteer Infantry, at the rate of $30 per month.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Allen, late of Captain Miller's company, Kentucky State militia, and pay him a pension at the rate of $12 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

NORA STOKES.

The next business was the bill (H. R. 2679) for the relief of Nora Stokes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Miss Nora Stokes, daughter of the late Gen. William B. Stokes, of Dekalb County, Tenn., and pay her a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

Strike out all of lines 6, 7, and 8 and insert in lieu thersof the following: "of Nora Stokes, daughter of William B. Stokes, late colonel Fifth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $12 per month."

Amend the title so as to read: "A bill granting a pension to Nora Stokes."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES MEALEY.

The next business was the bill (S. 3644) granting an increase of pension to James Mealey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Mealey, late of Company K, Third Regiment West Virginia Volunteer Infantry, and Company A, Sixth Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ANDREW ADY.

The next business was the bill (S. 4296) granting a pension to Andrew Ady.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew Ady, late of Company E, Sixty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $8 per month.

The bill was ordered to be laid aside with a favorable recommendation.

GEORGE W. STOTT.

The next business was the bill (S. 4827) granting an increase of pension to George W. Stott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Stott, late of Company I, Eighty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ELIZABETH JACOBS.

The next business was the bill (S. 4121) granting a pension to Elizabeth Jacobs.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Jacobs, widow of Stephen Jacobs, late of Company B, Fifth Regiment Massachusetts Colored Volunteer Cavalry, and pay her a pension at the rate of $8 per month.

The bill was ordered to be laid aside with a favorable recommendation.

MARY L. PURINGTON.

The next business was the bill (S. 2863) granting an increase of pension to Mary L. Purington.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary L. Purington, widow of George A. Purington, late lieutenant-colonel Third Regiment United States Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MARTHA ELIZABETH HENCH.

The next business was the bill (S. 3238) granting a pension to Martha Elizabeth Hench.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha Elizabeth Hench, widow of George Hench, late of Company I, Thirty-sixth Regiment Pennsylvania Volunteer Emergency Militia, and pay her a pension at the rate of $8 per month.

The bill was ordered to be laid aside with a favorable recommendation.

SAMUEL H. MONTANYE.

The next business was the bill (H. R. 16309) granting a pension to Samuel H. Montayne.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel H. Montayne, late of Company —, United States Voltigeurs Regiment, and pay him a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6 change the spelling of claimant's surname to "Montanye:" and in same line strike out "of Company" and substitute therefor "a private of."

In line 7 strike out "Regiment" and insert in lieu thereof "war with Mexico."

Amend the title so as to read: "A bill granting a pension to Samuel H. Montanye."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LOUIS W. ROWE.

The next business on the Private Calendar was the bill (H. R. 15843) granting an increase of pension to Louis W. Rowe.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louis W. Rowe, late of Troop C, Sixteenth Regiment Pennsylvania Cavalry, and pay him a pension of $30 per month in lieu of that he is now receiving.

The amendments recommended by the Committee on Invalid Pensions were read, as follows:

In line 6 strike out the word "Troop" and insert in lieu thereof the word "Company."

In line 7, before the word "Cavalry," insert the word "Volunteer."

In lines 7 and 8 strike out the words "of $30" and insert in lieu thereof the words "at the rate of $24."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

OSCAR M. PECK.

The next business on the Private Calendar was the bill (H. R. 8165) granting an increase of pension to Oscar M. Peck.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Oscar M. Peck, late a member of Company D, One hundred and fortieth Ohio Infantry Volunteers, and pay him a pension at the rate of $50 per month in lieu of that which he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "a member."

In same line strike out the letter "D" and insert in lieu thereof the letter "G."

In line 7 strike out the word "fortieth" and insert in lieu thereof the words "eighty-fourth Regiment."

In same line strike out the words "Infantry Volunteers" and insert in lieu thereof the words "Volunteer Infantry."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

In line 9 strike out the word "which."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

PETER JOHNSON.

The next business on the Private Calendar was the bill (H. R. 8287) granting an increase of pension to Peter Johnson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Peter Johnson, late of Company M, Fourth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN A. M. SEITZ.

The next business on the Private Calendar was the bill (H. R. 10953) granting an increase of pension to John A. M. Seitz.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of John A. M. Seitz, late a private of Company B, Sixty-second Regiment of Pennsylvania Volunteer Infantry, at the rate of $36 per month, said pension to be in lieu of the one he now receives.

The amendment recommended by the Committee on Invalid Pensions was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John A. M. Seitz, late second lieutenant Company B, Sixty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ISAAC GABRION.

The next business on the Private Calendar was the bill (H. R. 9570) granting an increase of pension to Isaac Gabrion.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaac Gabrion, late of Company B, Thirty-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the Committee on Invalid Pensions was read, as follows:

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "seventeen."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SCOTT CASE.

The next business on the Private Calendar was the bill (H. R. 8288) granting an increase of pension to Scott Case.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Scott Case, late of Company C, Eleventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

FREDERICK JOURNAL.

The next business on the Private Calendar was the bill (H. R. 14263) granting an increase of pension to Frederick Journal.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frederick Journal, late of Company I, Twenty-third Regiment United States Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the Committee on Invalid Pensions were read, as follows:

In line 7, before the word "Infantry," insert the words "Colored Volunteer."

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES M. CLEMENT.

The next business on the Private Calendar was the bill (H. R. 13519) granting an increase of pension to James M. Clements.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James M. Clements, late of Company E, Twelfth Regiment Wisconsin Volunteer Infantry, and to pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendments recommended by the Committee on Invalid Pensions were read, as follows:

In line 6 strike out the word "Clements" and insert in lieu thereof the word "Clement."

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "fifty."

Amend the title so as to read: "A bill granting an increase of pension to James M. Clement."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WALLACE ZIEGLER.

The next business on the Private Calendar was the bill (H. R. 13386) granting a pension to Wallace Zeigler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Wallace Zeigler, late of Company G, One hundred and first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Zeigler" and insert in lieu thereof the word "Ziegler."

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "seventeen."

Amend the title so as to read: "A bill granting a pension to Wallace Ziegler."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHARLES K. CAMERON.

The next business on the Private Calendar was the bill (H. R. 13850) granting an increase of pension to Charles K. Cameron.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles K. Cameron, late a member of Company I, One hundred and sixty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $60 per month in lieu of that he is now receiving.

The amendments recommended by the Committee on Invalid Pensions were read, as follows:

In line 6 strike out the words "a member."

In line 8 strike out the word "sixty" and insert in lieu thereof the word "fifty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LETITIA M. LEEPARD.

The next business on the Private Calendar was the bill (H. R. 14120) granting a pension to Letitia M. Leepard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Letitia M. Leepard, helpless daughter of Joseph Leepard, late member of Company D, One hundred and twenty-seventh Regiment Pennsylvania Volunteers, and Company D, Two hundred and second Regiment Pennsylvania Volunteers, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

Strike out all of lines 6, 7, 8, 9, and 10 and insert in lieu thereof the following: "Sarah A. Leepard, widow of Joseph Leepard, late of Company D, One hundred and twenty-seventh, and Company D, Two hundred and second, regiments Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving: *Provided, however*, That in the event of the death of the helpless child, Letitia M. Leepard, on whose account the pension of Sarah A. Leepard is increased, the pension of said Sarah A. Leepard shall continue only at the rate of $8 per month from and after the date of death of said helpless child."

Amend the title so as to read: "A bill granting an increase of pension to Sarah A. Leepard."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

PLUMMER LEWIS.

The next business on the Private Calendar was the bill (H. R. 11428) granting an increase of pension to Plummer Lewis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Plummer Lewis, late of Company F, Twenty-eighth Regiment United States Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Volunteer," insert the word "Colored."

In line 8 strike out the word "twenty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JACOB E. RICHARDS.

The next business on the Private Calendar was the bill (H. R. 5876) granting a pension to Jacob E. Richards.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob E. Richards, late of Company F, Eighty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month.

The amendments recommended by the committee were read, as follows:

In line 8, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Jacob E. Richards."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

THOMAS PARFITT.

The next business on the Private Calendar was the bill (H. R. 4807) granting an increase of pension to Thomas Parfitt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Parfitt, late of Company C, Fifty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

OSCAR BREWSTER.

The next business on the Private Calendar was the bill (H. R. 4441) granting an increase of pension to Oscar Brewster.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Oscar Brewster, late of Company G, Fifth Regiment Ohio Volunteer Infantry, and pay to him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "to."
In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HIRAM S. THOMPSON.

The next business on the Private Calendar was the bill (H. R. 1689) granting an increase of pension to Hiram S. Thompson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hiram S. Thompson, late of Company F, Thirteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

GEORGE H. VAN DEUSEN.

The next business on the Private Calendar was the bill (H. R. 833) granting an increase of pension to G. H. Van Deusen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of G. H. Van Deusen, late acting assistant surgeon, United States Navy, and pay him a pension at the rate of $35 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "G." and insert in lieu thereof the word "George."
In line 7 strike out the word "thirty-five" and insert in lieu thereof the word "thirty."
Amend the title so as to read: "A bill granting an increase of pension to George H. Van Deusen."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES A. HALE.

The next business on the Private Calendar was the bill (H. R. 15910) granting an increase of pension to James A. Hale.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James A. Hale, late of Company B, Second Regiment California Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EBEN SLAWSON.

The next business on the Private Calendar was the bill (H. R. 700) granting an increase of pension to Eben Slausen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eben Slausen, late of Company G, Second Regiment New York Heavy Artillery, and pay him a pension at the rate of $50 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Slausen" and insert in lieu thereof the word "Slawson."
In line 7, before the words "Heavy Artillery," insert the word "Volunteer."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."
In same line, after the word "month," insert the words "in lieu of that he is now receiving."
Amend the title so as to read: "A bill granting an increase of pension to Eben Slawson."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JANE C. WELCH.

The next business on the Private Calendar was the bill (H. R. 15961) granting an increase of pension to Jane Welch.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jane Welch, widow of William W. Welch, late surgeon Fifty-third Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Jane," insert the letter "C."
Amend the title so as to read: "A bill granting an increase of pension to Jane C. Welch."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MICHAEL DEVINE.

The next business on the Private Calendar was the bill (H. R. 18321) granting a pension to Michael Devine.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Michael Devine, late of Company A, Eighteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of —— a month.

The amendments recommended by the committee were read, as follows:

In line 8, before the word "dollars," insert the word "seventeen."
In same line strike out the word "a" and insert in lieu thereof the word "per."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GEORGE SKINNER.

The next business on the Private Calendar was the bill (H. R. 15793) granting an increase of pension to George Skinner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Skinner, late of Company K, Fifty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

PATRICK CARNEY.

The next business on the Private Calendar was the bill (H. R. 16364) granting an increase of pension to Patrick Carney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Patrick Carney, late of Company K, Tenth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HENRY P. REYNOLDS.

The next business on the Private Calendar was the bill (H. R. 16053) granting an increase of pension to Henry P. Reynolds.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Henry P. Reynolds, late of Company G, One hundred and twenty-sixth Illinois Infantry, and pay him at the rate of $72 per month in lieu of the pension he is now receiving, he being totally blind.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry P. Reynolds, late of Company G, One hundred and twenty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN MOSGROVE.

The next business on the Private Calendar was the bill (H. R. 15422) granting an increase of pension to John Mosgrove.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Mosgrove, late of Company C, One hundred and forty-sixth Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, before the word "Ohio," insert the word "Regiment."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EDWARD WALSH.

The next business on the Private Calendar was the bill (H. R. 14391) granting an increase of pension to Edward Walsh.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name Edward Walsh, late of Company A, Nineteenth Pennsylvania Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Nineteenth," insert the word "Battalion."

In the same line, before the word "Pennsylvania," insert the word "Regiment."

In line 7, before the word "Cavalry," insert the word "Volunteer."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LUCY T. CHURCHILL.

The next business on the Private Calendar was the bill (H. R. 15038) granting an increase of pension to Lucy T. Churchill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lucy T. Churchill, widow of Charles E. Churchill, late of Company D, Fifty-eighth Regiment Massachusetts Volunteers, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the word "captain."

In lines 7 and 8 strike out the word "Volunteers" and insert the words "Volunteer Infantry."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WALTER A. PORTER.

The next business on the Private Calendar was the bill (H. R. 15721) granting an increase of pension to Walter A. Porter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Walter A. Porter, late of Company B, Sixty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "forty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELIZA B. ABBOTT.

The next business on the Private Calendar was the bill (H. R. 16423) granting an increase of pension to Eliza B. Abbott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eliza B. Abbott, widow of the late William S. M. Abbott, late of Company G, Second Wisconsin Infantry Volunteers, and pay her a pension of $30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "late."

In line 7 strike out the word "of" and insert in lieu thereof the words "second lieutenant."

In same line, before the word "Wisconsin," insert the word "Regiment."

In the same line strike out the words "Infantry Volunteers" and insert in lieu thereof the words "Volunteer Infantry."

In line 8 strike out the words "of thirty" and insert in lieu thereof the words "at the rate of fifteen."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GEORGE N. M'MURRY.

The next business on the Private Calendar was the bill (H. R. 15911) granting an increase of pension to George N. McMurry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George N. McMurry, late of Company G, Second Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

STEPHEN B. MOREHOUSE.

The next business on the Private Calendar was the bill (H. R. 15423) granting an increase of pension to Stephen B. Morehouse.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Stephen B. Morehouse, late captain Company D, One hundred and twenty-first Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "captain" and insert in lieu thereof the words "first lieutenant."

In line 7, before the word "Ohio," insert the word "Regiment."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LEWIS P. EVERETT.

The next business on the Private Calendar was the bill (H. R. 15894) granting an increase of pension to Lewis P. Everett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Lewis P. Everett, late of Company B, Thirty-sixth Indiana Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lewis P. Everett, late of Company B, Thirty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELISE SIGEL.

The next business on the Private Calendar was the bill (H. R. 15659) granting a pension to Elise Sigel.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elise Sigel, widow of the late Franz Sigel, a major-general of the United States Volunteers in the late war for the Union, and pay her a pension, from the passage of this act, at the rate of $2,000 per annum.

The amendment recommended by the committee was read, as follows:

Strike out all of lines 6, 7, 8, and 9 and insert in lieu thereof the following: "of Elise Sigel, widow of Franz Sigel, late major-general, United States Volunteers, and pay her a pension at the rate of $100 per month.

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES T. LUNDY.

The next business on the Private Calendar was the bill (H. R. 14889) granting a pension to James T. Lundy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of James T. Lundy, late of Company D, Second Regiment Florida Cavalry, and pay him a pension of $22 per month.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James T. Lundy, late of Company D, Second Regiment Florida Volunteer Cavalry, and pay him a pension at the rate of $12 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

PALMER G. PERCY.

The next business on the Private Calendar was the bill (H. R. 14192) to correct the military record of Palmer G. Percy.

The bill was read, as follows:

Be it enacted, etc., That the charge of desertion now standing against Palmer G. Percy, late of Company H, Second New York Volunteer Cavalry, on the records of the War Department be, and the same is, removed, and the Secretary of War is hereby directed to issue to said Palmer G. Percy an honorable discharge, the same to date from July 24, 1864: *Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

Mr. ADAMSON. Mr. Chairman, why are certain cases omitted or skipped? Is it not in order to consider the cases just following the one last acted upon, for the relief of certain people? After passing the bill H. R. 14889 the Clerk omitted Senate bill 3546 and House bill 11544, to correct military records. Are they not in order for consideration?

The CHAIRMAN. The Chair will state to the gentleman that the bill will be passed without prejudice until the Chair can examine it, and see whether it will come under the rule under which the committee is now acting, and it will be returned to if it is in order under the rule.

Mr. ADAMSON. Very well.

Mr. RUSSELL. Mr. Chairman, I desire to address the committee briefly in reference to the bill just read by the Clerk, to remove the charge of desertion against Palmer G. Percy. I have the report of the committee on this bill, and have read it, and I feel so sure that if all the members of the committee now in session could read this report that this bill would be defeated; so sure that I want to state some facts which I have gathered myself from the reading of the report. I will address my remarks to this particular bill. I understand the chairman of the Committee on Invalid Pensions made the point the other day that general discussion about these matters would be cut off by him by a point of order, and every speaker must address himself to the particular facts of the bill being considered by the House.

Now, Mr. Chairman, the report in this case shows that this man enlisted in the Army October 16, 1863, and he deserted from the service July 24, 1864. When the Pension Department was applied to for relief in this case I find that General Ainsworth indorsed upon the application, among other things, the following statement:

Application for removal of the charge of desertion resting against this man and for his honorable discharge stands denied on the ground that it has not been established that he was prevented from returning to his command and completing his enlistment contract by disability incurred in the line of duty, and because the case is not covered by any of the provisions of the act of Congress approved March 2, 1889, which is the only law in force governing the subject of removal of charges of desertion.

This report further shows that the beneficiary of this bill has before the Committee on Military Affairs as the only proof upon which he relies for relief sought by him his own affidavit. That affidavit states that in the month of July, 1864, being otherwise indefinite as to the date, he was detailed, with other troops then in the State of Louisiana, as an escort to accompany some officers who desired to attend church outside of the line. That he was placed upon picket duty, and while serving in that capacity was captured by the enemy and placed in prison.

He states that he was first placed in prison at Alexandria, La., and after remaining there some time he was transferred to prison at Shreveport, La. He does not bring here the statement of any member of the detail that went with him to escort these officers as to the truth of his statement. He does not bring any proof from the prison authorities that he was there confined. Bear in mind that he is stating that the confinement in these two prisons prevented him from returning to his command and serving out the term for which he enlisted. He offers that as an excuse and for the establishment of that excuse points us to his unsupported testimony, after having given a statement of facts which shows beyond peradventure, if his affidavit be true, that the proof could be obtained in any quantity from other sources to corroborate him. There must have been prison records at Alexandria, and he brings nothing from there. There must have been similar records at Shreveport, but he brings nothing from that source to corroborate his unsustained testimony; he simply relies on the uncorroborated statement of himself in the affidavit submitted to that committee.

The only other evidence that tends to justify the action of the committee was that some people in the community where the man lives now certify that he is a man of honesty and integrity. Why, Mr. Chairman, of all the proof on the face of the earth, as every practicing lawyer knows, the easiest is to find somebody, somewhere, that will certify to the good character of a man. I venture to say that Judas Iscariot could have found somebody in Judea who would have certified to his good character. He seems to have had somebody, because he was treasurer of the fund in the hands of the disciples. [Laughter.]

Now, that is the only testimony, and this report shows on its face that the man could have obtained other proof. If it showed that he could not obtain other proof, there would have been some reason why it was not produced before the committee and before the House; but he points out a state of facts that shows that all he had to do, if this representation is correct, was to reach out and get the proof and bring it here to satisfy this body.

Now, Mr. Chairman, I have had time to examine this bill and have called attention to it. I have not tried to speak about the subject generally. I have not had time to go over all these bills, because there are 229 which have gone on the Calendar since the last pension day. There has been no opportunity for myself or anybody else to examine them all. These are the facts with reference to the bill now being considered, as disclosed by the report of the committee.

The bill itself—and I direct attention to that because I want to refer to another matter—the bill itself absolutely directs the Secretary of War to issue an honorable discharge to Palmer G. Percy. At the last session of this Congress the President of the United States vetoed a bill containing a similar provision upon the ground, if I remember correctly, that it did not simply authorize the Secretary of War to consider the case and remove the charge of desertion, but that it was a mandatory injunction upon him to do that act.

I can not but believe that other messages which have come into this body from the present President of the United States, and also from Mr. Cleveland when serving as President, are based upon the correct policy which ought to obtain in cases of this sort. In other words, I believe that this is an attempt on the part of Congress to exercise both executive and judicial functions which do not belong to this body. Where a man has been tried by a military court and convicted, to direct the head of the War Department absolutely to remove the charge of desertion against such man is an effort by this House to exercise, in the first place, judicial functions, and thereby reverse the findings of a constitutional court. Further, it is an attempt by this House to exercise executive functions, extending the pardoning power, which is not lodged here by the Constitution or the laws.

Now, I submit everyone will concede the proposition that neither of those things ought to be done, unless the case presents a clear, emphatic, and urgent reason for doing it; and this report does not present such a case, because this man comes here with his ex parte affidavit, referring to facts which, on his own showing, could have been corroborated if they were true.

Mr. HULL. Mr. Chairman, I have no special interest in this case. I will say, however, to the committee that this man's character is very well established by reputable citizens in my district. I took up the case on the urgent solicitation of Mr. Carroll, a Democratic editor of my district, who is well acquainted with the proposed beneficiary of the bill.

I will say to my friend from Texas [Mr. RUSSELL] that this is the only case I have had from my district in which the Democratic party of the locality had been unanimously in favor of removing the charge of desertion. There is no difference of opinion among the Democratic party, in Dallas County, as to the justice of this man's claim for the removal of this charge. In addition to his Democratic neighbors, the clerk of the district court of Dallas County certifies to the good character of this man, having known him for twelve years.

I will say further to my friend from Texas that as a matter of fact it would be impossible for this man to hunt up the witnesses and bring forward the evidence that the gentleman requires, for the reason that this man was held as a prisoner by the Confederates, and he was so anxious to get away that when he escaped in the early part of 1865 he failed to take the addresses of Confederates there and request them to notify him when they happened to move from one part of the Confederacy to another.

There is no question as to the fact that when this man returned home the war was practically over. He escaped in the latter part of February, 1865. There is no doubt about the truth of the story that he was taken prisoner. There is no doubt about the fact that he was held as prisoner for quite a long time. He was not in a position to return to his regiment until, like a large number of other volunteer soldiers, he believed there was no necessity for returning, from the fact that active hostilities were practically over.

It is a matter of entire indifference to me as an individual whether this bill shall be voted up or voted down; but I do believe that this is a case where Congress can exercise its power without any violence to the general principle that a deserter is not entitled to much relief. In other words, I regard his desertion as rather technical than real—not a voluntary desertion.

Mr. MIERS of Indiana. Was there a court-martial in this case?

Mr. HULL. No, sir.

Mr. STEELE. He kept out of the way of any court-martial.

Mr. HULL. He was dropped from the rolls because he was captured and did not return; he was in the custody of the Confederates for quite a long time.

Mr. STEELE. He had a year in which to return to his regiment.

Mr. HULL. I regret that the gentleman from Wisconsin [Mr. ESCH] who made the report, in which he went into the details of the case much more at length than I can do, is not here to-day.

Mr. MIERS of Indiana. When did this man first make his application to have his record amended?

Mr. HULL. Several years ago.

Mr. MIERS of Indiana. How many years?

Mr. HULL. About six years.

Mr. MIERS of Indiana. After his escape from prison, how much time had he in which to return?

Mr. HULL. I suppose he had from the latter part of February, 1865, to the close of the war. I do not know what time he got home.

Mr. MIERS of Indiana. Does the record show that he made any effort during that time to return to his regiment?

Mr. HULL. Not at all. He made no effort, by his own confession. I will say to the gentleman that he was not out of the way of a court-martial. He was in the custody of the Confederate troops. He was dropped from the rolls as absent without leave, and I simply want the committee to know the facts in the case. I am very sorry, as I said, that the gentleman from Wisconsin, who has gone into the subject very fully before making the report, is not here, and I confess that I have never given it very much attention, except to know that these parties who certified to the man's standing now, both Democrats and Republicans, are reputable citizens of my district, whom I thoroughly believe would not mislead or misrepresent. I regret exceedingly if this shall be voted down, because it is the only case that I know of where my Democratic constituents have been actively interested in having a measure of this kind passed.

Mr. ROBINSON of Indiana. Mr. Chairman, I want to give the gentleman's committee the compliment of not passing on any measures, in my judgment, giving this relief, except those that are meritorious. I would like to ask him whether there is any hope of Congress extending to the Department the right to grant relief to many cases of general like character to this, so that it may not be continuously imposed upon Congress? With the gentleman's familiarity and knowledge of the subject, I think he can answer the question.

Mr. HULL. We have a general law now that gives the Department the right in many cases to correct these records, but it is impossible to cover all the individual cases.

Mr. ROBINSON of Indiana. But of the cases which are meritorious, such as the gentleman's committee is passing favorably upon, what hope is there that Congress may be relieved from this duty and burden by having a general law enacted covering such cases?

Mr. HULL. I will say to the gentleman that if he will introduce a bill giving plenary power to the Department to pass on all cases, I will gladly support it.

Mr. ROBINSON of Indiana. But the gentleman has technical information on this subject, as his committee is well clothed with information, and I think that ought to be done.

Mr. HULL. Well, we tried to do that some six years ago, and did report a bill which is now on the statute books.

Mr. ROBINSON of Indiana. I do not mean to be placed in opposition to this bill, for I think it ought to pass.

Mr. HULL. As a matter of fact, it is impossible to cover all of the individual cases.

Mr. STEELE. Mr. Chairman, I think that the law is as liberal now as it ought to be; that every man who is not a real deserter can go to the War Department to-day and get an honorable discharge; that this is a raw, bad case, and that thousands of men died rather than to make a record such as this man has made. They returned to their regiments when they were captured under great difficulties. They did not go home and stay there, as this man evidently did. I do not think this bill ought to pass. It is a reflection upon the honor and integrity of men who have died for their country, of men who served faithfully till the close of the war. I think the gentleman will agree with me that the present law is just as liberal as it ought to be.

Mr. HULL. In answer to the gentleman, I would say that if this man had been captured and escaped from confinement while the war was still in active progress, and had not made any effort to return to his regiment, I would agree with him that the man ought not to be relieved, but I want to say to him as a volunteer soldier—and he was a gallant volunteer soldier himself—he knows that after the war was practically over there was a general feeling among the volunteers that they ought to be mustered out and have the right to go home as soon as possible. This man escaped and never reached his home until at least the latter part of March, 1865. There was only one point in the Confederacy where attention was then concentrated, and that was between Sherman and Johnston; and as a matter of fact the war was practically over, and the feeling of the volunteers in the gentleman's regiment and in mine was that they enlisted only for the war, and whether they were in active service or escaping from confinement, when the war was over they wanted to go home and believed that they were entitled to go home. If this man had escaped in the latter part of 1864, when the fighting was the hottest, and not gone to his regiment, then no relief should have been granted him and the committee would not have reported in favor of giving him relief; but at the close of the war we have uniformly recognized that it was a different proposition.

Mr. STEELE. The law provided that after a certain date honorable discharges should be granted where they had gone home without waiting the formality of discharge.

Mr. HULL. Yes; and this man missed that by forty days, as I remember now.

Mr. STEELE. If he had waited until after pay day to desert, he would not have had to walk home. He would have got there sooner. He left his regiment in 1864, and if it took him until the following March to get home, it is evident that he had great difficulty in walking.

Mr. HULL. The gentleman's statement only makes it more clear to my mind that this is a good bill, because by our general law we provide that after a certain date in April every man who deserted can go to the Department and be relieved from the charge, and this man missed it by only a few days.

The CHAIRMAN. The question is, Shall the bill be laid aside to be reported to the House with a favorable recommendation?

The question being taken, on a division (demanded by Mr. STEELE and Mr. RUSSELL) there were—ayes 49, noes 22.

Mr. TALBERT. Mr. Chairman, I make the point of no quorum present.

The CHAIRMAN. The gentleman from South Carolina makes the point that there is no quorum present. The Chair will count to see if there is a quorum present. [After counting.] One hundred and five members, a quorum present. The bill is ordered to be laid aside to be reported to the House with a favorable recommendation.

THOMAS J. MORMAN.

The CHAIRMAN. The Clerk will return to the bill which was formerly under consideration and passed temporarily, called up by the gentleman from Georgia [Mr. ADAMSON].

The Chair will state that in this case there were two charges, one a charge of desertion, which is now on record in the War Department, upon which, however, the soldier was not convicted. Other charges were brought up which were modified in the trial, and hence the Chair will state that it might or might not be claimed that the bill was properly before the committee upon this day under the rule. However, unless there is objection, the Chair will direct the Clerk to report the bill. Is there objection to the present consideration of the bill?

Mr. STEELE. I should like to know what the bill proposes to do before consent is given for its consideration.

The CHAIRMAN. The Clerk will read the bill for the information of the committee.

The bill (H. R. 11544) to correct the military record of Thomas J. Morman was read, as follows:

Be it enacted, etc., That the Secretary of War be, and is hereby, authorized to correct the military record of Thomas J. Morman, Capt. E. R. Goulding's company, Calhoun's Mounted Battalion Georgia Volunteers, Mexican war, and grant him an honorable discharge.

Mr. ADAMSON. Mr. Chairman, I do not care to consume any time if no gentleman is disposed to antagonize the bill; but if it will obviate an objection, I can make a brief statement which I think will satisfy anyone. If any gentleman desires it, I will make the statement, otherwise I will not say a word.

Mr. STEELE. I should like to hear something about it. If it is a case of desertion, I do not care whether it was in the Mexican war or the Revolutionary war, I want to know about it.

Mr. ADAMSON. Mr. Chairman, with the consent of the committee, I will make a brief statement of the case.

Thomas J. Morman, a raw, ignorant, country youth, enlisted at the outset of the Mexican war and went with his command to Mexico. On the final march to the City of Mexico pay day came and there occurred some irregularities. A lieutenant sent Morman out to gather in supplies. At one of those little Mexican trading places he met another American. A row was precipitated during the trading and a Mexican was killed. The prisoner and the other man were both arrested, the prisoner in the meantime being reported by his captain as having deserted. Afterwards, however, when they were both arrested, they were tried, and the captain corrected his previous statement as to desertion. The other American was convicted of the charge of murdering the Mexican. The prisoner was acquitted on that charge, but on the contradictory testimony of a couple of Mexican witnesses, one of whom was in a field near by and the other of whom had been in the house, but ran out when the difficulty began, he was convicted of being accessory to the shooting.

The testimony of one or two of the witnesses was that they thought he furnished cartridges to the other American.

A few days after the conviction, and after he was put in prison, he was released by his superior officers, they say on the verbal order of General Twiggs. He went on in the service, and just before the surrender he was detailed to come home with a sick captain—Captain Hervey. The captain died, peace was made, and Morman was entered on the rolls as being discharged with his company at Vera Cruz; but the entry was likewise on the roll that he had once been reported as deserting and that he had been convicted before court-martial as accessory to murder. He went on home. As I stated, Captain Hervey died, the pay officer came around and paid him three months at home subsequent to that, and afterwards the captain and colonel both filed with the War Department affidavits and letters explaining the whole matter, to the effect that his conviction was found to be erroneous, that he was discharged by order of his superior officers, and was sent home with this captain and was marked "discharged with his company." There is also abundant evidence that both before and after the Mexican war this man always bore an unexceptionable character, and the statement of his captain and colonel is that with the exception of that one incident he was "a faithful and approved soldier."

He is now between 80 and 90 years of age, as I calculate, in feeble health, and is not long for the world. He thought that he was pardoned and discharged, and he went home believing that, and so did his captain and colonel. Now, Mr. Chairman, in view of the unsatisfactory and contradictory evidence against him, in view of his good character, in view of the fact that he had no counsel to aid him, being a young man and ignorant, and even not able to cross-examine the witnesses; in view of the clear, lucid, and satisfactory statement which he makes, which is the only clear statement in the case outside of the letter of his captain and colonel, I believe that the recommendation of the committee ought to be adopted. I hope there will be no objection.

The CHAIRMAN. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be laid aside with a favorable recommendation.

ELLEN JOHNSON.

The next business on the Private Calendar was the bill (H. R. 16697) granting a pension to Ellen Johnson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ellen Johnson, widow of Edmond Johnson, late of Company B, Fifty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

CHARLES S. WAINWRIGHT.

The next business on the Private Calendar was the bill (H. R. 16499) granting an increase of pension to Charles S. Wainwright.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles S. Wainwright, late brigadier-general, United States Volunteers, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," insert the words "colonel First Regiment New York Volunteer Light Artillery and brevet."

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CYRUS V. GORRELL.

The next business on the Private Calendar was the bill (H. R. 5511) granting an increase of pension to Cyrus V. Gorrell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Cyrus V. Gorrell, late of Company K, Seventy-fifth Regiment Indiana Volunteer Infantry, and pay him a pension of $30 per month in lieu of the amount he now receives.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cyrus V. Gorrell, late of Company K, Seventy-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN SNODGRASS.

The next business on the Private Calendar was the bill (H. R. 15358) granting a pension to John Snodgrass.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Snodgrass, late lieutenant-colonel One hundred and thirty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The amendment recommended by the committee was read, as follows:

Strike out all of lines 6, 7, and 8 and insert in lieu thereof the following: "of John Snodgrass, late captain Company F, One hundred and thirty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM KEITH.

The next business on the Private Calendar was the bill (H. R. 15617) granting an increase of pension to William Keith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Keith, late of Company F, Fifth Regiment of Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Company," strike out the word "of" and insert in lieu thereof the words "first lieutenant."

In same line, after the word "Regiment," strike out the word "of."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LUCINDA LAWRENCE.

The next business on the Private Calendar was the bill (H. R. 16344) for the relief of Lucinda Lawrence.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Lucinda Lawrence, the helpless child of Albert A. Lawrence, late a member of Company M, First Michigan Engineers, on the pension roll at $15 per month.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lucinda Lawrence, helpless and dependent daughter of Albert A. Lawrence, late of Company M, First Regiment Michigan Volunteer Engineers and Mechanics, and pay her a pension at the rate of $12 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DOLLIE COSENS.

The next business on the Private Calendar was the bill (S. 5280) granting a pension to Dollie Cosens.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Dollie Cosens, the helpless and dependent daughter of Henry Clay Cosens, late of Company C, Thirtieth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM H. MAXWELL.

The next business on the Private Calendar was the bill (S. 5244) granting an increase of pension to William H. Maxwell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Maxwell, late captain Company D, Third Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

LEVI H. PEDDYCOARD.

The next business on the Private Calendar was the bill (S. 252) granting an increase of pension to Levi H. Peddycoard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Levi H. Peddycoard, late of Company I, Thirtieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM MARKLE.

The next business on the Private Calendar was the bill (S. 6155) granting an increase of pension to William Markle.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Markle, late of Company F, Twenty-ninth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

EMMA DEAN POWELL.

The next business on the Private Calendar was the bill (S. 6361) granting a pension to Emma Dean Powell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emma Dean Powell, widow of John Wesley Powell, late major, Second Regiment Illinois Volunteer Light Artillery, and pay her a pension at the rate of $50 a month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the letter "a" and insert in lieu thereof the word "per."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES MATTINGLY.

The next business on the Private Calendar was the bill (H. R. 16591) granting an increase of pension to James Mattingly.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Mattingly, late of Company D, Forty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

BENJAMIN W. WALKER.

The next business on the Private Calendar was the bill (H. R. 16358) granting an increase of pension to Benjamin W. Walker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws of the United States, the name of Benjamin W. Walker, late of Company B, First Rhode Island Volunteer Light Artillery, and pay him a pension of $30 per month in lieu of the amount he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 5 strike out the words "of the."
In line 6 strike out the words "United States."
In line 7, after the word "First," insert the word "Regiment."
In line 8, after the word "pension," insert the words, "at the rate."
In line 9 strike out the words "the amount" and insert in lieu thereof the word "that."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN DINNEEN.

The next business on the Private Calendar was the bill (H. R. 16512) granting an increase of pension to John Dinneen, alias John J. Davidson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Dinneen, alias John J. Davidson, late of Company —, Thirty-third Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "alias" and insert in lieu thereof the words "now known as."
In line 7, before the word "Thirty-third," insert the letter "G."
Amend the title so as to read: "A bill granting an increase of pension to John Dinneen, now known as John J. Davidson."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

THOMAS E. PEABODY.

The next business on the Private Calendar was the bill (H. R. 15438) granting an increase of pension to Thomas E. Peabody.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas E. Peabody, late of Company A, First Regiment New Hampshire Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

SOLOMON S. SHANER.

The next business on the Private Calendar was the bill (H. R. 15585) granting an increase of pension to Solomon S. Shaner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Solomon S. Shaner, late of Company D, Third Pennsylvania Reserves, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Third," insert the word "Regiment."
In line 7 strike out the word "Reserves" and insert in lieu thereof the words "Reserve Volunteer Infantry."
In lines 7 and 8 strike out the word "thirty-six" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN CORBETT.

The next business on the Private Calendar was the bill (H. R. 16058) granting a pension to John Corbett, minor heir of John Corbett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Corbett, minor heir of John Corbett, late of Company H, One hundred and eightieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "minor heir" and insert in lieu thereof the words "helpless and dependent son."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twelve."
Amend the title so as to read: "A bill granting a pension to John Corbett."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CALEB C. VAN SICKELL.

The next business on the Private Calendar was the bill (H. R. 16522) for the relief of Caleb C. Van Sickell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Caleb C. Van Sickell, late first lieutenant Company I, Fourth Regiment New Jersey Volunteers, at the rate of $72 per month.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Volunteers" and insert in lieu thereof the words "Volunteer Infantry, and pay him a pension."
In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "thirty."
In same line, after the word "month," insert the words "in lieu of that he is now receiving."
Amend the title so as to read: "A bill granting an increase of pension to Caleb C. Van Sickell."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SARAH A. GERRY.

The next business on the Private Calendar was the bill (H. R. 15437) granting an increase of pension to Sarah A. Gerry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah A. Gerry, widow of Madison Gerry, late of Company C, First Regiment New Hampshire Volunteer Heavy Artillery, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WILSON G. GRAY.

The next business on the Private Calendar was the bill (H. R. 16492) granting a pension to Wilson G. Gray.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Wilson G. Gray, late of Company K, Third Arkansas Regiment Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Arkansas."
In line 7, before the word "Volunteer," insert the word "Arkansas."
Amend the title so as to read: "A bill granting an increase of pension to Wilson G. Gray."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ANNIE W. COIT.

The next business was the bill (H. R. 16269) granting a pension to Annie W. Coit.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Annie W. Coit, as widow of James B. Coit, late major Fourteenth Regiment Connecticut Volunteers, and pay her a pension at the rate of $25 per month from and after the passage of this act.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "as."

In line 7 strike out the word "Volunteers" and insert in lieu thereof the words "Volunteer Infantry."

In lines 8 and 9 strike out the words "from and after the passage of this act" and insert in lieu thereof the words "in lieu of that she is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Annie W. Coit."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EUDORA WELLS.

The next business was the bill (H. R. 15443) granting a pension to Eudora Wells.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eudora Wells, helpless and dependent daughter of Isaac M. Wells, late of Company E, Twenty-first Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

LUCINDA J. PRATT.

The next business was the bill (H. R. 15483) granting a pension to Lucinda J. Pratt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the regulations and restrictions of the pension laws, the name of Lucinda J. Pratt, of Grandville, Mich., widow of Joseph Letcher, late of Company G, Ninth Michigan Infantry, and pay her a pension of $12 per month.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lucinda J. Pratt, former widow of Joseph Letcher, late of Company G, Ninth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GUSTAVUS W. PEABODY.

The next business was the bill (H. R. 16271) granting an increase of pension to Gustavus W. Peabody.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Gustavus W. Peabody, late of Company I, Tenth Massachusetts Volunteers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Tenth," insert the word "Regiment."

In line 7 strike out the word "Volunteers" and insert in lieu thereof the words "Volunteer Infantry."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

M. G. COLE.

The next business was the bill (H. R. 15733) granting an increase of pension to M. G. Cole.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of M. G. Cole, late of Company G, First Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "M" and insert in lieu thereof the word "Martin."

Amend the title so as to read: "A bill granting an increase of pension to Martin G. Cole."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DAVID E. LAWTON.

The next business was the bill (H. R. 14475) granting an increase of pension to David E. Lawton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David E. Lawton, late of Company G, Thirty-fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty-six," and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HERCULES H. PRICE.

The next business was the bill (H. R. 6670) granting a pension to Hercules H. Price.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hercules H. Price, of Company G, Fifth Regiment of United States Cavalry, and pay him a pension at the rate of $17 per month.

The amendment recommended by the committee was read, as follows:

Strike out all of lines 6, 7, and 8 and insert in lieu thereof the following: "of Hercules H. Price, late first lieutenant Company B, Fifth Regiment United States Colored Volunteer Cavalry, and pay him a pension at the rate of $12 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOSEPH BART.

The next business was the bill (H. R. 12411) granting an increase of pension to Joseph Bart.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Bart, late of Company E, Twenty-first Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

BENJAMIN F. OLCOTT.

The next business was the bill (H. R. 13316) granting an increase of pension to Benjamin F. Olcott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin F. Olcott, late of Company I, Tenth Regiment Michigan Volunteer Infantry, and pay him a pension of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "pension," insert the words "at the rate."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GUSTAVUS S. PERKINS.

The next business was the bill (H. R. 12991) granting a pension to Gustavus S. Perkins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Gustavus S. Perkins, late acting first assistant engineer, United States Navy, and pay him a pension at the rate of $50 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Gustavus S. Perkins."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY E. WINTERBOTTOM.

The next business on the Private Calendar was the bill (H. R. 11682) granting a pension to Mary E. Winterbottom.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions

and limitations of the pension laws, the name of Mary E. Winterbottom, widow of Harrison T. Winterbottom, a private in the Union Army during the civil war, and pay her a pension at the rate of $18 per month.

The amendment recommended by the committee was read, as follows:

In line 7 strike out the words "a private in the Union Army during the civil war" and all of line 8 and insert in lieu thereof the following: "late of Company A, First Regiment Eastern Shore Maryland Volunteer Infantry, and pay her a pension at the rate of $8 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

PATRICK MAHAN.

The next business was the bill (H. R. 5281) granting a pension to P. H. Mahan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $30 per month, the name P. H. Mahan, late a private in Company B, One hundred and twenty-fourth Ohio Volunteer Infantry.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Patrick Mahan, late of Company B, One hundred and twenty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Patrick Mahan."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CALLIE WEST.

The next business on the Private Calendar was the bill (H. R. 12492) granting an increase of pension to Callie West.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized and directed to place on the pension roll the name of Callie West, widow of B. C. West, sergeant, Company G, Sixty-sixth Illinois Infantry, and pay her a pension of $20 per month, subject to the restraints and limitations of existing pension laws, in lieu of the pension she now receives.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Callie West, widow of Burris C. West, late of Company G, Sixty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ISAAC HARRIS.

The next business on the Private Calendar was the bill (H. R. 11616) granting an increase of pension to Isaac Harris.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaac Harris, late of Company F, Second Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the words "and pay him a pension at the," and all of line 8, and insert in lieu thereof the following: "and Company A, Seventh Regiment United States Veteran Volunteer Infantry, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HENRY STAFF.

The next business on the Private Calendar was the bill (H. R. 8812) granting an increase of pension to Henry Staff.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Henry Staff, late a private in Company F, Twentieth Regiment of Indiana Volunteer Infantry, and pay him a pension of $72 per month, from and after the passage of this act, in lieu of the pension he now receives.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Staff, late of Company F, Twentieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY R. BAYLY.

The next business on the Private Calendar was the bill (H. R. 10175) granting a pension to Mary R. Bagley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary R. Bagley, late Army nurse, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

Strike out all of lines 6 and 7 and insert in lieu thereof the following: "of Mary R. Bayly, formerly Mary S. Redick, late nurse, Medical Department, United States Volunteers, and pay her a pension at the rate of $12 per month."

Amend the title so as to read: "A bill granting a pension to Mary R. Bayly, formerly Mary S. Redick."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SARAH BOWEN.

The next business on the Private Calendar was the bill (H. R. 7895) granting an increase of pension to Sarah Bowen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah Bowen, widow of Captain Henry Bowen, late of Company H, Eleventh Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all of lines 6, 7, 8, and 9 and insert in lieu thereof the following: "of Sarah Bowen, widow of Henry Bowen, late captain Company H, Eleventh Regiment, and Company B, Eighth Regiment, Michigan Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM P. RHODES.

The next business on the Private Calendar was the bill (H. R. 4632) granting an increase of pension to William P. Rhodes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William P. Rhodes, late of Company K, One hundred and thirty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Company," strike out the word "of" and insert in lieu thereof the word "captain."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ALONZO PENDLAND.

The next business on the Private Calendar was the bill (H. R. 7844) granting a pension to Alonzo Pendland.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alonzo Pendland, late private, unassigned, Thirty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $72 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "private."

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

REUBEN F. CARTER.

The next business on the Private Calendar was the bill (H. R. 5898) granting an increase of pension to Reuben F. Carter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Reuben F. Carter, late of Company H, Fifth Regiment New Hampshire Volunteer Infantry, and Company G, Second Regiment United States Sharpshooters, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 8, before the word "Sharpshooters," insert the word "Volunteer."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES W. PACE.

The next business on the Private Calendar was the bill (H. R. 5010) granting an increase of pension to James W. Pace.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James W. Pace, late of Company G, Third Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOSEPH A. BUCKHOLZ.

The next business on the Private Calendar was the bill (H. R. 3569) granting an increase of pension to Joseph A. Buckholz:

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph A. Buckholz, late of Company M, Second Regiment United States Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, after the word "Company," insert the words "I, One hundred and eighth Regiment Ohio Volunteer Infantry, and Troop."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN SULLIVAN.

The next business on the Private Calendar was the bill (H. R. 2614) granting a pension to John Sullivan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Sullivan, late assistant surgeon Thirteenth New Hampshire Volunteer Infantry.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Thirteenth," insert the word "Regiment."

In line 7, after the word "Infantry," insert the words "and pay him a pension at the rate of $30 per month."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LANGSTON P. BRYANT.

The next business on the Private Calendar was the bill (H. R. 1644) granting an increase of pension to L. P. Bryant.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll of the United States, at the rate of $30 per month, the name of L. P. Bryant, of Kentucky, late a first lieutenant in Company I, in the Twenty-first Regiment of Kentucky Volunteer Infantry, in the Army of the United States, in the war of the rebellion, and to issue to said Bryant a certificate therefor in lieu of certificate No. 70845 now held by him.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Langston P. Bryant, late first lieutenant Company I, Twenty-first Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Langston P. Bryant."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES R. WARD.

The next business on the Private Calendar was the bill (H. R. 1024) granting a pension to James R. Ward.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of James R. Ward, at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James R. Ward, late of Company F, Fifth Regiment United States Volunteer Infantry, and pay him a pension at the rate of $12 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES BILLINGSLEY.

The next business on the Private Calendar was the bill (H. R. 2473) granting an increase of pension to James Billingsley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Billingsley, late of Company B, First Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "seventeen."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JULIA A. COOK.

The next business on the Private Calendar was the bill (H. R. 4059) granting an increase of pension to Julia A. Cook.

The bill was read, as follows:

Whereas Julia A. Cook was the wife of a soldier during the civil war, and also enlisted and served as a nurse, and her soldier husband died of disease contracted in the service, and said Julia A. Cook is now a widow, aged and in needy circumstances, and her pension as the widow of the soldier is inadequate for her present necessities, and she has no one on whom she can depend for support; and

Whereas her only son also enlisted in the Union service and served during the entire civil war: Therefore,

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Julia A. Cook, widow of Enos Cook, late private, Company I, One hundred and forty-third New York Volunteer Infantry, and dependent mother of James H. Cook, Company A, Tenth New York Cavalry, and also a nurse in the Union Army during the civil war, and pay her a pension at the rate of $30 per month in lieu of that she now receives.

The amendments recommended by the committee were read, as follows:

Strike out the preamble and all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Julia A. Cook, widow of Enos Cook, late of Company I, One hundred and forty-third Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ALFRED O. BLOOD.

The next business on the Private Calendar was the bill (S. 4515) granting an increase of pension to Alfred O. Blood.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alfred O. Blood, late of Company I, Twenty-fourth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

SAMUEL E. EWING.

The next business on the Private Calendar was the bill (S. 2084) granting an increase of pension to Samuel E. Ewing.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel E. Ewing, late of Company I, Third Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WINFIELD S. PIETY.

The next business on the Private Calendar was the bill (S. 3250) granting an increase of pension to Winfield S. Piety.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Winfield S. Piety, late of Company F, Sixth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM A. KIMBALL.

The next business on the Private Calendar was the bill (S. 3298) granting an increase of pension to William A. Kimball.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions

and limitations of the pension laws, the name of William A. Kimball, late of Company H, Fifty-first Regiment Massachusetts Volunteer Infantry, and Company A, Second Regiment Massachusetts Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

FREDERICK KROPF.

The next business on the Private Calendar was the bill (S. 4401) granting an increase of pension to Frederick Kropf.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frederick Kropf, late of Company B, Eleventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JONAS OLMSTEAD.

The next business on the Private Calendar was the bill (S. 3730) granting an increase of pension to Jonas Olmstead.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jonas Olmstead, late second lieutenant Company G, Third Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

HAMLINE B. WILLIAMS.

The next business on the Private Calendar was the bill (S. 1903) granting an increase of pension to Hamline B. Williams.

The bill was read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hamline B. Williams, late of Company D, Twenty-first Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

NELSON W. CARLTON.

The next business on the Private Calendar was the bill (S. 1614) granting an increase of pension to Nelson W. Carlton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nelson W. Carlton, late of Company K, Second Regiment Minnesota Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MARY ELIZABETH FALES.

The next business on the Private Calendar was the bill (S. 3970) granting an increase of pension to Mary Elizabeth Fales.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Elizabeth Fales, widow of William R. Fales, alias William Webb, late of U. S. S. Tallapoosa, United States Navy, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MILTON FRAZIER.

The next business on the Private Calendar was the bill (S. 5976) granting an increase of pension to Milton Frazier.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Milton Frazier, late of Company A, First Regiment Missouri Volunteer Engineers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN A. SMITH.

The next business on the Private Calendar was the bill (H. R. 1482) granting an increase of pension to John A. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John A. Smith, late a private in Company G, Fourth Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "a private in" and insert in lieu thereof the word "of."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN E. PICKARD.

The next business on the Private Calendar was the bill (H. R. 3752) granting a pension to John E. Pichard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John E. Pichard, late of Company G, Eighth Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of any pension he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Pichard" and insert in lieu thereof the word "Pickard."

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "thirty."

In same line strike out the words "any pension" and insert in lieu thereof the word "that."

Amend the title so as to read: "A bill granting a pension to John E. Pickard."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN H. KEHN.

The next business on the Private Calendar was the bill (H. R. 3353) granting an increase of pension to John Kehn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Kehn, late of Company K, Twenty-fifth Regiment Ohio Volunteers, and pay him a pension at the rate of $50 per month in lieu of that he is now drawing.

The amendments recommended by the committee were read, as follows:

Strike out all of lines 6, 7, and 8 and insert in lieu thereof the following: "of John H. Kehn, late of Company K, and first lieutenant Company I, Twenty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to John H. Kehn."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHARLES S. F. HILTON.

The next business on the Private Calendar was the bill (H. R. 1016) granting a pension to Charles S. F. Hilton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles S. F. Hilton, foster father of John Hilton, late of U. S. gunboat Tahoma, and pay him a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

Strike out all of lines 7 and 8 and insert in lieu thereof the following: "the U. S. S. Tahoma, United States Navy, and pay him a pension at the rate of $12 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

FRANKLIN T. MILLER.

The next business on the Private Calendar was the bill (H. R. 12052) granting an increase of pension to Franklin T. Miller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Franklin T. Miller, late of Company A, Ninety-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM M. WILSON.

The next business on the Private Calendar was the bill (H. R. 13881) granting a pension to W. M. Wilson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of W. M. Wilson, dependent father of Thomas Wilson, late of Company C, Fourth Vermont Volunteers, and pay him a pension at the rate of $24 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "W." and insert in lieu thereof the word "William."

In line 7, before the word "Vermont," insert the word "Regiment."

In the same line strike out the word "Volunteers" and insert in lieu thereof the words "Volunteer Infantry."

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "twelve."

Amend the title so as to read: "A bill granting a pension to William M. Wilson."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HIRAM D. DEMING.

The next business on the Private Calendar was the bill (H. R. 13088) granting an increase of pension to Hiram D. Deming.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hiram D. Deming, late of Company A, One hundred and seventy-first Regiment Pennsylvania Volunteer Infantry, and Company G, Forty-fifth Pennsylvania Veteran Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all of lines 6, 7, 8, 9, and 10 and insert in lieu thereof the following: "of Hiram D. Deming, late of Company G, Forty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 a month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHARLES A. RITTENHOUSE.

The next business on the Private Calendar was the bill (H. R. 2987) granting an increase of pension to Charles A. Rittenhouse.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles A. Rittenhouse, late chaplain of the Seventh Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "of the."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LAWRENCE H. ROSSEAU.

The next business on the Private Calendar was the bill (H. R. 2136) for the relief of Lawrence H. Rosseau.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to grant to Lawrence H. Rousseau, late lieutenant-colonel Twelfth Kentucky Infantry, an increase of pension, and that from and after the passage of this act his pension shall be at the rate of $30 per month, instead of $15 per month, as now awarded under certificate No. 354736.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lawrence H. Rosseau, late lieutenant-colonel Twelfth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WINFIELD PIERCE.

The next business on the Private Calendar was the bill (H. R. 659) increasing the pension of Winfield Pierce.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Winfield Pierce, late of Company A, Seventh Regiment Indiana Cavalry, and pay him a pension of $30 a month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Cavalry," insert the word "Volunteer."

In same line, after the word "pension," insert the words "at the rate."

In same line strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

In same line strike out the word "a" and insert in lieu thereof the word "per."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM W. SMITHSON.

The next business on the Private Calendar was the bill (H. R. 10355) granting an increase of pension to William W. Smithson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject otherwise to the provisions and limitations of the pension laws, the name of William W. Smithson, late sergeant and first lieutenant in Companies K and C, One hundred and seventy-sixth Regiment New York Volunteer Infantry, and pay him a pension of $30 per month in lieu of the pension he is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William W. Smithson, late sergeant and first lieutenant, Companies K and C, One hundred and seventy-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SABINA LALLY.

The next business on the Private Calendar was the bill (H. R. 8617) granting a pension to Sabina Lally.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sabina Lally, mother of the late Patrick Lally, who was a private in Company B, Seventh Wisconsin Volunteer Infantry, and pay her a pension of $24 per month.

The amendments recommended by the committee were read, as follows:

Strike out all of lines 6, 7, and 8 and insert in lieu thereof the following: "of Sabina Lalley, dependent mother of Patrick Lalley, late of Company B, Seventeenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month."

Amend the title so as to read: "A bill granting a pension to Sabina Lalley."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GEORGE W. STEFFEY.

The next business on the Private Calendar was the bill (H. R. 9072) granting an increase of pension to George W. Steffey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Steffey, late of Company F, One hundred and forty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MICHAEL K. STRAYER.

The next business on the Private Calendar was the bill (H. R. 10869) granting an increase of pension to Michael K. Strayer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Michael K. Strayer, late of Company C, Eighth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

CHESTER W. ABBOTT.

The next business on the Private Calendar was the bill (H. R. 15889) granting an increase of pension to Chester A. Abbott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Chester A. Abbott, late of Company I, One hundred and third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "A" and insert in lieu thereof the letter "W."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

Amend the title so as to read: "A bill granting an increase of pension to Chester W. Abbott."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOSEPH M. RICHARDSON.

The next business on the Private Calendar was the bill (H. R. 15670) granting an increase of pension to Joseph M. Richardson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph M. Richardson, pension certificate numbered 194699, act of June 27, 1890, and pay him a pension at the rate of $40 per month in lieu of any pension he may now be receiving.

The amendment recommended by the committee was read, as follows:

Strike out all of lines 6, 7, 8, 9, and 10, and insert in lieu thereof the following: "of Joseph M. Richardson, late of Company I, Fifteenth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving,"

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LOTT VAN NORDSTRAND.

The next business on the Private Calendar was the bill (H. R. 15387) granting an increase of pension to Lot Van Nordstrand.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lot Van Nordstrand, late teamster in Battery M, First Regiment New York Volunteer Light Infantry, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Lot" and insert in lieu thereof the word "Lott."

In the same line strike out the words "teamster in" and insert in lieu thereof the word "of."

In line 7 strike out the word "Infantry" and insert in lieu thereof the word "Artillery."

In line 8 strike out the word "seventeen" and insert in lieu thereof the word "thirty."

Amend the title so as to read: "A bill granting an increase of pension to Lott Van Nordstrand."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY A. TALBOTT.

The next business on the Private Calendar was the bill (H. R. 14758) granting an increase of pension to Mary A. Talbott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Talbott, widow of Nicholas B. Talbott, late second lieutenant Company H, Fifth Maryland Volunteers, and pay her a pension of $15 per month in lieu of that which she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Fifth," insert the word "Regiment."

In same line strike out the word "Volunteers" and insert in lieu thereof the words "Volunteer Infantry."

In line 8, after the word "pension," insert the words "at the rate."

In same line strike out the word "which."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM H. KNEPPLE.

The next business on the Private Calendar was the bill (H. R. 16465) granting an increase of pension to William H. Knepple.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pensions laws, the name of William H. Knepple, late a private of Company B, One hundred and ninety-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "a private."

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ENOCH DODD.

The next business on the Private Calendar was the bill (H. R. 16272) granting an increase of pension to Enoch Dodd.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Enoch Dodd, late of the Seventh Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving under certificate No. 755920.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "the" and insert in lieu thereof the words "Company H."

In same line, before the word "Connecticut," insert the werd "Regiment."

In line 7 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

In line 8 strike out the words "under certificate" and all of line 9 and 10.

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES H. DURHAM.

The next business on the Private Calendar was the bill (H. R. 16534) granting an increase of pension to James H. Durham.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James H. Durham, late of Company B, Ninth Regiment Indiana Volunteer Infantry, and Twenty-second Indiana Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all of lines 6, 7, 8, and 9 and insert in lieu thereof the following: "of James H. Durham, late of Twenty-second Battery Indiana Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ISAAC J. NICHOLS.

The next business on the Private Calendar was the bill (H. R. 15186) granting an increase of pension to Isaac J. Nichols.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaac J. Nichols, late of Company F, Ninety-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Company," strike out the word "of" and insert in lieu thereof the words "first lieutenant."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ORIN T. FALL.

The next business on the Private Calendar was the bill (S. 6526) granting an increase of pension to Orin T. Fall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Orin T. Fall, late of Company D, First Regiment New Hampshire Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

GRACE ASHTON NEGLEY.

The next business on the Private Calendar was the bill (H. R. 3504) granting a pension to Grace Ashton Negley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Grace Ashton Negley, widow of Gen. James S. Negley, at the rate of $2,000 per annum.

The amendments recommended by the committee were read, as follows:

Strike out all of lines 6 and 7 and insert in lieu thereof the following: "Of Grace A. Negley, widow of James S. Negley, late major-general, United States Volunteers, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Grace A. Negley."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

NICHOLAS SMITH.

The next business on the Private Calendar was the bill (S. 5642) granting an increase of pension to Nicholas Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nicholas Smith, late captain Company H, Thirty-third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ELIZA C. DEERY.

The next business on the Private Calendar was the bill (S. 3940) granting an increase of pension to Eliza C. Deery.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eliza C. Deery, widow of James Deery, late first lieutenant Company K, Fifth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

LEROY ROBERTS.

The next business on the Private Calendar was the bill (S. 3773) granting an increase of pension to Leroy Roberts.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Leroy Roberts, late of Company F, Thirty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

GEORGE A. KING.

The next business on the Private Calendar was the bill (S. 5355) granting an increase of pension to George A. King.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George A. King, late of Eighteenth Independent Battery, Ohio Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving

The bill was ordered to be laid aside with a favorable recommendation.

WEDEN O'NEAL.

The next business was the bill (H. R. 12316) granting an increase of pension to Weden O'Neal.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Weden O'Neal, late colonel Fifty-fifth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $75 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-five ' and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WESLEY S. POTTER.

The next business was the bill (S. 1978) granting an increase of pension to Wesley S. Potter.

The bill was read, as follows·

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Wesley S. Potter, late captain Company D, Thirty-sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favoraole recommendation.

JOHN J. REES.

The next business was the bill (S. 4412) granting an increase of pension to John J. Rees.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John J. Rees, late of Company F, Seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

HENRY E. SPRING.

The next business was the bill (S. 5412) granting an increase of pension to Henry E. Spring.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry E. Spring, late of Company K, Eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

DAVID C. MORGAN.

The next business was the bill (S. 6543) granting an increase of pension to David C. Morgan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David C. Morgan, late of Company C, Second Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

SYDDA B. ARNOLD.

The next business was the bill (S. 1131) granting an increase of pension to Sydda B. Arnold.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sydda B. Arnold, widow of Abraham K. Arnold, late brigadier-general, United States Volunteers, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

OLIVER P. HELTON.

The next business was the bill (S. 3607) granting an increase of pension to Oliver P. Helton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Oliver P. Helton, late of Company G, First Regiment Illinois Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MARY B. HEDDLESON.

The next business was the bill (S. 4332) granting an increase of pension to Mary B. Heddleson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary B. Heddleson, widow of John M. Heddleson, late second lieutenant Company B, Third Regiment Kentucky Volunteer Infantry, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOEL C. SHEPHERD.

The next business was the bill (S. 5835) granting an increase of pension to Joel C. Shepherd.

The bill was read, as follows.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joel C. Shepherd, late of Company D, Sixth Regiment United States Infantry, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty and insert "sixteen."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM FLINN

The next business was the bil (S. 5352) granting an increase of pension William Flinn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Flinn, late of Captain Dickerson's company, North Carolina Volunteers, Cherokee Indian war, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MARY MANES

The next business was the bill (S. 6071) granting an increase of pension to Mary Manes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Manes, widow of Pleasant R. Manes, late of Captain Elliott's company, Tennessee Mounted Infantry, Cherokee Indian disturbance, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

LILA L. EGBERT.

The next business was the bill (S. 6182) granting an increase of pension to Lila L. Egbert.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lila L. Egbert, widow of Augustus R. Egbert, late captain, Second Regiment United States Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MARY B. KELLER.

The next business on the Private Calendar was the bill (S. 6257) granting an increase of pension to Mary B. Keller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions

and limitations of the pension laws, the name of Mary B. Keller, widow of Charles Keller, late colonel Twenty-third Regiment United States Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving, and $2 per month additional on account of the minor child of the said Charles Keller until he reaches the age of 16 years.

The bill was ordered to be laid aside with a favorable recommendation.

SARAH E. ROPES.

The next business on the Private Calendar was the bill (S. 6467) granting an increase of pension to Sarah E. Ropes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah E. Ropes, widow of James M. Ropes, late captain, Eighth Regiment United States Cavalry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "thirty" and insert in lieu thereof "twenty-five," said rating of $25 per month being the precedent established by your committee in recommending increases for widows pensioned with rank of first lieutenant in the Army.

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

STEPHEN J. HOUSTON.

The next business on the Private Calendar was the bill (S. 6514) granting an increase of pension to Stephen J. Houston.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Stephen J. Houston, late of Captain Hollman's company and Capt. Arthur Burney's company, Florida Volunteers, Seminole Indian war, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

BERTHA R. KOOPS.

The next business on the Private Calendar was the bill (S. 6614) granting an increase of pension to Bertha R. Koops.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Bertha R. Koops, widow of Carl Koops, late first lieutenant, Tenth Regiment United States Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving and $2 per month additional on account of each of the minor children of said Carl Koops until they reach the age of 16 years.

The bill was ordered to be laid aside with a favorable recommendation.

MARY J. IVEY.

The next business on the Private Calendar was the bill (S. 6693) granting a pension to Mary J. Ivey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary J. Ivey, widow of Robert L. Ivey, late of Capt. J. A. Newman's company, Georgia Volunteers, and Capt. John C. Pelott's company, Florida Volunteers, Seminole Indian war, and pay her a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

In line 9 strike out the word "twelve" and insert the word "eight."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

BRIDGET AGNES TRIDEL.

The next business on the Private Calendar was the bill (H. R. 1377) granting an increase of pension to Bridget Agnes Tridel.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, instructed and directed to place on the pension roll the name of Bridget Agnes Tridel, widow of Mexican war, at the rate of $16 per month in lieu of any pension she may now be receiving.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Bridget Agnes Tridel, widow of John T. Tridel, late of Company B, First Regiment Virginia Volunteers, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SUSAN KENT.

The next business on the Private Calendar was the bill (H. R. 2812) granting a pension to Susan Kent.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to place on the pension roll the name of Susan Kent, widow of John Kent, late of Captain Daniel's company, Florida Volunteers, in the Florida Indian war of 1832 and 1842, inclusive, and pay her a pension at the rate of $8 per month.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and substitute in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susan Kent, widow of John Kent, late of Captain Daniel's company, Florida Volunteers, Florida Indian war, and pay her a pension at the rate of $8 per month."

Amend the title so as to read: "A bill granting a pension to Susan Kent."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CATHERINE P. M'LORINEN.

The next business on the Private Calendar was the bill (H. R. 6127) granting an increase of pension to Mrs. Catherine P. McLorinan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Catherine P. McLorinan, widow of W. H. McLorinan, late captain of Company B, United States Colored Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

Strike out all in the bill after the words "name of," in lines 5 and 6, and insert in lieu thereof the following: "Catherine P. McLorinen, widow of William H. McLorinen, late of Company H, Fourth Regiment United States Artillery, war with Mexico, and captain Company B, Eighty-sixth Regiment United States Colored Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Catherine P. McLorinen."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN WALLACE.

The next business on the Private Calendar was the bill (H. R. 9237) granting a pension to John Wallace.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Wallace, late of Companies A and K, Fifth Regiment United States Volunteer Cavalry, and pay him a pension at the rate of $24 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "Companies A and" and substitute therefor the word "Company."

In line 7 strike out "Volunteer;" and in lines 7 and 8 strike out "and pay him a pension at the rate of $24 per month."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY WILLIAMS.

The next business on the Private Calendar was the bill (H. R. 9814) granting an increase of pension to Mary Williams.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Williams, widow of Francis C. Williams, late a member of Company H, Ninth United States Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out "a member."

In line 7, after the word "Ninth," insert "Regiment;" and in the same line, after the word "Infantry," insert "war with Mexico."

Amend the title so as to read: "A bill granting an increase of pension to Mary Williams."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM KENNY.

The next business on the Private Calendar was the bill (H. R. 12771) granting a pension to William Kenney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Kenney, late of Company B, Twenty-second United States Infantry, and pay him a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6 change the spelling of the claimant's surname to "Kenny;" and in the same line, after the word "Twenty-second," insert "Regiment."
In line 8 strike out "twelve" and insert "eight."
Amend the title so as to read: "A bill granting a pension to William Kenny."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELIZABETH A. WILDER.

The next business on the Private Calendar was the bill (H. R. 13358) granting a pension to Elizabeth A. Wilder.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth A. Wilder, widow of Titus Wilder, who enlisted in the Navy February 7, 1845, and served on board the North Carolina, the Saratoga, and the Lawrence until September 14, 1846, when he was discharged, and that the said Elizabeth A. Wilder be paid a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

Strike out all in the bill after the words "Titus Wilder," in line 6, and substitute therefor the following: "late armorer, United States Navy, war with Mexico, and pay her a pension at the rate of $8 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY L. PURINGTON.

The next business on the Private Calendar was the bill (H. R. 14254) granting a pension to Mary L. Purington.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary L. Purington, widow of George A. Purington, late lieutenant-colonel, Third United States Cavalry, and to pay her a pension at the rate of $50 per month in lieu of any pension which she now receives.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "lieutenant-colonel" and substitute therefor "major;" and in the same line, after the word "Third," insert "Regiment;" and in the same line strike out the word "to."
In line 8 strike out "fifty" and insert "thirty-five."
Strike out all in line 9 and insert in lieu thereof the words "that she is now receiving."
Amend the title so as to read: "A bill granting an increase of pension to Mary L. Purington."

Mr. LOUDENSLAGER. Mr. Chairman, the bill S. 2863 was improperly referred to the Committee on Invalid Pensions, but the committee reported it to the House and it appears as Calendar No. 2295, and it is for the beneficiary pensioned in this House bill. As the passage by the Committee of the Whole of the Senate bill brings the legislation nearer to the point of perfection, I move that this bill lie on the table.

The CHAIRMAN. The gentleman from New Jersey moves that House bill 14254, granting a pension to Mary L. Purington, be reported to the House with the recommendation that it lie on the table.

The motion was agreed to.

MARGARET SNYDER.

The next business on the Private Calendar was the bill (H. R. 14845) granting a pension to Margaret Snyder.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Margaret Snyder, mother of John Snyder, late a member of Troop G, Seventh United States Cavalry, upon the pension roll, subject to the provisions and limitations of the pension laws, and pay her a pension at the rate of $24 per month.

The amendment recommended by the committee was read, as follows:

Strike out all in the bill after the word "place," in line 4, and substitute in lieu thereof the following: "on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret Snyder, mother of John Snyder, late of Company A, Twelfth Regiment Ohio Volunteer Cavalry, and Troop G, Seventh Regiment United States Cavalry, and pay her a pension at the rate of $12 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ALMEDIA J. ROBISON.

The next business on the Private Calendar was the bill (H. R. 14811) granting a pension to Almedia J. Robinson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Almedia J. Robinson, widow of Lieut. M. S. Robinson, late a member of Company H, Eighth Ohio Volunteer Infantry, war with Spain, on the pension rolls and pay her a pension at the rate of $24 per month.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and substitute therefor the following:
"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Almedia J. Robison, widow of Marion S. Robison, late second lieutenant Company H, Eighth Regiment Ohio Volunteer Infantry, war with Spain, and pay her a pension at the rate of $15 per month."
Amend the title so as to read: "A bill granting a pension to Almedia J. Robison."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM E. SHARP.

The next business on the Private Calendar was the bill (H. R. 14961) granting a pension to W. E. Sharp.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of W. E. Sharp, foster father of Walter F. Sharp, late of Company M, Seventh Regiment United States Infantry, and pay him a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6 change the initial "W." to "William."
Amend the title so as to read: "A bill granting a pension to William E. Sharp."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GRACE HARRINGTON.

The next business on the Private Calendar was the bill (H. R. 15362) granting an increase of pension to Grace G. Harrington.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Grace Gerard Harrington, widow of Henry M. Harrington, late second lieutenant, Seventh Regiment Cavalry, United States Army, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the Christian name "Gerard."
In line 7, after the word "Regiment," insert "United States;" and in lines 7 and 8 strike out "United States Army."
In line 8 strike out "fifty" and insert "twenty-five."
Amend the title so as to read: "A bill granting an increase of pension to Grace Harrington."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DELITHA A. COOK.

The next business on the Private Calendar was the bill (H. R. 15693) granting an increase of pension to Deletha A. Cook.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Deletha A. Cook, widow of Selman Cook, late a sergeant of Company B, Seibel's battalion, Alabama Volunteers, in the Mexican war, and pay her a pension of $16 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

Change the spelling of the claimant's Christian name in the body of the bill to "Delitha."
After the words "widow of," in line 6, insert "Zoroaster."
In lines 7 and 8 strike out "in the Mexican war" and substitute "war with Mexico."
In line 8, after "pension," insert "at the rate," and in the same line strike out "sixteen" and insert "twelve."
Amend the title so as to read: "A bill granting an increase of pension to Delitha A. Cook."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

BESSIE LEDYARD.

The next business on the Private Calendar was the bill (H. R. 15694) granting a pension to Bessie Ledyard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject otherwise to the provisions and limitations of the pension laws, the name of Bessie Ledyard, widow of John B. Ledyard, a private in Company M, Fifth Regiment United States Volunteer Infantry, during the Spanish-American war, and pay her a pension at the rate of $20 per month.

The amendments recommended by the committee were read, as follows:

In line 5 strike out "otherwise."
In line 7 strike out "a private in" and substitute therefor "late of."
In lines 8 and 9 strike out "during the Spanish-American war" and insert "war with Spain."
In line 9 strike out "twenty" and insert "twelve."

Add to the end of the bill the words: "and $2 per month additional on account of each of the minor children of said John B. Ledyard until they reach the age of 16 years."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

FRANCES C. BROGGAN.

The next business on the Private Calendar was the bill (H. R. 15757) granting a pension to Frances C. Broggan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frances C. Broggan, the helpless and dependent daughter of Francis Broggan, late a corporal in the Ordnance Corps, United States Army, and pay her a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN DA SILVA.

The next business on the Private Calendar was the bill (H. R. 15841) granting an increase of pension to John Da Silva.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Da Silva, late of the United States Navy, war with Mexico, and musician, Seventieth Regiment New York Volunteers, war of 1861, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "of the" and insert in lieu thereof "ordinary seaman."
In lines 7 and 8 strike out "Volunteers" and substitute "Volunteer Infantry."
In line 8 strike out "war of 1861."
In line 9 strike out "thirty" and insert in lieu thereof "twenty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN H. WHEELER.

The next business on the Private Calendar was the bill (H. R. 15735) granting an increase of pension to John H. Wheeler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John H. Wheeler, late of Company H, First Regiment Kentucky Volunteer Infantry, in the Mexican war, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "Volunteer Infantry" and substitute therefor the words "Foot Volunteers," and in the same line strike out "in the Mexican war" and insert "war with Mexico."
In line 8 strike out "fifty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GEORGE W. CHOATE.

The next business on the Private Calendar was the bill (H. R. 16153) granting a pension to George W. Choate.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Choate, late of Company M, Third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendment recommended by the committee was read, as follows:

In line 7, after the word "Infantry," insert "war with Spain."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

FRANCIS A. TRADEWELL.

The next business on the Private Calendar was the bill (H. R. 16161) granting an increase of pension to Francis A. Tradewell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis A. Tradewell, of Captain Elmore's South Carolina Volunteers, Indian war, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Tradewell," insert "late."
In the same line, after the word "Ellmore's," insert "company."
In line 7, after the word "Volunteers," insert "Florida."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JULIA E. JONES.

The next business on the Private Calendar was the bill (H. R. 16217) granting an increase of pension to Julia E. Jones.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Julia E. Jones, widow of James L. Jones, late second lieutenant Company C, Third Regiment Tennessee Volunteers, in the war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the words "in the."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LABAN M'GAHAN.

The next business on the Private Calendar was the bill (H. R. 16291) granting a pension to Laban McGahan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Laban McGahan, late of Company Fourth Regiment Kentucky Volunteer Infantry, Mexican war, and pay him a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "of company" and substitute "of the."
In line 7 strike out "Mexican war" and substitute "war with Mexico."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELLA F. SHANDREW.

The next business on the Private Calendar was the bill (H. R. 16391) granting a pension to Ella F. Shandrew.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ella F. Shandrew, widow of Col. John C. Shandrew, late of the Fifteenth Minnesota Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Colonel."
In line 7 strike out "of the Fifteenth Minnesota Volunteer Infantry" and insert in lieu thereof "colonel Fifteenth Regiment Minnesota Volunteer Infantry, war with Spain."

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES HUNTER.

The next business on the Private Calendar was the bill (H. R. 16564) granting an increase of pension to James Hunter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Hunter, late of Captain Hardin's company, Georgia Regiment Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Regiment" and change the word "Volunteer" to "Volunteers," and in the same line strike out the word "Infantry" and substitute therefor "Creek Indian war."
In line 8 strike out "twenty-five" and insert "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ANN GILBERT.

The next business on the Private Calendar was the bill (H. R. 16711) granting a pension to Ann Gilbert.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ann Gilbert, widow of Amos Gilbert, late of the U. S. steamship Brandywine, and pay her a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

In lines 6 and 7 strike out "of the U. S. steamship Brandywine" and substitute therefor "seaman, United States Navy."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES L. DAVENPORT.

The next business on the Private Calendar was the bill (H. R. 16313) granting an increase of pension to James L. Davenport.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions

and limitations of the pension laws, the name of James L. Davenport, late of unassigned regiment volunteer infantry, and pay hm a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all of lines 6, 7, and 8 and insert in lieu thereof the following: "of James L. Davenport, alias Dexter Davis, late unassigned Twenty-fourth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

Mr. SULLOWAY. Mr. Chairman, I move that the committee do now rise and report the bills to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CAPRON, Chairman of the Committee of the Whole House, reported that that committee had had under consideration certain bills on the Private Calendar, under the special rule of the House, and had directed him to report the bills H. R. 16149 and H. R. 14254 back to the House with the recommendation that they lie on the table; and had also directed him to report sundry other bills, some with amendments and some without amendments, with the recommendation that the amendments be adopted and the bills, as amended, do pass; and also that the bills without amendments do pass.

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent that the previous question may be considered as ordered on the bills and amendments to their passage.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent that the previous question be considered as ordered on the bills and amendments to their passage. The Chair hears no objection, and it is so ordered.

Mr. MIERS of Indiana. Mr. Speaker, I object to the previous question on the bill H. R. 14192, Calendar No. 2343. I ask that that one be excepted.

The SPEAKER. Without objection, this exception will be made. The Chair hears none. Without objection, the bills recommended to lie on the table will be so laid on the table. The Clerk will report the title of the bills.

The Clerk read as follows:

A bill (H. R. 16141) granting an increase of pension to William Shup.
A bill (H. R. 14254) granting a pension to Mary L. Purington.

PRIVATE BILLS PASSED.

House bills of the following titles, reported from the Committee of the Whole House without amendment, were severally taken up, ordered to be engrossed and read a third time; and they were accordingly read a third time, and passed:

A bill (H. R. 16148) granting an increase of pension to Harry F. Libby;

A bill (H. R. 14604) granting an increase of pension to Asa C. Hill;

A bill (H. R. 16368) granting an increase of pension to Eliza M. Hutchinson;

A bill (H. R. 15533) granting an increase of pension to William H. France;

A bill (H. R. 15618) granting an increase of pension to William O. Boughton;

A bill (H. R. 8287) granting an increase of pension to Peter Johnson;

A bill (H. R. 8288) granting an increase of pension to Scott Case;

A bill (H. R. 4807) granting an increase of pension to Thomas Parfitt;

A bill (H. R. 1689) granting an increase of pension to Hiram S. Thompson;

A bill (H. R. 11544) to correct the military record of Thomas J. Morman;

A bill (H. R. 16697) granting a pension to Ellen Johnson;

A bill (H. R. 16591) granting an increase of pension to James Mattingly;

A bill (H. R. 15438) granting an increase of pension to Thomas E. Peabody;

A bill (H. R. 15437) granting an increase of pension to Sarah A. Gerry;

A bill (H. R. 15443) granting a pension to Eudora Wells;

A bill (H. R. 12052) granting an increase of pension to Franklin T. Miller;

A bill (H. R. 9072) granting an increase of pension to George W. Steffey;

A bill (H. R. 10869) granting an increase of pension to Michael K. Strayer; and

A bill (H. R. 15757) granting a pension to Frances C. Broggan.

House bills of the following titles, reported from the Committee of the Whole House with amendments, were severally taken up, the amendments agreed to, the bills as amended ordered to be engrossed and read a third time; and they were accordingly read the third time, and passed:

A bill (H. R. 15754) granting a pension to Frances Cowie;

A bill (H. R. 15812) granting a pension to Lucien B. Love (title amended);

A bill (H. R. 15622) granting an increase of pension to Ben Cardwell (title amended);

A bill (H. R. 15873) granting a pension to Minerva Murphy;

A bill (H. R. 14235) granting an increase of pension to George White;

A bill (H. R. 13711) for the relief of Simon M. Yates (title amended);

A bill (H. R. 14407) granting a pension to May Jennings Bunn (title amended);

A bill (H. R. 14168) granting a pension to J. B. Anderson (title amended);

A bill (H. R. 14217) granting a pension to George M. Smith (title amended);

A bill (H. R. 14143) granting an increase of pension to Augusta W. Seely;

A bill (H. R. 12971) granting a pension to Thomas Martin;

A bill (H. R. 12611) for the relief of Alexander J. Thompson (title amended);

A bill (H. R. 13826) granting an increase of pension to Francis N. Bonnean (title amended);

A bill (H. R. 8085) granting a pension to David K. Wardwell (title amended);

A bill (H. R. 13793) granting an increase of pension to Solomon A. Alexander;

A bill (H. R. 10644) granting a pension to Michael J. Madden;

A bill (H. R. 1027) for the relief of Livinia Cook (title amended);

A bill (H. R. 15572) granting a pension to Charles W. Bracken;

A bill (H. R. 15400) granting an increase of pension to Enos Turner;

A bill (H. R. 15997) granting an increase of pension to Christian J. Flanagan;

A bill (H. R. 16361) granting an increase of pension to John W. Chancellor;

A bill (H. R. 15472) granting a pension to William H. Chamberlin (title amended);

A bill (H. R. 16381) granting a pension to Lymus Wallace (title amended);

A bill (H. R. 14398) granting an increase of pension to David M. Shopstaugh;

A bill (H. R. 15206) granting a pension to Mary P. Everton;

A bill (H. R. 15439) granting an increase of pension to Jane P. Chester;

A bill (H. R. 15528) granting an increase of pension to J. C. Williams (title amended);

A bill (H. R. 15746) granting an increase of pension to Daniel R. Lucas;

A bill (H. R. 16073) granting an increase of pension to John H. Smith;

A bill (H. R. 15964) granting an increase of pension to Michael Murphy;

A bill (H. R. 16445) granting a pension to Luke Madden (title amended);

A bill (H. R. 13240) granting an increase of pension to Nimrod F. Clark;

A bill (H. R. 16210) granting an increase of pension to John C. Callahan (title amended);

A bill (H. R. 16162) granting an increase of pension to George Brown (title amended);

A bill (H. R. 12602) granting an increase of pension to Amanda Burke;

A bill (H. R. 15674) granting an increase of pension to John A. T. McPherson;

A bill (H. R. 12214) granting an increase of pension to Jane A. Tillinghast;

A bill (H. R. 13239) granting an increase of pension to Ervin Thompson;

A bill (H. R. 11417) granting an increase of pension to Julia Auglada;

A bill (H. R. 13689) granting a pension to William W. Painter;

A bill (H. R. 12021) granting an increase of pension to Anson Lewis;

A bill (H. R. 12508) granting an increase of pension to James Jones, quartermaster Sixty-sixth New York Volunteer Infantry (title amended);

A bill (H. R. 3460) for the relief of Jerry S. Fish, of Cameron, Marshall county, W. Va. (title amended);

A bill (H. R. 9987) granting an increase of pension to Aaron Young;

A bill (H. R. 11139) granting a pension to Carter B. Harrison;

A bill (H. R. 8314) granting an increase of pension to Joseph A. Kauffman;
A bill (H. R. 2531) granting an increase of pension to Byron Robinson (title amended);
A bill (H. R. 6498) for the relief of John A. Whitman, a blind soldier (title amended);
A bill (H. R. 3026) granting a pension to Martha J. Bishop;
A bill (H. R. 942) granting a pension to John R. Dougherty (title amended);
A bill (H. R. 1013) granting a pension to Josephine Hussey;
A bill (H. R. 11388) granting a pension to William Vogan;
A bill (H. R. 3213) for the relief of Belle Spaulding (title amended);
A bill (H. R. 1624) granting a pension to James Allen;
A bill (H. R. 2679) for the relief of Nora Stokes (title amended);
A bill (H. R. 16309) granting a pension to Samuel H. Montague;
A bill (H. R. 15843) granting an increase of pension to Louis W. Rowe;
A bill (H. R. 8165) granting an increase of pension to Oscar M. Peck;
A bill (H. R. 10953) granting an increase of pension to John A. M. Seitz;
A bill (H. R. 9570) granting an increase of pension to Isaac Gabrion;
A bill (H. R. 14263) granting an increase of pension to Frederick Journal;
A bill (H. R. 13519) granting an increase of pension to James M. Clements (title amended);
A bill (H. R. 13386) granting a pension to Wallace Zeigler, late private, Company G, One hundred and first Pennsylvania Volunteer Infantry (title amended);
A bill (H. R. 13850) granting an increase of pension to Charles K. Cameron;
A bill (H. R. 14120) granting a pension to Letitia M. Leepard (title amended);
A bill (H. R. 11428) granting an increase of pension to Plummer Lewis;
A bill (H. R. 5876) granting a pension to Jacob E. Richards (title amended);
A bill (H. R. 4441) granting an increase of pension to Oscar Brewster;
A bill (H. R. 833) granting an increase of pension to G. H. Van Deusen (title amended);
A bill (H. R. 15910) granting an increase of pension to James A. Hale;
A bill (H. R. 700) granting an increase of pension to Eben Slausen (title amended);
A bill (H. R. 15961) granting an increase of pension to Jane Welch (title amended);
A bill (H. R. 16321) granting a pension to Michael Devine;
A bill (H. R. 15793) granting an increase of pension to George Skinner;
A bill (H. R. 16364) granting an increase of pension to Patrick Carney;
A bill (H. R. 16053) granting an increase of pension to Henry P. Reynolds;
A bill (H. R. 15422) granting an increase of pension to John Mosgrove;
A bill (H. R. 14391) granting an increase of pension to Edward Walsh;
A bill (H. R. 15038) granting an increase of pension to Lucy T. Churchill;
A bill (H. R. 15721) granting an increase of pension to Walter A. Porter;
A bill (H. R. 16423) granting an increase of pension to Eliza B. Abbott;
A bill (H. R. 15911) granting an increase of pension to George N. McMurry;
A bill (H. R. 15423) granting an increase of pension to Stephen B. Morehouse;
A bill (H. R. 15894) granting an increase of pension to Lewis P. Everett;
A bill (H. R. 15659) granting a pension to Elise Sigel;
A bill (H. R. 14889) granting a pension to James T. Lundy;
A bill (H. R. 16499) granting an increase of pension to Charles S. Wainwright;
A bill (H. R. 5511) granting an increase of pension to Cyrus V. Correll;
A bill (H. R. 15358) granting a pension to John Snodgrass (title amended);
A bill (H. R. 15617) granting an increase of pension to William Keith;
A bill (H. R. 16344) for the relief of Lucinda Lawrence (title amended);
A bill (H. R. 16358) granting an increase of pension to Benjamin W. Walker;
A bill (H. R. 16512) granting an increase of pension to John Dineen, alias John J. Davidson (title amended);
A bill (H. R. 15585) granting an increase of pension to Solomon S. Shaner;
A bill (H. R. 16058) granting a pension to John Corbett, minor heir of John Corbett (title amended);
A bill (H. R. 16522) for the relief of Caleb C. Van Sickell (title amended);
A bill (H. R. 16492) granting a pension to Wilson G. Gray;
A bill (H. R. 16269) granting a pension to Annie W. Coit (title amended);
A bill (H. R. 15483) granting a pension to Lucinda J. Pratt;
A bill (H. R. 16271) granting an increase of pension to Gustavus W. Peabody;
A bill (H. R. 15733) granting an increase of pension to M. G. Cole (title amended);
A bill (H. R. 14475) granting an increase of pension to David E. Lawton;
A bill (H. R. 6670) granting a pension to Hercules H. Price;
A bill (H. R. 12411) granting an increase of pension to Joseph Bart;
A bill (H. R. 13316) granting an increase of pension to Benjamin F. Olcott;
A bill (H. R. 12991) granting a pension to Gustavus S. Perkins (title amended);
A bill (H. R. 11682) granting a pension to Mary E. Winterbottom;
A bill (H. R. 5281) granting a pension to O. H. Mahan (title amended);
A bill (H. R. 12492) granting an increase of pension to Callie West;
A bill (H. R. 11616) granting an increase of pension to Isaac Harris;
A bill (H. R. 8812) granting an increase of pension to Henry Staff;
A bill (H. R. 10175) granting a pension to MaryR. Bagley (title amended);
A bill (H. R. 7895) granting an increase of pension to Sarah Bowen;
A bill (H. R. 4632) granting an increase of pension to William P. Rhodes;
A bill (H. R. 7844) granting a pension to Alonzo Pendland;
A bill (H. R. 5898) granting an increase of pension to Reuben F. Carter;
A bill (H. R. 5010) granting an increase of pension to James W. Pace;
A bill (H. R. 3569) granting an increase of pension to Joseph A. Buckholz;
A bill (H. R. 2614) granting a pension to John Sullivan;
A bill (H. R. 1644) granting an increase of pension to L. P. Bryant (title amended);
A bill (H. R. 1024) granting a pension to James R. Ward;
A bill (H. R. 2473) granting an increase of pension to James Billingsley;
A bill (H. R. 4059) granting an increase of pension to Julia A. Cook;
A bill (H. R. 1482) granting an increase of pension to John A. Smith;
A bill (H. R. 3752) granting a pension to John E. Pichard (title amended);
A bill (H. R. 3353) granting an increase of pension to John Kehn (title amended);
A bill (H. R. 1016) granting a pension to Charles S. F. Hilton;
A bill (H. R. 13881) granting a pension to W. M. Wilson (title amended);
A bill (H. R. 13088) granting an increase of pension to Hiram D. Deming;
A bill (H. R. 2987) granting an increase of pension to Charles A. Rittenhouse;
A bill (H. R. 2136) for the relief of Lawrence H. Rousseau (title amended);
A bill (H. R. 659) granting an increase of pension to Winfield Pierce (title amended);
A bill (H. R. 10355) granting an increase of pension to William W. Smithson;
A bill (H. R. 8617) granting a pension to Sabina Lally (title amended);
A bill (H. R. 15889) granting an increase of pension to Chester A. Abbott (title amended);
A bill (H. R. 15670) granting an increase of pension to Joseph M. Richardson;
A bill (H. R. 15387) granting an increase of pension to Lot Van Nordstrand (title amended);
A bill (H. R. 14758) granting an increase of pension to Mary A. Talbott;
A bill (H. R. 16465) granting an increase of pension to William H. Knepple;

A bill (H. R. 16272) granting an increase of pension to Enoch Dodd;
A bill (H. R. 16534) granting an increase of pension to James H. Durham;
A bill (H. R. 15186) granting an increase of pension to Isaac J. Nichols;
A bill (H. R. 3504) granting a pension to Grace Ashton Negley (title amended);
A bill (H. R. 12316) granting an increase of pension to Wedan O'Neal;
A bill (H. R. 1377) granting an increase of pension to Bridget A. Tridel;
A bill (H. R. 2812) granting a pension to Susan Kent (title amended);
A bill (H. R. 6127) granting an increase of pension to Mrs. Catherine P. McLorinen (title amended);
A bill (H. R. 9237) granting a pension to John Wallace;
A bill (H. R. 9814) granting an increase of pension to Mary Williams, Monroe, Mich. (title amended);
A bill (H. R. 12771) granting a pension to William Kenny (title amended);
A bill (H. R. 13358) granting a pension to Elizabeth A. Wilder;
A bill (H. R. 14811) granting a pension to Almedia J. Robison (title amended);
A bill (H. R. 14845) granting a pension to Margaret Snyder;
A bill (H. R. 14961) granting a pension to W. E. Sharp (title amended);
A bill (H. R. 15362) granting an increase of pension to Grace G. Harrington (title amended);
A bill (H. R. 15693) granting an increase of pension to Delitha Cook (title amended);
A bill (H. R. 15694) granting a pension to Bessie Ledyard;
A bill (H. R. 15841) granting an increase of pension to John Da Silva;
A bill (H. R. 15735) granting an increase of pension to John H. Wheeler;
A bill (H. R. 16153) granting a pension to George W. Choat;
A bill (H. R. 16161) granting an increase of pension to Francis A. Tradewell;
A bill (H. R. 16217) granting an increase of pension to Julia E. E. Jones;
A bill (H. R. 16291) granting a pension to Laban McGahan;
A bill (H. R. 16391) granting a pension to Ella F. Shandrew;
A bill (H. R. 16564) granting an increase of pension to James Hunter;
A bill (H. R. 16711) granting a pension to Ann Gilbert; and
A bill (H. R. 16313) granting an increase of pension to James L. Davenport (title amended).

Senate bills of the following titles, reported from the Committee of the Whole House without amendments, were severally taken up, ordered to a third reading, read the third time, and passed:

S. 1637. An act granting an increase of pension to Annie A. Neary;
S. 6492. An act granting an increase of pension to Thomas Starrat;
S. 3644. An act granting an increase of pension to James Mealey;
S. 4296. An act granting a pension to Andrew Ady;
S. 4827. An act granting an increase of pension to George W. Stott;
S. 4121. An act granting a pension to Elizabeth Jacobs;
S. 2863. An act granting an increase of pension to Mary L. Purington;
S. 3238. An act granting a pension to Martha E. Hench;
S. 5280. An act granting a pension to Dollie Cosens;
S. 5244. An act granting an increase of pension to William H. Maxwell;
S. 252. An act granting an increase of pension to Levi H. Peddycoard;
S. 6155. An act granting an increase of pension to William Markle;
S. 6361. An act granting a pension to Emma Dean Powell;
S. 4515. An act granting an increase of pension to Alfred O. Blood;
S. 2084. An act granting an increase of pension to Samuel E. Ewing;
S. 3250. An act granting an increase of pension to Winfield S. Piety;
S. 3298. An act granting an increase of pension to William A. Kimball;
S. 4401. An act granting an increase of pension to Frederick Kropf;
S. 3730. An act granting an increase of pension to Jonas Olmstead;
S. 1903. An act granting an increase of pension to Hamline B. Williams;
S. 1614. An act granting an increase of pension to Nelson W. Carlton;
S. 3970. An act granting an increase of pension to Mary E. Fales;
S. 5976. An act granting an increase of pension to Milton Frazier;
S. 6526. An act granting an increase of pension to Orin T. Fall;
S. 5642. An act granting an increase of pension to Nicholas Smith;
S. 3940. An act granting an increase of pension to Eliza C. Deery;
S. 3773. An act granting an increase of pension to Leroy Roberts;
S. 5355. An act granting an increase of pension to George A. King;
S. 1978. An act granting an increase of pension to Wesley S. Potter;
S. 4412. An act granting an increase of pension to John J. Rees;
S. 5412. An act granting an increase of pension to Henry E. Spring;
S. 6543. An act granting an increase of pension to David C. Morgan;
S. 1131. An act granting an increase of pension to Sydda B. Arnold;
S. 3607. An act granting an increase of pension to Oliver P. Helton;
S. 4332. An act granting an increase of pension to Mary B. Heddleson;
S. 5352. An act granting an increase of pension to William Flinn;
S. 6071. An act granting an increase of pension to Mary Manes;
S. 6182. An act granting an increase of pension to Lila L. Egbert;
S. 6257. An act granting an increase of pension to Mary B. Keller;
S. 6514. An act granting an increase of pension to Stephen J. Houston; and
S. 6614. An act granting an increase of pension to Bertha R. Koops.

Senate bills of the following titles, reported from the Committee of the Whole House with amendments, were taken up, the amendments agreed to, and the bills as amended ordered to a third reading, read the third time, and passed:

S. 2806. An act granting an increase of pension to Laura S. Picking;
S. 6132. An act granting an increase of pension to Fannie McHarg;
S. 6693. An act granting a pension to Mary J. Ivey;
S. 5835. An act granting an increase of pension to Joel C. Shepherd; and
S. 6467. An act granting an increase of pension to Sarah E. Roper.

Mr. SULLOWAY. I move that the votes by which these several bills have been passed be reconsidered, and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave for withdrawal of papers was granted as follows:

To Mr. NAPHEN, in the case of Leverett Bradley, Fifty-seventh Congress, no adverse report having been made thereon.

To Mr. GRIFFITH, in the case of Myron H. McMullen, Fifty-fifth Congress, no adverse report having been made thereon.

LEAVE OF ABSENCE.

Mr. FLANAGAN, by unanimous consent, obtained leave of absence for five days, on account of death in his family.

PALMER G. PERCY.

The bill (H. R. 1419) to correct the military record of Palmer G. Percy (reported from the Committee of the Whole House with a favorable recommendation) was taken up.

Mr. HULL. I move the previous question on the bill to its passage.

Mr. MIERS of Indiana. I desire to be heard on this question.

The SPEAKER. The previous question is demanded by the gentleman from Iowa [Mr. HULL].

Mr. MIERS of Indiana. I hope the previous question will not be ordered.

Mr. HULL. The bill was discussed enough in the Committee of the Whole. Let it now be voted up or down.

Mr. MIERS of Indiana. It was not discussed to the satisfaction of either side. I do not care to occupy more than three or four minutes; but I do believe that this is the kind of a bill——

Mr. HULL. I insist on my demand.

Several MEMBERS. Let us vote it down.

The question being taken, the previous question was not ordered.

Mr. MIERS of Indiana. Mr. Speaker, I desire very briefly to call the attention of the House to this bill and ask the Clerk to read from page 2 of the report the statement from the War Department and the statement of the soldier.

The Clerk read as follows:

RECORD AND PENSION OFFICE, WAR DEPARTMENT,
Washington City, September 11, 1899.

SIR: Referring to your letter of the 7th instant, received this morning, in which you request to be furnished with a statement of the military record of Palmer G. Percy, formerly of Company H, Second New York Cavalry Volunteers, I have the honor to inform you that it is shown by the records that Palmer Percy was enrolled October 2, 1863, and mustered into service October 16, 1863, as a private in Company H, Second New York Cavalry Volunteers, to serve three years, and that he served faithfully until July 24, 1864, when he deserted. He did not return to his command, which remained in the service until November 8, 1865, or communicate his whereabouts or the cause of his absence to the military authorities.

Application for removal of the charge of desertion resting against this man and for his honorable discharge stands denied on the ground that it has not been established that he was prevented from returning to his command and completing his enlistment contract by disability incurred in the line of duty, and because the case is not covered by any of the provisions of the act of Congress approved March 2, 1889, which is the only law in force governing the subject of removal of charges of desertion.

Very respectfully,
F. C. AINSWORTH,
Chief Record and Pension Office.

Hon. J. A. T. HULL, M. C.,
Des Moines, Iowa.

STATE OF IOWA, *County of Guthrie, ss:*

I, Palmer G. Percy, a resident of Guthrie County, Iowa, with post-office address at Dexter, Iowa, on oath depose and say that on the 2d day of October, 1863, I was enlisted as a private in Company H, Second New York Volunteer Cavalry; that I served with my regiment until in the month of July, 1864. At that date the regiment was in camp at some point on the Mississippi River in the State of Louisiana.

While in camp at this point a detail of members of the regiment was made to act as escort for officers who desired to attend church services outside the lines. I was a member of the detail. At the church a picket line was thrown out, and Corpl. George Turner, of my company, and myself were detailed for reconnoitering services; that while engaged in said services we were surprised and captured by a squad of the enemy, and held as prisoners of war. I was confined in prison at Alexandria, La., about a month, and was then transferred to a prison at Shreveport, La., and was confined at this place until in the month of December, 1864. From Shreveport I was removed to some point in the State of Texas, and remained in that prison until the latter part of February, 1865, at which date I escaped from this prison. Being still within the enemy's lines, I made my way as best I could toward the north and arrived at Cairo, Ill., during the last days of April, 1865.

I had no knowledge of the whereabouts of my command, and the war being just at the close I did not rejoin the regiment or secure a discharge, being informed my military services would not be further needed. I had no knowledge of the fact that the charge of desertion had been entered against me until 1892. Corp. George Turner, who was captured at the time I was captured, is the only person who could give full corroboration of the facts recited. I made diligent efforts to ascertain his whereabouts and have been informed that he is dead.

PALMER G. PERCY.

Subscribed and sworn to before me this 25th day of November, 1899.
[SEAL.] W. T. SHARP, *Notary Public.*

Mr. MIERS of Indiana. Mr. Speaker, the records of the War Department, as made in 1864 and 1865, when these matters were all fresh and the members of this command were living, show that this soldier deserted July 24, 1864, and did not return to his command, which remained in service until November 8, 1865. What is there against that record? The record that has been made and which protects the great roll of honor is to be stricken down now. Why, and how? On the uncorroborated statement of the soldier, made after a lapse of nearly forty years. The soldier says nothing to corroborate his statement.

At that date the regiment was in camp at some point on the Mississippi River, in the State of Louisiana. While in camp at this point a detail of members of the regiment was made to act as escort for officers who desired to attend church services outside the lines. I was a member of the detail. At the church a picket line was thrown out, and Corpl. George Turner, of my company, and myself, were detailed for reconnoitering services; that while engaged in said services we were surprised and captured by a squad of the enemy and held as prisoners of war. I was confined in prison at Alexandria, La., about a month, and was then transferred to a prison at Shreveport, La., and was confined at this place until the month of December, 1864. From Shreveport I was removed to some point in the State of Texas, and remained in that prison until the latter part of February, 1865, at which date I escaped from this prison. Being still within the enemy's lines, I made my way as best I could toward the North, and arrived at Cairo, Ill., during the last days of April, 1865.

This is the statement of the soldier—a statement not corroborated by anyone—that he was outside the lines in July, 1864, and was taken prisoner there; that he was at Alexandria, La., about a month and at Shreveport for about another month. Now, I challenge any gentleman, be he a veteran of the war of 1861 or a resident of the State of Louisiana, to say that there was a prison at Alexandria, La., or at Shreveport. I telegraphed to the Department more than an hour ago for information, but have received no answer. Yet this man, who wants to strike down the record which has stood now for nearly forty years, says further:

From Shreveport I was removed to some point in the State of Texas and remained in that prison until the latter part of February, 1865.

The soldier says he was in prison in Texas somewhere for four months, but does not know where. Think of the statement! In a rebel prison for four months, but does not know where.

Forty years afterwards this man asks us to strike down the record because he was confined in a prison somewhere in Texas, he does not know where; he does not know its name; he does not know who were with him; he does not know anything save that he was released in the early part of 1865—six months before his regiment was mustered out of the service. He says he was unable to find their whereabouts, and that is his excuse for not reporting. This seems improbable. The rankest of all of the deserters of all of the wars we have ever had could make a similar statement.

Mr. Speaker, I believe there are instances where a soldier's record ought to be amended and the soldier granted an honorable discharge, but I do not believe this to be one of them. Here is the case of a man who eight months before his term of service ended, with his regiment still in the field, not mustered out, deserted, and let the record stand for thirty-eight years, and now, forty years afterwards, wants Congress to wipe out that record. Notwithstanding he claims to have been in prison, he never mentioned that fact to any of his neighbors. If some of his neighbors should come here by affidavit and testify to the fact of his coming home in 1865 and saying that he had been imprisoned, it would be at least a moral circumstance in his favor. He could at least show where his command was, and let the House see whether it was difficult to find. This statement seems so improbable that it rather weighs against the truth of his claim than to support it. It is a clear case of a faint-hearted soldier who thought it as honorable to desert as to remain with his command; and I do not believe this House will add its consent and give him an honorable discharge. In the name of the patriotic men who sacrificed so much, I protest.

So far as this record is concerned, upon which we are asked to strike down the record which protects this roll of honor and place thereon the names of men who were not faithful to the end of the war, there is not a single corroborating circumstance save the statement of the witness that he was in prison at a place—he does not know where—and finally went home and stayed until his regiment was mustered out, and did not know that he was charged with desertion. If this is not a confession of desertion I confess my reasoning is wrong. With what did he think he would be charged when he went home and did not offer for service or to be mustered out? Is it enough in this year 1903 that Congress shall go back and strike down the record by which this roll of honor of the heroes of 1861 is maintained and protected? I believe that roll ought to be maintained and to remain the great roll of honor that it is. I will concede that some on it had longer service than others, some more difficult service, some received greater wounds than others, more disabilities, but the patriotism is all alike. We should not lay our hands on it except for good cause shown and let in those of questioned patriotism.

Mr. Speaker, I want to register my vote against the passage of this bill. I want to register my protest against all such as this, and leave that great roll of honor in such shape that when we read down along the line it will be possible to say, "Here is a soldier whose service, long or short, was patriotic, and with him abided the love of country until the war was over; a soldier who never disobeyed a command, nor deserted and left his comrades, but with this one it was more convenient for him to go home to take his ease and leave his comrades to bear the burdens he assumed to share; but Congress added his name to this great roll of honor, and gave him a place along the side of those who sacrificed all, and for whom this roll was originally made." For one, not knowing anything except what appears in the report on this case, that being the statement of the soldier who states such facts as these, which condemn his cause, I am not prepared to add this name to the roll of honor and date it back to 1864. [Applause.]

Mr. CAPRON. Mr. Speaker, I would not like to yield place to the gentleman from Indiana [Mr. MIERS] as one who is trying his best to guard that roll of honor, of which he is so jealous. I would not like to forget, and I am surprised that the special pleading of the gentleman from Indiana seems to indicate that he has forgotten, that after forty years a man may not go out and obtain evidence and details, as to his whereabouts on this or that or the other occasion so long ago. I would like to state this case as it seems to me to be actually and not theoretically true. There is no doubt but that the man was detailed to attend church service outside the lines and that a guard of some 300 men marched 12 miles outside the lines. As they were in the enemy's country, they threw out pickets, and he and a corporal of his command were of these pickets who were captured by the enemy. Now, he states that he was taken to Shreveport, La., and to another place in Louisiana, and subsequently taken into Texas as a prisoner of war. He is not able to summon those Confederates who guarded him; he is not able to summon witnesses to prove what he said, because there are no witnesses obtainable; but what does he do?

Mr. STEELE. Mr. Speaker, I would like to ask the gentleman a question.

The SPEAKER. Does the gentleman yield to the gentleman from Indiana for a question?

Mr. CAPRON. Yes.

Mr. STEELE. I understand the gentleman to have information that this man has been prevented for forty years from obtaining the evidence that would make his record honorable?

Mr. CAPRON. Why, the man never had an idea that he had a disability standing against his name until a few years ago. He had no reason for ascertaining it.

Mr. STEELE. Did he not know that he had not received an honorable discharge?

Mr. CAPRON. I suppose if the gentleman or myself should be required to prove incidents connected with our service forty years ago——

Mr. MIERS of Indiana. Mr. Speaker, I would like to ask the gentleman a question.

The SPEAKER. Does the gentleman yield?

Mr. CAPRON. Yes.

Mr. MIERS of Indiana. He did know that he had not received a muster out from his company?

Mr. CAPRON. He did.

Mr. MIERS of Indiana. Why should he not expect that a charge of desertion would be entered against him?

Mr. CAPRON. Well, if he had been a lawyer or a member of Congress or a man who was hunting around for clients or had placed his case with somebody, I expect he would.

Mr. MIERS of Indiana. Or if he had been a faithful soldier he would.

Mr. CAPRON. But here is a man who came back from the war to civil life, and it seems to me it is not strange that the man went to work attending to his business, never thinking there was a charge against him. Now, I would like to go back to this soldier.

Mr. LACEY. Mr. Speaker, I would like to ask the gentleman a question.

The SPEAKER. Does the gentleman yield?

Mr. CAPRON. Yes.

Mr. LACEY. The record is somewhat meager, and I understand that the gentleman is on the committee.

Mr. CAPRON. Yes.

Mr. LACEY. Perhaps he can tell us whether that soldier applied for his pay. Of course, when he was captured, his pay was going on, and there would be about a year's pay due him. Did he apply for that?

Mr. CAPRON. There is no evidence from the War Department that he did or did not.

Mr. WADSWORTH. Would not that be of record if he had?

Mr. CAPRON. If he had applied for it or obtained it, I expect that fact would be of record, but it does not appear.

Mr. KLEBERG. In what engagement was he captured? Was he a member of Banks's army?

Mr. CAPRON. He was in the State of Mississippi with his command, and in the face of the enemy. He was detailed with a body of about 300 soldiers to go with a company who were permitted to go outside the lines to attend church 12 miles away from their lines, with the officers of the regiment and those who might wish to attend this church service.

Mr. CRUMPACKER. He belonged to the army of the Lord.

Mr. CAPRON. He was thrown out as a picket and was captured.

Mr. KLEBERG. And was carried to the State of Texas?

Mr. CAPRON. As a prisoner. It was a safe place for prisoners over in Texas.

Mr. MIERS of Indiana. You say he was detailed with a squad of how many?

Mr. CAPRON. As I read it there were about 300.

Mr. MIERS of Indiana. The record from his own reading is that himself and George Turner of his company were detailed for reconnoitering service, and while so engaged himself and George were captured, and he does not know the present whereabouts of George. Instead of 300 there were George and the other deserter.

Mr. CAPRON. I think he told the truth about George and himself. And now, if the gentleman will possess his soul in patience, I will read him something:

STATE OF NEW YORK, *County of Washington, ss:*

I, S. H. Parks, of Sandy Hill, N. Y., on oath depose and say that I was a member of Company A, Second New York Veteran Cavalry, and was in camp with my regiment at Morganza Bend, Louisiana, during the month of July, 1864, and later; that I remember that during the period the regiment was in camp at this place a detail of the regiment went outside the lines to attend church. I find in my diary kept at this time that July 17, 1864, 300 of us went 12 miles down the river to escort General Lawler to church.

SOLOMON H. PARKS.

Subscribed and sworn to this 20th day of November, 1899, by S. H. Parks, who is personally known to me.

[SEAL.] D. J. SULLIVAN, *Notary Public.*

That is my information upon that subject.

Mr. MIERS of Indiana. That does not seem to be the same occurrence referred to by this witness.

Mr. CAPRON. He must have been a remarkably active attendant at church for a soldier, and you and I know we were not very much troubled with activity that way. I reckon it must have been the same occasion of attending church, because it happened to be on the same day of the week and month and year.

Mr. MIERS of Indiana. I have been informed, however, that some soldiers did attend church more than once in 1864.

Mr. CAPRON. Not from Indiana. [Laughter.] This man, after his transfer to Texas as a prisoner of war, escaped from the enemy and found his way by that slow and tedious method which a man is obliged to adopt when in the enemy's country, and arrived at length at Cairo, Ill., in the month of April, 1865. We do not need to recall what happened in the month of April, 1865. His command—not from the records, but knowing what happened to those commands in the State of Mississippi—were either a part of the army that went across to Savannah, and from there back to Washington and were mustered out, or they might have gone in some other direction. Some of those commands went finally to Texas as a part of our army of observation there against the then people in authority in Mexico.

He got back to Cairo, and the war was over, and he went home. And now there are as many as ten or a dozen reputable citizens of his community who state that he is a man of sterling integrity of character, that he is a man well known in the community and worthy of belief, and that he is not able to produce proof here of what happened inside of the rebel lines. We know that a man coming back from such imprisonment would be suffering from lack of food, from starvation, and from privation, such as happened to every man who was in those prisons, and that he would hardly have the energy to go looking around after his regiment after the war was over.

Just here I want to say that the Committee on Military Affairs has been very careful to exclude every man from the roll of honor who had not a right there, and this Calendar is a proof of the fact. With 2,000 bills now before that committee, every one referred to that committee by some member of this House, there are only two bills on the Calendar which we have had under consideration this morning. I consider that pretty good proof that the Committee on Military Affairs is doing its duty with the greatest care.

Mr. MIERS of Indiana. I should like to ask the gentleman if that does not sound to him a little like special pleading on his part?

Mr. CAPRON. No; it sounds like honestly stating the honest case of an old soldier.

Mr. HULL. Mr. Speaker, I move the previous question again.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time.

The question being taken on the passage of the bill, on a division (demanded by Mr. HULL) there were—ayes 56, noes 45.

Accordingly the bill was passed.

ALASKAN DELEGATE.

Mr. CUSHMAN. Mr. Speaker, pending my motion to go into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9865, I move that all general debate on that measure may be now closed.

The SPEAKER. The gentleman from Washington moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9865, the Alaskan Delegate bill; and pending that, moves that all general debate be closed now. The question is on agreeing to the motion to close general debate now.

Mr. BURKE of South Dakota. Mr. Speaker, I hope the gentleman will not insist on that motion. This is quite an important bill. No one has been heard in opposition with the exception of one member. I believe we ought to have at least some opportunity to be heard against the passage of this bill.

Mr. CUSHMAN. How much time does the gentleman suggest for general debate?

Mr. BURKE of South Dakota. I think we ought to have at least an hour against the bill.

Mr. CUSHMAN. I suggest we have an hour's general debate, equally divided between those in favor of the measure and those opposed to it.

Mr. BURKE of South Dakota. I submit, Mr. Speaker, that practically all the time consumed in the debate has been in the affirmative. I think we ought to have more than half an hour.

Mr. SULZER. You can have all the time you want under the five-minute rule.

Mr. HULL. A man is all broken up in that.

Mr. CUSHMAN. I will insist on the motion, Mr. Speaker.

Mr. BURKE of South Dakota. Then, Mr. Speaker, I give

notice that I shall demand the presence of a quorum on the passage of the bill.

The SPEAKER. The question is on the motion of the gentleman to close general debate now.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. BURKE of South Dakota. I ask for a division, Mr. Speaker.

The House divided, and there were—ayes 62, noes 37.

Mr. BURKE of South Dakota. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER. The gentleman makes the point of no quorum.

Mr. PAYNE. I ask the gentleman to withdraw that for a moment and see if we can not get out of this deadlock. I ask unanimous consent to reconsider the vote just taken, and ask that general debate be closed in one hour.

Mr. BURKE of South Dakota. How divided?

Mr. PAYNE. Forty minutes in the negative and twenty minutes in the affirmative.

Mr. BURKE of South Dakota. That is not fair. They have already consumed an hour and a half. I want at least an hour.

The SPEAKER. The Chair will state that thirty minutes more have been consumed by those in the affirmative than by those in the negative.

Mr. PAYNE. I will modify the request—that debate be closed in an hour and a quarter, one hour in the negative and fifteen minutes in the affirmative of the proposition.

The SPEAKER. The gentleman from New York asks unanimous consent to reconsider the last vote, and that general debate be limited to an hour and fifteen minutes, fifteen minutes to be given to those in favor of the bill and an hour to those opposed to the bill. Is there objection to the request? [After a pause.] The Chair hears none, and it is so ordered. The question is on the motion to go into Committee of the Whole. The Chair understands the gentleman from South Dakota to withdraw the point of no quorum.

Mr. BURKE of South Dakota. The Chair is correct.

The SPEAKER. The question is on the motion of the gentleman from Washington that the House resolve itself into Committee of the Whole House on the state of the Union.

The question was taken, and the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. SMITH of Iowa in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9865, the Alaskan Delegate bill. Debate is limited to an hour and a quarter, one hour by those opposed to the bill and fifteen minutes by those in favor of the bill.

Mr. CUSHMAN. I reserve the balance of my time, Mr. Chairman.

Mr. BURKE of South Dakota. Mr. Chairman, it has occurred to me that before we pass upon a bill as important as the one now pending before this committee that we ought to at least consider the bill sufficiently to know something about what is in the measure. I find that in the first session of this Congress there was introduced into this House a bill (H. R. 9865) which was considered by the Committee on Territories and unanimously reported by that committee. I find, Mr. Chairman, that there was an order made in the House a few days ago to go into Committee of the Whole at a certain time to consider the bill H. R. 9865. When we got into Committee of the Whole we were presented with the bill H. R. 16653—a bill introduced in the House on January 13 of this year, just ten days ago.

That bill is materially different—in fact, it is practically another bill—from H. R. 9865. If the new bill (H. R. 16653) has been considered by any committee of this House, there is no report accompanying it. In fact, I am not at the present time advised that H. R. 16655, which we are called upon to consider, has ever had the consideration of any committee of the House. Possibly it has. I presume that it has, but it is a fact that no report accompanies that bill.

Mr. Chairman, in examining the bill (H. R. 8965) which was reported I found that it contained a great many objectionable features; but I find upon examining the other bill, which they propose to offer as a substitute, that it contains even more objectionable features than that bill.

Now, the distinguished gentleman from Washington made a very able and eloquent presentation of the needs of the people of the district of Alaska to have upon this floor some representation in Congress. I desire to compliment the gentleman for the able manner in which he presented his argument for the necessity for a Delegate, and I want to say at the outset that I am not here to oppose the representation from the district of Alaska of a Delegate upon this floor. I think, Mr. Chairman, that they are fairly entitled to it, and I think also that the House of Representatives is entitled to have some man upon the floor that can speak for the district of Alaska. So, upon the question of some person being here as a Delegate, if you choose to call him so, there is no difference between the gentleman from Washington and myself.

But the question is, Mr. Chairman, How are we going to obtain a Delegate from Alaska? How is Alaska going to be represented in this House? It is upon that question particularly that I wish to be heard. The gentleman from Washington makes the statement that in the Territory or district of Alaska there are 100,000 population. That statement, Mr. Chairman, is not sustained by the census taken in 1900, which gives the district of Alaska a population of about 63,000. Now, in the report accompanying H. R. 9865 they question the census and state that it is incorrect and that undoubtedly there are 100,000 people in that district. I want to read very briefly from that report. It says:

> When we consider the vast difficulty attendant upon the full and correct enumeration of population in thickly settled and more accessible districts, and how frequently the statement is made, even in large cities, that the census enumerators failed to properly enumerate and return a considerable per cent of the population, then how much more likely is it that in a district like Alaska, a vast expanse of territory with widely scattered towns, settlements, and mining camps, isolated and separated, without railroad and telegraph communications—how much more likely is it that where conditions like these exist the census enumeration has not been full and complete.

Now, Mr. Chairman, if for the reason stated in this report they can not get an enumeration of that district within something like 40,000 of the population, I ask you to tell me how they can hold an election where the conditions are as set forth in this report. A district, Mr. Chairman, absolutely without any of the machinery for holding elections that is in the States or in the Territories, and I say it sincerely—will some one tell me how they can have an election in a district where they say they can not take the census by reason of the conditions nearer than to come within 40,000 of what they claim the population is?

I find in the report that the principal thing asked for by the people of Alaska is that they want to be represented at Washington. I quote from the report, referring to the people of Alaska: "They want a man in Washington who knows us, our country and our business, to represent us and our interests." That it seems, Mr. Chairman, is the principal thing that the people of Alaska want. They want some one here that can represent them, and represent them on this floor.

Mr. GAINES of Tennessee. Will the gentleman yield?

Mr. BURKE of South Dakota. Mr. Chairman, having been here about three years, and knowing the gentleman from Tennessee, I presume there is nothing to do but to submit, and I yield.

Mr. GAINES of Tennessee. The gentleman need not submit to me that way.

Mr. BURKE of South Dakota. Now, Mr. Chairman, this bill provides for the holding in the district of Alaska an election. It provides that the district which is divided into mining districts, the several districts, shall hold what they term a miners' meeting. At that miners' meeting certain things are to be done, and, among other things, voting precincts are to be established, and they are to name two judges of the election and, I think, two clerks. The bill says, "That all the persons within these districts who are or will be qualified to vote at the next election, shall be entitled to participate in said meeting. Said meeting shall be organized, etc." Now, Mr. Chairman, we find further on in the bill that in case these judges of election who have been selected fail to appear and qualify as an election board, then those present shall elect a board the same as we do in the States.

Now, I think it safe to say that where absolutely no provision is made whatever for paying election officers it is hardly likely that men who may be selected and appointed at miners' meetings will take the trouble to attend at the polling places, and attend all day and act in their capacity as judges of election, when they know they are not going to receive any compensation. But, Mr. Chairman, even if they do, I submit that under this bill it opens up the way to the best opportunity for ballot-box stuffing and for fraud that we have ever yet had presented to us.

But, Mr. Chairman, take, for instance, a remote mining camp, where the population is small. In such a locality a few men, or, indeed, one man, can gather up a lot of ballots and have them printed, and can make a return showing that in that precinct an election was held, and that so many votes were cast; he may make certificates in proper form and sign them with fictitious names and mail them to the governor of the district at Sitka.

Mr. POWERS of Maine. What does the gentleman understand by a mining camp as mentioned in this bill?

Mr. BURKE of South Dakota. Mr. Chairman, I do not think that a mining camp is limited by the number of inhabitants that there may be in the camp.

Mr. POWERS of Maine. I will explain to the gentleman what I understand by a mining camp.

Mr. BURKE of South Dakota. I shall be very glad to hear the gentleman's explanation.

Mr. POWERS of Maine. A certain section of territory where miners have commenced to work is, upon application to one of the judges of the United States, surveyed off and located as a mining camp; and a registrar is appointed in that camp who receives and registers the claims. That constitutes a mining camp or precinct. In a condition of that kind, how can the frauds of which the gentleman speaks be perpetrated? That is what constitutes a mining camp—a section of country which has been virtually organized, and which contains a place where claims can be recorded as deeds are recorded by a registrar of deeds.

Mr. BURKE of South Dakota. Is it not true that a mining district is determined by the miners themselves?

Mr. POWERS of Maine. No, sir; it is determined by the authority of a judge of the United States court, as I understand.

Mr. CUSHMAN. If the gentleman will permit me, there are two ways of laying out a mining district in Alaska. Mining districts are nearly always laid out by the judge of the district, and a commissioner is appointed therein; but where a new "strike" is discovered and miners are there in any considerable number, they are permitted to lay out a mining district of their own and appoint a temporary recorder until the judge shall appoint a permanent resident commissioner.

Mr. LACEY. Allow me to make a suggestion. The State of California, as utterly unorganized as Alaska, held an election, completed its organization, and applied for admission into the Union, fully organized, on this sort of a basis, and no trouble resulted.

Mr. BURKE of South Dakota. A comparison of the State of California with the district of Alaska is certainly not appropriate or applicable.

Mr. LACEY. That was away back—fifty years ago.

Mr. BURKE of South Dakota. Now, Mr. Chairman, whether or not the mining districts are created by the miners themselves or by a judge, as has been suggested, that has nothing whatever to do with the establishment of voting precincts within the several mining districts. If I understand this bill correctly, the miners at a miners' meeting held in the district are to organize such voting precincts, and they are given power, if they shall see fit, at any meeting duly called to create new precincts or change or modify the boundaries of the voting precincts. That is substantially the language of the bill.

Now, I submit again that in a district like Alaska, in dividing a mining district up into voting precincts, they will naturally locate those precincts wherever there are a considerable number of inhabitants or alleged inhabitants; and they may go to some remote part of the district and establish a precinct so far removed from the balance of the district that the general population will know nothing about the fact that there is to be an election at a certain time. A few persons, who may have evil designs, may get together and do the very thing that I have suggested.

These returns are to be made directly by the election board to the governor. He will receive those returns somewhere about the 1st to the 10th day of November. On the 10th day of November he is to canvass the returns and issue a certificate to the man who appears to have received the highest number of votes. After the 10th day of November any communication between the capital of the Territory and the remote parts of that Territory will be practically impossible. A Delegate certified as having been elected by the governor would come to Washington to take his seat in this House on the first Monday in December; but Congress would adjourn before there could be any investigation of any frauds which might have taken place in different parts of that district.

Mr. LACEY. Will the gentleman permit another suggestion?

Mr. BURKE of South Dakota. Certainly.

Mr. LACEY. The very difficulty that the gentleman suggests was contemplated by the committee, and that committee provided for a fine of not less than $200 nor more than $1,000 to be imposed upon anyone perpetrating any such offense as the gentleman suggests, and the courts are open and there are no more law-abiding men than the miners of Alaska or the miners of the Black Hills, with whom the gentleman is familiar. They would enforce the laws. They would not tolerate any such thing as has been suggested.

Mr. BURKE of South Dakota. Mr. Chairman, we have laws against stuffing ballot boxes, against frauds in elections, and yet we always do have frauds.

Mr. MANN. I would ask the gentleman from Iowa [Mr. LACEY] if the courts in Alaska are any more open than they are in the United States.

Mr. BURKE of South Dakota. I was about to suggest that and I accept the suggestion of the gentleman. I want to say that the man or the few men that might do the thing I have suggested could mail those returns and at the same time start to leave the district and go back to some of the States or possibly to some foreign country. They would undoubtedly use a fictitious name, and it never could be known who it was that perpetrated the fraud which might change the election in the district and by that fraud a Delegate would come here representing the district of Alaska.

Now, I say, admitting all that the gentleman from Washington [Mr. CUSHMAN] has so ably stated about Alaska and its needs for a Delegate upon this floor, that he has not by this bill given Alaska a practicable and feasible means of selecting a Delegate. Another objection I have to the bill is to Alaska being designated as the Territory of Alaska. Alaska has always been known and is known to-day as the district of Alaska. The statement made by the gentleman from Washington that the Supreme Court of the United States designated it as the Territory of Alaska I do not think is substantiated by reference to that decision.

Mr. CUSHMAN. Would the gentleman like me to read it to him?

Mr. BURKE of South Dakota. Not at present; I think that the decision refers to Alaska as territory belonging to the United States, but upon that question I am not certain. If I am incorrect the gentleman may correct me in his own time. Yesterday we had eloquence upon the possibilities of the district of Alaska. We were told that it has among other things great agricultural possibilities, that just as soon as the district is surveyed there will be settlements, people will go there to take up land and develop that Territory and make it rich in agriculture.

Mr. Chairman, if the district of Alaska makes the progress which has been prophesied upon this floor it will be only a short time before it will undoubtedly be divided up into separate Territories, and then, and not until then—unless there should be a Territorial form of government established for the whole district—can an election be held in that district, in my opinion, which will result in the honest expression of the people inhabiting the district. If I admit that the district of Alaska should have representation upon this floor, and am not in favor of that Delegate being elected in some manner, then it will probably be said that I ought to keep still or present some proposition by which the same result can be accomplished; and at this time I desire to present what I propose to offer as a substitute at the proper time for the pending bill, and I will send it to the desk and ask to have it read.

The Clerk read as follows:

That a Delegate to the House of Representatives of the United States from the district of Alaska, who shall be a citizen of the United States and an actual resident, for at least two years, of said district, shall be appointed by the President, and who shall discharge like duties and be entitled to the same rights, privileges, and emoluments as are discharged, exercised, and enjoyed by Delegates from the several Territories of the United States in the House of Representatives: *Provided, however*, That such Delegate shall only receive actual traveling expenses from his place of residence to Tacoma, in the State of Washington, and return; and that from there to the city of Washington he shall receive the usual mileage allowed Representatives in Congress.

SEC. 2. The term for which the Delegate shall be appointed shall be two years, beginning with the term of each Congress, and in case of a vacancy it shall be filled by appointment for the unexpired term.

Mr. CUSHMAN. Mr. Chairman, I ask unanimous consent that the proposed amendment be again read, as it was difficult to hear it, especially the first portion of it.

The CHAIRMAN. It may be read again, but will come out of the time of the gentleman from South Dakota, if he does not object.

Mr. BURKE of South Dakota. I have no objection.

The Clerk again read the amendment.

Mr. BURKE of South Dakota. Now, Mr. Chairman, I submit that the only possible objection that can be made to that proposition is that it is an innovation. It accomplishes all that the other bill seeks to accomplish. It does what this report says they are trying to do, viz, to give to some person on the floor of this House authority to be here and the privilege of the floor, and to be heard upon questions pertaining to Alaska. and to furnish the House with information upon proposed legislation affecting that district.

Now, I do not insist upon his being designated a Delegate. I do not insist that he shall have all of the privileges of a Delegate. I would be perfectly satisfied to have him termed a commissioner, and have him limited upon this floor with reference to privileges and restricted in some that Delegates now enjoy. But it answers, I say, the purpose for which this bill is offered, viz, to give the district of Alaska representation upon this floor, and to give to the House of Representatives an authorized representative from that district from whom the House can obtain information when it desires it upon questions which may be pending here concerning Alaska. There is certainly nothing unconstitutional about this proposition.

Mr. STEPHENS of Texas. Will the gentleman submit to a question?

Mr. BURKE of South Dakota. Certainly.

Mr. STEPHENS of Texas. I will ask him if he does not think the citizens of Alaska have the same right to select their Delegate

on this floor that the citizens of the gentleman's district have to select their Representative here?

Mr. BURKE of South Dakota. In answer to that question, I will say yes, but I say that it is an absolute impossibility under this bill and under the conditions that prevail in the district of Alaska to elect a Delegate by any means whatever. That is my position. When a Territorial form of government is established in the district of Alaska, when they have some of the machinery so that an election can be held, then, I say, let them elect their Delegate the same as other districts.

And in the report on this bill, Mr. Chairman, it is stated that the whole matter is in the power of the House, and if the appointment of a Delegate is not satisfactory and does not work to the satisfaction of everybody, the House at any time it pleases can provide some other means by which a Delegate from that district may be chosen.

Mr. STEPHENS of Texas. Will the gentleman permit me to ask him another question?

Mr. BURKE of South Dakota. Yes.

Mr. STEPHENS of Texas. Is it not a fact that Congress must provide the means by which they can hold these elections, and is not this the only power on earth to whom they can appeal to give them the opportunity to hold elections, and should we not give it to them?

Mr. BURKE of South Dakota. Mr. Chairman, I have endeavored to make it clear that under the conditions as they exist in Alaska, under the conditions as they have been set forth in this report, under the conditions as they were explained by the several gentlemen who have spoken in favor of this bill yesterday, it is an absolute impossibility to hold anything like a fair election that will give the whole people of the district of Alaska a fair opportunity for an expression of their wishes. There is nothing in this bill that provides for a nomination. There is nothing in this bill that provides for official ballots or the distribution of ballots. It simply provides, as I have already stated, that polling places shall be established in the different parts of that district by miners' meetings and the appointment of judges and clerks of election.

No provision is made for paying the judges of election, and as the gentleman from Illinois [Mr. WARNER] stated yesterday, it is probably only the next move when we will hear from Alaska that an appropriation is demanded to pay the expenses of the election that will be held in that district under the terms of this bill, if it becomes a law.

Now, Mr. Chairman, I submit, in conclusion, that before we provide for a Delegate in Alaska we should consider the question seriously and fully, and not attempt to do it by bringing into this House a bill without the report of any committee, and endeavor, as an endeavor has been made, to railroad it through without practically any discussion of the question. [Applause.]

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. LOVERING having taken the chair as Speaker pro tempore, a message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. BARNES, one of his secretaries, who also announced that the President had approved and signed bills of the following titles:

On January 22, 1903:

H. R. 624. An act granting a pension to Dorcas McArdle;
H. R. 3269. An act granting a pension to Ida M. Kinney;
H. R. 3672. An act granting a pension to Emily S. Barrett;
H. R. 5159. An act granting a pension to William A. Miller;
H. R. 5321. An act granting a pension to Lillie May Fifield;
H. R. 8576. An act granting a pension to John S. Upshaw;
H. R. 9977. An act granting a pension to Minerva Robinson;
H. R. 10010. An act granting a pension to Mina Weirauch;
H. R. 11286. An act granting a pension to Ellen F. Pook;
H. R. 12430. An act granting a pension to Abner H. Lester;
H. R. 12575. An act granting a pension to Edward A. Branham;
H. R. 13479. An act granting a pension to Ira P. Smith;
H. R. 13565. An act granting a pension to Mary V. Scriven;
H. R. 13727. An act granting a pension to Fannie E. Strohauer;
H. R. 13891. An act granting a pension to Hiram A. Sheldon;
H. R. 14242. An act granting a pension to Charles E. Peake;
H. R. 325. An act granting an increase of pension to John Compton;
H. R. 636. An act granting an increase of pension to Benjamin S. Bogardus;
H. R. 699. An act granting an increase of pension to Robert Miller;
H. R. 1328. An act granting an increase of pension to Gotthard Koerner;
H. R. 1453. An act granting an increase of pension to Thomas Kirwan;
H. R. 1528. An act granting an increase of pension to Charles Dalrymple;
H. R. 1530. An act granting an increase of pension to Eliza A. Rickards;
H. R. 2223. An act granting an increase of pension to John Laughlin;
H. R. 2224. An act granting an increase of pension to David T. Nuttle;
H. R. 2542. An act granting an increase of pension to Lysander D. Trent;
H. R. 2849. An act granting an increase of pension to Charles S. Ely;
H. R. 3304. An act granting an increase of pension to William Burke;
H. R. 3514. An act granting an increase of pension to Theresia Ziegenfuss;
H. R. 3755. An act granting an increase of pension to Lawson Williams;
H. R. 3868. An act granting an increase of pension to Isadora F. Maxfield;
H. R. 4184. An act granting an increase of pension to John Glenn;
H. R. 4454. An act granting an increase of pension to James H. Watts;
H. R. 4509. An act granting an increase of pension to Eliza Knight;
H. R. 4983. An act granting an increase of pension to Lucy G. Smith;
H. R. 5205. An act granting an increase of pension to Hiram S. Leffingwell;
H. R. 5869. An act granting an increase of pension to Benjamin White;
H. R. 5887. An act granting an increase of pension to Morris M. Comstock;
H. R. 6006. An act granting an increase of pension to John Canty;
H. R. 6727. An act granting an increase of pension to Remembrance J. Williams;
H. R. 6897. An act granting an increase of pension to William G. Buchanan;
H. R. 7021. An act granting an increase of pension to Henry Forcht;
H. R. 7239. An act granting an increase of pension to William Christian;
H. R. 8237. An act granting an increase of pension to John Robinson;
H. R. 8309. An act granting an increase of pension to Sylvester Holiday;
H. R. 8542. An act granting an increase of pension to Parmenas F. Harris;
H. R. 8707. An act granting an increase of pension to James R. Ambrose;
H. R. 9016. An act granting an increase of pension to Jane Brosnan;
H. R. 9402. An act granting an increase of pension to Alexander Curd;
H. R. 10339. An act granting an increase of pension to John L. Moore;
H. R. 10494. An act granting an increase of pension to Jonathan H. Slocum;
H. R. 11180. An act granting an increase of pension to Henry W. Gaskill;
H. R. 11212. An act granting an increase of pension to James D. Sims;
H. R. 11311. An act granting an increase of pension to Andrew J. Hertzog;
H. R. 11748. An act granting an increase of pension to Samuel Ashmore;
H. R. 12039. An act granting an increase of pension to Nelson Brown;
H. R. 12109. An act granting an increase of pension to Frederick Benefeldt;
H. R. 12132. An act granting an increase of pension to Allen C. Davis;
H. R. 12155. An act granting an increase of pension to Joseph W. Robertson;
H. R. 12424. An act granting an increase of pension to Wallace K. May;
H. R. 12700. An act granting an increase of pension to Eberhard P. Lieberg;
H. R. 12745. An act granting an increase of pension to Edmond Likes;
H. R. 12968. An act granting an increase of pension to John T. Mull;
H. R. 13000. An act granting an increase of pension to Magnus J. Cohn;
H. R. 13143. An act granting an increase of pension to Susan Parker;

H. R. 13174. An act granting an increase of pension to Ransford T. Chase;
H. R. 13227. An act granting an increase of pension to Elizabeth J. Emery;
H. R. 13324. An act granting an increase of pension to Jane J. Cross;
H. R. 13332. An act granting an increase of pension to William G. Cantley;
H. R. 13411. An act granting an increase of pension to Clarence D. Hess;
H. R. 13505. An act granting an increase of pension to William F. Stanley;
H. R. 13510. An act granting an increase of pension to James P. Thomas;
H. R. 13529. An act granting an increase of pension to Francis C. Baker;
H. R. 13594. An act granting an increase of pension to Robert Hargreaves;
H. R. 13621. An act granting an increase of pension to Anson Greenman;
H. R. 13669. An act granting an increase of pension to James H. McVicker;
H. R. 13815. An act granting an increase of pension to James J. Wilson;
H. R. 14024. An act granting an increase of pension to John R. Curry;
H. R. 14058. An act granting an increase of pension to Emil Pfeiffer;
H. R. 14067. An act granting an increase of pension to John Wright;
H. R. 14136. An act granting an increase of pension to John D. Thompson;
H. R. 14312. An act granting an increase of pension to John W. Huckelberry;
H. R. 14831. An act granting an increase of pension to Robert Clark;
H. R. 15399. An act granting an increase of pension to Harry C. Fay; and
H. R. 15588. An act granting an increase of pension to Samuel S. Smith.

DELEGATE FROM ALASKA.

The committee resumed its session.

Mr. CUSHMAN. I yield three minutes to the gentleman from Maine [Mr. POWERS].

Mr. POWERS of Maine. Mr. Chairman, I am somewhat surprised at the position taken by the gentleman who has just addressed the House. I had supposed that we were a government of the people, and that the Delegate should come from the people; that he should come here as a part of the legislative branch in one sense; that he should come here from the people not only to present what was wanted by them to this House, but also to make known what they wanted and was best for the Territory to the President of the United States; that to do this fearlessly he should be elected by them; that he should not be merely an appointee of the President to state or find out and communicate to his superior what the people of the Territory need. No such proposition as this, I believe, has ever before been presented to the American Congress. No Delegate thus selected has ever in our history assumed to represent a free American constituency. If they are to have a Delegate at all, in heaven's name let them select their representative.

All this talk about fraud is entirely unwarranted. It is mere surmise. I know something of miners. I know more of lumbermen. I have read what miners did years ago in California. I can not forget that they created that splendid State. I know this also, that the class of men who are engaged in mining or in our forest lumbering will perpetrate vastly less of fraud in an election of this kind than will be committed in any of our large cities. I believe you would get a substantially fair vote from these various precincts. At least, it is worth while to try it, and if there is complaint, if any such frauds occur as the gentleman conjures up, then the next Congress, when it meets, is amply competent to investigate and decide whether that Delegate shall have his seat or not.

Mr. STEWART of New Jersey. Does the gentleman believe that a Delegate could be elected in Alaska who would properly represent the entire district of Alaska? Would he not rather represent the mining interest, or the particular section from which he came, having no knowledge outside of that particular district; and would it not be better, instead of having a Delegate here in Washington three-fourths of the time, to have a commercial agent, appointed by the President, to be in Alaska all the time, sending his monthly reports to the Secretary of State, accessible to this Congress?

Mr. POWERS of Maine. Is the gentleman through?

Mr. STEWART of New Jersey. Yes.

Mr. POWERS of Maine. The President has his agent there in the person of the governor of the Territory to do all these things you suggest. I can not say positively whether the Delegate, if elected, will have a knowledge of all or only of part of the wants of that Territory—much depends upon the man chosen—but admitting that it may be true as is contended by the gentleman, conceding that he has a knowledge of but part of the wants of all the Territory, which I do not believe will be the case, it is even then desirable that some one should be here able to represent them in part, as a move in the right direction.

Mr. STEWART of New Jersey. Does not the gentleman know that there is no permanency in the inhabitants of Alaska: that they are there simply for a time, temporarily, to struggle for wealth; that they return to their States and vote there; that they have no permanent interests in Alaska, and do not deserve representation upon this floor; that they are a fugitive lot—there to-day and away to-morrow?

Mr. POWERS of Maine. I have no doubt that there are many men in Alaska who may intend to return to the States or their homes. I believe, also, that when one returns two more will go there and take his place. But I am confident, from listening to the testimony of men who are residents of Alaska and who have lived there many years, that Alaska has possibilities both of agriculture and of mining that we do not yet fully comprehend, and that right and justice demand that they should send a Delegate here; and I also know that the output of Alaska to-day goes up into the millions, many of them. I know, further, from the testimony which came before the committee of which I have the honor to be a member, that the fishing interest of Alaska is one of the greatest fishing interests on the continent of America. There are men living there that have been living there for many years, having large sums invested in fishing and other business, men of character and business ability, whose homes are there and will continue to be there, and while there is such a population in Alaska, in order that we may have proper legislation at all, they should have an opportunity to send some one to make their wants known.

Mr. MANN. Will the gentleman yield? It was suggested that the fishing interests were not given an opportunity to vote in that election.

Mr. POWERS of Maine. They have an opportunity of voting under this bill.

Mr. MANN. It was suggested that they had no polling places.

Mr. POWERS of Maine. There are polling places in the towns, and the fishing interests are largely centered in towns.

Mr. STEWART of New Jersey. Does not the gentleman know that it is impossible to get fishermen to go to an election, because if they do they can not catch fish?

Mr. POWERS of Maine. I know something about fishermen, as there are, I think, nearly as many in my State as any State in the Union. I believe they can vote intelligently and that they do.

Mr. GAINES of Tennessee. Mr. Chairman, a few moments ago the gentleman from South Dakota was laboring very much in a magnificent state of ignorance as to the population of Alaska. He lives upon the extreme western portion of this country and in a State that has long remained a Territory in this country.

Mr. BURKE of South Dakota. Mr. Chairman, I desire to submit a parliamentary inquiry.

Mr. GAINES of Tennessee. I do not desire to be interrupted by the gentleman. [Laughter.]

Mr. BURKE of South Dakota. A parliamentary inquiry.

Mr. GAINES of Tennessee. I do not submit to a parliamentary inquiry. The gentleman can not interrupt me with a parliamentary inquiry. He is just about as ignorant of parliamentary law as about some other things that I will show.

Mr. BURKE of South Dakota. I desire to submit a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. GAINES of Tennessee. The gentleman can not take me off the floor——

Mr. BURKE of South Dakota. I make this point—that the gentleman from Tennessee is out of order. He was not recognized.

The CHAIRMAN. The gentleman will state his point of order.

Mr. BURKE of South Dakota. I did not yield him any time, and the gentleman in control of the balance of the time certainly has not.

The CHAIRMAN. The gentleman from South Dakota failed to reserve his time, as the Chair understands it, and took his seat.

Mr. BURKE of South Dakota. I supposed that under the order that was made that was not necessary.

Mr. GAINES of Tennessee. The gentleman is displaying ignorance about that in the same charming quality. The gentleman,

though he has been in Congress for several years, does not know how to reserve his time.

Mr. BURKE of South Dakota. Mr. Chairman, I desire to submit that the gentleman from Washington corroborates me in the belief that when the order was made in the House I was to control one hour of the time and he was to control fifteen minutes.

The CHAIRMAN. The gentleman from South Dakota was recognized for an hour; and if he had reserved his time, the Chair would have reserved it. The order made in the House was that one hour be under the control of the opponents of the measure and fifteen minutes under the control of the supporters of the measure, but no arrangement was made as to who should dispose of the time.

Mr. BURKE of South Dakota. I submit to the ruling of the Chair.

Mr. MANN. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. MANN. I submit the order of the House was that one hour of time for general debate should be given to those in opposition to the bill and fifteen minutes to those in favor of the bill. I desire to ask whether the gentleman from Tennessee is recognized to speak in opposition to the bill or in favor of the bill?

The CHAIRMAN. The gentleman from Tennessee was recognized in pursuance of his representation that he was in opposition to the bill.

Mr. GAINES of Tennessee. Mr. Chairman, I submit that I am not to be taken off the floor in this way.

Mr. MANN. If he is speaking in opposition to the bill he can take the remainder of the hour.

Mr. GAINES of Tennessee. I will proceed with my remarks. [Laughter.]

Now, Mr. Chairman, the distinguished gentleman from South Dakota [Mr. BURKE], pleading ignorance to the House and to the country, was ungracious enough to repel a mere interruption, a parliamentary interruption, to give him the very information which he showed he did not have, and which I think has not been given to this time. [Applause.]

Mr. Chairman, I have before me a very carefully compiled table by the Census Bureau.

Mr. STEWART of New Jersey. Mr. Chairman, I rise to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. STEWART of New Jersey. I wish to ask if the gentleman from Tennessee can occupy the balance of the hour to the exclusion of other members who wish to oppose the bill?

Mr. GAINES of Tennessee. Oh, Mr. Chairman, I do not want my time taken up by these points of order, which amount to nothing.

The CHAIRMAN. The Chair will announce that the gentleman who has the floor can not be removed from the floor by parliamentary inquiries. The gentleman from Tennessee will proceed.

Mr. GAINES of Tennessee. Now, Mr. Chairman, the gentleman will save time if he will let me alone, and he will get information, too, and so would the gentleman from South Dakota. It is an easy matter to give him information. Now, Mr. Chairman, I desire in all seriousness to read from this official table. The population "21 years of age and over" in Alaska was 48,550 in 1900; "white" population, 25,953; "negro" population, 141; "other colored population," 11,862; "native born," 26,489.

Mr. Chairman, to show you how unfairly the position of the distinguished gentleman from South Dakota has been, when South Dakota and North Dakota were admitted as States into this Union, according to the report on the bill, they had the measly "population" of 2,576, as shown by page 4 of this report, while here are 38,000 men "21 years old and upward" whom we propose to make by this bill legalized voters of the Territory of Alaska. Again, Mr. Chairman——

Mr. MANN. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. I submit that the gentleman from Tennessee is not talking in opposition to the bill. Under agreement of the House he is not entitled to the floor.

The CHAIRMAN. The point of order will be sustained unless the gentleman speaks in opposition to the bill.

Mr. GAINES of Tennessee. If the gentleman will be patient a few moments, I will get to the opposing part of my speech. [Laughter.] There is so much ignorance displayed on that side that it takes about all of my time to keep the members enlightened. [Renewed laughter.]

Why, Mr. Chairman, the gentleman even says that Alaska is a "district," and hoots at the idea that Alaska is otherwise than a district; that it is not a Territory, and yet I have here an opinion of the Supreme Court, delivered in 1895, reported in 163 U. S., page 352, by Judge Harlan, that great jurist, in which he said that "Alaska is one of the Territories of the United States." "It was so designated in that order, and has always been so regarded," and he quotes from numerous statutes of the United States where it has been denominated the "Territory of Alaska," spelled with a big T.

But suppose it is a "district." That is nothing. The District of Columbia was formerly a "Territory" and was first alluded to not as a district, but as the "Territory of Columbia."

Now, then, Mr. Chairman, so much of information I trust I may have given to my colleagues on this side, and I am absolutely sure I have given the gentleman from South Dakota some information if he is capable of taking it in. [Laughter.]

Now, Mr. Chairman, we will get down to some of the provisions of the bill to which I do object; but rather, Mr. Chairman, than rob these people of having an honest representative here, elected by the people of Alaska, I will swallow the whole bill. I do not believe in colonialism or imperialism, but if William J. Bryan or Andrew Jackson or George Washington were President of the United States to-day I would not agree that either of them, as President of the United States, should appoint any man to come down here and represent the Territory of Alaska. I believe in the people having a man of their own selection here to represent them, and I believe if men have interest enough to go into the bowels of the earth in that cold country to make a living they can find a man honest enough to come here and represent them, the people of that country who have been so long misrepresented in this House, who ought to have representation. [Applause.]

Now, what else, Mr. Chairman? It has got so that we appoint judges to Alaska and we start them out honest enough, but before they have been there on the woolsack for three months they are rotten and corrupt. And yet the gentleman from North Dakota, I believe, would leave it to one of the judges to appoint a man to come down here and represent those people who have risked their lives and their fortunes in mining, fishing, and in agriculture. Mr. Chairman, one man may be corrupt, but he can not corrupt all the people. You may fool a part of the people part of the time, but you can not fool all the people all the time.

I believe in the honesty of the great majority of this people, and I believe there are enough honest people in Alaska for them to get together in their mining precincts or in their municipalities and other places and send a representative down here whose brain is not clouded and who at least in this great Congress would be courteous to his fellows.

Now, let us get down to this question of election precincts. The voter must be "able to read and write the English language or some other European language." Now, Mr. Chairman, I say I support that provision rather than defeat the bill; I will support the whole bill rather than be a party to defeating it. But I say, Mr. Chairman, that the reason——

Mr. MANN. I submit that the gentleman, according to his own statement, is not in opposition to the bill, and therefore is not entitled to the floor.

Mr. GAINES of Tennessee. I want to amend the bill. I have an amendment written out——

The CHAIRMAN (Mr. SMITH of Iowa). The gentleman from Tennessee was recognized by the Chair upon his statement that he was in opposition to the bill. Upon the statement that the gentleman has just made, the gentleman from Illinois [Mr. WARNER] will be recognized in opposition to the bill.

Mr. GAINES of Tennessee. What did I understand the Chair to say?

The CHAIRMAN. The Chair recognized the gentleman from Tennessee upon his statement that he was in opposition to the bill——

Mr. GAINES of Tennessee. I am opposed to it in its present form.

The CHAIRMAN. The gentleman has stated on the floor that he wishes to amend the bill, but will vote for it and support it rather than see the legislation fail.

Mr. GAINES of Tennessee. That is exactly right, and I believe I am entitled to the floor. However, yielding to the wisdom of the Chair, I yield the floor, though I desire to speak to my amendments, but will support the bill horse, foot, and dragoon rather than defeat it.

Mr. WARNER. Mr. Chairman, while I favor a Delegate for the district of Alaska, I am opposed to the methods provided by this bill for selecting that Delegate. I suggested that the Delegate be appointed by the President or the governor of that district. For the first time in my life I have heard it charged by a reputable gentleman that an appointee of the President of the United States is the slave of that President, that the President is his master, and that he can not be relied upon to give his fair and honest judgment upon anything that may come within his knowledge.

Mr. GAINES of Tennessee. I rise to a point of order. I should like to know whether the gentleman from Illinois [Mr. WARNER] is going to support this bill on the final vote?

Mr. WARNER. I am going to vote against it from top to bottom. [Laughter and applause.] My objection to the method prescribed in the bill for selecting a Delegate is that you can not get an expression of the will of the people of the district of Alaska by the machinery proposed to be provided. The weakness of the system is acknowledged by the frame of the bill itself. It does not prescribe or provide for any primary convention or anything of the kind for making a nomination for Delegate. There is not to be any nomination in the district. No parties are to be recognized. It is a game of "catch as catch can and every fellow for himself," a "free for all." Every mining district in the Territory can have its candidate. Each mining district can vote for any man it pleases, making as many votes for that candidate as it possibly can. There is no responsibility upon anyone.

We all know what the mining districts are and what kind of population they have. While they are as honorable men as any in the world, yet they want to carry their point, and they are for their partners right along. A thousand men or more may occupy one of those camps to-day and to-morrow it will be deserted. Those men are migratory; none of them are permanent residents. They are there for the purpose of making money. They have gone to that country from the States, and their habitual declaration is that "as soon as they get stuff enough they will return to God's country." They have their own personal interest at stake, and we do not blame them.

Now, there may not be a single person nominated for any office except by his mining district. No party will be represented. In all probability at each election there will be 20 persons voted for in Alaska for Delegate to Congress. The returns will be sent to the governor of the district, certified by men of whom he has never heard; he will not know whether they are judges of election or not, except by what they state. They will not have been appointed by him or anybody known to him.

Mr. CUSHMAN. I do not like to interrupt the gentleman; but he makes an accidental misstatement. The provision of the bill is that when the judges and clerks of election are appointed, that fact, among other things, shall be certified to the governor.

Mr. WARNER. Of course, the gentleman from Washington and myself, and half a dozen others may occupy a deserted mining district; may hold an election; may make out our own certificates, certifying whom we voted for, and how many ballots were cast; and we may send that certificate of returns to the governor; and that may be the first notice the governor will have that any election has been held there. Every mining district will have its own candidate. It will vote for him and send the returns down to the governor, and every district will want to have more votes than any of the others. If this bill passes and becomes a law it will come back to trouble us.

We will have more contested-election cases from the district of Alaska than from any State in the Union. I think it is unwise and should not be adopted. I am opposed to it for that reason, and I think it perfectly safe to let the President appoint a Delegate or a commercial agent to come down here and represent those people. I do not believe an election can be held up there unless the judges of election are paid for their time and for their services, and unless the advertising, registration, etc., are also paid for, and this bill professedly does not provide for anything of that kind.

Another thing, the returns from northern Alaska can not possibly reach the governor at Sitka or Juneau—Sitka being the present seat of government and Juneau the prospective seat of government—by the time he must make his certificate. Navigation closes on the Yukon on the 20th of September, before these elections are to be held. It is a frozen country from that time until the following June. These returns would have to be carried down from 1,000 to 2,000 miles, by mail or in some way, coming from the north, and 1,500 miles coming from the west.

The whole thing would be a farce, and a roaring one at that. I believe that it is unwise to pass this bill. We have sympathy with those people up there. They should be represented, but let us have them represented in an orderly way; let us have a representative sent down here from there, appointed by the President from among their number, one who will give his undivided time and attention to the interests of the district of Alaska and matters of investigation, and who will report here to Congress and have a place on this floor.

Mr. WM. ALDEN SMITH. I would like to ask the gentleman if there has ever been a time in the history of this Government when the President of the United States has been permitted to commission a man into the legislative branch of the Government?

Mr. WARNER. I have never heard of anything of the kind; but that does not make any difference. It is the first time it has ever been proposed that a district should be represented on this floor in any way.

Mr. WM. ALDEN SMITH. Is it not, in fact, foreign to the purpose and object of this government that the Executive should be permitted to stuff the legislative halls with delegates?

Mr. WARNER. The trouble is that he will not "stuff" the legislative branches of this Government. The Delegate will be here simply to give information, the same as do the Attorney-General and every member of the Cabinet. We who are on the Committee on the Judiciary apply to the Attorney-General every day for information, and other gentlemen apply to the Secretary of War and to the Secretary of the Navy. That is done by mail. They might just as well be on this floor and give the information by word of mouth. The appointment of this Delegate would not "stuff the legislative halls." He will not increase the size of this body so far as its power is concerned; he can not cast a vote.

Mr. WM. ALDEN SMITH. He is on the roll.

Mr. WARNER. And so is the Clerk and the Sergeant-at-Arms and other people, but he is simply here for the purpose of advising us—giving us information. He can not vote in this body or in committee, except by courtesy of the committee.

Mr. MANN. May I ask the gentleman a question?

Mr. WARNER. Certainly.

Mr. MANN. I would ask whether it is not the practice of every committee of this House to send almost every bill which comes before it and is taken up for consideration to one of the executive branches of the Government to obtain information in respect to the subject-matter of the bill?

Mr. WARNER. Certainly.

Mr. WM. ALDEN SMITH. But that is authorized by the Constitution.

Mr. MANN. There is nothing in the Constitution about it. What is the use of saying that?

Mr. WM. ALDEN SMITH. That is provided for in the Constitution—that the Executive shall advise Congress from time to time.

Mr. MANN. Not at all. That is an Executive message. That comes to Congress at the beginning of the session.

Mr. WM. ALDEN SMITH. That is his duty.

Mr. MANN. And has nothing to do with the Constitution.

Mr. WM. ALDEN SMITH. That is an Executive duty, and these heads of departments are his appointees.

Mr. WARNER. Mr. Chairman, I can not waive any more of my time until I get through.

Mr. MANN. The annual message has nothing to do with Congress asking for information from a department of the Government.

Mr. WM. ALDEN SMITH. It is his duty. He shall do it from time to time.

Mr. WARNER. There is infinitely more necessity for a Delegate on this floor from the District of Columbia than there is from the district of Alaska.

Mr. STEWART of New Jersey. Mr. Chairman, the gentleman from Missouri [Mr. WM. ALDEN SMITH] stated that the Delegates were on the roll. I read from page 471 of the Digest:

It has been held that there is no roll of Delegates which the Speaker is obliged to recognize at the time of swearing in members-elect at the organization of the House.

Mr. WM. ALDEN SMITH. That is very true, but I think the gentleman ought to change his designation. Much as I like Missouri, I do not hail from there.

Mr. MANN. Well, it would be a great compliment to Missouri if the gentleman did.

Mr. STEWART of New Jersey. There is one question I desire to ask the gentleman from Indiana.

Mr. WARNER. He has not the floor now. Mr. Chairman, the population of Alaska—all the population there that are worth anything—are the mining population and the people who supply them, the merchants and traders and manufacturers, and so forth, at the principal towns. If it were not for the mining interest in Alaska, if it were not for the minerals that can be found there, there would not be a thousand white men in Alaska to-day; and if those minerals are ever exhausted that will be the end of the white race in Alaska.

Sitka is not one-fifth the size that it was seventy years ago. The Russians had Sitka and had that territory then, and Sitka was a great place. It had foundries and manufactories. It built ships and was a great city. They tried to develop the country. They tried to make it an agricultural country, and they absolutely failed. Talk about its being an agricultural country, it is not and never can be. The Russians made a dead failure of it. Thirteen years ago, when I first visited Alaska, there was only one four-footed domestic animal in the whole district, and that was a donkey at Juneau.

The Russians imported cattle and horses and tried to keep them there, but could not do it, and the United States Government has spent several hundred thousand dollars in introducing reindeer into Alaska, because cattle could not live there. There is not a garden in Alaska, except on the western slope, where the Japan current and winds come in and keep an equable temperature.

Outside the western coast, over in the interior, the ground is

frozen for several feet under the surface. It freezes up in September and thaws out again a little in June and July, and they have frosts all during the summer; and it is utter nonsense to talk about agriculture in Alaska. It is valuable for mining, furs, and fishing, and nothing else, and that is all it ever will be. Give them a Delegate, but in a manner that will not be too expensive for the Government and will not make us trouble in the future. There should be no objection to that. But if we adopt this bill and make it a law, we will have a merry time in settling contested-election cases from 20 or 30 mining districts in Alaska every two years.

I reserve the balance of my time.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CUSHMAN. Mr. Chairman, how much time is remaining?

The CHAIRMAN. Twelve minutes.

Mr. CUSHMAN. How much time is remaining for those in opposition to the bill?

The CHAIRMAN. There is no time remaining to the opposition.

Mr. CUSHMAN. And twelve minutes for those in support of the bill?

The CHAIRMAN. Yes.

Mr. CUSHMAN. Mr. Chairman, in rising to close the debate on this bill, I realize that it will be impossible for me, in the few minutes' time remaining, to cover all the points raised by the opponents of this bill. Permit me to say that I have been somewhat surprised at the opposition that this bill seems to have created. Yet I assume that those who have spoken against the bill are as candid in their opposition to it as I am earnest in my support of the same.

Now, then, I think there are one or two propositions which, briefly stated by me, will clear away some of the misunderstanding that seems to exist regarding this bill.

The map which I had on this floor yesterday had traced thereon the outlines of the existing mining districts in Alaska, and that map likewise disclosed that these mining districts, which are legal subdivisions of Alaska and the boundaries of which are well known, not only include within their boundaries the chief mineral locations and the great majority of the mining population, but these same mining districts also include within their boundaries the chief places in Alaska where the fishing industry and other industries are prosecuted. In other words, the mining districts which are now created in Alaska contain within their limits 95 per cent of the voting population of Alaska, and the machinery of this bill is sufficient to guarantee a fair election in each of these mining districts.

Now, then, the statement has been made here that it will be difficult for this vast Territory to be represented.

It is not the Territory that is represented. It is the people in the Territory who are to be represented. Nobody claims that the State of Texas ought to forfeit any of her right to representation on this floor because, forsooth, there are vast stretches of territory in that State that are not inhabited. We are seeking here a Delegate to represent the people of Alaska.

Now, in regard to the present population of Alaska. We have claimed and now claim in this debate that the Territory of Alaska contains 100,000 population. Two years and a half ago the census was taken. This was the first census ever taken in Alaska. That census gave them 63,592 people, I believe. Two years and a half have elapsed since then, and during all of this time through the cities of my State that constitute the gateways to this great region there has flowed a mighty and resistless wave of humanity toward Alaska. There are about 40 steamers, many of which run the year round, plying on the waters of Puget Sound and to Alaska. Every one of them is loaded with men going to Alaska. It is not unreasonable to suppose that the population of Alaska has in the meantime increased to 100,000.

We all know that every time the census is taken how difficult it is to take the full enumeration, even in a thickly populated settlement.

Mr. WM. ALDEN SMITH. And nobody is satisfied with it, anyway.

Mr. CUSHMAN. That is right. Whenever the census is taken there is a continual row in the cities and villages claiming that their enumeration was not large enough. How much more strongly can we indulge the supposition that the few men detailed to take the census of that great region, Alaska, did not secure anywhere near a full enumeration? So much for the population of the Territory.

Now, then, with regard to the possibility of fraud in the election or the election returns. We have endeavored to guard against that in this bill as well as it can be guarded against in any locality populated by any kind of people. I will say, as was stated by the gentleman from Iowa [Mr. LACEY] on this floor, that the people of Alaska are law-abiding. God knows if they hadn't been there would have long ago been a revolution in that region founded on the time-honored proposition of "taxation without representation."

Of course they are law-abiding people in Alaska, as was shown by their toleration during the days of trouble with the judge at Nome. Had they not been a law-abiding class of people there would have been trouble, riot, and bloodshed at Nome. Not only are they law-abiding, but they are a race that instinctively insist upon fair play and a "square deal." We can turn to them with full reliance that they will use the machinery which we place in their hands in an honest and just way, and they will not permit this machinery to be tampered with.

The number of voting precincts to be established in each mining district is to be determined by the residents of the mining districts, and judges and clerks selected for each voting precinct, and certification of the results forwarded to the governor. The gentleman from Illinois stated that the governor of Alaska would not have any means of knowing who were really the judges and clerks. I would like to ask him if in the great State of Illinois, when the governor sits down to canvass the returns that are brought to him, he knows who the judges and clerks of the various election precincts are in that sovereign State?

Mr. MANN. They are not sent to him, and he does not know them.

Mr. CUSHMAN. Are they sent to the secretary of state?

Mr. MANN. Not the judges and clerks.

Mr. CUSHMAN. How about the canvass of the counties?

Mr. MANN. That is done by the county officers, and the governor knows all the county officers.

Mr. CUSHMAN. A proposition very similar to that is presented by the provisions of this bill. The precinct judges and clerks are appointed at a meeting duly called—called by the only legal officer that there is in the mining district.

Mr. BURKE of South Dakota. Will the gentleman allow me to ask him a question?

Mr. CUSHMAN. Certainly.

Mr. BURKE of South Dakota. I would like to ask the gentleman from Washington to state a fact. I notice in the bill that at a precinct where the judges appointed by the miners' meeting did not attend and qualify, or if he is not there, that the judges and clerks would be selected by the bystanders, the same as is done in our system here. The governor would absolutely have no way to ascertain if these men were judges or clerks.

Mr. CUSHMAN. Before answering that question, I wish to submit one other observation, and then I will endeavor to answer the gentleman's question. Throughout this debate objection has been made that there was no proper way by which we could create these election districts and call an election. That is by reason of the fact that there never has been any legislation to speak of enacted in this House for Alaska, and the reason that there has never been any legislation enacted for Alaska was because they had no representative here to press their wants and needs upon us.

Now, then, the opponents of this bill are trying to chase us around this kind of a circle: When we try to frame the machinery for the election of a Delegate they say we have not information enough about the country to properly frame the bill; then when we ask for a Delegate from Alaska to give us the desired information, they say that we do not have the proper machinery to elect one. That is a very ingenious position for any man to take; but let me ask you how many times do you think we would have to chase ourselves around that circle before we reached the proper point from which to start? [Laughter.]

This bill provides the first framework for an election in Alaska. The bill provides that all incorporated cities or towns in Alaska shall each constitute one election precinct. Nobody in this debate has disputed the wisdom of that provision. Then in all the region lying outside incorporated towns the creation of election precincts is left to the residents of the territory to be divided. It is made the duty of the commissioner of each mining district to call the meeting for the purpose of creating the voting precincts.

The commissioner is the only legal and recognized officer in the mining district, and therefore it is proper that he should call the meeting. It is provided that he shall give due notice of the date and place of the meeting. When the meeting day arrives, those present organize the meeting by the selection of a chairman and a secretary.

They shall then decide at that meeting how many precincts are to be created in the mining district; second, what the boundaries of the election precincts shall be and who shall be the judges and clerks of election in each precinct.

The announcement of their decision of all these matters shall be publicly made before the meeting adjourns, and, furthermore, the result of their determination shall be published as widely as may be throughout the mining district.

The gentleman from New Jersey [Mr. STEWART] indulged in one remark on this floor in the debate upon this bill that struck me as a most remarkable observation. Speaking of the people in

Alaska, he said they were "a fugitive lot," meaning, I presume, that they were too migratory to deserve representation.

I tell you, sir, they have not been such "a fugitive lot" but that the United States Government has succeeded within the last three years in collecting $400,000 in taxes out of them. They were not hot-footed, swift, nor elusive enough to escape a Federal tax collector in the midst of their domain! [Applause.] I suggest, sir, that a people who are permanent enough to permit taxation are permanent enough to deserve representation. We have collected about $9,000,000 in Federal revenue out of that Territory since we have had possession of it. It is a self-evident proposition that there must be something up there when we can derive a revenue like that from the people of Alaska.

Now, then, a word on the substitute proposed by the gentleman from South Dakota [Mr. BURKE]. He proposed to give these people representation, but in a person in whose selection they have no voice. I would rather see this bill fail utterly than see a proposition like that carry.

I want a person from that Territory who will truly represent the people and be responsible to them,

It is proposed that the President shall appoint a Delegate for them. No one has greater respect for or confidence in the President of the United States than I have. But over a century ago, in the first experiment of true free government that was ever launched, it was determined in our Constitution that there should be three distinct coordinate branches of our Government—the legislative, the executive, and the judicial. I do not believe that the Executive has any power or right to appoint even a Delegate to sit in this legislative body.

The President performed his full constitutional duty when in his last message to this House he recommended that Alaska have a Delegate in Congress. Let us now perform our constitutional duty by providing the means whereby they may secure that Delegate. [Applause.]

Mr. STEWART of New Jersey. May I interrupt the gentleman?

Mr. CUSHMAN. Certainly.

Mr. STEWART of New Jersey. I want to ask the gentleman if there is any provision in his bill or otherwise to ascertain the eligible legal voters of Alaska?

Mr. CUSHMAN. The qualifications of the voters are prescribed in the bill. A man in order to be eligible to vote under the provisions of this bill shall first be a citizen of the United States, have reached the age of 21 years, be able to read and write and speak English or some other European language, and have resided in Alaska ninety days.

Mr. STEWART of New Jersey. Do you provide any officer to exact the information from the voter?

Mr. CUSHMAN. Yes. The bill provides that the vote of any man who offers his vote may be challenged by an election officer, and thereupon he shall swear in his vote in the same manner that every man swears in his vote.

The CHAIRMAN. The time of the gentleman from Washington has expired. The time for general debate has expired, and the Clerk will read the bill.

Mr. BURKE of South Dakota. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BURKE of South Dakota. Is the bill H. R. 16653 before the committee, or is it the bill 9865?

The CHAIRMAN. The bill H. R. 9865 is before the committee. The gentleman from Washington obtained unanimous consent that the text of the bill H. R. 16653 should be treated as pending as an amendment in the nature of a substitute for the bill before the committee.

The Clerk proceeded to read the bill H. R. 9865.

Mr. CUSHMAN (interrupting the reading). Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CUSHMAN. The original bill having never been read, is it now in order to ask unanimous consent that the further reading of the original bill be dispensed with and the substitute read in lieu thereof under the five-minute rule?

The CHAIRMAN. The Chair thinks that would be in order.

Mr. CUSHMAN. Then, Mr. Chairman, I ask unanimous consent that the further reading of the bill H. R. 9865 be suspended, and that the text of the bill H. R. 16653 be read under the five-minute rule.

The CHAIRMAN. The gentleman from Washington asks unanimous consent that the further reading of the original bill, H. R. 9865, under the five-minute rule, be dispensed with, and that the amendment offered upon yesterday, and which the committee directed should be treated as pending, be read in its stead, under the five-minute rule. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

That a Delegate to the House of Representatives of the United States from the Territory of Alaska shall be chosen by the people thereof, who shall be a citizen of the United States, and who shall discharge like duties and be entitled to the same rights, privileges, and emoluments as are discharged, exercised, and enjoyed by Delegates from the several Territories of the United States in the House of Representatives: *Provided, however*, That such Delegate in lieu of all other allowances shall, in addition to his salary, receive the sum of $1,500 per annum, which shall cover all mileage and other expenses except the stationery allowance and compensation for clerk hire.

Mr. BURKE of South Dakota. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend, in line 4, by striking out the word "Territory" and inserting the word "district."

In line 4 strike out the words "shall be chosen by" and all of line 5 and insert "who shall be a citizen of the United States and an actual resident for at least two years of such district, and shall be appointed by the President."

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Dakota.

The question was taken, and the amendment was rejected.

Mr. MCCLELLAN. Mr. Chairman, I move to strike out the last word for the purpose of making an inquiry. I want to ask why the mileage was fixed at a lump sum of $1,500?

Mr. CUSHMAN. Mr. Chairman, I stated yesterday, as appears in this morning's RECORD, the facts in regard to that matter, which, if the gentleman from New York can find time to read, will explain the matter fully; but I will endeavor briefly to state what the situation is.

The usual mileage allowed to all members of Congress, and likewise to all Delegates, is 20 cents a mile each way, or 40 cents per mile one way from the place of their residence to the city of Washington, in attendance upon every regular session of Congress. But when the bill was submitted in this House providing for two resident commissioners from the Philippine Islands, a lump sum of $2,000 was therein provided for their mileage in attending each regular session of Congress, and it seemed, as the mileage of an Alaskan Delegate would be very large, that we would be justified in substituting in place of the regular mileage, provision for a lump sum of $1,500.

Mr. MCCLELLAN. Then it is much less than the regular mileage would be?

Mr. CUSHMAN. Oh, yes; much less.

Mr. MCCLELLAN. Mr. Chairman, I withdraw my pro forma amendment.

The Clerk read as follows:

SEC. 5. That in order to be qualified to vote for said Delegate to Congress a person shall—

First. Be a male citizen of the United States and have resided in Alaska not less than ninety days immediately preceding the election at which he offers to vote.

Second. Have attained the age of 21 years.

Third. Be able to read and write the English or some other European language.

Mr. GAINES of Tennessee. I desire to offer an amendment to this paragraph—to strike out "ninety days," in line 23, and to insert in lieu thereof "six months;" so that it will read: "Be a male citizen of the United States and have resided in Alaska not less than six months immediately preceding the election at which he offers to vote."

Mr. Chairman, this amendment will, I think, come nearer than the provision of the bill as it stands to securing the elective franchise to people who are really bona fide Alaskans, and who do not belong to the great floating population about which we have heard so much. A great many of the State constitutions—in fact, all of them, I believe—require at least six months' residence to enable a man to vote. If we require simply ninety days' residence, a man may go up there from the United States on a summer trip, and under this provision may exercise the rights of an elector.

Mr. BARTLETT. I move to amend the amendment of the gentleman from Tennessee by striking out——

The CHAIRMAN. The Chair is of the opinion that a further amendment offered now would be an amendment in the third degree, and would not be permissible under the rules. The Committee of the Whole is now considering an amendment in the nature of a substitute for the whole bill.

Mr. BARTLETT. Then I ask the gentleman from Tennessee to modify his amendment so as to provide for one year's residence instead of six months.

Mr. GAINES of Tennessee. I am willing to accept that modification.

The CHAIRMAN. If there be no objection, the amendment of the gentleman from Tennessee will be modified as proposed.

There was no objection.

Mr. BARTLETT. Mr. Chairman, this bill as originally reported to the House—No. 9865—contained in section 10 a provision that an elector in the district of Alaska should be a resident there

for not less than one year preceding the election at which he offers to vote, and should reside in the election precinct not less than sixty days.

Most of the States of the Union, in fact, all whose constitutions I am familiar with, require of a voter a residence of at least twelve months in the State, six months in the county, and ninety days in the election precinct. This bill does not contain any provision requiring registration of the voter, nor does it provide for any other means for identifying the voter. As I understand it, the provision requiring that the party who offers to vote shall have resided in Alaska twelve months will not in any way interfere with the exercise of the elective franchise by people who are actual residents. It does not mean to prohibit people who are bona fide residents of Alaska from going away from there and returning.

Any man who is an actual resident and may go away with the intention of returning would be entitled to vote. But to permit persons to vote, as the bill in the form now pending proposes, simply upon a residence of ninety days, would, it seems to me, allow persons to vote who might be visiting the Territory for short periods and who have no real interest in Alaskan affairs. In other words, it would allow the carrying of voters into Alaska for the purpose merely of determining the election.

Mr. PAYNE. Does the gentleman suppose that any citizens of the United States would go to Alaska simply for the purpose of voting for Delegate?

Mr. BARTLETT. I do not know. Persons have been known to go into New York from other States, and from New York to other States, for the sole purpose of voting.

Mr. PAYNE. I never heard of that. I have known of their coming from other States to New York.

Mr. BARTLETT. I have said all I desire to say on this subject.

The question being taken on the amendment of Mr. GAINES of Tennessee as modified, it was rejected; there being, on a division—ayes 27, noes 51.

Mr. GAINES of Tennessee. I offer the amendment which I send to the desk.

The Clerk read as follows:

Insert, as a new subdivision, between lines 24 and 25, these words:
"Second, be a resident ninety days in the city, town, precinct, or district where he offers to vote."

Mr. GAINES of Tennessee. Mr. Chairman, just a word. The bill which the gentleman from Washington introduced at first had a similar provision, omitted in this bill. There is no provision in the pending bill that a man must live in the precinct where he offers to vote any length of time, but just simply that he has been in Alaska for "ninety days." This amendment requires that he must be a resident of the ward, precinct, or district in which he offers to vote at least ninety days before he will be allowed to vote. It is not only the usual regulation, but a very proper one for the purpose of identification.

The CHAIRMAN. The question is upon the amendment offered by the gentleman from Tennessee.

The question was taken; and the amendment was rejected.

The Clerk concluded the reading of the bill.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Washington in the nature of a substitute.

The question was taken; and the amendment was agreed to.

Mr. CUSHMAN. Mr. Chairman, I move that the committee do now rise and report the bill with amendments to the House, with the recommendation that all after the enacting clause of the pending bill be stricken out, that the text of the substitute bill be inserted in lieu thereof, and that the bill as thus amended do pass.

The motion was agreed to.

Accordingly, the committee rose; and the Speaker having resumed the chair, Mr. SMITH of Iowa, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 9865, the Alaskan Delegate bill, and had directed him to report the same back with an amendment in the nature of a substitute, with the recommendation that the bill as thus amended do pass.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. CUSHMAN, a motion to reconsider the last vote was laid on the table.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 14275. An act providing for additional terms of court in the western judicial district of the State of South Carolina;

H. R. 14839. An act providing that the circuit court of appeals of the fifth judicial circuit of the United States shall hold at least one term of said court annually in the city of Montgomery, in the State of Alabama, on the first Monday in September in each year; and

H. R. 15506. An act to amend section 14 of an act entitled "An act to divide the State of Texas into four judicial districts."

And then, on motion of Mr. PAYNE, at 5 o'clock and 28 minutes, the House adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Ardent*, George Lee, master, against The United States—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Jennie E. Walker, administratrix of estate of Samuel M. Haller, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Thomas B. Scott against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the secretary of the Smithsonian Institution, transmitting plans for a new building for the Institution—to the Committee on Appropriations, and ordered to be printed.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 13813) for the relief of John M. McDowell—Committee on Military Affairs discharged, and referred to the Committee on War Claims.

A bill (H. R. 8639) granting an increase of pension to Van Druth Washburn—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. LOUD, from the Committee on the Post-Office and Post-Roads, to which was referred the bill of the House (H. R. 16990) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1904, and for other purposes, reported the same without amendment, accompanied by a report (No. 3314); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. LOUD, from the Committee on the Post-Office and Post-Roads: A bill (H. R. 16990) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1904, and for other purposes—to the Union Calendar.

By Mr. SCOTT: A bill (H. R. 16991) to authorize the construction and maintenance of a dam or dams across the Kansas River, within Shawnee County, in the State of Kansas—to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Kentucky: A bill (H. R. 16992) for the benefit of the national cemetery near the city of Lebanon, Marion County, Ky.—to the Committee on Military Affairs.

By Mr. GARDNER of Massachusetts (by request): A bill (H. R. 16993) to provide for an additional naval academy—to the Committee on Naval Affairs.

By Mr. SPARKMAN: A bill (H. R. 16994) to fix the salary of the collector of customs for the port of Tampa, Fla.—to the Committee on Ways and Means.

By Mr. GRIGGS: A bill (H. R. 16995) to amend an act entitled "An act to provide revenue for the Government and to encourage the industries of the United States," known as the tariff act of July 24, 1897—to the Committee on Ways and Means.

By Mr. SWANN: A joint resolution (H. J. Res. 256) providing for tunnel right of way in front of block bounded by Greenwich, Christopher, Washington, and Barrow streets, New York, N. Y.—to the Committee on Public Buildings and Grounds.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BENTON: A bill (H. R. 16996) granting an increase of pension to John Bougher—to the Committee on Invalid Pensions.

By Mr. BLAKENEY: A bill (H. R. 16997) to remove the sentence of court-martial now standing against Capt. Samuel Ford—to the Committee on Military Affairs.

Also, a bill (H. R. 16998) to pay the heirs of Thomas Latchford—to the Committee on Claims.

By Mr. CALDWELL: A bill (H. R. 16999) for the relief of the legal representatives of S. V. B. Strider, deceased—to the Committee on War Claims.

By Mr. GRAHAM: A bill (H. R. 17000) granting an increase of pension to Henry A. Harkins—to the Committee on Invalid Pensions.

By Mr. HASKINS: A bill (H. R. 17001) to authorize the President to appoint Maj. William Farrar Smith, retired, to the grade of major-general in the United States Army and place him on the retired list as such—to the Committee on Military Affairs.

By Mr. McLAIN: A bill (H. R. 17002) for the relief of Victoria O. Giun, heir of J. B. Lewis—to the Committee on War Claims.

Also, a bill (H. R. 17003) for the relief of Martha B. Moore—to the Committee on War Claims.

Also, a bill (H. R. 17004) for the relief of James M. Newman—to the Committee on War Claims.

By Mr. OLMSTED: A bill (H. R. 17005) granting an increase of pension to Jacob Cochren—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Alabama: A bill (H. R. 17006) for the relief of the heirs at law of Thomas J. McCalley—to the Committee on War Claims.

Also, a bill (H. R. 17007) for the relief of the legal heirs of the estate of William George—to the Committee on War Claims.

By Mr. ROBERTS: A bill (H. R. 17008) granting an increase of pension to Charles O. Fargo—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 17009) for the relief of James A. Jackson—to the Committee on War Claims.

By Mr. SUTHERLAND: A bill (H. R. 17010) granting a pension to G. B. Hoight—to the Committee on Invalid Pensions.

By Mr. STEWART of New Jersey: A bill (H. R. 17011) granting a pension to Alfred E. Gathercole—to the Committee on Invalid Pensions.

By Mr. WHITE: A bill (H. R. 17012) for the benefit of J. M. Hall—to the Committee on War Claims.

By Mr. RICHARDSON of Alabama: A bill (H. R. 17013) for the relief of the legal heirs of the estate of Jessie Cargyle—to the Committee on War Claims.

By Mr. BRANDEGEE: A bill (H. R. 17014) granting an increase of pension to Benjamin F. Gates—to the Committee on Invalid Pensions.

By Mr. MEYER of Louisiana: A bill (H. R. 17015) for relief of J. L. Bradford—to the Committee on the Public Lands.

Also, a bill (H. R. 17016) for the relief of John Rhodes and wife—to the Committee on War Claims.

Also, a bill (H. R. 17017) for the relief of Mrs. Susan A. Nicholas—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BENTON: Papers to accompany House bill for increase of pension to John Bougher—to the Committee on Pensions.

By Mr. DRAPER: Petition of the Brotherhood of Locomotive Firemen of the State of New York, in favor of Senate bill 6451 and House bill 15990, known as the employers' liability bill—to the Committee on Labor.

Also, resolutions of the Board of Trade of Chicago, Ill., protesting against the merging of the Interstate Commerce Commission with the proposed department of commerce and labor—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Old Soldiers' Republican Club, of Vanderburg County, Ind., for the passage of a civil pension bill of $12 per month to honorably discharged soldiers and sailors of the war of the rebellion—to the Committee on Invalid Pensions.

By Mr. ESCH: Petition of Typographical Union No. 23, of Milwaukee, Wis., for the repeal of the desert-land law—to the Committee on the Public Lands.

Also, resolutions of Old Soldiers' Republican Club, of Vanderburg County, Ind., asking that all soldiers and sailors of the war of the rebellion be placed on the pension roll—to the Committee on Invalid Pensions.

By Mr. GOLDFOGLE: Petition of the New York State legislative board of Brotherhood of Locomotive Firemen, asking for the passage of the employers' liability bill—to the Committee on Labor.

By Mr. GORDON: Petitions of the Christian Church and Methodist Episcopal Church of Lafayette, Ohio, to prohibit liquor selling in Government buildings, etc.—to the Committee on Alcoholic Liquor Traffic.

By Mr. GRAHAM: Resolution of the Bakerstown (Pa.) Mutual Fire Insurance Company, William Scott, secretary, for the establishment of rural free delivery in the north end of Allegheny County, Pa.—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Farmers' Institute No. 3, of Gibsonia, Allegheny County, Pa., by R. M. Gibson and others, for new rural routes in the vicinity, and favoring certain other pending measures—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Old Soldiers' Republican Club, of Vanderburg County, Ind., asking that honorably discharged soldiers of the civil war be placed on the pension roll at $12 per month—to the Committee on Invalid Pensions.

Also, resolutions of the Chicago Board of Trade, in opposition to merging the Interstate Commerce Commission with the proposed department of commerce and labor—to the Committee on Interstate and Foreign Commerce.

By Mr. GREENE of Massachusetts: Resolutions of Fall River Lodge, No. 152, of Fall River, Mass., asking for an amendment to the immigration laws—to the Committee on Immigration and Naturalization.

By Mr. HASKINS: Petition of the Woman's Christian Temperance Union of Newport, Vt., for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. LACEY: Petition of Shiloh Post, Peoria, Iowa, for a service pension law—to the Committee on Invalid Pensions.

By Mr. LAMB: Resolution of the North Carolina Pine Association, favoring the passage of the Elkins bill, to increase the jurisdiction and powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. LINDSAY: Resolutions of Brotherhood of Locomotive Firemen of New York, in favor of House bill 15990, known as the employers' liability bill—to the Committee on Labor.

By Mr. LITTAUER: Petition of the Presbyterian Church of Johnstown, N. Y., in relation to the repeal of the anticanteen law—to the Committee on Military Affairs.

By Mr. MAYNARD: Petition of V. D. Barkus, trustee Methodist Episcopal Church, Lambert Point, Va., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of Oscar Williams and other retail druggists of Hampton, Va., favoring House bill 178—to the Committee on Ways and Means.

By Mr. NEVILLE: Resolutions of the Western Stock Growers' Association and Thomas County (Nebr.) Stock Growers' Association, relative to the land-leasing bill—to the Committee on the Public Lands.

By Mr. OTJEN: Petition of retail druggists of Milwaukee, Wis., in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

Also, resolution of Typographical Union No. 23, of Milwaukee, Wis., for the repeal of the desert-land law—to the Committee on the Public Lands.

By Mr. PALMER: Petition of Wilkesbarre Lodge, No. 158, Order of B'rith Abraham, Wilkesbarre, Pa., relating to methods of the immigration bureau at the port of New York—to the Committee on Immigration and Naturalization.

By Mr. RICHARDSON of Alabama: Papers to accompany House bill for the relief of the legal heirs of William George—to the Committee on War Claims.

Also, papers to accompany House bill for the relief of the heirs at law of Thomas J. McCally—to the Committee on War Claims.

Also, papers to accompany bill for the relief of the legal heirs of Jesse Cargyle—to the Committee on War Claims.

By Mr. ROBERTS: Papers to accompany House bill granting an increase of pension to Charles O. Fargo—to the Committee on Invalid Pensions.

By Mr. RODEY: Petition of retail druggists of Silver City, N. Mex., urging the reduction of the tax on alcohol used in medicinal preparations—to the Committee on Ways and Means.

By Mr. RYAN: Resolution of the Retail Grocers' Association of Brooklyn, N. Y., favoring the passage of the Elkins bill to increase the jurisdiction and powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. SHACKLEFORD: Papers to accompany House bill granting an increase of pension to Henry H. Windes—to the Committee on Invalid Pensions.

By Mr. SLAYDEN: Petition of the Catholic Central Union of San Antonio, Tex., in relation to the government of the Philippine Islands—to the Committee on the Territories.

By Mr. WM. ALDEN SMITH: Petition of F. D. Smith and

L. D. Mills, of Coopersville, Mich., favoring House bill 178—to the Committee on Ways and Means.

By Mr. SUTHERLAND: Petition of citizens of Utah, for opening to entry the gilsonite lands of the Uncompahgre Indian Reservation—to the Committee on the Public Lands.

By Mr. SPERRY: Resolution of the New Haven Printing Pressmen's Union, No. 74, for the repeal of the desert-land law—to the Committee on the Public Lands.

By Mr. SULZER: Resolutions of the Board of Trade of Chicago, Ill., protesting against merging the Interstate Commerce Commission with the proposed department of commerce and labor—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Brotherhood of Locomotive Firemen of the State of New York, favoring the passage of Senate bill 3451 and House bill 15990—to the Committee on Labor.

By Mr. WADSWORTH: Resolutions of North Tonawanda (N. Y.) Board of Trade, protesting against House bill 12762, to authorize the Mather Power Bridge Company to erect experimental span in Niagara River at Buffalo, N. Y.—to the Committee on Interstate and Foreign Commerce.

By Mr. YOUNG: Resolutions of the board of directors of the Board of Trade of Chicago, Ill., in opposition to merging the Interstate Commerce Commission with the proposed department of commerce and labor—to the Committee on Interstate and Foreign Commerce.

Also, petition of Mill Men's Union, No. 359, and Carpenters and Joiners, Philadelphia, Pa., favoring the repeal of the desert-land and homestead-commutation acts—to the Committee on the Public Lands.

SENATE.

SATURDAY, *January 24, 1903.*

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. QUAY, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

PROPOSED CHANGE IN HOUR OF MEETING.

Mr. QUAY. Mr. President, before the order of petitions and memorials is called, I wish to state that the Senator from Maine [Mr. HALE] will to-day report the diplomatic and consular appropriation bill and on Monday ask the Senate to proceed to its consideration. In view of that fact, and to expedite the public business generally, I move that when the Senate adjourns to-day it adjourn to meet at 11 o'clock on Monday next.

Mr. HALE. Mr. President, I hope that will not be done. The committees of the body are very busy now in bringing the business of the session to a close, and the work that is done in committees is a better preparation in the way of enforcing speed in legislation than anything else. I have never known that work at this stage of the session to be interrupted by 11 o'clock meetings. There certainly is nothing in the condition of the business which demands it. The Committee on Appropriations does not ask it. That committee does not expect to take up any undue time of the Senate. It never visits upon the Senate long speeches. It reports its bills, I may say, after great study and preparation, and the confidence the body has always displayed in the reports of that committee insures speedy passage. I do not expect that any controversy will arise upon the diplomatic and consular appropriation bill and I do not expect that it will take a long time.

The Committee on Appropriations has not, Mr. President, sought to interfere with the Senator's programme, and will certainly, if driven by the Senator in his desire to do unaccountable things and unusual things in the interest of the measure he is espousing——

Mr. QUAY. Mr. President, I rise to a point of order. The motion is not debatable.

The PRESIDENT pro tempore. The point of order is well taken. The motion is not debatable.

Mr. QUAY. Now I desire to say a word in explanation of the motion.

The PRESIDENT pro tempore. The motion is not debatable.

Mr. HALE. I shall not make the point of order against the Senator from Pennsylvania. I shall hereafter find an opportunity to say what I desire.

Mr. QUAY. I wish to say, in explanation of the motion, that my desire was simply to expedite public business. The Senator from Maine certainly misstates the condition of affairs in the Senate. It is not an ordinary one. It is an extraordinary one. The public business is blocked, and more time will be required for its transaction owing to the condition of affairs here. But if gentlemen who oppose the statehood bill object to allotting more time to the transaction of the public business, for the present I will withdraw the motion.

The PRESIDENT pro tempore. The motion is withdrawn. Petitions and memorials are in order.

PETITIONS AND MEMORIALS.

Mr. FAIRBANKS presented memorials of the congregation of the South Eighth Street Church of the Society of Friends, of Richmond; of Ellwood O. Ellis and sundry other citizens of Richmond; and of the Woman's Christian Temperance Union of Richmond, all in the State of Indiana, remonstrating against the repeal of the present anticanteen law; which were referred to the Committee on Military Affairs.

He also presented a memorial of the Laporte Carriage Company, of Laporte, Ind., remonstrating against the passage of the so-called eight-hour bill; which was ordered to lie on the table.

He also presented a petition of Coopers' Local Union No. 12, American Federation of Labor, of Evansville, Ind., praying for the passage of the so-called eight-hour bill; which was ordered to lie on the table.

He also presented a petition of the Burdsal Company, of Indianapolis, Ind., praying for the adoption of certain amendments to the so-called pure-food bill; which was ordered to lie on the table.

He also presented a petition of Tecumseh Lodge, No. 402, Brotherhood of Railroad Trainman, of Lafayette, Ind., praying for the passage of the so-called anti-injunction and conspiracy bill; which was ordered to lie on the table.

Mr. GAMBLE presented a petition of Perry Miners' Union, No. 116, Western Federation of Miners, of Perry, S. Dak., and a petition of the Trades and Labor Assembly of Sioux Falls, S. Dak., praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented the petition of R. A. Parks and 47 other citizens of Platte, S. Dak., and the petition of H. M. Parks and 37 other citizens of Charles Mix County, S. Dak., praying for the enactment of legislation to amend the internal-revenue law so as to reduce the tax on distilled spirits; which were ordered to lie on the table.

Mr. CULLOM presented petitions of Lodge No. 536, Brotherhood of Locomotive Firemen, of Mount Carmel; of Carpenters and Joiners' Local Union No. 141, of Chicago; of Carpenters and Joiners' Local Union No. 16, of Springfield; of the Trades Council of Elgin, and of Carpenters and Joiners' Local Union of Chicago, all of the American Federation of Labor, in the State of Illinois, praying for the repeal of the desert-land law and the commutation clause of the homestead act; which were referred to the Committee on Public Lands.

He also presented petitions of Local Union No. 144, of Fulton; of Local Union No. 1051, of Ladd; of Local Union No. 777, of Braceville; of the Journeymen Tailors' Local Union of Bloomington, and of Local Union No. 720, of Hornsby, all of the American Federation of Labor, in the State of Illinois, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. BURTON. I present a concurrent resolution of the legislature of the State of Kansas, praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission. I ask that the resolution may be read and referred to the Committee on Interstate Commerce.

There being no objection, the resolution was read, and referred to the Committee on Interstate Commerce, as follows:

Be it resolved by the legislature of the State of Kansas, two-thirds of the members elected to each house joining and concurring therein:

Whereas the exclusive power to regulate commerce among the several States is vested by the Constitution of the United States in Congress, and the power of the individual State is thereby limited to the regulation of commerce within its own bounds, and to such subjects only as are not a part of interstate commerce; and

Whereas flagrant discriminations by railroad companies still continue in the interstate carrying trade, which greatly injure the interests and rights of the people, most particularly in central and western Kansas, as was glaringly shown in testimony taken in the hearings before members of the Interstate Commerce Commission in the lumber and grain cases at Wichita, September 24–27, 1902, which discriminations the legislature of the State of Kansas has not sufficient power to prevent; and

Whereas recent decisions of the Supreme Court of the United States have rendered many of the most important provisions of the interstate-commerce law inoperative, in consequence of which the law, in its present form, fails to afford the relief to the shipping interests which was the purpose of its enactment; and

Whereas the President, in his messages to Congress; Senator CULLOM, the author of the act now in force; the legislatures of several States, and over one hundred commercial organizations interested in interstate commerce, including the Missouri, Kansas and Oklahoma Lumber Dealers' Association, unite in agreeing upon the urgent necessity for the immediate passage of a more efficient interstate-commerce act, to the end that the unjust discriminations which now exist in freight rates shall be controlled; and

Whereas the matter of satisfactory and effective law to accomplish this result has been carefully considered by the executive committee of the interstate-commerce law convention, the present Interstate Commerce Commission, and others fully capable to determine upon the form of such an act, and have agreed upon a bill which is known as the "revised Elkins bill," which bill is now pending in the United States Congress: Therefore, be it

Resolved by the house of representatives (the senate concurring therein), That we urge upon Congress the immediate passage of said act, deeming further delay in doing so greatly detrimental to the interests of the people of the State; and that Congress will be inexcusably remiss in its duty unless it shall at once take action upon this matter.

Resolved further, That the Senators and Representatives from Kansas in

Congress be instructed to do their utmost to accomplish the above results, and that a copy of these resolutions be sent to each of them and to each member of the Committee on Interstate Commerce of the Senate and House of Representatives.

Mr. BURTON presented a petition of the Woman's Christian Temperance Union of Moran, Kans., praying for the enactment of legislation to exclude illiterate immigrants and to prohibit the sale of intoxicating liquors in all Government buildings; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Moran, Kans., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the congregation of the First Baptist Church of Coffeyville, Kans., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. KEAN presented a petition of the Synod of New Jersey, of the Presbyterian Church, of Trenton, N. J., praying for the enactment of legislation to prohibit the sale of intoxicating liquors to uncivilized races in the western Pacific; which was ordered to lie on the table.

He also presented a petition of Silk City Lodge, No. 188, International Association of Machinists, of Paterson, N. J., praying for the repeal of the so-called desert-land law and the commutation clause of the homestead act; which was referred to the Committee on Public Lands.

He also presented a petition of Rutherford Council, No. 262, Junior Order of United American Mechanics, of Rutherford, N. J., and a petition of Admiral Farragut Council, No. 162, Junior Order of United American Mechanics, of Jersey City, N. J., praying for the enactment of legislation to restrict immigration; which were ordered to lie on the table.

He also presented petitions of Middlesex Lodge, No. 329, International Association of Machinists, of Boundbrook, N. J., and a petition of Typographical Union No. 323, American Federation of Labor, of Hoboken, N. J., praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented memorials of the Embroidering Works of Newark; of Janeway & Co., of New Brunswick; of the Mercer Rubber Company, of Trenton, and of J. Wiss & Sons Company, of Newark, all in the State of New Jersey, remonstrating against the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented the memorials of Elwood L. Davis, of Bound Brook; of C. F. Miller, of Camden; of Lorenzo D. Sibley, of Vineland; of C. F. Smith, of Vineland; of C. M. Gondy, of Haddonfield; of J. H. Ballinger, of Haddonfield; of Edward H. Jones, of Haddonfield; of James Chance, of Vineland; of A. C. Taylor, of Vineland; of W. S. Capern, of Haddonfield; of J. B. F. Sing, of Vineland; of Frank A. Mershaw, of Haddonfield; of Rev. E. G. Entrekin, of Vineland; of the congregation of the Northfield Baptist Church, of Livingston; of the Young Woman's Christian Temperance Association of Bridgeton; of J. C. Corson, of Vineland; of F. S. Newcomb, of Vineland; of S. C. Seade, of Vineland; of D. H. Burge, of Vineland; of Chauncey Towne, of Vineland; of C. S. Wellen, of Vineland; of J. T. Burroughs, of Haddonfield; of the congregation of the Baptist Church of Livingston; of J. B. Hillman, of Haddonfield; of the congregation of the Methodist Episcopal Church of Haddonfield; of W. F. Lower, of Vineland, and of the congregation of the Methodist Episcopal Church of Blairstown, all in the State of New Jersey, remonstrating against the repeal of the present anticanteen law; which were referred to the Committee on Military Affairs.

Mr. GALLINGER presented a petition of the East Washington Citizens' Association of Washington, D. C., praying that an appropriation be made for the reclamation of the flats of the Anacostia River; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Entomological Society of Washington, D. C., praying for the enactment of legislation providing for the support of the widow and daughter of Major Walter Reed, surgeon, United States Army; which was referred to the Committee on Pensions.

Mr. MARTIN presented a petition of Richmond Lodge, No. 261, Order of B'rith Abraham, of Richmond, Va., and a petition of Richmond Lodge, No. 164, Order of B'rith Abraham, of Richmond, Va., praying for the enactment of legislation to modify the methods and practice pursued by the immigration officers at the port of New York; which were referred to the Committee on Immigration.

He also presented a petition of the East Washington Citizens' Association of the District of Columbia, praying that an appropriation be made for the reclamation of the flats of the Anacostia River; which was referred to the Committee on the District of Columbia.

Mr. MALLORY presented a petition of the congregation of the First Congregational Church of Daytona, Fla., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Government buildings; which was referred to the Committee on Public Buildings and Grounds.

Mr. FRYE presented a petition of Bangor Lodge, No. 143, Order of B'rith Abraham, of Bangor, Me., praying for the enactment of legislation to regulate the methods and practice pursued by the immigration officers at the port of New York; which was referred to the Committee on Immigration.

REPORTS OF COMMITTEES.

Mr. BURTON, from the Committee on Forest Reservations and the Protection of Game, to whom was referred the bill (S. 6689) for the protection of wild animals, birds, and fish in the forest reserves of the United States, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom the subject was referred, submitted a report, accompanied by a bill (S. 7123) for the protection of the public forest reserves and national parks of the United States; which was read twice by its title.

Mr. HALE. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 16604) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1904, to report it with amendments, and I submit a report thereon. I give notice that I shall ask the Senate to take up the bill at the close of the routine morning business on Monday.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 7077) granting an increase of pension to Cyrus B. Norris; and

A bill (H. R. 12902) granting a pension to Julia Lee.

Mr. DUBOIS, from the Committee on Mines and Mining, to whom was referred the amendment submitted by Mr. PERKINS on the 12th instant, proposing to appropriate $100,000 for the investigation by the United States Geological Survey of mines and mining of the United States, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. TALIAFERRO (for Mr. PATTERSON), from the Committee on Pensions, to whom was referred the bill (H. R. 14837) granting a pension to John H. Roberts, reported it without amendment, and submitted a report thereon.

PUBLIC BUILDING AT INDIANAPOLIS, IND.

Mr. FAIRBANKS. I am directed by the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 6769) to increase the limit of cost for the purchase of site and erection of public building at Indianapolis, Ind., to report it favorably with an amendment.

As I am obliged to leave the city and will be absent a few days, and it is important that this bill should be acted upon, I ask unanimous consent for its present consideration. It is a brief matter.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to increase the limit of cost for the purchase of a site and the erection thereon of a court-house and post-office building at the city of Indianapolis, State of Indiana, to $2,617,423.65, to be used by the Secretary of the Treasury, in his discretion, for the completion of the building and making such improvements as in his judgment may be deemed necessary, including interior finish of every nature, light fixtures, telephone system, approaches, and other improvements.

The amendment of the Committee on Public Buildings and Grounds was, in line 11, after the word "including," to insert "changes of north front."

The amendment was agreed to.

Mr. ALLISON. I should like to ask the Senator from Indiana what is the present limit of the cost of the building?

Mr. FAIRBANKS. It is about $2,200,000.

Mr. ALLISON. Now?

Mr. FAIRBANKS. Now. This is an increase of $400,000, and it is made upon the recommendation of the Treasury Department.

Mr. ALLISON. Is the increase for the purchase of additional land?

Mr. FAIRBANKS. No, sir; it is not for additional land.

Mr. ALLISON. It is for the building?

Mr. FAIRBANKS. For the building.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES L. PINKHAM.

Mr. GALLINGER. From the Committee on Pensions, I report back without amendment the bill (S. 7076) granting an increase of pension to Charles L. Pinkham, and submit a report thereon. As this is a case of great urgency, I ask for the present consideration of the bill.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place on the pension roll the name of Charles L. Pinkham, late of Company G, Seventh Regiment New Hampshire Volunteer Infantry, and to pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RETIREMENT OF VETERANS OF CIVIL WAR.

Mr. FORAKER. Mr. President, on yesterday I reported from the Committee on Military Affairs, with amendments, the bill (S. 6098) to regulate the retirement of veterans of the civil war. I see by the RECORD and the Calendar that it is stated to have been reported without amendment, and the bill was printed as originally introduced, not showing the amendments. I ask that the RECORD may be corrected, and that there may be a new print of the bill showing the amendments reported by the committee.

The PRESIDENT pro tempore. The Chair hears no objection and that order will be made.

Mr. FORAKER. I ask that there may be 500 copies additional of the bill printed as reported with amendments. It is a bill providing for the retirement of officers of the Army and there seems to be a great demand for copies of it.

The PRESIDENT pro tempore. The Senator from Ohio asks unanimous consent for the printing of 500 additional copies of Senate bill 6098. Is there objection? The Chair hears none, and the order is made.

JAMES C. BACON.

Mr. DEBOE. At the last session of Congress I introduced a bill (S. 5853) for the relief of James C. Bacon, and it was referred to the Committee on Claims. At the request of the chairman of the committee, I ask that the Committee on Claims be discharged from the further consideration of the bill, and that it be referred to the Committee on Military Affairs.

The PRESIDENT pro tempore. That order will be made in the absence of objection.

BILLS AND JOINT RESOLUTION INTRODUCED.

Mr. PENROSE introduced a bill (S. 7112) for the erection of a shaft to be placed in the national cemetery at Balls Bluff, Virginia; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MILLARD introduced a bill (S. 7113) granting an increase of pension to Lewis Webber; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 7114) for the relief of John T. Wertz and Walter H. Shupe; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Public Lands.

Mr. MCCUMBER introduced a bill (S. 7115) to provide for the erection of an addition to the public building in the city of Fargo, N. Dak.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. CLAPP introduced a bill (S. 7116) authorizing the Secretary of the Interior to authorize the building of a bridge across Thief River, in the State of Minnesota; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 7117) to extend the time within which rebates may be allowed under the act entitled "An act to repeal war-revenue taxation, and for other purposes," approved April 12, 1902; which was read twice by its title, and referred to the Committee on Finance.

He also introduced a bill (S. 7118) granting an increase of pension to Marzovan J. Secord; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MARTIN (for Mr. DANIEL) introduced a bill (S. 7119) granting a pension to Squire Puckett; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also (for Mr. DANIEL, by request) introduced a bill (S. 7120) for the relief of Anthony Robertson; which was read twice by its title, and referred to the Committee on Claims.

Mr. BEVERIDGE introduced a bill (S. 7121) granting a pension to Henry Jordan; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 7122) granting an increase of pension to Richard V. Burns; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. DEPEW introduced a joint resolution (S. R. 159) granting to the New York and New Jersey Railroad Company the right to construct and operate an underground railway under land owned by the United States in the city of New York; which was read twice by its title, and referred to the Committee on Commerce.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. GALLINGER submitted an amendment proposing to appropriate $25,000 for completing the widening of Sherman avenue from Florida avenue north in the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

He also submitted an amendment authorizing the Commissioners of the District of Columbia to institute proceedings to condemn the land necessary for the extension of Euclid place in the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

He also submitted an amendment proposing to appropriate $1,500 for a chief clerk for the street-sweeping office, District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for temporary Home for ex-Union Soldiers and Sailors, Grand Army of the Republic, and Spanish War Veterans, from $4,000 to $6,000, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. HANSBROUGH submitted an amendment proposing to appropriate $2,000,000 for the construction, equipment, and maintenance of buildings for post exchanges at military posts and stations of the United States Army, intended to be proposed by him to the military appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. HOAR submitted an amendment proposing to increase the salary of the consul at Fuchau, China, from $3,000 to $3,500, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

ARMY CANTEEN.

Mr. GALLINGER. Mr. President, Senate Document No. 51, Fifty-seventh Congress, second session, containing 16 pages, deals with the question of the Army canteen. There is a very great demand for this document, and it will not cost much to print 5,000 extra copies of it, it being in plates at the Printing Office. I ask unanimous consent that 5,000 extra copies be printed for the use of the Senate.

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent that there be printed for the use of the Senate 5,000 extra copies of the document he sends to the desk. Is there objection? The Chair hears none, and the order is made.

EFFICIENCY OF THE MILITIA.

On motion of Mr. PROCTOR, it was

Ordered, That 2,000 extra copies of public act No. 33, being an act to promote the efficiency of the militia, and for other purposes, be printed.

USE OF OILS IN NAVAL VESSELS.

Mr. JONES of Arkansas submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Naval Affairs be directed to inquire and report to the Senate whether vessels of war can not be constructed so as to use oils other than naphtha and gasoline, and with less danger of accident and less risks to life.

SIGNOR GULIELMO MARCONI.

Mr. HOAR submitted the following concurrent resolution; which was read and referred to the Committee on the Library, and ordered to be printed:

Resolved by the Senate (the House of Representatives concurring), That the thanks of Congress be given to Signor Gulielmo Marconi for his service to mankind in inventing and putting into successful operation between the continents of Europe and America the system of communication known as wireless telegraphy.

USE OF WATER FOR GENERATING POWER.

Mr. MORGAN. I desire to call up from the table the bill which was read twice yesterday, and to have it referred to the Committee on Commerce.

The PRESIDENT pro tempore. The Chair lays the bill before the Senate.

The SECRETARY. A bill (S. 7090) to regulate the use of the waters of navigable water courses for the purpose of generating power by riparian proprietors.

Mr. MORGAN. I wish to say that I introduced this bill for a general public purpose which, I think, is important in itself, and I will ask leave to insert in my remarks extracts from some opinions of the Supreme Court of the United States and of the State of Alabama, in 95 Alabama Reports, upon the question involved in it. I do this for the purpose of relieving the committee of work.

The PRESIDENT pro tempore. The Chair hears no objection to the request of the Senator, and the quotations will be inserted in his speech.

The matter referred to is as follows:

We can not concur in the argument of counsel to the effect that whether a grant of the United States to land lying on a navigable stream within the limits of a State extends to high or to low-water mark or to the middle thread of the stream is a Federal question, upon which the Supreme Court of the United States is the final arbiter. This is not the law. On the contrary, no proposition of law is more firmly settled than that this is a matter purely within the control of the several States and determinable in all instances according to the rule in respect thereto which has been established by statute or by adjudications of courts of last resort or otherwise by the States themselves. And whatever rule has been so established is said to be the common law of the State where the land is situated, and as such will be enforced in all jurisdiction. This doctrine proceeds on the theory that inasmuch as the State owns in its sovereign capacity the soil under the waters of navigable streams, it is within the State's competency to determine to what extent its prerogatives to lands so submerged shall be exercised, and to what extent such prerogative shall be abated, or not asserted and exercised, in the sense of admitting individual proprietorship in such lands, subject only to those rights of eminent domain over the waters and the lands covered thereby which are inseparable from sovereignty.

And upon this theory it is universally held that a grant by the United States of land lying in a State and abutting on a navigable stream will extend to high-water mark, or low-water mark, or to the middle of the stream, according to the rule which the particular State has adopted as to the construction and extent of such grade. The late Justice Bradley, in a recent case, after stating the doctrine of the State's proprietorship in the banks and shores of navigable streams and waters, proceeds:

"This right of the States to regulate and control the shores of tide waters and the land under them is the same as that which is exercised by the Crown in England. In this country the same rule has been extended to our great navigable lakes, which are treated as inland seas; and also, in some of the States, to navigable rivers, as the Mississippi, the Missouri, the Ohio, and in Pennsylvania to all the permanent rivers of the State; but it depends on the law of each State to what waters and to what extent this prerogative of the State over the lands under water shall be exercised. In the case of Barney v. Keokuk (94 U. S., 324) we held that it is for the several States themselves to determine this question, and that if they chose to resign to the riparian proprietor rights which properly belong to them in their sovereign capacity, it is not for others to raise objections. That was a case which arose in the State of Iowa, in regard to land on the banks of the Mississippi, in the city of Keokuk; and it appearing to be the settled law of that State that the title of riparian proprietors on the banks of the Mississippi extends only to ordinary high-water mark, and that the shore between high and low water mark, as well as the bed of the river, belongs to the State, this court accepted the local law as that which was to govern the case.

"The same view was taken in quite a recent case with regard to titles on the Sacramento River, under the law of California. (Packer v. Bird, 137 U. S., 661.) On the east side of the Mississippi, in the States of Illinois and Mississippi, a different doctrine prevails, and in those States it is held that the title of the riparian proprietor extends to the middle of the current, in conformity to the rule of the common law that the beds of all streams above the flow of the tide, whether actually navigable or not, belong to the proprietor of the adjoining lands. (Middleton v. Pritchard, 3 Scammon, 510; Morgan v. Reading, 3 Sm. & Mar., 366; St. Louis v. Rutz, 138 U. S., 226.) In the one case, that of Iowa, the Government grant was held to extend only to high-water mark, and in the other cases, of Illinois and Mississippi, it was held to extend to the center of the streams, being governed in both cases by the respective laws of the States affecting the grants of lands bordering on the river. In the one case the State, by its general law, does not allow the grant to inure to the individual further than to the water's edge, reserving to itself the ownership and control of the river bed; in the other cases the States allow the full common-law effect of the grant to inure to the grantee." (Hardin v. Jordan, 140 U. S., 371, 382-383; Webb v. Demopolis, 95 Alabama Reports, 127-129.)

The PRESIDENT pro tempore. The bill will be referred to the Committee on Commerce.

STATISTICS OF CRIME, SUICIDE, INSANITY, ETC.

Mr. QUARLES. I hold in my hand Document No. 11, Fifty-seventh Congress, second session, being statistics of crime, suicide, insanity, etc. The edition of this document is nearly exhausted and the demand for it in scientific research is very great. The author of the document has prepared some additional matter, calculated to improve it. I ask that the document with the additional matter may be reprinted as a Senate document.

The PRESIDENT pro tempore. The Senator from Wisconsin asks that a Senate document, being "Statistics of crime, suicide, insanity, and other forms of abnormality," with the additions which have been prepared, be printed as a Senate document. Is there objection? The Chair hears none, and it is so ordered.

TYPES OF BREECH MECHANISM.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted by Mr. GALLINGER on the 22d instant, as follows:

Resolved, That the Secretary of War and the Secretary of the Navy, respectively, be directed to furnish the Senate with a list of the types of breech mechanism for ordnance made by or for the War and Navy Departments since January 1, 1891, or at present in course of construction, together with the number of each type made since the date mentioned, or at present in course of construction.

Mr. GALLINGER. Mr. President, I ask unanimous consent that the resolution may lie on the table, subject to my call.

The PRESIDENT pro tempore. The Senator from New Hampshire asks that this resolution may lie on the table, subject to his call. The Chair hears no objection, and that order is made.

STATEHOOD BILL.

The PRESIDENT pro tempore. The morning business is closed.

Mr. BERRY. I ask unanimous consent for the present consideration of House bill 15708.

Mr. QUAY. I object to the consideration of the bill for the present. I move that the Senate proceed to the consideration of the statehood bill.

The PRESIDENT pro tempore. The Senator from Pennsylvania moves that the Senate proceed to the consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

The motion was agreed to.

Mr. QUAY. Now I withdraw my objection to the request of the Senator from Arkansas.

HOT SPRINGS RESERVATION.

Mr. BERRY. I ask unanimous consent for the present consideration of the bill (H. R. 15708) to extend the time for the completion of the incline railway on West Mountain, Hot Springs Reservation.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BRIDGE ACROSS CLINCH RIVER, TENNESSEE.

Mr. BATE. Mr. President, with the consent of the Senator from Pennsylvania, I ask unanimous consent for the present consideration of the bill (H. R. 15711) to authorize the construction of a bridge across the Clinch River, in the State of Tennessee, by the Knoxville, Lafollette and Jellico Railroad Company. It is merely a formal bridge bill.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AKRON, STERLING AND NORTHERN RAILROAD.

Mr. MILLARD. I desire to call up by unanimous consent the joint resolution (S. R. 146) to extend the time for the construction of the Akron, Sterling and Northern Railroad, in Alaska.

The Secretary read the joint resolution; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration,

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EDWARD L. BAILEY.

Mr. BURNHAM. I desire to call from the Calendar and ask the present consideration of the bill (S. 1168) to restore Edward L. Bailey to the United States Army, and to place him on the retired list with the rank of captain of infantry.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and insert:

That the President is hereby authorized to nominate and, by and with the advice and consent of the Senate, to appoint Edward L. Bailey, late captain of the Fourth Regiment United States Infantry, a captain of infantry in the United States Army, and to place him on the retired list of the United States Army.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the appointment of Edward L. Bailey as captain of infantry, United States Army, and to place him on the retired list."

SAMUEL WELCH.

Mr. QUARLES. I ask for the immediate consideration of the bill (H. R. 6467) granting an honorable discharge to Samuel Welch.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of War to correct the military record of and grant an honorable discharge to Samuel Welch, late

private, Company F, Third Wisconsin Volunteer Cavalry, and now a resident of Delton, Wis.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WITNESSES BEFORE REGISTERS AND RECEIVERS.

Mr. HANSBROUGH. I ask unanimous consent for the present consideration of the bill (H. R. 7664) providing for the compulsory attendance of witnesses before registers and receivers of the Land Office.

The Secretary read the bill.

Mr. PETTUS. That bill makes a great many changes in settled judicial proceedings, and I think it ought to have more consideration than it can receive at the present time.

The PRESIDENT pro tempore. The Senator from Alabama objects.

Mr. HANSBROUGH subsequently said: I again ask unanimous consent for the consideration of the bill (H. R. 7664) providing for the compulsory attendance of witnesses before registers and receivers of the Land Office. The bill has been read at length, and the Senator from Alabama [Mr. PETTUS] states that he has examined it and withdraws his objection to it.

The PRESIDENT pro tempore. Objection being withdrawn to the consideration of the bill, it is before the Senate as in Committee of the Whole, and open to amendment.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AUSTIN H. PATTERSON.

Mr. KEAN. I ask unanimous consent for the present consideration of the bill (S. 6192) granting an increase of pension to Austin H. Patterson. The beneficiary is 83 years old.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "sixty" and insert "forty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Austin H. Patterson, late captain Company A, Fourteenth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COURTS IN SOUTH DAKOTA.

Mr. GAMBLE. I ask unanimous consent for the present consideration of the bill (H. R. 10300) conferring jurisdiction upon the circuit and district courts for the district of South Dakota in certain cases, and for other purposes.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC STREETS IN COLUMBUS, OHIO.

Mr. FORAKER. I ask unanimous consent for the present consideration of joint resolution (S. R. 156) dedicating to the city of Columbus, in the State of Ohio, for uses and purposes of the public streets, part of property conveyed to the United States by Robert Neil by deed dated February 17, 1863, recorded in deed book 76, page 572, etc., Franklin County records.

The Secretary read the joint resolution; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It provides for the dedication to the city of Columbus, Franklin County, Ohio, for the uses and purposes of public streets and highways forever, so much of the property conveyed to the United States by Robert Neil by deed dated February 17, 1863, and recorded in deed book No. 76, at page No. 572, of Franklin County's record of deeds, as is described as follows: Being part of the streets bounding the 77 acres 3 rods and 8 poles of land known as the Columbus Barracks, situate in the city of Columbus, Ohio, said dedication being more specifically described as follows: Being the United States' part of Buckingham street, 77 feet wide; Cleveland avenue, 66 feet wide; Stanton street, 70 feet wide, and Jefferson avenue, 66 feet wide; and the Secretary of War is directed to execute such paper writing as will carry out the purposes of this resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TOWN SITES ON PUBLIC LANDS IN MINNESOTA.

Mr. CLAPP. I ask unanimous consent for the present consideration of the bill (S. 6278) to extend the provisions of chapter 8, title 32, of the Revised Statutes of the United States, entitled "Reservation and sale of town sites on the public lands," to the ceded lands in the State of Minnesota.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ASSOCIATION OF MILITARY SURGEONS OF THE UNITED STATES.

Mr. PLATT of Connecticut. I ask unanimous consent for the present consideration of the bill (H. R. 15066) to incorporate the Association of Military Surgeons of the United States.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. PLATT of Connecticut. With reference to the bill which has just been passed, I will state that that bill, which is a House bill, was reported by the Committee on Military Affairs of the Senate. I had previously reported from the Judiciary Committee a Senate bill identical with the one which has just been passed, which I ask may now be indefinitely postponed or erased from the Calendar.

The PRESIDENT pro tempore. The bill (S. 2051) to incorporate the Association of Military Surgeons of the United States will be indefinitely postponed.

DEPOT FOR REVENUE-CUTTER SERVICE.

Mr. PERKINS. I ask unanimous consent for the present consideration of the bill (S. 6408) to provide for a site for a depot for the Revenue-Cutter Service.

The Secretary read the bill, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Commerce, with amendments, in line 4, after the word "acquire," to insert "by donation;" in line 6, before the words "the sum of," to strike out "for this purpose," and in line 8, after the word "appropriated," to insert "for the construction of a wharf, the dredging of a slip, the erection of suitable buildings, and the improvement of the premises donated under the provisions of this bill;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized to acquire, by donation, in the harbor of Oakland, Cal., a suitable site upon which to establish a depot for the Revenue-Cutter Service, and the sum of $40,000, or so much thereof as may be necessary, is hereby appropriated for the construction of a wharf, the dredging of a slip, the erection of suitable buildings, and the improvement of the premises donated under the provisions of this bill.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide a depot for the Revenue-Cutter Service."

PHILIPPINE CONSTABULARY.

Mr. SCOTT. I ask unanimous consent for the present consideration of the bill (H. R. 15510) to promote the efficiency of the Philippine constabulary, to establish the rank and pay of its commanding officers, and for other purposes. It is a bill to which I think there will be no objection whatever.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that officers of the Army of the United States may be detailed for service as chief and assistant chiefs, the assistant chiefs not to exceed in number four, of the Philippine constabulary, and that during the continuance of such details the officer serving as chief shall have the rank, pay, and allowances of brigadier-general, and the officers serving as assistant chiefs shall have the rank, pay, and allowances of colonel; but the difference between the pay and allowances of brigadier-general and colonel, as herein provided, and the pay and allowances of the officers so detailed in the grades from which they are detailed shall be paid out of the Philippine treasury.

It further provides that any companies of Philippine scouts ordered to assist the Philippine constabulary in the maintenance of order in the Philippine Islands may be placed under the command of officers serving as chief or assistant chiefs of the Philippine constabulary, but when the Philippine scouts shall be ordered to assist the Philippine constabulary the scouts shall not at any time be placed under the command of inspectors or other officers of the constabulary below the grade of assistant chief of constabulary.

The bill was reported to the Senate without amendment.

Mr. HOAR. What is the bill, Mr. President, that is now under consideration?

The PRESIDENT pro tempore. A House bill to promote the efficiency of the constabulary force in the Philippines.

Mr. HOAR. I desire to have an opportunity to look at the bill before it is passed.

Mr. SCOTT. I will say to the Senator from Massachusetts that the bill was reported after a thorough examination by the Committee on Military Affairs.

Mr. HOAR. I want to look at the bill.

Mr. SCOTT. Mr. President, I will say——

Mr. HOAR. If my honorable friend will pardon me, I only want to know what the bill is; that is all.

Mr. SCOTT. I did not understand the Senator.

Mr. HOAR. I have now looked at the bill, and I have no objection to make to it.

The bill was ordered to a third reading, read the third time, and passed.

ARDENIA DILLON.

Mr. BEVERIDGE. I ask unanimous consent for the present consideration of the bill (S. 2626) granting an increase of pension to Ardemia Dillon.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause, and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ardenia Dillon, widow of William P. Dillon, late captain Company D, Sixth and One hundred and forty-sixth Regiments Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Ardenia Dillon."

MISSOURI RIVER BRIDGE IN ST. CHARLES COUNTY, MO.

Mr. COCKRELL. I ask unanimous consent for the present consideration of the bill (S. 6569) to authorize the construction of a bridge across the Missouri River at a point to be selected within 10 miles of the corporate limits of the city of St. Charles, in St. Charles County, Mo., and in St. Louis County, Mo., and to make the same a post route. The bill has been favorably reported from the Committee on Commerce, and is in the usual form.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments.

The first amendment was, in section 1, page 2, line 1, after the word "Missouri," to insert "at a point not less than 1 mile distant from any existing bridge;" so as to read:

That the Iowa and Missouri Railway Company, a corporation organized under the laws of the State of Missouri and authorized by the laws of the State of Missouri to locate and construct its railway into and through the counties of St. Charles and St. Louis, in said State, is hereby authorized to construct and maintain a bridge across the Missouri River on such line as its railway may hereafter be located in the counties of St. Charles and St. Louis, in the State of Missouri, at a point not less than 1 mile distant from any existing bridge, etc.

The amendment was agreed to.

The next amendment was, in section 2, page 2, line 18, after the word "spans," to strike out:

It shall not be in any case of less elevation than 50 feet above high-water mark, as registered since the year 1870, as understood at the point of location, to the lowest point of the superstructure, with straight girders; nor shall the main channel span of said bridge be less than 400 feet in the clear at low-water mark, and all other spans over the waterway shall not be less than 300 feet in the clear.

And insert—

At least three of the spans over the waterway shall give a clear channel width of not less than 400 feet at low-water surface and clear headroom of not less than 55 feet above high-water surface.

The amendment was agreed to.

The next amendment was, in section 2, page 3, line 6, after the word "be," to strike out "and the main span shall be over the main channel of the river;" so as to read:

And the piers of the said bridge shall be parallel with the current of the river, and the bridge itself at right angles thereto, as near as may be.

The amendment was agreed to.

The next amendment was, in section 2, page 4, line 3, after the word "said," to strike out "channel" and insert "draw;" and in line 4, after the word "War," to insert:

And shall, at their own expense, maintain a depth of water through said draw spans not less than that now existing, as shown by the records of the War Department, at the point where said bridge may be located.

So as to read:

Provided, That said company, its successors or assigns, shall maintain, at its own expense, from sunset until sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe, and shall build and maintain such sheer booms or other structures as may be necessary to safely guide vessels, rafts, or other water craft through said draw spans, and as shall receive the approval of the Secretary of War, and shall, at their own expense, maintain a depth of water through said draw spans not less than that now existing, as shown by the records of the War Department, at the point where said bridge may be located.

The amendment was agreed to.

The next amendment was, in section 3, page 5, line 7, after the word "substantially," to insert "or materially;" so as to read:

And whenever said bridge shall, in the opinion of the Secretary of War, substantially or materially obstruct the free navigation of said river, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE W. M'COMB.

Mr. FAIRBANKS. I ask unanimous consent for the present consideration of the bill (S. 2591) granting an increase of pension to George W. McComb.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill; which had been reported from the Committee on Pensions with amendments, in line 7, after the word "and," to strike out "of;" in line 8, before the word "Veteran," to insert "Regiment," and in line 9, before the word "dollars," to strike out "fifty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. McComb, late of Company I, Eighth Regiment Michigan Volunteer Cavalry, and Company K, Eighth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

STREET RAILWAY TRACK ACROSS AQUEDUCT BRIDGE.

Mr. MARTIN. I ask unanimous consent for the present consideration of the bill (H. R. 10522) to provide for laying a single electric street-railway track across the Aqueduct Bridge, in the District of Columbia, and for other purposes.

The PRESIDENT pro tempore. The Senator from Virginia asks unanimous consent for the present consideration of the bill named by him, which will be read for information.

The Secretary read the bill.

The PRESIDENT pro tempore. Is there objection of the present consideration of the bill?

Mr. ALLISON. This is an important bill, as it seems to me, Mr. President, and I inquire if it has been reported by any committee.

Mr. MARTIN. Yes; it has been reported by the Committee on the District of Columbia, and it has the strongest possible recommendation from the Commissioners of the District.

Mr. ALLISON. Mr. President, we have had several investigations and examinations in regard to this matter, and we have been told in the past that the piers upon which this structure rests are not of sufficient strength to justify the construction of a street railway across the bridge.

Mr. MARTIN. If the Senator will excuse me, this bill provides exactly for that condition. It requires the street railway companies proposing to make use of the bridge to furnish all money for having the piers strengthened and reconstructed to such an extent as may be found necessary in the judgment of the Commissioners of the District.

Mr. ALLISON. This bridge has hitherto, as I understand, been under the control of the War Department, so far as construction is concerned, and I think they still have control of it.

Of course I do not want to impede the general desire to have a street railway across this structure, but I should like to ask the Senator if the Secretary of War and the engineer in charge have recommended the passage of the bill?

Mr. MARTIN. I should not like to make a positive statement about that, but I think so. I am sure the measure has had the careful investigation at one time or another of both the War Department engineers and the District engineer. I think an engineer of the War Department has stated that the time would come at no very distant future when it would be necessary to completely rebuild this bridge, but he has reported that for a great many years this expenditure will be sufficient.

There is no letter filed with the report from the War Department engineer, but I am sure this measure has had the approbation of the War Department; certainly it has had a thorough investigation by the engineer who is a member of the District Board of Commissioners. It is a House bill of very great importance to

the people desiring railway facilities for entering the District, and they are anxious that this legislation should be had.

I hope very much that the Senator from Iowa will not impede the passage of the bill.

Mr. ALLISON. I will only impede it for a moment in order that I may obtain information regarding the provisions of the bill.

Do I understand that the companies who propose to construct this street railway agree to repair the piers of the bridge and put them in such condition that they can be used, and that they are to pay the expenditure for that purpose?

Mr. MARTIN. They do; and the bill so provides. They have to advance the money.

Mr. ALLISON. Very well; then, that is sufficient.

Mr. HEITFELD. I desire to say that there is a provision in the bill that the cost shall be not to exceed $35,000.

Mr. GALLINGER. Yes; that is right.

Mr. MARTIN. But the Commissioners estimate the cost to be $25,000; so the bill requires $10,000 more than the estimate made by the Engineer Department.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARKING OF GRAVES OF CONFEDERATE SOLDIERS.

Mr. FORAKER. I ask unanimous consent for the present consideration of the bill (S. 6486) to provide for the appropriate marking of the graves of the soldiers of the Confederate army and navy, and for other purposes.

The PRESIDENT pro tempore. The bill will be read for information, subject to objection.

The Secretary read the bill, which had been reported from the Committee on Military Affairs with amendments; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. BATE. Mr. President, I understand the bill confines the appropriation and the burial of Confederate dead to those who died in Northern prisons, and does not affect the South at all.

Mr. FORAKER. That is true.

Mr. BATE. That is the way I read the bill. I wish to say in this connection that we in the South have taken care of our Confederate dead as far as possible, and intend doing so. This, however, is confined to those who died in Northern prisons, I understand.

Mr. FORAKER. That is true. It applies to about 30,000 graves altogether, and they are the graves of those who died in Northern prisons and who were buried in the North, near the places of their confinement.

The PRESIDENT pro tempore. The amendments reported by the Committee on Military Affairs will be stated.

The first amendment of the Committee on Military Affairs was, in line 6, before the word "war," to insert "late civil," and in the same line, after the word "war," to strike out "between the States;" so as to read:

That the Secretary of War be, and he is hereby, authorized and directed to ascertain the locations and condition of all the graves of the soldiers of the Confederate army and navy in the late civil war, 1861 to 1865, who died in Federal prisons and military hospitals in the North, and who were buried near their places of confinement.

The amendment was agreed to.

The next amendment was, on page 2, line 19, before the word "hundred," to strike out "one" and insert "two;" so as to read:

That for the carrying out of the objects set forth herein there be appropriated, out of the money in the Treasury of the United States not otherwise appropriated, the sum of $200,000, or so much thereof as may be necessary.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HOAR. I ask the Senator from Ohio if he will look at the title of the bill and see if it reads exactly as he desires. It says "soldiers of the Confederate army and navy."

Mr. FORAKER. I am obliged to the Senator from Massachusetts for calling my attention to that point. I think the title should be amended so as to read "A bill to provide for the appropriate marking of the graves of the soldiers of the Confederate army and navy who died in prisons of the United States and were buried near their places of confinement."

Mr. HOAR. Should it not be "of the soldiers of the Confederate army and the sailors of the navy," or some such phrase? It seems to read "the soldiers of the Confederate army and navy."

Mr. FORAKER. Oh!

Mr. HOAR. I am merely asking the Senator to consider it. I do not want to meddle with the bill.

Mr. FORAKER. I think that is a very appropriate suggestion. It should be "soldiers and sailors." There should be inserted in the title after the word "soldiers" the words "and sailors."

The PRESIDENT pro tempore. The title will be amended as suggested by the Senator from Ohio.

FRANK E. FREEMAN.

Mr. NELSON. I ask unanimous consent for the immediate consideration of the bill (S. 3632) granting an increase of pension to Frank E. Freeman.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frank E. Freeman, late of Battery B, First Regiment Ohio Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LIEUT. COMMANDER ARTHUR P. OSBORN.

Mr. KITTREDGE. I ask unanimous consent for the consideration of the bill (S. 4905) authorizing the President to nominate Lieut. Commander Arthur P. Osborn to be a commander on the retired list of the Navy.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Naval Affairs with amendments, in line 5, after the word "now," to strike out "no" and insert "on;" in line 6, after the word "Navy," to strike out "and entitled to all the provisions and benefits of section 11 of the act of March 3, 1899, entitled 'An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States,'" and to insert "with the rank and pay of that grade from the date of appointment under this act;" so as to make the bill read:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to nominate to the Senate Lieut. Commander Arthur P. Osborn, now on the retired list of the Navy, to be a commander on the retired list of the United States Navy, with the rank and pay of that grade from the date of appointment under this act.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MONUMENTS TO GENERALS NASH AND DAVIDSON.

Mr. SIMMONS. I ask unanimous consent for the present consideration of the joint resolution (H. J. Res. 16) to carry into effect two resolutions of the Continental Congress directing monuments to be erected to the memory of Gens. Francis Nash and William Lee Davidson, of North Carolina.

The PRESIDENT pro tempore. The Senator from North Carolina asks unanimous consent for the present consideration of a joint resolution which will be read.

Mr. QUAY. The joint resolution, I think, was read the other day.

The PRESIDENT pro tempore. It was read.

Mr. SIMMONS. Yes, sir; it has been read.

The PRESIDENT pro tempore. And objection was made to its consideration by——

Mr. SIMMONS. The Senator from New Hampshire [Mr. GALLINGER], who will withdraw his objection, I understand.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. QUAY. I do not desire to object, but I understand that the Senator from Indiana [Mr. BEVERIDGE] has a bill which he desires to present for the consideration of the Senate after this is disposed of, and I wish to say——

Mr. HEITFELD rose.

Mr. QUAY. Unless the Senator from Idaho desires to proceed with one, I will object, then, to the consideration of any other bills.

Mr. BEVERIDGE. The Senator from Idaho desires to proceed before I do.

Mr. HEITFELD. I do. I wish to call up a pension bill.

Mr. QUAY. Then I will include the Senator from Idaho. When those three measures are disposed of, I will call for the regular order.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It proposes to

appropriate $5,000 each for the erection of monuments in honor of the memory of Brig. Gen. Francis Nash, of North Carolina, and of Brig. Gen. William Lee Davidson, of North Carolina.

The joint resolution was reported to the Senate without amendment, ordered to a third reading; read the third time, and passed.

SAMUEL L. THOMPSON.

Mr. HEITFELD. I ask unanimous consent for the present consideration of the bill (S. 6191) granting an increase of pension to Samuel L. Thompson.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill which had been reported from the Committee on Pensions with amendments in line 6, after the word "late," to strike out "chief" and insert "principal;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel L. Thompson, late principal musician Fourth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES D. KIPER.

Mr. BEVERIDGE. I ask unanimous consent for the immediate consideration of the bill (H. R. 14518) granting an increase of pension to James D. Kiper.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of James D. Kiper, late of Company I, Twenty-seventh Regiment Kentucky Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STATEHOOD BILL.

Mr. QUAY rose.

Mr. FAIRBANKS. I ask unanimous consent——

Mr. QUAY. I was about to demand the regular order.

Mr. FAIRBANKS. I will wait until the Senator from Pennsylvania has demanded the regular order.

Mr. QUAY. Mr. President, I ask for the regular order.

The PRESIDENT pro tempore. The regular order is the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. FAIRBANKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Pennsylvania yield to the Senator from Indiana?

Mr. QUAY. Certainly.

REGULATION OF IMMIGRATION.

Mr. FAIRBANKS. I ask that unanimous consent be given to vote upon the bill (H. R. 12199) to regulate the immigration of aliens into the United States at 3 o'clock on February 2.

The PRESIDENT pro tempore. The Senator from Indiana asks unanimous consent that the bill known as the immigration bill shall be voted upon, with all pending amendments and amendments then offered, at 3 o'clock on February 2. Is there objection?

Mr. CLAY. Mr. President, yesterday I interposed an objection to a request for unanimous consent to fix a time for taking a vote on the bill, but I have been informed by the committee that those in charge of the bill will not insist on lines 5, 6, 7, and 8, on page 18 of the bill, and with those lines stricken out I have no further objection.

Mr. FORAKER. Mr. President——

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Indiana?

Mr. MASON. I object.

The PRESIDENT pro tempore. Objection is made.

Mr. FORAKER. I was about to suggest that there ought to be incorporated in the agreement a proviso that we shall vote at that time upon the bill and all amendments without further debate.

CONSIDERATION OF PENSION BILLS.

Mr. GALLINGER. Mr. President, I desire to inquire who has the floor, if anybody?

The PRESIDENT pro tempore. No one, except the Senator from New Hampshire.

Mr. QUAY. I understand the Senator from New Hampshire [Mr. BURNHAM] has the floor upon the statehood bill.

Mr. GALLINGER. I ask my colleague to yield to me for one moment to make a request.

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield to his colleague?

Mr. BURNHAM. With pleasure.

Mr. GALLINGER. Mr. President, there are a considerable number of pension bills on the Calendar in which Senators and others are greatly interested, and I rise to request that this afternoon at 5 o'clock one hour be devoted to the consideration of those bills or such portion of an hour as may be necessary to clear the Calendar.

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent that at 5 o'clock to-day the Senate proceed to the consideration of unobjected pension cases for one hour, if that time be necessary. Is there objection? The Chair hears none, and the order is made.

Mr. DUBOIS. Do I understand that we will take up the bills in the regular order?

Mr. COCKRELL. Oh, yes.

Mr. GALLINGER. Certainly; in their order.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 1193) to correct the military record of Henry M. Holmes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the amendment of the House to the bill (S. 2296) to amend an act approved March 2, 1895, relating to public printing.

The message further announced that the House insists upon its amendment to the bill (S. 5118) granting an increase of pension to Adam Stuber, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. DARRAGH, Mr. GIBSON, and Mr. CROWLEY managers at the conference on the part of the House.

The message also announced that the House had passed with amendments the following bills; in which it requested the concurrence of the Senate:

A bill (S. 2806) granting an increase of pension to Laura S. Picking;

A bill (S. 5845) granting an increase of pension to Joel C. Shepherd;

A bill (S. 6132) granting an increase of pension to Fannie McHarg;

A bill (S. 6361) granting a pension to Emma Dean Powell;

A bill (S. 6467) granting an increase of pension to Sarah E. Ropes; and

A bill (S. 6693) granting a pension to Mary J. Ivey.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 659) granting an increase of pension to Winfield Pierce;

A bill (H. R. 700) granting an increase of pension to Eben Slawson;

A bill (H. R. 833) granting an increase of pension to George H. Van Deusen;

A bill (H. R. 942) granting a pension to John R. Dougherty;

A bill (H. R. 1013) granting a pension to Josephine Hussey;

A bill (H. R. 1016) granting a pension to Charles S. F. Hilton;

A bill (H. R. 1024) granting a pension to James R. Ward;

A bill (H. R. 1027) granting a pension to Lavinia Cook;

A bill (H. R. 1377) granting an increase of pension to Bridget Agnes Tridel;

A bill (H. R. 1482) granting an increase of pension to John A. Smith;

A bill (H. R. 1624) granting a pension to James Allen;

A bill (H. R. 1644) granting an increase of pension to Langston P. Bryant;

A bill (H. R. 1689) granting an increase of pension to Hiram S. Thompson;

A bill (H. R. 2136) granting an increase of pension to Lawrence H. Rousseau;

A bill (H. R. 2473) granting an increase of pension to James Billingsley;

A bill (H. R. 2531) granting an increase of pension to Byron Robinson;

A bill (H. R. 2614) granting a pension to John Sullivan;

A bill (H. R. 2679) granting a pension to Nora Stokes;

A bill (H. R. 2812) granting a pension to Susan Kent;

A bill (H. R. 2987) granting an increase of pension to Charles A. Rittenhouse;

A bill (H. R. 3026) granting a pension to Martha J. Bishop;

A bill (H. R. 3213) granting an increase of pension to Belle L. Spaulding;

A bill (H. R. 3353) granting an increase of pension to John H. Kehn;

A bill (H. R. 3460) granting a pension to Jerry S. Fish;
A bill (H. R. 3504) granting an increase of pension to Grace A. Negley;
A bill (H. R. 5569) granting an increase of pension to Joseph A. Buckholz;
A bill (H. R. 3752) granting an increase of pension to John E. Pickard;
A bill (H. R. 4059) granting an increase of pension to Julia A. Cook;
A bill (H. R. 4441) granting an increase of pension to Oscar Brewster;
A bill (H. R. 4632) granting an increase of pension to William P. Rhodes;
A bill (H. R. 4807) granting an increase of pension to Thomas Parfitt;
A bill (H. R. 5010) granting an increase of pension to James W. Pace;
A bill (H. R. 5281) granting an increase of pension to Patrick Mahan;
A bill (H. R. 5511) granting an increase of pension to Cyrus V. Gorrell;
A bill (H. R. 5876) granting an increase of pension to Jacob E. Richards;
A bill (H. R. 5898) granting an increase of pension to Reuben F. Carter;
A bill (H. R. 6127) granting an increase of pension to Catherine P. McLorinen;
A bill (H. R. 6498) granting an increase of pension to John A. Whitman;
A bill (H. R. 6670) granting a pension to Hercules H. Price;
A bill (H. R. 7844) granting a pension to Alonzo Pendland;
A bill (H. R. 7895) granting an increase of pension to Sarah Bowen;
A bill (H. R. 8085) granting an increase of pension to David K. Wardwell;
A bill (H. R. 8165) granting an increase of pension to Oscar M. Peck;
A bill (H. R. 8287) granting an increase of pension to Peter Johnson;
A bill (H. R. 8288) granting an increase of pension to Scott Case;
A bill (H. R. 8314) granting an increase of pension to Joseph A. Kauffman;
A bill (H. R. 8617) granting a pension to Sabina Lalley;
A bill (H. R. 8812) granting an increase of pension to Henry Staff;
A bill (H. R. 9072) granting an increase of pension to George W. Steffey;
A bill (H. R. 9237) granting a pension to John Wallace;
A bill (H. R. 9570) granting an increase of pension to Isaac Gabrion;
A bill (H. R. 9814) granting an increase of pension to Mary Williams;
A bill (H. R. 9865) providing for the election of a Delegate from the Territory of Alaska to the House of Representatives of the United States, defining citizenship, and the qualifications of electors in said Territory;
A bill (H. R. 9987) granting an increase of pension to Aaron Young;
A bill (H. R. 10175) granting a pension to Mary R. Bayly, formerly Mary S. Redick;
A bill (H. R. 10355) granting an increase of pension to William W. Smithson;
A bill (H. R. 10644) granting a pension to Michael J. Madden;
A bill (H. R. 10869) granting an increase of pension to Michael K. Strayer;
A bill (H. R. 10953) granting an increase of pension to John A. M. Seitz;
A bill (H. R. 11139) granting a pension to Carter B. Harrison;
A bill (H. R. 11388) granting a pension to William Vogan;
A bill (H. R. 11417) granting an increase of pension to Julia Auglada;
A bill (H. R. 11428) granting an increase of pension to Plummer Lewis;
A bill (H. R. 11544) to correct the military record of Thomas J. Morman;
A bill (H. R. 11616) granting an increase of pension to Isaac Harris;
A bill (H. R. 11682) granting a pension to Mary E. Winterbottom;
A bill (H. R. 12021) granting an increase of pension to Anson Lewis;
A bill (H. R. 12052) granting an increase of pension to Franklin T. Miller;
A bill (H. R. 12214) granting an increase of pension to Jane A. Tillinghast;
A bill (H. R. 12316) granting an increase of pension to Wedan O'Neal;
A bill (H. R. 12411) granting an increase of pension to Joseph Bart;
A bill (H. R. 12492) granting an increase of pension to Callie West;
A bill (H. R. 12508) granting an increase of pension to James Jones;
A bill (H. R. 12602) granting an increase of pension to Amanda Burke;
A bill (H. R. 12611) granting a pension to Alexander J. Thomson;
A bill (H. R. 12771) granting a pension to William Kenny;
A bill (H. R. 12971) granting a pension to Thomas Martin;
A bill (H. R. 12991) granting an increase of pension to Gustavus S. Perkins;
A bill (H. R. 13088) granting an increase of pension to Hiram D. Deming;
A bill (H. R. 13239) granting an increase of pension to Ervin Thompson;
A bill (H. R. 13240) granting an increase of pension to Nimrod F. Clark;
A bill (H. R. 13316) granting an increase of pension to Benjamin F. Olcott;
A bill (H. R. 13358) granting a pension to Elizabeth A. Wilder;
A bill (H. R. 13386) granting a pension to Wallace Zeigler;
A bill (H. R. 13519) granting an increase of pension to James M. Clement;
A bill (H. R. 13689) granting a pension to William W. Painter;
A bill (H. R. 13711) granting a pension to Simon M. Yates;
A bill (H. R. 13793) granting an increase of pension to Solomon A. Alexander;
A bill (H. R. 13826) granting an increase of pension to Francis N. Bonneau;
A bill (H. R. 13850) granting an increase of pension to Charles K. Cameron;
A bill (H. R. 13881) granting a pension to William M. Wilson;
A bill (H. R. 14120) granting an increase of pension to Sarah A. Leepard;
A bill (H. R. 14143) granting an increase of pension to Augusta W. Seely;
A bill (H. R. 14168) granting a pension to John B. Anderson;
A bill (H. R. 14192) to correct the military record of Palmer Y. Percy;
A bill (H. R. 14217) granting an increase of pension to George M. Smith;
A bill (H. R. 14235) granting an increase of pension to George White;
A bill (H. R. 14263) granting an increase of pension to Frederick Journal;
A bill (H. R. 14391) granting an increase of pension to Edward Walsh;
A bill (H. R. 14398) granting an increase of pension to David M. Shopstaugh;
A bill (H. R. 14407) granting a pension to May E. Bunn;
A bill (H. R. 14475) granting an increase of pension to David E. Lawton;
A bill (H. R. 14604) granting an increase of pension to Asa C. Hill;
A bill (H. R. 14758) granting an increase of pension to Mary A. Talbott;
A bill (H. R. 14811) granting a pension to Almedia J. Robison;
A bill (H. R. 14845) granting a pension to Margaret Snyder;
A bill (H. R. 14889) granting a pension to James T. Lundy;
A bill (H. R. 14961) granting a pension to William E. Sharp;
A bill (H. R. 15038) granting an increase of pension to Lucy T. Churchill;
A bill (H. R. 15186) granting an increase of pension to Isaac J. Nichols;
A bill (H. R. 15206) granting a pension to Mary P. Everton;
A bill (H. R. 15358) granting an increase of pension to John Snodgrass;
A bill (H. R. 15362) granting an increase of pension to Grace Harrington;
A bill (H. R. 15387) granting an increase of pension to Lot Van Nordstrand;
A bill (H. R. 15400) granting an increase of pension to Enos Turner;
A bill (H. R. 15422) granting an increase of pension to John Mosgrove;
A bill (H. R. 15423) granting an increase of pension to Stephen B. Morehouse;
A bill (H. R. 15437) granting an increase of pension to Sarah A. Gerry;
A bill (H. R. 15438) granting an increase of pension to Thomas E. Peabody;

A bill (H. R. 15439) granting an increase of pension to Jane P. Chester;
A bill (H. R. 15443) granting a pension to Eudora Wells;
A bill (H. R. 15472) granting an increase of pension to William H. Chamberlin;
A bill (H. R. 15483) granting a pension to Lucinda J. Pratt;
A bill (H. R. 15528) granting an increase of pension to John C. Williams;
A bill (H. R. 15533) granting an increase of pension to William H. France;
A bill (H. R. 15572) granting a pension to Charles W. Bracken;
A bill (H. R. 15585) granting an increase of pension to Solomon S. Shaner;
A bill (H. R. 15617) granting an increase of pension to William Keith;
A bill (H. R. 15618) granting an increase of pension to William O. Boughton;
A bill (H. R. 15622) granting an increase of pension to Benjamin Cardwell;
A bill (H. R. 15659) granting a pension to Elise Sigel;
A bill (H. R. 15670) granting an increase of pension to Joseph M. Richardson;
A bill (H. R. 15674) granting an increase of pension to John A. T. McPherson;
A bill (H. R. 15693) granting an increase of pension to Delitha A. Cook;
A bill (H. R. 15694) granting a pension to Bessie Ledyard;
A bill (H. R. 15721) granting an increase of pension to Walter A. Porter;
A bill (H. R. 15733) granting an increase of pension to Martin G. Cole;
A bill (H. R. 15735) granting an increase of pension to John H. Wheeler;
A bill (H. R. 15746) granting an increase of pension to Daniel R. Lucas;
A bill (H. R. 15754) granting a pension to Frances Cowie;
A bill (H. R. 15757) granting a pension to Frances C. Broggan;
A bill (H. R. 15793) granting an increase of pension to George Skinner;
A bill (H. R. 15812) granting an increase of pension to Lucien B. Love;
A bill (H. R. 15841) granting an increase of pension to John Da Silva;
A bill (H. R. 15843) granting an increase of pension to Louis W. Rowe;
A bill (H. R. 15873) granting a pension to Minerva Murphy;
A bill (H. R. 15889) granting an increase of pension to Chester W. Abbott;
A bill (H. R. 15894) granting an increase of pension to Lewis P. Everett;
A bill (H. R. 15910) granting an increase of pension to James A. Hale;
A bill (H. R. 15911) granting an increase of pension to George N. McMurry;
A bill (H. R. 15961) granting an increase of pension to Jane C. Welch;
A bill (H. R. 15964) granting an increase of pension to Michael Murphy;
A bill (H. R. 15997) granting an increase of pension to Christian J. Flanagan;
A bill (H. R. 16053) granting an increase of pension to Henry P. Reynolds;
A bill (H. R. 16058) granting a pension to John Corbett;
A bill (H. R. 16073) granting an increase of pension to John H. Smith;
A bill (H. R. 16148) granting an increase of pension to Harry F. Libby;
A bill (H. R. 16153) granting a pension to George W. Choate;
A bill (H. R. 16161) granting an increase of pension to Francis A. Tradewell;
A bill (H. R. 16162) granting an increase of pension to George Brown;
A bill (H. R. 16210) granting an increase of pension to John C. Collahan;
A bill (H. R. 16217) granting an increase of pension to Julia E. Jones;
A bill (H. R. 16269) granting an increase of pension to Annie W. Coit;
A bill (H. R. 16271) granting an increase of pension to Gustavus W. Peabody;
A bill (H. R. 16272) granting an increase of pension to Enoch Dodd;
A bill (H. R. 16291) granting a pension to Laban McGahan;
A bill (H. R. 16309) granting a pension to Samuel H. Montanye;
A bill (H. R. 16313) granting an increase of pension to James L. Davenport, alias Dexter Davis;
A bill (H. R. 16321) granting a pension to Michael Devine;
A bill (H. R. 16344) granting a pension to Lucinda Lawrence;
A bill (H. R. 16358) granting an increase of pension to Benjamin W. Walker;
A bill (H. R. 16361) granting an increase of pension to John W. Chancellor;
A bill (H. R. 16364) granting an increase of pension to Patrick Carney;
A bill (H. R. 16368) granting an increase of pension to Eliza M. Hutchinson;
A bill (H. R. 16381) granting an increase of pension to Lymus Wallace;
A bill (H. R. 16391) granting a pension to Ella F. Shandrew;
A bill (H. R. 16423) granting an increase of pension to Eliza B. Abbott;
A bill (H. R. 16445) granting a pension to Luke Madden, alias John E. McDonald;
A bill (H. R. 16465) granting an increase of pension to William H. Knepple;
A bill (H. R. 16492) granting an increase of pension to Wilson G. Gray;
A bill (H. R. 16499) granting an increase of pension to Charles S. Wainwright;
A bill (H. R. 16512) granting an increase of pension to John Dineen, now known as John J. Davidson;
A bill (H. R. 16522) granting an increase of pension to Caleb C. Van Sickell;
A bill (H. R. 16534) granting an increase of pension to James H. Durham;
A bill (H. R. 16564) granting an increase of pension to James Hunter;
A bill (H. R. 16591) granting an increase of pension to James Mattingly;
A bill (H. R. 16697) granting a pension to Ellen Johnson; and
A bill (H. R. 16711) granting a pension to Ann Gilbert.

Subsequently the foregoing pension bills were severally read twice by their titles and referred to the Committee on Pensions.

POST-OFFICE AT INDIANOLA, MISS.

Mr. BURNHAM. Mr. President——
Mr. SPOONER. Mr. President——
The PRESIDENT pro tempore. Does the Senator from New Hampshire yield to the Senator from Wisconsin?
Mr. BURNHAM. Certainly.
Mr. SPOONER. I take the floor on the statehood bill technically only. I do not intend to address to the Senate a word upon the subject of statehood for New Mexico, Arizona, or Oklahoma, and I wish no misunderstanding of my purpose in asking the Senator from New Hampshire to yield to me for a few moments. I hope I will not be regarded, either, Mr. President, as rising for the purpose of obstructing in any manner the consideration of the bill. I am somewhat impressed with the notion that even the Senator from Pennsylvania is not burdened with that keen sense of necessity for constant pressure of this bill which he indicated the other day, in view of the fact that every day when this bill is reached so much time is taken, by his gracious permission, by Senators in calling up and having disposed of bills which have no relation of course to the subject which constitutes the unfinished business. The Senator from Pennsylvania [Mr. QUAY] suggests to me that he will remedy that on Monday.

How long the Senator will be permitted by the Senate to hold the floor and allow no business to be done, except speeches upon the statehood bill, save with his permission, of course I do not know. That will be a matter for the Senate to determine. The Senator is within his strict parliamentary rights, but it is rather a humiliating attitude—I express only my own judgment—that day after day the public business should be done in this way—bills called up and passed, the Senator objecting to even a report being read in order that the Senate may know on what it is called upon to vote.

Mr. QUAY. This discussion, if the Senator will permit me——
Mr. MASON. Mr. President——
The PRESIDING OFFICER (Mr. SIMMONS in the chair). Does the Senator from Wisconsin yield to the Senator from Illinois?
Mr. SPOONER. I yield to the Senator from Illinois.
Mr. MASON. I merely wanted to ask the Senator if he is not chairman of the Committee on Rules, and if there has not been pending before his committee, without a report, for nearly six years, a proposed rule whereby the majority of this body can transact business?
Mr. SPOONER. I think a proposition of that kind has been pending for nearly sixty years.
Mr. MASON. No; not so long as that, because at one time, within forty years, there was a chance whereby the majority could do business in this body; but since that change of practice the business of the public is left entirely in the hands of the minority.

Mr. SPOONER. I think the Senate, without any rule of the kind referred to by the Senator from Illinois, transacts as much legislative business as any other legislative body in the world, and it does it, too, upon debate, generally with full consideration, with very little friction and in an intelligent and public-spirited way.

On January 15 the junior Senator from Mississippi [Mr. MCLAURIN] rose to a question of privilege and submitted some observations concerning the post-office and the conduct of the postal business at Indianola, Miss. It was not in any sense, although I do not say that to criticise the Senator, a matter of privilege, but it was a matter which was not before the Senate and a matter therefore upon which no one can speak except he take the floor upon some measure.

I wish to say two things in the beginning, and I shall not occupy much of the time of the Senate. In the first place, I do not criticise the Senator from Mississippi for what he said. His speech was a temperate one and a courteous one to the President and to the Postmaster-General. No one could have spoken upon a subject of this kind or of any kind in finer spirit than he did.

I want to say another thing, Mr. President. I do not intend to discuss or to be drawn into a discussion of what is called the negro question or the race question. I intend to confine myself to what I think is a fair view, as I understand it, of the circumstances surrounding the Indianola post-office matter; and I justify entirely the attitude of the Postmaster-General, who is a distinguished citizen of my State, and the President in regard to it.

The Senator from Mississippi based his observations entirely upon a short extract from a statement which, he says, was "made by Secretary Cortelyou for the President in reference to the suspension of business in the Indianola post-office in the State of Mississippi." I send to the desk and ask to have read the entire statement from which that extract was taken, for that statement in many papers in the country has been published in garbled form.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

The postmaster at Indianola, Miss., is Mrs. Minnie M. Cox, a colored woman. She served three years as postmaster under President Harrison. When President McKinley came in she was again appointed, in 1897, nearly six years ago. Her character and standing in the community are indorsed by the best and most reputable people in the town. Among those on her bond is the present Democratic State senator from the district, together with the leading banker of Indianola, and an ex-State senator from the district, also a Democrat. The postmaster and her husband own from $10,000 to $15,000 worth of property in Sunflower County. The reports of the post-office inspectors who have investigated the office from time to time show that she has given the utmost satisfaction to all the patrons of the office; that she is at all times courteous, faithful, competent, and honest in the discharge of her duties. Her moral standing in the community is of the highest. Her reputation is of the best. Few offices of this grade in any State are conducted better.

The postmaster recently forwarded her resignation to take effect on January 1, but the report of inspectors and information received from various reputable white citizens of the town and neighborhood show that the resignation was forced by a brutal and lawless element, purely upon the ground of her color, and was obtained under terror of threats of physical violence.

The mayor of the town and the sheriff of the county both told the post-office inspector that if she refused to resign they could not be answerable for her safety, although at the same time not one word was said against her management of the office.

On January 1 the bondsmen of the postmaster telegraphed that the post-office was closed; that the postmaster claimed that her resignation was in the President's hands, to take effect January 1, and that there had been no advice of the appointment of her successor. The telegram closed with this statement: "Prompt action necessary for relief of business interests." In the view of the President the relief of the business interests, which are being injured solely by the action of the lawless element of the town, is wholly secondary to the preservation of law and order and the assertion of the fundamental principle that this Government will not connive at or tolerate wrong and outrage of such flagrant character.

By direction of the President the following telegram was sent by the Postmaster-General to the bondsmen:

"The postmaster's resignation has been received, but not accepted. In view of the fact that the office at Indianola is closed, all mail addressed to that office will be forwarded to Greenville."

The papers in the case have been sent to the Attorney-General for action.

Mr. SPOONER. Mr. President, the Senator from Mississippi in his observations assumed that there is in that statement, issued by authority, as he said, of the President, and I have no reason to doubt that it was issued by authority of the President, a general characterization or arraignment of the people of Indianola as brutal and lawless, and he proceeded to say:

I know the people of that community, and they are not a lawless or a brutal element. They are a high-toned, chivalrous, intelligent, industrious, and thrifty people, and a law-abiding people.

That is not controverted in this statement. The Senator will find in that document no such general characterization of that people as he assumes. I will venture to say that there is no man in the country who would be less likely to impeach in such a general way the citizens of Indianola. The statement there is that the resignation of this postmistress was forced by a brutal and lawless element in the community. There are communities all over the United States composed of people who, taken as a whole, are chivalrous, just, and law abiding, but it would be a rare thing, I think, North or South, to find a community of fifteen hundred or two thousand people in which there is not a lawless and brutal element.

The President was informed by the papers that a majority of the people of Indianola are such as the Senator describes them to be, and that they were opposed to the proceedings which forced—I say forced—the resignation of this postmistress. And one authority for it—and I do not intend to give the name either, the Senator from Mississippi is aware of it; is one which would be without hesitation accepted by a President or by the Senate——

Mr. MCLAURIN of Mississippi. Will the Senator allow me to interrupt him there?

Mr. SPOONER. Certainly.

Mr. MCLAURIN of Mississippi. My attention was called by the Senator from Texas at the time his statement was made, and I did not catch what it was the Senator said I was aware of.

Mr. SPOONER. I said there is the highest possible authority in the papers which were before the President, establishing the fact, which could not be gainsaid, that the large majority of the people of that community are such as the Senator described—peaceable and law-abiding people, who deprecate the action of the minority which forced this resignation, but who did not prevent it.

Mr. MCLAURIN. Lest I by my silence may be considered as acquiescing, as being aware of it, I must dissent from the statement of the Senator. I am not aware of that.

Mr. SPOONER. I was informed by the Postmaster-General that he had read the papers in this matter to the Senator from Mississippi, including the particular paper which I had in my mind when I made the statement.

Mr. MCLAURIN of Mississippi. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Mississippi?

Mr. SPOONER. Certainly.

Mr. MCLAURIN of Mississippi. The Postmaster-General read to me a portion of the first report of the post-office inspector and he read to me also the letter of the Congressman-elect from that district. If he read anything other than that, I do not recall it at this time.

Mr. SPOONER. The letter of the Congressman-elect was the letter to which I refer, and I would not have identified the writer——

Mr. MCLAURIN of Mississippi. Will the Senator allow me to ask him a question?

Mr. SPOONER. Certainly.

Mr. MCLAURIN of Mississippi. Has the Senator seen all the papers in the possession of the President and the Postmaster-General in reference to this matter?

Mr. SPOONER. I have seen the papers, the reports of the inspectors, and I have seen a large number of letters. I have seen the brief which is usually made up in the Department giving a concise statement of all the papers upon which the President acted.

Mr. MCLAURIN of Mississippi. Has the Senator reason to believe that any of the papers are in the possession of the President or the Postmaster-General in connection with this matter that he has not seen?

Mr. SPOONER. I have no reason to believe it.

Mr. MCLAURIN of Mississippi. I did not catch the answer of the Senator.

Mr. SPOONER. I have no reason to believe it. I did not read all the papers. There were no papers, I am quite certain, that were important that my attention was not called to, and that I might not have read had I so desired.

Now, Mr. President, is is perfectly clear, to begin with, and no one can dispute it, that this postmistress resigned. That is established by the Senator. It is perfectly clear also that her term of office had not expired and would not expire for a year. It is perfectly clear also, Mr. President, *that she did not desire to resign;* that she desired to continue to the end of her term to discharge the duties of that office as an agent of the United States.

The Senator furnished some evidence intended to exculpate the people of Indianola from a charge *not* made against them, which clearly shows the method which was pursued to make her *anxious speedily* to tender what is called a voluntary resignation. He read the letter of P. C. Chapman, a prominent lawyer in that community, whom he characterizes as an honorable gentleman, and I have no purpose to controvert it. I know of no ground upon which it could be controverted. It is interesting reading.

Mr. PETTUS. Mr. President, I desire, by his permission, to ask the Senator from Wisconsin a question.

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Alabama?

Mr. SPOONER. Certainly.

Mr. PETTUS. Mr. President, I would be very glad if the Senator would inform us, if he has the information, how and by whom this postmistress was forced to resign.

Mr. SPOONER. I am about to do that, Mr. President, though I can not take the time to furnish all of the abundant evidence, upon which no President, I think, whatever his politics might be, could come to any other conclusion than that she was *forced* to resign. She was in the discharge of her duties. She was appointed first by President Harrison. During Mr. Cleveland's Administration she was not postmistress. She was reappointed by President McKinley, and she has not been, of course, appointed by President Roosevelt, for her term under President McKinley's appointment does not expire for a year.

She was appointed by the President of the United States without a contest, confirmed by this body, duly commissioned, her bonds being procured and signed by white gentlemen—chivalrous gentlemen and just men, a State senator, an ex-State senator and president of the bank in Indianola—and during all the years, Mr. President, from the day she entered upon the discharge of the duties of that office up to the day she left it there has been no complaint lodged with the Department or communicated to the President of neglect upon her part, of incivility upon her part, of any of the "insolence of office" we find now and then in Washington and in other parts of the world in white persons who hold generally small offices. The reports of the inspectors, and the office had been repeatedly under the rules carefully inspected, failed to disclose from the beginning to the end any criticism of her. On the contrary, Mr. President, they all commend her in the highest degree for efficiency and politeness.

She had as much right under the Constitution and laws of the United States—a Federal instrumentality, discharging Federal functions within the limits of a State—to hold her office without duress, without obstruction, moral or physical, as we have, anyone of us, to sit in this Chamber and to discharge here without intimidation of any kind our duties.

I read the letter of Mr. Chapman, put in the RECORD by the Senator from Mississippi, which shows a misconception upon the part of that gentleman, from my point of view, of their relations to the Federal Government as complete as can be conceived of. A mass meeting was called. It was not a large mass meeting. I understand it was not called for the purpose of dealing with the question as to whether the postmistress should continue to discharge her duties or not. At any rate, that was not the only subject which came before the meeting. Some racial trouble had occurred there because of the alleged misdoing of a colored porter, and at that meeting the question was discussed whether a colored doctor, a Dr. Dudley, of lucrative practice, should remain there or leave.

I do not know that the proceedings are of record or were preserved; I have not seen them; but a majority of the people at that meeting said that Dr. Dudley need not leave. There was a strong minority, however, very aggressive, as I understand it and as the papers show, who insisted that he *must* leave, and my understanding is that, situated as he was, he took the advice of the minority. That has no connection with this subject at all except in a way and I do not intend to discuss it. I do not mention it except in its relation to this case. It shows that at that meeting, in which originated the action that was taken as to the postmistress, there was excitement, and there was, perhaps not physical threat, but *moral threat as to a colored person other than this woman.*

Now, what was done at that meeting? Let Mr. Chapman state:

The facts are, briefly stated, that about the 1st of October the citizens of Indianola *held a meeting* and *appointed a committee of three to circulate a petition asking Minnie Cox to resign.*

This petition was not to be presented to Minnie Cox after the signatures had been obtained. This meeting adjourned to meet again, and this petition or these petitions were to be reported at the adjourned mass meeting. She had a perfect right to resign if she wanted to. She was a voluntary agent so far as that was concerned. *She had indicated no purpose to resign*, but a purpose was indicated that she should resign.

This petition was to be returned at a meeting of the citizens to be held a week later. The petition was circulated and was signed by a large number of citizens of Indianola. Wayne Cox, husband of Minnie Cox, on the evening of the second meeting, called at my office and said he desired to have me state to the mass meeting—

Can any man doubt the feeling which led him to this conference with Mr. Chapman?—

and said he desired to have me *state to the mass meeting that night* that he had discovered that the citizens of Indianola did not wish his wife to act as postmistress any longer, and he would therefore request that I read the inclosed resignation of his wife as postmistress to the mass meeting that night, which resignation he delivered to me.

The resignation was signed by his wife. *The only request made in regard to the resignation was that his wife should have time.*

Think of it! She was not tendering her resignation to take effect when *she* chose. She was not at liberty, this paper clearly shows, to define according to her will the terms of her own resignation.

The only request made in regard to the resignation was that his wife should have time—

This was to be submitted to the meeting, and it was submitted to the meeting, according to this statement; and the mass meeting which had instituted the proceeding leading to the request of those people that she should abandon her place as a Federal agent in Indianola, *fixed the time when her resignation should take effect.*

The only request made in regard to the resignation was that his wife should have time to get her reports ready and get the office in shape so that she might get out with a perfect settlement of the affairs with the Government.

It is due to this mass meeting that it should be stated that with chivalrous magnanimity they gave her time to settle her accounts with the Government and to abandon the office and to protect her bondsmen.

He stated further that he had been a citizen of this county for years, and that the white people were his friends and had always treated him properly, and that he and his wife did not wish to hold the office when a petition—

Not that she did not wish to hold the office—

when a petition had been freely signed by the citizens of Indianola asking for her resignation. This resignation was read to the mass meeting, as requested, THE RESIGNATION WAS ACCEPTED——

Mr. CARMACK. What is the Senator reading from?

Mr. SPOONER. I am reading from a letter from a distinguished lawyer, Mr. Chapman, which was put in the RECORD by the distinguished Senator from Mississippi [Mr. MCLAURIN].

Mr. CARMACK. I only asked for information.

Mr. SPOONER. I know; I am giving it.

This resignation was read to the mass meeting, as requested, the resignation was accepted, and the time named for the resignation to take effect was January 1, 1903.

When before was it left to a "mass meeting" in a locality to *accept* a resignation of a Federal official and to fix the time—which should be fixed by the individual if at all—when the resignation should take effect?

I was present at both of the meetings and can state of my personal knowledge that no threats or intimidations were made by any party at these meetings, no committee was appointed to notify Minnie Cox, and no official representative from either of these meetings had any communications with Wayne Cox or the postmistress relative to her resignation.

Whether that was duress or not, whether the meeting itself, and the action of the meeting was a threat or not, whether it indicated the presence there of a brutal or lawless element or not, depends, Mr. President, upon the point of view. The sheriff of the county, a man whose business under the law it is to preserve the peace, to protect life and property in the community, to safeguard the rights of the people within his bailiwick from violence, was present at that meeting. *He was a part of that meeting*, he to whom she could look, and he only, in the community doubtless, in the event of trouble, for protection. This was put in the RECORD by the Senator from Mississippi.

The mayor of the town and the sheriff of the county both told the post-office inspector that if she refused to resign they could not be answerable for her safety, although at the same time not one word was said against her management of the office.

Mr. MCLAURIN of Mississippi. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Mississippi?

Mr. SPOONER. Certainly.

Mr. MCLAURIN of Mississippi. The Senator does not undertake to state that I——

Mr. SPOONER. Oh, no; I said you put that in the RECORD.

Mr. MCLAURIN of Mississippi. From the statement——

Mr. SPOONER. From the statement of Mr. Cortelyou.

Mr. MCLAURIN of Mississippi. As a part of the statement of the Secretary to the President, not as my statement.

Mr. SPOONER. Oh, no; I said that the Senator said this:

I have the statement, not written to me, but over the signature of the sheriff of the county, from which I quote this in reference to that point. It is under date of the 11th of this month:

"No notice of lawlessness"—

And I call attention to the fact that he does not deny in what the Senator put in the RECORD the statement of the post-office inspector that he had informed him that if this woman continued to discharge the duties of the Federal Government in that community under her commission from the President he could not be "answerable for her safety."

Mr. MCLAURIN of Mississippi. Will the Senator allow me a question?

Mr. SPOONER. Certainly.

Mr. MCLAURIN of Mississippi. Is there anything in that to indicate that the sheriff either expressly or impliedly showed that he had any notice that it had ever been charged that he had stated he could not be answerable for her safety, or is there anything there that called for any denial by the sheriff?

Mr. SPOONER. I do not know——

Mr. McLAURIN of Mississippi. Or is there anything to show it in the statement by the inspector?

Mr. SPOONER. I do not know what this was an answer to. But this is what the sheriff says:

"No notice of lawlessness has been brought to my attention, and if there had been any I would have been the proper official to communicate with."

I infer that, although there is not very much of this letter.

"And in any event"—

Something drew out this letter; and I have evidence that the sheriff knew that it had been reported of him that he had made this statement to the inspector. I suppose, although I may be mistaken, that this letter had some reference to that.

Mr. TILLMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. SPOONER. Certainly.

Mr. TILLMAN. I should like to ask a question on a law point of the Senator from Wisconsin. Is it the duty of the sheriff to constitute himself a bodyguard of a citizen who may be threatened, or imagine that his life is in danger, or does it devolve upon him to execute the laws in arresting criminals?

Mr. SPOONER. He is the conservator of the peace up North.

Mr. TILLMAN. Do you mean that he constitutes himself a bodyguard and can guarantee that lawlessness will not occur?

Mr. SPOONER. He is not a bodyguard or guarantor; he is the conservator of the peace.

Mr. TILLMAN. How is he to know when the peace is going to be broken unless some one informs him that it is going to be broken?

Mr. SPOONER. Suppose he is walking along the street and sees that the peace is being broken?

Mr. TILLMAN. Then of course it is his duty to interfere and stop the fight or——

Mr. SPOONER. Suppose he has reason to believe that it is likely to be broken? It is his duty to guard against it.

Mr. TILLMAN. I have not found in reading of the Northern people, or of the Southern people, or of any other Anglo-Saxon people, that sheriffs are so active in running around to preserve order and quiet.

Mr. McLAURIN of Mississippi. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Mississippi?

Mr. SPOONER. Certainly.

Mr. McLAURIN of Mississippi. The point to which I wanted to direct the attention of the Senator is this: The Senator has made the statement or allegation or charge that the sheriff, in the extract which I quoted from a letter from him that was published in the Memphis Morning News, did not deny that he had told the post-office inspector he could not be responsible for Minnie Cox's safety if she should return to Indianola and take charge of the office. Now, that is what I want to direct attention to. The question which I want to address to the Senator is this: Is there anything——

Mr. SPOONER. Will the Senator make that statement again? I was looking at a book.

Mr. McLAURIN of Mississippi. I say the Senator from Wisconsin said in substance (I can not remember the exact language) that in the extract which I put in the RECORD from the letter of the sheriff of Sunflower County, published in the Memphis Morning News, he did not deny that he had told the inspector he could not be responsible for the safety of the postmaster if she returned to take charge of the office. Now, the question I want to ask is: Does the Senator contend that there is anything in the matter to which the sheriff of Sunflower County was replying in that letter which required him to say whether or not he made the statement to the inspector that is attributed to him?

Mr. SPOONER. The Senator asked me that question some time ago, and I told him then what I must tell him now, that I have never seen the letter to which the sheriff was responding. If he was responding to any letter, I do not know whether there was anything in the letter to which he was responding which brought to his attention the charge or the allegation that he had told the inspector if this woman did not resign he would not be answerable for her safety.

Mr. McLAURIN of Mississippi. Now, then, the inference drawn by the statement of the Senator, that the sheriff did not deny the charge which was made by the inspector, or the charge that was attributed to him, is that he, not having denied it, tacitly admitted it. Unless there was something in the letter or the interview to which he was replying that called for a denial from him, is it not a fact that that is not an implied admission or a tacit admission of the sheriff of the charge that is made against him?

Mr. SPOONER. I do not think so. Taken alone it might be so, but on the papers in this case I do not think so.

Mr. McLAURIN of Mississippi. The Senator, then, contends that in every instance where the sheriff is writing anything about this matter, however irrelevant it may be, he must state in that article that he never made any statement attributed to him?

Mr. SPOONER. I do not contend any such thing; but I do say the sheriff knew the post-office inspector had reported that he had said to him he would not be answerable for the safety of this officer of the Federal Government if she continued to be an officer of the Federal Government.

Mr. McLAURIN of Mississippi. Then, does the Senator contend that, knowing that, in every communication of the sheriff he must be taken as tacitly admitting he made that statement unless he expressly denies it in the communication?

Mr. SPOONER. Oh, no.

Mr. McLAURIN of Mississippi. That is the point on which I wish information.

Mr. SPOONER. I do not contend that; but I contend if he knew that when he came afterwards to deal with this subject and with the question of lawlessness there, it would have been perfectly natural for him to have said something about it.

Mr. McLAURIN of Mississippi. Whether the letter to which the reply was made was relevant or not?

Mr. SPOONER. Was this a reply to a private letter?

Mr. McLAURIN of Mississippi. No, sir. It was, I believe, an interview. I have not got the paper. I gave it to the Reporter when I put that extract into the RECORD.

Mr. SPOONER. He was discussing the Indianola case in the newspaper, was he not?

Mr. McLAURIN of Mississippi. He was replying to a statement that had been made by somebody else and not by the inspector. That statement had been made by somebody else. In that reply his attention was necessarily not directed to the charge of the inspector.

Mr. SPOONER. It was not to that point I was reading.

The statement continues:

"No notice of lawlessness has been brought to my attention, and if there had been any I would have been the proper official to communicate with. And in any event, regardless of color or previous condition of servitude, my services have always been at the command of the citizens of this county and State."

Why he should have said that without any motive, why he should defend himself in any way unless he had been in some way impeached, the Senator can perhaps explain. I do not undertake to do so.

"I will further state"——

Mr. McLAURIN of Mississippi. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Mississippi?

Mr. SPOONER. I will yield to the Senator later.

The statement proceeds:

"I will further state"—

And this is the real point to which I read this letter—

"I will further state that *I was present at the citizens' meeting held in the court-house, and the only thing we stand charged with is that the citizens exercised their rights as American citizens to request the resignation of the postmaster.* No threats were made or implied"—

That is a conclusion—

"simply a request. The Constitution gives every citizen his right to express his views on any subject."

So we have here not only the ordinary citizens composing that meeting requesting or initiating proceedings to lead to a popular demonstration by way of petition to be reported for action at an adjourned meeting, but we have the sheriff of the county, the peace officer of the county, present in that meeting and acting with it and defending it.

Now, Mr. President, was that duress or was it not? Would the woman have resigned, does the Senator say, of her own will? Did she wish to resign?

Mr. McLAURIN of Mississippi. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield?

Mr. McLAURIN of Mississippi. The Senator asks me a question. I was not permitted a while ago to interrupt him, and I do not know whether he desires an answer to the question or not.

Mr. SPOONER. The Senator will have time to answer, undoubtedly, but he may answer now if he prefers.

Mr. McLAURIN of Mississippi. I say she did resign the office entirely of her own free will, according to all the information I have.

Mr. SPOONER. Of course she did resign. But did she wish to resign? Would she have resigned, Mr. President, of her own free will in the absence of the pressure of this mass meeting and organized petitions? The petition was not presented to her before this second meeting was held. The very evening of it she sent her resignation by her husband, asking that it be read to the mass meeting. Such resignations are usually sent to the President of the United States to be acted upon by him. They are not

usually sent to a mass meeting for its action; but this petitioner sent it to this meeting by her husband, asking that it be read to the meeting.

That was the attitude of the affair; it was an attitude of supplication. The request was addressed to a superior power, in her mind, asking that a time might be fixed by that mass meeting for her resignation to go into effect, which would enable her to close up her accounts with the Government and turn over the Government property without reponsibility to her or to her bondsmen.

It is as idle as the wind, Mr. President, to cavil upon the proposition that this was not a forced resignation. It is altogether evasive to dwell upon the "politeness" of the request for her resignation. It was the power behind it which constituted the duress; it was the fact that that power was executed by white citizens of that county, and that this person against whom it was directed was colored.

There is no arbitrary rule as to what constitutes duress. There was once, but there is not any longer, and has not been since Bouvier's time. The old strict rule of the common law, long, long ago, in the interest of humanity, disappeared; and what constitutes duress in one case does not in another. What constitutes duress? If both parties be of equal power, of equal intelligence, it does not, as a rule, constitute duress. The law takes into account, even in matters of private contract, the difference in the status and condition of the parties. The law distinguishes between the case of two strong men and the case of one strong man and one weak woman.

If it was not duress, what was it? It was the power of the community originating in this meeting, represented by petition, circulated in an organized way to bring pressure, for it constituted pressure, upon this agent of the Federal Government to quit her post of duty, not when *she chose*, not when the Federal Government chose, not when the President chose, but *when this mass meeting chose.*

Lawless! I appreciate very fully the difficulties of the situation in parts of our country, and I sympathize with it, too. I have often heard the appeal made—and I had it made to me once by a Southern Senator whom I dearly loved, and whose memory I revere as tenderly as any of his comrades of the South can revere it—whether I should like to have my wife or my daughters, if I had daughters, receiving their mail at the hands of a lascivious-eyed black man.

That is one thing; but this was a *woman* of stainless character, a woman of thrift and economy, a woman of self-respect, a woman whom this Senate had passed upon not once, but twice, after she had been tried in the office. Whether it was brutal or not is a matter of opinion. I have always thought it was a brutal thing, save in exceptional and extreme circumstances, for a man to strike a woman. I have always thought it a brutal thing for strength of numbers to coerce a woman. It was lawless, and from my standpoint it was brutal in the manner in which it was done and brought about, because it was an organized mass effort against a woman. Mind you, if she had been neglectful in her office, the right of petition was there. The President could have been advised.

If she had been discourteous or in any wise unfit, the good people of Indianola had their remedy. They could, at least, have petitioned the power which appointed her, which is also the power to remove her. They could, at least, have complained to the post-office inspector that the office was not conducted to their taste, but they did not; and there is not a postmaster or postmistress North or South whose record, running through the years, is cleaner for efficiency and politeness than is the record of this postmistress. There was no danger to the *white women* of Indianola from this *colored woman.*

There is a principle underlying this, Mr. President. It is a principle of the highest importance, and I will refer to it in a moment.

The Senator from Mississippi mentioned the member of Congress elect from that district. I would not have mentioned him. His letter is obviously that of an educated man, an able lawyer, and of a manly man. It bears on the point, Mr. President, whether threats, undue pressure—and any pressure would be undue under such circumstances—were brought to bear upon this woman to compel her to abandon the discharge, against her will, too, of the duties of postmistress.

This letter vindicates also the people of Indianola, as a whole, from the charge against which the Senator defended them—a charge which was not made in the statament he quoted from.

GREENVILLE, *December 22, 1902.*

DEAR SIR: I have conferred with several of the most prominent citizens of Indianola in reference to the post-office affair about which I spoke to you last week—

This is dated December 22, *before the time fixed by this mass meeting for the taking effect of the resignation had arrived.*

I have conferred with several of the most prominent citizens of Indianola in reference to the post-office affair about which I spoke to you last week, and am sorry to say I could do nothing to relieve the present *strained relations.*

Strained how and why? Strained because she was not fit? No. Strained because she was not a good woman? No. Strained because of any complaint? No—strained because of her color only. She had held the office for years without protest.

I am advised by some of the most influential gentlemen there that a very large proportion of the patrons of the office, while they are practically unanimous in the desire to have a white person in charge of the office, are opposed to the course which has been pursued and is still being persisted in, in *insisting* upon the resignation of the present incumbent.

There are some, however, though I am advised they are few in number, who express a *determination not to give their asssurance that all will be well if the resignation is not accepted.*

Here is a gentleman of the locality, a man of honor, a man of high professional eminence, a man trusted by the people of that district, who exculpates and vindicates the great mass of the people there from this charge, which has not been made against them, and says that they deprecate the course of this small and determined element, which I call a lawless element, and which this statement brands as a lawless element:

I have not been given any names, nor have I learned of any direct threats, *but I have no doubt threats have been made.*

And then he enters into——

Mr. TILLMAN. Mr. President, will the Senator tell us what he is reading?

Mr. SPOONER. I am reading from a letter addressed to the post-office inspector by the member-elect of the House of Representatives.

Mr. TILLMAN. The Senator might just as well give us his name.

Mr. SPOONER. His name is B. G. Humphreys. I would not have given his name if the Senator had not asked for it.

Mr. TILLMAN. The gentleman is not ashamed of anything he has written?

Mr. SPOONER. He has no occasion to be ashamed of anything he has written.

Mr. TILLMAN. Then there is no need for concealment.

Mr. SPOONER. That is the opinion of the Senator from South Carolina. I would not read all the paper, not because I am afraid to read anything here, either——

Mr. TILLMAN. Mr. President, this is not a matter in which I am interested more than any other Southerner, and the Senator from Mississippi [Mr. MCLAURIN] is amply able to defend his people and to take care of himself and them. Therefore I do not want to have the appearance of intermeddling; but when I asked that the Senate be informed as to who was speaking I thought it was a legitimate inquiry, and I do not think there is any reason for concealment here.

Mr. SPOONER. I have not concealed anything.

Mr. TILLMAN. The Senator seemed to criticise my requesting light on a fact that every Senator here realizes would at least satisfy us a little better than for him to be reading from something that we did not know.

Mr. SPOONER. This gentleman makes an argument against abolition of the office, a very strong appeal against the abolition of the office. He concludes:

I am sorry I have made such a poor success as a handler of oil in these troubled waters, but the race prejudice—which is strong in us all—is running too high just now in Indianola to be checked or curbed by a simple resort to reason.

Now, I want to say to the Senator from Mississippi that he was in error when he said in his very temperate statement that the office had been abolished. The office has not been abolished. The Federal Government still has a post-office in Indianola, and the Federal Government still has a postmistress for Indianola. The President, as I understand the law, could not abolish the office, because it is an office at a county seat.

The 1st of January came, the day when this resignation was to take effect. The President, from the papers, *knew that this woman had been forced to resign*, that *she did not wish to resign*, that she had applied to the people there for leave, without disturbance, to serve out her term. Only that and nothing more.

The inspector telegraphed to Cochran, who, I think, is the chief inspector:

M. L. Cox, postmaster, Indianola, Miss., wires: "Have been told by reliable parties that I am not permitted to open post-office here." Full report is before Department. Please advise me what we should attempt to do. Without instructions we might possibly pursue course other than that deemed desirable.

What was done? The President refused to have a Federal office, held by a competent person, vacated against her will and under duress by local pressure, and, as the people there had closed the

office to all intents and purposes, he declined to accept the resignation; and in doing that, Mr. President, he acted upon a principle absolutely essential to the virility and strength of the National Government.

It presented itself to him, as it will present itself to thoughtful men everywhere who are unbiased, as vital to the Government of the United States that it shall be permitted to transact the Government business, to protect the Government property through such agencies in the States as *the Government selects* in the constitutional way, without consent or interference locally—and I will deal with that briefly in a moment. It is that principle, Mr. President, which underlies the action of the President and upon which I have justified his action, because, whatever else the Senator may think the President was misinformed about, he was not misinformed upon the proposition that this woman did not wish to resign; that she desired to serve out her term of office, and that she would have done that if she had been permitted.

I think part of this difficulty arose from the fact that some white gentleman in the community conceived the idea that if this woman could be gotten out of the office one of them would be appointed to it.

Here is a letter, signed by Mr. A. B. Weeks, dated Indianola, September 19, 1902, which throws some light upon the situation and the determination, long in advance of this meeting, to *force* this postmistress out of the discharge of those duties:

THE FOURTH ASSISTANT POSTMASTER-GENERAL,
Washington, D. C.

DEAR SIR: *There is a determined effort of the people of this town to make the present postmistress resign or give up the office in some way. They only do this because she is colored.* I do not indorse—

The post-office inspector names him as one of the chief instigators and agitators to the end that this woman be forced out.

I do not indorse, and shall not take any hand in it, as I would be powerless to defend her against the whole town and community.

This is the partner of the mayor.

They will be satisfied—

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. SPOONER. Certainly.

Mr. TILLMAN. Will the Senator inform us whether there is anything there to show, or if he knows, the complexion of the politics of that man?

Mr. SPOONER. Yes; I will tell the Senator what it is in a minute. I think he has always been a Democrat.

Mr. TILLMAN. A Gold Democrat, a commercial Democrat?

Mr. SPOONER. No; an honest-money Democrat.

Mr. TILLMAN. A Democrat who would start toward the Republican party if he could get a job? [Laughter.]

Mr. SPOONER. A Jackson Democrat; not any other kind of a Democrat.

They will be satisfied with my appointment or any other white person's appointment, but they do not want a colored person in the office. I hope the excitement will blow over—

This was on September 19—

but if it does not, I will be glad for you to remember my application for the office.

[Laughter.]

Mr. BERRY. Does the Senator think that an honest man?

Mr. SPOONER. I think the letter shows, for he is a prominent man there. I did not say "an honest man." I do not know anything against his honesty. I said he was an honest-money Democrat, from my standpoint, and I presume——

Mr. TILLMAN. And a Jackson Democrat?

Mr. SPOONER. Yes, a Jackson Democrat; and I presume the Senator would not impugn the honesty of a Democrat because he was a Gold Democrat or because, as my friend from Indiana [Mr. BEVERIDGE] says, he wanted an office.

Mr. BERRY. Under a Republican administration.

Mr. SPOONER. The letter continues:

You will do me quite a favor if you will put my application before the President, as I think that he has to appoint the postmaster at this place. Anything that you will do for me will be very much appreciated.

Yours, very truly,

A. B. WEEKS.

I made application for appointment to this office about four months ago.

Mind you, this woman had yet a year to serve. He knew that, and they all knew that. Here is another letter.

J. L. Davis.

That is the mayor.

A. B. Weeks.

That is this gentleman.

Office of Davis & Weeks, real estate agents. Indianola——

Mr. TILLMAN. Is he a man of the same stripe—a Gold Democrat? Is this man from whom you are going to read of the same stripe?

Mr. SPOONER. The same man and of the same type.

Mr. TILLMAN. You said you were going to read the mayor's letter.

The PRESIDENT pro tempore. Senators must rise in their places when they address the Senate.

Mr. SPOONER. I yield to the Senator from South Carolina.

Mr. TILLMAN. Then I will rise and repeat my question.

Mr. SPOONER. The Senator from South Carolina has not addressed the Chair.

Mr. TILLMAN. Mr. President, it is always pleasant to be taught by my distinguished friend, because he does it in such a nice way, and then he is so capable of teaching.

I desire to ask the Senator now, in an orderly manner and according to the rules, whether or not the man from whom he is about to read is a man of the same type as the writer of the letter he just read?

Mr. SPOONER. It is from a man of the same type, because it is from the same man. [Laughter.]

Mr. TILLMAN. I understood the Senator, as I think the RECORD will show——

Mr. SPOONER. No. If my friend will permit me, I read the letter head——

Mr. TILLMAN. And I——

Mr. SPOONER. Which is "Davis & Weeks," and I said Davis is the partner of Weeks.

Mr. TILLMAN. You are going to read from him?

Mr. SPOONER. I am not going to read from him.

Mr. TILLMAN. You read from Weeks's letter a moment ago?

Mr. SPOONER. I am going to read from Weeks's letter now.

Mr. TILLMAN. I must have misunderstood the Senator, because I understood him to say this was from the mayor, and he had previously stated that Weeks is the partner of the mayor.

Mr. SPOONER. Now, Mr. President, I will correct that by saying, for the information of the Senator, that Weeks is a partner of the mayor. [Laughter.]

Mr. TILLMAN. The Senator is not going to quote the mayor now. He is going to quote Weeks now.

Mr. SPOONER. Weeks.

Mr. TILLMAN. All right. We will hear from Mr. Weeks.

Mr. SPOONER. The firm is Davis & Weeks. Davis is the mayor and Weeks is the man who wants this office.

Mr. TILLMAN. So we understood. Has the Senator a letter from the mayor?

Mr. SPOONER. I will talk about the mayor in a minute, if the Senator wants me to.

This letter is dated "Indianola, Miss., December 19, 1902." It is a funny letter from my standpoint:

His Excellency President THEODORE ROOSEVELT, *Washington, D. C.*

ESTEEMED SIR: I hope you will bear with me, *but as the time draws near for Mrs. Minnie M. Cox's resignation to take effect—*

Fixed by the mass meeting—

as postmistress at this place, I am anxious about the matter, as I want the office. I know that I am the only good friend your Administration has here among the white people, and I feel sure that if you will investigate the matter you will be sure to appoint me. I conscientiously think—

He is a man of ability. The letter shows that—

I conscientiously think that the Republican party is the party for the farmers of the country—

[Laughter.]

and I further think that when that party is in power, these who are Republicans should hold the offices, but I will frankly say that, should I not get the appointment, I will still be a good Republican and will feel unkind toward no one. I hope that you will give this matter your kind consideration, and give me the appointment. With great respect, I am,

Yours, very obediently,

A. B. WEEKS.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. SPOONER. Certainly.

Mr. TILLMAN. I thought the Senator from Wisconsin said a moment ago, on his own responsibility, that this is a sound-money Democrat. How could he say that when he had the confession of the man or the statement or the claim that he is a Republican?

Mr. SPOONER. I have known sound-money Democrats who got to be Republicans.

Mr. TILLMAN. Undoubtedly.

Mr. SPOONER. Now, Mr. President, here is a letter from J. L. Davis, the mayor, dated the eleventh month, 29, 1902.

Mr. MCLAURIN of Mississippi. I did not catch that. As I have never myself had an opportunity to see these letters, although I requested permission to see them, I would be glad if the Senator would read that, so that I can catch the date.

Mr. SPOONER. The eleventh month, twenty-ninth day, the year of our Lord 1902.

Mr. McLAURIN of Mississippi. Thank you.

Mr. SPOONER. It is as follows:

INDIANOLA, MISS., *November 29, 1902.*

Hon. CHARLES FITZGERALD,
Post-Office Inspector, Jackson, Miss.

DEAR SIR: I acknowledge receipt of your letter of the 23d, and in reply will say that I know of no parties, citizens or others, who "have banded together and intimidated Minnie M. Cox"—

This is quoted, I suppose, from Fitzgerald's letter to him—

to resign to take effect the 1st of January, 1903. I have been informed that there is a sentiment in the community that a change should be made in the post-office management, and that when this fact became known to Minnie M. Cox she, through her husband, offered to tender her resignation to take effect on January 1, 1903. I have never seen any paper purporting to be her resignation, or an offer to resign, and do not know of my own knowledge that such a proposition was made by her or her husband, but my impression is that she made the proposition to anticipate any action of the citizens looking to her resignation and without any special pressure or request from the citizens of the town. I will say further, in this connection, that it meets the wishes and approval of a vast majority of the citizens and patrons of the office that she resign, as I understand that she has agreed to do.

Minnie M. Cox has been postmistress here under the Harrison, McKinley, and Roosevelt Administrations, and the white people of the town and community have heretofore given her their support, have made her bonds, etc., but for various reasons they think the time has come when a change would be preferable; at least, that is the idea I gather from my contact with the citizens of the town and patrons of the office generally.

Considering the fact that fully five-sixths of the mail handled by the post-office at this place is sent and received by the white patrons of the office, it strikes me that the people have acted in a very exemplary manner to this time; and considering the further fact that she has acted as postmistress for years, and that she as postmistress and her husband as mail clerk have made money, and are now in easy circumstances, and that she finds the people and patrons generally desire a change in the administration, it seems to me that it is the part of wisdom on her part and the best way out of any unpleasant outcome of the matter for her to resign, as it seems that she has agreed to do.

I have freely expressed myself to you, not that I know the matters suggested herein to be facts, but that because I, as mayor of Indianola, very much prefer to have no unpleasant affairs to deal with, and because of the further fact that I think her resignation is desired by nearly every patron of the office.

Very truly, yours, J. L. DAVIS, *Mayor.*

No man can read that letter without seeing clearly in it by implication, Mr. President—it need not be sought, it need not be looked for—the opinion of the mayor that if she did not resign there would be an *unpleasant situation for the mayor to deal with.* What would the mayor, as mayor, have to do with the post-office, with the resignation of this woman? He might be invoked in case of *unpleasantness.* What sort of "unpleasantness" could the mayor have on his hands in that connection unless it be lawlessness? And that letter confirms clearly to my mind, Mr. President, the statement of the inspector that the mayor told him that if this woman did not resign from the office he could not be answerable for her safety.

I read an extract from the report by the inspector.

JANUARY 6, 1903.

He is a fearless man, and I do not think his honesty is challenged.

While I was treated with the utmost courtesy by the people last Sunday when I returned to Indianola——

Mr. COCKRELL. From what is the Senator reading?

Mr. SPOONER. I am reading from the report of the inspector, Mr. Fitzgerald.

While I was treated with the utmost courtesy by the people last Sunday when I returned to Indianola, yet I had an experience that I have not been able to understand. I got to Indianola at dark Sunday evening and went direct to the hotel, where I had been but a short time when I was called to the telephone. I did not recognize the voice of my caller, who said he was A. B. Weeks (brother-in-law of Mayor Davis and candidate for postmaster).

He said: "Mr. Fitzgerald, if you have trouble here to-night and need a friend, call on me." I thanked the speaker and assured him I apprehended no trouble. Later Sheriff Cox called me over the 'phone and invited me to come to his house, as he wanted to see me. I thought this a remarkable request, especially when the trip would involve a lonely walk of half a mile in the dark. Cox asked me if he could send a conveyance for me, and I replied, "No, I thank you; I will walk."

While engaged in the conversation at the 'phone a gentleman came in the room and asked of me, "Is this Mr. Fitzgerald?" saying, "My name is Richardson," editor of a local paper, and reminding me of a previous meeting at the home of a mutual friend in this city (Vicksburg) last summer. He says, "I heard from your conversation just now at the 'phone that you are going out to the sheriff's," and expressed a desire to accompany me and talk to me, to which I assented. We reached Cox's home and were met at the door by Cox, who showed some surprise at Richardson's presence, not, however, by word so much as manner.

We were ushered into a room where we found awaiting us Mayor Davis and his brother-in-law, A. B. Weeks, who earlier in the evening offered his aid in case of trouble. After entering the room an awkward silence followed, which was finally broken by the sheriff, who said: "To get down to business, Mr. Fitzgerald, the statement of our post-office troubles sent out from Washington quotes you as saying that the sheriff and the mayor advised you that if the postmistress continued in office after January 1 they could not be answerable for her personal safety. Did you make this statement in your report?"

I promptly replied, "Yes, sir; I made that statement, and correctly quoted you and Mr. Davis, as each of you most assuredly gave me that information." I turned to the mayor and repeated this assertion and ceased speaking. Another period of silence followed, which was broken by the sheriff, who admitted that I had correctly reported him, whereupon I turned to the mayor and said pleasantly, but firmly, "And you, too, Mr. Davis." Throughout the interview Davis never once affirmed or denied my claim of having quoted him correctly. After this there was a brief exchange of pleasant words, and I bowed myself out of the room, accompanied by Mr. Richardson, who proposed to walk back to the hotel with me.

Mr. President, I hope I am not biased about this matter. I wish there was no question of color involved in it, because what stirs me about it, and it would just as much stir me wherever it happened, is the principle which is involved in it. It is not the matter of mere justice to this postmistress, but it is the right of the Government of the United States, acting within its constitutional jurisdiction, to execute its laws and administer its affairs through agencies of its own everywhere throughout its jurisdiction and where its flag floats without obstruction and without local duress applied to its officials.

The President of the United States, as clearly informed as ever a man was informed of anything by the papers that this woman, who had made a good official, having yet a year to serve, did not desire to resign, but had been forced to resign, had to answer to himself and to his oath this question: Shall I leave a lawless element in that community to force an agent of the United States to resign, to interrupt her in the discharge of purely Federal functions, or shall I refuse to accept her resignation, maintain there the post-office, the property of the United States, keep on the rolls this competent postmistress, and as they have closed that post-office allow it to remain closed until the law-abiding element of Indianola will permit this agent of the United States to discharge the functions of the United States in their midst?

I thank God that the President of the United States saw his way clear, Mr. President, and I hope it will not be dimmed in any future case, to maintain the right of the Government of the United States to maintain its functions within the States by agencies chosen by the President and the Senate, not by local "mass meetings." If any other rule than that should prevail, if the President departed in this instance from the high principle which in the interest of all of us should be observed, what would be the result; where would it stop? If it is permitted to succeed in this case, it will in others. If it may be done in the South, it may in the North. Every successful impairment of the national faculties breeds others. There is but one safe way, and that is to permit not one to succeed. I know the President will be as insistent as anyone who has ever occupied the office that officials shall discharge with courtesy, with propriety, with fidelity the duties of their respective offices.

I know he will listen with keen interest to complaints coming from localities as to the fitness and efficiency of Government appointees. But where the records of the Government show that through nine years an official has been a faithful and efficient agent, courteous, kindly, often commended, with no official criticism upon her, with no local complaint of her registered, and that she has been forced by a community to resign, I hope the President will not accept the resignation; and if that leads to closing the post-office, if that leads to a deprivation of a locality of postal facilities, that they may undergo that inconvenience until the people regain their sense of law and of what is due to the National Government, and notify the authorities that they will protect this Federal agent in the discharge of Federal duties.

Mr. President, this question has been settled, and it ought never to be permitted by any President of the United States to be in the slightest degree unsettled. The war was fought on that principle. The technical ground upon which the war was carried on was the right of the Federal Government to enforce its laws and to protect its property and to carry on governmental business all over the United States, and without the consent of States as organized sovereignties or of localities. It was in support of that principle that our armies in the civil war were organized, that the battles of that war were fought. It was upon that principle that General Dix issued his order which thrilled the country, applying to a flag floating above a ship belonging to the United States, "If anyone attempts to haul down the American flag, shoot him on the spot." It is the law which the Supreme Court of the United States, quoting from Chief Justice Marshall—essential to the perpetuity and virility of government—applied in the Debs case, and that is the law applicable in this case, 158 U. S., 568.

The court say, quoting, with approval, from Chief Justice Marshall:

No trace is to be found in the Constitution of an intention to create a dependence of the Government of the Union on those of the States for the execution of the great powers assigned to it. Its means are adequate to its ends, *and on those means alone was it expected to rely for the accomplishment of its ends.*

To impose on it the necessity of resorting to means which it can not control, which another government may furnish or withhold, would render its course precarious, the result of its measures uncertain, and create dependence on other governments, which might disappoint its most important designs, and is incompatible with the language of the Consitution. (McCulloch *v.* Maryland, 17 U. S.) * * *

We hold it to be an incontrovertible principle that the Government of the United States may, by means of physical force exercised through its official agents, execute on every foot of American soil the powers and functions which belong to it.

This is vital, and if the Government is not dependent upon the consent of States to the exercise of governmental functions, how

much less is it dependent upon the consent of the people of towns, villages, and cities?

Is it to be admitted for a moment or permitted for a moment that the people of a village or city may close a post-office established and officered under the Constitution and laws of the United States by *forcing* the agent of the Government to quit because they do not like that agent? Is the conduct of a post-office by the General Government to be made to depend upon the approval by the patrons of the agent chosen by the Government?

May the choice of a postmaster or a marshal or district attorney be taken practically from the President and the Senate and made to depend upon the dictation of the people of a locality? And if one postmaster, chosen by the President and Senate, may be forced to quit and a successor appointed, why may not one successor after another be forced to resign until one *satisfactory to the locality* shall have been chosen?

And then who, in fact, will have appointed the official?

The Federal agent must be appointed by the constitutional methods, and obstructions in any way in the discharge of Federal functions by localities can not be permitted.

This principle, so essential to the existence and efficiency of the National Government, has cost too much of life and blood and treasure and is too well seated to render tolerable any violations of it anywhere for a moment.

Here is a post-office. Under the Constitution Congress establishes post-offices and post-roads. The sign of the sovereignty of the Federal Government in Indianola is the post-office. That is the one place, Mr. President, where the flag of the United States has a right to float as testimony that it is in possession of the United States and subject alone to its jurisdiction; and if the agencies of the United States are to be carried on or obstructed in a State at the wish, caprice, whim, or because of hatred or excitement of individuals or masses, what becomes of the Government as a government of power and a government of law? What becomes of the President sworn to support the Constitution of the United States and to take care that the laws be faithfully executed?

Now, that is the principle which underlies this case. I am sorry the trouble occurred. I hope and believe that if it were to be done again it would not occur; but I hope the President of the United States will not accept the resignation of Mrs. Cox. I hope he will leave the situation there where the people leave it—with a post-office and an agent of the United States ready and willing to discharge the duties of postmaster or postmistress—until the people of that community give their assurance that that agent of the United States shall be protected from themselves.

The President, I suppose, would have the right to protect that postmistress in the discharge of her duties. I do not think he is called upon to do that thing in order to force upon the people of a community facilities which primarily, perhaps, are created and afforded for their convenience.

That is all I want to say about the Indianola case at this time, Mr. President. I should like to pursue it, but there is not time. I justify absolutely the Postmaster-General and the President in the action which has been taken.

Mr. McLAURIN of Mississippi. Mr. President, on the 15th of this month I took occasion in this body, not to assail the President or the Postmaster-General for closing a post-office in the State of Mississippi, at a county town, where some fifteen hundred or two thousand people live, a prosperous community, a law-abiding people, but to refute a charge that had been made by the President's secretary, and stated to be for the President, that the people of that town were a lawless and brutal element. I did not discuss the propriety or the impropriety of the President's action in closing the post-office, for it is the President's action and not the action of the Postmaster-General. I did not feel called upon to discuss it, because I did not feel that its discussion was necessary to a vindication of the people of that community, who are my constituents.

I stated at that time, however, in response to a question from the Senator from Wisconsin [Mr. SPOONER] that if it was desired to pursue the indictment made by the President's secretary for the President against that community I should always be ready, in my humble way, to respond to it. There is nothing I have said that could have elicited the arraignment of the people of that community, and virtually of the people of the entire State of Mississippi, by the Senator from Wisconsin.

I read an extract which was exceedingly objectionable to me, because it was on the people of Indianola and of the entire State. Then I read the evidence in my possession to refute that.

I had not had access, as the Senator has had, to the correspondence of the President and the Postmaster-General. The people of Indianola have not had access to it. They could not tell upon what the charges that had been made against them were predicated. They could only tell, and I could only tell, that a statement had gone out to the people of the United States and to the people of the world, with all the force and effect of the utterance of the private secretary of the President of the United States, making charges against those people. And to-day for the first time I have heard some of the evidence read upon which the charge against those people was made and upon which the office at Indianola was abolished.

Now, I propose in my plain and simple way to present to the Senate the case of those people and the people of Mississippi, because the entire State sympathizes with those people. While "I am no orator, as Brutus is," I feel that the mere statement of facts, without any declamation and without any oratory, is sufficient to justify those people in their indignation. It is not against the President, because the people of that community as a rule believe that the President has been misinformed, that he has acted hastily and upon impulse in this matter, but against those who have given him information upon which to predicate any such charge. Mark you, there has not been an iota of testimony, an iota of information contained in anything said by the Senator from Wisconsin, upon which it can be charged with any degree of fairness or with any degree of justice that the people of Indianola have, or that any single individual among the people of Indianola has, made any threat of violence or any other threat against the postmaster.

There is nothing to show that there is not the best of feeling between the people of Indianola and the postmaster, taking into consideration the racial distinction between them. That they do not want a colored postmaster there I admit and they admit. That they have their race prejudice they admit and I admit. That it is a race prejudice which exists all over the South there can be no denial; aye, that it exists all over the North, all over this country, there can be no denial. There may be some few isolated cases here and there where the race prejudice does not exist, but in every section of this country, I do not care in what section, the feeling of race prejudice does exist.

The Senator has said that he does not intend to discuss the race question or the race problem. This matter can not be presented to the Senate without discussing it. It is involved at the very threshold of this discussion. Because of the racial distinction, because of the fact that the white people of that community and the white people of Mississippi do not want negro postmasters appointed to give them out their mail, arises this trouble, not from any lawlessness on the part of those people. They have gone about the attempt to rid themselves of this disagreeable situation in a lawful manner. They have done what they thought they had a right to do, and what they feel now and what they ever will feel they have a right to do. They have petitioned a portion of the Government for the redress of what they conceive to be their grievances, a right that is not only a natural right, but a right that we are guaranteed shall never be abridged by any act of the Congress of the United States. We are assured of that by the Constitution.

There has been no lawless act. There is nothing that has been shown here by the President, by the Senator from Wisconsin, by the inspector, or by any evidence the Senator has read to show that there has been a single lawless act by anybody. It is true that some man who had gone over to the Republican party and now extols the principles and policies of that party had applied for this office, and the Senator created some levity by reading a letter of that man, not a member of my party, according to his own confession and his own statement, but a member of the Senator's party, who is seeking to get office under the present Administration, and, as he claims, and I suppose justly, extols the present Administration because he thinks that the adulation of the Administration is the best means of conducting him into office.

Now, let us get at the very threshold of this business. The secretary of the President says that—

> The postmaster recently forwarded her resignation to take effect on January 1, but the report of the inspectors and information received from various reputable white citizens of the town and neighborhood show that the resignation was forced by a brutal and lawless element purely upon the ground of her color, and was obtained under terror of threats of physical violence.

This is the indictment he proposes to prosecute. This is the indictment to a prosecution upon which I said I wanted to respond, and would respond, if the Senator from Wisconsin [Mr. SPOONER] desired to prosecute it. The charge is not a moral duress, but that her resignation was forced by reason of threats of terror of violence.

I have never heard it said in the Senate Chamber before, and I had never thought that it would come to the point where it would be proclaimed by a Senator from his seat in the Senate Chamber of the United States, that the people have no right to lawfully assemble and peaceably petition for a redress of their grievances.

They say, too, that it gives this woman to understand she was not wanted in this office. That was just exactly the motive they had in presenting the petition to her, or at least if they had ever

presented the petition to her, the motive they had in doing so would have been to show that she was not wanted there. It does not make any difference whether it was because of her color, or from whatever cause. The fact is, the people of that community did not want her there, and they had a right to say so, and they had a right to say it to her. They had a right to say it to the President of the United States. They were not confined in their right to say it to anybody, and they were preparing to say it to her when she sent in her resignation.

She had been there on friendly terms with our people. Their relations had been friendly, as that of a negro postmaster with a lot of white people who had prejudices on account of their race. The negroes have their race prejudices as well as we do. They stand by the negro and we stand by the white man, when it comes to a contest between the negro and the white man.

They presented the petition to her, or were prepared to present the petition to her, and not to the President of the United States. It was their privilege to present it to her first, and see if she would resign without any charge being brought against her before the Post-Office Department, and if she did not resign, and if they thought proper to do so, they would present it to the President of the United States. That was a matter within their discretion. That was a right which they had, and they went about it in a peaceable way.

As I have said, I never expected to hear it stated in the Senate of the United States that the people did not have a right to peaceably assemble and consult about their business affairs in a lawful way. I remember meeting last year a man from Kentucky who alleged that the assassin of Goebel was justified in assassinating him because he had contested the election of his opponent in the election the previous year; that Goebel had no right to contest it. I remember, when I put the proposition to him that Goebel was acting according to the laws of the State of Kentucky in a peaceable and lawful way to contest his right as any other litigant would do, he contended that he had no legal or moral right to present his case to the legislature of the State of Kentucky that they might decide it.

I was astonished that a man should make such a proposition as that. But it did not astonish me as it does that the proposition shall be made in the Senate of the United States, by a learned Senator—than whom there is no better lawyer, than whom there is no abler Senator in this Chamber—that any people in this country, when they from any cause desire the removal of a postmaster or any other official, have no right to present their petition to her or to hold a mass meeting to see whether they can have a consensus of opinion in the steps they were about to take, and lawful steps at that, to procure her removal.

I remember this question of the right of petition in a case which came up from the State of Louisiana (United States *v.* Cruikshank, U. S. Reports, vol. 92, pp. 552 and 553). Chief Justice Waite delivered the opinion of the court on the question. He said:

> The right of the people peaceably to assemble for the purpose of petitioning Congress for a redress of grievances, or for anything else connected with the powers or the duties of the National Government, is an attribute of national citizenship, and, as such, under the protection of and guaranteed by the United States. The very idea of a government, republican in form, implies a right on the part of its citizens to meet peaceably for consultation in respect to public affairs and to petition for a redress of grievances.

Mark you, to meet peaceably for consultation in respect to public affairs. Did these people do anything else? Has there been any pretense by anybody, by the report of the inspector, by the letter that has been read, by anything that has been said by the Senator from Wisconsin or by the President of the United States or the Postmaster-General, that these people did not meet peaceably for consultation in respect to public affairs? Is not the office where they get their mail a matter of public affairs to them? And yet it is pretended that if they do that they are outraging a postmaster whom they do not want in the post-office; that they are bringing to bear duress upon her; that it is a strong man against a woman. It is the community who asked for the resignation, and it was given voluntarily and freely, without any compulsion and without any duress from anybody, and there is no pretense of anything done that can be tortured into duress.

I know that Senators can rise upon this floor, make inflammatory speeches, and denounce the people of any community. When they denounce the people of the community of Indianola they denounce the entire people of the State of Mississippi, for all the people of Mississippi have the same views on this question. I know that Senators can predicate their charges upon facts that are not in existence, and of which there is not the least scintilla of evidence, but they can not change the right of every American community—even the people of Mississippi—to meet peaceably for consultation in respect to public affairs, even if the public affairs concern the post-office and postmaster at Indianola, Miss. The court proceeds:

> If it had been alleged in these counts that the object of the defendants was to prevent a meeting for such a purpose, the case would have been within the statute and within the scope of the sovereignty of the United States. Such, however, is not the case. The offense, as stated in the indictment, will be made out if it be shown that the object of the conspiracy was to prevent a meeting for any lawful purpose whatever.

It would be an offense to undertake to prevent the people of any community in these States from meeting peaceably for consultation about their public affairs; and that is all the people of Indianola have done.

Now, because they did that, and because they appointed a committee of three persons to draw up a petition addressed to the postmaster asking her to resign, and a respectful petition it was, they are denounced as a lawless, brutal element.

I want to call the attention of the Senate to one thing as I go along, as a fact, so that it can be appreciated. About 75 per cent of the people of Indianola are negroes and 25 per cent white people. About 90 per cent of the taxes paid are paid by white people and about 10 per cent by negroes. About five-sixths of the mail of that office is mail of white people. I want to get that fact before the Senate so that Senators may see the pertinency and reasonableness of the petition. It is a petition gotten up, never presented, but intended to have been presented.

Here it is; I will read it:

INDIANOLA, MISS., *September 19, 1902.*

To M. M. COX, *Postmistress of Indianola, Miss.:*

We, the undersigned, hereby request that you tender your resignation as postmistress of the Indianola office, to take effect on the 1st day of November, 1902.

This is a copy, certified to by the clerk:

STATE OF MISSISSIPPI, *Sunflower County:*

I, W. P. Gresham, chancery clerk and ex officio notary public in and for the county and State aforesaid, certify that the foregoing petition, or request, is a true and correct copy of the petition, or request, prepared on the day and date written and signed on the day and date above named, for the purpose of presenting to the postmaster at this place, asking for her resignation.

Witness my signature this the 21st day of January, A. D. 1903.

[SEAL.] W. P. GRESHAM,
Chancery Clerk.

STATE OF MISSISSIPPI, *Sunflower County:*

I, W. D. Watts, circuit clerk and ex officio notary public in and for the county and State aforesaid, hereby certify that W. P. Gresham, who has certified to the correctness of the petition to which this certificate is attached, is the chancery clerk and ex officio notary public in and for the county and State aforesaid.

Witness my hand and seal of office this the 21st day of January, A. D. 1903.

[SEAL.] W. D. WATTS.
Circuit Clerk.

That is the gravamen of the offense. This petition was prepared, but never presented to Minnie Cox. It was prepared for presentation to her.

Mr. TILLMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from South Carolina?

Mr. McLAURIN of Mississippi. Certainly.

Mr. TILLMAN. How many signatures are attached to that petition?

Mr. McLAURIN of Mississippi. There are 49 to this one. There were probably some other petitions, but there are only 49 signatures to this one.

As I was going to say a while ago, which escaped my attention just then, 75 per cent of the population are negroes. The town has some 1,500 or 2,000 inhabitants in it. I think there are 85 white people. On the first day of the mass meeting there were 53 white men in the meeting; at the second meeting there were 85. My information is that every single, solitary man in the town was in the second meeting, except perhaps Mr. A. B. Weeks, who has gone over to the Republican party for the purpose of getting the office, like most of the men of the South who are in the Republican party have done. [Laughter.]

Mr. CLAY. In Mississippi?

Mr. McLAURIN of Mississippi. Yes, sir; and I suppose in Georgia.

Now, at this first meeting this committee was appointed to get signatures to the petition to be presented to Minnie Cox before the next meeting. Before it ever was presented to her and before there was ever any communication with her by any man authorized to speak for that mass meeting her husband presented to Mr. Chapman the resignation of Minnie Cox, to be tendered and read to the mass meeting, just one week after the first mass meeting.

Now, there has been a great deal said by the Senator from Wisconsin about her tendering the resignation to the mass meeting instead of tendering it to the President of the United States. Surely the people of Indianola are not responsible for that, and I am not responsible for it. She selected the people to whom she would present the resignation. It was a matter of her own choice. These people did not want her and she knew it. The negotiations were between her and them, and she asked that they make it the 1st day of January, 1903, instead of the 1st day of November, 1902.

In this connection I will read the affidavit of P. C. Chapman and statements of others. It is as follows:

STATE OF MISSISSIPPI,
Sunflower County, Town of Indianola:

This day personally appeared before me, W. P. Gresham, clerk of the chancery court in and for the county and State aforesaid, P. C. Chapman, who, being sworn, says that he has been a citizen of the town of Indianola and county of Sunflower since October, 1887. That he is personally acquainted with each and every man in the town of Indianola. That to the best of his knowledge, information, and belief that no person in the county of Sunflower or in the town of Indianola has ever demanded the resignation of Minnie Cox as postmaster at this place, and affiant further states that no committee, either in person or by petition presented to the said Minnie Cox, ever requested her resignation as postmaster of Indianola office; would further state that no force, threats, or intimidating methods were used by the people of Indianola against the said Minnie Cox in forcing her resignation as postmaster. Affiant further states of his own personal knowledge that Wayne Cox came in person to affiant's office on the evening of the meeting of the citizens held that night and stated that he had learned that a petition requesting the resignation of Minnie Cox as postmaster at Indianola was being circulated; that he desired that this resignation should be read to the people that night, for the reason that he had been a citizen of this community for years and he was not willing for his wife, Minnie Cox, to hold the office after he had learned that a majority of the citizens desired her resignation. Affiant would further state that the said Wayne Cox handed to him the resignation of his wife, Minnie Cox, which was read at said meeting.

Affiant would further state that from his best knowledge, information, and belief that this resignation was tendered voluntarily and without any fear or threat or intimidation, as she voluntarily notified the people of Indianola in a public assembly that since it was the wish of the people that she should no longer hold the position of postmaster, that she would tender her resignation, to take effect on the 1st day of January, A. D. 1903.

P. C. CHAPMAN.

Sworn to and subscribed before me this 21st day of January, A. D. 1903.
[SEAL.] W. P. GRESHAM, *Chancery Clerk.*

I heartily indorse the above statement by Hon. P. C. Chapman in full as the whole truth.

J. W. WELCH, *County Treasurer.*

Substantiated by—
[SEAL.] W. D. WATTS, *Circuit Clerk.*

We indorse the above statement made by P. C. Chapman as a true statement of the facts.

W. T. Pitts, cashier Bank of Indianola; J. L. Davis, mayor; A. E. Andersen, jr., ex-sheriff; A. C. Cox, sheriff; R. P. Miller, ex-sheriff; W. E. Chapman, editor and notary; D. M. Quinn, county superintendent of education; W. P. Gresham, chancery clerk; C. P. Adair, editor Sunflower Penser.

It is said that that very request from her indicates that she did this under duress, because why should she ask them to make it the 1st day of January instead of the 1st day of November, 1902? It is the most simple thing in the world. She was negotiating with them. She wanted to settle the affairs of her office. She did not want to hold it in opposition to the wishes of the white people of Indianola, the people who get their mail there, and she wanted to agree upon a time that would be satisfactory to them as well as to her, because she did not want to hold it in opposition to their wishes. She wanted to consult them with reference to the time when it was satisfactory to them for her resignation to take effect.

I now read the affidavit of D. M. Quinn:

Personally appeared before me, W. D. Watts, clerk of the circuit court of the county of Sunflower and State of Mississippi, D. M. Quinn, who, after having been duly sworn, makes the following statement under oath, to wit: That he was present at the two meetings of citizens of Indianola in said county, held at the court-house during the month of September, 1902; that said meetings were orderly and composed of the best law-abiding citizens of said town, and that neither of said meetings took any action demanding the resignation of Minnie Cox, the postmistress of said town, or to intimidate her in any way; said meetings took no action relative to the resignation of Minnie Cox except to carry by an affirmative vote a motion requesting that she resign the office of postmistress; that a petition was circulated among the citizens of the town, which contained a request that the postmistress resign, but states further to the best of his knowledge and belief that said petition was never presented to either Minnie Cox, the postmistress, or her husband, and no one was authorized by either of said meetings to carry any request to the postmistress or in any way make known to her the wishes of said meeting that she resign the office. He further states on information and belief that the postmistress resigned for the reason that she became aware of the fact that a majority of the patrons of the office desired her to do so, and not by reason of any threats of violence or intimidation from any source.

D. M. QUINN.

Sworn to and subscribed before me this 21st day of January, A. D. 1903.
[SEAL.] W. D. WATTS,
Clerk of the Circuit Court of said County.

There was a treaty between Great Britain and this country, and an extra session of the Senate was called for its consideration. In that treaty I suppose many propositions and counter propositions were made between the Secretary of State of the United States and the premier of Great Britain. It could not be said that because one made a proposition to the other and asked that such and such be done he was doing it under duress, or that the other who accepted it was accepting it under duress.

There is no doubt and no denial of the proposition that Indianola wanted Minnie Cox out of the office because of her color. They did not want to resort, and did not resort, to any illegal means or any violent means to get her out, but they resorted to that peaceable means which they thought would be effective to get her out.

As I said, the race distinction exists. There can not be any denial of that. It exists all over this country. Many years ago, more than a century ago, the people of this country, commencing in the North—in New England—went to Africa and brought here from barbarism and from cannibalism an inferior race of people. That race of people have lived here ever since. Our people have regarded them all over the country as an inferior race of people. It does not follow, however, as is charged by the Senator from Wisconsin, that there is any hate between the white people and negroes. There certainly is not in our section of the country. In the State of Mississippi there certainly is none. So the Senator is mistaken——

Mr. SPOONER. I did not say that.

Mr. McLAURIN of Mississippi. The Senator referred to the hate of those people against the colored race.

Mr. SPOONER. I was speaking generally. I did not refer to any particular locality in the United States.

Mr. McLAURIN of Mississippi. Now, the colored people, as I said, were elevated from a condition of barbarism and cannibalism to a condition of slavery. They were an inferior race. It was a blessing to the negro race and a curse to the white race in the United States.

There is the friendliest feeling existing in the State of Mississippi between the negroes and the white people. Nevertheless, it is recognized there that they are an inferior race. It is recognized by the negro race themselves. All over this country men boast of having in their veins Scotch blood, Welsh blood, English blood, Irish blood, German blood, Italian blood, Spanish blood, French blood, Portuguese blood. Who ever heard of a man boasting that he had within his veins negro blood? This prejudice, I do not mean ill feeling, but race distinction, exists in the Senator's section as it does in my section. It exists in the Senator's State as well as it does in my State. I do not say that there is any ill feeling, but race distinction. We want to build up the negro. We send him to school in the State of Mississippi.

I venture the assertion that in no other State, especially in no State in the North, are as many negro children sent to the common schools of the State, supported from a common fund appropriated out of the State treasury, as are sent in the State of Mississippi to our common schools, supported by appropriations from our State treasury. We send 25 per cent more colored children to our schools than we do white children. We send them the same length of time that we do our white children. We support a college in our State for the higher education of the negroes, both male and female. Nevertheless it does not follow that there is anybody there who believes that the white race is not superior to the negro race. It is not a condition of our making. It is a condition that came down to us from the plastic hand of the Almighty himself and has existed ever since, and it is likely to exist as long as time shall last. It is a condition, as I have said, for which we are not responsible.

I say to the Senator who prosecutes this charge against the people of Indianola—because it is against the entire people of Indianola—that the entire people of Indianola have been guilty of trying to get this woman out of office peaceably and not unlawfully. Not only so, but the entire people of Mississippi sympathize with them in it, as one labor union strikes in sympathy with another labor union. The same condition exists all over the State. Indianola is not a peculiar, isolated section of the State which has a race distinction which does not exist anywhere else. It exists all over the State.

Now, let us test the matter of the fairness of the Senator. I have said the President was misinformed, and I repeat he was misinformed. It seems that the President has only talked with those of one side, and shuts his ears to anything on the other side. The President decided this matter without allowing the people of Indianola any hearing. He never asked for anything from them. There was not a single, solitary citizen of Indianola consulted about this matter. He said to the people, "You must have your office closed because you are forcing this woman to resign." There was not any opportunity to the people there to defend themselves against any charge made. On the contrary, on an ex parte hearing the President took his action. I believe the Senator from Wisconsin stated that he has not read all the correspondence between the President and his advisers. We are not yet advised of what we are called upon to answer; but from a one-sided statement by somebody, or bodies, the President suspended that office.

There is evidence which has been in the possession of the President of the United States, and which had not been presented to this body, which was read for the first time by the Senator from Wisconsin. So that, whatever that evidence may be, we know nothing about it, the people of Indianola know nothing about it, and we have no opportunity to defend ourselves against it or to deny it.

Mr. CARMACK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Tennessee?

Mr. McLAURIN of Mississippi. Certainly.

Mr. CARMACK. I ask the Senator from Mississippi if I correctly understood him to say that he was denied the right to read the documents presented here by the Senator from Wisconsin?

Mr. McLAURIN of Mississippi. When I received a letter from Mr. Chapman, which I read to the Senate on the 15th of this month in my former statement, I went to the Postmaster-General, read to him that letter, and asked him for a copy of the correspondence. I was told that that was never allowed, but that sometimes correspondence of that kind was read to those who desired to hear it, and that, under those circumstances, I must go to the President for permission to see it.

I went to the President, and I presented the request to him for a copy of the correspondence in obedience to the desire expressed by Mr. Chapman in his letter to me. I read the entire letter to the President and to the Postmaster-General. I was informed by the President and informed by the Postmaster-General that part of the correspondence was addressed to the President and not to the Postmaster-General. That correspondence I was not shown. I requested a copy of that correspondence. It was not shown to me, but the President wrote a card to the Postmaster-General, authorizing him, if he saw proper—I am not sure now whether it was to allow me to read the correspondence or to show it to me.

I carried that card to the Postmaster-General, and he read to me part of the report of the post-office inspector. I thought at the time, when I made the statement a while ago, that it was his first report, but my recollection now, after hearing the Senator from Wisconsin read it, is that it was the second report. I think it was the same report which was read here by the Senator from Wisconsin.

The Postmaster-General read to me also a letter of Mr. Humphreys, the member-elect to the House of Representatives from that district. My recollection now is that nothing else was shown me. My request was to see all the correspondence addressed to the President and to the Postmaster-General, so that I might know upon what was predicated the abolition of this office. The office may not have been abolished, as the Senator says, but it may as well be abolished for all the good it is doing the people of Indianola. They are getting no benefit whatever from it.

I did not get to see the letter from Mr. Davis. I was told that Mr. Davis had stated in writing that he would not guarantee the personal safety of the postmaster if she should return to take charge of the office. I challenge the reading of that letter, which is claimed to bear that construction. This is the first time I have ever heard it read. It was read as part of the testimony by the Senator from Wisconsin, but I challenge the reading of that letter to show that there is anything in it showing that Mr. Davis denied that the postmaster would be perfectly safe in returning to Indianola and taking possession of the office.

I have a letter from the mayor of the town which I will read, but before I do that I want to ask in reference to this matter, How could it be that those people could refute what was said in those letters when their contents were not known to them; when they were not only not aware of them, but when they were denied the opportunity to see them or to have them read, except as extracts were read from them? There was no opportunity on the face of the earth to contradict the evidence upon which the charge was made against them that there was a brutal and lawless element there, who have by threats, terror, and violence forced the resignation of the postmaster. This charge is against the entire people there, because the alleged threat, as contended by the Senator, consisted of a peaceable meeting petitioning the postmaster to resign. Every threat that can be found is found in that action of that meeting, because that is all that was done. The people of Indianola have had no opportunity to answer; they have had no opportunity to see the charge. They do not know what has been said.

The action of the Vehmgerichte was not worse than is this action against the people of Indianola, except in the severity of the penalty. I have read that more than six hundred years ago there existed a society, called the "Vehmgerichte," that tried its accused not only in his absence, but in his ignorance of the fact that he was accused. They tried him without letting him know there was any charge preferred against him. They convicted him; then they carried him into a room, where he was called upon to kneel before a crucifix, and then by a trap-door process they dropped him 80 or 100 feet below on revolving spears and knives, where he was cut to pieces, and after that he was only known as "the forgotten."

Now, what worse was that than this charge against these people, except that in this case the Government did not take their lives when they found them guilty? They took away from them the prop which upholds their business, the prop which upholds their correspondence, the prop which gives them the opportunity to read the news of the world in the daily papers. They took away from them the daily press, and did it upon a charge of which Indianola had no knowledge and which they were not even permitted to see.

When these people were denied post-office facilities, when the office was closed, this woman stayed there four or five days, walked the streets in perfect security and safety, and then went to visit relatives in Birmingham, Ala. Later she refused to go back and take charge of the office. No threat against her was made and can be found anywhere, unless it be in the fertile brain and imagination of the President, the Postmaster-General, and Senators, who find a threat in a peaceable assembly of a law-abiding community. I believe the Senator from Wisconsin did state that a majority of them were law-abiding people. In the assembly of this law-abiding people is found the threat of violence and of terror to this woman, so that she refused to go back and take charge of the post-office. The Administration refused to accept her resignation, and I suppose her pay goes on, though she refuses to perform the service.

Because the timorousness of this woman has prevailed upon her to refuse to go back and take charge of the office the people of Indianola are denied a postmaster—this timorousness, coupled with the refusal of the President to accept her resignation when it had been formally tendered.

Then what? The Post-Office Department ordered the mail to be forwarded where? To the nearest post-office? No; but they ordered it to be forwarded some 30 miles away—to Greenville.

Now, I want to read here what Mr. Justice Fuller, who now honors the office of Chief Justice of the United States, said in the case of in re Rapier:

> This is true, but while the legitimate end of the exercise of the power in question is to furnish mail facilities for the people of the United States, it is also true that mail facilities are not required to be furnished for every purpose.

The part to which I wish to call attention in that extract is this:

> The legitimate end of the exercise of the power in question is to furnish mail facilities for the people of the United States.

I have read the whole of it so that I can not be charged with having garbled it; I have read it from period to period.

> The legitimate—

I call especial attention to this part of that sentence—

> The legitimate end of the exercise of the power in question is to furnish mail facilities for the people of the United States.

I take it that means all the people of the United States and all of the United States.

Now, what? Suppose there had been some lawless persons in the town of Indianola who had made threats against the postmaster—I will say a lawless person, for that matter—and that the postmaster was driven out of office because of those threats; and suppose, as I said, the Senator from Wisconsin admits that most of the people are opposed to any such conduct, opposed to any such violence, opposed to any such threats, then what? Is it not right, is it not a duty of the sworn Executive of the United States and the Postmaster-General to furnish to those people the best postal facilities that can be furnished? Grant that it is the duty of the President of the United States to see that any officer of the United States is not intimidated; grant, for the sake of argument, that there was intimidation by some lawless man or men in small numbers in the town of Indianola, as is stated by the Senator from Wisconsin, and grant that his sense of duty impelled him, in order to see that such officers in the discharge of the functions of the Federal Government should not be driven out of that office, to close the office until the people there should be punished sufficiently to make them drive out those lawless men, whoever they were, what was his next duty?

His next sworn duty under the Constitution and laws of the United States was to give the people the next best facilities that they could have for their mail. Who denies or who will deny that? Will the Senator from Wisconsin deny it? Will any man in his senses deny it, whether he be a Senator, a Representative, or a private citizen of the United States?

It was the duty of the Government, through the courts, to enforce the law by the prosecution and conviction of anyone who unlawfully kept the postmaster from discharging her official duties, and to give mail facilities to all the people, but not to punish the innocent. The speech of the Senator, if his conclusions were admitted, shows that the innocent are being punished for what he says is the unlawful actions of a very few. The President is now punishing Indianola for making known in a peaceable, respectful, lawful way their desire for the change of an official. It is not a question, as claimed by the Senator, whether the President should sustain Federal officials in the discharge of their official duties; it is a question whether the people of any section of the country have the right to peaceably assemble and make known their wishes in respect to public affairs. That was all that was done in this instance. Nothing else can be found in the action of the people of Indianola by anyone unless it is a suspecting mind that attributes sinister motives to the most innocent act.

What did the President do? As I stated, he directed the mail to be sent to Greenville, 30 miles away. Four miles from there is Heathman. There is a railroad line, and only one railroad line, between Indianola and Greenville. It goes right by this office of Heathman, which, as I say, is only 4 miles from Indianola. A request was presented to the Postmaster-General to change this mail from Greenville to Heathman. While the laborer, the blacksmith, the shoemaker, the carpenter, the clerk, the lawyer, the doctor, the banker, the merchant, or anybody else engaged in business there, but especially the humbler citizens of the community, might not have an opportunity to go to Greenville oftener than once a week or even once a month, they could go over the 4 miles to Heathman and get their mail there.

But the answer to that letter was that the office at Heathman was not prepared with facilities for handling such a large mail as the mail of Indianola. Here is the letter of the Postmaster-General:

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., January 15, 1903,

Hon. A. J. McLAURIN, *United States Senate.*

MY DEAR SENATOR: Replying to your request that the mail for Indianola, Miss., be forwarded to Heathman, Miss., instead of to Greenville, as is now being done, I beg to say that Heathman is a very small office, of the fourth class, the entire receipts of the office amounting to only $115 last year. The office at Heathman is not in any manner equipped to handle such a large amount of mail as would be sent to it in the event your request was complied with.

Very truly, yours, H. C. PAYNE, *Postmaster-General.*

To that I answered—for I have the friendliest feeling toward the Postmaster-General, as I also have for the President of the United States, and they have both throughout this matter treated me with great courtesy, which I am now glad to acknowledge to the Senate and to the country—that I thought in considering this matter the Postmaster-General must have overlooked the letter which I read to him from the superintendent of education, Mr. Quinn. So I addressed this letter to the Postmaster-General:

UNITED STATES SENATE,
Washington, D. C., January 16, 1903.

Hon. H. C. PAYNE, *Washington, D. C.*

DEAR GENERAL: Your letter of yesterday is received this morning, in reference to my request that the mail for Indianola, Miss., be forwarded to Heathman, Miss., instead of to Greenville, Miss., until such time as the Indianola post-office shall be reopened, if such time shall ever come. I thought this request so reasonable that there could be no hesitancy in granting it, as without any extra expense to the Government the mail that is now placed by the Government about 30 miles from the patrons could be thus put within 4 miles of them.

In your denial of the request you say, "The office at Heathman is not in any manner equipped to handle such a large amount of mail," etc. You will remember that I called your attention especially to this part of the letter written by Hon. D. M. Quinn, county superintendent of education, January 10, 1903, to wit: "Crawford, the postmaster at Heathman, has two clerks in his store there, and assured me on Thursday of this week that he could handle the mail for Indianola without inconvenience." I also called the attention of the President especially to the same thing. This must have been overlooked in determining that the mail can not be handled at Heathman.

The people of Indianola have employed a person, as I understand, to carry their mail to Heathman and post it there, and have directed their correspondents to address them at Heathman, so the post-office at Heathman will have this mail to handle. The only mail for Indianola that will not be handled at Heathman will be that small amount that may be addressed to Indianola by some persons who have not been acquainted with the situation, in which small amount may happen to be some very important correspondence of some humble person not in the least responsible for existing conditions, from miscarriage of which such person may greatly suffer. While I have not express authority to do so, I take the liberty in behalf of the people of Indianola to propose that whatever extra expense the Government incurs in changing the mail for Indianola from Greenville to Heathman will be paid by the people of Indianola. If this proposition meets your approval, I will submit it for ratification to the Indianola people.

Faithfully, etc., A. J. McLAURIN.

I received the following reply, which reiterates the statement made in the first instance, that they did not have the mail facilities:

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., January 21, 1903.

Hon. A. J. McLAURIN,
United States Senate.

MY DEAR SENATOR: Replying to your letter of the 16th instant, I beg to say that I have carefully investigated the propriety of forwarding mail addressed to Indianola, Miss., to the post-office at Heathman instead of to Greenville, as is now the case.

As I have previously stated to you, Heathman is a small fourth-class office, the entire receipts for the year being about $100, and it is not in any manner equipped for handling mail to the amount which would be received in the event your request were complied with, and from the views of the practical post-office men in the Department it would not be desirable to carry out the plan you suggest.

Very truly yours,

H. C. PAYNE, *Postmaster-General.*

There can be no justification by anybody for the denial to the people of Indianola of the right to have their mail go to Heathman. The entire mail of Indianola practically does go to Heathman now. The Post-Office Department is compelled to provide facilities for the handling of the Indianola mail. It practically all goes there through private arrangements made by Indianola's people. There may be some straggling letters, as I wrote to the Postmaster-General, and there probably will be, written by some correspondent who has not been advised of the conditions there, and who does not know that a letter addressed to Indianola will not go to Indianola, but will be sent to Greenville, and, being sent to Greenville, the addressee will not receive it. It may entail some great hardship upon him; it may entail great loss, and it seems to me to be simply to carry out a determination to see that these people shall be punished into giving the assurance that this woman will be acceptable to the people of Indianola, an assurance that never will be given.

They say, "You must give us assurance." What assurance can they give? There has never been any violation of law by those people; there has never been any threat, and I challenge the prosecutor of these charges to show any threat that has been made against her, unless the peaceable assemblage of the people there can be denominated a threat—a peaceable assemblage of the people there to present their grievances and asking her, who had power to do it, to redress them by her resignation. If she did not want to do so, she was not required to do so any more than the President is required to grant a petition addressed to him. But surely that does not deny them the right to present the petition. That right existed in all times in this country. It exists in every free country. That the right of peaceably assembling and presenting petitions should not be abridged in certain particulars is put in the Constitution of the United States, but it is not given by the Constitution of the United States; the right to petition is not given by the Constitution of the United States. Those were rights the people had before. Those were inherent rights in the people to peaceably assemble and to present petitions for redress of grievances to any authority of the Government; but that it should not be infringed or abridged by the laws of Congress is given by the assurance of the Constitution of the United States.

I have here a letter from the mayor of Indianola. The Senator from Wisconsin construes a letter written by the mayor as implying that there would be great danger of physical violence to this woman if she came back, a construction that is unwarranted by the language. It would be unpleasant to the mayor, of course, and it would be unpleasant to all the people of Indianola, for her to come back there and reoccupy the office of postmaster, and for that reason she does not do it; not because she is afraid of violence, but she does not want to run counter to public opinion there; and public opinion is the opinion of the white people there, as is known to everybody there, whether white or black, and the negroes themselves recognize that. I am going to read this letter to show that there is no justification for the construction of the Senator from Wisconsin that any threat was implied in the letter of J. L. Davis. Not only that, but there is no justification for the construction which the Postmaster-General and the President put upon that letter.

Here is the letter:

INDIANOLA, MISS., *January 17, 1903.*

Hon. A. J. McLAURIN,
Washington, D. C.

DEAR SIR: I wish to thank you both personally and for the people of Indianola and vicinity for the great interest you have taken in our behalf and for the defense you have made for us. You know your people here, and you know that they are not the kind to forget a favor.

Now, as to Minnie Cox returning here, I want to assure you that she will be perfectly safe in returning, as safe as you yourself would be in coming here. But I want to impress on you the fact that there is not a man, woman, or child in this place who wants Minnie Cox as postmistress again. She has told at least a dozen people of this place that under no circumstances would she act as postmistress again, and as for defending her as postmistress, what would be the use in making such a statement, when she will not act in that capacity any more?

It has been claimed that this man would not give any assurance that he would defend her as postmaster if she came back, he being the mayor, and the sheriff would not give any assurance that he would defend her. He shows the reason for that was because there could be no necessity for giving an assurance of that kind, as she had uttered time and again her determination not to undertake to assume the office of postmaster there again.

She resigned the office voluntarily, and left the town of her own accord to visit a friend in Birmingham, and she knows that she can return whenever it suits her, or when she desires to do so. But we do not want her as postmistress, and if we can not get the office reopened, and continued without accepting her, we prefer to let it stand as it is. We did not force her to resign.

I hope the Senator from Wisconsin will remember that when he comes to comment upon the testimony of J. L. Davis, which he has introduced—

Right here, while it flits across my memory, I want to call attention to a statement of the Senator from Wisconsion in reference to the letter of the member-elect to the House of Representatives from that district, which I was not allowed during the time of his speech to correct. The Senator asserted that he would not have referred to the letter of the member-elect had it not been brought out by me. The Senator will recollect—and his remarks in the RECORD will show it when he comes to read them—that he was calling attention to the fact that certain parts of the correspondence in the Postmaster-General's Office had been read to me, or that the correspondence had been read to me. I then told the

Senator what parts of the correspondence and the documents in the Postmaster-General's Office had been read to me; so that it was the Senator who brought it out. I was compelled, when he called attention to what had been read to me, to state what it was that had been read, and so it was brought out by the Senator, and not by me. The letter continues:

And when she ascertained that she was not wanted by the citizens of the town, she acted in good sense in resigning, and we commend her action.

Will the Senator say because she acted in good sense in resigning, that thereby he means that if she had not resigned the people would have gone with a mob and with guns and pistols and killed the postmaster or run her out? It does not mean anything of that kind; and yet it would be just as reasonable, just as natural, and just as logical an inference as the inferences which the Senator drew from the letter of J. L. Davis, read by him. He goes on afterwards and explains himself.

If the President and the Postmaster-General want to discontinue this office, and thereby ruin the commerce of one of the best and most law-abiding towns in the United States, they will have to do so.

Those people have not arraigned the President; they have had no grievance against the President or the Postmaster-General. They have all the time disclaimed any such intention. It is in the letters received by me, which I read to the Senate heretofore in the speech I made in the presentation of this case. They acquit the President and Postmaster-General of any malignity or of any disposition to oppress them in this matter, of any enmity or hostility to them. But they have felt, they feel now, and I feel, too, that the President of the United States and the Postmaster-General have been misinformed about this matter.

We still believe the President has been misinformed, as his character is one of rugged honesty, and we want you to see him personally and lay this matter before him. If when he understands the situation he still wants to keep our post-office closed, he will have to do so. I do not mean to convey the idea that Minnie Cox would be assassinated, or even insulted, were she to return and open the office, but let me make it plain to you when I say that the people of this place and vicinity do not want Minnie Cox, or any other negro, as postmaster. Your friends here feel grateful, indeed, for the stand you have taken and for the defense you are making for them. This place is void of a lawless element, and as mayor I know this to be a fact.

With kindest regards, I am,

Yours, very truly, J. L. DAVIS, *Mayor.*

Now, these people have only wanted to make it plain, as they have made it plain, or have tried to make it plain to Wayne Cox, that they do not want any negro postmaster in Indianola; that they would rather have no postmaster there at all. They want to make this fact plain, so that there can be no doubt about it and no quibble over it. While that is true, while that is the unanimous sentiment and feeling of the people of Indianola, at the same time they assert that she would be as safe to go back there and assume charge of the office as I, one of their representatives in the American Senate, would be to go to the town of Indianola. They make that plain. That contradicts the construction put upon the letter written by Mr. Davis to the inspector. He wanted to convey the impression there, probably in language not so explicit as the impression is conveyed in the letter to me and conveyed to the Senate by my reading it to the Senate, that it would be an unpleasant affair to the people; that they did not want a negro postmaster, they wanted a white postmaster, and they preferred to have no post-office at all rather than have a negro postmaster.

Now, they have made arrangements for a private post-office of their own. They have a post-office, not a Government post-office, but a private post-office of their own. They have engaged as postmaster a white woman. They have engaged a mail carrier, and that mail carrier every day twice carries their mail to Heathman, 4 miles away, and posts it there. At the same time they receive from Heathman the correspondence that is directed there for the people of Indianola. I have been told that the papers had it that if on the margin of the envelope there was the statement that the mail was for Indianola, notwithstanding the fact that it was addressed to Heathman, it was sent to Greenville. I can not believe that unless I have further evidence for it. Notwithstanding the fact that they are denied the benefit of their mail within 4 miles, and it is sent 30 miles, I do not believe if it were addressed to Heathman, and on the margin it was stated that it was for Indianola people, it would for that reason be sent to Greenville.

I have another little document here which I want to read. I desire to read from Mr. Baird, because I have nothing to conceal from anybody in this matter. Mr. Baird was at one time a representative in the State legislature, and is a lawyer there of high standing. He comes from a fine family. He writes as follows:

INDIANOLA, MISS., *January 13, 1903.*

Hon. A. J. MCLAURIN, *Washington, D. C.*

DEAR SIR AND FRIEND: Chapman tells me your original telegram was addressed to me as well as himself. I was not at home is the reason I did not reply. I have had very little to say or do with the matter; was not at the first meeting of citizens to discuss the negro question when the resignation of the postmistress was demanded. At the second meeting I acted and voted with the majority in protesting that it should go out to the world that the good people of the town were in favor of forcing any law-abiding citizens to give up an office or make them leave the town.

That is, a majority of the people.

Minnie Cox tendered her resignation to last meeting, to take effect 1st of January, 1903. Hoping you may soon be able to relieve us of the situation,

I am, sincerely,

THOS. R. BAIRD.

Mr. Baird is one of those who states that it was a voluntary resignation. Mr. Baird is one of those who voted against a resolution to make the doctor leave town, and voted with the majority in doing so—and I am informed the doctor did not leave town. That a resolution of that kind was introduced into the meeting certainly is not a reflection upon the whole people in the county and the whole State of Mississippi, because whatever reflects upon the people of Indianola is a reflection upon the people of the entire State of Mississippi, inasmuch as it is a representative community of Mississippi. I say, because such a resolution was introduced by somebody is no reason why the people of the whole State should be denounced and branded as lawless and brutal, and that is the effect of it.

A majority voted it down. They were there acting as a unit—that is, getting the will of the majority. Whatever was the will of the majority was the will of the entire meeting. So when the majority voted and the majority expressed their wishes, it became the wishes of the entire community, and the wishes of the entire community were that the negro doctor should not be required to leave town.

Of course, the matter discussed about the negro who insulted the young lady in the store was not a matter of any resolution. It may have been referred to. The thing that brought about the trouble at the time it was brought about was that on the 18th of September a young lady—respectable, chaste, well-conducted, well-behaved, deportment unexceptional, nobody complaining of her at all, working for a living as a clerk in a store—was approached by a drunken negro porter with improper advances, which she resented and which she reported to her friends, who immediately, to use common parlance, went after him, and he was compelled to flee the town.

Let me tell you I have no apologies to make for it for the people of Mississippi. It will be done at any time, under any circumstances, by the people of Mississippi, and it will take a hundred thousand bayonets to restrain them when the virtue of their women is assailed.

Mr. SPOONER. Will the Senator from Mississippi permit me?

Mr. MCLAURIN of Mississippi. Yes, sir.

Mr. SPOONER. Mrs. Cox had not made any improper advances to any woman in Indianola, had she?

Mr. MCLAURIN of Mississippi. I have not said that she has. I made no reflection upon the postmaster. She is of a very good negro character, as I suppose. She has the respect of the white people of that community as a good, well-behaved negro, as I understand. Still, the fact that the postmaster has made no improper approaches to anybody does not justify a negro porter in making improper advances to a woman because she happened to be a clerk and unprotected.

Mr. SPOONER. Does the Senator mean to imply that I have justified that in anything I have said?

Mr. MCLAURIN of Mississippi. The Senator can say himself whether his question to me meant that.

Mr. SPOONER. No; I say Mrs. Cox——

Mr. MCLAURIN of Mississippi. I leave the Senator to say whether he meant that by his question to me.

Mr. SPOONER. I say whatever the people felt like doing or did do to this colored man who insulted a white woman would not afford any justification for the action against Mrs. Cox, because she had insulted no white woman.

Mr. MCLAURIN of Mississippi. The Senator can not parry it in any way like that. I want to say that in the State of Mississippi, and in every other State where the people have the idea about it that we have, when the negro question is sprung and there is trouble between the negroes and the whites, especially growing out of a proposition like that, it inflames feelings and passions which ought to be permitted to lie dormant. I am saying this to show that when the people of a community, who are human, who are possessed of human impulses, human instincts, if there may be such a word employed, human intuitions, are aroused they act like people do everywhere else. They go to extremes when race feeling is aroused. I suppose it is so in the State of Wisconsin as it is in our State.

I remember that only a little while ago—I may have occasion to read an account of it—in the State of Kansas a negro killed a white man. They could not tell which of two had done it. A mob took one out and hung him, even in the State of Kansas, and it turned out, as the report of the newspaper stated afterwards, that it was a case of mistaken identity, and they had hanged the brother of the guilty man instead of the guilty man himself. I

was calling attention to the insult offered by a drunken negro to a white girl in Indianola to show how race feeling broke out; how it lay quiet there for a long time; how the people had quietly submitted to this postmaster without raising any audible objection, and how they came to raise the objection just at this time, because there has been a great deal said—I inferred as much from the Senator's speech—as to why the people of Indianola permitted this negro woman to hold the office under the Administration of Mr. Harrison and under the Administration of Mr. McKinley and up to this time in the Administration of Mr. Roosevelt and just now come to raise the question.

I suppose there is always some reason for the action of human beings. I understood the Senator himself to read a letter of some man who had recently, from being a commercial, gold-standard Democrat, turned Republican to get the office, as Republicans in the South generally do, and that, wanting to get the office, he had instigated this movement to oust Minnie Cox. I infer that was the meaning of the reading of that letter, because it did not give any facts; it did not refer to any threats made or violence offered to this woman. He read the letter——

Mr. SPOONER. The Senator will permit me?

Mr. McLAURIN of Mississippi. Certainly.

Mr. SPOONER. I read the letter to show that the purpose had existed there to force the resignation of Mrs. Cox. That is what he said in the letter.

Mr. McLAURIN of Mississippi. And to get a white Republican in—this new convert to the Republican party.

Mr. SPOONER. He stated a pertinent fact, if it is true, and there is nothing in the papers or in anything the Senator has said to dispute it. They had resolved—and resolved quite early—that Mrs. Cox must resign, and the Senator himself has shown that they signed a polite request to Mrs. Cox to resign her office by November 2. It is not very often, I suppose, that the white people of communities down South present petitions to colored people. But they fixed a date in the first instance for her to resign. What does the Senator think? Suppose in the exercise of this alleged right of petition they meet and pass a resolution requesting a man against whom they were enraged for some reason to have the kindness to leave town within twenty-four hours. I suppose that would be the exercise of the right of petition.

Mr. McLAURIN of Mississippi. That would depend upon circumstances. I have known men who ought to be requested to leave in considerably less than twenty-four hours, and I know men that have been so ordered to leave.

Mr. SPOONER. I have no doubt the Senator has.

Mr. McLAURIN of Mississippi. Yes, sir; the Senator has.

Mr. SPOONER. But that is not the exercise of the right of petition. It is simply a threat, and everybody understands it is a threat; and when the people of a community circulate petitions to a Federal official, of whose conduct in the duties of the office there is no complaint, that she resign by a certain day—it is a wonder they did not fix the hour—does not the Senator regard that, situated as this woman was, as a threat?

Mr. McLAURIN of Mississippi. I do not. I do not regard it as any threat, because I do not believe these people would have done the woman the least harm if she had stayed there until now. I believe they would have taken a measure like they have adopted, to get their mail elsewhere. I believe she appreciated that. I believe she appreciated that their race distinctions went to the extent that they were not going to get their mail there any longer if she was postmaster; that they would have a white postmaster like they have, a private postmaster, getting their mail by private carrier from Heathman, as they certainly have a right to do.

Mr. SPOONER. I thank the Senator for his confession.

Mr. McLAURIN of Mississippi. I have made no confession. I am guilty of no crime.

I want to say one thing with reference to the Senator's statement that it is an unusual thing for the people to present a petition to a negro. That may be. But when they are put upon us and we make complaint, we ought not to be censured for it, unless it is on the idea of the boy who cried, "Ma! Ma! Make Bill behave himself. Every time I hit him on the head with the hammer he hallooes."

But the Senator a moment ago, when he interrupted me, said there was a resolution that the postmaster must resign. If the Senator persists in drawing illogical inferences and conclusions, he ought, in justice to the people of Mississippi, be accurate in his premises of facts. There was no resolution that she must resign. The resolution was that a committee be appointed to solicit signatures to a petition requesting her to resign. Having put their resolution in writing at a public, peaceable meeting to consult about their public affairs, the people of Indianola have a right to insist that the written resolution is the expression of their purpose.

Mr. SPOONER. If they had any complaint to make of the postmaster, why did they not make it to the man who appointed her and who could remove her? Why not make it to the man who had some power and responsibility? Why make it to the woman?

Mr. McLAURIN of Mississippi. Simply because it has not yet got to that point in this country, thank the Lord, that a man can not petition a negro postmaster if he desires to do so, even if it is a negro woman. Even the people of Mississippi have that right accorded to them thus far.

Let me see what Wayne Cox says about this. He has spoken about it. I quote from the Memphis Morning News:

WHAT WAYNE COX SAYS.

Probably the most significant feature in substantiation of this statement is the interview of Wayne Cox, the husband of the recent postmistress. Cox is an intelligent, industrious negro. He owns probably $35,000 worth of property in and around Indianola, and the business interests of the community are his interests. He has enough sense to know that he and his wife can not afford to fly in the face of public sentiment. Before leaving for Birmingham yesterday he talked to a special representative of the Morning News for half an hour or more.

"If my wife or myself had known that she was distasteful to the white people of this community she would have resigned long ago. I am a citizen of this town. I have lived here for years. I pay taxes here on my property, and the interests of this place are my interests. The white people are my friends and have treated me with consideration and kindness. I would not openly or by indirection do anything to offend them.

"As soon as I learned that my wife was no longer wanted by the white people I advised her to resign. Her resignation was not due to threats or intimidation. None were made. My wife does not care for the place and would not have it under the circumstances.

"We expect to stay here, and we feel sure we will be accorded the fair and just treatment we have always had.

"I do not find fault with the white people—those who wanted my wife's resignation. I think, however, that a mass meeting was unnecessary. If representative citizens had simply come to us and stated the facts the resignation would have been forthcoming just the same."

There is the statement of Wayne Cox himself. He and his wife felt, just as the newspapers stated, that it was not the thing for them to do to fly in the face of public sentiment. They did not want to fly in the face of public sentiment. They are people of property living in that community. They are people who enjoy the confidence of the white people of that community and the esteem of the white people as negroes in their place. The mass of the negroes there are people without property. They have, in a financial way, no interest in common with Wayne Cox and his wife. But Wayne Cox's interests, his financial interests, are a community of interest with the white people who own most of the property in that community. He did not want to have their ill will. It is natural, and the people of this community could see that as well as anyone else could, that the Coxes did not want to incur the displeasure and ill will of the people of that community. Therefore it was only necessary to let them know that her resignation was desired and it would be forthcoming, as it was forthcoming.

Now, I omitted the other day to read a telegram which I had when I made the statement before, but which was not at my desk at the time. It was dated Indianola, January 9, 1903.

Senator A. J. McLAURIN, *Washington, D. C.:*

Postmistress voluntarily resigned her office. Voluntarily left town. Will be safe and protected when she returns. Will write.

P. C. CHAPMAN.

Mr. HOAR. Why did she leave town?

Mr. McLAURIN of Mississippi. She left town, as I am informed, to visit her people. She stayed in town four or five days and walked the streets there after the office was closed. She certainly did not leave—if that is implied by the Senator's question—from any fear or threats of violence.

Mr. HOAR. I did not mean to imply anything by my question. I do not want to meddle with this debate. The Senator from Wisconsin [Mr. SPOONER] will take care of his own side of it. It struck me as a very curious thing that somebody should telegraph to a Senator in Congress that a colored lady in some town in the interior of his State had left town; and I wanted to know how it happened that that particularly interesting piece of information was conveyed to the Senator. He says because she left town to visit some friends.

Mr. McLAURIN of Mississippi. It happened——

Mr. HOAR. Does the Senator receive similar information about the movements of any other colored lady in Mississippi?

Mr. McLAURIN of Mississippi. I do not know that any other colored woman has left town. I do not know that there has been any necessity for telegraphing about any other colored woman. I certainly am not in correspondence with them.

Mr. HOAR. How does the Senator account for the fact that a lady, having merely resigned an office and everything being agreeable all around, she being in no danger, somebody in one of the towns of his State should telegraph to him that she had left town? I suppose there is some reason for it.

Mr. McLAURIN of Mississippi. There is a reason which I would have given to the Senator if he had just asked the question and given me time to answer it before asking it the second time. There is an easy solution of it. I was home during the

holidays, and when I reached Washington I found that this office had been discontinued. I believe the Senator from Wisconsin will not allow me to say abolished, but it had been discontinued in some way. I suppose the people of Indianola will be glad to hear it has not been abolished. When I reached here and found that the office had been discontinued and their mail ordered to Greenville, I addressed a telegram to Mr. Chapman asking him to send me the facts connected with it.

On the 8th I sent another telegram, asking him about the resignation of the woman, whether there was any threat made or implied against her by anybody; and the telegram I read is in response to the later telegram I sent to him. So there is nothing remarkable about his sending a telegram of that kind. I do not think there is anything remarkable about a Senator, who finds that one of the post-offices in the State which he has the honor to represent as one of the Senators in this Chamber has been discontinued, going to work to get the reopening of the post-office. So I am sure the Senator's alarm is not well founded.

Mr. HOAR. Mr. President, I did not criticise or call attention to any telegram sent by the Senator. What I referred to was the one sent him.

Mr. McLAURIN of Mississippi. The one sent by the Senator provoked the one that was sent to him. It was in answer to the one I sent that Mr. Chapman sent this telegram to me.

I should like to say just here to the Senator and to the Senate that those people did not set about getting their office reopened. I did it because I thought it was my duty as a Senator to do all I could to cause the reopening of the office. I could only do it by sending to them for information. So far from their setting about it, they have been willing all the time, inasmuch as the President and the Postmaster-General saw fit to convict them of being a lawless and brutal element and to close up their post-office and to deny mail to men whom it is admitted never committed an unlawful act (I believe it is stated who had never gone so far as to commit the offense of asking or preparing to ask for the resignation of Minnie Cox), thus depriving those people of their mail—they are willing, inasmuch as they were thus convicted without a hearing of the charges against them, and without knowing that they were accused, and without being allowed the opportunity to confront their accusers, and conscious of the integrity of their peaceable action, to let the matter stand just as it is until the President and the Postmaster-General shall see fit to open it of their own accord, if it ever occurs to them to do so.

I have here an article from a paper which is not in our section, a paper published in New York. Possibly it has been seen by the Senator. Possibly it has been read by him. It is a paper of some influence in this country. It is regarded as a paper of some little standing in the United States, and probably across the water. I refer to the New York Herald. In its issue of January 12, 1903, it speaks of this matter; and this paper certainly has no feeling against the President of the United States, for until lately it had his name up as its candidate for the next President of the United States. The article is as follows:

PRESIDENT ROOSEVELT SHOULD RETRACE HIS STEPS—THE COUNTRY DOES NOT WANT A DEPLORABLE COLOR ISSUE.

From the outburst of resentment throughout the South and the expression of sober Northern sentiment President Roosevelt must now realize that the ill-advised appointment of Dr. Crum, following closely on the abrupt closing of the Indianola post-office, was a blunder which has already done no little mischief, and which, if persisted in, can hardly fail to lead to the most deplorable consequences.

To this prevailing opinion of the country the President may well bow and promptly repair the mistake by accepting the resignation of Mrs. Cox, opening the Indianola office with a postmaster acceptable to its citizens, and withdrawing the obnoxious nomination from the Senate to avert a sectional discussion to be deprecated by the entire nation.

One of the results of the Spanish war hailed with keen satisfaction by the American people was the welding of Northern and Southern feeling in patriotic unity. It was a theme that President McKinley loved to dwell on, and is one on which President Roosevelt himself has repeatedly spoken with enthusiasm. But if the agitation now menaced should be fomented it would not only undo the good then done, but would set the country back a generation in color prejudice and sectional strife.

The sentiment against color in the South may be unfortunate and to be deplored, but the vital fact is that it exists, is universal and rooted in the growth of centuries. It may wear out, but can not be cut out. Mr. Roosevelt may buck against it, but neither he nor any other President, neither Congress nor the Republican party, can overcome it. He can no more enforce political equality of the races in the matter of office holding, which is not a Constitutional right of any citizen, black or white, than he can enforce social equality. Any strenuous attempt to do so will simply intensify prejudice against color, embitter race feeling, and cause sectional strife, in all of which the negro will inevitably be the greatest sufferer.

Apart from this view there is a controlling consideration of policy. It is a recognized international principle and established usage that a diplomatic representative must be, irrespective of merit or worth, persona grata to the government and people to which he is credited. For this reason President Roosevelt recalled the first counsel he sent to Habana. Now the same principle should apply to such prominent Federal officials as collectors and postmasters, who are brought into close touch with the people. Like a diplomatic representative, their usefulness depends in a large measure on their acceptability.

It matters not what the personal objection may be; if it is shared by the community and the appointment is obnoxious to the citizens that is enough to render it unfit and impolitic, especially in view of the fact that there are plenty of other men as well qualified and personally unobjectionable.

Would President Roosevelt think of forcing upon New York, Boston, Philadelphia, or San Francisco a collector or postmaster against the unanimous protest of business men and citizens? Why is not a leading Southern city entitled to equal consideration? He recalled Consul Bragg from Habana because he was not acceptable to the Cuban people. Why not recall the nomination of Dr. Crum from the Senate because it is obnoxious to the citizens of Charleston?

It is an issue of more than local concern and of far-reaching consequence. The Charleston appointment and the Indianola affair have stirred Southern feeling as it has not been stirred for years. Both were unwise and uncalled for steps in a policy which can only mean serious mischief and can not be abandoned too soon for the good of the negro as well as the white people of the South and the entire nation. It is to be hoped that the President will retrace his steps before a bitter sectional discussion is provoked in the Senate.

Now, then, that is not from a Southern paper. It is not from a Mississippi paper. It is from a Northern paper. It is from a paper published in the largest city in this Union, and probably the second largest city on the globe. Is is a paper that, as I said before, had at its masthead for the next President of the United States until a few days ago President Roosevelt. It recognizes the fact that this race distinction does exist. It probably deplores that the race distinction exists, but still recognizes it as a fact that can not be cut out, nor can it be worn out, but that it is there for all time; and he advises that the step by the President be retraced.

To be sure, President Roosevelt did not appoint Minnie Cox postmaster, but President Roosevelt received her resignation. President Roosevelt went about the inquiry whether the people had forced that resignation by duress or whether it was a voluntary resignation by Minnie Cox, and he gave the people of Indianola, who are are vitally interested in this matter as business men and citizens, no voice, no hearing in the determination of that question and in the result of that investigation.

Now, that is not all. Right here from New York I find this letter from Middleton, N. Y., January 10, 1903:

"STRENUOUS" ACTION'S HAVOC—POLICY OF THE PRESIDENT ON THE RACE PROBLEM IS DEPLORED.

To the Editor of the Herald:

Your most excellent editorial in the Herald of January 8 absolutely condemning the attitude taken by President Roosevelt on the negro question in the South is timely, logical, and wise, and will meet with the approbation of the American people.

Such "strenuous" action on the part of our President is sincerely to be deplored at this time and can but create havoc instead of cementing that friendship most needful toward upbuilding and perpetuating the strength of our country.

It should not be that we would antagonize the predominant and better element of the South, thus eliminating that influence especially necessary for the maintenance of this Republic. Such drastic measures will but inflame a prejudice that is by no means inert, and the result would be more than difficult to adjust.

Were it not even possible to obtain available material from the ranks of white citizens it would be a widespead calamity to force such obnoxious conditions upon those people most concerned. The negro occupies the place that God has willed, and it will ever be so in spite of any human force that could be applied.

Let us educate them along the lines that will make useful citizens in the sphere so ordained, and not permit false ideas to predominate over common sense and simple justice.

Other countries have solved to a great extent the race question, to a pleasing degree of satisfaction. Why not the greatest country on the face of the globe?

EUGENE WARE BRANNON.

MIDDLETOWN, N. Y., *January 10, 1903.*

There is the statement of the feeling of a man written to the New York Herald, a man who is not afraid and is not ashamed to put his own signature under it after he has done it.

Here is another one in the same issue of the New York Herald of January 13, 1903:

To the Editor of the Herald:

As a Southern Republican, wanting no office, desiring the negro to be given every opportunity to become a useful, capable, and respected citizen, and having the wish to spend my own life building up a home, helping to develop my country, and to serve my God, I could but say "Thank God!" upon reading your editorial on the Crum appointment.

The people of the South speak with respect and reverence of Lincoln, Grant, and McKinley, and were prepared to worship Mr. Roosevelt as their hero. In fact, Mr. McKinley so mellowed up the Southern people that they were ready to go into the Republican party by the thousands, and those who remained Democrats would have felt no resentment toward those who changed.

Mr. Roosevelt is bitterly hated to-day by almost all Southern white men, regardless of whether they be Republicans or Democrats. His position on the negro question has solidified the Democrats as no other conceivable policy could have done. He has aroused the bitterest of race feeling, and it is a question of time when murders will result therefrom.

He has given aid and comfort to that class of Southern Republicans who do not wish the party to build up down here lest it grow too big for each Republican to have a Federal office.

He has made it exceedingly embarrassing for that class of Republicans who love their party and feel that the continued prosperity of this country depends upon the continuance in power of the Republican party.

He has thrown away his every opportunity of doing good to the white people of the South and has placed the negro in the position where he will receive tens of thousands of kicks and cuffs that are wholly undeserved and for which Mr. Roosevelt is directly responsible.

Your paper is the greatest single factor in America, and we thank God that you have feared not, in kindness, to speak the truth.

SOUTHERN REPUBLICAN.

This man did not sign his name. This man does not state correctly the feeling of the people of the South against Mr. Roosevelt. There is no hate against Mr. Roosevelt, even because of the

Indianola affair, because, as I have read from letters that are addressed to me in reference to this matter, some of them not intended to be read to the public and not even intended to be read to Mr. Roosevelt or the Postmaster-General, they have the friendliest feeling for him. They regard him as a man of honest, rugged integrity. They regard him as a man of impulse, however, and they regard him as a man who has gone off on this matter without giving both sides a hearing and without considering the judgment he first formed in regard to it.

I believe that these are about the only documents I desire to now read. I have some other newspaper clippings which I intended to read, but I have probably already taken up too much of the time of the Senate. I will read but one more:

WILSON AND INDIANOLA—DR. G. J. RED, OF LATTER PLACE, ON HOW THE TROUBLE STARTED AND HOW THE PEOPLE FEEL.

DURANT, MISS., *January 20, 1903.*

Dr. G. J. Red, a prominent citizen of Indianola, Miss., made the following statement to the correspondent for the News here to-day, having reference to the statement in Sunday's issue that Edgar S. Wilson knew of the impending post-office trouble at Indianola at the time President Roosevelt hunted in Mississippi:

"It is strange to me that Mr. Wilson knew all about the post-office affair at Indianola before I, a resident of said town, did. He is said to have known and spoken to the President while on his Mississippi hunt of said post-office about to give trouble, while we knew nothing about it. I would like for the world to know how this Indianola affair came up.

"A young lady clerking in a Jew store was insulted by a negro clerk. Half of the citizens of Indianola concluded at the time to stop the whole negro business. We simply asked them to resign. All agreed. There was no feeling between the negroes and the white people. It was simply a request. The white people were a little crossways among themselves.

"Now everything is quiet. We, the white people, are united. I learn from a Republican source that two-thirds of the negroes are pleased that Minnie Cox is out of the post-office. I can refer to said Republican if necessary. I do hope the President will look at this matter from the local viewpoint and eschew his personal feelings. We are perfectly satisfied with our present post-office arrangements, and if the President does not see fit to reestablish our post-office we, as good citizens, will have to submit and continue the present arrangements. What I say as truth will be vouched for by Hon. John S. Williams."

Mr. President, I have in this desultory way tried to present without acrimony the case of the people of Mississippi against the charge made by the Secretary of the President and stated to be made for him in the statement. It sums itself up in conclusion to my mind thus: That the people peaceably, lawfully, as they had a natural as well as a constitutional right to do, assembled to, in a peaceable way, rid themselves of a postmaster they did not want. Logically and legitimately it does not matter whether that postmaster was the proper person to be postmaster of the town of Indianola or not. It does not matter, so far as the proper discussion of this question is concerned, whether the people of Indianola, who are interested in the mail and the mail facilities, have any right at all to express any opinion or any choice of their postmaster.

They may not have any right of that kind. It may be that it is regarded that the people of Indianola are a people who are outlawed under the present Administration of the American Government from any participation in the Government, and that they should consider themselves fortunate if the Administration shall see proper to give them any postmaster. It may be that this is the position which is intended to be taken by the Administration in this matter and by the Senators who intend to prosecute this indictment against the people of the State of Mississippi, because, as I have said, it is an indictment against the whole State, for all the people of the State entertain the same views in respect to negro postmasters.

But it ought not to be denied anywhere, by the President of the United States, by the Postmaster-General, or by the Senate of the United States or any member upon this floor, that the people of Indianola, stripped as they may be of every other right, stripped of every part in the selection of the officers to serve them in that official capacity, still have a right to assemble peaceably, as they have done, and to petition for a redress of what they consider as their grievances, because in its last analysis the right to petition for a redress of grievances means a right to petition for the redress of grievances as they are conceived to exist by the petitioners.

It comes, then, to this, that this last right is still enjoyed by the people of the State of Mississippi, and they have only exercised that right at Indianola, and for its exercise they have been condemned without a hearing, denounced upon baseless assertions, and their postal facilities denied without redress. That race distinction exists no man denies. Whether it is right or wrong is not germane to this question. The sentiment concerning color may be wrong. I do not think it is wrong if it does not go to the extent of hate; if it does not go to the extent of enmity; if it only exists as the judgment of men that there is a race in this world which rises far above all other races; that there are races which are inferior to ours, as a necessary consequence, and that the races having the distinction of superiority and inferiority their association ought to be distinct.

If it goes no further than to the exercise of the right of judgment, and that judgment is that this superiority of the white race exists, then I do not think it wrong. But grant, for the sake of the argument, that it is wrong. The people of Indianola and the people of Mississippi have a right to exercise their judgment upon it; and if their judgment is based on this race feeling—that is, the feeling that goes to the extent of believing that the white race is superior to any other race on the face of the earth—they have a right to undertake, in a peaceable, law-abiding way, as they have done, to remove by petition to her any postmaster whose appointment conflicts with that sentiment and the judgment they have in reference to the races.

Now, granting, as I said, that this was wrong, they have a right to exercise that opinion and that judgment. They have exercised it, and that is all they have done. It may be hard upon the postmaster. She may wish that it were not so. I dare say she does wish that it was not so.

I will go further than that and say to the Senator that she, in my judgment, wishes that she were a white person instead of a negro. Still, the people of the State of Mississippi are not responsible for the fact that she is not a white person instead of a negro person. The people of Indianola are not responsible for the fact that she is a negro and that this distinction of races exists any more than she is responsible for being a negro.

And because these people have done that, it is claimed that it was duress, when there is not a scintilla of evidence produced here or anywhere else that they have offered the least single violence, unless the Senator, by his great power of eloquence and great power of debate, can construe this, as he has done, into an implied threat. He has so construed the exercise of an inalienable right, of a natural right, of a right guaranteed by the Constitution of the United States, never to be abridged, and unless the Senator can, by the force of his powerful genius and his powerful oratory, convert that into an act of duress there has been no duress whatever. His ingenious handling of the case to relieve the Executive of the embarrassment of his ill-advised act does credit to the Senator's ability, but it does not convince any thinking man that the people of the United States commit a crime by peaceably assembling and appointing a committee to prepare a petition addressed to a negro postmaster asking resignation.

There is a species of duress when the people of one community change their officials. When the people of the United States change from one party to another in this country, there is a duress which compels the appointees of one party to get out and give place to the party which comes into power. There is a duress which by ballot compels the President of the United States to give up his place to another President. Still there is nothing unlawful about it. It is the exercise of a constitutional right of the American people.

That the race distinction exists, as I have said, I am not responsible. The people of Mississippi are not responsible for it. The people of Mississippi are no more responsible for the condition of servitude imposed upon the negro in the South and in New England than we are for the barbarous and cannibalistic character of his ancestors.

This race, as I said, was elevated in this country, at least a portion of it, from a condition of barbarism and cannibalism to slavery, and they have been benefited and blessed by it, while the white people of the country have been cursed by it. But for slavery there would never have been a negro in the United States. None was brought, even by New Englanders, from motives of love or charity. Those who are here would have been in the jungles of Africa, feasting upon the flesh of their captives.

Now, I have no feeling of ill will or enmity against the colored race. My feeling toward the race is that of kindness. I know that there are many of them who are good people. I class great numbers of them among my friends. I would protect them wherever I had the opportunity to do so. I had the opportunity when I was a 19-year-old schoolboy to protect one of them from the violence of a mob, and I did it.

I afterwards had the opportunity, when I was a private citizen of my own State, to appeal to the reason and better judgment of an enraged mass of three or four thousand people who were about to take a negro who had shot down a little white girl 13 years old and stood over her with his pistol and shot bullet after bullet through her body into the ground so close that he set her clothes on fire. They had possession of him and were carrying him to a limb, and I made an appeal to them to let the law take its course and let him be punished according to law. The appeal was successful. They turned him over to the officers, and he was, by the sheriff of that county, under a warrant issued under the sentence of the court, executed in the presence of four or five thousand inhabitants of that section.

On another occasion, when I was the governor of Mississippi, and there had been a riot between some of the white people and some of the negroes about 50 miles from the capital of the State, precipitated by the shooting down from ambush and killing the

officer and wounding his posse by a mob of thirty or forty negroes, when the officer was in search, with a warrant for the arrest of, a negro for a deadly and unprovoked assault, I, chartering a caboose, went to the nearest station, some 10 miles from the scene of the conflict, rode horseback in the night over muddy, corduroy roads, and reached there just in time to persuade a mob of 150 or 200 men who had caught five of the offenders to desist from the execution of them by lynch law and to commit them to the hands of the officers; and they did it.

I have been in favor of law and order. I have been in favor of the execution of the law. I would not do any harm to any negro because he was a negro. I would rather see him educated; I would rather see him improved. I am not one of those who believe you can ever educate him up to be a white man; that you can ever educate him to the standard the white man occupies in the scale of the races of the world. I am one of those men who do not believe that all the education you can apply to him can make a white man of him or give him the character and capacity of a man of the white race. I have friends of the negro race for whom I would travel through bitter cold or sweltering heat. They are men and women of good impulses, but I know and so do they that they can not be made of the white race.

Still, I believe that he can be improved. I believe that his condition and standing and importance to the community can be improved by education, and I have helped to do it. I have gone further than that. I have by money of my own purse educated a negro who had been my faithful servant, who had stood by me as my friend. I educated him not only in the private school in my neighborhood, but I sent him off to a high school of the negro race and gave him the benefit of education there.

I have many friends among this race. I have many friends by whom I would stand and who would stand by me. I know that there are a good many good negroes. I know there are many bad negroes. I know there are many mean negroes. I know that the vicious elements of the negro race have been encouraged by the cry against the people of the South to commit crimes that have caused the death of innocent women and innocent girls and have caused the lynching and torturing of the negro fiends themselves. They have taken it that the people who have inveighed against the people of the South were doing it because they approved of the crimes that were being committed by these negroes.

I have in my mind now a poor helpless, feeble, defenseless woman in Mississippi, who last summer was murdered and outraged when she was just about to become a mother, by a brute who had committed crimes against members of his own race and outrages upon the females of his own race, as he confessed in the presence of impending death. The man was betrayed by his own wife as the criminal who had committed the crime, because he had whipped his wife mercilessly and cruelly, and the people in their indignation rose and lynched the fiend. I know these things exist, and I know that a great many of them have been encouraged by unwarranted attacks upon the people of my section. But at the same time, as I have said, we have in our State many good negroes.

Mississippi, I will say in conclusion, sympathizes, the entire State sympathizes, with the people of Indianola. The State of Mississippi has undergone many changes and vicissitudes in its short but checkered life. I am not an old man myself, but I can remember the time when the pioneers of Mississippi laid the ax to the root of the tree and felled the forests and converted them into productive fields, the products of which fed her citizens and clothed a quarter of the civilized population of the globe. I can remember the time when our people had developed into a prosperous, proud, rich State, rich in its material wealth, rich in finances, rich in its manhood and in its womanhood, and assembled on our natal day, the glad shouts from the lusty lungs of her sons were heard, and her beautiful women nodded approving smiles when their orators beneath the folds of the Stars and Stripes told of the struggle of the Revolution and discoursed of the glories of independence and of liberty and the blessings of the American Union.

I have seen the times when the people of the State, in the harvest season, enjoyed themselves with the hunter's horn, following the chase to the music of the hounds. I have seen another time come when they were impelled, right or wrong (I am not here to argue, because the question has been submitted to the arbitrament of the sword), to sever their connection with the American Union. I have seen her sons, with singular unanimity, go out to fight for what we conceived a holy and a sacred cause, in the protection of their firesides and their homes and their women and their little ones against invasion.

I have seen the soil of Mississippi drenched with the blood of her sons that laid the dust like rain. I have seen the careworn women and hungry children of our State cry for bread while the contents of their cribs and their smokehouses went up in flames kindled by the hands of invaders in resistless numbers. I have seen the elements black with the smoke of our cities and towns and villages and country homes, and our schoolhouses and churches and eleemosynary institutions erected for the care of the halt and lame and blind and deaf and dumb and those bereft of mind, when the torch was applied by hostile armies. I have seen the time come when, arrived at the age of 16, under a sense of duty I still approve, I took a rifle as a private and joined the ranks to fight against that Government for the establishment of which my ancestors only three generations removed fought in the incipiency of the Revolution. I have seen the time come when, our treasury emptied, our ranks depleted, the sources from which they were recruited exhausted, we were compelled to lay down our arms, and $400,000,000 of property in which the Constitution of the United States invited us to invest the fruits of our toil was swept away without indemnity. I have seen the time come when it was declared that we were not a part of this Union. I have seen the time come when there was put in charge of the government of Mississippi a race of people who knew no letter nor no book, who knew nothing of government except the absolute government of the slave by the master, and whose only training for self-government, to say nothing of the training for the government of the white superior race, and whose only elevation from barbarism and cannibalism was found in the school of slavery.

I have seen the legislative halls of our State filled with members of that race, not one of whom could write his name or tell a letter in the alphabet or paid a dollar of taxes to support the Government. I have seen peaceable assemblies of her citizens ordered by Federal military to disperse when they were in social converse on the Sabbath evening, and because they refused to do so, old men, 80 years of age, marched off through the mud 4 miles to a jail, from which one man died. I have seen a man who was military governor of the State of Mississippi, who was not a citizen of the Sate, elected to this body.

I have seen another day come, after this mad carnival, when the State government of Mississippi was turned over to its own people. I have seen the State of Mississippi literally rise from its ashes, rebuild its waste places, build its factories, its mills, its ports, its cities, its towns, and its villages.

I have seen another war come, when the people of the State of Mississippi marched to the beat of the drum under the flag of the Stars and Stripes, united again with the Northern people to fight the battles of a common country. I have seen, as I thought, a happy reuniting of these sections. But allow me to say that in all this time I have never yet heard it said by any authority until now that we had not the right to peaceably assemble and peaceably present our request for what we desired in reference to our public affairs.

It may be that it will come to this; it may be that this is a step in the fastening of this chain upon us; but I assure you that, while we may be compelled to submit to it, willingly or unwillingly, under the Administration as it now stands, we never will do it without our protest. In the language of McGregor:

> O'er the peak of Ben Lomond the galley shall steer,
> Through the depths of Loch Katrine the steed shall career,
> And the rocks of Crag Royston like icicles melt
> E'er our wrongs be forgotten or our vengeance unfelt.

HOUSE BILLS REFERRED.

The bill (H. R. 9865) providing for the election of a Delegate from the Territory of Alaska to the House of Representatives of the United States, defining citizenship and the qualifications of electors in said Territory, was read twice by its title, and referred to the Committee on Territories.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 11544) to correct the military record of Thomas J. Morman; and

A bill (H. R. 14922) to correct the military record of Palmer J. Percy.

EMMA DEAN POWELL.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 6361) granting a pension to Emma Dean Powell, which was, in line 8, to strike out the letter "a" and insert "per."

Mr. GALLINGER. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

LAURA S. PICKING.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 2806) granting an increase of pension to Laura S. Picking, which were, in line 8, to strike out "fifty" and insert "forty;" and in line 9, after the word "receiving," to insert "and $2 per month additional on account of the minor child of said Henry F. Picking until he reaches the age of 16 years."

Mr. GALLINGER. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

SARAH E. ROPES.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 6467) granting an increase of pension to Sarah E. Ropes, which was, in line 8, to strike out "thirty" and insert "twenty-five."

Mr. GALLINGER. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

MARY J. IVEY.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 6693) granting a pension to Mary J. Ivey, which was, in line 9, to strike out "twelve" and insert "eight."

Mr. GALLINGER. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

JOEL C. SHEPHERD.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 5835) granting an increase of pension to Joel C. Shepherd, which was, in line 8, to strike out "twenty" and insert "sixteen."

Mr. GALLINGER. I move that the Senate disagree to the amendment of the House of Representatives, and ask for a conference with the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. GALLINGER, Mr. SCOTT, and Mr. CARMACK were appointed.

PUBLIC BUILDING AT NOME, ALASKA.

Mr. BEVERIDGE. Out of order, I ask leave to report from the Committee on Territories the bill (S. 4424) to provide for the purchase of a site and the erection of a public building thereon at Nome, in the Territory of Alaska, and ask that it be referred, with the accompanying papers, to the Committee on Public Buildings and Grounds.

The PRESIDENT pro tempore. The Senator from Indiana asks that the Committee on Territories be discharged from the further consideration of the bill.

Mr. QUAY. I do not understand that the committee is to be discharged. On this occasion I am opposed to discharging the Committee on Territories. My understanding is that the committee reports the bill favorably, and asks that it be committed to the Committee on Public Buildings and Grounds. Am I in error about that?

Mr. BEVERIDGE. No; the Senator is entirely correct; but I thought when it was suggested that the Committee on Territories be discharged and that the bill be referred to the Committee on Public Buildings and Grounds that that, of course, was discharging the Committee on Territories; but the action of the Committee on Territories is a favorable report on the bill with a request for its reference, with the accompanying papers, to the Committee on Public Buildings and Grounds. I thought that in itself operated as a discharge of the committee.

The PRESIDENT pro tempore. The Senator from Indiana, from the Committee on Territories, reports the bill, the title of which he has stated, and asks that it be referred to the Committee on Public Buildings and Grounds.

Mr. BEVERIDGE. That is correct, Mr. President.

The PRESIDENT pro tempore. In the absence of objection, that order will be made.

ORDER OF BUSINESS.

Mr. CULLOM. If the Senator from New Hampshire [Mr. GALLINGER] who has charge of the pension bills will yield to me, I will move that the Senate proceed to the consideration of executive business. We shall only be in executive session for a very few minutes.

Mr. HOAR. I ask what was the unanimous-consent agreement for this hour, if any?

The PRESIDENT pro tempore. That at 5 o'clock unobjected pension cases on the Calendar should receive consideration.

Mr. GALLINGER. With the understanding that the executive session will take but a minute, I yield.

Mr. CULLOM. It will take but a minute, I think. I am not at liberty to explain in open session why it is that I desire an executive session.

Mr. HOAR. Mr. President, where there has been a unanimous-consent agreement that certain business shall occupy the Senate for an hour at a fixed time, it seems to me it is a violation of that unanimous-consent agreement to do any other business whatsoever.

Mr. CULLOM. I withdraw the motion.

Mr. HOAR. If the Senator will allow me, I was about to say that the understanding being that there is nothing contemplated by the honorable Senator from Illinois, except a mere formality, no Senator would object, and I do not think that would be a practical violation of the agreement. I wish, therefore, to have it understood——

Mr. COCKRELL. Let us proceed with the regular order, and go into executive session when we get through with that.

Mr. HOAR. I think when a unanimous-consent agreement is made it is understood that it shall not exclude the transaction of mere formal business.

The PRESIDENT pro tempore. The first pension bill on the Calendar will be stated.

BENJAMIN F. CORNMAN.

The bill (S. 5526) granting an increase of pension to Benjamin F. Cornman was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "forty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin F. Cornman, late of Company A, Two hundred and ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM A. NELSON.

The bill (H. R. 13233) granting a pension to William A. Nelson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William A. Nelson, late of Company A, Second Regiment New Jersey Volunteer Infantry, war with Spain.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WALTER G. TEBBETTS.

The bill (S. 6220) granting an increase of pension to Walter G. Tebbetts was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "seventy-two" and insert "fifty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Walter G. Tebbetts, late of Company I, First Regiment Illinois Volunteer Light Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FREDERICK S. WOODWARD.

The bill (S. 6437) granting a pension to Frederick S. Woodward was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out the letter "a," and in the same line, after the word "steward," to strike out "of the;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frederick S. Woodward, late hospital steward, United States Army, and pay him a pension at the rate of $10 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM DIXON.

The bill (H. R. 2783) granting a pension to William Dixon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Dixon, late a scout and guide, United States Army, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN DOBERRER.

The bill (S. 4892) granting an increase of pension to John Doberrer was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations

of the pension laws, the name of John Doberrer, late of Company K, Tenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DEBORAH EDWARDS.

The bill (S. 5053) granting a pension to Deborah Edwards was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "Independent," to strike out "Regiment" and insert "Company;" and in line 9, before the word "dollars," to strike out "twenty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Deborah Edwards, dependent stepmother of Samuel Edwards, late of the Fourth Independent Company, Ohio Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARGARET A. OSBORN.

The bill (H. R. 1617) granting an increase of pension to Margaret A. Osborn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Margaret A. Osborn, widow of Charles E. Osborn, late of Company A, First Regiment Kentucky Volunteer Infantry, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN A. SARE.

The bill (H. R. 3907) granting an increase of pension to John A. Sare was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John A. Sare, late of Company I, Twenty-second Regiment Indiana Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ABSALOM CASE.

The bill (H. R. 4437) granting an increase of pension to Absalom Case was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Absalom Case, late of Company F, Twenty-ninth Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN W. COVEY.

The bill (H. R. 8175) granting an increase of pension to John W. Covey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John W. Covey, late of Company F, Fourth Regiment Indiana Volunteer Cavalry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY J. FELTUS.

The bill (H. R. 11280) granting an increase of pension to Henry J. Feltus was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "late," to insert "first lieutenant and;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry J. Feltus, late first lieutenant and adjutant Thirteenth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

MILTON NOAKES.

The bill (H. R. 12701) granting an increase of pension to Milton Noakes was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "forty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Milton Noakes, late of Company C, Thirty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

JAMES M. SPENCER.

The bill (H. R. 13262) granting an increase of pension to James M. Spencer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James M. Spencer, late principal musician Fifty-seventh Regiment Indiana Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARRIET ROBINSON.

The bill (H. R. 14262) granting an increase of pension to Harriet Robinson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Harriet Robinson, widow of George Robinson, late of Company C, One hundred and ninth Regiment United States Colored Volunteer Infantry, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISRAEL F. BARNES.

The bill (S. 2596) granting an increase of pension to Israel F. Barnes was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Israel F. Barnes, late of Company D, Twenty-sixth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HAROLD P. WALDO.

The bill (S. 6413) granting an increase of pension to Harold P. Waldo was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "Infantry," to insert "war with Spain;" and in line 9, before the word "dollars," to strike out "thirty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harold P. Waldo, late of Company B, Tenth Regiment Ohio Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ANNIE P. PINNEY.

The bill (S. 5006) granting a pension to Annie P. Pinney was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Annie P. Pinney, widow of John W. Pinney, late of Company H, Twenty-eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $8 per month, such pension to cease upon proof that the soldier, John W. Pinney, is living.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ANN M. HASKELL.

The bill (S. 6748) granting an increase of pension to Ann M. Haskell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ann M. Haskell, widow of Isaac Haskell, late of Company E, Twenty-third Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HANNAH J. HOPKINS.

The bill (S. 6795) granting an increase of pension to Hannah J. G. Hopkins was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "Hopkins," to strike out the letter "G;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hannah J. Hopkins, widow of Horace L. Hopkins, late acting assistant paymaster, United States Navy, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Hannah J. Hopkins."

FRANK CLEAVES.

The bill (S. 6632) granting an increase of pension to Frank Cleaves was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frank Cleaves, late of Company I, First Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OTHNIEL P. PARCHER.

The bill (S. 6586) granting an increase of pension to Othniel P. Parcher was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "Battery," to insert "(C);" and in line 7, before the word "Light," to insert "Volunteer;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Othniel P. Parcher, late of the Third Battery (C), First Regiment Maine Volunteer Light Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MITCHELL HUNT.

The bill (S. 6631) granting an increase of pension to Mitchell Hunt was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mitchell Hunt, late of Company H, Second Regiment United States Volunteer Sharpshooters, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARGARET A. MUNSON.

The bill (S. 2130) granting a pension to Margaret A. Munson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "Connecticut," to insert "Regiment;" and in line 8, after the word "Infantry," to insert "and pay her a pension at the rate of $12 per month;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret A. Munson, widow of John A. Munson, late of Company D, Twenty-seventh Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE F. HOWE.

The bill (S. 14) granting a pension to George F. Howe was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George F. Howe, alias Harrington, late of Company L, Second Regiment Massachusetts Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to George F. Howe, alias Harrington."

STEPHEN R. SWETT.

The bill (S. 6842) granting an increase of pension to Stephen R. Swett was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Stephen R. Swett, late major, Second Battalion, First Regiment Rhode Island Volunteer Cavalry, and to pay him a pension of $50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES F. SHELDON.

The bill (S. 6798) granting an increase of pension to Charles F. Sheldon was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles F. Sheldon, late of Company A, Twelfth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ANDREW J. REEVES.

The bill (H. R. 5792) granting an increase of pension to Andrew J. Reeves was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew J. Reeves, late of Company E, First Regiment Maine Volunteer Heavy Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEWIS E. WILCOX.

The bill (H. R. 13472) granting an increase of pension to Lewis E. Wilcox was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lewis E. Wilcox, late principal musician Twenty-first Regiment Michigan Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NANCY WORKS.

The bill (H. R. 13127) granting a pension to Nancy Works was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nancy Works, widow of Preston Works, late of Company D, Eighteenth Regiment Kentucky Volunteer Infantry, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH A. WALTRIP.

The bill (H. R. 12981) granting a pension to Sarah A. Waltrip was considered as in Committee of the Whole. It proposes to

place on the pension roll the name of Sarah A. Waltrip, widow of James E. Waltrip, late of Company K, One hundred and twenty-third Regiment Illinois Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN WRIGHT.

The bill (H. R. 15549) granting an increase of pension to John Wright was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Wright, late of Company D, One hundred and twentieth Regiment New York Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM MONTGOMERY.

The bill (H. R. 16224) granting an increase of pension to William Montgomery was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "Company," to strike out the letter "H" and insert "C;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Montgomery, late second lieutenant Company C, Second Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

WILLIAM R. THOMPSON.

The bill (H. R. 15063) granting an increase of pension to William R. Thompson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William R. Thompson, late of Company B, Second Regiment Minnesota Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REBECCA R. GREER.

The bill (H. R. 15874) granting an increase of pension to Rebecca R. Greer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Rebecca R. Greer, widow of Allen Greer, late first lieutenant Company A, Thirty-second Regiment Iowa Volunteer Infantry, and to pay her a pension of $17 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM HEYWOOD.

The bill (H. R. 15433) granting an increase of pension to William Heywood was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Heywood, late of Company I, Fifteenth Regiment New Hampshire Volunteer Infantry, and Company G, Nineteenth Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALBERT BLOOD.

The bill (H. R. 14185) granting an increase of pension to Albert Blood was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Albert Blood, late of Company H, Third Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JARED P. HUBBARD.

The bill (H. R. 15682) granting an increase of pension to Jared P. Hubbard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jared P. Hubbard, late of Company B, Second Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSIAH STACKPOLE.

The bill (H. R. 15441) granting an increase of pension to Josiah Stackpole was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Josiah Stackpole, late of Company K, Seventh Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OTIS T. HOOPER.

The bill (H. R. 12812) granting an increase of pension to Otis T. Hooper was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Otis T. Hooper, late of Company E, Second Regiment Maine Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH L. BATES.

The bill (H. R. 12683) granting a pension to Sarah L. Bates was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah L. Bates, widow of Joseph J. Bates, late of Company C, First Battalion Massachusetts Volunteer Heavy Artillery, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN M'ARTHUR.

The bill (H. R. 8447) granting an increase of pension to John McArthur was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John McArthur, late colonel Twelfth Regiment Illinois Volunteer Infantry, and brigadier-general, United States Volunteers, and to pay him a pension of $50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES N. GATES.

The bill (H. R. 12877) granting an increase of pension to James N. Gates was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James N. Gates, late of Company F, Thirteenth Regiment Vermont Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALVIRA RANDALL.

The bill (S. 4429) granting a pension to Alvira Randall was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "Wisconsin," to insert "Regiment;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alvira Randall, dependent stepmother of John H. McJunkin, late of Company D, Thirty-sixth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GILBERT E. BUSHNELL.

The bill (S. 6623) granting an increase of pension to Gilbert E. Bushnell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "and," to strike out "Infantry" and insert "Cavalry;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Gilbert E. Bushnell, late of Company G, Fourth Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES GRAHAM.

The bill (S. 6668) granting an increase of pension to Charles Graham was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Graham, late of Company I, Eighty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARTIN G. CUSHING.

The bill (S. 6845) granting an increase of pension to Martin G. Cushing was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "of" and insert "first lieutenant:" in line 7, before the word "Cavalry," to insert "Volunteer;" and in line 8, before the word "dollars," to strike out "forty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martin G. Cushing, late first lieutenant Company H, Fifth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ROSE O. CRUMMETT.

The bill (S. 2302) granting a pension to Rose Crummett was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rose O. Crummett, widow of George E. Crummett, late of Company D, Sixteenth Regiment New Hampshire Volunteer Infantry, and second lieutenant Company L, First Regiment New Hampshire Volunteer Heavy Artillery, and pay her a pension at the rate of $8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Rose O. Crummett."

MARY J. PARKER.

The bill (S. 4029) granting a pension to Mary J. Parker was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary J. Parker, former widow of John W. Taylor, late of Company F, First Regiment United States Infantry, war with Mexico, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EMMA R. CROPSEY.

The bill (S. 5568) granting an increase of pension to Emma R. Cropsey was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emma R. Cropsey, widow of Andrew J. Cropsey, late lieutenant-colonel One hundred and twenty-ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HESTER A. R. LANDERS.

The bill (S. 6096) granting an increase of pension to Hester A. R. Landers was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hester A. R. Landers, widow of Thomas Landers, late medical cadet, United States Army, and assistant surgeon, Tenth Regiment United States Colored Volunteer Heavy Artillery, and pay her a pension at the rate of $15 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES B. TAYLOR.

The bill (S. 6305) granting an increase of pension to James B. Taylor was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "sergeant," and in line 8, before the word "dollars," to strike out "forty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James B. Taylor, late of Company A, Eighty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HENRIETTA V. WEST.

The bill (S. 6703) to restore to the pension roll the name of Henrietta V. West was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henrietta V. West, widow of Francis West, late acting assistant surgeon, United States Army, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Henrietta V. West."

JAMES W. MESSICK.

The bill (H. R. 5007) granting an increase of pension to James W. Messick was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James W. Messick, late of Company E, Second Regiment Iowa Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DENNIS F. ANDRE.

The bill (H. R. 11694) granting an increase of pension to Dennis F. Andre was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Dennis F. Andre, late of Company F, Twenty-seventh Regiment Ohio Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY M. POSEY.

The bill (H. R. 12215) granting an increase of pension to Henry M. Posey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry M. Posey, late of Company B, Fourteenth Regiment Iowa Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES T. JACKSON.

The bill (H. R. 15229) granting a pension to James T. Jackson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James T. Jackson, late of Company D, Thirty-sixth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ABNER M. JUDKINS.

The bill (H. R. 15729) granting an increase of pension to Abner M. Judkins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Abner M. Judkins, late of Eighth Battery Wisconsin Volunteer Light Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AUGUSTUS BLOUNT.

The bill (H. R. 11339) granting a pension to Augustus Blount was considered as in Committee of the Whole. It proposes to

place on the pension roll the name of Augustus Blount, dependent father of Alfred Blount, late of Company C, Thirty-fifth Regiment United States Colored Volunteer Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARIA M. C. SMITH.

The bill (H. R. 9611) granting a pension to Maria M. C. Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Maria M. C. Smith, widow of Charles H. Smith, late assistant surgeon, United States Army, war with Mexico, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES M. BLADES.

The bill (H. R. 5718) granting an increase of pension to James M. Blades was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James M. Blades, late first lieutenant Company A, Sixth Regiment Illinois Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LYMAN MATTHEWS.

The bill (S. 1128) granting an increase of pension to Lyman Matthews was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendments in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pensions laws, the name of Lyman Matthews, late of Company E, Ninth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EMMET C. HILL.

The bill (S. 4807) granting an increase of pension to Emmett C. Hill was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emmet C. Hill, late hospital steward, One hundred and seventeenth Regiment Illinois Volunteer Infantry, and United States Army, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Emmet C. Hill."

BENJAMIN N. BOND.

The bill (S. 6731) granting an increase of pension to Benjamin N. Bond was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "forty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin N. Bond, late surgeon, Twenty-seventh Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LEMAN A. BRACE.

The bill (S. 3929) granting an increase of pension to L. A. Brace was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "of," to strike out the letter "L." and insert "Leman;" and in line 8, before the word "dollars," to strike out "twenty" and insert "seventeen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Leman A. Brace, late of Company K, Twenty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Leman A. Brace."

ORSON NICKERSON.

The bill (S. 6063) granting an increase of pension to Orson Nickerson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "Infantry," to insert "war with Mexico;" and in line 10, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Orson Nickerson, late of Company K, Fourth Regiment United States Infantry, war with Mexico, and Company K, One hundred and sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SOPHIE S. SHAFFER.

The bill (S. 6641) granting an increase of pension Sophie S. Shaffer was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "late," to strike out "colonel" and insert "lieutenant-colonel;" and in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sophie S. Shaffer, widow of William F. Shaffer, late lieutenant-colonel Second Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES GREENMAN.

The bill (S. 6431) granting an increase of pension to James Greenman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Greenman, late of Company K, Second Regiment Wisconsin Volunteer Cavalry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DAVID C. YAKEY.

The bill (H. R. 7680) granting an increase of pension to David C. Yakey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David C. Yakey, late of Company A, Twenty-fifth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM ZICKERICK.

The bill (H. R. 12413) granting an increase of pension to William Zickerick was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Zickerick, late captain, Twelfth Battery Wisconsin Volunteer Light Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN M. DRAKE.

The bill (S. 1939) granting an increase of pension to John M. Drake was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "of" and insert "captain," and in line 8, before the word "and," to insert "and lieutenant-colonel First Regiment Oregon Volunteer Infantry;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions

and limitations of the pension laws, the name of John M. Drake, late captain Company D, First Regiment Oregon Volunteer Cavalry, and lieutenant-colonel First Regiment Oregon Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN HAMILTON, SECOND.

The bill (S. 4760) granting an increase of pension to John Hamilton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Hamilton, second, late of Battery A, Maryland Junior Volunteer Light Artillery, and Company E, Sixth Regiment United States Cavalry, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JESSE A. M'INTOSH.

The bill (H. R. 13955) granting an increase of pension to Jesse A. McIntosh was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jesse A. McIntosh, late of Company B, First Regiment Illinois Volunteer Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HELEN N. PACKARD.

The bill (H. R. 14265) granting an increase of pension to Helen N. Packard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Helen N. Packard, widow of John A. A. Packard, late second lieutenant Company I, Fifth Regiment Maine Volunteer Infantry, and to pay her a pension of $15 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REGINA F. PALMER.

The bill (H. R. 14751) granting an increase of pension to Regina F. Palmer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Regina F. Palmer, widow of Wilson P. Palmer, late captain Company G, Two hundred and tenth Regiment Pennsylvania Volunteer Infantry, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALICE A. FITCH.

The bill (H. R. 9776) granting an increase of pension to Alice A. Fitch was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alice A. Fitch, widow of Ezra Fitch, late major, First Regiment Arkansas Volunteer Cavalry, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

J. BANKS HUNTER.

The bill (H. R. 10219) granting an increase of pension to J. Banks Hunter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of J. Banks Hunter, late of United States Signal Corps, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALFRED J. SELLERS.

The bill (H. R. 15385) granting an increase of pension to Alfred J. Sellers was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alfred J. Sellers, late major, Ninetieth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM THOMPSON.

The bill (H. R. 15416) granting an increase of pension to William Thompson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Thompson, late of Company D, Second Regiment Pennsylvania Reserve Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANDREW J. PENNEL.

The bill (S. 2256) granting an increase of pension to Andrew J. Pennel was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew J. Pennel, late of Company F, Ninety-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM H. SHAW.

The bill (S. 3542) granting an increase of pension to William H. Shaw was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Shaw, late of Company H, One hundred and forty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM KIRKPATRICK.

The bill (S. 5932) granting an increase of pension to William Kirkpatrick was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Kirkpatrick, late of Company D, Forty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JARROT F. RIGG.

The bill (S. 5507) granting an increase of pension to Jarratt F. Rigg was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "of" where it occurs the first time, to strike out the name "Jarratt" and insert "Jarrot;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jarrot F. Rigg, late of Company H, Thirteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Jarrot F. Rigg."

SAMUEL J. BOYER.

The bill (S. 2974) granting an increase of pension to Samuel J. Boyer was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "forty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel J. Boyer, late of Company G, Nineteenth Regiment United States Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES M'MORROW.

The bill (S. 5123) granting an increase of pension to James McMorrow was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James McMorrow, late of Company E, Fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM BARRETT.

The bill (S. 5991) granting an increase of pension to William Barrett was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Barrett, late of Company C, First Regiment Indiana Volunteer Infantry, war with Mexico, and Company I, Fifteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AUSTIN L. TOPLIFF.

The bill (S. 6530) granting an increase of pension to Austin L. Tapliff was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Austin L. Topliff, late of Company K, One hundred and twelfth Regiment New York Volunteer Infantry, and sergeant-major Thirty-fifth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Austin L. Topliff."

JOSEPH WESTBROOK.

The bill (H. R. 8721) granting an increase of pension to Joseph Westbrook was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph Westbrook, late of Company I, Forty-first Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JULIA M'CARTHY.

The bill (H. R. 11485) granting a pension to Julia McCarthy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Julia McCarthy, widow of Timothy McCarthy, late of Company G, Sixth Regiment United States Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH D. LOCKHART.

The bill (S. 6373) granting an increase of pension to Joseph D. Lockhart was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "war," to strike out "Mexican;" in the same line, before the word "and," to insert "with Mexico;" and in line 8, before the word "dollars," to strike out "fifty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph D. Lockhart, late of Company D, Third Regiment Tennessee Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BURREL G. WOOD.

The bill (S. 6694) granting an increase of pension to Burrel G. Wood was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "war," to strike out "Mexican;" in the same line, before the word "and," to insert "with Mexico;" and in line 8, before the word "dollars," to strike out "thirty" and insert "sixteen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Burrel G. Wood, late of Company H, Third Regiment Kentucky Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SUSAN KENNEDY.

The bill (H. R. 623) granting a pension to Susan Kennedy was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pensions with an amendment, in line 5, before the word "to," to strike out "otherwise;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susan Kennedy, widow of Thomas Kennedy, late of Captain Beauchamp's company, Alabama Volunteers, Creek Indian war, and pay her a pension at the rate of $8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

WILLIAM H. LOYD.

The bill (H. R. 14373) granting an increase of pension to William H. Loyd was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Loyd, late of Company A, First Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANN M. MORRISON.

The bill (H. R. 14913) granting an increase of pension to Ann M. Morrison, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ann M. Morrison, widow of William A. Morrison, late of Company K, First Regiment Alabama Volunteer Infantry, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY E. CRAIG.

The bill (S. 5967) granting an increase of pension to Mary E. Craig was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Craig, widow of William Craig, late captain and assistant quartermaster, United States Army, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PHINEAS L. SQUIRES.

The bill (S. 4544) granting an increase of pension to Phineas L. Squires was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions

and limitations of the pension laws, the name of Phineas L. Squires, late of Company B, Sixth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE DAVIS.

The bill (S. 4379) granting an increase of pension to George Davis was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Davis, late of Company A, Seventy-eighth Regiment United States Colored Volunteer Infantry, and Company F, Ninth Regiment United States Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES W. SCHERZER.

The bill (S. 3249) granting an increase of pension to Charles W. Scherzer was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles W. Scherzer, late of Company F, Fourteenth Regiment United States Infantry, and Company M, Twenty-first Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LEMUEL KINGSBURY.

The bill (S. 4087) granting a pension to Lemuel Kingsbury, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lemuel Kingsbury, late unassigned, Fifteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES B. GREELY.

The bill (H. R. 13200) granting an increase of pension to Charles B. Greely was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles B. Greely, late of the U. S. steamships *Ohio* and *Rhode Island*, United States Navy, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDMUND P. FOX.

The bill (S. 6367) granting an increase of pension to Edmund P. Fox was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edmund P. Fox, late of Company H, Sixteenth Regiment New Hampshire Volunteer Infantry, and Company D, Eighteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE H. STONE.

The bill (H. R. 15396) granting an increase of pension to George H. Stone was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George H. Stone, late of Company B, Sixteenth Regiment Maine Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MORTON A. LEACH.

The bill (H. R. 16011) granting an increase of pension to Morton A. Leach was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Morton A. Leach, late of Company I, First Regiment New York Veteran Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN HUFFMAN.

The bill (H. R. 7766) granting an increase of pension to John Huffman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Huffman, late of Company F, Nineteenth Regiment Kentucky Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CORA E. BROWN.

The bill (H. R. 12324) granting a pension to Cora E. Brown was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "helpless," to strike out "the;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cora E. Brown, helpless and dependent daughter of James S. Brown, late of Company F, Thirteenth Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LESTER H. SALSBURY.

The bill (H. R. 15648) granting an increase of pension to Lester H. Salsbury was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lester H. Salsbury, late of Company B, Fourth Regiment Michigan Volunteer Infantry, and to pay him a pension of $50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEWIS FISHBAUGH.

The bill (H. R. 10757) granting an increase of pension to Lewis Fishbaugh was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lewis Fishbaugh, late of Company E, Seventy-eighth Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HIRAM A. HOBER.

The bill (H. R. 13463) granting an increase of pension to Hiram A. Hober was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hiram A. Hober, late of the Twelfth Independent Battery, New York Volunteer Light Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving,

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARGARET ANN WEST.

The bill (H. R. 13944) granting a pension to Margaret Ann West was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "pension," to strike out "as" and insert "at;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret Ann West, late nurse, Medical Department, United States Volunteers, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

GEORGE THOMPSON.

The bill (H. R. 13353) granting an increase of pension to George Thompson was considered as in Committee of the Whole. It

proposes to place on the pension roll the name of George Thompson, late of Company C, Sixteenth Regiment Michigan Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MATILDA A. MARSHALL.

The bill (H. R. 15112) granting a pension to Matilda A. Marshall was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Matilda A. Marshall, widow of D. Frank Marshall, late of Company K, Second Regiment Michigan Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALONZO F. CANFIELD.

The bill (H. R. 15114) granting an increase of pension to Alonzo F. Canfield was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alonzo F. Canfield, late of Company B, Second Regiment Michigan Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN MURPHY.

The bill (H. R. 15113) granting an increase of pension to John Murphy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Murphy, late of Company C, First Regiment Maine Volunteer Heavy Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LYMAN A. L. GILBERT.

The bill (H. R. 13997) granting an increase of pension to Lyman A. L. Gilbert was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lyman A. L. Gilbert, late of Company H, Seventh Regiment Michigan Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN H. WHIDDEN.

The bill (H. R. 14273) granting a pension to John H. Whidden was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John H. Whidden, late of Company A, Second Regiment Florida Volunteer Cavalry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSIAH S. FAY.

The bill (H. R. 10826) granting an increase of pension to Josiah S. Fay was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Josiah S. Fay, late acting third assistant engineer, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

REBECCA L. CHAMBERS.

The bill (H. R. 14836) granting a pension to Rebecca L. Chambers was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Rebecca L. Chambers, widow of William B. Chambers, late of Company B, Sixth Regiment Tennessee Volunteer Infantry, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM L. WHETSELL.

The bill (H. R. 4923) granting a pension to William L. Whetsell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twelve" and insert "eight;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William L. Whetsell, late of Company H, Second Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

GEORGE CUMMINGS.

The bill (S. 6985) granting an increase of pension to George Cummings was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George Cummings, late of Company H, Ninth and Sixth regiments New Hampshire Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARIA A. MARDEN.

The bill (S. 6984) granting an increase of pension to Maria A. Marden was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Maria A. Marden, widow of William C. Marden, late of Company E, Sixteenth Regiment New Hampshire Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LINDA F. MOULTON.

The bill (S. 6982) granting an increase of pension to Linda F. Moulton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Linda F. Moulton, widow of William H. Moulton, late of Company I, First Regiment Rhode Island Volunteer Cavalry, and first lieutenant and regimental commissary, First Regiment New Hampshire Volunteer Cavalry, and to pay her a pension of $17 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LORENZO P. DUNCKLEE.

The bill (S. 6981) granting an increase of pension to Lorenzo P. Duncklee was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lorenzo P. Duncklee, late of Company C, Fourth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BENJAMIN COOPER.

The bill (H. R. 15789) granting an increase of pension to Benjamin Cooper was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Benjamin Cooper, late of Company I, Second Regiment Kentucky Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JESSIE R. DEWSTOE.

The bill (H. R. 14256) granting an increase of pension to Jessie R. Dewstoe was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jessie R. Dewstoe, widow of Gerritt S. Dewstoe, late of Company C, Sixth Regiment Michigan Volunteer Cavalry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY G. WHEELER.

The bill (H. R. 3302) granting an increase of pension to Henry G. Wheeler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry G. Wheeler, late of Company I, Forty-eighth Regiment Illinois Volunteer Infantry, and to pay him a pension of $17 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NANCY A. KILLOUGH.

The bill (H. R. 7815) granting a pension to Nancy A. Killough was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an

amendment, in line 8, before the word "dollars," to strike out "twelve" and insert "eight;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nancy A. Killough, widow of John H. Killough, late of Company D, Thirty-third Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

ANDREW W. MILLER.

The bill (H. R. 15398) granting an increase of pension to Andrew W. Miller was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew W. Miller, late of Company K, Second Regiment Illinois Volunteer Light Artillery, and to pay him a pension of $22 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REBECCA PIPER.

The bill (H. R. 10350) granting a pension to Rebecca Piper was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Rebecca Piper, foster mother of Simpson Eaton, late of Company I, Eighteenth Regiment Kentucky Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH LOWDEN.

The bill (H. R. 7130) granting a pension to Elizabeth Lowden was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth Lowden, the former widow of Henry A. Lowden, late of Company G, Fifty-second Regiment Indiana Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH THOMPSON.

The bill (S. 4337) granting an increase of pension to Elizabeth Thompson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Thompson, widow of Matthew Thompson, late of Company K, Seventh Regiment Maine Volunteer Infanty, and Company K, First Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SAMUEL J. RADCLIFFE.

The bill (S. 6415) granting an increase of pension to Samuel J. Ratcliffe was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel J. Radcliffe, late surgeon and brevet lieutenant-colonel, United States Volunteers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Samuel J. Radcliffe."

CHARLES S. BOYINGTON.

The bill (S. 6841) granting an increase of pension to Charles S. Boyington was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles S. Boyington, late of Company F, One hundred and forty-second Regiment New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ANN M. JACKMAN.

The bill (S. 7060) granting an increase of pension to Ann M. Jackman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ann M. Jackman, widow of Edward G. Jackman, late of Company A, Eighteenth Regiment New Hampshire Volunteer Infantry, and to pay her a pension of $24 per month in lieu of that she is now receiving. But in the event of the death of Fred B. Jackman, invalid and dependent child of Edward G. Jackman, the additional pension herein granted shall cease and determine.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ESTHER G. WHARTON.

The bill (S. 3152) granting a pension to Esther G. Whorton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Esther G. Wharton, widow of George W. Wharton, late of Companies L and I, Tenth Regiment United States Cavalry, and pay her a pension at the rate of $8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Esther G. Wharton."

JOHN KELLEY.

The bill (H. R. 7385) granting an increase of pension to John Kelley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Kelley, 2d, late of Company F, Sixth Regiment Vermont Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM F. LOOMIS.

The bill (H. R. 15999) granting an increase of pension to William F. Loomis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William F. Loomis, late of First and Second batteries Vermont Volunteer Light Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MINOR CHILDREN OF DANIEL J. REEDY.

The bill (H. R. 11197) granting a pension to the minor children of Daniel J. Reedy was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the names of Daniel J. Reedy and Annie T. Reedy, minor children of Daniel J. Reedy, late chief machinist, United States Navy, and pay them jointly a pension at the rate of $12 per month, and $2 per month additional on account of each of said children until they reach the age of 16 years, from which date the pension of Annie T. Reedy, helpless and dependent child of said Daniel J. Reedy, shall continue at the rate of $12 per month during the period of her helplessness.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

SARAH C. MERRELL.

The bill (S. 7003) granting an increase of pension to Sarah C. Merrell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah C. Merrell, widow of Micah R. Merrell, late first lieutenant Company C, Tenth Regiment Minnesota Volunteer Infantry, and to pay her a pension of $17 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SARAH J. SNOOK.

The bill (S. 2259) granting a pension to Sarah J. Snook was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah J. Snook, widow of John Snook, late

of Company H, Seventy-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ISRAEL V. HOAG.

The bill (S. 2799) granting an increase of pension to Israel V. Hoag was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Israel V. Hoag, late of Captain Palmer's Independent Company, Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ARCHIBALD M'INTIRE.

The bill (S. 4466) granting a pension to Archibald McIntire was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Archibald McIntire, late of Company H, Fifth Regiment California Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Archibald McIntire."

WILLIAM A. DOUGAN.

The bill (S. 6563) granting an increase of pension to William A. Dougan was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "private;" and in line 7, after the words "New York," to strike out "Volunteers" and insert "Volunteer Infantry;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William A. Dougan, late of Company E, Ninety-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CAROLINE FITZSIMMONS.

The bill (H. R. 629) granting a pension to Caroline Fitzsimmons was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Caroline Fitzsimmons, widow of Paul J. Fitzsimmons, late of Company I, One hundred and sixty-fourth Regiment New York Volunteer Infantry, and to pay her a pension of $8 per month, such pension, however, to cease and terminate upon proof that said soldier be still living.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN D. BINFORD.

The bill (H. R. 9153) granting an increase of pension to John D. Binford was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John D. Binford, late of Company C, Second Regiment Iowa Volunteer Cavalry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY THOMAS.

The bill (H. R. 10214) granting an increase of pension to Henry Thomas was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Thomas, late of Company G, One hundred and thirtieth Regiment Indiana Volunteer Infantry, and to pay him a pension of $17 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DANIEL P. MARSHALL.

The bill (H. R. 15069) granting an increase of pension to Daniel P. Marshall was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel P. Marshall, late of Company D, Eighth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

WILLIAM BELK.

The bill (H. R. 7779) granting an increase of pension to William Belk was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Belk, late of Company I, Sixteenth Regiment Indiana Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCIS M. M'COY.

The bill (H. R. 8247) granting an increase of pension to Francis M. McCoy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Francis M. McCoy, late of Company H, Thirty-eighth Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN P. PETERMAN.

The bill (H. R. 9734) granting an increase of pension to John P. Peterman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John P. Peterman, late of Company K, Fifth Regiment Indiana Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN W. B. HUNTSMAN.

The bill (H. R. 13839) granting an increase of pension to John W. B. Huntsman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John W. B. Huntsman, late of Company C, Ninth Regiment Kentucky Volunteer Infantry, and to pay him a pension of $50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT STEWART.

The bill (H. R. 9658) granting an increase of pension to Robert Stewart was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretaty of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert Stewart, late of Company C, Forty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

HORACE FOUNTAIN.

The bill (H. R. 12563) granting an increase of pension to Horace Fountain was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars." to strike out "twenty-four" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Horace Fountain, late of Company K, Seventy-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

WILLIAM S. HUTCHINSON.

The bill (H. R. 8152) granting an increase of pension to William S. Hutchinson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "Volunteer," to strike out "Infantry" and insert "Cavalry;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William S. Hutchinson, late second lieutenant Company D, Seventeenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. GALLINGER. There are two or three pension bills which were reported this morning. I ask that they may be considered. They are on the table.

CYRUS B. NORRIS.

The bill (S. 7077) granting an increase of pension to Cyrus B. Norris was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Cyrus B. Norris, late of Company E, Ninth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $17 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JULIA LEE.

The bill (H. R. 12902) granting a pension to Julia Lee was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Julia Lee, mother of George D. Lee, late of Company B, Eleventh Regiment United States Infantry, war with Spain, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN H. ROBERTS.

The bill (H. R. 14837) granting a pension to John H. Roberts was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John H. Roberts, late of Company B, Sixth Regiment Tennessee Volunteer Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CENTRAL ARIZONA RAILWAY.

Mr. BURTON. Mr. President, I wish to ask unanimous consent to call up Senate bill 6968.

Mr. KEAN. I do not think we can transact any legislative business except pension bills this evening. I do not know what bill the Senator wishes to call up.

Mr. BURTON. I do not think the Senator will make any objection.

Mr. KEAN. I do not object, only I do not think it comes under the unanimous-consent agreement. I do not think we can do it.

Mr. BURTON. I ask unanimous consent. I have here a letter from the Secretary of the Interior, stating that the bill is entirely satisfactory. I did not have the letter the other day, and I can not call up the bill on Monday. I do not think the Senator from New Jersey ought to ask to have the matter go over, especially since Congress has passed a similar bill. I have in my hand a letter from the Secretary of the Interior stating that the bill is entirely satisfactory to the Department.

Mr. KEAN. Personally I know nothing about the bill the Senator from Kansas desires to call up, but I think the understanding was that there should be nothing but pension legislation after 5 o'clock.

Mr. BURTON. Mr. President, I did not take up the time of the Senate to-day when other Senators were calling up bills by unanimous consent, and unless the Senator is willing to allow the bill to come up by unanimous consent, I shall make a motion to consider it at this time.

The PRESIDENT pro tempore. The bill was before the Senate the other day and read in full.

Mr. KEAN. I shall have to object, Mr. President.

Mr. BURTON. I move that the Senate proceed to the consideration of Senate bill 6968.

Mr. COCKRELL. I hope the Senator will not do that.

Mr. BURTON. The objection is captious. The Senator understands very well that on Monday I can not call up the bill.

Mr. COCKRELL. There will be plenty of time afterwards.

Mr. BURTON. No; I insist upon it. I have not asked this privilege of the Senate heretofore. Objection was made the other day because I did not have a letter from the Secretary of the Interior, and I have it here now. The bill is entirely satisfactory to the Department.

The PRESIDENT pro tempore. The Senator from Kansas moves that the Senate proceed to the consideration of the following bill.

The SECRETARY. A bill (S. 6968) granting the Central Arizona Railway Company a right of way for railroad purposes through the San Francisco Mountains Forest Reserve, in the Territory of Arizona.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Kansas.

Mr. HOAR. Mr. President, I desire to ask what was the unanimous consent which was given to the Senator from New Hampshire [Mr. GALLINGER]?

The PRESIDENT pro tempore. It was that unobjected pension bills should be taken up at 5 o'clock, and that consideration should be given to them for one hour.

Mr. GALLINGER. Unless sooner disposed of.

Mr. HOAR. I have not the least objection to the Senator's bill, but I have a very strong feeling about the observance of unanimous-consent agreements.

Mr. CULLOM. Mr. President——

Mr. HOAR. I rise to a parliamentary inquiry. Was it the unanimous-consent agreement that there should be no other business taken up this afternoon?

The PRESIDENT pro tempore. It was not.

Mr. MORGAN and others. No.

Mr. HOAR. I was so informed when I asked the question before.

Mr. CULLOM. When the Senator made the point of order at the beginning I thought there was force in it, and therefore I withdrew my motion, but it did not interfere with the unanimous-consent agreement.

Mr. HOAR. I did not make a point of order. I put the question simply.

The PRESIDENT pro tempore. There was no such unanimous-consent agreement.

Mr. HOAR. Very well; then I have nothing to say about it one way or the other. I do not say anything about the Senator's bill. I merely wished to know what the unanimous-consent agreement was. If that be observed, it is all I insist upon.

The PRESIDENT pro tempore. The unanimous-consent agreement has been observed. The order under it has been completed and the Senator from Kansas moves that the Senate proceed to the consideration of the bill which has been read by title. The question is on agreeing to the motion of the Senator from Kansas.

The motion was agreed to.

The PRESIDENT pro tempore. The bill is before the Senate as in Committee of the Whole. It has been read.

Mr. COCKRELL. Let it be read again. I do not remember anything about it.

Mr. BURTON. Here is the letter from the Secretary of the Interior, if the Senator will allow it to be read. It is very short.

Mr. COCKRELL. Let the letter be read.

Mr. BURTON. All right.

The PRESIDENT pro tempore. The Secretary will read the letter.

Mr. CULLOM. I hope the Senator from Kansas will not insist upon the further consideration of this bill under the circumstances.

Mr. BURTON. Under the advice of older Senators here——

Mr. CULLOM. I am very anxious to accommodate the Senator, but I think under the circumstances he should not press the bill.

Mr. BURTON. And I know two of them, at least, are my friends, I wish to withdraw the bill for the present from consideration.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed with the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 6 o'clock and 12 minutes p. m.) the Senate adjourned until Monday, January 26, 1903, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 24, 1903.

ASSISTANT SECRETARY OF TREASURY.

Robert B. Armstrong, of Illinois, to be Assistant Secretary of the Treasury, to succeed Oliver L. Spaulding, resigned.

SECRETARY OF HAWAII.

George R. Carter, of Hawaii, to be secretary of the Territory of Hawaii, vice Henry E. Cooper, resigned.

RECEIVER OF PUBLIC MONEYS.

Sargent S. Morton, of California, to be receiver of public moneys at San Francisco, Cal., his term having expired. (Reappointment.)

APPOINTMENT IN THE ARMY—MEDICAL DEPARTMENT.

Robert Lewis Richards, of California, contract surgeon, United States Army, to be assistant surgeon with the rank of first lieutenant, January 22, 1903, to fill an original vacancy.

PROMOTION IN THE NAVY.

Lieut. Joseph H. Rohrbacher, to be a lieutenant-commander in the Navy, from the 7th day of November, 1902, vice Lieut. Commander Henry Morrell, promoted, to correct an error in the name of this officer as submitted in the nomination transmitted on December 8, 1902.

POSTMASTERS.

ARIZONA.

Kasper Hauser, to be postmaster at Wilcox, in the county of Cochise and Territory of Arizona, in place of Samuel J. Geddes. Incumbent's commission expires February 14, 1903.

CALIFORNIA.

Felix L. Grauss, to be postmaster at Calistoga, in the county of Napa and State of California, in place of Felix L. Grauss. Incumbent's commission expired January 17, 1903.

Edward G. Hall, to be postmaster at Healdsburg, in the county of Sonoma and State of California, in place of Edward G. Hall. Incumbent's commission expired January 17, 1903.

Frank B. Mackinder, to be postmaster at St. Helena, in the county of Napa and State of California, in place of Frank B. Mackinder. Incumbent's commission expired January 17, 1903.

FLORIDA.

John H. Hibbard, to be postmaster at De Land, in the county of Volusia and State of Florida, in place of John H. Hibbard. Incumbent's commission expires February 6, 1603.

John M. Jolley, to be postmaster at Daytona, in the county of Volusia and State of Florida, in place of John M. Jolley. Incumbent's commission expires February 6, 1903.

GEORGIA.

Samuel M. Davis, jr., to be postmaster at Calhoun, in the county of Gordon and State of Georgia. Office became Presidential January 1, 1903.

Edward Y. Swanson, to be postmaster at Monticello, in the county of Jasper and State of Georgia. Office became Presidential January 1, 1903.

ILLINOIS.

William C. Heining, to be postmaster at Red Bud, in the county of Randolph and State of Illinois. Office became Presidential January 1, 1903.

Stacy W. Osgood, to be postmaster at Winnetka, in the county of Cook and State of Illinois, in place of Everett W. Osgood, resigned.

IOWA.

William D. Burk, to be postmaster at Muscatine, in the county of Muscatine and State of Iowa, in place of William LeRoy Roach, resigned.

KANSAS.

James S. Alexander, to be postmaster at Florence, in the county of Marion and State of Kansas, in place of David C. Battey, removed.

LOUISIANA.

Romanta T. Hart, to be postmaster at Rayne, in the parish of Acadia and State of Louisiana. Office became Presidential January 1, 1903.

John W. Miller, to be postmaster at Alexandria, in the parish of Rapides and State of Louisiana, in place of Robert P. Hunter. Incumbent's commission expired January 10, 1903.

MARYLAND.

Milton S. Lankford, to be postmaster at Princess Anne, in the county of Somerset and State of Maryland, in place of Milton S. Lankford. Incumbent's commission expires January 31, 1903.

Sewell M. Moore, to be postmaster at Cambridge, in the county of Dorchester and State of Maryland, in place of Sewell M. Moore. Incumbent's commission expires February 20, 1903.

William R. Reese, to be postmaster at Crisfield, in the county of Somerset and State of Maryland, in place of William R. Reese. Incumbent's commission expires January 31, 1903.

MASSACHUSETTS.

James O. Hodges, to be postmaster at Mansfield, in the county of Bristol and State of Massachusetts, in place of James O. Hodges. Incumbent's commission expires January 27, 1903.

MICHIGAN.

John F. Chisholm, to be postmaster at Grand Marais, in the county of Alger and State of Michigan, in place of John F. Chisholm. Incumbent's commission expires February 9, 1903.

Leonard W. Feighner, to be postmaster at Nashville, in the county of Barry and State of Michigan, in place of Leonard W. Feighner. Incumbent's commission expires January 27, 1903.

Earl B. Hammond, to be postmaster at Vermontville, in the county of Eaton and State of Michigan. Office became Presidential January 1, 1903.

Benjamin F. Oakes, to be postmaster at East Tawas, in the county of Iosco and State of Michigan, in place of Benjamin F. Oakes. Incumbent's commission expires January 27, 1903.

MINNESOTA.

Christian A. Rasmussen, to be postmaster at Red Wing, in the county af Goodhue and State of Minnesota, in place of Christian A. Rasmussen. Incumbent's commission expires February 15, 1903.

Clark A. Wood, to be postmaster at Heron Lake, in the county of Jackson and State of Minnesota, in place of Clark A. Wood. Incumbent's commission expires January 27, 1903.

MISSISSIPPI.

John W. Lockhart, to be postmaster at Durant, in the county of Holmes and State of Mississippi, in place of John W. Lockhart. Incumbent's commission expired January 10, 1903.

MISSOURI.

Moses M. Adams, to be postmaster at Seneca, in the county of Newton and State of Missouri, in place of Moses M. Adams. Incumbent's commission expires February 10, 1903.

J. L. Fields, to be postmaster at Shelbina, in the county of Shelby and State of Missouri, in place of Albert F. Huggins. Incumbent's commission expires January 28, 1903.

Thomas M. Morsey, to be postmaster at Warrenton, in the county of Warren and State of Missouri, in place of Thomas M. Morsey. Incumbent's commission expires February 10, 1903.

NEBRASKA.

James N. Brooks, to be postmaster at Rushville, in the county of Sheridan and State of Nebraska, in place of James N. Brooks. Incumbent's commission expired January 19, 1903.

Stephen E. Cobb, to be postmaster at Emerson, in the county of Dixon and State of Nebraska. Office became Presidential January 1, 1903.

George A. Eckles, to be postmaster at Chadron, in the county of Dawes and State of Nebraska, in place of George A. Eckles. Incumbent's commission expires January 27, 1903.

William T. Owens, to be postmaster at Loup, in the county of Sherman and State of Nebraska. Office became Presidential January 1, 1903.

Frank R. Stewart, to be postmaster at Randolph, in the county of Cedar and State of Nebraska, in place of James L. Stewart, deceased.

NEW YORK.

Gervas H. Kerr, to be postmaster at Pelham Manor, in the county of Westchester and State of New York. Office became Presidential January 1, 1903.

William B. Le Roy, to be postmaster at Cohoes, in the county of Albany and State of New York, in place of William B. Le Roy. Incumbent's commission expires February 10, 1903.

Charles S. Munger, to be postmaster at Herkimer, in the county of Herkimer and State of New York, in place of Charles S. Munger. Incumbent's commission expires January 28, 1903.

James E. Peck, to be postmaster at Jordan, in the county of Onondaga and State of New York, in place of J. D. Tullar. Incumbent's commission expired December 15, 1902.

Jetur R. Rogers, to be postmaster at Southampton, in the county of Suffolk and State of New York, in place of Jetur R. Rogers. Incumbent's commission expires February 15, 1903.

Benjamin L. Ward, to be postmaster at Cambridge, in the county of Washington and State of New York, in place of Benjamin L. Ward. Incumbent's commission expired January 13, 1903.

NORTH CAROLINA.

Isaac M. Meekins, to be postmaster at Elizabeth City, in the county of Pasquotank and State of North Carolina, in place of Elizabeth C. Pool. Incumbent's commission expired January 19, 1903.

OHIO.

John W. Ammerman, to be postmaster at Eaton, in the county of Preble and State of Ohio, in place of John W. Ammerman. Incumbent's commission expires January 24, 1903.

Joseph C. Bender, to be postmaster at National Military Home, in the county of Montgomery and State of Ohio, in place of Joseph C. Bender. Incumbent's commission expires January 24, 1903.

W. E. Moulton, to be postmaster at Canal Fulton, in the county of Stark and State of Ohio, in place of William G. Myers, deceased.

PENNSYLVANIA.

Edward W. Hannum, to be postmaster at Swarthmore, in the county of Delaware and State of Pennsylvania, in place of Edward W. Hannum. Incumbent's commission expires February 14, 1903.

John G. McCamant, to be postmaster at Tyrone, in the county of Blair and State of Pennsylvania, in place of John G. McCamant. Incumbent's commission expires January 28, 1903.

SOUTH DAKOTA.

Thomas B. Roberts, to be postmaster at Armour, in the county of Douglas and State of South Dakota, in place of Thomas B. Roberts. Incumbent's commission expired January 7, 1903.

John W. Walsh, to be postmaster at Montrose, in the county of McCook and State of South Dakota. Office became Presidential January 1, 1903.

TEXAS.

William A. Stoner, to be postmaster at Waco, in the county of McLennan and State of Texas, in place of William A. Stoner. Incumbent's commission expired January 10, 1903.

VIRGINIA.

William H. Boyenton, to be postmaster at Hampton, in the county of Elizabeth City and State of Virginia, in place of Elisha G. Darden, deceased.

WASHINGTON.

F. A. Tarr, to be postmaster at Montesano, in the county of Chehalis and State of Washington, in place of Nellie E. Divilbiss. Incumbent's commission expired January 13, 1903.

WISCONSIN.

Gustav A. Albrecht, to be postmaster at Plymouth, in the county of Sheboygan and State of Wisconsin, in place of Gustav A. Albrecht. Incumbent's commission expires January 28, 1903.

James T. Brownlee, to be postmaster at Mondovi, in the county of Buffalo and State of Wisconsin, in place of James T. Brownlee. Incumbent's commission expired January 19, 1903.

Hervey L. Coe, to be postmaster at Port Washington, in the county of Ozaukee and State of Wisconsin, in place of Hervey L. Coe. Incumbent's commission expires January 28, 1903.

George H. Dodge, to be postmaster at Arcadia, in the county of Trempealeau and State of Wisconsin, in place of George H. Dodge. Incumbent's commission expires February 13, 1903.

William H. Landolt, to be postmaster at Wauwatosa, in the county of Milwaukee and State of Wisconsin, in place of William H. Landolt. Incumbent's commission expires January 28, 1903.

Nicholas T. Martin, to be postmaster at Mineral Point, in the county of Iowa and State of Wisconsin, in place of Nicholas T. Martin. Incumbent's commission expires February 14, 1903.

PANAMA CANAL.

The injunction of secrecy was removed January 26, 1903, from a convention between the United States and the Republic of Colombia for the construction of a ship canal, etc., to connect the waters of the Atlantic and Pacific oceans, signed January 22, 1903.

HOUSE OF REPRESENTATIVES.

SATURDAY, *January 24, 1903.*

The House met at 12 o'clock m.

Prayer by the Rev. HAROLD M. RIDER, of Baltimore, Md., as follows:

Almighty God, we invoke Thy presence this day in Congress assembled. The final basis of all law and authority is in Thee. Thou art the Alpha, the beginning of all things; from Thee we came. Thou art the Omega, the ending of all things; to Thee we must go. Thou art the everliving God; in Thee we live and work and aspire. Give us such a sense of our responsibility to Thee that all legislation shall be wise, all administration just, all national and individual relations sympathetic.

In the performance of our duties may we receive guidance and inspiration from Thee.

Hear Thou and answer our prayer, in the name and for the sake of our highest ideal of manhood; for Thine is the kingdom and the power and the glory forever. Amen.

The Journal of yesterday's proceedings was read and approved.

SPEAKER PRO TEMPORE FOR PROCEEDINGS OF SUNDAY, JANUARY 25.

The SPEAKER. The Chair, with the consent of the House, will designate as Speaker for the proceedings of to-morrow the gentleman from Ohio, Mr. GROSVENOR.

CONGRESSIONAL RECORD.

Mr. HEATWOLE. Mr. Speaker, I call up the conference report on the bill (S. 2296) to amend an act approved March 2, 1895, relating to public printing.

The SPEAKER. The gentleman from Minnesota calls up a conference report, which the Clerk will read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the amendment of the House to the bill S. 2296, entitled "An act to amend an act approved March 2, 1895, relating to the public printing," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the amendment of the House and agree to the same.

JOEL P. HEATWOLE,
VINCENT BOREING,
F. C. TATE,
Managers on the part of the House.

T. C. PLATT,
S. B. ELKINS,
JAMES K. JONES,
Managers on the part of the Senate.

The effect of the accompanying report is to allow to the Sergeant-at-Arms of the Senate 20 extra copies of the CONGRESSIONAL RECORD for the use of the Senate.

JOEL P. HEATWOLE,
VINCENT BOREING,
F. C. TATE,
Managers on the part of the House.

Mr. HEATWOLE. Mr. Speaker, I move the adoption of the conference report.

Mr. UNDERWOOD. Mr. Speaker, the gentleman from Minnesota [Mr. HEATWOLE] has not moved the previous question, and if he does not propose to do so, I would ask for recognition at this time.

The SPEAKER. Does the gentleman from Minnesota yield to the gentleman from Alabama?

Mr. HEATWOLE. How much time does the gentleman desire?

Mr. UNDERWOOD. I ask for only five minutes.

Mr. HEATWOLE. I yield to the gentleman.

Mr. UNDERWOOD. Mr. Speaker, it is not directly on the proposition before the House that I desire to address myself. I have no objection to the adoption of this conference report or to the printing of these CONGRESSIONAL RECORDS; but some eight or nine months ago this House by an almost unanimous vote agreed to print 200,000 copies of what is known as the "Horse Book," for the use of members of the House. I do not think there is any book for which the members of this House have more demand, and the fact that they do have a demand for it demonstrates conclusively that it is useful, that it is read, and that it is not a waste of the public money to print it.

From time to time we authorize the printing of numbers of documents, just as we will this morning authorize the printing of these books, with practically little demand for them. There are numbers of resolutions brought in here from time to time by the committee, and I am not attempting to criticise the committee, because it may be necessary to print some editions of these books. But we order numbers of reports printed here that nobody ever reads, that have a final resting place in the subcellars of this Capitol, and are of benefit to no one; and with the resolution pending before the Senate committee for the printing of the Horse Book, I think it is the duty of Committee on Printing to stop the passing of these Senate resolutions for printing until some attention is paid to that resolution of ours.

Mr. HEATWOLE rose.

The SPEAKER. Does the gentleman yield for a question?

Mr. UNDERWOOD. I do.

Mr. HEATWOLE. Will the gentleman from Alabama kindly name some of the useless books that have been ordered by the House by resolution and that have gone into the basement of the Capitol? And, furthermore, I should like to know if the CONGRESSIONAL RECORD is not desired by every member of this House? The Committee on Printing has been importuned for the last three or four years to have the number of CONGRESSIONAL RECORDS increased.

Mr. UNDERWOOD. I said in my opening remarks that I had no objection to this particular resolution; that I thought it more or less useful, but there are comparatively few men who call for the CONGRESSIONAL RECORD, while there are thousands who want to have printed the book issued by the Agricultural Department on the Diseases of the Horse.

In answer to the question as to what useless books have been ordered, I can not enumerate them now, but there is not a member on the floor of this House who does not know that he has a number of books on his list to-day that no one ever asks him for; and it was only last year that, in order to get rid of those volumes, the superintendent of the folding room had to send out and request members to let him dispose of the useless volumes to their credit down here in the basement of this Capitol.

Mr. SHACKLEFORD. Is it the CONGRESSIONAL RECORD the gentleman refers to?

Mr. UNDERWOOD. No; I am not opposing the printing of the CONGRESSIONAL RECORD.

Mr. SHACKLEFORD. Is that what is involved in this motion?

Mr. UNDERWOOD. No, sir.

Mr. SHACKLEFORD. We understood that you were opposing the printing of the CONGRESSIONAL RECORD, which we would be sorry to see you do.

Mr. UNDERWOOD. Not at all. I am not opposing the printing of the CONGRESSIONAL RECORD, but I say that this House over nine months ago, by a resolution, directed the printing of 200,000 copies of the Horse Book, and that it is allowed to be buried in a committee of the Senate; that we are passing Senate resolutions for the printing of useless books, and I say that we ought to stop printing those books and passing those resolutions entirely until the resolutions that we have sent to the Senate have been considered and acted on, for things that we want and need for our constituents.

Mr. SHACKLEFORD. That is all right.

Mr. UNDERWOOD. That is all I have to say.

Mr. HEATWOLE. I want to say to the gentleman from Alabama that by resolution of this House no useless books have been printed, so far as the committee have been able to learn. Every resolution presented to the committee has been carefully considered. It is true there are many useless publications, but they come from the Executive Departments and not from Congress.

I now move the previous question on the adoption of the conference report.

The previous question was ordered.

The conference report was agreed to.

HENRY M. HOLMES.

The SPEAKER laid before the House a Senate amendment to the bill (H. R. 1193) to correct the military record of Henry M. Holmes.

Mr. GARDNER of Massachusetts. I move that the House concur in the Senate amendment.

The motion was agreed to.

ADAM STUBER.

The SPEAKER also laid before the House the bill (S. 5118) granting an increase of pension to Adam Stuber, with a House amendment thereto, disagreed to by the Senate.

Mr. SULLOWAY. Mr. Speaker, I move that the House insist upon its amendments and agree to the conference asked for by the Senate.

The motion was agreed to; and the Speaker named as conferees on the part of the House Mr. DARRAGH, Mr. GIBSON, and Mr. CROWLEY.

AGRICULTURAL APPROPRIATION BILL.

Mr. WADSWORTH. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the Agricultural appropriation bill.

The SPEAKER. The gentleman from New York, chairman of the Committee on Agriculture, moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 16910, being the Agricultural appropriation bill.

Mr. WADSWORTH. Pending that motion I would like to make some arrangement as to general debate. I have had no request from any gentleman on this side for time and know of none from the other side.

Mr. WILLIAMS of Mississippi. If we can go along without any arrangement at the present, I think we can save time by it.

Mr. WADSWORTH. Very well.

The SPEAKER. The question is on the motion of the gentleman from New York, that the House resolve itself into Committee of the Whole House on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. POWERS of Maine in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 16910, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 16910) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1904.

Mr. WADSWORTH. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. WADSWORTH. Mr. Chairman, the House by reading the report on the bill will notice that the bill carries $5,238,860; the amount carried in the current fiscal year is $5,208,960, showing a net increase of $29,900. Though the amount appropriated is about $400,000 less than the estimates, the committee, in view of the very liberal amounts appropriated last year, and which are still in force, deem that the appropriations in this bill are ample to enable the Department to do progressive and good work. The main increases are $40,000 in the Bureau of Animal Industry, to enable the Department to purchase more ground for a quarantine station near Jersey City, and the purchase of new ground at Baltimore, on the water front, where stock coming from abroad can be landed immediately in the quarantine station, without danger of transporting them by railroad or highway; and to enable them to carry out the provisions of the oleomargarine bill, in regard to the examination and chemical analysis of process or renovated butter.

The increase of $10,000 allowed the Bureau of Chemistry is recommended by the committee to enable that Bureau to make further experiments in researches into the manufacture of table sirup in the South. The increase of $10,000 allowed the Bureau of Entomology is recommended to enable the Department to make further and more extended investigations into the cotton boll weevil and worm in Texas and other States, with a view to find some means to exterminate it; for if that is not done it will inflict incalculable injury on the cotton industry of the South. These are the main increases. We have allowed another small increase of $5,000 to be added to the appropriation for agricultural experiment stations, to enable the Secretary of Agriculture to report upon the organization and progress of farmers' institutes in the several States and Territories.

Only two salaries have been increased, one by $200 to the assistant chief of the Biochemic Division of the Bureau of Animal Industry and $500 to the chief of the Division of Publications. Both of these salaries the committee have taken into careful consideration, and deem it only fair and just to give them to two competent men who have served in their present positions for many years.

Mr. HULL. Why did not the committee report them in a separate bill?

Mr. WADSWORTH. I will say to the gentleman from Iowa, he knows how difficult it is to pass a separate bill.

Mr. HULL. If this is absolutely right, that is the proper place for it.

Mr. WADSWORTH. We have created the office of assistant chief of the Weather Bureau, and chief clerk to the Bureau of Chemistry. These are the only changes in the salaries of the Department. With that brief statement, we will take up the bill under the five-minute rule, and as we shall reach the different paragraphs I will be glad to answer any questions that may be asked.

Mr. BURKETT. I would like to ask the gentleman a question.

Mr. WADSWORTH. Certainly.

Mr. BURKETT. I notice in the report that the appropriation on irrigation is cut down from $65,000 to $25,000. What is it that is to be cut out of this work?

Mr. WADSWORTH. It is simply a reduction in the amount of the appropriation. If you will read the report——

Mr. BURKETT. I have read the report.

Mr. WADSWORTH. You will see—

that upon full and careful consideration your committee have reached the conclusion that the appropriation heretofore made for this specific purpose might be reduced without detriment to the public interests, and has therefore recommended the sum of $25,000 for the ensuing year. In recommending this reduction the committee does not wish to be understood as questioning the value of the work that has heretofore been done by the Department along these lines. On the contrary, the committee is of the opinion that this work has been so thoroughly and well done as to render unnecessary a continuation of the large appropriation heretofore made for its prosecution. The view of your committee is that the full duty of the Federal Government will be performed if it maintains a small staff of trained experts on irrigation, who shall keep abreast of all the developments relating to this subject, compile and publish from time to time such information as they may acquire and the interests of the people may demand, and offer suggestions and advice in response to individual requests.

The view of the committee is that the full duty of the Federal Government will be performed if it maintains a small staff of trained experts, and in view of the fact that the States have experiment stations and expert irrigation men, it is not necessary to keep up a large force.

Mr. BURKETT. I would ask the gentleman if any provision has been made to transfer any of this work?

Mr. WADSWORTH. None, whatever.

Mr. BURKETT. Has this matter been taken into consideration by the committee?

Mr. WADSWORTH. It has not.

Mr. BURKETT. Has the committee taken into consideration the work that the Agricultural Department has done, and that which is now to be clipped?

Mr. WADSWORTH. We believe, in view of the fact that they have already done a great deal of work, that it is not necessary to keep up the force as large as it now is.

Mr. BURKETT. Knowing that similar bureaus were doing work, I asked to be furnished with a statement of some of the work they were doing, and I have it. It is, first, investigation

and study of irrigation of rice in the Southern States, which seems a commendable branch to some people.

Mr. WADSWORTH. When we reach that item of the bill my colleague [Mr. SCOTT] has all the data, and will make a very full explanation of the matter.

Mr. BURKETT. What I wanted to know in the general debate was what particular parts of irrigation should be clipped out, and what bureaus transferred to any other bureau. As I look it over there is some work which should be done by the Government, and it should continue the work.

Mr. CRUMPACKER. Mr. Chairman, before the gentleman takes his seat, I would like to call his attention to the increases in the salary mentioned on page 2 of the report, where it says:

Two increases in salaries have been allowed, $200 to the assistant chief of the Biochemic Division of the Bureau of Animal Industry and $500 to the chief of the Division of Publications. Both of these cases were carefully looked into by the committee and were considered only fair and just on account of long and efficient service.

These items are not large, but it occurs to me that a principle is involved in that statement. These increases seem to be in the nature of longevity pay. Now, suppose a new chief or a new assistant chief of the Biochemic Division, or a new chief of the Bureau of Publication, should be appointed after the passage of this bill, this will constitute a precedent, will it not?

Mr. WADSWORTH. For those divisions; yes.

Mr. CRUMPACKER. Does the gentleman believe the duties of the division, without regard to the special merits of the officers who fill them, are such as to justify these increases?

Mr. WADSWORTH. In this case I do, but in a great many cases I do not think so.

Mr. CANDLER. Mr. Chairman, I have not had time to read this bill in full, but as I represent an agricultural district I am interested in the question of the distribution of seeds and farmers' bulletins. I want to ask the gentleman from New York, the chairman of the committee, if there is any difference in this bill and the previous bill as to the amount appropriated for these two purposes, or whether they are increased or decreased?

Mr. WADSWORTH. No; the amounts appropriated are the same, and they are distributed in the same way.

Mr. JONES of Washington. Mr. Chairman, I would like to ask the gentleman a question.

Mr. WADSWORTH. Certainly.

Mr. JONES of Washington. I notice in the appropriation bill the amount appropriated is $25,000 for irrigation, while last year it was $65,000. I think the estimates of the Secretary were $75,000. Will the gentleman state more fully than the report states why this decrease is made?

Mr. WADSWORTH. I have just been over that somewhat with the gentleman from Nebraska. I think when we reach that item in the bill we will take it up and discuss the whole matter.

Mr. JONES of Washington. Very well.

Mr. WADSWORTH. Mr. Chairman, I reserve the balance of my time. Now, if no one else wishes to speak, I will ask for the reading of the bill.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I have promised time to gentlemen on this side, but I do not see them now in the Chamber. I suppose that we might consider general debate closed; but I will ask consent that if gentlemen enter later while the reading of the bill is going on under the five-minute rule, I may be permitted to give them the time they ask.

Mr. UNDERWOOD. Mr. Chairman, I would like to ask the gentleman from Mississippi if he can not arrange to give me about fifteen minutes when we reach the head of the soil service?

Mr. WILLIAMS of Mississippi. Mr. Chairman, I will ask that as one of the conditions. It is understood, then, that during the course of the reading of the bill I shall have permission to yield fifteen minutes to the gentleman from Alabama [Mr. UNDERWOOD], and time, not exceeding twenty minutes, to each of two other gentlemen if they come in.

Mr. WADSWORTH. Very well.

Mr. ROBINSON of Indiana. Mr. Chairman, I would like to interrupt the gentleman from New York to inquire whether there is anything in the bill making appropriation for good roads?

Mr. WADSWORTH. No, sir.

Mr. ROBINSON of Indiana. Or for a civil pension list?

Mr. WADSWORTH. There is no civil pension list.

The Clerk, proceeding with the reading of the bill, read as follows:

General expenses, Bureau of Plant Industry; vegetable pathological and physiological investigations: Investigating the nature of diseases injurious to fruits, fruit trees, grain, cotton, vegetable, and other useful plants; experiments in the treatment of the same; the study of plant physiology in relation to crop production and the improvement of crops by breeding and selection; to investigate the diseases affecting citrus fruits, pineapples, and truck crops grown during the winter in the Southern States; to investigate canaigre and other tannin-bearing plants; to investigate and report upon the diseases affecting plants on the Pacific coast; to originate or introduce improved varieties of fruits and vegetables in cooperation with the section of seed and plant introduction; to study the relation of soil and climatic conditions to diseases of plants, particularly with reference to the California vine diseases and diseases of the sugar beet, in cooperation with the Bureau of Soils, and for other purposes connected with the discovery and practical application of improved methods of crop production; to continue the work of originating, by breeding and selection, in cooperation with the other divisions of the Department and the experiment stations, new varieties of oranges, lemons, and other tropical and subtropical fruits more resistant to cold and disease and of better quality; varieties of wheat and other cereals more resistant to rust and smut and better suited to the various sections of this country; varieties of cotton more resistant to disease and of longer and better staple, and varieties of pears and apples more resistant to blight and better adapted for export; to investigate the causes of decay in forest timber and timber used for construction purposes, and to devise means for preventing the decay of the same; to investigate the practical application in agriculture of the fixation of atmospheric nitrogen by bacteria and other microorganisms in soils and in the root tubercles of leguminous and other plants; to cultivate and distribute these nitrogen fixers and to determine the conditions most favorable to their development; to study and find methods for preventing the algal and other contaminations of water supplies; the employment of investigators, local and special agents, clerks, assistants, and student scientific aids at an annual salary of $480 each, and other labor required in conducting experiments in the city of Washington and elsewhere, and collating, digesting, reporting, and illustrating the results of such experiments; for telegraph and telephone service; for gas and electric current; purchase of chemicals and apparatus required in the field and laboratory; necessary traveling expenses; for express and freight charges; the preparation of reports and illustrations; the rent and repairs of a building, not to exceed $3,000 per annum; all necessary office fixtures and supplies, and for other expenses connected with the practical work of the investigations, $110,000.

Mr. MADDOX. Mr. Chairman, I rise for the purpose of inquiring of the chairman of the committee how much new legislation there is in the bill to which attention is not called in the report?

Mr. WADSWORTH. There is practically no new legislation. There is no new power delegated to the Secretary or any of his subordinates.

Mr. MADDOX. There is no legislation in the bill that is not pointed out in the report?

Mr. WADSWORTH. No, sir.

Mr. MADDOX. The report states all the changes in legislation?

Mr. WADSWORTH. Yes.

The Clerk read as follows:

Tea-culture investigations: For all expenses necessary, including the employment of labor in the city of Washington or elsewhere, to enable the Secretary of Agriculture to investigate and report on the cost of making tea and the best method of cultivating and preparing the same for market, so as to demonstrate whether it is practicable to introduce its culture in the Southern States as a profitable industry, and for all necessary fixtures, supplies, apparatus, material, and other expenses, $10,000.

Mr. MONDELL. Mr. Chairman, I notice that this item carries an appropriation of $7,000 for the purpose of determining the cost of "making tea." I think there are a great many good tea makers in the country who would probably be willing to enlighten the public on this subject for a much smaller sum of money.

Now, I wish to ask the chairman of the committee if it is not a fact that some twenty years ago—about that time, as I recollect—there was a thorough investigation made at very considerable cost to the Government on the subject of tea growing, and whether it was not at that time determined that, owing to the high price of labor in the United States, it would be impossible for us to compete with oriental countries in the production of tea? That is my understanding.

Mr. WADSWORTH. I have no recollection of any experiments in tea culture having been made before these which have been inaugurated by the present Secretary of Agriculture. I think the gentleman from Wyoming [Mr. MONDELL] has got the silk-raising investigations confused with the tea investigation.

Mr. MONDELL. I know that there was an investigation on the subject of the production of silk; but I had the impression that about the same time, or later—I believe the investigation relative to the production of silk was more than twenty years ago, perhaps twenty-five years—there was an investigation into the question of tea culture.

Mr. PAYNE. A private individual in the State of South Carolina has been engaged in experiments in tea culture for a number of years.

Mr. SLAYDEN. At his own expense.

Mr. MONDELL. Will the chairman of the committee state how much money has been expended in the tea-culture investigations?

Mr. WADSWORTH. My recollection is that the first appropriation of this kind made upon the recommendation of the Secretary of Agriculture was $4,000; and the amount of the appropriation has been gradually increased to $10,000, at which sum it has been for the last three years. If the gentleman will turn to the report of the Secretary of Agriculture he will find described the character of work that has been done and is in progress. A tea farm has been in operation at Pinehurst, Summerville, S. C., in which this work has been carried on by the Department in cooperation with Mr. Charles U. Shepard.

Mr. MONDELL. I understand, then, that this entire appropriation of $10,000 is being expended in collaboration with some individual engaged in the tea industry in South Carolina?

Mr. WADSWORTH. The work is being carried on also in Texas. With the view of increasing the interest in this crop, a tea farm has been established in Texas, in the most suitable location that can be procurred, and agents of the Agricultural Department are looking into the question. The outlook at present is very favorable. Whether tea growing in this country can be made a commercial success will depend largely upon details connected with field and factory work.

Mr. MONDELL. Then I do not understand that any private individual in Texas has undertaken tea culture, but the Department on its own motion is investigating the question down there——

Mr. WADSWORTH. That is correct.

Mr. MONDELL. With the view of determining whether——

Mr. WADSWORTH. Whether tea can be successfully grown.

Mr. MONDELL. Then, as I understand, $20,000 or $30,000 has been expended in experiments at the tea farm located at Pinehurst?

Mr. WADSWORTH. Mostly there. One of my colleagues on the committee [Mr. SCOTT] reminds me that the Secretary told us that he would probably finish up these experiments this year.

Mr. MONDELL. Does the gentleman feel hopeful that this experiment may be finished up this year with this appropriation?

Mr. WADSWORTH. Yes, sir; I am hopeful.

Mr. MONDELL. I wish to ask the gentleman further, whether it is intended to have this appropriation expended in part for the purpose of getting a report "on the cost of making tea," or is the experiment only with relation to the growing of tea?

Mr. WADSWORTH. We desire a general report on the whole subject of tea growing.

Mr. MONDELL. My last inquiry was directed entirely to the wording of the item.

Mr. WADSWORTH. We desire to find whether this industry can be made a commercial success in the United States. We are purchasing, of course, large quantities of tea from abroad. If we can grow tea in the South and utilize to that extent the cheap labor of the South, it will be a great addition to the products of our country.

Mr. SCOTT. In reply to the gentleman from Wyoming [Mr. MONDELL], I think I might say that the production of tea is in a large degree a matter of manufacture as well as of agriculture. You may grow tea of the very finest variety, and yet unless it be manipulated properly between the time it is gathered and the time of putting it on the market, it will be of no commercial value. That is the reason the words "making tea" were used. As a matter of fact, that language does not refer to the process of steeping the tea and preparing it for use as a beverage.

Mr. SLAYDEN. Mr. Chairman, I would ask the chairman of the committee to yield for a question.

The CHAIRMAN. Does the gentleman yield?

Mr. WADSWORTH. Certainly.

Mr. SLAYDEN. Is it not true that the scant preliminary investigations made under the direction of the Secretary of Agriculture have shown that the climatic and soil conditions entirely suitable for the production of tea have been found in Texas?

Mr. WADSWORTH. They have, and the Secretary of Agriculture is very hopeful that in a few years we will produce large quantities of tea in this country.

Mr. SLAYDEN. Have not his investigations in respect to the matter clearly convinced him that that can be done, and does he not feel that the additional appropriation is warranted.

Mr. WADSWORTH. Yes; and to further investigate the subject in other Southern States.

Mr. MONDELL. Mr. Chairman, I believe in encouraging new industries in the country and therefore have intended to offer no objection to the appropriation. I simply made the inquiry for the purpose of securing information on the subject.

The Clerk read as follows:

Purchase and distribution of valuable seeds: For the purchase, propagation, testing, and distribution of valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants; for rent of building, not to exceed $2,000; the employment of local and special agents, clerks, assistants, and other labor required, in the city of Washington and elsewhere; all necessary office fixtures and supplies, transportation, paper, twine, gum, printing, postal cards, gas, and electric current; traveling expenses, and all necessary material and repairs for putting up and distributing the same, and to be distributed in localities adapted to their culture, $270,000, of which amount not more than $48,000 shall be expended for labor in the city of Washington, D. C., and not less than $180,000 shall be allotted for Congressional distribution.

Mr. CANDLER. Mr. Chairman, I offer the following amendment, which I will send to the desk and ask to have read.

The Clerk read as follows:

On page 23, in line 18, strike out the words "two thousand" and insert the words "three thousand;" in line 25 strike out the words "two hundred and seventy thousand" and insert the words "three hundred thousand;" in lines 3 and 4, page 24, strike out the words "one hundred and eighty thousand" and insert the words "two hundred and ten thousand."

Mr. CANDLER. Mr. Chairman, the object of this amendment is to increase the appropriation for Congressional seed distribution to a sufficient amount to cover the quotas of the additional members of Congress who will be in the next Congress. As I understand it, the appropriation provided for in this paragraph is exactly the same appropriation which was provided for in the bill in reference to this matter for the preceding fiscal year. Now, in the next Congress there will be, I believe, 32 additional members over and above the number who are here now. If the appropriation remains exactly the same as it is, then, of course, the quota of the present membership will be decreased proportionately to the number of increased membership in the next House. My purpose and object is, by this amendment, to increase this appropriation to a sufficient amount to cover that quota, so that the quotas of the members of the present House shall not be decreased. This amendment is clearly for the benefit of the agricultural people, and I sincerely hope it will be decisively passed.

Mr. HENRY C. SMITH. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. CANDLER. Certainly; with pleasure.

Mr. HENRY C. SMITH. The fact that we will have more Congressmen in the next Congress than we had in this does not increase the number of people in the United States, does it? Therefore, there will be no necessity for an additional increase in the appropriation for the distribution of seed. Is not that the fact?

Mr. CANDLER. The increase in membership in this House is because of increase in population in the country, but while it may be true that the number of people will not be materially increased by the next year I am glad to say that Americans are increasing to some extent within our borders, and I hope to see true and genuine Americans increase faster in the future.

Whether that be true or not, there is not a member on the floor of this House to-day who has a large enough quota of seeds to supply the necessary demand which is made upon him. At least, I know that is true in reference to the great agricultural districts of this country. I know it is true in reference to my district, for I have not a sufficient number of seeds to supply fully the people in my district, and I am anxious that they should have all the seeds they desire. The result is that I use all the quota of seed I have and then get just as many more as I possibly can from my brother members, who are very kind and often exchange with me for something I have, which they desire, and thus I supply my people as fully as I can, but even then not as well as I would be glad to supply them.

Mr. HENRY C. SMITH. Will the gentleman permit me to suggest a remedy by which he may be relieved of his dilemma? If the gentleman will kindly inform his constituents what kind of seeds they are getting, he will have seeds to spare and seeds to burn and seeds which he can not get rid of. [Laughter.]

Mr. CANDLER. The results show that the seed I have sent out are excellent. Has the gentleman any to give away? If he has, will he give them to me? If he will I will cheerfully and promptly send them to my district.

Mr. HENRY C. SMITH. "Such as I have I give unto thee."

Mr. CANDLER. If the gentleman will transfer them to me now, I will thank him for them.

Mr. HENRY C. SMITH. I am in the condition of the spirit that was going to give the world to the Lord if he would fall down and worship him. I have nothing to give.

Mr. CANDLER. Then, if you are in that shape, your people must have called upon you liberally and you must have responded promptly.

Mr. HENRY C. SMITH. I am returning home with the consent of my constituents. [Laughter.]

Mr. CANDLER. I want to furnish your successor with plenty of seed, and I am satisfied if he will send them out promptly and judiciously to his constituents, it will have a decided effect on keeping him in this House; but that is probably a result you do not desire. [Laughter.]

I ask for a vote on my amendment.

Mr. WADSWORTH. Mr. Chairman, I think the House will find that under the new and improved methods inaugurated by the Secretary of Agriculture there will be plenty of seeds for the additional 32 members coming into the next House, and I trust that the House will not increase this item any further. It is $270,000 already.

Mr. MANN. What are the improved methods inaugurated by the Secretary?

Mr. WADSWORTH. Economy of labor, etc.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Mississippi [Mr. CANDLER].

The question was taken; and on a division (demanded by Mr. CANDLER) there were—ayes 56, noes 37.

Mr. WADSWORTH. Tellers.

Tellers were ordered; and the Chair appointed Mr. WADSWORTH and Mr. CANDLER.

The committee again divided; and the tellers reported—ayes 87, noes 42.

Accordingly the amendment was agreed to.

The Clerk read as follows:

Total for Bureau of Plant Industry, $612,730.

Mr. DARRAGH. I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

In line 2, page 27, strike out the word "five" and insert in lieu thereof the word "ten."

Mr. WADSWORTH. Mr. Chairman, for sugar investigation the committee allowed all the Secretary estimated for. He appeared before the committee and told us distinctly that that amount would be sufficient to carry on his investigations in proper shape. He saw no use for any further money in the line of sugar investigation.

Mr. DARRAGH. I interviewed the Secretary of Agriculture ten days ago relative to an expenditure connected with the industry of the cultivation of beets for the manufacture of beet sugar. He informed me that the appropriation along that line was exhausted.

It is a matter within the knowledge of the House that this industry is growing very rapidly, and that in the State of Michigan alone the amount of sugar produced now from the sugar beet exceeds the consumption of sugar in the entire State, being an amount equal in money to about $7,000,000 and over.

In order to make this industry still more successful, it is necessary that it should be developed and encouraged, and I can see no reason why the sum of $10,000 should be appropriated for the experimental cultivation of tea, which is purely experimental, and but $5,000 appropriated for the development of an industry which has grown more remarkably than almost any other in the country.

Mr. WADSWORTH. The making of sugar from beets is no longer experimental.

Mr. DARRAGH. That is true, Mr. Chairman. The cultivation of sugar is no longer an experiment in this country, and therefore I ask for the adoption of the amendment as an encouragement to a great industry that has already passed the period of experiment.

Mr. HAUGEN. I wish to state that I myself, as a member of the committee, offered such an amendment in the committee, and the Secretary of Agriculture was requested to appear before the committee. He did appear and made the statement that the investigation was complete, and that all that was necessary now for this purpose was $5,000, simply to employ one certain man and to collect information and to disseminate the information that they already had upon the subject by publication.

Now, I submit to the gentleman that $10,000 is certainly inadequate, if we are to proceed along the lines indicated by the gentleman from Michigan, and that we should have a much larger appropriation. We are importing annually $100,000,000 worth of sugar, and if the matter is worthy of any consideration whatever, it is certainly worthy of more consideration than the pitiful sum of $10,000; but in view of the statement made by the Secretary of Agriculture, the Committee on Agriculture deemed the amount recommended by the Secretary adequate to the purpose at the present time. An increase of $5,000 would be absolutely as inadequate as the $5,000 appropriated by the committee. If we are to increase the appropriation, let us increase it and make it mean something toward the development of one of the greatest industries of this country.

Mr. DARRAGH. Mr. Chairman, I should like to ask the gentleman from Iowa a question. He referred to keeping one man in the field. It was my desire to get a man at the Bureau who could go down and make an examination for the organization of a new factory in my district. There was no man in the field except Mr. Saylor. The only way I could get him, after the Secretary stated there was absolutely no money in that fund, was to say to the Secretary of Agriculture, "Do not stop on account of the expense; I will take care of the expenses of Mr. Saylor if you will send him to Travis City." Mr. Saylor at that time was at Omaha, I believe. He was supposed to be at Des Moines, Iowa. He finally reached the point and did the work exactly as we wanted it, and a company has been organized with a capitalization, I think, of a million dollars, and the probability is through that work, the very work I am trying to obtain a little pittance of $10,000 for, to develop an industry that has been pressed up to the extent it already has.

Mr. HAUGEN. I want to suggest that if there is any necessity for amending this so as to make it $10,000 why not make it $50,000 or $100,000 where it will stimulate and encourage this industry. I am as much an enthusiast in the growth of the sugar beet as any man in this country, but I suppose that $10,000 is an absolutely inadequate encouragement to this industry. And if it is the policy of this country through the Agricultural Department to encourage this industry, why not make the sum appropriated an amount that means something and that will accomplish something.

Mr. SCOTT. In reply to the remarks just made by the gentleman from Michigan, I wish to say the committee gave just exactly what the Secretary recommended. The gentleman from Michigan has stated that he told the Secretary they wanted an expert sent to a certain point in Iowa where an organization was to be made for the benefit of a big beet-sugar factory. He secured the attendance of such an expert, and as a result, perhaps, or at least it contributing to that result, the factory was established. Well, that man's work is exactly what the Secretary of Agriculture told the committee he desired this appropriation for, to study the matter of making sugar from beets, to help develop the industry in this country. The Secretary believes that this industry should be taken care of by private enterprise, and is being taken care of in that manner; that the only function the Government can occupy toward it is to keep one expert whose duty it shall be to keep himself fully posted on all developments in regard to the industry, and to publish from time to time such information as might be called for, and in every way to contribute his personal influence and information to the development of that industry. For that work the Secretary recommended that an appropriation of $5,000 be made, and it was done on his recommendation.

Mr. HAUGEN. Is it not also true that one of the scientists of the Department gave a very discouraging report as to the development of the beet-sugar industry.

Mr. SCOTT. I do not remember of such a report coming before our committee. On the contrary, my recollection is that the last reports regarding the beet-sugar industry were highly encouraging.

Mr. WADSWORTH. I hold in my hand a publication on the beet-sugar industry of the United States. It is in the form of an agricultural bulletin. I find this, on turning to page 26:

The recent census shows the rapid growth of the beet-sugar industry in this country. Thirty-one factories had been established before the end of the century. Since that time 11 other factories have been put in operation, located at the following places, and having the daily capacities named: Lyons, N. Y., 600 tons; Loveland, Colo., 1,000 tons; Rockyford, Colo., 1,000 tons; Sugar City, Colo., 500 tons; Bingham Canyon, Utah, 350 tons, Provo, Utah, 350 tons; Logan, Colo., 400 tons; Lansing, Mich., 600 tons; Saginaw, Mich., 600 tons; Salzburg, Mich., 400 tons; Menomonee Falls, Wis., 500 tons.

At the following places factories are either in process of erection or preparations have been made for building in 1902: Sebewaing, Mich., 600 tons, Carrollton, Mich., 600 tons; Mount Clemens, Mich., 600 tons; Croswell, Mich., 600 tons; Greeley, Colo., 800 tons; Eaton, Colo., 500 tons; Fort Collins, Colo., 500 tons.

Then it goes on and gives a list of the factories that already exist in the United States at different points.

Mr. HAUGEN. Now, I take it, our worthy chairman concedes that the rapid growth of the great beet-sugar industry is largely due to Congress and the encouragement that it has given for its development by the Agricultural Department. While that is true, and it is a great industry in which there is a great deal of cash money invested, we have paid for sugar an amount which exceeds the total output of all the gold and silver mines of the United States; yet here we are making an appropriation of a little sum of $5,000 to encourage that great industry. I say if we are to make so small an appropriation, why not wipe it out entirely from this bill? If it is the policy of the Government to encourage this great industry, why not give it a sum that will accomplish something? Why not give it $50,000 or $100,000 appropriation?

Mr. WADSWORTH. What will be done with the money when the Secretary says he has no use for more than the sum we have appropriated?

Mr. HAUGEN. Why, the Secretary and myself might differ as to that, my friend. But if $5,000 is to accomplish something, $50,000 will accomplish more; and therefore I move to amend the amendment by making it $50,000.

Mr. DARRAGH. I accept the amendment.

Mr. LIVINGSTON. Is not all that beet-sugar industry now in the hands of a combine?

Mr. HENRY C. SMITH. Mr. Chairman, I desire to say something upon this amendment. I would hesitate to vote for a proposition which would have any tendency to deter the growth of the great sugar-beet industry in the State of Michigan, or to go counter to the interest of any great enterprise in that State; but the language of the statute, the language in the appropriation bill, must necessarily be changed before a larger sum can be used than that recommended by the committee. Indeed, the appropriation here is to do certain named and enumerated things, and the Secretary informed the committee that the only thing he could do under the present policy was to disseminate the information now obtained and now accessible to those who desire it and to carry out little suggestions and experiments like the one suggested by my friend from Michigan.

Now, that is all the Secretary can use, and unless there is some larger plan, some other plan of further investigation and further encouragement of this great industry, it will be perfectly idle to increase the appropriation to $10,000, or to $50,000, or to any other sum, because the Secretary is limited by the language of

the appropriation itself as to what use shall be made of the $5,000 asked for by the Secretary of Agriculture and recommended by the committee. Unless the Secretary of Agriculture, or the chief of this Department, or some one else, has some plan by which the industry may be stimulated and assisted, I submit to gentlemen on this floor that it would be idle to make a larger appropriation than asked for by the Secretary of Agriculture, and to make an appropriation that he says he would have no use for and could not use it if made. Therefore, I hope my colleague from Michigan will withdraw his amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. DARRAGH].

Mr. HAUGEN. Mr. Chairman, I offered an amendment to the amendment making it $50,000.

The CHAIRMAN. If there is no objection the amendment will be modified to that extent.

There was no objection.

Mr. WADSWORTH. Now, Mr. Chairman, when the Secretary of Agriculture tells us point-blank—and we had him before us on this very proposition—that he could not use this appropriation if made, what is the use of putting it in his hands?

The question was taken on the amendment and the amendment was rejected.

Mr. HAUGEN. Mr. Chairman, I now offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Add at the end of the paragraph the following:

"That it shall be unlawful for any transportation company, after July 1, 1903, to offer for entry at any port in the United States any trees, plants, shrubs, vines, grafts, cuttings, and buds, commonly known as nursery stock, unless accompanied by a certificate of inspection by a qualified expert of the country from which the exportation was made, officially appointed by the government thereof, certifying that the contents have been carefully examined and found apparently free from all insect and fungous or other disease dangerously injurious to nursery stock.

"In case any nursery goods are offered for entry at any port of the United States without said certificate, as herein prescribed, it shall be the duty of the collector immediately to notify the Secretary of Agriculture, who shall arrange for inspection to be made at the expense of the importer, who shall pay therefor a fee to be fixed by the Secretary of Agriculture, and said collector shall not allow them to pass within the jurisdiction of the United States until a satisfactory certificate of inspection has been received. And after the aforesaid date, July 1, 1903, all nursery stock imported in accordance with the aforesaid regulations shall be free from all further inspection, quarantine, or restriction in interstate commerce: *Provided, however*, That the Secretary of Agriculture may, in his discretion, order specific examinations, and may also, at any time, relieve such articles from inspection by a specific order.

"SEC. 2. That whenever it shall appear to the Secretary of Agriculture that any nursery stock or variety of fruit grown in an infested district outside of the United States is being, or is about to be, imported into the United States, and such nursery stock or variety of fruit is infested by any seriously injurious insect or disease, which insect or disease is liable to become established in the United States and seriously affect any such nursery stock or variety of fruit grown therein, he shall have authority to quarantine against any such importations and prevent the same until such time as it may appear to him that any such insect or disease has become exterminated in the country or district from which such fruit or nursery stock is being, or is about to be, imported, when he may withdraw the quarantine, and this shall operate to relieve all such nursery stock or fruit from such further quarantine or restriction as is provided for in this section so long as the conditions of freedom from seriously injurious insects or disease shall continue.

"SEC. 3. That the Secretary of Agriculture may designate, in each State and Territory and in the District of Columbia, qualified experts, with authority to examine all nursery stock about to be transported from one State or Territory or the District of Columbia into another State or Territory or the District of Columbia, and issue their certificates stating the results of such examinations.

"The Secretary may publish rules and regulations prescribing the terms and conditions under which such experts may act. These examinations shall be made, so far as possible, between June 1 and September 1 of each year, in the manner prescribed by the Secretary of Agriculture; and if such nursery stock is found to be apparently free from dangerously injurious insects or diseases, the certificate of the authorized expert making such examination and finding shall be issued to the owner or owners of such nursery stock, a copy of which certificate shall be attached to and accompany each carload, box, bale, or package, and when so attached and accompanying shall operate to release all such nursery stock from further inspection, quarantine, or restriction in interstate commerce.

"SEC. 4. That it shall be unlawful for any person, persons, or corporation to deliver to any other person, persons, or corporation, or to the postal service of the United States (except for scientific purposes by permission of the Secretary of Agriculture), for transportation from one State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, or for exportation to any foreign country, any trees, plants, shrubs, vines, or other nursery stock which have not been examined in accordance with the provisions of section 3 of this act, or which, on said examination, have been declared by the inspector to be infested with dangerously injurious insects or diseases. Any person, persons, firm, or corporation who shall forge, counterfeit, or knowingly alter, deface, or destroy any certificate or copy thereof, as provided for in this act and in the regulations of the Secretary of Agriculture, or shall in any way violate the provisions of this act, shall be deemed guilty of a misdemeanor, and on a conviction thereof shall be punished by a fine not to exceed $500 nor less than $200, or by imprisonment not to exceed one year, or both, at the discretion of the court.

"SEC. 5. That the rules and regulations herein provided for shall be promulgated on or before the 1st day of July in each year.

"SEC. 6. That the sum of $50,000, to be available on the 1st day of May, 1902, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, to carry into effect the provisions of this act.

"SEC. 7. That this act shall take effect on and after the 30th day of June, 1903.

"SEC. 8. That the provisions of this act shall not apply in interstate commerce to florists' greenhouse trees, shrubs, plants, and bulbs, commonly known as florists' stock."

Mr. WADSWORTH. Mr. Chairman, to that amendment I raise the point of order.

Mr. HAUGEN. Mr. Chairman, I wish to state that this is the bill commonly known as the "nursery quarantine bill." It is a bill that has been agreed upon by the nurserymen of the country, by the scientists, and by the Agricultural Department, and is a bill that the country and the people at large is much interested in.

Resolutions adopted by the American Association of Nurserymen at Milwaukee, June 12, 1902, at their annual convention.

Having suffered from the increasing numbers of insect pests and plant diseases, whose ravages already cost the fruit growing and nursery interests of the country untold and yearly increasing millions, and believing that Federal quarantine regulations restricting the free transportation of infected fruits and plants in interstate and foreign commerce offer the only effective means of hindering the spread of such destructive pests and diseases: Therefore, we, the American Association of Nurserymen, in annual convention assembled, hereby resolve—

First. We believe that a well-guarded Federal quarantine law regulating both foreign and interstate commerce in fruits and plants offers our greatest hope of relief.

Second. We favor the passage of House bill No. 10999, now pending in the House of Representatives, and ask our Representatives and Senators to favor its prompt enactment into law without amendment.

Third. The secretary of this association is hereby authorized and directed to promptly transmit an official copy of these resolutions to each Representative and Senator in Congress now in session in Washington.

Adopted unanimously.

Various State associations have adopted resolutions favoring the passage of H. R. 10999. I introduced this bill in the first session of this Congress. The bill was referred to the Committee on Agriculture. The bill has been unanimously reported back to the House by that committee.

The CHAIRMAN. The Chair will state to the gentleman that the question is on the point of order raised by the gentleman from New York.

Mr. HAUGEN. I was coming to that directly. I want to say that the bill is subject to point of order, and in view of the fact that there is opposition to the bill in the House I withdraw the amendment.

The Clerk, proceeding with the reading of the bill, read as follows:

To investigate the chemical composition of sugar-producing plants in the United States and its possessions, and, in collaboration with the Weather Bureau and agricultural experiment stations, to study the effects of environment upon the chemical composition of sugar-producing plants, especially with reference to their content of available sugar, $70,500: *Provided*, That $20,000 thereof shall be used exclusively for the purpose of investigating, determining, and reporting the proper treatment and process in order to secure uniform grade and quality of first-class table sirup.

Mr. WADSWORTH. Mr. Chairman, I offer the following amendment to come in after the word "sirup," in line 3.

The Clerk read as follows:

Insert, after the word "sirup," line 3, section 33, the following: "*Provided*, That if found necessary $1,200 of the amount hereby appropriated may be used for the purchase and installment of a new boiler in the Bureau of Chemistry."

Mr. WADSWORTH. Mr. Chairman, during the late cold snap the boiler was found to be inadequate to heat the building and run the apparatus. This provision is in case it is found necessary to put in a new boiler.

The amendment was agreed to.

The Clerk read as follows:

General expenses, Bureau of Soils: Investigation of the relation of soils to climate and organic life; for the investigation of the texture and composition of soils in the field and laboratory; for the investigation of the cause and prevention of the rise of alkali in the soils of the irrigated districts; the investigation of the relation of soils to drainage and seepage waters, and of methods for the prevention of the accumulation of and injury from seepage waters in irrigated districts; for investigations of soils in continental United States and for indicating upon maps or plats, by coloring or otherwise, the results of such investigations; to map the tobacco soils of the United States; to investigate the soils and conditions of tobacco growth in Cuba, Sumatra, and other tobacco-competing countries; to investigate, in cooperation with the Bureau of Plant Industry, the methods of curing, with particular reference to fermentation; to originate, through selection and breeding, improved varieties for the principal tobacco districts of the United States, and to secure, as far as may be, a change in the methods of supplying tobacco to foreign countries; the location of the stations; rent of buildings, not to exceed $2,000 per annum, for office and laboratory purposes; the employment of local and special agents, clerks, assistants, and other labor required in conducting experiments in the city of Washington and elsewhere, and in collating, digesting, reporting, and illustrating the results of such experiments; the preparation and printing of reports, drawings, and illustrations, for materials, tools, instruments, apparatus, gas and electric current, furniture, supplies, for telegraph and telephone service, and for traveling expenses, freight and express charges, and other necessary expenses, $130,000.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I now desire to yield fifteen minutes to the gentleman from Alabama [Mr. UNDERWOOD.]

Mr. UNDERWOOD. Mr. Chairman, I desire to offer an amendment to this section by striking out the words "thirty thousand," where they occur on page 35, line 9, and insert "ninety-five thousand;" so that it will read "one hundred and ninety-five thousand dollars" instead of "one hundred and thirty thousand dollars." I send to the Clerk's desk to have read a statement from the report of the Secretary of Agriculture in reference to the needs of this Bureau.

The Clerk read as follows:

ESTIMATED COST OF PROPOSED SOIL SURVEY WORK.

During the fiscal year 1902 about $40,000 was spent on the soil survey with 10 survey parties. For the fiscal year 1903 an allotment of $60,000 has been made for this work, with 15 soil survey parties. For the fiscal year 1904, for which estimates are being submitted to Congress on the basis of the plans which have just been given for the continuation and extension of the work in order to meet the most urgent demands, an allotment of $120,000 would be necessary. This is based upon a total estimate of 243 months of field work contemplated by the above plans, which will require for its completion within the fiscal year 30 field parties, costing approximately $4,000 each, calculated on the basis of the work done during the last three years. Each party would survey about 1,200 square miles, making a total estimated area of 34,800 square miles, or 22,272,000 acres, in 38 States and Territories, which would be surveyed in that year.

Mr. UNDERWOOD. I also ask to have read a statement taken from the hearings before the committee.

The Clerk read as follows:

Bureau of Soils.—An increase of $65,000 (from $130,000 to $195,000) is recommended, as follows: For soil survey work, $36,000. This increase is needed to enable the Secretary of Agriculture to provide for 9 additional parties, making 24 parties in all, to meet the great demands for the extension of this work. Work is being carried on with 15 parties in 25 States; so some of the parties are only able to remain for a portion of the season in some of the States. There are already demands from about 35 States for next year, and urgent requests that the parties remain for the full field season. For tobacco investigations, $15,000, to enable the Secretary of Agriculture to increase the number of working parties from 3 to 6, for the purpose of placing parties in Pennsylvania, Wisconsin, and North Carolina, in response to the large demands made upon the Bureau for work along these lines.

For drainage and reclamation work, $6,000, particularly for reclamation of alkali lands in Utah, Montana, Washington, and California.

For laboratories, $3,000, for the purpose of providing for the enlargement of laboratory work necessitated by the increase of field operations. For administrative office, $5,000, for the purpose of purchasing additional supplies and for other administrative expenses connected with the increase in the field operations.

Mr. UNDERWOOD. Mr. Chairman, the Secretary of Agriculture has asked from the House an appropriation of $65,000 more than has been allowed by the committee. The work of this Department, the soil survey, is comparatively new work. It is a developing work, promoting investigations that have done a great amount of good in the agricultural sections of this country. The committee has not seen proper—and I do not mean to criticise the committee, but I differ with them—they have not seen proper to increase the appropriation over what was allowed last year. It necessarily can be seen that where you have established a new department that is reaching out in its investigation, it can not complete its investigation of many questions in one year; that it may take up the question of investigating the beet-sugar industry at this time—and it may take a number of years for it to complete that investigation—yet if the committee does not increase the appropriation, to let it broaden the area of its investigation, the Bureau must only partially complete work already begun, or else everything else must stand still until that particular work has been completed.

There is nothing that I believe is of more benefit to the farmers and the agricultural classes of this country than the development of this soil service. It is true you may scientifically investigate what is contained in the soil and report it and lay it before the numbers of farmers of this country, and it will be of no benefit to them, because of lack of interest and an unwillingness to try new methods; but there is not a community in the United States in which there is not some man who has got the energy, the intelligence, and the capacity to understand and take up the scientific researches of the Department of Agriculture, demonstrate its possibility and practicability, and when he has done so he is a living example and illustration to his neighbors; and those who would not take the maps or the work or books of the department and study them for themselves, when it has reached that individual in the community who is capable of doing so and developing along scientific lines, then you will have one, at least, who will make the experiment, and by his success will set an example which his neighbors will follow.

Now, to illustrate: In my own district there has been a soil survey. In the course of this soil survey there have been made certain discoveries which, if not prosecuted and the results disseminated among the people, will not be as beneficial as they ought to be to a large number of persons. On the other hand, if the money be provided to carry these investigations into other States, large numbers of the agricultural class will be benefited.

Mr. WADSWORTH. Let me remind the gentleman that the increase last year in the appropriation for this bureau was $60,000.

Mr. UNDERWOOD. Yes, I understand that; but there is no increase reported this year.

Mr. WADSWORTH. Does the gentleman claim that there ought to be an increase every year?

Mr. UNDERWOOD. If the work is a success, and the investigation needs further development.

Mr. WADSWORTH. Let me say to the gentleman that this is not the last appropriation we intend to make for this purpose. We have been making these appropriations for the last six, seven, or ten years, and we expect to continue them in the future.

Mr. UNDERWOOD. I understand that these surveys will go on if they are a success. The experiment is comparatively a new one, and, so far as I understand, it is proving a success. The committee demonstrates that this work is proving a success, because they renew the appropriation. A committee that is so wisely presided over by the gentleman from New York would never have reported a renewal of last year's appropriation if they did not approve of the work done by this division of the Department of Agriculture.

I say, then, it is shown this is not a waste of money; but I say that when you start upon a course of experiments like these you must not allow the experiment to stand where it is to-day, but must extend it into other sections, so that other fields and other States not already provided for may be benefited. So far as this work has been extended it has been a success. Why not let its benefits be diffused into other localities?

Sixty-five thousand dollars is all that the Secretary of Agriculture asks from Congress for the continuance of these experiments. Why, sir, we spend $65,000 here in an idle moment often by providing, for instance, for publishing some statistical book. At the last session of Congress we appropriated between six hundred and seven hundred thousand dollars to experiment with a submarine torpedo boat, and yet some gentlemen say it is not proper to give $65,000 for building up and aiding the agricultural classes of this country. Why, sir, as a friend near me suggests, it was only the other day when you appropriated $500,000 to stamp out the foot-and-mouth disease, something that was local in its character, whereas the work of this bureau reaches all over the United States, and is intended to give information to the tillers of the soil, the men who pay the taxes.

Now, to illustrate how much good these experiments are doing, and what the extension of this work may mean for the farmers of America in competition with farmers of other countries, I ask to have read at the Clerk's desk a portion of a letter that I have received from Professor Whitney, chief of Bureau of Soils, in reference to the development of this work in the South.

The Clerk read as follows:

The light soils of the northern part of Perry County (which you asked me particularly to consider, with a view as to their adaptation to crops and general improvement) have been found to be identical with the soils of eastern Texas, upon which we have this year produced a filler leaf having the Cuban aroma and flavor.

The report of the soil survey is being prepared in my office now for the printer, and this, together with the soil map, will be issued as soon as possible. I am planning to go to Perry County next week to inspect the work of the survey and to examine particularly the soils that are reported to me to be identical with the tobacco soils of eastern Texas with a view of putting a party of tobacco experts in the county to raise a crop in order to see if this surmise is correct.

Our investigations in eastern Texas, which have been carried on for two years, have resulted in the production on a particular soil of a cigar leaf with all the characteristics of the Cuban tobacco. The Department now has two soil survey parties in the area to map these soils, and it is confidently predicted that when the Department is able to announce the exact localities upon which the tobacco can be grown, that the price of land in these areas will advance at least 200 or 300 per cent and an exceedingly profitable industry will be built up.

To give you an idea of this, I would state that the best domestic filler leaf is grown in Ohio and Pennsylvania. These tobaccos sell at from 8 to 12 cents a pound, and even at these prices they give very satisfactory results to the growers. In addition to the enormous quantities raised in these States, this country annually imports about $8,000,000 worth of tobacco from Cuba, which sells in the market at from $1 to $1.50 per pound. This price is maintained not only on account of the excellent quality of the leaf, but on account of the small supply derived from the relatively small area in Cuba. It is reported that the Cuban growers receive about 15 cents a pound for this tobacco. It is well known that the tobacco importers and dealers of New York City are among the most prosperous class of business men.

If the Department's position is correct, that tobacco having the Cuban aroma can be grown on certain soils in our Southern States, it is going to be possible to produce at a cost not exceeding 15 cents a pound a tobacco which will sell in our domestic markets at from 40 to 70 cents a pound, allowing for the prestige of the Cuban product, which can not immediately be overcome. There can be produced on these soils of the South from 800 to 1,000 pounds of filler leaf per acre. At 15 cents a pound, which should cover all expenses of raising, fermenting, and baling this tobacco, the cost per acre would be about $150. At 50 cents a pound for the selling value of the product, which is certainly a low estimate, the product from 1 acre would be worth $500, thus giving a profit of $350, which, with a provision for the permanent investment, interest on capital, and other such charges, yields a very handsome interest on money invested. The small farmers will be at rather a disadvantage in that they can not handle their product as uniformly and as successfully as the large growers, but they can sell their product as it comes from the field to the larger concerns at good prices, and a man with money or a corporation with experts in charge of the field and warehouse work can cultivate a thousand acres in tobacco as easily as a small farmer can cultivate 15 or 20 acres.

There is another point which should not be overlooked; that is, that the Department has shown in the handling of the Sumatra leaf in Connecticut that its indorsement of the enterprise has put the industry on its feet in an incredibly short time and at prices far beyond what could have been secured by any amount of advertising by private concerns. It is therefore possible in the case of the filler-leaf industry to be developed in the South that the prices to be realized from this product will be very much greater than the prices above given, as the indorsement of the Department will carry much weight with the tobacco trade.

In the case of the Connecticut shade-grown Sumatra, after the soil survey had been made in 1899, a third of an acre was planted by the Department in 1900, which satisfied us that a leaf having all the characteristics of the Sumatra wrapper could be produced. The usual Connecticut leaf sold on an average of 18 to 20 cents a pound. The first crop of Sumatra raised by the Department sold on an average of 91 cents per pound. In 1901 43 acres of this

Sumatra was grown under the direction of the Department of Agriculture and brought on an average of $1.20 per pound. The best crop brought $1.63 per pound, and the best bale brought $2.80 per pound. In 1902 700 acres were planted in the Connecticut Valley under the supervision of the Department of Agriculture, and the quality is admittedly superior to the quality of the previous year, and it is believed it will sell on an average for $1.50 per pound. The tobacco is estimated to be worth about a million dollars, and there is an indicated profit of about $1,000 per acre on an expenditure, without counting the investment in lands and buildings, of $650 per acre. The indications now are that several million dollars will be invested in this enterprise, giving exceedingly remunerative profits.

While the prices to be realized on the Southern filler leaf will not be so high as those realized for the Sumatra wrapper leaf, the cost of production is very much less and the profits per acre or per amount invested will be about the same, and I have certain information that a large amount of capital is ready to be invested in this enterprise as soon as the Department announces the completion of its demonstrative work.

Such constructive work as this is of immense value and opens up new industries in which capital can be profitably and safely invested. The preservation of crops through storm warnings and through the control of diseases and insect pests is valuable to the county, but constructive work in building up new industries in which capital can be diverted is of the highest type and of immense value to the country.

The CHAIRMAN. The time of the gentleman from Alabama [Mr. UNDERWOOD] has expired.

Mr. UNDERWOOD. I ask five minutes more.

Mr. WILLIAMS of Mississippi. I yield to the gentleman five minutes more.

Mr. UNDERWOOD. Mr. Chairman, I have had this letter read simply to demonstrate what the work of this Bureau can accomplish in the southern portion of the country. If it can be shown, as it is shown, that among our poorest lands there is soil on which you can grow tobacco which has the aroma of the Cuban tobacco, then by the extension of such information you build up and enrich those people without bringing them into competition with any other of the agricultural classes of this country. By cultivating our lands in this way we compete with the Cubans, but not with our own people.

Now, sir, Professor Whitney states in the letter just read that he has found this soil in Texas, Alabama, and South Carolina. He believes there is a strip of territory running from Texas to South Carolina where this peculiar tobacco can be grown—not to compete with any industry of our own people, but simply to compete with foreigners.

If he pursues this investigation with the limited appropriation here reported—if he goes from Texas to South Carolina with his experiments—it means that every other State must be deprived of the benefits of the work of this Bureau until that experiment is completed. If he goes on in an irregular way from one part of the country to another, jumping over here and jumping over there with his investigations, then the people of important sections of the country must be deprived of the information which, if obtained, would ultimately be of great value to them and to the country in general. That illustrates the matter simply as applied to one section of the country. But in the Northern States, where the soil is adapted to sugar-beet growing, the same thing may be said. The farmers of Connecticut have been greatly benefited by the proof that they also can raise a tobacco similar to the Sumatra tobacco.

This great Government of ours, Mr. Chairman, is developing, is extending; but the Agricultural Department does not seem to grow. Without intending to criticise my friends on the Committee on Agriculture, we might judge from this appropriation bill that they believed the Department of Agriculture should stand still——

Mr. HENRY of Connecticut. Will the gentleman allow an interruption?

The CHAIRMAN. Does the gentleman yield?

Mr. UNDERWOOD. Yes.

Mr. HENRY of Connecticut. I presented this case a year ago in very nearly the same language which the gentleman has put in the RECORD to-day, and if the gentleman will refer to the RECORD of a year ago, when this bill was under consideration, he will find that it corroborates what I say. At that time I urged upon that side of the House the importance of this tobacco investigation, explained the conditions in the Connecticut Valley and what had been done for us, but my friends did not respond. I endeavored to secure an increased appropriation for this division. I rejoice now that my friends from the South have seen the new light.

Mr. UNDERWOOD. I am glad my friend from Connecticut stands that way, but as I have only five minutes, I ask to be allowed to complete my sentence.

Mr. BURLESON. If the gentleman will permit just a moment, I would like to state for the information of the committee and of the gentleman from Connecticut [Mr. HENRY] that I very ably supplemented his efforts during the last session. [Laughter.]

Mr. HENRY of Connecticut. It is true that the gentleman did. I wished to say what I did only because the gentleman from Alabama was arraigning the committee.

Mr. UNDERWOOD. Oh, no.

Mr. HENRY of Connecticut. And I wanted to put myself right.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I am glad that it is generally agreed that this is a rehearing.

Mr. UNDERWOOD. I do not intend to arraign the committee, because they are able gentlemen and gentlemen for whom I have the highest respect and regard, but I say they are not advancing, as is shown by the bill, as rapidly as is the country.

Mr. WADSWORTH. Will the gentleman allow me to call his attention to one thing, for I am sure that he does not want to make a statement which is not true. If he will read the report of the committee, he will see that since 1897-98 the appropriations for this Department have grown from $3,182,000 to $5,238,000, an increase of $2,055,000. Last year the increase was $616,000, and the great bulk of it was for scientific investigation.

Mr. UNDERWOOD. I will ask the gentleman how much he has increased his appropriation this year over that of last year?

Mr. WADSWORTH. Only $29,000.

Mr. UNDERWOOD. That is what I understood.

Mr. WADSWORTH. In its report the committee says that in view of the large increases made last year it did not increase the appropriation largely this year.

Mr. UNDERWOOD. One minute more. You have increased this year only $29,000. How much more did the Secretary of Agriculture ask?

Mr. WADSWORTH. That is stated in the report.

Mr. UNDERWOOD. How much is it?

Mr. WADSWORTH. $400,000.

Mr. UNDERWOOD. That is all I meant to say. I do not differ with the gentleman. I agree with what the chairman of the committee has said, and by his own admission he proves what I have just stated that his committee is not advancing but standing still, for an increase of $29,000 in this great Department practically amounts to no increase at all.

I ask you to listen to a statement which I will read of the appropriation for the Agricultural Department for this year (1903), the estimates of the Secretary of Agriculture for next year (1904), and what this bill allows for next year.

Statement showing the lump-sum appropriations of the Department of Agriculture for the fiscal year 1903, estimates of the Secretary of Agriculture for the fiscal year 1904, and amounts allowed in bill H. R. 16910.

	Lump-sum appropriation, fiscal year 1903.	Estimates of Secretary of Agriculture, fiscal year 1904.	Amount allowed in H. R. 16910.
Bureau of Animal Industry	$1,160,000	$1,250,000	$1,200,000
Bureau of Plant Industry:			
Vegetable pathological investigations	110,000	135,000	110,000
Pomological investigations	30,000	40,000	30,000
Botanical investigations	55,000	65,000	55,000
Grass and forage-plant investigations	30,000	40,000	30,000
Experimental gardens and grounds	25,000	30,000	25,000
Arlington experimental farm	15,000	25,000	15,000
Tea-culture investigations	10,000	15,000	10,000
Purchase and distribution of valuable seeds	270,000	280,000	270,000
Investigating the domestic production of sugar	5,000	5,000	5,000
Bureau of Forestry	254,000	337,140	254,000
Bureau of Chemistry	60,500	80,500	70,500
Bureau of Soils	130,000	195,000	130,000
Division of Entomology	45,500	75,500	65,500
Biological Survey	28,000	38,000	28,000
Division of Publications	200,000	210,000	200,000
Division of Statistics	94,200	109,200	94,200
Division of Foreign Markets	6,500	9,000	6,500
Library	8,000	10,000	8,000
Agricultural Experiment Stations	796,000	805,000	801,000
Nutrition investigations	20,000	22,500	20,000
Irrigation investigations	65,000	75,000	25,000
Investigations regarding farmers' institutes		6,000	5,000
Public-Road Inquiries	30,000	33,000	30,000

These figures are those in reference to the scientific investigations of the Department, and do not include the appropriations for clerk hire and salaries here in Washington, which I do not include, and which do not interest the farmers of the country except in so far as they have to pay for them, but the figures I have just read show the appropriations contained in this bill which directly go to the promotion and development of the agricultural interests of the country.

It is contended that since 1897, when the Republican party last came into power, there has been a vast increase in appropriations for the Agricultural Department. Compare it with the increased expenditures in other departments. In 1897 we appropriated for the War Department $48,950,267.89, and in 1902 we increased that appropriation to $112,272,216.08. In 1897 we appropriated for the

Navy Department $34,561,546.29, and in 1902 that appropriation was increased to $67,903,128.24. In 1897 the miscellaneous expenditures of the Government were $90,401,267.82, and they had increased in 1902 to the enormous sum of $113,469,323.91, and now it is proposed to pursue this penny wise and pound foolish policy by refusing to grant an appropriation of $65,000 asked by the Secretary of Agriculture to promote the development of agriculture.

Mr. Chairman, one of the unfortunate signs of the times is the lack of interest the party in power has in the promotion and development of agriculture. We have often seen it line up in solid phalanx, with every member on that side of the House in his seat, to pass a bill carrying millions for some disputed claim of private contractors or to rivet the shackels of bondage upon peoples beyond the seas; but to-day we talk to empty benches—not even a quorum will remain here to consider a bill that is of the utmost importance to 40 per cent of the people of the United States. I am one of those who still believe in the old-fashioned idea that it is better to appropriate the money in the public Treasury to aid our people and develop our resources at home, rather than in conducting foreign wars for the subjugation of savage peoples.

Mr. Chairman, in view of the fact that I have been interrupted so much, I will ask for a few minutes more.

Mr. WILLIAMS of Mississippi. I am very sorry that I can not yield any more time, as I have promised all the time I have.

Mr. UNDERWOOD. Then, Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I now yield ten minutes to the gentleman from South Carolina [Mr. LATIMER].

Mr. LATIMER. Mr. Chairman, if the Representatives from the different States who believe in the soil survey have had all of the soil survey which they need or think that the people need in order to develop to the people who live in the different sections of the country what the soil will produce, then it is useless to vote for this appropriation. For three years I have been trying to get a soil survey in South Carolina. The claim has always been made that there were not sufficient men nor money appropropriated. Now, this last year a corps of men was sent into South Carolina, and I am informed by Professor Whitney that soil was found in Darlington County, S. C., which is suitable for the growth of Cuban tobacco.

Mr. WADSWORTH. Will the gentleman allow me to correct him?

Mr. LATIMER. Certainly.

Mr. WADSWORTH. Six hundred and eighty-six square miles have been surveyed in the State of South Carolina.

Mr. LATIMER. That is all right. I am glad to find that that much has been surveyed and that results are coming from that survey. The point I make is that prior to this survey in Darlington County, in my opinion, not a man there knew that he could grow the Cuban tobacco. Prior to the survey in Connecticut not a man there knew that he could grow the Sumatra tobacco. Now, I understand that the growth of Sumatra tobacco has been increased until this year's crop will produce a million dollars to those people.

Mr. HENRY of Connecticut. And, I might add, without interfering with any other industry.

Mr. LATIMER. Without interfering with any other industry. That soil, as I understand, will not produce 10 bushels of corn to the acre, and yet I understand it will produce tobacco grown under cover that will result to the people who grow it from $500 to $1,000 an acre.

Now, do we want to grow rich and prosperous as a people? If we do, why curtail these little expenditures that reveal to the people the great riches that lie in and under the soil in the different parts of the Union? I say that we not only need to know what we have in the South Carolina soil that will bring riches to that people, but we need to know it in every part of this Union, and we want this appropriation of $65,000 asked for by the Secretary of Agriculture in order that he may send men into the different parts of the Union to make these surveys and that the people may have the information necessary to bring the results to the people that they are all struggling and toiling for.

Mr. WADSWORTH. Does the gentleman expect that this $65,000 will acquire all that knowledge in one year?

Mr. LATIMER. We expect to increase it along the line that we have been increasing it in the past. We do not want to sit still with the chairman of the Agricultural Committee holding down these appropriations, and prevent the people from having the information that they are clamoring for from every section of the Union. We want these appropriations made, that we may send men into the different sections where there is a demand for these surveys, that people may have the knowledge of the soil and of the crop that will bring remuneration to the tillers of the soil.

In the ten years that I have occupied a seat on this floor, I have not consumed the time of the House in talking upon questions that were not before the House. I ask this committee now to vote this appropriation of $65,000, that the Secretary of Agriculture may have the means to employ a force sufficient to send men into every section of this Union where the people demand to know what the soil contains and what it will produce.

Mr. WADSWORTH. Will $65,000 send a force into every section of the Union?

Mr. LATIMER. This will increase the force. It takes about $4,000 to employ three men, and three men make a corps.

Mr. WADSWORTH. Does the gentleman know how many parties are working now?

Mr. LATIMER. Fifteen, and we want 25 or 30, or 50, if the people of the country demand it. We want to send them to every section of the Union and make these surveys, in order that the people may know what the soil will produce. I appeal to the House now to vote this appropriation in order that the members of Congress who are clamoring for surveys to be made in their districts may go to the Secretary of Agriculture and get these surveys made and in order that the Secretary of Agriculture may employ the men to do the work.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The question before the committee is the amendment offered by the gentleman from Alabama.

Mr. WILLIAMS of Mississippi. Then I will address myself to the amendment.

Mr. Chairman, there is no sort of dispute or question amongst the members of the Committee on Agriculture or amongst the members of this Committee of the Whole as to the utility of the work that is being done by the Bureau of Soils. The only question is as to whether we shall run over ourselves in doing it, or whether we shall do it gradually and wisely and well.

Mr. Chairman, there is no sort of expert rarer to find than one who is a mechanical and chemical analyzer of soils, one who can examine and pronounce not only upon the chemical and mechanical qualities of the soil, but upon its adaptability to certain plant life. We have been training in the Agricultural Department young men who come from the colleges, men to do that work; because the colleges and universities of this country do not furnish them. There is complaint from the Agricultural Department now that they have not the men equipped to do this and other expert work which the gentleman would increase so rapidly.

Mr. UNDERWOOD. Will the gentleman allow me to ask him one question?

Mr. WILLIAMS of Mississippi. One moment. We wish to do this work, and we wish to do it just as rapidly as we think it can be properly done; and in that connection the gentleman from Alabama has shown to-day what we all knew very well upon the committee, that this Bureau has been growing in geometrical progression, demanding one year $30,000, the next year $60,000, the next year $120,000, and the next year it will demand $240,000, if you consult only its desire to do work. It does its work well, too, for that matter. Now, the committee simply does not believe that the Department with its force can take care of that work at that rate. That is not all——

Mr. UNDERWOOD. Now, will the gentleman allow me to ask him a question?

Mr. WILLIAMS of Mississippi. One word, until I finish this thought. That is not all. If they would do double field work with double the appropriation that would be a different thing. But the proposition is to double the amount and not to double the field work. They came in last time with a proposition for double the appropriation but only 50 per cent increase of the field work to be done.

Mr. UNDERWOOD. The gentleman said we could not go any faster; the Department was going as fast as it could.

Mr. WILLIAMS of Mississippi. In the judgment of the Committee.

Mr. UNDERWOOD. In the judgment of the Secretary. Has not he demonstrated that you are not going as fast as he believes you ought to go, by asking the increased amount that I have moved by my amendment?

Mr. WILLIAMS of Mississippi. Theoretically, the Secretary and the judgment of the Secretary is involved. Practically, it has not much more to do with the judgment of the Secretary of Agriculture than the judgment of the gentleman from Alabama. These chiefs of bureaus make their recommendations upon their several lines, and they are generally adopted by the Secretary, and the Secretary has very little detailed knowledge of it if it is some peculiar expert business like this. I want to state this to the gentleman: There are 15 field parties working in the summer

time in the North and in the winter and fall months in the South, so that there are practically 30 field parties at work, and they find some difficulty in getting young men competent to do the work to accompany the parties.

Mr. HENRY of Connecticut. If the gentleman will permit me, it was explained before the committee that it was necessary for these parties to take time to prepare the work. They could not be in the field all the time, and it was necessary for them to come to Washington to prepare the work, and the different parties can not be in the field all the time.

Mr. LLOYD. Is it not true that this is recommended by the chief of the Bureau of Soils?

Mr. WILLIAMS of Mississippi. Undoubtedly, and by the Secretary.

Mr. LLOYD. Is it not true that this chief of the Bureau of Soils ought to be well posted on the necessity for this appropriation?

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. WILLIAMS of Mississippi. I will take just one-half minute to answer. There is not a chief of a bureau in a department in this city of Washington who does not imagine that the entire Government is revolving around that bureau. There is not a bureau in the Department of Agriculture, especially amongst these scientists, who live in their closets—learned closets, interesting closets, closets of experts, it is true—that does not remind you of the old story about the man blundering at night who, instead of going out through the door to look at the weather, opened the door of the china closet where the limburger cheese was kept, and reported to his wife that he did not know what was the matter outside, but that everything was "as dark as the dickens and smelt like cheese."

Now, Mr. Chairman, I can say in absolute frankness that if we gave to one single bureau of the Department of Agriculture any one year every dollar that the entire Department is now expending it could be expended with benefit to the people of the United States. I will go further, and say that if we could give to one bureau of the Department of Agriculture the entire appropriations of the entire Government of the United States, it would result in great good to the people—if you want to do it that way. But we have to keep in view the coordination of the various bureaus in the Department and the coordination of the several departments in the expenditures of the Government. We may have made a mistake or we may not. The committee, I believe, was unanimously of the opinion that we are spending money as rapidly as we thought it could be spent wisely.

Mr. LLOYD. Is it not true in this case that the man in charge of this work believes that he could perform the work, and, as I understand it, he is one of the ablest chiefs of the office? Now, when this chief of the bureau that needs the money has got the work in charge, ought not he to be competent to judge of the amount that should be given to do the work. And yet we appropriate only a small amount of the sum asked for by him?

Mr. WILLIAMS of Mississippi. The chief of the bureau asks for the money and asks for it because, it goes without saying, that this chief thinks he needs it, and yet from that very chief of the bureau we find they are having difficulty for getting men for the parties at work in the field. There is a difference between facts testified to by the chiefs and a mere statement of what can be done by the bureau.

Mr. BOWIE. Will the gentleman allow me to ask him a question?

Mr. WILLIAMS of Mississippi. Certainly.

The CHAIRMAN. The time of the gentleman from Mississippi has expired twice.

Mr. WILLIAMS of Mississippi. I will answer this question; but I propose to yield time to others. I am speaking under the five-minute rule and not out of my reserved time.

Mr. BOWIE. I want to ask the gentleman who speaks of the coordinate expenses of the different departments of Agriculture and of the Government, is it not a fact that one-half of the people of the United States practically are farmers; and is it not a fact that the expense of the Department of Agriculture does not amount to 1 per cent of the total expenditures of the Government?

Mr. WILLIAMS of Mississippi. I do not know the percentage. And I would like to go further upon that line and say this: If we could just get rid of this fool "world-powering" idea that seems lately to have possessed the Republic and reduce expenses of a warlike character for soldiers and drums and epaulets to the amount actually needed, and appropriate that amount to purposes of peace and home development, I would be most delighted. If we could be spared spending so much money for totally useless and absurd and Quixotic purposes the funds for agriculture could be economically expended.

Mr. BOWIE. What are the total expenditures of the Agricultural Department?

Mr. WADSWORTH. A little over five millions.

Mr. BOWIE. And those of the Government six or seven hundred millions?

Mr. WILLIAMS of Mississippi. And this very committee that these gentlemen are criticising has increased the appropriations of the Agricultural Department threefold.

Mr. BOWIE. And it has done well in doing so.

Mr. WILLIAMS of Mississippi (continuing). And that is the very reason you ought not to criticise us as being stingy toward the Department.

Mr. WADSWORTH. This money can only be justly expended in scientific experiments.

Mr. WILLIAMS of Mississippi. And you must train the men for it.

Mr. WADSWORTH. And you have got to train the men for it.

Mr. BOWIE. But they say they can do this; that is what they tell us, that it can be done.

Mr. SCOTT. Mr. Chairman, I do not want unnecessarily to protract this discussion, but this is a matter of some importance and a matter that the committee has carefully considered; hence I trust a few additional observations may be indulged.

The gentleman from Alabama [Mr. UNDERWOOD] advances two arguments in support of his amendment. The first is that the amount which he proposes to add to this bill was recommended by the Secretary of Agriculture. That argument has perhaps been sufficiently answered by the gentleman from Mississippi [Mr. WILLIAMS], who calls attention to the fact that the Secretary of Agriculture is only in a very general way responsible for these recommendations; that he must necessarily rely largely upon the chiefs of the various bureaus and divisions for information and suggestions along the line of their special work. If the gentleman will turn to the Book of Estimates he will discover that the grand total increase estimated for the Department of Agriculture for this year is nearly half a million dollars over the appropriation made last year, and I think there is hardly a member on this floor who will insist that we ought to grant all the increases that are suggested; that we ought to advance this Department at the rate of a half million dollars a year.

The second suggestion made by the gentleman from Alabama—and it seems to me the only one which needs to engage our serious attention—was that the experiments already begun and investigation already commenced under this Bureau of Soils must be continued in order to be of value, and he intimates that unless his amendment prevails they will either be discontinued or work along the lines proposed by this appropriation in other parts of the country will cease entirely. Now, I beg to call his attention to the remark made by Mr. Whitney, chief of this bureau, when before the Committee on Agriculture, and published in the hearings on page 191. In response to a question as to how soon he expected to be able to finish up this work Mr. Whitney replied, "I never had any aspirations to survey the whole country," intimating that it was a work clearly beyond the limit of one man's lifetime.

And further on, on page 192 of these hearings, Mr. Whitney made the statement that last year he had surveyed something over 11,000,000 acres of territory in the United States under the appropriation which we gave him then. In doing this he used but 15 parties, and the appropriation which the committee has recommended will provide the same number of parties during the succeeding year. I submit, Mr. Chairman, that we are going rapidly enough along the lines of purely scientific investigation when we provide for a survey of 11,000,000 acres every year, away in advance of the demands which are made, it seems to me, and certainly well in keeping with the needs of the country.

This work will be carried on by the appropriation which the bill provides without in the least interfering with the experiments and investigations already in progress, to which the gentleman from Alabama and the gentleman from South Carolina allude. These experiments will be carried on to a successful conclusion, at least to a conclusion, the success or failure of which will be demonstrated.

It is not the wish or the purpose of the committee to cripple any valuable experiments or investigations which are now in progress, and as a member of the committee I believe I can assure the House that there will be no such result if the bill is allowed to stand as reported. The Committee on Agriculture are thoroughly familiar with the work being done by this bureau, and they appreciate its value to various parts of the country and to the various industries of the country. They are not disposed to cripple it in any way, and it was only after most careful consideration of all the features involved in the case that they thought it best to bring in this appropriation, covering the same amount that was carried in the bill of last year.

Mr. WADSWORTH. Let me correct my colleague, Mr. Chairman. If he had looked farther down on the page he would have seen that Mr. Whitney said that he had completed twenty-one and a half million acres.

Mr. SCOTT. My statement was that 11,000,000 acres were surveyed last year and the survey is being continued at the rate of about 11,000,000 acres a year.

Mr. WADSWORTH. The question was asked Mr. Whitney how much he had completed, and the answer was twenty-one and a half million acres.

Mr. CANNON. Mr. Chairman, I am quite content to follow the Committee on Agriculture, which, my observation tells me for many years past, is in shape of making very good haste touching the work of this Department. I have at times thought, instead of criticising that committee for going too slow, that, if it was subject to criticism at all, it went too fast. I say this representing an agricultural constituency. I doubt if any gentleman on the floor has a better agricultural district than I represent. I am very glad to represent it, but I must confess that when I hear gentlemen on the floor say, here are one-half of the people for whom expenditures of $700,000,000 a year are made, and only five millions go the farmers, I can not agree to that. Now, I am a farmer myself. That doesn't catch me, and it doesn't catch my constituents. I do not think it catches yours, gentlemen. About 40 per cent of the people are farmers and 60 per cent do something else. Well, I suppose you may take the river and harbor appropriations. What are they? They are to facilitate the exchange of the products of the farm and the factory.

Farmers are quite as much interested in that as the balance of the people. Take your Army and your Navy, your provision for the public defense, the 40 per cent of our population who are farmers are quite as much interested in those matters as the other 60 per cent; and they approve, intelligently and conservatively approve, expenditures for the Army and the Navy and the public defense quite as much as the 60 per cent of our people who are not on the farms.

Take the irrigation legislation of the last session—far-reaching legislation. I thought it unwise; but after all I bowed respectfully then, as I bow now, to the majority. Possibly I was mistaken; but that legislation was along the line of improving the soil, putting water upon it, and the farmers are quite as much interested in that as consumers, and consumers are interested, too. No man lives to himself. No class lives to itself.

I have made these remarks for the purpose of introducing a statement about a little matter connected with this subject. It seems that it is contemplated to erect a building down here on the Mall to house the Department of Agriculture. It ought to be done. That is a valuable Department—subject to some abuses, as all departments; but it ought to be housed properly. It is carrying on its business now largely in rented buildings. The proposition is made on the part of the House to spend a million and a half dollars to house that Department—quite enough, as we already have the site. Yet, strange to say, I have had several letters from experiment stations connected with the agricultural colleges, and from people engaged in that work—I do not suppose that the people who have written these letters ever hoed corn or followed the plow for a minute in their lives—protesting in the name of the farmers because we propose to appropriate only a million and a half of dollars to house this Department. Of course, we shall appropriate twice that amount, if necessary, but "enough is as good as a feast." I have not had a single letter on that subject from any man who follows the plow or works upon the farm.

[Here the hammer fell.]

Mr. WADSWORTH. I ask unanimous consent that the gentleman from Illinois be allowed time to finish his remarks.

Mr. CANNON. I wish only a minute or two.

Mr. WADSWORTH. Say, five minutes.

The CHAIRMAN. Unanimous consent is asked that the gentleman from Illinois be allowed five minutes more. Is there objection? The Chair hears none.

Mr. LATIMER. Before the gentleman resumes, will he allow me a question?

Mr. CANNON. Certainly.

Mr. LATIMER. The gentleman has made the statement, which I have frequently heard on this floor from various gentlemen, that his constituents are farmers——

Mr. CANNON. Yes——

Mr. LATIMER. And that they have not written to him in regard to this legislation.

Mr. CANNON. I said who had written to me and who had not.

Mr. LATIMER. I want to ask the gentleman whether it has not been his experience during his long service in this House that as a rule the farmers very seldom, as compared with other classes of citizens, write to members of Congress with regard to legislation?

Mr. CANNON. That is correct.

Mr. LATIMER. And is it not true that they expect you and me, and every other member on this floor, to attend to their business and look after their interests?

Mr. CANNON. And yet, I must say that when we discuss political questions, the most exacting audiences to be found in the country are the farmers, and on the average they are the most intelligent audiences, and on the average, without speaking disparagingly of anybody or any calling, they are the most patriotic audiences. They keep pretty well advised as to what goes on. All they ask is good legislation—that which brings the greatest good to the greatest number. The people who make life a burden to members of Congress are the occasional cranks scattered here and there—not many of them, considering we have 80,000,000 people in this country; but very frequently the man who gives us the most trouble is the man who has an ax to grind, and always, in the grinding of it, proposes to get employment for himself. If we could be freed from the people who want to effect legislation and exploit the Treasury, because it gives them employment where they can not or do not compete with the great mass of the people who do not want employment through legislation, we should have much more time to devote to our legitimate duties than we have.

Now, speaking of the letters that I have had touching this Department building. What do the writers know about whether a million and a half is the proper sum for housing this Department which it costs $5,000,000 to conduct in the Department and in the field? Not a thing. What made them write? I do not know. Was it prompted by some real estate speculator in Washington? Was it touched here and there by somebody? I do not know. I am going to vote for a sufficient appropriation for that building on the merits, not upon the ground that people discriminate in favor of or against the farmer. I have heard many of my own constituents and other people's constituents say, "We will take care of ourselves if you will deliver us from the self-constituted guardians of the farming population who in our name want to exploit the Treasury."

Now, I think this Department is doing valuable service. I think, perhaps, it might have gone more slowly and done better service, but there are mistakes made in everything. Let us go along in an orderly way. The Bureau of Soils, if that is what you call it, the Bureau of Plants, the Bureau of Animal Industry, of pomology and entymology and so on, are all valuable and are all doing good work, but let us let them. like Topsy, grow a little bit; and where people grow somewhat upon their own motion and by virtue of their own merits, they do better work for themselves and for the country at large. I am not in sympathy with this amendment, and so far as my vote is concerned I shall follow the committee in its appropriation of $170,000 for this particular work, which I believe is double what it was the year before last. I get some of these books from the Bureau of Soils; I get books from other departments.

I recollect one book on ethnology from down here at the Smithsonian Institution which I received, and I have gotten about 65 or 70 volumes there, and I am glad to know that they are beginning to get out a book on ethnology which will be an abstract of what has been published. It will save me so much time, for there is no man who listens to me who will in the course of this life wander through those volumes. I would rather have one book upon the subject of soils which is prepared with wisdom and after investigation than to have a whole library made up by throwing a bottle of ink at a sheet of paper and then printing the work in two volumes, or three volumes, or five volumes, or ten volumes. "Small goods in little packages" used to be a copperplate after which we learned to write. There were various others—"Many birds of many kinds and many men of many minds." All through my life I have found that the men who condense, the scientists who condense and reject the chaff to save the wheat, who boil it down in this busy world of ours and give us much in little are the really great men. [Applause.]

Mr. UNDERWOOD. Mr. Chairman, I have already stated why I am in favor of this increased appropriation, and I would have nothing more to say on the subject were it not for the fact that I am afraid the remarks of my friend from Illinois [Mr. CANNON] may mislead the House into thinking that we are making or proposing to make a vast appropriation. Now, I have great respect for the wisdom and the care with which the gentleman from Illinois handles appropriation bills and guards the Treasury. In my brief experience in Congress, when it has not been a partisan question at all, I think I have usually found myself voting with the gentleman from Illinois; but I am very much surprised to-day to find the vigorous opposition which comes from some of the leaders on that side of the House against this very small increase in the appropriation of the Committee on Agriculture.

Mr. CANNON. If the gentleman will pardon me, I am following the gentleman from Mississippi [Mr. WILLIAMS], one of the leaders upon that side.

Mr. UNDERWOOD. Unquestionably, and a gentleman of ability, but with the committee on this proposition. Here is one of the great committees of the House coming in here with an

appropriation bill, regardless of the vast increase of people in this country from year to year, regardless of the vast and increasing needs of the people from year to year, with a total increase of $29,000, and this in a bill which carries an appropriation of five millions—practically no increase whatever along the line of agriculture. When a simple amendment is offered proposing to do what the Secretary of Agriculture says he can do and what ought to be done in the interests of development for the farming classes of this country, we are held up before this House as raiders of the Treasury.

Why, Mr. Chairman, it is pitiful to believe that this great Government could be endangered by an appropriation of $65,000 added to this great bill, and for what? Why, not that this information in the course of a hundred years will not reach the farmers. Probably if we appropriated only $5,000 a year the information would reach them ultimately, but with a proposition which the committee says is good, carrying information that the committee itself says is necessary, the only question is whether we shall say, you must stop by reason of lack of appropriation and take double the time to convey this useful information to the agricultural classes of this country, or say that we will increase the appropriation by only $65,000, the amount that the Secretary of Agriculture says to-day he is ready to and can use profitably, and thereby uplift and develop the agricultural classes of this country.

Mr. HENRY C. SMITH. Mr. Chairman, I want to submit just a word as to the suggestion of the gentleman from Alabama [Mr. UNDERWOOD] that this committee did not recommend the amount asked for by the Secretary of Agriculture. We all know that the chief of this Bureau, whoever he may be, submits to the Secretary of Agriculture what he desires to have appropriated for his department, and he also submits the reason therefor. Then the Secretary submits these estimates to the committee. I hold here the estimates submitted by the chief of this Bureau to the Secretary of Agriculture and by the Secretary submitted to the committee, and the reasons for the increase of this appropriation over the appropriation of last year. And here was his reason: If the gentleman will look at the bill, on page 34, in line 5, after the word "life," he will see in the estimate that they add the new proposed work in italics. His new proposition was the investigation of the relation of soils to climate and organic life, and he added there the words "at home and abroad."

Now, that was one of the reasons submitted by the chief of this Bureau for increasing the appropriation. He wanted to investigate soil conditions, not only at home, but abroad; and farther down in the same section he added, "in the United States and insular possessions."

Now, it was the judgment of the committee that it was not necessary at this time to expend this $65,000 in the investigation of soils abroad, or to expend this $65,000 in the investigation of soils in the Philippine Archipelago or in our insular possessions.

Mr. HENRY of Connecticut. If the gentleman will permit an interruption——

Mr. HENRY C. SMITH. Yes.

Mr. HENRY of Connecticut. I regret that the chief of this Bureau should be placed in a false position here. The words "at home and abroad" were intended to include the island of Porto Rico or the Hawaiian Islands. Those were the places he had in mind. He has not contemplated doing work in the Philippines, as I understand, but he would like to do work in Porto Rico, and I think we can hardly say fairly that Porto Rico is "abroad."

Mr. HENRY C. SMITH. I will not go into the discussion of that, but it does appear that this man has sent a man to Egypt, and if that is not abroad I do not know where abroad is.

Mr. MANN. Egypt is in Illinois.

Mr. HENRY C. SMITH. I know there is an Egypt in Illinois, and I recognize the gentleman as coming from there.

Mr. MANN. I will say to the gentleman that that is the only recognition we have had in Illinois.

Mr. HENRY C. SMITH. The committee struck out that word "abroad," and the committee struck out the words "and insular possessions," and we struck out the $65,000 additional that he asked for, and I hope the committee will be sustained.

Mr. WADSWORTH. I move that all debate on the pending paragraph and amendments be closed.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama [Mr. UNDERWOOD], to strike out "thirty" and insert "ninety-five," in line 9, page 35.

The question being taken, on a division (demanded by Mr. UNDERWOOD) there were—ayes 38, noes 52.

Mr. UNDERWOOD. I ask for tellers.

Tellers were refused, only 17 members seconding the demand.

Accordingly the amendment was rejected.

The Clerk read as follows:

General expenses of entomological investigations: Promotion of economic entomology; investigating the history and habits of insects injurious and beneficial to agriculture, horticulture, and arboriculture; ascertaining the best means of destroying those found to be injurious, including an investigation into the ravages of the codling moth and of the cotton-boll weevil or worm, with a view of ascertaining the best methods of their extermination; investigations in apiculture; investigations of the damage to forests and forest trees by insects; purchase of chemicals, insecticide apparatus, and other materials, supplies, and instruments required in conducting such experiments and investigations; for the employment of local and special agents, clerks, assistants, and other labor required in conducting experiments in the city of Washington and elsewhere, and in collating, digesting, reporting, and illustrating the results of such experiments; freight and express charges, and necessary traveling expenses; rent of building; for office fixtures and supplies, telegraph and telephone services; gas, and electric current; preparing, illustrating, and publishing the results of the work of the division, $65,500, of which amount not to exceed $10,000 shall be expended for silk investigations.

Total for division of entomology, $77,450.

Mr. BURLESON. Mr. Chairman, on page 36, in line 18, after the word "division," I move to insert the words "$12,000 of which shall be immediately available."

Mr. WADSWORTH. I have no objection to that. I hope it will be agreed to. It simply makes $12,000 available at once.

The amendment was read by the Clerk, as follows:

In line 18, page 36, after the word "division," insert "$12,000 of which sum shall be immediately available."

The amendment was agreed to.

Mr. BURLESON. I move to amend by striking out, in line 4, page 36, after the word "weevil," the word "or" and inserting "and boll."

This is the investigation suggested by my colleague [Mr. SHEPPARD], and the purpose of the amendment is not to increase the appropriation, but to make it more plain and specific.

Mr. WADSWORTH. The committee accepts that amendment. That is all right.

The amendment was agreed to.

Mr. WILLIAMS of Mississippi. I desire to yield ten minutes to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Chairman, I regret that the appropriation proposed in this bill for the purpose of combating that pestiferous insect known in Texas as the cotton-boll weevil is not larger. The amount of damage done by it during the cotton-growing season of 1902 is variously estimated by those who have studied the situation to have been from fifteen to twenty-five million dollars. It was certainly as much as the smaller sum named, and it is possible that it may have exceeded the greater.

But great as was the disaster to the crop of 1902, it was nothing compared to that which threatens the crop of 1903.

We have been crying out in Texas about this enemy to our prosperity and commerce for nearly ten years, but it was not until the ravages of the pest threatened to unbalance the trade of the world that we could command the attention from the authorities which the vastness of the interests imperiled entitled it to receive.

The Secretary of Agriculture, an able, earnest, and honest officer, now comprehends to a degree the seriousness of the situation and went with me before the Committee on Agriculture to ask for money to enable him to cultivate a number of farms under the supervision of his scientists. He believes that he will be able to accomplish much good in that way, and I trust he may.

But I believe that he ought to have gone much further. I think that not only should this appropriation have been made, but that enough more should have been given by the committee and the Congress—to be available in another way—to tempt the services of the best talent outside the Department. There are able men in the country not employed in the Department of Agriculture who would, if a suitable reward was offered them for the use of their time and the exercise of their talents, engage in the study of the boll weevil, and from the employment of so many men of ability and learning we might indulge in even greater hope of finding a really effective remedy.

HISTORY.

Prior to ten years ago little was known in this country of the cotton-boll weevil. All that we are certain of is that it came from Mexico. In that country wherever it has appeared it has put the cotton planters out of business, or nearly so.

Over relatively large areas in which cotton was formerly a prolific and profitable crop in Mexico its cultivation has been entirely discontinued. This is notably true in the great States of Coahuila and Michoacan.

It crossed the Rio Grande into Texas about 1892–93. At first it made slow progress and did little damage, the reason being that at the point of attack there were few plantations of cotton and that the climatic conditions were unpropitious.

The boll weevil does not prosper in very hot and dry weather, and that is what it found in Cameron, Hidalgo, and Duval counties, in Texas. Three years later, having crossed a large intervening space where there is little farming of any sort, it reached the counties of Bee, Karnes, Wilson, Guadalupe, and Bexar. From that point on in its march of destruction the pace has been rapid.

In 1898 it reached Bastrop, Lee, and other counties bordering on the great central Texas black-land cotton region.

To illustrate the progress of the pest, I will print, in connection with my remarks, three maps showing the counties in which the weevil was found in the years of 1895, 1901, and 1902.

At first, as I have already said, the progress of the weevil was not rapid. That was due to the comparative infrequency of cotton plantations in south Texas and to the effect of the hot, dry summers. But when it got into the more humid regions of south central Texas, where it had only to cross a fence to get from one cotton field to another, it traveled more rapidly. How much more rapidly it moved under favorable conditions of greater humidity and more general cultivation can be seen at a glance by comparing the map of 1901 with that of 1902. It will be seen that now only Red River separates it from Arkansas and the Indian Territory.

My friends who represent the States of Arkansas, Louisiana, and Mississippi may well tremble at the prospect. When this insect gets into the Mississippi Valley, where the growth of the cotton stalk is so rank and the foliage so heavy that the ground is always shaded while the crop is growing and maturing, it will, I fear, be impossible to combat it. This fear is shared by the Secretary of Agriculture and he has determined to make a heroic effort to prevent so great a disaster to the country.

The weevil is now in the very heart of the cotton-growing region of Texas, and in the production of cotton Texas is the most important region of the world.

While we do not know with any certainty what the cotton production and consumption is in China, we do know, approximately at least, the production and consumption of the balance of the world, and it is well within the limits of truth to say that Texas supplies the people of the earth with one-fifth of all the cotton they use.

In 1901 the boll-weevil counties in Texas produced 441,810 bales less than in 1900, and the crop of 1900 was much less than that of 1899 in the same territory. But of course this decrease was not due to the ravages of the insects alone. There were floods and droughts to contend with also.

However, it is safe to say that two-thirds of that decrease was due to the work of the weevil. More than $6,000,000 worth of cotton was certainly destroyed by them during the year of 1901. The loss was very much greater during the year of 1902.

The Texas cotton crop and its by-products of seed, meal, and oil is worth $150,000,000 a year, and it is most seriously imperiled right now. To help save it this Congress appropriates the trifling sum of $35,000.

This is in striking contrast to the half a million recently appropriated to help stamp out the foot-and-mouth disease in New England. That appropriation was perfectly right and should have been made, but the one proposed to meet the crop emergency in the South is absurdly inadequate.

AN UNFORTUNATE COINCIDENCE.

It is particularly unfortunate, Mr. Chairman, that we should be called on to meet this dangerous situation just as the Governments of England and Germany are making unusual efforts to promote the cultivation of cotton in their colonies.

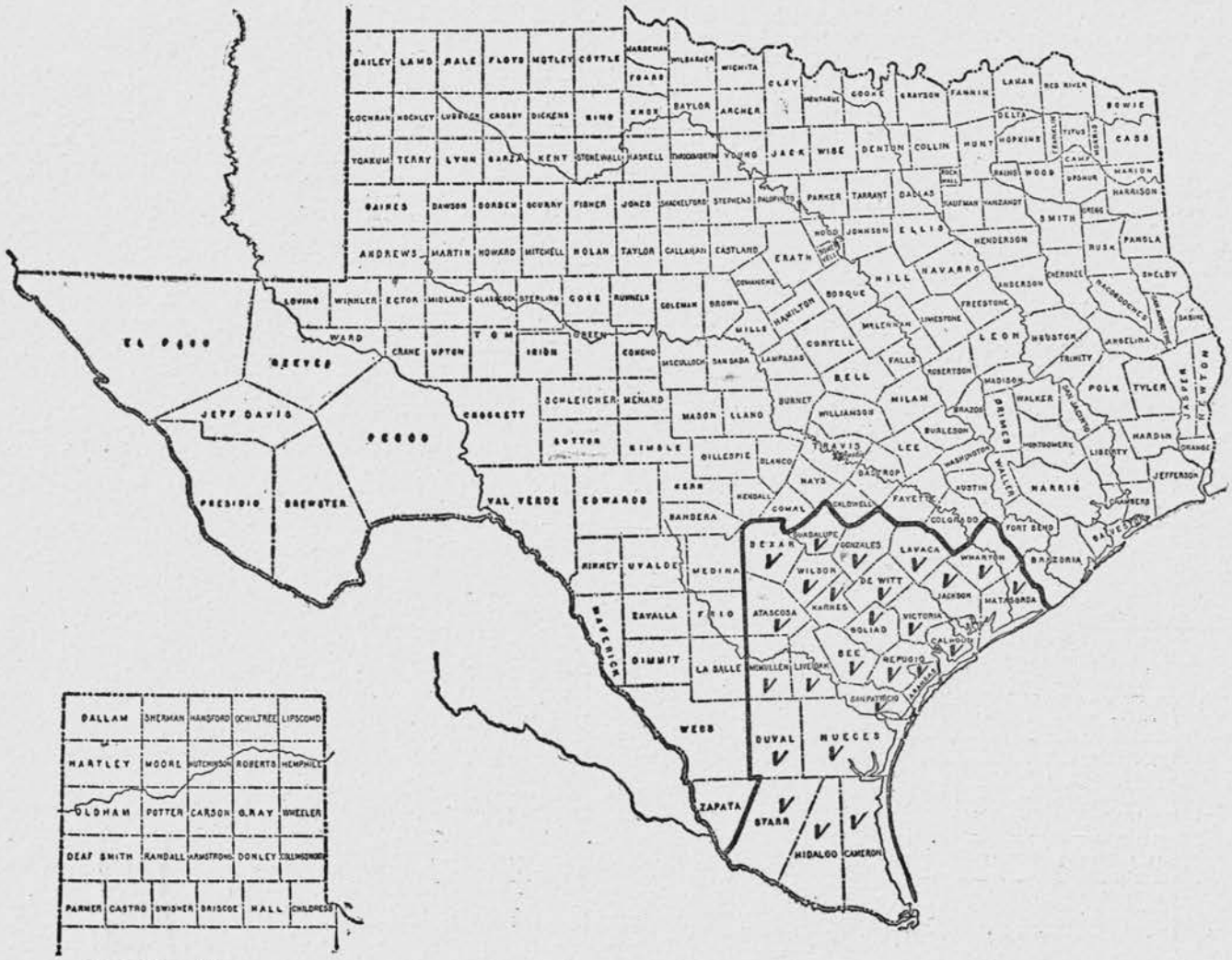
While we supply the world with the greater part of its cotton, we by no means have a monopoly in the cultivation of the plant.

Mexico, Central and South America can and do grow cotton. The Indian crop is an important factor in this great trade, as is that of Egypt. Scientific men and practical farmers have been scouring other continents in search of land that will produce cotton that will compete with that grown in our Southern States.

With intelligent cultivation the crop of China can unquestionably be greatly increased. But the most evident danger of competition is from Africa. The British Government, cooperating through its colonial officers with the landowners of South and West Africa, and with the earnest and intelligent help of the

MAP OF TEXAS SHOWING COUNTIES INFESTED WITH BOLL WEEVIL IN 1895.

Counties infested marked thus: V



great spinning districts of England, has undertaken to make the latter independent of the American supply.

Through the courtesy of the American consul, Mr. William F. Grinnell, at Manchester I am in possession of a recent report of the committee on increased growth of cotton in the British Empire, made to the Oldham (England) Chamber of Commerce.

This committee addressed itself to questions as to the increase in quantity, improvement in quality, and experiments with American seed. They sectionalized the British Empire for purposes of more intelligent investigation and obtained reports from Egypt, India, central and south Africa, the West Indies, and Australia.

As to Egypt it was admitted by Lord Cromer, who transmitted the report, that only by an extension of the systems of irrigation could the production of cotton be increased.

Meager and unsatisfactory reports have been printed by the Oldham Chamber of Commerce as to the possibilities of Australia and the West Indies, but all they print shows that cotton has been grown and, of course, may be grown again.

As to India the report is voluminous and encouraging to the British spinners. The conclusion is that the Indian yield may be greatly increased by proper cultivation and care in the selection of seed.

The British Cotton Growing Association, also of Oldham, issued in October, 1902, a pamphlet giving the correspondence of the association with British colonial officers and others, from which I will print a few extracts.

Under the heading "Strong reasons why prompt action is necessary" it calls attention to the fact that the spindles and looms of the United States are being increased so rapidly that it is but a few years before the English cotton manufacturers will be put out of business by their American competitors if a new source of supply of the raw material is not found.

On the 23d of August, 1902, John C. Atkins, secretary of the British Cotton-Growing Association, wrote to the chief of the West African department of the colonial office offering to supply seed and implements (gratuitously when necessary) to the prospective African cotton planters. He also mentions that the association had previously sent out a cotton gin to Sierra Leone.

The colonial governors were instructed from London to "assist the movement for increasing the growth of cotton" and to give financial help.

In a letter dated October 15, 1902, to the colonial office, Mr. Atkins goes more into detail and says:

(1) Expert cotton growers are being engaged and will be sent out as early as possible to Gambia, Sierra Leone, the Gold Coast, Lagos, and Nigeria. The duties of these experts will be to push the growth of cotton in every possible way by suggesting the best positions, by giving instructions as to the proper methods, and, where necessary, establishing experimental farms. The salaries of these experts (together with suitable allowances and traveling expenses during their stay in the colony) to be paid by the governors, under whose complete control and supervision they will be, and liable to be dismissed by them in case of necessity.

(2) The association will supply, for experimental purposes, seed and agricultural implements, and also suitable cotton gins for cleaning and presses for baling the cotton.

(3) It is proposed in the first place to send out a number of hand gins to the different colonies to be used during the experimental stage, and eventually, if the prospects of developing the industry justify it, to promote the establishment of power ginning factories at the ports.

(4) The association will also endeavor to find a market for any cotton the natives may grow.

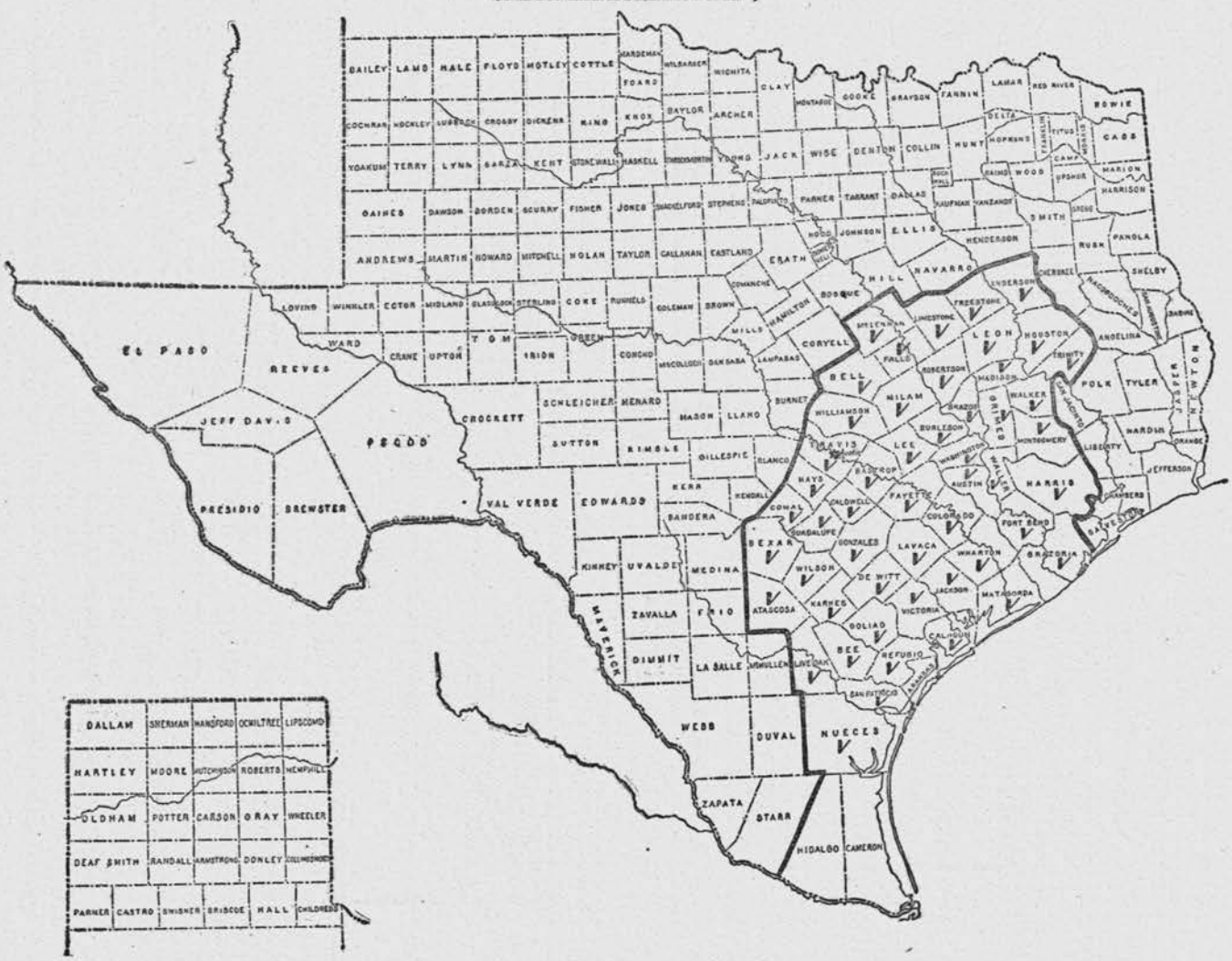
Sir C. A. King-Harman, the governor of Sierra Leone, in a letter to the board of trade, says:

The cultivation of cotton, a plant indigenous to west Africa, could be easily extended to an almost unlimited extent and an export trade established if means could be found to gin the cotton in the native centers of cultivation. The machine for the purpose should be simple in construction, not liable to get out of order nor requiring skilled manipulation, strong, portable, and worked by hand.

Messrs. Platt & Bros. & Co., Limited, manufacturers of machinery, supplied the ginning machines free of charge and offered to send others without cost to other parts of Africa.

MAP OF TEXAS SHOWING COUNTIES INFESTED WITH BOLL WEEVIL IN 1901.

Counties infested marked thus: V



The unmeasured possibilities of cotton growing in Sierra Leone are clearly set forth in the following letters and newspaper clipping:

SIERRA LEONE, *September 1, 1902.*

Messrs. ELDER DEMPSTER & Co., *Liverpool.*

DEAR SIRS: I inclose a small sample of cotton grown from the seed sent out by Sir Alfred Jones to the governor of Sierra Leone some time ago, produced at Mabang. * * * It was planted the last week in May, and in less than three months had produced a crop. The Doctor informs me that the sample sent is not a fair specimen of what might be produced under better conditions.

First, the seed was planted rather early in the year. The best time for planting cotton in this part of Africa is the first week in September. Second, the soil was worked with the ordinary native implements, which only scratched the earth. Third, a large portion of the seed was in an unhealthy state, but he says that, having now got fresh seed from a crop raised on the soil, he will replant, and hopes for better results. What are needed, the Doctor says, for producing the best results are plowing the soil with the help of a mule and a cotton plow. Nowhere in Africa have these helps been employed by the natives in the production of cotton. The samples usually seen and from which the natives manufacture the millions of country cloths are cultivated with their ordinary tools or grow wild and prepared for the market with the hand. Their cotton can not, therefore, be compared to cotton produced in America under the most favorable conditions.

Who can tell the agricultural possibilities of Africa under the agencies and manipulation of civilized knowledge? If with Dr. Cole's limited means he has produced an acre of cotton in three months, why may not a thousand or 10,000 acres be produced at the same time with adequate capital? Liverpool, with the capital she can command, ought to be able to put on the Liverpool market by next September at least 1,000 tons of cotton, and go on doubling the production until she shall be largely independent of America. Dr. Cole has promised to write to you.

Yours, faithfully,

ED. W. BLYDEN.

In a subsequent letter Dr. Cole writes as follows:

If I had implements for plowing the soil, the yield of cotton to the acre would be much larger and the quality superior. I need one or two mules, which shall be the property of the sender if they wish it to be so, and I will produce cotton in their interest; also, a good plow and one root puller.

The Egyptian cotton grows excellently here on the Malang soil all along the extensive valley watered by the Ribbi River, and from my present experience I found that two crops of cotton a year are possible.

Extract from the Sierra Leone Weekly News, September 27, 1902:

The country is peculiarly adapted to the cultivation of cotton, an article which now seems increasing in demand, and his opinion is that the British Cotton Growing Association could not do better than take in hand for their objects the Bandajuma district. It is far superior as a cotton-producing country to either Yoruba or the Gold Coast. It is nearer to England, as large portions of it lie on the seacoast, and it is far more accessible than any other cotton-producing region in West Africa. Besides, cotton has not to be introduced; it grows everywhere, and the natives know how to cultivate it. Dr. Blyden made a journey into the hinterland some years ago and saw cotton growing. In nearly every village more than a sufficiency was grown for the use of the people of the town and the overplus was permitted to waste. He has seen stalks even from American seed producing good cotton for eight successive years. The plant, having no frost to interfere with it, is perennial.

From Nigeria the high commissioner sends word to the British spinners that cotton is grown by the natives of his colony, and that it has great strength of fiber and the qualities that will make a good yarn. He has energetically undertaken the development of the industry, and is aiding the new plantations with all the powers of the government.

Sir William McGregor, the governor of Lagos, says that cotton has been grown for many years in his colony, and leaves no doubt in the mind of anyone who reads his report that the yield can be vastly increased.

From Gambia and the Gold Coast the governors sent such encouraging reports that experts have been sent out to those colonies to inaugurate new cotton plantations.

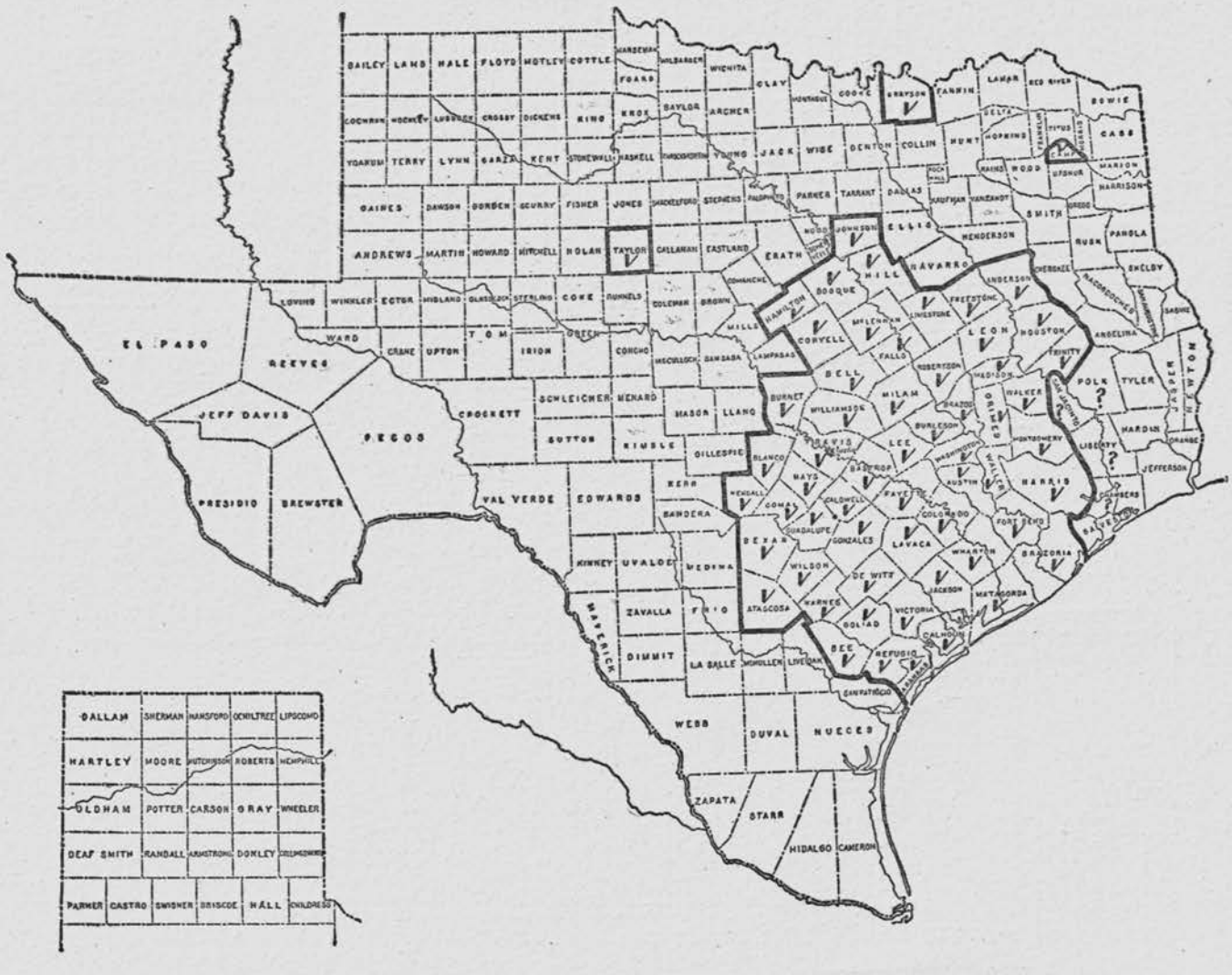
British Central Africa is also a candidate for the honor and the profit of supplying English spinners with their raw material. Cotton of good quality has been grown there.

On the question of labor Mr. William Ewing, a Scotch merchant who trades there, says:

Labor is fairly plentiful. The ordinary rate of wages for unskilled workmen, in districts where labor is obtained locally, isonly 1s. 6d. per fortnight

MAP OF TEXAS SHOWING COUNTIES INFESTED WITH BOLL WEEVIL IN 1902.

Counties infested marked thus: V



in full. Probably, however, workers would require to be brought from a distance, and I should think it would be necessary to calculate on, say, a total cost of 10s. to 12s. per month per man to cover traveling expenses, wages, food, etc.

From Rhodesia and north Borneo, from the East and the West Indies, reports of the most encouraging character were received.

The British North Borneo Company reports that excellent cotton can be grown, that labor is cheap, and the climate suitable.

An official (of the Government) sends a letter from Rhodesia in which he says:

COTTON TREES.

During my patrols along the Zambesi River my attention has on various occasions been arrested by the cotton bushes, which in some localities grow wild in great profusion. According to the native, the plant was first brought into the country from Portuguese territory.

It was at one time extensively cultivated at almost every kraal along the river, and coarse, but strong and serviceable, cloth woven by the natives. With the advent of white traders and settlers the industry practically died out. It is, however, still carried on in a few places, while the number of cotton plants growing wild testify to its former importance. The fact of the natives having at one time generally cultivated the cotton bush, and that it continues to grow wild for years after cultivation has ceased, seems to show that the soil and climate are extremely favorable to the growth of this plant. It therefore appears to me that here there is a field open for enterprise in the growing of cotton.

The labor difficulty would, I believe, be nonexistent, as at the dense population centers which exist in various places on the Zambesi River it should be easy to induce the native women to work by the day on the plantations, as is done in other parts of the world.

THE ANGLO-GERMAN ALLIANCE.

The alliance between England and Germany for the prosecution of claims against the little Government of Venezuela is only a political counterpart of that between English and German cotton spinners. Both are aimed at America and Americans.

The following correspondence between the British Cotton Growing Association of Oldham and the Colonial Economy Committee of Berlin shows the understanding between the German and English spinners who have the common purpose of finding cotton plantations elsewhere than in North America.

GERMAN EXPEDITION TO TOGO LAND.

A letter having been sent to the chairman of the colonial economy committee, Berlin, asking for information about the German expedition, the following replies have been received:

WEISSER HIRSCH, NEAR DRESDEN,
DR. LAHMANN'S SANITARIUM,
August 23, 1902.

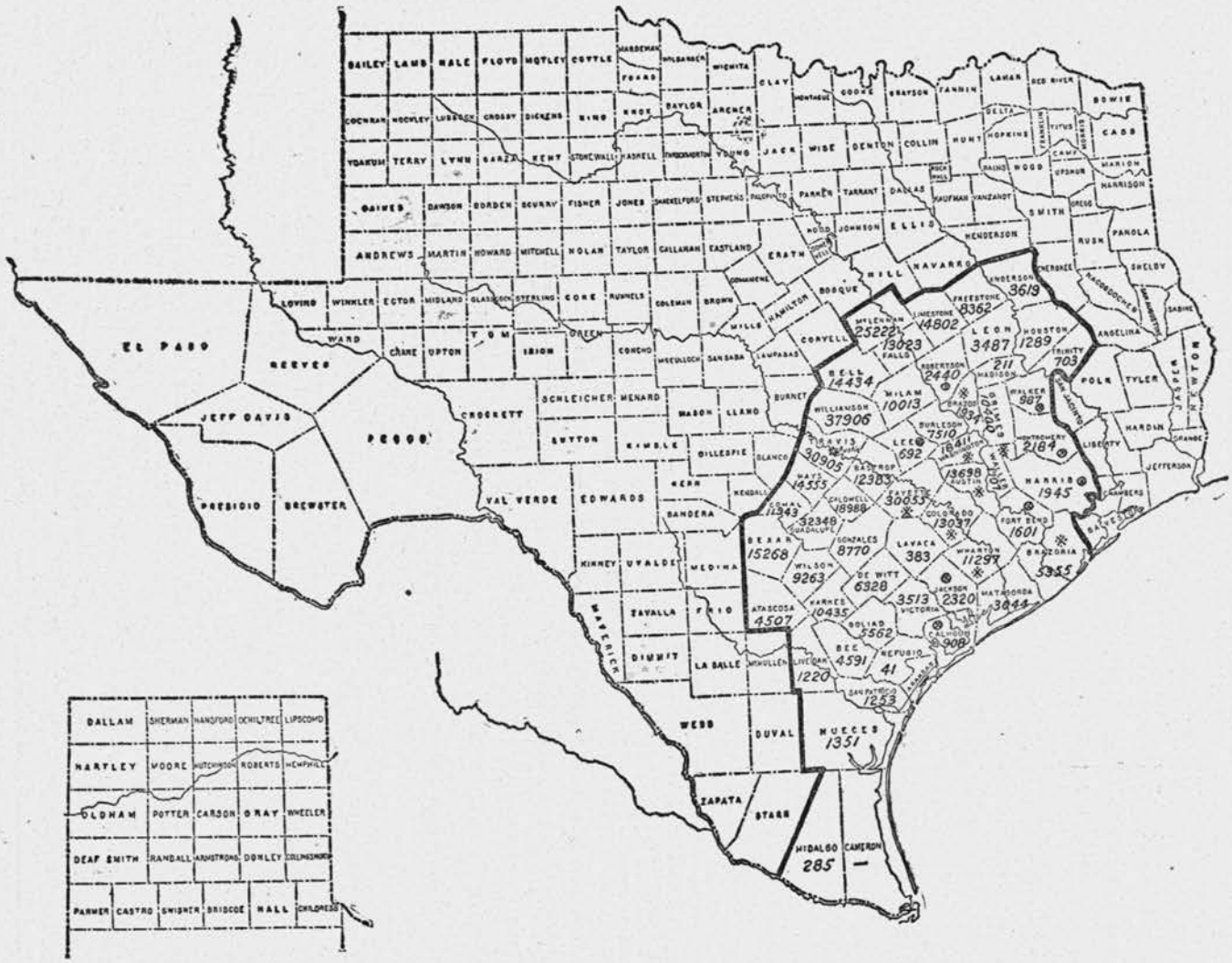
Mr. JOHN E. NEWTON,
Lynwood, Oldham.

DEAR SIR: Your favor of the 19th found me here, where I stay for some weeks. Its contents were of the highest interest for me, since I was always convinced that the English and German cotton industry depend equally on a more assured supply of cotton, especially long-stapled cotton. It is a very precarious state of affairs to see a yearly consumption of more than 5,000,000 bales (Austria included) dependent on the good will of the United States and to see the overwhelming progress which American consumption makes every year.

It is clear that the Americans very soon will find out their monopoly and will prefer to send us goods instead of raw cotton.

The English and German colonies in West, South, East, and Central Africa are cotton growing districts catexochen. I received already about 50 bales Togo cotton, native, American, and Egyptian seed, long-stapled cotton samples from Kamerun and East Africa. In my opinion the cotton from native Togo seed is the best, better than American, especially suited for underwear. The direction of all the experiments for cotton growing in the German colonies lies in the hands of the "Colonial Wirthschaftlichen Comite, Berlin, Unter den Linden." I sent these gentlemen this morning a telegram informing them of your and Mr. Baerlein's letters and proposed a combination of English and German cotton-growing interests. As you see from the inclosed reply the comite is quite ready to comply with my suggestion and begs you to make propositions for combined action.

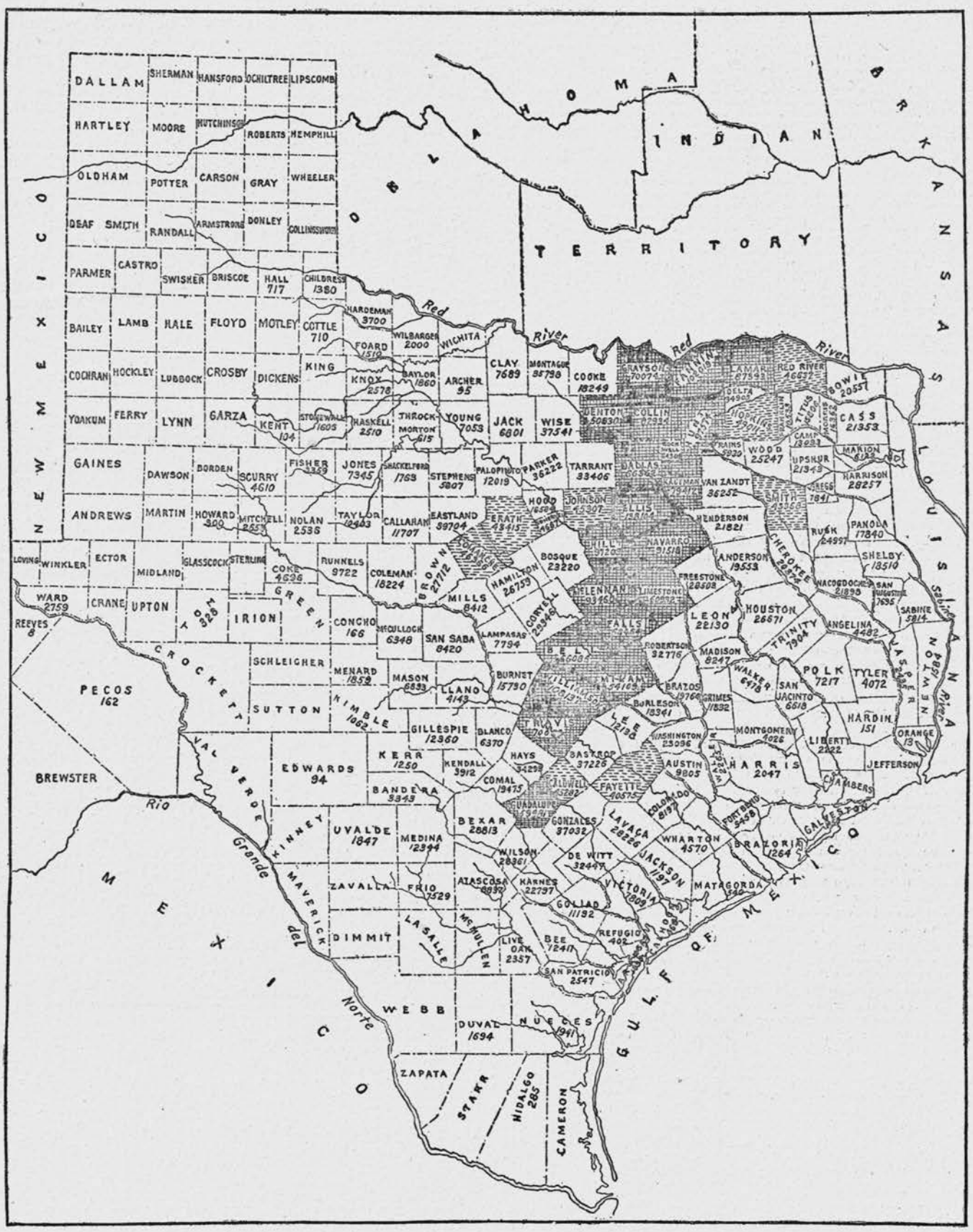
MAP OF TEXAS SHOWING DECREASE IN PRODUCTION OF COTTON (IN 500-POUND BALES) IN COUNTIES INFESTED WITH BOLL WEEVIL IN 1901 AS COMPARED WITH 1900.



⊗ Increase. ※ As compared with production of 1899. The crop of 1900 was subjected to disastrous overflows, and in consequence the yield was much short of the average.

Total decrease in production in 1901 in counties infested with boll weevil, as compared with 1900, 441,810 bales of 500 pounds.

MAP OF TEXAS SHOWING THE PRODUCTION OF COTTON BY COUNTIES, ACCORDING TO THE CENSUS OF 1900 (BULLETIN NO. 98, UNITED STATES CENSUS).



Samples of the different growths of cotton will be forwarded to you. The comite is assisted by the German Government, the colonial amt, and the German cotton industry. Our funds are, I am sorry to say, much smaller than yours.

Awaiting your good news, I am, dear sir, your most obedient,

EMIL STARK.

Copy of telegram inclosed:

"Agree to joint action with English Cotton Growing Society. Place our experience and samples at their disposal. Await proposals of the society how can work together in a practical manner."

Copy of letter dated Berlin, August 28, 1902, to the Oldham Chamber of Commerce, Oldham:

"We have taken considerable interest in the endeavors of your chamber of commerce, in connection with other chambers of commerce and of gentlemen interested in the cotton industry, to promote the cultivation of cotton in the English colonies, and particularly in West Africa. It may perhaps be known to you that this committee has for some years occupied itself with the furtherance of cotton growing in the German colonies, paricularly in Togo (West Africa), and in German East Africa, by making practical trials in these places.

"As we believe that we can assume that the results of our joint endeavors for the furtherance of cotton growing in Africa are of equal interest to both of us, we beg to propose to you to exchange with you the reports as to the measures taken for this purpose and the results obtained. We have forwarded to you by same post, per book post, the printed report concerning the cotton expedition to Tango of 1901, which we recommend to your notice.

"We await with interest the favor of your communications, and are,

"Yours, etc.,

"THE COLONIAL ECONOMY COMMITTEE."

BERLIN, *September 3, 1902.*

THE COTTON GROWING ASSOCIATION,
(Care of Mr. J. E. NEWTON) *Lynwood, Oldham.*

DEAR SIR: Director Stark, of Chemnitz, informed us of the formation of your Cotton Growing Association and of the offer which you made for working conjointly with our committee for the introduction of cotton growing in West Africa.

As desired by you we send you by same post a packet with the report of 1901 on our cotton expedition to Togo, and we also send you sample of the four different qualities which were cropped the first year.

As regards the questions put by Mr. Stark respecting our cotton industry in Togo, we beg to reply:

The result of the first year you will find in the report, pages 4 and 6.

The amount which has been placed at our disposal by the parties interested in it is 79,000 marks (£3,950).

The plan which has been formulated by our committee as to the continuation of the experiments of cotton culture in Togo you will find on page 7 of the report. The estimate for carrying through this plan for two years amounts to 125,000 marks. This amount has again been placed at the disposal of the committee by parties interested in it and in colonial industry.

Any further information which you may desire we shall be glad to give you.

In accordance with our telegram to Mr. Stark, dated 23d August, of which Mr. Stark has sent you a copy, we now await your definite proposals for practical joint action,

And remain, yours, very truly,

COLONIAL ECONOMY COMMITTEE.
(Signed by Chairman and Secretary.)

I could submit further citations to show that in all parts of the vast British Empire where the climate is not a positive barrier intelligent men, backed by all the resources of a powerful government, are trying to find some means of escape from the necessity of buying cotton grown in the United States, and that the Germans in their colonies and the Russians in Central Asia are also in the way of becoming dangerous competitors of the American planter.

It will not do for us to sit down in fancied security. Our own spinners from year to year use a greater percentage of the American crop. This has alarmed the French, English, and German manufacturers, and they think that in order to save their trade they must either find a new source of supply of the raw material or move their spindles to the United States. Like sensible men they have decided to try to develop cotton plantations under their own flags and behind their own tariff laws.

The ravages of insects will certainly decrease the yield of cotton in this country and that will mean higher prices. Higher prices now and a decreased American yield will do as like conditions did during the civil war—force the cultivation of cotton elsewhere.

The development in South America (notably Brazil), in India, and in Egypt, which occurred in the sixties, is a piece of history which we can not afford to forget. We must not have another famine unless we are willing to see our supremacy as a cotton-growing country put in serious jeopardy or pass away entirely.

Elder, Dempster & Co., of Liverpool, shipowners and merchants, have agreed to transport to England, free of charge for a number of years, all the cotton grown in British Africa.

In this connection, Mr. Chairman, I will print a letter recently received from the consul-general of the United States in London, the Hon. H. Clay Evans.

I will also print some tables, compiled at my request by the Texas railway managers, which show where the weevil has appeared and the extent of damage done to the crops by the insect.

CONSULATE-GENERAL OF THE UNITED STATES OF AMERICA,
London, December 11, 1902.

Hon. JAMES L. SLAYDEN, M. C., *Washington, D. C.*

DEAR SIR: I have the honor to state in reply to your inquiry of the 29th ultimo that there is an effort being made by the spinners, merchants, shipowners, etc., to encourage the growing of cotton in Africa. This is, as I am informed, for the double purpose of giving the users, the consumers, or manufacturers of cotton and cotton cloths a wider market, rendering them, as they say, less dependent, and at the same time it is an effort to encourage the native there in habits of industry, thereby making him a producer, improving his condition. To this end I am told 200 tons of cotton seed was sent there as a present toward stimulating an effort in that direction.

I addressed a letter to Messrs. Elder, Dempster & Co. on the subject of transportation of the cotton, on the line of your inquiry. They have given me a very courteous reply, in which they say, "We have agreed to carry cotton free, with a view of trying to create a trade in west Africa and porvide the natives with some profitable employment. Of course if it comes along in very large quantities we would not be able to continue the freight-free system."

This I quote from their letter to me, signed by Sir Alfred L. Jones, who is the controlling spirit in the Elder, Dempster & Co. navigation lines. He is himself a very wealthy man, besides he has unlimited financial backing. He is known and recognized as a man of wide information, practical, and progressive. He has, during the past eighteen months, as I am informed, instituted methods and reforms in the island of Jamaica that promise much good for the people there.

Very respectfully,

H. CLAY EVANS, *Consul-General.*

Statement by agents of the Gulf, Colorado and Santa Fe Railway, in Texas, as to the occurrence and damage done by the cotton boll weevil.

[Supplied through the courtesy of Col. L. J. Polk, general manager.]

Dallas branch.—Alvarado, appeared late in 1902, little damage; Midlothian, appeared late in 1900, damage 25 per cent; Duncanville, appeared late in 1902, damage small; Wylie, appeared in 1882(?), damage 66⅔ per cent; Honey Grove, appeared late in 1902, damage light; Pecan Gap, appeared late in 1902, damage light; Roxton, appeared late in 1902, damage 25 per cent.

San Angelo branch.—Belton, appeared in 1900, damage 50 per cent; Nolanville, appeared in 1901, damage 25 per cent; Killeen, appeared in 1901, damage 66⅔ per cent; Coperas Cove, appeared in 1902, damage 10 per cent; Lampasas, appeared in 1902, damage small; Lometa, appeared in 1901, damage 50 per cent; Mullen, appeared in 1902, damage 10 per cent; Santa Anna, appeared in 1901, damage 30 per cent; Talpa, appeared in 1900, damage 30 per cent; Miles, appeared in 1902, damage 10 per cent; San Angelo, appeared in 1902, damage small.

Northern division.—Cleburne, appeared in 1901, unable to estimate damage; Crowley, appeared in 1902, damage 25 per cent; Fort Worth, appeared in 1902, damage small; Saginaw, appeared in 1900, unable to estimate damage; Justin, appeared in 1902, damage slight; Ponder, appearance unknown, damage 50 per cent; Valley View, appearance unknown, damage 16⅔ per cent; Marietta, Ind. T., appeared in 1900, damage 5 per cent; Berwyn, appeared in 1900, damage insignificant.

Southern division.—Agents report from 30 stations, all but one (Meridian) showing the presence of the weevil. The earliest occurrence noted was at Rosenberg, south Texas, in 1897, and the latest at McGregor, central Texas, in 1902. Estimates of damage vary from 5 per cent at the point of latest occurrence to 75 per cent at Wallis and a few other stations.

Beaumont division.—Twenty-one station agents make reports. Twenty report damage of from 20 to 90 per cent.

Weatherford branch.—Three stations reported. One reports a damage of 20 per cent, one 50 per cent, and one that the weevil has not appeared.

INTERNATIONAL AND GREAT NORTHERN RAILROAD.

G. H. Turner, esq., general freight agent, sends reports from 19 cotton-raising counties on the line of his road.

All report the presence of the weevil.

The smallest estimate of damage is from Houston County, in east Texas, where the weevil first appeared in 1901, which is 25 per cent, and the greatest from Montgomery, Williamson, and Grimes, the latter three reporting a loss of 60 per cent through the ravages of the insects.

MISSOURI, KANSAS AND TEXAS RAILWAY.

Through the courtesy of J. W. Allen, esq., of the Missouri, Kansas and Texas Railway Company of Texas, reports have been received from all the stations of that line. Fifty-two agents report the presence of the weevil, and that the crop was damaged in 1902 as much as 66⅔ per cent in counties where the weevil has been for three or four years, down to 7 per cent only in counties where it appeared in 1902.

SAN ANTONIO AND ARANSAS PASS RAILWAY.

This line, through its general agent, Mr. Martin, makes the following report:

SAN ANTONIO AND ARANSAS PASS RAILWAY COMPANY,
TRAFFIC DEPARTMENT,
San Antonio, Tex., December 6, 1902.

Mr. M. D. MONSERRATE,
Vice-President and General Manager.

DEAR SIR: Replying to your letter of November 19, and returning letter from Hon. J. L. SLAYDEN, under date of November 18, I beg to give you the following summary of reports we have received from our agents at principal cotton-shipping stations as to the cotton-boll weevil pest.

The boll weevil has made its appearance at all points on our line with the exception of those located in Kerr County (Kerrville branch). The first appearances, and estimates made by our agents of the percentage of damage to last season's crop, are as follows:

Alice branch.—First appearance in 1892 and 1893. Damage about 75 per cent at Mathis; slight at Alice; presumably account of the dry weather.

Kenedy and Corpus Christi and Rockport branches.—First appearance in 1893 and 1894. Estimates of damage range from 10 per cent to 50 per cent.

Yoakum and San Antonio divisions.—First appearance in 1895 to 1897 and 1898. Estimates of damage range from 10 per cent to 50 per cent.

Kerrville branch.—A slight appearance of the weevil in Kendall County noted in 1901 and 1902, but no great damage.

Houston division.—First appearance, Lavaca and Colorado counties in 1897 and 1898, Fort Bend and Harris counties in 1899. Estimates of damage range from 33⅓ per cent to 80 per cent.

Lockhart branch.—First appearance, Gonzales County in 1897 and 1898; Caldwell County in 1899. Estimates of damage range from 50 to 66⅔ per cent.

Waco division.—First appearance, Lavaca County in 1898; Fayette County in 1899; Lee and Milan counties in 1899 and 1900; Falls County, 1901; McLenan County in 1901 and 1902. Estimates of damage range from 35 to 75 per cent.

Answering the last question, most of the agents report the general opinion that the weevil will increase, and if some method of extermination is not discovered they will eventually prevent the profitable raising of cotton in this part of the country.

Yours, truly,

E. J. MARTIN.

SOUTHERN PACIFIC RAILWAY COMPANY.

W. G. Van Vleck, esq., general manager of the Southern Pacific system, sends the following report, which I ask leave to print in full.

STATIONS BETWEEN HOUSTON AND SAN ANTONIO.

Station.	Has boll weevil appeared in your county?	When did it first appear?	Proportion of crop destroyed this year.	Any satisfactory remedy discovered or applied?	Outlook for crop and increase of weevil.	Remarks.
			Per cent.			
Missouri City	Yes	1899	50	None	Weather conditions control.	Cloudy weather more favorable.
Sartartia	do	1898	50	do	Crop will be destroyed entirely.	
Richmond	do	1899	25	do	Discouraging	Early planting and picking of punctured bolls.
Rosenberg	do	1898	50	do	do	
East Bernard	do	1897	75	do	do	
Eagle Lake	do	1898	a 75	do	do	Will not plant cotton.
Alleyton	do	1899	50	do	do	Will increase and stop planting.
Ellinger	do	1890	65	do	do	Decrease the acreage.
La Grange	do	1898	a 50	None; all failed	do	Severe winter was only setback they received.
Columbus	do	1896	80	None	do	Depends on weather; hot, dry weather unfavorable.
Glidden	do	1898	60	None; all failed	do	Farmers claim increasing every year.
Weimar	do	1899	50	None	do	Stop the cultivation of cotton.
Engle	do	1897	60	do	do	Increasing and will continue.
Schulenberg	do	1899	50	do	do	Steadily increasing and ruin the industry.
Flatonia	do	1898	60	do	do	Do.
Waelder	do	1896	40	do	do	Destroy the crop.
Harwood	do	1898	66	do	do	Do.
Gonzales	do	1897	40	do	do	Prospects they will increase.
Luling	do	1900	a 50	do	do	Increase very evident.
Kingsbury	do	1898	50	None; arsenic very little effect.	do	Ruins the country; farmers worked very hard to keep them down.
Sequin	do	1899	50	None	do	Increasing and moving north.
Marion	do	1899	b 10	None; burning has restricted.	do	Not increased, account of extremely dry season.
Schertz	do	1900	50	None	do	Will destroy cotton industry.
Converse	do	1900	25	do	do	Increase and damage more and more.
San Antonio	do	1899	10	None; poison of no effect; burning fields has restricted.	do	
Lacoste	do	1898	10	None	do	
Hondo	do	1901	c 10	do	do	

STATIONS BETWEEN ROSENBERG AND BEEVILLE.

Beasley	Yes	1896	25	None	Discouraging	Thought will increase yearly.
Kendleton	do	1899	55	do	do	Regarded as only question of time.
Hungerford	do	1897-98	50	do	do	Undoubtedly will increase.
Wharton	do	1898	50	do	do	Increasing and yield being reduced.
Pledger	do	1899	50	do	do	Do.
Van Vleck	do	1899	66	do	do	Regarded as a lost crop.
Pierce	do	1898	60	do	do	Do.
El Campo	do	1898	66	do	do	Do.
Louise	do	1898	50	do	do	Will increase and ruin crop.
Ganado	do	1900	65	do	do	If increases, crop will be abandoned.
Edna	do	1896	60	do	do	But little cotton will be planted.
Inez	do	1897	75	do	do	Increasing and yield less.
Victoria	do	1894-95	30	None; no sure method; considerable experimenting.	do	Increasing; no top crop made on account of weevil.
Thomaston	do	1898	50	None	do	Increasing and reduced yield.
Cuero	do	1896	25	do	do	Do.
Fannin	do	1897	30	do	do	Do.
Goliad	do	1895	20	None; paris green and London purple not satisfactory.	do	Do.
Berclair	do	1898	15	None	do	Increasing and reduced yield; dry weather.
Beeville	do	1893	10	do	do	Increasing; good season; more numerous.
Point Lavaca	do	1898	50	do	do	Increasing; hot, dry weather checked them.

a Fully. b Dry season. c Destroyed fall crop.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I move to strike out the last word merely for the purpose of saying that I am a member of the Committee on Agriculture, as my friend from Texas knows, and am the representative of the cotton States, being the only one from the cotton States upon that committee. The committee gave for this purpose every dollar which is recommended by the Department, and all that they said they could use at this time. I say this merely in justice to the committee.

The Clerk read as follows:

Division of Statistics, Salaries: One statistician, who shall be chief of division, $3,000; 1 assistant statistician, who shall be assistant chief of division, $2,200; 3 clerks class 4, $5,400; 4 clerks class 3, $6,400; 5 clerks class 2, $7,000; 8 clerks class 1, $9,600; 10 clerks, at $1,000 each, $10,000; 4 clerks, at $840 each, $3,360; in all, $46,960.

Mr. BURKETT. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Add after line 11, page 41, the following: "*Provided*, No part of this fund shall be used in duplicating work done by the Census Bureau."

Mr. BURKETT. Mr. Chairman, the amendment is self-explanatory. We had this question up and it was fully discussed at the time that we created the permanent Census Bureau. This amendment is only intended to provide that they shall not duplicate the work done in the permanent Census Bureau.

Mr. WADSWORTH. Mr. Chairman, I have no objection to that amendment.

Mr. GRAFF. Will the gentleman from Nebraska be kind enough to inform us what the interpretation of that amendment is? Who is to determine what shall be done in the statistical line in the Census Bureau and what in the Agricultural Department?

Mr. BURKETT. That will be attended to by the proper disbursing officer. Under this amendment he could not pay out money for duplicate work.

Mr. GRAFF. I am as anxious as anyone to avoid duplication, but if the effect of this amendment would be to cast upon the Census Bureau the burden of collecting agricultural statistics I am against the proposition, because that matter was investigated at great length in the Committee on Agriculture, and we had before us not only the Secretary of the Department, but the Director of the Census, and according to the testimony of Director Merriam himself, he said it would cost tremendously more—I think $400,000 more—for the Census Bureau to gather the same statistics which is at present done by the Department of Agriculture.

Mr. HULL. Will the gentleman yield to me for a question?
Mr. GRAFF. Yes.
Mr. HULL. If the amendment is adopted, could not the Census Bureau, by taking up any line of work, shut the Agricultural Department out entirely?
Mr. GRAFF. Yes.
Mr. HULL. And they will do it. It is a dangerous thing to put in the bill.
Mr. GRAFF. I notice the gentleman from Nebraska gave an answer which was very vague.
Mr. BURKETT. Oh, no. It simply provides that these funds shall not be available for duplicating work that the Census Bureau does. We have provided what the Census Bureau shall do, and if the Director has been before the committee and has said that he could not do it without being more expensive than the other Department, he is not going to take up that part of the work.
The only thing here is to prevent the duplication of statistical work. I believe, and the majority of the members of this House believe, that the various bureaus do duplicate the statistics which we want done and intend shall be done by the Census Bureau. Now, let us put in this provision—that if you do duplicate the work you can not have the money that we appropriate. A year or two ago I had something to say about the new Census Bureau. I said that there would be work that must be done in the various departments that you could not transfer, and I believe it is proper when we make a special appropriation to do statistical work to say to them, "You can not go on without any limit; you must have regard for the statistical bureau that we have created, and if you do duplicate statistical work you can not have it paid for."
Mr. GRAFF. Now, I want to ask the gentleman another question, whether this present amendment would not leave things in this shape: That the Director of the Census would be obliged to carry out all of the scope of statistical work which is given him by existing law, and that this would practically prohibit the Secretary of Agriculture from carrying on his agricultural statistical work?
Mr. BURKETT. I do not see how.
Mr. GRAFF. Now, if we are going to do that, let us know that we are doing it, and let us look the question in the face and determine it intelligently, and not adopt an amendment here which may operate as a surprise to a great many of us. I think we are competent to meet the question and determine it. When I entered upon the investigation of the question whether we could transfer the statistical work in the Agricultural Department into the Census Bureau, I started in with the inclination in favor of that transfer, but after a very exhaustive examination into the subject by the committee I changed my mind.
The CHAIRMAN. The time of the gentleman from Nebraska has expired, and the gentleman from Texas [Mr. BURLESON] is recognized.
Mr. HULL. I ask unanimous consent that the gentleman from Illinois have five minutes more.
Mr. GRAFF. Mr. Chairman, I supposed I had the floor in my own right.
Mr. BURLESON. I believe, Mr. Chairman, I have the floor.
The CHAIRMAN. When the gentleman from Nebraska sat down the gentleman from Illinois desired to ask him some questions. The time of the gentleman from Nebraska had expired and the Chair then recognized the gentleman from Texas.
Mr. BURLESON. Mr. Chairman, I do earnestly hope that this amendment offered by the gentleman from Nebraska [Mr. BURKETT] will not be adopted. Its effect will be to practically strip the Division of Statistics in the Agricultural Department of any authority to gather statistical information with reference to the production of cotton, wheat, and other cereals. I am as earnestly opposed as the gentleman from Nebraska to the duplication of statistics——
Mr. BURKETT. Is the work which the gentleman mentions, and of which he apprehends the Agricultural Department will be stripped, is that work provided for in the Census Bureau?
Mr. BURLESON. Partially so.
Mr. BURKETT. Then, if there is such a provision, why should the work be duplicated?
Mr. BURLESON. I will give the gentleman the reasons if he will patiently listen.
I am as earnestly opposed as any member on this floor to the duplication of statistical work by the various bureaus and divisions. There can not be any division of opinion that duplication in this respect should be avoided. But, Mr. Chairman, I protest earnestly in the name of the producers of cotton and wheat against depriving the Statistical Division of the Agricultural Department of its authority to gather statistics relating to agricultural products.
I protest against this attempt to turn over this work to the Census Bureau. The reason for my position is this: For some years the Agricultural Department has been gathering statistics with reference to the output of cotton and wheat. Since it has engaged in this statistical work it has saved the producers of cotton and wheat millions of dollars. If there is any interference with this work now, it can only come because of ill-considered suggestions of economy, honestly made in this instance by the gentleman from Nebraska, or because of influences emanating from the speculative element on the New York or the New Orleans cotton exchanges.
I have as high a regard for the Director of the Census as any man on this floor. I have as much confidence in his integrity and his ability. Notwithstanding I am a member of the Census Committee, I protest against permitting the Census Bureau, if it is to become a part of the department of commerce, stripping the statistical bureau of the Agricultural Department of its authority to gather wheat and cotton statistics, and conferring it upon the Census Bureau, and that is what will be done if the amendment offered by the gentleman from Nebraska is adopted.
It is to the interest of all to avoid the duplication of statistics. One reason being that if there is duplication there must necessarily be conflict, and the people will lose confidence in their value. If the Census Bureau was to remain an independent bureau I would not object to this amendment, but as we all know there is a pending bill creating a department of commerce, and it is to embrace the Census Bureau, as I understand it. The Census Bureau gathering agricultural statistics as an independent bureau is one thing, but the Census Bureau under the department of commerce to gather cotton statistics must be viewed by me as an entirely different proposition. I will make my meaning plain. We all know there is naturally an antagonism or conflict of interest between the producer and the manufacturer of any given product. To illustrate, the producer of cotton and the producer of wheat want to get as high a price as they can for their product. It is to the interest of the manufacturer of cotton or the miller to buy the product they desire to manufacture as cheap as possible. Now, if the Statistical Division of the Agricultural Department is deprived of its present authority—if this authority is given to the Census Bureau—and if the Census Bureau is to be covered under the department of commerce, and a man should be placed at the head of the department of commerce who would magnify the importance of the manufacturing interests of these products, unquestionably the interests of the producers of cotton and wheat would suffer if the gathering of these statistics were given to the Census Bureau.
It is reasonable to believe that the commercial or manufacturing interests will ultimately dominate in the department of commerce. If the Census Bureau is to be placed under the department of commerce, as a representative of the producers of cotton I shall oppose the transfer of the Statistical Division of the Agricultural Department to the Census Bureau at all times, because I believe that if it is so transferred ultimately the commercial interests or the manufacturing interests will dominate that great department and the interests of the producers will suffer.
Mr. MADDOX. Will the gentleman allow me a question?
Mr. BURLESON. Yes, sir.
Mr. MADDOX. What was your argument in favor of the creation of the Census Bureau?
Mr. BURLESON. I wanted to prevent the duplication of statistical work; and I state now——
Mr. MADDOX. The gentleman does not understand me. I ask what was his argument in favor of creating the Census Bureau—whether when we created that Bureau it was not with the idea of vesting in it this authority to collect statistics for these other departments?
Mr. BURLESON. My object was then and is now to prevent the duplication of statistical work; and I assert emphatically that if the Census Bureau were to remain an independent bureau, and was not to be placed under the new department of commerce, I would not oppose this amendment. But if the Census Bureau is to be covered under the department of commerce we all know, as intelligent men, that the great commercial interests, the great manufacturing interests of this country will ultimately dominate that department, and that the interests of the agriculturists, in so far as the gathering of statistics is concerned, will suffer when placed under its control.
Where does the support of this suggestion come from, aside from the distinguished gentleman who offered the amendment and who advocates it ably and sincerely on the ground of economy? As I stated a moment ago, it comes from the cotton gamblers on the New York and New Orleans cotton exchanges. The Secretary of Agriculture made a most elaborate and conclusive argument against the disturbance of this statistical division, having in mind the very suggestion made by the gentleman from Nebraska. The Southern Cotton Growers' Protective Association, consisting of 600 delegates, met at Macon, Ga., less than ninety days ago and protested against the disturbance of the

work as it is now being done by the Statistical Division of the Agricultural Department. Every farmer in this country is opposed to such a change, and if there is any interest behind this movement save that of the cotton gambler I do not know where it is to be found.

We must remember that cotton is the great staple crop of the United States, not even excepting wheat, and from the very minute the seed is put in the ground, and even before it is in the ground, the shrewdest men in the world are there representing the English spinners and the New England and Southern manufacturers, and are constantly engaged in making and publishing estimates of what the crop is going to be, the effect of which, of course, is felt in the price paid for our cotton.

We can not stop this practice, but at the same time we ought to have some means of offsetting the evil effect of it upon the producers by having an impartial tribunal, an impartial instrumentality, to make an estimate for the cotton producer, not that it is to be an inaccurate estimate, but to make known to him the real truth of the situation, if possible, in order that he may govern himself accordingly.

Gentlemen, I have been a producer of cotton for many years. I know something about it. I stand here to assert, and it will not be contradicted by any man who is in possession of the facts, that the Statistical Division of the Agricultural Department, while it is not claimed it has been mathematically exact in its estimates, it has saved the cotton producers of the South millions of dollars by giving to the producers of cotton what they think and believe, and what I believe, is an impartial estimate of what is to be the cotton crop of the United States for the current year.

It goes without saying, Mr. Chairman, that there ought not to be duplication in statistical work; but, as I have said, it depends altogether on what influences the Census Bureau is to fall under whether I would be willing to have it undertake the gathering of agricultural statistics.

For the present I oppose it, and hope the amendment will be defeated.

Mr. GRAFF. Mr. Chairman, I have before me a copy of the hearings containing the testimony of Mr. Merriam, the Director of the Census, in regard to this very matter. Of course, we all remember that the Director of the Census was anxious, as was natural, to enlarge the scope of his Bureau, to take in as large a jurisdiction as possible. Now we find that this bill appropriates for the division of statistics $141,160; and we find on pages 368–369 Mr. Merriam's testimony, his statement that it would cost him $450,000 a year to do the same work that the Secretary of Agriculture now does for $141,160.

Mr. BURKETT. He is not going to do it, is he?

Mr. GRAFF. Well, if the law——

Mr. BURKETT. This law does not say anything about that.

Mr. GRAFF. If the law withdraws from the Secretary of Agriculture the power to engage in any work——

Mr. BURKETT. But it does not.

Mr. GRAFF. Which the law confers power upon the Director of the Census to do, then I suppose the Director of the Census would consider it mandatory upon him to go on and enter upon this work.

Mr. BURKETT. This does not do anything of that sort. It simply says he shall not duplicate any work.

Mr. GRAFF. The gentleman does not say that his amendment will not have the power of transferring agricultural statistical work to the Census Bureau.

Mr. BURKETT. It could not possibly do it.

Mr. GRAFF. Now, the reason why there is such a vast difference between the cost under the Director of the Census and the Secretary of Agriculture is because the Secretary of Agriculture gets the greater portion of his information and reports from a quarter of a million men who do it as a labor of love, because they are enthusiastically, and also selfishly, for that matter, interested in the pursuit of agriculture, and it pleases them to be honored with being recognized as a crop reporter in their particular section of the country. It is the opinion of Secretary Wilson that these men who give their services free in making these reports upon crops render better service than the men who would be employed by the Director of the Census. He recompenses them by sending them a little special publication issued by the Agricultural Department, intended for them alone, besides seeds, agricultural reports, and other documents. If we pass this work into the control of the Director of the Census, then will follow a lot of little appointments with a salary of thirty or forty dollars a month, which will unavoidably be looked upon as political.

The kind of men who will receive these small appointments will be men who will seek them because of the little salary appended to them, and instead of having this cheap, voluntary, but good service rendered by the farmers of the country themselves taking part and being made to feel that they are indeed an important part of this agricultural work, we will have the paid labor with the less valuable service. The Secretary of Agriculture does not depend upon any one source of information, but he has five or six lines of inquiry, all of them independent and coming from different sources, and the man at the head of this statistical bureau does not see any of these reports until they have all been tabulated and are presented to him together.

By the experience of this Statistical Bureau over a period of several decades the head of the Statistical Bureau is enabled to know by experience about how much of value ought to be put upon information from a particular source, and the result is that the Secretary of Agriculture is armed, for that very reason, with better facilities for safely forecasting the amount of crops in any particular line of agricultural industry. The Secretary of Agriculture said, in his address before us, and he was very forceful about it and very much in earnest, that to take that Statistical Bureau away from the Department of Agriculture would absolutely be moving from it the very vitals of the Department.

Mr. STEWART of New Jersey. Are not these unpaid and voluntary correspondents of the Agricultural Department generally the postmasters of the South, who are in the interests of the planter?

Mr. LAMB. Oh, no.

Mr. GRAFF. I do not know that that is true. I do not know whether it is true in the South, but I do know that the men who furnish the agricultural report from Illinois are not postmasters, but are men who follow the plow and are engaged in actual farming.

[Here the hammer fell.]

Mr. CRUMPACKER. Mr. Chairman, as I understand the purport of the amendment which has been offered to this bill, it is simply that the Statistical Division in the Agricultural Department shall not duplicate any work that is now done by the Census Bureau. The Census Bureau only does the work which the laws of Congress specifically make it its duty to do. The amendment will not confer a single iota of additional authority upon the Census Bureau, will not add a single function to that office, but it simply provides that what the Census Bureau does shall not be done at the same time and at governmental expense by the Statistical Bureau in the Agricultural Department. That is the scope and purpose of the amendment.

Mr. GRAFF. Will the gentleman yield for a question?

Mr. CRUMPACKER. Yes.

Mr. GRAFF. Is it the opinion of the gentleman from Indiana that the effect of this amendment will be to prohibit the Secretary of Agriculture from carrying on his Bureau of Statistics in agriculture?

Mr. CRUMPACKER. I do not think it will.

Mr. GRAFF. Then, if that is true, and if the gentlemen who are supporting this amendment think so, will they formulate their amendment so that it will not reach agricultural statistics?

Mr. CRUMPACKER. Oh, Mr. Chairman, I yielded only for a question.

Mr. MANN. Will the gentleman yield for a question again?

Mr. CRUMPACKER. I beg to be excused. I want to answer the gentleman's colleague, and then I will yield to the gentleman from Illinois [Mr. MANN]. My judgment is that the two bureaus are not doing exactly the same kind of work, and the amendment will doubtless be construed by both bureaus so that they can both continue what they have been doing.

I want to say in relation to the crop statistics gotten out by the Agricultural Bureau for the year 1899 and the same statistics taken by the Census Bureau, by paid officers acting under oath for the same year, that there was a discrepancy between the two bureaus of about 600,000,000 bushels of corn, nearly 300,000,000 bushels of oats, 150,000,000 bushels of wheat, and 28,000,000 tons of hay for that one year. Such discrepancies between these two bureaus utterly destroy the value of the statistics of one or the other.

Mr. SHOWALTER. Which was nearest correct?

Mr. COOPER of Texas. Which one of the bureaus was correct?

Mr. CRUMPACKER. The presumption is that the officers who were paid and who were sworn faithfully to perform their duties did correct work, and I think that presumption is proper, in view of the statement of the gentleman from Illinois [Mr. GRAFF] that the Agricultural Department statistics are largely a work of love. I submit that statistics of that character are absolutely worthless as a means of information to the country.

Mr. SCOTT. The gentleman from Indiana [Mr. CRUMPACKER] has said that the presumption is that the Census Bureau was correct. Is not that rather a violent presumption, in view of the fact that according to the census report in more than one hundred counties of the United States the Bureau returned more agricultural land than the geographical area of the counties?

Mr. CRUMPACKER. No; that is not correct, because in that instance it was a labor of love. They visited abstractors and

local officials and got gratuitous information, like the statistical information obtained by the Agricultural Department all along the line.

Mr. SCOTT. That was certainly a part of the regular census reports.

Mr. CRUMPACKER. It was a part of the census reports, but the gentleman must understand that the special agents of the Census Bureau went to auditors' offices and various public offices to get the information from State officers in reference to the acreage and volume of land being farmed and that sort of thing under regulations from the Director of the Census.

Mr. SCOTT. My understanding was that the census enumerators were paid 15 cents a farm for returning this information, and that it was their reports that were so grossly inaccurate.

Mr. BARTLETT. I desire to ask the gentleman if it would not be unjust to a certain section of the country to put this amendment upon this bill with this view? The Census Bureau only begins to report the cotton crop by receiving the reports of the ginners, beginning with the 16th of October, and making three reports; that is, at the end of October, at the end of November, and at the end of December. If we provide in this bill that this shall not be duplicated by the Department, then the Department can not make any report whatever with reference to the cotton crop after the 15th day of October, and the cotton is all made by that time, generally.

Mr. CRUMPACKER. I supposed I was yielding to the gentleman for a question.

Mr. BARTLETT. That is true.

Mr. CRUMPACKER. In my judgment, the practical operation of this amendment will amount to nothing, as I said a moment ago. There will be no complete duplication in any line of investigation, in research, or in statistics, and both bureaus will continue to work just as they have been doing in the past.

Mr. LIVINGSTON. Mr. Chairman, whether this statistical report by the one bureau or the other is the better one, or whether one should be transferred to the other or not, is one proposition; but this amendment in and of itself means nothing but confusion worse confounded. Now the Census Bureau reports partially the cotton crop, and not altogether. The Census Bureau reports partially the wheat, oats, and corn crops, but not in toto.

Mr. WADSWORTH. If the gentleman will allow me to interrupt him right there, that statement is not quite true.

Mr. LIVINGSTON. Well, it is partially true all the same.

Mr. WADSWORTH. The Census Bureau does not do that by law.

Mr. LIVINGSTON. I must have more time, if I am to be interrupted.

Mr. WADSWORTH. I will not interrupt the gentleman.

Mr. LIVINGSTON. I want to lay down this proposition, and the gentleman can not deny it, that if this amendment is adopted there will be a struggle to determine what are the duties of the Census Bureau and what are the duties of the Department of Agriculture, and nobody can prevent that. Now, if the gentleman who proposed the amendment intends to mean anything, let him say that certain duties now performed by the Census Bureau shall not be performed by that Bureau, but shall be transferred to the Department of Agriculture, or vice versa. Then the two Bureaus will know exactly what they want, and this amendment will only increase confusion and accomplish nothing under the heavens, and the only purpose is to pull down one and build up another.

Now, in answer to the gentleman from Indiana, perhaps the best thing done yet was the discrepancy between these two reports. The world is struggling to know now what the facts are, and, while it was all laid to the door of one Bureau, nobody can tell what it was. It was all guesswork, because in the second Bureau and the second estimate there is a discrepancy. Let the two go on and within the next twelve months you will find out which one can make the better report, and then will be the time to act.

Mr. MANN. Mr. Chairman, we had very much the same matter which is in controversy here now before the Committee on Interstate and Foreign Commerce in preparing the bill in relation to the new department of commerce and labor. I have not been able to find, Mr. Chairman, that there is at present any real duplication of statistics between the Agricultural Department and the Census Office. It is true that both divisions of statistics endeavor to arrive at the same result. It is also true that they pursue different plans. They both seek to furnish information in relation to agricultural products, particularly reports in reference to the cotton crop. But the Agricultural statistical bureau furnishes estimates of what the cotton crop is likely to be, or what it is ascertained or expected to be from estimates. The Census Office has never endeavored to make estimates of agricultural products. The Census Office endeavors to state facts. It is true the facts must necessarily be made upon estimates furnished by the producer, and hence the total result may be only estimates. But there is no reason that I can see why both divisions of the Government should not be permitted to obtain all the information that is possible and lay it before the people.

I was surprised, however, to hear the genial gentleman from Texas say that if this were transferred to the department of commerce and labor it would be dominated by commercial influences as against agricultural interests. I deny and repudiate the idea, and at the same time would deny that the bureau in the Department of Agriculture is dominated by influences adverse to commerce. The Department of Agriculture endeavors to furnish information, without regard to personal influences, which can be used by everybody. The same would be true if the endeavor were made by the department of commerce and labor. If the gentleman from Texas be right, the reports from the Department of Agriculture are valueless, because on his theory they are furnished only to influence the markets in the interest of the farmers and against the consumer. That would be an unfair proposition. It would be an unfair result. That is not true now.

Mr. BURLESON. Will the gentleman permit me to correct him?

Mr. MANN. Certainly.

Mr. BURLESON. The accurate and unbiased crop estimate of the Statistical Division of the Agricultural Department tends to counteract the selfish estimates made by the representatives of the Fall River and Lancashire spinners.

Mr. MANN. Mr. Chairman, the gentleman from Texas maintains the bias of the label of his partisan party. Gentlemen on the other side of the aisle always say to those on this side, "We are unbiased. It is you who are partisans." He now says that the Agricultural Department is nonpartisan and the department of commerce and labor would be partisan. I say that the Agricultural Department is not partisan—is not influenced in favor of the farmer as against commerce—and the department of commerce and labor would be equally nonpartisan and unbiased, notwithstanding the biased mind of the gentleman from Texas, who seems unable to appreciate that a department of the Government may be unbiased.

The present Department of Agriculture furnishes estimates of the cotton crop. It ought to furnish estimates of other products of the farm. The Census Office does not furnish estimates. It can not furnish estimates. It is the duty of the Census Office to gather figures and furnish facts. It ought never to be permitted to enter upon the domain of guesswork. The Department of Agriculture is properly engaged in the domain of guesswork. Everybody knows that they guess in a way, basing their opinions upon the best information they can obtain. We all know their estimates can not be considered as absolute truth, but we know their worth and take them for what they are worth. They are the best we can get and are worth far more than they cost.

Mr. WADSWORTH. Mr. Chairman, the amendment of the gentleman from Nebraska reads in this way:

Provided, That no part of this sum shall be used in duplicating work now directed by law to be done by the Census Bureau.

Now, the law upon which the Census Bureau acts is found in the ninth section, in which this language is used:

And that in addition to the statistics now provided for by law the Director of the Census shall annually collect the statistics of the cotton production of the country as returned by the ginners, and bulletins giving the results of the same shall be issued weekly beginning September 1 of each year and continued till February 1 following; and that the Director of the Census shall make, from time to time, any additional special collections of statistics relating to any branch of agriculture, manufacture, mining, transportation, fisheries, or any other branch of industry that may be required of him by Congress.

The duplication of work occurs in gathering the statistics from the cotton ginners. The Agricultural Department collects the statistics from the ginners and the Census Office is compelled to do that also by law. You compelled them to do it. That is all the duplication that takes place.

Mr. BURLESON. Will the gentleman accept an amendment to the amendment, striking out the Census Bureau and inserting the Agricultural Department?

Mr. WADSWORTH. All I want is to avoid duplication.

Mr. BURLESON. The effect being that there shall be no duplicate work.

Mr. BURKETT. But this is not a census bill.

Mr. WADSWORTH. Does the gentleman think that would be sufficient to repeal the operation of section 9 of the Census Bureau law?

Mr. BURLESON. No; but the report is made under it. The Director of the Census informed your committee that it would cost $400,000 more——

Mr. WADSWORTH. The only duplication is in the statistics from the ginners.

Mr. LIVINGSTON. May I suggest an amendment?

Mr. WADSWORTH. I will yield to the gentleman.

Mr. LIVINGSTON. That the Agricultural Department shall not attempt to take estimates of the cotton crop by the gins, as ordered in the Census Department.

Mr. WADSWORTH. I am willing to accept any amendment that will prevent duplication.

Mr. SCOTT. Mr. Chairman, I believe the object which we all desire will be reached if the amendment offered by the gentleman from Nebraska is changed so as to provide that no work shall be done by the Census Bureau—no agricultural statistical work shall be done by the Census Bureau—which is now required by law to be done by the Agricultural Department.

Mr. BURLESON. I do not understand whether the gentleman from Nebraska is willing to accept that.

Mr. BURKETT. You can not amend the census law in passing an Agricultural appropriation bill.

Mr. WILLIAMS of Mississippi. We can amend the census law as well on this bill as any other.

Mr. MADDOX. Mr. Chairman. I want to say that whenever the question of duplication of work is suggested in this House it has the same effect on some of the members around here as water would on a mad dog. When we had up the legislative, executive, and judicial appropriation bill, just before the holidays, I was told by the chairman of the Committee on Appropriations—not only by the chairman, but by my colleague from Georgia—that there was a bill already pending somewhere that was going to prevent this duplication of statistics, and if we would let the matter go by it would be all arranged. Now we are told the same about the cotton statistics, and as soon as the gentleman from Nebraska proposes to stop it he is attacked from every direction.

I want to call your attention to the amendment in the bill authorizing the permanent Census Bureau, when the gentleman from Texas made a severe speech where he took occasion to criticize me and the gentleman from Nebraska when this bill was before the House establishing a permanent Census Bureau. He said:

> Now, one word in answer to a suggestion made by the gentleman from Georgia [Mr. MADDOX], who is also a stickler for economy. He says he is opposed to this measure, or intimates that he is opposed to it, because it embodies a provision for the gathering of data in reference to the production of cotton. I am responsible, Mr. Chairman, for that provision in the bill. It is a fact well known to every producer of cotton that for years it has been contended that the price of this great staple has been depressed because of repeated statements made by stock manipulators that the cotton crop was largely in excess of what it really was.

Now, according to his own statement, the gentleman who attacks the amendment offered by the gentleman from Nebraska is the author of this cotton provision in the permanent Census Bureau.

Mr. BURLESON. Will the gentleman permit me a suggestion?

Mr. MADDOX. Yes; if it is only a suggestion.

Mr. BURLESON. I would still be willing for the Census Bureau to take the statistics if it was not to be covered under the department of commerce. Is the gentleman from Georgia willing that the Census Bureau should take them and be covered into the department of commerce?

Mr. MADDOX. I am not, and I stood here in opposition to establishing the bureau at that time for which there is no more need or use than a wagon has with five wheels. [Laughter.]

Now, some gentlemen make the suggestion that the Secretary of Agriculture shall not take his statistics from the ginners. I say to you to-day that there is no way in God Almighty's earth to get a real and genuine reliable report of the cotton crop of this country except from the ginners. Now, the Secretary of Agriculture was getting the statistics just as certain and reliable as any census bureau could. Why is it that you want the statistics duplicated? What is the use of it? Take what my colleague says; that it is the very thing to do. If it is an important thing to duplicate the census of the cotton crop, why is it not important to duplicate that of corn and wheat; and why should not you duplicate Congress? I say the duplication of this work—to be done twice and thrice, as it is in many instances—ought to be stopped. [Applause.]

Mr. WILLIAMS of Mississippi. Mr. Chairman, I do not think it is a very bad idea to have a duplication in connection with these reports. I think that the fact that these two governmental authorities have made a report so divergent has opened the eyes of the people to the value of the Agricultural Department's report as far as that is concerned. It is more accurately correct than the other. The difference between the two is most nearly true. The gentleman from Indiana [Mr. CRUMPACKER] called attention to the discrepancy between the two sets of reports. I want to call his attention to the fact that the Bureau of the Census in every case exceeded the figures given by the Department of Agriculture, and that the men of whom he speaks in the highest terms as "paid authorities" were paid by the quantity of products and the number of acres of land they reported.

I want to call his attention to the fact that the Director of the Census himself said, in a report before the Committee on Agriculture, that this caused a great deal of discussion. "They thought that the areas were too large; that there was too great an amount of farm land." "They claimed that in 102 counties there is too much farming land as shown by the enumerator as compared with the divisions made by the geographer." Now, I do not think it is a bad idea to have a duplication of returns in connection with crops where they rest to any extent upon estimates.

I want to say, further, that whether this amendment shall be adopted or not is one question; whether it shall be adopted now, when we have not time to find out its real bearing and its real meaning, is another question. It may be possible that after cool consideration in a committee I might be willing to adopt the amendment, or something like it. I might possibly be willing to say that one of these two departments should not make a January report, or a report as gathered from the gins. But I am not willing now to let a great question like this go off upon an amendment offered hotfooted in the course of the debate before the House, when none of us are competent to say, without further investigation of all the law of the Census Bureau and all the law of the Agricultural Department and without a careful comparison of the two, what the consequence would be.

A great deal has been said about the bias of people in making reports. The gentleman from Illinois [Mr. MANN] denies in a hot-blooded way that anybody would have a bias. I join with him in denying that anybody would have a conscious bias, but as certainly as human nature is human nature, when a lot of cotton buyers begin to estimate a crop they estimate it always somewhat too high, because they are interested upon the side of buying cotton cheap and are interested in estimating a large crop, because then the price would be low. And it is also true, and everybody knows it, that when the farmers of the country go, as they yearly do, like lambs to be fleeced, into the "future" market, they nearly always figure on a low crop of cotton and a high price. Not because either side is dishonest, but because men are naturally influenced unconsciously by their environment and by their interest. So that there is some truth in a part of what the gentleman from Texas says.

I do not agree with him, however, in thinking (if he meant that) that the department of commerce would consciously "doctor" the returns to help the purchasers of cotton.

Mr. BURLESON. I did not say that.

Mr. WILLIAMS of Mississippi. Nor do I assume that you meant that. Nor do I believe for a minute that the Department of Agriculture would do the other thing. I have this to say for the Department of Agriculture, that its returns have been fair, have been nearer the truth than any other estimates. I have this to say for it, that it can do the work of collecting these gin returns as well as it can do the balance of the work, and at one-tenth of the expense at which it is being done by the other bureau.

Mr. LOVERING. Mr. Chairman, I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield?

Mr. WILLIAMS of Mississippi. Yes; I yield for a question.

Mr. LOVERING. Is there any particular reason why the prognostications or predictions of this statistician would be more in favor of the farmers than of the spinners who buy and use the cotton?

Mr. WILLIAMS of Mississippi. Not a particle, nor are they. The statisticians make an allowance for these reports. As they come in, these reports are not taken just as they come and averaged. The work is not done in that way. For example, you report in a certain community, and the statistician finds from past history that you as a reporter there are apt to report a little too high. He discounts you. The Agricultural Department does not get its reports from the farmers alone.

[Here the hammer fell].

Mr. WILLIAMS of Mississippi. Mr. Chairman, I ask unanimous consent to be allowed to proceed for two minutes more.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. WILLIAMS of Mississippi. If it did, it might very probably be that the unconscious bias of the farmer would give the report of the crop too small, to short, but the Agricultural Department has as its reporters, not farmers alone, but bankers, lawyers, who are well acquainted in the community, merchants who buy cotton, factors who take it to sell to others, brokers who buy it on commission for the Fall River people and the English people, and country merchants and all sorts and conditions of people.

Mr. LOVERING. Is it not a fact that those who gather these reports gather them absolutely and avowedly in the interests of the farmer?

Mr. WILLIAMS of Mississippi. It is not a fact. That statement is untrue. On the contrary, some of the most trusted reporters of the Agricultural Department are cotton buyers and factors and merchants who buy cotton and do not sell it.

Mr. LOVERING. It came out in the hearings before the Interstate and Foreign Commerce Committee that these men did make their statistics solely with reference to protecting the interests of the farmer. The inference was that the spinner——

Mr. WILLIAMS of Mississippi. Oh, that was a mere "obiter dictum in the way of an insinuation" by somebody. There was no evidence of that sort, I take it.

Mr. LOVERING. It was made by the Statistician of the Agricultural Department.

Mr. WILLIAMS of Mississippi. He just remarked that "the farmers seemed to be satisfied."

Mr. LOVERING. Yes.

Mr. WILLIAMS of Mississippi. Or something of that sort.

[Here the hammer fell.]

Mr. BURKETT. Mr. Chairman, I know we are somewhat impatient to vote on this matter. I thought I had the floor a few moments ago, but found that I was talking in somebody else's time instead of my own. Since offering this amendment, from one place or another all sorts of motives have been suggested for the amendment, and my genial friend from Texas [Mr. BURLESON] always sees ghosts when he gets up to talk on any matter. He imagines that there is somebody in London, I believe, behind this little amendment. I had not thought of the amendment probably fifteen minutes before I offered it; in fact, I had not had opportunity to look over the bill, and no one had suggested it to me. What prompted me to introduce it at this time was the occurrence which was had here on the floor a year ago.

I remember when the question of the permanent Census Bureau was up I took the position that, as it was then suggested, we did not have any use for it. I went further than some members and took the position that we should create something for the Census Bureau to do before we organized the Census Bureau. Others said, and I remember my friend from Texas [Mr. BURLESON], who speaks to-day against this proposition, in speaking then in support of the permanent Census Bureau, said: "Let us create the machinery and then we will give the machinery something to do." In reply I said, although I have not the RECORD here with me, something to this effect, that when the time should come to pass any work from any of these bureaus into the Census Bureau there would be such objection from the force that was then doing the work that you never could get work from any Department changed over into this new Census Department. I made up my mind then and there that on every opportunity where it should be done, in my judgment, if some gentleman who could do it better than I could did not undertake it, I would make such amendments or such additions to the law as would throw into the statistical bureau we have created the legitimate statistical work of the Government.

Now, I took particular pains with that amendment, and before I sent it up I drew over a dozen copies, and changed it and altered it so as to be particular not in any way to affect the work that should be done in the Agricultural Department. I said a year ago, as I say now, that there is work that the Agricultural Department ought to do that the Census Department can not do and should not undertake, and as I said to-day, I drew that little amendment over and over and finally got it into the fewest words and the simplest form possible, to say only that they should not duplicate anything required by law to de done by the Census Department. Now, when I drew that I had not looked over the law creating the Census Bureau. I did not remember, and probably no member does, just what we provided that the Census Bureau should do in reference to agricultural statistics. But, as it has been analyzed, there is only one thing other than what Congress shall specifically refer to the Census Bureau.

Now, we are not in any danger. We are just simply saying to that bureau over there, "Do your legitimate work." Here is a man at the head of a statistical bureau in the Agricultural Department who has collected about himself a force of 36 employees costing $46,000 a year. That is considerable for one statistical bureau in one single Department of this Government. Would it not be better to put a limitation upon that thing and say to the chief of this statistical bureau, "You must not do anything that we have provided by law shall be done down here in the regular statistical bureau of the Government. We are not taking away any of your statistical functions, for the Census Department does not deal with that." But there is one thing that is certainly apparent. Here we have provided what the Census Bureau shall do. Let us prohibit this matter of duplication. In short, we have come right now to the very place that some of us feared we would when we created this Census Bureau. We have created the machinery, and the very first time we undertake to give them anything to do somebody stands up and says, "You are taking work away from somebody or some department."

Now, there was no motive such as the gentleman from Texas [Mr. SLAYDEN] suggests, or such as was suggested by my committee colleague from Georgia, who spoke afterwards. My idea was simply to carry out the notion that we expressed here a year or two ago, that the statistical work of this Government should be collected under one head and at one place.

Now, they talk about what the farmers want and what the people of this country want. You could not pick up a newspaper that contained an editorial upon this question at the time the matter went through Congress that did not deplore the fact that we were printing and binding and scattering out through this country thousands and thousands of reports and volumes of statistics that were so numerous as to be absolutely worthless. The editorials in favor of a bill of that kind in the press of this country expressed the hope that we might collect the statistical work of the Government under one head, from which it might emanate with an authority for which the people of the country would have respect and in which they would have confidence. We have created that Bureau. Let us go not only to the Agricultural Department, but to every department of this Government, and say to them if we can not cut off what they are already doing, that they must not go any farther and must not do that which is provided by law to be done somewhere else.

Mr. SLAYDEN. Mr. Chairman, the gentleman from Nebraska [Mr. BURKETT] admits that his amendment was thought of some fifteen minutes before he began his speech. This bill is the result of the serious labor of the committee, running over a considerable time, and I can not think an amendment of this sort, offered on the spur of the moment, is entitled to much consideration from this committee. I take it for granted that the purpose of gathering statistics with reference to these crops is to approach accuracy. Absolute accuracy is impossible, of course, but it is a function of the Department of Agriculture which has been exercised for a great many years to take note of the planting of cotton, the growing of cotton, and the harvesting of cotton, from the time that the first fields are broken up in the spring until the last bale has been ginned and marketed.

They begin by making a count, not an estimate, but a count, as nearly as it can be made, of the number of acres that are put into cultivation, inquiring of the farmer how many acres he had the year before, and then by deducting if it is less and adding if it is more, arriving at a conclusion as to the number of acres planted. Then they report month by month while the cotton is growing and maturing the condition of that crop in comparison with the crop of the previous year. Of course that is an opinion. No man can state with accuracy that his crop is 10 per cent or 12 per cent better than last year or 10 or 12 per cent worse. He can only give an opinion; but these people in the Department of Agriculture are familiar with every feature in the cultivation of cotton. They have the statisticians, they have the employees already in the Department, and can go on, rounding out the year, taking all the statistics in connection with that crop, and unquestionably, in my judgment, can make a more accurate report than the Census Bureau can.

Further, Mr. Chairman, this Bureau has, in my judgment, the best plan of arriving at the number of bales of cotton, which is by counting them at the gin; or at least a better plan than that which has heretofore been pursued by the other Department, although it is now exercised by them also. It develops that the Bureau of Statistics has only been able to find about 25,000 of cotton gins in this country.

Mr. WILLIAMS of Mississippi. Thirty thousand.

Mr. SLAYDEN. Thirty thousand, whereas the Department of Agriculture has found twice as many. I submit, sir, that the figures of any bureau which will miss by 50 per cent the number of cotton gins in this country can not be relied on as being even approximately accurate.

Mr. WADSWORTH. Will the gentleman explain how to account for the small difference on the total crop when one discovers there are twice the number of gins the other does?

Mr. SLAYDEN. The gentleman from Georgia suggests to me that one gives the gins that are in operation and the other gives all the gins. How that is I do not know. How do they arrive at about the same estimate of the number of bales? Why, just as the gentlemen who are interested in marketing the cotton arrive at it—by sending out hundreds and thousands of letters of inquiry and getting reports, by allowing for the tendency of the people of the South, who produce the cotton, to minimize the possible yield, and by allowing, on the other hand, for the probable exaggeration of those interested in having reports of a big crop to go abroad—the statistician makes an estimate from the news he has received. I have known an estimate to be made within thirty or forty thousand bales by gentlemen who based their views upon these reports obtained in just that way.

Mr. WADSWORTH. Mr. Chairman, I move that all debate upon the paragraph and amendment be closed.

The CHAIRMAN. The gentleman from New York moves that debate on the paragraph and amendment be closed. Without

objection, that order will be made. The Clerk will again report the amendment.

The Clerk read as follows:

After line 11, on page 41, insert the following:

"*Provided*, That no part of this sum shall be used in duplicating work now directed by law to be done by the Census Bureau."

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Nebraska.

The question was taken; and the Chairman announced the noes appeared to have it.

Mr. BURKETT. Division.

The committee divided; and there were—ayes 31, noes 56.

So the amendment was rejected.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. PATTERSON of Pennsylvania having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed with amendment the bill (H. R. 1592) for the relief of F. M. Vowells in which the concurrence of the House was requested.

The message also announced that the Senate had passed without amendment joint resolution and bills of the following titles:

H. J. Res. 16. Joint resolution to carry into effect two resolutions of the Continental Congress directing monuments to be erected to the memory of Generals Francis Nash and William Lee Davidson, of North Carolina;

H. R. 2974. An act for the relief of J. V. Worley;

H. R. 6467. An act granting an honorable discharge to Samuel Welch;

H. R. 6649. An act for the relief of Julius A. Kaiser;

H. R. 7664. An act providing for the compulsory attendance of witnesses before registers and receivers of the land office;

H. R. 10300. An act conferring jurisdiction upon the circuit and district courts for the district of South Dakota in certain cases, and for other purposes;

H. R. 10522. An act to provide for laying a single electric street-railway track across the Aqueduct Bridge in the District of Columbia, and for other purposes;

H. R. 14518. An act granting an increase of pension to James D. Kiper;

H. R. 15066. A act to incorporate the Association of Military Surgeons of the United States;

H. R. 15510. An act to promote the efficiency of the Philippine constabulary, to establish the rank and pay of its commanding officers, and for other purposes;

H. R. 15708. An act to extend the time for the completion of the incline railway on West Mountain, Hot Springs Reservation; and

H. R. 15711. An act to authorize the construction of a bridge across the Clinch River, in the State of Tennessee, by the Knoxville, Lafollette and Jellico Railroad Company.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

S. 6983. An act granting an increase of pension to Gilman B. Johnson;

S. 6876. An act granting a pension to Lavinia F. Poiron;

S. 6534. An act providing for the construction of a vessel of the first class for the Revenue-Cutter Service, to be stationed with headquarters at Honolulu, Hawaii; and

S. 6348. An act granting an increase of pension to Napoleon B. Stockbridge.

AGRICULTURAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Irrigation investigations: To enable the Secretary of Agriculture to investigate and report upon the laws as affecting irrigation and the rights of riparian proprietors and institutions relating to irrigation and upon the use of irrigation waters, at home or abroad, with especial suggestions of better methods for the utilization of irrigation waters in agriculture and those in common use, and upon plans for the removal of seepage and surplus waters by drainage, and upon the use of different kinds of power for irrigation and other agricultural purposes, and for the preparation, printing, and illustration of reports and bulletins on irrigation, including employment of labor in the city of Washington or elsewhere; and the agricultural experiment stations are hereby authorized and directed to cooperate with the Secretary of Agriculture in carrying out said investigations in such manner and to such extent as may be warranted by a due regard to the varying conditions and needs of the respective States and Territories as may be mutually agreed upon, and all necessary expenses, $25,000.

Mr. MONDELL. Mr. Chairman, I move to amend by striking out, on page 49, lines 5 and 6, the word "twenty-five" and inserting in lieu thereof the word "fifty-five."

Mr. Chairman, I congratulate the Committee on Agriculture on the extreme conservatism and regard for economy which has characterized its consideration of this measure. While the country is growing at the rate of 2,000,000 inhabitants per annum, and its agricultural areas increase hundreds of thousands of acres every year, while agricultural interests are increasing in every direction, the committee has concluded that in practically every item of expenditure by the Department the amount that is carried by the bill for the current year is exactly and precisely what will be required for the coming fiscal year. It may seem strange that this should be so, but the committee has said it, and I suppose we should respect their judgment.

The committee find, however, that there was one item which, in their opinion, was last year altogether too high. It is the only reduction of any moment in the bill, so far as I have been able to discover. While there is a reduction of $10,000 in another item, that reduction is provided for by an increase of $20,000 in an item carried in another part of the bill. The only reduction that they have made is in the expense of irrigation investigations, which they have reduced from $65,000 to $25,000; and their reasons for so doing were certainly unique and at the same time highly complimentary to the Bureau of Irrigation Investigations. They say that they have reduced the sum from $65,000 to $25,000, not because the work is not necessary, pressing, and desirable, not because the work has not been well carried on, not because the results are not satisfactory, but because the Bureau has conducted its work in so satisfactory a manner that a large appropriation is no longer required. Their statement is as follows:

Upon full and careful consideration, your committee reached the conclusion that the appropriation heretofore made for this specific purpose might be reduced without detriment to the public interest, and has therefore recommended the sum of $25,000 for the ensuing year.

In recommending this reduction the committee does not wish to be understood as questioning the value of the work that has heretofore been done by the Department along these lines. On the contrary, the committee is of the opinion that this work has been so thoroughly and well done as to render unnecessary a continuation of the large appropriation heretofore made for its prosecution.

The view of your committee is that the full duty of the Federal Government will be performed if it maintains a small staff of trained experts on irrigation, who shall keep abreast of all the developments relating to this subject, compile and publish from time to time such information as they may acquire and the interests of the people may demand, and offer suggestions and advice in response to individual requests. It would seem that $25,000 annually should be ample for this purpose, and that amount is accordingly recommended.

I wonder if there is another bureau in the Agricultural Department in regard to which the committee could say so much, on whose work the committee could place so high a commendation.

Mr. Chairman, I am confident that the fact that there is no gentleman on the Committee on Agriculture who lives in the arid or semiarid region had no bearing whatever on the fact that this is the only item in the bill reduced.

Mr. WADSWORTH. The gentleman from Kansas [Mr. SCOTT] comes from a semiarid region.

Mr. MONDELL. The gentleman says the gentleman from Kansas comes from a semiarid region. I think the gentleman would hardly admit that himself, because I believe he claims to come from the great corn and wheat belt of Kansas. I doubt if he has any irrigation in his district. However, if the gentleman is right about that, there is no gentleman on the committee from the distinctively arid regions; but, as I said before, I would not suggest that that fact had any bearing on this question, because I am satisfied the gentlemen would not reduce an appropriation because it does not help their constituents.

But, on the other hand, I believe that the fact that the gentlemen on the committee do not come from the arid regions, and therefore have not been called upon to give attention to the question of irrigation, has necessarily resulted in a lack of that information and knowledge of the subject which is necessary in order to express the best judgment upon it. You must remember that we inherit as a people, as viewed from an irrigation standpoint, a very extraordinary rule for the use of water, that rule under which the bucolic owner of a few rods of reed-bordered shore along the lower courses of some great river system largely controls its destiny from its birth amid the snow-clad mountains, in its meanderings through rich and fertile agricultural regions, past mighty cities, to where it flings itself into the bosom of the briny deep. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. WADSWORTH. I ask unanimous consent that the gentleman may have time to conclude his remarks.

Mr. MONDELL. Great cities may be built upon the banks of such a great artery of trade and commerce. Millions of people may dwell upon its banks, and large interests may be dependent upon its waters to turn the wheels of industry and give fertility to parched and arid lands, but the riparian owner of a few acres near its mouth, under the old common law of riparian rights, may from his reed-built hut cast his dreaming eyes out over its idly flowing flood and insist that no man, or set of men, no matter how vast their interests may be, upstream shall diminish its quantity or affect its quality. This law, even in the humid region, has restricted development and laid a blackmail upon industry. In a country dependent upon irrigation, it is absolutely fatal.

We inherited this law and this rule and, with true Anglo-Saxon

assurance that our laws and our customs were heaven born and better than those of others, placed them in the constitutions of some of our States even in the arid region. After a beginning had been made in the development of irrigation we attempted to modify by court decision the evils of the law of riparian rights and riparian ownership, and fortunately those of our Western States last admitted into the Union were wise enough to adopt the rule of public control of water. Now the highest development of our irrigation resources demands that our water laws and usages shall in the essentials be as uniform as practicable and, founded on right principles. To bring about this much-needed reform we need full and trustworthy information on all these matters and this information the division of irrigation investigations has been securing and compiling.

Now, we are irrigating in the United States a greater area than any country save India alone. We will, in days to come, irrigate an area at least as large as that irrigated in all the balance of the world. The question of irrigation affects the destinies of the dwellers in over one-third of the continental territory of these United States. Seven and one-half millions are now under irrigation, at least sixty or seventy millions will be brought under irrigation in the future, and the area is increasing about 400,000 acres annually.

For the purpose of investigating the questions connected with and relating to the practice in agriculture of irrigation we have for the past two years made an appropriation of $65,000. This appropriation was for the purpose of investigating the water laws and usages and customs of all of the arid and semiarid States; to study the effects of these laws, rules, regulations, and usages; to study the questions of the application of water to the soil and its effect when applied in varying quantities; to study the possibilities of irrigation not only in the arid and semiarid region of the country, but in the humid regions of the country as well. Investigations have been carried on in New Jersey, in Missouri, in Louisiana, in Texas, and are now being carried on in connection with the culture of rice in the Carolinas.

The committee pays a high tribute to this division, and the work it has accomplished with its small appropriation, in their report, while they cut down the appropriation by nearly two-thirds. The men who constitute the working force of this division are among the best irrigation engineers and experts in these United States. And yet the salaries paid in this division are less by 35 to 50 per cent than the salaries paid to men whose duties are purely administrative in several of the other bureaus of the Agricultural Department.

The committee has suggested in their report that the work has been carried on so thoroughly and so much has been accomplished, that all that will be necessary for the future will be to maintain a few experts for the purpose of answering questions.

Mr. HAUGEN. Will the gentleman allow me a question?

Mr. MONDELL. Yes.

Mr. HAUGEN. If the employees of this Department are being imposed upon why not cut off the appropriation entirely?

Mr. MONDELL. I do not think, Mr. Chairman, that question does the gentleman justice, and it certainly does not do him credit. I think that the gentleman would hardly make that suggestion in regard to any appropriation carried in a bill in which he is interested. I was simply calling the attention of the House to these facts, inasmuch as it had been suggested that a considerable portion of this appropriation was being paid for salaries in order to show that the salaries in this division are lower on an average than in other divisions of the Agricultural Department.

Now, Mr. Chairman, as regards the work that has been done, and the work which must be done in the future; under this appropriation the division has studied carefully the water problems of California, and has issued a bulletin, known as "Bulletin 100," which is a classic on the subject. It has issued another bulletin, entitled "Use of Water in Irrigation," which is the best publication of that kind that ever went to press. It has investigated carefully water usages in Utah, and now has in press a volume similar to that published on water use in California relative to Utah. In order to show the number and character of the publications of this division, I shall print with my remarks a list of the same. They constitute a most notable and valuable collection of irrigation works, all of value and several of unusual merit and importance.

LIST OF PUBLICATIONS OF THE OFFICE OF EXPERIMENT STATIONS ON IRRIGATION.

FARMERS' BULLETINS.

Farmers' Bulletin No. 46—Irrigation in Humid Climates. By F. H. King, professor of agricultural physics, College of Agriculture, University of Wisconsin, and physicist of the Wisconsin Agricultural Experiment Station. Pp. 27, figs. 4.

Treats of the advantages of an abundant supply of soil moisture, the rainfall of the growing season in the United States, water as a plant food, the advantages and disadvantages of irrigation in humid climates, extent of irrigation in the humid parts of Europe, the rainfall of Europe and the Eastern United States, the character and antiquity of European irrigation, fertilizing value of irrigation waters, lines along which irrigation should first develop, land best suited to irrigation in humid climates, waters best suited to irrigation, amount of water needed for irrigation, methods of obtaining water for irrigation, the construction of reservoirs, and methods of applying water.

Farmers' Bulletin No. 116.—Irrigation in Fruit Growing. By E. J. Wickson, M. A., professor of agricultural practice, University of California, and horticulturist of the California Experiment Station. Pp. 48, figs. 8.

A statement of the relations of irrigation to fruit production, and of irrigation methods, as they have been demonstrated by Pacific coast experience.

Farmers' Bulletin No. 138.—Irrigation in Field and Garden. By E. J. Wickson, M. A. Pp. 40, figs. 18.

This bulletin discusses the irrigation of the field and garden from the standpoint of the individual farmer, and contains instructions on the determination of ditch levels, the measurement of small streams, sources of water supply and their use, including the diversion of water from streams, the development of water in dry creek beds, the development of springs, the collection of water from the sides of canyons and ravines, tunneling for water, flowing wells, pumping for irrigation, and the storage of storm water; the distribution of irrigation water, including the location of the farm ditch and the turning of water from ditches; methods of applying water, including flooding, the depressed bed, ditch-bank irrigation, furrow irrigation, raised-bed irrigation, subirrigation and underflow, and irrigation by sprinkling; the choice of an irrigation method; and the time for the application of water.

Farmers' Bulletin No. 158—How to Build Small Irrigation Ditches. By C. T. Johnston and J. D. Stannard, assistants in irrigation investigations, Office of Experiment Stations. Pp. 23, figs. 9.

This is a reprint of an article in the Yearbook of the Department of Agriculture for 1900, entitled "Practical Irrigation" (see below), giving methods for laying out and building small irrigating ditches, using only such implements as are found on most farms or can easily be made by the farmer.

SEPARATES.

Rise and Future of Irrigation in the United States. By Elwood Mead, expert in charge of irrigation investigations, Office of Experiment Stations. Pp. iii, 591-612, pls. 5. (Reprint from Yearbook, 1899.)

A popular discussion of this subject under the following heads: Remains of ancient irrigation works; early irrigation in California; beginnings of modern irrigation; cooperative colonies in Colorado and California; corporate canal building and objections to such canals; water-right problems of the arid regions; the appearance and resources of the arid regions; present and future of irrigation, including growth of irrigation and need of better laws, need of reform in the management of arid public land, influence of the range industries, uncertainty as to State and Federal jurisdiction, complications from lack of uniform water laws, methods and measures needed to develop the arid region, appropriation and distribution of the water supply, public supervision and control of irrigation, and influence of irrigation upon people and country; and the commercial importance of irrigation.

Practical Irrigation. By C. T. Johnston and J. D. Stannard, assistants in irrigation investigations, Office of Experiment Stations. Pp. 491-512, figs. 8. (Reprint from Yearbook, 1900.)

Some Typical Reservoirs in the Rocky Mountain States. By Elwood Mead, irrigation expert, in charge of irrigation investigations, Office of Experiment Stations. Pp. iv, 415-430, pls. 8. (Reprint from Yearbook, 1901.)

This article describes some of the typical reservoirs of Colorado and Utah, paying especial attention to cost of construction and returns from the use of the stored water.

The Scope and Purpose of the Investigations of the Office of Experiment Stations. By Elwood Mead, irrigation expert in charge. Pp. iv, 417-436, pls. 4. (Reprint from Annual Report of Office of Experiment Stations, 1901.)

The Use of Water in Irrigation. Discussion of Investigations. By Elwood Mead, expert in charge of irrigation investigations. Computation of Discharge Records and Preparation of Diagrams. By C. T. Johnston, assistant in irrigation investigations. Pp. iv, 15-82, pls. 26, figs. 13. (Reprint, Office of Experiment Stations Bulletin No. 86.)

Use of Water for Irrigation in Texas. Use of Water in Irrigation in the Pecos Valley. By W. M. Reed, chief engineer of the Pecos Irrigation and Improvement Company. Use of Water in Irrigation in Arizona. By W. H. Code, chief engineer of the Consolidated Canal Company. Duty of Water Under Gage Canal, Riverside, Cal. By W. Irving, chief engineer, gage canal. Pp. iv, 83-148, pls. 19. (Reprint, Office of Experiment Stations Bulletin No. 86.)

Duty of Water in the Gallatin Valley. By Samuel Fortier, C. E., professor of irrigation engineering, Montana College of Agriculture and Mechanic Arts. Pp. ii, 175-196, pls. 2, figs. 3. (Reprint, Office of Experiment Stations Bulletin No. 86.)

Duty of Water in Nebraska. By Special Agent O. V. P. Stout, professor of civil engineering, University of Nebraska. Duty of Water Under the Amity Canal. By Special Agent Thomas Berry, chief engineer of the Great Plains Water Company. Duty of Water in Wyoming. By C. T. Johnston, assistant in irrigation investigations. Duty of Water in the Gallatin Valley. By Samuel Fortier, Professor of Irrigation Engineering, Montana College of Agriculture and Mechanic Arts. Duty of Water on Big Cottonwood Creek, Utah. By Special Agent R. C. Gemmell, State Engineer of Utah. Duty of Water Under the Logan and Richmond Canal. By Special Agent George L. Swendsen, Professor of Civil Engineering, Agricultural College of Utah. Duty of Water as Related to the Irrigation Problems of the Boise Valley, Idaho. By Special Agent D. W. Ross, State Engineer of Idaho. Pp. iv, 149-248, pls. 28, figs. 5. (Reprint, Office of Experiment Stations Bulletin No. 86.)

Irrigation in Utah.—By R. C. Gemmell, State Engineer of Utah, and George L. Swendsen, Professor of Civil Engineering, Agricultural College of Utah. Pp. iv, 197-218, pls. 12. (Reprint, Office of Experiment Stations Bulletin No. 86.)

The Agricultural Situation in California.—By Elwood Mead, Irrigation Expert in Charge. Pp. iv, 17-69, 397-400, pls. 5. (Reprint, Office of Experiment Stations Bulletin No. 100.)

The Irrigation Problems of Honey Lake Basin, California.—By William E. Smythe, Vice-President of the California Water and Forest Association. Pp. iv, 71-113, pl. 1. (Reprint, Office of Experiment Stations Bulletin No. 100.)

Features and Water Rights of Yuba River, California.—By Marsden Manson, C. E., Ph. D. Pp. iv, 115-154, pls. 3, figs. 4. (Reprint, Office of Experiment Stations Bulletin No. 100.)

Irrigation Investigations on Cache Creek.—By J. M. Wilson, C. E., Agent and Expert, Irrigation Investigations. Pp. iv. 155-191, pls. 8. (Reprint, Office of Experiment Stations Bulletin No. 100.)

Report of Irrigation Problems in the Salinas Valley.—By Charles D. Marx, Professor of Civil Engineering, Leland Stanford Junior University. Pp. iv, 193-213, pls. 2, figs. 7. (Reprint, Office of Experiment Stations Bulletin No. 100.)

Irrigation from the San Joaquin River.—By Frank Soulé, Professor of Civil Engineering in the University of California. Pp. iv, 215-258, pls. 3. (Reprint, Office of Experiment Stations Bulletin No. 100.)

Water Appropriation from Kings River.—By C. E. Grunsky, C. E., Civil Engineer of San Francisco. Pp. iv, 259-325, pls. 4, figs. 5. (Reprint, Office of Experiment Stations Bulletin No. 100.)

A Study of Water Rights on the Los Angeles River, California.—By Edward M. Boggs, C. E., consulting engineer. Pp. iv, 327-351. (Reprint, Office of Experiment Stations Bulletin No. 100.)

Problems of Water Storage on Torrential Streams of Southern California as Typified by Sweetwater and San Jacinto Rivers. By James D. Schuyler, Hydraulic Engineer. Pp. iv, 353-395, pls. 2. (Reprint, Office of Experiment Stations Bulletin No. 100.)

Report of Irrigation Investigations for 1900. No. 1. Review of the Work. By Elwood Mead, Irrigation Expert in Charge. Discussion of Investigations. By C. T. Johnston, Assistant in Irrigation Investigations. Pp. viii, 21-59, pls. 8, figs 10. (Reprint, Office of Experiment Stations Bulletin No. 104.)

Report of Irrigation Investigations for 1900. No. 2. Irrigation on Pecos River and Its Tributaries. By W. M. Reed, Special Agent. Irrigation in the Salt River Valley. By W. H. Code, Special Agent. Duty of Water Under the Gage Canal, Riverside, Cal., 1900. By W. Irving, C. E. Pp. v, 61-146, pls. 5, figs. 7. (Reprint, Office of Experiment Stations Bulletin No. 104.)

Reprint of Irrigation Investigations for 1900. No. 3. Irrigation Investigations in Nevada. By J. M. Wilson, Agent and Expert. Water Administration in Utah. By Special Agent R. C. Gemmell, State Engineer of Utah. Irrigation Under Canals from Logan River. By George L. Swendsen, Professor of Irrigation Engineering, Utah Agricultural College. Irrigation under the Great Eastern Canal, Platte County, Nebr., 1900. By O. V. P. Stout, Professor of Civil Engineering, University of Nebraska. Use of Water in Irrigation at Wheatland, Wyo. By C. T. Johnston, Assistant in Irrigation Investigations. Duty of Water in Idaho. By D. W. Ross, State Engineer. Pp. v, 147-239, pls. 8, figs. 9. (Reprint, Office of Experiment Stations Bulletin No. 104.)

Report of Irrigation Investigations for 1900. No. 4. Use of Water in Irrigation in the Yakima Valley. By O. L. Waller, Professor of Mathematics and Civil Engineering, Washington Agricultural College and School of Science. Irrigation Investigations in Montana, 1900. By Samuel Fortier, C. E., Professor of Irrigation Engineering, Montana College of Agriculture and Mechanic Arts. Progress Report on Silt Measurements. By J. C. Nagle, C. E. Pp. v, 241-324, pls. 9, figs. 3. (Reprint, Office of Experiment Stations Bulletin No. 104.)

Also articles on some typical reservoirs of the Rocky Mountain States and the scope and purpose of the irrigation investigations of the Office of Experiment Stations, noted above.

FOR SALE.

[To secure these publications, address the Superintendent of Documents, Union Building, Washington, D. C., inclosing price given. Remittances must be made by cash or United States postal order. Postage stamps and checks not accepted.]

Bulletin No. 60.—Abstract of Laws for Acquiring Titles to Water from the Missouri River and Its Tributaries, with the Legal Forms in Use. Compiled by Elwood Mead, State Engineer of Wyoming. Pp. 77. Price 10 cents.

Includes abstracts of laws and legal forms in use in Colorado, Kansas, Montana, Nebraska, South Dakota, Wyoming, and the Northwest Territories of Canada.

Bulletin No. 70.—Water-Right Problems of Bear River. By Clarence T. Johnston and Joseph A. Breckons. Pp. 40, pls. 9. Price 15 cents.

Presents some of the water-right complications of interstate streams as illustrated on Bear River. The bulletin discusses the water supply of the river and its diversion, and the controversies which have arisen regarding water rights and the need of uniform laws.

Bulletin No. 81.—The Use of Water in Irrigation in Wyoming and Its Relation to the Ownership and Distribution of the Natural Supply. By B. C. Buffum, M. S., Professor of Agriculture and Horticulture, University of Wyoming, and Vice-Director of Wyoming Agricultural Experiment Station. Pp. 56, pls. 8. Price 10 cents.

This bulletin reports experiments on the duty of water for different crops in Wyoming, and discusses the application and measurement of water conditions affecting the duty and continuous flow as a basis of appropriation.

Bulletin No. 86.—The Use of Water in Irrigation. Report of Investigations made in 1899, under the supervision of Elwood Mead, Expert in Charge, and C. T. Johnson, Assistant. Including Reports by Special Agents and Observers W. M. Reed, W. H. Code, W. Irving, O. V. P. Stout, Thomas Berry, S. Fortier, R. C. Gemmell, G. L. Swendsen, and D. W. Ross. Pp. 253, pls. 50, figs. 18. Price 30 cents.

This bulletin explains the methods in use in the arid States in the distribution and use of water in irrigation. It gives a large number of measurements made to determine the duty of water and the losses by seepage and evaporation from canals, and discusses the methods by which the water supply may be more effectively and economically utilized in the production of crops.

Bulletin No. 87.—Irrigation in New Jersey. By Edward B. Voorhees, M. A., Director New Jersey Agricultural Experiment Stations and Professor of Agriculture, Rutgers College. Pp. 40, figs. 5. Price 5 cents.

Results of experiments conducted for the purpose of determining whether irrigation during short periods of drought in regions where the rainfall is usually sufficient for the maximum growth of crops will sufficiently increase the yield to pay for the works necessary to obtain the supply of water.

Bulletin No. 90.—Irrigation in Hawaii. By Walter Maxwell, Ph. D., Director and Chief Chemist, Hawaiian Experiment Station. Pp. 48, pls. 6, figs. 3. Price 10 cents.

Discusses the climatic, soil, and other conditions as affecting irrigation in Hawaii, and gives the results of irrigation experiments, especially with sugar cane, carried on by the author for a number of years.

Bulletin No. 92.—The Reservoir System of the Cache la Poudre Valley. By E. S. Nettleton. Pp. 48, pls. 14. Price 15 cents.

A description of the reservoir system of the Cache la Poudre Valley, showing the benefits to be derived from the construction of reservoirs for the storage of water for irrigation.

Bulletin No. 96.—Irrigation Laws of the Northwest Territories of Canada and Wyoming, with Discussions by J. S. Dennis, Deputy Commissioner of Public Works, Canada, and Fred Bond, State Engineer of Wyoming, and J. M. Wilson, Agent and Expert, Irrigation Investigations, Office of Experiment Stations. Pp. 90, frontispiece, pls. 5. Price 10 cents.

Texts of the irrigation laws of the Northwest Territories of Canada and Wyoming, with the regulations, forms, and methods of procedure adopted in the administration of these laws, and a discussion of the principles underlying the laws and methods followed in their enforcement.

Bulletin No. 100—Report of Irrigation Investigations in California under the direction of Elwood Mead, assisted by William E. Smythe, Marsden Manson, J. M. Wilson, Charles D. Marx, Frank Soulé, C. E. Grunsky, Edward M. Boggs, and James D. Schuyler. Pp. 411, pls. 29, figs. 16. Price, paper, 90 cents; cloth, $1.25.

This report deals with investigations carried on during the summer of 1900 in cooperation with the California Water and Forest Association. In addition to a review of the agricultural situation in the State, it presents a comprehensive discussion of the water laws and customs under which irrigation is practiced in California as typified by the conditions in Honey Lake Basin, and on Yuba River, Cache Creek, Salinas River, San Joaquin River, Kings River, Los Angeles River, Sweetwater River, and San Jacinto River. It describes the methods and means by which water is diverted from these streams and used in irrigation, and the indefinite and excessive appropriations of water and the resulting litigation, and discusses the evils resulting from absence of State control of streams.

Bulletin No. 104.—Report of Irrigation Investigations for 1900 under the supervision of Elwood Mead, Expert in Charge of Irrigation Investigations. Including reports by Special Agents and Observers W. M. Reed, W. H. Code, A. J. McClatchie, W. Irving, J. M. Wilson, R. C. Gemmell, G. L. Swendsen, O. V. P. Stout, W. H. Fairfield, D. W. Ross, O. L. Waller, S. Fortier, and J. C. Nagle. Pp. 334, pls. 25, figs. 29. Price 50 cents.

This report covers the second year of investigations relating especially to the duty of water. The reports of the field agents contain also a large amount of information on laws and customs, agricultural methods, crop returns, and other subjects related to irrigation. A progress report on the quantities of silt carried by a number of Southern rivers is also contained in this volume. This report has also been reprinted in separates.

Bulletin No. 105.—Irrigation in the United States. Testimony of Elwood Mead, Irrigation Expert in Charge, before the United States Industrial Commission, June 11 and 12, 1901. Pp. 47, pls. 12, fig 1. Price 15 cents.

The statement made before the Industrial Commission deals chiefly with the legal status of irrigation, touching on State control, national aid to irrigation, and the disposal of the public grazing lands. The necessity and possibility for storage are also discussed.

Bulletin No. 108.—Irrigation Practice Among Fruit Growers on the Pacific Coast. By E. J. Wickson, M. A., Professor of Agricultural Practice, University of California, and Horticulturist of the California Agricultural Experiment Station. Pp. 54, pls. 10, figs. 7. Price 15 cents.

This bulletin gives the results of a special investigation into the conditions, extent, and methods of irrigation as practiced among fruit growers on the Pacific coast.

Bulletin No. 113.—Irrigation of Rice in the United States. By Frank Bond and George H. Keeney, Agents and Experts, Irrigation Investigations, under the direction of Elwood Mead, Expert in Charge of Irrigation Investigations, Pp. 77, pls. 28, figs. 10. Price 30 cents.

In this bulletin Mr. Bond describes the rice industry of Louisiana and Texas, and gives measurements of the quantities of water used in irrigating rice. The laws relating to irrigation of the two States dealt with are also discussed. Mr. Keeney's report covers North Carolina, South Carolina, and Georgia, and is almost wholly descriptive.

Bulletin No. 118—Irrigation from Big Thompson River. By John E. Field, assistant State engineer of Colorado. Pp. 75, pls. 5, fig. 1. Price, 10 cents.

This is a study of the water laws of Colorado as illustrated by the irrigation from Big Thompson River. Mr. Field discusses more particularly the "water-loaning" law, a recent enactment which has a tendency to unsettle all existing rights to Colorado streams.

Bulletin No. 119—Report of Irrigation Investigations for 1901, under the direction of Elwood Mead, chief of irrigation investigations. Containing summary of results by R. P. Teele and reports by W. M. Reed, W. H. Code, A. J. McClatchie, E. W. Hilgard, W. Irving, A. E. Chandler, O. L. Waller, D. W. Ross, Samuel Fortier, A. P. Stover, O. V. P. Stout, H. J. Waters, F. H. King, E. B. Voorhees, and J. C. Nagle. Pp. 413, pls. 64, figs. 12. In press.

This is the third of the annual reports of the irrigation investigations of this Office. It deals chiefly with the duty of water, but contains also reports from four stations in the humid States, where irrigation is not a necessity, but a means of increasing the returns from farm lands; a report on the underground water supply of the San Bernardino Valley, California, and the second progress report on silt measurements.

PUBLICATIONS NO LONGER AVAILABLE.

Bulletin No. 36.—Notes on Irrigation in Connecticut and New Jersey. By C. S. Phelps, B. S., and Edward B. Voorhees, M. A. Pp. 64, figs. 7. Price, 5 cents.

This bulletin discusses the needs, methods, and history of irrigation in Connecticut, irrigation plants in use in Connecticut, experiments on the effects of irrigation on strawberries, and suggestions regarding irrigation; the need of irrigation in New Jersey, amount of water necessary, storage of water, seepage, cost of irrigation, areas capable of being watered by gravity, irrigation by pumping, irrigation by wells, warping, water meadows, total area irrigable, estimated cost of irrigation and suggestions for small plants, use of irrigation in New Jersey, possibility of pumping large quantities of water from wells for irrigating purposes, and irrigation experiments in New Jersey.

Bulletin No. 58.—Water Rights on the Missouri River and its Tributaries, by Elwood Mead, State Engineer of Wyoming. With papers on the Water Laws of Colorado, by John E. Field, State Engineer; and of Nebraska, by J. M. Wilson, State Engineer. Pp. 80, maps 3, figs. 4. Price, 10 cents.

A discussion of the irrigation laws which control the diversion and use of water from the Missouri River and its tributaries. The region covered in this discussion includes Colorado, Kansas, Montana, Nebraska, North Dakota, South Dakota, Wyoming, and the Northwest Territories of Canada.

Bulletin No. 73.—Irrigation in the Rocky Mountain States. By J. C. Ulrich. Pp. 64, pl. 10. Price, 10 cents.

Explains the agricultural conditions prevailing and the methods of acquiring and using water for irrigation practiced in that portion of the arid region covered more particularly by the States of Colorado, Wyoming, Utah, Idaho, and Montana, in which the conditions and methods are somewhat similar.

The division now proposes to undertake the investigation of the questions of water use, water laws, and water rights on the Platte River as affecting appropriation and use in the States of Colorado and Kansas. It is well known that there is now a suit in the Supreme Court of the United States between those two States relative to their respective rights to the waters of the Platte River. It is of the greatest importance that some bureau or department of the Government shall collect and publish the facts as regards the use and the appropriation of water along that stream. The appropriation of $25,000 here proposed will not enable the Department to undertake that work.

The Government, it will be remembered, has become a party to this suit between the United States and Colorado, in view of the fact that the interests of the Federal Government in this question are greater than the interests of either the State of Kansas or the State of Colorado. And let it be remembered——

Mr. ROBINSON of Indiana. I trust the gentleman will recognize that if we are to have the general irrigation proposition discussed there ought to be arranged some equal division of time.

Mr. MONDELL. I will say to the gentleman that I will try not to impose on the House on this subject. I attempted to discuss the subject before the committee, but I did not get the opportunity

to do so. I asked time this morning under general debate to discuss the subject.

Mr. ROBINSON of Indiana. Can the gentleman give us some idea as to how long he expects to speak, so that some arrangement can be made as to a fair division of the time?

Mr. MONDELL. Possibly ten minutes.

Let it be remembered that the Government of the United States is the owner of 535,000,000 acres of land in the arid and semiarid regions of the United States; that the Government itself has a greater interest in the question of irrigation, as a landowner, than anybody and everybody else; that, in addition, the Government has imposed upon it a duty of assisting in safeguarding the rights of all the people in the use of the water in the arid region.

Mr. GROSVENOR. But if the arid land is sold, and the proceeds are to go into the hands of the Government, what is to be done with those proceeds?

Mr. MONDELL. Well, the gentleman has a pretty good idea what is to become of the proceeds. Against his very earnest protest, those proceeds are to be used for the purpose of making homes for people in the arid regions.

Mr. GROSVENOR. Then what interest has the Government in improving the value of that land?

Mr. MONDELL. As the gentleman will recollect, the irrigation bill provides for reimbursement to the Government of all its expenditures made under that bill.

Mr. GROSVENOR. Does the gentleman believe that there will ever be one dollar of reimbursement?

Mr. MONDELL. Well, I do not feel called upon to answer that question. I take it, as the majority of the House voted for the bill, a majority of the House took it for granted that the bill was passed in good faith. Certainly I for one voted for it in good faith. But this is not a question of the irrigation bill. This is a question of the subject of irrigation as related to agriculture and the agricultural appropriation bill.

Mr. ROBINSON of Indiana. The gentleman does not contend that the proposed amendment, which increases the appropriation over that recommended by the committee, would in any sense, under the irrigation bill passed at the last session, be reimbursed to the United States Government?

Mr. MONDELL. No, sir; this is an appropriation made in the interests of agriculture under the methods of irrigation.

Mr. ROBINSON of Indiana. Out of the general Treasury.

Mr. MONDELL. As all the other appropriations for the benefit of the constituents of the gentleman from Indiana under this bill are also from the general Treasury—no more so, certainly.

Mr. ROBINSON of Indiana. But I understood the gentleman to say that there would be reimbursement under the irrigation bill. That would not apply to any proposed appropriation under this bill.

Mr. MONDELL. The gentleman from Ohio [Mr. GROSVENOR] was discussing the question of the irrigation bill which we passed at the last session.

Mr. ROBINSON of Indiana. Yes, sir.

Mr. MONDELL. And I reminded him that the disbursement of the Government under that bill would be reimbursed.

Mr. ROBINSON of Indiana. But the irrigation bill passed at the last session of Congress, which the gentleman so ably championed, applied, as I understand, to public lands belonging equally to all the people. Now the gentleman by his amendment, as I understand, would provide for a larger appropriation out of the General Treasury.

Mr. MONDELL. Well, Mr. Chairman, it is not true—though that would have nothing to do with the matter under discussion—it is not true that the people of the arid States received a grant of the public lands in those States. It is true that the people of the United States—the people who shall have the courage to go to the far West and contend with the difficulties there, to undertake the work of irrigation, have, by the legislation of the last session, been given an enlarged opportunity to do so. The men who will be benefited by that bill will be the constituents of the gentleman from Indiana [Mr. ROBINSON] and the gentleman from Ohio [Mr. GROSVENOR], in much larger proportion than the constituents of any of the members from the arid States, for our people already have their little homes and holdings, and the increase in the irrigated areas of the West must be made by men coming from the States east of us.

Now, Mr. Chairman, it is utterly impossible for the division of irrigation investigation to carry on the work that it is absolutely necessary in the interests of the people and of the Government should be carried on under this appropriation of $25,000. The committee does not seem to understand at all the purpose of the establishment of the division or the work it was intended to accomplish when they say that $25,000 will be sufficient to maintain a small corps of experts for the purpose of answering questions relative to irrigation.

They have actually appropriated as much money for the purpose of discovering an improved method of making sirup as they have for the purpose of inquiring into and providing for the agricultural needs of the people of one-half of these United States. They are proposing to make inquiries relative to the growth of tea in one or two small sections of the country, and for that purpose appropriate nearly half as much as the entire appropriation they make to investigate the questions of water laws and water rights and water usages throughout half the Union.

Understand, gentlemen, that we have here a problem such as no other people ever had. The Anglo-Saxon inherited the law of riparian rights. No other people ever undertook irrigation development under such a handicap, for the law of all the balance of the wide world, except the British Isles, is the law of appropriation and public control; and after all these years we must amend much that has been done, we must remodel laws now on the statute books, we must improve practices of the past, and we can only do this intelligently after a careful, thorough investigation of present conditions.

Now, $65,000 is the amount carried in the bill last year. Seventy-five thousand dollars was the amount asked by the Secretary. There is no good reason why this item, affecting a region not represented by the members of the committee, should be reduced by two-thirds when other items of the bill remain practically as they were last year, and in view of the further fact and admission made by the members of the committee that the work done under this appropriation in the past has been in every respect praiseworthy. I shall not at this late hour trespass upon the time of the House further, but shall print as part of my remarks a brief statement of the scope and work of the division of irrigation investigations and also a summary of the work of the past year prepared in the division.

The irrigation of the arid region is a problem of water as well as land, and of the two water is most important, because there is an abundance of land, but only a limited water supply. The economy with which water is used will have much to do, therefore, with the acres irrigated; and the wisdom of the laws governing its ownership will have everything to do with the value of farm lands and the success of the men who cultivate them. All the water laws of the arid States have been passed by the States themselves, and all the water rights thus far acquired have been established either under State laws or through court decisions.

Under these laws claims have been established to more water than the streams furnish, and in many instances the courts have decreed more water than is now used or can ever be furnished. In some of the States, water is by law made personal property, and streams are bought and sold just as coal or corn or any other personal property. It needs no argument to show that these conditions must have a vital effect on future development, and the importance to the whole country of having an accurate knowledge of existing conditions. Congress needs to know this as well as farmers, because of its relation to the success of the national irrigation act passed at the last session of Congress.

One of the objects for which this investigation was begun was to determine the character of existing rights to water as established under State laws and the conditions created by these rights. The first State investigated was California, and Bulletin 100 contains one of the most exhaustive showings of irrigation conditions which has ever been published in this or any other country. A similar investigation has been completed in Utah, and the report on this State is ready for publication. A similar report on water rights in Nevada has been carried on for two years and will be completed during the present summer. These investigations have been partially completed in Montana, Washington, and Colorado, and it is expected that, under the present rate of progress, all of these investigations will be completed and the reports published, or ready for publication, within the next two or three years.

When it has once been done, Congress and the several States will have a knowledge of existing conditions and be in possession of facts which must be had in order to determine the kind of water legislation which should be enacted by the Federal and State governments. Sooner or later the nature of these rights must be ascertained. If this work is curtailed now it will have to be taken up at some subsequent time, and delay will only result in increased expense and added complication. The value of these studies of irrigation laws was referred to by President Roosevelt in his message two years ago. He recommended that they not only be carried on in this country, but that we avail ourselves of the experience of other countries by making a study of their laws and institutions.

Another question which needs to be settled in the West is the method to be employed in the division of water from interstate streams. Many Western rivers are used by irrigators in two or three States. Some of them rise in States where riparian rights have been abrogated and flow into States where riparian rights are recognized. There must be some adjustment of these conflicting doctrines in order that development, whether by the Government or by private parties, can be made without danger of complications and ultimate loss.

The last Congress required the Secretary of Agriculture to report on the rights of riparian proprietors. Under this a study of interstate questions has been taken up. When it has been completed it will practically embrace the water-right situation in Colorado, Wyoming, and Nebraska. To drop this work now means to extend the uncertainty, apprehension, and anxiety that now exists and which is likely to give rise to harassing and long-continued litigation. (Exhibits showing the interest in this matter: See Water and Forest, pp. 2 and 4; copy of two Montana papers, Bozeman Chronicle, marked article on p. 4, and Rocky Mountain Husbandman, marked article on p. 2.)

PRACTICAL STUDIES OF THIS INVESTIGATION.

The other line of work of this investigation is a study of the practical questions which confront farmers and the answering of inquiries which are received by the Department. These investigations have taken up measurement of the amount of water used in irrigating an acre of land in different parts of the country, in order to determine the requirements of different soils and different crops. This information is needed by courts in determining the amount of water rights; it is needed by ditch companies and farmers in making water-right contracts; it is of great importance to the whole country, because the ultimate acreage which will be watered will depend on the skill and economy with which canals are managed and water applied to crops.

The need of these investigations and of information of this kind is especially great in this country, because the whole subject is strange and new. Nearly all of the present generation of irrigators have gone West from the East and have had to learn how to use water, and at the present time this emigration is greater than ever before. More men will probably attempt to irrigate next spring for the first time than ever before in the history of the country. Nothing can be more wasteful than to have each one of these learn experimentally for himself what has already been found out elsewhere.

The bulletins furnished by this investigation, showing the amount of water used, the extent of losses in canals, the different methods of applying water, are being sought for from all over the country, East as well as West. Farmers who expect to irrigate and those who are already irrigators have equal need of this information. It has already exerted a marked influence in promoting economy in the use of water and increasing the yield of crops. The need of continuing these studies and furnishing this information is greater at present than ever before. The demand for these publications during the past year made it necessary that second editions of some of the bulletins be published, the outlay for printing alone being about $10,000.

This work is not confined, however, to the arid region. Farmers are beginning to irrigate in the East as well as the West, and the Department of Agriculture receives a large number of letters from farmers asking the amount of water required for irrigation, the cost of pumping, the kind of pumps needed, the crops best suited to irrigation—all questions which need to be answered by men of training and experience and who are in close touch with all of the progress made in this subject. The important benefits which have come from the information furnished the rice growers of the Atlantic and Gulf coasts and the market gardeners and farmers throughout the South and Middle West would alone justify the entire appropriation asked for by the Secretary. To cut this off, or to give an insufficient amount, means simply that many of these inquiries can not be answered and that the work of the Department will be greatly hampered.

[Extract from report of Dr. A. C. True.]

IRRIGATION INVESTIGATIONS.

During the past year the irrigation investigations of this office embraced the following lines of work:

1. Measurements of the volume of water used and studies of the most efficient methods of applying water to crops in all of the arid States but one. Similar measurements in the rice district of Louisiana and Texas and in four of the humid States of the Mississippi Valley and Atlantic seaboard.

2. Measurements of the losses of water from canals by seepage, and studies of the best means of preventing the destructive rise of the water coming from these canals in the cultivated lands below. These measurements have shown that drainage has a greater importance than has hitherto been realized, and that irrigation in all of the large cultivated districts must be supplemented by drainage. In sections where frost has not to be contended with canals can be cemented and these losses prevented in this way, but in the greater part of the arid region the water which wastes from the canals must either be intercepted by deep drainage ditches and carried away to points where it can be applied to arid areas, or returned to the stream by means of a system of open or tile drains. Studies of the drainage problems were carried on in Colorado, California, and a beginning made in Washington.

3. The studies of the legal and economic questions connected with the appropriation of streams by irrigators were continued by studies of the water-right situation on Carson and Walker rivers in Nevada, Sevier and Virgin rivers in Utah, and the Gallatin River in Montana, and a study of the interstate water-right questions on the Platte River, embracing the rights of appropriators and riparian proprietors, has been begun. The need of some final and definite settlement of the nature of water ownership which shall be recognized and some simple and effective means of establishing the rights of existing users is becoming every year more urgent. Until this has been settled there can be no safe or enduring foundation for future development.

4. The past year has witnessed a considerable extension of irrigation in the humid portions of the United States, and tends to confirm the belief heretofore expressed that this aid to agriculture is destined to have a large field of usefulness in the East as well as in the West. The rapid growth of rice irrigation along the Gulf Coast has been continued, and it has been supplemented in other parts of the South by the installation of pumping machinery for the irrigation of market gardens, and, in some instances, of comparatively large areas of field crops. All of the reports thus far received from these experimental efforts in the South have shown that it was profitable. In the northern and eastern part of the United States the results for the past season were not so conclusive, because of the exceptionally large rainfall of last summer, but reports from Wisconsin and New Jersey are to the effect that even in this season of ample rainfall the lands which were irrigated showed an increase over the unirrigated areas.

The results of the irrigation investigations of this office may be summarized as follows:

1. The measurements of water used in irrigation have shown:

(*a*) That the losses from canals by seepage are much greater than have generally been supposed, amounting in some instances to one-half of the volume diverted.

(*b*) This escaping water lessens the effective service of the stream, saturates large areas, rendering them unfit for cultivation through excess of water, excess of alkali, or both.

(*c*) The average volume of water used in irrigating an acre of land under present practice is greater than has been assumed by the majority of writers on the subject, and less than has been granted in many adjudications of water rights.

(*d*) The determination of an approximate standard for the duty of water in every important irrigation district is as necessary to the just establishment of titles to water, or the effective division of streams among users, as the establishment of a unit of value in trade or exchange.

(*e*) The need of increased knowledge of the duty of water has been made more urgent by the passage of the national irrigation act, under which the area of land which a given water supply will irrigate has to be determined in advance of its actual use in apportioning the cost of the work and determining whether these projects may be made to pay.

(*f*) To provide for the distribution of water among a multitude of users and lay the foundation for future development, these studies of the duty of water should be continued until the approximate volume required in each district where they are made has been ascertained; they should be extended to other important irrigated districts of the arid region until all the varying conditions of soil, climate, and crop have been dealt with.

2. The conservation of the water supply and the area of land which it will irrigate will be largely determined by the economy and skill with which it is used by irrigators. These investigations have shown that much can be done by lessening the loss from seepage in canals, by draining the areas which have been rendered unfit for cultivation by the rise of seepage waters and applying the water carried off by these drains in the reclamation of lands now arid. The improvement of canals and the preparation of plans for the drainage of irrigated areas involves new and complex engineering questions which require expert study in their solution. The demand for information with respect to these matters and the important results already secured leads to the belief that the studies of the problems of soil water connected with seepage and drainage are among the most important questions committed to this investigation.

3. The studies of the legal and economic problems of irrigation have shown:

(*a*) That under the lax and imperfect irrigation laws of some of the Western States great uncertainty exists with respect to titles to water, and litigation and controversy have resulted, which have been an obstacle to development and exceedingly expensive and annoying to water users.

(*b*) Under these laws claims to water have been recorded which amount in the aggregate to many times the volume now in use, and on some streams to far more than the total supply. Owing to lack of information of the actual volume of water required to irrigate an acre of land, many rights have been decreed in excess of actual necessities. The question therefore arises, Are the present rights to water limited to the actual present uses, or do these excessive decrees constitute a valid title to the stream? In some cases their holders have sought to put them to profitable use by selling the surplus. Doing this makes of the water of a stream a private, speculative property.

(*c*) The larger use of water for cities and towns, for manufacturing, the increasing area of land being brought under irrigation, and the larger number of people depending on streams for the value of their homes and the return for their labors, render it indispensable that some simple, conclusive method of establishing titles to water for all purposes should be established, and that the rights so established should be protected in times of scarcity. The vital importance of this question to the whole country, and the need of guarding against selfishness and greed acquiring unjust rights to this important resource, renders it indispensable that streams should be placed under public control and that no less authority than the public should determine the actual needs of users and supervise the establishment of their rights.

(*d*) The respective spheres of State and national authority over both State and interstate water supplies should be more clearly defined than they are at present in order that effective legislation for the establishment of titles and protection of rights may be had.

Mr. GROSVENOR. Mr. Chairman, I do not rise to oppose this appropriation, either through the medium of the report of the committee or the amendment proposed thereto. I want to point out merely how rapidly the suggestions which I had the honor to make a year ago are coming true. I said then that the march of this combination, this irrigation trust, would be felt in the Treasury of the United States for a great many years to come, but I did not think it would make its appearance quite at the end of a single year.

Mr. MONDELL. Will the gentleman say where he has seen symptoms of this monster.

Mr. GROSVENOR. Oh, yes, I am going to. That is what I am on my feet for. It has organized a sectional party in the United States large enough and strong enough to take from the agricultural colleges of the country all possibility of any support out of the public lands, and has transferred it under the pretense—I use the language not offensively—that some day or other it will be turned back again into the public Treasury. It has moved its great column of political force westward until the picture which we have looked at in our younger days with so much pride, purporting to give the movements of the star of empire, turns out to be a very faint little picture as compared with the mighty progress of this combination. It has gone out into a State and subjugated it, a State with some thirty-odd thousand people, growing smaller, and threatens to create—not exactly nor by any means create as the Lord created things in the beginning of creation, out of nothing—a Senator who will be crowned with the glory of having initiated the successful battle in favor of national irrigation. He earned all the promotion he will get and I congratulate and do not envy him for it.

And I trust other States which I could name will have the wisdom to send the men who organized the irrigation scheme, and will turn over what there may be left of the assets of the Government to this monster of strength—strength alone being included in the word "monster." It has been able to repeal all the laws known to the English-speaking people touching great guaranties of human rights. It is now proceeding to have the courts of the country, and especially the Supreme Court of the United States, if possible, hold that it is not the province of water to run downstream by any means, but that the purpose of a stream with water flowing in it is only to permit the fellow who gets there first to take the water out of the river and let the fellows who are down below whistle for water. This is called Anglo-Saxon progress.

Mr. Chairman, I fought against the progress of this combination once, but I witnessed the strength of it, and I appreciated it. It is not so strongly represented now as it will doubtless be in the Fifty-ninth Congress, when there will be six more irrigated and irrigation Senators and four more irrigated Members of the House of Representatives. The eastern portion of this country—the people who are paying taxes upon hundred-dollar land—will have but little use to appeal to the Government, for all of the resources of the Government are to be expended for the purpose of taking the public lands of the country, quadrupling them in value and selling them to purchasers, and then giving the money to the combination that has got up this irrigation scheme. It is too large a contest for me. I retire with whatever honors I may have won by an exhibition of more courage than discretion, and I shall never oppose an appropriation for it again until it gets so large that the pay of Congressmen is affected by it, and then I will rebel. [Laughter.]

Mr. SCOTT. Mr. Chairman, I desire to say on behalf of the committee that the reduction which is now being considered was not made in any spirit of hostility, either to irrigation itself or to the gentlemen who have been conducting the investigations provided for by past appropriations. Neither was this recommendation of the committee made without due and careful consideration.

The gentleman from Wyoming [Mr. MONDELL] has remarked that the Agricultural Committee pays a great compliment to what has heretofore been done by this division of irrigation in its report wherein it says that the work has been so well done that it is not necessary to continue it in the same degree any longer. We considered ourselves that we were paying a compliment to the work that has been done by this division; and yet from that reason we do not think it necessarily follows that the committee is mistaken in believing that the work has been so well done that it need no longer be continued in the same degree as in the past.

Mr. MONDELL. Will the gentleman yield for a question?

Mr. SCOTT. I will.

Mr. MONDELL. The gentleman understands that up to this time the division has only been able to report conclusively on the water laws, usages, and conditions in two States out of the fifteen States and two Territories in the arid and semiarid regions?

Mr. SCOTT. In regard to the suggestion which has just been made by the gentleman from Wyoming, I will state now, although I should have reached it more logically later on in my remarks, that I regard very much of the work to which the gentleman alludes as being work for lawyers rather than irrigationists, and therefore not necessarily or even properly to be conducted by this division. But in regard to this work of helping the lawyers, perhaps, to reach a determination——

Mr. MONDELL. Right there, will the gentleman allow me to ask, if not properly undertaken by this division, will the gentleman suggest what Department of the Government should take it up or could take it up properly?

Mr. SCOTT. My reply to that suggestion is that the work can be properly taken up and is being taken up in very large measure by the different States which are primarily and particularly interested; and in proof of that assertion I desire to call attention to some remarks which have been made by the expert in charge of these investigations.

In a bulletin which I hold in my hand, Mr. Ellwood Meade, in charge of these investigations, makes this statement:

> The fact that the water supply is the source of all agricultural values also emphasizes the need of an efficient system of public control. Some States have realized this need and have provided for it. Colorado has 75 officials, appointed by the governor, whose sole duty is to see that the water supply is properly distributed. Wyoming has a like system, with 48 officials engaged in guarding this water supply.

I wonder if the gentleman from Wyoming [Mr. MONDELL] does not consider that the 48 officials in his own State are competent to investigate and report upon this work?

Mr. MONDELL. Does the gentleman wish me to answer that?

Mr. SCOTT. I would rather be allowed to conclude my remarks.

Mr. MONDELL. Well, I did not know but the gentleman wished an answer to that question.

Mr. SCOTT (reading):

> Nebraska also has a similar system. Utah and Idaho have also made partial provisions for accomplishing this result.

And in the hearing before the Agricultural Committee, Mr. Meade said also, referring to the legal phase of the question:

> There are associations that work on this measure in every one of the States. There is an association in Washington, in Oregon, in Montana, and one in California.

I submit, therefore, Mr. Chairman, that the work which has already been done by the irrigation division of our Department has been of use in stimulating and perhaps in directing to some extent the action of the States themselves, and that the States now are entirely competent to carry on that work to its completion. I submit that it would not be a proper function of the Federal Government, it would be indeed an absolute impossibility for any official of this Government, to go into any State and attempt to dictate the legislation which that State should enact.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SCOTT. I ask unanimous consent that I may have five minutes more.

There was no objection.

Mr. SCOTT. As I have just stated, this work has proceeded to such an extent that in the matter of its legal phases it can now, in the judgment of the committee, be prosecuted entirely successfully by the associations which have undertaken to establish uniform laws and proper local regulations in the arid States.

Now, aside from the legal phases of the question, there are only two or three large questions involved in the matter of agricultural irrigation. The House should remember that this is not a new question; the art of irrigation was old on the North American continent before the Pilgrims landed at Plymouth Rock. There is no necessity for extensive and expensive experiments and investigations, as there would be if we were entering upon an unexplored field. All that we can properly do, it seems to the committee, all there is need to do, is to provide a bureau where information may be obtained, which will keep in touch with the development of new methods and new machinery and give that information to the people as they may request it. And I may say here that the pressure upon this division for information does not appear to be very great. Mr. Meade himself stated before our committee that the inquiries received by his division number about twenty a week. He says they "sometimes reach twenty a week;" from which I understand that is the largest number they are likely to receive in any one week. And it seemed to the committee that the appropriation which they have made will abundantly provide for the corps of experts which may be necessary to furnish this information.

It has been necessary in the past, and some of the most advantageous work that has been done by this division has been to determine the duty of water—that is, the amount of water needed for irrigation. The division has been very useful also in pointing out the loss that might accrue on account of seepage and leakage of the water in the irrigation ditches. But sufficient investigations have already been conducted along these lines to reach a determination of these questions, as far as they can be determined in a wide general way. Investigations in the matter of seepage, for example, have shown that there is a loss of from 15 to 75 per cent in the water between the point where it enters the ditch and the point where it leaves it. Now, the very fact that there is so wide a range of loss is evidence that the question is one of individual cases almost entirely.

The investigations already made have been sufficient to put people who intend to engage in the irrigation business upon their guard and admonish them that they are likely to lose a great deal of water. But when it comes to the question of how much they shall lose, every individual case must be the subject of separate investigation. It depends upon the character of the soil, upon evaporation as affected by locality, and questions of that kind which will be readily suggested by experience and common sense. Now, in view of the fact that the great big problems connected with this matter have already been practically solved and that nothing remains but to apply the knowledge gained to individual cases, it seems to your committee that the appropriation suggested and recommended in this bill will be amply sufficient to meet future needs.

Mr. MONDELL. Does the gentleman wish the House to understand that it is generally conceded that this question has been solved or that it has been largely solved?

Mr. SCOTT. That statement was perhaps a little too broad if I said it was generally conceded.

Mr. MONDELL. I never heard it conceded.

Mr. SCOTT. I will say this, however, that the reports which have been published, comprising 25 separate volumes, aggregating 2,500 pages, and which I have taken pains to carefully examine, certainly demonstrate to me that the great big problems have been solved, so far as they can be applied in a general way, and that by the aid of a small staff of highly trained experts here at Washington the different States will be well able to carry forward the work that remains to be done for the continued development of irrigated agriculture.

Mr. WADSWORTH. I move that all debate upon the pending paragraph and amendment be closed.

The CHAIRMAN. The gentleman from New York moves that all debate upon the pending paragraph and amendment be closed.

Mr. SHAFROTH. I move, as an amendment to that, that it be closed in five minutes.

The CHAIRMAN. The gentleman from Colorado moves as an amendment that debate be closed in five minutes. Does the gentleman accept the amendment?

Mr. WADSWORTH. I think we have debated enough on the subject.

The CHAIRMAN. The question is upon the amendment offered to the motion of the gentleman from New York—that debate close in five minutes.

The question was taken; and the Chairman announced that the noes seemed to have it.

Mr. SHAFROTH. Division, Mr. Chairman.

The committee divided, and there were—ayes 23, noes 42.

Mr. SHAFROTH. I call for tellers.

Mr. SMITH of Kentucky. I make the point of no quorum.

Mr. WADSWORTH. I do not want to be discourteous to the gentleman from Colorado.

Mr. SMITH of Kentucky. I make the point of no quorum.

Mr. WADSWORTH. The gentleman represents an arid region, and perhaps it would be discourteous to him were he not given an opportunity to speak.

The CHAIRMAN. Does the gentleman from Kentucky insist on the point of no quorum?

Mr. SMITH of Kentucky. I do.

Mr. WADSWORTH. Mr. Chairman, I ask unanimous consent that all debate close in five minutes.

Mr. SMITH of Kentucky. I object to that request, Mr. Chairman.

Mr. COOPER of Texas. Mr. Chairman, I have an amendment that I want to offer and I do not want to be cut off from it.

Mr. SMITH of Kentucky. Mr. Chairman, I withdraw my point of no quorum.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I ask unanimous consent that the gentleman from Colorado have five minutes and after that all debate close.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that the gentleman from Colorado have five minutes and after that debate close. Is there objection? [After a pause.] The Chair hears none.

Mr. SHAFROTH. Mr. Chairman, it seems peculiar that in an appropriation bill that has carried $65,000 a year for this work for only a limited number of years, for this branch of the service has not been in existence long, that now, when it seems that there is a strong upward movement in irrigation matters, we should have a proposition here to cut down this bill from one which can be supported by $65,000 to $25,000. The very argument the gentleman from Kansas [Mr. SCOTT] has made with relation to the employees of the States of the arid West ought to impress upon this House the necessity for this appropriation. Whenever you find the States employing large numbers of men, at an expense of thousands of dollars, you may well rely upon the fact that they are accomplishing some good, and that work ought to be availed of by this Bureau itself. If Colorado has its hundreds of distributers of water and pays out of its State funds the expenses, and Wyoming has 48, and other Western States have a large number, they are collecting data, and if formulated and if directed under some general head that may be of great advantage to irrigation in this country, and that can be availed of and is now being availed of by this Bureau. But if you cut it down and cripple it so it can not do this, it is bound to injure the irrigation interests of this country.

Mr. ROBINSON of Indiana. Let me ask the gentleman from Colorado if he did not state upon this floor a year ago, when the general irrigation bill was passed, that that would have the tendency to reduce the appropriation from the general Treasury?

Mr. SHAFROTH. I don't know whether I did or not. We are not asked to increase the appropriation, but this is a bureau which it seems to me ought to, and does, avail itself of the information which it collects from State sources. Why is it that we should have this valuable bureau cut off, almost destroyed, because the reduction from $65,000 to $25,000 leaves us only a handful of men? Why should we strike that down in view of the large development that has taken place—increasing year after year—in the irrigation of lands and the irrigation questions that arise?

The gentleman from Kansas says these questions are mostly settled. Ah, Mr. Chairman, he would not say that if he lived in an irrigation State. These problems are not settled and can not be for years and years and years, if ever. Still, if you take the theory that there is nothing new under the sun, then you may say that it will stop at some time, but as long as human mind is ingenious we are going to discover new things by which irrigation problems can be made plainer and by which they can be solved.

Now, the gentleman from Ohio [Mr. GROSVENOR] made a very good speech against the general irrigation bill that we had last year, but he made that speech last year, and this House voted by a vote of three-quarters of the majority against the proposition that he presented. He does not claim but what this bureau is doing most excellent work—work recommended by the very committee that reduces this appropriation. They can not say but what this work is valuable, because we know it is important. They can not say but what it is an economical bureau, because it is not attempted to ask the Congress of the United States for men to go out in the field and do actual work which the States are doing, but by reason of its position it has gone in to cooperate with the States, has taken advantage of the fact that the States pay the men, has asked the men to do work which they are not required to do, and which the State government does not require them to do, but which they are willing to do in order to help the general subject of irrigation, to obtain some knowledge on the question. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Montana [Mr. MONDELL].

The question was taken; and on a division (demanded by Mr. MONDELL) there were—ayes 35, noes 52.

So the amendment was rejected.

Mr. COOPER of Texas. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Insert on page 49, after line 6, as follows: "Six thousand dollars for irrigation investigation in the South during the coming fiscal year."

The CHAIRMAN. The question is on the adoption of the amendment.

Mr. COOPER of Texas. Mr. Chairman——

The CHAIRMAN. Debate has been closed upon this section and all amendments.

Mr. COOPER of Texas. Mr. Chairman, I ask unanimous consent that I may utter one sentence.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that he may utter one sentence. Is there objection? [After a pause.] The Chair hears none.

Mr. COOPER of Texas. Now, Mr. Chairman, this applies to a section of the country in the South for the growing of rice, and an agent of the Government has heretofore been there, and bulletins that have been published by him have been of great value to these people.

The appropriation heretofore for this object has been $65,000. It is now reduced by this bill to $25,000. My amendment proposes to make an increase of only $6,000.

[Here the hammer fell.]

The question being taken on the amendment of Mr. COOPER of Texas,

The CHAIRMAN. The noes appear to have it.

Mr. COOPER of Texas. I call for a division.

The question being again taken, there were—ayes 31, noes 44.

So the amendment was rejected.

The Clerk resumed and concluded the reading of the bill.

Mr. FEELY rose.

Mr. WADSWORTH. I was going to move that the committee rise.

Mr. WILLIAMS of Mississippi. I had fifteen minutes remaining of the time granted me by unanimous consent. I now yield five minutes to the gentleman from Illinois [Mr. FEELY].

[Mr. FEELY addressed the committee. See Appendix.]

Mr. WADSWORTH. I now move that the committee rise and report the bill to the House as amended, with the recommendation that it pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. POWERS of Maine reported that the Committee of the Whole House on the state of the Union, having had under consideration the Agricultural appropriation bill, had directed him to report the same back with amendments, and with a recommendation that the bill as amended pass.

Mr. WADSWORTH. I move the previous question.

The previous question was ordered.

The SPEAKER. If no separate vote be demanded, the question will be taken upon the amendments in gross. [A pause.] The question is on agreeing to the amendments.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time.

The SPEAKER. The question is now on the passage of the bill.

Mr. UNDERWOOD. On that question I call for a division.

The question being taken, there were—ayes 79, noes none.

So the bill was passed.

On motion of Mr. WADSWORTH, a motion to reconsider the vote by which the bill was passed was laid on the table.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 6983. An act granting an increase of pension to Gilman B. Johnson—to the Committee on Invalid Pensions.

S. 6876. An act granting a pension to Lavinia F. Poiron—to the Committee on Invalid Pensions.

S. 6534. An act providing for the construction of a vessel of the first class for the Revenue-Cutter Service, to be stationed with headquarters at Honolulu, Hawaii—to the Committee on Interstate and Foreign Commerce.

S. 6348. An act granting an increase of pension to Napoleon B. Stockbridge—to the Committee on Invalid Pensions.

Mr. WADSWORTH (at 5 o'clock and 35 minutes p. m.). I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER. According to the order heretofore made, the House stands adjourned until 12 o'clock noon to-morrow.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting, with accompanying papers, a recommendation that a new building be authorized for the assay office at New York—to the Committee on Public Buildings and Grounds, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting, with a letter from Judge Melville C. Brown, a report as to the needs of the Territory of Alaska in regard to the care of paupers, indigent,

and insane—to the Committee on the Territories, and ordered to be printed.

A letter from the Secretary of War, transmitting official reports relating to the claim of the Piper, Aden, Goodall Company—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a report as to the probable cost of post-office sites in Honolulu and Hilo, Territory of Hawaii—to the Committee on Public Buildings and Grounds, and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. GRAFF, from the Committee on Claims, to which was referred the bill of the Senate (S. 3779) for the relief of Thomas J. McGinnis, reported the same with amendment, accompanied by a report (No. 3315); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. FLYNN: A bill (H. R. 17018) to authorize the city of Guthrie, in the Territory of Oklahoma, to sell a lot heretofore reserved as a site for a public building, but not used for that purpose—to the Committee on the Public Lands.

By Mr. HUGHES: A bill (H. R. 17019) to amend and reenact section 2 of the act passed March 3, 1887, and corrected by an act passed August 13, 1888, respecting the jurisdiction of circuit courts of the United States, and for other purposes—to the Committee on the Judiciary.

By Mr. PADGETT: A bill (H. R. 17020) providing for the issue and circulation of national-bank notes—to the Committee on Banking and Currency.

By Mr. ALLEN of Maine: A bill (H. R. 17021) for the extension of Eighth street northeast, otherwise known as Railroad avenue—to the Committee on the District of Columbia.

By Mr. MOON (by request): A bill (H. R. 17022) to amend the pension laws—to the Committee on Invalid Pensions.

By Mr. McLACHLAN: A bill (H. R. 17045) to establish on the coast of the State of California a station for the investigation of problems connected with the marine fishery interests of that region—to the Committee on the Merchant Marine and Fisheries.

By Mr. TAWNEY: A concurrent resolution (H. C. Res. 74) for appointment of joint committee of Senate and House of Representatives to inquire into certain conditions of production and the tariff—to the Committee on Rules.

By Mr. JOY: A resolution (H. Res. 406) requesting of the Secretary of the Navy a statement showing number and service of all retired naval officers capable of performing active duty—to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. DOUGLAS: A bill (H. R. 17023) granting an increase of pension to Martha del' Banco Cunningham—to the Committee on Pensions.

Also, a bill (H. R. 17024) granting an increase of pension to Benjamin Mockabee—to the Committee on Invalid Pensions.

By Mr. FLYNN: A bill (H. R. 17025) granting an increase of pension to John R. Ash—to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 17026) granting a pension to Jerome W. Turner—to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 17027) for the relief of the estate of William Lenoir and brothers—to the Committee on War Claims.

By Mr. GRIFFITH: A bill (H. R. 17028) granting a pension to Ann Pritchard—to the Committee on Invalid Pensions.

By Mr. McCLEARY: A bill (H. R. 17029) granting an increase of pension to Alfred W. Dearborn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17030) granting an increase of pension to Martin J. Severance—to the Committee on Invalid Pensions.

By Mr. MERCER: A bill (H. R. 17031) granting a pension to Peter Henkel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17032) granting an increase of pension to William Arnold—to the Committee on Invalid Pensions.

By Mr. MILLER: A bill (H. R. 17033) granting a pension to D. J. Reber—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17034) granting an increase of pension to John Shafer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17035) granting a pension to Sarah H. McJilton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17036) granting a pension to Caroline Mortimore—to the Committee on Invalid Pensions.

By Mr. PATTERSON of Tennessee: A bill (H. R. 17037) granting an increase of pension to Jane Wheeler—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 17038) to protect the rights of Sylvester D. Gaines and his children—to the Committee on Indian Affairs.

Also, a bill (H. R. 17039) to protect the rights of Ronchali C. Barron, Almeda O. White, Josie L. Literal, and the children of Thomas Jefferson Barron and Travis Barron—to the Committee on Indian Affairs.

By Mr. TOMPKINS of Ohio: A bill (H. R. 17040) granting a pension to George S. Spurgeon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17041) granting an increase of pension to Cecillie E. Arrington—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17042) to remove the charge of desertion against Andrew Luff and granting his widow, Maria, a pension of $24 per month—to the Committee on Military Affairs.

By Mr. WHITE: A bill (H. R. 17043) granting an increase of pension to Martha Maddox—to the Committee on Invalid Pensions.

By Mr. FINLEY: A bill (H. R. 17044) granting a pension to James Lang—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARNEY: Petition of retail druggists of Sheboygan, Wis., in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. BULL: Petition of Charles S. Bush Company, Providence, R. I., favoring House bill 178—to the Committee on Ways and Means.

Also, resolution of Providence (R. I.) Division, No. 35, Order of Railroad Telegraphers, in favor of the passage of Senate bill 3560—to the Committee on Interstate and Foreign Commerce.

By Mr. BURKETT: Resolutions of stockmen of western Nebraska against the passage of Senate bill 6886, for the leasing of public lands in Nebraska—to the Committee on the Public Lands.

By Mr. BURTON: Petition of Abraham Lincoln Lodge, No. 54, Order of B'rith Abraham, Cleveland, Ohio, relative to immigration and alleged abuses in the deportation of immigrants—to the Committee on Immigration and Naturalization.

By Mr. CAPRON: Resolutions of Providence (R. I.) Division, No. 35, Order of Railroad Telegraphers, in favor of Senate bill 3560—to the Committee on Interstate and Foreign Commerce.

Also, petition of Woonsocket Lodge, No. 177, Order of B'rith Abraham, Woonsocket, R. I., relating to methods of the immigration bureau at the port of New York—to the Committee on Immigration and Naturalization.

By Mr. CROMER: Resolutions of Brotherhood of Locomotive Engineers of Indiana, in favor of House bill 15990, known as the employers' liability bill—to the Committee on Interstate and Foreign Commerce.

By Mr. DRAPER: Petition of memorial committee of Grand Army of the Republic, city of New York, favoring an appropriation of $5,000 for the erection of a monument to the memory of Hon. Edward D. Baker, in the national cemetery at Balls Bluff, Virginia—to the Committee on the Library.

By Mr. ESCH: Petition of Marius Olsen and other retail druggists of Melrose, Wis., and vicinity, urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. GARDNER of Massachusetts: Resolutions of the Board of Trade of Gloucester, Merchants' Association and Board of Trade of Salem, Mass., in favor of House bill 163, granting pensions to officers and certain enlisted men of the Life-Saving Service and to their widows and minor children—to the Committee on Interstate and Foreign Commerce.

By Mr. GIBSON: Paper to accompany bill for a pension to Frank J. Winninger, Knoxville, Tenn.—to the Committee on Pensions.

Also, petition of J. H. Smith and two other ex-prisoners of war, of Winslow, Ark., favoring pensions to those who were confined in Andersonville and Libby prisons during the rebellion—to the Committee on Invalid Pensions.

By Mr. GRAHAM: Resolutions of the Union Workingmen's Association, of Allegheny County, Pa., E. E. White, chairman, protesting against the removal of the office of immigrant inspector from Pittsburg to New York City—to the Committee on Immigration and Naturalization.

By Mr. HOWELL: Petition of D. G. Davison and others, of Cranbury, N. J., opposing the repeal of the anticanteen law—to the Committee on Military Affairs.

By Mr. JOY: Petition of the Mexican Veterans' Association, of

the State of Missouri, urging legislation placing surviving veterans of the Mexican war, and the widows of those deceased, on an equality with soldiers and widows of other wars—to the Committee on Pensions.

By Mr. KERN: Resolutions of Maine Lodge, No. 545, Brotherhood of Railroad Trainmen, East St. Louis, Ill., urging the passage of Senate bill 3560—to the Committee on Interstate and Foreign Commerce.

Also, resolution of Brotherhood of Bookbinders No. 8, Chicago, Ill., in reference to public lands, and favoring the repeal of the desert-land act—to the Committee on the Public Lands.

By Mr. KETCHAM: Petition of retail druggists of the Eighteenth Congressional district of New York, for the enactment of House bill 178, for reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. MAYNARD: Petition of the heir of William Lowe, deceased, late of Norfolk County, Va., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. McANDREWS: Petition of the Illinois Lumber Dealers' Association, Chicago, Ill., favoring the establishment of a national forest reserve in the Southern Appalachians—to the Committee on the Public Lands.

Also, resolutions of Local Union No. 8, Brotherhood of Bookbinders, and Boot and Shoe Workers' Union, of Chicago, Ill., for the repeal of the desert-land law—to the Committee on the Public Lands.

By Mr. McCLEARY: Petition of H. S. Wood, of St. Paul, Minn., in opposition to merging the Interstate Commerce Commission with the proposed department of commerce—to the Committee on Interstate and Foreign Commerce.

Also, petitions of C. A. Portman, of Alpha, and M. Nelson & Co., of Adrian, Minn., asking for reduction of tax on spirituous liquors—to the Committee on Ways and Means.

Also, petition of J. P. White, of East Grand Forks, Minn., opposing the abolishment of the eighth keg of beer—to the Committee on Ways and Means.

By Mr. MOON: Resolution of Typographical Union No. 89, of Chattanooga, Tenn., for the repeal of the desert-land law—to the Committee on the Public Lands.

By Mr. OTJEN: Resolution of Amalgamated Woodworkers' Council, for the repeal of the desert-land law and the commutation clause of the homestead act—to the Committee on the Public Lands.

By Mr. OVERSTREET: Petition of Ward Brothers' Drug Company and others, in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. RYAN: Petition of the Brotherhood of Locomotive Fireman, of Albany, N. Y., favoring the passage of Senate bill 3451 and House bill 15990—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Pinchas Lodge, No. 79, Order of B'rith Abraham, Buffalo, N. Y., relating to methods of the immigration bureau at the port of New York—to the Committee on Immigration and Naturalization.

By Mr. SHOWALTER: Petition of G. W. Clutton and other druggists of Newcastle, Pa., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means:

By Mr. THOMAS of Iowa: Petition of Ministerial Association of Monroe County, Iowa, favoring antipolygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. TIRRELL: Petition of R. E. Mayo and other retail druggists of Gardner, Mass., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. WOODS: Petition of the Hadden Drug Company and other retail druggists of Stockton, Cal., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

HOUSE OF REPRESENTATIVES.

SUNDAY, *January 25, 1903.*

The House met at 12 o'clock m., and was called to order by Mr. GROSVENOR, as Speaker pro tempore.

The Chaplain, Rev. HENRY N. COUDEN, D. D., offered the following prayer:

We come to Thee, Almighty God our Heavenly Father, with gratitude welling up in our hearts for all the disclosures Thou hast made of Thyself unto Thy children; and especially do we thank Thee for that personal revelation in the life and character of Thy Son, Jesus Christ, through whom we are enabled to interpret to some extent the purpose for which we are called into existence. We thank Thee that we may look up to Thee and call Thee Father, realizing that in that name the whole world is akin.

We thank Thee that Thou hast bound us together, through the tenderest and sweetest ties, into families; that Thou hast bound us together by the ties of friendship, which continually enlarge the circle of fraternity, so that though we come here from widely different sections of our great country, imbued with different political views and religious sentiment, we may lay these all aside on such occasions and see only that which was noble and true and pure and just in those who wrought upon this floor.

We thank Thee for that something in us which tells us we shall never die, for that something which tells us that truth shall outlive the stars; for that something which tells us that love shall finally be satisfied.

Let Thy blessings descend, Heavenly Father, upon the families of those who are in mourning and sorrow over their lost ones. Comfort them, we beseech Thee, by the blessed assurance that by and by they shall meet in another world, where there shall be no more separation.

Help us so to order our lives that we may live each day to prepare us for the next, so that when we shall finish our course in this world we shall be prepared to enter upon the larger, grander life in a fairer world.

Hear us in the name of Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

ORDER OF PROCEDURE.

The SPEAKER pro tempore. The House of Representatives is in session pursuant to three special orders of the House, which the Clerk will report.

The Clerk read as follows:

On motion of Mr. BRANDEGEE, by unanimous consent, it was

Resolved, That the House meet on Sunday, the 25th day of January, 1903, at 12 o'clock noon, for eulogies upon the life, character, and services of the Hon. CHARLES ADDISON RUSSELL, deceased, late a member of this House.—*Order made in the House Thursday, December 11, 1902.*

On motion of Mr. BALL of Texas, it was

Resolved, That the House meet on Sunday, the 25th day of January, A. D. 1903, at 12 o'clock noon, for eulogies upon the life, character, and services of the Hon. JOHN L. SHEPPARD and Hon. REESE C. DE GRAFFENREID, deceased, late members of this House from the State of Texas.—*Order made in the House Thursday, December 11, 1902.*

EULOGIES ON THE LATE REPRESENTATIVE RUSSELL, OF CONNECTICUT.

Mr. BRANDEGEE. Mr. Speaker, I offer the resolution which I send to the Clerk's desk.

The SPEAKER pro tempore. The gentleman from Connecticut offers a resolution which the Clerk will report.

The Clerk read as follows:

Resolved, That, in pursuance of the special order heretofore adopted, the House proceed to pay tribute to the memory of Hon. CHARLES A. RUSSELL, late a member of the House of Representatives from the State of Connecticut.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a faithful and distinguished public servant, the House, at the conclusion of the memorial proceedings of this day, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk be, and is hereby, instructed to send a copy of these resolutions to the family of the deceased.

Mr. BRANDEGEE. Mr. Speaker, as the successor of Mr. RUSSELL, and in accordance with the time-honored custom of this House, it becomes my melancholy privilege to speak briefly in commemoration of his life and character.

CHARLES ADDISON RUSSELL was born at Worcester, Mass., on March 2, 1852. His parents were Isaiah Dunster Russell and Nancy Maria Wentworth. Through his father he was a descendant of Henry Dunster, the first president of Harvard College, and on his mother's side he was descended from Benjamin Wentworth, one of the earlier governors of New Hampshire. His great-grandfather, Jason Russell, a patriot of the Revolution, was killed at the battle of Lexington.

Mr. RUSSELL attended the public schools of his native town, those humble New England universities which have shaped the minds and characters of so many illustrious public men, and was prepared for college by the Rev. Harris R. Greene. In 1869 he entered Yale College. He was an apt and diligent student and was popular both with the faculty and with the undergraduates. He graduated with honors in 1873. He immediately entered journalism; was city editor of the Worcester Press for five years, and was also connected with the Worcester Spy, and corresponded with several of the large New York and Boston newspapers.

On May 14, 1879, he was married to Ella Frances Sayles, the daughter of Sabin L. Sayles, of Dayville, in the town of Killingly, Conn., one of the most distinguished citizens of that State, and in that year moved to Killingly and thenceforth resided there. He soon became treasurer of the Sayles Woolen Company, an official of other corporations and institutions, and a member of various benevolent and fraternal organizations.

In 1881 he was appointed by Governor Hobart B. Bigelow an aid-de-camp upon his military staff, with the rank of colonel. In 1883 he was elected a representative in the general assembly, and served with ability both on the floor and as chairman of the important committee on cities and boroughs. In 1885 he was

elected secretary of the State. In 1886 he was elected Representative in the Fiftieth Congress from the Third Connecticut district. He was unanimously nominated and elected by steadily increasing majorities to each succeeding Congress, including the present one. He died at his home in Killingly on Thursday, the 23d day of October, 1902, at about 10 o'clock in the forenoon, surrounded by his family and friends. His aged mother, a sister, his widow, and two children—Sabin Sayles Russell and Deborah Russell—survive him.

Mr. RUSSELL entered upon his first term in this body with more than the ordinary experience, both in business and politics, and with more than the usual qualifications for the responsible position. These attainments, in connection with his winning personality, his cheerful disposition, his indomitable perseverance, and his innate kindness of heart, soon engaged the attention of the House and foreshadowed his distinguished subsequent career. During his sixteen years of consecutive service in this body—a period of membership longer than that of any of his predecessors or of any New England Representative now here—he had served upon the Committees on Education, Railroads and Canals, Banking and Currency, Reform in the Civil Service, Census, Expenditures in the War Department, as chairman, and the leading Committee on Ways and Means.

It was upon this last committee that his most signal services were rendered to his country and his constituents. Here his business training, his intimate acquaintance with the details of the manufacture of textile fabrics, his broad and exact knowledge of general commercial conditions, his experience upon other committees, and his knowledge of the duties of the various governmental departments and their needs, soon gave him conspicuous rank and designated him as the trusted counselor and friend of Nelson Dingley and William McKinley. His fidelity to duty, his unflagging industry, his uniform courtesy, his modest bearing, and his distinguished services in this House are still fresh in the memory of all and will be recounted by his colleagues who will soon pay loving tribute to his memory.

Standing in the shadow of our great sorrow, which hangs like a pall over the hearts and homes of the men and women of his historic district and fills this Chamber with sadness, what shall I, what can I say of him—the honored, the loved one, the friend of the old soldier, the friend of the laboring man, everybody's friend—who has been summoned from the councils of the lawmakers of earth into the majestic presence of the Almighty Lawgiver? He was a Representative in the highest and best sense of that term. Honest, industrious, capable, unassuming, and conscientious, he devoted his whole time, mind, and strength to the service of the State and the interests of an intelligent and prosperous constituency. "Seest thou a man diligent in his business, that man shall stand before princes; he shall not stand before mean men."

And so he stood, for sixteen years, like a knight of chivalry, untouched by the tongue of calumny, in the highest parliamentary assembly in the world, the trusted comrade, associate, and friend of legislators, orators, and statesmen. He made no claim to oratory—that indefinable gift of speech which stirs men's souls, but by which oftentimes the worse is made to seem the better cause—but he was endowed instead, and in a large measure, with what has not inaptly been called "the genius of common sense."

He discriminated, as it were, with an unerring instinct between the false and the true. He saw and knew men and measures in their proper relations and proportions and estimated them at their real rather than their pretended value.

This gift showed him when and how to apply to the evils of the body politic appropriate remedial legislation. He was a clear thinker and a plain talker. He illuminated his subject because he saw it clearly himself. To him language was not simply a combination of words or of articulated sounds. It was a system of expressing ideas. He was not given to much speaking, but whenever he desired to express his views he did so with that purity of diction and in that simplicity of manner which, if not eloquence itself, is close kin to it. He abhorred the babblings and mouthings of the word monger; he despised the tricks and fripperies of the mere rhetorician, and he hated the turbulence and clamor of the demagogue and the agitator. He had an aversion to all sensationalism and display. He was utterly devoid of all guile, hypocrisy, and cant. He was free from the slightest affectation. It was this antipathy to artifice which led him to reject all literary and rhetorical adornment and to rely for his effect entirely upon the logic of his thought and the lucidity of his statement.

His disposition was genial and kindly. His manner was cordial without being demonstrative. He was dignified, but not distant; reserved, but not reticent; unassuming, but not diffident. He was absolutely and wholly honest, frank, and candid in thought, word, and deed. There is some mysterious intuition in nature which defies analysis, but which infallibly marks an honest man. Whatever this influence may be it actually radiated from Mr. RUSSELL. No one could be in his presence without a consciousness of his impregnable integrity. His heart beat with kindness, sweetness, and charity, and his whole appearance, bearing, and voice were attuned to these. He inspired confidence and affection at first sight. His every instinct, feeling, and aspiration was clean, wholesome, and noble. His character was well rounded and his intellect symmetrically developed. By long and faithful service he had become one of the most trusted and honored members of this body. He was familiar with its traditions, observant of its rules, courteous to its members, attentive to its business, and proud of its historic repute as the freest and most famous popular legislative assembly of all time.

He represented a constituency composed of many elements. Sturdy farmers, toilers in mills, artisans in factories, busy merchants, and captains of industry, men who go down to the sea in ships—all the diversified interests and individuals of an agricultural, manufacturing, and maritime district were represented and protected by him. And he represented the political principles and policies of a State which had furnished Roger Sherman to the Constitution, Israel Putnam to the Continental army, Jonathan Trumbull to the Revolution, William A. Buckingham to the preservation of the Union, and Morrison R. Waite to the Supreme Court of the United States.

He had a lofty conception of the dignity and duty of the office of a member of Congress. In his view it was neither an agency for the distribution of documents and the spoils of political conquest nor a stage for the exhibition of talent, nor a theater for the display of ambition, nor a market for the barter of influence and votes, but rather a sacred ministration for which he was ordained by a great constituency to voice its principles and wishes in the supreme council of the greatest nation of recorded time. Though he was one of the most distinguished members of this body he was free from all vanity, self-assertion, and pretense—that trinity of the smaller vices which while they counterfeit greatness detract from it.

At home, in his private life, among the people he loved and who loved him, his daily walk was as a daily benediction. He was their guide, their counselor, and their friend. He joined in their pursuits, he shared their sports, he contributed to their needs, he sympathized with their sorrows, he rejoiced in their successes, and by his devotion to their interests he sacrificed his life. Among the many opportunities and temptations of long public service, where thrift might easily have followed fawning, he kept his character, his record, and his reputation spotless and free from even the slightest shadow of suspicion. At last, after a longer period than is ordinarily allotted to public life, without a spot on his record, honored and loved by everybody, "having provided things honest in the sight of all men," having fought a good fight, having kept the faith, there came the inexorable roll call, and it found him ready. "He wrapped the drapery of his couch about him and laid down to pleasant dreams."

Rated by the commercial standard, he died a poor man, but when the very name of the money king shall have passed into oblivion, the memory, the life, the character, and the services of CHARLES ADDISON RUSSELL will still remain an example and an inspiration to posterity and a conspicuous honor to his State.

Mr. CAPRON. Mr. Speaker, the poet Whittier had in mind the type of man to which our loved friend and colleague, the late CHARLES ADDISON RUSSELL, of Connecticut, belonged, when he wrote—

> Formed on the good old plan—
> A true, a brave, a downright honest man.
> He blew no trumpet in the market-place,
> Nor in the church, with hypocritic face,
> Supplied with cant the lack of Christian grace.
> Loathing pretense, he did with cheerful will
> What others talked of while their hands were still.

As often as I have attempted to prepare such words as would serve to express my thoughts upon the life and character of CHARLES A. RUSSELL, I have found the written sentences ringing formal, perfunctory, and hollow, so will content myself with simply recording the sentiments which my heart in its love for him prompts. It was to the heart that my friendship for Mr. RUSSELL appealed first and strongest. In every hour of my Congressional life as it touched his I knew him best as one, first of all, who loved his fellow-men.

Others will tell of his public life and labors, of his strength of character, of his fearless courage in the cause of right, of his high and unfailing sense of honor, of his devotion to plain duty to the limit of martyrdom, and of his genius for hard work and the success which crowned his efforts.

Of the lovely and loving heart which never failed those who were allowed within its citadel it is mine to recall. He sought me out upon my arrival at the Capitol, prompted, perhaps, first, because his district joined mine, and the interests of business and friendship do not halt at the imaginary line which divides the

States of Connecticut and Rhode Island. Kindly counsel as to the great economic problems then being settled he gave me, and as one of the leading spirits engaged in the formulation of the schedules of the Dingley tariff, he took pains to daily advise and instruct me. So inspiring was his smile, so cheering his voice, that the day when I did not sit and talk with him had something wanting which could not be gained elsewhere. As with myself, so I found at length it was with other men. They trusted CHARLES A. RUSSELL with a rare confidence that his judgment was unerring and his instincts sure.

In all the years when health was his he was never pessimistic or cynical. His faith in men was dominant. His creed was that men average honest, though recognizing human limitations and weaknesses.

The love of country burned ever an altar fire in his soul. A purer, truer patriot never breathed.

A quiet joy at the success of the policies he had helped to enact, resulting in the prosperity of the workers of the land, abided with him always like an atmosphere.

It was my good fortune to go with him through his district during the last campaign he made, and I shall never forget the expression of absolute trustful satisfaction everywhere expressed by the people we met. His genial, manly, and quiet, though forceful, addresses were universally satisfying. The hearty hand grasp which whole communities came to bestow, and the words of approval of his course in public life had nowhere one discordant note. So long had he known this people, and so well, it almost seemed that he kept in touch with the home life of each family.

It was with satisfaction that I attended the convention which last nominated Mr. RUSSELL with enthusiastic acclamation. Although it was universally known that there was not an opposing vote in his party, there was a full attendance of the delegations, and the grief at the report that he was too ill to attend the convention was profound. A resolution asking the candidate to attend to the recovery of his health and assuring him that the delegates to the convention would attend to every other needful thing to assure his triumphant reelection was enthusiastically voted.

A few days later he went to his reward, and the whole community in which he had lived and labored came, men and women and children, from the mills and farms and shops, bowed with a grief such as it is not often the lot of men to inspire.

But beyond and above all the qualities which so endeared this man to his town, his State, and the nation, the love which his great heart held for his home and his own was that which most deeply appealed to those who knew him best. As husband, as father, as home maker shall I recall him to my last day. To have known CHARLES A. RUSSELL in this relation was a benediction to any man's life.

God grant that we may not miss the lesson his life and death teaches.

Mr. SPERRY. Mr. Speaker, this day has been set apart for the memorial services to the Hon. CHARLES ADDISON RUSSELL, late a member of this House from Connecticut. Having known and loved him for many years, both in and out of Congress, I can not refrain from adding a few words of tribute to his memory in addition to those already spoken.

It is with a sad heart that I speak of one who was called away from us in the full vigor of his manhood, when his usefulness to his State and his district, which he served so faithfully for many years, was at its height. His record and career are those of a man ever just, ever lovable, ever upright in all his dealings with his fellow-men.

I first knew of Mr. RUSSELL as a student at Yale. Here he endeared himself to his fellow-students, just as he did later to those he came in contact with in the sterner walks of a busy life. He was ever known affectionately as "Charlie," a name that clung to him from his college days to the end, though honors and dignities were thrust upon him. His geniality and his lack of formality were responsible for this, and it was a name he loved to hear from the lips of his friends.

Mr. RUSSELL, as a member of Congress, was alert and consistent in all the duties required of him. He was ever ready to help a needy constituent, and it was not strange that he was beloved and honored by all to an extent that falls to the lot of few men. He was a large-hearted man, broad in his sympathies, full of love and tenderness for all in want or distress, a companion unexcelled, a man true and steadfast in his friendships. I do not believe he ever wronged a single person or swerved from the path of a noble life.

His family ties were exceptionally strong. His love and devotion to his wife and children were apparent to all. His solicitude for their welfare was ever uppermost in his mind. He loved children. To the very last he took a deep interest in their sports and their games, their little troubles and their pleasures. Many a time this whole-souled man, the best part of whose life was spent as a legislator of national reputation, would stop and watch the children of the village school at his home playing in the school yard. He was always a welcome visitor. They looked upon him as a friend and comrade—one who did not hesitate to join in their sports, and who could be a boy with them—though cares and responsibilities weighed upon him. His sunny nature shed a luster wherever he went, and no company, where he happened to be, could be dull.

His was a life that we, who survive him, would do well to remember and honor. The last year he was among us he was struggling bravely with an insidious disease which would sooner or later end his mortal career. Yet not a murmur escaped his lips. He was hopeful to the end. If he had at times doubts as to his recovery they were not made known to his family or his friends. He was always looking on the bright side of life, and it was his aim to shed happiness and sunshine wherever he went. Gloom and despondency were not a part of his nature.

The people of his district loved him. Most of his life was spent among them, and in his younger days he was always prominent in all their festive gatherings. He loved to mingle with them, to greet them with a hearty grasp of the hand, and in return to receive their love and friendship. They learned to know his ability and his worth. They appreciated the faithfulness and devotion with which he served them. His memory will ever be green in the hearts of the people he represented so long, so devotedly, and so ably. When the sad news of his death spread throughout his district, sorrow and mourning could be seen on every hand—the genuine grief of friends and neighbors, who loved him as a man and respected him as a true and honest politician.

Mr. RUSSELL had strong political opinions. He was firm and inflexible in his adherence to them, both by his vote and his speech. Yet so kind and gentle was he in his acts and dealings, so just and considerate of all who entertained opinions in opposition to his, that he has taught us how a member of this House can be a true and loyal party man and still maintain the friendship and respect of all he comes in daily contact with.

He died as he had lived—beloved and respected by all who were so fortunate as to be able to claim an acquaintanceship with him. To the end he was cheerful, ready to take up his life work, and solicitous for the welfare of those around him. It was the bravery of a noble heart facing death's problem, not shrinkingly, but courageously, with faith in the benevolence and justice of his God and Maker.

It is only a few weeks ago that his earthly remains were committed to their last resting place. The little village of Dayville, in which he lived, was crowded with mourning friends from all parts of the State. A delegation composed of members of the Senate and the House was there. The people of his home village, and for many miles around, did homage to their departed friend. The little children of the village school lined the sidewalks, and not an eye was dry. It was a touching tribute of devotion to the memory of a man they were proud to call their friend. Fragrant flowers, the gifts of sorrowing friends, filled the house, shedding their sweet perfume. Here, too, the great esteem in which he was held by his neighbors and townspeople showed itself. A wreath of roses sent by the school children, who gladly contributed their pennies to honor the memory of their lost friend, was a touching token of their affection.

With his devoted wife and children around his lifeless form, his earthly body was laid away, to await the summons of Him who said: "I am the resurrection and the life. He that believeth in Me, though he were dead, yet shall he live."

Mr. HILL. Mr. Speaker, on the 23d of October last, CHARLES ADDISON RUSSELL, in the fiftieth year of a useful and busy life, died in his own home surrounded by his family and friends.

A few days later he was buried in the village where he had lived and among the associates whom he had loved.

It was not a funeral in the sense that it was only the laying away of a body from which life had gone, but it was the sad parting of friend from friend and a tribute of respect to his character and memory from the whole State which he had served so long and well.

The flowers which covered the casket and filled the chancel of the church in rare profusion were beautiful, but the tears which flowed unbidden from every eye were the real expression of the regard of those who had come, not to pay formal respect to an honored citizen, but to bid a sad good-by to one they loved.

It was a wonderful demonstration of what a place a man can make for himself in the hearts of his fellow-men by a life of usefulness to others rather than of selfish devotion to one's own interests.

And this, I think, was the secret of his success, for success he had, and in a marked degree.

It is not success to secure a fortune and nothing else in life. That grave is empty which holds a corpse and does not make to some one a sacred spot where it lies buried.

A statement of dollars left behind is the poorest epitaph of which I know put upon a tombstone.

One kind word spoken here, one good deed done to a fellow-man, would outweigh them all in the life eternal.

In the whole history of Connecticut but one man has rendered longer service in the House of Representatives. That man was John Davenport, who was a member of nine Congresses, dating from 1799 to 1817. Mr. RUSSELL served eight terms, and at his death had been renominated for the ninth.

J. O. Mosely, from the Second district, and Benjamin Tallmadge, from the Fourth, had eight terms each, but no man from the Third district, which Mr. RUSSELL represented, had ever equaled him in length of service. And, indeed, for more than a century the average length of service from that district had been but a little over two terms each.

But in 1887 CHARLES A. RUSSELL, then a comparatively young man, began to represent the sturdy farmers of the Third district, the rock-ribbed home of Republican faith in Connecticut, and from that time on, down to his dying hour, held the confidence, respect, and love of all his people.

Visiting New London one day last summer, I met one of his warm personal and political friends. He told me that he had just received a letter from Mr. RUSSELL, who was up on the coast of Maine. In that letter he asked the question, "Do you think my people will reelect a man to Congress who is as sick as I am?" and the answer went immediately back, "You need have no anxiety whatever about a renomination or election."

He had absolutely devoted himself to their service. He had been faithful in little things as well as large ones. Nothing was allowed to stand between him and them. His only thought was for their welfare. No sacrifice of health or strength or time was too great for him to make in their behalf, and he did it all so pleasantly and in such a kindly way that each task seemed a privilege rather than a burden put upon him.

This was the way he won their confidence, and they gave back to him devotion for devotion and love for love.

Almost his last words were to advise concerning his successor and ask for him a like support.

As a legislator his work was always well done. He was not a brilliant orator in the sense that he charmed an audience by flashes of wit and studied phrases and practiced posings, but he spoke fluently and straight at his subject, with the one purpose of convincing men and securing adherents to his cause.

He was not a genius, as the word is generally used to describe one who originates great policies or leads new movements on radical lines, but he did possess an analytical mind and power of judgment which drew men back from swift conclusions and held them beside himself on the solid ground of established and proven facts.

If he had been a soldier his place would not have been on the skirmish line, but in command of the reserve to safely hold every position gained and strengthen it as a base for further operations.

He was a man upon whom his party and his colleagues could rely and in whose matured judgment they could unfalteringly trust.

His life will be an inspiration, his work a far-reaching benefit, and his death a lasting sorrow to the people of Connecticut.

Mr. HENRY of Connecticut. Mr. Speaker, I first met CHARLES A. RUSSELL twenty years ago, when we both commenced political life as members of the Connecticut general assembly of 1883. Mr. RUSSELL was then a young man in the early thirties, fine looking, with an unusually attractive personality. Although comparatively a stranger in his adopted State, yet his happy, cheerful ways, genial manners, good-fellowship, and intelligent comprehension of his public duties won him immediate confidence and prompt promotion, with merited popularity that never waned but constantly increased during the passing years.

Mr. RUSSELL was in the public service continuously for nearly twenty years. Faithful to every trust, winning golden opinions from all with whom he came in contact, he occupied an assured place in the hearts of his constituents, as well as in the estimation of the people of the entire State, irrespective of party lines.

It is not too much to say that no public man of his generation was more highly esteemed and respected than our lamented friend, and I but restate a generally conceded fact when I say that had Mr. RUSSELL'S life been prolonged the highest political honors a State can confer awaited his acceptance.

In this place and presence I need only refer to Mr. RUSSELL'S distinguished services in this august body. Other friends and fellow-members now present will bear witness of his fifteen years of faithful Congressional work.

Clear in intellect and of sound judgment, always candid and truthful, life brought to Mr. RUSSELL a full share of duties, toils, and responsibilities. These were invariably manfully and wisely met and overcome. Burdens were assumed and carried without a thought of trifling or evasion. Modest, kindly, dignified, courageous, every public and private obligation was at all times conscientiously discharged.

Mr. RUSSELL was a dutiful son and a kind brother; in his home, beside the family hearth, he appeared at his best; in him wife and children found an affectionate and devoted husband, a fond and indulgent father, whose loving solicitude was ever faithful and alert. As a friend Mr. RUSSELL was loyal and true, sympathetic and helpful, an altogether safe counselor and wise adviser.

Mr. RUSSELL was long favored with robust health and when stricken by a fatal disease, with death's gloomy shadows gathering around him, he, with undaunted courage, bravely maintained his usual buoyant spirits. Indeed, he slightly resented the sometimes too solicitous intimations of his friends that he was not in normal health. His cheerful, hopeful disposition was never more in evidence than during his prolonged struggle with the grim destroyer, continued unrelentingly through many suffering, anxious months. During all those weary days and nights the battle for life was fearlessly fought until the closing act brought a happy release to his worn, sweet spirit.

The grave has seldom received the mortal remains of a nobler, worthier man than the one his friends were wont to lovingly call "CHARLIE RUSSELL."

With but a scant proportion of worldly goods, Mr. RUSSELL leaves his children the far more precious heritage of an honored, untarnished name, and the blessed memory of a useful, well-spent life.

At all times a gracious gentleman, the great poet's eulogistic lines are tersely descriptive of our departed friend:

> His years but young, but his experience old;
> His head unmellow'd, but his judgment ripe;
> And, in a word (for far behind his worth
> Come all the praises that I now bestow),
> He was complete in feature and in mind,
> With all good grace to grace a gentleman.

Mr. PAYNE. Mr. Speaker, as we pause for a brief time to pay a parting tribute to one who was so recently among us an active, living force and is now silent in death, it is fitting that we turn from the turmoil of life and seek this quiet peaceful day of rest in performance of this duty. It is to be hoped that the precedent so recently established will be followed hereafter, and that no other day than the Christian Sabbath will be chosen by the House for a public memorial to any of our members who have been removed by the hand of death.

There is no forum in the world in which a man's character is so truthfully appreciated as in the House of Representatives. The daily assembling where mind meets mind, often in sharp debate, or in earnest, honest criticism, brings out all that there is in a man, good or bad. Hence, it is that the average impression of the House is an honest judgment of every member. Partisans are fair here in weighing the character of their opponents; and after party strifes are over for the time, evenhanded justice is meeted out by political opponents. These are some of the bright flowers that hang over the walls that divide parties; they are the pleasant tokens that lend cheer and pleasure to Congressional life.

Not that the House is always a garden of flowers. Each man, if he has real worth, is stirred in defense of his own opinions, and often there is fierce conflict and real warfare. We witness here the survival of the fittest, and the judgment of the House is fairly made up on the merits.

CHARLES ADDISON RUSSELL entered the House with the Fiftieth Congress, and had served here for nearly sixteen years at the time of his death. On the floor of the House he was an admirable legislator, never speaking without having something to say that illuminated the subject under discussion and enlightened the House. He always commanded attention and respect. Whenever he arose to address the House his colleagues had reason to expect a plain, unvarnished, straightforward statement, not wearisome by repetition nor shrouded with needless words calculated to conceal thought or the absence of it, as is sometimes the case. After listening to a clear and lucid presentation, the wish came to us that he would the more frequently address the House. Kind, genial, and gentlemanly, with the courage of clear conviction, he was accustomed to impress his thoughts upon others with great success.

But his real strength of character displayed itself in committee work. It was my privilege to be associated with him in the Committee on Ways and Means for nearly eight years. Our relations were intimate and cordial. Seldom did a question arise upon which I did not find that he had bestowed much thought and generally had a definite, clear-cut opinion. While he believed in his conclusions, he was ready to listen to the views of his associates. If they presented to him a better reason, he had no such pride of opinion as to prevent his acknowledgment of a mistake.

In no place is a man's mental caliber more thoroughly tried than in such committee work, for example, as the preparation of a general tariff bill. Mr. RUSSELL was one of the eleven men who prepared the so-called "Dingley bill" in 1897. He contributed his full share to the formation of that measure. For more than the half year that this act was in contemplation in either House of Congress he was a constant attendant at all the meetings of the committee and an inveterate student of all the conditions surrounding the work. The business of his life rendered him an expert on all matters relating to the textile schedules. But he was built on a still broader plan—his college training, his wide reading upon economic subjects, his thorough study, and his never-failing conservatism and good sense rendered his advice invaluable to the labors of that committee. The chairman of the committee and each associate leaned upon him for advice. As one of his colleagues upon the committee I cheerfully acknowledge the aid he rendered me at all times during our long and intimate association.

Mr. Speaker, it is fitting that we who survive him should stop for a brief moment and place wreaths of affection upon the grave of CHARLES ADDISON RUSSELL. We mourn his untimely end. Having just passed the age of 50 years, he was at the full zenith of his power and gave promise of many years of great service to his State and to his country. He was popular among his own people. In a recent campaign it was my good fortune to spend a little time in his district and State. He was the idol of his constituents, and his name and character were honored throughout the State. His friends looked for higher honors for him, believing that his character and usefulness had hardly begun in its strenuous growth.

His failing health was noted by his associates early in the last session with much concern. How bravely he combated the encroaching disease, how faithfully he bore up in order to fulfill his duties here, those who were closest to him can testify. Never a murmur of complaint, making light of his ills, he proved himself the same brave character his life illustrated so fully. He died in the midst of his labors and surrounded by the tokens of success.

We bring flowers to his grave to-day. How many of us contributed a single flower along his pathway in life, wearied as he often was with the exacting labors of his position? We are accustomed to observe the old Latin maxim and speak nothing but good of the dead. It is well; yet I think we too often speak good of the dead only. We come far short of our duty to our brothers, except we speak good of and to the living. More here than elsewhere, however, have I heard men utter words of cheer and good will, with just praise to their fellows. How much better than to wait until their ears are stopped in death.

Our friend has departed to the unknown. We miss his genial presence, his kindly greeting. We miss him in committee, where his influence was wont to smooth out difficulties and dissensions; we miss him in the House, where he was often instructing us and influencing our final judgment; we miss him in the social life, which renders our occupation here tolerable; he is missed in the home circle, that seemed so attractive to an on-looker. His State and his country will miss the service of one of the best of their sons. And yet we can but think that he has gone to something better; that there is a life beyond, rendered brighter by faithful service and good works here. We can but hope that our loss is his gain.

Mr. MCCLELLAN. Mr. Speaker, I knew CHARLES A. RUSSELL intimately. We were fellow-members of the House for seven years, during five of which we were colleagues on the Committee on Ways and Means and on a subcommittee, and during four of which we had a permanent pair. Being so closely associated in the business of the House, scarcely a day went by when the House was in session that we were not more or less together. I never knew him to have had an ungenerous impulse or a mean thought. I never knew him to do an act unworthy of a manly man. He was a Republican, I a Democrat, but such was the breadth of his nature that he was never limited by party in his friendships nor in his relations with his fellow-members.

RUSSELL is dead, and these eulogies of ours can not bring him back to us; yet there is some satisfaction in being able to tell each other of the affection, the esteem, and the honor in which we hold his memory.

The loss of an able and honest man seems to us a misfortune, even when it is evident that his race is run and his task complete. But it is to our limited comprehension almost calamitous when he whose loss we have sustained was in the full vigor of manhood, with apparently many years of public usefulness before him, and with what was the almost certainty of eventually crowning his career with a seat in the other branch of Congress. And yet in the scheme of Divine Omniscience nothing occurs by accident. In the constant and triumphant evolution of the human race, which leads us day by day and year by year nearer to our Maker, every atom of humanity has its own part assigned and has its own duty to perform. The end never comes until in God's good time that part has been played or that duty done. No man ever dies until he has accomplished the purpose for which he was placed on earth. When the gifts given a man are great, then is his responsibility the greater. When those gifts are applied as the Giver of all true and perfect gifts intended that they should be, then has their possessor not lived in vain, but has aided according to his ability the march of the evolution of humanity.

RUSSELL was endowed with an even, gentle, kindly disposition. Industrious and painstaking, he had become one of the best informed men in the United States upon the great national question of the tariff. His sterling integrity caused him to apply his knowledge conservatively. Never an extremist, profoundly convinced of the truth of his convictions, whatever he did was done in what he considered the cause of righteousness, whatever he accomplished was in what he thought the best interests of the people.

Throughout the long months of suffering that preceded the end, when for his health's sake he should have left the task of legislation to others, he stayed at his post unflinchingly, never complaining, never sparing himself, always cheerful, no matter what the effort cost him, always ready and anxious to bear his share of the work of the House, no matter how much he might suffer as the result.

Other men have lived whose deeds have been more spectacular and who have more directly influenced the course of history, other names there are that have more space in the annals of the nation. Yet, when the record is made up at the end of time, when the last account is balanced between the good and the ill we have done, no page will be more pure or spotless than that upon which is written the name of CHARLES A. RUSSELL—an able, honest, kindly gentleman, who never failed to do his duty, and in doing it added to the sum of human exellence and aided the progress of mankind.

Mr. DALZELL. Mr. Speaker, this Sabbath service to the memory of our dead colleague appeals strongly to my sense of the fitness of things. Heretofore it has been the custom of the House to turn abruptly from affairs of state to these memorial services, and the custom has little tended to induce and stimulate that spirit of reverence and sorrow which belongs to our regard for the dead. It is more appropriate far, it seems to me, that we should meet for our present purpose while Christian men and women, if not devoting their thoughts to sacred things, are, at least, seeking rest from the cares and burdens of every-day life, and having in mind the ideals of which such life is largely destructive. In this Sabbath calm, amid the company of Sabbath worshipers, I come to lay my humble wreath on the tomb of my departed friend, CHARLES A. RUSSELL. He was my friend and I was his. To me his memory is and ever shall be sacred.

While during the last session of Congress he seemed to those of us who knew him intimately to be fading from day to day and maturing for eternity, nevertheless when the end came and we knew that he was no more the shock was great. Genial, sunny CHARLEY RUSSELL, he has outrun the rest of us in the race for the unknown, has anticipated us in solving the great mystery. "If a man die, shall he live again?" is the question that with Mr. RUSSELL's death comes to each of us anew in personal and searching form; the question as old as the race and as unanswerable now as when first put by human weakness and human doubt. Does he know to-day that loving hearts are mourning his loss? Is he walking now the Elysian fields in sweet converse with the friends who preceded and the friends who followed him—with Dingley, with whom he was associated here, and with Reed, only recently stricken? Shall we know him again and he us when our turn shall come to cross the dark river?

These are the questions the like of which press us for answer whenever into our circle, as the Latin poet has it, "the pale messenger comes who with impartial footstep knocks alike at poor man's cot and palace gate." Had we no answer to the question, no solution of doubts in divine revelation, we would still find the answer in the immortal qualities of head and heart that belonged to our departed friend. It is impossible of belief that the native virtues, the acquired accomplishments, the growing ability, the maturing but unmatured capacity to accomplish results represented in the brief life of Mr. RUSSELL should prove fruitless and unavailing even in the economy of natural law. And so while we say to-day in sorrow "good-bye," we say also in hope and confidence to him upon whose brow is the light of an eternal day—"good morrow."

Born in Worcester, Mass., only a little more than fifty years ago, Mr. RUSSELL's life repeats in its beginning the history of the New England boy of comfortable birth. His first education was had in the admirable public schools of his native city. This was

followed by discipline under a private tutor, Rev. Harris G. Greene. Then came four years' experience as a student amid the elms of Yale, in the atmosphere of that grand old university whose traditions and customs are those of a true democracy, where wealth nor influence prevails as against merit; where, be his condition as to name and fortune what it may, "a man's a man for a' that."

The modest little school founded two hundred years ago by men of prayer and faith, with the avowed purpose to fit young men "for public employment in church and state," has nobly fulfilled its purpose. Prayer has found its answer and faith its fruition in the great university the roll of whose sons in civil life, in legislation, in the administration of law, in deeds of valor in every war where courage and patriotism have carried and defended our flag, lends luster to every chapter of our country's splendid history.

On that roll of honor CHARLES A. RUSSELL has a conspicuous place. It matters not how much he did—rather what he did; he did what he could, and what he did was good and was well done. It is only natural to believe that it was here in this scholarly and inspiring atmosphere that there entered into the young man's soul the ambition to enroll himself among the sons who, by engaging in public employment in the State, should fulfill Yale's high purpose. He was a faithful student and graduated with honor as a scholar at the age of 21. Returning then to his native city, he became the city editor of the Worcester Daily Press, a position which he retained with great credit for six years. Subsequently he served for a short time in an editorial capacity with the Worcester Spy. Later on, after his marriage in Connecticut, he moved to that State, and thenceforward his life history is connected therewith. He engaged in business there and became identified with its politics. He was appointed an officer on the governor's staff. He became a member of the State legislature and served upon important committees. He was elected secretary of state. Then he came to Congress in the Fiftieth Congress, when and where I first met him, he and I being both new members. As Yale men we naturally came together at once, beginning a personal friendship which was intimate and cordial down to the time of his death.

The period covered by Mr. RUSSELL'S service has no parallel in importance in all our country's later history outside of the period covered by the civil war. Within it were stormy and tempestuous discussions over great economic questions and their partial settlement. Our friend listened to the debates on the Mills bill and saw it go down to defeat. He witnessed the struggle over the McKinley bill, and was on terms of intimacy with the great and loving soul that gave it its name. With all mankind he shared in the sorrow and joined in the procession that followed McKinley to a martyr's tomb. He took part in the deliberations that resulted in the passage of the Wilson bill and like the rest of us felt and appreciated its results. He was a factor in the legislation upon the financial question, a question which swept the country like a hurricane and was dominant not alone in the determination of our policy and the choice of our rulers, but in the determination of our national destiny. He was one of the committee that framed the Dingley bill, and foremost amongst those who held up the arm of our great and lamented leader. Of the six minority members of that committee not a single one now remains in the House. Of the eleven majority members only six remain in the House, and when this Congress shall expire only four will remain as members of the next House. Two have died, two have gone to the Senate, and three to private life.

He was in the center of the storm that with such fury beat upon the House following upon the tragic sinking of the *Maine* in Habana Harbor and that swept the House with irresistible force into the declaration of the Spanish war. He witnessed the triumphs of our Navy in that brief and decisive conflict and rejoiced with all his countrymen in the luster that American valor lent to American arms. He took a conspicuous part in the deliberation upon and in the decision of questions following upon that war's close. He saw our flag carried and planted far beyond our borders, and appreciated the importance of the great questions that such adventure called upon us to face. He saw the opening of a new century and with it the beginning of a new national destiny. Of all the important happenings of the period to which I have referred it was his to say "quorum pars fui," and as to all his acts and doings in connection therewith he went down to death with the happy consciousness of duty faithfully done. There is no spot on his escutcheon, no rust upon his armor. Like the great untitled Frenchman of Napoleon's army, he is "dead on the field of honor."

Mr. RUSSELL was a man of strong intellect and, preeminently, of good judgment. His ruling characteristic was practical common sense. He was well poised; not without enthusiasm, but not given to extravagance or hysteria. He was deliberate, judicial in his make-up. He would have adorned the bench. He was honest of intellect. When I say honest of intellect, I speak advisedly, for there is more than one kind of honesty. To keep promises, and pay debts, not to cheat one's neighbor is one kind of honesty; but that kind of honesty may consist with the dishonesty of intellect which permits a man to cheat himself, and in pursuance of personal ends to play the demagogue. Mr. RUSSELL never could have been a demagogue. He was as intellectually as he was personally honest. He reasoned straight. He thought honestly. His mental processes were clear. He never was even honestly misled. He was a useful man. He did things. He was a man of high ideals, and loyal to them. He was a forceful man, because he lived for a purpose and kept it always in view. He was courageous without boasting, and true to his convictions as the needle to the pole. He was a modest man, but modesty could not hide his virtues, and his fellows appreciated him more than he did himself. His virtues shone in his daily life and demanded recognition. He was a clean man, above suspicion; an honest man, above question.

He had thus, as I have shown, the qualities that lie at the base of efficient public service. I am aware that the language of eulogy is generally the language of extravagance, and remembering this I believe that I have not done myself injustice in what I have said, but only have rendered justice to our dead colleague.

Far away in importance above and beyond the life that the most illustrious man leads in the public eye is his home life. No relations so sacred as those that cluster around the hearthstone. No test of character so true as that which measures loyalty or disloyalty to home duties.

Mr. RUSSELL was a man of pure and simple life. The altar at which he worshiped was in his home. The wealth of his affection found its objects there, and the dearest wishes of his great heart found their highest gratification in bringing happiness to those of his household. However much Connecticut may mourn the loss of her distinguished son, the grief of all griefs, into which we may not intrude, is that of those to whom he was not statesman or legislator, but husband and father. From our standpoint he died all too soon. But we are not keeping the books. The Master is. He knows both sides of the account. It is ours to believe that he closed CHARLES A. RUSSELL'S account when, in the eternal fitness of things, the balance was on the right side.

Mr. GROSVENOR. Mr. Speaker, the death of CHARLES A. RUSSELL came to me as a personal sorrow. I made his acquaintance at once upon his coming here in the Fiftieth Congress. He represented the district in Connecticut in which I was born and I felt something more than an ordinary interest in him, and hence sought his acquaintance at the outset of his career. Later he became a member of the Committee on Ways and Means and served on that committee until, by his death, that committee suffered an irreparable loss. He was a member of that committee at the time pending the interval between the election of William McKinley and the assembling of the Congress at the special session called by the President in 1897. The Republican members of the committee prepared the Dingley bill, and he was a faithful, intelligent, efficient, and valuable member of the committee until his death.

He was not a man given to display or show on the floor of the House or in the committee room, but there was not a member of that committee whose opinion was accepted as of greater value than was his. He enjoyed the full confidence of Mr. Dingley. He was a man of laborious tendencies. He never took hold of a matter that was of interest and laid it down until he had mastered the full details of it, and understood all that was to be ascertained by investigation. As a representative from his State he was especially valuable and untiring in representing the special interests of Connecticut and New England. There was no article manufactured in that great, busy hive of manufacturing industry that he did not understand the genesis of its production, the details of its progress, and the success of its growth and development, but he was not narrow or provincial. He brought to the discharge of his duties broad views of patriotic purpose and wise application of facts to principles.

Amid the perplexing questions of detail that constantly arose at every step of our pathway in the development of the Dingley bill, he never lost sight of principles as well as details of special situations. He dealt with the questions which arose with a mind almost judicial in its development, and he was free from prejudice, bias, or hasty decision. He had broad intelligence and far-reaching knowledge. His thorough education had well fitted him for the acquirement of knowledge, and his mode of thought enabled him to master details while not losing sight of generalities. His views were always valued by his colleagues and great attention was always paid to his suggestions.

He was an able and valuable member of Congress; not one who displayed his efficiency in the forum of debate, but one who had a clear understanding of the questions before him and who drove straight at the purposes which he formed. So much for his ability.

I do not know what his early occupation had been, excepting as it appears in his brief biography in the Congressional Directory. As I have said, he represented the district in which I was born. I first saw the light of day in the little country hamlet of Pomfret, only a few miles away from the home of RUSSELL and the place of his death.

I visited his district, calling upon friends of my father at the home of my infancy. I met the constituents of RUSSELL at one of their county fairs. I saw many of them during the time that I spent in Connecticut; and I was delighted to learn, as I did learn from all sources of information, that he had a strong and abiding hold upon the confidence and esteem of his constituents. They believed in him. They appreciated his qualities of mind and heart. They understood him fully. They looked up to him. He represented in his mental characteristics and the sternness of his principles faithfully the old-time, honored, and beloved State of Connecticut—the State that we laugh about sometimes, sneer at, it may be, occasionally, but, after all, a State that stands to-day typifying in her social, industrial, and political attitude and purpose the true representative of the old-time New England. She has produced great men, sturdy men, men of high character, men of national repute, and in her fallen son her true characteristics were strongly presented and truly expressed.

I can not speak of RUSSELL without going to the personal view. He was not a man demonstrative of his friendship, but he was a man who impressed his good qualities upon those with whom he came in contact. If ever there was a man who despised false pretenses and who looked past the surface to the matter of intrinsic merit, he had that faculty, and hence to be his friend and to be recognized as his friend was not only a pleasure, but was moreover a distinguished compliment, which no one who knew him would fail to appreciate. He was by no means taciturn among his friends. He was by no means lacking in humor and appreciation of a good thing, but he was careful in all he said to offend no one unnecessarily and to always fully appreciate those by whom he was surrounded.

One of his great characteristics, and one that could not be hidden from his associates even though he should have tried to do so, was the strong love and deep filial affection that he had for his family. I think that when he began to appreciate that his health was failing, as he did appreciate a considerable time ago, his deep concern was not for himself—self in that instance was a secondary consideration—but it was his anxiety for those he loved with such intensity of affection. He spoke often of his children. He was proud of the progress that his son made in his studies and he did not hesitate to manifest the pride of a fond father, but his reference to his personal affairs was never obtrusive, but always thoughtful, wise, and judicious.

I do not know what were his religious opinions; I never heard him express them. That he was a Christian in all the essential elements of Christianity I never doubted and do not doubt now. Whether or not he was an adherent of a creed, and if so, what creed, I can not answer; but the old proposition that

> He can not be greatly wrong
> Whose heart is in the right,

would have applied without qualification to our friend. He lived and exhibited the principles of Christianity, and, having done so, the question of his belief is not essential.

He fell in the very zenith of his usefulness. He had reached a position of influence and of power, and was certain to have reached a high place, with broader opportunities, but he fell short of the fulfillment of his modest ambition.

He left behind him a record that will be a monument of emulation to those who are to follow him; he left behind him sorrowing friends and weeping relatives; he left behind him admiring associates and a constituency always glad to do him honor.

We shed here a tear of friendship; we come with warm hearts to do him honor; we speak of him as we knew him and as we loved him.

Mr. MCCALL. Mr. Speaker, I do not take the floor with the hope that I can add anything of weight and beauty to the eulogies that have been so fitly spoken, but I am unwilling that this occasion should pass by without a word to hint at the high esteem in which I held CHARLES A. RUSSELL. I cherish his memory because of his long and honorable career, because of the fine qualities of manhood which ennobled him, and because I am glad to believe he was my personal friend, as I was his. A native of the Commonwealth of which I have the honor to be one of the Representatives, identified during hismature years with the neighboring State of Connecticut, from which he received his various commissions for public service, he was a genuine product of New England and in him were easily traced the simple and uplifting discipline of her life.

He had the inheritance of sterling qualities of mind and body; he was nurtured under institutions which are unsurpassed in the freedom of thought and speech, and in the generous invitation they extend to the individual man to make the most of the powers God has given him. His strong mental characteristic was, I think, the tact with which he would endeavor to secure the cooperation of other men in bringing about what he might wish to accomplish. Firm, but not assertive, utterly lacking in the vanity that leads to self-exploitation, his efforts did not excite personal antagonism.

He was sagacious in detecting the weak points of measures he did not like, but he was measured in his criticism, kindly and fair in his methods, and his manner never wounded the self-love of those who were working for other ends. He was an antagonist to whom it was easy to submit and over whom one would prevail with regret rather than with elation. He did not often claim the attention of the House in debate; indeed, speaking as he did with force and vigor, he was among those who spoke too rarely. It was a pleasure to be associated with him in a common cause and to rely upon his ready resources and his choice gift of common sense.

He inspired one with a sense of his reserved power and, equal to any position which he held, you felt that he would be equal to any public place, however high, to which he might be called. The House does well to pause to-day and take note of the great loss which it has suffered. A strong, manly man, a sweet-hearted friend, a devoted and distinguished servant of the State has fallen. While we pay our heartfelt tribute to his memory let us take into our hearts the lesson of his noble life.

Mr. STARK. Mr. Speaker, this service, in memory of the Hon. CHARLES A. RUSSELL, late a Representative from the Third district of the Commonwealth of Connecticut, brings with a peculiar force some recollections attending my entrance here as a member of this body.

I was from the State where resided in the campaign of 1896 a great standard bearer who had been overpowered by superior numbers, and the fires of that conflict had not yet died out. I was a member of a political party that by comparison was small in number. It was said by some that these conditions were much against my service as a member of that body. Personally this had but little effect upon me, having learned to be always stout of heart and remembering when troubles and difficulties come "They all shall pass away."

Experience teaches the thoughtful man that it is not of much consequence what others say, but it is of the greatest importance what he does; that in this life there must be no drifting; there must be a settled purpose to reach a given point; there must be a policy laid down and worked to all the way along. All new Congressmen soon discover that they can elect between two policies—whether they will confine themselves to being of service to their people by looking diligently after their many wants, or, by frequent speech and interview, attempt the difficult task of leadership. I adopted the first-named policy, for it was within my reach and more to my liking; but, being without experience, it was necessary for some one who was well prepared by long service to "lend a hand" to the end that it might become effective.

Just at that time Mr. RUSSELL came to me as a volunteer in the most kindly and whole-hearted manner and offered any service that he could perform. The antithesis of my political conviction, a stranger, he based his proffer on the ground that as I had been born and grown to manhood in his district he was interested that I should give a good account of myself, being a kind of a constituent of his. Appreciating the genuineness of his offer, I was quick to avail myself of his suggestions as to methods of departmental work.

In this presence I publicly acknowledge my debt of gratitude to Mr. RUSSELL and testify to his helpful nature and his great ability. He held out his hand to me, not because my kinsfolk lived in his district and I might be of service in a political way, but because he was a manly man and well knew in his own heart the natural law that no person ever forgets his birthplace.

While I love my adopted State, where I have lived all my manhood years, where is located my permanent home, and where I shall rest at the last, yet at times my heart turns with love and veneration to the old homestead in New London County and takes a pride in the history of the Commonwealth of Connecticut. May I have force of character enough and grace great enough to prove myself a worthy son of that old Continental State.

When the word came of the passing of Mr. RUSSELL it was to me a personal sorrow that such a kindly soul could not be of further help, and that his individual counsel could no longer avail. Then I thought that his influence is still in the world, for that which is good can not die. Though the law of the material realm tends to dissolution, no mental force, no spiritual energy, no moral principle, ever dies.

The material world is dominated by an immaterial principle, and in all the universal realm there is no such potent force as love. Itself unarmed, it disarms all its adversaries. This is the power that ruled the subject of this memorial occasion. He was gentle, helpful, and earnest in all his dealings with men.

This principle was not only the potency that ruled, but the monitor that guided his life. Those who knew him well learned that his course and reckoning were—

To love some one more dearly every day,
To help some wand'ring child to find the way,
To ponder o'er a noble thought and pray,
And smile when evening falls.
To follow truth as blind men long for sight,
To do the best from early dawn till night,
To keep the heart fit for His holy sight,
And answer when He calls.

Mr. BABCOCK. Mr. Speaker, one of the earliest acquaintances I formed upon becoming a member of this body in the Fifty-third Congress, or nearly ten years ago, was that of the gentleman to whose memory we are paying tribute to-day. From that time until his last illness our friendship was cordial and sincere. I therefore do not desire that this opportunity shall pass without adding my tribute to the character and services of the late CHARLES ADDISON RUSSELL.

In the later years of his public service I was associated with him on the Committee on Ways and Means and realize that in his death we have lost a statesman whose public and private life was ever above reproach.

His acts and motives were at all times dictated by an intense desire to do only that which was right and just, and which would reflect the greatest honor upon his State and country. He was broad minded, liberal in his views, never influenced by narrow prejudices, and in every sense a typical American, whose future was full of promise.

The death of Mr. RUSSELL was sincerely mourned by the entire people of his State. It was my privilege to attend the funeral services at his home in Connecticut, and I do not believe I ever witnessed expressions of more sincere and genuine sorrow than on that occasion, and I had an opportunity to learn of and observe the high regard and tender affection in which he was held by his neighbors and constituents.

Mr. Speaker, the world is better for his having lived, and we should all be proud to follow the upright course he pursued.

Mr. DALZELL. Mr. Speaker, I have information that there are some other gentlemen who would like to bear witness to Mr. RUSSELL'S memory, and I therefore ask unanimous consent that general leave to print be granted.

The SPEAKER pro tempore. If there be no objection, that leave will be granted.

There was no objection.

EULOGIES ON THE LATE REPRESENTATIVE SHEPPARD.

Mr. HENRY of Texas. Mr. Speaker, I offer the resolutions which I send to the Clerk's desk.

The SPEAKER pro tempore. The gentleman from Texas offers the following resolutions, which the Clerk will report.

The Clerk read as follows:

Resolved, That in pursuance of the special order heretofore adopted, the House proceed to pay tribute to the memory of Hon. JOHN L. SHEPPARD, late a member of the House of Representatives from the State of Texas.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a faithful and distinguished public servant, the House, at the conclusion of the memorial proceedings of this day, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk be, and is hereby, instructed to send a copy of these resolutions to the family of the deceased.

Mr. HENRY of Texas. Mr. Speaker—

With noiseless tread death comes on man;
No plea, no prayer, delivers him;
From amidst busy life's unfinished plan
With sudden hand it severs him;
And, ready or not ready, no delay,
For to his Judge's bar he must away.

And thus it came upon JOHN L. SHEPPARD. The death angel found him ready to meet the summons. We who mourn his going feel a sweet satisfaction in the sublime Christian faith ever cherished and continually expressed by our departed colleague.

It was perhaps my lot to know him more intimately and for a longer period of time than any other associate here. For twenty years my acquaintance with him was intimate. In every walk of life my knowledge of the man was complete. My first recollection of him was when I knew him as a strong and handsome young man just beginning the practice of the law. He was of a robust and well-rounded figure, weighing nearly 200 pounds, and I then thought him one of the most superb specimens of physical manhood I had ever seen. He was strong, handsome, intrepid, and magnetic to all who met him. One look into his manly face convinced anyone of his unswerving honesty and the dauntless courage which characterized his every deed. He was born at Bluffton, Chambers County, Ala., on April 13, 1852. In 1858, with his mother, he removed to Texas. He was educated in the common schools of Texas, and was denied the privileges of a university education. He studied law under his own tutelage and was admitted to the bar in 1879.

Within three years after he came to the bar he was elected district attorney of the fifth judicial district of Texas, in eastern Texas, where I was reared and knew him so well. His career as district attorney was an exceedingly brilliant one. I never knew a better prosecuting officer. I was admitted to the bar during his incumbency as district attorney and have been in the court room with him for days and weeks and watched him prosecute the pleas of the State. Day after day, week after week, and month after month, I have heard him announce himself ready for trial with the State's cases and proceed without the least evidence of fatigue or exhaustion. His physical strength and unflagging mental powers in that direction were marvelous. He always knew his cases, and prosecuted with zeal, justice, and vigor.

I never knew him to persecute or take an advantage of a defendant or his counsel. He scorned the abuse of place and power. He relied exclusively upon the law and the facts in every case. He resorted to no wiles or tricks. It is simple justice to him and current history of his State to say that no more successful or able prosecutor in his district ever appeared for the State. In my judgment, the court room is the great forum for eloquence. Within its walls I have heard him rise to the loftiest heights of fervid eloquence. At times he thrilled his auditors and the jury with the feelings that only the truly eloquent can arouse. His acts and record as district attorney were so characterized with fairness, justice, and mercy that at the end of his term of service as district attorney his people promoted him to the district bench. There he sat and presided with dignity and honor for eight years. It was my pleasing privilege to assist in elevating him to the bench.

His record as district judge was peculiarly able. During his eight years of service on the bench he was reversed but once, in a criminal case, by the appellate court. In this case he was not reversed on a proposition of law, but because he refused to permit a juror to impeach his verdict. Representing the State in the appellate court at the time, it was my opinion that the higher court, and not he, committed error. It is most probable that no nisi prius judge has ever equaled this conspicuous and remarkable record.

So upright and honorable was his career as a judge that he might have easily remained on the bench indefinitely. But he chose to retire voluntarily to resume the practice of the law. So acceptable were his services as an official his people would not permit him to remain in retirement. In 1898 he was elected to Congress by the Democrats of his district, and he doubtless could have remained in the House of Representatives as long as he might have desired had he been spared. But death came and removed him from these scenes and the walks of men, leaving behind as a sweet benediction to his friends and family a brilliant official service, a conspicuous professional career, and an unsullied private life.

Mr. Speaker, what more could mortals crave? The grave closed over him in honor, and we mourn our colleague here to-day and truly realize that our acquaintance with him made us better and augmented our admiration and love for our fellow-man.

Mr. Speaker, I knew him in every walk of life—as citizen, as lawyer, as district attorney, as a most just judge, as a faithful Representative in Congress, as father, as husband, as friend; and in each sphere I do no violence to truth in saying he came up to the truly ideal standard. It was my privilege to sit by him in this Congress. His religious views were known to me. He was a Christian in every sense of the word. He went to the great hereafter without a murmur and without a doubt. His life went out not as sinks the evening sun behind the western horizon, but as the morning star which melts away into the light of heaven.

Standing in the midst of the living, we know not why this untimely summons, but, with the poet, let us believe that—

We will shortly know that lengthened breath
Is not the sweetest gift God gives His friend,
And that sometimes this sable pall of death
Conceals the fairest boon His love can send.
But not to-day; then be content, sad heart.
God's plans, like lilies, pure and white, unfold;
We must not tear the close-shut leaves apart;
Time will reveal the calyxes of gold.
And if, through patient toil, we reach the land
Where tired feet, with sandals loosed, may rest,
When we shall clearly know and understand,
I think that we will say, "God knew best."

Mr. BRANTLEY. Mr. Speaker, the Angel of Death has visited the present Congress with such unusual frequency as to have almost ceased to be a stranger. Each visit, however, has made a fresh vacancy in our midst and added a new grief to those we already bore. As we meet from time to time to mourn an absent one and pay loving tribute to his memory, we are brought on each occasion to a fresh realization of the fact that to meet and mourn is all that we are given the power to do. It would not profit us to inquire as to the cause of these visitations, whether they be few or

many. The mysterious summons from the unknown world beyond comes to a colleague, and he silently obeys and takes his place with the great majority, and that is all we know. We can not lift the veil that divides time from eternity, nor can we understand the workings of an all-wise Providence. We bow in submission to that which we can not avoid, but which we believe to be the decree of Him "who doeth all things well." We do not question its wisdom, bewail as much as we may the anguish of heart and mind that it entails. How impotent and helpless stand all human agencies in the presence of the work of the dark Angel of Death! Too weak to help and too ignorant to know, humanity can only voice its despair, until the inspiration comes to turn to Him from whom came the chastening blow.

We have met to-day with bowed and submissive hearts to pay the last earthly tribute that we as a body can ever pay to the memory of our late colleague, Judge JOHN LEVI SHEPPARD, of the State of Texas, who departed this life between the time of our last adjournment and our reconvening in December.

Judge SHEPPARD first looked into the world in the State of Alabama, where he was born in 1852. Alabama did not claim him for long, however, as early in his life, when he was only about 6 years of age, his widowed mother moved to the State of Texas, and it was in this great empire, magnificent in its territory, its resources, its achievements, and its possibilities, that he grew to manhood and imbibed the large ideas and lofty inspirations that won for him the just recognition of his fellow-men. Texas, too, was the scene of his early struggles and triumphs and also of his greatest achievements, and as this great State honored him, so did he honor her in the name he builded for himself.

Strong and secure in the esteem of his fellows, it was but natural for him to be called to high and responsible places, and once called his vigorous mind and honest manhood made it easy for him to maintain himself. I speak but common repute when I say that his ability and faithfulness for six long years in the office of district attorney of his State were responsible for his being called to the higher office of district judge. He entered this latter office well equipped for its arduous duties, and so ably and impartially did he perform its labors that, upon leaving it, at the expiration of eight years of service, he had intrenched himself for all time to come in the hearts and the minds of the people whom he served.

He came as a Representative of his people to the Fifth-sixth Congress, and it was here that I was first permitted to have personal knowledge of him. He brought with him to this new office the qualities of character and of learning that make success. He had the independent and the aggressive assertion of the prosecuting attorney, directed and controlled by the calm reasoning of the judicial mind. He was possessed, too, of broadness and liberality in his views, reflecting thus the environment in which he was reared and in which all his life's battle had been fought.

Very early in his career here he demonstrated the caliber of which he was made and the high motives that impelled his conduct. His standing in the House was secure almost from the day of his entrance into it, and each day that he was here he added to the warmth of the friendship his colleagues bore him. He was not permitted to serve long enough to accomplish for his people and his country all that he had planned to do, nor did he live to witness all the beneficent results of what he did accomplish. He did live, however, to know and enjoy the confidence and esteem in which he was held here, as at home, and he died rich in the consciousness of that much achieved.

When he entered the Fifty-sixth Congress, he came among us apparently as strong in body as in mind. As I now recall him at that time, I can see no trace of weakness anywhere. I see the full-grown man, strong and robust, the picture of mental and manly vigor. I see one to whom mature years had come, but come to strengthen and adorn and not to weaken. It is thus I love best to recall him, and it is thus that he was during the life of that Congress, the period that marked the brightest and the most useful part of his Congressional career. It was during this time that he stamped his individuality upon the House, and taught us to know that in his political faith, as in all his acts and doings, he knew no higher, better word than that of duty, and that the shrine at which he worshiped most was that of loyalty to conscience and to country.

When the time came for the Fifty-sixth Congress to pass out of existence, possibly none of us suspected when the separation came that a few short months would work such serious and deadly changes in our colleague. We all remember his return to the Fifty-seventh Congress, and how concerned we were to see the unerring symptoms of the dread disease that had fastened itself upon him, and still we knew not the extent to which its ravages had then gone. His ardor had not cooled, his courage had not abated, nor was there any seeming cloud upon his intellect, but the pallor of his face and the shrinkage of his figure told the story of a strong man's undoing. For a short time after his return he earnestly strove to live up to his maxim of duty, and, neglecting nothing, he was active and alert in all matters affecting his constituency. And then came the sudden crushing attack. Without warning, he was stricken almost unto death. We were not prepared for the suddenness with which the collapse came.

Well do we remember the long and anxious waiting that followed upon this attack and how, with alternations of hope and despair, we waited while the days lapsed into weeks and the weeks grew into months, until finally the day of adjournment arrived, and still our colleague had not returned to his place among us. We adjourned, cherishing the hope, slight though it was, that in this supreme contest of his life the outcome yet might be in his favor. The hope was in vain, for the great giver of life and death had already decreed that never more should Judge SHEPPARD sit in the American Congress. The end came after we had returned to our homes, and it was there that we learned that all his long and patient suffering and all his brave and heroic fight had been without avail. When the final summons came for him to cease struggling and join the mighty hosts that had preceded him, he calmly passed away, supported and sustained by that lofty courage and sublime faith that had ever been characteristic of him.

Mr. Speaker, his memory is worthy of a better eulogy than I can utter, but in my humble effort to do some justice to it, I am consoled by the reflection that during his daily walk in life he builded for himself in the hearts of all who knew him monuments richer and more enduring than words, however beautifully spoken, can build. He was the architect of his own eulogy and when he died the work was then completed.

I knew him in the House and in the committee room, and I know something of him, too, in his social and family life, and all that I knew of him was good. In all his relations, as husband, father, citizen, and statesman, to know was to admire him, and to think of him now is to mourn his absence.

His clear and analytical mind, his vast store of useful knowledge, the high standard by which he measured things, and his intense loyalty made him the useful and forceful legislator that he was, and made him a factor for good and for usefulness wherever he chanced to be. His kind and sympathetic disposition, his loving and affectionate nature, and his comprehensive grasp of the great purpose of life, made him an ideal husband and father and a friend to be cherished and ever remembered.

Truly he was well equipped to make the journey of life, and so well did he deport himself on this but once to be made journey that wherever he tarried he left an impression that is now a benediction, and all with whom he traveled now mourn and lament the comrade they have lost.

His sage advice and cheering words and the inspiration of his courage are closed to us forever, but we are rich in their remembrance. We deplore his absence and grieve that he is away, and yet we remember that not only does death come to all, but that—

> Death's but a path that must be trod,
> If man would ever pass to God.

He has but trod the path that stretches out before all mankind, and passed into the radiant presence of the everlasting God.

Mr. BALL of Texas. Mr. Speaker, Alabama has contributed in generous measure toward the citizenship of the Commonwealth of Texas, but she never gave to us a truer or nobler son than my friend, the late Representative from Texas, JOHN L. SHEPPARD.

It is with some degree of diffidence that I rise to pay a feeble tribute to his memory. Were I to say all that is in my heart, I might give offense to his memory; because, to a man like him, whose greatest attribute was that of modest worth, anything which might appear fulsome would be offensive. And yet, cherishing his memory as I do, and loving him as I did when alive, I would not be just to myself if I did not attempt to say something on this memorial occasion.

JOHN L. SHEPPARD was essentially a man of the plain people. He came to Texas with his widowed mother when only 6 years of age. He knew what it was to be acquainted with poverty, to struggle, and to touch with bare feet the plowed as well as the unplowed ground. He had no advantages of education, save such as he acquired by his own indomitable will, impelled by a laudable ambition to stand out among his fellowmen. The only education he received, save such as came to him from research or reading, was in the common schools, and that not during sessions like unto those now afforded by the splendid public school system that has been established in our State, but only at odd times, between the laying by of the crops and the gathering of the harvest. Small wonder then, with such experience, that throughout his after life, when great honors had come to him, he still maintained a close and affectionate appreciation of that great class of our people who earn their living by the "sweat of their brow."

"As in water, face appeareth unto face, so the heart of man unto man," and his great heart always beat in unison with those

who like him knew what it was to suffer hardship, privation, and disappointment.

Cherishing an ambition for higher things, the limitation upon his efforts, imposed by necessity, so retarded him that he was almost, if not quite, 28 years of age when he obtained admission to the bar and began the practice of his chosen profession, the law. He was soon thereafter elected to his first office. Opportunity came and knocked at his door, and he became the district attorney of his district; and as has been so well said by my colleague, Mr. HENRY of Texas, who had the privilege of knowing him longer than I, no more fearless, vigorous, and yet fairer prosecuting attorney ever stood up for the majesty of the law in the Lone Star State. No man of such high estate, if he violated the law, but that all the energies and efforts of our dead friend were brought to bear to make him subject to the law. Nor was there any so humble, no citizen of such lowly estate but that he could rest secure in the faith that so long as JOHN L. SHEPPARD was the representative of the State all the constitutional safeguards intended to encompass the liberty of the citizen would be thrown about him.

From this position he rose to that of district judge, and as such, by his firm and impartial discharge of duty and his clear conception of law and equity, he made a record perhaps unequaled in the history of the judiciary of our State. After six years' service as district attorney and eight years as district judge, he retired to the practice of his profession. Two years afterwards he came, where his ambition long pointed, as the representative of his people in the halls of Congress. His record here is known to you all. Faithful in attendance upon the sessions of the House, zealous in looking after the interests of his constituents, intelligent and capable in the discharge of his every duty, he won the respect and confidence of the membership of this body, and endeared himself by stronger ties to his constituents at home. And then, in the very zenith of his usefulness, in the full possession of his matured intellectual faculties, with apparently a long career of effective service before him, when only 50 years of age, he was cut down.

I remember the last time our friend's voice was raised in this Hall, scarcely a week before he was stricken. He then rose in the seat before me to deliver a eulogy upon the life and character of his dead colleague, Robert Emmet Burke, who, like himself, was a native of the State of Alabama. Less than a week after that, on Saturday evening, he was before the Committee on Rivers and Harbors, of which I am a member, urging the interests of the district which he represented. Already the "bat-like wings of death" were hovering about him, marking him for its own, and yet he stood up and clearly and intelligently pressed upon our committee the interests to which he was "faithful unto death." The next day the news came that he was stricken and that there was but little hope of his ultimate recovery. When the tidings came to this House, I recall how anxiously the membership inquired about him, and with what feelings of sympathy and of sorrow the announcement of his almost hopeless condition was received by everyone in this House—members, officials, employees, and all who had had the privilege of knowing this lovable man.

Mr. Speaker, when we have passed the springtime and the summer of life, and the autumn, with its sere and yellow leaf, and then the winter, and when three score years and ten have whitened the hair and furrowed the brow, we can reconcile ourselves in some degree to the approach of the dread messenger who lays all men low. But when a man like Judge SHEPPARD has reached a position where enlarged opportunities for usefulness spread out before him, when more capable than at any time in his life of rendering further and yet more distinguished service to his State and people, and Death knocks at the door of such a man, it almost challenges our faith to be able to say, "He doeth all things well." And yet, Mr. Speaker, if we deny ourselves that submissive faith, that hope, the consciousness of a better world yet to come, there would be nothing left in life to spur us on to higher endeavor.

Mr. Speaker, it is with reluctance that I invade the inner circle of his life and speak of his family associations; and yet, why should I hesitate to do so? No more beautiful exemplification of an ideal home life could be found in the history of any man. The tenderness, the sweetness, the devotion which characterized his relations to wife and children, who were as devoted to him as he was devoted to them, will always remain as a sacred consolation to the survivors of his family. When he was stricken and his family gathered around his bedside here in this city, a devotion such as I have never seen surpassed was exhibited, and when in that struggle for life, because he was not willing then to die, nor were his family willing to give him up, some of his loved ones were always with him as he went from place to place in search of some restorative or climate to combat the grim reaper who was slowly drawing him closer and closer into his deadly embrace. But the struggle was hopeless, and when at last he was laid at rest by loving friends who had the privilege—which was denied to me, being upon a sick bed at the time and unable to attend—I am told that no such concourse and outpouring of the people was ever had in all the history of that section of country as came to pay the last tribute of respect beside the bier and at the grave of our departed friend. I am sure that had he known what substantial evidences of appreciation were to follow, his dying moments would have been greatly cheered and comforted.

I know from close personal relations with him how devotedly he was attached to his eldest son, now his successor, and what pride he took in his achievements and prospects. Having been denied the privilege of educational advantages himself, except in a limited degree, how joyous and grateful he was when that son achieved distinction at the University of Texas and at Yale; and, Mr. Speaker, if the veil that parts us from the invisible world could be drawn aside, we know that we should see him looking down upon people whom he had so long and faithfully served, pronouncing a benediction on them for their action in sending that son by a phenomenal majority to worthily fill the place vacated by his death. It was a great tribute to that son, and it is also the greatest tribute that could have been paid by his people to the memory of JOHN L. SHEPPARD.

Our friend is dead, and yet he did not live and die in vain. While apparently there should have been many years of usefulness in store for him, and it is hard for us to reconcile ourselves to his removal from our midst, yet may we not find some comfort in the thought that the force of his example, the integrity of his life, his splendid devotion to his watchword, "duty," finding always satisfaction in service and sacrifice, will abide with us always as a legacy that may be increased by following in his footsteps.

To his loved ones we can only say in the language of the Master, "let not your heart be troubled," for has He not also said, "I will not leave you comfortless."

We know by that faith which abounds in the breast of every rational man that when the time comes, and we shall also stand on the brink of the dark river and the icy waters of death begin to break about our reluctant feet, we shall stand not as those without hope, but straining our vision across the murky water, we may hope and believe that we shall see and know him there as we saw and knew him here. To family and to friends I would say take "heart of hope," for "beyond the sunset's radiant glow" we shall yet stretch out our hands and reach the grasp of his hand, which never touched ours except with the clasp of friendship and fidelity, and look again into that calm, steady eye that never quailed in the presence of danger, but was ofttimes bedewed and humid with love and sympathy when the sorrow of others called brave men such as he to exhibit those crowning graces.

Words are powerless to express the deep regret that animates my heart by reason of the untimely taking-off of my friend. If I have been unable to express adequately the appreciation and affection that I had for him living, it is but the feebleness of speech and not lack of a heartfelt sorrow, which would fain give utterance to the wealth of affectionate regard in my heart for him who is "not dead, but gone before."

Mr. RANDELL. Mr. Speaker, on this memorial occasion our hearts are burdened with sorrow, moved by sympathy and love and buoyed with hope. Sorrow at the loss of our colleagues, sympathy for their trials and labors, love for their virtues, and hope inspiring our souls with the belief that their achievements will contribute to the uplifting of humanity, and that our bereavement is but temporary—incident only to a transition into a broader and higher sphere.

To portray the life and character of the kind, sympathetic, brave, generous, big-hearted DE GRAFFENREID has been assigned to others. To say (in addition to the more extended remarks of others) a few words concerning the Hon. JOHN L. SHEPPARD is a privilege accorded to me.

Judge SHEPPARD was my friend. In every walk of life he came up to the full standard of a manly man.

As a friend, he was true; as an associate, pleasant and affable; as a worker, serious, dilligent, and devoted to duty. Representing the people, he labored for their interests. Profound in thought, earnest in conviction, he led, rather than followed, the popular thought, but yielded loyally to the will of the people and his party on declared principles and policies. He was a thorough Democrat, a devoted Texan, a lover of the South, an enthusiastic, patriotic American, whose heart glowed with love for the human race and burned with desire for its advancement.

It was my privilege to work with him during his last labors, and it is my pride and pleasure to record his tireless energy and unswerving fidelity.

A few hours before he was stricken down by disease I accompanied him on a hearing before the Rivers and Harbors Committee, where he zealously and ably advocated the improvement and navigation of Red River. His work has done much to accomplish the end he so earnestly desired.

He has been compared to the gnarled oak that in its rugged strength had withstood the fury of the storm, yet bore evidence of its ruthless power. The figure is good. By untiring effort, sterling worth, and lofty purpose he rose from humble obscurity to the proud position of representative and leader of his people. The record of his life proves the assertion that "Genius is work, work, work!" But this sturdy scion of a mighty race did not stand alone. The clinging vines of family ties it cherished and supported wrapped their arms about and covered with verdure and bloom the scars of toil and conflict.

JOHN L. SHEPPARD was indeed "a family man." True and tender to wife and children, blessed and happy at home, he carried the inspiration of his hearthstone into public life, intensifying and consecrating his work.

He is with us no more, but his influence remains, an ever-present help. "He rests from his labors and his works do follow him." He is not dead; he is only removed from his work among mortals to the higher and boundless glories of immortality. May He who "doeth all things well" give to the bereaved family consolation and that "peace that passeth all understanding"

As the mantle of Elijah, at his translation, fell upon the shoulders of Elisha, so may the mantle of our departed colleague fall upon his son and successor, consecrating his life and labors to usefulness and honor.

Mr. BURLESON. Mr. Speaker, I hold in my hand a copy of a sermon delivered by Rev. D. F. C. Timmons, A. M., pastor of the State Line Methodist Episcopal Church South, at Texarkana, Tex., of which church Congressman JOHN L. SHEPPARD was an honored member. I ask unanimous consent that that sermon may be printed in the RECORD as a part of these proceedings.

There was no objection.

The sermon above referred to is as follows:

Rev. D. F. C. Timmons, A. M., pastor of State Line Methodist Episcopal Church South, Texarkana, Tex., spoke as follows:

My friends, were I to announce a text illustrative of the character of our deceased brother, it would be this: "Well done, thou good and faithful servant." Matthew xxv, 21.

It was a saying of Callimachus "'Tis ever wrong to say a good man dies," and why should we announce this afternoon that Hon. JOHN L. SHEPPARD, our friend and brother, is dead? He was a good man, and God's finger touched him and he sleeps. He is not dead. The body—that noble form which God gave him—is indeed dead, and no more in this life may we again see the manifestations of his great soul in faith and love, and the activity of his strong and powerful intellect in thought and deed.

Hence we gather together in these memorial exercises to do honor to him who has done so much for us, and to cultivate the fond hope that his noble deeds for God and home and country will continue to linger in hallowed influence about us, as the stars of evening continue to shine over the place where the sun goes down. It has ever been the sacred custom of a noble people to hold in loving memory their illustrious dead. When Moses, the great lawgiver of Israel, died on Pisgah's top, for thirty days the children of Jacob mourned and wept, and afterwards they moved forward to their Canaan's home. There are times when communities and individuals and the whole land are called upon to stand with bowed heads in one common sorrow. To-day our great Commonwealth bows her head in solemn grief. Her sister States have flashed along the wires their warmest and tenderest sympathies.

And why do we all thus mourn? Because Texas has lost one of her noblest sons, one of her distinguished men, a strong and powerful statesman. The manly form of the Hon. JOHN L. SHEPPARD has passed behind the veil, to be seen no more in this life. His able pleadings in the court room will be heard no more, his eloquent and stirring appeals to his people will be heard no more, his wise and able counsel at the Capitol of our nation and his splendid abilities as a Congressman have ceased forever. And his constituency, as the voice of one man, exclaims, "Well done, good and faithful servant!"

But while this is sadly true, it is with special delight that we say to this vast audience that the pure sweet religion of the Lord Jesus Christ claims the illustrious man whose death we so deeply deplore and whose fair name we all delight to honor. It is a peculiarity of the Christian religion that she is willing for the plaudits of tongues, and the highest eulogies of friends shall be heard, but still she reserves to herself the sacred privilege to say the last and best words about the distinguished statesman and her noble son.

The fame she gives him transcends the fretted, earthy sphere, where all human renown is spent, and widens over the vast expanse where angels enjoy glory, honor, and immortality. Faith with godly jealousy will be ever jealous of the luster that will glow around his name as a citizen and as a statesman and a Christian gentleman. For while he served his country, blessed and loved his home, he recognized the Scriptures of all truth and God as the author of these truths, and he studied to know the one and carefully to do honor and homage to the other. On Saturday morning, October 11, 1902—

> The black camel, Death, stood suddenly at his door,
> And he mounted at once, to return nevermore.

The silver cord was loosed, the golden bowl was broken, the pitcher was broken at the fountain, and the wheel broken at the cistern, and the dust returned unto the earth as it was, and the spirit returned unto God who gave it.

Hon. JOHN LEVI SHEPPARD was born April 13, 1852, in Chambers County, Ala. He came to Texas in 1858, studied law, and began its practice in 1879; was elected district attorney of the fifth judicial district in 1882, held this office for six consecutive years, and in 1888 he was elected district judge and held this position for eight years. The record he made as district attorney and judge is one of unusual merit. He was elected to the Fifty-sixth Congress and reelected to the Fifty-seventh Congress and was nominee of his party for reelection when death came.

Mr. SHEPPARD was a member of the Methodist Episcopal Church South. He was true, tried, and unfaltering in his faith. It should be an inspiration to the splendid youth of our great West, indeed to our whole nation, to know that our country is Christian; it is not infidel, and it never can be so until it suffers subversion from the foundation stone. The great Webster spoke truly when he said, "Christianity is the common law of the United States." Happy are that people whose lawmakers and rulers are righteous men; happy are that people whose leading men avouch the Lord to be their God.

It is a cheering reflection that this stalwart statesman, during all his private and public life, stood ever ready modestly to announce his faith in the Christian religion and when necessary firmly to maintain it. During his last fatal illness he was calm, patient, hopeful, trusting in God. He remembered the tragical sufferings of Jesus Christ, his Lord and Master, and did not draw back from its logical purpose. He called to mind that the Son of Man suffered for the good of men, and the disciple could not be above his Lord. He was willing for God to have his own way. His faith grasped the thought that God reigns, and what he wills is best.

Surely no other trust in God can bring peace to the mind of man less than this great faith in Providence, and this resignation to the will of God leaves us to suffer all the pangs of uncertainty and to fret away existence until the shock of death bursts on our startled souls and reveals to us the stern realities of the eternal world. From whatever standpoint we look at this noble life, we discover excellence. As a citizen he was faithful to duty, and being honored by his people he felt the trust was sacred and his efforts were well-nigh supreme to meet every expectancy.

He did not disappoint the splendid citizenry that composed the district he represented. In social life he was affable, generous, thoughtful, and great-hearted. In his home he was kind, devoted, manly—at once the husband, the father, and the gentle companion. As an evidence of this look at the vast concourse of citizens that to-day weep around his bier; look at the splendid family that sit here weeping and do him honor. These strong young men, these queenly daughters, this devoted wife, all announce the splendor of the character of the man called husband and father.

This illustrious statesman, as we discover, was not confined to a small section of our great country, but Texas in her greatness and our nation in her magnitude forget party lines, and all, of whatever political faith, unite in sadness and sorrow and love as we gather around the new-made grave and tenderly lay away the lifeless body that once contained a great and noble soul. My friends, the shadow of death has thus fallen upon a happy home, a sorrowing Commonwealth, a great nation, and a consecrated and soul-inspiring church. It is just and due that the flag of our country should infold his casket or hang at half-mast, the evidence of a country's real grief. But why indulge in words of sorrow? He is not dead, but sleepeth; and one day we hope to see him again. And now we say farewell—but not forever—golden-hearted friend, patriot, husband, father, and Christian brother.

Mr. FEELY. Mr. Speaker, when a member of this honorable body approaches for the first time his duty, it is with a feeling of the strongest appreciation of his responsibilities, with an almost awe-inspiring conception of his own littleness. He looks about him; the history of this Chamber flashes through his mind; the victories accomplished, the defeats suffered, the causes lost and won in this arena pass before him in one grand panorama as he sits waiting for the call of his name. He steps before the bar of the House. He takes the oath, so solemn, so awful, so sanctifying. His blood is stirred.

He takes his seat, and then, grasped in the vise-like arms of

responsibility, his spirit struggles and writhes in restraint. Achievement he must have; success must be his. Accomplishment he must attain. His path is unbroken; his feet become entangled in what seems to him a labyrinth of precedent and policy. Competition is at the right of him, competition at the left of him, competition in front of him, raising hurdles to test his agility. His constituency behind him, proud and hopeful, but anxious and expectant, forbid even a restful glance to the rearward. Onward as he fights he feels the shackles of discipline grind into his flesh, and his feet stumble as the meshes of inexperience become more appreciable.

Just when the light grows dim, just when despair is driving courage from the battlements of hope, just as appears "the darkest hour"—which the poet say "is the hour before dawning"—some kind spirit approaches, some battle-scarred hero of the field of legislation steps up, grasps and stays the trembling, falling hand that bears the standard, whispers into the despairing ear the strong, kind word of encouragement, cuts the Gordian knot, fires anew the spirit of the struggler, shows the way to victory and success.

Mr. Speaker, at such a period in my Congressional life JOHN L. SHEPPARD appeared. His penetrating intellect instantly appreciated my predicament, his long and varied professional, judicial, and legislative experience enabled him to make a positively practical and correct diagnosis. His broad humanity, his innate kindliness of spirit, his charitable heart prompted him to extend a helping hand.

As time passed I came to know Mr. SHEPPARD, to appreciate his greatness, to appreciate the force of his great influence, to understand the remarkable affection which his constituency had for him. How well do I remember the sadness which pervaded this Chamber when news of his sudden illness began to be whispered about; with what reverential awe each member seemed to contemplate the possibility of his loss to this body. During the long, anxious months of his last illness, members constantly made inquiry for advice as to his condition, and when the news of his sad demise came to the members, scattered about as they were throughout the country, their thoughts of him must have been akin to those entertained by the Empress Josephine of herself, when, as she lay upon her deathbed surrounded by those near and dear to her, waiting for the moment of dissolution, she requested that a picture of Napoleon be placed where she could view it, and said to those about her: "At least I die regretted. I have always desired the happiness of France, and have done everything in my power to promote it. I may say with truth in the presence of you all who attend my dying moments that the first wife of Napoleon never caused a tear to flow."

JOHN L. SHEPPARD was proud without arrogance. He used a giant's force with gentleness. With a courage mighty he would "Dare do all that doth become a man." Refinement was in every line of his countenance, and a forbearing charity marked all of his acts.

In Pericles, Prince of Tyre, we hear Shakespeare's Marina speak to those who would deceive her, betray her, and deliver her to the pirates, lines which may well be quoted here:

> I never spake bad word, nor did ill turn
> To any living creature; believe me, la,
> I never kill'd a mouse, nor hurt a fly;
> I trod upon a worm against my will,
> But I wept for it.

Mr. Speaker, JOHN L. SHEPPARD left behind him a constituency that loved him with cause. They knew his loss. The House and the country felt his loss. The example of uprightness, integrity, and manhood which he erected for himself will be a monument more lasting than "marble or the gilded monuments of princes."

Mr. HENRY of Texas. Mr. Speaker, it was the intention of my colleague from Texas, Mr. COOPER, to be here to-day to offer the resolutions and participate in the memorial services with reference to our late colleague, Mr. SHEPPARD; but, on account of indisposition, he is not able to be present. He has desired me to request specially that he be permitted to print remarks in the RECORD.

There being no objection, leave was granted.

EULOGIES ON THE LATE REPRESENTATIVE DE GRAFFENREID.

Mr. RUSSELL. Mr. Speaker, I offer the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That in pursuance of the special order heretofore adopted that the House proceed to pay tribute to the memory of Hon. REESE C. DE GRAFFENREID, late a member of the House of Representatives from the State of Texas.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a faithful and distinguished public servant, the House at the conclusion of the memorial proceedings of this day shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk be, and is hereby, instructed to send a copy of these resolutions to the family of the deceased.

Mr. RUSSELL. Mr. Speaker, the afflicting hand of Divine Providence has been heavily laid upon the delegation from Texas in the United States Congress since its last session. REESE C. DE GRAFFENREID and JOHN L. SHEPPARD have "embarked on that mysterious sea that never yet has borne on any wave the image of a returning sail." I knew each of these gentlemen for a number of years, and my relations with them were always cordial and friendly.

Mr. DE GRAFFENREID was my immediate predecessor in this body, and what I shall say on this solemn occasion will be concerning his life and character.

Before passing to that sad duty, however, let me yield to the personal inclination to say of Mr. SHEPPARD that I knew him as a prosecuting attorney, as a district judge, and afterwards as a practicing lawyer visiting the various courts of the State. He came up to the full measure in each of these stations, and he discharged his public duties with marked ability and unquestioned fidelity. It can be said of him with perfect truth that he was a just and upright judge. No higher eulogium can be pronounced on any civic career, for the conscious rectitude of a just and upright judge is better than the sceptered majesty of an hundred kings.

REESE C. DE GRAFFENREID was born in the State of Tennessee in the year 1859, and was a member of a distinguished family of that State, so rich in historic names.

The imperial Commonwealth of Texas is indebted to the sons of Tennessee for some of the most resplendent pages of the most heroic history that ever garlanded with glory the records of any people. From Tennessee came Davy Crockett, one of the immortal heroes of the Alamo, and George C. Childress, the author of the declaration of Texas' independence, and John A. Wharton and James W. Throckmorton and Ben McCullough and John H. Reagan, that grand old man whose fullness of years has not prevented him keeping abreast with the times and who is to-day the brilliant link which connects the splendid progress of the new South with the splendid civilization of the old régime.

Mr. DE GRAFFENREID attended the academic schools at Franklin, and subsequently graduated at the University of Tennessee at the age of 19 years. One year thereafter he received a diploma from the school of law at Lebanon and began at once the practice of his chosen profession at Franklin. These facts evidenced the precocity of his mind and gave early assurance of a future distinguished career. Shortly after graduating from the Lebanon school Mr. DE GRAFFENREID removed from Franklin to the city of Chattanooga, where he practiced law for one year, and then went to Texas, in which State he continuously thereafter resided. In the year 1883 Mr. DE GRAFFENREID began the practice of law at Longview, Tex., where his superior ability at once attracted a large clientage.

He was elected county attorney of Gregg County, and in 1888 was chosen Presidential elector on the Democratic ticket and made a brilliant campaign for the principles and candidates of his party. In 1896 he was elected from the Third Congressional district of Texas to the Fifty-fifth Congress. In 1898 he was returned without opposition to the Fifty-sixth Congress and was reelected in 1900 as a member of the Fifty-seventh Congress. He died at the city of Washington on the 30th day of August, 1902. These dates mark the limits and some of the prominent features in the career of the distinguished Representative in honor of whose memory we are now assembled.

Mr. Speaker, the death of no one who I can call to mind more forcibly emphasizes the uncertain and precarious tenure we have on life. Of stalwart and robust frame, of exceptional physical strength, in the full pulse and glow of magnificent health, he was suddenly beckoned by the grim destroyer.

I shall never forget the sensations which shocked me when I received the news of the death of Mr. DE GRAFFENREID. I did not then realize, and I doubt if any of us have yet realized, that this superb specimen of manhood was no more. Truly, his death has taught us that "there is nothing earthly certain but uncertainty."

Mr. DE GRAFFENREID was a college-bred man and had the advantages of a liberal education. His mind was a rich storehouse of poetry and mythology and history, from which he freely drew to illustrate and adorn the discourses and arguments which I have heard him deliver on the hustings and at the bar.

For four years I was prosecuting attorney in the district which included the county in which he lived. He enjoyed a very large practice, both civil and criminal, and was exceptionally fortunate in securing verdicts. He and I were frequently opposed in the trial of causes in the courts. In the management of his cases he was keen, alert, and possessed of rare tact and judgment, and in presenting his side of the issues, either to the court or the jury, he was resourceful, persuasive, and eloquent.

As a political debater he was impetuous and forcible, full of ideas, and never halting for the most beautiful language in which to clothe them. Indeed, his graces and gifts of oratory admirably equipped him for the discussion of public questions and

rendered him a valuable champion and dangerous antagonist in the arena of forensic contest.

It was my fortune to oppose him for the Democratic nomination for Congress last year. The contest was a spirited one. It began in April and lasted until the middle of June. We often met in joint debate, and I recall now with sincere pleasure that neither of us ever forgot the courtesies and amenities which always exist between gentlemen, and neither of us did anything which tended to destroy the friendship which subsisted between us.

There were blows received and delivered by each of us, but no wound was inflicted which time would not have quickly healed, and I have no reason to doubt but that the contest closed with each of us possessing the respect and esteem of the other.

Mr. DE GRAFFENREID was a man of more than ordinary personal magnetism. I know of no one in the Congressional district which he represented who had a larger or more devoted personal following. His disposition was affectionate and his manners were gracious, without the semblance of being patronizing, and few were insensible to the influences which fell on all who came "within the charmed circle of his presence."

I saw the body of REESE C. DE GRAFFENREID laid to rest in the beautiful cemetery of the little city of Longview, where he lived and was loved. The houses of business were closed, the schools were suspended, and the sable evidences of grief were everywhere displayed. An immense concourse of people, not only from his own place of residence but from the surrounding counties, drawn from every class and condition of life were there, bringing tokens of affection in the shape of lovely flowers. His friends and neighbors bore cheerful testimony in the shape of brief public addresses to the esteem in which he was held, and the sincere grief which was everywhere manifested was an indubitable evidence of his universal popularity and of the strong hold which he had upon the affections of the people.

One of the most beautiful traits in Mr. DE GRAFFENREID'S character and one which always excited my admiration was his affectionate regard for little children. Providence had not blessed his home with childhood's happy laughter, and he seemed to lavish his love upon the children of others. It was a pleasing spectacle to see this strong and stalwart man with some little child upon his lap going into its childish joys and sports with keenest zest, or endeavoring to soothe its childish troubles with tenderest sympathy.

Mr. Speaker, of his career in this body I leave his colleagues who served with him to speak, and I will conclude my tribute to his memory by saying that he was an accomplished lawyer and eloquent advocate at the bar, an adroit and forceful debater on the hustings, a loyal and unflinching friend, and a devoted and affectionate husband.

Mr. STEPHENS of Texas. Mr. Speaker, the House of Representatives is asked to render its last tribute of respect, of honor, and sorrow to the memory of REESE CALHOUN DE GRAFFENREID, late a member of this House from Texas. To-day his associates on this floor are assembled to place on the everliving annals of this House the record of their respect and admiration for his many manly virtues.

These everliving annals is the casket in which is stored many bright gems of the genius, learning, and eloquence of the departed great men who have been members of this House; they have thus left behind them an undying inheritance for our study, our emulation, our instruction, and our encouragement to renewed efforts to elevate our race and to assist the lowly and humble to a higher plane of life, and, above all, to teach us that there is a life beyond, a life of joy and brightness, if we will but improve and unfold the moral attributes that an All-wise Being has implanted within us, and we will be comforted by this course in after years. What more comforting thought can come to the bereaved wife of our departed friend than the thought that her love, care, and devotion brightened the life of her husband and wisely stimulated his laudable ambition to benefit mankind.

Mr. Speaker, it was my privilege to become a member of this House at the same time as my deceased friend, Mr. DE GRAFFENREID; and coming from the same State, belonging to the same political party, and having graduated from the same law school, we soon became the best of friends. I take the following sketch of our deceased friend's life from the Congressional Directory:

REESE CALHOUN DE GRAFFENREID, Democrat, of Longview, was born in Franklin, Tenn., in the year 1859; attended the academic school of that place until 13 years old, and then went to the University of Tennessee and graduated after taking the four-years' course, at the age of 19; graduated from the Lebanon Law School at the age of 20; a graduate of the Lebanon Law School having the right to practice law before majority, he commenced the law practice immediately at Franklin; removed to Chattanooga, where he practiced law for one year, and then removed to Texas; helped to build the Texas and Pacific Railway, and afterwards was assistant fuel agent and brakeman on that road; in 1883 resumed the practice of his profession at Longview, Tex.; was elected county attorney and resigned two months afterwards; in 1888 was elector on the Democratic ticket; made the race for Congress in 1890 with Hon. C. B. Kilgore and ex-Governor Hubbard as opponents and was beaten; was elected to the Fifty-fifth Congress, and was re-elected to the Fifty-sixth and Fifty-seventh Congresses.

Death, indeed, is no respecter of persons, and is always an unbidden guest. Four times in as many years this unwelcome visitor has, unbidden, entered the ranks of the Texas Congressional delegation, composed of only thirteen members, and Cranford, Burke, SHEPPARD, and DE GRAFFENREID have been called to the other shore. Let us have faith to believe that these, our late Congressional comrades and friends, are not swallowed up in death, but that they now dwell beneath the loving smiles of that Divine Power who gave them life and made them mortal.

When the Mohammedan, at the setting of the sun, kneels down in prayer, his utterances are inaudible, and when we think of our departed comrades as we do to-day, we, too, silently contemplate the time when we also must pass over the dark and shadowy river and rest under the shade of the trees beyond.

Let the wild Texas flowers be their tombstone,
And dewdrops, pure and bright,
Their epitaph, the angels wrote
In the stillness of the night.

We need no slab of pallid marble,
With white and ghostly head,
To tell the wanderers in our Texas vales
The virtues of our dead.

Our friends and colleagues can never more return to the shores of time. Their voices are stilled forever, but let us profit by the influences for good that they have left behind them, so that their noble qualities of mind and heart may not be lost, but may linger with us like the perfume of sweet flowers even when we have long parted from them.

The sudden death of Mr. DE GRAFFENREID was a shock to his constituency and to the House, and a personal bereavement to his family and colleagues. He seemed to have a premonition of approaching death; in one of the last conversations I had with him I congratulated him on his splendid physique and excellent health. He seriously replied, "You will live much longer than I; in fact, I do not think that I shall live long; there is something wrong in here," placing his hand on his heart. We soon parted, and not until I received the telegram telling of his death from heart failure did I fully realize the cause of his gloomy forebodings and great seriousness.

The following essay was written by our deceased friend and printed since his death by Mr. Will L. Sargent, a friend who knew him and honored him for his many manly qualities. This essay more than anything I could say gives us an insight to the inner nature of Mr. DE GRAFFENREID and shows what he himself conceived to be his duty to himself and mankind. He said in part:

Each one must act his part and receive his portion of honor or shame. And it matters not whether we labor in the departments of agriculture, speed our influence in political circles, or exert our energies in scientific researches, we do well to bear in mind that the brightest rewards and highest pleasures which mortals know is a consciousness of duty performed, and that the noblest encomium is the approval of our own conscience. To gain the indorsement of this, the highest impulse of our nature, is to attain the acme of all human greatness.

In order to accomplish this in such a way as to produce the greatest amount of happiness, both to ourselves and to our fellow-men, it is by no means incumbent upon us to attack some favored theory or seek to demolish some doctrine of long and reputable standing; nor is it necessary that we institute and promulgate vain and delusive dogmas, by which the unthinking populace are intoxicated and whirled into giddy dance beyond the influence of the few who investigate with prayer and with the philosophy of reason and morality.

Whether it is ours to command or obey; to walk in the gilded halls and marble palaces of wealth, or to dwell in the peasant's humble cottage, we should ever be ready to lend an ear to that still, small voice which says, "Let your light shine and let not that light be darkness."

Mr. KLEBERG. Mr. Speaker, I do not believe in empty panegyric at any time, and what I may say upon this solemn occasion is prompted by a sincere purpose to perform a sad duty to one whom I admired for his many manly qualities and his warm friendship. R. C. DE GRAFFENREID was a man of sterling integrity and of unflinching loyalty, both as applied to principles and men. He neither faltered in his convictions nor in his friendship; you would always find him true to both—true as the needle to the pole. His heart was large as the man, and whenever he took you in his confidence and you gave your confidence in return, you could feel sure that your trust was never betrayed.

Impulsive and dashing in his antagonisms, he was yet knightly and generous toward those who crossed his purposes whenever they appealed to his sense of honor and fairness. Never vindictive, though always ready to accept a challenge to open combat, he struck straight from the shoulder and never wore a rusty blade or aimed a foul blow. His nature was manly, candid, and brave; his aims direct, lofty, and pure. Under his rough exterior there beat a heart full of love and kindness, and he would go out of his way to do a friend a favor.

He loved and served faithfully the great people who honored him with their suffrage and was always mindful of the public trust

with which they had clothed him in this great legislative assembly. He was patriotic and high minded and thoroughly imbued with love of country and a sense of civic duty; painstaking and untiring in his efforts to serve his constituents and prompt in the discharge of his official duties. In his death the country has lost a faithful servant, his State a noble son, and his many friends a loyal friend, and as we deplore the death of our colleague in this solemn hour, let us invoke the blessings and the protection of a kind Providence to hover over her who is left alone to mourn the loss of a beloved husband.

Mr. BALL of Texas. Mr. Speaker, my colleague, Mr. BURGESS, who has been unavoidably called to his home in Texas, has prepared a eulogy, which I shall ask leave to print in the RECORD. In this connection I will also say that there are a number of gentlemen who desired to deliver eulogies in honor of the memory of both Judge SHEPPARD and Mr. DE GRAFFENREID. I ask general leave that they may be permitted to publish their remarks.

There being no objection, leave was granted.

Mr. BURGESS. Mr. Speaker, in the prime of a splendid manhood REESE CALHOUN DE GRAFFENREID was suddenly called into the great beyond. In life he was my true and loyal friend. And much as I dislike to speak of death, I feel constrained by the deep affection we bore each other to offer my feeble tribute to his memory. His death was pathetic. Comparatively a young man, in full possession of fine mental faculties and an extraordinary physique, far from home and friends, this man, who loved all these so fervently, was suddenly seized by the icy, relentless hand of Death, and without opportunity for a parting hand-grasp from friends, or a single tender word from his dear wife, in a moment he was hurried to "that bourne from which no traveler returns."

The physician summoned to his bedside found his spirit fled beyond the power of earthly medicine into the presence of the Great Physician. It was a distinct, sudden shock to his family, and friends whose name is legion. "De," as he was commonly and familiarly called by his friends, was a lawyer of fine ability, especially strong as a jury lawyer, by reason of his mastery of the facts of his case, his logic and eloquence, and, perhaps more than all, his touch with men. His was a fine brain, rich in native force and quickness. In politics he was known as a fighter who in all matters of principle asked no quarter and gave none. As the great Ingersoll said of the greater Conkling, "He walked the highway of his own will, and he kept the company of his self-respect."

He was an honest man, in whose soul lurked not the shadow of a lie; a patriot whose love of country permeated every fiber of his being; a public servant loyal to every trust; a man of clear convictions, and of that greater trait, the courage of them. In thought and feeling he was democratic in the broadest and best sense; inately a gentleman, not so much by the outward polish of this world, but by the gift of God; one whose tenderness toward all mankind suggests the beautiful lines:

Nature, with a lavish hand,
Sends forth her nobly born,
And laughs the paltry attributes
Of wealth and rank to scorn.
She molds with care a spirit rare,
Half human, half divine,
And cries, exulting, "Who can make
A gentleman like mine?"

All along through life, in private and in public, friends sprang up on every side. Here in this Capitol by his fellow-members he was beloved personally; with all the employees of the House he was popular; and that body of brainy men which constitute the molders of thought largely in this country, the press boys, all liked him. In fact, it may be almost said that friendship was this man's religion and that he worshiped at its shrine with an unfaltering devotion. Loyalty to his friends, whether in prosperity or in adversity, seems to have been the law of his being. He was ever responsive to this law, and few men, if any, were more generous in their friendships than this noble heart who sleeps his last sleep.

He had a heart as true and tender as a woman's; it overflowed with love for children, for the true and beautiful in every avenue of life. In sadness I have uttered these truths about my dead friend. I trust that as the light of a quenched star comes down to us for years after it is extinguished, so may the memory of his noble heart linger in sweetness forever in the hearts of his friends.

Mr. HENRY of Texas. Mr. Speaker, I now ask that the three series of pending resolutions be adopted.

The question being taken, the resolutions were unanimously adopted.

The SPEAKER pro tempore (at 2 o'clock and 55 minutes p. m.). In obedience to the resolutions just adopted, the House stands adjourned until to-morrow at 12 o'clock noon.

SENATE.

MONDAY, *January 26, 1903.*

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. QUAY, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

CONDITIONS IN ISLAND OF GUAM.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, ordered to lie on the table, and be printed:

To the Senate:

In response to the resolution of January 15, I transmit the attached letter from the Acting Secretary of the Navy, with inclosures, which contain fully and specifically the information asked for.

In reference to the case of Mabini, especial attention is drawn to the communications of the Secretary of War, notably his communication to the Department of the Navy of July 18, 1902; the special dispatch of July 18 from the War Department to General Chaffee, commanding the Division of the Philippines, and to the communication of the Acting Secretary of the Navy of July 26 to the governor of Guam inclosing said letter from the Secretary of War and directing that action in accordance therewith be taken.

By these letters the governor of Guam is explicitly directed to release from detention all prisoners, and it is presumed that he has acted accordingly; but to provide against the slightest chance of misapprehension he has been specifically directed that all persons found in the island under the direction of the War Department shall be released in accordance with the terms of the Secretary of War's letter of July 18. In other words, the inhabitant of the Philippine Islands named Mabini, concerning whom a special inquiry is made in the resolution of the Senate, is at liberty to go on a Government transport anywhere outside of the Philippine Islands where such transports touch without taking any oath of allegiance whatsoever, and is allowed to go to any part of the world save the Philippine Islands without taking the oath of allegiance, and he will be allowed to go on any private vessel to the Philippine Islands, but he can not land there save on condition of complying with the act of the Philippine Commission demanding that he take the oath of allegiance. This is also a condition of the proclamation of peace and amnesty.

THEODORE ROOSEVELT.

WHITE HOUSE, *January 24, 1903.*

SENATOR FROM MICHIGAN.

Mr. BURROWS presented the credentials of RUSSELL A. ALGER, chosen by the legislature of the State of Michigan a Senator from that State for the unexpired portion of the term beginning March 4, 1901; which were read and ordered to be filed.

Mr. BURROWS. I ask that the oath of office be now administered to my colleague.

The PRESIDENT pro tempore. The Senator-elect will present himself at the desk and the Chair will administer the oath of office.

Mr. ALGER was escorted to the Vice-President's desk by Mr. BURROWS, and the oath prescribed by law having been administered to him, he took his seat in the Senate.

PETITIONS AND MEMORIALS.

Mr. LODGE presented a petition of the Board of Trade of Gloucester, Mass., praying for the enactment of legislation granting pensions to certain officers and enlisted men of the Life-Saving Service, and to their widows and children; which was referred to the Committee on Commerce.

He also presented a petition of the officers and members of General Lander Post, No. 5, Grand Army of the Republic, of Lynn, Mass., praying for the enactment of legislation to grant a pension to George K. Knowlton; which was referred to the Committee on Pensions.

He also presented a petition of the congregation of the Pacific Union Church, of Westford, Mass., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Government buildings; which was referred to the Committee on Public Buildings and Grounds.

Mr. PLATT of New York, presented the memorial of Springer & Mead, of Moravia, N. Y., remonstrating against the establishment of a department of commerce; which was referred to the Committee on Commerce.

He also presented petitions of Curtice Brothers Company, of Rochester; of John E. Smith's Sons & Co., of Buffalo; of the J. & T. Charlton Lumber Company, of North Tonawanda; and of the Punxsutawney Iron Company of Buffalo, all in the State of New York, praying for the establishment of a department of commerce; which were referred to the Committee on Commerce.

He also presented petitions of the Erie Preserving Company, of Buffalo; of the James Reilly Repair and Supply Company, of New York; and of the J. C. Hunter Company, of New York, all in the State of New York, praying for the enactment of legislation providing for the issuance and circulation of national-bank notes; which were referred to the Committee on Finance.

He also presented memorials of R. C. Talbot and Perkins, of Brooklyn; of Clinton S. Arnold, of Scarboro-on-Hudson; of the Charity Organization Society, of Buffalo; of the Bickford &

Francis Belting Company, of Buffalo; of the Humane Society of Rochester, and of the Buffalo Pitts Company, of Buffalo, all in the State of New York, remonstrating against the enactment of legislation relative to the interstate transportation of live stock; which were referred to the Committee on Interstate Commerce.

He also presented petitions of the New York State Brewers and Maltsters' Association, of New York; of the McLennan Paint Company, of Buffalo; of Longman & Martinez, of New York, and of Benjamin Moore & Co., of New York, all in the State of New York, praying for the passage of the so-called pure-food bill; which were ordered to lie on the table.

He also presented memorials of Goff & Mather, of Elmira; of the John S. Loomis Company, of Brooklyn; of T. W. & C. B. Sheridan, of New York; of the Cronk & Carrier Manufacturing Company, of Elmira, and of the Doane & Jones Lumber Company, of Elmira, all in the State of New York, remonstrating against the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented petitions of Carpenters and Joiners' Local Union, No. 229, of Glens Falls; of the Trade and Labor Council of Poughkeepsie; of the American Wire Weavers' Protective Association, of Brooklyn; of the Pattern Makers' Association, of Schenectady; of Lithographers' International Protective and Beneficial Association, No. 5, of New York, and of Piano and Organ Workers' Local Union, No. 27, of Brooklyn, all of the American Federation of Labor; of Local Division No. 392, Amalgamated Association of Street Railway Conductors, of Rochester; of William Allard, of Sandyhill, all in the State of New York, and of the Central Labor Union of Washington, D. C., praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented the petition of Rev. S. P. Hammond and sundry other citizens of Haverstraw, N. Y., praying for the enactment of legislation to restrict immigration; which was ordered to lie on the table.

He also presented petitions of sundry citizens of the State of New York, praying for the enactment of legislation to amend the internal-revenue laws so as to reduce the tax on distilled spirits; which were ordered to lie on the table.

He also presented petitions of Lodge No. 146, of Manhattan; of Lodge No. 84, of New York; of Lodge No. 28, of Troy; of Lodge No. 77, of New York; of Lodge No. 128, of Binghamton; of Lodge No. 9, of New York; of Lodge No. 60, of Syracuse; of Lodge No. 50, of New York; of Lodge No. 79, of Buffalo, and of Lodge No. 285, of New York, all of the order of B'rith Abraham, in the State of New York, praying for the enactment of legislation to modify the methods and practice pursued by the immigration officers at the port of New York; which were referred to the Committee on Immigration.

Mr. DILLINGHAM presented a petition of the State Council of Vermont, Junior Order of United American Mechanics, of Lunenburg, Vt., praying for the passage of the so-called immigration bill; which was ordered to lie on the table.

He also presented a petition of Reed and Rattan Workers' Union No. 8693, of Brattleboro, Vt., praying for the repeal of the desert-land law and the commutation clause of the homestead act; which was referred to the Committee on Public Lands.

He also presented a petition of the Woman's Christian Temperance Union of Jamaica, Vt., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Government buildings; which was referred to the Committee on Public Buildings and Grounds.

He also presented a memorial of the Vermont Humane Society, of Bristol, Vt., and a memorial of the Humane Society of Rutland, Vt., remonstrating against the enactment of legislation relative to the interstate transportation of live stock; which were referred to the Committee on Interstate Commerce.

Mr. GALLINGER presented a memorial of the Woman's Christian Temperance Union of Claremont, N. H., remonstrating against the repeal of the present anticanteen law; which was referred to the Committee on Military Affairs.

Mr. CLAY. I present a joint resolution of the general assembly of the State of Georgia relative to the reimbursement to that State of certain sums paid by it. The joint resolution is accompanied by the pay roll of Capt. Samuel Patterson's company of Mounted Volunteers attached to the regiment raised for the protection of the citizens of the Cherokee country mustered into the service of the State of Georgia by Maj. John W. Chastain, etc. I ask that the joint resolution be printed in the RECORD and that it, with the accompanying paper, be referred to the Committee on Claims.

There being no objection, the memorial was ordered to be printed in the RECORD, as follows:

A JOINT RESOLUTION.

Whereas the general assembly of the State of Georgia did, at its annual session on the 26th day of December, 1837, pass an act authorizing the governor of said State, in case of military necessity, for the protection of the citizens of the Cherokee country and to cooperate with the United States troops in removing the Cherokee and Creek Indians from the limits of the State, and in the enforcement of the treaty between the United States and the said Indians; and

Whereas His Excellency George R. Gilmer, governor of the State of Georgia, in obedience to the authority invested in him by the constitution and laws of said State, did order two companies to act in cooperation with the forces of the United States, to wit: First company commanded by Capt. Samuel Patterson, of Union County, Ga., consisting of 77 men, rank and file, which said company was on duty in the field from the 22d of May to 14th July, 1838. When discharged was afterward paid by John B. Trippe, treasurer of said State, on September 24, 1857, to James A. Green, agent for said company, the sum of $2,868. The second company ordered into service was commanded by Capt. John E. Price, and was in actual service for the term of fifty-three days, the company consisting of 63 men, rank and file, service commencing on the 25th day of May and ending on the 12th day of July, 1838, both days inclusive. When discharged there was also paid by John B. Trippe, treasurer of said State, to James A. Green, agent for said company, the sum of $3,056.54, on the 24th of September, 1857.

The services rendered by said two companies was acting in cooperation with the military forces of the United States in arresting and gathering up the Cherokee Indians and moving them west of the Mississippi under treaty of 1836, which was concluded by the United States authorities and chiefs of the Cherokee Indians at New Echota, Ga.: Therefore, be it

Resolved by the senate of the State of Georgia (the house of representatives concurring), That the governor be instructed to request our Senators and Members of the House of Representatives in the Congress of the United States to use their influence to procure the reimbursement to the State of Georgia of the two said amounts, aggregating the sum of $5,924.54.

STATE OF GEORGIA, OFFICE OF THE SECRETARY OF STATE.

I, Philip Cook, secretary of state of the State of Georgia, do hereby certify that the attached single sheet of printed matter contains a true and correct copy of a joint resolution of the general assembly of the State of Georgia, on file in this office, "Requesting our Senators and Representatives in Congress have the United States reimburse this State in certain Indian war claims." Said joint resolution was introduced in senate and read first time November 25, 1902; read second time November 26, 1902; read third time December 2, 1902; and passed—ayes, 26; nays, 0.

In house read first time December 5, 1902; read second time December 9, 1902; read third time December 11, 1902; and passed—ayes 92, nays 0.

Approved by his excellency, the governor, December 16, 1902.

In testimony whereof I have hereunto set my hand and affixed the seal of my office at the capitol, in the city of Atlanta, this 3d day of January, A. D. 1903 and of the Independence of the United States of America the one hundred and twenty-seventh.

[SEAL.]

PHILIP COOK,
Secretary of State.

The PRESIDENT pro tempore. The memorial and accompanying paper will be referred to the Committee on Claims.

Mr. PENROSE presented a petition of the Board of Trade of Philadelphia, Pa., praying for the enactment of legislation providing certain reforms in the currency system of the United States; which was referred to the Committee on Finance.

He also presented petitions of 214 citizens of Pittsburg; of Washington Camp, No. 149, Patriotic Order of Sons of America, of Shamokin; of 38 citizens of Hazelton; of 15 citizens of Wanamie; of 19 citizens of Cressona; of 40 citizens of Centralia; of 25 citizens of Freeland; of 17 citizens of Mount Carmel; of 43 citizens of Kingston, and of 12 citizens of Philadelphia, all in the State of Pennsylvania, praying for the passage of the so-called immigration bill; which were ordered to lie on the table.

Mr. PROCTOR presented a petition of Montpelier Branch, Granite Cutters' National Union, of Montpelier, Vt., praying for the passage of the so-called eight-hour bill; which was ordered to lie on the table.

Mr. McCOMAS presented a petition of Rigar Lodge, No. 83, Order of B'rith Abraham, of Baltimore, Md., praying for the enactment of legislation to modify the method and practice of the immigration officers at the port of New York; which was referred to the Committee on Immigration.

Mr. DOLLIVER presented a memorial of the Ministerial Association of Des Moines, Iowa, remonstrating against the repeal of the present anticanteen law; which was referred to the Committee on Military Affairs.

He also presented a petition of Lodge No. 106, Brotherhood of Locomotive Firemen, of Dubuque, Iowa, praying for the repeal of the desert-land law and the commutation clause of the homestead act; which was referred to the Committee on Public Lands.

He also presented a petition of Carpenters and Joiners' Local Union No. 554, American Federation of Labor, of Davenport, Iowa, praying for the passage of the so-called eight-hour bill; which was ordered to lie on the table.

He also presented a petition of the Business Men's Association of Davenport, Iowa, and a petition of the Commercial Club of Muscatine, Iowa, praying that an appropriation be made for the improvement of the Mississippi River from St. Louis to St. Paul; which were referred to the Committee on Commerce.

He also presented a petition of Evening Star Lodge, No. 112, Brotherhood of Locomotive Firemen, of Sioux City, Iowa, and a petition of Local Division No. 114, Order of Railroad Telegraphers, of Perry, Iowa, praying for the passage of the so-called anti-injunction and conspiracy bill; which were ordered to lie on the table.

He also presented a memorial of the Trades and Labor Assembly, American Federation of Labor, of Ottumwa, Iowa, and a memorial of the Trades Assembly, American Federation of Labor,

of Oskaloosa, Iowa, remonstrating against the enactment of legislation to repeal the stamp tax on eighths kegs of beer; which were referred to the Committee on Finance.

Mr. DRYDEN presented a petition of the Board of Trade of Newark, N. J., praying for the enactment of legislation providing certain reforms in the national currency system; which was referred to the Committee on Finance.

He also presented petitions of Trenton Division, No. 85, Order of Railroad Telegraphers, of Trenton; of Local Union No. 340, Carpenters and Joiners of Orange, and of Typographical Union No. 323, of Hoboken, all in the State of New Jersey, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented a memorial of the Newark Embroidering Works, of Newark, N. J., remonstrating against the passage of the so-called eight-hour bill; which was ordered to lie on the table.

He also presented memorials of W. F. Tower, of Vineland; of A. Waller, of Vineland; of Joshua T. Ballinger, of Haddonfield; of the congregation of the Methodist Episcopal Church of Blairstown; of the congregation of the Baptist Church of Livingston; of Joshua B. Hillman, of Haddonfield; of the congregation of the Methodist Episcopal Church of Haddonfield; of Joseph C. Corson, of Vineland; of J. F. Burroughs, of Haddonfield; of the Woman's Christian Temperance Union of Bridgeton; of D. H. Burge, of Vineland; of S. C. Glade, of Vineland; of F. S. Newcomb, of Vineland; of C. T. Gillman, of Vineland; of Dr. E. S. Goudy, of Deerfield; of the congregation of the Wesleyan Methodist Church, of Mays Landing; of George Kieghley & Sons, of Vineland; of J. D. Huff, of Deerfield; of S. Trausue, of Delaware, and of J. G. Brookes, of Atlantic Highlands, all in the State of New Jersey, remonstrating against the repeal of the present anticanteen law; which were referred to the Committee on Military Affairs.

Mr. HOAR presented a petition of Fall River Lodge, No. 152, Order of B'rith Abraham, of Fall River, Mass., praying for the enactment of legislation to modify the methods and practice pursued by the immigration officers at the port of New York; which was referred to the Committee on Immigration.

Mr. FRYE presented the petition of James Seldon Cowden, of Washington, D. C., praying that certain names now on the temporary rolls in the various departments be transferred to the permanent rolls; which was referred to the Committee on Civil Service and Retrenchment.

STAFF CORPS OF THE NAVY.

Mr. HALE. I present sundry communications from the Navy Department, containing information relative to certain staff corps of the Navy. I move that the communications be printed as a document and referred to the Committee on Naval Affairs.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. LODGE. From the Committee on the Philippines, I desire to report a bill providing for the removal of persons accused of crime to and from the Philippine Islands, Guam, Tutuila, and Manua for trial. There is now no possibility of getting a criminal escaping to the United States back to those islands, and none of getting a criminal escaping to those islands from the United States back here for trial.

I ask that the accompanying letters from the Secretary of War and the Department of Justice may be printed for the information of the Senate, and I give notice that I shall call up the bill at an early day. I think there will be no objection to it, and I shall try to have it passed by unanimous consent.

The bill (S. 7124) to provide for the removal of persons accused of crime to and from the Philippine Islands, Guam, Tutuila, and Manua for trial, was read twice by its title.

The PRESIDENT pro tempore. The bill will be placed on the Calendar, and the accompanying papers will be printed as a document.

Mr. LODGE, from the Committee on the Philippines, to whom was referred the bill (H. R. 15520) to establish a standard value and to provide for a coinage system in the Philippine Islands, reported it with an amendment.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (S. 6377) to confirm the name of Seward place for the space formed by the intersection of C street S. and Pennsylvania and North Carolina avenues, District of Columbia, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3638) for the extension of Eighth street NW. or Wright's road, District of Columbia, reported it with an amendment, and submitted a report thereon.

He also, from the Committee on the District of Columbia, to whom was referred the amendment submitted by himself on the 22d instant relating to leaves of absence to per diem employees of the District of Columbia, intended to be proposed to the District of Columbia appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. DILLINGHAM, from the Committee on the District of Columbia, to whom was referred the bill (S. 6093) to authorize street-railway companies in the the District of Columbia to convey small freight, express matter, etc., reported it with amendments, and submitted a report thereon.

Mr. WARREN, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 5955) for the relief of the representatives of M. F. Merritt, deceased;

A bill (S. 7002) for the relief of the contractor or his legal representatives for the construction of the light-draft monitor *Etlah;* and

A bill (S. 3838) to refer to the Court of Claims the claim for the *Tunxis.*

Mr. SCOTT, from the Committee on Pensions, to whom was referred the bill (S. 6024) granting a pension to Ann Christy Glass, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 1531) granting an increase of pension to Susan E. Duncan, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 8254) granting an increase of pension to John R. Curry, reported it without amendment, and submitted a report thereon.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom was referred the bill (H. R. 9074) granting a pension to Elizabeth C. Gates, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 6792) granting a pension to Thomas Seal; and

A bill (S. 7055) granting a pension to Vina Lindenbower.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 1423) granting an increase of pension to Asa Tarbox;

A bill (H. R. 1014) granting a pension to Laura Levenseler;

A bill (H. R. 714) granting an increase of pension to Frederick Hart; and

A bill (H. R. 15473) granting an increase of pension to Winthrop W. Wolcott.

Mr. GALLINGER (for Mr. PRITCHARD), from the Committee on Pensions, to whom was referred the bill (H. R. 12524) granting an increase of pension to Elvira M. Cooper, reported it without amendment, and submitted a report thereon.

Mr. MORGAN, from the Committee on Interoceanic Canals, to whom was referred the bill (S. 6965) to regulate the making of contracts for constructing an isthmian canal under the act of June 28, 1902, reported it without amendment.

Mr. MALLORY, from the Committee on the District of Columbia, to whom was referred the bill (S. 6421) to amend an act entitled "An act to amend an act entitled 'An act relating to tax sales and taxes in the District of Columbia,'" approved May 13, 1892, reported it without amendment, and submitted a report thereon.

Mr. TURNER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 1631) granting an increase of pension to Edna K. Hoyt;

A bill (H. R. 5460) granting an increase of pension to Thomas Sherry;

A bill (H. R. 6332) granting a pension to Michael Conlon;

A bill (H. R. 5450) granting a pension to Charles P. Bigelow; and

A bill (H. R. 8626) granting an increase of pension to Sarah E. Yemans.

Mr. TURNER, from the Committee on Pensions, to whom was referred the bill (S. 5641) granting a pension to Charlotte J. Closser, reported it with amendments, and submitted a report thereon.

Mr. TALIAFERRO, from the Committee on Pensions, to whom was referred the bill (S. 1227) granting a pension to Bowman H. Peterson, reported it with amendments, and submitted a report thereon.

He also (for Mr. PATTERSON), from the same committee, to

whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 14388) granting an increase of pension to Graham McClosson; and

A bill (H. R. 7012) granting an increase of pension to Abel Fleming.

Mr. DEBOE, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 4443) granting an increase of pension to Thomas Bassett; and

A bill (S. 5830) granting an increase of pension to Andrew Jackson.

Mr. DEBOE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 4919) granting an increase of pension to James M. White;

A bill (H. R. 11258) granting a pension to William F. Randolph;

A bill (H. R. 14258) granting a pension to Fletcher Duling;

A bill (H. R. 15064) granting an increase of pension to Frederick Shovar;

A bill (H. R. 15329) granting an increase of pension to Elizabeth Rosenbarger; and

A bill (H. R. 15661) granting an increase of pension to James M. Marshall.

Mr. DEBOE (for Mr. PRITCHARD, from the Committee on Pensions, to whom was referred the bill (S. 3174) granting an increase of pension to Fredericka W. Lillman, reported it with amendments, and submitted a report thereon.

He also (for Mr. PRITCHARD), from the same committee, to whom was referred the bill (S. 1335) granting a pension to Elizabeth Neal, reported it with an amendment, and submitted a report thereon.

REPORT ON ALASKAN SALMON FISHERIES.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the resolution submitted by the Senator from California [Mr. BARD] on the 23d instant, to report it favorably without amendment, and I ask for its present consideration.

The resolution was read, as follows:

Resolved, That the report of Howard M. Kutchin, special agent of the Treasury Department, on the Salmon Fisheries of Alaska, for 1902, be printed, and that 750 additional copies be printed and bound in paper covers for the use of the Treasury Department.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution reported by the Senator from New York?

Mr. QUAY. I object for the present.

The PRESIDENT pro tempore. The Senator from Pennsylvania objects.

Mr. HALE. Mr. President, the reports of the Committee on Printing are by special legislation made privileged. They are matters that are needed from day to day for the convenience of members. I hope things have not come to such a pass that reports of this kind can not be received and passed in the morning hour.

The Senator has already confiscated the portion of the Senate's time beyond 2 o'clock. He now seeks to confiscate the portion of the Senate's time from the opening of the session in the morning to the close of the morning hour, so that ruthlessly and piteously the Senate is tied up and can do no routine business.

If the Senator from Pennsylvania insists on his objection, I hope the Senator from New York will move to proceed to the consideration of the resolution, if that is under the rule, because we may as well understand the situation now. If we are not to be permitted to transact the everyday business which is necessary for the conduct of the affairs of the Senate, then the sooner we know it the better.

I myself was chairman of the Committee on Printing for two years, and I never knew an objection of this kind to be made to a report from that committee, because under the Manderson statute it is made privileged.

Mr. QUAY. Mr. President, there has been a deal of snarling and sneering at the condition of things in the Senate, at the exercise of what is called one-man power, and at interference with business. All sorts of arguments and assaults are made here upon the majority of the Senate, because, Mr. President, there is no Senator upon this floor, as the Senator from Maine understands, who, singly and alone, can affect anything further than I am affecting just now. It is the right of every Senator to object to unanimous consent for the consideration of any measure.

If I were alone in the Senate, attempting to exert my own power as a Senator of the United States and a Senator from the State of Pennsylvania, the Senator from Maine, with his coadjutors, could brush me out of the way as he would brush a mosquito from his cheek. The power that is dominating the Senate is the power of the majority of the Senators. I am but a scimitar in the hands of the majority, simply a hand on the disk of the dial that registers the will of the majority, and I am tired of being lectured and hectored, as has just been done by the Senator from Maine, whenever I proceed to execute its will.

As to the motion to proceed to the consideration of the resolution, I suppose it is not in order. I do not wish to interfere with the public business or with the desires of my friend from New York. All the important public business of the session can be transacted with dispatch if the minority of the Senate will allow the majority to exercise its right and take a vote upon the pending measure, which is the statehood bill.

Mr. HALE. Mr. President, the objection is not that the majority of the Senate shall not decide what shall be done. The objection is that the Senator himself assumes to represent the majority of the Senate, not only in his bill and the conduct of his bill, but in reference to every other kind of business.

Mr. QUAY. The Senator is mistaken.

Mr. HALE. I have no doubt, Mr. President, if this question could be submitted to the Senate, for Senators are reasonable, the Senate would say at once that the rule shall be enforced which has always been observed, that the Committee on Printing has a right to report at any time and to have its communications considered by the Senate. I have no doubt that the Senate, if the Senator from New York should make the motion, would vote that the Senator shall go on and submit his report and that it shall be received and acted upon by the Senate. The trouble is that the Senator from Pennsylvania will let nothing be done. It is not representing the majority of the Senate on his bill, assuming that he has the majority for his bill, but it is stopping all other business. The Senator has no right to assume that he is representing the majority. The Senator will have an opportunity, and the Senate will undoubtedly have an opportunity, of deciding before long whether all other business is to be set aside for this one measure.

Mr. COCKRELL. Mr. President, I rise to a question of order. Do I understand that there is any law which makes the reports of the Committee on Printing always in order?

The PRESIDENT pro tempore. Nothing beyond custom.

Mr. COCKRELL. There is no rule of the Senate?

The PRESIDENT pro tempore. There is none.

Mr. HALE. Is there no law?

Mr. LODGE. It is in the statute.

Mr. COCKRELL. And one objection, under the rule of the Senate, prevents the Senate from considering the matter during the day the report is made?

The PRESIDENT pro tempore. It does.

Mr. HALE. I think perhaps the Chair has not examined the Manderson law. The Manderson statute made the reports of the Committee on Printing privileged. They can be made at any time. It is a part not of the rules, but of the Manderson law and of the statutes of the United States.

Mr. QUAY. There is no difficulty, Mr. President——

Mr. COCKRELL. I have seen the law, but I understand the report of a committee can be considered on the day it is made only by unanimous consent. I remember a very important measure which was once reported in the Senate from the Committee on Military Affairs, of which I was a member. It was reported on the last day of the session, and I believe I was the only member of the committee who objected to it. I made an objection, and every power of the Senate was brought to overcome that objection, because it practically killed the bill. I know that the objection prevailed, and it was then held that the Senate could not consider that report on the objection of one Senator.

The PRESIDENT pro tempore. The Chair is not familiar with the Manderson law, and has sent for it; but whatever the Manderson law may be, the rule of the Senate provides, as the Senator from Missouri has stated, that a report from a committee must lie over for one day and can be considered only by unanimous consent on the day when it is submitted.

Mr. HALE. Mr. President, there is no doubt about that; but that it is privileged I have no doubt under the Manderson law, unless I am very much mistaken in my memory about that statute.

Mr. QUAY. That is as to submitting the report?

Mr. HALE. As to the report.

Mr. QUAY. There is no question about the right of the Senator from New York to submit the report. The question is about the consideration of the report.

The PRESIDENT pro tempore. The resolution reported by the Senator from New York will go to the Calendar.

BILLS INTRODUCED.

Mr. HEITFELD introduced a bill (S. 7125) to purchase the Travis portrait of Abraham Lincoln; which was read twice by its title and referred to the Committee on the Library.

Mr. MARTIN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 7126) for the relief of the representatives of the estate of William B. Ott, deceased;

A bill (S. 7127) for the relief of the estate of William D. Wright, deceased;

A bill (S. 7128) for the relief of Joseph E. Funkhouser; and

A bill (S. 7129) for the relief of James A. Johnston (with the accompanying paper).

Mr. DILLINGHAM introduced a bill (S. 7130) to amend section 13 of an act entitled "An act to prohibit the coming of Chinese laborers to the United States," approved September 13, 1888, relating to appeals from decisions of United States commissioners; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. GALLINGER introduced a bill (S. 7131) to exempt from taxation the Corcoran Art Gallery and other like institutions in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. DEPEW introduced a bill (S. 7132) to fix the salary of the special examiner of precious stones and pearls at the port of New York; which was read twice by its title, and referred to the Committee on Appropriations.

Mr. PENROSE introduced a bill (S. 7133) conferring jurisdiction on the Court of Claims to try, adjudicate, and determine the claim of Clayton G. Landis, administrator of David B. Landis, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 7134) to grant an honorable discharge from the military service to George Moore; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7135) granting an increase of pension to Morris H. Jones (with the accompanying paper);

A bill (S. 7136) granting an increase of pension to Lewis P. Smith (with the accompanying paper);

A bill (S. 7137) granting a pension to Nicholas Simon;

A bill (S. 7138) granting an increase of pension to Owen McElfish (with the accompanying paper); and

A bill (S. 7139) granting an increase of pension to Mahlon B. Hamilton (with the accompanying paper).

Mr. MORGAN introduced a bill (S. 7140) for the relief of William W. Callahan, administrator of the estate of Thomas Gibbs; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 7141) for the relief of Mrs. Bathsheba Gordon; which was read twice by its title, and referred to the Committee on Claims.

Mr. WARREN introduced a bill (S. 7142) for the allowance of certain claims reported by the Court of Claims, and for other purposes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. DOLLIVER introduced a bill (S. 7143) granting an increase of pension to Simon A. Bendon; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. QUARLES introduced a bill (S. 7144) granting an increase of pension to Timothy A. Lewis; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. HANSBROUGH introduced a bill (S. 7145) granting an increase of pension to Rosetta E. Rafferty; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. McCOMAS submitted an amendment proposing to appropriate $7,000 for paving California avenue from Connecticut avenue extended to Phelps place, in the city of Washington, intended to be proposed to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. LODGE submitted an amendment relating to the claims of laborers, workmen, and mechanics employed by or on behalf of the Government of the United States for extra pay for labor performed in excess of eight hours per day, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. QUAY submitted an amendment proposing to appropriate $2,500 to enable the register of wills of the District of Columbia to complete the card index of the records of his office, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. GALLINGER submitted an amendment proposing to appropriate $100,000 for paving Sixteenth street from Morris street to Columbia road, and for grading and regulating Sixteenth street north of Columbia road, in the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

He also submitted an amendment proposing to appropriate $30,000 for paving Fourteenth street north of Whitney avenue, in the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

CORINNE G. BLACKBURN.

Mr. COCKRELL submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Corinne G. Blackburn, sister of Joe Blackburn, jr., late clerk to Senator J. C. S. BLACKBURN, a sum equal to six months' salary at the rate he was receiving at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

REPORT OF COMMISSIONER-GENERAL OF IMMIGRATION.

Mr. PENROSE submitted the following concurrent resolution; which, with the accompanying paper, was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed at the Government Printing Office 2,000 additional copies of the annual report of the Commissioner-General of Immigration for the fiscal year ended June 30, 1902, with illustrations, said copies to be delivered to the Bureau of Immigration for distribution.

PANAMA CANAL AND PANAMA RAILROAD.

Mr. MORGAN submitted the following resolution; which was read:

Resolved, That there be printed for the use of the Senate, as a separate document, the papers included in appendices 1 and 2 to a statement of Col. O. H. Ernst, made to the chairman of the Senate Committee on Interoceanic Canals on June 14, 1900, setting forth certain concessions and laws of Colombia relating to the Panama Canal and the Panama Railroad, which statement was reported to the Senate by said committee on December 12, 1901, on pages 244 to 270, inclusive, of Report No. 1, Fifty-seventh Congress, first session.

2. *Resolved*, That the treaty between the United States and Colombia, signed on the 22d of January, 1903, and sent to the Senate, be printed in bill form for the use of the Senate.

The PRESIDENT pro tempore. Does the Senator from Alabama ask for the present consideration of the resolution?

Mr. MORGAN. I ask for its present consideration.

Mr. CULLOM. I do not know that I object to the resolution, but I think it had better go over, so that we can have time to consider it.

The PRESIDENT pro tempore. The resolution will go over under the rule.

AFFAIRS IN COLOMBIA.

Mr. MORGAN. I submit the following resolution.

The PRESIDENT pro tempore. Does the Senator ask that it be considered?

Mr. MORGAN. I ask for its reading.

The PRESIDENT pro tempore. The resolution will be read.

The Secretary proceeded to read the resolution, and read as follows:

Resolved, That the President is requested, if it is not incompatible with the public interests, to inform the Senate as to the alleged full powers of Señor Herran, who signed the treaty with Colombia that was sent to the Senate on the 23d of December, 1902, for ratification, to negotiate and sign the same.

Mr. ALDRICH. Mr. President, the sentence just read would indicate that this is a matter of executive business.

Mr. MORGAN. Not by any means, Mr. President. It is asking information upon a matter that is not contained in any treaty and can not be contained in any treaty—a statement of the full powers that are alleged in a treaty sent to the Senate. The injunction of secrecy having been removed from the treaty, it is proposed to inquire of the President of the United States what are the full powers as they appear of record, of course, in the Department of State. It is a public document, which we have a right of access to, and any person in the United States has a right of access to it.

Mr. ALDRICH. This is a matter distinctively, it seems to me, connected with the negotiation of a treaty; it is a pure question for the Executive and not for the Senate; and if it is to be considered in the Senate it ought to be considered in executive session.

Mr. MORGAN. Let us have it read and see. There is no reason in the world why it should be considered in executive session. There is nothing executive, secret, or confidential about it. It is a matter of public record in the Department of State.

Mr. President, I should like to have the resolution read at the desk, if I can have it done, so that the Senate may see what it is.

The PRESIDENT pro tempore. The Secretary will read.

The Secretary resumed the reading of the resolution, as follows:

2. And that he send to the Senate a copy of the powers of the said negotiator.

Mr. ALDRICH. Mr. President, I raise the question that this matter should be considered in secret session. I move that the doors be closed.

Mr. HALE. I second the Senator's motion.

The PRESIDENT pro tempore. The Sergeant-at-Arms will clear the galleries and close the doors.

The doors were thereupon (at 12 o'clock and 28 minutes p. m.) closed, and the Senate, with closed doors, proceeded to consider the resolution.

The hour of 2 o'clock having arrived, the Presiding Officer (Mr. GALLINGER in the chair) laid before the Senate the unfinished business at its last adjournment, namely, the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States, the consideration of which was temporarily laid aside by unanimous consent.

Pending the consideration, with closed doors, of the resolution submitted by Mr. MORGAN, the Senate (at 2 o'clock and 28 minutes p. m.) proceeded to the consideration of executive business; and after ten minutes spent therein, the doors were reopened.

SENATOR FROM SOUTH DAKOTA.

Mr. GAMBLE presented the credentials of A. B. KITTREDGE, chosen by the legislature of the State of South Dakota a Senator from that State for the unexpired portion of the term ending March 3, 1903; which were read, and ordered to be filed.

Mr. GAMBLE. I ask that the oath of office may be administered to my colleague.

The PRESIDENT pro tempore. The Senator-elect will present himself at the desk, and the Chair will administer the oath of office.

Mr. KITTREDGE was escorted to the Vice-President's desk by Mr. GAMBLE, and the oath prescribed by law having been administered to him, he took his seat in the Senate.

Mr. GAMBLE presented the credentials of A. B. KITTREDGE, chosen by the legislature of the State of South Dakota a Senator from that State for the term beginning March 4, 1903; which were read and ordered to be filed.

STATEHOOD BILL.

Mr. BATE. I ask the Senate to proceed with the consideration of the regular order, the statehood bill.

The PRESIDENT pro tempore. The regular order, being the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States, is before the Senate, as in Committee of the Whole, and open to amendment. The bill was laid before the Senate as the regular order at 2 o'clock.

Mr. HALE. I ask unanimous consent that the unfinished business may be laid aside temporarily, and that the Senate proceed to the consideration of the diplomatic and consular appropriation bill.

The PRESIDENT pro tempore. The Senator from Maine asks unanimous consent that the unfinished business may be temporarily laid aside and that the Senate proceed to the consideration of what is known as the diplomatic and consular appropriation bill. Is there objection? The Chair hears none, and the bill is before the Senate, as in Committee of the Whole.

Mr. PENROSE. I ask the Senator from Maine whether he will not permit me to call up a joint resolution, which will take but a minute, which is of considerable importance to the localities in Pennsylvania to which it refers. It is the joint resolution (H. J. Res. 216) extending the provision granting to the State of Pennsylvania the use of the court-house at Scranton and Williamsport, Pa.

Mr. HALE. Not to take any debate?

Mr. PENROSE. There will be no debate about it.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks unanimous consent that the Senate proceed to the consideration of a joint resolution named by him.

Mr. HALE. I give notice that I can not yield to anything further.

The PRESIDENT pro tempore. The Chair is informed that the joint resolution referred to by the Senator from Pennsylvania [Mr. PENROSE] is not before the Senate, but that it is before the Judiciary Committee.

Mr. PENROSE. I was informed that it had been reported.

The PRESIDENT pro tempore. The Senator will have to ask unanimous consent that the Committee on the Judiciary be discharged from its further consideration.

Mr. PENROSE. I was informed that the committee had reported upon the joint resolution. I will not press the request at this time if the committee has not made a report upon it.

The PRESIDENT pro tempore. It is not on the Calendar.

Mr. PENROSE. I withdraw my request for the consideration of the joint resolution.

Mr. BATE. I give notice that I shall object to any other business interfering with the statehood bill but the appropriation bill called up by the Senator from Maine [Mr. HALE].

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 16910) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1904, in which it requested the concurrence of the Senate.

The message also announced that the House insists upon its amendment to the bill (S. 5678) providing for records of deeds and other conveyances and instruments of writing in Indian Territory, and for other purposes, disagreed to by the Senate; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERMAN, Mr. LACEY, and Mr. LITTLE managers at the conference on the part of the House.

The message further announced that the House insists upon its amendments to the bill (S. 149) to provide for holding terms of court in the district of Utah, disagreed to by the Senate; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. JENKINS, Mr. PARKER, and Mr. DE ARMOND managers at the conference on the part of the House.

The message also communicated to the Senate resolutions passed by the House commemorative of the life and services of Hon. JOHN L. SHEPPARD, late a Representative from the State of Texas.

The message further communicated to the Senate resolutions passed by the House commemorative of the life and services of Hon. CHARLES A. RUSSELL, late a Representative from the State of Connecticut.

The message also communicated to the Senate resolutions passed by the House commemorative of the life and services of Hon. REESE C. DE GRAFFENREID, late a Representative from the State of Texas.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

The PRESIDENT pro tempore. The diplomatic and consular appropriation bill is before the Senate.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 16604) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1904, which had been reported by the Committee on Appropriations with amendments.

Mr. HALE. I ask unanimous consent that the formal reading of the bill be dispensed with, that it be read for amendment, and that the amendments reported by the Committee on Appropriations be first considered.

The PRESIDENT pro tempore. The Senator from Maine asks unanimous consent that the formal reading of the bill be dispensed with, that it be read for amendment, and that the committee amendments be first considered. Is there objection? The Chair hears none, and that order will be made.

Mr. TILLMAN. Mr. President, I merely desire to make a statement, not in connection with this bill. It was my intention to submit some remarks this morning in answer to the very remarkable speech made by the Senator from Wisconsin [Mr. SPOONER] on Saturday last, but that Senator being absent, and as I dislike to even appear to attack his position without his being present, I shall await his return, when I shall discuss the Indianola postoffice matter.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, in Schedule A, under the subhead "Salaries of ambassadors and ministers," on page 2, line 20, after the word "Servia," to strike out "Bulgaria;" and in the same line, after the word "Greece," to insert "and diplomatic agent in Bulgaria;" so as to make the clause read:

Envoy extraordinary and minister plenipotentiary to Roumania, Servia, and Greece, and diplomatic agent in Bulgaria, $6,500.

The amendment was agreed to.

The next amendment was, on page 3, line 7, before the word "to," to strike out "minister resident and consul-general" and insert "envoy extraordinary and minister plenipotentiary;" so as to make the clause read:

Envoy extraordinary and minister plenipotentiary to Siam, $7,500.

The amendment was agreed to.

The next amendment, was on page 3, line 10, to increase the appropriation for the salary of the minister resident and consul-general to Persia from $5,000 to $7,500.

The amendment was agreed to.

The next amendment was, on page 3, line 16, to increase the total appropriation for salaries of ambassadors and ministers from $397,000 to $399,500.

The amendment was agreed to.

The next amendment was, under the subhead "Salaries of secretaries of embassies and legations," on page 4, line 4, after the word "to," to insert "Austria-Hungary;" and in line 8, before the word "dollars," to strike out "fifteen thousand seven hundred and fifty" and insert "eighteen thousand three hundred and seventy-five;" so as to make the clause read:

Secretaries of embassies to Austria-Hungary, Great Britain, France, Germany, Italy, Mexico, and Russia, at $2,625 each, $18,375.

The amendment was agreed to.

The next amendment was, on page 4, after line 11, to strike out:

Secretary of legation to Austria-Hungary, $2,250.

The amendment was agreed to.

The next amendment was, on page 4, after line 16, to insert:

Secretary of legation to Siam and consul-general at Bangkok, $1,800.

The amendment was agreed to.

The next amendment was, on page 4, line 23, after the word "Servia," to strike out "Bulgaria;" so as to make the clause read:

Secretary of legation to Roumania, Servia, and Greece, with residence at Athens, $1,800.

The amendment was agreed to.

The next amendment was, on page 5, line 8, after the word "Liberia," to insert "Switzerland;" and in line 10, before the word "hundred," to strike out "eight thousand four" and insert "nine thousand nine;" so as to make the clause read:

Secretaries of legations to Argentine Republic, Venezuela, and Peru, at $1,800 each, and Liberia, Switzerland, and Korea (who shall be consul-general to Seoul), at $1,500 each, $9,900.

The amendment was agreed to.

The next amendment was, on page 5, line 11, after the word "to," to insert "Austria-Hungary;" and in line 13, before the word "thousand," to strike out "twelve" and insert "fourteen;" so as to make the clause read:

Second secretaries of embassies to Austria-Hungary, Great Britain, France, Germany, Italy, Mexico, and Russia, at $2,000 each, $14,000.

The amendment was agreed to.

The next amendment was, on page 5, after line 13, to strike out:

Second secretary of legation to Austria-Hungary, $1,800.

The amendment was agreed to.

The next amendment was, on page 6, line 9, to increase the total appropriation for salaries of secretaries of embassies and legations from $78,650 to $82,525.

The amendment was agreed to.

The next amendment was, on page 8, after line 6, to insert:

To supply, when needed, diplomatic officers of the United States with recognized and standard works on international and constitutional law and diplomatic history, $6,000.

The amendment was agreed to.

The next amendment was, on page 9, line 10, before the word "for," to strike out:

Diplomatic and consular act, approved March 22, 1902.

And insert:

Act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for prior years, and for other purposes, approved February 14, 1902.

So as to make the clause read:

For improvements of the grounds of the United States legation at Tokyo, Japan, owned by the United States Government, and for the reconstruction of the legation's stable, so much of the sum of $5,700 appropriated by the act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for prior years, and for other purposes, approved February 14, 1902, for a new system of heating the legation building at Tokyo, Japan, and for a fireproof vault for the preservation of the records and archives of the legation, as remains unexpended for these purposes and as may be necessary.

The amendment was agreed to.

The next amendment was, on page 10, after line 24, to insert:

For payment to Ellen B. Buck, widow of Alfred E. Buck, late minister plenipotentiary to Japan, who died December 4, 1902, while minister, an amount equal to six months' salary of said officer, $6,000.

The amendment was agreed to.

The next amendment was, on page 11, after line 4, to insert:

For payment to the heirs of Thomas T. Prentis, late United States consul at Martinique, who with his wife and all their possessions were lost in the late disaster caused by the eruption of Mount Pelee, $5,000.

Mr. HOAR. I am afraid the question is not very important, but I desire to ask the Senator from Maine whether the word "heirs" is commonly used instead of "next of kin" with respect to personal property?

Mr. HALE. The heirs are the next of kin. They are the surviving children.

Mr. HOAR. Then it is not worth while to raise the question.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the Committee on Appropriations.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, on page 15, line 18, to insert:

NEW EDITION OF CONSULAR REGULATIONS.

For preparing and reprinting a new edition of the Consular Regulations, to be expended under the supervision of the Secretary of State, notwithstanding the provisions of sections 1763, 1764, and 1765 of the Revised Statutes, and section 2, act of July 31, 1894, $3,000.

Mr. PLATT of Connecticut. I presume it may not be necessary or important, but I see that this amendment provides for preparing a new edition of the Consular Regulations, notwithstanding some statute that is in force. I wish there were a little explanation of that feature.

Mr. HALE. The money is to be expended, notwithstanding those provisions of the statute.

Mr. PLATT of Connecticut. What is the provision of the statute which forbids the expenditure now? Why should we repeal that statute in this way?

Mr. HALE. Because the work is to be done by persons already in the Department and drawing salaries.

Mr. PLATT of Connecticut. Oh!

Mr. HALE. It is to piece out.

Mr. PLATT of Connecticut. The statute referred to provides that persons shall have no extra compensation when they already hold office.

Mr. HALE. Yes, sir.

Mr. PLATT of Connecticut. This is extra work?

Mr. HALE. Yes, sir; extra work. It was put in in order that there may be no secrecy about it and it may be understood.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was in Schedule B, under the subhead "Salaries, consular service, consuls-general," on page 16, line 18, before the word "Rome," to insert "Monterey;" and in line 20, before the word "thousand," to strike out "twenty-seven" and insert "thirty;" so as to make the clause read:

Apia and Nukualofa, Barcelona, Dresden, Frankfort, Guayquil, Monterey, Rome, St. Gall, Saint Petersburg, and Marseilles, at $3,000 each, $30,000.

The amendment was agreed to.

The next amendment was, on page 16, line 21, after the word "Hamburg," to strike out "Monterey" and insert "Munich;" so as to make the clause read:

Auckland (New Zealand), Coburg, Hamburg, Munich, and Rotterdam, at $2,500 each, $12,500.

The amendment was agreed to.

The next amendment was, on page 16, line 24, before the word "Tangier," to strike out "Munich," and on page 17, line 2, before the word "thousand," to strike out "ten" and insert "eight;" so as to make the clause read:

Guatemala City (Guatemala), Maracaibo, Tangier, and Santo Domingo, at $2,000 each, $8,000.

The amendment was agreed to.

The next amendment was, on page 17, line 5, to increase the total appropriation for salaries of consuls-general from $143,000 to $144,000.

The amendment was agreed to.

The next amendment was, under the subhead "Consuls," in class 3, page 18, after line 22, to insert:

Santiago de Cuba.

The amendment was agreed to.

The reading of the bill was continued to the end of line 2 on page 19.

Mr. HOAR. I am obliged to go away, and I ask consent to move an amendment.

Mr. HALE. It does not come in strictly until after the reading of the bill has been finished, but as the Senator is called away I shall not object.

Mr. HOAR. It is estimated for. I refer to Fuchau, China.

Mr. HALE. It is in the estimates.

Mr. HOAR. I move, after line 15 on page 17, to insert "Fuchau, China," and if that motion is agreed to, I shall move to strike out the same words in line 6, page 18. The Senator from Maine makes no objection to my moving the amendment at the moment, as I must leave the Chamber. It is regularly estimated for.

The PRESIDENT pro tempore. The Senator from Massachusetts offers an amendment, which will be stated.

The SECRETARY. On page 17, after line 15, insert:

Fuchau, China.

The amendment was agreed to.

Mr. HOAR. Now, on page 18, I move strike out, after line 5, the words "Fuchau, China."

Mr. HALE. That is right.

The amendment was agreed to.

Mr. PLATT of Connecticut. I wish to propose a somewhat similar amendment, but I can wait until the reading of the bill is concluded if it is desired.

Mr. HALE. In this case it is done because the Senator from Massachusetts is called from the Chamber. Otherwise individual amendments will come in when the reading of the bill is concluded.

Mr. PLATT of Connecticut. Very well.

The PRESIDENT pro tempore. The reading of the bill will be resumed.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in class 4, page 19, after line 5, to insert:

Amsterdam, Netherlands.

The amendment was agreed to.

The next amendment was, on page 19, after line 10, to insert:

Beirut, Syria.

The amendment was agreed to.

The next amendment was, in class 5, page 20, after line 18, to strike out:

Amsterdam, Netherlands.

The amendment was agreed to.

The next amendment was, on page 20, after line 21, to strike out:

Beirut, Syria.

The amendment was agreed to.

The next amendment was, on page 20, after line 24, to insert:

Breslau, Germany.

The amendment was agreed to.

The next amendment was, on page 23, after line 10, to insert:

Sydney, Nova Scotia.

The amendment was agreed to.

The next amendment was, on page 23, after line 11, to strike out:

Tamsui, Formosa.

The amendment was agreed to.

The next amendment was, on page 23, after line 20, to insert:

Warsaw, Poland.

The amendment was agreed to.

The next amendment was, on page 23, line 23, after the word "Yarmouth," to insert "Nova Scotia;" so as to read:

Yarmouth, Nova Scotia.

The amendment was agreed to.

The next amendment was, in Clause VI, on page 24, after line 8, to strike out:

Breslau, Germany.

The amendment was agreed to.

The next amendment was, on page 26, line 13, after the word "Stanbridge," to insert "Canada;" so as to read:

Stanbridge, Canada.

The amendment was agreed to.

The next amendment was, on page 26, after line 15, to strike out:

Sydney, Nova Scotia.

The amendment was agreed to.

The next amendment was, on page 26, after line 16, to insert:

Tamsui, Formosa.

The amendment was agreed to.

The next amendment was, in Schedule C, on page 27, line 13, to increase the total appropriation for the salaries of consuls from $470,000 to $476,500.

The PRESIDENT pro tempore. Will it not be necessary to correct the total, on account of the change made by the amendment offered by the Senator from Massachusetts?

Mr. HALE. I ask that the clerks may fix the total.

The PRESIDENT pro tempore. The clerks will adjust it, then.

The SECRETARY. In line 12, page 27, it is proposed to strike out "seventy thousand" and insert "seventy-seven thousand;" so as to make the total read "four hundred and seventy-seven thousand dollars."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the subhead "Salaries of consular clerks," on page 27, line 15, to increase the number of consular clerks at $1,200 each from 8 to 10; in line 16, to increase the appropriation for the salaries of consular clerks from $9,600 to $12,000; in line 17, to reduce the number of consular clerks at $1,000 each from 5 to 3; in line 18, to reduce the appropriation for the salaries of consular clerks at $1,000 each from $5,000 to $3,000, and in line 19, to increase the total appropriation for the salaries of consular clerks from $14,600 to $15,000.

The amendment was agreed to.

The next amendment was, under the subhead "Allowances for clerk hire at United States consulates," on page 28, after line 5, to insert:

Hongkong, $2,200.

The amendment was agreed to.

The next amendment was, on page 28, line 14, before the words "Rio de Janeiro," to strike out "Hongkong," and in line 16, before the word "hundred," to strike out "four thousand eight" and insert "three thousand two;" so as to make the clause read:

Rio de Janeiro and Shanghai, at $1,600 each, $3,200.

The amendment was agreed to.

The next amendment was, on page 28, after line 16, to strike out:

Antwerp and Manchester, at $1,500 each, $3,000.

The amendment was agreed to.

The next amendment was, on page 28, after line 18, to insert:

Antwerp, $1,500.

The amendment was agreed to.

The next amendment was, on page 28, after line 19, to insert:

Monterey, $1,400.

The amendment was agreed to.

The next amendment was, on page 29, after line 7, before the word "Naples," to strike out "Monterey," and in line 11, before the word "hundred," to strike out "twenty-one thousand six" and insert "twenty thousand eight;" so as to make the clause read:

Beirut, Canton, Cape Town, Colon, Dawson City, Dresden, Dundee, Guayaquil, Kingston (Jamaica), Leipsic, Maracaibo, Melbourne, Messina, Naples, Palermo, Panama, Port au Prince, Singapore, Smyrna, Sydney (New South Wales), Tangier, Toronto, Tunstall, Vancouver, Vera Cruz, and Victoria, at $800 each, $20,800.

The amendment was agreed to.

The reading of the bill was continued to the end of line 12 on page 29.

Mr. HALE. After line 12, on page 29, I move to insert "Stockholm, $750."

The amendment was agreed to.

Mr. HALE. We will change the total when we reach it.

The next amendment was, on page 30, line 1, to increase the total appropriation for clerk hire at United States consulates from $93,950 to $94,250.

Mr. HALE. Let the total there be changed to conform to the previous change.

The SECRETARY. In line 1, page 30, it is proposed to strike out "ninety-three thousand nine hundred and fifty" and insert "ninety-five thousand."

The amendment was agreed to.

The next amendment was, under the subhead "Salaries of interpreters to consulates in China, Korea, and Japan," on page 30, line 14, to increase the appropriation for interpreters to be employed at consulates in China, Korea, and Japan, to be expended under the direction of the Secretary of State, from $15,000 to $17,500.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. PLATT of Connecticut. On page 16, line 21, I move to strike out the word "Coburg," and to insert it on the same page, line 17, after "Barcelona."

Mr. BERRY. What is the effect of that amendment, Mr. President?

Mr. PLATT of Connecticut. The effect is to increase the salary of the consul-general at Coburg $500.

Mr. BERRY. How much is it now?

Mr. PLATT of Connecticut. It is $2,500. It is estimated for. If the Senator desires, I should like to read what is said in the estimates.

Mr. HALE. I looked the matter up. It is not subject to a point of order, because it is estimated for by the Department, and they state that there is actual need of this increase.

Mr. BERRY. I had no idea of making a point of order, but as I had gone over the bill, being on the subcommittee, and we had the salary fixed at $2,500, I wanted to know if there was a good reason for the change. However, if the Senator from Maine does not object, I shall not interpose. He is familiar with the matter.

Mr. HALE. I do not object to the amendment.

The amendment was agreed to.

Mr. PLATT of Connecticut. There is one other amendment——

The PRESIDENT pro tempore. The Senator will allow the total to be corrected.

Mr. PLATT of Connecticut. The total should be corrected.

The SECRETARY. In line 5, page 17, correct the total so as to read "$44,500."

Mr. PLATT of Connecticut. It adds $500 to the total.

The amendment was agreed to.

Mr. PLATT of Connecticut. On page 29, line 7, I move to

strike out "Naples" and to insert it before the word "Nuremburg," in the first line on page 29. This is an addition of $200 for clerk hire at Naples, an increase from $800 to $1,000. I wish to state that Naples, under our immigration system, is a very important point.

The amendment was agreed to.

The SECRETARY. Change the total in line 11 by striking out "twenty thousand eight hundred," before "dollars," and inserting "twenty-one thousand."

The amendment was agreed to.

Mr. ALDRICH. On page 27, after line 4, I move to insert "Colonia, Uruguay."

Mr. HALE. It is changing a fee consulate to a salary consulate; that is all.

The amendment was agreed to.

Mr. HALE. The total will have to be changed.

The SECRETARY. Change the total, in line 13, from "$77,000" to "$78,000."

The amendment was agreed to.

Mr. BURROWS. On page 20, after line 18, I move to insert "Amherstburg, Canada," and in line 6, page 24, I move to strike out the words "Amherstberg, Canada."

The amendment was agreed to.

The PRESIDENT pro tempore. The total will be changed by adding $500, so as to correspond with the amendment just agreed to.

Mr. LODGE. I offer an amendment to come in at the end of the bill.

The PRESIDENT pro tempore. The amendment will be read.

The Secretary proceeded to read the amendment submitted by Mr. LODGE.

Mr. GALLINGER. Mr. President, for the purpose of saving the time of the Senate, I make a point of order against the amendment. It is general legislation.

Mr. LODGE. I do not think the Senator can take me from the floor and not allow me to speak. I have the floor.

Mr. GALLINGER. I have no objection to the Senator making a speech.

Mr. LODGE. I have offered the amendment and I have the floor. A point of order can not be made until I have yielded the floor.

The PRESIDENT pro tempore. The Senator from Massachusetts has the floor.

Mr. GALLINGER. Very well.

The Secretary resumed and concluded the reading of the amendment, which was to add to the bill the following additional section:

SEC. —. That the consular system of the United States be reorganized in the manner hereinafter provided in this act, and that the rules and regulations necessary to carry out this reorganization shall be left to the discretion of the President of the United States, except as otherwise provided in this act; and that the plan of reorganization shall be completed and such reorganization begun within the period of one year from the date of its passage.

SEC. —. That the offices of vice-consuls-general, deputy consuls-general, vice-consuls, deputy consuls, and commercial agents shall be filled by appointment, as heretofore, except that whenever, in his judgment, the good of the service requires it, consuls of the fourth, fifth, and sixth classes, provided for in the third section of this act, may be designated by the President to act as vice-consuls-general, deputy consuls-general, vice-consuls, and deputy consuls, and, when so acting, shall be eligible for promotion equally with other consuls of the fourth, fifth, and sixth classes. Vice-consuls may be appointed to perform the functions now performed by consular agents, which grade shall then cease, and such vice-consuls so appointed shall receive as salary an amount equal to the average compensation received by them respectively during the three years next preceding the passage of this act, but in no instance less than $100 per annum. Commercial agents shall be brought into the classification of the service under this act: *Provided, however*, That nothing in this act shall apply to consular officers holding diplomatic positions.

SEC. —. That there shall be not more than 2 consuls-general of the first class, at $10,000 each per annum; not more than 8 consuls-general of the second class, at $8,000 each per annum; not more than 13 consuls-general of the third class, at $6,000 each per annum; and not more than 13 of the fourth class, at $5,500 each per annum. That there shall be not more than 37 consuls of the first class, at $5,000 each per annum; not more than 35 consuls of the second class, at $4,000 each per annum; not more than 60 consuls of the third class, at $3,000 each per annum; not more than 40 consuls of the fourth class, at $2,500 each per annum; not more than 30 consuls of the fifth class, at $2,000 each per annum; not more than 50 consuls of the sixth class, at $1,800 each per annum.

SEC. — That all fees, official or unofficial, received by any officer in the consular service for services rendered in connection with the duties of his office or as a consular officer, shall be accounted for and paid into the Treasury of the United States, and the sole and only compensation of such officers shall be by salaries fixed by law. And vice-consuls-general, deputy consuls-general, vice-consuls, and deputy consuls shall hereafter receive such compensation as shall be provided for by law, and they shall not be compensated by any portion of the salaries of consuls-general or consuls.

SEC. — That within one year after the date of the passage of this act the President shall classify the consulates-general and the consulates in accordance with the provisions of section 3.

SEC. —. That immediately after the classification required by the foregoing section shall have been made the incumbents of the consulates-general, consulates, and commercial agencies who are included in the provisions of this act then holding office shall be assigned by the President to the various classes as nearly as possible in accord with the compensation they were receiving and the business of the office when said classification was made.

SEC. —. That a consul-general or a consul may be transferred by the President's order from one place to another in the same class, according to the needs of the service, and a consul-general or consul may, in like manner, be assigned to act temporarily in a class above or below that in which he holds his commission, and his salary shall not be affected by such temporary assignment; but no consul-general or consul shall be appointed or transferred to a country in which the United States exercises extraterritorial jurisdiction until he shall have passed an examination in the fundamental principles of the common law, the rules of evidence, and the trial of civil and criminal cases.

SEC. —. That every consular officer of the United States is hereby required (whenever he is applied to or it becomes necessary or proper to do so) at the post, port, place, or within the limits of his consulate, to administer to or take from any person any oath, affirmation, affidavit, or deposition, or to perform any other notarial act which any notary public is required or authorized by law to do within the United States; and for every such notarial act performed he shall charge in each instance the appropriate fee prescribed by the President under section 1745, Revised Statutes.

SEC. —. That every consular officer shall be provided and kept supplied with adhesive official stamps on which shall be printed the equivalent money value of denominations and to amounts to be determined by the Department of State, and shall account quarterly to the Department of State for the use of such stamps and for such of them as shall remain in his hands.

Whenever a consular officer is required or finds it necessary to perform any consular or notarial act he shall prepare and deliver to the party or parties at whose instance such act is performed a suitable and appropriate document as prescribed in the consular regulations and affix thereto and duly cancel an adhesive stamp or stamps of the denomination or denominations equivalent to the fee prescribed for such consular or notarial act, and no such act shall be legally valid within the jurisdiction of the Government of the United States unless such stamp or stamps is or are affixed and canceled.

SEC. —. That all acts or parts of acts inconsistent with this act are hereby repealed.

Mr. LODGE. Mr. President, the amendment which has just been read, and which was reported favorably from the Committee on Foreign Relations, is a portion of Senate bill 1618, and which stands at the head of the Calendar under Rule IX, "A bill to provide for the reorganization of the consular service of the United States." The amendment is only a small portion of that bill, and I wish, therefore, at the outset, to say a word in regard to the bill itself.

This bill was reported first from the Committee on Foreign Relations by the Senator from Alabama [Mr. MORGAN] in 1895, together with a very able report, in which he considered the needs of the consular service very fully and compared our system with that adopted in other countries. Since that time I have reported the same bill, in substance, from the Committee on Foreign Relations, I think, five times. It has received the steady support of that committee, and I embodied in the report which was made last year the report of the Senator from Alabama in 1895; and that portion of it I shall ask leave to append to what I shall say this afternoon.

I am not one of those, Mr. President, who share in the belief that our consular service is either a bad or an inefficient one. I have no sympathy with the indiscriminate attacks which have been made recently elsewhere upon our consular service; but I am also very far from believing that it is beyond improvement. Always an important service to the business interests of the United States, in the last four or five years, with the very extraordinary growth of our export trade, the consular service has assumed an importance to our business interests which can hardly be overestimated; and the effort which has been made by the Committee on Foreign Relations of the Senate to make some improvements in the service has originated with and been stimulated by the business men of the country, acting through their chambers of commerce and their boards of trade.

The defects in our consular system are not in the actual personnel at any given time, but in the lack of permanency of tenure, and in the failure to advance the best trained men in the service to the more important posts as they grow in experience and therefore in value.

The value of a consul to the business interests of the United States, other things being equal, is almost in exact proportion to his length of service. A man who goes to a foreign country where another language is spoken, if he is a diligent and ambitious man, eager to succeed, is obliged to consume a large portion of his time at the start in fitting himself for the post which he occupies, and in making it possible to be useful. He has everything to learn. When he has learned the language and customs and business needs of the country and has become a really valuable consul, if there is a change of parties at home, as a rule he goes, and a new man comes in who is obliged to learn the same things all over again before he can become effective.

We have, I think, at present, as a whole, a very excellent consular service. There are undoubtedly some very undesirable consuls, some not fitted for their posts, some who are careless of their duties, and are no credit to the country. There will be a percentage of such consuls in the service under any system that can be devised. There is always, in any service, public or private, a certain percentage of inferior men. That, however, is not the evil the bill was intended to reach, for the bill does not aim at an impossible perfection in human nature, but at a practical improvement of the consular service as a whole.

What I desire to see, and what I believe would be greatly in the interests of the business of the United States, is, so far as possible, to have a body of men as consuls the mass of whom have had

some training in the service, who understand foreign languages, and who realize that when they enter the service there is a fair opportunity for regular promotion. Instead of taking an entirely new man and putting him into a post of the highest importance it would be better if he could be put into one of the posts of less importance and some man better trained and of longer experience advanced to the more important place.

It is to meet that difficulty, to bring about that improvement, that this amendment was drawn. The purpose of it is to grade the consuls and in some degree to equalize the salaries.

To-day the salaries of the consuls are simply chaos. At some posts the consuls receive a very large compensation, while at others they are very inadequately paid. The only thing that is ever done in regard to salaries is in the Senate, when individual Senators who know the needs of some particular consulate exert themselves from time to time to get an advance in its pay. The result is that all the salaries of consuls are arranged at haphazard, without much relation to the duties of the office; and if a consulate is properly paid it is largely owing to the fact that there is some member of the House or some Senator who has taken the pains to secure a proper compensation for that particular consulate.

The trouble is still further enhanced by the fact that we retain, in part, at least, the fee system, and the fee system wherever applied in Government business is wasteful. It is not sound economically. It never leads to good results.

In the old days consuls were paid exclusively by fees. That was abandoned or abolished, fixed salaries were substituted, and the consular fees turned into the Treasury. But there were in addition a large amount of fees not strictly consular, generally known as notarial fees, paid for such services as witnessing deeds or other papers to which their signature was necessary and for which they charged a fee to the American citizens who came into their offices requiring such authentication. Some of the consulates receive a large amount of money from those notarial fees; others receive little or nothing. Some of the places at which we have consuls where the notarial fees are of small consequence are posts of great importance, where it is very necessary we should have a consul, where the consul is often called upon to exercise diplomatic functions, and yet, owing to the fact that there are few Americans there, either as travelers or on business, his notarial fees are small, and he receives a salary wholly inadequate for the duties of his post.

Therefore, Mr. President, to my mind the present system presents two very great evils. One is the absence of all grades—that is, of all possibility of regular promotion—and the other is the lack of a proper and systematic arrangement of salaries. I think this condition is against the business interests of the country and tends to cause poor service.

I myself should like to go much further in the reorganization of the consular service than this amendment. I should like to see the service put on an entirely different basis. It is a service, to my mind, in which political appointments are more out of place than probably in any other branch of the Government service. The men appointed to the consulates go out of the country; they can by no possibility take any part in politics; they are separated entirely from political matters here; they are in a foreign country to represent American interests. Their office is one in which there should be no politics of any kind, and it seems to me that of all the branches of the Government service this is the one which more than any other should be put upon a strictly business basis. It is with that view that the Committee on Foreign Relations has year after year reported this bill.

That this bill may not be thought merely the scheme of some doctrinaire or of some one eager for an unreasoning and unreasonable extension of the classified service, I should like to call the attention of the Senate to the names of the gentlemen who appeared before us and to what they represented. The hearing is printed as an appendix to the report of the Committee on Foreign Relations. The first statement was made by Mr. Harry A. Garfield, who represented the Chamber of Commerce of Cleveland, Ohio; the next was by Mr. Gustave Schwab, who represented the Chamber of Commerce of New York; the next was by Mr. John W. Ela, who represented the National Business League; the next was by Mr. W. R. Warner, a large manufacturer; the next was by Mr. S. A. Harris, of Minneapolis, a banker and business man there with large interests; the next was by Mr. Charles P. Moser, who represented the Chamber of Commerce of Auburn, N. Y. These gentlemen were a committee from the national convention of boards of trade of the United States, and they came here as such representatives.

Mr. BEVERIDGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Indiana?

Mr. LODGE. Certainly.

Mr. BEVERIDGE. I desire to know whether this national convention of all the boards of trade throughout the country passed a resolution or took affirmative action upon this subject on consular reform, and if these gentlemen came as representatives in pursuance of such formal act by that convention?

Mr. LODGE. Mr. Garfield stated that the movement started with the Cleveland Chamber of Commerce. He said:

> All of those things being impressed upon our minds, the Cleveland Chamber of Commerce, along with almost all of the chambers of commerce of the country, in 1898 took part in urging the introduction of a bill for the reorganization of the service.

And those chambers of commerce—not in convention here, but the chambers of commerce throughout the country—sent a committee to represent them. I am giving simply the names of the committee; but they spoke as representing the chambers of commerce throughout the country.

Mr. BEVERIDGE. I understood the Senator to say that they represented a convention of the chambers of commerce in our country.

Mr. LODGE. No. I was in error in speaking of a national convention.

Mr. BEVERIDGE. I thought that was rather remarkable.

Mr. LODGE. No action was taken in convention. The action was taken by each of the chambers of commerce separately; but they passed resolutions, and those resolutions are in the files of the Foreign Relations Committee. We did not have them printed. Those resolutions represent almost every chamber of commerce in the country in regard to the subject; and this committee came here representing those chambers of commerce. They have been here more than once. The particular hearing which is printed here occurred, I think, two years ago, during the last Congress, but those gentlemen have been here again this year. They have been here every year now for three or four years. They have appeared before the committee of the House of Representatives and also before the Committee on Foreign Relations of the Senate. Their motive is simply the extension of American commerce and a good consular service. They regard the consular service as an extremely important instrument in seeking and promoting that extension. Their desire is to get a consular service which shall be most efficient in bringing about that result. They desire the passage of the bill which the committee have reported.

That bill provides for a system of examination of candidates for the consular service, for their appointment to the lower grade of consuls, and then for their promotion through the higher grades. It provides also in a general way some of the qualifications which the business men of this country seemed to think were especially necessary for the purpose they had in view. But that bill, Mr. President, as I have already said, once reported by the Senator from Alabama [Mr. MORGAN], and, I think, five times reported by myself, has never made any progress after it reached the Calendar. The committee did not prove to be its grave, but the Calendar did.

This year, Mr. President, it seemed to me desirable to offer an amendment leaving out entirely the feature of examination, to which many of the Senators strongly object, and merely to bring in a proposition for the grading of consuls, for the equalization of salaries, and then with an addition, which is not in the bill, being a provision that stamps should be affixed upon each document receiving the notarial certification of the consul, so that thereby a proper return might be made to the State Department.

Mr. PLATT of Connecticut. May I make a statement?

Mr. LODGE. Certainly.

Mr. PLATT of Connecticut. I suppose that the Senator has in mind—he says he has—the permanency of the service of our consular officers?

Mr. LODGE. I have.

Mr. PLATT of Connecticut. And this grading, I suppose, looks to their being promoted from lower grades to higher service. But has the Senator anything in this bill that provides for that?

Mr. LODGE. Nothing. That portion was left out. I attempted only in this amendment to bring forward the very simplest, and, as it seemed to me, the most necessary, improvement to be made—that is, to get a grading of the consuls in classes, with a view to equalizing the salaries and giving an adequate compensation in proper proportion to the duties performed. I think that would have a tendency undoubtedly to encourage promotion, and that when a vacancy occurs in one of the more important consulates the tendency would be to promote the man older in the service and put the new man at a less important consulate. But the amendment requires nothing of that kind.

Mr. PERKINS. I will state, if the Senator please, that that is the present rule introduced by an Executive order of President Cleveland. No one is now eligible for appointment unless he undergoes and passes a satisfactory examination; and consuls are also given precedence for promotion, thus carrying out the very plan proposed by the Senator from Massachusetts, which we all indorse so heartily.

Mr. LODGE. The Senator from California knows that the

order of President Cleveland only applied to pass examinations for persons entering the service. You can not promote in a service where there are no grades; you can have no regular system of promotion without a graded service. In order to have a system of promotion, you must have regular grades. Undoubtedly you can give one man who has got a poor consulate a better one, but no regular promotion.

Pretty much all our civil service is graded, and, in my judgment, wisely so. I think that the consular service would be greatly improved if it could be understood that in case of meritorious service promotion should follow. We have some cases where that has happened. For example, the consul-general at Berlin, who has been in the service many years under both Democratic and Republican Presidents, who distinguished himself very early in his service, has been gradually advanced until he is now consul-general at one of the most important points in Europe, and I think anyone who knows anything about the service will admit that Mr. Mason, at Berlin, is one of the very best consuls in the service of the United States. Setting aside his natural capacity and ability for the moment, there can be no doubt that his long training in different posts has been of the utmost value and has enhanced his worth and the benefit he has been able to give to the business interests of the country.

Mr. BEVERIDGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Indiana?

Mr. LODGE. Certainly.

Mr. BEVERIDGE. I dislike to interrupt the Senator, but the subject which is being discussed is one to which I have given considerable thought and investigation, both in reading and otherwise. I am with the Senator upon his proposition, except as to one point, and that is this: I have observed, and I think everybody else has observed, that when a man has been in one place for a length of time his energy gives place to indolence; he gets familiar with the situation, and he rests on his oars. If he feels that he is going to be there for good, his pushing power in the public interest is minimized.

I have always said, and said it not alone upon this subject, that if a law could be provided which would accomplish continuousness of service, and yet which would prevent diminution of interest and energy of the consul, that would be the thing. But the trouble with a measure of this kind has always appeared to me to be that in accomplishing length of service, in achieving experience, a consul destroys his initiative; so that we find when a consul goes to a place with fresh surroundings he goes there full of the peculiar energy and desire to push American commercial interests, and he does so exceedingly well for four or five years. In comparison with the action, for instance, of the English consul at a very important oriental point which I have in my mind, where an English consul has a permanent place, and where, therefore, his energy lags and he gets in the rut of service, the action of the American consul is very marked. Now, what I call the attention of the Senator to is this: How does the Senator propose to prevent the evil which all students of this question see in continuousness of service? I admit fully the virtue of what the Senator has been speaking about, and I have no doubt the Senator will also admit the danger that comes from the circumstances to which I call his attention. But I have not heard the Senator upon that.

Mr. LODGE. I entirely agree with that; and I was coming to that point.

Mr. BEVERIDGE. Very well.

Mr. LODGE. I did not mean by what I said on permanency of tenure to imply that we ought to keep a consul in one place indefinitely. I think nothing could be more injurious to the service than that. I should like to see promotion made compulsory. Anything that would tend to compulsory promotion would also tend to facilitate moving consuls from one place to another and would be of vast advantage to the service. To keep a consul in one place all the time results exactly as the Senator from Indiana has described; and that is what happens now in a large number of instances.

If consuls are retained, as a certain proportion of Republicans are retained through a Democratic Administration and Democrats through a Republican Administration, they are retained almost invariably in the places to which they were originally appointed. They stay on year after year and year after year in the same positions until ambition and hope are dead and a dull routine succeeds to energy and activity. One of the prime objects of grading is to get rid of the immobility which now exists in regard to all consuls who are retained for any length of time. It is extremely desirable that some method should be found by which a consul who has shown himself by service at one post to be a good man could be moved to another, because the new post will encourage him to fresh efforts, and I think such a system would keep the service active and alive.

Mr. President, I did not intend with this amendment to solve all the difficulties or all the troubles which exist in the consular service. The bill seeks to do that, and I think very wisely. I am heartily in favor of the bill. This is merely an attempt to get a small improvement; that is all. The purpose of this amendment is only to get the consular service graded, to get the salaries fixed, to abolish fees—all fees—to equalize salaries, to open the door to promotion, so that the Department may have some method of promoting and a better opportunity than it now has.

The amendment is very insufficient—nobody is more aware of it than I am—for the purposes which I think ought to be attained by a comprehensive measure; but I nevertheless think it would be valuable to our business interests. It would not interfere with the appointment of anyone to the consular service by the present undesirable methods. It does not interfere in the least with that. It simply provides that the consuls shall be graded in certain classes; that they shall be paid on a schedule which the amendment proposes, and which has been carefully prepared by the State Department; that fees shall be abolished; that all fees shall be turned into the Treasury, and that the amount of the fees received shall be made as certain as possible by the issuance of stamps which would have to be cancelled or returned.

That last provision about stamps was not in the bill. It is one that was added at the suggestion of the Department. The Department believe that the return of notarial fees is extremely imperfect—whether owing to carelessness or intention it is not necessary to discuss—but they believe that there are large amounts of notarial fees which are not returned. Those fees the consul has the right to keep, but if he fails to return them it at once destroys all accuracy in the knowledge of the Department and the possibility even of their knowing what the consulate is really worth or what the business of the consulate amounts to. If you can get rid of the fees, have them properly returned to the Treasury by the simple system of stamps on all documents to serve as a check, you will get a better return in money from your consulates; you will pay your consuls more accurately and more justly; the men who deserve an increase of salary will get it; and they will all get it instead of an occasional man here and there whom we each of us happen to pick out in the rush of business and get through on an amendment when the appropriation bill comes up.

Mr. President, I have offered this amendment simply as a means of making what I consider a real improvement in the consular service. I am quite aware that the point of order lies against it, but I wished to say what I have said by way of explanation both of the bill and of the amendment and of their purposes. I am sorry that the Committee on Appropriations could not agree with the Committee on Foreign Relations to put it on the bill; but I hope in the future they will see their way to taking steps toward some of these improvements.

I have said all I desire to say on this subject, and I will only ask leave to print as a part of my remarks that portion of the report of the Committee on Foreign Relations which contains the original report of the Senator from Alabama [Mr. MORGAN].

The matter referred to is as follows:

The Committee on Foreign Relations, to whom was referred the bill (S. 1618) to provide for the reorganization of the consular and diplomatic service, submit the following report, as presented at the last session of Congress (Rep. 1202):

The following report was made by Mr. MORGAN on February 6, 1895, to accompany a similar bill when it was reported to the Senate at that time. It covers so many of the essential points in regard to the proposed reorganization that it is here reprinted:

"The consular service of the United States, like that of other nations, developed gradually out of the necessities of commerce and the willingness of merchants in foreign countries to represent other governments than their own, and to discharge certain fiscal and other duties for the sake of the fees to be collected for such services. While the other great commercial nations of the world have at intervals down to recent times been active in the improvement of their consular service, in order to meet satisfactorily the exigencies of a steadily increasing competition in international trade, the consular system of the United States has remained practically unchanged since the time it was called into existence on a small scale by the acts of July 1, 1790, and of April 14, 1792, and kept alive by a number of subsequent unimportant acts.

"The act 'to remodel the diplomatic and consular system' of March 1, 1855, is entitled to be regarded as an improvement only so far as it slightly enlarged the service and corrected certain abuses therein by a closer supervision of the fees. It in no way, however, effected a change in the principle of consular representation or in the system of appointment. Apart, therefore, from the act of June 20, 1864, which provided for the establishment of a small body of 13 consular clerks with a permanent tenure of office, a measure which at its inception was intended to form the nucleus of an entire reform of the service on that basis, this institution, so important to our foreign trade, has suffered the oversight and indifference of Congress.

"This neglect is the more striking and the less excusable when our foreign trade of half a century ago is contrasted with that of to-day. In 1850 the combined value of our imports and domestic exports amounted to $308,409,759; in 1893 it reached the figure of $1,697,431,707. But notwithstanding these present vastly increased and far more intricate commercial relations indicated by these figures, no step whatever to increase the efficiency of the consular service, to which the direction and fostering of these relations are intrusted, has been taken. That this has entailed a great loss annually to our foreign trade can not be questioned; that there is also an urgent necessity to correct this want of efficiency is equally apparent.

"Even more applicable to the industrial and commercial conditions of to-day, but with reference to those of a decade ago, Secretary Frelinghuysen said in 1884:

"'Until recently the demands of Europe, which consumed the greater portion of our exports, and the condition of the producing countries were such as to give us control in the supply of certain products, such as breadstuffs, provisions, cotton, petroleum, etc. The demands of Europe for all these products, and of the other continents for petroleum especially, were so positive and our producing conditions so favorable as to give us practically a monopoly for their supply.

"'These conditions of international demand and supply are undergoing radical changes, which the near future will intensify.

"'The efforts which have been made and which are being made by Europe to enlarge the field of supply in the above-mentioned products, aided by the ambition which prevails in all countries for the development of natural and artificial resources to meet their own wants and to supply the wants of others, have resulted in awakening competition for the supply even of those products which we have heretofore controlled. It is true that thus far this competition has not affected our trade to any appreciable extent, but the desire for development which is now abroad and the ambition which prevails to increase the production (outside of the United States) of the foregoing articles render consular supervision of absolute importance. The complex commercial relations and industrial interests which now prevail in Europe have originated hostility to American products in many countries, and afford additional reasons for the enlargement and perfection of the consular service.'a

"In 1888 Mr. Cleveland, in his message to Congress, expresses himself to the same effect when he says: 'The reorganization of the consular service is a matter of serious importance to our national interests,' and in 1893 he again refers to the subject as follows:

"'During my former Administration I took occasion to recommend a recast of the laws relating to the consular service, in order that it might become a more efficient agency in the promotion of the interests it was intended to subserve. The duties and powers of consuls have been expanded with the growing requirements of our foreign trade. Discharging important duties affecting our commerce and American citizens abroad, and in certain countries exercising judicial functions, these officers should be men of character, intelligence, and ability.'

"In addition to these expressions from a high official source, the necessity of a reform has been recognized by men of letters, eminent statesmen, journalists, and important boards of trade of this country.

"It must be admitted that the present management of our foreign service is burdened with many drawbacks to its efficacy by considerations that relate to domestic politics. Partisan policy, when strictly carried out in making appointments in our foreign service, has no other meaning than that the consular offices are primarily regarded as rewards for political services. The real capacity and usefulness of a consul is too often a secondary consideration.

"This important and indispensable part of the machinery by which our foreign intercourse is conducted is often employed to pension political favorites. That to subserve the interests of the service ought to be the sole end in view in the selection of incumbents can not be disputed. To consider the offices merely as sources from which these partisan officeholders may derive four years of maintenance is as absurd as it would be to construct a navy to defend the country and to intrust its command to landsmen without experience for whom we might desire to provide a living and comfortable quarters.

"Such a purpose, or one not more gratifying, has often been put into practice in our diplomatic and consular service. To protect and promote in time of peace our varied foreign interests through the agency of a trained personnel is not a less important subject for legislative consideration and provision than in time of war to defend them by the most efficient means at our command.

"The object of this act is to provide a system by which persons shall be trained for the duties of the consular service, so that they shall be able to perform them in the best possible way at a reasonable expense to the Government. That this can not be obtained without removing the selection of persons for this service from the control of party politics is shown by our experience, if any proof were required to establish a conclusion so entirely true and indisputable.

"Fitness of the candidate, permanency of tenure during good behavior, and an impartial method of selection and to govern promotion as reward for efficiency are the principles on which a useful consular service can alone be based with an expectation of the best results.

"Under our present system a consular or diplomatic officer has no sooner familiarized himself with the duties of his office and begun to acquire a knowledge of its business and fitness for his duties than he is removed to make room for another novice, who is likewise superseded as soon as his experience begins to enable him to discharge the duties of his office to the satisfaction of himself and others. Thus, in one generation the same post is frequently filled by a number of men, who are successively displaced as soon as they have learned to transact the business of their offices with something of professional knowledge and skill.

"This system is not only unjust to the people, but it is equally unjust to the agents, who are thrown back upon their own resources just at the time when a three or four years' preparation has fitted them to devote their energies and capacity with advantage to the foreign service.

"To compete successfully with the agents of foreign powers, and to conduct advantageously the political and commercial affairs of our own country, the appointee to this service should be familiar not only with the laws, customs, industries, manufactures, and natural products of our own land, but they should be instructed in the laws, pursuits, language, the contributions to commerce, and the character of the people to whom they are accredited. To this should be added a competent knowledge of the law of nations and of commercial law. As long as these officers are transferred from pursuits and associations which have no connection with commerce or the foreign service, however able and skillful they may be in other things, they can not possess the special knowledge and skill which will render their labors either useful or creditable to the consular service.

"The foreign service of European governments for many years has been the object of careful solicitude on their part. An outline statement of them will better enable us to understand the disadvantage we suffer from a defective system.

"The French consular service is composed of—

40 consuls-general, at a salary each	$3,600
50 consuls of the first class, each	2,800
80 consuls of the second class, each	2,000
100 vice-consuls	1,400
24 pupil consuls	800

"The conditions for admission to the diplomatic and consular service of France are prescribed in a decree of October 15, 1892, and, to show how important France considers its foreign service, attention is called to the fact that over thirty decrees have been issued since 1880 tending to perfect the system.

"The pupil consuls are appointed by the minister of foreign affairs. They can only be drawn from the body of attachés on probation who have passed a competitive examination for admission into the service and who have served not less than one year in the home office.

"Before being assigned to a diplomatic or consular post they are required to spend at least one year at one of the principal chambers of commerce, where they are to acquire a thorough knowledge of the methods and needs of commerce, and whence they must send the minister periodical reports on the trade of the district. After three years of service, half of which time must be rendered abroad, the pupil consul becomes eligible for vice-consul, and after a service of three years in each subsequent grade he becomes eligible for promotion to a higher one.

"Candidates for admission in the French diplomatic and consular service must be under 27 years of age and must have taken a collegiate degree in law, science, or letters, or must have passed certain other examinations, or be the holders of commissions in the army or navy.

"The examination for entrance into the service is either written or oral, as may be required.

"The written test consists of a composition on public and private international law and a translation into French from English and German, which is dictated. Those candidates who aspire to the diplomatic career are to write also a composition on a subject of diplomatic history that occurred since 1648; those destined for the consular service must write a composition on a subject of political economy or of political and commercial geography.

"Those whose papers are sufficiently creditable in the opinion of the examiners to warrant their going any further are then subjected to a public oral examination on public and private international law, political and commercial geography, political economy, and a conversation in English and German. Candidates for the diplomatic career are further examined orally in diplomatic history since 1648, and candidates for the consular service are examined on maritime and customs laws.

"The French foreign service is under very strict discipline, and for misconduct or inefficiency there are the following penalties:

"(1) Reprimand.

"(2) Withholding a part of the salary, not exceeding one-half thereof and not for a longer period than two months.

"(3) Suspension from the service without salary for two or more years.

"(4) Dismissal.

"The last three penalties are imposed by the minister of foreign affairs, with the consent of the council of directors, and after a written or oral hearing of the party under censure.

"In addition to their regular salaries, the French consular officers are entitled to traveling expenses and allowances for house and office rent, and for entertaining where it is necessary.

"Such a course of training and discipline must produce thorough efficiency; and the generous rewards given for faithful and profitable service must encourage a good class of men to adopt such employment as a profession to which all their energies and abilities are industriously devoted. The permanency of employment, during good behavior, gives confidence to the officer, and constantly increasing benefit to the Government.

"The British system of regulations for the admission of applicants to the consular service are as follows:

"'Persons selected for the consular service, whenever the circumstance of their being resident in England, on their first appointment, or of their passing through England on their way to take up such first appointment, may admit of their being subject to examination, will be expected to satisfy the civil-service commissioners—

"'(1) That they have a correct knowledge of the English language, so as to be able to express themselves clearly and correctly in writing.

"'(2) That they can write and speak French correctly and fluently.

"'(3) That they have a sufficient knowledge of the current language, as far as commerce is concerned, of the port at which they are appointed to reside, to enable them to communicate directly with the authorities and natives of the place; a knowledge of the German language being taken to meet this requirement for ports in northern Europe; of the Spanish or Portuguese language, as may be determined by the secretary of state, for ports in Spain, Portugal, Morocco, and South or Central America; and of the Italian language for ports in Italy, Greece, Turkey, Egypt, and on the Black Sea or Mediterranean, except those in Morocco or Spain.

"'(4) A sufficient knowledge of British mercantile and commercial law to enable them to deal with questions arising between British shipowners, shipmasters, and seamen. As regards this head of examination, candidates must be prepared to be examined in Smith's Compendium of Mercantile Law.

"'(5) A sufficient knowledge of arithmetic for the nature of the duties which consuls are required to perform in drawing up commercial tables and reports. As regards this head of examination, candidates must be prepared to be examined in Bishop Colenso's Arithmetic.

"'Moreover, all persons on their first nomination to consulships, and after having passed their examination before the civil service commissioners, will be required, as far as practicable, to attend for at least three months in the foreign office, in order that they may become acquainted with the forms of business as carried on there.

"'Limit of age for candidates, 25 and 50, both years inclusive.'" (Fee for examination, £1 to £6.)

"'Mr. Henry White, formerly secretary of legation at London, in an article contributed to the North American Review, makes the following instructive statements concerning the British consular service:

"'The British service was established in its present form by act of Parliament in 1825 (6 Geo. IV, cap. 87). Up to that time its members had been appointed, on no regular system, by the King, and were paid from his civil list. This act placed the service under the foreign office, and provided for its payment out of funds to be voted by Parliament. Since then it has been the subject of periodical investigation by royal commissions and Parliamentary committees, with a view to the improvement of its efficiency. The evidence taken on these occasions is published in voluminous blue books, the perusal of which I recommend to those interested in the reform in our service.

"'Appointments are made by the secretary of state for foreign affairs. Candidates must be recommended by some one known to him, and their names and qualifications are thereupon entered on a list, from which he selects a name when a vacancy occurs. The candidate selected, whose age must be between 25 and 50, is then required to pass an examination before the civil-service commissioners.

"'The salaries of British consular officers are fixed, under the act of Parliament of July 21, 1891 (54 and 55 Vict., cap. 36), by the secretary of state, with the approval of the treasury, and no increase can be made in any salary without the approval of the latter. They average about £600 ($3,000) a year, but, of course, some of the important posts are much more highly paid, the salary of the counsul-general at New York being £2,000 (nearly $10,000), with an office allowance besides of £1,600, and a staff consisting of a consul at £600, and two vice-consuls at £400 and £250, respectively; that of the consul at San Francisco, £1,200 (nearly $6,000), with an office allowance of £600 besides

a Communication of the Secretary of State to the President, March 20, 1884.

"'British consular officials are retired at the age of 70 with a pension.

"'There is also an unpaid branch of the service, consisting chiefly of vice-consuls, appointed at places which are not of sufficient importance to merit a paid official. They are usually British merchants, but may be foreigners. They are not subjected to an examination, and are rarely promoted to a paid appointment.

"'Consular clerks are required to pass an examination in handwriting and orthography, arithmetic, and one foreign language (speaking, translating, and copying).'

"Mr. White through a series of years was our secretary of legation at London, and is thoroughly informed on the subject of consular duties and the acquirements that are essential to an efficient and respectable service. His approval of the plan adopted in this bill for the reformation of our consular system and service is a strong recommendation of its future advantages.

"In Germany persons are appointed to the office of consular chancellor who have passed their examinations as 'referendary,' a title which requires graduation at a German university, and requires a thorough knowledge of law, political science, statistics, etc. The chancellor of the consulate is promoted gradually until he reaches the rank of consul-general.

"As a rule, the personnel of our consular establishment is not in unfavorable contrast with that of the leading European States as to intelligence and sagacity; but our consuls have not usually the liberal education characteristic of the consular representatives of the great European States, nor are they so well informed as to commerce and its great variety of contibutory pursuits, or with the exact business methods employed in conducting the commerce of the leading nations. This seems to be our point of most serious deficiency.

"It is proper, and may be necessary, that the laws should designate the places at which consulates are established, but discretion should be given to the President to send consuls to other places, at least temporarily, to meet the demands of trade and intercourse that may arise in new and unexpected quarters. Especially is this necessary in cases where other countries are engaged in war, and a sudden emergency calls for the protection of our citizens in places which are not designated by law as the location of consular establishments.

"But the laws should not designate the individual who is to be the consul at any particular locality. That matter should be left to the discretion of the President, so that he can at all times have the right man at the right place, to meet any demand of trade, or to secure the adequate protection of the persons and property of our citizens in any emergency, or for any public reason.

"The arrangement of fixed residences of the consuls of the several classes is not attempted in this bill. The laws and the practice of the Department of State are, for the present at least, a sufficient guide in that matter.

"The President should, however, be left free in his authority to send a consul of any class to any consulate when he may consider that the demands of the public service require such transfers.

"The reasons for such a provision of law are many and cogent, and they are so obvious as not to require any elaboration in this report. They relate as well to the fitness of consular officers for the particular duties of the occasion as to their usefulness because of their experience as to the condition of the people, the trade, and the language of the particular locality where their services are required.

"The consular establishments thus mobilized would soon show a great growth in the useful knowledge of the affairs of various parts of foreign countries, and our trade with many foreign countries would be greatly increased and rendered more secure.

"The following statements, showing the present condition of our consular service, will show that the change in the organization of the system will add materially to the revenue derived from that source, without a material increase of the expenditures:

Expenditures for salaries of consular officers and amount of compensation in fees, where the officer has no salary, for the year 1894.

26	consuls-general (not including those also commissioned ministers resident)	$98,000.00
188	salaried consuls	371,500.00
11	salaried commercial agents	22,000.00
13	salaried consular clerks	15,000.00
62	feed consuls (personal perquisites in official fees)	36,152.85
33	feed commercial agents (personal perquisites in official fees)	35,505.53
	Notarial and unofficial fees retained by consular officers as personal perquisites (lowest estimate)	250,000.00
333	Total	829,158.38

Officers of the diplomatic service embraced in this bill.

6	secretaries of embassy	$13,875.00
17	secretaries of legation	31,975.00
23	Total	45,850.00

According to the annual report of the Fifth Auditor of the Treasury for the year ended June 30, 1894—

The expenses for last year of the consular service were	$1,055,417.43
The consular fees received for official services were	758,410.81
Excess of expenditures over receipts	297,006.62

"This excess of expenses is larger than it has been for ten years. In 1893 it only amounted to $96,042. The difference is not due to an increase of expenditures, but, no doubt, may be found to a great extent in the changes of our tariff laws. This excess, though larger than customary, is, after all, a small sum when considered with reference to the important purposes for which it is disbursed, and, with the payment into the Treasury of the unofficial fees, as proposed under this bill, it is likely to be greatly reduced, if not changed into a balance in favor of the income from that source.

"The entire excess of expenditures for salaries in the Department of State and in the diplomatic and consular service over the receipts amounts to only $615,909.19, the smallest amount expended by any of the great powers of the world. The expenditures of the foreign service of Great Britain, Russia, Germany, Italy, and Spain exceed this amount by very considerable figures, and the report of the ministry of foreign affairs of France for the year 1893 shows only $240,000 receipts and $3,266,960 expenditures, a sum almost double that expended by the United States, including even the incidental and contingent expenses of the consular and diplomatic service of the latter country.

"This bill adopts the principle of permanent official tenure, so far as the laws can control that subject, but permanent only as it is of benefit to the service. It leaves the power of removal from office to the discretion of the President. The position of each employee of the service is protected against the uncertain and demoralizing effects of changes for merely political reasons in the administration of the Government as far as Congress can control the subject. But this protection is as necessary in practice for efficient work as it is just in theory, and if the plan is adopted of appointing consuls after they are found to be qualified for the respective classifications of the consular service they will seldom, if ever, be dropped from the service for the purpose of supplying their places with political favorites.

"The required examination for appointment and promotion creates an impediment in the way of those who may demand office as a reward for political partisanship, without having adequate knowledge of the duties of this peculiar branch of the public service.

"Each consul must, on frequent occasions, be the judge of his proper line of action without aid or direction from the minister to whom he is required to report or from the Department of State. In such cases it is requisite to the honor and security of the Government that the consul should be well informed as to his duties.

"The right of the President to select from the whole body of consuls any man for any place he may prefer, and to assign him to such place for duty, and to transfer him at pleasure to another place, is the full equivalent of the power of appointment to a particular office.

"These functions are to be exercised in foreign countries, for the most part distant from the United States, and disconnect the incumbents from participation in our home politics.

"In so far as they may be given as rewards for party services, they are a sort of pension system for men who have not been successful in getting offices at home, or who have failed of success in the usual channels of business.

"The consular system should be based upon the plan of personal qualification for its important and pecular duties, ascertained by the examination and experience of those employed in it, rather than upon the plan of selecting those for this service who have failed in other pursuits, or those who desire to go abroad for purposes of travel, recreation, or amusement.

"This is the only branch of the public service that has been used, to any great extent, for the gratification of the incumbents, without regard to their capacity to render efficient service to the country, and it is time that our policy in respect of these offices was changed.

"Taken in the aggregate, there is no class of representatives of our Government who can so seriously affect our commerce with other countries, in their actual and direct conduct and dealings, as our consuls and commercial agents.

"We should encourage our best classes of people to qualify themselves for this important service by giving them just compensation for their work and by securing them in these offices during good behavior.

"They have much to do with the dignity of our Government, its credit in foreign lands, the honor of its flag, and the safety of its citizens."

Since Mr. Morgan made the report which has just been given, the need for a reorganization of the consular service has become more apparent with each succeeding year. This is particularly true of the last two years, which have witnessed such an enormous increase in American exports, this increase occurring chiefly in manufactured articles of the most varied kind. The development of our industrial system has reached a point where its production is far in excess of the demands of the home market, and the expansion of our export trade is the result of the necessity of finding consumption for our surplus production. It is clearly in the interest of our industry and commerce that everything which the Government can do to facilitate this expansion of our export trade should be done, and no argument is needed to show that the consular service ought to be a most efficient instrument in promoting American exports and in aiding our industry and commerce to find new markets.

No one who has examined this question can fail to be convinced that we might and ought to obtain a much higher degree of efficiency in our consular service in these directions than is now the case. The chief trouble lies not in the character or ability of our consuls, but in the defective system under which they are appointed. A consul, as a rule, is most valuable to our business interests in proportion to his experience in the consular service, yet under the existing system experience is no guaranty for retention in the service, and when a man has attained experience the time has usually been reached for his removal, on account of a political change at Washington, and for replacing him with an inexperienced man who has the entire lesson to learn afresh from the beginning.

The bill reported from the committee aims to correct this evil by assuring a greater permanency of tenure, promotion for good service, and original appointments to the lowest grade of consulates of men whose fitness for the service has been, in a measure, tested by examination. The work of examining candidates is intrusted by the bill to a board composed of officers of the State Department and of the consular service to whom the requirements of that service are most familiar.

The bill also makes an important and much-needed change by abolishing all fees, wherever practicable, and giving to the consuls a proper salary. If all fees are turned into the Treasury of the United States it is believed that, despite the increase of salaries carried by the bill, the service will be practically self-supporting, certainly more nearly so than it is now, and that thus a better system will not only be obtained, but there will be a direct saving to the Government.

The bill also simplifies the present organization by bringing all commercial agents who are citizens of the United States into the regular service. It further requires that all persons now in the service shall be recalled and examined for reappointment in such manner as the board may prescribe; their record, to which great weight will be given, of course, will be examined at the same time. This provision, the committee believe, will lead to a marked improvement in the general character of the service, and will put all members of the service under the reorganization on the same plane.

The consular clerks, who must not be confounded with the clerks employed in consulates, but who now form a body of officers established by law, and who are sent out in various exigencies to take temporary charge of consulates, are, by this bill, to be graded as consuls and brought within the scheme of reorganization.

The committee have aimed to make the scheme of reorganization as simple as possible, and to seek only to give to the consular service a greater permanency of tenure and a higher degree of efficiency. Your committee believe that the consular service, reorganized as is proposed by this bill, will be of very great service to the business interests of the country and in advancing the development of our export trade. The industry and commerce of the United States have a right to demand the best consular system which the Government can provide. It is difficult to estimate the importance to our business interests of the information which an energetic and thoroughly organized consular service could furnish them. Many large firms and corporations now maintain agents in all parts of the world to gather this information for them, but smaller firms and corporations, unable to go to this expense, are put at a disadvantage, because the consular service fails to give them what they have a right to expect. Representatives of chambers of commerce and of other commercial bodies from all over the country appeared before your committee to urge the passage of this bill. The attention of the Senate is especially invited to the statements made by these gentlemen which are appended to this report.

Your committee feel that, in response to the demand of our business men and as a potent means of promoting our export trade, the legislation embodied in this bill should receive prompt action at the hands of Congress.

Mr. HALE. Mr. President, I think the Senator from New Hampshire [Mr. GALLINGER] did not withdraw his point of order, but refrained from pushing it so that the Senator from Massachusetts [Mr. LODGE] might submit his remarks to the Senate. I only wish to say that the Committee on Appropriations, having charge of the bill, did not think it a good thing now upon this bill to enter upon this large subject of the complete revision of the consular force. Therefore nothing has been done by the committee, and the amendment is clearly, as suggested by the Senator from Massachusetts himself, subject to the point of order raised by the Senator from New Hampshire.

Mr. BEVERIDGE. Mr. President——

The PRESIDENT pro tempore. The Chair sustains the point of order.

Mr. BEVERIDGE. I was engaged in conversation with a Senator at the time when the point of order was made, and so I did not hear it and do not now know what its condition is before the Senate.

The PRESIDENT pro tempore. It is not before the Senate at all.

Mr. BEVERIDGE. It is not to be voted upon?

The PRESIDENT pro tempore. It is not, unless there is an appeal from the decision of the Chair.

Mr. BEVERIDGE. I assure the Chair that I cherish not even an embryonic purpose of that kind.

This is a subject in which for many years I have been profoundly interested, and on which I have experienced two or three changes of opinion, brought about by investigation of a great many score of consuls in various countries; and while I shall be very apt to follow the Senator from Massachusetts in any measure of this kind, which might meet his final and mature judgment—because he has perhaps given it more study than any other Senator who is now a member of this body—there are certain points as to which I would feel impelled at the time I did support him to explain myself upon. But if the amendment is not now before the Senate, of course, I do not care to take the Senate's time in presenting those points of divergent view with the Senator from Massachusetts. I might merely mention them for a minute or two minutes before I sit down, and call the attention of the Senator to the fact, as I did in my question, that one of the great evils recognized in the diplomatic and consular service of other countries is that failure of energy, what the English call "the dry rot" of their consular service; and which all are agreed is brought about by a certainty of official tenure and length of official service. That would have to be remedied in some way in any sort of a method of consular reform.

It is also true, Mr. President, that the preparation of our men is not so bad as those who have become enthusiasts upon the subject of consular reform have led themselves to believe. Our men go over there fresh from American business and political life. It is a training which, while not perhaps the best for this special purpose, nevertheless sharpens a man's wits and stimulates his energy. Witness the tribute paid to the American consular service by the German Government. It will be found in the report of the German Imperial commission upon the consular services of the world, quoted in a book issued by the consular bureau of our State Department. It is the highest practical tribute, a tribute that has not been paid to the consular service of any other nation in the world. It even goes on in perhaps the language of extravagant eulogy to say that our consuls all over Europe are the unrivaled sentinels of American enterprise and commerce. Therefore it will not do to say that simply because our men are picked up fresh from American business life they are thereby unfitted for these great duties.

I had intended, in case this amendment was before the Senate, as I find it is not, to speak at very limited length upon the comparative value of the German consular service, the English consular service, and the American consular service, which perhaps affords three of the best types of the different consular systems in the world; but, of course, Mr. President, if the point of order has been made to the amendment of the Senator from Massachusetts I shall not do so.

I want merely to say before I conclude that I am in most hearty sympathy with any reform of the consular service which will eliminate certain evils that are patent to every one, but it must at the same time prevent those evils which have accompanied a life tenure and a certainty of service in other systems, and which have made the English themselves very bitterly criticise their own consular service throughout the world. It has even been said on one or two occasions that the decline of British commerce in certain portions of the world has been due to the indifference of their consuls.

Of course I shall not address the Senate upon this subject now, although I thought the amendment was before the Senate, but I merely wanted to suggest these two or three points of difference, saying at the same time that I should support the measure of the Senator from Massachusetts, and likely any other measure that might meet the final and mature judgment of the Senator from Massachusetts upon this question, because I am earnestly in favor of some renovation of the consular service; but at the same time it has its virtues, which must be preserved.

Mr. GALLINGER. I had intended, Mr. President, to address myself for a few minutes to the amendment which has been ruled out, and I presume I could, under the elastic rules of this body, do so now without reference to whether anything is pending or not, but I will not do so. I recall the earnest lecture that we received this morning from the Senator from Maine [Mr. HALE], in which he notified the country that the majority of this Senate was filibustering—something that I never heard suggested in a legislative body before in my life and never expect to hear suggested again. In addition to that, I am extremely anxious to hear the concluding chapters of the very interesting and able speech that my colleague [Mr. BURNHAM] is delivering. For those two reasons I shall take but a moment's time of the Senate.

Mr. BEVERIDGE. Mr. President, may I ask the Senator a question?

Mr. GALLINGER. Certainly.

Mr. BEVERIDGE. Do I understand that the Senator engages to listen patiently to the concluding chapters of his colleague's address?

Mr. FORAKER. I call for the regular order, Mr. President.

Mr. GALLINGER. This is the regular order. I am the regular order just now.

Mr. FORAKER. I beg pardon. I thought the Senator from New Hampshire had concluded.

Mr. BEVERIDGE. No; I asked the Senator from New Hampshire a question.

Mr. GALLINGER. The Senator from Indiana has been propounding questions that have had no relation whatever to the question before the Senate for the last two weeks; and we all understand his purpose. I will answer any reasonable question that the Senator can propound at any time, and will take pleasure in doing so.

I was merely about to say, Mr. President, that I do not propose to take the time of the Senate. I want the public business to proceed as expeditiously as possible, and certainly I shall not put myself in an attitude at any time to prevent it, desiring, as I do, that the majority of this Senate shall control the business of the Senate in a proper way under the rules of this body.

I will content myself, Mr. President, on this question of consular reform by asking permission to introduce into my remarks a very brief editorial from a recent issue of the New York Sun, which discusses this matter and which calls attention to what Mr. Frederic Emory, Chief of the Bureau of Foreign Commerce, has said as to the value of our consular service and the most excellent work that our consuls are doing in all parts of the world.

The PRESIDENT pro tempore. In the absence of objection, the article will be published in the RECORD.

The article referred to is as follows:

OUR USEFUL CONSULS—THEY ARE HUSTLING FOR AMERICAN TRADE IN ALL PARTS OF THE WORLD.

Poorly paid as it is and inadequately supported, the American consular service is more efficient to-day than that of any other country. The Germans have paid us the compliment of saying that it is a corps of spies engaged in learning jealously guarded trade secrets, and from England tributes come which are more temperate but equally flattering.

In a report which has just been issued, Mr. Frederic Emory, Chief of the Bureau of Foreign Commerce, says that whatever may be the defects of the present service, it is showing itself alert and responsive to new conditions. "A most gratifying evidence," he says, "of the increasing value of the consular reports, of which there are now five classes—annually, quarterly, monthly, special, and daily—is found in the widespread demand for them on the part of colleges and schools as reference books in special courses of commercial instruction. This demand has grown up within the past few years, and in itself is symptomatic of the spread of popular interest in foreign trade. In addition to the published reports, the consuls of late, by means of correspondence conducted under the supervision of the Department of State, have supplied a great mass of information to trade bodies and business firms, and in many cases have voluntarily exerted themselves in other ways to promote commercial expansion. Their efforts frequently elicit warm commendation in letters to the Department from the trade interests thus benefited, and even when a consular officer lacks other qualifications it seldom happens that he fails to exhibit the characteristic American spirit in 'hustling' for business, not for himself, but for his country."

The PRESIDENT pro tempore. If there be no further amendment as in Committee of the Whole, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

ORDER OF BUSINESS.

Mr. FORAKER. I ask that the Senate proceed with the consideration of the statehood bill.

Mr. WARREN. I ask unanimous consent for the present consideration of the bill (H. R. 15922) making an appropriation for

the suppression and to prevent the spread of contagious and infectious diseases of live stock, and for other purposes. I think it will take but a few moments.

Mr. FORAKER. I hope the Senator from Wyoming, unless this is something of an emergency measure, will not ask for its present consideration. We have temporarily laid aside the unfinished business now for some two or three hours to accommodate Senators, and the Senator from New Hampshire [Mr. BURNHAM] is about to conclude his speech, as I understand, and I should be very glad to resume at this time the further consideration of that bill, so that he may conclude this afternoon.

Mr. ALDRICH. At this hour in the day it hardly seems worth while to proceed to the consideration of any measure. The Senate has been in session a long time to-day, and I suggest to the Senator from Ohio that we had better adjourn and give the Senator from New Hampshire a chance to go on in the morning.

Mr. GALLINGER. When he is fresh.

Mr. ALDRICH. He will then be fresh.

Mr. FORAKER. I should like to accommodate myself, of course, to the wishes of Senators, but the Senator from New Hampshire has been waiting here patiently now until I am ashamed to look over in his direction even.

Mr. ALDRICH. In order to test the sense of the Senate, I move that the Senate adjourn.

Mr. FORAKER. For four hours he has been impatient to resume his remarks. He has had only four days and I insist that he shall have another day now, and I shall yield to nothing.

Mr. ALDRICH. I move that the Senate adjourn.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Rhode Island, that the Senate adjourn. [Putting the question.] The "noes" appear to have it.

Mr. FORAKER. I call for the yeas and nays.

The PRESIDENT pro tempore. The Chair was going to announce that the "noes" had it.

Mr. ALDRICH. I hope we will have a vote by yeas and nays.

Mr. BEVERIDGE. I hope the Senator from Ohio will not object to the motion.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Rhode Island that the Senate adjourn.

The motion was not agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had on the 23d instant approved and signed the following acts:

An act (S. 921) granting a penison to Joanna Rogers;

An act (S. 1300) granting a pension to Judson N. Pollard;

An act (S. 2545) granting a pension to William Johnston;

An act (S. 2646) granting a pension to Justus L. Denton;

An act (S. 4075) granting a pension to Henry R. Gibbs;

An act (S. 5431) granting a pension to Daniel Dougherty;

An act (S. 5639) granting a pension to William H. Durham;

An act (S. 5774) granting a pension to Asa E. Sampson;

An act (S. 5814) granting a pension to Preston W. Burford;

An act (S. 5816) granting a pension to Etta A. Whitehouse;

An act (S. 473) granting an increase of pension to Mabery H. Presley;

An act (S. 484) granting an increase of pension to Fletcher J. Walker;

An act (S. 1299) granting an increase of pension to Ambrus U. Harrison;

An act (S. 1479) granting an increase of pension to Thomas L. Caughey;

An act (S. 1739) granting an increase of pension to William S. Frost;

An act (S. 2353) granting an increase of pension to Almond Partridge;

An act (S. 3035) granting an increase of pension to Elias Brewster;

An act (S. 3365) granting an increase of pension to Eliza M. Miller;

An act (S. 3397) granting an increase of pension to Eliza A. Walker;

An act (S. 3508) granting an increase of pension to James M. Thomas;

An act (S. 3661) granting an increase of pension to George W. Edmonds;

An act (S. 4043) granting an increase of pension to Catharine A. Carroll;

An act (S. 4093) granting an increase of pension to William Barrett;

An act (S. 4374) granting an increase of pension to Abraham Shreeves;

An act (S. 4528) granting an increase of pension to Corydon Millard;

An act (S. 4718) granting an increase of pension to Sarah A. Whitcomb;

An act (S. 4809) granting an increase of pension to Henry J. McFadden;

An act (S. 4811) granting an increase of pension to John W. Dick;

An act (S. 4866) granting an increase of pension to Sarah D. Bereman;

An act (S. 4941) granting an increase of pension to William Nichol;

An act (S. 4943) granting an increase of pension to Abraham Park;

An act (S. 5019) granting an increase of pension to Hannah E. James;

An act (S. 5403) granting an increase of pension to Lyman Hotaling;

An act (S. 5660) granting an increase of pension to George W. Berry;

An act (S. 5812) granting an increase of pension to Wallace Fairbank;

An act (S. 5944) granting an increase of pension to Frederick W. Willey, alias William F. Willey;

An act (S. 6101) granting an increase of pension to Reuben Andrews;

An act (S. 6123) granting an increase of pension to Thomas L. Collins;

An act (S. 6151) granting an increase of pension to Henry E. Burton; and

An act (S. 6330) granting an increase of pension to Allen M. Ripley.

The message also announced that the President of the United States had, on the 24th instant, approved and signed the act (S. 1902) for the relief of Flora A. Darling.

HOUSE BILL REFERRED.

The bill (H. R. 16910) making appropriation for the Department of Agriculture for the fiscal year ending June 30, 1904, was read twice by its title and referred to the Committee on Agriculture and Forestry.

FANNIE M'HARG.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 6132) granting an increase of pension to Fannie McHarg, which was, in line 8, before the word "dollars," to strike out "sixteen" and insert "twelve."

Mr. GALLINGER. I move that the Senate concur in the amendment of the House of Representatives.

The amendment was concurred in.

EXHIBIT OF AMERICAN MERCHANDISE AT SHANGHAI, CHINA.

Mr. MCCUMBER. Mr. President, I wish to give notice that on Tuesday, the 10th day of February, immediately after the routine morning business, I will submit some remarks on the bill (S. 6125) for the erection and maintenance of an exposition building in the city of Shanghai, in the Empire of China, for the appointment of a commissioner in charge thereof, and for other purposes.

Mr. ALDRICH. I should like to ask the Senator from North Dakota if he has the consent of the Senator from Pennsylvania [Mr. QUAY] for that purpose?

Mr. MCCUMBER. No; nor the consent of the Senator from Indiana [Mr. BEVERIDGE], but I assume that they will both grant it.

STATEHOOD BILL.

The PRESIDENT pro tempore. The bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States is before the Senate.

Mr. WARREN. I desire to give notice that at an early day I shall ask the Senate to consider the bill which I have endeavored to call up.

Mr. FORAKER. If the Senator from Wyoming will allow me to get the unfinished business under way, so far as I have power to do so, I will yield, if the matter is one that will require only a moment and will not precipitate debate.

Mr. HALE. The statehood bill is before the Senate.

The PRESIDENT pro tempore. It is before the Senate.

SUPPRESSION OF DISEASES OF LIVE STOCK.

Mr. WARREN. I desire to ask the Senator from Ohio to yield to me to call up the bill (H. R. 15922) making an appropriation for the suppression and to prevent the spread of contagious and infectious diseases of live stock, and for other purposes. It will not lead to debate.

Mr. FORAKER. I yield to the Senator upon his assurance

that the bill will not provoke any debate, and that it is a short measure. If it does precipitate debate, I will withdraw my consent.

Mr. WARREN. I think it should not provoke any debate, and should it provoke debate of consequence, I shall expect to withdraw it, of course.

The PRESIDENT pro tempore. The Senator from Wyoming asks unanimous consent that the unfinished business may be laid temporarily aside, and that the Senate may proceed to the consideration of the bill indicated by him. Is there objection?

Mr. ALDRICH. I ask that the bill may be read for information.

The PRESIDENT pro tempore. It will be read for information.

The Secretary read the bill.

Mr. WARREN. I will state that it is proposed to change the title of the bill, so that it will not be an appropriation bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Agriculture and Forestry with an amendment on page 3, after line 20, to insert as a new section the following:

SEC. 3. That any person, company, or corporation knowingly violating the provisions of this act or the orders or regulations made in pursuance thereof shall be guilty of a misdemeanor, and on conviction shall be punished by a fine of not less than $100 nor more than $1,000, or by imprisonment not more than one year, or by both such fine and imprisonment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to enable the Secretary of Agriculture to more effectually suppress and prevent the spread of contagious and infectious diseases of live stock, and for other purposes."

STATEHOOD BILL.

Mr. FORAKER. The Senator from New Hampshire [Mr. BURNHAM] has informed me that it will be inconvenient for him to go on this evening, and that he would greatly perfer to take the floor in the morning. Therefore I withdraw my objection to the motion of the Senator from Rhode Island.

Mr. ALDRICH. I move that the Senate adjourn.

Mr. BURTON. May I ask the Senator from Rhode Island to yield to me for a moment?

Mr. ALDRICH. I think the Senator had better get up his bill in the morning.

Mr. BURTON. I can not get it up in the morning.

Mr. ALDRICH. I think I shall have to insist on my motion. I think if the Senator, with his influence, will appeal to the Senator from Pennsylvania [Mr. QUAY], it will be all right.

Mr. BURTON. I am afraid some one on the other side will object.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Rhode Island that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 22 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, January 27, 1903, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 26, 1903.

COMMISSIONER OF GENERAL LAND OFFICE.

William A. Richards, of Wyoming, to be Commissioner of the General Land Office, to take effect February 2, 1903.

COLLECTORS OF CUSTOMS.

Henry McCall, of Louisiana, to be collector of customs for the district of New Orleans, in the State of Louisiana.

George A. Curran, of Maine, to be collector of customs for the district of Passamaquoddy, in the State of Maine.

POSTMASTERS.

CONNECTICUT.

Willis W. Mildrum, to be postmaster at East Berlin, in the county of Hartford and State of Connecticut.

Alfred W. Converse, to be postmaster at Windsor Locks, in the county of Hartford and State of Connecticut.

KENTUCKY.

John W. Breathitt, to be postmaster at Hopkinsville, in the county of Christian and State of Kentucky.

Miles M. J. Williams, to be postmaster at Eminence, in the county of Henry and State of Kentucky.

MASSACHUSETTS.

Carl Wurtzbach, to be postmaster at Lee, in the county of Berkshire and State of Massachusetts.

Kate E. Hazen, to be postmaster at Shirley, in the county of Middlesex and State of Massachusetts.

OHIO.

John A. Birkimer, to be postmaster at New Lexington, in the county of Perry and State of Ohio.

William H. H. Masters, to be postmaster at Scio, in the county of Harrison and State of Ohio.

Edward P. Flynn, to be postmaster at South Charleston, in the county of Clark and State of Ohio.

Wirt Kessler, to be postmaster at West Milton, in the county of Miami and State of Ohio.

PENNSYLVANIA.

William L. Bixler, to be postmaster at Ephrata, in the county of Lancaster and State of Pennsylvania.

William D. Hamilton, to be postmaster at Freedom, in the county of Beaver and State of Pennsylvania.

Isaac T. Klingensmith, to be postmaster at Leechburg, in the county of Armstrong and State of Pennsylvania.

Albert Secor, to be postmaster at Sheffield, in the county of Warren and State of Pennsylvania.

Allen C. W. Mathues, to be postmaster at Media, in the county of Delaware and State of Pennsylvania.

Charles L. Ferrebee, to be postmaster at St. Clair, in the county of Schuylkill and State of Pennsylvania.

Rosella M. Russell, to be postmaster at Glassport, in the county of Allegheny and State of Pennsylvania.

Joseph M. Brothers, to be postmaster at Knox, in the county of Clarion and State of Pennsylvania.

Adam Laubach, to be postmaster at Siegfried, in the county of Northampton and State of Pennsylvania.

William W. Morgan, to be postmaster at Slatington, in the county of Lehigh and State of Pennsylvania.

Lilly Watters, to be postmaster at Evans City, in the county of Butler and State of Pennsylvania.

Luther P. Ross, to be postmaster at Saxton, in the county of Bedford and State of Pennsylvania.

W. H. Jeffries, to be postmaster at Bellwood, in the county of Blair and State of Pennsylvania.

John H. Holmes, to be postmaster at Freeport, in the county of Armstrong and State of Pennsylvania.

George F. Stackpole, to be postmaster at Lewistown, in the county of Mifflin and State of Pennsylvania.

George C. Wagenseller, to be postmaster at Selinsgrove, in the county of Snyder and State of Pennsylvania.

Silas E. Dubbel, to be postmaster at Waynesboro, in the county of Franklin and State of Pennsylvania.

John H. Bishop, to be postmaster at Millersville, in the county of Lancaster and State of Pennsylvania.

William E. Root, to be postmaster at Cambridge Springs, in the county of Crawford and State of Pennsylvania.

William C. Steele, to be postmaster at Brownsville, in the county of Fayette and State of Pennsylvania.

John H. Thomas, to be postmaster at Carbondale, in the county of Lackawanna and State of Pennsylvania.

Thomas K. Pullin, to be postmaster at Confluence, in the county of Somerset and State of Pennsylvania.

James Agnew, to be postmaster at Mercersburg, in the county of Franklin and State of Pennsylvania.

Thomas F. Dunn, jr., to be postmaster at Weatherly, in the county of Carbon and State of Pennsylvania.

D. O. Merrick, to be postmaster at Blossburg, in the county of Tioga, and State of Pennsylvania.

William H. Pennell, to be postmaster at Duncannon, in the county of Perry and State of Pennsylvania.

John W. Armstrong, to be postmaster at Eddystone, in the county of Delaware and State of Pennsylvania.

Orange S. Brown, to be postmaster at Williamsport, in the county of Lycoming and State of Pennsylvania.

David S. Kern, to be postmaster at Pennsburg, in the county of Montgomery and State of Pennsylvania.

John S. Wilson, to be postmaster at Columbia, in the county of Lancaster and State of Pennsylvania.

Abel H. Byers, to be postmaster at Hamburg, in the county of Berks and State of Pennsylvania.

John H. Dunn, to be postmaster at Parkesburg, in the county of Chester and State of Pennsylvania.

Alfred W. Christy, to be postmaster at Slippery Rock, in the county of Butler and State of Pennsylvania.

Levi Sparr, to be postmaster at Williamsburg, in the county of Blair and State of Pennsylvania.

Samuel H. Jackson, to be postmaster at Claysville, in the county of Washington and State of Pennsylvania.

Samuel B. Sickelsmith, to be postmaster at Newhaven, in the county of Fayette and State of Pennsylvania.

John C. F. Miller, to be postmaster at Rockwood, in the county of Somerset and State of Pennsylvania.

RHODE ISLAND.

Warren W. Logee, to be postmaster at Pascoag, in the county of Providence and State of Rhode Island.

George E. Gardner, to be postmaster at Wickford, in the county of Washington and State of Rhode Island.

SOUTH DAKOTA.

James B. Barber, to be postmaster at Rapid City, in the county of Pennington and State of South Dakota.

HOUSE OF REPRESENTATIVES.

MONDAY, *January 26, 1903.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

POSTMASTER AT INDIANOLA, MISS.

Mr. LOUD. Mr. Speaker, I desire to present a privileged report from the Committee on Post-Offices and Post-Roads.

The SPEAKER. The gentleman from California [Mr. LOUD] calls up a privileged report, which the Clerk will read.

The Clerk read as follows:

The Committee on the Post-Office and Post-Roads have had under consideration the resolution No. 398, and beg to report the same back to the House with the recommendation that the same pass, with the following amendment:

Strike out all after the word "Mississippi," in line 6.

The clause proposed to be struck out by the committee is as follows:

And to state why, so far as he may know, such resignation has not been accepted and a new appointment made, so that the people of said town may be provided with the privileges of post-office service.

The following is the resolution as proposed to be amended:

Resolved, That the Postmaster-General be requested to transmit to the House of Representatives, if not inconsistent with the public interest, a copy of all correspondence and other documents in his possession or under his control pertaining to the recent resignation of the postmaster at Indianola, in the State of Mississippi.

The SPEAKER. The question is on the amendment reported by the committee.

Mr. RICHARDSON of Tennessee. I understand that this is a unanimous report. Am I correct in that?

Mr. LOUD. It is.

The SPEAKER. The question is on agreeing to the amendment.

Mr. WILLIAMS of Mississippi. I should like to ask a question of the gentleman from California [Mr. LOUD].

Mr. LOUD. I yield to the gentleman for that purpose.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I was busy at the moment that this report was read. Does the resolution, as now presented, call upon the President as well as upon the Postmaster-General for correspondence in his hands?

Mr. LOUD. I will state that it does not. It calls upon the Postmaster-General.

Mr. WILLIAMS of Mississippi. Well, Mr. Speaker, a parliamentary inquiry: Would it be in order to offer an amendment to the resolution?

Mr. LOUD. I am not disposed to yield for an amendment.

The SPEAKER. The gentleman from California controls the time on the resolution.

Mr. WILLIAMS of Mississippi. I wanted to offer an amendment, if the gentleman would yield for that purpose, calling upon the President, as well as the Postmaster-General, for correspondence in his hands.

Mr. LOUD. I want to state for the information of the gentleman that the committee have arrived at a unanimous report upon this resolution, and we are satisfied that the correspondence in this case is in the hands of the Postmaster-General.

Mr. WILLIAMS of Mississippi. I am informed that there are some communications in the hands of the President, and we should like to have them, in order that light may be fully shed on this question. If the gentleman will yield for that purpose, I will offer an amendment to insert the words "President and" just before the word "Postmaster-General."

Mr. LOUD. I regret to say that I can not yield for that purpose.

Mr. WILLIAMS of Mississippi. Very well.

Mr. SWANSON rose.

The SPEAKER. Does the gentleman from California yield to the gentleman from Virginia [Mr. SWANSON]?

Mr. LOUD. Yes, sir.

Mr. SWANSON. I understand from the gentleman from California that all the correspondence in this case will be sent to the House under this resolution, except, I think, one personal letter, which it is claimed was written to the President, which he claims was a personal letter, and which the public interest would not permit to be sent under the resolution if it had been amended as suggested. That is the reason why an amendment offered by myself in the committee, to insert the word "President," was not pressed. It was upon the assurance that all the papers would be communicated for the consideration of the House——

Mr. WILLIAMS of Mississippi. Except some.

Mr. SWANSON. Except a letter that the President claims is a personal letter, and which he says it would not be compatible with the public interest for him to communicate. That is my understanding, and the reason why we did not insist that an amendment inserting the word "President" should be included. Our understanding was that all the correspondence would be sent in.

The SPEAKER. The question is on agreeing to the amendment proposed by the committee.

The amendment was agreed to.

The resolution as amended was adopted.

On motion of Mr. LOUD, a motion to reconsider the last vote was laid on the table.

FORTIFICATIONS APPROPRIATION BILL.

Mr. HEMENWAY, from the Committee on Appropriations, reported the bill (H. R. 17046) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. PAYNE. I reserve all points of order.

The SPEAKER. The gentleman from New York reserves all points of order on the bill.

NATIONAL FLORENCE CRITTENTON MISSION.

Mr. BABCOCK. Mr. Speaker, I call up for consideration the bill (H. R. 14899) to amend an act entitled "An act to incorporate the National Florence Crittenton Mission.

The SPEAKER. The gentleman from Wisconsin, chairman of the Committee on the District of Columbia, calling up the business of that committee, submits the following bill.

The bill was read, as follows:

Be it enacted, etc., That an act entitled "An act to incorporate the National Florence Crittenton Mission," approved April 9, 1898, is hereby amended so as to read as follows:

"That Charles N. Crittenton, Franklin B. Waterman, Wager Swayne, Kate Waller Barrett, and Charles S. Morton, and their associates and successors, are hereby constituted a body politic and corporate in the District of Columbia in perpetuity, by the name of the 'National Florence Crittenton Mission,' for the following purposes, namely: To aid and encourage destitute, homeless, and depraved women and men to seek reformation of character and respectability and to reach positions of honorable self-support, and especially to provide for women and young girls who have led profligate lives, or having been betrayed from the path of virtue are sincerely willing to reform, temporary homes and employment until they can be restored to friends or established in honest industry; also to establish homes for working girls; and for those purposes to carry on such homes, industrial enterprises, and such other instrumentalities as may be adapted thereto. Said corporation, through its board of trustees, shall have power to have and use a common seal, to sue and be sued, to plead and be impleaded in any court of the United States, to collect subscriptions, make reasonable by-laws, rules, and regulations needful for the government of said corporation and giving effect to the objects of its creation, not inconsistent with the Constitution and laws of the United States; to receive, have, and hold real and personal estate by purchase, gift, or devise, and the same to use, sell, and convey for the reasonable purposes and benefit of said corporation; to receive, have, and hold real and personal estate in trust for the uses, purposes, and benefit of the said corporation in founding and carrying on its homes for women and girls and other enterprises as aforesaid, and the same to use, sell, and convey in accordance with the terms of any such trust or trusts; to employ such officers, agents, and employees as they may reasonably deem necessary for such purposes; to fix their compensation, duties, and obligations, and change or remove them as often as in their judgment the interests of the said corporation may require.

"SEC. 2. That the number of trustees for the first year of said organization shall be five, namely: Charles N. Crittenton, Franklin B. Waterman, Wager Swayne, Kate Waller Barrett, and Charles S. Morton; and any and all vacancies which may occur in said board of trustees shall be filled by an affimative vote of a majority of the trustees present entitled to vote at any meeting duly called or set for that purpose. The right to alter, amend, or repeal this act at any time is hereby expressly reserved."

The following amendment, recommended by the Committee on the District of Columbia, was read:

In line 11, page 2, strike out the words "in any court of the United States."

Mr. PEARRE. Mr. Speaker——

The SPEAKER. Does the gentleman from Wisconsin yield?

Mr. BABCOCK. I yield to the gentleman from Maryland who made the report, Mr. Speaker.

The SPEAKER. How much time is yielded?

Mr. BABCOCK. As much time as is necessary.

The SPEAKER. The gentleman from Maryland.

Mr. PEARRE. Mr. Speaker, there are two other amendments made necessary by the death of Wager Swayne, one of the incorporators.

The SPEAKER. Will the gentleman please send up his amendment? The Clerk will report the amendments offered by the gentleman from Maryland.

The Clerk read as follows:

In line 8, page 1, strike out "Wager Swayne" and insert "John Joy Edson."
On page 3, line 8, strike out "Wager Swayne" and insert "John Joy Edson."

The amendments were agreed to.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and was accordingly read the third time, and passed.

On motion of Mr. PEARRE, a motion to reconsider the last vote was laid on the table.

ABATEMENT OF NUISANCES IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I call up the bill (H. R. 13630) to provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That whenever the owner of any real property in the District of Columbia shall fail or refuse, after the service of reasonable notice in the manner hereinafter provided, to correct any condition which exists on or has arisen from such property in violation of law or of any regulation made by authority of law, with the correction of which condition said owner is by law or by said regulation chargeable, or to show cause, sufficient in the judgment of the Commissioners of said District, why he should not be required to correct such condition, then, and in that instance, the Commissioners of the District of Columbia may, and they are hereby authorized to, cause such condition to be corrected, to assess the cost of correcting such condition and all expenses incident thereto (including the cost of publication, if any, hereinafter provided for) as a tax against the property on which such condition existed or from which such condition arose, as the case may be; to carry such tax on the regular tax rolls of said District, and to collect such tax in the same manner as general taxes in said District are collected: *Provided*, That the correction of any condition aforesaid by said Commissioners under authority of this section shall not relieve the owner of the property on which such condition existed, or from which such condition arose, from criminal prosecution and punishment for having caused or allowed such unlawful condition to arise or for having failed or refused to correct the same.

SEC. 2. That for the purpose of carrying into effect section 1 of this act the Commissioners of the District of Columbia and all other persons, including contractors and employees of contractors acting under their authority or by their direction, be, and they are hereby, authorized to enter upon and into any lands and tenements in said District, during all reasonable hours, to inspect the same and to do whatever may be necessary to correct, in a good and workmanlike manner, any condition that exists on or has arisen from such lands or tenements in violation of law or of any regulation made by authority of law, with the correction of which condition the owner of said lands or tenements is by law or such regulation chargeable. Any person who shall hinder, interfere with, or prevent any inspection or work authorized by this act shall, upon conviction thereof, be punished by a fine not exceeding $100, or by imprisonment for a period not exceeding three months, or by both such fine and imprisonment, in the discretion of the court.

SEC. 3. That for the purposes of this act any notice required by law or by any regulation aforesaid to be served shall be deemed to have been served (a) if delivered to the person to be notified, or if left with any adult person at the usual residence or place of business of the person to be notified, in the District of Columbia; or, (b) if no such residence or place of business can be found in said District by reasonable search, if left with any adult person at the office of any agent of the person to be notified, which agent has any authority or duty with reference to the land or tenement to which said notice relates; or, (c) if no such office can be found in said District by reasonable search, if forwarded by registered mail to the last known address of the person to be notified and not returned by the post-office authorities; or, (d) if no address be known or can by reasonable diligence be ascertained, or if any notice forwarded as authorized by the preceding clause of this section be returned by the post-office authorities, if published on three consecutive days in a daily newspaper published in the District of Columbia; or, (e) if by reason of an outstanding, unrecorded transfer of title the name of the owner in fact can not be ascertained beyond a reasonable doubt, if served on the owner of record in the manner hereinbefore in this section provided. Any notice required by law or by any regulation aforesaid to be served on a corporation shall for the purposes of this act be deemed to have been served on any such corporation if served on the president, secretary, treasurer, general manager, or any principal officer of such corporation in the manner hereinbefore provided for the service of notices on natural persons holding property in their own right; and, if required to be served on any foreign corporation, if served on any agent of such corporation personally, or if left with any adult person at the usual residence or place of business of such agent in the District of Columbia. Every notice aforesaid shall be in writing or printing, or partly in writing and partly in printing; shall be addressed by name to the person to be notified; shall describe with certainty the character and location of the unlawful condition to be corrected, and shall allow a reasonable time to be specified in said notice within which the person notified may correct such unlawful condition or show cause why he should not be required to do so.

SEC. 4. That all acts and parts of acts inconsistent with this act be, and the same are hereby, repealed.

Mr. HEPBURN. Does this bill include, among the other nuisances that I suppose are to be abated, that which comes from the refusal of property owners to clear the pavements of deposits of snow?

Mr. BABCOCK. I will say to the gentleman that while I did not report the bill, I do not understand that it deals with the snow and ice question at all.

Mr. HEPBURN. Is there any provision of law in this District that compels the owners of unoccupied lots or of occupied lots to clean from their pavements accumulations of snow?

Mr. BABCOCK. There is a law of that kind, but it has been found to be defective in the notice that is required. The courts have held, I believe, that it is not competent to notify the agent of the property, and there is now pending before the District Committee an amendment to the present law.

Mr. MADDOX. Mr. Speaker, we can not hear a word that is being said, and nobody over here knows what the bill is, so far as I know. I would like to have the chairman of the committee tell us what this bill is before we are called upon to vote for it.

Mr. BABCOCK. Mr. Speaker, I yield to the gentleman from Maryland [Mr. PEARRE], who reported the bill.

Mr. PEARRE. Mr. Speaker, this bill only changes existing law in two particulars. The first is that instead of relegating the District authorities to a lawsuit against the party failing to remove a nuisance or to abate it under existing law, it imposes the cost upon the property as a tax, and authorizes and permits the tax officers to collect the cost of the removal or abatement of a nuisance as a tax against the property. It furthermore provides a system of notices, which has been found to be necessary by reason of the fact that there has been no remedy and is no remedy under existing law against a nonresident owner.

Existing law provides that a notice shall be given, but it provides no method of notifying a nonresident owner. In the last section of this bill that hiatus, as it were, in the law is supplied by an elaborate system of notices against nonresident owners, notifying them that there is a nuisance being maintained in or upon their property, and warning them to abate that nuisance within a certain reasonable time. If the nuisance be not abated after that notice has been given in the manner prescribed by the pending bill, then the authorities of the District have the right to go upon the property, abate the nuisance, and collect the charges and costs arising from the abatement of that nuisance against the property as other taxes assessed against the property.

Mr. KLEBERG. May I ask the gentleman a question?

Mr. PEARRE. I yield to the gentleman.

Mr. KLEBERG. Is this the unanimous report of the committee?

Mr. PEARRE. It is the unanimous report of the committee. There is no dissension at all. It is recommended by the health officer and the Commissioners of the District. The members of the House will discover that the existing law on this subject is contained on page 303 of the Supplement to the Revised Statutes of the United States, and consists of the legalization of all the ordinances passed by the old District government, this legalization having been made by a resolution approved on the 24th day of April, 1880, in which all things which constitute nuisance or which shall constitute nuisance in the District of Columbia are defined and certain penalties prescribed. The law has been discovered to be defective in the provision referred to in this bill. The report has the unanimous recommendation of the Commissioners and the health officer, and the committee believes that the bill should pass.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. PEARRE, a motion to reconsider the vote by which the bill was passed was laid on the table.

SEWARD PLACE.

Mr. BABCOCK. Mr. Speaker, I call up the following bill.

The Clerk read as follows:

A bill (H. R. 15799) to confirm the name of Seward place for the space formed by the intersection of C street south and Pennsylvania and North Carolina avenues, District of Columbia.

Be it enacted, etc., That from and after the passage of this act the space formed by the intersection of C street south and Pennsylvania and North Carolina avenues, from Fourth to Sixth streets east, in the District of Columbia, now commonly known as "Seward place," shall be officially known and designated "Seward square."

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "place" and insert the word "square."
Amend the title so that it will read as follows:
"To confirm the name of Seward square for the space formed by the intersection of C street south and Pennsylvania and North Carolina avenues, District of Columbia."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The amendment to the title was agreed to.

TO CANCEL CERTAIN TAXES ASSESSED AGAINST THE KALL TRACT, DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I call up the following bill.

The Clerk read as follows:

A bill (H. R. 16099) to cancel certain taxes assessed against the Kall tract.

Be it enacted, etc., That the award and assessment of benefits of $14,000, made by the jury, and confirmed by the court, against four certain parcels of land known as the Kall tract, which are more particularly described in a certain petition and plat attached thereto, filed by the Commissioners of the District of Columbia in the supreme court of the District of Columbia, holding a district court for said District, which proceeding is entitled "In re extension of S, Twenty-second, and Decatur streets, No. 549," be, and the same hereby is, annulled, canceled, and for naught held; and said land and every part thereof is forever released and discharged from the lien created by said

assessment, and from the payment of said assessment; and the Commissioners of the District of Columbia are directed to strike the same from the tax books.

Mr. PAYNE. I would like to hear some explanation of this bill.

Mr. BABCOCK. Mr. Speaker, when Congress passed a bill providing for the opening of S, Decatur, and Twenty-second streets NW., in order to make a passage between Connecticut avenue and Massachusetts avenue extended, that bill provided for accepting certain donations of property for the opening of the streets. It provided further that any benefits that might arise by opening these streets should be assessed to abutting property. Now, the facts are, Mr. Speaker, that the owners of the Kall tract, which consisted of about 7 acres, dedicated some 77,000 feet of land. It was valued by the Commissioners at $80,000. They owned the property on both sides of the proposed street.

The owner of the next piece of property refused to donate, and it was condemned and damages assessed; but instead, Mr. Speaker, of assessing the benefits against the property where the party had failed to contribute, it was assessed against all. Consequently these parties, the owners of the Kall tract, dedicated 77,000 feet of land for the opening of the streets, very nearly 2 acres of ground, and in addition to that were assessed $14,000 for benefits. Now, the facts are that the parties that refused to donate were not only paid for their land taken at so much per foot. but were assessed proportionately for benefits. The committee, Mr. Chairman, never contemplated that against this property, where the entire street had been donated, there should be assessed benefits; but in the wisdom of the jury that made the assessment they did so, which was in plain violation of the intent of the law. However, the court has held that the action of the jury was proper, and the owners necessarily come to Congress, which is their last resort, for relief. I would ask, Mr. Speaker, in this connection that the Clerk read the report of the Commissioners of the District, which explains the status fully.

The SPEAKER. The Clerk will read the report as a part of the gentleman's remarks:

The Clerk read as follows:

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, January 15, 1903.

DEAR SIR: The Commissioners of the District of Columbia beg to acknowledge receipt of H. R. bill 16099, entitled "A bill to cancel certain taxes against the Kall tract," and to submit the following views thereon:

In the spring of 1899 the owners of the Kall tract, certain ground adjoining Kalorama Heights and supposed to embrace 9 acres, but afterwards found to contain only 7 acres, generously dedicated 77,925 square feet of ground for public use as streets, or two-sevenths of the entire tract. The owner of the adjoining tract, however, declined to contribute any of his ground for such purpose, and 33,428 feet were condemned. The jury found the value of the land taken from him to be $52,000, and they awarded him that sum in bulk, which is at the rate, on the average, of a little over $1.54 per square foot. Against this sum they levied benefits to the amount of $10,000, leaving the net sum of $42,000 actually paid to him as the result of the condemnation proceedings.

The owners of the Kall tract, on the other hand, were assessed $14,000 in benefits. They could not, of course, be allowed compensation for the land which they had contributed, and so they found themselves in the position of donating over 77,000 square feet of ground, worth at least $80,000, and of being asked to pay $14,000 in addition, or a total of $94,000 in all; while the owner of the property adjoining, who gave nothing, received $42,000 in cash.

The Commissioners submit that the owners of the Kall tract are acting within the bounds of equity in asking the cancellation of the assessment for benefits, and therefore recommend the passage of the bill.

Very respectfully,

HENRY B. F. MACFARLAND,
President of the Board of Commissioners of the District of Columbia.

Hon. J. W. BABCOCK,
Chairman Committee on the District of Columbia,
House of Representatives.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. BABCOCK, a motion to reconsider the vote by which the bill was passed was laid on the table.

CLOSING PORTION OF ALLEY IN SQUARE 189, WASHINGTON, D. C.

Mr. BABCOCK. Mr. Speaker, I submit the following bill for consideration:

The Clerk read as follows:

A bill (S. 4221) authorizing the Commissioners of the District of Columbia to extinguish a portion of an alley in square 189.

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to abandon that portion of the public alley, 10 feet wide, lying and being in the rear of a portion of lot No. 54, in Hanford & Heiston's subdivision of lots in square No. 189, lying and being in the city of Washington, D. C., as per plat recorded in book 20, page 10, one of the records of the surveyor's office of the said District of Columbia; said portion of said alley being described by metes and bounds as follows: Beginning at the northeast corner of said alley, and running south, on the east line thereof, 10 feet; thence west, on the southerly line of said alley, 20 feet; thence north 10 feet, and thence east 20 feet to the place of beginning, containing in all 200 square feet of ground. And any and all right, title, interest, and demand that the United States of America or the District of Columbia may have in and to the above-described portion of said alley shall revert to the original dedicator, his heirs and assigns, provided he pays to the collector of taxes for the District of Columbia an amount equal to the sum that would have been assessed against the land embraced within the above-described area of the said alley from the time it was laid out to the time this act takes effect as law.

The amendment recommended by the committee was read, as follows:

Page 2, in lines 6 to 14, inclusive, strike out the following:

"And any and all right, title, interest, and demand that the United States of America or the District of Columbia may have in and to the above-described portion of said alley shall revert to the original dedicator, his heirs and assigns, provided he pays to the collector of taxes for the District of Columbia an amount equal to the sum that would have been assessed against the land embraced within the above-described area of the said alley from the time it was laid out to the time this act takes effect as law."

The amendment was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

TO REDEEM CERTAIN OUTSTANDING CERTIFICATES OF THE BOARD OF AUDIT OF THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I submit the following bill.

The Clerk read as follows:

A bill (S. 3243) to redeem certain outstanding certificates of the board of audit of the District of Columbia.

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to receive and audit certificates of indebtedness No. 7639, for the sum of $11.19; No. 10383, for the sum of $22; No. 16423, for the sum of $21.30; No. 21002, for the sum of $81.70; No. 21323, for the sum of $14.23; for the redemption of which there is no existing law, and to pay to the holders of said certificates the amount due thereon, including interest at the rate of 3.65 per cent per annum from the date of their issue to December 31, 1880; and a sufficient amount of money to pay the principal and interest of the aforesaid certificates is hereby appropriated, one-half from the revenues of the District of Columbia and one-half from any money in the Treasury not otherwise appropriated.

Mr. BABCOCK. Mr. Speaker, this bill is on the Calendar of the Committee of the Whole House on the state of the Union. It is practically a duplicate of a bill that has been passed through the House a half dozen times covering the same subject, and I would ask unanimous consent that it may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that this bill be considered in the House as in Committee of the Whole. Without objection this course will be pursued.

The amendments recommended by the committee were read, as follows:

Amend the title so that it will read: "A bill to redeem certain outstanding certificates of the board of audit, the board of public works, and the Commissioners of the District of Columbia."

Page 2, line 2, after the word "cents," insert the following: "No. 4665, for the sum of $20.90; No. 4636, for the sum of $20.90; No. 4667, for the sum of $68.20; No. 14780, for the sum of $34.25; No. 13454, for the sum of $43.22; No. 16455, for the sum of $13.19; No. 16456, for the sum of $13.19."

Page 2, line 3, after the word "Columbia," insert the following: "sewer certificate No. 792, for the sum of $50, issued by the board of public works of the District of Columbia."

Page 2, line 8, after the word "eighty," insert the following: "and to pay to the holders the amount due on drawback certificates numbered, respectively, 4259, 4616, 7637, 7639, 9570, 9571, 9572, 12869, 15974, 16611, and 16774, amounting in the aggregate to $327.50; and to redeem tax-lien certificates No. 251, for the sum of $9.97; No. 349, for the sum of $9.35; No. 1252, for the sum of $93.37; and No. 5414, for the sum of $17.10; and to pay to the holder of tax-sale certificate on lot 3, square No. 947, the sum of $112.90, with interest at 6 per cent per annum for two years from its date."

The amendments were agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

The amendment to the title was agreed to.

QUITCLAIM OF INTEREST IN AND TO A CERTAIN SQUARE.

Mr. BABCOCK. Mr. Speaker, I call up the bill (H. R. 13791) to quitclaim all interest of the United States of America in and to square 1131, in the city of Washington, D. C., to Sidney Bieber.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and required to grant and convey unto Sidney Bieber, and his heirs and assigns, all the right, title, and interest of the United States in and to a certain square of land in the city of Washington, in the District of Columbia, known upon the plat or plan of said city as square No. 1131, upon the payment by the said Sidney Bieber into the Treasury of the United States of such sum of money as the said Secretary of the Interior, upon consideration of all the circumstances, shall determine proper to be paid by the said Bieber for the said square.

The following amendments recommended by the committee were read:

Line 3, strike out "the Interior" and insert "War."
Line 11, strike out "the Interior" and insert "War."

Mr. BABCOCK. Mr. Speaker, I ask unanimous consent that this bill may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman asks that the Committee of the Whole House on the state of the Union be discharged from the further consideration of this bill and that it be considered in the House as in Committee of the Whole. Without objection, this course will be pursued.

There was no objection.

The amendments recommended by the committee were agreed to.

The bill was ordered to be engrossed and read a third time; was read the third time, and passed.

QUESTION OF PERSONAL PRIVILEGE.

Mr. BABCOCK. Mr. Speaker, I rise to a question of personal privilege.

At a banquet given by representative citizens of the city of Washington on Saturday evening last I was asked to make a few remarks in reference to the District of Columbia, and while there were no reporters present I am quoted in the Post as saying:

A city should not be called upon to pay for extraordinary improvements from current revenues. I believe this niggardly policy is wrong, and that when the committee finally understands you justice will be done.

I want to say, Mr. Speaker, that this is not correct. I did not use the words ascribed to me, and while I might differ as to the general policy to be pursued by Congress toward the District with some of my colleagues, I should not presume to criticise their acts outside of the floor of this House. I want especially to disavow the use of the word "niggardly." What I did say was this:

That the city of Washington should not be called upon to pay for extraordinary improvements from current revenues. I do not think this a wise plan, and believe that when Congress fully understands the situation a more liberal policy will be pursued.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, I move that the House now resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 16970, being the appropriation for the Military Academy.

The SPEAKER. The gentleman from Iowa moves that the House now resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Military Academy bill.

The motion was agreed to. Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. BURKE of South Dakota in the chair.

The Clerk read the title to the bill.

Mr. HULL. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with and that we proceed to the reading of the bill under the five-minute rule.

Mr. HAY. I did not understand the gentleman from Iowa.

Mr. HULL. I simply asked unanimous consent that the first reading be dispensed with and that we proceed to the reading of the bill under the five-minute rule.

Mr. HAY. I know no one on this side who wishes time and I have no objection.

The CHAIRMAN. Is there objection to the request? [After a pause.] The Chair hears none.

The Clerk, proceeding with the reading of the bill, read as follows:

One saddler, $180.

Mr. HEPBURN. Mr. Chairman, I want to ask the gentleman in charge of the bill one question. Perhaps it would have been a little more proper at the close of paragraph commencing with line 12, page 3. I want to ask how many officers of the Army are now detailed and on duty at West Point Military Academy?

Mr. HULL. If the gentleman will count them up in the bill he will find out. I have not really added them up. It is the number provided by law carried in this appropriation bill. The law provides that these professors shall have the difference between the pay of their rank and a certain higher rank while serving there. They are all provided for in the bill and the clerk can run them up in a few minutes.

Mr. HEPBURN. I was under the impression that there was a large number who are not there by reason of any law, except the general authority that they may be detailed. I have understood that there was a large number, a very large number, of officers now on detail at that post.

Mr. HULL. On examination I find that there are 25 provided for in this bill. I will say to the gentleman that there is one item on page 3 that is new and might have been subject to a point of order. I want to call attention to it now. It provides that the Secretary of War shall assign an officer as assistant professor of modern languages. It was found that it was impossible for one professor of modern languages to teach the classes reporting to him, and we gave authority in this bill for the detail of one more, but no others are detailed here unless by the authority of Congress.

Mr. HEPBURN. My impression is that the gentleman will find that the number of officers at that post is very largely in excess of the number he has mentioned.

Mr. HULL. There is a service detachment there that get no extra pay, of both the artillery and the cavalry and the infantry, and that the law provides for. They are not carried in this bill at all for extra pay. I will say to the gentleman that if he includes these officers it will be a much greater number than I have given; but there is a law providing that one detachment of cavalry, one of infantry, one of artillery, shall be detailed there and called the Army service detachment, and they have the same number of officers that they have in the field. But Congress has passed on that question, and without opposition, Mr. Chairman, adopted a law requiring this detachment to be sent there for the benefit of the cadets.

The Clerk read as follows:

For extra pay of one enlisted man employed as watchman, at 35 cents per day, $191.63.

Mr. GAINES of Tennessee. I should like to make an inquiry of the chairman of the committee [Mr. HULL]. Here are numerous items, "extra pay," "extra pay," "extra pay," all through this page, page 7, and a part of page 6. I should like to have the gentleman tell us why this "extra pay" is called for, and what necessity there is for having this extra work done, calling for extra pay. We should like to know why the regular salary or pay of the officer is not fixed.

Mr. HULL. These items do not refer to officers, but to privates.

Mr. GAINES of Tennessee. But why this extra work and extra pay?

Mr. HULL. If the gentleman will look through the bill he will find that these provisions for extra duty and extra pay go on for several pages further.

Mr. GAINES of Tennessee. Yes, sir; that is the reason I ask my question.

Mr. HULL. I can tell the gentleman briefly the reason. These men are printers and skilled mechanics, who are enlisted with the idea of their doing this work at this extra pay. If such men were not enlisted and carried on the rolls in this way we should have to hire civilians for this work and pay much higher wages than it now costs the Government by giving extra pay to the enlisted men.

Mr. GAINES of Tennessee. I understand the gentleman then to say that this has been the practice for years?

Mr. HULL. Yes.

Mr. GAINES of Tennessee. Why would it not be better to have some general statute providing for this work without having it carried in the appropriation bill under the head of "extra work" or "extra pay?"

Mr. HULL. If the appropriations were made here in a lump, as is the case with some other appropriation bills—for instance, the Naval Academy bill—we should simply provide for an expenditure of so much money as extra-duty pay. But for the last twenty years, or at least ever since the distribution of the appropriation bills among the various committees of the House, this form of bill, detailing these particular items, has been customary; this has been the usage year after year. In my judgment, it would be just as well that these detailed appropriations, running over several pages of the bill, should be dispensed with, and a lump appropriation made for a certain amount as extra-duty pay. But such has not been the custom. The present form of bill corresponds with the system of bookkeeping which has been adopted, and with the way the accounts have gone to the Treasury. There can be no confusion by continuing the system as it has been practiced for twenty years past.

Mr. GAINES of Tennessee. I find, for instance, in line 15, page 7, this provision:

For extra pay of two enlisted men employed as clerks in the office of the commandant of cadets, at 50 cents each per day, $365.

This is a sample of many other items under the head of "extra pay." Now, is it customary when a man does this work that he should receive extra pay?

Mr. HULL. Oh, yes; the soldier receives extra pay in the line of the Army whenever he does extra work.

Mr. GAINES of Tennessee. Is not the salary of a private in the Army based upon the idea that he shall do whatever work he is called on to do without extra pay?

Mr. HULL. No. A soldier when first enlisted in the Army gets $13 a month. Later, if his service is satisfactory, he may receive $18 a month. This allows $15 a month extra for clerical service, making the wages much less than would be paid for employing a civilian.

Mr. GAINES of Tennessee. So that when the soldier is engaged in actual war he receives no extra pay, but in time of peace he gets these additional allowances as extra pay?

Mr. HULL. So far as that is concerned, he may get extra pay in time of war as well as in time of peace. This kind of work is done all the year round.

The Clerk resumed and concluded the reading of the bill.

Mr. HULL. I move that the committee rise and report the bill to the House with a recommendation that it pass.

The motion was agreed to.

The committee accordingly rose; and Mr. BURKE of South Dakota reported that the Committee of the Whole on the state of the Union had had under consideration the Military Academy

appropriation bill, and had directed him to report the same back without amendment and with the recommendation that it pass.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. HULL, a motion to reconsider the last vote was laid on the table.

AMENDMENT OF BANKRUPTCY LAW.

The SPEAKER laid before the House the Senate amendments to the bill (H. R. 13679) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898.

The amendments were read.

Mr. JENKINS. I move concurrence in the amendments of the Senate.

Mr. McRAE. Mr. Speaker, I think this is quite an unusual action proposed, considering the importance of the bill, with so many amendments which we have never had in print. It seems to me that before we take up these amendments for consideration the bill ought to be printed in such a shape that we may be able to understand the effect of the amendments.

Mr. JENKINS. These amendments were all printed in the RECORD at least ten days ago.

Mr. McRAE. It is not practicable to take the records and tell what is finally agreed to. The custom of both Houses is to have a bill printed in document form and bill form, so that we have the full text before us.

Mr. JENKINS. I would like to say to the gentleman from Arkansas that there was no debate whatever in the Senate. The Senate adopted the report of the committee and the bill was published in full.

Mr. McRAE. I am pretty sure that the Clerk read some amendment that I could not follow in the print of the bill that was given to me.

Mr. JENKINS. What does the gentlemen suggest?

Mr. McRAE. That the bill be printed in bill form and go over until to-morrow, so that we may see what we are doing. I confess that I can not tell what changes are proposed in the bankrupt law.

Mr. JENKINS. I will frankly say to the gentleman that unless these amendments are concurred in, if we go to conference there will be considerable difficulty in the matter.

Mr. McRAE. And it is very important that we know what we are doing when we do act. We should not be called upon to agree to a lot of Senate amendments when we do not know what they are.

Mr. JENKINS. I would like to say to the gentleman——

Mr. RICHARDSON of Tennessee. Before the gentleman answers the gentleman from Arkansas further, I should like to ask, have these amendments been considered at all by the Judiciary Committee of the House?

Mr. JENKINS. Not as a committee, but every gentleman interested has gone over the ground fully and carefully, and there is an entire agreement that the amendments should be adopted. There is no material change. Every change that is made is beneficial and proper, I assure the gentleman.

Mr. McRAE. That is, in the judgment of the gentlemen who know about it, but there are a great many gentlemen here who have a right to know about it but who do not know about it.

Mr. JENKINS. In the judgment of the gentlemen who have carefully examined the bill and who are anxious that it should pass. I would say to the gentleman that there is strong pressure all over the country for the adoption of these amendments. They strengthen the bill and improve it in many particulars, and the changes made by the Senate are a decided improvement on the House bill.

Mr. McRAE. I understand that there is pressure from those who want to make the bankruptcy law a Federal collection law in order to use its machinery to crush out and oppress the merchants of the country; but we ought to act with caution when we undertake to place additional power and authority over bankrupts in the hands of the Federal judiciary, and at least we owe it to ourselves to know what we are doing.

Mr. JENKINS. These changes reduce that very largely; reduce the fees, limit the expenses, and matters of that kind.

Mr. McRAE. Then it is remarkable that the gentleman in charge of this bill, after having given that consideration to it, after having considered the subject for the time he did, should come back here with all these amendments of the Senate. It is remarkable that he should have omitted so many important matters from the bill and that the Senate has incorporated them into this bill, and that he should now ask the House to accept them without examination. I, for one, can not agree to it, and I hope that if the gentleman will not consent to have this bill printed and let us see what is in it, that the House will require him to do so by voting down his motion and let us take up and consider each amendment separately.

Mr. JENKINS. As I say to the gentleman, this bill has been printed in full in the RECORD, and we have allowed it to remain for about ten days, so that gentlemen might familiarize themselves with it if they desired to do so. The only thing we can do is to move concurrence or nonconcurrence and ask for a conference. I will say to the gentleman that I have just left a conference of gentlemen with reference to this matter, gentlemen who occupy the very same position that my friend from Arkansas does toward the bill, and they insist that these changes are material and beneficial, and that we ought to agree here if possible.

Mr. McRAE. What is the gentleman's motion, to concur?

Mr. JENKINS. I will say to the gentleman from Arkansas that my motion is to concur in the amendments of the Senate.

Mr. McRAE. That is, without any reference to the committee and without any conference. Now, I have no objection to referring these amendments to the Judiciary Committee, and if the Judiciary Committee report back to-morrow, or any day, unanimously that these amendments are beneficial, then we will have something upon which to stand.

Mr. JENKINS. Let me say to the gentleman that I know his views, and there is not a single amendment here but what the gentleman will agree to. I am satisfied of that.

Mr. McRAE. The gentleman is mistaken.

Mr. JENKINS. If this matter is referred it defeats the amendments and defeats the very object that the gentleman is contending for.

Mr. McRAE. No; I am not contending for this bill. I tell you I never saw a bankruptcy bill that I would vote for since I have been in Congress, and never read one enacted before that I believed beneficial. Instead of amendments, the law should be repealed. No; I do not believe in them, and I believe that the business men of the country want to have the law repealed.

Mr. JENKINS. We can not raise the question of repeal at this time. That question is removed. The question is whether we shall adopt these remedial amendments. It reduces the fees over half and limits the expense, and every Senate amendment is in harmony with the gentleman's line of thought.

Mr. McRAE. Mr. Chairman, I do not desire to bandy words with the gentleman, but I say this is an unusual request to make. This is a law that ought to be a temporary law, but is sought to be made a permanent one, is being used to-day by the commercial world, and is doing more harm and injury than good. Instead of wiping it off the statute books, the gentleman is seeking to extend it.

Mr. JENKINS. The gentleman is mistaken in that. It limits its operations and reduces the fees over one-half and limits the expense; and the amendments of the Senate are all remedial.

Mr. McRAE. It increases acts of bankruptcy.

Mr. JENKINS. No; the gentleman is mistaken.

Mr. McRAE. And amends a number of others.

Mr. JENKINS. It does not include a single new act. I have just left a conference with a gentleman who occupies the very same position that my friend from Arkansas does, who has always argued for the repeal, who has asked me as a personal favor to get these amendments agreed to as soon as possible. He states that as he can not get a repeal of the law he is more than satisfied with these amendments.

Mr. McRAE. Well, Mr. Speaker, I hope that the motion will not be agreed to. I am not prepared this morning to vote on these amendments.

Mr. JENKINS. I will say to the gentleman that I have no disposition, if I had the right, to railroad this measure through. It is not an unusual method to agree to Senate amendments. Several gentlemen interested in this measure have carefully gone over them for over a week. Every member of the Committee on the Judiciary is entirely familiar with each and every one of the amendments, and not a single gentleman on the committee has raised a single objection to the Senate amendments to the bill, and several gentlemen here, too, who think the law ought to be repealed.

Mr. McRAE. I yield to the gentleman from Missouri, who is a member of the committee.

Mr. DE ARMOND. Mr. Speaker, so far as I know this matter had no consideration whatever in the Committee on the Judiciary. I think the proper course is to refer it to that committee. I think that is the general course of procedure here when very many amendments have been made, especially to a bill which has passed in this body; it is referred again to the committee. This measure emanated from the Judiciary Committee and was passed upon there. This bill was passed in this House a long time ago. The fact that there may or may not be some delay in its consideration and disposition here certainly has nothing to do with the question of disposing of it in an orderly way and upon the merits. Whatever delay has occurred so far has occurred in the Senate and not here.

Now, I take it that my friend from Wisconsin will see it in the

same way, that the orderly method of procedure and the correct method of procedure is to refer this bill with the pending amendments to the Committee on the Judiciary; let that committee report on them to the House, and the House dispose of them. For my part I have given them no consideration, and had no idea that an effort would be made to agree to them. After such a consideration I may be in favor of or I may not be in favor of the amendments; I do not know.

Mr. JENKINS. Will the gentleman allow me to ask him a question?

Mr. DE ARMOND. Certainly.

Mr. JENKINS. Does not the gentleman remember that I called his attention to this proposition, and told him I was considering these amendments in company with other gentlemen, and that my friend told me that he favored a repeal of the law and was absolutely opposed to all of its provisions? I only say that because the gentleman says that he was not informed of the fact that the question was before the committee.

Mr. DE ARMOND. I do not question the conversation since the gentleman suggests it took place.

Mr. JENKINS. I invited the gentleman to confer with us.

Mr. DE ARMOND. I do not recollect certainly any invitation to conference.

Mr. JENKINS. I simply said that we were considering the amendments. The gentleman from Massachusetts was with me looking over the matter, interested in it, because we thought we could not get along without that method of proceeding. But, Mr. Speaker, inasmuch as there is objection to concurring, I move that we now disagree to the Senate amendments and ask for a conference.

The SPEAKER. The gentleman from Wisconsin withdraws his first motion and moves that the House disagree to the Senate amendments and ask for a conference.

Mr. DE ARMOND. Mr. Speaker, I wish to suggest to the gentleman from Wisconsin that a better method would be to have the bill referred to the committee, because the committee may agree to the amendment.

Mr. JENKINS. That would be a defeat of the bill. These amendments limit the expense and permit the matter of exemption to be determined by the laws of the State rather than by the laws of Congress.

Mr. DE ARMOND. The assumption that the reference to the committee defeats the bill I think is hardly warranted by the facts. It seems to me there is no ground for that assumption. There are certainly five weeks remaining of this session. But even if that were true, if the Senate held the bill for months, the compound reason for the two facts is not sufficient for putting it through in any but the usual way. If the House votes upon it, it votes in the dark.

Mr. UNDERWOOD. As I understand the amendments come from the Senate in this bill as passed by the Senate——

Mr. JENKINS. This is a House bill with Senate amendments.

Mr. UNDERWOOD. But the Senate amendments allowed the exemption to be determined by the State law rather than our law. As I understand the bill as it came back, and I think I am correct about the provision in the bill, provides that where a man was allowed to waive his exemption in the State he would not be allowed to go into the bankrupt court and claim them and thereby commit a fraud on the creditor, as he is doing now. I understand the Senate has stricken that provision out of the House bill and leaves it as the law is now, not as the committee intended to write the law, but as it has been construed, which allows the debtor to commit a fraud on his creditor.

Mr. RICHARDSON of Tennessee. Will the gentleman from Wisconsin indulge me a moment?

Mr. JENKINS. Certainly.

Mr. RICHARDSON of Tennessee. I can see very readily why the gentleman from Wisconsin, chairman of the Judiciary Committee, does not want the bill referred to the Judiciary Committee, because it will lose its privileged character when it is reported back. If it goes to conference of course it would be privileged; but it would cause more delay, I suggest, by sending it to conference rather than to the Judiciary Committee, if the Judiciary Committee will agree to the Senate amendments. I was going to suggest that if the gentleman would refer it with the amendments to the committee, with leave to report the bill, it would still retain its privileged character, and it might be they would concur in the Senate amendments, and if so, there would be no delay. I make the suggestion in order that the privileged character of the bill may be retained.

Mr. PAYNE. Mr. Speaker, would it not be better to let it all go over until to-morrow?

Mr. RICHARDSON of Tennessee. I would not object to that; but if referred to the Judiciary Committee with leave to report it any time, they can report it back to-morrow morning.

Mr. JENKINS. It could not be reported before Friday morning. But, Mr. Speaker, in order to meet the objection I will ask unanimous consent that this may go over until to-morrow and that the bill and amendments be printed in full in the RECORD.

Mr. McRAE. Have it printed in bill form; it will not cost any more.

Mr. JENKINS. And that it be printed as a bill—in bill form.

Mr. LACEY. Mr. Speaker, I would like to ask the gentleman a question. The most important amendment to the law, as I remember it in the original bill, was that which modified the four months provision as to payments on account. Do the Senate amendments in any way change that provision as originally presented by the committee?

Mr. JENKINS. The bill will be printed to-morrow in the RECORD and the gentleman can see what that provision is.

The SPEAKER. The Chair will state that there is a rule coming up to-morrow giving the day to the matters presented by the Judiciary Committee.

Mr. JENKINS. Then, Mr. Speaker, I will say day after to-morrow.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the bill and amendments be printed in bill form and in the RECORD, and that the matter may be set down for consideration on Wednesday next. If there is no objection, this order will be made. The Chair hears none.

CORPORATIONS ENGAGED IN INTERSTATE COMMERCE.

Mr. OVERSTREET. Mr. Speaker, I desire to call up a report, and ask that members of the Judiciary Committee may file personal views if they desire any time during the present week. It is a report on House bill——

The SPEAKER. The report should go to the basket, unless the gentleman asks unanimous consent.

Mr. OVERSTREET. I ask unanimous consent in this connection that members of the Judiciary Committee may have during the present week to file personal views on this same measure. That will necessitate unanimous consent.

The SPEAKER. Will the gentleman send up the report?

Mr. OVERSTREET. I desire to ask further unanimous consent——

The SPEAKER. The Clerk will read the title of the bill accompanying this report.

The Clerk read as follows:

A bill requiring corporations engaged in interstate commerce to make returns, prohibiting rebates and discriminations to the use of interstate commerce in attempts to destroy competition, and for other purposes.

The SPEAKER. The gentleman from Indiana [Mr. OVERSTREET] in connection with this report asks unanimous consent that all members of the Judiciary Committee be allowed this week in which to file their individual views on the bill. If there be no objection this order will be made. The Chair hears no objection.

Mr. OVERSTREET. I desire also to ask unanimous consent that there be printed 5,000 copies of this report.

The SPEAKER. The gentleman makes the further request that there be printed for the use of members of the House 5,000 copies of the report. Is there objection to this request?

Mr. DE ARMOND. I suggest that the request embrace the views of such members as may file their views upon the bill. I judge there is no objection to that.

The SPEAKER. The Chair did not understand the gentleman from Missouri. Does he ask that the views of gentlemen filing their individual views be printed with this report?

Mr. DE ARMOND. Not that they be printed with the report, but that the same number of those views be printed.

The SPEAKER. The gentleman from Missouri adds to the request of the gentleman from Indiana the request that the individual views of the members of the Committee on the Judiciary be printed in equal number with the report; that is, that the order for 5,000 extra copies apply to the individual views of members as well as to the report of the committee.

Mr. McCLEARY. How are these to be distributed?

Mr. OVERSTREET. My request was simply that the report be printed in the usual way and distributed through the document room.

The SPEAKER. Is there objection to the request?

Mr. RICHARDSON of Tennessee. A parliamentary inquiry. I do not understand whether the request of the gentleman from Indiana includes the bill.

Mr. OVERSTREET. My proposition was that the substitute agreed upon by the majority of the Judiciary Committee be printed with the report—at the end of the report; that the substitute follow the report.

Mr. RICHARDSON of Tennessee. I was not aware of that fact. Then the distribution ought to take place through the folding room rather than the document room.

Mr. OVERSTREET. I have no personal objection to that.

But my experience is that it would meet the convenience of members better if distributed through the document room.

Mr. RICHARDSON of Tennessee. There is a desire on the part of a number of gentlemen to have these documents distributed through the folding room, and I think that is better.

Mr. OVERSTREET. I have no objection.

Mr. RICHARDSON of Tennessee. The usual number will go to the files at any rate.

The SPEAKER. Does the gentleman from Tennessee make that request?

Mr. RICHARDSON of Tennessee. I do, unless the gentleman from Indiana includes it with his request.

The SPEAKER. The Chair will restate the request as he now understands it. It is that 5,000 copies of this report be printed for the use of the members of the House, and that a corresponding number of the views of the members of the Judiciary Committee, which they will have this week to submit, be printed and distributed to members through the folding room. Has the Chair correctly stated the request?

Mr. MANN. I hope there will be included in the request a provision for the printing of an equal number of the bill as amended—not merely attached to the report, but in bill form. Nearly everybody who makes a request in this matter asks for the bill.

The SPEAKER. The Chair will first dispose of the requests already made. Is there objection to the request just stated by the Chair? The Chair hears none. The request of the gentleman from Illinois [Mr. MANN] will now be repeated.

Mr. MANN. I ask unanimous consent that 5,000 copies of the bill, as now reported, be printed in bill form, instead of the usual number.

The SPEAKER. The gentleman from Illinois asks unanimous consent that 5,000 copies, instead of the usual number, of this bill be printed in bill form for the use of members, to be distributed through the folding room?

Mr. MANN. That is immaterial to me. I think the document room would be better.

The SPEAKER. Then there is no request on that point. The Chair hears no objection to the request of the gentleman from Illinois, and it is so ordered.

DEEDS, ETC., IN INDIAN TERRITORY.

The SPEAKER. The Chair lays before the House the bill (S. 5678) providing for record of deeds and other conveyances and instruments of writing in the Indian Territory, and for other purposes. On this bill the Senate has disagreed to the amendments of the House, and requests a conference.

Mr. CURTIS. I move that the House insist on its amendments and agree to the conference asked by the Senate.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. SHERMAN, Mr. LACEY, and Mr. LITTLE as conferees on the part of the House.

F. M. VOWELLS.

The SPEAKER laid before the House, with an amendment of the Senate, the bill (H. R. 1592) for the relief of F. M. Vowells.

Mr. CAPRON. I move that the House concur in the amendment of the Senate.

The motion was agreed to.

TERMS OF COURT IN THE DISTRICT OF UTAH.

The SPEAKER laid before the House the bill (S. 149) to provide for holding terms of court in the district of Utah, with sundry House amendments thereto disagreed to by the Senate, and a conference asked for.

On motion of Mr. JENKINS, the House insisted upon its amendments and agreed to the conference asked for by the Senate; and the Speaker announced as conferees on the part of the House Mr. JENKINS, Mr. PARKER, and Mr. DE ARMOND.

INDIAN APPROPRIATION BILL.

On motion of Mr. CURTIS, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 15804) making appropriations for the current and contingent expenses of the Indian Department for the fiscal year ending June 30, 1904, and for other purposes, with Mr. GROSVENOR in the chair.

Mr. CURTIS. I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. CURTIS. If possible, I should like to obtain an agreement with the gentleman on the other side as to the time that shall be occupied in general debate.

Mr. LITTLE. What time would the gentleman suggest?

Mr. CURTIS. I should suggest an hour and a half on a side.

Mr. LITTLE. I think that is satisfactory.

Mr. CURTIS. Then I ask unanimous consent that general debate be limited to three hours, one hour and a half to be controlled by the gentleman from Arkansas——

Mr. BURTON. I desire to know who is to control the time on the respective sides. I have some desire to be heard on this bill, and not being a member of the committee I would not be entitled to time from either side.

Mr. CURTIS. I suggest that the time be controlled by the gentleman from Arkansas on the Democratic side, and by the chairman of the committee [Mr. SHERMAN] on this side, and in the absence of the gentleman from New York [Mr. SHERMAN] I will yield one hour to the gentleman from Ohio, if he desires that much time.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that general debate on the pending bill be limited to three hours, one-half to be controlled by the gentleman from Arkansas [Mr. LITTLE], one-half by the gentleman from New York [Mr. SHERMAN] when he shall return, and in the meantime a private arrangement has been made in regard to the gentleman from Ohio [Mr. BURTON] having time. Is there objection?

There was no objection.

Mr. CURTIS. Now, Mr. Chairman, I yield one hour to the gentleman from Ohio [Mr. BURTON].

The CHAIRMAN. The gentleman from Ohio is recognized for one hour.

Mr. BURTON. Mr. Chairman, to many members of the House this Indian appropriation bill is like a sealed book. Every year it passes after very brief discussion and with little consideration of its numerous items. There is a vague impression, both in the House and in the country, that it is full of objectionable items, and is characterized by waste and extravagance. With a desire to inform myself upon this subject I have made some study of Indian reports and the history of our Indian policy. I approach this subject without any bias and as the representative of a constituency having no interest in the subject except to secure just and proper treatment for the Indians and the judicious appropriation and expenditure of public moneys.

There are many things in the bill which to a superficial observer seem worthy of attention, especially the very large expenditures.

The total amount recommended in the pending bill for the year 1904 is $7,715,930.52. To this, however, must be added certain permanent or indefinite annual appropriations which are also a charge upon the Treasury, as follows: (1) Principal and interest of trust funds, $2,000,000; (2) proceeds of pasturage, labor, etc., act of March 5, 1883, $800,000; (3) civilization of the Sioux, $50,000; total permanent annual appropriations, $2,850,000; total expenditures for Indians for 1904, $10,565,930.52. As contrasted with this amount, the total expenditure of the Indian Department from 1789 to 1831, a period of forty-two years, was $9,055,512.11.

Although this smaller amount of money was expended from 1789 to 1831, it was a period in which many treaties were made with the Indians, and vast areas, great as an empire, were surrendered to the Government. The line of settlement was constantly pushing westward, to the exclusion of Indians in the great States of the Middle West. Our attention must certainly be attracted, not only to the large amounts to be expended, but also to the wearisome iteration of the appropriations, "For support and civilization," "for education and civilization," which have occurred in this bill for many years, and which distribute money by thousands, tens of thousands, and hundreds of thousands of dollars to the various Indian tribes.

It is no exaggeration to say that this bill contains appropriations for schools which afford the pupils comforts and conveniences, not only far beyond those enjoyed by white students in colleges, but of a quality enjoyed only by a favored few. The non-reservation schools are being provided with electric lighting, cold storage, water supply, and ice plants, also hospitals and lavatories, as well as expensive dining rooms and kitchens, etc. Notwithstanding it is claimed that the purpose and object of Indian education is to teach industrial habits, schools are fitted with steam laundry plants, where the work is done by machinery rather than by hand.

I want to say at the outset that, while I shall make criticisms of the Committee on Indian Affairs and the Indian Department, I do not think the blame lies at their door. I believe that the present Committee on Indian Affairs of the House during the last seven years, under the leadership of its chairman and the gentleman from Kansas [Mr. CURTIS], has inaugurated more reforms than were instituted in the twenty years preceding. I believe that the present Commissioner of Indian Affairs, during the five years of his incumbency in the office, has developed a grasp of the situation and has proposed reforms of abuses which entitle him to our highest commendation. That for which criticism is most deserved is the inertia of the Department and of Congress; their slowness in making changes to meet changed conditions. Our

policy is like the management of a ship sailed in accordance with the rule that no barnacles shall ever be removed from it. A critical examination of this bill will disclose that it almost exactly follows the estimates which came from the Interior Department. So that the Committee on Indian Affairs merely performed a sort of clerical service in shaping this bill.

In one of the numerous conferences of friends of the Indians the Commissioner of Indian Affairs criticised many items of expense incurred in furtherance of our Indian policy. The gentleman from New York [Mr. SHERMAN] following him called his attention to the fact that notwithstanding his attacks upon these items he had recently sent in estimates recommending over $4,000,000 for the very objects which he criticised. What is the origin of these large expenses? They are in a great measure an inheritance from the past. The century before the last our Government commenced to make treaties granting annuities to the Indian tribes, some of which were perpetual. From that time to this very large allowances have been made for their lands, and the amounts have been invested for the Indians or deposited in the Treasury with the provision that annual interest shall be paid to them. We often think when we are considering the action of our forefathers in legislation that they acted hastily or injudiciously.

A more careful examination will almost always show that there were existing reasons which, in view of conditions at the time, were considered valid. Among these reasons I would mention, first, a desire for tranquillity. It was desired that the pioneer settler might be free from constant danger from marauding Indians; that his home might be one of peace rather than of war and strife. So, beginning about 1790, largesses and presents were given to the Indians, and very considerable payments were made for cessions of land. It was thought desirable to bring to an end the warfare with the Cherokees and the Creeks, and to obtain peace, even if it must be purchased. At a later period it occurred to the authorities that rather than to be continually fighting the Apaches and Comanches, or sending military forces for their suppression, a cessation of their attacks must be secured and peace maintained by taking upon ourselves the burden of their support.

The second reason which I would mention was the very natural failure to foresee the unprecedented growth of this country. It may be surprising to some to know that after the Louisiana purchase in 1804 the proposition was gravely considered of dividing this country in half, retaining for the white race all that portion east of the Mississippi River and abandoning that west of it to the red man. In the year 1851, a much more recent date, a treaty was made with the Sioux by which a tract containing 110,000 square miles was reserved for them, including the best part of the State of Colorado, and some of the best portions of Kansas, Nebraska, and the Dakotas. A third reason may be found in those sentiments of humanity and fair play which are characteristic of the American people. These sentiments, aroused by accusations of injustice and influenced by the projects of impracticable philanthropists, have led us into many excesses and absurdities.

I most confidently deny that our policy toward the Indian has been one of injustice or wrong. It has been styled a "century of dishonor." It does not deserve the name, and that appellation is not true. No doubt there have been serious mistakes. There have been wavering and vaccillating methods, but year by year, notwithstanding the barbarity and savagery which the Indian has often manifested, notwithstanding the massacres of hundreds of women and children, notwithstanding the implacable hatred of many of the Indian tribes, there is one thing that appears plain—a disposition to do justice to the red man. We may have sometimes acted under the impulse of excitement or sudden anger, but the general policy of this country has been far more just to these wandering tribes than that of any other nation on the globe toward peoples less civilized than they.

We can challenge comparison in this particular and assert with confidence that no government similarly circumstanced has ever shown a policy so just, so humane, so generous, as has been that of the United States Government toward the Indian tribes.

I will ask attention in proof of this to some statutes and treaties, and to quotations from the messages of Presidents. On the 30th of March, 1802, an act was passed directing that friendly Indians should be furnished with useful domestic animals and implements of husbandry, and with goods and money. At the beginning of the last century almost every treaty provided for the maintenance among the Indians of blacksmiths, farmers, and other helpers, in order to provide for their wants and instruct them in the care of their guns and agricultural implements and to instruct them in farming. On the 3d of March, 1819, an annual appropriation of $10,000 was made for the purpose of providing against the further decline and final extinction of the Indian tribes adjoining the frontier settlements of the United States, and for introducing among them the habits of civilization.

The act further states:

The President is authorized to employ capable persons of good moral character to instruct them in agriculture suitable to their station, and for teaching their children reading, writing, and arithmetic.

To protect the Indians against the dishonesty of private traders, President Washington several times recommended the establishment of Government trading houses to deal directly with the Indians, and to purchase their furs and other articles which they desired to sell. This recommendation was adopted by the act of April 18, 1796, and for twenty-six years, or until the 6th of May, 1822, this policy was continued. It was continued at a very large expense, Congress appropriating a hundred thousand dollars at one time and a hundred and fifty thousand dollars at another, and that, too, at a time when money was not so plentiful in the national exchequer as it now is.

On the 9th of January, 1837, an act was passed providing that the proceeds of Indian lands should be invested and annual interest paid the Indians. It was required that no investment of such money or any portion thereof should draw interest at a lower rate than 5 per cent per annum. Recently these amounts have been retained in the Treasury and interest at 5 per cent paid by the Government. This act is still in force as section 2096 of the Revised Statutes. This rate of 5 per cent is paid, notwithstanding the fact that Government bonds which draw 2 per cent are at a premium, and there are no reliable savings banks in our largest States which pay more than 4 per cent.

The act of June 12, 1834, contains two provisions in which the rights of the Indians against the white race were sustained with the utmost severity. There is nothing on our statute books which so notably discriminates against the white race. This is the first provision:

Whenever, in the commission, by a white person, of any crime, offense, or misdemeanor within the Indian country, the property of any friendly Indian is taken, injured, or destroyed and a conviction is had for such crime, offense, or misdemeanor, the person so convicted shall be sentenced to pay to such friendly Indian to whom the property may belong or whose person may be injured a sum equal to twice the just value of the property so taken, injured, or destroyed.

This statute is still in force as section 2154 of the Revised Statutes, and there is a further provision to the effect that when wrong is done to a friendly Indian and the convicted wrongdoer can not pay the penalty, an amount equivalent to the injury done shall be paid out of the Treasury of the United States.

Mr. CURTIS. Does the gentleman from Ohio know of any dollar of money that can be paid under that statute?

Mr. BURTON. Perhaps not.

Mr. CURTIS. Not one.

Mr. BURTON. But Congress has certainly done its duty.

Then there is another statute, passed at the same time, which has been in force for nearly seventy years, providing that in all trials about the right to property, in which an Indian may be a party on one side and a white person on the other, the burden of proof shall rest upon the white person whenever an Indian shall make out a presumption of title in himself from the fact of previous possession or ownership. This is the only law I can recall which modifies the law of evidence for the benefit of any race or class in the United States.

The act of April 10, 1869, Revised Statutes, section 2039, provides that there shall be a board of Indian commissioners composed of not more than ten members, appointed by the President solely from men eminent for intelligence and philanthropy, and who shall serve without pecuniary compensation. This board shall supervise all expenditures for the benefit of the Indians and shall inspect all goods purchased for Indians. This statute, adopted at the very beginning of the Administration of President Grant, indicated a purpose to place the interests of the Indians in the hands of those who would treat them not only with fairness, but with the greatest benevolence. From that time to this men of the highest character have been appointed upon this commission. It may well be questioned whether the policies recommended by them have not been in the line of undue generosity and assistance to the red man.

President Washington, in his third annual message, October 25, 1791, in speaking of the relations of the United States to the Indians, says:

Among the most important of these is the defense and security of the Western frontiers. To accomplish it on the most humane principles was a primary wish.

After speaking of the making of treaties with well-disposed tribes of Indians, he stated:

Effectual measures have been adopted to make those of a hostile description sensible that a pacification was desired upon terms of moderation and justice. * * *

It is sincerely to be desired that all need of coercion in future may cease and that an intimate intercourse may succeed, calculated to advance the happiness of the Indians and to attach them firmly to the United States.

In order to do this it seems necessary that they should experience the benefits of an impartial dispensation of justice. That the mode of alienating their lands, the main source of discontent and war, should be so defined and

regulated as to obviate imposition and as far as may be practicable controversy concerning the reality and extent of the alienations which are made.

That commerce with them should be promoted under regulations tending to secure an equitable deportment toward them, and that such rational experiments should be made for imparting to them the blessings of civilization as may from time to time suit their condition. * * *

A system corresponding with the mild principles of religion and philanthropy toward an unenlightened race of men, whose happiness materially depends on the conduct of the United States, would be as honorable to the national character as conformable to the dictates of sound policy.

President Madison in his last annual message, dated December 3, 1816, says, calling attention to the existence of conflicting titles of different Indian tribes, which was a serious source of difficulty:

In some instances the titles, though not supported by due proof and clashing those of one tribe with the claims of another, have been extinguished by double purchases, the benevolent policy of the United States preferring the augmented expense to the hazard of doing injustice or to the enforcement of justice against a feeble and untutored people by means involving or threatening an effusion of blood. I am happy to add that the tranquillity which has been restored among the tribes themselves as well as between them and our own population will favor the resumption of the work of civilization, which has made an encouraging progress among some tribes, and that the facility is increasing for extending that divided and individual ownership, which exists now in movable property only, to the soil itself, and of thus establishing in the culture and improvement of it the true foundation for a transit from the habits of the savage to the arts and comforts of social life.

In the line of what the gentleman from Kansas [Mr. CURTIS] has suggested by his question, I do not deny that in many portions of the country the sentiment is such that it is very hard for Indians to obtain justice. A military officer told me a few evenings since of an instance in which a cowboy fired his pistol with the reckless idea of firing through the top of the tall hat of an Indian; but his aim was unsteady and the ball grazed the Indian's head. As a result he was paralyzed and died. The chief of the tribe to which the Indian thus killed had belonged in retaliation set fire to the little hut of the cowboy, inflicting damage to the extent of some fifteen or twenty dollars. A trial was asked. The Indian was sentenced for five years, while the cowboy went free.

Such an instance as this is a reproach on the administration of justice upon the border. But the question arises whether, if the numerous privileges and favors which like a network surround the Indian were removed, would not the disposition of those people, whom I can not suspect of studied and continued injustice, be to do justice to all men alike, whether white or red?

I do not stand here as an apologist for the retaliation and outrages which have been visited upon the Indian; but when the great balance sheet is drawn up it will appear that the wrongs have been far greater and the aggressions more numerous, the cruelties committed more frequent, on the part of the Indian than on the part of the white man. The difficulty has been that the Indian has sometimes been held at arm's length, as it were, from the body of the people and compelled to deal with the Indian agent—not always a very honest man—with the border man, or the cowboy, some of whom have sought to plunder him and have made free to appropriate to themselves whatever they could obtain by force or by fraud.

The immense quantities of land reserved for these Indians must attract our attention. One hundred and eighteen thousand square miles are now set apart for them in reservations—an area about three times as large as the State of Ohio. Much of this is arid land; much of it is fit for grazing only. On the other hand, many large tracts are to be numbered among the very best lands in the United States. Under the treaties made with the Choctaws, the Creeks, and the Cherokees, by which they were to be located in the Indian Territory, they were apportioned land to the amount of approximately 1,000 acres apiece. Fifteen thousand Choctaws received 15,000,000 acres, and other smaller tribes received a still larger per capita apportionment. It may be said of these lands that they are now a garden spot, equal in fertility to any lands in the United States.

It is frequently asserted that the nations which discovered this continent recognized that the title to the land belonged to the occupying tribes. It would be difficult, however, to find in the exchequer accounts of Spain, England, or France a single instance in which money was paid out for the purchase of Indian lands. They were given presents and a great deal of tinsel was bestowed upon them, but it is evident that this was done to promote good feeling rather than as a recognition that any compensation was due. Mr. Parkman, in his work, The Pioneers of France, to illustrate the disposition of the Spaniards toward the Indians in the first century after the discovery of America, quotes an address of Dr. Pedro de Santander to the King, in 1557, as follows:

It is lawful that Your Majesty, like a good shepherd, appointed by the hand of the Eternal Father, should tend and lead out your sheep, since the Holy Spirit has shown spreading pastures whereon are feeding lost sheep, which have been snatched away by the dragon, the demon. These pastures are the New World, wherein is comprised Florida, now in possession of the demon; and here he makes himself adored and revered. This is the land of promise possessed by idolaters, the Amorite, Amelekite, Moabite, Canaanite. This is the land promised by the Eternal Father to the faithful, since we are commanded by God in the Holy Scriptures to take it from them, being idolaters, and, by reason of their idolatry and sin, to put them all to the knife, leaving no living thing save maidens and children, their cities robbed and sacked, their walls and houses leveled to the earth.

It would appear that Spain at no time admitted the existence of any title in the Indians. Mexico has maintained the same position with reference to those located in the territory acquired from that country. In some remarks made by the gentleman from Utah [Mr. SUTHERLAND] last winter, it was clearly set forth that in New Mexico, Arizona, and Utah the United States, succeeding to the title of the Mexicans, could claim absolute ownership of the lands occupied by the different tribes, because, under well-established rules of international law, the conquering country, or that which receives a cession, obtains the same kind of title as its predecessor.

The French showed greater adroitness than either the Spanish or the English in dealing with the Indians, but they do not seem to have recognized any obligation to purchase their lands.

While there are shadowy indications of an acknowledgment by the English of some sort of title in the Indian tribes, there was no distinct admission of it. Grants were made of vast areas without mention of any subordinate titles to be extinguished or acquired by the grantees.

King Charles the Second made over to his cousin, Prince Rupert, the vast expanse known as Rupert's Land, afterwards Hudson Bay Territory. William Penn bargained with the Indians for the lands granted to him by King Charles the Second, but it does not seem to have been considered either that this was necessary, or that he acquired any additional right by so doing.

The early charters and patents from the English Kings enjoined upon the settlers the necessity of converting the savages and bringing them to a knowledge of the gospel, but this was the principal injunction in the formal documents which gave title. It is true that in 1629 the governor of the Massachusetts Bay Company, living in England, wrote to Endicott, the resident officer in Massachusetts:

If any of the salvages [savages] pretend right of inheritance to all or any part of the lands in our patent, endeavor to purchase their tytle, that we may avoid the least scruple of intrusion.

Chief Justice Marshall in one of his decisions says:

The potentates of the Old World found no difficulty in convincing themselves that they made ample compensation to the inhabitants of the new by bestowing upon them civilization and Christianity.

The problem was very much modified by early conditions. Many of the adventurers who came to this continent brought no families with them and were almost as roving and unsettled as the Indians themselves. Their commercial transactions consisted for the most part in the purchase of furs. Then, too, there were unoccupied tracts of considerable size available for settlement, concerning which no question of the Indian right of occupancy could arise.

The colonists would seem to have been the first to recognize the principle that an Indian title existed which must be acquired. This principle was followed after the formation of the Federal Government. Two rules were firmly established: First, that no Indian tribe had a right to sell its lands to any foreign nation, or to any individual; a cession could only be made to the Government of the United States; second, that a right of occupancy existed in the Indians, which must be obtained by treaty or by conquest.

The early treaties were in some respects similar to those entered into between nations, though the Indians acknowledged themselves to be under the protection of the United States. Considerable cessions of territory were made without any considerable compensation. These engagements recognized that the boundaries of the Indian claims were uncertain and the limits of their possessions were restricted. In later treaties compensation was given in the form of annuities, immediate cash payments, or agreements for assistance in the way of education, or otherwise. It was often recognized that there was confusion between different Indian tribes as regards ownership. Later still the compensation was very materially increased. Part of the payments made for these titles is represented by trust funds held for the Indians in the Treasury, now amounting to over $35,000,000.

It should be stated that, by a statute of March 3, 1871, treaties were abolished, and it was provided that in the future agreements should be made with the Indians, to be thereafter ratified by Congress. This statute removed an incongruity, because theretofore we had treated with those over whom we had assumed guardianship as if they were independent.

It may well be questioned whether the measure of value which the Indian should receive for his land is the value for agriculture or for civilized occupation, when we take into account that he showed no disposition to use it except to hunt or fish upon it. Doubtless, there was a considerable degree of compulsion in some of these treaties or agreements for the acquisition of land. How could this be avoided? To admit that absolute consent must be obtained before we could occupy portions of this country would sanction a rule under which it would have been necessary for the early settlers of Massachusetts and Virginia to have stayed away

and left this continent for all time in the possession of wandering tribes. It would lead to the conclusion that civilization can not exclude barbarism from any part of the earth.

I desire to point out at this time the three distinctive errors of the Indian system, and on this subject I will ask the Clerk to read from the report of the Indian Commissioner for the year 1901, from page 1, beginning with the words "Well-meant mistakes," down to the words "Throwing the Indian on his own resources," on page 4.

The Clerk read as follows:

WELL-MEANT MISTAKES.

In the last annual report some attention was given to the obstacles in the way of the Indian toward independence and self-support, and three of the most important were pointed out and made the subject of discussion. It was shown that the indiscriminate issue of rations was an effectual barrier to civilization; that the periodical distribution of large sums of money was demoralizing in the extreme, and that the general leasing of allotments instead of benefiting the Indians, as originally intended, only contributed to their demoralization.

Further observation and reflection leads to the unwelcome conviction that another obstacle may be added to these already named, and that is education. It is to be distinctly understood that it is not meant by this to condemn education in the abstract—far from it; its advantages are too many and too apparent to need any demonstration here.

Neither is it meant as a criticism upon the conduct or management of any particular school or schools now in operation. What is meant is that the present Indian educational system, taken as a whole, is not calculated to produce the results so earnestly claimed for it and so hopefully anticipated when it was begun.

No doubt this idea will be received with some surprise, and expressions of dissent will doubtless spring at once to the lips of many of those engaged or interested in Indian work. Nevertheless, a brief view of the plan in vogue will, it is believed, convince the most skeptical that the idea is correct.

There are in operation at the present time 113 boarding schools, with an average attendance of something over 16,000 pupils, ranging from 5 to 21 years old. These pupils are gathered from the cabin, the wickiup, and the tepee. Partly by cajolery and partly by threats, partly by bribery and partly by fraud, partly by persuasion and partly by force, they are induced to leave their homes and their kindred to enter these schools and take upon themselves the outward semblance of civilized life. They are chosen not on account of any particular merit of their own, not by reason of mental fitness, but solely because they have Indian blood in their veins. Without regard to their worldly condition, without any previous training, without any preparation whatever, they are transported to the schools—sometimes thousands of miles away—without the slightest expense or trouble to themselves or their people.

The Indian youth finds himself at once, as if by magic, translated from a state of poverty to one of affluence. He is well fed and clothed and lodged. Books and all the accessories of learning are given him and teachers provided to instruct him. He is educated in the industrial arts on the one hand, and not only in the rudiments but in the liberal arts on the other. Beyond "the three R's" he is instructed in geography, grammar, and history; he is taught drawing, algebra and geometry, music, and astronomy, and receives lessons in physiology, botany, and entomology. Matrons wait on him while he is well and physicians and nurses attend him when he is sick. A steam laundry does his washing and the latest modern appliances do his cooking. A library affords him relaxation for his leisure hours, athletic sports and the gymnasium furnish him exercise and recreation, while music entertains him in the evening. He has hot and cold baths and steam heat and electric light and all the modern conveniences. All of the necessities of life are given him and many of the luxuries. All of this without money and without price or the contribution of a single effort of his own or of his people. His wants are all supplied almost for the wish. The child of the wigwam becomes a modern Aladdin, who has only to rub the Government lamp to gratify his desires.

Here he remains until his education is finished, when he is returned to his home—which by contrast must seem squalid indeed—to the parents whom his education must make it difficult to honor, and left to make his way against the ignorance and bigotry of his tribe. Is it any wonder he fails? Is it surprising if he lapses into barbarism? Not having earned his education, it is not appreciated; having made no sacrifice to obtain it, it is not valued. It is looked upon as a right and not as a privilege; it is accepted as a favor to the Government and not to the recipient, and the almost inevitable tendency is to encourage dependence, foster pride, and create a spirit of arrogance and selfishness. The testimony on this point of those closely connected with the Indian employees of the service would, it is believed, be interesting.

It is not denied that some good flows from this system. It would be singular if there did not after all the effort that has been made and the money that has been lavished.

In the last twenty years fully $45,000,000 have been spent by the Government alone for the education of Indian pupils, and it is a liberal estimate to put the number of those so educated at not over 20,000. If the present rate is continued for another twenty years it will take over $70,000,000 more.

But while it is not denied that the system has produced some good results, it is seriously questioned whether it is calculated to accomplish the great end in view, which is not so much the education of the individual as the lifting up of the race.

It is contended, and with reason, that with the same effort and much less expenditure applied locally or to the family circle far greater and much more beneficent results could have been obtained and the tribes would have been in a much more advanced stage of civilization than at present.

On the other hand it is said that the stream of returning pupils carries with it the refining influence of the schools and operates to elevate the people. Doubtless this is true of individual cases and it may have some faint influence on the tribes. But will it ever sufficiently leaven the entire mass? It is doubtful. It may be possible in time to purify a fountain by cleansing its turbid waters as they pour forth and then returning them to their original source. But experience is against it. For centuries pure fresh-water streams have poured their floods into the Great Salt Lake, and its waters are salt still.

What, then, shall be done? And this inquiry brings into prominence at once the whole Indian question.

It may be well first to take a glance at what has been done. For about a generation the Government has been taking a very active interest in the welfare of the Indian. In that time he has been located on reservations and fed and clothed; he has been supplied lavishly with utensils and means to earn his living, with materials for his dwelling and articles to furnish it; his children have been educated and money has been paid him; farmers and mechanics have been supplied him, and he has received aid in a multitude of different ways. In the last thirty-three years over $240,000,000 have been spent upon an Indian population not exceeding 180,000, enough, if equitably divided, to build each one a house suitable to his condition and furnish it throughout, to fence his land and build him a barn, to buy him a wagon and team and harness, to furnish him plows and the other implements necessary to cultivate the ground, and to give him something besides to embellish and beautify his home. It is not pretended that this amount is exact, but it is sufficiently so for the purposes of this discussion.

What is his condition to-day? He is still on his reservation; he is still being fed; his children are still being educated and money is still being paid him; he is still dependent upon the Government for existence; mechanics wait on him and farmers still aid him; he is little, if any, nearer the goal of independence than he was thirty years ago, and if the present policy is continued he will get little, if any, nearer in thirty years to come. It is not denied that under this, as under the school system, there has been some progress, but it has not been commensurate with the money spent and effort made.

First, the ration system. The Commissioner of Indian Affairs, in his report for 1901, says:

It would seem rather a sad commentary on the ration system to see Indians driving into the agency regularly in buggies and carriages to receive a gratuitous distribution of supplies from an indulgent Government "to keep them from starving."

In a report filed in this House as Document No. 391 of the Fifty-seventh Congress, first session, it was shown that a tribe of Sioux Indians having 20,000 cattle, of which they sold annually to the United States 1,500 to be slaughtered on the reservation and distributed among themselves, had been receiving rations under a provision in a treaty of 1876, promising them a certain prescribed ration, to be continued until they were able to support themselves. The cattle they sold realized for them over $50,000 and they themselves ate them. They had also nearly 10,000 horses and a considerable number of sheep and of other stock.

It also appeared that most of those drawing a salary from the Government, the number of whom was about 150 on the reservation, receiving salaries from $840 down to $120, together with employees in the schools on the reservation, drew rations.

It is a mistake to suppose that by constantly pampering and coddling we can lift these Indians up to a status of civilized life. No nation ever achieved liberty unless it was willing to fight for it, and no nation or tribe ever gained civilization unless it was willing, by patient industry, to carve out for itself a future.

I would not say that the infirm and those who are unable to earn a living should be denied a ration. If we will, we might treat them all as our wards and save them from destitution and starvation; but let not our policy be one that builds up and perpetuates a system the main characteristic of which is the prevalence of idleness and which, in the long run, is the very worst thing for the Indian himself.

It is far from my intention in making these remarks to dwell upon the pecuniary problem alone. I am not arguing to save the Treasury so much as for a judicious and rational policy toward these people. The policy as at present managed injures them more than it injures anyone else. If they are able to work, let them work; let us begin with the preliminary lesson, that they can not depend upon us for that which they do not deserve; but that we intend to throw them upon their own resources, upon the principle that if a man does not work neither shall he eat.

I come next to the reservation system. That has been a serious injury, not only to the progress of the Indian, but to that of the United States.

Mr. LITTLE. Will the gentleman yield for a question?

Mr. BURTON. Certainly.

Mr. LITTLE. I desire to ask if the gentleman has overlooked the present policy of the Department of Indian Affairs on the ration question, because we have now in force a policy that does not give rations to the Indians who are able to work, and compelling them to work for a living, and from the report of the Commissioner it will be found that from 12,000 to 15,000 have already been taken from the ration supply.

Mr. BURTON. I am very glad to hear the statement made.

Mr. LITTLE. The Commissioner of Indian Affairs states that if the policy is continued it has great promise of affording relief from the ration system.

Mr. BURTON. The statistics do not seem to prove that this new departure has been carried as far as it ought to be carried. The reports show that in numerous instances where tribes have wealth, where they receive large annuities, they are continuing to receive their regular rations from the Government.

Mr. LITTLE. I am not prepared to dispute the proposition that it has not been carried far enough, but in his last annual report the Commissioner makes this statement:

As a first result over 12,000 have been dropped from the ration roll, being wholly self-supporting. As a second result a large number of Indians have been put to work, or work has been found for them.

Then he goes on and gives statements of agents in respect to that work. I think it is a desirable plan. I think it ought to be pushed. I think it is not only fair and just and humane to the Indian, but is also of benefit to the Government.

Mr. BURTON. Now, as to the reservation system. These immense areas are a barrier to the progress of the United States, and that of the Indians as well. In the first place they promote nomadic habits. The instant that you give to a thousand persons

2,000,000 acres what would they do? Is it an incitement to agriculture and the peaceful methods of industrial life? No. It is the very ground for a continuance of a disposition to live by hunting and by fishing. Then, again, the Indian is forbidden the privilege of going off his reservation, and the white man is forbidden to go on it. This keeps him out of contact with the march of civilized life. It is said that the reservations are in remote corners of the country. There are no remote corners in the United States.

There is no locality across which the pathway of civilization does not lie. Everywhere roads should be constructed and development begun. Great progress has been made in promoting the allotment of lands to the Indians, and I think the present Committee on Indian Affairs should be commended. I include not only the two gentlemen I have named, but all other members on the committee. I trust that more will be done along this line, but it seems to me the system can still be criticised, because the Department clings too closely to the old ideas of immense reservations and tribal organizations.

Mr. STEPHENS of Texas. Will the gentleman yield for a question?

Mr. BURTON. Certainly.

Mr. STEPHENS of Texas. Does not the gentleman think it would be wise and advisable to open all Indian reservations to the miners of the country so that they can go on the reservations and locate the mines and develop them? At the present time they are locked up.

Mr. BURTON. I would say that the utmost care should be taken to be just to the Indians and also to be just to the whole people, so that no particular locality or individual will gain an undue share of the advantage to be derived from these mining properties.

Mr. STEPHENS of Texas. Does not the gentleman think it would be impossible to take advantage of the Indians if the land were opened up under the United States mining laws, which have been well guarded and are the result of a century of legislation?

Mr. BURTON. I believe in anything that opens up these reservations of the Indians to civilization. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has ten minutes remaining.

Mr. BURTON. Now, Mr. Chairman, I desire to speak in regard to the school system. "We must educate," said Horace Mann; "We must educate." Anything in the line of education appeals to the American people, because it is regarded as the corner stone of our progress. But it would seem that the plans adopted for the Indians are very faulty and expensive. In the first place, let me call attention to some figures taken from the Indian Commissioner's reports, taking first those who are able to read. Exclusive of the Five Civilized Tribes in the Indian Territory, the number who could read in 1881 was 13,578; in 1891, 27,157; in 1901, 46,044—a very gratifying increase it is true.

But what has it cost? From 1882 to 1891, inclusive, it cost $10,000,000. From 1892 to 1901 it cost about $25,000,000. So that for every one who learned to read during the ten years from 1891 to 1901 between $1,300 and $1,400 was expended by the United States Government.

In 1901 there were enrolled in the schools something over 27,000 pupils, and the average attendance was over 23,000. Presumably every one that was enrolled has learned to read, and we are forced to this conclusion, that 8,000 more are now enrolled in the schools than learned to read in the ten years from 1891 to 1901. Or, if we examine with a view to criticising, it would seem that 8,000 of those who learned to read in 1891 have to be kept in school to this day in order to retain the knowledge they possessed at that time. This enormous expense did not begin until after the year 1881.

In 1877 the total amount expended for education was $20,000; in 1881, $75,000; in 1891, $1,842,000. It has been increasing very rapidly in the last few years, except the present bill has a slight reduction. For the year 1903 the appropriation was $3,531,000.

There are three or four kinds of schools: First, the nonreservation school, like that at Carlisle, Pa.; second, the boarding school on the reservation, and, third, the day school on the reservation. The difference between the day school and the reservation's boarding school is that in the latter the pupil stays during the school months of the year in the reservation boarding house and is fed and clothed there, while in the day school he only takes a lunch at school. There is still another plan under which the Indian youth are educated in white schools on condition that payment shall be made. The number thus educated is quite small.

Now, Mr. Chairman, several of these nonreservation schools would no doubt be helpful to the Indian. What is the number? There are 25 or 30 scattered all over the country, extending from Pennsylvania and North Carolina to California and Oregon. In almost every bill some ambitious State brings in a request to have another nonreservation school located within its borders. I seriously question whether this is the best way to educate the Indian. They are often cajoled and almost forced to go from their homes thousands of miles to the nonreservation boarding school. For the most advanced scholar, for those who show unusual aptitude, such a school is a proper reward, but to send them indiscriminately from all over the country and without regard to their qualifications is a very serious blunder. There are certain things which can only be learned at the home and by the fireside. The family is not a conventional arrangement; it is a divinely ordained institution. When you sever the Indian from home, place him in strange surroundings, keep him there and then send him back, the probabilities are that he will either be out of line with his environment or that he will be ridiculed or thrown out by his tribe. He has not attained the civilization of the race with which he must compete, and he does not harmonize with that to which he was born.

Now, as regards the reservation boarding school, I question very much its benefits. Indian children are taken away from their families and boarded, clothed, and instructed at the school at public expense. That which is not prized will not be utilized. We all know the effect of the American school. The child goes home at night and talks with his parents about his studies. An impetus is given to him in the school to communicate thus with them. On the other hand, the affection and interest of his parents give him a spur to do his best. All this is lacking for the child who is separated from his family.

There is one point in this connection which I should like to elaborate more at length, but with the consent of the committee I will print some tables and accompanying material in the RECORD. These will tend to show that in many places where these schools have been maintained with the greatest care and for the longest time, habits of industry have been on the decrease rather than on the increase.

Mr. Chairman, I ask unanimous consent that I may be permitted to enlarge my remarks in the RECORD.

The CHAIRMAN. If there is no objection, the gentleman will have that leave.

There was no objection.

Following are the tables:

SHOSHONE AGENCY, WYO., SHOSHONE AND NORTHERN ARAPAHOE TRIBES.

	1891.	1901.
Number	1,732	1,626
Number wearing citizen's dress, wholly or in part	435	1,628
Number who read	188	399
Percentage subsisting by labor in civilized pursuits	25	12
Percentage subsisting by hunting, etc	25	----------
Percentage subsisting by Government rations and annuities	50	88
Number attending school	100	218
Expended for Government school and education under contract	$17,366.61	$23,042.07

The Government school was established in April, 1879.	
Number of acres in reservation	1,754,960
Annuity under treaty	$10,000.00
Proceeds of leases, labor, etc	$7,847.16
Total income	$17,847.16

POTTAWATOMIE AND GREAT NEMAHA AGENCY, KANS., PRAIRIE BAND OF POTTAWATOMIES.

	1891.	1901.
Population	520	572
Citizen's dress, wholly or in part	520	572
Indians who can read	243	265
Percentage subsisting by labor in civilized pursuits	75	25
Percentage subsisting by cash annuities, etc	25	75
Expended by Government for schools, together with other tribes	$16,262.24	$23,919.78

Acreage under cultivation diminished at this agency.

The agent reports (see Annual Report of the Department of the Interior, Indian affairs, 1901, part 1, p. 243) that "A fair valuation of lands and trust funds held by the Government makes these Indians worth $4,000 apiece, or $20,000 per family."

UMATILLA AGENCY, OREG., WALLA WALLA, CAYUSE, AND UMATILLA TRIBES.

	1891.	1901.
Number	997	1,083
Number wearing citizen's dress wholly	600	410
Number wearing citizen's dress in part	397	40
Percentage subsisting by labor in civilized pursuits	100	30
Percentage subsisting by hunting and fishing	----------	20
Percentage subsisting by Government rations	----------	50
Expended for education	$7,988.60	$11,187.60
Number who attend school school (established in 1883)	47	85
Number of acres in reservation	----------	79,820
Number of acres under cultivation	34,950	6,880

The agent states that the positions of carpenter and blacksmith have been discontinued at this agency, and no bad results have been remarked. These

mechanical branches of the Government tended to make the Indians more dependent upon the Government, and without free repairing they are more careful. Also much property of white men was brought in for repair by Indians. (See Report of Secretary of Interior, Indian affairs, 1901, part 1, p. 352.)

Indian agent reports these Indians are advantageously situated, and there is no reason why they should not be self-supporting.

NEZ PERCE AGENCY, IDAHO, NEZ PERCÉ TRIBE.

	1891.	1901.
Number	1,700	1,567
Number wearing citizen's dress wholly	625	275
Number wearing citizen's dress in part	750	1,292
Number who read	230	250
Percentage subsisting by labor in civilized pursuits	80	35
Percentage subsisting by hunting, etc	15	2
Percentage subsisting by Government rations and annuities	5	63
Expended for Government school and education (school established at Fort Lapwai 1886)	$21,492.91	$12,330.64
Number in schools	96	74

The Indians of this tribe have received and spent the greater part of $1,626,222 paid them by the Government for their surplus lands in the last five years, or about $5,000 per family. (See Annual Report, Department of the Interior, Indian affairs, 1901, part 1, p. 215.)

SISSETON AGENCY, S. DAK., SISSETON AND WAHPETON SIOUX TRIBES.

	1891.	1901.
Number	1,730	1,950
Number wearing citizen's dress wholly	1,730	1,950
Number who read	834	1,000
Percentage subsisting by labor in civilized pursuits	50	10
Percentage subsisting by hunting, etc		10
Percentage subsisting by Government rations	50	
Percentage subsisting by annuities and lease money		80
Number attending school	180	108
Expended for Government school and education (school established 1873)	$26,547.95	$15,706.11
Number of acres in reservation		309,904
Number of acres cultivated	3,160	2,000

SAUK AND FOX AGENCY OF OKLAHOMA, SAUK AND FOX OF MISSISSIPPI AND OTHER TRIBES.

	1891.	1901.
Number	2,206	2,750
Citizen's dress wholly	1,275	2,400
Citizen's dress in part	891	350
Number who can read	829	600
Percentage of subsistence by civilized pursuits	84	20
Percentage of subsistence by hunting and fishing	16	
Percentage of subsistence by Government rations and lease money		80
Expended for education (schools established 1868)	$21,173.24	$22,676.20
Number of scholars	185	240
Number of acres in reservation		88,483
Number of acres cultivated	10,575	3,000

The Indian agent reports (see Annual Report of Department of the Interior, Indian Affairs, 1901, part 1, page 335), that "The Sauk and Fox tribe of Indians are a wealthy people." (Total number, 473.) "They receive $94,000 per annum in annuities and about $18,000 rentals from their allotments. This with their natural antipathy to work tends to make them indolent and very few of them work to any extent. * * * As long as annuities are paid them, and with their lease money, is sufficient for their maintenance they will not progress. The Iowa Indians spend most of their time visiting other tribes and drinking liquor."

Among the tribes or agencies referred to in the above tables, it will be noted, are some which receive large grants from the Government in the way of gratuities, some which have large reservations of land, and other which receive annual interest on trust funds.

Mr. BURTON. Mr. Chairman, I have endeavored to select tribes or agencies in such a way that there will not be any discrimination against any one of five or six States and Territories, in all of which there is a showing of this kind. It appears that the Shoshones and Arapahoes, whose school was established in 1879, showed a percentage of 25 per cent in 1891, who subsisted by labor in civilized pursuits, but after ten years of further schooling this percentage dropped more than half. Next we come to the Indians at the Pottawatomie and Great Nemaha Agency. Here the school was established in 1871. In the ten years from 1891 to 1901 the percentage subsisting by labor and civilized pursuits dropped from 75 per cent to 30 per cent, while those subsisting by cash annuities, etc., increased from 25 per cent to 70 per cent. Everyone will admit that for such a race such as the Indian that which is most needful is that he may adjust himself to civilization by habits of industry and by doing for himself.

[Here the hammer fell.]

Mr. KLEBERG. I move that the gentleman's time be extended for ten minutes, or until he has time to conclude his remarks.

Mr. BURTON. I certainly shall not occupy more than ten minutes more.

Mr. SHERMAN. I understand that the gentleman had for his side one hour and thirty minutes. If no other gentleman desires to occupy the thirty minutes, I ask unanimous consent that the gentleman from Ohio be permitted to occupy so much of the thirty minutes as he may desire.

The CHAIRMAN. The gentleman from New York [Mr. SHERMAN] was allotted thirty minutes. Does he yield?

Mr. SHERMAN. I was not here when the agreement was made. Was not the gentleman from Ohio to have an hour and a half under his control?

The CHAIRMAN. One hour; and one-half hour was to be controlled by the gentleman from New York, who can, if he wishes, yield to the gentleman from Ohio.

Mr. SHERMAN. I shall be glad to yield to the gentleman some little time, if he desires.

Mr. BURTON. I think that ten minutes will be all that I wish.

Mr. SHERMAN. I shall be very glad to yield the gentleman ten minutes.

Mr. BURTON. The worst showing of all is that made by the Indians at the Sauk and Fox Agency in Oklahoma. Here a school was established in 1868, upon which was expended something over $20,000 both in 1891 and in 1901. The number subsisting by civilized pursuits in 1891 was 84 per cent, while 16 per cent subsisted by hunting and fishing. In 1901 20 per cent only subsisted by labor in civilized pursuits, while 80 per cent obtained their support from Government rations and lease moneys. The remarks of the Indian agent quoted above throw a great deal of light upon the situation at this agency.

The natural inference to be framed from these illustrations, which are of sufficient number to prevent their being regarded as isolated cases, is that the prevalent method of Indian education stimulates a desire to live without work and by Government bounty rather than by industry.

The very large wealth of some of the Indian tribes will attract our attention. The following is a statement of the condition of the Osage Indians, the wealthiest of the tribes:

[Report 1901, p. 326.]

OSAGE INDIANS, OKLAHOMA.

Number in tribe, 1,788.

Income:	
Interest of Kansas lands sold, 5 per cent	$413,557.16
Rental on pastures	138,296.08
Permit tax, gross tax, etc	8,945.00
Interest on money on deposit	3,456.00
Total	564,254.24
Average per capita, per annum, over	315.00

Moneys derived from rental of pastures are to be divided whenever there is $100,000 or more on hand.

Quantity of land owned, 1,590,195 acres, some of which is worth $50 per acre, and the average value is said to be not less than $5 per acre. The per capita wealth of each member of tribe, capitalizing investment funds at 5 per cent and adding the value of their lands, exceeds $9,000. Yet in 1901, 23 members of this tribe were boarded, clothed, and maintained at Carlisle school, and their transportation expenses paid, all at Government expense.

In speaking of the Indians at the Pottawatomie and Great Nemaha Agency in Kansas, the agent states that the public valuation of lands and trust funds held by the Government makes these Indians worth $4,000 apiece or $20,000 a family, and he goes on to say, as set forth above, that this very fact causes these Indians to be idle and thriftless. I am informed that the Potawatomies pay the whole or a portion of the expense of their schools, but in most cases the money is paid by the United States.

Mr. GAINES of Tennessee. How many of these Indians are there altogether?

Mr. BURTON. The gentleman from Tennessee asks me as to the number of these Indians. In 1900, exclusive of Alaska, there were 237,196; in 1890 there were 248,253. Of these there were in the Indian Territory in 1900, 52,500; in 1890, 51,279.

Mr. GAINES of Tennessee. How many of them are now civilized?

Mr. BURTON. That is a question which I suppose it is impossible to answer. I think the number would most naturally include those who have lived in association with the whites, or who are living on allotted lands.

In this connection there is one tribe, the Stockbridge Indians, of Wisconsin, which is worthy of attention. It appears that all the members of this tribe sustain themselves by civilized labor, but they were among the very first to have their lands allotted in severalty.

Now, what are some practical suggestions looking to an improvement of our Indian policy? First, we ought to have more adequate statistical information. In 1875 a statute was passed directing the Secretary of the Interior on the 1st of November of every year to give a tabular statement of each appropriation of the previous year, setting forth how the amount had been expended. In the official list of executive documents to be transmitted to Congress this is included. I can not find that any

such document has been furnished. Anyone who desires to study the condition of Indian tribes and ascertain what disposition of moneys has been made, must search through a multitude of tables. In some of these tables they are classified by tribes, in others by agencies; and it is with the very greatest difficulty that ready and accurate information can be obtained.

Next, closer care and supervision about the issuing of rations; the enforcement of a rule contained in the statute of 1875, that an Indian should not receive rations unless he did work for his tribe or for himself to an amount equal to the value of the rations issued to him.

Next, the breaking up of the reservations. It may be necessary to provide that the Indian allottee, to protect him against imposition, shall not be allowed to dispose of his lands until some time after he has acquired individual ownership, but it can not be questioned that tribal ownership has kept back the Indian race and proved a barrier to its development.

Next, a closer scrutiny of these schools, confining them to the essentials of education, and, most of all, keeping in view the all-important object of inculcating habits of industry.

Why, I looked over the report of the school superintendent, which lays out a six years' course in agriculture, and gravely gives a number of pedagogical platitudes as instructions to teachers. There are some extracts. For the first year it says:

> Do not restrain the natural curiosity of the child and his tendency to ask questions.

The second year they should have some light work to do, "such as shelling corn for the fowls." In the third year they are advanced enough to "drive the cattle." In the fourth year such progress will have been made that the pupil can be told of the necessity of keeping the place free from weeds. The next year they are to be taught the meaning of "capillary attraction." There is the reason, Mr. Chairman, why so many farmers have been unsuccessful, and that we have had such knocking at the doors of Congress for appropriations for the irrigation of arid lands. It is because the farmers do not understand capillary attraction. [Laughter.] In the sixth year it says:

> Show that a number of dogs consume, and do not tend to add to, the revenue of the family. Endeavor to lead him (the pupil) to independence.

Teach him independence in the sixth year when for five years you have been destroying all independence and preventing him from forming habits of self-reliance by keeping him in this kind of tutelage.

The American boy is surrounded by those who are competent to teach, but he is expected to see some things and learn some things for himself. He loves to spend his time in the clear sunlight, and is not penned up within the walls of a boarding school. He does not take his bath in a Government bath tub; he goes to the running brook and plunges in, eager, selfconfident, as though he were Lord of the water as well as the land. In the summer time he is up with the dawn and at the close of twilight falls into well-deserved repose. He early learns that self-reliance which is the beginning of a useful citizen. He will be the strongest factor in our citizenship, because from his very boyhood he is taught to work and depend upon himself. When grown to manhood he will be the chief reliance of his people, and when days are dark and statesmen tremble he will be the first to respond if the tocsin of alarm is sounded. He will not leave his country defenseless.

Amid surroundings which are lowly and toilsome beyond the common lot, he can look to the splendid array of presidents, generals, and men successful in the commercial world who were born upon the farm with hopes that for his children broader fields may open, and that they may enjoy a position in this free Republic, prouder than the kings of old. Thus, you may say to him in the language of the witch to Banquo:

> Thou shalt get kings, though thou be none.

[Applause.]

Now, if we do our duty to the Indian we will give him something of the selfsame reliance. We will build up his manhood as well. [Applause.]

Mr. SHERMAN. Mr. Chairman, I have enjoyed very much indeed, as I believe all the members of the committee have, the full and logical and chronological and eloquent speech of the gentleman from Ohio [Mr. BURTON]. He has demonstrated, as he always does when he takes the floor, that he has studied his subject and understands of what he speaks. He has placed before us a goal which he thinks we should eventually reach in arriving at the millennium of the Indian problem. He sees a goal, Mr. Chairman, which men who have devoted days and weeks and years of thought to the study of the Indian problem saw many years ago, a goal which this Government through its proper officials has been struggling to reach, and which, please God, we may some time yet attain.

It can not be reached in a month, in a year, I fear not in one or two generations or more—perhaps never. The red man is nomadic. The Indian is not naturally a domestic person. He is a wild man, a warrior, a fighter, a hunter. His blood for generations has been the blood not of a domestic person, but of a man who has enjoyed fighting, enjoyed warfare, enjoyed wildness; who has lived a life not by the toil to which the white man resorts to attain his livelihood, but by hunting and fishing—by pursuits which to the white man are considered purely and solely recreation, sport.

The gentleman criticises the general policy of the Government; and the officials of the Government recognize and have recognized for many years that the criticism is fairly just, and have been struggling to reach that point where this criticism no longer has ground. The gentleman suggested in the early part of his remarks that the Indian appropriation bill is very much the same year after year; and let me thank the gentleman for his commendation of the individual members of the committee, and let me add to his commendation, which was confined to the gentleman from Kansas and myself, the commendation of the various members of the committee on both sides of this Chamber.

I want to say, Mr. Chairman, that in all the years in which I have been upon that committee I have no recollection of partisanship governing the action of the members. It is a committee which has attempted to do its full duty without thought of upon which side of the Chamber members sat or to which party the different members belonged. The gentleman from Ohio suggested that the Indian appropriation bill year after year is much the same. That is true. Is it not also true, Mr. Chairman, that the legislative appropriation bill, the Post-Office appropriation bill, and all the various other appropriation bills are much the same? Not the river and harbor bill—there are many more changes in that.

And, Mr. Chairman, it must be so, because a large proportion of the appropriations carried by the Indian appropriation bill are for moneys which the Government has agreed to pay to the various Indian tribes, some of them covering a period of perpetuity and others a period of ten, twenty, or thirty years. It is so because we have inaugurated a policy in reference to agencies which has changed only as to personnel. The bill itself differs with reference to the agencies to this extent: That whereas ten years ago we appropriated for sixty odd, we now appropriate for forty. I think the gentleman on second thought will hardly think that criticism of the Indian appropriation bill is a just one.

The gentleman rightly defends the white men of this nation against the sweeping and unjust criticism that has been made of them affecting their relations with the red tribes of this country. I agree with the gentleman that this Government for more than a hundred years has been liberal beyond justice to the Indian tribes, has been generous at times, as the gentleman indicates, to a fault in their treatment of the red man. Mr. Chairman, I think partially the allegations of deceit and of fraud arise from the fact that we are dealing with a people who are not only ignorant of our language but ignorant of almost everything else, and it arises from a mistaken idea of statements, of promises, sometimes made by intelligent people to those who understand only by signs.

The gentleman from Ohio bases his criticism of the policy of the Government upon three propositions, as I understand—rations, reservations, and education.

Now, Mr. Chairman, so far as the rations are concerned, the greater part of the rations which we furnish the Indians to-day are furnished under treaty obligations which we must respect. The amount that is covered by treaty in the last appropriation bill was $3,000,000; in this present bill something over $2,000,000. The amount for miscellaneous support, which is for gratuities, in the last bill was $750,000 and in this bill $675,000. The gentleman from Ohio does not object, he states, to the issuance of rations to the poor or the decrepid, or to those who for any reason are unable to maintain themselves or to obtain their food by the sweat of of their brow, as the gentleman said.

Mr. Chairman, the committee asks the House in no case to appropriate to provide rations for the Indians except in cases where a treaty of this country provides for it, and except in cases where such conditions as the gentleman describes exist. Where the Indians go to the agencies in their carriages for their rations, they go for rations which have been promised them by the American Government, and in no way are they gratuities. They are gratuities where the people are old and decrepit, or where they are so located that no living thing except a prairie dog or ant can exist.

I wish the gentleman might spend a little time in going over some of the Indian reservations in this country, and then tell me for how long he thinks a white man could support himself upon 160 or 1,060 acres of such land. Take, for instance, the Navaho Reservation—large in area, a reservation set aside for a large and important Indian tribe—thousands and thousands of acres where not one spear of grass grows.

Mr. Chairman, in order to reach Fort Defiance, which is the agency headquarters of the Navaho Reservation, you ride 35 miles from the railroad, and for that entire distance of 35 miles, all but 3 or 4 on the Indian reservation, not a spear of grass grows, not a drop of water runs, and not a drop of rain has fallen for nearly four years. Tell me how anybody can live on such land as that. To be sure, some portions of the Navaho Reservation do produce something, but the land upon which the Indian is expected to support himself, Mr. Chairman, is land upon which the average white man of the world would be unable to subsist for one-quarter of the time that the Indian lives upon it.

The question of rations to the Indians, the distribution of rations to them, and its effect upon them, is not a new one for the consideration by the Commissioner, or by the Secretary of the Interior, or those having in charge the Indian affairs. It has been a living question for twenty years. During the last two years there has been applied a new policy—that of compelling the Indians, where it is possible to do so under the terms of their treaty, to earn by their own labor the rations which are dealt out to them, and where an Indian refuses to work to withhold their rations. I will not detain the committee by reading at length, but I will print in my remarks a page or two, or three, of the report of the Commissioner on Indian Affairs, submitted to Congress when it convened in December, and which states in detail all that has been done and what progress has been made in this new system of issuing rations only to such Indians as perform labor therefor. It is as follows:

OFFICE OF INDIAN AFFAIRS,
Washington, D. C., October 16, 1902.

SIR: The Seventy-first Annual Report of the Office of Indian Affairs is respectfully submitted.

PRECEPT AND PRACTICE.

Cutting off rations.—In previous reports some space was given to the discussion of the Indian's progress and the difficulties to be overcome on his way to civilzation. It was pointed out that among the obstacles to his self-support the first and perhaps the principal one was the then prevailing ration system, which was justly condemned as encouraging idleness, with its attendant vices, and as foreign in its results to the very purpose for which it was designed.

At the same time, while an evil, it was admitted to be a necessary evil, to be endured only while the Indian was learning the art of self-support, or at least put in a way where, by the exercise of ordinary industry, he could support himself. The continuance, however, of the practice of the indiscriminate issue of rations to all alike, with regard to their worldly condition, was earnestly opposed, and it was laid down as a correct rule of action that only the old and helpless should be supported, while the able-bodied, if not already self-supporting, should be given the opportunity to work and should then be required to take care of themselves.

Faith without works is dead. Realizing this the office set to work to show by its acts the sincerity of its belief.

And here it is proper to say that this change in the manner of dealing with the Indians was not a hasty conception on the part of the office. Indeed, it was not new at all. It has been the hope and desire of enlightened men for many years. But inasmuch as it has been the subject of some harsh criticism and severe condemnation, and as the Indian Office has been freely charged with ignorance and blunders, it is simply fair that the motives which governed it and the principles which actuated it should be known and understood in order that the public may form an intelligent judgment on the matters involved. For this purpose it is necessary to go over some familiar ground and give it a somewhat extended notice.

The present movement began some two years ago, and arose out of a communication from chiefs and headmen of the Sioux Indians of the Rosebud Agency. About October, 1900, they addressed a letter to the President representing that they were the headmen of the Sioux Indians of Rosebud Agency and represented the tribe; that under the "Black Hills treaty" of 1876 they were to be given certain rations; that these rations had been cut down from time to time until they were getting much less than the amount stated in that agreement; that they were hungry most of the time, especially the old and the crippled, and that before the winter was over they would suffer very much; that in former years they could make some money by freighting, but as their annuity goods had been taken away, a large part of their freighting had fallen off; that in years past they got the hides from the beef cattle killed for issue, which were a great help in procuring things to eat; that they would obtain more benefit from the hides if issued to them direct than if they were sold and the money paid to them once a year; that they needed the hides to make moccasins and covering for their beds, etc.; that as they got little freighting and no beef hides, and were unable to raise much on their land, they had to depend on the rations issued by the Great Father; that while they wanted to obey his orders, yet they could not sit down and see their people starve; that they had talked many times with their agent, who was powerless to do anything without the authority of his superiors, and that they would like to have some assurance that something would be done for their relief. They therefore asked the President to answer them through their agent and tell them if he could help their people.

Recognizing that the tone of that letter was probably symptomatic of the feeling then pervading the Sioux people generally, and that the conditions at Rosebud were similar to those existing at the other Sioux agencies, and further, that the action taken with regard to the Sioux would have an important bearing upon other tribes similarly situated, the office, with a view of contributing to the better understanding of the matters referred to, submitted to the Department, along with the Indians' letter to go to the President, a communication treating of the Sioux Nation as a whole. That communication, after reciting the substance of the Indians' letter, took up the consideration of the Black Hills treaty, the true intent and meaning of which has been the subject of so much contention, and quoted the articles of that agreement relating to the matters under discussion, as follows:

"ART. 4. The Government of the United States and the said Indians, being mutually desirous that the latter shall be located in a country where they may eventually become self-supporting and acquire the arts of civilized life, it is therefore agreed that the said Indians shall select a delegation of five or more chiefs and principal men from each band, who shall, without delay, visit the Indian Territory, under the guidance and protection of suitable persons, to be appointed for that purpose by the Department of the Interior, with a view to selecting therein a permanent home for the said Indians.

"If such delegation shall make a selection which shall be satisfactory to themselves, the people whom they represent, and to the United States, then the said Indians agree that they will remove to the country so selected within one year from this date.

"And the said Indians do further agree that in all things to submit themselves to such beneficient plans as the Government may provide for them in the selection of a country suitable for a permanent home, where they may live like white men.

"ART. 5. In consideration of the foregoing cession of territory and rights, and upon full compliance with each and every obligation assumed by the said Indians, the United States does agree to provide all necessary aid to assist the said Indians in the work of civilization; to furnish them schools and instruction in mechanical and agricultural arts, as provided for by the treaty of 1868.

"Also to provide the said Indians with subsistence consisting of a ration for each individual of a pound and a half of beef (or in lieu thereof one-half pound of bacon), one-half pound of flour, and one-half pound of corn; and for every 100 rations, 4 pounds of coffee, 8 pounds of sugar, and 3 pounds of beans, or in lieu of said articles the equivalent thereof, in the discretion of the Commissioner of Indian Affairs.

"Such rations, or so much thereof as may be necessary, shall be continued until the Indians are able to support themselves.

"Rations shall, in all cases, be issued to the head of each separate family; and whenever schools shall have been provided by the Government for said Indians, no rations shall be issued for children between the ages of 6 and 14 years (the sick and infirm excepted) unless such children shall regularly attend school.

"Whenever the said Indians shall be located upon lands which are suitable for cultivation, rations shall be issued only to the persons and families of those persons who labor (the aged, sick, and infirm excepted); and as an incentive to industrious habits the Commissioner of Indian Affairs may provide that such persons be furnished in payment for their labor such other necessary articles as are requisite for civilized life.

"The Government will aid said indians as far as possible in finding a market for their surplus productions, and in finding employment, and will purchase such surplus, as far as may be required for supplying food to those Indians, parties to this agreement, who are unable to sustain themselves; and will also employ Indians, so far as practicable, in the performance of Government work upon their reservations."

It was then shown that the rations provided for the Sioux at the time were sufficient, unless the Indians were improvident, to prevent want. The letter then went on to say that the Sioux rations, as well as the rations for all other tribes, had been gradually reduced; that this was in accordance with the policy of this office and the spirit of the Sioux agreement of 1877, and that the true intent and meaning of that agreement was forcibly expressed by a former Commissioner of Indian Affairs nearly ten years before. In writing to the Secretary of the Interior at that time in relation to the subsistence supplies issued to the Sioux, Commissioner Morgan quoted articles 4 and 5 of the agreement as they have already been given here, and then said:

"This agreement is still in force, and the questions now raised are questions as to how far the Government has kept its obligations.

"It is worthy of special note that the end aimed at in the agreement was the civilization of the Indians. They were to settle down permanently; their children were to be educated; they were to live like white men, and the rations issued to them, or so much as might be necessary, were to be continued until 'the Indians are able to support themselves.' It is clearly evident that the Government never intended that the Indians should look to it for continuous support; that no promises of this kind were ever made, and that the Indians themselves did not expect it, and apparently did not desire it. The object of the rations was not that the Indians might be fed by the Government, but simply that they might be assisted and kept from want during the period of their probation while they were learning the art of self-support.

"No one will question the wisdom of this policy. No intelligent man will doubt that the welfare of the Indian demands that just as soon as possible he shall be rendered self-supporting, and that any help in the way of food or other supplies furnished him by the Government in excess of his absolute needs so as to remove from him the spur and stimulus to labor is not a kindness, but an injury.

"The only serious question which can be raised in this connection is, how long a time are these rations to be continued and under what circumstances the Government shall reduce or discontinue them.

"It should be noted that the agreement expressly stipulates that—

"'Whenever the said Indians shall be located upon lands which are suitable for cultivation, rations shall be issued only to the persons and families of those persons who labor (the aged, sick, and infirm excepted); and as an incentive to industrious habits the Commissioner of Indian Affairs may provide that such persons be furnished in payment for their labor such other necessary articles as are requisite for civilized life.'

"It certainly will be accepted as a truism that the Government had a right to demand of the Indians that they put forth for self-support whatever efforts might reasonably be demanded of them considering their nature and surroundings. It will also be admitted that, considering the end in view, it would be a humane act on the part of the Government to decrease the rations, even though such decrease should bring temporary hardship, provided such hardship should serve as a stimulus to labor and self-help. Of course no one would urge that the Indians should be starved. In fact all that can be demanded, either in fulfillment of treaty obligation or as an act of justice or humanity, is this, that the Indians shall put forth all proper exertion in the way of gaining a livelihood by their own labor as other men are forced to do, and that in connection with such effort on their part food supplies shall be issued to them in such quantities (not exceeding the amounts named in the agreement) and for such length of time as a sincere regard for the highest welfare of the Indians shall dictate."

The remainder of the letter was devoted to showing that the Sioux Indians, aside from rations, had received annually during the thirty years previous a suit of clothing or material to make it; that they had also received a large number of beneficial articles, such as agricultural implements, fence wire, building material, etc., for which $5,480,200 had been appropriated during the thirty years the treaty was alive; that they received the proceeds of the sale of hides derived from beef cattle; that they get more benefit from them this way than the other; that they were receiving 5 per cent annually on $3,000,000 in the Treasury, one-half in education and one-half in cash; that they had received since 1890, 20,000 cows and 900 bulls; that at the time of that writing they possessed over 88,000 head of cattle; that they were able to sell that year probably 5,850 head to the Government to be issued back. In passing it may be interesting to observe that within the last thirty-three years there has been appropriated for the benefit of the Sioux nearly $60,000,000 for the purposes named.

This was forwarded to the President by the Secretary of the Interior in a letter dated November 26, 1900, which is referred to and partially quoted in

his last annual report, the conclusion of which was that the time had come for Indians either to support themselves or at least to furnish a part of their support; and this conclusion was heartily approved by the President.

It then being winter it was not considered judicious to make any immediate change in the prevailing policy, and so the issue of rations was continued as usual the remainder of that fiscal year. Before the next fiscal year opened, however, steps were taken to carry out the views expressed. On June 20, 1901, a letter was addressed to the Sioux agents, which, as it is the first enunciation of the future policy to be pursued, is given in full:

"DEPARTMENT OF THE INTERIOR,
"OFFICE OF INDIAN AFFAIRS,
"*Washington, June 20, 1901.*

"SIR: As the next fiscal year is approaching, when new arrangements will go into effect for the support and civilization of your Indians, it is a proper time to address you on the subject of the issuance of rations to the Indians on the Sioux reservations.

"As you are doubtless aware, this subject has had the earnest attention of those who are actively engaged in the Indian service as well as those who, though not connected with it in an official capacity, sympathize in the work, and the almost universal opinion is that the indiscriminate issue of rations is a hindrance rather than a help to the Indians.

"The fact is recognized that a majority of your Indians, perhaps a large majority, are unable to support themselves, even if they would, except only partially, and therefore must be subsisted wholly or in part as contemplated by the agreement of 1877. On the other hand, it is a well-known fact that a large number of persons classed as Indians have profited by the assistance they have received from the Government and are now not only beyond want, but in many instances are prosperous, and often affluent. How many of these there are is not known to this office, but it is certain that having reached the stage of self-support they are no longer entitled to the ration prescribed by the agreement referred to.

"In order that there may be no misunderstanding as to the meaning of this, the earnest attention of your Indians is invited to a correspondence that took place last fall. In October, 1900, the office received a letter signed by Sioux Indians of the Rosebud Agency, addressed to the President, relative to their condition, their prospects, and their needs. They referred to the Black Hills agreement of 1877, the reduction that had been made in the ration prescribed thereby, the loss of income by reduced freighting, their inability to raise much upon their land, and asked the President to answer them through their agent and tell them if he could help their people.

"This letter was forwarded to the honorable Secretary of the Interior with a brief report as to the number of the Sioux, the benefits and meaning of the so-called Black Hills treaty, the rations provided for the current year, the disposition of hides, the income from their trust fund, the number of cattle they were able to sell the Government to be issued back again, and other particulars relating to their welfare.

"The Secretary of the Interior transmitted the Indians' letter to the President on the 26th of November last, together with the report of this office, and after referring briefly to the several items of that report referring to the Rosebud Indians in particular, became more general and said:

"'Article 5 of the treaty of 1876, known as the Black Hills treaty with the Great Sioux Nation (of which the Rosebud Indians are a part), which was ratified by the act of Congress approved February 28, 1877 (19 Stat., 254), provides for assistance for the said Indians in the work of civilization; to furnish them schools and instruction in mechanical and agricultural pursuits; also a certain prescribed ration, which ration, "or so much thereof as may be necessary, shall be continued until the Indians are able to support themselves."

"'From the representations made by the writers of the communication referred to, it does not seem that they or the other Indians of the Rosebud Agency are any nearer the goal of self-support than they were twenty-four years ago, when the treaty was made. Regardless of the provisions in the treaty looking to the reduction in the ration as they become able partly, if not wholly, to sustain themselves, which they appear to be able to do, and notwithstanding the facts stated by the Commissioner that individual Indians of this band own nearly 20,000 head of cattle, and that more than 1,500 head were purchased from them last year, at a cost to the Government of more than $50,000, which cattle were afterwards issued to and eaten up by the band, they still claim full benefits under the treaty named.'"

"He concluded his letter by saying—and this is commended to the serious consideration of your Indians:

"'From the facts stated, it does seem that the time has come when individual Indians who are so well qualified to at least furnish a part of their own support, as some of these Indians seem to be, should be required to take upon themselves a portion of the burden of their own care. The Government has faithfully and well fulfilled its obligations to them, and as the treaty of 1876 is mutual in its provisions, I respectfully recommend that such individuals as are known to be able to do so, be required to furnish their own support, or at least to contribute toward it, so that the Government may be relieved of their care, and the spirit of the treaty of 1876, in that respect, carried into effect by them as well as by the Government, and that answer to this effect be communicated to them through their agent, as requested.'"

"It is understood that this matter received the earnest attention of the President and that he gave the Secretary's letter, just quoted, his unqualified approval.

"In the face of this the indiscriminate issue of rations to all alike must stop.

"It therefore becomes your first duty to go over the ration rolls of your agency and erase therefrom all those who are wholly self-supporting. Your next duty will be to regulate the ration issued to the necessities of the recipients. As now practiced, it is understood that rations are issued to all alike—that is, they are distributed equally among the Indians of your reservation without regard to their worldly possessions. This should not be continued longer. Many families are, perhaps, partially self-supporting, but in different degrees. In such cases the ration should be issued according to the particular needs.

"In determining who shall receive rations one important consideration must not be overlooked. Rations must not be issued to those who have no disposition to attempt to support themselves. The law and regulations to this effect are old, but in many cases seem to have been honored more in the breach than in the observance. Nevertheless, they are good, and should be enforced so far as conditions will allow.

"The office is unable to lay down any particular rule for the guidance of agents in arriving at correct conclusions in these matters. Indeed, an arbitrary rule would not work satisfactorily. In some cases it will not be a difficult task to determine who is self-supporting, in others it undoubtedly will. Neither will it be easy at all times to determine just to what extent a family or an individual should be assisted. In all cases it will be a matter of judgment in which that of the agent will or should largely predominate.

"The duty herein prescribed is an onerous one, and affecting as it does so deeply the present and future welfare of those under your charge, you will recognize the propriety of bringing to its discharge the most impartial, conscientious care. If the assistance of this office is needed, it will be given for the asking.

"It is possible that some of those who are able to support themselves may voluntarily withdraw from the ration roll, and thus contribute to the cause by their example. To the knowledge of this office there have been instances of this, and doubtless if the object to be obtained were properly presented there would be others.

"It is admitted that perhaps progress will be slow, but the time to begin it is here, and the object of this letter is to bring the Indians to a realizing sense of the attitude of the Government.

"At the proper time it is proposed to send you, as was done last year, a statement of the quantities of subsistence purchased for your Indians for the next fiscal year. They are believed to be ample for the needs of all who should receive rations if the spirit of this letter is observed.

"There is another class of Indians to whom the issue of rations would seem to be uncalled for. I refer to those drawing a salary from the Government. The number of these is large, many of them holding desirable positions, with very liberal salaries. A hasty examination of the salary list of the Sioux agencies shows that over 150 of the agency employees alone are Indians receiving salaries from $840 per annum down to $120, very few, however, of the latter. The majority of these earn as much as, if not more, year in and year out, than the average laborer of the country. There is no question in the mind of this office that the issue of rations to these should stop.

"There are also a large number employed in the schools with salaries from $300 down, besides quarters and other conveniences. The impression prevails here that many of these, if not all, draw rations. If so, the office can see no reason for the continuance of the practice.

"These two classes, therefore, should be eliminated from the ration roll.

"The Indian police are excepted from this ruling, as their salaries are very small and their duties are peculiar. There may be other exceptions to the rule. If so, the office will consider them on their merits.

"It is the desire of this office to have this new departure go into effect as soon after the beginning of the new fiscal year as possible.

"This letter has been addressed to the agents in charge of the Sioux of different tribes, except Santee."

Later on in September, 1901, a similar letter was sent to all other ration agencies on the ground that what was good for the Sioux was good for all, so that by the fall of 1901 all of the ration agencies were on the same basis with respect to the self-supporting.

While this was a step in the right direction, it did not remove the great evil to be overcome, which was the support of Indians in idleness. The extent and demoralizing effects of this evil were generally recognized and universally condemned, except, perhaps, by a mistaken philanthropy, which, ignoring the natural law that man must earn his living by the sweat of his brow, would exempt the Indian from labor and carry him upward on flowery beds of ease. Much had been said about this evil, and sporadic attempts had been made to check it, but with little avail. For years the Indians had been fed and clothed and allowed to spend their time in the devil's workshop.

It was felt that it was time for a change. Heretofore the dealing had been with the tribe; it would now be with the individual. He would no longer be looked upon simply as one of a dependent community to be dealt with as a whole, but would be considered independently and treated as one capable of developing those qualities which would lift him above the level of a pauper and fit him to become a useful member of society. His manhood would be appealed to. An attempt would be made to teach him self-reliance and self-respect. He would be induced to acquire habits of industry and to forsake the ways of idleness. Necessity, and necessity alone, would do this. He must want before he would work; he must come to the bitter realization that idleness and hunger go hand in hand, and understand that he must put his hand to the plow if he would live. His rations would therefore be stopped and he would be offered work instead; work that he could do; not aimless work, but work with an object; not made to dig a hole one day and fill it up the next simply for the sake of doing so; that would deprive labor of the very essence of its worth—a definite purpose. He would be put at something which would give him not only a present living, but which he could see would bring him benefit in the future. He would be paid fairly and promptly for his work, and then left to provide for himself.

Accordingly, in the early part of January of the present year agents were advised that rations would no longer be issued to the able-bodied, but that the money thus saved would be used to pay them in cash for labor in building roads, dams, or reservoirs for storage of water, or any other work that would give them profitable occupation for the present and lead to their self-support in the future. Men were to be paid $1.25 a day of eight hours, and men with teams $2.50. Not only were the agents to employ the Indians to the fullest extent themselves, but they were to use all of their influence in finding employment for them in the surrounding country; and it was suggested to them that they should devote the greater part of their time to the civilization of their Indians, leaving the minor details of administration to subordinates, and that an Indian agency should be a bureau for employment of Indians rather than a center for the gratuitous distribution of supplies.

As this has been the subject of considerable animadversion and been stigmatized as a plan for the encouragement of contract labor, it is proper that some particular notice should be taken of these strictures, and the false charges refuted. As to the assertion that the plan is to hire out adult male Indians as contract laborers, nothing can be farther from the truth. In all the correspondence there is not even a hint of such a thing. It was simply suggested to agents that they should circulate the information in the surrounding country that laborers could be obtained at their agencies, if such were the fact. If they could not give the Indians work themselves, they were to find it for them if they could. And that was their plain duty. If reference is made to the Black Hills treaty, already quoted, it will be seen that the Government obligates itself to aid the Sioux Indians in finding employment. The agents, therefore, in publishing the fact that there were Indians willing to work, were simply carrying out both the letter and spirit of that agreement.

In all of this there was not the slightest suggestion of hiring the Indian out under contract. That implies coercion. There was not a thought of such a thing. He was to be given an opportunity to work, that was all. If the Government did not have it, it was to find it for him. He could work or not, as he chose. He was as much a free agent with respect to this as anyone else. Only if he were given the opportunity to work and refused, he was not to expect to be supported by the Government.

The new policy was received with much discontent in some quarters, and passive if not open opposition in others. There were a few mutterings and a good deal of talk about vested rights, some sympathetic expressions over the hard lot of poor Lo, and here and there a prophesy of an "uprising." Interested parties endeavored to create a sentiment against it, while self-constituted conservators of the Indian either cast aspersions upon its authors or damned it with faint praise.

In spite of these and other adverse influences, the office persevered with its policy and is now in a position to form an intelligent idea of its effect.

Everywhere the results have been favorable even beyond expectation. Misgiving in some quarters has given place to confidence, and while, perhaps, the experimental stage has not been passed, there is every reason to believe that the final success of the plan, if carried out judiciously, is assured.

As a first result over 12,000 have been dropped from the ration roll, being wholly self-supporting. As a second result a large number of Indians have been put to work, or work has been found for them. As to the effect of this let others speak.

One agent writes:

"The Indians are eager for work, even some of the older ones, classed by the physicians as physically unable to work, insisting on having work. * * * These Indians are working as faithfully and intelligently as could be expected of people who have never had occasion to work for their support, and there can be no question as to the wisdom of the new policy and its good effect on these people."

Another says:

"The results so far are very gratifying. * * * As soon as the fact that work could be secured was known by the tribe, applications came faster than they could be employed. One man, over 50 years of age, when drawing his pay for a few days' work, acknowledged it was the first money he ever earned, and seemed pleased that it was possible to secure money without waiting for annuity or lease payments. * * * There is no question but that the time was ripe for the adoption of the present policy."

Another:

"I think this new policy has had a very desirable and stimulating effect upon these Indians to look for employment, while a great many of them are always ready to work when they can see that they are to be compensated for it; yet they seem now to be more anxious for work than ever before."

Another:

"We have succeeded beyond our most sanguine expectations. Over 300 have been secured employment outside of the Government work. They are employed on the railroad, by ranchmen, in cutting wood, shearing sheep, and other minor occupations. They are paid by the railroad $1.50 per day; by ranchmen $30 per month and board; for chopping wood, $1 per cord; shearing sheep, 7 cents per head, and other labor in proportion. * * * The result of all this is that the Indians have lived better than ever before. * * * No one has suffered by the reduction of rations; but, on the other hand, there has been less discontent and complaint than I have ever before known. * * * In conclusion, I beg to recommend that the present policy of handling the Indians at this agency be continued."

And still another:

"I could have secured employment for practically all the able-bodied Indians in this agency if they would have accepted it. * * * Some of these pretended friends of the Indians, instead of encouraging them to accept this work, even at small wages, have been assiduously trying to discourage them from going. * * * Concerning those who did go to work off the reservation, I would say that they gave perfect satisfaction to their employers, who have informed me that they would rather have them than white laborers. * * * The general effect on the Indians of the work done on the reservation has been a very good one. It has been very satisfactory from all standpoints."

An inspector says:

"Above all else I believe the best lesson an able-bodied Indian can have is to convince him that he must work or starve. If he complains that there is no work to do, the Government should be prepared for him with labor on roads, irrigating ditches, coal fields, lumber camps, etc. For such work let him be paid a moderate sum in cash. To pay in rations or to pay more than the Indian earns are both errors which experience has proven should not be repeated. But if the Indian says he is hungry, let him be shown the 'Government wood pile' and be compelled to work his way through it."

A superintendent of thirty years' experience writes:

"Your letters * * * point toward the fact that the Indian Office expects in the near future to discontinue the gratuitous issue of rations. Any time during the last twenty years I would have hailed this step as a boon to these Indians. * * * The policy of the Government in issuing so much to them gratuitously has dwarfed their energies, cultivated their dependence, and encouraged their extravagance. After thirty years of issuing gratuitous rations, after distributing many carloads of farming implements, wire for fencing, and wagons and harness, after receiving two cash annuity payments, * * * these Indians to-day farm less than they have at any time for the last fifteen years, and are less willing to do a day's work for the money than at any time for many years.

"There are very few who are not in debt. There is more drunkenness than at any time since I knew them. The gratuitous issues, along with their cash annuities and the lease money derived from leasing their allotments and renting their houses built for them by the Government, made their resources so large that they were not compelled to work for a living, and as they were not obliged to work they did not do so for recreation, and as they were idle they naturally fell into the habit of gambling and drinking as a pastime. * * * I heartily indorse the policy proposed by the Indian Office of giving them an opportunity to earn their own living and in furnishing them plenty of work to do."

These extracts could be multiplied, but those given are sufficient to show the trend of sentiment of those having an experimental knowledge of the situation.

We will all agree—those of us who know much about Indians—that the sooner the time arrives when it will be unnecessary to issue rations to any of them, the sooner the best good of the Indian race will be attained.

The gentleman from Ohio suggests as a second step forward to do away with the reservation. He is in accord with the chairman in that regard, with the Indian Rights Association, with the board of Indian commissioners, with the Mohonk conference, with the Indian Office, with the Committee on Indian Affairs. We all think alike upon that. We believe the sooner the reservation is done away with, and the lands which are suitable for cultivation allotted to the Indians in severalty, the sooner the Indian will become a respectable, self-supporting citizen of our Republic.

We are progressing rapidly—rapidly when you consider the people with whom we have to deal—toward that goal. In the report of the Commissioner for this year, a part of which I will print in my remarks, is set forth in detail the progress which has been made in allotments during the last year, and it shows that thousands and thousands of allotments have been made during the year to individual Indians.

ALLOTMENTS AND PATENTS.

The progress in allotment work since the last annual report is as follows:

ALLOTMENTS ON RESERVATIONS.

During the year patents have been issued and delivered to the following Indians:

Kiowa, Comanche, and Apache, in Oklahoma	2,957
Omaha, in Nebraska	19
Sioux, Lower Brulé Reservation, in South Dakota	1
Sioux, Rosebud Reservation, in South Dakota	3,104
Wichita and affiliated bands, in Oklahoma	956
Winnebago, in Nebraska	268

Allotments have been approved by this office and the Department as follows:

Chippewa of Lake Superior, on the Bad River Reservation, Wis.	352

Schedules of the following allotments have been received in this office, but have not been finally acted upon:

Sioux of the Cheyenne River Reservation, S. Dak.	259
Sioux of the Rosebud Reservation, S. Dak.	350

Mr. ALEXANDER. Will the gentleman allow me a question?

Mr. SHERMAN. Certainly.

Mr. ALEXANDER. How many reservations are there similar to the one the gentleman speaks of in the vicinity of Fort Defiance?

Mr. SHERMAN. Some part of nearly all the reservations is nearly as bad as the Navaho Reservation. My friend from Kansas [Mr. CURTIS], who has seen more of the reservations of the country than I have, tells me that all of the reservations in the Southwest, those in Arizona, New Mexico, Colorado, and Utah are very similar, some of them worse than the Navaho Reservation which I have described. The Navaho Reservation I described from personal observation, a personal visit made at a comparatively recent date.

Now, we are progressing toward allotment, allotment to all Indians individually, and are doing away with the reservation system; but we will not reach that point where all the Indian reservations are allotted to invidual members of the tribe; I fear we will not reach it during the life of the youngest man upon the floor of this House to-day; but we hope to reach it; those who desire that the Indian shall become a self-supporting citizen will use every effort to reach that goal, and we welcome the assistance of the gentleman from Ohio in bringing about that result.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. LITTLE. I will yield the gentleman such time as he desires.

Mr. SHERMAN. The distinguished gentleman from Ohio discusses as his third proposition the educational problem. We have spent vast amounts of money, Mr. Chairman, in educating the Indians. This bill carries an appropriation of $3,000,000 for schools. We provide for the education not simply of A B C in the "three R's," reading, writing, and arithmetic, but we provide for the practical education in many, many ways. We maintain at Chilocco a school where we teach agriculture. At Hampton there is taught the business of blacksmithing and wagon making, capenter work, and all sorts of trades which the Indian is capable of mastering and which he will need, not only for his own support when he goes back to his reservation or his home, but which he will find of great value in elevating the other members of his tribe or his race.

The reservation school does much for the elevation of the younger Indian. It does more than to teach him to read and to write and to cipher. It is a civilizer, not merely an educator. It is the nonreservation schools that are manual-training schools; but in the reservation schools the Indians are taught the little homely ways of home life, which many of them never would be taught in their own homes, in their own cabins, or in their own tents or tepees.

The education that the Government has given the Indians during the last thirty years at the cost of numberless millions of dollars is, I believe, the most potential factor in elevating the Indian race, which my friend from Ohio admits is elevated to-day far above the position which it occupied twenty or thirty years ago. The percentage of Indians who to-day live in their homes is vastly greater than it was twenty years ago—out of sight beyond what it was thirty years ago. The percentage of Indians who to-day make their livelihood by tilling the soil is vastly greater than it was twenty-five years ago. And this advance has come from the help that the Government has given the Indians either in education in the school or in education at their homes.

And the education that the Government gives to the Indian is not confined within the walls of a schoolhouse, either on or off the reservation. We provide—and there is an appropriation of $65,000 for that object in the bill now pending—farmers, practical farmers, who go about from reservation to reservation teaching the Indian how to plow, how to reap, how to care for their cattle, how to care for their crops, how to build houses, how to mend

wagons, how to do all the innumerable little "odds and ends" necessary to a successful farming life.

We provide an appropriation here of $25,000 to employ matrons, who go about from house to house and reservation to reservation and teach the women and the girls of the Indian race the arts of housekeeping; show them how to cook, show them the necessary sanitary precautions to be taken to keep their homes healthy and to make them attractive to the male members of the family, teach them how to wash, teach them all the homely, everyday, necessary duties of housework. Twenty-five thousand dollars a year we spend for that object, and I believe we do not expend anything for the Indians from which a greater return is received for the outlay than we receive from this appropriation for the matrons.

I believe, Mr. Chairman, I have in a general way covered the main subjects which have been discussed with so much lucidity by the distinguished gentleman from Ohio. His desire is the desire of the members of the Indian Committee. His goal is the goal of the Commissioner of Indian Affairs, and I join with him in commendation of the gentleman who now occupies that position, as I do in commendation of his efficient and worthy and honorable predecessor. Not within the time that I have had to do with Indian affairs has the office been occupied by any other than a conscientious and an able and an industrious citizen of this country. It is so occupied to-day.

Doubtless during many years some frauds have crept into the Indian service. But, Mr. Chairman, tell me in what branch of the public service of this Government, or any other, fraud has never crept in. True, conditions have arisen here and there which we deplore, which we wish might not have arisen. But when conditions have been discovered which ought not to exist they have been stamped out; they have been corrected. An honest effort has been made to honestly administer the trusts imposed by Congress and by the laws with reference to the Indian tribes.

I agree with the distinguished gentleman from Ohio; we have been a liberal people; we have been good stewards; we have been faithful guardians, as a whole. Mistakes we have made; errors not only of judgment, but individual dishonesty has crept in. But whenever discovered it has been stamped out, and stamped out quickly; so that to-day the Indian service, as my distinguished friend from Ohio states, is on a plane higher than it has ever been before—is reaching forward, pressing forward, stepping forward toward the goal which he desires us to reach, and to which all of us, whether in or out of the halls of Congress who have the best good of the Indians at heart, or who have the honor of our country at heart, desire to attain.

Mr. GAINES of Tennessee. Will the gentleman allow me to make an inquiry before he takes his seat?

Mr. SHERMAN. Certainly.

Mr. GAINES of Tennessee. The gentleman from Ohio [Mr. BURTON] stated a few moments ago, I believe, that 100 per cent of the Stockbridge Indians were self-sustaining. Will the gentleman please state how that is, and why they are self-sustaining and others are not, and if they have been treated differently from others, what is the difference?

Mr. SHERMAN. There is the same difference between various Indian tribes that there is between white people. There are some that reach a higher plane of civilization than others, some that have lived nearer white people, that have been where they have seen how to work, have learned by observation, not simply by the teachings of a schoolroom or of an occasional visitor, and those tribes have advanced higher in civilization than others. Besides this, there are tribes which have been so located that they could obtain from the soil the necessaries of life, and there are others that can not, because the soil will not produce without irrigation.

Mr. GAINES of Tennessee. I understand from the speech of the gentleman from Ohio [Mr. BURTON] that the reservation policy is that the white man is excluded from the reservation and the Indians are prohibited from going off the reservation. Assuming that intercourse with the white people enlightens the Indian and makes him self-sustaining, does not the gentleman think the reservation policy a bad policy?

Mr. SHERMAN. I think that at the earliest possible moment we should do away with all reservations and allot the lands in severalty to the Indians, providing in the allotment, of course, a certain time within which it will not be possible for the Indians to alienate their lands.

Mr. LITTLE. Mr. Chairman, I believe there is no one on this side of the House who desires to be heard; at least I have no notice of it. I shall desire to be heard for a short time in the five-minute debate, but I think there is no further desire for debate on this side of the House at this time, and I will depend upon the indulgence of the committee to extend my time as much as I desire under the five-minute rule.

Mr. SHERMAN. Mr. Chairman, I suggest, then, that by unanimous consent the general debate be closed, and that we proceed to the reading of the bill.

Mr. LITTLE. I have no objection.

The CHAIRMAN. The gentleman from Arkansas has one hour and seventeen minutes to his credit.

Mr. LITTLE. Yes; but I have no desire to use the time.

The CHAIRMAN. In the absence of objection, the Clerk will proceed to read the bill under the five-minute rule.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. DALZELL having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 7077. An act granting an increase of pension to Cyrus B. Norris;

S. 6563. An act granting an increase of pension to William A. Dougan;

S. 4466. An act granting a pension to Archibald McIntire;

S. 2799. An act granting an increase of pension to Israel V. Hoag;

S. 2259. An act granting a pension to Sarah J. Snook;

S. 7003. An act granting an increase of pension to Sarah C. Merrell;

S. 7060. An act granting an increase of pension to Ann M. Jackman;

S. 6841. An act granting an increase of pension to Charles S. Boyington;

S. 6415. An act granting an increase of pension to Samuel J. Ratcliffe;

S. 4337. An act granting an increase of pension to Elizabeth Thompson;

S. 6981. An act granting an increase of pension to Lorenzo P. Duncklee;

S. 6982. An act granting an increase of pension to Linda F. Moulton;

S. 6984. An act granting an increase of pension to Maria A. Marden;

S. 6985. An act granting an increase of pension to George Cummings;

S. 6367. An act granting an increase of pension to Edmund P. Fox;

S. 4087. An act granting a pension to Lemuel Kingsbury;

S. 3249. An act granting an increase of pension to Charles W. Scherzer;

S. 4379. An act granting an increase of pension to George Davis;

S. 4544. An act granting an increase of pension to Phineas L. Squires;

S. 6694. An act granting an increase of pension to Burrel G. Wood;

S. 6373. An act granting an increase of pension to Joseph D. Lockhart;

S. 6530. An act granting an increase of pension to Austin L. Tapliff;

S. 5991. An act granting an increase of pension to William Barrett;

S. 5123. An act granting an increase of pension to James McMorrow;

S. 5507. An act granting an increase of pension to Jarrett F. Rigg;

S. 5932. An act granting an increase of pension to William Kirkpatrick;

S. 3542. An act granting an increase of pension to William H. Shaw;

S. 2256. An act granting an increase of pension to Andrew J. Pennel;

S. 4760. An act granting an increase of pension to John Hamilton;

S. 1939. An act granting an increase of pension to John M. Drake;

S. 6431. An act granting an increase of Pension to James Greenman;

S. 6641. An act granting an increase of pension to Sophie S. Shaffer;

S. 6063. An act granting an increase of pension to Orson Nickerson;

S. 3929. An act granting an increase of pension to L. A. Brace;

S. 6731. An act granting an increase of pension to Benjamin N. Bond;

S. 4807. An act granting an increase of pension to Emmett C. Hill;

S. 1128. An act granting an increase of pension to Lyman Matthews;
S. 6305. An act granting an increase of pension to James B. Taylor;
S. 6096. An act granting an increase of pension to Hester A. R. Landers;
S. 5568. An act granting an increase of pension to Emma R. Cropsey;
S. 4029. An act granting a pension to Mary J. Parker;
S. 2302. An act granting a pension to Rose Crummett;
S. 6845. An act granting an increase of pension to Martin G. Cushing;
S. 6668. An act granting an increase of pension to Charles Graham;
S. 6623. An act granting an increase of pension to Gilbert E. Bushnell;
S. 4429. An act granting a pension to Alvira Randall;
S. 6798. An act granting an increase of pension to Charles F. Sheldon;
S. 6842. An act granting an increase of pension to Stephen B. Swett;
S. 14. An act granting a pension to George F. Howe;
S. 2130. An act granting a pension to Margaret A. Munson;
S. 6631. An act granting an increase of pension to Mitchell Hunt;
S. 6632. An act granting an increase of pension to Frank Cleaves;
S. 6795. An act granting an increase of pension to Hannah J. G. Hopkins;
S. 6748. An act granting an increase of pension to Ann M. Haskell;
S. 5006. An act granting a pension to Annie P. Pinney;
S. 6413. An act granting an increase of pension to Harold P. Waldo;
S. 2596. An act granting an increase of pension to Israel F. Barnes;
S. 5053. An act granting a pension to Deborah Edwards;
S. 4892. An act granting an increase of pension to John Deberrer;
S. 5526. An act granting an increase of pension to Benjamin F. Cornman;
S. 7076. An act granting an increase of pension to Charles L. Pinkham.
S. 6769. An act to increase the limit of cost for the purchase of a site and the erection of a public building at Indianapolis, Ind.
S. 6191. An act granting an increase of pension to Samuel L. Thompson;
S. 6192. An act granting an increase of pension to Austin H. Patterson;
S. 2591. An act granting an increase of pension to George W. McComb;
S. 2626. An act granting an increase of pension to Ardenia Dillon; and
S. 3632. An act granting an increase of pension to Frank E. Freeman.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 5835) granting an increase of pension to Joel C. Shepherd, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. SCOTT, and Mr. CARMACK as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 2806) granting an increase of pension to Laura S. Picking.

INDIAN APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

At the White Earth Agency, Minn., $1,800.

Mr. BURTON. I move to strike out the last word. I desire to call the attention of the chairman of the committee to what I think is an error in the enumeration of these agencies in the second line on page 2. I wish to ask whether that number should not be 32 instead of 40? The number has been diminished somewhat from last year.

Mr. SHERMAN. The number has been diminished from that carried by the bill of last year and the total in the bill has been diminished.

Mr. BURTON. I think it will appear that the number is not 40 but 32.

Mr. SHERMAN. Mr. Chairman, I think an error has been made in printing. The gentleman from South Dakota [Mr. BURKE] desires to offer an amendment, and after that is disposed of then I will offer an amendment to make any change necessary in the total number, and that will cover the correction suggested by the gentleman from Ohio.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. HEPBURN having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills and joint resolutions of the following titles; in which the concurrence of the House was requested:

S. 6486. An act to provide for the appropriate marking of the graves of the soldiers and sailors of the Confederate army and navy, and for other purposes;
S. 6569. An act to authorize the construction of a bridge across the Missouri River at a point to be selected within 10 miles of the corporate limits of the city of St. Charles, in St. Charles County, Mo., and to make the same a post route;
S. 1168. An act to authorize the appointment of Edward L. Bailey as captain of infantry, United States Army, and to place him on the retired list;
S. 4905. An act authorizing the President to nominate Lieut. Commander Arthur P. Osborn to be a commander on the retired list of the Navy;
S. 6278. An act to extend the provisions of chapter 8, title 32, of the Revised Statutes of the United States, entitled "Reservation and sale of town sites on the public lands," to the ceded Indian lands in the State of Minnesota;
S. 6408. An act to provide a depot for the Revenue-Cutter Service;
S. R. 156. Joint resolution dedicating to the city of Columbus, in the State of Ohio, for uses and purposes of the public streets, part of property conveyed to the United States by Robert Neil by deed dated February 17, 1863, recorded in deed book 76, page 572, etc., Franklin County records; and
S. R. 146. Joint resolution to extend the time for construction of the Akron, Sterling and Northern Railroad, in Alaska.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 14837. An act granting a pension to John H. Roberts;
H. R. 12902. An act granting a pension to Julia Lee;
H. R. 13839. An act granting an increase of pension to John W. B. Huntsman;
H. R. 9734. An act granting an increase of pension to John P. Peterman;
H. R. 8247. An act granting an increase of pension to Francis M. McCoy;
H. R. 7779. An act granting an increase of pension to William Belk;
H. R. 10214. An act granting an increase of pension to Henry Thomas;
H. R. 9153. An act granting an increase of pension to John D. Binford;
H. R. 629. An act granting a pension to Caroline Fitzsimmons;
H. R. 15999. An act granting an increase of pension to William F. Loomis;
H. R. 7385. An act granting an increase of pension to John Kelley;
H. R. 7130. An act granting a pension to Elizabeth Lowden;
H. R. 10350. An act granting a pension to Rebecca Piper;
H. R. 15398. An act granting an increase of pension to Andrew W. Miller;
H. R. 3302. An act granting an increase of pension to Henry G. Wheeler;
H. R. 14256. An act granting an increase of pension to Jessie R. Dewstoe;
H. R. 15789. An act granting an increase of pension to Benjamin Cooper;
H. R. 14836. An act granting a pension to Rebecca L. Chambers;
H. R. 14273. An act granting a pension to John H. Whidden;
H. R. 13997. An act granting an increase of pension to Lyman A. L. Gilbert;
H. R. 15113. An act granting an increase of pension to John Murphy;
H. R. 15114. An act granting an increase of pension to Alonzo F. Canfield;
H. R. 15112. An act granting a pension to Matilda A. Marshall;
H. R. 13353. An act granting an increase of pension to George Thompson;
H. R. 13463. An act granting an increase of pension to Hiram A. Hober;
H. R. 10757. An act granting an increase of pension to Lewis Fishbaugh;
H. R. 15648. An act granting an increase of pension to Lester H. Salsbury;
H. R. 7766. An act granting an increase of pension to John Huffman;

H. R. 16011. An act granting an increase of pension to Morton A. Leach;
H. R. 15396. An act granting an increase of pension to George H. Stone;
H. R. 13200. An act granting an increase of pension to Charles B. Greely;
H. R. 14913. An act granting an increase of pension to Ann M. Morrison;
H. R. 14373. An act granting an increase of pension to William H. Loyd;
H. R. 11485. An act granting a pension to Julia McCarthy;
H. R. 8721. An act granting an increase of pension to Joseph Westbrook;
H. R. 15416. An act granting an increase of pension to William Thompson;
H. R. 15385. An act granting an increase of pension to Alfred J. Sellers;
H. R. 10219. An act granting an increase of pension to J. Banks Hunter;
H. R. 9776. An act granting an increase of pension to Alice A. Fitch;
H. R. 14751. An act granting an increase of pension to Regina F. Palmer;
H. R. 14265. An act granting an increase of pension to Helen N. Packard;
H. R. 13955. An act granting an increase of pension to Jesse A. McIntosh;
H. R. 12413. An act granting an increase of pension to William Zickerick;
H. R. 7680. An act granting an increase of pension to David C. Yakey;
H. R. 5718. An act granting an increase of pension to James M. Blades;
H. R. 9611. An act granting a pension to Maria M. C. Smith;
H. R. 11339. An act granting a pension to Augustus Blount;
H. R. 15729. An act granting an increase of pension to Abner M. Judkins;
H. R. 15229. An act granting a pension to James T. Jackson;
H. R. 12215. An act granting an increase of pension to Henry M. Posey;
H. R. 11694. An act granting an increase of pension to Dennis F. Andre;
H. R. 5007. An act granting an increase of pension to James W. Messick;
H. R. 12877. An act granting an increase of pension to James N. Gates;
H. R. 8447. An act granting an increase of pension to John McArthur;
H. R. 12683. An act granting a pension to Sarah L. Bates;
H. R. 12812. An act granting an increase of pension to Otis T. Hooper;
H. R. 15441. An act granting an increase of pension to Josiah Stackpole;
H. R. 15682. An act granting an increase of pension to Jared P. Hubbard;
H. R. 14185. An act granting an increase of pension to Albert Blood;
H. R. 15433. An act granting an increase of pension to William Heywood;
H. R. 15874. An act granting an increase of pension to Rebecca R. Greer;
H. R. 15063. An act granting an increase of pension to William R. Thompson;
H. R. 15549. An act granting an increase of pension to John Wright;
H. R. 12981. An act granting a pension to Sarah A. Waltrip;
H. R. 13127. An act granting a pension to Nancy Works;
H. R. 13472. An act granting an increase of pension to Lewis E. Wilcox;
H. R. 5792. An act granting an increase of pension to Andrew J. Reeves;
H. R. 14262. An act granting an increase of pension to Harriet Robinson;
H. R. 13262. An act granting an increase of pension to James M. Spencer;
H. R. 4437. An act granting an increase of pension to Absalom Case;
H. R. 3907. An act granting an increase of pension to John A. Sare;
H. R. 1617. An act granting an increase of pension to Margaret A. Osborn;
H. R. 13233. An act granting a pension to William A. Nelson;
H. R. 2783. An act granting an increase of pension to William Dixon; and
H. R. 8175. An act granting an increase of pension to John W. Covey.

The message also announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House was requested:
H. R. 11280. An act granting an increase of pension to Henry J. Feltus;
H. R. 12701. An act granting an increase of pension to Milton Noakes;
H. R. 16224. An act granting an increase of pension to William Montgomery;
H. R. 623. An act granting a pension to Susan Kennedy;
H. R. 12324. An act granting a pension to Cora E. Brown;
H. R. 13944. An act granting a pension to Margaret Ann West;
H. R. 10826. An act granting an increase of pension to Josiah S. Fay;
H. R. 4923. An act granting a pension to William L. Whetsell;
H. R. 7815. An act granting a pension to Nancy A. Killough;
H. R. 11197. An act granting a pension to the minor children of Daniel J. Reedy;
H. R. 15069. An act granting an increase of pension to Daniel P. Marshall;
H. R. 9658. An act granting an increase of pension to Robert Stewart;
H. R. 12563. An act granting an increase of pension to Horace Fountain; and
H. R. 8152. An act granting an increase of pension to William S. Hutchinson.

INDIAN APPROPRIATION BILL.

The committee resumed its session.
Mr. BURKE of South Dakota. I desire to offer the following amendments, which are amendments proposed by the Committee on Indian Affairs.
The Clerk read as follows:

After line 11, page 2, insert "at the Crow Creek Agency, S. Dak., $1,500."
After line 10, page 3, insert "at the Lower Brule Agency, S. Dak., $1,400."
After line 2, page 4, insert "at the Sac and Fox Agency, Iowa, $1,000."
After line 6, page 4, insert "at the Sisseton Agency, S. Dak., $1,500."
After line 18, page 4, insert "at the Yankton, S. Dak., Agency, $1,600."
In line 19, page 4, strike out the word "two" and insert the word "eight;" strike out the word "seven" and insert the word "eight."

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. LACEY having taken the chair as Speaker pro tempore, a message from the President of the United States was communicated to the House of Representatives by Mr. BARNES, one of his secretaries, who informed the House that the President had approved and signed bills of the following titles:
On January 23, 1903:
H. R. 622. An act granting a pension to Dicey Woodall;
H. R. 11594. An act granting an increase of pension to Sarah E. Morrow;
H. R. 14416. An act granting an increase of pension to Albert H. Phillips;
H. R. 14477. An act granting an increase of pension to John W. Bruff;
H. R. 14478. An act granting an increase of pension to Luman Fuller;
H. R. 14957. An act granting an increase of pension to Mathias Custers; and
H. R. 15852. An act granting an increase of pension to Cyrus G. Norton.
On January 24, 1903:
H. R. 6326. An act for the relief of Hiram G. Walker.

INDIAN APPROPRIATION BILL.

The committee resumed its session.
The CHAIRMAN. The question is on the amendments. Is a separate vote demanded upon any amendment? If not, the Chair will submit the amendments in gross.
Mr. LITTLE. I desire to ask if these are the committee amendments?
Mr. BURKE of South Dakota. This is the committee amendment adopted by the Committee on Indian Affairs.
Mr. BURTON. Mr. Chairman, I desire to oppose that amendment. One of the most commendable features in the management of the Indian Bureau is that they have lopped off a number of these superfluous Indian agencies. I should like to inquire the number of the Indians at that agency in Iowa. It is only a few hundred.
Mr. SHERMAN. About 400.
Mr. BURTON. That is a good illustration. There is an agency in Tama County, Iowa, where there are about 400 Indians in a fair state of civilization. They have a school there. They are surrounded by civilized influences and are making good progress. There is a provision that the superintendent of the school may do the work of the Indian agent.

The Commissioner of Indian Affairs has recommended that that agency, for one, be lopped off. I have no doubt that that is a good illustration of all the rest. Let us just see what we would be doing. We would be putting an Indian agent where there is already an Indian school with a superintendent and a large number of assistants, and pay him a salary of $1,500 just to take care of less than 400 Indians. I do not like to intrude my judgment upon that of the committee here, but I am satisfied, from conversation with officials in the Indian Department and others, that it would be a backward step to restore any of these agents included in the amendment. It would be a very good plan to have a time detector or some other device provided for those already in the bill, so that we may know where they are and what they are doing.

Mr. BURKE of South Dakota. Will the gentleman allow me to ask him a question?

Mr. BURTON. Certainly.

Mr. BURKE of South Dakota. Are you aware of the fact that under the present law, as the law exists, that the Commissioner of Indian Affairs and the Secretary of the Interior may designate a superintendent of schools if he thinks there is any need for one at the agency?

Mr. BURTON. Certainly.

Mr. BURKE of South Dakota. Now, that is the law at the present time, and the Committee on Indian Affairs, in considering this question, determined that perhaps it would not be advisable to do away with the appropriation for agents at this time, in view of the fact that if it should appear that the agents were necessary an agent might be appointed, and at all of these agencies but one there is at the present time an agent.

Mr. BURTON. I am perfectly aware of that. I would like to ask the gentleman a question in turn. Has not the Commissioner of Indian Affairs recommended that these agencies be discontinued?

Mr. BURKE of South Dakota. I think the Commissioner of Indian Affairs has.

Mr. BURTON. Now, just a few words more. I think, Mr. Chairman, that we ought to decide right here on these items, and what we will do with them, whether we will go counter to the recommendations of the Commissioner of Indian Affairs, who is best fitted to know the needs of the service, and who has recommended the discontinuance of these agencies. Shall we take a backward step and put them in at their respective salaries, particularly when one of them supervises less than 400 Indians.

The CHAIRMAN. The question is on the amendment proposed by the committee.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. BURKE of South Dakota. Division, Mr. Chairman.

The committee divided, and there were—ayes 34, noes 15.

Mr. BURTON. Mr. Chairman, I ask for tellers on that vote.

The question was taken on ordering tellers.

The CHAIRMAN. Nineteen gentlemen have arisen—not a sufficient number, and tellers are refused.

So the amendment was agreed to.

Mr. SHERMAN. I move, in line 2, page 2, to strike out the word "forty" and insert the word "thirty-seven."

The Clerk read as follows:

On page 2, line 2, strike out "forty" and insert "thirty-seven."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For contingencies of the Indian Service, including traveling and incidental expenses of Indian agents and of their offices, and of the Commissioner of Indian Affairs; also traveling and incidental expenses of 5 special agents, at $3 per day when actually employed on duty in the field, exclusive of transportation and sleeping-car fare, in lieu of all other expenses now authorized by law, and expenses of going to and going from the seat of government, and while remaining there under orders and direction of the Secretary of the Interior, for a period not to exceed twenty days; for pay of employees not otherwise provided for, and for pay of the 5 special agents, at $2,000 per annum each, $40,000: *Provided*, That $5,000 of this sum, or so much thereof as in the discretion of the Secretary of the Interior may be deemed necessary, may be used for the introduction of the willow industry among Indian tribes and on Indian reservations where it may be deemed feasible.

Mr. SHERMAN. Mr. Chairman, I move to strike out, beginning with the word "*Provided*," in line 5, all of lines 6, 7, 8, 9, and 10.

The Clerk read as follows:

On page 7, beginning with the word "*Provided*," in line 5, strike out all down to and including the word "feasible," in line 10.

Mr. SHERMAN. I do that, Mr. Chairman, because the item was in last year's bill—put on in the floor, if I remember aright—and the Commissioner of Indian Affairs informs me nothing was done under it.

Mr. LITTLE. My recollection is that it was stricken out in the committee, but was put in by an error in the printing.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For expenses of the commission of citizens serving without compensation, appointed by the President under the provisions of the act of April 10, 1869, $4,000.

Mr. SHERMAN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 7, line 14, after the words "four thousand dollars," insert:

"Of which sum an amount not to exceed $300 may be paid for the rent of an office for said commission: *And it is provided further*, That from the appropriation already made for the expenses of this commission for the current fiscal year ending July 1, 1903, an amount not to exceed $300 may be paid for office rent for that year."

Mr. SHERMAN. The purpose of that amendment is this: The Auditor of the Treasury has decided that no part of the appropriation can be used for office rent. This is to correct that condition.

The amendment was agreed to.

The Clerk read as follows:

To enable the Secretary of the Interior to employ practical farmers and practical stockmen in addition to the agency farmers now employed, at wages not exceeding $65 each per month, to superintend and direct farming and stock raising among such Indians as are making effort for self-support, $125,000.

Mr. BURTON. Mr. Chairman, I move in line 20 to strike out "one hundred and twenty-five" and substitute "seventy-five."

The Clerk read as follows:

In line 20, page 7, strike out "one hundred and twenty-five" and insert "seventy-five."

Mr. BURTON. Mr. Chairman, $75,000 is the amount in the last bill, and it seems to me sufficient for this service. I will say, more than that, I feel disposed to oppose every item here which involves an increase of expenditure unless some very valid reason can be given. In the bill of the preceding year it was $75,000. In 1901 it was $65,000; in 1900, the same amount as in 1901. There was a provision some years ago that these farmers should be selected either from the State in which they are to serve or from some State bordering upon it. For some reason that seems to have been omitted.

Now, we have a system of schools which is attended by something over 20,000 Indian pupils. There is an elaborate course of six years in agriculture as a part of their course of study. One of two things ought to be done. Either you ought to abandon the elaborate, expensive, and lengthy course of instruction in agriculture for students or you ought to strike this out. This $125,000 would provide for something like 150, if they are employed the year round, to go about from reservation to reservation. Let us bear in mind that on each reservation there are instructors and agents and men who are paid large salaries to give this very kind of teaching.

Where are we tending in this? Are we to have Indian instruction on every farm on which there is an Indian farmer? The instructors in farming would be able under this provision to give to each Indian farm a certain amount of time each year. There are, according to the census statistics, 19,800 Indian farms. This would enable him to visit every one in a year. I submit that not only was this a proposition of doubtful propriety in the first instance, but it certainly should not be increased from $75,000.

Mr. SHERMAN. Mr. Chairman, I hardly see how an appropriation that provides for 150 men would furnish 1 instructor for each farmer in a population of 175,000, but I am not a mathematician. The gentleman from Ohio I guess is, or he could not figure that out. The Commissioner of Indian Affairs, in his statement to the subcommittee which prepared this bill, was exceedingly urgent that this increased item be included in the bill. In his judgment there is no branch of the service that does more practical good than these farmers, practical farmers. The Commissioner states that it is not possible for the Indian agent to go all over his reservation once a year, or perhaps once in two years, and if he did he could simply make a cursory and hurried visit to various individuals; and the desire is to locate these farmers where each one would have 30, 40, or 50 families upon whom he could make frequent visits during the entire year and give them constant instruction.

I think that my friend's argument that because we are teaching the young Indians of the various tribes in the schools that therefore it is unnecessary to teach those who are left at home on the reservations—those beyond school age—anything, is not well founded. I believe, Mr. Chairman, and the Indian Commissioner believes, that there is no expenditure provided for in this bill that does more practical good than this and the appropriation for matrons, and there is nothing for which he is more urgent. I trust the amendment offered by the gentleman from Ohio will not prevail.

The CHAIRMAN. The question is on agreeing to the amendment proposed by the gentleman from Ohio.

The amendment was considered, and rejected.

The Clerk read as follows:

For permanent annuity for support of light horsemen, per thirteenth article of treaty of October 18, 1820, and thirteenth article of treaty of June 22, 1855, $600.

For permanent annuity for support of blacksmith, per sixth article of treaty of October 18, 1820, ninth article of treaty of January 20, 1825, and thirteenth article of treaty of June 22, 1855, $600.

Mr. BURTON. Mr. Chairman, I move to strike out the last three words. I do so for the purpose of asking the chairman of the committee what that proviso means—what is intended by "light horsemen." Was it originally a military or police provision?

The CHAIRMAN. That is my understanding, and it is used for that purpose still.

Mr. BURTON. I would like to ask if he has any information how the position is filled at this time, by a white man or Indian, or whether it is filled at all.

Mr. SHERMAN. Whether it is filled at the present time I can not say. It was filled two years ago. Frankly, I at one time went over with great care all the treaty provisions with the Commissioner and his chiefs of the law division and of the finance division, so that I knew just who were employed and for what, but the data I have not at hand here now. Whether this particular position is now filled, and whether by a white man or an Indian, I am unable to say. It is, however, a treaty provision.

Mr. BURTON. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

To enable the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, to carry out an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889, namely, the purchase of material and employment of labor for the erection of houses for Indians; for the purchase of agricultural implements, stock, and seeds, breaking and fencing land; for payment of expenses of delegations of Chippewa Indians to visit the White Earth Reservation; for the erection and maintenance of day and industrial schools; for subsistence and for pay of employees; for pay of commissioner and his expenses, and for removal of Indians and for their allotments, to be reimbursed to the United States out of the proceeds of sale of their lands, $150,000.

Mr. BURTON. Mr. Chairman, I may not be correctly informed in regard to this provision, but I should like to be corrected if I am not. As I understand, a treaty was made with these Chippewas to the effect, first, that these lands should be sold, the Government holding the proceeds as trustee, and that when the amount should reach $3,000,000 there should be paid to them interest each year at 5 per cent. This would give them $150,000 a year. There is a further provision that until this fund realized from the sale of the lands should reach $3,000,000 these Indians should be paid $90,000 per annum, to be reimbursed from the balance in excess of the $3,000,000. Now, if such be the case, why should not this payment of $90,000 per annum be abandoned, or has there been a further agreement or contract with the Indians which justifies the payment of both amounts in one year?

Mr. SHERMAN. Has the gentleman a copy of the treaty before him?

Mr. BURTON. I have not. It is to be found in the statutes of 1889, being volume 25 of the Statutes at Large, page 645.

Mr. SHERMAN. In section 7 of that act the gentleman will find this language:

The United States shall, for the benefit of said Indians, advance to them as such interest as aforesaid the sum of $90,000 annually, counting from the time when the removal and allotments provided for in this act shall have been made until such time as said permanent fund, exclusive of the deductions hereinbefore provided for, shall equal or exceed the sum of $3,000,000.

Mr. BURTON. This is the point that I am making—that the $90,000 a year was a temporary provision, to continue until the fund should equal or exceed $3,000,000.

Mr. SHERMAN. That is right.

Mr. BURTON. And then they were to receive their $150,000.

Mr. SHERMAN. That is right.

Mr. BURTON. But here you have a provision for the payment of both the $90,000 and the $150,000.

Mr. SHERMAN. The $150,000 is discretionary; there is no doubt about that under the terms of the treaty as I have read it. But if we appropriate for their needs and make the payment reimbursable, then when this fund is of sufficient amount (if it ever is) to reimburse us, we shall receive the money back again. We are advised that the condition of those Indians is such that we must come to their relief by an appropriation or they will suffer or starve. Now, the simple question is whether we shall make provision in this form, it being possible, although not certain, that the fund may reach an amount sufficient to reimburse us; or if we do not put it in this form, then shall we put it in as a gratuity; or shall we let the Indians starve?

Mr. BURTON. Does the gentleman know the amount of that fund at this time?

Mr. SHERMAN. Yes. The amount is $1,233,584.12.

Mr. BURTON. Do I understand that both of these payments are to be reimbursed to the United States from the proceeds——

Mr. SHERMAN. Yes; when it reaches $3,000,000.

Mr. BURTON. Could not this question arise: If these payments are made without agreement or treaty, might not the defense be raised by the Indians that the amount is not reimbursable?

Mr. SHERMAN. But it is made so under the treaty. Here is the provision:

Provided, That Congress may, in its discretion, from time to time during the said period appropriate, for the purpose of promoting civilization and self-support among the said Indians, a portion of said principal sum, not exceeding 5 per cent thereof.

Mr. BURTON. That is, of the annuity; it is not of the principal sum, is it?

Mr. SHERMAN. Oh, yes; it is of the principal sum. It so states.

Mr. BURTON. The sole question in my mind is whether there is authority to disburse this amount and then obtain reimbursement from the proceeds of these lands.

Mr. SHERMAN. I think the gentleman from Ohio would not have the least question about that if he would read this statute confirming the treaty. I shall be glad to hand the book to the gentleman. By the language of that provision, which I have just read, we are expressly authorized in our discretion to appropriate of the principal sum, not of the interest——

Mr. BURTON. Does the gentleman understand that language as meaning 5 per cent of the amount on hand (which is now about $1,000,000) or 5 per cent of the ultimate amount?

Mr. SHERMAN. I understand 5 per cent of the $3,000,000; and it seems to me that the $3,000,000 will probably be eventually exhausted with these 5 per cent appropriations.

Mr. BURTON. Is it not true that the $3,000,000 is an amount which may be realized, on the one hand, or may never be realized? You have realized as yet only about $1,000,000, as you say.

Mr. SHERMAN. Exclusive of expenses, a million and a quarter.

Mr. BURTON. What basis have you to compute this 5 per cent as on the $3,000,000, when that is an amount you may never obtain?

Mr. SHERMAN. The basis is 5 per cent on the principal sum (which the statute fixes at $3,000,000). As a matter of fact, the administration of the law relating to timber upon that reservation has been very faulty, to use a mild term. In the closing days of the last session of Congress the statute was amended by a bill commonly called the Morris bill, under which a different method is adopted in disposing of the timber lands, and under which the Indian Office or the Land Office, I do not remember which at this minute, estimated that we would receive something over $10,000,000 in all human probability, for the timber.

Mr. BURTON. On the assurance of the gentleman from New York I will withdraw the amendment.

The CHAIRMAN. The gentleman from Ohio withdraws the amendment, and the Clerk will read.

The Clerk read as follows:

For pay of physician, 2 teachers, 2 carpenters, 1 miller, 2 farmers, a blacksmith, and engineer, per seventh article of the treaty of May 10, 1858, $9,000; in all, $99,000.

Mr. BURTON. I move to strike out the last four words. I should like to ask the chairman of the Committee on Indian Affairs how this $90,000 for subsistence and civilization is to be expended?

Mr. SHERMAN. Under the terms of the agreement, that is disbursed in the discretion of the Secretary of the Interior.

Mr. BURTON. I would call the attention of the chairman of the committee to the fact that this seems a considerable amount. There are only 1,396 persons in this tribe, and this first item is somewhat in excess of $60 apiece.

Mr. SHERMAN. Well, it is a treaty stipulation. It is not a gratuity.

Mr. BURTON. Is it not a treaty stipulation in which the amount to be paid is left in a measure discretionary with the President or the Secretary of the Interior, according to their necessities, or is it an absolute amount?

Mr. SHERMAN. I think it is not an absolute amount; I think it is for their subsistence and civilization.

Mr. BURTON. Could the chairman of the committee state whether this is an increase or a decrease from the amount of the previous year?

Mr. SHERMAN. It is neither. It is the same that it has been for several years.

Mr. BURTON. I want to call the attention of the chairman of the committee also to the fact that, appearing on page 692 of the report of the Commissioner of Indian Affairs for the year 1901, not one person on this agency sustains himself by labor in civilized pursuits; none by hunting, fishing, or root gathering; that 100 per cent subsist by Government rations.

Mr. SHERMAN. That 100 per cent is pretty nearly all of them.

Mr. BURTON. It would seem that 100 per cent would include them all.

Mr. SHERMAN. Yes.

Mr. BURTON. And I want to say, while I shall not press this amendment, it seems to me it is a very dangerous experiment to continue appropriating something over $60 per head. It is nearer seventy when you count in the amount for physician, 2 teachers, 2 carpenters, 1 miller, 2 farmers, a blacksmith, and an engineer. When we have for twenty-five years and more been expending that amount, and there is not a single self-supporting Indian on the whole reservation, according to the report of the Commissioner of Indian Affairs, it seems to me it is not a good thing to continue.

I want to call attention to another fact, that there are provided here 2 carpenters, 1 miller, 2 farmers, a blacksmith, and an engineer; and I can not see the necessity for a blacksmith or two farmers, when the Indians belonging to the agency do no farming themselves. It would seem that this provision supported those two farmers in lonely isolation there for no especially good purpose.

Mr. SHERMAN. Mr. Chairman, it would appear that there might be some improvement in the administration of this provision, in the expenditure of this money; that it might be possible, by adopting the methods that have been adopted in the Sioux country, to advance these Indians. It appears from the report the gentleman has read that they have not advanced; but the amount, I believe, is necessary for their maintenance at the present time. The Indian Office so declares to the committee, and it is the same amount that has been appropriated, as the gentleman states, for some time. I think it is more than likely, if the attention of the office is directed to this particular item and a suggestion made that the policy adopted in the Crow country be applied here, that they will attempt to do it.

The CHAIRMAN. Does the gentleman from Ohio withdraw his amendment?

Mr. BURTON. I withdraw the amendment.

The Clerk read as follows:

POTTAWATOMIES.

For permanent annuity, in silver, per fourth article of treaty of August 3, 1795, $357.80;

For permanent annuity, in silver, per third article of treaty of September 30, 1809, $178.90;

For permanent annuity, in silver, per third article of treaty of October 2, 1818, $534.50;

For permanent annuity, in money, per second article of treaty of September 20, 1828, $715.60;

For permanent annuity, in specie, per second article of treaty of July 29, 1829, and second article of treaty of September 20, 1828, $5,724.77;

For permanent provision for payment of money in lieu of tobacco, iron, and steel, per second article of treaty of September 20, 1828, and tenth article of treaties of June 5 and 17, 1846, $107.34;

For permanent provision for three blacksmiths and assistants, and for iron and steel for shops, per third article of treaty of October 16, 1826; second article of treaty of September 20, 1828, and second article of treaty of July 29, 1829, $1,008.99;

For permanent provision for 50 barrels of salt, per second article of treaty of July 29, 1829, $50;

For interest on $230,064.20, at 5 per cent, in conformity with provisions of article 7 of treaties of June 5 and 17, 1846, $11,503.21; in all, $20,541.11.

Mr. BURTON. Mr. Chairman, I move to strike out that portion of the bill for the Pottawatomies, beginning at line 20, page 15, and ending with line 9 on page 17. This provision more than almost any other in the bill shows how little effort has been made by the Indian Department to meet changed conditions. It shows the absolute necessity of entering into new agreements with the Indian tribes and making the policy of the Government more progressive. Now, here is the first statement in the clause:

For permanent annuity, in silver, per fourth article of the treaty of August 3, 1795, $357.80.

The reason this was inserted is clear enough, because in 1795 silver was the metallic money in use and the paper money was not of stable value. This annuity of $357.80 was to be paid in silver. Now, then, think of the absurdity of carrying along that provision at this time. I do not know how it may be. It may be the Indian agent solemnly takes up the $357.80 in silver coin and pays the Indians according to the provisions of a treaty 107 years old.

Mr. LACEY. If the gentleman will permit me to interrupt him, on the absurdity of the payment in silver, I will state that from 1861 until the resumption of specie payments it was made in silver, when there was a very large premium; and it is therefore carried in this form, because that was the agreement; and so long as silver is to remain as good as gold it is not hurting anybody, but is simply carrying out to the letter the terms of an agreement made a long time ago.

Mr. SHERMAN. The agreement was modified in 1818, and in that modified agreement there was the express provision that all the annuities continuing should be paid in silver. As a matter of fact all these payments are now made by check, but are we to strike it from this bill and say how we are to pay it before the Indians or we ask a modification of the agreement?

Mr. BURTON. Why not have expressed in the bill just exactly what you are doing?

Mr. SHERMAN. This wording follows the condition of the agreement.

Mr. BURTON. I give credit to the gentleman's fondness for tradition and for history in putting it in. I am only illustrating the absurdity of continuing the provision.

Mr. SHERMAN. The wording of the agreement ought to be followed.

Mr. BURTON. It is perfectly absurd.

Mr. SHERMAN. The wording may be absurd, but not following it.

Mr. BURTON. But the gentleman's committee ought to have changed it.

Mr. SHERMAN. I acknowledge the absurdity of the situation, but as long as the agreement stands the words should be here, and if the Indians are willing to accept instead of silver a check or draft it is all right. My understanding is that in fact it is so paid.

Mr. BURTON. On page 16, on lines 18 to 24, is this clause:

For permanent provision for three blacksmiths and assistants and for iron and steel for shops per third article of treaty of October 16, 1826; second article of treaty of September 20, 1828, and second article of treaty of July 29, 1829, $1,008.99.

Now, this tribe has dwindled to comparatively small numbers and has no occupation for three blacksmiths; and my information is it was provided that one of these blacksmiths should be maintained in the city of Chicago. The provision was made when Chicago was an outpost. I can not conceive why it is necessary to have a blacksmith for them in the city of Chicago.

Mr. MANN. There is plenty of room for him there.

Mr. BURTON. Yes; you need more blacksmiths and fewer of other occupations.

Mr. MANN. I may call the gentleman's attention to the fact that the Potawatomies claim to own all the lake front of Chicago, and they may need a great many blacksmiths before they get possession of the property.

Mr. BURTON. The Commissioner of Indian Affairs writes that there are not three any longer. There is one and an assistant; and yet this bill is carrying the provision for three blacksmiths. The terms of the treaty and the terms of the bill both alike are followed, by having one blacksmith and one assistant. That is followed by the provision, "For permanent provision for 50 barrels of salt, per second article of treaty of July 28, 1829, $50." I wonder if that salt is sent out to them now. What I maintain is that this bill is not a proper place to show the history of the Indian tribes. It should set forth for what we are making appropriations now, and be made to conform to present conditions.

Mr. SHERMAN. Let me say with reference to that one item of making provision for 50 barrels of salt. That provision I find has been carried in the bill for something like $200 for a great many years—until five or six years ago, I think. Early in my service on the Indian Committee I looked over the various treaty items. There was this provision for 50 barrels of salt. It was in fact furnished or the cash given to the Indians. The item has been the same in amount for many years. In changing the item we got the price of salt per barrel at Chicago market, and continued it since at $50. The present price may be a little less now in this market than it was then. These various items have been gone over at one time and another with a good deal of care by the Indian committee. About the particular one that refers to the blacksmith I have no present recollection.

Mr. BURTON. I have a letter from the Commissioner on Indian Affairs, in which he states that there are two, and at least the assistant is an Indian; whether the principal one is an Indian or not I do not know.

Mr. SHERMAN. I have sent for the treaty to which the gentleman refers, and I find that the treaty provides for a blacksmith, not in Chicago, but "by the treaty of Chicago."

Mr. BURTON. Is it in the treaty that the blacksmith shop shall be maintained at Chicago?

Mr. SHERMAN. I have the treaty before me, but I have not time to run through the whole of it. The first item I come to provides for a blacksmith, as provided in a former treaty—"the treaty of Chicago."

Mr. BURTON. I think it is in a later treaty that it shall be maintained at Chicago.

Mr. MANN. I desire to ask the gentleman from Ohio if it is his intention to strike at the industries of Chicago by doing away with this blacksmith shop? [Laughter].

Mr. BURTON. Well, I am inclined to think that Chicago could get along without the blacksmith shop being provided for in the Indian appropriation bill.

Mr. MANN. If we have a right to it we want it.

Mr. SHERMAN. I assume that the gentleman from Ohio does not intend to press his amendment.

Mr. BURTON. Oh, no, I withdraw the amendment.

The Clerk read as follows:

Bannocks: For pay of physician, teacher, carpenter, miller, engineer, farmer, and blacksmith, as per tenth article of treaty of July 3, 1868, $5,000; in all, $11,000.

Mr. BURTON. Mr. Chairman, I move to strike out the provision from line 9, extending to line 12, page 20. I would like to ask the gentleman whether provision can be found in this treaty referred to for the maintenance of a physician, teacher, carpenter, miller, engineer, etc., or whether this is a gratuitous appropriation made in pursuance of the general plan for education. I have given a hasty examination to this treaty—and I have not been able to give much time to any of them—but it seems to be peculiarly drawn. There is an expression "that the United States shall furnish a physician, teachers, carpenters, etc., as herein provided," but I did not find in any other portion of the treaty an affirmative provision for these teachers. There is in section 3 a provision for houses for all the employees named.

Mr. SHERMAN. I find my reference to this to be 15 of the Statutes at Large, section 10, "United States agrees to furnish annually a physician, teacher, carpenter, miller, engineer, farmer, blacksmith as herein contemplated," referring to the treaty that preceded the enacting clause, page 1, further provides that such provision shall be made from time to time as will be sufficient to employ such persons.

Mr. BURTON. I want to call attention to the fact that I question whether any affirmative provision can be found in that treaty for the furnishing of these respective employees.

Mr. SHERMAN. It is found in section 10 of that treaty, page 936, of the Indian treaties.

Mr. BURTON. That is what the gentleman has just read.

Mr. SHERMAN. No; I read from the statute. The United States agrees to furnish to the Indians herein contemplated——

Mr. BURTON. Where is the provision referred to as "herein contemplated?"

Mr. SHERMAN. I presume it is in the preceding section.

Mr. BURTON. I would like to call attention of the gentleman to this and have him ask the Department to examine that treaty and see whether there is any affirmative provision of this kind.

Mr. SHERMAN. I will not only ask the Department to do so but I will do it myself. I have done it at some time, but I can not turn to the provision in a moment. There are a great many treaties as the gentleman knows, and they are more or less complicated, and it is difficult to carry them all in one's mind.

Mr. BURTON. There is to be found there, as I said a moment ago, another section in which it speaks of building houses for the respective employees, but in the time I have given to it I was unable to find any article in which there was an affirmative provision for the furnishing or support of these respective employees.

Mr. SHERMAN. I looked over all of the treaties at various times, spent a good deal of time in studying them some time ago, and satisfied myself of the correctness of them all; but since then I have not gone over them each year. For instance, as a result of that examination, on page 17, under the Quapaws, I found the provision for education under the third article that that was to be done during such time as the President thought that it was for the best interest of the Indians; so I had incorporated in the Indian bill the next year a provision which has been continued ever since.

It was a proviso reading, "*Provided*, That the President of the United States shall certify the same to be for the best interests of the Indians." That provision had never been in the bill before, as near as I could find. It was inserted two or three years ago. I called the attention of the committee to very many peculiar provisions of the treaties, and we attempted to correct any incongruities in former bills, and I think we did it in most cases—at any rate, we certainly intended to. While I can not, at this moment, turn to the provision to which the gentleman refers in regard to the Shoshones, I will not only look it up and call his attention to it, but will call the attention of the Indian Office to it.

Mr. BURTON. I should like to suggest to the gentleman that there are several other treaties made about that time—1868, I think—in which there seems to be the same phraseology and the same omission of the affirmative clause to which I have referred.

Mr. SHERMAN. I am obliged to the gentleman for calling my attention to it. If there is anything that ought not to be there, I wish it corrected.

Mr. BURTON. I withdraw the amendment.

The Clerk read as follows:

For subsistence of the Sioux, and for purposes of their civilization, as per agreement ratified by act of Congress approved February 28, 1877, $851,000: *Provided*, That this sum shall include transportation of supplies from the termination of railroad or steamboat transportation, and in this service Indians shall be employed when practicable: *And provided further*, That the number of rations issued shall not exceed the number of Indians on each reservation, and any excess in the number of rations issued shall be disallowed in the settlement of the agent's account: *Provided further*, That the unexpended balance for the fiscal year 1903 is hereby appropriated and made available for 1904.

Mr. BURTON. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 9 strike out "eight" and insert "four;" so as to read "$480,000;" and strike out at the end of the paragraph the following: "*Provided further*, That the unexpended balance for the year 1903 is hereby appropriated and made available for 1904."

Mr. BURTON. Mr. Chairman, it seems to me that this item, which to a casual observer must appear the most extravagant in the whole bill, should be carefully explained to the House, so that we may know the reason for this very large appropriation. What is the number of these Indians? What progress are they making in civilization? Why is it that $850,000 is necessary for their subsistence? Because the language "for purposes of their civilization" may be regarded as thrown in, as is often the case with statutes and contracts, as surplusage. Why is this large appropriation necessary? If there was a balance left over from last year—that is, if $850,000 was more than sufficient last year—why should we this year appropriate $850,000 again?

Mr. SHERMAN. As a matter of fact, I made inquiry particularly at the Indian Office as to the amount of the unexpended balance of this appropriation, and the Commissioner advises me—

It is impossible at this time to even approximate the balance. If the present plans for the Sioux are carried out, it is predicted that the balance will be insignificant.

In other words, if the present plans be carried out to the end of the fiscal year, there will be required for that purpose all of the $850,000 heretofore appropriated.

There are twenty-odd thousand of these Sioux; some of them are self-supporting, some are not. It is amongst these Indians that the Commissioner is now doing the greatest amount of work toward abolishing the issuance of rations without labor. It is there that the Commissioner obtains from the Indians some manner of service to entitle them to the rations.

This sum is not greater, in the judgment of the Indian Office, than is required to properly care for these Indians as they have been cared for in the past—no better, no worse—better only in that service is now required of them, whereas service has heretofore not been required.

My judgment is based upon the judgment of the officials who administer the law, who expend the money. Their judgment, based upon many years of experience—five years under the present Commissioner—is that the sum appropriated last year and asked for again this year is no more than is necessary to meet the needs of the case.

Mr. BURTON. Mr. Chairman, I do not think we ought to allow this very large item to go by without some attention. It is stated by the gentleman from New York that there are about 20,000 of these Sioux. Here is an aggregate appropriation of $1,172,000. When we take out those Indians who are absent from the reservation, those who have farms in allotment, and make other deductions, it will appear that $60 apiece is being appropriated for these Indians. There was a professor in some college near Chicago who expressed the opinion last autumn that a family ought to get along on $300 a year. This statement was received with a great deal of disfavor. It was said to be cruel and thoughtless for a professor to make the statement that a family could live on $300 a year.

It is very evident from a good many provisions in this bill that the Indian Department wanted to utter their protest against that idea, for they have in some cases recommended for Indian tribes that have immense tracts of land and in some cases considerable quantities of cattle and sheep sums amounting to $300 a year and more per family.

Mr. SHERMAN. Oh, no.

Mr. BURTON. I can cite instances.

Mr. SHERMAN. The number of these Sioux, which I put in round figures at 20,000, is about 27,000, which would make about $100 per family.

Mr. BURTON. The gentleman's statement a few moments ago was 20,000; but take the number as 27,000. An appropriation of $1,172,000 for that number would be about $40 apiece, or $200 per family. In addition to that, these Indians have an immense reservation. They are preferred (and this is by statute) in employment. Special effort is made by the Government to give them teaming to do. Yet, with all these facts in view, we are paying for their subsistence and civilization $200 per family—about $40 apiece. It does seem to me, Mr. Chairman, that this ought to stop. I take it it has been going on at this figure for many years, and unless we put some brake upon it—unless we say that $1,172,000 is too much for this Indian tribe—it will go on indefinitely, not through any fault of the committee—I want to disclaim especially any attack on the Committee on Indian Affairs.

I repeat what I said a while ago, that if any criticism is to be raised against them it is because they have too implicitly adopted

the recommendations made by the Department; and the criticism that rests upon the Indian Department is that, recognizing this extravagance, recognizing that the policy which has been pursued is all wrong, they have gone on perfunctorily—almost automatically—sending in year by year these very large recommendations.

Mr. Chairman, if no further discussion is desired, I ask for a vote on the proposed amendment.

Mr. SHERMAN. Mr. Chairman, I trust the amendment will not prevail.

As I stated a moment ago, the judgment of the administrative officer who has had charge of this matter for more than five years is that the sum now proposed to be appropriated is only adequate. I do not care whether the proviso which the gentleman proposes to strike out be left in or not, because there will be practically no surplus or unexpended balance for the present year; but I trust that the amendment reducing by one-half the amount proposed to be appropriated will not prevail.

The CHAIRMAN. The question is on agreeing to the amendment proposed by the gentleman from Ohio.

The amendment was rejected.

The Clerk read as follows:

For support and maintenance of day and industrial schools, including purchase, erection, and repairs of school buildings, in accordance with Article VII of the treaty of April 29, 1868, which article is continued in force for twenty years by section 17 of the act of March 2, 1889, $225,000; in all, $1,172,000.

Mr. BURTON. I move to strike out the last clause of that. I should like to ask in regard to this what the number of scholars is who are benefited by this expenditure of $225.000? Also, in the report filed is this $225,000 included in the expense of the education of the Indians, or is it a separate item?

Mr. SHERMAN. I did not quite understand the gentleman's question.

Mr. BURTON. In the first place, how many Indians are benefited by it; how many are attending school?

Mr. SHERMAN. I will tell the gentleman in a moment. I will have to look it up.

Mr. BURTON. The second question is this: Is this item of $225,000 for education included in the general estimate for education of the Indians, or is this a separate item?

Mr. SHERMAN. This is a separate item, provided for in this treaty, which makes specific provision in reference to it. For instance, the United States, under that treaty, agree that for every 30 children between 6 and 15 years of age a house shall be provided and a teacher obtained to teach the elementary branches of English education, etc. And under the act of 1889, for twenty years from and after the time that act took effect, that provision is continued in force. The number of children of school age amongst the Sioux I will have to find in the report here, which will take a few moments. I should suppose that the number would be four thousand, perhaps more, in the various Sioux tribes; not less than four thousand.

Mr. BURTON. In what State or States?

Mr. SHERMAN. They are mostly in South Dakota. They are scattered. There are some in Nebraska and some in North Dakota and some in Montana, but the great bulk of the Sioux tribe is in South Dakota.

It will take some few minutes to hunt up from the various places in the report the exact number of children of school age in the Sioux tribe, but I will get them for the gentleman in a few minutes.

Mr. BURTON. May I ask whether in the amount given in your report for education, this $3,000,000, that sum is included?

Mr. SHERMAN. The large amount for school purposes to which you refer is a gratuity and has no reference to these treaty sums.

Mr. BURTON. And is exclusive of this item?

Mr. SHERMAN. And is exclusive of these treaty provisions.

Mr. BURTON. Does this treaty provide for any determination of this provision for schools?

Mr. SHERMAN. Yes, twenty years from 1889.

Mr. BURTON. There is one point about which the gentleman has given me no information. That is as to the number of children of school age.

Mr. SHERMAN. I will get it in a moment. It is 5,383.

Mr. BURTON. I withdraw the amendment, then.

The Clerk read as follows:

SPOKANES.

For pay of a blacksmith and carpenter to do necessary work and to instruct the said Indians in those trades, $1,000 each, per sixth article of said agreement, $2,000.

Mr. BURTON. I move to strike out the last word. I would call the attention of the gentleman from New York [Mr. SHERMAN] to the fact that there is no reference to what agreement this is, unless it refers to the preceding Sioux-Yankton tribe, which can hardly be. The language of this section is "per sixth article of said agreement." That occurs in line 15. There is no agreement referred to.

Mr. SHERMAN. That should be supplied. I will offer an amendment correcting that. I can not do it at this moment, but I will prepare an amendment to correct that. I ask unanimous consent that that be informally passed.

The CHAIRMAN. Without objection it will be passed over.

The Clerk read as follows:

For support and maintenance of day and industrial schools, including purchase, erection, and repairs of school buildings, in accordance with article 7, of the treaty of April 29, 1868, which article is continued in force for twenty years by section 17 of the act of March 2, 1889. $225,000; in all, $1,172,000.

Mr. SHERMAN. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. DALZELL having taken the chair as Speaker pro tempore, Mr. GROSVENOR, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 15804) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with the various Indian tribes for the fiscal year ending June 30, 1904, and for other purposes, and had come to no resolution thereon.

CHANGE OF REFERENCE.

By unanimous consent, the bill (H. R. 15704) for raising revenue and other purposes was withdrawn from the further consideration of the Committee on Ways and Means and referred to the Committee on the Judiciary.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. SCOTT for one week, on account of important business.

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bills of the following titles:

H. R. 15506. An act to amend section 14 of an act entitled "An act to divide the State of Texas into four judicial districts;"

H. R. 14275. An act providing for additional terms of court in the western judicial district of the State of South Carolina; and

H. R. 14839. An act providing that the circuit court of appeals of the fifth judicial circuit of the United States shall hold at least one term of said court annually in the city of Montgomery, in the State of Alabama, on the first Monday in September in each year.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. J. Res. 16. Joint resolution to carry into effect two resolutions of the Continental Congress directing monuments to be erected to the memory of Gens. Francis Nash and William Lee Davidson, of North Carolina;

H. R. 10522. An act to provide for laying a single electric street railway track across the Aqueduct Bridge in the District of Columbia, and for other purposes;

H. R. 15510. An act to promote the efficiency of the Philippine constabulary, to establish the rank and pay of its commanding officers, and for other purposes;

H. R. 10300. An act conferring jurisdiction upon the circuit and district courts for the district of South Dakota in certain cases, and for other purposes;

H. R. 15708. An act to extend the time for the completion of the incline railway on West Mountain, Hot Springs Reservation;

H. R. 14518. An act granting an increase of pension to James D. Kiper;

H. R. 6649. An act for the relief of Julius A. Kaiser;

H. R. 2974. An act for the relief of J. V. Worley;

H. R. 7664. An act providing for the compulsory attendance of witnesses before registers and receivers of the land office; and

H. R. 15066. An act to incorporate the Association of Military Surgeons of the United States.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 6155. An act granting an increase of pension to William Markle;

S. 6071. An act granting an increase of pension to Mary Manes;

S. 6492. An act granting an increase of pension to Thomas Starrat;

S. 6514. An act granting an increase of pension to Stephen J. Houston;

S. 2296. An act to amend an act approved March 2, 1895, relating to public printing;

S. 6526. An act granting an increase of pension to Orin T. Fall;
S. 6543. An act granting an increase of pension to David G. Morgan;
S. 6467. An act granting an increase of pension to Sarah E. Ropes;
S. 6614. An act granting an increase of pension to Bertha R. Koops;
S. 6693. An act granting a pension to Mary J. Ivey;
S. 2806. An act granting an increase of pension to Laura S. Picking;
S. 1131. An act granting an increase of pension to Sydda B. Arnold;
S. 6361. An act granting a pension to Emma Dean Powell;
S. 1903. An act granting an increase of pension to Hamline B. Williams;
S. 1614. An act granting an increase of pension to Nelson W. Carlton;
S. 252. An act granting an increase of pension Levi H. Peddycord;
S. 1637. An act granting an increase of pension to Annie A. Neary;
S. 1978. An act granting an increase of pension to Wesley S. Potter;
S. 2084. An act granting an increase of pension to Samuel E. Ewing;
S. 2863. An act granting an increase of pension to Mary L. Purington;
S. 3238. An act granting a pension to Martha E. Hench;
S. 3250. An act granting an increase of pension to Winfield S. Pietz;
S. 3298. An act granting an increase of pension to William A. Gemball;
S. 3607. An act granting an increase of pension to Oliver P. Helton;
S. 3730. An act granting an increase of pension to Jonas Olmstead;
S. 3773. An act granting an increase of pension to Leroy Roberts;
S. 3940. An act granting an increase of pension to Eliza C. Deery;
S. 3970. An act granting an increase of pension to Mary E. Fales;
S. 4121. An act granting a pension to Elizabeth Jacobs;
S. 4296. An act granting a pension to Andrew Ady;
S. 4332. An act granting an increase of pension to Mary B. Heddelton;
S. 4401. An act granting an increase of pension to Frederick Kropf;
S. 4412. An act granting an increase of pension to John J. Rees;
S. 4515. An act granting an increase of pension to Alfred O. Blood;
S. 4827. An act granting an increase of pension to George W. Stott;
S. 3644. An act granting an increase of pension to James Mealey;
S. 5244. An act granting an increase of pension to William H. Maxwell;
S. 5280. An act granting a pension to Dollie Casens;
S. 5352. An act granting an increase of pension to William Flinn;
S. 5355. An act granting an increase of pension to George A. King;
S. 5412. An act granting an increase of pension to Henry E. Spring;
S. 5642. An act granting an increase of pension to Nicholas Smith;
S. 5976. An act granting an increase of pension to Melton Frazier;
S. 6182. An act granting an increase of pension to Lela L. Egbert; and
S. 6257. An act granting an increase of pension to Mary B. Keller.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 7077. An act granting an increase of pension to Syrus B. Norris—to the Committee on Invalid Pensions.
S. 6563. An act granting an increase of pension to William A. Dougan—to the Committee on Invalid Pensions.
S. 4466. An act granting an increase of pension to Archibald McIntire—to the Committee on Invalid Pensions.
S. 2799. An act granting an increase of pension to Israel V. Hoag—to the Committee on Invalid Pensions.
S. 2259. An act granting a pension to Sarah J. Snook—to the Committee on Invalid Pensions.
S. 7003. An act granting an increase of pension to Sarah C. Merrell—to the Committee on Invalid Pensions.
S. 7060. An act granting an increase of pension to Ann M. Jackman—to the Committee on Invalid Pensions.
S. 4337. An act granting an increase of pension to Elizabeth Thompson—to the Committee on Invalid Pensions.
S. 6981. An act granting an increase of pension to Lorenzo P. Duncklee—to the Committee on Invalid Pensions.
S. 6982. An act granting an increase of pension to Lind F. Moulton—to the Committee on Invalid Pensions.
S. 6984. An act granting an increase of pension to Maria A. Marden—to the Committee on Invalid Pensions.
S. 6985. An act granting an increase of pension to George Cummings—to the Committee on Invalid Pensions.
S. 6367. An act granting an increase of pension to Edmund P. Fox—to the Committee on Invalid Pensions.
S. 4087. An act granting a pension to Lemuel Kingsbury—to the Committee on Invalid Pensions.
S. 3249. An act granting an increase of pension to Charles W. Scherzer—to the Committee on Invalid Pensions.
S. 4379. An act granting an increase of pension to George Davis—to the Committee on Invalid Pensions.
S. 4544. An act granting an increase of pension to Phineas L. Squires—to the Committee on Invalid Pensions.
S. 6694. An act granting an increase of pension to Burrel G. Wood—to the Committee on Pensions.
S. 6373. An act granting an increase of pension to Joseph D. Lockhart—to the Committee on Pensions.
S. 5991. An act granting an increase of pension to William Barrett—to the Committee on Invalid Pensions.
S. 5507. An act granting an increase of pension to Jarrett F. Rigg—to the Committee on Invalid Pensions.
S. 5932. An act granting an increase of pension to William Kirkpatrick—to the Committee on Invalid Pensions.
S. 3542. An act granting an increase of pension to William H. Shaw—to the Committee on Invalid Pensions.
S. 2256. An act granting an increase of pension to Andrew J. Pennel—to the Committee on Invalid Pensions.
S. 4760. An act granting an increase of pension to John Hamilton—to the Committee on Invalid Pensions.
S. 1939. An act granting an increase of pension to John M. Drake—to the Committee on Invalid Pensions.
S. 6431. An act granting an increase of pension to James Greenman—to the Committee on Invalid Pensions.
S. 6641. An act granting an increase of pension to Sophie S. Shaffer—to the Committee on Invalid Pensions.
S. 6063. An act granting an increase of pension to Orson Nickerson—to the Committee on Invalid Pensions.
S. 3929. An act granting an increase of pension to L. A. Brace—to the Committee on Invalid Pensions.
S. 6731. An act granting an increase of pension to Benjamin N. Bond—to the Committee on Invalid Pensions.
S. 4807. An act granting an increase of pension to Emmett C. Hill—to the Committee on Invalid Pensions.
S. 1128. An act granting an increase of pension to Lyman Matthews—to the Committee on Invalid Pensions.
S. 6703. An act to restore to the pension roll the name of Henrietta V. West—to the Committee on Invalid Pensions.
S. 6305. An act granting an increase of pension to James B. Taylor—to the Committee on Invalid Pensions.
S. 6096. An act granting an increase of pension to Hester A. R. Landers—to the Committee on Invalid Pensions.
S. 5568. An act granting an increase of pension to Emma R. Cropsey—to the Committee on Invalid Pensions.
S. 4029. An act granting a pension to Mary J. Parker—to the Committee on Pensions.
S. 2302. An act granting a pension to Rose Crummett—to the Committee on Invalid Pensions.
S. 6845. An act granting an increase of pension to Martin G. Cushing—to the Committee on Invalid Pensions.
S. 6668. An act granting an increase of pension to Charles Graham—to the Committee on Invalid Pensions.
S. 6623. An act granting an increase of pension to Gilbert E. Bushnell—to the Committee on Invalid Pensions.
S. 4429. An act granting a pension to Alvira Randall—to the Committee on Invalid Pensions.
S. 6798. An act granting an increase of pension to Charles F. Sheldon—to the Committee on Invalid Pensions.
S. 6842. An act granting an increase of pension to Stephen B. Swett—to the Committee on Invalid Pensions.

S. 14. An act granting a pension to George F. Howe—to the Committee on Invalid Pensions.

S. 2130. An act granting a pension to Margaret A. Munson—to the Committee on Invalid Pensions.

S. 6631. An act granting an increase of pension to Mitchell Hunt—to the Committee on Invalid Pensions.

S. 6632. An act granting an increase of pension to Frank Cleaves—to the Committee on Invalid Pensions.

S. 6795. An act granting an increase of pension to Hannah J. G. Hopkins—to the Committee on Invalid Pensions.

S. 6748. An act granting an increase of pension to Ann M. Haskell—to the Committee on Invalid Pensions.

S. 5006. An act granting a pension to Annie P. Pinney—to the Committee on Invalid Pensions.

S. 6413. An act granting an increase of pension Harold P. Waldo—to the Committee on Pensions.

S. 2596. An act granting an increase of pension to Israel F. Barnes—to the Committee on Invalid Pensions.

S. 5053. An act granting a pension to Deborah Edwards—to the Committee on Invalid Pensions.

S. 4892. An act granting an increase of pension to John Deberrer—to the Committee on Invalid Pensions.

S. 5526. An act granting an increase of pension to Benjamin F. Cornman—to the Committee on Invalid Pensions.

S. 7076. An act granting an increase of pension to Charles C. Pinkham—to the Committee on Invalid Pensions.

S. 6769. An act to increase the limit of cost for the purchase of a site and the erection of a public building at Indianapolis, Ind.—to the Committee on Public Buildings and Grounds.

S. 6841. An act granting an increase of pension to Charles S. Boyington—to the Committee on Invalid Pensions.

S. 3632. An act granting an increase of pension to Frank E. Freeman—to the Committee on Invalid Pensions.

S. 6569. An act to authorize the construction of a bridge across the Missouri River at a point to be selected within 10 miles of the corporate limits of the city of St. Charles, in St. Charles County, Mo., and in St. Louis County, Mo., and to make the same a post route—to the Committee on Interstate and Foreign Commerce.

S. 1168. An act to authorize the appointment of Edward L. Bailey as captain of infantry, United States Army, and to place him on the retired list—to the Committee on Military Affairs.

S. 4905. An act authorizing the President to nominate Lieut. Commander Arthur P. Osborn to be a commander on the retired list of the Navy—to the Committee on Naval Affairs.

S. 6278. An act to extend the provisions of chapter 8, Title XXXII, of the Revised Statutes of the United States, entitled "Reservation and sale of town sites on the public lands," to the ceded Indian lands in the State of Minnesota—to the Committee on the Public Lands.

S. 6408. An act to provide a depot for the Revenue-Cutter Service—to Committee on Interstate and Foreign Commerce.

S. R. 156. Joint resolution dedicating to the city of Columbus, in the State of Ohio, for uses and purposes of the public streets, part of property conveyed to the United States by Robert Neil by deed dated February 17, 1863, recorded in deed book 76, page 572, etc., Franklin County records—to the Committee on Military Affairs.

S. 6192. An act granting an increase of pension to Austin H. Patterson—to the Committee on Invalid Pensions.

S. 2591. An act granting an increase of pension to George W. McComb—to the Committee on Invalid Pensions.

S. 2626. An act granting an increase of pension to Ardenia Dillon—to the Committee on Invalid Pensions.

S. R. 146. Joint resolution to extend the time for construction of the Akron, Sterling and Northern Railroad in Alaska—to the Committee on the Territories.

And then, on motion of Mr. PAYNE (at 5 o'clock and 10 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for road to Antietam National Cemetery—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting revised estimates of appropriation for buildings and grounds in and around Washington—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for the military post at Manila, P. I.—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. PARKER, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 3512) concerning minimum punishment in certain cases arising in the Indian Territory, reported the same with amendment, accompanied by a report (No. 3373); which said bill and report were referred to the House Calendar.

Mr. LITTLEFIELD, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 17) requiring all corporations engaged in interstate commerce to file returns with the Secretary of the Treasury, disclosing their true financial condition, and of their capital stock, and imposing a tax upon such as have outstanding capital stock unpaid in whole or in part, reported the same with amendments, accompanied by a report (No. 3375); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CLAYTON, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 15331) to amend an act to limit the effect of the regulations of commerce between the several States and with foreign countries in certain cases, approved August 8, 1890, reported the same with amendments, accompanied by a report (No. 3377); which said bill and report were referred to the House Calendar.

Mr. PALMER, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 16334) fixing terms of United States courts in Colorado, reported the same with amendments, accompanied by a report (No. 3378); which said bill and report were referred to the House Calendar.

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 16776) in relation to pharmacy in the Indian Territory, reported the same without amendment, accompanied by a report (No. 3379); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15986) regulating the practice of medicine and surgery in the Indian Territory, reported the same without amendment, accompanied by a report (No. 3380); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House H. R. 13772) granting an increase of pension to Marcus L. Vermillion, reported the same with amendments, accompanied by a report (No. 3316); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 14448) granting a pension to James M. Cartmill, reported the same with amendments, accompanied by a report (No. 3317); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9274) granting a pension to Jessie V. Cluxton, reported the same with amendments, accompanied by a report (No. 3318); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14439) granting an increase of pension to Franklin Peale, reported the same with amendment, accompanied by a report (No. 3319); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16353) granting an increase of pension to William F. Ritchie, reported the same without amendment, accompanied by a report (No. 3320); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8187) granting a pension to William T. Moore, reported the same with amendments,

accompanied by a report (No. 3321); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16756) granting an increase of pension to John Brown, reported the same with amendment, accompanied by a report (No. 3322); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 304) granting an increase of pension to George M. Duffy, reported the same with amendment, accompanied by a report (No. 3323); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4155) granting an increase of pension to Eliza Wende, reported the same with amendments, accompanied by a report (No. 3324); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16789) granting an increase of pension to E. G. Rutherford, reported the same with amendments, accompanied by a report (No. 3325); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16538) granting an increase of pension to William Downs, reported the same with amendments, accompanied by a report (No. 3326); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10691) granting an increase of pension to Daniel Van Wie, reported the same with amendment, accompanied by a report (No. 3327); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10922) granting an increase of pension to Joseph Feldhausen, reported the same with amendment, accompanied by a report (No. 3328); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16859) granting a pension to Florence M. Stout, reported the same with amendments, accompanied by a report (No. 3329); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16717) granting an increase of pension to Albert W. Thompson, reported the same with amendments, accompanied by a report (No. 3330); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16856) granting a pension to John Burke, reported the same with amendments, accompanied by a report (No. 3331); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14378) granting a pension to Reuben Vermillion, reported the same with amendment, accompanied by a report (No. 3332); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6876) granting an increase of pension to Thomas B. Faught, reported the same with amendment, accompanied by a report (No. 3333); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16752) granting a pension to Anton Sauthoff, reported the same with amendment, accompanied by a report (No. 3334); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13713) granting an increase of pension to Rebecca Randolph, reported the same with amendments, accompanied by a report (No. 3335); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12871) granting a pension to Ellen A. Plumley, reported the same with amendment, accompanied by a report (No. 3336); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15768) granting an increase of pension to William J. Jubb, reported the same without amendment, accompanied by a report (No. 3337); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15842) granting a pension to Mary M. Talcott, reported the same with amendment, accompanied by a report (No. 3338); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 699) granting an increase of pension to Franklin Chase, reported the same without amendment, accompanied by a report (No. 3339); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1043) granting an increase of pension to Harriet Hatch, reported the same without amendment, accompanied by a report (No. 3340); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1166) granting an increase of pension to Charles W. Colby, reported the same without amendment, accompanied by a report (No. 3341); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1194) granting an increase of pension to Thomas J. George, reported the same without amendment, accompanied by a report (No. 3342); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1873) granting an increase of pension to Hilas D. Davis, reported the same without amendment, accompanied by a report (No. 3343); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2114) granting an increase of pension to Sarah B. Barger, reported the same without amendment, accompanied by a report (No. 3344); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2270) granting an increase of pension to Sarah J. Warren, reported the same without amendment, accompanied by a report (No. 3345); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3912) granting an increase of pension to John T. Deweese, reported the same without amendment, accompanied by a report (No. 3346); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4023) granting an increase of pension to Alman J. Houston, reported the same without amendment, accompanied by a report (No. 3347); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4140) granting an increase of pension to James O'Neil, reported the same without amendment, accompanied by a report (No. 3348); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4239) granting an increase of pension to Oscar H. Prink, reported the same without amendment, accompanied by a report (No. 3349); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4305) granting an increase of pension to Daniel G. Towle, reported the same without amendment, accompanied by a report (No. 3350); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4656) granting an increase of pension to Orlando C. Osborn, reported the same without amendment, accompanied by a report (No. 3351); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4702) granting an increase of pension to Ephraim Cunningham, reported the same without amendment, accompanied by a report (No. 3352); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4854) granting an increase of pension to Cassius B. Fisher, reported the same without amendment, accompanied by a report (No. 3353); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5508) granting an increase of pension to George J. Cheney, reported the same without amendment, accompanied by a report (No. 3354); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to

which was referred the bill of the Senate (S. 5610) granting an increase of pension to Joseph Twycross, reported the same without amendment, accompanied by a report (No. 3355); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5786) granting a pension to Julia A. Jordan, reported the same without amendment, accompanied by a report (No. 3356); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5841) granting an increase of pension to John A. Barcus, reported the same without amendment, accompanied by a report (No. 3357); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5952) granting an increase of pension to Henry L. Davenport, reported the same without amendment, accompanied by a report (No. 3358); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6026) granting an increase of pension to Eliza Little, reported the same without amendment, accompanied by a report (No. 3359); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6050) granting an increase of pension to Charles H. Barnes, reported the same without amendment, accompanied by a report (No. 3360); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6107) granting an increase of pension to Hattie Connell, reported the same without amendment, accompanied by a report (No. 3361); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6219) granting an increase of pension to Nannie Cushman, reported the same without amendment, accompanied by a report (No. 3362); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6262) granting an increase of pension to Charles C. Chesley, reported the same without amendment, accompanied by a report (No. 3363); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6263) granting a pension to Rachel E. Bullard, reported the same without amendment, accompanied by a report (No. 3364); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6326) granting an increase of pension to Luther D. Goddard, reported the same without amendment, accompanied by a report (No. 3365); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6329) granting an increase of pension to Mary A. Noyes, reported the same without amendment, accompanied by a report (No. 3366); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6422) granting an increase of pension to Ann A. Hersum, reported the same without amendment, accompanied by a report (No. 3367); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6452) granting a pension to S. Josie Hill, reported the same without amendment, accompanied by a report (No. 3368); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6465) granting an increase of pension to Alonzo Gilbert, reported the same without amendment, accompanied by a report (No. 3369); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6466) granting an increase of pension to Willard A. Jackson, reported the same without amendment, accompanied by a report (No. 3370); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6500) granting an increase of pension to Caroline W. Bixby, reported the same without amendment, accompanied by a report (No. 3371); which said bill and report were referred to the Private Calendar.

Mr. NEVIN, from the Committee on Claims, to which was referred the bill of the House (H. R. 9995) for the relief of the Ditmar Powder and Chemical Company, of New York City, reported the same without amendment, accompanied by a report (No. 3374); which said bill and report were referred to the Private Calendar.

Mr. CLAYTON, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 6333) to divest out of the United States all its right, title, and interest of, in, and to certain real estate situated at and near the city of Montgomery, State of Alabama, and to vest the same in the Southern Cotton Oil Company, Bessie R. Maultsby, James S. Pinckard, trustee, M. V. B. Chase, and Edwin Ferris, reported the same without amendment, accompanied by a report (No. 3376); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 16978) for the relief of John Jacoby—Committee on Claims discharged, and referred to the Committee on the District of Columbia.

A bill (H. R. 7442) for the relief of Frances M. Egan, administratrix of Patrick Egan, deceased—Committee on Claims discharged, and referred to the Committee on War Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HEMENWAY, from Committee on Appropriations: A bill (H. R. 17046) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes—to the Union Calendar.

By Mr. BROWNLOW: A bill (H. R. 17047) to empower the Secretary of War to allow burial of wives of deceased enlisted men in national cemeteries in the same graves as deceased soldiers—to the Committee on Military Affairs.

By Mr. GRIFFITH (by request): A bill (H. R. 17048) to provide for the issue of legal-tender certificates and to provide for the issuance of United States bonds, the certificates and bonds being interchangeable at any time, and for other purposes—to the Committee on Banking and Currency.

By Mr. HENRY C. SMITH: A bill (H. R. 17049) for post-office building at Wyandotte, Mich.—to the Committee on Public Buildings and Grounds.

By Mr. PEARRE: A bill (H. R. 17050) to amend an act entitled "An act to establish a code of law for the District of Columbia"—to the Committee on the District of Columbia.

By Mr. UNDERWOOD: A bill (H. R. 17051) to protect merchants and traders from oppression by trusts and combines—to the Committee on the Judiciary.

By Mr. RICHARDSON of Alabama: A bill (H. R. 17052) to authorize the building of a railroad bridge across the Tennessee River at a point between Lewis Bluff, in Morgan County, Ala., and Guntersville, in Marshall County, Ala.—to the Committee on Interstate and Foreign Commerce.

By Mr. DICK: A bill (H. R. 17053) to provide for a militia veteran reserve, and for other purposes—to the Committee on Militia.

Also, a bill (H. R. 17054) to provide for the organization of the United States volunteer reserve, and for other purposes—to the Committee on Military Affairs.

By Mr. GARDNER of Michigan: A bill (H. R. 17055) to increase the limit of cost for the purchase of site and the erection of a public building at Battle Creek, Mich.—to the Committee on Public Buildings and Grounds.

By Mr. LOUDENSLAGER: A bill (H. R. 17084) relating to the payment and disposition of pension money due to inmates of the Government Hospital for the Insane—to the Committee on Pensions.

By Mr. SUTHERLAND: A joint resolution (H. J. Res. 257) authorizing the printing of additional copies of Report on Irrigation in Utah—to the Committee on Printing.

By Mr. EDWARDS: A memorial adopted by the senate of Montana, urging appropriation providing for the surveying and defining of the boundary line between Idaho and Montana—to the Committee on Appropriations.

By Mr. MILLER: A memorial concerning commerce between the several States of the Union—to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. COWHERD: A bill (H. R. 17056) granting a pension to Thomas C. Baldwin—to the Committee on Invalid Pensions.

By Mr. CUSHMAN: A bill (H. R. 17057) granting a pension to Philetus G. Burch—to the Committee on Invalid Pensions.

By Mr. DOUGHERTY: A bill (H. R. 17058) granting an increase of pension to William A. Graham—to the Committee on Invalid Pensions.

By Mr. GRAFF: A bill (H. R. 17059) for the relief of Noah Dillard—to the Committee on Claims.

By Mr. GRIFFITH: A bill (H. R. 17060) granting an increase of pension to Eli Duvall—to the Committee on Invalid Pensions.

By Mr. HASKINS: A bill (H. R. 17061) granting an increase of pension to Carlos H. Rich—to the Committee on Invalid Pensions.

By Mr. LITTLEFIELD: A bill (H. R. 17062) to authorize the President to appoint Gen. A. S. Daggett to the grade of major-general in the United States Army on the retired list—to the Committee on Military Affairs.

By Mr. McCALL: A bill (H. R. 17063) granting an increase of pension to Rose Murphy—to the Committee on Invalid Pensions.

By Mr. MORRELL: A bill (H. R. 17064) granting a pension to Martha A. Much—to the Committee on Pensions.

By Mr. POWERS of Massachusetts: A bill (H. R. 17065) granting a pension to Charles A. Hunter—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Alabama: A bill (H. R. 17066) for the relief of A. J. Harper—to the Committee on Claims.

By Mr. SHALLENBERGER: A bill (H. R. 17067) granting a medal to George W. Churchill—to the Committee on Military Affairs.

By Mr. SIMS: A bill (H. R. 17068) to correct the military record of John Turnbo, deceased—to the Committee on Military Affairs.

Also, a bill (H. R. 17069) for the relief of J. M. Rice—to the Committee on War Claims.

By Mr. SKILES: A bill (H. R. 17070) granting a pension to Walter J. Sutter—to the Committee on Pensions.

Also, a bill (H. R. 17071) granting a pension to B. W. McCray—to the Committee on Invalid Pensions.

By Mr. SUTHERLAND: A bill (H. R. 17072) granting a pension to Winfield S. Webster—to the Committe on Invalid Pensions.

By Mr. HENRY C. SMITH: A bill (H. R. 17073) granting a pension to Jane C. Van Akin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17074) granting a pension to Martha Higgins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17075) for the relief of William A. Clark—to the Committee on War Claims.

By Mr. TIRRELL: A bill (H. R. 17076) to authorize the conveyance to the town of Winthrop, Mass., for perpetual use as a public road, a certain tract of land—to the Committee on Military Affairs.

By Mr. HEPBURN: A bill (H. R. 17077) granting a pension to Malissa F. Northrup—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17078) granting an increase of pension to John Newsome—to the Committee on Invalid Pensions.

By Mr. MEYER of Louisiana: A bill (H. R. 17079) for the relief of Francis M. Fisk—to the Committee on War Claims.

By Mr. DAYTON: A bill (H. R. 17080) granting an increase of pension to Mary C. Hanen, widow of Jeremiah L. Hanen—to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 17081) granting a pension to Mary Hon, widow of Moses J. Hon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17082) for the relief of Thomas Beatty—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17083) granting an increase of pension to George W. Schachleiter—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Resolution of International Brotherhood of Electrical Workers, Philadelphia, favoring the repeal of the desert-land law—to the Committee on the Public Lands.

By Mr. ALEXANDER: Resolutions of North Tonawanda (N. Y.) Board of Trade, protesting against House bill 12762, to authorize the Mather Power Bridge Company to erect experimental span in Niagara River at Buffalo, N. Y.—to the Committee on Interstate and Foreign Commerce.

By Mr. BENTON: Petitions of retail druggists of Carterville, Monett, Joplin, Mindenmines, and Golden City, Mo., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. CASSINGHAM: Petition of the Woman's Christian Temperance Union of Alexandria, Ohio, in favor of legislation in restraint of the liquor traffic—to the Committee on Alcoholic Liquor Traffic.

By Mr. CLARK: Map of a portion of the Missouri River near Marthasville, Mo., to accompany petition for river improvement—to the Committee on Rivers and Harbors.

By Mr. COOPER of Wisconsin: Petition of the Good Shepherd Church, Racine, Wis., for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

Also, petition of retail druggists of Beloit, Wis., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, resolutions of Milwaukee Typographical Union, No. 23, favoring the repeal of the desert-land and homestead-commutation acts—to the Committee on the Public Lands.

By Mr. ESCH: Petition of Bush Praise Woman's Christian Temperance Union, Lafayette, Wis., in favor of legislation in restraint of the liquor traffic—to the Committee on Alcoholic Liquor Traffic.

By Mr. GRAHAM: Petition and circular of the International Reform Bureau, in support of the anticanteen law—to the Committee on Military Affairs.

By Mr. HAMILTON: Petition of A. B. Wheeler & Co. and retail druggists of Berrien County, Mich., in favor of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. HEPBURN: Petition of citizens of Lineville, Iowa, to accompany House bill 15405, granting a pension to Harvey Gaskill—to the Committee on Invalid Pensions.

Also, resolutions of the Baptist Church, Methodist-Episcopal Church, and Christian Church, of Murray, Iowa, for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. HULL: Paper to accompany House bill 13142, granting an increase of pension to Jonathan Mohler—to the Committee on Invalid Pensions.

By Mr. JACKSON of Kansas: Petition of retail druggists of Coffeyville, Kans., for the enactment of House bill 178, for reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. LLOYD: Petition of druggists and citizens of Gibbs, Mo., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. MAYNARD: Petition of the heir of William Lowe, deceased, late of Norfolk County, Va., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. McRAE: Petition of J. F. Tidwell and 2 other retail druggists of Waldo, Ark., for the removal of tax upon tobacco—to the Committee on Ways and Means.

By Mr. MIERS of Indiana: Papers to accompany House bill 15780, granting a pension to John R. Ward—to the Committee on Invalid Pensions.

By Mr. MINOR: Petition of retail druggists of Kaukauna, Wis., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. RICHARDSON of Alabama: Papers to accompany House bill for the relief of A. J. Harper—to the Committee on Claims.

By Mr. RICHARDSON of Tennessee: Resolution of quarterly court of Marshall County, Tenn., and quarterly court of Lincoln County, Tenn., for an appropriation for the improvement of Elk River—to the Committee on Rivers and Harbors.

By Mr. ROBINSON of Indiana: Petition of S. Bash & Co., of Fort Wayne, Ind., favoring the passage of the Elkins bill, to increase the jurisdiction and powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. RUPPERT: Resolutions of the Board of Trade of Chicago, Ill., protesting against merging the Interstate Commerce Commission with the proposed department of commerce and labor—to the Committee on Interstate and Foreign Commerce.

By Mr. SKILES: Petitions of retail druggists of Ashland, Edison, Danville, and other towns in Ohio, urging the reduction of the tax on alcohol used in medicinal preparations—to the Committee on Ways and Means.

Also, petition of the Woman's Christian Temperance Union of North Fairfield, Ohio, for the passage of a bill to forbid the sale

of intoxicating liquors in all Government buidings, etc.—to the Committee on Alcoholic Liquor Traffic.

Also, resolution of the Board of Commerce of Norwalk, Ohio, asking for appropriate legislation for the Territory of Alaska—to the Committee on the Territories.

By Mr. SPERRY: Petition of retail druggists of Guilford, Conn., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. WILEY: Petitions of E. G. Fowler, of Montgomery, and William Loyd, of Pineapple, Ala., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. WILLIAMS of Illinois: Paper to accompany House bill granting a pension to Mastin W. Bond—to the Committee on Invalid Pensions.

SENATE.

TUESDAY, *January 27, 1903.*

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Journal of yesterday's proceedings was read and approved.

LEGISLATIVE JOURNAL OF HAWAII.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting a copy of the journal of the senate of the second legislative assembly of the Territory of Hawaii in special session begun on the 20th day of November, 1902, and concluded on the 6th day of December, 1902; which was ordered to be printed, and, with the accompanying document, referred to the Committee on Pacific Islands and Porto Rico.

PUGET SOUND AND LAKES WASHINGTON AND UNION CANAL.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of War, transmitting a letter from the Chief of Engineers. The attention of the Senator from Washington [Mr. TURNER] is called to the communication, which is in response to a resolution submitted by him a few days ago. The communication from the Chief of Engineers will be read.

The Secretary read as follows:

OFFICE OF THE CHIEF OF ENGINEERS,
UNITED STATES ARMY,
Washington, January 23, 1903.

Hon. ELIHU ROOT, *Secretary of War.*

SIR: I have the honor to return herewith a resolution of the Senate of the United States, dated January 21, 1903, directing the Secretary of War to transmit to the Senate the report of the Board of Engineers constituted to determine the feasibility of constructing a canal connecting Puget Sound with Lakes Washington and Union.

The river and harbor act of June 13, 1902, required the appointment of a Board of Engineers to consider the aforesaid subject, and directs that the report of such board shall be submitted to Congress at the present session.

The report of the board was received in this office a few days ago, and it is the intention to send it to Congress, as required by the law, just as soon as it can be properly examined and prepared for printing. The report is voluminous and it is essential that it be given careful consideration before submission to Congress. It is probable that it can be submitted to the Secretary of War within a few days.

Very respectfully, your obedient servant,

G. L. GILLESPIE,
Brigadier-General, Chief of Engineers, U. S. Army.

Mr. TURNER. I move that the communication and accompanying letter from the Chief of Engineers lie on the table.

The motion was agreed to.

CREDENTIALS.

Mr. DUBOIS presented the credentials of Weldon B. Heyburn, chosen by the legislature of the State of Idaho a Senator from that State for the term beginning March 4, 1903; which were read and ordered to be filed.

Mr. MCCUMBER presented the credentials of HENRY CLAY HANSBROUGH, chosen by the legislature of the State of North Dakota a Senator from that State for the term beginning March 4, 1903; which were read and ordered to be filed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 1592) for the relief of F. M. Vowells.

The message also announced that the House had passed with amendments the following bills in which it requested the concurrence of the Senate:

A bill (S. 3243) to redeem certain outstanding certificates of the board of audit of the District of Columbia; and

A bill (S. 4221) authorizing the Commissioners of the District of Columbia to extinguish a portion of an alley in square 189.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 13630) to provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes;

A bill (H. R. 13781) to quitclaim all interest of the United States of America in and to square 1131 in the city of Washington, D. C., to Sidney Bieber;

A bill (H. R. 14899) to amend an act entitled "An act to incorporate the National Florence Crittenton Mission;"

A bill (H. R. 15799) to confirm the name of Seward square for the space formed by the intersection of C street south and Pennsylvania and North Carolina avenues, District of Columbia;

A bill (H. R. 16099) to cancel certain taxes assessed against the Kall tract; and

A bill (H. R. 16970) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1904, and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President pro tempore:

A bill (S. 252) granting an increase of pension to Levi H. Peddycoard;

A bill (S. 1131) granting an increase of pension to Sydda B. Arnold;

A bill (S. 1614) granting an increase of pension to Nelson W. Carlton;

A bill (S. 1637) granting an increase of pension to Annie A. Neary;

A bill (S. 1903) granting an increase of pension to Hamline B. Williams;

A bill (S. 1978) granting an increase of pension to Wesley S. Potter;

A bill (S. 2084) granting an increase of pension to Samuel E. Ewing;

A bill (S. 2296) to amend an act approved March 2, 1895, relating to public printing;

A bill (S. 2806) granting an increase of pension to Laura S. Picking;

A bill (S. 2863) granting an increase of pension to Mary L. Purington;

A bill (S. 3238) granting a pension to Martha E. Hench;

A bill (S. 3250) granting an increase of pension to Winfield S. Pietz;

A bill (S. 3298) granting an increase of pension to William A. Gemball;

A bill (S. 3607) granting an increase of pension to Oliver P. Helton;

A bill (S. 3644) granting an increase of pension to James Mealey;

A bill (S. 3730) granting an increase of pension to Jonas Olmstead;

A bill (S. 3773) granting an increase of pension to Leroy Roberts;

A bill (S. 3940) granting an increase of pension to Eliza C. Deery;

A bill (S. 3970) granting an increase of pension to Mary E. Fales;

A bill (S. 4121) granting a pension to Elizabeth Jacobs;

A bill (S. 4296) granting a pension to Andrew Ady;

A bill (S. 4332) granting an increase of pension to Mary B. Heddelson;

A bill (S. 4401) granting an increase of pension to Frederick Kropf;

A bill (S. 4412) granting an increase of pension to John J. Rees;

A bill (S. 4515) granting an increase of pension to Alfred O. Blood;

A bill (S. 4827) granting an increase of pension to George W. Stott;

A bill (S. 5244) granting an increase of pension to William H. Maxwell;

A bill (S. 5280) granting a pension to Dollie Casens;

A bill (S. 5352) granting an increase of pension to William Flinn;

A bill (S. 5355) granting an increase of pension to George A. King;

A bill (S. 5412) granting an increase of pension to Henry E. Spring;

A bill (S. 5642) granting an increase of pension to Nicholas Smith;

A bill (S. 5976) granting an increase of pension to Melton Frazier;

A bill (S. 6071) granting an increase of pension to Mary Manes;
A bill (S. 6155) granting an increase of pension to William Markle;
A bill (S. 6182) granting an increase of pension to Lela L. Egbert;
A bill (S. 6257) granting an increase of pension to Mary B. Keller;
A bill (S. 6361) granting a pension to Emma Dean Powell;
A bill (S. 6467) granting an increase of pension to Sarah E. Ropes;
A bill (S. 6492) granting an increase of pension to Thomas Starrat;
A bill (S. 6514) granting an increase of pension to Stephen J. Houston;
A bill (S. 6526) granting an increase of pension to Orin T. Fall;
A bill (S. 6543) granting an increase of pension to David G. Morgan;
A bill (S. 6614) granting an increase of pension to Bertha R. Koops;
A bill (S. 6693) granting a pension to Mary J. Ivey;
A bill (H. R. 2974) for the relief of J. V. Worley;
A bill (H. R. 6649) for the relief of Julius A. Kaiser;
A bill (H. R. 7664) providing for the compulsory attendance of witnesses before registers and receivers of the land office;
A bill (H. R. 10300) conferring jurisdiction upon the circuit and district courts for the district of South Dakota in certain cases, and for other purposes;
A bill (H. R. 10522) to provide for laying a single electric street-railway track across the Aqueduct Bridge in the District of Columbia, and for other purposes;
A bill (H. R. 14518) granting an increase of pension to James D. Kiper;
A bill (H. R. 15066) to incorporate the Association of Military Surgeons of the United States;
A bill (H. R. 15510) to promote the efficiency of the Philippine constabulary, to establish the rank and pay of its commanding officers, and for other purposes;
A bill (H. R. 15708) to extend the time for the completion of the incline railway on West Mountain, Hot Springs Reservation; and
A joint resolution (H. J. Res. 16) to carry into effect two resolutions of the Continental Congress directing monuments to be erected to the memory of Gens. Francis Nash and William Lee Davidson, of North Carolina.

PETITIONS AND MEMORIALS.

Mr. FOSTER of Washington presented a memorial of sundry citizens of Tekoa, Wash., and a memorial of sundry citizens of Colfax, Wash., remonstrating against the repeal of the desert-land law and the commutation clause of the homestead act; which were referred to the Committee on Public Lands.

He also presented a memorial of the Womans' Christian Temperance Union of Tenino, Wash., remonstrating against the repeal of the present anticanteen law; which was referred to the Committee on Military Affairs.

He also presented a petition of the Woman's Christian Temperance Union of Tenino, Wash., praying for the enactment of legislation to prohibit the sale of intoxicating liquors, opium, tobacco, and firearms to the "child races" of the earth; which was ordered to lie on the table.

He also presented a petition of Local Union No. 244, American Federation of Labor, of Seattle, Wash., praying for the passage of the so-called eight-hour bill; which was ordered to lie on the table.

Mr. SCOTT presented a petition of Elkhorn Lodge, No. 304, Order of B'rith Abraham, of Keystone, W. Va., praying for the enactment of legislation to modify the methods and practice employed by the immigration officers at the port of New York; which was referred to the Committee on Immigration.

Mr. RAWLINS presented a petition of sundry citizens of Utah, praying for the enactment of legislation providing for the opening to entry of the asphaltum lands in the Uncompahgre Indian Reservation; which was referred to the Committee on Public Lands.

Mr. KEAN presented a petition of Carpenters and Joiners' Local Union, No. 325, American Federation of Labor, of Paterson, N. J., praying for the repeal of the desert-land law and the commutation clause of the homestead act; which was referred to the Committee on Public Lands.

He also presented the petition of Rev. J. L. Stoddard, of Jersey City, N. J., praying for the enactment of legislation to recognize and promote the efficiency of chaplains in the Army; which was referred to the Committee on Military Affairs.

He also presented a petition of the Organized Aid Association, of Plainfield, N. J., praying for the enactment of legislation to restrict immigration; which was ordered to lie on the table.

He also presented a petition of Lodge No. 130, Order of B'rith Abraham, of Bayonne, N. J., praying for the enactment of legislation to modify the methods and practice pursued by the immigration officers at the port of New York; which was referred to the Committee on Immigration.

He also presented memorials of J. A. Cornwall, of Vineland; of John Pennison, of Vineland; of David D. Ackerman, of Gloster; of L. F. Babcock, of Vineland; of the congregation of the First Methodist Episcopal Church of Vineland; of Walton B. Leeds, of Moorestown; of J. B. Hayes, of Moorestown; of Alfred W. Leeds, of Moorestown; of Hugh Graham, of Kearney; of G. A. Mitchell, of Vineland; of James A. Wood, of Vineland; of W. P. Lyzott, of Vineland; of H. F. Henderson, of Vineland; of the Woman's Christian Temperance Union of Point Pleasant, and of sundry citizens of Harrison, all in the State of New Jersey, remonstrating against the repeal of the present anticanteen law; which were referred to the Committee on Military Affairs.

He also presented a petition of Carpenters and Joiners' Local Union, No. 429, American Federation of Labor, of Montclair, N. J., praying for the passage of the so-called eight-hour bill; which was ordered to lie on the table.

He also presented memorials of the Trent Tile Company, of Trenton; of the Joseph Campbell Preserve Company, of Camden, and of James R. Sayre, jr., & Co., of Newark, all in the State of New Jersey, remonstrating against the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented the petition of John Lucas & Co., of Philadelphia, Pa., praying for the adoption of certain amendments to the so-called pure-food bill; which was ordered to lie on the table.

Mr. CLAY presented a petition of Kadisha Lodge, No. 216, Order of B'rith Abraham, of Atlanta, Ga., praying for the enactment of legislation to modify the methods and practice pursued by the immigration officers at the port of New York; which was referred to the Committee on Immigration.

Mr. DRYDEN presented memorials of the congregation of the Baptist Church of Jacobstown; of the congregation of the First Presbyterian Church of Vineland; of W. H. Bateman, of Cedarville; of W. J. Hamilton, of Dunellen; of J. H. Turney, of Vineland, and of Clarence E. Lush, of Vineland, all in the State of New Jersey, remonstrating against the repeal of the present anticanteen law; which were referred to the Committee on Military Affairs.

Mr. CULLOM presented petitions of Carpenters and Joiners' Local Union No. 174, of Joliet; of Local Union No. 584, of Chicago; of Local Union No. 2, of Chicago; of Local Union No. 3, of Chicago; of Local Union No. 8, of Chicago, and of the Trades and Labor Assembly of Ottawa, all of the American Federation of Labor, in the State of Illinois, praying for the repeal of the desert-land law and the commutation clause of the homestead act; which were referred to the Committee on Public Lands.

He also presented petitions of Local Union No. 465, of Ottawa; of Local Union No. 705, of O'Fallon; of Local Union No. 264, of South Chicago; of Local Union No. 110, of West Chicago; of the Trades and Labor Council, of Lasalle; of Carpenters and Joiners' Local Union No. 241, of Moline, and of Local Union, No. 141, of Carbondale, all of the American Federation of Labor, and of the Industrial Home Association of Moline, all in the State of Illinois, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. CLAPP presented a petition of sundry citizens of St. Paul and Minneapolis, in the State of Minnesota, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Government buildings; which was referred to the Committee on Public Buildings and Grounds.

Mr. PERKINS presented a petition of Carpenters and Joiners' Local Union No. 766, American Federation of Labor, of San Francisco, Cal., and a petition of Cooks' Helpers Alliance No. 110, American Federation of Labor, of San Francisco, Cal., praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. PROCTOR presented a memorial of the Woman's Christian Temperance Union of Peacham, Vt., remonstrating against the repeal of the present anticanteen law; which was referred to the Committee on Military Affairs.

He also presented a petition of Local Union No. 683, United Brotherhood of Carpenters and Joiners, of Burlington, Vt., praying for the repeal of the desert-land law and the commutation clause of the homestead act; which was referred to the Committee on Public Lands.

He also presented the petition of C. W. Cook, of West Glover, Vt., and 20 other soldiers of the war of the rebellion, from the State of Vermont, praying for the enactment of legislation providing for the care and protection of the Union monuments on the Bull Run battlefield now standing on private ground; which was referred to the Committee on Military Affairs.

Mr. PLATT of Connecticut presented a petition of sundry citizens of Bridgeport, Conn., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Bridgeport, Conn., remonstrating against the repeal of the present anticanteen law; which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Bridgeport, Conn., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in immigrant stations; which was ordered to lie on the table.

He also presented the petition of Rev. W. F. Arms, of Essex, Conn., and a petition of sundry citizens of Bridgeport, Conn., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which were referred to the Committee on Public Buildings and Grounds.

Mr. BEVERIDGE presented a petition of Local Union No. 7, American Federation of Labor, of Muncie, Ind., and a petition of Local Union No. 240, American Federation of Labor, of Lafayette, Ind., praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

STATEHOOD BILL.

Mr. BEVERIDGE. Mr. President, I present a petition and ask that it be read.

The PRESIDENT pro tempore. The Senator from Indiana presents a petition, which he asks may be read. Is there objection? The Chair hears none, and the Secretary will read the petition.

The Secretary read as follows:

BRISTOW, IND. T., *January 3, 1903.*

To Senator BEVERIDGE,
Washington, D. C.

HONORABLE SIR: At a meeting of the citizens and commercial club of the town of Bristow the following resolutions were adopted and ordered forwarded to your address in Washington.

Yours, very respectfully, H. F. JOHNSON.

BRISTOW COMMERCIAL CLUB ROOMS.

Whereas there is now pending in the United States Senate many bills for the relief of the present intolerable conditions now existing in the Indian Territory, looking to the relief of 500,000 loyal American citizens from the inadequacy and insufficient mode of our present form of government; looking to the establishment of a sufficient and very necessary public-school system, of which we are at present wholly without, leaving 100,000 American children to grow up in ignorance and crime, to the detriment of our republican institutions and the foundation of our Government; looking to the proper care and handling of the Indian question, the wards of our Government, to whom we owe a solemn duty to protect and educate, that they may ultimately be able to cope with intelligent and an able people, that they may become self-sustaining and able to care for their own heritage against the ravages, greed, and encroachment of designing persons; and last, but not least, looking to the creation out of a most fertile and productive land of a sovereign and indestructible State, whose people are now worthy of sisterhood in the Union of these grand commonwealths, and amid whose firmament her brightness would never be dimmed by disloyalty, and on whose escutcheon there will be permanently inscribed "Liberty, justice, equality;" and

Whereas the omnibus bill now pending in the Senate seeks by want of legislation to leave us in our now destitute condition, and provides nothing for our urgent needs and wants; and

Whereas the substitute known as the Nelson bill entirely covers the ground and gives us a voice in the framing of a government under which we and our posterity are to live, a right and privilege every American citizen demands and is entitled to under our Constitution and his birthright: Therefore, be it

Resolved, That we are unqualifiedly and unconditionally opposed to the passage of the omnibus bill or any kindred legislation, but ask and demand that the Nelson bill or Beveridge substitute be passed and made a law, to the end that we may become one grand State, united with and on an equal footing with our sister Territory, Oklahoma.

Thus done, passed, and adopted by the Citizens' and Commercial Club of the town of Bristow this 3d day of January, 1903.

H. F. JOHNSON, *Chairman.*
J. W. OVERSTREET, *Acting Secretary.*

The PRESIDENT pro tempore. The petition will lie on the table.

Mr. BEVERIDGE. Mr. President, I have a very large number of other resolutions, not perhaps so well or succinctly put, but to the same purport as the resolution I have asked to have read and which has been read to the Senate. Of course I do not intend to address the Senate or to read them this morning, and perhaps I shall not read them at all; but I could not refrain at this juncture from asking the Senate to listen to this very remarkable resolution of these citizens, which rings with a note of uncommon sincerity, and puts before the Senate not only their desires as citizens, but the wants of their children in the way of preparation for future citizenship.

At some future time, Mr. President, I may introduce further resolutions showing what are the desires of those people and the very unusual and pressing reasons upon which they are based.

Mr. ALDRICH. Mr. President, I rise to a question of order. The matter has passed from the consideration of the Senate, but I desire to call the attention of the Presiding Officer and of the Senate to the rule of the Senate which requires that all petitions shall be presented and referred without debate. The custom has grown up of discussing bills which are before the Senate at other times and in the morning hour to the exclusion of other business of the Senate, and I desire to give notice that hereafter I shall object to any discussion of that kind.

There is another clause of the rules, which undoubtedly has escaped the attention of Senators, that it is not permissible to read an entire petition, but that its contents must be succinctly stated.

Mr. BEVERIDGE. Mr. President, in response to the Senator's point of order, I desire to say that the petition was read by unanimous consent; and with reference to addressing the Senate upon the petition, in so far as I did so, it was done in pursuance of a practice the precedent for which has been set by venerable Senators within this body at the present session.

Mr. QUAY. Mr. President, I rise to a point of order.

The PRESIDENT pro tempore. The Senator from Pennsylvania will state his point of order.

Mr. QUAY. My point of order is that discussion is out of order.

Mr. BEVERIDGE. I distinctly stated that I did not intend to address the Senate.

REPORTS OF COMMITTEES.

Mr. BERRY. I am directed by the Committee on Commerce, to whom was referred the bill (S. 6973) authorizing the city of Nome, a municipal corporation, organized and existing under chapter 21, title 3, of an act of Congress approved June 6, 1900, entitled "An act making further provision for a civil government for Alaska, and for other purposes," to construct a free bridge across the Snake River at Nome City, in the Territory of Alaska, to report it with amendments and to submit a report thereon. I call the attention of the Senator from Washington [Mr. TURNER] to it.

Mr. TURNER. I ask unanimous consent for the immediate consideration of the bill.

The PRESIDENT pro tempore. The bill will be read in full to the Senate.

Mr. QUAY. What is the bill?

Mr. BERRY. It is a bill to build a bridge at Nome.

The Secretary read the bill.

Mr. ALDRICH. I think the routine morning business should be disposed of before any bills are passed. I therefore object to the consideration of the bill.

The PRESIDENT pro tempore. The Senator from Rhode Island objects. The bill will be placed on the Calendar.

Mr. BERRY. I am also directed by the Committee on Commerce, to whom was referred the bill (S. 7004) to extend the time for the completion of a bridge across the Missouri River, to report it without amendment and to submit a report thereon. I call the attention of the Senator from South Dakota [Mr. GAMBLE] to the bill.

Mr. CARMACK, from the Committee on Pensions, to whom was referred the bill (S. 5929) granting a pension to Margaret J. McCranie, reported it with an amendment, and submitted a report thereon.

Mr. GALLINGER (for Mr. CLARK of Montana), from the Committee on the District of Columbia, to whom was referred the bill (S. 6515) to exempt from taxation certain property of the Daughters of the American Revolution in Washington, D. C., reported it without amendment, and submitted a report thereon.

Mr. BARD, from the Committee on Fisheries, to whom was referred the bill (S. 6147) to establish a fish-hatching and fish station in the State of Indiana, reported it without amendment, and submitted a report thereon.

Mr. SIMON, from the Committee on the Judiciary, to whom was referred the bill (S. 6032) to establish a laboratory for the study of the criminal, pauper, and defective classes, reported it with an amendment, and submitted a report thereon.

Mr. DEBOE, from the Committee on Pensions, to whom was referred the bill (H. R. 6161) granting an increase of pension to Homer Davis, reported it without amendment, and submitted a report thereon.

He also (for Mr. PRITCHARD), from the same committee, to whom was referred the bill (H. R. 305) granting an increase of pension to George Heinzman, reported it without amendment, and submitted a report thereon.

Mr. BURTON, from the Committee on Pensions, to whom was referred the bill (S. 5993) granting an increase of pension to James G. Davis, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 6394) granting a pension to Mrs. Evart Ewing Munn, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 4118) granting a pension to Charles Maschmeyer, reported it without amendment, and submitted a report thereon.

Mr. SCOTT, from the Committee on Pensions, to whom was referred the bill (H. R. 10672) granting a pension to Ada S. Kempfer, reported it with amendments, and submitted a report thereon.

Mr. ALDRICH. I am directed by a majority of the Committee on Finance, to whom was referred the bill (H. R. 12704) to increase the subsidiary silver coinage, to report it with an amendment. The bill has not the approval of the minority of the committee.

Mr. JONES of Arkansas. I rose to say that the minority of the committee are opposed to this bill.

The PRESIDENT pro tempore. The bill will be placed upon the Calendar.

Mr. CLAPP, from the Committee on Interstate Commerce, to whom was referred the bill (S. 7053) to further regulate commerce with foreign nations and among the States, reported it with amendments, and submitted a report thereon.

REPORT OF COMMISSIONER OF EDUCATION FOR PORTO RICO.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. FORAKER on the 21st instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed, as it originally appeared in the report of the Secretary of the Interior of the United States, but with the addition of 50 full-page illustrations, 7,000 copies of the report of the commissioner of education for Porto Rico, of which 1,000 shall be for the use of the Senate, 2,000 for the use of the House of Representatives, 2,500 for the use of the Commissioner of Education of the United States, and 1,500 for the use of the commissioner of education for Porto Rico.

REVISED CODE OF DISTRICT OF COLUMBIA.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. DILLINGHAM on the 5th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That 2,500 copies of the revised code of law of the District of Columbia be printed and bound, 500 copies for the use of the Senate, 1,000 for the use of the House of Representatives, and 1,000 for sale by the superintendent of documents.

REPORT ON ALASKAN SALMON FISHERIES.

Mr. PLATT of New York. I desire to call up for consideration the resolution to print the report of the special agent of the Treasury Department on the salmon fisheries of Alaska for 1902, which was reported by me yesterday from the Committee on Printing and objected to by the Senator from Pennsylvania [Mr. QUAY].

Mr. QUAY. What is the request of the Senator from New York?

The PRESIDENT pro tempore. It is the report the Senator from New York made on yesterday. He desires present consideration.

The Secretary read the resolution, which had been submitted by Mr. BARD on the 23d instant, as follows:

Resolved, That the report of Howard M. Kutchin, special agent of the Treasury Department, on the Salmon Fisheries of Alaska, for 1902, be printed, and that 750 additional copies be printed and bound in paper covers for the use of the Treasury Department.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

BILLS INTRODUCED.

Mr. BLACKBURN introduced a bill (S. 7146) for the reference of the claims of certain volunteer soldiers to the Court of Claims; which was read twice by its title, and referred to the Committee on Claims.

Mr. BERRY introduced a bill (S. 7147) for the relief of S. H. Wren; which was read twice by its title, and referred to the Committee on Claims.

Mr. ALGER introduced a bill (S. 7148) replacing burned buildings at Fort Brady, Mich.; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PENROSE introduced a bill (S. 7149) to grant and an honorable discharge from the military service to Joseph W. Myers; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced a bill (S. 7150) to purchase the McLean property and other property at Appomattox, in the State of Virginia; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 7151) to amend section 4921 of the Revised Statutes, relating to preliminary injunctions in patent cases; which was read twice by its title, and referred to the Committee on Patents.

He also introduced a bill (S. 7152) to amend an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved June 13, 1902; which was read twice by its title, and referred to the Committee on Commerce.

Mr. CLAPP (by request) introduced a bill (S. 7153) to authorize any citizen or citizens of the Cherokee Nation by blood to bring suit against the said nation to determine all the rights of intermarried persons in the common property of the nation, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. McCOMAS introduced a bill (S. 7154) granting an increase of pension to Charles H. Boone; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 7155) to amend an act entitled "An act to establish a code of law for the District of Columbia;" which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. FORAKER submitted an amendment relating to the appointment of native citizens of Porto Rico to the United States Naval Academy, intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

He also submitted an amendment relating to the appointment of native citizens of Porto Rico to the United States Military Academy, intended to be proposed by him to the Military Academy appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. McCOMAS submitted an amendment proposing to appropriate $500 to pay William S. Torbert for the preparation of an index to the code of the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

SPANISH-AMERICAN WAR VETERANS' ASSOCIATION.

Mr. PENROSE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed for the use of the Senate 500 copies of S. 6899, to incorporate the Spanish-American War Veterans' Association of the United States.

COURTS-MARTIAL IN THE PHILIPPINES.

Mr. RAWLINS. I offer a resolution and ask for its present consideration.

The resolution was read, as follows:

Be it resolved by the Senate, That the Secretary of War is hereby directed to inform the Senate what courts-martial have been ordered and held in the Philippine Islands, and what judgments rendered by them in consequence of the dispatch sent by the Secretary of War to Major-General Chaffee referred to in the memorandum of the Secretary of War for the Adjutant-General under date of April 15, 1902; also what action was taken by the President or the Secretary of War on the judgment of any court-martial so ordered, either approving or disapproving the same.

Also, that the records in full of the several following courts-martial ordered and held in the Philippine Islands be communicated, to wit:

That on Brig. Gen. Jacob H. Smith.
That on Maj. Edwin F. Glenn, Fifth Infantry.
That on Lieut. Edwin A. Hickman, First Cavalry.
That on Lieut. J. H. A. Day, Marine Corps.
That on Maj. L. W. T. Waller, of the Marine Corps.
That on Lieut. Preston Brown, Second Infantry.
That on Capt. James A. Ryan, Fifteenth Cavalry.
That on Lieut. —— Cooke.
That on Lieut. Julian E. Gaiyot.
That on Lieut. N. E. Cook, of the Philippine Scouts.
That on Lieut. W. S. Sinclair, battalion adjutant, Twenty-eight Infantry.

Also any record or reports of investigations which may be on file in the War Department relating to the case of the so-called "Father Augustine," alleged to have been put to death by Cornelius M. Brownell, formerly a captain of the Twenty-sixth Volunteer Infantry, at Banate, island of Panay, province of Iloilo, in December, 1900, also any investigations made by the Department of Justice into the facts of such case, together with any legal conclusions reached thereon and reported to the War Department.

Mr. LODGE. That is a very long resolution, asking for many documents. I should like to examine it. Let it go over.

The PRESIDENT pro tempore. The resolution will go over under the rule.

ISLE OF PINES.

Mr. CARMACK. I offer a resolution, and ask for its present consideration.

The resolution was read, as follows:

Resolved by the Senate of the United States, That the President of the United States be requested to inform the Senate whether the Government of the Republic of Cuba is exercising right of sovereignty and control over the Isle of Pines, and whether any, and if so, what, instructions have been given for the transfer of said island from the control of the authorities of the United States to those of the Republic of Cuba, and what steps, if any, have been taken to protect the interests of such citizens of the United States as have purchased property and settled in the Isle of Pines believing that it was subject to the sovereignty of the United States.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. ALDRICH. Let the resolution go over.

Mr. PLATT of Connecticut. Let it go over.

The PRESIDENT pro tempore. The resolution will go over under the rule.

Mr. CARMACK. I ask that the resolution I offered be referred to the Committee on Relations with Cuba.

Mr. ALDRICH. I should like to see it in print first. I asked that it might go over.

The PRESIDENT pro tempore. Objection was made, and the resolution went over under the rule.

Mr. CARMACK. In this connection, I present a petition of sundry residents and property owners of the Isle of Pines, relative to the sovereignty and control over that island of the Republic of Cuba. I move that the petition be printed as a document and referred to the Committee on Relations with Cuba.

The motion was agreed to.

COMMITTEE ON RELATIONS WITH CUBA.

Mr. PLATT of Connecticut submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Relations with Cuba be, and it is hereby, authorized to employ an assistant clerk at an annual salary of $1,200, to be paid from the contingent fund of the Senate until otherwise provided for by law.

PANAMA CANAL AND PANAMA RAILROAD.

Mr. TURNER. As the morning business now seems to be concluded, I again ask unanimous consent for the present consideration of Senate bill 6973.

Mr. QUAY. I object for the present, until I can make a motion to take up the statehood bill. I will then yield. I move that the Senate proceed with the consideration of the omnibus statehood bill.

The PRESIDENT pro tempore. The Chair is obliged to lay before the Senate—if the Senator from Pennsylvania will pardon the Chair for one moment—a resolution coming over from a previous day. The resolution will be read.

The Secretary read the resolution submitted yesterday by Mr. MORGAN, as follows:

Resolved, That there be printed for the use of the Senate, as a separate document, the papers included in appendices 1 and 2 to a statement of Col. O. H. Ernst, made to the chairman of the Senate Committee on Interoceanic Canals on June 14, 1900, setting forth certain concessions and laws of Colombia relating to the Panama Canal and the Panama Railroad, which statement was reported to the Senate by said committee on December 12, 1901, on pages 244 to 270, inclusive, of Report No. 1, Fifty-seventh Congress, first session.

2. *Resolved*, That the treaty between the United States and Colombia signed on the 22d of January, 1903, and sent to the Senate, be printed in bill form for the use of the Senate.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

Mr. CULLOM. While I do not believe that it is necessary to reprint the documents referred to or to publish the treaty in bill form, yet I see no particular objection to the resolution.

The resolution was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (H. R. 13630) to provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes;

A bill (H. R. 13791) to quitclaim all interest of the United States of America in and to square 1131 in the city of Washington, D. C., to Sidney Bieber;

A bill (H. R. 14899) to amend an act entitled "An act to incorporate The National Florence Crittenton Mission."

A bill (H. R. 15799) to confirm the name of Seward square for the space formed by the intersection of C street south and Pennsylvania and North Carolina avenues, District of Columbia; and

A bill (H. R. 16099) to cancel certain taxes assessed against the Kall tract.

The bill (H. R. 16970) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1904, and for other purposes, was read twice by its title, and referred to the Committee on Military Affairs.

ORDER OF BUSINESS.

Mr. QUAY. I move that the Senate proceed to the consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. ALDRICH. Mr. President, I rise to a question of order.

The PRESIDENT pro tempore. The Senator from Rhode Island will state his question of order.

Mr. ALDRICH. It is that the motion made by the Senator from Pennsylvania can not be entertained except by unanimous consent at this time, and I interpose an objection and call the attention of the Chair to the rule.

The PRESIDENT pro tempore. Rule VII?

Mr. ALDRICH. The second clause of Rule VII.

The PRESIDENT pro tempore. Will the Senator read Rule VII?

Mr. ALDRICH (reading):

Until the morning business shall have been concluded, and so announced from the Chair, or until the hour of 1 o'clock has arrived, no motion to proceed to the consideration of any bill, resolution, report of a committee, or other subject upon the Calendar shall be entertained by the Presiding Officer, unless by unanimous consent.

Mr. QUAY. That is in the alternative. The first alternative has been arrived at already, because the morning business has been concluded.

Mr. ALDRICH. The first one, but not the second.

Mr. QUAY. Either the morning business must be gone through with or else the hour of 1 o'clock must have arrived.

Mr. ALDRICH. If the Chair has any question about it, I would be very glad to submit some remarks on the subject.

Mr. SCOTT. Mr. President, I should like to have the Chair rule on the point I make. On January 12 I gave notice that after the morning business on Tuesday, January 27, I would ask leave to submit some remarks on Senate joint resolution 133. I ask the Chair whether I am not entitled to the floor after the morning business is concluded?

Mr. ALDRICH. There is a point of order already pending, I suggest.

Mr. QUAY. Mr. President——

The PRESIDENT pro tempore. The Chair will hear what the Senator from Rhode Island has to say, because the inclination of the mind of the Chair is to overrule the point of order. The Chair believes that "or" is in the alternative, as the Senator from Pennsylvania suggests.

Mr. QUAY. If the Senator will yield one moment I will relieve the situation. The Senator from West Virginia has given notice that on the conclusion of the morning business to-day he will proceed to discuss the joint resolution in relation to a commission to investigate the pension laws. I withdraw my motion for the purpose of enabling the Senator from West Virginia to proceed.

Mr. ALDRICH. I shall not object to the withdrawal, although on some subsequent occasion I shall be very glad to submit some remarks upon this question, which I think is an important one in relation to the business of the Senate.

The PRESIDENT pro tempore. It is, and the Chair would be very happy to hear what the Senator has to say in relation to the point of order.

Mr. ALDRICH. However, I shall not undertake to do it now, but will allow the Senator from Pennsylvania to withdraw his motion.

The PRESIDENT pro tempore. The Senator from Pennsylvania withdraws his motion.

Mr. BEVERIDGE. The Senator from West Virginia is ready to proceed.

Mr. QUAY. I withdrew it in order that the Senator from West Virginia might proceed with his remarks.

Mr. BEVERIDGE. The Senator from Pennsylvania had given notice?

Mr. QUAY. Certainly.

BRIDGE AT NOME, ALASKA.

Mr. TURNER. I ask the Senator from West Virginia to allow me to ask unanimous consent for the consideration of the Nome bridge bill, which was reported this morning and has been already read. It will take but a moment.

Mr. SCOTT. I will yield to the Senator from Washington if the bill will not provoke discussion.

The PRESIDENT pro tempore. The Senator from Washington asks unanimous consent to proceed with the consideration of the bill reported by the Senator from Arkansas [Mr. BERRY] from the Committee on Commerce.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 6973) authorizing the city of Nome, a municipal corporation organized and existing under chapter 21, title 3, of an act of Congress approved June 6, 1900, entitled "An act making further provisions for a civil government for Alaska, and for other purposes," to construct a free bridge across the Snake River at Nome city, in the Territory of Alaska, which had been reported from the Committee on Commerce with amendments.

The first amendment was, on page 2, section 1, line 6, after the words "during the," to strike out "opening" and insert "season;" in line 8, after the word "and," to strike out "that;" in line 10, after the word "telegraph," to insert "and other;" and in the same line, after the word "purposes," to insert "and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies;" so as to make the section read:

That the city of Nome, a municipal corporation organized and existing under chapter 21, title 3, of an act of Congress approved June 6, 1900, entitled "An act making further provisions for a civil government for Alaska, and for other purposes," is hereby authorized and empowered to construct, operate, and maintain a free bridge across the Snake River, to be located at such point within the corporate limits of the city of Nome, in said Territory of Alaska, as shall be approved by the Secretary of War: *Provided*, That such bridge shall be constructed as a drawbridge, and the draw shall be

opened promptly upon reasonable signal for the passage of boats. And whatever kind of bridge is constructed, the city of Nome shall maintain thereon at its own expense from sunset to sunrise, during the season of navigation, such lights or other signals as the Light-House Board shall prescribe, and the United States shall have the right of way across said bridge and approaches for postal telegraph and other purposes, and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies, and said bridge shall be so constructed and operated as not to interfere with the navigation of said river.

The amendment was agreed to.

The next amendment was, on page 3, section 2, line 5, after the word "construction," to insert "or after completion;" so as to read:

And should any change be made in the plan of said bridge during the progress of construction or after completion, such change shall be subject to the approval of the Secretary of War; and any changes in said bridge which the Secretary of War may at any time deem necessary and order in the interests of navigation shall be made by the city of Nome at its own expense.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had approved and signed the act (S. 6216) to pay in part judgments rendered under an act of the legislative assembly of the Territory of Hawaii for property destroyed in suppressing the bubonic plague in said Territory in 1899 and 1900, and authorizing the Territory of Hawaii to issue bonds for the payment of the remaining claims.

COMMISSION TO INVESTIGATE PENSION LAWS.

Mr. SCOTT. Mr. President, I ask to have read at the desk the joint resolution (S. R. 133) creating a commission to investigate the present pension laws, which I introduced on the 3d day of December last, upon which I desire to address the Senate.

The PRESIDENT pro tempore. The joint resolution will be read.

The Secretary read the joint resolution, as follows:

Resolved by the Senate and House of Representatives, etc., That a commission consisting of three members of the House of Representatives, to be appointed by the Speaker, and two members of the Senate, to be appointed by the President of the Senate, is hereby created to examine into the present pension laws and report any changes that may be desirable therein; and, further, to investigate the desirability of pensioning all soldiers who served ninety days during the war of the rebellion, were honorably discharged, make application, and have reached the age of 62 years, at the rate of $12 per month.

Said commission is authorized to employ a clerk and stenographer and such other clerical assistance as may be necessary, said stenographer and clerks to be paid such compensation as the said commission may deem just and reasonable.

Said commission shall, on or before February 1, 1904, make report to Congress, which report shall embrace the conclusions reached by said commission on the subjects and laws examined, and any recommendations said commission may see proper to make, by bill or otherwise, respecting said laws.

Any vacancy occurring in the membership of said commission, by resignation or otherwise, shall be filled by the presiding officer of the Senate or House, respectively, according as the vacancy occurs in the Senate or House representation on said commission.

The sum of $5,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the necessary expenses of said commission, such payments to be made on the certificate of the chairman of said commission.

Mr. SCOTT. Mr. President, in rising to speak to the resolution which I offered on December 3, 1902, and which has just been read, I realize that, at first blush, the feeling of partisanship, or, perchance, sectionalism, may be aroused from its slumber. I trust, however, that the real motive and true sentiment of the resolution will find its lodgment, for it is one of patriotism and not sectionalism.

The strength and stability of the Republic depend upon the zeal and patriotism of its citizen soldiers. This was the source of defense relied upon by the founders of our Government after the experience of the Revolution. With marvelous judgment the fathers saw that the defense of the Republic must be vested in all of its citizens, and not in a standing army. To this end a law was enacted making every able-bodied male between the ages of 18 and 45 liable to service in the militia of the several States.

It was the intention of the founders to intrust the defense of the nation to a body of well-trained citizen soldiers, who would spring to arms at the first approach of danger. The plan was one of mutual self-defense.

Instead of a standing army which should be maintained at a heavy expense to the people, the founders wisely decided to reward the soldiers who risked their lives, their health, and their future prospects in the defense of the Republic by appropriate pensions and certain emoluments. They adopted the plan of community of interests. The people were expected to pay the soldiers while in active service, and to maintain them when incapacitated by military service and unable to earn a livelihood. This plan is manifested by a series of laws extending from the early days of the Republic to the present time.

Mr. President, I realize again that in this rapid-transit age, in this era of commercialism, when the wheels of industry sparkle with their rapid revolution, it is hard for those charged with the ship's destiny to steer from breakers, lashed by so strong a current, and anchor for a moment on the crest of patriotism. It is well to listen to the still, small voice that says to us, "It is not all of life to live," if, in living, the nobler and sweeter sentiments are to be blasted by the cold winds of greed, or the flowers to fade by the winter's wind of avarice.

I beg to assure you, Mr. President, that I am moved by memories that are sacred to me, memories of bygone days, memories born amid scenes of carnage and strife, and, standing here beneath the shadow of this noble structure, every stone of which represents a human sacrifice, whose lofty dome as it rises to meet the sun in its coming speaks for those whose voices are hushed in the silent chambers of the dead, to ask this people, whose country, whose Constitution, and whose flag live by their heroism and their blood, to hear the feeble voice of a comrade speaking for those who can not be heard. Allow me to lay the hand of patriotism upon the busy wheels—hush the mad thirst of commercialism, and bid them be still, while "our brothers' blood cries out from the ground," not for vengeance, but for justice.

Deafen our ears as we may, blind our eyes as we will, and steal from our hearts their brightest jewels, the cold, stern fact stares us in the face. Demur if you will, plead as you can, and answer as you may, there is no escaping the judgment, that all we have or may have, or may hope to have, of national wealth, glory, and renown was demised to us by the will of the heroes of the civil war, a testament written in their life's blood and attested by a heroism without a parallel in all history. It is for the survivors of that gigantic struggle; it is for the godfathers of this uncrowned king, who baptized it in blood that it might be saved, that I ask that you pause, turn a moment from the busy scenes that crowd upon you, and "render unto Cæsar the things that are Cæsar's, and unto God the things that are God's." I want to adorn the ushering in of the new year with the adoption of a sentiment, justified by precedent and founded upon the highest principles of human justice and right.

I want to see my country, the "land of the free and the home of the brave," whose flag is ever unfurled to shelter the oppressed; whose great hand reached forth and touched the harp that sent the songs of liberty playing upon the waves of the Caribbean Sea; that gathered the broken fragments of the Antilles and reset them in the coronet of nations; unfurled the lone-star banner of a newborn republic, and erected the temple of human liberty upon the ruins of monarchical tyranny, whose stars now shelter the bleaching bones of her heroes from the tropical skies, be just and liberal to those who gave this arm its strength, and but for whom this giant, if at all, would be dismembered and disemboweled.

How can we, Mr. President, the beneficiaries of this glorious heritage, longer justify or excuse our seeming, if not real, ingratitude? This measure, following the precedent incident to the Mexican war, is intended to remove favoritism and to do equal justice to all alike. We turn to-day and read the aggregate of the pension roll, and rejoice that so much has been given and so many have been provided for. Divine teaching bids us "rejoice with those who do rejoice and weep with those who weep." Mr. President, I feel moved to add my tears to their tears, rather than my rejoicing to their rejoicing, for I can never rejoice so long as I feel that there is one who offered his sacrifice left wandering, uncared for, homeless, and unsheltered.

Large, Mr. President, as the roll now appears, mammoth as seems the aggregate of a nation's bounty, it is an aggregate summed from all its wars. Yet however large that roll be, it is not so large as the muster roll, and no man was summoned who was not needed, and needed at the most momentous hour, and having answered to the call that tried the souls of men, and to which call none but the true and the brave responded, they should not now be forgotten. Go, Mr. President, read the muster roll from '61 to '65, subtract from it those that sleep in the cemeteries, and then compare the remainder with the pension roll, and tell me where that vast army is.

Who cares for them? There is not one of them, perhaps, but was as brave and true a patriot as his comrades, who are now provided for. Their names have never been enrolled upon the pension list; they have been knocking, but knocking in vain. Their names are not written upon the pension roll, but they are written by their heroism upon many a battlefield. By what process of reasoning, upon what principle of justice, by what teaching of humanity shall one-half be clothed and the other naked, one-half be fed and the other hungry? They were as brave as their comrades, their sacrifices were as great, their devotion as true, and their patriotism as loyal.

It is true they returned to home and loved ones with no battle scar to testify and no hospital certificate to bear evidence, but with an honorable discharge as a heritage. Yes, let this heritage

be transmitted to posterity as an heirloom, and while a beautiful inheritance to those who are to live afterwards, it will not drive the winter's wind from the cabin of the aged sire. Mr. President, it is for those whose voices have not been heard that this resolution is intended, to remind the nation of its debt of gratitude to them, and to blaze the way for every veteran that he may find shelter in the home he saved, and that he shall no longer ask for bread and receive a stone.

We, Mr. President, love to boast of the greatness of our country. We write its praises and sing its glories, unmindful of the hands, now withered with age, once crimsoned with blood; of shoulders, now stooped, that once carried the knapsack and the musket; of the head, now bowed beneath the burden of years, that once marched erect to the cannon's mouth. Shall we, revelling in the heritage earned by their valor, withhold from them the crumbs that fall from the nation's table? Shall we demand a pierced hand or a wounded side as evidence, or will we accept the enlistment and honorable discharge as the basis of a verdict of "well done, good and faithful servants?" Are we to sit patiently by and wait until the veteran becomes a pauper before answering his cry or until he begs for bread before we appease his hunger? What a commentary this would be upon our boasted greatness, what a cloud upon the sky of our glory!

Mr. President, are we who rejoice to hear our national anthem resounding throughout a continent, to see one flag, the pride and glory of one people, every stripe of which is a herald of humanity and every star an evangelist of civil and religious liberty, sheltering one country which, to paraphrase the beautiful words of another, "stretches from the easternmost cliff on the Atlantic that blushes in the kindling dawn to the last promontory on the Pacific which catches the parting kiss of the setting sun"—are we then, the beneficiaries of this greatness, to require a pauper's oath or surgeon's certificate before we in some measure make even small acknowledgment of our gratitude by substantial recognition of the sacrifices made in our behalf?

To whom, Mr. President, do we owe all this? Future generations should learn from us where to turn with grateful reverence, and to what shrine to make their pilgrimage. Then why defer it? Why postpone it? Why leave it to others further removed from the scene of action? Why say to the shivering veteran, Wait! He has already waited too long. Yes; the hour has arrived, the duty is ours, the responsibility rests with us, and we should meet it with that rectitude of purpose that has ever characterized our great and glorious people, and marching bravely forward register upon the records of our country a determination that will meet with the approval of every patriot of every section, of every party, and of every creed.

Let us this day declare that not only the blind and the halt, the maimed and the starving, but every soldier who stood under the flag, left his home and his loved ones, and offered himself a sacrifice upon the altar of his country, shall receive from the land he saved a generous recognition of gratitude. Mr. President, if there were no precedent for this resolution, it would be our duty to make a precedent, but it has been made for us, and it is ours to follow. Weigh, Mr. President, the wars of 1845 and 1865—one was for greed and the other for glory, one was to add to our domain the other to save that which was born of the inspired genius of our fathers. The one added a new star, the other saved the galaxy; the one sprinkled the blood upon the outer post, the other crimsoned every field with the world's best and noblest blood from Fort Sumter to Appomattox.

Yet, Mr. President, after forty years, though our nation was still bleeding from the shock of battle, only convalescent from that dreadful catastrophe, a weakling compared with the giant of to-day, we removed all conditions, threw wide open the doors of our Pension Bureau, and gave alike to every soldier of the Mexican war who had reached the age of 62, or to the widow of a soldier. No search light of the physician's skill, no X-rays of judicial investigation, no hospital record, no pauper's certificate, only the enlistment, his honorable discharge, and his age constituted the passport that led him to his country's bounty.

Mr. McCOMAS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from West Virginia yield to the Senator from Maryland?

Mr. SCOTT. Certainly.

Mr. McCOMAS. I am listening with great interest to what the Senator is saying, and I wish to ask him at this point if the Mexican pension law was not passed about 1886?

Mr. SCOTT. It was passed in 1887. I am coming to that in a moment.

Mr. President, have we grown colder now than then? Has our patriotism been chilled by our growth and our sense of duty overshadowed by our greed and avarice? I may be answered that the roll is greater now than then, and the burden would fall heavier upon the shoulders of the people. I reply that the nation is greater, its shoulders are broader, and its frame more gigantic. Yes, the proportion is vastly greater in favor of the strength and ability of the nation than is the veteran roll call of the survivors of the Mexican war, as compared with the war of '61 and '65.

Mr. President, when that resolution was passed in 1887 we were an isolated people, ranking scarcely fifth among the commercial nations of the world. To-day, by the blessings of a kind Providence and the energy of a brave people, we have passed full mast from the lonely sea of isolation into the great ocean of nations, and we must take our place in bearing the responsibilities and discharging the obligations of the leading nations of the world. We rejoice to-day when the roll call is sounded to hear this, the uncrowned king of the world, answering first to the call.

Yes; from our garners of agriculture we are feeding the world. We behold with pride American machinery spanning the waters of the Nile, and hear the echo of the whistle of the American engine amid the Egyptian pyramids. We read the records and strike the balance of trade and find more than $600,000,000 to the credit of the American merchant, while the seas of the world are being whitened with the sails of American commerce. Yes; she is destined to conquer the world, not through carnage nor by the sword, but by the great principles of true Americanism. She is destined to conquer the world's trade and place the crown of American prosperity upon the throne of conquered empires.

Then, Mr. President, let her commercial growth fan and not smother the fires of her patriotism. These are the two great essential pillars upon which this mighty structure must rest. Is there one here who is not proud alike when he watches the march of his country's prosperity into the fields of older countries and when he beholds his flag waving in triumph over the imperial ruins of Spain, whose folds were unfurled in liberty's name and bathed in the blood that heroes gave it? Mr. President, we can not, if we would, deny our ability to fulfill the requirements of this resolution. Are you willing to confess your refusal to do justice to our veterans?

Mr. President, were we unable, I should say to my comrade, wait, and from his withered lips you would hear no murmur; but the table is laden with the fruits of his toil, while over yonder he sits weary and lonely by the roadside, his threadbare coat wrapped about him, his palsied arm hanging heavily by his side, his tired limbs trembling with years and cares, and waking from his reverie hears the command "Thou shalt sow, but thou shalt not reap; thou shalt plant the olives, but thou shalt not anoint thee with oil." Do I hear it whispered that we are not able to feed the hungry and clothe the naked? Do you tell me the pension roll has grown too large? I answer, Mr. President, that it is not larger than the muster roll—one is and must be measured by the other. I would not add one name to the one, and God forbid that I should obliterate one from the other. By the sacrifices of the one we must measure our liability to the other. We have received more than we can ever give.

At the famous Hampton Roads conference, called with the hope of ringing down the curtain upon that tragic stage, when the representatives of the Union and the Confederacy met, Mr. Lincoln, it is reported (though since denied), pointing to a sheet of paper he held in his hand, addressing Mr. Stephens of the Confederacy, said: "Let me write Union at the top of that page, and you may write below it whatever else you please." Mr. President, it is a sad contemplation that it was not then written, for it would have saved many a tear, many a grave, and many a home. Aye, could the recording angel have dropped a tear upon the scene and blotted out forever all that followed; but the hour had not arrived; the decree had not been written.

To-day, Mr. President, we rejoice that we can read written upon the canopy of our country that glorious word "Union," a word so cherished by the world's noblest patriots and so revered by us all. It was not written upon that sheet of paper, but it stands to-day written in the blood of the Union soldiers; and I ask in the name of the dead, and I ask, as I catch inspiration from our brothers' blood that cries out from the ground, let us write beneath that word simply gratitude, substantial gratitude, in practical provision for those who made it possible for you and me to see written there "Union."

Again, Mr. President, I would answer the miser's cry, that the pension roll is too large, by reminding him that we would deserve no credit did we make no sacrifices. The question of the hour is, Is it our duty? And we can not measure duty by the unit of the dollar. When our country called for volunteers, "Are you able and willing to fight?" was the extent of the inquiry. His name was entered upon that roll, his knapsack was strapped about him; he turned from the sweet companionship of home, mother, wife, and sweetheart to the association of his gun. He did not negotiate upon the price; he was not fighting for money, for individual fame, but for the preservation of this our glorious Union.

I ask you—and let this question be forever written upon the records; let it echo along the corridors of time; let it appeal to every heart—who was it made imperishable and indissoluble this

our glorious Union? It was the blood of the Union soldier that cemented the stones erected by the fathers of the Constitution; and they are not asking for the "last drop of blood, and the last pound of flesh," but are asking for an equitable distribution of the fruits of their handiwork.

Mr. President, this resolution provides that he be paid $12 per month after reaching the age of 62 and making application for same. This will be a scanty living; even then the wolf will howl close by. After the age of 62 few men, especially those who have undergone the hardships of war, are able to do manual labor. Many of these are to-day worthy; many of these are at this hour suffering for the necessaries of life. "The birds of the air have nests, and the foxes have holes," but many of our comrades have not where to lay their heads. You may answer me that there are many pension statutes now upon the records. Yes, and they are so constructed, as you will see by illustrations in the appendix, which I ask leave to print as a part of my remarks, that it is as "hard for a camel to go through the eye of a needle" as it is for a Union soldier to pass muster through the technicalities and red-tape humbuggery of the pension statutes. He must pass through a fiery furnace as galling as a political aspirant imagines the civil service requirements to be. Yes, Mr. President, he must stand every kind of an examination but a post-mortem one, and many of them have long since become subjects for the doctor's knife waiting at our door for that relief which never came. Mr. President, I believe this resolution will meet with the hearty approval of a brave and generous people. I know it will meet with the approval of our conscience.

I said, Mr. President, in the beginning that this measure was not partisan or sectional. I hope and believe that I have touched a higher and nobler chord than partisanship; I feel sure that I have invited you to a sweeter and holier atmosphere than sectionalism. I thank the God who has so abundantly blessed our glorious country that you and I have lived to see the curtain rung down upon the tragic state of the secession war. We have seen the red billows of that awful drama spanned by the arm of American patriotism, and by that inspiration this moment reflected from the beautiful and sunlit slopes of our Arlington—once dedicated to sectionalism, but to-day, under this holier and sweeter dispensation, receiving in its bosom the sons of those who wore the blue and those who wore the gray.

I hear the death knell of sectionalism echoing from the heights of San Juan Hill, where the intrenched foe and the burning July sun of a tropical sky could not wither the love for one flag, one country, and one Constitution; and when the crimson tide had rolled back and the smoke of battle had cleared away in the embrace of death lay the sons of those who wore the blue and those who wore the gray. How inspiring to those who were participants in that great struggle to watch the dead borne from that battlefield; follow each to his last resting place; and yonder, Mr. President, in some far-off Southern State, see that little graveyard near the old church; read the inscription upon a plain, rude stone, which tells where sleeps a Confederate soldier, wrapped in his Confederate gray, and about him the flag for which he died.

A new grave is being opened; the once young wife returns to-day to that sacred mound, now an aged mother. Twice has life been darkened to her by its sad pilgrimage to this hallowed spot. To-day it is the son, who, on her last visit, was a babe at her breast. As the casket is lifted from the hearse and is opened by the side of a new-made grave, that all that is earthly may receive a mother's kiss, and as the coffin closes with a mother's tears bedewing, not the grave, but the Stars and Stripes, by the ashes of a Confederate father we lay to-day all that is mortal of a Union soldier; and side by side the blue and the gray, the father and the son, bathed with a devoted wife's and mother's tears, will sleep to answer the final call.

Mr. President, were one to rise from the dead the evidence of reunion could not be stronger, and the loyalty of that section once in rebellion could not be better proven.

Mr. President, that this resolution is not sectional—I believe and I speak as one who knows the Southern sentiment—that it will find there, if not here, a hearty approval. I believe that we have lived to see a full realization of the prophetic words uttered by that immortal statesman, patriot, and philanthropist, Abraham Lincoln, more than forty years ago, when the clouds of sectionalism hung in somber gloom; when the fiery serpents of discord played about the horizon; when the earth trembled beneath his feet and the air was rent with the discordant notes of "Union and Disunion," like the majestic oak, baring its breast to the beating storm, and rising resplendent in all the glory of its majestic greatness, surveying the field, and calmly counting the cost, he said:

We are not enemies, but friends; we must not be enemies; though passion may have strained it must not break our bonds of affection. The mystic chords of memory, stretching from every battlefield and patriot grave to every living heart and hearthstone all over this broad land, will yet swell the chorus of the Union, when again touched, as assuredly they will be, by the better angels of our nature.

Mr. President, I to-day hand you the golden cord stretching from every battlefield and patriot grave to your own living heart and hearthstone, and I trust the batteries may be awakened by the better angels of our nature, and the electric spark of patriotism carry the glad message to every home and gladden every hearthstone all over this broad land.

Mr. President, it will disturb no slumbering ashes of sectionalism, for the threads of the blue and the gray have been rewoven in our national loom of patriotism; and from this, our nation's capital, I turn my eyes to behold the blue sky of our Southland; I find there New England capital erecting cotton mills on fields once crimson with the world's best and noblest blood! The sword has been transformed into the plowshare; her wounded side is healed, the hand once red to-day wields the hammer and the sledge, and the echo resounding from her splendid industrial development is the glorious evidence of one imperishable and indestructible Union. With prosperity at home, with prestige abroad, we can defend the honor of our flag; either on land or on sea, alone or accompanied by the Constitution, for it is our flag. By American valor it will hover as a guardian angel above the graves of our valiant dead, and between it and dishonor every Southern sword will leap from its scabbard and by its side every Southern hero will proudly die.

Mr. President, those two great armies added luster and glory to each other; they have erected an imperishable monument to American valor, American chivalry, and American patriotism. We would not pluck one flower from the garland that festoons the memory of the one, and we know that no star will ever fade from the immortal crown of the other. Again, Mr. President, I would impress upon you that the time has arrived, the hand points to the hour on the dial, when this resolution should be enacted into statute. Forty years will have passed since the last gun was fired, and, in the light of precedent, by the guidance of humanity, no member of this body can justify opposition to a measure fraught with impartial justice and duty to our comrades.

I said, Mr. President, that it would not meet with opposition from our Southern friends, for there, almost without financial ability, they have set us the example; and for myself, with all my heart I approve and applaud the magnanimity of those Southern States, rising as they have from the ashes of desolation and ruin, who, from their scanty treasuries, are from year to year increasing and enlarging their pensions to the survivors of the lost cause. They are giving more in proportion than is this great Government, and their gifts are not surrounded with the cobweb of technicalities; no pension bureau to maintain; no medical boards and special examiners; no secret-service watchmen; no judicial bodies nor executive councils to sit in judgment; and, above all, no paupers' petitions to be presented.

I hand you here, Mr. President, this beautiful and appropriate New Year's greeting by the Commissioner of Pensions to his fifteen hundred colaborers. Read it and weigh it, and its very truth argues, tenfold greater than I, why all this red tape, all this retinue, all this army of doctors and special examiners should cease to be a charge upon the bounty due to the Union soldiers; and, Mr. President, the passage of this resolution would dispense with a greater part of all the laborers engaged in such momentous duties as are set out in this New Year's greeting, which I will ask the Secretary to read.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

A NEW YEAR'S GREETING.

To my Coworkers in the Pension Bureau:

There are no places in the Government employ which require a higher order of ability than in the Pension Bureau. A knowledge of law, of medicine, and of military affairs are required in the adjudication of pension claims. The duties are not in their nature clerical, but are in their nature judicial. The employees of the Pension Bureau should constitute the élite corps of the civil service in Washington. I hope it will be so. There are men in the Pension Bureau who have led brigades. There are men who are capable of filling high legislative, executive, and judicial positions. There are not 1,500 people associated together on earth anywhere with a higher sense of commercial honor. I do not believe that there is in the Government employ any class who work more constantly. There are none who work more loyally and none more conscientiously. I wish them to know that I have confidence in them, and that, having become acquainted with them, I trust them and believe in them, and I wish them to think as much of me as I do of them.

The work done during the past calendar year shows an increase over that done the year before. All work should be done carefully and judicially on cold evidence and cold law, and nothing should be hasty and careless; but I wish that the number of adjudications might be increased during the coming year.

We will not run out of work, because Congress will keep us busy. There are more claims pending to-day than there were six months ago.

In closing I wish to thank my deputies and personal staff for their hearty and loyal support, and I wish to express my admiration for the industry and ability of the division and section chiefs—every one of them; and I wish to express my gratitude to my fellow-workers in the Bureau for the skillful and conscientious manner in which they are discharging their duty.

I wish them all a happy New Year.

E. V. WARE, *Commissioner.*

JANUARY 1, 1903.

Mr. SCOTT. Mr. President, there are no laws upon the statute books needing revision more than our pension statutes. There are many; they were passed at different times, and to meet conditions as they arose. They should be examined and revised, and repealed by one general statute embodying all the law upon that subject as to who should be pensioned, what should be the basis of his claim, and the mode of procedure; and, for God's sake, let his claim rest upon his record on the battlefield rather than upon his hospital report. All know how easy it was, and how fearlessly some could march in a hospital charge; we could be our own captain, both giving and executing the command, with nothing to fear save the dangers incident to a doctor's prescription.

Yes, Mr. President, we find almost as many doctors to-day in the Pension Office passing on cases as we found in all the hospitals healing the wounds and binding the broken members during the war. Why should a corps of learned doctors be maintained to determine from the records whether the poor Union soldier is suffering and disabled from rheumatism contracted from 1861 to 1865, or subsequently thereto? Does it make his pains greater or his needs less? Does it lessen the country's duty? Was he a soldier? Is his name written upon the roll of that immortal band? Was he honorably discharged? Is he disabled? Does he need his country's aid? Is he 62 years of age? No learned surgeon, no trained jurist, no skilled diplomat need be summoned to render judgment, to pass upon legal technicalities, or unravel the mysteries of human anatomy.

Preserved sacred at the War Department is the roll of his enlistment. Laid near his mother's prayer book will be found that parchment showing his honorable discharge. In the family Bible will be found the record of the soldier's advent into this world. The name upon the roll, the date of enlistment, and the discharge, when the three are laid together, you meet the only requirement, the only demand, a grateful people should exact. Our pension system was never intended to depopulate the almshouses of the country, nor was it intended to become a snare and a delusion; but it is a law of compensation, founded upon consideration, to be prosecuted by the highest principles of human justice and executed with patriotism.

Mr. President, do our present statutes measure up to this standard? By them we must stand or fall. To-day, Mr. President, I hold up before the world; yes, by the light of the twentieth century, amid the din and roar of your boasting patriotism, the braggadocio of your country's greatness, while that vast army of Union veterans, decrepit and infirm, weary over the long march of life, and knocking at the door, are passing away "unwept, unhonored, and unsung." They are the same ones who bared their breast to the bayonet, that this very Capitol that shelters you and me might not be destroyed. Let this commission be appointed; let it assume the task that will appeal to duty and to patriotism, and not to partisanship, nor to sectionalism. Let its members be men who can not be swerved from duty by the cheer of the demagogue or the groans of the miser, and recommend to the next Congress such a measure as will simplify our present complex system, and broaden the pedestal of our philanthropy.

I believe, Mr. President, while I am wedded to no particular number of days—I believe when the soldier served ninety days and was honorably discharged, and has reached the age of 62, he should receive from this Government not less than $12 per month. This will give him a few of the necessities and none of the luxuries of life. It is small to the individual, and the aggregate would never be felt by this people. It is not wasted. It is not squandered. Can human genius devise a more appropriate outlay for the accumulated surplus? It would prove a generous method of redistribution.

You ask would I place the soldier who served but ninety days on equality with the one who served from one to four years? For answer, Mr. President, I point you to the beautiful parable of the vineyard. I want no higher guidance—you should ask no other. Let us dispense with that large roll of pension agents whose salaries amount to $72,000 a year; with clerks who are paid $415,164.31; rent for the different agencies, $9,480; contingent expenses, $29,769; and close the door upon the the army of examining surgeons, paid $191,123.85, together with traveling expenses aggregating $502,442.11; this costly paraphernalia of examining soldiers, $1,808,856.

This vast sum is multiplied many times over by the salaries of clerks and other employees. All these could be dispensed with or the greater part of them. And, again, Mr. President, when you examine the course of procedure you discover not only this enormous expense to the Government, but how slowly this great body moves. Many a soldier files his claim, and long before it is reached he has passed over the river and filed a claim elsewhere. Nearly forty years have come and gone; 861,076 applications are on file; of these 470,850 have been allowed, leaving nearly 400,000 not acted on. At this rate it will require eighty years to complete the roll, and when completed there will be none left to answer it.

I have endeavored, Mr. President, merely to drive the entering wedge. I may not live to see the work this day begun finished; I may have joined the ranks of many of the battle-scarred veterans who have gone before; but while I do live I feel that I can dedicate the remainder of this lease of life to no better purpose than in some way to alleviate the wants of my comrades in arms. Let one decree, one verdict, and one judgment adjudicate the claims of our soldiers! Dispense with forms and ceremonies! Remove the clogs of tardy justice! Open wide the door under the command, "Bring your family Bible in one hand, your enlistment and your discharge in the other." The record is then spread out before you; and this would be all the evidence needed as the basis of a pension.

I realize, Mr. President, that in this busy age legislation of this kind is hard to find lodgment; that measures purely humanitarian or patriotic should yield to the demands of commercialism; that the demands of the business man are paramount to all others, and that measures like this should sit supinely by and wait for a more fitting season. Mr. President, all this glitter may not be gold, and when tried might prove but "sounding brass and tinkling cymbal." There may come an awakening from this beautiful dream of commercialism. I fully realize that never before in all history were the wheels of industry moving with such rapidity as now. Fortunes are developing like sparks flashed from some heated iron. The whole world is speeding headlong. The lightnings of heaven are bearing our burdens, transmitting our thoughts, and molding our fortunes.

Into what station we will land only the great engineer, God, can tell. To Him alone doth the searchlight upon the engine show the track beyond the curve. Danger may lie before us. This splendid industrial life may be threatened by foes within or foes without. The very life of the nation itself may again be endangered. Under such a condition, where would you turn? To your commercialism? No; you would turn to the thousands of loyal and patriotic citizens who are ready to lay down life for country. Would such a resolution as the one I am discussing be deemed inappropriate then? You would gladly hug it to your breast, not as a shield, but as an inspiration to the common soldier. Mr. President, the veterans of the sixties are asking no more, they should be content to ask no less, of the Government than has been given to the veterans of the Mexican war. Compare the two wars—one, almost a bloodless journey into the city of Mexico; the other, four long years, whose every pathway was marked by blood and carnage ere the city of the Confederacy was reached. One was to extend the flag, the other to save it. Will you give to the one and deny the other?

Mr. President, we are abundantly able, with more gold in our Treasury than was ever within the vaults of any government on earth before. Our rapid growth and development and the splendor of our genius stand the wonder and study of mankind. Mr. President, the harvest is plentiful, and the laborers must by the laws of nature grow fewer each year. Over the span of forty years many of our comrades will have marched in triumph to that final victory. Let our gratitude cheer the hearts and our bounty brighten the pathway of the survivors. In this our hour of financial triumph, when the oceans touch hands with arms of steel; when every hill and valley is musical with the spirit of our national industry; when the breakers of the sea are bending beneath the burden of our exports; when our surplus is rising higher and higher day after day, until the very bars are bursting with its weight, let us do something else than turn the Union veteran from our door.

Yes, my countryman, let us shake off the frost that chills the spirit of our national patriotism, and by the memory of their noble sacrifices and by that sweet communion with the shadows of our valiant dead, regild the staff of the flag with our loyal love, touch with sacred hand each glittering star, and with filial devotion dedicate anew our lives around the altar made sacred with its folds. Our obligation will not have been paid until the sentinel of the law has sheathed his sword, the barred doors have been loosed, the soldier-proof statutes have been repealed, the army of pension employees disbanded, and one general law embracing the pension system enacted, with the right to pension based upon actual and honorable service in the Army, with a fixed age applying to all alike; and with no other record than the applicant's enlistment and his honorable discharge. When we have gathered the Union veterans from the hedges and the highways, when we have provided a balm in Gilead for every one, when each of them shall live by a nation's generosity, as evidence of a nation's gratitude and patriotism, we can fold our arms and, looking back upon duty well done, say, as did the Hero of Calvary, "It is finished."

APPENDIX.

PENSION LAWS.

The pension laws of the United States comprise a body of special acts, provisions contained in the Revised Statutes, and joint resolutions of Congress, and are published in a volume of about 200 pages, including rules of practice, and procedure, and forms. These laws are a sort of patchwork, covering a long period of years, and embrace:

(*a*) One hundred and twenty-five sections of the Revised Statutes, often amended or modified.

(*b*) One hundred and twenty special acts of Congress.

(*c*) Provisions in 28 appropriation bills.

(*d*) And several joint resolutions.

No attempt has been made to revise or codify the pension laws since 1873, although several attempts have been made in that direction in Congress. These laws have been described as—

"So heterogeneous, fragmentary, and scattered (many provisions of vital importance being found obscurely placed in long and cumbersome appropriation acts), and yet so mutually interdependent as to be extremely difficult of access and comprehension without some authoritative systematic grouping." (Report of Committee on Revision of the Laws, H. R., February 1, 1896, Fifty-fourth Congress, first session, Report No. 219.)

"* * * They consist of many separate acts, framed with little reference to each other, and often giving rise to perplexing questions, such as the question whether pension accrued but not paid at the death of a pensioner shall go to his widow and minor children, or in payment of expenses of last sickness or burial, or be paid in the discretion of the Secretary of the Interior to the legal representatives of the deceased pensioner, or shall lapse." (Report of the Commissioner of Pensions, June 30, 1893.)

"Since the passage of the general law of July 14, 1862, there have been numerous laws amendatory, special and general, with the many rulings and decisions interpreting the laws, until the whole system is a most complex and wonderful network or labyrinth of laws and legal opinions, to the end that a precedent may be cited for any action of this Bureau." (Report of the Commissioner of Pensions, June 30, 1898.)

TWO SYSTEMS UNDER WHICH PENSIONS GRANTED.

There are two systems—or a dual set of laws—under which pensions may be granted:

(*a*) Acts of July 14, 1862, and March 3, 1873.

(*b*) Act of June 27, 1890, as amended by act of May 9, 1900.

The recent legislation is more liberal in that it grants pensions for conditions not due to the service, as under previous acts. But these dual laws serve to complicate the entire system and to produce inequalities in some cases.

Illustration.—Under existing laws a woman who marries a soldier pensioned under the act of June 27, 1890, is not entitled to a pension as widow unless she were married to the soldier prior to the passage of the act in question, whereas the woman who marries a soldier pensioned under the general law, and thereafter becomes a widow, is entitled to a widow's pension.

Varying conditions.—Under the act of June 27, 1890, as amended by the act of May 9, 1900, it must be shown that the widow is without means of support other than her daily labor and an actual net income not exceeding $250 per year. But the widow may have an income of $250 a year when her case is examined, and the year after, through reverses, or ill health, may be penniless and in need of the pension.

Grant of invalid pensions under two systems.—Under the act of July 14, 1862, as amended March 3, 1873, pensions were granted for invalids only for causes of service origin; but under the act of June 27, 1890, pensions were granted for disability which incapacitates for earning a support.

"The Department's interpretation of the law (June 27, 1890) has been that under said act pension is provided only in cases when incapacity to labor joins with incapacity to earn a support. I am free to say that the practice has never been to inquire into the capacity of the claimant to earn a support." (Commissioner of Pensions, June 30, 1899, p. 40.)

If no inquiry is made as to the capacity of a man to earn a support, no inquiry ought to be made as to the net income of a widow so as to prevent her from securing a pension.

Again, the practice, just noted, is not in accordance with law, and may be varied at the caprice of a Commissioner.

Illustrations under dual systems. (Commissioner of Pensions, June 30, 1899, p. 40.)

"A claimant may have a pensionable status of $10 or $12 per month for disabilities incurred in service, viz, he may be suffering from deafness, rheumatism, hernia, catarrh, or other disability. The same claimant may have, since the war, lost a leg or an arm, or have become stricken with paralysis or other severe disability (not of service origin), and these disabilities can not be added to or combined with his pensioned disabilities to increase his rate in excess of $12 per month. Thus the two separate and distinct systems of pensioning (both for disability alone), one for disability of service origin, the other for disability regardless of origin, afford a wide field for comparison and misunderstanding."

"As a further illustration showing the effect of the two systems of granting pensions created by the laws, a case may be cited where a claimant becomes totally blind from causes incident to his service. The law provides a pension in this case of $72 per month. In the same village another claimant became totally blind from causes not connected with the service, and the law grants him only $12 per month. The community, not being familiar with the legal rights of the two claimants, can not understand why one of these men receives a higher rate of pension than the other for the same disability, and the Pension Bureau is usually held responsible. Few stop to inquire into the facts which confer title in the different cases and to ascertain the fact that these conditions are created by law."

SPECIFIC OBJECTIONS TO PENSION LAWS.

A. Marriage and divorce.—Act of August 7, 1882, provides that marriages shall be proven in pension cases to be legal marriages according to the law of the place where the parties resided at the time of marriage or at the time when the right of pension accrued.

Section 4705, Revised Statutes, provides that widows of colored and Indian soldiers may receive a pension "without other evidence of marriage than satisfactory proof that the parties were joined in marriage by some ceremony deemed by them obligatory," and have lived together as man and wife.

In Maryland, where the common-law marriage is not recognized, a widow of excellent repute—but not married according to law—was refused a pension, yet pensions in the same State are granted to colored people and Indians.

The Secretary of the Interior has recommended the passage of an act for "the admission of evidence to prove marriages for pensionable purposes by a standard which will be uniform throughout the entire jurisdiction of the United States." (1900, p. 62.)

B. Widows' claims.—Act of June 7, 1888, repealed all limitations as to date of filing application in cases of widows of deceased soldiers and sailors, and made their pensions commence from the date of the death of the husband.

"No pension legislation that has ever been enacted has been so fruitful of fraudulent practices as the act of June 7, 1888." (Commissioner of Pensions, 1900, p. 30.)

The same officer denounces the act as one "that encourages crime and holds out inducements for the filing of fraudulent claims."

Several cases are cited where, under this act, pensions had been, or were about to be, granted up to $4,000, yet discovered to be fraudulent.

C. Inequalities under laws.—a. Increase.—Act June 16, 1880, grants pensions to those who were then receiving a pension of $50 per month under act June 18, 1874, should have the same increased to $72 per month from June 17, 1878. But the act applied only to those who, on the 16th of June, 1880, were entitled to the benefits of the act of June 18, 1874. The act made no provision for the cases of persons who, by the increase of their disabilities, should after June 16, 1880, become so disabled as to be entitled to the benefits of the act of June 18, 1874. The result of this is that those who, since June 16, 1880, have become so disabled as to require the aid and attendance of a second person because of total and permanent helplessness receive a pension of $50 per month, while those who, on the 16th of June, 1880, were receiving a pension for disability of this degree are now on the roll at the rate of $72 per month.

b. Loss of hand or foot.—Act of August 4, 1886, provides a pension of $30 per month for the loss of a hand or foot. Under the proviso to the same act the pension for a disability one-half that produced by the loss of a hand or foot is $9 per month. For a disability equivalent to the loss of a hand or foot, the pension for the period since March 3, 1883, is $24 per month. A disability not equivalent to the loss of a hand or foot is pensioned at such proportional part per month of $18 as the disability bears to that which would be caused by the loss of a hand or foot. It is desirable that there should be in all cases a fair proportion between the pension and the extent of the disability.

c. Discrimination against Navy.—Act March 3, 1877, directs that the act which forbids payment of pension money to any persons, widows, etc., who aided in the rebellion shall not apply to persons who afterwards voluntarily enlisted in the Army of the United States, and who were disabled or contracted disease. This law makes no provision for persons who under like circumstances enlisted in the Navy.

d. Relief for total disability.—Act of March 3, 1883, grants a rate of $20 per month to those so disabled as to be incapacitated for performing any manual labor, yet the act of March 4, 1890, awards $72 per month to those who require the regular aid and attendance of another person.

"There are many claimants," says the Commissioner of Pensions, "who are entirely incapacitated for performing manual labor and who periodically require the aid and attendance of other persons, but who are unable to establish the fact of the requirement of constant aid and attendance."

e. Improper ratings.—Special consideration ought to be allowed, under act of June 27, 1890, on account of deafness. But it appears that an improper and unjust rule is followed by the Pension Bureau in this respect. For, in the report of the Commissioner of Pensions for 1902, at page 85, it is said:

"In cases where deafness is the only disability found to exist, a rate can not be accorded under the act of June 27, 1890, if the deafness exists in a degree less than severe in both ears. Deafness of one ear is not rateable under this act, because incapacity to perform manual labor to a degree which produces inability to earn support does not result from that cause."

A man who is deaf, even to some degree, is, under the sharp competition of the present time, under a great disadvantage, and often finds it very difficult to secure anything save inferior work. He can not get work as a carpenter, or in a mill, or on railways, where good hearing is essential, and often to the safety of fellow employees. It is clear, therefore, that the present rule of the Pension Bureau must work a great injustice to men who have become deaf to a certain degree as a result of army service.

f. Dependent parents.—The law granting pension to a mother or father on account of the death of a son requires that, to give title, the condition of dependence should have existed at the date of the son's death, and have been recognized by him. If, since the son's death, the parents have fallen into a condition in which they require aid in providing a support for themselves, the law, as it now exists, affords them no relief. The Committees on Pensions of the Senate and House of Representatives have established a rule under which cases in which a condition of dependence exists at the time of application to Congress are recommended for relief by special act, and Congress has acted in accordance with the recommendation of the committee. (Commissioner of Pensions, 1899, p. 72.)

g. Widow marries and conceals fact.—In some cases a widow remarries and conceals the fact, and thus prevents her children from drawing the pension. Legislation to cure this evil should be effected.

h. Where widow kills husband.—Section 4817 of the Revised Statutes should be so amended as to debar from succession any person who has been guilty of feloniously causing the death, etc., of a pensioner.

MEDICAL EXAMINATIONS.

Act of May 9, 1900, sec. 2, provides:

"That all persons * * * suffering from any mental or physical disabilities of a permanent character, not the result of their own vicious habits, which so incapacitates them from the performance of manual labor as to render them unable to earn a support, shall * * * be entitled to receive a pension not exceeding $12 per month, and not less than $6 per month, *proportioned to the degree of disability to earn a support; and in determining such inability each and every infirmity shall be duly considered, and the aggregate of the disabilities shown rated* * * *."

Is it any wonder that, under such regulations, a great many of the nation's heroes pass away with their claims unadjudicated, or the debt of honor unrepaid?

As an evidence of the difficulties which confront an application for pension a case may be cited of a medical examination reported by the Commissioner of Pensions in 1898. An applicant, under a test case, was examined by four medical boards of three members each within forty-eight hours and under the same conditions. One board could find no ratable disability; another found a ratable disability and estimated it at $8 per month; another board found disability and carefully described it and rated it at $17 per month; the other board made an equally careful examination and estimated the claimant's disability as third grade, $24 per month.

The Report of the Commissioner of Pensions, 1898, page 11, further says:

"There is much complaint among pensioners, and very just cause for such, by reason of the lack of uniformity of ratings for the same or like disabilities in cases of different claimants. This complaint has always existed and always will with our present system and established practice, and it can not be remedied without radical change of system."

The Report of the Commissioner of Pensions, 1880, says:

"The present system of adjudication, based almost wholly upon ex parte testimony, is admittedly defective."

Opinion of Secretary of the Interior (Report for 1901, p. 71):

"The Commissioner (of Pensions) quotes from the annual reports of his predecessors as far back as 1868 to show that the same unsatisfactory conditions have existed ever since that date with regard to the system of adjudicating pension claims on ex parte testimony and the reports of examining surgeons made under existing practice."

Report for 1902, page 58:

"The present method of examining applicants for pension, the Commissioner states, is uncertain, expensive, and unsatisfactory in its results, the personnel of the various medical boards being liable to outside control and political dictation."

DIFFICULTY OF SECURING A PENSION.

Under the present complex system it is about as difficult to secure a pension, in the cases chiefly presented to the Bureau, as it is to win a case in court. In fact, an application for a pension is placed in about the same position of a suitor in a court of justice.

a. Medical examinations.—"The medical examinations form the basis, the very foundation, of our whole system, as all pensions to soldiers (under the act of July 14, 1862, and the act of March 3, 1873—the general laws) are based upon the disabilities incurred in the service, while those pensioned under the act of June 27, 1890, must show, by medical examination, that their disabilities (not of service origin) are such that they are incapacitated from making a living by manual labor; and further, having once established a ratable disability, future increases depend upon medical examinations." (Report Commissioner of Pensions, 1898, p. 11.)

b. Causes of rejection.—"During the fiscal year 1899 the number of claims rejected was 107,919. As there were only 89,054 certificates issued during the year, it will be noted that the number of rejections exceeded the number of allowances.

"In discussing the different causes of rejection of original claims they may be divided into 3 different classes:

"(1) Claims for which no provision is made by existing laws;

"(2) Claims in which the claimant is unable to furnish the necessary proofs; and

"(3) Claims which are fraudulent." (Commissioner of Pensions, 1899, p. 27.)

"Many claims are filed for 'new disabilities' alleged as of service origin. The great majority of such claims must necessarily be disposed of by rejection." (Commissioner of Pensions, 1901, p. 41.)

c. Number of appeals.—Data respecting the number of appeals filed will further indicate some of the difficulties of securing a pension:

"That some idea of the enormous increase in the number of these appeals may be obtained, it will be sufficient to state that for a period of fifteen years prior to January 1, 1881, the average number of such appeals for each year amounted to 286. Since that date the number or increase has been large and constant, as follows:

1881	479	1885	2,760
1882	513	1886	2,874
1883	1,097	1887	1,941
1884	2,148		

(Report of Secretary of Interior, 1888, p. 84.)

There were pending on July 1, 1896, 1,069 appeals and 28 motions for reconsideration of departmental action. During the year 5,592 appeals and 270 motions were filed; of these 4,851 appeals and 224 motions were disposed of, leaving pending on July 1, 1897, 1,810 appeals and 74 motions for reconsideration.

One thousand two hundred and fifty-seven appeals and 69 motions for reconsideration were on the docket on June 1; since that date 3,056 appeals and 309 motions have been filed.

On October 2 there were pending 2,950 appeals and 200 motions for reconsideration of departmental action, 1,363 appeals and 285 motions having been disposed of since June 1, 1897. (Report of Secretary of the Interior, p. 24.)

The number of appeals on the docket April 15, 1893, was 4,935. Since that date 17,755 new cases have been filed, making a total of 22,720 to be acted upon by the Department. (Report of Secretary of the Interior, 1896, p. 31.)

"* * * During the fiscal year ended June 30, 1898," is "unprecedented in any one year in the history of the board of pension appeals since its organization, fifteen years ago: * * * an examination of the records will show that it is in excess of the number filed in any two years. It is also shown that the proportionate increase has continued since July 1, 1898, and that on October 1, 1898, there were pending 11,820 appeals and motions for reconsideration." (Report of Secretary of Interior, 1898, p. 73.)

The following summary shows the action taken by the board of review in original claims during the past four years:

Year.	Admitted.	Rejected.	Total.
1898	52,648	48,175	100,823
1899	37,077	46,345	83,422
1900	40,645	44,670	85,315
1901	50,904	48,361	99,265
Total	181,274	187,551	368,825

APPEALS.

The Department, through the board of appeals, acted in 5,428 appealed claims during the year; affirmed the action of the Bureau in 4,471 cases, and reversed the Bureau findings in 546 cases. (Report of Secretary of Interior, 1901, p. 26.)

d. Pension court.—To increase the complications attending the administration of pension matters, the Secretary of the Interior has recommended the creation of a pension court, similar to the Court of Claims, for the review of the action of the Commissioner of Pensions or of the action of the Secretary. (See Report of the Secretary of Interior, 1900, 63; id., 1901, 73.)

RECOMMENDATIONS AS TO REVISION.

It is recommended that a pension be granted to every soldier and sailor who did substantial service during the war in the Army or Navy and was honorably discharged therefrom, and who, being dependent on his daily labor for support, is now or may hereafter be disabled from procuring subsistence by such labor. A due regard to its own dignity and character should prevent the Government from allowing any of the men who fought to maintain the Union to suffer from want when they have become so incapacitated. It is well known to all our people that many who were never disabled in the fight or the service were yet those who met the greatest dangers of the war and who served continuously and faithfully. That Providence saved them from wounds or disease, and that their strong constitutions withstood the hardships of the field, give no reason why they should be left disregarded and unsupported now. The pension is paid by the Government in rewards for past services to those who fought to maintain its existence. It has the sanction of self-preservation, which no government in the treatment of its veterans can safely ignore. The preservation of the nation for which these men fought and endured so much to secure has given to all our people a wonderful degree of prosperity and an almost unlimited ability to pay any obligations honor imposes. (Secretary of the Interior, 1889, p. 67.)

The Commissioner recommends a codification of the pension laws, with such slight changes as will make them harmonious. At present they consist of many separate acts, framed with little reference to each other, and often give rise to perplexing questions in the settlement of claims for accrued pensions, etc. (Secretary of the Interior, 1893, p. 29.)

Legislation is recommended which will define with more certainty the pensionable rights of minor children under the act of June 27, 1890, in those cases where the soldier dies leaving no widow surviving. The construction of the act on this point now rests in much doubt, and the title of such children is sustained only by implication. (Secretary of the Interior, 1895, p. 28.)

Attention is invited to a bill described as "An act to codify and arrange the laws relating to pensions." The Commissioner strongly urges the passage of this bill on account of its admirable arrangement, and also on account of the great advantage which will be derived from it, not only by the Bureau, but also by those with whom the Bureau has official dealings.

He (the Commissioner of Pensions) also calls attention to the fact that since the passage of the general puesion law of July 14, 1862, many laws, general and special, and many rulings and decisions interpreting the laws, have been rendered, until the system is a complete network of laws and legal opinions, and recommends the appointment of a commission to revise the pension laws and regulations governing the granting of pensions, in order to secure reliable, intelligent, and uniform practice in the future. In this recommendation I concur. (Secretary of the Interior, 1898, p. 71.)

An early revision and codification of the pension laws is, in my judgement, highly desirable, and I therefore earnestly commend the Commissioner's recommendations in the premises to the favorable consideration of Congress. (Secretary of the Interior, 1899, p. 44.)

The Commissioner again calls attention to his former recommendation as to the necessity for a thorough revision of the pension laws with a view of making their operation more uniform in character, and expresses the opinion that a commission should be appointed for that purpose, to the end that the benefits conferred in the way of pensions may be more equitably distributed among the beneficiaries. (Secretary of the Interior, 1900, p. 61.)

Mr. GALLINGER. Mr. President, I have listened with great attention to the interesting and eloquent speech of the Senator from West Virginia [Mr. SCOTT] on the subject of pensions. As I gathered the contention of the Senator, not having heard the first part of his speech, he has made a very earnest appeal for a service-pension law that would give a pension to every soldier who served a certain number of days in the late civil war.

Mr. President, that subject has been agitated for a good many years, and on the 12th day of May, 1902, the Committee on Pensions, of which I chance to be chairman, gave a protracted hearing to certain distinguished gentlemen interested in a bill which, if enacted into law, would have accomplished precisely what the Senator from West Virginia has argued in favor of. At that hearing it was stated by certain gentlemen, one of whom was Mr. John P. Donahoe, of Wilmington, Del., a distinguished soldier, that there are now 200,000 soldiers who had served in the civil war who are not on the pension roll. The Senator from West Virginia has surprised me by saying that there have been 861,076 applications; that 470,450 have been allowed, leaving 390,226 unacted on, or 190,226 more than was represented to the committee.

Mr. SCOTT. These figures came from the Pension Office.

Mr. GALLINGER. If that be so, the gentlemen who appeared before our committee and stated that there were 200,000 were 190,226 short of the actual number, according to the applications in the Bureau of Pensions. It seems to me there must be some mistake on that point.

Mr. President, the matter of service pensions has engaged the attention of the Congress of the United States during all its history, and I want, in a very few words, to give the record as to the dates when service pensions have been granted to survivors of the several wars.

The first general act passed granting pension for service only was approved March 18, 1818, or thirty-five years after the termination of the Revolutionary war. Its beneficiaries were required to be in indigent circumstances and in need of assistance. It will be observed that this was not a general service-pension law, but simply granted pensions to those who were in necessitous circumstances.

On May 15, 1828, or forty-five years after the close of the war, service pension was granted to those who served to the end of the war of the Revolution.

Under date of June 7, 1832, a general law was enacted pensioning all survivors who served not less than six months in said war. This act was passed forty-nine years after the close of the war.

The first law enacted granting pension on account of service in the war of 1812 was approved February 14, 1871, fifty-six years after the close of the war. Sixty days' service was required.

The period of service required under the act of February 14, 1871, was reduced to fourteen days by the act of March 9, 1878, which was passed sixty-three years after the close of the war.

On January 29, 1887, being thirty-nine years after the close of the Mexican war, an act was passed providing pension for soldiers and sailors who had had a service of sixty days, provided they were 62 years of age, or disabled, or dependent.

A subsequent act was passed, the date of which I do not now recall, increasing to $12 per month the pensions to soldiers of the Mexican war, who were on the roll under that service act, if they were in a condition of actual destitution. Under that amended act the pensions of about one-half of those on the roll have been increased from $8 to $12, and the other half remain on the roll at $8 at the present time.

On July 27, 1892, fifty years after the period included in the act,

pensions were provided for those who served thirty days in the Black Hawk, Creek, Cherokee, and Florida wars with the Seminole Indians from 1832 to 1842.

Now it will be observed that practically all service-pension laws now on the statute books were passed about forty years after the close of the war; perhaps an average of forty-five years. So upon that basis the time is approaching for a service-pension law for the survivors of the civil law.

But, Mr. President, there is a matter which comes in to complicate this question materially, to which I wish to call the attention of the Senate and the country. On June 27, 1890, Congress in its wisdom passed what is known as the dependent pension bill, or, as it is more commonly designated, the act of June 27, 1890. To all intents and purposes that is a service-pension law, for the reason that it does not require the soldier to prove any disability incurred in the service, but simply to prove inability to perform manual labor. The rates were graded $6, $8, $10, and $12, so that a soldier who had served ninety days in the civil war and was totally disabled from manual labor would receive a pension of $12 per month. Those who were partially disabled would receive pensions of $6, $8, or $10, according to the degree of inability to perform manual labor.

Mr. President, under that law, which, as I have before said, is a practical service-pension law as far as it goes, $700,000,000 have been paid out of the Treasury of the United States to the soldiers placed on the roll under it. And in considering the question as to the desirability of now enacting a service-pension law—and on that point I am not to-day going to express an opinion either pro or con—we should not lose sight of the fact that the enormous amount of $700,000,000 has already been paid out under the act of June 27, 1890, to soldiers who are not required to prove, and in no single instance did they prove, the incurrence of the slightest disability in the military service of the United States, but merely proved that they had served the period of ninety days and were either partially or wholly disabled for the performance of manual labor.

Now, Mr. President, I do not know whether it is desirable to go further than we have gone at the present time in the matter of extending the pension laws. We do know that we are paying out to the soldiers of the civil war about $135,000,000 per year. We do know that we have paid out considerably more than $2,000,000,000 since the close of the civil war. We know that; and under existing conditions, notwithstanding the plethora of the public Treasury, notwithstanding the fact that we are a rich and powerful and prosperous nation, as the Senator from West Virginia has so ably argued, it is a very serious question for Congress to determine whether the time has come to very largely swell the annual appropriations for pensions.

If there are 200,000 soldiers remaining of that war who are not on the pension roll at the present time, and who shall be placed there under the proposition of the Senator from West Virginia at $12 per month, it will add an immediate amount of $28,800,000 to the pension appropriations. I presume it is not an exaggeration for me to say that men at the age of 62 years will average to live ten years, and, under that law, if they should live an average of ten years, it would take $288,000,000 to pay the expenses incurred by the passage of a bill of this kind.

But, Mr. President, that does not represent the entire amount that would be required. Under the act of June 27, 1890, which, as I have stated before, has resulted in an expenditure of $700,000,000 or thereabouts, there are thousands of men, tens of thousands, scores of thousands of men on the roll at six, eight, and ten dollars per month. A very small proportion of them are on the rolls at $12 per month, because those who receive $12 per month have been required to prove their absolute inability to perform manual labor.

So, as soon as we pass this proposition to place on the roll all the men who are not now pensioned at the rate of $12 per month, we would be compelled to increase the pension of all those under the act of June 27, 1890, from $6 to $12, from $8 to $12, and from $10 to $12, and there would be no possibility of our being able to resist that proposition.

But, Mr. President, I will go further. Under the general law there are perhaps 100,000 soldiers on the roll at $6, $8, and $10 per month. Many of those men, who have proved disabilities incurred in the service, were receiving the paltry sum of $2 and $4 per month until a few years ago we passed a law increasing the pension of all of them to $6 per month. But at the present time there are a great many thousands of men on the pension roll under the general law at $6, $8, and $10 per month, and the moment you pass a service-pension bill which will place these 200,000, or, as the Senator from West Virginia has put it, 390,000, soldiers on the pension roll at $12 per month, we will be compelled, of course, to increase to an equal amount the pensions of all those who are on the roll under the general law and who have proved the incurrence of disabilities in the service.

Mr. President, I take the risk of being misrepresented in this matter; it may be, and probably will be, said that I am an enemy to this proposed legislation; but, Mr. President, I think it may safely be said that if we should pass a service-pension bill to-day putting the survivors of the civil war on the roll at $12 a month, those who would necessarily be increased under the act of June 27, 1890, and the general law to a similar amount would at least double the appropriation we would be called upon to make to meet the proposed legislation of the Senator from West Virginia, and in considering this matter all the elements in the case should be taken into consideration.

Now, Mr. President, I felt it my duty as chairman of the Committee on Pensions to state this matter clearly to the Senate and to the country, that it may be perfectly understood what this proposed legislation means. I shall never be found obstructing any legislation in the interest of the veterans of the civil war that is reasonable and just, and I do not want to be understood as saying that I should oppose the proposed legislation if it was being seriously considered by the Congress of the United States. But we can not wink out of sight the fact that the proposed legislation will beyond a question add an immediate annual appropriation of at least $50,000,000 to the $140,000,000 that is now appropriated, and that we can not by any possibility avoid meeting that obligation if the views of the Senator from West Virginia regarding this matter shall prevail.

Mr. President, this is all I care to say.

STATEHOOD BILL.

Mr. QUAY. I renew my motion that the Senate proceed with the consideration of the omnibus statehood bill.

The PRESIDING OFFICER (Mr. KEAN in the chair). The Senator from Pennsylvania moves that the Senate proceed to the consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

The motion was agreed to.

Mr. GAMBLE. I will ask the junior Senator from New Hampshire to yield to me while I ask for the present consideration of Senate bill 7004.

The PRESIDING OFFICER. The Senator from South Dakota asks that the statehood bill be temporarily laid aside. Is there objection?

Mr. QUAY. Mr. President, I have said to the Senator from South Dakota, who seems to think it very important that his bill should pass to-day, that if it elicits no discussion I shall not object to its consideration. But I will not assent to-day to unanimous consent for the consideration of any other measure.

MISSOURI RIVER BRIDGE.

Mr. GAMBLE. I ask for the consideration of the bill (S. 7004) to extend the time for the completion of a bridge across the Missouri River.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 5316) providing for an additional circuit judge in the eighth judicial circuit;

A bill (S. 5914) establishing a regular term of United States district court in Addison, W. Va.;

A bill (S. 6333) to divest out of the United States all its right, title, and interest of, in, and to certain real estate situated at and near the city of Montgomery, State of Alabama, and to vest the same in The Southern Cotton Oil Company, Bessie R. Maultsby, James S. Pinckard, trustee, M. V. B. Chase, and Edwin Ferris; and

A bill (S. 6461) providing for an additional judge in the district of Minnesota.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 623) granting a pension to Susan Kennedy;

A bill (H. R. 4923) granting a pension to William L. Whetsell;

A bill (H. R. 7815) granting a pension to Nancy L. Killough;

A bill (H. R. 8152) granting an increase of pension to William S. Hutchinson;

A bill (H. R. 9658) granting an increase of pension to Robert Stewart;

A bill (H. R. 10826) granting an increase of pension to Josiah S. Fay;

A bill (H. R. 11197) granting a pension to the minor children of Daniel J. Reedy;

A bill (H. R. 11280) granting an increase of pension to Henry J. Feltus;

A bill (H. R. 12324) granting a pension to Cora E. Brown;

A bill (H. R. 12563) granting an increase of pension to Horace Fountain;

A bill (H. R. 12701) granting an increase of pension to Milton Noakes;

A bill (H. R. 13944) granting a pension to Margaret Ann West; and

A bill (H. R. 16224) granting an increase of pension to William Montgomery.

The message further announced that the House insists upon its amendment to the bill (S. 5835) granting an increase of pension to Joel C. Shepherd, disagreed to by the Senate; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LOUDENSLAGER, Mr. BROMWELL, and Mr. RICHARDSON of Alabama managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 16604) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1904, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HITT, Mr. ADAMS, and Mr. DINSMORE managers at the conference on the part of the House.

STATEHOOD BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

[Mr. BURNHAM resumed and concluded the speech begun by him on the 21st instant. The entire speech will be found in the Appendix.]

Mr. BEVERIDGE. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Alger,	Deboe,	Kean,	Proctor,
Bacon,	Depew,	Kearns,	Quarles,
Bate,	Dietrich,	Kittredge,	Quay,
Berry,	Dryden,	Lodge,	Rawlins,
Beveridge,	Dubois,	McCumber,	Scott,
Blackburn,	Elkins,	McEnery,	Simmons,
Burnham,	Foraker,	Mallory,	Simon,
Burrows,	Foster, Wash.	Martin,	Stewart,
Burton,	Frye,	Millard,	Taliaferro,
Clapp,	Gallinger,	Morgan,	Tillman,
Clark, Wyo.	Hansbrough,	Perkins,	Turner,
Clay,	Jones, Ark.	Platt, Conn.	Warren,
Cullom,	Jones, Nev.	Platt, N. Y.	Wellington.

Mr. SIMMONS. I desire to announce that my colleague [Mr. PRITCHARD] is absent on account of sickness.

Mr. QUARLES. I desire to announce that my colleague [Mr. SPOONER] is necessarily absent from the Senate.

The PRESIDENT pro tempore. Fifty-two Senators have answered to their names. There is a quorum present.

Mr. PLATT of Connecticut. Mr. President, there is one matter which has been brought to my attention about which I think those who favor the admission of Arizona as a State at this time ought to make some satisfactory explanation. What I say now I say more in the way of seeking information than of stating facts within my knowledge, but it has been asserted in the public press within very recent times that Arizona is engaged in an effort to repudiate some bonds which she ought to acknowledge and fund. If that be so, it would form, to my mind, an absolutely conclusive argument why Arizona should not now be admitted to statehood.

I do not assert that it is so, but, as I have understood from the press, and, indeed, from other information, the county of Pima, in Arizona, some years ago issued $150,000 of bonds to aid in the construction of a railroad. It voted to issue a much larger number of bonds, but before the work on the railroad ceased only $150,000 of bonds were called for. Those bonds were negotiated through the firm of Coler & Co., of New York, at the head of which is the Hon. Bird S. Coler, who was recently a candidate for governor of the State of New York, a gentleman whose character, of course, is beyond impeachment. The bonds were negotiated by this company, were sold all over the United States and in Europe, and are still outstanding.

Some time afterwards—and I think Senators will remember this part of the history—a memorial from the legislature of Arizona was sent here asking Congress to validate those Pima County bonds, it having been ascertained that they had been issued for railroad purposes when, according to the United States law, counties were only authorized to issue bonds for county purposes. The matter was presented here very strongly, as I remember it, and I remember hesitating about whether Congress ought to validate those bonds, but the Committee on Territories reported the bill favorably, and it was passed, validating those bonds.

About that time, either before or just after it, at the instance of the Territory of Arizona, an act was passed authorizing the funding into Territorial bonds of the indebtedness of the Territory and of county and municipal indebtedness, to be assumed by the Territory. So that up to this point we have the bonds validated and an act passed at the instance of the Territory of Arizona to fund those bonds into Territorial bonds, not authorizing it, but making it obligatory to do so.

Loan commissioners were appointed for that purpose, as I understand it, and they refused to recognize these bonds. Thereupon the bondholders brought suit, and the case was carried to the Supreme Court of the United States. It was decided in the one hundred and seventy-second volume of United States Reports, the contention being that they were not obligated for these bonds, because Congress could not validate them and make them legal bonds. The Supreme Court of the United States decided that the act validating them was effectual and good, and that the bonds were valid and legal bonds in the hands of the holders. The case was remanded to the courts of Arizona for further action in consonance with that opinion.

Then these loan commissioners set up some other objection to recognizing these bonds and funding them, one of which was that a certain act of Congress had repealed another act; and another was that the members of the loan commission had passed out of office after the decision of the Supreme Court of the United States, and therefore the then existing members were not bound by the decree of the court. That case has been argued in the Supreme Court of the United States and decided recently, but still these loan commissioners refuse to act; they are putting off action on one pretext and another, so that these Pima County bonds, which have been validated by Congress, which have been ordered by Congress to be refunded into Territorial bonds, which the Supreme Court of the United States has stated should be refunded into Territorial bonds, and which the supreme Territorial court of Arizona has directed to be refunded into Territorial bonds, are still outstanding, and no interest paid upon them.

Mr. HALE. May I ask the Senator a question right there?

Mr. PLATT of Connecticut. Certainly.

Mr. HALE. Who are the loan commissioners to whom the Senator has referred? Are they authorities of the Territory?

Mr. PLATT of Connecticut. So I understand.

Mr. HALE. Are they created by the Territory?

Mr. PLATT of Connecticut. I understand so.

Mr. HALE. And is their action against the payment of these bonds representing the Territory?

Mr. PLATT of Connecticut. So I understand.

Mr. BERRY. Mr. President, will the Senator from Connecticut permit me to ask him a question?

Mr. PLATT of Connecticut. If the Senator will allow me to finish my statement, so that it will be all together, I shall be glad to answer any question if I can. I am almost through.

The question I want to ask, Mr. President, is this, whether, in the admission of the Territory of Arizona as a State, we are going to enable what is believed to be an effort to repudiate these bonds to become successful? I know that in the omnibus bill there is a provision that the debts and liabilities of said Territory of Arizona shall be assumed and paid by the State, but the Territorial officers at this present time are repudiating the obligation of the Territory to fund those bonds, and they are not yet debts of the Territory. That is being resisted, as I have said, against the act of Congress, against the decisions of the Supreme Court of the United States, and against the decisions of the supreme court of the Territory of Arizona.

Does it not follow that if we admit Arizona as a State she will then be in a position to say these were not Territorial obligations at the time of admission, and the people holding these bonds, who, it is admitted, are innocent holders, have no redress? Now, I will yield to the Senator from Arkansas.

Mr. BERRY. I have heard it alleged—I do not know whether it is true or not, so I ask the Senator for information—that the railroad for which these bonds were issued was never built. Is that true or not true?

Mr. PLATT of Connecticut. A portion of it was not built; it was never entirely built, as I understand it—and I am asking rather for information myself than making any statement upon my own information which I can vouch for—but I understand the whole road was never completed. That whole question, however, was raised in the first case that came to the Supreme Court as a reason why these bonds should not be recognized. The court passed upon that specifically, and held that it made no difference

as to the validity of the bonds whether the road was completed or not. You will find that decision in the one hundred and seventy-second volume of the United States Reports. It is the case of Utter *v.* Franklin.

Mr. HALE. The money was raised on the bonds?

Mr. PLATT of Connecticut. Certainly it was.

Mr. HALE. There is no question as to that?

Mr. PLATT of Connecticut. None whatever.

Mr. HALE. And paid over in good faith?

Mr. PLATT of Connecticut. Certainly.

Mr. HALE. And, whether it was appropriated and used for the completion of a railroad or not, the localities had the benefit of it?

Mr. PLATT of Connecticut. The fact was this, as I understand: When so many miles of road had been completed, $50,000 of bonds should be issued; when so many more miles of railroad were completed, $50,000 of bonds should be issued; when another similar stretch of road was completed, $50,000 more should be issued, making a hundred and fifty thousand in all, and the company, or somebody, was unable to complete the road as had been anticipated.

Mr. HALE. But the money was paid in?

Mr. PLATT of Connecticut. Certainly.

Mr. BERRY. Will the Senator from Connecticut permit me to say one word more in answer to the Senator from Maine? He says the community got the benefit of it. I do not know all the facts in the Arizona case. I simply know that it is a case where the railroad got the bonds and failed to build. I know of cases in the Southern States, and in the State of Missouri especially, where bonds were issued, fraudulently issued, and sold to innocent parties, perhaps—at least they claimed to be innocent; they were not innocent in point of fact, as I believe—and where counties were charged with hundreds of thousands of dollars for a railroad not one foot of which was ever built in the locality. Yet the United States Supreme Court has rendered judgment in favor of the bondholders; and in one noted case in Missouri the local officers have been imprisoned for a number of years in an effort to force them to pay what would absolutely bankrupt the county—bonds that were issued in the days gone by, and where not one foot of railroad was ever built and where no locality received any benefit from it.

If these be bonds of that kind, it seems strange to me that Senators should stand on this floor and object to the admission of a Territory because they think that perhaps after it gets to be a State it will not pay bonds of that character. From my standpoint, if that be this class of bonds, and I do not know that it is, it would be a very strong reason why I would vote to make it a State.

Mr. CLARK of Wyoming. Will the Senator from Connecticut yield to me for a question?

Mr. PLATT of Connecticut. Certainly.

Mr. CLARK of Wyoming. I should like to ask the Senator if he has made up his mind as to what would be the effect upon these bonds of the admission of Arizona as a State; and if he has so made it up, I would ask him to give us the benefit of his judgment, in which we all have great confidence. The question I want to put is this: Will the change from a Territorial to a State government make any difference in the liability, for which the property of the Territory has become responsible, for an indebtedness already against it, if it has been or shall be declared to be a bona fide, actual, subsisting indebtedness?

Mr. PLATT of Connecticut. I am sorry not to be able to answer absolutely and accurately and conclusively in my own mind all the questions that are asked about this matter. I stated when I brought this subject to the attention of the Senate that I did so in order that those who were seeking the admission of Arizona as a State might give the Senate complete and full information on the subject.

Mr. CLARK of Wyoming. I was asking for the judgment of the Senator himself, he having evidently considered the matter.

Mr. PLATT of Connecticut. I confess, Mr. President, that I do not see how the new State, under the existing condition of things and before these county bonds should have been actually recognized as a Territorial obligation, would be bound to pay them as an obligation of the Territory.

Mr. McCUMBER. I should like to ask the Senator a question. Do I understand that these bonds have already gone into judgment against the county issuing them?

Mr. PLATT of Connecticut. I can not answer the question.

Mr. McCUMBER. I understand that the only way in which the court could pass on them—and I understand the court has declared that they are valid—is by an action brought on the bonds, and of course that action must have been against the makers of the bonds.

Mr. PLATT of Connecticut. I think so.

Mr. McCUMBER. If that be true, then if there is a judgment against any county in that Territory how will the fact that the Territory is admitted as a State prevent the issuance of a mandamus against the officers of that county requiring them to levy the proper tax to pay the judgment?

Mr. PLATT of Connecticut. As I said, I am merely stating this matter in order that the facts may, by some one who knows them, be fully explained to the Senate. My recollection is that the case which was brought was an application for a mandamus against the loan-fund commissioners requiring them to acknowledge these bonds as valid bonds. That, I think, is the nature of the case which was brought and came into the Supreme Court of the United States, but I am not absolutely certain of that.

Mr. McCUMBER. But in either instance the Senator does not think that changing the status of a Territory from a Territorial form of government to a State would change the liability of it, does he?

Mr. PLATT of Connecticut. I believe, Mr. President, that the people of Arizona, represented by its officers, think that it will, and they intend to put this off until, as they hope, Arizona may be admitted, and then to set up the defense that it does.

Mr. JONES of Arkansas. I should like to ask the Senator from Connecticut a question.

Mr. FORAKER. Mr. President——

Mr. JONES of Arkansas. I wish to ask the Senator from Connecticut if it is a fact that the Supreme Court of the United States has at any time declared that these bonds were fraudulent?

Mr. PLATT of Connecticut. It has not. On the other hand, it has declared that they are valid.

Mr. JONES of Arkansas. My impression was that the first decision rendered by the Supreme Court was that the bonds were invalid; that they were fraudulent and void.

Mr. PLATT of Connecticut. Not at all.

Mr. JONES of Arkansas. But that by reason of some act of Congress afterwards passed it was held by the Supreme Court, in a subsequent decision, that they were good.

Mr. PLATT of Connecticut. I think not, Mr. President.

Mr. FORAKER. The Senator from Arkansas [Mr. JONES] has anticipated what I desired to say in answer to the Senator from Connecticut. The Senator from Connecticut has been only partly informed, if I have not been misinformed. My information is that the county of Pima did issue some bonds to aid in the construction of a railroad. They were issued by the county of Pima, but the liability upon those bonds was resisted. It went into the courts. The case came in due time to the Supreme Court of the United States, and the Supreme Court of the United States held that there was no liability, because the bonds had been illegally issued.

Thereupon representatives of Arizona came here to Congress, and they succeeded in securing the enactment of the legislation to which the Senator from Connecticut has referred, according to which legislation the Territorial government was required to assume and pay the obligations of counties arising in this manner.

Subsequently there was litigation as to that, and then, in due course, there was rendered by the Supreme Court of the United States the decision to which the Senator has referred, to the effect that under that legislation the Territorial government had become liable. That decision was rendered only quite recently, and it is not being resisted. On the contrary, I am handed a telegram which has been received only to-day by the Delegate who represents Arizona in the House of Representatives. It is from the ex-attorney-general of Arizona, who was one of the counsel in this case, as I am told. I will read it:

Hon. M. A. SMITH,
House of Representatives, Washington, D. C.:

The only open question as to funding Coler bonds is whether the mandate of the United States Supreme Court includes payment of compound interest upon the interest coupons. This is the fault of his attorneys. No obstruction otherwise.

WILLIAM HERRING.

Mr. President, I am not acquainted with the details of this matter. It never occurred to me that even if the officials of a county should maladminister its affairs, and should improperly resist the payment of bonds which they had caused to be issued, the people of the whole Territory would be condemned as unfit to come into the Union of States; that they would be regarded as unfit to be treated as citizens of the United States and to be accorded State government.

It seems to me that the Senator from Connecticut is going a long way when he undertakes to arraign a whole people—a people who, it has been said by those opposing this measure, are as intelligent as any people that can be found in the United States, a people who are out there struggling to build up a Commonwealth, and who have accomplished that which excited the admiration and compliment of even the committee that visited them——

Mr. HALE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Maine?

Mr. FORAKER. Certainly.

Mr. HALE. I see the force of the Senator's point, that the people of the whole Territory should not be made accountable for the acts of the inhabitants of a single county. But the Senator's statement itself shows that by the action of Arizona this matter passed from the consideration of the people of Pima County, and that on the motion of the people of Arizona Congress interposed and made it a Territorial matter and validated the bonds, not as Pima County, but as Territorial obligations, and that the Territory should assume them. So if there is anything in the point made by the Senator from Connecticut that the loan commissioners are delaying and holding off and declining to admit this liability, it is that the action of the loan commissioners is not the action of this one county, but of the Territorial government and of the inhabitants of the Territory.

The point, as I understand, is that under the provisions of this bill if the Territory is admitted as a State it assumes the Territorial obligations. There is delay and resistance and refusal to recognize them, not as county obligations, but as Territorial obligations. So the Senator's point that we are punishing a Territory for the act of the inhabitants of a county entirely falls. It has ceased to be a county matter, but is a matter of the entire Territory. Is not that the fact, I ask the Senator from Connecticut?

Mr. FORAKER. I hope the Senator from Maine will not settle it conclusively against me by appealing to some one on his own side to confirm it.

Mr. HALE. I was going to ask whether that is not the Senator's point.

Mr. FORAKER. That is what the Senator was doing.

What I wish to say in answer to the Senator's contention is that originally this was admittedly the liability of only one county, if it was the liability of anybody. It was not the liabilty of the Territorial government. It was not the liability of the people of the Territory. It was not the liability of any town or any municipality in Arizona, outside of the one county that had issued the bonds, and the Supreme Court held that it was not the liability of that county, but that the bonds had been unlawfully issued. That is something which is not peculiar to a frontier country. Matters of that kind sometimes happen in the old States, and they are liable to happen even in New England.

Mr. TILLMAN. Mr. President——

Mr. FORAKER. Now, when it has been held by the Supreme Court that there was absolutely no liability whatever, then the holders of the bonds came to the Congress of the United States and secured legislation which was characterized by the Senator from Minnesota [Mr. NELSON] in his speech the other day as of a most extraordinary and unusual character. I can not recall the exact language, but he commented on it most severely. It was legislation whereby the obligation of a county was saddled on the whole Territory.

Is it any wonder that the people of Arizona, who had never contracted this debt, should object and resort to the courts and seek to escape such a liability? It was their duty to do it—a liability which was saddled upon them because of the unlawful action of the representatives of one county. They would not have been justified, as we ordinarily regard such matters, in paying until they had put it to the test. Now, it turns out they were in error about it; that under the act of Congress they had become liable. I have not looked up the case, and am speaking upon information which has just been given me.

But I understand that through one court after another, until the Supreme Court of the United States was reached, that question was contested. The Supreme Court having decided that it was competent for Congress to impose upon the Territory of Arizona this liability of this one county, although unlawfully contracted, they say "that is the end of it; we are now preparing to pay it; there is no further resistance." And so it has become, by reason of this legislation of Congress and the decision of the Supreme Court, the debt of the Territory, and, being the debt of the Territory, it is provided for in this bill. And there can not be, and there is no disposition that there should be any longer any contention or delay in its payment beyond that indicated by the telegram I have read.

Mr. HALE. But I understand this movement upon Congress to validate these bonds and make them obligatory upon the Territory came from the Territory itself. The Senator says that the holders of the bonds came to Congress and involved the Territory. The movement, as I understand, was not from the holders of the bonds, but from the authorities of the Territory itself, asking that the Territory be made responsible.

Mr. FORAKER. If the Senator will allow me, I have not the record. I supposed it was the holders of the bonds who had asked that somebody might make the bonds good to them.

Mr. HALE. It came from the Territory itself.

Mr. FORAKER. Then if it was the people of Arizona who asked Congress to saddle it upon them in order that they might lawfully pay it, is it not highly creditable to the people of the Territory?

Mr. HALE. Undoubtedly.

Mr. FORAKER. Certainly.

Mr. HALE. But it disposes of the point of the Senator from Ohio that the bondholders themselves came here.

Mr. FORAKER. I supposed it was the bondholders, and I am informed that it was the bondholders primarily.

Mr. TILLMAN. I am just trying, if I can get any light, to find out how it is that when the Supreme Court has declared certain obligations to be fraudulent, anybody can validate them. That is the question. How can anybody, even Congress, validate a bond that has been issued fraudulently?

Mr. RAWLINS. Mr. President, this objection seems an entirely new one to the admission of Arizona as a State. The proposition as made by the Senator from Connecticut is——

Mr. FORAKER. Will the Senator from Utah allow me to ask the Senator from Connecticut to cite again the case he spoke of as being reported in 172 United States?

Mr. PLATT of Connecticut. It is the case of Utter *v.* Franklin, to be found on page 416 of 172 United States.

Mr. FORAKER. I am obliged to the Senator.

Mr. RAWLINS. The proposition is that it has been claimed by certain bondholders that the Territory of Arizona is obligated to pay their bonds. The bonds were originally issued fraudulently by a county in Arizona.

Mr. PLATT of Connecticut. I beg pardon, Mr. President. The bonds were not issued fraudulently. It is so stated on the floor; but before we get through with the matter I will show that there was no fraud in the issue of the bonds.

Mr. RAWLINS. I used the word "fraudulent" in the sense of illegality, at least.

Mr. HALE. The trouble with the bonds was not—and it was never claimed that it was—that they were fraudulent; but, as in many other cases, they were validated in order to avoid mere technicalities. It never was contended that the bonds were fraudulently issued.

Mr. BATE. May I say a word?

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Tennessee?

Mr. RAWLINS. In one moment I will be glad to yield.

The point I desire to make is, that the county of Pima, Ariz., issued these bonds without any lawful authority to do so, and the bonds were void upon their face, because the county had no authority to issue bonds for any other purpose than a county or a public purpose. To issue bonds for the construction of a railroad was beyond the powers of the county; and therefore the bonds were void. Upon the original consideration and under the law as it existed at the time they were issued, there was no liability against this county or against the Territory of Arizona, either legally, equitably, or morally.

Now, the next step in the matter seems to have been this: Somebody interested in obtaining the validation of these bonds went to the Territorial legislature of Arizona when it was in session, and through the influence of bondholders and the then Territorial governor of Arizona an application was made formally through the legislature to Congress to validate these bonds. Upon what representation did the Territorial legislature take this action? This matter has been before Congress heretofore, when the question was up whether these bonds should be validated by Congressional action. The inducement, as I am informed—and the information I have upon the subject I believe is correct—was that the people who held the bonds would not only construct this railroad but would extend it in such a manner that it would be of public advantage to the Territory of Arizona. Upon the faith of this representation by the men who held these bonds the Territorial legislature made application to Congress to ratify the bonds, the new consideration being a promise which I am informed never has been fulfilled.

But one other point in connection with this matter which throws some light upon it, to my mind, is that the brother of the then Territorial governor, a Federal appointee, was the party who made the promise for the construction or extension of this railroad to the public advantage of the Territory, and the governor, a Federal appointee, used his influence to induce the members of the legislature to make this application to Congress. An application was made, and Congress validated these bonds.

Mr. HALE. The Senator means that the governor of the Territory coerced the legislature of the Territory into making this application.

Mr. RAWLINS. I did not so state.

Mr. HALE. Does the Senator deny that the legislative authority of the Territory, as it then existed, representing the whole Territory, invoked the intercession of Congress to validate these bonds?

Mr. RAWLINS. What I said, and I do not think it can require

any explanation, is that the bondholders obtained the good offices of the brother of the governor and the influence of the governor himself to induce the legislature of Arizona to apply to Congress for the validation of these bonds.

Mr. HALE. Does the Senator mean to say that the constituent element that makes up legislatures in Arizona makes them up in such a fashion that the brother of a governor coerced them into that act?

Mr. RAWLINS. I did not say——

Mr. HALE. Because if that is the situation and the condition of Arizona, the larger responsibilities that the legislature has imposed on it the worse it is for the Territory. I should not want to be responsible for the statement that the brother of the governor induced the legislature to go into this proposition. That is a reflection not so much upon the brother of the governor or the governor as it is on the legislature itself.

Mr. RAWLINS. Mr. President, if the Senator from Maine will permit me, I have not said that the governor or the brother of the governor coerced the legislature of Arizona. I imply nothing more than what would occur if I should say the President or the brother of the President used influence upon the Republican side of the Senate to obtain action which was approved by the President. The members of the legislature in Arizona are elected by the people, and the proposition which I stated and the information which I have had upon the subject is that the members of the legislature were induced to make the application to Congress for the validation of these bonds upon the promise that the bondholders and those who were representing them would cause the extension and construction of this railroad which they originally undertook to construct and for which construction these bonds were originally issued.

I am informed that that promise, upon which this representation was made by the legislature to Congress, has not been fulfilled, but Congress took the action, the bonds became valid, and have been so declared by the Supreme Court of the United States. Then these bonds are a part of the debts and liabilities of the Territory of Arizona. They stand precisely upon the same footing as any other debt or obligation of the Territory of Arizona. This bill expressly covers that case in the clause which provides:

> Said convention shall provide, by ordinance irrevocable without the consent of the United States and the people of the said State: * * *
> Third. That the debts and liabilities of said Territory of Arizona shall be assumed and paid by said State.

Mr. President, nothing can be more explicit than that. The people of Arizona, represented in convention, are to solemnly pledge themselves by ordinance, irrevocable in form, to recognize and provide for the payment of these bonds. There is no information here furnished by any Senator that the State does not intend to fulfill this obligation.

Mr. QUARLES. If the Senator will permit me, right at this point I should like to have the opinion of the distinguished Senator regarding that legislature which thus saddled upon the people of the whole Territory a fraudulent issue of bonds, and as to the propriety of conferring upon it unlimited power as to the creation of indebtedness, as he would do by statehood?

Mr. RAWLINS. When the Senator asks me my opinion as to the propriety of this action, I might turn and ask the Senator as to the propriety of our action in Congress. Full, sovereign legislative authority over this Territory is vested in Congress. Congress legislates in respect to the Territories, upon the information it possesses, as an original authority, and is supposed to make inquiries as to the merits or demerits of any proposition which may be presented to it for consideration. If the action of the Territorial legislature in ratifying these bonds is a reflection upon the personnel of that legislature, it is equally a reflection upon the personnel of the Congress of the United States. The members of this legislature, as the representatives of the people of the Territory, have at least shown the same degree of fitness to deal with public questions, with public obligations, as did, in this instance, the Congress of the United States.

I should like to know why the Senator from Maine and the Senator from Wisconsin rise here and impute dishonesty or incapacity to the members of the Territorial legislature for doing the very thing which they themselves have voted to do as members of the Congress of the United States.

Mr. HALE. The Congress did what it frequently does. Upon the solicitation of the authorities of the Territory——

Mr. BERRY. On the solicitation of the bondholders.

Mr. BEVERIDGE. No, sir.

Mr. HALE. Congress was not in possession of the entire facts. Congress had to depend upon somebody for a true statement of the situation in passing an act that would authorize not the validating of fraudulently issued bonds, but the validating of bonds which by a technicality had exceeded the authority of the county that issued them.

Now, that happens every day. The Senator himself knows of matters from his own State. Legislatures of States and Territories have beset Congress—I may use the word "beset," perhaps, because they are sometimes very importunate—and the conditions and the facts are taken from the legal representatives of the Territories who come here. We have to act upon information. We find afterwards—I did not know it until it was stated here—that Congress acted upon the legislative movement of the Territory that was induced, and persuaded, and perhaps coerced by a brother of the governor. If that is the way, I repeat, that the legislature were influenced in Arizona, they are not particularly competent to exercise the functions of a legislature of a State in the Union.

Mr. RAWLINS. Mr. President——

Mr. HALE. I did not bring it out. The other side brought it out. I never heard of this before.

Mr. FORAKER. If the Senator from Utah will allow me, I should like to make a suggestion there. It illustrates just what these people in the Territories want to escape from—the kind of government to which they are subjected. They did not choose their governor. He was sent to them by the President of the United States.

Mr. HALE. But they chose the legislature.

Mr. LODGE. It seems to me that it is the legislature.

Mr. FORAKER. They chose the local legislature, and I have a memorial here——

Mr. BEVERIDGE. And they chose their Delegate.

Mr. FORAKER. Will the Senator allow me?

Mr. HALE. I will yield in a moment. I am very glad to hear the suggestion made by the Senator from Ohio, who in the course of the whole debate has been extremely fair and, I may say, large in his consideration, that an added reason why we should admit Arizona is that her people want to escape from their legislature.

Mr. FORAKER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Ohio?

Mr. RAWLINS. I yield to the Senator from Ohio.

Mr. FORAKER. I will take only a moment. The Senator from Maine made reference to the governor of the Territory.

Mr. HALE. And the legislature.

Mr. FORAKER. The Senator was speaking particularly of the governor, as I understood it. I reminded him in that connection——

Mr. HALE. I was speaking of the legislature.

Mr. FORAKER. If the Senator will allow me, I will tell him what I understood and what I said. Then he can take the floor again. I do not want to unduly trespass on the time of the Senator from Utah.

I was making my suggestion in answer to the Senator's, which I understood to be that the governor had exercised an improper influence in the matter. Now, here is what the legislature of Arizona did in regard to this matter, if the Senator from Utah will allow me to put it in evidence.

Mr. RAWLINS. Certainly.

Mr. FORAKER. However, before I do that I want simply to recapitulate that these bonds were issued for the purpose of aiding a railroad. The payment of them was resisted on the ground that they were unlawfully issued and no railroad was ever built. The people of Arizona and the people of Pima County, as I am told, never got one dollar of value in return. The courts held that being illegally issued there was no liability. The Supreme Court of the United States so held; and it was after that that somebody induced Congress to pass a law validating invalid bonds. That is what was done.

Now, do you tell me that the bondholders had nothing to do with it? If so, who did have to do with it? The bondholders had a motive in coming to Congress to secure that kind of legislation. There was something to result to them of advantage on account of it. If the people of the Territory came to Congress and asked Congress to validate fraudulently issued bonds in order that they might be made liable to pay them, it was certainly a most extraordinary proceeding. I am assured to the contrary by one who lives in Arizona, who has a right to speak for Arizona, who claims to be familiar with the facts, and I have no doubt he is familiar with the facts.

I am told by him that it was, as I said a while ago, the bondholders who came to Congress and importuned the Congress and secured this most extraordinary legislation, for extraordinary it is, Mr. President, unusual to a high degree, for the Congress of the United States to undertake to say to the people of a Territory that a certain county within its limits has fraudulently issued securities for which the people have received no return; securities that purport to have been issued in aid of the construction of a railroad which has never been built, the proceeds of which securities have been pocketed, I am told, by a lot of thieves and scoundrels, and yet say that the people of that struggling Territory shall be compelled to pay them. In God's name, is it any

wonder that the people of that Territory are demanding that they be released from such a supervision and such a controlling legislative power? Can anybody wonder——

Mr. LODGE and Mr. BEVERIDGE. Mr. President——

Mr. FORAKER. I am not done; wait until I conclude.

Now, Mr. President, that is what Congress did. After Congress had passed that kind of an act, here is the kind of a memorial which was sent to Congress in that connection, and when I read it I think it will be seen that these people show that they are not only qualified to represent a Territory as a legislative body and protect its rights, but that they would do credit to any State in the Union. I can see no lack of ability, no lack of morality, no lack of statesmanship in this document. It is a memorial of the Territorial legislature sent in 1899 to the Congress from the Territorial legislature of Arizona, addressed to the Senate and House of Representatives.

It says:

Your memorialists, the legislative assembly of the Territory of Arizona, beg leave to submit to your honorable bodies—

And then they go on to recite numerous facts. I am not going to take the time of the Senate to read it all, but here they come to the Pima County narrow-gauge railroad bonds:

Whereas said bonds issued to said Arizona Narrow-Gauge Railroad Company were never acquired by said company in good faith, and were never sold by it in good faith or for a valuable consideration, and none of the interest on said bonds had ever been paid by Pima County, and the validity of said bonds had never been acknowledged by said county; and

Whereas the said Arizona Narrow-Gauge Railroad was never built and never existed, and Pima County has never received any consideration whatever for the said so-called bonds, and the entire scheme of the said bond issue was a fraud without any element of merit or good faith; and

Whereas all the foregoing facts were and are notorious, and within the knowledge of everyone who has ever had any dealings with said bonds, etc.

There, Mr. President, I have read enough to show the ground upon which this liability was resisted. Yet Senators come in here and in the name of assumed good morals tell us that these people are repudiators, not fit to come into the Union of States and have representation here alongside of the States they represent.

Mr. HALE. What were the memorialists in this case asking?

Mr. PLATT of Connecticut. May I ask the Senator from Ohio what he has been reading from?

Mr. FORAKER. I am reading from Senate Document No. 117, Fifty-fifth Congress, third session.

Mr. QUARLES. What is the prayer of the memorialists? What is it they ask?

Mr. PLATT of Connecticut. Is it a memorial of the legislature or is it a remonstrance against that memorial?

Mr. HALE. That is what I want the Senator to tell.

Mr. FORAKER. I am trying to call your attention to the facts. The Senator has told us why there was an appeal made by the Territorial legislature——

Mr. HALE. Mr. President, the Senator himself perhaps in his ardor gave rise to terms, and stated that the people of the Territory of Arizona wanted to escape from their legislature, to use his language. Now, no one on this side advanced that proposition or suggested that thought. I do not suppose the Senator is reading from the memorial of the legislature, because the Senator from Connecticut has the papers here, and the legislature——

Mr. FORAKER. I will read all of it in order that I may satisfy the Senator from Maine, if it is necessary. I was speaking at the expense of the time of the Senator from Utah, and therefore I was reading only what I conceived to be the salient points. I was answering as to the fact which was understood in Arizona, and which led to their resistance to the payment of these bonds.

Mr. HALE. The Senator prefaced by stating that he proposed to read from what he thought was a statesmanlike document of the legislature——

Mr. FORAKER. So I did.

Mr. HALE. And that he would prove that the legislature was statesmanlike in its attitude. Now, we have that memorial. Perhaps it is what the Senator has. If he has, he can readily state what it is. Is the Senator reading from the memorial of the legislature?

Mr. FORAKER. I am reading from a memorial that is signed Morris Goldwater, president of the council; Henry F. Ashurst, speaker of the house.

I hereby certify the within to be a true copy of house memorial No. 1.
W. D. BERRY, *Chief Clerk.*

Filed in the office of the secretary of the Territory of Arizona this 7th day of February, A. D. 1899, at 3.30 p. m.
CHARLES H. AKERS,
Secretary of Arizona.

Mr. HALE. Now we shall have the whole document from the legislature read.

Mr. FORAKER. I want to answer what the Senator has just said. I started out to show what the facts were leading to the resistance by the people of Arizona to the payment of these bonds. I undertook to show that these were bonds that were illegally issued, and in that behalf I cited the decision of the court, and the decision by the Supreme Court of the United States in 155 United States, in the case cited by the Senator from Connecticut [Mr. PLATT]. In 172 United States there is a citation of that case.

Mr. QUARLES. Will the Senator from Ohio yield to me just a moment?

Mr. FORAKER. Certainly.

Mr. QUARLES. Before the Senator from Ohio passes from that document, which was to establish the statesmanship of that local legislature, will not the Senator oblige the Senate by reading not the mere statement of facts, but the prayer of the memorial?

Mr. FORAKER. Why, certainly; I will read the whole of it——

Mr. QUARLES. In order that we may know what the legislature were desirous of doing.

Mr. FORAKER. I have no objection to reading the whole of it. I was reading enough for the purpose that I was seeking to subserve, namely, to controvert the proposition of the other side that these bonds had been issued, as the Senator from Connecticut said, in payment for a railroad.

Mr. PLATT of Connecticut. That is absolutely correct.

Mr. LODGE. It is absolutely correct. I have the statement of the Supreme Court here, which says that there was no evidence of bad faith whatever.

Mr. FORAKER. That is something I have not seen. I am talking about what I have before me, and I have before me this memorial, which states that the road never was built—not one particle of it—and why the payment was resisted.

Mr. PLATT of Connecticut. By whom?

Mr. FORAKER. Now the Senator from Wisconsin wants me to read the memorial. I will put the whole of it in the RECORD in order that Senators may have the benefit of it. They recite the facts to which I have already called attention. I will send it to the desk to be incorporated in the RECORD. It says:

TERRITORY OF ARIZONA, OFFICE OF THE SECRETARY.

UNITED STATES OF AMERICA, *Territory of Arizona, ss:*

I, Charles H. Akers, secretary of the Territory of Arizona, do hereby certify that the annexed is a true and complete transcript of the memorial to the Senate and House of Representatives of the United States of America in Congress assembled, praying for legislation to render invalid Pima County (Ariz.) bonds issued to the Arizona Narrow Gauge Railroad Company, which was filed in this office the 7th day of February, A. D. 1899, at 3.30 o'clock p. m., as provided by law.

In testimony whereof I have hereunto set my hand and affixed my official seal. Done at the city of Phoenix, the capital, this 7th day of February, A. D. 1899.

[SEAL.] CHARLES H. AKERS,
Secretary of the Territory of Arizona.

MEMORIAL.

To the Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the legislative assembly of the Territory of Arizona, beg leave to submit to your honorable bodies that—

Whereas a memorial was presented to your honorable bodies by the eighteenth legislative assembly of the Territory of Arizona regarding bonds issued by certain counties of said Territory, which memorial was intended to apply only to such bonds as had been bought in good faith, and interest on which had been paid, as stated in the aforesaid memorial; and

Whereas, in response to said memorial, your honorable bodies thereafter passed the act entitled "An act amending and extending the provisions of an act of Congress entitled 'An act approving, with amendments, the funding act of Arizona,' approved June 25, 1890, and the act amendatory thereof and supplemental thereto, approved August 5, 1894," approved June 6, 1896; and

Whereas, based on said memorial and act of June 6, 1896, the Supreme Court of the United States has recently rendered a decision tending to recognize the validity of certain bonds issued by Pima County, Arizona Territory, to the Arizona Narrow Gauge Railroad under the provisions of the act of the legislative assembly of the Territory of Arizona approved February 1, 1883; and

Whereas, before the passage of said memorial said bonds had been declared unauthorized and void by the district court of the first judicial district of the Territory of Arizona in and for Pima County, by the supreme court of the Territory of Arizona, and by the Supreme Court of the United States, in the case of Lewis *v.* The County of Pima, decided in the Supreme Court of the United States at its October, 1894, term; and

Whereas said bonds issued to said Arizona Narrow Gauge Railroad Company were never acquired by said company in good faith, and were never sold by it in good faith or for a valuable consideration, and none of the interest on said bonds had ever been paid by Pima County, and the validity of said bonds had never been acknowledged by said county; and

Whereas the said Arizona Narrow Gauge Railroad was never built and never existed, and Pima County has never received any consideration whatever for the said so-called bonds, and the entire scheme of the said bond issue was a fraud without any element of merit or good faith; and

Whereas all the foregoing facts were and are notorious, and within the knowledge of everyone who has ever had any dealings with said bonds; and

Whereas it was by all the members of the legislature passing said memorial, and by the governor of Arizona at the time, and by the then Delegate in Congress from Arizona believed that all of said bonds so issued by Pima County to the Arizona Narrow Gauge Railroad Company were res adjudicata by the said decision of the Supreme Court of the United States, and that none of the said bonds could be thereafter validated, and—

That is natural. That certainly is statesmanlike. When the Supreme Court of the United States had held that the bonds were absolutely invalid because illegally issued, without any consideration, and the proceeds, in so far as there were any, had been

stolen and misappropriated, they might very naturally think that it was not in the power of Congress or any other legislative body to validate such an obligation. But they were not then aware of the great and unrestricted power of this legislative body. Now they go on:

Whereas said memorial was intended to apply only to certain railway aid bonds of two other counties in Arizona, where the aided railways were actually constructed, and not to the said bonds so issued by Pima County, as to which none of the statements or reasons in said memorial applied, and which bonds were then, as now, believed to be without consideration, unjust, fraudulent, and void:

Therefore we most strongly urge upon the Senate and House of Representatives of the United States of America to pass such legislation as will exclude from the provisions of the act of Congress of June 6, 1896, and from any and all other legislation by Congress, the said bonds so issued by Pima County to the Arizona Narrow Gauge Railroad Company, so that neither said act of June 6, 1896, or any other act will be construed so as to validate the said bonds issued by Pima County. And it is further

Resolved, That our Delegate to Congress be, and is hereby, instructed to use all proper means to bring this subject to the careful and immediate consideration of Congress, in order to secure, if possible, from Congress such legislation as is prayed for herein; and that the secretary of the Territory be, and he is hereby, requested to transmit a copy of the foregoing memorial to each House of Congress and to our Delegate in Congress.

MORRIS GOLDWATER,
President of the Council.
HENRY F. ASHURST,
Speaker of the House.

I hereby certify the within to be a true copy of house memorial No. 1.
W. D. BERRY, *Chief Clerk.*

Filed in the office of the secretary of the Territory of Arizona this 7th day of February, A. D. 1899, at 3.30 p. m.

CHARLES H. AKERS,
Secretary of Arizona.

Now, Mr. President, I repeat that this is a memorial from the Territorial legislature of Arizona, addressed to the Congress of the United States. It is a memorial in which they profess to recite the facts. I am not familiar with them; I know them only as they are revealed by the Supreme Court Reports, which I have had time only to hastily scan, and what I have gathered from this memorial, and what has been told me here on the floor of the Chamber within the last hour. But from these facts and the information that has been given to me on the subject, the case is simply this: That as to the railroad mentioned for which these bonds of Pima County were issued, the fact is that no road was built.

They were fraudulently issued, and the Supreme Court of the United States, along with all the other courts that passed upon it, have so held. And the Supreme Court of the United States having so held, then the representatives of somebody came here. The Senator from Maine says it was the people of the Territory of Arizona and not the bondholders. If so, all the more credit to the people of Arizona, but it seems to me unreasonable. This disputes that fact. Somebody did come here, however, and induced Congress to pass an act saddling on the Territorial government a debt that had been unlawfully contracted. What wonder that the people of the Territory should refuse to pay until the court said that Congress could validly exercise that very arbitrary and tyrannical and oppressive power? I do not hesitate to say it.

There was, Mr. President, no debt here owed by anybody. The Supreme Court of the United States said so in the case reported in 155 U. S.

Mr. LODGE. Never.

Mr. FORAKER. They never said so? Let us see if they never said so.

Mr. HALE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Maine?

Mr. FORAKER. I will for a question, but I do not yield to the Senator from Maine for a speech just now.

Mr. HALE. I can ask a question on that. I think I am capable of doing that. Is this the memorial which the Senator from Utah says the legislature was induced to send by the brother of the governor?

Mr. RAWLINS. Mr. President——

Mr. HALE. That is a question.

Mr. FORAKER. What is the question the Senator asks?

Mr. HALE. Is this the memorial which the Senator from Utah says the legislature of Arizona was induced unwillingly to send by the machinations and intrigues of the brother of the governor?

Mr. FORAKER. I heard no such statement. I was not in the Chamber while the Senator was speaking.

Mr. HALE. That is the only reason——

Mr. FORAKER. If he made such a statement, he made it in my absence. I know nothing about what induced the legislature beyond the facts recited. They certainly were sufficient.

Mr. HALE. But the Senator from Utah stated——

Mr. FORAKER. The Senator from Utah can answer the question.

Mr. HALE. He says they were induced——

Mr. RAWLINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Utah?

Mr. FORAKER. I yield that the Senator from Utah may answer the question.

Mr. RAWLINS. Now, Mr. President, if I may be permitted to respond to the question which was addressed to me by the Senator from Maine, in the first place I want to say I did not state that the legislature of Arizona had been coerced by anybody.

Mr. HALE. Induced.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from South Carolina?

Mr. RAWLINS. Mr. President, I will conclude in a minute.

Mr. TILLMAN. I thought while the Senator was looking for the cases, I would ask a question or two, but of course I do not want to intrude on his time.

Mr. RAWLINS. I will be glad to respond to the Senator presently, but I want to answer one or two things.

Mr. President, perhaps the Senate ought to know what the legislature of Arizona actually did in the way of importuning Congress for this validating legislation. I have the memorial before me. Before I read it I will make the premise that the governor of Arizona was a Federal appointee and for him the people of the Territory were not responsible. They were not responsible for his relatives. The Territorial legislature had, as a matter of fact, passed various acts authorizing certain counties to issue bonds in aid of the construction of railroads.

Mr. LODGE. May I ask the Senator——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Massachusetts?

Mr. RAWLINS. In one moment.

Mr. LODGE. I only wanted to get the date straight. Those authorizing acts to the counties were long before the memorial.

Mr. RAWLINS. That is what I was proceeding to state. The authorizing acts of the Territorial legislature were long before the memorial, and in pursuance——

Mr. LODGE. Was there a brother of the governor going then——

Mr. RAWLINS. The various counties undertook to exercise this authority under the acts which the legislature had passed. Pima County issued the bonds in question, which were without consideration and void. Thereupon the legislature of Arizona adopted this memorial to Congress:

Your memorialists, the legislative assembly of the Territory of Arizona, beg leave to submit to your honorable bodies that

Whereas under various acts of the legislative assembly of the Territory of Arizona certain of the counties of the Territory were authorized to issue in aid of railroads and other quasi public improvements and did under such acts issue bonds, which said bonds were sold in open market, in most instances at their face value, and are now held at home and abroad by persons who, in good faith, invested their money in the same, and, save and except such knowledge as the law imputes to the holder of bonds issued under authorized acts, are holders of the same; and

Whereas the validity of these bonds for many years after their issuance was unquestioned and acknowledged by the payment of the interest thereon as it fell due; and

Whereas there has recently been raised a question as to whether these acts of the legislative assembly were valid under the organic law of the Territory, which had led to movement looking to the repudiation of the indebtedness created under and by virtue of such acts; and

Whereas we believe that such repudiation would, under the circumstances, work great wrong and hardship to the holders of such bonds, and at the same time seriously affect the credit and standing of our people for honesty and fair dealing and bring us into disrepute:

Therefore we most strongly urge upon your most honorable bodies the propriety and justice of passing such curative and remedial legislation as will protect the holders of all bonds issued under the authority of acts of the legislative assembly.

And I call the attention of the Senator from Maine to this language as to what the legislature of the Territory then asked Congress to do:

Therefore we most strongly urge upon your most honorable bodies the propriety and justice of passing such curative and remedial legislation as will protect the holders of all bonds issued under the authority of acts of the legislative assembly, the validity of which has heretofore been acknowledged, and that you further legislate so as to protect all innocent parties having entered into contracts resulting from inducements offered by our Territorial legislation and relieve the people of the Territory from the disastrous effects that must necessarily follow any repudiation of good faith on the part of the Territory, and that you may so further legislate as to validate all acts of the legislative assembly of the Territory which have held out inducements for the investment of capital within the Territory, and which have led to the investment of large sums of money in enterprises directly contributing to the development and growth of the Territory, and thus relieve the honest people of the Territory from the disastrous effects that must necessarily follow any violation of good faith on the part of our people.

Mr. President, what the legislature asked Congress to do was to validate bonds and obligations which had been issued pursuant to Territorial legislation in good faith, for which there had been consideration in the way of public improvements tending to the development of the Territory, and which obligations had been recognized by the payment of interest which had accrued upon the bonds; but that memorial in no degree applied to the Pima County bonds in question, for the reason that they had then been

repudiated; that no interest had been paid upon them; and that no consideration was ever parted with by those who held them.

Mr. PLATT of Connecticut. The Supreme Court, then, was mistaken?

Mr. LODGE. The Supreme Court stated that interest was paid on them.

Mr. RAWLINS. I mean to say at the time of the memorial——

Mr. LODGE. They say interest has been paid.

Mr. RAWLINS. These Pima County bonds were issued for the construction of a road which was never built. The charge is distinctly made in the memorial read by the Senator from Ohio [Mr. FORAKER] that the people who held those bonds did not pay for them any valid consideration. There was nothing done by those to whom the bonds were issued for the development of the Territory; there was no performance or part performance. This memorial grew out of all the circumstances of the situation.

Mr. LODGE. The Senator is mistaken about that.

Mr. RAWLINS. The memorial related to the county of Yavapai, which county had, under the authority of the Territorial legislature, issued bonds for a consideration, and the party who received the bonds proceeded in good faith to the construction of the road.

Some question was raised as to the validity of those bonds. It was then claimed by the legislature that if these obligations, which were incurred in good faith, and for which consideration had been given by the holders of the bonds, were repudiated, it would cast discredit upon the people of the Territory. Then it was necessary, under the circumstances, that the legislature take some action to restore that credit. Hence the legislature passed this memorial, the effect of which was to ask Congress to put beyond question the validity of the bonds for which consideration had been given, for which public improvements had been made, and upon which every consideration of equity demanded that the contract on the part of the Territory, or the counties in the Territory, should be fulfilled. But when this memorial came to Congress, thus limited, and not at all applicable to the Pima County bonds, it was Congress which passed the legislation, not solicited by the Territorial legislature, for the validation of those bonds in language broad enough, as it was held by the Supreme Court, to extend to the validation of the Pima County bonds.

But, Mr. President, is there anything in these circumstances which tends in any degree to show the unfitness of the people of the Territory of Arizona for admission into the Union?

Mr. BEVERIDGE. Will the Senator allow me to ask him a question for information?

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Indiana?

Mr. RAWLINS. For a question only.

Mr. BEVERIDGE. I want to know whether or not the Delegate of the Territory asked Congress for this legislation?

Mr. RAWLINS. I know nothing about that.

Mr. BEVERIDGE. Of course, it has an important bearing, because if the Delegate elected by the people asked Congress for this validating legislation, that must be referred to the people who elected him. I do not know. I am asking for information.

Mr. RAWLINS. It may be important.

Mr. FORAKER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Ohio?

Mr. RAWLINS. Yes.

Mr. FORAKER. I wish to suggest that the Delegate from a Territory might be mistaken as to his duty or as to the performance of it.

Mr. BEVERIDGE. He might.

Mr. RAWLINS. I am informed, if the Senator from Indiana will permit me to answer his question, that the present Delegate from the Territory has resisted this legislation throughout, as it extended beyond the purpose of the memorial.

Mr. BEVERIDGE. I ask as to the Delegate at that time?

Mr. RAWLINS. I know nothing about that, and so can not answer.

Mr. BEVERIDGE. The Delegate before the present one was a private citizen before he was a Delegate.

Mr. QUARLES. Will the Senator permit me to ask him for the respective dates of these two memorials?

Mr. RAWLINS. I can not state at this instant.

Mr. FORAKER. The memorial I read from—I did not know there was any other when I read it—is dated "February 7, 1899, at 3.30 o'clock p. m." [Laughter.]

Mr. LODGE. The other was dated 1898—the year before.

Mr. RAWLINS. I do not know that the exact date is necessary, but I find, in compliance with this memorial, that Congress, on the 6th day of June, 1896, passed an act for the validation of these obligations. I think the memorial which I have just read to the Senate was adopted in 1895.

But, Mr. President, it is claimed, and no longer disputed, in view of the decision of the Supreme Court, that these Pima County bonds, by reason of the action of Congress, with which the Territorial legislation had nothing to do, have become a binding obligation upon the people of the Territory. I have already read the bill which is proposed by the Territory, embodying the conditions under which it will come into the Union. If they are admitted under this bill, they propose to pay all debts and obligations of the Territory, which of course would now include the bonds in question. The people of the Territory of Arizona can not do more than that. They make this solemn pledge in the form of an ordinance, irrevocable in character, that they will pay these bonds, originally fraudulent and illegal, validated, not by any act of their own, but solely by the authority of Congress.

They make this concession to fraud and dishonesty; they make this concession to the appeals of Senators here, that unless the bonds, for which no consideration was parted with, illegal in their inception, be paid, the people of this Territory, otherwise fit for admission into the Union, shall be denied that boon.

Because here has been a controverted question whether the Territory should be saddled with the payment of a debt for which they received no consideration, and have seen fit to litigate it in a legtimate and lawful way, it being a debt created by the action of Congress, and not by reason of any demerit in their case, now when they come here and say "We will pay, in order to gain admission, this, with other debts and obligations, solemnly pledging ourselves to do so," it would seem there would be scarcely longer any reason to be imputed to those people why they shall not be admitted into the Union as a State.

Mr. President, this is nothing but an obligation against the Territory. These bondholders can not recover by suit against the Territory any more than they could recover against the State. The condition of the holders of these fraudulent bonds will in no degree be made worse after the admission of the Territory as a State than before admission. This, it seems to me, which has been presented by distinguished Senators as the crowning and conclusive argument upon which the other side rest their case against the admission of the Territory, falls to pieces.

These pioneers out in the remote counties in Arizona, struggling to build up their homes, desiring access to the rest of mankind by the construction of railroads, have doubtless held out inducements to people who in good faith would undertake to render to them such services. They have never raised any question about the validity of any bonds where the railroad had been constructed—where the parties receiving aid have proceeded in good faith to fulfill their part of the obligation.

Certain parties held out inducements to the people of Pima to issue bonds. Thereupon those parties failed utterly to comply with their part of the contract. They ought to be shut out of court, and they would be shut out, as they were shut out under the first decision of the Supreme Court of the United States, but the people of that Territory find interposed between them and their rights an act of Congress validating not only those bonds which they desire to recognize, but illegal and unauthorized bonds. Now, will it be said that so long as there is any question about some claim as to whether it is meritorious or not, fraudulent or legal, between Arizona, or Oklahoma, or New Mexico and some person making some fictitious or even a meritorious claim against them—until every disputed claim in respect of obligations of any one of these Territories is finally settled and the money paid—that no one of them can be admitted as a State? If that were true, no Territory would have been admitted as a State in the past.

These Territories proceeded to make application to come in, not precisely on the same conditions which have been presented and conceded to every other Territory knocking for admission into the Union——

Mr. DEPEW. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from New York?

Mr. RAWLINS. I yield for a question.

Mr. DEPEW. A statement and a question. I want to see whether I am correct. I know nothing about this matter except what I learn from the discussion to which we have been listening; but if I understand the documents which were read a moment ago, the memorial read by the Senator from Utah [Mr. RAWLINS] and the memorial read by the Senator from Ohio [Mr. FORAKER], together with the legislation which has been referred to, this is the historical condition: The council or legislative assembly of Arizona, in the memorial which the Senator from Utah has read, petitioned Congress to pass these validating acts. The memorial is very strong as to the reasons why, namely, that on account of certain repudiation the credit of the Territory of Arizona was seriously affected, as was also that of various counties in the Territory. After acting upon that memorial, Congress passed a validating act. Then came the litigation in court; then the court sustained the bonds; and then came the second memorial, asking

Congress to repudiate the bonds which the court had validated under the act of Congress. Is that correct?

Mr. RAWLINS. Mr. President, the chronology of the Senator is not correct. These particular bonds were issued without authority, without consideration; but other bonds were issued for which there was consideration, which had been recognized by the Territory and by counties in the Territory. The legislature memorialized Congress to validate those bonds for which consideration had been received. Congress validated all bonds, including those for which no consideration had been given. The legislature then memorialized that Congress had not complied with their request, but had gone beyond it and undertaken to validate bonds for which no consideration had been given, which were illegal and fraudulent, namely, these Pima County bonds, and asking Congress to modify and correct the action which it had originally taken.

In the meantime the bondholders had taken into court the bonds originally invalid, and which became valid by reason of the action of Congress. Ultimately the Supreme Court of the United States, very recently, has held that those bonds were valid because Congress had validated them. So the Senator from New York will perceive that the situation is that the Territorial legislature memorialized Congress to render its aid in order that equitable and just debts might not be repudiated. Congress went beyond that request and validated bonds for which there was no legal liability and no equitable liability on the part of the Territory or of any county in it. Congress failed to correct its former action in this regard, and now Senators say that by reason of the fact that the legislature had been induced to memorialize Congress, requesting Congress to take this action, the people of the Territory have shown their unfitness for statehood.

The Senator from Maine [Mr. HALE] said that Senators and Members of the House of Representatives are compelled to rely upon the information which they receive from the local legislature and from the Delegate representing the Territory. Mr. President, that in a measure is true, but we find when we look to the information that was communicated to Congress by the Territorial legislature that that communication did not ask for the validation of the Pima County bonds, nor did they come within the general description of the obligations which it was sought by the Territory to have approved by Congress. Hence Congress was not induced by any representation of the Territorial legislature to validate the Pima County bonds.

Who were interested especially in having those bonds validated? Unquestionably the bondholders. Who represents the bondholders? No citizen of Arizona, but, as we are informed, a distinguished citizen of the State of New York. No one has any objection to his representing his clients and insisting upon the performance of any legal obligation which may have been incurred by the people of Arizona; but we are assured by the public press that he has come here to Washington, has interviewed the President of the United States, and has made a declaration somewhat similar to that of Germany to Venezuela: "We will blockade your ports; we will shut you out from the Union; we will deny to you the political privilege to which you are otherwise entitled until you go down into your pockets and pay these obligations"—obligations originally fraudulent, for which the men who hold them, for whose benefit they have been incurred, made no payment and parted with no consideration. "You must pay these bonds or our potent influence"—the potent influence of the bondholders and their representatives in New York—"will see to it that no right is accorded to the pioneers away out in the Territory of Arizona."

I think the intention of Congress has been rather directed to the importunities of the representatives of the bondholders from the State of New York than to the representatives of the people of Arizona coming here to ask, not that fraudulent claims be recognized, but that equitable and just obligations be not repudiated.

We have discovered now, it seems, precisely the objection and the ground upon which all business in the Senate is to be arrested. We have discovered the ground now by reason of which we are to have a filibuster to prevent a vote upon the question of the admission of any one of those Territories into the Union. At last it has come to light, through the Senator from Connecticut [Mr. PLATT] and the Senator from Maine [Mr. HALE], that the fundamental and constitutional and moral objection, overwhelming in character, to the passage of this bill is that the holders of some one hundred thousand dollars' worth of fraudulently issued bonds must have their money upon their fraudulent, illegal paper, validated only by the unjust action of the Congress of the United States.

Mr. ALDRICH. Will the Senator allow me to ask him a question?

Mr. RAWLINS. Certainly.

Mr. ALDRICH. Does the Senator think, under the circumstances, that the Territory of Arizona would have a right to repudiate those bonds?

Mr. RAWLINS. I have already answered that the Supreme Court have held that these bonds, illegal in their inception, for which the holders parted with no consideration, are valid and binding debts and obligations of the Territory; but under the act which the Territory presents to us, embodying the conditions upon which she asks admission, she declares that she will by ordinance, irrevocable in form, undertake the payment of all debts and obligations of the Territory, including these bonds.

Mr. ALDRICH. But does the Senator think the Territory is morally or equitably bound to pay those bonds?

Mr. RAWLINS. I certainly think that the Territory, if I am correctly informed as to the facts, is not equitably, is not morally, but is legally bound to do so, because the Supreme Court of the United States has so declared by reason of the action of Congress, which was authorized, having full power to legislate in all respects whatsoever as to a Territory. We have the power to declare, and without their consent, that the people of Pima County or the people of the Territory of Arizona should pay $100,000 or $100,000,000 for which they had received nothing. We have done it, and that is the end of it. That is the end of the controversy. We have the power, the mere power, not founded in equity or justice, but the absolute, uncontrolled power, because the plenitude of our powers in respect to a Territory is no longer questioned. We have the power to say, and we did say, to the people of Arizona: "Pay this $100,000 to the men who procured this paper, worthless in its inception, for which they made no payment whatsoever, for which they parted with no consideration whatsoever." It is not an equitable, it is not a moral, but it is a legal obligation; and the people of the Territory, recognizing that it is legal and that they can not escape it, bow to our edict, founded in injustice, and say: "We will pay this, too; but clothe us with the habiliments of statehood and enable us to have a voice in the legislative council of the nation, in order that no further iniquity of this kind and wrong shall be perpetrated upon us."

Mr. President, this is an argument which ought to be conclusive to reasonable minds why these Territories ought to be admitted. There is a case where the Supreme Court originally held that these bonds were void, worthless. After that decision Congress says that they are valid and binding obligations upon the people of the Territory; and the Supreme Court says: "The sovereign, uncontrolled power, Congress, has acted, and its edict must be obeyed. You helpless people of the Territory must now pay this debt for which you received no consideration." That is the pitiable condition of the people, the pioneers, who are held in subserviency in the Territories, and it is of that character of people out of which this great Government has been constructed and built up and out of which have come all the glories she possesses. The same kind of people have gone out into Arizona and sought to build up the waste places upon the continent. Why should they not have a voice, a potent voice, in the halls of Congress to protest against such iniquity?

Mr. President, it seems to me that the conclusive argument in this case has been furnished why Arizona and New Mexico and Oklahoma should be admitted into the Union as States.

Mr. LODGE and Mr. FORAKER addressed the Chair.

The PRESIDENT pro tempore. The Senator from Massachusetts [Mr. LODGE] is recognized.

Mr. FORAKER. Mr. President, I ask whether or not I had the floor. I was on the floor when the Senator from Utah——

Mr. LODGE. I understood the Senator from Utah [Mr. RAWLINS] yielded the floor to the Senator from Ohio [Mr. FORAKER].

Mr. FORAKER. No; I did not yield the floor. The Senator from Maine [Mr. HALE] asked me a question as to whether or not I agreed with the Senator from Utah. I replied that I was not in the Chamber when the Senator from Utah made any such statement as that imputed to him, but I would yield to the Senator from Utah, who asked that I might do so in order that he might answer the question of the Senator from Maine. He has been ever since answering it. I thought I had the floor.

Mr. LODGE. I did not mean to take the floor from anyone. I had waited very patiently, I thought, until everyone had spoken and I was recognized by the Chair.

Mr. FORAKER. I was in the midst of some remarks that I desire very much to conclude. It perhaps is not material, but I think the Senator from Massachusetts should not insist, even if he has the right to deprive me of the floor——

Mr. LODGE. I will not insist, of course.

Mr. FORAKER. Until I may conclude what I was about to say.

Mr. LODGE. Certainly.

Mr. FORAKER. I am glad——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Ohio?

Mr. LODGE. I yield, of course, Mr. President.

Mr. FORAKER. I am glad that I have had this interruption, Mr. President, because it has given me an opportunity to look over the cases that have been reported as decided by the Supreme Court, and to look over these two memorials. I think now I can make an intelligent explanation of the whole matter, and state it so that anybody can understand it, and so that there will not be any reproach resting upon the people of Arizona.

I never heard of this question about the Pima County bonds until the Senator from Connecticut [Mr. PLATT] took the floor and raised the question whether or not the Territory of Arizona had not been guilty of repudiation, or an attempted repudiation; but as he progressed, and as others spoke, I began to find out about it. I sent for the authorities cited, and now I think I can give an intelligent explanation of the whole matter.

It seems, Mr. President, that under Territorial legislation bonds were issued to aid in the construction of railroads; not one railroad, but a number of railroads. In a number of cases these bonds were regularly and lawfully issued, and from time to time, as the interest accrued upon them, the interest was paid. The liability of the Territory was never questioned in any instance as to all such issues, until some years had elapsed. After some years had elapsed, on some account or other, a question did arise as to whether or not there was a liability.

The legislature of Arizona then came forward with the memorial which the Senator from Massachusetts and the Senator from Connecticut evidently had before them when they were asking me to read different parts of the memorial I had before me. What they were asking me to read had no reference whatever to the point I was trying to make; and for that reason I had not read that part of the memorial. I observed when I read, in answer to their request, the part of the memorial they wanted me to read, it did not fit what they had in their minds. The trouble was owing to the fact that there have been two memorials. I did not know of the first one, and they apparently did not know of the second one. They had the first before them, and I had only the second.

The legislature of Arizona, in a very statesmanlike way, I will say—although the Senator from Maine [Mr. HALE] is absent from the Chamber and we can not, therefore, have his appreciation of the remark until he reads it in the RECORD—came forward and presented a memorial to the Congress of the United States, in which they recite the facts, and I want to give you those facts, in respect to the bonds concerning which they were presenting a memorial. They say:

To the Senate and House of Representatives
of the United States of America in Congress assembled:

Your memorialists, the legislative assembly of the Territory of Arizona, beg leave to submit to your honorable bodies that—

Whereas under various acts of the legislative assembly of the Territory of Arizona certain of the counties of the Territory were authorized to issue, in aid of railroads and other quasi public improvements and did under such acts issue bonds, which said bonds were sold in open market, in most instances at their face value, and are now held at home and abroad by persons who, in good faith, invested their money in the same, and, save and except such knowledge as the law imputes to the holder of bonds issued under authorized acts, are holders of the same; and

Whereas the validity of these bonds for many years after their issuance was unquestioned and acknowledged by the payment of the interest thereon as it fell due; and

Whereas there has recently been raised a question as to whether these acts of the legislative assembly were valid under the organic law of the Territory, which had led to movement looking to the repudiation of the indebtedness created under and by virtue of such acts; and

Whereas we believe that such repudiation would, under the circumstances, work great wrong and hardship to the holders of such bonds and at the same time seriously affect the credit and standing of our people for honesty and fair dealing and bring us into disrepute.

Let me stop here to remark that this does not read like the language of dishonest men seeking to repudiate obligations justly and legally and validly incurred.

Therefore we most strongly urge upon your most honorable bodies the propriety and justice of passing such curative and remedial legislation as will protect the holders of all bonds issued under the authority of acts of the legislative assembly, the validity of which has heretofore been acknowledged, and that you further legislate as to protect all innocent parties having entered into contracts resulting from inducements offered by our Territorial legislation, and relieve the people of the Territory from the disastrous effects that must necessarily follow any repudiation of good faith on the part of the Territory, and that you may so further legislate as to validate all acts of the legislative assembly of the Territory which have held out inducements for the investment of capital within the Territory, and which have led to the investment of large sums of money in enterprises directly contributing to the development and growth of the Territory, and thus relieve the honest people of the Territory from disastrous effects that must necessarily follow any violation of good faith on the part of our people.

Resolved, That our Delegate be, and he is hereby, instructed to use all honorable means to bring this subject to the earnest consideration of Congress; that the secretary of the Territory be, and he is hereby, requested to transmit a copy of the foregoing to each House of Congress and to our Delegate in Congress.

The date of the memorial is not given. The print of it, as I have read it, is found in 172 United States Reports.

Mr. LODGE. It was adopted in 1895.

Mr. FORAKER. I was about to remark that I am informed it was adopted in 1895 and presented in 1895.

Mr. LODGE. It is so stated in the Supreme Court report.

Mr. FORAKER. Very well. That is near enough. At any rate, that memorial followed immediately after the case reported in the 155 United States Reports, at page 54, the case of Lewis *v.* Pima County, cited first in this debate by the Senator from Connecticut [Mr. PLATT]. Let me read the syllabus in that case:

The act of the legislature of Arizona of February 21, 1883, authorizing Pima County, in that Territory, to issue its bonds in aid of the construction of a railway, is a violation of the restrictions imposed upon the Territorial legislatures by Revised Statutes, section 1889, as amended by the act of June 8, 1878, chapter 168, and the bonds issued under the authority assumed to be conferred by that statute created no obligation against the county which a court of law can enforce.

The court set out in their opinion and in the statement of facts in the case what the facts were, namely, that the bonds were issued without any lawful authority; that they created no liability whatever on the county of Pima; that nobody was under any obligations to pay them, and that the holders of them were without any remedy at all at law, whatever their remedy might be elsewhere.

As a result of that decision of the Supreme Court, there was a cloud cast upon all the bonds they had issued, and then followed the memorial of the legislature which I have just read.

But, Mr. President, the memorial describes one class of bonds and the Supreme Court describes another class of bonds when it comes to the Pima County bonds. The memorial speaks of bonds lawfully and regularly issued, duly sold, most of them for par, the proceeds of which passed into the hands of the officials of the counties and were used in the construction of railroads. Therefore they say it would be repudiation without excuse to refuse to pay bonds of that character. But the Supreme Court said, as to the other bonds, there was no liability whatever of that character, and yet the language employed by the Supreme Court was of such broad character as to cast a cloud on the validity of all the bonds that had been issued.

Then it was that the Congress of the United States, responding to that memorial, passed an act validating the bonds in Arizona in aid of railroad companies, an act of such broad character and language as to include by its terms the Pima County bonds which had been held to be absolutely invalid, which the legislature of Arizona had never asked Congress to validate, and which any lawyer in the country, I think, would have told you nobody would think of asking Congress to validate, making an absolute liability upon the Territory, which had not issued the bonds, on account of bonds unlawfully issued, and issued without consideration by a county of the Territory. Yet that is what was done by the Congress of the United States.

I characterized it fittingly, I think, when I said a while ago that for the Congress of the United States to saddle upon that Territory a liability for which not even the county that had issued the bonds had ever received one dollar of value, was an act of tyranny, and that I do not wonder that the people in the Territory are seeking to escape from such government as the Congress of the United States has been giving to them. It is absolutely inexcusable, and a shame and a disgrace to this body, if these facts are true, that we should have done it. Yet Senators stand here and talk about the incompetency of men in the legislative assembly of the Territory of Arizona. Mr. President, if there is fault to be found anywhere, it is here, where we would do a thing so absolutely without excuse, as I conceive that to be, looking at the morals of it and looking at the equities of it.

I am not speaking of the question of power. Of course we have the power. The Congress can govern the Territories as the Congress may see fit, and if the Congress sees fit to saddle a debt of over a hundred thousand dollars on a Territory, Congress has power to do it, whether or not the Territory got value received for it, but Congress might be in better business than doing that.

Now, Mr. President, after that decision in 155 United States, then, although the Supreme Court had decided that there was no validity in these bonds, and consequently no obligation or liability on account of them, an obligation was asserted. They undertook to make the people pay on the ground that the statute of Congress which they had asked for as to the other bonds was in such broad terms as to include these bonds as well as the other class of bonds.

Thereupon came the second memorial; and now, as I read it, you will note how it fits in with what I have been saying, how the same legislature which asked that Congress would validate bonds that had been properly issued also asked that Congress would exclude, by proper act of legislation, from the operation of their previous act bonds for which the Territory had never received any value and which were unlawfully issued and the proceeds of which had been pocketed by a lot of scamps. Here is what it says; I want to read all of it:

Territory of Arizona, office of the secretary—

Then follows the certificate by the secretary of the Territory

that this memorial has been duly passed by the Territorial legislature. Then it says:

To the Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the legislative assembly of the Territory of Arizona, beg leave to submit to your honorable bodies that

Whereas a memorial was presented to your honorable bodies by the eighteenth legislative assembly of the Territory of Arizona regarding bonds issued by certain counties of said Territory, which memorial was intended to apply only to such bonds as had been bought in good faith, and interest on which had been paid, as stated in the aforesaid memorial; and

That is what the legislature of Arizona is now reciting. They are describing the memorial they presented to Congress, a memorial to Congress praying that Congress would validate bonds which had been issued in good faith, in accordance with law, and which had been sold in the market for full value, and the proceeds of which had been used by the officials of Arizona.

Whereas, in response to said memorial, your honorable bodies thereafter passed the act entitled "An act amending and extending the provisions of an act of Congress entitled 'An act approving, with amendments, the funding act of Arizona,' approved June 25, 1890, and the act amendatory thereof and supplemental thereto approved August 3, 1894," approved June 6, 1896; and

Whereas, based on said memorial and act of June 6, 1896, the Supreme Court of the United States has recently rendered a decision tending to recognize the validity of certain bonds issued by Pima County, Arizona Territory, to the Arizona Narrow Gauge Railroad under the provisions of the act of the legislative assembly of the Territory of Arizona approved February 1, 1883; and

Let me stop here to explain what was meant. After this first memorial and after the legislation that followed, the holders of these Pima County bonds came into the court and insisted that they were validated by this act which the memorial asked for, when the memorialists only asked for such legislation as to bonds that had been properly issued and for which there was a proper consideration. The Supreme Court held that the law was broad enough to apply to all bonds issued, without regard to whether there had been value received or not, but the language employed by the court—I refer to the case of Utter *v.* Franklin, 172 U. S. Reports, at page 416—was not such as, without question, to make the Pima County bonds valid. Thereupon they memorialized Congress again. Having recited all that, they then proceed:

Whereas before the passage of said memorial said bonds had been declared unauthorized and void by the district court of the first judicial district of the Territory of Arizona in and for Pima County, by the supreme court of the Territory of Arizona, and by the Supreme Court of the United States, in the case of Lewis *v.* The County of Pima, decided in the Supreme Court of the United States at its October, 1894, term; and

They recite there the record. These bonds of Pima County had been decided to be invalid before their memorial, by their county court, by the supreme court of the Territory, and by the Supreme Court of the United States. They had been declared invalid and as creating no obligation on Pima county, because there was never any railroad built and never any value received—the whole thing a stupendous fraud from beginning to end. Again they recite:

Whereas said bonds issued to said Arizona Narrow Gauge Railroad Company were never acquired by said company in good faith, and were never sold by it in good faith or for a valuable consideration, and none of the interest on said bonds had ever been paid by Pima County, and the validity of said bonds had never been acknowledged by said county; and

Whereas the said Arizona Narrow Gauge Railroad was never built and never existed, and Pima County has never received any consideration whatever for the said so-called bonds, and the entire scheme of the said bond issue was a fraud without any element of merit or good faith; and

Whereas all the foregoing facts were and are notorious, and within the knowledge of everyone who has ever had any dealings with said bonds; and

Whereas it was by all the members of the legislature passing said memorial, and by the governor of Arizona at the time, and by the then Delegate in Congress from Arizona believed that all of said bonds so issued by Pima County to the Arizona Narrow Gauge Railroad Company were res adjudicata by the said decision of the Supreme Court of the United States, and that none of the said bonds could be thereafter validated; and

Whereas said memorial was intended to apply only to certain railway aid bonds of two other counties in Arizona, where the aided railways were actually constructed, and not to the said bonds so issued by Pima County, as to which none of the statements or reasons in said memorial applied, and which bonds were then, as now, believed to be without consideration, unjust, fraudulent, and void:

Therefore we most strongly urge upon the Senate and House of Representatives of the United States of America to pass such legislation as will exclude from the provisions of the act of Congress of June 6, 1896, and from any and all other legislation by Congress, the said bonds so issued by Pima County to the Arizona Narrow Gauge Railroad Company, so that neither said act of June 6, 1896, or any other act will be construed so as to validate the said bonds issued by Pima County.

Congress ought to have responded to that appeal, but Congress did not do so. Congress before that, on the previous memorial, had passed an act broad enough, according to the judgment of the Supreme Court, by its terms to validate bonds that had been issued unlawfully, without any consideration, with the proceeds of which no railroad, and no foot of any railroad, as I understand the facts, had been built. When this appeal was made to the Congress, a case was presented to us to which I say we ought to have responded, for it was made to appear to us that we had passed an act going by its terms far beyond that which had been prayed for by our memorialists, whose prayer we had responded to previously. We ought to have corrected the mistake we made, but we did not do it.

Now, what is the consequence? The Supreme Court says in this case (in 172 U. S.) that the Congress has the power to saddle onto the Territory anything of this nature it may see fit to saddle, and that having done so the court can only say where there was no obligation before one has now been created by the Congress of the United States, and you are helpless by reason of the action of the Congress of the United States and you shall pay.

That being the case, Mr. President, the question of obligation resting upon that idea, is it any wonder that this obligation was contested again in the courts? Would any public official have been true to his trust if he had not, before seeking to enforce payment by using his official power, gone to the courts to test whether or not the Congress of the United States could lawfully impose an obligation where the Supreme Court had already said there was absolutely no obligation?

Now, that is all the delay there has been. They have gone through the courts contesting as to that proposition. The Supreme Court of the United States has now held that the Pima County bonds were validated by the act of Congress. I do not know what the decision is the Senators have before them, which they say was only recently rendered. They have it in their keeping, and I have not been able to see it. But I speak of what the court has said in the former cases, which I do have before me. Would the Senator from Connecticut or Massachusetts have any objection to reading me the syllabus? [A pause.] Very well; I shall wait until the Senator takes the floor. On page 423, of 172 United States, the Supreme Court, in discussing the effect of this act, says:

We think it was within the power of Congress to validate these bonds. Their only defect was that they had been issued in excess of the powers conferred upon the municipalities by the act of June 8, 1878.

I need not read further. The holding of the court was not because of what any official of Pima had done there was a liability, but that a liability had been created by a subsequent act of Congress, an act that we did not pass until the Supreme Court of the United States had held that the bonds had been unlawfully issued and that they were invalid and that they created no obligation.

Mr. ALDRICH. Will the Senator from Ohio allow me to ask him a question?

Mr. FORAKER. Certainly.

Mr. ALDRICH. I have been greatly interested in his statement about a matter which is entirely new to me. He speaks, I think in proper terms, of the outrageous treatment which these people have received from Congress, if his statement is true. Will the Senator tell me upon whose suggestion or initiative this wonderful legislation was adopted here?

Mr. FORAKER. I do not know. This legislation was enacted shortly after I came into the Senate, when I knew a great deal less about what was being done in the Senate than I think I do now.

Mr. ALDRICH. I did not know but that the Senator had the record there——

Mr. FORAKER. I have not the record here.

Mr. ALDRICH. Showing by what committee of Congress it was reported.

Mr. FORAKER. It was passed by the Fifty-fifth Congress.

Mr. ALDRICH. I suppose it was adopted upon the report of some committee. I did not know but that the Senator had the record before him.

Mr. FORAKER. These cases do not say anything about that. I have been reading from the Supreme Court Reports. I do not know what committee reported it. All I know is that the Supreme Court states that an act was passed by Congress, and it says, notwithstanding it has held these bonds invalid, this act of Congress, the Congress being all powerful, imposes an obligation where none previously existed.

Mr. ALDRICH. These questions have usually been settled by Senators on the other side of the Chamber, a number of whom have taken part in this debate; and I should like to know who is responsible for the legislation which the Senator is characterizing in such vigorous terms.

Mr. FORAKER. I am addressing the Senate. I have not now time to investigate. As soon as I quit the floor, I will be glad to send for the report and find out all I can about it. I suggest to the Senator that he do so while I am speaking, and thus save time.

Mr. ALDRICH. I will do it.

Mr. FORAKER. I have said practically all I care to say. All I wanted to do was to exonerate the people of Arizona, in whose probity and honor and integrity I have the greatest confidence, from the cold-blooded, brutal charge, as I think it was, that they are, upon such facts, to be branded as repudiationists, that they stand guilty, convicted by the Supreme Court of the United States, of having repudiated their just debts. If there is any record anywhere to justify such a charge I have not seen it. On the contrary, the record that I have seen shows that the people of Arizona did not do differently with regard to these bonded

obligations than any other community in the United States would most probably have done. Scamps and scoundrels occasionally get into office in old as well as new communities. It is no unheard of thing for county officials to overstep their lawful rights, usurp authority, and issue invalid securities.

Only a few years ago our legislature passed a law called the "Boesel law," authorizing the construction by county aid of railroads in Ohio. Numerous enterprises were set on foot. Bonds were issued by county officials; they were sold, and after that they were held by the courts to be invalid. We had only recently a case of this kind arising in the city of my colleague. The legislature passed a law authorizing the taxation of all property in Cuyahoga County for the purpose of building an armory, and authorizing the issuance and sale of bonds to anticipate the revenues. Bonds were issued. They were put upon the market. They were sold for full value. With the proceeds they built the armory, and then after they had done so the county authorities in Cuyahoga County refused to levy the tax, although they had several times paid the interest on the bonds. They refused to continue to levy the tax rate to meet the interest and the principal of those bonds.

The holders went into the courts of Ohio and were there defeated, the supreme court of Ohio holding it was incompetent for the legislature, under the constitution of Ohio, to provide for a public improvement that belonged to the whole State and impose the whole burden of it upon the property in the single county where it was located. Thereupon the holders of those bonds went to the legislature of Ohio and they there procured a curative act, under which subsequently the holders got a judgment for the amount of their bonds, and ultimately the matter was taken care of.

The people of Cuyahoga County were not repudiationists, although the case against them was much stronger than this case against Arizona.

I mention this to show that it is no evidence of unfitness or incapacity for statehood that the legislature of the Territory, issuing bonds to aid railroads, may have issued invalid securities, the validity of which the people interested had the right to question in the courts, as they successfully did in this instance. There is not a State in this Union probably where the same thing has not occurred over and over again in some form or other.

When a community resists what it concedes to be an invalid and unlawfully issued security, it is not an evidence that they are dishonest. It is not an evidence that they are repudiators. Those are harsh words, Mr. President. In this case they are inexcusable.

Mr. President, in view of what has occurred here during the last hour, I am more thankful than ever that I am supporting this statehood bill. If there has been a clearer case made against Territorial government than this made here within the last hour, I have not heard of it. Here are people struggling to develop a community. They are an honest people. Their first and second memorials alike show that fact. I did not go beyond what the facts warranted me in saying when I stated that the Territorial legislature of Arizona figures in this matter far more creditably than the Congress of the United States. If there be fault anywhere to be found or to be laid, it is here, not there. They have acted not only honorably, Mr. President, but they have acted zealously to do their duty and their full duty. Is it to be wondered at that they were of the opinion, when they memorialized the Congress of the United States subsequent to the Supreme Court decision that the Pima County issue of bonds was invalid, that no act could be passed that would reach back and bring the dead to life.

Mr. GALLINGER. Will the Senator from Ohio permit me for one moment?

Mr. FORAKER. Certainly.

Mr. GALLINGER. The question was raised by the Senator from Rhode Island [Mr. ALDRICH] as to the source from which the legislation concerning this matter came. I hold in my hand a report made on a House bill legalizing these bonds, which bill was approved March 3, 1901. I will send it to the Senator. It appears that the Senator from Montana, Mr. Carter, made a favorable report from the Committee on Territories of the Senate.

Mr. FORAKER. I will ask that it may be read.

I have said all I care to say. I was just about to take my seat. I will stop only to emphasize what I said, that here we have an object lesson. Here are a people struggling in that frontier community to develop their industries, to acquire and build up railroads. They have peculiarly difficult conditions of nature there to deal with. They understand those conditions and can legislate about them far more intelligently than we can. We lack the necessary information for intelligent legislation. People come here. They bring in a measure. It is reported by some committee. It gets on the Calendar either as a separate bill or as an amendment to some bill, and before any Senator knows it, who has no special knowledge, it has become a law. That has happened over and over again. It happened so in this case—I will not say before any Senator knew it, but I will say that it happened so before many Senators could have known it.

I was here. I was pretty regular in my attendance. I never heard of any such bill. If I had heard of it and had comprehended what it meant, I would have certainly had a place in the RECORD showing that I was in opposition to any such measure, for I regard this legislation as absolutely tyrannical, oppressive, and unjust.

Mr. ALDRICH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield?

Mr. FORAKER. I yield to the Senator from Rhode Island.

Mr. ALDRICH. I hold in my hand the report of the Committee on Territories upon the bill. I think the Senator from New Hampshire is mistaken in the report which he put in. This is a report made by the Senator from Kansas [Mr. HARRIS] in favor of the bill. I think the bill was reported by the late Senator from Minnesota, Mr. Davis.

Mr. FORAKER. I do not know by whom it was reported.

Mr. ALDRICH. The report seems to have been made by the Senator from Kansas.

Mr. FORAKER. I should like to have some Senator look at the RECORD now and see how much debate there was over it.

Mr. ALDRICH. That is what I am trying to find out.

Mr. LODGE obtained the floor.

Mr. GALLINGER. If the Senator from Massachusetts will permit me just one moment, I simply want to say that the Senator from Rhode Island is manifestly mistaken in saying that I sent up the wrong bill. I ask unanimous consent that the report on this matter made by the Senator from Montana, Mr. Carter, be printed in the RECORD. I do not care to have it read.

Mr. TILLMAN. I should like to hear it.

Mr. FORAKER. I should like to have it read.

Mr. LODGE. I believe I have the floor.

Mr. ALDRICH. It is the act of June 6, 1896.

Mr. LODGE. And also there was an act of March 3, 1901. This is the act of June 6, 1896.

Mr. ALDRICH. It was the act of 1896 I had reference to, reported by the Senator from Kansas [Mr. HARRIS].

Mr. LODGE. We passed a later act March 3, 1901.

Mr. ALDRICH subsequently said: Mr. President, in referring to the act of 1896 a few minutes ago, I stated that the report in favor of that act was made by the Senator from Kansas [Mr. HARRIS]. I made that mistake because it did not occur to me at the moment that there was any other Harris in the Senate at that time. It seems, however, that the Senator from Kansas was not then a member of the Senate and that the report was made by the late Senator from Tennessee, Mr. Harris. I make this statement in justice to the Senator from Kansas.

The PRESIDENT pro tempore. If there be no objection, the report submitted in 1901 will be printed in the RECORD.

The report is as follows:

[Senate Report No. 2035, Fifty-sixth Congress, second session.]

ISSUE OF BONDS BY SUPERVISORS, PIMA COUNTY, ARIZ.

[January 25, 1901.—Ordered to be printed.]

Mr. Carter, from the Committee on Territories submitted the following report (to accompany H. R. 8068):

The Committee on Territories, to whom was referred the bill (H. R. 8068) authorizing the board of supervisors of Pima County, Ariz., to issue fifty-year 5 per cent bonds of Pima County, Ariz., to redeem certain funded indebtedness of said county, have examined the same, and recommend the passage of the bill, with the following amendments:

In line 2 of the title of the bill strike out the word "five" and insert in lieu thereof the word "four."

In line 9, page 3, strike out the word "five" and insert the word "four."

The report of the Committee on the Territories of the House of Representatives is hereto attached and made part of this report.

HOUSE REPORT.

The Committee on the Territories, to whom was referred the bill (H. R. 8068) authorizing the board of supervisors of Pima County, Ariz., to issue fifty-year 5 per cent bonds of Pima County, Ariz., to redeem certain funded indebtedness of said county, beg leave to submit the following report and recommend that said bill do pass:

The first act bearing on this subject is the act of the Territorial legislature approved March 10, 1887, providing for outstanding indebtedness.

It provided for a loan commission to perform the duties prescribed by the act in the funding of the indebtedness, the commission to be composed of the governor, Territorial auditor, and Territorial secretary.

For existing indebtedness due and to become due the commission was empowered to issue negotiable coupon bonds of $1,000 each, with interest to be fixed by the commission.

This act, of course, provides for the whole procedure in the issuance of these bonds, providing for their final payment within twenty-five years, as the commissioners might fix. (Revised Statutes of Arizona, p. 361.)

Under this act, in 1887, Pima County issued $300,000 worth of 7 per cent bonds, and later the loan commission funded $103,000 of them in 5 per cent fifty-year bonds, and $147,000 of them are yet unfunded, the first installment of which—$25,000—falls due June 30, 1901, the levy for which, if this bill is not passed, will have to be made in August next.

In 1899 this act of the Territorial legislature was amended by Congress (U. S. Stat. L. 26, p. 175) so as to authorize the loan commission to issue bonds bearing interest not to exceed 5 per cent, and authorized the commission, on the request of counties and municipalities, to issue Territorial bonds in lieu

of their indebtedness, to run fifty years, and to open up an account of the same with the counties and municipalities of the Territory, assuming their original obligation.

This act so amended, and approved as amended, provided that the same as amended, and the same is hereby provided and confirmed, subject to future Territorial legislation.

Now, following this, the Territorial legislature, March 19, 1891, passed an act approving of this funding act of the Territory enacted by Congress, amending chapter 1 of title 31 of the Revised Statutes, before referred to, and set the matter in motion as enacted by Congress and submitted to Territorial legislation afterwards. (Act 79, at page 97, Session Laws of Arizona of 1891.)

Following that, on June 6, 1896, Congress passed an act amending and extending the provisions of the act of Congress before named to the Territorial indebtedness, providing that the acts of Congress approved June 25, 1890, and August 3, 1894, authorizing the funding of the indebtedness of Arizona, be amended so as to authorize the funding of outstanding obligations of the Territory and to counties, municipalities, etc., until January 1, 1897, providing that all outstanding bonds, warrants, and other evidences of indebtedness of the Territory, counties, etc., heretofore authorized by legislative enactment of the Territory, bearing a high rate of interest, might be refunded into bonds bearing a lower rate. This might be done up to January 1, 1897, remember. That is its limitation.

After this act the general funding act before referred to, enacted by Congress, having provided that it should all be subject to future legislation, was again passed upon by legislature in 1899, found at page 39 of the laws of that session.

There they pass an act called "An act to abolish the loan commission and to repeal sundry laws thereto." The act was that paragraph 2039, section 1, chapter 1, title 31, of the revised statutes of Arizona, the one heretofore referred to, and also that section 1 of act 79, session laws of the sixteenth legislative assembly heretofore referred to, and acts 33 and 74 of the session laws of the eighteenth legislative assembly of the Territory, referring to all of the funding acts, are hereby repealed. It repealed them all, and in that condition we are now.

Now, in view of the fact that Congress, in amending and reenacting the funding law of Arizona, as before stated, provided that it should be subject to the future legislation of the Territory, and in view of the further fact that Congress in 1896 provided the limitation for funding the outstanding indebtedness at the date of January 1, 1897, and of the further fact that the legislature of Arizona, to whose jurisdiction Congress referred this funding business and subjected it to its power, repealed all these laws outright, we submit that the board of supervisors now have no authority under existing laws to issue bonds for the refunding of Pima County's indebtedness.

In view of the foregoing facts the passage of the bill is respectfully recommended.

Mr. LODGE. Mr. President, until this afternoon I had no idea who owned the Pima County bonds or who the dangerous bondholders were to whom the Senator from Utah [Mr. RAWLINS] has referred with so much fervor. It now appears that they belong to a firm of which Mr. Bird S. Coler is the head. It is true that he was the Democratic candidate for governor in the recent election in New York. That may have been his misfortune; but I do not think that it should exclude him from his rights as an American citizen to a payment of his just debts, and it does not seem to me that that fact at all touches the question which is here involved.

Neither, Mr. President, do I desire to suggest the charge which the Senator from Ohio has discussed with so much earnestness, that these people in Arizona are incompetent. They seem now to have displayed very great competency, perhaps more competency than some other qualities. But I should like to trace in my turn just what happened in Arizona, filling in a few omissions in the brilliant narrative of the Senator from Ohio.

In 1879 the Territorial legislature of Arizona authorized the building of this railroad. They authorized county aid to other railroads. I do not know whether there was any fraud in it or not. I do not know whether the honest builders of the waste places were led to pass these acts by the minion of the Federal Government in the position of governor, or by some governor's brother. It does not appear on the record. They seem to have passed these acts as set forth in the case of Lewis *v.* Pima County. In 1883 some of these bonds were issued. The Senator from Ohio says that not a foot of the railroad had been built. The Supreme Court says:

There was nothing in evidence showing bad faith on the part of the railroad company, in so far as the first exchange of bonds was concerned——

Mr. FORAKER. Will the Senator allow me to ask him what he is reading from?

Mr. LODGE. I am reading from the case of Murphy *v.* Utter, decided in the October term, 1901.

Mr. FORAKER. What is the volume?

Mr. LODGE. It is volume 186, page 112:

There was nothing in evidence showing bad faith on the part of the railroad company, in so far as the first exchange of bonds was concerned—

That is, when they exchanged the railroad bonds with the county—

nor is there any evidence which shows bad faith on the part of the company or its contractor, Walker and his principals, Coler & Co., except their failure to continue the building and equipment of the road after the completion of the 30 miles of grading and laying of 10 miles of track—

That is not very much, but it is more than a foot—

except such inferences as may be drawn from the fact that both the railroad company and Coler & Co. had difficulty in raising the money for the payment of the work done, and did not have the resources to go on and complete the work.

That, I take it, is what happened with the railroad after the issue of the bonds. There is no suggestion of fraud so far anywhere. If there was any fraud in the passage of the original acts it must have been on the part of the Territorial legislature which passed those acts. But it does not appear that there was any fraud, and it is not suggested.

In Lewis *v.* Pima County, which was submitted on October 18, 1894, and decided the same month, the court decided the bonds invalid on the ground that their issue was ultra vires; that they had no power under the act of Congress to issue bonds for a purpose not strictly municipal or relating to the internal affairs of the county. There is no suggestion in that opinion that there was any fraud whatever.

Thereupon the Territorial legislature of Arizona came here with a memorial, which has been read, asking the Congress of the United States to validate railroad bonds. It mentioned none by name; it excluded none; it described them generally. That act was passed, in response to the demand of the Territorial legislature of Arizona on the 6th of June, 1896. Thereupon they proceeded to refuse to refund them through the loan commissioners. The court then decided, in the case of Utter *v.* Franklin, that the bonds were valid. Then the legislature of Arizona turned up here and asked Congress to enable them to repudiate the bonds.

Then an act was passed in 1901 validating the Pima County bonds expressly by name, and this further case, which was tried in October, 1901, volume 186, page 95, was on an appeal by the loan commissioners of Arizona from a judgment of the supreme court of that Territory rendered March 22, 1901, granting a peremptory writ of mandamus and commanding such loan commissioners, upon the tender by plaintiffs of $150,000 bonds of the county of Pima with coupons attached, described in the petition, to issue and deliver to the petitioners refunding bonds of the Territory pursuant to certain acts of Congress; and the court held, as it was decided in Utter *v.* Franklin (172 U. S., 416), that it was made the duty of the loan commissioners to fund the bonds in question. It was held that, if the defendant could be permitted to set up any new defenses at all without the leave of this court, it could not set up objections to the validity of bonds which existed and were known to the loan commissioners at the time the original answer was filed and before the case of Utter *v.* Franklin was heard or decided by this court.

Now, Mr. President, if those dates are followed the explanation is very simple. The Territorial legislature of Arizona authorized certain counties to do acts which, under the laws of Congress, they had no right to do. Then, when they got tired of paying the interest, and the railroad was only partially completed and could not be entirely completed, they declined to pay the interest. Thereupon a suit was brought on certain coupons, and the court held that the act, as it clearly was, was ultra vires. Then they found that their credit was impaired. Thereupon they came to Congress and got an act validating the bonds. Then when they found that they had to pay these other bonds, too, they undertook to get those repudiated. Then they got those confirmed, and now, after having asked to have the bonds confirmed, they have resisted them in every possible way in the courts.

It does not appear on the record presented to us that there was any fraud in the issue of bonds. Certainly the Supreme Court never made any such statement for a moment. But it does seem to me to show a very great looseness in legislation in that Territory and a very great indifference to obligations to this character. The way in which they first authorized bonds, then refused to pay them, then got legislation to validate them, then refused to pay them and resisted in the court, then got more legislation, then resisted that legislation, seems to me to indicate at least indifference to proper public obligations, which is unfortunate in a community which is asking for the highest rights which can be conferred on any community.

Whether they as a people are to blame for this, whether it is the fault of the brother of some governor, I do not know; but I do not think the history of those bonds is a creditable history to any community; and the fact that they are held in the State of New York by Mr. Coler or anybody else does not touch the question the least in the world.

The interest of the question here is twofold. Is there in that bill any sufficient provision for the protection of all bondholders who, in good faith, have loaned money to that community; and does that community show in its business transactions, of which this may be taken as a specimen, that fidelity to public pecuniary obligations which we have a right to demand from a State of the Union?

In my judgment, after listening to the debate and reading these cases this afternoon, it seems to me to throw grave doubt on their capacity as a community to deal properly with pecuniary obligations of this kind and an indifference to obligations which a State should hold sacred. It is not for them, after they have deliberately authorized the borrowing of money on certain terms, to turn around and try to get out of it. That is not the way public credit is preserved and made strong.

I am very glad, Mr. President, for one that this matter has been brought to the attention of the Senate by the Senator from Connecticut [Mr. PLATT], for I think it throws an instructive, if not a pleasing, light on the methods of doing business in that legislature.

Mr. BEVERIDGE obtained the floor.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 16604) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1904, and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HALE. I move that the Senate insist upon its amendments and agree to the conference asked by the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. HALE, Mr. CULLOM, and Mr. BERRY were appointed.

ABANDONMENT OF PUBLIC ALLEY.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 4221) authorizing the Commissioners of the District of Columbia to extinguish a portion of an alley in square 189, which was, on page 2, line 6, to strike out all after the word "ground" down to and including the word "law" in line 14.

Mr. GALLINGER. I move that the Senate agree to the amendment made by the House of Representatives.

The motion was agreed to.

REDEMPTION OF CERTAIN OUTSTANDING DISTRICT CERTIFICATES.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 3243) to redeem certain outstanding certificates of the board of audit of the District of Columbia.

The amendments were, on page 2, line 2, after the word "cents," to insert:

No. 4665, for the sum of $20.90; No. 4666, for the sum of $20.90; No. 4667, for the sum of $68.20; No. 14780, for the sum of $64.25; No. 16454, for the sum of $43.22; No. 16455, for the sum of $13.19; No. 16456, for the sum of $13.19.

On page 2, line 3, after the word "Columbia," to insert:

Sewer certificate No. 792, for the sum of $50, issued by the board of public works of the District of Columbia.

On page 2, line 8, after the word "eighty," to insert:

And to pay to the holders the amount due on drawback certificates numbered, respectively, 4259, 4616, 7637, 7639, 9570, 9571, 9572, 12869, 15974, 16611, and 16774, amounting in the aggregate to $327.50; and to redeem tax-lien certificates No. 251, for the sum of $9.97; No. 349, for the sum of $9.35; No. 1252, for the sum of $93.37, and No. 5414, for the sum of $17.10; and to pay to the holder of tax-sale certificate on lot 3, square 947, the sum of $112.90, with interest at 6 per cent per annum for two years from its date.

Amend the title so as to read:

An act to redeem certain outstanding certificates of the board of audit, the board of public works, and the Commissioners of the District of Columbia.

Mr. GALLINGER. The amendments have been considered by the committee. I am authorized to move that the Senate agree to the amendments made by the House of Representatives.

The motion was agreed to.

ALLOTMENT OF CHIPPEWA INDIAN LANDS IN WISCONSIN.

Mr. QUARLES. Mr. President, I have just received a message from the Commissioner of Indian Affairs, who says circumstances have arisen which render it important that a little bill here relating to the allotment of Indian lands shall be passed at once. It has been passed by the House, and I ask unanimous consent that the regular order may be temporarily laid aside, that Senate bill 2043 may receive consideration.

Mr. BURTON. I wish to ask if the communication from the Commissioner of Indian Affairs is in writing?

Mr. QUARLES. Oh, no.

Mr. BURTON. My understanding is that it is not proper to make any statement here of a communication from a department unless it comes in writing. I think I shall have to object, as the same objection was made to a bill that I presented the other day.

Mr. QUARLES. I hope the Senator will not indulge in a suggestion of that kind. This is a bill of local importance in Wisconsin, and circumstances have arisen there which render it imperative that these allotments shall be made at once. It is a matter which, while it is local in its nature, is really one of great importance. The communication from the Commissioner was purely informal, and I simply spoke of it as an excuse for interrupting the important business of the Senate, which I should not assume to do on my own motion.

Mr. BURTON. Mr. President, I will say——

Mr. QUAY. Mr. President——

Mr. BEVERIDGE. I think I had the floor.

Mr. QUAY. I ask the Senator to yield to me for one moment.

Mr. BEVERIDGE. I will yield to the Senator.

The PRESIDENT pro tempore. The Senator from Wisconsin asks unanimous consent for the present consideration of a bill the title of which will be read.

The SECRETARY. A bill (H. R. 10698) providing for allotments of lands in severalty to the Indians of the Lac Courte Oreille and Lac du Flambeau reservations in the State of Wisconsin.

The PRESIDENT pro tempore. The bill will be read to the Senate for its information.

Mr. QUAY. I will not object to it, understanding that it is a bill the Senator from Wisconsin says is of immediate importance, the passage of which is earnestly requested by the Bureau of Indian Affairs, and that it will not cause debate.

Mr. QUARLES. It will create no debate. If it does, I will withdraw the request.

Mr. QUAY. I will not object so far as I am concerned.

Mr. BURTON. Mr. President——

The PRESIDENT pro tempore. The bill will be read to the Senate. There is nothing before the Senate until the question is settled whether or not the bill is objected to, and it can not be objected to until it is read to the Senate. The Secretary will read the bill.

The Secretary read the bill, as follows:

Be it enacted, etc.,

SECTION 1. That with the consent of the Chippewa Indians of Lake Superior, located on the Lac Courte Oreille Reservation in the State of Wisconsin, to be obtained in such manner as the Secretary of the Interior may direct, the President may allot to each Indian now living and residing on said reservation and entitled to so reside, and who has not heretofore received an allotment not exceeding 80 acres of land, such allotments to be subject in all respects, except as to the age and condition of the allottee, to the provisions of the third article of the treaty with the Chippewas of Lake Superior and the Mississippi, concluded September 30, 1854.

SEC. 2. That the provisions of section 1 of this act shall also under same terms and conditions apply to the Chippewa Indians of Lake Superior located on the Lac du Flambeau Reservation in the State of Wisconsin.

The PRESIDENT pro tempore. The Senator from Wisconsin asks unanimous consent that the unfinished business be temporarily laid aside and that the Senate shall consider this bill. Is there objection?

Mr. BURTON. Mr. President, I desire to say that, having heard the statement of the Senator from Wisconsin respecting this bill, and knowing that the statement is correct, I will not make any objection at all.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COURTS AT SCRANTON AND WILLIAMSPORT, PA.

Mr. HOAR. I ask unanimous consent to lay aside informally the pending business and to pass a brief joint resolution which the public exigency requires shall be done without any delay.

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Massachusetts?

Mr. BEVERIDGE. I yield, Mr. President.

Mr. HOAR. I am directed by the Committee on the Judiciary, to whom was referred the joint resolution (H. J. Res. 216) extending the provision granting to the State of Pennsylvania the use of the court-house at Scranton and Williamsport, Pa., to report it without amendment, and I ask for its present consideration.

The PRESIDENT pro tempore. The Secretary will read the joint resolution.

The Secretary read the joint resolution; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that the provisions of the "Joint resolution granting the State of Pennsylvania permission to use the United States court-house at Scranton, Pa., and at Williamsport, Pa.," approved December 23, 1895, shall be continued with respect to the United States court-house at Williamsport, Pa., for the further period of five years from the date of the expiration of the permission therein referred to, upon the same terms and conditions as stated in said joint resolution, and that concurrent jurisdiction, so far as is necessary, over said property be, and the same is hereby, ceded to the State of Pennsylvania, so that the sessions of the superior court of said State in said Federal building and rooms thereof may be, during said period, fully legalized.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STATEHOOD BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. BEVERIDGE. Mr. President, I do not intend to go into the particular matter, which has occupied the attention of the Senate this afternoon, either at large or in detail. Important and overwhelming as the reasons there appear as against the measure known as the omnibus bill, it was not a matter known to the committee nor upon which the committee based its report; and I did not know about it in its details until this afternoon. It is well because of the light which has been thrown upon the controversy that the matter has come up. I do not intend, I say, to discuss it, at this time at least, either at large or in detail; but I do feel that at this particular juncture, while the Chamber is still ringing with the words of the Senator from Utah [Mr. RAWLINS] and the Senator from Ohio [Mr. FORAKER], that attention should be called to some intemperate and certainly inaccurate expressions, upon which expressions was built a very passionate appeal to the Senate in behalf of the omnibus measure. I think, the Senators themselves will see that these utterances are, to say the least, extravagant.

We have heard these words spoken here, Mr. President, "The tyrannical power of Congress," "The tyrannical action of Congress." I took down the words of the Senator from Utah as he used them, that Congress had "the power to declare that the people of Pima County should pay $100,000,000;" and the Senator from Ohio frequently used the words "The arbitrary and tyrannical power of Congress," and then passionately appealed to us to relieve the people of those Territories from this despotism.

Mr. President, what is this power of which the Senators complain? The claim of such power was based upon this act validating those bonds. But what is the power? Does anybody believe, does the Senator from Utah—now that I have called his attention to it—believe that Congress has the power, unlimited and unrestricted, as he said, to create a debt of $100,000,000 or of $1 and put that on the Territories? Will any person, lawyer or layman, proclaim such a doctrine as that? Mr. President, I know that the Senator, who is an excellent lawyer, when not perhaps in the heat of advocacy, would not declare any such rule of law as that. Therefore what is that power? And was either Senator justified in the use of the adjectives "tyrannical" and "arbitrary," and especially were they justified in the excited appeals which they have made to the Senate to relieve the people of those Territories from this czar-like rule?

It is just this, Mr. President: The Congress of the United States, according to the Constitution, has power to make all needful rules and regulations respecting the government of the Territories. Under that power the Territories have already been given by Congress almost unlimited power of absolute self-government. They elect their legislatures; they elect their Delegates to Congress; their legislatures pass practically all laws a State can pass; they have entire local self-government in their municipalities. They have all this except, Mr. President, in one particular, and I am very glad that this debate arose upon this question, if for no other purpose than to call attention to this one important limitation.

The Congress of the United States, taking counsel from experience, enacted a law that no municipality, nor the legislative assembly itself, of a Territory could go into debt or should load upon the people of that Territory a debt exceeding 4 per cent upon the assessed valuation of their property. Congress did that because it found that, without such a limitation, the spoilers, who go in there to execute certain schemes, would induce the people to load themselves with a debt which would weigh down upon their shoulders for a generation, and even more in some cases. So limitations were thrown around the power of the creation of debt.

Mr. President, occasionally it seems wise, as in the case of the bill now reported by our committee to the Senate and the bill now before the Senate, to remove that limitation. That is what was done in this case. A limitation which had been placed upon their power to indebt themselves has been taken off. Then, Mr. President, the Delegate came here representing the people, elected by the people, and asked Congress to relieve them of what? Of the protection which Congress had thrown around them. And because Congress did this we are told that we are exercising a tyrannical power. Is that true, Mr. President? Is it not true, on the contrary, that it is the exercise of a protecting power? Does anybody question the wisdom of the Harrison limitation of 4 per cent upon the indebtedness of the Territory? Yet that is the root of this matter.

Now, Mr. President, it thus appears that there has been no arbitrary or tyrannical action here. It thus appears that the Senator from Utah is hardly justified in saying that Congress could create a debt and load it upon these Territories, either $100,000,000 of debt or $1 of debt. Would either the Senator from Utah or the Senator from Ohio say that Congress would have power to pass an act, not based upon anything done there in the Territories at all, but power to pass an act creating $100,000,000 or $1 worth of debt, and then load it upon the Territory? And yet that is what the Senator said, and that is the thing upon which the Senators based their dramatic pleas for "self-government" for the people of that Territory. Does not the whole business show that this is an illustration of the wisdom of retaining a protecting power over the indebtedness of a Territory until it has achieved a certain condition of civil perfection entitling it to come into the Union?

Mr. President, suppose that this 4 per cent limitation was removed, as this bill will remove it—suppose that the people of New Mexico and the people of Arizona did not have the protection of the Harrison 4 per cent limitation—then any person who was adroit enough, or any person who had good enough cause, or any person who could in any way accomplish the end, could get subsidies voted for a railroad, or for any other enterprise, without any relief or any protection by that very provision which the Senators say is tyrannical.

Thus we see, Mr. President, that, instead of being a tyranny, it is a protection; it is a protection that those people shall not be permitted to plunge themselves into debt, which will weight them down and weight their children down for generations. That is the crux, Mr. President, of this whole business. So when the Senator from Ohio, with characteristic eloquence and passion, appeals to this Senate to relieve the people of these Territories of this tyranny, he appeals to them to destroy the protection which the Congress of the United States has thrown around them; and that, Mr. President, is the extent of it.

The Senator from Ohio was the author of one of the wisest laws I ever knew to be framed, to wit, the law for the government of Porto Rico. If the government that now exists over the Territories is "tyranny," as the Senator said, this Porto Rico act certainly is despotism; if this is tyranny, the government of the Philippines can not be designated by any adjective at present at hand. No Senator was more eloquent and persistent than the Senator from Ohio in showing that we were conferring both upon the people of Porto Rico and of the Philippines not despotism, but liberty, yet their government, in comparison with the self-government of the Territories, is only a fragment, a fraction.

So, Mr. President, we see that there is nothing here to relieve these people from the sway of a tyrannical exercise of power. There can not be, because we have protected them from plunging themselves and their children into debt beyond the 4 per cent assessed valuation of their property. This and other things of which everybody knows shows that it is a most salutary provision.

Mr. President, when it becomes necessary in the opinion of the people of the Territories that this protection should be removed, they come here to us—not their oppressors, but their brethren—and state the facts which make that case an exception; and the only thing that this Congress has power to do in such a case is to validate their act, which went outside of the limitations which for their safeguarding we throw around them. In other words, the people have two protections—the protection, first, of their legislature, and then, the supervising protection of Congress when they come here and ask to be relieved of that protection.

I appeal to any Senator, Does that look like tyranny? Is it not a wise provision? Is it not such a provision that a man engaged in business all his life would throw around these people for their protection, in view especially of the experience which they and the people of every other Territory have had?

I do not care to speak upon any phase of this subject except the root of the matter. I know nothing of the facts of this particular case, but it inspired the Senator from Utah and the Senator from Ohio to use adjectives which the case hardly warrants, and then to build upon those adjectives the statement that we are exercising tyranny, that we were putting a debt upon those people, and an appeal that we should set them free. Thus we see "how a plain tale" puts them down. There is nothing of the kind which Senators have alleged. There is simply the protection of the 4 per cent limitation.

I have no doubt that very many want that protection removed, but not for the benefit of the people. If there is any enterprise down there which justifies Congress in its good judgment in permitting those people to go beyond the indebtedness of 4 per cent, undoubtedly Congress will permit them to do so; but while they are in the formative period, while they are in the developing period, while the conditions exist that we all know always accompany new communities, is it a wise thing that that protection shall be taken entirely away? Is the supervising judgment of Congress worth nothing? Is it likely that any equitable scheme, that any wise proposition which is put forward by them to take them out of the 4 per cent limitation, or any other limitation, will be negatived by Congress?

So we see, Mr. President, that there was not the creation of a debt here by Congress. There was the invalidation of certain of their own acts upon the petition of the Delegate from the Territory, elected by the people themselves, as I am informed. I say again that I know little about this particular case.

Therefore, Mr. President, this case aside, the whole point made by the Senator from Utah and the Senator from Ohio falls to the ground. I am not making any point whether this business—uncommon, unusual, and extraordinary, to say the least—shows that the people are not capable of self-government. I have replied to and attempted to overthrow the conclusion built upon that by the Senator from Utah and the Senator from Ohio, that Congress has created a debt here in the exercise of tyrannical power which resides in us by the Constitution, and I have shown that no such power as that does reside in Congress.

When the Senator from Utah said that this Congress had the power to create a debt of $100,000,000 and put it on Pima County or any other municipality in any Territory, he made a statement which he would not repeat after calm reflection.

Mr. RAWLINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Utah?

Mr. RAWLINS. What I said was that the Supreme Court of the United States had held these bonds invalid and, therefore, not a debt of Pima County. Congress passed an act, and then, when the question as to certain bonds came before the Supreme Court by reason of the act of Congress, the Supreme Court held they had become a debt. I draw the conclusion from those two premises that when the first decision was rendered there was no debt; when the second decision was rendered there had been no action by the Territorial authorities, but only action by Congress. The Supreme Court declared that there was a debt, and therefore Congress by its act made a debt.

Mr. BEVERIDGE. Mr. President, I do not propose to answer the Senator upon that point, because I have stated that I did not intend to argue this case at large or in detail so far as this particular question is concerned. I know nothing of it except as here developed, and the committee's opposition to this bill is not based on it; but well I know, because I wrote it down as the Senator spoke and caught the words from his lips, that the Senator then proceeded to say that it illustrated the whole villainous system under which these people were oppressed, and that Congress had power to declare the people of Pima County should pay $100,000,000. I know it was stated by the Senator from Utah and the Senator from Ohio that Congress could create a debt—"saddle it off," was the phrase used, "upon the people of a Territory."

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from South Carolina?

Mr. BEVERIDGE. I do.

Mr. TILLMAN. Do I understand the Senator to claim that the only element of fraud in these bonds was that they were issued in excess of the 4 per cent limitation?

Mr. BEVERIDGE. I know nothing about that, Mr. President. I have said two or three times that I am not familiar with the details of this transaction and am not arguing this transaction.

Mr. TILLMAN. The Senator is simply arguing, then, the constitutional question which the Senator from Utah [Mr. RAWLINS] raised about Congress imposing upon those people a debt of $100,000.

Mr. BEVERIDGE. Yes, I am arguing, Mr. President——

Mr. TILLMAN. That is a moot question.

Mr. BEVERIDGE. I think it is a moot question, too, but the Senator from Utah [Mr. RAWLINS] and the Senator from Ohio [Mr. FORAKER] by their eloquence attempted to vitalize it into a present question, and that present question, really a moot question, thus vitalized, is the question to which I am attempting to reply. I do not know whether I shall be successful or not.

The Senator from Utah may be right about what he said, but I am right about the conclusion he drew and the conclusion the Senator from Ohio drew. The argument which they made upon that point was that this very fact showed that we ought to relieve these people of this tyranny; and I am showing that there is no tyranny, but only protection, from which the people of that Territory may well pray that they shall not be relieved. I do not think the Senator, in fact I know that he would not have sat down and indorsed the statement that the Congress of the United States had the power, unlimited, as he said, to load upon the people of those Territories either one hundred million dollars, or one hundred dollars, or one hundred cents, because, of course, the Senator would not maintain any such proposition. But the whole business brings it down to the wisdom of the limitations of 4 per cent and other limitations, which Congress, in its wisdom, having drawn that wisdom from the wells of experience in this business, has put about the people of those Territories.

I say further that it illustrates merely this, that when the people have a cause, as in the case of the Maricopa County bonds which is now before the Senate, which justifies Congress in taking those limitations off from any locality, they can depend upon the good judgment, the good sense, the wisdom, and the patriotism of Congress to temporarily suspend that limitation. Instead, therefore, of tyranny, we have merely wisdom; instead of arbitrary power, we merely have the application of common sense and common justice to save the people of these new communities from the spoilers until they are strong enough and numerous enough to carry on a State government of their own.

The PRESIDENT pro tempore. The bill is before the Senate, as in Committee of the Whole, and open to amendment.

Mr. BEVERIDGE. Mr. President, the Senator from Massachusetts [Mr. LODGE]—I do not know where he is now—was about to take the floor upon this bill when this debate, most unexpected, was precipitated upon the Senate. I understand he desires to go on in the morning. If that is agreeable——

Mr. QUAY. Mr. President——

Mr. SCOTT. I move that the Senate proceed to the consideration of executive business.

The PRESIDENT pro tempore. The Senator from West Virginia moves that the Senate proceed to the consideration of executive business.

Mr. QUAY. Mr. President, I suggest there is not a quorum of the Senate present.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Cockrell,	Harris,	Platt, Conn.
Alger,	Culberson,	Heitfeld,	Quay,
Allison,	Cullom,	Hoar,	Rawlins,
Bacon,	Dolliver,	Jones, Ark.	Scott,
Bate,	Dryden,	Jones, Nev.	Simmons,
Berry,	Dubois,	Kean,	Simon,
Beveridge,	Elkins,	Kittredge,	Stewart,
Blackburn,	Foraker,	McCumber,	Taliaferro,
Burnham,	Foster, Wash.	McEnery,	Tillman,
Burrows,	Frye,	McLaurin, Miss.	Turner,
Burton,	Gallinger,	Martin,	Warren,
Carmack,	Gamble,	Mason,	Wellington.
Clapp,	Gibson,	Nelson,	
Clark, Wyo.	Hale,	Penrose,	
Clay,	Hansbrough,	Perkins,	

Mr. BEVERIDGE. My colleague [Mr. FAIRBANKS] is unavoidably absent.

Mr. MCLAURIN of Mississippi. My colleague [Mr. MONEY] is unavoidably detained from the Senate by sickness in his family.

Mr. SIMMONS. I wish to announce that my colleague [Mr. PRITCHARD] is unavoidably absent from the Senate on account of illness.

The PRESIDENT pro tempore. In response to the roll call 57 Senators have answered to their names. There is a quorum present.

Mr. QUAY. Now, I ask for the yeas and nays on the motion to proceed to the consideration of executive business.

Mr. SCOTT. Mr. President, I have no desire whatever to try to force the Senate into an executive session, if the Senator from Pennsylvania has any business of importance to present. But certainly there are confirmations which we should take up, and my sole object in making the motion was to attend to them. Therefore I withdraw the motion to go into executive session.

Mr. BEVERIDGE. Mr. President, as I stated a moment ago, the Senator from Massachusetts [Mr. LODGE] had prepared to follow the Senator from New Hampshire [Mr. BURNHAM], but a debate suddenly sprang up here this afternoon and has occupied the attention of the Senate until this moment. Otherwise the Senator from Massachusetts would now be on his feet addressing the Senate, and would address it no doubt at any length satisfactory to the Senator from Pennsylvania. He is now out of the Chamber, however, and has notified me that he desires to go on to-morrow morning.

Unless the Senator from Pennsylvania desires to hold the Senate in night session and in continuous session, there is no reason why we should not adjourn at this hour. If it is the Senator's desire to put this matter, not to the test of argument within usual hours, when we will meet the Senator by legitimate debate, but merely to a test of sheer physical strength, so far as I am concerned I am inclined to accommodate the Senator. I think, perhaps, we will stand that sort of business as long as anybody. But it is not done, if it is done, Mr. President, for the purpose of having the Senate hear a usual debate in usual hours, and the Senator from Pennsylvania knows it. This debate has proceeded, especially during the last week, along most legitimate lines, as is demonstrated by the fact that upon almost every day Senators on the other side of this question have engaged Senators on this side of the question. That is, both sides——

Mr. FORAKER. Will the Senator allow me to call his attention to the fact that the Senator from Massachusetts [Mr. LODGE] is just outside the door looking into the Chamber? [Laughter.]

Mr. BEVERIDGE. I have no doubt we are greatly benefited by the attention of the Senator from Massachusetts, whenever he gives it, through the door or otherwise, and the Senator from Ohio has demonstrated the fact that he is a most excellent watchman

for the Senate. The Senator from Pennsylvania [Mr. QUAY] the other day designated himself as the scimiter of the Senate [laughter], and now we can designate the Senator from Ohio, by his own act, as the watchman of the Senate; and between the scimiter and the watchman——

Mr. FORAKER. While we are at it, what shall we say of the Senator from Indiana?

Mr. BEVERIDGE. I think you are quite competent to take care of that subject. I feel safe in the hands of the Senator from Ohio.

What I was saying before was in entire earnest. I say that if it is meant to reduce this matter, not to a question of the contest of argument, which has proceeded most legitimately and according to usual methods, but to a sheer question of physical endurance, in the attempt to hold the Senate up until this bill shall be passed or all legislation defeated, I for one shall not resist it. But the Senator can not expect that those of us upon this side who are prepared to argue this matter before the Senate in the usual hours and in the usual way will be forced by a night session and unusual and illegitimate hours to use the same argument that we would make during the usual hours of this body.

Nobody can say that the debate which has proceeded here for a week has been uncommon or extraordinary. Upon the contrary, that it has been a most legitimate debate is proven by the fact it has been participated in most vigorously by Senators on the other side—by Senators supporting the Senator from Pennsylvania. It has been participated in with great vigor, and to the edification of this body, by the Senator from Ohio, by the Senator from Utah, by the Senator from Georgia, by the Senator from Nevada, by the Senator from Kansas, by the Senator from North Dakota.

Is debate like that, Mr. President, any evidence that there is delay? Not at all. If, then, it be established that this debate has proceeded thus far along usual and legitimate lines, as is proven by the fact that both sides have participated in it, I do not know what reason there can be for the Senator to ask a continuous session, as his attitude leads me to believe he is asking. He may ask it, if he will. I for one will not contest the point with him. I accept the challenge which the Senator seems inclined to throw down; but if he does so challenge us he may know that he will be required to keep a quorum in this Chamber ever five minutes. Methods like those, most unusual and uncalled for, are to be met by the requirement that those who say it shall be done shall stay here while it is done.

Mr. QUAY. Mr. President, there is no question of physical endurance involved in a protraction for some time of to-day's session. On the mere matter of physique, as a matter of course, the opponents of the statehood bill are fully the equals of its advocates. But it is desired by the friends of the bill to make progress to-day, and it is believed that by continuing the session a few hours longer we may dispose, as I have said before, of some of the brushwood in the face of important legislation in this body outside of the statehood bill.

There is no desire to interfere with the physical comfort of any Senator on this floor, and there is no desire, either, to protract debate upon this question, and if the opponents of the bill will to-day name a date for a final vote, any time within thirty days from to-day, I will guarantee that there will be no further disposition upon the part of its friends to press the discussion of this bill. As it is, my proposition is that we sit to-night to make some progress with the bill—the proposition which was imagined by, but, I think, not communicated to, the Senator from Indiana.

Mr. BEVERIDGE. I am not a mind reader, and when the Senator is imagining a proposition he might communicate it. There is no desire on the part of the opponents of the bill not to continue or press the debate upon it. On the contrary, we do intend to press debate upon it; and day by day have done so.

The Senator from Pennsylvania the other day said he hoped the Senator from Indiana was prepared to put up his men. It was most unusual language for the Senate of the United States, where Senators representing great States are supposed to debate upon and reason the questions which come before them and the measures upon which they are to pass. But if the Senator meant by "putting up his men" that Senators upon our side of the controversy ought to be prepared to argue the question before the Senate, I will assure the Senator that the Senator from Indiana will "put up his men." They are not my men, or anybody's men—and that suggests a difference not necessary now to enlarge upon. They are men who, of their own volition, propose to argue this question to the Senate of the United States, as is their duty under their oaths, as they conceive it, and to give to the Senate and to the country their reasons for their attitude upon this matter.

But is it reasonable for the Senator to ask them to do that in unusual and illegitimate and desperate hours? We do not think so. We think that is a mere challenge to physical endurance; and if it is such, I say to the Senator, "We take up your challenge." I will not resist the Senator's attempt to do anything of the kind, but he can not expect that arguments, serious, well-considered, carefully prepared, which Senators—and Senators of experience and eminence equal to that of the Senator from Pennsylvania, great as that is—have been preparing upon points which have not yet been answered will be delivered in unusual and extraordinary hours. Therefore the Senator must be prepared to receive what he ought to expect. If he wants to continue the session, he can continue it without opposition from me, but he must understand——

Mr. BURTON. Mr. President——

Mr. BEVERIDGE. No; excuse me just a moment. He must understand that he will not get that kind of argument, and furthermore that he will be required to keep the quorum which decides upon that thing in the Senate Chamber every five minutes.

Mr. LODGE. Mr. President, it was my intention to speak this afternoon on the statehood bill. I have here some notes that I have been making. I had prepared myself to speak upon this question, and I was to go on when the Senator from New Hampshire [Mr. BURNHAM] concluded in the afternoon. The debate upon the Pima County bonds sprang up, and the whole afternoon has been consumed.

What I desire to say on this bill, which I regard as an important measure, I have prepared with some care; and although it may seem to the Senator from Pennsylvania merely the brushwood of the debate that is to be cleared away, it does not appear so to me. I should like to speak at a reasonable time. I have been in the Capitol, as all other Senators have been, since 10 or half past 10 o'clock this morning. I do not want to go on at this hour and make the argument I desire to make, and I confess I am tired, as I suppose we all are.

I remember that when I was trying to get the Philippine bill through last year, the Senator from Arkansas [Mr. JONES] said to me, I think more than once, that he thought nothing would be gained by stringent and harassing methods. It was a moment when I was extremely anxious to get a vote, when the temptation to press the Senate into unusual hours was very strong, but I acceded——

Mr. CARMACK. Mr. President——

The PRESIDING OFFICER (Mr. PERKINS in the chair). Does the Senator from Massachusetts yield to the Senator from Tennessee?

Mr. LODGE. I will yield to the Senator in a moment. But I yielded to the advice of the Senator from Arkansas, as he is well aware. I endeavored to avoid in that debate any harassing of Senators. I do not recall that I ever insisted on any Senator going on when he expressed a desire to be relieved; and I did not press it unduly.

If we undertake night sessions and unusual hours, harassing methods, they are sure to lead to corresponding methods of obstruction. The Senator from Pennsylvania is as well aware of that as any Senator in this Chamber. He knows what is the capacity for obstruction under the Senate rules. We all remember when he made a certain tariff speech here, and finally that speech became so impressive that he merely had to draw the manuscript out and place it on his desk and at the sight of the manuscript the managers of the bill would accept his amendment.

I remember coming into the Senate one afternoon. I went into the cloakroom, and I met the Senator from Pennsylvania walking up and down the room, smoking his cigar, I think, and I said to him, "What is going on in the Senate?" He said, "I am making a speech." [Laughter.] I found he had been fatigued, which was not surprising, and the Senator from New Hampshire [Mr. GALLINGER] was kindly reading a portion of his manuscript for him, and when he recovered he came in and renewed his speech.

I do not instance that except to show that there is a capacity for obstruction which is very great under the Senate rules if Senators will resort to it. But it will not be resorted to, and it never will be resorted to, unless Senators are harassed by unusual hours, by being kept here at night. Then obstruction comes, and I have never seen it advance legislation at all.

I remember very well the long struggle of three months the first year I was in the Senate, when we had the contest over the repeal of the Sherman Act. We were held here then in continuous session. It did not advance or quicken the action on that bill one particle, and I do not think those extreme measures ever do. They produce more or less irritation, a great deal of discomfort, but they can not advance measures, because they give rise at once to the tactics of obstruction; and the tactics of obstruction are infinite under these rules.

Now, on the very matter of the morning hour, if those of us who are opposed to the statehood bill were disposed to filibuster or make obstruction, the Senator from Pennsylvania is well aware that we have nothing to do but to have bills read at the desk. We can call for the first reading of every bill. We can have bills read at the desk and kill the morning hour entirely. But, Mr. President, I think it is most undesirable to resort to

such measures. I do not want to sit here and call for a quorum and fill up the time by reading from books, and try to get through the night in that way. It seems to me it leads to no good object.

I have been led on to make these general remarks simply because I was the Senator who was going on this afternoon. I was all ready to go on. I had prepared with some care what I might wish to say in order not to consume a great deal of time. It is not a written speech. I am very averse—in fact, I not desire to go on with that speech to-night. I want to deliver the speech, such as it is, when I am reasonably fresh and in the course of the day, when the Senate is more disposed to listen to arguments than it can be at the end of a long and fatiguing day. I hope that we shall not be pressed into a night session to-night.

Mr. CARMACK. Will the Senator from Massachusetts excuse me for a moment?

Mr. LODGE. Certainly.

Mr. CARMACK. I want to ask the Senator a question. He spoke of his efforts to get a vote on the Philippine bill. Did he not press and secure from the minority an agreement to vote at a fixed time, and did he not also have assurances all through that there was no purpose on the part of those who were opposing the Philippine bill to prevent a vote on the bill? Is there not that difference between that case and this? Here there is a purpose to prevent any vote on the pending bill. If that is not proclaimed openly on the floor, it is proclaimed no less openly in private conversation. It is said that those who are opposing this bill do not intend that the Senate shall have an opportunity to vote on it if they have to prolong the debate until the end of the session.

Mr. LODGE. Mr. President, seven weeks elapsed before I got an agreement to vote on the Philippine bill, and we were then sitting every day. No recess had intervened, as there has in this case, and a great deal of time has been taken up with other matters.

Mr. QUAY. Will the Senator from Massachusetts allow me to interrupt him for a moment?

Mr. LODGE. Certainly.

Mr. QUAY. The point in the suggestion of the Senator from Tennessee and the distinction between the two cases is this: During all that term of protracted debate the Senator from Massachusetts had the assurance that he was to have a vote on his bill. If the Senator from Massachusetts and the Senator from Indiana and the other Senators on this floor who are opposing this bill intimate anything they intimate that we will never have a vote on it. That is a very marked difference between the Philippine bill and the statehood bill.

Mr. LODGE. Assurances were given at various times by the opposition that they would allow a vote some time on the Philippine bill. I remember that; but I also remember very well that there have been plenty of measures before the Senate as to which no such assurances were ever given. I am not speaking of myself with respect to the pending bill, for I have no right to give or withhold assurances. I remember that on the silver bill no assurance of any kind was ever given.

Mr. HOAR. Will my colleague allow me? A Senator rose in his place on the silver bill and said, "You all know very well that you never can get a vote on this bill."

Mr. STEWART and Mr. DUBOIS addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. STEWART. Mr. President, there have been during my short service in the Senate many efforts to adopt the previous question with some limitations. The reply always has been that a majority would finally reach a vote; that there would be a vote on the subject during the session, always, and it was difficult to point to a case where a vote had been prevented. The majority got an opportunity to vote. Consequently those in favor of free discussion gave up the effort for the previous question. The liberty of debate here has at all times depended upon the understanding that a vote would be had during the session in any case where there was a clear majority.

With respect to this bill, there is a clear majority in its favor, as the vote shows. Long speeches have been made. It is said they have not been made for the purpose of delay, but no one would want to talk three or four days on this bill if he did not want to consume time. It is too obvious that they are consuming time. There is no question about that. I hear it on every hand that there shall not be a vote on this question. If that is pressed and there can not be a vote on this question, what becomes of the argument in favor of free speech here? It is the only body in the United States, almost in the world, where there is really free speech and deliberation. It is preserved by the moderation and good sense of the Senate.

I think this has gone far enough. If the opposition will not agree on a day to vote, to carry out what has been the general understanding of the Senate, and if there can not be a vote upon this measure, the party in favor of the previous question, the gag rule, will prevail, and that very soon. Heretofore it has been impossible to show where a great outrage had been committed, where the majority had been thwarted absolutely; and attention being called to that fact, everybody has yielded. It was said, "You had better go on and delay some and have long debates and some inconvenience rather than be deprived of the privilege of free speech and unlimited discussion," which I regard as one of the most important factors in free government. There ought to be a place where there is no limitation upon debate, except what the body may place upon itself; but after debate is exhausted, there ought to be a vote.

I think the minority, if they will think it over, will agree that they had better give an assurance, as they did in the Philippine case, that there will be a vote; and that will silence everything. Let us fix a day. Then everybody will be satisfied, and the will of the majority will be carried into effect, which is all important. The will of the majority should prevail. That is one important and necessary thing; and the other is that we have free speech, and be untrammeled. I hope the Senate on this occasion will come up to its former standard and maintain its historical record of allowing a majority to have a vote upon this important question.

Mr. CARMACK. Mr. President, the case cited by the junior Senator from Massachusetts and the suggestion made by the senior Senator from Massachusetts were in reference to a clear case of filibuster on the silver bill. The senior Senator from Massachusetts said they were openly notified by the opponents of the bill that they never intended that a vote should be had. If that is true it was a clear case of filibustering, and constitutes no precedent or justification for this action, unless the gentlemen themselves are filibustering.

Mr. ALLISON. We did have a vote on the silver bill.

Mr. CARMACK. You had a vote finally.

Mr. BERRY. We admitted we were filibustering.

Mr. CARMACK. Yes.

Mr. HALE. Mr. President, everybody who has been in the Senate any great length of time can not fail sometimes in rather amusing fashion to see how Senators change their minds according to the situation. I know I commiserated the Senator from Massachusetts [Mr. LODGE] at the last session when he had in charge the Philippine bill. Managing it as he did, with great good nature and good sense, and not, to use his word, harassing anybody, still at times he felt very impatient, and he thought we ought to have a rule to bring Senators right up to the ringbolt and make them vote. I used to say to him, "That is this side of the question just now; some time there will be positions and conditions where you and I will not feel as we do about this matter."

The general good sense of the Senate settles all those questions. On any debatable subject, where the lines are drawn, not party lines, but between for and against, we have to go on in a reasonable way and do things.

I have not any idea, Mr. President, that this morning when we came here any Senator supposed he was going to be asked to stay all night and fritter away the session. Night sessions do not accelerate the progress of any measure. Every one of us who has had any experience in such sessions knows that they all result in the same thing.

The Senator from Pennsylvania was very good-natured in managing this matter, and I do not blame him for resorting to just what he has resorted to; but he has a determined force against him, as he has a determined force in his favor, and he can not hold the Senate here to-night through the whole night. If he tries it, it will have the invariable result that after a little time Senators on both sides who had not expected to stay here will not stay, and there will be a demonstration of a desire to force this measure, and it will end in an adjournment. That is what it will end in. It will end in an adjournment.

I am inclined to think now that if the Senator from Pennsylvania should make a motion to adjourn, he would have the unanimous consent of his side and this side, too. I am inclined to think that if I made the motion it would carry, not that it would indicate that Senators on his side are not faithful to him, but they do not expect and did not expect this morning to stay here.

Now, there is great force in what the Senator from Massachusetts [Mr. LODGE] has put in good-natured fashion. He did not precipitate the debate to-day. He was really and actually ready to go on, but some kind friend suggested that we have a roll call, to get him a good audience. All the Senators were here, and he was ready to go on. He was interrupted by a discussion, not on any side matter, not on foreign, extraneous matter——

Mr. BERRY. Will the Senator from Maine permit me?

Mr. HALE. Certainly.

Mr. BERRY. The Senator is mistaken. The Senator from Massachusetts yielded to the Senator from Connecticut [Mr. PLATT] to make a speech, and then the other debate arose.

Mr. LODGE. No; I never took the floor at all. I was ready to take the floor.

Mr. HALE. The Senator from Massachusetts was ready to take the floor when the Senator from Connecticut spoke.

Mr. BERRY. As I remember it the Senator from Connecticut began his statement by saying that the Senator from Massachusetts was going to make a speech, but had in the meanwhile yielded to him for a short statement.

Mr. HALE. I know the Senator from Massachusetts had not taken the floor.

Mr. BERRY. That is my recollection about it, and the Senator from Connecticut did take the floor and thereupon the debate arose.

While I am up I should like to ask the Senator from Maine a question, if he will answer it. The Senator from Maine says that this thing of a vote has always been settled by the good sense of the Senate, that nothing has ever been made by staying at night session, and the Senate has always shown a desire to finally settle it. Now, this bill has been pending here since the 10th day of December, I think, and this is the 27th of January. I ask the Senator if he does not think it has been going on long enough to have some reasonable day in the future fixed when a vote can be had?

Mr. HALE. Mr. President, I have not yet had a chance to make a speech on it myself. I wish to discuss the whole subject-matter. I have very strong views on it. I have never had a chance to discuss it, and I do not think any question about taking a vote on any given day should be forced upon us until Senators have had an opportunity to be heard.

But I do not want to go into that. I only wanted to call to the minds of Senators their individual experience about this plan of holding Senators here, without notice, in a night session, and obliging a Senator who is ready to go on at 2 or 3 o'clock to proceed at 6 o'clock or half past 6.

Mr. QUAY rose.

Mr. HALE. I am inclined to make the motion myself, unless the Senator from Pennsylvania rises for that purpose.

Mr. QUAY. He does not, but will very distinctly antagonize it. I rose to ask whether I might interrupt the Senator?

Mr. HALE. Oh, yes.

Mr. QUAY. I wish to ask him whether he can possibly be brought to agree that a vote upon this question shall be taken at 2 p. m. on Tuesday, the 17th of February?

Mr. HALE. I have no doubt that that is a very nice hour in the day, Mr. President, and I have no doubt it is a very good day in itself. I do not know of anything in nature which opposes it. But I am not prepared now to agree to that or to any other proposition, I will say to the Senator frankly.

Mr. QUAY. I think I can make one. The Senator is a fair-minded man and certainly would agree that a vote should be be taken at some time before the 3d of March.

Mr. HALE. Well, I am not prepared——

Mr. ALDRICH. Why not after the 3d of March?

Mr. QUAY. Because Congress will not be in session.

Mr. ALDRICH. It will be in session next December.

Mr. HALE. The Senate is now here, and I will risk making a motion that the Senate do now adjourn.

Mr. QUAY. On that let us have the yeas and nays.

The PRESIDING OFFICER. The Senator from Maine moves that the Senate do now adjourn, on which the yeas and nays are demanded.

Mr. QUAY. I desire to repeat what I said. I have no desire to interfere with the physical comfort of anyone.

Mr. BEVERIDGE. Mr. President, debate is not in order.

The PRESIDING OFFICER. Debate is not in order. The yeas and nays are demanded.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DOLLIVER (when his name was called). I am paired with the senior Senator from Mississippi [Mr. MONEY].

Mr. DUBOIS (when his name was called). I am paired with the Senator from Oregon [Mr. MITCHELL]. I understand that my pair has been transferred to the Senator from Indiana [Mr. FAIRBANKS]. With that understanding, I vote "nay."

Mr. PLATT of Connecticut (when Mr. HAWLEY'S name was called). My colleague [Mr. HAWLEY] is absent from the Senate on account of his health. He is paired, I understand, with the Senator from Colorado [Mr. TELLER].

Mr. HOAR (when his name was called). I am paired with the Senator from Alabama [Mr. PETTUS].

Mr. KITTREDGE (when his name was called). I have a general pair with the junior Senator from Colorado [Mr. PATTERSON]. If he were here, I should vote "yea."

Mr. MCENERY (when his name was called). I am paired with the junior Senator from New York [Mr. DEPEW], and withhold my vote. If he were present, I should vote "nay."

Mr. NELSON (when his name was called). I have a general pair with the junior Senator from Missouri [Mr. VEST].

Mr. QUARLES (when his name was called). For the purposes of this question I stand paired with the Senator from Louisiana [Mr. FOSTER]. If he were present, I should vote "yea."

Mr. RAWLINS (when his name was called). I am paired with the Senator from Ohio [Mr. HANNA]. If he were here, I should vote "nay."

Mr. SIMMONS (when his name was called). I am paired with the Senator from Minnesota [Mr. CLAPP]. I do not know whether he has voted.

The PRESIDING OFFICER. The Senator from Minnesota [Mr. CLAPP] has not voted, the Chair is informed.

Mr. SIMMONS. If he were present, I should vote "nay."

Mr. TILLMAN (when his name was called). I have a general pair with the Senator from Vermont [Mr. DILLINGHAM]. I therefore withhold my vote. If I were at liberty to vote, I would vote "yea."

Mr. BEVERIDGE. The Senator from Vermont [Mr. DILLINGHAM] would undoubtedly vote "yea." So that releases the Senator from South Carolina from his pair, if he desires to vote.

Mr. TILLMAN. I prefer to observe the pair in his absence, not knowing what he would do on this occasion.

The roll call was concluded.

Mr. ALDRICH. My colleague [Mr. WETMORE] is absent on account of slight illness, and is paired with the Senator from Georgia, I think.

Mr. BEVERIDGE. Which Senator from Georgia?

Mr. ALDRICH. He is paired with the Senator from Louisiana, I understand.

Mr. BLACKBURN (after having voted in the negative). I will inquire if the junior Senator from Maryland [Mr. MCCOMAS] has voted?

The PRESIDING OFFICER. The Chair is informed that he has not voted.

Mr. BLACKBURN. Then I will withdraw my vote. I am paired with the junior Senator from Maryland.

Mr. BEVERIDGE (after having voted in the affirmative). I am reminded that I have a pair extending over two days, of which this is one, with the senior Senator from Montana [Mr. CLARK]. I assume that he would vote "nay" if he were here. Therefore I withdraw my vote, though it is perfectly immaterial to me how I did vote. I do not care.

Mr. CULBERSON. My colleague [Mr. BAILEY] has a general pair with the senior Senator from West Virginia [Mr. ELKINS], but I understand that temporarily he is paired with the Senator from Wisconsin [Mr. SPOONER].

Mr. GIBSON (after having voted in the negative). I inquire if the junior Senator from Utah [Mr. KEARNS] has voted?

The PRESIDING OFFICER. The Chair is informed that he has not voted.

Mr. GIBSON. I have a general pair with that Senator, and therefore withdraw my vote.

Mr. QUARLES. I desire to state that my colleague [Mr. SPOONER] is absent from the city on necessary business. I wish to inquire if the Senator from Tennessee [Mr. CARMACK] is present?

Mr. BERRY. The Senator from Tennessee [Mr. CARMACK] has voted. The Senator's colleague is paired with the Senator from Texas [Mr. BAILEY].

Mr. QUARLES. Then a transfer was made.

Mr. BATE. The pair was transferred from the Senator from Tennessee [Mr. CARMACK] to the Senator from Texas [Mr. BAILEY].

Mr. TALIAFERRO. I desire to state that my colleague [Mr. MALLORY] left the Senate not feeling very well. He has a general pair with the senior Senator from Vermont [Mr. PROCTOR].

Mr. MCLAURIN of Mississippi. I will announce for the entire day that my colleague [Mr. MONEY] is unavoidably absent from the Senate because of sickness in his family, and he has a general pair with the Senator from Iowa [Mr. DOLLIVER].

Mr. SIMMONS. I wish to announce that my colleague [Mr. PRITCHARD] is absent on account of illness.

The result was announced—yeas 17, nays 29; as follows:

YEAS—17.

Aldrich,	Clark, Wyo.	Hale,	Simon,
Alger,	Cullom,	Kean,	Warren.
Allison,	Dryden,	Lodge,	
Bard,	Frye,	Platt, Conn.	
Burnham,	Gamble,	Scott,	

NAYS—29.

Bate,	Dubois,	Jones, Ark.	Quay,
Berry,	Elkins,	Jones, Nev.	Stewart,
Burrows,	Foraker,	McCumber,	Taliaferro,
Burton,	Foster, Wash.	McLaurin, Miss.	Turner,
Carmack,	Gallinger,	Martin,	Wellington.
Clay,	Hansbrough,	Mason,	
Cockrell,	Harris,	Penrose,	
Culberson,	Heitfeld,	Perkins,	

NOT VOTING—42.

Bacon,	Dolliver,	McLaurin, S. C.	Proctor,
Bailey,	Fairbanks,	Mallory,	Quarles,
Beveridge,	Foster, La.	Millard,	Rawlins,
Blackburn,	Gibson,	Mitchell,	Simmons,
Clapp,	Hanna,	Money,	Spooner,
Clark, Mont.	Hawley,	Morgan,	Teller,
Daniel,	Hoar,	Nelson,	Tillman,
Deboe,	Kearns,	Patterson,	Vest,
Depew,	Kittredge,	Pettus,	Wetmore.
Dietrich,	McComas,	Platt, N. Y.	
Dillingham,	McEnery,	Pritchard,	

So the Senate refused to adjourn.

Mr. BEVERIDGE. Mr. President, I for one am not displeased at the result. I said before, when it became apparent that it was the intention of the Senator from Pennsylvania to resort to the unusual tactics to which he has resorted, if the Senator from Pennsylvania desired to take this matter out of the realms of legitimate discussion and to force us into unusual hours, so far as I was concerned I had no objection to that course; that if he wished to throw down the challenge of a mere test of physical endurance, so far as I was concerned we were willing and prepared to take it up.

It will be found, Mr. President, that the Senator can not expect—no reasonable man who voted to continue here could expect—that the same arguments would be presented during the inexcusable hours in which the Senator has asked us to stay here that the Senators would present during the usual hours in this body. The Senator from Massachusetts [Mr. LODGE] was prepared to go on. The Senator from New Jersey [Mr. KEAN] has prepared an elaborate argument upon this question. He has not his papers here to go on, and, I have no doubt, would not do it at this hour under the circumstances, anyhow.

But I have no doubt, Mr. President, that the Senator from Pennsylvania can be accommodated, and that at once, by a proper demonstration as to how time, unusual and inexcusable, lamplight and midnight time, can be occupied, as given by a precedent established by the Senator from Pennsylvania himself. During legitimate hours we will engage in legitimate debate. During illegitimate hours there is no objection to following the precedent of the Senator from Pennsylvania in this Chamber. I understand that the Senator from Minnesota [Mr. NELSON] is now prepared to proceed to address the Senate and to give a lucid exposition of the way that can be done.

Mr. SCOTT. Will the Senator from Indiana yield to me?

Mr. BEVERIDGE. Yes; I am through.

Mr. SCOTT. I move that the Senate go into executive session.

The PRESIDING OFFICER. The Senator from West Virginia moves that the Senate proceed to the consideration of executive business. [Putting the question.] The noes appear to have it.

Mr. ALDRICH. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BLACKBURN (when his name was called). I shall not again announce my pair with the Senator from Maryland [Mr. MCCOMAS], and will not vote unless the Senator should come into the Chamber.

Mr. CARMACK (when his name was called). I have a general pair with the Senator from Wisconsin [Mr. SPOONER], but as I understand a transfer has been arranged so that he stands paired with the Senator from Oregon [Mr. MITCHELL], I vote "nay."

Mr. GIBSON (when his name was called). I am paired with the Senator from Utah [Mr. KEARNS].

Mr. HOAR (when his name was called). I am paired with the Senator from Alabama [Mr. PETTUS].

Mr. KITTREDGE (when his name was called). I have a general pair with the junior Senator from Colorado [Mr. PATTERSON], but my pair has been transferred to the Senator from Nebraska [Mr. DIETRICH].

Mr. MCENERY (when his name was called). I am paired with the junior Senator from New York [Mr. DEPEW], and withhold my vote. If he were present, I would vote "nay."

Mr. SIMMONS (when his name was called). I am paired with the junior Senator from Minnesota [Mr. CLAPP].

The roll call was concluded.

Mr. BERRY (after having voted in the negative). I notice that the junior Senator from Maine [Mr. FRYE] did not vote. I have a general pair with that Senator, and I ask leave to withdraw my vote.

Mr. JONES of Arkansas (after having voted in the negative). I am informed that since the last vote the Senator from Maine [Mr. HALE] left the Senate Chamber and is not present. I have a general pair with that Senator and withdraw my vote.

Mr. TURNER (after having voted in the negative). Did the senior Senator from Wyoming [Mr. WARREN] vote?

The PRESIDING OFFICER. The Chair is informed that he has not voted.

Mr. TURNER. I have a general pair with that Senator, and therefore withdraw my vote.

The result was announced—yeas 10, nays 27; as follows:

YEAS—10.

Aldrich,	Dryden,	Millard,	Scott,
Alger,	Kean,	Platt, Conn.	Simmons.
Allison,	Kittredge,		

NAYS—27.

Bate,	Culberson,	Harris,	Penrose,
Burrows,	Dubois,	Heitfeld,	Perkins,
Burton,	Elkins,	Jones, Nev.	Quay,
Carmack,	Foraker,	McCumber,	Stewart,
Clark, Wyo.	Foster, Wash.	McLaurin, Miss.	Taliaferro,
Clay,	Gallinger,	Martin,	Wellington.
Cockrell,	Hansbrough,	Mason,	

NOT VOTING—51.

Bacon,	Dietrich,	Kearns,	Pritchard,
Bailey,	Dillingham,	Lodge,	Proctor,
Bard,	Dolliver,	McComas,	Quarles,
Berry,	Fairbanks,	McEnery,	Rawlins,
Beveridge,	Foster, La.	McLaurin, S. C.	Simon,
Blackburn,	Frye,	Mallory,	Spooner,
Burnham,	Gamble,	Mitchell,	Teller,
Clapp,	Gibson,	Money,	Tillman,
Clark, Mont.	Hale,	Morgan,	Turner,
Cullom,	Hanna,	Nelson,	Vest,
Daniel,	Hawley,	Patterson,	Warren,
Deboe,	Hoar,	Pettus,	Wetmore.
Depew,	Jones, Ark.	Platt, N. Y.	

The PRESIDING OFFICER. No quorum has voted.

Mr. QUAY. Mr. President, I desire to announce now that on to-morrow I shall ask the Senate to remain in continuous session. In view of the fact that there was no quorum revealed upon the last vote and for the further reason that I do not desire to discommode the absent Senators to-night, I move that the Senate do now adjourn.

The motion was agreed to; and (at 6 o'clock and 22 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, January, 28, 1903, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January 27, 1903.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

JOEL C. SHEPHERD.

The SPEAKER laid before the House the following Senate bill, with House amendments, disagreed to by the Senate:

A bill (S. 5835) granting an increase of pension to Joel C. Shepherd.

Mr. BROMWELL. Mr. Speaker, I move that the House insist on the amendments of the House and agree to the conference asked by the Senate.

The motion was agreed to.

The SPEAKER announced the following conferees on the part of the House: Mr. LOUDENSLAGER, Mr. BROMWELL, and Mr. RICHARDSON of Alabama.

WILLIAM MONTGOMERY.

The SPEAKER also laid before the House the bill (H. R. 16224) granting an increase of pension to William Montgomery, with a Senate amendment, which was read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

MARGARET ANN WEST.

The SPEAKER also laid before the House the bill (H. R. 13944) granting a pension to Margaret Ann West, with a Senate amendment, which was read.

Mr. SULLOWAY. I move concurrence in the Senate amendment.

The motion was agreed to.

MILTON NOAKES.

The SPEAKER also laid before the House the bill (H. R. 12701) granting an increase of pension to Milton Noakes, with a Senate amendment, which was read.

Mr. SULLOWAY. Mr. Speaker, I move concurrence in the Senate amendment.

The motion was agreed to.

HORACE FOUNTAIN.

The SPEAKER also laid before the House the bill (H. R. 12563) granting an increase of pension to Horace Fountain, with a Senate amendment, which was read.

Mr. SULLOWAY. Mr. Speaker, I move concurrence in the Senate amendment.

The motion was agreed to.

CORA E. BROWN.

The SPEAKER also laid before the House the bill (H. R. 12324) granting a pension to Cora E. Brown, with a Senate amendment, which was read.

Mr. SULLOWAY. Mr. Speaker, I move concurrence in the Senate amendment.

The motion was agreed to.

HENRY J. FELTUS.

The SPEAKER also laid before the House the bill (H. R. 11280) granting an increase of pension to Henry J. Feltus, with a Senate amendment, which was read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

JOSIAH S. FAY.

The SPEAKER also laid before the House the bill (H. R. 10826) granting an increase of pension to Josiah S. Fay, with a Senate amendment, which was read.

Mr. SULLOWAY. Mr. Speaker, I move concurrence in the Senate amendment.

The motion was agreed to.

ROBERT STEWART.

The SPEAKER also laid before the House the bill (H. R. 9658) granting an increase of pension to Robert Stewart, with a Senate amendment, which was read.

Mr. SULLOWAY. I move concurrence in the Senate amendment.

The motion was agreed to.

WILLIAM S. HUTCHINSON.

The SPEAKER also laid before the House the bill (H. R. 8152) granting an increase of pension to William S. Hutchinson, with a Senate amendment, which was read.

Mr. SULLOWAY. Mr. Speaker, I move concurrence in the Senate amendment.

The motion was agreed to.

NANCY A. KILLOUGH.

The SPEAKER also laid before the House the bill (H. R. 7815) granting a pension to Nancy A. Killough, with a Senate amendment, which was read.

Mr. SULLOWAY. Mr. Speaker, I move concurrence in the Senate amendment.

The motion was agreed to.

WILLIAM L. WHETSELL.

The SPEAKER also laid before the House the bill (H. R. 4923) granting a pension to William L. Whetsell, with a Senate amendment, which was read.

Mr. SULLOWAY. Mr. Speaker, I move concurrence in the Senate amendment.

The motion was agreed to.

DANIEL J. REEDY.

The SPEAKER also laid before the House the bill (H. R. 11197) granting a pension to the minor children of Daniel J. Reedy, with a Senate amendment, which was read.

Mr. BROMWELL. Mr. Speaker, I move concurrence in the Senate amendment.

The motion was agreed to.

SUSAN KENNEDY.

The SPEAKER also laid before the House the bill (H. R. 623) granting a pension to Susan Kennedy, with a Senate amendment, which was read.

Mr. BROMWELL. Mr. Speaker, I move concurrence in the Senate amendment.

The motion was agreed to.

BUSINESS OF COMMITTEE ON THE JUDICIARY.

Mr. GROSVENOR. Mr. Speaker, I make the following report from the Committee on Rules.

The SPEAKER. The gentleman from Ohio makes the following report from the Committee on Rules, which the Clerk will report.

The Clerk read as follows:

The Committee on Rules, to whom was referred the resolution of the House No. 394, have had the same under consideration, and report the same herewith, with the recommendation that it be agreed to by the House.

House resolution No. 394.

Resolved, That immediately upon the adoption of this order the remainder of this day shall be set apart for the consideration of bills presented by the Committee on the Judiciary; and if any bill shall be under consideration and undisposed of at the adjournment on this said day, the same shall be considered as unfinished business.

The question was taken, and the resolution was agreed to.

The SPEAKER. The Chair recognizes the gentleman from Wisconsin, chairman of the Committee on the Judiciary.

COUNTY OF DIMMIT, TEX.

Mr. JENKINS. Mr. Speaker, I desire to call up for consideration the bill (H. R. 16330) to detach the county of Dimmit from the southern judicial district of Texas and to attach it to the western judicial district of Texas.

The Clerk read the bill, as follows:

Be it enacted, etc., That the county of Dimmit, in the State of Texas, is hereby detached from the southern and is hereby attached to the western judicial district of Texas.

SEC. 2. That all offenses heretofore committed in said county of Dimmit of which the district court of said southern judicial district has jurisdiction and upon which proceedings have been taken shall be tried and prosecuted in said southern judicial district, and civil suits and proceedings now pending in the circuit or district courts in said State shall not be affected by this act.

SEC. 3. That hereafter all processes issued against defendants residing in said county of Dimmit shall be returned to San Antonio, Tex. All offenses committed in said county of Dimmit in which proceedings have not been begun shall be prosecuted in said western district.

SEC. 4. That all laws and parts of laws, so far as in conflict herewith, are hereby repealed.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. JENKINS, a motion to reconsider the last vote was laid on the table.

TERMS OF UNITED STATES COURTS IN EASTERN DIVISION, EASTERN DISTRICT, ARKANSAS.

Mr. JENKINS. Mr. Speaker, I desire to call up the bill (H. R. 16333) to change and fix the time for holding district and circuit courts of the United States for the eastern division of the eastern district of Arkansas.

The Clerk read the bill, as follows:

Be it enacted, etc., That the regular terms of the United States district and circuit courts for the eastern division of the eastern district of Arkansas hereafter be held at Helena, Ark., on the second Monday in March and the first Monday of October in each year instead of the times now fixed by law.

SEC. 2. That this act shall take effect and be in force from and after its passage.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. JENKINS, a motion to reconsider the last vote was laid on the table.

TERMS OF UNITED STATES COURT IN NORTHERN AND MIDDLE DISTRICTS OF ALABAMA.

Mr. JENKINS. Mr. Speaker, I call up the bill (H. R. 16651) to fix the time for holding the United States district and circuit courts in the northern and middle districts of Alabama.

The Clerk read the bill, as follows:

Be it enacted, etc., That hereafter the regular terms of the district and circuit courts of the United States for the middle district of Alabama shall be held at Montgomery, Ala., on the first Tuesdays in May and December of each year.

SEC. 2. That the regular terms of the district and circuit courts of the United States for the northern division of the northern district of Alabama shall be held at Huntsville, Ala., on the first Tuesday in April and the second Tuesday in October of each year.

SEC. 3. That the regular terms of the district and circuit courts of the United States for the southern division of the northern district of Alabama shall be held at Birmingham, Ala., on the first Tuesdays of March and November of each year.

SEC. 4. That no action, suit, proceeding, information, indictment, recognizance, bail, bond, or any other proceeding or process in either of said courts shall abate or be rendered invalid by reason of the change of time in the holding of said courts, but the same shall be deemed returnable, pending, or triable at the terms herein provided for.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. JENKINS, a motion to reconsider the last vote was laid on the table.

TERM OF UNITED STATES COURT IN ADDISON, W. VA.

Mr. JENKINS. Mr. Speaker, I now call up the bill (S. 5914) establishing a regular term of United States district court in Addison, W. Va.

The Clerk read the bill, as follows:

Be it enacted, etc., That the regular term of the district court of the United States for the southern district of West Virginia shall be held in each year in the city of Addison, W. Va., on the first Monday in September: *Provided*, That accommodations for said term of court shall be furnished without cost to the United States.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. JENKINS, a motion to reconsider the last vote was laid on the table.

UNITED STATES COURT AT DUNCAN AND MARYETTA, IND. T.

Mr. JENKINS. Mr. Speaker, I desire to call up the bill (H. R. 16775) establishing United States court at Duncan and Maryetta, Ind. T.

The Clerk read the bill, as follows:

Be it enacted, etc., That in addition to the places now provided by law for holding courts in the southern judicial district of Indian Territory courts shall be held in the towns of Duncan and Maryetta; and all laws regulating the holding of courts in the Indian Territory shall be applicable to the said

courts hereby created in the said towns of Duncan and Maryetta, respectively.

The following committee amendments were read:

After the word "Maryetta," line 5, insert:

and Comanche; and the court held at Ryan, in said Territory, is hereby discontinued and the records thereof transferred to the town of Comanche.

After the word "Maryetta," line 11, insert "and Comanche."

Amend the title so as to read: "A bill establishing United States courts at Duncan, Maryetta, and Comanche, Indian Territory."

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. JENKINS a motion to reconsider the last vote was laid on the table.

MINIMUM PUNISHMENT IN CERTAIN CASES IN INDIAN TERRITORY.

Mr. JENKINS. Mr. Speaker, I now call up the bill (S. 3512) concerning minimum punishment in certain cases arising in the Indian Territory.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 33 of the act of Congress of May 3, 1890, entitled "An act * * * to enlarge the jurisdiction of the United States courts in the Indian Territory, and for other purposes," is hereby amended by adding the following proviso:

"*Provided*, That in all cases where punishment prescribed by the laws of Arkansas is adopted by said section, the court shall not be compelled thereby to impose the minimum punishment established therein, but may in its discretion impose a less punishment by way of fine or imprisonment, or both, as justice shall seem to require."

The committee amendment was read, as follows:

Strike out all after the enacting clause and insert:

"That any person, whether an Indian or otherwise, who shall hereafter be convicted in the Indian Territory of stealing any horse, mare, gelding, filly, foal, mule, ass, or jenny, or of stealing, or marking, killing, or wounding with intent to steal, any kind of cattle, pigs, hogs, sheep, or goats, shall be punished by a fine of not more than $1,000, or by imprisonment for not more than fifteen years, or by both such fine and imprisonment, at the discretion of the court.

"SEC. 2. That all acts and parts of acts inconsistent with this act are hereby repealed: *Provided, however*, That all such acts and parts of acts shall remain in force for the punishment of all persons who have heretofore been guilty in the Indian Territory of the offense or offenses herein mentioned: *And provided further*, That this act shall not affect or apply to any prosecution now pending or the prosecution of any offense already committed."

Amend the title so as to read: "An act fixing the punishment for the larceny of horses, cattle, and other live stock in the Indian Territory, and for other purposes."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. JENKINS, a motion to reconsider the last vote was laid on the table.

TERMS OF UNITED STATES COURTS IN COLORADO.

Mr. JENKINS. Mr. Speaker, I now call up the bill (H. R. 16334) fixing terms of the United States courts in Colorado.

The bill was read, as follows:

Be it enacted, etc., That the terms of the district and circuit courts of the United States in and for the district of Colorado shall be held at the times and places hereinafter designated, namely: At Denver on the first Tuesdays in May and in November in every year; at Pueblo on the first Tuesday in April annually; at Del Norte on the first Tuesday in August annually, and at Montrose on the second Tuesday in September annually; and such cases shall be heard in said courts as the law or the rules of said court may now or hereafter provide.

SEC. 2. That acts inconsistent with this act are hereby repealed, but such repeal shall not affect any term of court which may be now in progress. Any cases pending now in any court at any of said places may be tried where the same are now pending, or may be transferred to any other place herein specified as provided by law or the rules of said court or which may hereafter be provided therefor.

The committee amendments were read, as follows:

Strike out, in lines 7 and 8, the words "at Del Norte on the first Tuesday in August annually."

Strike out section 2 and insert the following:

"SEC. 2. The term of said courts heretofore provided to be held at Del Norte, Colo., on the first Tuesday in August annually is hereby discontinued, and all business now pending in said courts, including all records, files, books, or other property of the United States pertaining to said court, shall be transferred to Montrose, Colo., and all cases pending at Del Norte, Colo., shall be tried at Montrose, Colo., the same as if originally begun at the latter place, and all requirements for return of process or persons to said court at Del Norte shall hereafter be made or complied with at said term at Montrose, Colo."

Add section 3, as follows:

"SEC. 3. All acts and parts of acts inconsistent herewith are hereby repealed."

Amend the title so as to read: "A bill fixing terms of United States courts in Colorado, and for other purposes."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. JENKINS, a motion to reconsider the last vote was laid on the table.

INTERSTATE COMMERCE IN INTOXICATING LIQUORS.

Mr. JENKINS. I call up the bill (H. R. 15331) to amend an act to limit the effect of the regulations of commerce between the several States and with foreign countries in certain cases, approved August 8, 1890.

The bill was read, as follows:

Be it enacted, etc., That chapter 728 of the Twenty-sixth Statutes at Large of the United States, approved August 8, 1890, be, and the same is hereby, amended to read as follows:

"That all fermented, distilled, or other intoxicating liquors or liquids transported into any State or Territory or remaining therein for use, consumption, sale, or storage therein, shall upon entering or upon arrival within the boundary of such State or Territory be subject to the operation and effect of the laws of such State or Territory enacted in the exercise of its police powers to the same extent and in the same manner as though such liquids or liquors had been produced in such State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise."

The amendments reported by the committee were read, as follows:

Strike out all after the enacting clause and insert the following:

"That all fermented, distilled, or other intoxicating liquors or liquids transported into any State or Territory or remaining therein for use, consumption, sale, or storage therein, shall upon arrival within the boundary of such State or Territory before and after delivery be subject to the operation and effect of the laws of such State or Territory enacted in the exercise of its police powers to the same extent and in the same manner as though such liquids or liquors had been produced in such State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise.

"SEC. 2. That all corporations and persons engaged in interstate commerce shall, as to any shipment or transportation of fermented, distilled, or other intoxicating liquors or liquids, be subject to all laws and police regulations with reference to such liquors or liquids or the shipment or the transportation thereof of the State in which the place of destination is situated, and shall not be exempt therefrom by reason of such liquors or liquids being introduced therein in original packages or otherwise."

Amend the title so as to read: "A bill to limit the effect of the regulations of commerce between the several States and with foreign countries in certain cases."

Mr. COWHERD. Mr. Speaker, we should like to hear some explanation of this bill.

Mr. JENKINS. I yield to the gentleman from Alabama [Mr. CLAYTON] who reported the bill.

Mr. CLAYTON. Mr. Speaker, I think the best explanation that can be made of the bill is the report of the committee, a unanimous report, which I ask may be read.

The Clerk proceeded to read the following [By Mr. CLAYTON] report:

The Committee on the Judiciary, to whom was referred the bill (H. R. 15331) to amend an act to limit the effect of the regulations of commerce between the several States and with foreign countries in certain cases, approved August 8, 1890, having considered said bill, submit the following report:

Nearly all of the States have passed laws, as police regulations, differing to some extent in their provisions, for the prohibition, regulation, or control of intoxicating liquors within their respective boundaries.

In the case of Leisy *v.* Hardin (135 U. S., 100) the Supreme Court held that any citizen of a State had the right under the Constitution of the United States to import any intoxicating liquors into another State, and that in the absence of Congressional permission the State into which such liquors were imported had no power, in the exercise of its authority of police regulations, to enact laws to prohibit or regulate the sale of such liquors while they remained in the original packages.

The effect of this decision of the Supreme Court was to deny to the States all power to control or prohibit the sale of intoxicating liquors transported from one State into another while they remained in the original packages.

To remove the effect of this decision, and to authorize the several States in the exercise of their police powers, to prohibit or control the sale of intoxicating liquors, the act of August 8, 1890, was passed. That act provided "that all fermented, distilled, or other intoxicating liquors or liquids transported into any State or Territory or remaining therein for use, consumption, sale, or storage therein, shall, upon arrival in such State or Territory, be subject to the operation and effect of the laws of such State or Territory enacted in the exercise of its police powers, to the same extent, and in the same manner, as though such liquids or liquors had been produced in such State and Territory, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise."

In the case In re Rahrer (140 U. S., 545) the Supreme Court of the United States held that this act was constitutional and valid, and conferred upon the States the powers enumerated therein. But in the case of Rhodes *v.* Iowa (170 U. S., 415) a question arising under this act again came before the Supreme Court, and, in defining the scope and meaning of the act, the court held that under its provisions liquors transported from one State into another remained under the protection of the interstate-commerce laws until they were delivered to the consignee, and that the State law was inoperative to reach them until they were delivered by the common carrier to the person to whom they were consigned.

The effect of this decision was practically to nullify the act of 1890 so far as the transportation and delivery of intoxicating liquors within the State was concerned. Under the law, as thus construed, dealers in intoxicating liquors located in some of the States sent out their soliciting agents and established agencies in other States, who traveled over and canvassed the country and solicited sales and took orders for intoxicating liquors to be shipped in by the principal, consigned to the subscribers—sometimes to be sent to them direct, and in other cases to be sent to them in care of the soliciting agent.

By this method regular business of dealing in intoxicating liquors by the foreign dealer has been kept up in many of the States with impunity. Under this system the States are entirely powerless either to prohibit such sales or to exercise any control or regulation over them. They can not even impose a license or any restrictions whatever on the business carried on in this manner.

It is the purpose of this bill to correct this evil and to subject intoxicating liquors imported from one State into another to the jurisdiction of the laws of the State into which they are imported on the arrival of such liquors within the boundaries of such State.

Your committee therefore reports the bill back to the House with the following substitute amendment, and recommends that the bill as amended do pass:

"That all fermented, distilled, or other intoxicating liquors or liquids transported into any State or Territory or remaining therein for use, consumption, sale, or storage therein, shall, upon arrival within the boundary of such State or Territory, before and after delivery, be subject to the operation and

effect of the laws of such State or Territory enacted in the exercise of its police powers to the same extent and in the same manner as though such liquids or liquors had been produced in such State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise.

"SEC. 2. That all corporations and persons engaged in interstate commerce shall, as to any shipment or transportation of fermented, distilled, or other intoxicating liquors or liquids, be subject to all laws and police regulations with reference to such liquors or liquids, or the shipment or the transportation thereof, of the State in which the place of destination is situated, and shall not be exempt therefrom by reason of such liquors or liquids being introduced therein in original packages or otherwise."

Amend the title so as to read: "A bill to limit the effect of the regulations of commerce between the several States and with foreign countries in certain cases."

Mr. MADDOX (interrupting the reading). Mr. Speaker, this reading of the report does not amount to anything unless we can hear it. I think that if the gentleman from Alabama will read the report or make a statement as to the effect of the bill, we shall all of us comprehend the matter better.

The SPEAKER. The Chair desires to state that a point of order of this same character was made yesterday; but within two minutes afterwards the gentleman who had made the point was creating more confusion than anybody else. The Chair therefore hopes that all gentlemen will help to maintain such order as will enable members to understand what is proceeding. The Clerk will continue the reading of the report.

The reading of the report was resumed and concluded.

Mr. CLAYTON. Mr. Speaker, for the benefit of gentlemen on this side of the House I desire to make a brief statement. In the first place, this bill comes from the Committee on the Judiciary by a unanimous vote; and secondly, the bill is made necessary by reason of decisions which have been rendered under the Wilson Act—the original-package decisions. Those decisions have had the effect to greatly qualify, if not to nullify, the intention of certain provisions of the Wilson Act. This bill proposes to amend that act, although it does not so state in its title. The committee were of the opinion that inasmuch as the Wilson law had been pronounced constitutional it would be better to let that whole legislation, which was had in the interest of good morals and in furtherance of the police powers of the States, stand, and to report an original proposition adding to the merits of the Wilson bill.

The decisions to which I have referred are stated with some degree of fullness in the report which I had the honor to present to the House in behalf of the committee. Under these decisions, to which I have made brief reference, it was held that as long as the intoxicating liquor imported into a State having prohibition laws was in the original package, and until it was delivered to the consignee, it was a subject of interstate commerce, and the police regulations and laws of the States could in no wise interfere. Under that ruling of the court the practice has grown up in the State of Iowa, and perhaps in other States where soliciting agents visit communities where the moral sentiment of the people is against the sale of intoxicating liquors—the practice has grown up for such soliciting agents to establish the business of taking orders from whomsoever may give them for liquor, the order for which would be sent to another State and then the liquor shipped, in some instances to the agent as consignee, and by him distributed to his customers; or, in some instances, the liquor would be sent directly to the customer. By this means the soliciting agent has been permitted under those decisions, and is permitted, as the law stands, to carry on the business of a liquor dealer in communities where the laws of a State and the moral sentiment of the people are to the contrary.

Mr. BARTHOLDT rose.

Mr. CLAYTON. In one moment I will yield to the gentleman. This act is made necessary to meet that exigency. Furthermore, Mr. Speaker, I will say to those who believe in the doctrine—once so largely believed by many, now, as we constantly hear, exploded, but which is still cherished by some of us, whatever is left of it, the doctrine of State rights—that there is nothing here to militate against our ideas on that subject. On the contrary, this is a proposition to surrender back to the States certain control which was given by the Federal Constitution under the commerce clause to Congress, the exercise of which power has, according to these decisions to which I have referred, nullified the police regulations of the States. In other words, this is simply a proposition to restore to the States in this matter full and ample power to enforce their police regulations against the sale of intoxicating liquors. That is the whole question.

I now yield to the gentleman from Missouri [Mr. BARTHOLDT].

Mr. BARTHOLDT. Mr. Speaker, I would like to ask my friend whether the effect of this bill would not be this: Suppose the gentleman or myself were residents of a prohibition State, say the State of Maine, the State of Kansas, or the State of Iowa, or even some of the Southern prohibition States. Suppose the gentleman, for private use or his private table, desires a glass of malt liquor, or whatever it may be. Not being able to get it in his own State, he orders it somewhere, say in St. Louis or Chicago or any large city where it is sold. Will not the effect of the passage of this bill be that the State authorities under the State law can prohibit getting that package to your or my State?

Mr. CLAYTON. No; I do not think the bill goes to that extent. No, sir.

Mr. BARTHOLDT. In other words, in my judgment, the private citizen will be prevented from supplying his table with what he desires.

Mr. CLAYTON. No; I do not think it goes to that extent. On the contrary, I am sure it does not go to that extent. It is designed to break up the practice to which I have referred, and I have no idea that it can be construed or stretched to go beyond meeting the abuse to which I have referred, and which has necessitated the passage of this act.

Mr. BARTHOLDT. Mr. Speaker——

The SPEAKER. Does the gentleman yield to the gentleman from Missouri?

Mr. JENKINS. I yield to the gentleman five minutes.

Mr. CLAYTON. Before the gentleman proceeds, I would like to say that this is to prevent that manner of sale of goods, and not to prevent the gentleman from Missouri, or any other man who wants to take a drink, from taking it or from using it on his table, to use the gentleman's language. I yield back the balance of my time to the gentleman from Wisconsin.

The SPEAKER. The gentleman from Missouri is recognized for five minutes.

Mr. BARTHOLDT. Mr. Speaker, this is the first information I have about this bill. I did not know it had been pending; I did not know it was before the committee; but I am sure that if the provisions of this bill were generally understood, the House would not approve of it. It means, in effect, that the prohibition States which have the right to enforce their police powers within the State, will have the right to enforce them against any citizen in the country who attempts to sell to the citizens of that State any liquor whatsoever. It practically legalizes prohibition and nullifies the decision of the Supreme Court, which is to the effect that as long as these packages pertain to interstate commerce they can not be interfered with by the police powers of the State.

Mr. CLAYTON. Mr. Speaker, may I interrupt the gentleman?

The SPEAKER. Does the gentleman yield?

Mr. BARTHOLDT. Yes.

Mr. CLAYTON. That is exactly this bill—intending to permit the enforcement of the prohibition laws of the State in the community so that they may not be violated as they have been in the manner to which I have referred.

Mr. BARTHOLDT. Exactly, and that is what I am opposed to. If a majority in any State of the Union sees fit to adopt prohibition, if 51 out of 100 vote for prohibition, to deprive the 49 of their personal liberty and their individual rights, then I say that under the laws of the country those 49 ought to have the privilege of exercising their personal liberty and of purchasing what they require anywhere else.

Under this bill, Mr. Speaker, they will be prevented from doing so. It means absolute prohibition for every citizen living in a prohibition State, whether he believes in that principle or not. Of course it may be argued, and the gentleman from Alabama [Mr. CLAYTON] makes the point, that the police power of the State may not be invoked, but what guaranty has Congress to that effect? If we leave this entirely to the States, then we yield and sacrifice a constitutional right which ought to be exercised here to protect interstate commerce.

Mr. KLEBERG. Mr. Speaker, I would ask the gentleman if this is not an attempt, by Federal law, to aid prohibition throughout the United States and enforce prohibition in every part of it?

Mr. BARTHOLDT. That is my understanding of it. I readily admit that I may be mistaken. This is the first time that I have heard of the bill. I have not read even the report, but the provisions of the bill are plain enough to satisfy me that it means a general extension of the principles of prohibition all over this Union, and I am not prepared to vote on a matter of such importance upon so short a notice. I think the House ought to have time to consider this subject more fully rather than to have it brought in here under a rule when 10 or 12 or 15 bills are considered within thirty or forty minutes. I want time to discuss this matter and to study it, and I trust my friend from Wisconsin will not press his bill at this time.

Mr. JENKINS. I yield five minutes to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. Mr. Speaker, I am afraid the gentleman from Missouri [Mr. BARTHOLDT] has not been as alert as he usually is when questions of this kind are ripe for consideration. This bill was introduced the 30th day of last June. It has been before this House now for more than six months. There have been five months of leisure for the gentleman, and yet he has given it no consideration at all. In fact, Mr. Speaker, it has been

before his attention for a much longer period. It was originally enacted on the 8th day of August, 1890. This bill is substantially the act of 1890, with the addition that in the first section we have inserted the words:

Before and after delivery.

There is no difference between the first section of this bill and the present statute except the introduction of those words.

The original bill made intoxicating liquors introduced into a State subject to the law of the State upon "arrival" within the boundaries of the State. Now, the Supreme Court elected to construe that to mean after the delivery of the liquors within the boundaries of the State. After the delivery the State lost sight of the liquors and practically lost jurisdiction over them. The State authorities could do nothing in the way of the enforcement of the law, and therefore they have sought this legislation, giving the State jurisdiction either before or after delivery after arrival within the limits of the State. And why should not this be so? Why should not the State of Missouri have jurisdiction over the importation of liquors within that State and designed for use in that State?

Mr. KLEBERG. Will the gentleman yield for a question?

Mr. HEPBURN. Certainly.

Mr. KLEBERG. I ask it for information. Will not this bill give the State authorities the power to destroy absolutely any liquor that comes within the State of Iowa?

Mr. HEPBURN. No. It will give the State of Iowa the power to destroy liquors when brought within the State if they are there in opposition to the provisions of the law of that State.

Mr. KLEBERG. That is what I asked.

Mr. HEPBURN. It prevents the importer from avoiding the statutes of Iowa because of the interstate-commerce clause of the Constitution and the legislation thereunder.

Mr. KLEBERG. Will not that prevent the introduction of liquor by any private individual?

Mr. HEPBURN. I think not, unless it is brought there for some illegal purpose. It is not illegal for the gentleman to carry liquors into the State of Iowa for his own consumption.

Mr. KLEBERG. That is what I question.

Mr. HEPBURN. No, it is not. There is no statute of that kind. It is the illegal sale of the liquor that our statute has been enacted to prohibit.

Now, I think, Mr. Speaker, that there is but very little in this to excite my friend from Missouri [Mr. BARTHOLDT]. I know he is easily excited upon subjects of this kind; but we simply want to exercise our power over liquors imported into the States, the power that we would have the right to exercise but for the original-package clause of the Federal law; that is all.

Mr. BARTHOLDT. I understand all that——

The SPEAKER. The gentleman from Wisconsin [Mr. JENKINS] has the floor.

Mr. JENKINS. I yield five minutes to the gentleman from Alabama [Mr. CLAYTON].

Mr. CLAYTON. I desire to say just one word more, and that is that I for one am willing to go to the full extent of our constitutional authority to aid the States in the enforcement of all their police regulations, their laws and regulations that affect public health and morals.

When this question, or questions similar to this, came before the House in a former Congress, I recollect that the distinguished gentleman from Kentucky [Mr. WHEELER] offered a proposition—I think it was brought forward on the floor of the House, and I know that he offered it to the Congress—that wherever the States had laws prohibiting the sale of intoxicating liquors, a license to sell intoxicating liquors should not be granted by the United States. Now, in the State of Iowa, under the law as it exists, these soliciting agents can take out a Federal license to sell liquors and defy the laws of the State and the public sentiment of any community.

Now, gentlemen, this is simply a proposition to give to the States the right of local self-government, the right of the majority in any community to make their own laws and to enforce them. The fact that perchance the enforcement of the law that the people of a community have deemed best to their health and happiness should affect some little beer industry or big beer industry in St. Louis or elsewhere is no reason why we should vote down this proposition.

Inasmuch as it has come from the committee with a unanimous report and is in aid of home rule, is in favor of States' rights, is in behalf of the moral sentiment of the people of Iowa and of other States, I maintain that every reason, legal, political, and moral, constrains us to vote for this bill. [Loud applause.]

Mr. JENKINS. I yield to the gentleman from Missouri for the purpose of asking a question.

Mr. BARTHOLDT. I want merely two or three minutes.

Mr. JENKINS. I yield three minutes to the gentleman from Missouri.

Mr. BARTHOLDT. Mr. Speaker, in immediate reply to my friend from Alabama, I would like to ask every reasonable man on this floor how much business a soliciting agent such as he refers to can do in a prohibition community if the sentiment on that question is unanimous?

Mr. CLAYTON. I would ask the gentleman how much business a "blind tiger" can do in a community? And this is worse than a "blind tiger."

Mr. BARTHOLDT. Why is it possible for liquors to go there if there is a unanimous sentiment against it? Is it possible that some people may stand on the street corners and preach prohibition and then give orders to the soliciting agent to supply them with liquor?

Mr. CLAYTON. There are laws against murder and other crimes, but they are committed.

Mr. BARTHOLDT. I say, is it possible that such hypocrisy is possible in any community? I now believe, according to the argument made by friend, that it must be possible. There must be such hypocrisy, or else these soliciting agents could not exist and a "blind tiger" could not exist. But I was going to ask my friend from Iowa a question, and it is this: Is there in this bill a provision which will permit a citizen of Iowa or a citizen of any other prohibition State to order, for his own table and his own private use, such drinkables as he or his family may require as civilized individuals?

Mr. HEPBURN. There is certainly no provision that he may not do that, and no law of the State of Iowa that would prohibit him from doing that.

Mr. BARTHOLDT. If my friend will pardon me, if this bill passes and the police regulations of the State of Iowa and the laws of the State of Iowa are strictly enforced, then, I say, they can not get goods of that kind. In other words, if these original packages sent from other States are stopped at the boundary of the State, how will it be possible for my friend or any other person there to secure any of that kind of stuff?

Mr. HEPBURN. I do not think any question of that kind could possibly arise. There will be no constabulary on the border line of the State of Iowa. The only change between this bill, the gentleman will understand, and the present law, is the insertion of these words, "before or after delivery." That is all. The Supreme Court have held that the law does not apply until "after delivery," under the present statute. Now, we have tried to remedy that. Whenever liquor is sent, for example, to my town—sometimes 30, 40, or 50 packages come from the gentleman's town—his constituents persist in selling liquor there. We want to prevent that. We have enacted a law therein that we thought was sufficient. The Supreme Court have taken the substance out of it by this decision that I have called to his attention. I want to say further, that when the gentleman talked a little while ago about hypocrisy, I do not think there is any hyprocrisy in the matter at all. We have some gentlemen who like and will have liquor, and who become harmful to the State——

Mr. GROSVENOR. Is that in Iowa?

Mr. HEPBURN. That is in Iowa, and in Ohio, and practically every other State.

Mr. GROSVENOR. I admit it.

Mr. HEPBURN. So I say there is no hypocrisy about that, and we are trying to control this class of our people that will get liquor through the connivance of the gentleman's constituents and then harm the body politic, commit murders, and other crimes, and almost the only ones we have in the State, under the influence of these sales. We are trying to prohibit it, and want the gentleman to help us to do it.

Mr. JENKINS. I yield five minutes to the gentleman from Iowa [Mr. THOMAS].

Mr. THOMAS of Iowa. Mr. Speaker, it seems to me that the gentleman from Missouri misconceives the purpose of this bill. The law as it now stands authorizes the States to prohibit, control, or regulate the sale of intoxicating liquors transported from one State into another while such liquors remain in the original packages. That far the Wilson bill goes as it stands on the statute books to-day. But, as has already been stated, under the decisions of the Supreme Court, the effect of that act has been limited somewhat beyond expectation. Under these decisions intoxicating liquors retain the character of articles of interstate commerce until they go into the hands of the consignee. The only purpose of this bill is to extend that law and subject intoxicating liquors imported into a State to the jurisdiction of State law as soon as it crosses the State line. It is not a measure in favor of or against prohibition; it does not propose to deal with the question, but to leave the whole question of controlling the liquor traffic with the several States.

It is a measure intended to give to the States the right and power to control the sale of intoxicating liquors within their own borders. It is the purpose of this bill to place the citizens of any State in like position with the citizens of every other State with

respect to the sale of intoxicating liquors—to place the citizens of Iowa in like position with citizens of Illinois and Missouri, when the citizens of these States send their liquors into Iowa for sale or consumption there. Under this bill, if it shall become a law, the citizens of any State importing intoxicating liquors into another State will have the same rights and privileges respecting such liquors in the State in which they are received as the citizens of that State will have respecting liquors produced therein. The citizens of Illinois or Missouri who intend or attempt to go into the State of Iowa and there sell their products will have the same rights and privileges as the citizens of Iowa have respecting any liquors sold or produced in that State. It places the citizens of all the States on precisely the same ground. I submit, Mr. Speaker, that there is no reason why, through the protection of interstate commerce, the States should be divested of the power to control the traffic in intoxicating liquors within their own borders as a police regulation for the protection and welfare of their own people. By the adoption of this measure we do not say that you shall not ship your liquors into any State, nor that you shall not sell them therein; but we only say by this bill that the State shall determine that question. If any State desires to enforce prohibition, then we say let that State enforce its prohibition against the citizens of other States and those who may attempt to import their liquors into that State, as well as against the citizen of its own State and those who may attempt to sell liquors owned or produced in such State.

Mr. WM. ALDEN SMITH. In such a case there could be no delivery. For instance, in the State of Iowa, if you have prohibition there, there could be no delivery.

Mr. THOMAS of Iowa. That is the purpose of the bill.

Mr. WM. ALDEN SMITH. How would the law apply?

Mr. THOMAS of Iowa. The law would simply bring the liquors—when shipped over the line into Iowa, from Michigan, for instance—bring them under the control of the laws of the State as soon as they crossed the line.

Mr. WM. ALDEN SMITH. Then it is a waiver of the general power of interstate commerce?

Mr. THOMAS of Iowa. Yes, so far as to yield the authority to the State to control or prohibit the traffic in intoxicating liquors.

Mr. CRUMPACKER. Will it affect liquors transported across the State from one State into another?

Mr. THOMAS of Iowa. No, sir.

Mr. CRUMPACKER. Is there anything in the bill to preserve the right of such transportation?

Mr. SMITH of Iowa. It is specially preserved.

Mr. CRUMPACKER. Will it affect the use of liquor on dining cars on trains running through the State?

Mr. THOMAS of Iowa. I apprehend that the same rule will apply in the sale of intoxicating liquor on dining cars that will apply anywhere else—that would apply to an eating house.

Mr. WM. ALDEN SMITH. The gentleman from Indiana does not seem to know that in some States they are prohibited now from selling liquor on dining cars.

Mr. THOMAS of Iowa. This, Mr. Speaker, as I have outlined, is the purpose of this bill.

The SPEAKER. The time of the gentleman from Iowa has expired.

Mr. JENKINS. Mr. Speaker, I now yield five minutes to the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Speaker, in the case of Leisey against Hardin the Supreme Court of the United States held that under the interstate-commerce clause of the Federal Constitution one had a right to ship liquor into a State in original packages and there sell it in unbroken packages. Immediately after the decision was handed down Congress passed the Wilson bill, which provided that upon the arrival of liquors in a State they should be subject to the police regulations thereof. The United States Supreme Court, in the Rhodes case, held that "arrival" meant delivery to the consignee. Under this holding a practice has grown up in Iowa by which a nonresident ships a large number of jugs into the State addressed to himself, and then his soliciting agent goes about selling these liquors at retail in the town, and simply transfers the bills of lading, thus carrying on the retail liquor business in that dry town in violation of the will of the majority of the people, and using the express office as a retail liquor place.

So flagrant has this become in Iowa that in one of the towns in Colonel HEPBURN'S own county, when I had the honor of presiding upon the bench in that district, as high as 100 jugs at a time were found in a single express office, addressed by the consignor to himself as consignee, without any intention that they should ever be delivered, except to the several assignees of the bills of lading that might be found after the arrival of the goods in the State.

Under the decision in the Rhodes case these liquors were not subject to seizure and could be kept there in large quantities in the office of the express company, and retailed from there to whom ever would pay the C. O. D. charges, the value of the liquor and the cost of transportation. This system has been so flagrantly conducted that the State supreme court, during the last session, ordered a writ of injunction to issue against one of the express companies, enjoining it from maintaining one of its offices as a place wherein to carry on the traffic in intoxicating liquors.

So flagrant has it become that the Iowa supreme court recently ordered the destruction of a large number of boxes containing liquor found in the office of the American Express Company, upon the theory that where they were sent C. O. D. in this way they were not sold until delivered, and therefore not within the protection of the interstate-commerce clause of the Constitution.

So flagrant has this been in Iowa that at the last session of the United States district court for the southern district the Adams Express Company was formally indicted by the grand jury for being engaged in the retail liquor business without having paid the special tax therefor, as required by the laws of the United States.

Now, if we do not want this traffic carried on we ought to have the right to prevent a nonresident Iowan living in Brother BARTHOLDT'S district sending liquor to himself in a dry town, insisting that under the decision in the Rhodes case they are entitled to immunity from seizure until they are delivered to the consignee when he does not intend to receive them, and retailing these liquors to whoever will come up and advance the value of the liquor and the cost of transportation.

Mr. BARTHOLDT. How can he find purchasers if they do not want it?

Mr. SMITH of Iowa. There are people even in Iowa who, like my friend from Missouri, demand intoxicating liquors. But we say that the majority of the people in a community have the right to say whether this traffic shall be conducted there or not; and this bill proposes simply to give back to us that power of local self-government which we had enjoyed until the decision in the Rhodes case that the word "arrival" under the Wilson law meant delivery to the consignee.

Mr. BARTHOLDT. In other words, my friend would not allow a private citizen to order——

[Here the hammer fell.]

The SPEAKER. Does the gentleman from Wisconsin [Mr. JENKINS] yield further?

Mr. JENKINS. I yield five minutes to the gentleman from Texas [Mr. KLEBERG].

Mr. KLEBERG. Mr. Speaker, I regret that I can not agree with my friend from Alabama [Mr. CLAYTON] in supporting this bill. I think that it is "on all fours" with the oleomargarine bill, which he and other Democrats, including myself, fought on this floor. I think that this bill is an unwarranted interference with interstate commerce. If it can be said by Congress that liquor shall not be imported from one State to another, it can equally be said by Congress that any other article of commerce can be prevented from going from one State into another. I repeat, this is the same fight that we had on the oleomargarine bill; and the reason against this bill is one of the principal reasons that the Democrats had for opposing that bill.

Mr. Speaker, after all, this whole question is nothing but a prohibition question, transferred from the State of Iowa to the Congress of the United States. This bill is simply an attempt by Federal legislation to aid the principle of prohibition; and my friends on the other side and on this side might just as well so recognize it. Now, I am an antiprohibitionist. I believe in personal liberty, and for that reason I shall cast my vote against this bill.

Mr. JENKINS. Mr. Speaker——

Mr. BARTLETT. Will the gentleman yield to me for a few minutes?

Mr. JENKINS. How many minutes does the gentleman desire?

Mr. BARTLETT. I will say to the gentleman that I am in favor of the bill.

Mr. JENKINS. If the gentleman wants some time I will give it to him.

Mr. BARTLETT. Only a few minutes.

Mr. JENKINS. I yield to the gentleman for five minutes.

The SPEAKER. The gentleman from Alabama is entitled to the floor for five minutes.

Mr. BARTLETT. I suppose the Chair means "the gentleman from Georgia" [Mr. BARTLETT].

The SPEAKER. Yes; the Chair begs pardon for the mistake.

Mr. BARTLETT. Georgia had the honor of giving the State of Alabama to the Union; and hence it is no offense to me to be designated as coming from Alabama. [Laughter.]

Mr. CLAYTON. And Alabama loves her mother State.

Mr. BARTLETT. Mr. Speaker, I think that this bill ought to pass. I am as much opposed to prohibition as the gentleman from Texas [Mr. KLEBERG] who has just taken his seat. Were

it a question in a locality whether prohibition should be established, I should vote against it, because I believe that in a community such as I live in—in the large cities of this country and elsewhere—an attempt to enforce prohibition has always ended in a great farce. But this is not a prohibition bill. It is a bill providing simply that the States that have enacted laws upon the subject of the sale of liquor—that have enacted laws, it may be, for the purpose of preventing the sale of liquor, or for the purpose of regulating the sale of liquor, or for the purpose of licensing the sale of liquor—have a right to say under the Constitution whether those laws shall be defeated and destroyed by means of the use of the interstate-commerce clause of the Constitution, which the Supreme Court has decided in the Rhodes case may be used for that purpose.

Now, it is a well-known fact that in the State of Maine, which has had a prohibition law ingrafted in her constitution for fifty years, and all over the country, in every State where prohibition laws exist, those who desire to violate those laws simply procure a United States license from the internal-revenue collector, and set up their business and defy the laws of the States. This bill, as I understand, simply transfers to the State legislatures and the State local authorities the right which I believe they have always had since the organization of this Government—the right which the States reserved to themselves when they entered into the compact of States—the right to govern their own local affairs and the right to pass and have enforced police laws as the people of those States desire that they should be enforced. This is all I desire to say about the bill.

Mr. JENKINS. I call for the previous question on the bill to its passage.

The previous question was ordered.

The question being taken on agreeing to the amendment reported by the committee, it was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

The SPEAKER. Without objection, the amendment to the title as proposed by the committee will be agreed to.

There was no objection.

On motion of Mr. JENKINS, a motion to reconsider the vote by which the bill was passed was laid on the table.

CLERKS OF CIRCUIT AND DISTRICT COURTS OF THE UNITED STATES.

Mr. JENKINS. I desire to call up the bill (H. R. 14047) and I ask unanimous consent that this bill be considered in the House as in Committee of the Whole.

The SPEAKER. The Clerk will report the bill by its title.

The Clerk read as follows:

A bill (H. R. 14047) for the relief of the clerks of circuit and district courts of the United States.

Mr. UNDERWOOD. I ask that the whole bill be reported, pending the request of the gentleman from Wisconsin [Mr. JENKINS] for unanimous consent.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the accounting officers of the Treasury are hereby authorized and directed to reopen and restate the emolument accounts of the clerks of the circuit and district courts of the United States for the years 1891 to 1900, inclusive, where a balance against said clerks has been created contrary to the decision of the Comptroller of the Treasury dated July 29, 1901, and the decisions of the Supreme Court of the United States cited therein, and to settle the same in accordance with said decisions; and upon satisfactory proof, which shall be made under oath, of any balance due any of said clerks, to certify and pay such balance to them out of any money in the Treasury not otherwise appropriated.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin? [After a pause.] The Chair hears none. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. JENKINS, a motion to reconsider the last vote was laid on the table.

ADDITIONAL CIRCUIT JUDGE IN EIGHTH JUDICIAL CIRCUIT.

Mr. JENKINS. Mr. Speaker, I now call up the bill (S. 5316) providing for an additional associate judge in the eighth judicial circuit, which I will send to the desk and ask to have read. Pending that I ask unanimous consent that this bill may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the bill which the Clerk will report may be considered in the House as in Committee of the Whole. Is there objection? [After a pause.] The Chair hears none and the Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That there shall be in the eighth circuit an additional circuit judge, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall possess the qualifications, and shall have the powers and jurisdiction and receive the compensation prescribed by law in respect to other circuit judges.

The SPEAKER. The question now is on the third reading of the Senate bill.

The bill was ordered to be read a third time, read the third time, and passed.

On motion of Mr. JENKINS, a motion to reconsider the last vote was laid on the table.

ADDITIONAL CIRCUIT JUDGE IN DISTRICT OF MINNESOTA.

Mr. JENKINS. Mr. Speaker, I now call up the bill (S. 6461) providing for an additional circuit judge in the district of Minnesota, which I will send to the desk and ask to have read. Pending that I ask unanimous consent that this bill may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the bill which the Clerk will report may be considered in the House as in Committee of the Whole. Is there objection? [After a pause.] The Chair hears none, and the Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That there shall be in the district of Minnesota an additional district judge, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall possess the same qualifications and have the same power and jurisdiction now prescribed by law in respect to the present district judge therein.

SEC. 2. That the senior circuit judge of the eighth circuit, or the resident circuit judge within the district, shall make all necessary orders for the division of business and the assignment of cases for trial in said district.

SEC. 3. That this act shall take effect and be in force from and after the 1st day of July, 1903.

The SPEAKER. The question now is on the third reading of the Senate bill.

The bill was ordered to be read a third time, read the third time, and passed.

On motion of Mr. JENKINS, a motion to reconsider the last vote was laid on the table.

ADDITIONAL JUDGE OF DISTRICT COURT FOR SOUTHERN DISTRICT OF NEW YORK.

Mr. JENKINS. Mr. Speaker, I now call up the bill (H. R. 16724) providing for an additional judge of the district court of the United States for the southern district of New York, which I will send to the desk and ask to have read. Pending that, I ask unanimous consent that this bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that this bill, which the Clerk will report, may be considered in the House as in Committee of the Whole. Is there objection? [After a pause.] The Chair hears none, and the Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the President of the United States, by and with the advice and consent of the Senate, shall appoint an additional judge of the district court of the United States for the southern district of New York, who shall reside in said district, and who shall possess the same powers, perform the same duties, and receive the same salary as the present district judge of said district.

The committee amendment was read, as follows:

Strike out all of section 2 and make section 3 section 2.

Mr. GOLDFOGLE. Mr. Speaker——

The SPEAKER. Does the gentleman from Wisconsin yield to the gentleman from New York?

Mr. JENKINS. I would like to know the purpose for which the gentleman rises.

Mr. GOLDFOGLE. For the purpose of moving to reinsert section 2.

Mr. JENKINS. That question, I would say to the gentleman from New York, will come up on considering the committee amendment. When the committee amendment is submitted to the House the question to which the gentleman refers will be up for consideration.

Mr. UNDERWOOD. Mr. Speaker, I would like to say that, consent being given to consider this bill in the House as in Committee of the Whole, unless the gentleman from Wisconsin yield to the gentleman from New York the gentleman from New York will be precluded from making his motion.

Mr. JENKINS. The gentleman from Alabama [Mr. UNDERWOOD] perhaps does not understand that the gentleman from New York [Mr. GOLDFOGLE] is not in sympathy with the committee amendment.

Mr. UNDERWOOD. If it is to be considered in the House as in Committee of the Whole, I take it the gentleman from Wisconsin intends to yield to the gentleman from New York.

Mr. JENKINS. The gentleman from New York will have every opportunity.

The SPEAKER. Does the gentleman yield?

Mr. JENKINS. I yield five minutes to the gentleman from New York.

Mr. GOLDFOGLE. Mr. Speaker, I did not hear what the gentleman from Alabama had to say in reference to the bill.

Mr. UNDERWOOD. I only said that if the bill is to be considered in the House as in Committee of the Whole the gentleman from New York might be cut out of his opportunity to make his motion unless the gentleman from Wisconsin yielded; and the gentleman from Wisconsin has yielded to the gentleman from New York.

Mr. GOLDFOGLE. Mr. Speaker, the additional judgeship for which the bill before the House provides is greatly needed in the southern district of New York. The judicial labors of the district court there have become so great as to overtax the fair working capacity of any single judge, and a due regard for the proper dispatch of business and for that careful attention and thoughtful deliberation we all expect shall be exercised in the performance of the judicial functions, requires that in the southern district of my State there should be at least one more judges.

The bar there is unanimous in its opinion that the business of the court absolutely requires an additional judge, and though the district judge who now presides there has striven to cope with the enormous and constantly growing volume of work in this exceedingly busy judicial district, it has become apparent that, however diligent and energetic he has been, he can not continue to perform the arduous labors of that tribunal so as to keep satisfactorily abreast with the litigation without an increase in the judicial force of the court. I take it, therefore, that no opposition will be offered to the bill. But the committee in reporting the measure has recommended that section 2 be stricken out. I trust that section will be retained. It in substance provides that—

The arrangement of the business of the court shall be directed by the judge senior in office, except in case of his disability, to be determined by the circuit court of appeals for the second circuit, when the junior judge shall have the power.

There ought to be a recognized head of the court, and to avoid the possibility of disagreement there ought to be some such provision as is contained in section 2. It will operate as a safeguard against friction and tend to the better regulation of the transaction of the court's business. It seems to me, as it seems to the bar of New York, that the arrangement for the business of the court with but two judges may be safely, and, in fact, ought properly to be, left to the judge who is senior in office.

We can readily understand that where there are but two judges there ought to be some one who, in case necessity therefor arises, could direct the arrangement of business. It is to meet a possible necessity, to insure harmonious action, to avoid misunderstandings, and guard against disagreement that section 2 ought to be retained, although I do wish to say that there is very little probability that so long as our present district judge, Judge Adams, continues in office there will be any cause for any incoming judge to disagree with him.

A very learned and distinguished jurist, an exceedingly able man, a man of remarkable business capacity, and an indefatigable worker, who has discharged his duties to the satisfaction of the entire bar of New York, Judge Adams will certainly do nothing at any time to impede or retard the business of the court, but rather will help, as he has always done, to expedite the work. Judge Adams is a genial gentleman, who, I am sure, will get along exceedingly well with anyone who may be appointed under this bill, but in legislating we ought to guard against the possibilities that can be foreseen and avoid what so easily and without any impropriety may be guarded against. The reasons for the insertion of the section which the committee proposes shall be stricken out are, I hope, obvious, and, without detaining the House longer, I suggest to the committee reporting the bill the advisability of reinserting section 2 as it appears in the original bill.

Mr. JENKINS. Mr. Speaker, I simply desire to say to the gentleman from New York and to the House that this amendment was very carefully considered by the Judiciary Committee, and they were unanimously opposed to the views of the gentleman from New York. There is no judge elsewhere in the United States who is of equal rank, who is subject to the orders of his brethren. Now, the gentleman from New York insists that on account of the fact that there are two or more district judges in this district, the senior judge should direct the others as to what they shall do and when they shall do it. The Judiciary Committee were opposed to it. Each judge stands on an equal footing. They are all of one rank and it would be unfair to say by law that the senior judge should compel the others to do work in accordance with his views. Therefore the committee recommended that that provision of the bill be stricken out.

Mr. GOLDFOGLE. Suppose there should be a disagreement between the two judges, who shall settle the question as to the arrangement of the business of the court?

Mr. JENKINS. There can not be. The same rule must prevail that prevails in other places where there are more district judges than one.

Mr. GOLDFOGLE. The gentleman from Wisconsin will readily understand that if there were three judges, the question would be easy of solution; but where there are two judges, ought not the senior judge, especially when he has so well conducted the business of the court during the time that he has been in office, be permitted, in case of disagreement between the two judges, to arrange the business of the court?

Mr. JENKINS. I ask for a vote on the committee amendment.

Mr. GOLDFOGLE. Is that the amendment I refer to?

The SPEAKER. That is the only amendment pending.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. JENKINS, a motion to reconsider the last vote was laid on the table.

CERTAIN LANDS IN FORT SMITH, ARK.

Mr. JENKINS. Mr. Speaker, I now desire to call up the bill (H. R. 15595) ceding jurisdiction to the State of Arkansas over certain lands in the city of Fort Smith, in said State.

The bill was read, as follows:

Be it enacted, etc., That jurisdiction is hereby ceded to the State of Arkansas over so much of the ground as was donated to the city of Fort Smith, in the State of Arkansas, for streets and alleys, and also over so much as was sold by the United States under the provisions of the act of Congress approved February 26, 1897 (vol. 29, United States Statutes at Large, pp. 596 and 597).

The following amendments, recommended by the Committee on the Judiciary, were read:

Strike out all after the enacting clause and insert:

"That jurisdiction is hereby confirmed and ceded to the State of Arkansas over all those portions of the Fort Smith Reservation which have heretofore been aliened by the United States either to the city of Fort Smith in trust or otherwise, or to other parties; and complete Federal jurisdiction is hereby asserted and retained over all portions of the said reservation that have not been specially aliened."

Amend the title so as to read: "A bill confirming and ceding jurisdiction to the State of Arkansas over certain lands formerly in the Fort Smith Reservation in said State, and asserting and retaining Federal jurisdiction over certain other lands in said reservation."

The SPEAKER. The Chair is advised that this bill is upon the Union Calendar.

Mr. JENKINS. I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman asks unanimous consent that this bill be considered in the House as in Committee of the Whole, being upon the Union Calendar. Without objection, this course will be pursued.

There was no objection.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

By unanimous consent, on motion of Mr. JENKINS, the amendment to the title was agreed to.

On motion of Mr. JENKINS, a motion to reconsider the vote by which the bill was passed was laid on the table.

TERMS OF UNITED STATES COURTS AT SUPERIOR, WIS.

Mr. JENKINS. Mr. Speaker, I desire to call up House bill 16599.

The SPEAKER. The Chair is informed that this bill is also on the Union Calendar. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 16599) amending chapter 591 of the United States Statutes at Large, Fifty-sixth Congress, approved May 26, 1900, entitled "An act to provide for the holding of a term of the circuit and district courts of the United States at Superior, Wis."

Mr. JENKINS. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that this bill be considered in the House as in Committee of the Whole. Without objection, that course will be pursued.

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That chapter 591 of the United States Statutes at Large, approved May 26, 1900, be, and the same is hereby, amended so as to read as follows:

"SECTION 1. That two terms of the circuit and district courts of the United States for the western district of Wisconsin shall be held annually at the city of Superior, one term beginning on the first Tuesday in May and another term beginning on the third Tuesday in October.

"SEC. 2. The circuit and district judges of the western district of Wisconsin shall appoint a clerk, who shall be clerk both of the circuit and district courts for the western district of Wisconsin, who shall reside and keep his office at Superior, Wis., and who shall receive such fees and compensation for services performed by him as are now fixed for clerks and limited by law; and one or more deputies of the clerk of the circuit and district courts may be appointed by the judges of said courts on the application of the clerk, and may be removed at the pleasure of the judges authorized to make the appointments. In case of the death of the clerk, his deputy or deputies shall, unless removed, continue in office and perform the duties of the clerk in his name, until a clerk is appointed and qualified.

"SEC. 3. All summonses, writs, warrants, and processes issued by the said courts or the clerks thereof at Superior shall be made returnable at Superior, and the clerk shall keep in his office the original records of all actions, prosecutions, and special proceedings commenced and pending therein.

"SEC. 4. All causes triable in either of said courts when the summonses, writs, warrants, and processes shall be issued from the said courts at Superior shall be tried at Superior, unless by consent of parties or on other legal grounds the causes may be removed for trial to some other county in said western district of Wisconsin where said courts are held.

"SEC. 5. A grand and petit jury shall be summoned for each term of said courts, which petit jury shall be competent to sit and act as such jury in either or both of said circuit and district courts at said terms: *Provided*, That the judge of the district court may, in his discretion, dispense with the summoning or impaneling of a grand jury at either or both of said terms.

"SEC. 6. The marshal of said western district of Wisconsin shall appoint a deputy marshal who shall reside and keep his office at Superior, Wis., whose compensation shall be fixed as provided by section 10, chapter 252, of the General Statutes of the United States, approved May 28, 1896.

"SEC. 7. This act shall take effect and be in force from and after its passage and publication."

The bill was ordered to be engrossed for a third reading; and, being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. JENKINS, a motion to reconsider the vote by which the bill was passed was laid on the table.

DIVESTING THE UNITED STATES OF ITS TITLE TO CERTAIN PROPERTY IN ALABAMA.

Mr. JENKINS. Mr. Speaker, I now desire to call up the Senate bill 6333, and ask unanimous consent that this bill be considered in the House as in Committee of the Whole.

The SPEAKER. The Clerk will report the bill by its title, and the request will be submitted.

The Clerk read as follows:

A bill (S. 6333) to divest out of the United States all its right, title, and interest of, in, and to certain real estate situated at and near the city of Montgomery, State of Alabama, and to vest the same in The Southern Cotton Oil Company, Bessie R. Maultsby, James S. Pinckard, trustee, M. V. B. Chase, and Edwin Ferris.

The SPEAKER. This bill is upon the Private Calendar, and requires consent of the House to consider it.

Mr. CLAYTON. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was read, as follows:

A bill (S. 6333) to divest out of the United States all its right, title, and interest of, in, and to certain real estate situated at and near the city of Montgomery, State of Alabama, and to vest the same in The Southern Cotton Oil Company, Bessie R. Maultsby, James S. Pinckard, trustee, M. V. B. Chase, and Edwin Ferris.

Whereas numerous suits have been brought in the circuit court of the United States for the middle district of Alabama, and elsewhere, by the United States against Eugene Beebe and Ferrie Henshaw, sureties upon the bond of Francis Widmer, a defaulting collector of internal revenue for the second district of Alabama, and against Eugene Beebe, also a surety on the bonds of Charles W. Dustan, a defaulting postmaster at Demopolis, Ala., and Charles H. Davis, a defaulting postmaster at Union Springs, Ala.; and

Whereas in the course of said suits judgments were recovered by the United States against said Beebe and Henshaw, and certain real estate hereinafter mentioned and alleged to belong to them was seized and taken in execution in satisfaction of said judgments, and sold and purchased by the United States at marshal's sale, and subsequently conveyed by marshal's deed to the United States, and

Whereas various suits of law and in equity and in ejectment were subsequently brought against said Beebe and Henshaw, their heirs, executors, administrators, or grantees, to enforce the title of the United States to the real estate so purchased, and to secure possession thereof, and an accounting for the rentals thereof, many of which suits are still pending; and

Whereas said Beebe and Henshaw are now deceased, and a proposition has been made by the parties in interest hereinafter mentioned to pay to the United States the sum of $25,000 in compromise and settlement of said claims, and to end the litigation resulting therefrom, upon condition that the United States would release, relinquish, and convey unto proponents all the right, title, and interest in said real estate owned, acquired, or claimed by the United States, and the sum of $25,000 has been deposited with the Secretary of the Treasury, as required by law, to abide action upon said proposition; and

Whereas the Secretary of the Treasury has approved said proposition of compromise and settlement for the amount tendered as aforesaid, but is without authority to carry the same into effect by a conveyance to said parties of the interest of the United States in said real estate: Therefore,

Be it enacted, etc., That all right, title, and interest of the United States of, in, and to all that certain tract of land, with the buildings and improvements thereon erected, commencing at a point 3,960 feet, more or less, north of the east and west line between sections 1 and 12, township 16 north, range 17 east, and 605.3 feet, more or less, west of a point in the center of the Western Railway track, where it is crossed by the public road, which is a continuation of Court street, Montgomery, on the road or street leading from the Western Railway track into the "fair" or "exposition" grounds, on the land of the Montgomery Land and Improvement Company, and running along and on said road or street west 1,980 feet; thence turning an angle of 79° 14′ to the right, or north, 361 feet; thence 17° 4′ to the right 963 feet; thence 5° 23′ to the left 1,340 feet to a point near the east and west line between the north and south halves of the southeast quarter of section 36, township 17 north, range 17 east; thence at a right angle east 1,330 feet, more or less; thence south 1,318 feet; thence east along the line between said section 36 and said section 1, 950 feet; thence in a southerly direction 1,330 feet, more or less, to the place of beginning, containing about 100 acres, more or less, being the same premises heretofore known as "The Montgomery Race Track," and which was inclosed by a fence, said lands lying and being situated in the northeast quarter of section 1, township 16 north, range 17 east, and in the southeast quarter of section 36, township 17 north, range 17 east, all near the city of Montgomery, in the county of Montgomery and State of Alabama, excepting the lot heretofore sold by the Montgomery Land and Improvement Company to I. L. Watkins, trustee, and now claimed by James S. Pinckard, trustee, set forth and described in the next succeeding section of this bill, be, and the same is hereby, divested out of the United States and vested in The Southern Cotton Oil Company.

SEC. 2. That all the right, title, and interest of the United States of, in, and to all that certain tract of land, with the buildings and improvements thereon erected, lying, being, and situate in the county of Montgomery, State of Alabama, described as follows: The north half of block No. 5, bounded on the north by Sixth street, on the east by Railroad street, on the south by a 20-foot alley running east and west through the center of said block, and on the west by C street, be, and the same is hereby, divested out of the United States and vested in James S. Pinckard, as trustee.

SEC. 3. That all the right, title, and interest of the United States of, in, and to all that certain storehouse and lot situated in the city and county of Montgomery and State of Alabama, and known as No. 22 South Perry street, formerly No. 16 Perry street, be, and the same is hereby, divested out of the United States and vested in Bessie R. Maultsby.

SEC. 4. That all the right, title, and interest of the United States of, in, and to all those certain storehouses and lots, situated in the city and county of Montgomery, State of Alabama, and known as storehouse and lot No. 28 Dexter avenue, formerly No. 28 Market street, and storehouse and lot No. 11 North Perry street, formerly No. 11 Perry street, in said city, be, and the same is hereby, divested out of the United States and vested in Edwin Ferris.

SEC. 5. That all the right, title, and interest of the United States of, in, and to all that certain storehouse and lot situated in the city and county of Montgomery, State of Alabama, known as storehouse No. 109, Dexter avenue, formerly No. 41 Market street, in said city, be, and the same is hereby, divested out of the United States and vested in M. V. B. Chase.

SEC. 6. That the Solicitor of the Treasury of the United States be, and he is hereby, authorized and directed to execute, acknowledge, and deliver to the said several parties herein named such deeds, writings, or assurances as will release, relinquish, and convey unto them, respectively, all the right, title, and interest which the United States may own or claim of, in, and to the respective properties herein mentioned, and to take such further action as may be proper to carry said proposition of settlement into effect.

SEC. 7. That the Solicitor of the Treasury be, and he is hereby, authorized and directed to have all suits now pending in the circuit court of the United States for the middle district of Alabama, or elsewhere, between the United States and the parties herein named, or involving said property above described, either at law or in equity, dismissed, settled, and ended, and to have satisfaction entered upon the records of said courts of all judgments rendered in favor of the United States against said parties, or any of them, or involving said property, and to take such further action as may be proper to carry said proposition of settlement into effect.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. JENKINS, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. CLAYTON. Will the gentleman from Wisconsin allow me to interrupt him before he calls up another bill? I move that House bill 15512, identical with the bill just passed, do lie on the table.

The SPEAKER pro tempore (Mr. DALZELL). The gentleman from Alabama moves to lay the House bill identical with that already passed on the table. Without objection, it will be so ordered.

There was no objection.

SALARIES OF CERTAIN JUDGES OF THE UNITED STATES.

Mr. JENKINS. Mr. Speaker, I desire to call up the bill S. 3287.

The Clerk read as follows:

A bill (S. 3287) to fix the salaries of certain judges of the United States.

Mr. JENKINS. I ask unanimous consent that this bill be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

Mr. MOON. Mr. Speaker, I desire to make a parliamentary inquiry. I understand the House is proceeding under a rule giving this day to the Judiciary Committee?

The SPEAKER pro tempore. The gentleman is right.

Mr. MOON. Does the Speaker construe that rule to mean that the committee may take bills from either of the Calendars of the House?

The SPEAKER pro tempore. That is the construction.

Mr. MOON. Then I have no objection to the matter proceeding according to the request of the chairman of the committee.

Mr. UNDERWOOD. I have no objection to considering the bill in the House as in Committee of the Whole. This is an important bill, and I think the gentleman from Wisconsin should allow the same latitude of debate.

The SPEAKER pro tempore. Does the Chair understand the gentleman from Tennessee objected?

Mr. MOON. I made the inquiry for the purpose of ascertaining the exact ruling of the Chair. I construed the rule myself as the Chair has construed it. I have no objection to the House proceeding to the consideration of the bill as in Committee of the Whole.

The SPEAKER pro tempore. Without objection, then, the bill will be considered in the House as in Committee of the Whole.

Mr. UNDERWOOD. Mr. Speaker, I understand some gentlemen on our side may desire to offer amendments, and I hope an opportunity will be afforded.

Mr. JENKINS. Certainly.

The SPEAKER pro tempore. The Clerk will report the bill.

The bill was read, as follows:

A bill (S. 3287) to fix the salaries of certain judges of the United States.

Be it enacted, etc., That the following salaries shall be paid to the several

judges hereinafter mentioned in lieu of the salaries now provided for by law, namely:

To the Chief Justice of the Supreme Court of the United States the sum of $13,000 a year, and to each of the associate justices thereof the sum of $12,500 a year.

To each of the circuit judges the sum of $7,500 a year.

To each of the district judges the sum of $6,250 a year.

To the chief justice of the Court of Claims the sum of $6,125 a year, and to each of the associate justices thereof the sum of $5,625 a year.

To the chief justice of the court of appeals of the District of Columbia the sum of $8,000 a year, and to each of the associate justices thereof the sum of $7,500 a year.

To the chief justice of the Supreme court of the District of Columbia the sum of $6,750 a year, and to each of the associate justices thereof the sum of $6,250 a year.

That after the passage of this act no payment shall be made to any of the judges mentioned in this act for expenses.

That all of said salaries shall be paid in monthly installments.

That one-half of the amount of said salaries which shall be paid to the judges of the court of appeals of the District of Columbia and to judges of the supreme court of the District of Columbia shall be defrayed from the revenues of the District of Columbia.

The amendments recommended by the committee were read, as follows:

(1) Strike out the words "five hundred," in line 11, on page 1.
(2) Strike out the words "two hundred and fifty," in line 13, on page 1.
(3) Strike out the word "one," in line 15, on page 1, and insert in lieu thereof the word "five."
(4) Strike out the words "and twenty-five," in line 15, on page 1.
(5) Strike out the words "associate justices," in line 1, on page 2, and insert in lieu thereof the words "other judges."
(6) Strike out the word "five," in line 1, on page 2, and insert in lieu thereof the word "six."
(7) Strike out the words "six hundred and twenty-five," in line 2, on page 2.
(8) Strike out the word "eight," in line 4, on page 2, and insert in lieu thereof the word "six."
(9) Insert immediately after the word "thousand," in line 4, on page 2, the words "five hundred."
(10) Strike out the word "seven," in line 5, on page 2, and insert in lieu thereof the word "six."
(11) Strike out the words "five hundred," in line 6, on page 2.
(12) After the words "Chief Justice," in line 7, on page 2, insert the words "and to each associate justice."
(13) Strike out all of line 8, after the word "Columbia," and all of line 9, on page 2.
(14) Strike out the words "two hundred and fifty," in line 10, on page 2.
(15) Strike out the word "judges," in line 17, on page 2, and insert in lieu thereof the words "the Chief Justice and to the associate justices."
(16) Strike out the word "judges," in line 18, on page 2, and insert in lieu thereof the words "the Chief Justice and to the associate justices."

Mr. JENKINS. Mr. Speaker, I yield to the gentleman from Kentucky [Mr. SMITH] such time as he may desire.

Mr. SMITH of Kentucky. Mr. Chairman, I was a member of the subcommittee that considered this bill. Not only had I the opportunity to consider such information as was brought to the attention of the subcommittee when the bill was pending before it, but I also had the additional opportunity of considering it in the full Committee on the Judiciary, and I am of the deliberate opinion that the bill ought not to pass. Being thus convinced, I feel that it is incumbent upon me to give to this House the reasons that have induced this conviction upon my part. The committee recommending the passage of this bill, in their report, assign as reasons therefor that the amount of work now required of the various judges embraced by its terms has greatly increased, that the cost of living has been largely enhanced, and that they can not practice their profession. Now, these are the three reasons stated in this report as to why this bill should pass.

I believe, Mr. Speaker, that if the work required to be done by these judges has grown to be so great that they can not by reasonable energy and diligence perform it, that condition can be met only by an increase in the number of judges, and not by an increase of salaries. As to the second reason, I am quite sure that the necessary cost of living has not only not increased over what it was when these salaries were fixed, but is absolutely less to-day than it was then. As to the third reason, that they can not practice their profession, I may say that it is without merit in this connection, since none of them ever sought to do so at any time after their induction into office. This reason, therefore, is no more cogent now than when the existing laws fixing their salaries were enacted, and so far as that sacrifice ought to enter into the matter of determining the size of the salaries it is compensated in the sums now paid.

Mr. GILBERT. All three of these reasons apply to members of Congress.

Mr. SMITH of Kentucky. Yes, and to many other officials, so far as that is concerned. Now, Mr. Speaker, the Supreme Court of the United States was organized under the act of September 24, 1789, which provided for a Chief Justice and 5 associate justices. By the act of April 29, 1802, the number of associate justices was increased to 6. By the act of March 3, 1837, the number of associate justices was increased to 8. By the act of March 3, 1863, the number of associate justices was placed at 9. By the act of July 23, 1866, the number of associates was reduced to 6, and by the act of April 10, 1869, the number was increased to 8. So that we have to-day upon the Supreme Bench of the United States 3 more associate justices than we had when the court was organized under the act of September 24, 1789.

Now, let me invite your attention to the increase of the salaries of these judges. By the act of September 23, 1789, the salary of the Chief Justice was fixed at $4,000, and that of each associate justice at $3,500. These continued to be the salaries of these positions, respectively, until February 20, 1819, when the salary of the Chief Justice was increased to $5,000 and each associate justice to $4,000. This continued to be the scale of salaries for them until the act of March 3, 1855, which allowed the Chief Justice $6,500 and each associate justice $6,000.

This scale of salaries was in force until March 3, 1871, when by an act of Congress the salary of the Chief Justice was fixed at $8,500 and that of each associate justice at $8,000; so that as late as 1871 the Chief Justice of the Supreme Court was paid $8,500 and each associate justice $8,000.

This brings us in regular order to the last act regulating the salaries of these officials, which was and is yet known as the salary-grab act of 1873, which increased the salaries of hundreds of officials, and among them that of the Chief Justice to $10,500 and that of each associate justice to $10,000.

And at this point I desire to call to your attention the fact that Congress, by an act of January 20, 1874, in response to the demands of the indignant people of the United States, repealed the salary-grab act as to every official to which it applied, save and except the President and justices of the Supreme Court. Of these unjust additions to each in the long list of salaries covered by that ill-advised and disreputable act those of the President and justices of the Supreme Court only escaped the trenchant scepter of prompt repeal.

Take the Secretary of each Department of the Government—the Secretary of the Treasury, the Secretary of State, the Secretary of War, the Secretary of the Navy, the Attorney-General, the Postmaster-General, whose salaries were increased to $10,000 by that act—all of them were reduced to $8,000 by the act of January, 1874. So that you have not only had an increase in the membership of this bench since its organization, but you have seen the salary of the supreme justices go from $6,500 for the Chief Justice and $6,000 each for associate justice, in 1867, up to $10,500 for the Chief Justice and $10,000 for each associate justice now.

I now invite your attention to the circuit courts, circuit judges, and their salaries. The first circuit courts of the United States were established by the same act that authorized the Supreme Court of the United States in 1789. There were three circuits made at that time, and the circuit courts were held by two justices of the Supreme Court and the district judge in the district in which the circuit court was to be held. By the act of July 23, 1866, nine circuits were established, and there has been no change in the number since then. By the act of April 10, 1869, the appointment of nine circuit judges was authorized, at a salary of $5,000 each. Nine circuit judges—bear these figures in mind—nine circuit judges were authorized, at a salary of $5,000 each. By the act of March 3, 1871, the salaries of the circuit judges was increased to $6,000 each.

Now, what has happened? You say the work of these judges has greatly increased. I respond that there were no distinctively circuit judges until 1869, when 9 were authorized at $5,000 each per annum, and their salaries were increased two years later to $6,000 each. Since then the number of these judges has been increased to 26, lacking but one of trebling the number authorized thirty-three years ago. If, as contended, the work of these courts has grown in volume, I hazard nothing in asserting that it has been fully provided for from time to time by giving additional judges, the only true remedy for overworked judges. I answer further, that you have not only trebled the number of judges, but you have enlarged the sum paid for circuit judges $111,000 per annum since 1869.

Next consider the matter of district judges. By the same act that organized the Supreme Court of the United States in 1789 the United States was divided into 13 judicial districts, with one judge in each. The district and salary of each judge was as follows, viz: Maine, 1 judge, who received $1,000 per annum; New Hampshire, 1 judge, who received $1,000 per annum; Massachusetts, 1 judge, who received $1,200 per annum; Connecticut, 1 judge, who received $1,000 per annum; New York, 1 judge, who received $1,500 per annum; New Jersey, 1 judge, who received $1,000 per annum; Pennsylvania, 1 judge, who received $1,600 per annum; Delaware, 1 judge, who received $800 per annum; Maryland, 1 judge, who received $1,500 per annum; Virginia, 1 judge, who received $1,800 per annum; Kentucky, 1 judge, who received $1,000 per annum; Georgia, 1 judge, who received $1,500 per annum; South Carolina, 1 judge, who received $1,800 per annum.

Mr. JENKINS. Will the gentleman allow me to ask him a question?

Mr. SMITH of Kentucky. Yes, sir.

Mr. JENKINS. Will the gentleman state the jurisdiction and

work of those judges of whom the gentleman has just been speaking, receiving salaries as low as $1,000 a year?

Mr. SMITH of Kentucky. They were the United States district judges under the act organizing the judicial system of the United States.

Mr. JENKINS. That was nearly a hundred years ago?

Mr. SMITH of Kentucky. So I understand; but there were only 13 district judges, 6 Supreme Court justices, and no circuit judges then.

Mr. JENKINS. But to-day some of those judges have more business to deal with than there was in the whole United States at that time.

Mr. SMITH of Kentucky. Then let us examine some figures of more recent date. As late as 1867, when there were no circuit judges, there were 46 United States district judges, receiving generally salaries of $3,500 each. In California the district judge received $5,000; in Louisiana the district judge received $4,500; in Maryland the district judge received $4,000; in Massachusetts the district judge received $4,000; in Illinois one district judge received $4,000, the other $3,500; in New York there were three district judges, receiving $4,000 each; and in Pennsylvania there were two district judges, receiving each $4,000. In Ohio there was one receiving $3,500, and one receiving $4,000. With those exceptions, every one of the 46 district judges in the United States received in 1867 only $3,500 per annum.

Mr. GRAHAM. Is not the gentleman aware that since the passage of the bankruptcy law an immense amount of business has been imposed upon these district judges? In one district alone in New York 2,200 bankruptcy cases were filed within a year and a half after the passage of that act.

Mr. SMITH of Kentucky. In answer to that suggestion, I beg to call the gentleman's attention to the fact that while we have a bankruptcy law which has to some extent increased the work of these judges, we also had a bankruptcy law and an immense volume of litigation resulting from the civil war and reconstruction in 1870, when we had but 46 of these judges, and no circuit judges whatever.

Mr. GRAHAM. But there was nothing like the business then that has been brought into these courts under the bankruptcy act.

Mr. SMITH of Kentucky. If the gentleman will take up the records of this country, I am sure he will discover quite a different state of things from that which he indicates.

Mr. GRAHAM. Can the gentleman point to 2,200 cases in one district under the law of 1867?

Mr. SMITH of Kentucky. I have not the records before me, but I assume and believe that the business under the old bankruptcy law bears a fair proportion, at least, to the business under the present bankruptcy law. You had then but 46 district judges and no circuit judges. Those district judges, as I have said, received but $3,500 as a general rule in that day, and that continued to be the salary of these judges until 1891, with the exceptions that I have noted.

On the 1st of September last there were 72 district judges in the United States, or 26 more than there were in 1867, so that there are to-day 52 more circuit and district judges than in 1867, more than 100 per cent increase.

Mr. GROSVENOR. Will the gentleman allow me a question?

Mr. SMITH of Kentucky. With pleasure.

Mr. GROSVENOR. One of the very latest district judgeships that has been provided for by Congress was, I believe, for the gentleman's State of Kentucky.

Mr. SMITH of Kentucky. That is true.

Mr. GROSVENOR. Did the gentleman at the time that judgeship was authorized show a lack of necessity for that additional judge?

Mr. SMITH of Kentucky. No; because it was needed, and my action then was and is in line with my argument now in opposition to the position of the committee holding that the pay of these judges should be increased because the work has increased. I say that the true remedy for the increase of business, the true way to meet this exigency, if any exist, which I deny, is by an increase in the number of judges, not an increase of salary. [Applause.] That is my theory about such condition. [Applause on the Democratic side.] Not only has the number of district judges been enlarged more than 56 per cent since 1867, but by the act of 1891 their salaries were fixed at the uniform rate of $5,000 per annum in lieu of those allowed by the act of March 3, 1867, and stated by me a few moments ago.

Mr. WOOTEN. Mr. Speaker, I would ask the gentleman if he does not think that the number of these judges could be further decreased by confining these courts within their constitutional jurisdiction and keeping them from usurping the rights of the State courts?

Mr. SMITH of Kentucky. I am aware that there is a divergency of views upon that question, and it is not a part of my purpose to-day to discuss that phase of the matter. I am endeavoring, in my humble way, to give to the members of this House the reasons that cause me to oppose this measure. Now, let us see somewhat further. This bill includes also the judges of the District of Columbia.

By an act of Congress of March 3, 1863, there was established for the District of Columbia what is known as the supreme court of the District. The act provided that it should have four justices, one of whom was to be the chief justice. The court was given original and appellate jurisdiction. The four judges of the court received salaries of $3,000 per annum each, or a total of $12,000 per annum for the judges of the supreme court with its original and appellate jurisdiction in the District of Columbia in 1863. Is is really interesting to note how that court has progressed, if not in all respects, at least in adding to its membership and salaries and limiting its jurisdiction. By the act of June 1, 1866, the salaries of these judges were increased to $4,500 per annum for the chief justice and $4,000 per annum for each associate justice. By the act of February 9, 1893, their salaries were increased to $5,000 per annum.

Mr. KLEBERG. Mr. Speaker——

The SPEAKER pro tempore. Does the gentleman yield?

Mr. SMITH of Kentucky. Yes.

Mr. KLEBERG. I notice here that the chief justice of the court of appeals of the District of Columbia gets only $6,000——

Mr. SMITH of Kentucky. I will get to that.

Mr. KLEBERG. I want to know the reason for the discrimination. It seems that those are the only judges who are not benefited by the bill.

Mr. SMITH of Kentucky. I will get to that in its order. Now, as I said, Mr. Speaker, in 1863 the salaries of these District of Columbia judges were fixed at $3,000, increased to $4,000 in 1866 and to $5,000 in 1893. In the meantime Congress had, by the act of June 21, 1870, added one additional justice to that bench. By an act of February 25, 1879, Congress added a second additional justice to the supreme court bench of the District of Columbia, so that there has been an increase in the number of judges on that bench since 1863 by 50 per cent and a growth of 66 per cent in each salary. Nor are these the only changes that have occurred affecting that tribunal. By the act of February 9, 1893, Congress created in this District what is known as the court of appeals of the District of Columbia, relieving the supreme court of much of its appellate jurisdiction, which was conferred upon it by the act establishing it. So that, condensely stated, the matter stands as follows:

The supreme court of the District of Columbia, organized in 1863 with four judges with salaries of $3,000 each, and having both original and appellant jurisdiction, now, with its jurisdiction greatly diminished, has six judges receiving salaries of $5,000 each, and this bill, if enacted into law, will give the chief justice of that court $6,500 and each associate $6,000 per annum. In 1893, as I said, there was provided for this District what was and is known as the court of appeals of the District of Columbia, relieving the supreme court of its appellate jurisdiction. This bill does not provide one solitary cent increase of salary to the judges of the court of appeals, three in number—one chief justice and two associate justices. I make the assertion here and now, and I challenge the honorable chairman of the committee or any member who may be opposed to my views upon this question to show a single State in the Union in which the nisi prius judges are paid as much as the members of the supreme or the appellate bench.

Mr. JENKINS. I would ask the gentleman what that court gets now?

Mr. SMITH of Kentucky. By the act establishing the court the chief justice gets $6,500 and the associate justices $6,000.

Mr. JENKINS. They have had no increase since the court was organized?

Mr. SMITH of Kentucky. No; that was by the act of February 9, 1893, which authorized the court of appeals.

Mr. JENKINS. They have had that salary ever since the court was organized?

Mr. SMITH of Kentucky. Yes, and this bill does not increase those sums by one solitary cent, but places the judges of the supreme court of the District on an equality with them so far as salary is concerned. It seems to me, Mr. Speaker, that if there is to be any increase to any of these judicial officers, the members of the appellate bench in the District of Columbia are as justly entitled to an increase as any other judicial officers mentioned in the bill. But let us see now somewhat further how the matter stands by way of recapitulation. Let us compare the number of judges and amounts paid at present for salaries with those of 1867.

In 1867 there was a Chief Justice of the Supreme Court of the United States, receiving $6,500 per annum, and six associate justices, receiving $36,000. In other words, there was paid to the members of the Supreme Court of the United States $42,500 per

annum as the law stood in 1867. The Government is paying now to the Chief Justice $10,500 and to each associate justice $8,000, or a total of $90,500 now as against $42,500 in 1867. It is now proposed to make an increase of $23,000, increasing the annual charge to $113,000 per annum, as against $42,500 in 1867, a difference of $70,500, or an enhancement of more than 165 per cent in these salaries since 1867.

The Court of Claims is included in this measure. It is proposed to increase the salaries of the judges of that court from $4,500 each, as fixed by the act of February 24, 1855 (and has remained at all times since), to $6,500 for the chief justice and $6,000 for each of the four associate justices; thus instead of a total of $22,500 on this account it is intended by this bill to make it $30,500 per annum, making a net addition of $8,000 per annum.

The salaries that this bill provides for circuit judges will require the Government to pay per annum $182,000 to the 26 circuit judges of the United States, whereas it paid nothing on that account in 1867.

For the District judges the people are paying now $192,000 per annum more than was paid in 1867. If this bill passes they will have to pay $264,000 dollars per annum more than was paid at that date. In 1867 there were four judges in the District of Columbia, and their pay aggregated $16,500 per annum. Now there are nine whose annual salaries amount to $48,500, an increase of 125 per cent in number and nearly 300 per cent in the sum of their pay. Still the committee, in defiance of these facts and, as I believe, of right and propriety, advise a further allowance of $1,000 to each of the six supreme court judges.

So that the United States to-day is paying to Supreme Court justices $48,000 per annum more than in 1867; to circuit judges $156,000 per annum more than in 1867; to district judges $192,000 per annum more than in 1867; to judges for the District of Columbia $31,500 more than in 1867, a total of $427,500 annually in excess of the sum paid thirty-five years ago. Yet this bill proposes further increases amounting to $125,000 per annum.

The increase of judges within that time has been as follows, viz:

	Number of judges.		Increase.
	1867.	1902.	
Supreme Court justices	7	9	2
Circuit judges		26	26
District judges	46	72	26
District of Columbia judges	4	9	5
Total	57	116	79

Now, Mr. Speaker, as I said in the beginning, I believe this bill is without merit: I believe also that it is an unfair and an unjust discrimination among the public officials of the United States.

Compare the salaries of the Cabinet officers of the United States with those in this bill. By the act of March 3, 1853, the secretary at the head of each department of this Government was given a salary of $8,000 per annum. He has been compelled to live and support his family upon that compensation from that day until this, with the exception of the time the salary-grab act was operative. Gentlemen who are advocating this measure do not come with a bill saying that we should increase the salary of the Secretary of State, of the Secretary of the Treasury, and so all along the line, because the cost of living has greatly increased. Why not? Their salaries were fixed in 1853, when the cost of living was far less than it was from 1867 to 1873, and far less than it is now.

Consider the salaries of Representatives and Senators in Congress. The salaries of the members of Congress and of the Senate were fixed by the act of July 28, 1866, at $5,000 for each member and $8,000 for the Speaker of the House. Where is the advocate of this bill, who is saying to this body and to the country that the cost of living has greatly increased, that the work has greatly increased, and we should increase the salary of members of Congress? All of these salaries are great enough. They ought not to be advanced; but, sirs, if the members of Congress, if the secretaries standing at the head of the great departments of Government, holding offices thoroughly political, having multiplied social and political exactions to meet and burdens to bear that are unknown to these judges, with brief and in some instances uncertain tenures of office, can live upon the salaries that were fixed for them, respectively, back in the fifties and sixties, I do not hesitate to declare that these judges can live upon their salaries that have been increased frequently since those days.

But now, again, I want to say, in all candor, that if there is a class of United States officials whose salaries should not be increased it is the members of the judiciary. Why do I say that? They are getting good round sums already. There is not a civil officer resident within the United States, save and except the President, who draws as much as $10,000 per annum outside of these Supreme Court justices. In other words, these Supreme Court justices get the highest salaries paid to any civil officers resident within the United States, save alone the President of the great Republic.

Mr. McCLELLAN. Does not the collector of the port of New York receive $12,000? That is my impression.

Mr. SMITH of Kentucky. Well, I do not remember. I may be mistaken about that.

Mr. McCLELLAN. Yes.

Mr. SMITH of Kentucky. I have not been able to trace them all, but so far as my investigation has gone, they are the highest paid officials under the Government.

Not only are they drawing the best salaries under the Government, but they are permitted a valuable privilege that no other civil officer within the Government has. At the age of 70, if they have served ten years upon the bench, they can retire upon full pay a privilege, I believe, that is not given to any other officer, civil or military, within the United States, because, I think, the military officials retire upon part pay and not upon full pay.

In the meantime, I maintain the proposition that these salaries are ample to afford them a reasonable competence for themselves and families while they live. I think reliable statistics will disclose the fact that the level of prices of the necessities and luxuries of life generally were higher from 1867 to 1873 than now. There can certainly be no apology for a gentleman whose income is $10,000 per annum not being able to live in good style in Washington or elsewhere. I do not for myself see why that can not be done; and not only that, but one should be able to devote enough of his salary to the purchase of insurance so as to protect his family when death shall have cut him off from his salary. So with the district and circuit judges. They are given this privilege of retiring; likewise the judges of the District of Columbia.

Mr. GRAHAM. Will the gentleman permit me to interrupt him for just a question?

Mr. SMITH of Kentucky. Certainly.

Mr. GRAHAM. Is not the gentleman aware that the increase in business, the increase in population, has also increased the burden upon our judges? It is a fact that in the county I represent in part, since 1867, that the gentleman alludes to, during that time the court of common pleas has been enlarged by two additional courts with three additional judges, six judges having been added to the court since this time, and all these judges as busy as they can be holding courts during all the available season of the year, and each one of them paid $7,000 per annum, a thousand dollars more than you will allow by this bill to the circuit judges.

Mr. SMITH of Kentucky. Mr. Speaker, I have endeavored the best I could to show that the remedy for the increase of work is an increase in the number of judges and not an increase in the salaries. I do not understand by what process of reasoning the gentleman can come to the conclusion that a man can do more work when he is getting $12,500 per annum than he can when he is getting $10,000. If he is an honest man, if he is a faithful public official, he can and will do as good service at $10,000 a year as he will at $20,000. A fidelity to public duty adjustable on a financial scale is not the kind needed or desirable in the public service.

Mr. GRAHAM. How is the gentleman going to get talented men to fill such great places as the judges who are paid $7,000? And here we limit them in this bill for circuit judges and district judges to less. How is he going to get the talent and ability to fill those places?

Mr. SMITH of Kentucky. Mr. Speaker, I am glad that the gentleman calls my attention to that fact. I want to answer his question by reminding him that when we paid $4,500 to the Chief Justice of the Supreme Court of the United States we had such men as John Jay, John Marshall, Roger B. Taney, Morrison R. Waite; when we were paying the associate justices but $4,000 per annum we had such men as William Cushing, Robert Harrison, John Blair, William Patterson, Samuel Chase, Bushrod Washington, and a long list of men whose great learning and ability will be respected and admired through the ceaseless ages to come by the American people. [Loud applause.]

Mr. GRAHAM. And while they were paying these salaries, was the gentleman not aware that members of Congress were paid far less salaries than they have now, and we had such men as Henry Clay, Daniel Webster, and other great men of the country? Is it a question of salary?

Mr. SMITH of Kentucky. I am glad the gentleman agrees with my position, that it is not the salary that should induce men to assume these places. I maintain, Mr. Speaker, that any man that would make the money that he gets from public office the sole incentive to accept office is unworthy to fill a position of public trust. [Loud applause.]

The people demand and should have men for public servants who are competent, honest, and patriotic; men who have an abiding purpose to promote the happiness and welfare of all their fellow-men. That is what I stand for; that is what I believe in.

I do not, and I am sure the people of the United States do not, object to fair and reasonable allowances to public servants for their labors, but extravagance and undue liberality with public funds ought not to be indulged in by officials or tolerated by the people. I have no doubt that the present compensation is ample to afford these officials a liberal sustenance for themselves and families, and the only apology, in my opinion, for this legislation is to be found in the views of some gentlemen that the dignity and honor of official station can be augmented or diminished by adding to or taking from the emoluments thereof.

I have no sympathy with this idea. I denounce it as a pernicious fallacy begotten by the evil spirit of commercialism that seems to be so universally dominant in this age. It will, in my judgment, be an evil day for this Republic when it adopts the policy of competing with the trusts and combinations in the salaries paid, and when men are only moved to aspire to public office for the sordid and selfish purpose of financial gain. The man who has no higher conception of affairs than that an office is to be sought merely because of its emoluments is unfit to perform its duties and unworthy to be trusted. [Applause.]

And now, Mr. Speaker, I have, at greater length than I intended, given the reasons that induce me to oppose this measure. I ask as an act of justice to the great masses of the people of this country, as I believe I can do without an injustice to the men themselves who fill these positions, that this House vote this bill down. [Loud applause.]

Mr. JENKINS. Now, Mr. Speaker, I yield to the gentleman from Illinois [Mr. WARNER] who reported the bill.

Mr. WARNER. Mr. Speaker, it is entirely immaterial in the decision of the questions we are considering what salaries have been paid Federal judges in the past. The question we should consider and the facts we should be influenced by are as to what the present market value of such learning and ability as should be brought to the Federal bench now is. Are we paying them more than they should be paid? Does this bill propose to pay them more than should be paid them for the learning and ability they should have in order to be appointed to or accept these positions?

When I commenced the practice of law, not so many years ago, a twenty-five-dollar fee in Illinois was very respectable. A practicing lawyer now, even in a country town in that State, is not greatly surprised at a thousand-dollar fee. Litigation has increased in the number of cases and in their importance. Larger fees are paid and expected. Lawyers can command greater salaries and make larger incomes. There is not a railroad corporation in the United States, or any other corporation of any importance, that does not pay its general solicitor or general counsel more than this bill proposes to pay to the Chief Justice of the United States.

A salary of $13,000 a year for a corporation counsel is not exorbitant, it is not above the average, and yet this bill proposes to pay to the district judges of the United States only $6,000 a year and takes away from them all compensation for traveling expenses. The truth about it is that the salaries of only three or four classes of judges are in effect increased. The salaries of the justices of the Supreme Court of the United States are increased 25 per cent. The Chief Justice's salary is increased from $10,500 to $13,000. The associate justices from $10,000 to $12,500. There is an increase.

The next increase comes to the judges of the Court of Claims. The bill proposes to increase their salaries $1,500 a year. Then it increases the salaries of the circuit judges $1,000 and the salaries of the district judges $1,000. That is all, but it takes away from the circuit judges and the district judges any compensation whatever for traveling or other expenses when they are on duty away from their homes. So, as a matter of fact, it does not increase the compensation of the circuit or the district judges.

Mr. RICHARDSON of Alabama. Will the gentleman allow me a question?

Mr. WARNER. Certainly.

Mr. RICHARDSON of Alabama. Did I understand the gentleman to say that under the present bill everything in the way of extra charge, traveling expenses, etc., is taken from them?

Mr. WARNER. All taken from them by this bill.

Mr. RICHARDSON of Alabama. And he is not allowed the ordinary $10 a day?

Mr. WARNER. All extra compensation is taken away and the salary covers everything. The material increase in the salaries of the justices of the Supreme Court of the United States, I think, is amply warranted. The salaries paid to these high officials of the United States are almost disgraceful. They are the least paid of any judiciary of any country on earth. Compare their salaries with those paid the judiciary of Great Britain.

In England the lord high chancellor is paid $50,000 a year; three lords of appeal, each $30,000 a year; the master of the rolls, $30,000 a year; five lord justices, each $25,000 a year; the lord chief justice, $40,000 a year; five chancery justices, each $25,000 a year; fourteen queen's bench justices, each $25,000 a year; probate, divorce, and admiralty justices, two of each, $25,000 a year each; judge of the court of arches, $25,000 a year.

Take it in our own country. In New York the associate justices are each paid $17,500 a year; judges of the general session, $12,000 a year. In New Jersey the chief justice gets $10,000 a year; associate justices, $9,000 a year, and the chancellor $10,000 a year. In Illinois the judges of the supreme court get $7,500 a year; in Iowa, $6,000 a year; in Pennsylvania, $8,000 a year, and the chief justice $8,500 a year.

It is contended that the Federal judges get enough as it is, because they can retire on full pay after ten years' service, upon arriving at the age of 70 years or over. I will say in reply to that, that while they are on the bench they must give up their entire time to their judicial duties, and they should receive salary enough that they may not be in danger of pecuniary want, either in the present or in the future. It would be a sad spectacle to see the widow of the Chief Justice of the United States or the widow of an associate justice of the United States compelled to earn her own living after his decease.

These justices, it is said, can retire on full pay after they have served for ten years and have arrived at the age of 70. Let me say, sir, that very few Federal judges, either on the Supreme bench or on the bench of the district or circuit courts, retire until they become mentally incapable of performing further service. They stick to their work; they remain steadfast to their duty, and they do not take advantage of the retiring statute until they find they are compelled to do so on account of the waning of their ability, and in general they live but a short time after they have retired.

How many retired judges are now living in the United States drawing their salaries? The gentleman says that no other class of people, no other officials of the United States, can retire on full pay after having performed such service. Sir, we take young men from the country and we place them at West Point or Annapolis. We educate them; we give them the best education in the world; we pay them salaries while they are obtaining this education, and then we place them in the Army or the Navy. As officers of the Navy they hold their positions, earning longevity pay, until they reach the age of 62, when, being substantially still in the prime of life, they are retired on three-quarters pay, with a longevity allowance in addition, sufficient to raise their compensation to more than their original pay; and when thus retired they can go into the active business of life if they see fit.

An officer in the Army is retired at the age of 64 on three-quarters pay, with a longevity allowance additional, making more than the statutory pay of his rank. Sir, there are many of us on this floor who have almost arrived at that age, and who think that we are still capable of engaging in business, of going out and making the fight for our livelihood. But these judges, when they retire from the bench, retire for good. It is too late for them to go into business in private life. It would have been improper for them to engage in any such business during their judicial service.

Sir, the justices of our Supreme Court are not paid enough. The amount proposed by this bill is small enough. But the poorest paid judicial officers of the Government are the judges of the Court of Claims. That is a tribunal next in importance to the Supreme Court of the United States. It was created in 1855. At that time the salary of the judges of that court was fixed at $4,000 a year. The associate justices of the Supreme Court received at that time only $4,500 a year; the judges of the Court of Claims received only $500 a year less than the associate justices of the Supreme Court. Yet the pay of the Supreme Court justices has been advanced to $10,000 a year, while that of the judges of the Court of Claims has been left just where it was.

In 1855, when the salaries of the judges of the Court of Claims were fixed, Representatives and Senators received only $1,500 a year. Their pay was $8 a day during the sessions of Congress, and Congress was not in session, on an average, more than six months in a year. Since that time the pay of Senators and Representatives has been increased to $5,000 a year, while the salaries of the judges of the Court of Claims have remained at $4,500.

I repeat, with the exception of the United States Supreme Court, there is no more important court in this country than the Court of Claims. The business of that court has increased immensely. It does a great deal of work, and it saves this Government millions of dollars. It has almost unlimited jurisdiction, embracing cases of every description. It is related that on one day that court was engaged in deciding the question as to whether a statement made by Napoleon at St. Helena was competent evidence on the hearing of the French spoliation claims; the next day the court was called upon to decide whether an officer of the United States when he captured a razor-back hog in Georgia during the rebellion appropriated it to his own use or to the use of the Government of the United States, the decision of this

question being required in order to determine whether the Government was liable to the loyal Georgia owner for the hog.

Again, that court spent two days in hearing and deciding a case involving only $2.50, and the very next case resulted in a judgment by that court for $700,000.

As showing something of what that court has saved for the country, I refer to a case reported in 20 Court of Claims Reports, 112, one of the Pacific railroad cases, involving a claim by the railroad company against the Government amounting to $2,910,-124.18. The Government filed a counterclaim of $4,487,807.39, and the Court of Claims rendered a judgment against the railroad company and in favor of the Government for $1,577,683.21. The court saved the Government in that one case several million dollars.

In the Carter case, coming from Savannah, the bondsmen came into this court with a claim against the Government. The Attorney-General, perhaps not realizing what might be the effect of his suggestion, suggested that he might wish to file a counterclaim and that he wished the case postponed one day. The case was postponed. The attorneys for the plaintiffs saw the trouble that they were liable to get into, and dismissed their case, and we have never heard of it since. If the Attorney-General had filed his counterclaim then and there, the plaintiffs would not have been in a position to withdraw their claim; the matter would have been settled by the court, and in all probability the court would have rendered a judgment against those bondsmen in favor of the United States for the full amount embezzled by Captain Carter at Savannah.

This court has been neglected. This bill raises the salaries of its judges to $6,000 and the salary of its chief justice to $6,500. That is small enough, but some complaint is made that we have not raised other salaries high enough—the salaries of the justices of the court of appeals in the District of Columbia. I am of opinion that we have made the salaries of the judges in the District of Columbia too high. We place the supreme court justices on the same footing and on an equality with district justices of the United States and give them $6,000.

The justices of the court of appeals now receive $6,000 and the chief justice of the court of appeals $6,500. There are only 300,000 people in the District of Columbia. There are 6 justices of the supreme court in this little district of 300,000 people, a chief justice, and 5 associate justices. This bill gives each of them $6,000. There are 2 justices of the court of appeals and 1 chief justice. Under the law, which we do not disturb or propose to disturb, we give the associate justices of the court of appeals $6,000 each and the chief justice $6,500. That, I think, is ample and sufficient, and liberal for the District of Columbia.

Mr. KLEBERG. Why is this discrimination made? Does not the bill raise the salary of every Federal judge in the United States, except the judges of the court of appeals?

Mr. WARNER. We thought the judges of the court of appeals were paid too much before. Some of the Federal justices were paid too little, and some of them werepaid almost enough. We then raised the salaries of the circuit justices of the United States. They had $6,000 and we made it $7,000, but took away the extra compensation.

Mr. KLEBERG. Do not the judges of the Supreme Court and of the court of appeals occupy higher positions?

Mr. WARNER. Relatively and technically they do; otherwise not. They have no larger jurisdiction. You can take cases from the Patent Office to the court of appeals of the District of Columbia.

Mr. KLEBERG. Has not the business of that court increased proportionately to the general business of other judges of the Union?

Mr. WARNER. I presume it has proportionately, but you have had too many judges in the District of Columbia from the commencement down to this time. Nine judges is a large force for a community of 300,000 people and a few square miles of territory. I know there is a great pressure brought to bear here in the District of Columbia to increase the salaries of all the judges of the District of Columbia. In the bill as it came from the Senate the associate justices of the court of appeals were to receive $8,000 and the chief justice $8,500 per year. The salaries have been unequally apportioned heretofore, as will be seen when they are compared with the salaries of circuit and district justices outside of the District.

We must remember when considering the question that circuit and district justices, outside the District of Columbia, in the discharge of their duties are compelled to hold their courts at places other than their homes; that they are at considerable expense in going to and from and while remaining at those places, and that District of Columbia justices are never required to hold court outside the District of Columbia and can always be at home. I submit that the people of the United States, with dignity, can not afford to allow the salaries of the justices of the Supreme Court and the judges of the Court of Claims to remain as they are. It is stated in the report favoring the passage of this bill that the cost of living has increased.

Each one of us on this floor is a witness and a juror on that question. We know of our own knowledge whether during the last fifteen years the cost of living has increased in the city of Washington and in the United States generally. We know all about that. We know that litigation has increased. On that question, I think the gentlemen on the other side are estopped from complaining, at least those of them who may oppose this measure, because they have on that side to-day voted to make two or three additional Federal justices in the United States, and upon the ground of necessity. There was not a dissenting voice. The judges have increased and the business has increased, and it is but proper that we should give these men reasonable compensation for the learning and the ability that they should bring to their offices. They could make more in private occupations, in the practice of their professions.

Mr. MANN. I would ask the gentleman what is the extra compensation that the judges receive to-day? I refer to the judges of the circuit court.

Mr. WARNER. When they serve on the court of appeals, as I remember, they get $10 a day, and a district judge, if he is detailed on the court of appeals outside of his district, as I remember, gets $10 a day extra.

Mr. MANN. Do I understand my colleague to say that under this bill if a district judge holds court outside of his district he will be entitled to no additional compensation?

Mr. WARNER. None whatever. Here is the provision, line 14, page 2:

That after the passage of this act no payment shall be made to any of the judges mentioned in this act for expenses.

I will say that, so far as I am concerned, I am perfectly willing to have that stricken out.

Mr. OVERSTREET. The district judges do not get anything at all now for expenses. The circuit judges do.

Mr. WARNER. Then I stand corrected.

Mr. MANN. What is the gentleman's statement?

Mr. OVERSTREET. The district judges do not get any additional pay for expenses under the present law. The circuit judges are entitled to $10 a day for expenses under the present law.

Mr. MANN. The district judges who hold court outside of their districts do get additional pay.

Mr. OVERSTREET. When they hold court outside of their districts, but not inside of them.

Mr. MANN. Does this propose to prohibit the additional compensation of district judges who hold court outside of their districts? Is it proposed to prohibit them from receiving additional compensation?

Mr. WARNER. If this were submitted to me as a judge, on first blush and without going into the authorities on the subject, I should say that it cut off all compensation other than the salary.

Mr. MANN. Then I would call my colleague's attention to this state of affairs. In our district and in our circuit in the city of Chicago there are constantly from one to three district judges from other districts holding court. It is preposterous to suppose that you will get those district judges to come there and pay their own expenses when they receive no additional compensation.

Mr. WARNER. That is absolutely true, and for that reason I most strongly favor giving the northern district of Illinois an extra circuit judge and an extra district judge.

Mr. MANN. Oh, well, we want three or four district judges.

Mr. WARNER. We will take all they give us.

Mr. MANN. The fact is, we use the district judges from Wisconsin, who, in their districts, do not have a great deal of business. They help us out in the city of Chicago.

Mr. WARNER. You admit that the business is increasing, and that the judges are overworked?

Mr. MANN. On the contrary, I am prepared to show my colleague that the Federal business in the circuit and district courts in Chicago is not as great to-day as it was a year ago, was not as great a year ago as it was two years ago, and was not as great two years ago as it was ten years ago.

Mr. WARNER. It would be very interesting reading if you would furnish it.

Mr. MANN. All you need to do is to consult the reports of the Attorney-General of the United States, which I have done.

Mr. WARNER. I know that Chicago and Cook County and northern Illinois are constantly calling and begging for outside help, not only on the Federal bench but on the State bench. They call in circuit judges from the country all over the State to come and hold court for them in the State courts, and pay them $10 a day extra for doing it.

Mr. MANN. Does my colleague think any of the circuit judges outside of Chicago would come to Chicago and hold court in the State courts for nothing?

Mr. WARNER. Yes; I think they would, just to practice on you gentlemen.

Mr. MANN. No; the practice would be the other way. We would have to practice on them.

Mr. LANDIS. I would like to ask the gentleman if it is not true that the court is behind in its work?

Mr. WARNER. Where?

Mr. LANDIS. In Cook County.

Mr. WARNER. I am not familiar with the condition of Cook County. The gentleman from Cook [Mr. MANN] can probably tell you.

Mr. LANDIS. Is not that true?

Mr. MANN. I did not hear the question of the gentleman from Indiana.

Mr. LANDIS. That the work of the United States circuit courts is behind.

Mr. MANN. The United States circuit court in Chicago is nearer up with its work to-day than it was a year ago, and it disposed of more suits last year than were commenced during the year.

Mr. LANDIS. In the gentleman's judgment there is no demand, then——

Mr. MANN. Why, there are four or five hundred cases pending and undisposed of in the United States circuit court in Chicago, and 2,000 cases pending and undisposed of in the United States court in New York.

Mr. DRISCOLL. Mr. Speaker, I wish to be recognized for five minutes.

The SPEAKER pro tempore. The gentleman from New York is recognized.

Mr. DRISCOLL. After hearing this debate so far, I have come to the conclusion that this is about the same old story all the way through. From path master to judge of the Supreme Court, they strive, most of them, in season and out of season, for the job. They pull all the wires within reach for the appointment. They run here and there, I say with rare exceptions, for the appointment; and they hardly get warm in their seats when they begin to apply for an increase of salary. [Applause.] Just as soon as they are in and are covered by the civil service or statute law, they think their services are not appreciated, and they are worth more than the salary paid. If I had my way, I would fix the organic law so that no man could get an increase of salary during the time for which he is appointed or elected. The salary, if increased at all, should be increased before he is appointed or before he is elected, so that he could not use his political or judicial influence in jacking up the salaries after he has got the place. I think that ought to be a part of our organic law, in order that the members of every legislative body should be protected from the social and political influences of people who have places and want to get their salaries increased.

The judges are all honorable and distinguished men. I have no criticism to offer with respect to them; but they have the places for life, and if they live to be 70 years of age they have pensions during the rest of their time. I believe in pensions for the old soldier, but not in a civil pension list; and when these men are assured of good salaries and permanent positions while they are able to work and pensions while they live, they ought to be satisfied with that, and take the rest out in honor and dignity. [Applause.] I do not believe, either, in this unfair discrimination, which will tempt judges to stay at home rather than to go away, where they are called upon to pay their own expenses. It favors the men who live in the large cities and are permanently located. I do not know that it favors those who have to travel long distances and pay their own expenses; but I am against the general proposition that as soon as a man gets a good job he shall lobby all along the line to increase the salary. [Applause.]

Mr. JENKINS. Mr. Speaker, I move that general debate be closed on this bill in thirty minutes.

The SPEAKER pro tempore. The gentleman from Wisconsin moves that general debate on the bill be closed in thirty minutes.

Mr. MANN. Mr. Speaker, is that motion in order?

The SPEAKER pro tempore. It is.

Mr. UNDERWOOD. Mr. Speaker, I will ask the gentleman if he will yield to me five minutes of that time?

Mr. JENKINS. Certainly.

The question was taken, and the motion was agreed to.

Mr. JENKINS. I now yield ten minutes to the gentleman from Tennessee [Mr. GAINES].

[Mr. GAINES of Tennessee addressed the House. See Appendix.]

Mr. JENKINS. Mr. Speaker, I now yield to the gentleman from Alabama [Mr. UNDERWOOD].

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed with amendments bills of the following titles in which the concurrence of the House was requested:

H. R. 15922. An act making appropriations for the suppression and to prevent the spread of contagious and infectious diseases of live stock, and for other purposes; and

H. R. 16604. An act making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1904.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 6132) granting an increase of pension to Fannie McHarg.

The message also announced that the Senate had passed the following resolutions; in which the concurrence of the House was requested:

Senate concurrent resolution 55.

Resolved by the Senate (the House of Representatives concurring), That 2,500 copies of the revised code of law of the District of Columbia be printed and bound, 500 copies for the use of the Senate, 1,000 for the use of the House of Representatives, and 1,000 for sale by the superintendent of documents.

Senate concurrent resolution 57.

Resolved by the Senate (the House of Representatives concurring), That there be printed, as it originally appeared in the report of the Secretary of the Interior of the United States, but with the addition of 50 full-page illustrations, 7,000 copies of the Report of the Commissioner of Education for Porto Rico, of which 1,000 shall be for the use of the Senate, 2,000 for the use of the House of Representatives, 2,500 for the use of the Commissioner of Education of the United States, and 1,500 for the use of the commissioner of education for Porto Rico.

Mr. UNDERWOOD. Mr. Speaker, I think there is no one of the three coordinate branches of the Government that is of more importance to the masses of the people than the judiciary. From the legislative branch there is an appeal; that is to say, the laws we pass must be weighed in reference to the question whether they are in conflict with the Federal Constitution. The legislative branch itself exercises a restraining hand on the executive branch when it sees proper to do so, but the judicial branch of the Government is the tribunal of final resort, from whose decision there is no appeal. And it is of the utmost importance to the people, and especially to the common people—the plain people—that these courts should be presided over by men of the greatest ability that can be obtained from the leading lawyers of the country.

The law in the beginning was not enacted or enforced for the strong and the mighty. The rules of law and the rules of civilized society were inaugurated that the weak might be protected against the strong. And those in our Government who are charged with the duty of protecting the weak against the strong are the men who sit on the bench as judges and decide between man and man as to their liberty and property rights. Therefore I believe that in the selection of men to fill these offices we should always exercise the greatest care, and we should, as far as possible, make the position such that the best men may be obtained to fill these positions.

Now, we all know that under the salaries now paid to the Federal judiciary there are many of the most eminent lawyers at the bar who can not accept these positions, no matter how honorable they feel them to be, because they feel that they owe a duty to their families to lay up something for the future. They are living, many of them, with their families in large cities, where they can not live on the salaries paid to the Federal judiciary. Therefore, it often occurs that the services of the ablest men at the bar can not be obtained when a vacancy occurs on the Federal bench.

It is beyond question that there are numbers of eminent lawyers practicing before the Supreme Court of the United States whose earnings at the bar amount to $25,000 to $50,000 a year. These men can not afford to give up the incomes that they are earning at the bar and accept as their life work a judicial position which, if accepted, must be accepted at so great a pecuniary loss.

Now, in this day, when we hear so much about the trusts—when it is claimed that the trusts are oppressing the masses of the common people—when we hear that the great railroad corporations are constantly extending their operations and infringing on the rights of the people, is this not a time when we should provide for the selection of men of great ability to preside over our courts and determine the questions of law that come up between the trusts and the merchant; between the great railroad corporations and the common people?

[Here the hammer fell.]

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

The SPEAKER laid before the House, with amendments of the Senate, the bill (H. R. 16604) making appropriations for the diplomatic and consular service of the Government for the fiscal year ending June 30, 1904.

Mr. ADAMS. I move that the House nonconcur in the amendments of the Senate, and ask for a conference.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. HITT, Mr. ADAMS, and Mr. DINSMORE as conferees on the part of the House.

SALARIES OF UNITED STATES JUDGES.

Mr. JENKINS. I yield five minutes to the gentleman from Indiana [Mr. CRUMPACKER].

Mr. CRUMPACKER. Mr. Speaker, I am in favor of the pending bill because I believe, taking everything into consideration, it is eminently just and fair. I know the disposition of public functionaries to beseech Congressmen for an increase of salary. But I do not believe that disposition characterizes the judiciary. I think the judiciary, Federal and State, is more poorly paid than any other class of public servants in the whole country. This comes about, probably, from the reason that when a man becomes a judge he ceases to be a politician; and the ethics of the bench preclude him from employing the usual methods employed by other public officers in seeking to bring about an increase of salary.

I had the honor at one time in my life to be a member of the court of appeals of the State of Indiana. There were five members of that court; and the clerk of the court, who had control of the records and the files, received more pay for his services than all five of the judges combined. This unjust discrepancy is not characteristic of official pay in all the States; it is not so in relation to the Federal judiciary and is no longer the case in Indiana. But, taking everything into consideration, I think the pay of the Federal judiciary is too low, compared with other salaries.

It is difficult to establish any philosophical or scientific basis for official salaries. They must be measured according to the requirements of the situation, viewed from a large standpoint. Salaries ought to be such as to command the very best talent that can be obtained. The Chief Justice of the Supreme Court of the United States gets to-day a salary of $10,500—less than the salary of the General of the Army; less than the salary of the Lieutenant-General of the Army; less than the salary of the Admiral of the Navy.

I understand the distinguished warrior who occupies the chief position in the naval organization at this time gets in the neighborhood of $17,000 a year for his official services, and if not theorectially he is practically upon the retired list. The associate justices of the Supreme Court receive $10,000 each. In determining the amount of salary to be paid to judicial officers, the dignity of the position must be taken into consideration, together with the demands upon the official and his family from a social standpoint. These are important factors to be considered. Are not the demands on the Chief Justice of the Supreme Court of the United States as great socially and in every other way as are the demands upon the General or the Lieutenant-General of the Army or an Admiral of the Navy? Is not the dignity of the Chief Justice of a court we are proud to term the greatest judicial tribunal in all civilization as great, and does he not deserve as high pay, at least, as the Lieutenant-General of the Army? Circuit judges throughout the United States to-day get less pay than major-generals. District judges get less pay than brigadier-generals in the Army.

Mr. COOMBS. Mr. Speaker, I would like to ask the gentleman a question.

The SPEAKER. Does the gentleman yield?

Mr. CRUMPACKER. Yes.

Mr. COOMBS. The gentleman has mentioned the salaries of the circuit judges which, I believe, are now $6,000 a year.

Mr. CRUMPACKER. Yes.

Mr. COOMBS. There is an increase of $1,000, but considering one of the amendments in this bill, that striking out expenses, has the gentleman ever considered the question as to whether this is an actual reduction of salary so far as it pertains to the judges of the circuit courts in California and other districts of the United States?

Mr. CRUMPACKER. I have. I have thought about that aspect of the question, and yet I think it is a wise thing to do.

Mr. COOMBS. A wise thing to reduce the salaries when the bill proposes to increase them?

Mr. CRUMPACKER. I think it a wise provision, because judges are human, and if a judge could go away from home to sit as a member of the court of appeals and get $10 a day extra compensation, he may be inclined to be away as much as possible. That is the reason for the amendment, I understand.

[Here the hammer fell.]

Mr. JENKINS. Mr. Speaker, I yield three minutes to the gentleman from Pennsylvania, Mr. GRAHAM.

Mr. GRAHAM. Mr. Speaker, I am not a member of the bar, but I look at this question from the point of view as a business man. As a business man I realize that our judges are poorly paid. I realize to-day that unless a judge of the United States court has some means outside of his salary, he is unable to keep up the position and maintain the dignity and expenses attendant upon his office. So true has this proved in my own State that in two cases the judges of the district court of the United States in my county have been compelled to resign and resume their avocation as lawyers, by which they can make more money than as judges.

Mr. BARTLETT. Mr. Speaker, I would like to ask the gentleman a question.

The SPEAKER. Does the gentleman yield?

Mr. GRAHAM. Yes.

Mr. BARTLETT. Will the gentleman tell us how many judges of the Supreme Court, since the foundation of the Government, have resigned their office?

Mr. GRAHAM. I am not speaking of the judges of the Supreme Court. If the gentleman will give attention to what I am saying, he will see that I am talking about the judges of the district and circuit courts. I claim that they are not well paid, that they will not be sufficiently paid even under this bill, for the reason that while the salary is increased $1,000 at the same time they will be compelled to pay their own expenses. The judges of the circuit court in my district are compelled to travel from three to five hundred miles, to another section of the State, and there hold court for two or three months.

Under this bill they would be compelled to pay their expenses while there, so that the increase as proposed here is very slight in the case of judges in our section. While the bill increases the salaries $1,000, they will undoubtedly have to pay from three hundred to four hundred dollars of that increase out for expenses now allowed by law. I think this is cheeseparing. I do not think it is a proper spirit in which to take up a matter of this kind. I am surprised at the arguments made by some of the gentlemen on the floor of this House. I am surprised at the gentleman from New York [Mr. DRISCOLL] stating that he would put this bill on a par with the raising of the salaries of clerks and other appointees of the Government; that a man no sooner came into office than he began to lobby for an increase of salary. He also stated that he believed lobbyists had been working for the passage of this bill.

I would ask the gentleman whether any members of the United States Supreme Court, or any of the United States courts, have lobbied for this bill? Have any of them written to him or to any other member favoring this bill? I can say, as far as I am concerned, that I have had no member of the courts lobby with me, nor do I believe with any other members.

[Here the hammer fell.]

Mr. JENKINS. Mr. Speaker, I yield seven minutes to the gentleman from New Jersey [Mr. PARKER].

Mr. PARKER. Mr. Speaker, I think the members of the House are very much indebted to the gentleman from Alabama [Mr. UNDERWOOD], whose speech I wish could have been longer, for his clear and lucid exposition of the proper position of a judge of a United States court, and especially of the Supreme Court. Such a judge ought to occupy a position which any lawyer would be willing to take. When I say any lawyer I do not mean those who look merely at money, but any lawyer of the first rank who expects to live like a gentleman in his profession.

At the beginning of the Government these judges received $3,500 and $4,000 a year. I appeal to any member of this House whether $3,500 at that time was not more than $20,000 at the present time, considered as a standard of income.

Mr. Speaker, I remember seeing quite a number of old account books of lawyers about the years 1836 to 1840, and in those account books I found such items as this: "Received $5 for retainer for suit in the Supreme Court by A. B. against C. D."

The retainer now for the same suit would be at the least $100. The scale of living has changed. Men have to live differently from the way that our forefathers did, and any man who knows anything about practice at the bar at the present time knows that for a man without a fortune laid by, who has a first rate practice and who has proved his ability at the bar, it is impossible without great sacrifice to take a place even upon the United States bench.

The gentleman from Georgia [Mr. BARTLETT] asked whether any Supreme Court justice had ever resigned. Yes; Benjamin Robbins Curtis, one of the first lawyers of the land, a man who did not love money, who lived plainly, who lived simply, felt compelled to resign in order to support and educate his family. From other courts many judges have resigned. There was Judge Dillon, the author of "Dillon on Corporations," a man who loved the law, who resigned from the circuit court because he only received $6,000 a year and could not afford to remain there. Judge McCrary, who was well known, and Judge Lowell, of Massachusetts, a man who, perhaps, did not resign so much for that reason——

Mr. BARTLETT. Those are circuit judges.

Mr. PARKER. Those are circuit judges. Now, I ask anyone, whether those who live with real comfort, even on the bench of the Supreme Court of the United States, are not men who have some independent fortune, and whether some of the judges that we know upon that bench, who have never come near us to

complain, are not, perhaps, living with difficulty, without the freedom of entertainment that is befitting their high position?

Mr. BARTLETT. May I interrupt the gentleman for a moment?

Mr. PARKER. I have only a few minutes, but if it is a short question I will yield.

Mr. BARTLETT. I was going to ask the gentleman how many you ever knew to refuse the appointment to the Supreme Court bench on account of the smallness of the salary?

Mr. PARKER. I have known men to refuse to consider it.

Mr. BARTLETT. The position of judge of the Supreme Court?

Mr. PARKER. Yes.

Mr. BARTLETT. I should like to have the gentleman mention the name of one.

Mr. PARKER. There are men whose names can be given in private. Men do not like to state publicly that they can not afford to take such an honorable position.

Now, when you look at England, the great mother of our common law, she pays to her law chancellor $50,000 a year; to her master of the rolls, $30,000; to her chief justice of her supreme court, $40,000; to the associate justices of that court, $25,000. She gets the first lawyers of the land as judges in those courts. Now, it is essential to the dignity of a court in the eyes of the public that the judges should be able to live with entire independence and be known to be able to live upon their salaries. We want justice cheap to the people in the way of costs, but we do not want cheap justice. We do not want cheap law, we do not want cheap brains. You can not get brains and power and energy upon the benches of your courts unless you pay the judges reasonable salaries.

Now, this bill is only too conservative. It is carefully drawn. It raises the salary of the Supreme Court as fixed in 1873 but one-quarter. It raises the salaries appointed long ago for the circuit judges but one-sixth. It raises the salaries appointed for the district judges one-fifth. Since the beginning the business of the courts has increased enormously. The first ten years the Supreme Court docket had 20 cases a year reported. Up to 1850 it had less than 50 cases a year reported. In 1890 there were between 400 and 500 disposed of annually.

The SPEAKER. The time of the gentleman has expired. General debate has expired, and the Clerk will read the bill.

The Clerk read as follows:

To the Chief Justice of the Supreme Court of the United States the sum of $13,000 a year, and to each of the associate justices thereof the sum of $12,500 a year.

Mr. BOREING. Mr. Speaker, I desire to offer an amendment.

The SPEAKER. The Clerk had not reached the point where the gentleman desires to offer his amendment.

Mr. CANNON. Mr. Speaker——

The Clerk read as follows:

To each of the circuit judges the sum of $7,500 a year.

The amendment of the committee was read, as follows:

In line 11 strike out the words "five hundred dollars."

The SPEAKER. Does the gentleman from Illinois have anything to offer?

Mr. CANNON. I want to offer a formal amendment. I move to strike out the last word.

The SPEAKER. The Chair will first submit the question on the committee amendment.

The question was taken; and the amendment of the committee was agreed to.

The Clerk read as follows:

To each of the district judges the sum of $6,250 a year.

The amendment recommended by the committee was read, as follows:

In line 13, strike out the words "two hundred and fifty."

The SPEAKER. The question is on agreeing to the committee amendment.

The question was taken; and the amendment was agreed to.

The SPEAKER. The Clerk will now report the amendment of the gentleman from Kentucky.

The Clerk read as follows:

Amend by inserting after line 13 the following:
"To the judge of Porto Rico, $6,000."

Mr. JENKINS. Mr. Speaker, I raise the point of order against that amendment.

The SPEAKER. The gentleman will state his point of order.

Mr. JENKINS. This bill relates wholly to the salaries of judges of the courts of the United States proper, and is not extended to any Territories or insular possessions, and is not germane.

Mr. BOREING. Is not all this a change of existing law?

The SPEAKER. The Chair would like to hear the gentleman. The Chair is not advised whether the judges of Porto Rico are paid out of the public Treasury.

Mr. JENKINS. The judges of Porto Rico are paid out of the public Treasury; but this bill does not extend to the Territories of the United States or any of our insular possessions. It relates exclusively to the judges of the courts of the United States proper.

The SPEAKER. Can the gentleman state whether it comes out of any part of the United States funds? Who appoints the judges of Porto Rico? The Chair has no information.

Mr. BOREING. The President of the United States.

Mr. JENKINS. There is no question but what the judges of Porto Rico are appointed in the same manner, by the same authority, and paid just exactly as the judges of the courts of the United States. But they are not judges of the courts of the United States. This bill is limited exclusively to judges of the courts of the United States.

The SPEAKER. The Chair would be glad to hear the gentleman from Kentucky on the point of order, if he desires.

Mr. BOREING. Mr. Speaker, it seems to me, since these judges are appointed by the same authority and paid out of the same treasury, that the point of order is entirely technical. If I may be permitted to state, the position is filled by ex-Chief Justice Holt, of Kentucky, one of the ablest lawyers and most capable men in our State. He was appointed by President McKinley, and asked to go down to Porto Rico and take this position. He has established the courts there successfully; his duties have been onerous, his services have been faithful, and he informs me that his compensation is inadequate. If there is a necessity for an increase in the salary upon the part of the judges of the Supreme Court, and upon the part of the judges of the district and circuit courts of the United States, it extends all the more to this position. Judge Holt is capable of filling any of the positions provided for in this bill. It strikes me that the amendment is germane and its adoption eminently proper.

The SPEAKER. The Chair calls the attention of the gentleman from Wisconsin to the fact that the judges of the District of Columbia are incorporated in this bill. It seems that these Porto Ricans are appointed by the President of the United States. The provision has broadened out now from the Federal judges for the States to the judges for the District of Columbia.

Mr. JENKINS. Mr. Speaker, I have no pride of opinion so far as the point of order is concerned; but I would like to suggest to the Chair that there is a substantial difference between the judges of Porto Rico and our insular possessions and the judges of the circuit court and the supreme court of the District of Columbia. The judges of the courts of the District of Columbia are appointed for life. The judges of Porto Rico are appointed temporarily, so to speak.

The SPEAKER. The Chair is not entirely satisfied, but is inclined to hold, and will so hold, that the point of order is not well taken. The Clerk will report the amendment of the gentleman from Kentucky.

The Clerk read as follows:

Amend by inserting, after line 13, "The judge in Porto Rico, $6,000."

Mr. JENKINS. Now, Mr. Speaker, I want to say, so far as this amendment is concerned, that no judge in Porto Rico has ever approached the committee directly or indirectly in reference to the increase of their salaries.

Mr. BOREING. Mr. Speaker, will the gentleman permit me?

Mr. JENKINS (continuing). No department of this government has approached the Judiciary Committee that has had this bill under consideration for many, many months——

Mr. BOREING. Will the gentleman permit me?

Mr. JENKINS (continuing). With reference to increasing the salary of these judges.

Mr. MADDOX. Will the gentleman allow me to ask him a question?

The SPEAKER. Does the gentleman yield to the gentleman from Georgia?

Mr. JENKINS. No one has appeared before the Committee on the Judiciary in this matter when it was considering this question. I will yield to the gentleman from Georgia.

Mr. MADDOX. Have any of the other judges you are providing for approached the committee?

Mr. JENKINS. No, sir. I want to say that no judge, high or low, has approached me, and I want to say to the gentleman from Georgia that there is a vast difference between the two propositions. Here is a bill introduced openly and notoriously in this House and thoroughly considered, first by a subcommittee and then by the full committee, and both of these committees consulted the proper department of Government with reference to this question and thoroughly examined the question to determine whether or not the salaries of the gentlemen named in the bill should be increased or not.

We spent not one day, but many days, considering every single detail and we heard gentlemen interested in the matter both pro and con, and I want to say to the credit of the judiciary of this country that as far as I am concerned not one of them has approached

me, directly or indirectly, although I have had the pleasure of meeting many of them since the bill was introduced. The question we are talking about in this bill has been thoroughly considered. If the committee had had an opportunity to ascertain what salaries the judges in Porto Rico get, or whether they have got any complaint to make as to whether their salary is too large or too small, that would be one thing; but we have had no opportunity to consider these questions, and hence I think the House is in duty bound to vote down this amendment.

The SPEAKER. The question is on the amendment offered by the gentleman from Kentucky [Mr. BOREING].

The question was taken, and on a division (demanded by Mr. BOREING) there were 4 ayes and 73 noes.

So the amendment was lost.

Mr. CANNON. Mr. Speaker, I move to strike out the last word. I would like the attention of the committee for a few moments. Perhaps twenty years ago or ten years ago I should not have voted for this bill. I think I would have been wrong then, and in voting for the bill now I think I am right. All gentlemen understand the organization of our Government. The executive, the legislative, and the judicial departments; the judicial is the third estate, or, as lawyers sometimes say, it has the last guess, performing a great duty in the Republic. It is not an expensive body. I had the curiosity to go to the legislative bill to find out what the salaries of the judiciary aggregate in the United States. I was surprised at the small aggregate—$700,000 a year; that is for a coordinate branch of the Government so far as the judicial salaries are concerned. And while I was looking I found that over here the Library of Congress alone, saying nothing about the housing of it, costs one-half a million of dollars a year, very largely for salaries.

Now, I am not abusing the Library of Congress, but what does this bill do? It increases by 25 per cent the salaries of the judiciary all over the United States, that branch of the Government which holds the balances even and determines what the law is and enforces it. This bill costs $170,000 a year for this whole service in addition to what it now costs, $700,000.

Somebody once said if a man doesn't want an office he can resign. Yes; that applies to members of Congress and to everybody; but after all it is easy to say it, and I have seen the time when I thought it was cheap to say it. What the country wants with a judiciary is an honest judiciary. I think it is our glory that we have got it, and what we need at this time, with our rapid development and expenditures of the Government, every year amounting in round numbers to $700,000,000, with the rapid development everywhere, on farm and in factory, on land and on sea, with new questions arising, we want the judiciary strengthened rather than weakened.

I am one of those who believe that in the enforcement of the law given by the judiciary now and in the future the Republic is to receive great protection; it is the bulwark of our civilization and preservation. So that while $10,000 is a large sum, I can find you great multitudes who think the salary I get of $5,000 is a large sum. Three thousand dollars is a large sum, and yet all of us understand that members of a court—and lawyers in one sense are members of the court—we all know that lawyers in one case sometimes will receive fees amounting to more than the judge receives during his whole lifetime. I believe that every judge of the Federal courts should not be paid an extravagant sum, but I believe that he should have enough to support him and support his family, living as an American citizen ordinarily lives and as do those with whom he meets and associates. And for one I shall take great pleasure in voting to increase this salary list of $700,000 for all of the judges in the United States courts by 25 per cent, which would amount to $175,000.

Now, one further thing. I have heard many gentlemen say here, Why not increase our own salaries—they are too little? Well, a reply could be made, that you do not have to occupy the place; that is no argument. They are too small. I am quite willing, looking to the future, on an apt bill, to vote an increase of salary to members of Congress. I believe they ought to be increased, because every gentleman here knows, while his constituents may not know, that our salary is all gone by the time the term closes, cutting the cloth as closely as we can to meet legitimate expenses. But we will meet that when we come to it. The salary of the President is $50,000, and ought to be. I trust and believe that this House will pass the bill. [Loud applause.]

[Here the hammer fell.]

The SPEAKER. The Clerk will read the next paragraph of the bill.

The Clerk read as follows:

To the chief justice of the Court of Claims the sum of $6,125 a year, and to each of the associate justices thereof the sum of $5,625 a year.

The amendments reported by the committee were read, as follows:

In line 1, of page 2, strike out "one" and insert "five," and after the word "hundred" strike out "and twenty-five."

In line 2 strike out "associate justices" and insert "other judges."

In line 3 strike out "five thousand six hundred and twenty-five" and insert "six thousand."

The amendments were agreed to.

The next paragraph of the bill was read, as follows:

To the chief justice of the court of appeals of the District of Columbia the sum of $8,000 a year, and to each of the associate justices thereof the sum of $7,500 a year.

The amendments reported by the committee were read, as follows:

In line 6, page 2, strike out "eight thousand" and insert "six thousand five hundred," and in line 8 strike out "seven thousand five hundred" and insert "six thousand."

Mr. PEARRE. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 6, page 2, strike out, after the word "of," the word "six" and substitute therefor the word "seven."

The SPEAKER. This is an amendment to the amendments of the committee. The question is on the amendment of the gentleman from Maryland.

The question being taken, the amendment of Mr. PEARRE was rejected.

The amendments of the committee were then agreed to.

Mr. KLEBERG. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 6, page 2, after the word "of," strike out "six thousand five hundred" and insert "seven thousand;" and in line 8, on page 2, after the word "thousand," insert "five."

Mr. JENKINS. I reserve a point of order on that amendment.

The SPEAKER. The first part of this amendment has already been voted upon, on the motion of the gentleman from Maryland, and rejected. The last part of the proposition is embraced in the amendments of the committee. The Clerk will report the next paragraph.

The Clerk read as follows:

To the chief justice of the supreme court of the District of Columbia the sum of $6,750 a year, and to each of the associate justices thereof the sum of $6,250 a year.

Mr. COWHERD, I move to amend the paragraph just read by striking out the word "six," in line 12, and inserting "five." I will say to the chairman of the committee that I am in favor generally of this bill, but it does seem to me that it is hardly proper to put the nisi prius judges here in the District of Columbia (and there are some five or six of them, as I remember, on this bench), doing business for a small territory containing only 278,000 people, upon a level with the district judges of the United States, whose jurisdiction may extend over an entire State, and very frequently does extend over half a State, containing a million of people, and whose business far exceeds in importance and magnitude the business of these judges of the District of Columbia. It does seem to me there ought to be some distinction made in these salaries and some harmony maintained in this legislation; therefore I offer this amendment.

The question being taken, the amendment of Mr. COWHERD was rejected; there being—ayes 55, noes 64.

The question being then taken, the amendments of the committee were agreed to.

The Clerk read as follows:

That after the passage of this act no payment shall be made to any of the judges mentioned in this act for expenses.

Mr. OLMSTED. Mr. Speaker, I move to strike out the paragraph just read. I am as much in favor of economy as anybody, but there is such a thing (to use a homely expression) as "saving at the spigot and losing at the bung." I believe this to be a case of that kind. If I am correctly informed, the principal expense which would be cut out by the adoption of this paragraph is the expense of a judge holding court in a district other than his own; I believe that the loss to the United States Treasury by the adoption of this paragraph would be more than the gain. It is impossible to so district any State that there shall be just as much work in one district as in another.

In my own State we have three districts. One of them is a comparatively new one. The court is just fairly started and is not overburdened with work, while in two other districts there is more work than the judges can do. A short time ago the judge of the western district of Pennsylvania called in the very excellent judge from the middle district, who helped him hold a week of court. They both sat, one in one court room and one in the other, both drawing juries from the same panel. The expense of calling that judge into that district to hold that court was probably sixty or seventy dollars. Had he not gone, another term of court would have been necessary, another panel of jurors, with mileage, jury fees, etc. My colleague [Mr. GRAHAM], who lives in that district, tells me that the clerk of the court estimated that

in jury fees and expenses alone the Government saved at least $1,000.

I believe that holds good everywhere. It is a loss to the Government. It is a loss to suitors. It is a delay of justice very often if a judge can not call in a judge from another court, who at the time may not be overburdened with business, to help him out when he has more than he can do, or when he is ill, as the district judge in Philadelphia now is or has recently been. No judge would feel like going out of his own district to hold court at his own expense. The law does not give him extra pay for that extra service, but he ought to be reimbursed for his actual and reasonable expenses.

The salaries paid are not large enough to warrant Federal judges in going out of their own districts at their own expense, and of course they would not go should this bill become a law with this paragraph in its present form. Some gentleman asked whether a Federal judge had ever been known to resign. I will tell him that the present able judges of both the western and eastern districts of Pennsylvania hold their present seats upon the bench by apointment to fill vacancies caused by the resignations of their immediate predecessors. The late judge from the western district now makes at the bar, I doubt not, ten times the amount of the salary he received while judge. My amendment, however, does not deal with salaries, but with expenses, and I hope that it may be adopted.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania.

The question was taken; and on a division (demanded by Mr. SMITH of Kentucky) there were—ayes 80, noes 69.

So the motion was agreed to.

Mr. RANDELL of Texas. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Insert after line 15, on page 2, the following:
"That it shall be unlawful for any of the judges of United States courts to accept or receive any gifts, free transportation, or frank from any corporation or person engaged in operating any railroad, steamboat line, express or telegraph company. Any violation of this provision shall be punished by a fine not less than $100 and not exceeding $5,000."

Mr. JENKINS. Mr. Speaker, I make the point of order against that amendment that it is not germane. This is a bill to regulate the salaries of judges of the courts of the United States, and it seems to me that it would be casting an imputation upon those honorable gentlemen to even consider this matter seriously.

The SPEAKER. The Chair will hear from the gentleman from Texas, if he desires to be heard on the point of order.

Mr. RANDELL of Texas. Mr. Speaker, the point of order, as I understand it, is that this amendment is not germane. It follows a section (which has been striken out) which read that after the passage of this act no payment shall be made to any of the judges mentioned in this act for expenses. That section being stricken out, the law will remain as it is at present, Mr. Speaker, and the expenses of the judges of the Federal courts will be paid as provided by existing law—per diem and traveling expenses.

We are legislating squarely on the proposition of compensation and expenses. We propose to pay these judges their salaries, mileage, and expenses and per diem, and I do not believe their mileage should be added to their salaries. If they ride on passes they pocket the amount tickets would cost. We should pay them what salary is just, and further pay their necessary expenses, and they should receive no gift or compensation from others. How can we legislate as to their expenses and mileage and then conclude we can not in the same connection require them to procure transportation with the money we give? In other words, I believe it is germane, because it has the effect upon the legislation that we are considering that the pay of these officers shall be received by them from the people, and that they shall receive nothing from anybody else.

No man can serve two masters. If they receive a certain compensation by reason of their official position and an additional amount for expenses, why is it not germane for us to say they shall not receive from anybody else anything in reference to expenses? If they receive gifts, passes, and franks, then it is a matter of favor from the corporations or persons giving them and amounts to an increase in the salaries of our judges. No man, corporation, or set of men should be allowed to increase the salary of any of our officers. It is for the purpose of relieving the judiciary from the embarrassment of refusing or receiving favors and passes from corporations that I offer this amendment. It seems to me it is clearly germane to the subject under consideration, to wit: "What salary and allowance for expenses shall our judiciary receive?"

The SPEAKER. This question is one that troubles the Chair a little, but when we consider that this bill deals not only with salaries but also with the subject of expenses, the issuing of passes, franks, and other things that keep down the expenses would seem to be germane. At all events, the Chair will overrule the point of order and admit the amendment of the gentleman from Texas.

Mr. BABCOCK. I wish to offer an amendment to the amendment of the gentleman from Texas. After the word "judges" I offer to amend by inserting the words "members of Congress."

Mr. RANDELL of Texas. That amendment is accepted by me.

Mr. MANN. Mr. Speaker, upon that amendment I raise the point of order that it is not germane.

The SPEAKER. The Chair sustains the point of order. This is not a bill to regulate the salaries of members of Congress. The question is on the amendment offered by the gentleman from Texas [Mr. RANDELL].

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. RANDELL of Texas. Division!

The House divided; and there were—ayes 69, noes 88.

Mr. RANDELL of Texas. Mr. Speaker, I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 87, nays 114, answered present 11, not voting 141, as follows:

YEAS—87.

Allen, Ky.	Feely,	Lester,	Sheppard,
Aplin,	Fleming,	Lever,	Sims,
Bartlett,	Flood,	Lewis, Ga.	Smith, Ky.
Bell,	Fox,	Lewis, Pa.	Smith, H. C.
Benton,	Gaines, Tenn.	Lloyd,	Smith, S. W.
Billmeyer,	Gibson,	McLain,	Snook,
Brick,	Gilbert,	Maddox,	Sparkman,
Brundidge,	Gillett, Mass.	Mahoney,	Spight,
Burleson,	Glenn,	Marshall,	Stark,
Burton,	Goldfogle,	Miers, Ind.	Stephens, Tex.
Candler,	Gordon,	Mutchler,	Stewart, N. J.
Cassingham,	Green, Pa.	Pou,	Talbert,
Clark,	Haugen,	Randell, Tex.	Tate,
Cochran,	Henry, Tex.	Rhea,	Thayer,
Cooney,	Hooker,	Rixey,	Thomas, N. C.
Cooper, Wis.	Howard,	Robinson, Ind.	Trimble,
Cowherd,	Johnson,	Robinson, Nebr.	Underwood,
Darragh,	Kehoe,	Rucker,	Vandiver,
De Armond,	Kitchin, Claude	Ruppert,	White,
Dinsmore,	Kitchin, Wm. W.	Russell,	Williams, Ill.
Dougherty,	Kluttz,	Scarborough,	Zenor.
Driscoll,	Latimer,	Shallenberger,	

NAYS—114.

Acheson,	Deemer,	Lamb,	Reeder,
Adams,	Dovener,	Landis,	Reeves,
Adamson,	Draper,	Lawrence,	Richardson, Ala.
Alexander,	Esch,	Lindsay,	Ryan,
Allen, Me.	Evans,	Loudenslager,	Shelden,
Babcock,	Fitzgerald,	McCleary,	Showalter,
Ball, Del.	Flanagan,	McClellan,	Sibley,
Ball, Tex.	Fletcher,	McLachlan,	Smith, Iowa
Bankhead,	Foerderer,	McRae,	Smith, Wm. Alden,
Bartholdt,	Foster, Vt.	Mahon,	Snodgrass,
Bates,	Gardner, Mass.	Martin,	Stevens, Minn.
Bellamy,	Glass,	Mercer,	Stewart, N. Y.
Brandegee,	Graff,	Meyer, La.	Sutherland,
Bromwell,	Graham,	Mickey,	Swann,
Brown,	Grosvenor,	Moody, Oreg.	Taylor, Ala.
Burke, S. Dak.	Hanbury,	Morgan,	Thomas, Iowa
Burkett,	Haskins,	Mudd,	Tirrell,
Burleigh,	Heatwole,	Olmsted,	Tompkins, N. Y.
Butler, Pa.	Hedge,	Overstreet,	Tompkins, Ohio
Cannon,	Hemenway,	Padgett,	Van Voorhis,
Capron,	Henry, Conn.	Palmer,	Wanger,
Clayton,	Hepburn,	Parker,	Warner.
Cromer,	Hill,	Patterson, Pa.	Warnock,
Crowley,	Holliday,	Patterson, Tenn.	Weeks,
Crumpacker,	Hull,	Payne,	Wiley,
Currier,	Jenkins,	Perkins,	Williams, Miss.
Cushman,	Jones, Wash.	Powers, Me.	Wright.
Dalzell,	Kleberg,	Powers, Mass.	
Dayton,	Kyle,	Ransdell, La.	

ANSWERED "PRESENT"—11.

Barney,	Coombs,	Loud,	Sperry,
Boreing,	Finley,	Mann,	Wheeler.
Boutell,	Jackson, Kans.	Moon,	

NOT VOTING—141.

Beidler,	Cooper, Tex.	Gillet, N. Y.	Knox,
Belmont,	Corliss,	Gooch,	Lacey,
Bingham,	Cousins,	Greene, Mass.	Lassiter,
Bishop,	Creamer,	Griffith,	Lessler,
Blackburn,	Curtis,	Griggs,	Littauer,
Blakeney,	Dahle,	Grow,	Little,
Bowerscck,	Davey, La.	Hamilton,	Littlefield,
Bowie,	Davidson,	Hay,	Livingston,
Brantley,	Davis, Fla.	Henry, Miss.	Long,
Breazeale,	Dick,	Hildebrant,	Lovering,
Bristow,	Douglas,	Hitt,	McAndrews,
Broussard,	Dwight,	Hopkins,	McCall,
Brownlow,	Eddy,	Howell,	McCulloch,
Bull,	Edwards,	Hughes,	McDermott,
Burgess,	Elliott,	Irwin,	Maynard,
Burk, Pa.	Emerson,	Jack,	Metcalf,
Burnett,	Fordney,	Jackson, Md.	Miller,
Butler, Mo.	Foss,	Jett,	Minor,
Calderhead,	Foster, Ill.	Jones, Va.	Mondell,
Caldwell,	Fowler,	Joy,	Moody, N. C.
Cassel,	Gaines, W. Va.	Kahn,	Morrell,
Connell,	Gardner, Mich.	Kern,	Morris,
Conner,	Gardner, N. J.	Ketcham,	Moss,
Conry,	Gill,	Knapp,	Naphen,

Needham,	Robb,	Slayden,	Thompson,
Neville,	Roberts,	Small,	Vreeland,
Nevin,	Robertson, La.	Smith, Ill.	Wachter,
Newlands,	Rumple,	Southard,	Wadsworth,
Norton,	Schirm,	Southwick,	Watson,
Otjen,	Scott,	Steele,	Wilson,
Pearre,	Selby,	Storm,	Woods,
Pierce,	Shackleford,	Sulloway,	Wooten,
Prince,	Shafroth,	Sulzer,	Young.
Pugsley,	Shattuc,	Swanson,	
Reid,	Sherman,	Tawney,	
Richardson, Tenn.	Skiles,	Tayler, Ohio	

So the amendment was rejected.

The Clerk announced the following pairs:

For the session:

Mr. BROWNLOW with Mr. PIERCE.

Mr. KAHN with Mr. BELMONT.

Mr. COOMBS with Mr. DAVEY of Louisiana.

Until further notice:

Mr. BOWERSOCK with Mr. BURNETT.

Mr. METCALF with Mr. WHEELER.

Mr. LONG with Mr. NEWLANDS.

Mr. HOPKINS with Mr. SWANSON.

Mr. BARNEY with Mr. THOMPSON.

Mr. SOUTHARD with Mr. NORTON.

Mr. DAVIDSON with Mr. SELBY.

Mr. BOUTELL with Mr. GRIGGS.

For one week:

Mr. SCOTT with Mr. JACKSON of Kansas.

For balance of week:

Mr. STORM with Mr. PUGSLEY.

Until Wednesday:

Mr. PRINCE with Mr. CALDWELL.

For this day:

Mr. SKILES with Mr. GOOCH.

Mr. SOUTHWICK with Mr. LASSITER.

Mr. LITTLEFIELD with Mr. KERN.

Mr. BULL with Mr. BROUSSARD.

Mr. STEELE with Mr. COOPER of Texas.

Mr. DICK with Mr. BURGESS.

Mr. COUSINS with Mr. CREAMER.

Mr. TAWNEY with Mr. RICHARDSON of Tennessee.

Mr. MORRIS with Mr. BOWIE.

Mr. FORDNEY with Mr. CONRY.

Mr. EMERSON with Mr. MOON.

Mr. JOY with Mr. HENRY of Mississippi.

Mr. GILL with Mr. EDWARDS.

Mr. HILDEBRANT with Mr. MAYNARD.

Mr. HITT with Mr. SHAFROTH.

Mr. VREELAND with Mr. WILSON.

Mr. WACHTER with Mr. SMALL.

Mr. CURTIS with Mr. MCANDREWS.

Mr. WATSON with Mr. MCCULLOCH.

Mr. WOODS with Mr. NEVILLE.

Mr. KETCHAM with Mr. ROBB.

Mr. NEEDHAM with Mr. GRIFFITH.

Mr. KNAPP with Mr. REID.

Mr. BINGHAM with Mr. ELLIOTT.

Mr. MORRELL with Mr. JONES of Virginia.

Mr. SPERRY with Mr. SULZER.

Mr. HAMILTON with Mr. SHACKLEFORD.

Mr. DWIGHT with Mr. SLAYDEN.

Mr. MINER with Mr. DAVIS of Florida.

Mr. GREENE of Massachusetts with Mr. MCDERMOTT.

Mr. BURK of Pennsylvania with Mr. NAPHEN.

Mr. GARDNER of Michigan with Mr. WOOTEN.

Mr. MCCALL with Mr. LIVINGSTON.

Mr. CONNELL with Mr. BUTLER of Missouri.

Mr. SCHIRM with Mr. HAY.

Mr. JACK with Mr. FINLEY.

Mr. LACEY with Mr. LITTLE.

On this vote:

Mr. SHERMAN with Mr. FOSTER of Illinois.

Mr. GROW with Mr. BREAZEALE.

Mr. BEIDLER with Mr. ROBERTSON of Louisiana.

Mr. MANN with Mr. JETT.

Mr. TAYLER of Ohio with Mr. BRANTLEY.

The result of the vote was then announced as above recorded.

The SPEAKER. The Clerk will read the next paragraph.

Mr. ROBINSON of Indiana. I offer the following amendment, after line 13, page 2.

The SPEAKER. That has been passed over, the Chair will state to the gentleman.

Mr. ROBINSON of Indiana. I inadvertently gave the wrong line.

The SPEAKER. There is no remedy for the gentleman except by unanimous consent.

Mr. ROBINSON of Indiana. I gave the wrong line. It is after line 15. That, however, may have been passed.

The SPEAKER. The Clerk will report the amendment of the gentleman from Indiana.

The Clerk read as follows:

Insert, after line 15, page 2, the following:

"That after the passage of this act no payment shall be made to any judge mentioned in this act for expenses of railroad transportation not incurred by such judge."

Mr. JENKINS. Mr. Speaker, I desire to reserve the point of order against that amendment. It is substantially the same as the amendment voted down a moment ago.

The SPEAKER. The Chair did not understand the gentleman.

Mr. JENKINS. I make the point of order that this is substantially the amendment that has just been voted down.

The SPEAKER. The Chair will overrule the point of order. The question is on the amendment offered by the gentleman from Indiana.

The question was taken, and the amendment was rejected.

The SPEAKER. The Clerk will report the next paragraph.

The Clerk read as follows:

That one-half of the amount of said salaries which shall be paid to judges of the court of appeals of the District of Columbia and to judges of the supreme court of the District of Columbia shall be defrayed from the revenues of the District of Columbia.

The amendments recommended by the committee were read, as follows:

In line 19 strike out the word "judges" and insert after the word "to" the words "the chief justice and to the associate justices;" in line 21 strike out the word "judges" and insert "the chief justice and to the associate justices."

The SPEAKER. The question is on agreeing to the committee amendments.

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time.

The SPEAKER. The question is now on the passage.

Mr. SMITH of Kentucky. Mr. Speaker, I desire a yea-and-nay vote on the final passage.

The yeas and nays were ordered.

The question was taken; and there were—yeas 125, nays 74, answered "present" 10, not voting 144; as follows:

YEAS—125.

Acheson,	Dovener,	Landis,	Robertson, La.
Alexander,	Draper,	Lawrence,	Ryan,
Allen, Me.	Esch,	Lewis, Pa.	Shelden,
Babcock,	Evans,	Lindsay,	Sibley,
Ball, Del.	Feely,	Loudenslager,	Smith, Iowa
Bankhead,	Fitzgerald,	McCleary,	Smith, H. C.
Bartholdt,	Foerderer,	McClellan,	Smith, S. W.
Bates,	Foss,	McLachlan,	Smith, Wm. Alden
Bellamy,	Foster, Vt.	Marshall,	Snodgrass,
Billmeyer,	Gardner, Mass.	Martin,	Sparkman,
Boutell,	Gibson,	Mercer,	Stevens, Minn.
Brandegee,	Gillet, N. Y.	Meyer, La.	Stewart, N. J.
Breazeale,	Gillett, Mass.	Mickey,	Stewart, N. Y.
Brick,	Glenn,	Moody, Oreg.	Sutherland,
Bromwell,	Goldfogle,	Morgan,	Swann,
Bull,	Graff,	Mudd,	Taylor, Ala.
Burke, S. Dak.	Graham,	Mutchler,	Thayer,
Burleigh,	Grosvenor,	Olmsted,	Thomas, Iowa
Burton,	Hamilton,	Otjen,	Tirrell,
Butler, Pa.	Hanbury,	Overstreet,	Tompkins, N. Y.
Cannon,	Haskins,	Palmer,	Underwood,
Capron,	Heatwole,	Parker,	Van Voorhis,
Cooper, Wis.	Hedge,	Patterson, Pa.	Wanger,
Cowherd,	Hemenway,	Patterson, Tenn.	Warner,
Cromer,	Hepburn,	Payne,	Warnock,
Crumpacker,	Hill,	Pearre,	Weeks,
Currier,	Howard,	Perkins,	Wheeler,
Cushman,	Hull,	Powers, Mass.	Wiley,
Dalzell,	Jenkins,	Ransdell, La.	Wright.
Darragh,	Jones, Wash.	Reeder,	
Dayton,	Kleberg,	Reeves,	
Deemer,	Lamb,	Richardson, Ala.	

NAYS—74.

Adamson,	Flanagan,	Lester,	Sheppard,
Allen, Ky.	Fleming,	Lever,	Sims,
Ball, Tex.	Flood,	Lewis, Ga.	Small,
Bartlett,	Fox,	Lloyd,	Smith, Ky.
Bell,	Gaines, Tenn.	McLain,	Snook,
Benton,	Gilbert,	McRae,	Spight,
Boreing,	Glass,	Maddox,	Stark,
Brundidge,	Gooch,	Mann,	Stephens, Tex.
Burkett,	Gordon,	Miers, Ind.	Talbert,
Burleson,	Henry, Conn.	Padgett,	Tate,
Candler,	Henry, Tex.	Pou,	Thomas, N. C.
Cassingham,	Holliday,	Randell, Tex.	Trimble,
Clark,	Hooker,	Reid,	Vandiver,
Clayton,	Johnson,	Robinson, Ind.	White,
Cochran,	Kehoe,	Robinson, Nebr.	Williams, Ill.
Crowley,	Kitchin, Claude	Rucker,	Williams, Miss.
De Armond,	Kitchin, Wm. W.	Russell,	Zenor.
Dougherty,	Kluttz,	Scarborough,	
Driscoll,	Latimer,	Shallenberger,	

ANSWERED "PRESENT"—10.

Coombs,	Finley,	Rhea,	Sperry.
Cooper, Tex.	Loud,	Richardson, Tenn,	
Dinsmore,	Moon,	Rixey,	

NOT VOTING—144.

Adams,	Douglas,	Ketcham,	Prince,
Aplin,	Dwight,	Knapp,	Pugsley,
Barney,	Eddy,	Knox,	Robb,
Beidler,	Edwards,	Kyle,	Roberts,
Belmont,	Elliott,	Lacey,	Rumple,
Bingham,	Emerson,	Lassiter,	Ruppert,
Bishop,	Fletcher,	Lessler,	Schirm,
Blackburn,	Fordney,	Littauer,	Scott,
Blakeney,	Foster, Ill.	Little,	Selby,
Bowersock,	Fowler,	Littlefield,	Shackleford,
Bowie,	Gaines, W. Va.	Livingston,	Shafroth,
Brantley,	Gardner, Mich.	Long,	Shattuc,
Bristow,	Gardner, N. J.	Lovering,	Sherman,
Broussard,	Gill,	McAndrews,	Showalter,
Brown,	Green, Pa.	McCall,	Skiles,
Brownlow,	Greene, Mass.	McCulloch,	Slayden,
Burgess,	Griffith,	McDermott,	Smith, Ill.
Burk, Pa	Griggs,	Mahon,	Southard,
Burnett,	Grow,	Mahoney,	Southwick,
Butler, Mo.	Haugen,	Maynard,	Steele,
Calderhead,	Hay,	Metcalf,	Storm,
Caldwell,	Henry, Miss.	Miller,	Sulloway,
Cassel,	Hildebrant,	Minor,	Sulzer,
Connell,	Hitt,	Mondell,	Swanson,
Conner,	Hopkins,	Moody, N. C.	Tawney,
Conry,	Howell,	Morrell,	Tayler, Ohio
Cooney,	Hughes,	Morris,	Thompson,
Corliss,	Irwin,	Moss,	Tompkins, Ohio
Cousins,	Jack,	Naphen,	Vreeland,
Creamer,	Jackson, Kans.	Needham,	Wachter,
Curtis,	Jackson, Md.	Neville,	Wadsworth,
Dahle,	Jett,	Nevin,	Watson,
Davey, La.	Jones, Va.	Newlands,	Wilson,
Davidson,	Joy,	Norton,	Woods,
Davis, Fla.	Kahn,	Pierce,	Wooten,
Dick,	Kern,	Powers, Me.	Young.

So the bill was passed.

The following additional pairs were announced:

Mr. EDDY with Mr. FOSTER of Illinois.

Mr. TAYLER of Ohio with Mr. RIXEY.

Mr. LITTAUER with Mr. JETT.

Mr. SHERMAN with Mr. RUPPERT.

Mr. ADAMS with Mr. DINSMORE.

Mr. RIXEY. Mr. Speaker, I voted "no;" but I find I am paired with the gentleman from Ohio, Mr. TAYLER. I therefore wish to withdraw my vote.

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. RIXEY, and he answered "present," as above recorded.

The result of the vote was then announced, as above recorded.

On motion of Mr. JENKINS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

TIMES AND PLACES OF HOLDING COURTS IN WEST VIRGINIA.

Mr. JENKINS. Mr. Speaker, I would like to say to the House that while we have a large number of bills that ought to be called up to-night, I am going to ask the House to indulge me on one small bill providing for a change of terms of court in West Virginia. Mr. Speaker, I now call up the bill (H. R. 16202) fixing the times and places for holding regular terms of the United States circuit and district courts in the western district of Virginia, and for other purposes.

The Clerk read the title of the bill.

Mr. JENKINS. Mr. Speaker, that bill has been considered by the Judiciary Committee and reported to the House. Since that time a Senate bill covering the same subject has come over to the House. I ask unanimous consent for the substitution of the Senate bill for the House bill.

The SPEAKER. The Chair thinks the gentleman has a right to call up a Senate bill under the order.

Mr. JENKINS. Then, Mr. Speaker, I call up the bill (S. 6595) fixing the times and places for holding regular terms of the United States circuit and district courts in the western district of Virginia, and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That hereafter the circuit and district courts of the United States for the western district of Virginia shall be held each year at Danville on the Tuesday after the second Monday in April and November; at Lynchburg on the Tuesday after the second Monday in March and September; at Abingdon on the Tuesday after the first Monday in May and October; at Harrisonburg on the Tuesday after the first Monday in June and December; at Charlottesville on the second Monday in January and the first Monday in July, and at Roanoke on the second Monday in February and the third Monday in June.

SEC. 2. That the marshal for the western district of Virginia shall discharge all the duties of marshal in connection with the business of said courts at Charlottesville and Roanoke.

SEC. 3. That all acts or parts of acts inconsistent with this act are hereby repealed.

SEC. 4. That this act shall be in force from and after its passage.

The bill was ordered to be read a third time, was read the third time, and passed.

The SPEAKER. Without objection, a similar House bill will lie on the table.

There was no objection.

On motion of Mr. JENKINS, a motion to reconsider the last vote was laid on the table.

HEIRS OF AARON VAN CAMP AND VIRGINIUS P. CHAPIN.

Mr. GRAFF. Mr. Speaker, I present a conference report, to be printed under the Rules of the House.

The SPEAKER. The Clerk will read the title.

The Clerk read as follows:

A bill (S. 342) for the relief of the heirs of Aaron Van Camp and Virginius P. Chapin.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Committee on Claims to the bill S. 342, an act for the relief of the heirs of Aaron Van Camp and Virginius P. Chapin, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

1. That the Senate concur in that portion of the House amendment striking out all of the words after the word "Documents," in lines 16 and 17, page 2, down to and including the word "Government," on line 19, page 2.

2. That the House recede from all the balance of its amendment to said bill.

JOSEPH V. GRAFF,
D. J. FOSTER,
CLAUDE KITCHIN,
Managers on the part of the House.

P. J. McCUMBER,
JAS. P. TALIAFERRO,
Managers on the part of the Senate.

The statement is as follows:

The conferees on the part of the House of Representatives on the disagreeing votes of the two Houses on the amendment of the Committee on Claims to the Senate bill No. 342, entitled "An act for the relief of the heirs of Aaron Van Camp and Virginius P. Chapin," respectfully submit their conference report herewith, and submit the following statement as to the effect of the adoption of said conference report:

The bill, if passed, would refer said claim to the Court of Claims to hear and determine the question of the liability of the United States for certain losses suffered by the claimants, as alleged by them, by reason of the acts of an alleged court unlawfully formed and convened by one Jonathan S. Jenkins, as United States consul and vice-commissioner for the consulate of Apia, Navigators Islands. The facts in the case were heard and determined by the Court of Claims heretofore, and findings of fact covering exhaustively the circumstances of the case, including the losses suffered by the claimants, were made by the court, but the legal liability of the United States to the claimants was not determined.

The bill as amended by the House had stricken from it the authority for the court to consider the former proceedings by the Court of Claims had in said cause and claim, and also the authority to consider as evidence in the new hearing the authority for the court to consider as evidence documents and reports of Congressional committees. The effect of the conferees' report is to authorize the considering by the court as evidence the former proceedings of the Court of Claims in said claim, and to exclude the authority formerly given in the bill as passed by the Senate for the court to consider the documents and reports of Congressional committees.

Respectfully submitted.

JOSEPH V. GRAFF,
D. J. FOSTER,
CLAUDE KITCHIN,
Conferees of the House.

LEAVE TO EXTEND REMARKS.

Mr. JENKINS. Mr. Speaker, I desire to ask unanimous consent that all members who have addressed the House this afternoon on the bill increasing the salaries of the judges of the United States courts may be permitted, within five days, to extend their remarks in the RECORD.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that all gentlemen who have addressed the House on the Federal salary bill may have five days to extend their remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 1193. An act to correct the military record of Henry M. Holmes;

H. R. 6467. An act granting an honorable discharge to Samuel Welch; and

H. R. 15711. An act to authorize the construction of a bridge across the Clinch River, in the State of Tennessee, by the Knoxville, Lafollette and Jellico Railroad Company.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 6132. An act granting an increase of pension to Fannie McHarg.

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, also from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bills of the following titles:

H. J. Res. 16. An act to carry into effect two resolutions of the Continental Congress directing monuments to be erected to the memory of Gen. Francis Nash and William Lee Davidson, of North Carolina;

H. R. 7664. An act providing for the compulsory attendance of witnesses before registers and receivers of the Land Office;

H. R. 15066. An act to incorporate the association of military surgeons of the United States;

H. R. 2974. An act for the relief of J. V. Worley;
H. R. 6649. An act for the relief of Julius Kaiser;
H. R. 14518. An act granting an increase of pension to James D. Kiper;
H. R. 15708. An act to extend the time for the completion of the incline railway on West Mountain, Hot Springs Reservation;
H. R. 10522. An act to provide for laying a single electric street railway track across the Aqueduct Bridge, in the District of Columbia, and for other purposes;
H. R. 15510. An act to promote the efficiency of the Philippine constabulary, to establish the rank and pay of its commanding officers, and for other purposes; and
H. R. 10300. An act conferring jurisdiction upon the circuit and district courts for the district of South Dakota in certain cases, and for other purposes.

SENATE BILLS AND RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 6486. An act to provide for the appropriate marking of the graves of the soldiers and sailors of the Confederate Army and Navy, and for other purposes—to the Committee on Military Affairs.

S. 6703. An act granting a pension to Henrietta V. West—to the Committee on Invalid Pensions.

S. 2974. An act granting an increase of pension to Samuel J. Boyer—to the Committee on Invalid Pensions.

Senate concurrent resolution 55:

Resolved by the Senate (the House of Representatives concurring), That 2,500 copies of the revised code of law of the District of Columbia be printed and bound; 500 copies for the use of the Senate, 1,000 for the use of the House of Representatives, and 1,000 for sale by the Superintendent of Documents—

to the Committee on Printing.

Senate concurrent resolution 57:

Resolved by the Senate (the House of Representatives concurring), That there be printed as it originally appeared in the report of the Secretary of the Interior of the United States, but with the addition of 50 full-page illustrations, 7,000 copies of the Report of the Commissioner of Education for Porto Rico, of which 1,000 shall be for the use of the Senate, 2,000 for the use of the House of Representatives, 2,500 for the use of the Commissioner of Education of the United States, and 1,500 for the use of the commissioner of education for Porto Rico—

to the Committee on Printing.

Mr. JENKINS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 5 minutes p. m.) the House adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting, in response to an inquiry by the House, the names of national banks that have held Government deposits of a certain class, and other facts in relation thereto—to the Committee on Banking and Currency, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for purchase of land at Cushings Island, Maine—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Supervising Architect submitting an estimate of appropriation for rental of pneumatic-tube service—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Samuel Berry against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a copy of the journal of the Hawaiian senate—to the Committee on the Territories.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 16643) to authorize the Dondra Southern Railroad Company, a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, to construct and maintain a bridge across the Monongahela River in the State of Pennsylvania, reported the same without amendment, accompanied by a report (No. 3388); which said bill and report were referred to the House Calendar.

Mr. PRINCE, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 6486) to provide for the appropriate marking of the graves of the soldiers and sailors of the Confederate Army and Navy, and for other purposes, reported the same without amendment, accompanied by a report (No. 3389); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HULL, from the Committee on Military Affairs, to which was referred the joint resolution of the Senate (S. R. 156) dedicating to the city of Columbus, in the State of Ohio, for uses and purposes of the public streets, part of property conveyed to the United States by Robert Neil, by deed dated February 17, 1863, recorded in deed book 76, page 572, Franklin County records, reported the same without amendment, accompanied by a report (No. 3390); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ROBERTSON of Louisiana, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 12271) to abolish the district of the Teche, in the State of Louisiana, and to attach to and make part of the district of New Orleans the territory now comprising said district as described in act of February 25, 1873, entitled "An act to define the limits of the collection district of the Teche, in the State of Louisiana, and for other purposes," reported the same without amendment, accompanied by a report (No. 3391); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 16975) to authorize the construction of a bridge across the Monongahela River, in the State of Pennsylvania, by the Eastern Railroad Company, reported the same with amendments, accompanied by a report (No. 3393); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16882) to establish a light-house depot for the Second light-house district, Boston Harbor, Massachusetts, reported the same with amendment, accompanied by a report (No. 3394); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ADAMS, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 7) authorizing the Secretary of War to cause to be erected monuments and markers on the battlefield of Gettysburg, Pa., to commemorate the valorous deeds of certain regiments and batteries of the United States Army, reported the same with amendments, accompanied by a report (No. 3396); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GROSVENOR, from the Committee on Rules, to which was referred the resolution of the House (H. Res. 394) fixing an order for the consideration of business reported by the Committee on the Judiciary, reported the same without amendment, accompanied by a report (No. 3383); which said report was ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. GRAFF, from the Committee on Claims, to which was referred the bill of the House (H. R. 17059) for the relief of Noah Dillard, reported the same without amendment, accompanied by a report (No. 3382); which said bill and report were referred to the Private Calendar.

Mr. KYLE, from the Committee on War Claims, to which was referred the bill of the House H. R. 8321, reported in lieu thereof a resolution (H. Res. 411) referring to the Court of Claims the papers in the case of John Morgan's heirs, accompanied by a report (No. 3384); which said resolution and report were referred to the Private Calendar.

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House H. R. 10974, reported in lieu thereof a resolution (H. Res. 412) referring to the Court of Claims the papers in the case of Julius C. Kleonne, accompanied by a report (No. 3385); which said resolution and report were referred to the Private Calendar.

Mr. SIMS, from the Committee on War Claims, to which was referred the bill of the House H. R. 3639, reported in lieu thereof

a resolution (H. Res. 413) referring to the Court of Claims the papers in the case of the heirs of James M. Hinton, deceased, accompanied by a report (No. 3386); which said resolution and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on War Claims, to which was referred the bill of the House H. R. 4850, reported in lieu thereof a resolution (H. Res. 414) referring to the Court of Claims the papers in the case of the First Presbyterian Church of Knoxville, Tenn., accompanied by a report (No. 3387); which said resolution and report were referred to the Private Calendar.

Mr. CAPRON, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 6745) to remove the charge of desertion against Anthony R. Ravenscroft, reported the same with amendments, accompanied by a report (No. 3392); which said bill and report were referred to the Private Calendar.

Mr. ESCH, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 5891) to authorize the President to appoint Brig. Gen. H. C. Merriam to the grade of major-general in the United States Army and place him on the retired list, reported the same without amendment, accompanied by a report (No. 3395); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 17071) granting a pension to B. W. McCray—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 17082) for the relief of Thomas Beatty—Committee on Invalid Pensions discharged, and referred to the Committee on War Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. REEVES (by request): A bill (H. R. 17085) to effectuate the provisions of the additional act of the International Convention for the Protection of Industrial Property—to the Committee on Patents.

By Mr. MANN: A bill (H. R. 17086) declaring the tunnels under the Chicago River an obstruction to navigation, and for other purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. RODEY: A bill (H. R. 17087) to permit the erection of drift fences on public lands in New Mexico at places where such land is not immediately needed for settlement or other purposes—to the Committee on the Public Lands.

By Mr. SHEPPARD: A bill (H. R. 17088) to create a new division of the eastern judicial district of Texas, and to provide for terms of court at Texarkana, Tex., and for a clerk for said court, and for other purposes—to the Committee on the Judiciary.

By Mr. PATTERSON of Tennessee: A bill (H. R. 17089) to regulate and control the interstate and foreign commerce of corporations, joint stock companies, and associations engaged therein—to the Committee on the Judiciary.

By Mr. HAMILTON: A bill (H. R. 17103) permitting the payment of the value of public lands to persons entitled to make entry upon such lands in certain cases—to the Committee on the Public Lands.

By Mr. SUTHERLAND: A concurrent resolution (H. C. Res. 75) authorizing the printing of 4,000 copies of Report of Irrigation Investigations in Utah by Office of Experiment Stations, Agricultural Department—to the Committee on Printing.

By Mr. JONES of Washington: A resolution (H. Res. 410) concerning a treaty signed between the United States and Great Britain, providing for a commission to interpret the treaty of 1825 between Russia and Great Britain fixing the boundaries of Alaska—to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BOREING: A bill (H. R. 17090) granting an increase of pension to James T. Price—to the Committee on Pensions.

By Mr. BRANTLEY: A bill (H. R. 17091) granting a pension to Arminta C. Wood—to the Committee on Pensions.

By Mr. BROWN: A bill (H. R. 17092) granting an increase of pension to Cyrus B. Dopp—to the Committee on Invalid Pensions.

By Mr. LITTLE: A bill (H. R. 17093) granting a pension to Caroline Schaefer—to the Committee on Invalid Pensions.

By Mr. MOODY of Oregon: A bill (H. R. 17094) granting an increase of pension to Augustus L. Kidder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17095) granting an increase of pension to Frances E. Kent—to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 17096) to correct the military record of Edward W. Gobble—to the Committee on Military Affairs.

By Mr. RODEY: A bill (H. R. 17097) granting an increase of pension to Jose Francisco Chaves—to the Committee on Invalid Pensions.

By Mr. SHAFROTH: A bill (H. R. 17098) granting an increase of pension to Edwin Todenhoefer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17099) granting an increase of pension to Jerusha A. Patton—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 17100) granting a pension to Charles S. Noble—to the Committee on Pensions.

By Mr. SAMUEL W. SMITH: A bill (H. R. 17101) granting an increase of pension to Joanna Glaser—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 17102) granting an increase of pension to William Clark—to the Committee on Pensions.

By Mr. KYLE, from the Committee on War Claims: A resolution (H. Res. 411) referring to the Court of Claims H. R. 8821—to the Private Calendar.

By Mr. MAHON, from the Committee on War Claims: A resolution (H. Res. 412) referring to the Court of Claims H. R. 10974—to the Private Calendar.

By Mr. SIMS, from the Committee on War Claims: A resolution (H. Res. 413) referring to the Court of Claims H. R. 3639—to the Private Calendar.

By Mr. GIBSON, from the Committee on War Claims: A resolution (H. Res. 414) referring to the Court of Claims H. R. 4850—to the Private Calendar.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Papers to accompany House bill granting a pension to Emma Pare—to the Committee on Invalid Pensions.

By Mr. BELL: Petitions of Federal Labor Union No. 1, and Trade and Labor Assembly, of Canyon City, Colo., for the repeal of the desert-land law—to the Committee on the Public Lands.

By Mr. BRANTLEY: Petition of retail druggists, Brunswick, Ga., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. BURLESON: Petition of Lockhart Drug Company and other retail druggists of Lockhart, Tex., favoring House bill 178—to the Committee on Ways and Means.

By Mr. COOPER of Wisconsin: Resolutions of Carpenters and Joiners' Union No. 91, of Racine, Wis., favoring the repeal of the desert-land and homestead commutation acts—to the Committee on the Public Lands.

By Mr. DOUGHERTY: Petitions of retail druggists of Gower, Osborn, Henry, and Coffeyburg, Mo., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. DRAPER: Petition and circular of the International Reform Bureau, in support of the anticanteen law—to the Committee on Military Affairs.

Also, resolution of Typographical Union No. 52, of Troy, N. Y., favoring the repeal of the desert-land law—to the Committee on the Public Lands.

Also, petition of Mexican Veterans' Association of the State of Missouri, asking that surviving veterans of the Mexican war and the widows of those deceased be placed on an equality with those of other wars—to the Committee on Invalid Pensions.

By Mr. GARDNER of Massachusetts: Petition of the Druggists' Association of Salem, Mass., favoring House bill 178—to the Committee on Ways and Means.

By Mr. GRAHAM: Petition of T. C. Van Kirk and 10 other citizens of Allegheny, Pa., against the repeal of the canteen law, and in relation to the sale of liquor in immigrant stations, Government buildings, etc.—to the Committee on Alcoholic Liquor Traffic.

Also, resolution of the American Protective Tariff League, New York, in relation to reciprocity—to the Committee on Ways and Means.

By Mr. GREENE of Massachusetts: Petition of Pacific Union Church, Westport, Mass., for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings, etc.—to the Committee on Alcoholic Liquor Traffic.

Also, resolutions of the Old Soldiers' Republican Club, of Vanderburg County, Ind., asking that honorably discharged soldiers

of the civil war be placed on the pension roll at $12 per month—to the Committee on Invalid Pensions.

By Mr. HASKINS: Resolution of Reed and Rattan Workers' Union, No. 8693, of Brattleboro, Vt., for the repeal of the desert-land law—to the Committee on the Public Lands.

By Mr. HILDEBRANDT: Petition of Woman's Christian Temperance Union, of Wilmington, Ohio, in favor of legislation in restraint of the liquor traffic—to the Committee on Alcoholic Liquor Traffic.

By Mr. HITT: Petition of United Brethren Church in Christ, Pine Creek Township, Ogle County, Ill., for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. LINDSAY: Protest of Lebanon Lodge, No. 117, Order of B'rith Abraham, Brooklyn, N. Y., against the exclusion of Jewish immigrants at the port of New York—to the Committee on Immigration and Naturalization.

By Mr. LITTLE: Petition of retail druggists of Horatio, Ark., in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. McCLEARY: Petition of retail druggists of Jackson County, Minn., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, petition of Shoreham Lodge, No. 570, Brotherhood of Locomotive Firemen, Minneapolis, Minn., favoring the repeal of the desert-land and homestead-commutation acts—to the Committee on the Public Lands.

Also, resolutions of St. Paul Chamber of Commerce, in favor of improving the Ohio and Mississippi rivers—to the Committee on Rivers and Harbors.

Also, resolutions of St. Paul Chamber of Commerce, in favor of organizing Alaska into a Territory of the United States—to the Committee on the Territories.

Also, petition of W. M. Liggett, dean of the Minnesota Agricultural School, favoring House bill 15920—to the Committee on Interstate and Foreign Commerce.

Also, petition of Prof. Harry Snyder, of the Agricultural Experiment station of the University of Minnesota, favoring an increase of appropriation for investigation of nutrition of foods—to the Committee on Agriculture.

Also, petition of Prof. W. M. Hays, of the Agricultural Experiment station of the University of Minnesota, favoring generous treatment of the Department of Agriculture in the matter of department buildings—to the Committee on Public Buildings and Grounds.

By Mr. MERCER: Resolutions of the Stock Growers' Association, held at Alliance, Nebr., relative to the land-leasing bill—to the Committee on the Public Lands.

Also, petition of East Washington Citizens' Association relative to reclamation of the flats of the Anacostia River—to the Committee on Appropriations.

By Mr. MICKEY: Petition of Ministerial Association of Monmouth, Ill., for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. MOODY: Resolution of the Board of Trade of Portland, Oreg., asking for a suitable number of submarine torpedo boats in the Columbia River between Portland and the sea—to the Committee on Naval Affairs.

Also, petitions of the Radical United Brethren Church and First United Brethren Church of Philomath, Oreg., for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

Also, resolutions of the Chamber of Commerce of Portland, Oreg., asking that the capacity of the naval school be increased—to the Committee on Naval Affairs.

By Mr. MORGAN: Papers to accompany House bill 17081, granting a pension to Mary How—to the Committee on Invalid Pensions.

Also, paper to accompany House bill 17082, for the relief of Thomas Beatty—to the Committee on Invalid Pensions.

By Mr. PADGETT: Papers to accompany bill relating to the correction of the military record of Edward W. Gobble—to the Committee on Military Affairs.

By Mr. ROBB: Petitions of J. R. Funk, Oscar Florence, G. M. Mockbee, W. T. Woolford, and other retail druggists, for the enactment of House bill 178, for reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. ROBINSON of Indiana: Petition of Wayne Division, Order of Railway Conductors, Fort Wayne, Ind., favoring the passage of Senate bill 3560—to the Committee on Interstate and Foreign Commerce.

By Mr. RYAN: Resolutions of the National Board of Trade, Washington, D. C., favoring the passage of the bill to increase the jurisdiction and powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. SHACKLEFORD: Petition of druggists of Rocheport, Mo., in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. SHATTUC: Paper to accompany House bill 11081, granting an increase of pension to John Morlidge—to the Committee on Invalid Pensions.

By Mr. SIBLEY: Petitions of the Woman's Christian Temperance Union of Kushequa, Pa., and citizens of Warren, Pa., in favor of an amendment to the Constitution defining legal marriage to be monogamic, etc.—to the Committee on the Judiciary.

Also, protest of citizens of Warren, Pa., against repeal of the anticanteen law—to the Committee on Military Affairs.

By Mr. SAMUEL W. SMITH: Petition of F. D. Brigham, Ortonville, Mich., in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. WILLIAMS of Illinois: Paper to accompany House bill granting increase of pension to William Clark, a soldier in the war with Mexico—to the Committee on Pensions.

SENATE.

WEDNESDAY, *January 28, 1903.*

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings.

Mr. QUAY. I ask unanimous consent that the further reading of the Journal be dispensed with.

Mr. KEAN. I trust that will not be done, Mr. President.

The PRESIDENT pro tempore. Objection is made. The Secretary will resume the reading of the Journal.

The Secretary resumed the reading of the Journal, and after having read for ten minutes,

Mr. SCOTT. I ask unanimous consent that the further reading of the Journal be dispensed with.

The PRESIDENT pro tempore. Is there objection? The Chair hears none. The further reading is dispensed with. Without objection, the Journal will stand approved. It is approved.

PETITIONS AND MEMORIALS.

Mr. PERKINS. I present a telegram, being a joint resolution of the legislature of California, in favor of the purchase of the Nacimiento ranch for a military instruction camp. The telegram is very short, and I ask that it may be printed in the RECORD.

Mr. LODGE. I ask that it may be read.

The PRESIDENT pro tempore. The Senator from Massachusetts asks that the memorial may be read. Is there objection?

There being no objection, the memorial was read and referred to the Committee on Military Affairs, as follows:

[Telegram.]

SACRAMENTO, CAL., *January 27, 1903.*

Hon. GEORGE C. PERKINS,
Senator, Washington, D. C.:

Following is a true and correct copy of joint resolutions adopted January 23:

"Senate joint resolution No. 4, relative to an appropriation by Congress for the purchase of Nacimiento ranch for a military instruction camp.

"Whereas the Nacimiento ranch, in San Luis Obispo and Monterey counties, has been selected by the War Department for a military institution camp; and

"Whereas but one such camp has been ordered to be established on the Pacific coast: Therefore, be it

"*Resolved by the senate and assembly of the State of California jointly*, That we respectfully instruct our Senators and request our Representatives in the Congress of the United States to use all honorable means to secure such appropriation at this session of Congress.

"*Resolved*, That the secretary of the senate be directed to forward a copy of this resolution by telegraph to our Senators and Representatives in Congress."

FRANK J. BRANDON,
Secretary of Senate.

Mr. CLAPP presented a petition of Ramsey County Lodge, No. 331, Order of B'rith Abraham, of St. Paul, Minn., and a petition of Minneapolis City Lodge, No. 63, Order of B'rith Abraham, of Minneapolis, Minn., praying for the enactment of legislation to modify the methods and practice employed by the immigration officers at the port of New York; which were referred to the Committee on Immigration.

Mr. HOAR presented a petition of the city council of Salem, Mass., praying for the enactment of legislation to temporarily extend the privileges of the coasting laws to foreign steamers carrying coal between American ports; which was referred to the Committee on Commerce.

Mr. QUAY presented a petition of the Woman's Christian Temperance Union of Allegheny County, Pa., praying for the passage of the so-called immigration bill, and also for the enactment of legislation to prohibit the sale of intoxicating liquors in the Capitol building and the Soldiers' Homes of the country; which was ordered to lie on the table.

Mr. FRYE presented the memorial of Benjamin S. Gratz, of Jobstown, N. J., remonstrating against the ratification of the Panama Canal treaty unless an absolute right be granted the

United States; which was referred to the Committee on Interoceanic Canals.

SCIENTIFIC WORK OF MAJ. WALTER REED.

Mr. MARTIN. I present a paper prepared by Maj. Jefferson Randolph Kean, a surgeon in the United States Army, on the scientific work and discoveries of the late Maj. Walter Reed, surgeon in the Army of the United States. I move that the paper be printed as a document.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (H. R. 8650) for the relief of the estate of Leander C. McLelland, deceased, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 6375) for the relief of N. F. Palmer, jr., & Co., reported it with an amendment, and submitted a report thereon.

Mr. WARREN, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 3502) for the relief of the estate of M. J. Grealish, deceased;

A bill (H. R. 11127) for the relief of the Propeller Tow Boat Company, of Savannah;

A bill (H. R. 1147) for the relief of the First Baptist Church of Cartersville, Ga.;

A bill (H. R. 288) for relief of the Christian Church of Henderson, Ky.; and

A bill (H. R. 647) for the relief of William P. Marshall.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 6229) granting a pension to Patrick W. O'Donnell, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 11417) granting an increase of pension to Julia Anglada;

A bill (H. R. 15437) granting an increase of pension to Sarah A. Gerry;

A bill (H. R. 15438) granting an increase of pension to Thomas E. Peabody;

A bill (H. R. 1689) granting an increase of pension to Hiram S. Thompson;

A bill (H. R. 15439) granting an increase of pension to Jane P. Chester;

A bill (H. R. 2614) granting a pension to John Sullivan;

A bill (H. R. 13826) granting an increase of pension to Francis N. Bonneau;

A bill (H. R. 15754) granting a pension to Frances Cowie;

A bill (H. R. 15870) granting an increase of pension to John Smith;

A bill (H. R. 5898) granting an increase of pension to Reuben F. Carter; and

A bill (H. R. 16153) granting a pension to George W. Choate.

Mr. CLAPP, from the Committee on Claims, to whom was referred the bill (S. 6056) to pay Hewlette A. Hall balance due for services in connection with the Paris Exposition, reported it without amendment.

Mr. KITTREDGE. I am directed by the Committee on Claims, to whom was referred the joint resolution (S. R. 67) for the relief of Delphine P. Baker, to submit an adverse report thereon. I ask that the joint resolution be placed on the Calendar.

The PRESIDENT pro tempore. The joint resolution will be placed on the Calendar with the adverse report of the committee.

Mr. KITTREDGE, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 6011) for the relief of Nye & Schneider Company; and

A bill (S. 5940) for the relief of Henry P. Montgomery.

Mr. SCOTT, from the Committee on Pensions, to whom was referred the bill (H. R. 3504) granting an increase of pension to Grace A. Negley, reported it without amendment, and submitted a report thereon.

REPORT OF COMMISSIONER-GENERAL OF IMMIGRATION.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the resolution submitted by Mr. PENROSE on the 26th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That there be printed at the Government Printing Office 2,000 additional copies of the annual report of the Commissioner-General of Immigration for the fiscal year ended June 30, 1902, with illustrations, said copies to be delivered to the Bureau of Immigration for distribution.

COMMITTEE ON RELATIONS WITH CUBA.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted yesterday by Mr. PLATT of Connecticut, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Relations with Cuba be, and it is hereby, authorized to employ an assistant clerk at an annual salary of $1,200, to be paid from the contingent fund of the Senate until otherwise provided for by law.

CORINNE G. BLACKBURN.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution, submitted on the 26th instant by Mr. COCKRELL, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Corinne G. Blackburn, sister of Joe Blackburn, jr., late clerk to Senator J. C. S. BLACKBURN, a sum equal to six months' salary at the rate he was receiving at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

MARY T. ULLMAN.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution, submitted by Mr. KEAN on the 13th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Mary T. Ullman, only child of Vincent Ullman, late a carpenter in the Senate of the United States, a sum equal to six months' salary at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

BILLS INTRODUCED.

Mr. MORGAN introduced a bill (S. 7156) for the relief of Benjamin B. Coffey; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 7157) for the relief of the estate of Walter A. Penney, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 7158) to authorize the building of a railroad bridge across the Tennessee River at a point between Lewis Bluff, in Morgan County, Ala., and Guntersville, in Marshall County, Ala.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. BERRY introduced a bill (S. 7159) authorizing the Memphis, Helena and Louisiana Railway Company to construct and maintain a bridge across St. Francis River, in the State of Arkansas; which was read twice by its title, and referred to the Committee on Commerce.

Mr. CARMACK introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 7160) for the relief of Edmund W. Williams, executor of the estate of Joseph R. Williams, deceased; and

A bill (S. 7161) for the relief of the Overton Hotel Company.

Mr. MCLAURIN of Mississippi introduced a bill (S. 7162) for the relief of Gillie M. Pace; which was read twice by its title, and referred to the Committee on Claims.

Mr. TALIAFERRO introduced a bill (S. 7163) for the relief of Samuel G. Searing; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 7164) for the relief of A. F. Wood; which was read twice by its title, and referred to the Committee on Claims.

Mr. HARRIS introduced a bill (S. 7165) granting a pension to Ann Wilburn; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 7166) granting an increase of pension to Fanny Farmer; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HALE introduced a bill (S. 7167) for the relief of the owners and crew of the schooner Ella M. Doughty; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

AMENDMENTS TO BILLS.

Mr. HOAR submitted an amendment proposing to appropriate $15,750 to enable the Board of Children's Guardians of the District of Columbia to contract with the Hart Farm School for the care and maintenance of not less than 75 wards, directing the auditor for the District of Columbia to pay $11,000 to the said Hart Farm School out of the money appropriated for the District of Columbia for the fiscal year ending June 30, 1903, and unlawfully withheld from that school, and proposing to appropriate $6,000 to pay the Hart Farm School for damages for breach of contract entered into between the Board of Children's Guardians and William H. H. Hart on July 1, 1901, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. FORAKER submitted an amendment relating to the admission as students at the Indian industrial school at Carlisle,

Pa., of 50 children of citizens of Porto Rico, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

He also submitted an amendment, intended to be proposed by him to the bill (H. R. 15702) to amend an act entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes," approved March 8, 1902; which was ordered to lie on the table, and be printed.

He also submitted an amendment intended to be proposed by him to the bill (H. R. 15449) to increase the efficiency of the Army; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. GALLINGER submitted an amendment proposing to appropriate $5,500 for 11 medical inspectors of public schools of the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. HANSBROUGH submitted an amendment proposing to appropriate $3,000 for paving Twenty-second street from R street to Decatur place, and also proposing to appropriate $5,000 for the improvement of Twenty-second street from Decatur place to S street, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. QUAY submitted an amendment proposing statehood to the Territories of Oklahoma, Arizona, and New Mexico, intended to be proposed by him to the Agricultural appropriation bill; which was referred to the Committee on Organization, Conduct, and Expenditures of the Executive Departments.

He also submitted an amendment proposing statehood to the Territories of Oklahoma, Arizona, and New Mexico, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Organization, Conduct, and Expenditures of the Executive Departments.

PARK IMPROVEMENT PAPERS.

Mr. GALLINGER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That 200 copies of the park improvement papers be printed and bound for the use of the Senate Committee on the District of Columbia.

STATUS OF PENSION LEGISLATION.

Mr. GALLINGER. Mr. President, I ask unanimous consent to make a single observation in reference to pension legislation.

I wish to say to the Senate that the Committee on Pensions has before it at the present time approximately 300 House bills, possibly a few more than that number. The committees of the other House have almost an equal number of Senate bills before them. It has been agreed between the committees of the two Houses that for the balance of this session the Senate will for the most part consider House bills and the House will reciprocate by considering Senate bills. Therefore, no further reports will be made on Senate bills in the Senate except in a few instances where bills are now under consideration by the clerical force of the Committee on Pensions.

I give this notice for the purpose of relieving the chairman of the Committee on Pensions from importunities on the part of Senators and others for reports on Senate bills. It would be impossible to pass them through both Houses of Congress should they be reported, because the chances are, and indeed it is probably a fact, that in another body there will be only one further day given for the consideration of pension legislation.

SAFETY APPLIANCES ON RAILROADS.

Mr. CARMACK submitted the following resolution; which was read:

Resolved, That the Interstate Commerce Commission be, and it is hereby, directed to send to the Senate copies of all petitions and arguments made to it for and against extensions of time in which common carriers by railroad should comply with the act approved March 2, 1893, to promote the safety of employees and travelers upon railroads; also copies of all orders made by the Commission in respect to said act.

Mr. ALDRICH. Let the resolution go over.

Mr. HOAR. I should like to ask the Senator from Tennessee if calling for copies of all petitions, which I suppose are very numerous, on that subject, and many of them precisely the same, would not be likely to make a great deal of costly and entirely superfluous printing. A similar question came up in the Senate the other day in regard to a resolution which I myself offered for petitions from some labor organizations. I contented myself there with having only one petition printed where there were a number identical in substance.

Mr. CARMACK. I should think that if a number of these petitions were identical they would not, of course, be duplicated. I will say to the Senator that I am not asking for the present consideration of the resolution.

Mr. HOAR. I do not want to intermeddle with anything he desires for his information as a Senator, but I hope the Senator will look at the resolution and see if that can not be provided against.

Mr. HALE. Let it go over for one day.

Mr. CARMACK. It does go over. I am obliged to the Senator from Massachusetts for his suggestion.

The PRESIDENT pro tempore. The resolution will go over under the rule.

ISLE OF PINES.

The PRESIDENT pro tempore. The Chair lays before the Senate the following resolution coming over from a previous day.

The Secretary read the resolution submitted yesterday by Mr. CARMACK, as follows:

Resolved by the Senate of the United States, That the President of the United States be requested to inform the Senate whether the Government of the Republic of Cuba is exercising right of sovereignty and control over the Isle of Pines, and whether any, and if so, what, instructions have been given for the transfer of said island from the control of the authorities of the United States to those of the Republic of Cuba, and what steps, if any, have been taken to protect the interests of such citizens of the United States as have purchased property and settled in the Isle of Pines believing that it was subject to the sovereignty of the United States.

Mr. ALDRICH. Mr. President, the Senator from Connecticut [Mr. PLATT], the chairman of the Committee on Relations with Cuba, is absent from the Chamber this morning, and I would suggest to the Senator from Tennessee that the resolution go over until that Senator can be present.

Mr. CARMACK. Very well.

Mr. HALE. Retaining its place.

Mr. ALDRICH. Retaining its place.

The PRESIDENT pro tempore. The Senator from Rhode Island asks that the resolution may lie on the table, holding its place. Is there objection? The Chair hears none, and it is so ordered.

COURTS-MARTIAL IN THE PHILIPPINES.

The PRESIDENT pro tempore. The Chair lays before the Senate the following resolution, coming over from a previous day.

The Secretary read the resolution submitted yesterday by Mr. RAWLINS, as follows:

Be it resolved by the Senate, That the Secretary of War is hereby directed to inform the Senate what courts-martial have been ordered and held in the Philippine Islands, and what judgments rendered by them in consequence of the dispatch sent by the Secretary of War to Major-General Chaffee referred to in the memorandum of the Secretary of War for the Adjutant-General under date of April 15, 1902; also what action was taken by the President or the Secretary of War on the judgment of any court-martial so ordered, either approving or disapproving the same.

Also, that the records in full of the several following courts-martial ordered and held in the Philippine Islands be communicated, to wit:

That on Brig. Gen. Jacob H. Smith.
That on Maj. Edwin F. Glenn, Fifth Infantry.
That on Lieut. Edwin A. Hickman, First Cavalry.
That on Lieut. J. H. A. Day, Marine Corps.
That on Maj. L. W. T. Waller, of the Marine Corps.
That on Lieut. Preston Brown, Second Infantry.
That on Capt. James A. Ryan, Fifteenth Cavalry.
That on Lieut. —— Cooke.
That on Lieut. Julian E. Gaiyot.
That on Lieut. N. E. Cook, of the Philippine Scouts.
That on Lieut. W. S. Sinclair, battalion adjutant, Twenty-eighth Infantry.

Also, any record or reports of investigations which may be on file in the War Department relating to the case of the so-called "Father Augustine," alleged to have been put to death by Cornelius M. Brownell, formerly a captain of the Twenty-sixth Volunteer Infantry, at Banate, island of Panay, province of Iloilo, in December, 1900, also any investigations made by the Department of Justice into the facts of such case, together with any legal conclusions reached thereon and reported to the War Department.

Mr. LODGE. Mr. President, I asked yesterday that this resolution should go over that I might have an opportunity to examine it. I have examined it since. It asks for an immense mass of papers upon subjects which were very fully discussed here during the last session. I can not myself see what purpose is served by demanding these immense quantities of papers for printing. But, in any event, it seems to me that we ought first to inquire a little more carefully into what is asked and ascertain how much we want to have sent in.

Last year there was a request for the record in the case of Major Waller, and owing to the fact that the record was in the Philippine Islands, it was not received until after the adjournment of Congress. It was sent into Congress in response to that resolution at the beginning of the present session, and I laid it before the committee at, I think, their first meeting. The committee did not seem to think it desirable to print such a mass of testimony of all kinds and such a voluminous record. So it has remained in the committee unprinted. But it will give some idea of what is asked for by this resolution. The Waller record, which I hold in my hand, is 631 typewritten pages—long pages. It would make in the neighborhood of 500 pages of print, as nearly as I have been able to calculate.

The pending resolution asks for the records of ten courts-martial. It will involve the printing of probably four or five thousand pages. We do not know whether there is anything of interest or value in the records of these courts-martial. We do not know what they may contain. There is nothing set forth in regard to

them except the names. The records of some of them are undoubtedly in the Philippine Islands. I do not know but that all of them may be there. The record of the court-martial of Major Glenn, which has just been concluded, must be there. The mere fact of getting the records from Manila will involve in many cases some months of delay. It seems to me that under those circumstances a drag-net resolution of this kind, asking for what will amount to thousands of printed pages of records, ought to be examined a little more carefully by the committee before it is adopted by the Senate.

I shall therefore move to refer the resolution to the Committee on the Philippines.

The PRESIDENT pro tempore. The Senator from Massachusetts moves a reference of the resolution to the Committee on the Philippines.

Mr. RAWLINS. Mr. President, this resolution calls for the records of courts-martial in cases which are of great public importance to the people of the United States. The objection, and the only objection, urged by the Senator from Massachusetts to the adoption of the resolution is that these records are voluminous and if sent to the Senate and printed they would cover a large number of pages.

Mr. President, it occurs to me that that is not a sufficient objection to the passage of the resolution in the ordinary form. The resolution is not a drag-net resolution, but is entirely specific.

It asks for the record of the court-martial of Brig. Gen. Jacob H. Smith. There is much discussion throughout the country relating to the action which was taken in regard to General Smith. I have had requests for the proceedings in these cases, and I find that it is impossible to obtain them.

Another case which is mentioned in the resolution, the record of which is sought to be obtained, is that relating to the torturing to death of an American soldier in the Philippine Islands. The neighbors and friends of this soldier are naturally desirous of obtaining the exact truth as disclosed in the case, and as to the manner by which the death of the soldier was brought about. That record is called for in the resolution. That the death of the soldier occurred, that he was tortured, and that it was done under the direction of an officer in the United States Army seems not to have been disputed. The relatives and neighbors of the boy who thus came to his death are desirous of obtaining information which will enable them to have justice done in this case, if it has not already been done. The record in this case is in the War Department now. Application made there for a copy of the record has, I am informed, been denied.

Mr. ALLISON. What case is that?

Mr. RAWLINS. It is the case of Lieutenant Sinclair, as I understand it, which is embodied in this resolution. He was court-martialed on the charge that he had caused the death of an American soldier by torture.

Mr. LODGE. What application has been denied? Do I understand the Senator to say that an application has been denied?

Mr. RAWLINS. The application for a copy of the record in this case, which related to the death of this soldier, was denied at the War Department.

Mr. LODGE. I was not aware that any of these records had been asked for except in the Waller case.

Mr. RAWLINS. I refer to information which was brought to my attention, which, among other things, led me to the introduction of this resolution.

Mr. LODGE. But the request has never been made of the War Department by the Senate before?

Mr. RAWLINS. I did not say that it was made by the Senate.

Mr. LODGE. Oh, it was made by a private source?

Mr. RAWLINS. I stated that it was made by persons who were neighbors and acquaintances of this soldier, who is alleged to have been tortured to death by the direction of an American officer.

Mr. LODGE. Is it usual for the Department to furnish records of courts-martial to anyone who asks for them?

Mr. RAWLINS. I do not know as to that. I suppose not. But, Mr. President, that is the reason why it is necessary that this resolution should be passed by the Senate. Every one of the cases mentioned in the resolution is a case of great public importance, concerning which the people of the United States are entitled to accurate information. The facts in relation to them occurred in the Philippine Islands. It is impossible to obtain the information through the government of the islands. As has already been stated by the Senator from Massachusetts, it is impossible to get the information from the records of the War Department.

Now, I will state to the Senate what I am informed are the circumstances relating to one case where a court-martial was had and the officer involved was acquitted. Yet I am informed that the testimony in this case shows that the officer had caused the torturing to death of an American soldier without excuse or without provocation.

Another case to which reference is made in the resolution is as to the death of Father Augustine. I am advised that information as to that case has been communicated to the War Department; that this priest was tortured deliberately in cold blood, and tortured to death, with a view to obtaining funds of which he was believed to be in possession. We have been advised that the men who were guilty of this crime are in the United States, and not subject to the jurisdiction of the government of the Philippine Islands. It is important, it seems to me, for the Senate to know whether it is possible, in these possessions within the control of the United States, for a deliberate, cruel murder to be committed, and that the men who are charged with the commission of the crime upon returning to the United States can go unwhipped of justice.

Such is the condition of the law under existing circumstances, and I think Congress should know the facts so to be able to provide the remedy. Congress can not act intelligently upon these matters unless they know the facts in respect to which they ought to legislate.

Among other things sought for by this resolution is information from the War Department as to the facts in this case and as to the legal conclusions that have been reported to the War Department by the Department of Justice as to the adequacy or inadequacy of our laws to reach culprits who have been guilty of this crime.

Mr. CARMACK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Tennessee?

Mr. RAWLINS. I yield.

Mr. CARMACK. I was diverted for a time, and did not hear part of the remarks of the Senator. May I inquire of him to what case he is referring?

Mr. RAWLINS. The case of Father Augustine.

We ask in this resolution for the records of the court-martial of Glenn. It seems he has twice been subjected to court-martial. In the first instance he was acquitted by the court-martial, and the acquittal was disapproved by the President. In any event, we are entitled to accurate information in regard to this case. Subsequently the same officer was subjected a second time to another court-martial. Those proceedings have recently terminated. It may be that they are not yet in the possession of the War Department in this city, but if we are correctly advised in regard to this last case, it is one of great public importance to the people of the United States. In that last case our information is that Glenn has been acquitted. The charge against him was that of causing the death of prisoners of war in violation of every rule of civilized warfare. We are advised that his defense in this case was that he had executed the order of the commander in chief of our forces in the islands. That defense seems to have prevailed. Without more accurate information we can only infer that it prevailed on the ground that he had thus been ordered to execute prisoners in his custody without trial.

There is not one of these cases which are specifically mentioned here—less than a dozen of them in all—which are not cases that have been the subject of public discussion throughout the United States.

At the last session I felt justified in bringing to the attention of the Senate the facts disclosed in the investigations of the Philippines Committee of what had occurred in the islands, to the end that the wrongs which were then shown might be rectified, that the people of the United States might be advised, and that such remedial steps might be taken as would prevent in the future such conduct on the part of those representing the United States in the islands.

Mr. President, we are met at the threshold of this case with the objection that these records are too voluminous—so voluminous that we ought not to have this information; so voluminous that it will require some 2,000 pages if we put them in print; so voluminous that it will take a few hundred dollars out of the public Treasury by way of expense in order that this information of public importance may be placed within the reach of the people—an objection which is so puerile, in my judgment, so absurd, that it can not be taken as a serious objection. It is only presented, in my opinion, to hide the real objection to these disclosures, namely, that there has been such conduct on the part of some of the officers and men in the Philippine Islands that if the truth were known by the American people it would cause them to be indignant at the outrages which have been committed. One scapegoat—General Smith—we have had, and no more. Another has been charged upon the sworn testimony of eye witnesses with cold-blooded murder for the purpose of robbery within our borders who so far has gone unwhipped of justice. We ask for information at the War Department and it is refused; and now I present a resolution to the Senate in order that the people who may be interested in the enforcement of law, in the administration of justice, may have sufficient information upon which to

base action, and it is said that they can not have it because it would require 2,000 pages to be printed as a document and the expenditure of a few hundred dollars out of the public Treasury.

Mr. BEVERIDGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Indiana?

Mr. RAWLINS. I yield.

Mr. BEVERIDGE. For information I would like the Senator to state who is charged with cold-blooded murder. That is the question.

Mr. RAWLINS. Mr. President, I have seen affidavits by soldiers and officers of the United States to the effect that Father Augustine was subjected to torture until his death; that the purpose of inflicting that torture was to compel him to disclose the whereabouts of treasure of which it was claimed he had knowledge. Failing to get the information, the torture was repeated until finally his life was taken. That was done under the direction of an officer of the United States, and the charge is based upon testimony which has been taken; and affidavits from witnesses, which I have seen, disclose these facts. And, Mr. President, I am informed that that case has been presented to the War Department and is part of the records of that Department. That case is asked to be sent to the Senate by this resolution.

Mr. BEVERIDGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Indiana?

Mr. RAWLINS. I yield.

Mr. BEVERIDGE. With all possible respect to the Senator from Utah, I submit that not even he would claim that that is an answer to my question. The Senator has made a very grave charge here and in very grave language, to wit, that some officer bearing the commission of the United States, or some soldier wearing its uniform, has been guilty of "cold-blooded murder." "Cold-blooded murder!"—those were the Senator's words. Now, I ask the Senator, who is charged with cold-blooded murder? What is his name? A charge like that, Mr. President, should be made specific.

Mr. RAWLINS. The Senator knows the name as well as I.

Mr. BEVERIDGE. I do not know the name.

Mr. RAWLINS. The information is as accessible to the Senator as it is to me, and more so. It is based upon the sworn testimony of soldiers in the United States Army. The case has been made up by leading citizens, who would not think of instigating such a charge except upon sufficient foundation. It was presented to the War Department, and the answer of the Secretary of War, if I have not been misinformed, was to the effect not that this charge was not true, but that the men who had been guilty of the crime had left the islands and were now within the borders of the United States; and, as I understand it, that there was no means now by which to cause their return to the place where the crime was committed in order that they might be prosecuted and punished.

The Senator from Massachusetts the other day confirmed what I now state by the introduction of a bill, which is pending here, providing for the return of persons thus charged with crime from the United States to the islands, in order that they might be prosecuted and punished.

I am not making a charge against the War Department or anyone else. I am simply, by this resolution, asking for information, and the Senator from Indiana can not with consistency claim that I ought to disclose the case, present the proof upon which it is based, and at the same time seek to circumvent and prevent the only process by which the information can be obtained. If the Senator from Indiana and the Senator from Massachusetts are acting in good faith in this matter, in order that justice may be done, that wrong may be punished, then they can not consistently object to the only method which is now available for obtaining accurate information, so that only those who are guilty may be accused and those who are innocent may not be accused.

I am not here to say that any particular individual is guilty of murder, but from the circumstances disclosed and the information made public we have reason to infer that a foul crime has been committed and that somebody is guilty of that crime. We have the high authority of the Secretary of War, in response to a letter addressed to him, to the effect that the criminal who is guilty of that crime is within our borders, but under the present condition of the law he can not be reached.

When we have legislation on this important subject, involving the question as to whether in one of our possessions men may be murdered in cold blood, and whether those who may be responsible for that, having escaped to this country, can go unwhipped of justice, I should like to know how and why it is that we can not, by a simple resolution, call for information bearing upon this question, known to be in the possession of the War Department, and which, under existing circumstances, is not available to the House of Representatives or to the Senate.

Mr. President, one word further in relation to this matter. For political ends in advance of an election, to best subserve and promote the interests of the dominant party, I could well understand that suppression of facts temporarily might be sought in order to meet a political exigency; but the election is now over and, at least so far as I am concerned, there is no question of political triumph involved in this matter; but we find here these records involving facts of greater or less notoriety, involving the honor of the people of the United States, involving the integrity and the honor of the Army of the United States, or persons who have for the time being been charged with authority in that Army.

I insist, Mr. President, that while what I say may be futile as influencing action at present, the motion of the Senator from Massachusetts ought not to prevail, and upon that motion I shall ask for the yeas and nays.

Mr. BEVERIDGE. Mr. President, I had entertained the hope, which I think was held in common by all upon one side and most upon the other side of this Chamber, that we had come to an end of the policy of badger of American soldiers and American officers. It was not my intention, but the exact contrary, to say one word upon this resolution. But I was astonished that the Senator's earnestness compelled him to utter words which demand from him more definite and particular details. The Senator used the words that cold-blooded murder had been committed by some one bearing the commission of the United States or some soldier wearing its uniform.

That is a charge, Mr. President, which can not be made in a general way. The Army of the United States is, as a body, not to rest under the red brand of those words of the Senator from Utah. Therefore he owes it to the Senate, he owes it to the country, and, most of all, he owes it to himself that he shall be relieved of the inference that anyone must necessarily draw, that he applies this general term to everybody. And if it does not apply to everybody, to whom does it apply?

Mr. RAWLINS. Mr. President, if the Senator will permit me——

Mr. BEVERIDGE. Certainly.

Mr. RAWLINS. The Senator has little conception of the meaning of the English language if he so interprets what I said as that I charge any specific individual with murder. What I said was that by the sworn affidavits of eyewitnesses, American soldiers, this charge had been made; that I had seen those affidavits, and that those affidavits had been laid before the War Department.

I do not permit the Senator from Indiana, following the example of those upon the political hustings to meet a political exigency, to put words into my mouth which I did not utter; but, if he undertakes to do it, I will call his attention to it and ask him to rise to the dignity of a Senator and pretend, at least, to be fair. It is the old charge when we have called attention to tortures, which have proved to be true, that we have been arraigning the American Army. It is a false and infamous charge, and I cram it down the throats of the men who have falsely given it utterance, let it apply to whomsoever it may.

When I rise here to demand the vindication of justice, and when I do it upon the basis of sworn affidavits of American soldiers, when I ask for further information, the Senator undertakes to impute to me that I am falsely accusing American soldiers. I brand that statement as infamous, if not cowardly, and as simply attempting to put me in a false position, which I will not occupy.

Mr. BEVERIDGE. If that is the best explanation the Senator can give for his remarkable language here, I think the best friend the Senator has would advise him to accept the alternative of silence.

Mr. President, I did not accuse the Senator with falsely making a charge. The RECORD shows what the Senator said; we all heard what the Senator said; it was that cold-blooded murder had been committed. The Senator says that he did not make a specific charge. That is the point I make, Mr. President. I want the Senator to make that charge specific.

So long as I have a voice, Mr. President, the American Army and the American soldier in general shall not rest under that aspersion no matter from what source it comes. When the Senator uses that language, he knows that he is using serious words, and he ought to be prepared to specify the criminal and not cast suspicion on all who wear the uniform of the United States.

Mr. President, what inference can be drawn from the Senator's language except that somebody has done this deed? He says, "I do not say who;" and therefore the country is left to infer that it is anybody who marches under the colors of the Republic. The Senator says that—to use his elegant language—he will "cram that down the throat" of somebody or other, but I imagine when he undertakes that he will have to cram it down the throats of the entire American people.

What I am objecting to, what I think Senators on both sides of the Chamber object to, and what I imagine that the people of

the country object to, is that there shall be an indefinite, intangible, diaphanous charge of bloody murder, red and crimson, made against the whole great organization of the Army of the United States, thereby putting under suspicion any man who wears our uniform. They will desire that the Senator shall specify who is guilty of the crime. When, therefore, the Senator says that he makes no specific charge, he makes the precise point to which I wish to call the Senator's attention.

I say, Mr. President, as I said in the beginning, that I had hoped that the exigency having passed, we had reached an end—put a period to the policy of aspersion which the Senator and others pursued last session with vigor, and, I am willing to admit, with ability, though conspicuously not with success. Therefore when the Senator makes these charges, perhaps in words more violent than any he has yet employed, it devolves upon him to make them specific, or else to frankly say that he does not think they apply to this man or the other man in the American Army.

Mr. President, the Senator has said something about a political exigency, which it was supposed we of the majority were required to meet. Well, the debate at the last session did spring out of a political exigency, but we were not the people who were in the emergency. It was not our exigency. It was necessary that an issue should be created for a party which was without one, for a party which had been orphaned of all issues, and Senators on the opposition side thought that they had found one in the conduct of the American soldiers. Therefore they instituted an inquiry, a so-called investigation of outrages by American soldiers upon the people of the Philippines, and many a speech, earnest and lurid, was made upon that subject. Why, Mr. President, that was the origin of the debate; and the exigency out of which it grew was the exigency of not having an issue in which the Senator from Utah and his associates found themselves. Well, that plan never succeeded, that issue hardly reached the hustings; it was almost stillborn; and if it did reach the hustings, if it did reach the people, the people repudiated it as they have seldom repudiated anything in American politics. They repudiated it as they have always repudiated, and, thank God, always will repudiate, an unjustified assault upon the soldiers who wear their colors.

I should like to know why it is, Mr. President, that the Senator from Utah, otherwise always fair, always almost judicial, seems to find it necessary, upon rumor or statement, no matter from what source it shall come, to impugn the conduct of American soldiers. Simply because they wear our uniform is no reason why they are outragers of women or murderers of men. On the contrary, I think the American soldier of to-day is the worthy successor of the American soldier of forty years ago, of those who fought in Mexico, and of those who fought in the revolution. They have the same uprightness of character, the same kindliness of conduct, the same courage in battle, the same invincibleness on the field—men of high spirit, men who have come from the bosom of American homes, with all the ideals which American homes inspire.

Therefore, Mr. President, I think the Senator himself has given the best argument and the best reason why this resolution should not be adopted.

Mr. HOAR. Mr. President, may I ask the Senator from Indiana a question before he sits down?

Mr. BEVERIDGE. Certainly.

Mr. HOAR. I should like to ask the Senator, who has special means of information on this subject, if there has been such a court-martial as is described in the concluding sentence of the resolution which is now pending?

Mr. BEVERIDGE. I will say to the Senator that I do not know; and I will say further to the Senator——

Mr. HOAR. Will the Senator send me the resolution so that I may have it before me?

Mr. BEVERIDGE. Certainly.

I will say further to the Senator that it had not been my intention at all to give the slightest attention, so far as any speaking was concerned, to the resolution until I sat here and heard the language of the Senator from Utah, which I thought called upon me for an immediate reply, and which was broader, I think, than the Senator from Utah really, perhaps, meant to use. Nevertheless, it could not be permitted to go out in its original illimitableness without putting upon it some reasonable limitation.

Mr. HOAR. I understand that, but that does not answer the question I put to the Senator.

Mr. BEVERIDGE. I did answer the question of the Senator by saying that I did not know.

Mr. HOAR. Very well. Now, if it be true that there has been such a court-martial, as the Senator from Utah asked for the record of, it must be the record of a United States investigation. The resolution asks for—

Any record or reports of investigations which may be on file in the War Department relating to the case of the so-called "Father Augustine," alleged to have been put to death by Cornelius M. Brownell, formerly a captain of the Twenty-sixth Volunteer Infantry, at Banate, island of Panay, province of Iloilo, in December, 1900.

It must be true, then, must it not, that the authority of the United States Government itself has charged this man with that offense?

Mr. LODGE. If my colleague will excuse me, there is no statement that there was a court-martial in this case.

Mr. HOAR. That is what I asked the Senator from Indiana, whether he was informed in regard to that.

Mr. LODGE. The resolution is that the Secretary of War shall report the result of an investigation in regard to it.

Mr. HOAR. I understand, and my question was to elicit that very point—whether the Senator from Indiana is informed that there has or has not been a court-martial on this gentleman.

Mr. BEVERIDGE. I am not informed; but I will say further, in answer to the Senator, that even if so, or even if otherwise it does not follow that we ought as a matter of policy to bring here, what perhaps we have a right to bring here, these records. At least I would never consent to it, for the reason urged by the Senator from Utah, which was that it might make the American people indignant.

Mr. HOAR. I am not, if the Senator will pardon me, dealing with that question, and I am not informed in this debate. It is said by the Senator, with great warmth and earnestness, that there have been certain charges made against American soldiers, by the Senator from Utah and others, of cruelties, and, in this particular case, of putting a clergyman to death by cruelty. My question is—I might extend it a little—whenever there has been a court-martial for such a crime, whether the United States Government has not made that charge? Whether in this particular case there has been a court-martial or not, the Senator does not know. My proposition, which I want to ask the Senator to consider, is whether it is quite fair to impute to anybody a desire to attack the American Army when the Government of the United States itself, through its military authorities, has in a great many cases at least made such charges?

Mr. BEVERIDGE. Mr. President, the Senator, I observe, honored me with his attention.

Mr. HOAR. I did.

Mr. BEVERIDGE. I call the Senator's attention to the fact that I rose to respond not to the resolution, but to the statement of the Senator from Utah, which I said then, and say now, I think broader than he would otherwise have used, but which could not be permitted to go on, that there had been cold-blooded murder—those were the words—committed by some one in the Army. I thought then that that should draw forth the question as to who had been guilty of this cold-blooded murder, and that drew out the response that the Senator made no specific charge. That left the charge resting upon the American Army in general that cold-blooded murder had been committed somewhere within its ranks, but the Senator would not take the responsibility of pointing it out, and that made necessary what seemed to me to be an answer to that general charge as not being reasonable or justified.

Mr. HOAR. Well, Mr. President, but the Senator from Utah based whatever he said—whether it was more extreme than was proper I do not know, and I am not saying as to that—but he based that statement on a request for a particular investigation by the War Department.

Mr. BEVERIDGE. Yes, an investigation upon a charge which the Senator in his speech was not willing to make specific. I was not so much objecting to his resolution—I had not given it any attention—as I was to the Senator's rather remarkable remarks.

Mr. HOAR. I do not know, but I suppose all remarks are remarkable. [Laughter.]

Mr. BEVERIDGE. I do not think they are, Mr. President. [Laughter.]

Mr. CARMACK. Mr. President, whenever an effort has been made by Senators upon this side of the Chamber to discover the truth as to what is going on and what has been done in the Philippines, they are met by Senators on the other side of the Chamber, who have been as eager and zealous in their efforts to suppress the truth, with the charge that we are assailing the honor of the American Army. Mr. President, of all the mean and miserable lies that crawled through the last campaign, this charge that we have assailed the American Army is the meanest, the lowest, and the dirtiest of them all. It has been the very vermin of this debate; and I am very greatly surprised to find it crawling in the hair of the honorable Senator from Indiana [Mr. BEVERIDGE].

Assailing the American Army! Mr. President, Jake Smith is no more the American Army than the Senator from Indiana is the American Senate, and not half so much as he thinks he is. [Laughter.]

Here is a simple proposition, a resolution calling for information, specific information, with respect to specific cases, where court-martial proceedings have been had, in cases where, as the Senator from Massachusetts [Mr. HOAR] says, charges have been

made by the Government of the United States. We seek to learn for the benefit of the American people that which the War Department knows, but which it is determined that the American people shall not know; and because we simply ask for this specific information in specific cases we are met with the old, ridiculous, contemptible charge that we are assailing the honor of the American Army.

Mr. President, in what I have to say I intend to be within the rules. My present remarks, therefore, must not be understood as applying to any member of the Senate. Making that reservation, for the sake of being within the rules of the Senate, I say that whoever makes that charge, from the very highest to the very lowest, consciously takes a falsehood upon his lips when he utters it.

Mr. President, we are seeking for information which the Philippine Committee, or a majority of the Philippine Committee, have determined that we shall not have. They have suppressed an investigation ordered by the American Senate. They have refused to investigate the facts in the case of the alleged murder of Father Augustine. There are numbers of other cases in which names of witnesses were laid before that committee.

The Senator from Indiana demands to know who is charged. He had an opportunity to find the truth if he had not been determined that the American people should not know the truth. He has refused to investigate these matters; he has refused to permit witnesses to come before the Philippine Committee; and yet he says because we want the truth known, because we are seeking it from the War Department, because we ask them to lay facts before the Senate, that this constitutes a charge against the American Army.

Who made the charge? We have it on high authority that the court-martial trials in the Philippine Islands have been farcical; that men have been acquitted where they were guilty of the most heinous crimes. General MacArthur again and again disapproved the findings of the courts-martial on the ground that men guilty of the most infamous practices were either acquitted or subjected to a very light and insufficient punishment. Why have we not a right to know these things?

Mr. President, from the very beginning of this war there has been a policy of suppression. And these charges, sir, did not originate with Democratic Senators. They came from the representatives of great Republican newspapers there on the ground, who charged these crimes, and who said that the facts were suppressed and concealed; and the so-called investigations of the War Department have been shown by the records to be farcical and to be made simply for the purpose of whitewashing crimes and criminals.

We had a case before our committee, the case of Sergeant Riley. Every member of the committee admitted that his testimony was true. They said it was not necessary to call other witnesses to substantiate it. Yet the War Department had published the charge broadcast over the country that this man was a liar, and had admitted that he was a liar; that he had admitted that the story he wrote in his letter of the application of the water torture was not true. When he was brought before the committee he showed, and the committee admitted it to be true, that not only was the statement in his letter correct, but that the Army officer detailed by the Secretary of War to make that investigation had made a dishonest investigation and a false and untruthful report. Yet that officer never was punished. He was never even reprimanded by the President or by the Secretary of War.

Sir, we had a case—it is official; it does not rest upon the testimony of any witness; it appears in the official reports—where a charge had been made of the murder of prisoners, and though the Inspector-General in his report showed very clearly that he thought an American officer had been guilty of the murder of those prisoners, the only recommendation was the court-martial of a single private. When it came to Judge-Advocate Crowder, he wrote his indorsement upon the back of it that it would not do to press the court-martial against the private, because he would defend himself by saying that he acted under the orders of his superior officer and the facts developed would implicate too many others. The court-martial investigation was stopped on the express ground that the murder of prisoners was too common a practice by officers of the United States to bear investigation.

Mr. President, in the Glenn court-martial, which has been going on over there, he defended himself on the ground that the orders issued by Chaffee and Smith authorized him and other officers to commit these outrages. Major Glenn, in testifying, said that General Chaffee said to him:

> I want you to go to Samar to help Gen. Jacob Smith. I do not know the conditions in Samar. Smith makes no report to me. I do not want him to make any.

And Captain Swain swore in that trial—

> that he informed General Smith that several thousand of the residents of his district who had been driven into the mountains had become friendly to the Americans, and that they must be allowed to return to their homes, or they would starve. General Smith, according to the witness, replied: "Let them die. The sooner they die the sooner we will have peace."

Mr. President, I say we have a right, and the American people have a right, to get the facts in this case; and I want to say that the War Department in no single case has prosecuted an investigation which has brought to light a single fact until the facts had become notorious and been published broadcast throughout the United States.

The President has declared that he intended to prosecute a rigid investigation and to punish all those who had been guilty of these crimes. If the Administration did it was because they were driven to it by the minority in the Senate and by gentlemen whom they have denounced in the bitterest terms—the members of the Anti-Imperialist League. Whatever investigation they have made they have been forced to make by them. Then they turn "like a dog that is compelled to fight, and snatch at the master that doth tarre him on."

Mr. President, this is a very simple question. If the majority of the Senate want to know the truth they will pass this resolution. If they wish to proceed as they have proceeded from the beginning, upon the idea of suppressing the truth and keeping the knowledge of it from the American people, they will smother and defeat it.

Mr. BEVERIDGE. Mr. President, I admire the Senator from Tennessee [Mr. CARMACK] for many things—for his eloquence, his ability, his industry, his kindly heart, but most of all for his versatility; and I am bound to say that whatever rôle he essays he carries out with distinction and address. We have this morning an example of that in his effort to represent the statue of Truth Enlightening the Senate. [Laughter.] The Senator has assumed the rôle of the Apostle of Veracity without a single disciple. He has taken the position of president of the great monopoly or trust engaged in the exclusive business of the search for truth.

But let us see whether or not the Senator's recollection is correct. The Senator is a fellow-member with myself of the Committee on the Philippines. He says that the investigation which the Senate ordered was suppressed. When was it suppressed; by what method was it suppressed, and why does the Senator say so? Is not this the reason the Senator says so? Because it did not result as the Senator had hoped it would result. It did not result in putting upon the American Army and the conduct of the Government in the Philippines the brand which the Senator had thought would be placed there, but it resulted instead in their complete and brilliant vindication.

Mr. President, for weeks and months that investigation proceeded. No limit was put on the examination of witnesses. If any witness was not called by the committee, except Miss Lopez, I have forgotten it; and the reasons for not calling her were, I think, discussed in the Senate.

Mr. CARMACK rose.

Mr. BEVERIDGE. If there is any other, remind me of it.

Mr. CARMACK. Mr. President——

The PRESIDING OFFICER (Mr. BURROWS in the chair). Does the Senator from Indiana yield to the Senator from Tennessee?

Mr. BEVERIDGE. Certainly.

Mr. CARMACK. I want to ask the Senator if he knows how much time was devoted by the committee to the investigation of charges of outrages committed in the Philippine Islands?

Mr. BEVERIDGE. Not to the day and hour. Perhaps the Senator can tell me.

Mr. CARMACK. I will say for the Senator's benefit that of course we spent only from an hour to an hour and a half a day in the investigation, and a great part of the time, by very much the larger portion of the time, was devoted to investigation along other lines. If the committee had sat continuously for seven hours a day, it could have completed all the investigation it made with respect to charges of outrages in four days. That was the time actually spent by the committee on that question, though the Secretary of War, with his usual loose and lavish unveracity, said it was five months.

Mr. BEVERIDGE. Mr. President, time—hours, minutes—I submit to any practitioner of the law or any member of this body, constitute no measure of work done. The answer to the Senator is sufficient when it is reflected and recalled by the Senate that the report of the committee's investigation occupied between three and four thousand pages, or even more, two volumes, closely printed, each as large as this [exhibiting]. A further fact will sufficiently answer the Senator.

Mr. CARMACK. Does the Senator mean——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Tennessee?

Mr. BEVERIDGE. Certainly.

Mr. CARMACK. Does the Senator mean that there were three or four thousand pages devoted to an investigation of the charges of outrages in the Philippine Islands? Does the Senator say that?

Mr. BEVERIDGE. I say the investigation, in obedience to the Senate's resolution, and in which the Senator participated very ably, and in which all the other Senators upon the minority side of the Senate participated with more or less ability, and all with equal vigor, occupied that many pages.

Mr. CARMACK. My point is, the Senator says we spent several months investigating charges of outrages in the Philippine Islands, and that the book occupies three or four thousand pages, containing the result of the investigation of the committee.

Mr. BEVERIDGE. Yes.

Mr. CARMACK. I say that the committee did not spend more than four days, and perhaps a hundred and fifty pages would cover all the testimony that was taken, upon that point; and I say further that a majority of the committee suppressed the investigation just at the time when the most important witnesses were to testify before the committee, and refused to summon a single one of those witnesses or to permit them to come before the committee, and it occupies the same attitude at this session of Congress.

We had the witnesses in the case of Father Augustine, and numbers of other witnesses; the Senator from Massachusetts [Mr. LODGE] said a list as long as his arm. And he made the distinct promise here, upon the floor of the Senate, that if we would allow the Philippine bill to come to a vote on a certain day, he would proceed immediately with the investigation. We permitted the bill to come to a vote, and the Senator from Massachusetts fled from the city of Washington, and never could we get another meeting of the Philippine Committee. That is the truth.

Mr. BEVERIDGE. If, as the Senator says (and I should be slow to dispute any statement the Senator deliberately makes), the investigation of the so-called outrages occupies a less number than 3,000 pages, I call attention to the fact that it was the Senator's fault and the fault of his associates, because this whole Republic, in which there were tens of thousands of soldiers who had been in the Philippines, was searched as with a drag net for those who, from discontent or any other motive, would testify against their comrades or their officers.

When the name of one of those was laid before the chairman of the committee—and many of them were so laid by the Senator himself—my information and understanding were that they were immediately subpœnaed; and I remember, and the Senator remembers, that on one occasion we had two or three soldiers here at a time.

Mr. CARMACK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Tennessee?

Mr. BEVERIDGE. Certainly.

Mr. CARMACK. The Senator says that when these names were laid before the chairman of the committee he immediately had the persons subpœnaed. That is just exactly what the chairman of the committee did not do, and just exactly what he refused to do.

Mr. BEVERIDGE. Up at least to the time of the end of the session, because I remember the cataract and avalanche of witnesses. They were waiting in the corridors. While one was being examined others were waiting in the corridors. They were waiting at hotels, so fast were they called; and the papers were full of statements as to what these men would disclose with respect to the outrage and infamy of the conduct of American soldiers in the Philippines. And yet when they were put upon the stand their testimony was that the conduct of our soldiers and officers, as a usual thing, was one of great kindness and of unusual consideration, such conduct as led the Senator from Vermont [Mr. PROCTOR] to say, examining one of the witnesses, "A trip across the ocean you did not find had changed the character of American soldiers?"

The Senator will remember that the cross-examination, after Riley was on the stand—I begun the cross-examination and then it was pursued by others and me, too—brought out the fact that the Filipino wounded, instead of being treated with cruelty, were treated with mercy and consideration unparalleled in war, ancient or modern, among civilized or uncivilized peoples; that they were cared for by American surgeons; that they were nursed by American nurses; that they were ministered to with American medicines; that they were cared for in American hospitals, and, in general, that they received the same treatment that our wounded soldiers received who laid by their side.

That was the view the American people took of it, and therefore I am not very much surprised, if it is true, as the Senator says it is true, that, having called witnesses, and having found that the cry was not justified by the event, the chairman refused to squander longer the public time and the public money and the very valuable energies of my friend from Tennessee, as well as the rest of us, in further pursuing an investigation which had thus far not lived up to its promise. Because the Senator will bear us out that all of the witnesses upon whom he most relied testified in unison to the splendid conduct of the American Army and American officers as a usual thing to those people, both in war and in peace, and that testimony was from General Hughes and General MacArthur clear down to every private, even the discredited one, whose name I have now forgotten, who testified about the outrage said to have been perpetrated in his presence by a captain. The captain afterwards appeared and was vindicated.

So it appears there was an investigation. It appears, further, that all these people, at least up to the time the Senator mentions, were called, and they were questioned and cross-questioned. If time was wasted, I ask the Senator, whose fault was it that it was wasted?

Mr. CARMACK. If the Senator wants a candid answer, I think it was his fault more than anybody else's.

Mr. BEVERIDGE. I thought the Senator would say that. I will not answer him with a quip and an epithet, weapons he so skillfully uses. Nevertheless I have a better answer, a weapon more effective—the facts. They will show that my cross-examination of witnesses was brief and to the point, and except in the case of the discredited scoundrel—and that is a word I seldom use—who was brought here to testify to unspeakable and indescribable outrages upon Filipinos by one of the captains in our Army, and who afterwards was denounced by the Senator himself, whose sense of manhood was insulted by this witness—with the exception of that one witness, I think it will be found that my cross-examination of those witnesses did not occupy a page and a half or two pages. But that witness I did cross-examine till his falsehoods were demonstrated and his base motives revealed.

But what is the truth about the other side wasting time? The Senator will remember that the Senator from Utah [Mr. RAWLINS] and the Senator from Colorado [Mr. PATTERSON], the two lawyers on the minority of the committee, occupied not hours, but days and even weeks, examining General MacArthur and others on the minutia of the topography of Manila and its surroundings. Here was a great issue which they proposed to try before the American people—an issue of the conduct of the people's government in the people's possessions. They said they had the witnesses. They gave us the names. The witnesses were subpœnaed. And, Mr. President, when the witnesses came here weeks were lost in futile cross-examination as to the topography—as to where this and that place was situated, and where the river ran, and all that sort of thing. That is the way time was wasted before the committee, and I appeal in proof of it to the testimony itself, which every Senator may have by sending a page for it.

Mr. President, I had not the remotest idea that I should say one word upon this resolution. This debate was precipitated by what I thought was the rather intemperate language of my honorable friend the Senator from Utah [Mr. RAWLINS]. But it has grown as running debate always grows. It has resulted as debate always should result—in throwing light upon the situation.

We find, then, that we have no specific charge, but a general accusation. We find that as to the investigation heretofore conducted, instead of bearing fruit from the seed of its promise, it failed before its first shoots had even sprang above the earth itself. We find that the American Army, charged in the speech, intemperate as it was vigorous, ill advised as it was emphatic, was splendidly vindicated by the testimony of every witness the Senators themselves called, and that that vindication was ratified by the overwhelming suffrage of the American people, as it always will be.

Mr. PROCTOR. Mr. President, Capt. Cornelius M. Brownell was a Vermont officer. I have known him well for years. There is no better specimen of the volunteer soldier in Vermont or in any other State than Captain Brownell. He was a captain in the militia before the Spanish war. He was a captain in a Vermont regiment in the Spanish war. He was the only captain of that regiment who was recommended for a commission in the Philippine volunteers.

I give from the Record and Pension Office his efficiency report. I will state that it is the highest in every respect that is given to any officer. In these reports certain words are used for the different grades. "Excellent" is the highest; then there is "Very good," and so on down. I will give the heads where the reports are given:

2. General statement of important duties and how performed. Did excellent work in front of Jaro in November, 1899; commanded company and station at Sara, and did splendid work in repulsing night assault by insurgents in greatly superior numbers, inflicting heavy losses and at the minimum loss to himself.
3. Habits, general conduct, and bearing, * * * excellent.
4. Professional zeal and ability, * * * excellent.
5. The condition and discipline of men under his immediate control, * * * excellent.
6. Capacity for command, * * * excellent.

That is the highest rating given in any case in these reports.

8. Special knowledge he possesses of any particular line of work, whatever its nature. Banking and manufacturing.

9. Should he be intrusted with important duties requiring discretion and judgment? Yes.

10. Has he been specially mentioned, favorably or unfavorably, in official reports of commanding officers? If yes, give reference to reports. * * * Yes; favorably by his immediate commanding officers.

Captain Brownell was selected for his efficiency as an officer to command a certain district in which his own company of the Twenty-sixth Regiment was located and detachments from other regiments. It was a district disturbed, and where there had been much trouble. On one occasion—it is a matter of record—Captain Brownell saved his company from massacre. The plan had been arranged and it was all divulged. The presidente of the town was at the head of it. The arms were concealed in the immediate vicinity. The officers had been invited to a dinner at the house of one of the leading people that night. The men were to be distributed. They had been invited to dances in different sections. Except for the providential return of Captain Brownell, after an absence in another part of his district, and his vigilance his command would have been massacred. One of regiment. Private O'Hearn, was roasted over a slow fire, mutilated, and horribly massacred. By the administration of the water cure, not by Captain Brownell, the murderers were discovered and the bones of the murdered man found and identified by his teeth.

Now, to judge of Captain Brownell, let any man put himself in his place, with the responsibility of his command, with the treachery that he had to deal with. Let him consider the circumstances before he judges him.

Here is a copy of a voluntary statement made up by Captain Brownell to the Judge-Advocate-General, who was sent to investigate this matter. I ask the Secretary to read it. It is fair that Captain Brownell's own statement should be heard.

The Secretary read as follows:

Voluntary statement of Cornelius M. Brownell, late captain Company D, Twenty-sixth Volunteer Infantry.

I am a resident of Burlington, Vt. My business address is 195 College street, Burlington.

I was appointed a captain July 12, 1899, and was assigned to command Company D July 17, 1899. I went with the company to the Philippines on or about September 5, 1899, sailing from San Francisco on or about September 25, 1899. After various stops we disembarked at Iloilo, island of Panay, October 28, 1899, and took station the same day at Jaro. After the active operations in the region of Jaro during the month of November, 1899, which accomplished the disintegration of the Filipino army on that island, I was ordered by the department commander to take command of the district of Concepcion, the northeastern district of the island, with headquarters at Sara. My command consisted of Company D, Twenty-sixth Infantry. Being situated about 65 miles from General Hughes's headquarters, and cut off from all communication with reenforcements, the enemy in the district immediately assumed an aggressive attitude. Soon discovering that a very strong outpost was located at a small barrio overlooking the town, I ordered a force, on the morning of December 19, 1899, to capture and destroy the town, which was called San Punongbolo.

This expedition was entirely successful and a complete surprise to the enemy, and so aroused the insurgent leaders in the district that on the early morning of December 22, 1899, at about 5.30 o'clock, my garrison was desperately attacked by a force consisting of practically all the insurgents in the district, in which were about 200 rifles and 300 bolomen. This attack was repulsed after a vigorous fight, and an investigation of the affair after the attack showed conclusively to my mind that the padre of the town was in communication with the insurgent forces and was aware of the attack about to be made, and he secretly departed the town in the early evening before the attack, taking with him his valuables and the female inmates of his house. I constantly became more convinced of this during the following three months' service in that district, and learned that the padre was endeavoring in every possible way to create disloyalty and further the cause of the insurrection, in order that his personal prerogatives might not become abridged by our supremacy. I further learned that he was not a regularly admitted priest, but, on the contrary, was a native who had usurped the office of priest when his predecessor fled.

On March 1, 1900, I took command of the district of Baratoc Viejo, Banate, and Anileo, with headquarters at Banate, having as a permanent garrison Company D, Twenty-sixth Volunteer Infantry, being reenforced at different times by detachments and companies from the Twenty-sixth Infantry, Eighteenth Infantry, and Thirty-eighth Infantry. Acting on the information I had gained as to the attitude of the padre at Sara, I soon discovered that the padre at Banate was acting in a similar manner. By this time I had also learned that the so-called principales, a class composed of the rich inhabitants, mostly mestizos, owned all the land, enjoyed all the education and liberty, and while they resided in the towns and readily took the oath of allegiance to the United States, if permitted to do so, were furnishing the sinews of war to the insurgents in the field, and that probably 90 per cent of the Filipinos are dependent upon this class, either directly or indirectly, for a living. It was discovered that the power of the padres, and that of the principales, was exerted to the utmost to prevent the success of the American forces, because success of the American arms meant freedom and education to all Filipinos alike, and thus the power of the aristocracy would be gone.

During my service in the field I reported directly to the department commander, and received orders in like manner from him, and was at all times foot loose and freely made expeditions into districts remote from my own, sometimes being furnished a gunboat to transport my command.

While on one of these expeditions, about the middle of October, 1900, to the district of Sara—at this time commanded by Lieut. Col. William Van Horn, Eighteenth Infantry—I was absent for about eight days, and upon my return to my station at Banate I discovered that the inhabitants were acting in a disloyal and insubordinate manner, and every indication went to show that some insurgent plot was on foot. After a few days' investigation I discovered that during my absence the insurgent leaders of the district had held a meeting within the town, and the presidente had undertaken to organize a bolo company with which to massacre the garrison in the near future, the plan being to have several parties arranged for the men on a particular night in order that the garrison might be as much divided as possible, and at a certain signal, to be given by the presidente, each house to be surrounded and the soldiers dispatched. The natives implicated were arrested, and some time afterwards the presidente, who had broken his parole and escaped in the night, was recaptured and was sentenced to serve ten years in Billabid Prison at Manila. Meantime the padre at Banate, Raphael Murillo, fled, and I discovered that he had been warned by one Augustine de la Pena, a priest of Molo, and had been directed to escape to the lines of the enemy in the field. This padre Augustine was held to be the acting head of the church on the island, and a relative of the insurgent chief, Quintin Salas, who operated in the region of my district.

Serving directly under the orders of the department commander I was frequently at his headquarters, and know a great deal about his military information bureau and the secrets in their possession. It was conceded at headquarters that Padre Augustine, while professing to be an Americanisto and in constant communication with General Hughes's office, was nevertheless the treasurer of the insurgent funds and practically the head of the insurrection on the island of Panay. It was well known that he was a war traitor, and that if papers and funds in his possession belonging to the insurgent army could be procured the insurrection could be readily crushed. This man was delivered into my hands on board the gunboat *Paragua* on November 23, 1900, and taken to my station at Banate under a guard of soldiers not belonging to my company. He was landed at Banate the following morning, and while I was absent during that day with my company and a detachment of Company F, Twenty-sixth Infantry, he signed a statement confessing his guilt and addressed to General Hughes, and copy of which is hereto attached and marked "A."

This statement was handed me upon my return to the post that day, and within a few days the man was brought from his cell and told plainly that he would be compelled to deliver to me the funds in his possession belonging to the insurgent forces, and papers known to be in his possession, implicating others who had taken the oath of allegiance to the United States Government. This he refused to do, and denied that he was a sympathizer with the insurgent forces, denied that he had any dealings whatever or any communications of any sort whatever with them, or that he knew anything about their cause. Being in possession of positive evidence of his guilt, and knowing that there was on deposit in the city of Iloilo a large sum of money awaiting his order at the mercantile house of Hoskyn & Co., the banking houses of the Hongkong and Shanghai Banking Corporation, and the Banquo Espanol, I insisted that he would be obliged to deliver orders for this money to me and endeavored in every possible way to reason with him and show him the uselessness of further attempts at deception.

If I recall correctly, I held daily conversations with him for a period of three or four days, endeavoring in every possible way to influence him to surrender the papers and money in his possession without compulsion, promising him fair treatment on the part of the Government. He became constantly more and more insolent, and began to suspect that I would not use force, so that he finally denied everything in the statement he had previously made; said that he did not understand what it was; that it was written in English and he was told to sign it, and he thought it was a letter to be used to inform his friends where he was. He gradually became so insolent that it became necessary to adopt a firm course of action with him, and he was given a limited time in which to decide whether he would surrender the money and papers demanded without compulsion or whether he would compel me to resort to the latter method. The time given him having expired without result, he was brought into my presence and that of other officers and enlisted men and told that he would be blindfolded and the water cure administered until he acceded to my request.

He again, and more insolently than ever, denied that he had any knowledge of the matters of which I spoke, and the water cure was administered for a short time, I being constantly near him and advising him at every stage that the moment he admitted what I knew to be true, and delivered the goods I knew to be in his possession, harsh measures would cease. In about three or four minutes he informed me that if I would cease he would speak. I immediately commanded that he be allowed to sit up, and he said that he did have some money in his possession, but that it belonged to the Pope at Rome, and that therefore he could not give it to me. Endeavoring in all this proceeding to act in a gentlemanly manner, but firmly, I told him that the idea of compulsion was abhorrent to an American officer, but he would be obliged to cease falsehood, and deliver the papers and moneys to me immediately or the cure would be continued. He still insisted that it belonged to the Pope at Rome, and being assured that for the time being the department commander, General Hughes, was the Pope on that island, and that he would be obliged to deliver the money into his hands, the cure was continued. In a few moments he became convinced that I was in positive possession of the evidence I claimed, and again asked to be allowed to sit up.

This request was immediately granted him, and he said that he did have some money belonging to the insurgent cause. I then asked him to sign orders for it, at the same time asking him in as kindly a manner as possible under the circumstances if he would not accede to my whole request without further use of force. This he agreed to do. I allowed him, as he was in a very excited and desperate mental condition and was a man of low vitality, large and fat, to retire to his quarters and rest. This was of my own volition, and before he was led away he was asked if he would sign, without further resort to force, the orders which he had promised to sign. This he agreed to do. He was offered at this time, and during his whole confinement, food, but he declined in most instances, sometimes accepting and at other times insolently refusing it. After he had rested at some length, I sent for him and asked him to sign the orders, and he, in the presence of officers and a few enlisted men, declined, saying that he had no money and that what he had said before he now retracted. He was immediately threatened with a repetition of the water cure, and after some further endeavor on my part to get him to sign these orders, I directed that he again be led to the room in which the water cure had been previously administered, which was the kitchen of my quarters.

As preparations were being made, and he became convinced that I meant what I said, he signed the orders. A little later his cassock was examined, and in it were found the original deposit receipts on the banks and the house of Hoskyn & Co., together with numerons papers, receipts for money from different citizens and churches, which were delivered by me to the then judge-advocate of the Department of the Visayas, together with other papers and evidence collected by me bearing on this case, and implicating some of the prominent natives in the city of Iloilo and that vicinity. One of these papers was a receipt which read, so near as I can remember, as follows, being written in Spanish:

"We, the undersigned, commissioners of the revolutionary army on the island of Panay, acknowledge to have received from Señor ——, presidente of Jaro, Panay, the sum of 10,000 pesos, which sum, with others of like amount, has been raised by the church at Jaro for the use of the revolutionary army."

This was signed, if I recall correctly, by two commissioners. The original of this paper can be found in the records of the Department of the Visayas. The presidente mentioned in that papar was then presidente of Jaro, and as such was an American official.

I was ordered to ascertain from the prisoner the whereabouts of one Quintin Salas, a colonel in command of a subdivision of the insurgent army. When this prisoner was sent for I explained to him my orders, and asked him to tell me, on promise of my shielding him should he tell me the truth.

He was in a dejected mood, despondent, thoroughly discouraged. He told me that he had better be dead, and wished he might die. He had nothing further to live for, and expected, if the American Government did not hang him, the insurgent forces would, and that he realized he had been a traitor to both sides and a traitor to his church, and, upon exposure of his traitorous conduct while acting at the head of the church in the island, he would certainly be deposed and disgraced in the church, and he repeatedly called on the Virgin Mary to take his life. I gave him until a certain hour to consider whether he would disclose this hiding place or not, and explained to him how I knew he was in possession of this information. At the expiration of this time he declined to disclose Salas's whereabouts, and again, more emphatically, said he had better be dead than living anyway, and hoped he would die before morning.

I directed him to be conducted to a house apart from the headquarters in order that he might be quietly and carefully dealt with, as the night guard was on at headquarters and there were a large number of enlisted men within hearing. A guard was established to prevent all natives from approaching the house, as it had come to my knowledge that the whereabouts of Padre Augustine were known to the insurgents, and a desperate effort would be made to retake him.

Exhausting every resource in my endeavor to influence him by argument into giving me the information desired I threatened him again with the water cure, and he promptly told me that he would welcome it, as he did not want to live, and was completely and thoroughly discouraged. I hoped up to the last moment that he would weaken before it became necessary to use any force whatever, but continued the preparations, and finally ordered that the cure be again administered to him, and stepped into an adjoining room for a moment with instructions that the cure should be given, but the moment he would disclose the name of the town only it should be stopped. In a very short time, probably not to exceed a minute and a half, I was warned by a disturbance in the room where the prisoner was that something was wrong, and upon entering the room the man was dead.

I immediately sent for the post surgeon, and within five minutes—the exact time I can not give—the post surgeon arrived and notified me that the man was dead, but not drowned, as he had not died from the effects of the water cure, but from fatty degeneration of the heart, and from complete collapse and mental anguish over the exposure of his criminal life. At my request he immediately attempted to resuscitate him to life. He told me it was useless, as water was not the cause of his death. This verbal statement he made to me, and made a certificate certifying to the cause of his death, which I filed with a notice of the death of this prisoner in the office of the assistant adjutant-general of the Department of the Visayas.

I presented the papers obtained and orders for the money in person to the judge-advocate of the department at Iloilo, and the department commander ordered the provost-marshal at Iloilo, the officer in command of the secret police of Iloilo, the judge-advocate-general, and myself to visit the banking houses mentioned above and procure the money.

Within a few days all the padres in the vicinity of headquarters at Iloilo held a convention and sent a delegation to the department commander, requesting permission to appoint a peace commission to proceed to the interior and endeavor to influence the insurgents under arms to surrender. This permission was granted by the department commander, and such committee visited the insurgent chiefs in the field, and after conferences, which extended over several weeks, the commander of the insurgent army surrendered.

During the period in which these conferences were going on, by direction of the department commander I was in the field in the region of the greater part of General Delgardo's army, and when it seemed probable that the peace commission would fail, active operations were pushed against the enemy and their property, and especially the property of the rich haciendo owners who lived in Iloilo, all of whom were supporting the insurgent army in this particular region. This hastened the final decision of the insurgents to surrender, and on or about January 29, 1901, at a suggestion from the adjutant-general, I joined him at Pototan, where the army which had been operating in the region of my district surrendered, four companies strong, and in less than a month my regiment was ordered home, and the insurrection on the island of Panay was practically over and other surrenders took place immediately after the surrender at Pototan.

The water cure was administered by my order several times to different natives, and through this agency I was enabled to obtain possession of many arms and very valuable information without firing a shot or shedding blood. When my regiment first reached the island, it was customary and necessary, in order to accomplish anything on the offensive, to make long night marches, rounding up and capturing towns in the darkness, not only exposing our men to hardships and disease, but to gunshot wounds, as well as endangering the lives of noncombatant natives by the fire from our men. In these night attacks it was always possible to have women and children killed, and frequently the insurgent soldiers for whom we were seeking would escape, and usually few arms could be taken in this manner. From service and observation I became fully convinced that the lives of both our troops and of the natives could be saved and munitions of war and valuable information obtained by the discreet and humane use of the water cure. I do not and never have believed it cruel or barbarous in any manner, and whenever it became necessary, in my judgment, to administer it, the men chosen for that duty were chosen with a view to having only intelligent, careful, and humane men perform the operation. There was no secrecy about it; every officer and every man, both in my regiment and of every other regiment with which I served, knew when it was given, and I was never criticised by any officer while in the service for administering it.

The first criticism offered against me was by an enlisted man in my company, one Alfred W. Bertrand, and he is the instigator of the charges now brought against me, and did openly and repeatedly state while the regiment was en route home and while we were at Presidio, Cal., awaiting muster out, that unless he was given a discharge bearing a character of excellent that he would prevent my appointment to a commission in the regular service and would prevent my living in the State of Vermont, my native State, because of charges of misconduct, cruelty, and embezzlement which he proposed to bring against me. During the muster out of the regiment he endeavored in every possible manner to create discord and cause a riot in my command, and openly boasted that at the pay table there would be a riot. He did everything in his power to get as many of the men as intoxicated as possible by furnishing money for that purpose and by furnishing it himself. He appealed from the character given, "Very good." I was sustained by a board appointed by the regimental commander under the regulations.

I was advised by the regimental commander at the time, Col. J. T. Dickman, to bring the man before a court and have him dishonorably discharged the service. He intimidated as many men as he could, and assaulted Q. M. Sergt. Robert D. Hoyt with two accomplices for testifying against him before the board appointed to revise his character, said Sergeant Hoyt having been discharged at Iloilo and not then being in the service. This man Bertrand performed very little duty with his company and was a mischief-maker throughout his entire service. In spite of his unworthy conduct, I gave him a character of "Very good," as he had been for many years a soldier and it was understood that he desired to reenlist.

CORNELIUS M. BROWNELL.

OCTOBER 14, 1902.

Then appeared the above Cornelius M. Brownell and made oath that the above statement was true, before me,

E. HUNTER,
Judge-Advocate, U. S. Army.

A.

NOVEMBER 24, 1900.

Gen. R. P. HUGHES, *Iloilo, P. I.*

SIR: I hereby certify that I am the head of the insurrection on the island of Panay; that I have been the headquarters for furnishing money and arms for the insurgent cause; that in the future I promise allegiance to the United States of America, and that I will do all in my power to aid you to establish peace in this island. Also that I send this letter of my own free will and accord.

AUGUSTIN DE LA PENA.

A true copy:
C. M. BROWNELL,
Late Captain Twenty-sixth Infantry, U. S. Volunteers.

During the reading of the paper,

Mr. QUAY. I ask that the regular order be laid before the Senate.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. MCLAURIN of Mississippi. Mr. President, I hope the resolution which was under discussion a few moments ago will be permitted to go over, retaining its place until to-morrow morning, when I shall desire to submit some remarks on it, more as a suggestion than anything else.

Mr. PROCTOR. As I expected to take but a few moments more, I ask that the unfinished business be temporarily laid aside until I can conclude.

Mr. QUAY. I have no objection. Then the resolution can go over until to-morrow morning.

The PRESIDENT pro tempore. The Senator from Vermont asks that the unfinished business be temporarily laid aside in order that he may complete his remarks. Is there objection?

Mr. QUAY. There is no objection, with the understanding that then the resolution will go over until to-morrow morning.

The PRESIDENT pro tempore. That has not yet been determined.

Mr. ALLISON. I hope that will be determined now.

Mr. LODGE. I think the resolution had better go over, holding its place.

The PRESIDENT pro tempore, The Senator from Mississippi [Mr. MCLAURIN] asks unanimous consent that the resolution may lie on the table, retaining its place. Is there objection? The Chair hears none.

After the reading of the paper,

Mr. PROCTOR. Mr. President, Father Augustine was the head and front of the insurrection in his district. From his standing in the church he was able to give direction to the priests of other churches, and, contrary to the canons of the church, he diverted the revenues of the church from their legitimate purposes to send to the insurrectos. A large amount of money in drafts which he had collected was taken from him, which was turned over after his capture to the proper officials. I will read an official letter from him to the churches over which he had charge:

DUMANGAS, *December 8, 1899.*

In view of the grave reasons and causes as stated by Martin Delgado, the politico-military governor residing in Cabatuan, general in chief of the army of Panay, and bearing in mind the great responsibility before God of the alienation of the revenues of the church which are intrusted to our care—for you are aware of the canons relating to the same—nevertheless, depending on the benignity of the church and desiring to avoid the unhappy contingencies that may arise for these pueblos, and believing that you are of the same opinion, I authorize each of you at the request of the politico-military governor of this province to turn over to him as a loan the sum of 80 pesos, except the parishes of Zarraga, Leganes, Mina, Banate, Anilao, Barotac, Viejo, and Mandurriao, which will, in the case of each, turn over 50 pesos.

These sums will be deducted from the revenues of the churches that you administer, and will be turned over to the said politico-military governor, Martin Delgado. You will enter in an account book the amount so delivered, and you will be given, when the opportunity offers, a receipt for the same.

Please circulate this with all precautions to prevent its loss, after copying the same.

May God guard you many years.

PADRE AUGUSTIN DE LA PENA.

This was sent to the churches and acknowledged by them. As I have said, it is taken from the records.

Entered and copied—Santa Barbara, November 10, 1899.
PADRE PRAXEDES MAGALONA.

Entered and copied—Zarraga, November 11, 1899.
PADRE APURA.

Entered and copied; sent to San Miguel—Paria, November 12, 1899.
PADRE MANSUETO ZABALA.

Entered and copied. Although this small church finds itself without funds, I send 20 pesos of my own to General Delgado, as the petty income does not even cover the most necessary expenses. Sent to Alimodian—San Miguel, November 13, 1899.

PADRE TOMAS PALMES.

Entered and copied. Although this church finds itself without funds, I sent 25 pesos of my own to General Delgado, as the petty income does not even cover the most necessary expenses—Alimodian, November 14, 1899.

PADRE RAMON AMPARO.

Entered and copied in the book per orders. I will send to the honorable general in chief, politico military governor of Panay, the sum of 40 pesos, all that this church at present possesses, promising to remit the balance of 80 pesos in small installments as this church finds itself in funds.

Massin, November 14, 1899.

PADRE MARCELO ESPINOSA.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Vermont yield to the Senator from South Carolina?

Mr. PROCTOR. Certainly.

Mr. TILLMAN. I did not exactly catch the purpose of the Senator. I certainly can not understand how it is he gets hold of these papers belonging to the church, and that therein we have supposed evidence that some priest somewhere authorized a loan by the church to somebody. Now, who is that somebody? Is the American Government engaged in borrowing Catholic Church funds in the Philippines?

Mr. PROCTOR. Not at all. This was a contribution from those churches to Father Augustine to be used for the insurrectos.

Mr. TILLMAN. Does the Senator make that statement on his own responsibility?

Mr. PROCTOR. I make it on the responsibility of the evidence that Captain Brownell furnished, all of which is official.

Mr. TILLMAN. Do I understand that Captain Brownell is on trial in the Senate?

Mr. PROCTOR. I do not understand any such thing; but an officer of the Judge-Advocate-General's Department was sent to investigate this matter, and Captain Brownell made this voluntary statement, which I am giving.

Mr. TILLMAN. The effort to get the report of the court-martial which the Senator from Utah [Mr. RAWLINS] made in the resolution he offered yesterday morning is thwarted and stopped because the Government is endeavoring to suppress the facts.

Mr. PROCTOR. There never has been any court-martial or any official charges, so far as I know, made against Captain Brownell. I am talking about Captain Brownell only.

Mr. TILLMAN. If Captain Brownell is charged with murder in the Philippines, is there any way of punishing him, or is he going back there to stand trial?

Mr. PROCTOR. That is a matter I can not answer. I do not know that he has been called on to stand trial there or anywhere else. So far as I have seen by the newspapers, the Judge-Advocate-General's Department decided that, he having been mustered out of the service, the War Department had no jurisdiction.

Mr. TILLMAN. So that there can not be any court-martial or trial of the man in any other way than in the forum of public opinion as to whether or not he did commit murder in the Philippines. Is that it?

Mr. PROCTOR. That seems to be the report of the Judge-Advocate-General's Department. I have no authority to speak on that point. I have understood that the question had been referred to the Attorney-General's Department by the War Department.

Mr. TILLMAN. In the absence of the other papers in the case affecting this officer's character and the charge made of murder, directly or indirectly—I know nothing about that—is it not a little premature to bring in his defense here, and to have an ex parte statement made of his confession or statement or whatever you may call it, before we get the accusation?

Mr. PROCTOR. I do not think it is premature at all. Captain Brownell has been charged here on the floor this session and last session and in the public prints, and I do not consider it premature——

Mr. TILLMAN. Was the charge made?

Mr. PROCTOR. The Senator's warm blood would have answered long before this if the charge had been made against an officer from the State of South Carolina.

Mr. TILLMAN. The question of where the officer comes from does not enter here; the question is if he wears the American uniform or did wear it.

Mr. PROCTOR. He has worn it honorably and creditably always.

Mr. TILLMAN. Well, we will take the Senator's statement as to that fact. I am always inclined to believe the Senator, because I do not think he would tell us anything he did not believe himself, though he might tell us something he did not know. I am merely speaking of the phenomenon here, of the strangeness, you might say the absurdity, of the situation, and, if the Senator is willing, I should like to know whether any investigation which may come about hereafter, or if the facts should leak out, as they sometimes do as to actions in the Philippines, that a murder should have been committed there and the officer discharged, whether such officer is amenable to any law anywhere, or whether those people have any redress whatsoever? I understand that we have denied them the protection of the Constitution, and the Supreme Court of the United States has sustained our action in denying them any rights under the Constitution. Therefore they are absolutely helpless and at our mercy.

In this case, as I understand it, here is an officer charged with murder in the Philippines. If he is innocent—and God knows I hope he is for the honor of the country—he ought to be able to prove it; but the other side ought to have an opportunity to present evidence going to show that he is not innocent. I contend that it is not exactly fair, from my point of view, to present here an ex parte defense, without having had the facts brought out in some criminal proceeding or in some indictment which would enable the prosecution to bring its case before the country and submit its evidence.

Mr. PROCTOR. Mr. President, the question to which the Senator refers was, I believe, under consideration at the Department of Justice, but it is not a part of the matter which I propose to present. I propose to make a defense of Captain Brownell. In his position he was fully justified in taking any steps he saw proper for the safety of his command. Father Augustine might have been tried by a drumhead court-martial and shot or hung. I saw a man hung in our civil war, at very short notice indeed, for a much less violation of the rules of war than was committed in this case. This man was professing loyalty to our cause, and at the same time he was a leader in encouraging insurrection, collecting funds for it—collecting funds from the church, which was entirely contrary to the canons of his order.

Mr. TILLMAN. If the Senator will permit me, I have only to say that for the honor of the American Republic and the honor of the American Army, I would to God Father Augustine had been shot by order of a drumhead court-martial rather than tortured to death to get the money from him, as this man himself confesses he did.

Mr. PROCTOR. Mr. President——

Mr. QUAY. Will the Senator from Vermont allow me to interrupt him?

Mr. PROCTOR. Certainly.

Mr. QUAY. Mr. President, the prosecution of the remarks of the Senator from Vermont was assented to with the understanding that there would be very little discussion and that but a few moments would be occupied before the Senator from Vermont concluded. The indications are now that there is going to be a controversy which may be protracted endlessly, and therefore if the Senator will allow me, I should like to have him yield at this point so that the regular order, the statehood bill, may be proceeded with.

Mr. PROCTOR. The Senator from Pennsylvania will admit, I think, that I have not been solely responsible for the length of time which has been consumed; but I am entirely willing to yield to him.

Mr. QUAY. I do not wish to say, Mr. President, that either party is responsible. I merely state the fact that there is a controversy, and therefore I ask for the regular order.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. The statehood bill is before the Senate as in Committee of the Whole.

Mr. LODGE. Mr. President——

Mr. TILLMAN. Will the Senator yield to me a moment?

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from South Carolina?

Mr. LODGE. Certainly.

Mr. TILLMAN. I merely wanted to remark, Mr. President, that if the Senator from Massachusetts is very anxious to begin the speech which he was too tired last night to begin—and I agree with him that it was not reasonable to ask him to go on then—I do not think the Senator from Pennsylvania ought to undertake to shut off debate that has grown out of the morning business and gone on ever since because the Senator from Vermont may have completed what he wished to say, and that others should be shut off practically by the Senator from Pennsylvania getting up and announcing that the statehood bill was before the Senate, and that he wanted somebody to talk on it. The Senator from Pennsylvania knows as well as anyone else here that Senators are not confined to the subject before the Senate if they want to discuss any measure, and I submit to him there ought to be the same latitude of discussion upon any subject before the Senate—recognizing that the statehood bill is the unfinished business—that usually obtains here.

The PRESIDENT pro tempore. The resolution of the Senator from Utah [Mr. RAWLINS] is not now before the Senate.

Mr. TILLMAN. We all understand that; but the Senator from Vermont was discussing the resolution of the Senator from Utah, or things appertaining to the resolution or mentioned in it, and I supposed that the rest of us who had something to say might say it while it was hot, rather than to wait until the morning, when, after we got started, it might run on all day.

Mr. LODGE. Mr. President——

Mr. QUAY. Will the Senator from Massachusetts allow me to interrupt him?

Mr. LODGE. Certainly.

Mr. QUAY. I wish to say that I merely asked the Senator from Vermont [Mr. PROCTOR] to assent to this discussion going over until to-morrow, and I understood that he did assent. I did not desire to cut off the Senator from Vermont or the Senator from South Carolina.

Mr. TILLMAN. Do we understand that the Senator from Vermont will complete his defense of Captain Brownell in the morning, or is he through now?

Mr. PROCTOR. I will decide that hereafter.

Mr. TILLMAN. All right, sir.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 13679) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898;

A bill (H. R. 15069) granting an increase of pension to Daniel P. Marshall; and

A bill (H. R. 15922) making an appropriation for the suppression and to prevent the spread of contagious and infectious diseases of live stock, and for other purposes.

The message also announced that the House had passed the bill (S. 6595) fixing the times and places for holding regular terms of the United States circuit and district courts in the western district of Virginia, and for other purposes.

The message further announced that the House had passed with amendment the following bills in which it requested the concurrence of the Senate:

A bill (S. 3287) to fix the salaries of certain judges of the United States; and

A bill (S. 3512) concerning minimum punishment in certain cases arising in the Indian Territory.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 14047) for the relief of the clerks of circuit and district courts of the United States;

A bill (H. R. 15331) to limit the effect of the regulations of commerce between the several States and with foreign countries in certain cases;

A bill (H. R. 15595) confirming and ceding jurisdiction to the State of Arkansas over certain lands formerly in the Fort Smith Reservation in said State, and asserting and retaining Federal jurisdiction over certain other lands in said reservation;

A bill (H. R. 16330) to detach the county of Dimmit from the southern judicial district of Texas and to attach it to the western judicial district of Texas;

A bill (H. R. 16333) to change and fix the time for holding district and circuit courts of the United States for the eastern division of the eastern district of Arkansas;

A bill (H. R. 16334) fixing terms of United States courts in Colorado, and other purposes;

A bill (H. R. 16599) amending chapter 591 of the Revised Statutes at Large, Fifty-sixth Congress, approved May 26, 1900, entitled "An act to provide for the holding of a term of the circuit and district courts of the United States at Superior, Wis.;

A bill (H. R. 16651) to fix the time for holding the United States district and circuit courts in the northern and middle districts of Alabama;

A bill (H. R. 16724) to provide an additional judge of the district court of the United States for the southern district of New York; and

A bill (H. R. 16775) establishing United States courts at Duncan, Maryetta, and Comanche, Ind. T.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore;

A bill (S. 6132) granting an increase of pension to Fannie McHarg;

A bill (H. R. 1193) to correct the military record of Henry M. Holmes;

A bill (H. R. 6467) granting an honorable discharge to Samuel Welch; and

A bill (H. R. 15711) to authorize the construction of a bridge across the Clinch River, in the State of Tennessee, by the Knoxville, Lafollette and Jellico Railroad Company.

COURTS IN ARKANSAS.

Mr. BERRY. I ask the Chair to lay before the Senate House bill 16333.

The bill (H. R. 16333) to change and fix the time for holding district and circuit courts of the United States for the eastern division of the eastern district of Arkansas was read twice by its title.

Mr. BERRY. I wish to state that a bill precisely similar, except that this one contains the words "that the act shall take effect from and after its passage," has already passed the Senate. This is a House bill containing only one section, and it is important that it should be passed now on account of the time fixed for holding the court. I ask unanimous consent that it be considered at this time.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT pro tempore. The Senator from Arkansas will move that the bill (S. 6719) to change and fix the time for holding the district and circuit courts of the United States for the eastern division of the eastern district of Arkansas be recalled from the House of Representatives.

Mr. BERRY. I make that motion.

The motion was agreed to.

The PRESIDENT pro tempore. The Senator from Arkansas enters a motion to reconsider the vote by which the Senate bill was passed.

Mr. BERRY. Very well.

The PRESIDENT pro tempore. The motion to reconsider will be entered.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. 14047) for the relief of the clerks of circuit and district courts of the United States;

A bill (H. R. 15595) confirming and ceding jurisdiction to the State of Arkansas over certain lands formerly in the Fort Smith Reservation, in said State, and asserting and retaining Federal jurisdiction over certain other lands in said reservation;

A bill (H. R. 16330) to detach the county of Dimmit from the southern judicial district of Texas and to attach it to the western judicial district of Texas;

A bill (H. R. 16334) fixing terms of United States courts in Colorado, and for other purposes;

A bill (H. R. 16599) amending chapter 591 of the United States Statutes at Large, Fifty-sixth Congress, approved May 26, 1900, entitled "An act to provide for the holding of a term of the circuit and district courts of the United States at Superior, Wis.;"

A bill (H. R. 16651) to fix the time for holding the United States district and circuit courts in the northern and middle districts of Alabama;

A bill (H. R. 16724) to provide for an additional judge of the district court of the United States for the southern district of New York; and

A bill (H. R. 16775) establishing United States courts at Duncan, Maryetta, and Comanche, Ind. T.

The bill (H. R. 15331) to limit the effect of the regulations of commerce between the several States and with foreign countries in certain cases was read twice by its title, and referred to the Committee on Interstate Commerce.

PUNISHMENT OF LARCENY IN INDIAN TERRITORY.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 3512) concerning minimum punishment in certain cases arising in the Indian Territory.

The amendments of the House were to strike out all after the enacting clause and insert:

That any person, whether an Indian or otherwise, who shall hereafter be convicted in the Indian Territory of stealing any horse, mare, gelding, filly, foal, mule, ass, or jenny, or of stealing, or marking, killing, or wounding with intent to steal, any kind of cattle, pigs, hogs, sheep, or goats, shall be punished by a fine of not more than $1,000, or by imprisonment for not more than fifteen years, or by both such fine and imprisonment, at the discretion of the court.

SEC. 2. That all acts and parts of acts inconsistent with this act are hereby repealed: *Provided, however*, That all such acts and parts of acts shall remain in force for the punishment of all persons who have heretofore been guilty in the Indian Territory of the offense or offenses herein mentioned: *And provided further*, That this act shall not affect or apply to any prosecution now pending or the prosecution of any offense already committed.

And to amend the title so as to read: "An act fixing the punishment for the larceny of horses, cattle, and other live stock in the Indian Territory, and for other purposes."

Mr. HOAR. The amendment accomplishes the same purpose as the original bill. The present law makes various larcenies of cattle punishable by death, at any rate a very severe punishment, which the bill reduces. The House has merely changed the form of the bill. I think the amendments had better be agreed to without a reference.

The PRESIDENT pro tempore. The Senator from Massachusetts moves that the Senate agree to the amendments of the House of Representatives.

The motion was agreed to.

SALARIES OF JUDGES.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 3287) to fix the salaries of certain judges of the United States.

Mr. HOAR. I move that the Senate disagree to the amendments and ask for a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. HOAR, Mr. FAIRBANKS, and Mr. TURNER were appointed.

STATEHOOD BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. LODGE. Mr. President, it was my fortune to serve upon the committee on resolutions of the Republican national convention in 1896 at St. Louis. I was on the subcommittee which prepared the resolutions, and I remember very well the resolution in regard to the admission of the Territories. I think I drafted it or wrote it out myself. I am not perfectly confident as to my making the draft, but I am certain that the clause was carefully considered, and Senators will remember, as it has been frequently referred to here, that in that resolution it was stated that we were in favor of the admission of the Territories whenever Congress should consider them fit for statehood. I am stating the resolution broadly.

In 1900 a similar resolution was adopted at Philadelphia, omitting the specific clause in regard to the discretion of Congress. I do not think that that omission makes the slightest difference in regard to the meaning of the resolution. The qualifying clause was put in at St. Louis, out of an abundance of caution, and I do not think its omission at Philadelphia altered in the least the general intent of the committee on resolutions in either convention or the intent of the conventions themselves.

No man in either convention, Mr. President, would have thought for one moment of pledging himself to admit certain Territories into the Union as States without any regard to time or the form of the bill admitting them or the fitness of the Territories for statehood. We reserved, of course, all our liberty as members of the House or Senate in regard to these Territories. The resolution in the convention platforms was a mere general statement that the party favored the admission of the Territories at an early day. It was never made an issue in the campaign; it was never discussed before the convention, and there never was an attempt on the part of anyone to commit members of either House of Congress to the proposition that they were bound, as Republicans, to support the entrance of those Territories into the Union as States without any regard to their fitness, without any regard to time, to boundaries, or to anything else. Such a proposition, indeed, is absurd on its face.

I am as anxious, and I believe as conscientious, as anyone in my desire to live up to all the pledges of my party, but a general statement of the party in regard to the admission of certain Territories into the Union is not a pledge that we are to give our support without question or hesitation to any bill providing for statehood that happens to be brought into this Chamber. Nobody in a convention who had legislative responsibilities would assent for one moment to any resolution of that character.

The resolution adopted at Philadelphia does not bind any man to any time, to any specific measure, or to the admission of any specific Territory. What is to be thought of the proposition that a Senator of the United States has resigned his right of judgment on a measure like this because a resolution has been put into a platform without discussion, which is in itself a mere expression of general good will, and that then he is to be held up here and told that he is false to his party principles if he does not vote immediately for a bill which he has had no share in drafting and in regard to which notice has been served upon him that he can not even hope to amend it? No, Mr. President, I think that the proposition as to the binding effect of the resolution of the Republican national convention upon any member of the Republican party may as well be dismissed from this discussion. It can not be seriously made, still less seriously considered, by any sane and responsible man.

I am opposed to this bill on account of the time at which it is sought to pass it—in a short session, in the pressure of other business, with insufficient discussion, without what I conceive to be due opportunity to consider the most momentous legislation that can be brought before a Congress of the United States. I am opposed to the form of the bill, for in this bill are yoked together three totally different propositions. I shall have something further to say in regard to this phase of the question.

I am opposed to passing this bill at this time because it is an irrevocable bill. There is no maxim of more general application, none that we hear referred to more frequently, than the fact that one Congress can not bind another. It is rare, indeed, that a measure ever comes before Congress which, by its passage, puts it beyond the power of all future Congresses ever to change the decision then made; but on this bill, if it passes, there is no repeal. If this bill becomes law, there is no opportunity of retracing our steps. It has brought to my mind, as I thought of this feature in it, the old familiar schoolboy quotation from Virgil:

Facilis descensus Averni;
* * * * *
Sed revocare gradum superasque evadere ad auras,
Hoc opus, hic labor est.

The Trojan hero, Mr. President, was enabled, by sufficient labor and by the help of a goddess, to return to the upper air. There is no such opportunity given here to the Congress of the United States. If it once passes a bill admitting Territories to statehood, the Government of the United States resigns once for all its power over this territory which belongs to the United States; territory which was aquired either by the blood or the treasure of all the people of the United States. When we pass this bill, converting these Territories into States, we resign all our control such as we to-day possess over them as Territories. It is a very serious and a very important step, and, as I have said, it is absolutely irrevocable. Once taken, it can never be retraced. If we fail to admit a Territory as a State at a given time, it is always possible to remedy that error, if it be an error, in the years to come; but if we admit a Territory as a State into the Union we never can remedy it, no matter how grievous the mistake may be.

Mr. President, a bill of that character, a bill of that irrevocable nature deserves the utmost care and consideration on that account if on no other. Congress may feel with most laws that if error is found in them subsequently they are always open to repeal, even if repeal involves some little cost; but when you have taken Territories and made them States in this great Union, the act is done and nothing can ever undo it, no matter how unfit they may prove to be in the future. They may present to us a declining population; they may fall to a point where a single ward of a great city more than equals in population a State which sends two Senators to this body, and if that should prove to be so, yet the act can never be undone.

That quality alone of this bill, as it seems to me, Mr. President, commands us to treat it with greater care than we bring to the consideration of almost any legislation which comes before us. I think that that single quality in this bill is enough to justify those who oppose it in demanding that they shall have all the time possible if they think any portion of the proposed States unfit for statehood to persuade the Senate and to persuade the country of the justice of their contention.

I had intended at this point to go on with a discussion of the bill in a manner which I shall subsequently pursue. But the Senator from Ohio [Mr. FORAKER] in the very able and interesting speech which he made the other day in behalf of this bill—and he is always interesting and always forcible—brought forward an argument which, if it prevails and if it is sound, puts an end to this discussion at the very outset. He took the ground that, though not bound by the letter of the law to admit these Territories as States, we were bound morally to admit them now, and that the course of history and the general treatment accorded to these Territories constituted a moral contractual obligation.

Mr. President, if we are in any way bound by moral obligation to admit these Territories, it is useless to discuss the merits of the bill or the fitness of the Territories in question for statehood. We must submit to the moral obligation and, however much we may dislike it, we must carry out that which we have bound ourselves morally to do.

Mr. President, before coming to the bill itself I wish to examine that argument, which struck me at the time as one of very great importance and which it seems to me ought to be met by those who are opposed to the position of the Senator from Ohio and other Senators who support this bill.

All the territory involved in this bill, all the territory which it is proposed by this bill to make into States, was acquired by the United States by purchase or by conquest. Part of it was acquired by treaty with France in what was known as the Louisiana purchase. Part of it was acquired from the Republic of Mexico by the treaty of peace which brought to a close our war with Mexico, and a small portion was added by the subsequent convention known as the Gadsden treaty. It is therefore all territory which has been acquired by the United States.

Such being the historic fact, I wish now to call attention to the

constitutional law laid down by the Senator from Ohio [Mr. FORAKER] on the subject of the acquisition of territory, in January, 1899, and in subsequent debates which arose in regard to the Philippine Islands.

I may say, before citing what he then said, that I most absolutely and entirely agree with his position, that I think it is beyond a doubt the sound one, and I am glad to read his statement of the doctrine, because it is better than any I could myself make.

In the course of his speech in regard to the acquisition of territory as suggested by the Philippine Islands, the Senator from Ohio said:

If any authority be needed, let me cite what Chief Justice Marshall said in the case of the American Insurance Company *v.* Canter, reported in 1 Peters, at page 511. The first paragraph of the syllabus reads as follows:

"The Constitution of the United States confers absolutely on the Government of the Union the power of making war and of making treaties; consequently that Government possesses the power of acquiring territory either by conquest or by treaty."

The learned jurist states that proposition without any qualification as to consent, as to whether or not the people occupying the territory, and who are thus brought under our jurisdiction and laws, shall be consulted by us and shall signify their willingness to be governed by us before we can take jurisdiction.

The power to make war and the power to make treaties are two powers conferred absolutely without qualification, each power carrying with it the power, as Chief Justice Marshall says, to acquire territory. Then what does he say as to the right to govern territory after it has been acquired?

Mr. GRAY. I should like the Senator to read further from that case the sentence of Chief Justice Marshall in reference to the right to govern territory after it has been acquired, whether by treaty or otherwise.

Mr. FORAKER. I was just turning to it on page 542. After having discussed and announced the proposition as the law of the land, that under both these powers we have the power to acquire territory, and having a case before him which involved the discussion of that subject, he then takes up the question of the right and authority and power of the government that has acquired to govern the territory that has been acquired. I might read with interest a great deal that is said here, but I do not wish to unnecessarily trespass upon the time of the Senate. I therefore content myself with saying that at page 542 Chief Justice Marshall, after speaking of the constitutional power expressly conferred on the Congress to govern, says:

"The right to govern may be the inevitable consequence of the right to acquire territory. Whichever may be the source whence the power is derived, the possession of it is unquestioned."

Mr. LODGE. Mr. President, again the Senator from Ohio said in the same debate:

What I am contending for just now is the power of the Government, without any qualification whatever, to annex, either by treaty or by war, any territory anywhere on the face of the globe that any other independent sovereignty could annex by war or by treaty. In other words, Mr. President, I am trying to assert that our fathers did not make a constitutional government inferior in rank and power in this respect to any other independent sovereignty of the earth.

Again, in the same debate, he said:

When it comes to the admission of a Territory as a State into the Union, Congress has to vote whether or not the State shall be admitted; and when the State comes with a constitution that is consonant with the Constitution of the United States and the laws of the United States, and the other conditions are favorable, Congress may say to the State, "Come in," or Congress may say to the State, "Stay out."

Even when conditions are favorable and the Constitution is consonant with that of the Union, we may still say, "Stay out."

Mr. BEVERIDGE. As I understand, the Senator from Ohio there makes the point that it is not a right.

Mr. LODGE. I will come to that in a moment. I should like to complete my statement, and then I will come to it.

Again, on the same day and in the same debate, the Senator from Ohio said:

The Senator from Missouri then concludes that because of the reading of the text of the Constitution when so arranged it is clear to every intelligent layman that it was intended by the framers of the Constitution that no territory should be acquired except only with the present intention of ultimately making it a State.

Mr. President, the whole of that argument, it seems to me, falls to the ground when we reverse the order and read it, not as the Senator has read it, but as the framers of the Constitution read it. They chose the order; and when you restore the proper order, the order in which they placed these provisions, no such deduction can be rightfully made as that which the Senator from Missouri has made.

The deduction of the Senator from Missouri being that it could only be taken with the ultimate purpose of making a State.

And again, a little further on, the Senator from Ohio said:

The second of these propositions, that territory can be acquired only with a view to ultimately making it a State, is one that I have already answered in what I have said as to the power of the Government under the war-making and the treaty-making power to acquire territory and in the citations of authority that I have made.

Those, Mr. President, are the extremely well-stated views, as the Senate will perceive, of the Senator from Ohio, in 1899. In 1900, a year later, he said:

I do want to say, however, before passing to that which I have it especially in mind to say, that with respect to his remarks in regard to the Dred Scott case, all that was gone over fully in the last Congress; and, in answer to a speech somewhat like that which he has just now made, in respect to that decision, it was then pointed out that all the judges of that court did not agree with Chief Justice Taney in his declaration of his opinion that territory could be acquired by the United States only for the purposes of ultimate statehood; that a present purpose of statehood must accompany the acquisition.

It was pointed out at that time, by, I think, a very careful analysis of that case, that instead of the other judges agreeing with Chief Justice Taney in that respect not one single member of that court agreed with him in that regard, unless it was Mr. Justice Wayne. There is some ground for supposing that he was in accord with the Chief Justice, but there is not a line, I undertake to say, in the decision of any one of the other members of the court that will warrant any such claim. If there is I have not been able to find it.

* * * * * * * *

Without stopping to read other authorities to the same effect, I shall content myself with saying that all the authorities of the Supreme Court, where the question has been directly under consideration, have recognized the fact that there is the United States proper, composed of the Union, for which the Constitution is the organic law, and territory outside of the Union, simply belonging to the United States, which it is the province of Congress to govern as the Congress may see fit to govern it. Mr. Justice Bradley characterizes these outside Territories as mere dependencies. He was speaking of Utah, New Mexico, Arizona, etc. If they are mere dependencies, much more are our recent acquisitions only dependencies.

Ordinarily, almost without exception, heretofore, in governing this outside territory, we have extended the Constitution as one of the first laws of the Territory; and having thus extended the Constitution, and having made it to apply there, we have taken that as our rule of action, and it has obtained as the organic law in that way, but in no other way.

There, Mr. President, very ably and lucidly laid down, are the propositions that the United States can acquire territory; that it can take possession of territory; that having acquired and taken possession of territory it can govern it as it pleases; that it is not bound to admit such Territory as a State at any given time, and that it is not limited to taking territory with the ultimate purpose of making it into States. It may take it with any purpose it chooses—the fact of the ultimate purpose of statehood is not necessary to the acquisition—and the only thing that could modify the absolute control of the United States in regard to the disposition of the territory is that "a present purpose of statehood must accompany the acquisition." That last statement seems to me very admirable in its exactness—"present purpose of statehood must accompany the acquisition."

Mr. FORAKER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Ohio?

Mr. LODGE. Certainly.

Mr. FORAKER. The Senator has complimented me so highly in quoting at such great length from the remarks I have made on other occasions in the Senate on this general subject that I am loath to interrupt him to call his attention to what seems to have escaped him.

The propositions I laid down were two as to the acquisition of territory; first, that territory might be acquired by conquest in the exercise of the war-making power; secondly, that territory might be acquired by treaty. What I said afterwards had reference to territory with respect to which we were at liberty to deal, so far as our own obligations were concerned, as we might see fit, and did not have reference to the case where we had acquired it by a treaty containing a stipulation which obligated us to admit the inhabitants of that territory into the Union.

What I was talking about in connection with New Mexico was that it was acquired by treaty, at the close of the war it is true, but it was not acquired by conquest, except only in the sense that the conquest had gone before. We did not conquer it and simply take it and hold on to it, to do with it as we saw fit, but at the close of the war, in settlement of all differences between Mexico and the United States, we entered into a treaty of peace, one condition and stipulation of which was that we should acquire this territory which was by that treaty ceded to us, and that with respect to the inhabitants of that territory we should be bound to do certain things. One of those things was to admit them, in the way to which I called attention at the time, into the Union of the United States, in accordance with the principles of our Constitution. I am not trying to quote the language with entire accuracy.

Now, what I contended for was that the rule which had been established as to territory acquired from Spain and from France, accompanied with similar stipulations, should apply to New Mexico, notwithstanding the fact that there was a parenthetical modifying clause which invested Congress specifically with power to judge as to the time when this Territory should be admitted to statehood. I contended for that, the Senator from Massachusetts will remember, on the ground I undertook to present, that by the contemporaneous expressions of Presidents of the United States it was shown to have been the intention at the time when New Mexico was acquired to admit at an early period the inhabitants of that Territory to statehood, just as we did at an early period admit the inhabitants of California and other portions of that country to statehood.

The contention I made as to moral obligation was that although we were not in a strict legal sense bound, because of the saving effect of the parenthetical clause, yet we were morally bound, when I showed from contemporaneous history that it was the understanding of everybody who represented us in connection with the transaction that the parenthetical clause should not establish a different rule as to New Mexico from that which had been established as to this other Territory.

Mr. LODGE. Mr. President——

Mr. FORAKER. Will the Senator from Massachusetts indulge me just a moment longer?

Mr. LODGE. Certainly.

Mr. FORAKER. I was talking about the acquisition of territory that came to us at the close of the war with Spain, which came without any such obligation on our part. The treaty under which we acquired the Philippines and Porto Rico and Guam expressly provided not that the inhabitants of those Territories should at some time be admitted into the Union, according to the principles of the Constitution, as was the case in the treaties with France and Mexico and Spain, but that the Congress of the United States should fix the civil and political status of those inhabitants, which was a clear declaration that Congress should do with the matter as it might see fit, and that our Government, in taking that territory under that treaty, was under no obligation, except only to use its best judgment with respect to how it should be governed.

Mr. LODGE. Mr. President, the Senator, I think, simply restates what I have read from his previous speeches. I think I stated the position correctly—it is my own—in regard to the acquisition of territory. I do not think we differ at all. It is that we have the right to acquire territory; we have the right to govern it, and ultimate purpose of statehood is not necessary in the acquisition of territory. The only thing that can modify it is, to use the language of the Senator from Ohio, a present purpose of statehood accompanying the acquisition.

Now, those being, as I conceive, the correct principles in regard to the acquisition of territory, it remains to be seen whether, having acquired this territory (I think the language of the Supreme Court in regard to the territory acquired from Mexico was that it was acquired by conquest and purchase), there is anything which binds us to admit that territory as one or more States at any particular time.

The first territory which may be said to have been acquired and made into States was that covered by the ordinance of 1787. There is no need of my reading that. It of course provided for the entrance of these Territories as States into the Union. It fixed the terms on which they should come in, the population and other conditions. The territory was acquired by the United States from the several States, and it was not acquired either by war or by treaty, by conquest or by purchase.

The next acquisition was that from France of the territory known as Louisiana. The article which refers to the matter of statehood in that treaty is article 3:

> The inhabitants of the ceded territory shall be incorporated in the Union of the United States and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States.

Now, there was a direct promise to admit that ceded territory into the Union as States.

Has anyone ever suggested that there was any moral obligation upon the United States to admit under that clause any portion of that territory at any given time?

Mr. President, in the bill before us there is a portion of the Louisiana territory now seeking admission to the Union. An entire century has elapsed since the treaty was made which gave us that territory. The article was made elastic. It says "admitted as soon as possible." Who is to judge? Who can be the judge? Only the Congress. Has there been any moral obligation, or any obligation of any kind upon us to admit any portion of that territory at any given time? The very fact that a century has elapsed and we have not yet completed the admission of the Louisiana territory in the form of States is an answer to that proposition.

The next acquisition was that of Florida. Article 6 of the treaty with Spain provides that—

> The inhabitants of the territories which His Catholic Majesty cedes to the United States by this treaty shall be incorporated in the Union of the United States as soon as may be consistent with the principles of the Federal Constitution.

Again a latitude was left by the phrase "as soon as may be consistent with the principles of the Federal Constitution." But neither in the case of Louisiana nor of Florida was there any obligation on the part of the Government of the United States to admit any portion of them at any given time. And yet, Mr. President, I think it will be found as we examine those treaties further that those are the strongest clauses in any treaty for the acquisition of territory.

In regard to the territory which was settled to be ours on the Northwestern boundary, the title of the territory rested on exploration and discovery, and the treaty which settled it said nothing in regard to any future disposition of the territory.

In 1867 we made a treaty with Russia for the purchase of Alaska. In regard to that Territory, no statement whatever was made as to a purpose of statehood or its admission into the Union as a State. The clause in the Russian treaty applied only to citizens.

We then have the island of Tutuila, one of the Samoan group, which was set off to us under a convention between the United States, Germany, and Great Britain in December, 1899. There is nothing in that treaty in regard to statehood or in the preceding treaty, known as the treaty of Berlin.

The treaty of peace with Spain, by which we acquired Porto Rico and the Philippines, contains the well-known clause which has been so often referred to in this body:

> The civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by Congress.

Now, it will be observed, Mr. President, that in all the treaties I have cited since the Louisiana and Florida treaties there is no agreement as to statehood, and in the treaty with Spain there is a definite clause as to the determination by Congress of the civil and political rights of the inhabitants.

Yet, after all, Mr. President, there is nothing in any of these treaties that alters the power of the United States, on the theory laid down by the Senator from Ohio, to deal with territory, unless there is some clause affecting their present acquisition. The Louisiana and Florida treaties went further in this direction than any others, and yet they left us absolutely free to determine at what time the promise of ultimate statehood should be carried into effect. I now come to the treaties with Mexico, involving the rest of the territory covered by this bill. In the case of Louisiana and Florida the statement of the treaties was that we would agree to admit the territory as States as soon as possible, or whenever consistent with the principles of the Federal Government. That bound us to an ultimate gift of statehood, but was construed, as a matter of course, to mean that we could admit to statehood when in our judgment it was possible or consistent with the principles of the Federal Government.

Now, as to the treaty with Mexico:

> Article IX. The Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States, and be admitted at the proper time (to be judged of by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States, "according to the principles of the Constitution"

There, Mr. President, is the only treaty in which it is specifically set forth that it shall be left to the judgment of Congress when they shall be incorporated into the Union. In all the other treaties where ultimate statehood is promised the time of performance is left to the judgment of Congress by obvious and unquestioned inference. Here it is set forth in words.

A much better claim could be made that we were under a moral obligation to the inhabitants of Louisiana Territory, portions of which we have admitted from time to time. An equally good claim could be made in regard to Alaska, where there is no provision as to ultimate statehood at all. Alaska has a population of 63,000 whites, very nearly as large as the white population of Arizona. Yet, no one would think of claiming that there was any moral obligation upon us to admit Alaska. Nevertheless, there is just as much moral obligation, in my judgment, to admit Alaska as there is to admit these Mexican Territories. In fact, it seems to me that there is more, for unless language has lost its force the words "at the proper time, *to be judged of by the Congress of the United States*," leave it absolutely within the power of the Congress of the United States to judge of the time.

The statement is there made in a solemn treaty. What does it matter what the opinion of a President or of a Senator or of a member of the House or of anybody else may be, there it is stipulated in the treaty explicitly that these Territories shall be admitted at the time, and only at the time, which, in the judgment of Congress, is proper. That is a solemn pact between the nations, and you can not "rail the seal from off that bond." We must be, we can only be, guided by the language of the treaty, and the treaty says implicitly that these Territories are to be admitted when Congress judges proper to admit them.

Now, in the presence of that specific statement, Mr. President, in view of the language of all the treaties which I have cited and of all the principles laid down so clearly and so soundly by the Senator from Ohio himself, I contend that not only there is absolutely no moral obligation and no moral argument in behalf of statehood, but that we have an absolute contractual right to say in regard to the Territory acquired from Mexico when, in our judgment, it is proper for it to come into the Union.

Mr. BEVERIDGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Indiana?

Mr. LODGE. Certainly.

Mr. BEVERIDGE. A very little of the time while the Senator has been speaking I have been called out of the Chamber. I understood the Senator to be just now quoting from the treaty

with Mexico concerning these two Territories. I wish to ask the Senator what the fact is as to whether that peculiar and significant language was ever used in any treaty before that time?

Mr. LODGE. It was not only never used in any treaty before that time, but it never has been used in any treaty for the acquisition of territory since.

Mr. BEVERIDGE. Then the point which suggested itself to my mind, and which probably the Senator has already brought out, was that there must be some particular and specific reason why our Government in making this treaty should use language never used before in any like treaty; that it should specifically provide that the territory should be admitted at the proper time, and then should provide that that proper time should be judged of by Congress. That is to say, the proper time to be judged of by Congress could easily be inferred, if it had not been put in here; but they went so far as to actually write it down in words. I call the attention of the Senator from Ohio to that particular fact, that here in this treaty, unlike any treaty that ever went before or afterwards, words were used which might readily have been implied—that is, that Congress was the sole judge.

Now, what I am calling the attention of the Senator from Massachusetts and also the Senator from Ohio to is, Why was it thought necessary to use language in this treaty never used in any treaty before or since, and also language which might readily have been inferred? Why did Congress do the unusual thing, and apparently the unnecessary thing, of putting in the express words "at the proper time to be judged of by the Congress of the United States?" Did Congress see that there might be an effort made to admit them before the proper time, and that some claim of right might be made, and therefore did Congress take care of that in this specific language?

Mr. LODGE. Mr. President, I think it is very obvious from a comparison of the different treaties that that language was put in with a purpose. This territory which we acquired from Mexico differed in an important respect from almost all the territory we had acquired before. The vast regions occupied by Louisiana were for the most part populated only by wandering tribes of Indians. From 30,000 to 50,000 people—French, Spanish, American, and English—were congregated near the mouth of the Mississippi, in what is now the State of Louisiana, but the rest of the acquisition was practically a wilderness. The same was true of Florida.

But a portion of the territory which we acquired from Mexico was populated. There were some 60,000 people living within what is now the Territory of New Mexico at the time of the acquisition—a considerable population. They were not newcomers. They had not suddenly poured into that region from other parts of North America as the men of the United States advanced into what is now Texas. They were among the oldest inhabitants of the continent of European descent. They had been there for many generations. They were an established population.

Mr. President, when the negotiators of that treaty were making it and came to this clause, which had been agreed to in substance both in the Florida treaty and the Louisiana treaty, in view of that population, long planted on the soil, of a different race and a different language from those of the people of the nation, it is not surprising that, foreseeing a possible early agitation for the admission of that region to statehood, the negotiators, out of an abundance of caution, for I do not think it was in the least necessary, put in this specific provision that that territory should not be admitted until such time as Congress deemed proper.

They put the power of judgment wholly in the hands of Congress. It seems to me that it is impossible to argue that there is any moral obligation in the utterances of Presidents or anyone else which rises superior to a treaty solemnly made between the representatives of two nations and solemnly agreed to by the President and the Senate of the United States. I do not think that the utmost ingenuity can show that there is anything anywhere in the nature of moral obligation which deprives us of the right of judging upon its merits this bill and that which it proposes to do.

I come, therefore, Mr. President, to the bill itself. It proposes to admit into the Union three new States, Oklahoma, New Mexico, and Arizona. I alluded at the opening of my argument to the importance of this measure. What indeed can be more important to the people of the United States than the admission of new States. In the progress of years this sovereign act has become steadily more important, for each State helps to govern all the other States of the Union. When I vote here to admit a new State into the Union of States, I to that extent diminish the weight of my own State in the Senate. To that extent I share the power which my own State now has with newcomers. I place on an equality with my own State a new and untried community. My first responsibility here is to the people of the United States and next to the people of my own State. My responsibility to the people of the Territories is wholly secondary.

I think, Mr. President, that the argument for statehood for these Territories has been greatly distorted when the attempt has been made to show that this is a question concerning solely those people who inhabit the region which it is proposed to make into States. They are only one party, and the most unimportant party, to this contract. They are the people who make the great gain, it is true, if this bill becomes a law, but they are not the people first to be considered.

We have heard a great deal, and a great many zealous and eloquent appeals have been made, in behalf of the "builders of waste places." The phrase perhaps has become a trifle musty. But there is much more to be said for the people who have built States already, for the people who laid the foundations of the Commonwealths, without which there never would have been a United States. Their interests are at stake here quite as much as anyone else's, and their interests are larger than anyone else's. The interests of the 45 existing States must be first considered, and then, if you please, the interests of the people who come and ask for admission to the Union. The burden of proof is not upon us. The burden of proof rests upon those who are demanding admission to this great Union of States. They will help to govern us, if they are admitted here, and I think we have a right to say something about who shall govern us. It is a pretty important matter to the people of all the States as to who shall govern them, and we are proposing in this bill to admit some new rulers for the United States who are to take a part not in governing Arizona, New Mexico, and Oklahoma, but in governing all the States of the Union. We have a right to question their credentials pretty closely before we admit them to that great partnership.

In the early days the responsibilities in the admission of new States were not so great as they are now. The nation in which they became partners was by no means so large. The United States was not so great, the prizes before the nation were not so brilliant nor the interests so far-reaching. We admit them now, if we admit them, as partners in a great partnership. The wealth of the early States which formed the Union would be but a trifle on the ledger of a single State to-day. The interests of 1789 were very small and very narrow compared to the interests committed to this body and to the House of Representatives at the present time.

Not long ago a Senator who has done me the honor of listening to me, and who had been out of the Senate for a brief period and then returned to it—I think the interval was only of four years—said, "You probably do not realize, having been here continuously, how much the business of the United States has increased in four years. I notice it, coming back to it after an absence."

If that can be justly said of four years, Mr. President, think what the increase has been since the early days when the United States consisted of the thirteen little scattered Commonwealths on the border of the Atlantic Ocean. Then when we admitted a new State, we admitted it to the possibilities of a great future. Now when we admit a new State, we admit it to a great accomplished past, to a splendid present, to a future of wider possibilities than the founders of the country ever dared even to dream of.

The Government of the United States, as formed under the Constitution, rests on the great compromise, on the great arrangement which placed the basis of representation in one House upon population and in the other House upon the States. That arrangement, known in history as the Connecticut compromise, was the corner-stone of the Constitution of the United States. Without it that Constitution never could have come into being. If it had, it would have died at the very start. It is that balance between the representation of population and the representation of the States as political entities which has made this Government the success it has been. It is that, and that alone, which has made the Senate of the United States the only successful and powerful upper chamber in all the history of parliaments. It all rests, Mr. President, on that one theory of the balance between the States and the population.

It is not wise, Mr. President, to do anything which shall disturb that balance. We have gone too far in that direction, in my opinion, already. We must beware of creating too great a disparity between the population and the State. We want in this Chamber, where every State votes equally, to have some reasonable equality in the power, the population, and the weight of the State, in the House and in the Government.

I think, Mr. President, it is not well to bring home too often to the people of the United States the glaring contrast between a State which is the equal of New York in the Senate, but which sends 1 Representative to the House of Representatives against 36 from the great Empire State.

Mr. BEVERIDGE. Mr. President, I have listened with more

than ordinary interest to what the Senator has had to say, and I rose to suggest the absence of a quorum. I have noticed that hardly any Senator who supports the omnibus bill is here or has been here to hear the Senator's unanswerable argument on a very important point. It is one of the most important arguments which have been made, and I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

Mr. FORAKER. I call attention to the fact that there are more Senators who support the omnibus bill in the Chamber than there are Senators who are opposing it.

Mr. BEVERIDGE. I wish to go on record as denying that contention.

Mr. FORAKER. I make profert of the Senate.

Mr. BEVERIDGE. Well, I make profert of the Senate.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Alger,	Dillingham,	Kean,	Quarles,
Berry,	Dolliver,	Kittredge,	Quay,
Beveridge,	Dryden,	Lodge,	Scott,
Blackburn,	Dubois,	McEnery,	Simmons,
Burnham,	Foraker,	Mallory,	Simon,
Burrows,	Foster, Wash.	Martin,	Stewart,
Burton,	Frye,	Millard,	Turner,
Carmack,	Gallinger,	Morgan,	Vest,
Clark, Wyo.	Gamble,	Nelson,	Warren,
Clay,	Hanna,	Penrose,	Wellington.
Culberson,	Hansbrough,	Platt, Conn.	
Cullom,	Heitfeld,	Platt, N. Y.	
Daniel,	Hoar,	Proctor,	

The PRESIDENT pro tempore. Forty-nine Senators have answered to their names on the roll call. There is a quorum present.

Mr. BEVERIDGE. Mr. President, with the permission of the Senator from Massachusetts——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Indiana?

Mr. LODGE. Certainly.

Mr. BEVERIDGE. Mr. President, I am perfectly aware that in suggesting the absence of a quorum, I exercised merely my constitutional right, and that that act requires no explanation as a matter of law; yet I desire to say at this juncture that that was not done to inconvenience Senators, but during the very able address of the Senator from Massachusetts [Mr. LODGE], the unanswerable argument of the Senator from Massachusetts, on one phase of this matter, which he has now concluded, I could not help but observe, nor could others help but observe, that very few Senators who support the omnibus bill were here to hear him.

Mr. WELLINGTON. Mr. President, will the Senator permit me to interrupt him?

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Maryland?

Mr. BEVERIDGE. Certainly.

Mr. WELLINGTON. I am prepared to say that there were upon this side of the Chamber more opponents of the views of the Senator from Massachusetts than of those who favor them who were listening to his speech. There is no question of it.

Mr. BEVERIDGE. That statement of the Senator from Maryland [Mr. WELLINGTON]—welcome, as any statement which he makes always is—does not have even the force of novelty, for it had just been made by the Senator from Ohio [Mr. FORAKER]. The Senator from Ohio further stated that he was willing to make profert and I said I was willing to make profert. I think I am fairly well informed about the attitude of almost all the Senators who were here; but whether it is true or not that more of one side or of the other side were here, it nevertheless is true that not only the majority, but the very great majority, of those who are claimed as favoring this measure were not here.

Mr. President, the Senator from Ohio the other day made an argument upon the rule to be deduced from the treaties concerning the acquisition of territory—a speech of great ability, which impressed the Senate and the individual members thereof, and the Senator from Massachusetts proceeded to answer that argument to-day so completely that his argument amounted to a demonstration. Even when the Senator from Ohio was appealed to, when his attention was directly called to that, he made no defense. Now, I submit if it is true that the argument of the Senator from Ohio the other day made an impression upon the Senate—and who will deny it?—that it is nothing more than just that those who were thus impressed should be here to listen to its refutation. Therefore, Mr. President, I say it was not a matter of vexation, but a measure of simple justice to all Senators who are making up their minds and whose minds are not already concluded without argument, that they should be here to hear that argument.

Now, the Senator from Massachusetts has concluded that one phase of his argument and is proceeding to another, and, assuming that his demonstration upon his next point would be as conclusive as his demonstration upon the first point, I called for a quorum. Senators must understand that it was not done in any wise to incommode Senators, but merely that Senators should hear the refutation of the excellent argument made by the Senator from Ohio, to which we listened with such attention and with which we were all so well impressed.

Mr. GALLINGER. Will the Senator from Indiana permit me a question?

Mr. BEVERIDGE. Yes; I am through.

Mr. GALLINGER. I was about to ask the Senator from Indiana why he does not exercise his constitutional right of calling a quorum, and do it, as the rest of us do, without lecturing the Senate? [Laughter.]

Mr. BEVERIDGE. Well, Mr. President, the Senator from New Hampshire has injected many medical terms into this debate, always to our instruction and usually to our amusement; but the Senator can not say, however much the Senator may indulge in that, that I have indulged in any lecture of the Senate. I do stand here, however, to say that as a Senator in charge of this bill, representing the Committee on Territories, when as perfect an argument as the Senator from Massachusetts has made in direct answer to the able argument of the Senator from Ohio, which I say impressed us all, it was only reasonable that I should take such measures as might be needful to see that Senators who heard the argument of the Senator from Ohio should also hear its answer by the Senator from Massachusetts. In doing that I am not assuming to lecture the Senate.

Mr. GALLINGER. I will ask the Senator if it has occurred to him that possibly the distinguished Senator from Massachusetts does not care to have it advertised to the country that nobody is listening to his very able argument? [Laughter.]

Mr. BEVERIDGE. I do not know what has occurred to the Senator from Massachusetts, but I am sure, whether anything has occurred to the Senator from Massachusetts or not, the Senator from New Hampshire will imagine it as having occurred and so state it. So we are in no danger of losing anything that the Senator from Massachusetts might have imagined, because we can be sure we can have it direct from the lips of the Senator from New Hampshire.

Mr. GALLINGER. Mr. President, of course that is an assumption that has no foundation in fact.

Mr. BEVERIDGE. Perhaps that is so.

Mr. GALLINGER. That is absolutely so, and if I choose to make an observation concerning the only thing I have said on this bill, and state the exact facts about it, perhaps it would not redound to the credit of the Senator from Indiana.

Mr. BEVERIDGE. It might not, Mr. President. I have no doubt, so far as that is concerned, that we might all indulge in opinions here—and statements of facts, too—more or less disagreeable to each other; but that is something, however, which thus far in this debate I have particularly and with care and watchfulness, so far as I am concerned, kept out of this debate. The Senator from New Hampshire is the first Senator I have heard inject anything of that kind into the debate.

Mr. HOAR. What is the regular order, Mr. President?

The PRESIDENT pro tempore. What is known as the statehood bill is the regular order before the Senate, and the Senator from Massachusetts [Mr. LODGE] has the floor.

Mr. HOAR. I call for the regular order, Mr. President.

Mr. LODGE. Mr. President, I have been, of course, interested in the discussion over the numbers of my audience, but although I can not convert all those who have votes upon this bill to my side, I have a sufficient number of attentive auditors, to whom I am very grateful, without being obliged to fill the chairs on the floor by compulsion or otherwise. If I can not draw them into the Chamber by the charm of my eloquence, I am quite content that Senators shall enjoy themselves elsewhere.

Mr. FORAKER. Mr. President, if the Senator will allow me to interrupt him, I think it is due to the Senator to say——

The PRESIDING OFFICER (Mr. QUARLES in the chair). Does the Senator from Massachusetts yield to the Senator from Ohio?

Mr. LODGE. Certainly.

Mr. FORAKER. I think it is due to the Senator from Massachusetts that it should go into the RECORD that the Senators who are absent from the Chamber are not absent entirely of choice, but they are almost altogether absent engaged on committee work and attending to their duties as Senators elsewhere. I am sure all Senators would be glad to stay here and listen to the Senator from Massachusetts if it were not that they were called away by duties quite as imperative as they conceive to be the duty of sitting here.

Mr. LODGE. Mr. President, of course the Senator from Ohio knows that I understand that perfectly, and that I am entirely

content, as I have said, with my audience, although they can not all vote.

I was speaking of the importance of a bill of this kind to the vast interests and great population of certain States, and of the equal importance of keeping in some measure that balance between the population and the States which lies at the basis of our Constitution.

In this connection, Mr. President, when this argument as to the importance of this matter has been brought before the Senate, as it has been very ably by other Senators, I have heard it repeated more than once—and the same statement will be found in the reports of the minority—that we have admitted new States into this Union in the past with very small populations, with fewer claims to entrance than the present applicants possess, and the fact that we have done so seems to be advanced as a conclusive argument that it is right to do it again.

Mr. President, recklessness in the past in matters of this importance is no argument for recklessness in the present—it never is in regard to any legislation—and it certainly can not be in regard to legislation of such moment as that of a bill to admit new States.

We attempt to throw around the admission of a single immigrant into this country safeguards to protect the citizenship of the United States as well as their health and general welfare. Those safeguards are, to my mind, very insufficient; but the attempt to guard the people of the United States in regard to the admission of immigrants is a well-established policy in our legislation. We have also thrown safeguards around citizenship itself. We require certain formalities, certain conditions, before we admit a man to citizenship in the United States. If the law is properly administered, he is to be asked certain questions to discover whether he possesses the necessary qualifications. The laws in regard to naturalization, in my opinion, like the laws in regard to immigration, are insufficient, and could be greatly improved and infinitely better enforced. But, nevertheless, both laws show that it is the intent of the Government, and must be always the intent of a government where every man of a certain age forms a part of the governing power, to protect their citizenship.

If it is important, then, that one man should have proper qualifications, first, to settle in the country, and second, to become part of its citizenship, what shall be said of the importance of admitting an entire community, many thousands of men at one stroke, to the citizenship of the United States, and admitting them, not merely to citizenship, not merely to a vote, but admitting them to representation and to power as an integral part of the Government of the United States? No, Mr. President, the fact that we have been careless in our immigration laws and that they are insufficient is no argument why we should not be more careful to-day. The fact that our naturalization laws are not properly enforced in many places is no reason why they should not be well enforced. The fact that we have been careless in the past and have admitted new States very easily and heedlessly is no argument that we should be careless and incautious to-day. On the contrary, every argument makes in one direction, that our care and our caution in the admission of new States should become greater and more minute as the years pass by, because with every passing year the estate to which we admit these new partners becomes greater, the heritage in which they are to share grows nobler and richer.

This argument loses none of its force from the fact that the Territory now involved is the last Territory within the old borders of the United States which is capable of admission to statehood. We have other vast Territories which belong to the United States. We have the district of Alaska, growing in poplation and in wealth. We must be very careful how we set precedents here in regard to these Territories if we remember that vast region of the Northwest which may before many years come knocking at the doors. We do not wish to put ourselves in the position where we shall be unable to say, in view of our previous action, "We do not think that your conditions are such as to justify statehood." We do not wish to put ourselves in such a position that we can not say to them, "There is something more than numbers or area to be considered; there is the fitness of the people, their situation, and their geographical relation to the rest of the United States."

Let us beware, for here we are not merely closing a long list of admitted Territories, but we are continuing a process; we are making a precedent. We should not forget that here in the Atlantic Ocean we have acquired an island with a population at least three times greater to-day than the population of New Mexico and Arizona put together. If we are careless in the principles we lay down now in regard to these Territories, that island may come and say, "You must admit us, for you have admitted Territories without regard to the quality of population, and in numbers we far surpass those which you have already let in."

We must take into consideration the fact that in the Pacific are the Hawaiian Islands, fit in population to come into the Union of States, long under American influences, with American schools, American churches, and the language of the United States. They may come to our doors before many years have passed, and we want to be very careful before we lay down as a principle that we have not the most absolute right to pass upon every condition surrounding a new Territory. It is not enough to say: "You have belonged to the United States so long, you count up in the tale so many men, and, therefore, you have a right to come in." We must hold firmly to the position that we have a right to say to the communities who come and demand this great privilege. "It is not enough that you should have a population which is equal to that of a Congressional district, for we have the right to ask of you, you applicants for this highest of privileges, whether in your general structure of society, in your language, in your schools, in your prospects, in your business, in your geographical situation you have a just claim to come in, and whether it is for our interest—not your interest, but the interest of the United States—to admit you as a State of the Union."

If we say to the people of New Mexico: "It is no matter whether you speak English or whether you speak Spanish," can we turn around to the people of Porto Rico and say: "You can not come into this Union until you have become an English-speaking people?" We must beware in admitting new Territories what precedents we establish, for we have acquired in these last few years new and distant territories, and we ought to exercise now more than ever before the utmost caution in proceeding with the admission of any region as a State of the Union. The precedent we set is more important to-day, in my opinion, than it has ever been and deserves a more thorough consideration for this reason, if for no other.

Mr. President, a word now as to the structure of this bill. It is what is known as an omnibus bill. I think the form, as a rule, an extremely bad one for any legislation. It has been used in Congressional practice hitherto for the purpose of passing claims, where it is not unreasonable, although even then not free from objection. Congress, instead of struggling at odd moments with individual claims, has finally adopted the practice of putting at intervals, say every two years, into one bill the claims which have stood fire the longest and been passed oftenest by the two Houses without final agreement, and then enacting them all as one measure. I am not sure, as I have said, that this is a particularly good method, even with claims. I think, perhaps, it is better than the old method, and possibly it is the only practicable method; but to treat a proposed State of the Union as if it had no greater importance than a claim for a burned cotton bale, to be jumbled in with another State, totally different, perhaps, in everything that constitutes a State, to put them all together and then ask us to vote on them in that way, seems to me the worst method which could be devised.

Mr. QUAY. Mr. President, will the Senator from Massachusetts permit me to ask him a question?

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Pennsylvania?

Mr. LODGE. With pleasure.

Mr. QUAY. My recollection is—I may be mistaken, and if so the Senator from Massachusetts can correct me—that the Dakotas and Idaho were all admitted in one bill.

Mr. LODGE. They were, I think, and it was a miserable way to do it.

Mr. QUAY. Did not the Senator support that bill?

Mr. LODGE. If I was in Congress at the time, I probably did.

Mr. BEVERIDGE. Mr. President, will the Senator from Massachusetts permit me, in answer to that——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Indiana?

Mr. LODGE. I desire to say to the Senator from Pennsylvania—and then I will allow the Senator from Indiana to answer him—that if I voted for such a conglomerate bill in the past I learned something from my mistake. Those were not votes I was pleased with at the time; those were not methods of legislation which I liked. Those Territories came in as States, as is well known, in two groups, and they came in on two bills, owing to party compromises. I thought then it was a bad method. Now I am more than ever convinced that it was a bad method.

Mr. BEVERIDGE. I merely wanted to say that if the Senator from Pennsylvania thought there was anything in the attempt to convict the Senator from Massachusetts of having supported an omnibus bill before, it might be readily set off by the fact that there are now Senators in this Chamber and members of the other House who opposed that bill very vigorously who are now

supporting this bill as a matter of right. So if the Senator makes that point, we file the counter claim.

Mr. LODGE. Mr. President, I think that that method of legislating for statehood is a very bad one, and the question of the Senator from Pennsylvania is an illustration of what I was saying a few minutes ago. It is the argument that we have been reckless in the past, therefore it is a good thing to be reckless in the present; because we have admitted States by a bad method in the past, therefore it is a good thing to do it now. As I remember, the bills to which the Senator from Pennsylvania referred were made up in a way to satisfy party exigencies. It was an agreement, I think, between the parties—"if you will let in one State, we will let in another." I do not think political reasons of that sort are a good ground for letting in States. Still less do I think it a good way to let in a State when it has not even the excuse of a political agreement.

An omnibus bill is intended and put together, of course, for the purpose of concentrating as many votes as may be. One of the definitions of the word "omnibus," as my colleague reminds me, as found in the dictionary, is that of "catch-all," and I suppose possibly that that is the principal advantage, if not the only advantage, of this bill in its present form—that it catches all the votes possible for the admission of these Territories to statehood.

Mr. President, in dealing with several States one State may be fit and another State may not be fit; one State may have every qualification to come into the Union and another may have none. You yoke them together in this way and try to float through the weak case on the back of the strong one. It is exactly as if in naturalizing aliens we should ordain that if they brought up a batch of five men, and made a good case for one, we would then admit all five, merely because that one man was fit for naturalization. Suppose we were asked to naturalize men in groups. Everybody would regard it as preposterous. We naturalize only one man at a time. We admit men to citizenship singly; but when it comes to admitting a community to citizenship, to admitting a new State, on this floor they are not to be judged singly, but we must run through three of them at once.

Now, Mr. President, that is not all in regard to the structure of this bill. It is understood that no amendment is to be allowed; that all amendments are to be voted down. The substitute was withdrawn as an amendment, because it was understood, as I am informed by the committee, that if it was pending, a motion would be made to lay it on the table.

Mr. President, in the ten years I have been in the Senate I have never seen a motion made to lay a substitute bill on the table—one offered in good faith. The motion to lay on the table——

Mr. WELLINGTON. Will the Senator permit me for just a moment?

Mr. LODGE. Certainly.

Mr. WELLINGTON. I think possibly the Senator is mistaken concerning the manner of the withdrawal of the substitute. I understood the committee had withdrawn it for the purpose of perfecting it. That was the statement of one of the gentlemen of the committee, as I understood him. It was not because there was any danger of a motion of the kind stated, but because the committee desired to add to it and make it perfect.

Mr. LODGE. Very well. If that is the reason——

Mr. QUAY. Will the Senator from Massachusetts permit me?

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Pennsylvania?

Mr. LODGE. Certainly.

Mr. QUAY. If the committee withdrew it for the purpose of perfecting it, being a member of the committee, I have heard nothing of any attempt to perfect it up to this day. I do not think, and if I am in error the Senator from Indiana will correct me—I do not see him in the Chamber at the moment—that the committee has ever met from the day the substitute was reported.

Mr. LODGE. I may be mistaken; I am not a member of the committee; I am not speaking with any authority; but my understanding was that if the substitute had been moved, the motion would immediately have been made to lay it on the table. Now, the motion to lay on the table——

Mr. QUAY. If the Senator will permit me, I can probably explain that. I think there is some truth in what the Senator says. It has this basis of truth, that there was discussed the question of taking possession of the substitute, not with the intention of cutting off debate, but of introducing a motion to lay on the table, and then permitting debate by unanimous consent until in the judgment of the majority of the Senate the time for the cloture had arrived. That was discussed. There was no declaration with respect to it.

Mr. LODGE. Mr. President, the statement of the Senator from Pennsylvania confirms the information I had. The motion to lay on the table was of course placed in the rules in order to cut off or to limit in some degree the power of offering trivial, time-wasting amendments. It is used sometimes—I have seen it so used—on a measure like a tariff bill, where there is a great multitude of amendments and the debate has run on for a long time on one amendment. The motion to lay on the table is then made to cut off debate on that amendment. But this is a different case. The committee bring in one bill, and the minority of the committee offer a substitute. That substitute ought to be before the Senate. We ought to have the opportunity, the universal, parliamentary opportunity, to perfect both the substitute and the bill before they are brought to a vote. We can not get a vote on the substitute until we have had an opportunity to perfect it, and we can not have any opportunity now to offer an amendment to the substitute because it can not be moved until the last moment when we are ready to come to a vote. No amendment, no matter what it is, is to be allowed to the pending bill. We have to take this great bill, creating three States in the American Union, as it came from the House, without crossing a "t" or dotting an "i." It is the greatest surrender of the functions of the Senate on a bill of that kind that ever was proposed. Does anyone suppose that a bill like that can come out of the House absolutely perfect and that we are not to be allowed to change a word or a line in it?

I understand that the Senator from Georgia [Mr. BACON] desires to offer an amendment affecting the name of one of the Territories. I am not sure whether I agree with that proposition or not. But it seems to me it is a very reasonable proposition and one that we ought to consider. I am perfectly certain that we ought to change the name of the Territory of New Mexico, if we are going to admit it. I think to admit as one of the States of the Union a Territory which bears the name of the adjoining country by prefixing the adjective "New" shows the greatest vacuity of mind of which it is possible to conceive. It is no more New Mexico in point of age and settlement than any part of the Republic of Mexico, and I think we had better give the States that we admit American names. Why should we want to have a State in the Union whose inhabitants shall be spoken of as "Mexicans" and "New Mexicans?" I think there is a good deal of argument to be made on the question of the name of the Territory. But we are not to be allowed to change the name no matter how good the cause for a change may be.

I also have received letters from constituents of mine who are interested in certain bonds—I do not know the merits of the loan or what it is. They are known as Santa Fe bonds. I suppose they are the bonds of Santa Fe County. I will look and see just what they are. He says:

> Then the bill ought to be amended so that the indebtedness of the various counties, especially Santa Fe County, N. Mex., shall be taken care of. Otherwise the bondholders are likely to be placed in a bad fix. I am one of the bondholders of Santa Fe County, N. Mex.

That is from a constituent of mine who owns bonds issued by one of those counties. I do not know what protection there is for him in this bill. He is evidently satisfied as a bondholder that he is not protected. He wants more protection for the recovery of the money which he has lent in good faith. He wants to be assured, so far as law can assure him, of the payment of his just debt, principal and interest. But no amendment can be put in to protect him or any other man who has lent money for any purpose to counties in either of those Territories.

Mr. MASON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Illinois?

Mr. LODGE. Certainly.

Mr. MASON. The Senator would not ask to have the new State or the old Territory assume the county indebtedness of one county or increase the security of the bondholder; and certainly no act we could pass would decrease his security under the law.

Mr. LODGE. I would have the State made responsible for the county bonds, the issue of which it authorized.

Mr. MASON. That is when a State——

Mr. LODGE. Authorizes a county to issue bonds.

Mr. MASON. Authorizes a county to issue bonds for county purposes, and your constituent loaned money to the county, you would now ask the State to pay the county debt?

Mr. LODGE. I would. After the Territory had done it, I would make the State responsible and let the State deal with its county in its own way. That is exactly what Arizona has done as a matter of fact. She has assumed the county debt——

Mr. MASON. I judge from the debates here that when that was attempted to be done it was not entirely satisfactory.

Mr. LODGE. Arizona repudiated one set of bonds and accepted two other sets of bonds.

Mr. CLARK of Wyoming. May I ask the Senator from Massachusetts a question?

Mr. LODGE. Certainly.

Mr. CLARK of Wyoming. Can the Senator recall an instance in the history of the United States where a State has so assumed the payment of the bonds of a county or been held liable for them?

Mr. LODGE. I do not say after a State, as a State, does it. Of course, I do not mean to say that we can compel a State to pay county bonds; but I do say that we can compel a Territory, which belongs to the United States, to be middling honest when it comes into the Union.

Mr. CLARK of Wyoming. The Senator makes an assumption that is not warranted by any state of facts which has ever existed in any Territory in the Union.

Mr. LODGE. I do not say it ever existed in regard to any Territory in the Union. I say it ought not to exist, and we have a right to protect our constituents.

Mr. MASON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Illinois?

Mr. MASON. I do not care to interrupt the Senator if he objects.

Mr. LODGE. Not in the least.

Mr. MASON. I am sure he wants to be correct in the matter. I do not care to discuss with him the proposition that his constituents should have increased security by reason of statehood. I think your constituent loaned the money to the county, and he should look to it. I do not care to discuss that. But the omnibus bill—I suppose it has not been called to your attention—provides that the constitutional convention, when called, can name the State whatever the people of that State desire to name it. So your objection as to calling it New Mexico would hardly be a sound one, when the bill itself which we are to pass, if we can get a vote on it, provides that the people in their constitutional convention, which is the nearest convention to the people, are to be permitted to name their State.

Mr. LODGE. I think while the Territory is still ours—and it is ours while it still belongs to the United States and is under its Government—we have a right to make such terms as we please before we part with all power over it.

Mr. MASON. Do you not think it is a fair proposition to permit the people of the State to christen their own State in their constitutional convention?

Mr. LODGE. Judging from some of the results, I should say we could better trust the Congress of the United States.

Mr. HOAR. I dislike very much to interrupt my colleague, but may I make one suggestion in this connection?

Mr. LODGE. Certainly.

Mr. HOAR. Is it not the true principle that these county debts are wholly or largely contracted for State purposes and State instrumentalities, for court-houses and schools, and things which the State does? I respectfully submit to the honorable Senator from Illinois, and to other Senators who have interrupted my colleague, that where a State has permitted its counties to build court-houses or to establish schools or universities or do any of the things which are recognized as the functions of the State (a function which the State performs for convenience by dividing itself into counties to do it) it is not only reasonable but decent that the State should see that those debts are paid, for the State has had the benefit.

Mr. MASON. I will say to the Senator that it is not the law, nor can I conceive that the ethics are, that when I loan a county money, and when the Territory asks for a certain advantage, to become a State, I should stand in the doorway and say, "Now, unless you pay the debts of your county, you can not become a State."

Mr. HOAR. Mr. President——

Mr. MASON. Let me finish my illustration. We passed a bill here some days ago, without the aid or consent of the Senator from Massachusetts or myself, which permitted one of our children, as you have described the county as being a part of the organization of the State, the Philippine Islands, to coin silver. We gave them the free and unlimited coinage of silver. We did not like the medicine for ourselves, but we permitted our child to partake of it, much to the discomfiture of our child and at the loss of some millions of dollars. They issued that coin with our consent, with our approval, with our permission. Are we to stand in the doorway and say, "We are to pay all those debts?" I think possibly in good morals and good ethics we should.

But the junior Senator from Massachusetts is here just this moment speaking for a bondholder who loans money to a county; and this bill provides for the safety of his security, and that the contract of the loan made by his constituent with that county shall not be impaired. Whether this bill passes or not, he will hold the same security for the debt that he does now.

My proposition is that when, on the great question of making a State, we leave the creditor in the same position that he was in, not lessening the value of his security, he ought not to stand in the way of the progress of the rest of the State by saying: "I have caught you in a tight place, and I want your bond. The county issued the bond as a part of the proposed State. You permitted it." For the bondholder was a party to the contract and was satisfied with the security. I say it is not only against precedent and against practice, but it is manifestly unfair to ask the other counties of the State to become guarantors upon the bonds issued by one county.

Mr. HOAR. If I may have my colleague's permission for one moment, to illustrate the point——

Mr. LODGE. Certainly.

Mr. HOAR. I happen to have some familiarity with it from former employments as counsel, and I have a question now coming before the Supreme Court of the United States involving the principle with which we are dealing, which makes me presume to say something about it.

We had a law in Massachusetts by which the several towns raised money to provide their quota of soldiers for the war, and the question arose before our supreme court of the constitutionality of the law which allowed the towns to do that. Our supreme court said, "This is a matter that the State of Massachusetts is doing. She is furnishing her quota, but doing it by the towns is merely a convenience; it is a State instrumentality; it is the action of the State, and it is made uniform by the various towns contributing their share."

Now, that being true, the Territory of Arizona, or whichever is the one under discussion, adopts a method of performing, through the counties, Territorial obligations of the government, namely, the building of bridges, the establishment of schools, and other things of that kind, especially the building of court-houses, providing for the holding of court. That is the only way in which the county could constitutionally do such a thing; that is, the Territory, for convenience, divides up a Territorial function among the different counties. The Territory had the whole benefit of this bondholder's loan. The Territory would have had to do it if the county had not; and the Territory did it practically through the instrumentality of the counties.

Now, then, it is proposed by the Congress of the United States to wipe that Territory out of existence, with all its obligations, with all its capacity to raise money as a Territory, with all its capacity to pay debts or perform public obligations; and it seems to me that the contention is a very reasonable one, "Before you do that, you must see that your past public obligations are secured and performed." Now, whether that is true or not, that is what seems to me to be true and wise and sensible.

Mr. MASON. May I say one word? My proposition is, if the Senator please, that the bill now before the Senate provides that the contract already made for the security of debts shall not be impaired, and that there shall be no diminution of the Territory and the property originally given as a guaranty of those bonds.

Mr. HOAR. But the equitable obligation of that Territory to see that that thing is done by its county is impaired and its power to do so is destroyed. There is to be no more Territory.

Mr. MASON. Suppose there are two counties, and one desires certain improvements, and the State says, "We can not afford to build you a county court-house, but if you want to tax the people of your own county you may, if you can establish a credit in Boston where you can borrow the money, and there is a man who is willing to loan it to you, and take it upon your county and not put a mortgage upon the lands and the property of other counties," where is the injustice in leaving it just where it was when the party assumed the loan?

Mr. HOAR. We have just built a new court-house in the county where I live—the county of Worcester—and paid for it by a county debt. I undertake to say that if the Commonwealth of Massachusetts should be merged into some other State or be annexed to Rhode Island, our larger neighbor, or something of that kind, the Congress of the United States ought to see that Massachusetts, before she were abolished, provided that all the public obligations contracted by her counties for her benefit were secured.

Mr. MASON. That is just what this bill does. It provides that all the security——

Mr. HOAR. No.

Mr. MASON. It provides that all the security originally taken shall be unimpaired. The making of a new State is not a collection bureau.

Mr. HOAR. But the Senator leaves out of sight the point that one principal security for these county debts is the moral obligation of the Territory to see that they are paid. You propose to destroy that.

Mr. MASON. And the Senator can see no injustice——

The PRESIDING OFFICER. Senators must address the Chair.

Mr. MASON. I beg pardon. The Senator can see no injustice in the county adjoining you that has not a court-house——

Mr. HOAR. Not the slightest.

Mr. MASON. Being taxed for your court-house——

Mr. HOAR. Not the slightest in the world.

Mr. MASON. While they have to go and build their own court-house at their own expense?

Mr. HOAR. I see not only no injustice, but the highest justice and moral obligation.

Mr. MASON. They shall build your court-house, and you shall not assist them to build theirs?

Mr. ALDRICH. I should like to ask the Senator from Illinois a question, if the Senator from Massachusetts will permit me.

Mr. LODGE. Certainly.

Mr. ALDRICH. He is engaged in the discussion of this question from an ethical standpoint. As I understand, he thinks that these counties in New Mexico and elsewhere ought to be allowed to repudiate their debts through a technical defense which he has set up here.

Mr. MASON. I hope the Senator does not——

Mr. ALDRICH. The junior Senator from Massachusetts read a letter which shows, so far as it shows anything in connection with this discussion, that there are certain counties, including the county of Santa Fe, N. Mex., which are trying to repudiate their debts. That is a consideration which addresses itself to the Senate, and it is a very important point outside of the technical question which the Senator from Illinois raises, as to whether we should admit into the Union a people, a community, or a set of communities, or a combination of communities, with such repudiating tendencies.

Mr. MASON. I hope the Senator does not understand that I have any such idea of common honesty.

Mr. ALDRICH. No; I did not understand that the Senator went quite to that extent, but the Senator said——

Mr. MASON. I say this: That upon the question of the admission of new States it should neither be made an opportunity of evading an honest debt nor should it be made a collection agency whereby gentlemen who have loaned money to a county seek to increase their security by spreading that debt out upon the people of the State, who have not had the benefit of the county improvement. That is my contention.

Mr. ALDRICH. But in communities entitled to admission into this great commonwealth of States there ought to be no collection agency necessary.

Mr. MASON. That is just what I say, and when the question——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Illinois?

Mr. LODGE. I yield to the Senator.

Mr. MASON. If the Senator will read the bill we are asking the Senate to pass he will see that it provides every dollar of that indebtedness shall be paid, and that it shall be paid by the people who promised to pay it, and that the security which they originally took when they loaned their money shall neither be enlarged nor diminished. If that is not a fair security and a fair collection I do not know what is.

Mr. WELLINGTON. Mr. President, I desire to say merely one word concerning the assertion made by the Senator from Rhode Island. He says that the letter read by the Senator from Massachusetts indicates that there is a purpose to repudiate upon the part of the county of Santa Fe. I submit that there is not anything in the letter which the Senator from Massachusetts has read which indicates anything of that kind.

Mr. LODGE. I did not read the whole of the letter.

Mr. WELLINGTON. But the part which was read to the Senate.

Mr. LODGE. I read only the last part.

Mr. ALDRICH. I would be glad to read the letter for the information of the Senator.

Mr. WELLINGTON. I am speaking of what was read in the Senate.

Mr. LODGE. I shall be obliged to the Senator from Rhode Island if he will read the whole letter.

Mr. ALDRICH (reading):

> Unless the bill is amended so that the indebtedness of various counties, especially of Santa Fe County, N. Mex., is taken care of, the bondholders are likely to be placed in a bad fix.

I can not understand how they can be placed in a bad fix unless there is some tendency on the part of these counties to repudiate their debts.

Mr. WELLINGTON. I do not look at it in that way.

Mr. ALDRICH. That would be my understanding of the language.

Mr. WELLINGTON. I wish to say just one other word, if the Senator from Massachusetts will permit me.

The senior Senator from Massachusetts [Mr. HOAR] a moment or two ago said that in his county they built a court-house and that that court-house stood as against the people of Massachusetts. I have never in my life heard of any county in any State building a court-house in that manner. A county debt is a county debt, and not a State debt. Whether it be in a Territory or in a State it is a county debt, and a county debt only. If in the State of Massachusetts an attempt were made to make the debt of Worcester County the debt of Massachusetts, there would be a beautiful state of affairs.

Mr. LODGE. Mr. President, I only introduced that letter as an illustration. There is unfortunately in the minds of some persons a very unjust suspicion, no doubt, but there is a suspicion in the minds of some persons, especially those persons who have lent them money, that "the heroic builders of waste places" whom we have heard so much eulogized here do not always pay their debts, and their anxiety finds expression in such letters as this. It has found expression also in the actions of Mr. Coler. The result has been that the unfortunate persons who have lent money to the "heroic builders of waste places" are held up as a set of sharks because they want to have their debts paid.

Now, it seems to me that that is a reasonable desire. I do not see why the men who have lent money to "the builders of waste places" should not get paid just as much as the men who have lent money to somebody else; and if they have doubts as to the probability of their getting paid I think they have a right to express them, and I think we have a right to look into this bill, and before those borrowers pass out of the hands of the United States, to inquire if the citizens of the United States who have lent money there are properly protected. I have a great regard and admiration for the "builders of waste places," but I also have some regard for the people of Massachusetts, and if any of them have interests in the Territories and desire protection, to the best of my feeble power I shall try to give it to them.

I have been led off in this matter of the debt. I used it only as an illustration, but as it has been so much discussed I will add one word more.

Perhaps every right of my constituent, whose letter I have read, is protected in this bill. Perhaps it is not. If it is not, we can have no amendment. It makes no difference whether the protection is there or not, there is to be no amendment. No amendment is to be allowed on any part of the bill. There is such an overwhelming popular demand for this bill that its friends are afraid to let it go back with an amendment to the House of Representatives, where it originated. They do not dare to trust it in the hands of those who carelessly sent it to us without sufficient observation. They are not willing that the House of Representatives should have an opportunity or a chance to change its mind.

Mr. President, I think a bill which we are afraid to have go back to the House for fear it will die in the place where it was born, and therefore that we can not amend, is a bill, considering the importance of its object, which warrants the strongest and most determined resistance those opposed to it can give. The very fact that the bill is not to be changed or amended in any respect like other bills which come before the Senate, and that we must pass it just as it is or not at all, and that all amendments are to be voted down, is, to my mind, an absolute justification for resistance to this bill at every point and at every stage to the utmost extent of our power.

Mr. President, I have spoken of the nature of the bill as here presented, and now I wish to speak of the conditions which, it seems to me, ought to exist in order to warrant our admitting any Territory or any portion of a Territory belonging to the United States as a State of the Union. We of course do not propose to admit waste land, unoccupied and uninhabited territory, great vacant spaces of the earth, to the privileges of States and to representation here merely because they belong to us or because we have acquired them in a treaty in which we have said that we will some day admit them to statehood. No sensible man wishes to create States like that. They would be worse than the famous borough of Old Sarum, which was one of the best examples of the evils which led to the English reform bill in 1832, being a supposed town or village which had a member of Parliament, although no such village existed. We can not admit as a State a merely vacant space of the earth's surface. Population, therefore, must be the first condition of the admission of a State.

Now, as to what shall constitute a sufficient population to warrant the admission of a given area to statehood is worthy, as I think, of some examination. The framers of the Constitution said that there should be at least 30,000 before a new State could be admitted; that is, we having a population, roughly speaking, at the time of about 4,000,000 people, they thought it was not fair to admit a new State into the Union with less than 30,000 inhabitants. They held that to be a fair number in proportion and in relation to the people of all the United States. Thirty thousand

is about 2½ per cent of the four million population, and 2½ per cent of 76,000,000 is something like a million and a half. I am speaking in round numbers.

That is the first guide we have to go by, the fact that the framers of the Constitution thought a State to be entitled to admission into the Union should have a population amounting to 2½ per cent of the total population of the United States.

We now come to the ordinance of 1787. They fixed the population at 60,000. Neither of these figures has been followed in the admission of States. The number accepted as sufficient for admission has been entirely arbitrary; and the rule or custom which has become familiar to men's minds, that to admit a new State it should have as much population as should be enough to constitute a Congressional district at that time, is just as arbitrary as any of the others. The question of population must be to a large extent a question of discretion. It would not be fair to a new Territory to demand that it should necessarily have a million and a half inhabitants. That might be much too large. On the other hand, we have the absolute right to demand that it should have a population sufficient to prevent its being too much out of relation to the other States and to prevent the difference between the representation here and that in the House from being too glaring. There is no rule or law as to how much population a new State ought to have. It certainly ought not to go below what is requisite for one Congressional district. A new State ought to have at least the population which is required of every Congressional district in the United States. It should have enough population to have one Representative on the floor of the House without regard to its being being admitted as a State. That does not seem an unreasonable demand.

Mr. DUBOIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Idaho?

Mr. LODGE. With pleasure.

Mr. DUBOIS. I do not know that I clearly understand the Senator from Massachusetts. Does he intend now to establish a brand-new precedent?

Mr. LODGE. No; I am not establishing any precedent at all. There is no precedent.

Mr. DUBOIS. With the exception of Utah and South Dakota, I think there has been no State admitted for a number of years when their population entitled them to a representation in Congress.

Mr. NELSON. Mr. President, will the Senator from Massachusetts allow me to reply to that?

Mr. LODGE. Certainly.

Mr. NELSON. The Senator from Idaho is utterly mistaken. Of the nineteen States west of the Mississippi River which have been admitted into the Union, all, with the exception of four States, either had more than or pretty near the ratio for a Representative at the time of their admission. I will read the figures, if the Senator from Massachusetts will allow me, in this connection.

Mr. LODGE. With pleasure. I shall be very glad to have the Senator give the figures.

Mr. NELSON. I have a statement here which illustrates what I say. As we go back over the history of our country, we find the ratio of representation to have been as follows:

In 1790, it was 33,000; in 1800, the ratio was 33,000; in 1810, 35,000; in 1820, 40,000; in 1830, 47,700; in 1840, 70,680; in 1850, 93,423; in 1860, 127,381; in 1870, 131,425; in 1880, 151,911; in 1890, 173,901; and in 1900, the present ratio, or the ratio for the next House of Representatives, is 194,182.

Now I will compare the different States with this ratio. Louisiana was admitted in 1812. The ratio in 1810 was 35,000. At that time, according to the census of 1810, Louisiana had 76,556 people. Allowing for the two years' increase, it is evident that Louisiana had more than twice the ratio needed for a Representative in Congress.

Coming to the State of Missouri, it was admitted in 1821. The ratio for a Representative in 1820 was 40,000, and the population of Missouri in 1820 was 66,557, giving it population enough for one and a half Representatives.

Arkansas was admitted in 1836. The nearest census year we come to that is 1840. The ratio in 1840 was 70,680, and at that time Arkansas had a population of 97,574, showing that Arkansas had ample population for a Representative in Congress at the time she was admitted, according to the ratio that was then existing.

Texas was admitted in 1845. I have no statistics as to the population, but in 1850, five years afterwards, she had a population of 212,423.

Iowa was admitted in 1846. Mr. President, I have here a table showing the date of the admission of the several States west of the Mississippi River, the ratio of population for a Representative in Congress for each census period from 1790 down to and including 1900, and showing also the population of the several States. I am anxious to save the time of the Senate, and therefore I ask that this table may be printed as part of my remarks and as a reply to the remarks of the Senator from Idaho [Mr. DUBOIS].

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Minnesota? The Chair hears none, and that order is made.

The table referred to is as follows:

Population of the United States at each census from 1790 to 1900.

State.	Date of act of admission.	Ratio.....	33,000	33,000	35,000	40,000	47,700	70,680	93,423	127,381	131,425	151,911	173,901	194,182
			1790.	1800.	1810.	1820.	1830.	1840.	1850.	1860.	1870.	1880.	1890.	1900.
Louisiana	1812	White			34,311	73,383	89,441	158,457	255,491	357,629	362,705	456,291	559,389	730,821
		Colored			42,245	79,540	126,298	193,954	262,271	350,373	364,210	483,655	559,198	650,804
Total					76,556	152,923	215,739	352,411	517,762	708,002	726,915	939,946	1,118,587	1,381,625
Missouri	1821	White			17,227	55,988	114,795	323,888	592,004	1,063,509	1,603,224	2,023,030	2,529,000	2,945,431
		Colored			3,618	10,569	25,660	59,814	90,040	118,503	118,071	145,350	150,184	161,234
Total					20,845	66,557	140,455	383,702	682,044	1,182,012	1,721,295	2,168,380	2,679,184	3,106,665
Arkansas	1836	White				12,579	25,671	77,174	162,189	324,191	362,302	591,859	819,062	944,708
		Colored				1,676	4,717	20,400	47,708	111,259	122,169	210,666	309,117	366,856
Total						14,255	30,388	97,574	209,897	435,450	484,471	802,525	1,128,179	1,311,564
Texas	1845	White							154,034	421,294	565,104	1,198,365	1,747,352	2,427,988
		Colored							58,558	182,921	253,475	393,384	488,171	620,722
Total									212,592	604,215	818,579	1,591,749	2,235,523	3,048,710
Iowa	1846	White						42,924	191,881	673,844	1,188,258	1,615,099	1,901,211	2,219,160
		Colored						188	333	1,069	5,762	9,516	10,685	12,693
Total								43,112	192,214	675,913	1,194,020	1,624,615	1,911,896	2,231,853
California	1850	White							91,635	375,908	555,975	858,676	1,196,802	1,474,008
		Colored							962	4,086	4,272	6,018	11,328	11,045
Total									92,597	379,994	560,247	864,694	1,208,130	1,485,053
Minnesota	1858	White							6,038	171,764	438,947	779,209	1,298,143	1,746,435
		Colored							39	259	759	1,564	3,683	4,959
Total									6,077	172,023	439,706	780,773	1,301,826	1,751,394
Oregon	1859	White							13,087	52,337	90,577	174,281	312,581	412,435
		Colored							207	128	246	487	1,186	1,101
Total									13,294	52,465	90,923	174,768	313,767	413,536

Population of the United States at each census from 1790 to 1900—Continued.

State.	Date of act of admission.	Ratio.	33,000	33,000	35,000	40,000	47,700	70,680	93,423	127,381	131,425	151,911	173,901	194,182
			1790.	1800.	1810.	1820.	1830.	1840.	1850.	1860.	1870.	1880.	1890.	1900.
Kansas	1861	White								106,579	347,291	952,989	1,377,386	1,418,492
		Colored								627	17,108	43,107	49,710	52,003
Total										107,206	364,399	996,096	1,427,096	1,470,495
Nevada	1864	White								6,812	42,134	61,778	45,519	42,201
		Colored								45	357	488	242	134
Total										6,857	42,491	62,266	45,761	42,335
Nebraska	1867	White								78,759	122,204	450,017	1,049,997	1,060,041
		Colored								82	789	2,385	8,913	6,259
Total										28,841	122,993	452,402	1,058,910	1,066,300
Colorado	1875	White								34,231	39,408	181,892	405,963	531,130
		Colored								46	456	2,435	6,215	8,570
Total										34,277	39,864	194,327	412,198	539,700
North Dakota	1889	White								4,837	14,087	134,776	182,346	318,860
		Colored									94	401	373	286
Total										4,837	14,181	135,177	182,719	319,146
South Dakota	1889	White											328,267	401,105
		Colored											541	465
Total													328,808	401,570
Montana	1889	White									20,412	38,813	130,639	241,806
		Colored									183	346	1,490	1,523
Total											20,595	39,159	132,159	243,329
Washington	1889	White								11,594	23,748	74,791	347,788	515,589
		Colored								30	207	325	1,602	2,514
Total										11,594	23,955	75,176	349,390	518,103
Wyoming	1890	White									8,935	20,491	59,783	91,591
		Colored									183	298	922	940
Total											9,118	20,789	60,705	92,531
Idaho	1890	White									14,939	32,557	84,184	161,479
		Colored									60	53	201	293
Total											14,999	32,610	84,385	161,772
Utah	1894	White							11,330	40,214	86,668	143,731	207,317	276,077
		Colored							50	59	118	232	588	672
Total									11,380	40,273	86,786	143,963	207,905	276,749

Mr. LODGE. Mr. President——

Mr. DUBOIS. Will the Senator from Massachusetts yield to me for a moment?

Mr. LODGE. Certainly.

Mr. DUBOIS. The Senator from Massachusetts, as I understood him, took the position that no State should be admitted unless it had sufficient population to give it representation in the House of Representatives. I may have been too sweeping in the statement that comparatively few States at the time of their admission had sufficient population to entitle them to such representation; but I call the attention of the Senator from Minnesota and of the Senator from Massachusetts to the fact that among the recently admitted States west of the Rocky Mountains Wyoming had 60,000 population when it was admitted, Idaho had 80,000, and Montana considerably less than enough to entitle it to representation in the House of Representatives. Half of the States which have been admitted for the last twenty-five years have not had at the time of their admission nearly sufficient population to entitle them to representation in the other House of Congress. Therefore I ask the Senator from Massachusetts if he is now establishing a new precedent? Population has not by any means been the only consideration in the past.

Mr. LODGE. Mr. President, I did not say so. I said that a Territory seeking admission as a State ought to have such a population. The old rule laid down, as pointed out in the report of the committee, and the rule that we were supposed to live up to, was that a Territory to be admitted should have the population of a Congressional district. That was observed in some cases, but in many other cases it has not been observed as the population necessary to constitute a Congressional district has increased. I think that though the line as drawn was perfectly arbitrary, still there was some reason in it. I think that a State ought to have a population equal to that of a Congressional district before it has in the Senate the representation of two Senators and in the House the representation of one Member. I think that is very little to ask.

But I was trying to argue that the question of population was one in regard to which discretion was necessary. We have no definite precedent; we have no definite law about it. We have to exercise a certain reasonable discretion. We do not wish to ask too much, but we ought to ask enough so that the disparity between the State's representation here and its great power in this Chamber and that which it possesses in the other Chamber shall not be too glaring.

Mr. President, I have occupied the floor for more than two hours and a half; I am tired, and I shall be obliged to leave the Chamber in a very short time. So I shall ask the indulgence of the Senate that I may complete to-morrow what I have to say.

Mr. ALDRICH. Mr. President, I do not think the Senator from Massachusetts should be required to go on to-night. I think it is desirable that we should have a short executive session before adjournment; but before making that motion, I desire to ask for a unanimous-consent agreement of the Senate.

But four or five weeks of the present session remain; there is much public business that should be done; and I will ask unanimous consent that, commencing to-morrow, the unfinished business, the statehood bill, shall be taken up at 2 o'clock and be kept before the Senate, subject to appropriation bills and conference reports, until the usual hour of adjournment, in the neighborhood of 6 o'clock. Then we should have the morning hour to be devoted to business on the Calendar and to doing executive business.

I make that request because I believe it will facilitate the business of the Senate, and that we shall not profit anything by going on in the way we have been going on in the last twenty-four or forty-eight hours.

Mr. QUAY. Mr. President, as at present advised I can not consent to the suggestion of the Senator from Rhode Island. If the Senator from Rhode Island will include in his request for unanimous consent an arrangement for fixing an hour for taking the final vote on the statehood bill, I will assent to it.

Mr. ALDRICH. I am not in charge of the statehood bill or of

the opposition to the statehood bill, and therefore I can not make any such arrangement.

Mr. QUAY. Then I object to the request.

The PRESIDENT pro tempore. Objection is made.

Mr. ALDRICH. Then I move that the Senate proceed to the consideration of executive business.

Mr. BEVERIDGE. On that motion I call for the yeas and nays.

Mr. QUAY. Mr. President——

The PRESIDENT pro tempore. The Senator from Rhode Island moves that the Senate proceed to the consideration of executive business. That motion is not debatable.

Mr. BEVERIDGE. I call for the yeas and nays.

Mr. QUAY. Mr. President, I suggest that there is not a quorum present in the Senate.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll; and the following Senators answered to their names:

Aldrich,	Clark, Wyo.	Harris,	Morgan,
Alger,	Cockrell,	Hoar,	Penrose,
Allison,	Culberson,	Jones, Ark.	Perkins,
Bacon,	Cullom,	Jones, Nev.	Quay,
Bate,	Dubois,	Kean,	Simmons,
Berry,	Elkins,	McEnery,	Stewart,
Blackburn,	Foraker,	McLaurin, Miss.	Taliaferro,
Burrows,	Frye,	Mallory,	Tillman,
Burton,	Gallinger,	Martin,	Wellington.
Carmack,	Gibson,	Mason,	

Mr. SIMMONS. I desire to announce that my colleague [Mr. PRITCHARD] is absent on account of illness.

Mr. McLAURIN of Mississippi. I wish to announce that my colleague [Mr. MONEY] is unavoidably absent on account of sickness in his family.

The PRESIDENT pro tempore. Thirty-nine Senators have responded to their names.

Mr. QUAY. Mr. President, I have no desire to send for absent Senators this evening, and I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 18 minutes p. m.) the Senate adjourned until to-morrow, Thursday, January 29, 1903, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January 28, 1903.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

CORRECTION.

Mr. GRIGGS. Mr. Speaker, on the final vote in the House yesterday on Senate bill 3287, to increase the salaries of the judges of the United States courts, I find that I am not recorded as paired. I was paired with the Representative from California [Mr. LOUD], who so understood, and did not himself vote.

APPOINTMENTS BY THE SPEAKER.

The SPEAKER laid before the House the announcement of the following appointments:

To be members of the Memorial Association of the District of Columbia (27 Stat. L., p. 396), John W. Douglas and Charles J. Bell.

To be members of the Temporary Committee on Accounts (28 Stat. L., p. 768), Mr. HILDEBRANT of Ohio, Mr. HUGHES of West Virginia, and Mr. BARTLETT of Georgia.

DANIEL P. MARSHALL.

The SPEAKER laid before the House, with an amendment of the Senate, the bill (H. R. 15069) to increase the pension of Daniel P. Marshall.

The amendment was read.

Mr. SULLOWAY. I move that the House concur in the amendment of the Senate.

The motion was agreed to.

CONTAGIOUS DISEASES OF LIVE STOCK, ETC.

The SPEAKER also laid before the House, with amendments of the Senate, the bill (H. R. 15922) making appropriations for the suppression and to prevent the spread of contagious and infectious diseases of live stock, and for other purposes.

The amendments were read.

Mr. WADSWORTH. I move concurrence in the amendments of the Senate.

The motion was agreed to.

BANKRUPTCY.

The SPEAKER. The Chair also lays before the House, in pursuance of the order made two days ago, Senate amendments to the House bill (13679) for the amendment of the bankruptcy law. These amendments have been once read to the House, and if there is no demand now, the reading will be omitted. The Chair hears no such request.

Mr. JENKINS. I move that the House concur in the Senate amendments. I desire to call the attention of my friend from Alabama [Mr. UNDERWOOD] to this motion.

Mr. UNDERWOOD. I ask the gentleman to yield to me.

Mr. JENKINS. How much time?

Mr. UNDERWOOD. About ten minutes.

Mr. JENKINS. I yield ten minutes to the gentleman from Alabama.

Mr. UNDERWOOD. Mr. Speaker, I am opposed to the motion to concur in the amendments of the Senate to this bill amending the bankruptcy act, because if we concur at this time, that action passes the bill; and I do not believe that we shall get any other remedial legislation for many years to come. I think that the House ought to make an effort to have its bill passed as it left the House, or at least that we ought to insist on some of the House provisions which I believe to be very vital and very necessary. There is only one way in which that can be done, and that is for this House to nonconcur and send the bill to conference. Of course this does not necessarily mean that the bill will entirely fail if we send it to conference, because if our conferees should be unable to get the Senators to agree with the position the House has taken in this matter, we shall yet have the opportunity to concur.

Now, I understand from the gentleman in charge of the bill that the Senate refuses to consider anything that comes from this side of the House on this subject—insists that we ought to concur now, or the bill will fail. Well, I have not heard that statement made very often in reference to bills coming back here from the Senate; but I think we ought to send the bill to a conference and let the Senate conferees send their message directly and officially back to this House before we tamely submit and accept the terms that they dictate in the matter.

There is one provision of the House bill which has been stricken out by the Senate in which I feel a very vital interest. It is a matter that affects my own State particularly and may affect some other States in the Union, although there are some that will not be affected. In the State of Alabama we have an exemption of $1,000 on personal property. That exemption is very large. With that we have included an exemption of $2,000 worth of real estate; so there is $3,000 exempt to every man in the State of Alabama. If you were to distribute that exemption equally among all the citizens of the State of Alabama, there is not enough property in the State to equal the aggregate amount of the exemption; in other words, a sheriff could never levy an execution in the State of Alabama if such a distribution were made. Now, the constitution and laws of the State of Alabama provide that this exemption may be waived, so that the debtor may obtain credit if he has not over $3,000 worth of property. I was on the Judiciary Committee when the original bankruptcy law was prepared, and I know it was not the intention of that committee at that time to interfere with the local exemption law of the State. It was no intention of ours to have the bankruptcy court interfere with the right of a debtor to waive his exemption.

Under the decisions of the court, Mr. Speaker, they have held that notwithstanding the State law allows a man to waive his exemptions, yet if he voluntarily takes advantage of the bankruptcy act and goes into the bankrupt court he may claim his exemptions against these waived notes or against this waiver on exemptions. In other words, he may have a thousand dollars' worth of personal property and write a note in which he says, "I will waive my personal exemptions if you will give me credit in the State of Alabama," and after he has waived that exemption, treated with me to that effect, and borrowed my money on that waiver, he can turn around under the decisions of the United States courts, go into the bankrupt court, and claim his exemption and defraud me of my money, which I have given him on the face of the credit of his having waived that exemption. Now, I say that when this bill was before the House we put in it a provision preventing the courts of the United States from interfering with the State laws on the exemption question.

Mr. BARTLETT. Mr. Speaker, may I ask the gentleman a question?

The SPEAKER. Does the gentleman yield?

Mr. UNDERWOOD. Certainly.

Mr. BARTLETT. Is it not true that the Supreme Court of the United States has not yet decided the question to which the gentleman refers, and that the various circuit courts and the circuit court of appeals are divided upon the question?

Mr. UNDERWOOD. Well, it has not reached the Supreme Court. I understand that in the district courts there has been some division. I have not heard of any division in the court of appeals.

Mr. BARTLETT. Yes.

Mr. UNDERWOOD. The court of appeals for our circuit, the fifth, has decided what I state.

Mr. BARTLETT. Has decided it by a divided court.

Mr. UNDERWOOD. A majority of the court has decided what I have stated.

Mr. BARTLETT. Yes.

Mr. UNDERWOOD. And as long as that decision stands, notwithstanding it is a divided court, it is the law. Now, I say that if we put in the law to-day this amendment that the State law shall not be interfered with, it prevents a debtor from defrauding his creditors by pretending to waive his exemptions and then going into the bankrupt court and claiming that which is waived, which can not hurt anybody. If he does not want to waive his exemptions, he need not. In some States he can not waive his exemptions. It does not interfere in those States where he can not waive exemptions, but it merely allows the State law to be carried out. Now, if you allow this provision to stay on the statute books as it is, allowing a man to waive his exemptions and then go into court and defraud his creditors, the result will be that this law will be made intensely unpopular, as it is growing to-day in the State of Alabama, and it will tend that way in other States.

Mr. SMITH of Kentucky rose.

The SPEAKER. Does the gentleman yield to the gentleman from Kentucky?

Mr. UNDERWOOD. Yes.

Mr. SMITH of Kentucky. Suppose this Senate provision shall stand, would any person give to any other person credit upon a waiver of the exemption?

Mr. UNDERWOOD. I will say to my friend that it is not the Senate provision we want to stand. We want the House provisions, which the Senate has stricken out, to stand.

Mr. SMITH of Kentucky. I mean that if this law shall pass in such shape that a man can not make a general waiver——

Mr. UNDERWOOD. The gentleman means if we do not grant any relief in the matter, will they give credit?

Mr. SMITH of Kentucky. Yes.

Mr. UNDERWOOD. Well, I will state that they do. I do not know why, but they do. There is credit given and it is a common occurrence in my State for a man to sign a waived note and then afterwards turn around and claim his exemptions in the courts and be discredited.

Mr. McRAE. Mr. Speaker, I would like to ask the gentleman if, while insisting that the right of waiver of homesteads and exemptions should be upheld by the bankrupt court, he also insists that that waiver should be in favor of the particular individual to whom it may be given, and, if so, would that not be a preference and be an act of bankruptcy under the law.

Mr. UNDERWOOD. Now, all I insist on is this, that the State law in reference to exemptions in the various States shall not be interfered with by the bankrupt law. That is the effect of the provision we put in the House bill. If the law in the gentleman's State is one way and in my State the other, it interferes with neither State. It merely provides that the United States courts, through the bankruptcy act, shall not overturn the provisions of law made by the States in reference to exemptions.

Mr. McRAE. But if the exemption is a personal privilege, as all courts hold, and that is the reason which underlies it, then the contention of the gentleman is that it should inure to the man in favor of whom the waiver is made, and not to the general assets of the assignor.

Mr. UNDERWOOD. Why, certainly.

Mr. McRAE. Then is not the waiver of it a preference and, therefore, an act of bankruptcy under this law?

Mr. UNDERWOOD. I will answer my friend if he will give me his attention. Until a man has waived his exemptions the exemption does not belong to the creditor. If my friend from Arkansas has $2,000 worth of property, and gives me a note for $1,000, as to $1,000 worth of that property that note is of no value because it can not be levied on. It is not liable to his debt; it is no security, and I understood that at the time.

On the other hand, if he gives me a note, waiving that exemption, then I have a thousand dollars for my security. Now, if he is willing to waive that and give that security to one man, why, of course, it is a preference which he has given me, something that he has not given to the other creditor at all. It is just exactly the same as if he owned a farm and he gives a mortgage to one creditor and refuses to give it to another creditor. Under the bankruptcy act the man who has got the mortgage still maintains his lien, but it does not apply when it comes to personalty in the way of exemption.

Mr. McRAE. Then take the illustration you make. Your contention is then——

The SPEAKER. The time of the gentleman has expired.

Mr. McRAE. I ask the gentleman from Wisconsin to yield a few moments, in order that I may get an answer to my question.

Mr. JENKINS. I yield sufficient time to let the gentleman from Alabama answer the question of the gentleman from Arkansas.

Mr. McRAE. Take the illustration you make: If I have $2,000 worth of property with one thousand exempt and give you my note for $1,000 and waive my exemptions and go in debt after I give you my note to the extent of, say, $5,000, and when you put me in bankruptcy I have nothing but the $1,000 which is exempt. Now, do you insist that it would be right for you to take the whole of my estate and let my other creditors get nothing, or do you want to divide this thousand dollars between all creditors? What will be the effect of it?

Mr. UNDERWOOD. My friend from Arkansas can readily see that the other creditors to whom the exemption was not waived have nothing anyhow, because when the debtor claims his exemptions in the bankruptcy court he gets his thousand dollars and gets his discharge, and they have nothing to do with the thousand dollars that is exempt, because it was never waived to them.

Mr. McRAE. Then is it a preference——

Mr. UNDERWOOD. No, it is not a preference.

Mr. McRAE. In favor of the man to whom you waived it, and is not that itself an act of bankruptcy?

Mr. UNDERWOOD. Not at all. I see what my friend means, but I say not at all. The creditors to whom the exemption has not been waived have nothing to do with the thousand dollars, because it is exempt anyway.

Mr. RICHARDSON of Alabama. It could not be made an act of bankruptcy.

Mr. UNDERWOOD. It could not be made an act of bankruptcy. But as to the man to whom the exemption was waived, until this bankruptcy law was passed he had a right to that property. It was an asset that belonged to him. It was an asset on which he gave credit, and this bankruptcy law, as construed by the courts, is taking that property away from the creditor, taking the creditor's rights away from him to levy on the property that under the State law belonged to me, and I say that it is an injustice, and I say the House ought to insist on that provision of the bill. That is all I have to say.

Mr. CLAYTON. Mr. Speaker——

Mr. JENKINS. How much time does the gentleman want?

Mr. CLAYTON. Ten minutes.

Mr. JENKINS. I yield ten minutes to the gentleman from Alabama.

Mr. CLAYTON. Mr. Speaker, I shall support the motion made by the distinguished chairman of the Committee on the Judiciary [Mr. JENKINS]. I regret to have to differ from my colleague [Mr. UNDERWOOD] who has just addressed the House.

I support the motion of the gentleman from Wisconsin [Mr. JENKINS] because, in my judgment, the amendments offered by the Senate to the bill as it originally passed the House improve the measure. They improve it in that they cut down the fees of court officials, referees, and others. They improve it further by adding a new section, 72, which provides:

> That neither the referee nor the trustee shall in any form or guise receive, nor shall the court allow them, any other or further compensation for their services than that expressly authorized and prescribed in this act.

And another reason that constrains me to support the motion to concur in the Senate amendment is the very fact that the Senate has stricken out this harsh provision of the House bill which was offered at the instance of my colleague [Mr. UNDERWOOD] and about which he has just spoken.

It is one thing, gentlemen, for a debtor to voluntarily give his creditor a promissory note waiving his exemptions. Perhaps there were personal considerations and private reasons that may have induced him to do that. He did that with no idea of a bankruptcy proceeding. When he is involuntarily thrown into the bankruptcy court, a thing not contemplated when he gave that note, I think it is entirely right and proper under the changed conditions that he be allowed to claim his exemptions. It is entirely right and proper to let him do so, as the courts now permit.

I want to call the attention of the House to the amendment which has just been discussed by my colleague and which the Senate has stricken out:

> That when the bankrupt in any State has waived his right to claim his exempt property to his creditors, the bankruptcy court shall not set apart to him this exemption as against said creditors.

That seems to confiscate exempt property to the use of all the creditors. The debtor did not waive his exemption in favor of his general creditors. To them he did not give the waiver. The gentleman from Arkansas [Mr. McRAE] well asks the question if you do not make this waiver, this confiscating process, as it may be termed, apply in favor of all the creditors, instead of limiting it to the one holding the instrument of waiver, it would give that one a preference under the bankruptcy law. I do not know how the courts would construe this provision.

Mr. Speaker, I do not desire to detain the House any longer. When this bill was originally before the House I was opposed to it. I am now opposed to a bankruptcy law any longer remaining on our statute books.

Mr. GILBERT. Do not you think that the bankruptcy law ought to allow it with the consent of the wife? Now, in Kentucky——

Mr. CLAYTON. The gentleman will pardon me; I have only ten minutes; and that is a question I do not care to go into. It does not touch the phase of the question I am now discussing. I have no doubt the gentleman from Wisconsin will give you time to make that understood. I would like to do so if I had time to discuss it.

Now, Mr. Speaker, as I was proceeding to say, I have always been opposed to this bankruptcy legislation, and tried to have this law repealed. The sentiment of the country will yet be aroused in such a way that Congress will repeal this law.

This law, in my humble judgment, is being made more and more a collection agency. It is upheld and advocated in the main by the city jobbers and wholesale merchants for their benefit. The amendment about which my colleague has talked is more and more in the interest of the creditor. The unfortunate is treated with but little consideration. The law is too severe, and this amendment adds to its severity. There is too little of thought in the bankruptcy law of the unfortunate debtor. The matter of collecting debts and the enforcement of private contracts could be better left to the States and to the laws of the States than to the Federal courts.

Now, Mr. Speaker, I do not desire to say any more. I wish I had an opportunity to vote for the repeal of this law, but inasmuch as I am denied that opportunity and inasmuch as in my judgment these Senate amendments improve the House bill, I shall support the motion offered by the gentleman from Wisconsin.

Mr. JENKINS. I now yield five minutes to the gentleman from Georgia.

Mr. BARTLETT. Mr. Speaker, I voted against this bill when it passed the House and was sent to the Senate. I voted for the proposition made by the minority of the Judiciary Committee of the House to repeal the bankruptcy law now upon the statute books. I have not changed my opinion in the least particle with reference to the propriety and correctness of that vote.

I have rather been strengthened in the conviction that that vote was correct, and that the vast majority of the people of this country are now demanding that this bankruptcy law, which was heretofore enacted, should be repealed. Every banker in my town has written me letters or spoken to me on the subject, asking me to aid in its repeal. I have but to read an extract from a letter which I hold in my hand here from one of the most prominent bankers of that city, the president of the oldest national bank in the city, in which he said:

> What a godsend it would be to the whole country if the bankruptcy law could be repealed.

To show the sentiment of the business men of my city, the bankers of the State of Georgia, in convention assembled at Savannah last year, almost unanimously passed resolutions requesting Congress to repeal this law. I am still of the opinion that it should be repealed.

My immediate constituents favor the repeal of the bankrupt law, and have indorsed my vote at the last session of this Congress to repeal it.

The Democratic convention of the sixth Congressional district of Georgia, which I have the honor to represent on this floor, on July 8, 1902, in nominating a candidate for Congress from that district for the Fifty-eighth Congress, declared as follows:

> We do not believe in a permanent system of bankruptcy; and, believing that the bankruptcy law has answered its purpose, we favor its repeal and indorse our immediate Representative for his effort to have the same repealed.

I am of opinion that the sound public judgment of the people will continue to demand its repeal until in the very near future Congress will answer that demand by wiping this law from the statute book. A bankrupt law should not exist at all except for a very short period.

Now, I shall support the motion of the gentleman from Wisconsin, that the House concur in the amendments made by the Senate to this bill, because I believe they greatly improve the House bill; that they greatly add to it, and that they take from some of the provisions in the bill of the House some of its most rigorous and harshest provisions. In addition to that I call attention to the amendment that the Senate has made on page 7, the twenty-eighth amendment. The House bill provided:

> That the wife shall not be so examined except as to business transactions to which she is or has been a party, and she may be examined to determine that fact.

That is, to business transactions she may have had with her husband. The Senate struck that out and have inserted—

> That the wife may be examined only touching business transacted by her or to which she is a party, and to determine the fact whether she has transacted or been a party to any business of the bankrupt.

Therefore the Senate has seen fit to emasculate, to tone down this harsh provision which the House bill contained, and to which I called the attention of the House when the bill was before the House, and it now only permits the wife to be examined as to her own business.

Now, with reference to the provision which the gentleman from Alabama [Mr. UNDERWOOD] says ought to remain in the bill, I desire to say that, in my judgment, the Senate has wisely stricken that provision from the bill.

The proposition is that a man who makes a general waiver in an ordinary note, not in favor of a particular person, not in favor of a particular debt, not in favor of a lien given upon a particular piece of property, but a general blanket waiver, that he shall be deprived of his exemption, simply because he has made that waiver. Now, I say that the courts have uniformly held, unless authorized by constitutional provision, that a general waiver is not a lien. The question came up under the old bankrupt law.

Judge Deadeye, in the first case, decided that a general waiver was not good. That was subsequently upheld by most of the circuit courts of appeal. They have decided that a waiver of a homestead in a mortgage or lien in favor of a particular person, in favor of a particular piece of property, upon which a lien or mortgage is given, that that waiver is a particular lien. But in the law, as the Senate proposes to make it, we shall have this remarkable situation where a debt is destroyed by the bankrupt and the waiver lives. There is no lien, no mortgage, no right of the creditor to proceed and collect his debt, but simply the debt destroyed, the bankrupt discharged, and the waiver lives. It is an anomaly, and the courts have so recognized it.

As I stated to the gentleman from Alabama, the case went up from my own town and county to the circuit court of appeals, and the last decision was made, and there is a certificate of division of opinion, and will go to the Supreme Court of the United States. That question, Mr. Speaker, is whether or not a general waiver is good in favor of a general creditor, and is now, as I understand it, either on its way to the Supreme Court of the United States or pending there, where it will soon be decided.

How the Supreme Court may decide we do not know, but it is then time for us to amend the bankrupt law. If they do not decide that the waiver is good, then if it is the will of Congress we can provide for an amendment as well then as now, and provide in the bill as it was when it went from the House. In case they decide that it is bad, there is no need of an amendment. In other words, let us not tinker with the law too much, but wait until we can repeal it.

Mr. JENKINS. I now yield five minutes to the gentleman from Massachusetts [Mr. POWERS].

Mr. POWERS of Massachusetts. Mr. Speaker, I sincerely trust that the motion of the chairman of the Judiciary Committee will be adopted by this House. In June last, after a full day's debate, and a very able debate, to my mind, this House, by a vote of at least 2 to 1, decided that the bankruptcy law ought not to be repealed, and in deciding that question they settled it for this term of Congress. Now this bill comes back from the Senate with certain amendments, and so far as I have observed there is not an amendment that is not favorable to the debtor. When the question was under consideration before, every gentleman upon the other side of the House admitted that the bill ought to be amended. But they said that the amendments proposed by the Judiciary Committee were amendments that were too hostile to the debtor. Now, my friend from Georgia says that he is satisfied with the bill as it comes from the Senate, and I trust these amendments will be concurred in and that this amended bill will go upon the statute books.

A great commercial country like the United States, with 45 States, demands a uniform system of bankruptcy law. Suppose we leave it to the 45 States, what do we have? We have, as Mr. Webster said many years ago, forty-five "jarring systems" for the administration of bankruptcy. I tell you the time is past when we shall go back to the State system of the administration of bankrupt estates. The bankruptcy law is here to remain, and it is to remain with such amendments as Congress from time to time may make in justice to the creditor and in justice to the debtor.

Mr. JENKINS. Mr. Speaker, I now yield five minutes to the gentleman from Kentucky [Mr. SMITH].

Mr. SMITH of Kentucky. Mr. Speaker, I am opposed to any permanent bankrupt law. I do not believe, sir, that it is morally right for the Government of the United States to enable the debtors of the country to pay their debts through a system of

bankruptcy. Now, I opposed this bill when it was before the House on a former occasion and was passed. I stood then for the repeal of the present bankruptcy law, and I stand yet for the repeal of that law.

I believe, sir, that the day is speedily coming in this country when the sentiment of the people will so grow and strengthen that the members of Congress will not dare to turn a deaf ear to their demands that the bankruptcy statute be repealed. Taking that view of this subject, I am opposed to the motion made by the chairman of the Judiciary Committee. I will not compromise my position upon the bankruptcy legislation by voting for any kind of amendment.

Now, if we send this bill to a conference committee, as proposed by the gentleman from Alabama [Mr. UNDERWOOD], those members who desire to do so will yet have the opportunity to vote for the Senate amendments, or some amendment, at least, that will modify the harsh terms of the present bankruptcy law. You lose nothing by sending it to conference.

If it be so referred, and they report back an amendment which may even greatly modify the present bankruptcy law, I shall still vote against the measure, because I believe that bankruptcy legislation is morally wrong. I am not willing to compromise by taking any part or parcel of it. In other words, I am not willing to vote for a vicious measure because, perchance, it may not be quite so bad as some other bill. I shall vote for measures that I believe to be right, and against measures that I believe to be wrong. Believing that any kind of permanent bankruptcy law is wrong, I shall vote against this bill, or any other bill that seeks to amend the existing bankruptcy law. This is all that I care to say.

Mr. JENKINS. I yield five minutes to the gentleman from Arkansas [Mr. MCRAE].

Mr. MCRAE. Mr. Speaker, I presume that I need not say in this presence that I am opposed to any kind of a bankruptcy act. If I had any inclination to support any such law in any form, I frankly confess that I should be disposed to support the Senate amendments to this bill, because they are more in favor of the debtor than the original bill. But I have no desire to popularize the bankruptcy act, and shall therefore vote against any proposition which seeks to perpetuate the present bankruptcy law. I believe, Mr. Speaker, that the bankruptcy act now upon the national statute books is doing more to undermine personal credit and commercial honor than all other influences combined. I have in mind one merchant who, since the passage of this law, has gone into bankruptcy twice, and neither time paid 25 per cent dividend. And he may go on indefinitely, for there is no limit to the number of times that discharges can be granted under this act.

If you want proof of what the law is doing, read the list of failures under it.

There is but one way to get rid of an honest debt, and that is to pay it. And when you teach the merchants or business men of the country that when they contract debts they must pay them or forever bear the burden that their contracts involve, then you will inspire a spirit of commercial integrity that will give confidence, that will secure credit to honest men, that will make the American tradesman cautious, respectable, and honorable, and will drive from business those men who are not honest.

I see in the amendatory provisions—not so much in the Senate amendments as in the House bill—a disposition and inclination to enlarge the scope of the existing law. I see in the amendment discussed by the gentleman from Alabama a disposition to take from the wife and the children the homestead and personal exemptions that shelter them in time of financial distress, because of some inadvertent waiver on the part of the husband and the father. I see another amendment to the original law which seeks to expose to the public gaze the sacred relation between husband and wife by requiring the wife to be carried before the referee or the judge in bankruptcy to testify about transactions of the husband that should be secret so far as she is concerned.

Mr. Speaker, these matters of contract should be left to the individual, and the administration and enforcement of contracts to the States. The law should be repealed.

If there was any necessity for a bankruptcy law when this original act was passed, it has long since ceased. But we are told to-day by the gentleman from Massachusetts [Mr. POWERS] that this law has come so stay. In this way those who favor it will build upon it until they shall have a perfect engine of oppression that will be practically death to small traders and those who engage in business upon their integrity and with limited capital. Why, sir, under the law as it stands to-day there are but few of the small merchants of this country who can exist for a year if this law as amended by this bill is enforced against them.

[Here the hammer fell.]

UNION STATION, DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I present the report of the committee of conference on the disagreeing votes of the two Houses upon the bill (S. 1425) to provide for a union railroad station in the District of Columbia. I ask that this report with the statement be printed under the rule.

The report and statement are as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4825) to provide for a union railroad station in the District of Columbia, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 2, 3, 5, 6, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 20, 21, 22, 24, 25, 26, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 40, 43, 44, 46, 48, 49, 50, 51, 52, 53, 54, 55, 56, and agree to the same.

That the House recede from its amendments numbered 4, 42, 45, and 47.

Amendment numbered 1: That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with an amendment as follows: Between the words "railroads" and "properties," in said amendment, insert a comma; and the House agree to the same.

Amendment numbered 7: That the Senate recede from its disagreement to the amendment of the House numbered 7, and agree to the same with an amendment as follows: On page 3 of the act, line 22, strike out "United States Reform School" and insert "Reform School of the District of Columbia;" and the House agree to the same.

Amendment numbered 14: That the Senate recede from its disagreement to the amendment of the House numbered 14, and agree to the same with an amendment as follows: On page 7 of the act, line 3, strike out "company" and insert "companies;" and the House agree to the same.

Amendment numbered 19: That the Senate recede from its disagreement to the amendment of the House numbered 19, and agree to the same with an amendment as follows: In said amendment strike out "Philadelphia, Baltimore and Washington" and insert "Baltimore and Potomac;" and the House agree to the same.

Amendment numbered 23: That the Senate recede from its disagreement to the amendment of the House numbered 23, and agree to the same with an amendment as follows: On page 12 of the act, line 5, strike out beginning with "in the city of Washington" down to and including all of line 11, and in lieu thereof insert:

"Also, in the city of Washington the following-named streets are hereby vacated, abandoned, and closed, to wit, Ivy street, between South Capitol street and a point 220 feet east thereof; Second street NE., between N street and Delaware avenue, and, between the north side of M street and the south side of L street, so much of the bed of Delaware avenue as lies west of a line drawn parallel with the east building line of said avenue and 40 feet westerly therefrom."

And the House agree to the same.

Amendment numbered 27: That the Senate recede from its disagreement to the amendment of the House numbered 27, and agree to the same with an amendment as follows: At the end of the section strike out the period, and at the beginning of the new matter strike out "except" and insert ": *Provided*, That;" and the House agree to the same.

Amendment numbered 57: That the Senate recede from its disagreement to so much of the amendment of the House numbered 57 as involves striking out section 12 of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted to stand as section 12 insert the following:

"SEC. 12. That the Philadelphia, Baltimore and Washington Railroad Company shall establish and maintain a substation with suitable accommodation for passenger travel at a convenient location north of the Long Bridge and at a point to be approved by the Commissioners of the District of Columbia."

And the House agree to the same.

On amendments numbered 39 and 41, and on so much of amendment numbered 57 as relates to the striking out of section 13 of the bill and the substitution of matter in lieu thereof, the committee on conference have been unable to agree.

J. W. BABCOCK,
SYDNEY E. MUDD,
ADOLPH MEYER,
Managers on the part of the House.

J. H. GALLINGER,
W. P. DILLINGHAM,
THOMAS S. MARTIN,
Managers on the part of the Senate.

STATEMENT.

The House recedes from its amendments Nos. 4, 42, and 47.

Nos. 4, 19, and 42 were clerical errors made by changing the name of the Baltimore and Potomac Railroad to the Philadelphia, Baltimore, and Washington where the road under its old name was referred to.

No. 47 was intended to clarify the language used in the bill in regard to the taking of property. The original expression is deemed best.

Amendment No. 1 corrects a clerical error by inserting a comma.

Amendment No. 7 changes the phraseology used in the bill from the "United States Reform School" to the proper term, "Reform School of the District of Columbia."

Amendment No. 14 corrects a clerical error by changing the word "company" to "companies."

Amendment No. 23 does not enlarge the scope of the bill in any particular, but merely corrects the phraseology so as to put beyond dispute the streets to be vacated, abandoned, and closed.

Amendment No. 27 is a correction of phraseology.

That portion of amendment No. 57 which relates to the location of a station near the Long Bridge places it in the power of the Commissioners to locate such station at the point that shall be determined upon by them as the most convenient for the passenger travel which will use it.

The amendments on which the conference committee were unable to agree relate to that share of the cost of the elevation of grade crossings which is to be borne respectively by the railroads, and the Government, and the District of Columbia.

BANKRUPTCY.

Mr. JENKINS. I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, I should like to ask the chairman of the Judiciary Committee [Mr. JENKINS] a question in reference to one of the amendments of the Senate. I refer to Senate amendment No. 22, which proposes to strike out the word "frauds." It would seem that this amendment might result in permitting a

discharge in bankruptcy where the indebtedness was incurred by fraud. I wish to ask the gentleman in charge of the bill whether, in his opinion, the provision would have that result?

I call his attention to the fact that in paragraph 4, or in the fourth exception under this section, it provides that discharges shall not be granted where the liabilities were created by the fraud of the bankrupt, but whether that will apply generally may be a question. I think the courts have held generally that the discharge will not be granted where the liability was created by fraud, but the Senate proposition is to strike out the word "frauds" where it occurs in line 12 of the printed bill, and I would like to inquire of the gentleman from Wisconsin [Mr. JENKINS] whether he can give us any enlightenment on this question? I will ask the gentleman from Massachusetts [Mr. POWERS] if he knows anything about it?

Mr. POWERS of Massachusetts. If the gentleman puts the question to me, I have no question but that is not part of the discharge if the debt is fraudulently contracted.

Mr. MANN. I did not understand the gentleman.

Mr. POWERS of Massachusetts. I say I have no question but if a debt is fraudulently contracted, the discharge will not relieve the debtor.

Mr. MANN. Under what provision of the bill?

Mr. POWERS of Massachusetts. That is under the provision of the bill which is found on the fifth page, section 17, as follows:

A discharge in bankruptcy shall release a bankrupt from all of his provable debts, except such as (1) are due as a tax levied by the United States, the State, county, district, or municipality in which he resides; (2) are liabilities for frauds, or obtaining property by false pretenses or false representations.

Now, the Senate struck out the word "frauds," and the word "or" and allowed the balance of the sentence to stand. I understand by that that any debt which is contracted by false pretense or false representation is not discharged by operation of the discharge under the law.

Mr. MANN. Well, there are many other frauds, of course, besides false pretenses and false representations.

Mr. BELLAMY. Mr. Speaker, may I not suggest to the gentleman from Illinois that the word "fraud," omitted in subsection 2, is covered by "were created by fraud" in subsection 4, so as to prevent, probably, tautology.

Mr. MANN. Is it the opinion of the gentleman that subsection 4, using the word "fraud," would take the place of the word "fraud" as stricken out in subsection 2?

Mr. BELLAMY. I think so. I was just considering. I never considered it before, but in my opinion it would.

Mr. MANN. May I ask whether the chairman of the committee, the gentleman from Wisconsin [Mr. JENKINS], cares to express any opinion on this question.

Mr. JENKINS. Why, Mr. Speaker, I would say to the gentleman from Illinois it would make no difference what my opinion is. It is a question of construction and must be ultimately left to the courts. It is a mere matter of opinion and it must be left for the courts to decide, and any opinion I entertain would not be conclusive or binding upon anybody.

Mr. MANN. Well, it might be very instructive, if the gentleman had an opinion.

Mr. JENKINS. I would say to the gentleman from Illinois that the gentleman from Wisconsin has an opinion, but, as I have said, it will do no good to express it.

Mr. MANN. I am very glad to know that the gentleman has an opinion. Of course I would not ask the gentleman to enlighten the gentleman from Illinois on a question of law. I might have some doubt of his capacity.

[Here the hammer fell.]

Mr. JENKINS. Mr. Speaker, I yield five minutes to the gentleman from North Carolina [Mr. KLUTTZ.]

Mr. KLUTTZ. Mr. Speaker, I should very much prefer voting to abrogate and wipe off the statute books the entire bankruptcy act, but since that opportunity is not offered us, and the opportunity is offered to amend that law and make it very much better in a good many important particulars, I take it, sir, that it is the part of wisdom to accept those amendments and vote to improve the law so long as we can not repeal it. I am opposed to any bankruptcy law extending over any long period of time. I think the true principle underlying bankruptcy legislation is that which is laid down in the book of Deuteronomy. In the Jewish economy, every seven years, I believe, every man's debt was forgiven. In that "year of release" he was taken out from under the burden of judgments and debts and given a free start again in the race of life. And I think it is wise now, within every seven or ten years, to adopt a bankruptcy law for a limited period of time, in order that men laboring under impossible burdens of debt may be relieved.

This bankruptcy law, however, it seems to me, as has been well said by the gentleman from Georgia [Mr. BARTLETT], has been conceived, construed, and administered in the interest of the collection agencies, and the creditor rather than the debtor class; and I am in favor of this motion for concurrence because the Senate amendments make the law fairer to the debtor class than the original House bill, or than the bankruptcy act as it now stands on the statute books. I can not understand exactly the contention of the gentleman from Alabama [Mr. UNDERWOOD] in insisting on the House amendment which has been stricken out by the Senate and which is in these words:

Provided, That when the bankrupt in any State has waived his right to claim his exempt property, to his creditors, the bankruptcy court shall not set apart to him this exemption as against said creditors.

Now, if that remains in the bill, and the gentleman's contention that it does not interfere with or repeal State exemption laws and decisions is correct, then we will have a different system of bankruptcy in almost every State in the Union. But subsection 4 of section 5 of Article I of the Constitution of the United States only gives the Congress the right "to establish uniform laws on the subject of bankruptcies throughout the United States." So that if this law does not conflict at all with the State laws on the subject of exemptions and insolvency, and a man could claim his exemptions in one State and could not claim them in another, as contended by the gentleman from Alabama, why, then that portion of the law at least would be unconstitutional, would be in contravention of this section of the Constitution, under which we derive our sole authority, and would not give us a uniform system of bankruptcy throughout the Union.

Then, if that is not so, if his contention is correct, and this act does not operate uniformly, we would have a different system of bankruptcy in every State in the Union. A man could claim his exemptions in one State and not in another, and we would have a different system in the State courts and in the Federal courts. We would have a man claiming successfully his exemptions in the State courts, and, when thrown into bankruptcy, unable to claim them in the Federal courts.

So I think that the Senate did wisely in striking out that amendment, and I should be opposed to this bill going back to conference, for fear that that amendment somehow or other might get into it there. I think the bill is an improvement also, as pointed out by the gentleman from Georgia, as to the examination of married women and limiting that examination only to such transactions as were made by them and to which they were a party. The original House bill and the Senate amendments are a great improvement also upon the present bankruptcy act, it seems to me, in meeting the decision in the Carson-Piere-Scott case, in 182 United States, and relieving banks and business men from the trouble entailed by that decision, where payments were made in good faith within four months of the bankruptcy.

And then it is an improvement also upon the original bill, and the Senate amendments are an improvement upon the House bill, in reducing and fixing absolutely the fees which officers of these bankruptcy courts may charge.

Mr. CLAYTON. The gentleman's statement is not exactly correct, if I may interrupt him. The House bill increased the fees over the original law.

Mr. KLUTTZ. And the Senate amendment cut them down.

Mr. CLAYTON. Yes.

Mr. KLUTTZ. I hope the motion of the chairman of the committee may prevail, and that the bill as amended may become a law.

Mr. UNDERWOOD. Mr. Speaker, I would not take up any further time of the House in discussing this proposition if I was not satisfied from the discussion that some of the gentlemen on this side of the House misapprehend what the amendment was that on my motion was added to the bill when it was before the House previously and that the Senate has now stricken out.

There is nothing in the proposition that interferes with the bankruptcy laws of any State. The real proposition is to prevent the courts of the United States from interfering with the State laws. It is merely a proposition to insist on local self-government.

Now, almost every State in the Union has its exemption laws. Is it any affair of the people of Georgia what exemption law the people of Alabama may have, or is it any affair of the people of Alabama what exemption laws the people of Mississippi may have? If it is not, then why should it be any affair of the Congress of the United States to go in and interfere with the exemption laws of one State or the other State, to say to the people of Alabama, "You have made a law under which your people can waive their exemptions, but we think we know more about your business in Alabama than you know, and therefore in the national halls of Congress we are going to pass a law that your people shall not waive their exemptions."

Now, that is all there is in this proposition. It is not a proposition to allow a man in Texas to waive his exemptions when he has not waived them, but it is a proposition to say that if the State of

Alabama sees fit to let its own people waive their exemptions and get credit by that waiver the Federal Government will not interfere; and I say the Federal Government did not intend to interfere, because when we wrote the original bill there was an express provision written in it that this law should not interfere with the State exemption laws, and that is in the bill as it is now. But notwithstanding that fact the courts of the United States have said that where a man has waived his exemption in a State under whose laws he has a right to waive it, when he goes into the bankruptcy court voluntarily he may not claim that exemption and take away from the creditor that security he voluntarily gave to the creditor.

Mr. GILBERT. But that is in conformity to the State law, and that really applies only in those States where by the State law he is not permitted to waive his exemption.

Mr. UNDERWOOD. Oh, no; it does not. If that was the case I would have nothing to say, but that rule applies in Alabama, and it expressly is so held in Alabama by the United States courts, and that is what we are complaining of. Our people under our law are allowed to waive their exemption, and yet the Federal court says when they go into the bankruptcy court they can repudiate that waiver and defraud their creditor secured by the giving of that waiver. Now, it does not interfere with a State where no waiver is allowed. The only proposition is this: That the people of Alabama may be allowed to make their own exemption laws and the people of Kentucky make theirs, and that the Federal courts shall not interfere with either. That is all this provision asks for. It is a Democratic proposition, in line with the doctrines and principles of the party. It is local self-government. We think it just to our people to allow them to waive their exemption, and the people of Kentucky can do so or not as they want.

Mr. GILBERT. What do you say to the proposition that it destroys the uniformity of the application of the law?

Mr. UNDERWOOD. The uniformity was destroyed when it was provided in the original act that nothing in this bankruptcy act shall interfere with the exemption laws of the several States. The decision of the court has injected this.

Mr. GAINES of Tennessee. For lack of uniformity?

Mr. UNDERWOOD. No; but that was the intention of Congress. Now, the Federal court has injected in here something that never was intended.

The SPEAKER. The time of the gentleman has expired.

Mr. JENKINS. Mr. Speaker, I ask for the previous question on the motion.

The question was taken, and the previous question was ordered.

The SPEAKER. The question is on the motion to concur in the Senate amendments.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. UNDERWOOD. I ask for a division, Mr. Speaker.

The House divided; and there were—ayes 101, noes 22.

So the motion to concur was agreed to.

On motion of Mr. JENKINS, a motion to reconsider the vote by which the Senate amendments were concurred in was laid on the table.

Mr. JENKINS. Mr. Speaker, I ask unanimous consent that all gentlemen who have addressed the House this morning be allowed five days to extend their remarks in the RECORD. I do this at the request of several gentlemen on the other side.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that all gentlemen who have addressed the House this morning on the bankruptcy bill be allowed to extend their remarks in the RECORD. For how long?

Mr. JENKINS. For five days.

The SPEAKER. For five days. Without objection, this order will be made.

There was no objection.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Indian appropriation bill.

The SPEAKER. The gentleman from New York moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Indian appropriation bill, being the bill H. R. 15804.

The question was taken, and the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. GROSVENOR in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15804. The Clerk will read.

The Clerk read as follows:

For subsistence and civilization of the Apaches, Kiowas, Comanches, Wichitas, and affiliated bands who have been collected in the reservations set apart for their use and occupation, $35,000.

Mr. BURTON. Mr. Chairman, I move, in line 8, to strike out the word "thirty-five" and insert "twenty-five." Pending that motion, I would call the attention of the chairman of the Committee on Indian Affairs to the fact that in the prior bill this was $25,000. I should like to inquire the reason for the increase of $10,000.

Mr. SHERMAN. The amount was reduced last year and the appropriation was changed, limiting the expenditure for the Wichitas alone, my friend will discover if he has read the bill closely, as I know he has. That amount was found to be insufficient. It required a large part of the appropriation to pay the agency expenses alone, and there was not, outside of that expenditure, sufficient funds to meet the wants of these Indians. There are a very considerable number of them, all told, in the neighborhood of 3,500. That is the reason for the increase from $25,000 as last year to $35,000 this year; and in prior years it has been more.

Mr. BURTON. I should like to ask the gentleman from New York whether he thinks that this annual appropriation will have to be continued. It seems to be a gratuity.

Mr. SHERMAN. It is a gratuity. I think it will have to be continued for some years yet. This much or a very large part of it will have to be continued, in my judgment.

Mr. BURTON. I call the gentleman's attention to the fact that only 10 per cent of these tribes subsist by labor. I would like to ask whether he is of opinion that the rule is enforced that the Indians, in order to receive rations or other assistance, must render services and perform labor to the amount or the value of the rations distributed.

Mr. SHERMAN. That rule has not been enforced with many Indians.

Mr. BURTON. I would like to ask the gentleman if he would object to a general provision requiring the enforcement of that law, or if he knows the reason why the law has not been enforced.

Mr. SHERMAN. I would not object to the provision, except that we are then practically becoming administrative officers; we are by legislation providing that the Department shall do that which they are now doing as fast as feasible.

Mr. BURTON. Is it not conceded by the members of the Committee on Indian Affairs that the statute has not been enforced?

Mr. SHERMAN. It has not been enforced in all cases. Perhaps that does not put it strong enough. It has been enforced in some cases only, would perhaps be nearer a correct statement of the fact. It is a very difficult statute to enforce.

Mr. BURTON. Mr. Chairman, I withdraw the amendment.

The Clerk read as follows:

This amount, or so much thereof as may be necessary, to furnish such articles of food as, from time to time, the condition and necessities of the Indians may require, $15,000.

Mr. SHERMAN. Mr. Chairman, I wish to offer an amendment.

Mr. BURTON. I desire to reserve a point of order, Mr. Chairman, on that provision.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York, chairman of the committee.

The Clerk read as follows:

On page 24, line 11, after the word "the," insert the word "Crow;" so it will read "Crow Indians."

Mr. SHERMAN. Mr. Chairman, I think I can explain that to the satisfaction of the gentleman from Ohio.

For many years this item has been included in each appropriation bill, and has been estimated for, but it has been carried under the head of "treaties" in that portion of the bill where treaty provisions for the Crow Indians are included.

It is not a treaty stipulation. This amount was originally paid under treaty stipulation to the Indians, but the time limit provided by the treaty expired. It seemed to be necessary, and still seems to be necessary, to continue the appropriation. The absolute necessities of the Indians seem to require it, but it had no proper place under the treaty provision, and though it was estimated for under the treaty provision, in drawing the bill I transferred it to where it properly should be as a gratuity, and, in printing, the word "Crow" was inadvertently omitted.

Mr. BURTON. Will the gentleman from New York yield to a question?

Mr. SHERMAN. Oh, certainly.

Mr. BURTON. What is the number of this band of Indians?

Mr. SHERMAN. I do not recall the exact number, but will find it in a moment.

Mr. BURTON. Perhaps I can find it. Will the gentleman tell in what State they are situated?

Mr. SHERMAN. I will give the gentleman the information in a minute.

Mr. BURTON. I see the number is 1911. It is on page 692 of the report of the Commissioner. I would like to ask the gentleman from New York one or two further questions. Is it not true that under treaty stipulations this tribe receives $45,000 per annum? I find on page 645 of the report for the year 1901 that it is so stated.

Mr. SHERMAN. Yes; the Crows have some funds in the Treasury upon which they receive interest.

Mr. BURTON. On trust funds they receive $11,198.02, and also from proceeds of leases, labor, miscellaneous, etc., $30,651.23, making in all $86,849.25; so it appears that they receive approximately $45 per head, man, woman, and child, without this gratuity of $15,000.

Mr. SHERMAN. I doubt not the gentleman's figures are correct; but a like appropriation has been made each year. The necessity for its continuance was made apparent at the hearing before the subcommittee which considered the bill. The Indian Commissioner was present and stated that this sum was essential to provide for the needs of the Indians and pay the miscellaneous expenses of the agency.

Mr. BURTON. Can the gentleman state the quantity of land that belongs to the Indians in the way of reservations, and also its quality?

Mr. SHERMAN. I can by referring to the same book which the gentleman has before him.

Mr. BURTON. Do you anticipate that this can be further diminished in the immediate future?

Mr. SHERMAN. I presume that in a very few years this gratuity can be entirely done away with.

Mr. BURTON. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from New York.

The question was considered, and the amendment agreed to.

The Clerk read as follows:

For support and civilization of Turtle Mountain band of Chippewas, North Dakota, including seeds, $13,000.

Mr. BURTON. Mr. Chairman, I move to amend by striking out "thirteen" in the paragraph just read and inserting "ten." In connection with this amendment I wish to read briefly from the report of the agent, found on page 295 of the Indian Commissioner's report:

The Turtle Mountain band of Chippewa, as it is termed, should never be considered as a band of Indians. They are half-breeds, quarter breeds, etc., until it is quite impossible for a casual observer to tell that any degree of Indian blood exists among the majority of them, and it is my opinion that if their hopes of a Government settlement were fulfilled, and they were paid off, that they would sink or swim in the same boat with their white competitors. It is true, as the office has often intimated, that a few years back they were self-supporting, independent, neither asking nor receiving aid from any source.

Now, I should like to ask the chairman of the committee what circumstances have transpired which have caused these Indians to be less self-supporting now than they were several years since, and whether the granting of these annual gratuities may not have contributed to that condition?

Mr. SHERMAN. The latest report—I do not know whether the gentleman has before him the latest report—states that two years ago these Indians lost their crop, that there was practically a complete failure of the crop—a fact which has set them back for five years; so that of the fund appropriated for the last fiscal year—an appropriation of $13,000—$8,000 was expended for subsistence and nearly $2,000 for agricultural implements. Of the balance, a small portion was expended for employees, and some for drugs, fuel, and "odds and ends" of that kind. The great bulk, however, of the appropriation was expended for subsistence and for the purchase of agricultural implements.

Mr. BURTON. Will the gentleman yield for a further question?

Mr. SHERMAN. Certainly.

Mr. BURTON. Then, as I understand, the occasion for this appropriation is exceptional destitution because of a failure of the crop of 1902.

Mr. SHERMAN. No, the crop of 1901. The present need is aggravated, if I may use that word, by reason of the failure of that crop.

I think the gentleman is right in a general way in his statement that where we assist the Indians they are apt to do less for themselves; where appropriations have been made year by year and the Indians have learned to rely upon the Government to that extent for their subsistence, they are apt to do less for themselves. As I understand, that is the gentleman's criticism; and I think it is in a measure a correct criticism. But, in the present case at least, it seems to be quite clear that this particular appropriation is needed; and the expenditures of the last year seem to bear out that conclusion.

Mr. BURTON. Do I understand that it is the policy of the committee to diminish gradually these gratuities?

Mr. SHERMAN. Oh, yes; within the time that the membership of the committee has been substantially what it now is the gratuities have been very considerably diminished—very considerably.

Mr. BURTON. Is it not true, however, that the income of the Indians from trust funds derived from the sale of lands and similar sources has very greatly increased; also that the income from leasing grazing lands has also increased?

Mr. SHERMAN. The income from the lease of grazing lands and the like has very considerably increased. The increase from additional funds in the Treasury has not been so great; there has been some increase in that way. Almost without exception each year has shown a greater receipt for leased land than the prior year. This does not imply simply that more lands have been leased, but that the administration, perhaps, is better—more progressive; that advanced ideas have been applied in the carrying out of this new policy or new method, producing a greater income from the same amount of land.

Mr. BURTON. I withdraw the amendment.

[Mr. SMITH of Arizona addressed the committee. See Appendix.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LANDIS having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bill and joint resolution of the following titles:

H. R. 10698. An act providing for allotments of lands in severalty to the Indians of the Lac Courte Oreille and Lac du Flambeau reservations in the State of Wisconsin; and

H. J. Res. 216. Joint resolution extending the provision granting to the State of Pennsylvania the use of the court-house at Scranton and Williamsport, Pa.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 4221) authorizing the Commissioners of the District of Columbia to extinguish a portion of the alley in square 189.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 3243) to redeem certain outstanding certificates of the board of audit of the District of Columbia.

The message also announced that the Senate had passed bill of the following title; in which the concurrence of the House was requested:

S. 7004. An act to extend the time for the completion of a bridge across the Missouri River.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 16604) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1904, disagreed to by the House of Representative, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. CULLOM, and Mr. BERRY as the conferees on the part of the Senate.

INDIAN APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For support and civilization of the confederated tribes and bands in middle Oregon, and for pay of employees, $5,000.

Mr. BURTON. I move to strike out that provision.

The CHAIRMAN. The gentleman from Ohio moves to strike out the paragraph just read.

Mr. BURTON. I should like to inquire what are the tribes referred to in that paragraph.

Mr. SHERMAN. There are half a dozen or more tribes of small membership. I will give the gentleman the names in a moment. There are in Oregon the Clackamas, Cow Creek, Lakmiut, Marys River, Rogue River, Santiam, Umpqua, Wapito, and Yam Hill Indians, all small tribes, and then under the Warm Spring Agency are the Piutes, Warm Springs, and Wallawallas. They are pretty well to do.

There are but a few who require assistance, and they in the main are the old and helpless. During the last fiscal year $1,700 of amount appropriated was expended for the employees in and about the agency, less than six hundred was expended for subsistence, and six hundred for agricultural implements for the Indians, and about $500 in the way of purchasing feed to assist them in maintaining their cattle. There was an unexpended balance in the last fiscal year of about $700 out of this five thousand. Of course, at the end of the fiscal year if there is any balance, as there was last year, it is covered back into the Treasury.

Until two or three years ago the sum provided for in this paragraph had been for many years, if I remember correctly, $10,000. We then reduced it to $8,000, and have since reduced it to $5,000, which seems to be a safe minimum.

Mr. BURTON. May I ask whether the blacksmith and the carpenter are to be compensated from this appropriation?

Mr. SHERMAN. I can not inform the gentleman the payment of what particular employees are contemplated out of this appropriation. Until three or four or five years ago the law in relation to printing provided that every year a full list of all employees, their compensation, and the various purposes for which the appropriation under the Indian bill were expended, should be set forth in minute detail and published. I have here the last published report, which is seven years old. That is no longer done, and I am not advised just what particular official is there employed, or how much each individual does receive. I had not thought it necessary to ask for that detailed information, and I have not it here. That can be obtained at the Indian office. Until the law in regard to printing was changed we had it before us every year.

Mr. BURTON. Will the gentleman permit another question?

Mr. SHERMAN. Certainly.

Mr. BURTON. Does he anticipate that this appropriation will continue indefinitely, or does he think that we can reduce it in another year?

Mr. SHERMAN. It is about as small as it can be if we are to do anything. It will continue as long as we assist and help any old and decrepit Indians, and that is practically all that we do outside of paying for some white help.

Mr. BURTON. I withdraw the amendment.

The Clerk read as follows:

For support and civilization of Digger Indians of California, and for locating them on lands purchased for them, $1,500.

Mr. BURTON. I move to strike out the last word. This is only $1,500. That seems a very small amount; but I desire to call the attention of the chairman to this tribe of Indians. According to one account, there are 35 of them; according to another account, as set forth in the book I have here, only 25. The agent says of them, on page 192 of the report for 1901:

The Government stock is in good condition; the Government harness needs to be repaired. We need some garden hoes and scythes, the same on hand being worn out.

Then he goes on to tell what the Indians have done during the preceding year:

The Indians in clearing 8 acres of brush and second growth of timber cut therefrom 12 cords of stove wood, which they sold at $3 per cord, besides cutting 45 cords of 4-foot wood for outside parties adjoining the reservation at $1.50 per cord, and other work, such as hauling and putting up hay at $1.25 per day and board.

Had them to plant 3 acres to gardens.

And then he states what will be the harvest of the 3 acres, and there is a statement here to this effect:

The Government buildings consist of 2 dwelling houses, 1 apple house, 1 barn, 1 spring house, 2 stock sheds, and 3 houses built for the Indians, which never have been occupied; all in good condition except apple house.

Now, here is this small tribe of 35 or 25 for which this elaborate provision is made and for which these expenses have been incurred. In addition, a farmer and special disbursing agent is employed for them. Three houses have been built for the Indians, which seem to be unoccupied. They have not thought it worth while to adopt the habits of civilized life sufficiently to use them. At any rate, they are unoccupied. Now, it seems to me, Mr. Chairman, that this is a case where we might draw the line, small as it is, as an expression of the committee that these extravagant expenditures must cease.

Mr. CURTIS. Mr. Chairman, I hope the gentleman from Ohio will withdraw his amendment. Before the committee agreed to put that amount in the bill the committee went over the items with the Commissioner of Indian Affairs. It is true that there are only 35 Indians on the reservation. They have a steep, rocky hill reservation consisting of 320 acres. The agent says it is necessary to buy clothing and cooking utensils for these Indians. The amount is very small, and when you pay the superintendent in charge and expend a part in improving the agency, you have but a small sum left for aid and assistance.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For support and civilization of the Apache and other Indians in Arizona and New Mexico who have been or may be collected on reservations in Arizona and New Mexico, $225,000: *Provided*, That the unexpended balance for the fiscal year 1903 is hereby appropriated and made available for 1904.

Mr. BURTON. Mr. Chairman, I move to strike out of line 17 the word "two" and insert the word "one;" and I also move to strike out that portion beginning, in line 18, with the word "*Provided*" and extending to the end of the paragraph.

The Clerk read as follows:

In line 17 strike out "two" and insert "one;" so as to read, "one hundred and twenty-five thousand dollars;" and strike out the proviso.

Mr. SHERMAN. Mr. Chairman, so far as the proviso is concerned, I am entirely willing that it be stricken out, because I am advised that in all probability there will be no balance; and if there is any it will be only a matter of four, five, or six thousand dollars at the outside.

There are, Mr. Chairman, covered by this provision, in round numbers, 50,000 Indians. There are nine agencies, with a large number of employees to be paid out of this fund. While it is true there are millions of acres of land in the various reservations in New Mexico and Arizona, it is equally true that on a very large part of those reservations a very large acreage of it would produce just about as much as is capable of being produced in decent earth put in a flowerpot anywhere in the District of Columbia or the State of Ohio.

I described yesterday or the day before something of the condition of a large part of the Navajo Reservation. That condition exists elsewhere. The distinguished gentleman from Arizona, the Delegate from that Territory [Mr. SMITH], who has recently spoken upon another subject, has over and again declared upon this floor that until irrigation was established and until water can be put upon the acreage of many of these reservations no human being could ever produce a single spear of grass, a grain of corn, or a sheaf of wheat. From personal observation of these Indians on some of the reservations it is most astonishing to me that they can produce anything, that it is not necessary for us to furnish them with all they eat and everything they wear. But, in fact, they do produce something from the earth, and they produce largely in the way of money from the sale of their goods, such as blankets, which command in the markets of the world a high price, and the total amount of which I wish they received; but they do not, for, like all other trades, there is a middleman who receives a greater profit, frequently, than the producer. These are not, as a rule, hostile or depraved Indians. They are fairly good Indians in that part of the country. They live in a climate that is enervating and upon lands that do not produce. I believe that they need every cent of this appropriation in order to give them a reasonable per capita amount of help to exist where they are located.

Mr. BURTON. Will the gentleman from New York yield for a question?

Mr. SHERMAN. Certainly.

Mr. BURTON. What are the tribes benefited by this appropriation? If the gentleman will allow me, I will state that I can not find in the report anywhere reference to the expenditure of this money or the tribes for whose benefit it is asked.

Mr. SHERMAN. Of course the Navahoes are the largest. Then there are the White Mountain Apaches, the Pueblos, the Pimas, the Quapaws. There are some Apaches in another band—Apaches down on the Gila River. If the gentleman will look in the report under the head of "Population and civilization," in the report of 1900, page 638, he will find the enumeration of all the tribes and the statement of the number of acres in their reservation, and much other data.

Mr. BURTON. May I ask the gentleman a further question?

Mr. SHERMAN. Certainly.

Mr. BURTON. What share of the Indians in the two Territories of Arizona and New Mexico are included in this appropriation?

Mr. SHERMAN. Practically all of them. All that are gathered on reservations.

Mr. BURTON. Is it or not true that these Indians, although the soil is so barren and their circumstances so unpromising, subsist by their own labor in larger proportion than other tribes who have been receiving large gratuities from the Government for many years?

Mr. SHERMAN. I can not remember what the proportion is, but if the gentleman has looked it up in the report and figured it out he is unquestionably correct. I know they are rather industrious Indians, more industrious than many white people would be if they lived on those reservations.

Mr. STEPHENS of Texas. If the gentleman will permit me, I will state that the reason why these Indians are indigent at the present time is that they have been living for a century tilling the soil by irrigation, and the white men have gone to the heads of the streams next to the mountains, where the most valuable lands are situated, and have used the water which the Indians have been using, and for that reason they are almost at the point of starvation. This appropriation is an absolute necessity.

If the Government will take up the irrigation question and build reservoirs and permit the Indians to become self-sustaining,

if the Government will spend a million or two dollars for reservoirs, we can take them off the hands of the Government. The Indians would be happy to do so. They have lived by tilling the soil by means of irrigation, and they can do so again. They have been deprived of the water by the white people, who have gone onto the streams and appropriated a great deal of the water.

Mr. BURTON. I am interested in the information given by the gentleman from Texas. Do I understand that this applies to all the Indians in those two Territories?

Mr. STEPHENS of Texas. No; only to a part of them. The Apaches have only recently left the warpath, but it applies to all the Indians known as the Pueblos, the Yumas, and numerous other tribes along the lower valleys of Arizona, and also along the Rio Grande Valley of New Mexico. The Navajos can be included because they live by irrigation. They raise stock, but when there is a serious drought in that country, as there has been for the last two or three years, and in consequence the water dries up, the sheep and cattle die, and the Indians are necessarily helped by the Government. But if the Government could build reservoirs, giving these people a chance to use the water, they could take them off from the Government's hands. Not until then can we do it.

Mr. BURTON. I want to call the attention of the gentleman from New York to page 696 of the report of 1901, where it is stated that 100 per cent of the Indians near Albuquerque subsist by labor in civilized pursuits, and of the Pueblos under the Santa Fe superintendent, 96 per cent.

Mr. SHERMAN. Some little distance west of Albuquerque there is a valley that is naturally irrigated by the streams that run through it, and these bottom lands are quite productive. The Indians that live there have produced cattle and grow hay and sell hay to the United States Army post which is west of there 75 or 100 miles. The Pimas, the Pueblos, and the Papagoes, I think it is, are the Indians that make so much of the pottery, which to my mind, some of it at least, is not only very pretty but beautiful. It shows a considerable amount of taste, if not of art.

Mr. STEPHENS of Texas. And they make the Navaho blankets.

Mr. SHERMAN. The Pueblos and Pimas do not make blankets. Their work is more in the line of pottery. The Navahos make the most beautiful blankets in the world, and for which they obtain, many of them, very large prices.

Mr. BURTON. I will withdraw the first amendment and ask a vote on the second, to strike out that portion of the paragraph beginning with the word "*Provided*," to which I understand the chairman of the committee has no objection.

Mr. SHERMAN. None whatever.

The question being taken on the amendment of Mr. BURTON as modified, it was agreed to.

The Clerk read as follows:

For the support and civilization of Indians at Fort Berthold Agency, including pay of employees, $50,000.

Mr. BURTON. I move to amend the paragraph just read by striking out "$50,000" and inserting "$30,000." There is an important principle involved here, in order to explain which it will be necessary to distinguish between the two classes of annuities given by the Government. One class is the perpetual annuity; the other is limited to a certain number of years—thirty, perhaps. In this particular case it was, I believe, ten years; and the act of 1900 provided for the last of ten installments or annuities.

Now, in this provision, as in many others, it will appear that these terminable annuities were given to the Indians to enable them to become self-supporting and as full compensation for their lands ceded to the Government. But it appears that when the last annuity is paid, instead of the amounts having been husbanded, instead of the money aiding them in self-support, perhaps the very next year—probably at any rate after one or two years—the Government begins to give them gratuities. After having fulfilled its contract and tried for years to make the Indians self-supporting, these gratuities begin.

Now, it would seem that in this case, as well as in several others which are similar, we should establish the policy of gradually diminishing these gratuities, or, what is better, not giving them at all. If my memoranda are correct, the bill of 1902 carried this same appropriation of $50,000; but that of 1901 made no appropriation.

Mr. SHERMAN. These Indians received a considerable sum annually—$80,000, if my memory is correct—for many years prior to the fiscal year 1892. When the last payment was made under that treaty, they of course dropped at once from the receipt of $80,000 a year to whatever we chose to give them as a gratuity; and we appropriated the first year as a gratuity $50,000. The expectation, of course, is that the appropriation will eventually be reduced. The report of the agent at Fort Berthold—I refer to the report of 1900—I believe the gentleman from Ohio has the later report——

Mr. BURTON. I have the report of 1901.

Mr. SHERMAN. At the time that I made up my figures last December I could not get the report for 1901, and I have a reference to the report of 1900 in which the agent says:

Large tracts of land were planted, but in many cases the seed never sprouted. Where it did appear above ground the growth was sparse and weakly. Our people were so much encouraged by the abundant yield of last year's crop that they all turned out with a will this spring. Now agriculture has received such a blow that it will be several years before they can be again induced to take the same interest in it as has been shown for the past two seasons.

Hay is scarce and of poor quality. Prairie fires have swept over the reservation and surrounding country in all directions. By constant vigilance, burning back fires, plowing fire breaks, and fighting the element whenever and wherever it appeared, enough range has been saved for the cattle. To secure sufficient hay all the time from now until snow flies we shall be fully occupied. One man stated that he had to cut 3 acres of grass to make 1 ton of hay.

The agent thus details the unfortunate circumstances which seem to make it necessary that we should, adopting the policy we have applied in reference to various other Indians, come to the relief of these Indians and save them from practical, yes, actual, starvation.

I think that in another year, unless some providential visitation should prevent the production of any sort of crop, we shall be able to reduce this sum very materially, so that in the progress toward the Indian millennium that the gentleman so much desires, as we all do, it ought not to be many years—and I hope it will not be—before we can do away entirely with any gratuity for these Indians.

Mr. BURTON. Mr. Chairman, I wish to read briefly from the report of the agent in regard to this agency for 1901. On page 304 he says:

The reservation contains 965,120 acres, of which only 80,340 acres have been allotted. Patents for these allotments have been issued from the General Land Office, but the Indians do not seem inclined to accept them.

The population of this tribe is 1,106, and it appears they are the owners of something in excess of 800 acres of land each.

On page 306 the agent makes this further statement:

What policy to pursue with these Indians is a problem that now confronts the Government. The treaty has expired, and the agency will be conducted for the fiscal year 1902 on the amount saved from the ten annual installments of $80,000. They can not exist without some aid, but they will never become self-supporting so long as the issue of rations is continued.

The ration system only encourages laziness and thriftlessness. A man who gets enough to eat and wear without toil does not need to look far ahead. At times it has been impossible to get some of these Indians to haul freight, to mine coal, or to perform any other arduous labor, although the cash was waiting for them when the work was completed. The young men should be compelled by necessity to enter into competition with their white neighbors. If these same white men could have had the advantages and opportunities of the Indians, they would have soon and easily acquired a competence.

Mr. Chairman, I fear that the "millennium" for the Indian will not come until he is put to work and the fact that he must work is emphasized. This agent goes on further to state:

Although these Indians do not wish to dispose of any of their lands, they could well spare a strip 12 miles wide on the northern side of the reservation. This land is suitable for grazing and, as such, is in demand. It would soon be taken by an industrious and desirable class of settlers.

There are upon this reservation vast fields of lignite coal. Mines have never been properly developed so as to show the best quality, but doubtless it is as good as any in the lignite region.

In fact, this is a wealthy tribe; yet every year we are proposing to award them $50,000. It seem to me we might, at least as a beginning, reduce this amount to $30,000 for this year. I ask for a vote on the amendment.

Mr. SHERMAN. Just a moment, Mr. Chairman. The statement of the gentleman from Ohio [Mr. BURTON] that these Indians have an acreage of something like 800 acres per capita, I think he read, of course to us who live in New York or Ohio seems to indicate that they have sufficient, that each individual would have opportunity not only to sustain himself better than he would be sustained in any hotel in Washington, perhaps better than most of us live, but that it would take a very short time before he would become wealthy. Now, any person who has traveled to any great extent over some of the Western States—parts of Montana, the Territory of Arizona, Idaho, or the Territory of New Mexico—will discover that the more land a man owns there the poorer he is.

I remember of hearing an anecdote of some one riding through the Western States many years ago and seeing a native fencing a piece of ground. He said to him, "My friend, what in the world are you fencing that land in for? Cattle would starve on that." The answer of the native was, "Why, stranger, I know that; and I am afencing of it in to keep my cattle out."

Now, that is the condition of thousands and millions of acres on many of these reservations, so that the mere fact that an Indian tribe has 800, or perhaps 8,000 acres per capita is no indication that they could produce from those 800 or 8,000 acres enough to sustain a yellow dog. If the gentleman would make his amendment not quite so sweeping and offer to make it at $40,000 I would be inclined to join hands with him and let it be fixed at that sum.

Mr. BURTON. Mr. Chairman, I should be very glad to accede to the proposition of the gentleman from New York.

The CHAIRMAN. Without objection, the amendment will be so changed. The question is now on the amendment offered by the gentleman from Ohio to reduce it by the sum of $10,000.

The amendment was agreed to.

The Clerk read as follows:

For support and education and civilization of the Indians of the Fort Peck Agency in Montana, including pay of employees, $65,000.

Mr. BURTON. Mr. Chairman, in that paragraph I offer an amendment, to strike out the word "sixty-five" and insert the word "fifty." I want to read briefly what the agent says in regard to that agency on pages 264 and 265 of the report for 1901. There are two tribes here, one of Assiniboins and the other of Yanktons, and they number in all 1,802.

The reservation is situated in the extreme northeastern portion of Montana and contains about 4,000 square miles. It is not adapted for agriculture, but it is an excellent stock-growing country. It is well watered and fairly well timbered.

On the next page the agent, under the head of "Recommendations," says:

I would respectfully renew my recommendation mentioned in my report of last year, that the Government purchase the entire reservation from the Indians and abandon this agency. The proceeds, in case this was done, should be paid direct to the Indians, if they were able to use it, or in case it was desirable to have them sent to some other reservation, could be added to the funds of the reservation to which they were sent. The Assiniboin should be sent to Fort Belknap and the Yanktons to Standing Rock Agency. This could be done as well as not, and this agency wiped off the face of the earth. This is not a new recommendation by any means, and does not emanate entirely from myself. I believe it was made years ago by General Heth and General Armstrong.

Now, it seems they are occupying 4,000 square miles of land—not good arable land, but good for grazing. It would seem that $36 a piece, or $180 a family, for a tribe having 4,000 square miles of land—land which no doubt could be sold for a considerable sum—was not only demonstrating that this is a benevolent Government, but that it is very lavish in its dealings with the Indians, and I really hope the gentleman from New York will agree to the amendment proposed.

Mr. SHERMAN. Mr. Chairman, I am inclined to agree with the gentleman to a limited extent. This tribe had a large sum of money under the treaty provisions—$165,000 a year, if my memory serves me correct. That ran out some time ago. The last payment was made three years ago, and we made them the first year under the bill a gratuity of $75,000. Last year we dropped to $65,000. I suggest to my friend that it would be a rather large reduction to drop it now to $50,000 from $65,000. Still, I will not strenuously oppose his amendment. I simply make the suggestion that it would be better to drop it a little less than $15,000. We reduced it $10,000 two years ago; let us reduce it $10,000 now.

Mr. BURTON. I will agree to that.

The CHAIRMAN. Without objection, the amendment of the gentleman from Ohio will be changed so as to read to strike out the word "sixty-five" and insert the word "fifty-five." The question is on the amendment as so amended.

The question was taken and the amendment agreed to.

The Clerk read as follows:

For support, civilization, and instruction of the Klamaths, Modocs, and other Indians of the Klamath Agency, Oreg., including pay of employees, $5,000.

Mr. BURTON. Mr. Chairman, I desire to make the formal amendment there to strike out the paragraph. I should like to inquire whether this is an increase or a decrease in the amount appropriated and for how long these appropriations have continued?

Mr. SHERMAN. That has been the same amount for three years. I have no memoranda here back of that. My recollection is that, perhaps five or six years ago, we reduced that from $7,000 to $5,000. For three years it has been the same. That sum is used in paying agency employees and for the support and care of a few old and a few sick Indians; that is all. These Indians, as a whole, are self-supporting. There are thousands of them.

Mr. BURTON. Mr. Chairman, I withdraw the amendment.

The Clerk read as follows:

For purchase of agricultural implements, and support and civilization of Joseph's band of Nez Percé Indians, $4,000.

Mr. BURTON. I move to strike out "four" and insert "two."

The CHAIRMAN. The gentleman from Ohio offers an amendment which the Clerk will report.

The Clerk read as follows:

In line 6, page 27, strike out "four" and insert "two."

Mr. BURTON. I desire to read from what the local agent says in regard to this tribe on page 385 of the report for 1901:

I am glad to report, too, that Chief Joseph's band of Nez Percés has done more work and has been less troublesome than ever before, this, in my opinion, having been a direct and logical result of reducing rations—a process which I am inclined to push further. These people are located in the Nespelim Valley, where ordinary industry and thrift would soon make them not only comfortable, but wealthy; but having for years past been given rations and other annuities as reward for atrocious crimes, they have been lazier, more worthless, and less progressive than any other Indians under my jurisdiction.

Now, I have not just at hand the amount that has been paid to these Indians in prior years, but I think, however, that for two or three years it has been $4,000.

Mr. SHERMAN. For three years.

Mr. BURTON. And we have here the unequivocal recommendation of the agent that there ought to be a reduction.

Mr. SHERMAN. I will not oppose the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

For support and civilization of the Ponca Indians, including pay of employees, $15,000: *Provided*, That this amount shall be divided pro rata among all the members of said tribe in Oklahoma Territory and in Nebraska and Dakota.

Mr. BURTON. Mr. Chairman, I desire to make the pro forma amendment to strike out the paragraph, and ask if that means that their lands have been allotted? Also, does it mean that they have become self-supporting?

Mr. SHERMAN. The expectation is that they will become self-supporting. The lands have largely been allotted.

The CHAIRMAN. Does the gentleman from Ohio withdraw the amendment?

Mr. BURTON. I withdraw the amendment.

The Clerk read as follows:

For support and civilization of Shoshone Indians in Wyoming, $30,000.

Mr. BURTON. I move to strike out "thirty" and insert "twenty-five."

As I understand, this was $25,000 last year. I should like to inquire of the gentleman from New York whether there is any reason for the additional $5,000 this year?

Mr. SHERMAN. These Indians until last year received $5,000 a year under what is called the Hot Springs treaty. Last year they received their last payment, and the agent states that they have nothing else in the world to get along with. They are in a pretty hard condition, and that is the reason that we were asked to give the $5,000 additional appropriation. It was upon that statement that we acceded to the request for the increase of $5,000.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was rejected.

The Clerk read as follows:

For support and civilization of the Walla Walla, Cayuse, and Umatilla tribes, Oregon, including pay of employees, $5,000.

Mr. BURTON. I move to strike out that paragraph, and I will ask the necessity for that appropriation.

Mr. SHERMAN. That is used, I think, entirely for the pay of additional employees at the agencies. There may be a small portion of it that is used for assisting a few old and some sick Indians. In the main these Indians are self-supporting. The assistance we give them is very slight, and it is extended to a very few. I think it is wisdom to leave it there; and yet I do not consider it of sufficient consequence to oppose vehemently its going out. I think it is wisdom to leave it.

Mr. BURTON. I should like to read briefly from the report upon these tribes. It appears from the report from which I have read, that for 1901, page 645, that these tribes have another source of income, namely, interest on trust funds, which amounts to $9,795.26 a year. In regard to the Umatilla tribe it says, on page 352:

These Indians are advantageously situated, and there is no reason why they should not be self-supporting. This season has been favorable, and large crops are assured. The allotted lands are being rapidly developed into fine farms, considerable revenue being derived therefrom. Products find a ready market at home, and, taken all in all, these Indians have no just cause for complaint. While the Indian is naturally adapted to stock raising, agriculture seems to agree with him. Nearly all the more progressive allottees have gardens, in which they raise ample vegetables for their own use.

I will read another brief paragraph from the agent's report, on page 352, beginning with the word "discontinued," as not only applicable to this amendment, but also as stating a general fact of importance as regards all of these reservations:

The positions of carpenter and blacksmith at this agency have been discontinued, and no bad results have been remarked. These mechanical branches tended to make the Indians more dependent upon the Government, and without free repairing they are more careful to protect their vehicles and implements. While these shops were in operation much property belonging to white men was brought in by the Indians to be repaired under claim that it was their own, and constant vigilance was necessary to detect these impositions.

I really think that agent is entitled to our commendation for pointing out a fact which is perfectly plain when stated, and which would apply in almost every case. It discloses a just

criticism to be made on the policy of the Government in regard to blacksmiths and carpenters. Some treaties have been made providing these helpers in perpetuity, which is virtually saying to the Indians or the Indian tribes: "You need a blacksmith; you need a carpenter. We will furnish one. But in order to absolutely remove any incentive for your learning either one of these trades for yourselves, we will agree that a blacksmith and carpenter shall be with you always." It seems to me that it is very desirable that an amendment should be offered here, so that as soon as possible they may be taught to provide for themselves. And as the blacksmith and carpenter in this instance have been discontinued, I think there can be no serious objection to a reduction, or, perhaps, to striking out the whole amount of $5,000.

Mr. SHERMAN. Mr. Chairman, the gentleman has elaborated in detail a statement which I made, that these Indians are largely self-supporting and well to do. But, Mr. Chairman, we know that in every community of white people there are some few indigent persons. I know of no minor civil division or county that does not maintain what is called a "poorhouse," to care for some of those who have no means physically or otherwise to care for themselves or to provide themselves with subsistence; and while the Umatilla have funds, there are other Indians—the Wallawalla and the Cayuse—that do not have any funds to draw upon. The indigent are dependent upon charity. They must either be supported by our charity or the charity of their fellows, for which their fellows are not specially noted. I would not oppose an amendment which would reduce this appropriation by half, for instance, or a couple of thousand, but think it better not be stricken out entirely.

Mr. BURTON. Whatever the chairman of the committee thinks.

Mr. SHERMAN. I suggest that it be reduced to $3,000.

Mr. BURTON. I ask unanimous consent that the amendment may be withdrawn; and I will offer an amendment to line 14 that the word "five" be stricken out and the word "three" be substituted therefor.

The CHAIRMAN. The gentleman from Ohio withdraws the amendment pending and offers another amendment, which the Clerk will read.

The Clerk read as follows:

In line 14 strike out "five" and insert "three."

The amendment was agreed to.

The Clerk read as follows:

For support and civilization of Yakimas and other Indians at said agency, including pay of employees, $8,000.

Mr. SHERMAN. Mr. Chairman, I move to strike out "eight," in line 17, and insert in lieu thereof the word "five."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 28, line 17, strike out the word "eight" and insert "five."

Mr. JONES of Washington. I would like to ask the chairman why he offers that amendment.

Mr. SHERMAN. I offer it because we appropriated $8,000 for the last fiscal year, and of the appropriation less than $5,000 was expended.

Mr. JONES of Washington. All I know is that two or three years ago this was cut down to $5,000, and they did not have money enough with which to run their sawmill and had to close down.

Mr. SHERMAN. Of the $8,000 appropriated in 1902, $4,933 was expended and $3,066 was turned into the Treasury.

Mr. JONES of Washington. If that is all that is needed, there is no objection to it.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Nevada: For general incidental expenses of the Indian service in Nevada, including traveling expenses of agents, and support and civilization of Indians located on the Piute, Walker River, and Pyramid Lake reservations, $8,000; and pay of employees, including physician at the Walker River Reservation, at $900, $4,900; in all $12,900.

Mr. BURTON. Mr. Chairman, I move to strike out that paragraph for the purpose of making an inquiry. Why do these items for California, Nevada, and Oregon combine appropriations for general incidental expenses with those for support and civilization? Why are not these latter included under the general head of "Miscellaneous supports and gratuities?"

Mr. SHERMAN. There is no general appropriation for Nevada. There are not many Indians there that require assistance. Of the fund only $2,400 was expended last year for subsistence and $2,500 for agricultural implements and seed and one thing and another of that character for assisting the Indians, $200 for clothing, three or four hundred dollars for medicine, and something like two or three hundred dollars for the care of the insane Indians. There was a balance of a few hundred dollars out of last year's appropriation. The balance, however, was small, and it would appear that the appropriation is not greater than the requirements.

Mr. BURTON. I would like to ask the gentleman for how long a time have these items been combined for these three States.

Mr. SHERMAN. Several years, to my recollection. I can not say just when they were put in that form, but I could look it up and tell the gentleman.

Mr. BURTON. Oh, it is of no consequence. Mr. Chairman, I withdraw my amendment.

The Clerk read as follows:

Washington: For general incidental expenses of the Indian Service in Washington, including traveling expenses of agents and support and civilization of Indians at Colville and Puyallup agencies, and for pay of employees, $17,000.

Mr. BURTON. Mr. Chairman, I move to strike out the last word. There is another incongruity here. There is an appropriation in some paragraphs for general incidental expenses, including traveling expenses of agents, while in others there is added "and for pay of employees." What is the reason these appropriations for pay of employees are not carried under the respective heads where these appropriations are made?

Mr. SHERMAN. In some cases there are other provisions for the pay of employees, and it does not come out of these appropriations for incidental expenses. Without the specific authority to pay employees out of these incidental appropriations, I understand the Auditor does not pass the payment.

Mr. BURTON. Mr. Chairman, I withdraw my amendment.

For salaries of four commissioners appointed under acts of Congress approved March 3, 1893, and March 2, 1895, to negotiate with the Five Civilized Tribes in the Indian Territory, $20,000: *Provided*, That said Commission shall exercise all the powers heretofore conferred upon it by Congress.

Mr. SHERMAN. Mr. Chairman, I offer the following committee amendment:

Amend by adding at the end of line 13, page 31, the following language:

"And in addition thereto said Commission is hereby empowered and directed to enter upon negotiations with the Choctaw and Chickasaw nations of Indians, in the Indian Territory, for the purchase by the United States of the coal and asphalt lands belonging to said tribes, the same being the lands authorized to be segregated and sold under the provisions of the agreement made between the United States and the said tribes, and approved the 1st day of July, 1902; and any agreement made with said tribes looking to the purchase of said lands or any part thereof shall stipulate the terms of such purchase and provide that the same shall be held in trust by the United States and sold and disposed of upon such terms and conditions as shall be provided by Congress, and from the sums realized from such sale the Government shall be first reimbursed for such expenditure, and the remainder to be set apart for the support of free schools in the Indian Territory for the education of all children in said Territory, whether Indians or not Indians.

"Any agreement made under the authority hereby conferred shall be subject to the ratification and approval of Congress."

Mr. CANNON. Mr. Chairman, for the time being I reserve the point of order to that amendment.

Mr. LITTLE. Mr. Chairman, I desire to be heard for a short time on the pending amendment. First, as to the question of the point of order, I do not think it is well taken, because the very provision that we seek to amend is a provision in the bill giving certain powers to the Commission to negotiate with these Indians. While I was not the author of the amendment as offered, I did offer in the committee an amendment providing for the purchase of these lands, or a portion thereof, for the purpose of endowing the common schools to be hereafter established in the Indian Territory. The amendment which I offered and hope to see ultimately adopted is as follows;

Amend by adding at the end of line 13, page 31, the following language:

"And in addition thereto said commission is hereby empowered and directed to enter upon negotiations with the Choctaw and Chickasaw nations of Indians in the Indian Territory for the purchase by the United States of the coal and asphalt lands belonging to said tribes, the same being the lands authorized to be segregated and sold under the provisions of the agreement made between the United States and the said tribes and approved the 1st day of July, 1902; and any agreement made with said tribes looking to the purchase of said lands, or any part thereof, shall stipulate the terms of such purchase and provide that the same shall be held in trust by the United States, and disposed of upon such terms and conditions as shall be provided by Congress, for the support of free schools in the Indian Territory for the education of all children in said Territory, whether Indians or not Indians.

"Any agreement made under the authority hereby conferred shall be subject to the ratification and approval of Congress."

I would be glad to have the attention of the House just a moment, for I know how difficult it is for members who are not connected directly with this legislation to understand conditions and draw the proper distinctions between the conditions in the Territory proper and the various reservations about which this bill legislates. First, the Government appropriates no money for the education of the Indians in the Indian Territory. They are supported from the annuities and incomes of their own property. At the last Congress a supplemental treaty was ratified with these tribes authorizing the segregation of 500,000 acres of coal and asphalt land and providing for its sale at public auction in the next two years from the date of the ratification of the treaty.

These lands belong to the Indians. They owned them in fee simple. The purpose of the amendment is, in the first place, to extinguish by consent of the tribe the title of the Indians to this

property. I believe we ought to do that, and do it without reimbursement of the Government. But adopting the committee suggestion, this amendment authorizes the reimbursement of the Government in the event these lands should be purchased.

In the first place, there is a provision for the sale of these lands in the treaty of 1902. It is believed by many that the Government, by negotiation with the Indian tribes owning this property, the Choctaws and Chickasaws, can purchase it at less than can be realized out of it by the Government and at the same time pay the Indians as much as will be realized out of it under the sale provided for under the agreement of 1902. If the amendment is adopted, the Indians could afford to take less, as they would share in the school fund. It is also believed by many, in which sentiment I concur in a limited degree, that the Government could then sell and dispose of this property under proper regulations and have a surplus for the endowment of public schools in that country after reimbursing the Government.

It has been said here, Why not make a direct appropriation for the support of common schools of this country? That has been tried and failed. That will never be accomplished, in my opinion, by Congress, but here is the proposition, if Congress will take hold of it, and without any abuse of power it can, within the limits of conservatism, to provide a school fund for these people in common with all the States and Territories which have had endowments out of the public lands heretofore.

The conditions in that country as to schools are not only lamentable, but are a disgrace to the American Congress. We spend thousands of dollars for the education of the Indians upon the reservation, for education in the Philippines, for education in Porto Rico, and for various other benevolent purposes. In the Indian country there are now, on a conservative estimate, 200,000 school children between the ages of 5 and 20 years. Of these children, including Indians, including those who live in towns where they have the power to levy a tax and have limited school privilege, there is to-day——

The CHAIRMAN. The time of the gentleman has expired.

Mr. LITTLE. I should like to have ten minutes more.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent to proceed for ten minutes.

There was no objection.

Mr. LITTLE. Mr. Chairman, I was just saying that there are to-day in the Indian country, I think, on a conservative estimate, 125,000 children between the ages of 5 and 20 whose names are not enrolled in any school—public, private, Indian, or otherwise. This is a condition which, to my mind, ought to appeal to Congress—not to its liberality, but to its sense of justice and its duty toward these children. Of all the children, some thirty-odd thousand are Indians, some 18,000 negroes, the others white children. The pending provision seeks to establish an endowment for the education of all the children—Indian and those not Indian. The Indians have a separate school fund; but this would put that country on the road looking toward a uniform school system in that country. The Indians have limited school facilities; but in that country there is not any system of free schools open to the white children, and, being without government, the people there are powerless to establish one.

The Government last year sent an agent to the Indian country to investigate educational conditions, and the statements which I have here are based largely on his report. This country embraces 31,000 square miles of territory. There are more than half a million of people there, powerless to maintain a school system, owing to the peculiar condition of the country, in the absence of Congressional legislation. This agent visited one of the jails in that country, and he submits this statement:

> On October 2, 1901, I visited the United States jail in the northern judicial district, and of the 264 inmates on that day, 65 who could speak English admitted to me that they could neither read nor write, and nearly all of these were young men and women. And the same condition of affairs could be found in the other jails of the Territory.

This gives only a glimpse of the unfortunate condition existing in that country. Here we have 125,000 children with no law under which a school tax can be maintained, dependent entirely upon the little schools that their parents may be able to establish. This is the character of citizenship that we are building up. The records of the jails in that country bear testimony, I may say, to the lack of action on the part of Congress; a condition for which we can not escape responsibility; and the longer it is permitted to exist the greater will be our shame.

Though this measure may not afford much relief in the way in which it is offered, I wish the gentleman from Illinois, rather than interpose a point of order, would move an amendment to the paragraph so as to direct the Commission to negotiate with the people of the Five Tribes with the view of extinguishing the title of that property, and with the further view of making an endowment for the support of common schools in that great country. [Applause.] I believe that there can be no act more plainly demanded by considerations of justice and sound public policy, and that no act of this Congress would go further to meet the unfortunate condition of those people.

I do not know what further I can say in support of this proposition in the few minutes remaining to me. The facts I have stated stand without contradiction, are admitted facts. I believe it is the duty of Congress to take some step looking to the establishment and endowment of schools in that country. I say this without regard to the question whether that portion of the country be made an organized Territory under the proposed legislation pending here, or whether it becomes a separate State, or whether it becomes part of another State, or whether it remain in its present condition; our duty to my mind is equally plain.

I hope the amendment may be adopted, and I further hope that before this bill leaves the legislative halls of this Congress we shall meet in a courageous and just manner the conditions in that country and acquire this land as an inheritance to bless the poor children of that Territory and lay the foundations of a magnificent citizenship.

Mr. CANNON. Mr. Chairman, I would like to ask just a question or two to see whether I understand this provision, to determine whether I shall insist on the point of order, if I may be indulged. As I understand it, and the gentleman from Kansas [Mr. CURTIS] will correct me if I am wrong, there are about 500,000 acres of land referred to.

Mr. LITTLE. Just 500,000 acres.

Mr. CANNON. As I understand it further, there is an agreemeent now between these Indians, the Choctaws and the Chickasaws, and the United States that after the allotments are made to the Choctaws and the Chickasaws these 500,000 acres shall be sold by the United States for the benefit of these Indians.

Mr. LITTLE. If the gentleman will permit, he is substantially correct. The provision is this: It does not wait for the allotment. The agreement of 1902 provides that these 500,000 acres of land shall be segregated. That precedes the allotment, and then they are sold after two years, the purchase money, of course, going to these two tribes of Indians to whom the land belongs.

Mr. CANNON. And the Indian gets his money when he parts with the land?

Mr. LITTLE. Yes.

Mr. CANNON. Well, that is in a very desirable condition as it is. Now, this amendment, as I understand it, when we ratify the new treaty negotiated with the Indians, looks to the Government of the United States paying from the Treasury for this land whatever price may be agreed upon by the Indians and the United States; and then, if the United States is unable to buy them of the Indians for less than they are worth, the United States will sell the lands, first, to reimburse the United States; second, that after the United States is reimbursed, presuming we can cheat the Indians in the price, whatever is left shall be devoted to schools.

Mr. LITTLE. That is a correct statement of the situation, except we do not want to cheat the Indians. I would like to suggest, if my friend will permit, at this point that, as I understand it, some of the Indians themselves—but they have not done it officially—seek this proposition for this reason: They recognize, as we do, that in the near future there must be a union of the schools in that country, the Indian school and the white school.

Mr. CANNON. Yes.

Mr. LITTLE. Whatever system may be adopted, they believe as they would share in the participation of the common schools that would be benefited under this provision, should it pass, they would be willing to sell the property at less actually than it is worth.

Mr. CANNON. Well, if they would come to us with a proposition to donate half of these lands to the common schools I would be very glad of it, or if they want the United States to supplement that position when they donate that by appropriating an equal amount from the Treasury, it would perhaps commend itself to my judgment, but this looks to an agreement by which the United States presumably counting the lands as worth what—$3 an acre?

Mr. LITTLE. At least that.

Mr. CANNON. Well, that would be a million and a half we would pay for the 500,000 acres, and the moment we would get at it somebody would jump up and say in the interests of the poor man that it must come under substantially the homestead provision, and that he must have a chance to pay for it under that provision or some other. The result would be that the United States would be out from one million and a half to two millions or three millions of dollars; second, that it would be open then and in the end devoted to free homes; third, we would have parted with our money to the Indians, the United States would not be reimbursed, and the school fund would still be up in the air.

Now, let us meet this matter of free schools in the Indian Territory when it is admitted as a State, if you choose, in a proper

way. If we ought to take something out of the United States Treasury for a free school fund, let us do it without any roundabout proposition, because as the wheel revolves every time, nobody looking after the interests of the United States, the United States Treasury loses and the school fund does not gain. Now, this is new legislation, and therefore it is not in order upon a general appropriation bill, and I make the point of order against it.

Mr. LITTLE. Mr. Chairman, I desire to say a few words in addition——

The CHAIRMAN. Does the gentleman desire to speak to the point of order?

Mr. LITTLE. No, only indirectly. I move to strike out the last word.

The CHAIRMAN. A point of order is pending and a motion to strike out is not in order.

Mr. LITTLE. Then I will address myself for a moment to the point of order. The provision in this bill which is sought to be amended by the amendment reads as follows:

For salaries of 4 commissioners appointed under acts of Congress approved March 3, 1893, and March 2, 1895, to negotiate with the Five Civilized Tribes in the Indian Territory, $20,000: *Provided*, That said Commission shall exercise all the powers heretofore conferred upon it by Congress.

That is legislation itself. It is conferring upon this Commission a continuation of its powers, which among others is a power to negotiate agreements, a power to allot lands, etc. The whole Indian country is really under their control, and this amendment proposes, in addition to these powers, to negotiate along the lines indicated in this amendment.

It occurs to me, while I am not a very skilled parliamentarian, that the amendment is directly in line with the legislation contained in the bill, because the bill continues the powers of the Dawes Commission or the Commission to the Five Civilized Tribes, and this amendment is only an enlargement or a specification of the powers that the bill carries. I can not see how it could be in antagonism to the rules of the House as not being germane, because the very amendment carries with it the power of this Commission, which power is quite extensive and large under existing law, and only seeks to direct the execution of that power.

Mr. CANNON. This runs exactly as it has run for many years. There was legislation creating this Commission. There was legislation that brought about the status in the Indian Territory. That was independent of an appropriation bill. Perhaps this proviso could be stricken out and not change the sense of the appropriation; but if this proviso be legislation, why, here is legislation entirely new. It is not germane. In the first place, it is legislation that confers power upon a commission to be appointed, and is entirely outside of any scheme that there is under existing law.

Mr. LITTLE. Mr. Chairman, the part of the bill to which my amendment is proposed, admitting it to be existing law, is reenacted in this bill. No point of order has been made against it. I do not know whether it is in the exact language of former legislation—whether that has been limited or not. Therefore I think it entirely germane and that the Chairman should sustain the amendment which has been offered.

The CHAIRMAN. The Chair is of the opinion that the proviso—

Provided, That this Commission shall exercise all the powers heretofore conferred upon it by Congress—

has no effect upon the status and power and authority of the Commission created by the act of 1895. It does not seek to repeal any of their authority, and if the authority exists, they can exercise it without this proviso. Therefore, this proviso has no effect upon this bill, or upon the subject-matter of the bill. Now, if the powers sought to be conferred by the amendment offered by the gentleman from Arkansas [Mr. LITTLE] are now within the scope and authority of the Commission, then there is no necessity for this legislation. But the Chair thinks that this is going a great way beyond the existing authority of the Commission, and undertaking to confer upon them an additional authority, broad in its scope and important in its details. The Chair is of the opinion that the point of order that this is an attempt to change existing law, or rather to enact new legislation upon appropriation bills, is well taken, and the Chair sustains the point of order.

Mr. LITTLE. Now, Mr. Chairman, I should like to call the Chairman's attention to the fact that, admitting that the proviso is existing law, yet we have an appropriation here carrying these commissioners, and it does appear to me that the amendment directing their duties would be competent legislation even on that.

The CHAIRMAN. The gentleman will allow the Chair to suggest——

Mr. LITTLE. Certainly.

The CHAIRMAN. That this proviso does not confer any additional power upon the Commission, and could not do it in that way. The existing law is not repealed by this proviso. It is neither added to nor subtracted from. The existing law, whatever it may be—the Chair is not familiar with it—stands, and no additional force is given to it by this proviso. So that is not any attempt to change existing law. If it is an attempt to do anything, it is an attempt to reiterate that the existing law shall continue to be existing law.

Mr. LITTLE. Now, I should like for a moment to say that the amendment offered, admitting the proviso to be existing law, directs among other things how they shall proceed, under the power given, in one particular mentioned in the amendment.

The CHAIRMAN. That changes the existing law. The Chair sustains the point of order, and the Clerk will read.

The Clerk read as follows:

Expenses of commissioners and necessary expenses of employees, and $3 per diem for expenses of a clerk detailed as a special disbursing agent by the Interior Deparment while on duty with the Commission shall be paid therefrom; for clerical help, including secretary of the Commission and interpreters (act of March 3, 1901, vol. 31, p. 1074, sec. 1), $200,815; contingent expenses of the Commission (same act), $2,000: *Provided further*, That this appropriation may be used by said Commission in the prosecution of all work to be done by or under its direction as required by law; in all, $222,815: *And provided further*, That not to exceed $10,400 of the above amount may be used in the temporary employment in the office of the Commissioner of Indian Affairs of 4 clerks, at the rate of $1,600 per annum; 1 clerk, at the rate of $1,400, and who shall be competent to examine records in disputed citizenship cases and law contests growing out of the work of said Commission, and in the temporary employment in said office of 3 competent stenographers, at the rate of $1,000 each per annum.

Mr. SHERMAN. Mr. Chairman, I offer an amendment.

Mr. CANNON. Before any amendment is offered, I wish to make the point of order against the third proviso, commencing in line 3 and ending with "per annum," in line 12. I think, if my friend will allow me to state it, he will at once confess the point. I call his attention to the fact that this seems to have been gathered up in the legislative bill.

Mr. SHERMAN. These are not in the legislative bill. Those provided for in the legislative bill are on page 33 and page 34, and I have an amendment to have those stricken out.

Mr. CANNON. Let us see about that a moment.

Mr. SHERMAN. My friend is mistaken.

Mr. CANNON. No, I think not; if my friend will take and examine it he will find.

Mr. SHERMAN. This is for the allotment of land. That on page 33, line 13, is not under the Dawes Commission at all.

Mr. CANNON. Well, I will ask unanimous consent later on to return to this item, with the privilege of making the point of order upon it if I desire to do so.

Mr. SHERMAN. That is entirely agreeable to me.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to return to this part of the bill at a future time, leaving the matter of the point of order undisposed of. The Clerk will report the amendment.

The Clerk read as follows:

In line 21 strike out "four" and insert the word "eight."

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from New York. The Chair would call the attention of the gentleman from New York to the fact that the point of order pending to the proviso is not disposed of.

Mr. SHERMAN. I assume that the gentleman will not object to the amendment. It is to correct the addition. I will ask unanimous consent that that change be made, to correct the addition. That is all it is, and the point of order will be pending.

The CHAIRMAN. The Chair thinks that both the amendment and the point of order ought to go together.

Mr. SHERMAN. Very well.

Mr. BURTON. I move to amend lines 21 and 22, on page 31, by striking out "$200,815" and inserting in lieu thereof "$93,000," being the amount, I believe, appropriated in the preceding bill. Pending that motion, I would like to ask the gentleman from New York to explain the reasons for this very considerable increase; also how long he believes it will be before the work of this Commission will be completed.

Mr. SHERMAN. If the gentleman will turn to the Book of Estimates of the present year, on page 448—and if he has not the book I will send it to him—he will find a full statement, in great detail, by the Dawes Commission, stating just how each dollar of this appropriation is to be expended. In addition to that, Mr. Chairman, I have a letter from the chairman of the Dawes Commission, under date of January 12, which I will ask the Clerk to read.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, Ind. T., January 12, 1903.

Hon. JAMES S. SHERMAN,
House of Representatives, Washington, D. C.

DEAR SIR: I am in receipt of your recent letter requesting a statement of the present condition of the work of the Commission to the Five Civilized Tribes, of the amount of money that will probably be needed to complete the work, and desiring to know when the work can reasonably be expected to be completed.

In reply thereto I have the honor to say, in the first place, that, broadly

speaking, the agreements passed by Congress and ratified by the three larger tribes—the Choctaws, Chickasaws, and Cherokees—during the past year have finally paved the way to the full consummation of the plan of settlement first inaugurated by the Curtis bill of June 28, 1898.

Under other agreements, and under the Curtis and subsequent acts of Congress, the affairs of the Seminole and Creek nations are now, practically speaking, completed and closed, with the exception of certain minor matters not necessary to consider in the present connection.

But, while certain agreements were recognized as necessary supplements to the Curtis Act, yet, as respects all this work, including, of course, the three great tribes now under consideration, that act adopted and enjoined a definite policy and imposed upon the Commission certain labors in pursuance thereof. Congress has made regular appropriations in this connection, and when the recent agreements with the greater tribes came into effect, the preparatory work was, under the urgency of the Department and the Commission, in the main finished, and thus the Commission, as a result of such preliminary expenditures and labor, is ready for and has now begun the exercise of the new powers therein granted.

In other words, the approximately 16,000,000 acres of land of these three remaining tribes are now surveyed, classed, valued, and platted down to 40-acre units, a necessary preliminary to the dividing of these tribal estates into shares of equal value, as required by law. Surveys of the location of the houses and other improvements of every citizen in most of the thickly settled parts of these areas are now made and platted, in order that the homestead and occupancy rights provided by law may be duly regarded.

Passing from the present status of what may be termed an inventory, appraisement, and location of the property to be divided with equality of value among these people, and coming to the even larger work of determining who are the rightful citizens or heirs entitled to inherit under this governmental administration of these tribal estates, I have to say that during the past few months we have, preparatory to opening land offices in the Choctaw, Chickasaw, and Cherokee nations, rapidly forwarded to the Secretary of the Interior, for his final approval, as provided by law, the results of our former work of this character.

To speak more specifically, we have recently sent to the Department and received the Department's approval of our favorable findings as to 24,500 Cherokee citizens, leaving about 14,500 Cherokee applications for enrollment yet to be finally passed upon and reported by us. Of course the latter cases are in the main completed, and no new applications can now be received, and they are only waiting for our final disposition as rapidly as we can get at them.

Of the Choctaws and Chickasaws jointly, we have recently forwarded and received the Department's approval of our favorable findings as to 11,020 citizens, with favorable findings as to 3,998 claimants now pending before the Department, a total forwarded of these tribes of 15,118, and leaving, say, 15,870 of such claimants yet to be passed on by us, or, if passed upon, as part of them are, yet to be reported by us to the Department. As in the case of the Cherokees, these matters are being pressed to conclusion as rapidly as possible.

The total number of findings thus forwarded within the past few months is, say, 39,618, leaving, say, 30,370 yet to be reported.

Thus, since the passage of these agreements, enabling us to take final action, we have proceeded to put into final shape and close up the results of several years of our labors of taking and adjudicating the applications of claimants to the right of enrollment.

No account is taken in this statement of the many thousands of claimants whose applications have been passed upon and rejected further than to say that since our last report a vast amount of this material has been cleared away, all of which is, of course, preparatory and necessary to the final and rightful administration and partition of the tribal estates.

Itemized statements of all expenditures have been duly made to the Department, as required by law, and it is presumed that you do not want such details in this letter, especially as they are, down to recent dates, already available at Washington.

Inclosed is a detailed estimate of expenditures for the year ending June 30, 1904, given by us to the Secretary of the Interior under date of September 20, 1902.

As for the $40,000 deficiency for the present fiscal year, I inclose, explanatory thereof, copy of the Commission's letter of November 13, 1902, to the Secretary of the Interior.

You will observe that this deficiency arises solely from our opening the three allotment offices in the Choctaw, Chickasaw, and Cherokee nations, respectively, in the present fiscal year, and consequently earlier than was expected. It arises from our anticipating the work of next year. We are proceeding with these offices, having opened the Cherokee office at Vinita the 2d of this month and are making all necessary preparations to open the Choctaw and Chickasaw offices February 1, or as soon thereafter as practicable. Under our own urgency, and under the constant urgency of the Department, with a due regard by all for efficiency and economy, we have pressed and are pressing the work. We do not consider for a moment that Congress would pardon the keeping of material acquired at great cost unutilized or sanction a policy that protracted the unsettled and unprofitable condition of affairs in this Territory.

It may be stated that in pressing the citizenship cases to settlement we had to expend a much larger amount of our present appropriation in the employment of law clerks and stenographers than we anticipated; and, owing to the remarkably inclement character of much of the past year, our field work has necessarily been more expensive than is ordinarily the case. Nevertheless we have pressed the work beyond expectations and kept within our estimates, except, of course, as respects the entirely new work of the three allotment offices to be covered by the $40,000 of so-called deficiency. We have reduced our force and closed out material as branches of the work were completed, the total force being now 250 as compared with 425 on April 1, 1901, and since the latter date we have turned into the general fund of the Treasury proceeds of stock and material no longer required, amounting to $19,123.75.

As to how long it will take to complete this work, and what additional amount of money it will take, I have to say that we have entertained, and perhaps expressed, the hope that we could substantially finish the work in something like two years from the opening of the three new allotment or land offices previously referred to as now being opened in the Choctaw, Chickasaw, and Cherokee nations; while as to cost we have ventured the estimate that $150,000 will cover the expense for the fiscal year following that ending June 30, 1904, at the end of which fiscal year, viz, June 30, 1905, a new and further view may be obtainable of the work, or, in other words, it may then be practicable to wind up the remnants of this work without reference to this Commission.

But it is absolutely necessary to differentiate between the work Congress undertook here and that which it has often authorized and had executed under the "drawing" or "first come first served" plan of disposing of lands acquired for general settlement. This work is not that. This is administering upon an estate of, say, 80,000 heirs and 20,000,000 acres of land. Every heir must be determined, as well as a vast army of false or unqualified claimants, by regular judicial proceedings, and every acre of land has had to be reasonably valued. In character and magnitude combined, this work is perhaps without a precedent in human experience or history. To allot these lands with respect to value and in detail, and to reconcile all rights and disputes arising therefrom, is as much an undertaking as to sell it in parcels and divide the money equally among the heirs.

When we consider the further task of determining who are the heirs, certainly no prudent man could or can give exact estimates of the total of either time or money. Only recently Congress provided a special court of three judges to consider complications relating to, comparatively speaking, only a small group of claimants in the Choctaw and Chickasaw nations, arising under the law of June 10, 1896. We are subject to delay until that work is determined, also until the Delaware case can pass through the higher courts, and we are troubled by injunction as to Cherokee freedmen, etc. Thus conditions arise continually which compel you to revise any opinion, in one respect or another, that you may form.

You become dependent upon what other people have to do, and it is difficult to judge of that. If I were forced to express an opinion now, I would say that this business will likely have to run two years longer than I have heretofore hoped, and at a probable cost to the Government of, say, $150,000 a year. But this we do know, that we are at the beginning of the end; that under the Curtis law and supplemental legislation, and under the present administration of the Interior Department, the foundation has already been laid deep and strong, and the principal walls already erected, of a great community, equal in extent to the State of Indiana, second in resources to none, and destined in the early future to afford homes to millions of people, and to supply profitable trade to millions more.

It matters little whether, when the main work is done, as soon it will be, Congress shall dispense with this organization and enlarge others or institute a new one to wind up the remnants of work until such time as local courts and other machinery may be established and available for the purpose. But, without going into details, I venture the opinion that when all is done, and this estate, worth now commercially from $300,000,000 to $500,000,000, is finally administered upon, it will be at a cost unrivaled in the smallness of the percentage of the capital disbursed, and unsurpassed as a monument to the wisdom and justice of the Government.

I have shown this to Commissioners Needles and Breckinridge, and they concur in what I have said.

Very respectfully,

TAMS BIXBY,
Acting Chairman.

Mr. BURTON. Mr. Chairman, will the gentleman from New York yield for a moment?

Mr. SHERMAN. Certainly.

Mr. BURTON. I should like to ask whether the amounts expended under this appropriation are to be reimbursed to the United States from the proceeds of the lands or from any other source?

Mr. SHERMAN. There is no provision for reimbursement.

Mr. BURTON. Under what statute or treaty are these expenditures to be made?

Mr. SHERMAN. They are not made under any statute or treaty. They are made in pursuance of several treaties or agreements. We call them all agreements now. It has been desired many, many years that there should be a changed condition in the Indian Territory. It is a very, very rich Territory, rich in soil, in minerals, and lumber; and in every way the conditions were abominable. Crime was rampant. More murderers have been unprosecuted in that Territory than in any State or half a dozen States in the country. White people, a very large number, went into the Territory; progress was blocked absolutely there; and it has been the wish during years that we enter into some agreement by which the tribal relations could be done away with, so that the lands could be allotted in severalty, town sites could be provided, and that civilization could enter there and progress be made for the good of the Indians and the good of the country.

In 1893 the first treaty was entered into, under which there were to be surveys, allotments, and the laying out of town sites. Provisions were made for safeguarding the Indian rights to minerals, coal, oil, and all that sort of thing. Subsequent treaties have been made, and it is carrying out the policy inaugurated in these treaties that we have expended all this money in the Territory. It is bringing about a condition that is very gratifying and satisfactory. More white people are going in there, the lands are being opened up, they are being tilled, all their wonderful productiveness is being exploited.

This Commission is pressing forward near to the completion of their work. They have reached a point where, in my judgment, the country is better fitted for statehood than some other portions of our Republic, for whose admission as States the House has already voted. We have expended a very large amount of money. The item in the last bill was more than twice the amount appropriated for the coming year. This bill carries $115,000, and last year's $324,000; the year before $524,000. We had nearly reached the completion of the work that was assigned to the Commission when the treaties of last year were confirmed by act of Congress and by subsequent acts of the Cherokee and Choctaw nations.

Mr. BURTON. Will the gentleman yield for a question?

Mr. SHERMAN. Certainly.

Mr. BURTON. Are these appointees from the civil service?

Mr. SHERMAN. No; all outside of the civil service. They are of a temporary nature. Had the recent agreement not been made, it is doubtful if the work in the Commission would have extended more than two years more. As it is, I would not be surprised if it took four or five years; three years at least.

Mr. BURTON. Who makes these appointments?

Mr. SHERMAN. They are made by the Secretary of the Interior, on the recommendation of the Dawes Commission.

The CHAIRMAN. The Chair would call the attention of the gentleman from New York to the fact that if this point of order be sustained it leaves an appropriation of $400——

Mr. SHERMAN. Yes, Mr. Chairman; the gentleman from Illinois has advised me that he will not press the point of order. He finds that the provision is not contained in the legislative bill.

Mr. CANNON. Mr. Chairman, I withdraw the point of order to the section.

The CHAIRMAN. The gentleman from Illinois withdraws the point of order.

Mr. BURTON. Mr. Chairman, I desire to be heard briefly on this amendment. It seems to me there is a situation here that is worthy the attention of the committee. The Government has been expending enormous sums, to be counted by millions, for allotment of the lands and settling the rights of the respective Indians. These are among the finest lands in the world, not only for agricultural purposes, but also they have valuable mines of coal and asphalt and possibly other minerals. The total expense of the service for allotting, appraising, dividing, acting as mediator and judge in all the various classes of disputes among the Indians is paid by the United States. In view of the immense value of these lands divided among them for their benefit, the very large expenditures incurred prove that our country has been more than fair to these tribes.

I think, further, that the expenditures of this Commission are open to the accusation of extravagance. I find in the report of 1901, on page 784, a list of the employees. There appear in the first column on that page 19 surveyors and 57 appraisers. It seems to me, Mr. Chairman, that proportion of three to one is dangerously like that of three grown persons who have to escort one boy to the circus. [Laughter.] It would look to an outsider as if there were a surplus of appraisers.

On page 449 it will appear that there is 1 clerk in charge of one of the land offices, and there are some 32 subordinates. One clerk in charge, at $150 a month; 1 clerk, at $125 a month—I am reading from the Cherokee land office; 8 clerks, at $100 a month; one contest clerk, at $100 a month; 8 clerks, at $75 a month; 2 interpreters, at $60 per month; 5 stenographers, at $100 a month; 4 stenographers, at $75 a month; 1 marshal, at $60 per month; and 1 messenger, at $40 per month; and 2 janitors, at $30 a month; and office rent, etc. If any committee of this Congress, or Congress itself, should supply itself as lavishly with subordinates of these various classes it would be criticised very severely.

Now, Mr. Chairman, the amount of the cut which I propose may be too great; and I desire to move to amend the amendment by inserting "one hundred and fifty thousand" instead of "ninety-three thousand." That will be substituting $150,000 in place of $200,815 provided in the bill. In the last bill it was $93,000.

The CHAIRMAN. The question is on the amendment offered by the committee, which the Clerk will report.

The Clerk read as follows:

On page 32, line 3, strike out the word "four" and insert the word "eight."

The amendment was agreed to.

The CHAIRMAN. The pending question is the amendment to the amendment offered by the gentleman from Ohio.

The Clerk read as follows:

Strike out "ninety-three thousand" and insert "one hundred and fifty thousand."

The question was considered, and the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Ohio to strike out "two hundred thousand" and insert "ninety-three thousand."

The question was considered, and the amendment was rejected.

The Clerk read as follows:

For operating and repairing the flour mill at Pima Agency, Arizona, $1,500.

Mr. BURTON. I move pro forma to strike out the last word; and pending that motion I should like to inquire whether this appropriation is a gratuity or in pursuance of treaty stipulation; and if a gratuity, why it should not be included under the head of "miscellaneous support and gratuities" in another portion of the bill?

Mr. SHERMAN. It is a gratuity; and it is carried in this portion of the bill because all these provisions are gratuities; this portion of the bill embraces no appropriations in pursuance of treaty stipulations.

Mr. BURTON. Is there any reason why this should not be included with the items for the Pima Agency in a prior part of the bill, under the head of "Miscellaneous support and gratuities?" Why should this be given separately?

Mr. SHERMAN. I can not answer the gentleman. I think that probably this was originally inserted in this part of the bill away back, long before my experience in Indian matters, and that the usage has been followed year after year. The question with us was not whether a particular appropriation should be on page 34 or page 23, but whether it should be reported at all.

Mr. BURTON. Will the gentleman kindly yield for another question? Would it not be clearer and in better form if this item were included with those other gratuities?

Mr. SHERMAN. I think it would.

Mr. BURTON. Is the same true of the three following items? Are those gratuities?

Mr. SHERMAN. Yes, sir; all of them.

The Clerk read as follows:

To enable the President to cause, under the provisions of the act of February 8, 1887, entitled "An act to provide for the allotment of lands in severalty to Indians," such Indian reservations as in his judgment are advantageous for agricultural and grazing purposes to be surveyed or resurveyed, for the purposes of said act, and to complete the allotment of the same, including the necessary clerical work incident thereto in the field and in the Office of Indian Affairs, and delivery of trust patents, so far as allotments shall have been selected under said act, $40,000.

Mr. SHERMAN. I offer the amendment which I send to the desk.

The Clerk read as follows:

On page 33, in lines 20 and 21, strike out the words "and in the Office of Indian Affairs."

Mr. SHERMAN. Mr. Chairman, this amendment is offered for the purpose of eliminating from this paragraph the provision for employees now provided for in the legislative bill, a matter to which my friend from Illinois [Mr. CANNON] referred a few moments ago.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. BURTON. Then I understand that a part of this amount as reported was intended to cover the pay of employees now provided in the legislative appropriation bill?

Mr. SHERMAN. Yes, sir; but the legislative bill was reported since this bill was reported, and having been provided for there the item should be stricken out here——

Mr. BURTON. What amount is covered by that part of this appropriation?

Mr. SHERMAN. About $10,000 or $12,000 or $15,000——

I offer no amendment reducing the appropriation here made because there is before the Appropriations Committee a communication from the Indian Office asking for a deficiency appropriation for the present fiscal year of, I think, $12,000 or $15,000—I am not positive which.

Mr. CANNON. That would not affect this matter.

Mr. SHERMAN. It might somewhat. When a clause originally intended to cover the employment of clerks to the amount of $12,000 is struck out here because those clerks are already carried on the legislative bill, we might, it is true, reduce the aggregate appropriation in this paragraph. But I say I do not offer an amendment to that effect because there is a deficiency in this service for the present year of either $12,000 or $15,000.

Mr. CANNON. If so, that can be taken care of on an entirely different bill.

Mr. SHERMAN. I understand that; but because of the fact I have stated we propose to leave this amount at $40,000, notwithstanding there will be $12,000 less to be paid out next year by reason of the transfer of employees under the legislative bill. Nobody has offered any amendment to change the amount of this appropriation; I am simply explaining the reason why I offer no such amendment.

Mr. CANNON. Does not my friend think he had better reduce this amount? As I understand, by leaving this appropriation at the present sum there is a clean increase of $15,000.

Mr. SHERMAN. About that, I think.

Mr. CANNON. To be exact, $15,800.

Mr. SHERMAN. That is a trifle more than the deficiency for the present year.

Mr. CANNON. Well, then, my friend assumes that this appropriation is to run permanently at $40,000?

Mr. SHERMAN. Not necessarily; but it probably will run for some years. Under section 2 of the act referred to in the paragraph—I have not the act before me at this moment—this sum is eventually reimbursable to the Government.

Mr. CANNON. From what?

Mr. SHERMAN. From the sale of lands.

Mr. CANNON. Well, my friend knows that such a provision might just as well be stricken out. The Government will never be reimbursed.

Mr. SHERMAN. I very much doubt it myself. I would not buy the claim for one hundred cents on the dollar.

Mr. CANNON. Well, I will move to amend the paragraph by striking out at the close the words "forty thousand dollars" and inserting "twenty-four thousand two hundred dollars." Let us go through the correct form, anyhow. If $15,800 of the expenditure proposed by this paragraph as reported has been provided for in another place, let us make here a corresponding reduction;

and if there is a deficiency, let us take care of that as such things are usually taken care of.

Mr. SHERMAN. Very well; if the gentleman is desirous of crowding additional work on the Appropriations Committee for his successor as chairman of that great committee, I have no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out the words "forty thousand dollars" and insert the words "twenty-four thousand two hundred dollars."

Mr. BURTON. Mr. Chairman, if I may be heard briefly, it seems to me that amendment should prevail, because the legislative, executive, and judicial bill appropriates $15,800 for this very purpose.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

The Clerk read as follows:

For survey and subdivision of Indian reservations and of lands to be allotted to Indians, and to make allotments in severalty, to be expended by the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, $20,000.

Mr. BURKE of South Dakota. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

In line 14, page 34, after the word "dollars," insert:

"For survey of lands within the Pine Ridge Indian Reservation, S. Dak., and for examination in the field of survey, the sum of $17,000, to be immediately available; and for clerical work and stationery in the office of the surveyor-general, required on surveys within the Pine Ridge Indian Reservation, S. Dak., the sum of $3,200; in all, the sum of $20,200."

Mr. CANNON. Well, until my friend can explain, I will reserve the point of order upon that. It seems to me if that goes in at all it ought to go on the deficiency bill.

Mr. BURKE of South Dakota. Mr. Chairman, I will state briefly that this provision has been in every Indian appropriation bill for the last four or five Congresses, to my knowledge, with the exception of one. It was omitted, as I remember, in the second session of the Fifty-sixth Congress from the Indian appropriation bill and at that time went into the deficiency bill, in charge of the gentleman from Illinois, and he did not object to it. I will state briefly that it provides for completing or making the surveys in South Dakota, and from letters which I have from the Department it appears that this appropriation will complete those surveys. It has the approval of the Department, the Commissioner of Indian Affairs, and the Secretary of the Interior, in letters which I have here under date of January 3, and in order that I may have the correspondence pertaining to this subject in the RECORD, I ask unanimous consent that certain letters from the Department, which I will send to the desk, bearing upon this question, may be printed in the RECORD.

The CHAIRMAN. The gentleman from South Dakota asks unanimous consent that he may print certain letters in the RECORD. Is there objection?

There was no objection.

The letters are as follows:

DEPARTMENT OF THE INTERIOR,
Washington, March 5, 1900.

Hon. ROBERT J. GAMBLE,
House of Representatives.

SIR: In response to your letter of the 5th instant, addressed to the Commissioner of Indian Affairs, inclosing an estimate from the surveyor-general of South Dakota for the survey of the lands within the Pine Ridge and Standing Rock Indian reservations, and for the examination in the field of the surveys, to be immediately available, $22,000, and for clerical work, etc., in the office of the surveyor-general, required on surveys within the Cheyenne River, Pine Ridge, and Standing Rock Indian reservations, $3,200, I have the honor to transmit herewith a copy of a report dated February 15, 1900, from the Commissioner of Indian Affairs, and of one of the 26th ultimo from the Commissioner of the General Land Office, to whom the matter was referred.

These reports meet with my approval.

Very respectfully,

E. A. HITCHCOCK, *Secretary.*

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, February 15, 1900.

The SECRETARY OF THE INTERIOR.

SIR: This office is in receipt of a communication from Hon. ROBERT J. GAMBLE, dated February 5, 1900, in which he states he is in receipt of an item from Frank A. Morris, surveyor-general of South Dakota, asking that the same be made a part of the Indian appropriation bill in the House. The item appropriates $22,000 for the survey of lands in the Pine Ridge and Standing Rock Indian reservations in South Dakota, and the sum of $3,200 for clerical work and stationery in the office of the surveyor-general, required on surveys within the Cheyenne River, Pine Ridge, and Standing Rock reservations in South Dakota.

Mr. GAMBLE states that the bill having passed the House he can now only look to secure this legislation through the Committee on Indian Affairs in the Senate, and that he will be pleased to have the same considered and to receive the approval of this office. He also states that the people of his State are anxious to have all the Indian allotments made, and that he is informed the Indians are also anxious for the same.

It is understood in this office that most of the available lands in the Standing Rock Reservation, in South Dakota, have been surveyed. Some surveys have also been made in the Pine Ridge Reservation. While there is no immediate intention on the part of this office to make allotments to the Indians of Pine Ridge or Standing Rock reservations, it is thought desirable that all the lands in those reservations should be surveyed, if practicable, before the work is commenced, and it would be glad to have an appropriation made for the purpose. It is suggested, however, that Mr. GAMBLE'S letter be referred to the Commissioner of the General Land Office for any remarks thereon he may be pleased to make.

Very respectfully, your obedient servant,

W. A. JONES, *Commissioner.*

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., February 26, 1900.

The SECRETARY OF THE INTERIOR.

SIR: I have the honor to acknowledge the receipt, by reference from the Department, for report, of a letter from Hon. ROBERT J. GAMBLE, House of Representatives, dated February 5, 1900, inclosing an estimate received from Mr. Frank A. Morris, United States surveyor-general of South Dakota, for surveys within Indian reservations in that State, as follows:

For the survey of lands in the Pine Ridge and Standing Rock Indian reservations in South Dakota, and for examination in the field of the surveys, the sum of $22,000, to be immediately available.

"For clerical work and stationery in the office of surveyor general, required for surveys within the Cheyenne River, Pine Ridge, and Standing Rock Indian reservations, in South Dakota, the sum of $3,200."

There is also inclosed by the Department a letter from the Commissioner of Indian Affairs, dated February 15, 1900, relating to the subject of Mr. Gamble's letter, stating that—

"It is understood in this office that most of the available lands in the Standing Rock Reservation in South Dakota have been surveyed. Some surveys have also been made in the Pine Ridge Reservation. While there is no immediate intention on the part of this office to make allotments to the Indians of Pine Ridge or Standing Rock reservations, it is thought desirable that all the lands in those reservations should be surveyed, if practicable, before the work is commenced, and it would be glad to have an appropriation made for the purpose. It is suggested, however, that Mr. GAMBLE'S letter be referred to the Commissioner of the General Land Office for any remarks thereon he may be pleased to make."

In response to the direction of the Department to report in the matter of the proposed appropriation, I have to state—

First. A large proportion—considerably more than one-half—of the Pine Ridge Indian Reservation is unsurveyed.

Second. About one-half of that part of the Standing Rock Indian Reservation in South Dakota is surveyed, or under contract for survey.

Third. The survey of the entire Cheyenne River Indian Reservation has been contracted for and a very considerable portion of the surveys have been returned and accepted.

The Commissioner of Indian Affairs in letter above mentioned, states that while there is no immediate intention on the part of his office to make allotments to the Indians of Pine Ridge or Standing Rock reservations, he thinks it desirable that all the lands in those reservations should be surveyed, if practicable, before the work of allotment is commenced, and that he would be glad to have an appropriation made for the purpose.

In view of this statement by the Commissioner of Indian Affairs, I can perceive no objection to the proposed appropriation for surveys of Indian reservations in South Dakota and examination of such surveys in the field.

Mr. GANBLE, referring to the Indian appropriation bill passed by the House February 3, 1900, states that he does not believe the appropriation which this bill carries is sufficient for the surveys desired.

Upon examination of said Indian bill, I find that the same carries no specific appropriation for Indian surveys in South Dakota, but provides (p. 40, lines 17-20) for survey and subdivision of Indian reservations, $20,000. This appropriation would, in the absence of a specific appropriation, be applicable to the necessary Indian surveys in South Dakota.

Regarding the sufficiency of the appropriation, I would state that it seems to be the opinion of the Commissioner of Indian Affairs that all the lands in the Pine Ridge and Standing Rock reservations, South Dakota, should be surveyed before the work of allotment is commenced. Should this course be deemed necessary, a much larger appropriation than that carried by the Indian bill or that estimated by the surveyor-general would be necessary.

It is roughly estimated that the lands remaining unsurveyed in the Pine Ridge Reservation aggregate 90 full townships, and in the Standing Rock Reservation (in South Dakota) 40 full townships, making in all 130 full townships. At an average estimated cost of $400 per township, the total amount required for field work (lands to be surveyed as public lands are surveyed) would, therefore, be about $52,000, to which should be added 10 per cent for field examinations, making in all $57,200. This estimate is made at minimum rates per mile; possibly a portion of the lands would require higher rates for survey.

As to the estimate submitted by the surveyor-general for clerical work and stationery required upon Indian surveys to be made under the surveying estimate of appropriation submitted by him, I would state that the surveyor-general is a most efficient and painstaking officer, and I have no doubt said estimate received his careful consideration. In case, however, a larger sum be appropriated for surveys than that estimated by the surveyor-general, there should be a corresponding increase in the appropriation for office work and stationery.

The papers referred are herewith returned.

Very respectfully,

BINGER HERMANN, *Commissioner.*

DEPARTMENT OF THE INTERIOR,
Washington, January 27, 1903.

Hon. CHAS. H. BURKE,
Committee on Indian Affairs, House of Representatives.

SIR: In compliance with your request, I have the honor to transmit herewith copy of Department letter of the 3d instant, addressed to the chairman Committee on Indian Affairs, United States Senate, relative to an amendment intended to be proposed by Mr. GAMBLE, providing for an appropriation of $20,200 for surveys within the Pine Ridge Indian Reservation, S. Dak., and copy of Indian Office report in the matter, dated December 27, 1902.

Very respectfully,

THOS. RYAN,
Acting Secretary.

DEPARTMENT OF THE INTERIOR,
Washington, January 3, 1903.

The CHAIRMAN OF THE COMMITTEE ON INDIAN AFFAIRS,
United States Senate.

SIR: I have the honor to acknowledge the receipt by your reference of the 18th ultimo, of an amendment to H. R. 15804, intended to be proposed by Mr

GAMBLE, providing for an appropriation of $20,200 for surveys of lands within the Pine Ridge Indian Reservation, S. Dak., and examination thereof and clerical work and stationery in the office of the surveyor-general.

In response thereto, I transmit herewith a copy of a report of the 27th ultimo from the Commissioner of Indian Affairs, recommending that the amendment receive favorable consideration.

The views of the Commissioner meet with my approval.

Very respectfully,

E. A. HITCHCOCK, *Secretary.*

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, December 27, 1902.

The SECRETARY OF THE INTERIOR.

SIR: This office is in receipt, by Department reference, for early report of an amendment intended to be proposed by Mr. GAMBLE to the bill (H. R. 15804) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1904, and for other purposes, referred to the Department December 18, 1902, by Hon. W. M. STEWART, chairman of the Senate Committee on Indian Affairs, with a request for a report thereon for the information of said committee.

The amendment appropriates for survey of lands within the Pine Ridge Reservation, S. Dak., and for examination in the field of surveys, the sum of $17,000, to be immediately available, and for clerical work and stationery in the office of the surveyor general, required on surveys within the Pine Ridge Indian Reservation, S. Dak., the sum of $3,200; in all, the sum of $20,200.

It is understood that nearly all the lands in the Pine Ridge Reservation have been surveyed and that this appropriation is intended to complete the work.

This office is of the opinion that this ought to be done, and recommends that the amendment be returned with favorable report.

Very respectfully,

W. A. JONES, *Commissioner.*

Mr. CANNON. Mr. Chairman, of course I have no objection to the printing of those letters, because that gives the information. As I understand it, first, this money is to be immediately available; second, it is really an appropriation for the survey of public lands that have been surveyed.

Mr. BURKE of South Dakota. The lands are being surveyed now; the survey is under process.

Mr. CANNON. Well, it is under the General Land Office. They are surveyed as other public lands are surveyed.

Mr. BURKE of South Dakota. Mr. Chairman, I ask unanimous consent that this amendment be passed without prejudice for the moment, and I think I can convince the gentleman from Illinois that the point of order ought not to be insisted upon.

Mr. CANNON. I am not antagonizing the items at all, because I have not full information about it, but it has no place on this bill. It seems to me its natural place, if necessary, is on the deficiency bill.

Mr. BURKE of South Dakota. It has never been anywhere else than on this bill, except in one Congress.

Mr. CANNON. Well, there are a good many things that get scattered about in bills that ought not to be there. I am willing it should pass for the time being.

The CHAIRMAN. The gentleman from South Dakota asks unanimous consent that the amendment proposed by him may be passed without prejudice. Is there objection?

There was no objection.

The Clerk read as follows:

For compensation of the commissioner authorized by the Indian appropriation act approved June 7, 1897, to superintend the sale of land, etc., of the Puyallup Indian Reservation, Wash., who shall continue the work as therein provided, $2,000.

Mr. BURTON. Mr. Chairman, I move to strike out that provision. I shall not insist on the motion if there is an explanation of the reason for continuing this salary. Also, I should like to know how long this agent has been employed there looking after those sales, how much land and of what value remains to be disposed of, and what reason exists why the agents provided for on pages 30 and 31 of the bill can not do this work. On those pages $17,000 is appropriated for general incidental expenses of the Indian surveys in Washington, including traveling expenses of the agents, etc., and pay for employees.

Mr. SHERMAN. The Puyallup Commission was created by act of 1892, I think it was, and it originally provided for a commission of three persons, who were to oversee the sale of these lands. Some five years ago the act was amended, reducing the commission to one man, and that one man has acted ever since. On page 67 of the Annual Report of the Commissioner of Indian Affairs are found these words, explaining this item:

The Indian appropriation act approved May 27, 1902, contains the following clause, which provides for continuing the sale of Puyallup lands during the present fiscal year:

"For compensation of the commissioner authorized by the Indian appropriation act approved June 7, 1897, to superintend the sale of land, etc., of the Puyallup Indian Reservation, Wash., who shall continue the work as therein provided, $2,000."

This work was continued during the last fiscal year under a similar provision contained in the Indian appropriation act of March 3, 1901. Clinton A. Snowden, who was appointed Puyallup commissioner June 22, 1897, is still in charge of the work.

As stated in the last annual report, Commissioner Snowden was of the opinion that the appraised value of the lots within the Indian addition to the city of Tacoma was too low, and he recommended that they be reexamined with a view to their reappraisement, and that meantime sales of the lots be suspended. Accordingly, this office telegraphed him, July 19, 1901, to suspend the sales until further orders, and August 13, 1901, he was instructed as to reappraisement.

The reappraisement has been completed by Commissioner Snowden, and sales will soon be resumed. The lots within the Indian addition to the city of Tacoma aggregate 3,600, and there are 10 tracts considered as lots and blocks, making in all 3,610. There have been sold 1,945 lots and tracts considered as lots, leaving 1,655 yet for sale.

I can not state the exact value of the property. I think the provision should remain in the bill.

Mr. BURTON. I should like to ask the gentleman from New York a further question. What is the value of the land remaining to be sold, and to whom do the proceeds go?

Mr. SHERMAN. The proceeds go to the Puyallup Indians, after deducting the expenses of the Commission and the expenses of the survey. The fund is charged with these expenses.

Mr. BURTON. This is reimbursable, then?

Mr. SHERMAN. This is reimbursable out of the fund arising from the sale of the land.

Mr. JONES of Washington. I wish to suggest that these lands are near the city of Tacoma and are quite valuable. Therefore they need some one to look after them.

Mr. SHERMAN. I judge so, and I judge from the report that I have just read that a considerable sum of money has been saved to the Indians by reason of the reappraisal.

Mr. JONES of Washington. There is no doubt of that.

Mr. BURTON. I withdraw the amendment, Mr. Chairman.

Mr. SHERMAN. Mr. Chairman, I offer an amendment, to strike out the paragraph which follows, as provision is made in the legislative bill for this service.

The CHAIRMAN. The Clerk will first read the paragraph.

The Clerk read as follows:

For continuing the work of transferring the Indian depredation claims from the Office of Indian Affairs to the Court of Claims and making a record of the same, and for the proper care and custody of the papers and records relating thereto, under the provisions of the act approved March 3, 1891 (26 Stat. L., p. 851), $4,600.

Mr. SHERMAN. Now I offer my amendment.

The Clerk read as follows:

Strike out all of lines 21, 22, 23, 24, and 25, on page 34, and lines 1, 2, and 3, on page 35.

Mr. STEPHENS of Texas. I should like to ask the necessity for this amendment.

Mr. SHERMAN. These employees are now provided for in the legislative bill.

Mr. STEPHENS of Texas. Carried in another bill?

Mr. SHERMAN. Carried in another bill.

Mr. STEPHENS of Texas. And this appropriation is no longer necessary?

Mr. SHERMAN. No longer necessary.

The amendment was agreed to.

The Clerk read as follows:

To enable the Secretary of the Interior to do the necessary surveying and otherwise carry out the purposes of so much of the act of May 27, 1902, making appropriation for the current and contingent expenses of the Indian Department for the fiscal year 1903, and for other purposes, as provides for the allotment of the Indians of the Walker River Reservation in Nevada, and the Uintah and White River Utes in Utah, and the joint resolution of June 19, 1902, providing for the allotment of the Indians of Spokane Reservation in Washington, to be immediately available, $175,000.

For the resurvey and marking of the southern and western boundaries of the Uintah Indian Reservation from the initial point on Green River to the intersection of said boundary line with the range line between ranges 6 and 7 east, of Sac and Lake Meridian, Utah, an estimated distance of 135 miles, at $40 per mile, and for the field examination of said resurvey, $6,000.

Mr. BURTON. Mr. Chairman, I move to strike out these two paragraphs. I should like to inquire, in the first place, whether this is reimbursable, and, in the next place, what is the reason for the very large amount here for the allotment of the lands of the Indians of the Walker River Reservation? Also, there is a third inquiry which naturally presents itself: Why should this provision for the Indians of the Walker River Reservation in Nevada, and the Uintah and White River Utes in Utah, and that for the Indians of the Spokane Reservation in Washington be combined in one omnibus provision? Are there separate estimates for the three? If so, why should they be combined?

Mr. SHERMAN. No; it is one estimate, and the estimate is set out in full in the regular report accompanying the appropriation bill, which I presume the gentleman has before him. If he desires, I will have it read from the desk. It is set out in the report.

Mr. BURTON. I should like to have it read if it is brief. How long is it?

Mr. SHERMAN. About one printed page.

Mr. BURTON. I should like to have the Clerk read it, so that it will appear in the RECORD.

Mr. SHERMAN. In the meantime, let me say the three provisions are covered in one item because in the act of last year which made this survey necessary they were all covered in one item.

Mr. BURTON. Before the reading begins, are these amounts reimbursable?

Mr. SHERMAN. They are not reimbursable. I ask the Clerk to read the letter of the Secretary.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR,
Washington, December 8, 1902.

SIR: I acknowledge the receipt of your letter of the 2d instant, calling attention to an item of $157,000 in the estimate of appropriations for the fiscal year ending June 30, 1904, for the surveying, etc., on the Walker River Reservation in Nevada, and the Uintah and White River Utes in Utah, and $6,000 for the resurvey and marking of the southern and western boundaries in the Uintah Reservation, etc., and in reply to your request to be informed of the "necessity for these appropriations, what is desired to be accomplished by them, and whether or not anything has been done to carry out the law with reference to the Uintah Reservation passed last year," beg to state, as to the last inquiry, that the $70,064.48 provided by the act of May 27, 1902, to be paid to the Utes, has been so paid, in accordance with the terms of public resolution No. 31, approved June 19, 1902.

On June 6, 1902, estimate for surveying the Walker River, Uintah, and Spokane reservations, and for allotments to the Indians thereon, was hastily made because of the approaching adjournment of Congress, and forwarded to that body through the Senate and House Committees on Indian Affairs, no provisions for these purposes having been made in the act of May 27, 1902, aforesaid, which required allotments to be made to the Indians of those reservations; but no action thereon seems to have been taken beyond a provision in the deficiency act approved July 1, 1902 (32 Stat., 575), which requires the Secretary of the Interior "to cause careful estimates to be made and submitted to Congress at the beginning of its next session for survey of the Walker River Reservation in Nevada, the Uintah Reservation in Utah, and the Spokane Reservation in Washington."

The estimates for these surveys have been prepared and will be immediately forwarded to Congress, the amounts thereof being severally as follows:

Walker River	$11,118.75
Uintah	108,756.00
Spokane	17,000.00
Total for surveys	136,874.75

To this sum is to be added the amounts required for allotments on the said reservations, as per Department letter of June 6, 1902, viz:

Walker River	$4,000.00
Uintah	12,000.00
Spokane	2,000.00
Total for allotments	18,000.00

making in all, $154,874.75.

The necessity for this appropriation lies in the fact that the law can not be fully executed without the means to survey the reservation and to make allotments to the Indians thereof, as provided by the aforesaid act of May 27, 1902.

If it is still the wish of Congress that this shall be done, the sum of money above named will necessarily be required to carry the same into effect.

Very respectfully,

E. A. HITCHCOCK, *Secretary.*

Hon. JAMES S. SHERMAN,
Chairman Committee on Indian Affairs, House of Representatives.

Mr. BURTON. I withdraw the formal amendment.

Mr. SUTHERLAND. Mr. Chairman, I move to strike out the section just read by the Clerk. I do not know whether the amendment of the gentleman from Ohio included that or not. Did I understand that it did?

Mr. BURTON. I did not hear the gentleman's statement.

Mr. SUTHERLAND. Did your motion to strike out include both sections?

Mr. BURTON. From line 4 down to and including line 23.

Mr. SUTHERLAND. The motion was withdrawn. I desire to move to strike out the paragraph just read.

The Clerk read as follows:

Strike out from lines 16 to 23, both inclusive, on page 35.

Mr. SUTHERLAND. Mr. Chairman, at the last session of Congress we provided for opening the Uintah Indian Reservation. This bill makes an appropriation of a large part of the $175,000 mentioned in the preceding paragraph for this purpose. This is appropriated for making surveys for allotments and such other surveys as may be necessary to carry that act into operation. If the Uintah Reservation is opened, which I believe it will be, this appropriation of $6,000 for reestablishing the boundary lines of the reservation is entirely useless. The boundary lines have been in their present condition for many years, and if by any mischance the reservation should not be opened it will not hurt to let it wait for another year; and if the reservation is opened it is simply an appropriation of $6,000 without any useful purpose whatever. I think it should be stricken from this bill.

Mr. LACEY. Will the gentleman allow me to ask him a question?

Mr. SUTHERLAND. Certainly.

Mr. LACEY. Whether the reservation is opened or not, is it not necessary to define these boundaries? The adjoining land is private land to-day, and the boundary line becomes a matter of importance; so that if this reservation is finally opened these surveys will not be lost. That much surveying will already have been done, and it will not have to be done again. It will be a starting point for the final survey in the opening of the entire reservation.

Mr. SUTHERLAND. The reservation will be simply restored to the public domain. Of course it can not interfere with the private lands. The allotments that are made to the Indians are made in a part of the reservation entirely away from this line. It seems to me that if the reservation should be opened that that survey would be entirely useless.

Mr. SHERMAN. The fact is that these Indians have claimed for several years that a fraud was perpetrated upon them when this line was laid out. They have alleged that the line was not in fact laid out at all; that the surveyors sent there for that purpose devoted their energies to amusements that suited them while occupying their tents for a while, and that, as a matter of fact, they never ran out the line; and that the white people of Utah have since claimed the line was wherever they chose, and have maintained it, and because of that fact white persons have encroached very materially upon their reservations.

Now, I do not pretend to say whether or no the contention be true, but I do maintain that we can not afford in our dealings with the Indians, for the sake of saving $4,000 or $5,000, the expense of a survey, to permit them to go on indefinitely with the idea that we quietly sit by as a government and permit the white people to perpetrate a wrong upon them by reason of neglect of duty by the officials we sent there. I think the amendment ought not to prevail.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the amendment was rejected.

Mr. BURKE of South Dakota. Mr. Chairman, referring to the amendment which I offered a few moments ago, the gentleman from Illinois, I understand, withdraws his point of order.

Mr. CANNON. I do not make any point of order upon it.

The CHAIRMAN. Without objection, the committee will recur to the point in the bill to which the amendment of the gentleman from South Dakota referred.

The Clerk read as follows:

In line 14, page 34, insert at the end of the line the following:

"For survey of lands within the Pine Ridge Indian Reservation, S. Dak., and for examination in the field of surveys, the sum of $17,000, to be immediately available, and for clerical work and stationery in the office of the surveyor-general, required on surveys within the Pine Ridge Agency, S. Dak., the sum of $3,200; in all, the sum of $22,200."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

To maintain at the city of St. Louis, Mo., in the discretion of the Secretary of the Interior, a warehouse for the receipt, storage, and shipping of goods for the Indian Service, $10,000.

Mr. BURTON. Mr. Chairman, I move to strike out that paragraph, from lines 3 to 6, inclusive. I should like to inquire if it is not true that only a very small amount of supplies were shipped from this warehouse during the last year. I should like also to inquire how many of these warehouses there are, and what is the advantage of having one at St. Louis. I desire to reserve the balance of my time.

Mr. SHERMAN. Why, Mr. Chairman, the St. Louis warehouse was established only by last year's bill. The amount of goods shipped from it was not large. It has been small during the year. I was not in favor of establishing this warehouse. It was established by Senate amendment. I believe that with two warehouses, one at Chicago and one at New York, we can have better service than with four or six or with any larger number. Economy is practiced and the service improved. I dislike to oppose the amendment, and I do not care to accept it. I do believe that the benefit to the service, if any, is not commensurate with the size of the appropriation.

Mr. COWHERD. Will the gentleman allow me a question?

Mr. SHERMAN. Certainly.

Mr. COWHERD. What is the character of the purchases made and the stores kept in these warehouses?

Mr. SHERMAN. All sorts of stores.

Mr. COWHERD. Are not the supplies largely food, meat, flour, and do not they constitute the largest item?

Mr. SHERMAN. Provisions and clothing constitute the largest item.

Mr. COWHERD. I am asking that question along the line of the gentleman's suggestion that Chicago and New York alone should be maintained as storage places. It seems to me that St. Louis is much nearer a larger per cent of the Indian tribes that receive the supplies.

Mr. SHERMAN. The department has not found it advantageous, at least so far, to use St. Louis to any great extent. They do ship from San Francisco, where no permanent storehouse is provided. They ship largely from Chicago, and they do ship to a certain extent from Omaha, I think to a considerably greater amount than from St. Louis. But the greatest shipments are from New York and Chicago. There the bids are received and there the freight rates are made.

Mr. COWHERD. I will admit that if the gentleman would

change the warehouse from St. Louis to Kansas City it would be much better for this kind of supplies.

Mr. SHERMAN. Quite likely that is so.

Mr. BARTHOLDT. Will the gentleman permit me to make a statement?

Mr. SHERMAN. Certainly.

Mr. BARTHOLDT. Mr. Chairman, the Indian warehouse in St. Louis was established only four months ago. There was great difficulty in finding a suitable place, and then, after it had been found, there was great difficulty in getting the appropriation. So that it would not be entirely fair to compare St. Louis warehouse with any warehouse that has been in existence a long time. I have been told in the Interior Department that a large number of goods can be bought much cheaper in St. Louis markets than in any other markets in the country. The Indian Commissioner has deemed it of very great advantage to the department and in the interests of economy to establish that warehouse, and I sincerely trust the gentleman from Ohio will not press the amendment. Give them a chance to exist for a year, and then, if the experiment does not prove successful, I myself will be ready and willing to consent to its abolition.

Mr. COWHERD. Mr. Chairman, in view of the statement of the chairman of the committee, I want to move an amendment to the amendment by striking out "St. Louis" and inserting "Kansas City."

Mr. BURTON. Mr. Chairman, it seems to me the amendment striking out the provision should be adopted. It is a question in which we can not take into account local considerations. There are two objections. In the first place, there is no possible use for four storehouses for Indian supplies at an expense of $10,000 each. Two would be amply sufficient. Then there is another objection; every time you have an additional storehouse you stimulate the demand for rations, annuities, etc., and enhance the cost of the Indian service.

Mr. SHERMAN. Mr. Chairman, while I stated, in answer to to the inquiry of the gentleman from Missouri, that Kansas City might be a better point of distribution than St. Louis, I question whether the service is improved at all by the warehouses in either place. It seems to me that we are not injuring the bill, and we are certainly assisting the administrative department, by omitting the provision for a warehouse at either point.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. COWHERD], substituting Kansas City for St. Louis.

The question was taken; and the amendment was rejected.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from Ohio [Mr. BURTON] striking out the paragraph.

The question was taken, and on a division (demanded by Mr. BARTHOLDT) there were 29 ayes and 17 noes.

So the amendment was agreed to.

The Clerk read as follows:

For the equipment and maintenance of the asylum for insane Indians at Canton, S. Dak., for incidental and all other expenses necessary for its proper conduct and management, including pay of employees, and for necessary expense of transporting insane Indians to and from said asylum, $25,000.

Mr. BURTON. Mr. Chairman, I move to strike out the paragraph.

I would like to ask if the Indian Commissioner or the Secretary of the Interior has recommended the foundation of an insane asylum for the Indians; also how many Indians there are whose friends are seeking for their admission into such an institution? How many occupants are there for this asylum?

Mr. SHERMAN. The asylum was created by an item inserted in the bill in the Senate a few years ago, without any prior—and if I remember correctly—or subsequent recommendation, either from the Bureau or from the Department. If my memory serves me correctly, the conferees of the House zealously opposed the item, and it was only at the close of a protracted session that we finally receded from our position. The asylum was therefore created, not in accord with the recommendation of the Bureau or the Department, but in the way I have described. This answers the question of the gentleman. The institution has been completed only recently—within the last six months.

There are less than 15 insane persons now there. The number of Indian insane throughout the United States I can not now state. It is not as large as one would suppose. My recollection is that the percentage of Indian insane is lower than the percentage of white insane throughout the country. The insane Indians have heretofore been cared for, some in the insane hospital in this District, and others in the States, or in private hospitals in one part of the country or another. It has not always been easy to obtain their admission into hospitals or asylums. They are not desirable patients. But they have been cared for, those that were violently insane, in such hospitals heretofore at an expense to the Government very much less than this appropriation.

The creation of this asylum, when it was originally determined upon, was against my judgment and against the judgment of the conferees of the House on the Indian appropriation bill. And I believe there never since has been a time when a majority of the Indian Committee of the House did not think the project unwise. But here we are, up against this question. The asylum is there; the employees are there. What are we to do—continue the institution and take care of the Indian insane, or abandon it?

The question being taken on the motion of Mr. BURTON, there were, on a division (called for by Mr. BURTON)—ayes 11, noes 16.

So the amendment was rejected.

The Clerk read as follows:

That any part of the $100,000 for the removal and support of the Mission Indians in California, appropriated by the act of May 27, 1902, making appropriations for the Indian service for the fiscal year 1903, not needed for the purposes specified in that act, may, in the discretion of the Secretary of the Interior, be used for the purchase of other tracts of land in California upon which to locate said Mission Indians.

Mr. BURTON. On this paragraph I reserve a point of order; and pending the point, I wish to inquire whether this does not involve the purchase of land or the performance of other acts, outside of the intention of the original statute.

Mr. SHERMAN. No, sir. This is a long story—the story of the removal of the Mission Indians; but I will be as brief as I can.

These Indians had lived one hundred years or more on lands in California which they believed were their own. The Supreme Court, within a couple of years, has affirmed a decision that they were not rightfully upon the land, and the owner began ejectment proceedings. The Indians appealed to the Government to come to their rescue and to secure title to the lands. An attempt was made to purchase the so-called Warner ranch; but it was found that the person or persons in whom, according to the decision of the Supreme Court, the title was vested would not accept a reasonable valuation for the land.

Last year Congress appropriated $100,000 to purchase a site for a new home for these Indians, to remove them to that new home, and to give them something of a start in the way of cattle, agricultural implements, seed, etc. It did not require all of the appropriation to purchase the site first chosen. But afterwards it was found advisable to add to that site by the purchase of some property either adjoining or adjacent. But the Auditor of the Treasury Department held that under the wording of the statute, one piece of property having been purchased, no more of the appropriation could be used for purchasing additions to that site. It is to correct that condition that this item is here.

Mr. BURTON. Will the gentleman allow me another question?

Mr. SHERMAN. Yes.

Mr. BURTON. Assuming that the newly-purchased portion is not adjacent to that already purchased, will that fact involve the employment of two Indian agents and two separate set of employees?

Mr. SHERMAN. Oh, no, no. This involves the employment of no additional agent or employees under an agent.

Mr. BURTON. About what is the number of this tribe? Is it a small or a large one?

Mr. SHERMAN. Not very large.

Mr. BURTON. Two hundred?

Mr. SHERMAN. The number is in the hundreds; I do not recollect the exact number. It is less than 2,000.

Mr. BURTON. Will the gentleman state what amount of the old appropriation remains unexpended?

Mr. SHERMAN. I think somewhere from $50,000 to $60,000 was the purchase price of the land; and it was estimated that it would require about $30,000 of the fund to remove the Indians and their belongings and to render them necessary assistance until self-supporting upon their new field.

Mr. BURTON. I withdraw the point of order.

Mr. WILLIAM W. KITCHIN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Insert, after line 9, page 37, the following:

"For the purpose of compromising, settling, and finally disposing of the case of The United States *v.* William H. Thomas and others, which suit was begun in equity and has been prosecuted in the circuit court of the United States for the western district of North Carolina for the benefit of the Eastern Band of the Cherokee Indians of North Carolina, the sum of $4,000, to be paid to said band of Indians by and under the direction of the Attorney-General of the United States whenever, in his judgment, such payment will operate to secure a complete settlement of all matters pertaining to such litigation."

Mr. SHERMAN. Mr. Chairman, I reserve the point of order on that, and would like to hear the explanation of the gentleman. I think I know what this is, but I am not positive.

Mr. WILLIAM W. KITCHIN. Mr. Chairman, I would state to the committee that this is an item for the purpose of compromising a suit which has been pending in the Federal courts of western North Carolina, I think, for more than twenty-five years. The matter in controversy really lies in the district represented by my

colleague, Mr. MOODY, who, I regret very much to say, is sick at this time and confined to his room at his hotel in this city. Otherwise he would be making this motion to-day instead of myself. This item is recommended, in fact that amendment was drafted, by the Department of Justice and transmitted to the chairman of the Committee on Indian Affairs, together with a letter that advises the insertion of this particular item. This letter says that this litigation has been long pending, has been very extensive, and is now about completed, and "I believe can be terminated if this amount be appropriated." I have merely a copy of that letter, but I understand it is signed by the Attorney-General.

As I understand the case, not being familiar with all the details, it is a matter that the Department of Justice has had under consideration for a long time and is anxious to have closed. I will state further that a bill with a similar purpose in view has passed the Senate during this session of Congress, but the wording of this Senate bill is not entirely satisfactory to the Department. The Department prefers this item and the wording of it, because, as I understand it, it leaves the payment of this money to the Attorney-General whenever in his judgment the matters pertaining to that suit are compromised and settled. I hope that with this statement the gentleman will withdraw his point of order.

Mr. SHERMAN. Mr. Chairman, I will withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn, and the question is on the amendment proposed by the gentleman from North Carolina.

The question was taken, and the amendment agreed to.

The Clerk read as follows:

SUPPORT OF SCHOOLS.

For support of Indian day and industrial schools, and for other educational purposes not hereinafter provided for, $1,240,000.

Mr. BURTON. Mr. Chairman, I move to strike out the words "two hundred and forty thousand." I desire to be heard at some length upon this.

Mr. SHERMAN. Mr. Chairman, the gentleman from Ohio indicates that he desires to be heard at some length, and I think if he will intimate how long he would like to be heard I will ask unanimous consent that he may proceed for that length of time, so that he may not be interrupted every five minutes.

Mr. BURTON. I do not desire more than ten minutes.

Mr. SHERMAN. I ask unanimous consent that he may be permitted to proceed for ten minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the gentleman from Ohio may proceed for ten minutes. Is there objection?

There was no objection.

Mr. BURTON. Mr. Chairman, this brings us to the important question of the school system maintained by the Government among the Indians. It is upon this object that there has been the greatest increase of expense. In recent years the total amount paid for annuities has not greatly increased and that for gratuities has not increased. If the annual payments for interest on trust funds have become greater, it is because the proceeds of Indian lands have been deposited in the Treasury. The increase in appropriations for schools, however, has been very great. In 1877 the amount was $20,000. In 1881 it was $75,000; in 1886, $1,100,000; in 1891, $1,842,000; in 1901, $3,080,000. The aggregate expense from 1882 to 1891 was about ten millions. From 1892 to 1901 it was, approximately, twenty-five millions.

Now, the people of this country would not begrudge these amounts if they were helpful, but I verily believe the system is to the detriment rather than to the benefit of the Indians as now carried on. I want to read a few figures which I will publish in full in connection with some remarks made on Monday, to show the effect of these schools upon several Indian tribes. I will select, first, the Shoshones and Northern Arapahoes, at the Shoshone Agency, Wyo. The number slightly diminished from 1891 to 1901. The number who could read increased. The number attending school increased. The expense of maintaining the school there in 1891 was $17,366; in 1901, $23,042.

Now, let us see what was the effect on their habits of industry. In 1891 the percentage subsisting by labor in civilized pursuits was 25 per cent, or one-quarter; the percentage subsisting by hunting, 25 per cent; by Government rations and annuities, 50 per cent.

After ten years of schooling—and this school was established in 1879—let us see what was the result. Instead of 25 per cent subsisting by civilized labor, there were only 12 per cent; instead of 50 per cent subsisting by Government rations and annuities, there were 88 per cent.

The agency at Umatilla, Oreg., furnishes a similar showing. In 1891 there were 997 in this tribe. In 1901 there were 1,083. The number wearing citizens' dress had increased. The number who could read had increased somewhat, but as regards labor the showing was not so favorable. In 1891, 50 per cent were subsisting by labor in civilized pursuits, 25 per cent by hunting and fishing, 25 per cent by Government rations. In 1901, instead of 50 per cent subsisting by civilized pursuits there were only 30 per cent, while those supported by Government rations increased from 25 per cent to 50 per cent. A similar showing is made at the Sisseton Agency, S. Dak., and at the Nez Perce Agency in Idaho, and at other agencies. This shows that there is a vital defect in the system of education adopted by the Indian Department.

Mr. LACEY. Mr. Chairman, I should like to ask the gentleman a question. He says, taking these figures, showing that with the increase in education or facilities for education increasing laziness goes hand in hand, therefore the laziness is caused by the education. Would it not be just as fair to take the increase in the number of inmates in the workhouses in Ohio and show that crime goes hand in hand with the increase in education, and therefore that it should be attributed to the education of the people in Ohio? Or would it not be just as fair to show the growth of the churches there, and to show that while the churches are growing yet there are more people going to the penitentiary, and therefore the churches are responsible for the increase in crime?

Mr. BURTON. I will suggest to the gentleman that my time is very limited.

Mr. LACEY. The gentleman can have all the time that is necessary, if the schools are to be charged with all the crime and pauperism among the Indians.

Mr. BURTON. The vital defect in the gentleman's logic is to compare the criminal classes that are in workhouses with the Indian schools, which are supposed to be representative of the best rather than the worst. I do not care to make any further answer than that. Now, what are these defects? Why, that they overlook the primary necessity of teaching them habits of industry.

In my remarks on Monday I quoted from the statement of the Commissioner of Indian Affairs, in which he speaks of the injurious tendency of removing them from their homes, from the teepee and the hut, and taking them to a school where there are electric lights and the finest of modern conveniences, and endeavoring to transform their very lives. I want to read briefly on this subject from a letter of Col. R. H. Pratt, the superintendent of Carlisle. While I do not agree with him that the nonreservation schools are better than the reservation schools, he has this to say about the latter class:

In closing this report I desire to emphasize statements I have been making for several years past. I have now been in the Indian-school service twenty-three years, not counting the three years' feeble school work for and while in charge of Indian prisoners at Fort Marion, St. Augustine, Fla. My experience among the Indians prior to going to Florida, added to the Florida experience, led me to know that all the Indians need in order to become English-speaking, useful, intelligent American citizens is the same opportunities and responsibilities accorded to our people and all foreigners who emigrate to and locate among us. I have always seen, and now more than ever before see, that it is impossible to give the Indians these opportunities with any force in their tribal aggregations on their reservations.

The element of necessity of contact, the learning by seeing, association with, and doing is entirely absent at their homes. We had ample experiences to prove this before Carlisle and other nonreservation schools were established. No experiences we have had since disprove it. Educating them together in tribes is only added hire to remain tribes. Tribal disintegration, individual freedom, and the taking upon their individual selves the useful qualities of our American life can never come to them in any fullness through any educational training that may be given to them in their tribal masses on their reservations, no difference how excellent the quality of instruction. Again I say the Sioux, educated in schools made up entirely of Sioux on the Sioux Reservation, naturally accept that they are to remain Sioux indefinately.

There being a general slush fund for that purpose in the hands of the Department, and all agents and agency school people naturally willing to build and improve their surroundings at the public expense, in many cases expensive school buildings have been erected on the reservations for practically all the children. These schools are required to be kept full or their employee force is cut down. This compels the reservation school, through its entire employee force, to hold the children to their reservations. Most of the nonreservation schools are carried on as though under the reservation system, because no effort is made to give their pupils experiences and opportunities beyond the school limits. The children are brought from the reservations to the schools, reservated there for a time, and then returned to the reservations.

As I have no sympathy with any methods of tribalizing or catering to useless Indians, not even with schools, when used for that purpose, I feel that I am becoming more and more extraneous to about all that is being done for the Indians, because I see that much failure is bound to come in the final reckoning, for it will continue to be alleged and alleged to be proven that Indians can not take on our education and civilization successfully; but in truth they have never been really invited into nor allowed any real opportunity to enter civilization's family.

Very respectfully,

R. H. PRATT,
Lieutenant-Colonel Fifteenth Cavalry, Superintendent.

A few days ago I quoted from the course of study of six years in agriculture, the inevitable result of which would be to break down habits of self-reliance rather than to build them up.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERMAN. Does the gentleman desire any more time?

Mr. BURTON. I have asked the indulgence of the committee long enough, and I do not ask for any further time. I simply ask to have printed with my remarks an editorial in the Washington Post of this morning.

Mr. SHERMAN. If the gentleman desires, I will ask that his time be extended five minutes.

Mr. BURTON. I will not ask that, but will ask instead to have leave to print with my remarks an editorial from the Washington Post, published this morning.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to print a certain editorial with his remarks. Is there objection?

There was no objection.

The editorial is as follows:

INDIAN EDUCATION.

Congress is now in the midst of its annual wrestle with the Indian appropriations, and the same crude notions about the education of the aborigines seem to be manifesting themselves as of old. The Government appears to be resolved to go on, year after year and generation after generation, spending money on fine schools for teaching the Indian children fine things, but paying scant attention to the humbler but more solid acquirements.

Everyone acquainted with Indian affairs knows that a great deal of the so-called "education" of the race is a humbug. An Indian child is coaxed away from its home by one form of persuasion or another, and entered at a school a long distance off. No people are more jealous of the comfort of their progeny than the red people of the West, and unless the children send home glowing accounts of their life and doings at school the parents insist on bringing them back again. Hence as the color of a child's skin makes little difference in his love of luxury and his craving for a good time, the school authorities coddle their Indian charges beyond the last extreme ever practiced in the case of the children of white farmers and laborers, with whose general wordly condition the Indian's most nearly corresponds. When the superintendent of an Indian school is questioned about this policy, his usual answer is that the first great desideratum is to get the Indians to consent to their children's coming to school at all, and that it is wise to make any reasonable concession to keep the youngsters contented, so as to maintain a hold upon them.

Hence when we see the children from tepees and rough cabins herded together in schools kept clean by hired janitors and supplied with all the modern conveniences, living daily on food which is cooked for them by servants in huge ovens and cauldrons, wearing clothing which is washed and ironed in a big laundry with running water, automatic boilers, stationary tubs, and steam and electric appliances galore, we are expected to admire the generosity of a great and good government. It does not suggest itself to the ordinary mind to inquire to what all this tends. But we may as well be frank when we do pause to ask the question.

Take a little white girl out of a dingy tenement, with no surroundings through her earlier life save those of poverty, and no tradition inherited from her ancestors except a struggle for the necessaries of existence; put her into a "select school for young ladies" for two or three years, teach her reading, writing, arithmetic, geography, algebra, history, and what not, and then—turn her loose? No; send her back to the tenement. What becomes of her? Even suppose, for the sake of keeping up the forms of a practical training, she has been allowed to do some of the superficial work of the school—a little sewing, an occasional table setting, a turn at the machinery in the laundry. How much does all this help her in her future as a tenement dweller? She despises her environment. If she is married, it is either to a man whom she has learned to look upon as a clod or to one who, like herself, has been "educated" out of his sphere and who finds himself a stranger when he goes back to it. Her position is perilous in the extreme. One girl in a hundred has character enough to stand such a strain; the other ninety and nine are likely to succumb.

On the other hand, take the same tenement child and teach her how to wash at a common tub, press with a flatiron heated on a cook stove, cook well with the appliances of a poor man's kitchen, and you can afford to let the elegances go till the next generation comes along. You have started a new home and a family on a sound basis, and that is enough for the present.

Yet we expect more character in the aboriginal children than in our own. We fondly fancy, without stopping to think of the absurdity of it, that human nature is absolutely different under a red skin and under a white.

Mr. LACEY. Mr. Chairman, I think the gentleman is very much at fault in the selection of the particular line of Indian education that he will first assail. He moves to strike out from the appropriation for the local schools about one-fifth—a little over one-fifth—of the entire sum. Now, it seems to me that what ought to be done is to increase constantly the facilities for the education of the Indian at home. When the Indian boy or girl is in the day school in the locality in which he lives, going home at night, the whole family gets the benefit of the teaching. The boys and girls study at night, and their parents are benefited with the children. So I think that this particular feature of the Indian educational system is the one that ought to be encouraged.

Yet the gentleman strikes at that special feature, and undertakes to cut down the allowance for that branch of Indian education. It certainly does not follow that because there has been some increase in lack of industry in any tribe that the school system ought to be blamed for it. It does not follow by any manner of means that because in connection with education certain crimes increase or certain lack of industry is shown, that therefore it is the result of education. It is true that education is not the "cure-all," but it is essential.

Colonel Pratt, of the Carlisle school, has struck the keynote of the Indian question when he says we should carry education to the children, and that the attempt to keep the Indians separate from the white race should be abandoned. His theory is that the Indians educated at the Carlisle school should never be sent back to the reservation, but should remain as a permanent part of the civilized population of the country. There are only about 250,000 of them. They can readily be absorbed in the entire population of the United States, and the effort to keep them as a separate organization is a mistake. We do not attempt to do that with any other portion of our fellow-citizens. We have immigrants from many foreign countries.

We do not try to keep them separate and distinct. They mingle with our people, and the mingling of Indian blood has not been to the injury of the white race. We have found in localities where the Indian has gradually become absorbed in the great mass of the white people that the descendants of these Indians are of the highest order of intelligence. They have many of the good qualities of both races. To promote the breaking up of the tribal relation education is the first essential step. Education should not be furnished solely at nonreservation schools, nor at boarding schools, but that education which is brought home to the children in the tepee, in the house, in the home of their parents, is of the most useful character.

Mr. STEPHENS of Texas. Will the gentleman allow me to ask him a question?

Mr. LACEY. Certainly.

Mr. STEPHENS of Texas. If this amendment carries, will it destroy the reservation schools?

Mr. LACEY. The proposition is to reduce the money to furnish the local schools, the reservation schools, and the day schools. It would cripple these schools greatly.

Mr. STEPHENS of Texas. Does not the gentleman think it would be much better to do away with the schools outside of the reservations?

Mr. LACEY. If there is to be a reduction anywhere I should say that it should be of the nonreservation schools. I would not favor any marked reduction there, nor favor an increase; but the gentleman is striking at the wrong place. The trouble in many localities in regard to education is taking the children away from home for their education. The best school system is that where the child takes his dinner to school, goes a few miles from his home, and returns home at night. Then during the holidays he can work upon the farm or the ordinary avocations of the family. That is the best school system and one about which there ought to be no niggardly economy. To strike at this particular feature of the Indian school system is an assault upon the most useful branch of the Indian school system.

Mr. LITTLE. Mr. Chairman, I had not thought of addressing the House on this question, but my conviction is so strong that the item sought to be stricken out by this motion is the best part of the bill that I will say a word or two. I believe that the nonreservation school has reached the high-water mark. Really I think it has gone further than it should have gone. I believe the best possible theory is to increase the day and industrial schools upon the reservations.

The trouble with the nonreservation schools is, as a general proposition, that you take the boy and educate him, and if he becomes an American citizen and lives with the whites and does not go back to the reservation, while you have benefited him a new crop is constantly coming on to be disposed of in the same way, and thus there can be no ending of the expenses. It ought to be the leading policy of the Indian schools to place them as near as possible at the door of the Indian, as was well said by my distinguished friend from Iowa [Mr. LACEY]. When the school is there it is near the home. The home becomes a part of the school.

I have never heard it advocated before that in that class of schools we should take any backward step. I believe if one-half of the money spent on the nonreservation schools was expended in the little schoolhouses upon the reservation, with practical teachers—practical farmers—every little schoolhouse could be the school where the rudiments of an education would be taught and that it would be an example for the parents to follow, and they would become lovers and advocates of the schools themselves.

I do believe that taking the children away from the reservation often antagonizes the parent Indian, and he becomes discontented because his children are gone for years and years and he never sees them. Therefore I shall myself very earnestly oppose the amendment as applied to these schools. Not only the Government schools, but the missionary schools upon the reservations, are doing a great work. The two are the great forces that must elevate the tribal Indian, that we must look to to lead the semicivilized to citizenship and to manhood. They reach the evil at its roots and seek to exterminate it.

I hope the amendment of my distinguished friend from Ohio will not be sustained. I want, however, to say to him that later when it becomes necessary to reduce the nonreservation school and in this way bring about more economy for the administration of these affairs, the gentleman from Ohio or any other gentleman will have my earnest support. I believe these schools ought to be reduced and in the near future ought to be cut off entirely, except a limited number, where you might select from the reservation schools the more promising young men and women and give them an education that will qualify them to lead their tribes as teachers, mechanics, etc.

True, in some localities where conditions are so divergent and different the schools may be located off the reservation, owing to

local conditions, and be in fact the equivalent of a reservation school. So my friend from Ohio in his efforts in the future to reduce the nonreservation school will have my support. Break up the reservations, allot the lands, teach the Indian industrial pursuits, throw the power of the school about their homes, and one generation will see them self-supporting and many of them intelligent citizens.

The CHAIRMAN. The question is on the motion of the gentleman from Ohio to strike out the paragraph.

The question was taken; and the amendment was rejected.

Mr. SHERMAN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to; accordingly the committee rose, and the Speaker having resumed the chair, Mr. GROSVENOR, chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15804, the Indian appropriation bill, and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 7680. An act granting an increase of pension to David C. Yakey;

H. R. 12413. An act granting an increase of pension to William Zickerick;

H. R. 15114. An act granting an increase of pension to Alonzo F. Canfield;

H. R. 11694. An act granting an increase of pension to Dennis F. Andre;

H. R. 1617. An act granting an increase of pension to Margaret A. Osborn;

H. R. 5718. An act granting an increase of pension to James M. Blade;

H. R. 12981. An act granting a pension to Sarah A. Waltrip;

H. R. 5792. An act granting an increase of pension to Andrew J. Reeves;

H. R. 1592. An act for the relief F. M. Vowells;

H. R. 12683. An act granting a pension to Sarah L. Bates;

H. R. 15112. An act granting a pension to Matilda A. Marshall;

H. R. 5007. An act granting an increase of pension to James W. Messick;

H. R. 14373. An act granting an increase of pension to William H. Loyd;

H. R. 15416. An act granting an increase of pension to William Thompson;

H. R. 15229. An act granting a pension to James T. Jackson;

H. R. 2783. An act granting a pension to William Dixon;

H. R. 14185. An act granting an increase of pension to Albert Blood;

H. R. 11339. An act granting a pension to Augustus Blount;

H. R. 10219. An act granting an increase of pension to J. Banks Hunter;

H. R. 13200. An act granting an increase of pension to Charles B. Greely;

H. R. 15648. An act granting an increase of pension to Lester H. Salsbury;

H. R. 13233. An act granting a pension to William A. Nelson;

H. R. 3907. An act granting an increase of pension to John A. Sare;

H. R. 7130. An act granting a pension to Elizabeth Lowden;

H. R. 15441. An act granting an increase of pension to Josiah Stackpole;

H. R. 12812. An act granting an increase of pension to Otis T. Hooper;

H. R. 15549. An act granting an increase of pension to John Wright;

H. R. 629. An act granting a pension to Caroline Fitzsimmons;

H. R. 10350. An act granting a pension to Rebecca Piper;

H. R. 10214. An act granting an increase of pension to Henry Thomas;

H. R. 8447. An act granting an increase of pension to John McArthur;

H. R. 15396. An act granting an increase of pension to George H. Stone;

H. R. 14273. An act granting a pension to John H. Whidden;

H. R. 15729. An act granting an increase of pension to Abner M. Judkins;

H. R. 12877. An act granting an increase of pension to James N. Gates;

H. R. 11485. An act granting a pension to Julia McCarthy;

H. R. 14751. An act granting an increase of pensibn to Regina F. Palmer;

H. R. 15063. An act granting an increase of pension to William R. Thompson;

H. R. 14913. An act granting an increase of pension to Ann M. Morrison;

H. R. 15398. An act granting an increase of pension to Andrew W. Miller;

H. R. 9611. An act granting a pension to Maria M. C. Smith;

H. R. 13127. An act granting a pension to Nancy Works;

H. R. 14836. An act granting a pension to Rebecca L. Chambers;

H. R. 15682. An act granting an increase of pension to Jared P. Hubbard;

H. R. 13472. An act granting an increase of pension to Lewis E. Wilcox;

H. R. 15789. An act granting an increase of pension to Benjamin Cooper;

H. R. 14837. An act granting a pension to John H. Roberts;

H. R. 12902. An act granting a pension to Julia Lee;

H. R. 14262. An act granting a pension to Harriet Robinson;

H. R. 15874. An act granting an increase of pension to Rebecca R. Greer;

H. R. 4437. An act granting an increase of pension to Absalom Case;

H. R. 8247. An act granting an increase of pension to Francis M. McCoy;

H. R. 15433. An act granting an increase of pension to William Heywood;

H. R. 8175. An act granting an increase of pension to John W. Covey;

H. R. 7779. An act granting an increase of pension to William Belk;

H. R. 7385. An act granting an increase of pension to John Kelly, second;

H. R. 13839. An act granting an increase of pension to John W. B. Huntsman;

H. R. 9153. An act granting an increase of pension to John D. Binford;

H. R. 9734. An act granting an increase of pension to John P. Peterman;

H. R. 15385. An act granting an increase of pension to Alfred J. Sellers;

H. R. 15999. An act granting an increase of pension to William F. Loomis;

H. R. 13463. An act granting an increase of pension to Hiram A. Hober;

H. R. 7766. An act granting an increase of pension to John Huffman;

H. R. 13997. An act granting an increase of pension to Lyman A. L. Gilbert;

H. R. 15113. An act granting an increase of pension to John Murphy;

H. R. 11197. An act granting a pension to the minor children of Daniel J. Reedy;

H. R. 12701. An act granting an increase of pension to Milton Noakes;

H. R. 16224. An act granting an increase of pension to William Montgomery;

H. R. 623. An act granting a pension to Susan Kennedy;

H. R. 9658. An act granting an increase of pension to Robert Stewart;

H. R. 8152. An act granting an increase of pension to William S. Hutchinson;

H. R. 12563. An act granting an increase of pension to Horace Fountain;

H. R. 10826. An act granting an increase of pension to Josiah S. Fay;

H. R. 3302. An act granting an increase of pension to Henry G. Wheeler;

H. R. 12324. An act granting a pension to Cora E. Brown;

H. R. 4923. An act granting a pension to William L. Whetsell;

H. R. 11280. An act granting an increase of pension to Henry J. Feltus;

H. R. 7815. An act granting a pension to Nancy A. Killough;

H. R. 13944. An act granting a pension to Margaret Ann West;

H. R. 14256. An act granting an increase of pension to Jesse R. Dewstoe;

H. R. 13353. An act granting an increase of pension to George Thompson;

H. R. 14265. An act granting an increase of pension to Helen N. Packard;

H. R. 10757. An act granting an increase of pension to Lewis Fishbaugh;

H. R. 12215. An act granting an increase of pension to Henry M. Posey;

H. R. 16011. An act granting an increase of pension to Morton A. Leach;

H. R. 13262. An act granting an increase of pension to James M. Spencer;

H. R. 9776. An act granting an increase of pension to Alice A. Fitch; and

H. R. 8721. An act granting an increase of pension to Joseph Westbrook.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 4221. An act authorizing the Commissioners of the District of Columbia to extinguish a portion of an alley in square 189;

S. 5914. An act establishing a regular term of United States district court in Addison, W. Va.;

S. 6461. An act providing for an additional district judge in the district of Minnesota;

S. 6333. An act to divest out of the United States all its right, title, and interest of, in, and to certain real estate situated at and near the city of Montgomery, State of Alabama, and to vest the same in The Southern Cotton Oil Company, Bessie R. Maultsby, James S. Pinckard, trustee, M. V. B. Chase, and Edwin Ferris;

S. 3242. An act to redeem certain outstanding certificates of the board of audit of the District of Columbia; and

S. 5316. An act providing for an additional circuit judge in the Eighth judicial circuit.

SENATE BILL REFERRED.

Under clause 2 Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 7004. An act to extend the time for the completion of a bridge across the Missouri River—to the Committee on Interstate and Foreign Commerce.

CHANGE OF REFERENCE.

By unanimous consent, the following changes of reference were made:

The bill (S. 6063) granting an increase of pension to Orson Nickerson—from the Committee on Invalid Pensions to the Committee on Pensions.

The bill (S. 4379) granting an increase of pension to George Davis—from the Committee on Invalid Pensions to the Committee on Pensions.

AKRON, STERLING AND NORTHERN RAILROAD IN ALASKA.

Mr. MERCER. Mr. Speaker, I have a very urgent matter, and unless action is taken to-day a charter will be discontinued. I ask unanimous consent to consider the bill S. R. 146, a joint resolution to extend the time for construction of the Akron, Sterling and Northern Railroad in Alaska.

The Clerk read the bill, as follows:

Resolved, That the time within which the Akron, Sterling and Northern Railroad Company is authorized to construct its line of railroad from the head of Valdez Bay, in the Territory of Alaska; thence extending up Lowe River 12 miles to Keystone Canyon; thence for a distance of 3 miles through said canyon, on the west side thereof; thence through Dutch Valley a distance of 4 miles; thence 13 miles along the benches on the west side of Lowe River drainage, through Thompson Pass, as definitely located by said company, be, and the same is hereby, extended for two years from and after the passage of this resolution.

The SPEAKER. Is there objection?

Mr. MOON. Mr. Speaker, I object.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 5 minutes p. m.) the House adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Lettie Cannon, administratrix of estate of Henry Cannon, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Thomas H. Webb, executor of estate of Emily M. Ewell, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of John T. Reeves, administrator of estate of Elizabeth Johns, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Douglass Taylor, administrator of estate of Cyrus Jones, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of J. P. Hunter and William B. Hodges, administrators of estate of Jacob E. Hodges, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of C. H. Lavender, administrator of estate of Elizabeth Nell, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Mary A. Priddy, administratrix of estate of James M. Priddy, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Smithsonian Institution, transmitting a copy of a report relating to the proposed new building for the Institution and recommending an appropriation therefor—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. POWERS of Maine, from the Committee on the Territories, to which was referred the joint resolution of the Senate (S. R. 146) to extend the time for the construction of the Akron, Sterling and Northern Railroad, in Alaska, reported the same without amendment, accompanied by a report (No. 3397); which said joint resolution and report were referred to the House Calendar.

Mr. FLETCHER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 6446) to provide for the construction of a bridge across Rainy River, in Minnesota, reported the same without amendment, accompanied by a report (No. 3398); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16974) permitting the building of a dam across the St. Croix River at or near the village of St. Croix Falls, Polk County, Wis., reported the same with amendments, accompanied by a report (No. 3400); which said bill and report were referred to the House Calendar.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 10705) to construct and place a light-ship off the outer bar of Brunswick, Ga., reported the same with amendments, accompanied by a report (No. 3401); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 16881) to authorize the court of county commissioners of Geneva County, Ala., to construct a bridge across the Choctawhatchee River, in Geneva County, Ala., reported the same without amendment, accompanied by a report (No. 3402); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16909) to amend an act entitled "An act authorizing the construction of a bridge across the Cumberland River at or near Carthage, Tenn.," approved March 2, 1901, reported the same without amendment, accompanied by a report (No. 3403); which said bill and report were referred to the House Calendar.

Mr. SHAFROTH, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 16731) permitting the town of Montrose, Colo., to enter 160 acres of land for reservoir and water purposes, reported the same with amendments, accompanied by a report (No. 3404); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DAVEY of Louisiana, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 6534) providing for the construction of a vessel of the first class for the Revenue-Cutter Service, to be stationed with headquarters at Honolulu, Hawaii, reported the same without amendment, accompanied by a report (No. 3405); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHACKLEFORD, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 7648) to authorize the construction of a bridge across the Missouri River and to establish it as a post-road, reported the same with amendments, accompanied by a report (No. 3406); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16573) to authorize the construction of a bridge across St. Francis River at or near the town of St. Francis, Ark., reported the same without amendment, accompanied by a report (No. 3407); which said bill and report were referred to the House Calendar.

Mr. DAVEY of Louisiana, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 16646) to authorize the construction of a bridge across Bogue Chitto, in the State of Louisiana, reported the same with amendments, accompanied by a report (No. 3408); which said bill and report were referred to the House Calendar.

Mr. COOMBS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 14384) providing for a life-saving station at the mouth of Black River, at or near the city of Lorain, Lorain County, in the State of Ohio, and for life-saving crew, and so forth, reported the same with amendments, accompanied by a report (No. 3409); which said bill and report were referred to the House Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 16915) authorizing the commissioners' court of Escambia County, Ala., to construct a bridge across Conecuh River at or near a point known as McGowans Ferry, in said county and State, reported the same with amendments, accompanied by a report (No. 3410); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16602) to extend the time granted to the Muscle Shoals Power Company by an act approved March 3, 1899, within which to commence and complete the work authorized in the said act to be done by said company, and for other purposes, reported the same with amendment, accompanied by a report (No. 3411); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16509) to authorize the Pearl and Leaf Rivers Railroad Company to bridge Pearl River, in the State of Mississippi, reported the same with amendments, accompanied by a report (No. 3412); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 17084) relating to the payment and disposition of pension money due to inmates of the Government Hospital for the Insane, reported the same with amendments, accompanied by a report (No. 3399); which said bill and report were referred to the Private Calendar.

Mr. FOSTER of Vermont, from the Committee on Claims, to which was referred the bill of the House (H. R. 14483) making appropriation to pay the estate of Samuel Lee, deceased, in full for any claim for pay and allowances made by reason of the election of said Lee to the Forty-seventh Congress and his services therein, reported the same without amendment, accompanied by a report (No. 3413); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 5709) granting a pension to Sarah A. Tanquary—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 12359) granting a pension to George F. Flinn—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 5144) granting an increase of pension to Margaret L. Houlihan—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. DOUGLAS (by request): A bill (H. R. 17104) to amend sections 2320, 2322, 2323, and 2324 of the Revised Statutes of the United States, and for other purposes—to the Committee on Mines and Mining.

By Mr. MANN: A bill (H. R. 17105) to provide for a waterway between the Calumet River and the Sanitary Canal in Illinois—to the Committee on Rivers and Harbors.

By Mr. McRAE: A bill (H. R. 17106) to grant the thirty-sixth section of public lands in each township to the State of Arkansas for school purposes—to the Committee on the Public Lands.

By Mr. BURLESON: A concurrent resolution (H. C. Res. 76) directing the Secretary of the Interior to report to Congress what steps have been taken to prevent illegal fencing of the public domain in New Mexico, Wyoming, and Nebraska; also number of applications or filings for part of the public domain in in Nebraska and Wyoming during 1901 and 1902, and so forth—to the Committee on the Public Lands.

Also, a resolution (H. Res. 415) requesting the Secretary of the Interior to furnish the House with information as to what steps have been taken to prevent illegal fencing of the public domain in New Mexico, Wyoming, and Nebraska; also number of filings or applications for part of public domain made in Wyoming and Nebraska during 1901 and 1902, and so forth—to the Committee on the Public Lands.

By Mr. MIERS of Indiana (by request): A resolution (H. Res. 416) to pay Herman Gause $500 for extra and expert services to Committee on Invalid Pensions—to the Committee on Accounts.

By Mr. LOUDENSLAGER: A resolution (H. Res. 417) to pay D. S. Porter $500 for extra and expert services to Committee on Pensions—to the Committee on Accounts.

By Mr. NEVILLE: A memorial for an investigation by the irrigation investigation commission of the United States Department of Agriculture, for the benefit of those using water from the Platte River in the three States it flows through—to the Committee on Agriculture.

By Mr. BURKETT: A memorial of the Nebraska State legislature in favor of recommendation of the Secretary of Agriculture for appropriation for irrigation investigations—to the Committee on Agriculture.

By Mr. WOODS: A memorial relative to an appropriation by Congress for the purchase of Nacimiento ranch for a military instruction camp—to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BOREING: A bill (H. R. 17107) granting an increase of pension to O. W. Livingston Hampton—to the Committee on Invalid Pensions.

By Mr. BREAZEALE: A bill (H. R. 17108) for the relief of the estate of Jabez Tanner, Charles J. Hoover, and L. York—to the Committee on War Claims.

By Mr. BURKETT: A bill (H. R. 17109) granting an increase of pension to William F. Thompson—to the Committee on Invalid Pensions.

By Mr. COCHRAN: A bill (H. R. 17110) granting an increase of pension to Robert Tracy—to the Committee on Invalid Pensions.

By Mr. CONNELL: A bill (H. R. 17111) to remove the charge of desertion from the record of Patrick F. McDermott—to the Committee on Military Affairs.

By Mr. DARRAGH: A bill (H. R. 17112) granting an increase of pension to George Thompson—to the Committee on Invalid Pensions.

By Mr. FLANAGAN: A bill (H. R. 17113) granting an increase of pension to James H. T. Hummer—to the Committee on Invalid Pensions.

By Mr. GRIFFITH: A bill (H. R. 17114) granting a pension to Lydia Donnell—to the Committee on Invalid Pensions.

By Mr. JACKSON of Maryland: A bill (H. R. 17115) granting an increase of pension to Robert Anderson—to the Committee on Pensions.

Also, a bill (H. R. 17116) granting a pension to Anna Morris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17117) to correct the military record of John R. Allen—to the Committee on Military Affairs.

By Mr. JENKINS: A bill (H. R. 17118) granting an increase of pension to William Edgar—to the Committee on Pensions.

By Mr. KETCHAM: A bill (H. R. 17119) granting an increase of pension to James Flannigan—to the Committee on Invalid Pensions.

By Mr. KLEBERG: A bill (H. R. 17120) granting an increase of pension to Charles Shirar—to the Committee on Invalid Pensions.

By Mr. MERCER: A bill (H. R. 17121) granting an increase of pension to Lewis Webber—to the Committee on Invalid Pensions.

By Mr. POWERS of Maine: A bill (H. R. 17122) granting a pension to Jeremiah Fenno—to the Committee on Invalid Pensions.

By Mr. SPIGHT: A bill (H. R. 17123) for the relief of the estate of David A. Hamilton—to the Committee on War Claims.

Also, a bill (H. R. 17124) for the relief of the estate of Elizabeth Hull Wellford, deceased—to the Committee on War Claims.

By Mr. STEPHENS of Texas: A bill (H. R. 17125) granting a pension to Robert M. White—to the Committee on Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 17126) granting an increase of pension to William Mahal—to the Committee on Invalid Pensions.

By Mr. DOUGHERTY: A bill (H. R. 17127) granting a pension to Seth R. Dillon—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Petition of Presbyterian minister's meeting, at Philadelphia, Pa., favoring the passage of the Hepburn bill to protect "no license" towns and States from misuse of the interstate commerce law—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Society of the Army of the Potomac, Gettysburg, Pa., in relation to the work of the Gettysburg Battlefield Commission, and asking for its extension—to the Committee on Military Affairs.

By Mr. APLIN: Petition of druggists of Essexville, Mich., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. BARNEY: Petition of Schleyer-Ordway Drug Company and others, of Fond du Lac, Wis., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. BOREING: Petition of R. L. Blakeman and others, in favor of House bill 15369, known as the good-roads bill—to the Committee on Agriculture.

By Mr. BURKETT: Resolutions of Nebraska Irrigation Association, against decrease of appropriation for irrigation work—to the Committee on Agriculture.

Also, paper to accompany House bill granting an increase of pension to William F. Thompson—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: Petition of R. S. Young, of Darien, Wis., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. CREAMER: Resolutions of Old Soldiers' Veteran Club, of Indiana, asking for increase of pensions, etc.—to the Committee on Invalid Pensions.

Also, petition of Locomotive Firemen of the State of New York, favoring employers' liability bill—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the board of directors of the Board of Trade of Chicago, Ill., in opposition to merging the Interstate Commerce Commission with the proposed department of commerce and labor—to the Committee on Interstate and Foreign Commerce.

By Mr. DARRAGH: Petition of 35 citizens of Butternut, Mich., against the repeal of the canteen law, and in relation to the sale of liquor in immigrant stations, Government buildings, etc.—to the Committee on Military Affairs.

By Mr. DOUGHERTY: Papers to accompany House bill granting a pension to Seth R. Dillon—to the Committee on Invalid Pensions.

Also, petitions of retail druggists of Paradise, Breckenridge, and Braymer, Mo., in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. FITZGERALD: Resolutions of the Chicago Board of Trade, in opposition to merging the Interstate Commerce Commission with the proposed department of commerce and labor—to the Committee on Interstate and Foreign Commerce.

By Mr. FOSTER of Vermont: Resolution of Local Union No. 683, Brotherhood of Carpenters and Joiners, of Burlington, Vt., relative to the repeal of the desert land and homestead commutation acts—to the Committee on the Public Lands.

By Mr. GOLDFOGLE: Resolutions of Dr. Adler Lodge, No. 95, Aquadas Achim Felide Roumania; M. Kittenpla Lodge, No. 285, and Kurland Lodge, No. 50, Order of B'rith Abraham, of New York City, relating to methods of the Immigration Bureau at the port of New York—to the Committee on Immigration and Naturalization.

By Mr. GRAHAM: Resolution of the Society of the Army of the Potomac, commending the work of the Gettysburg Battlefield Commission, and recommending to Congress the continued care and extension of the work—to the Committee on Military Affairs.

Also, petition of the Green Street Baptist Church, of Allegheny, Pa., by Rev. A. M. Lewis, in favor of the enactment of laws prohibiting the sale of intoxicating liquors in Soldiers' Homes, in Government buildings, and in immigrant stations—to the Committee on Alcoholic Liquor Traffic.

By Mr. HILL: Petition of L. B. Silliman and others, of Bridgeport, Conn., in favor of an amendment to the Constitution defining legal marriage to be monogamic, etc.—to the Committee on the Judiciary.

Also, petition of the same citizens of Bridgeport, Conn., in relation to the repeal of the anticanteen law—to the Committee on Military Affairs.

Also, petition of the same, to prohibit liquor selling in Government buildings, immigrant stations, etc.—to the Committee on Alcoholic Liquor Traffic.

By Mr. KNOX: Resolutions of the Board of Trade of New Bedford, Mass., asking for the passage of House bill 163, granting pensions to certain officers and enlisted men of the Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. LINDSAY: Resolution of the Society of the Army of the Potomac, Gettysburg, Pa., recommending to Congress the continued care and extension of the work of the commission on this field—to the Committee on Military Affairs.

Also, resolution of the Paint Grinders' Association, urging the enactment of a law requiring railroad companies to have a uniform classification of freight rates which would apply over the whole country—to the Committee on Interstate and Foreign Commerce.

By Mr. LITTLE: Papers to accompany House bill 17093, granting a pension to Caroline Schaefer—to the Committee on Invalid Pensions.

By Mr. LLOYD: Petition of the Mexican War Veterans of Missouri, asking for pension legislation—to the Committee on Invalid Pensions.

Also, petition of druggists of New Cumberland, Mo., in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. MANN: Resolution of Illinois Unitarian Conference, Alton, Ill., favoring the establishment of a laboratory for the study of the criminal, pauper, and defective classes—to the Committee on the Judiciary.

Also, resolution of the Illinois Society of the Sons of the American Revolution, favoring the bill for the purchase of the Temple farm, at Yorktown, Va.—to the Committee on Military Affairs.

By Mr. MORRELL: Resolutions of the National Indian Association, in relation to matters pertaining to the civilization and elevation of the Indians—to the Committee on Indian Affairs.

By Mr. NEVILLE: Resolutions of the Nebraska Irrigation Association, against decreasing the appropriation for irrigation work—to the Committee on Agriculture.

By Mr. OTJEN: Petitions of G. H. Kesten, R. M. Dodd, and other retail druggists, for the enactment of House bill 178, for reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. OVERSTREET: Petition of the Methodist Ministers' Association of Indianapolis, Ind., for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. RODEY: Petitions of numerous citizens of the counties of Eddy and Chaves, N. Mex., relating to drift fences—to the Committee on Agriculture.

By Mr. RYAN: Petition of the Pomona (Cal.) Fruit Growers' Exchange, favoring the passage of the bill to increase the jurisdiction and powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. STEWART of New York: Petition of citizens of Amsterdam, N. Y., favoring the enactment of House bill 16457, relating to tobacco—to the Committee on Ways and Means.

By Mr. WEEKS: Petitions of retail druggists of New Baltimore and Copac, Mich., for the enactment of House bill 178, for reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. WILEY: Petitions of Horn Drug Company, Goldthwaite & Son, and other druggists, urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. YOUNG: Resolution of International Brotherhood of Electrical Workers, Philadelphia, Pa., favoring the repeal of the desert-land law—to the Committee on the Public Lands.

Also, resolution of the Society of the Army of the Potomac, Gettysburg, Pa., recommending to Congress the continued care and extension of the work of the Gettysburg Battlefield Commission—to the Committee on Military Affairs.

SENATE.

THURSDAY, *January 29, 1903.*

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Journal of yesterday's proceedings was read and approved.

NATIONAL MUSEUM BUILDING.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Smithsonian Institution, transmitting a copy of the report of a special committee of the Board of Regents of that institution, recommending an appropriation for a new building for the National Museum, in accordance with plans heretofore submitted to Congress; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

HEIRS OF ANDREW S. CORE.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of Christine M. Core, Ella Core Tadler, and Jane F. Martin, sole heirs of Andrew S. Core, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

MARY ANN FOARD.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of Mary Ann Foard, widow and sole heir of James A. Foard, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

ALFRED B. CARTER.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of Alfred B. Carter *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

MEMORIAL ASSOCIATION OF THE DISTRICT OF COLUMBIA.

The PRESIDENT pro tempore appointed Gen. Nelson A. Miles and Mr. John M. Spofford for three years to succeed themselves, and Mr. Thomas F. Walsh for two years, vice Mr. W. D. Davidge, deceased, as members of the Memorial Association of the District of Columbia, under the requirements of the joint resolution approved June 14, 1892.

CREDENTIALS.

Mr. BARD presented the credentials of GEORGE C. PERKINS, chosen by the legislature of California a Senator from that State for the term beginning March 4, 1903; which were read and ordered to be filed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 342) for the relief of the heirs of Aaron Van Camp and Virginius P. Chapin.

The message also announced that the House insists upon its amendment to the bill (S. 3287) to fix the salaries of certain judges of the United States disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. JENKINS, Mr. WARNER, and Mr. SMITH of Kentucky managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 3243) to redeem certain outstanding certificates of the board of audit of the District of Columbia;

A bill (S. 4221) authorizing the Commissioners of the District of Columbia to extinguish a portion of an alley in square 189;

A bill (S. 5316) providing for an additional circuit judge in the eighth judicial circuit;

A bill (S. 5914) establishing a regular term of United States district court at Addison, W. Va.;

A bill (S. 6333) to divest out of the United States all its right, title, and interest of, in, and to certain real estate situated at and near the city of Montgomery, State of Alabama, and to vest the same in The Southern Cotton Oil Company, Bessie R. Maultsby, James S. Pinckard, trustee, M. V. B. Chase, and Edwin Ferris;

A bill (S. 6461) providing for an additional district judge in the district of Minnesota;

A bill (H. R. 623) granting a pension to Susan Kennedy;

A bill (H. R. 629) granting a pension to Caroline Fitzsimmons;

A bill (H. R. 1592) for the relief F. M. Vowells;

A bill (H. R. 1617) granting an increase of pension to Margaret A. Osborn;

A bill (H. R. 2783) granting a pension to William Dixon;

A bill (H. R. 3302) granting an increase of pension to Henry G. Wheeler;

A bill (H. R. 3907) granting an increase of pension to John A. Sare;

A bill (H. R. 4437) granting an increase of pension to Absalom Case;

A bill (H. R. 4923) granting a pension to William L. Whetsell;

A bill (H. R. 5007) granting an increase of pension to James W. Messick;

A bill (H. R. 5718) granting an increase of pension to James M. Blade;

A bill (H. R. 5792) granting an increase of pension to Andrew J. Reeves;

A bill (H. R. 7130) granting a pension to Elizabeth Lowden;

A bill (H. R. 7385) granting an increase of pension to John Kelly, second;

A bill (H. R. 7680) granting an increase of pension to David C. Yakey;

A bill (H. R. 7766) granting an increase of pension to John Huffman;

A bill (H. R. 7779) granting an increase of pension to William Belk;

A bill (H. R. 7815) granting a pension to Nancy A. Killough;

A bill (H. R. 8152) granting an increase of pension to William S. Hutchinson;

A bill (H. R. 8175) granting an increase of pension to John W. Covey;

A bill (H. R. 8247) granting an increase of pension to Francis M. McCoy;

A bill (H. R. 8447) granting an increase of pension to John McArthur;

A bill (H. R. 8721) granting an increase of pension to Joseph Westbrook;

A bill (H. R. 9153) granting an increase of pension to John D. Binford;

A bill (H. R. 9611) granting a pension to Maria M. C. Smith;

A bill (H. R. 9658) granting an increase of pension to Robert Stewart;

A bill (H. R. 9734) granting an increase of pension to John P. Peterman;

A bill (H. R. 9776) granting an increase of pension to Alice A. Fitch;

A bill (H. R. 10214) granting an increase of pension to Henry Thomas;

A bill (H. R. 10219) granting an increase of pension to J. Banks Hunter;

A bill (H. R. 10350) granting a pension to Rebecca Piper;

A bill (H. R. 10757) granting an increase of pension to Lewis Fishbaugh;

A bill (H. R. 10826) granting an increase of pension to Josiah S. Fay;

A bill (H. R. 11197) granting a pension to the minor children of Daniel J. Reedy;

A bill (H. R. 11280) granting an increase of pension to Henry J. Feltus;

A bill (H. R. 11339) granting a pension to Augustus Blount;

A bill (H. R. 11485) granting a pension to Julia McCarthy;

A bill (H. R. 11694) granting an increase of pension to Dennis F. Andre;

A bill (H. R. 12215) granting an increase of pension to Henry M. Posey;

A bill (H. R. 12324) granting a pension to Cora E. Brown;

A bill (H. R. 12413) granting an increase of pension to William Zickerick;

A bill (H. R. 12563) granting an increase of pension to Horace Fountain;

A bill (H. R. 12683) granting a pension to Sarah L. Bates;

A bill (H. R. 12701) granting an increase of pension to Milton Noakes;

A bill (H. R. 12812) granting an increase of pension to Otis T. Hooper;

A bill (H. R. 12877) granting an increase of pension to James N. Gates;

A bill (H. R. 12902) granting a pension to Julia Lee;

A bill (H. R. 12981) granting a pension to Sarah A. Waltrip;

A bill (H. R. 13127) granting a pension to Nancy Works;

A bill (H. R. 13200) granting an increase of pension to Charles B. Greely;

A bill (H. R. 13233) granting a pension to William A. Nelson;

A bill (H. R. 13262) granting an increase of pension to James M. Spencer;
A bill (H. R. 13353) granting an increase of pension to George Thompson;
A bill (H. R. 13463) granting an increase of pension to Hiram A. Hober;
A bill (H. R. 13472) granting an increase of pension to Lewis E. Wilcox;
A bill (H. R. 13839) granting an increase of pension to John W. B. Huntsman;
A bill (H. R. 13944) granting a pension to Margaret Ann West;
A bill (H. R. 13955) granting an increase of pension to Jesse A. McIntosh;
A bill (H. R. 13997) granting an increase of pension to Lyman A. L. Gilbert;
A bill (H. R. 14185) granting an increase of pension to Albert Blood;
A bill (H. R. 14256) granting an increase of pension to Jesse R. Dewstoe;
A bill (H. R. 14262) granting a pension to Harriet Robertson;
A bill (H. R. 14265) granting an increase of pension to Helen N. Packard;
A bill (H. R. 14273) granting a pension to John H. Widden;
A bill (H. R. 14373) granting an increase of pension to William H. Loyd;
A bill (H. R. 14751) granting an increase of pension to Regina F. Palmer;
A bill (H. R. 14836) granting a pension to Rebecca L. Chambers;
A bill (H. R. 14837) granting a pension to John H. Roberts;
A bill (H. R. 14913) granting an increase of pension to Ann M. Morrison;
A bill (H. R. 15063) granting an increase of pension to William R. Thompson;
A bill (H. R. 15112) granting a pension to Matilda A. Marshall;
A bill (H. R. 15113) granting an increase of pension to John Murphy;
A bill (H. R. 15114) granting an increase of pension to Alonzo F. Canfield;
A bill (H. R. 15229) granting a pension to James T. Jackson;
A bill (H. R. 15385) granting an increase of pension to Alfred J. Sellers;
A bill (H. R. 15396) granting an increase of pension to George H. Stone;
A bill (H. R. 15398) granting an increase of pension to Andrew W. Miller;
A bill (H. R. 15416) granting an increase of pension to William Thompson;
A bill (H. R. 15433) granting an increase of pension to William Heywood;
A bill (H. R. 15441) granting an increase of pension to Josiah Stackpole;
A bill (H. R. 15549) granting an increase of pension to John Wright;
A bill (H. R. 15648) granting an increase of pension to Lester H. Salsbury;
A bill (H. R. 15682) granting an increase of pension to Jared P. Hubbard;
A bill (H. R. 15729) granting an increase of pension to Abner M. Judkins;
A bill (H. R. 15789) granting an increase of pension to Benjamin Cooper;
A bill (H. R. 15874) granting an increase of pension to Rebecca R. Greer;
A bill (H. R. 15999) granting an increase of pension to William F. Loomis;
A bill (H. R. 16011) granting an increase of pension to Morton A. Leach; and
A bill (H. R. 16224) granting an increase of pension to William Montgomery.

PETITIONS AND MEMORIALS.

Mr. PENROSE presented a memorial of 34 citizens of Warren, Pa., remonstrating against the repeal of the present anticanteen law; which was referred to the Committee on Military Affairs.

He also presented petitions of the congregation of the United Brethren Church of Dillsburg; of sundry church members of Philadelphia; of Valley Grange, No. 1190, Patrons of Husbandry, of Farmers Valley; of the congregation of the First Methodist Protestant Church of Pittsburg; of the congregation of the First Presbyterian Church of Sheridanville; of the congregation of the Mount Washington Presbyterian Church, of Pittsburg; of the College Hill Christian Endeavor Society, of Beaver Falls, and of the general assembly's permanent committee on temperance of the Presbyterian Church, of Pennsylvania, all in the State of Pennsylvania, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Government buildings; which were referred to the Committee on Public Buildings and Grounds.

He also presented petitions of the congregation of the Mount Washington United Presbyterian Church, of Pittsburg; of the congregation of the Mount Washington Methodist Protestant Church, of Pittsburg; of the College Hill Christian Endeavor Society, of Beaver Falls; of the congregation of the United Presbyterian Church of Pittsburg, and of 73 citizens of Carbondale, all in the State of Pennsylvania, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in immigrant stations; which were ordered to lie on the table.

He also presented petitions of Local Union No. 58, of Easton; of Glass Bottle Blowers' Association No. 10, of Royersford, and of Local Union No. 917, of Olyphant, all of the American Federation of Labor, in the State of Pennsylvania, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. TALIAFERRO presented a petition of the congregation of the First Congregational Church of Daytona, Fla., praying for the enactment of legislation to exclude illiterate immigrants and also to prohibit the sale of intoxicating liquors in all Government buildings; which was referred to the Committee on Public Buildings and Grounds.

Mr. KEAN presented a memorial of the Society for the Prevention of Cruelty to Animals of Elizabeth, N. J., and a memorial of the Society for the Prevention of Cruelty to Animals of Newark, N. J., remonstrating against the enactment of legislation relative to the interstate transportation of live stock; which were referred to the Committee on Interstate Commerce.

He also presented memorials of the Woman's Christian Temperance Union of Allendale; of George La Monte, of Bound Brook, and of the Woman's Christian Temperance Union of Wortendyke, all in the State of New Jersey, remonstrating against the repeal of the present anticanteen law; which were referred to the Committee on Military Affairs.

He also presented the petition of Rev. George T. Flichtner, of Englewood, N. J., praying for the enactment of legislation to recognize and promote the efficiency of chaplains in the Army; which was referred to the Committee on Military Affairs.

He also presented a memorial of the John Moses & Sons Company, of Trenton, N. J., remonstrating against the passage of the so-called eight-hour bill; which was ordered to lie on the table.

He also presented petitions of H. K. Slack, of Trenton; of Typographical Union No. 150, American Federation of Labor, of Elizabeth, and of Local Union No. 13, American Federation of Labor, of Newark, all in the State of New Jersey, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. FOSTER of Washington presented a petition of Rev. Charles J. Grimes, of Tacoma, Wash., praying for the enactment of legislation to recognize and promote the efficiency of Army chaplains; which was referred to the Committee on Military Affairs.

Mr. GALLINGER presented a petition of the Mount Pleasant Citizens' Association of the District of Columbia, praying for the enactment of legislation to authorize the advance from the United States Treasury of money to pay for extraordinary expenditures in the District of Columbia; which was referred to the Committee on Appropriations.

Mr. BURTON presented a petition of Parsons Division, No. 161, Order of Railway Conductors, of Parsons, Kans., praying for the passage of the so-called eight-hour bill; which was ordered to lie on the table.

He also presented the petition of Rev. W. L. Rose, of Kansas, praying for the enactment of legislation to exclude illiterate immigrants, and also to prohibit the sale of intoxicating liquors in Government buildings; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of Carpenters and Joiners' Union No. 499, of Leavenworth, Kans., praying that the homestead law be amended so that the public lands can only be acquired by actual settlers; which was referred to the Committee on Public Lands.

He also presented a memorial of the Trades Assembly of Kansas City, Kans., remonstrating against the repeal of the revenue-stamp act on eighth kegs of beer, and also that the desert-land law may be amended so that the desert lands can only be acquired by actual settlers; which was referred to the Committee on Finance.

Mr. DUBOIS presented a memorial of sundry citizens of St. Joe, Idaho, and a memorial of sundry citizens of Wardner, Idaho, remonstrating against the repeal of the desert-land law and the commutation clause of the homestead act; which were referred to the Committee on Public Lands.

Mr. PLATT of Connecticut. I present a resolution of the general assembly of the State of Connecticut, favoring legislation

removing the duty on coal of all kinds. I ask that the resolution be printed in the RECORD and, as the bill has been passed, that it lie on the table.

There being no objection, the resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

STATE OF CONNECTICUT, OFFICE OF THE SECRETARY,
GENERAL ASSEMBLY,
January Session, A. D. 1903.

Instructing the Senators and Representatives in Congress to favor the abolition of the duty on coal.

Resolved by this assembly: 1. That the United States Senators from this State are hereby instructed and the Representatives in Congress are requested to urge before Congress the passage of an act removing immediately and absolutely the duty on coal of all kinds.

2. That the secretary of this State is requested to send a copy of this resolution to each of the Senators and Representatives in Congress from this State.

House of representatives, passed January 13, 1903.
Senate concurs, January 13, 1903.

STATE OF CONNECTICUT, *Office of the Secretary, ss:*

I, Charles G. R. Vinal, secretary of the State of Connecticut and keeper of the seal thereof and of the original record of the acts and resolutions of the general assembly of said State, do hereby certify that I have compared the annexed copy of the resolution instructing the Senators and Representatives in Congress to favor the abolition of the duty on coal with the original record of the same now remaining in this office, and have found the said copy to be a correct and complete transcript thereof.

And I further certify that the said original record is a public record of the said State of Connecticut now remaining in this office.

In testimony whereof I have hereunto set my hand and affixed the seal of said State, at Hartford, this 26th day of January, 1903.

[SEAL.] CHARLES G. R. VINAL, *Secretary.*

Mr. PLATT of Connecticut presented the petition of Laura A. Wilford and 27 other citizens of Branford, Conn., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Government buildings; which was referred to the Committee on Public Buildings and Grounds.

Mr. FRYE presented a petition of the New England Shoe and Leather Association, of Boston, Mass., praying for the ratification of the so-called Hay-Bond treaty; which was referred to the Committee on Foreign Relations.

He also presented a petition of the National Board of Trade, praying for the adoption of certain amendments to the present bankruptcy law; which was ordered to lie on the table.

He also presented a petition of the National Board of Trade, praying for the enactment of legislation giving full protection to the trade-marks of commerce, both foreign and domestic, etc.; which was referred to the Committee on Patents.

REPORTS OF COMMITTEES.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (S. 6754) authorizing the city of Batesville, Ark., to draw water from the pool of Dam No. 1, Upper White River, reported it without amendment.

Mr. TURNER, from the Committee on Commerce, to whom the subject was referred, submitted a report accompanied by a bill (S. 7168) to establish a port of delivery at Salt Lake City, Utah; which was read twice by its title.

He also, from the same committee, to whom was referred the bill (S. 6955) to establish Salt Lake City, in the State of Utah, as a port of entry in the customs collection district of Utah, and for other purposes, reported adversely thereon, and the bill was postponed indefinitely.

Mr. GALLINGER, from the Committee on Commerce, to whom was referred the bill (S. 7044) to authorize the President to detail officers of the Revenue-Cutter Service as superintendents or instructors in the public marine schools, reported it without amendment, and submitted a report thereon.

Mr. ELKINS, from the Committee on Commerce, to whom was referred the bill (S. 6950) to amend an act entitled "An act to authorize the construction of bridges across the Ohio River, and to prescribe the dimensions of the same," approved December 17, 1872, and an act supplementary thereto, approved February 14, 1883, reported it with amendments, and submitted a report thereon.

Mr. CARMACK, from the Committee on Pensions, to whom was referred the bill (H. R. 16564) granting an increase of pension to James Hunter, reported it without amendment, and submitted a report thereon.

Mr. TALIAFERRO, from the Committee on Pensions, to whom was referred the bill (H. R. 14604) granting an increase of pension to Asa C. Hill, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 6652) granting an increase of pension to Leander W. Cogswell; and

A bill (S. 6843) granting an increase of pension to A. Paul Horne.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 15571) granting an increase of pension to John Macfarlane;

A bill (H. R. 4059) granting an increase of pension to Julia A. Cook; and

A bill (H. R. 16358) granting an increase of pension to Benjamin W. Walker.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (H. R. 8663) to remove the charge of desertion from the military record of Charles F. Woodford and grant him an honorable discharge, reported it with an amendment, and submitted a report thereon.

Mr. DEBOE, from the Committee on Pensions, to whom was referred the bill (H. R. 12316) granting an increase of pension to Weden O'Neal, reported it without amendment, and submitted a report thereon.

Mr. TURNER, from the Committee on Pensions, to whom was referred the bill (H. R. 7334) granting an increase of pension to Ira L. Evans, reported it without amendment, and submitted a report thereon.

Mr. ALGER, from the Committee on Military Affairs, to whom was referred the bill (H. R. 9360) for the improvement and care of Confederate mound, in Oak Woods Cemetery, Chicago, Ill., and making an appropriation therefor, reported it without amendment.

Mr. PRITCHARD, from the Committee on Pensions, to whom was referred the bill (S. 6702) granting a pension to Emelie Lawrence Reed, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 14789) granting an increase of pension to David Brobst; and

A bill (H. R. 14952) granting an increase of pension to Leonard S. Grove.

Mr. FORAKER, from the Committee on Military Affairs, to whom was referred the amendment submitted by himself on the 28th instant, intended to be proposed to the bill (H. R. 15449) to increase the efficiency of the Army, reported favorably thereon, and the amendment was ordered to lie on the table, and be printed.

Mr. COCKRELL. From the Committee on Military Affairs I present a supplementary report to Senate Report No. 2406 to accompany the bill (H. R. 11621) to correct the military record of H. J. Rowell, which was adversely reported from that committee and indefinitely postponed. This is additional information confirmatory of that report, and I ask that it be printed.

The PRESIDENT pro tempore. The supplementary report will be printed.

DEPARTMENT OF LABOR AND COMMERCE.

Mr. HANNA. I am instructed by the Committee on Commerce, to whom were referred the bill (S. 569) to establish the department of commerce and labor and the amendment of the House of Representatives thereto, to recommend a disagreement to the House amendment and ask for a conference on the disagreeing votes of the two Houses.

The PRESIDENT pro tempore. The Senator from Ohio moves that the Senate disagree to the amendment of the House of Representatives and request a conference.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. HANNA, Mr. NELSON, and Mr. CLAY were appointed.

COLUMBIA RIVER IMPROVEMENTS.

Mr. MALLORY. I am directed by the Committee on Commerce, to whom was referred the bill (S. 6867) to authorize the building of dams and other improvements in the Columbia River, in the State of Washington, to report it favorably with amendments and to submit a report thereon.

Mr. FOSTER of Washington. I ask unanimous consent for the present consideration of the bill just reported by the Senator from Florida.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The first amendment was, in section 1, page 2, line 2, after the word "purposes," to insert:

Provided, That in the judgment of the Secretary of War the work herein authorized may be carried out without injury to navigation interests, and that the plans and specifications for the work shall be submitted to and approved by him prior to its commencement: *Provided further*, That the Secretary of War in approving the aforesaid plans and specifications may impose such terms and conditions as he may decide to be necessary for the protection of the public interests: *And provided further*, That nothing in this act shall be construed as a surrender or waiver by the Federal Government of its rights to improve the Columbia River at the locality herein mentioned, and whenever Congress adopts a project for such improvement the said

grantee shall upon direction by the Secretary of War modify, change, or entirely remove any structures built under authority of this act, and the right to maintain such structures shall thereupon cease and determine, and said modification, change, or removal shall be at the expense of the grantee, and the Federal Government shall not be liable for any loss or damage the said grantee may sustain by reason thereof or by reason of any plan which Congress may hereafter adopt with respect to the said waterway.

The amendment was agreed to.

The next amendment was to add to the bill the following additional section:

SEC. 3. That the rights and privileges hereby granted shall cease and determine unless the work authorized shall be commenced within two years and completed within five years from the date of the approval of this act.

The amendment was agreed to.

The next amendment was to add at the end of the bill the following additional section:

SEC. 4. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDENT pro tempore. The committee also reports to strike out the preamble. The preamble will be stricken out, without objection.

ST. CROIX RIVER DAM.

Mr. NELSON. I am directed by the Committee on Commerce, to whom was referred the bill (S. 7063) permitting the building of a dam across the St. Croix River at or near the village of St. Croix Falls, Polk County, Wis., to report it favorably with amendments, and to submit a report thereon. I ask for its present consideration.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, on page 1, in section 1, line 3, before the word "Croix," to strike out "Saint" and insert "St.;" in line 4, after the word "Falls," to strike out the comma, and in the same line, after the word "Wisconsin," to strike out the comma; in line 5, before the word "Croix," to strike out "Saint" and insert "St.;" in line 6, after the word "Falls," to strike out the comma, and in the same line, after "Minnesota," to strike out the comma; on page 2, line 2, before the word "Croix," to strike out "Saint" and insert "St.;" in the same line, after the word "Falls," to strike out the comma, and in the same line, after the word "Wisconsin," to strike out the comma; in line 3, before the word "Croix," to strike out "Saint" and insert "St.;" in the same line, after the word "Falls," to strike out the comma, and in the same line, after the word "Minnesota," to strike out the comma; and in line 9, after the word "further," to strike out:

That such dam and the appurtenant works shall be so constructed as to permit the free passage of saw logs without unreasonable hindrance and delay.

And to insert:

That there shall be placed and maintained in connection with said dam a sluiceway so arranged as to permit logs, timber, and lumber to pass around, through, or over said dam without unreasonable delay or hindrance, and without toll or charges; that the Government of the United States may at any time construct in connection therewith a suitable lock for navigation purposes; may at any time, without compensation, control the said dam for purposes of navigation, but shall not destroy the water power created by said dam to any greater extent than may be necessary to provide proper facilities for navigation, and that the Secretary of War may at any time require and enforce, at the expense of the owners, such modifications and changes in the construction of said dam and may make such regulations for the operation of said dam as he may deem advisable in the interests of navigation.

The amendment was agreed to.

The next amendment was, in section 3, page 2, line 20, after the word "be," to insert "commenced within two years and;" so as to make the section read:

SEC. 3. That this act shall be null and void unless the dam herein authorized be commenced within two years and completed within five years from the time of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill permitting the building of a dam across the St. Croix River at or near the village of St. Croix Falls, Polk County, Wis.

LIGHT-HOUSE DEPOT, BOSTON HARBOR.

Mr. NELSON. I am directed by the Committee on Commerce, to whom was referred the bill (S. 7043) to establish a light-house depot for the second light-house district, Boston Harbor, Massachusetts, to report it favorably with amendments.

Mr. LODGE. I ask that the bill may have present consideration.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendments of the Committee on Commerce were, in section 1, line 5, before the word "thousand," to strike out "fifty" and insert "one hundred;" and in line 6, after the word "dollars," to insert "or so much thereof as may be necessary;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to expend, out of any money in the Treasury not otherwise appropriated, the sum of $100,000, or so much thereof as may be necessary, for the location and establishment of a light-house depot for the Second light-house district in Boston Harbor, Massachusetts.

SEC. 2. That that part of the act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1903, approved June 28, 1902, appropriating the sum of $25,000 for the establishment of a light-house depot at Castle Island, Boston Harbor, Massachusetts, be, and the same is hereby, repealed.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CARTER B. HARRISON.

Mr. CARMACK. I am instructed by the Committee on Pensions, to whom was referred the bill (H. R. 11139) granting a pension to Carter B. Harrison, to report it favorably, with an amendment, and I ask for its present consideration.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment of the committee was in line 6, after the word "late," to strike out "adjutant" and insert "captain Company C," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Carter B. Harrison, late captain Company C, Fifty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

SMYRNA RIVER, DELAWARE, IMPROVEMENT.

Mr. PENROSE. I am directed by the Committee on Commerce, to whom was referred the bill (S. 7152) to amend an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved June 13, 1902, to report it favorably, without amendment, and I ask for its present consideration.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to amend the act so that the paragraph thereof providing for the improvement of the Smyrna River, Delaware, shall read as follows:

Improving Smyrna River, Delaware, in accordance with the report submitted in House Document No. 90, Fifty-sixth Congress, second session, $15,000: *Provided*, That no part of said amount shall be expended until a satisfactory title to the land required for crosscuts and other portions of this improvement shall be obtained without expense to the Government: *And provided further*, That nothing herein shall be construed as preventing such modification or change in the location of the proposed crosscuts as may be approved by the Chief of Engineers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BUILDINGS AT FORT BRADY, MICH.

Mr. ALGER. I am instructed by the Committee on Military Affairs, to whom was referred the bill (S. 7148) replacing burned buildings at Fort Brady, Mich., to report it with an amendment, and I ask for its immediate consideration.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to appropriate $128,400 for the construction, complete, including plumbing, water supply, sewerage, heating and lighting appliances, of barracks for four companies of infantry at Fort Brady, Mich., to replace buildings at that post wholly destroyed by fire on the 2d of January, 1903, the funds to be immediately available.

The amendment of the Committee on Military Affairs was, in line 5, before the word "construction" to insert "re," so as to read "reconstruction."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

STOCKBRIDGE AND MUNSEE INDIANS.

Mr. QUARLES. I am directed by the Committee on Indian Affairs, to whom was referred the bill (S. 3620) to provide for the allotment of lands in severalty to the Stockbridge and Munsee tribe of Indians, to authorize the distribution of their trust fund, and for other purposes, to report it favorably without amendment, and I ask unanimous consent for its immediate consideration.

The Secretary read the bill, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

BILLS INTRODUCED.

Mr. PENROSE introduced a bill (S. 7169) authorizing the purchase of 5,000 copies of March's Thesaurus; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the Library.

He also introduced a bill (S. 7170) for the relief of the estate of the late John Jacoby; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 7171) for the relief of the Old Dominion Granite Company; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 7172) to grant an honorable discharge from the military service to Adolph F. Hitchler; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 7173) granting an increase of pension to John M. Thomas; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DILLINGHAM introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7174) granting a pension to Rosa E. Pennell (with the accompanying paper); and

A bill (S. 7175) granting a pension to Carlos H. Rich.

Mr. ALDRICH introduced a bill (S. 7176) granting a pension to Jennie W. Rhoades; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WELLINGTON introduced a bill (S. 7177) granting an increase of pension to Blanche L. Chunn; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McCUMBER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 7178) for the relief of the estate of Ramsay Crooks;

A bill (S. 7179) for the relief of Pay Clerk Charles Blake, United States Navy;

A bill (S. 7180) for the relief of Paymaster James E. Tolfree, United States Navy; and

A bill (S. 7181) for the relief of the estate of Ramsay Crooks.

Mr. BURTON introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7182) granting a pension to William McHenry; and

A bill (S. 7183) granting a pension to Otis P. Tolles, with the accompanying papers.

Mr. BLACKBURN introduced a bill (S. 7184) for the relief of W. R. Austin & Co.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. PLATT of Connecticut introduced a bill (S. 7185) to authorize the board of commissioners for the Connecticut bridge and highway district to construct a bridge across the Connecticut River at Hartford, in the State of Connecticut; which was read twice by its title, and referred to the Committee on Commerce.

Mr. HOAR introduced a bill (S. 7186) granting a pension to Mary C. Couch; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. MORGAN introduced a joint resolution (S. R. 160) to authorize A. G. Menocal to accept a decoration; which was read twice by its title, and referred to the Committee on Foreign Relations.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. TURNER submitted an amendment proposing to appropriate $2,000 to enable the Committee on Interoceanic Canals to prepare a compilation of bills, reports, documents, and debates on the subject of an isthmian canal, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Interoceanic Canals, and ordered to be printed.

Mr. CULBERSON submitted an amendment proposing to appropriate $15,000 to enable the Secretary of Agriculture to secure, by breeding, strains of cotton resistant to boll weevil and root rot, intended to be proposed by him to the agricultural appropriation bill; which was referred to the Committee on Agriculture and Forestry, and ordered to be printed.

Mr. STEWART submitted an amendment proposing to increase the salary of the sanitary and food inspector of the District of Columbia from $1,800 to $2,400, and proposing to appropriate $100,000 for continuing the construction of a bridge across Rock Creek on the line of Connecticut avenue extended, in the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. GALLINGER submitted an amendment proposing to appropriate $6,000 for paving Yale street from Thirteenth street to Fourteenth street, in the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

He also submitted an amendment proposing to increase the salaries of the judges of the police court, District of Columbia, from $3,000 to $4,000 per annum, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. FOSTER of Washington submitted an amendment proposing to appropriate $15,000 for the construction of a light-house and fog-signal station at the west end of Burrows Island, in Puget Sound, State of Washington, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also submitted an amendment proposing to appropriate $5,000 for paving old Sixteenth street from Columbia road to Kenesaw avenue, in the District of Columbia, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

He also submitted an amendment proposing to appropriate $300,000 to enable the Commissioners of the District of Columbia to purchase land for the extension of School street and to establish a public park in John Sherman's subdivision in the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. BURROWS submitted an amendment providing for the establishment of a life-saving station at or near Eagle Harbor, on Keweenaw Point, Michigan, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also submitted an amendment proposing to appropriate $111,143.16 in payment to the Ottawa and Chippewa Indians, of Michigan, for the funds and interest thereon which were covered into the Treasury of the United States on March 9, 1885, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

WOODSMAN'S HANDBOOK.

Mr. GALLINGER. I offer the resolution which I send to the desk, which I desire to have referred to the Committee on Printing.

The PRESIDENT pro tempore. The resolution will be read.

The Secretary read the resolution, as follows:

Resolved, That 5,000 copies of the Woodsman's Handbook, part 1, being Bulletin 36, Bureau of Forestry, United States Department of Agriculture, be printed and bound at the Government Printing Office for the use of the Senate.

Mr. GALLINGER. Mr. President, I desire simply to say, for the information in advance of the distinguished Senator from New York [Mr. PLATT] who is chairman of the Committee on Printing that this is one of the few practical books that Senators may have for distribution among their constituents. The Department of Agriculture printed an edition, which is entirely exhausted, and I have a very considerable number of applications now on file for it. I hope the Senator will give the resolution immediate attention.

The PRESIDENT pro tempore. The resolution will be referred to the Committee on Printing.

OREGON AND WASHINGTON INDIAN WAR.

Mr. SIMON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed for the use of the Senate 2,500 copies of House of Representatives Executive Document No. 38, Thirty-fifth Congress, first session, being letter from the Secretary of the Interior transmitting, in response to a resolution of the House, a report on the Indian war in Oregon and Washington Territories.

HYDROGRAPHY OF THE AMERICAN ISTHMUS.

Mr. MORGAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the part of the Geological Survey, made to the present Congress, as to the hydrography of the American isthmus, by Arthur Powell Davis, be printed as a document for the use of the Senate.

HEARINGS ON PURE-FOOD BILLS.

Mr. McCUMBER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That 2,500 copies of the additional hearings before the Committee on Manufactures upon the pure-food bills, be printed, 2,000 copies for the use of the Senate, and 500 copies for the use of the Committee on Manufactures.

CUBAN RECIPROCITY.

Mr. DIETRICH. I offer the resolution which I send to the desk, and I ask that it be printed and ordered to lie on the table for the present.

The PRESIDENT pro tempore. The resolution submitted by the Senator from Nebraska will be read.

The Secretary read the resolution, as follows:

Resolved, That the Committee on Relations with Cuba be discharged from any further consideration of House bill 12765 and all other bills pertaining to Cuban reciprocity.

Mr. DIETRICH. Mr. President, I give notice that I expect to address the Senate upon the resolution in a few days. It is evident that Cuban reciprocity and other important measures are being held in status QUAY; that unless some relief soon comes to Cuba the island will be depopulated by starvation, and American industries will suffer until there will be another panic in the United States.

The PRESIDENT pro tempore. The resolution will be printed and lie on the table, subject to the call of the Senator.

COURTS-MARTIAL IN THE PHILIPPINES.

The PRESIDENT pro tempore. If there be no further concurrent or other resolutions, the Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted by Mr. RAWLINS on the 27th instant, as follows:

Be it resolved by the Senate, That the Secretary of War is hereby directed to inform the Senate what courts-martial have been ordered and held in the Philippine Islands, and what judgments rendered by them in consequence of the dispatch sent by the Secretary of War to Major-General Chaffee referred to in the memorandum of the Secretary of War for the Adjutant-General under date of April 15, 1902; also what action was taken by the President or the Secretary of War on the judgment of any court-martial so ordered, either approving or disapproving the same.

Also, that the records in full of the several following courts-martial ordered and held in the Philippine Islands be communicated, to wit:

That on Brig. Gen. Jacob H. Smith.
That on Maj. Edwin F. Glenn, Fifth Infantry.
That on Lieut. Edwin A. Hickman, First Cavalry.
That on Lieut. J. H. A. Day, Marine Corps.
That on Maj. L. W. T. Waller, of the Marine Corps.
That on Lieut. Preston Brown, Second Infantry.
That on Capt. James A. Ryan, Fifteenth Cavalry.
That on Lieut. —— Cooke.
That on Lieut. Julian E. Gaiyot.
That on Lieut. N. E. Cook, of the Philippine Scouts.
That on Lieut. W. S. Sinclair, battalion adjutant, Twenty-eighth Infantry.

Also, any record or reports of investigations which may be on file in the War Department relating to the case of the so-called "Father Augustine," alleged to have been put to death by Cornelius M. Brownell, formerly a captain of the Twenty-sixth Volunteer Infantry, at Banate, island of Panay, province of Iloilo, in December, 1900, also any investigations made by the Department of Justice into the facts of such case, together with any legal conclusions reached thereon and reported to the War Department.

Mr. ALDRICH. The Senator from Mississippi [Mr. McLAURIN] gave notice that he intended to speak upon the resolution this morning.

Mr. McLAURIN of Mississippi. I gave notice, Mr. President, that I intended to make only a few remarks on this question. Yesterday at the close of the morning hour, when the resolution had been discussed for some time, it was my desire, if I could then have gotten a minute or two, to have made a suggestion in regard to it.

Mr. CLAY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Georgia?

Mr. McLAURIN of Mississippi. Certainly.

FIRST BAPTIST CHURCH OF CARTERSVILLE, GA.

Mr. CLAY. I ask unanimous consent for the present consideration of the bill (H. R. 1147) for the relief of the First Baptist Church of Cartersville, Ga. I am sure it will not lead to debate.

The PRESIDENT pro tempore. The Senator from Georgia asks unanimous consent that the pending business may be temporarily laid aside in order that the Senate may proceed to the consideration of the bill named by him. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay $5,000 to the trustees or other legal representatives of the First Baptist Church of Cartersville, Ga., or their successors in office, in trust for the use and benefit of the church, in full for all the damages claimed by the church, or any person heretofore or hereafter claiming to represent the church, for brick and all other building materials taken and used by the Army of the United Seates during the late war; and the acceptance by the trustees of this sum shall be in full satisfaction of all claims of every name and nature for the use or occupation of the church or the appropriation and use of the materials of the same, or in any manner arising or growing out of the use thereof.

Mr. QUAY. Mr. President, I should be glad if the Senator from Georgia would explain the purpose of this bill. I did not hear the reading of it. The Senator, as I understood, asked unanimous consent for the present consideration of the bill.

The PRESIDENT pro tempore. He did.

Mr. QUAY. I merely ask what is the character of the bill?

Mr. CLAY. It is simply to pay a claim of the First Baptist Church of Cartersville, Ga., which was destroyed. The bill was unanimously passed upon and reported three different times from the House committee, and had a unanimous report from the Senate committee. There is no objection to the bill.

Mr. QUAY. Has there been a written report made upon the bill?

Mr. CLAY. There is a report from the Committee on Claims.

Mr. QUAY. I should be very glad to hear the report read, Mr. President.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the report submitted by Mr. Warren on the 28th instant, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 1147) for the relief of the First Baptist Church of Cartersville, Ga., having had the same under careful consideration, beg leave to report it back to the Senate without amendment and to recommend that it do pass.

The facts in the case being fully set forth in House Report No. 197, Fifty-seventh Congress, first session, your committee have adopted that report, which reads as follows:

"The Committee on War Claims, to whom was referred the bill (H. R. 1147) for the relief of the First Baptist Church of Cartersville, Ga., beg leave to submit the following report and recommend that said bill do pass without amendment.

"The proof filed in support of the bill shows that in the year 1864, while the Army of the United States were in possession of said town of Cartersville, the Baptist church building was torn down by them and the brick and lumber of said church building were used by said United States soldiers in building for themselves quarters and in building chimneys to their tents. The brick and lumber taken and used by the Army was valued at the time at $5,000.

"When buildings are torn down, if the materials are taken to erect other buildings for the use of the Army, such materials thereby become supplies, and their value, as materials for the purpose for which they are used, is paid to the owner. It is a very inadequate compensation to him; but this rule, which allows only for the materials as supplies, and nothing for damage to the building from which they are obtained, has been acted upon uniformly for many years, and is regarded as an established usage not to be departed from.

"Capt. George A. Clarke, late provost-marshal, makes the following affidavit:

"That from July 5 to November 12, 1864, he was captain of Company H, Fourth Minnesota Volunteer Infantry, and provost-marshal of the Third Division of the Fifteenth Army Corps, United States Army, and was stationed and in charge at Cartersville, Ga., and was well acquainted with the circumstances of the destruction of the First Baptist Church of said city. That about the last of the month of September or the first part of the month of October, 1864, a portion of the cavalry troops belonging to the command of General McCook were stationed in said city, and they took and carried away, for the construction of huts and shelters for themselves, the seats and pews of said church, and also stabled their horses in said church, and that afterwards, during the same fall, said troops and other United States troops tore down the walls of said church and used the brick and other materials of said building for the erection of chimneys to their huts and tents, and for their use and comfort.

"That said church was the property of the Baptist Church of said city to the best of deponent's knowledge and belief, and was used by them as a place of worship, and was a nice brick church, worth from $5,000 to $7,000. That said United States troops received the full benefit of the materials of said church buildings and the use thereof.

GEORGE A. CLARKE,
"*Late Captain, Fourth Minnesota Volunteer Infantry, and Provost-Marshal Third Division, Fifteenth Army Corps, U. S. Volunteers.*

"Sworn to and subscribed before me this June 24, 1889.

"F. M. DURHAM,
"*Clerk Supreme Court, Bartow County, Ga.*

"Your committee recommend the passage of the bill."

Mr. QUAY. I think I understand the case now, and so I shall not ask for any further reading of the report.

Mr. BEVERIDGE. Mr. President, I suggest in view of the fact——

The PRESIDENT pro tempore. Does the Senator from Pennsylvania yield to the Senator from Indiana?

Mr. QUAY. I do.

Mr. BEVERIDGE. Of course the reading of the report has now served the Senator's purpose, but I suggest, the report having been partly read to the Senator's satisfaction, that all of it ought to be read for the satisfaction of the other members of the Senate.

The PRESIDENT pro tempore. The report has been read entirely through.

Mr. BEVERIDGE. I thought it had not been, as the Senator

from Pennsylvania stated that he did not desire to have any more of it read.

Mr. QUAY. I did not know that the reading had been completed.

Mr. BEVERIDGE. Of course what was read served the Senator's purpose, but had it not all been read, I wanted to have it read through.

Mr. CLAY. I sincerely hope that the Senator from Indiana will allow the bill to pass.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HEIRS OF AARON VAN CAMP AND VIRGINIUS P. CHAPIN.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Committee on Claims to the bill (S. 342) for the relief of the heirs of Aaron Van Camp and Virginius P. Chapin, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

1. That the Senate concur in that portion of the House amendment striking out all the words after the word "Documents," on lines 16 and 17, page 2, down to and including the word "Government," on line 19, page 2.

2. That the House recedes from all the balance of its amendment to said bill.

F. E. WARREN,
P. J. McCUMBER,
JAMES P. TALIAFERRO,
Managers on the part of the Senate.
JOSEPH V. GRAFF,
D. J. FOSTER,
CLAUDE KITCHEN,
Managers on the part of the House.

The report was agreed to.

ORDER OF BUSINESS.

Mr. QUAY. I rise, Mr. President, merely to inquire whether the morning business has been concluded?

The PRESIDENT pro tempore. There is a resolution pending before the Senate, coming over from a former day, on which the Senator from Mississippi [Mr. McLAURIN] has the floor, and has been recognized.

Mr. QUAY. I did not know that.

Mr. McLAURIN of Mississippi. Mr. President——

Mr. BURNHAM. Will the Senater from Mississippi yield to me to ask for the consideration of a private bill, which will take but a minute or two.

Mr. McLAURIN of Mississippi. I yield to the Senator for the purpose of asking for the taking up of the bill.

G. W. RATLEFF.

Mr. BURNHAM. I ask unanimous consent for the present consideration of the bill (S. 3354) for the relief of G. W. Ratleff.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to G. W. Ratleff, of Ivey, W. Va., $354, for building material taken by Union troops in the town of Buckhannon, W. Va., during the late war of the rebellion.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PATRICK O'DONNELL.

Mr. GALLINGER. I ask the Senator from Mississippi if he will permit me to ask for the consideration of a pension case that is of a most distressing nature, and which will take but a moment.

Mr. McLAURIN of Mississippi. I will.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 6229) granting a pension to Patrick O'Donnell.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with amendments, in line 6, before the word "seaman," to strike out "a;" in the same line, after the word "seaman," to strike out "in the," and in line 7, before the word "dollars," to fill the blank by inserting "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Patrick W. O'Donnell, late seaman, United States Navy, and pay him a pension at the rate of $30 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NELLIE ETT HEEN.

Mr. HANSBROUGH. Mr. President——

The PRESIDENT pro tempore. The Senator from Mississippi [Mr. McLAURIN] is entitled to the floor. Does he yield to the Senator from North Dakota?

Mr. McLAURIN of Mississippi. With pleasure.

Mr. HANSBROUGH. I ask unanimous consent for the present consideration of House bill 12240, which has been before the Senate once, and has been read.

The PRESIDENT pro tempore. The Senator from North Dakota asks unanimous consent for the present consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (H. R. 12240) granting to Nellie Ett Heen the south half of the northwest quarter and lot 4 of section 2 and lot 1 of section 3, in township 154 north, of range 101 west, in the State of North Dakota.

The PRESIDENT pro tempore. This bill has once been read in full to the Senate as in Committee of the Whole.

Mr. ALDRICH. What bill is it? I should like to have the Senator from North Dakota explain it.

Mr. HANSBROUGH. Then I will allow the bill to be read again.

The PRESIDENT pro tempore. The bill will be read.

Mr. HANSBROUGH. There is quite a long preamble to the bill, and I think, perhaps, I can explain in a brief way the purpose of the bill.

The bill grants to Mrs. Heen a quarter section of land in the State of North Dakota. Mrs. Heen is the wife of an alien who came to this country from China in 1876, and who afterwards married an American woman. They had one child. Seven years ago he offered his filing in the land office at Minot, N. Dak., on a quarter section of land. The filing was accepted, he proceeded to make a residence upon the land, and has lived there constantly for seven years. Recently, when, he undertook to make final proof on the land, the final proof was rejected because he was an alien.

Mr. President, this family has been laboring under peculiar hardships. This woman to whom it is proposed to make this grant of 160 acres of land is an American citizen, and I think it will be conceded that her child is an American citizen.

I do not believe that the passage of this bill will establish a bad precedent. I doubt if there is another case like it existing, or that there ever will be one.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. QUARLES. I understand that my colleague [Mr. SPOONER] when this bill was called up on a former occasion interposed an objection, and inasmuch as he is necessarily absent at this time, I feel constrained to object to the consideration of the bill.

Mr. HANSBROUGH. I hope the Senator will not object. I had a talk with the Senator's colleague about the matter. I do not care to detail the conversation I had with him on the subject after he had objected, but if the Senator had been present when that conversation was had with his colleague I am sure he would not object.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. ALDRICH. I did not ask to have the bill read for the purpose of interposing an objection; but after the allegations, which have been made here very freely, and I do not know but they have been made elsewhere, in regard to the bill validating certain Pima County bonds, I thought it was important that all bills relating to matters of this kind should be explained by some one; and I therefore asked the Senator from North Dakota to explain the bill.

Mr. HANSBROUGH. I trust the explanation has been to the satisfaction of the Senator.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was rejected.

COURTS-MARTIAL IN THE PHILIPPINES.

The Senate resumed the consideration of the resolution submitted by Mr. RAWLINS on the 27th instant, directing the Secretary of War to inform the Senate what courts-martial have been ordered and held in the Philippine Islands, etc.

Mr. McLAURIN of Mississippi. Mr. President, I repeat that if I could have obtained the floor yesterday morning to have made a few suggestions, which would not have taken more than two minutes, I should not have asked that the resolution retain its place on the table. I wanted to suggest, and do suggest, to the Senator from Massachusetts [Mr. LODGE], the chairman of the Philippines Committee, that he at least make no objection to that part of the resolution which requests the Secretary of War to send the records of the trial of Lieut. W. S. Sinclair.

As I remember, during the debate last session on the bill to raise revenue for the Philippine Islands and the bill for the government of the Philippine Islands, it came out in the papers that there had been a private soldier tortured to death by order of Lieutenant Sinclair. I was prepared to hear the argument and

statements made by those of the opposite political party from myself in the Chamber that what has occurred between the Filipinos and the American soldiers was just exactly what was to be expected when we started in this business of imperialism, when the war was declared—whenever that was I do not know, because I believe the Constitution of the United States requires that the Congress of the United States shall declare war—but anyway, when there was a state of war between the American Government and the Philippine Islands, it was to be expected by all those who had brought on the war by the treaty with Spain that turned over to us for $20,000,000 the Philippine Islands and the Philippine people, that just exactly what has occurred there would occur—that the Filipinos, being an inferior race of people, a savage and barbarous race, would kill and torture American soldiers and American citizens who went to the islands, and that in retaliation American soldiers would torture to the extreme the Filipinos; that when it was shown that the most cruel torture, at least of the last century and the short part of this century, had been practiced in the Philippine Islands both by the Filipinos and our people; when it was shown that whole sections of the country were ordered to be laid waste by fire and sword, and when one-third of the population of some of the islands had been destroyed by the occupation of the islands by the American Government—whether by disease or whether by torture, or whatever was the cause—still one-third of the population in certain sections of the islands was destroyed; and when it was shown that old men had been taken out and robbed of their money, men who had been faithful to the flag of the United States ever since the acquisition of the territory—if it was acquired by the treaty with Spain—not only men who had been loyal to the Government of the United States, but who had in their possession the certificate of the American general commanding the army there of peculiarly good service to the American Government, had been taken out and robbed; when it was shown that men wearing the American uniform had outraged 12-year-old girls, and women with babes in the cradle not over 4 months old, and when they had taken the men of those islands and compelled them to dig their own graves and shot them down in their graves, it was said——

Mr. BEVERIDGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Indiana?

Mr. McLAURIN of Mississippi. I shall yield in a moment for a question only, but before I do let me finish my sentence.

Mr. BEVERIDGE. Certainly.

Mr. McLAURIN of Mississippi. It was said in substance by those who advocated this policy of imperialism that that was to have been expected, before the war commenced, when we took possession of the islands. That was the substance of the defense which was made for those acts. Now, what is the question of the Senator from Indiana?

Mr. BEVERIDGE. I ask the Senator what person it was who was wearing the uniform of the United States who outraged the women that he speaks about? I do not remember the name of any such person myself. I have no doubt the Senator does.

Mr. McLAURIN of Mississippi. I do remember. I will say to the Senator from Indiana that I read in the Senate in the discussion of this question on the 15th or 16th of May last—I do not remember which day, but I spoke on the 15th and 16th of May last—I read a report of an American officer, the inspector-general, Major McKenna, I believe it was, though I have not the RECORD now before me, detailing these very circumstances, and when that went to the brigadier-general for his action upon it he stated that these were Macabebe soldiers wearing the American uniform and that they were savages.

Mr. BEVERIDGE. They were not, then, American soldiers?

Mr. McLAURIN of Mississippi. Yes, sir; they were American soldiers. They were wearing the American uniform.

Mr. BEVERIDGE. I mean that even conceding the Senator's charge to be true, about which I know nothing——

Mr. McLAURIN of Mississippi. It is all in the record——

Mr. BEVERIDGE. But about which I have my own opinion——

Mr. McLAURIN of Mississippi. As the Senator will find if he will examine it.

Mr. BEVERIDGE. The Senator does not mean American volunteers from this country.

Mr. McLAURIN of Mississippi. No, sir; I do not mean them.

Mr. BEVERIDGE. That is the point.

Mr. McLAURIN of Mississippi. I mean they were American soldiers; and that is the objection I have to the policy of the party of the Senator from Indiana, that they are disgracing the uniform of the American soldier by putting it upon these Macabebe savages, and it ought never to have been put upon him. No policy can be justified and defended that puts the uniform upon those savages.

Now, I say, when all this is shown——

Mr. CARMACK. Mr. President——

The PRESIDING OFFICER (Mr. McCUMBER in the chair). Does the Senator from Mississippi yield to the Senator from Tennessee?

Mr. McLAURIN of Mississippi. With pleasure.

Mr. CARMACK. I suggest to the Senator that General——

Mr. BEVERIDGE. Over here we can not hear the Senator from Tennessee at all; none of us can.

Mr. CARMACK. I suggest that General Wheaton, in his report concerning certain outrages perpetrated by the Macabebe savages, said that when they were first employed in the service of the United States it was done with the apprehension that just such acts would be committed.

Mr. BEVERIDGE. Who was that?

Mr. CARMACK. General Wheaton. That they were Malay savages and were given to such practices. He said further that it was absolutely necessary, in order to carry on the war successfully, to employ these savages, as they were the only people in the Philippine Islands who were not hostile to the American Government.

Mr. McLAURIN of Mississippi. When we were discussing this question, it was stated substantially by the opposition party in the Senate, in the debate on the Philippine policy, that it was to be expected that there would be torture of our soldiers by the Filipinos and torture of the Filipinos by our soldiers. I have answered that by saying that that was just my objection to the policy of imperialism. But here is a case where it is not a Filipino who is tortured.

Grant, for the sake of this argument, that it is right—although we have the statement of the President of the United States that it is not right—but grant that the argument must be sustained by showing that it is right to torture Filipinos in retaliation for their torture of our soldiers, the American soldiers; grant that it ought to be defended here in the Senate of the United States, and that it is a good defense to say that these people have tortured American soldiers and therefore the American officers ought to torture the Filipinos; that where one American soldier's blood is shed there ought to be the blood of a hundred Filipinos shed, and that it ought to be shed by the most cruel torture that can be conceived in the human brain, yet does the policy of imperialism go to the extent that there must be torture of a private soldier, not a Filipino, not a Macabebe, but a private soldier of American birth, by the command of an American officer, without trial, and for what? Because he had gotten hold of some whisky or beer or wine, which, according to the report of the Secretary of War, compose the majority of exports from this country to Manila, and getting hold of it, became somewhat intoxicated and used some language to his superior officer that violated the regulations of the American Army.

I say, has it come to this, that an American-born citizen who volunteers in the American Army for the purpose of serving his country as a soldier shall be tortured to death by the officer who is in command of him, and that without trial, without court-martial, just because the private has used some language to the officer that he takes as an insult, the private being under the intoxicating influence of the beverage that goes across as the majority of the exports of this country to Manila? And must we be denied the benefit of the evidence upon which the officer who ordered this unlawful execution of the soldier was acquitted?

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Indiana?

Mr. McLAURIN of Mississippi. For a question I do, but not to inject a speech into mine.

Mr. BEVERIDGE. The Senator from Mississippi has never had the experience of having me inject a speech into any speech of his, and I do rise for a question.

The Senator is discussing the evils and infamies of what he calls the imperial policy, and citing instances. He has just cited the instance of a private soldier who he said was tortured to death by one of our officers for breach of discipline. Does the Senator connect that with the policy of acquiring the Philippines? Was that done simply because they were in the Philippines? Might not that have been done anywhere?

Mr. McLAURIN of Mississippi. The Senator has not caught my argument.

Mr. BEVERIDGE. Well, I have tried to.

Mr. McLAURIN of Mississippi. Yes, sir. I take it it is because I have not been able to make myself intelligible. I have said that the policy in the Philippine Islands and all the acts between the Filipinos and the American soldiers and officers there were justified, in substance, by the Republican party upon the ground that it was understood when this policy was embarked upon that just such things would occur. That is my objection

to the policy of imperialism, or one of the serious objections that I have to the policy of imperialism. It is not my only objection.

Mr. BEVERIDGE. Yes, Mr. President——

Mr. McLAURIN of Mississippi. The Senator will wait——

Mr. BEVERIDGE. I will.

Mr. McLAURIN of Mississippi. And give me an opportunity to answer his question. I have not said that the cruel torture of Richter—I believe that is his name—who I understand was an American citizen, of German parents, born in this country—was due to the Philippine policy, but I will say this: Of course it is a matter of conjecture with me as it is with the Senator from Indiana. In my opinion, if the American Army instead of being 7,000 miles from the American shore had been on the territory of the United States here at home, such a thing never would have been done, and never would have been dared to have been done by an Americau officer. I do not believe—and I believe my opinion about it is the opinion of the American people—that Lieutenant Sinclair, if he had been in the State of Indiana, would have dared to order the torture to death of that poor private soldier, who was helpless in the power of an officer in his command. That is what I say about it.

Mr. BEVERIDGE. Now, Mr. President, will the Senator permit me?

Mr. McLAURIN of Mississippi. I will hear a question.

Mr. BEVERIDGE. The Senator shows that I did catch his argument, and that in citing this case of punishment of a soldier for infraction of discipline he went out of the scope of his argument, because I now understand that he clearly disavows that this was caused by that.

Mr. McLAURIN of Mississippi. No, sir; I do not disavow that it was caused by his being in the Philippines. I merely stated that I had not said it was caused by that; but I am prepared to say, and have said now, since the Senator made the suggestion, that I believe, and it is reasonable to believe, that Lieutenant Sinclair never would have ordered the torture of that man if he had been in the Senator's State, the State of Indiana. I should like to know whether the Senator believes that Lieutenant Sinclair, if he had been quartered somewhere in Indiana, would have ordered the torture to death of this man?

Mr. BEVERIDGE. Mr. President, the excellent effect of living in Indiana, of course, will be admitted by everyone, and I am glad to hear the Senator call attention to it. At the same time I will not undertake to say what would have been the state of this lieutenant's mind whether he lived there or anywhere else. But the important thing has been declared, after all, that the Senator does think a severe punishment for an infraction of discipline was caused by the Philippine policy. He had not stated that before, and I am surprised, though glad, that he states it at last.

Mr. McLAURIN of Mississippi. Mr. President, I think myself Indiana is a very good State. It has favored us with two very good men for Senators in this body, and I have no reason to believe that they would permit in the State of Indiana the torture of a man to death. I can say this, that I do not believe there is a State in the Union where, if Sinclair, lieutenant as he was in the Army, had ordered the torture of a man to death, even though a man under his command as a private soldier, he would not have been taken before the courts and tried and convicted and either sentenced to the penitentiary for life or hanged for it. That is, if we have not come to that time in the history of the Republic when the military is superior to the civil authorities.

If we still recognize the civil authority as superior to the military authorities, the Senator knows and the Senate knows that if it be true, as the papers stated, that this man was tortured to death by order of Sinclair, without a trial and without a court-martial, without any charge being preferred against him officially, that Sinclair would have been guilty of murder and subject to the laws of the State where he committed the offense, and, being guilty of murder, he would have been tried and executed, and he ought to have been tried and executed if he did it as stated by the papers here. That is the reason why I am very anxious that objection in this particular case shall be waived by the dominant party in the Senate, for I know they have the power to vote down the resolution. I hope there is not anything in the trial of Lieutenant Sinclair the divulging of which would be detrimental to the Republican party. If there is, it ought to be brought out, and the people ought to know it, and they ought to have an opportunity to discipline that party.

This private soldier ought to be protected. The laws ought to protect the humblest private soldier in the American ranks. There ought to be no Macabebe savages employed, because they are not amenable to any law. They are not a law-abiding people themselves. They are not governed by law. The law ought to protect the humblest American citizen, whether he is in the ranks as a volunteer soldier or whether he is in civil life. What we want to accomplish, and what I want to ask, is that Senators shall waive any objection to getting the facts as to this man Sinclair, because we ought to see upon what testimony Sinclair was acquitted of the murder of this man, when, I believe, the finding of the court was in effect that he was tortured to death by order of Sinclair because the private soldier, when under the influence of intoxicants, had used some offensive language to Sinclair.

I did not intend to say more than merely to ask that we be permitted to see the record of the trial of Sinclair. Since I am on my feet I want to say this in reference to the private soldier. I believe the private soldier ought to have some rights in the Army. I believe that private soldiers of the Army are such men as are entitled to some part in the discipline of the Army. I believe that the private soldiers of our Army are gentlemen. I believe that the personnel of the private soldiers of our Army compares favorably with the personnel of the officers, and that they ought to have some part in the discipline. Yet a private soldier has no more to do with the discipline of the Army, he has no more rights or liberties in the Army than a galley slave has. And there is no use to deny it.

It is true they have army regulations which say that an officer shall not impose upon the private soldier any menial service for the officer's own benefit and advantage. But how is the private soldier going to see that that is observed? Suppose he is ordered to black the shoes of the general? Suppose he is ordered to catch and saddle his horse and bridle him? Suppose he is ordered to brighten up the sword of the officer and he refuses to do so? There are so many ways—they are almost illimitable—by which the officer can impose hardships upon the private soldier that he is absolutely compelled to do this menial service when he is told to do it by command of the officer.

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Indiana?

Mr. McLAURIN of Mississippi. For a question.

Mr. BEVERIDGE. For a question. The Senator has made a very important suggestion, which is that the private should participate in the discipline which is exercised over him, and I wish to ask the Senator to suggest to the Senate and to the country just how he would practically carry that out?

Mr. McLAURIN of Mississippi. I suggested it in an amendment which I offered to the military bill some days ago, and the Senator's party voted it down before you could hardly have time to breathe.

Mr. BEVERIDGE. Mr. President——

Mr. McLAURIN of Mississippi. If the Senator will wait, I will state what my view is. I should make a provision that it should subject an officer to court-martial, and upon conviction he should be cashiered, whenever he gives an order to a private soldier to do any menial service for his (the officer's) own benefit or private advantage. That is one thing, and that is one of the provisions which I put into the amendment.

Mr. BEVERIDGE. Now, did——

Mr. McLAURIN of Mississippi. Wait a moment. If an officer gave any such order, I would allow charges to be made against him by the private soldier or by any private soldier, and then upon the trial of that officer I would have one-half of the members of the court-martial composed of private soldiers of the same class of service as the private soldier who was thus offended. That is one way I would do it.

Mr. BEVERIDGE. I did not hear the Senator's amendment, and I do not wonder, after his explanation, that the Senate instantly voted it down.

Mr. McLAURIN of Mississippi. Certainly.

Mr. BEVERIDGE. I would ask the Senator how he would expect discipline to be maintained under such a system, where in the course of war (I see the Senator's adviser going to his side; no doubt I shall have a quick answer) soldiers might be discontented, or because they were ordered to some service might want to do something against an officer? How could the Senator expect that discipline could at all be maintained? I know the Senator has been a soldier, and I ask him to answer that out of his own experience.

Mr. McLAURIN of Mississippi. Yes, sir; I have been a soldier and a private soldier, and I know something of the private soldier's position and what he has to undergo.

Mr. BEVERIDGE. And a good one, I know.

Mr. McLAURIN of Mississippi. Thank you, sir; I was not fishing for a compliment.

Mr. BEVERIDGE. I can not refrain from complimenting the Senator upon a matter like that. I have as great admiration——

Mr. McLAURIN of Mississippi. Mr. President——

Mr. BEVERIDGE. Pardon me for a moment. This is a personal matter. I have as great admiration for the courage and soldierly qualities of those who fought upon one side of that regrettable conflict as I have for those who fought on the other

side, who number members of my own blood, and I paid that compliment to the Senator in sincerest good faith.

Mr. McLAURIN of Mississippi. Mr. President, the Senator assumes that the private soldier is an unworthy man.

Mr. BEVERIDGE. No. No man does or can more earnestly admire and champion him.

Mr. McLAURIN of Mississippi. That he is unworthy.

Mr. BEVERIDGE, No; the Senator will pardon me. I assume nothing of the kind. On the contrary I assert the reverse.

Mr. McLAURIN of Mississippi. Very well.

Mr. BEVERIDGE. He is a very worthy man, but he is in the Army, and an army is an army, and discipline is discipline.

Mr. McLAURIN of Mississippi. Then it surely is within the power of the officers commanding the Army to select private soldiers who will do justice to the officer and to the private soldier.

Mr. BEVERIDGE. Will the Senator permit me? The Senator assumes that we select officers who will do injustice.

Mr. McLAURIN of Mississippi. Yes, sir.

Mr. BEVERIDGE. That is the point.

Mr. McLAURIN of Mississippi. That I assume, and I know it is true. I have seen officers require soldiers to do menial service for them. We have officers of that kind. I do not assert that, as a rule, we select officers who will do injustice, but yet we have such officers, and such officers ought to be weeded out of the service of the United States Army. That is my idea about it.

Mr. BEVERIDGE. Mr. President, the Senator does admit that the assumption which I say he makes——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Indiana?

Mr. McLAURIN of Mississippi. If the Senator has any further questions, I will yield to him.

Mr. BEVERIDGE. Yes; it is a question. I shall not interrupt the Senator again if he so prefers. This is the course of ordinary running debate, and if the Senator does not wish to be interrupted except for a question, I will confine myself to questions.

Mr. McLAURIN of Mississippi. I prefer that the Senator should confine himself to questions, because he will have his own time. He has spoken on this same subject for hours.

Mr. BEVERIDGE. I will put it in the form of a question, because it is important that it should be nailed down one way or the other. I have no desire to misunderstand, much less to misinterpret the Senator. The Senator does not admit that what I said a moment ago, and what he then admitted, that his assumption is that we select officers who will do injustice, is correct, and that he makes such assumption.

Mr. McLAURIN of Mississippi. I say this. We have officers in our Army who do injustice to private soldiers. I know that as a fact. I do not assume anything. I know it to be a fact that we have such officers. I do not assert that as a rule they do injustice to the soldier, but I do assert we have officers in the Army who do injustice to the private soldier, who give them orders to perform for them menial service which they have no right to order them to do. Such officers ought to be weeded out.

I have said it is possible, and not only possible, but easy, for the authorities to find private soldiers to put on courts-martial, who will do justice to the officer and to the private soldier. And if we have soldiers who are gentlemen, if we have soldiers who are worthy of the American uniform—as I contend we have—if the vast mass of our soldiers are worthy of the American uniform, which I contend they are, then they would have no trouble to find private soldiers who can be put upon these courts-martial to try an officer who has mistreated a private soldier and for which mistreatment he is being tried.

Mr. BEVERIDGE. A question.

Mr. McLAURIN of Mississippi. Those private soldiers ought to be put upon the courts-martial.

Mr. BEVERIDGE. A question.

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Indiana?

Mr. McLAURIN of Mississippi. For a question?

Mr. BEVERIDGE. Yes, sir; for a question. Can not the Senator imagine, without great difficulty, the case of an unworthy soldier (because there are unworthy men in all vocations of life), a discontented soldier, one who has a grudge against an officer who would falsely make such a charge as that without foundation or basis, just simply because of his spite against the officer, and thus cause, by the Senator's plan, a civil procedure in a military organization—a long trial and investigation of it? Can not the Senator imagine such a case as that?

Mr. McLAURIN of Mississippi. I can imagine such a case. Cases of that kind occur.

Mr. BEVERIDGE. Yes. What would be the effect of that on discipline?

Mr. McLAURIN of Mississippi. If the Senator will allow me to get through, I do not contend that every man in the ranks as a private soldier is worthy the uniform of the United States. It would be impossible to get that, but I contend that they will compare favorably with the officers who wear the uniform of officers of the American Army. I contend that the proportion of those who are gentlemen and who are worthy of the American uniform is as great among the private soldiers as among the officers.

Mr. BEVERIDGE rose.

Mr. McLAURIN of Mississippi. Let me get through before the Senator asks another question. As to the point the Senator made a while ago, the private soldier has now the right to prefer a charge against his officer, but when it comes to be tried, it is tried by officers alone, and a private soldier has none of his class of service on the court-martial. When the private soldier makes a charge against an officer of maltreatment of the private soldier, when the court-martial meets, not a civil tribunal—I would not ask for a civil tribunal, and in the amendment I offered a few days ago to the military bill I did not ask for a civil tribunal—I would provide that one-half of the court-martial should be composed of private soldiers, gentlemen, as the Senator admits they are, in the Army of the United States, and the officers who select the court-martial will have the opportunity to select from private soldiers, the mass of whom are gentlemen.

Now, when the trial is held, if it turns out that they are false charges against the officer, made by the private soldier for some pique or to gratify some spite or ill will or malice, the court-martial, composed one-half of officers and one-half of private soldiers, will do justice to the officer and acquit him of any offense. But if he has been guilty of any offense against the private soldier, if he has given him an order to do work for him—menial service for him—as he would a galley slave, they would convict him and cashier him under the amendment which I offered, and they ought to do it.

Mr. BEVERIDGE. Mr. President——

Mr. McLAURIN of Mississippi. If the Senator will hold on for a few moments——

Mr. BEVERIDGE. I want to ask a question right here.

Mr. McLAURIN of Mississippi. Very well.

Mr. BEVERIDGE. Well.

Mr. McLAURIN of Mississippi. Out with it.

Mr. BEVERIDGE. Is that upon the assumption that the trial board as now constituted would not do justice? The Senator suggests a change, that instead of the trial board being all officers it should be half privates. Why does the Senator make that suggested change, unless it is upon the ground that the trial board composed of all officers would not do justice? Is that the Senator's position?

Mr. McLAURIN of Mississippi. My position is that when you are trying a private soldier you ought to have some of his class of service on the court-martial.

Mr. BEVERIDGE. Because——

Mr. McLAURIN of Mississippi. When you are trying an officer for an offense against a private soldier, the private soldier ought to have at least half of the court-martial composed of his own peers. They are more likely to do justice to him than a board composed entirely of officers.

Mr. BEVERIDGE. Does the Senator say that the board composed entirely of officers would not do justice to a private soldier? And if so, is the Senator's assumption borne out by history?

Mr. McLAURIN of Mississippi. I have answered the Senator's question time and again, that the board composed one-half of officers and one-half of private soldiers would be more likely to do justice to the private soldier than a board composed entirely of officers. Then I will say another thing, that if you had a court-martial so composed and a law as my amendment proposed there would be a great deal more care exercised by the officers in the arbitrary and often despotic command to private soldiers than there is now. But I am admonished by the clock that the morning hour is expiring.

Here is a statement of the Secretary of War. The reason I want to stop the colloquy is that the time is expiring, and I want to get in a reference to this speech. The Secretary of War in a speech made a few days ago said, speaking of the Army:

> It is an army of citizens of the United States.

Mr. BEVERIDGE. From what does the Senator read?

Mr. McLAURIN of Mississippi. From a speech made by the Secretary of War. I believe it was yesterday that he made a speech in which he said:

> It is an army of citizens of the United States, volunteers all of them. It is a volunteer army. It is an army of citizens, each of whom is educated, for there is an educational test upon admission.

Now, the Senator says that my amendment was promptly and properly voted down because the amendment was such a one as ought not to be adopted and ought not to be in the military regulations of the United States. That was an amendment which gave a private soldier the poor privilege of setting on a court-martial when another private soldier was being tried, the poor

privilege of having his case tried, when he has been oppressed by an officer, by a court-martial composed one-half of private soldiers. Here are these men, educated men; men who were subjected to an educational test before they were permitted to enter the Army.

Yet it is said there can not be selected from that class of men one-half of a court-martial who would do justice and who could be relied upon to enforce discipline in the Army, and that if we should do that the Army would go to pieces in time of peace or war. I insist that the Secretary of War says one thing and acts another; that he speaks one thing by his tongue and acts another by his military orders and by his military conduct.

It is all very well to parade before the public that the Secretary of War has the idea that the private soldier is an educated man, a capable man, and a gentleman. That is all very well to go out as the opinion of the Secretary of War to the world. But when it comes to act he acts upon a different assumption.

Right here, while I think about it, I wish to say that the Senator from Indiana yesterday spoke of the American uniform and said that it ought not to be assailed; that the American uniform ought to be understood to clothe a man as an honorable man. I agree to that. I want to do it. But when you conceal the misconduct of the few American officers who are guilty of crime, is that the way it is going to be done? Is it going to be made the emblem of honor by keeping them within the Army and by making no distinction between officers who are corrupt, officers who are murderous, officers who are cruel torturers, and the officers who are honorable and perform their duty and the private soldiers who perform their duty? Is there going to be no distinction made? Is that the way you are going to make the American Army an emblem of honor?

No, the way to do it is to weed out all those not worthy of the uniform, so that when a person sees a man with the American uniform on walking down the street he knows that he is a gentleman, because it is the rule of the American Government not to permit any man to wear that uniform who is not a worthy and an honest man. You can not do that by concealing the trials and court-martials of men who have tortured American private soldiers.

Last year, when Secretary Root was driven to send in a defense of the charges which had been made by American soldiers against American officers, he sent in this document, and I want to call your attention to it. He sent in this document as a part of his case.

When a man in a lawsuit enters before a jury a document he vouches for its correctness; he indorses that document. Here is the document. Here is the document that the Secretary of War indorsed. Here is a part of the statement of Gen. Frederick Funston, a brigadier-general, and I believe no man was more eulogized at the last session, when we had this Philippine question before the Senate. Here is what he said:

> Statements of this kind made by returned soldiers are simply braggadocio and a desire to attract attention to themselves.

There is no truth in it; it is just said as braggadocio, unreliable, unworthy of credence; it is braggadocio; it is done to attract attention to themselves and it is void of truth. Now, that is slandering the American Army.

Mr. BEVERIDGE rose.

Mr. McLAURIN of Mississippi. Does the Senator wish to interrupt me?

Mr. BEVERIDGE. I do.

Mr. McLAURIN of Mississippi. Very well; I yield.

Mr. BEVERIDGE. I ask the Senator, from his own large and rich experience as a soldier, and a gallant one, whether he does not know that that is occasionally true?

Mr. McLAURIN of Mississippi. It is not the statement of this brigadier-general that it is occasionally true.

Mr. BEVERIDGE. Does he say that it is universally true?

Mr. McLAURIN of Mississippi. I will read it again to the Senator. If it does not say that in so many words, it can bear no other construction. I know it is a fact, as I have said before, that all private soldiers are not honorable and worthy men, but as a rule they are worthy men. Now listen:

> Statements of this kind made by returned soldiers are simply braggadocio and a desire to attract attention to themselves.

Where is the exception? It is not given here. It brands all the statements as being devoid of truth, because when it says that they are simply braggadocio it means that they have not anything else in them and that there is no truth in them. It is unworthy of a brigadier-general to speak——

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield?

Mr. BEVERIDGE. I wish to ask just one question and then I will not interrupt the Senator any more. Who was it said that?

Mr. McLAURIN of Mississippi. Gen. Frederick Funston.

Mr. BEVERIDGE. Does the Senator think that General Funston meant those words to apply indiscriminately to all soldiers in the Army, as the Senator has just stated?

Mr. McLAURIN of Mississippi. If he did not mean it he ought not to have said it.

Mr. BEVERIDGE. Does the Senator think so?

Mr. McLAURIN of Mississippi. I only know what he meant from what he said.

Mr. BEVERIDGE. Does the Senator think that is what he meant should be understood?

Mr. McLAURIN of Mississippi. I can not think anything else. I do not know of anything else that he could mean by it. I can only judge of what he means by his language here. I am not acquainted with General Funston, except through his writings and through his speeches. He says that is true; and from all I have heard of him and read of him I believe he is capable of making almost any statement. I believe he wanted to have a venerable Senator in this body hung because he objected to the imperial policy in the Philippine Islands. I think he wanted to have hung an ex-Speaker of the House of Representatives—Hon. Tom Reed, who was known all over this country and who died some time ago—because he held the same views the senior Senator from Massachusetts [Mr. HOAR] holds. Having that kind of an idea about it, I can interpret his language in no other way than that it means just exactly what he says. If he wants to plead the baby act, or if the Senator wants to plead the baby act for him, then of course that may be done.

Mr. BEVERIDGE. I should like to have the Senator say whether he himself thinks that General Funston meant that that statement should be applied indiscriminately to every soldier in the Army.

Mr. McLAURIN of Mississippi. If the Senator will allow me, I will tell him just what I think General Funston meant. I think he meant just what he said——

Mr. BEVERIDGE. So do I.

Mr. McLAURIN of Mississippi. And that is what he said. I hope the Senator will let me proceed. Let us go on a little further. There have been some murders in the Army.

Let me say another thing. There was not on the other side any Republican Senator last year who defended the private soldier if he was on the side of the Philippine bill or the side of the tariff bill for the Philippine Islands. There was not a word said by them in vindication or in justification or in defense of the private soldier, and when they spoke of the Army it was spoken of as the officers of the Army; and as one Senator said, the American officer will not lie, implying, I supposed then, and I suppose now, that the American private soldier would lie. I believe his language was that the American officer would not lie and steal; and that the expression of one is the exclusion of others is a law maxim which a tyro in the profession of law first learns.

But here is another major-general in the United States Army, Major-General Otis, writing on the 29th of May, 1899. This is from a document sent in by the Secretary of War, and thereby indorsed by him. Major-General Otis says:

> While there is little truth in letters written by soldiers to their homes——

Ah! if there is little truth; then all the balance must be falsehood. If all the balance is falsehood, then the soldier is a man accustomed to lying, and he who is accustomed to lying is a liar. There is the denunciation as plain as the inference can be made that all the soldiers who write home letters to their people, whether to father, brothers, sisters, wife, daughter, or son, are liars. Who is slandering the American Army? Have Republican Senators said a word against General Otis because of this slander in making their claimed defense of the American Army?

It is very easy to get up and say there is a syndicate of slander, a syndicate of defamation here; but when you come down to the actual facts of the case who of them has ever said a word in denunciation of General Otis for this vile slander when defending the American Army against the alleged slander of Democrats in the Senate? Not one. Oh, no; when you are slandering the American Army you are slandering the American officers. How? By showing that certain American officers have been guilty of outrages and want to call the attention of the War Department and of the Administration to them, so that they may weed them out of the Army and have the Army composed of officers and men who are worthy of the uniform they wear, that when they are seen with that uniform they may be known to be honorable and upright gentlemen.

I see that the morning hour is nearly over. The Senator had a great deal to say yesterday about a statement which was made by the Senator from Utah [Mr. RAWLINS] as to an officer who had committed a cold-blooded murder, and he called for one specification. I am going to give the Senator from Indiana a specification. It is on page 2097 of the hearings before the Committee on the Philippines of the United States Senate on affairs on the Philippine Islands.

Here is a charge made against an American officer, Lieut. Preston Brown, first lieutenant. The charge was murder in violation of the fifty-eighth article of war. What is the specification?

Specification.—In that First. Lieut. Preston Brown, Second Infantry, did willfully, feloniously, and with malice aforethought, murder and kill by shooting with a pistol an unarmed, unresisting native Filipino, name unknown, a prisoner of war in his charge, and as a result of said shooting the native did then and there die.

Now—

This at a time of insurrection in the Philippine Islands, under the military government of the United States, at or near Binangonan, Infanta Province, Luzon, P. I., on or about December 22, 1900.

That is the specification. What did they find him guilty of? They did not find him guilty of murder, but they found him guilty of manslaughter and sentenced him to five years at hard labor.

Mr. BEVERIDGE. Who found him guilty?

Mr. McLAURIN of Mississippi. The court-martial.

Mr. BEVERIDGE. Composed of brother officers?

Mr. McLAURIN of Mississippi. Yes, sir.

Mr. BEVERIDGE. How astonishing!

Mr. McLAURIN of Mississippi. Wait a moment. Here is what they found him guilty of. They found him guilty of manslaughter. I would like to ask a question of the Senator as a lawyer, as ridiculous as this seems to him, because I see his risibles indicate that he considers it very ridiculous. As ridiculous as it seems, I want to know of the Senator as a lawyer if he does not believe that the finding of the court-martial is a finding in fact of murder and that the only palliating circumstance was that it was an officer? Now, what do they find him guilty of?

Of the specification, "Guilty, except the words 'feloniously and with malice aforethought murder and,' and of the excepted words not guilty."

What, then, did they find him guilty of?

"Did willfully * * * kill by shooting with a pistol an unarmed, unresisting native Filipino, name unknown, a prisoner of war in his charge."

He was found guilty of willfully killing an unarmed man, an unresisting man, who was a prisoner in his charge; and that court-martial found that he was not guilty of murder, but guilty of manslaughter. Does not the Senator know, does not any lawyer know, that he was guilty of murder?

Now, what did they do with that officer? He was not sent to the penitentiary.

WHITE HOUSE, *January 27, 1902.*

So much of the sentence in this case as imposes imprisonment is disapproved, and so much of the sentence as imposes dismissal is confirmed and commuted to a reduction of 30 files in lineal rank on the list of first lieutenants of infantry and a forfeiture of one-half of the officer's monthly pay for a period of nine months.

THEODORE ROOSEVELT.

By direction of the Secretary of War, First Lieut. Preston Brown, Second United States Infantry, will be released from arrest and restored to duty.

That is, the officer was released from arrest and restored to duty, with no punishment at all except that one-half of his pay was deducted for nine months. His pay for nine months was deducted, and he is now, so far as the records show, holding a commission in the United States Army.

But the next man was a private soldier, who had killed, not a prisoner, but a woman, and I suppose it would be about on a par whether he killed a woman or killed a prisoner who was of an inferior race and who was in his charge. That private soldier was not reduced 35 numbers in rank, but he was executed for the offense.

Now, what is the difference? Will the Senator look at that? These are the two very first cases that come in this list. The Senator laughs.

Mr. BEVERIDGE. I am not laughing. I am simply looking pleasantly at the Senator.

Mr. McLAURIN of Mississippi. It is no laughing matter. I know the Senator was laughing a while ago when I spoke of the fact that this man had been convicted by a court-martial of the crime of manslaughter. It may be a laughable matter to him, but it is not a laughable fact to me that a man who holds a commission and commits a crime just as diabolical—the officer in the American Army, wearing the uniform of the American soldier, with the American sword belted around him—is acquitted, and when the private soldier commits a crime exactly like it he must go to the gallows.

Mr. BEVERIDGE. The Senator has referred to what he called my evidences of risibility at that point. It was this; and it comes as humor always comes, by a fault in logic. The Senator had been condemning Army officers as judges in courts-martial, and then he cited an instance where those very officers condemned one of their own brother officers very seriously; and when I called his attention to the fact that this board was made up of officers, I think it excited the risibilities of more than myself. So far as the Senator——

Mr. McLAURIN of Mississippi. My time is about out. The officers acquitted the officer of murder, but they found to be true specifications that constitute murder. The specifications, as found by the court-martial, showed him to be guilty of murder, and he was acquitted; whereas they convicted a private soldier of murder and he was hanged for an exactly similar offense. That is the difference. Now, let the Senator make the most of that.

Mr. BEVERIDGE. Mr. President, I will just say——

The PRESIDENT pro tempore. The Senator will suspend while the Chair lays before the Senate the unfinished business. It will be stated.

The SECRETARY. A bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. BEVERIDGE. Let the pending resolution go over until to-morrow.

The PRESIDENT pro tempore. The Senator from Indiana asks unanimous consent that the resolution may lie on the table, retaining its place.

Mr. BEVERIDGE. I do.

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

ISLE OF PINES.

The PRESIDENT pro tempore. The Chair calls the attention of the Senate to the fact that there are two other resolutions coming over from a previous day, and if no order is made they will go to the Calendar.

Mr. ALLISON. I ask unanimous consent that they may also go over.

The PRESIDENT pro tempore. The Senator from Iowa asks unanimous consent that the following resolution——

Mr. PLATT of Connecticut. One of them is some inquiry about Cuba, is it not?

The PRESIDENT pro tempore. It is.

Mr. PLATT of Connecticut. I think the Senator from Tennessee is willing that the resolution be referred to the Committee on Relations with Cuba.

Mr. CARMACK. I had thought of asking for the consideration of the resolution, but the Senator from Connecticut, the chairman of the committee, thinks it better that it should be referred, and has told me that the committee would give it attention.

Mr. PLATT of Connecticut. We will take it up promptly.

Mr. CARMACK. I think that is a better course, and I am willing that the resolution shall go to that committee.

The PRESIDENT pro tempore. The resolution offered by the Senator from Tennessee relating to the Isle of Pines will go to the Committee on Relations with Cuba.

SAFETY APPLIANCES ON RAILROADS.

The PRESIDENT pro tempore. The other resolution was also offered by the Senator from Tennessee [Mr. CARMACK], directing the Interstate Commerce Commission "to send to the Senate copies of all petitions and arguments made to it for and against extension of time in which common carriers by railroad should comply with the act approved March 2, 1893, to promote the safety of employees and travelers upon railroads," etc.

Mr. CARMACK. I wanted to have the consideration of that resolution by the Senate, but as I have neglected to put in writing the amendment suggested by the Senator from Massachusetts [Mr. HOAR], I should like to have the resolution go over until to-morrow, when I will bring in an amendment.

The PRESIDENT pro tempore. The Senator from Tennessee asks unanimous consent that the resolution may lie on the table, retaining its place.

Mr. CARMACK. I believe I will simply ask the reference of the resolution to the Committee on Interstate Commerce, which meets to-morrow, and we can then consider it.

The PRESIDENT pro tempore. The Chair hears no objection, and the resolution will be referred to the Committee on Interstate Commerce.

ARMY APPROPRIATION BILL.

Mr. PROCTOR. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 16567) making appropriation for the support of the Army for the fiscal year ending June 30, 1904, to report it with amendments. I will submit a written report later. I give notice that I will ask its consideration at the earliest possible moment.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

STATEHOOD BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. QUAY. Mr. President, I ask the unanimous consent of the Senate that a vote on this bill and the pending amendments be taken on the 16th of February, at 2 o'clock p. m.

Mr. BEVERIDGE. Mr. President, I regret that I can not accede——

The PRESIDENT pro tempore. The Senator will allow the Chair to state the request. The Senator from Pennsylvania asks unanimous consent that the vote on the pending bill and any amendments that may then be offered or be then pending be voted on on the afternoon of February 16.

Mr. QUAY. At 2 o'clock.

The PRESIDENT pro tempore. At 2 o'clock. Is there objection?

Mr. BEVERIDGE. Mr. President, I regret that I can not consent.

The PRESIDENT pro tempore. Objection is made. The bill is before the Senate. The Senator from Masssachusetts [Mr. LODGE] is recognized.

Mr. TILLMAN. Will the Senator allow me to call up a little bill? It is unobjected to, and I should like to have it passed.

Mr. LODGE. I yield to the Senator from South Carolina.

The PRESIDENT pro tempore. The Senator from Massachusetts yields to the Senator from South Carolina.

WILLIAM E. ANDERSON.

Mr. TILLMAN. I ask unanimous consent to call up the bill (H. R. 11858) for the relief of William E. Anderson.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of War to so amend the military record of William E. Anderson, Company H, Third United States Artillery, as to show him honorably discharged to date June 18, 1847. But no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RELATIONSHIP BETWEEN MONEYS.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read:

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State, with accompanying notes from the Mexican ambassador and the Chinese chargé d'affaires ad interim, which seek the cooperation of the Government of the United States in such measures as will tend to restore and maintain a fixed relationship between the moneys of the gold-standard countries and the silver-using countries.

I recommend that the Executive be given sufficient powers to lend the support of the United States in such manner and to such degree as he may deem expedient to the purposes of the two Governments.

THEODORE ROOSEVELT.

WHITE HOUSE, *January 29, 1903.*

Mr. ALDRICH. The communications from the representatives of the Chinese Government and the Mexican Government are not long, and I ask that they may be read.

The PRESIDENT pro tempore. The Senator from Rhode Island asks for the reading of the papers. Is there objection? The Chair hears none.

Mr. FORAKER. That is, the unfinished business is only temporarily laid aside.

Mr. ALDRICH. It will not take long.

The Secretary proceeded to read the papers.

Mr. FORAKER. I take it that these are papers which will be referred to the Committee on Finance. Would it not be satisfactory to the Senator from Rhode Island to have them printed in the RECORD and referred without reading?

Mr. ALDRICH. I have no objection to that course. I suggest that they be printed in the RECORD, and be printed separately, and referred to the Committee on Finance.

The PRESIDENT pro tempore. The Senator from Rhode Island asks unanimous consent that the papers be printed in the RECORD. Is there objection? The Chair hears none. The message and the accompanying papers will be referred to the Committee on Finance and printed.

The papers referred to are as follows:

THE PRESIDENT:

I have the honor to submit herewith a translation of a note from the ambassador of the Republic of Mexico and a copy of a note from the chargé d'affaires of the Imperial Chinese Government. Both notes ask the cooperation of the Government of the United States in such measures as will tend to restore and maintain a fixed relationship between the moneys of the gold-standard countries and the silver-using countries. It is not asked that the United States modify its monetary system, and it is distinctly disavowed that any movement is contemplated for the restoration of international bimetallism. The opinion is expressed, however, by the representatives of both Governments that consultation between the United States and European powers having dependencies in the Orient and the independent countries where silver money is in general use may result in the adoption of a monetary system which will prevent the great fluctuations in exchange which now occur in trade with the silver-using countries. If such a result can be achieved—and it is pointed out that at least a partial solution has been proposed in the United States in a bill now pending in the Senate in regard to the Philippine Islands—great benefits will follow to the trade of the world by making easier the access of the products of the manufacturing nations to the markets of China and the other silver-using countries.

The consideration of this subject may have an important bearing also on the payment of the indemnity due by China to certain European powers and to the United States, by enabling the Chinese Empire to put her monetary system upon a basis which will make it possible for her to meet these payments in a manner satisfactory to all the powers. This result, if it could be accomplished, would be of the first importance, not only to the United States and to the other powers having a share in the indemnity payments, but to China herself and her future development.

I respectfully submit for your consideration that these communications be transmitted to Congress with the recommendation that the Executive be given sufficient powers to lend the support of the United States, in such manner and to such degree as you may deem expedient, to the purposes of the two Governments whose notes are herewith submitted.

Respectfully submitted.

JOHN HAY.

DEPARTMENT OF STATE,
Washington, January 28, 1903.

List of papers: From Mexican ambassador, January 15, 1903, with inclosed memorandum; from Chinese chargé, January 19, 1903; from Chinese chargé, January 22, 1903, with inclosed memorandum.

Mr. Aspiroz to Mr. Hay.

[Translation.]

No. 323.] EMBASSY OF MEXICO, WASHINGTON, D. C.,
Washington, January 15, 1903.

EXCELLENCY: Referring to the interview which I had with you on the 20th day of December last, and to the suggestion of the secretary of foreign relations of my Government contained in the telegram of which I then had the honor to deliver to you a copy, to the effect that my Government would present to that of your excellency a plan for the utilization of the monetary systems of the nations which at the present time employ silver as current money, I have received from the secretary of foreign relations the necessary instructions to set forth the ideas of my Government in regard to the adoption of a plan by the United States and others of the governments which are most interested in this question. These ideas will be found expressed in the memorandum which accompanies this note.

The Government of Mexico would be gratified to obtain the cooperation of the United States in this matter in the manner which it may deem most appropriate and hopes with the deepest concern that its suggestions may merit especial consideration on the part of your excellency's Government.

I take pleasure, etc.,

M. DE ASPIROZ.

[Inclosure.]

MEMORANDUM.

The serious dangers which are threatened by the recent fluctuations in the value of silver bullion to the commerce both of gold and silver standard countries have determined the Government of the Republic of Mexico to ask the cooperation of the United States in seeking a remedy for these conditions. Safe and profitable trade between any two countries is dependent to a considerable degree upon relative stability in the value of their currencies. This stability is destroyed in the trade between a gold-standard country, like the United States, and a silver country, like Mexico, when the variations in the gold value of silver, as was the case during the year 1902, reach nearly 10 cents an ounce in gold in a single year, or nearly twenty per cent upon the price of silver bullion.

The problem of securing relative stability of exchange between the gold and silver countries is one whose importance is not limited to silver countries, but comes home with force to all those gold-standard countries which are seeking markets for their products in silver countries and are seeking the extension of their trade in the Orient. The importance of this trade is indicated in some measure by the following tables of the imports into certain silver-using countries for the latest year for which data is obtainable, based in some cases upon official figures and in others upon those presented in the Statesman's Yearbook for the year 1902, reduced to round figures in American gold coins:

Imports of certain silver-using countries.

China	$196,934,342	Korea	$5,500,006
Mexico	65,083,451	Bolivia	3,300,000
Philippine Islands	32,141,842	Colombia	11,083,028
The Straits Settlements	150,000,000	Guatemala	1,521,900
Federated Malay States	18,000,000	Honduras	1,074,050
Indo-China	35,750,000	Nicaragua	3,500,000
Cochin China	24,000,000	Paraguay	1,838,710
Tonking	12,300,000		
Siam	12,600,000	Total	574,627,323

This large volume of imports into the silver countries, exceeding the entire annual import trade of the United States as recently as 1879, comes almost exclusively from the gold-standard countries which are engaged in the manufacture of finished goods for the world's markets and are profoundly interested in the extension of those markets. The table given does not include British India and several silver countries in South America who might become parties to an arrangement for giving stability to the relative value of the money of gold and silver countries.

The volume of exports from the gold-standard to the silver-standard countries is threatened not only by the uncertainly introduced into all transactions, but by the barrier of constantly rising silver prices for foreign goods in the silver countries. Thus, the Republic of Mexico, with the strongest desire to promote a large reciprocal trade with the United States, has not been able to prevent the automatic influence of the rise in silver prices of American goods from acting as a sort of progressive protection against their introduction into Mexico. Recent action by the Government of Mexico, compelled by the necessity of preserving a sufficient revenue for meeting its gold obligations abroad, has placed the import tariff itself upon a sliding scale, which will increase the burden of the silver charges upon merchandise imported from gold countries.

In another respect than the exports to silver countries the trade of the gold countries is threatened by the fluctuations in the value of silver. Silver is a by-product in the production of gold, copper, and lead, articles which constitute a large proportion of the annual mineral production of Mexico and the United States and form in both countries important articles of export. From the United States, according to official returns, the exports of copper ingots, bars, etc., for the fiscal year 1902 reached 288,720,655 pounds, of a reported value of $39,190,619, and the net exports of silver were about $21,500,000. These two items, exceeding $60,000,000, constitute nearly 5 per cent of the total exports of the United States. It is obvious that if silver, as one of the two products of a given operation, falls greatly in value, it must

depress the net price received for both products and thereby diminish the profits and the output of the gold, copper, and lead industries of the United States and the value of such products when exported. From Mexico nearly half of the annual exports are of silver, which makes it still more important to her, from a commercial as well as a monetary point of view, that steps should be taken to check the recent fluctuations in the relative value of the money metals.

The large investments of the money of citizens of the United States in railways, mines, coffee plantations, smelting works, and many other enterprises in Mexico, exceeding in amount $500,000,000 gold, according to the last statement of your consul-general, Mr. Andrew Barlow, make the stability of relationship between the moneys of the two countries of direct importance to the United States. The earnings of these enterprises, remitted to American investors, have suffered a serious fall in gold value with every fall in the value of Mexican money, and the principal of the investment has suffered in the same manner when considered from the standpoint of converting it back into gold. It would act at once as a safeguard to existing investments and a stimulus toward their increase, with obvious benefits to both countries, if the money of Mexico could be brought into a stable relation to the money of the United States.

It is not advisable, in the opinion of this Government, that the Republic of Mexico should, under the present circumstances, adopt a pure gold currency, and it desires that some other system might be devised, with the concurrence of other powers, which will give stability of relationship to the money of the gold and silver using countries. The adoption by Mexico of a gold currency would cause the continued depreciation of an article which constitutes nearly one-half of her exports and would impose a seriously increased demand upon the gold stock of the world. The scale of wages and prices and the habits of the Mexican people are not well adapted to the introduction of gold coin as the principal medium of circulation. The same may be said of the conditions and the people of the Philippine Islands, which are under the authority of the United States; of the Straits Settlements and the Federated Malay States, which are under the authority of Great Britain; of Indo-China, Cochin China, and Tonking, which are under the authority or protection of France; of Formosa, which is under the authority of Japan, and of Siam, Korea, and China. Even if it were practicable for Mexico to adopt a gold currency for herself her action would represent but an incomplete and unsatisfactory solution of the problem of the exchanges, because it would not contribute in any appreciable degree toward the solution of the same problem in the countries of the Orient.

It will be noted that the largest volume of imports in the table given above is credited to the Chinese Empire. This large volume of trade, in order to obtain which great military and economic sacrifices have been made by the United States and European powers, is threatened in the present state of the Chinese fiscal and currency systems with partial paralysis, if not with extinction. The heavy indemnity imposed by certain of the powers upon the Chinese Government has led to large offerings of silver on the Chinese market, and has diminished the power of that country to purchase foreign goods to a point which threatens to materially reduce the existing export trade to China from the United States, Great Britain, France, Germany, and other countries.

It is with a view to finding a remedy for these conditions, which will preserve the export and carrying trade of the leading manufacturing nations to the silver countries, that the cooperation of the United States is asked in representations to other leading powers in favor of international concert of action on this subject. The Government of Mexico does not seek the restoration of the free coinage of silver by either the gold or silver using nations, and does not ask the United States to modify her present monetary standard. It is recognized by this Government that bimetallism, in the sense of the free coinage of both metals, is a policy which has been definitely discarded by leading powers of Europe and by the United States and that it would be futile to ask its restoration.

It is, therefore, not the expectation nor the wish of this Government that the gold-standard countries should take any action tending to impair their monetary standard or to make material changes in their monetary systems. It is desired that the Governments of gold countries having dependencies where silver is used and the Governments of silver countries shall cooperate in formulating some plan for establishing a definite relationship between their gold and silver moneys and shall take proper measures to maintain such relationship. One such plan has already been proposed in both Houses of the Congress of the United States with reference to the Philippine Islands. It is this and other plans designed to accomplish the same end which the Government of Mexico would be glad to have considered by the United States and other Governments with the view to the adoption of the best attainable monetary arrangement by those countries which are not prepared under existing conditions to adopt a currency system involving the general use of gold coins.

The cooperation of the United States with the Republic of Mexico in presenting this subject to other governments would, in the opinion of the latter, aid greatly in securing a prompt and satisfactory solution of an economic problem which threatens the ruin of the silver-using countries on the one hand, in the vain effort to meet increasing gold obligations abroad, and which threatens also the commercial prosperity of the gold-using countries by destroying the purchasing power of their customers. It seems that it would contribute materially to the permanent and satisfactory settlement of this problem if Great Britain and France, with their important colonial possessions in Asia, and if Germany, Russia, and other countries having large commercial and territorial interests there, would unite with the United States and Mexico in the adoption of a common standard for a new coinage system in the silver countries; in recommendations for the readjustment of the fiscal and monetary relations of China with the other powers which would permit that country to continue to be a user of silver and a purchaser of the products of the manufacturing nations; and in such provision for their own subsidiary currencies as would tend to promote stability of relationship between their gold and silver money.

Mr. Shen to Mr. Hay.

No. 276.] CHINESE LEGATION,
Washington, January 19, 1903.

SIR: I have the honor to state that on the 26th December last I received a telegram from the Imperial Government giving me instructions relative to a proposed international discussion of the silver question.

The steady depreciation and constant fluctuation in the value of silver in recent years in particular not only prove detrimental to the interests of China, which is one of the silver-standard nations, but, it is believed, seriously affect in no small degree the export trade of the United States and European nations with silver-using countries. With a view to further the interests of all concerned, it is now proposed that the Chinese Government, acting in concert with the Government of the Mexican Republic, request the cooperation of the Government of the United States in representations to other leading powers in favor of international concert of action relative to the silver question.

It will be my pleasurable duty in the immediate future to submit to you for the consideration of your Government a memorandum embodying the views of my Government bearing upon this subject in greater detail.

Accept, sir, etc.,

SHEN TUNG,
First Secretary and Chargé d'Affaires ad interim.

Mr. Shen to Mr. Hay.

No. 277.] CHINESE LEGATION,
Washington, January 22, 1903.

SIR: Referring to my note (No. 276) of the 19th instant, in which I informed you that I had received instructions from the Imperial Government relative to a proposed plan looking toward an international concert of action bearing upon the monetary question, I have the honor to submit to you the accompanying memorandum containing the views of my Government relating to the above-mentioned subject.

It is the confident hope of the Imperial Government that the subject-matter of its memorandum may receive the careful consideration of the Government of the United States and that such steps may be taken as it may deem proper toward bringing about the desired end, to the mutual benefit of all concerned.

Accept, sir, etc.,

SHEN TUNG.

[Inclosure.]

MEMORANDUM.

The serious results which are threatened by the recent fluctuations in the value of silver bullion to the commerce both of gold and silver standard countries have induced the Chinese Imperial Government, acting in concert with the Mexican Government, to ask the cooperation of the United States in seeking a remedy for these conditions for the mutual benefit of all concerned. Safe and profitable trade between any two countries is dependent to a considerable degree upon relative stability in the value of their currencies. This stability is destroyed in the trade between a gold-standard country like the United States and a silver country like China when the variations in the gold value of silver, as was the case during the year 1902, reached nearly 10 cents an ounce in gold in a single year, or nearly 20 per cent upon the price of silver bullion.

The problem of securing relative stability of exchange between the gold and silver countries is one whose importance is not limited to silver countries, but comes home with force to all those gold-standard countries which are seeking markets for their products in silver countries and are seeking the extension of their trade in the Orient. The importance of this trade is indicated in some measure by the following table of the imports into certain silver-using countries for the latest year for which data are obtainable, based in some cases upon official figures and in others upon those presented in the Statesman's Year Book for the year 1902, reduced to round figures in American gold coin:

Imports of certain silver-using countries.

China	$196,934,342	Korea	$5,500,000
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The Straits Settlements	150,000,000	Guatemala	1,521,900
Federated Malay States	18,000,000	Honduras	1,074,050
Indo-China	35,750,000	Nicaragua	3,500,000
Cochin China	24,000,000	Paraguay	1,838,710
Tonkin	12,300,000		
Siam	12,600,000	Total	574,627,323

This large volume of imports into the silver countries, exceeding the entire annual import trade of the United States as recently as 1879, comes almost exclusively from the gold-standard countries which are engaged in the manufacture of finished goods for the world's markets, and are profoundly interested in the extension of those markets. The table given does not include British India and several silver countries in South America which might become parties to an engagement for giving stability to the relative value of the money of gold and silver countries.

It will be noted that the largest amount of imports in the table given above is credited to the Chinese Empire. This large volume of trade is threatened in the present state of the Chinese fiscal and currency systems with a decline, the limit of which no one could foresee. The heavy indemnity imposed by certain of the powers upon the Chinese Government has led to large offerings of silver on the Chinese market, and has diminished the power of that country to purchase foreign goods to a point which threatens to materially reduce the existing export trade to China from the United States, Great Britain, France, Germany, and other countries.

The foreign trade of China, while standing at the head of the above table in the order of magnitude, is small at present in proportion to the population and resources of the Chinese Empire. The exports from the United States to China have multiplied manifold within twelve years and now exceed $24,000,000. The present volume of imports of merchandise into China, however, amounts to only about 50 cents per capita in gold, and affords but a slight measure of what the trade of China might become if expanded in the future as rapidly as even that of Japan, which has advanced in ten years from about $1.25 to nearly $3 per capita. An import trade of $3 per capita for the Empire of China with its nearly 400,000,000 people, would represent the enormous sum of $1,200,000,000, or one-third more than the largest amount ever attained by the import trade of the United States. The encouragement of a commerce so important as this seems to the Chinese Imperial Government to be worthy of the most serious consideration of the Western powers. It would afford an outlet for the produce of the labor of many thousands of workers of Europe and America, and employment for many millions of the capital of those nations, and would dot the Pacific and Indian oceans with the flags of a carrying trade as large as that now required in the entire commerce between Europe and the United States.

While a readjustment of the currency of China upon a stable relationship with that of the gold-standard countries would not in itself, perhaps, accomplish so tremendous a revolution as would be involved in the creation of a trade of more than a thousand millions, yet it would be one of several steps in that direction which would contribute greatly to accelerate an event of such paramount importance to the capitalists and the producing masses of the Old and New Worlds. The necessity is becoming more and more keenly felt by American and European manufacturers for the opening of new and the extension of already existing markets in every direction for the absorption of their goods in order that means may be found for relieving overproduction and affording profitable returns to the investment of capital. China, with her immense population and consequently large potential capacity for absorbing foreign products, offers a most important field for American and European manufactures, the ready absorption of which would tend to relieve overproduction and contribute materially to the prosperity of the manufacturing nations.

If results such as these are within the range of the influence of a reorganization of the monetary system of China in harmony with the system of other

powers where silver is the principal money in use, it is evident that the Chinese Imperial Government acts from no narrow and selfish motive in asking the United States and the Republic of Mexico to join her in seeking an international arrangement for securing greater fixity of relationship between the moneys of the gold and silver countries.

Questions of finance and economics should be considered in all their bearings, with due attention to their far-reaching effects and not merely upon results which bring immediate benefit. Important as are the indemnity payments to the several powers, and ready as China is to meet them to the best of her ability, they represent but a trifling proportion of the benefits which may be derived by the Western powers from a policy which would give to China a permanent, uniform monetary system and make her a wide market for the products of American and European factories and workshops.

It is with a view to finding a remedy for the monetary causes which threaten to retard this development, and to preserve the export and carrying trade of the leading manufacturing nations to the silver countries, so that trade may not lose its healthy activity and confidence may be restored to investors and manufacturers, that the cooperation of the United States is asked in representations to other leading powers in favor of international concert of action on this subject. The Government of China does not seek the restoration of the free coinage of silver by either the gold or silver using nations. It is recognized by this Government that bimetallism, in the sense of the free coinage of both metals, is a policy which has been definitely discarded by leading powers of Europe and by the United States, and that it would be futile to propose its restoration.

It is, therefore, not the expectation nor the wish of this Government that the gold-standard countries should take any action tending to impair their monetary standard or make material changes in their monetary systems. It is desired that the governments of gold countries having dependencies where silver is used and the governments of silver countries shall cooperate in formulating some plan for establishing a definite relationship between their gold and silver moneys and shall take proper measures to maintain such relationship. One such plan, it is reported, has already been proposed in both Houses of the Congress of the United States with reference to the Philippine Islands. It is this and other plans designed to accomplish the same end which the Government of China would be glad to have considered by the United States and other governments with the view to the adoption of the best attainable monetary arrangement by those countries which are not prepared under existing conditions to adopt a currency system involving the general use of gold coins.

The cooperation of the United States with the Chinese Imperial Government and with the Republic of Mexico in presenting this subject to other governments would, in the opinion of this Government, aid greatly in securing a prompt and satisfactory solution of an economic problem which threatens the ruin of the silver-using countries on the one hand in the vain effort to meet increasing gold obligations abroad, and which threatens also the commercial prosperity of the gold-using countries by destroying the purchasing power of their customers. It would, we believe, contribute materially to the permanent satisfactory settlement of this problem if Great Britain and France, with their important colonial possessions in Asia, and if Germany and Russia and other countries having large commercial and territorial interests there would unite with the United States and China in the adoption of a common standard for a new coinage system in the silver countries, in recommendations for the readjustment of the fiscal and monetary relations of China with the other powers which would permit that country to continue to be a user of silver and a purchaser of the products of the manufacturing nations, and in such provision for their own subsidiary currencies as would tend to promote stability of relationship between their gold and silver money. The Chinese Imperial Government will welcome the cooperation of the United States in this matter in any form which may be acceptable to that power, and earnestly prays that the subject may receive the prompt and serious consideration which, in the opinion of this Government, it merits.

CLAIMS AGAINST COLOMBIA.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, on motion of Mr. CULLOM, was, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate:

Referring to Senate Document No. 264, Fifty-seventh Congress, first session, I transmit herewith a report by the Secretary of State, with accompanying papers, in the claim of Messrs. George A. Tarler & Co. against the Government of Colombia, which were inadvertently omitted from the papers sent to the Senate on March 20, 1902, in response to the Senate's resolution of March 15, 1900.

THEODORE ROOSEVELT.

WHITE HOUSE, *January 29, 1903.*

STATEHOOD BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. LODGE. Mr. President, I was discussing yesterday, when I yielded the floor, the question of population as one of the necessary conditions of the admission of Territories to statehood. I laid down the proposition that a too small population was an objection; that theoretically we ought to have a population corresponding to the proportion which the Constitution required when our total population was 4,000,000, and which would make the requisite population of a new State now a million and a half. I also laid down the further proposition that of course it would be absurd to attempt to enforce any such rule as that rigidly; that the numbers we require in the admission of any Territory to statehood must be a subject of discretion, upon which we must pass not only with a view to the actual population, but with a view to the probable population which the State could sustain or would be likely to gather in the future.

Now, Mr. President, I will pass from the first proposition that a sufficient population must be one of the conditions of statehood and come to what seems to me to be the second test. We have a right to ask not only whether the State has sufficient population at the time or a sufficient prospect of population in the future to entitle it to admission to statehood, but we also have the right to ask that that population should be of a proper quality.

This is a matter of very great importance. The quality of our citizenship, as I have already pointed out, is something which we undertake to guard both in the immigration and in the naturalization laws, and it certainly ought to be guarded in any law which admits an entire community to citizenship in the United States. We have a right to ask of any Territory seeking admittance as a State to the Union whether their population is American, whether it is imbued with American ideas, attached to American institutions, whether it speaks our common language, and possesses all the other attributes which we consider to be typical of an American community.

The third test which it seems to me we have a right to apply is, whether the Territory presents those conditions which will insure a population such as any State in this Union ought ultimately to have. The population of the different States ought not to be too widely different in numbers. It is not well to have one State with a population of 7,000,000 represented in this Senate with two Senators and a State with a population of 100,000 or a few hundred thousand with an equal representation. It is desirable that disparities of that kind should be as few as possible. While it is not necessary to require that a State should have at the moment of admission a million or a million and a half of citizens, it is fair to ask if it presents these natural conditions which will enable it in the process of time to acquire a population sufficient to put it on a due equality with the other States of the Union.

Now, Mr. President, in this connection I wish to examine briefly what constitutes a State. Of course the people primarily are what constitutes it, but on what are States built and in what way is population gathered in any given region or area of country? Primarily agriculture. Where we know that a State has agricultural lands, great regions suitable for the operations of agriculture, we may confidently assert that if it has not the population proper to a great State at the moment it is certain to attain to it, and all our history and the history of all our States shows that to be the case.

But we must inquire a little further than this. A State can not be built on prophecies and predictions and prospects. It must present the actual material qualities which insure the necessary population and which qualify it to take its place in the great commonwealth of States.

Agriculture, as I have said, is the first of those conditions. We have a right to inquire whether the agricultural lands are sufficient to insure the population which we are entitled ultimately to demand of any State. But agriculture is not the only thing that makes a State. Manufactures also do it. Large populations can be gathered by manufacturing industries and States built up in that way. But manufactures likewise require certain conditions for success. Most of our manufactures started on the possession by the region where they were founded of water power. There is also necessary for the successful prosecution of manufactures neighborhood to markets and to the sources of the raw material used. The growth of manufactures, however, under the best circumstances and with the greatest natural advantages, is comparatively slow. They can not be built up with the rapidity with which a country can be opened to farming. Therefore, even if a region of territory offers all the qualifications necessary for manufactures, we have to make due allowance for the time required to gather together a manufacturing population.

Another element in State building is commerce. Commerce demands primarily the ocean; if it is an inland region there must be rivers and inland waterways. We must inquire, and we have a right to inquire, into all those points when we are deciding about the fitness of any given region for admission as a State into the Union. The consideration of the rivers and the waterways, of course, will indicate whether the State is well adapted for distributing points and for trade routes. This is a matter of the first importance when we come to consider the question of the accumulation and increase of population. A State in a region ill adapted for trade routes is easily made eccentric; that is, it is easily thrown out of the great lines of traffic and of commerce, and thus remains eccentric because it never meets the line which commerce takes—almost invariably the line of least resistance.

Mr. President, I have pointed out roughly some of the qualifications which are necessary for the upbuilding of a State and for gathering a suitable population—adaptability to agriculture, to manufactures, or to commerce. A State which has the conditions necessary for any one, or for all of these, may safely be admitted with the certainty that only time, more or less limited, will be needed to bring an ample population within its borders, but a State which does not possess any of these qualifications at once presents the grave danger that we are making a State and giving to it all the powers which a State has under our system, without any reasonable prospect that it will ever acquire the population which every State of this Union should have, if we are not to present too violent a contrast between the power of

population and the arbitrary power of certain areas of territory known as States.

In two of the Territories which it is proposed by this bill to admit as States, the great industry—practically the only industry of any importance—is mining. And I wish to examine the matter of mines and mining briefly, with a view to determining, so far as we may, whether in mines and mining we find an assurance of a great and stable population. In the two Territories to which I refer this is a question of the very first importance. Their agricultural lands are exceedingly limited. They may be increased by irrigation. But that is a speculation of the future, and you can not found a State on the hope of the eager people who want to have it admitted as a State. Their grazing lands are limited, according to the testimony, to a region of about 5 miles on each side of their rivers. Their rivers are comparatively few, of uncertain depth and volume, often very dry. They present, so far as I can learn from the testimony, but slight prospect of furnishing the water power which lies at the basis of manufacture.

Therefore, Mr. President, in discussing the possibility of those Territories becoming suitable States of the Union in point of population, it is necessary to look very closely at that which constitutes the only large source of their wealth to-day. That wealth is drawn from mines; chiefly, so far as I can judge, from mines of the precious metals, though there are large and very valuable mines of copper in one of them.

Now, as to the wealth of States founded on the wealth of mines, it may be laid down as a general proposition that great populations can be assembled by mines and their products only when you can combine the product of the mine with the product of the factory, when you have your iron and your coal near together, and when the manufacturer can follow hard upon the footsteps of the miner. If that condition exists, you can produce such a region as the coal and iron districts of England or of Pennsylvania or of Alabama. There you have the baser metal, together with coal, in such large and convenient quantities and so near to each other that they present at once the most inviting of opportunities for manufacture, and you can build up a lasting population and a large population in that way. But Arizona and New Mexico are Territories chiefly distinguished for the precious metals, for silver or for gold.

There can be no doubt, Mr. President, I think, in the mind of anyone who will take the trouble to examine history, that no great population has ever been assembled, no great cities have ever been built, near mines of the precious metals. If you will go back to the beginning, to the earliest period of recorded history, and take the history of Egypt, so far as we can discover it from the inscriptions and records which remain, you will learn that the copper mines of Maghara, which were on the other side of the Red Sea, were one of the great sources of the wealth and the development of Egypt. But Egypt did not grow up in the neighborhood of the Maghara copper mines. The population and the wealth of Egypt, the great cities, and the mighty trade all were in the valley of the Nile.

In the same way recent discoveries have disclosed to us the fact that there were gold mines in Rhodesia, where at the present day the world is again taking out large quantities of gold. Old workings have been discovered there which indicate that at least £150,000,000 of gold were taken from the mines in Rhodesia. It is believed that gold was carried by the Phœnicians to Arabia, and thence it passed into Egypt. There are the remains of ruined cities in the neighborhood of those gold mines; but the significant fact is that there have as yet been discovered scarcely any cemeteries and scarcely any skeletons indicating a permanent population, a place where people lived and died and stayed and buried their dead. The indications are that the dead were carried away to the countries to which they belonged, and that these cities, the ruins of which still remain, were constructed solely for the temporary population which went there to exploit the mines. The wealth and the population did not stay by the mines, but went to Egypt. It was along the valley of the Nile that the great population sprang up.

Look again at the history of Greece. There is no doubt that the strength of Alexander the Great and the strength of Greece, in earlier times, the financial and economic strength, was largely drawn from what was known as the golden Chersonese. It was the opening of the mines in the neighborhood of the Black Sea which led to the upbuilding of the Grecian system. The old fable of Jason and his Argonauts and of the Golden Fleece is simply the story in poetic form of the movement of the Greek people into the gold-mining regions of the Caucasus and of the Black Sea. But the great cities of Greece, the wealth, the strength, the population, were in Greece itself, on the borders of Asia Minor, in Sicily, and in Magna Græcia; that is, the precious metals were drawn from the mines, but the people, the towns, the civilization, grew up in the neighborhood of the ocean, on the great trade routes, in agricultural regions, and not where the precious metals were found and dug up and brought to market.

It was very much the same way in the Roman days. They drew their metallic wealth largely from Spain; but the great population—although there were many large cities in Spain which commerce and industry had built—the great population of the Roman Empire and of the ruling race was concentrated in Italy, where there were no gold mines.

When the center of exchange passed from the Adriatic to Holland, when the East was opened and gold from the East was brought to Europe, it was where the gold was brought, and not where it was mined, that great cities sprang up and great populations gathered.

If you bring the question down to more specific cases you will find everywhere that that which has determined the growth of population has been the trade routes, commerce, industry, and never the mere presence of mines. Men will dig the precious metals from the earth and carry them away to some other place. There are towns in this new country of ours, once filled with the flourishing habitations of men, and with a numerous population, which are to-day extinct. The earth ceased to yield its precious metals and population departed. You can found a population on agriculture; you can found it on commerce; you can found it on the baser metals lying ready for manufacture; you can found it on manufacture, on great rivers and great waterways, but the world has never seen any great permanent population in the neighborhood of the mines of the precious metals or the precious stones, and it never will.

In considering a State you therefore must look at the more enduring qualifications. The most enduring of all is agriculture, the industry which takes the annual increase of the earth and which never destroys that which yields it its living and its hope. You can take manufactures and plant them along the streams, and the streams will ever give them the water power. You can build a State on anything where Nature, with her kindly hand, will from year to year restore the loss you create, but you can not build a State on the precious metals alone. It is of no more consequence with the view to the future of the State whether it has precious metals than whether it has them not, because the population that it brings is absolutely evanescent and passing.

Now, having laid down the tests which it seems to me ought to be applied to the decision as to what natural qualifications a Territory ought to possess, I wish to apply those tests to the Territories now under consideration. I will not detain the Senate by a discussion of Oklahoma. It must be obvious to everyone that that Territory is fit to come into the Union—fitted in population, fitted in the character of its population, and fitted by its natural qualifications and by the reasonable prospects of growth and permanent prosperity which those natural qualifications insure. I believe myself that with Oklahoma should come ultimately or at this moment the Indian Territory. I do not think that any division should be made in that region, especially as the Indian Territory is the natural complement in its natural resources of what is now the Territory of Oklahoma. These Territories have the population and all the other qualifications of which I have spoken. I shall not, therefore, waste time in discussing before the Senate the qualifications of a Territory which seem to me conclusive as to its right to admission.

The two Territories of which I wish to speak are New Mexico and Arizona. I will take New Mexico first. I stated yesterday that I began by objecting to its name. I do not think it is intelligent; I do not think it is proper, in fact, to give a State of the American Union the name of an adjoining country. It seems to me that it should have a decisively American name. It is true that the name is to be left to the decision of the convention; but in a case like this it seems to me it is safer that Congress should decide. I do not want to have the inhabitants of any State of the American Union known as Mexicans or New Mexicans. I think it is better to separate them entirely, even in name, from another country, and especially when that country adjoins our own.

It is continually used as an argument that New Mexico has been kept out of the Union for fifty years. The argument is made that because she has been kept out of the Union for half a century therefore she ought to be admitted now. The fact that New Mexico has been kept out for fifty years is the strongest possible argument against her present admission. She has not been kept out for fifty years by accident; she has been kept out for fifty years because in the judgment of the American Congress and of the American people in all that time she has not shown a fitness to come in.

This is not keeping out an unoccupied or sparsely populated Territory. New Mexico had 60,000 people when she was organized as a Territory, and in all these fifty years those 60,000 people and their descendants have never been able to satisfy the American Congress or the American people that they had fitted themselves to become a part of American citizenship and of the great commonwealth of States. In all those fifty years they have developed no agriculture, which is the great basis of States. I do not mean absolutely none, of course, but I mean none in

comparison to the extent of the Territory or to what we should expect from a region that started with a population of 60,000.

On that point nothing could be more striking than the difference between New Mexico and Oklahoma. New Mexico, starting with a population of 60,000, has remained with a comparatively small population, with but a slight increase in agriculture, and with but a slight increase in industry. Oklahoma, opened only the other day to settlement, has got more than half a million people, perhaps nearly a million people, to-day, and is covered with towns, developing and growing in every direction. I do not attribute all this to the difference in the races which inhabit these two Territories. It shows a difference in race and in race energy, it is true, but it also shows that there was no such opportunity in New Mexico as in Oklahoma. Open a region like Oklahoma to settlement and it populates at once. New Mexico has been opened for fifty years and its increase has been trifling. Oklahoma in a few years has rushed up to a population sufficient almost for any State, and New Mexico in fifty years has climbed painfully to 195,000, all told.

The reason of this slow growth and of this continued exclusion is to be found in the history of the Territory itself. I have no desire to go into details. I am stating only the general facts, known to everyone. New Mexico came to us with a Spanish-speaking population of Spanish descent, and a Spanish-speaking population they have remained. They came to us without any school system—and I esteem a school system one of the most typical of all American qualities—and they never even began a public-school system until 1889. Think of that, Mr. President! We obtained New Mexico by treaty in 1848; we organized her as a Territory in 1850. Then forty years elapsed before they passed a law providing for a public-school system.

Mr. President, the handful of men who gathered on the edge of the wilderness in New England when the first landing of any considerable number was made, in 1629 and 1630, had by 1636 not only founded a school system, but they had even gone so far as to found a university. They were utterly detached from the world, with no communication with the outside world except by a long voyage over a stormy ocean, and yet in that brief period they had laid the foundations of popular education and of higher education as well. When the people of New Mexico were taken into the possession of the Union they were a long-settled race. They had been there for many generations. They were brought within the scope of American influences, and yet they waited forty years before they founded a school system.

That system is already beginning to produce beneficial effects. More people are speaking English, fewer are speaking Spanish; but the Spanish still remains in large degree the language of the mass of the population, the language of the children, the language of the juries. They are obliged to have interpreters in their courts; they are compelled to print their laws in Spanish; they must have interpreters in their political conventions. To my mind, Mr. President, that is a very serious objection. I have no prejudice in the world against the Spanish language. It is a great, a noble speech; but that is not the question. It is not here a question of the comparative value of languages. It is a question of having a homogeneous people within the borders of the United States, a people who are one in aspiration, in belief, in hopes, and in ideals. Mr. President, community of language is one of the greatest and one of the most important tests that can be applied in that direction.

We have here, therefore, a Territory which has been for more than fifty years a Territory, where the population has grown very slowly, where a foreign language is still the prevailing speech, where agriculture has not yet been developed, where the industries are confined to small farming on the edge of rivers and to grazing within a region of 5 miles on each side of the stream. I do not undertake to predict that in the future New Mexico may not have a population sufficient in number and of suitable quality to be an honor and a credit to the Union. My contention is that she has it not to-day, and it is with to-day that we are dealing.

I should like next to call attention to illiteracy. The illiteracy of New Mexico, according to the last census, was 33.2 per cent. I will not contrast that with any particular State, although I have made some comparisons in that direction, but that is more than three times the average illiteracy of the entire United States, including all our colored population, among whom the rate of illiteracy is very high in certain parts of the country. Yet the illiteracy of New Mexico is three times the average illiteracy of the United States. It seems to me we have a right to demand of a new State that the rate of illiteracy should approximate, at least, to that of the rest of the United States.

Mr. President, I shall ask leave to print the table which I have here. I do not wish to weary the Senate with these figures, but I shall ask leave to print it, as I have prepared it with some care in order to contrast the illiteracy of New Mexico with the illiteracy of certain States of the United States, and I have included Arizona in the same comparison.

The PRESIDENT pro tempore. The Chair hears no objection, and the table will be printed in the RECORD.

The table is as follows:

Table showing the total population and the number and percentage of increase at every decade from 1850 to 1900.

POPULATION.

State or Territory.	1900.	Increase, 1890-1900.		1890.	Increase, 1880-1890.		1880.	Increase, 1870-1880.		1870.	Increase, 1860-1870.		1860.	Increase, 1850-1860.		1850.
		Number.	Per cent.		Number.	Per cent.		Number.	Per cent.		Number.	Per cent.		Number.	Per cent.	
Massachusetts	2,805,346	566,403	25.3	2,238,943	455,858	25.6	1,783,085	325,734	22.4	1,457,351	226,285	18.4	1,231,066	236,552	23.8	994,514
Pennsylvania	6,302,115	1,044,020	19.9	5,258,014	975,123	22.8	4,282,891	760,940	21.6	3,521,951	615,736	21.2	2,906,215	594,429	25.7	2,311,786
Maryland	1,188,044	145,654	14.0	1,042,390	107,447	11.5	934,943	154,049	19.7	780,894	93,845	13.7	687,049	104,015	17.8	583,034
Illinois	4,821,550	995,199	26.0	3,826,351	748,480	24.3	3,077,871	537,980	21.2	2,539,891	827,940	48.4	1,711,951	880,481	101.1	851,470
Iowa	2,231,853	319,572	16.7	1,911,896	287,231	17.7	1,624,615	430,595	36.1	1,194,020	519,107	76.9	674,913	482,699	251.1	192,214
Kentucky	2,147,174	288,539	15.5	1,858,635	209,945	12.7	1,648,690	327,679	24.8	1,321,011	165,327	14.3	1,155,684	173,279	17.6	982,405
Washington	518,103	162,396	46.5	349,390	274,274	365.1	75,116	51,161	213.6	23,955	12,361	106.6	11,594	.....	.....	.....
New Mexico	195,310	37,854	24.6	153,593	34,028	28.5	119,565	27,691	30.1	91,874	a 1,642	b 1.8	93,516	31,969	51.9	61,547
Arizona	122,931	40,550	68.0	59,620	19,180	47.4	40,440	30,782	318.7	9,658	.....	.....	.....	.....	.....	.....
Oklahoma	398,331	320,407	518.2	61,834	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Indian Territory	392,060	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

a Decrease. b Loss.

ELEMENTS OF POPULATION.

[Census of 1900.]

	Total population.	Native born.					Foreign born.				
		Total.	White.	Negro.	Indian.	Chinese and Japanese.	Total.	White.	Negro.	Indian.	Chinese and Japanese.
New Mexico	195,310	181,685	166,946	1,588	13,120	31	13,625	13,261	22	24	318
Arizona	122,931	98,698	70,508	1,764	26,300	126	24,233	22,395	84	180	1,574
Oklahoma	398,331	382,651	351,920	18,810	11,921	.....	15,680	15,604	21	24	31
Indian Territory	392,060	387,202	297,894	36,833	52,475	.....	4,858	4,786	20	25	27

DENSITY OF POPULATION.

[Number of inhabitants per square mile.]

State or Territory.	1900.	1890.	1880.	1870.	1860.	1850.	State or Territory.	1900.	1890.	1880.	1870.	1860.	1850.
The United States	25.6	21.2	17.3	13.3	10.8	7.9	Kentucky	53.7	46.5	41.2	33.0	28.9	24.6
							Washington	7.7	5.3	1.1	.4	.1	.....
Massachusetts	348.9	278.5	221.8	181.3	153.1	123.7	New Mexico	1.6	1.3	1.0	.8	.4	.3
Pennsylvania	140.1	116.9	95.2	78.3	64.6	51.4	Arizona	1.1	.8	.4	.1	.....	.....
Maryland	120.5	105.7	94.8	79.2	69.7	59.1	Oklahoma	10.3	2.0	.....	.....	.....	.....
Illinois	86.1	68.3	55.0	45.4	30.6	15.2	Indian Territory	12.6	5.8	.....	.....	.....	.....
Iowa	40.2	34.5	29.3	21.5	12.2	3.5							

ILLITERACY.

[Illiterate: A person 10 years or over who can not read or write in any language.]

State or Territory.	1900.			1890.			1880.		
	Total population of 10 years or over.	Illiterates.		Total population of 10 years or over.	Illiterates.		Total population of 10 years or over.	Illiterates.	
		Number.	Per cent.		Number.	Per cent.		Number.	Per cent.
The United States	58,224,600	6,246,857	10.7	47,413,559	6,324,702	13.3	36,761,607	6,239,958	17.0
Massachusetts	2,267,048	134,043	5.9	1,839,607	114,468	6.2	1,432,183	92,980	6.5
Pennsylvania	4,885,379	299,376	6.1	4,063,134	275,353	6.8	3,203,215	228,014	7.1
Maryland	920,715	101,947	11.1	798,605	125,376	15.7	695,364	134,488	19.3
Illinois	3,727,745	157,958	4.2	2,907,671	152,634	5.2	2,269,315	145,397	6.4
Iowa	1,711,789	40,172	2.3	1,441,308	52,061	3.6	1,181,641	46,609	3.9
Kentucky	1,589,685	262,954	16.5	1,360,031	294,381	21.6	1,163,498	348,392	29.9
Washington	408,437	12,740	3.1	275,639	11,778	4.3	55,720	3,889	7.0
New Mexico	141,282	46,971	33.2	112,541	50,070	44.5	87,966	57,156	65.0
Arizona	94,147	27,307	29.0	46,076	10,785	23.4	32,922	5,842	17.7
Oklahoma	287,055	15,774	5.5	44,701	2,400	5.4			
Indian Territory	274,324	52,052	19.0						

Mr. LODGE. Mr. President, my contention in regard to New Mexico is that although her population equals that of a single Congressional district she does not present a sufficient population in proportion to her territory; that she does not present a population suitable at present for American citizenship—I am speaking of it as a whole—and that she does not as yet present those conditions which would warrant the expectation of a sufficient population in the near future. To my mind those objections are fatal.

I know it is said that her population was not correctly returned, but, Mr. President, her population was returned according to the census of the United States. We have to act upon that census. My State and your State receive their members of Congress on the United States census. All the rights we have dependent upon numbers of population rest on the national census, and what is good for the rest of the country is good enough for these Territories, and there is nothing else that we can rest on anywhere.

That census gives New Mexico barely the population of a single Congressional district. That population, as I have shown, is still largely Spanish speaking. For only a little more than ten years—thirteen years, to be exact—has it had any public-school system. Its illiteracy is very high. There is no indication as yet in the natural conditions that there is going to be agriculture there, or manufactures or commerce upon which a great population will surely arise. Therefore, the argument is conclusive in my mind against admitting New Mexico at this time into the Union as a State.

I now pass to the other Territory—Arizona. I will take primarily the first test—the actual population. It is given in the census as 94,000. By adding the Indians I believe they have brought it up to 123,000. But the white population of Arizona is not over 94,000. There is a Spanish-speaking element there also, but not a large one.

But the most interesting fact about Arizona is in regard to illiteracy. As Arizona has approached the demand for statehood the illiteracy has increased and not decreased. The illiteracy in Arizona in 1880 constituted 17.7 per cent of the population; in 1890, 23.4 per cent, and in 1900 about 29 per cent. That is, the illiteracy of Arizona has been progressive. It is not yet as large a percentage as that of New Mexico, but it is nearly so, and at its present rate of progress it will pass it by the next census. In New Mexico it is fair to say that illiteracy is decreasing.

I think we have reason to pause and give very careful consideration before we decide to admit to citizenship in the United States a population in which illiteracy is on the increase. The population of Arizona is too small under any conditions for present admission, and it is a population with an increasing ratio of illiterates. That, in my mind, is conclusive as to its quality. It has not as yet shown any of the great material conditions necessary for the largest population. It has not as yet shown any great opportunities for agriculture, for manufacture, or for commerce. I know, of course, there is irrigation, and that it is said that when the land is irrigated it will be one vast garden. That may possibly be true; and when irrigation is a success, and a reasonable portion—I will not say all—of Arizona is a garden, no one will be more ready to admit it than I. But we can not admit States on the prospect of what they will do when they are irrigated and when irrigation becomes a success. We must judge them on what they are to-day. We can not admit States on the rosy visions of would-be Senators. We are not admitting Arizona as she may be possibly fifty years hence. It is proposed to admit her now. It is proposed to admit her to an equal share in the Senate of the United States, in the government of this country, in the settlement of our foreign relations, and in our electoral college. The question is, Is she fit for it now? I do not see any sign of fitness, with that small population, that increasing illiteracy, and with the great conditions under which a State alone can be built as yet wholly undeveloped.

Mr. President, I might go on and read testimony at great length from the admirable investigation made by the committee, but I do not think there is a single one of the general propositions I have laid down in regard to these two Southern Territories which can be successfully controverted. I do not wish to burden the RECORD or weary the Senate by reading to them page after page of testimony; but all the testimony demonstrates what I have said. I believe every word I have spoken is susceptible of absolute proof as to the numbers and quality of the population, the language spoken, the amount of illiteracy, the general material resources of the Territory at the present day, and the prospect of a suitable and sufficient population within any reasonable time. According to my view, neither Arizona nor New Mexico reaches in any degree the qualifications which I deem necessary for statehood, and which I should require for a State before I should willingly vote to admit it.

For these reasons, Mr. President, I feel constrained to oppose this bill. I think, as I said at the outset, that it is a very grave matter indeed—this admission of new States into the American Union. I do not think it ought to be done in this way. I do not think it ought to be done by omnibus bills. I think every State should come in on its own merits. I do not think a bill should be crowded through, with all amendments refused, in the hurried days of a short session, which involves the admission of six Senators into this body.

Mr. President, I do not think that this bill of all bills should have applied to it the unusual methods which are now applied, and which are still further threatened. I think to attempt to place this bill as an amendment upon an appropriation bill, which can only be done by an absolute disregard of the rules of the Senate and of every principle of parliamentary law, and by overruling the decision which any occupant of the chair would be obliged to make, can only recoil on those who promote such methods. Those who are in opposition and in a minority at the moment, may be in the majority to-morrow. It is well for those who are advocating these extreme measures in order to get this bill through, made up as it is of three wholly distinct propositions, to remember that if they adopt extreme measures they are establishing precedents which may return one day to plague them.

I can recall a time, Mr. President, before I had the honor of a seat in this body, when a measure, of which I had charge in the House, came over here, and Senators on the other side found in the rules their protection against what they considered very dangerous legislation. It is well for us to remember, Mr. President, that revolutionary precedents in legislation should not be made. It is in itself an argument against this measure that revolutionary methods, disregard of absolute rules, disregard of parliamentary law are thought necessary to urge it to a vote.

I think, Mr. President, that this is a bill which can not be too fully or too thoroughly discussed. There are many Senators who still desire to discuss it; the debate is far from being exhausted upon it, and we have a right to demand on a matter of this importance that the discussion shall proceed in ordinary and usual ways.

Mr. President, I have no desire, for one, and I have never had any desire, to enter on methods of obstruction. I do not think I ever took part in either House in any obstructive tactics. I do not mean to say they are never justified—I have just alluded to a case where Senators on the other side thought they were amply justified—but I do say that if it is ever justifiable to obstruct, if it is ever justifiable to bring an extra session upon the country and upon Congress, it is when it is proposed or suggested that general legislation embodied in a great bill of this character shall be driven through in the face of parliamentary law, in the face

of our own rules, in the face of all precedents, by being attached to an appropriation bill.

Mr. President, I have said what I have to say upon this subject. I feel very strongly the unwisdom, the impolicy of admitting two of these Territories. I feel especially that it is most unwise and injudicious to pass in this way, under the cover of an omnibus bill, without the opportunity to amend it, an act which no succeeding Congress can ever repeal. When we take this step it is taken once and for all, and before the United States resigns its power over this Territory, Mr. President, which it acquired as the United States, I sincerely hope that the Senate will pause and will give every opportunity for a full discussion and for a thorough debate of what must ever be one of the most momentous propositions that can come before us. And when Senators decide, let them remember that they are not closing an account, but that we have other Territories and other possessions, that they are making a precedent for future Congresses, and that it lies with them not to make a precedent which may recoil upon them with tenfold force and bring in dangers to the State which no one now contemplates.

Mr. DUBOIS. Mr. President, I have listened with a great deal of pleasure and attention to the Senator from Massachusetts [Mr. LODGE], as I always do, because he is painstaking and is usually accurate, and he states his case with precision and in such a manner that no one can misunderstand him. I do not now intend to make a speech, nor do I at any other time, I think, in regard to the admission of these Territories.

But I submit to the Senate that the able Senator from Massachusetts insisted all through the argument that these Territories should be treated differently from any other Territories which have ever applied for admission to the Union. In every point he makes he insists that there should be, with regard to the admission of Arizona and New Mexico, an exception to the rule which has been established by long precedent. For instance, Congress has never, I think, changed the name of a Territory, and the bill before us provides that the constitutional convention of New Mexico, which will be held under the enabling act, may change the name of the Territory to some other name if they desire. It has been the custom of Congress always to allow incoming States to choose the names of their States. He laid great stress upon that.

Then it has been argued before the Senate in regard both to New Mexico and Arizona that the States should assume the indebtedness of some counties in the States. There is in this bill the same provision in regard to the debts of those Territories that there has been in bills for all the Territories heretofore admitted, which is that the State shall assume the indebtedness of the Territories.

Then he objects to an omnibus bill. Why did he not object to the omnibus bill which admitted North Dakota and South Dakota and Montana and Washington? There is a precedent which the Senator from Massachusetts did not object to establishing at the time the Senate passed the bill making a State of South Dakota and a Territory for North Dakota. That is right. The bill went to the House. The House passed a substitute making two States of Dakota, North and South Dakota, and a State of Washington and a State of Montana; and the Senate afterwards accepted that substitute, it having gone into conference.

The Senator says that no amendments are allowed. He says that Senators ought to be allowed to amend this bill. Why? When Idaho was admitted it was admitted by the Senate precisely as the bill came to the Senate from the House. Why? I was a Delegate in Congress at the time, and I was no more diligent than these Delegates are, I can assure you. I know from experience how anxious the Delegates are to give their Territories the great boon of statehood. I took advantage of all the other bills which had preceded, and framed a bill on such lines that, unless a departure was made from custom, there would be no necessity for amending the bill in the Senate. It is not a sign that the bill is faulty that we do not want to have the bill amended. We fear, and more so since this debate has commenced, that an amendment will defeat the bill. Having the opportunities which the Delegates have had for framing a bill directly in line with the bills which admitted all the other Territories, there is no necessity for an amendment. Very few suggestions of amendment have been made.

I point out these matters because the Senator from Massachusetts referred to them all and insisted that a departure from established custom and precedent should be made in regard to the admission of these Territories. It is the opinion of those most familiar with the Western country, those familiar with the resources of the arid regions, that both New Mexico and Arizona possess great opportunities in an agricultural way.

There is as much agricultural land in the Pecos Valley in New Mexico as there is land in the State of Massachusetts. There is more agricultural land susceptible of cultivation in each of these Territories than there is land in the State of Massachusetts. And in addition to that there is water sufficient to serve these lands.

I would say in addition that Congress in admitting Territories in the past has looked to the future and not to the present. Otherwise the State which I have the honor in part to represent here and the State of Wyoming would never have been States of this Union.

Idaho had but 80,000 population and a very few acres comparatively of lands in cultivation when we were admitted. We increased 100 per cent in population during the past ten years and 100 per cent over that in the last three years. It has brought capital there which has built great canals and opened up our country. It was being opened up slowly in Territorial days. Only the other day, as I said before, one tract of 271,000 acres of land was taken up in my State under the Carey Act by capitalists, and not only is the State getting the benefit of the act, but of the population which is coming in.

It will of necessity be the same in New Mexico and Arizona, because they have demonstrated that they can cultivate the arid lands in that country. Under the wise provision of the irrigation law which was passed at the last session of Congress, which puts into the irrigation fund a large sum of money for these purposes, the development in these Territories must of necessity be great and rapid.

As I said, I do not intend to make a speech. But the Senator from Massachusetts, notwithstanding his able argument, has contended on every point that an exception from the long-established rule and precedent must be made if you oppose the admission of these two Territories.

Mr. LODGE. Mr. President, I am quite willing to argue in favor of an exception if it is necessary. I do not think I put it quite as strongly as the Senator from Idaho has presented it, but I am perfectly willing to take the ground that if the manner and principles on which we have admitted States heretofore have been erroneous it is time to change them. The fact that we have been careless and reckless in admissions before seems to me not an argument for repeating it, but an argument against it.

I suppose it is very true that there is as much land along the Pecos River as there is in Massachusetts, and yet in fifty years the population of Massachusetts has gone from about 1,000,000 to about 3,000,000, and the population of New Mexico has climbed from 65,000 to 195,000. Now, there must be something in the natural resources to account for that. If there are these great opportunities for agriculture already existing it is curious that they have not been developed.

So far as irrigation goes, that is a matter of speculation, a matter of hope. We can not tell yet how far it will develop and what it will develop.

I do not want the Senator to misunderstand me on one point. I did not mean to say that we ought to demand that a State, at the moment when it seeks admission, should have all of the qualifications of a State of the Union that has been a State for twenty, fifty, or one hundred years. I meant to say that it should have a reasonable qualification and also should show those conditions and those natural resources which would promise in the future a population suitable and large enough for statehood.

I do not contend that those conditions have not yet been developed in New Mexico. As far as its being exceptional is concerned, if it is exceptional New Mexico is an exceptional State. We have never before been asked to admit to the Union a Territory inhabited at the time of its acquisition by a Spanish-American population and largely inhabited at the present moment by a similar population. All our States that have been admitted hitherto, whether the population was large or small, were almost without exception States which had been populated from the old States or from Europe, as the old States themselves were populated. That is, in all the new States we were bringing in and making a part of the Union men who for the most part had already been identified with the Union in the States from whence they came.

But here we are confronted with a State where the basis of population is that of the original Spanish-American settlers, and there we are making an entirely new precedent. When we are making an entirely new precedent in regard to territory with a large existence of Spanish-American population, it is well to remember that we have some other territory with Spanish-American populations, and that we ought to be very careful before we make a precedent rashly.

Mr. QUARLES. Mr. President, as I came into the Chamber I heard the Senator from Idaho [Mr. DUBOIS] say that there was an abundance of water for purposes of irrigation. Now, if the distinguished Senator in making that remark was referring to the Territory of New Mexico, I should like to ask the Senator, who is undoubtedly more familiar with the topography of that country than I am, what streams there are in New Mexico available for irrigation aside from the Rio Grande and the Pecos? As I understand it, the Territory of New Mexico is dependent upon those streams. If there are other streams of any considerable size that are available for irrigation there, I am not aware of the fact.

In this connection I should like to ask the Senator from Idaho what his opinion would be as to the future development of irrigation in New Mexico if the Supreme Court should finally conclude to apply the common-law doctrine as to riparian rights to those two interstate streams? I should like to have the Senator inform the Senate, if he is willing, as to what the plight of New Mexico would be if the Supreme Court eventually applied that doctrine to those two streams.

Mr. DUBOIS. I would say to the Senator from Wisconsin, speaking generally, that the Supreme Court could not very well apply that doctrine, I should think, because the water was appropriated first; they were the prior appropriators.

Mr. BEVERIDGE. What was the Senator's statement?

Mr. DUBOIS. It would be a very serious question to answer if the Supreme Court makes such a holding as that, not only in regard to these Territories, but in regard to others, my own State included.

Mr. QUARLES. Then I understand that my friend is unable to describe any future development of irrigation if that doctrine were to be applied to those two great streams.

Mr. DUBOIS. Your friend is unable to state what steps he would take, because it would apply elsewhere. Take my own State, for instance, which is the best watered of all the Western States. Our great stream, the Snake River, which carries an immense volume of water and runs all over the State, rises in Montana and it does not flow into Montana at all. It would be quite an interesting question for us if the Supreme Court should hold that we can not use those waters. I contemplate that they would not so hold.

Mr. QUARLES. I evidently am not successful in my effort, which was to elicit from the Senator an expression of opinion as to what effect such a ruling if it should be made would have upon the future irrigation of New Mexico.

Mr. DUBOIS. I am not prepared to express any opinion. I would have to form an opinion very carefully if such a ruling were made.

Mr. QUARLES. Of course the Senator, as a lawyer, will recognize the fact that the doctrine of prior appropriation is not a part of the common-law doctrine.

Mr. DUBOIS. Very fortunately, I am not a lawyer, and therefore I can not see the fine distinction which the Senator is trying to draw. I can imagine in my own mind that reservoirs, for instance, will be built down there. There might be some other methods, if the Supreme Court should make such a ruling, which I as a layman do not believe it will make, by which we could still cultivate our lands.

Mr. QUARLES. Instead of being fortunate, it is unfortunate, for the profession at least, that my distinguished friend is not a lawyer. At the moment I was laboring under the impression that the profession had the honor of counting the distinguished Senator among its representatives. Therefore, of course, I will not press a purely legal consideration upon his attention at this time, but I shall hope at some future time to be able to discuss this question in the Senate from a legal standpoint.

Mr. BEVERIDGE. Mr. President, the Senator from Idaho stated, in answer to the Senator from Wisconsin, that he could imagine such and such a thing might be done down in New Mexico, and that such and such a thing might possibly be done. Does the Senator think that "imaginings" and "mights" and "perhapses" are the things upon which statehood should be built?

Mr. DUBOIS. There are eight reservoirs in Colorado now, from which water is diffused to the adjacent lands. It might happen that they would have some reservoirs, I should think, in New Mexico or in Idaho. We have not any in Idaho yet. It has been demonstrated that we can have reservoirs there and work them successfully. There is no reason to suppose they could not do it in other States where they are needed.

Mr. BEVERIDGE. I insist that the question put to the Senator, and which he did not answer, nor attempt to answer, is the germ of this whole matter. It is said here that things might happen, and perhaps they could happen. They imagine that in the future so and so will be so and so. Well, then, would it not be a very good thing to wait until those imaginings come true?—because it is conceded that these things which might, and which are imagined, and which perhaps will exist, are the things upon which the State of the future must flourish. Suppose the imaginings do not come true, and suppose the might-bes do not become realities, then would it not be better to wait and find out whether or not they will become realities?—because when the thing is done it is done irrevocably.

Now, about reservoirs, the Senator has had practical experience possibly with reservoirs. I have not; but I have read somewhat of reservoirs. I will ask the Senator if he knows how long it would take, conceding the work to be possible and now begun, conceding further that there was abundance of water to be had, something that the Senator must establish in order to make his proposition good—conceding all those elements, how long would it take, does the Senator think, to build reservoirs and get them in operation, so as to supply even 1,000,000 acres of land? I would be glad to have the Senator answer that question.

Mr. DUBOIS. Mr. President, the Senator from Wisconsin asked me what would be the effect of a Supreme Court decision that would prevent the waters from going down to New Mexico, and in the course of our discussion I said perhaps they would build reservoirs; that I could imagine they would build reservoirs. That was the imagining I was indulging in in answer to that question of the Senator from Wisconsin. It was not, as the Senator from Indiana would try to make it appear, that I was imagining all sorts of things, imagining that something would happen in these Territories. I was answering a direct question of the Senator from Wisconsin, and I beg the pardon of the Senator from Indiana for getting out of patience with him at all.

Mr. President, I think it would not take long to build reservoirs and store water in them and distribute the water through canals on arid wastes, if you had the money; and by the legislation which has been passed, and which I am very glad to say can not be undone, we have got the money, and we will get more of it. It is going into the fund at the rate of eight or ten million dollars a year, and is going to reclaim these waste places. They are making the surveys now in the Territories of Arizona and New Mexico. The Government is looking to the appropriation of this money in great irrigation works, and it has been demonstrated in this country beyond all cavil that it is the best country ever found for irrigation.

Mr. BEVERIDGE. Mr. President, I also applaud that great scheme of practical statesmanship, proposed and finally put through very largely by the President of the United States. Further, equally with the Senator from Idaho, I indulge the hope that it will work the wonders expected of it. But every man who knows the subject (and it is not for me to say that the Senator does not know the subject) knows that that is a question for the future. The question is, Suppose it did not result as expected? Suppose the barren wastes of which the Senator speaks were not reclaimed? Then we would be in the condition of having done a thing upon anticipation with the anticipation, which was its foundation, destroyed. Does the Senator think that that is a proper position of wise and cautious and conservative statesmanship?

All this debate has proceeded upon the assumption that great things were going to be done. Had we not better wait until they are done? The whole argument has been based on futures.

The Senator stated that I said he was imagining with reference to a great number of things, and yet my question was with reference to the particular thing which he says he did imagine, to wit, the construction of reservoirs. I asked the Senator, conceding the water to be there, conceding all that he says, how long it would take to construct the reservoirs and build the canals, so as to reclaim for human purposes even a million acres of land? He does not answer it, Mr. President.

Well, as a Senator from a part of the country near, at least, the arid portions of the country, the Senator knows that to create one of those reservoirs would require two or three years, if it was a considerable one. Suppose it did not require more than one year, the Senator's colleague will tell him that it requires thereafter at least three years of water in the reservoir to so saturate the soil that it will not sink in and be soaked up—so as to make the soil so full of water that it will after that retain water—that after that it requires two or three years to get the atmosphere so impregnated that the rest of the water will not evaporate, and that after that a period of time must elapse when the water must soak into the canals, so that their channels will run the water to the fields.

Now, these are things that I get from people who live very near the Senator himself. I do not know them from my own personal experience. Therefore in answer to the Senator's imagining that reservoirs might be built, the practical question immediately confronts us that it would require years before any practical results could be achieved, even admitting that they could be achieved at all. Is it not wiser to wait until that is done; until that land is reclaimed, if it can be, and I hope it can; until the people live there upon it; until population has increased, before we do this irrevocable thing which no power on earth ever can undo? That is the question I put to the Senator.

Mr. BARD. Mr. President, in view of the condition of my voice, which is impaired by recent illness, I am not justified in attempting to make as extended remarks as I might otherwise wish to make on the question of the admission of the Territories, proposed by the omnibus bill now under discussion; but I hope to be able to supplement the almost exhaustive information that has already been presented by the committee's report and by other members of the committee who have preceded me in the debate by stating

some additional facts which, in my judgment, should be considered, and explaining the reasons that will control my vote in opposition to the bill.

It will be impracticable for me to take up and review many of the facts which, to my mind, show that neither New Mexico nor Oklahoma, alone and without the Indian Territory, should now be admitted as States; but, in view of the peculiar form of this bill, which submits to us for decision but one proposition, namely, whether or not all of the three Territories shall be admitted to statehood simultaneously, it is only necessary, under the circumstances, for a Senator to indicate his objections to the admission of any one of the three Territories in order to justify his opposition to the whole omnibus bill. Therefore, for the sake of brevity, and for other reasons which will soon be referred to, I shall confine my remarks almost exclusively to Arizona. But my objections to Arizona will be found to apply in a general way also to New Mexico, for its growth in population in the last decade has been slower than Arizona, and its illiteracy is greater.

In this connection I will say that so far as I have discovered there has been no sufficient explanation made either in the other House or here in the discussion of this measure by its friends why it was necessary that the three separate original measures introduced by the Delegates from each of the three Territories should be considered in an omnibus bill, and why they must all stand or all fall together.

We have the statement of a distinguished member of the other House [Mr. GROSVENOR], referring to this bill, that it was apparent that somewhere in the bill there is a weak spot, else there would have been no occasion for the massing together of the Territories in one grand combination seeking votes for a measure that could not have received the votes of the House of Representatives if submitted upon separate propositions.

The only other explanation which I have seen—and that is very general in its character—is given by Mr. KNOX, the chairman of the House Committee on Territories, who, in his opening remarks describing the various provisions of the bill, said:

> If there was any doubt whatever in the minds of the committee—and I do not say there was—upon the question of admitting any Territory, there was no doubt that if any one of the three Territories was entitled to admission, they all were.

It could not be said, he continued, that one Territory was entitled to admission and another was not. He then said:

> Would you undertake to say that a Territory having 500,000 people was entitled to admission and a Territory having 200,000 was not? Then you would have to face the precedents of the past, admitting a majority of the Territories of this country with less population than 200,000. Would you say that a Territory having $60,000,000 of taxable wealth should be admitted and one having $30,000,000 should not? Then you would run counter to the precedents under which a majority of the Territories have been admitted with property of less value. Would you raise an issue in regard to the territorial extent of these communities? Then the decision would still be in favor of admitting all.

But, Mr. President, a Territory might not be entitled to statehood even if it had 500,000 inhabitants; and another Territory might have $60,000,000 or $600,000,000 of taxable wealth, and yet lack other qualifications and be rightfully debarred admission into the Union; and still another Territory might be unfitted for statehood even though its area exceeded that of Alaska.

If other States have been admitted to the Union having less population, less area, or less taxable wealth than any of the three Territories named in the bill, such precedents can not be held to be sufficient in themselves to confer upon either Arizona, New Mexico, or Oklahoma an equality of right with each other or any right whatever to be admitted to the Union.

The conferring of statehood upon a people involves not only the recognition of the preparedness of the people for assuming such dignities and responsibilities, but also involves the consideration of the interests of the States already forming the Union. It is a matter of great importance to the whole people of the United States that when a new State is admitted it should have a population which, in intelligence, morality, and devotion to the principles of our Government, as well as in numbers, will compare favorably with the average of the peoples of the other States. It should be sufficiently equipped with resources, developed or undeveloped, having above all the quality of permanency, which will insure its ability to bear the burdens of the State government for all time without overtaxation of its citizens.

I entered upon the consideration of this bill, fully aware that, by reason of the many close relations, involving common commercial interests, existing between the peoples of Arizona and California, it was expected by many of them that I would have no hesitation to support any measure that is intended to give to our neighboring Territory the long-coveted benefits supposed to be incident to the granting of statehood; and that it was assumed that such a measure, proposing for the West additional representation in the House of Representatives, in the Senate, and in the electoral college, could not fail to receive my support. This expectation was expressed early by the Arizona newspapers, later by some of the leading newspapers of California, and subsequently by some of the representative commercial bodies of California.

These circumstances made it quite easy for me to begin the consideration of the measure with preconceived ideas favorable to the admission of Arizona, at least; and the consideration that the measure had already been passed in its present form by the House of Representatives facilitated the process by which I was being led further to regard it with favor.

It is easy to be misled into erroneous conclusions through partial views and prejudices and sentiment, but when we rise to a realization of our whole duty our view is no longer obscured by the colored atmosphere of selfishness and local interests.

Ordinarily I would subordinate my own judgment to the opinions of the people of my State, when they are fairly and definitely expressed, with full knowledge of all the facts, especially in regard to policies affecting their vital interests alone; but in a matter like the pending question, involving the consideration of my duty as a Senator to the whole people of the United States, I recognize no higher authority and direction than my own judgment and conscience. I may be pardoned for referring to the aspect which the consideration of the measure has assumed to me personally when I state that my action in voting with the majority of the Committee on Territories during the latter part of the first session of this Congress, upon the motion to fix a date for the consideration of this omnibus statehood bill, and also my action in joining the majority of the committee in its adverse report on the bill, has been severely criticised by many of the Arizona newspapers, and by some of the California newspapers, for what they consider my disregard for the interests of that section of the country; and because of this criticism I am the more desirous of briefly indicating the convictions which have governed my action in the matter.

I propose, then, to consider whether Arizona is qualified in respect to the number, character, and intelligence of its population for statehood, and whether the present and possible development of its resources afford satisfactory assurances that they will soon attract and hold permanently a population which will bear a reasonable proportion to the population of the rest of the United States.

I regret that I was prevented from joining the subcommittee when it visited the Territory and from personally investigating the conditions there. My own knowledge concerning Arizona, based only upon my personal observations, is limited, and it would be unfair for me to be influenced entirely by the impressions which are naturally formed from what I have seen during my frequent journeys over the two transcontinental railroads which pass completely across the northern and southern portions of the Territory, for I am aware that the most important towns and the greatest development of its resources are located away from these trunk lines. And the information which I have concerning those better portions of the Territory and my own experience in a semi-arid and semitropical country guard me against the common error which many tourists fall into of supposing that there are no sections of its area more attractive than the dry and desert regions through which they must travel on those routes, or that it is impracticable to make of the desert a fit habitation for man.

In adducing my conclusions I have depended largely upon the information that is open to every citizen and afforded by the census statistics of the United States, by the reports of the governors of the Territories, and by the valuable testimony of the citizens of Arizona, which is reported by the committee.

I do not deem it necessary to apologize if I should repeat some of the essential facts and figures already used over and over again in the remarks of those who have preceded me in this debate, for they are the foundation upon which our conclusions are based, and my remarks as a whole would be incomplete without again stating them.

POPULATION.

The Territory contains within its boundaries 113,000 square miles, or 72,320,000 acres. In 1860 it was a county of New Mexico and had a population of 6,482. It was organized as a Territory February 24, 1863. Exclusive of persons on Indian reservations, it had, in 1870, a population of 9,658; in 1880, 40,440; in 1890, 59,620, and in 1900, 99,550.

The total population as given in the census report for 1900 is 122,931, including 23,381 persons on Indian reservations.

According to the census of 1900, the density of the population of Arizona, including Indians and others on Indian reservations, was 1.1 persons to each square mile, being less than the density of any other State or Territory, except Nevada and Wyoming, the density of which were, respectively, four one-hundredths and nine one-hundredths. In 1890 the density of the whole population of Arizona, exclusive of Indians, was eight one-hundredths,

and the apparent increase of the density of population to 1.1 persons per square mile in 1900 is due largely to the inclusion of the 23,381 Indians in the estimate of 1900.

Mr. BEVERIDGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from California yield to the Senator from Indiana?

Mr. BARD. Certainly.

Mr. BEVERIDGE. So I understand from what the Senator says that if you exclude from the entire population of Arizona the 30,000 Indians that would make the population considerably less than one to the square mile?

Mr. BARD. Yes; that is correct.

By deducting the number of Indians and persons on reservations there is left a population of 99,550 other than Indians, which would give a density of only eighty-eight one-hundredths instead of 1.1 persons; and therefore the increase in the percentage of density for the decade 1890 to 1900 is twenty-two one-hundredths.

We find in the statistical table showing the increase in population from 1890 to 1900 that Arizona gained a population of 40,550, exclusive of persons on Indian reservations, and that this represented an increase of 68 per cent over the census enumeration for 1890.

This statement needs particular explanation. The increase, 40,550, given by the census tables, is the difference between 59,620, which is only a part of the population for 1890, and 100,170, which is also only a part of the population for 1900, and the percentage of increase is calculated, not upon the whole, but only a part of the population of 1890. In each case the Indian population is not included. But a comparison of the aggregate population of 1890, amounting to 88,243 persons, with the aggregate population of 1900, which is 122,931, will produce a very different result. By subtracting the one from the other, we find the increase to be only 34,688, and this is only 39.3 per cent of the aggregate population of 1890.

I have prepared a table showing the census increase for each decade between 1860 and 1900 in the population of Arizona and 13 other Western States and Territories, with the view of comparing the increase for that period in population of Arizona with the increase of the other States, and I ask that this table may be inserted in my remarks at this point.

The PRESIDING OFFICER (Mr. WELLINGTON in the chair). In the absence of objection, that order will be made.

The table referred to is as follows:

State or Territory.	Increase.			
	1860 to 1870.	1870 to 1880.	1880 to 1890.	1890 to 1900.
Arizona	9,658	30,782	19,180	40,550
California	180,253	304,447	343,436	274,049
Colorado	5,587	154,463	217,871	126,357
Idaho	14,999	17,611	51,775	74,762
Montana	20,595	18,564	93,000	99,400
Nevada	35,634	19,775	16,505	5,099
New Mexico	1,642	27,691	34,028	37,854
Dakota Territory	9,344	120,996		
North and South Dakota combined			376,350	
North Dakota				129,520
South Dakota				55,079
Oklahoma			61,834	320,407
Oregon	38,458	83,845	138,999	95,997
Utah	46,513	57,177	63,942	67,047
Washington	12,361	51,161	274,274	162,194
Wyoming	9,118	11,671	39,916	29,865

Mr. BARD. This table shows that the only Western States or Territories having a smaller increase of population than Arizona in the decade 1860 to 1870 were Colorado, New Mexico, and Wyoming. In the decade 1870 to 1880 Arizona's increase was only greater than that of Idaho, Montana, Nevada, New Mexico, and Wyoming; but from 1880 to 1890 Arizona's increase outranked Nevada only, and from 1890 to 1900 Arizona's increase outranked only Nevada and New Mexico.

Colorado, which had a smaller increase of population in the first decade than Arizona, has outstripped Arizona and gained in population 490,836, while Arizona has gained only 113,273. New Mexico has had in every decade (except 1880 to 1890) a smaller increase than Arizona, and has gained 103,436, while Arizona has gained 113,273. Idaho gained 146,773. Montana gained 222,734. Nevada lost 156 people in the forty years. Oklahoma in the last ten years, having but 2,214 more than Arizona in 1890, gained 336,497, or three times as much as Arizona gained in forty years.

The other Western States which had a larger increase of population than Arizona in the four decades increased as follows between 1870 and 1900: California, 924,806—over eight times as much as Arizona; Oregon, 322,613—nearly three times as much as Arizona; Utah, 189,963—77,000 more than Arizona; Washington, 494,148—nearly four and one-half times as much as Arizona; North and South Dakota combined, 706,535—over six and one-fourth times as much as Arizona.

Here I must express my disappointment to find that, while the great West has been making wonderful progress, as indicated by its increase of population as well as by other evidences of growth, these two Territories, Arizona and New Mexico, have lagged so far behind.

The aggregate population of Arizona at the census of 1900 is made up of 92,903 persons denominated white, which include the native and foreign-born Mexican population, and the following, classified as colored persons, namely, 26,480 Indians, 1,848 negroes, 1,419 Chinese, and 281 Japanese; total, 30,028. (See Table IV, p. xx, vol. 2, part 2, Population; Table XXXIX, p. 40, of Abstract.)

According to this classification 75.6 per cent are white and 24.4 per cent are so-called colored. Of the 92,903 whites 22,395, or 24.6 per cent, are foreign born, including foreign-born Mexicans, and 70,508 are native born, including native-born Mexicans.

The total number of white persons of foreign parentage is 48,068, or over 51.7 per cent of the total white population (92,903), leaving 44,835 of native white parentage, or 48.3 per cent of the total white population. (Table VII, p. xxvi, Part II.) The foreign-born Mexican population alone in 1900 was 14,172, or 15.25 per cent of the whole white population (vol. 1, Population, Part I, p. clxxiv), and the foreign-born Mexican population in 1890 being 11,334, an increase for the decade is shown of 2,838 in the foreign-born Mexican population, or over 25 per cent. (See House Executive Documents, second session Fifty-third Congress, Vol. 15, report of Governor L. C. Hughes for 1893, quoting from Eleventh Census.)

Thirty-one and five-tenths per cent, or 12,002 of all the white persons of foreign parentage, including foreign-born whites, 10 years of age and over, can not speak English (Table 72, p. 124, abstract), and there are in the Territory 27,468 persons, white and colored, 10 years of age and over, or about 22.5 per cent of the whole population, who can not speak English. (Table 58, p. 76, abstract.) And there are 50,308 persons, or 40:9 per cent of the whole population, who are of foreign parentage. (Table LXXXIV, p. clxxxii, vol. 1, Population, Part I.)

Of the total population (being 122,931) 71,795 are males and 51,136 are females. There were 19,552 more males than females over 15 years of age, the excess of females being 16 per cent of the whole population.

Of the 51,014 males over 15 years of age nearly 50 per cent, or 25,249 were single.

Fifty-five and one-half per cent, or 28,459, are single, widowed, or divorced, and only 44½ per cent, or 22,555, married.

This, taken in connection with other facts, would indicate that a large part of the male population is of a transient character or is not permanently settled.

ILLITERACY.

The total white population of Arizona is classified as follows:

Native white—	
Native parents	44,830
Foreign parents	25,678
Foreign white	22,395
Aggregate	92,903
Total colored population	30,028

Illiterates are persons at least 10 years of age, unable to both read and write any language.

The aggregate illiterates in Arizona (table 84, p. 470) is 27,307, classified as follows:

Native white—	
Native parents	1,266
Foreign parents	1,830
Total native white	3,096
Foreign white	7,552
Total white	10,648
Colored, including 211 negroes	16,659
Aggregate of illiterates	27,307

The percentage of illiteracy in the total population of Arizona, ten years of age and over, is 29 per cent. (Table LIV, p. c., vol. 2, Part II.)

The illiteracy of its white population is 14.9 per cent and the illiteracy of its colored population, which means Indians, negroes, and Mongolians, is 73.56 per cent. The illiteracy of its foreign population is 35.3.

It is important to observe, while the percentage of illiteracy in the white population of Arizona is 14.9, that of the white population of the continental United States is only 6.2, and that the percentage of illiteracy for the whole of the United States, including all Indians, negroes, and other inferior populations, is only 10.7 per cent, against Arizona's 29 per cent; and that the percentage of illiterates among the white population of the Western division, of which Arizona is a part, is only 4.1 per cent, against Arizona's 14.9 per cent. (Table LVII, p. 75, Abstract.)

I have prepared a table which will assist in making a comparison of the illiteracy of Arizona with that of the western census

division, of which it is a part, and I ask that it may be printed at this point as a part of my remarks.

The PRESIDING OFFICER. In the absence of objection, that order will be made.

The table referred to is as follows:

State or Territory.	Total illiteracy.	White illiteracy.
	Per cent.	*Per cent.*
Arizona	29	14.9
Colorado	4.2	3.8
New Mexico	35.2	29.9
Utah	3.1	2.2
Nevada	13.3	2.7
Idaho	4.6	1.9
Washington	3.1	1.5
Oregon	3.3	1.4
California	4.8	3.1
Oklahoma	5.5	2.9
Indian Territory	19	14.1
Texas	14.5	8.5

Mr. BEVERIDGE. With the permission of the Senator, may I ask him if he has got tabulated in this very interesting table how many of the 123,000 population of Arizona are Indians, how many Mexicans, either of foreign-born parentage or Mexican and native parentage, and how many are what are known down there as Americans? Has the Senator the numbers of those three elements?

Mr. BARD. I have given the number of those who were born in Mexico.

Mr. BEVERIDGE. I call attention to this point because it seems to me important that we should know the elements that compose the 123,000 people. But, roughly speaking, my recollection is that, as the Senator shows, out of the 123,000 people in this Territory, which is as large as New England and New York put together, there are 30,000 Indians, between twenty-seven and twenty-eight thousand or more Mexicans, I have forgotten the number who are Indians and half-breeds, leaving but 55,000 or 60,000 of what are called down there Americans, who populate a Territory as great in extent as all of New England and New York. So the question with reference to this very thing comes down to the admission of a Territory as great as New England and New York populated by 123,000 people, of whom about 30,000 are Indians and about 28,000 are Mexicans, and the rest, with the exception of some Indian half-breeds, are what are called down there Americans.

Mr. BARD. I have submitted some statistics as to that point.

Mr. BEVERIDGE. That, I think, is a pretty serious business.

Mr. BARD. The census reports do not make any distinction between the Mexican population and the American population, so far as I have been able to discover.

Mr. BEVERIDGE. The other day I myself put into the RECORD a table upon that subject.

Mr. BARD. Mr. President, we find that the illiteracy of both its total population and its white population is greater than that of every State and Territory of the Western division, except New Mexico.

The high percentage of illiteracy of the white population in Arizona may be charged principally to the Mexican population employed along its railroads and in its mines. But in this connection I desire to say that I have no prejudice against the Mexican people and no disposition to be unjust to them. I am familiar with the characteristics of the Spanish-speaking people of my own State. At the time of the admission of California to statehood they constituted a large portion of its population, and have contributed a fair share of the men who have aided in the upbuilding and directing the affairs of our State, and have shared in many of the honors which a State may confer upon its citizens.

It is probable that the present and later generations of the Mexican people of Arizona will, as a class, improve under the influences of the common schools and other American institutions, so that they will at some time fully appreciate the privileges of their citizenship and rise to the level of literacy and civilization upon which the average American citizen stands. They are now far below that level.

This description of the character and conditions of the population of Arizona will be by no means complete without referring to the fact that it is estimated that of the 92,903 white people a large percentage are Mormons. In 1890 they constituted one-fifth of the population, according to the census. The governors of the Territory of Arizona, at various times in its history, found occasion to refer specifically to them, and to their standing as citizens, and I have culled from their reports the following remarks:

In 1889 Governor Wolfley, in urging Congress to reestablish the Territorial law which disfranchised all who practiced, taught, or encouraged polygamy, and which had been repealed by the last legislature of the Territory, speaks of them as follows:

> Morally and politically the Mormons are an unwelcome and a dangerous element. Morally, their teaching and encouraging, if not actually practicing, polygamy is against all established Christian law, moral or religious. * * * Politically, the Mormons seem to have adopted the plan of sending colonies or "stakes" to the surrounding Territories in sufficient numbers to form a balance of power between the two political parties. They are willing to trade with either, but remain true only so long as the interests of the church are best served.
>
> The church is their law, and all other law is subservient to the orders of the church. They are therefore a most dangerous and unscrupulous factor in politics, without regard to party. Four years ago they voted for the Republican Delegate to Congress; two years ago and last year they voted for the Democratic Delegate, in payment for the repeal of the above-referred-to disfranchising act, passed by my late predecessor. Who they will next vote for will depend upon who will or who can make them the best offer or do them the most service. (House Ex. Docs., 1889-1890, Fifty-first Congress, first session, vol. 13, pp. 250-251.)

Governor Wolfley states that, at that time, the Mormons numbered about 8,000.

In the following year (1890) Governor N. O. Murphy estimates the number of Mormons in Arizona at 12,000, which he says "is one-fifth of our population under the census," and that, in view of the restrictive legislation in Idaho and the probability of similar action in Utah, it is more than likely that the immigration of that class of people to Arizona will rapidly increase; and, in his concluding remarks, he devotes considerable space in stating the facts as they appear to him in reference to the Mormons. He says:

> The influences of the Mormon Church upon the progress of Western civilization and their effects, socially and morally, are vexatious. It seems to be generally accepted by the highest modern intelligence that the public welfare and the general good of our people will be best subserved by legislative restrictions upon the Mormons, and it has been the policy of the Government and of communities wherever the followers of Mormonism have gained a foothold in this country to restrain, by legislative enactment, the extension of Mormon power and influence. (House Ex. Docs., 51st Cong., 2d sess., vol. 15, pp. 491, 492.)

In his reference to the convention held under an act of the legislature of Arizona, approved March 19, 1891, for the formation of a State constitution, which convention was in session at the time of the writing of the report, Governor Murphy says:

> The principal bone of contention so far developed between the political parties in the convention is the question of following the example of Idaho in the matter of the "test oath," as applied to Mormons exercising the right of franchise. The Democrats oppose the "test oath" and the Republicans favor it. The Democrats claim that the Republicans favor the measure because the Mormons of Arizona vote the Democratic ticket, and that the question is entirely political and not moral, and the proposed "oath," if required by the constitution, would be an unjust and unconstitutional discrimination on account of religious belief; that the Mormons have renounced the practice of polygamy and bigamy by edict of their church authorities, and that they conform to the laws of the country, are worthy people, and are entitled to the same consideration accorded to other citizens.
>
> On the other hand, the Republicans claim that the question is more moral than political, notwithstanding that the Mormons vote the Democratic ticket to a man; that the renunciation of the crimes of polygamy and bigamy by edict of their leaders is not sincere, and is only done for a purpose, and that those crimes against society still form the keystone to the arch of their faith; that they do not recognize the supremacy of the State over their church; that they exercise the right of franchise blindly as a class, and under orders from selfish and interested motives, and are consequently unfitted to exercise such a right, no matter what political party they favor, unless they are willing to subscribe to the oath referred to.

And again he says:

> It is also claimed here by independent thinkers that, owing to the junction of Arizona with Utah, it would be very easy to so colonize the Territory with Mormons by either political party (which they might be inclined to favor) as to absolutely control the affairs of state for a long time, and it is true that they do now hold the balance of political power in Arizona. (House Ex. Docs., 52d Cong., 1st sess., vol. 16, p. 318.)

In his report for 1893 Governor L. C. Hughes makes a statement regarding the strength of the various church organizations in the Territory at that time, from which we find that the Mormons had more churches in the Territory than any other denomination. He also informs us that in the last election the Mormons cast a vote of 1,500 out of a total vote of 7,738 cast on the question of the adoption of a constitution. He further says concerning the Mormon population: "This population does not exceed one-eighth of our people." But it will be observed that the Mormon vote was about one-fifth of the whole vote cast on the question of adoption of a constitution.

I notice that in the later report of the governor to the Secretary of the Interior, Governor Hughes states that the practice of polygamy by the Mormons in Arizona is "unknown," and they are a thrifty, industrious, and law-abiding class of citizens. His choice of the word "unknown" is singular and perhaps significant. Nevertheless, if they have been insincere in their professions of obedience to the laws prohibiting polygamy or bigamy as late as 1890, there is a possibility that in this respect some of them at least would violate the law again unless further restrained by local public opinion and regulations, and I now refer to a feature of the omnibus bill which ought not escape the attention of anyone charged with the careful investigation of it.

I refer to the clauses intended to prevent the practice of polygamy in the proposed new States. The original House bills introduced by the Delegates from New Mexico and Arizona contained

nothing in regard to polygamy, and, as we know, the omnibus bill was made up, without material alteration, from the separate bills introduced by the Delegates from the Territories; but that, in the Committee of the Whole House on May 9, 1901, an amendment was proposed by Representative ROBERTS, and adopted, which provided in respect to Arizona that "polygamous or plural marriages are forever prohibited," and the amendment was agreed to.

Just before the omnibus bill was passed by the House, Mr. RODEY, the Delegate from New Mexico, probably intending to correct an oversight in his bill, proposed an amendment which provided that the prohibition of polygamy should also apply to New Mexico; which amendment was also adopted. But in respect to Oklahoma the provision relative to polygamy, which was already in the original bill introduced by Delegate FLYNN, was retained in the omnibus bill without any change.

This proviso relating to polygamy in Oklahoma, however, is not the same as the amendments applying to New Mexico and Arizona. It reads as follows:

And said convention shall provide by ordinance irrevocable without the consent of the United States and the people of said State: First. That perfect toleration of religious sentiment shall be secured, and that no inhabitant of said State shall ever be molested in person or property on account of his or her mode of religious worship: *Provided*, That nothing herein contained shall be construed to legalize the practice of polygamy.

There seems to be no good reason why the prohibitory clause should not be uniform in its application to all of the proposed new States. The omission of the prohibition in respect to Oklahoma gives emphasis to its application to the two other Territories. The proviso relating to Oklahoma is not a prohibition of polygamy, for it would be no contravention of the proposed ordinance for Oklahoma if its legislature should at any time legalize the practice of polygamy.

The acquiescence of the Delegate from Arizona in the adoption of the amendment in reference to prohibition of polygamy in his Territory, and the introduction by the Delegate from New Mexico of a similar amendment applying to New Mexico, is an acknowledgment of the propriety and necessity for taking a further precaution against the practice of polygamy in these proposed new States, notwithstanding there are United States laws upon the subject which may fairly be considered sufficient and efficacious in any communities where there is a sound public opinion to support the law.

The cold statistics relative to the population of Arizona, which I have recited, are very material and are reliable. They reveal the general character, conditions, and intelligence of a large part of the population of Arizona upon whom this measure intends to confer the dignity of statehood.

By reason of the facts above given in reference to the population of Arizona, namely, that the density of the whole population is only one and one-tenth persons to the square mile; that the increase of population for the last decade was only in fact 39.3 per cent, or at a rate of about 4,000 persons per annum; that such increase is less than that of any of the States and Territories of the western division except Nevada and New Mexico; that 24 per cent of its white population is foreign born; that 40.9 per cent of the whole population is of foreign parentage; that of every 12 inhabitants 7 are males and 5 are females, and that the percentage of illiteracy of its white population compared with other States is very high—I am compelled to conclude that Arizona does not have a population which, in numbers, bears a reasonable proportion to the population of the nation as a whole, and that the average rank of its citizens is not yet high enough to entitle it to an equal footing with the original States of the Union.

This conclusion is not unjust nor disparaging to that element of the population of Arizona who have had the training in citizenship which Americans usually have, and who, in respect to intelligence, courage, and devotion to the principles of our Government, will compare favorably with the best citizenship of any State. Nor is it disparaging to the brave and hardy pioneers who have removed obstacles from the path which the westward course of empire takes; nor to the men who, intelligently and with faith in the future of the Territory, began and will continue the reclamation of that vast arid region, and who have already done and are doing so much in developing the resources of its mountains. Such men, though not strong numerically, will yet accomplish much more.

RESOURCES OF THE TERRITORY.

I do not propose to repeat the statistics which have already been presented by the Senators from Vermont, New Hampshire, and Minnesota, and the other Senators who have preceded me, in order to show the character, extent, and value of the resources of Arizona; but I think it will be interesting and instructive to make comparisons with the view of determining what has been the growth of wealth and the rate of the progress of the development of the mineral, grazing, and agricultural resources of the Territory for the last twenty years. In order to make such comparisons, it is necessary to ascertain first what were the conditions of these industries and how far they had been already developed in 1883, and then to compare the facts thus ascertained with the present conditions.

This comparison will be more graphic if we shall pay less attention to the statistical tables of the census reports, although, of course, we must occasionally refer to them, and shall rely mainly upon the annual reports of the Territorial governors for the period mentioned. This source of information has not yet been used much in this discussion, and I submit that it is fair to use the data and opinions and conclusions thus presented by the chief executive officers of the Territorial government, who have, in accordance with their duty, presented the essential facts showing the annual progress and conditions of their respective Territories.

I have collated from the reports of the governors of Arizona and New Mexico and Oklahoma the assessed valuations of all property in each of the Territories for twenty years. I know that while these valuations may not represent the full values of all the property assessed in each year, and that there may not be the same basis for valuation in all of the Territories, nevertheless they will serve to indicate approximately the growth of the wealth and the increase in the value of property that has contributed to the support of the Territorial government.

Frequent references have been made in these governors' reports to the effect that, under the system in vogue, which unfortunately is used in other Western States, considerable taxable property is not returned to the assessors, and that the valuations of the assessed property are usually lower than their fair cash values. Perhaps as the community grows older the taxpayers may learn that correct returns and fair cash valuations will result in a more just and perfect distribution of the charge against the property and in a corresponding reduction of the tax rate, but Arizona, like many of the States, has not yet adequately remedied the admitted defects in its system of taxation.

I have in my hand a comparative table of assessed valuations of taxable properties in the Territories of Arizona, New Mexico, and Oklahoma, collated, as I have said, from the reports of the governors from 1883 to 1902, inclusive, in respect to Arizona and New Mexico, and from 1891 to 1902, inclusive, for Oklahoma, which I desire to have printed as a part of my remarks.

The PRESIDING OFFICER. If there is no objection the table will be inserted in the RECORD.

The table referred to is as follows:

Comparative table of assessed valuations of property in the Territories of Arizona, New Mexico, and Oklahoma.

[Collated from the reports of the governors.]

Fiscal year ended June 30—	Arizona.	New Mexico.	Oklahoma.
1883	$36,006,860.00	$27,137,903.00	
1884	30,227,776.00	28,442,839.00	
1885	28,682,612.00	37,500,498.00	
1886	23,206,918.00	45,000,000.00	
1887	26,313,500.00	45,462,459.00	
1888	25,913,015.00	43,151,920.00	
1889	27,057,467.00	46,041,010.00	
1890	28,050,235.00	45,199,847.00	
1891	28,270,466.00	45,329,563.00	$6,878,928.00
1892	27,923,162.00	Not shown.	11,485,162.00
1893	28,486,183.00	41,602,198.00	13,951,056.38
1894	27,060,975.00	43,630,245.00	19,947,992.00
1895	27,518,922.00	41,128,621.00	39,275,189.00
1896	28,047,176.00	40,518,037.81	24,815,711.00
1897	30,613,703.00	40,000,000.00	32,094,752.00
1898	31,473,360.00	Not shown.	40,623,816.00
1899	32,509,520.00	40,124,725.00	42,982,414.00
1900	33,782,496.00	36,364,761.00	*49,338,661.00
1901	38,853,831.00	36,977,048.00	60,464,696.00
1902	39,083,178.00	38,227,878.00	72,677,423.00

Mr. BARD. It is observed that, with respect to Arizona, there is a gradual decline in the assessed valuations each consecutive year for a whole decade following 1883. I will state that, because of the repeated decline in these valuations after 1883, I feared that the figures for that year were erroneous, but in the report for 1894 I came across a verification of it in the statement of the governor that the valuation for 1894 amounted, in round numbers, to $27,000,000 ($27,060,975), and that it was about $9,000,000 less than the assessed valuation for 1883, which was $36,000,860.

It will be observed from this statement that the total assessed value of property in Arizona was higher in 1883, the beginning of our period of twenty years, than it was in any year, except the years 1901 and 1902, and that for the whole period the apparent gain in the assessed valuation of property in Arizona for the twenty years is only $3,076,318, or at the rate of $153,826 per annum.

In 1886 there was a decrease of over $5,000,000 in the assessed valuations of property below the returns for 1885. This decrease was due in part to the temporary discouragement and prevention

of immigration caused by the raids of the renegade Apaches under the lead of Geronimo and Natches. Under such circumstances it is fair to presume that much property could not be reached or was undervalued by the assessor. The legislative assembly of 1885 created a Territorial board of equalization to revise the assessments of the different counties and to see that all property is assessed at the true cash value as the law requires, and the assessment for the next year shows an increase of only $3,000,000. But if we take the lowest annual assessed valuation reported for the twenty years, being for the year 1886 $23,206,918.65, and compare it with the valuation of 1902, the increase in the last sixteen years seems to be $15,776,260, or at the annual rate of $986,000.

It is a surprise to find Arizona thus admitting that her wealth is so inconsiderable when compared with her area and that the accumulations of her wealth and the progress of the development of her resources have been so slow, as is indicated by her equalized assessment rolls.

Note, too, that, side by side with Arizona, New Mexico makes a similar confession. The assessed valuation of property in New Mexico for 1883 is $27,137,903, and the assessment of property in New Mexico for 1902 is $38,227,878. The gain for the twenty years is about $11,000,000, or an average annual increase of $550,000. Her assessment valuations have fluctuated, rising from $27,137,903 in 1883, and reaching their highest point of $46,041,010 in 1889. Since then they have decreased, and in 1901 had fallen to $36,977,048, a lower valuation than for any year since 1884. There is an actual decrease of $7,813,122, if we compare the assessed valuation for 1889 with that of 1902. For the thirteen years this would be an average annual decrease of over $600,000.

On the other hand, look at the table and observe what a different story is told by the increase in the assessed valuations of property in Oklahoma. Beginning with the year 1891, there has been an increase, year by year, except for the year 1896; and in the five years from 1897 to 1902 Oklahoma gained in assessed property $40,640,000, which gain alone is over $1,500,000 more than the total valuation of all the assessed property in Arizona in 1902, and over $2,000,000 more than the total assessed valuation of property in New Mexico in 1902. Oklahoma has $33,594,245 more assessed property on her tax rolls than Arizona, and nearly double as much as has New Mexico.

Mr. CULLOM. Mr. President——

The PRESIDING OFFICER (Mr. WELLINGTON in the chair). Does the Senator from California yield to the Senator from Illinois?

Mr. BARD. Certainly.

Mr. CULLOM. I wish to inquire of the junior Senator from California whether it would not be more agreeable to him to finish his remarks when this bill is next under consideration?

Mr. BARD. It would be. My voice is becoming weaker.

Mr. CULLOM. I should like very much to have a little executive session, and if it is agreeable to the Senator I will move that the Senate proceed to the consideration of executive business.

Mr. BARD. I yield to the Senator from Illinois.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

Mr. FORAKER. Will the Senator from Illinois withhold that motion for just a minute?

Mr. CULLOM. All right.

Mr. FORAKER. I wish to make just one remark, in order that it may go into the RECORD along with the statement which I understand the Senator from Massachusetts [Mr. LODGE] made in his closing sentences. I was not in the Chamber at the time, but I have been told that he spoke in almost unmeasured criticism of the proposition of the Senator from Pennsylvania [Mr. QUAY] to make the statehood bill an amendment to an appropriation bill.

I wish to call attention to the fact that that is nothing unusual, as the remarks of the Senator, as they have been reported to me, would seem to indicate, but quite in accordance with the practice that has obtained here under similar circumstances ever since I have been a member of the Senate.

I remember, as all Senators must, that when we were considering the Army appropriation bill, we attached to it as a rider, if I may use that expression, a bill providing for civil government in the Philippine Islands. It was bitterly criticised at the time, but it was supported by a majority of the Senate. I might mention a number of other cases, and would, except that I do not wish to delay the motion of the Senator from Illinois.

Mr. BEVERIDGE. The report has not yet been made.

Mr. KEAN. Will the Senator from Ohio pardon me? No State ever was admitted into the Union by provisions in an appropriation bill.

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from New Jersey?

Mr. FORAKER. Yes; I yield to the Senator from New Jersey, and will take great pleasure in answering him.

The PRESIDING OFFICER. The Chair would be glad if Senators would observe the rule of the Senate and first address the Chair before interrupting a Senator.

Mr. FORAKER. Answering the Senator from New Jersey, it is true perhaps that no State has ever been admitted to the Union by an amendment to an appropriation bill, but the principle is not different—it does not need any argument to show that—in the case now presented and criticised by the Senator from Massachusetts from that in the case presented when we provided for civil government in the Philippine Islands by an amendment to the Army appropriation bill.

I might mention a number of other cases, but I do not wish to take the time to do it. However, I will call attention to the fact that only to-day there were reported from the Committee on Military Affairs, by the unanimous vote of that committee, amendments to the Army appropriation bill providing for general legislation to create a general staff and also to provide for the retirement of Army officers with an advanced rank.

I mention this not to discuss it, but simply to call attention to the fact that what the Senator from Massachusetts, according to the remarks reported to me, seemed to think was unheard of is not unheard of at all.

Mr. CLAY. Will the Senator from Ohio allow me?

Mr. FORAKER. It is simply a question in every case whether or not a majority of the Senate want to do the thing that it is proposed to do, the majority of the Senate having it in their power always to make any such amendment as in their judgment may be necessary and to enact such legislation as in their judgment the best interests of the country require.

Mr. SCOTT. I move that the Senate do now adjourn.

Mr. CLAY. Mr. President——

Mr. FORAKER. I yield to the Senator from Georgia.

The PRESIDING OFFICER. Senators will please be in order.

Mr. CULLOM. I myself had the floor and yielded to the Senator from Ohio.

Mr. FORAKER. I beg pardon.

Mr. CLAY. Mr. President, in connection with what the Senator from Ohio has just said, I hold before me the CONGRESSIONAL RECORD containing the amendment put on the bill making appropriations for the support of the Army. I will ask that the amendment be inserted in my remarks without being read.

The PRESIDING OFFICER. If there be no objection to the request of the Senator from Georgia, it is so ordered. The Chair hears none.

The amendment referred to is as follows:

All military, civil, and judicial powers necessary to govern the Philippine Islands, acquired from Spain by the treaties concluded at Paris on the 10th day of December, 1898, and at Washington on the 7th day of November, 1900, shall, until otherwise provided by Congress, be vested in such person and persons and shall be exercised in such manner as the President of the United States shall direct, for the establishment of civil government and for maintaining and protecting the inhabitants of said islands in the free enjoyment of their liberty, property, and religion: *Provided*, That all franchises granted under the authority hereof shall contain a reservation of the right to alter, amend, or repeal the same.

Mr. BEVERIDGE. Mr. President——

Mr. CLAY. Mr. President, just one moment.

Mr. BEVERIDGE. What is the request of the Senator from Georgia?

Mr. CLAY. I will take but a moment.

The PRESIDING OFFICER. That a certain amendment be inserted in the RECORD.

Mr. CLAY. I notice that in the CONGRESSIONAL RECORD there follows the vote taken on the amendment. We know that was an amendment which invested the President of the United States with power to govern the Philippine Islands during a certain period of time and until Congress should otherwise direct.

Now, the Senator from Massachusetts [Mr. LODGE] has taken the position that this proposed amendment is revolutionary. Let us see what was his position at that time.

Mr. CULLOM. Mr. President——

Mr. CLAY. The Senator from Alabama [Mr. PETTUS] made the point of order that this amendment was general legislation.

Mr. CULLOM. Mr. President——

Mr. CLAY. The Chair submitted to the Senate for its decision the question whether the amendment was in order. That was the question before the Senate, and on it a yea-and-nay vote was had. I find that the Senators voting that the amendment was in order and ought to be attached to the appropriation bills were as follows:

ALDRICH, ALLISON, BAKER—

I will simply ask that their names be inserted in the RECORD, for I do not wish to consume the time of the Senate. Among the Senators voting in favor of placing the amendment upon the appropriation bill was the Senator from Massachusetts [Mr. LODGE].

The PRESIDING OFFICER. Is there objection to the request of the Senator from Georgia that the list of names be inserted in the RECORD?

Mr. BEVERIDGE. It saves him from reading it. Of course nobody objects.

The PRESIDING OFFICER. There being no objection, the extract will be printed the RECORD.

The extract is as follows:

Mr. PETTUS. Mr. President——

The PRESIDENT pro tempore. The Senator from Alabama raises the point of order that this amendment is general legislation. The Chair submits the question to the Senate for its decision. Is the amendment in order? is the question before the Senate.

Mr. PETTUS. On that question I ask for a yea-and-nay vote.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. MCMILLAN (when his name was called). I am paired with the Senator from Kentucky [Mr. LINDSAY]. I do not see him at present in the Chamber. I will transfer that pair to the Senator from Nevada [Mr. JONES], and vote. I vote "yea."

Mr. MONEY (when his name was called). I am paired with the senior Senator from Oregon [Mr. MCBRIDE].

Mr. MORGAN (when his name was called). This seems to be a political division, and I am paired with the Senator from Pennsylvania [Mr. QUAY]. If he were present, I should vote "nay."

Mr. PENROSE. I suggest to the Senator from Alabama that his pair be transferred to the Senator from Delaware [Mr. KENNEY], with whom I have a general pair, and then we can both vote.

Mr. MORGAN. All right. I vote "nay."

Mr. PETTUS (when his name was called). I am paired with the senior Senator from Massachusetts [Mr. HOAR], who is not present, and I withhold my vote. I should vote "nay," if I had the privilege of voting.

Mr. PRITCHARD (when his name was called). I have a general pair with the Senator from South Carolina [Mr. MCLAURIN] and withhold my vote.

Mr. WARREN (when his name was called). I am paired with the Senator from Washington [Mr. TURNER]. I inquire if he has voted.

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. WARREN. Then I withhold my vote.

The roll call was concluded.

Mr. HALE. I have a general pair with the Senator from Arkansas [Mr. JONES]. If he were present, I should vote "yea," and I think he would vote "nay."

Mr. BERRY. I will state that my colleague [Mr. JONES of Arkansas] would vote "nay," if he were here.

Mr. CHILTON (after having voted in the negative). I will ask if the Senator from West Virginia [Mr. ELKINS] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. CHILTON. I have a general pair with that Senator, and therefore withdraw my vote.

The result was announced—yeas 39, nays 23; as follows:

YEAS—39.

Aldrich,	Dillingham,	Lodge,	Quarles,
Allison,	Dolliver,	McComas,	Scott,
Baker,	Fairbanks,	McCumber,	Sewell,
Bard,	Foster,	McMillan,	Shoup,
Beveridge,	Gallinger,	Nelson,	Simon,
Burrows,	Hanna,	Penrose,	Spooner,
Carter,	Hansbrough,	Perkins,	Stewart,
Chandler,	Hawley,	Platt, Conn.	Thurston,
Cullom,	Kean,	Platt, N. Y.	Wolcott.
Deboe,	Kearns,	Proctor,	

Mr. BEVERIDGE. I want to ask the Senator——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Indiana?

Mr. CULLOM. I want the Chair to know that I yielded to the Senator from Ohio to make a remark or two, expecting to be recognized when he got through, and I have not been able to secure recognition so far.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. BEVERIDGE. I ask the Senator from Illinois to permit me to ask the Chair a question as to the parliamentary condition, and only that.

Mr. CULLOM. I think, if I may be allowed to say a word, that this discussion might just as well take place to-morrow.

Mr. BEVERIDGE. I think so.

Mr. CULLOM. It is very important that we should have a little executive session, not for the ratification of treaties to-night, because it is too late, but there are some other treaties which ought to be referred to the Committee on Foreign Relations to-day.

Mr. BEVERIDGE. I agree with that, but I wish to ask the Chair a parliamentary question.

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Indiana?

Mr. CULLOM. I yield that the Senator may ask a question of the Chair.

Mr. BEVERIDGE. That is all I want to do.

Mr. President, I wish to know whether a report from any committee has been made here to-day of any of the amendments which were offered yesterday to any one of the appropriation bills? That is what I wish to know.

The PRESIDING OFFICER. The Chair is unable to state.

Mr. BEVERIDGE. That I desire to know.

Mr. FORAKER rose.

The PRESIDING OFFICER. Can any information be obtained?

Mr. FORAKER. I do not know whether those reports have been made or not. If the Senator bases his question on any statement I made, my statement was that the Committee on Military Affairs this morning reported back the Army appropriation bill with amendments which provide for general legislation, one of them being to provide for the creation of a general staff and the other being to provide for the retirement of officers.

Mr. BEVERIDGE. That is satisfactory as to the Army appropriation bill; but what I want to know is whether any of those amendments have been reported.

Mr. CULLOM. Mr. President, I insist upon my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twelve minutes spent in executive session the doors were reopened, and (at 4 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Friday, January 30, 1903, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 29, 1903.

CONSULS.

Levi S. Wilcox, of Illinois, now consul at that place, to be consul-general of the United State at Hankau, China.

James W. Ragsdale, of California, now consul at that place, to be consul-general of the United States at Tientsin, China.

COLLECTORS OF CUSTOMS.

Nelson E. Nelson, of North Dakota, to be collector of customs for the district of North and South Dakota, in the States of North Dakota and South Dakota. (Reappointment.)

William J. Grant, of New York, to be collector of customs for the district of Cape Vincent, in the State of New York. (Reappointment.)

William H. Daniels, of New York, to be collector of customs for the district of Oswegatchie, in the State of New York, to succeed Charles A. Kellogg, whose term of office has expired by limitation.

SURVEYOR OF CUSTOMS.

John A. Bassarear, of New York, to be surveyor of customs for the port of Greenport, in the State of New York. (Reappointment.)

PROMOTIONS IN THE NAVY.

Lieut. (Junior Grade) Edward H. Watson, to be a lieutenant in the Navy from the 2d day of December, 1902, vice Lieut. Wilson W. Buchanan, promoted.

Lieut. (Junior Grade) Orlo S. Knepper, to be a lieutenant in the Navy from the 2d day of December, 1902, vice William J. Maxwell, promoted.

Lieut. (Junior Grade) Edward H. Dunn, to be a lieutenant in the Navy from the 10th day of January, 1903, vice Lieut. Lewis J. Clark, promoted.

Asst. Surg. Ralph W. Plummer, to be a passed assistant surgeon in the Navy from the 17th day of June, 1902, to fill a vacancy existing in that grade on that date.

PROMOTION IN THE MARINE CORPS.

First Lieut. Frederick L. Bradman, United States Marine Corps, to be a captain in the Marine Corps from the 23d day of July, 1901, to fill a vacancy existing in that grade on that date.

DIRECTOR OF THE MINT.

George E. Roberts, of Iowa, to be Director of the Mint. (Reappointment.)

APPOINTMENTS IN THE ARMY.

General officer.

Col. Charles L. Davis, Fifth Infantry, to be brigadier-general, January 26, 1903, vice Hayes, retired from active service.

Infantry Arm.

Albert Blackmore Hatfield, at large, to be second lieutenant, January 27, 1903, vice Goodrich, Thirteenth Infantry, promoted.

Judge-Advocate-General's Department.

First Lieut. Henry M. Morrow, Ninth Cavalry, to be judge-advocate with the rank of major, January 27, 1903, vice Lawton, retired from active service.

PROMOTIONS IN THE ARMY.

Cavalry Arm.

Lieut. Col. Richard H. Pratt, Fifteenth Cavalry, to be colonel, January 24, 1903, vice Hayes, Thirteenth Cavalry, appointed brigadier-general.

Maj. Frederick K. Ward, First Cavalry, to be lieutenant-colonel, January 24, 1903, vice Pratt, Fifteenth Cavalry, promoted.

Capt. Eben Swift, Fifth Cavalry, to be major, January 24, 1903, vice Ward, First Cavalry, promoted.

First Lieut. Henry C. Whitehead, Tenth Cavalry, to be captain January 24, 1903, vice Swift, Fifth Cavalry, promoted.

APPOINTMENTS IN THE NAVY.

Frederick W. S. Dean, a citizen of South Carolina, to be an assistant surgeon in the Navy from the 26th day of January, 1903, to fill a vacancy existing in that grade on that date.

Richard L. Sutton, a citizen of Missouri, to be an assistant surgeon in the Navy from the 26th day of January, 1903, to fill a vacancy existing in that grade on that date.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 29, 1903.

SECRETARY OF HAWAII.

George R. Carter, of Hawaii, to be secretary of the Territory of Hawaii.

PROMOTION IN THE MARINE CORPS.

Second Lieut. Lee B. Purcell, United States Marine Corps, to be a first lieutenant of the Marine Corps from the 23d day of July, 1901.

APPOINTMENTS IN THE NAVY.

Ernest H. Brownell, a citizen of Rhode Island, to be a civil engineer in the Navy from the 24th day of October, 1902.

Ernest R. Gayler, a citizen of Missouri, to be a civil engineer in the Navy from the 24th day of October, 1902.

Paul L. Reed, to be a civil engineer in the Navy from the 28th day of October, 1902.

PROMOTION IN THE NAVY.

Lieut. Joseph H. Rohrbacher, to be a lieutenant-commander in the Navy, from the 7th day of November, 1902.

COLLECTOR OF CUSTOMS.

George L. Smith, of New Jersey, to be collector of customs for the district of Newark, in the State of New Jersey.

POSTMASTERS.

FLORIDA.

John H. Hibbard, to be postmaster at De Land, in the county of Volusia and State of Florida.

GEORGIA.

Jane A. McKinney, to be postmaster at Blackshear, in the county of Pierce and State of Georgia.

ILLINOIS.

John S. Goodyear, to be postmaster at Mattoon, in the county of Coles and State of Illinois.

IOWA.

Henry T. Swope, to be postmaster at Clearfield, in the county of Taylor and State of Iowa.

Henry Barnes, to be postmaster at Elliott, in the county of Montgomery and State of Iowa.

J. Ken Mathews, to be postmaster at Mediapolis, in the county of Des Moines and State of Iowa.

Henry C. Hill, to be postmaster at Milton, in the county of Van Buren and State of Iowa.

Charles C. Burgess, to be postmaster at Cresco, in the county of Howard and State of Iowa.

MARYLAND.

George E. Baughman, to be postmaster at Westminster, in the county of Carroll and State of Maryland.

Sewell M. Moore, to be postmaster at Cambridge, in the county of Dorchester and State of Maryland.

NORTH DAKOTA.

Charles L. Mitchell, to be postmaster at Jamestown, in the county of Stutsman and State of North Dakota.

William J. Hoskins, to be postmaster at Rolla, in the county of Rolette and State of North Dakota.

Ole Roland, to be postmaster at Bottineau, in the county of Bottineau and State of North Dakota.

Frank Sims, to be postmaster at Willow City, in the county of Bottineau and State of North Dakota.

Charles H. Potter, to be postmaster at Enderlin, in the county of Ransom and State of North Dakota.

PENNSYLVANIA.

John G. McCamant, to be postmaster at Tyrone, in the county of Blair and State of Pennsylvania.

SOUTH DAKOTA.

Thomas B. Roberts, to be postmaster at Armour, in the county of Douglas and State of South Dakota.

John W. Walsh, to be postmaster at Montrose, in the county of McCook and State of South Dakota.

VIRGINIA.

Charles Bugg, to be postmaster at Farmville, in the county of Prince Edward and State of Virginia.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January 29, 1903.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bill of the following title:

H. R. 16333. An act to change and fix the time for holding district and circuit courts of the United States for the eastern division of the eastern district of Arkansas.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 3287) to fix the salaries of certain judges of the United States, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HOAR, Mr. FAIRBANKS, and Mr. TURNER as the conferees on the part of the Senate.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 6719) to change and fix the term for holding the district and circuit courts of the United States for the eastern division of the eastern district of Arkansas.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 3512) concerning minimum punishment in certain cases arising in the Indian Territory.

ORDER OF PROCEEDING ON CLAIMS BILLS.

Mr. GRAFF. Mr. Speaker, I submit the resolution which I send to the desk, and ask that it be adopted by unanimous consent.

The Clerk read as follows:

Resolved, That in the consideration of bills on the Private Calendar, on Friday, January 30, 1903, under special order adopted December 2, 1901, bills reported by the Committee on Claims shall be taken up in such order as selected by the chairman of said committee.

Mr. GRAFF. Mr. Speaker, I wish to make a statement in reference to this proposed resolution. While the resolution states that the bills will be taken up as selected by the chairman of the committee, the arrangement agreed upon is that a Democratic member representing the Committee on Claims shall select half the bills to be called up, and I shall select the other half, the call alternating, one bill being taken up on one side of the House, and the next bill on the other side, so long as we may have time to consider these bills to-morrow. This plan was adopted at the second session of the last Congress and it worked satisfactorily to all the members of the House. To-morrow will, in all probability, be the only day during the remainder of this session devoted to bills on the Private Calendar reported from the Committee on Claims.

Mr. RICHARDSON of Tennessee. I understand that the object is to take up claims so far as possible that are unexceptionable.

Mr. GRAFF. Yes, sir; so far as possible.

Mr. RICHARDSON of Tennessee. So as to preclude as far as may be the necessity for inquiry or debate in regard to these bills?

Mr. GRAFF. Yes, sir. The call will alternate from one side of the House to the other.

The SPEAKER. If there be no objection, the proposed resolution will be adopted.

The resolution was agreed to.

On motion of Mr. GRAFF, a motion to reconsider the last vote was laid on the table.

STATUES OF CHARLES CARROLL AND JOHN HANSON.

Mr. PEARRE. I ask unanimous consent for the present consideration of the resolution which I send to the Clerk.

The Clerk read as follows:

Resolved by the House of Representatives, That the members of the Maryland statuary commission be admitted to the floor of the House of Representatives, in seats to be provided for them, during the ceremonies incident to the acceptance of the statues of Charles Carroll of Carrollton and John Hanson, presented by the State of Maryland to the Government of the United States, on Saturday, January 31, at 3 p. m.; and

Resolved further, That the southeast and southwest ladies' galleries be reserved for the relatives of the said Charles Carroll of Carrollton and John Hanson and for such citizens of Maryland as may attend these ceremonies.

There being no objection, the resolution was considered, and agreed to.

The SPEAKER. This resolution having been adopted, the Doorkeeper will be governed by this action of the House.

HEIRS OF AARON VAN CAMP AND VIRGINIUS P. CHAPIN.

Mr. GRAFF. I desire to call up a conference report on the bill (S. 342) for the relief of the heirs of Aaron Van Camp and

Virginius P. Chapin. I ask unanimous consent that the statement of the House conferees be read and that the reading of the report be dispensed with.

There was no objection.

The statement was read, as follows:

The conferees on the part of the House of Representatives on the disagreeing votes of the two Houses on the amendment of the Committee on Claims to the Senate bill No. 342, entitled "An act for the relief of the heirs of Aaron Van Camp and Virginius P. Chapin," respectfully submit their conference report herewith, and submit the following statement as to the effect of the adoption of said conference report:

The bill, if passed, would refer said claim to the Court of Claims to hear and determine the question of the liability of the United States for certain losses suffered by the claimants, as alleged by them, by reason of the acts of an alleged court unlawfully formed and convened by one Jonathan S. Jenkins, as United States consul and vice-commissioner for the consulate of Apia, Navigators Islands. The facts in the case were heard and determined by the Court of Claims heretofore, and findings of fact covering exhaustively the circumstances of the case, including the losses suffered by the claimants, were made by the court, but the legal liability of the United States to the claimants was not determined.

The bill as amended by the House had stricken from it the authority for the court to consider the former proceedings by the Court of Claims had in said cause and claim, and also the authority to consider as evidence in the new hearing the authority for the court to consider as evidence documents and reports of Congressional committees. The effect of the conferees' report is to authorize the considering by the court as evidence the former proceedings of the Court of Claims in said claim, and to exclude the authority formerly given in the bill as passed by the Senate for the court to consider the documents and reports of Congressional committees.

Respectfully submitted.

JOSEPH V. GRAFF,
D. J. FOSTER,
CLAUDE KITCHIN,
Conferees of the House.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Committee on Claims to the bill S. 342, an act for the relief of the heirs of Aaron Van Camp and Virginius P. Chapin, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

1. That the Senate concur in that portion of the House amendment striking out all of the words after the word "Documents," in lines 16 and 17, page 2, down to and including the word "Government," on line 19, page 2.

2. That the House recede from all the balance of its amendment to said bill.

JOSEPH V. GRAFF,
D. J. FOSTER,
CLAUDE KITCHIN,
Managers on the part of the House.

P. J. McCUMBER,
JAS. P. TALIAFERRO,
Managers on the part of the Senate.

Mr. GRAFF. Mr. Speaker, I move that the conference report be agreed to.

The motion was adopted.

On motion of Mr. GRAFF, a motion to reconsider the last vote was laid on the table.

SALARIES OF UNITED STATES JUDGES.

The SPEAKER laid before the House the bill (S. 3287) to fix the salaries of certain judges of the United States, said bill having been returned from the Senate with a message that the Senate had disagreed to the amendments of the House and had asked for a conference.

Mr. JENKINS. I move that the House insist on its amendments and agree to the conference asked by the Senate.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. JENKINS, Mr. WARNER, and Mr. SMITH of Kentucky as conferees on the part of the House.

INDIAN APPROPRIATION BILL.

On motion of Mr. SHERMAN, the House resolved itself into Committee of the Whole on the state of the Union (Mr. GROSVENOR in the chair) and resumed the consideration of the bill (H. R. 15804) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the fiscal year ending June 30, 1904, and for other purposes.

The Clerk read as follows:

For construction, purchase, lease, and repair of school buildings, and sewerage, water supply, and lighting plants, and purchase of school sites, or additions thereto, and improvement of buildings and grounds, $250,000; in all, $1,490,000.

Mr. BURTON. Mr. Chairman, I move to strike out the words "and fifty," in line 17, and substitute for the words "and ninety," in line 19, the words "and forty."

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk reported the amendment.

Mr. SHERMAN. Does the gentleman desire to discuss the amendment?

Mr. BURTON. Reserving a couple of minutes, I should like to ask what is included in this item, whether it includes all repairs and purchases, etc., for the reservation and nonreservation schools, and does it refer to one particular branch of the service?

Mr. SHERMAN. No; it refers to all schools other than those specifically appropriated for in this bill. It includes over 200 school plants and hundreds upon hundreds of buildings all over the country, many of the buildings being those that were originally Army posts and necessarily requiring a particularly large expenditure in the way of repairs and improvements. The value of all the buildings covered by this amendment is something over $5,000,000, and the ordinary wear and tear upon any building, I think experience would show, is at least 5 per cent. So that without any additions, without constructing new buildings—and every year it has been found necessary to construct some new buildings—without the question of the extension of water, sewers, and matters of that kind, it would, with the ordinary percentage of wear and tear of buildings, require this sum. When we take into consideration the further fact that these buildings are occupied by young people—children and students—whose occupancy means the hardest possible wear that any building can be subjected to, it seems to me that the appropriation, to use moderate language, is very reasonable.

Mr. BURTON. I would like to ask the gentleman from New York a further question. Does not the use of the words "construction, purchase, lease, and repair of school buildings, * * * and purchase of school sites" authorize the Indian Department to purchase buildings for schools where schools are not now established?

Mr. SHERMAN. It does.

Mr. BURTON. Or sites for schools where they are not now established?

Mr. SHERMAN. It does, and it is so intended, and portions of that fund have time and again been used for the purchase of existing schools which, prior to the changed policy of the Government, three or four years ago, had been conducted as so-called sectarian or contract schools. We ceased to appropriate for them and, rather than build new buildings, some of the buildings of the sectarian or contract schools have been purchased, and they have since been conducted as Government schools.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. BURTON. I move to strike out the last two words in line 19.

The CHAIRMAN. There is an amendment pending at this time.

Mr. SHERMAN. Mr. Chairman, I ask for recognition in opposition to the amendment.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. SHERMAN. Now I yield to the gentleman from Ohio.

Mr. BURTON. Does the gentleman from New York say to the committee that it is the settled Indian policy to allow a Commissioner to establish schools at will and purchase sites without any authority for any specific school from Congress?

Mr. SHERMAN. Oh, yes, certainly; that has been the policy for many years. That is a part of his duty in administering and expending the funds which we provide, and time and again there have been amendments incorporated into the bill—I think always in the Senate—which appropriated specifically for the establishment of some new reservation school, not one for which we specifically appropriate, and this body through its committee has opposed that policy, believing that it ought to be in the discretion of the Commissioner of Indian Affairs where to locate and provide new reservation day and boarding schools.

Mr. BURTON. Has the attention of the gentleman from New York been called to the fact that this appropriation is $50,000 larger than it was a year ago?

Mr. SHERMAN. It has not, because such is not the fact, and for this reason: A first glance at the bill of last year would of course make one think so; but in another part of the bill there was a provision for $50,000 additional last year, which came about in this wise: Last year the House appropriated $200,000. The Senate appropriated upward of $50,000, in the manner I have described a moment ago, providing for the construction of a school at a particular point. The Senate eventually receded from that amendment with an amendment which added $50,000 to the general fund, making the fund $250,000; so that in last year's bill that item will appear in two different places, which would lead the gentleman to suppose that $200,000 was all that was appropriated.

Mr. BURTON. Mr. Chairman, I desire to be heard briefly in support of this amendment.

Mr. SHERMAN. I will yield to the gentleman the balance of my five minutes.

The CHAIRMAN. The Chair will state that debate on this amendment is exhausted, under the rule.

Mr. BURTON. I ask unanimous consent that I may proceed for three minutes.

The CHAIRMAN. If there be no objection, the gentleman will proceed for three minutes.

There was no objection.

Mr. BURTON. The chairman of the committee [Mr. SHERMAN] has very candidly and clearly stated one of the chief defects of this system, and has described a condition which explains much of the extravagance of the Indian schools. The Commissioner has authority to establish schools—reservation, day, boarding, etc.—at will. When he, from a survey of the situation, establishes those which he thinks desirable, the House or the Senate proceeds to put on a number of others. Either these should all be authorized by act of Congress, or the matter should be left exclusively with the executive department.

Mr. SHERMAN. Will the gentleman permit an interruption? I think he misunderstood me. The matter is exclusively with the Department, save for these 29 nonreservation schools, for which we specifically appropriate, item by item, and which follow in the bill.

Mr. BURTON. If the nonreservation schools are to be established by Congress, the reservation schools should be as well. There ought to be one rule for all.

It seems to me, Mr. Chairman, that this system has attained a degree of extravagance which should call for a halt, and that the cutting off of $50,000 from this item, which is side by side with specific appropriations for a number of particular schools, will not hamper the service.

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from Ohio to strike out "$50,000."

The amendment was rejected.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I ask to recur to page 33, line 23, for the purpose of offering an amendment which I will send up. It is the amendment about which I have spoken to the chairman of the Committee on Indian Affairs.

The CHAIRMAN. The gentleman from Mississippi ask unanimous consent to return to page 33, line 23, for the purpose of offering an amendment. Is there objection?

There was no objection.

The Clerk read as follows:

Insert in line 23, page 33, after the word "dollars," the following:
That the sum of $20,000, or so much thereof as is necessary, is hereby appropriated, to be immediately available, for the purpose of aiding full-blood Mississippi Choctaws to remove to the Indian Territory.

Mr. SHERMAN. Mr. Chairman, I will reserve the point of order against the amendment until I have heard the explanation of the gentleman.

Mr. WILLIAMS of Mississippi. Mr. Chairman, this is the amendment that was on the bill at the last session, and was taken up in the Senate by an understanding with me, because it probably would involve some dispute among the negotiators of the treaty. It is for the purpose of enabling the poorer ones of the full-blood Mississippi Choctaws to be removed to the Indian Territory. It is the same amount that was agreed upon at the last session by the House, and I understand there is no objection to it from the Committee on Indian Affairs or from any member of it.

There are about 1,000 of these people, probably, of the full blood. The amendment takes into consideration only the full bloods. They are a very worthy people, very honest, and very poor. They have a right to participate in the lands in severalty, provided they comply with the law which is upon the statute book. A part of that law requires that they remove to the Indian Territory, and they are too poor to move.

Mr. LACEY. Is there any roll or any other evidence by which those of the full blood in Mississippi could be designated, to have the benefits of this provision?

Mr. WILLIAMS of Mississippi. The Dawes Commission has made a roll including not only the full bloods, but others.

Mr. LACEY. Has it designated which are the full bloods and which are not? There might be a good deal of difficulty in executing this proposition to select for transportation those of the full blood. It is a little difficult sometimes to tell by looking at them.

Mr. WILLIAMS of Mississippi. I do not think it is. I think that is a matter that will prove itself pretty well. At any rate, it will be left to the Secretary to determine, and he could make arrangements so as to safeguard the meaning of the amendment. There is a roll of the Mississippi Choctaws, but I am only trying to take care of those full bloods who are very poor. The other people will be able to get there themselves—most of them.

Mr. SHERMAN. Will the gentleman from Mississippi yield for a question?

Mr. WILLIAMS of Mississippi. Yes.

Mr. SHERMAN. On what do you base the amount, $20,000?

Mr. WILLIAMS of Mississippi. The gentleman from Arkansas [Mr. LITTLE] and myself and some of the other members of the committee concluded at the last session, when that was put upon the bill, that that amount would accomplish the purpose, and maybe it would not require that much.

Mr. SHERMAN. Then you in some way reached a satisfactory conclusion as to the number of full bloods?

Mr. WILLIAMS of Mississippi. Yes.

Mr. SHERMAN. Do you now recall what that number was?

Mr. WILLIAMS of Mississippi. We estimated them at about 1,000, and thought they could be transported for $20 apiece.

Mr. SHERMAN. Your amendment simply contemplates transporting and does not contemplate giving them any assistance at all?

Mr. WILLIAMS of Mississippi. Not after they get there.

Mr. SHERMAN. Merely removing them to the Indian Territory?

Mr. WILLIAMS of Mississippi. That is all; so that they can comply with the requirements of the law. The requirement of the law is that they go there, announce their intention to become permanent settlers and citizens, and then they get their lands after a certain length of time.

Mr. SHERMAN. And what you are asking for these Indians has been done for other Indians in the past?

Mr. WILLIAMS of Mississippi. What it has done for some of these very people, in 1820, who were removed by Government assistance.

Mr. SHERMAN. Would the gentleman object to the insertion of a provision that this applied to the indigent full-blood Indians?

Mr. WILLIAMS of Mississippi. No, I would not.

Mr. SHERMAN. If the gentleman would, I should have no objection.

Mr. WILLIAMS of Mississippi. I ask unanimous consent to modify the amendment by inserting the word "indigent" before the word "full-blood."

The CHAIRMAN. The gentleman from Mississippi asks to modify the amendment as he has indicated.

Mr. LACEY. I would suggest to the gentleman that he insert such modification as would enable the Secretary of the Interior to exercise a discretion in this matter, otherwise it will be almost impossible to carry out the purpose he has in view.

Mr. WILLIAMS of Mississippi. I differ with the gentleman from Iowa about that. It seems to me perfectly easy to know what is a full-blood Choctaw.

The CHAIRMAN. The Chair will state to the gentleman from Mississippi that the Clerk was unable to hear the modification of his amendment.

Mr. WILLIAMS of Mississippi. To insert the word "indigent" just before the word "full-blood" in the amendment.

The CHAIRMAN. If there be no objection the amendment will be considered as modified. The question is on the amendment offered by the gentleman from Mississippi.

Mr. McRAE. I would suggest to the gentleman that he had better substitute the word "indigent" for "full-blood."

Mr. WILLIAMS of Mississippi. I will tell the gentleman why I do not feel like doing that. There are a great many trying to parade as Choctaw Indians who are not.

Mr. McRAE. And there are a great many denied who are, but are not full-blooded. In the treaty no distinction is made between full-bloods and descendants of full-bloods, and unless "indigent" is put in it would work to the disadvantage of those that have the white blood, and they are as good as the others.

Mr. WILLIAMS of Mississippi. Not as good an Indian.

Mr. McRAE. Under the treaty they are just as good Indians.

The CHAIRMAN. Does the gentleman from New York insist on his point of order?

Mr. SHERMAN. I withdraw the point of order.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Mississippi.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For support and education of 300 Indian pupils at Albuquerque, N. Mex., $50,100; for pay of superintendent of said school, $1,700; for erection of ice plant, $3,000; general repairs and improvements, $1,500; in all, $56,300.

Mr. BURTON. Mr. Chairman, I desire to propose an amendment to the paragraph. In line 21 strike out "fifty" and insert "forty;" also in line 25 strike out "fifty-six" and insert "forty-six." That is diminishing the appropriation $10,000.

The CHAIRMAN. The gentleman from Ohio offers an amendment which the Clerk will report.

The Clerk read as follows:

On page 37, line 21, strike out "fifty" and insert "forty."
In line 25 strike out "fifty-six" and insert "forty-six."

Mr. SHERMAN. Mr. Chairman, I desire to oppose the amendment. I suppose the gentleman desires to advocate it. I simply want to say the gentleman's proposition is to arbitrarily decrease the amount of the appropriation. It has been found from long experience that $167 per capita, which is appropriated for the support of pupils in these Indian schools, in the ordinary school

is none too great. In the larger schools, like Haskell and Carlisle, it has been found that they can be maintained for less. The $167 provides not only for housing, but the clothing and food and books, and if there is any surplus unexpended it is turned back into the Treasury. One hundred and sixty-seven dollars per capita has been found by long experience to be not too great to maintain a school save the very large ones; and I trust, therefore, that the amendment of the gentleman from Ohio will not prevail.

Mr. BURTON. Mr. Chairman, I want to call attention to some official figures in the report of the Commissioner of Education for the years 1899 and 1900, in which he says that the average expenditure per pupil for the white pupils of the United States is $20.29. Now, it is not the disparity of expense alone to which I call attention. This is one of the reservation schools. I really believe it will be conceded by all the members——

Mr. SHERMAN. Albuquerque is not a reservation school. It is a nonreservation boarding school.

Mr. BURTON. I wish to call attention to some figures in regard to it. It is a so-called industrial school. On page 414 the superintendent of this school says:

This school is situated in a temperate climate, and is in a generally satisfactory condition. The literary work is carried on in a satisfactory manner, but I would like to see better provision made for the teaching of industries, especially blacksmithing.

The local superintendent says on pages 546 and 547:

I have insisted throughout the year upon constant and uninterrupted work in all departments and upon the closest attention to details of instruction. Have made a special effort to impress the importance of industrial training by having the industrial departments alternate with the school in giving frequent exhibitions, before the whole school, of the recitations and work which they were each doing and by having a regular course of study prepared for each industrial department, enforcing systematic instruction therein, and also, wherever possible, having those subjects treated in the industrial departments, also used for lessons in the schoolrooms. Our industrial exhibitions proved very entertaining and were a great surprise both to pupils and employees.

It will be noticed that this is no summer school, nor is it a winter school. It is a school, according to the report on page 679, where pupils attend for twelve months. Let us note the value of the products raised by the pupils, over 300 in number. It was $789.70, and this with all the appliances of the school and with elaborate instruction in farming. It is claimed that practical education is the substance of their instruction, yet those receiving the benefits of all these efforts show about $2.50 a head as the result of this industrial training. It seems to me this is a very impressive lesson upon the value of the whole system.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For the support and education of 200 Indian pupils at Chamberlain, S. Dak., $33,400; for pay of superintendent of said school, $1,600; for general repairs and improvements, $2,200; in all, $37,200.

Mr. SHERMAN. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

On page 38, line 5, after the word "dollars," insert "for additional buildings and improvements to complete plant, $16,000." In line 6, following, strike out the word "thirty-seven" and insert the word "fifty-three."

Mr. BURTON. Mr. Chairman, I raise a point of order on that amendment.

Mr. SHERMAN. I think, Mr. Chairman, no point of order lies.

The CHAIRMAN. The gentleman from Ohio has not stated his point of order.

Mr. BURTON. The point of order, Mr. Chairman, is that it is for the completion of work not authorized by statute or by any recommendation of the executive department. There is nothing to show any recommendation of the executive department or that any further building is required.

Mr. SHERMAN. This is an additional appropriation to complete a building already provided for. The facts are that Congress appropriated $40,000 for the purpose of increasing the Chamberlain school. Plans and specifications were made, and bids were advertised for, and the lowest bid received was $43,495, or nearly $4,000 more than the amount available.

The plans have been pared to the last degree, so the Department states, and it is impossible to reduce them without emasculating them; and as it is presumed Congress contemplated, when it gave the appropriation, to increase the size of the school, this sum of $16,000, in view of the rise in price of material and the fluctuating market, will allow a safe margin to develop the plant and round out by completion of the employees' quarters, the dairy building, addition to laundry, and addition to the hospital. So this appropriation is for the completion of the building already authorized by Congress, and which can not be constructed for the amount appropriated, and, second, for additional buildings necessary for the completion of the plant. It is for the completion of a work already in progress.

Mr. BURTON. I would like to ask the gentleman from New York how provision can be asked for the support and maintenance of this school if the buildings are not complete?

Mr. SHERMAN. These are for additional buildings. There is a school there, and has been for many years. Last year an appropriation was made for an additional building. That building was not constructed for the reason that when advertisements were made for bids no bid was submitted within the appropriation.

Mr. BURTON. Mr. Chairman, I withdraw the point of order. I would like to ask the gentleman from New York how many of these nonreservation schools there are in South Dakota?

Mr. SHERMAN. Four in South Dakota.

Mr. BURTON. Would not the purpose of education be subserved better by one central school than by four small ones?

Mr. SHERMAN. I think perhaps that might be so. It would involve an additional expenditure so far as transportation of pupils and supplies is concerned. I think it would be better had the original school plant been enlarged instead of the new and additional schools established; but they have been established and they are there, and the Indian school population in South Dakota is greater than the school population in any other State in the Union.

Mr. BURKE of South Dakota. Mr. Chairman, I desire to say just a word in relation to these schools and several other nonreservation schools in South Dakota. It is a fact that South Dakota has a larger Indian population than any other State in the Union. We have seven separate and distinct Indian reservations. We have four nonreservation schools, located in different parts of the State, all of them located adjacent or close to different Indian reservations. As an illustration, the Chamberlain School is located at a point where the Crow, Crow Creek, Yankton, and Rosebud reservations are tributary.

Now, the Chamberlain School has been in operation for several years. Congress, in the second session of the Fifty-sixth Congress, made an appropriation of $20,000 to enlarge the plant and increase the capacity of the school. In the first session of this Congress an additional appropriation of $20,000 was made to carry out the plans that had been formulated for the enlargement of this institution, and this $16,000 is simply to round out and complete that plant, and I hope the amendment will prevail.

The CHAIRMAN. The question is on the amendment offered by the chairman of the committee.

The amendment was considered, and agreed to.

The Clerk read as follows:

For support of 150 pupils at the training school at Cherokee, N. C., $25,050; for pay of superintendent of said school, $1,500; for general repairs and improvements, $2,000; for heating plant, $2,500; additional for girls' dormitory, $5,000; for lighting plant, $2,500; for additional school farm, $3,500; in all, $42,050.

Mr. BURTON. I will ask the Chairman of the Committee on Indian Affairs to state what rule is followed with reference to the establishment of separate lighting plants for these schools. I see that in some cases there is provision for an electric-lighting plant, and in other cases there is not.

Mr. SHERMAN. There is no fixed rule that we have followed. Recommendations began some half dozen years or more ago for electric-lighting plants.

The CHAIRMAN. There is no question before the House.

Mr. SHERMAN. I move to strike out the last word.

The committee, not wishing to increase the amount of the appropriation bill by providing everywhere for these electric plants in the same year, yet believing that the additional safety gained by having the buildings lighted by electricity rather than by coal oil or by local gas lamps was sufficient to warrant the additional expenditure, have, when the recommendations have come in properly sustained by evidence, recommended the establishment of electric-lighting plants at one school after another. I can not state from memory what particular schools are now thus equipped and what not, but I should say that about one-half of these schools are now equipped with electric plants—possibly more. I withdraw the pro forma amendment.

The Clerk read as follows:

For support of Indian industrial school at Carlisle, Pa., for transportation of pupils to and from said school, and for general repairs and improvements, $157,000; for additional salary of any military officer of Carlisle Indian School while acting as superintendent of said school, $1,000; in all, $158,000.

Mr. BURTON. Mr. Chairman, I move to strike out the paragraph just read. I should like the gentleman from New York to state whether this is the total expense for maintenance of this school.

Mr. SHERMAN. It is.

Mr. BURTON. I call the gentleman's attention to the fact that there is included in this case the item for transportation of pupils to and from the school, while in another part of the bill there is a separate general appropriation made for transportation, which, I believe, is this year increased——

Mr. SHERMAN. By $10,000.

Mr. BURTON. The sum now recommended is $50,000. What is the occasion for that?

Mr. SHERMAN. At Carlisle it has been found that it requires less per capita to support the pupils than it does at certain other schools; and it was found that by changing the wording of the section relating to that school so as to make the one item cover all expenditures the superintendent would be able, from his appropriation, to pay for the transportation of all his pupils to and from the school, and able also, as he does, to maintain at the school a number of pupils largely in excess of the number that would be covered by an appropriation of $167 each, the additional number being something over 100. In figuring this out, we can not take the whole sum on the basis of that per capita, because there is some portion of it that must be used for repairs of one kind and another, and some portion that must be used for transportation.

Mr. BURTON. I withdraw the amendment.

Mr. LACEY. Mr. Chairman, I offer the amendment which I send to the desk.

The Clerk read as follows:

Insert at the end of line 23, page 28, the following:

"*Provided*, That on and after the passage of this act 50 children of citizens of Porto Rico shall be eligible to admission as students at the Indian Industrial School at Carlisle under the same rules and regulations as the scholars now admitted to said institution."

Mr. CANNON. I make a point of order upon this amendment.

The CHAIRMAN. The Chair sustains the point of order.

Mr. LACEY. I hope the gentleman will simply reserve the point of order. I think that when he hears the facts he will withdraw the point.

The CHAIRMAN. There is so much confusion that the Chair does not understand whether the gentleman from Illinois simply reserves the point of order or makes it.

Mr. CANNON. Most certainly I make the point of order; but the gentleman from Iowa [Mr. LACEY] asks me to reserve it, as he wants to submit some remarks, and I always want to be courteous.

Mr. LACEY. Mr. Chairman, I think that if I can get the attention of my friend from Illinois he will withdraw the point of order.

There are to-day 42 Porto Rican children in that school. This proposition is to legalize such pupils to the number of 50—to provide for bringing 50 of those children to this institution, giving them opportunities of industrial education upon this continent, surrounded by American influences, learning to speak our language. This will be of incalculable advantage to these children upon their return to Porto Rico. Forty-two have been already admitted in this way, and this proposition is to legalize the admission of 50.

Mr. SMITH of Arizona. By what authority have those children been admitted?

Mr. LACEY. They have been admitted under the general law.

Mr. SMITH of Arizona. What general law admits Porto Rican children to Carlisle?

Mr. LACEY. There is some question about that, I concede. This is a general proposition to legalize their admission, and to extend the number up to fifty, which is a very small number. It seems to me a very appropriate thing to do. The Porto Ricans are at our doors. There are a million of inhabitants in that island, and the admission of 50 of these boys and girls from Porto Rico would be of very great advantage to them as teachers in the training that they would get and for the use that they would be to their neighbors on their return to that island.

The CHAIRMAN. The Chair sustains the point of order.

Mr. CANNON. Mr. Chairman, I would like to ask for unanimous consent just to say a few words.

The CHAIRMAN. The Chair will withhold its ruling for the present.

Mr. CANNON. Mr. Chairman, what I want to say is not strictly in order, but it is thoroughly responsive to the statement of the gentleman from Iowa [Mr. LACEY]. No man has more respect for the judgment of the gentleman than I have. I make the point of order for the reason that this whole question of the education of Indian children or anybody else without effort upon the part of the parents of those children—our taking them and educating them above the level of the surroundings where they use that education to support themselves and where they can not be sustained at home, is, in my judgment, a mistake—almost a crime. Great blocks of human beings progress from the ground, where they have a firm foundation, utilizing that which they have, living in the sweat of their faces, holding what they achieve, and progressing from one generation to another by their own efforts. But the taking of children and at public expense educating them above the sentiment of the people from whom they sprang and with whom they must live is demoralizing and pauperizing. It is cruelty to the individual and pauperizing to the people. We all appreciate that which costs us something.

Now, here is a proposition to run this same system in Porto Rico, an island of a million of people. There they have a civilization. Through the centuries, under our laws, they have a good chance to progress, but they must progress and grow working out their own salvation, with their surroundings, and they will thus be competent to support themselves and make their way. I would rather have one foot of progress in a generation, where that progress is achieved amongst the people themselves, than the expenditure of multiplied millions of dollars used in transporting these children—and it would come to that in the end if you make the beginning now—to the United States, educating them here as we have been educating these Indian children, and then sending them back where they would not receive support. I make this point of order because this whole experiment with the Indian children has worked disastrously, and I do not want to inflict an outrage upon the Porto Ricans.

The CHAIRMAN. The point of order is sustained. It is new legislation. It provides that from and after the passage of this act certain children not now permitted to enter this school may become inmates of it. It even goes beyond the enactment in relation to the Indian children at the same school.

Mr. OLMSTED. Mr. Chairman, I move to strike out the last word of the paragraph just read, for the purpose of securing the floor just a few minutes to reply to some observations of the gentleman from Illinois [Mr. CANNON]. In the first place, I venture to suggest, speaking now of the American Indians, and not of the Porto Ricans, that they do not make much progression in the tribes and in the tribal relations in which they live; and secondly, that a great majority of the Indian pupils educated at the Carlisle Indian school do not go back to those tribes. They are not supported for a time at Government expense and then sent back to their tribes with no support. On the contrary, in this most excellent institution—of which I happen to know something, as it exists within 18 miles of the city in which I live—they are educated to support themselves, to take their places among and compete with white people, white mechanics, and to enter and live in the homes of white people. I hold in my hand a paper published by Indian apprentices at the Carlisle School, containing a copy of a speech made on the 8th of this month by Colonel Pratt, the superintendent of this institution, at Wilmington, Del.

In that speech he stated that within 80 miles of that city there were living, and it would be practical upon short notice to gather in Wilmington, over 200 pupils who had graduated from the Carlisle Indian school. They were living among white people, in white families, attending public schools or working at trades. In his report to the Department of Internal Affairs, he states what became of the last graduating class of 18. Two of them are blacksmiths, one is a carpenter, two of them are now making $20 a week, and so on, distributed among the various trades—one is a telegraph operator for the Gettysburg and Harrisburg Railroad Company. Thirty-four of these Carlisle Indians served in the Spanish-American war and made most excellent soldiers; seven enlisted in the Navy. Some of them, after leaving the Indian school, have since graduated at Dickinson College.

The location of this school is most excellent. It is in the beautiful and healthful Cumberland Valley, within 18 miles from Harrisburg and within the limits of or adjoining the borough of Carlisle, a college town, in which are located Dickinson College and other well-known institutions of learning. The country round about embraces some of the finest agricultural lands in the world. People in that vicinity are honest, frugal, and industrious. No better surroundings, no better examples for the Indian could be found. At least one of these Indian graduates is now attending the law school connected with Dickinson College.

I have upon my desk the latest official report from this school, of which I have been able to obtain a copy this morning. It is dated October 8, 1900. It states, among other things, that during the year ending June 30, 1900, Indian pupils earned during periods of outing which were allowed them $27,255.52, which shows that they are trained to industry. The savings of pupils to June 30, 1900, amounted to $15,518.39, which shows that they are not unacquainted with frugality.

Our greatest institutions of learning consider that athletic games, notably football, constitute a very important element in the training of youth. Where will you find a football team selected from among so small a number of pupils which has more distinguished itself than the Carlisle Indian team? The great universities and colleges, including Yale, Harvard, Columbia, Cornell, and the University of Pennsylvania have found these Indian boys "foemen worthy of their steel."

These boys have a magnificent band of music of sixty pieces, which, if they came in competition, would keep the Marine Band of Washington busy to retain its laurels. On the occasion of the inauguration of Governor Pennypacker on the 20th of this month six companies of Indian cadets marched in the parade behind their own band, presenting an instructive and inspiring spectacle

which I wish might have been seen by every member of this House. Finer boys, with more soldierly bearing or precision of marching, can not be found anywhere. I have not the slightest doubt that if the time of need should come these Indian cadets will be found brave, intelligent, and hardy soldiers.

The education secured at this school is of the most practical character. These boys and girls are taught how to make a living, how to live among and be useful to white people, how to become self-supporting and useful citizens, instead of living upon the bounty of the Government.

Col. R. H. Pratt, the superintendent of this school, is the right man in the right place. No better could be selected. A man of great intelligence and fine executive ability, he devotes his every energy to the building up of this institution and to the care and practical training of the boys and girls under his charge. He served as a soldier during the civil war and in Indian campaigns. He knows the temperament, the habits, and the capabilities of the Indian. He considers it best, as far as possible, by education and training of the young to draw them away from the reservations, to break up their tribal relations, and to qualify them to mingle with and make their living among the white race.

In my judgment, there never was an educational institution doing a greater work for the country and rendering more value for the money expended upon it than this Carlisle Indian Industrial School.

Mr. CANNON. I want to say a word by way of opposition to this formal amendment, merely to have an excuse to say what I desire to say.

I have made no attack upon the Carlisle school, and I am more than delighted, as long as we have that school educating these Indian children, so that they will be competent to make a living, if they will stay away from the reservations, to take on citizenship and compete with our people. That is a good thing for the individuals, because they have the surrounding and the encouragement that is on all fours with the education. I am glad to know that that is becoming the rule. Formerly it was not. Twenty years ago in the main they went back to the reservations, and when they got back, after a few months they had the vices of our civilization without the virtues of their own. It was the height of cruelty to send them back. I hope not another one will be sent back.

I thought it proper to say that much and to express my pleasure that a new rule had been adopted.

Mr. SMITH of Arizona. Mr. Chairman, I renew the motion to strike out that section. I am struck with what the gentleman from Illinois [Mr. CANNON] has so forcefully said. For fifteen years on this floor I have been a witness of what I conceive to be the veriest folly on the face of the earth in the attempted education of the Indian. The gentleman from Pennsylvania [Mr. OLMSTED] holds up with pride a newspaper published by some Indian pupils. I had rather see one corn row plowed in the West by an Indian in the sight of the other Indians who are idle than to see them running the New York Daily Sun. It would mean more for Indian progress, it would mean more of common sense. You apply a rule to them that is absolutely different from that applied to every other people since the dawn of time.

What do you do with them when you take them to Carlisle? There are poor boys in every State in this Union and in every Congressional district, white boys, your own flesh and blood, poorer than the Indian himself, who would like to have one dollar spent for their education where one hundred dollars is spent under this bill. This is an effort to bring a lot of Indians from the West against their consent, put them in a strange environment, in a civilization high above them, which their tribe will not attain under the best conditions in the next century and a half, and you are only frittering away the money in a humane chase after a dream. How are you going to educate the Indian? I have been accused of being his enemy.

I tell you that when the first steam locomotive went through the Apache Reservation in Arizona more was done for Indian education generally than the Carlisle school will do in the next century. There has been no Indian outbreak since. The Indians have been taught to work on the railroads and receive the money for it, and if you will keep this simple fact in mind that every man must find the necessity of an education before the education will do him any good, if you will appropriate money for industrial schools, if you will put them on the reservation, if you will make it, as the gentleman from Illinois wisely says, a lesson so that the great tribe will raise itself one foot, you will be doing more than if you make Henry Clays and Daniel Websters out of a dozen individuals. It is folly. Every dollar of it is thrown away. It is observed by every man who knows a thing about the question. Good people go around and look at the combed up and well dressed Indians at Carlisle, and talk about the wonderful improvement of the Apache Indians.

The Carlisle school has never raised a single one of these Indian tribes on the reservation a single inch above their low level since the Carlisle school has been established, and it never will. The gentleman says there are Filipinos there now. What is this Carlisle school? Is it an eleemosynary institution for the education of everybody not white who has not money enough to educate himself? How many men who honor seats on this floor in achieving their present positions have had to struggle through environments as hard as any Indians at the Carlisle school ever had to struggle through? Yet they had none of these advantages to get an education.

Again I have made the proposition to strike this provision out. I have had it struck out time and time again, only to have it replaced by the Senate. You can not change the Indian in that way. This is a wasteful expenditure of money, and it could be more profitably used in many ways by having their education on the reservation; but you want to do something for these poor people, and you teach him psalm singing and the good doctrines of religion, and you teach him music, perhaps, when he does not know how to wrap an orange for market or how to run a furrow through a cornfield.

You bring him to Carlisle and you educate him in a trade and you put him right in competition with the poor boy here, raised in your own community. You put a plane and a hammer in his hand and put him in competition with the boy raised in your community, who has acquired his trade without one dollar to help him—and that is your idea of education at Carlisle. It is nothing more than nonsense, and the whole scheme a fraud. I protest in vain against this folly. Go on with it if you will. Tax poor white people for this visionary benefit, but at the end you will find that you have made a few discontented, overeducated Indians and further impoverished parents of white children unable to buy a schoolbook. I repeat that the whole business is a fraud, and this item should be struck forever from the bill.

Mr. OLMSTED. Mr. Chairman, I desire to be heard in opposition to the amendment. I desire to say a few words in opposition to this proposition to strike out this paragraph making an appropriation to continue the Indian Industrial School at Carlisle. It may be better, as the gentleman from Arizona suggests, that all Indians shall be kept in degradation and none of them permitted to receive an education until he himself sees the necessity for it. It is seldom that an ignorant tribe or person sees the necessity for an education, and upon the gentleman's theory no Indian would ever receive any kind of education. But that is not the plan, that is not the principle upon which the white children are treated, or upon which the colored children are treated, in the United States. We have common schools supported at the public expense for the education of white and colored children. In some States we have compulsory education laws. Dense ignorance is not considered compatible with the public interest. Why not do something for the practical education of these wards of the nation, these Indian children? I utterly deny, and the statistics and official reports repudiate, the statement of the gentleman that these pupils are taught psalm singing, while so neglected in more practical matters that they can not, as he says, even wrap an orange. We do not raise oranges in that part of the country; but they are taught to plow the furrow, to be blacksmiths, carpenters, bricklayers, shoemakers, stone masons—in short, they are taught all the ordinary trades and occupations.

Mr. SMITH of Arizona. Why are they not taught that on the reservations, and let Carlisle alone? Why not let this be done where others can see it? Can not you do the same on the reservation as you do at the Carlisle school?

Mr. OLMSTED. I perfectly agree with the gentleman from Illinois [Mr. CANNON], and with Colonel Pratt, the superintendent of this school, that the more you can separate the Indians and get them away from their tribal relations the better for them, the better for the country, and the better for the United States Treasury. These very Indians at Carlisle, during their months of outing the last year for which we have a report, earned more than $27,000 in wages at various occupations. The girls are taught to make their own dresses; they are taught to wash clothes, to cook, and other essentials of housekeeping, and prepared for useful avocations open to their sex. The boys, as I have said, are taught blacksmithing, carpentering, and other useful occupations. They are not sent back to their tribes any further than can be helped, because the superintendent of the school agrees with the gentleman from Illinois that they ought to be kept away from them and encouraged to mingle with the white people. That is the policy pursued at Carlisle.

I will suggest to the gentleman from Arizona another reason why this paragraph should not be stricken out. It provides for the cheapest education that is afforded by any provision in this bill. There are over 1,400 pupils in that school at this time and yet the whole appropriation called for is only $158,000, including transportation, general repairs and improvements to buildings, as well as food, clothing, and teachers for these 1,400 boys and

girls. In other schools on the reservations the appropriations are at the rate of $167 per capita. In other words, while upon the reservations 1,400 pupils require $233,800, Carlisle requires only $158,000. It is in the interest of economy, as well as desirable and important for the other reasons I have stated, that this school at Carlisle shall be continued and that this paragraph shall remain in the bill. [Cries of "Vote!"]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona.

The question was taken; and the amendment was rejected.

The Clerk read as follows:

For the support of 600 Indian pupils at the Indian school at Chilocco, Okla., $100,200; for pay of superintendent at said school, $2,250; for general repairs and improvements, $10,000; for addition to boys' dormitory, $12,000; for horse barn, $10,000; for laundry building, $5,000; for cottages, $4,000; in all, $143,450.

Mr. BURTON. I move to strike out the portion of the paragraph beginning with line 15, "for laundry building," down to the end of the paragraph. I would like to ask the chairman of the committee whether it is the policy of the Indian Department to maintain laundries for these schools, buying machinery operated by steam, thereby relieving the pupils of the necessity of doing this work?

Mr. SHERMAN. The steam laundries are established at most of these large schools. It seems to be necessary where you have six or seven hundred pupils that you should have some means of doing this work other than by hand.

This is a question which the Indian Committee have had under consideration in the recent past, and an amendment has been prepared and will be submitted at the proper place in the bill to cover all the schools, providing that so much of the laundry work shall be done by hand as will teach the female pupils of sufficient age the art of hand laundry work. But it seems to me the gentleman from Ohio must be impressed with the fact that it is not practicable to do all the laundry work by hand for 600 or 1,000 pupils. In some smaller schools it might be practicable to do all the work by hand. Here you have 600 pupils. How are you to do it? Are you to have 50 or 100 tubs, and 50 or 100 students working side by side in one day, or are you to distribute it over the week and have a part of the laundry work done every day? Practically, it seems to me, by the amendment that we shall offer later, providing that so much of the work shall be done as will teach these girls the art of laundry by hand, we have accomplished the purpose of the gentleman's suggestion.

Mr. BURTON. Will the gentleman from New York yield to a further question?

Mr. SHERMAN. Certainly.

Mr. BURTON. Has there been any instruction in this line heretofore?

Mr. SHERMAN. Oh, yes; not only in the past year, but we have always given instruction in laundry work in all of these schools.

Mr. BURTON. I withdraw the amendment, Mr. Chairman.

The Clerk read as follows:

For support and education of 375 Indian pupils at the Riggs Institute, Flandreau, S. Dak., and transportation, $65,625; for general repairs and improvements, $3,000; for pay of superintendent of said school, $1,800; for two lavatories, $2,000; for coal storeroom, $1,500; in all, $73,925.

Mr. SHERMAN. Mr. Chairman, I offer the following committee amendments.

The Clerk read as follows:

On page 39 add, in line 24, after the word "dollars," these amounts: "For amount for brick industrial shop, $2,500, in addition to $4,000 heretofore appropriated. For amount for brick office and warehouse, $2,000, in addition to $4,000 heretofore appropriated."

Line 34, page 39, strike out the word "three" and insert the word "eight." Strike out the word "nine" and insert the word "four."

The amendments were agreed to.

The Clerk read as follows:

For support and education of 200 Indian pupils at the Indian school, Fort Mojave, Ariz., $53,400; for pay of superintendent of said school, $1,600; for general repairs and improvements, $2,000; for dining room and kitchen, $20,000; in all, $57,000.

Mr. BURTON. Mr. Chairman, I move to strike out lines 5 and 6, "for the dining room and kitchen, $20,000." I would like to ask the gentleman upon what scale these expenditures were calculated.

Mr. SHERMAN. The superintendent of this school reports that the present dining room and kitchen is an old adobe building, that it is badly ventilated, and that a complete building adequate for the purpose would cost about $20,000; that lumber and wages in that section of the country are extremely high.

Mr. BURTON. It is evident, Mr. Chairman, that we shall make no progress and oppose no check in these large expenditures unless we begin somewhere. It seems to me that $20,000 for an item of that kind at a school in which there are only 170 enrolled is very extravagant.

Mr. SHERMAN. It is expected that there will be 200 pupils in this school.

Mr. BURTON. They have not succeeded in gathering that number yet.

Mr. SHERMAN. The average enrollment last year was 173. I understand that the school population is such that they can reasonably expect 200 pupils will attend as soon as the buildings are ready to accommodate them.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio.

The amendment was considered and disagreed to.

The Clerk read as follows:

For support and education of 300 Indian pupils at the Indian school, Genoa, Nebr., $50,100; for general repairs and improvements, $5,000; for pay of superintendent of said school, $1,700; for horse barn, $2,500; for water system, $6,000; in all, $65,300.

Mr. BURTON. Mr. Chairman, I move to strike out the words in lines 19 and 20, page 40, "for water system, $6,000."

The Clerk read the amendment, as follows:

In lines 19 and 20 strike out the words "for water system, $6,000."

Mr. BURTON. Mr. Chairman, it will be noticed that there is a more elaborate system of minor improvements, electric lights, lavatories, waterworks, etc., than can be found in any college in the United States. We are here crowding around these buildings these different conveniences which are regarded in other places as luxuries—electric-light plants, waterworks, and all these various utilities, some of which, no doubt, ought to be furnished from public or private sources outside. In this particular instance I have received information that there is an ample supply of water from waterworks in the town of Genoa.

I want to refer to the report of this school, which will be found on page 544 of the report for 1901. It says: "A system of fire protection has been put in this summer. It consists of a standpipe and necessary hose and racks for each story of the boys' building and the girls' building, the kitchen, and the dining room." Very many schools in this country would regard themselves as fortunate if they had these appliances. "I hope soon to extend it to the shop, school building, and laundry. Three hundred and twenty-five pupils are in attendance, so we can organize and go ahead. We hope to have the school building, hospital, and dairy barn completed this year."

Here is a school with an attendance of 300 pupils. Earlier in the report the superintendent says: "I took charge of the school February 16, 1901. On account of the small attendance it was necessary to rustle for 50 pupils."

It seems that he got them. I trust the members of the committee will not oppose this amendment. If this school is entitled to electric lights and hospital and all these improvements, if Indians are entitled to them, certainly the white race are entitled to them also.

Mr. SHERMAN. Mr. Chairman, I have a report from the school to which the gentleman refers, in which it says that the water supply is furnished by the Genoa Water Company. The source is extremely bad and the water impure. The supply is insufficient and precarious, and the town itself has an insufficient water supply. It is said that the water plant is badly used and needs repairing, and that it has gone down very much within the past year. The agent recommends that a new water system be supplied for the school, and if it is not provided it will not be long before an outbreak of typhoid fever will be had at this school. This is an important matter, and the sum of $6,000 is necessary so that these conditions can be removed as soon as possible.

Mr. BURTON. What is the date of that report?

Mr. SHERMAN. It has come to me within the last month. It is a report made in the late fall.

Mr. CANNON. How large a place is Genoa?

Mr. SHERMAN. I ask the gentleman from Nebraska [Mr. ROBINSON] to answer that question.

Mr. ROBINSON of Nebraska. Genoa has about 1,000 inhabitants.

Mr. CANNON. How many pupils are there at this school?

Mr. ROBINSON of Nebraska. Three hundred and twenty-five.

Mr. CANNON. Can we not do something for the poor 1,000 people of Genoa who are threatened with typhoid fever? [Laughter.]

Mr. SHERMAN. They do not ask it.

Mr. ROBINSON of Nebraska. Mr. Chairman, there are now about 325 Indian pupils at this school. It is near to the reservation from which these Indian pupils are received. The school has for some years obtained its water supply from the village of Genoa. It was agreed, at the time the waterworks were put in, that the school should be supplied with water at a flat rate of $700 per annum. Last year, according to information I have received from the Indian Commissioner, the demand was made upon the Indian Department that the system previously prevailing should be changed, and that the water should be charged for at a rate in accordance with the quantity used. A water meter was put in, and last November, according to the registry of this meter,

the amount charged this Indian school, if that rate be allowed to prevail, would be $108 per month.

Mr. HULL. Would it not cost a great deal more than that to operate an independent plant?

Mr. ROBINSON of Nebraska. It would not, I understand, cost any more to operate an independent plant, because they already have the engineer and other officers.

Mr. HULL. I think the gentleman did not apprehend my question. What I wanted to know was whether it would not cost the school more than $100 a month to operate an independent plant.

Mr. ROBINSON of Nebraska. By no means. It could not.

Mr. HULL. How about the engineer and other officers necessary to take charge of the works?

Mr. ROBINSON of Nebraska. They have now an engineer for the steam-heating plant, and also a janitor and fireman, and all the skilled help that would be required. As I understand, the desire is simply on the part of the city of Genoa to require the Government through its Indian school to bear a large part of the expense of running the waterworks.

Now, these wells out of which the water is drawn are shallow; and the report, which I ask to have read, is that under the plan proposed the school would have no adequate protection in case of fire, on account of a possible deficiency of the water supply. I ask the Clerk to read the report which I send to the desk.

The Clerk read as follows:

[Excerpt from report of Special United States Indian Agent Eugene MacComas on the Genoa Indian School, dated Genoa, Nebr., March 6, 1902.]

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, January 27, 1903.

The water supply of the school is quite a serious problem. Water is now obtained from the town of Genoa at an annual rental of $700, regardless of quantity used. There has been no written contract with the town for several years, and while I was at the school notice was served on the superintendent that the town was dissatisfied with the rental and that unless other arrangements were made by April 1 the supply would be shut off. The superintendent and I attended a meeting of the town board and discussed their proposition of measuring the water by meter and charging therefor at the rate of 10 cents per 1,000 gallons, with the result that the board agreed in writing to extend the time of cutting off the supply until July 1, 1902, and in the meantime, if the Department agreed to the proposition, they would place a standard meter in operation, stipulating, however, that the school must pay the same amount of money from April 1 to July 1, 1902, as the meter registers for the first quarter it is in use. It is believed at the school that the meter rate will not increase the present cost of the water.

I investigated the town waterworks and found the supply to be quite limited, and the well from which it is drawn in a most undesirable location, being in a very low part of the town and surrounded by a number of barns and privy vaults. The water must of necessity be contaminated, and may at any time cause sickness at the school. Wells should be dug at the school and a tank erected, and with the central heating plant the water can be pumped without additional cost. The original cost of providing the school with its own water plant would soon be covered by the rental now paid being saved, after which time it would be of no expense. Until this can be done of course the meter rate will have to be paid to the town of Genoa. The town board expect that the meter rate will increase the revenue from the school, and if it proves that the 10-cent rate does not do this they may at any time increase the rate. While such an arrangement exists the school will be at the mercy of the town, and this, too, for impure water, so that sooner or later the school will have to have its own water plant, and I strongly advise that it be given this at once.

[Excerpt from report of United States Supervisor Indian Schools Albert O. Wright, on the Genoa Indian School, dated April 24, 1902.]

The water supply is now obtained from the village. As usual the rate is too high, the authorities thinking that the Government will have to take it. The wells from which the water is drawn are shallow wells in the center of the village, liable to be contaminated by the privies and stables near them. The water is pumped up to a reservoir on the hill and here gains force enough for ample fire protection.

You have already been fully informed by Special Agent MacComas on this question. After examining the situation personally, I think that it would be advisable for the Government to own its own water supply here. There will be no difficulty in securing wells at little depth. Being out of town, the wells need not be subject to contamination. The water can be forced up to proper height for fire protection either by an elevated tank, or perferably by a reservoir on the hill half a mile or less distant. The latter would involve purchasing a small site for such reservoir, which can easily be done.

An additional advantage of such a supply is that the water can be sure to be on hand when wanted for fire protection, of which there is no certainty under the village management, and that extra water can be pumped for watering the garden in dry times without much extra cost.

The CHAIRMAN. The time of the gentleman from Nebraska [Mr. ROBINSON] has expired.

Mr. BURKETT. Mr. Chairman, this is a matter that does not arise in my district, and I do not know that I ought to say anything about it. But I am going to tell the House something in regard to a communication that I have received from a gentleman who, I understand, is a member of the city board of the town of Genoa. As has been said, this is a small town which has not been able to support independently a water system; so a few years ago, as I understand, the town erected a city waterworks, with a sort of understanding that they would get for their water plant the patronage of the Indian school; and they have been supplying that school, as my colleague [Mr. ROBINSON of Nebraska] has stated, at $700 a year.

Some time last winter, as my informant tells me, the Indians persisted in turning the water loose to make a skating pond; and there was consequently some conflict between the city authorities and the Indian school authorities as to whether there was any right to do this under the contract to supply water at a flat rate. Finally the city authorities made an agreement to furnish water to the school at 10 cents per thousand gallons. In my city the rate is 15 cents per thousand. I do not know what the rate is elsewhere, but 10 cents per thousand is about two-thirds of the rate charged for water in my town.

As I was saying, November being a cold month, the school had its skating rink, and it cost $108 a month. In short, as I gather from the letter which I have received (I am sorry that, not expecting this matter to come up, I did not bring it with me that it might be read), there seems to be a conflict between the superintendent and the city authorities; and so there comes to us a recommendation to build a separate water plant for the Indian school.

Now, in answer to the statement that is made somewhere—I think possibly by my colleague, Mr. ROBINSON—that the water supply was inadequate, he also writes me that they have just borrowed $3,500 and were just completing some more additions—I do not know when these reports came in—that have been referred to as showing an insufficiency of supply, so that there will be no question about the adequacy of the water supply. In short, he writes that they have built the water plant depending on this revenue from the Government there to help them along, as they could not sustain it in the town without it. He further writes that so far as the town itself is concerned it does not want the Government to put this money in. I am in a somewhat peculiar position. I do not like to oppose a proposition of expending $6,000 Government money in my State, yet since they have asked me to say that much, I have said it, that the city people there do not want this waterworks system erected in this Indian school.

Mr. ROBINSON of Nebraska. Mr. Chairman, I desire to say in reply to what has been said that it is well stated that this does not come in the district represented by the gentleman who just took his seat. It comes in the Third district, which I have the honor to represent. The animus of this whole thing is displayed in the fact that someone, some where, has written to some one or has urged upon someone that he look after their interests and not after the interests of the Government or of the Indian schools. Now, the truth of the matter is that a rate of $700 per annum, where only 350 people inhabit a school, is the highest rate that is charged in any city anywhere in the United States.

There is no place where $2 per head is charged for every inmate of any home or institution in the whole country, and the statement made under the meter system of last November, wherein it is claimed, or at least insinuated, that the inmates of the Indian school had flooded some kind of park as a skating rink, is pure hearsay. There is nothing here from the Indian Department or anywhere else except a faint rumor of such a thing. But it is a fact that during November it registered $108, and since that time there has been no report received by the Department. Now, I will say, so far as the gentleman is concerned, that I appreciate any assistance he may give me in looking after the interests of the people of the Third district of Nebraska, but I would rather that the attitude assumed by him should be backed up by some of the reports made by the official inspectors who are to look after these matters, and not come from the selfish standpoint of those who desire to hold up the Government. I hope the amendment will be defeated.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Ohio.

The question was taken and the amendment was rejected.

The Clerk read as follows:

For the support and education of 125 pupils at the Indian school at Hayward, Wis., $20,875; pay of superintendent, $1,300; general repairs and improvements, $2,000; in all, $24,175.

Mr. SHERMAN. I offer the following amendment as a committee amendment.

The Clerk read as follows:

Strike out lines 8, 9, 10, 11, 12, 13, and 14, page 41, and insert:

"For support and education of 175 pupils at the Indian school at Hayward, Wis., $29,225; for pay of superintendent, $1,300; general repairs and improvements, $2,000; for erection of hospital, $5,000; for erection of employees' quarters, $4,000; in all, $41,525: *Provided*, That if, in the discretion of the Commissioner of Indian Affairs, it becomes necessary to continue at said school an excess of pupils over 125 for the remainder of the fiscal year ending June 30, 1903, there is hereby appropriated therefor, to be immediately available, not exceeeing $8,350."

Mr. SHERMAN. Mr. Chairman, I ask that the Clerk read the following letter from the Commissioner of Indian Affairs relating to this amendment.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, January 22, 1903.

Hon. J. S. SHERMAN,
Chairman Committee on Indian Affairs, House of Representatives.

DEAR SIR: Referring to pages 22 and 23 of the memorandum handed you relative to Indian school estimates, it will be observed that I call attention

to a recent report made by Supervisor of Indian Schools J. F. House upon the Hayward Indian School, Wisconsin. He directs attention to the fact that the principal need of the school is a hospital building. As you will note, this was not included in the annual estimates, as this report of Supervisor House was filed subsequent to the rendition of the same.

Mr. House says there has been a good deal of sickness at the school; that it has a large enrollment, and if an epidemic of mumps, scarlet fever, diphtheria, or other diseases incident to children should break out at this school there would be no means of isolating patients. He is of opinion that a hospital should by all means be provided for the school. I would suggest, therefore, that an item of $5,000 be added to the appropriation for a hospital building.

As the enrollment at this school has so materially increased over and above that which was anticipated when the plant was constructed, the agent, who is now in the city, has personally directed my attention to the necessity for additional quarters. I therefore suggest that an item of $4,000 be added to the appropriation for the erection of an employees' quarters.

I also desire to direct attention to the fact that the Hayward School during its first year's existence had a very precarious attendance, and did not justify this office at the time the estimates were made up to recommend any increase, in view of the number of pupils. Its enrollment and average attendance is now 170, and I am informed by the agent that he has every reasonable ground to believe that during the next year the attendance can be maintained at from 175 to 200. Of course he will not be able to maintain this number of pupils on his appropriation for 125, and it would be bad policy to send these pupils back after they have requested admission into the school. To that end, therefore, I would earnestly recommend that the item for the Indian school at Hayward, Wis., as the same appears on page 41 of H. R. 15804, reported by you on December 9, be changed from line 8 to 14, as follows:

Mr. BURTON. Mr. Chairman, I would like to ask the gentleman from New York whether it is the policy of the committee to recommend the building of hospitals at all these nonreservation schools?

Mr. SHERMAN. There are hospitals at most of the schools already.

Mr. BURTON. Is it also the policy to build them at reservation schools?

Mr. SHERMAN. At some there are hospitals and at some there are not. The gentleman will understand that a very large number of the schools are day schools, and besides that, being reservation schools, there are hospitals at nearly all of the agencies, and the agency hospital does away with the necessity for having an additional school hospital.

Mr. BURTON. What is the expense of maintaining a physician in one of these nonreservation school hospitals?

Mr. SHERMAN. It varies. I should say it would not be to exceed $500—three, four, and five hundred dollars.

Mr. BURTON. May I have a further question? Is it contemplated that a special physician will be engaged to take care of this hospital, or is medical attendance secured by contract or other arrangement with some local physician?

Mr. SHERMAN. Generally a contract is made with some local physician.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. SHERMAN].

The amendment was agreed to.

The Clerk read as follows:

For support and education of 700 Indian pupils at the Indian school at Phoenix, Ariz., $116,900; for general repairs and improvements, $12,000; for pay of superintendent at said school, $2,250; addition to hospital, $3,000; for cold storage, $5,000; electric lighting, $7,000; water system, $7,500; in all, $153,650.

Mr. BURTON. I move to strike out that portion in lines 3 to 6, of page 43, beginning with the words "for cold storage, $5,000," and ending with the words "water system, $7,500."

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Ohio.

Mr. BURTON. Let the amendment be read at the desk.

The Clerk read as follows:

On page 43 strike out the words beginning with "for cold storage," in lines 3 and 4, down to and including the first word, "dollars," in line 6.

Mr. LACEY. I should like to hear from the gentleman as to why that should be stricken out. This is in Arizona and that is a very warm country.

Mr. SHERMAN. I can explain why it should not be stricken out, if anybody desires to hear it, but I do not care to occupy time to explain unless somebody desires to hear me.

The amendment was rejected.

Mr. SMITH of Arizona. I offer the following amendment to that section.

The Clerk read as follows:

On page 43, line 4, strike out the word "seven" and insert the word "four;" and after the word "dollars," in line 5, insert the words "no part of which sum shall be used in installing any electric plant;" in line 6 strike out "fifty-three" and insert "forty-nine."

Mr. SMITH of Arizona. Mr. Chairman, the object of that is simply to prevent the attempt to install an electric plant at the Indian school at Phoenix, Ariz. I wish to say to the chairman of the committee [Mr. SHERMAN] that I understand from inquiry at the Indian Office that the purpose was to use this $7,000 in an attempt to establish an electric plant at that school. It is an enormous institution, with a great number of houses, and the $7,000 will do no good in the world toward the installation of an electric plant. The only interest I have in the world in this matter is what I find in a letter sent to me by the Phoenix Light and Fuel Company, that gives the exact history of this thing, and it is in response to a letter which I wrote to the president of that company, telling him that they were speaking of installing an electric plant because a charge of $4,000 a year was made for maintaining the electric plant. In response to that he sends the following letter, which explains the case. I hope the members will give their attention to this letter and will see the necessity of the amendment.

The Clerk read as follows:

PHOENIX LIGHT AND FUEL COMPANY,
Phoenix, Ariz., January 16, 1903.

Hon. M. A. SMITH,
House of Representatives, Washington, D. C.

MY DEAR MR. SMITH: Yours of the 10th instant at hand and carefully noted. I very much dislike to bother you with these matters, but it seems our representative in Washington is the only one we can call upon in the matter.

I am somewhat surprised at the amount they charge, namely, $4,000, for lighting the Indian school for a year. Our light bill for 1901 was $1,806.35; our light bill for 1902 was $2,413.70, running as high in the month of December, 1901, as $281.48, and as low in the month of August, for the month, as $79.06. Our bill for December, 1902, was $393.66, and for July, 1902, $83.34 for the month.

The current used in the summer months is quite largely used for fan service in the daytime. This makes a gross cost of $4,220.05 for lighting the school for two years, or $2,110.02 per year.

The reason of the increase for 1902 over 1901 is that they have added several large buildings, and I understand that there is an appropriation for still further buildings.

They have also installed some 16 horsepower in motors for pumping, running laundry, printing press, etc., and it must be this additional service of power and increased lighting of buildings which causes the superintendent to ask for an appropriation of $4,000. Even then it is cheaper than the Government putting up steam plants and buying and hauling coal. They have a steam plant there now, and out of the three boilers only one of them is fit to use, the others being out of use from hard usage; but that is neither here nor there.

They can not purchase coal and run electricity as cheap as we can furnish it to them. We are lighting 27 buildings, large and small, with the lamps, approximating a thousand lamps in use. This does not figure at a very high tariff per lamp for the past two years. I fully hope that this appropriation will not be kept in for the Indian school, and I wish you would see the Commissioner again, giving him these figures, and state to him that we have just spent nearly all of last year's gross income from the school in putting our line and apparatus in the highest condition for good service, and it would work a material hardship on us to have a plant installed.

Any information that you may wish I shall be pleased to furnish promptly.

Yours, very truly,

THOS. W. PEMBERTON, *President.*

Mr. SMITH of Arizona. One other word, Mr. Chairman. I would like to say that I wish to see any improvement possible at that Indian school, but I am convinced from that letter and knowing the man very well who wrote it that it is impossible for $7,000, or, as he says subsequently in that letter, for any $10,000 to install a plant that will be ready for service there all the time. It is intensely hot in the summer and they run quite a number of fans. They can not install any plant that will be ready for use during the whole twenty-four hours for twice what they have asked for in this bill. The expense for coal will be very high, on account of the long haul there. The light is now furnished by water power, and I am informed that it is furnished for half the price charged the city of Phoenix; so it strikes me, as a matter of economy and good service to the school, that the present arrangement should be maintained. Therefore I ask that the amendment be adopted striking out the $7,000 and leaving the $4,000 to pay for lighting the school, or whatever of that amount may be necessary. Last year it cost only $2,000.

Mr. SHERMAN. Mr. Chairman, the price paid for electricity at the Phoenix school is for the current only. The installation in the building, the wiring, the lamps, and everything of that kind have been put in at Government expense and are owned by the Government and cared for by the Government. What is paid to the Phoenix Electric Company is simply for the current, and that accounts, probably, for the fact that they furnish the current for a less price than they do to the ordinary consumer in the city, as well as the fact that this school is a large consumer.

Mr. SMITH of Arizona. My friend must be mistaken in the statement he makes, for the letter states that they have expended the entire gross receipts from the school in putting wires into the school there.

Mr. SHERMAN. They have not put the wires into the school. What they have done, probably, is to put in a new transmittal wire from the city to the school. I do not know about that, but I assume that is it. It is a fact that there has been much criticism that the current has not been what it should be. In a letter from the Commissioner, which refers to several matters, he has this to say about this subject:

Referring to the item for the Phoenix Indian School (lines 4 and 5, page 43 of the bill), electric light, $7,000, the memorandum which I furnished you concerning the necessity for this appropriation unintentionally omitted to give the reasons why this particular item is asked for. From the reports of the superintendent and Supervisor of Construction Charles, the electric-light system at this school is not satisfactory. All of the buildings are wired, and the school purchases the current from the electric-light company of the city of Phoenix. This current now costs 12 cents per kilowatt and 8 cents for power, and, at the time of the report of the superintendent, with soft coal at $6.30 a ton, the amount paid for light during the past fiscal year was $4,000

for the current alone. The superintendent says that the service is poor, and he recommends a complete lighting plant for the school. The school is 3 miles from the town, and the superintendent suggests that large establishments right in the city find it cheaper to run their own lighting plants than to buy the current. He therefore suggests an appropriation of $7,000 to purchase and install machinery, switchboards, etc., for lighting and electrical purposes.

Taking in consideration the large amount of $4,000 annually expended for current alone, and the school has to keep up repairs, would seem to make it desirable for the school to furnish its own current. There is a large heating apparatus connected with the school, an ice plant, pumping machinery, etc., which require the services of an engineer at all times, and with very little additional assistance as helpers to this engineer the expense on account of salaries would not be largely increased, and it is believed that by the installation of its own plant the school could save a great amount yearly, especially when it is noted that $4,000 a year is paid for current, and only $7,000 is asked to install the system.

Now that is an error. He means that is the amount appropriated. The figures given by the gentleman from Arizona [Mr. SMITH] are correct. There was $2,100 paid last year. During the summer quarter, when the school practically closed down, the amount was between two and three hundred dollars, and for the subsequent quarter it was not quite $1,000.

Mr. SMITH of Arizona. Does the chairman think that for anything like $7,000 they can keep a thousand lights burning and a great many fans in the summer time going with soft coal at $6.50 a ton, and more often $10 a ton, or furnish electricity for that great institution as cheaply as it is furnished according to the statement made in this letter? If it can be done I do not care. What I seek is that it shall be done for the cheapest possible amount. The school is supported in a great measure by the people, and the town is proud of it and aiming to make it the best school in the United States. I am anxious for them to have the best possible service and the cheapest possible rate. But with the mere installation of a $7,000 machine to light these great buildings, more than twenty in number——

Mr. SHERMAN. Twenty-odd; it is a very large plant.

Mr. SMITH of Arizona. An enormously large plant, with more than a thousand lights; I do not think that they can do it for the money.

Mr. CANNON. What is the annual cost?

Mr. SHERMAN. It was $1,800 in 1901, $2,400 in 1902. It is believed with this special plant that it would not exceed $3,000. This is simply for the current. It does not take into account anything but the electricity in this $4,000. There is nothing in this for the buildings nor repairs. The buildings are wired and lamped, etc.

Mr. CANNON. This is for the current?

Mr. SHERMAN. For the current furnished by the Phoenix Company.

Mr. CANNON. I want to say that to establish a plant of the kind the gentleman speaks of, $7,000, to furnish an electric light as it ought to be, the appropriation would have to be multiplied by at least 3, appropriation after appropriation. And if $3,000 or $4,000 will purchase the current, I have not any hesitation in saying that it is much better than it is to enter upon the erection and maintenance of an electric-light plant.

Mr. SMITH of Arizona. And another thing I want to say in relation to that. I hope the chairman will recognize the fact that this plant is run by water power, which is an enormous water power at the falls. They transmit this electricity through great wires. They have just constructed a new line of wires, with very great wire, probably since this report was made, that would overcome any possible criticism as to the supply. That has all been erected now. And they are transmitting it over this new wire to the buildings of the school. Now, it is done cheaper than it could possibly be done by any $7,000 plant that might be established at the institution. And as the gentleman from Illinois suggests, it is a matter of economy; and that is the only interest I have in the matter.

Mr. SHERMAN. I understand that.

Mr. SMITH of Arizona. They can not do it for that sum of money. The gentleman from Illinois is correct in saying that they will have to have appropriation after appropriation, and half the time with a shortage of coal that there is you are going to find yourselves without electricity for the supply of that great institution. This institution has an unlimited supply that they can call for any minute of the day or night and it is there. With their own plant out of order half the time, with a $7,000 plant, they will not be able to make the supply; and I think to continue it under the present arrangement would give better service and at the same time will be economical. For those reasons I think that the amendment ought to be adopted.

Mr. SHERMAN. May I ask the gentleman from Illinois, because I assume from his remarks the gentleman is something of a practical electrician——

Mr. CANNON. Not a practical electrician.

Mr. SHERMAN. I mean, perhaps, not a practical, but interested in electrical light concerns, so that you have personal knowledge of these matters, which I have not, and my judgment is based solely on the letters which come from the Indian office. Taking into consideration the fact that the buildings are all wired and lamped at the expense of the United States, repaired and maintained, is $7,000 insufficient for the installment of the machinery necessary to generate the current.

Mr. CANNON. Why, undoubtedly. In the first place, if you take a promoter that seeks to sell machinery for an electric-light establishment, he is a very plausible individual. He does not say much about the necessity of additional steam; he does not say much about the price of coal; he does not say much about the fact that the plant must not only have a dynamo, but it must have it duplicated, because there is all the while the danger of breaking and shutting down; he does not say much about the fact that you must have an extra boiler, he does not say there is more to pay for firemen and engineers; he does not say much about the fact that you must have an equivalent of a practical electrician. I have no hesitation in saying that, you take even a place like Washington, if you could get light for 3½ cents per thousand kilowatts it would be much better to buy the current than to erect an electrical plant in cur great public buildings.

The trouble is we do not count wear and tear; they do not count the numerous things that are bound to be necessary in the way of duplication of motor, duplication of dynamo, and the wear and tear. Of course I know nothing about this. If there be water power within 3 miles of this Indian school, as the gentleman from Arizona has said, with the step-up and the step-down, as they call it, machinery, as I have no doubt they have, or would have to have, they undoubtedly could furnish it at a profit, and a very good profit, for much less than the Government could furnish it by the erection of a private plant.

Mr. SMITH of Arizona. This letter which I have had read also says in a postscript, which the Clerk did not read:

P. S.—The 1,000 lamps installed means 100 horsepower. Of course, they do not light all at once, but there are times they need this amount or nearly so, and it will take more than $10,000 to install a plant of capacity to care for their wants. Of course, Uncle Sam is rich and can afford it. I understand at Lawrence, Kans., where coal is about $2.50 to $3 per ton, they pay nearly as much per kilowatt for electricity as we charge. One of the strong points in our favor is we give twenty-four hours' service, always ready.

Now, this gentleman says further that this must be a standing current. They keep a standing current any time in twenty-four hours, and there is no cessation, and to keep a current all the time by a $7,000 plant is absolutely impossible. Now, as the gentleman from Illinois says, there is a good deal in the way of repairs. They have to have duplicate machinery. It strikes me to be economy to let it go on at the rate they are charging of $2,000 a year.

Mr. SHERMAN. The price paid is 12 cents per 1,000 kilowatts for lights and 8 cents for power.

Mr. CANNON. Well, that is a very good price. It used to be 15 cents, and has been reduced to 10 cents in place where they have taken considerable amounts, and in many places where there is a very large amount taken the price is from 3½ to 4 cents per 1,000 kilowatts. But the practical maintenance is in and not out of an electric-light plant, with the duplicating of the machinery, and where the current can be purchased from private parties at anything like a reasonable price it will be cheaper than it will for the Government to erect a plant.

Mr. SHERMAN. Mr. Chairman, I am inclined to accept the gentleman's amendment rather than to oppose it, but to offer an amendment to the section read. The amendment will read, "*Provided*, That not more than 10 cents shall be paid for 1,000 kilowatts for light, nor more than 6 cents for power."

Mr. SMITH of Arizona. Well, that would mean this: This man says that in Lawrence, Kans., where coal is two dollars and a half or three dollars a ton, they pay nearly as much per kilowatt for electricity as they charge. Well, your coal would be six and a half to eight dollars a ton.

Mr. CANNON. But I understood the gentleman to say that this is by water.

Mr. SMITH of Arizona. Yes; it is by water.

Mr. CANNON. I will say that I have no doubt if the gentleman will put it at 8 or 10 cents they can very well afford to do the service, and I have no doubt it is less than the Government can do it by itself.

Mr. SHERMAN. Before I insist on my amendment let me ask the gentleman from Arizona a question. Does he think if we eliminate the provision for electric plant from the bill that the local company would enter into a new contract with the Indian Department to furnish light at 10 cents per 1,000 kilowatts?

Mr. SMITH of Arizona. I can not say; I have no information beyond what I have received in this letter. I know this—I wish I had the other letter here, in which it was stated that they were charging the city, and I guess they would not charge any more than they ever had—they were charging double to every other customer what they were charging this school.

Mr. CANNON. The gentleman from New York can secure it

by putting it in the alternative; if they can not contract at 8 and 10 cents, make this appropriation available.

Mr. SMITH of Arizona. In which event they ought to make the appropriation enough to light the institution and not leave it at $7,000.

Mr. SHERMAN. I think I will adopt this course, Mr. Chairman. I will not oppose the amendment, but I will suggest to the Indian Commissioner that he at once make inquiries of the Phoenix company, and if he does not succeed in making a fair contract we will ask the Senate to correct this and authorize the plant. There is plenty of time to do that.

Mr. SMITH of Arizona. That is fair; I want the service as cheap as it can be had.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

For support and education of 150 Indian pupils at Indian industrial school at Pierre, S. Dak., $25,050; for pay of superintendent of said school, $1,500; for general repairs and improvements, $2,000; lighting plant, $3,000; in all, $31,550.

Mr. SHERMAN. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 13, page 43, after the word "dollars," insert the words "carpenter and shoe shop, $500;" and in lines 13 and 14 strike out "$31,000" and insert in lieu thereof "$36,000."

The amendment was agreed to.

The Clerk read as follows:

For support and education of 150 Indian pupils at the Indian school, Pipestone, Minn., $25,050; for pay of superintendent at said school, $1,500; for general repairs and improvements, $1,000; for laundry building and improvements, $7,000; for enlargement of boys' dormitory, to supplement the appropriation made in the act for the current year, and to be immediately available, $4,000; for improvement in water plant, $2,500; for industrial-school building, to be constructed of stone, $15,000; in all, $56,050.

Mr. SHERMAN. I offer the amendment which I ask the Clerk to read.

The Clerk read as follows:

Page 44, line 3, strike out "one hundred and fifty" and insert in lieu thereof "two hundred and twenty-five."

In lines 4 and 5 strike out "$25,050" and insert in lieu thereof "$37,575."

Strike out the words "remodeling dormitory, $7,000," line 8, and substitute "for additional buildings and improvements to complete plant, $16,000; for the purchase of additional land, not exceeding 162 acres, $11,745, to be immediately available: *Provided*, That in the purchase of said land not more than $72.50 per acre shall be paid;" and in line 9 following strike out the words "forty-two thousand and fifty dollars" and insert in lieu thereof "sixty-two thousand seven hundred and ninety-five dollars."

Mr. BURTON. This is the fourth instance among these South Dakota schools where the appropriation is very largely increased. I wish to ask the chairman of the Committee on Indian Affairs whether he regards this large increase as necessary?

Mr. SHERMAN. The Commissioner writes as follows in reference to this proposed amendment:

Congress likewise gave $40,000 to increase the capacity of this school. Plans were formulated along these lines, and advertisement was had some time prior to the date of that for Chamberlain, when a school building and dormitory was secured for the Rapid City school at the lowest bid, $38,226. It was intended in these plans to remodel the present dormitory building, so as to give sufficient dining hall and kitchen accommodations in that building.

It was impossible to do this on account of the fact that the lowest bid received for it would have exceeded the appropriation by several thousand dollars. It is proposed out of the $16,000 to make the necessary changes in this dormitory, also provide a laundry, employees' quarters, and such other buildings as may be necessary to round out and complete the school for 300 pupils. Special inspector of farming industries, Levi Chubbuck, investigated the conditions recently at Rapid City School, and he said that the management of the school was efficient and progressive and he had no doubt but that when the new buildings were completed the school would be readily filled to the limit of its capacity.

At present, however, he states that there are lacking adequate facilities for industrial work, that especially in the direction of agriculture the opportunities are very much restricted on account of the limited area of tillable land available, and he was of the opinion that so long as this condition existed the Rapid City School would fall short of meeting the purpose of an Indian school of its class; that if it is expected that the children at the school shall at maturity be self-supporting, the fact should not be overlooked that self-support must come through some phase of agriculture; which being true, the school work, even in the class rooms, should be intimately associated with farm work, and especially should there be abundant opportunity to give instruction in garden, field, and stable.

He concludes, therefore, to meet this need at Rapid City, it must have more land for cultivation and refers to the 162 acres of excellent land adjoining the school grounds, which he thinks could be secured for $72.50 an acre, which price he thinks is not too much for it, considering location, quality of land, and being under irrigation. In view of the fact that unless this appropriation is made immediately available, the Government can not get possession of this land until after the 1st of July next, it is suggested that the same be made "immediately available," for the reason that the school will get all of the advantages of having the same in time for planting and pitching the crop, and it is urgently suggested that the words "immediately available" be added to the appropriation.

Mr. BURTON (before the reading was concluded). It is not necessary for the gentleman to read the rest of that document.

Mr. SHERMAN. Very well; I will print the balance.

Mr. BURTON. In general I do not believe in these appropriations, but I am informed that this is one of the most deserving schools in the whole list. It is some 200 miles from any other school. I withdraw opposition to this amendment.

The question being taken, the amendment of Mr. SHERMAN was agreed to.

The Clerk read as follows:

For support and education of 150 Indian pupils, Rapid City, S. Dak., $25,050; for pay of superintendent, $1,500; for general repairs and improvements, $2,500; for water plant, $6,000; remodeling dormitory, $7,000; in all, $42,050.

Mr. BURKE of South Dakota. Mr. Chairman, I desire to offer an amendment to strike out in line 6 the word "five" and insert "six." I wish to call the attention of the chairman of the Committee on Indian Affairs to the fact that this school has been increased, and provision made for maintenance there of 225 pupils; and that in all such schools the salary of the superintendent is not less than $1,600. At the Chamberlain school, which is identically similar to this, the salary of the superintendent is $1,600. Is there any objection to this amendment?

Mr. SHERMAN. No; I think not. I believe it is right.

The amendment was agreed to.

Mr. MOODY of Oregon. Mr. Chairman, I ask unanimous consent to return to line 13, page 28.

Mr. BURTON. I will ask the gentleman what is the object of his proposition?

The CHAIRMAN. For what purpose does the gentleman from Oregon [Mr. MOODY] desire to return to the page indicated?

Mr. MOODY of Oregon. For the purpose of offering an amendment.

The CHAIRMAN. The gentleman will please send his amendment to the desk.

Mr. MOODY of Oregon. The paragraph to which I wish to return is the following:

For support and civilization of the Walla Walla, Cayuse, and Umatilla tribes, Oregon, including pay of employees, $5,000.

To this paragraph the gentleman from Ohio [Mr. BURTON] moved an amendment to reduce the appropriation. The chairman of the Committee on Indian Affairs did not at the time have before him a list of the expenditures made during the last fiscal year, and consented to the proposed reduction of $2,000. Later he obtained the itemized list of expenditures, which shows that the expenditures last year were $3,217.33 and that $1,782.67 was returned to the Treasury.

I find, upon consulting the financial department of Indian affairs, that an appropriation of at least $4,000 will be required to properly administer the service contemplated in this paragraph of the bill, and I therefore move to amend by making the amount $4,000.

The CHAIRMAN. Is there objection to going back to the paragraph indicated and inserting the amendment of the gentleman from Oregon [Mr. MOODY]?

There was no objection; and the amendment was accordingly adopted.

The Clerk read as follows:

For collection and transportation of pupils to and from Indian schools, and also for the transportation of Indian pupils from all the Indian schools and placing of them, with the consent of their parents, under the care and control of such suitable white families as may in all respects be qualified to give such pupil moral, industrial, and educational training, under arrangements in which their proper care, support, and education shall be in exchange for their labor, $50,000.

Mr. BURTON. Mr. Chairman, I move to strike out in line 14 the word "fifty" and insert the word "forty." I trust that this discussion has thrown some additional light upon the extravagance and injudicious methods of our Indian school system. This paragraph, however, seeks to perpetuate and increase the most objectionable feature of it. This relates to the nonreservation schools. The amount appropriated last year was $40,000. It is proposed this year to increase the amount to $50,000. I have been very much interested to hear this morning the ground of advocating the nonreservation school instead of the reservation school. As I understand the opinion expressed by Colonel Pratt and some others, it is that the young Indian, man or woman, should be removed from the reservation to some remote place and never returned to his home.

With all due respect to those who advocate that idea, Mr. Chairman, I want to say that it is simply inhumane. It means that the young Indian child shall go away from his home, from his tribe, from his old father and mother, and that when he gets the benefit of improved civilization, when he basks in electric light and enjoys the bounty of the Government, he shall stray away to a place remote from those who gave him life and to whom he owes the chiefest duty. I know no reason for raising this $40,000 to $50,000 unless it be to stimulate that idea, to give some additional opportunity to remove a larger number not to the nearest school, but to the most remote. Now, no doubt many of these young Indians would succeed. Full bloods and half-bloods have become excellent citizens, industrious and useful, but I do not believe there is an overweening desire on the part of the

Anglo-Saxon race to take them away from their tribes and their homes and by this extravagance foster a scheme under which they will be mingled with the white race.

Mr. SHERMAN. Mr. Chairman, I agree with the gentleman to this extent: I, too, am glad of the discussion of the past few days. It has shed light upon the Indian question—not to those whose duty it has been especially to originate legislation for those people in the past, but it has, I think, given to the members of Congress in general much information which they did not heretofore possess. I might say, in passing, that when the gentleman from Ohio [Mr. BURTON] directs his energies to any question and throws upon it the light of his intelligence, everybody is benefited by it. I do not, however, agree with his assertion that it has shown great extravagance.

I challenge that assertion. I think there has not been produced here evidence bearing out that assertion. He and I may differ materially as to the wisdom of certain appropriations. We do not differ as to some; we do as to others. But, frankly, I think the gentleman is in error in saying that vast sums are extravagantly expended. Now, in reference to this particular item, the increase is made necessary, first, by reason of the fact that the amount appropriated for the last two years has been found insufficient, and a deficiency appropriation has been asked for in each year. The deficiency last year was $6,000. The number of pupils has increased in the nonreservation schools and the number of schools has increased, so that it has made it necessary to ask for an increased appropriation for next year. It seems to me a very plain and simple proposition, and I trust the amendment will not prevail.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The amendment was rejected.

The Clerk read as follows:

That all expenditure of money appropriated for school purposes in this act shall be at all times under the supervision and direction of the Commissioner of Indian Affairs, and in all respects in conformity with such conditions, rules, and regulations as to the conduct and methods of instruction and expenditure of money as may be from time to time prescribed by him, subject to the supervision of the Secretary of the Interior; and his action in these respects shall be conclusive and not subject to review by any other executive officer: *Provided*, That not more than $167 shall be expended for the annual support and education of any one pupil in any school herein specifically provided for, except when, by reason of epidemic, accident, or other sufficient cause the attendance is so reduced that a larger expenditure is absolutely necessary for the efficient operation of the school affected, when the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, may allow a larger per capita expenditure, such expenditure to continue only so long as the said necessity therefor shall exist: *Provided further*, That the total amount appropriated for the support of such school shall not be exceeded: *Provided further*, That the number of pupils in any school entitled to the per capita allowance hereby provided for shall be determined by taking the average enrollment for the entire fiscal year and not any fractional part thereof.

Mr. SHERMAN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 47, strike out all of lines 23 and 24 after the word "Interior."

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was agreed to.

Mr. SHERMAN. Mr. Chairman, I now offer the following amendment.

The Clerk read as follows:

At the end of line 15, page 18, insert: "*Provided also*, That in preparing implements and room for laundry work in all Indian schools, arrangements shall be made for doing by hand such an amount of said work as may be sufficient to teach the female pupils the art of hand laundry work."

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

Mr. BOUTELL. Mr. Chairman, I move to strike out the last word, for the purpose of asking the chairman of the committee [Mr. SHERMAN] for some information which he can give more readily than any member of the House could investigate it for himself.

I would like to ask how the average per capita appropriation for the education of the Indian children at the present time compares with the average per capita appropriation which was formerly made for their instruction in the private schools?

Mr. SHERMAN. It always costs us less to educate the children in the contract schools than it did in the Government schools.

Mr. BOUTELL. Mr. Chairman, it has always seemed to me that the uplifting of the Indians must be very largely done by the uplifting of the individual members of the tribe, and it seems to me that the discussion on this bill has tended to substantiate that conclusion. I think that it is a fair conclusion from a study of the history of the Indians in our country that the greater part of the civilizing influences that have permeated these originally barbarous tribes has come from the indefatigable efforts and self-sacrificing labors of the missionary clergy of the Roman Catholic Church, from the times of Marquette, Joliet, and Tonti down to the present day. And at the present time, when we are making these large appropriations for the education and civilization of the Indians, it seems to me that it would be a good policy for us, at least so far as the smaller and younger children are concerned, to return to the system of educating them in the private contract religious schools.

Certainly the first thing in the uplifting of primitive races is the driving out of superstition. Superstition is not a physical inheritance. It comes from environment, and the earliest glimpse of intelligence which primitive races get they get along the lines of superstition. It is my fixed conclusion that in the education of at least the younger members of the tribes greater progress would be made under the older system of instruction in the religious schools.

I should like to ask one other question, and that is whether the pro rata distribution of supplies and subsistence given under the treaties to these tribes is now withheld from those children who are in the religious schools and not in the Government schools?

Mr. SHERMAN. It is.

Mr. BOUTELL. Is that done under any act of Congress, or is it done under a departmental order?

Mr. SHERMAN. It is done under a departmental order, and the question has been raised that that order violated certain provisions of certain treaties. That question has been submitted to the Attorney-General, who has rendered an opinion that the order is not violative of the treaties.

Mr. BOUTELL. It seems to me that it is at least violative of the spirit and understanding of our engagement with those tribes. Could we not correct that by some provision in this bill?

Mr. SHERMAN. Personally, I wish we might.

Mr. BOUTELL. So that this pro rata subsistence which we agreed by treaty to give to these Indians should be given equally to those who are in the religious schools and to those who are in the Government schools.

Mr. SHERMAN. Perhaps I ought to say to my friend from Illinois that this question was brought up in the committee. An amendment was offered covering the point he now suggests, making it possible for the children in the non-Government school to draw the ration; but in the committee the point of order was invoked that it was new legislation and not in order upon an appropriation bill, and notice was given in the committee that a member thereof would raise the point of order upon the floor if the amendment was offered here; whereupon the gentleman who had offered the amendment in the committee stated that he would not offer it upon the floor if any member of the committee was to raise the point of order upon it.

Mr. BOUTELL. I would have been glad to submit such an amendment, but on the statement of the chairman of the committee it seems that it would be useless to do so.

Mr. SHERMAN. The gentleman can offer it, and possibly the point might not be raised against him. I do not know. I simply tell him what transpired in the committee. I might suggest to the gentleman that it was in the bill as reported a year ago and went out on a point of order. I do not remember who raised the point, but it was raised by some member on the floor.

Mr. BOUTELL. I withdraw the formal amendment and will submit the necessary amendment at the appropriate place at the end of section 5.

Mr. LACEY. Mr. Chairman, I offer the following amendment to section 1.

The Clerk read as follows:

The Court of Claims is hereby authorized to resume consideration of the claim of the Eastern Cherokees *v.* The United States, Congressional, No. 10386, and full jurisdiction is hereby conferred upon said court to hear and determine the legal and equitable rights of said Indians and of the Cherokee Nation under the treaties and laws relating thereto, and to render judgment thereon, subject to appeal to the Supreme Court of the United States by either party to said suit feeling aggrieved at the judgment of the Court of Claims. The Cherokee Nation shall have the right to intervene in said suit, and if suit is brought by the Cherokee Nation under the act of Congress approved July 1, 1902, or any other act, the Court of Claims shall consolidate said suits by proper orders: *Provided*, That the above reference shall not be construed as a concession that the Slade-Bender accounting was in fact an award or an account stated, or that the United States is indebted to said Indians in any sum or any account, or that it intends hereby to waive its proper and just legal or equitable defenses of any kind whatever; but said court is hereby empowered and directed to adjudicate said claim subject to the defenses aforesaid in accordance with the principles of law and equity.

Mr. CANNON and Mr. UNDERWOOD rose.

Mr. CANNON. Mr. Chairman, I reserve the point of order, or I will yield to the gentleman from Alabama for that purpose.

Mr. LACEY. Mr. Chairman, this amendment involves a very important question. It is one upon which this House not long ago asked an opinion of the Attorney-General, and I will ask in this connection to print with my remarks the response of the Attorney-General to the resolution of the House. I would like to have this leave at this time.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to print in the RECORD the paper described. Is there objection? [After a pause.] The Chair hears none.

Mr. LACEY. I will not take the time of the committee to have it read at this time. This involves a very large claim that was referred to the Court of Claims by Congress. The Court of Claims in reporting it back did not determine the law of the case, but merely found the facts. The Attorney-General, Mr. Harmon, during Mr. Cleveland's Administration made a report which gave an opinion upon this claim, in which he declared it to be invalid. It is now claimed that the Court of Claims in their subsequent decision declared it to be valid. This was a controverted question. The Court of Claims, however, in their decision did not say that they held the claim to be a valid one, but simply found the facts; and under the Bowman Act I presume that was all they had the right to do. Therefore the question came back to Congress as to whether the claim should be allowed.

The subject was discussed in the Committee on Indian Affairs. The committee came into the House, asking the House to pass a resolution calling upon the Attorney-General to review the opinion of the Attorney-General, his predecessor, in connection with this later decision of the Court of Claims. The Attorney-General responds that he does not think that, in view of the litigation that is pending or likely to be begun growing out of the act of 1902, he ought to give an opinion upon the subject. Therefore this amendment is offered with a view of resubmitting the whole controversy, with the rights of intervention, to the Court of Claims, reserving, however, every defense, such as the statute of limitations, or any other sort of defense that the United States may have. With these limitations in this amendment I see no danger whatever in resubmitting the whole question to the Court of Claims and avoiding the examination of this large claim so far as Congress is concerned. I think, however, the point of order perhaps is well taken.

The opinion of the Attorney-General is as follows:

DEPARTMENT OF JUSTICE,
Washington, D. C., January 22, 1903.

SIR: December 16, 1902, my opinion upon certain questions relating to the claim of the Cherokee Indians against the United States was requested by the following resolution adopted by the House of Representatives:

"*Resolved*, That the Attorney-General of the United States is hereby requested to advise the House of Representatives with all convenient speed in the case of the Eastern Cherokees against the United States whether or not the award rendered under the Cherokee agreement of December 19, 1891, ratified by act of Congress approved March 3, 1893, as set forth in House Executive Document No. 182, of the Fifty-third Congress, third session, and the findings of fact of the Court of Claims of April 28, 1902, is res adjudicata; to review the opinion of the Department of Justice of December 2, 1895, and advise the House of Representatives whether the reasons set forth in that opinion now constitute a valid defense to the payment of said award."

The agreement of December 19, 1891, referred to in the resolution and ratified by section 10 of the act of Congress of March 3, 1893 (27 Stat., 612, 640), as described in the agreement itself and in the ratifying act of Congress, is one between certain commissioners on the part of the United States and certain commissioners on the part of the Cherokee Nation. The fourth subdivision of article 2 of this agreement is as follows:

"The United States shall, without delay, render to the Cherokee Nation, through any agent appointed by authority of the national council, a complete account of moneys due the Cherokee Nation under any of the treaties ratified in the years 1817, 1819, 1825, 1828, 1833, 1835-36, 1846, 1866, and 1868, and any laws passed by the Congress of the United States for the purpose of carrying said treaties, or any of them, into effect; and upon such accounting, should the Cherokee Nation by its national council conclude and determine that such accounting is incorrect or unjust, then the Cherokee Nation shall have the right within twelve months to enter suit against the United States in the Court of Claims, with the right of appeal to the Supreme Court of the United States by either party, for any alleged or declared amount of money promised but withheld by the United States from the Cherokee Nation under any of said treaties or laws which may be claimed to be omitted from or improperly, or unjustly, or illegally adjusted in said accounting; and the Congress of the United States shall, at its next session after such case shall be finally decided and certified to Congress according to law, appropriate a sufficient sum of money to pay such judgment to the Cherokee Nation, should judgment be rendered in her favor; or, if it shall be found upon such accounting that any sum of money has been so withheld, the amount shall be duly appropriated by Congress, payable to the Cherokee Nation upon the order of its national council, such appropriation to be made by Congress if then in session, and if not, then at the session immediately following such accounting."

The last paragraph of section 10 of said act of Congress made an appropriation to enable the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, to employ persons to render "a complete account to the Cherokee Nation of moneys due said nation," as required by this provision. It is under this authorization that an accounting was had between the United States and the Cherokee Nation, as set forth in House of Representatives Executive Document No. 182, Fifty-third Congress, third session. Whether this accounting is in contemplation of law an "award," as described in the resolution, and therefore conclusive upon the United States, is a debatable question which it is not advisable for me to express an opinion upon at this time; but if it be an award, it is manifestly, under the terms of the agreement and the provision appropriating money to meet the expense of the accounting, an award in favor of the Cherokee Nation and not one in favor of the Eastern Cherokees.

Neither the agreement nor the provision appropriating money to meet the expense of the accounting authorized an accounting with the Eastern Cherokees, or between parties other than the United States and the Cherokee Nation, and if the accounting as had extended to matters outside of the authorization it is surely in that respect not obligatory upon the United States. Nor is there anything in the finding of the Court of Claims which changes or enlarges the effect of this accounting or makes it res adjudicata between the United States and the Eastern Cherokees.

The resolution also requests that I review the opinion of one of my predecessors, dated December 2, 1895, relating to this accounting, and advise the House of Representatives whether the reasons given in that opinion now constitute a valid defense to the payment of the money found due in such accounting. It does not seem advisable to comply with this request.

By section 68 of the act of July 1, 1902 (32 Stat., 716, 726), which act has been duly ratified by the Cherokee Nation, as required by sections 74 and 75 thereof, Congress authorized the Cherokee Nation to bring suit against the United States at any time within two years in the Court of Claims, with a right of appeal to the Supreme Court by any aggrieved party in interest, upon any claim arising under treaty stipulations which such nation may have against the United States, and authorized the Court of Claims "by proper orders and process to make parties to any such suit all persons whose presence in the litigation it may deem necessary or proper to the final determination of the matter in controversy."

The present claim is one arising under treaty stipulations, and is, therefore, one which the Cherokee Nation has a perfect right to litigate against the United States under this statute. The payment of the claim to another or adverse claimant would not be destructive of this right, nor would it constitute a sufficient defense to such a suit if upon judicial inquiry the court should find the Cherokee Nation to be the rightful claimant. The Cherokee Nation, as I am informed, asserts a right to this claim, has employed counsel to prosecute the same agreeably to said statute, and is about to institute a suit upon the claim in the Court of Claims against the United States.

The terms of the statute are, fortunately, such that the Eastern Cherokees, who, as I am informed, claim adversely to the Cherokee Nation, may be made parties to the suit and compelled to litigate with the Cherokee Nation their adverse assertions of ownership, so that the rightful claimant against the United States may be judicially ascertained after full opportunity upon the part of both claimants to be heard, and the United States be thereby fully protected in the payment of the claim to the successful claimant, if the claim be adjudged to be a valid one against the Government.

The duty of supervising and directing the defense of the Government in this suit in the Court of Claims, and in the Supreme Court if there be an appeal, will devolve upon me, and for that reason it is that I deem it inadvisable, as hereinbefore stated, to express an opinion at this time upon the question whether the accounting had under the agreement of December 19, 1891, constitutes an award, or concludes the Government, or upon the question whether the reasons given in the Attorney-General's opinion of December 2, 1895, now constitute a defense to the payment of the money found due upon said accounting.

The claim under consideration is a disputed one, to which there are adverse claimants, each asserting substantial support for its claim of ownership. Congress has provided a method of determining the validity of the claim and ascertaining the rightful claimant, which ought to be acceptable to all parties in interest, because it accords to each a full opportunity to be heard in the Court of Claims, with a right of appeal to the Supreme Court.

With respect to the findings of fact made by the Court of Claims in the advisory proceeding referred to in the resolution, it should be noted that no judgment was or could be rendered thereon, and that in concluding its finding the court said:

"But whether said sum of $1,111,284.70 was or was not improperly charged to the treaty fund, and whether interest should be allowed thereon, are questions of law upon which the court expresses no opinion."

Very respectfully,

P. C. KNOX, *Attorney-General.*

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

Mr. LITTLE. If the gentleman will permit me, I did not catch the reading of the proposed amendment in full. Does it reserve the right of appeal to the United States?

Mr. LACEY. Oh, yes; the right of appeal is reserved. The difficulty about the Eastern Cherokees is they are neither a tribe nor a band and have no legal capacity to sue. A suit was brought by the Cherokee Nation. The Eastern Cherokees are a part of the Cherokees, or one part of the tribe. The Cherokee Nation set up this claim in that action. This amendment would enable the controversy between the Eastern Cherokees and the Cherokee Nation to be disposed of at the same time by intervention when this suit is brought in the Court of Claims.

Mr. LITTLE. I would suggest, for the benefit of the House, the fact that under the treaty recently made, or the agreement, suits were authorized to be brought by the Cherokee Nation or any band thereof. It is suggested that while these Eastern Cherokees are a portion of the nation, the nation are not authorized to sue for them. This enables them to sue along with the nation or a band in bringing suits.

The CHAIRMAN. The Chair is ready to rule on the point of order.

Mr. UNDERWOOD. Mr. Chairman, I think the point of order ought to be insisted on. It is clearly within the rule. Although this may be a very meritorious amendment, and I know nothing about its merits, I do not think a question involving several millions of dollars should come up in the House without notice and be considered at this time in this way. I therefore hope the gentleman from Illinois will insist on his point of order.

Mr. LACEY. I call the attention of the gentleman from Illinois and the gentleman from Alabama to the fact that Congress has already legislated on the subject. There is an existing law to authorize the bringing of this very suit, but the Eastern Cherokees are neither a band nor a tribe, and the statute in question, therefore, is imperfect in this, that it excludes the large portion of the tribe from having their rights adjudicated in the suit, a suit that undoubtedly will be brought, whether the proposed amendment is enacted or not.

Mr. CANNON. I want to say to the gentleman that it seems to me that this provision is subject to the point of order, and I do not believe a matter of such importance ought to be dragged through on a general appropriation bill.

The CHAIRMAN. The Chair is ready to rule on the point of order. The Chair sustains the point of order. It is clearly a matter of legislation.

The Clerk read as follows:

SEC. 2. That no purchase of supplies for which appropriations are herein made, exceeding in the aggregate $500 in value at any one time, shall be made without first giving at least three weeks' public notice by advertisement,

except in case of exigency, when, in the discretion of the Secretary of the Interior, who shall make official record of the facts constituting the exigency, and shall report the same to Congress at its next session, he may direct that purchases may be made in open market in amount not exceeding $3,000 at any one purchase: *Provided further*, That funds appropriated to fulfill treaty obligations shall not be used.

SEC. 4. That when not required for the purpose for which appropriated, the funds herein provided for the pay of specified employees at any agency may be used by the Secretary of the Interior for the pay of other employees at such agency, but no deficiency shall be thereby created.

Mr. BURTON. Mr. Chairman, I make a point of order on the first four lines on the top of page 49, and shall ask to have it sustained unless some good reason is given why the artesian well and the ditches should be excepted from the general rule.

Mr. SHERMAN. This work is not done by contract. It is done under the direction of agents or special officials, and largely by the employment of Indian labor. That is the theory of dispensing with advertising for bids in that one branch of the service.

Mr. BURTON. It seems to me that might create a situation in which fraud might be perpetrated.

The CHAIRMAN. The point of order is sustained. The Chair will call the attention of the gentleman from New York to the words "provided further," which seem to be unnecessary, inasmuch as the word "provided" appears at the foot of page 48.

Mr. SHERMAN. I ask unanimous consent to strike out the word "further."

The amendment was agreed to.

The Clerk read as follows:

SEC. 3. That the Secretary of the Interior, under the direction of the President, may use any surplus that may remain in any of the said appropriations herein made for the purchase of subsistence for the several Indian tribes, to an amount not exceeding $25,000 in the aggregate, to supply any subsistence deficiency that may occur: *Provided*, That any diversions which shall be made under authority of this section shall be reported in detail, and the reason therefor, to Congress, at the session of Congress next succeeding such diversion: *Provided further*, That the Secretary of the Interior, under direction of the President, may use any sums appropriated in this act for subsistence, and not absolutely necessary for that purpose, for the purchase of stock cattle for the benefit of the tribe for which such appropriation is made, and shall report to Congress, at its next session thereafter, an account of his action under this provision: *Provided further*, That funds appropriated to fulfill treaty obligations shall not be used.

Mr. BURTON. Mr. Chairman, I think a point of order lies to nearly all of that section. It gives the right to transfer an appropriation from one object to another. Instead of specific appropriations for specific objects the Secretary of the Interior, under the direction of the President, may use any surplus that may remain in any of the said appropriations here made for the purchase of subsistence for the several Indian tribes.

Mr. SHERMAN. I think no point of order lies against that, Mr. Chairman. I think no point of order can be properly laid against the provision which went out a moment ago upon the point the Chairman sustained. This is not legislation; it is the limitation upon the appropriation herein contained. It seems to me an appropriate limitation also. It is an appropriation that relates simply to the money appropriated in this act.

The CHAIRMAN. The Chair overrules the point of order.

The Clerk read as follows:

SEC. 4. That when not required for the purpose for which appropriated, the funds herein provided for the pay of specified employees at any agency may be used by the Secretary of the Interior for the pay of other employees at such agency, but no deficiency shall be thereby created; and, when necessary, specified employees may be detailed for other service when not required for the duty for which they were engaged; and that the several appropriations herein or heretofore made for millers, blacksmiths, engineers, carpenters, physicians, and other persons, and for various articles provided for by treaty stipulation for the several Indian tribes, may be diverted to other uses for the benefit of said tribes, respectively, within the discretion of the President, and with the consent of said tribes, expressed in the usual manner; and that he cause report to be made to Congress, at its next session thereafter, of his action under this provision.

Mr. BURTON. Mr. Chairman, I do not know but that the decision of the Chair is conclusive upon this section; but it seems to me that this is subject to a point of order. We all know the reason why appropriations are not to be diverted from one object to another. If the appropriation is more than the amount required, the balance is covered back into the Treasury; if less, the executive department comes to Congress for an additional appropriation. Now, this makes the funds available for the pay of specific employees in case there is more than enough available for another class of employees. It authorizes a change or transfer of money from the object specified to others without further action of Congress.

Mr. SHERMAN. It is for an object provided for in this bill and this bill only. This identical provision has been on the Indian appropriation bill for at least ten years.

Mr. BURTON. One further point to which I wish to call attention. There is in lines 7, 8, and 9 this provision: "And when necessary specified employees may be detailed for other service when not required for the duty for which they were engaged." I can conceive circumstances under which that might be desirable, but I do not think it is in accordance with the policy pursued by Congress heretofore.

Mr. SHERMAN. Mr. Chairman, a teamster on a reservation might not be needed in the line of his specific duty, and he could, under this provision, be otherwise employed. A blacksmith might have nothing to do and he might perform the service of a teamster who is in the hospital. So the employees occupying one position and another at an agency may be shifted if it is necessary for the good of the service.

The CHAIRMAN. The Chair is of the opinion that while the language may not be apt for the purpose, the result is equivalent to an appropriation of an indeterminate balance of money, already legally appropriated for the purpose provided by law, to other purposes provided by law, of the same character and of the same general authority of law now existing. It is not new legislation in any proper or ordinary sense. It is simply taking a balance of a fund, which might have been an original appropriation, out of the Treasury, and instead of taking it from the Treasury it is taken from that fund and appropriated for a purpose already provided by law. The Chair therefore overrules the point of order.

The Clerk read as follows:

SEC. 5. That whenever, after advertising for bids for supplies in accordance with sections 3 and 4 of this act, those received for any article contains conditions detrimental to the interests of the Government, they may be rejected, and the articles specified in such bids purchased in open market, at prices not to exceed those of the lowest bidder, and not to exceed the market price of the same until such time as satisfactory bids can be obtained, for which immediate advertisement shall be made: *Provided*, That so much of the appropriations herein made as may be required to pay for goods and supplies, for expenses incident to their purchase, and for transportation of the same, for the year ending June 30, 1904, shall be immediately available, but no such goods or supplies shall be distributed or delivered to any of said Indians prior to July 1, 1903.

Mr. BOUTELL. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add to the paragraph the following:

"*Provided further*, That in the distribution of subsistence or other supplies no discrimination shall be made against or on account of children attending private schools."

Mr. STEPHENS of Texas. I make a point of order against that amendment. It is new legislation.

Mr. BOUTELL. I should like to be heard very briefly on this point of order, which I understand is made on the ground that the amendment is new legislation. It seems to me that this point is not well taken. We are, as I understand, under treaty obligations to make certain appropriations and distribute certain subsistence and supplies to the Indians. This subsistence and these supplies are distributed pro rata and per capita according to the membership of families, including the children. When these children are in attendance at the Government schools the full per capita distribution is made.

Now, I understand that on account of the establishment of Government schools, and not on account of any other law, the Interior Department has held that the pro rata distribution should be withheld from the children who attend private schools. Now, Mr. Chairman, the attendance of the children upon private schools entails no additional expense upon the Government. The pro rata distribution to these children would take place if they attended Government schools. There is no new legislation in this provision. It is merely declaratory; it merely interprets; it simply gives to the Department our understanding of the legislation in this bill. I submit, therefore, that no point of order lies on the ground that this is new legislation; because a distribution would be made to the children now in religious schools, not on account of any legislation, but simply by a change in their schools, if these children should leave the religious schools and attend the Government schools.

The CHAIRMAN. The Chair is constrained to hold that this is new legislation. It undertakes to abolish a discrimination which, it is asserted or implied, is now made, either by law or without law. It undertakes to direct the exercise of a discretion heretofore authorized by law, or else it undertakes to regulate the action of this officer by some new provision or limitation of law. The Chair sustains the point of order.

The Clerk read as follows:

SEC. 7. That section 5 of the act approved February 28, 1899, entitled "An act providing for the sale of the surplus lands on the Pottawatomie and Kickapoo Indian reservations in Kansas, and for other purposes," be, and the same is hereby, amended so as to read as follows:

"SEC. 5. That before any of the surplus lands belonging to either of said tribes of Indians shall be sold under the provisions of this act there shall be allotted by the Secretary of the Interior 80 acres to each absentee of either of said tribes, and also to each of the children of members of the respective tribes born since the allotments heretofore made were closed and to whom allotments have never been made, but all allotments shall be made and accepted subject to existing leases: *Provided*, That in making these allotments the said Pottawatomie children and absentees shall be restricted to the Pottawatomie lands and the Kickapoo children and absentees to the Kickapoo lands: *Provided further*, That in case there are not sufficient surplus lands belonging to either tribe to allot lands to each child and absentee in quantity as above provided, said surplus lands shall be alloted to each of said children and absentees pro rata, as near as may be, according to legal subdivisions: *Provided further*, That this paragraph relating to allotments may be adopted

or rejected by either tribe separate and apart from and without affecting the other provisions of this act."

Mr. GAINES of Tennessee. Mr. Chairman, I move to amend by striking out the last word. I should like to ask the gentleman from New York [Mr. SHERMAN], who has charge of this bill, to what degree, if at all, does this bill tend toward the abandonment of what is called the reservation policy which has heretofore characterized our Indian legislation?

Mr. SHERMAN. I do not understand the gentleman's question.

Mr. GAINES of Tennessee. My question is, to what extent, if at all, does this bill undertake to abandon what is known as the reservation policy which has heretofore characterized the greater portion of our Indian legislation?

Mr. SHERMAN. Only so far as it relates to making surveys of certain reservations and making allotments on reservations. There are several general provisions in the bill which provide for surveys of some reservations specifically; also provisions for surveys in general and for allotments in general, the amounts to be used in the discretion of the Secretary of the Interior on reservations.

Mr. GAINES of Tennessee. One other question—and I will say that the reason I ask these questions is that I was very much impressed by the argument of the gentleman from Ohio [Mr. BURTON], who, I think, rather took the position that our Indian policy has been somewhat of a failure; that at all events it is beginning now to be a failure, and because of preventing free intercourse of the whites and Indians by this reservation policy. Will the gentleman from New York tell me and the Committee of the Whole how many Indians can read and write English?

Mr. SHERMAN. I could inform the gentleman after looking over the statistics, but I have not the number in mind. There are nearly 30,000 Indian children in schools to-day, out of 260,000 Indian population.

Mr. GAINES of Tennessee. How many of the parents of these Indian children can read and write?

Mr. SHERMAN. I do not know. The gentleman, by examining the census reports, can ascertain. I have not the figures in mind.

Mr. GAINES of Tennessee. I want the gentleman to understand that in making my inquiry I pay him a compliment, because I think there are very few questions that have ever been asked of the gentleman that he has not been able to answer very thoroughly.

Mr. SHERMAN. I thank the gentleman for his compliment. I am sorry I do not happen to remember what he wishes to ascertain. I will say frankly that I have looked over the statistics, but I do not carry in my mind the answer to the question which the gentleman propounds.

Mr. GAINES of Tennessee. Will the gentleman tell the committee, then, how these children are progressing, as a whole, who are being educated to speak and read English? Are they simply going to school and going to school and going to school and learning a little education and then going back home, tying a tail on their backs, putting a skin over their heads, and taking to the mountains again?

The CHAIRMAN. The Chair will remind the gentleman from Tennessee that the debate is on striking out the last word to a single section of the bill.

Mr. SHERMAN. Mr. Chairman, I ask unanimous consent that sufficient time be given the gentleman to ask what questions he desires, and that I may be allowed to answer them briefly.

Mr. GAINES of Tennessee. The gentleman can see that I have not this information, and I am called on to vote on this bill. I am very much impressed with what the gentleman from Ohio [Mr. BURTON] has said, and I really would like to know what effect our efforts to educate these people have really had in educating them and in really civilizing them, as to whether that civilization lasts when they go back to their territory. I understand they take right to a horse and skin and sled and dog and go out into the mountains. I was so informed yesterday, and I should like to hear the gentleman along that line.

Mr. SHERMAN. Mr. Chairman, the gentleman's question is a broad and sweeping one and is difficult to answer in a word. I will say to him, however, that in my judgment the education of the Indian during the last two decades has tended to the very material elevation of the Indian race, very material. It is true that in many cases an Indian attends school, reservation or nonreservation, learns to speak the English language, to wear clothes, to live as a civilized person lives, and that when he goes back to the reservation, surrounded by reservation conditions, it is not long before he has discarded his clothes and his habits of cleanliness and civilization, has put on the blanket, and has dropped to the level of his surroundings. I think in every case, however, that when a boy or girl or any great number of them go off to school and return to their homes, while unquestionably many times they are drawn down to the general level, yet it never happens that such association does not elevate the whole plane at least a trifle.

Mr. GAINES of Tennessee. Now, if the gentleman will indulge me for a moment, I would like to ask——

The CHAIRMAN. The time of the gentleman has expired.

Mr. CURTIS. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

SEC. 8. Wherever and to the extent that any of the lands within the place limits of the land grant to the Atlantic and Pacific Railroad Company within the Territories of Arizona and New Mexico were placed within any Indian reservation after the time when the right of the railroad company attached by the definite location of its line of railroad opposite thereto, and are still embraced within such Indian reservation, the Secretary of the Interior shall be duly authorized, in his discretion, to exchange surveyed public lands in the same Territory which are vacant, unappropriated, not mineral, and not timbered for private lands in such reservation of like area and value in the alternate sections granted to the railroad company, so far as may be necessary to obtain full governmental ownership of all the lands within such Indian reservation.

The railroad company or its grantee must, at its expense and by appropriate instruments of conveyance, surrender to the Government the full and unencumbered right and title to the private lands included in any exchange before patents are issued for the public lands included therein, and no charge of any kind shall be made for issuing such patents. Upon the completion of any exchange, the lands surrendered to the Government thereunder shall become a part of the Indian reservation within the limits of which they are situate. Nothing herein shall in any manner be so construed as to authorize the issuance of any land scrip, or to enlarge the quantity of land to which such railroad company or any of its grantees may be entitled under existing law.

Mr. SHERMAN. Mr. Chairman, I desire to reserve the point of order against that amendment, though I dislike to. I wish to know what the purpose of the amendment is, and until I hear I shall reserve the point of order.

Mr. BURTON. Mr. Chairman, I shall make the point of order.

Mr. CURTIS. Mr. Chairman, I hope the gentleman will reserve it.

The CHAIRMAN. Will the gentleman from Ohio please state his point of order?

Mr. BURTON. That it is absolutely new legislation.

Mr. CURTIS. If the committee will bear with me for a moment, I would like to have the gentleman reserve his point of order, because this amendment is offered at the request of the Department, and I would like to have a letter from the Department read in support of it. A large number of reservations have been extended by Executive orders, and private lands have been taken within those extensions. Last year the committee had to appropriate some $28,000 to pay for the property owned by private individuals around which the limits of a reservation had been extended by an Executive order of the late President McKinley. This amendment simply gives them authority to exchange public lands in the same Territory and of the same kind as that included within the reservation as extended for the lands so taken. I would like to have the letter, which I send to the desk, read, as it explains the necessity of this amendment, and then I hope that the gentleman will withdraw his point of order.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR,
Washington, January 12, 1903.

The CHAIRMAN OF THE COMMITTEE ON INDIAN AFFAIRS,
House of Representatives.

SIR: Recently you informally called to the attention of the Commissioner of Indian Affairs the fact that in the Territories of Arizona and New Mexico there are Indian reservations in which the alternate even-numbered sections are owned by the Government and the alternate odd-numbered sections are held in private ownership under the Atlantic and Pacific Railroad land grant. This situation is indeed an unfortunate one and is peculiar to certain reservations in Arizona and New Mexico. It arises from the fact that after the definite location of the line of the Atlantic and Pacific Railroad, and therefore after the right of the railroad company to the alternate odd-numbered sections had become vested and had passed beyond the control of the legislative or executive branch of the Government, certain Indian reservations were established within the limits of this railroad land grant, and certain other existing reservations were enlarged so as to include lands within the limits of said grant.

The result is that there is a divided ownership and a divided authority within the limits of these Indian reservations. This is destructive of the authority of the United States within the reservations and is alike injurious to the Indians and to the owners of the railroad lands. It works a serious injustice to those holding the railroad title, because while compelled to pay county and Territorial taxes upon their alternate odd-numbered sections they are unable to use them without coming into conflict with the Government's authority over and the Indians' use of the alternate even-numbered sections. It is especially desirable that this situation shall be changed. The Government, the Indians, and the owners of these private lands will be mutually benefited thereby. We respectfully recommend that the following provision for relieving this situation be inserted in the pending Indian appropriation bill or be made the subject of an independent bill, as may be deemed most advisable:

Wherever and to the extent that any of the lands within the place limits of the land grant to the Atlantic and Pacific Railroad Company within the Territories of Arizona and New Mexico were placed within any Indian reservation after the time when the right of the railroad company attached by the definite location of its line of railroad opposite thereto, and are still embraced within such Indian reservation, the Secretary of the Interior shall be duly authorized, in his discretion, to exchange surveyed public lands in the same Territory which are vacant, unappropriated, not mineral, and not timbered, for private lands in such reservation of like area and value in the alternate sections granted to the railroad company, so far as may be necessary to obtain full Governmental ownership of all the lands within such Indian reservation.

The railroad company or its grantee must, at its expense and by appropriate instruments of conveyance, surrender to the Government the full and unincumbered right and title to the private lands included in any exchange before patents are issued for the public lands included therein, and no charge of any kind shall be made for issuing such patents. Upon the completion of any exchange, the lands surrendered to the Government thereunder shall become a part of the Indian reservation within the limits of which they are situate. Nothing herein shall in any manner be so construed as to authorize the issuance of any land scrip, or to enlarge the quantity of land to which such railroad company or any of its grantees may be entitled under existing law.

We believe this provision fully meets the existing situation and contains safeguards which amply protect the Government and the Indians and effectually preclude injury to individuals. Equality in advantages resulting from every exchange is assured. Exchange is not compulsory on the Government and can be made only where it is deemed advisable by the Secretary of the Interior. No exchange can be made which increases the acreage of any private owner or diminishes that of the Government, or which changes the character or value of the lands held in public or private ownership, or by which the Government surrenders any mineral or timber lands. No roaming right of lieu selection is given, and no land scrip can be issued. The lands to be given in exchange by the Government are confined to surveyed public lands in the same Territory, and the authorization extends only to obtaining full governmental ownership of all the lands within these Indian reservations.

We sincerely trust that the provision here proposed will receive the favorable consideration of Congress.

Very respectfully,

W. A. JONES,
Commissioner of Indian Affairs.
E. A. HITCHCOCK,
Secretary of the Interior.

Mr. BURTON. Mr. Chairman, I do not see my way clear to withdrawing the point of order. It seems to me that it is clearly new legislation, and it is too important a proposition to tack on this bill.

The CHAIRMAN. The Chair sustains the point of order.

Mr. SHERMAN. Mr. Chairman, I move that the committee do now rise and report the bill, with sundry amendments, to the House, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. BARTHOLDT. Pending this motion, if my friend will permit, I ask unanimous consent to return to page 36 for a minute.

The CHAIRMAN. There is a motion pending, made by the chairman of the Committee on Indian Affairs, and unless he withdraws that motion it is the duty of the Chair to put it to the committee.

Mr. BARTHOLDT. Will the gentleman kindly withdraw his motion for a moment? I desire to make a statement.

Mr. SHERMAN. I will withdraw it for the purpose of allowing the gentleman to make a statement.

Mr. BARTHOLDT. Mr. Chairman, the committee yesterday, by a vote of 26 to 19, voted to strike out the lines from 3 to 6, inclusive, on page 36, which means that the Indian warehouse in St. Louis, only recently established, shall be abolished. I am quite certain that the committee voted under a misapprehension of the facts. It was stated in support of the motion to strike out that but a comparatively small quantity of goods had been shipped from that warehouse to the Indian reservations. The reason for this is that the warehouse has only been established for three months, and consequently it is not yet in working order.

Our argument in favor of the maintenance of an Indian warehouse in St. Louis, supported as it is by all the merchants and commercial interests of that great city, is that St. Louis is nearer to the Indian reservations than almost any other large city in the country. Furthermore, all the goods which are being bought for the Indians can be bought more cheaply in the market of St. Louis than almost anywhere else. I refer to the articles specifically needed for the Indians, such as blankets, meats, flour, tobacco, shoes, and so on. Therefore the maintenance of an Indian supply bureau in St. Louis is of the utmost importance, and certainly beneficial to the service. An appropriation of $10,000 only is required for the maintenance of that bureau, and I sincerely trust that the committee will reconsider its action and keep this item in the bill.

Mr. SHERMAN. Mr. Chairman, I renew my motion.

Mr. BARTHOLDT. I ask that the committee reconsider its action on this item.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent——

Mr. SHERMAN. To make a statement.

The CHAIRMAN. To make a statement. The gentleman has not made any further motion.

Mr. SHERMAN. I renew my motion that the committee do now rise and report the bill, with the several amendments, and with a favorable recommendation that the amendments be agreed to and the bill as amended do pass.

Mr. BARTHOLDT. Mr. Chairman, is my motion to reconsider not in order at this time?

The CHAIRMAN. The gentleman from Missouri can ask unanimous consent, if the gentleman from New York will withdraw his motion, to go back to this item in the bill for that purpose. Otherwise the gentleman from New York moves that the committee do now rise and report the bill back with a favorable recommendation.

Mr. BARTHOLDT. Pending this motion of the gentleman from New York, I obtained unanimous consent to go back to page 36.

The CHAIRMAN. The gentleman has not asked unanimous consent to do that.

Mr. BARTHOLDT. I thought I had.

Mr. SHERMAN. Mr. Chairman, I insist on my motion.

Mr. BARTHOLDT. Then I give notice that I will demand a separate vote on this amendment.

The motion of Mr. SHERMAN was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. GROSVENOR, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 15804) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with the various Indian tribes for the fiscal year ending June 30, 1904, and for other purposes, and had directed him to report the same back to the House with sundry amendments, and with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. SHERMAN. Mr. Speaker, I move the previous question on the bill and amendments.

The motion was agreed to.

The SPEAKER. Is a separate vote demanded upon any amendment?

Mr. BARTHOLDT. Mr. Speaker, I ask for a separate vote on the amendment adopted by the Committee of the Whole, on page 36, to strike out lines 3 to 6.

The SPEAKER. The vote will first be taken upon the other amendments, reserving the one stated by the gentleman from Missouri for another vote.

The other amendments were agreed to.

The SPEAKER. The Clerk will report the amendment excepted by the request of the gentleman from Missouri.

The Clerk read as follows:

On page 36 strike out all of lines 3 to 6, both inclusive, the language proposed to be stricken out being:

"To maintain at the city of St. Louis, Mo., in the discretion of the Secretary of the Interior, a warehouse for the receipt, storage, and shipping of goods for the Indian Service, $10,000."

The question being taken on the amendment, it was rejected.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

On motion of Mr. SHERMAN, a motion to reconsider the last vote was laid on the table.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles; when the Speaker signed the same:

H. R. 15069. An act granting an increase of pension to Daniel P. Marshall;

H. R. 15922. An act to enable the Secretary of Agriculture to more effectually suppress and prevent the spread of contagious and infectious diseases of live stock, and for other purposes;

H. R. 10698. An act providing for allotments of lands in severalty to the Indians of the Lac Courte Oreille and Lac du Flambeau reservations in the State of Wisconsin; and

H. J. Res. 216. Joint resolution extending the provision granting to the State of Pennsylvania the use of the court-house at Scranton and Williamsport, Pa.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 1147. An act for the relief of the First Baptist Church of Cartersville, Ga.; and

H. R. 11858. An act for the relief of William E. Anderson.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 569) to establish the department of commerce and labor, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HANNA, Mr. NELSON, and Mr. CLAY as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 342) for the relief of the heirs of Aaron Van Camp and Virginius P. Chapin.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. MOODY of North Carolina, indefinitely, on account of sickness.

POST-OFFICE APPROPRIATION BILL.

Mr. LOUD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the Post-Office appropriation bill.

The SPEAKER. The gentleman from California, chairman of the Committee on the Post-Office and Post-Roads, moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 16990, being the Post-Office appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. HEPBURN in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the purpose of considering the bill H. R. 16990, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 16990) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1904, and for other purposes.

Mr. LOUD. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from California asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. LOUD. Mr. Chairman, in view of the fact that there is to be some general debate on this bill, and to-morrow is Friday, to be taken up by the Committee on Claims, I shall reserve my time until we can approach nearer the consideration of the bill.

Mr. SWANSON. Mr. Chairman, I yield an hour to the gentleman from Tennessee, and then another member of the Committee will yield to him thirty minutes. I think the gentleman wants an hour and thirty minutes. I ask unanimous consent that the gentleman from Tennessee may have an hour and thirty minutes.

The CHAIRMAN. Unanimous consent is asked that the gentleman from Tennessee be accorded an hour and thirty minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. PATTERSON of Tennessee. Mr. Chairman, except for the fact that when the antitrust legislation, proposed by the majority of the Judiciary Committee, comes before the House I shall not then have the time to submit my views upon it, I should not now bring the subject up for discussion.

The industrial activities of our time have assumed in rapid sequence forms hitherto unknown, and the influence of allied wealth for good or evil is a subject which may well engage the serious attention of all.

The causes of its growth, the reason for its combination, its regulation and control as it enters into the trade of the nation and of foreign countries, the power of Government in relation to it, are all of prime importance.

The first and natural form of business enterprise was that engaged in by one person, which was restricted to his means, while individual responsibility, financial and moral, was the leading factor. A reputation for personal integrity was an asset of at least equal value to financial responsibility in this initial form of trade, and the relations of seller and buyer were as man to man, with the rights of each dependent upon laws and customs governing both in the same degree.

The partnership form followed when the scope and sphere of business sought enlargement, making more capital necessary and calling for associated effort. But in this also the element of personal responsibility was still preserved and individual integrity remained in the industrial equation. Moreover, the holdings of the individual, whether singly or in partnership association, could not be held in perpetuity, the span of human life measuring the limit of acquisition and ownership.

In the next stage of evolution came the corporation, where more persons were associated, greater capital was employed, the sphere of trade more widened, and where individuality gave way to the corporate existence. The corporate life, being wholly artificial, may hold property in perpetuity, and, possessing the quality of legal immortality, there may be no limit to its acquisition and ownership.

The last process of combination is found in the instance of corporations chartered with a large capital, having no business of their own, the purpose of the organizations being to control and combine other corporate entities, and, with unified wealth and power, direct the business of all. The most conspicuous example of such combination is the United States Steel Corporation, which was chartered under the laws of New Jersey in February, 1901.

Corporations of a public character, such as common carriers and the like, were within the memory of living man almost the only kind in existence, and industrial combinations for trade and barter in the commodities of life were few in number, and thousands of men bought and sold who never came directly or indirectly under their influence. Now, however, they touch all people, and throughout the ordinary transactions of life they must deal and reckon with the corporate force, and its effects are felt socially and economically, in the home, in politics, and throughout the world of trade.

The tendency toward the unification of wealth is marked and rapid, and has introduced new elements of uncertainty and radically changed old conditions.

As corporate power is centralized and made more and more effective, the influence of the individual is less and less felt; as the one absorbs the other loses, and the American of to-day is fast becoming a dependent, with rights impaired, controlled by the creatures he has made for his welfare and service, who have grown so strong as to exact this service from their creators, and now defy them in the plenitude of their power.

MONOPOLY AND PERPETUITY.

Our English-speaking ancestors were opposed to monopolies and perpetuities in any form, and in our own and advanced conception of government the right of the citizen to the full enjoyment of all the privileges which republican liberty bestows are paramount.

So whatever may lessen full opportunity for the citizen, whatever tends to the creation of great centralized power either in the government or by means of combinations organized for the control of markets or prices, whatever, in short, tends to decrease fair competition, or whatever by law confers special privileges to a few and accords unusual power to a class is opposed to and subversive of republican government.

Present industrial conditions in this country have their analogy in feudal holdings and transfer of landed estates, which gave rise to the mortmain law of England.

The prevention of monopoly, to the growth of which perpetuity was necessary, was the one thing above all others which the English-speaking people sought to attain. The chief means employed were restrictions against mergers and consolidations.

The thirty-sixth section of Magna Charta was a mortmain law having that very end in view.

Land being the principal source of wealth and the productions thereof at that time the principal source of commerce, that law prohibited the formation of "landed trusts," which were being established more than seven hundreds years ago much as our modern stock and manufacturing trusts are now established.

To escape the burdens of feudal tenures, inferior landlords would surrender their titles to some corporation sole, as a bishop or abbot, who was exempt from feudal service, and take from the new owner a lease in perpetuity of the same lands, and in that way enormous landed estates were built up in these corporations sole, so that it seemed at one time that the land of all England might be thus absorbed.

To prevent the locking up of lands in the "dead hand," the mortmain statute provided:

It shall not be lawful for any to give his lands to any religious house and take the same back to hold of the same house. Nor shall it be lawful for any house of religion to take the land of any and to lease the same to him of whom he received it. And if any from henceforth give any lands to any religions, and thereupon be convicted, the gift shall be utterly void, etc.

Other statutes intended to more fully prevent land monopoly were passed, such as the statute "de religiosis" and the statute of 9 George II, chapter 36.

Going back in order of time, it may be stated that the mortmain law of Magna Charta was, in the reign of Henry VIII, applied and extended to all guilds, fraternities, commonalties, companies, or brotherhoods.

These provisions of the common law have descended to us, and we find in the bill of rights appended to the earlier constitutions of the States the declaration, "That monopolies and perpetuities are contrary to the genius of a free people and should not be allowed."

The Sherman law of 1890, to prohibit combinations and conspiracies in restraint of trade, was only expressive and a restatement in applicable and concrete form of the common law of England, which had existed for centuries as a protection and defense to the people against the evils of monopoly.

So we find the elements and evils of the modern commercial trusts like the landed trusts of England in John Lackland's day, creating the same fears among a people ever devoted to liberty, jealous of individual rights, and distrusting all forms of monopoly.

The development of combinations to control the prices of articles of necessity and to monopolize fields of activity in modern commerce has been so rapid that, almost without their knowledge and without a full comprehension of the mighty forces at work from which the new order of things has come, the American people have had their dearest interests invaded and imperiled.

Expressions of the fears and protests of the people are found in the platforms of both political parties, in legislation by 31 States of the Union, are indicated from the press, the pulpit, and the platform, and in the various messages of Presidents directing the attention of the Congress to the magnitude of the evil and the necessity of remedy by appropriate legislation.

But since 1890 no national legislation has been had, and in a steady and persistent ratio combination has succeeded combination, until now many of the avenues of trade are closed, immense interests are controlled, and many of the necessaries of life monopolized.

Allied wealth is having its splendid day.

It threatens the small and timid competitor until its business is destroyed or it joins on terms prescribed for it the union of industries and loses itself in the whole.

It blights individual effort and enterprise.

It levies tribute upon every class and condition of citizenship.

It shadows and dwarfs the man.

And in its imperial sweep it holds the power to thwart and baffle the will of the people.

TARIFF RESPONSIBLE.

For the cause of this growth and perversion of corporate power we must look primarily to the tariff laws of the United States.

By a studied system of class legislation and favoritism men have been permitted to acquire illegitimate and abnormal wealth at the expense of the general public, and, once acquired, the affinity of wealth with itself was so strong that the anomalous conditions existing at the present are the inevitable result. The first and natural remedy, therefore, in the interest of the people would be a recasting and reduction of tariff duties, so that if competition be destroyed within it should come from without, and give to the masses the benefit of fairer and freer markets.

The President with studied emphasis has declared that the tariff laws do not affect the trusts and are not responsible for their existence.

He professes to be in favor of legislation for the control of industrial combinations.

In my opinion, Mr. Chairman, no man can be an honest trust reformer unless he is an honest tariff reformer. [Applause on the Democratic side.]

To now advocate the retention of high and prohibitive duties on articles controlled by industrial combinations, which have monopolized the home market and grown enormously rich, which give the advantage in price to the foreigner at the expense of the home consumer, is to stand for a pernicious principle which is inherently wrong and which will inevitably lead to confusion.

The manufacturing interests of this country, controlling the output and price of articles of common necessity, should be stripped of every vestige of misnamed protection whereby the tribute of the people is exacted. When what is called the American system was first advocated by Henry Clay, it was to be but a temporary expedient to stimulate manufacturers, then few in number and weak in resource, and it was defended upon the ground that agriculture was strong enough to bear whatever of burden the policy might entail.

The agricultural interests at the inception of the policy were alarmed, particularly those of the Southern States, whose people depended upon the products of the soil, and the fears then expressed have found a full justification in subsequent events.

As a result of that policy we not only find abnormal accumulations in the hands of a few, but the ratio of increase between urban and rural population largely augmented in favor of the former, and young men, abandoning the quiet pursuits of agriculture, crowd the cities to become attendant and dependent upon the power of money and subject to artificial distinctions which that power imposes. This unhealthful condition is peculiarly unfortunate in a Republic where the strongest ties which bind a citizen to his country are found in ownership of the soil and where independence in manner of living as well as thought are so essential to the preservation of our best ideals.

From the census reports of 1900 we find that in the decade between 1880 and 1890 the manufactured products for the first time exceeded in value those of the farm, and that agriculture, which had been the foremost branch of industry as well as the strong arm of government, had from that time on occupied a subordinate position.

The comparative reports on agriculture and manufacture show that the total value of all agricultural products, including live stock, for the year 1899, which is the last computed, was $4,717,069,973, while the total value of all manufactured products for 1900 was $13,010,036,514.

The startling disclosures of these figures are better understood when it is stated that the total of capital employed in manufacturing enterprises was $9,831,486,500, which shows that the manufactured products, in excess of capital employed, are nearly equal in value to all agricultural products, while the total value is almost three times as much.

Can a policy of exclusion and pernicious favoritism by the Government be longer justified in the light of these statements?

Mr. Chairman, it is not my purpose to treat the question I am discussing in a sectional spirit. It is a broad national question, in which all the people are concerned; but the argument may be illustrated by the effect the tariff laws have had upon the cotton-raising States of the South, and what is true of them will be true of all other agricultural interests in the country, so far as concerns the operations of a protective policy.

A comparative statement of the value of farm products, agricultural products, and population of nine typical cotton-raising States with a like number of typical manufacturing States of the North will illustrate the inequalities and unfairness of the tariff to the American farmer.

The tables below are compiled from the census reports of 1900:

Value of farm products in nine Southern and nine Northern States in 1899.

SOUTHERN STATES.		NORTHERN STATES.	
Alabama	$91,387,409	Connecticut	$28,276,948
Arkansas	79,649,490	Maine	37,113,469
Georgia	104,304,476	Massachusetts	42,238,274
Louisiana	72,657,302	New Hampshire	21,929,988
Mississippi	102,492,283	New Jersey	43,657,529
North Carolina	89,309,638	New York	245,270,600
South Carolina	68,266,912	Pennsylvania	207,895,600
Tennessee	106,166,440	Rhode Island	6,333,864
Texas	239,823,244	Vermont	33,570,892
Total	954,067,194	Total	666,347,164

Total value of manufactured products of nine Southern and nine Northern States in 1900.

SOUTHERN STATES.		NORTHERN STATES.	
Alabama	$80,741,449	Connecticut	$352,824,106
Arkansas	45,197,731	Maine	127,361,485
Georgia	106,654,527	Massachusetts	1,035,194,989
Louisiana	121,181,683	New Hampshire	118,709,308
Mississippi	40,421,286	New Jersey	611,748,933
North Carolina	94,919,663	New York	2,175,726,900
South Carolina	58,748,731	Pennsylvania	1,834,790,860
Tennessee	108,144,565	Rhode Island	184,074,378
Texas	119,414,982	Vermont	57,623,815
Total	775,434,717	Total	6,498,058,774

Population of nine Southern and nine Northern States, according to census of 1900.

SOUTHERN STATES.		NORTHERN STATES.	
Alabama	1,828,697	Connecticut	908,420
Arkansas	1,311,564	Maine	694,466
Georgia	2,216,331	Massachusetts	2,805,346
Louisiana	1,381,625	New Hampshire	411,588
Mississippi	1,551,270	New Jersey	1,833,669
North Carolina	1,893,810	New York	7,268,694
South Carolina	1,340,316	Pennsylvania	6,302,115
Tennessee	2,020,616	Rhode Island	428,556
Texas	3,048,710	Vermont	343,641
Total	16,592,939	Total	20,996,695

The total value of agricultural and manufactured products of the nine cotton-raising States of the South amounts to $1,729,501,911, while the value of manufactured products alone in the single State of New York reaches a sum far in excess of this amount. This, as well as other comparisons which may be drawn from the statistics, will illustrate the concentration of wealth and the unequal favors which a protective tariff bestows and the unequal burdens it imposes.

The cotton crop of the South is its great money crop. It has been in the past, and will be for many years to come.

This year, with prevailing prices, estimating the total crop at 10,000,000 bales, a sum approximating $500,000,000 will be realized for it and its by-products.

The price it brings is a strictly competitive one, and as we export more than we consume, it is therefore fixed in the foreign market.

Be the price large or small, it is always the lowest based on the law of supply and demand.

With this crop nearly the whole of civilized mankind is clothed, and the South, by reason of her climate and soil, has possessed a natural monopoly by situation in the supply of this article of almost universal necessity.

The value of the exported cotton alone exceeds the combined value of all the iron ore, gold, and silver produced in the United States, while the total value of the cotton crop of the South is greater than the combined value of all the iron ore, gold, silver, petroleum, and anthracite coal produced in the United States. When it is manufactured into articles of use, the value is so large as to be almost beyond accurate computation.

In its new form it comes back to the producer loaded down

with tariff duties, and is sold to all the consumers of the country at high protection prices.

Not one bale of this immense crop can be successfully raised in the Northern States, while every great product of the North and West, such as hay, corn, oats, and wheat, may be and is successfully raised in the South.

With all this source of wealth, and endowed by nature with exclusive advantages of soil and climate, we find the Southern States in industrial servitude.

Throughout their limits there is not one line of trunk railroad to my knowledge that is owned or controlled by Southern capital. Local fire and life insurance companies are few in number and weak in comparison, and this business is practically done with Northern companies; likewise as to telegraph companies.

The manufacturing enterprises of the South represent in great part the overflow capital of the Eastern centers, and our banks are more or less controlled by the same influences. It is little wonder, then, that, contributing, as she must, her proportion of tariff exactions, and with the constant drain of a forced dependence which these exactions have caused, her substance should have gone in a steady and never-ending flow to the great money centers of the East.

And if perchance some of it returns seeking new and unexploited fields, it is welcomed and protected, but it does not compensate for the loss of industrial independence.

The results of war, devastating as they were, were but temporary and of small consequence compared to the wrongs the South has suffered since then by the most infamous tariff laws ever devised by the cunning and cupidity of man. [Applause on the Democratic side.]

Without one combination controlling prices in all her borders, she must pay the dual tribute which the tariff and the trusts exact.

I have often thought the South has been the most discriminated against of any section of the country. It is the most conservative portion of the American Union, with a white population more nearly homogeneous, and the day may yet come when it will be the nation's dependence if riot and revolution are to be quelled, the seeds of which the Republican party is sowing every day. [Applause on the Democratic side.]

If the South is true to her material interests, she will remain in the Democratic party until she can have fair trade and buy, as she must sell, in competitive markets.

If she is true to her racial and social instincts, she will remain so long as Theodore Roosevelt shall be President of the United States. [Applause on Democratic side.]

What can be expected of a man whose training, whose strenuous life, whose lack of sympathy with the masses, promise no measure of relief to a tariff-ridden people?

Author Roosevelt, in his "Life of Benton," speaks of Thomas Jefferson—one of the greatest men who ever lived or died—as a "shifty doctrinaire," * * * "the father of nullification and therefore of secession;" of his theories as "cheap pseudo classicism borrowed from the French revolutionists," and in estimating the character of Jefferson said he was "constitutionally unable to put a proper value on truthfulness."

No wonder that the President denies the principles of white equality before the law, which Jefferson stood for, and recognizes the social equality of races which Jefferson would have denied and of which he could have no conception.

It is no marvel, therefore, that he should believe an unjust tariff has not made illegitimate combinations of wealth possible, or that he should divide them into "good and bad trusts."

Thieves can not be divided into good and bad thieves. They may differ in the amount of their larcenies, but thieves are all bad. So the American people think of this arbitrary distinction of the President, and will still believe that all trusts are bad.

Jefferson was a foe to perpetuity and monopoly in all their forms, and his name and the immortal truths which he enunciated stand as a pillar of fire to guide the human race to liberty, and will live and burn throughout the world in undiminished glory when the name of Theodore Roosevelt and all he ever did or said will be forgotten by the sons of men. [Applause on the Democratic side.]

Mr. Chairman, when our strenuous President went to the canebrakes of Mississippi on a hunt we all expected from the success which had hitherto attended his efforts in slaughtering wild animals that he would certainly get a bear. But the President failed.

However, when he goes trust hunting no one suspects him of serious intentions and there is no surprise manifested at his failure.

It is said that an old darkey who was his pilot caught a cub and tied it to a tree, but the President out of the goodness of his heart refused to shoot it, and I am quite sure if a trust were caught and tied to a tree he would think it was of the good variety and refuse to harm it. [Laughter and applause on Democratic side.]

REPUBLICAN INSINCERITY AND INCONSISTENCY.

The position and history of the Republican party on the question of trusts has been one of insincerity and false pretense.

With a majority and in full control of both branches of Congress, it has refused any relief; and industrial combinations on gigantic scales are forming as never before to control commodities of daily use and consumption without let or hindrance.

The former chairman of the Judiciary Committee [Mr. Ray], now upon the Federal bench, in a labored report in the Fifty-sixth Congress undertook to show that the powers of Congress were exhausted in the Sherman law, and that a constitutional amendment was necessary before the question could be dealt with, and proposed an amendment to be submitted to the States.

The gentleman from Indiana [Mr. OVERSTREET] at another time in the same Congress submitted a report from the committee, in which he said, referring to combinations and conspiracies: "Congress can not with its present power restrain, control, or repress them. To-day combinations exist and control production and prices in many industries. Labor is affected, competition prevented, and industrial enterprise seriously injured."

So the Fifty-sixth Congress passed into history and the evils described did not diminish, but multiplied.

The first session of the Fifty-seventh Congress has expired without legislation, and in my judgment the short session will end with no measure of substantial relief enacted into law.

Before I came here I was led to believe that the gentleman from Maine [Mr. LITTLEFIELD], who has, as I understand it, prepared in whole or in part the bill now pending, was in the habit of eating a trust blood-raw before breakfast as an appetizer, but since then I am inclined to believe that it was all the hallucination of some newspaper man's mind.

The proposed bill, even if enacted into law, will not meet the expectations or just demands of the people.

Mr. SMITH of Iowa. Will the gentleman allow me to ask him a question or two?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Iowa?

Mr. PATTERSON of Tennessee. Certainly.

Mr. SMITH of Iowa. I should like to ask the gentleman from Tennessee if it is not a fact that in March, 1889, after a Democratic committee of this House, the Committee on Manufactures, had been investigating this trust question for two entire sessions of Congress, it did not report to the House that it was unable to agree upon any measure to remedy the trust evil?

Mr. PATTERSON of Tennessee. I do not know how that is, but in 1889 the trust question in this country was not as acute as it is now, and people had not studied the question as they have since that time.

Mr. SMITH of Iowa. Did not your House adopt a resolution reciting——

Mr. PATTERSON of Tennessee. One moment. Under Republican policies and under Republican Administrations these great industrial trusts, according to the Interstate Commerce Commission, from 1900 to the present time have arisen and been formed in this country.

Mr. SMITH of Iowa. I like the gentleman's method of commencing only with 1900. I want to know if Grover Cleveland, President of the United States, did not, in December, 1887, call the attention of a Democratic House to the great growth of the trust evil, and if that Democratic House did not appoint the Committee on Manufactures to investigate the entire business; and if it did not, after wasting two entire sessions of Congress, report within two days of the end of the life of that Congress that it was unable to devise any measures to meet this evil, and if it did not recommend that the matter be referred to succeeding Congresses, when the next succeeding Congress had already been elected and was a Republican Congress? [Applause on the Republican side.]

Mr. PATTERSON of Tennessee. Mr. Chairman, I hope the gentleman is through with his speech.

Mr. SMITH of Iowa. I would like to ask the gentleman one more question.

Mr. PATTERSON of Tennessee. One moment.

The CHAIRMAN. Does the gentleman from Tennessee yield?

Mr. PATTERSON of Tennessee. In answer to the question put in the form of a speech by the gentleman, I am not probably as familiar with what occurred before 1900 on this question as I am with what has occurred since that time, but I want to say this: That if the country ever gets relief from the trusts it will be through the Democratic party, and it will never be through a party whose being and existence depend upon them. [Applause on the Democratic side.] Whenever I hear a Republican talk about wanting to hurt the trusts, it reminds me of the old negro who went out to look for work and prayed the Lord that he would not find it. [Laughter on the Democratic side.]

Mr. SMITH of Iowa. Now, if the gentleman has answered the question, I want to ask him another one.

Mr. PATTERSON of Tennessee. I answered your question. At that time the trust question was not acute as now. The tariff was the paramount issue. I add this in answer to your question. At that time no such thing was known in this country as one corporation organizing in a State to own and control rival corporations.

Mr. SMITH of Iowa. I will ask the gentleman this question, if he has concluded his answer. I want to ask the gentleman from Tennessee if it is not a fact that at the next session of Congress, after the Democratic Committee on Manufactures reported that it was unable to agree upon the question, a Republican Congress passed the Sherman law; and if in 1892 the Democratic national platform did not specifically pledge the Democratic party to enforce that law and pass all needful amendments to it? And I will ask the gentleman, further, if upon that platform the Democratic party was not intrusted with office and power, both in the Executive and both branches of Congress, and if it did not go out of power without having written one line or syllable of amendment to that law? [Applause on the Republican side.]

Mr. PATTERSON of Tennessee. I have answered that question once or twice before.

Mr. SMITH of Iowa. The Democrats have no other history as to trusts.

Mr. PATTERSON of Tennessee (continuing). I am not as familiar with ancient history as the distinguished gentleman from Iowa is, but I know something about contemporaneous events. Your President now and your committee has said that there is constitutional power to control the trusts, and that it is one that is vital before the American people; and I make the prophecy now that this Republican Congress will adjourn without a law being put on the statute books against trusts.

Mr. SMITH of Iowa. I do not believe that to be true; but what has that to do with the history of the Democratic party, that has twice been in power, with the next Congress controlled by the Democrats, and for four years, without one solitary word of legislation on that subject? What reason is there to believe that a restoration of the Democratic party to power will avail anything on this question?

Mr. PATTERSON of Tennessee. The Republican party in all its platforms and the Republican Presidents in their messages to Congress have urged action against the trusts. At the time the Democratic party was in power this question was not so acute. The tariff was the question which the American people believe lies at the basis of all allied wealth. If the Democratic party did not do anything then, does that form any excuse for the Republican party that it should do nothing now? The fact is, Mr. Chairman, that Grover Cleveland was aiming to correct the tariff laws of the country and to keep down favoritism and class legislation; and if Cleveland's ideas of tariff reform had been made the policy of this country allied wealth in its present shape would not have existed.

Mr. WILLIAM W. KITCHIN. I want to make a suggestion to the gentleman from Tennessee.

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from North Carolina?

Mr. PATTERSON of Tennessee. I do.

Mr. WILLIAM W. KITCHIN. I wish to remind the gentleman from Tennessee and the gentleman from Iowa of a thing that the gentleman from Iowa may well consider, and that is that the Republican platform in 1888 denounced trusts; in 1892 the Republican platform more bitterly denounced trusts; but in 1896, when a different class of men controlled the Republican national convention, it failed to put one solitary word in the platform against trusts, and from that day until now nothing has been done by the Republican party. [Applause on the Democratic side.]

Mr. PATTERSON of Tennessee. I suppose the gentleman from Iowa will agree to one thing, and that is that this legislation is needed, and to another thing, that the power to legislate is with the Republican party. The President has spent two or three pages in his message on this question, the Attorney-General has given an opinion to the Senate, and the country will know how the record stands when this Congres shall have adjourned.

Mr. SMITH of Iowa. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield to the gentleman from Iowa?

Mr. PATTERSON of Tennessee. I do.

Mr. SMITH of Iowa. I want to say, Mr. Chairman, that the gentleman from Tennessee misunderstands me. I was only seeking to inquire——

Mr. PATTERSON of Tennessee. If you rise to a question I will endeavor to answer it.

Mr. SMITH of Iowa. The gentleman misunderstood me. I meant to inquire what ground the Democratic party had for claiming it should be placed in power in order to deal with this question when everything done on the subject had been done by the Republicans, and the Democrats, though twice in power, in violation of their party pledge, had enacted no legislation on this subject.

Mr. PATTERSON of Tennessee. Who doubts that the policies of the Republican party have created the trusts? Who doubts that a class of favoritism that enjoys discrimination as a result of those policies have made them possible? The American people will not be longer deceived on this question. In the gentleman's own State of Iowa there are signs of revolt.

Now, Mr. Chairman, I was going to say when I was interrupted that in regard to this bill reported from the committee, that there is one feature which I approve, namely, the provision against railroad discrimination. I think, however, very little has been added to the existing law on this subject, and which, had it been enforced in the past, would have proven adequate.

The first question treated is that of publicity. It provides for publicity but it does not compel publicity. That is a radical defect so far as this feature is concerned. The bill provides that the returns specified shall be made, and for failure this penalty:

> Any corporation failing to made such return, or whose treasurer or other officers shall fail to make the answers aforesaid, may be restrained at the suit of the United States from engaging in interstate commerce business until such a return is made.

If the return is made then the corporation can engage in interstate commerce, no matter what the returns may disclose, whether it be overcapitalized or operating to the hurt of commerce.

In the bill I have drawn it is provided, first, that a commission shall be created, and that the members of that commission shall be the secretary of commerce, the members of the Interstate Commerce Commission, and the Commissioner of Labor, which shall constitute and be known as the "board of corporations," and it provides for a full and complete return, using the language of the pending bill to show what the returns shall be. In the event of failure it provides not that corporations, joint-stock companies, and associations may be restrained by a suit to enjoin them from engaging in interstate commerce, but declares that the interstate business of such corporation or companies shall be declared unlawful. So that under this bill a corporation hereafter organized shall make these returns, and if it fails to do so may be enjoined. Under the bill I have prepared corporations hereafter organized as a condition precedent to further engaging interstate commerce must make these returns or else their interstate business is declared unlawful.

Now, if publicity, according to the Republican idea, is the first step toward regulation of the trusts, why not make the publicity feature mandatory? Why not make it a condition precedent to engaging in interstate commerce by corporations hereafter to be organized and obligatory upon those already organized? There is a vast difference between the authority which may or may not be exercised to restrain business and a total inhibition of commerce where the conditions governing the returns are not complied with.

The first might not compel obedience, the latter would. As it applies to corporations hereafter to be organized, it would not disturb the supply of the people, and every corporation intending to engage in interstate commerce would know before its organization exactly what to expect—that all its debts and contracts would be nonenforceable and its whole business unlawful unless the return was made as provided. In my opinion, all corporations now organized doing an interstate business should make the same returns under the same penalty for failure, for those now organized and doing interstate business are the ones who have the present capacity for evil, and the reasons are more apparent and controlling as applied to them.

In the message of the President we find that he speaks of overcapitalization as an evil and I find in the report of Attorney-General Knox, in response to an inquiry by Senator Hoar, that he treats overcapitalization as a fruitful source of fraud upon the public and a temptation to increase dividends by unfairly raising prices. But when we examine this bill from the committee we find no provision whatever on this subject, and corporations are left to capitalize as may suit their convenience, and their interstate trade, based on any sort of overcapitalization, is not disturbed.

In the bill I have drawn, if the board of corporations shall determine from the returns made that any corporation hereafter organized is overcapitalized, it shall not engage in interstate business and as a condition precedent to so engaging shall be capitalized at a fair valuation. And further, that for corporations now organized if it shall appear from the returns that they are overcapitalized and therefore doing a fraudulent interstate business, then such business shall be declared unlawful until they recapitalize upon a fair basis or until they pay into the United States Treasury a sum of money equal to the difference between their overcapitalization and a capitalization upon a fair and just valuation.

If overcapitalization is wrong, if these great corporations in their attempts to earn money upon stock that is watered and which represents no real value, raise prices and resort to other questionable methods, then I say again that the Republican party is insincere with the country when it fails to provide a remedy for overcapitalization. [Applause on the Democratic side.]

It will not suffice as an excuse for nonaction that vested rights will be injured. There can be no vested rights in fraud, and this right of the people to protect themselves is of first consideration. To prevent overcapitalization in the future, to penalize it as it now exists, will, in my judgment, not only protect the innocent who may invest or who have invested in worthless securities so far as they can be protected, but will prevent untold evils if these inflated industrial enterprises should collapse and fall—the victims of their own greed.

Likewise I think if it should be made to appear from the returns of corporations engaged in interstate business, or from other sources of information, that articles of general use and consumption are monopolized, and the prices thereof are controlled and fixed to destroy competition, that the business of the corporations so engaged shall be declared unlawful.

This might for a time, and doubtless would, create some disturbance in supply, but if we are to reach the evil thoroughly we must not halt in the work for commercial liberty and the preservation of individual rights, which the full flood of corporate wealth may submerge.

"Diseases desperate grown by desperate appliances are oftest cured or not at all."

However, there is nothing desperate about the suggestion here made. No honest and legitimate business will be injured. No competitive industry can complain, and monopolies have not the right to protest.

Mr. Chairman, the gentleman from Iowa interrupted me and referred to the Democratic position before 1890, and I want now to call the attention of the House to one gigantic enterprise which is the last form of industrial combination, organized February 23, 1901, under the laws of the State of New Jersey. I select the United Steel Corporation as the archetype of the new form of the modern trust, both as showing its power and the necessity for remedial and preventive legislation.

It has an authorized capital of $1,404,000,000. The purpose of its organization was to acquire, control, or absorb other industries, which it did, and it stands to-day the most unique and powerful industrial combination in all the world.

In the December Century there appears an interesting and able article by Mr. Henry Loomis Nelson, a writer of high repute and professor of political science in Williams College, on the organization and history of the United States Steel Corporation. To show the number and magnitude of the corporations it absorbed, the properties it controls, and the prodigious force it exerts, both in the production and price of commodities, the following extract from the article is quoted:

The properties and revenues of the corporation are those of an empire. Its officers and wage-earners constitute an army in number, but an army of beneficent producers, not one of waste and destruction. Its landed estates are measured in square miles, and its railroads and boat lines make it a transportation company of no mean importance.

Its most important subsidiary company is the "Carnegie Company of New Jersey." The capital of this company is $320,000,000, half in stock and half in bonds. As the successor of the Carnegie Steel Company it is itself a combination of other companies, among them the most important of their kind in the world. It owns 19 blast furnaces and 6 rolling mills, among them the Edgar Thomson and Homestead steel works.

Another subsidiary corporation of the Carnegie Company is the H. C. Frick Coke Company, owning 40,000 acres of coal land, 20,000 acres of surface land, and 11,652 coke ovens. All of these lands and the ovens are situated in Westmoreland and Fayette counties, Pa. It owns also nearly 3,000 cars and now markets the product of 5,463 ovens belonging to other constituent companies of the United States Steel Corporation, besides the product of 1,600 independent ovens. Its capital stock is $10,000,000. The inclusion of this company brought into the combination one of the ablest men of the iron and steel business. It is due to Mr. Frick's development of the Connellsville region that the United States Steel Corporation possesses one of its most valuable properties—a property which is almost, if not quite, indispensable to the realization of its plans. Mr. Frick is now one of the largest owners of the new combination.

Another subsidiary company of the Carnegie Company is the Carnegie Natural Gas Company, which leases 98,000 acres of gas lands in Pennsylvania and West Virginia. It has 130 gas wells, 300 miles of pipe lines, and annually furnishes 11,000,000,000 cubic feet of natural gas.

The Union Railway Company, another Carnegie property, with capital stock of $2,000,000. operates about 74 miles of railroad track connecting the Monongahela River plants of the Carnegie Company and Bessemer with North Bessemer.

The Bessemer and Lake Erie Railroad Company is the lessee of the Pittsburg, Bessemer and Lake Erie Railroad, which, having $12,000,000 of capital stock, operates 203 miles of road running from North Bessemer, Pa., to Erie, in the same State, and Conneaut Harbor, Ohio. At this port on Lake Erie, the Pittsburg and Conneaut Dock Company owns the docks at the terminus of the railroad. These docks can accommodate daily 25,000 tons of iron ore and 4,000 tons of coal. This subsidiary company also owns nearly a half interest in the Pennsylvania and Lake Erie Dock Company and 25 per cent of the stock of the New York, Pennsylvania and Ohio Dock Company.

The Carnegie Company also owns five-sixths of the Oliver Iron Mining Company, and the United States Steel Corporation owns the remaining sixth. This mining company owns in fee or holds by lease iron-ore properties in the Vermilion, Mesabi, Gogebic, Marquette, and Menominee ranges in the Lake Superior iron region. It produces about one-quarter of the ore mined in that rich district.

Still another property of the Carnegie Company is the Pittsburg Steamship Company. This company owned, before the consolidation, 12 steamships and 2 barges, having an annual ore-carrying capacity of 1,276,800 gross tons of ore. It now operates all the vessels formerly belonging to itself and to the other constituent companies of the United States Steel Corporation. These constitute a fleet of 112 vessels, of which 69 are steamships and "whalebacks" and 43 are barges. Their total carrying capacity is 9,488,600 tons. These vessels of the Great Lakes include ships of ocean-going size. Among them are the four largest steamships of the lakes, which were purchased from the American Steamship Company by the American Steel and Wire Company for $5,600,000, each vessel having a carrying capacity of 9,000 tons. Each of the "whalebacks" can carry 6,000 tons of ore.

Other Carnegie properties are the Youghiogheny Northern Railway Company, and the Youghiogheny, Trotter, and Mount Pleasant water companies, with a total daily pumping capacity of 11,000,000 gallons of water. Finally, we have the Pittsburg Limestone Company, able to produce every day 4,500 tons of stone.

The second subsidiary company of the United States Steel Corporation is the Federal Steel Company, also of New Jersey. The issued capital of this company is as follows:

Preferred stock, 6 per cent noncumulative	$53,260,900
Common stock	46,484,300
Bonds (of constituent companies)	26,829,000
Total outstanding capital	126,574,200

The Federal Steel Company owns the Illinois Steel Company, with a capital stock of $18,650,000, and the Lorain Steel Company, having capital stock of $9,000,000. These two companies together own 21 blast furnaces and 6 rolling mills. In addition the Illinois company possesses a bridge and structural plant, two cement plants, a wire-rod mill, a bolt, nut, and rivet works, and a spike works. It further owns all the stock of the Chicago, Lake Shore and Eastern Railroad Company, which operates 299 miles of track; it owns several thousand acres of iron-ore lands, operates a number of mines in Michigan and Wisconsin, and owns 5,986 acres of coking-coal lands, part of which are in the Connellsville coal region of Pennsylvania and part in West Virginia. It also operates limestone quarries in Indiana.

The Federal Steel Company also includes the Minnesota Iron Company, which owns 150,300 acres of iron-ore lands in Minnesota and Michigan. The Minnesota Company, in turn, owns all the stock and $3,500,000 of the second-mortgage bonds of the Duluth and Iron Range Railroad Company, which operates 192 miles of track and has ore docks on Lake Superior.

Another property of the Federal Steel Company is the Elgin, Joliet, and Eastern Railroad Company, which operates 190 miles of main line and branches and 114 miles of spurs and yards, a total of 304 miles of track. Another road belonging to the Federal Steel Company is the Masontown and New Salem road, which brings its coal lands and its ovens in Fayette County in connection with the Baltimore and Ohio and Pennsylvania railroads.

The third subsidiary company of the United States Steel Corporation is the National Steel Company, with capital stock issued to the amount of $27,000,000 7 per cent cumulative preferred stock and $32,000,000 common stock, and an assumed bonded indebtedness of $3,819,000. This company owns 18 blast furnaces, most of which are situated in Ohio, the rest in Pennsylvania. The company also owns 6 rolling mills and steel works, ore mines in the Mesabi range, and coking-coal lands in Pennsylvania.

The National Tube Company, with capital stock of $80,000,000 equally divided between 7 per cent cumulative preferred stock and common stock, is the fourth of the subsidiary companies. It owns 5 blast furnaces, 9 rolling mills and steel works, 2 cut-nail factories, a galvanized and calamined pipe works, 14 wrought iron and steel pipe and tube works, 2 seamless pipe and tube works, coke ovens, coal lands in Pennsylvania, West Virginia, and Ohio, limestone quarries, and Lake Superior ore mines.

The American Steel and Wire Company is the fifth of the subsidiary companies. Its capital stock is $90,000,000, $50,000,000 common and $40,000,000 7 per cent cumulative preferred; its bonded debt is $78,000. Its property consists of 11 blast furnaces, 15 rolling mills and steel works, 13 wire-rod plants, 23 wire-drawing plants, 16 wire-nail plants, iron-ore mines in the Mesabi range in Minnesota, in the Gogebic range, Wisconsin, in the Marquette range, Michigan, and in the Menominee range. It owns about 12,000 acres of coal lands in Pennsylvania, and limestone quarries.

The sixth subsidiary company is the American Tin Plate Company, with capital stock of $20,000,000 7 per cent cumulative preferred and of $30,000,000 common. Its property consists of 29 rolling mills and 26 tin-plate works.

The seventh subsidiary company is the American Steel Hoop Company, with capital stock of $33,000,000, $14,000,000 7 per cent preferred and $19,000,000 common; owns 3 blast furnaces, 14 rolling mills and steel works, more than 7,500 acres of coal lands, ore mills in the Mesabi range, and coke ovens.

The American Sheet Steel Company is the eighth subsidiary company. Its capital stock issued is $49,000,000, equally divided between preferred and common. Its authorized stock is $26,000,000 of each class, a total of $52,000,000. It owns 21 rolling mills and steel works, and more than 2,000 acres of coal lands in Pennsylvania and Ohio.

The ninth subsidiary company is the American Bridge Company, the authorized stock of which is $70,000,000, half in 7 per cent cumulative preferred and half in common. There has been issued $31,372,000 of the former and $30,950,000 of the latter. This company owns 1 rolling mill, 25 bridge-building plants, and 5 bolt, nut, and rivet works.

The Shelby Steel Tube Company, the tenth subsidiary company, with issued stock of $5,000,000, 7 per cent cumulative preferred stock and $3,151,500 common stock, has 5 rolling mills and 7 seamless drawn-tube works.

Finally, the United States Steel Corporation owns the Lake Superior Consolidated Iron Mines, with a capital of $30,000,000. These mines constituted the great Rockefeller properties, the acquisition of which was urged as essential by Mr. Carnegie while the combination was in process of formation.

The immensity of this property and the quantity of its output may be more impressive if the information is consolidated. Here, then, is a corporation which owns much the larger part of all the iron ore known to be in the ground in the Lake Superior region, and which, in 1901, actually shipped 61.6 per cent of all the ore shipments from the regions. The quantity of its ore is estimated to be 750,000,000 tons. Mr. Schwab, the president of the corporation, testified in the pending suit of Hodge, Smith, and Curtiss against the United States Steel Corporation that these ore properties are indispensable to the corporation.

The Lake Superior iron ore constitutes nearly three-fourths of the iron ore of the country. Moreover, it is the richest deposit of this mineral in the world. Nothing equal to it has yet been discovered. According to the testimony of Mr. John Birkinbine, an expert in iron metallurgy, and formerly president of the American Institute of Mining Engineers, there does not exist any "exploited ore deposit * * * which can be compared to what is known as the Lake Superior region." This superiority consists not only in the excellent quality of the ore, but in the "persistency of deposits." "In this region," said Mr. Birkinbine, "there was produced in the year 1901

more iron ore than was ever supplied by any entire country in a year, Great Britain and Germany being the only two countries which in any one year have approached an output equal to 85 per cent of that of the Lake Superior mines in 1901.

The total production of iron ore in the United States in 1901 was 28,887,479 tons. Of the total shipments, 20,589,237 tons were actually shipped from the Lake Superior mines. Of the whole Lake Superior product about 12,692,213 tons came from the mines belonging to the United States Steel Corporation, and this was nearly 44 per cent of the total ore product of the country.

Possessing the iron ore, the corporation also possesses the means for its transportation from the mines to the furnaces. It owns the fleet of 112 vessels already mentioned, the necessary terminals and wharves, and 1,467 miles of railroad having an equipment of 23,185 freight and other cars, and 428 locomotives.

Having brought the ore to the furnaces, of which there are 77, according to Mr. Swank, and 75, according to Mr. Schwab, the corporation possesses the means for transforming the ore into pig iron. It owns 54,269 acres of Connellsville coking-coal lands, there being less than 15,000 acres of unmined coal lands in the Connellsville region outside of the holdings of this corporation. It also holds or leases some 33,320 acres of steam coal, making, according to Mr. Schwab, a total of 87,589 acres, "situated in the best coal regions of the United States, and within easy access by economical transportation facilities to the producing mills." Of this coal 42,000 acres are of the celebrated Connellsville coal, which is recognized as the standard coking coal of the world, of which the average yield is 7,500 tons of coke to the acre, a total of 315,000,000 tons for the 42,000 acres.

Bringing the ore and the fuel, with abundant limestone, to its furnaces, it is able to produce annually from 8,500,000 to 9,500,000 tons of pig iron. This is a production equal to half of the world's output in 1880. In that year Great Britain, which stood at the head of the producers of pig iron, made 7,749,233 tons of pig—not so much as can now be made by the United States Steel Corporation alone. Then the United States, which stood second, produced less than half the possible output of this single corporation. In 1897 this country, then at the head of the iron producers of the world, made more than 9,652,680 tons of pig iron, a trifle more than can be produced this year by the United States Steel Corporation. In 1901, when the country's production had reached 15,878,354 tons, this company's present furnaces could have produced more than half of the total. Its actual production was 6,460,847 tons.

After the pig iron is produced the corporation can manufacture every year in its present rolling mills and steel works, numbering 112, more than 8,000,000 tons of Bessemer and open-hearth steel. It makes more than a million tons of wire rods. The Shelby Steel Tube Company alone has a capacity for making annually 63,000,000 feet of tubes. The 16 wire-nail plants of the American Steel and Wire Company can turn out 12,385,000 kegs of nails.

Again, we can form some conception of the enormous proportions of this giant among the industries by comparing its capacity with the country's total production. In its more than 250 mills and finishing works it produced, in 1901, 70.2 per cent of the Bessemer and 59 per cent of the open-hearth steel which is made in this country; about 60 per cent of the steel rails; about the same proportion of the structural steel forms; 65 per cent of the plates and sheets of steel; virtually all of the hoops and cotton ties; it has hardly any competition in the manufacture of tin plate, because the American Tin Plate Company is the original tin-plate maker in the United States; it made 66 per cent of the wire nails produced in the country; all or very nearly all of the barbed and woven fence wire, because of its ownership of patents, and 78 per cent of the wire rods and wire.

So that we find that this one great industrial combination owns one-half of all the available iron ore in the United States, and has a complete monopoly of two articles used in daily consumption by the people, and can control the price of many other articles necessary for the people's use.

Mr. HILL. How does the gentleman reconcile what he is now saying with the fact that wire nails and cut nails have fallen off within the last twelve months about 35 cents a keg, and are to-day lower than they were ever known to be in the history of the United States?

Mr. PATTERSON of Tennessee. I do not know that such is the fact.

Mr. HILL. Well, suppose it to be a fact, admit it to be a fact, and then go on and give your answer.

Mr. PATTERSON of Tennessee. I will not admit anything of the kind. I know one thing—that these industrial combinations, according to their own statements, are selling their products abroad, in foreign markets, and selling them cheaper than they are sold at home. This has never been denied. It was admitted by Mr. Schwab, of the steel trust.

This combination of corporations, therefore, is in a position where it can control the markets of the country in certain articles of necessary use, and with the aid of a high protective tariff may absolutely destroy competition at home by lowering prices generally or in particular localities, and raise them again when competition ceases.

It was stated by Mr. Albert Shaw, in the January Century, that Attorney-General Knox had reported that there was no law to reach the steel trust; and if this be true we behold the spectacle of a single industrial unit, whose influence ramifies throughout the world, which holds and may hold in perpetuity one-half the available iron ore of the country, with a complete monopoly now in certain articles of necessity, and the people without a law to prevent further combinations or greater encroachments.

If the opinion of the Attorney-General is sound, this trust could absorb still other industries, yet widen and extend its control, and in the end could own all the iron ore of the country and hold it in perpetuity.

This is just as probable now as the organization of the United States Steel Corporation itself was ten years ago.

CONSTITUTIONAL POWER TO REGULATE INTERSTATE COMMERCE.

The power of Congress to regulate interstate and foreign commerce should never have been doubted, for if there is one principle more clearly and defininitely recognized in judicial opinion it is this very power.

Under our system of government the theory of State and national sovereignty is well understood.

In the States the power of regulation and control of commerce is supreme and exclusive, unless it partakes of an interstate character.

When it does, the jurisdiction of the Government is exclusive, and no State can prevent its entry or prohibit the sale of any article of commerce before it becomes commingled with the goods of a State without the consent of Congress.

Under what is called the police power the States may forbid the sale of an article within their limits, where the public welfare requires it, when the article has lost its original character and becomes commingled with the property of the State, but it is for the very reason that it has lost its interstate character.

So when the State of Iowa attempted to enforce a statute against the sale of spirituous liquors, the Supreme Court of the United States held that it was unconstitutional, as against goods in original form, as the power to regulate interstate commerce was exclusive in Congress, and that the State could not exercise that right without the assent of Congress. (See Leisy *v.* Hardin, 135 U. S., 100; and the cases there cited and distinguished. See also 125 U. S., 507; 15 Wall., 232.)

In the present session of Congress a bill has been introduced, and has passed the House, granting the power to the State which was denied in the leading case just cited.

The case of Knight *v.* The United States (156 U. S., 1), commonly known as the Sugar Refining Case, is often cited, and was relied upon by the former chairman of the Judiciary Committee [Mr. Ray] and by the gentleman from Indiana [Mr. OVERSTREET] in their reports already cited, as conclusive of the lack of constitutional power on the part of Congress, and as showing the necessity of a constitutional amendment.

In the report filed with the pending bill the gentleman from Maine, who makes the report [Mr. LITTLEFIELD], does not agree with these conclusions, and finds nothing in the Knight case limiting the power of Congress over the subject of interstate commerce.

The Knight case does decide that Congress has no power to limit production and manufacture within a State, even though the production and manufacture may constitute a monopoly and affect, therefore, interstate commerce.

But this is a wholly different thing to holding that Congress may not at once assume control and regulation of any article after it leaves the limits of a State and assumes an interstate character; nor is the power to be questioned because its exercise may affect production or manufacture within a State.

The converse of the proposition announced by Chief Justice Fuller in the Knight case must be equally true.

The power of Congress to regulate interstate commerce was recognized and thus clearly stated:

> The Constitution does not provide that interstate commerce shall be free, but by the grant of this exclusive power to regulate it it was left free, except as Congress might impose restraints. Therefore it has been determined that the failure of Congress to exercise this exclusive power in any case is an expression of its will that the subject shall be free from restrictions or impositions upon it by the several States; and if a law passed by a State in the exercise of its acknowledged powers comes into conflict with that will, Congress and the State can not occupy the position of equal opposing sovereignties, because the Constitution declares its supremacy and that of the laws passed in pursuance thereof, and that which is not supreme must yield to that which is supreme.

We are also indebted to this opinion for the restatement of the qualification of the common-law rule as to monopoly and the power of Congress relative thereto:

> Congress is not confined to the common-law sense of the term as implying an exclusive control by authority of one branch of industry without legal right of any other person to interfere therewith by competition or otherwise, but that it includes engrossing as well as covers controlling the market by contracts, securing the advantage of selling alone or exclusively all or some considerable portion of a particular kind of merchandise or commodity to the detriment of the public, and that such contracts amount to that restraint of trade or commerce declared to be illegal.

It is further stated in this opinion:

> Again, all the authorities agree that in order to vitiate a contract or combination it is not essential that its result should be a complete monopoly. It is sufficient if it really tends to that end and to deprive the public of the advantages which flow from competition.

So when the question of the power of Congress came directly before the Supreme Court in the next leading case of Addyston Pipe and Steel Company *v.* United States (175 U. S., 211), commonly known as the Addyston Pipe Trust case, the principle was restated and the distinction drawn between the power of Congress to regulate production within a State and its power over the production when it entered into interstate commerce.

On the question of the jurisdiction of Congress and the States on the subject of interstate commerce Mr. Justice Peckham says:

> But upon the matter of interstate and foreign commerce and the proper regulation thereof, the subject being not alone national, but international, in its character, the great importance of having but one source for the law

which regulates that commerce throughout the length and breadth of the land can not, in our opinion, be overestimated. Each State in that event would have complete jurisdiction over the commerce which was wholly within its borders, while the jurisdiction of Congress, under the provisions of the Constitution, over interstate commerce would be paramount and would include therein jurisdiction over contracts of the nature we have been discussing.

He also says:

As has frequently been said, interstate commerce consists of intercourse and traffic between the citizens and inhabitants of different States, and includes not only the transportation of persons and property, and the navigation of public waters for that purpose, but also the purchase, sale, and exchange of commodities.

See also Gloucester-Ferry Company *v.* Pennsylvania, 114 U.S., 196; Kidd *v.* Pearson, 128 U. S., 1.

In the Addyston Pipe case the question was raised that the contract in restraint of trade, if made at all, was by individuals, and that the interstate commerce clause of the Constitution was in derogation of the personal liberty and rights of individuals. In reply to this suggestion, Mr. Justice Peckham said.

On the contrary, we think the provision regarding the liberty of the citizen is to some extent limited by the commerce clause of the Constitution, and that the power of Congress to regulate interstate commerce comprises the right to enact a law prohibiting the citizen from entering into those private contracts which, directly and substantially, and not merely indirectly, remotely, incidentally, and collaterally, regulate to a greater or less degree commerce among the States.

Further on, this language is used:

What sound reason can be given why Congress should have the power to interfere in the case of the State and yet have none in the case of the individual? Commerce is the important subject of consideration, and anything which directly obstructs and thus regulates that commerce which is carried on among the States, whether it is State legislation or private contracts between individuals or corporations, should be subject to the power of Congress in regulation of that commerce.

In his address at Pittsburg on the commerce clause of the Constitution, Attorney-General Knox illustrates its power thus:

Congress, under this power, prevents the importation or transportation of articles deemed injurious to the public welfare. Thus the laws subject the movement of explosives to safeguards and burdens, exclude impure literature and diseased cattle, convicts and contract labor, and scrutinize and prevent, or check, many foreign and interstate movements throughout the entire field of international and national intercourse, in the interests of all the people, on grounds of commercial, hygienic, or ethical policy.

He says, again:

If the Sherman law exhausted the power of Congress over monopolies, the American people find themselves hopelessly impotent, facing a situation fraught with the most alarming possibilities, with which neither the Federal nor the State government can deal.

The contribution of Mr. Knox to the question of the constitutional power of Congress which, if not used, to quote his language, "The unchecked aggression of the trusts would result in practical monopoly of the important business of the country," forms an oasis in the desert of Republican insincerity.

Mr. PALMER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. PATTERSON of Tennessee. Yes.

Mr. PALMER. Does the gentleman think that Congress, under the power to regulate commerce, has the power to destroy it?

Mr. PATTERSON of Tennessee. If it is necessary for the public welfare, yes, of course it has, and who doubts it as a lawyer?

Mr. PALMER. That is good. I am glad we have the gentleman there.

Mr. PATTERSON of Tennessee. Does the gentleman doubt it?

Mr. PALMER. I do, certainly. I do not think the power to regulate carries with it the power to destroy.

Mr. PATTERSON of Tennessee. Do not we prohibit the transportation of diseased cattle?

Mr. RICHARDSON of Tennessee. And destroy them?

Mr. PATTERSON of Tennessee. And do not we tax oleomargarine?

Mr. PALMER. Does the gentleman think that the Congress of the United States should have the right to destroy the entire commerce of the country?

Mr. PATTERSON of Tennessee. I think the powers of Congress over interstate commerce are omnipotent, and the gentleman talks exactly like all Republicans talk, because he does not want any antitrust legislation. [Applause on Democratic side.]

Mr. PALMER. Does the gentleman not come from a State which believes in State rights?

Mr. PATTERSON of Tennessee. Yes; I believe in State sovereignty, but I do not want State sovereignty prostituted to the base uses of the trusts, and I believe the power of the Government is strong enough to control, and is exclusive of, interstate commerce, just as I think the States have the right and ought to control commerce within their borders. This is the trouble with the Republican party. Every time a question of this sort arises, some constitutional objection is made. We have the power. The question is whether there is virtue enough left in the Republican party to exercise that power.

In further reply to the gentleman, I do not doubt in the least that if Congress thought it was for the public welfare, and the business of a corporation was of such a character that Congress ought to act, it could absolutely say to a corporation organized in a State, "We will declare your interstate commerce unlawful." Do you doubt that proposition?

Mr. PALMER. Oh, yes.

Mr. PATTERSON of Tennessee. No man can doubt that proposition, according to the decisions.

Mr. PALMER. I believe in State rights to some extent.

Mr. RICHARDSON of Tennessee. Yes, when they are not involved. [Applause on the Democratic side.]

Mr. PATTERSON of Tennessee. Do you believe in the regulation of the trusts?

Mr. PALMER. Certainly, and I am one of the committee that reported this bill. I hope you will vote for it when the time comes.

Mr. PATTERSON of Tennessee. I will vote for this bill if we can not get anything better, but it is a bill that is inconclusive and does not reach the questions in which the people are interested. The American people want the trusts controlled by mandatory legislation. They do not ask for the kind of publicity provided for in this bill. In other words, under the terms of this bill if corporations steal in public it is all right, just so they do not steal in the dark. Stealth by daylight is legal, but burglary in the nighttime is wrong, according to the publicity idea as there provided. If they make public their returns, nothing can harm them.

PRACTICAL REASONS FOR GOVERNMENT CONTROL.

The first reason why the Government should pass a law for the control of the interstate business of these great industrial combinations is because it is its constitutional and moral duty. The second is that without uniformity of State legislation no preventive or remedial legislation is possible.

Many of the States now have what are called antitrust laws of variable value, even if they were operative, but entirely wanting in uniformity. But all States in the Union save one could pass uniform laws, and one State fail or refuse, and that State should become the home of corporate combinations, as New Jersey has become, the legislation would be fruitless, because no State can prohibit commerce coming from another, and we are back again to the power of Congress and the necessity for its exercise.

The question is national in its character; it affects all the people in all the territory throughout the Union, and if monopoly is to be controlled and prevented, it must be by the strong arm of the National Government.

Mr. Chairman, the industrial conditions of the country demand earnest, prompt, and efficient legislation. The longer it is delayed the nearer we approach to socialism or something worse.

We should take warning by the past.

The ice trust brought suffering and death to the sick and poor when the price was put beyond their reach.

The machinations of the beef trust placed a necessity of life beyond the purse of labor, and the protest was loud, deep, and ominous.

The infamous coal trust caused untold suffering in centers dependent upon its supply, and the echoes of unrest and discontent are yet heard in the land.

Whatever weakens or destroys the faith of the people in good government brings us nearer to a day of awful reckoning.

Forces may be unleashed which no law can hold or compass. The time is now for the people through their representatives to assert that the creatures which they have made shall not turn to destroy their dearest rights.

The young student who conceived the thought of creating a man, dug in the church yards, went to the charnel houses and dissecting rooms until he got all the bones, ligaments, and every organ of the human body, and putting them together made a creature he called Frankenstein. He finally succeeded in infusing life in the monster and it grew into a being of enormous size and hideous mien, but it was soulless and had no human sympathy. It murdered the nearest relations and friends of its creator, and followed him to thwart his plans, and to bring misery and despair, and the author of its being was powerless against the dread and sinister influence.

The people have created corporations, without soul or human sympathy, and breathed life into their nostrils. Let them beware they prove not Frankensteins. [Loud applause on the Democratic side.]

Mr. REID. Mr. Chairman, owing to the lateness of the hour I shall not detain the committee but a few minutes. I want to take up the time allotted to me to discuss a subject which I consider pertinent to the pending bill. A few days ago, when the Agricultural appropriation bill passed the House, I noticed it contained a provision of some half million of dollars for the Weather Bureau, and a sum of $30,000, I believe, for the Office of Good Roads Inquiry. It may cost considerably more money, Mr. Chairman, to prognosticate the weather than to collect and disseminate information and

conduct experiments in the art of good-road building, but I doubt very much whether it will be attended with as good results.

The Weather Bureau may be all right, but it illustrates a story told to me a few days ago by the distinguished gentleman from Tennessee [Mr. RICHARDSON]. A negro boy asked his father did he believe in signs. The old man told him "No," he did not take much stock in signs. He said the trouble with the sign was that when you saw a sign you could not be sure that there was not some other sign around that you had overlooked that wholly liquidates the first sign. [Laughter.] Until the Weather Bureau can assure us when they see a sign that there is not some other sign around that liquidates the first sign on which they have prognosticated we will still be in doubt as to their forecast of the weather regardless of the fact that the bulletin announces it with confidence twenty-four hours ahead. [Laughter.]

It is very far from my purpose to oppose proper appropriation for this great department of our Government, but I do insist that a sufficient inquiry has not been made into the question of good roads, and it is to that subject, Mr. Chairman, that I desire to direct the attention of the committee for a few minutes.

For the last few years at least the subject of good roads has been regarded as of secondary importance. I am mindful of the fact that I am treading upon delicate ground when it is discussed with reference to national aid, and desire to say to begin with that I favor no bill that has for its object the embarkment of the National Government upon a system of road building that will amount to an encroachment of the Federal Government upon any of the rights of the States or that savors of paternalism in any degree. Neither will I favor any bill that turns over to the Federal Government the control of all or any of the common highways of the country, or charges it with the responsibility of their maintenance, and this without reference to any pending bill.

But when carefully considered, Mr. Chairman, national aid to road construction will be found to be open to fewer objections from a constitutional standpoint than even the appropriation of moneys to improve rivers and harbors and other purposes, the constitutionality of which is no longer challenged or denied. The truth is that national legislation upon this subject was begun at the very threshhold of our national history in the very necessity of the case, and would doubtless have become before this a definite and settled policy had it not been for the advent of the railroad, which was an enterprise within the reach of private capital and afforded opportunity for private investment.

Whether right or wrong, the constitutional questions involved have long since been settled, and it may be worthy of mention that the first legislation upon this subject was begun under the Administration of President Jefferson, who, March 29, 1806, approved the bill providing for the building of the old Cumberland road, the longest straight road ever projected or built by any nation, extending, as it did, a distance of 700 miles—from Cumberland, Md., to St. Louis, Mo.—and connecting the Atlantic seaboard with the waters of the Mississippi. The project commanded the ardent support of such patriots as Calhoun and Clay, Jefferson and Monroe, and was the subject of national appropriation during the Administrations of Jefferson, Madison, and Monroe. Stretching away to the westward, it was perhaps the strongest link that secured that great and at that time unknown country to the Union. It was the pathway of empire.

The population of the States west of the Ohio through which it went increased from less than a million to over three million and a half in a single generation after it was built. The story of the old Cumberland and its influence upon the history of this country, both industrial and political, is in itself an interesting theme. It has been written of it that—

> It is a monument of a past age, but like all other monuments it is interesting as well as venerable. It carried thousands of population and millions of wealth into the West, and more than any other material structure in the land served to harmonize and strengthen, if not to save, the Union.

And the building of this road was only one of a number for which the National Government appropriated money. From 1806 for thirty-two years Congress appropriated sums of money for other roads aggregating $1,600,000, besides the Cumberland, which cost about seven millions. There was the road from Detroit to Chicago, from Natchez to Nashville, from the frontier of Georgia to New Orleans, and from Memphis to the St. Francis River, in Arkansas. From 1854 down to the civil war $160,000 was spent on the roads in the Territories. In 1865, $140,000 was appropriated. And not only money, but grants of lands from time to time have been made to the States for the purpose of building roads, and grants of enough land to railroads have been made to make a half dozen large States of this Union in area. So the proposition that the National Government should contribute to the building of good roads is neither new nor unprecedented.

Mr. Monroe, in 1832, vetoed an appropriation bill for the old Cumberland road, but placed his veto on the ground that the bill went further than the mere application of the money. It amounted to the exercise of sovereignty which, in his opinion, the Federal Government did not possess. It provided for a system of tollgates and penalties and punishment for malicious injuries to the road. This, he said, Congress did not have the power to do. So far as the policy was concerned, he expressly approved it, and went so far as to recommend a constitutional amendment investing the Federal Government with the powers, upon the consent of the States, to exercise the authority. But so far as the application of money or lands to the purpose is concerned, it is not so much a question of constitutional authority, but a question as to the propriety and practicability of the scheme.

I understand that the proposition is beset with difficulties. To what extent the Federal Government may fairly be called upon to assist in the matter, how her help is to be equitably apportioned to the various States, whether according to population, extent, or area, or length and character of existing highways, are questions that will require most careful consideration and may not be satisfactorily solved at the beginning, but that it will come at no distant day in some form or other may as well be conceded. The trend of the times is in that direction, and if it can be done consistent with constitutional authority I know of no subject that can engage the attention of this body that will redound more to the interest of the whole people than the bettering of roads and highways of the rural districts.

Macaulay, the great English historian, has said:

> Of all inventions, the alphabet and printing press alone excepted, those inventions which abridge distance have done more for the civilization of our species. Every improvement of the means of locomotion benefits mankind morally and intellectually, as well as materially, and not only facilitates the interchange of various products of nature and art but tends to remove national and provincial antipathies and bind together all the branches of the great human family.

There is one way in which the Government can afford material aid to the States in the betterment of the common highways of the country, about which there can be no constitutional objection, and no question as to the ability of the Government to accomplish it. In 1893 Congress passed an act creating an office of road inquiry in the Department of Agriculture, the purpose of which office was to collect and disseminate information on the subject of road building, to conduct investigations, inquiries, and experiments regarding road material and road construction, and to encourage, by object lessons and otherwise, the building of better roads. And in my judgment this office, even within the short time of its existence, and with the very limited means and authority afforded it, has been of incalculable value to the movement.

I believe, sir, if proper provisions were made for the enlargement of the powers and duties of this office, and sufficient means placed at its disposal to carry out the purposes for which it was originated, no department of the Government could be made to contribute more to the building up and permanent improvement of the rural districts of this country. When we come to think about it, Mr. Chairman, every dollar of the hundreds of millions appropriated for rivers and harbors and every acre granted to encourage the building of railroads would be futile if it were not for the common roads and highways of the country. Render them impossible of passage for a fortnight and the wheels of commerce would stop, looms and spindles would cease to revolve, railroad cars would stand idle in their yard, and merchant vessels would lag in the harbor for want of cargoes to carry to the seas.

The removal of the raw material from the forest and the field, and mill and the mine, is the very first and, up to the present time, the most costly and difficult step in the whole system of transportation. There is not a State in the Union that is not retarded in its growth and development on account of impassable highways. Legislation for good roads is legislation directly beneficial to the agricultural class, and upon this class is built the whole edifice of industrial structure. The cost of all that is produced is always largely influenced, and in a vast majority of cases absolutely controlled by the cost of transportation.

Those who have made it their business to inform themselves upon the subject tell us that the cost of hauling a ton of average freight 1 mile over a good broken-stone road is 8 cents, that the cost of hauling the same ton over a mile of ordinary sandy road is 64 cents. In other words, the people of this country pay 56 cents per ton per mile "mud tax," as it has been sometimes called, for every ton of freight they move a distance of 1 mile. Calculated for the entire country, and the amount saved by the construction of good roads would be shown to be beyond comprehension. The sum total could not be less that the enormous sum of $600,000,000 annually, or forty times as much as the entire Louisiana purchase cost, from which was carved 13 great States besides the Indian Territory.

"A very striking example of the economy of building macadamized roads came under my observation recently. A machine weighing 16,000 pounds was drawn 4 miles on the Brook turnpike, a macadamized road. It required 4 mules (4,000 pounds to the

mule) and one and one-half hours of time, at a cost of 15 cents per mule per hour, or a total cost for 4 miles of 90 cents. After traveling 4 miles on the macadamized turnpike the route lay a little less than 2,000 feet on a dirt road. To travel this 2,000 feet it was necessary to use 10 of the best mules and 7 men, and with this force it took nine hours to complete the journey. The cost was $19.80, at which rate 4 miles would have cost $209.08, or, in other words, $208.18 absolutely thrown away for want of a macadamized road. A macadamized road, such as would have prevented this enormous waste of money, would have cost about $100 per mile for every foot of width; that is, 12-foot road, $1,200 per mile; 16-foot road, $1,600 per mile, etc. One can well realize from this the enormous sum wasted annually by our present impassable highways."—[Bulletin from office of Road Inquiry.]

There is no nation of antiquity, of any considerable consequence, that did not devote a large part of its resources to the building of good roads. Some of them constructed thousands of years ago still exist as monuments to the greatness of the nation that built them. From Babylon to Rome and from Rome to France the greatest nations have left their impress upon the surface of the earth in the form of indestructible roads. Upon them depended the commercial and military strength of the State. Napoleon built for France the finest system of highways in the world, and they remain so to-day. They are the pride of the French engineer, and place France in the forefront of nations in the adoption of horseless vehicles and the modern methods of transportation upon highways.

In the building of railroads we have far outstripped other nations, and in the common highways, without which railroads could not exist, we are sadly behind. Let a few days of severe weather render the country roads impassable and the freight receipts of every railroad in the country fall suddenly off to the minimum. And in this fact is found the secret of the encouragement given the roads movement by the great railroad systems of the country. With commendable self-interest they have rendered every assistance to the Government to aid her in conducting experiments and carrying on this work. The cost of road construction is by far less to-day than it was a decade ago, due to the improvement in road-building machinery, and road-building material from place to place, as well as the improvement in chemical analysis and engineering. The day has come when the general revival of interest in road building will force the subject upon this body and the legislatures of the country for consideration.

The character of roads demanded for the successful operation of the rural free-delivery system, and the cheap and rapid transportation afforded by bicycles and horseless carriages insure a constant agitation of the subject until it will inevitably result in some means by which this great work can be thoroughly accomplished. And I believe that in its accomplishment will be found the solution of problems and averting of many dangers that now threaten and disturb. It is at least a sure method to relieve the congested centers of population and turn the tide toward the rural districts, where it properly belongs. It insures that equilibrium in the country's development that alone bespeaks a healthy and permanent growth. It means a more equal distribution of wealth and resources. It builds up the country side, and invites the crowded and discontented from the smoke and whirl of cities to the tranquil peace and wide pure air of field and forest.

In my own State, Mr. Chairman, the people are waking up to the importance of this great subject, and are calling upon legislators, both State and national, to give it their attention. And there is no State in all this Union that stands so much in need of good highways or that would receive greater benefit from their improvement than the State of Arkansas. More miles of railroads have been built in Arkansas in the last few years than in any State in the Union, and millions of money is now being spent upon the improvement of old roads; and yet, sir, within the very sound of the whistle of the locomotive stand vast forests of hard wood, cypress, and pine, inexhaustible beds of coal and minerals, the finest orchard lands in the world, fields of valuable grasses and grains, much of which is rendered comparatively worthless and suffered in a large measure to waste and decay for want of passable highways.

Through the courtesy of the Office of Road Inquiry I have today been furnished with some figures relating to this subject for the State of Arkansas. The best figures obtainable upon the subject show that in the State of Arkansas the average length of haul from farm to market is 24 miles. The average weight in pounds for one 2-horse team is given at 1,419 pounds. The average cost per ton per mile is 21 cents; therefore the average cost per ton for the total distance of 24 miles from farm to market is $5.04. Now, from the census report of 1890, which I will pause long enough to say does not overstate the case by any means, the total tonnage of the principal farm products alone in 1890, in Arkansas, was 2,365,905 tons. At $5.04 per ton it costs the farmers of Arkansas $11,924,161.20 to move these products over the average distance of 24 miles from the farm to the market.

These figures are indeed startling, but, sir, they by no means overstate the facts. The hundred incidental inconveniences of bad roads, the cost of which can not be measured in dollars and cents, are not taken into consideration. At a conservative estimate for the State of Arkansas, two-thirds of this enormous expense might be saved to the people of that State by the building of proper highways. In less than four years the sum would furnish the State with as good a system of roads as there is on the face of the earth.

The blessings, moral and intellectual as well as industrial, that would flow from such conditions we can neither measure nor comprehend. Stately farmhouses and comfortable country homes would take the place of cabins in the valleys and on the hillsides, the breeding of fine stock would be encouraged and promoted, and the farm and the country would develop a hundred attractions it does not now possess. I hope, sir, the day is at hand when the subject will receive the attention it deserves and proper means be devised by which the nation and the States may cooperate in the work. [Loud applause.]

Mr. LOUD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. DALZELL having assumed the chair as Speaker pro tempore, Mr. HEPBURN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 16990) making appropriations for the service of the Post-Office Department, and had come to no resolution thereon.

RETURN OF BILL TO SENATE.

The SPEAKER pro tempore laid before the House the following resolution of the Senate; which was read, considered, and agreed to:

IN THE SENATE OF THE UNITED STATES,
January 28, 1903.

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 6719) to change and fix the time for holding the district and circuit courts of the United States for the eastern division of the eastern district of Arkansas.

FIXED RELATIONSHIP BETWEEN THE MONEYS OF GOLD-STANDARD COUNTRIES AND SILVER-USING COUNTRIES.

The SPEAKER pro tempore laid before the House the following message from the President; which was read, ordered to be printed, and referred to the Committee on Coinage, Weights, and Measures:

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State, with accompanying notes from the Mexican ambassador and the Chinese chargé d'affaires ad interim, which seek the cooperation of the Government of the United States in such measures as will tend to restore and maintain a fixed relationship between the moneys of the gold-standard countries and the silver-using countries.

I recommend that the Executive be give sufficient powers to lend the support of the United States, in such manner and to such degree as he may deem expedient, to the purposes of the two Governments.

THEODORE ROOSEVELT.

WHITE HOUSE, *January 29, 1903.*

DEPARTMENT OF COMMERCE AND LABOR.

The SPEAKER pro tempore laid before the House the bill (S. 569) to establish the department of commerce and labor, with House amendment disagreed to by the Senate.

Mr. HEPBURN. Mr. Speaker, I move that the House insist upon its amendment and agree to the conference asked by the Senate.

The SPEAKER pro tempore. The gentleman from Iowa moves that the House insist upon its amendment and agree to the conference asked by the Senate.

The motion was agreed to.

The SPEAKER pro tempore announced the appointment of the following conferees: Mr. HEPBURN, Mr. MANN, and Mr. RICHARDSON of Alabama.

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bills of the following titles:

H. R. 1193. An act to correct the military record of Henry M. Holmes;

H. R. 6467. An act granting an honorable discharge to Samuel Welch; and

H. R. 15711. An act to authorize the construction of a bridge across the Clinch River, in the State of Tennessee, by the Knoxville, Lafollette and Jellico Railroad Company.

LEAVE TO EXTEND REMARKS.

Mr. SMITH of Arizona. Mr. Speaker, on yesterday I submitted some remarks on the question of a certain bonded indebtedness of Pima County, Ariz. I would like unanimous consent to extend my remarks so as to give the correct history of the matter.

The SPEAKER pro tempore. The gentleman from Arizona asks unanimous consent to extend remarks made yesterday when

the Indian appropriation bill was pending. Is there objection? [After a pause.] The Chair hears none.

Mr. LOUD. Mr. Speaker, I move that the House do now adjourn.

Mr. PATTERSON of Tennessee. Before that motion is put, Mr. Speaker, I would like to ask permission of the House to extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none. The gentleman from California moves that the House do now adjourn.

The motion was agreed to.

And accordingly (at 5 o'clock and 5 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Joe M. Moon, administrator of estate of Joel P. Maxwell, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter relating to transfer of custody and control of the post-office buildings at Kingfisher and Perry, Okla., from the Interior Department to the Treasury Department—to the Committee on Public Buildings and Grounds, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriations for care of civil records of the military government of occupation of Cuba—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, a copy of the tests of iron, steel, and other material for industrial purposes at the Watertown Arsenal—to the Committee on Manufactures, and ordered to be printed.

A letter from the Secretary of War, transmitting papers relating to the claim of Julian Pedrera—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. DE ARMOND, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 17) requiring all corporations engaged in interstate commerce to file returns with the Secretary of the Treasury, disclosing their true financial condition, and of their capital stock, and imposing a tax upon such as have outstanding capital stock unpaid in whole or in part, submitted a minority report (No. 3375, part 2); which said bill and minority report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. GRAFF, from the Committee on Claims, to which was referred the bill of the House (H. R. 14164) for the relief of Charles W. Carr, reported the same with amendments, accompanied by a report (No. 3414); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 679) directing the issue of a check in lieu of a lost check drawn by Capt. E. O. Fechét, disbursing officer United States Signal Service Corps, in favor of the Bishop Gutta Percha Company, reported the same without amendment, accompanied by a report (No. 3415); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. BRISTOW: A bill (H. R. 17128) to increase the salary of the President of the United States—to the Committee on the Judiciary.

By Mr. COOPER of Wisconsin: A bill (H. R. 17129) to increase the limit of cost for the erection of the Government building at Janesville, Wis.—to the Committee on Public Buildings and Grounds.

By Mr. BROMWELL: A bill (H. R. 17130) providing for taking the state of the meters in the public buildings in the city of Washington, D. C.—to the Committee on Appropriations.

By Mr. BENTON (by request): A bill (H. R. 17146) to provide for the inspection of the records of the health office of the District of Columbia—to the Committee on the District of Columbia.

By Mr. BELMONT: A bill (H. R. 17147) to promote the commerce and foster the merchant marine of the United States by the allowance to United States vessels of rebates on customs duties and tonnage dues—to the Committee on Ways and Means.

By Mr. BOREING: A bill (H. R. 17148) to fix the salary of the judge of the district court of Porto Rico—to the Committee on the Judiciary.

By Mr. HENRY of Connecticut: A bill (H. R. 17149) to authorize the board of commissioners of the Connecticut bridge and highway district to construct a bridge across the Connecticut River at Hartford, in the State of Connecticut—to the Committee on Interstate and Foreign Commerce.

By Mr. JENKINS: A resolution (H. Res. 419) that the bills H. R. 17 and H. R. 16458 shall be in order for consideration, and so forth, until disposed of by the House—to the Committee on Rules.

By Mr. DAYTON: A resolution (H. Res. 421) requesting information from the Secretary of the Navy with reference to a permanent programme for the steady increase, equipment, and manning of the Navy of the United States—to the Committee on Naval Affairs.

By Mr. SHALLENBERGER: A memorial of the Nebraska State senate, recommending an appropriation to conduct irrigation experiments and investigations—to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BRISTOW: A bill (H. R. 17131) granting an increase of pension to Joseph Whitman—to the Committee on Invalid Pensions.

By Mr. GILLETT of Massachusetts: A bill (H. R. 17132) granting a pension to Margaret Flynn—to the Committee on Invalid Pensions.

By Mr. KLEBERG: A bill (H. R. 17133) granting a pension to Kathinka Sichel—to the Committee on Invalid Pensions.

By Mr. LESTER: A bill (H. R. 17134) granting a pension to Rev. James M. Simms—to the Committee on Invalid Pensions.

By Mr. LOVERING: A bill (H. R. 17135) granting an increase of pension to Richard McAuliffe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17136) granting an increase of pension to Ralph A. Adams—to the Committee on Pensions.

Also, a bill (H. R. 17137) granting a pension to Catherine Brown—to the Committee on Invalid Pensions.

By Mr. MADDOX: A bill (H. R. 17138) granting a pension to Mrs. Icie Ballew—to the Committee on Pensions.

By Mr. MICKEY: A bill (H. R. 17139) granting a pension to Dennis L. Burford—to the Committee on Invalid Pensions.

By Mr. MILLER: A bill (H. R. 17140) granting a pension to William Johnson—to the Committee on Invalid Pensions.

By Mr. MORRELL: A bill (H. R. 17141) granting a pension to Annie Duffy, mother of Joseph P. Cook—to the Committee on Invalid Pensions.

By Mr. HENRY C. SMITH: A bill (H. R. 17142) granting a pension to June Baker—to the Committee on Invalid Pensions.

By Mr. SNOOK: A bill (H. R. 17143) granting an increase of pension to John A. Baughman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17144) granting an increase of pension to Henry Brown—to the Committee on Invalid Pensions.

By Mr. SUTHERLAND: A bill (H. R. 17145) authorizing the appointment of Eugene L. Swift to the active list of the Army—to the Committee on Military Affairs.

By Mr. BELL: A bill (H. R. 17150) extending the time for making proof and payment for all lands taken under the desert-land laws by the members of the Colorado Cooperative Colony for a further period of three years—to the Committee on the Public Lands.

By Mr. BRUNDIDGE: A bill (H. R. 17151) for relief of the estate of Allen Woolley, deceased—to the Committee on War Claims.

By Mr. WILLIAMS of Illinois: A bill (H. R. 17152) granting a pension to Edward R. Chapman—to the Committee on Pensions.

Also, a bill (H. R. 17153) granting an increase of pension to A. B. Melton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17154) granting a pension to June McGrue—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Memorial of officers and members of the American National Red Cross, relating to amended by-laws recently adopted at a meeting of that organization—to the Committee on Foreign Affairs.

By Mr. BURLEIGH: Resolution of Local Union No. 459, Brotherhood of Carpenters and Joiners, Bar Harbor, Me., for the repeal of the desert-land law—to the Committee on the Public Lands.

By Mr. CONNELL: Resolutions of the Chicago Board of Trade, against the incorporation of the Interstate Commerce Commission into the department of commerce bill—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Old Soldiers' Republican Club, of Vanderburg County, Ind., asking that honorably discharged soldiers of the civil war be placed on the pension roll at $12 per month—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: Resolution of Cigar Makers' Union No. 290, of Janesville, Wis., for the repeal of the desert-land law and the commutation clause of the homestead act—to the Committee on the Public Lands.

By Mr. DALZELL: Petition of retail druggists of Greensburg, Pa., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. DOUGHERTY: Petition of William Moore, of Turney, Mo., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. DOVENER (by request): Petition of the Woman's Christian Temperance Union of Fairmount, W. Va., to prohibit liquor selling in Government buildings—to the Committee on Alcoholic Liquor Traffic.

Also, petition of W. D. Alexander and 38 other citizens of Thomasville, W. Va., asking that navigation of the Ohio River be improved so as to provide a 9-foot draft at extreme low water from Pittsburg to Cairo—to the Committee on Rivers and Harbors.

By Mr. DRAPER: Resolution of the Central Federation of Labor of Troy, N. Y., for the repeal of the desert-land law—to the Committee on the Public Lands.

By Mr. GARDNER of Massachusetts: Petition of druggists of Haverhill, Mass., in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

Also, petition of New Bedford Board of Trade favoring passage of House bill 163, with regard to granting pensions to certain officers and men of the Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. GORDON: Petition of J. L. Hoffman and other retail druggists of Wapakoneta, Ohio, and vicinity, in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

Also, petition of Woman's Christian Temperance Union, of Lockington, Ohio, in favor of legislation in restraint of the liquor traffic—to the Committee on Alcoholic Liquor Traffic.

Also, petition of Buckeye Lodge, No. 35, of Gallia, Ohio, Brotherhood of Railroad Trainmen, in favor of the passage of the safety appliance bill—to the Committee on Interstate and Foreign Commerce.

By Mr. IRWIN: Petition of 154 citizens of Louisville, Ky., for the improvement of the Ohio River from Pittsburg to Cairo—to the Committee on Rivers and Harbors.

By Mr. KEHOE: Petitions of sundry citizens of Dover, Maysville, and Catlettsburg, Ky., for 9-foot draft of water in the Ohio River—to the Committee on Rivers and Harbors.

By Mr. LEWIS of Georgia: Paper to accompany House bill 16906, granting a pension to Ellender C. Miller—to the Committee on Pensions.

Also, papers to accompany House bill 16908, granting an increase of pension to Matilda Burks—to the Committee on Pensions.

By Mr. LLOYD: Petition of Frank Smith, of Leonard, Mo., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. MERCER: Resolution of the Nebraska Irrigation Association with reference to agricultural bill—to the Committee on Agriculture.

By Mr. MEYER of Louisiana: Resolutions of the Cotton Exchange, Board of Trade, and board of health, of the city of New Orleans, La., favoring a pension to the widow of Walter Reed, late surgeon, United States Army—to the Committee on Pensions.

By Mr. MILLER: Petitions of the Christian Brotherhood and First Methodist Episcopal Church of Burlingame, Kans., for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. MINOR: Petition of the Annen Candy and Biscuit Company, favoring House bill 178—to the Committee on Ways and Means.

By Mr. PAYNE: Petition of the Woman's Christian Temperance Union of Fairhaven, N. Y., in favor of an amendment to the Constitution defining legal marriage to be monogamic, etc.—to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of Fairhaven, N. Y., for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. RUCKER: Petitions of retail druggists of Norbourne, Brookfield, Bucklin, Moberly, and Spickand, Mo., for the enactment of House bill 178, for reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. SHALLENBERGER: Petition of Jacob Dambach and other retail druggists of Hayes Center, Nebr., in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

Also, paper to accompany House bill 17067, to grant a medal to G. W. Churchill—to the Committee on Military Affairs.

Also, resolutions of the Nebraska Irrigation Association in relation to the agricultural bill and irrigation—to the Committee on Agriculture.

By Mr. SHERMAN: Resolution of the Trades Assembly of Utica, N. Y., for the repeal of the desert-land law—to the Committee on the Public Lands.

By Mr. SNOOK: Papers to accompany House bill for increase of pension of John A. Baughman, Defiance, Ohio—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting an increase of pension to Henry Brown, Groverhill, Ohio—to the Committee on Invalid Pensions.

By Mr. HENRY C. SMITH: Resolutions of various churches, signed by their respective pastors, for the early consideration of the antipolygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. SPERRY: Resolutions of Hartford Lodge, No. 108, Order of Sons of Benjamin, Hartford, Conn., relative to immigration—to the Committee on Immigration and Naturalization.

Also, resolutions of citizens of Branford, Conn., for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. WILLIAMS of Illinois: Papers to accompany House bill granting a pension to S. H. Morris—to the Committee on Invalid Pensions.

Also, paper to accompany House bill granting a pension to Edward R. Chapman—to the Committee on Invalid Pensions.

Also, paper to accompany House bill granting a pension to A. B. Melton—to the Committee on Invalid Pensions.

By Mr. WOODS: Resolutions of the Chamber of Commerce of San Francisco, Cal., asking Congress to grant an American register to the British bark *Pyrenees*—to the Committee on the Merchant Marine and Fisheries.

By Mr. YOUNG: Letter of C. H. Leonard, Grand Rapids, Mich., proposing a divisible postal currency—to the Committee on the Post-Office and Post-Roads.

SENATE.

FRIDAY, *January 30, 1903.*

Rev. F. J. PRETTYMAN, of the city of Washington, offered the following prayer:

Almighty God, we give Thee all honor and glory and praise forever and ever. Thy name is above every name. From Thee cometh every good and perfect gift.

We bless Thee to-day for the type of citizenship which has been produced by American institutions, for every refining influence that surrounds the home life, for the ample means for the education of the people, and for the high ideals of civil and social honor.

We praise Thee for the master spirits who have in times past wrought their thought and life into American law, and going to their reward above have left to us the rich inheritance of their lives. Their memory abides as a gentle benediction upon those who follow their noble example, and as an inspiration amid the pressing cares of the present. Help us to emulate their lofty deeds and to honor them by our endeavor to extend and perpetuate their unselfish patriotism. With every thought of those who have been the beacon lights in our history, with every tender memory of their presence in this Chamber, may we have the inspiration of this cloud of witnesses commanding us to yet follow in the path of duty and honor.

Let Thy blessing rest upon every thought of this Senate to-day. May all redound to the honor and glory of Thy name. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. QUAY, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

STATEHOOD BILL.

Mr. QUAY. Mr. President, while I have the floor, I also ask unanimous consent that the unfinished business, being the statehood bill, which comes up as the regular order at 2 o'clock, be temporarily laid aside for the day in order that it may not interfere with the eulogies which are to be delivered on the late Senator from Michigan, Mr. MCMILLAN.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks unanimous consent that the unfinished business, at 2 o'clock, may be temporarily laid aside during the remainder of the day in order not to interfere with the eulogies of which notice has been given. Is there objection? The Chair hears none, and that order is made.

REPORT OF COMMISSIONER OF PATENTS.

The PRESIDENT pro tempore. The Chair lays before the Senate the annual report of the Commissioner of Patents for the year 1902. The large number of accompanying papers will be referred, with the report, to the Committee on Printing.

HEIRS OF ALICE HARDAWAY, DECEASED.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk to the Court of Claims, transmitting a certified copy of the findings by the court in the cause of Alice Oakley, Susan B. Mason, H. W. Hardaway, J. W. Hardaway, T. M. Moore, administrator of M. B. Hardaway, deceased, heirs of Alice Hardaway, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House insists upon its amendment to the bill (S. 569) to establish the department of commerce and labor disagreed to by the Senate; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HEPBURN, Mr. MANN, and Mr. RICHARDSON of Alabama, managers at the conference on the part of the House.

The message also announced that the House had passed a bill (H. R. 15804) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with the various Indian tribes for the fiscal year ending June 30, 1904, and for other purposes; in which it requested the concurrence of the Senate.

The message further returned to the Senate in compliance with its request the bill (S. 6719) to change and fix the time for holding the district and circuit courts of the United States for the eastern division of the eastern district of Arkansas.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President pro tempore:

A bill (H. R. 10698) providing for allotments of lands in severalty to the Indians of Lac Courte Oreille and Lac du Flambeau reservations in the State of Wisconsin;

A bill (H. R. 15069) granting an increase of pension to Daniel P. Marshall;

A bill (H. R. 15922) to enable the Secretary of Agriculture to more effectually suppress and prevent the spread of contagious and infectious diseases of live stock, and for other purposes; and

A joint resolution (H. J. Res. 216) extending the provision granting to the State of Pennsylvania the use of the court-house at Scranton and Williamsport, Pa.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE RUSSELL.

Mr. PLATT of Connecticut. Mr. President, I wish to give notice that on Saturday, February 14, at 4 o'clock in the afternoon, I will present resolutions in commemoration of the life and character of Hon. CHARLES A. RUSSELL, late a member of the House of Representatives from the Third district of Connecticut.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE BURKE.

Mr. CULBERSON. Mr. President, I desire to give notice that on Saturday, February 14, at 3 o'clock, I will present to the Senate appropriate resolutions with reference to the death of ROBERT EMMET BURKE, late a member of the House of Representatives from the State of Texas.

PETITIONS AND MEMORIALS.

Mr. FAIRBANKS presented a petition of Local Division No. 119, Order of Railway Conductors, of Fort Wayne, Ind., praying for the prssage of the so-called anti-injunction and conspiracy bill; which was ordered to lie on the table.

He also presented a petition of the Motsinger Device Manufacturing Company, of Pendleton, Ind., and a petition of the Haynes-Apperson Company, of Kokomo, Ind., praying for the enactment of legislation providing for the permanent improvement of public highways; which were referred to the Committee on Agriculture and Forestry.

He also presented the petition of Igleheart Brothers, of Evansville, Ind., praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce;

He also presented a petition of 30 members of the Methodist Ministerial Association of Indianapolis, Ind., praying for the enactment of legislation to restrict immigration, and also to prohibit the sale of intoxicating liquors in Government buildings; which was ordered to lie on the table.

He also presented a petition of Carpenters and Joiners' Local Union No. 431, American Federation of Labor, of Brazil, Ind., and a petition of the Central Labor Union, American Federation of Labor, of Terre Haute, Ind., praying for the repeal of the desert-land law and the commutation clause of the homestead act; which were referred to the Committee on Public Lands.

He also presented a petition of Local Union No. 240, of Lafayette; of Local Union No. 19, of Fort Wayne, and of Local Union No. 58, of Fort Wayne, all of the American Federation of Labor, in the State of Indiana, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented memorials of the Southwestern Broom Manufacturing Company, of Evansville; of the Kelly Ax Manufacturing Company, of Alexandria, and of the Vajen-Bader Company, of Indianapolis, all in the State of Indiana, remonstrating against the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented a petition of the New England Shoe and Leather Association, of Boston, Mass., praying for the ratification of the Hay-Bond treaty; which was referred to the Committee on Foreign Relations.

Mr. DRYDEN presented a petition of Council No. 262, Junior Order United American Mechanics, of Rutherford, N. J., praying for the enactment of legislation to restrict immigration; which was ordered to lie on the table.

He also presented a petition of Lodge No. 329, International Association of Machinists, of Bound Brook, N. J., praying for the passage of the so-called eight-hour bill; which was ordered to lie on the table.

He also presented memorials of J. Wise & Sons Co., of Newark; of the Mercer Rubber Company, of Trenton, and of Janeway & Co., of New Brunswick, all in the State of New Jersey, remonstrating against the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented memorials of L. F. Miller, of Camden; of J. H. Ballinger, of Haddonfield; of R. T. Shafer and sundry other citizens of Millstone; of Jacob B. F. Sing, of Vineland; of Charles W. Goudy, of Haddonfield; of Elwood L. Davis, of Bound Brook; of J. G. Entrekin, of Vineland; of C. F. Smith, of Vineland; of George W. Swing, of Vineland; of Frank W. Mershow, of Haddonfield; of Andrew Ballentine and sundry other citizens of Bedminister; of William J. Hamtin, of Haddonfield; of W. S. Dungan, of Vineland; of Rev. J. Barraclough, of Vineland; of W. E. Hughes, of Vineland; of J. S. Winslow, of Vineland; of Eugene C. Temple, of Vineland; of Charles G. Wanisies, of Vineland; of Jonathan Wilds, of Vineland; of William S. Capern, of Haddonfield; of James Chance, of Vineland; of A. H. Concklin, of Closter; of Mary Hetfield, of Dunellen; of M. Peal, of Bayonne; of W. H. Roberts, of Atlantic Highlands, and of Rev. William G. Robinson, of Newfield, all in the State of New Jersey, remonstrating against the repeal of the present anticanteen law; which were referred to the Committee on Military Affairs.

Mr. HANSBROUGH presented a memorial of sundry citizens of Absaraka, N. Dak., remonstrating against the repeal of the present anticanteen law, and praying for the enactment of legislation to prohibit the sale of intoxicating liquors in immigrant stations and Government buildings, and also for the adoption of an amendment to the Constitution to prohibit polygamy; which was ordered to lie on the table.

Mr. CLAY presented a memorial of the New York Cotton Exchange, remonstrating against the merging of the Interstate Commerce Commission with the proposed department of commerce and labor; which was ordered to lie on the table.

Mr. BEVERIDGE presented a petition of the Central Labor Union of Vigo County, Ind., and a petition of Local Union No. 806, United Brotherhood of Carpenters and Joiners, of Rushville, Ind., praying for the repeal of the desert-land law and the commutation clause of the homestead act; which were referred to the Committee on Public Lands.

Mr. CLARK of Montana presented a petition of Butte City Lodge, No. 88, International Association of Machinists. of Butte, Mont., praying for the repeal of the desert-land law and the commutation clause of the homestead act; which was referred to the Committee on Public Lands.

Mr. COCKRELL. I present a petition of Council No. 32, Junior Order of United American Mechanics, of St. Louis, Mo., which is very numerously signed, praying for the passage of the immigration bill. I move that the petition be referred to the Committee on Immigration.

The motion was agreed to.

Mr. QUARLES presented a petition of the State Federation of Women's Clubs of Wisconsin, praying for the passage of the so-called pure-food bill; which was ordered to lie on the table.

He also presented a petition of Elmo Lodge, Brotherhood of Locomotive Firemen, of Madison, Wis., and a petition of Baraboo Division, No. 68, Order of Railway Conductors, of Baraboo, Wis., praying for the passage of the so-called anti-injunction and conspiracy bill; which were ordered to lie on the table.

He also presented a memorial of the Trades and Labor Assembly, American Federation of Labor, of West Superior, Wis., remonstrating against the repeal of the revenue-stamp tax on eighth kegs of beer; which was referred to the Committee on Finance.

He also presented petitions of the Trades and Labor Council of Fond du Lac, of the Amalgamated Wood Workers' Council of Milwaukee, and of Typographical Union No. 23, of Milwaukee, all of the American Federation of Labor, in the State of Wisconsin, praying for the repeal of the desert-land law and the commutation clause of the homestead act; which were referred to the Committee on Public Lands.

He also presented a petition of the congregation of the Methodist Episcopal Church of Bayfield, Wis., and a petition of Local Branch, Independent Order of Good Templars, of Bayfield, Wis., praying for the enactment of legislation to prohibit the sale of intoxicating liquors upon any property owned by the Government; which were referred to the Committee on Public Buildings and Grounds.

He also presented a memorial of the Humane Society of La Crosse, Wis., remonstrating against the enactment of legislation relative to the interstate transportation of live stock; which was referred to the Committee on Interstate Commerce.

He also presented petitions of Carpenters and Joiners' Local Union No. 955, of Appleton; of Stone Mason's Local Union No. 5, of West Superior; of the Trades and Labor Council of Kenosha; of Carriage and Wagon Workers' Local Union No. 33, of Racine; of Carpenters and Joiners' Local Union No. 657, of Sheboygan; of the Musicians' Association of Milwaukee; of the Lithographers' Protective and Beneficial Association of Milwaukee; of the Trades and Labor Council of Oshkosh; of the Federated Trades Council of Waukesha; of Cigarmakers' Local Union No. 363, of Waukesha; of Local Union No. 6, of Racine, and of Local Union No. 108, of Racine, all of the American Federation of Labor, in the State of Wisconsin, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. GALLINGER presented a petition of District Lodge No. 124, Order of B'rith Abraham, of Washington, D. C., praying for the enactment of legislation to modify the methods and practice pursued by the immigration officers at the port of New York; which was referred to the Committee on Immigration.

Mr. KITTREDGE presented a petition of Labor Union No. 14, Western Federation of Mines, of Deanwood, S. Dak., praying for the passage of the so-called eight-hour bill; which was ordered to lie on the table.

Mr. MASON presented a petition of the Woman's Christian Temperance Union of Normal Park, Ill., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Government buildings and Soldiers' Homes, and remonstrating against the repeal of the present anticanteen law; which was referred to the Committee on Military Affairs.

He also presented a petition of the Woman's Christian Temperance Union of Princeville, Ill., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Government buildings; which was referred to the Committee on Public Buildings and Grounds.

He also presented a memorial of the congregation of the Free Methodist Church of Harvey, Ill., and a memorial of the congregation of the Presbyterian Church of Harvey, Ill., remonstrating against the repeal of the present anticanteen law; which were referred to the Committee on Military Affairs.

Mr. FRYE presented a petition of the National Board of Trade, praying for the appointment of a permanent tariff commission or a commission under the proposed department of commerce and industries; which was ordered to lie on the table.

He also presented a petition of the New Orleans Cotton Exchange, of New Orleans, La., praying for the enactment of legislation granting a pension to the widow of the late Walter Reed, surgeon, United States Army; which was referred to the Committee on Pensions.

He also presented a memorial of the New York Cotton Exchange, remonstrating against merging the Interstate Commerce Commission with the proposed department of commerce and labor; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. STEWART, from the Committee on the District of Columbia, to whom was referred the amendment submitted by Mr. GALLINGER on the 22d instant proposing to appropriate $100,000 for continuing the work on the Connecticut avenue bridge, in the District of Columbia, intended to be proposed to the District of Columbia appropriation bill, reported it with an amendment, submitted a report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. DEBOE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 14605) granting an increase of pension to John T. Knoop; and

A bill (H. R. 16465) granting an increase of pension to William H. Knepple.

Mr. BURTON, from the Committee on Pensions, to whom was referred the bill (H. R. 5167) granting an increase of pension to John G. Nowman, reported it without amendment, and submitted a report thereon.

Mr. BURNHAM, from the Committee on Claims, to whom was referred the bill (S. 3309) for the relief of Mary A. Shufeldt, reported it with an amendment, and submitted a report thereon.

Mr. PRITCHARD, from the Committee on Pensions, to whom was referred the bill (H. R. 15961) granting an increase of pension to Jane C. Welch, reported it without amendment, and submitted a report thereon.

Mr. FOSTER of Washington, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 14899) to amend an act entitled "An act to incorporate the National Florence Crittenton Mission," reported it without amendment, and submitted a report thereon.

Mr. HANSBROUGH, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 16099) to cancel certain taxes assessed against the Kall tract, reported it without amendment, and submitted a report thereon.

Mr. TALIAFERRO, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 2812) granting a pension to Susan Kent;

A bill (H. R. 14168) granting a pension to John B. Anderson; and

A bill (H. R. 14889) granting a pension to James T. Lundy.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 16499) granting an increase of pension to Charles S. Wainwright, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 7166) granting an increase of pension to Fanny Farmer, reported it with an amendment, and submitted a report thereon.

He also, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 15799) to confirm the name of Seward Square for the space formed by the intersection of C street south and Pennsylvania and North Carolina avenues, District of Columbia, reported it without amendment, and submitted a report thereon.

Mr. CARMACK, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 11790) granting an increase of pension to Abel Woods; and

A bill (H. R. 16512) granting an increase of pension to John Dinneen, now known as John J. Davidson.

Mr. MASON, from the Committee on Claims, to whom was referred the bill (S. 1340) for the relief of W. W. Jackson, reported it without amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. BEVERIDGE introduced a bill (S. 7187) granting an increase of pension to Caleb F. White; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 7188) to correct the military record of Charles Chaney; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. CLARK of Montana introduced a bill (S. 7189) granting a pension to John W. Miller; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PROCTOR introduced a bill (S. 7190) authorizing the appointment of Eugene L. Swift to the active list of the Army; which was read twice by its title and referred to the Committee on Military Affairs.

Mr. PRITCHARD introduced the following bills; which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 7191) for the relief of the estate of John Simkins, deceased (with the accompanying papers);

A bill (S. 7192) conferring jurisdiction on the Court of Claims

to try, adjudicate, and determine the claims of Alexander Thompson and others for compensation for carrying the mails and pay for the discontinuance of postal service; and

A bill (S. 7193) for the relief of James S. Redd (with the accompanying papers).

He also introduced a bill (S. 7194) authorizing the issuance of letters rogatory by the Commissioner of Patents, and providing for the execution of letters rogatory issued from foreign patent offices; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Patents.

He also introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7195) granting an increase of pension to Caleb B. Lincoln;

A bill (S. 7196) granting a pension to Thomas Cook;

A bill (S. 7197) granting an increase of pension to Bettie Lee Ward;

A bill (S. 7198) granting a pension to Chloe Yokley; and

A bill (S. 7199) granting an increase of pension to John Ross.

He also introduced a bill (S. 7200) granting an increase of pension to Sarah V. Rearick; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CLARK of Wyoming introduced a bill (S. 7201) to increase the limit of cost for the public building at Evanston, Wyo.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. SIMON introduced a bill (S. 7202) granting an increase of pension to Fanny B. Orwan; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McLAURIN of Mississippi introduced a bill (S. 7203) granting an increase of pension to Mrs. Steele; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FAIRBANKS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7204) granting a pension to Louisa A. Robinson (with the accompanying paper);

A bill (S. 7205) granting an increase of pension to Samuel Downey (with the accompanying papers); and

A bill (S. 7206) granting an increase of pension to Harvey T. Peirce (with the accompanying papers).

Mr. GALLINGER introduced a bill (S. 7207) granting an increase of pension to May Mosher Chase; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MASON (by request) introduced a bill (S. 7208) providing for the transfer of persons from the unclassified to the classified service of the United States; which was read twice by its title, and referred to the Committee on Civil Service and Retrenchment.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CLAY submitted an amendment proposing to appropriate $5,000 to enable the Department of Agriculture to study the character and extent of adulterations of the oil of turpentine and other products of the pine forests, intended to be proposed by him to the agricultural appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Agriculture and Forestry.

Mr. MASON submitted an amendment proposing to appropriate $200,000 for the erection of new hospital buildings upon the grounds of the Freedmen's Hospital, in the District of Columbia, and providing regulations for the government of the same, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

COMMITTEE ON PRIVILEGES AND ELECTIONS.

Mr. BURROWS submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Privileges and Elections be, and it is hereby, authorized to employ an assistant clerk, to be paid from the miscellaneous items of the contingent fund of the Senate, at the rate of $1,440 per annum until otherwise provided by law.

EXECUTIVE REGISTER OF THE UNITED STATES.

Mr. CLAPP submitted the following resolution; which was referred, with the accompanying papers, to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be directed to procure for the use of the Senate 2,000 copies of the "Executive Register of the United States, 1789 to 1902," provided the price shall not exceed the sum of $1.25 per copy.

THOMAS KENNEDY.

Mr. WELLINGTON submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That Thomas Kennedy be employed by the Sergeant-at-Arms as laborer in the Senate folding room at a salary of $840 per annum, to be paid from the contingent expenses of the Senate, the said employment to take effect March 15, 1903.

COURTS IN ARKANSAS.

The PRESIDENT pro tempore laid before the Senate the bill (S. 6719) to change and fix the time for holding the district and circuit courts of the United States for the eastern division of the eastern district of Arkansas, returned from the House of Representatives in compliance with the request of the Senate.

Mr. BERRY. I ask unanimous consent that the votes by which the bill was ordered to a third reading, read the third time, and passed, be reconsidered, and that the bill be indefinitely postponed, a similar bill having passed both Houses.

The PRESIDENT pro tempore. The votes by which the bill was ordered to a third reading and passed will be reconsidered, and the bill will be indefinitely postponed.

HOUSE BILL REFERRED.

The bill (H. R. 15804) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with the various Indian tribes for the fiscal year ending June 30, 1904, and for other purposes, was read twice by its title, and referred to the Committee on Indian Affairs.

COURTS-MARTIAL IN THE PHILIPPINES.

Mr. BERRY. I ask the Chair what disposition was made of the resolution submitted by the Senator from Utah [Mr. RAWLINS], which went over yesterday.

The PRESIDENT pro tempore. The Chair was just about to lay it before the Senate.

Mr. BERRY. I had intended, and I desired, to make a few remarks on the resolution this morning, but I am informed that the Senator from Michigan [Mr. BURROWS] desires to go on with the order for to-day, and I ask that the resolution may go over, retaining its place.

The PRESIDENT pro tempore. The Senator from Arkansas asks unanimous consent that the resolution to which he refers may retain its place, without prejudice, on the table. Is there objection?

Mr. LODGE. Are there any other resolutions which come over from a previous day?

The PRESIDENT pro tempore. There is no other resolution. The Chair hears no objection.

MEMORIAL ADDRESSES ON THE LATE SENATOR JAMES M'MILLAN.

Mr. BURROWS. Mr. President, in conformity with the notice already given, I ask the Senate to consider at this time the following resolutions.

The PRESIDENT pro tempore. The Senator from Michigan submits resolutions which will be read to the Senate.

The Secretary read the resolutions, as follows:

Resolved, That the Senate has heard with profound sorrow of the death of the Hon. JAMES McMILLAN, late a Senator from the State of Michigan.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended to enable his associates to pay proper tribute to his high character and distinguished public services.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

Resolved, That as a further mark of respect at the conclusion of these exercises the Senate adjourn.

Mr. BURROWS. Mr. President, the life of Senator McMILLAN fell somewhat short of the allotted span. He died at the age of 64. If it be true, however, that the value of a human life is determined not by years, but by deeds, then the sixty-four years of his life were all that could be desired and filled to the full the measure of human ambition. They were ample to develop and round out the dominating traits of his character and leave their enduring impress upon the private and public affairs in which he bore so conspicuous a part. More than this, they were sufficient for the maturity of those manly virtues which so endeared him to his associates and make the memory of his life a priceless heritage to his family and friends.

The parents of Senator McMILLAN came from Scotland in 1834, and settled at Hamilton, in the Province of Ontario, Canada, where in 1838 JAMES McMILLAN was born. The elder McMillan brought with him the rugged characteristics of the Scotch race, and by his sterling qualities secured the confidence and respect of the community in which he lived, and became a recognized factor in the industrial affairs of the Province. Identified with the construction of her railways, the establishment and management of banks and other industrial and financial enterprises, he soon won for himself a place of influence in the business affairs of the community in which he resided. It was in the midst of such environments that the son, JAMES McMILLAN, was reared, and these surroundings were potent in shaping and molding his course in all the after years. He early imbibed a taste for business affairs, and although the way was open to him to acquire the learning of the schools, the bent of his mind was in another direction, and led him at an early day to engage in the active pursuits of a business life.

As a mere lad at the age of 13 he became a clerk in a mercantile establishment in Hamilton, the duties of which position he

discharged with fidelity and ability, and in 1855, at the early age of 17, he determined to make his own way to fortune and fame, and leaving the parental roof settled in Detroit, Mich., the city and State destined to become his future home. Here he at once entered upon his business career, beginning at the bottom of the ladder, but with firm hand and resolute step he quickly reached the topmost round. He manifested such rare capacity and business integrity in subordinate positions as to attract the attention of his employers, and when but 19 years of age was called to the responsible position of purchasing agent of the Detroit and Milwaukee Railroad, then the chief railroad line in the State, and when the extension of the road was determined upon he was intrusted with the financial management of the enterprise, making the purchases and taking charge of the force engaged in the construction of the work.

In all these varied and responsible positions he acquitted himself with marked ability, foreshadowing the remarkable business career which awaited him. Gaining the confidence of the capitalist by his upright dealings and conservative judgment, he early became connected with many of the leading industries of his city and State, and took a master hand in their development and control. His unquestioned integrity, his business sagacity, his stability of purpose, his unflagging energy, and his indomitable pluck coupled with a self-reliance that no obstacle could impede and no misfortune disturb, made him a commanding figure in the industrial affairs of his city and State. These dominating qualities of head and heart won for him recognition with his business associates and rapid advancement to places of responsibility and power. His financial success was already assured.

At the head of numerous and gigantic manufacturing establishments; manager of great corporations in his own and other States, which he had been instrumental in organizing and promoting; director in banking institutions; president of railway and steamship companies—he attained an unquestioned place in the industrial field, which he continued to hold with ever-increasing power until the hour of his death. A leading journal of Detroit, speaking in his lifetime of his business achievements, fittingly said of him:

> Mr. MCMILLAN is possessed of an abundant fortune. He earned it by hard work and bold and intelligent enterprises, which have not only made him wealthy, but have added tens of millions to the wealth of Detroit, furnished steady and remunerative employment to thousands of his fellow-citizens, and supported tens of thousands of families. He has added to the beauty of the city, not only by the construction of factories where labor is employed, but by the construction of many handsome business blocks, which are an ornament to Detroit. * * * In scores of cases that every business man can recall he has taken broken enterprises which other men's incompetence had ruined, and has built them up into successful concerns, to the profit and enrichment of the whole city.

His business career left nothing to be desired, and at the age of 64 he held a commanding position in the industrial world, with an ample fortune for himself and his children.

He was not only successful in acquiring a fortune, but was also a most liberal giver. The accumulation of great riches not infrequently engenders a spirit of greed and selfishness which make their possessor indifferent to public or private needs. No such spirit found a lodgment in Senator MCMILLAN'S breast. In his philosophy the possession of riches imposed upon its possessor obligations to the citizen and the State which could not be ignored. He dispensed public and private benefactions with a liberal hand and his heart was always open to the appeals of the deserving poor. His giving was as unostentatious as his life was simple and retiring. It is said that when absent from his home, not infrequently for protracted periods, it was his custom to enjoin upon the head of the associated charities of his city to see to it that no deserving family be allowed to suffer and to draw on him for whatever was necessary to furnish needed relief. He was a regular contributor to the associated charities not only of his own city, but of the city of Washington, in which he took during the entire period of his public career a deep and abiding interest. His charities, however, were not limited or confined to individual instances of distress which perchance fell under his notice in the everyday walks of life, but his benefactions took a wider range and encompassed a broader field, reaching beyond the demands of the present to the possible exigencies of the future. A single instance will serve to exemplify his broad philanthropy.

An unfortunate cripple, friendless and penniless, one day appealed to him for financial aid to enable him to secure admission to some hospital where he might obtain surgical treatment and necessary care. The requisite funds were promptly supplied and admission secured. This incident, however, brought forcefully home to Senator MCMILLAN the fact that the city of Detroit had no free hospital where the unfortunate poor could be admitted and cared for "without money and without price." This condition appealed to his generous, sympathetic nature and prompted him to immediately inaugurate a movement which, with the generous cooperation of others, resulted in the erection of Grace Hospital—a memorial to the memory of the sainted dead and a free asylum to the unfortunate living.

But his benefactions were not confined to instances of charity. He sought opportunity to give where by so doing he could promote the interests of deserving young men. His business offices were the training school for young men of business ability, and he always counted it among the greatest pleasures of his life that he had been able to assist so many young men to a successful business career.

In his political affiliations he was always an ardent, consistent Republican, but he was never an extreme partisan. To the fundamental principles of his party he was devotedly attached, and to them he maintained a steadfast allegiance in victory or defeat and sought by every legitimate means at his command to secure their establishment and continuance in governmental affairs. It is doubtful if in the beginning he had any ambition for public life or dreamed of political preferment, but when the standard of his party fell from the strong hand of the intrepid Chandler, and his party called him to duty, he took the work of party leadership with the same courage and confidence that had characterized his business life and in more than one hard-fought battle led his party to victory. He exhibited in the political field the same sagacity and fixedness of purpose which have characterized his business life, and the great body of the party came to lean upon him with implicit confidence and followed his directions with unquestioned faith. He became the recognized leader of his party in the State, as he had been the acknowledged master of the business interests intrusted to his charge.

His fidelity to his party and the confidence reposed in him by the great body of the people singled him out for promotion to a seat in this body, and on the 4th day of March, 1889, he took his place in this Chamber as a Senator from the State of Michigan, a position which he retained, with ever-increasing influence, until the day of his death. Thrice elected to the Senate, and sometimes by the unanimous vote of the legislature, he retained in a remarkable degree the allegiance of the people and commanded their universal confidence and esteem. Of his services in this body others with more extended knowledge can more fittingly speak; but I hazard nothing in saying that, while not a ready debater on the floor of the Senate, yet his words always commanded attention and carried conviction, while in the committee room, where all legislation is formulated and matured, he was a wise and helpful counselor and a recognized power in constructive legislation.

His long training in business affairs gave him a grasp of public questions which few possess. He brought to the discharge of his legislative duties in this body, always important and many times perplexing, not the learning of the university nor the uncertain conclusions of the mere theorist, but he commanded rather a practical and comprehensive knowledge of business affairs in all their varied ramifications, acquired in the school of experience, which enabled him to grasp and comprehend the fundamental principles upon which all just and enduring legislation is founded. He was, therefore, specially fitted for the discharge of legislative duties in these times. This is preeminently a business age—an era of marvelous industrial activity and development, giving rise to new and complicated conditions requiring for their adjustment the most patient examination and conservative judgment.

Could the life of Senator MCMILLAN have been spared and prolonged to the close of the term for which he was elected, enabling him to participate in the deliberations of this body in connection with the industrial problems now confronting us, I have no question but that his long and varied experience in business affairs, his incomparable judgment and conservative character would have contributed in no small degree to their just and successful solution. But his untimely death has deprived the country of his wise and helpful judgment. He will be missed in the Senate, in the committee room, in the councils of his party, in the business arena, in the marts of trade, in the State and the Nation, and most of all in the now broken circle of family and friends, who will hold his memory in enduring affection through all the years to come.

As we looked into his face for the last time and recalled his manly virtues, his Christian character, and his exemplary life, our lips involuntarily voiced the words of Tennyson:

> O iron nerve to true occasion true,
> O fall'n at length that tower of strength
> Which stood four-square to all the winds that blew!

But on such an occasion speech is impotent.

> Nothing can measure his high character but heaven;
> No monument set off his memories
> But the eternal substance of his virtues—
> To which I leave him.

Mr. ALLISON. Mr. President, this day has been set apart by the Senate as a memorial day to enable his late associates in this body to give proper expression of their appreciation of the work, the worth, and the public services of the late Senator MCMILLAN during the period of his membership here as a Senator from the State of Michigan. I wish to contribute briefly to this expression. These exercises are not perfunctory in their character,

They are based upon the friendship and esteem of his associates for him as a Senator and as a man, and to enable them to give utterance to their appreciation of the value of his work here, and of his counsel upon the public questions which from time to time have appeared for consideration and decision by the Senate.

His colleague [Mr. BURROWS] has spoken at large upon the leading incidents and events of his life. These disclose that he was essentially "the architect of his own fortune," and that by his own unaided efforts he made his way to the high position he held at the time of his death. He was a business man in the broadest sense, and achieved great success as such before coming to the Senate.

He was born of Scotch parents in one of the Canadian provinces. When still a young man he removed to Michigan, and made his home in Detroit. He quickly won the confidence and esteem of its leading business men by integrity and industry and by showing capacity and foresight as to what could be done and what ought to be done for the growth and development of that city.

These characteristics soon enabled him to associate himself with others having like qualities, and also having capital to invest in enterprises which he believed would be remunerative. So at an early age he became largely interested in some of the most prosperous manufactories of the city, many of them being organized by him, and he was intrusted by others with large affairs, in that way soon becoming one of the leading factors in the business of that community.

He became interested in the transportation interests on the Great Lakes, providing vessels for a constantly increasing commerce, and he also connected himself with, and became financially interested in, several of the banks of the city. All these interests were closely interwoven with the growth of Detroit.

He took a deep interest in the municipal affairs of the city, especially as related to its development and beautification. Anyone now visiting Detroit will recognize it as one of the most beautiful, if not the most beautiful, city in the United States outside of this capital; its streets and avenues radiating from a common center and splendidly improved, leading to parks and spaces, beautified with drives and walks, lawns and trees—all for the use, comfort, and recreation of the people. He gave much attention to this subject and his mind and heart were in the work.

Detroit was originally planned by the same accomplished engineer who laid out the city of Washington, but a plan on paper is of little value, as we know, unless there is energy, public spirit, and good taste in its execution, coupled with some sacrifice by the taxpayers, whoever they may be, to provide the necessary means for such improvement. Senator MCMILLAN favored such expenditures, believing them to be wise, useful, and beneficial. He contributed largely to public and private beneficences, founding hospitals and providing for their maintenance.

These characteristics made him a leading and distinguished citizen of his home city of Detroit and of the State of Michigan. His enterprise, his success in business, and his beneficences were not confined to the city in which he lived, but were extended to many parts of the State of Michigan. Thus, he was well known in his own State, and generally in the Northwest, before he came to the Senate, for his business activity, energy, and success, as well as for his philanthropy.

Absorbed in business as he was during the earlier period of his life, he did not, as I understand, take a very active part in what are usually called the political affairs of the State, but as a Republican he supported the leading policies of his party and contributed largely to its success.

When the late Senator Zachariah Chandler, who had rendered his State and country distinguished service in the Senate and in the Cabinet during a most critical period in our history, and who at that time was regarded as the most eminent citizen of the State of Michigan, relinquished the chairmanship of the Republican State central committee, Mr. MCMILLAN was fitly chosen as its chairman, which brought him into the active politics of the State, to which position he was many times reelected, though neither seeking nor holding public office.

A vacancy occurring in the Senate in 1889 he was elected by his party as a member of this body, having been unanimously chosen by the Republican members of the legislature, the people of that State believing what we know by observation and experience, that those who are successful in their own business affairs because of their enterprise, energy, and probity, have the training and the qualifications which are of the greatest value in the consideration of the many public questions which are necessarily submitted here for decision, as all the great interests of our country are affected for good or ill by our legislation from year to year or by our failure to legislate when the public necessity requires.

Though the late Senator MCMILLAN came here with little knowledge, perhaps, of the traditions and methods whereby legislation is accomplished or fails, he came well equipped for the real duties of the place, having a wide knowledge of the material interests of our country as respects its varied productions and their distribution, as well as of the great currents of trade, both internal and external. These qualities soon became known to his colleagues by association in the committee room and on the floor of the Senate, and consequently he early took high rank as a Senator in this body.

On his becoming a member of the Senate he was appointed a member of the Committees on Agriculture, District of Columbia, and Post-Offices and Post-Roads, and was made chairman of the Committee on Manufactures, all of these being committees of importance.

The Senator's activity and interest in the growth and beautification of his home city naturally led him to take a deep interest in the local affairs of the District of Columbia, and he soon became the leading spirit in the consideration of all questions relating to the District coming before that committee. He became active in promoting improvements by opening and improving streets and avenues and by improving and beautifying the parks and open spaces for the health, comfort, and recreation of the people dwelling or sojourning here.

He also took an active interest in the water supply, the sewerage system, and other general improvements of like character. Of the first named, after an exhaustive examination by his committee of the various filtration systems, he made a report recommending a plan for such filtration, which was adopted by Congress and is now in process of execution, which will give the city of Washington and its people, within the next two years at farthest, a full supply of pure water now so much needed. His zeal in behalf of these various improvements was most conspicuous after he became chairman of the committee, in 1895.

He devoted much time during the last years of his service to the promotion of the general beautification of the city of Washington by having a comprehensive plan prepared, under the direction of his committee, with the view that all subsequent improvements should be made as nearly as practicable in accordance with such plan, so that the money gathered here by local taxation or by appropriation from the general Treasury should be expended, whether in the immediate or more distant future, according to such plan, so that instead of making improvements in a haphazard way future improvements should be made in accordance with a comprehensive scheme, having in view convenience, order, system, utility, and beautification. It was not intended or expected that this plan, thus worked out by the aid of skilled architects would be completed for many years, but that when completed the streets, avenues, parks, spaces, and public buildings would be so coordinated and correlated as to make this capital one of the most beautiful, if not the most beautiful, in the world, and worthy in every way of the great country whose power and glory it symbolizes. This was the hope of the late Senator, Mr. MCMILLAN, and that it will in the main be realized as time goes on I have no reason to doubt.

Although Senator MCMILLAN gave constant and assiduous attention to the affairs of this District, a few instances of which I have enumerated, and because of it won the affections of its people, he in no wise neglected the wider interests of the entire country or of the great section of which Michigan constitutes a part.

His experience in the building and running of ships on the Great Lakes led him to take a deep interest in the rebuilding of our Navy, and he was assigned to the first vacancy in the Republican memership of the Naval Committee, where he performed signal service in the consideration and perfection of measures looking to a reasonably rapid growth of our Navy, and was a valuable member of that committee at the time of his death.

About the same time he also became a member of the important Committee on Commerce, having charge of all the great subjects relating to our waterways, rivers, harbors, etc., and making large appropriations during each Congress for their improvement. Living midway of the Great Lakes, he had special and intimate personal knowledge of the increasing needs of the rapidly growing commerce of that region, and contributed largely of this knowledge and his own experience in the adjustment of measures affecting it, and his judgment respecting such measures had great weight. But upon that committee, as upon every other, his vision was wide enough to include the material interests of the whole country, and he favored making appropriations in aid of our commerce wherever they could properly be made to enlarge and expand it. Such are the vicissitudes of the committees of the Senate that, although placed upon that committee as late as 1895, at the time of his death he stood second in rank to its present able and efficient chairman.

At the beginning of the present Congress Senator MCMILLAN, in addition to the other duties assigned him, was made a member of the Committee on Appropriations, an important service, for which he was well equipped. Here he rendered valuable assistance in the consideration of bills appropriating money during the last session, and notably in aiding in the preparation of a measure revising the tax system of the District of Columbia, exceptional conditions requiring such revision on the District appropriation

bill. The loss of his service on that committee is and will be deeply deplored.

From this brief recital it will be seen how important was the legislative career of our departed friend, and how closely he was related to all the great measures considered by the various committees of which he was a member and finally crystallized into law by the two Houses of Congress.

It must be said of him that he was constant, assiduous, and patient in the examination and investigation of every subject committed to his care, and that his judgment and counsel were of great value, bringing, as he did, to the consideration of all subjects wide knowledge, great experience, and sound common sense.

In all his relations with his associates in the Senate he was amiable and courteous in a marked degree, considerate of their views and opinions, and he invariably sought to be impartial in his judgments, without reference to locality or to party differences.

These qualities won for him the esteem and affection of all his associates here, and his loss is deeply deplored by every Senator who served with him.

I have spoken chiefly of Senator MCMILLAN as a Senator; but that is not all that should be said of him in giving an outline of his character.

He was an ideal man in his conduct in all the varied relations of life. He was a just man, following the Golden Rule in all his transactions and associations. There was no man whose character was more spotless, whose sense of honor and justice was more keen, who contributed more liberally, according to his means, to public and private charity, or who was more willing to relieve distress as it appeared. Though unassuming in manner, he was dignified and well poised. No one feared to approach him on any subject, knowing that he was certain to receive respectful attention. Whole souled and sympathetic, those in distress were sure to find in him sympathy and relief. Generous but unostentatious in his charities, he was always contributing liberally to worthy objects.

Socially he was a general favorite and always a welcome guest. His home was a most agreeable and hospitable one, where friends and acquaintances were always cordially welcomed. Genial and warm-hearted in his nature, he was fond of the society of his friends and companions, deriving constant enjoyment from his agreeable intercourse with them. Here his manners were easy, prepossessing, and unaffected. He possessed a charming and winning personality. There was a warmth and directness in what he said and did that won and held the esteem and affection of those with whom he came in contact.

He was a valued friend—none more faithfully cherished, none more loyal and true. His friends knew well that, whether absent or present, no disparaging suggestion would come from him, nor was he ever found wanting in fidelity and zeal on their behalf when occasion required.

In his home he was unexcelled in virtue and purity. He was the guide and exemplar of a lovely household, with a devoted wife of high intelligence and amiable disposition, sympathizing with and aiding him in all his ambitions, struggles, and successes. Grouped around them were devoted children, always ready to contribute their part to make the household an ideal one, free from the slightest friction or discord. The atmosphere there was pure and healthful. Whoever crossed its threshold found a hearty welcome and a genial hospitality. His noble and generous example in all these respects may well be emulated by those who survive him.

In that home his death left a deep and abiding sorrow, and with it is blended the sorrow felt in this Chamber by all who had the fortune to be associated with him and who felt the kindly touch of his companionship. His loss will be deplored, not only by the people of his own city and State, but by the people of the entire country.

We to-day pay tribute to his eminent public service, to his worth as a Senator and as a man, and will long cherish his many noble qualities of mind and heart. To me the death of Senator MCMILLAN is a peculiar and personal grief, for I knew him long and loved him well.

Mr. COCKRELL. Mr. President, again the Senate of the United States is called upon to suspend its legislative duties and labors to pay the just tribute of respect, friendship, and honor to the memory of a deceased member, Hon. JAMES MCMILLAN, late United States Senator from the State of Michigan.

Hon. JAMES MCMILLAN was born on May 12, 1838, in Hamilton, Ontario, Canada, of Scotch parents, who emigrated from Scotland in 1836 and settled in Hamilton.

His father, William McMillan, was prominent in railroad and business affairs, and gave his son James the best educational facilities obtainable preparatory to a professional career in life.

The son, however, had definite ideas of his own for his future life work.

From his parents he inherited a strong body, a vigorous, well-balanced mind, steady, persevering energy, laudable ambition, exemplary habits, high moral ideals, and self-reliance.

At the age of 14 he left school and was apprenticed to a hardware merchant, and faithfully and industriously served his probation of four years, during the last year having practically control of the business.

His apprenticeship ended, he had flattering business offers made him in his native land, which he declined. Believing there were much better opportunities for his future success and life work in the United States than in his own country, he came to Detroit, Mich., a stranger among strangers.

He secured employment as a clerk in a wholesale hardware store and gave the business his closest attention for two years, when the panic of 1857 compelled the company to retrench, and Mr. MCMILLAN had to go, with many others. His thorough business qualifications had become recognized, and he soon secured the position of purchasing agent for the Detroit and Milwaukee Railroad, the duties of which he discharged with such fidelity and integrity as to attract the attention and admiration of Mr. Samuel C. Ridley, who was the contractor for the construction of the railroad from Lowell to Grand Haven, and who secured his service to employ men, purchase supplies, and transact the financial business. Whilst engaged in this work in the absence of the contractor, he had an ordeal to test his young manhood, practical experience, and sound judgment.

Some pressing contract work had to be done promptly. The men employed went on a strike and quit work.

Undaunted and undismayed, young MCMILLAN made his appeal to the striking men, and by his open, frank, manly, honest, sensible talk and unassuming ways he induced the strikers to return to their work and achieved a decisive victory, when only 20 years old, in a situation which would have been a severe test for a much older and more experienced man. When the contract was completed, in 1861, he declined an offer of the same contractor and went back to his former position as purchasing agent. He had now been married to Miss Mary Wetmore, a most estimable and worthy young lady, and went to housekeeping, on a salary of $60 per month, in a modest little house in the rear of the palatial residence afterwards acquired and in which he resided at the time of his decease, and from whose back windows he could look down upon the humble home in which he and his young bride began their married life with economy, frugality, and industry, hoping, aspiring, and laboring for more prosperous days and conditions. He regularly attended the Presbyterian Church and gained the confidence, esteem, and respect of the good people, and never lost them to the day of his death.

His pathway to success in business affairs was not strewn with flowery beds of ease and constant success.

He had his trials and failures. His unquestioned integrity, his close attention and devotion to his duties, his practical, common-sense judgment, his honorable business methods, his straightforward, manly, unassuming ways, and his genial, cordial, friendly disposition inspired universal respect and confidence and enabled him to triumph in the end over all failures and reverses and to achieve wonderfully lucrative results for himself as well as for many others with whom he became associated in the many business corporations and enterprises in which he engaged and with which he became associated. Detroit is a large manufacturing center. Many of the largest industries of the city owe their initiative to JAMES MCMILLAN, in which he was interested either as stockholder, director, or officer. To read the list of these industries and enterprises in which he was so engaged is like reading a fairy tale. We wonder how it was possible for him to have done so and to have become so potential a factor in their management. His financial success was not attained by penuriousness. On the contrary, he was liberal and generous to churches, schools, and all charitable and eleemosynary enterprises.

These numerous business enterprises and investments were necessarily a severe strain upon both his mental and physical powers. Notwithstanding these constant demands upon his time and energy, he always took a lively interest in public affairs.

Politically Senator MCMILLAN was a strong Republican, but never partisanly offensive. In 1874 he began an active participation in political affairs, was a member of the Republican State central committee, and in 1879 he succeeded Hon. Zachariah Chandler as chairman of the State central committee, and was repeatedly reelected to the same position.

In 1889 he was the unanimous choice of the Republican members of his State legislature, and was elected to succeed Hon. Thomas W. Palmer for the term beginning March 4, 1889. In 1895 he received every vote in the joint legislative convention for reelection. He was reelected in 1901 for the term expiring on March 3, 1907.

At the time of his death he was chairman of the Committee on the District of Columbia and a member of the Committees on

Appropriations, Coast and Insular Survey, Commerce, Corporations Organized in the District of Columbia, Naval Affairs, and Relations with Cuba.

He was an industrious, intelligent, faithful, and worthy Senator, and took an active part in shaping the legislation and conducting the business of the Senate, and wielded a strong influence.

From a party standpoint his speeches on the controverted questions of the tariff and finance were forceful and effective.

He indulged in no oratorical display, but relied upon plain statements of facts and figures, and arguments therefrom, and was methodical and painstaking in his duties and his efforts.

My personal acquaintance with him began with his entrance in the Senate, and as the years passed by and our duties drew us into personal and official relations our friendship and confidence grew and strengthened and we became warm personal friends. I respected, admired, and loved him for his many noble, manly, cordial, genial traits and characteristics. I was sincerely grieved when I read in the morning press the announcement of his untimely death in the prime of life, in the meridian of his usefulness in the country and among the people of his adoption, and in the fullness of the honors his State and the people of his country could bestow upon him. It was my sad privilege to be one of the members of the Senate appointed to attend his mortal remains to their last resting place in the city of his adoption, among the people with whom he had been intimately associated from his boyhood to his mature manhood in all the varied relations of life, as husband, father, citizen, business man, political leader, and United States Senator.

The very large number of people of all conditions who assembled to attend the last sad rites and their expressions of sorrow and grief were strong and unmistakable manifestations of their respect, confidence, admiration, and love for their dead friend, and verify that "A good name is better than precious ointment." While we sincerely mourn his death and tender to his stricken wife and family condolence, it is most pleasant to be justified in pointing the youth of our great country and good people to the useful, successful, honorable, and illustrious career of Hon. JAMES MCMILLAN as an inspiring example of the possibilities before them under our benign systems of government, national and State, the best ever yet devised by human wisdom for a free, independent, and intelligent people.

Mr. MORGAN. Mr. President, as we understood Senator MCMILLAN, he was a good man, a just man, and, as God knows him, we believe that through His grace, he is a just man made perfect, a standard that no man can attain to through his unaided effort.

It is what is left to us of the record of his life, his works, and his example that we are permitted to speak; and it is a happiness that we can speak, without reserve and with pleasure, of his character and his conduct as a Senator.

No man has lived, or will live, whose abilities, learning, purity of character, or of speech, or thought, or action, lift him above the true measure of the dignity of a Senator of the United States, and no breadth or depth of learning or wisdom with which men may be endowed will reach beyond the scope of the demands of that great office.

In statesmanship and jurisprudence, in the art of government with civic or military abilities, in the duties of the world's household, where all nations comprise a family, the American Senator has a place that is as high and influential as that of any potentate, and his voice is heard in the councils of kingdoms and empires, on questions that affect all nations, though it is uttered in the executive sessions of the Senate with closed doors.

In those great powers the fate of nations and of limitless millions of posterity may hang upon his single vote.

In legislation he is the peer of the direct representatives of the people in Congress assembled. The scope and majestic sovereignty of this power is beyond description in words or by any reference to other systems of government.

Eighty-five millions of people, furnishing through local organizations the motive power of this great Republic, yet so restraining it that it can not lawfully do hurt to the least of them, and inspiring a wonderful representative sovereign power with wisdom and vitality drawn from the minds and hearts of a great race, are the true fountain springs of the legitimate government of mankind.

When this vast and varied aggregation of mental, moral, and civil forces is analyzed and the strength of each fiber is accounted for in the great result, the House of Representatives of the people is not less powerful than the greatest tribunals that have ever assembled.

The Senate shares with them these great functions and powers in a form more concentrated, in which the States, as constitutional sovereignties, are equal in power throughout the Republic.

This union of popular and State power in the Senate, and its coordinate relations with the House of Representatives, comprises a political supremacy, resting in Congress, that has no superior and is subject to no restraint, except the limitations of the Constitution and the powers reserved to the States and to the people. The Senate, therefore, is conspicuous for the breadth of its influence in government and for its strength.

Our members are so few that our responsibilities are, individually, very great.

To say of a Senator that he measures up to the duties and opportunities of his office in their widest field is to speak of a man who has not yet appeared in this body. To say of a Senator that he has devoted good abilities, with conscientious fidelity and industry, to these high duties, and has achieved a creditable success, is a eulogy which a king might well desire to earn.

This, and more can truthfully be said of Senator MCMILLAN.

There was, in addition to his civic virtues and the many excellent contributions he has made to the success of the Government, a charm of elegant refinement in his deportment as a Senator, and a genial warmth of good will toward all his associates, that have left for him a place in the esteem of the Senate which will always be cherished by those who shared in his labors.

It is a happy augury for the higher and purer civilizations that seem to have followed the sun, through many ages, in its visitations to equatorial regions, and to have prospered under its nurture, that the vandal races have lost their power to oppress the world, and their ancient haunts and breeding grounds are becoming centers of light and nurseries of the highest morals and of the noblest sentiments. It is a still happier circumstance that the Western Hemisphere has never been the nursery of such invading hordes of Northmen.

English and French pioneers occupied the vast region between the frozen sea and the lake region on our northern border, and changed the haunts of savage races to the dwelling places of civilized and Christian peoples. That grand and fertile region that is under the scepter of the British Empire is a leading contributor to the wealth and civilization that are distinctively American and have their center in this Republic.

Many of the excellent natives of the Dominion have been drawn to this center by its marvelous progress toward the zenith of human endeavor, while few have left us to find better government or greater social or industrial advantages or happier homes.

Among those who have come to the United States to find a home among our people, none have been more prosperous or more worthily honored or more justly esteemed for noble qualities than the youth, born in Ontario, who found a loved home in Michigan, honors and wealth among the generous people of the State founded by the grand Democrat, Lewis Cass, and a place in the Senate of the United States that was made illustrious by that great American Senator.

This was the happy result of our open doors and open hearts, that invite the nations of the world to share with us the blessings of free, constitutional, republican government, and to compete with us in every honorable work for the good of mankind.

I have not known that Senator MCMILLAN, in his Senatorial career, was tempted by that mad partisan zeal or was exposed to those consuming fires of personal ambition or covetousness that sometimes burn and rage in the furnace of trial in this Chamber. If he was, he triumphed over these enemies of American honor and celebrated his victory by presenting, in his conduct, a true example of an incorruptible and faithful American Senator.

In no act or utterance of his has the escutcheon of this great Republic been darkened with any shadow or wrong or impropriety; but his noble and gentle bearing gave universal credit to his sincere and courageous loyalty to his convictions and to his adopted country, and made his proud and statuesque form the admiration of the Senate.

Michigan opened her hospitable doors to welcome the foreign-born youth from Ontario, and again, with bowed head and reverential sorrow, she has opened her bosom to receive his honored ashes, borne to her by tender hands from the Senate of the United States.

Mr. PLATT of Connecticut. Mr. President, Carlyle, reviewing Lockhart's Life of Walter Scott, after discussing the question whether he had achieved greatness and was to be compared with such authors as Shakespeare, Milton, and others, summed up his estimate of Scott in the following words:

> It can be said of him, when he departed he took a man's life along with him. No sounder piece of British manhood was put together in that eighteenth-century time.

Following Carlyle's conception, I think I can with truth say of Senator MCMILLAN, "When he departed he took a man's life along with him," and was as complete a piece of American manhood as our times have produced.

I can think of no greater praise, no juster tribute than this; for,

after all, what is real greatness and true success except the development of those qualities which we summarize and emphasize in that one word, manhood. It touches every sweet and attractive, as well as noble feature in the life of a man. It is a word difficult, perhaps impossible of definition; and yet it is something which we recognize and appreciate without definition. It signifies all that a man ought to be in this world, and it signifies more than that, the one possession which a man can carry out of this world into the next, a possession which is to constitute the foundation of a new career in a new life under new conditions. It is a possession which inspires respect, admiration, love, in enduring form. It signifies character, and all that character implies; so when I say in this brief tribute to my associate and friend that it was his genuine, rounded manhood which inspired my respect and affection, I have said all that I can say, either to express my deep sense of loss or my estimate of the man.

Others have spoken of his Senatorial life and service, of his ability, of his integrity, of his industry, of his keen perception and sagacity, of his purposeful convictions, of his unlimited knowledge of public affairs, of the trust which was reposed in him, of the service rendered by him not only to his constituents, but to the whole country. All this that has been said of him is true, the language already used is but the language of justice, but it could not be true or just if it were not for the eminent degree in which he possessed not only these qualities, but all those other human qualities which go to make up that thing which we call manhood.

What an example and inspiration is such a life. Men if they are worthy the name strive with all their might for success. According to the different standards of life which men may adopt, they desire to be distinguished and conspicuous. One may seek fame, another may aspire to power, one may desire great wealth, another to explore the realms of science, one to be considered an orator, and another a genius, a philanthropist, or a statesman; to such men there comes the ambition so to live that it may be said when they are gone that they were conspicuous examples of success according to their idea of what constituted success in life; but I know no epitaph which can be placed on a tombstone which so fully expresses and emphasizes my ideal of a successful career as this: "He was eminent in his manhood."

Senator MCMILLAN was my associate here in the Senate for more than thirteen years. There was a phrase in more common use a few years ago than at present which spoke of a man as living in "the keen, bright sunlight of publicity." Senator MCMILLAN lived here, as always, in that sunlight. Indeed, all men honored by their constituents with a seat in the Senate must perforce live in that sunlight. Their action, their motive, their life is not in secret; it is in public. We come to know and appreciate our associates and our comrades for what they really are. They find their duties and their work prescribed for them here by the estimate placed upon them by their associates. Judged by this estimate, Senator MCMILLAN was one of the most respected, most trusted, and honored members of the Senate.

The interests of a great people like ours are wide and varied, vast and important. They touch the very heart and core of national life and national development.

Problems which confront us daily affect human happiness and human development as nowhere else in the world. To care for such interests, to solve such problems, requires not only a great fund of knowledge and information, but the soundest judgment in complicated affairs.

I pass by the work of Senator MCMILLAN as chairman of the Committee on the District of Columbia. The interests of a great capital city are, by our laws, placed in the keeping of that committee. So well was that work performed that its conclusions as reported to us by its chairman were scarcely ever questioned. The city of Washington has no mayor, it has no legislature, but the chairman of the District Committee combines in himself the functions of both the mayor and common council and performs the work which in other cities is performed by that official and that body. It was no light labor; it was wearisome and ever unappreciated, but it was an important work nobly performed.

I pass by his service on this committee to speak of the fact that the great and important interests of the nation are considered nowhere in larger measure than in the three great committees, Appropriations, Commerce, and Naval Affairs, upon all of which our comrade served with honor and distinction, in all of which his conclusions were most influential, in all of which he rendered great service to our great country. Senator MCMILLAN never sought committee assignments; he cared little or nothing for what is sometimes called rank in committee service. He was placed on the committees which I have named solely because of the estimation in which he was held by his comrades. They felt that his service was needed there; that these qualities of which I spoke in the beginning, which go to make up manhood, were not only needed, but imperatively needed, in a man who should serve on these great committees. We know of the service performed there; we know, as the public can not know, of the benefits arising to the whole nation from such service.

A Senator primarily represents his State and its interests in this body, but in a larger and wider sense he represents a nation and its interests. He must, therefore, be broad rather than provincial. He must see not only the immediate supposed interests of the one State whose representative he is, but his eye must explore and take in the interests of all States and of all the people in all the States. Much as Senator MCMILLAN was honored by the people of his own State, full as was the confidence which his constituents reposed in him, he was more highly hon ored by us as a representative of the nation, and the confidence which we gave him, large and in full measure, was as a Senator of the United States.

He was not an orator; he was not a genius; he laid no claim to brilliancy; but he was in the best sense a man who accomplished things, and whose every act tended to the enrichment of his fellow-men, and especially of the people whose true interests were never absent from his thought and purpose. We miss him, we mourn him; it seems as if his place with us could never be fully occupied by others, but in his absence we respect and admire and love him as we did when we enjoyed the delight of his presence and comradeship.

There is after all, when a man lives such a life as JAMES MCMILLAN lived, some consolation to those who survive and mourn him, and not the least, indeed, the greatest, of the consolation which I feel is that I may truly say of him, "When he departed he took a man's life along with him."

Mr. HALE. Mr. President, so much has been said, and so well said, by the Senators who have gone before, that I shall content myself with a brief personal tribute to him whom we so unaffectedly mourn to-day.

Senator MCMILLAN had led a most active life, in which almost everything he touched turned to success. In the great business which he managed and in his outside ventures and investments his wisdom and sagacity carried him past all the perils that beset the business world, and at the time of his death he had accumulated a great fortune, the beginning of which almost entirely depended upon his constant and resolute activities. I think he owed very little to accident or blind fortune.

In this struggle he distanced almost all competitors, and, Mr. President, it can be said truly of that great fortune that not many men ever made such a trust so largely for the benefit of others. In every place where the late Senator was well known the list of his benefactions is a long one. They were silent and unobtrusive, but they ranged through a very great realm. He lifted up the downtrodden; he relieved the distress of the poor; he imparted life and spirit to every form of enterprise that came to his notice. He was one of the men who made two blades of grass grow where one had grown before.

And when later in life he launched his bark on the rough sea of political life, the same qualities that had insured success in business—honesty, activity, ambition, with the bedrock of integrity and hard work—carried him almost at once to the leadership of his party in the great State which he so well represented here for so long a time.

In this body these same qualities brought him to the front. They were conspicuous here, and illuminated his pathway as they had in other walks of life. At the time of his death he was upon some of the greatest and most important committees of this body. There he always made himself felt, and, though not a frequent talker, he was always listened to with attention, and the measures of which he had charge were almost always passed by by an approving Senate.

I suppose, Mr. President, I may say that in the Committees of Appropriations, Naval Affairs, Commerce, and the District of Columbia it will be very hard for the Senate to fill his place. These great committees cover a very wide range of action and of service. The distribution of the revenues of the Republic, all the wide interests that are associated with our great commerce, the maintenance and expansion of the Navy, and the care which the nation gives to the District of Columbia, present to the mind, when stated, a wide field for the services of a Senator and a statesman.

Out of all this, Mr. President, this life of activity and ambition, Senator MCMILLAN brought a nature of exceeding gentleness and sweetness. I do not think in twenty years of service in this body I have ever known a Senator for whom all his associates had so great an affection. To some of us who knew him very well the void that was made by his death will never be closed. The love that we had for him can not well be expressed. His generosity, his thoughtfulness, his wide charity for the faults and failings of others, his abounding hospitality, all made of his life a sweet song, the notes of which are still vibrating.

I can add nothing to the sincere and touching words of the Senator from Iowa as to the beauty of his domestic life, where he was always at his best.

We shall go our ways, Mr. President, without him; but, looking at that vacant chair, I feel that the Senate Chamber will never be just what it was when he was with us. I am sure, Mr. President, that the world was better for our dear lost friend having lived in it.

Mr. FOSTER of Louisiana. Mr. President, it was a true and trite saying of the ancient Romans that nothing should be said of the dead but that which was good; but it has been also said, with equal wisdom, that we owe nothing to the dead but the truth. While we should refrain from unjust criticism and censure of those who are no longer here to defend and protect their memories from attack, we should similarly avoid that fulsome flattery and high-sounding eulogy which serves only to detract from the true measure of one whose life has passed into history. Above and beyond all, it should be the paramount duty and the office of those who seek to perpetuate the just memory of the dead to draw the moral from a good and great man's history, his acts and services, which tends to elevate humanity and benefit his surviving countrymen and make the world better for his having lived on earth.

With these guiding principles in view, I venture in a brief way to join in these memorial exercises of the distinguished dead. Coming as I do from a State bordering on the "summer sea," almost the extreme Southern boundary of our country, and the deceased Senator from the Peninsular State, almost at the extreme northern boundary, differing as I did and do from him in many of the political principles in the administration of our Government, I feel that in what I say I can not be justly charged with undue bias, when I seek to pay an humble but no less sincere tribute to his memory.

To my mind, at least, the most useful and impressive lesson of his life lies in the forceful example which it affords to the youth of our common country as a stimulus and incentive to honorable aspiration and successful effort, however lowly and humble may be their origin and the condition of their environment. It is from the contemplation of such lives as that of the late Senator that our posterity should learn the great lesson that in a country such as ours the avenues to a competency, yea, even to great wealth, as well as to the highest honors of the Republic, are ever open to the industrious, honest, and ambitious of our young men, however modest may be their stations in life.

Springing from sturdy Scotch stock, and inheriting from his Gaelic ancestry those traits of industry, frugality, economy, and perseverance which have marked the careers of so many of our most successful leaders in the fields of finance and statesmanship who came from kindred parentage; born in Canada of parents whose limited means confined and restrained his early education to such training as the ordinary common school of that day usually afforded, we find young McMILLAN at the early age of 14 years earning a scant livelihood at the nominal wage of a clerk behind the counter of a hardware store in Hamilton, at a period when that now prosperous city of the Dominion was little more than a straggling and sparsely settled country village.

At the end of these four years of his novitiate in commercial business, hopefully ambitious, confident, and self-reliant in the ability that was in him, boldly aspiring to a wider field for the development of his business talent, he then emigrated to Detroit, there to make his future home in his adopted State of Michigan, and before he reached his majority in his new residence he had won his way to trusted and responsible employment in the fulfilling of large and important railroad contracts.

Progressing ever upward and onward, amassing little by little, by dint of unflagging industry and rigid economy, a limited capital, and then associating himself with other young men similarly circumstanced, he embarked in the establishment and carrying on of car-building enterprises, which at first conducted on a small scale gradually extended in a larger measure to other car works and various other financial enterprises in half a dozen or more growing railway centers. The successful conduct of these undertakings was largely attributable to his business sagacity and administrative ability, and his indefatigable attention to the details of operation and management of a trade which employed 2,500 persons, and gave an average of from $3,000,000 to $5,000,000 in receipts and expenditures per annum.

Thus, by close attention and industry, when he had barely reached middle age, at a time when most men have only begun to accumulate a competency, he had attained great wealth, his fortune at the time of his death being estimated at $15,000,000, although during the greater part of the last twenty years of his life he had practically retired from active business operations. With this great wealth he provided liberally and generously for his family by affording them every advantage, comfort, and luxury, giving to his children the opportunity of finished educations and starting his sons on their business careers.

Mindful of the great disadvantages under which he had begun life, especially for the want of a college or university training, his public donations were lavishly distributed to educational, religious, and benevolent institutions, which amounted in the aggregate to hundreds of thousands of dollars. Those who knew him best and most intimately assure us that these public gifts were equaled by his private charities, for he was one of those who "do good by stealth and blush to find it fame."

Such was his private life; a devoted husband and affectionate father, a public-spirited citizen and benevolent philanthropist. His public life is an open book, and the distinguished services to his adopted country rendered by him while a member of this body are so much better known to the older Senators, longer members of this body than myself, as to render it useless for me to descant in detail upon their importance and value.

His close attention to duty, his untiring industry, and his practical wisdom made him a prominent leader in this Senate. With no pretense to oratory, with no especial claim to prominence as a debater, he so handled measures of large importance with such skill and ability as to carry them to a successful fruition. While his advocacy of a measure was seldom, if ever, marked by fervid eloquence or studied rhetoric, it was always characterized by a thorough mastery of the subject in all its details, and a lucid, forceful, and convincing presentation of his views.

He was what may be termed a safe, wise, and conservative legislator, meeting all public questions with a calm equipoise of judgment, and bringing to their solution a ripened experience and the mature consideration of a thorough student. Especially as a member of the Commerce Committee, over which he often presided, since the senior Senator from Maine became President pro tempore of this body, did he display a wonderful grasp of the many details of legislation intrusted to it and a just appreciation of the interests of the entire country.

He listened attentively and patiently to the demands of the different portions of the Union when the great river and harbor bills were under consideration, and weighed with equal justice their different claims for recognition at the hands of the Government. By his great knowledge of the intricacies of the subject he was enabled to reconcile conflicting differences and do substantial justice to the interests in charge of his committee. As a member of other important committees of this body he rendered conspicuous service and impressed himself upon the legislation of the country.

I believe that all the Senators will bear witness to his affability and courtesy in social converse and in public matters, both in the Senate and the committee room, and especially those of us who are younger and newer members of this body.

Easy of access, cordial in manner, obliging in disposition, it has been a pleasure to be drawn into social and public contact with the deceased Senator. For myself, I cheerfully acknowledge my indebtedness to him in this regard on many occasions. Meeting him for the first time on my entrance into this body, I have since been thrown in intimate association with him on the Committee of the District of Columbia affairs, of which he had been for many years, and continued up to his death to be, chairman, and as such rendered preeminent service, both to the whole country and the District.

Much of the most important legislation affecting the District of Columbia and the city of Washington originated with him, and much which he did not originate owes its adoption and fruition to his energetic and successful advocacy of the same. The system of just local taxation for the District, to increase the revenue with as little hardship to the taxpayer as possible, and the liberal Congressional appropriations for the improvement of the District and city were in large part the result of months of study and labor by Senator McMILLAN and his efforts in securing their adoption. Prominent among the numerous important District measures which owe their origin or adoption to him was that of the creation of a commission for the improvement and betterment of the capital city and the Park Commission. These distinguished services so endeared the dead Senator to the citizens of the District and the city that they often called him affectionately the mayor of Washington.

So great was their sense of bereavement at the loss of their best friend that the residents of this city met in mass meeting at the time of his death to express their grief and mourning, and it was there resolved to erect, by private subscription, a memorial to the memory of their benefactor to perpetuate their grateful acknowledgment of his great services. Whether such a memorial shall ever be erected or not, it will matter not. The great beauties and embellishments of this city are his best mementos.

In the heart of the great city of London, on the site where tradition tells there once stood the Temple of Diana under the Roman domination, there rises the classic pile of the great St. Paul's Cathedral. Its splendid architecture, with its white columns and pilasters, its towering turrets, its magnificent dome, and general

ensemble typify the renaissance of classic art in Britain and is the admiration of all England and the rest of the world. Within its massive walls lie some of the greatest of the Empire's dead.

As the light of day streams through the highly wrought windows and stained glass it falls with its mellowed and softened radiance on the sculptured tombs of England's greatest captain, the Iron Duke, the conqueror of the great Napoleon, and on that of her most celebrated admiral, the victor of Aboukir and the Nile, and on the sepulchers of a host of heroes and of her most illustrious dead in art, science, literature, and statesmanship, all adorned with Latin inscriptions attesting the illustrious service of England's sons.

As the visitor, rapt in admiration of the splendors of the vast edifice, his soul filled with a world of historic memories and the artistic glories of the cathedrial and mausoleum, turns his steps to one of the minor entrances his eye falls upon a small, plain, and unadorned tablet, upon which is carved a simple inscription, "Sir Christopher Wren, Si monumentum requiris circumspice"—the single tribute to the great master architect, whose transcendent genius planned this majestic temple of the living God.

So the founders of Michigan, the adopted State of him to whose memory we this day pay honored tribute, emblazoned upon the shield and coat of arms of the Commonwealth, borrowing Wren's inscription, the legend "Si quaeris peninsulam amoenam circumspice." So can it well be said should any visitor to the national capital, viewing this grand city, admiring its broad and well-kept avenues, its beautiful parks, its majestic buildings, its numerous statues of great soldiers, sailors, and statesmen, its monuments of bronze and marble, and the thousand other ornaments and embellishments of Washington, the magnificent, pause to inquire where is the monument to him who more than all others contributed the larger part to these scenes of beauty and splendor.

The answer would be, look around you, it confronts you on every side. Such will ever be the reminders of McMILLAN, one of the greatest contributors to the improvement and amelioration of the capital city. Such was Senator McMILLAN, the great patron of the District, the enterprising business man, the courteous gentleman, the patriotic statesman, the poor Canadian boy who arose from poverty to well-nigh the highest honor to which a foreign-born citizen may aspire in this Republic.

Passing the milestone which marks the three-score in life's journey, he had entered the lustrum of more advanced age when death met him at the portal of eternity. With a life record of usefulness, in the full fruition of successful endeavor, like the ripened grain of the field, he bowed his head to the sickle of the Grim Reaper to be harvested in the great granary of the hereafter, "with the garnered good of the years."

How grand and proud must have been the retrospect of his latter days. He lived to see his adopted city rising from a population of barely more than a score of thousands when he first set foot upon its streets to more than a dozen fold. What, more than forty years before his citizenship, had been a frontier post had blossomed into a great and beautiful metropolis, unsurpassed in its adornment and public utilities by any city on the continent.

He had witnessed his adopted State grow great in wealth, power, and influence, and strong in the civic virtues of her people until to-day she takes her proud stand in the front rank of the States of the Union, while a magnificent domain, exhaustless in its resources, splendid in its civilization, and superb in its patriotism was established amidst the mountains and the prairies of the great West.

He had seen this Government convulsed by the earthquake shock of civil war, reunited into an indestructible Union, and all sections of our country knit together in ties of fraternal love, and the Republic proudly assuming the position of a world power among the foremost nations of the earth.

Such are but a few of the glories that illumined the life of the dead statesman, and to the proud achievement and attainment of many of which he had contributed in no small way. While his great public and private services were confined to no section, it was to the great and growing West that the best part of his life work mainly and largely enured. It was to such prowess as that of McMILLAN that it owes much of its present proud station, and it is to men like him that it must look to for its continued and increasing growth and prosperity.

To the young men of the West, as well as to those of this whole country, the shining example of his life can be held up as a model for worthy emulation. God grant that it may serve to deeply impress their character as social factors; to stimulate their patriotism; to dignify their citizenship, and elevate their civic virtues, to the end that the great Republic may move to a still higher plane of prosperity, freedom, and good government—an exemplar for all time to the nations of the earth.

Mr. ALDRICH. Mr. President, it was my good fortune to have known Mr. McMILLAN well through all the years of his Senatorial service, and my regard, admiration, and affection for him increased with each successive day of our association. He was essentially a man of affairs, and in a material age, an era of wonderful commercial and industrial development, he was a preeminently successful business man; yet his spirit and nature must have come down to him from some ancestral knight of the romantic age. He was always gentle, chivalrous, and genial. He was admirable in every relation of life, domestic, social and official. The loyalty of his friendship was never disputed. The wisdom of his advice in the councils of his party was always acknowledged.

The statement of his valuable services to State and country, to which you have listened, constitutes a record which must be a never-ceasing source of pride to his friends and an inspiration to those who are to follow him. In that intimate companionship which forms the principal charm of our life here the vacancy occasioned by the death of Senator McMILLAN can never be filled; even the grateful and fragrant memories of the past can not break the force of the ever-present consciousness of irreparable loss.

Mr. CULLOM. Mr. President, but for my great admiration and affection for Senator McMILLAN I would not say one word on this sad occasion.

Only a few weeks ago we were called upon to pay tribute to the memory of a colleague—an honored soldier and statesman. To-day this Senate is again in session to speak words of sorrow on account of the death of another distinguished man, a member of this body, who suddenly passed away during the recess of Congress last summer.

Senator JAMES McMILLAN died, as has been stated, on the 10th day of August, at his summer home by the sea.

Mr. President, but one sentiment pervades this Senate; it is one of grief on account of his death.

In all my experience, and my years are not few, I never knew a man of more splendid qualities of mind and heart. He was a marked specimen of a man in appearance. He looked the noble man that he was. His demeanor was faultless, and he drew men to him, both great and small, by his quiet, yet attractive manner and by his perfect poise and sound judgment. He was a just and generous man. He had, under all circumstances, the courage of his convictions. He made few speeches, but he possessed great power and influence in his State and in the Senate. His colleagues knew his devotion to duty and to the truth. They knew his capacity to discern the right of any question, and usually they were ready to follow him in the disposition of any matter which he had investigated. He was a splendid legislator, and exhibited conspicuous ability and sagacity in the direction and management of any subject in his charge.

He was a model committeeman, and members of committees were always pleased to have Senator McMILLAN placed on a committee with them, not only on account of his capacity, but on account of his agreeable manner of association with his colleagues.

For some years before his death he was chairman of the Committee on the District of Columbia. He was the best chairman of that committee I ever knew. He was a thorough business man, and knew well the needs of the capital city. To the District of Columbia, especially, Senator McMILLAN's death was a great loss. His desire was to do right by the people of this District, and to build up the capital of the nation and make it the pride and glory of this country.

Mr. President, to do justice in all things and by all was a dominating feature of Senator McMILLAN's character. Webster once said that justice is the great interest of man on earth and, quoting him further, he said:

> It is the ligament which holds civilized beings and civilized nations together. Wherever her temple stands, and so long as it is duly honored, there is a foundation for social security and general happiness and the improvement and progress of our race.

Senator McMILLAN was a Christian man and whether engaged in the whirl of business, in the struggle of politics, or in the sacred precincts of the family circle, he was the same dignified, even-tempered, Christian gentleman.

His nature abhorred anything low or deceitful. He was high-minded and generous by nature, and in his dealings with men in his employ he never had difficulty in settling questions of wages or amount of work performed.

I was present on the sad occasion of the funeral of Senator McMILLAN in his home city, where he was known and loved by all. I found that there were many expressions of great grief over his death, not only among the higher and polite classes of the community, but among the men in his employ. They loved him because they had tried him and because they had found him to be always just and generous in his dealings with them.

Mr. McMILLAN as a legislator was careful and conservative. He was a man of peace, both for himself, for his State, and for his country. He believed in conservative action by our Government in its relations and dealings with other nations. He was a wise man in the management of his own affairs, and was a sagacious counselor in determining the safe and wise policy in national affairs.

Mr. President, while our colleague has gone to that bourne whence no traveler returns, and we shall have his presence in these halls no more, we can with pleasure and profit remember his example, his constant devotion to duty, and his deliberate and wise judgment on all important questions involving the interest of the people or the honor of the nation.

Events like these, which produce in our hearts a feeling of common loss, remind us also of our own responsibilities as representatives of the people in the discharge of public duty; and as we cherish the memory of the good and great men who have been with us here may we struggle the harder to come up to the high standard of patriotism and duty made necessary by the exigencies of our times.

Mr. WARREN. Mr. President, what I may say concerning our friend and colleague, Hon. JAMES McMILLAN, whose untimely death we mourn, can not add to his richly deserved good name and fame. Mere words are inadequate to make more patent or enduring what he accomplished for humanity, for his friends, his State, and his country. But my heart responds to the memory of friendly association with him, in this Chamber and on committee, and the tribute I offer is the sincere testimonial of one who always felt honored in being counted among his friends.

I recall, and will never forget, the generous welcome he extended me when I first became a member of this body, and the charming kindness and courtesy that characterized his every action in our daily intercourse; and particularly do I remember how cheerfully and heartily he came to me with his powerful influence in my efforts for the reclamation of our arid West. Efforts along this line were among my first upon entering this body, more than ten years ago. Opposition and indifference met me upon almost every hand, and in all the Congress of the United States there was scarcely a half-score pronounced friends of irrigation. To the first one of my appeals for the cause in the Committee on Commerce, Senator McMILLAN was a close listener. After I had finished, he came to me and said: "WARREN, you have a good case; it is a great cause. Keep your heart in the work, and you will win. Count me with you."

His experienced and progressive business mind evidently traveled faster than my words and expressed ideas, for he foresaw not only immediate necessity for redeeming the waste places, but final accomplishment as well; and so in every stage of our Western effort to obtain irrigation legislation from that time to ultimate success the vote and influence of JAMES McMILLAN were with us.

Senator McMILLAN was still in the prime of life when the fatal summons came which took him from us. In his personal appearance he was the very ideal of good form in figure, in attire, and carriage, and he seemed truly matchless in his magnetic power of making and retaining friends. He was 64 years of age, having been born in 1838, at Hamilton, Ontario. He was of sturdy Scotch descent, his father, William McMillan, being a man of exceptionally strong and symmetrical character and of the highest integrity, whose business connections were wide and whose identification with many important enterprises made his name well known throughout Ontario.

The son, JAMES McMILLAN, was given an education essentially adapted for a successful business life. He left school at the age of 14 and entered a retail mercantile establishment at Hamilton, where he spent four years in learning the details of the business; and in this humble capacity he laid the foundation for the distinguished business success which was to follow. Then he removed to Detroit and accepted employment in a wholesale hardware store. At the end of two years' service he was appointed to the position of purchasing agent of the Detroit and Milwaukee Railway. His faithful, conscientious performance of duty attracted the attention of an extensive railroad contractor, and he was employed by him as manager in connection with the execution of a large contract. He was but 20 years of age, but he proved equal to the responsibilities placed upon him. In 1864 he associated himself with friends in the Michigan Car Company, and from that time until his death his business life was synonymous with the commercial growth and prosperity of the city of Detroit and the State of Michigan.

Strong sense and clear foresight were his characteristics, and these, added to the careful business training, which enabled an easy acquirement of all details, essential or trivial and no matter how complicated, made him master of every situation in which he found himself. A commanding executive ability, wonderful power of concentration upon any given subject, ability to keep in mind the whole field of his immense interests without losing sight of a single important link in their best and most profitable relation, serve in a measure to explain the great results he obtained.

And it was these qualifications, making of him as they did the most successful business man of his State, which fitted him so conspicuously for the important place he took in the Senate of the United States when the citizens of his State called upon him to enter political life and placed and kept him in the highest political position he could attain under the Constitution of our country.

That call was made in January, 1889, when, in a remarkable caucus of the Republican members of the State legislature—an open caucus attended by prominent citizens from all parts of the State—he was selected without an opposing vote as the choice of his party for the office of Senator in the Congress of the United States for the term beginning March 4, 1889. The call was voluntary and spontaneous, for he had never sought political preferment, but he was none the less the idol of the citizens of his State.

The accumulations of his industry, enterprise, and business sagacity had not been idly hoarded. They had been turned into the channels of commerce and were benefiting thousands of his fellow-citizens. With sincere and earnest patriotism he had aided his State and his country by liberal donations when help was needed during the throes of civil war. He had increased his deeds of charity and his acts of good to his fellow-men as his increasing prosperity broadened his capacity for such deeds. Churches, schools, hospitals owned him as their benefactor, and no worthy charity found him an unheeding listener to its plea. He was the epitome of an earnest, useful, high-minded citizen, and his State honored itself and ornamented this body when it chose him as its representative here.

At the close of Senator McMILLAN's first term in the Senate the people of his State with one voice called for his return to the Senate. The legislature by unanimous vote reelected him. The State legislature at that time contained but one member who was not of the Republican party, and he, in casting his vote with the Republicans for Mr. McMILLAN, said: "I vote for him because of his sound business principles, and as an earnest of Michigan's gratitude to a man who has served her interests so ably and so well."

He was again reelected in 1901, and it was at the threshold of his third term of service that the relentless and cruel stroke of death came so suddenly upon him.

Mr. President, when such a well-rounded character, equipped with all the grace and vigor of mind and body which go to make up the perfect man, apparently in the full flower of his strength and usefulness, is taken away from us, we pause in awe, and our weak, finite minds wonder at the inscrutable mysteries of Providence, and vainly strive to comprehend why such a calamity should fall upon us.

And it is in our feeble gropings and fruitless efforts to solve these mysteries that we realize the pessimism of that poem of despair wherein is thus presented the problem:

> Think, in this batter'd caravanserai,
> Whose portals are alternate day and night,
> How Sultan after Sultan with his pomp
> Abode his destined hour, and went his way.

And this thought would overcome us and hold us unreconciled to the fatal law which summons the best and wisest from the scenes of their earthly activities, were it not that, as we contemplate the wondrous gifts of mind, the charm of manner, the manliness of character, the high and lofty sentiment of such as JAMES McMILLAN, we must come to the irresistible conclusion that this life on earth can not be all, but that so noble a spirit—

> Shall flourish in immortal youth,
> Unhurt amidst the war of elements,
> The wreck of matter, and the crash of worlds.

Nay, more; it is when we contemplate a character of such perfection that we become confident in the belief that in some manner, at some time, and in some place, although we know not how or when or where, all will be made right by that Divine Providence at whose call all must attend.

Mr. GALLINGER. Mr. President, a loving husband, a devoted father, a loyal friend passed from time to eternity when JAMES McMILLAN died. He is missed not only by those in his own household, but by his business associates, his colleagues in the Senate, the people of his city and his State, as well as by the citizens of the District of Columbia, for whom he labored long and faithfully. The life of this man illustrates the possibilities that our country affords for those who by energy, integrity, and good business judgment seek advancement. From humble beginnings he became one of the leading citizens of his State and one of the most influential members of the Senate of the United States.

For nearly ten years it was my privilege to serve with Senator McMILLAN on the Committee on the District of Columbia, and for a shorter time on the Committees of Commerce and Naval

Affairs, hence my opportunities to know the man were exceptionally good, and when the news of his sudden death reached me I was shocked and pained beyond expression. In all the years of our intercourse I had never thought of him as a sick man, but on the contrary as one who would remain in the Senate for many years to come, and whose continued association and friendship I regarded as one of the chief privileges of my public life. But death came suddenly, and as I stood beside his grave, literally buried in flowers, I recalled Stoddard's poem, entitled "The Flight of the Arrow," which so beautifully tells the story of human life and human death.

The life of man
Is an arrow's flight,
Out of darkness
Into light,
And out of light
Into darkness again;
Perhaps to pleasure,
Perhaps to pain!

There must be something,
Above or below,
Something unseen,
A mighty Bow,
A hand that tires not,
A sleepless Eye
That sees the arrows
Fly, and fly;
One who knows
Why we live—and die.

Senator MCMILLAN did much for his State as a member of the Committee on Commerce, the interests of the Great Lakes being his constant care. On other committees he rendered important service, but his great work was on the Committee on the District of Columbia, of which committee he was chairman for many years, and it is in this connection that I shall more particularly speak.

When Mr. MCMILLAN entered the Senate, at the special session, in the spring of 1889, it so happened that he was assigned to a place on the Committee on the District of Columbia. Senator Ingalls was then chairman of that committee. Although inexperienced in legislative work, Mr. MCMILLAN was entirely familiar with civic problems. He had been a member of the board of estimates of the city of Detroit; had been engaged in street-railway building and operation, and had introduced the telephone into that city when the instrument was still a toy. He was familiar with all matters pertaining to railway terminals, for he had been one of a company of citizens who had associated themselves for the purpose of creating a set of railway terminals in Detroit to provide for the entrance of new railways and thus promote the commercial development of the city. In his successful business career he had become accustomed to dealing with large amounts of money in such a way as to produce large results; and thus he brought to the service of the District of Columbia an unusually varied experience. Moreover, he made it a rule to have no business interests in the District, and to make no investments here beyond the purchase of his own residence. This principle was adopted simply for the sake of allowing him to feel perfectly free to deal with each subject according to its merits and without the slightest personal bias.

Among the bills first referred to him by Chairman Ingalls was one relating to the terminals of the Baltimore and Potomac Railroad Company, in which the issue involved was the legalization of certain sidings built by the company to facilitate its own business and that of merchants owning property along its lines, the courts having declared that the right to grant the use of the streets for such purposes was in Congress and not in the local government of Washington. Incidentally the occupation of the Mall and of certain reservations was involved, and the subject had been before Congress for a number of years without action. Mr. MCMILLAN looked at the matter from the standpoint of the commercial development of Washington, and treated the problem according to what he conceived to be the practical way of dealing with it. After a very careful study of the situation on his part and after repeated hearings he was able to carry through the Senate a bill giving to the railroad company the right to purchase and use for freight purposes a sufficient amount of land to relieve the congested freight situation, and at the same time the sidings built into railroad and private yards were legalized. During the Fifty-first Congress the bill passed the House also and became a law.

The opening of the Fifty-second Congress witnessed a reorganization of the Committee on the District of Columbia. Mr. Ingalls, Mr. SPOONER, and Mr. Farwell, who were the ranking members of that committee in the Fifty-first Congress, did not return to the Senate, leaving the chairmanship to be filled by Senator MCMILLAN, whose only Republican associate remaining was Mr. Higgins, of Delaware. On the Democratic side, however, there were Senator Harris, whose services on the committee began in the Forty-fifth Congress, and who was chairman of the committee in the Forty-sixth Congress; Mr. Vance, of North Carolina, who had served on the committee for twelve years; Mr. Faulkner, of West Virginia, whose service began with the Fiftieth Congress. The new members were Mr. Wolcott, of Colorado; Mr. GALLINGER, of New Hampshire; Mr. HANSBROUGH, of North Dakota; Mr. Perkins, of Kansas; Mr. Gibson, of Maryland, and Mr. Barbour, of Virginia, who died before the end of the Congress, and who was succeeded by Mr. Hunton, of Virginia.

During the Fifty-second Congress an unusually large number of laws of importance to the District of Columbia were passed, the record showing that 10 per cent of the public acts of that Congress were reported from the District Committee, a proportion which has been maintained to the present time. Among these laws were acts to regulate the building of houses on alleys; for opening and straightening of alleys; for an inspector of plumbing; to insure the safety of theaters and other public buildings; to provide a permanent system of highways in the District of Columbia outside the cities of Washington and Georgetown; to regulate the liquor traffic; to make Saturday afternoon a bank holiday; to regulate the practice of dentistry; to prevent cruelty to children and to animals; to create a board of children's guardians, and to prevent the sale and carrying of dangerous weapons. The whole number of bills and joint resolutions referred to the committee was 248. Of this number, 125 were reported favorably, of which 63 became laws, 59 were reported adversely, and no action was taken on 64.

Mr. MCMILLAN found that in the District of Columbia it had been a practice to secure charters for street railroads and in some cases to build the roads and operate them but for a short time for the purpose of selling adjacent real estate, or else to sell the charters to nonresidents. In vigorous fashion the committee took up the matter, bringing a number of roads to terms through threatened forfeiture of their charters, but in the majority of cases adopting the principle, which was ever afterwards adhered to, of extending existing roads rather than chartering new ones, thus providing, as far as possible, for the carriage of passengers at a single fare. The result of this policy was in the end a consolidation of the various roads into two strong companies, which to-day probably give the most satisfactory service at the lowest rate anywhere in the United States.

A political change having come over the Senate in the Fifty-third Congress, Mr. Harris, of Tennessee, became the chairman of the committee, but the strong personal friendship existing between the two men, and the fact that political lines were never drawn in the District Committee, did not materially decrease Mr. MCMILLAN'S activities. It was during this Congress that influences were brought to bear to establish the overhead trolley as the motive power for street railways within the city of Washington. This project met the quiet, unflinching, determined opposition of Mr. MCMILLAN, and the syndicate proposing it finally disposed of their railway properties in the District of Columbia and expended their activities on other fields. The question of rapid transit in the city of Washington, however, was a serious one. The Capital Traction Company and the Columbia Railroad Company had exchanged horse power for the cable and had installed perhaps the finest cable system in the United States.

The cable, however, was not feasible on the Metropolitan line, because of the multitude of curves, and there was a prevalent feeling that in some way electricity was the coming motive power for street railways. The storage battery was tried by the Metropolitan and the Eckington lines with persistence, but without success. Mr. MCMILLAN, who had witnessed the successful operation of the underground trolley in Budapest, insisted that this system was the one best adapted to the needs of Washington. In the end this idea prevailed, and so successful has been the operation of the underground trolley in Washington that when the opportunity occurred the roads using the cable were changed into underground electric roads, and now all roads within the limits of the city of Washington, and the cars of all suburban roads on entering the city, receive current by means of a conduit instead of by the overhead wires, which disfigure the streets of almost every American city.

Growing out of his service on the District Committee came an assignment as chairman of the joint select committee of the two Houses to investigate the charities of the District of Columbia. The joint committee was made up of three members of the Senate Committee on the District of Columbia and three members of the House Committee on Appropriations. The testimony taken was voluminous, and the result was a substantial reorganization of the charity system of the District along these well-defined lines, based upon a report made by experts employed by the committee (Dr. Hurd, superintendent of Johns Hopkins University Hospital, and Dr. Chapin, superintendent of the Philadelphia Hospital for the Insane): First, the organization of a board of charities, appointed by the President of the United States, to have the general supervision of the charitable institutions of the District of Columbia, with the power of investigation; second, the

setting apart of certain well-established hospitals in the District to take care of acute cases for suitable compensation, and the construction of a municipal hospital for the care of chronic cases; third, the abolition of the system of making grants of lump sums to sectarian charities. Some of these projects, such as the municipal hospital, although well begun, are still waiting completion. On the whole the change has been of immense advantage to the District.

Besides the municipal hospital Mr. McMILLAN took an active interest in securing the Girls' Reform School, the location of the Carnegie Free Public Library on the site it now occupies, and the erection of an adequate building for the Business High School, an institution to train the youth of the District for commercial life.

Another project which had the untiring support of Mr. McMILLAN is the filtration of the Potomac water, and here again his established principle of calling in experts for advice on all important projects was resorted to. On January 4, 1901, under Mr. McMILLAN'S direction, a hearing was held in New York, which was attended by the officers in charge of the Washington Aqueduct, the health officer of the District of Columbia, and all the leading filtration experts in the United States. As the outcome of this hearing a commission of three experts was appointed to report upon the proper system of filtration for the city of Washington, and when that commission recommended a slow sand filtration system, with auxiliary works for preliminary sedimentation and the use of a coagulant for a part of the time, the views of the commission were enacted into law, and the work is now in progress.

Mr. McMILLAN also urged the completion of the Lydecker tunnel for increasing the water supply of Washington, and insisted on large appropriations for the completion of the sewer system at the earliest practicable moment. During his chairmanship, and with his keen sympathy, an investigation was made by a subcommittee of the District Committee into the school system of the District of Columbia, which investigation resulted in a reorganization of the school board and changes in the curriculum along the lines of more practical instruction in the graded schools. As the result of another investigation, also conducted with his cooperation by a subcommittee of which he was a member, a fourth year was added to the high-school course.

In 1901, as the culmination of ten years of investigation, adjustment of conflicting interests, and steady pressure upon the steam railroads, laws were enacted to provide for abolishing grade crossings along the lines of the steam railways in the city of Washington, with a further provision that hereafter no new grade crossings should be established within the District of Columbia.

The celebration of the one hundredth anniversary of the removal of the seat of government to the District of Columbia was carried out by a joint committee of the two Houses acting in cooperation with the citizens' committee of the District. Mr. McMILLAN, as a member of the Senate committee, brought in the report of a committee of five recommending, among other things, the enlargement of the Executive Mansion in harmony with its present style of architecture, and the construction of an avenue to be known as "Centennial avenue," running from the Capitol through the Mall to the Potomac River, substantially in accordance with the original L'Enfant plan for the city of Washington.

Subsequently plans for the improvement of the Mall and for the enlargement of the White House were reported to Congress, but neither of these plans met with popular favor, and at Mr. McMILLAN'S instance the Senate provided for a commission of experts to take up the whole question of the development of the park system of the District of Columbia, the work to be done under the general direction of the Senate Committee on the District. A subcommittee, consisting of Messrs. McMILLAN, GALLINGER, and MARTIN, was appointed, and after consultation with the American Institute of Architects, Mr. Daniel H. Burnham, of Chicago, the director of works of the World's Columbian Exposition; Mr. Charles F. McKim, of the architectural firm of McKim, Mead & White, of New York; Mr. Augustus St. Gaudens, the well-known sculptor, and Mr. Frederick Law Olmstead, jr., one of the consulting landscape architects of the metropolitan park commission of Boston, were selected as such experts. This commission made a careful study of the District's park system, both as to the development of the outlying parks and their connections, and also with reference to the placing of public buildings hereafter to be erected.

In order to carry out the scheme proposed it was necessary to modify the grade-crossing laws so recently enacted and to secure the removal of railway tracks from the Mall. This led to a reopening of the legislation affecting grade crossings, with a view to realize for the city of Washington the dream of half a century, namely, a union railroad station located on private property to be purchased by the railroads themselves. At the end of another series of negotiations, in which the president of the Pennsylvania Railroad Company heartily cooperated, with a view of making the capital city what it should be in point of beauty, suitable legislation was passed in both Houses of Congress and is now in conference.

The essential feature of the plan for the future development of the District of Columbia calls for no unusual expenditure, but merely provides that as the wants of the Government increase in the way of buildings, parks, and parkways, such development shall proceed in an effective, orderly manner, instead of at haphazard. Although the work of the commission was reported to Congress scarcely a year ago, no fewer than 12 items embraced in that report have received favorable consideration, and the continued adherence to the general plan would seem to be assured.

Thus hastily and imperfectly I have outlined a few of the changes that were brought about during the years that Senator McMILLAN was chairman of the Senate Committee on the District of Columbia. It would be too much to claim for him, and he would have been the last to claim for himself the entire credit for these improvements. He always sought the cooperation and support of the members of the committee, and to those members who were charged particularly with one project or another he gave the benefit of his advice and his persistent energy. So long as results were accomplished he cared little about taking credit to himself. There was so much to be done that no sooner was one project fairly under way than he took up another, so that he was always living in the future so far as Washington was concerned. Although one of the busiest of men, it was so natural for him to systematize his work that he was always accessible in the committee room to citizens of the District who wished to consult him upon any business connected with the committee. Propositions coming from the Commissioners, from citizens' associations, or from individuals, if they seemed to him proper and expedient, were taken up and pushed forward without reference to their origin or authorship. He did not belong to that class of reformers who are more anxious to tear down than to build up, but as public sentiment dictated and as opportunity offered he carried out those projects which were necessary for sound municipal housekeeping.

And, after all has been said, the matter resolves itself into this: He was a useful legislator in the development and improvement of the nation's capital, in whose future he firmly believed and to whose interests he was devoutly attached.

Mr. President, when the magnificent union railroad station has been constructed, when a broad vista has been opened from the Capitol to the Monument, when the Mall is rescued from its unsightly condition, and the south side of Pennsylvania avenue is redeemed from its present environments and occupied by costly public buildings—when these things shall come to pass, as they are sure to do, then will be erected in the nation's capital a more enduring monument to Senator McMILLAN than could possibly be produced from granite, marble, or bronze. In the years to come, whatever others may have done or shall do along the lines that he marked out, credit will be given to him as the one man in public life who clearly foresaw the greater Washington, and who gave freely of time and energy to the accomplishment of the grand purpose he had in view. And so to-day, paying tribute to his memory, we not only recognize him as associate, friend, and Christian gentleman, but proclaim him the benefactor of the nation's capital, the wise and loyal friend of the nation's welfare. As one who knew and loved him, I to-day place on his grave a fresh flower of affection, a token of tender and loving memories.

Mr. LODGE. Mr. President, for more than ten years Senator McMILLAN filled a large place not only in this body, but in the public life of the United States. He engaged the affection of all who knew him and commanded the respect and confidence of thousands who had never looked upon his face or listened to the sound of his voice. He was a power in the Senate, a power in the councils of his party, a trusted adviser of Presidents, a doer of deeds who left his mark on legislation and upon the political events of the time. These are high titles to distinction, and as we commemorate his services to-day it seems most fitting that we should inquire how it came to pass that he won and wore them so well. He certainly did not obtain the power and honor, the respect and confidence, the opportunities of public service which he used to such good purpose by chance nor, with equal truth it may be said, in the beaten way of politics.

When he spoke on this floor all that he said was full of light and sense, and rested solidly on thorough information. But he spoke seldom, and still more rarely entered into debate. He sought no share in the heavy work of national campaign management, had no taste for the part of a Warwick, never strove to be conspicuous in the bustle and confusion of a great national convention. Outside his own State his reputation was made, his power was gained, his place among the chief public men of our time was won here in the Senate. Won, too, it was not merely without any resort to intrigues and devices for self-advancement, but without the usual and natural aids to distinction which come

from activity in debate or from eloquence in speeches which strike the public ear and arrest the popular imagination. To attain to reputation, to power, and to place among the leaders of public life, above all to reach results of great practical moment to the public welfare under such conditions implies the possession of qualities of a high and somewhat unusual order.

It is of these qualities that I wish briefly to speak. First, Mr. MCMILLAN was a man of character. In other words, he was honest, courageous, loyal to what he believed and strong in his belief. He was, as a matter of course, an able man. No one could have accomplished what he achieved both in public and in private life unless he had possessed both ability and force in a marked degree. But he had in addition other and less obvious qualities which went strongly toward the making of his success, upon which we ought to dwell, because they are more likely to be overlooked than those which met the eyes of all men at the first glance.

Mr. MCMILLAN came to the Senate with a high and deserved reputation as a business man, and this reputation reached far beyond the borders of his own State. He had developed and built up a great industry in Michigan; he had become a leader in many large enterprises; and in all his undertakings he had shown skill, foresight. and capacity to a remarkable degree. The results of his labors had not only brought wealth to himself, but had largely aided the prosperity of the State and city. In a word, Mr. MCMILLAN, when he entered the Senate, was and always continued to be a fine example of the highest type of the successful American business man. That type commands in this country, and justly commands, unstinted respect and confidence. The ability of the United States has very largely gone into business—into trade, commerce, transportation, industry, and manufactures—because the development of the country was the work nearest and most imperative, the opportunity for success in life was there most ample, and because our instinct as a people told us that the widest and most splendid future for the nation was to be reached through the gateway of material expansion.

The bold spirit which a century ago inspired our merchants to send forth their vessels to plow everywhere with daring keels the waters of the globe has been characteristic of our business men in all the new fields which have opened before them upon this continent since that day. As once, confiding in crew and vessel, they drove their ships in safety under a press of canvas which made the seamen of other nations stand aghast, with the same coolness and courage they faced the enormous risks of new enterprises on land, and met failure not only with constancy, but with renewed hopes and with unfailing fertility of resource. With the finer spirits among them we find also from the beginning that behind the honest desire for gain and riches there was always present the belief that they were laboring for their country as well as for themselves, and whether they won or lost they had faith that they were doing the nation's work as well as their own. They did not forget when they sent a cargo in the early times across treacherous seas to distant ports that the flag went with it, and in these later days when they have opened mines, built railroads into wildernesses, planted factories, and created industries, the thought that they were also toiling at the upbuilding of the United States was never lost.

Among men and minds of this high type Mr. MCMILLAN was conspicuous, and he dealt with the results of his success in the same spirit. He never forgot the responsibilities of wealth. To all that might advance knowledge, to libraries and schools, to all that might relieve suffering he gave openly and freely, while at the same time he never rested from that gentler giving which reaches the individual man and woman, but which with him ever preserved that secrecy in which the left hand knows not what the right hand doeth.

A large success in business won by his own qualities of mind and character, a spotless reputation, a wise generosity in the uses of wealth, a high public spirit, these were all his, all known to be his when he came to the Senate. But there was something else, there was yet another quality without which all these achievements, all these honored and honorable gifts and possessions would have failed to win for him place and power, influence and distinction in the great field of public service. This quality was a fine sanity of mind, that clear perception of the true relation of a man's self to the universe, so often unconsidered, so little valued, and yet so vital to influence and to the accomplishment of deeds worth doing. And this clear good sense, this undisturbed vision which saw the conditions of life as they really existed belonged in full measure to Mr. MCMILLAN. He never for a single moment made the error, he never for a moment was capable of making the error, of supposing that because he had been a brilliantly successful man in private business he was able from that fact and that fact alone to deal at once with public affairs better than anyone else no matter how well trained or for how long a time.

Our just admiration as a people for success in business and for the ability and power shown by our business men upon the largest possible scale leads often to the thoughtless cry that if we could only have more business men in politics who would manage public affairs as we manage private business all would be well. The presence of business men in politics can not be too earnestly desired, and we have far too few of them. But the theory that public business must be conducted like private business is dangerous because it is impossible, and it is impossible for the simple reason that public business is not private but exists under public conditions.

The corollary of the proposition about managing public business as one would manage private business is that the successful businsse man must be able at once to conduct public affairs because he has succeeded in widely different occupations entirely private and largely or wholly his own. We have all seen many examples of distinguished business men who have come into public life with loud acclaim and who, acting on the theory that success in private business made needless all further information for the conduct of public business, have passed out of public life quiet and unremarked, wondering very much why they had failed. The reason really is not far to seek. They failed in public life because they had omitted that qualification which they would have said was the primary condition of their private success—because, in a word, they had not taken the trouble to learn their new business. They had been unable to understand that the conduct of public business requires education, training, knowledge—in short, that it must be learned like any other trade, profession, or calling.

Mr. MCMILLAN'S clear, strong sense and firm grasp of realities made any such delusive error impossible to him. He set himself to learn the conduct of public affairs and the merits of public questions as he had addressed himself to all other problems and tasks in life. In this frame of mind all his previous training, all his experience, all his knowledge of men and affairs became a powerful aid instead of a hindrance which checked him or a screen which shut out a just perception of the new tasks before him and the new conditions around him.

In this way he became master both of the task and the conditions. Thus he rose to be a sound and far-seeing legislator, a trusted counselor, and a sagacious adviser, as moderate as he was wise in judgment both of men and measure. Indeed his mastery of his subject and his surroundings grew to be so complete that although with an undue modesty he shrank from debate and from speechmaking, he was thoroughly able to manage a contested bill and steer it through all the besetting dangers to the haven of enactment, a feat appreciated in this Chamber, but involving an amount of skill, temper, and ability little understood outside the Capitol. In his own special field he became an absolute authority, and he may fairly be said to have governed this District for many years. With large views he looked far into the future, and that future will count JAMES MCMILLAN as among the chief benefactors of the nation's capital city.

But behind his ability and his industry so thoroughly shown in his work here and in its results was a fine character and a nature at once strong and gentle. There were no secrets in his life, no hidden record which he feared would leap to life. Under the kindly manner, the genial good nature, and the sympathetic humor was rigid honesty in act and purpose, high-minded devotion to duty, and unbending patriotism. Modest and quiet always, he was nevertheless ever firm and courageous.

Such were his many fine qualities, such his abilities, such his service and his distinction as a public man who was an honor to our public life. But there was yet another side, not that of the public servant, or the able Senator immersed in toil and strife and anxiety, but that of the man. He was a good friend, loyal, generous, and helpful. Once admitted to his friendship, no one would willingly have lost it. He was too reserved to practice any of the arts of popularity, but few men were more beloved than he; fewer still of such marked ability and decided character were so entirely free from exciting animosities. It might always be said of him that he "Still in his right hand carried gentle peace to silence envious tongues."

We here make record of his public services, here to-day bear testimony to his high place in the public life of our time and to his many public virtues. All this is for those who come after us, in order that they may rightly judge. But for ourselves—for us who knew him—the public utterance which speaks to the world the sincere words of respect and praise is not the deepest feeling of our hearts. We turn there and find the simple grief, old as mankind and, alas, ever new, for a dear friend who has passed out of our lives and who had the unconscious power, better than much art and many abilities, of winning and holding, not only the love of those nearest him, but the unswerving affection of all with whom he strove and labored, or sorrowed and rejoiced, in the daily round of life.

Mr. PERKINS. Mr. President, it is always with regret that we view the retirement of any member of this body after the long association which has given rise to friendship and created ties

which are never to be forgotten. But when that separation is caused by the hand of death, our loss is viewed with the deeper feelings of sadness and of sorrow. During the past year such loss has come to us through the death of JAMES MCMILLAN. There is no member of the Senate, in which he occupied so high a position, who does nct realize that he has not only lost a most able coadjutor and faithful friend, but that the country has also lost one whose efforts were always to promote its best interests. The motives governing men in public life are always the objects of strictest scrutiny, and the probe of constant criticism is sure to reveal any lack of honesty or sincerity. In the many years of his public life JAMES MCMILLAN was never found lacking in these respects. Not only his immediate constituents, but the people of the United States put full trust in him, and that trust was never betrayed. And none knew this better than those who were his colleagues here, and who exercised their own privilege of criticism from the vantage ground of intimate acquaintance and knowledge of his acts as a Senator.

The ability of Senator MCMILLAN as a public man is equally well established. It was recognized by the people of Michigan long before they sent him to represent them in the United States Senate, but it was in this body that he found his opportunity, and his labors here revealed the power he possessed to work under the inspiration of those high ideals as to duty which governed all his acts. In consequence he showed himself to be a statesman whose view of affairs was not restricted by local conditions, but embraced the broad field of national well being. In the truest sense he was a Senator of the United States. The good of his country was the aim of all his efforts, and to those efforts are in no small measure due the blessings of that prosperity in which all our people now share.

I had the pleasure and honor of serving with Senator MCMILLAN on three important committees—Appropriations, Commerce, and Naval Affairs—and it was through their meetings that I came to know him well as a Senator and as a friend. The questions before these committees are often of the greatest importance to our Government, requiring, for right solution, wide knowledge, sound judgment, absolute sincerity, strict honesty, and broadness of view. In whatever respect the acts of these committees may have fallen short of securing universal acceptance, little of that failure can be attributed to him whose loss we deeply deplore. To every problem he applied that careful study which gave to his opinions a weight and value that were freely acknowledged, and his influence was exerted for the right, for the best good, and for the honor of our country.

Few people, probably, realize that the real work of legislation is performed in the committees of the Senate and House of Representatives. It is there that the twenty thousand or more bills which are presented to each Congress are examined, those which are bad, impracticable, or objectionable set aside, and those which have merit fully discussed, and, if deemed in the public interest, placed in the way to receive the sanction of the Senate and the House. The amount of labor which is involved in the consideration of these twenty thousand and more bills is very great, but Senator MCMILLAN, though sorely burdened, never ceased his tireless work upon those that came before him. The examination into the needs of the different Departments of the Government, that the appropriations therefor may be adequate but not extravagant, is a work in which much time and investigation are spent, and spent profitably to the people by such men as my late colleague, who countenanced no expenditure which, as a business man, he would not allow were it a question of an enterprise of his own. In the matter of commerce and the improvement of rivers and harbors, he was as painstaking and as thorough as though his own commercial interests were at stake. In naval matters, the defensive needs of the country were his first consideration, and he gave his approval to all measures that tended to secure a greater measure of safety for our country.

Besides his arduous duties on these committees he was for many years chairman of the Committee on the District of Columbia, which is its virtual governing body. What has been accomplished by him in what may be called his administration of its affairs is well summed up in a comment made more than once that Washington is the best governed city in the United States. The pride taken by him in the capital finds expression in the comprehensive plans for its improvement and beautification recently perfected. Should those plans be carried out, the name of JAMES MCMILLAN will thereafter be inseparably connected with the most beautiful capital in the world.

Though the voice of JAMES MCMILLAN will be silent forevermore, yet will he live to all those who knew him well, for the good which is in all honest men is not interred with them, but continues to exert its influence after they are gone. No one who came into intimate contact with our colleague while among us can ever, I think, escape the influence of that upright character. His life as a public and a private man will ever serve as an incentive to bring to bear in public and private business that industry, sincerity, honesty, and loyalty which made him what he was—a man receiving and deserving the respect and gratitude of the people of the United States. No better standard for public men can be found than that which he has established, and in his death the body of which he was such an honored member has lost one of those great characters which do so much to keep at its high level the Senate of the United States. But he will never again move among us. His voice is forever silent. His life is blended with the mysterious tide which bears upon its current nations, empires, and peoples into the great ocean of eternity.

Mr. TILLMAN. Mr. President, the number of feeling and eloquent tributes that have been paid to our dead friend indicates only too clearly the high esteem and honor in which we all held him. There is no need for anything more to be said than has already been said, but I would do myself an injustice and do my own feelings a wrong were I to remain silent on this occasion and not have something, however brief and unstudied, to say about the dead Senator whom we are all endeavoring to honor. I am unwilling to have his chaplet made up without contributing at least one flower.

During the eight years of our service here together—he was my senior by some years—I have closely watched him, as well as all my other colleagues, and I have come to have some ideas about the Senate and Senators that are perhaps not shared by others. I know that while in this Chamber there is something more or less like a mask which we wear because of the publicity which is given to our utterances and our acts, it is in the committee rooms, where there is nothing of that, that we learn to know each other, to know each other thoroughly, and to judge with as keen an analysis and power of reaching at the true inwardness of character as the royal acids go into material things.

It was in the committee room that I first learned to know and to value this man, and it was there that I had evidence of his respect and friendship, which I came to value as it deserved. There was a simplicity, a geniality, a self-poise about him that very few men whom I have met here possess. Kindly, quiet, gentle, there was still that firmness which indicated that he had absolute faith in his own purposes and absolute confidence in his own judgment. It is in the light rather of the man than of the Senator that I shall remember him, and shall always be glad to have known so fine a character. Remembering the rugged health which he apparently possessed, for he was never complaining, and his constant attendance upon this body in its sessions, and his tireless work in the committees, if we had been called on when we adjourned last July to pick out from among our number a man who would be called away during the interim between the sessions—if we had voted by guesswork as to who should die next—I doubt if Mr. MCMILLAN would have received a solitary vote. In the suddenness of his death and the shock it produced we are reminded of the uncertainty of life and the tragedy in which we ourselves may soon be an actor.

It was only a brief while after we left here when the telegrams came announcing his sudden and sad death. This reminds us, Senators, that in our acrimonious discussions of public matters and in our narrow partisanship and bitterness, and all that kind of thing, the associations in this Chamber ought to teach us greater charity to one another. We do not know who comes next. We can not tell before whose door the angel of death shall next appear to deliver his dread summons. We do not know how soon the next one of us shall go hence.

In thinking about this man who has gone I can hardly realize that he is dead. I am reminded constantly that he may be just staying away, like others have done, from some cause. But the ceremony we are going through, the repeated and earnest and honest and feeling tributes which we have paid to him, only go to show that there will never be a morning when we shall meet him again. Those beautiful words of Lamb, addressed to a young girl who had just died, come to my mind in this connection:

> My sprightly neighbor gone before,
> To that unknown and silent shore,
> Shall we not meet as heretofore,
> Some summer morning?

We shall never see him again here, but we all know that we are hastening to greet him elsewhere. Let us all strive to live such lives that we can have said of us after we die, and said truly, one-thousandth part of what has been said here to-day in behalf of this man's sterling worth, his genial, happy, open-hearted, kindly nature, and be able to claim even a tenth or a twentieth or a hundredth part of the respect and love which he has won here so unostentatiously and modestly.

Mr. BACON. Mr. President, a graphic picture of sympathetic grief is that portrayed in the Holy Book in the scene where, when utter desolation had overtaken him whose name is the synonym of affliction, the mourners, with mantles rent and with dust sprinkled on their heads, sat beside him in silence. Human emotion in

all the ages has been the same, and now, as in that farther past, speech, if not altogether vain, is all insufficient in the presence of the great mystery.

And yet, sir, we can not put our dead away in silence. The bereaved heart must speak its pain, and friendship can not forbear to pay its tribute of love and sympathy.

Mr. President, I have but a word to say, and that word I would not neglect this opportunity to utter.

An eminent Republican statesman is reported to have said upon the occasion of the death of a Democratic colleague, that among the sweetest fruits gathered in political life are those which hang over the party wall. Beautiful is the simile in which the thought is expressed, and to its truth there will be found a ready assent by all political opponents who recall the sweet association they have enjoyed in this Chamber with Senator MCMILLAN.

In the Senate, as the years pass by, many come and go and some for a time remain. Among them, in the course of years, many types are found, and his type was of the best of them. It may be properly said that his was a rare type—rare in its excellence and rare in its peculiarities. In his make-up there were some marked contrasts, and yet while thus marked they were pleasing contrasts. While he was essentially a conservative man, he was a political partisan in so far that he was devoted to the tenets of his party and unswerving in the loyalty of his support to its measures; nevertheless no man was more broadly catholic than he in the toleration of differences in political opinion.

No one was than he more deferential to the opinions and considerate of the feelings of those between whom and himself those differences existed. No one was more pronounced in opposition to the measures of the opponents of his party; but no Republican Senator than he has ever counted more personal friends upon this side of the Chamber.

The many courtesies extended by majority Senators to those of the minority daily attest the kindliness and the cordiality of the personal relations which happily exist here, in spite of the heat sometimes evolved in the shock of earnest debate. In the front rank of Senators thus distinguished by these courtesies stood Senator MCMILLAN. And thus it was that in his daily intercourse, official and personal, with his political opponents in the Senate, there grew only ever-increasing cordiality and good will.

He was not a speechmaker; but, charged as he was with duties and responsibilities relating to the gravest and weightiest matters of the Government, as to matters the responsibility for which peculiarly devolved upon him, there was no Senator whose views and opinions were better known or more influential in the Senate.

In his bearing and demeanor there was an unvarying dignity, but austerity there was none. On the contrary, his never-failing courtesy, his unaffected and ready smile, his cordial grasp of the hand, the manly tone of his unreserved frankness, all come back to us as an ever-pleasant and ever-abiding memory.

He was no idler. His unflagging industry was in the work hours ever busy in gathering and storing up the information and in working out the great problems of the vast measures with which the Senate has to deal—problems which are dealt with by the great Committees on the District of Columbia, on Naval Affairs, on Commerce; on Appropriations, and on the Relations with Cuba; but when the labor was put aside, no devotee of fashion enjoyed more unfeignedly than he social pleasures and the delights of the bounteous hospitality which he generously dispensed.

With large business interests which necessarily invited his personal attention, with a fondness for outdoor sports which daily tempted him to the woods and the fields, he was, nevertheless, ever attentive to his official duties, and rarely did it happen while the Senate was in session that he was not to be found either in this Chamber or in his committee room.

Mr. President, the story of his life is a grateful task properly belonging to others. Upon this occasion mine is the simple office to say some things at this time of his personal relations with ourselves, which I am sure will be cordially concurred in by all Senators on this side of the Chamber—those not of his party faith and affiliation; and above that to testify by the fact of my participation in these exercises to my esteem and admiration and the personal love I bore him.

Sir, those of us who recall his manly form as he went in and out among us, dignified, quiet, composed, and with the kindled eye of steady purpose, can realize how he died as he had lived, and how, unwasted by disease, with physical vigor unchanged, with mental faculties unimpaired, calmly and serenely he went to his final sleep like one who "lies down to pleasant dreams."

Mr. FAIRBANKS. Mr. President, the ceremony in which we are engaged to-day is time-honored and beautiful. It is most fitting that we should pause in the transaction of the nation's important business and pay tribute to the memory of one of the nation's departed servants, to place upon the permanent records of the Government the measure of our esteem for his life and work.

During my comparatively brief service in this body the grim reaper has gathered a rich harvest from among the membership of the Senate of the United States. He has respected neither person nor place; he has pursued his insatiable quest and has struck often where we least expected.

I have listened with great interest to the eloquent and just tributes which have fallen from the lips of many able Senators in honor of the memory of JAMES MCMILLAN, late a Senator from the State of Michigan. I might well be silent. I can not, however, refrain from adding my brief and sincere token of esteem and affection, for Senator MCMILLAN was my friend, and this is the last kindly earthly office which friend can perform for friend.

We recall to-day the life and achievements of no ordinary man. Senator MCMILLAN attained high rank and long held a position of distinct and commanding influence in his State and the nation, and we may well contemplate the qualities which gave him place and power and which made him "troops of friends." All that remains to us is the precious memory of the generous elements within him and of the many good deeds he wrought in both private and public life.

He was a man of marked force of character and of unusual power. For many years he wielded great influence in this exalted body, and why? Those who knew him best need no answer. He was not an orator; he spoke but seldom, and only when occasion imperatively demanded, and then in the briefest possible way. His eyes were never fixed upon the galleries. There was never present in what he did any suggestion of a thought of mere personal aggrandizement. He coveted the rich jewel, modesty, and seemed to care first of all for the approval of his own conscience. He sought to win the confidence of men, without which all enduring efforts are vain, and having gained it he never abused it.

He was a man of uncommon good judgment. He possessed that homely and invaluable quality called common sense, and reached the central truth of great and important questions with an almost unerring instinct.

He brought to the Senate large experience in the vast affairs of the business world, a sphere in which he performed a conspicuous part. He had long dealt with important and difficult problems. He had cultivated the executive faculty, and well understood how to dispatch business of magnitude. He was never confused by the multitude of complex, often almost bewildering, questions pressing upon the attention of the Senate. He adopted for the consideration of the public business the same orderly method observed in the conduct of his large personal affairs.

He had confidence in the integrity of his own opinions, yet he was neither dogmatic nor offensively assertive in maintaining them. His mind was open to the appeals of truth and reason. His opinions were always coined in the mint of an honest purpose. He was a sincere man and did not indulge in indirection or dissimulation. He had no patience with sham and pretense, for he loved the genuine and the natural.

He was a man of firm and strong character. He was indifferent to nonessentials and readily yielded them, but he was strong in his adherence to the essentials. Matters of principle, of conscience, had no more inflexible supporter than he. What they commanded he faithfully did, and he could not do otherwise. He possessed that necessary quality in statesmanship, integrity of purpose. Without it there can be achieved in statecraft no honorable and enduring success. True statesmanship is not founded upon mere expediency, but upon fundamental principles of right and justice. Statesmanship of the highest order finds its predicate in a patriotic and enlightened purpose.

Who that knew him can forget the personal bearing of our friend among his associates in this Chamber? His manner was dignified, easy, and courteously deferential, quiet, and genial. His pleasant smile and warm grasp of hand were but the external expressions of the true nobility within.

Senator MCMILLAN was a philanthropist in the best sense. The way to his generous heart was open to the deserving unfortunate; he greeted the outstretched hand of need, and with sympathy heard the plaintive voice of want. He sought larger opportunities in life, not for selfish purposes, but that he might the better render service to others.

Our nation's capital has lost its wisest and most serviceable servant. He had given it years of earnest thought, systematic and careful study. He worked along broad lines, as he always did, and firmly believed that the greatest nation should have a capital fairly typical of its majesty and power. He believed that such also was the desire of the people, and in what he did toward the development of Washington into the first capital among the nations of the earth he felt that he but interpreted the wishes and purposes of his countrymen, and that he was but giving tardy effect to the far-reaching plans of George Washington.

When we parted with our colleague at the close of the last session none believed that we would not meet him again when we reassembled. His appearance gave promise of many years of usefulness to his country, of pleasant comradeship to his associates, and of sweet influence within his home, that charmed circle where abide the most sacred memories upon this earth. In all the vast lexicon of man there is no holier word than home.

In all that has transpired, we realize how short is our vision, how little the wisest among us can see beyond the hour. When the intelligence came to us that Senator McMILLAN was dead, we could scarcely believe the sad truth. When doubt was dispelled and the dread reality was forced upon us, we could well believe that he met the swift summons uncomplainingly. He so often during his eventful career had met occasion so well prepared that we can believe that he was not unprepared for this.

No stain rested upon the record of our friend. There was no act in all of his earnest life which we could wish were undone. Along the arduous path through which he passed were countless deeds of generosity, of philanthropy, of humanity. He did not live for self alone, but he lived for others.

His career was one of great usefulness and, measured by the best human standards, it was a most successful and honorable one. He loved his country, he loved his State, he loved his fellowmen. He lived for them, and he would, if need had been, have died for them.

In the month of August last, midst a wealth of flowers whose beauty and fragrance had filled his days with joy, and through streets thronged by the sorrowing multitude, we bore our friend to his final resting place. In the beautiful and tranquil "city of the dead" we laid him tenderly away and left him to his everlasting rest. Sleep well, thou generous, incorruptible, and chivalric spirit. In this last and loving office we, who labored with and trusted and loved you, say a last farewell.

Mr. DEPEW. Mr. President, these occasions are more than mere tributes to the memory of departed brethren. They give the opportunity to recall honorable and successful lives and to point to them as examples which are valuable to the States of those who have died and to the country. There is no better representation of every phase of American life, character, and achievement than the Congress of the United States. In it are men who have forged to the front in the strenuous battle which is upon us everywhere and have so impressed their fellow-citizens as to be selected to make their laws and manage their Government. No student of the Congressional Directory, through the years of our existence as a government, can but feel inspired with hope and ambition. It is a dictionary of success mainly from the humblest beginnings. It is a record of those who have honored that much-abused phrase "self-made men."

During most of the formulative and revolutionary period of our history lawyers have commanded legislative positions. The people believed that the education and training necessary for admission to the bar and the familiarity with the laws which are requisite for the practice of the profession especially fitted lawyers to be legislators. It is only within recent years that business has become the leading profession of our country. It is business interests which are most likely to be affected favorably or otherwise by legislation. Until almost a decade ago the more active a man was in industries the less interest he took in politics. I remember a great merchant of New York who voiced the sentiments of his associates when he said that he crossed off his credit book "any customer who was in politics or aspired to or held office." For a period it was fatal to the aspirations of a young man entering upon a business career to have applied to him what was then the opprobrious name of "politician."

When a young legislator in our State legislature, I was at a meeting of those merchants and financiers who controlled the business of the metropolis. They had members of the legislature as guests in order to present to them their views upon pending legislation, which, if enacted, would have inflicted serious damage upon the city. We discovered that none of them ever voted except at Presidential elections. None of them took any part in the preliminary work which controls parties and selects their representatives. I told them then, and have been more than ever convinced since of its truth, that people who take no part in politics have no right to complain of what politicians do for them; that if they suffered, it is their just punishment for the neglect of the highest duty of citizenship. Now, however, that condition has happily changed. Business men find that if they would keep prosperity for themselves and for the country they must take an active and intelligent interest in public matters.

Senator McMILLAN was the leading business man of his State and among the foremost of its successful men of affairs. He was never satisfied with occasional voting and continually complaining and criticising, but he found time, as every man can, for a beneficent interest in local, State, and national matters. He demonstrated that the manager of a great business, without neglecting the welfare of his associates, can serve his city or his town if they require his experience or his brains, or his party as chairman of its State committee, by bringing to that organization in that capacity the faculties which have placed him at the front in the creation of enterprises and the management of affairs. Senator McMILLAN was entitled, if anybody, to that phrase with which we are becoming gradually familiar, a "captain of industry." Great as has been the progress and divelopment of the United States, materially, financially, and industrially, fortunately public sentiment has kept pace with its growth.

A Senator of national reputation said a quarter of a century ago that there is nothing so dangerous to the public welfare as a million of dollars unless it be two. This declaration received universal applause. But we have learned to draw the line between money which is active in the creation of new industries, in enlarging the scope of old ones, in developing resources and opening new territories for settlement, and that baser and sordid use of accumulations which benefits, if it does benefit, only its selfish possessor. If a million dollars will give employment to 500 men, two million will require the services of a thousand. A billion-dollar company places upon its pay roll 125,000, and as part of its success, by concentration and reduction of cost, adds 25 per cent in wages to the 25 per cent more employed than under former conditions. The railway whose capita lenabled it to build a hundred miles gives work upon its single track and limited facilities to a mere fraction of those who are required when it extends a thousand miles, with the equipment, which both attracts increasing traffic and stimulates it.

Here we have in the career of our friend a concrete object lesson of this process of beneficial development. Coming as a very young man from Canada to Detroit, he starts in employment as every American boy does, and then as he masters the business arrives at partnership and control. The shop becomes a factory, the factory expands from the product of one article to many. The ramifications of the business extend beyond the city, through the State, and from the State all over the country. The employment runs from one to ten, from ten to a hundred, from a hundred to several thousands. At each advance there is a betterment of every condition, both for the business and for those in every capacity who are connected with it. The city soon recognizes and utilizes that faculty of organization and administration which had accomplished this result. His party demanded a service which was conspicuously performed in the leadership in Michigan in several Presidential campaigns. Then the State asked of him for the Commonwealth of Michigan this talent for its representative in the United States Senate. For thirteen years he sat here as Senator of that great State. At the time of his death he had just been returned for six years more. He was not an orator. He had not the gift of speech, but in labor and in counsel there was no more valuable member in this body. Business in its highest sense, that business which means prosperity to the country, the employment of capital and labor, activities of every kind which enlarge old avenues and open new, found in him here one of its most efficient representatives. He was for years at the head of the Committee on the District of Columbia. The capital as we have it to-day, with its parks, its avenues, its water, its public buildings, its transportation facilities, and all that makes it the finest example of an American citv, owes much of its beauty, its comfort, and its development to the wise administration of Senator McMILLAN.

In all ages the question has constantly recurred, In what manner, if the choice were left to us, would we prefer to die? The prayers in most churches all over the world offer on every Sabbath day the petition to preserve us from sudden death. That is based upon the theological dogma that the sins of a lifetime can be forgiven and salvation secured by a death-bed repentance. Without desiring any controversy, I can not help believing that in the bookkeeping of heaven there is a debit and a credit account which can only be balanced by works as well as faith, by deeds as well as professions. So I count most happy those who escape the agonizing scenes, so often recurring and so painful at death, of parting with those we love. Here we have a friend who in every position in life did his duty according to his best lights as a father, a husband and a citizen, a man and a Senator. He so lived during the time allotted to him by God that when in a moment he was called to join the majority, he left behind him nothing but praise and had before him the certainty of reward.

Mr. ALGER. Mr. President, when the last leaf is turned and the book of life falls idly to the ground, we pause and think. The crowding incidents of conflict and treaty, of loyalty and indifference blend together, with the happier memories dominant.

It would be impossible for me here to give a history of the life of JAMES McMILLAN. With its main features the whole country

is familiar, and it is not its details which concern us so much as its significance.

The story of his younger days is all the story of a struggle; that grim, silent struggle of a man against circumstances, wherein there is no mean between subjection and mastery—McMILLAN conquered. Step by step, steadily and wisely, he moved forward; from schoolboy to clerk, from clerk to proprietor, and thence to the control of great commercial interests. Through the valley of toil he walked strong and unwavering. Great factories in his home city and ships on our Great Lakes bear witness to the many enterprises that mark his life's achievement.

His charity is shown by hospitals, and his quiet giving the poor and needy will always hold in grateful remembrance. He prospered in the affairs of the world until that prosperity moved almost of its own weight.

His State made him a representative in this great body. Of his career here it would be presumption for me to tell you—his colleagues. The new beauties of this capital city are but examples of his creative and comprehensive mind. They are the facets of the gem which catches the light; the expression, in terms, of the beauty of a character built on effectiveness.

I could tell you of an acquaintance of more than a third of a century with this man, who was ever courteous, generous, and modest, whose courage was unyielding, and whose character was made strong by an unflinching determination. But I could tell you nothing half so eloquent as the single-hearted devotion of those and to those who lived in closest communion with him.

Memory will inscribe upon her tablets his unfaltering loyalty and love to those he held most dear. Let that be JAMES McMILLAN'S monument.

It matters little how long life is; it matters all how it is lived. He, the man, has come and gone. With him, a strong man has been in our midst, a generous one has passed away. Simply he trod the road, and simply he turned aside to rest. Let posterity pass the final judgment upon his public deeds, as it will upon ours.

Distance lends perspective, and only in perspective can objects attain a true proportion. But whatever a future generation may think or say, we, his contemporaries, write him JAMES McMILLAN, statesman, gentleman, friend, and man.

Mr. President, I ask for the adoption of the pending resolutions.

The resolutions were unanimously agreed to; and (at 4 o'clock p. m.) the Senate adjourned until to-morrow, Saturday, January 31, 1903, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January 30, 1903.*

The House met at 12 o'clock noon and was called to order by the Clerk, Hon. ALEXANDER McDOWELL, who read the following communication:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, D. C., January 30, 1903.

I hereby designate Hon. JOHN DALZELL, of Pennsylvania, as Speaker pro tempore for this day.

D. B. HENDERSON, *Speaker.*

Thereupon Hon. JOHN DALZELL took the chair as Speaker pro tempore.

Prayer was offered by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

RED CROSS ASSOCIATION.

Mr. GILLETT of Massachusetts. Mr. Speaker, I ask unanimous consent to have printed as a House document the report of the executive committee of the Red Cross Association.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent to have printed as a House document the report of the executive committee of the Red Cross Association. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

BILLS ON THE PRIVATE CALENDAR.

Mr. GRAFF. Mr. Speaker, I move that the House now resolve itself into the Committee of the Whole House to consider bills on the Private Calendar, under the special order entered yesterday.

The motion was agreed to.

Accordingly, the House resolved itself into Committee of the Whole House, with Mr. OLMSTED in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House for the consideration of the bills upon the Private Calendar, and agreeably to the order of yesterday the gentleman from Illinois, chairman of the Committee on Claims, will indicate the first bill to be read.

ELISHA A. GOODWIN.

Mr. GRAFF. Mr. Chairman, I call up the bill (S. 1672) for the relief of Elisha A. Goodwin, executor of the estate of Alexander W. Goodwin.

Mr. PEARRE. Mr. Chairman, I ask the chairman to indicate the Calendar number?

Mr. GRAFF. The Calendar number is 1947.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to issue duplicates to Elisha A. Goodwin, executor of the estate of Alexander W. Goodwin, late of Vanceboro, Me., in lieu of United States 4 per cent registered bonds, funded loan of 1907, acts of Congress approved July 14, 1870, and January 20, 1871, Nos. 71011 to 71018, inclusive, of the denomination of $100 each, amounting to $800, said bonds alleged to have been lost or stolen. Also to issue to the said Elisha A. Goodwin duplicates in lieu of United States 4 per cent coupon bonds of the funded loan of 1907, acts of Congress approved July 14, 1870, and January 20, 1871, Nos. 148356 and 148357 of the denomination of $1,000 each; 56961 to 56966, inclusive, of the denomination of $500 each; 66681 and 66829, 168768 to 168787, inclusive, of the denomination of $100, amounting to $7,200: *Provided*, That the said Elisha A. Goodwin shall first file in the Treasury a bond in a penal sum equal to the amount of the missing registered bonds and the interest that would accrue thereon until the same shall become due or payable; and a bond in a penal sum equal to double the amount of the missing coupon bonds and the interest that would accrue thereon until the same shall become due or payable, with good and sufficient sureties to be approved by the Secretary of the Treasury, with conditions to indemnify and save harmless the United States from any claim on account of the said lost or stolen bonds.

Mr. GRAFF. Mr. Chairman, this bill is for the purpose of issuing duplicate bonds in lieu of those that have been lost. The bill itself has been drawn in accordance with the recommendation of the Treasury Department and the claim itself is favorably recommended by that Department. The bill is conditioned upon the claimant filing a bond, to be approved by the Treasury Department, of twice the sum involved. I move this bill be laid aside with a favorable recommendation.

The motion was agreed to.

FLORIDA BREWING COMPANY.

Mr. GRAFF. I now yield to the gentleman from North Carolina [Mr. CLAUDE KITCHIN] to indicate the bill which he will call up.

Mr. CLAUDE KITCHIN. Mr. Chairman, I call up the bill (H. R. 10678) for the relief of the Florida Brewing Company, Calendar No. 1194.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Commissioner of Internal Revenue be, and he is hereby, authorized and directed to reopen and reconsider the claim of the Florida Brewing Company, of Tampa, Fla., for the refunding of $326.52, amount paid for stamps purchased from the collector of internal revenue at Jacksonville, Fla., and affixed to beer exported to Cuba during December, 1898, and January and February, 1899; and if, upon reopening and reconsidering said claim, said Commissioner shall find said stamps, or any part of the same, to have been affixed to packages of beer actually exported to Cuba, it is hereby made his duty to ascertain the amount paid for stamps so affixed and to allow the claim for such amount; and the Secretary of the Treasury is hereby authorized and required to pay, out of any money in the Treasury not otherwise appropriated, the said sum of $326.52, or so much thereof as may be found by the Commissioner of Internal Revenue to have been paid for stamps affixed to beer exported to Cuba.

Mr. CLAUDE KITCHIN. Mr. Chairman, this is a bill to refund $200 of tax stamps on export beer to Cuba. No tax was required by law for export beer to Cuba, but the shippers of this beer paid stamp tax at the rate of $2 a barrel. The Internal-Revenue Department recommends the refunding of this stamp tax. The bill provides for an accounting with the Internal-Revenue Commissioner and whatever amount he finds ought to be refunded shall be refunded.

The bill was laid aside to be reported to the House with a favorable recommendation.

WILLIAM D. RUTAN.

Mr. GRAFF. Mr. Chairman, I now call up the bill (S. 903, Calendar No. 758) for the relief of William D. Rutan.

The Clerk read the bill, as follows:

Be it enacted, etc., That the proper accounting officers of the Treasury Department be, and they are hereby, authorized and directed to credit the account of William D. Rutan, late collector of internal revenue at Newark, N. J., with the sum of $1,350, the same being the net value of certain snuff stamps forwarded by said Rutan to the Commissioner of Internal Revenue for exchange under the provisions of an act of Congress approved June 13, 1898, which stamps were lost in transit, or otherwise, and never accounted for.

Mr. GRAFF. Mr. Chairman, this is simply a bill for the purpose of paying a late collector of internal revenue in Newark, N. J., $1,350, the net value of snuff stamps forwarded by him to the Commissioner for exchange, under the act of June 13, 1898, which were not credited. The Commissioner of Internal Revenue reports the stamps were returned as obsolete, and that one registered package actually received in his office could not be traced or found; that Rutan's cash and stamp accounts balanced; that the stamps were obsolete and could not be used, and that he, the Commissioner of Internal Revenue, recommends the passage of the bill.

The bill was laid aside to be reported to the House with a favorable recommendation.

ALEXANDER S. ROSENTHAL.

Mr. GRAFF. I now yield to the gentleman from New York [Mr. GOLDFOGLE] to call up a bill.

Mr. GOLDFOGLE. Mr. Chairman, I call up the bill (H. R. 6714, Calendar No. 1022) for the relief of Alexander S. Rosenthal.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Alexander S. Rosenthal, late consul of the United States at Leghorn, Italy, the sum of $819.11, to reimburse him for moneys expended by him in procuring the disinfection of articles of merchandise shipped from the port of Leghorn, Italy, to the United States during the prevalence of cholera in the year 1893.

Mr. GOLDFOGLE. Mr. Chairman, the claimant was the American consul at the port of Leghorn, Italy, during the prevalence of the cholera at that port. The consul was required to ship a considerable quantity of merchandise to American ports. There was no law providing for an appropriation for the purchase of disinfectants. The consul had been appealed to by the American shippers and consignees as well as by the exporters to have the shipments promptly made. He consulted the statutes with regard to charges, and found that he was not permitted to impose any greater charges than those expressly provided for in the law. He communicated with the legation at Rome, and was there instructed to have the shipments promptly made.

For the purpose of effecting such shipments as well as for the purpose of preventing the spread of disease in this country, he very prudently indeed expended the sum of eight hundred and some odd dollars mentioned in this bill. The fact is, that this money had been so expended, and unless the consul had taken these precautions against the spread of cholera in our ports, the goods would not have reached our ports, in pursuance of the request of the shippers and of the directions given by his superior officer, and had the consul not taken these precautions the dreadful plague might have been brought into this country. There is no appropriation provided for the reimbursement of this expenditure, and for want of such appropriation relief must of course be had from Congress. I move that the bill be laid aside, to be reported to the House with a favorable recommendation.

Mr. PAYNE. Has any of the departments examined into this matter and ascertained the facts in regard to it?

Mr. GOLDFOGLE. Yes; the Department seems to have been communicated with. There is a long communication appended to this report.

Mr. PAYNE. What Department?

Mr. GOLDFOGLE. The State Department.

Mr. HULL. What does the Department recommend?

Mr. PAYNE. What do they say about it?

Mr. CLAUDE KITCHIN. All the vouchers from the medical officers at Leghorn are on file in the Treasury Department.

Mr. PAYNE. What was the value of these goods?

Mr. GOLDFOGLE. It ran away up into hundreds of thousands.

Mr. PAYNE. Did the shippers pay that amount in the first instance?

Mr. CLAUDE KITCHIN. The shippers are not required to pay, and, in fact, the statute provides that if the consul shall impose any greater charges than those provided by the statutes he shall be deemed guilty of extortion. Therefore the charge could not be imposed upon the shippers.

Mr. PAYNE. Then they did not pay it?

Mr. CLAUDE KITCHIN. Of course not. Yet the consul was directed by his superior officer, the minister, to have the shipments made.

The CHAIRMAN. The question is on the adoption of the motion of the gentleman from New York [Mr. GOLDFOGLE], that the bill be laid aside to be favorably reported to the House.

The motion was agreed to.

FANNIE T. SAYLES.

Mr. GRAFF. I call up the bill (H. R. 15747) directing the issue of a check in lieu of a lost check drawn by George A. Bartlett, disbursing clerk, in favor of Fannie T. Sayles, executrix, and others.

The bill was read, as follows:

Whereas it appears that George A. Bartlett, disbursing clerk, Treasury Department, did, on the 19th of July, 1902, issue a check, No. 1813553, upon the Treasurer of the United States at Washington, D. C., in favor of Fannie T. Sayles, executrix, and others, for the sum of $3,708.33, being in payment for rent of a building in Indianapolis, Ind., for quarters for Government offices; and said check was by the said Fannie T. Sayles, executrix, and others, indorsed for deposit in the Merchants' National Bank, Indianapolis, Ind., and so deposited, which check was subsequently mailed by the Merchants' National Bank to its correspondent for collection, and was destroyed in a wreck on the Pennsylvania Limited on July 24, 1902, in transmission through the United States mails; and

Whereas the provisions of the act of February 16, 1885, amending section 3646, Revised Statutes of the United States, authorizing United States disbursing officers and agents to issue duplicates of lost checks, apply only to checks drawn for $2,500 or less: Therefore,

Be it enacted, etc., That George A. Bartlett, disbursing clerk of the Treasury Department, be, and is hereby, instructed to issue a duplicate of said original check, under such regulations in regard to its issue and payment as have been prescribed by the Secretary of the Treasury for the issue of duplicate checks under the provisions of section 3646, Revised Statutes of the United States.

Mr. GRAFF. Mr. Chairman, under existing law the disbursing clerk at the Treasury Department has no right to issue a duplicate check in excess of $2,500. The amount in this case exceeds that sum by eight or nine hundred dollars; therefore the claimants are compelled to come to Congress for relief. The bill has been drafted by the Treasury Department and recommended by it.

Mr. PAYNE. Under the general law, I believe parties receiving duplicate checks are required to give a bond. Is there such a provision in this bill?

Mr. GRAFF. Yes, sir; the language of the bill is—

under such regulations in regard to its issue and payment as have been prescribed by the Secretary of the Treasury for the issue of duplicate checks under the provisions of section 3646, Revised Statutes of the United States.

I move that the bill be laid aside to be reported favorably to the House.

The motion was agreed to.

HEIRS OF PETER JOHNSON.

Mr. GRAFF. I call up the bill (H. R. 6830) authorizing and directing the Secretary of the Treasury to pay to the heirs of Peter Johnson certain money due him for carrying the mail.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, directed to pay to the heirs of Peter Johnson, deceased, the sum of $1,859.91, being balance due him for carrying the mail on route No. 8588, between Saluria and Corpus Christi, in the State of Texas, from July 1, 1858, to June 30, 1862.

The amendment reported by the committee was read, as follows:

At the end of the bill add the following:

said amount being for the time reported by the Auditor for the Post-Office Department, to wit, from December 31, 1860, to May 31, 1861.

Mr. CLAUDE KITCHIN. Mr. Chairman, this is a claim for carrying the mails prior to the war, and the amount stands now credited on the books of the Treasury Department. We have a letter from the Secretary of the Treasury showing that the amount is now due on a settlement had with this party before the war. The reason the Treasury Department did not pay the amount was on account of a statute passed in 1867 forbidding any officer of the Government paying any claim or demand to any person who was not known to have been in favor of the Union and against the Confederacy. I believe, however, there was an act passed in 1877 relieving mail carriers from the operation of that statute. This amount, as I have stated, is due, according to the books of the Treasury Department, and should be paid.

Mr. PAYNE. I should like to ask the gentleman this question: Does it appear in the report or by the evidence before the committee whether this man was paid by the Confederate government for carrying the mails?

Mr. CLAUDE KITCHIN. It appears that he was not, and the Treasurer says their records do not show that he was paid.

Mr. PAYNE. Of course, if he was carrying the mail of the Confederate States during the course of this time——

Mr. CLAUDE KITCHIN. No; not during the course of this time.

Mr. PAYNE. Up to 1862.

Mr. CLAUDE KITCHIN. Oh, no; that is amended. The amendment was to strike out that. His contract was until 1862, but the contract was annulled on the 31st of May, 1861, by the Government, and this is for services only up to May, 1861.

Mr. PAYNE. Commencing at what time?

Mr. CLAUDE KITCHIN. From January, 1861, or 1860.

Mr. PAYNE. How much does the bill carry?

Mr. CLAUDE KITCHIN. Little over $1,800. This is the amount found due in his settlement with the Government prior to the war between the States, and so appears upon the books.

Mr. PAYNE. Why is it that this claim was not paid at the time, or a portion of it?

Mr. CLAUDE KITCHIN. Simply because the war broke out and there was a statute passed in 1867——

Mr. PAYNE. Oh, I know, but this commenced in 1860, the forepart of 1860, as I understand. Why was not the installment paid for 1860?

Mr. CLAUDE KITCHIN. Because no settlement was had with him prior to May 31, 1861, and this balance appears to his credit for services from January 1 to May 31, 1861. We have passed several bills like this. The only reason all such bills have not been paid before is on account of that statute of 1867, passed when the feeling between the two sections of the country was very bitter.

Mr. PAYNE. But here is a bill for services for a year and four months prior to the breaking out of the war.

Mr. CLAUDE KITCHIN. Oh, no; from January 1 to May 31, 1861, the same year.

Mr. PAYNE. That is only three or four months.

Mr. CLAUDE KITCHIN. Yes.

Mr. PAYNE. That is a pretty heavy mail contract.

Mr. CLAUDE KITCHIN. Well, the Government made the contract with him, and this is the amount found in the settlement.

Mr. GRAFF. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The CHAIRMAN. The question is first on the committee amendment.

The amendment was agreed to.

The CHAIRMAN. The question now is, Shall the bill be laid aside with a favorable recommendation?

The motion was agreed to.

CLARA H. FULFORD.

Mr. GRAFF. Mr. Chairman, I next call up the bill (S. 916, Calendar No. 1500) for the relief of Clara H. Fulford.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, instructed to redeem, in favor of Mrs. Clara H. Fulford, widow of D. Fulford, two bonds of the United States, of the denominations of $50 and $50, and known as five-twenties, said bonds having been destroyed by fire the 9th day of July, 1872, and to pay to Mrs. Clara H. Fulford, widow of said D. Fulford, the amount of said bonds, together with accrued interest from July 1, 1872, to the date of the maturity of said bonds.

SEC. 2. That the said Mrs. Clara H. Fulford, widow of D. Fulford, shall also execute and file with the Secretary of the Treasury a bond, with sufficient sureties, to be approved by the Secretary of the Treasury, in the penalty of $300, conditioned to save harmless the United States from loss or liability on account of said bonds or the interest accrued thereon.

Mr. GRAFF. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

JACOB SWIGERT.

Mr. CLAUDE KITCHIN. Mr. Chairman, I next call up the bill (H. R. 12075, Calendar No. 1264) for the relief of Jacob Swigert, late deputy collector, seventh Kentucky district.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $200 to Jacob Swigert, late deputy collector, seventh district of Kentucky, the said sum of money being payment in full to said Jacob Swigert on account of loss of 20 ten-dollar documentary stamps during the month of January, 1899.

Mr. CLAUDE KITCHIN. Mr. Chairman, this is for loss of $200 worth of revenue stamps which were destroyed by fire. The bill is recommended by the collector of internal revenue in Kentucky. The stamps were in the possession of the deputy collector. He had purchased these, with other stamps, for some railroad to attach to a deed. When he opened the package he found all the stamps there. He then put the package in an iron safe. When he reopened the package for delivery of stamps those special stamps, for which this claim is made, were found to be missing, and it is supposed that when first opened they dropped from the package and were swept into the fire. This is the only way to account for their loss. They were 20 ten-dollar stamps and have never been found, and of course have never been used. The Government lost nothing.

Mr. PAYNE. Is it recommended by the Commissioner of Internal Revenue or the Secretary of the Treasury?

Mr. CLAUDE KITCHIN. No; they do not make any recommendation at all.

Mr. PAYNE. Has there been any investigation at all, except by the deputy collector himself?

Mr. CLAUDE KITCHIN. Yes, the collector himself——

Mr. PAYNE. Of course the collector himself, but I say by any other person.

Mr. CLAUDE KITCHIN. As I said before, the deputy collector who purchased these stamps for the railroad, when he opened them, found all the stamps were there. He put them in his vault, but when he went to get them out for the railroad he found that these ten-dollar stamps were missing. They must have dropped from the package when first opened and then swept into the fire. The deputy collector swears so.

Mr. PAYNE. I understand; but it seems nobody has investigated the facts and recommends the passage of the bill except the collector there, who is responsible for the stamps himself.

Mr. CLAUDE KITCHIN. There is no way to prove they were destroyed except by the collector himself and his deputy.

Mr. PAYNE. They could send an inspector there to take the evidence, some intelligent man.

Mr. CLAUDE KITCHIN. The Government did not send an inspector there, but the collector of internal revenue examined into it, and there are affidavits which go to show that the deputy has a splendid character and has made a most diligent and faithful officer. He swears that the stamps were lost or destroyed, as explained.

Mr. TAWNEY. The Government was paid for the stamps?

Mr. CLAUDE KITCHIN. Yes; and those stamps have never been used in that county; and I do not suppose any irresponsible party could dispose of ten-dollar stamps. They have never been found.

Mr. TRIMBLE. Mr. Chairman, I introduced this bill, and the facts in the case are these: Mr. Swigert was the deputy collector at Frankfort, and he made a special requisition for 40 one-dollar stamps, 30 three-dollar stamps, and 20 ten-dollar stamps for a special purpose. He examined the package containing the stamps and found the contents to be correct, and, as he thought, placed them in his safe until they were needed; but a few days afterwards he went to his safe to get the package, and when he opened it the 20 ten-dollar stamps were missing.

Mr. PAYNE. What evidence did the committee have before it of the loss of these stamps?

Mr. TRIMBLE. There is no evidence except that of Mr. Swigert, which, in substance, is as follows:

That during the time he served as deputy collector aforesaid he served as stamp deputy for division 1 of the seventh district of Kentucky, under appointment from Hon. Sam. J. Roberts, collector of internal revenue for said district.

That during January, 1899, there was sent to him as said deputy collector a small white envelope, same being attached hereto and marked "A" for identification, which contained the following documentary adhesive internal-revenue stamps: Forty one-dollar stamps; 30 three-dollar stamps, and 20 ten-dollar stamps, the same being a special order and intended to be used to stamp deed transferring the Kentucky Midland Railway.

That upon the receipt of said envelope he tore same open to ascertain if it contained the stamps ordered, and after examining the contents of the envelope placed same in vault, which is located in his office, for safe-keeping until they were called for. That several days later (six or seven) upon Mr. George B. Harper, receiver of said Kentucky Midland Railway, calling for same, he went to the vault to get them for the purpose of selling them to him, and upon looking in the envelope for them found that the 20 ten-dollar stamps, which he thought he placed in the vault in the envelope along with the other stamps, were missing.

That he immediately reported said fact to the collector of internal revenue at Lexington, Ky., and made thorough search throughout his office and vault, but was unable to find said stamps.

He further states that he firmly believes that said stamps were inadvertently dropped upon the floor by him, when he was examining contents of envelope and at end of day gathered up with the waste paper and burned in office grate, as it was the universal rule to so burn scrap paper at end of day.

He further states that no stamp of the denomination of $10 has been used at the county clerk's office of Franklin County, the county in which his office is situated, since the war tax went into effect and that the smallest instrument demanding 1 ten-dollar stamp would be a $10,000 deed.

Mr. Chairman, this is a just claim. The stamps lost were of such a denomination that they could be affixed only to a $10,000 instrument. Consequently no petty thief could have stolen and used the stamps. They were never used in the county where they were bought to be used, and the 40 one-dollar stamps and the 30 three-dollar stamps were there. If they had been stolen, the smaller denominations would have been taken. Mr. Swigert had to replace the stamps. He is a poor man and not able to stand the loss. As I have said, he was an exemplary officer and a man of sterling integrity and undoubted veracity. I know him and can vouch for these facts.

Mr. PAYNE. Mr. Chairman, it does seem to me that the committee ought to investigate a case like this more thoroughly. Of course the amount is small, but I hate to see a precedent like this established, by one collector coming in here, the man interested, and on his own affidavit obtaining the passage of a bill for a claim like this. It seems to me that the committee ought to have investigated further, and ought to have presented some better evidence to the committee than they are able to present in this case. I know it is a small amount, and the gentleman who introduced the bill seems to know the deputy collector, and says he is a man of the highest character. He probably would not be concerned in the larceny of $200 worth of stamps; and yet it is not a good precedent to establish, because some day some man may come in here who is not of the highest character and about whom there might be some doubt.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

CAPT. E. O. FECHÉT.

Mr. GRAFF. Mr. Chairman, I call up the bill (S. 679) directing the issue of a check in lieu of a lost check drawn by Capt. E. O. Fechét, disbursing officer, United States Signal Service Corps, in favor of the Bishop Gutta Percha Company. This bill does not appear upon the Calendar, but it should be there. It was reported yesterday.

The bill was read, as follows:

Be it enacted, etc., That Capt. E. O. Fechét, disbursing officer United States Signal Corps, be, and he is hereby, authorized and directed to issue to the Bishop Gutta Percha Company a duplicate of an original check issued by said E. O. Fechét on the 29th day of September, 1900, No. 3582l, upon the assistant treasurer of the United States at New York, in favor of the Bishop Gutta Percha Company, for the sum of $2,793, which check is alleged to have been lost in transmission through the clearing house before reaching the said assistant treasurer of the United States at New York: *Provided*, That said duplicate check shall be issued under such regulations in regard to its issue and payment as have been prescribed by the Secretary of the Treasury for the issue of duplicate checks, under the provisions of section 3646 of the Revised Statutes of the United States, including an adequate bond of indemnity.

Mr. GRAFF. I move that the bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

JOHN L. YOUNG.

Mr. GRAFF. Mr. Chairman, I call up Calendar No. 1156.

The CHAIRMAN. Will the gentleman give the House or Senate number?

Mr. CLAUDE KITCHIN. The bill is H. R. 7792, for the relief of John L. Young.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and hereby is, authorized and directed to pay John L. Young, of Union, S. C., out of any money in the Treasury not otherwise appropriated, the sum of $1,984.98, being for services rendered the United States in carrying the mails in 1860 and 1861.

The following amendment recommended by the committee was read:

In lines 6 and 7 strike out "$1,984.98" and insert "$1,471.18."

Mr. CLAUDE KITCHIN. Mr. Chairman, this is another one of those antebellum claims. The amount stated in the bill was found due upon the settlement with the Treasury Department before the war, and it appears to the credit of claimant upon the books, for services rendered as mail carrier before the war. The Government has received the services, the amount is due, and the committee thought and still think it ought to be paid.

Mr. BURKETT. I should like to ask the gentleman about this bill. I took occasion to look up the other one, but I do not know about this. The facts in the case of the other bill, so far as the report was concerned, were that the committee did not have any evidence about it at all. Now, in this case did the committee have any evidence of the contract?

Mr. CLAUDE KITCHIN. The statement of the Postmaster-General sets out the contract and shows that the amount was due.

Mr. BURKETT. To the same extent that he did in the other cases that we passed a moment ago?

Mr. CLAUDE KITCHIN. Yes.

Mr. BURKETT. To any greater extent?

Mr. CLAUDE KITCHIN. To no greater extent.

Mr. BURKETT. What is the evidence as to this man having been paid?

Mr. CLAUDE KITCHIN. The records of the Department show no payment and the amount is still due, as appears from the books of the Department. Of course the record here would show if he had been paid by this Government.

Mr. BURKETT. What investigation has the committee made to ascertain whether these claims have been paid?

Mr. CLAUDE KITCHIN. The committee had the affidavit of this man that he had not been paid.

Mr. GRAFF. We always require that affidavits shall be filed of that character.

Mr. BURKETT. In the other case the committee did not have any affidavits, as I understand it; at least the report did not say so.

Mr. GRAFF. I do not remember about the other case, but it is the rule generally in these cases that we require affidavits of the claimants, for the reason that the records of the post-office with regard to the payment of cases of this class by the Confederate government are incomplete. They have some of the Confederate records there. They can not answer with definite certainty about payments by the Confederate government; and therefore all they can do is to examine the partial Confederate records in their possession to see that there is no evidence from this partial record that it has been paid. So we supplement this by asking the affidavit of the claimant that he had not been paid by the Confederate government or anybody else.

Mr. BURKETT. Why were not the amounts paid by the Government?

Mr. GRAFF. The reason for that was, these claims originated at a time when the gentleman and I were very small. But the records show to us that hostilities commenced, and orders of the Post-Office Department were issued in various parts of the Southern States; as hostilities developed and parts of the country came under Confederate authority, then these contracts were canceled and thereafter the man ceased to be in the employ of the United States Government, and United States mail was not being carried in that section. Then, of course, the war followed, and there was no opportunity for these people to collect the small balance due them.

Mr. BURKETT. In this other case that I have been looking up I find the man ceased carrying the mail on May 31, 1861.

Mr. GRAFF. Yes.

Mr. BURKETT. He had been paid up to the 31st of December, 1860, and he claims for the time from December 31, 1860, to May 31, when the Confederate government took hold of the matter. Now, I find that notwithstanding that fact he never filed a claim until 1883, as I read the report.

Mr. CLAUDE KITCHIN. I do not know that this claim was filed before. It could not have been filed before 1883, because there was a statute forbidding those claims. It could not have been paid for in 1867. The statutes then forbid the payment of any of these claims.

Mr. BURKETT. I understand the statute of 1867, but it did not prevent them coming to Congress in the meantime.

Mr. CLAUDE KITCHIN. You know, and we all know, that as early as 1883 the feeling between the two sections, the feeling that had been engendered during the late war had not died away so much as to enable them to get a bill of this kind through Congress, and that is the reason.

Mr. BURKETT. What I was trying to get it is this: It is not a question as to these two cases, but if we pass cases of this sort here it is going to open up cases of this kind from all over that country.

Now, the question that I want to get at is, if the committee has gone into the question and examined these claims. It is not these two cases alone that I am thinking of.

Mr. LIVINGSTON. If the gentleman will permit me, I will state that this is an honest claim, and whether it opens up a lot of claims that does not matter. If the claim is honest the Government ought to pay it, and the Government has been paying them all the time, so that I hope the gentleman will not pursue this matter any further.

Mr. BURKETT. The question that I am trying to get at is whether the committee investigates the claim. Here is a claim, which is brought especially to our attention very recently, of this sort where it has not.

Mr. CLAUDE KITCHIN. You are mistaken.

Mr. BURKETT. I am trying to find out whether the committee ever investigates the claim. So far as the report is concerned there is no evidence of an investigation. In this case the gentleman said he did not know whether an investigation had been made or how much of an investigation before the committee had been made.

Mr. CLAUDE KITCHIN. The gentleman who introduced the bill [Mr. JOHNSON] came before the committee. He knew the man, and had investigated the facts thoroughly, and he stated to the committee that it had not been paid. There are several bills of this kind presented and several bills have been before this House of this nature in which payment has been allowed. When the member representing them comes before our committee and it appears that the Government of the United States has had the service and it has not been paid, we feel like we ought to allow these bills.

Mr. BURKETT. There is no question about that. I am not contesting that. I am trying to find whether there is any evidence to show whether the payment has been made or not. I can not find that there was any evidence.

Mr. CLAUDE KITCHIN. I take it if the gentleman should come before the committee and make a statement of the facts to the committee the committee would gladly take it.

Mr. BURKETT. But I would not ask the committee to take a statement of facts on a matter like that of which I knew nothing personally.

Mr. GRAFF. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

Mr. PAYNE. Mr. Chairman, it seems now from the discussion of the gentleman from Nebraska that this is one of those claims——

Mr. GRAFF. I have just been informed that the claimant died last Friday, and if that is true the bill ought to be amended. Amend in line 4, after the word——

Mr. PAYNE. I do not seem to be able to maintain the floor. Now, Mr. Chairman, it seems that this claimant ought to have been paid by the Confederate Government. We never heard any complaint that they did not do this, especially during the early years of the war. I never heard any complaints but that they did pay this class of claims. The presumption is they paid this claim as the man went on carrying the mail, and of course trusted the Confederate Government for the payment of it. But there is no evidence that it has not been paid so far as the committee have presented it to this House. I know the gentleman from North Carolina said that the member of the House who introduced the bill said it had not been paid. Of course, he did not know of his own knowledge that it had not been paid; he was not there with the contractor to see all that had been paid him during the forty years so that he could say it never has been paid; so there is no evidence before the House, as there was none before the committee, that the claim has not been paid. They come here with the presumption that this claim has already been paid and all there is to overcome that presumption is the statement of the judgment, or opinion, of the gentleman who introduced the bill that the claim has not been paid.

I submit, Mr. Chairman, that we ought not to be called upon to pay claims of this character, over forty years old, without some evidence of some kind, somewhere, that the claim has not been

paid. I do not know how many of these claims are before the committee, but I do know that if we go into this business of paying claims without requiring evidence sufficient to overcome the presumption that the Confederate Government did pay them, we shall have a good many of them.

Mr. GRAFF. Mr. Chairman, the committee did state that Mr. Jackson filed an affidavit with the claimant that he had not received pay for the claim. In addition to that the claimant was not working for the Confederate Government during the period for which the claim is sought to be recovered, but he was working for the Federal Government. The Federal Government states that that amount is credited and is due on the books of the United States to him. There is no evidence in the Confederate records in their possession that he received any pay during that time.

Mr. PAYNE. Where is that affidavit? The gentleman from Nebraska [Mr. BURKETT] says that he did not find any such affidavit.

Mr. CLAUDE KITCHIN. There was some evidence produced that he had not been paid.

Mr. PAYNE. When did the Confederate Government commence to run a post-office department?

Mr. LIVINGSTON. What has that got to do with this bill?

Mr. CLAUDE KITCHIN. It commenced May 1, 1861. That was the first time the Post-Office Department annulled all the Federal contracts in the Confederate States.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was considered, and agreed to.

The CHAIRMAN. The next question is on the amendment offered by the gentleman from Illinois [Mr. GRAFF], which the Clerk will report.

The Clerk read as follows:

In line 4, after the word "pay," insert the words "legal representative of."

The amendment was agreed to.

Mr. GRAFF. Mr. Chairman, I move to amend the title by inserting after the word "for the relief of" the words "the legal representatives of."

The amendment to the title was agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

GEORGE P. WHITE.

Mr. GRAFF. Mr. Chairman, I now call up the bill (S. 5079, Calendar No. 1731, for the relief of George P. White.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to release Capt. George P. White, Ninth United States Cavalry, from all liability resulting from the loss of $4,299.76, the unrecovered balance of stolen quartermaster funds for which he was responsible, the said sum now being charged against him on the books of the Treasury Department.

Mr. GRAFF. I now yield to the gentleman from Iowa [Mr. HAUGEN].

Mr. HAUGEN. Mr. Chairman, this bill is to give relief to Capt. George P. White. Captain White while stationed in the Philippine Islands and as a quartermaster was in charge of certain quartermaster's funds, which were kept in an old Spanish safe captured from the insurgents. It appears that the safe was broken open and that more than $6,000 in gold was carried away. It appears that the theft was traced to Corporal Robert Richardson, of Company H, and Private R. E. Williams, of Company G, of the Twenty-sixth United States Infantry, who were on detached duty as clerks, who slept in an adjoining room where the safe was kept. These men were arrested, and each confessed his guilt. They were tried by court-martial and found guilty of the theft, and sentenced to imprisonment at hard labor for a term of years.

A board of survey was convened, and after extended hearing of the evidence the board found that no blame was attached to Captain White. A part of the money was subsequently recovered, leaving a balance of $4,299.76 charged to account of Captain White, and which amount it is asked that he be relieved of, and which can only be relieved by an act of Congress or by a decision of the Court of Claims.

There is and can be no question af to the merits of this claim, and I ask that speedy action be taken and that relief be given as indicated in the bill.

This brief statement can be corroborated by departmental correspondence on file with the Committee on Claims, and which is incorporated in Report No. 2308, made by the chairman of that committee, the honorable, courteous, and obliging gentleman from Illinois, Mr. GRAFF. My statement can also be corroborated by members of this House who have personal knowledge of the case.

Mr. GOLDFOGLE. What is the money to be paid for?

Mr. HAUGEN. It is money that was stolen, and it is to be credited to the account of this claimant.

Mr. GOLDFOGLE. Has the Department recommended the payment of the claim?

Mr. HAUGEN. Yes. Mr. Chairman, I ask that the letter of the War Department in the report be read.

The Clerk read as follows:

WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,
Washington, February 14, 1902.

I have the honor to inform you that Capt. George P. White, Ninth United States Cavalry, charges himself on his account current for November, 1901 (fiscal year 1902), with $4,299.76 quartermaster's funds, stolen, as evidenced by a report of board of survey, also forwarded. This board, consisting of Maj. George F. Cooke, Twenty-sixth United States Infantry, president; Maj. H. D. Thomason, surgeon, United States Volunteers; and Capt. J. F. McBlain, Ninth United States Cavalry, recorder, convened by competent order at Nueva Caceres, P. I., on August 11, 1901, to examine into and report on the theft of public funds for which Captain White was responsible.

This examination was comprehensive and thorough, and the report is supported by the necessary certificates and affidavits, which are attached as exhibits.

From the testimony adduced it was shown that Corpl. Robert Richardson, Company H, and Private R. E. Williams, Company G, Twenty-sixth United States Infantry, on detached duty as clerks, and sleeping in an adjoining room to the quartermaster's safe, did, by breaking the padlock thereof by which it was secured, abstract therefrom, in the night, the following moneys: Quartermaster's funds, $4,825.76; secret-service funds, $250; captured funds, $692.50; deposits of employees for safe-keeping, $835; or a total of $6,603.26, of which $5,768.56 were public funds, for which Captain White was responsible, and $835 private funds.

The loss was discovered on the following morning and the men subsequently captured while attempting to escape. They separately confessed to the crime, and $846, concealed, was recovered, leaving a balance of public moneys of $4,922.06, which was presumably either squandered or further concealed by the thieves.

The conclusion of the board follows: "The board is of opinion that no blame can attach to Capt. George P. White, Ninth United States Cavalry, for the loss of this money, and recommends that he be relieved from the responsibility of the unrecovered balance, $4,922.06." The report of the board is approved by Gen. J. F. Wade, department commander. The culprits were subsequently sentenced by court-martial.

November 20, 1901, Captain White addressed this office, stating that the amount of $4,922.06 should be reduced by $596.20, the amount of quartermaster's funds comprised in the sum of $846.20 originally recovered, and by $26.10 subsequently recovered, leaving as a balance of quartermaster's funds with which he was charging himself until relief was secured $4,299.76, amount carried on his November account current.

The officer further requested that his communication be forwarded without delay to the Auditor for the War Department, in order that after the examination and statement of responsibility by the accounting officers of the Treasury he might speedily apply to the Court of Claims for the relief contemplated and authorized by section 1059 of the Revised Statutes, edition of 1878, and section 782, digest by McClure in 1901 of the decisions of the Judge-Advocate-General.

The money account for November, 1901, before mentioned, is the last received in this office from Captain White, and as it is learned informally in the office of the Auditor for the War Department that this account is not as yet audited, it is respectfully suggested that this communication and inclosures be referred to the honorable the Secretary of the Treasury, with the request that this matter be referred to the Auditor for the War Department for such action in the premises as is deemed proper, in order that the officer may obtain the relief from Congress as suggested.

Respectfully,

M. I. LUDINGTON,
Quartermaster-General United States Army.

The SECRETARY OF WAR.

[First indorsement.]

WAR DEPARTMENT, *February 24, 1902.*

Respectfully referred to the honorable the Secretary of the Treasury, with request for action in accordance with the wishes of the Quartermaster's Department, as indicated within.

WM. CARY SANGER,
Assistant Secretary of War.

[Second indorsement.]

TREASURY DEPARTMENT,
Washington, D. C., February 26, 1902.

Respectfully referred to the Auditor for the War Department for such action as may be deemed proper in the premises.

H. A. TAYLOR,
Assistant Secretary.

[Third indorsement.]

TREASURY DEPARTMENT,
OFFICE OF THE AUDITOR FOR THE WAR DEPARTMENT,
March 3, 1902.

Respectfully returned to the honorable the Secretary of the Treasury, with the following information: The quartermaster accounts of George P. White, captain, Ninth Cavalry, United States Army, from July 1 to November 30, 1901, are on file in this office. The accounts and accompanying papers show that in August, 1901, Captain White was on duty as quartermaster, at headquarters, third district, Department Southern Luzon, at Nueva Caceres, P. I. In this capacity he had in his possession and was responsible for certain public funds of the quartermaster's department, which he kept in a heavy iron safe in a building used only for administrative purposes. This was an old safe that had been abandoned by the Spanish and had been captured from the insurgents.

The fastenings of the safe had been two iron hasps with padlocks. One of these hasps had been broken for a long time; the other one was locked with a Yale padlock, the key to which Captain White kept in his possession, allowing no one but himself to open the safe. There was a military guard on duty outside the building day and night. Six picked soldiers were detailed as clerks at headquarters and slept in the building, and were considered an additional guard for the funds.

During all of the day and most of the night of August 7, 1901, Captain White was absent from the post on official business at Libmanan. In the afternoon of that day two of the clerks in the quartermaster's department discovered that the padlock on the safe was broken and that all funds had been taken out of the safe.

On his return to the post this fact was reported to Captain White, who at once reported the loss to the commanding officer, and together they proceeded to investigate the matter; whereupon the theft was traced to two

clerks employed in the building. These clerks were found in a near-by town spending money freely. They were arrested, and each confessed his guilt. They were tried by court-martial, and each sentenced to imprisonment at hard labor for a term of years. When the loss was discovered a board of survey was at once convened, and, after hearing all the evidence, found that no blame could attach to Capt. G. P. White for the loss of the money.

At the time the lock was broken there was in the safe, in addition to $835 deposits by individuals for safe-keeping, public funds amounting to $5,768.26. Of this there was recovered $1,468.50, leaving Captain White still reponsible for $4,299.76.

This is the amount with which he stands charged on the books of the Treasury and for which he can be relieved only by an act of Congress or decision of the Court of Claims.

The original copy of the proceedings of the board of survey and all the evidence in the case are on file in this office.

F. E. RITTMAN, *Auditor.*

TREASURY DEPARTMENT,
Washington, D. C., March 5, 1902.

Respectfully returned to the Secretary of War, attention being invited to the indorsement hereon, dated March 3, 1902, from the Auditor of the War Department, relative to the within subject.

O. L. SPAULDING,
Acting Secretary.

[Fifth indorsement.]

WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,
Washington, March 13, 1902.

Respectfully returned to the honorable the Secretary of War.

The within report from this office, dated February 14, 1902, and the indorsement thereon of the Auditor for the War Department, fully set forth the facts and circumstances of this theft of money, and the quoted decision of the board of survey that no blame can attach to Captain White for the loss of this money, and the recommendation that he be relieved of the responsibility for the unrecovered balance, meets with approval.

Therefore, this office has no objection to and would favorably regard any proposed Congressional legislation which may suggest itself to Senator DOLLIVER as most fitting and likely to secure relief for the officers from the responsibility for these stolen funds.

And it is further considered that such a course would in all probability be productive of speedier results than would follow a reference of this matter to the Court of Claims, as suggested by Captain White himself, and would be more acceptable to the officer on that account.

M. I. LUDINGTON,
Quartermaster-General, United States Army.

Mr. HAUGEN (interrupting the reading). Mr. Chairman, I think enough has been read to show that this claim is——

Mr. PAYNE. Oh, let us have the whole report, or something.

Mr. HAUGEN. I thought sufficient had been read to show the justice of this claim. This is a letter of the War Department, in the report, stating that the money was stolen and that the parties pleaded guilty to the theft, and it was recommended that the amount stolen from Mr. White should be credited to his account and that he in no way be held responsible.

Mr. PAYNE. But the gentleman stopped the reading before the Clerk read the signature of the War Department.

Mr. GRAFF. We will have that read separately if the gentleman wants.

Mr. PAYNE. Oh, I am willing to take the gentleman's statement.

The bill was laid aside to be reported to the House with a favorable recommendation.

EDWARD S. CRILL.

Mr. GRAFF. Mr. Chairman, I now call up the bill (H. R. 2422) for the relief of Edward S. Crill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay to Edward S. Crill, of Florida, the sum of $175, for rent of building for post-office in Palatka, Fla., for the third and fourth quarters of the year 1886.

Mr. CLAUDE KITCHIN. Mr. Chairman, this bill provides for paying to the claimant the rent of the building used as a post-office in Palatka, Fla., for the last two quarters of 1886. This post-office was made a second-class office to take effect July 1, 1886, entitling claimant to rent at the rate of $350 per year from July 1, 1886; but, as it seems, no allowance for rent was made until January 1, 1887. The First Assistant Postmaster-General, who looked into the matter, has stated in writing to the committee that this is a just claim and should be paid; that the claimant is entitled to $175, being, as I have said, the rental for the last two quarters of 1886.

Mr. PAYNE. It appears that the Post-Office Department now holds that this rent should have been paid for the last half of 1886, notwithstanding the postal officers who were on the ground in 1886 decided that the rent should not commence until January 1, 1887. Of course, it is possible sometimes that officials are overpursuaded by the zeal of claimants, and go a little beyond the statements they ought to make.

Mr. DAVIS of Florida. I think I can explain this to the gentleman's satisfaction.

Mr. PAYNE. At the suggestion of my friend from California [Mr. LOUD] I ask to have the report read in my time.

The Clerk read as follows:

The Committee on Claims, to whom was referred the bill (H. R. 2422) for the relief of Edward S. Crill, beg leave to submit the following report and recommend that said bill do pass without amendment.

This is a bill enacting that—

"The Secretary of the Treasury be, and he is hereby, authorized to pay to Edward S. Crill, of Florida, the sum of $175 for rent of building for a post-office in Palatka, Fla., for the third and fourth quarters of the year 1886."

Mr. Crill, who is shown to the committee to be a highly reputable and honorable gentleman, makes his affidavit to the truth of his claim, which affidavit is hereto appended. The First Assistant Postmaster-General recommends the payment of the claim, and his letter, which is conclusive, is also hereto appended.

STATE OF FLORIDA, *County of Putnam, ss:*

Personally appeared before me E. S. Crill, who, being duly sworn, deposes and says: That he was the owner of the building in Palatka, Fla., in the year 1886 in which the post-office was located; that he was informed that an allowance for rent was made at the rate of $350 per year; that he was to receive for the third and fourth quarters of the year 1886 the sum of $175; that the post-office was situated in said building during the third and fourth quarters of the year 1886; that he never received any rent for the two said quarters of the year 1886; that he repeatedly wrote the Post-Office Department at Washington, asking that the rent be paid; that to these demands no reply was made; that the amount of $175 is still due and unpaid.

E. S. CRILL.

Subscribed and sworn to before me this 12th day of February, A. D. 1902.
[SEAL.]

RICHARD F. ADAMS,
Notary Public, State of Florida at Large.

POST-OFFICE DEPARTMENT,
FIRST ASSISTANT POSTMASTER-GENERAL,
Washington, D. C., February 26, 1902.

SIR: I beg to acknowledge the receipt of your communication dated the 19th instant, referring H. R. 2422 to the Postmaster-General for facts and opinion, and in reply would state that this bill is for the relief of Edward S. Crill, and that he be paid the sum of $175 for rent of building for post-office in Palatka, Fla., for the third and fourth quarters of the year 1886.

It appears from the records that the post-office at Palatka, Fla., was advanced to the second class, taking effect July 1, 1886, and that no rental was allowed at that office until January 1, 1887, upon which latter date rental in the sum of $350 per annum was fixed. As the post-office in question was entitled to a rental allowance from the 1st of July, 1886, it would appear therefore that the claim for rental in the sum of $175 for the third and fourth quarters of that year is a proper one.

Very respectfully,

WM. JOHNSON,
First Assistant Postmaster-General.

Hon. JOSEPH V. GRAFF,
House of Representatives.

The CHAIRMAN. The question is, shall the bill be laid aside to be reported favorably to the House?

The question was decided in the affirmative.

FRANK J. BURROWS.

Mr. GRAFF. I call up the bill (S. 1206) for the relief of Frank J. Burrows.

The bill was read, as follows:

Be it enacted, etc., That the Postmaster-General be, and he is hereby, authorized and directed to cause the account of Frank J. Burrows, late postmaster at Williamsport, State of Pennsylvania, to be credited with the sum of $4,022, and that he cause the said credit to be certified to the Auditor of the Treasury for the Post-Office Department, being on account of loss of $3,500 in postage stamps and $522 in postal funds by robbery of said post-office on the 30th day of August, 1884, it appearing that said loss was without fault or negligence on the part of said late postmaster; and the said sum of $4,022 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to pay said claim.

Mr. PAYNE. Has the gentleman from Illinois [Mr. GRAFF] a statement from the Post-Office Department in regard to this case?

Mr. GRAFF. Yes, sir.

Mr. PAYNE. I should like to have that read if it is not very long.

Mr. GRAFF. I read from the report:

A. G. Sharp, chief inspector, Post-Office Department, in a letter to Hon. William T. Price, dated January 13, 1885, in answer to one for information as to the robbery, says:

"A thorough examination was made by an inspector to ascertain if there was any evidence of collusion between the thieves and the employees of the Williamsport office, or any of them, but none could be found. * * * A rigid and searching investigation was made of the accounts of the office, and everything was found to be in good shape, except the losses before stated. The assistant postmaster has the absolute confidence of the postmaster, and, in fact, the confidence of everyone with whom he has come in business contact."

Then again:

J. M. Speese, the inspector of the Post-Office Department who investigated the said robbery within a few days after the same was committed, states, in a letter written by him to a member of this committee: "This robbery was planned by ingenious and bold thieves from New York, and due vigilance could not have prevented its execution." He also states: "I have always found the Williamsport post-office intelligently and carefully managed and the interests of the Department and the public carefully conducted."

The Post-Office Department, in a communication addressed to the Hon. Charles N. Brumm, chairman of the Committee on Claims, under date of January 29, 1896, says, relative to this claim:

I will, however, say that for several years this Department has been allowing claims for loss occurring under circumstances similar to this case, and if the claim was now presented to the Department for the first time, it would be recommended for allowance as coming within the purview of the act of Congress of May 9, 1888. (Sup. to R. S. of 1891, pp. 585-586.)

Very respectfully,

JOHN L. THOMAS,
Assistant Attorney-General, Post-Office Department.

Mr. PAYNE. I wish to say that this explanation is very satisfactory. Here an independent party goes and makes an examination—two of them, I believe—and find the facts; and according to

the facts thus ascertained the United States ought to make payment. I want to commend the gentleman from Illinois for the satisfactory evidence in this one case anyway.

Mr. GRAFF. I appreciate the gentleman's compliment. [Laughter.] I move that the bill be laid aside to be reported favorably to the House.

Mr. LOUD. I wish to ask the gentleman from Illinois something about the facts of this case—as to how the robbery took place. I have an indistinct recollection of this case. I believe it has been up before, has been discussed by the House, and adversely acted upon.

Mr. GRAFF. A similar bill was reported at the first session of the Forty-ninth Congress; again, at the first session of the Fifty-second Congress; again, at the first session of the Fifty-fourth Congress. So far as the facts are concerned, they are set forth in the report. Of course, I was not personally in Williamsport at the time that this robbery took place.

Mr. LOUD. We all understand that.

A MEMBER (to Mr. GRAFF). We acquit you. [Laughter.]

Mr. GRAFF. I never was suspected. [Laughter.] I read again from the report:

That Frank J. Burrows was postmaster at the city of Williamsport, Pa., from 1882 to ——; that on the 30th day of August, 1884, the said post-office was robbed of 50,000 1-cent postage stamps and 150,000 2-cent stamps, aggregating in value $3,500, and also of $522 in money.

The said robbery was committed about a quarter to 12 o'clock (noon), when the postmaster, clerks, carriers, and employees of the post-office were at dinner, with the exception of the assistant postmaster, the mailing clerk, and the delivery and stamp clerk. The mailing clerk was busy at his desk. The delivery and stamp clerk was at the general-delivery window, and the assistant postmaster, Mr. Shay, was occupied in the money-order office in the rear part of the office. The stamps and money stolen were in an iron safe belonging to the Department, and furnished for that purpose by the Department. The stamps were in the original packages in which they had been sent to the post-office.

While so engaged as aforesaid a boy came in and told the assistant postmaster that a gentleman in a buggy in front of the door wished to speak to him. Mr. Shay, the assistant postmaster, at once left his work and went to the door. The man in the buggy said he was sorry to have brought him out, but he was lame and could not get out of the buggy. He then said that he wanted to ask him how he would have to proceed to get seeds from the Department, etc. Mr. Shay replied that he was not able to give him the information, but supposed he could get them through the member of Congress from his district. Mr. Shay then returned to his office, not having been gone, as he thinks, more than three or four minutes. That afternoon it was discovered that the stamps mentioned had been taken from the safe and packages similar in size and appearance substituted for them; also that the money mentioned had been stolen. It is supposed that while the man in the buggy engaged the assistant postmaster in conversation a confederate, or confederates, entered by a side door from the alley or through a window and committed the robbery. Diligent effort was made by the postmaster and the inspectors and officials of the Post-Office Department to discover and apprehend the thieves, but without success.

Now, then, if any suspicion under these circumstances (putting the most unfavorable view for the claimant) is to rest upon anybody, it would be the assistant postmaster, an official under the postmaster himself. Yet the postmaster is the one chargeable with these fnnds, and who must suffer by reason of any negligence or lack of good judgment on the part of the assistant postmaster in walking out to the curb to engage in conversation with the man in the buggy, who was probably a confederate of the man who abstracted the stamps.

I do not see anything wrong whatever in this matter. The bill, as I understand, seeks to credit Mr. Burrows with this amount stolen, which remains charged against him upon the books of the Department.

Mr. LOUD. I would like to ask the gentleman if he assumes due precaution was used on the part of this official when he went out to talk to a man on the street and left his safe open?

Mr. GRAFF. It seems there were other employees in the office.

Mr. LOUD. It was his duty to have charge of the safe and the stamps.

Mr. GRAFF. Yes; that is true. Yet the postmaster employed this man, and I do not think, as a legal proposition, if the United States Government would commence a suit against the postmaster to recover this fund and it was discovered that the fund was stolen through the negligence of the assistant postmaster, that a recovery could be had against the postmaster unless it were shown that the postmaster had appointed some one who bore a bad reputation and had not exercised due diligence in the selection of his employee, if, perchance, the assistant postmaster was appointed under his recommendation.

Mr. LOUD. Mr. Chairman, I would like to offer a suggestion in respect to this bill. I thought I recognized the bill by its earmarks when it first came up. This is not the first time this bill has been before the House of Representatives and has received consideration, my recollection being that at the time it was considered before the bill was acted upon adversely by the House of Representatives. However that may be, it was considered, and it never has become a law. There is something peculiar about the history of this case. If the gentleman would go back into the records when this case was discussed before, he would find a similarity existing between this case and many others throughout the country. When this bill first came up I was reminded of reports I have frequently seen of officials of the Post-Office Department who were charged with a too free use of intoxicating liquors. If you go into the Department to-day, you will find an official charged with being intoxicated while on duty, in probably four cases out of six, offers this as an excuse: "Severe pains in the stomach. Understanding that blackberry brandy was good for a pain of that character, took one drink; stomach being empty, became intoxicated." Now, there were before Congress at the time this bill was first reported five or six cases almost exactly similar in every particular.

I want to call the attention of the House to the similarity of these cases as they came up, one after another. This is clearly a case of negligence on the part of the postmaster or the assistant postmaster. If the gentleman will hunt back in the records he will find that in another case some member of the postmaster's lodge came and sent a boy in with the report that he wanted to see him out on the street—similar enough to be almost the same story. So many of these cases were before Congress at that time that a suspicion arose, I think, in the minds of the members of Congress that such a story having been originated in one case it was thought well to apply it to similar cases. Now, this House can not say but that the grossest negligence took place. In the first place, if an officer in charge of that amount of Government money in stamps went out on the street and left his safe open for any person to go and abstract its contents, it was the grossest negligence.

Mr. GRAFF. And yet, is it not true, I will ask the gentleman from California, that those things are being done by human beings?

Mr. LOUD. Why, of course; and men should be made to suffer for them.

Mr. GRAFF. Does the gentleman from California think that the postmaster himself should be made to suffer for the negligence of his assistant postmaster?

Mr. LOUD. I want to say that if the gentleman will delve down a little deeper into this case and give us the reports of more inspectors than he has published in his report, he will find a doubt, a reasonable doubt, in the mind of some one who investigated this case as to whether these stamps were not abstracted before this man went out on the street. That will be true in this case as well as in some others. Now, the doubt did arise in the minds of the members of the House whether these stamps were abstracted at that moment or had been taken before. That is all I desire to say.

Mr. GRAFF. I only wish to say that the gentleman from Pennsylvania [Mr. DEEMER] says that the claimant in the case is a man of the highest reputation in the community—a man whose reputation would rebut any insinuation that he would be guilty of theft or crime against the Government. He was an old soldier and a man who bore the reputation of being an honest citizen all through a long residence at his home in Williamsport.

Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

JOHN D. CHADWICK.

Mr. CLAUDE KITCHIN. Mr. Chairman, I call up Calendar No. 1691, being the bill (H. R. 8186) for the relief of John D. Chadwick.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John D. Chadwick, of Madison County, Ala., the sum of $97.04 to pay and discharge in full an account held by him against the Government of the United States for $97.04, arising from certain transactions in the administration of justice in the Federal courts at Huntsville, Ala.

Mr. CLAUDE KITCHIN. I move to lay the bill aside with a favorable recommendation.

Mr. PAYNE. Let us have some explanation of it. The amount is small, but still we ought to know what it is for.

Mr. CLAUDE KITCHIN. I yield to the gentleman from Alabama [Mr. RICHARDSON].

Mr. RICHARDSON of Alabama. Mr. Chairman, this claim originates under sections 846 and 850 of the Revised Statutes of the United States, which authorize a United States commissioner to issue certificates to witnesses who attend upon legal processes duly executed upon them to appear before his court. It appears and is the fact that there were thirteen of these witness certificates issued, amounting to $97.04. The documentary evidence shows, as certified to by the clerk of the United States circuit court for the northern district of the northern division of Alabama, that the formal, regular, and legal issuance of these witness certificates regularly appear upon the rolls of the United States court; that the commissioner regularly issued them in due process of law by reason of his expense account, as allowed under the Statutes of the United States that I have just referred to.

The marshal to whom these certificates were presented for payment was the incoming marshal of the United States. He had just been inducted into office and had no money at that time, and the certificates were not paid and have not been paid since. The documentary evidence is clear that they were regularly issued in the due process of the administration of justice; that they have not been paid; that they appear upon the pay rolls by the certificate of the clerk now in office. The amount is $97.04; the Government owes the debt fairly. There is no mistake about the fact that the claim is fair, just, and unpaid; this is shown by the records of the court. I hope the bill will pass.

I move that the bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

Accordingly the bill was laid aside to be reported to the House with a favorable recommendation.

PAYMASTER JAMES E. TOLFREE.

Mr. GRAFF. Mr. Chairman, I call up Calendar No. 1945, being House bill 14357, for the relief of Paymaster James E. Tolfree, United States Navy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, directed to pay, out of any money in the Treasury not otherwise appropriated, to James E. Tolfree, paymaster, United States Navy, the sum of $4,000, said sum to be a payment in full for all losses of both Government and personal property incurred by him by reason of the destruction by fire of the Windsor House at Yokohama, Japan, on the morning of February 8, 1886.

Mr. PAYNE. Mr. Chairman, I have read the report in this case. I have no questions to ask if there is no other member of the committee who has any curiosity.

Mr. BUTLER of Pennsylvania. I move that the bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

Accordingly the bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

Mr. GRAFF. Mr. Chairman, there was a Senate bill covering this same thing exactly, Senate bill 5724, which was referred to the Committee on Claims on January 12, 1903, but has not been reported by the committee. Could I obtain unanimous consent to have Senate bill 5724 substituted for the House bill?

The CHAIRMAN. The Chair is of opinion that if the Senate bill is now pending in the Committee on Claims, it is not within the power of the Committee of the Whole to discharge that committee from the consideration of the bill.

Mr. GRAFF. The House can do it if it desires.

The CHAIRMAN. That can be done in the House.

FRANK J. BURROWS.

Mr. GRAFF. Mr. Chairman, I ask that House bill 2413, for the relief of Frank J. Burrows, which is a bill identical with the Senate bill that just passed the committee, do lie upon the table.

The CHAIRMAN. The gentleman from Illinois moves that the bill (H. R. 2413) for the relief of Frank J. Burrows be reported to the House with the recommendation that it lie on the table.

The motion was agreed to.

CONTESTED-ELECTION CASE—KOONCE AGAINST GRADY.

Mr. CLAUDE KITCHIN. I now call up Calendar No. 1813, being the bill (H. R. 4240) authorizing the Secretary of the Treasury to defray the expenses of the contestant in the contest entitled "Koonce against Grady."

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Frank D. Koonce, of the Third Congressional district of the State of North Carolina, the sum of $1,921.70, as amount of expenses incurred by him as contestant for a seat in the Fifty-third Congress in the contest entitled "Koonce against Grady."

With an amendment striking out "$1,921.70" and inserting "$1,000."

Mr. PAYNE. I should like to have some explanation of this bill. It appears that this is to pay the expenses of an election contest in the Fifty-third Congress. That was some time ago. Of course it was the duty of that Congress to provide for it under the statute. I should like to have some explanation of the bill.

Mr. CLAUDE KITCHIN. I yield to the gentleman from North Carolina [Mr. THOMAS].

Mr. THOMAS of North Carolina. Mr. Chairman, at the fall elections in 1892 Frank D. Koonce was the Populist candidate, with Republican support, against B. F. Grady, for Representative from the Third Congressional district of North Carolina, which I now represent. Mr. Grady was elected. Mr. Koonce served his notice of contest upon Mr. Grady and proceeded to take testimony in pursuance of that notice of contest. He took a part of the testimony, which was sent up to the Clerk of the House and opened on June 22, 1893. Mr. Koonce was proceeding to collect his testimony in the different counties of the district, specifications having been made in the notice as to four different counties. He had collected part of the testimony on his behalf as contestant.

Every man who has had a contest, and I have been so unfortunate as to have one, knows that the contestant's first move is to collect testimony. While Mr. Koonce was collecting and taking his testimony his house was burned. That was an unfortunate accident, for which Mr. Koonce was, of course, in no way responsible. He thereupon requested the Committee on Elections, which had charge of his case, to give him further time within which to take testimony, in view of the fact that his house had been burned which contained many important and valuable papers and writings connected with the case, together with names of witnesses and testimony which he and his counsel had collected, as stated in the committee's report. If he had done as Mr. Grady, the Democratic contestee did, and had the account of expenses of his contest certified by the Committee on Elections to the Committee on Appropriations it would have been allowed by that Congress—the Fifty-third Congress. He was awaiting, however, the action of the Committee on Elections upon his motion and request for further time, and let the Fifty-third Congress close without filing his expense account.

Now, the gentleman from New York knows that under these circumstances his only relief was to come before the Committee on Claims and ask that committee to allow him the account. This is not an excess, but within the $2,000 limit allowed by Congress in election contests. There has been no laches in the matter. In the Fifty-fifth Congress a bill was introduced for the relief of Mr. Koonce by Mr. FOWLER, who then represented the Third Congressional district. I introduced a similar bill in the Fifty-sixth Congress, and also in this Congress. Mr. Koonce put in an account for $1,900, but the committee cut it down to $1,000, for the reason that they thought the counsel fees were excessive. He filed an itemized account for personal expenses incurred in collecting and taking his testimony, for counsel fees, clerical assistance, etc. The committee reported unanimously in favor of allowing the sum of $1,000, reducing the claim about one-half, deeming this amount just and equitable. I move that the bill be laid aside with a favorable recommendation.

Mr. PAYNE. As I understand the gentleman, the Committee on Elections failed to give him additional time?

Mr. THOMAS of North Carolina. Yes; they failed to give him additional time or act upon his motion.

Mr. HULL. Did the contestant get the $2,000?

Mr. THOMAS of North Carolina. The contestant is the claimant who presented this bill. He did not receive a penny, and did not proceed with the case. The contestee, Mr. Grady, as I am informed, received his allowance.

The CHAIRMAN. The question is on the adoption of the amendment of the committee.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

COL. H. B. FREEMAN.

Mr. GRAFF. Mr. Chairman, I call up Calendar No. 754, House bill 6637.

The bill was read, as follows:

A bill (H. R. 6637) for the relief of Col. H. B. Freeman.

Be it enacted, etc., That Col. H. B. Freeman, Twenty-fourth United States Infantry, be, and is hereby, relieved from the obligation to refund the sum of $1,761.60, paid to him under a decision of the Acting Secretary of War as commutation of quarters while on duty as acting Indian agent, Osage Agency, Pawhuska, Okla., from the 10th day of December, 1893, to the 31st day of December, 1896, both inclusive, which decision was held by the accounting officers of the Treasury to be erroneous, notwithstanding that the monthly claims which were based upon it had been tacitly approved by them and paid, month by month, for upward of three years.

The amendments recommended by the committee were read, as follows:

Amend the bill by striking out the word "held" in the twelfth line and insert in lieu thereof the word "overruled."

Strike out the words "accounting officer" in line 12 and insert the word "Comptroller."

Strike out the words "to be erroneous" in the twelfth and thirteenth lines; also the word "tacitly" in the fourteenth line; and strike out the word "them" in the fourteenth line and insert in lieu thereof the words "the auditing officers."

Mr. GRAFF. I yield to the gentleman from Kansas to give an explanation of the bill.

Mr. MILLER. Mr. Chairman, this bill is for the relief of Col. H. B. Freeman, who asks that he be released from an alleged obligation to pay $1,761.60, an amount paid him month by month as commutation for quarters under a decision of the Secretary of War that he was entitled thereto. About three years after this decision was overruled by the Comptroller of the Treasury, as set forth in the memorandum indorsements of the War Department which appear in this report. The facts were that Col. Freeman, who has been a soldier in the Army for a period of nearly forty-two years, was stationed at a post in the Indian Territory, and the same commutation was granted to him for quarters that had been granted to his predecessor for many years, and that amount

had been paid to his predecessors and no claim ever made against any of them to recover from them the repayment of the amount.

After he had been stationed there for a period of nearly three years, and had drawn this amount, $1,761.60, the Comptroller of the Treasury held that he was not entitled to this amount and asked that he refund this sum to the Government of the United States. At that time he was in Cuba, and after his return home he asked the Treasury Department to hold this matter up until he could have an opportunity to present it to Congress. A bill was presented here for his relief and was referred to the War Department. The Judge-Advocate-General reported to the committee that he could see no objection to the bill for the relief asked for. The report was concurred in by the Adjutant-General, Mr. Corbin, and Secretary of War, Mr. Root, and these indorsements are with this case. After Colonel Freeman returned from Cuba he was sent to the Philippine Islands and served there until the close of the war, when he returned to the United States and is now stationed at Fort Leavenworth. This is a most meritorious case. I think that the report of this committee ought to be adopted, and I move that the bill be laid aside with favorable recommendation.

The CHAIRMAN. The question is on agreeing to the committee amendments.

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN F. LAWSON.

Mr. CLAUDE KITCHIN. Mr. Chairman, I now call up the bill (H. R. 7864) to pay John F. Lawson $237.96, balance due him for services as United States mail carrier.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Postmaster-General be, and is hereby, directed to pay to John F. Lawson, of Hickman County, Tenn., the sum of $237.96, being the balance owing to him for services rendered as United States mail carrier on route No. 10013, Tennessee, from January 1 to November 29, 1861, and said sum will be paid out of any money in the Treasury not otherwise appropriated.

Mr. PAYNE. Mr. Chairman, I would like to know if this is another one of the mail carriers' bills?

Mr. CLAUDE KITCHIN. This is another one of the mail contractors' claims for a balance found to be due on the books of the Treasury Department. The objections which the gentleman from New York has heretofore made are removed in this claim, because the claimant has made an affidavit, filed and printed with the report, that he never received a copper cent from anyone, and never entered the mail service of the Confederate States.

Mr. PAYNE. Does he account for the money he received belonging to the United States up to the 31st of May?

Mr. CLAUDE KITCHIN. Yes; and that goes to his credit, and then the balance is $237.96.

Mr. PAYNE. Mr. Chairman, I do not believe this claim ought to be paid. I believe they have already been paid, every one of them, notwithstanding the affidavits of reputable gentlemen after forty-odd years. This is no new claim; it is no new class of claims. It was brought in here as early as the Forty-sixth Congress. The whole matter was thoroughly ventilated and the claims investigated, and the author of them retired, in not an altogether creditable manner, with the claims that he had brought here. Now, I do not feel like taking the time of the House, and yet the House ought to know something about the character of these claims.

Mr. CLAUDE KITCHIN. On what ground were the claims rejected?

Mr. PAYNE. On the ground that they had been paid and that John H. Reagan had taken the receipts from the very men who came in here asking for payment.

Mr. CLAUDE KITCHIN. Did it appear that this man had been paid?

Mr. PAYNE. Yes; a bill was introduced here for all of these claimants.

Mr. CLAUDE KITCHIN. How does the gentleman know that one of them was this man?

Mr. PAYNE. A claim of hundreds of thousands of dollars was brought into this House on the report of the committee that these bills be paid, and it was found that Mr. Reagan, postmaster-general of the Confederate States, had taken the money that belonged to the United States up to May 31, 1861, the money that was paid for postage stamps, the money that came in as revenue to the United States Government, and out of that had paid for carrying the mail, paid the expenses, and if there was anyone left out it was the fault of the man and not the fault of Mr. Reagan, the postmaster-general. Notwithstanding that, in the Forty-fifth Congress these men had the cheek to come in here in a body and ask the Congress of the United States to appropriate money to pay them all. Some of them were named in the resolution and their names appeared before the Congress and they dug out, because the committee then—I do not say that this committee has not used due diligence—used diligence enough to go to the records and find the receipts of these men in their own handwriting, showing that they were paid for the very claims that they came here and asked to be paid for.

I submit that we ought to go a little slow with these claims before we pay them. Now, I have not the time, and I know I ought not to take the time, to read what was said on that occasion. If I undertook to state the pith of it—it was so long ago—I would not be able to do it without reading the whole account. My friend from Iowa [Mr. HEPBURN] was in Congress at the time, and he has examined somewhat into this subject, and is quite familiar with the facts. I ask him if this matter was not fully investigated at that time, and if the claims were not abandoned under the light that was thrown upon them after investigation by a committee of the House?

Mr. HEPBURN. Mr. Chairman, I think the inquiry embodied in the statement of the gentleman from New York is substantially correct. It was in the Forty-fifth Congress when this matter was thoroughly discussed and completely ventilated. The previous Congress had passed a bill appropriating some $300,000 for the payment of this class of claims. In a controversy that came up over a bill making additional appropriation it was found that the property of the United States in the hands of the postmasters in the seceded States up to the end of May had been detained by order of the Confederate government.

Mr. CLAUDE KITCHIN. But the Department has given the United States credit for all that was paid at this time, and this is the balance that has not been paid and is still due.

Mr. HEPBURN. I was speaking of this class of claims.

Mr. CLAUDE KITCHIN. And those claimants continued in the mail service of the Confederate States.

Mr. HEPBURN. This related to all of those claims. The whole sum resulting from the postage stamps, of money, and all property in the hands of the postmasters during the early days of the Confederacy up to the 31st of May, was retained in their hands and finally turned over to the Postmaster-General and kept as a separate fund for the purpose of compensating persons then in the postal service under the authority of the United States. All persons were required to file their claims, and claims to the amount of more than $500,000 were filed and were paid for, as is shown by the report of the Postmaster-General as they were read on the floor of the House, as the gentleman will find by reading the controversy or the debate that took place in 1878, I think it was, on this subject.

I have not the least doubt that all these claims have been paid; and I think it would be very unsafe to take as proof the interested statements of the claimants that they had not received their compensation. The presumption is that they were paid. There was an abundant fund out of which to pay them. There was notice that they should file their claims; an opportunity was given for that purpose; and I have not any doubt that they did so. A large part of these claims, presented in the previous Congress, to which I have referred, were, as I am advised, abandoned, because of the light that was then thrown upon the subject in debate.

Mr. PADGETT. Mr. Chairman, I introduced this bill. I have here a letter of Mr. Henry A. Castle, Auditor of the Treasury Department, in which he states that the records show that this amount is due to Mr. Lawson, and also that he has the Confederate records, which fail to show any payment of the claim. I have also the affidavit of Mr. Lawson, the claimant, that he never was paid for this service by the Confederate Government, and that he did not carry the mails in the Confederate service; that he only carried the mail in the Federal service. He is an honorable gentleman; he is worthy of belief; and I can not see how his sworn testimony can be overthrown by vague presumptions, such as are intimated by the gentleman from Iowa [Mr. HEPBURN]. This is an honest claim, and ought to be paid.

Several MEMBERS. Read the letter.

Mr. PADGETT. I have the letter here, but it is not worth while to take up time in reading it.

The CHAIRMAN. The question is, Shall this bill be laid aside to be reported to the House with a favorable recommendation?

The question was decided in the affirmative.

AUSTIN A. YATES.

Mr. GRAFF. I call up the bill (H. R. 4178) for the relief of Austin A. Yates.

The bill was read, as follows:

Be it enacted, etc., That the proper accounting officers of the Treasury be, and they are hereby, authorized and directed to settle the accounts of Austin A. Yates, late captain, Fourteenth Veteran Reserve Corps, and to give him credit for the sum of $13,537.50, charged to him on the books of the Second Auditor's Office, said sum having been stolen from the safe of his office at Syracuse, N. Y., on the night of March 25, 1865, while he was acting provost-marshal of the twenty-third district of New York: *Provided*, That it shall be made to appear to the satisfaction of said accounting officers that Captain Yates was not responsible for the loss of said moneys.

The CHAIRMAN. The question is, Shall this bill be laid aside to be reported favorably to the House?

The question was decided in the affirmative.

N. F. PALMER, JR., & CO.

Mr. CLAUDE KITCHIN. I call up the bill (H. R. 13703) for the relief of N. F. Palmer, jr., & Co., of New York.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to adjust the claim of N. F. Palmer, jr., & Co., of New York City, doing business under the name of Quintard Iron Works, for loss and damage due to delays alleged to have been caused by the Government in the construction of the machinery of the United States armored cruiser Maine.

The CHAIRMAN. The question is, Shall this bill be laid aside to be favorably reported to the House?

Mr. RHEA. Mr. Chairman, this bill proposes a reference to the Secretary of the Navy for the purpose of ascertaining the damages sustained by the claimants in the construction of the battle ship *Maine* on account of the failure of the Government to comply with the contract. The passage of the bill has been recommended by two Secretaries of the Navy, and also by the Chief of Engineers of the Navy. The bill has been reported favorably by the Committee on Claims.

Mr. PAYNE. Was not this claim presented to the Spanish Claims Commission, and has it not been adjudicated by that Commission?

Mr. RHEA. I understand that the matter has been investigated at the Navy Department, the amount ascertained to which these parties are entitled, and a bill favorably reported to the Senate.

Mr. PAYNE. As I understand, these parties brought their claim before the Spanish Claims Commission, by whom it was adjudicated, and there was a finding that they had no claim against the United States.

Mr. RHEA. I understand that the Secretary of the Navy has reported this matter to the Senate, the amount due under this claim has been ascertained, and bill for payment favorably reported.

Mr. PAYNE. What is the amount of the claim?

Mr. RHEA. About $60,000. The bill does not make any appropriation, but simply refers the matter to the Secretary of the Navy.

Mr. PAYNE. I understand that large claims in connection with this matter were made before the Spanish Claims Commission. I have been trying to ascertain whether this claim is of the same character as those that were presented to the Commission.

Mr. BABCOCK. I should like to know how this claim arose.

Mr. RHEA. I will read a letter of Secretary Long, under date of April 21, 1902:

NAVY DEPARTMENT,
Washington, April 21, 1902.

SIR: Referring to your letter of the 17th instant inclosing a copy of the bill (H. R. 13703) for the relief of N. F. Palmer, jr., & Co., of New York, by reimbursement of damages sustained by them in connection with their contract for the machinery for the *Maine*, and requesting an expression of opinion as to merits of the bill, I have the honor to inclose herewith copies of the Department's letter of April 11, 1896, to the Committee on Naval Affairs of the Senate, and of a report dated the 9th of said month by the Bureau of Steam Engineering relative to delays occasioned by the Government to Messrs. Palmer & Co. in the construction of the machinery for the armored cruiser *Maine*.

The suggestion made in the letter above mentioned that, as the company named was hindered in the completion of the machinery for said vessel by delay on the part of the Government in the construction of the hull, the Department be authorized to ascertain the extent of the delay and the resulting damage to the contractors, and to report thereon to Congress as soon as practicable for its consideration, is renewed.

Very respectfully,

JNO. D. LONG, *Secretary.*

Hon. JOSEPH V. GRAFF,
Chairman Committee on Claims, House of Representatives.

There is also a letter from Secretary Herbert to the same effect.

Mr. PAYNE. I see that this is a different matter from what I had in my mind.

Mr. RHEA. The effect of the bill is simply to refer the claim to the Secretary of the Navy for the ascertainment of the amount due.

I move that the bill be laid aside to be reported with a favorable recommendation.

The question being taken on the motion of Mr. RHEA,

The CHAIRMAN. The ayes seem to have it.

Mr. BABCOCK. I call for a division.

The question being again taken, there were—ayes 67, noes 1.

Mr. BABCOCK. I make the point that there is no quorum present.

The CHAIRMAN (having counted the Committee of the Whole). There are 150 members present—more than a quorum. The ayes have it, and the bill is laid aside to be favorably reported to the House.

LEBBEUS H. ROGERS.

Mr. GRAFF. Mr. Chairman, I now call up the bill (H. R. 12064) for the relief of Lebbeus H. Rogers and the administrators of William B. Moses, deceased.

The Clerk read as follows:

Be it enacted, etc., That Lebbeus H. Rogers and the administrators of William B. Moses, deceased, are hereby authorized to pay into the Treasury of the United States $12,000, being the principal sum named in the official bond of Henry W. Howgate upon which said William B. Moses, deceased, and said Rogers were sureties, and such payment shall be received in full satisfaction and discharge of all obligations whatsoever of said parties to the United States thereunder, and in full satisfaction and discharge of all judgments entered against said Rogers or said administrators in favor of the United States upon the said bond, and the Secretary of the Treasury is authorized and directed, upon receiving such payment, to satisfy said judgments, and each of them, of record: *Provided, however*, That nothing herein contained shall be construed as affecting in any manner the liability of said Howgate or his legal representatives to the United States on said bond or otherwise.

The following committee amendments were read:

In line 4, page 1, after the word "authorized," insert the words "within thirty days after the passage of this act."

In line 8, page 1, after the word "payment," insert the words "together with court costs in the suits against them."

Mr. PAYNE. Mr. Chairman, I will ask the gentleman from Illinois if this is the same case where the House passed a bill in a former Congress releasing without the payment of any money.

Mr. GRAFF. It is.

Mr. PAYNE. And now this proposes to release upon the payment of $12,000?

Mr. GRAFF. That is the principal of the bond, without interest, and we have recommended that there be inserted, in addition to that, a time limit, that they shall pay within thirty days after the passage of the act, and shall pay the costs of the court. There is a recommendation from the Attorney-General.

Mr. PAYNE. I want to congratulate the gentleman on the progress his committee is making.

Mr. GRAFF. Well, the gentleman is rendering us assistance right along.

I move that the bill be laid aside as amended with a favorable recommendation.

The CHAIRMAN. The question is on the adoption of the committee amendments.

The amendments were agreed to.

The CHAIRMAN. The question now is, Shall the bill be laid aside with a favorable recommendation?

The motion was agreed to.

DAVID SMITH.

Mr. GRAFF. Mr. Chairman, the gentleman from Wisconsin [Mr. BABCOCK] has a bill which he would like to call up, and as far as I am personally concerned, I have no objection.

Mr. BABCOCK. Mr. Chairman, I ask unanimous consent for the present consideration of the bill (S. 6034) raising the rank of Chief Engineer David Smith, on the retired list of the Navy.

The Clerk read as follows:

Be it enacted, etc., That Chief Engineer David Smith, United States Navy, retired, who served with credit through both the civil and Spanish-American wars, and who, in the performance of duty, incurred disability from exposure, rendering him an invalid requiring the services of an attendant ever since his detachment, February 7, 1899, be advanced on the retired list from March 3, 1899, to the next higher grade.

Mr. BABCOCK. Mr. Chairman, I yield to the gentleman from West Virginia [Mr. DAYTON], who reported this bill from the Committee on Naval Affairs. He is entirely familiar with the provisions of the bill.

Mr. DAYTON. Mr. Chairman, this is a bill in behalf an engineer officer of the United States Navy, who came up from the ranks——

Mr. LIVINGSTON. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. DAYTON. Yes.

Mr. LIVINGSTON. I shall object if this is going to take up any time in debate.

Mr. DAYTON. I think it will not, and I think when the gentleman understands the circumstances he will not want his objection to stand.

Mr. LIVINGSTON. Let it go; I am satisfied; take a vote.

Mr. DAYTON. Very well, let us have a vote.

Mr. PAYNE. Mr. Chairman, I think we ought to have some explanation, notwithstanding the fact that the gentleman from Georgia is satisfied.

Mr. DAYTON. Mr. Chairman, I would say that the beneficiary is not likely to live more than two weeks. It seems like a simple act of justice.

Mr. BABCOCK. The beneficiary is on his deathbed to-day.

Mr. DAYTON. I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

M. L. COBB.

Mr. CLAUDE KITCHIN. Mr. Chairman, I now call up the bill (S. 3748) for the relief of M. L. Cobb.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay M. L. Cobb, administrator of W. W. Cobb, deceased, the sum of $1,755.49, out of any money in the Treasury not otherwise appropriated, the same being the amount of salary for the unexpired part of the current year in which the said W. W. Cobb, who was consul of the United States at Colon, Colombia, departed this life.

Mr. PAYNE. Mr. Chairman, I would like to hear some explanation of that. I want to say to my friend from Georgia [Mr. LIVINGSTON], who seems to be interested in having this business progress, that if he has any bill which he desires to call up, all he has to do is to raise the point of no quorum and await developments. [Laughter.]

Mr. LIVINGSTON. Mr. Chairman, I want to say to my friend from New York, who seems to be interested that nothing should be done, especially that from a certain section of this country, that I stand ready to defend anything which I think is right. [Laughter.]

Mr. PAYNE. Mr. Chairman, this is the first intimation I have had that this is a sectional affair. I supposed these bills were from all over the United States. Now, that may account for the zeal of my friend from Georgia, but it does not account for my actions, for it does not make any difference to me.

Mr. LIVINGSTON. I want to suggest that the gentleman has had one through to-day and that is more than I have had, and I have not one behind, either.

Mr. PAYNE. Oh, I have not any bills at all. Mr. Chairman, I hope we will have an explanation of the bill now pending.

Mr. SWANSON. Mr. Chairman, this Mr. Cobb, whom President McKinley appointed as consul to Colon, contracted fever at that point and died. This is to pay the rest of his year's salary. It has been customary in a great many cases where a consul dies—and Secretary Hay cites numerous cases—to pay to his family the rest of his year's salary, just as we do in the case of a Congressman's death. I move that the bill be laid aside with a favorable recommendation.

The CHAIRMAN. The question is on the motion of the gentleman from Virginia, that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

WILLIAM DUGDALE.

Mr. GRAFF. Mr. Chairman, I call up Calendar No. 1499, being Senate bill 3555, for the relief of William Dugdale.

The bill was read, as follows:

Be it enacted, etc., That the Postmaster-General be, and he is hereby, authorized and directed to give credit to William Dugdale, postmaster at Noroton Heights, Conn., on his money-order account, for the sum of $2,102.87, being the balance now charged against him on account of certain money orders obtained by fraud in 1894 by one Leroy Harris, who was afterwards arrested for said offense, convicted, and sent to the penitentiary.

Mr. PAYNE. Mr. Chairman, I should like to hear an explanation of this, and I call the attention of my friend from Georgia [Mr. LIVINGSTON] to the fact that this is a Connecticut case.

Mr. HILL. Mr. Chairman, this bill passed the House unanimously in the Fifty-sixth Congress and went to the Senate. The Senate Committee on Post-Office Affairs had no further meetings, and no action was taken. The bill was introduced by Senator Platt in the Senate, and by myself in the House in the present Congress, was reported favorably by the Senate Committee, passed the Senate unanimously, and has come over here. It has been reported unanimously by the Committee on Claims, and also unanimously by the Committee on the Post-Office and Post-Roads, from the subcommittee of which the gentleman from Illinois [Mr. BOUTELL] is chairman.

The robbers in this case have been arrested, part of the money has been secured by the United States Government, both of the men are under sentence of six years, I think, one in Joliet and the other in Auburn, N. Y., and the Post-Office Department have held up the adjudication of the amount until Congress can act. There is no sort of question about the justice of the claim, and I hope we may have a vote.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

HENRY P. MONTGOMERY, EXECUTOR.

Mr. CLAUDE KITCHIN. Mr. Chairman, I call up Calendar No. 1410, being the bill (H. R. 6516) for the relief of Henry P. Montgomery, surviving executor of Granville Garnett, deceased.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to Henry P. Montgomery, surviving executor of Granville Garnett, deceased, late of Owen County, State of Kentucky, out of any money in the Treasury not otherwise appropriated, the sum of $1,280.30, being a refund of the amount paid by said Garnett to the United States, October 7, 1865, in satisfaction of a judgment of the United States circuit court for the district of Kentucky against him as surety on a peace bond of one W. G. Humber, which judgment had theretofore been remitted by the President of the United States.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

ANHEUSER-BUSCH BREWING ASSOCIATION.

Mr. GRAFF. Mr. Chairman, I call up the bill (Calendar No. 1009, H. R. 9063) to refund certain taxes paid by the Anheuser-Busch Brewing Association, of St. Louis, Mo.

The bill was read, as follows:

Be it enacted, etc., That there be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $986.32, to be paid to the Anheuser-Busch Brewing Association, of St. Louis, Mo., for refunding part of the tax paid on beer on hand or in transit on June 14, 1898, the date when the war-revenue act went into effect.

The following amendment, recommended by the committee, was read:

Strike out all after the enacting clause and insert:

"That the Commissioner of Internal Revenue be, and is hereby, authorized and directed to reopen and consider all claims of the Anheuser-Busch Brewing Association for the refunding of 7½ per cent discount upon the taxes paid upon fermented liquors in storage or in transit June 14, 1898, any statute of limitation to the contrary notwithstanding, and to allow such portion of said claim as shall be shown to him to have been illegally collected in excess of the amount required by law; and the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, such amounts as shall be certified by the Commissioner of Internal Revenue to have been illegally collected from the Anheuser-Busch Brewing Association as tax on fermented liquors in storage or in transit, June 14, 1898."

Mr. GRAFF. I move that the bill be laid aside to be reported to the House with a favorable recommendation.

Mr. PAYNE. I should like to know how this claim arises?

Mr. GRAFF. The Committee on Claims, to whom was referred the bill in question, submitted the following report:

The Committee on Claims, to whom was referred the bill (H. R. 9063) entitled "A bill to refund certain taxes paid by the Anheuser-Bush Brewing Association, of St. Louis, Mo.," beg leave to submit the following report and recommend that said bill do pass with amendment hereinafter set forth:

Which provides for a direct appropriation of the specific amount.

Your committee after carefully examining bill H. R. 9063 were unanimously in favor of reporting the same favorably. The claimants say in a letter addressed to Hon. RICHARD BARTHOLDT, M. C., under date of January 7, 1902, that "regarding our claims for the refunding of 7½ per cent on additional tax on all beer on hand, in the hands of our agencies, or in transit thereto on the morning of June 14, 1898, amounting to $986.32, they were filed as soon as they could be gotten ready after Attorney-General Griggs rendered his decision or opinion on June 4, 1900. Extensive corrrespondence had been carried on both with the collector and Commissioner of Internal Revenue on the refunding of the 7½ per cent."

The claimants further say that "the claims of most of the breweries of the United States were paid," and the committee deem it but justice to the claimants who paid in the year just closed into the Treasury of the United States as taxes on beer the enormous sum of $1,881,818.25, that the Government might waive the brief delay of the claimants in the premises.

The committee therefore wrote a letter to the Commissioner of Internal Revenue advising him that the committee desired to amend bill H. R. 9063 so as to authorize and direct examination and action upon said claim for the refunding of taxes upon the claims now on file of said claimants in the Treasury Department the same as if said claim had been filed by said claimants prior to the limit provided by law, and received the following reply:

Here is what the Commissioner says:

TREASURY DEPARTMENT,
OFFICE OF COMMISSIONER OF INTERNAL REVENUE,
Washington, March 27, 1902.

SIR: Receipt is hereby acknowledged of your letter of the 24th instant, in which you say that the Committee on Claims of the House of Representatives have voted to report the bill (H. R. 9063) entitled "A bill to refund certain taxes paid by the Anheuser-Busch Association, of St. Louis, Mo.," but amended so as to simply authorize and direct either the Commissioner of Internal Revenue or the Secretary of the Treasury, whichever would be proper, to examine and act upon said claim for the refunding of taxes upon the claims now on file of said claimants in the Treasury Department the same as if said claims had been filed by said claimants prior to the limit.

You request that I have drafted a proper form of an amendment to said bill and state that it is desired that the bill shall appropriate such amount, if any, as is allowed upon auditing such claim.

In compliance with your request, I submit the following amendment to the bill:

That is the amendment which has been read and recommended by the committee.

It might be stated, however, that the Commissioner of Internal Revenue is not favorable to the extension of the time, but notwithstanding that fact the committee recommend that the bill do pass, amended as follows:

And then this sets forth the proposed amendment.

The Anheuser-Busch Brewing Association has a number of branches. It conducts business upon a large scale. As I remember it there was some question about the interpretation of the law, and it was submitted to Attorney-General Griggs for him to render an opinion for the direction of the Department. This caused some delay in filing these claims, during the time that was allowed for their filing. As soon as these people heard of the opinion of the Attorney-General they proceeded to collect the statistics and the material upon which to base their claims, from their various agencies. The claim upon which this sum of $900 is based reached the Commissioner of Internal Revenue only a few days after the expiration of the time limit.

Mr. PAYNE. Of course these gentlemen knew all about the time limit. It was not a new law, as I recollect it. The claim for 7½ per cent must be made within a certain time.

Mr. GRAFF. Yes, and they were entitled to it if they had filed their claim within the time. Of course, the Commissioner had no discretion in the premises.

Mr. PAYNE. I do not see any excuse for their laches, and I was wondering if the committee did.

Mr. GRAFF. Their excuse for delay in the premises was that they did not get their material to the Commissioner of Internal

Revenue in time, on account of waiting for the final opinion of the Attorney-General, which was delayed.

Mr. PAYNE. They had been filing these claims right along for years.

Mr. GRAFF. But the gentleman knows it is true that the opinion of the Attorney-General was not rendered until a large portion of the time during which they could file their claims had elapsed.

Mr. PAYNE. They were put in all the time.

Mr. GRAFF. There is no question but what these people were entitled to that under the law. They do a very large business and they have paid a very large amount of revenue to the Government, and there is no reason why they should not be paid.

Mr. PAYNE. I think you ought to deal out even-handed justice to the little as well as the larger one.

Mr. OTJEN. I would like to ask the gentleman a question if he will yield to me.

Mr. GRAFF. Yes, sir.

Mr. OTJEN. As I understand this bill, it refunds to Annheuser-Busch the redeemed stamps on beer that was in transit.

Mr. PAYNE. No; this is the 7 per cent discount.

Mr. OTJEN. And also in redemption of the stamps?

Mr. GRAFF. No; this only covers 7½ per cent discount.

Mr. OTJEN. Because there are claims from other brewing companies.

The CHAIRMAN. The question is on the committee amendments.

The question was taken, and the amendments were agreed to.

The bill, as amended, was ordered to be laid aside with a favorable recommendation.

GEORGE C. ELLISON.

Mr. CLAUDE KITCHIN. I now call up for consideration Calendar No. 1153, House bill 3385.

The bill was read, as follows:

A bill (H. R. 3385) for the relief of George C. Ellison.

Be it enacted, etc., That the sum of $5,000 be, and the same is hereby, appropriated for the payment in part on account of fees, costs, and disbursements paid and incurred by George C. Ellison, late chief engineer of the House of Representatives, in two trials in the case of the United States against George C. Ellison.

Mr. GOLDFOGLE. Mr. Chairman, the bill was introduced by the late Amos J. Cummings. It was favorably reported, and similar bills have been reported, I think, in eight preceding Congresses. It seems that while Ellison was in discharge of his duty as chief engineer of the House of Representatives, in 1877, he was savagely attacked by one David Small, a subordinate employee. The result of the encounter was that Small was severely wounded, and as a result of the wound died. Ellison was indicted for murder and was tried. I understand there were two trials upon the indictment.

Ellison was acquitted, and Judge Wylie, before whom the case was tried, wrote a letter which briefly shows that the killing was done in self-defense. Not only was it done in self-defense, but the blow struck by Ellison was in order to prevent Small from imperiling the lives of members of this House. Small had entered the engine room. He had been goaded on by revenge. He had been discharged, and evidently that preyed upon his mind. He was in an intoxicated state, and in that intoxicated state entered the engine room and attacked Ellison. I send to the Clerk's desk the letter of Judge Wylie, which I ask to have read.

The Clerk read as follows:

WASHINGTON, *March 22, 1880.*

MY DEAR SIR: Your favor dated January 22 last, from the Ebbitt House, was never seen by me till this morning. It came to my house, doubtless, while I was at court and was mislaid.

I do not suppose that you desire that I should make a statement at length of the evidence or even of the facts which were proven on the trial of The United States *v.* Ellison. I shall therefore merely give at present the conclusion to which my mind was brought by the evidence in that case.

The defendant was tried for the murder of a man named Small. (I believe this was the name of the deceased.) Ellison's character had always been excellent, and at the time of the homicide he filled a place of confidence and trust at the Capitol. Small had previously been an employee there in a place subordinate to that of Ellison, and had been removed. He was a person of violent temper and intemperate habits He thought Ellison had been instrumental in having him removed, and had made threats against the latter, which had been told to Ellison. One morning he entered Ellison's room at the Capitol and made demonstrations which, taken in connection with the threats, were well calculated to create alarm in Ellison for his personal safety.

Ellison sprang up from the sofa where he was lying, seized a billet of wood, and struck Small on the head. Small fell, but soon got up again and went away, no one supposing that the injury was fatal. He was drinking pretty hard for several days afterwards, but went about the city. It turned out that the skull had been fractured, and at the expiration, I think, of about nine days he died.

I thought, from all the evidence, that Mr. Ellison had good reasons for apprehending great bodily danger from the deceased, and that it was a case of justifiable homicide, and of that opinion was the jury.

It is always nearly a misfortune to be obliged to take human life even in self-defense, but in this instance I think Mr. Ellison should be held to have been without reproach.

Truly, yours,

ANDREW WYLIE.

Hon. S. L. MAYHAM.

Mr. GOLDFOGLE. Now, the amount called for by the bill is about half of the amount actually expended, as the committee has found, and is less than that reported in many preceding Congresses. I move that the bill be laid aside with a favorable recommendation.

Mr. BURKETT. I would like to ask the gentleman a question, if he will yield.

Mr. GOLDFOGLE. Certainly.

Mr. BURKETT. Has the Government yet paid for the man who got killed?

Mr. GOLDFOGLE. What do you mean?

Mr. BURKETT. Was there ever any claim put in for that man's life?

Mr. GOLDFOGLE. Why, no. He had been the attacking party.

Mr. BURKETT. And there has never been any claim filed?

Mr. PERKINS. Upon what theory do you consider that the Government should pay this expense?

Mr. GOLDFOGLE. The committee seem to have gone into that question in the report and cite a number of cases. I think the most analogous case I have been able to find of a claim of that kind is that which made an allowance in the case of Kilbourne. That was a case for false imprisonment, you may remember, and the House made an allowance in order to cover the loss and expense of the defense for the alleged false imprisonment.

The bill was ordered to be laid aside with a favorable recommendation.

ELEONORA G. GOLDSBOROUGH.

Mr. GRAFF. Mr. Chairman, I now call up Senate bill 3421, for the relief of Eleonora G. Goldsborough.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, instructed to pay to Eleonora G. Goldsborough, widow of the late Surg. Charles B. Goldsborough, of the Marine-Hospital Service, out of any moneys not otherwise appropriated, two years' pay at the rate of the salary he was receiving as surgeon at the time of his death, with allowances for two years.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the period after the word "death" and insert in lieu thereof a comma, and add after such comma the words "with allowances for two years, amounting in all to $7,200."

Mr. GRAFF. I yield to the gentleman from Maryland.

Mr. SCHIRM. Mr. Chairman, this bill provides for the payment to Eleonora G. Goldsborough, widow of Surg. Charles B. Goldsborough, a surgeon of the Marine-Hospital Service, two years' salary, with allowances, amounting to $7,200. It appears that in 1888 Surgeon Goldsborough was performing an operation on a colored sailor, through which operation he contracted blood poisoning, which was the primary cause of his death. There is an affidavit here of R. P. M. Ames, late passed assistant surgeon of the Marine-Hospital Service, stating that he had attended Surgeon Goldsborough in November and December, 1889, and until his death on January 5, 1890.

There is a precedent for this claim, which is found in the Statutes at Large, volume 30, page 1460, being an act for the relief of the legal representatives of J. W. Branham, late assistant surgeon of the Marine-Hospital Service. It appears that Assistant Surgeon Branham had been in the service for about five months, and that his legal representatives were given a two years' salary with allowance, while the services of Surgeon Goldsborough extended over twelve years. I move that the bill be laid aside with a favorable recommendation.

Mr. LACEY. I would like to ask the gentleman a question.

Mr. SCHIRM. Certainly.

Mr. LACEY. Does the widow of this surgeon draw a pension?

Mr. SCHIRM. She does not.

Mr. LACEY. Why not?

Mr. SCHIRM. Because pensions are not allowed to surgeons of the Marine-Hospital Service.

Mr. LACEY. She does not have a pensionable status?

Mr. BURKETT. Mr. Chairman, I have looked through this report, and there is this distinction between the case that is reported in this bill and the case that the gentleman refers to, possibly twenty years ago. In that case the physician was in a pesthouse attending a yellow-fever patient. In this case the physician was not in a pesthouse. He was attending to his business as an assistant surgeon in the Army. There is that distinction between them. We did in that particular case, and so far this report shows that that is the only time we have ever paid a case of this sort, and this case is not on an equality with the case referred to in the report.

Mr. SCHIRM. Then the objection which the gentleman from Nebraska makes is this: That Assistant Surgeon Branham came to his death through service in a pesthouse, and Surgeon Goldsborough came to his death through an operation performed in a

hospital upon a colored sailor in the line of his duty. I can not see where the distinction comes in.

Mr. BURKETT. In this case the report shows, as the letter from the wife of the deceased physician shows, that he contracted a cold in Chicago which led to his sickness and depleted his health to a great extent, and that he died as a result of blood poisoning.

Mr. SCHIRM. He died as the result of blood poisoning incurred in the line of his duty while performing an operation upon a sailor in a hospital.

Mr. BURKETT. Yes; but the letter shows——

Mr. SCHIRM. Let us have the letter read. [Cries of "Vote!" "Vote!"]

Mr. BURKETT. Mr. Chairman, I want to say a word on this bill. The bill ought not to pass. I have taken occasion to read the report through, and I think before it passes the House the members of this House ought to know what is in it. There are legitimate claims against the Government, but here is a man that was appointed to a good position and every day of his service he had good appointments. He was placed in good places and he had a high salary, and, as I say, he was given very choice positions all along; he died in the service, and at that time was drawing a salary of $3,000 a year. Without any precedent except the one where the doctor had been sent into a pesthouse, we are going to establish a new precedent and give the widow of that doctor two years' full pay, or a little over that, together with the fees, which makes it $7,200. It is a bad precedent, Mr. Chairman, to establish. It is bound to create a good deal of dissatisfaction. The report shows that this woman has a farm worth $9,000 with some incumbrance on it.

Mr. SCHIRM. Will the gentleman allow me?

Mr. BURKETT. I will make my talk now, and then the gentleman can talk. The farm, she says, is worth $9,000, and she says there is an incumbrance of $6,000 upon it. She has some bank stock worth $1,300. Now, with that much of assets, as shown by the report, they are asking us here to set aside $7,200 for this woman. Mr. Chairman, I have a bill to-day asking a pension for a poor old soldier that is lying sick on his back, and because that man has a little home in which he lives, worth probably $2,000, under our rules we can not give that man, who served more than four years in the Army at $13 a month—you can not give him anything for his support and maintenance, when he is lying flat on his back and sick to-day.

And yet, Mr. Chairman, we are asked to give this woman $7,200, the widow of this man who drew from two to three thousand dollars a year for eleven or twelve years' service. I say it is not right. It is creating a bad precedent. Of course, it is a thing which she will appreciate, and it is something that the member of Congress who introduced the bill, representing her as a constituent, will appreciate, but it is not the thing for this House to do, and it is a precedent that the House ought not to establish.

If we can pay that woman under these conditions $7,200 a year, we had better pay some other widows in this country whose husbands served at $13 a month, and got paid off in money worth 40 cents on the dollar, and who saw harder work and greater anxiety and more vicissitudes than ever fell to the lot of this man. We can give it to those who showed more patriotism in the nation's dire distress in serving their country, and do it with more justice, as it seems to me, than to pass this sort of a bill. It seems to me, before this bill is passed, we ought to have this report read and see the exact conditions, Mr. Chairman, and I call for the reading of this report in my time.

The CHAIRMAN. The Clerk will read the report in the time of the gentleman from Nebraska.

The Clerk read the report (by Mr. SCHIRM), as follows:

The Committee on Claims, to whom was referred the bill (S. 3421) granting two years' pay of her husband to Mrs. Eleonora G. Goldsborough, widow of the late Surg. Charles B. Goldsborough, of the Marine-Hospital Service, have given the same careful consideration and respectfully report that the facts are as follows:

To the Congress of the United States:

The memorial of Eleonora G. Goldsborough respectfully represents to your honorable body that she is the widow of Dr. Charles B. Goldsborough, late in the Marine-Hospital Service, and on behalf of herself and the minor children of the said Dr. Charles B. Goldsborough she respectfully prays that you will grant her the relief she asks for in her bill, to be paid to her; and for the purpose of informing your honorable body as to the facts upon which her bill is based she sets forth as follows:

(1) Dr. Charles B. Goldsborough was examined in accordance with law for admission into the service in August, 1877, and on October 3, 1877, was appointed an assistant surgeon in the Marine-Hospital Service.

He was first stationed in New York as assistant; was appointed in charge of the service in Norfolk, Va., and remained there two months; he was placed on special duty in Washington and Baltimore, and was assistant at New York for five months; he was nine months chief clerk in the city of Washington, and was then placed in charge of the service in the city of Baltimore, where he remained for three years, until April, 1882.

In October, 1880, he was promoted to the office of passed assistant surgeon while in charge of the Baltimore service. From Baltimore he was ordered to Mobile, where he remained in charge of the Marine-Hospital Service for three years and six months, until October 20, 1885, when he was ordered to Chicago, where he remained in charge of the service for two years and four months, until February 9, 1888.

While in Chicago he was promoted to the office of full surgeon October 1, 1886. From Chicago he was ordered to New Orleans, where he remained one year and eleven months, and died in the service January 5, 1890, leaving to survive him his widow, your petitioner, and two children, Charles Bloomfield, 9 years, and Irwin, 5 years of age.

(2) The entire estate left by your petitioner's husband amounted to $2,100, which was in the hands of a firm which has since failed, reducing his estate to nothing. Your petitioner's estate consists of a farm on the eastern shore of Maryland, valued at $9,000, but subject to a mortgage of $6,000, making its total net value $3,000, and shares of bank stock of the value of $1,300.

The net income from the farm, after paying the interest on the mortgage and all other charges and expenses incident to the same, when the crops are good is about $50, and the dividends derived from the bank stock amount to about $120, making the entire income received by your petitioner for the support of herself and her two children $170, which is liable to be decreased at any moment by the failure of the crops upon which the income from the farm depends.

(3) Your petitioner's husband, while engaged in the service of the Government, devoted himself with untiring energy to his duty, and he was constantly exposed not only to the danger of disease incident to his calling, but to the dangers arising by the constant change of climate, which in the course of his duty while under orders he was obliged to undergo, and his constitution was undoubtedly greatly undermined thereby.

While on duty in the city of Mobile he was desperately ill with malarial fever, and from there he was ordered to Chicago, the extreme cold of which, following upon the warmer temperature of Mobile, brought on a serious attack of rheumatism, from which he had not wholly recovered when he was again ordered to New Orleans. While engaged in the course of his duty he contracted blood poison in the performance of an operation, which also tended to undermine his health, and in April, 1889, he was again attacked by malarial fever, which his already weakened constitution was unable to withstand, and from which, together with the other complications, he eventually died.

(4) Your petitioner further represents that the compensation received by her husband and the frequent removals which in the course of his duty it became necessary for him to make rendered it impossible for him to save up more money than a portion of that which was left and which has been lost through no fault of your petitioner.

(5) Your petitioner has done and is doing all in her power to support herself and her children, and will continue to do so and will use all means in her power by her own exertions to increase the small income which she now receives.

All of which is respectfully submitted.

ELEONORA G. GOLDSBOROUGH.

To the Congress of the United States:

The undersigned respectfully represent to your honorable body that they are personally cognizant of many of the facts stated in the foregoing memorial of Eleonora G. Goldsborough, and those of which they are not cognizant personally they believe to be therein stated truly. They further state that they believe the said Eleonora G. Goldsborough, the widow of Dr. Charles B. Goldsborough, and his two children are in great need of some support, and that the services of the late Dr. Charles B. Goldsborough entitle them to be paid a pension, and they are personally aware that she is using every honorable means to assist in the support of herself and her children.

JAS. SOMERS SMITH.
ANNA M. SMITH.
D. HAYES AGNEW.
W. DUBOIS MILLER.

(Since the date of the above memorial the farm and bank stock mentioned in section 2 have been disposed of at a sacrifice and the proceeds have been entirely expended in the support of the petitioner's family.)

The affidavits of Mrs. Goldsborough and Mrs. Annie E. Haverstick, in the possession of your committee, show that Surgeon Goldsborough contracted blood poisoning while operating on a negro sailor in the United States marine hospital.

In a letter from Surgeon Goldsborough to Dr. John B. Hamilton, the then Surgeon-General of the Marine-Hospital Service, dated at Chicago, Ill., September 25, 1888, he states that he is suffering from carbuncles and is totally unfit for duty, his statement being substantiated by the accompanying certificate of Surg. H. W. Austin, of the Marine-Hospital Service, his attending physician.

That Surgeon Goldsborough suffered from the effects of blood poisoning, contracted as above stated, up to the time of his death is shown by the affidavit of Mrs. Goldsborough, and her statement is corroborated in part by the affidavit of Mrs. Haverstick, above referred to; and that his death was due primarily to the blood poisoning is proved by the affidavit of his attending physician at the time of his death, Dr. R. P. Ames, which is here set forth in full:

SPRINGFIELD, MASS., *March 7, 1902.*

I hereby certify that I attended Surg. Charles B. Goldsborough in the marine hospital, New Orleans, in November and December, 1889, and until his death, January 5, 1890. His death was due primarily to "blood poisoning," as manifested by the formation of abscesses and carbuncles.

While not personally cognizant of the fact, as I was not stationed in New Orleans at the time, I have frequently heard that Surgeon Goldsborough had been poisoned while operating upon a negro sailor in the summer of 1888.

Very respectfully,

R. P. M. AMES,
Late Passed Assistant Surgeon, M. H. S.

Subscribed and sworn to this 7th day of March, 1902, before me.

FRANK E. CARPENTER,
Notary Public.

There can be no reasonable doubt that Surgeon Goldsborough's death was directly due to the effects of the operation in August, 1888.

It may be stated that a precedent for the bill now under consideration has been made by the act approved June 15, 1898, which granted the legal representatives of Asst. Surg. John W. Branham, of the Marine-Hospital Service, the amount of his salary and allowances for two years, Dr. Branham having died of yellow fever, after serving about five months. Surgeon Goldsborough gave faithful service for twelve years.

The Branham case was an exceptional one. This case comes in the same class and is considered equally exceptional.

Your committee are of the opinion that Dr. Goldsborough died of an infectious disease acquired in the performance of his duty, and the bill is therefore returned with the recommendation that it pass when amended as follows:

In line 8 strike out the period after the word "death" and insert in lieu thereof a comma, and add after such comma the words "with allowances for two years, amounting in all to $7,200.

Mr. PEARRE. Mr. Chairman, I feel as if I ought to say a word in behalf of this bill.

[Cries of "Vote!" "Vote!"]

Mr. PEARRE. It seems, Mr. Chairman, that my remarks are not necessary and I ask for a vote.

The amendment of the committee was considered and agreed to.

The CHAIRMAN. The question now is, Shall the bill be laid aside with a favorable recommendation?

The question was then taken; and on a division (demanded by Mr. BURKETT) there were—60 ayes and 29 noes.

So the bill was laid aside to be reported to the House with a favorable recommendation.

H. GLAFCKE.

Mr. GRAFF. I call up the bill (S. 3401) for the relief of H. Glafcke.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any money in the Treasury not otherwise appropriated, to H. Glafcke the sum of $110.39, being the balance due for necessary traveling expenses as deputy collector of internal revenue for the district of Colorado for the fiscal year ended June 30, 1900.

Mr. PAYNE. I hope that some explanation will be made of this bill.

Mr. GRAFF. This bill was introduced in the Senate by Senator Warren. It involves $110.39. It is to pay an amount due for traveling expenses of a deputy internal-revenue officer. It is recommended by Robert Williams, jr., Acting Commissioner of Internal Revenue, in a letter of March 2, 1902. Does the gentleman want any further explanation?

Mr. MONDELL. Let me state that the only necessity for this bill arose from the fact that this claim in the first instance, although presented in proper time, was not stated in the proper form, and before it was restated the time within which it could be regularly paid had elapsed.

Mr. GRAFF. I move that the bill be laid aside to be reported with a favorable recommendation.

Mr. CRUMPACKER. Mr. Chairman, I understand that the amount allowed as expenses to a deputy internal-revenue officer is fixed by the collector of the district; that the annual allowance is divided into 12 monthly installments, and that the deputy can not, during any month, go beyond the allotment for that month. If the House is to adopt the precedent of paying expenses incurred by these officers beyond the amount allowed by the collector of the district, I shall be glad to know the fact, because a traveling deputy in the division in which I reside told me that last year he paid over $200 out of his own pocket, for expenses of this kind, above the allowance fixed by the collector of internal revenue for that district; so that if this bill should go through I will advise him when I return home to present his bill for reimbursement to the Committee on Claims, with the expectation that the claim will be paid. These expenses were incurred by him in the discharge of official duty on behalf of the Government, and I suppose the same rule would apply in his case as in this.

Mr. GRAFF. We will consider the case if it be presented to us, and will report favorably if the facts appear to warrant it.

Mr. CRUMPACKER. I want to call attention to that case now, in order that I may take advantage of the precedent here being set when I present the matter hereafter to the Committee on Claims.

Mr. PAYNE (to Mr. CRUMPACKER). Why not introduce your bill now, refer it to the Committee on Claims, have it reported at once, and put right through here?

Mr. GRAFF. We will give full time to the consideration of the matter in the committee.

The CHAIRMAN. The question is on laying this bill aside to be reported favorably to the House.

The question was decided in the affirmative.

M'CLURE & WILLBANKS.

Mr. CLAUDE KITCHIN. I call up the bill (H. R. 11340) for the relief of McClure & Willbanks.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to McClure & Willbanks, livery-stable keepers at Toccoa, Ga., $100, the value of a horse hired to internal-revenue officers and killed by illicit distillers in August, 1900.

Mr. CLAUDE KITCHIN. I move that the bill be laid aside to be favorably reported to the House.

Mr. PAYNE. Mr. Chairman, if I correctly caught the reading of this bill, there is enough on the very face of it to condemn it, even in this House and on this occasion. I do not see any more reason why the Government should pay for this horse than for any old horse that I might own.

Mr. CLAUDE KITCHIN. There was an officer——

Mr. PAYNE. As I understand, an officer of the Government had hired a horse from a livery stable, and while the man was engaged in taking possession of an illicit distillery the horse was killed. A terribly strong claim against the Government!

Mr. CLAUDE KITCHIN. While the officer was in the discharge of his duty in breaking up this illicit distillery the moonshiners killed the horse.

Mr. PAYNE. Was the horse in the line of duty? [Laughter.]

Mr. CLAUDE KITCHIN. He was; and I will say to the gentleman from New York that the Commissioner of Internal Revenue, Colonel Yerkes, thinks this a just claim and one which ought to be paid, and recommends payment.

Mr. PAYNE. I do not care what the Commissioner of Internal Revenue or anybody else states about this question. It seems to me that no man who will reflect on the matter for a moment will think this a just claim. On the contrary, it is a perfectly outrageous claim for any man to present. Much less is it a proper claim for a committee of this House to bring in here or to be passed by even this Committee of the Whole. An officer of the Government hires a horse, drives it across country, somebody shoots the horse, and now we are asked to pay for it! Can any man imagine a more ridiculous claim against the Treasury of the United States?

Mr. TATE. Will the gentleman allow me a word?

Mr. PAYNE. Oh, yes; with pleasure.

Mr. TATE. The gentleman does not state correctly the facts of this case. This officer destroyed two illicit distilleries and seized a lot of whisky, which he took possession of for the Government. While this illicit whisky was being removed the livery-stable keepers' horse was shot in order to prevent the removal of the whisky by the officers of the Government. It does seem to me that the Government should pay this claim. It is the only way in which the owners can get pay for their horse.

Mr. KITCHIN moved that the bill be laid aside with favorable recommendation.

The CHAIRMAN. The question is, Shall the bill be laid aside with a favorable recommendation?

The question was taken; and on a division (demanded by Mr. PAYNE) there were—ayes 79, noes 10.

So the motion was agreed to.

C. W. COLEHOUR.

Mr. GRAFF. Mr. Chairman, I next call up the bill (H. R. 7361) for the relief of C. W. Colehour.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to C. W. Colehour, his legal representatives or assigns, out of any money in the Treasury not otherwise appropriated, the sum of $3,657.77 for sheltering and subsisting Eighth Regiment Illinois Volunteer Infantry, war with Spain.

The following committee amendments were read:

In lines 6 and 7 strike out the words "three thousand six hundred and fifty-seven dollars and seventy-seven cents," and insert in lieu thereof the words "one thousand and twenty dollars."

Mr. PAYNE. Mr. Chairman, I hope we shall have some explanation of why this original claim was not paid in full, why the committee cut it down.

Mr. GRAFF. Mr. Chairman, I yield to the gentleman from Illinois, Mr. BOUTELL.

Mr. BOUTELL. I trust I shall be able to give the gentleman from New York full information on the subject.

Mr. PAYNE. I see that it is cut down two-thirds. I do not understand it.

Mr. BOUTELL. If the gentleman will move to put it back to the original amount, I will agree to vote for his amendment.

The favorable report in this case, Mr. Chairman, is based upon the statement of facts and the recommendations of the officials of the War Department, to whom this measure was referred. Their communications are contained in full in this report. The facts in brief are these: In February, 1899, Captain Wainwright, who was then stationed in Chicago, in charge of the mustering out of troops, advertised for bids for the subsistence and sheltering during mustering out of the Eighth Illinois Volunteer Infantry, lately returned from service in the war with Spain. The statement in the advertisement calls for sheltering and subsisting the troops from about March 1 to March 15.

The bid made by Mr. Colehour was accepted by Captain Wainwright, who telegraphed his decision to the War Department. The War Department urged him to have the work progress at once, and the building prepared for occupancy by March 1. Mr. Colehour rented a building known as Tattersalls, the only covered structure in the city which would contain the necessary number of men. On the very day that the United States Government agreed to have the troops there for mustering out, namely, on the 1st of March, 1899, Captain Wainwright informed the contractor that the transport had been delayed and that the troops would not arrive there until about the 15th of March, the day on which the contract under the specification was to expire.

As a matter of fact, the troops arrived on the 18th of March.

The mustering out consumed from March 18 to April 3, inclusive. The contractor was paid, under the advertisement, the sum of $4,732.80, and made his claim at once for the rental and other expenses connected with preparing the building for subsisting the troops during the period mentioned in the correspondence and contract. This claim was disallowed. The letter of Captain Wainwright sets forth the circumstances in the case, and the original claim of $3,700 covered not only the rental during the period from March 1 to March 18, but also covered the expenses which the contractor had been put to in providing the subsistence and the employees for feeding and caring for about 1,200 men. On referring the bill to the Quartermaster-General, General Ludington says:

It would seem that an allowance of $60 per day for seventeen days, or a total of $1,020, for this period from March 1 to March 17, inclusive, would reimburse the contractor for all expenses incurred so far as the Quartermaster's Department is concerned.

He therefore refused to recommend the payment of about $2,700 claimed by the contractor to have been incurred in other expenses in preparing the building and making preparations for sheltering and subsisting the troops. Under these circumstances the committee have recommended unanimously the passage of the bill with the amount fixed by the Quartermaster-General.

I move that the bill be laid aside with a favorable recommendation, as amended.

The CHAIRMAN. The question is on the adoption of the committee amendment.

The amendments were agreed to.

The CHAIRMAN. The question now is, Shall the bill be laid aside with a favorable recommendation?

The motion was agreed to.

WILLIAM J. SMITH AND D. M. WISDOM.

Mr. CLAUDE KITCHIN. Mr. Chairman, I now call up the bill (S. 111) for the relief of William J. Smith and D. M. Wisdom.

The Clerk read as follows:

Be it enacted, etc., That William J. Smith and D. M. Wisdom be, and they are hereby, released from all liability incident to the forfeiture and judgment upon a certain bond in the penal sum of $3,000 with said William J. Smith and D. M. Wisdom as sureties, conditioned that R. M. Thompson appear at the term of the United States circuit court for the western district of Tennessee, begun on the fourth Monday in October, 1885.

SEC. 2. That all the right, title, and interest which the United States acquired from said William J. Smith by deed from the marshal of the United States for the western district of Tennessee of date February 20, 1888, in and to the following-described real estate: All the interest of William J. Smith in lot No. 1, in block No. 17, of Butler's addition to the city of Memphis, beginning on the corner of Echols and Elliott streets and running in a northerly direction along the west line of said Echols street 93½ feet; thence east to the west line of an alley, 352½ feet; thence south along the west line of said alley to the north line of Calhoun street, 196 feet; thence west along the north line of said Calhoun street to the west line of said Elliott street, 183 feet, and thence in a northwesterly direction along the north line of said Elliott street to the beginning, 206½ feet, be, and the same is hereby, divested from the United States, and all the said right, title, and interest be, and the same is hereby, vested in the said William J. Smith.

Mr. PATTERSON of Tennessee. Mr. Chairman, I move that this bill be laid aside to be reported to the House with a favorable recommendation.

Mr. PAYNE. Mr. Chairman, of course from all that appears now every member of the Committee of the Whole would vote against this bill, because it appears that the Government has obtained a judgment on a bond and has seized some property and got title to it. Of course every man in the House would vote against it on that statement, on the bill itself. I think the gentleman ought to give some reason why the Government should give up this property.

Mr. PATTERSON of Tennessee. Mr. Chairman, this bill is for the relief of William J. Smith and D. M. Wisdom on a bail bond.

The facts are that one Robert M. Thompson was indicted in Memphis for a violation of the postal laws and was convicted. After his conviction Smith and Wisdom entered into a bond of $3,000 for his appearance. That bond originally was a void bond. Thompson absconded, and Smith employed detectives and went to considerable expense to locate him. He was arrested and brought through the District of Columbia, and here in Washington a habeas corpus proceeding was had, and Thompson was discharged upon the ground that the bond was void. Smith then caused Thompson to be arrested again and he was again discharged.

Now, the committee have certified copies of the record from the district court showing these facts, and Smith did all that he could to get Thompson back to answer to this judgment of the court. In the meantime Smith was the only solvent person on this bond. He is a man about 76 years of age, and this was practically all the property he had. His property was levied upon and struck off to the Government for $3,209.36, being the amount of the bond and the costs. Now, I am in possession of a letter from H. M. Hoyt, Acting Attorney-General, in which he says:

This case seems to be one demanding relief, but I think it is one that should be relieved by act of Congress.

This bill passed the House ten years ago and once passed the Senate. How it has never become a law I can not explain, but it has passed this House, I think, on two occasions.

Mr. PERKINS. What has become of this property that was levied on?

Mr. PATTERSON of Tennessee. It was struck off to the United States.

Mr. BURKETT. Why should this bondsman be relieved? That is the point of the whole matter.

Mr. PATTERSON of Tennessee. I have been trying to explain that. The bondsman should be relieved simply because the bond has been declared by the courts here to be void. This bondsman went to the expense of rearresting this man, who was discharged in the courts of the District of Columbia upon the ground that the bond was void.

Mr. DALZELL. On what ground was it held void?

Mr. BURKETT. How did the man come to be discharged?

Mr. PATTERSON of Tennessee. On the ground that the bond was given after the judgment of the court. The man was found guilty, and it was a curious bond for the court to take in the first place.

Mr. HOLLIDAY. I should like to inquire of the gentleman how the Government managed to get a judgment on a void bond?

Mr. PATTERSON of Tennessee. I can not explain that.

Mr. PAYNE. Did the Government get judgment on the bond before he had arrested the man?

Mr. PATTERSON of Tennessee. No; I think he went to work immediately—that is my present recollection about the case—to obtain his arrest.

Mr. PAYNE. Why did he not plead that the bond was void?

Mr. PATTERSON of Tennessee. I can not give you an explanation of that. Anyhow, the judgment stands against him; and those are the facts.

Mr. PAYNE. But he did arrest the man and tried to surrender him to the Government?

Mr. PATTERSON of Tennessee. Yes; and spent large sums of money in the endeavor to do so.

Mr. PAYNE. And the man was finally released by the court on the ground that the bond was void?

Mr. PATTERSON of Tennessee. Yes.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

JOSEPH W. PARISH.

Mr. GRAFF. Mr. Chairman, I call up Calendar No. 1581, being Senate bill 475, to refer the claim of Joseph W. Parish to the Secretary of the Treasury for examination and payment of any balance found due.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to make full and complete examination into the claim of Joseph W. Parish against the United States for balance alleged to be due him by virtue of a contract made by J. W. Parish & Co. with Henry Johnson, a medical storekeeper, acting on behalf of the United States, which contract bears date March 5, 1863, and provides that said J. W. Parish & Co. should furnish to the United States for the use of the Medical Department of the Army the whole amount of ice required to be consumed at Memphis and Nashville, Tenn.; St. Louis, Mo., and Cairo, Ill., during the remainder of the said year 1863; that the Secretary shall determine and ascertain the full amount which should have been paid said J. W. Parish & Co. if the said contract had been carried out in full, without change or default made by either of the parties thereto, under the rule of the measure of damages laid down by the Supreme Court of the United States in the case of The United States against Behan (110 U. S. Reports, p. 338), and in accordance with the evidence in the case collected by the United States Court of Claims, and after determining the full amount thus due said J. W. Parish & Co., under the said contract and rule of law aforesaid, to deduct therefrom all payments which have been made to said J. W. Parish & Co., or to said Joseph W. Parish, whether in pursuance of judgments of the court or direct appropriation by Congress, or otherwise, stating what balance, if any, is due under the rule and evidence prescribed herein, and pay the said balance to said Joseph W. Parish, the present owner of said claim; and sufficient money to pay such balance is hereby appropriated out of any money in the Treasury which has not been otherwise appropriated.

Mr. GRAFF. I move that the bill be laid aside with a favorable recommendation.

Mr. PAYNE. I trust the gentleman will give the committee a little light on the subject of this bill, or I will ask to have the report read.

Mr. GRAFF. The facts in this case are that Joseph W. Parish and a man by the name of Huse, under the firm name of J. W. Parish & Co., in 1863 entered into a written contract with the Government to deliver ice, as was required by the Government in that year. That year—the winter of 1863 and 1864—there was no ice which could be procured south of Chicago. It had to be procured in Canada and from the St. Lawrence River. After the contract was made Huse withdrew from the contract, and Parish was the only one who was interested in the contract, and he became responsible for the terms of it.

The assistant surgeon at St. Louis issued an order under the terms of the contract for 30,000 tons of ice, to be delivered at four different places within twenty days—at Memphis, Tenn.; Nashville, Tenn.; St. Louis, Mo., and Cairo, Ill.—specifying the amount

of the 30,000 tons to be delivered at each of the four places. After the order was given by the assistant surgeon of the Army stationed at St. Louis to deliver this 30,000 tons of ice, Mr. Parish, the claimant, immediately went North to purchase the ice. He purchased 30,000 tons of ice and notified the Government that he had it and was ready to deliver.

As a matter of fact, the Government, only took 12,000 and some odd tons, leaving 18,000 uncalled for; and issued an order suspending the previous order for the 30,000 tons of ice. The 12,000 tons were delivered, and there is no question about that, at the contract price. The price of ice per ton was fixed in the contract. The ice, however, remained at the different places that he had stationed it after the purchase. Ice, you know, is a perishable commodity. He could have sold the ice as high as $50 a ton during that summer. He held the ice for the purpose of filling his contract with the Goverment. He had the ice within the time required, within the twenty days, and there is no question about that.

All these facts were shown when he came to prosecute his claim before the Court of Claims. The Court of Claims, however, decided that he had no right to recover upon his contract, because, as they alleged, the assistant surgeon had no legal authority to bind the United States by ordering the 30,000 tons of ice. But, however, the Court of Claims made their findings of fact covering the whole scope of the case. Their decision against him rested upon the theory that the assistant surgeon who ordered the ice had no legal authority to bind the Government. The case, therefore, went to the Supreme Court of the United States. The Supreme Court of the United States reversed the decision of the Court of Claims, and decided that the assistant surgeon, who had ordered the 30,000 tons of ice, was able, from a legal standpoint, to bind the Government, and in fact he did bind the Government; and hence there remained nothing for the Supreme Court to do but find out on what terms his damages should be based, and how much they were.

The Supreme Court in their decision said that the difficulty about the case was that Mr. Parish was "not ready and willing," in the language of the old pleadings, to deliver the ice. They said that in the face of the fact that there was a finding in the Court of Claims below, in the following language, taken from the Twelfth Court of Claims Report, 609 to 617:

IX. The said Parish was prepared and willing to deliver the said 30,000 tons of ice, in conformity with the conditions and obligations of his said contract and the terms of said letter of March 25, 1863—

That is the letter of the assistant surgeon ordering the ice—

of which the defendant had notice, but they would not nor did receive more than the 12,762 tons aforesaid.

So that the finding of the Supreme Court was in direct contravention of the findings of fact in the court below, and they therefore allowed him——

Mr. PERKINS. May I ask the gentleman which he thinks the higher of the decisions—the Supreme Court or the Court of Claims?

Mr. GRAFF. If the gentleman will allow me to finish my argument, the Supreme Court, under its rule and practice, does not go behind, and says it will not go behind, the evidence for the purpose of weighing the evidence upon which any finding of fact is based by the Court of Claims. The court accepts the findings of fact of the Court of Claims in all cases as conclusive to them.

The Supreme Court therefore overlooked in the case the finding of fact which said that Mr. Parish was ready and willing to deliver the ice and that the Government had not and did not take any of it except the 12,000 tons to which I have alluded; and, basing their conclusion upon the fact that no such finding did exist in the findings of the Court of Claims, they took it as a measure of damages and allowed him only the cost of the ice, and he received that amount, which amounted to $64,000. This was away back in 1879, a period of fifteen or sixteen years after the war was closed.

The report is full of testimony showing that Mr. Parish was a man of patriotic character in the conflict; showing that he did what not many were willing at this time, in 1863, to do, to assume the obligation of delivering ice and supplies of that kind in those times of uncertainty to the Government. This ice thereafter melted upon his hands, and he received only the absolute amount which he paid. This probably is the only claimant who is interested in any case upon this Calendar whom I personally know. He has now reached the age of 76 years; he is a poor man; he was a man well to do in the times of 1863. He put all the money he possessed, his entire fortune, into the purchase of that ice, which was allowed to melt on the shores of the Mississippi and the Missouri rivers, and the Government has compelled him to wait all these years even for the purpose of returning the actual dollars which he had invested in this contract under the Government.

You are in the position of the Irishman when he said that the horse was 18 feet high and it was questioned. The horse was brought in, and it was insisted that there was the horse and he was only 18 hands high. The Irishman said, "Did I say 18 feet high?" "Yes." He looked at the horse and he said, "I stick to it." [Laughter.] Now, then, if that is the proposition, that a citizen of the United States has no relief before this Congress, after having invested all his funds and money and waited for a period of twenty years to receive the amount he risked and put into the contract, I say that Congress can not be any too ready to pay this man the correct measure of damages which was allowed.

Now, in 110 Supreme Court Decisions of the United States, eleven volumes after the volume in which was contained the Parish case, the Supreme Court laid down the proper measure of damages, and they say that where the question of profit is one that can not be easily ascertained, where it is speculative, then there can be some question about allowing the party who is injured by a breach of contract to receive the profit in addition to the amount he invested. But where the price of the ice is fixed in the contract itself, by the United States Government, where this man had invested his money in this perishable property when he went up into Canada and along the St. Lawrence River at three points and purchased ice for the use of the Army and in the hospital, at a particular time when the Government was fully warranted in believing that they would need all this vast quantity of ice along these three or four towns on the Mississippi River, around which clustered so many of the activities of the war, I say this is a case which is absolutely correct.

Now, what does this bill seek to do? The bill does not seek to have this Congress figure up the amount that is due this claimant, but the bill is drawn referring this claim to the Treasury Department and asking them to award this man the amount that is due him, not under any arbitary direction, but under a decision of the Supreme Court of the United States in the Beham, case in the one hundred and tenth volume, to which I have alluded.

[Cries of "Vote!" "Vote!"]

Mr. PERKINS. Mr. Chairman, we have a perfect right to have this claim explained, and if it takes five minutes it is a good deal shorter than compelling those who want information to resort to dilatory proceedings.

Mr. GRAFF. I am perfectly willing to answer the gentleman's question.

Mr. PERKINS. I know the gentleman is. I think we have a right to ask the question, because this claim amounts to $80,000. What was the price set in the contract with the Government?

Mr. GRAFF. The price stated was different at different places. Of course, it would be so, because it was more costly to deliver the ice at one point on the river than it would be on the other; but I will say to the gentleman that my information is that the average price of the ice along the river delivered at that time cost $18 a ton.

Mr. PERKINS. What did the Government agree to pay?

Mr. GRAFF. The contract price.

Mr. PERKINS. What was the price stated in the contract?

Mr. GRAFF. That was the price agreed upon.

Mr. PERKINS. I would like to ask my friend another question. As I understand his statement, it is that the Supreme Court of the United States, a tribunal of some learning, fell into manifest error as to the facts found by the Court of Claims?

Mr. GRAFF. Yes, it is manifest; there can be no question about that.

Mr. PERKINS. Why was it that the counsel did not move for a reargument? He must have been a most extraordinary counsel.

Mr. GRAFF. I am glad the gentleman has asked that question. Mr. Parish had as counsel a man by the name of Merriam. Parish himself was not a lawyer, and he would not have any knowledge of what was the proper measure of damages, as we can all understand. Mr. Merriam was a man somewhat advanced in years, and he went off into the New England States at the time this case was decided, and soon after died. Mr. Parish did not know what his rights were until it was too late for him to take advantage of a motion for a new hearing.

Mr. PERKINS. He must have had very extraordinary counsel.

Mr. PAYNE. Mr. Chairman, I am a little inquisitive myself about this case, and I would like to ask the gentleman a question or two.

Mr. GRAFF. I am willing to answer any questions.

Mr. PAYNE. I understood the gentleman to say that the court allowed the claimant $64,000?

Mr. GRAFF. No, that is not quite true; the court did not fix any amount, but it sent it back to the Court of Claims for construction.

Mr. PAYNE. How much did the Court of Claims allow?

Mr. GRAFF. Mr. Parish received two allowances; he received one, $10,000, at first in the Court of Claims.

Mr. PAYNE. For the 18,000 tons?

Mr. GRAFF. He only received a very small amount, only $10,000. The reason was this: When he tried the case before the Court of Claims he tried it upon the theory that he was entitled to the contract price, and there was no evidence, or very slight evidence, if indeed any—it was merely accidental—bearing upon the question, because it was not anticipated that that was a contested point in the case. If he was entitled to the contract price, the question what he had paid for the ice, which he had gathered in various parts and from various sources, had nothing to do with the subject of the trial, basing his claim as he did upon the contract price.

Mr. PAYNE. How much did he receive in all?

Mr. GRAFF. He received altogether $64,000.

Mr. PAYNE. How much for the 12,000 tons?

Mr. GRAFF. He was paid for that the contract price; there is no question about that.

Mr. PAYNE. Then he received $216,000 for 12,000 tons. How much for the 18,000 tons?

Mr. GRAFF. I can not tell about that. I can only say that he received the cost price of the ice.

Mr. PAYNE. Then he received about $3.50 a ton for those 18,000 tons?

Mr. GRAFF. Yes.

Mr. PAYNE. Then he received $272,000 for the 30,000 tons, which cost him about $100,000.

Mr. GRAFF. Oh, no; I am informed—and I have taken some trouble to look into the case—I am informed that the amount to which he will be entitled will be about $80,000.

Mr. PAYNE. But he received $216,000——

Mr. GRAFF. Whatever he received will be deducted.

Mr. PAYNE. Oh, no; for the 12,000 tons I understand he was paid the contract price—$18 a ton.

Mr. GRAFF. I suppose that is so.

Mr. PAYNE. That would be $216,000.

Mr. GRAFF. As I said, the price of the ice varied at different points.

Mr. PAYNE. But he received $212,000 for the 12,000 tons; and he received in addition $64,000, making an aggregate of about $280,000. The 30,000 tons cost him $105,000. So that he is doing pretty well. He did not fail or lose his property on account of this contract. While he was patriotic, he was patriotic "with a string to it."

Mr. GRAFF. I think there is some question, perhaps, about his having received the contract price for that first lot of ice, until he tried his case.

Mr. PAYNE. I understood the gentleman to say that he did receive it.

Mr. GRAFF. I suppose he did, but I am not certain about it.

Mr. PAYNE. There is no claim here for that.

Mr. GRAFF. Oh, no.

Mr. PAYNE. There certainly would have been if he had not received it.

Mr. GRAFF. I do not see what bearing that has an the case.

Mr. PAYNE. No; I suppose the gentleman can not see it.

Mr. GRAFF. We are simply asking that this man be paid what the Government promised to pay him, he having rendered all the service and done everything that he was required to do by the terms of the contract. He was in default in no respect.

Mr. PAYNE. Of course, the gentleman says that. But I suppose the Supreme Court of the United States would have the right to say that he had not tendered that ice, if on an examination of the evidence it found there was no testimony to show it. In point of fact, the case does not show it.

Mr. GRAFF. But the court does not do that.

Mr. PAYNE. I do not know whether it does or not. There is no evidence of that fact. They would have the right so to decide, and probably would so decide under the circumstances. Probably the attorney on the part of the Government would present that fact. But even if there were no evidence showing that this ice had not been tendered, I presume if the gentleman had gone a little further he might have found that fact.

Mr. GRAFF. I think I have gone through the case pretty thoroughly.

The question being taken, Shall the bill be laid aside to be reported favorably to the House?

It was decided in the affirmative.

WILLIAM M. BIRD AND OTHERS.

Mr. CLAUDE KITCHIN. I call up the bill (H. R. 2441) for the relief of William M. Bird, James F. Redding, Henry F. Welch, and others.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized to examine into the circumstances of the performance and execution by William M. Bird, James F. Redding, Henry F. Welch, and others, as sureties of D. A. J. Sullivan, of the work in the construction of the new United States post-office and court-house in Charleston, S. C., under the contract of the said D. A. J. Sullivan to construct the same, dated January 13, 1890, and ascertain what work was done thereunder, and whether for any reason the said parties who performed said work are justly and equitably entitled to be reimbursed the amount by them expended in performing said work over and above the original contract price; and the said Secretary is authorized to take evidence to ascertain the facts in the case, notwithstanding the terms of the contract, and to determine the amount that should fairly and equitably be allowed said parties, and to pay such sum as he may determine shall be allowed, not to exceed, however, the sum of $25,000. And a sufficient amount of money is hereby appropriated, out of the funds in the Treasury not otherwise appropriated, to pay the amount so found to be fairly and equitably due, not exceeding the sum of $25,000.

The amendments reported by the committee were read, as follows:

Strike out from line 6, page 2, the words "twenty-five thousand" and insert in lieu thereof the words "twenty-two thousand seven hundred and four."

Also, strike out from line 10, page 2, the words "twenty-five thousand" and insert in lieu thereof the words "twenty-two thousand seven hundred and four."

Mr. CLAUDE KITCHIN. As the gentleman from New York [Mr. PAYNE] has read the report in this case, I move that the bill be laid aside to be reported favorably.

Mr. PAYNE. I do not recollect anything of that kind. [Laughter.]

Mr. CLAUDE KITCHIN. Well, I move that the bill be laid aside for favorable report.

Mr. PAYNE. I hope the gentleman will not press that motion at once. I should like to have the report read in my time, so that there may be no misunderstanding.

Mr. CLAUDE KITCHIN. I yield to the gentleman from South Carolina [Mr. ELLIOTT] to make a brief statement.

Mr. PAYNE. Although I have a right to the floor, I am not going to insist upon it, and I yield to the gentleman from South Carolina.

The CHAIRMAN. The gentleman from South Carolina [Mr. ELLIOTT] is recognized.

Mr. ELLIOTT. Mr. Chairman, I should have been quite content to have the report read without any further explanation, for I am sure that the gentleman from New York on hearing the report would have had no objection to the bill.

This bill is for the relief of the sureties of Daniel A. J. Sullivan, who, in about 1890, became a contractor for building the superstructure of the Charleston post-office. The claim arises from the various acts of the Government officials which imposed great hardships, delay, and damage on the contractor. The history of the matter is as follows: Mr. Sullivan was, first of all, delayed sixteen months in commencing his contract because of the supposed necessity to have taken up some of the work upon the foundation of the building, with which Mr. Sullivan had nothing to do. That was the first trouble he encountered.

That delay, first of all, brought him under the operation of the eight-hour law, very much to his injury. After he was allowed to go to work he was persecuted and subjected to all manner of improper and illegal demands, both by the superintendent in charge of the building and by his foreman, Mr. Caulfield. Sullivan protested time and again to the authorities at Washington, and he gave notice that he was forced by the superintendent to put upon the building a greatly superior class of work than his contract called for. He gave the authorities notice that, being under duress in consequence of the authority of the superintendent over him, he would make claim against the Government for the value of all such work. The Government sent down to Charleston several inspectors for the purpose of ascertaining the facts with reference to these many differences between the superintendent and foreman and the contractor.

At first they gave not very much attention to Sullivan's complaints, but finally it was ascertained that what he had complained of was true, and to an extent that the gentlemen of this committee would hardly believe possible on the part of a Government official. As a result of those reports, Mr. Caulfield, the foreman, was first discharged; but the troubles continued, and the Secretary of the Treasury finally found it necessary, in the interests of justice, and decency even, to discharge the superintendent. The whole trouble arose out of the fact that General Stolbrand was a foreigner and not accustomed to American ways. As an instance of that, one of the Government inspectors reports that when the Government inspector, being on the spot, required some things to be examined into, Stolbrand said that he would have nothing to do with it, because the mortar with which the material was laid was mixed according to American methods and not according to those prevailing in the Kingdom of Denmark, of which he was a native.

The same inspector says further that, upon his making a very proper and reasonable suggestion as to some matter, he was overwhelmed by a great amount of invective and abuse and threats of official decapitation. Now, I have not time to go into all of this, but the result of it was that Mr. Sullivan became insolvent about the time that Stolbrand was discharged as superintendent, and very soon afterwards died. His sureties, these gentlemen for whose relief this bill is introduced, took up the completion of the

contract. The inspectors report them to be gentlemen of the highest honor and integrity, and among the leading citizens of Charleston. They went to work in a systematic and business-like way, making a thorough organization to complete the building. These sureties paid out in completing that contract over $44,000 more than had been received from the Government on account of the contract, not one dollar of which has ever been repaid them.

Now, this bill is not for damages against the Government. There is no element of that sort in it. It is simply that the Government shall pay to these sureties the amount which the Government has been bettered by this improved character of work. The testimony is all here. It is of a very technical character, and it is impossible in the limited time to place it before the members of the committee, as would be proper if the matter were now up for full investigation. The object of the bill is to refer it to the Secretary of the Treasury to ascertain what in justice and fairness and equity should be paid to these gentlemen. There is not one dollar claimed except what the Secretary of the Treasury may find to be derived by the Government from its having received a superior class of work upon the building. That is the whole case, and I think, under the circumstances, no definite sum being appropriated, it all being left to the Secretary of the Treasury, in whom, of course, we all have perfect confidence, and from the further fact that these examinations have been made and show upon their face the merits of the case, though of course they were not as full and complete as the Secretary will hereafter make, that the bill should become a law.

Mr. CRUMPACKER. Will the gentleman yield for a question or two for information?

Mr. ELLIOTT. Certainly.

Mr. CRUMPACKER. From my understanding of the bill, as it was read by the Clerk, I got the impression that it authorizes the Secretary of the Treasury to open up the whole situation and ascertain what the public building is fairly and equitably worth.

Mr. ELLIOTT. Yes.

Mr. CRUMPACKER. And to pay that amount without regard to the terms fixed by the contract.

Mr. ELLIOTT. Not exceeding some $22,000.

Mr. CRUMPACKER. Not exceeding $22,000. So that if the original contractor had by error of judgment agreed in the competitive bidding to construct the building for an inadequate sum, the Secretary of the Treasury would be allowed to make up for the discrepancy under the terms of this bill.

Mr. ELLIOTT. No. The point is that he was required by the Government superintendent to do work of a character far superior to what the contract required him to do. He complained of it time and again and gave notice that he would hold the Government responsible. The claim is only for the betterment.

Mr. CRUMPACKER. I have no disposition to oppose this bill if it is properly safeguarded, provided it does not contain that feature.

Mr. FOSTER of Vermont. It does not.

Mr. CRUMPACKER. It occurred to me that if the contractor for a public building in competitive bidding fixes his figures, and gives bond for the faithful execution of the work, and it shall afterwards turn out that his bid was for too small a sum, if he is to be allowed to come in afterwards and recover from the Government what he probably lost under the terms of the contract, it is a very bad precedent.

Mr. FOSTER of Vermont. That is not involved.

Mr. ELLIOTT. The point is——

Mr. CRUMPACKER. I beg to say that from the reading of the bill I got that understanding of it. Of course I understand that embarrassments come through the fault, sometimes, of Government officers, from visiting architects, and this and that, and as a rule I think contractors add about 20 per cent to the normal cost of Government buildings to provide against such contingencies. As a rule it costs the Government 20 to 25 per cent more to construct a building than it does for private individuals, and it ought to cost that much more, I think, in view of the character of the inspection.

Mr. LATIMER. If the gentleman will just yield for a moment I think I can answer the gentleman from Indiana. This is for a better class of brick than was required in the contract, that were put in by these sureties.

Mr. CRUMPACKER. I understand that all right enough, but my understanding of the bill is that the Secretary of the Treasury is authorized to ascertain what the building would cost, what it is fairly and equitably worth, without regard to the terms of the contract. Now, there may be some parts of the building that were not interferred with, and the contractor's bid may have been too low. Yet it will be the duty of the Secretary of the Treasury to add to the terms of the contract whatever ought to have been added by the prudent judgment of the contractor when he put in his bid.

Mr. LATIMER. As I understand it, it is simply to pay for betterments over and above the contract.

Mr. CRUMPACKER. The bill provides for more than that.

Mr. ELLIOTT. The gentleman is mistaken.

Mr. CLAUDE KITCHIN. It says that it shall not exceed the amount which the Government inspector says was put into betterments.

Mr. CRUMPACKER. It opens up that question and authorizes the Secretary of the Treasury to reimburse the contractor for a bad bargain that he made with the Government.

Mr. CLAUDE KITCHIN. But not to exceed $22,000, which is the amount the Government inspector said was put in extra for bricks, even, over and above the contract.

Mr. LATIMER. For mortar and brick.

Mr. PAYNE. Why do you not amend your bill and put it in for the extras required by the Government?

Mr. LATIMER. That is exactly what is put in, on the report of the Government inspector.

Mr. PAYNE. It is incomprehensible how any Government inspector went to work and required more than the contract required. I never came across one that would hold the contractor up to his contract.

Mr. LATIMER. The inspector sent there by the Treasury Department reported that the betterments amount to this sum.

Mr. PAYNE. The Treasury Department is to pay what the building would equitably cost in the way it was built, deducting from that the sum that was paid.

Mr. LATIMER. Not at all.

Mr. PAYNE. I gathered that from the remarks of my friend from Indiana [Mr. CRUMPACKER]. I have not read the bill.

Mr. FINLEY. If the gentleman will excuse me a moment——

Mr. CRUMPACKER. This is a short bill, and I will read it, and we can determine the question then:

That the Secretary of the Treasury be, and is hereby, authorized to examine into the circumstances of the performance and execution by William M. Bird, James F. Redding, Henry F. Welch, and others, as sureties of D. A. J. Sullivan, of the work in the construction of the new United States post-office and court-house in Charleston, S. C., under the contract of the said D. A. J. Sullivan to construct the same, dated January 13, 1890, and ascertain what work was done thereunder, and whether for any reason the said parties who performed said work are justly and equitably entitled to be reimbursed the amount by them expended in performing said work over and above the original contract price.

Mr. FOSTER of Vermont. That is the point.

Mr. FINLEY. That is, under the contract.

Mr. CRUMPACKER (reading):

And the said Secretary is authorized to take evidence to ascertain the facts in the case, notwithstanding the terms of the contract, and to determine the amount that should fairly and equitably be allowed said parties, and to pay such sum as he may determine shall be allowed, not to exceed, however, the sum of $22,704. And a sufficient amount of money is hereby appropriated, out of the funds in the Treasury not otherwise appropriated, to pay the amount so found to be fairly and equitably due, not exceeding the sum of $22,704.

Mr. LATIMER. It is over and above the contract.

Mr. CRUMPACKER. It does not say over and above the contract.

To perform such work is justly entitled to be reimbursed the amount they have expended in performing the work over and above.

Suppose the original contract was too small, it was inadequate, and they equitably had to expend an amount necessary to carry on the contract. The question I had in mind was whether it would not open up that question.

Mr. CLAUDE KITCHIN. No.

The CHAIRMAN. The question is on agreeing to the committee amendments.

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELIZABETH MUHLEMAN.

Mr. GRAFF. Mr. Chairman, I now call up the bill S. 2216.

The Clerk read as follows:

A bill (S. 2216) for the relief of Elizabeth Muhleman, widow, and the heirs at law of Samuel A. Muhleman, deceased.

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to Elizabeth Muhleman, widow, and the heirs at law of Samuel A. Muhleman, deceased, out of any money in the Treasury not otherwise appropriated, the sum of $5,000, in full compensation for the death of said Samuel A. Muhleman on February 14, 1893, caused by injury received on the 9th day of June, 1893, while employed as a clerk in the Record and Pension Office, War Department, while located in Ford's Theater at the time of its collapse.

Mr. GRAFF. I yield to the gentleman from Iowa [Mr. THOMAS].

Mr. THOMAS of Iowa. Mr. Chairman, this bill, that has already passed the Senate, proposes to appropriate the sum of $5,000 for the benefit of the heirs of Samuel A. Muhleman, who received injuries at the time of the collapse of the Ford Theater in this city, from which injuries the evidence conclusively shows that he afterwards died. A commission was appointed after this disaster

occurred for the purpose of examining into the cases of injury, and that commission fixed the amount of damages to the heirs of parties who were killed in the accident at $5,000. This commission fixed the sum of $5,000 as the amount of damages to be awarded in this class of cases, and that rule has been adopted in all cases of death caused by this accident. This is the last of these claims, so far as the Committee on Claims is advised. It is proposed by this bill to pay the heirs of Mr. Muhleman the same sum as damages as was paid to the heirs of the other parties who were killed outright in the disaster. I therefore move that the bill be laid aside with a favorable recommendation.

Mr. PAYNE. If the gentleman will allow me, I should like to ask him a question.

Mr. THOMAS of Iowa. Certainly.

Mr. PAYNE. How many commissions have there been to fix the amount of damages on account of injuries received at the Ford Theater? How often has the time been extended and how many commissions have there been? Is the gentleman able to state?

Mr. THOMAS of Iowa. I am not advised as to that.

Mr. PAYNE. Did this party, who is deceased, living at the time of these commissions, ever present a claim to the commission for that injury?

Mr. THOMAS of Iowa. I am not advised that he ever presented a claim to the commission. In fact, I understand that he did not present any claim to the commission.

Mr. PAYNE. Then he did not find out in his lifetime that he was injured there?

Mr. THOMAS of Iowa. Oh, yes; the testimony of the physicians, which appears in the report, shows that he complained of injuries from the time of the accident up to the time of his death. The testimony of the physicians who attended him during this time clearly establishes that fact; and that afterwards they were the cause of his death.

Mr. PAYNE. What was the nature of the injury that caused the death?

Mr. THOMAS of Iowa. The cause of death, as the result of the injuries, was heart trouble. This disease continued to increase in severity from the time of the injury until it eventually resulted in his death.

Mr. PAYNE. How long after that injury was it that he died of heart trouble?

Mr. THOMAS of Iowa. He died in 1898.

Mr. PAYNE. And the injury was when? I have forgotten the date of the accident.

Mr. THOMAS of Iowa. Nearly five years before.

Mr. PAYNE. Five years after the injuries he died. You are positive he did not present any claim to the Commission?

Mr. THOMAS of Iowa. I am not advised that he did.

Mr. GRAFF. No, I think not.

Mr. PAYNE. He did not get any award from the Commission?

Mr. THOMAS of Iowa. There is no question about that.

Mr. PAYNE. What evidence is there of the man having heart trouble five years before he died, and the effect of the injury?

Mr. THOMAS of Iowa. We have the testimony of the physicians who treated him before and during this entire time, and who treated him up to his death. This evidence we have.

Mr. PAYNE. And he testifies that this disability came from the accident?

Mr. THOMAS of Iowa. Yes, sir.

Mr. PAYNE. Who is this doctor?

Mr. THOMAS of Iowa. Thomas Hynes, Fred K. Swett, James T. Hensey, D. H. Riggs, R. B. Johnstone.

Mr. PAYNE. He did not have all those doctors?

Mr. THOMAS of Iowa (continuing). G. Howard Kennard and E. A. Wehrman.

Mr. PAYNE. Did he have all those doctors?

Mr. DOVENER. He was treated by all of them.

Mr. PAYNE. He was treated by all of them?

Mr. DOVENER. Trying to cure him.

Mr. PAYNE. No wonder that he died of heart trouble.

Mr. DOVENER. The evidence showed that he did not have heart trouble before the injury and that accident caused it.

Mr. GRAFF. Will the gentleman allow me for a moment?

Mr. PAYNE. Will the gentleman from Iowa yield to the gentleman from Illinois?

Mr. GRAFF. Mr. Chairman, I must confess that my sympathies were aroused—and I am as hard-hearted as the gentleman from New York, probably—with the story that Mrs. Muhleman told me in regard to the matter. The whole West Virginia delegation are interested in this claim. Mrs. Muhleman is a woman of high character. She has an unfortunate daughter who is consumptive. The boy is in the schools here, with only one arm, and the family is now supported through the work of one daughter, a young lady of about 21 or 22 years of age, and while that has nothing to do with the legal aspect of the case, it had a great deal to do with eliciting my interest in securing its consideration.

Mr. STEPHENS of Texas. Is it not a presumption of law that after the injury has occurred and a year and a day has elapsed that he died from some other cause?

Mr. GRAFF. That might be a prima facie presumption, but not an absolute fact. It would not bar medical testimony from establishing directly that there was a connection between the trouble and the death.

Mr. STEPHENS of Texas. But it changes the burden of proof.

Mr. GRAFF. So far as the Government liability is concerned for the disaster itself, that matter is already covered and has been determined.

Mr. PAYNE. Now, Mr. Chairman, if the gentleman will allow me, if the condition of this family had been presented to me, and I had heard of the trouble of the family—the consumption of the daughter and the loss of the arm of the son—and the hard road they had to travel to get along, I should have felt very much like putting my hand into my pocket and trying to help them out.

Mr. THOMAS of Iowa. How much will the gentleman give now? [Laughter.]

Mr. GRAFF. Yes; how much will the gentleman contribute?

Mr. PAYNE. I will give as much as the gentleman from Iowa will. Now, as I say, I should be tempted to do that. If I was convinced of that fact, I should feel like contributing to help them, but I should not feel like putting my hand into the Treasury of the United States and paying this sum out of sympathy.

Mr. THOMAS of Iowa. It is not out of sympathy, but where there is a just claim to back it up it seems to me that this is right.

Mr. PAYNE. Sympathy is the ground the chairman put it on. Now, we have had two commissions and we have invited everybody to come in before the commission, and every time the report has come in we have been assured that this was the last claim. We have advertised for claims through the papers, and the last person who imagined he had a claim came in here. Now, after the decease of this gentleman from heart disease, or doctors, or something else, the claim comes in here, the full claim of $5,000, for the death of this person. I do not think we ought to pay it. I would be willing to take up a subscription if the statement about the family is well authenticated, but I should want the committee to acquire more evidence than they usually do; but I do not feel, for one, like putting my hand into the Treasury of the United States and paying out Government money for this purpose.

Mr. THOMAS of Iowa. Mr. Chairman, I call for a vote.

The bill was laid aside with a favorable recommendation.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GROSVENOR having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

S. 3354. An act for the relief of G. W. Ratleff;

S. 3620. An act to provide for the allotment of lands in severalty to the Stockbridge and Munsee tribe of Indians, to authorize the distribution of their trust fund, and for other purposes;

S. 6229. An act granting a pension to Patrick W. O'Donnell;

S. 6867. An act to authorize the building of dams and other improvements in the Columbia River in the State of Washington;

S. 7043. An act to establish a light-house depot for the Second light-house district, Boston Harbor, Massachusetts;

S. 7063. An act permitting the building of a dam across the St. Croix River at or near the village of St. Croix Falls, Polk County, Wis.;

S. 7148. An act replacing burned buildings at Fort Brady, Mich.; and

S. 7152. An act to amend an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved June 13, 1902.

The message also announced that the Senate had passed with amendment bill of the following title in which the concurrence of the House was requested:

H. R. 11139. An act granting a pension to Carter B. Harrison.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 7148. An act replacing burned buildings at Fort Brady, Mich.—to the Committee on Appropriations.

S. 7043. An act to establish a light-house depot for the Second light-house district, Boston Harbor—to the Committee on Interstate and Foreign Commerce.

S. 6867. An act to authorize the building of dams and other

improvements in the Columbia River in the State of Washington—to the Committee on Interstate and Foreign Commerce.

S. 7152. An act to amend an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved June 13, 1902—to the Committee on Rivers and Harbors.

S. 3620. An act to provide for the allotment of lands in severalty to the Stockbridge and Munsee tribe of Indians, to authorize the distribution of their trust fund, and for other purposes—to the Committee on Indian Affairs.

S. 3354. An act for the relief of G. W. Ratleff—to the Committee on War Claims.

S. 6229. An act granting a pension to Patrick W. O'Donnell—to the Committee on Pensions.

G. H. SOWDER.

The committee resumed its session.

Mr. CLAUDE KITCHIN. Mr. Chairman, I now call up the bill (S. 1928) for the relief of G. H. Sowder.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay out of the Treasury of the United States, of any money not otherwise appropriated, to G. H. Sowder, of Pineville, Bell County, Ky., administrator of the estate of B. H. Sowder, deceased, failing mail contractor, the sum of $567.77, the amount due to the estate of B. H. Sowder, as shown by the records of the Auditor's Office for the Post-Office Department.

Mr. PAYNE. I trust the gentleman will give us some explanation of this bill.

Mr. CLAUDE KITCHIN. This is another of the mail carriers, found to be due on the settlement with the Department before the war. This is not one of the Confederate veterans, either.

Mr. PAYNE. Well, Mr. Chairman, if we are to spend the time on these claims which I am satisfied were paid by the Confederate Government, I think we might as well go into some other business. On this claim I think I better have read some pages of the RECORD from the Forty-fifth Congress, where the arguments are set out more cogently than perhaps I can set them out.

Mr. CLAUDE KITCHIN. This claimant was not included with those who presented their claims in the Forty-sixth Congress. He was not in the Confederate States. A letter of the Secretary of the Treasury admits that this amount is due and to his credit there now. A similar bill has been introduced in several Congresses, but never could be reached, and I would say to the gentleman from New York that this man was a Union soldier.

Mr. PAYNE. Now the gentleman has changed the status of his claim by saying it was not one of the Confederate States, and therefore could not have been paid by the Confederate Government, although he assured me in the first instance that it was another one of those claims.

Mr. CLAUDE KITCHIN. The gentleman misunderstood me. I referred to it as an ante-bellum mail claim.

Mr. PAYNE. I supposed it was one from the Confederate States.

Mr. CLAUDE KITCHIN. No; it was from Kentucky.

The bill was laid aside to be reported to the House with a favorable recommendation.

L. A. NOYES.

Mr. GRAFF. Mr. Chairman, I now call up the bill (S. 3546) for the relief of L. A. Noyes.

The Clerk read the bill, as follows:

Be it enacted, etc., That there be paid, out of any money in the Treasury not otherwise appropriated, the sum of $1,819 to L. A. Noyes, for services rendered as acting assistant Treasury agent at the island of St. George, Alaska, from August 1, 1886, to May 30, 1887, inclusive.

Mr. FOSTER of Vermont. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

Mr. PAYNE. Mr. Chairman, I would like to have the gentleman state the character of this bill.

Mr. FOSTER of Vermont. Mr. Chairman, in 1886, in President Cleveland's Administration, Mr. George R. Tingle, special Treasury agent in charge of the Pribilof Islands, Alaska, had permission to return to Washington and was instructed to leave two of his three assistants at the islands during the winter, one in charge of the island of St. Paul and the other in charge of the island of St. George. The three assistants were T. F. Ryan, A. P. Loud, and J. P. Manchester, the two latter having gone up to the islands at the opening of the season, twice the force being required in the summer as in the winter.

Mr. Tingle and Mr. Ryan, having spent the previous winter on the islands, were, in accordance with custom and the written permission of the Secretary of the Treasury, granted leave to return to the States, and Captain Loud relieved Mr. Tingle at St. Paul Island, according to expectation; but Mr. Manchester, who was expected to relieve Mr. Ryan at St. George, had a verbal understanding with Assistant Secretary Smith before he left Washington, that on account of the illness of his wife he, too, if he chose, at the close of the sealing season, might return home, which he decided to do, thus leaving St. George without a Government officer.

Mr. Tingle knew that this would not answer, as valuable property interests were at stake, and he accordingly applied to Mr. L. A. Noyes to take charge of St. George Island for the winter. From an examination of the records of his office he found that in a similar emergency in 1870 Captain Bryant, the Treasury agent in charge, had appointed a Mr. Falconer to fill a vacancy, and that the Secretary subsequently ratified the appointment, and permitted Mr. Falconer to be paid without objection. In this instance, however, the Treasury Department held that as this assistant, Mr. Manchester, had not formally tendered his resignation, there was no actual vacancy, and that therefore the agent had no authority to appoint Mr. Noyes. Mr. Noyes consented reluctantly to remain there during the winter, and he did remain there. The Treasury Department finds that he rendered valuable and necessary services, and recommends the payment of this amount by Congress.

Mr. PAYNE. The man who appointed him got his own salary, I suppose?

Mr. FOSTER of Vermont.. No; he returned home, so that he had no salary.

Mr. PAYNE. Are you sure about that?

Mr. FOSTER of Vermont. I take it to be the fact, because the Government of the United States is not accustomed to pay officials except when on duty.

Mr. PAYNE. Oh, the gentleman is not acquainted with the Government of the United States. [Laughter.]

Mr. FOSTER of Vermont. I know I am not as well as the gentleman from New York, but I hope to be.

Mr. PAYNE. I hope so.

Mr. GRAFF. I do not see that that has anything to do with the case if the Government saw fit to let this official come home and let this other man render the service.

Mr. PAYNE. It has simply this to do with it: This officer of the United States wants to go home, so he jumps his job and leaves somebody in charge of it, and then he comes in and wants the Government to pay somebody else as well as himself.

Mr. FOSTER of Vermont. That is not this case at all.

Mr. PAYNE. Well, then, he has been paid; of course it would be a violent presumption to suppose he had not been paid.

Mr. FOSTER of Vermont. The gentleman does not understand the case at all. This agent who returned home was authorized by the Department to leave two assistants there, whether he remained there or not. Both of those assistants returned home, however, and the third one, who was expected to remain there and take the place which Mr. Noyes filled, had a verbal understanding with the Secretary of the Treasury that he might also return home, and he did return home, and from that time he drew nothing from the Government. Mr. Noyes took his place, and all we ask is that Mr. Noyes have the compensation that the assistant would have had if he had not returned home.

Mr. PAYNE. Did not the gentleman say a moment ago that the Treasury Department did not appoint this man because the places were filled by these other assistants?

Mr. FOSTER of Vermont. Let me explain.

Mr. PAYNE. Did not the gentleman say that?

Mr. FOSTER of Vermont. No; the gentleman from New York did not understand me. I will explain what I said.

Mr. Manchester, who was expected to relieve Mr. Ryan, and who held this place which Mr. Noyes filled, stated that he had a verbal understanding with the Secretary by which he could return home. The Treasury Department held that, because he did not send in his resignation before he returned home, there was in reality no vacancy, and that, therefore, Mr. Tingle could not legally make the appointment. If Mr. Manchester had reached Washington and had handed in his resignation before the appointment of Mr. Noyes, then, in accordance with the case of Captain Bryant in 1870, the Treasury Department would not have raised the question at all, but would promptly have paid Mr. Noyes his salary.

Mr. PAYNE. Then I was right about it. When Mr. Noyes took charge there, there was a full corps of assistants drawing their pay.

Mr. FOSTER of Vermont. No; not drawing their pay.

Mr. PAYNE. Oh, yes.

Mr. FOSTER of Vermont. Mr. Manchester had ceased to draw pay. Their pay was simply $6 a day when on duty.

Mr. PAYNE. And he was on duty until he reported to Washington. [Cries of "Vote!" "Vote!"]

Mr. GRAFF. I move that the bill be laid aside to be reported favorably to the House.

The motion was agreed to.

MAJ. WILLIAM KENDALL.

Mr. CLAUDE KITCHIN. I call up the bill (H. R. 7007) for the relief of the legal representatives of Maj. William Kendall.

The bill was read, as follows:

Be it enacted, etc., That the accounting officers of the Treasury be, and they are hereby, authorized and directed to settle the account of William Kendall, deceased, as a sutler at Fort Columbus, New York Harbor, for articles furnished by him to soldiers there recruited or stationed during the period from the 1st day of January, 1867, to the 31st day of December, 1868, inclusive.

SEC. 2. That in all cases where the several amounts claimed were regularly entered on the original muster of descriptive rolls which accompanied the detachments from said fort, and where thus charged against the respective soldiers but were not transferred to the company rolls nor retained out of the soldier's pay and allowed to said William Kendall, deceased, the said amounts, not to exceed, exclusive of interest, $2,000, shall be allowed and paid to the legal representative of said William Kendall, deceased, out of any moneys in the Treasury not otherwise appropriated.

Mr. CLAUDE KITCHIN. Mr. Chairman, this bill has received the approval of the appropriate officers of the Treasury Department. The Second Auditor has investigated the case, and in a letter written, I think, in 1886, says that this is plainly a just claim and an accounting ought to be had. It has been shown to the satisfaction of the committee and also the Second Auditor that charges entered on the muster and descriptive rolls accompanying certain detachments sent from Fort Columbus, New York Harbor, between January 1, 1867, and December 31, 1868, were not transferred to the rolls of the company to which the recruits were assigned, and for this reason William Kendall, who was sutler to the Army at Fort Columbus, never received pay for his services and sales.

Mr. PAYNE. Is the letter of the Second Auditor printed in the report?

Mr. CLAUDE KITCHIN. Yes, sir. Mr. Chairman, I move that the bill be laid aside to be reported to the House for favorable consideration.

The motion was agreed to.

W. M. JACOBS.

Mr. GRAFF. Mr. Chairman, I now call up the bill (H. R. 10938) to reimburse certain persons the amount of expenses incurred and losses sustained by reason of the seizure of certain fraudulently stamped cigars sold them by W. M. Jacobs.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to audit all claims for expenses and losses of all kinds incurred by any customers of W. M. Jacobs, doing business as W. M. Jacobs & Co., as the Eagle Cigar Company, and as the Postal Cigar Company, of Lancaster, Pa., in restamping, reclaiming, and reshipping of cigars bought of said W. M. Jacobs, which said cigars by reason of having been fraudulently stamped by said W. M. Jacobs at the time of their sale to said customers, were seized by the Government and held until restamped by said customers and until certain penalties had been paid thereon.

SEC. 2. That after said claims shall have been duly audited and approved by the Secretary of the Treasury he is hereby authorized to pay the amounts found due to each of said customers, out of any money in the Treasury not otherwise appropriated.

The following committee amendments were read:

Amend the title so as to read:

"A bill for the relief of parties from whom cigars were seized on account of bearing counterfeit stamps."

Strike out all of section 1 after the word "authorized," in line 4, and insert the following: "and directed to pay innocent purchasers of cigars bearing counterfeit stamps, placed upon the market by W. M. Jacobs & Co., of the ninth collection district of Pennsylvania, the amounts found by the Commissioner of Internal Revenue to have been paid by such parties to obtain the release of such cigars as may have been seized on account of bearing said counterfeit stamps, either as offers of compromise or for genuine stamps purchased and affixed to such cigars in place of the counterfeit stamps."

Mr. GRAFF. Mr. Chairman, I yield to the gentleman from Pennsylvania, [Mr. BUTLER].

Mr. BUTLER of Pennsylvania. Mr. Chairman. I yield to the gentleman from Pennsylvania, my colleague, Mr. OLMSTED, who is familiar with the facts in the case and, I may say, prepared the report at my request.

Mr. OLMSTED (Mr. LACEY temporarily in the chair). Mr. Chairman, for some years prior to April, 1899, M. W. Jacobs was doing business on a very large scale as a tobacco manufacturer at Lancaster, Pa., under the name of Jacobs & Company, the Eagle Cigar Company, the Postal Cigar Company, and other names. It subsequently transpired that he was also doing a very large business in the manufacture of counterfeit revenue stamps, making a counterfeit so perfect that even the officers of the Government for a long time were unable to distinguish it from the genuine. About that time, however, they became aware of his nefarious operations and also of the fact that he had confederates. Instead of stopping him at the time, they permitted him to go on manufacturing cigars and stamping them with what they knew, but nobody else knew, to be counterfeit stamps.

They permitted him to go on to the end that they might discover his confederates. They did so after some months and unearthed one of the most gigantic plans for the defrauding of the Government in that direction that has ever been known, resulting in sending to the penitentiary an ex-United States district attorney, and another lawyer who were, with others, confederated with Jacobs. The Government seized the property of Jacobs and sold it, realizing about $28,000. They also collected from debtors of Jacobs moneys due him from those debtors, so that the Government realized about $30,000 from his property and debts. In the meantime there were some innocent sellers of cigars who had purchased from Jacobs cigars with these counterfeit stamps upon them, not knowing them to be counterfeit.

The Government seized those cigars in the hands of these innocent traders and compelled them to compromise with the Government by paying for other stamps. Now, those gentlemen would have had recourse against Jacobs, who was solvent when they traded with him, but for the fact that the Government had seized the property and credits of Jacobs and sold them, realizing this $30,000 for itself. This bill is to reimburse those innocent holders who were found having cigars in their possession bearing these counterfeit stamps. It is approved by the collector of internal revenue and the bill as it now stands was drawn by the collector of internal revenue.

Mr. BUTLER of Pennsylvania. That form was adopted by the Committee on Claims.

Mr. OLMSTED. The form recommended by the Commissioner of Internal Revenue was adopted by the Committee on Claims, which has recommended amendments to the original bill to make it conform with the ideas of the Commissioner.

Mr. PAYNE. Does the gentleman know how much money is involved?

Mr. OLMSTED. There is only one of which I have personal knowledge, and that is for $745 and some odd cents, due to Mr. Livingstone, a very reputable gentleman living in my district; but I infer from my personal conference with the collector of internal revenue that there are perhaps five or six thousand dollars in all, possibly more.

Mr. BUTLER of Pennsylvania. And the Government has received already $30,000.

Mr. PAYNE. Does not the gentleman think that, even under that state of facts, it would be a good thing to put in here an amendment that the payment should not exceed $30,000? And if the gentleman would make it $10,000 it would suit me better.

Mr. OLMSTED. I do not think there will be claims found to exceed that. That knowledge is not in my possession, but the point is that these cigars bore counterfeit stamps and came into the possession of these innocent holders through the fact that the Government officers and agents thought it best in the interests of justice not to stop Jacobs from manufacturing the stamps until they had discovered those who were confederated with him.

Mr. PAYNE. Mr. Chairman, I do not know exactly how this bill reads, but I will venture an amendment providing that no claim shall be paid which is not presented within six months after the passage of this act.

The CHAIRMAN. The gentleman from New York offers an amendment, which the clerk will report.

The Clerk read as follows:

And provided further, That no claim shall be paid which is not presented within six months after the passage of this act.

Mr. OLMSTED. Mr. Chairman, I hope the committee will accept that amendment.

Mr. GRAFF. Mr. Chairman, we will accept that amendment.

The CHAIRMAN. Without objection, the amendment is agreed to.

There was no objection.

Mr. PAYNE. I am going to offer still another amendment:

Provided further, That not more than $30,000 shall be paid from the Treasury on account of such claims.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York.

The Clerk read as follows:

Provided further, That not more than $30,000 shall be paid from the Treasury on account of such claims.

Mr. OLMSTED. Mr. Chairman, I have no knowledge of any claims amounting to any such sum as that; but the information upon the subject is not in my possession, and whatever the claims honestly amount to, as found by the Commissioner of Internal Revenue and the Secretary of the Treasury, as provided here, ought to be paid. If the amount should be found to be one dollar more than the gentleman's amendment provides for, I do not know how it would be divided.

Mr. PAYNE. Pro rata.

Mr. BUTLER of Pennsylvania. Suppose the amount should be limited to $30,000, and it should be discovered that the claims that could be sustained under this bill amount to $30,500. How are you going to apportion them?

Mr. PAYNE. I would add the words "to be paid pro rata."

Mr. BUTLER of Pennsylvania. Would that be fair, under the basis of this bill?

Mr. PAYNE. Let me say to the gentleman from Pennsylvania that the strong argument that appealed to me was the fact that

the Government had taken the property of this man Jacobs and sold it and received $30,000 for it, and if the Government had not seized his property these people could have sued him and got these claims. Now, having taken his property to the amount of $30,000, I am willing to reimburse these people to that extent, and if the claims do not amount to more than this sum you are perfectly safe.

The question being taken on the amendment offered by Mr. PAYNE, on a division (demanded by Mr. PAYNE), there were—ayes 33, noes 43.

Mr. OLMSTED. In order to conform to the bill as drawn by the Commissioner of Internal Revenue, and also to conform to the report of the committee, the second section of the bill ought to be stricken out. It does not appear to be so marked in the printed copy, and I move that the second section be stricken out.

Mr. PAYNE. I do not object to that, if my amendment is added to the first section. I am glad the gentleman accepted even that amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out section 2.

The amendment was agreed to.

Mr. CRUMPACKER. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Indiana rise?

Mr. CRUMPACKER. I want to offer a few remarks upon the merits of this bill.

The CHAIRMAN. The committee amendment is still pending. The question is on the committee amendment.

Mr. CRUMPACKER. Mr. Chairman, I have listened quite attentively to the gentleman from Pennsylvania [Mr. OLMSTED] in the brief explanation he made of the character of this bill, and I am unable to understand the theory of liability, or the philosophy upon which he bases the liability of the Government.

I understand that the firm with which Mr. Jacobs was connected was engaged in the manufacture and sale of tobacco and cigars, and that they counterfeited a large number of stamps and sold cigars and tobaccos with the counterfeit stamps upon them, and revenue officers of the Government afterwards went around and seized cigars and tobaccos in the hands of innocent purchasers having the counterfeit stamps upon them, and the purchasers were compelled to pay the regular Government tax. That is the case in a nutshell.

Mr. OLMSTED. If the gentleman will permit me right there, I will venture the observation that that is not the case in a nutshell. These stamps were sold after the Government knew that Jacobs was counterfeiting them, with the knowledge of the Government, but not with the knowledge of the innocent purchasers. The Government thought it better, in the interest of the public service, to permit this to go on until its agents could unearth the whole plot.

Mr. CRUMPACKER. There is nothing in the bill limiting the claimants at all to such transactions as that. The bill does not limit the liability of the Government to sales of cigars and tobaccos containing the counterfeit Government stamps within the period or time after the Federal officers had knowledge of the counterfeit work. There is no such limitation contained in the bill; but respecting sales made prior to that time, sales made in the course of trade right along, wherever the Government discovered them and required the full payment of taxes, may be recovered under the provisions of this bill.

Mr. CASSEL. If I may interrupt the gentleman, he is mistaken, as he will see if he will read the bill.

Mr. CRUMPACKER. Just a moment. Upon the same principle, if a man in the ordinary course of business receives counterfeit money, he has the same right to go to the Government and ask it to reimburse him—to give him good, honest coin for the counterfeit money that comes to him in the course of trade. Now, the fact that the Government received $30,000 from these cigar makers and tobacco manufacturers does not alter the situation in any respect, because I understand that the Government holds a lien upon all the stock and assets of cigar and tobacco factories for the taxes.

Are we to establish the precedent now that the prior lien of the Government for the tobacco tax shall be waived in favor of men who have been defrauded by counterfeiters, by conspirators? This bill involves quite an important principle, it seems to me. I do not believe the Government ought to be held responsible for this claim at all. It was the misfortune of the innocent purchasers from this dishonest firm. The Government simply pursued the policy provided by public law. No statement has been made to the House showing that if the Government had taken action immediately upon its discovery of the counterfeiting that these men, the claimants, would have had any less tobacco or cigars on hand with spurious stamps on them than they did at the time the Government required them to pay the taxes.

There is nothing to shown and nobody has yet claimed, that these particular claimants suffered any on account of the delay of the Government. They were regularly in business and probably had as much stock on hand with spurious stamps at the time the fraud was first discovered as they did when their goods were seized. I believe the bill is wrong in principle and establishes a most dangerous precedent, and I shall vote against it. [Cries of "Vote!"]

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

I. R. HARKRADER.

Mr. CLAUDE KITCHIN. I now call up the bill H. R. 11205.

Mr. PAYNE. I would like to ask the chairman of the committee if he intends to pass any of these bills in the House?

Mr. GRAFF. Yes.

Mr. PAYNE. I suppose the gentleman knows it is now twenty-five minutes past 4?

Mr. GRAFF. There are three or four members here who are urging me to pass their bills; and though they involve small amounts, they are exceedingly important to them.

Mr. PAYNE. Undoubtedly that would be the case if the gentleman sat here for a week. It is twenty-five minutes after 4 o'clock, and very often for public business we are not allowed to sit later than 5 o'clock.

Mr. GRAFF. There seems to be deep interest in the business in which we are engaged.

Mr. PAYNE. You may be deeper interested after the committee rises.

The CHAIRMAN. The Clerk will report the bill.

The bill was read, as follows:

A bill (H. R. 11205) for the relief of I. R. Harkrader.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, to I. R. Harkrader, sheriff of Wythe County, Va., the sum of $97, with interest at the rate of 6 per cent per annum from the — day of August, 1896, to the time of making payment, for expenses incurred in producing before Charles H. Simonton, United States district judge, at Greenville, S. C., one H. G. Wadley, in obedience to a writ of habeas corpus issued by said court.

The amendment recommended by the committee was read, as follows:

Strike out all after the word "dollars," in line 6, up to and including the word "payment," in line 9; and recommend that the bill as so amended do pass.

Mr. CLAUDE KITCHIN. This bill is for $97 for the expenses of a sheriff incurred in obedience to an order made by Judge Simonton, of the Federal court. Judge Simonton directed the sheriff of Wythe County, Va., to carry a prisoner from that county to Greenville, S. C., and this bill is for that expense. Judge Simonton investigated the item and ordered that it be paid by the marshal of the district, but he had no money to pay it. All that is in the report.

The CHAIRMAN. The question is on the committee amendment.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

TO REFUND PENALTY TO THE BANK OF COLFAX, IOWA.

Mr. GRAFF. Mr. Chairman, I now call up the bill (H. R. 13257) introduced by the gentleman from Iowa [Mr. LACEY].

The bill was read, as follows:

A bill (H. R. 13257) to refund penalty to the Bank of Colfax, Iowa.

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to refund to the Bank of Colfax, Iowa, the sum of $75, penalty collected by reason of delay in the receipt of special tax.

Mr. PAYNE. I hope the gentleman from Iowa will give some explanation of that bill.

Mr. LACEY (Mr. OLMSTED having resumed the chair). Mr. Chairman, in this case the wife of the cashier of the bank was taken suddenly ill, and the result was that he did not mail his bank tax until the last day, this unfortunate occurrence in the family having delayed him. In the excitement of the time he put a 2-cent stamp upon the envelope instead of a 4-cent stamp, and the collector refused to receive it. It was returned, and that threw the tax one day late, and the Commissioner of Internal Revenue is unable to refund this penalty and has recommended that it be paid. That is all there is to it.

The bill was laid aside to be reported to the House with a favorable recommendation.

CHARLES W. CARR.

Mr. CLAUDE KITCHIN. Mr. Chairman, I now ask to take up the bill (H. R. 14164) for the relief of Charles W. Carr.

The bill was read, as follows:

Be it enacted, etc., That the sum of $83.71 be allowed to Charles W. Carr, former postmaster at Englewood, Ill. being the amount deposited by him to

cover a deficiency arising in his office in the year 1894, which deposit was made to cover a loss caused by the payment by a clerk of two forged money orders, Nos. 1166 and 1540, on April 17 and May 6, 1894, respectively, without blame or fault on the part of said Charles W. Carr; and that a sum sufficient to pay the allowance now made is hereby appropriated out of any money in the Treasury of the United States not otherwise appropriated.

The following committee amendments were read:

Strike out the word "forty" in line 10 and insert in lieu thereof the word "forty-three."

Insert the words "issued at Lansing, Mich.," after the word "forty-three" in line 10.

The committee amendments were agreed to.

Mr. CLAUDE KITCHIN. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

JACOB B. PHILLIPS.

Mr. GRAFF. Mr. Chairman, I now call up the bill (H. R. 3525) for the relief of Jacob B. Phillips.

The Clerk read the bill, as follows:

Be it enacted, etc., That the sum of $2,850 be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the relief of Jacob B. Phillips, managing owner of the schooner Nathan Lawrence, in full and final settlement for damages sustained by reason of a collision between the United States transport Minnewaska and said schooner on the morning of March 7, 1899.

With the following committee amendments:

Strike out all of said bill after the enacting clause and insert in lieu thereof the following:

"That the claim of Jacob B. Phillips, managing owner of the schooner Nathan Lawrence, alleged to have been damaged by a collision with the United States transport Minnewasko, on March 7, 1899, be referred to the Court of Claims with jurisdiction and authority to hear and determine the same to judgment, with the right of appeal as in other cases: *Provided*, That no suit shall be brought under the provisions of this act after six months from the date of the passage thereof: *And provided further*, That no judgment shall be rendered against the Government unless it shall affirmatively appear from the evidence adduced that such collision was the result of negligence on the part of the United States or its agents."

Amend the title to read: "A bill to grant jurisdiction and authority to the Court of Claims to adjudidate the claim of Jacob B. Phillips against the United States."

Mr. GRAFF. Mr. Chairman, I now yield to the gentleman from Massachusetts [Mr. LOVERING].

Mr. LOVERING. Mr. Chairman, my understanding was that the committee had amended the bill so as to restore it to its original condition. The facts in this case are these: The damage resulted from the collision between the U. S. transport *Minnewaska* on March 7, 1899, who fouled the schooner *Nathan Lawrence*, out of which this damage came, amounting to $2,850. The Quartermaster-General wrote a letter favoring the payment of this in the following language:

WAR DEPARTMENT,
QUARTERMASTER-GENERAL'S OFFICE,
Washington, May 24, 1900.

SIR: I have the honor to return herewith H. R. 11604, for the relief of Jacob B. Phillips, appropriating the sum of $2,850 in payment to him for damages sustained by reason of a collision between the U. S. transport *Minnewaska* and the sailing schooner *Nathan Lawrence* on the morning of March 7, 1899, referred by the Committee on Claims, House of Representatives, for facts and information; also an opinion touching the merits and justice of the claim.

In response thereto copies of the correspondence on file in this office are herewith inclosed, which afford all the facts and information of record in the Department bearing on the case.

From this correspondence it is shown that on the morning of March 7, 1899, during a severe storm, the army transport *Thomas*, formerly *Minnewaska*, while lying at anchor off Newport News, dragged her anchor and fouled with the schooner *Nathan Lawrence*.

Upon receipt in this office of the report of the accident the quartermaster at Fort Monroe was directed to investigate and report the facts and circumstances under which the damages to the schooner accrued, the estimated cost for repairs, and the amount claimed by the master of the schooner.

His report, dated March 17, 1899, copy herewith, states that the total loss due to the accident, including repairs, salary of the master, crew, wharfage, and demurrage, is $2,850, and with his report incloses statements of the master of the ship and two shipwrights as to the damage sustained by the schooner.

The army transport *Thomas* was at the time of the accident without any cargo on board, and was therefore light in the water, and the storm coming on suddenly it was not possible to avoid the accident, though every precaution was taken by the master and crew to prevent it.

In reply to a letter of Messrs. Bickford & Stuart, attorneys, advising this office that they represented the owners of the schooner *Nathan Lawrence* in their claim for damage, they were advised that there are no funds of the Quartermaster's Department applicable to payment of claims for damages and that Congress alone can grant relief in such cases.

The bill H. R. 11604 provides for payment of the amount reported to this office as damage to the schooner *Nathan Lawrence* and expenses incident thereto. If Congress decides to authorize payment of the sum named, the Quartermaster-General has no objection to offer to the passage of the bill.

Very respectfully,

M. I. LUDINGTON,
Quartermaster-General U. S. Army.

THE SECRETARY OF WAR.

I move, Mr. Chairman, that all after the first line be omitted and that the bill read as it read in the first ten lines of the bill.

The CHAIRMAN. The question is on the adoption of the committee amendment.

Mr. GRAFF. Mr. Chairman, the committee reconsidered their action in referring it to the Court of Claims because the amount was absolutely fixed and inquired into by the War Department, and there seems to be no reason why it should be referred to the Court of Claims.

Mr. PAYNE. Did the committee have in mind any doubt about the negligence on the part of the vessel belonging to the United States?

Mr. GRAFF. We acted first on the theory of referring it to Court of Claims.

Mr. PAYNE. Well, Mr. Chairman, I renew the committee amendment.

The CHAIRMAN. The committee amendment is now pending.

Mr. PAYNE. I understood the gentleman from Illinois to withdraw it.

Mr. GRAFF. The committee, Mr. Chairman, authorizes me to withdraw the amendment.

Mr. PAYNE. Then I offer the amendment myself.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. PAYNE], which the Clerk will report.

The Clerk read the committee amendment.

The amendment was considered; and, on a division (demanded by Mr. LOVERING), there were—ayes 37, noes 48.

Mr. PAYNE. Tellers, Mr. Chairman.

The question on ordering tellers was taken.

The CHAIRMAN. Seven gentlemen rising; not a sufficient number, and tellers are refused. The noes have it, and the amendment is lost.

Mr. BURKETT. Mr. Chairman, I think we ought to have the report read on this bill. We are voting out $2,850, when the Department has said all they know about it is what is contained in the correspondence. It seems that one ship in a storm slid over against another ship. I ask that the report may be read. The gentleman from New York offered an amendment referring it to the Court of Claims, which has been voted down. We are going to pay $2,850 when there is no established liability anywhere, and it is not believed that there is any liability whatever. The committee have changed their opinion upon it since they made this report.

The CHAIRMAN. The Chair will state that the committee is now voting upon amendments and the debate is under the five-minute rule. The gentleman from Nebraska is recognized and is entitled to have the report read to the extent of his time of five minutes.

Mr. BURKETT. Then let the Clerk read the letter from the War Department.

The Clerk read the letter from the War Department printed above in the remarks of Mr. LOVERING.

Mr. CANNON. Mr. Chairman, from that report there is no liability on the part of the Government either in law, in justice, or in equity. The statute provides touching damages by vessels of the United States for the appointment of a board. Where the board makes the investigation and makes a report showing the negligence on the part of the servants of the United States and consequent damage, it has been quite usual to pay the amount. But this negatives any idea of negligence. It states that in the harbor, where the transports have a right to be, a sudden storm came up and, although the master and crew exercised the highest kind of diligence, she dragged her anchor and there was a collision. Why, that does not make the Government liable. It would not make a citizen liable.

Now, I have no objection to this case going to the Court of Claims, but I do object to making this a precedent, because in every conceivable injury where the highest kind of diligence was exercised upon the part of the Government we would be liable, if this precedent is to be followed. It seems to me that the best course is either to send this matter to the Court of Claims or defeat the bill.

The CHAIRMAN. The question is, Shall the bill be laid aside to be reported favorably to the House?

The question being taken, there were—ayes 30, noes 34.

So the question was determined in the negative.

Mr. GRAFF. Was the question just taken on laying the bill aside to be favorably reported?

The CHAIRMAN. It was.

Mr. GRAFF. I went over to see the gentleman from Massachusetts to ascertain from him whether he would not accept the amendment which was insisted upon by a number of gentlemen here. I think he is willing now to accept it, if the Committee of the Whole is willing to report the bill with the amendment. I understood that was the position of the gentleman from New York [Mr. PAYNE] and also of my colleague [Mr. CANNON].

Mr. CANNON. Mr. Chairman, I have no objection to sending this claim to the Court of Claims, although on the facts as stated by the Quartermaster-General the highest degree of diligence was exercised by the master and crew of this vessel.

Mr. GRAFF. If that is true——

Mr. CANNON. It is so stated in the report.

Mr. GRAFF. Then is my colleague willing to have the bill reported to the House with the amendment of the committee referring the case to the Court of Claims?

Mr. CANNON. Yes; so far as I am concerned.

Mr. GRAFF. I ask unanimous consent, then, that the bill be laid aside with the amendment reported by the Committee on Claims.

Mr. SIMS. I object.

KATIE A. NOLAN.

Mr. CLAUDE KITCHIN. I call up the bill (H. R. 1749) for the relief of Katie A. Nolan.

Mr. PAYNE. While the Clerk is looking for this bill, I would like to inquire of the gentleman from Illinois [Mr. GRAFF] when he is going to move that the committee rise.

Mr. GRAFF. I intended to make that motion at this time. As a matter of fact, the only bill for any constituent of mine has not yet been reached. I expected to reach it on the next call, if permitted to do so.

Mr. PAYNE. Then I withdraw my question.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay unto Katie A. Nolan, of San Antonio, Tex., out of any money in the Treasury not otherwise appropriated, the sum of $800, in full of the difference of pay due to her as stamp clerk at the post-office at San Antonio, Tex., between the salary actually received by her and the amount of salary to which she was entitled by law from July 1, 1889, to July 1, 1893.

Mr. CLAUDE KITCHIN. Mr. Chairman, this is a bill to pay a difference of salary in the case of a stamp clerk from 1889 to 1893. The law provided that the minimum salary of the stamp clerk should be $800. This lady had been paid only $600, as the office when she entered it was paying only that amount. In the meantime the law was amended and the minimum was fixed at $800. The Department writes to the committee that this lady is entitled to the difference between $600 and $800 per annum from July 1, 1889, to June 30, 1893. For 1894 the Department corrected the error and allowed her the $200 additional. For the four years preceding she is entitled to the difference between $800 and $600.

Mr. LOUD. I should like to hear the report in this case so that we may know what the Department says. I ask that the report be read in my time.

The Clerk read as follows:

The Committee on Claims, to whom was referred the bill (H. R. 1749) for the relief of Katie A. Nolan, beg leave to submit the following report and recommend that said bill do pass without amendment:

This is a bill enacting that the Secretary of the Treasury be authorized and directed to pay to Katie A. Nolan, of San Antonio, Tex., out of any money in the Treasury not otherwise appropriated, the sum of $800, in full of the difference of pay due to her as stamp clerk at the post-office at San Antonio, Tex., between the salary received by her and the amount of salary to which she was entitled by law from July 1, 1889, to July 1, 1893.

The First Assistant Postmaster-General informs the committee that the records of his office show that Miss Nolan was carried on the rolls of the San Antonia, Tex., post-office from July 1, 1889, to June 30, 1894, as a stamp clerk at a salary of $600 per annum.

The minimum salary for a stamp clerk fixed by the act of Congress approved March 2, 1889, is $800 per annum. It would therefore appear that Miss Nolan was entitled to the difference between $600, the amount allowed her, and $800, the minimum salary allowed under the law—viz, $200 a year—for five years, from July 1, 1889, to June 30, 1894, or a total of $1,000.

The error in fixing Miss Nolan's salary at $600, however, was discovered in this office in time to allow her the additional $200 for the year ending June 30, 1894. It therefore appears that Miss Nolan is justly entitled to the increased salary for four years—July 1, 1889, to June 30, 1893—viz, $800.

Mr. LOUD. I understand that there is appended to the report a letter of the First Assistant Postmaster-General. If so, I ask that it be read. I suppose it is unseemly to question what the Department has said in relation to a case of this kind; but I can not imagine any justification for such a bill as this.

Mr. SLAYDEN. I can explain it.

Mr. LOUD. There is no such thing as an explanation under the law and under the policy of the Department. Let the letter of the First Assistant Postmaster-General be read.

The Clerk read as follows:

POST-OFFICE DEPARTMENT,
FIRST ASSISTANT POSTMASTER-GENERAL,
Washington, June 5, 1900.

SIR: Referring to your communication of the 29th ultimo, inclosing copy of H. R. No. 11616, entitled "A bill for the relief of Katie A. Nolan," I beg to inform you that the records of this office show that Miss Nolan was carried on the rolls of the San Antonio, Tex., post-office from July 1, 1889, to June 30, 1894, as a stamp clerk at a salary of $600 per annum. The minimum salary for a stamp clerk, fixed by the act of Congress approved March 2, 1889, is $800 per annum. It would therefore appear that Miss Nolan was entitled to the difference between $600, the amount allowed her, and $800, the minimum salary allowed under the law—viz, $200 a year for five years from July 1, 1889, to June 30, 1894, or a total of $1,000.

The error in fixing Miss Nolan's salary at $600, however, was discovered in this office in time to allow her the additional $200 for the year ended June 30, 1894. It therefore appears that Miss Nolan is justly entitled to the increased salary for four years, July 1, 1889, to June 30, 1893, viz, $800.

Very respectfully,

PERRY S. HEATH,
First Assistant Postmaster-General.

Hon. JOSEPH V. GRAFF,
Chairman Committee on Claims, House of Representatives.

POST-OFFICE DEPARTMENT,
FIRST ASSISTANT POSTMASTER-GENERAL,
Washington, April 30, 1900.

SIR: Referring to the matter of the balance due Miss Kate A. Nolan as stamp clerk in your office from July 1, 1889, to June 30, 1894, you are advised that an examination of the records of this office show that Miss Nolan was allowed a salary of $600 per annum during the period in question, while under the law as a stamp clerk she was entitled to a minimum salary of $800.

This office, while willing to allow Miss Nolan the difference between the salary which she received and that to which she was entitled, is unable to allow the entire amount as the appropriation for the first four years, viz, 1889-90, 1890-91, 1891-92, and 1892-93, has lapsed, and any unexpended portion thereof has been covered into the Treasury.

This office is, however, able to allow her the balance due for the fiscal year ended June 30, 1894, viz, $200, and you are authorized to pay the same to her, taking separate vouchers for each ($50 each) quarter, and claim credit for the amount thus paid in your return to the Auditor for the present quarter.

Very respectfully,

PERRY S. HEATH,
First Assistant Postmaster-General.

POSTMASTER, *San Antonio, Tex.*

Mr. LOUD. Mr. Chairman, I am not inclined to question what the First Assistant Postmaster-General has said in the letter just read. I will only say that the precedent to be established by the passage of this bill will, if carried out, involve the expenditure of many millions of dollars for the payment of similar claims.

The CHAIRMAN. The question is, Shall the bill be laid aside to be reported with a favorable recommendation?

The question was decided in the affirmative.

CHARLES A. CUTLER.

Mr. GRAFF. I call up the bill (H. R. 10921) for the relief of Charles A. Cutler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Charles A. Cutler an amount equal to the pay of a second lieutenant from the 18th of February, 1865, to the 18th day of February, 1866, less the amount paid him as an enlisted man.

The amendment reported by the committee was read, as follows:

After the word "pay," in line 4, insert the words "out of any funds of the Treasury not otherwise appropriated."

Mr. GRAFF. Mr. Chairman, I move that the amendment be agreed to and that the bill as amended be laid aside with a favorable recommendation.

The CHAIRMAN. The question first is on the adoption of the committee amendment.

The amendment was agreed to.

The CHAIRMAN. The question now is, Shall the bill as amended be laid aside with a favorable recommendation?

The motion was agreed to.

CHARLES R. HOOPER.

Mr. MILLER. Mr. Chairman, I call up the bill (H. R. 2639) for the relief of Charles R. Hooper.

The Clerk read as follows:

Whereas in the year 1894 Charles R. Hooper was employed by the United States Government in the capacity of first-class blacksmith in the forge shop in the navy-yard in the city of Washington, D. C.; and

Whereas while so engaged in said forge shop he was by an accident struck in the left eye with a piece of steel, which resulted in the entire loss of said eye. The United States naval surgeon, Dr. Wise, medical officer then in charge of said navy-yard, rendered immediate service to said Charles R. Hooper, and said Dr. Wise did thereupon advise that the injured eye be removed, which was done on August 10, 1891, by Dr. William Marmion; and

Whereas by reason of the loss of said eye the said Charles R. Hooper is so completely incapacitated from continuing his labors in said forge that he is obliged to resort to such other menial labor as he can get and do at greatly reduced wages;

Wherefore he asks the Congress of the United States, as he received this injury while working in the line of duty, to pass the following bill:

Be it enacted, etc., That the Secretary of the Treasury of the United States be, and he is hereby, directed and required to pay to the said Charles R. Hooper, or to his heirs, the sum of $5,000, out of any money in the Treasury not otherwise appropriated.

SEC. 2. That this act take effect from and after its approval by the President.

Mr. MILLER. Mr. Chairman, the claimant in this case, Mr. Hooper, was a skilled mechanic in the employ of the Government in the navy-yard from 1890 to 1895. During that time, and while in the performance of his duty, through the carelessness of a coworker, he was struck in the eye by a piece of steel and lost the sight of that eye. The testimony in this case shows that not only is he blind in the one eye, but on account of the sympathy of the other he is almost blind in that. The physicians, medical experts, testify that he will soon lose the sight of the other eye and become totally blind. He is a young man 27 years of age, with a wife and several children. The only means of support he has is working at his trade. He was compelled to resign by reason of this accident, and to-day is not able to engage in work of any kind.

My judgment, from what I have seen of the claimant and from the testimony of these physicians, is that within a very short time he will be totally blind and must spend the rest of his life in darkness. There are many precedents in this House for the passage of this bill. Here is a question simply of whether or not the Government shall take care of a man who was faithful in the discharge

of his duty and injured while in the discharge of that duty without any fault on his part, or whether this burden shall be placed upon some public or private charity so that this man and his family may be cared for. We have recently passed a bill here to pay a large sum of money to an employee of the Government who fell down an elevator shaft.

We have also passed at this session of Congress, I think, a bill providing for the payment to another who fell down an elevator shaft in the Capitol building itself, and we have recommended two bills to-day similar in character to this one. I suggest to the members of this committee that I believe a no more meritorious measure has been presented during the sitting of the committee, and I trust it will meet with approval.

Mr. COWHERD. Will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. MILLER. Certainly.

Mr. COWHERD. As I understand, this case has never been before any court.

Mr. MILLER. This case has never been before any court.

Mr. COWHERD. Does the gentleman think it is wise in actions of tort such as this for a committee to pass upon the question of negligence and the question of the amount of damages, and everything of that sort, without submitting it to a court?

Mr. MILLER. We are not applying the rules of negligence in this case, Mr. Chairman. This committee has carefully considered this bill, and believes it is an equitable measure and ought to pass.

Mr. COWHERD. Does not the gentleman think it would be better if we submitted these cases to a court with the power of a court to pass upon those questions and find whether there was negligence?

Mr. MILLER. That might be a good plan if that had been the invariable rule of the committee or of the House, but I suggest this bill ought to stand on its merits and receive the same favorable consideration that other bills similar in character have received.

Mr. COWHERD. Well, the trouble is that the House does not get a chance to find out what the merits are.

Mr. MILLER. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

Mr. CANNON. Mr. Chairman, it is bad for a man to lose the sight of his eyes. It is bad for him to become blind. There is no doubt about that. Everybody has sympathy for a man who has that kind of misfortune, no matter whether the man is in the employ of the Government or out of its employ. But as I understand it, the Government of the United States has always declined to pension its civil employees, and where one in the military or naval service of the Government is pensioned we have always maintained that in order to receive the pension he must have been injured in the line of his duty in that military or naval service. Gentlemen all understand that.

Now, what is this case? As stated by the gentleman in charge of the bill, a man in the employ of the Government, working at the anvil, receives an injury to the eye from a piece of steel knocked off by a hammer in the hands of a coemployee. There is no proof of negligence. On the contrary, it is put upon the ground that negligence cuts no figure in this case. So says the gentleman from Michigan [Mr. WEEKS] in my hearing, and so did my friend the gentleman from Kansas.

Mr. MILLER. If the gentleman from Illinois will yield, as I said, the testimony before this committee shows conclusively that there was negligence of the coemployee. In place of striking a fair blow with the hammer he struck a side blow with the hammer, and it was by this side blow of the hammer that a piece of steel was caused to fly off and fly into the eye of the faithful and efficient workman, who was doing his part and doing it well.

Mr. CANNON. Let us see. Here is the statement:

> And while working in the line of his duty his left eye was destroyed by the stroke of a small piece of steel, cast off from the hammer of a fellow-workman by reason of a side blow struck upon an iron band that they were engaged in placing upon a wooden body. There was some showing before the committee to the effect that the stroke was negligent.

Now, there was "some showing." Was there a cross-examination of the witness? Was there any inquiry made——

Mr. MILLER. If the gentleman from Illinois will yield——

Mr. CANNON. Yes.

Mr. MILLER. I desire to say that the affidavits of a number of persons in the employ of the Government, who were familiar with the accident and how it occurred, were filed with our committee, and the gentleman will find in some of those affidavits accompanying this report the statement that there was negligence. The affidavit of John H. Swain himself, who was the one who struck the blow, contains the following statement:

> I was Mr. Hooper's helper for about two years, from 1893 to 1894. On the 1st day of August, 1894, about 1.36 p. m., Mr. Hooper was putting an iron band on a wooden body. I was striking for Mr. Hooper with a sledge hammer on the tool with which he was holding on the band, when my sledge hammer fell sideways, striking the tool and cutting a piece of steel out of it, which flew into Mr. Hooper's left eye. Mr. Hooper dropped everything, walked over to his anvil, and said his eye was gone. I saw the blood drop on the anvil.

Mr. CANNON. It fell sidewise. Was that negligence? My friend says he thinks it was. This man who made the statement does not so claim.

Now, I am perfectly willing that this bill should pass with a limitation of recovery of $5,000 if the gentleman will amend it so as to send it to the Court of Claims and let the Court of Claims render a judgment for not exceeding $5,000, provided that negligence on the part of a coemployee appears. That is going a great way; yes. My friend here says a corporation would not be liable, or an employer would not be liable under the same circumstances. That is true, but if there was no negligence certainly there can be no shade of equity in the premises. I will ask my friend the gentleman from Kansas [Mr. MILLER] if he does not feel at liberty to offer an amendment sending the case to the Court of Claims?

Mr. WEEKS. Mr. Chairman——

Mr. CANNON. I will yield to the gentleman from Michigan.

Mr. WEEKS. I did make the statement quoted by the gentleman from Illinois, that the question of negligence was not or ought not to be considered or involved in this case. I think it is not. I purposely made that statement in the hearing of the gentleman because I thought the House of Representatives, representing the people of this great nation, could not afford to apply the technical rules of evidence and of law as we find it administered in the courts, touching the question of negligence of coemployees or contributory negligence.

I wish to call the attention of the committee to the case which we passed a few moments ago (the Goldsborough case), where a military surgeon contracted blood poisoning from an operation upon a negro sailor. Was there any negligence in that case on the part of the Government? And yet this House voted unanimously to pay the widow $5,000, where there was no possible pretense of negligence on the part of the Government or anyone else. At the last session of Congress we voted to pay $5,000, more or less, for an injury to a man injured in an elevator in the Treasury building, an employee of the Government, where there could be no pretense of negligence on the part of the Government or of a coemployee of the Government. And in the Ford's Theater case that we voted upon a few moments ago, granting $5,000 to the widow of a man who was injured in the collapse of that building, who died five years afterwards of heart disease, the same remark applies. Nobody raised the question.

I am interested in this case because I like to see this Government generous in a matter of this kind, not technical, not small and close, not applying the rigid rules of evidence and of law where an accident occurs to a person who in the Government employ receives an injury without fault of his own and without fault on the part of the Government, so long as it is shown that he has received substantial injury and is in need of the assistance of the Government on that account. This is not the grant of a civil pension, to which the gentleman from Illinois [Mr. CANNON] likens it. It is not the payment of a strictly legal claim, which must be proven by the strict rules of evidence and according to the technical rules of law, but rather it is a generous gratuity on the part of the Government to compensate its employee for injuries which are the result of an inexplicable and absolutely unavoidable accident without fault on either side.

There is a case now pending on to-day's Calendar of a young woman working in one of the armories where the Government was manufacturing gun cartridges. She suffered the loss of her eye and the loss of her hand by the explosion of a cartridge in her hand, a thing, as I am told, never heard of before or since. Are you going to apply the strict rule of evidence, that she must have proof of negligence of the Government, in that case? There is another case of a man who lost his leg. That case was expected to be put before the House this afternoon. It is on to-day's Calendar. The man suffered amputation of his leg. It was the result of an accident without fault on either side.

The injury was no fault of his own, and no negligence was attributable to coemployees. It was one of those unexplainable accidents which occur, just like the explosion which occurred a few days ago in the turret of the *Massachusetts*. Suppose a claim is presented here against the Government for injuries received there. I say that in such cases we ought not to apply the strict rules of evidence or of law which would be expected in a court in a suit brought by an employee to recover from a corporation or individual, where all the technicalities of law and fact are invoked by the defense.

Mr. CANNON. I will ask the gentleman, because I have time, does he claim, even in the military service, in the performance of ordinary duty, if a man is injured, he should have $5,000, in war or peace?

Mr. WEEKS. That is a different case entirely.

Mr. GRAFF. Has the gentleman prepared his amendment?

Mr. CANNON. No; I have not. My friend is more expert than I am in a matter of that kind. Now, if every time we are sorry for some one who is hurt in the employ of the United States and take $5,000 out of the Treasury, why then let us make it go all around, and with much greater plausibility should it be given to the man who is not employed by the Government than the man who is, because the man who is not employed by the Government and has an accident works at a less wage, and in addition has to contribute by taxation to the man who is employed by the Government. Now, if we are going to try to be merciful and treat everybody, why let us treat all alike. The Ford's Theater case, that the gentleman refers to, was a case of well-defined negligence, showed beyond question, and to that degree that Congress thought proper to make compensation. I yield to the gentleman.

Mr. MILLER. Mr. Chairman, I simply want to say that there is a good reason why I do not accept the suggestion that this case go to the Court of Claims. This claimant is poor—in absolute poverty—without any means with which to employ counsel to take his case to the Court of Claims and prosecute it there; and we might as well defeat the bill in the House to-day as order him to take his claim to the Court of Claims. For that reason I have not felt at liberty to offer an amendment to that effect. I want to say further that nearly all the railroad companies in the country take care of their employees except in cases where the injury is received on account of the negligence of the employees. If the railroad companies do this for their employees, why ought not the Government of the United States as willingly care for its employees? I simply ask a vote upon this question.

The CHAIRMAN. The question is on the adoption of the committee amendment.

The question was taken; and the amendment was agreed to.

The CHAIRMAN. The question is on laying the bill aside with a favorable recommendation.

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. CANNON. I ask for a division.

The committee divided; and there were—ayes 49, noes 24.

So the bill was ordered to be laid aside with a favorable recommendation.

ROBERT BRIGHAM.

Mr. GRAFF. Mr. Chairman, I call up the bill (H. R. 1517) for the relief of Robert Brigham. After the consideration of this bill I shall move that the committee rise.

The Clerk read as follows:

A bill (H. R. 1517) for the relief of Robert Brigham.

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay to Robert Brigham, late postmaster at Franklin, Pa., the sum of $2,666.93, out of any money in the Treasury not otherwise appropriated, the same being amount lost through the failure of Venango National Bank, where such money was deposited by order of the Postmaster-General.

The amendment recommended by the committee was read, as follows:

In lines 5 and 6 strike out the following words: "two thousand six hundred and sixty-six dollars and ninety-three" and insert in lieu thereof the words "two thousand two hundred and sixty-six dollars and eighty-nine."

Mr. GRAFF. I yield to the gentleman from Pennsylvania [Mr. SIBLEY].

Mr. SIBLEY. Mr. Chairman, I will take but a moment in the explanation of this bill. It is a bill which has been before Congress for many years, and has been reported favorably by the committees of the House and the Senate in many Congresses. It has always been unanimously reported. Mr. Brigham, who is upward of 80 years of age, when he assumed the duties of postmaster at Franklin, Pa., was a man of independent fortune, as fortunes were then counted. When he left that position he was bankrupt. From being a small office it grew to be the third largest office in the State of Pennsylvania. He fitted the post-office up at his own expense. When the fire that swept through Oil Town destroyed that office it destroyed the fittings for which he had paid and for which he had received no recompense.

Hon. C. V. Culver, of the firm of Culver, Penn & Co., was then a member of the House of Representatives. Mr. Brigham was keeping his account with a banker, father-in-law of Major McDowell, Clerk of the House of Representatives. Mr. McDowell was a clerk for Mr. Brigham. Mr. Culver went to the Postmaster-General and asked that Brigham be instructed to keep his account with Culver, Penn & Co., and that order was made by the Postmaster-General. Mr. McDowell has seen the original order, being then a clerk in the office.

The account was transferred from Mr. Brigham's banker, who was also the bondsman of Culver, Penn & Co. That bank a few days afterwards failed, and Mr. Brigham was compelled to make good in the sum of $2,666. He was in no way negligent by any act of his own. It seems to me that the equities, as well as the law, are so strong in this case that there should be no further delay. If any gentleman will read the report I do not think he will object to the passage of this bill.

Mr. SMITH of Kentucky. Will the gentleman allow me a question?

Mr. SIBLEY. Yes.

Mr. SMITH of Kentucky. I see in the gentleman's statement he says that the loss was $2,666. The bill seems to be for a less amount.

Mr. SIBLEY. There was a dividend afterwards from Culver, Penn & Co. of 15 per cent, reducing the total by that amount.

The committee amendment was considered and agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

Mr. GRAFF. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker pro tempore having resumed the chair, Mr. OLMSTED, Chairman of the Committee of the Whole House, reported that that committee had had under consideration bills upon the Private Calendar and instructed him to report certain Senate bills without amendments, a Senate bill with amendment; also, certain House bills with amendments and certain others without amendments, with the recommendation that the amendments be agreed to and that the bills do pass, as follows:

SENATE BILLS WITHOUT AMENDMENT.

S. 1672. An act for the relief of Elisha A. Goodwin, executor of the estate of Alexander W. Goodwin;

S. 903. An act for the relief of William D. Rutan;

S. 916. An act for the relief of Clara H. Fulford;

S. 679. An act directing the issue of a check in lieu of a lost check drawn by Capt. E. O. Fechét, disbursing officer United States Signal Service Corps, in favor of the Bishop Gutta Percha Company;

S. 5079. An act for the relief of George P. White;

S. 1206. An act for the relief of Frank J. Burrows;

S. 6034. An act raising the rank of Chief Engineer David Smith on the retired list of the Navy;

S. 3748. An act for the relief of M. L. Cobb, administrator of W. W. Cobb, deceased;

S. 3555. An act for the relief of William Dugdale;

S. 3401. An act for the relief of H. Glafcke;

S. 111. An act for the relief of William J. Smith and D. M. Wisdom;

S. 475. An act to refer the claim of Joseph W. Parish to the Secretary of the Treasury for examination and payment of any balance found due.

S. 2216. An act for the relief of Elizabeth Muhleman, widow, and the heirs at law of Samuel A. Muhleman, deceased.

S. 1928. An act for the relief of G. H. Sowder; and

S. 3546. An act for the relief of L. A. Noyes.

HOUSE BILLS AMENDED.

A bill (H. R. 6830) authorizing and directing the Secretary of the Treasury to pay to the heirs of Peter Johnson certain money due him for carrying the mail;

A bill (H. R. 7792) for the relief of John L. Young (title amended);

A bill (H. R. 4240) authorizing the Secretary of the Treasury to defray the expenses of the contestant in the contest entitled "Koonce against Grady;"

A bill (H. R. 6637) for the relief of Col. H. B. Freeman;

A bill (H. R. 12064) for the relief of Lebbeus H. Rogers and the administrators of William B. Moses, deceased;

A bill (H. R. 9063) to refund certain taxes paid by the Anheuser-Busch Brewing Association, of St. Louis, Mo.;

A bill (H. R. 7361) for the relief of C. W. Colehour;

A bill (H. R. 2441) for the relief of William M. Bird, James F. Redding, Henry F. Welch, and others;

A bill (H. R. 10938) to reimburse certain persons the amount of expenses incurred and losses sustained by reason of the seizure of certain fraudulently stamped cigars sold them by W. M. Jacobs (title amended);

A bill (H. R. 11205) for the relief of I. R. Harkrader;

A bill (H. R. 14164) for the relief of Charles W. Carr;

A bill (H. R. 10921) for the relief of Charles A. Cutler;

A bill (H. R. 2637) for the relief of Charles R. Hooper; and

A bill (H. R. 1517) for the relief of Robert Brigham.

HOUSE BILLS WITHOUT AMENDMENT.

A bill (H. R. 10678) for the relief of the Florida Brewing Company;

A bill (H. R. 6714) for the relief of Alexander S. Rosenthal;

A bill (H. R. 15747) directing the issue of a check in lieu of a lost check drawn by George A. Bartlett, disbursing clerk, in favor of Fannie T. Sayles, executrix, and others;

A bill (H. R. 12075) for the relief of Jacob Swigert, late deputy collector, Seventh Kentucky district;

A bill (H. R. 2422) for the relief of Edward S. Crill;

A bill (H. R. 8186) for the relief of John D. Chadwick;

A bill (H. R. 14357) for the relief of Paymaster James E. Tolfree, United States Navy;

A bill (H. R. 7864) to pay John F. Lawson $237.96, balance due him for services as United States mail carrier;

A bill (H. R. 4178) for the relief of Austin A. Yates;

A bill (H. R. 13703) for the relief of N. F. Palmer, jr., & Co., of New York;

A bill (H. R. 6516) for the relief of Henry P. Montgomery, surviving executor of Granville Garnett, deceased;

A bill (H. R. 3385) for the relief of George C. Ellison;

A bill (H. R. 11340) for the relief of McClure & Willbanks;

A bill (H. R. 7007) for the relief of the legal representatives of Maj. William Kendall;

A bill (H. R. 13257) to refund penalty to the Bank of Colfax, Iowa; and

A bill (H. R. 1749) for the relief of Katie A. Nolan.

SENATE BILL AMENDED.

S. 3421. An act for the relief of Eleonora G. Goldsborough.

Mr. OLMSTED also reported that the committee had instructed him to report the House bill 2413 with the recommendation that it lie on the table.

Mr. GRAFF. Mr. Speaker, I ask unanimous consent that the previous question be considered as ordered upon the various bills which have been reported to the House with the amendments to their passage.

Mr. PAYNE. Mr. Speaker, I shall have to object to that.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that the previous question be ordered on the bills and amendments to their passage, and the gentleman from New York objects.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I suggest that the gentleman from New York single out the bill that he objects to and let the previous question be ordered upon the others.

Mr. GRAFF. Yes; I suggest that the gentleman from New York select such bills as he objects to.

Mr. PAYNE. I think we had better take them in their order.

Mr. GRAFF. I will ask, Mr. Speaker, whether it would be proper for me to make a motion to that effect. I move that the previous question be ordered on all the bills that have been reported and the amendments thereto to their passage.

The SPEAKER pro tempore. That motion is not in order. Without objection, the bill (H. R. 3413) for the relief of Frank J. Burrows will lie on the table.

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. SCARBOROUGH, for one week, on account of important business.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

Mr. GRAFF. I hope that motion will be voted down.

The question was taken; and on a division (demanded by Mr. PAYNE) there were—34 ayes and 61 noes.

So the House refused to adjourn.

Mr. GRAFF. Mr. Speaker, I move that we take a recess until half past 10 to-morrow morning, for the purpose of considering the bills which have been reported from the Private Calendar.

The SPEAKER pro tempore. So far as the latter part of the motion is concerned, it is not in order.

Mr. GRAFF. Then I will modify it by moving that we take a recess until 10.30 to-morrow morning.

The SPEAKER pro tempore. The gentleman from Illinois moves that the House take a recess until half past 10 to-morrow morning.

The question was taken; and on a division (demanded by Mr. PAYNE) there were—74 ayes and 5 noes.

Mr. PAYNE. No quorum, Mr. Speaker.

The SPEAKER pro tempore (having counted the House). One hundred members are present—less than a quorum.

Mr. RICHARDSON of Tennessee. I ask for the application of the rule which requires a call of the yeas and nays under the present circumstances.

The SPEAKER pro tempore. The Doorkeeper will close the doors; and the Sergeant-at-Arms will bring in absent members. The roll will now be called. As many as are in favor of taking a recess will, as their names are called, answer "aye;" contrary opinion, "no." Members so desiring will be recorded as "present."

The question was taken; and there were on the roll, as finally made up—yeas 152, nays 9, answered "present" 20, not voting 172; as follows:

YEAS—152.

Adamson,	Draper,	Lever,	Shattuc,
Allen, Ky.	Elliott,	Lewis, Pa.	Sheppard,
Allen, Me.	Feely,	Little,	Showalter,
Aplin,	Finley,	Livingston,	Sibley,
Barney,	Flanagan,	Lloyd,	Sims,
Bartholdt,	Foster, Ill.	Lovering,	Skiles,
Bates,	Foster, Vt.	McAndrews,	Slayden,
Beidler,	Gaines, Tenn.	McLain,	Small,
Benton,	Gaines, W. Va.	Maddox,	Smith, Ill.
Billmeyer,	Gibson,	Mahoney,	Smith, Iowa.
Boreing,	Glass,	Marshall,	Smith, H. C.
Bowie,	Glenn,	Martin,	Smith, S. W.
Brandegee,	Gooch,	Mickey,	Smith, Wm. Alden
Brantley,	Graff,	Miers, Ind.	Snodgrass.
Broussard,	Griffith,	Miller,	Snook,
Brown,	Grosvenor,	Minor,	Sparkman,
Brundidge,	Hamilton,	Mondell,	Sperry,
Burk, Pa.	Haugen,	Moody, Oreg.	Spight,
Burke, S. Dak.	Hedge,	Moon,	Stephens, Tex.
Butler, Pa.	Hepburn,	Morgan,	Stewart, N. Y.
Candler,	Hildebrant,	Mutchler,	Sutherland,
Cassel,	Hill,	Needham,	Swanson,
Clark,	Holliday,	Olmsted,	Tate,
Clayton,	Howard,	Otjen,	Tayler, Ohio.
Cooper, Wis.	Irwin,	Overstreet,	Thomas, Iowa
Corliss,	Johnson,	Padgett,	Thomas, N. C.
Cowherd,	Jones, Wash.	Palmer,	Tompkins, N. Y.
Cromer,	Kehoe,	Patterson, Pa.	Vandiver,
Crowley,	Kitchin, Claude	Patterson, Tenn.	Van Voorhis,
Crumpacker,	Kitchin, Wm. W.	Randell, Tex.	Wanger.
Currier,	Kleberg,	Reeder,	Warnock,
Cushman,	Kluttz,	Reid,	Watson,
Dahle,	Knapp,	Rhea,	Wiley,
Darragh,	Kyle,	Richardson, Ala.	Williams, Ill.
De Armond,	Lacey,	Richardson, Tenn.	Williams, Miss.
Deemer,	Landis,	Robb,	Woods,
Dinsmore,	Lawrence,	Roberts,	Wright,
Dovener,	Lester,	Robinson, Ind.	Zenor.

NAYS—9.

Burton,	Dalzell,	Littlefield,	Payne,
Cannon,	Kern,	McRae,	Smith, Ky.
Conner,			

ANSWERED "PRESENT"—20.

Brownlow,	Cooper, Tex.	Jackson, Kans.	Meyer, La.
Burkett,	Foss,	Jenkins,	Norton,
Cassingham,	Gill,	Latimer,	Scarborough,
Cochran,	Greene, Mass.	Loud,	Thompson,
Conry,	Griggs,	Mann,	Tirrell.

NOT VOTING—172.

Acheson,	Driscoll,	Jones, Va.	Rixey,
Adams,	Dwight,	Joy,	Robertson, La.
Alexander,	Eddy,	Kahn,	Robinson, Nebr.
Babcock,	Edwards,	Ketcham,	Rucker,
Ball, Del.	Emerson,	Knox,	Rumple,
Ball, Tex.	Esch,	Lamb,	Ruppert.
Bankhead,	Evans,	Lassiter,	Russell,
Bartlett,	Fitzgerald,	Lessler,	Ryan,
Bell,	Fleming,	Lewis, Ga.	Schirm,
Bellamy,	Fletcher,	Lindsay,	Scott,
Belmont,	Flood,	Littauer,	Selby,
Bingham,	Foerderer,	Long,	Shackleford,
Bishop,	Fordney,	Loudenslager,	Shafroth,
Blackburn,	Fowler,	McCall,	Shallenberger
Blakeney,	Fox,	McCleary,	Sheldon,
Boutell,	Gardner, Mass.	McClellan,	Sherman,
Bowersock,	Gardner, Mich.	McCulloch,	Southard,
Breazeale,	Gardner, N. J.	McDermott,	Southwick,
Brick,	Gilbert.	McLachlan,	Stark,
Bristow,	Gillet, N. Y.	Mahon,	Steele,
Bromwell,	Gillett, Mass.	Maynard,	Stevens, Minn.
Bull,	Goldfogle,	Mercer,	Stewart, N. J.
Burgess,	Gordon,	Metcalf,	Storm,
Burleigh,	Graham,	Moody, N. C.	Sulloway,
Burleson,	Green, Pa.	Morrell,	Sulzer,
Burnett,	Grow,	Morris,	Swann,
Butler, Mo.,	Hanbury,	Moss,	Talbert,
Calderhead,	Haskins,	Mudd,	Tawney,
Caldwell,	Hay,	Naphen,	Taylor, Ala.
Capron,	Heatwole,	Neville,	Thayer,
Connell,	Hemenway,	Nevin,	Tompkins, Ohio.
Coombs,	Henry, Conn.	Newlands,	Trimble,
Cooney,	Henry, Miss.	Parker,	Underwood,
Cousins,	Henry, Tex.	Pearre,	Vreeland,
Creamer,	Hitt.	Perkins,	Wachter,
Curtis,	Hooker,	Pierce,	Wadsworth,
Davey, La.	Hopkins,	Pou,	Warner,
Davidson,	Howell,	Powers, Me.,	Weeks,
Davis, Fla.	Hughes,	Powers, Mass.	Wheeler,
Dayton,	Hull,	Prince,	White,
Dick,	Jack,	Pugsley,	Wilson,
Dougherty,	Jackson, Md.	Ransdell, La.	Wooten.
Douglas,	Jett,	Reeves,	Young.

Mr. CASSINGHAM. Finding I am paired with the gentleman from Ohio, Mr. BROMWELL, who is not present, I withdraw my vote, which was cast in the affirmative, and ask to be recorded "present."

The following pairs were announced:

For the session:

Mr. BROWNLOW with Mr. PIERCE.

Mr. COOMBS with Mr. DAVEY of Louisiana.

Mr. MORRELL with Mr. GREEN of Pennsylvania.

Mr. SHERMAN with Mr. RUPPERT.

Mr. BROMWELL with Mr. CASSINGHAM.

Mr. DAYTON with Mr. MEYER of Louisiana.

Mr. KAHN with Mr. BELMONT.

Mr. BOUTELL with Mr. GRIGGS.
Until further notice:
Mr. HASKINS with Mr. FOX.
Mr. DAVIDSON with Mr. SELBY.
Mr. SOUTHARD with Mr. NORTON.
Mr. BARNEY with Mr. THOMPSON of Alabama.
Mr. LONG with Mr. NEWLANDS.
Mr. BOWERSOCK with Mr. BURNETT.
Mr. METCALF with Mr. WHEELER.
Mr. VAN VOORHIS with Mr. GORDON.
For one week:
Mr. SCOTT with Mr. JACKSON of Kansas.
Until Wednesday next:
Mr. PRINCE with Mr. CALDWELL.
Until Friday next:
Mr. TAYLER of Ohio with Mr. RIXEY.
For the balance of the week:
Mr. STORM with Mr. PUGSLEY.
For this day:
Mr. BRICK with Mr. POU.
Mr. MORRIS with Mr. ROBERTSON of Louisiana.
Mr. MUDD with Mr. RYAN.
Mr. MCLACHLAN with Mr. RANSDELL of Louisiana.
Mr. FOWLER with Mr. MAYNARD.
Mr. DRISCOLL with Mr. HENRY of Mississippi.
Mr. PEARRE with Mr. BURGESS.
Mr. HOWELL with Mr. TALBERT.
Mr. HOPKINS with Mr. THAYER.
Mr. DWIGHT with Mr. TAYLOR of Alabama.
Mr. FORDNEY with Mr. TRIMBLE.
Mr. BURLEIGH with Mr. WHITE.
Mr. GILLETT of Massachusetts with Mr. FLEMING.
Mr. WADSWORTH with Mr. LASSITER.
Mr. JACKSON of Maryland with Mr. BELLAMY.
Mr. ESCH with Mr. LEWIS of Georgia.
Mr. NEVIN with Mr. MCDERMOTT.
Mr. BULL with Mr. FLOOD.
Mr. FOERDERER with Mr. UNDERWOOD.
Mr. CURTIS with Mr. SULZER.
Mr. MERCER with Mr. RUSSELL.
Mr. MOODY of North Carolina with Mr. SHACKLEFORD.
Mr. ADAMS with Mr. BALL.
Mr. VREELAND with Mr. HAY.
Mr. ACHESON with Mr. SHALLENBERGER.
Mr. SCHIRM with Mr. NEVILLE.
Mr. BRISTOW with Mr. STARK.
Mr. LITTAUER with Mr. RUCKER.
Mr. DOUGLAS with Mr. WILSON.
Mr. JOY with Mr. HOOKER.
Mr. MCCALL with Mr. MCCLELLAN.
Mr. EVANS with Mr. GOLDFOGLE.
Mr. CONNELL with Mr. BUTLER of Missouri.
Mr. HEMENWAY with Mr. BELL.
Mr. GILL with Mr. EDWARDS.
Mr. HITT with Mr. DOUGHERTY.
Mr. COUSINS with Mr. CREAMER.
Mr. DICK with Mr. DAVIS of Florida.
Mr. STEELE with Mr. COOPER of Texas.
Mr. HULL with Mr. LAMB.
Mr. JENKINS with Mr. ROBINSON of Nebraska.
Mr. CAPRON with Mr. FITZGERALD.
Mr. HEATWOLE with Mr. HENRY of Texas.
Mr. YOUNG with Mr. GILBERT.
Mr. GARDNER of Michigan with Mr. WOOTEN.
Mr. BABCOCK with Mr. BURLESON.
Mr. TAWNEY with Mr. BARTLETT.
Mr. SOUTHWICK with Mr. JONES of Virginia.
Mr. EMERSON with Mr. BREAZEALE.
Mr. BINGHAM with Mr. MCCULLOCH.
Mr. KETCHAM with Mr. NAPHEN.
Mr. BALL of Delaware with Mr. SWANN.
Mr. HENRY of Connecticut with Mr. LINDSAY.
Mr. ALEXANDER with Mr. BANKHEAD.
Mr. RUMPLE with Mr. SHAFROTH.
On this vote:
Mr. MANN with Mr. JETT.
Mr. JACK with Mr. SCARBOROUGH.

Mr. GRIGGS. Mr. Speaker, I would like to change my vote from "aye" to "present."

The SPEAKER pro tempore. The Clerk will call the gentleman's name.

The name of Mr. GRIGGS was called, and he answered "present."

Mr. MEYER of Louisiana. Mr. Speaker, I would like to change my vote from "aye" to "present."

The SPEAKER pro tempore. The Clerk will call the gentleman's name.

The name of Mr. MEYER of Louisiana was called, and he answered "present."

The SPEAKER pro tempore. On this question the yeas are 104, nays 6, present 8, total 118; being 59 members short of a quorum.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I offer the following resolution.

The Clerk read as follows:

Ordered, That the Sergeant-at-Arms of the House be directed to take into custody and bring to the bar of the House such of the members as are absent without leave of the House.

The SPEAKER pro tempore. The Chair will call the attention of the gentleman from Tennessee to section 4 of Rule XV, which the Clerk will read.

The Clerk read as follows:

4. Whenever a quorum fails to vote on any question, and a quorum is not present and objection is made for that cause, unless the House shall adjourn, there shall be a call of the House, and the Sergeant-at-Arms shall forthwith proceed to bring in absent members, and the yeas and nays on the pending question shall at the same time be considered as ordered. The Clerk shall call the roll, and each member as he answers to his name may vote on the pending question, and, after the roll call is completed, each member arrested shall be brought by the Sergeant-at-Arms before the House, whereupon he shall be noted as present, discharged from arrest, and given an opportunity to vote and his vote shall be recorded.

If those voting on the question and those who are present and decline to vote shall together make a majority of the House, the Speaker shall declare that a quorum is constituted, and the pending question shall be decided as the majority of those voting shall appear. And thereupon further proceedings under the call shall be considered as dispensed with. At any time after the roll call has been completed, the Speaker may entertain a motion to adjourn, if seconded by a majority of those present, to be ascertained by actual count by the Speaker; and if the House adjourns, all proceedings under this section shall be vacated. But this section of the rule shall not apply to the sessions of Friday night, until further order of the House.

Mr. RICHARDSON of Tennessee. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RICHARDSON of Tennessee. Under that rule it is the duty of the Sergeant-at-Arms to begin the arrest of members and bring them in. I would like to inquire if the Sergeant-at-Arms is discharging his duty.

The SPEAKER pro tempore. The Chair is so informed. The Chair is of opinion that the Sergeant-at-Arms has just as much authority under this rule as he would have under the resolution offered by the gentleman from Tennessee.

Mr. RICHARDSON of Tennessee. I concede that, if the Sergeant-at-Arms is discharging his duty.

The SPEAKER pro tempore. The Chair is advised that he is now in the performance of his duty.

Mr. RICHARDSON of Tennessee. The assurance of the Speaker is sufficient.

Pending the announcement of the call, the following occurred:

Mr. RICHARDSON of Tennessee. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RICHARDSON of Tennessee. A number of members have voted since the count was announced. May we not be told how many we lack of a quorum?

The SPEAKER pro tempore. If there is no objection, the Chair will state. The Clerk reports 56 members lacking to constitute a quorum.

Mr. RICHARDSON of Tennessee. May I ask as a parliamentary inquiry what number the Chair holds necessary to constitute a quorum?

The SPEAKER pro tempore. One hundred and seventy-eight at the present time, the Chair is informed.

Mr. RICHARDSON of Tennessee. I only want to remark that it is very curious, with a majority of 45 in the House, that the Republican party can not furnish a quorum to transact business.

The SPEAKER pro tempore. The gentleman is not in order.

Mr. GAINES of Tennessee. If it was to remit tariff duties on tea and one thing and another, it would be all right.

The SPEAKER pro tempore. The gentleman is out of order.

Mr. WILLIAMS of Mississippi. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WILLIAMS of Mississippi. Is it out of order to discuss the present situation?

The SPEAKER pro tempore. The gentleman may discuss any matter in relation to the attendance of a quorum.

Mr. WILLIAMS of Mississippi. Well, that is what the gentleman from Tennessee [Mr. RICHARDSON] wanted to do.

The SPEAKER pro tempore. Of course the Chair would say that it would be necessary to have some proposition pending before any debate would be in order.

Mr. GRAFF. It is the absence of members.

Mr. WILLIAMS of Mississippi. I think it is in order to discuss the present situation and to inquire how it has come about, and to express our wonder at the general curiousness of the situation. It seems to me it is absolutely in order to express our wonder at the fact that the Republican party, which is the party to do business

always, is without a quorum in a House in which it has some forty or fifty majority.

The SPEAKER pro tempore. The Chair thinks the gentleman is not in order.

Mr. WILLIAMS of Mississippi. Well, that was all a part of my parliamentary inquiry, Mr. Speaker. Would it be in order to appeal from the decision of the Chair?

The SPEAKER pro tempore. I presume an appeal would lie.

Mr. WILLIAMS of Mississippi. I withdraw the appeal. [Laughter.]

Mr. GAINES of Tennessee. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GAINES of Tennessee. What I desire to know, Mr. Speaker, is how it is, in the year of our Lord one thousand nine hundred and two, we have the Republican party—— [Laughter.]

Mr. OLMSTED. Mr. Speaker, the gentleman is always a year behind. [Laughter.]

The result of the vote was announced as above recorded.

Accordingly (at 8 o'clock p. m.) the House took a recess until Saturday, January 31, at 10.30 o'clock a. m.

AFTER THE RECESS.

The recess having expired, the House, at 10.30 o'clock a. m. Saturday, January 31, 1903, was called to order by Mr. DALZELL as Speaker pro tempore.

The SPEAKER pro tempore. The Clerk will report the first bill in order from the Committee of the Whole.

ELEONORA G. GOLDSBOROUGH.

The first business was the bill (S. 3421) for the relief of Eleonora G. Goldsborough, reported from the Committee of the Whole with an amendment.

The SPEAKER pro tempore. The question is on the amendment.

Mr. PAYNE. Mr. Speaker, I suggest to the gentleman from Illinois [Mr. GRAFF] that as to that bill and a number of others it will be necessary to have a quorum before they can be passed. I suggest to him that the bill be passed over without prejudice, so that the others on the list may be disposed of.

Mr. GRAFF. I understand, Mr. Speaker, that that will not prejudice the status of the claim or its consideration, except as to the order of its passage.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent to pass without prejudice the pending bill. Is there objection?

There was no objection.

SENATE BILLS WITHOUT AMENDMENT PASSED.

The following Senate bills, favorably reported from the Committee of the Whole without amendment, were severally ordered to a third reading, read the third time, and passed:

S. 1672. An act for the relief of Elisha A. Goodwin, executor of the estate of Alexander W. Goodwin;

S. 903. An act for the relief of William D. Rutan;

S. 916. An act for the relief of Clara H. Fulford;

S. 679. An act directing the issue of a check in lieu of a lost check drawn by Capt. E. O. Fechét, disbursing officer United States Signal Service Corps, in favor of the Bishop Gutta Percha Company;

S. 5079. An act for the relief of George P. White;

S. 1206. An act for the relief of Frank J. Burrows;

S. 6034. An act raising the rank of Chief Engineer David Smith on the retired list of the Navy;

S. 3748. An act for the relief of M. L. Cobb, administrator of W. W. Cobb, deceased;

S. 3555. An act for the relief of William Dugdale;

S. 3401. An act for the relief of H. Glafcke;

S. 111. An act for the relief of William J. Smith and D. M. Wisdom; and

S. 1928. An act for the relief of G. H. Sowder.

BILLS PASSED OVER WITHOUT PREJUDICE.

By unanimous consent, at the request of Mr. PAYNE, the following bills were passed over without prejudice:

S. 475. An act to refer the claim of Joseph W. Parish to the Secretary of the Treasury for examination and payment of any balance found due;

S. 2216. An act for the relief of Elizabeth Muhleman, widow, and the heirs at law of Samuel A. Muhleman, deceased;

A bill (H. R. 6830) authorizing and directing the Secretary of the Treasury to pay to the heirs of Peter Johnson certain money due him for carrying the mail;

A bill (H. R. 7792) for the relief of John L. Young (title amended); and

S. 3546. An act for the relief of L. A. Noyes.

HOUSE BILLS WITH AMENDMENTS PASSED.

The following House bills reported from the Committee of the Whole with amendments were severally considered, the amendments reported from the Committee of the Whole agreed to, and the bills as amended ordered to be engrossed and read a third time, were read the third time, and passed:

A bill (H. R. 4240) authorizing the Secretary of the Treasury to defray the expenses of the contestant in the contest entitled "Koonce against Grady;"

A bill (H. R. 6637) for the relief of Col. H. B. Freeman;

A bill (H. R. 12064) for the relief of Lebbeus H. Rogers and the administrators of William B. Moses, deceased;

A bill (H. R. 9063) to refund certain taxes paid by the Anheuser-Busch Brewing Association, of St. Louis, Mo.;

A bill (H. R. 7361) for the relief of C. W. Colehour;

A bill (H. R. 2441) for the relief of William M. Bird, James F. Redding, Henry F. Welch, and others;

A bill (H. R. 10938) to reimburse certain persons the amount of expenses incurred and losses sustained by reason of the seizure of certain fraudulently stamped cigars sold them by W. M. Jacobs (title amended);

A bill (H. R. 11205) for the relief of I. R. Harkrader;

A bill (H. R. 14164) for the relief of Charles W. Carr;

A bill (H. R. 10921) for the relief of Charles A. Cutler; and

A bill (H. R. 1517) for the relief of Robert Brigham.

CHARLES R. HOOPER.

The next business was the bill (H. R. 2637) for the relief of Charles R. Hooper, reported from the Committee of the Whole with amendments.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time.

Mr. PAYNE. Mr. Speaker, that is one of the bills I meant to have put over.

Mr. GRAFF. What is the nature of that bill?

Mr. PAYNE. That is the bill for the benefit of the man who lost his eye in the blacksmith shop. It will require a quorum to pass that bill. I suggest that it go over on the third reading.

Mr. GRAFF. Then I ask unanimous consent that that go over.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent that the further consideration of this bill be postponed without prejudice. Is there objection?

There was no objection.

COL. H. B. FREEMAN.

The next business was the bill (H. R. 6637) for the relief of Col. H. B. Freeman, reported from the Committee of the Whole with amendments.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Subsequently the following occurred:

Mr. GRAFF. Mr. Speaker, a little while ago we passed the bill (H. R. 6637) for the relief of Col. H. B. Freeman. There is a Senate bill which is identical with this House bill, and I ask unanimous consent to reconsider the vote by which the House bill was passed.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to vacate the order by which the bill H. R. 6637 was passed and to substitute therefor the bill S. 4832, which is identical in terms. Is there objection?

There was no objection.

The bill (S. 4832) for the relief of Col. H. B. Freeman was ordered to a third reading; and it was accordingly read the third time, and passed.

By unanimous consent, on motion of Mr. GRAFF, the bill (H. R. 6637) was ordered to lie on the table.

HOUSE BILLS PASSED WITHOUT AMENDMENT.

House bills of the following titles, reported from the Committee of the Whole, were severally ordered to be engrossed for a third reading; and, being engrossed, were accordingly read the third time, and passed.

A bill (H. R. 10678) for relief of the Florida Brewing Company;

A bill (H. R. 6714) for the relief of Alexander S. Rosenthal;

A bill (H. R. 15747) directing the issue of a check in lieu of a lost check drawn by George A. Bartlett, disbursing clerk, in favor of Fannie T. Sayles, executrix, and others;

A bill (H. R. 12075) for the relief of Jacob Swigert, late deputy collector, seventh Kentucky district;

A bill (H. R. 2422) for the relief of Edward S. Crill;

A bill (H. R. 8186) for the relief of John D. Chadwick;

A bill (H. R. 4178) for the relief of Austin A. Yates;

A bill (H. R. 13703) for the relief of N. F. Palmer, jr., & Co., of New York;

A bill (H. R. 6516) for the relief of Henry P. Montgomery, surviving executor of Granville Garnett, deceased;

A bill (H. R. 11340) for the relief of McClure and Willbanks;

A bill (H. R. 7007) for the relief of the legal representatives of Maj. William Kendall; and

A bill (H. R. 13257) to refund penalty to the Bank of Colfax, Iowa.

PAYMASTER JAMES E. TOLFREE.

The next business reported from the Committee of the Whole was the bill (H. R. 14357) for the relief of Paymaster James E. Tolfree, United States Navy.

Mr. BUTLER of Pennsylvania. Mr. Speaker, I ask unanimous consent that the Senate bill offered for the relief of Paymaster Tolfree, the bill S. 5724, be substituted for this bill and passed.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks consent to discharge the Committee on Claims from the further consideration of the bill S. 5724 and substitute it for the House bill just reported. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The bill was ordered to a third reading, and it was accordingly read the third time, and passed.

Mr. BUTLER. Mr. Speaker, I move that the House bill 14357 lie on the table.

The SPEAKER pro tempore. Without objection the corresponding House bill will lie on the table.

There was no objection.

JOHN F. LAWSON.

The next business reported from the Committee of the Whole was the bill (H. R. 7864) to pay John F. Lawson $237.96, balance due him for services as United States mail carrier.

Mr. PAYNE. Mr. Speaker, I ask that that bill also be passed without prejudice.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent that this bill be passed without prejudice. Is there objection? [After a pause.] The Chair hears none.

GEORGE C. ELLISON.

The next business reported from the Committee of the Whole was the bill (H. R. 3385) for the relief of George C. Ellison.

Mr. COWHERD. Mr. Chairman, I ask that that bill be passed without prejudice.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent that this bill be passed without prejudice. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

KATIE A. NOLAN.

The next business reported from the Committee of the Whole was the bill (H. R. 1749) for the relief of Katie A. Nolan.

Mr. SLAYDEN. Mr. Speaker, I ask unanimous consent to substitute Senate bill 4308, which is identical, for that bill.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent to discharge the Committee on Claims from the consideration of the Senate bill and to substitute the Senate bill for the bill just reported. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

A bill (S. 4308) for the relief of Katie A. Nolan.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. SLAYDEN. Mr. Speaker, I move to lay the House bill on the table.

The SPEAKER pro tempore. Without objection, the corresponding House bill will lie on the table.

There was no objection.

The SPEAKER pro tempore. This ends the unobjected bills. The Clerk will report the first bill laid aside without prejudice.

Mr. GRAFF. Mr. Speaker, I move the previous question be ordered on all the various bills and amendments to their passage.

Mr. PAYNE. I make the point of order on that.

The SPEAKER pro tempore. That motion is not in order.

Mr. RICHARDSON of Tennessee (to Mr. GRAFF). Move to reconsider the votes by which the various bills were passed.

Mr. GRAFF. That is what I intended to do. I move to reconsider the several votes by which the various bills were passed, and also move to lay that motion on the table.

The SPEAKER pro tempore. The gentleman from Illinois moves to reconsider the votes by which the various bills were passed, and also moves to lay that motion on the table. Without objection, that order will be made.

There was no objection.

Mr. PAYNE. Mr. Speaker, there was a bill reported unfavorably, being 3525, for the relief of John B. Phillips. I do not know whether it was acted upon or not.

The SPEAKER pro tempore. Twenty-four hundred and thirteen was laid upon the table yesterday.

Mr. PAYNE. Thirty-five hundred and twenty-five is the number.

Mr. RICHARDSON of Tennessee. I ask for order. We can not hear what is said.

The SPEAKER pro tempore. The House will be in order, and all gentlemen will be seated and cease conversation. The Clerk will report the first bill.

The Clerk read as follows:

A bill (S. 3421) for the relief of Eleonora G. Goldsborough.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent that those bills which have been passed over without prejudice go over until Tuesday of next week, to come up immediately after the reading of the Journal, and be considered, with five minutes' debate upon a side, and then the previous question be considered as ordered.

Mr. GRAFF. I am willing to accept that.

Mr. PAYNE. I would like to have them considered when there is a full House.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent that the bills which have been passed over without prejudice go over until Tuesday of next week, to come up immediately after the reading of the Journal, and be considered, with five minutes' debate upon a side, and then the previous question be considered as ordered.

Mr. LIVINGSTON. I want to ask if there is anything that will interfere with the business of that day?

Mr. PAYNE. I would amend my request if the gentleman is fearful of that—that if there is any special order upon that day that it come up immediately following the conclusion of the special order.

Mr. COWHERD. Five minutes is a very short time for debate.

Mr. PAYNE. I am asked to have ten minutes a side for debate.

Mr. LIVINGSTON. Five minutes on a side is sufficient.

Mr. PAYNE. I think five minutes will be sufficient.

Mr. MADDOX. I would like to have five minutes on that claim myself.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent that the undisposed bills go over until Tuesday next, to be considered immediately after the reading of the Journal, with debate of five minutes on a side on each bill, and thereafter the previous question to be considered as ordered.

Mr. LIVINGSTON. With the understanding, Mr. Speaker, that if there is anything in the way of a special order in the way that it is to follow after the special order.

Mr. PAYNE. Following any special order.

Mr. MADDOX. I shall object.

The SPEAKER pro tempore. The gentleman adds to his request that if there be a special order, this order shall be in effect immediately after disposing of the special order.

Mr. MADDOX. With ten minutes' debate. I want five.

Mr. PAYNE. I will modify it to ten minutes.

The SPEAKER pro tempore. The gentleman modifies his request to provide debate for ten minutes on each side.

Mr. GILBERT. Mr. Speaker, I want to know if it would be in order to amend the request of the gentleman from New York so as to permit, on next Tuesday, the consideration of three or four bills that were unanimously reported by the Committee on Claims on yesterday and by reason of lack of time went out?

Mr. PAYNE. Oh, I can not consent to that.

Mr. GILBERT. We could get through with three or four other bills in very short order.

Mr. PAYNE. I can not consent. We are giving two days to these bills now.

Mr. LIVINGSTON. We have got you where you can not help yourself.

Mr. PAYNE. Oh, no; you have not got me where I can not help myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. GILBERT. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is made. The Clerk will report the title of the first bill passed without prejudice.

Mr. GILBERT. Mr. Speaker, I withdraw the objection.

Mr. OVERSTREET. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. OVERSTREET. If this order should be made, would it interfere with any special order which might be made between now and then?

The SPEAKER pro tempore. The Chair thinks not. The request of the gentleman from New York is that if there be a special order, this shall take place immediately on the disposition of that order.

Mr. LIVINGSTON. In other words, Mr. Speaker, we understand that this will remain a special order until closed.

Mr. PAYNE. I want to say to the gentleman from Georgia that I see no loophole. [Laughter.]

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears no objection, and it is so ordered.

MADISON COUNTY, KY.

Mr. GILBERT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 4969) for the relief of Madison County, Ky. I have consumed very little time in this House, and I ask it as a special indulgence.

The SPEAKER pro tempore. The gentleman from Kentucky asks unanimous consent for the present consideration of the bill which the Clerk will report.

Mr. LLOYD. Mr. Speaker, I object.

Mr. PAYNE. I move that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. PAYNE) there were—ayes 77, noes 34.

So the motion was agreed to.

Accordingly (at 11 o'clock) the House adjourned until 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Commissioner of Patents, transmitting his annual report for the calendar year 1902—to the Committee on Patents, and ordered to be printed.

A letter from the president of the Capital Traction Company, transmitting the annual report of receipts and expenditures and a list of the stockholders of the company—to the Committee on the District of Columbia, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HENRY of Texas, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 17088) to create a new division to the eastern judicial district of Texas, and to provide for terms of court at Texarkana, Tex., and for a clerk for said court, and for other purposes, reported the same without amendment, accompanied by a report (No. 3416); which said bill and report were referred to the House Calendar.

Mr. HAUGEN, from the Committee on War Claims, to which was referred the bill of the House (H. R. 16950) for the relief of the State of Iowa, reported the same without amendment, accompanied by a report (No. 3417); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. EDDY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 15985) to confirm certain forest lieu selections made under the act approved June 4, 1897, reported the same with amendment, accompanied by a report (No. 3418); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LOVERING, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 16727) for the erection of a light-house in Boston Harbor, reported the same with amendment, accompanied by a report (No. 3419); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16846) to promote education in the public marine schools, reported the same without amendment, accompanied by a report (No. 3420); which said bill and report were referred to the House Calendar.

Mr. EDDY, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 6278) to extend the provisions of chapter 8, Title XXXII, of the Revised Statutes of the United States, entitled "Reservation and sale of town sites on the public lands," to the ceded Indian lands in the State of Minnesota, reported the same without amendment, accompanied by a report (No. 3421); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CLAYTON, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 14512) to amend an act to add certain counties in Alabama to the northern district therein, and to divide the said northern district, after the addition of said counties, into two divisions, and to prescribe the time and places for holding courts therein, and for other purposes, approved May 2, 1884, reported the same with amendment, accompanied by a report (No. 3422); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. MONDELL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 15461) for the relief of Daniel F. Lee, reported the same with amendment, accompanied by a report (No. 3425); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. MONDELL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 2906) to remove the charge of desertion from record of Edward Montgomery, reported the same without amendment, accompanied by a report (No. 3423); which said bill and report were ordered to lie on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 8071) to remove the charge of desertion from the military record of Anton Ernst, reported the same without amendment, accompanied by a report (No. 3424); which said bill and report were ordered to lie on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. DALZELL: A bill (H. R. 17155) to authorize the Pittsburg, Carnegie and Western Railroad Company to construct, maintain, and operate a bridge across the Allegheny River—to the Committee on Interstate and Foreign Commerce.

By Mr. PEARRE: A bill (H. R. 17156) providing for the transfer of persons from the unclassified to the classified service of the United States—to the Committee on Reform in the Civil Service.

By Mr. BURLESON: A bill (H. R. 17157) authorizing the Secretary of Agriculture to gather statistics relating to production of cotton and wheat, and raising revenue to defray the expense thereof—to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. DWIGHT: A bill (H. R. 17158) granting a pension to Charles W. Parker—to the Committee on Invalid Pensions.

By Mr. HEMENWAY: A bill (H. R. 17159) granting an increase of pension to Henry P. Chambers—to the Committee on Invalid Pensions.

By Mr. JACKSON of Maryland: A bill (H. R. 17160) granting a pension to James H. Pool—to the Committee on Invalid Pensions.

By Mr. LEVER: A bill (H. R. 17161) granting a pension to Rasmus S. Stevens—to the Committee on Pensions.

By Mr. RIXEY: A bill (H. R. 17162) for the relief of the legal representatives of James Follin—to the Committee on War Claims.

Also (by request), a bill (H. R. 17163) for the relief of the legal representatives of Joseph H. Maddox, deceased—to the Committee on War Claims.

By Mr. HENRY C. SMITH: A bill (H. R. 17164) for the relief of Arra M. Farnsworth—to the Committee on War Claims.

By Mr. STEPHENS of Texas: A bill (H. R. 17165) granting a pension to William T. Edgemon—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 17166) granting an increase of pension to Daniel W. Woodruff—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BELL: Resolutions of Florence Union, No. 475, Carpenters and Joiners, of Florence, and Operative Plasterers' Union No. 180, of Canon City, Colo., for the repeal of the desert-land law—to the Committee on the Public Lands.

By Mr. BRANDEGEE: Resolutions of Central Labor Union of Waterbury, Conn., and Printing Pressmen's Union No. 74, of New Haven, Conn., for the repeal of the desert-land law and the commutation clause of the homestead act—to the Committee on the Public Lands.

Also, resolutions of Norwich Lodge, No. 62, Order of B'rith Abraham, Norwich, Conn., relating to methods of the immigration bureau at the port of New York—to the Committee on Immigration and Naturalization.

By Mr. CURTIS: Resolution of the Trades Assembly of Kansas City, Kans., for the repeal of the desert-land law—to the Committee on the Public Lands.

By Mr. DWIGHT: Petition of N. B. Eccleston and W. S. Jones, retail druggists, in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. ESCH: Petition of citizens of La Crosse, Wis., for the improvement of the Upper Mississippi River to a depth of at least 6 feet at low water between Minneapolis and St. Louis—to the Committee on Rivers and Harbors.

By Mr. GILL: Petition of 39 citizens of Toronto, Ohio, and vicinity, for 9-foot draft of water in the Ohio River—to the Committee on Rivers and Harbors.

By Mr. GRIFFITH: Papers to accompany bill relating to the

correction of the military record of William Burke—to the Committee on Military Affairs.

By Mr. HEPBURN: Petition of the Woman's Christian Temperance Union of Van Wert, Iowa, to prohibit liquor selling in Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. HITT: Communication of Hinton Rowan Helper, relating to the intercontinental railway—to the Committee on Railways and Canals.

By Mr. KERN: Petition of retail druggists, of Collinsville, Ill., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. McANDREWS: Resolution of Carpenters and Joiners' Union No. 181, Type Founders' Union No. 3, and Woodworkers' Union No. 7, all of Chicago, Ill., for the repeal of the desert-land law—to the Committee on the Public Lands.

By Mr. MORGAN: Petition of 31 citizens of Gallipolis, Ohio, for the improvement of the Ohio River—to the Committee on Rivers and Harbors.

By Mr. PALMER: Protest of Wilkesbarre Lodge, No. 158, Order of B'rith Abraham, Wilkesbarre, Pa., against the exclusion of Jewish immigrants at the port of New York—to the Committee on Immigration and Naturalization.

By Mr. RIXEY: Papers to accompany bill for the relief of the legal heirs of James Fellin, of Fairfax County, Va.—to the Committee on War Claims.

By Mr. SHERMAN: Paper to accompany House bill 16749, for increase of pension of Henry P. Mesick—to the Committee on Invalid Pensions.

Also, petition of Cigar Makers' Union No. 7, of Utica, N. Y., in favor of the passage of House bill 16457—to the Committee on Ways and Means.

Also, resolution of Boot and Shoe Workers' Union of Chicago, Ill., advocating the removal of the tariff on hides—to the Committee on Ways and Means.

By Mr. SPERRY: Resolution of Central Labor Union of Waterbury, Conn., favoring the repeal of the desert-land law—to the Committee on the Public Lands.

By Mr. SPIGHT: Papers to accompany House bill 17124 for the relief of the estate of Elizabeth H. Wellford, deceased, late of Marshall County, Miss.—to the Committee on War Claims.

By Mr. WILLIAMS of Illinois: Paper to accompany bill relating to the correction of the military record of Azariah B. Melton—to the Committee on Military Affairs.

Also, paper to accompany House bill granting an increase of pension to Daniel W. Woodruff—to the Committee on Invalid Pensions.

By Mr. WOODS: Papers to accompany bill 16453 relating to the correction of the military record of Ernest Brockelman—to the Committee on Military Affairs.

Also, resolutions of the San Francisco Chamber of Commerce, favoring amendment of the navigation laws so as to require masters and chief mates of all vessels over 100 tons to be licensed—to the Committee on the Merchant Marine and Fisheries.

SENATE.

SATURDAY, *January 31, 1903.*

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CULLOM, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved. The Journal is approved.

PUGET SOUND AND LAKES WASHINGTON AND UNION CANAL.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in further response to a resolution of the 21st instant, a letter from the Chief of Engineers, United States Army, together with a report of the Board of Engineers, relative to the surveys, examinations, and investigations necessary to determine the feasibility and advisability of constructing a canal with necessary locks and dams connecting Puget Sound with Lakes Union and Washington, etc.; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

REPORT OF CAPITAL TRACTION COMPANY.

The PRESIDENT pro tempore laid before the Senate the annual report of the receipts and disbursements of the Capital Traction Company, together with a list of the stockholders for the year ended December 31, 1902; which, with the accompanying papers, was referred to the Committee on the District of Columbia, and ordered to be printed.

CREDENTIALS.

The PRESIDENT pro tempore presented the credentials of ORVILLE H. PLATT, chosen by the legislature of the State of Connecticut a Senator from that State for the term beginning March 4, 1903; which were read and ordered to be filed.

Mr. BURNHAM presented the credentials of JACOB H. GALLINGER, chosen by the legislature of the State of New Hampshire a Senator from that State for the term beginning March 4, 1903; which were read and ordered to be filed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. C. R. McKENNEY, its enrolling clerk, announced that the House had passed the following bills:

A bill (S. 111) for the relief of William J. Smith and D. M. Wisdom;

A bill (S. 679) directing the issue of a check in lieu of a lost check drawn by Capt. E. O. Fechét, disbursing officer United States Signal Service Corps, in favor of the Bishop Gutta Percha Company;

A bill (S. 903) for the relief of William D. Rutan;

A bill (S. 916) for the relief of Clara H. Fulford;

A bill (S. 1206) for the relief of Frank J. Burrows;

A bill (S. 1672) for the relief of Elisha A. Goodwin, executor of the estate of Alexander W. Goodwin;

A bill (S. 1928) for the relief of G. H. Sowder;

A bill (S. 3401) for the relief of H. Glafcke;

A bill (S. 3555) for the relief of William Dugdale;

A bill (S. 4308) for the relief of Katie A. Nolan;

A bill (S. 4832) for the relief of Col. H. B. Freeman;

A bill (S. 5079) for the relief of George P. White;

A bill (S. 5724) for the relief of Paymaster James E. Tolfree, United States Navy; and

A bill (S. 6034) raising the rank of Chief Engineer David Smith on the retired list of the Navy.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 3512) fixing the punishment for the larceny of horses, cattle, and other live stock in the Indian Territory, and for other purposes;

A bill (S. 6595) fixing the times and places for holding regular terms of the United States circuit and district courts in the western district of Virginia, and for other purposes; and

A bill (H. R. 13679) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented a petition of Local Union No. 94, American Federation of Labor, of Chicago, Ill., praying for the passage of the so-called eight-hour bill; which was ordered to lie on the table.

He also presented the petition of Fred Boehme and 80 other citizens of Romeoville, Ill., praying for the enactment of legislation to amend the internal-revenue law so as to reduce the tax on distilled spirits; which was referred to the Committee on Finance.

He also presented a memorial of the Chicago Federation of Labor, of Chicago, Ill., remonstrating against the repeal of the revenue-stamp tax on eighths kegs of beer; which was referred to the Committee on Finance.

He also presented a petition of Carpenters and Joiners' Local Union No. 416, American Federation of Labor, of Chicago, Ill., and a petition of Amalgamated Wood Workers' Local Union No. 17, American Federation of Labor, of Chicago, Ill., praying for the repeal of the desert-land law and the commutation clause of the homestead act; which were referred to the Committee on Public Lands.

Mr. KEAN presented a memorial of the Law and Order League of Cape May City, N. J., remonstrating against the repeal of the present anticanteen law; which was referred to the Committee on Military Affairs.

He also presented the petition of Rev. Walker Gwynne, of Summit, N. J., praying for the enactment of legislation to recognize and promote the efficiency of chaplains of the Army; which was referred to the Committee on Military Affairs.

He also presented a petition of Carpenters and Joiners' Local Union No. 330, American Federation of Labor, of Roselle Park, N. J., and a petition of Local Division No. 289, Amalgamated Association of Street Railway Employees, of Hoboken, N. J., praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented the memorial of Wendell P. Garrison, of Orange, N. J., and a memorial of the Humane Society of Chicago, Ill., remonstrating against the enactment of legislation relative to the interstate transportation of live stock; which were referred to the Committee on Interstate Commerce.

Mr. FOSTER of Washington presented a petition of the Washington Mill Company, of Spokane, Wash., praying for the enactment of legislation to recognize and promote the efficiency of

Army chaplains; which was referred to the Committee on Military Affairs.

He also presented a petition of Local Union No. 102, International Association of Machinists, of Tacoma, Wash., and a petition of Icemen's Union No. 9561, American Federation of Labor, of Seattle, Wash., praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. WELLINGTON presented a petition of the Woman's Christian Temperance Union, of Baltimore, Md., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of the Woman's Christian Temperance Union, of Baltimore, Md., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Government buildings; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Woman's Christian Temperance Union, of Baltimore, Md., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in immigrant stations; which was ordered to lie on the table.

Mr. FAIRBANKS presented a petition of the Indiana Warehousemen's Association, of Indianapolis, Ind., praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the Humane Society of Elkhart, Ind., remonstrating against the enactment of legislation relative to the interstate transportation of live stock; which was referred to the Committee on Interstate Commerce.

He also presented a petition of Local Union No. 141, American Federation of Labor, of Cayuga, Ind., and a petition of Local Union No. 932, American Federation of Labor, of Peru, Ind., praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented a petition of the State board of health of Indianapolis, Ind., praying for the passage of the so-called pure-food bill; which was ordered to lie on the table.

He also presented memorials of the C. H. Campbell Furniture Company, of Shelbyville; of the Charles Hegerald Company, of New Albany; of the Lumbermen's Club, of Indianapolis; of the Indianapolis Brewing Company, of Indianapolis; of Parker & Johnston, of Logansport; of the Keyless Lock Company, of Indianapolis; of the Penn-American Plate Glass Company, of Alexandria, and of the Eagle Cotton Mills Company, of Madison, all in the State of Indiana, remonstrating against the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. HOAR presented the petition of John Fraser, of Philadelphia, Pa., praying that he be paid a balance due him for work done on the Chamberlain Hotel, at Old Point Comfort, Va.; which was referred to the Committee on Claims.

Mr. DEPEW presented petitions of Local Union No. 108, of Dunkirk; of the Atlantic Coast Seamen's Union, of New York; of Local Union No. 61, of Troy; of Local Union No. 504, of Flushing; of Bricklayers and Plasterers' Local Union No. 10, of Troy; of the Journeymen Stonecutters' Association, of New York; of Typographical Union No. 205, of Jamestown; of Carpenters and Joiners' Local Union No. 310, of Norwich; of Carpenters and Joiners' Local Union No. 18, of Troy; of Local Union No. 10295, of Port Jervis; of Local Union No. 10482, of Gloversville; of Carpenters and Joiners' Local Union No. 369, of North Tonawanda; of the Central Trades and Labor Assembly of Elmira; of Carpenters and Joiners' Local Union No. 15, of Syracuse; of Local Union No. 30, of New York; of Local Union No. 2, of New York; of Local Union No. 238, of Jamestown; of Journeymen Tailors' Local Union No. 14, of Troy; of the Lake Seamen's Union of North Tonawanda; of Electrical Workers' Local Union No. 28, of Auburn; of Local Union No. 220, of Rochester; of the Wood Carvers' Association of Rochester; of Typographical Union No. 268, of Gloversville; of Local Union No. 231, of Olean; of Loom Fixers' Local Union No. 270, of Jamestown; of Livery Employees' Local Union No. 7026, of Troy, and of Local Union No. 9096, of Jamestown, all of the American Federation of Labor, in the State of New York, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented a memorial of the Sorosis Society, of Chickasha, Ind. T., remonstrating against the passage of the so-called omnibus statehood bill; which was ordered to lie on the table.

He also presented petitions of the Immigration Restriction League of New York; of the Woman's Christian Temperance Union of Phoenix; of J. B. Murray, of New York; of the Woman's Republican Club of New York; of the Chamber of Commerce of Albany; of Fred Clark, of Seneca Falls; of Rev. A. A. Rathbun and sundry other citizens of Syracuse; of Jennie S. Taylor, of New York; of Reese F. Alsop, of New York; of David G. Wylie, of New York; of William M. Sagar, of Brooklyn; of the Reed Portable Oven Company, of Buffalo; of the University Settlement Society, of New York; of J. B. N. Currey, of New York; of the congregation of the Methodist Episcopal Church of Webster; of Silas F. Smith & Son, of Syracuse; of Red, White, and Blue Council, No. 7, Junior Order of United American Mechanics, of Long Island City; of America Council, No. 67, Junior Order of United American Mechanics, of Brooklyn; of Northern Star Council, No. 11, Junior Order of United American Mechanics, of Brooklyn; of the Woman's Republican Club of New York; of Edward T. Devine, of New York; of William H. Peters, of Saugerties; of the Young People's Society of Christian Endeavor of the Free Baptist Church, of Poland; of the Woman's Christian Temperance Union of Flushing; of Stephen Babcock, of New York; of John McCausland, of Kingston; of James B. Reynolds, of New York; of R. C. Ringwalt, of New York, all in the State of New York, and of the Immigration Restriction League, of Boston, Mass., praying for the enactment of legislation to restrict immigration; which were ordered to lie on the table.

Mr. MASON presented a memorial of sundry citizens of West Chicago, Ill., remonstrating against the repeal of the present anticanteen law; which was referred to the Committee on Military Affairs.

He also presented a memorial of the Board of Trade of Chicago, Ill., remonstrating against the merging of the Interstate Commerce Commission with the proposed department of commerce and labor; which was ordered to lie on the table.

Mr. SCOTT presented a petition of the Woman's Christian Temperance Union of Burnsville, W. Va., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Government buildings; which was referred to the Committee on Public Buildings and Grounds.

Mr. QUARLES. I present a joint resolution of the legislature of Wisconsin, in favor of the enactment of legislation to enlarge the powers of the Interstate Commerce Commission. I ask that the joint resolution be printed in the RECORD and referred to the Committee on Interstate Commerce.

There being no objection, the joint resolution was referred to the Committee on Interstate Commerce, and ordered to be printed in the RECORD, as follows:

State of Wisconsin, legislature of 1903, No. 8, S. Joint resolution No. 1, relating to Interstate Commerce Commission.

Whereas continuous effort has been made during the past four sessions of the Congress of the United States to secure legislation giving greater effectiveness to the interstate-commerce act, by investing the Commission created by that act with larger authority with respect to the rates established by common carriers for the transportation of persons or property: Therefore, be it

Resolved by the senate, the assembly concurring, That it is the opinion of this legislature that appropriate and effective legislation to accomplish this purpose be enacted at the earliest possible date.

Resolved, That a copy of the foregoing preamble and resolution be immediately transmitted by the secretary of state to the President of the Senate and to the Speaker of the House of Representatives and each of the Senators and Representatives from this State.

J. O. DAVIDSON,
President of the Senate.
THEO. W. GOLDEN,
Chief Clerk of the Senate.
I. L. LEMOOT,
Speaker of the Assembly.
C. O. MARSH,
Chief Clerk of the Assembly.

Mr. FRYE presented a petition of the Sorosis Club, of the Indian Territory, praying that the Territory be joined to Oklahoma and admitted into the Union as one State; which was ordered to lie on the table.

He also presented the memorial of John Farr and sundry other citizens of New York City, remonstrating against any reduction being made in the tariff on sugar in the proposed treaty with Cuba; which was ordered to lie on the table.

COMMERCE IN THE PHILIPPINES.

Mr. LODGE. I present a letter from the Secretary of War, transmitting a tabular statement of Philippine commerce since the date of American occupation. I move that the letter, together with the statement, be printed as a document, and referred to the Committee on the Philippines.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 7207) granting an increase of pension to May Mosher Chase;

A bill (H. R. 14687) granting a pension to Margaret Brennan;

A bill (H. R. 14963) granting an increase of pension to Herman Tuerck;

A bill (H. R. 3578) granting an increase of pension to Erastus E. Edmunds:

A bill (H. R. 13534) granting an increase of pension to James Evans: and

A bill (H. R. 15840) granting an increase of pension to Rudolph B. Weyeneth.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 6941) granting a pension to James Monty, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (H. R. 15659) granting a pension to Elise Sigel;

A bill (H. R. 16161) granting an increase of pension to Francis A. Tradewell; and

A bill (S. 4287) granting an increase of pension to David N. Tolles.

Mr. BURNHAM, from the Select Committee on Industrial Expositions, to whom was referred the amendment submitted by himself on the 14th instant proposing to appropriate $40,000 to enable the inhabitants of the district of Alaska to provide and maintain an exhibit of the products and resources of that district at the Louisiana Purchase Exposition in the city of St. Louis, Mo., intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

STATEHOOD AMENDMENTS.

Mr. QUAY. I am directed by the Committee on Organization, Conduct, and Expenditures of the Executive Departments, to whom was referred the amendment submitted by me on the 28th instant, proposing statehood to the Territories of Oklahoma, Arizona, and New Mexico, intended to be proposed to the Agricultural appropriation bill, to report it with an amendment. I ask that it be referred to the Committee on Agriculture and Forestry, and printed.

The PRESIDENT pro tempore. The proposed amendment will be printed and referred to the Committee on Agriculture and Forestry.

Mr. BEVERIDGE. Mr. President, before the reference is made, I ask that the amendment may lie over for a day under section 2 of Rule XXVI.

The PRESIDENT pro tempore. The Chair does not think that the rule applies to simply an amendment reported.

Mr. BEVERIDGE. I call the attention of the Chair to the second clause of Rule XXVI:

All reports of committees and motions to discharge a committee from the consideration of the subject, and all subjects from which a committee shall be discharged, shall lie over one day for consideration, unless by unanimous consent the Senate shall otherwise direct.

The PRESIDENT pro tempore. The Chair is inclined to think that this——

Mr. BLACKBURN. Mr. President, I do not think the amendment comes under the provision of the rule.

Mr. BEVERIDGE. "All reports of committees."

Mr. BLACKBURN. Well, let the rule be read.

Mr. BEVERIDGE (reading):

All reports of committees and motions to discharge a committee from the consideration of the subject, and all subjects from which a committee shall be discharged, shall lie over one day for consideration, unless by unanimous consent the Senate shall otherwise direct.

Mr. BLACKBURN. I am quite sure that if the view shall be taken that an amendment reported from a committee, to be offered to an appropriation bill, is to lie over upon objection, without a direct reference to the committee that has charge of that general appropriation bill, it is the establishment of a new precedent in the experience of the Senate. I know of no instance in which such a proposed amendment to a general appropriation bill has ever failed to be referred directly to the committee having charge of that appropriation bill.

The PRESIDENT pro tempore. The Chair knows of no such instance, but is inclined to think that the rule is broad enough to apply to it if objection is made. The Chair never knew the objection to be made.

Mr. LODGE. It seems to me that the rule is very broad. It says "all subjects" with which a committee is charged. Now, this is a subject with which a committee is charged, and it seems to me that if the objection is made it falls within the rule.

The PRESIDENT pro tempore. The Chair will so hold.

Mr. BEVERIDGE. It says "all reports of committees."

Mr. QUAY. What is the ruling?

The PRESIDENT pro tempore. The ruling is that the amendment lies over for one day.

Mr. QUAY. That is, that every report of this character must go over for one day unless by unanimous consent the Senate shall otherwise order?

The PRESIDENT pro tempore. The Chair so holds.

Mr. QUAY. It is a matter of no consequence. I merely wished to know the ruling.

The PRESIDENT pro tempore. The Chair so holds.

Mr. HOAR. Let the rule to which attention was called, the second clause of Rule XXVI, be read.

The PRESIDENT pro tempore. The Senator from Massachusetts asks for the reading of the clause of the rule relating to this subject. It will be read.

The Secretary read from the Senate Manual, page 25, Rule XXVI, clause 2, as follows:

All reports of committees and motions to discharge a committee from the consideration of the subject, and all subjects from which a committee shall be discharged, shall lie over one day for consideration, unless by unanimous consent the Senate shall otherwise direct.

Mr. QUAY. I am also directed by the Committee on Organization, Conduct, and Expenditures of the Executive Departments, to whom was referred the amendment submitted by me on the 28th instant proposing statehood to the Territories of Oklahoma, Arizona, and New Mexico, intended to be proposed to the sundry civil appropriation bill, to report it with an amendment. I ask that it be referred to the Committee on Appropriations, and printed.

Mr. BEVERIDGE. I did not hear what the report is.

Mr. QUAY. It is the same report except it goes to the Committee on Appropriations.

Mr. BEVERIDGE. I make the same request.

The PRESIDENT pro tempore. The Senator from Pennsylvania reports favorably from the Committee on the Organization, Conduct, and Expenditures of the Executive Departments——

Mr. BEVERIDGE. Let it lie over a day.

The PRESIDENT pro tempore. A certain amendment favorably, and asks its reference to the Committee on Appropriations. Is there objection?

Mr. BEVERIDGE. Let it go over, Mr. President.

The PRESIDENT pro tempore. The Senator from Indiana objects to the present reference, and the amendment goes over under the rule.

INVESTIGATION BY COMMITTEE ON INDIAN AFFAIRS.

Mr. STEWART, from the Committee on Indian Affairs, reported the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Indian Affairs, or any subcommittee thereof appointed by its chairman, is hereby authorized to investigate the claim of the Ogden Land Company to the lands of the Seneca Nation of Indians in the State of New York, and the proposed allotment of said lands in severalty to said Indians. Also to investigate and report upon such other matters affecting the Indians or the Indian service as the committee shall consider expedient. Said committee shall have power to send for persons and papers, examine witnesses under oath, employ a stenographer and interpreter, and sit during the session or the recess of the Senate at such times and places as the committee may determine; and the actual and necessary expenses of said investigations to be paid out of the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

BILLS INTRODUCED.

Mr. HANSBROUGH introduced a bill (S. 7209) for the relief of Michael Conlan; which was read twice by its title, and referred to the Committee on Claims.

Mr. GALLINGER introduced a bill (S. 7210) to regulate interstate traffic in adulterated, misbranded, and imitation foods and drugs, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 7211) to provide for the inspection of the records of the health office of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. MORGAN introduced a bill (S. 7212) to amend an act to add certain counties in Alabama to the northern district therein, and to divide the said northern district, after the addition of said counties, into two divisions, and to prescribe the time and places for holding courts therein, and for other purposes, approved May 2, 1884; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the Judiciary.

Mr. QUAY for (Mr. PENROSE) introduced a bill (S. 7213) granting a pension to Adeline C. Roberts; which was read twice by its title, and, with the accompany paper, referred to the Committee on Pensions.

Mr. MASON introduced a bill (S. 7214) granting land warrants to soldiers and sailors of the Spanish-American war; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. FORAKER introduced a bill (S. 7215) to provide that the Washington, Potomac and Chesapeake Railroad Company may extend its tracks in the District of Columbia; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

He also introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7216) granting an increase of pension to John Weaver; and

A bill (S. 7217) granting a pension to Fidelia Sellers.

Mr. WELLINGTON introduced a bill (S. 7218) granting an increase of pension to Selah V. Reeve; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 7219) granting an increase of pension to Ira G. Phillips; which was read twice by its title, and referred to the Committee on Pensions.

He also (by request) introduced a joint resolution (S. R. 161) proposing an amendment to the Constitution to limit fortunes; which was read twice by its title, and referred to the Committee on the Judiciary.

AMENDMENT TO DISTRICT APPROPRIATION BILL.

Mr. GALLINGER submitted an amendment proposing to appropriate $2,500 for grading and macadamizing Woodley road, between Wisconsin avenue and Idaho avenue, and $10,000 for grading and improving Wisconsin avenue, between Thirty-seventh street and Massachusetts avenue, in the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

COMMITTEE ON PUBLIC LANDS.

Mr. HANSBROUGH submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Public Lands be, and it is hereby, authorized to employ an assistant clerk at an annual salary of $1,200, to be paid from the contingent fund of the Senate until otherwise provided for by law.

CALENDAR OF RESOLUTIONS.

Mr. HOAR. I submit a resolution for which I ask present consideration.

The resolution was read, as follows:

Ordered, That in making up the Calendar of Business, resolutions coming over from a previous day entitled under the rules to be laid before the Senate as a part of the morning business shall be included in the order in which they are so entitled.

Mr. HOAR. Mr. President, it will be a great convenience, I think, to all Senators to know from the Calendar when a resolution which comes over from a previous day is expected to come up.

I will modify the resolution, and instead of saying "as a part of the morning business," I will say "at the close of the morning business." That is the phrase which the Chair commonly uses.

The PRESIDENT pro tempore. The resolution will be so modified. The Chair desires to ask the Senator from Massachusetts if the resolution does not involve a change in the rules or a new rule, which would require one day's notice before receiving consideration?

Mr. HOAR. I do not understand that a direction to the officer who makes up the Calendar is a rule. I think such directions have been given frequently by an ordinary resolution of the Senate. I suppose a rule is an order for the conduct of the business of the Senate, and not merely a direction that something shall be printed for its information.

The PRESIDENT pro tempore. The Chair accepts the judgment of the Senator from Massachusetts. Is there objection to the present consideration of the resolution?

The resolution was considered by unanimous consent, and agreed to.

STEAMERS W. L. EWING AND LOUISVILLE.

Mr. FORAKER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate, That the Secretary of the Treasury be, and he is hereby, directed to transmit to the Senate a statement of claims allowed by the accounting officers of the Treasury in settlements 5201, of 1885, and 5303, of 1885, named in House Executive Document No. 153, Forty-eighth Congress, second session, said claims having been made by certain marine-insurance companies of Cincinnati, Ohio, and St. Louis, Mo., being for insurance paid by them to the owners of the steamers W. L. Ewing and Louisville, said vessels having been destroyed while in the employ of the United States Government, and the amount of insurance paid by said companies, respectively, having been deducted from the value of the vessels as determined and paid by the United States to the owners thereof, and the amount of said insurance being still retained in the possession of the United States.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had, on the 30th instant, approved and signed the following acts:

An act (S. 2296) to amend an act approved March 2, 1895, relative to public printing; and

An act (S. 6333) to divest out of the United States all its right, title, and interest of, in, and to certain real estate situated at and near the city of Montgomery, State of Alabama, and to vest the same in the Southern Cotton Oil Company, Bessie R. Maultsby, James S. Pinckard, trustee, M. V. B. Chase, and Edwin Ferris.

The message also announced that the President of the United States had on this day approved and signed the following acts:

An act (S. 3243) to redeem certain outstanding certificates of the board of audit, the board of public works, and the Commissioners of the District of Columbia; and

An act (S. 4221) authorizing the Commissioners of the District of Columbia to extinguish a portion of an alley in square 189.

COURTS-MARTIAL IN THE PHILIPPINES.

Mr. CULLOM. Mr. President, it is desirable that we should have an executive session to-day, and as after 2 o'clock other business will intervene——

The PRESIDENT pro tempore. Will the Senator from Illinois suspend for one moment? Perhaps it may be desired to have a resolution coming over from a previous day retain its place, or something of that kind.

Mr. CULLOM. Very well.

The PRESIDENT pro tempore. If the Senator from Illinois will withdraw his motion for one moment——

Mr. CULLOM. I will.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be stated.

The SECRETARY. Senate resolution 348, by Mr. RAWLINS, calling on the Secretary of War to inform the Senate what courts-martial have been ordered and held in the Philippine Islands.

Mr. BERRY. Mr. President, I had intended this morning to make a few remarks on the resolution, but I do not wish to interfere with the Senator from Illinois, and if it can retain its place on the table where it now stands, I will ask that that course be taken.

The PRESIDENT pro tempore. The Senator from Arkansas asks unanimous consent that the resolution may retain its place on the table. Is there objection? The Chair hears none.

CONFEDERATE MOUND, OAK WOODS CEMETERY, CHICAGO.

Mr. ALGER. I ask unanimous consent for the present consideration of House bill 9360.

The PRESIDENT pro tempore. Does the Senator from Illinois yield to the Senator from Michigan?

Mr. CULLOM. I yield to the Senator.

Mr. ALGER. I ask unanimous consent for the present consideration of the bill (H. R. 9360) for the improvement and care of Confederate Mound in Oak Woods Cemetery, Chicago, Ill., and making an appropriation therefor.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the Secretary of War to enter into a contract with the Oak Woods Cemetery Association for the improvement and ornamentation of the plat of ground owned by the United States and known as "Confederate Mound," located in Oak Woods Cemetery, Chicago, Ill., in which are buried 12 Union and 4,039 Confederate soldiers, who died at Camp Douglas during the war of the rebellion, so as to bring the condition of the plat of ground up to the standard of the improvements in the cemetery surrounding it. To defray the expenses of the improvement provided for in section 1 of the act $3,850 is appropriated.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. CULLOM. I desire to state——

Mr. MCCOMAS. I ask the Senator to let me put a question to him before he makes his motion. I apprehend the Senator from Illinois does not mean by an executive session to interfere with the special order at 2 o'clock.

Mr. CULLOM. I was about to state, without the interrogatory being put to me, that the only purpose I have will be disposed of in a very few minutes. So far as I am concerned, I desire an executive session for a very few minutes for a special purpose. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened.

WEDEN O'NEAL.

Mr. DEBOE. I ask unanimous consent for the present consideration of the bill (H. R. 12316) granting an increase of pension to Weden O'Neal.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place on the pension roll the name of Weden O'Neal, late colonel Fifty-fifth Regiment Kentucky Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FISH-CULTURAL STATION IN INDIANA.

Mr. BEVERIDGE. I ask unanimous consent for the present consideration of the bill (S. 6147) to establish a fish-hatching and fish station in the State of Indiana.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to appropriate $25,000 for the establishment of a fish-cultural station in the State of Indiana, including purchase of

site, construction of buildings and ponds, and equipment, at some suitable point to be selected by the United States Commissioner of Fish and Fisheries.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OVERTIME CLAIMS OF LETTER CARRIERS.

Mr. WARREN. I ask unanimous consent to call up the bill (S. 2429) to provide for the payment of overtime claims of letter carriers excluded from judgment as barred by limitation.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Claims with an amendment, on page 1, line 11, after the words "two hundred and eighty-two thousand," to strike out "eight hundred and forty-four dollars and ninety-six," and insert "nine hundred and forty-three dollars and eighty-eight;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the several parties named in Senate Document No. 216, Fifty-sixth Congress, first session, and Senate Document No. 158, Fifty-sixth Congress, second session, or their legal representatives, out of any moneys in the Treasury not otherwise appropriated, the amounts set opposite each of their names, respectively, aggregating $282,943.88, representing services actually performed by them as letter carriers in excess of eight hours per day and reported by commissioners of the Court of Claims as being the amounts due them under the provisions of the act of May 24, 1888, entitled "An act to limit the hours that letter carriers in cities shall be employed per day," but which have been excluded or excepted from judgment for the sole reason that the same were barred by the statute of limitations.

Mr. PLATT of Connecticut. By what committee has this bill been reported?

The PRESIDENT pro tempore. By the Committee on Claims.

Mr. WARREN. I will say, Mr. President, that a bill similar in terms to this has been recommended by Postmasters-General W. S. Bissell and Charles Emory Smith, also by Attorney-General John W. Griggs. This bill is for the payment of the amount found due by commissioners of the Court of Claims.

The Postmaster-General, in the earlier stages of the controversy, assured the letter carriers that it was not necessary to go to the Court of Claims, but that they would be taken care of by the Department. Congress, however, did not make the necessary appropriation, and the statute of limitations intervened. This bill is to correct that difficulty and to pay the amount found due by the commissioners of the Court of Claims.

The report accompanying the bill is very full, and the case a complete and deserving one.

The PRESIDENT pro tempore. The question is on the amendment reported by the Committee on Claims, which has been read.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REMOVAL OF PERSONS ACCUSED OF CRIME.

Mr. LODGE. I ask unanimous consent for the present consideration of the bill (S. 7124) to provide for the removal of persons accused of crime to and from the Philippine Islands, Guam, Tutuila, and Manua for trial.

The PRESIDENT pro tempore. The bill will be read for information, subject to objection.

The Secretary read the bill, as follows:

Be it enacted, etc., That the provisions of section 1014 of the Revised Statutes, so far as applicable, shall apply throughout the United States for the arrest and removal therefrom to the Philippine Islands, Guam, Tutuila, or Manua of any fugitive from justice charged with the commission of any crime or offense against the United States within the Philippine Islands, Guam, Tutuila, or Manua, and shall apply within the Philippine Islands, Guam, Tutuila, or Manua for the arrest and removal therefrom to the United States of any fugitive from justice charged with the commission of any crime or offense against the United States. Such fugitive may, by any judge or magistrate of the Philippine Islands, Guam, Tutuila, or Manua, and agreeably to the usual mode of process against offenders therein, be arrested and imprisoned, or bailed, as the case may be, pending the issuance of a warrant for his removal to the United States, which warrant it shall be the duty of a judge of the court of first instance seasonably to issue, and of the officer or agent of the United States designated for the purpose to execute. Such officer or agent, when engaged in executing such warrant without the Philippine Islands, Guam, Tutuila, or Manua, shall have all the powers of a marshal of the United States so far as such powers are requisite for the prisoner's safe-keeping and the execution of the warrant.

SEC. 2. That the provisions of sections 5278 and 5279 of the Revised Statutes, so far as applicable, shall apply to the Philippine Islands, Guam, Tutuila, or Manua, which, for the purposes of said sections, shall be deemed a Territory within the meaning thereof.

Mr. LODGE. I move to amend——

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Unanimous consent has not yet been given for the consideration of the bill. Is there objection to its present consideration?

Mr. HOAR. I should like to reserve the right to object.

Mr. LODGE. If the bill is going to give rise to debate, I will withdraw it; but I should like to be allowed to make a single statement.

Mr. TILLMAN. I was merely going to ask a question for information.

Mr. LODGE. I think if the Senator will allow me to make a brief statement it will probably meet any objection he may have to the bill.

Mr. TILLMAN. Very well.

Mr. LODGE. There is now no means of getting an offender against the laws of the United States from the Philippines, Guam, Tutuila, or Manua. This bill provides means for getting offenders against the laws of the United States or against the laws of any State or Territory who take refuge in those islands in the same way as offenders against their laws can be extradited from this country to those islands. As it is now those islands are simply a refuge for fugitives from justice. Of course we can have no extradition treaties with them, and we have no law extending to them enabling us to get a fugitive from justice, as we have a law enabling us to get a fugitive from justice in a State or Territory in the Union.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. HOAR. I should like to ask my colleague a question, and I should like to reserve the right to object to the bill, if I may, until I can have an opportunity to ask the question.

The PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. HOAR. What I want to know is, what is the government, what are the courts, and what are the trials in Guam, in these other islands, and in the Philippine Islands?

I will say to my colleague, before he answers the question, that I understand there is practically no government whatever in Guam—I understand from the message of the President that that is the case—except that the Secretary of the Navy has arbitrary power there under the war power as the representative of the Chief Executive, and that under Executive direction the Secretary of the Navy has instituted a government there.

I inquire whether it would not practically answer my colleague's purpose to confine this legislation to the Philippine Islands alone, rather than to go into the matter of whether the United States citizens have proper security against being sent out there from their homes on the mere requisition of a naval lieutenant.

I wish to say that we made a very careful provision regarding this matter in respect to Cuba, and there can be no objection that I can see to extending the same provision to the Philippine Islands, but under the provisions of the bill as it now stands I should not like to incur the risk of having myself or my colleague liable legally to be seized in our houses and taken out to Guam on the requisition of a naval lieutenant, and that is what this bill as it now stands would permit, I am afraid.

Mr. LODGE. I do not think we could be taken out on the requisition of a lieutenant, because there are regularly established courts in those islands.

Mr. HOAR. What are they?

Mr. LODGE. They were established under an order of the Department. They are regularly organized courts with a chief justice, an attorney-general, and regular law officers who are now serving under the Government of the United States, having been appointed under the authority of the Navy Department, that being the only way in which they could be appointed.

My interest of course is greater in the Philippines than in these other islands, but I think it would be very unfortunate to make the other islands places where fugitives from justice would be likely to seek refuge; and I should think it desirable that there should be some way of getting back for trial any American citizens who happened to be in those islands and who committed crimes there.

Mr. HOAR. Mr. President, we have always guarded with great care the deportation of American citizens from one State to another, and the executive authorities of all the States have exercised a certain discretion which has sometimes seemed to be perhaps opposed to the letter of the law. I think there was some such case in the State of Indiana, where the governor refused to recognize a request for extradition from Kentucky.

The two Houses had this matter in regard to Cuba under consideration and they required that before American citizens should be taken to Cuba, which was in possession of the United States authorities, there should be security that the person accused should have a trial where the customary constitutional safeguards were substantially preserved.

In the island of Guam I understand there are nine or ten thousand natives, or thereabouts, and the judicial authority in existence there, as I understand from the statement of my colleague, is one appointed by the Secretary of the Navy. Of course the Secretary of the Navy would be responsible for the proper administration of the law there, and if any man in the world could be safely intrusted with such authority, the present Secretary of the

Navy is the man, as we all know, and, of course, the ultimate responsibility will rest with him.

I should like to have this bill go over, unless my colleague will consent to confine its operations to the Philippine Islands.

Mr. LODGE. I am perfectly willing, Mr. President, to strike out the words "Guam, Tutuila, or Manua," wherever they occur in the bill, if that will hasten action, but I think it would be a great pity to do so. I am, however, so anxious to get this bill through that I will consent to that amendment.

Mr. FORAKER. I rise to suggest to the Senator from Massachusetts that the Committee on Pacific Islands and Porto Rico have reported favorably two bills, one providing a civil government for Guam, and the other a civil government for Tutuila.

Mr. LODGE. I was aware of that.

Mr. HOAR. I suggest that the proper provision to cover the cases of these other islands be put in those bills.

Mr. LODGE. Very well.

Mr. FORAKER. I will do that if that will be agreeable.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. LODGE. I move to amend the bill by striking out the words "Guam, Tutuila, or Manua," wherever they occur, so as to confine it to the Philippine Islands.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the removal of persons accused of crime to and from the Philippine Islands."

PORT OF DELIVERY AT SALT LAKE CITY, UTAH.

Mr. KEARNS. I ask unanimous consent for the present consideration of the bill (S. 7168) to establish a port of delivery at Salt Lake City, Utah.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EFFICIENCY OF THE ARMY.

Mr. COCKRELL. I ask unanimous consent for the present consideration of the bill (H. R. 15449) to increase the efficiency of the Army. It will only take a few moments.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with amendments.

The first amendment was, on page 2, in section 3, line 22, after the word "officer," to strike out "except a general officer;" so as to make the section read:

SEC. 3. That the general staff corps shall consist of 1 chief of staff and 2 general officers, all to be detailed by the President from officers of the Army at large not below the grade of brigadier-general; 4 colonels, 6 lieutenant-colonels, and 12 majors, to be detailed from the corresponding grades in the Army at large, under such rules for selection as the President may prescribe; 20 captains, to be detailed from officers of the Army at large of the grades of captain or first lieutenant, who while so serving shall have the rank, pay, and allowances of captain mounted. All officers detailed in the general staff corps shall be detailed therein for periods of four years, unless sooner relieved. While serving in the general staff corps officers may be temporarily assigned to duty with any branch of the Army. Upon being relieved from duty in the general staff corps, officers shall return to the branch of the Army in which they hold permanent commission, and no officer shall be eligible to a further detail in the general staff corps until he shall have served two years with the branch of the Army in which commissioned, except in case of emergency in time of war.

The amendment was agreed to.

The next amendment was, on page 3, in section 4, line 4, after the word "President," to insert "or the Secretary of War;" so as to make the section read:

SEC. 4. That the chief of staff, under the direction of the President or the Secretary of War, shall have supervision of all troops of the line and of the Adjutant-General's, Inspector-General's, Judge-Advocate's, Quartermaster's, Subsistence, Medical, Pay, and Ordnance departments, the Corps of Engineers, and the Signal Corps, and shall perform such other military duties not otherwise assigned by law as may be assigned to him by the President. Duties now prescribed by statute for the Commanding General of the Army as a member of the Board of Ordnance and Fortification and of the Board of Commissioners of the Soldiers' Home shall be performed by the chief of staff or other officer designated by the President. Acts and parts of acts authorizing aids-de-camp and military secretaries shall not apply to general officers of the general staff corps.

The amendment was agreed to.

The next amendment was, at the end of the bill, to insert as a new section the following:

SEC. 5. That the Chief of Artillery shall hereafter serve as an additional member of the general staff and shall have the rank, pay, and allowances of a brigadier-general.

The amendment was agreed to.

Mr. COCKRELL. By instruction of the Committee on Military Affairs, I offer an amendment to come in at the end of section 5, which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. At the end of section 5 it is proposed to insert:

And the provisions of the foregoing sections of this act shall take effect August 15, 1903.

The amendment was agreed to.

Mr. FORAKER. By instruction of the Committee on Military Affairs, I offer an amendment, which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to add at the end of the bill the following:

SEC. 6. That any officer of the Army now on the active list below the grade of major-general who served with credit as an officer or an enlisted man in the regular or volunteer service during the civil war before April 9, 1865, shall, when retired, be retired by the President, by and with the advice and consent of the Senate, with the rank and pay of the next higher grade. This section shall apply to officers who have been retired on or since the 11th day of August, 1898, but shall not apply to any officer whose service on the active list does not exceed 35 years, and shall not apply to any officer who has been placed on the retired list by virtue of any act of Congress, nor to any officer who has already received an advance of grade at the time of retirement, or with a view to retirement.

Mr. HOAR. I ask the Senator from Ohio—I do not know but it is a mere caviling question—whether the amendment should not read:

Any officer who has been placed on the retired list by virtue of any special act of Congress, etc.

Mr. FORAKER. I agree to that modification of the amendment.

The PRESIDENT pro tempore. The Senator from Ohio modifies his amendment by inserting in line 13 thereof, before the words "act of Congress," the word "special." The question is on the amendment, as modified.

The amendment, as modified, was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. BERRY subsequently said: I desire to enter a motion to reconsider the vote by which the Senate passed a few moments ago the bill (H. R. 15449) "to increase the efficiency of the Army." I think it is the general staff bill. I wish to enter the motion to reconsider. I do not wish to take it up now.

Mr. BATE. I wish to make a motion in regard to the bill to which the Senator from Arkansas has entered a motion to reconsider. I think, inasmuch as the motion has been entered to reconsider the bill known as the staff bill, it had better be reprinted; and I move that it be reprinted and distributed to Senators.

The PRESIDENT pro tempore. The Senator from Tennessee asks unanimous consent that the Army bill which was passed a short time ago, and in relation to which the Senator from Arkansas has entered a motion to reconsider, be reprinted.

Mr. BATE. As it now is.

The PRESIDENT pro tempore. As it now is.

Mr. BATE. With the amendments.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the order is made.

HEIRS OF MARY AND FRANCIS OR JENNY CLARK.

Mr. HANSBROUGH. I ask unanimous consent for the present consideration of the bill (H. R. 8238) for the relief of the heirs of Mary Clark and Francis or Jenny Clark, deceased, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Interior to issue a patent in fee simple to the heirs of Mary Clark and Francis or Jenny Clark, deceased, late of Oklahoma Territory, for the northwest quarter of section 17 in township 13 north, of range 8 west, of the Indian meridian, in that Territory, and the northeast quarter of section 26 in township 11 north, of range 8 west, of the Indian meridian, the patent to issue in lieu of a patent issued to Francis or Jenny Clark May 20, 1892, for the first-described tract, and a patent issued to Mary Clark on the 6th of May, 1892, for the last-described tract; each of the patents being trust in their character and issued under the provisions of the act of Congress approved February 8, 1887, as amended by the act of March 3, 1891, the allottees being members of the Cheyenne or Arapahoe tribe of Indians; and the lands when so patented shall be subject to taxation under the laws of the Territory of Oklahoma.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FOREST LIEN LAND SELECTIONS IN MONTANA.

Mr. GIBSON. I ask unanimous consent for the present consideration of the bill (S. 6339) to confirm certain forest lien selections made under the act approved June 4, 1897. (30 Stats., 36.)

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that all bona fide selections under the act approved June 4, 1897 (30 Stats., 36), of lands in Montana which lie within the territory opened to entry under the provisions of the act approved May 1, 1888, chapter 213, 25 Statutes, 113 to 133, entitled "An act to ratify and confirm an agreement with the Gros Ventre, Piegan, Blood, Blackfeet, and River Crow Indians in Montana, and for other purposes," made prior to the decision of the Commissioner of the General Land Office dated October 20, 1902, in the case of George L. Ramsey, holding that such lands are subject to disposal only under the forms of entry provided by the act of May 1, 1888, shall be confirmed, no other valid objection to the acceptance of such selections appearing.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ARMY APPROPRIATION BILL.

Mr. PROCTOR. Mr. President, I gave notice the other day that at the earliest possible moment I should call up for consideration the Army appropriation bill. I now wish to say that I hope to call that bill up on Monday next immediately after the routine morning business

DAUGHTERS OF THE AMERICAN REVOLUTION.

Mr. SCOTT. I ask unanimous consent for the present consideration of the bill (S. 6515) to exempt from taxation certain property of the Daughters of the American Revolution in Washington, D. C. There will be no objection to it, I think.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that the property situated in square No. 173, in Washington City, D. C., occupied by the Daughters of the American Revolution, be exempted from all taxation so long as the same is so occupied and used, subject to the provisions of section 8 of the act approved March 3, 1877, providing for exemptions of church and school property, and acts amendatory thereof.

Ths bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHRISTIAN CHURCH OF HENDERSON, KY.

Mr. BLACKBURN. I ask unanimous consent for the present consideration of the bill (H. R. 288) for relief of the Christian Church of Henderson, Ky.

It appropriates $500 to the Christian Church of Henderson, Ky. This bill has passed the House; it has been favorably and unanimously reported by the Committee on Claims here through its chairman, and it is only four and a half lines long.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to the Christian Church of Henderson, Ky., $500 for rental of the church while occupied by United States troops during the war of the rebellion.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LIFE-SAVING STATION AT CAPE FLATTERY, WASHINGTON.

Mr. FOSTER of Washington. I ask unanimous consent to call up the bill (S. 261) providing for the establishment of a life-saving station in the vicinity of Cape Flattery, or Flattery Rocks, on the coast of Washington.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LIGHT-HOUSE DISTRICTS.

Mr. DUBOIS. I ask unanimous consent for the present consideration of the bill (S. 6847) to increase the number of light-house districts.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend the act approved July 26, 1886, so as to increase the number of light-house districts from 16 to 18.

Mr. ALDRICH. From what committee does the bill come?

The PRESIDENT pro tempore. From the Committee on Commerce.

Mr. DUBOIS. It was reported from the Committee on Commerce.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY A. SHUFELDT.

Mr. BURNHAM. I ask unanimous consent for the present consideration of the bill (S. 3309) for the relief of Mary A. Shufeldt.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment, in line 5, before the word "thousand," to strike out "twenty" and insert "ten;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $10,000 to Mary A. Shufeldt, for distinguished services rendered by her father, Rear-Admiral R. W. Shufeldt, United States Navy, in negotiating the treaty between the United States and Korea, and for services rendered and expenses incurred by her while acting as his secretary during the negotiations of the said treaty and other diplomatic duties performed by her father for the United States, for which she has never received compensation.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

STATEHOOD BILL.

Mr. QUAY. I rise to ask the unanimous consent of the Senate that at 2 o'clock on the 17th day of February a vote be taken on what is known as the omnibus statehood bill and pending amendments.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks unanimous consent that on the 17th day of February, at 2 o'clock, a vote be taken on the omnibus statehood bill, so called, and all pending amendments and amendments at that time offered, without further debate. Is there objection?

Mr. BEVERIDGE. I regret, Mr. President, that I can not accede to the request of the Senator from Pennsylvania.

The PRESIDENT pro tempore. Objection is made.

HEWLETTE A. HALL.

Mr. CLAY. I ask that the bill (S. 6056) to pay Hewlette A. Hall balance due for services in connection with the Paris Exposition be put upon its passage.

The PRESIDENT pro tempore. The Senator from Georgia asks unanimous consent for the present consideration of the bill indicated by him. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Hewlette A. Hall $1,583.35, being balance due of $2,000 promised him for services in connection with the Paris Exposition.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TENDER FOR TWELFTH LIGHT-HOUSE DISTRICT.

Mr. PERKINS. I ask unanimous consent for the present consideration of the bill (S. 6536) providing for the construction of a tender for the Twelfth light-house district.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of the Treasury, at a total cost not exceeding $125,000, to enter into a contract for the construction of a large, powerful, seagoing tender for the Twelfth light-house district.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LEANDER C. M'LELLAND.

Mr. DOLLIVER. I ask unanimous consent to call up the bill (H. R. 8650) for the relief of the estate of Leander C. McLelland, deceased.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to the estate of Leander C. McLelland, deceased, late of Cobb County, Ga., $5,500 for cotton taken by or furnished to the military forces of the United States for hospital purposes during the late war for the suppression of the rebellion.

Mr. PLATT of Connecticut. Is there a report with the bill? If there is, I should like to hear it.

The PRESIDENT pro tempore. The report will be read.

Mr. DUBOIS. I will state to the Senator from Connecticut that the bill has been carefully considered by the House; the amount cut down. It has unanimously passed through the committee and the House.

Mr. PLATT of Connecticut. What were the circumstances under which the cotton was taken?

Mr. DUBOIS. Either the Senator from Iowa or I can explain it.

Mr. PLATT of Connecticut. I should like to hear some explanation.

Mr. DOLLIVER. This is a claim for cotton taken by the Federal troops shortly after the battle of Kenesaw Mountain, from a loyal citizen, for use in the hospitals which were set up on the field after that battle. The bill has passed the House of Representatives repeatedly, and comes here now unanimously reported by the Committee on Claims. It is a very just bill, I think.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OHIO RIVER BRIDGES.

Mr. ELKINS. I ask unanimous consent for the present consideration of the bill (S. 6950) to amend an act entitled "An act

to authorize the construction of bridges across the Ohio River, and to prescribe the dimensions of the same," approved December 17, 1872, and an act supplementary thereto, approved February 14, 1883. It has been unanimously reported from the Committee on Commerce, with an amendment.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill indicated by the Senator from West Virginia?

Mr. QUAY. Mr. President, I will be very glad if the Senator from West Virginia will allow this bill to go over until Monday, when my colleague will be present. I think possibly at that time there will be no objection to the bill, but I am not certain. It covers the bridges on the Monongahela River in the vicinity of Pittsburg, as I understand.

Mr. ELKINS. Yes, sir; from Pittsburg up.

Mr. QUAY. I would not agree, as it involves Pennsylvania bridges, to permit it to pass at present. It was brought to my attention only this morning by the secretary of my colleague, who said my colleague was absent and desired that I should mention his wishes in the matter.

The PRESIDENT pro tempore. Objection is made, and the bill goes over.

Mr. QUAY. I do not object especially, except for the reason stated.

WILLIAM P. TAYLOR.

Mr. FORAKER. I ask unanimous consent for the present consideration of the bill (S. 4876) to remove the charge of desertion from the military record of William P. Taylor, deceased.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, in line 8, after the word "discharge," to insert "of date February 7, 1863;" so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from the military record of William P. Taylor, late of Company C, Thirty-ninth Regiment Kentucky Volunteer Infantry, and Company A, Fortieth Ohio Volunteer Infantry, and to grant him an honorable discharge of date February 7, 1863.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. SPOONER. I should like to ask the Senator from Missouri if the bill contains the usual provision of such bills in respect to allowances for pension, and all that?

Mr. COCKRELL. I do not know.

Mr. FORAKER. What is the inquiry?

Mr. SPOONER. Ordinarily it is provided in such bills that——

Mr. COCKRELL. No pay, bounty, or other allowance shall accrue.

Mr. SPOONER. That no pay, bounty, or other allowance shall accrue, or a pension.

Mr. COCKRELL. I ask that the bill be read again, so that I may see whether it contains the provision referred to by the Senator from Wisconsin.

Mr. FORAKER. No, it does not contain such a provision.

The Secretary again read the bill.

Mr. COCKRELL. Let the bill be amended by inserting the usual words:

Provided, That no pay, bounty, or other allowance shall accrue by reason of the passage of this act.

Mr. FORAKER. There is no objection to the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CORRECTION OF MILITARY RECORDS.

Mr. PLATT of Connecticut. Mr. President, I presume that the bill which has just passed is all right, but we have a great many of these bills correcting records and granting honorable discharges, and I wish to inquire of the Senator from Missouri whether it is not possible to make some amendment in our laws regulating and governing this matter, so as to relieve Congress from the necessity of considering these special cases. I suppose these special cases all come under some general principle, about which provision might be made. I do not know whether it is possible safely to change our laws so as to liberalize them in this respect, but surely, if there are so many cases in which relief ought to be granted by special acts, it seems to me there might be a bill brought in which would relieve the Military Committee and Congress from the necessity of considering these special cases. I should like the Senator's idea upon that point.

Mr. COCKRELL. I will say, in explanation, that we have passed a general law, and that general law is just as liberal as the Committee on Military Affairs for years back has deemed it prudent and wise to go. We have authorized the War Department to remove the charges in cases, for example, where a man leaves one company without leave, is marked a deserter, and goes and joins another. If he does that within four months, one hundred and twenty days, the War Department relieves him. But suppose he did not do it until four months and one day or two days. Then the War Department can not relieve him.

Then, again, the War Department is authorized to remove charges of desertion where the man was absent and sick, and unable to return and rejoin his command until it was mustered out. Then it is a question of the competency of the evidence offered to establish the fact of his disability.

We think we have gone just as far as we properly can in the way of general legislation. We have guarded all bills so that there is no opportunity to get arrears of pay or anything of the kind.

There have been a number of bills to extend the laws, but if you extend them much further you open a wider door than exists now.

OKLAHOMA CITY AND WESTERN RAILROAD.

Mr. COCKRELL. I ask unanimous consent to call up the bill (H. R. 9503) to authorize the Oklahoma and Western Railroad Company to construct and operate a railway through the Fort Sill Military Reservation, and for other purposes. It is a very short bill and quite an important one. It has the approval of the Secretary of War, and has passed the House. There are some amendments.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with amendments.

The amendments were, in section 2, page 2, line 15, after the words "*Provided further*," to strike out:

That the said right of way shall be parallel with and contiguous to the right of way granted to the Chicago, Rock Island and Pacific Railroad by the act of Congress approved January 31, 1900; that

And insert the word "That;" in line 20, after the word "Oklahoma," insert the word "City;" in line 23, after the word "Oklahoma," to insert the word "City;" on page 3, line 4, after the word "Oklahoma," to insert the word "City;" on page 3, line 6, after the word "Railroad," to strike out "and distant not more than half a mile from the flagstaff at Fort Sill;" in line 8, after the word "Oklahoma," to insert the word "City;" in line 9, after the word "and," to strike out "will construct and maintain a side track from their station to the quartermaster and commissary storehouses at Fort Sill; that the Oklahoma and Western Railroad Company;" in line 16, after the word "Oklahoma," to insert "City;" and in line 18, after the words "Secretary of War," to strike out:

And provided further, That this act shall not be considered to grant any title to the lands selected for such right of way, but that the right to take and use such lands for said purpose shall be revocable at will by the Secretary of War.

So as to read:

That no more space on the military reservation be given to the said Oklahoma City and Western Railroad Company than was given to the Chicago, Rock Island and Pacific Railroad under the terms of the act of January 31, 1900; that the Oklahoma City and Western Railroad Company will fence its right of way and lay and maintain sufficient fence equal to that built by the Chicago, Rock Island and Pacific Railroad and will provide and maintain suitable crossings opposite those already provided by the said Chicago, Rock Island and Pacific Railroad; that the said Oklahoma City and Western Railroad Company will build and maintain a suitable station house near the station of the Chicago, Rock Island and Pacific Railroad; that the Oklahoma City and Western Railroad Company will provide suitable and sufficient side track at their station and will construct and maintain sufficient stock pens and provide sufficient facilities for loading and unloading cattle and horses on the ground set apart for their station: *Provided further*, That the said Oklahoma City and Western Railroad Company shall comply with such other regulations or conditions as may from time to time be prescribed by the Secretary of War.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to authorize the Oklahoma City and Western Railroad Company to construct and operate a railway through the Fort Sill Military Reservation, and for other purposes."

WATER SUPPLY OF BATESVILLE, ARK.

Mr. BERRY. I ask unanimous consent for the present consideration of the bill (S. 6754) authorizing the city of Batesville, Ark., to draw water from the pool of Dam No. 1, Upper White River.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SALE OF PUBLIC LANDS.

Mr. GAMBLE. I ask unanimous consent for the present consideration of the bill (S. 6290) to extend the provisions of section

2455 of the Revised Statutes of the United States as amended by act of February 26, 1895, relating to public lands.

The Secretary read the bill, as follows:

Be it enacted, etc., That where any of the public lands of the United States are now open, or shall hereafter be opened to actual settlers only, under the provisions of the homestead law and under the law relating to town sites, and for that reason section 2455 of the Revised Statutes of the United States as amended by act of February 26, 1895, relating to the sale of isolated or disconnected tracts or parcels, is not applicable from and after the passage and approval of this act, a sale under the last-named section as so amended of any isolated or disconnected tracts or parcels may be ordered by the Commissioner of the General Land Office: *Provided, however*, That the minimum price for which such tracts or parcels shall be sold shall be the price required by the act under which the land so sold is subject to entry: *And provided further*, That where no price is provided in the act opening the said lands then the price for which said lands shall be sold shall be not less than $1.25 per acre.

Mr. DUBOIS. Is there a report accompanying the bill?

The PRESIDENT pro tempore. There is.

Mr. DUBOIS. I should like to hear the report read.

The PRESIDING OFFICER. The report will be read.

The Secretary read the report submitted by Mr. GAMBLE December 10, 1902, as follows:

The Committee on Public Lands, to whom was referred the bill (S. 6290) to extend the provisions of section 2455 of the Revised Statutes of the United States as amended by act of February 26, 1895, relating to public lands, having had the same under consideration, make the following report and recommend that the bill do pass:

The purpose of this bill is to extend the provisions of section 2455 of the Revised Statutes. The foregoing section as amended by the act of February 26, 1895, is as follows:

"SEC. 2455. It shall be lawful for the Commissioner of the General Land Office to order into market and sell for not less than $1.25 per acre any isolated or disconnected tract or parcel of the public domain less than one-quarter section, which in his judgment it would be proper to expose to sale after at least thirty days' notice by the land officers of the district in which such lands may be situated: *Provided*, That lands shall not become so isolated or disconnected until the same have been subject to homestead entry for a period of three years after the surrounding land has been entered, filed upon, or sold by the Government: *Provided*, That not more than 160 acres shall be sold to any one person."

The law as it exists is general in its provisions and has been in operation for many years. Where lands have been opened to settlement under special provisions it is held by the Interior Department the provisions of the foregoing section do not apply. In such cases there is no law authorizing the Commissioner of the General Land Office to sell or dispose of isolated tracts situated therein.

The ceded portion of the Great Sioux Reservation in South Dakota may serve as an example. This is disposed of under the provisions of section 1 of the act of March 2, 1889. (25 Stat. L., 888.) Under this act the disposal of the lands is restricted to actual settlers only under the provisions of the homestead law and under the law relating to town sites. It is held by the Department that lands the disposal of which is thus restricted can not be sold under the provisions of the foregoing section. (See case of W. D. Harrington, 29 L. D., 153, and case of Jos. L. White, 30 L. D., 536.)

There appears to the committee no valid reason why the provisions of the existing statute should not be extended and the law made applicable alike to all lands, notwithstanding the specific provision under which the same may have been opened.

The bill has the approval of the Interior Department, and the communications of the Secretary and of the Commissioner of the General Land Office are herewith submitted and made a part of this report.

DEPARTMENT OF THE INTERIOR,
Washington, December 1, 1902.

SIR: I have the honor to acknowledge the receipt, by reference from your committee for views thereon, of a copy of S. 6290, entitled "A bill to extend the provisions of section 2455 of the Revised Statutes of the United States as amended by act of February 26, 1895, relating to public lands."

In answer to the reference I inclose a copy of the favorable report on the bill by the Commissioner of the General Land Office, under date of July 8, 1902, in which I concur.

Very respectfully,

E. A. HITCHCOCK, *Secretary.*

The CHAIRMAN OF THE COMMITTEE ON PUBLIC LANDS,
Senate.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., July 8, 1902.

SIR: I have the honor to acknowledge the receipt, by your reference for early report, in duplicate, of a copy of Senate bill No. 6290, "To extend the provisions of section 2455 of the Revised Statutes of the United States as amended by act of February 26, 1895, relating to public lands."

Said bill provides:

"That where any of the public lands of the United States are now open, or shall hereafter be opened to actual settlers only, under the provisions of the homestead law and under the law relating to town sites, and for that reason section 2455 of the Revised Statutes of the United States as amended by act of February 26, 1895, relating to the sale of isolated or disconnected tracts or parcels, is not applicable from and after the passage and approval of this act, a sale under the last-named section as so amended of any isolated or disconnected tracts or parcels may be ordered by the Commissioner of the General Land Office: *Provided, however*, That the minimum price for which such tracts or parcels shall be sold shall be the price required by the act under which the land so sold is subject to entry: *And provided further*, That where no price is provided in the act opening the said lands, then the price for which said lands shall be sold shall be not less than $1.25 per acre."

I am of the opinion where lands have been or may hereafter be thrown open to entry under the homestead or town-site laws only, and any small or isolated tract or tracts thereof have remained undisposed of under the special acts for a period of three years after the surrounding lands have been entered, filed upon, or sold by the Government, that it is strong presumptive evidence that they are not suitable for the purposes intended and might, therefore, be properly disposed of under section 2455 Revised Statutes.

For the reason stated I recommend favorable action on the bill.

Copy of Senate bill 6290 and of this report herewith inclosed.

Very respectfully,

BINGER HERMANN, *Commissioner.*

The SECRETARY OF THE INTERIOR.

Mr. DUBOIS. Mr. President, without intending the slightest discourtesy to the Interior Department, they sometimes recommend measures that I think after full discussion the Senate would not agree to. This proposed legislation is not clear to me, and I would be very glad if the Senator from South Dakota [Mr. GAMBLE] would explain just what is intended by it. I do not, of course, want to object to the consideration of the bill if I can help it.

Mr. GAMBLE. Mr. President, the general law, as it exists, permits the sale by the Commissioner of the General Land Office of segregated tracts of public land after the surrounding land has been settled and occupied for a space of three years or upward. Small, isolated unoccupied tracts can then be advertised and sold, but to no one person can there be a sale made exceeding 160 acres. That is the general law as it exists. This proposed act——

Mr. DUBOIS. It is all public land to which the bill applies?

Mr. GAMBLE. It is all public land.

Mr. DUBOIS. It does not apply to any lands which under any laws have been segregated from the public domain?

Mr. GAMBLE. It is a general law, section 2455 of the Revised Statutes, to which I refer. Now, where reservations have been opened under special acts of Congress the Department of the Interior has held that the general law does not apply to those reservations. The object is simply to make the general law applicable to these reservations. That is the purport of the bill. It was drawn practically by the Department. The question came up in my own State by correspondence from there, as affecting the great Sioux Reservation. I looked into it. There are some small tracts there that had not been selected and occupied and applications were made for their purchase, but it was held by the Department that under existing law the Commissioner of the General Land Office could not offer the lands for sale.

Mr. PLATT of Connecticut. Why could he not?

Mr. GAMBLE. Because it was held and determined by the Department in the two cases referred to that the general law was not applicable where they were opened by special act of Congress. In certain cases there were no prices fixed, and this proposed law fixes the price.

Mr. DUBOIS. As I understand it, a reservation is opened and a stipulated price is fixed which shall be paid for the land. In the selection some lands are not taken up at all, and by the provisions under which they were reserved the Department holds that they can not dispose of these lands, because they come under the provisions made in opening the reservation.

Mr. GAMBLE. Yes, sir.

Mr. PLATT of Connecticut. But we have removed all those restrictions and opened the lands to homestead entry.

Mr. GAMBLE. Not all of them. This, as I said, simply carries the general law into effect upon all these locations. As a matter of fact, this only affects small tracts, because it is undesirable pieces that have not been taken. People want to buy them for grazing purposes. An application was made and the Department held that the Commissioner of the General Land Office had no authority to offer them for sale; and by the bill it is simply to be done under the jurisdiction and best judgment of the Interior Department. I think the proposed law is wise.

The PRESIDING OFFICER (Mr. PERKINS in the chair). Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INSTRUCTORS IN PUBLIC MARINE SCHOOLS.

Mr. LODGE. I ask for the present consideration of the bill (S. 7044) to authorize the President to detail officers of the Revenue-Cutter Service as superintendents or instructors in the public marine schools.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the President of the United States, when in his opinion the same may be done without detriment to the public service, to detail proper officers of the Revenue-Cutter Service as superintendents of or instructors in the public marine schools mentioned in the act of Congress approved June 20, 1874, entitled "An act to encourage the establishment of public marine schools."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CLAIMS OF CHIPPEWA INDIANS, ETC.

Mr. CLAPP. I ask ananimous consent for the present consideration of the bill (S. 3112) conferring jurisdiction on the Court of Claims to determine all claims of the Confederated Bands of Ute Indians of Colorado.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Indian Affairs with an amendment, to strike out all after the enacting clause and insert:

That jurisdiction, legal and equitable, be, and is hereby, conferred upon the Court of Claims to hear and determine the claims of the Chippewa Indians of Lake Superior and the Mississippi for certain sums of money claimed by said Indians to be due them under the several treaties dating from 1837 to 1855, which sums have been covered into the Treasury of the United States at various times since the year 1843, and that said action shall be entitled "The Chippewas of Lake Superior and the Mississippi against The United States," if brought jointly, and if brought separately shall be entitled "The Chippewas of Lake Superior against The United States," or "The Chippewas of the Mississippi against The United States," and may be instituted by said Indians in said court by a petition filed and verified, under oath, by any attorney authorized to represent said Chippewas of Lake Superior and by any attorney authorized to represent said Chippewas of the Mississippi, to which action or actions the United States shall be made defendants.

To hear and determine the claims of the Chippewa Indians of Lake Superior and the Mississippi for certain sums of money claimed by said Indians to be due them under the several treaties prior to 1863, in the difference in value between coin and the currency paid to said Indians during the years from 1863 to 1864, inclusive; and said action shall be entitled "The Chippewas of Lake Superior and the Mississippi against The United States," if brought jointly, and if brought separately shall be entitled "The Chippewas of Lake Superior against The United States," or "The Chippewas of the Mississippi against The United States;" and may be instituted by said Indians in said court by a petition filed and verified under oath by any attorney authorized to represent said Chippewas of Lake Superior and said Chippewas of the Mississippi, or either; to such action or actions the United States shall be made defendants.

And to hear and determine the claim of the Delaware Indians in the Cherokee Nation, arising under the following statement:

First. Whether the United States received the sum of $286,742.15, or any part thereof, from the sale of lands of the Delaware Indians under the treaties of 1860 and 1861 in gold coin.

Second. If so, was the United States under obligation to pay the said Indians in gold coin the interest and principal of the said sum of $286,742.15, or any part thereof?

Third. If so, did the United States pay the said Indians the principal and interest, or any part thereof, in anything but gold coin; and if so, what was the difference in value between the bonds or currency paid to said Indians and gold coin at the time the several payments were made to said Indians out of the fund aforesaid?

Fourth. If so, did said Indians make objection to payment in anything but gold coin, and did said Indians voluntarily waive their right to payment in gold coin without objecting to the receipt of bonds or currency?

Fifth. If no waiver was made by said Indians, is the United States still obligated to pay said Indians such difference in value between gold coin, principal and interest, or any part thereof, which the United States was under obligation to pay and the currency value of the money or bonds actually paid to said Indians?

And said action may be brought by said Delaware Indians (residing in the Cherokee Nation), and shall be entitled "The Delaware Indians against The United States," and shall be instituted by petition, duly verified by such member of said Delaware Indian tribe as is authorized to represent them, or by any of the counsel and attorneys employed by said Delaware Indians, or by their representative, to which action the United States shall be made defendants: *Provided*, That any sums that may be found due said Delaware Indians in the final adjudication of such suit shall, when appropriated, be paid to said Delaware tribe of Indians as said tribe in council shall direct, except so much as the court shall, upon the rendition of any judgment under the provisions of this act, allow for the payment of the proper fees, expenses, and compensation to the representatives of said Delawares and the counsel and attorneys of record, whose several interests therein shall be determined by the court.

And to hear and determine all claims and demands of the White River Utes, Southern Utes, Uncompahgre Utes, Tabeyuache, Muache, Capote, Weeminuche, Yampa, Grand River, and Uinta bands of Ute Indians, known also as the Confederated Bands of Ute Indians of Colorado, as defined in the treaty of March 2, 1868, and agreement ratified by Congress and said Indians of June 15, 1880, against the United States arising under treaties and agreements with the United States ratified by Congress, including the claims of said Indians to compensation for lands embraced within the metes and bounds of the reservations defined by such treaties and agreements which have been set apart for forest and timber reservations, or to the occupation of railroads or other public use, and all demands on the part of the United States and claims against said Indians growing out of treaty obligations and agreements ratified by Congress, except judgments of the Court of Claims for depredations committed by said Indians. In considering said case it is made the duty of the court to determine, first, the legality or illegality of the action of the Government in creating by Executive order any forest or timber reservations with the lands ceded by the act of July 15, 1880, and, second, whether or not the Government incurred any liability to said Indians by creating such forest or timber reservations, and if such liability was incurred, the extent thereof; that said action may be commenced by the Confederated Bands of Ute Indians by petition filed in said court by Josiah M. Vale, Courtland C. Clements, Kie Oldham, William C. Shelley, Adair Wilson, and William S. Peabody, the attorneys named in the contracts between said Indians and said attorneys on file in the office of the Commissioner of Indian Affairs, bearing date November 7, 1896, October 31, 1896, and July 1, 1897, who are authorized to represent said Indians in said action, the said petition to be verified under oath by either of said attorneys, to which action the United States shall be made defendants.

That the Attorney-General is hereby directed to appear and defend each of said actions provided for herein; that the petition in each case shall be filed in said court within one year from the date of the passage of this act, and the United States shall answer to each of said petitions within sixty days from the date of the filing of the same unless the time for pleading shall be enlarged by the court; that either party to each said actions may appeal to the Supreme Court of the United States, and such cases, both in the Court of Claims and in the Supreme Court, shall be preferred cases and advanced on the dockets of the courts above mentioned and shall be heard and determined as early as practicable. The judgment of said Court of Claims, or of the Supreme Court, if appeal is taken thereto, shall be final and conclusive as to the rights of all parties interested.

That at the time of rendering judgment in each case the Court of Claims shall, as part of its findings and as a part of such judgment, fix and enter of record proper allowances for expenses and compensation to representatives and fees to counsel and attorneys, which may be paid direct to the persons entitled thereto as soon as there is any money in the Treasury available for the payment of such judgment, the fees to attorneys and counsel not to exceed in each case 15 per cent of the amount of the judgment: *Provided*, That in cases appealed to the Supreme Court of the United States the Court of Claims may, in its discretion, increase the allowances for cost and fees therein.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill conferring jurisdiction upon the Court of Claims to hear and determine the claims of the Chippewa Indians of Lake Superior and the Mississippi, and to determine the claims of the White River or Confederated Bands of Ute Indians of Colorado and the Delaware Indians."

ORDER OF BUSINESS.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived——

Mr. McCOMAS. Mr. President——

Mr. SCOTT. I should like to have the bill (S. 2205) to correct the military record of Joseph T. Vincent considered. It will take only a moment. The man is waiting to get into a Soldiers' Home.

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from West Virginia?

Mr. McCOMAS. I would be very glad to yield at any other time, but the hour of 2 o'clock has arrived.

Mr. SCOTT. It will take only a minute, I will say to the Senator from Maryland.

Mr. McCOMAS. There would be others who would desire the same indulgence. I am sorry, Mr. President, that I am not able to yield.

The PRESIDING OFFICER. The Chair has no discretion but to present to the Senate the special order, the hour of 2 o'clock having arrived.

Mr. QUAY. Mr. President——

Mr. McCOMAS. I yield for a moment to the Senator from Pennsylvania.

Mr. QUAY. Mr. President, I desire to mention my understanding of the parliamentary situation. First, the special order in no way displaces the regular order, which is the unfinished business.

The PRESIDING OFFICER. The Chair understands that on the next legislative day at 2 o'clock the bill pending as the unfinished business will be taken up for consideration, unless by unanimous consent it is otherwise ordered by the Senate.

Mr. QUAY. And further, Mr. President, I understand that no legislative business or executive business is to be transacted today in the Senate after the expiration of the special order.

The PRESIDING OFFICER. That will be done by unanimous consent.

Mr. NELSON. I did not hear the last request.

Mr. QUAY. That no business be transacted after the exercises now pending are determined.

Mr. McCOMAS. I assure the Senator that at the termination of these exercises my colleague, the senior Senator from Maryland, will ask that the resolutions be adopted and move that the Senate adjourn.

Mr. WELLINGTON. That is the understanding.

ACCEPTANCE OF STATUES OF CHARLES CARROLL AND JOHN HANSON.

Mr. McCOMAS. Mr. President, I present the following concurrent resolution.

The PRESIDING OFFICER. The concurrent resolution will be read.

The Secretary read the concurrent resolution, as follows:

Resolved by the Senate (the House of Representatives concurring), That the thanks of Congress be presented to the State of Maryland for providing the bronze statues of Charles Carroll of Carrollton and John Hanson, citizens of Maryland, illustrious for their historic renown and distinguished civic services.

Resolved, That the statues be accepted and placed in the National Statuary Hall in the Capitol, and that a copy of these resolutions duly authenticated be transmitted to the governor of the State of Maryland.

Mr. McCOMAS. Mr. President, I ask unanimous consent that the gentlemen who constitute the Maryland statuary commission for the presentation of the statues of Charles Carroll of Carrollton and John Hanson be admitted to the floor, and I ask that the descendants of the distinguished men who are thus honored and the ladies and others of their party may have the privilege of occupying during these exercises the gallery reserved for the families of Senators.

The PRESIDING OFFICER. The Senator from Maryland asks unanimous consent that the commission of the State of Maryland who have under charge the statues be admitted to the floor of the Senate, and that the ladies and gentlemen accompanying them be admitted to the reserved gallery of the Senate. Is there objection to the request of the Senator from Maryland? The Chair hears none, and the request is granted.

Mr. McCOMAS. Mr. President, the State of Maryland has placed in the National Statuary Hall the bronze statues of Charles Carroll of Carrollton and John Hanson, and the purpose of the resolutions that I have just offered is that now they be presented to Congress for acceptance. The State statuary commission, who appreciate the courtesy of the Senate on this occasion, have well

performed their office, for the works of the artist are worthy of their subjects and of a place in yonder hall.

Maryland has nearly three centuries of history wherefrom to choose two citizens illustrious in her annals and worthy of this national commemoration. My State did not accord this high honor to the founder, George Calvert, nor to Cæcilius Calvert, the second Lord Baltimore, the father of the province; nor to the gallant leaders of the Maryland Line, to Howard, Smallwood, Williams, or De Kalb, commanders of that body of soldiers which early won the confidence of Washington, which, at Brooklyn Heights, by its discipline and bravery, saved our army when surrounded, which maintained this honorable distinction for steadiness and gallantry until in the last pitched battle of the Revolution, at Eutaw Springs, that same Maryland Line drove the flower of the English infantry at the point of the bayonet; nor to her orators or jurists or lawyers who, living before Luther Martin and William Pinkney or in their day or after them, emulated their fame and glory.

From among all her renowned sons Maryland chose Charles Carroll of Carrollton and John Hanson, as most worthy of this national commemoration.

And with reason has my State presented the statues of these illustrious men to join the company of the great and good already gathered together in the old Hall of Representatives. The story of the Revolution grows in dramatic interest as the long perspective grows. As the Revolution recedes, each succeeding generation finds augmented fascination in the great story, and draws increasing patriotism from this inspiring panorama of our history and this immense event in the history of the English-speaking people.

The stupidest King England ever had was then on the throne. He never long endured a prime minister if his talent rose above that of a gentleman usher.

The American colonists were the least governed and the freest of English subjects. They were prosperous. They loved the Kingdom and the King. They loved the English name and tradition, the literature, the architecture and arts of England, its historic places, its very soil, for England was to them the old home. They were freemen and mostly freeholders, and they loved liberty. The history of English liberty was the history of a struggle for the rights of the individual citizen as respects person, property, and opinion, so that he shall have nothing to fear from the tyranny of an executive or of a Parliament; a struggle which began with Magna Charta and lasted down to the Bill of Rights and to the Declaration of Independence.

The indissoluble connection between taxation and representation was the basis of the English conception of freedom. That no man should be taxed without his own consent was the principle which was the root of the American Revolution.

The glorious wars of the elder Pitt had raised from the dust the standard of Great Britain, had restored her prestige and power, but had also enormously increased her debt. The colonists, under the guidance of the elder Pitt, had cheerfully given men and money. They had followed Braddock to defeat, and Howe and Amherst and Wolfe to victory. As compatriots of English veterans they had helped drive the French from the Great Lakes and from the valley of the Ohio, joined in the capture of Ticonderoga and Crown Point, the siege of Quebec, and the conquest of Canada.

The elder Pitt would not have appealed in vain to the colonies, who loved him, to tax themselves to help pay their share of debt for these wars. But the great minister had given place to a pliant tool of a dull King.

As the burden had been partly incurred in the defense of the colonies, George Granville resolved that the colonies should bear their share of it. They had no representation in Parliament and therefore the colonies replied that taxation and representation went hand in hand. Blunder followed blunder until loyalty to King and Parliament died out in the colonies.

The province of Maryland had little cause for a change of government. The proprietary government was mild, and reposed on popular affection. The colonists were a homogeneous people, prosperous and contented, although the bigotry of the age had imposed disabilities on Catholics in the only province whose Catholic founders had dedicated it to civil and religious liberty and to the broadest toleration.

The colonial governor, Robert Eden, was beloved and respected. The colony was rapidly growing. Maryland was the fourth colony in population and importance when she joined in the Revolution from love of liberty, and from honorable sympathy with the general welfare of her sister colonies. On this broad and generous ground she gave her adhesion to the Revolution, and authorized her delegates in the Continental Congress to concur in the Declaration of Independence.

It is because of their part in the great drama of the Revolution, their unfailing devotion to the cause of liberty, their great power and influence at critical periods of the struggle with Great Britain, their characters and lives, that Maryland has selected John Hanson and Charles Carroll of Carrollton to dwell in enduring bronze in yonder American pantheon.

Most of the thirteen original States have contributed statues to our National Gallery. It is unfortunate that so few of the illustrious men of the Revolution have been sent to join the solemn circle there. It is to be regretted that hitherto only three of the signers of the great Declaration face each other there.

American public life in that time of trial and danger was adorned by many striking figures. Washington, Franklin, Hamilton, Jefferson, and Marshall of that generation belong to the history of the world. Many of their associates will forever live in American history. They stand in the forefront of the nation's life. Therefore I rejoice that Maryland now brings to the old Hall of Representatives for the acceptance of Congress two men of the Revolution, one of them the President of a Congress of the Revolution, the other the last surviving signer of the Declaration of Independence, that great act with which our nation's history begins.

JOHN HANSON.

John Hanson was born in 1715 in Charles County, Md., and lived there until, in 1773, he removed to Frederick County, then rapidly growing. He had nine times represented Charles County in the provincial assembly. In trying times John Hanson was by nature a leader. The "Boston port bill" roused the peaceful province to make common cause with Massachusetts. We find Hanson a delegate from Frederick to a congress at Annapolis, and as chairman of the committee of observation of his county sending money to John Adams for the poor of Boston, later helping to raise two companies of riflemen in Frederick. Walking all the way in twenty-two days, Capt. Michael Cresap and Capt. Thomas Price marched their Frederick riflemen into Cambridge. The Frederick companies were the first Southern troops to join Washington.

At Annapolis in 1775 Hanson fearlessly joined in the overthrow of the proprietary government and in placing supreme control in the provincial convention. The cautious convention, hoping for reunion with Britain, had precluded our delegates in Congress from declaring for independence of the colonies. Hanson and the Frederick County patriots now assembled and resolved "That what may be recommended by a majority of the Congress equally delegated by the people of the United Colonies we will at the hazard of our lives and fortunes support and maintain, and that every resolution of the convention tending to separate this province from a majority of the colonies without the consent of the people is destructive to our internal safety." Samuel Chase and Charles Carroll had just returned from their mission to Canada, and had taken their seats in the new convention. Carroll was mainly instrumental in causing the convention to recall its former instructions and empowering the Maryland delegates in Congress to concur "in declaring the United Colonies free and independent States."

John Hanson, with unflagging spirit, in the legislature and in the Continental Congress supported the great struggle for independence.

During his three successive terms in the Continental Congress, John Hanson was engaged in battling for another great cause, whose successful issue changed the whole course of our national life. It is recorded in the journals of Congress that "on March 1, 1781, John Hanson and Daniel Carroll did sign and ratify the Articles of Confederation of the United States."

This action was the crowning historic service in Hanson's career.

The far-reaching consequences of the struggle which ended when Hanson signed the Articles of Confederation are now better understood. We all recall that in November, 1777, Congress submitted the Articles of Confederation to the State legislatures for ratification. Within fifteen months they were ratified by all the States except Maryland. Our State refused ratification until those States claiming the northwestern back lands, and especially Virginia, should surrender their claims of western territory to the Confederation. This action of Maryland led directly to the formation of the Federal Union. In October, 1777, when the Articles of Confederation were about to be presented by Congress to the States for ratification, Maryland alone voted that Congress shall have the sole right and power to determine the western boundary of such States as claim to the Mississippi and lay out the land beyond this boundary into separate and independent States from time to time as the number and circumstances of the people may require. This would compel Virginia, New York, Connecticut, and Massachusetts to surrender their claims to the vast interior and thus create a domain to be owned by the Confederacy until new States grew up and should be admitted into it. Maryland alone voted for this bold centralization. The States protested against the attitude of Maryland. Here and there leading men were heard to threaten to divide the little State on the Chesapeake among her neighbors and then declare the Confederation complete.

All other States had ratified the articles when, in May, 1779, Maryland again communicated to the Congress her unalterable resolve not to concur until she received definite assurances that the Northwest Territory should become the common property of the United States, "subject to be parceled out by Congress into free, convenient, and independent governments." New York first yielded. Daniel Carroll and John Hanson, from Maryland, persistently pressed this demand of their State, and in September, 1780, Congress, yielding, recommended all States claiming Western lands to cede them to the Confederation. A month later Congress advanced further, and adopted the Maryland plan, declaring that from the ceded lands in due season sovereign States, like the thirteen, should be admitted into the Union.

Virginia and Connecticut yielded their claims and long after Massachusetts abandoned her shadowy claims to the Western lands. The area of Michigan, Wisconsin, Illinois, Indiana, and Ohio thus became the common property of the Confederation. And so Hanson and Daniel Carroll, after this triumph had been secured, largely by their efforts, signed the Articles of Confederation. It was Maryland that during the period of Hanson's service led the way to acquire a national domain, and thus laid broad and deep the foundation of our Federal Union. For his share in this pregnant service, John Hanson's name will be associated forever with laying the corner stone of our great nation. Out of this first ordinance grew the Ordinance of 1784, and later the great Ordinance of 1787, and later the Constitution and the United States of America. For this act alone, John Hanson is worthy of his place in the goodly company gathered in the old Hall of Representatives. The Confederation of the States was now complete, and on November 5, 1781, John Hanson was elected the first President of the Congress of the Confederation.

This elevation to the Presidency was a signal compliment and a great honor to Maryland. It has a much larger meaning as we look back now over the stately procession of the great Commonwealths successively entering the Union. The persistent refusal of Maryland to consent to the Confederation until she won from her reluctant associated States consent that the Western territory should be dedicated to the Union, made smooth the pathway for Vermont, Kentucky, and Maine to enter the Union as independent States, carved out of the magnificent domain Maryland directly secured to the Union, the great Commonwealths of Ohio, Illinois, Indiana, Michigan, and Wisconsin, and determined for all coming time that the after acquired territory of the United States should in due time by Congress be fashioned and admitted as States, augmenting the power of the Republic and the grandeur of the American Union.

By this election to the Presidency of Congress John Hanson became in a political sense the foremost person in the United States and represented its dignity. His title was "President of the United States in Congress assembled." After the decisive victory at Yorktown President Hanson had the felicity to welcome General Washington and present him to Congress, then sitting in Philadelphia.

On November 4, 1782, President Hanson's term expired. The war was ended, the last British soldier was soon to sail away from New York. Peace was in sight. At 68 years of age Hanson was worn out in the public service. His health was broken. He refused to accept further public service. He died November 22, 1783, in the State he loved, and his State, one hundred and twenty years after his death, bestows upon his name the highest honor whereby an American State can commemorate an illustrious citizen.

CHARLES CARROLL OF CARROLLTON.

Charles Carroll of Carrollton was born at Annapolis, September 19, 1737. His grandfather, Charles Carroll, the attorney-general of the province, came over to Maryland in 1688. His father, Charles Carroll, was one of the richest men of his day and country. It was the custom of wealthy colonists to send their sons over the sea for education and travel. So young Carroll, sent as a boy of 11 years to the Jesuit College at St. Omers, and later to colleges at Rheims and Paris, was a student at the Temple in London at 20. Eight years of London life to an accomplished young colonist, who at the "Crown and Anchor" more than once met Dr. Johnson and Sir Joshua Reynolds, now and then dined with Burke, heard Charles Fox expatiate upon liberty, or time and again listened to the eloquence and saw Parliament bow before the greatness of the elder Pitt inspired young Carroll with the ideals of the noblest Englishmen. He came home to Annapolis at 28 years of age. The news of the stamp act of 1765 soon stirred with unwonted anger against their King the pleasure-loving colonists of the little capital and of the province.

Young Carroll had been strongly moved by the words of Pitt, the first English orator whose words were a power over Parliament, over the nation, and over the colonies. Though passionate, Pitt's eloquence was the eloquence of a statesman. Perchance the law student at the Temple had sat in the gallery and heard Pitt's trumpet tongue declare "Taxation is no part of the governing or legislative power. The taxes are a voluntary gift and grant of the Commons alone. In legislation the three estates of the realm are alike concerned; but the concurrence of the peers and Crown is only necessary to clothe it with the form of law. The gift and grant is of the Commons alone."

When the wave of good feeling after the repeal of the stamp act had been rudely checked by Charles Townshend's 3 pence tax on tea, young Carroll must have rejoiced that Pitt had said: "In my opinion this Kingdom has no right to lay a tax on the colonies. America is almost in open rebellion. I rejoice that America has resisted."

Already one of the wealthiest of the colonists, Carroll's religion debarred him from holding office. The Sons of Liberty were organized. Carroll joined them. He wore homespun. He counseled resistance to tyranny, and in a discussion with Daniel Dulaney, the ablest lawyer in the colony, Carroll, in a series of letters signed "First Citizen," won a signal victory over his brilliant adversary and a high place in public confidence, ranking as a popular leader alongside Chase, Paca, and Stone.

Annapolis, at the mouth of beautiful Severn, under sunny skies in a mild climate, had grown to be one of the centers of social life and refinement on the continent. Ships from all lands came to its harbor and brought to the young city the chief trade of the province. Theaters, race courses, balls, and social assemblies spread the fame of the enjoyable life at the Maryland capital. The wealthy planters wintered there in capacious mansions. The officials of the province, with the popular Governor Eden at their head, extended their hospitality to make life joyous.

The provincial assembly, the assize, and higher courts added features to the life. From other colonies visitors came and lingered, and among them now and then was Col. George Washington. Daniel Dulaney, unrivaled lawyer and scholar, lived here. William Pinkney, the foremost orator and lawyer of his time and country, was here growing to manhood. Charles Wilson Peale, born here, had returned from England to this wealthy capital of a fruitful land to paint the portraits of Maryland's gentry and the worthies of the Revolution. The wide circles, the narrow streets, with enduring brick mansions of the time of the Georges, still leave Annapolis the most quaint and interesting capital in our country, as it is among the most beautiful. May these historic landmarks survive the perils of its present rapid growth.

On October 19, 1774, when the people of the neighboring counties thronged in Annapolis and denounced "the Boston port bill," the brig *Peggy Stewart*, from London, came into port with 2,000 pounds of tea. In June the provincial assembly had forbidden all importations of "that detestable weed, tea." The irritated populace threatened violence to Anthony Stewart, the owner; Williams, the consignee, and the ship itself. Stewart and Williams confessed to the people's committee "that they had been guilty of a daring insult, an act of the most pernicious tendency, to the leaders of America," and offered to burn the tea. When they sought aid from Charles Carroll of Carrollton he promptly advised that Stewart must set fire to both ship and tea. So Stewart reluctantly went on board and set fire to his ship, and with her sails set and colors flying, in the presence of the patriotic multitude, the *Peggy Stewart* burned to the water's edge. In Maryland the 19th of October is a holiday to commemorate the day when pacific Maryland placed herself in line with stubborn Boston and Massachusetts Bay. In December news of the burning of the *Peggy Stewart* reached London, to the great alarm of the merchants of Threadneedle street, and the House of Commons began to take America more seriously.

In January, 1775, Carroll became a member of the first committee of observation at Annapolis, and was elected a delegate to represent Anne Arundel County in the provincial convention, which soon named him upon the committee of safety.

The provincial convention to Carroll's disgust disavowed any design of colonial independence. Unhappily for the province, Carroll's character, influence, and patriotic labors had attracted attention in Congress. Early in 1776 Congress appointed Benjamin Franklin, Samuel Chase, and Charles Carroll as commissioners to Canada to secure her cooperation with the United Provinces against Great Britain. This plan, once hopeful, had become hopeless by the defeat and death of Montgomery, by the levying of contributions to feed our starving army, by the manifest incapacity of our commanders and the inferiority of our forces. The Canadians were friendly, then suspicious, then irritated, then hostile. The population, nearly all Catholic, were turned against us by their priests. Charles Carroll and Rev. John Carroll in vain tried to secure the aid of their co-religionists. Carroll's journal, in his excellent English, vividly tells this story of their inevitable failure. Canada was destined to remain a British dominion until a day in the distant future.

In Carroll's absence, on May 8, 1776, the Maryland convention

had again instructed the Maryland delegates in Congress not to agree to a final separation from Great Britain. Soon afterwards Hanson and the patriots of Frederick had sounded a trumpet call for complete independence.

Carroll now hastened to Annapolis and resumed his seat to urge the repeal of these instructions. No time was to be lost. This was a crisis in the Revolution. On June 28, 1776, the new instructions advocated by Carroll were given. On July 2, 1776, our Maryland delegates found themselves authorized to vote for independence.

The zeal and ability of Carroll in winning his State to take this action, he had so early and so steadily urged, led to his immediate appointment as a Delegate from Maryland to the Continental Congress. On July 4, 1776, Charles Carroll of Carrollton was appointed, along with Matthew Tilghman, Thomas Johnson, William Paca, Samuel Chase, and Thomas Stone, delegates to that famous Congress. Carroll hastened to Philadelphia in time to vote on July 19 to engross this great paper. On August 2 Chase, Paca, Stone, and Carroll affixed their signatures to the Declaration of Independence. Charles Carroll of Carrollton with alacrity risked his life and his great fortune by signing this charter of the new Republic, "this document unparalleled in the annals of mankind." The board of war was Adams, Sherman, Harrison, Wilson, and Rutledge, and to those Carroll was soon added. Chairman John Adams tells us that on July 18 Carroll was so chosen, and that he was "an excellent member, whose education, manners, and application to business and to study did honor to his fortune, the first in America."

In August Carroll returned to a seat in the Maryland convention, which adopted the bill of rights and constitution which created Maryland a sovereign State.

It was Carroll who suggested the mode of choosing the State senate of Maryland, which suggested, as Madison tells us, to the framers of the Federal Constitution the mode of choosing the Senators of this Senate, the method by which we now hold our seats here.

After the fashion of that day, Carroll went to and from the State assembly and the Continental Congress. He belonged to both.

To his lasting honor Carroll unwaveringly supported on the board of war and in Congress the great commander, and helped defeat the Conway cabal, designed to put Gates in Washington's place. We find Carroll in 1778 with the Maryland delegates urging the cession of the public lands to the Confederation, and steadily struggling to secure this sure foundation for the coming Federal Union, until he resigned from Congress at the close of 1778.

The French treaty gave Carroll confidence in our ultimate success in the war, and he believed his services in the State senate of Maryland would be his most effective way to help the army in the field. There he advocated generous support of Washington, and voted troops and financial aid to the war. He steadily opposed confiscation of the property of British subjects, and also all the wild currency schemes to which our countrymen were then prone to turn for relief. He firmly urged the Maryland policy of dedication of the Western territory to the Confederation.

He was in the Maryland senate leading the fight to secure Maryland's ratification of the Constitution of 1789. Long before his fellows, Carroll had advocated independence, and in advance of his associates he advocated a Federal Union. He had declined election to the Congress of the Confederation because he foresaw its powerlessness.

Washington and Gates, commissioners from Virginia, met Carroll Stone and Samuel Hughes, commissioners from Maryland, to arrange to open and extend the navigation of the Potomac. They met December 22, 1784, at Annapolis, and later at Mount Vernon. The Maryland report asked that Pennsylvania and Delaware should be included, because the scheme of navigation included a canal between Delaware River and the Chesapeake. The outcome was the Annapolis convention of 1786, which led to the Federal Convention which framed our Constitution.

Thus the signer of the Declaration had a part in the beginning of the Constitution.

Under the new Constitution Carroll was elected to the First Congress as a Senator from Maryland. His colleague was John Henry. In April, 1789, he appeared in the Senate. Congress had assembled in the old city hall of New York. Carroll, the friend of Washington, Hamilton, and Franklin, was a determined Federalist. He drew a two years' term in the Senate. He reported the now famous judiciary act. He declared for a standing army. He successfully labored to establish this Federal District, in whose Capitol his statue will hereafter stand. He reported the assumption bill which buttressed the Federal Union. He was reelected to the Senate in 1791, but resigned that he might remain in the Maryland senate, a State statute now forbidding service in both bodies at the same time. In 1801 the party of Jefferson triumphed, and thereby, at 63 years of age, ended the public career of Charles Carroll, the Federalist. During thirty years of public life he had left his impress upon the times.

At his beautiful home, Doughoregan Manor, or at his town house in Baltimore, he spent the remaining thirty-three years of his long life, devoted to his large estate, to his home and kindred, to the Bible, to the classics, and to polite learning, always mindful of his religion and his country. On July 4, 1822, Carroll helped lay the corner stone of the Baltimore and Ohio Railroad, which he helped promote. He who, with Washington, forty years before sought by the Potomac navigation scheme to unite the Ohio with the sea, still a farseeing Federalist statesman at 85 years of age foresaw that the American Union could not have endured until our day without the railroads. For political and social purposes railroads and steamships, telegraphs and telephones, have made our vast country as compact and intimate as was New England a century ago.

At 90 years of age Carroll was erect and vigorous, with the vivacity and grace of youth. In person he was small and slight. His face was strong, his eye piercing, his manners easy and winning. About this time he heard the impressive tidings of the death of Adams and Jefferson on the 4th of July, 1826. To him came the address of Daniel Webster upon Adams and Jefferson and that stately apostrophe to the last of the signers:

"Of the illustrious signers of the Declaration of Independence there now remains only one, Charles Carroll. He seems an aged oak, standing alone on the plain, which time has spared a little longer after all of its contemporaries have been leveled with the dust. Venerable object! we delight to gather around its trunk while yet it stands, and to dwell beneath its shadow. Sole survivor of an assembly of as great men as the world has witnessed, in a transaction one of the most important that history records, what thoughts, what interesting reflections, must fill his elevated and devout soul! If he dwell on the past, how touching its recollections; if he survey the present, how happy, how joyous, how full of the fruition of that hope which his ardent patriotism indulged; if he glance at the future, how does the prospect of his country's advancement almost bewilder his weakened conception! Fortunate distinguished patriot! Interesting relic of the past! Let him know that while we honor the dead we do not forget the living; and that there is not a heart here which does not fervently pray that Heaven may keep him yet back from the society of his companions."

That solemn prayer was granted. Charles Carroll of Carrollton lived until his ninety-sixth year, and on November 14, 1832, died with the calmness of a philosopher and with the faith of a holy man of God.

The work of Carroll and Hanson and their compatriots of the Revolution gave to the world the first true Federal state; and they built it to endure the storms and stress of civil war. They so cemented it that all fears of its disruption have disappeared forever. It is the great Republic of all history. In it the law is supreme. No man is so high as to be above the law. In the very fiber of the people is inbred a regard for law, which is the security of our rights and the basis of our prosperous and happy civil government. Yet under it the people shape their own destiny and unhindered walk in their own paths.

Looking back over the one hundred and twenty-seven years of our existence as a nation, one truth is luminous. The world would not if it could erase the great Republic from the map of the globe.

The future of civilization rests with the Anglo-Saxon race. Not the British Empire, but the American Republic will lead that race onward to that future. Traditional, moral, political, and intellectual ties unite in a sense all who speak the English language, to-day the leading language of the world. Mr. Bryce justly boasts that "England has sent her language, her commerce, her laws, and institutions forth from herself over an even wider and more populous area than that whose races were molded into new forms by the laws and institutions of Rome."

The marvelous achievements of the English-speaking people, reaching forth from their little island world, are sure to be surpassed by several hundred millions of English-speaking people of fifty powerful States in an invincible Republic whose home is the vast center of a continent washed by both oceans.

Lord Rosebery, the foremost statesman and orator of the British Empire in our day, has outlined in historic vision what would have been the future of the English-speaking people had George III listened to reason and had the thirteen colonies sent representatives to the Imperial Parliament. He predicted that at last when the Americans became the majority, the seat of empire would have been moved across the Atlantic, and Britain would have become the historic shrine and European outpost of the world empire, with the English-speaking Federal Parliament sitting in Columbia territory somewhere in the Mississippi Basin.

Simpler and grander far is the historic reality. The great

Republic has been worthy of its heritage. It has lifted up humanity and liberty. It has advanced civilization. It leads the commerce of the world. It is the richest nation on the globe. It is now the world's center of finance. It is invincible in war, if war approach its shores. It is fast reaching out to control the seas. Its people are happy, free, homogeneous—the most intelligent, and soon to be the most numerous. It is the greatest self-governing nation and the greatest world power. Its foreign policy is a synonym for justice. Its creed is peace.

The future of the English-speaking peoples depends upon our Republic, and that future, in the vigorous embrace of the younger world, is boundless.

Mr. HOAR. Mr. President, every man who has visited a great gallery will remember some picture that caught his attention and dwells in his memory because of some single stroke or feature. It will seem of little importance when he comes to tell of it. But that is what caught his eye and led him to pause before it when a hundred more celebrated works of more famous painters were neglected or forgotten. It abides with him for the rest of his life. If it be a landscape, it may be some single rock or tree. If it be a Dutch interior, it may be only a ray of light through a window. If it be a portrait, it is but a glance of the eye, or a curl of the lip, or the pose of the head. But it penetrates the soul, and it abides.

Most of our great popular reputations are made in that way. There are a few men like Washington, or like Marshall, or like Webster, or like Lincoln, whose service is so great that their countrymen know every detail of it by heart. But, in general, our great men are remembered not because of sober and faithful labor, not because of long service in legislation, or in the Executive chair, or even in war. Something has found its way to the people's heart and keeps the name fresh.

Old John Adams, though he was President of the United States, is remembered by nine men out of ten for the immortal argument for the Declaration of Independence, ascribed to him by Webster; for the fact that he was our first representative to Great Britain, and for his sublime death at the height of human fame, with the undying words "Independence forever" on his dying lips. As was said of Lord Nelson, by his biographer, "If the chariot and the horses of fire had been vouchsafed for his translation he could scarcely have departed in a brighter blaze of glory."

John Hancock was a great power in the time of the Revolution, and before. But his countrymen in general only know that he signed his name to the Declaration in letters visible across the broad Atlantic, and that he told the patriots to burn Boston, though it contained his whole fortune, if it were needful for the cause of liberty; that he was President of the Continental Congress, and that he was excepted, with Sam Adams, in the royal proclamation of amnesty, as a rebel whose offenses were too flagitious for pardon.

Ask even the men of his own State of Massachusetts, and of his own town of Boston, what they know of Sam Adams. They will tell you that they know that he was a man who was excepted with Hancock from the royal pardon; that he was the man who demanded of Hutchinson the removal of the regiments from Boston, and that when Hutchinson told him he would remove one, answered, "If you have power to remove one you have power to remove both," and that when he told the story afterwards he said, "It was then that I observed his knees tremble, and I enjoyed the sight."

There is an admirable memoir of Charles Carroll, which shows a life extending over almost a century. A large part of it is crowded with honorable public service of the first quality. It shows him fully entitled to rank not only as a foremost statesman of a foremost State, but among the great men of his time, from whatever State they may have come. There has been no time since the Revolution ended when the name of Charles Carroll of Carrollton was not a familiar household word in every home through the length and breadth of the country.

Yet if you had asked, not merely common men, but well-informed men, students of history or graduates of the college or university, men themselves taking an important part in public affairs, they could tell you only that Charles Carroll was a Catholic; that he lived to survive all his companions who signed the Declaration, and that when he signed his name he took care that there should be no doubt of his identity, if the Revolutionary war were a failure and it were in the power of the Royal Government to inflict the death penalty for treason.

Charles Carroll died at 95, in the year 1832. He survived Jefferson and John Adams over six years. Jefferson and John Adams and Carroll had been the only survivors of the signers of the Declaration for eleven years before. It seemed that as each of that immortal company died the affection his countrymen had felt for him was transferred to the survivors.

I suppose, in spite of the bitter political antagonism of that day, in which Jefferson and Adams not only shared, but in which they were the great leaders of the opposite sides, that there were never figures in the history of any people dearer to the popular heart than Thomas Jefferson, as he comes down in history with the Declaration of Independence in one hand and the title deed of Louisiana in the other, and brave and honest old John Adams, who had argued, with a power given to no other man, the side of the country in the great debate of liberty. When Adams and Jefferson died it seemed that the whole of this sentiment gathered and centered upon Carroll.

I can remember when he died, though then but a child of 6 years. The schoolboy used to be asked the question in the school to name the only man living of that illustrious band. And I well remember when the solemn tidings went through the country that Charles Carroll was gone.

Before he died men used to make pilgrimages to his dwelling as to a shrine. My honored and accomplished friend Mr. Winthrop has left on record a graphic account of such a visit.

> I can not but remember that it was my privilege to see and know that venerable person in my early manhood. Entering his drawing-room nearly five and forty years ago, I found him reposing on a sofa and covered with a shawl, and was not even aware of his presence, so shrunk and shriveled by the lapse of years was his originally feeble frame. Quot libras in duce summo! But the little heap on the sofa was soon seen stirring, and, rousing himself from his midday nap, he rose and greeted me with a courtesy and grace which I shall never forget.
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> In the ninety-fifth year of his age, as he was, and within a few months of his death, it is not surprising that there should be little for me to recall of that interview save his eager inquiries about James Madison, whom I had just visited at Montpelier, and his affectionate allusions to John Adams, who had gone before him; and save, too, the exceeding satisfaction for myself of having seen and pressed the hand of the last surviving signer of the Declaration.

Webster described him as "an aged oak standing alone on the plain, which time has spared a little longer after all its contemporaries have been leveled with the dust." He says that his countrymen delight to gather around its trunk while it yet stands, and to dwell beneath its shadow.

I will not undertake to do what my honorable friend from Maryland has done so much better—draw the lesson of patriotism which is taught us by the life of Charles Carroll. I have no fear that the great Declaration will ever lose its primacy among the political State papers which have been produced since the beginning of time. To find its superior or its equal we must search the inspired pages of our venerable Scriptures. There have been times, and there will be again, when the great truths on which our fathers planted the Republic, as upon a corner stone, will be denied or scorned or scoffed at by men or parties who, in some fancied stress or political necessity, will endeavor to escape their obligations.

That is true, unhappily, of the Ten Commandments and of the Sermon on the Mount. It is true of every moral and legal obligation, whether of divine or human sanction. The generation and the party and the individual who have disobeyed these high commands perish and are forgotten, while the eternal law of rectitude abides forever. The commanding authority of our great Declaration and the pure fame of the men who framed it and who signed it and who pledged to it their life, fortune, and sacred honor will remain so long as the Republic shall endure. Among them there is no purer and there are few more conspicuous reputations than that of Charles Carroll.

But I should like to speak for a moment of one lesson which has been often forgotten, which the life of Charles Carroll teaches, alone among his illustrious companions.

Charles Carroll was a devoted Catholic. He belonged to that church which preserved for mankind religion, learning, literature, and law through the gloomy centuries known as the Dark Ages. Yet it is the only denomination of Christians against which anything of theological bitterness or bigotry seems to have survived amid the liberality of our enlightened day.

Every few years we hear of secret societies, and even political parties, organized with the sole view of excluding the members of a single Christian church from their equal privileges as American citizens. Yet certainly the men of the Catholic faith have never been behind their countrymen, either as patriot citizens or as patriot soldiers. This spirit of bigotry would have denied the ordinary rights of Americans not only to Charles Carroll and his illustrious cousins, the Archbishop, to Daniel Carroll and Thomas Fitzsimmons, who were among the framers of the Constitution, but to Montgomery and Phil. Sheridan.

The Pilgrim and the Puritan of Massachusetts encountered exile and the horrors of the winter voyage and the wilderness and the wild beast and the savage for civil and religious freedom. But even they saw "as through a glass, darkly." They fell short of that conception of freedom which prevails now. Their treatment of the Quakers and the Baptists will not bear the light to-day. Roger Williams, in his turn, made another forward step and founded his State on the principle of complete tolerance of all Christians. But he, in his turn, excluded all men whom he did not deem to be Christians from a share in the government of his Commonwealth.

The Catholic in Maryland was inspired by a like desire to establish principles of perfect religious tolerance. Even in Maryland, if Mr. Bancroft be right, as late as 1770, it was an offense punishable with death to deny the divinity of Christ. This was after the Catholic had been driven from power. Three of the five members of the committee who reported the Declaration of Independence—Mr. Jefferson, Dr. Franklin, and John Adams—were avowed Unitarians. So, if the law of Maryland had been strictly enforced, these men would have suffered death there if they had declared their faith.

Now, Mr. President, I do not speak of these things by way of reproach. The founders of these three States, foremost among mankind, set their faces toward the sunlight. They are not to be reproached because at the time they took the first step they did not take the last. I mention them only to draw the lesson that it is not fair for the American people to remember against the Catholics only the cruelty, or wrong, or blindness of past ages and to forget the cruelty or wrong in which our own ancestors had a share. The American Catholic, in the early days, laid the State which he founded on the eternal principle of religious toleration. The American Catholic did his full and noble share in winning the liberty and in framing the Constitution of the country which he loves as we do, and which we love as he does.

Let the statue of Charles Carroll, the great statesman of the Revolutionary day, the survivor of the most illustrious company of men that ever assembled on the face of the earth since the Apostles, stand in yonder stately chamber, with the statue of Père Marquette, the Discoverer, and with those of their peers of every State and of every faith, until time shall be no more!

The cord of our destiny is made up of many strands. That cord we hope and believe shall never be severed. The great doctrines of the Declaration may be clouded and hidden, only, as we hope, to shine again with a new and brighter lustre when the clouds have passed by. The Constitution may be amended or altered or disregarded or may perish. Other forms of rule may take the place of the simple but sublime mechanism our fathers devised. But the nation shall abide. The one principle which holds this nation together, expressed in the brief but comprehensive motto, E Pluribus Unum, shall never fail or fade—E Pluribus Unum, of many, one—of many States, one nation; of many races, one people; of many creeds, one faith; of many bended knees, one family of God. [Applause in the galleries.]

Mr. DOLLIVER. Mr. President, the reconstruction of the Capitol by the addition of the superb edifices in which the Congress now sits left the old Hall of the House of Representatives deserted and silent; the scenes which had been enacted there only a memory; the voices which had been heard there only an echo of the past. There was at least a proper sentiment in the act of 1864, which for all time to come has made that historic chamber sacred by filling it with monuments which recall the great traditions of the national life.

Mr. Emerson has described the art of the sculptor as the crudest and most helpless expression of the higher faculties of the human mind. It has been even more difficult to select the men to be commemorated than to find artists equal to the task of restoring the image of their person in bronze or marble.

In selecting figures to stand in this national gallery, the older States have an advantage over the new, and most of them have wisely chosen to perpetuate the fame of leaders conspicuous in their colonial life. The State of Maryland, among the most ancient of the American Commonwealths, has picked out two names famous and honored in her annals both before and after the Revolution, and brings them here to take their place among their equals in this hall of fame.

In the case of one of them, John Hanson, she has done a tardy act of justice to a man whose eminence in the public service had been almost lost in the waste of time; a man who in a peculiarly appropriate sense was the representative of the national ideal throughout the Revolutionary struggle. The other, Charles Carroll of Carrollton, had already a definite and secure place among the immortals; not altogether because he was a signer of the Declaration of Independence, for many of them have been literally forgotten, but because when he signed it he added his residence for the purpose, so the fascinating story ran, of enabling the British to find him when they got ready to execute him for treason, along with his wicked associates, according to law; and for the reason that he survived all his contemporaries.

Both were men of commanding talents and irreproachable virtues, and each was in a true sense a distinct embodiment of the spirit of his age. The erection of their statues in the National Capitol is particularly appropriate in these days when the foundations of the national faith are under examination in the light of passing events, and when the American people need more than ever to learn the lessons taught by our fathers.

It is always helpful and refreshing to consider the influences which worked together in the formation of the Government under which we live, and it can not be doubted that the people of Maryland acted with wisdom as well as patriotism when their legislature chose from the long list of her orators, her statesmen, her soldiers, her jurists, these two names which appear side by side among the signers of the protest issued by the "Association of the Freemen" of the State, a year before the Declaration of Independence was framed at Philadelphia, and which are associated in honorable prominence throughout the whole Revolutionary period.

In all future times as the restless throngs, passing through the corridors of the Capitol, pause for a moment before these stately figures the story of our heroic age will be told over and over again, as one generation after another is touched by the inspiration of these epoch-making lives. The State of Maryland in thus honoring the men who spoke and acted for her in the great crisis out of which the National Government arose, when with her scant population and her meager resources she devoted her blood and her treasure, without limit and without terms, to the cause of independence, has encouraged the revival of popular interest in those studies which contribute to a rational interpretation of our history as a people: for it can not be denied that the tendency is strong in the midst of prosperous material surroundings to treat with indifference and neglect the day of small things when the American Republic was taking its first feeble steps toward the arena of the world's great affairs.

The very distance of those memorable years, not to speak of the intervention of tremendous national experiences more recent, has cut off, in a measure at least, the popular view of colonial times, leaving them dim and intangible; making Washington, for example, look more like a marble image than a man, and, with the exception of old Israel Putnam and Col. Ethan Allen, preserving hardly a human likeness of any of the great heroes who surrounded him.

Now, the history of the world, and especially of our part of it, is the most important study that can attract anybody's attention, notwithstanding so much of it is entirely incredible and so much of it obviously false. So far as it has been written down at all, it has been written, so it looks to me, more for the purpose of giving artificial importance to a few generals and a few kings than for the purpose of bringing into view the obscure millions who, after all, make up States and Commonwealths.

I have sometimes wished that some historian, some divinely gifted man or woman, might do for our own country what great creative intellects have done for other lands—what Lord Macaulay, for example, has done for England, or Thomas Carlyle for Scotland—might take us back to the sources of our strength; might show us the people themselves, their speech, their houses, their habit as they lived; might show us the unmistakable beginnings of the nation. For there, we are persuaded, around tables spread with the frugal comforts of life and about family altars made sublime by simple faith in God and man, was begun the mighty work whose outcome is the permanent self-government of this vast continent.

I stood the other day in the museum of the library of the State Department and read over again the rude manuscript, in the handwriting of Mr. Jefferson, of the original draft of the Declaration of Independence, with its curious erasures and interlineations. In the same case, right by the side of it, also in the handwriting of Jefferson, is a clumsy drawing of the monument which he desired to have erected to his memory, together with the inscription which he would have written upon it. He wished to be remembered as the author of the Declaration of Independence, of the statute of Virginia for religious freedom, and as the father of the University of Virginia. But most of all he desired posterity to know him as the author of the Declaration of Independence—a title surely to an immortality such as belongs to only a few of the great names of history.

It would be an idle thing for anybody to try to take away from Jefferson the renown of that handwriting. It certainly would be a grievous offense against the truth to try to take it away from Jefferson, as a famous orator of our times, now dead and gone, has sought to do, and give it to Thomas Paine or to any other man. Yet there is a grim significance in the fact that time in dealing with the engrossed copy of the Declaration of Independence has carefully preserved every letter in every line of the instrument itself, and at the same time with a gentle hand has rubbed out the name of every one of the illustrious group of statesmen whose signatures authenticated the instrument in the archives of the Continental Congress. Even the name of John Hancock, which scrawled across the page so that the King's ministers might not fail to see it, has faded to an indistinct impression upon the parchment, while not even a slender outline is visible of the hardly less noted name of that delegate from the province of Maryland who was supposed, until the higher critics got hold of his biography, to have added to his signature his post-office address, so that the King's hangmen should not get hold of the wrong member of the Carroll family.

It may be an idle fancy, but I have sometimes thought that this strange disappearance of these historic names illustrates in a mysterious sort of way the real origin of the Declaration, not in the signatures of a few men, but in the minds and hearts and united purposes of the people of all the colonies. It ought to be remembered that the war for independence was well under way before the Congress which framed the Declaration of Independence had fairly entered upon its work. Many of the colonies, like Maryland, under the leadership of her Hansons and her Carrolls, had long before declared their independence. Concord, and Lexington, and Bunker Hill had all been fought; Charlestown and Norfolk had been burned to ashes by the British troops; the startled garrisons of the Canada frontier, whatever their opinions of the Continental Congress, had gracefully acquiesced in the will of the Great Jehovah as interpreted by the Green Mountain Boys; Washington had been appointed commander in chief of all the American forces, and Lord Howe, correctly measuring the genius of the great soldier, had already evacuated Boston. So that the Declaration of Independence was in no sense a declaration of war and hardly even a proclamation of hostilities already begun. It was an instrument which simply put down in writing what for generations had been taking shape and gathering force about quiet firesides throughout the British possessions.

The colonies were one hundred and fifty years old, and while they were English in name and never ashamed of their heritage, there was not in them any deep-seated attachment to the British Crown. Indeed, there never had been any such attachment among those classes of the English people out of which the most of the American immigration had come. The distinguished Senator from Maryland [Mr. McCOMAS] has referred to the speech of the Earl of Rosebery at the time of his inauguration as the lord rector of the University of Glasgow, when he took occasion to say that an enlightened colonial policy in the eighteenth century would have prevented the dismemberment of the British Empire. There may be possibly a sense in which this is true. It is at least certain that such a colonial policy as prevailed in England in the eighteenth century, and in Spain up to the end of the nineteenth, would have left the British throne without the loyalty of a commonwealth of Englishmen anywhere in the world. If I correctly remember Lord Rosebery's words on that occasion, he suggested that if the elder Pitt had remained in the House of Commons and had kept the counsel of the King, a way would have been found to make a settlement of the problem consistent with the integrity of the Kingdom.

Possibly that would have been so; at any rate, it is certain that our fathers could speak no such words for themselves as were spoken for them in the Parliament of England by Edmund Burke and the Earl of Chatham. I have no lack of appreciation of the enchanting dream, to which the Senator has referred, in which Lord Rosebery relates what might have happened if the King's subjects in America had held fast to their allegiance. In his vision he sees them increasing and multiplying as the United States has increased and multiplied, their representation in the House of Commons gradually outnumbering the membership at home, until at last there would have appeared a strange spectacle—the Queen, led by her ministers and followed by both Houses of Parliament, with pomp and ceremony, transferring the capital of the Empire from London to New York or Chicago, leaving the old capital only a museum of political antiquities, a mere military outpost in a world-wide British Empire.

It may be an ungracious thing to disturb an hallucination so splendid, but for all that it is a vision of the day, for it is impossible to imagine a parliamentary wisdom able to prevent a free English race from taking possession in their own name of the continent they had won from the wilderness; and it is harder still to conceive of a statesmanship equal to the task of turning aside the purpose of God in ordering the destiny of the New World. I have said that the independence of America originated not with the leaders of the people, but with the people themselves. So that it is literally true that members of the Continental Congress, who, like Charles Carroll, shared in the proceedings only long enough to sign the Declaration, weeks after it had been framed and passed, lose nothing of their claim on the gratitude of mankind from the fact that their participation in the national movement was mainly in the quiet neighborhoods where they lived and among the people with whom they conversed from day to day.

American independence was first of all declared in the churches, in the newspapers, in the courts of law—in the churches in 10,000 sermons based upon texts taken from the militant literature of the old Jews; in the newspapers wherever a free press had been set up, as it had been in Maryland from the first settlement of the province down to the time when Charles Carroll, under an assumed name, leaped into distinction as an advocate of the national cause in a series of controversial letters; in the courts of law wherever the obnoxious acts of Parliament were brought in controversy. Indeed, there is a sense in which the independence of America may be said to have originated in the court-houses of Massachusetts and Virginia and to have been first declared by the attorneys at law in the ordinary practice of their profession. It is interesting if not instructive, in view of the manifold popular prejudices which have beset the learned occupations of the bar in after generations, to recall the beautiful harmony which once existed between the embattled farmers and the lawyers of that day with their quillets, their cases, their tenures, and their tricks.

John Hancock was an important citizen of Boston, possibly the most important, and just after the passage of the stamp act he imported into that town a cargo of Madeira wine, of which, it would appear from the record, our fathers were accustomed to take a little for their stomach's sake and their often infirmities; and owing to the universal feeling which everywhere prevailed against the stamp act, Mr. Hancock felt at liberty to unload his cargo in the night without going through the formality of paying the duties required by law. But as soon as the revenue officers found it out they brought an action against him to recover the delinquent taxes, and he hired a Boston lawyer by the name of John Adams to defend him. Now, Mr. Adams, according to the custom of the day, was keeping a diary, and his entries in the little book about this time are very entertaining. For example, "Sunday, at home with my family, thinking."

If Mr. Adams, after the manner of the modern practitioner, had charged Mr. Hancock for lying awake at nights thinking about his case, the latter patriot would not have had money enough left to reach the Philadelphia Congress, of which he had already been elected a member, for a similar entry repeatedly appears in the diary. For example: "Christmas; at home; thinking, reading, searching concerning taxation without consent." It was an epoch-making case, and John Adams went into it like Peter the Hermit preaching the first crusade. It was not a question of fact; it was a grim and momentous question of law. What Mr. Adams said is fortunately preserved. "My client, Mr. Hancock," said he, "never consented to it. He never voted for it himself and he never voted for any man to make such a law for him." There is the first half of the American Revolution in one sentence. That case never came to trial. They took a good deal of testimony, and it was continued from time to time, but never brought to a final judgment, because the next spring, along about the middle of April, it was settled out of court by the battle of Lexington.

In the meantime some curious litigation was going on in one of the Southern colonies. By the original charter of Virginia the established Church of England was made a part of the civil establishment of the colony, and the salaries of the parsons, as in the case of other public officials, were paid out of the public treasury, in tobacco, which was the standard of value of the time. In the depression of business which followed the French and Indian war there was a universal demand for the retrenchment of expenditures, which took the form, as it commonly does in such cases, of a reduction of official salaries. They cut them all down, including the salaries of the parsons, which were made payable no longer in tobacco, unless it were reckoned at 2 pence a pound.

As long as that was about the value of tobacco, everybody was satisfied, including the parsons, until tobacco rose considerably, when they began to see the difference and raised a clamor so loud that it finally reached the ears of the Bishop of London, who induced the King to veto that act of the legislative assembly of Virginia. The parsons took the position that the act having been vetoed it became void, and, being duly advised by counsel, they began actions to recover the salaries due them and withheld without authority of law. The judges, who were appointees of the Crown, very promptly and, from a superficial legal standpoint, very properly, decided that the King having vetoed the act it was void, and all proceedings taken by virtue of it without legal effect, and that therefore the parsons had the right to recover. But having no jurisdiction at common law to render a verdict sounding in damages, they took a test case and sent it to the jury to determine the amount of the recovery.

At this point there appears upon the scene a strange and now almost fabulous figure, the most marvelous popular orator who ever spoke our tongue, Patrick Henry, a young Virginia lawyer, with his first important case in court. Tradition relates that he was awkward and ungainly in his appearance, and at first halting and lame in his speech, but that as he warmed with his theme he rose to a splendid level of eloquence, and when he had finished had made for his name an immortal place in the legends of patriotism and liberty. What he said also is fortunately preserved. He denied the right of the English Crown to veto an act of the colonial assembly in a matter in which the colony alone was concerned. "When the King of England," said he, "in the interest of a privileged class, interposes the royal veto against an act of the assembly of Virginia in a matter relating exclusively to the affairs of the colony, he ceases to be a father of his people and

degenerates into a tyrant who has forfeited all rights to obedience."

There is the second half of the American Revolution in one sentence; and that Virginia jury which patiently listened to the instructions of the court, quietly filed out into its retiring room without food or drink, water alone excepted, and immediately came back with a verdict for the plaintiff, assessing his damages at 1 cent, was far gone along the main road to the independence of the United States.

It was in the midst of little occurrences like these that we must seek the original draft of the Declaration of the Fourth of July, and nowhere among the colonies was this spirit of manly resistance more universal than among the people of the province of Maryland, where the Carrolls and the Hansons had for years given the weight of their names and the influence of their fortunes to the aspirations of the community toward a larger and a truer national life.

That aspiration found its first expression in an outburst against wrongs no longer tolerable; but if the grievances of the colonies had been the only cause of the Revolution, or even its most important motive, the opportunity was never lacking to settle the dispute on the basis of a full concession of all American claims. In fact, long before the war was over every objectionable act of Parliament had been repealed and every reasonable complaint redressed, so that it may be properly said that underlying all the abuses against which our fathers protested, and deeper than all the blunders of the King's ministers in dealing with men of their own race, lay the profound and intuitive purpose of the people to create a government of their own and to take into their own keeping the principles of civil liberty, which were already a part of their inheritance.

The ideal which for more than a generation had filled all American hearts was realized in a measure when Charles Carroll of Carrollton put his name down on the solemn parchment, in a larger measure when John Hanson, five years later, took his seat as President of the United States in Congress assembled, and in full measure at length when Washington, a deputy from Virginia, assumed the chair as President of the Convention which framed the Constitution.

For unless a government had been organized out of the chaos which followed Yorktown the war for independence would have enslaved the country and not made it free. These three charters—the Declaration, the Articles of Confederation, and the Constitution—have come down to us scarred, but not disfigured by the battles of more than a hundred years. The Articles of Confederation, whatever their defects, served their purpose while the war lasted, and though they illustrate the difficulty of founding governments and waging war at the same time, they stand as sufficient witness of that constructive genius which belongs to the English-speaking race.

The Constitution of the United States remains, in the words of Mr. Gladstone, "the most wonderful work ever struck off at a given time by the brain and purpose of man," while the Declaration of Independence, interpreted as it ought to be in the light of our national history, is still the most priceless treasure in the political riches of the world. The Revolutionary Government fell, under the enlightened criticism of the men who organized it, leaving John Hanson, its first President, so completely covered up in the débris that it required an act of the legislature of Maryland more than a hundred years afterwards to rescue his name from oblivion; while the Constitution which followed it had to lean awkwardly on the Farewell Address of Washington, the unrivaled common sense of Chief Justice Marshall, and the colossal intellect of Daniel Webster, until in the fullness of time the sword of Ulysses S. Grant gave it a fixed relation to the course of human events. [Applause in the galleries.] For in the last analysis the Army of the Potomac was the convention of 1787 under the head of unfinished business.

Over every field gathered the patriots of the Revolution, for history must associate with the men who laid the foundations of the Republic in blessed comradeship forever the unnumbered hosts of the volunteer army which answered the summons of Abraham Lincoln for the defense of the national life.

It can not be more important to be born than it is to live. The Constitution of the United States had hardly been ordained before a school of politics grew up which began to teach that any part of the country, when it so desired, could work the total wreck of our institutions by the simple expedient of withdrawing from any further participation in them. The doctrine, common to all sections, was an heirloom of the colonial period. In such a harness the colonies had gone through a century of Indian warfare and had sealed with their blood the independence of their country. It has sometimes been said that the doctrine of State sovereignty was the last desperate refuge of the slave power in America. On the contrary, it was the original fortress of public liberty in the United States. Our ancestors were only slowly habituated to look for the protection of their rights beyond the State which they could control to the nation which they could not control, and which they were only touched in a distant and unsatisfactory way.

That is exactly what Mr. Jefferson meant, in the days of the embargo, when he said: "I felt the foundations of the Government shaken under my feet by the New England townships." For, indeed, it was possible for an upheaval of local passion, or prejudice, or interest, to shake the foundations of the Government, during that long period when political factions were accustomed to enforce their decrees by secret hostility and even open conspiracy against the national life. It remained for a later and I soberly believe a better generation to measure without despair the chaos of civil strife, to walk into it, to fight the way of the people through it, to lift up a spotless flag above it, and in the midst of the flame and the smoke of battle to renew the covenant of blood made by our fathers, that government of the people, by the people, for the people, shall not perish from the earth.

After nearly a century of doubt and uncertainty some things, at least, have been made secure. Not very long ago one of our most honored university presidents was reported to have said that unless certain poorly defined ideas of his own in relation to the industrial life of our times prevail, within twenty-five years an emperor will be seated in the chair of Washington, while even in the Senate of the United States the anxiety, sometimes real and sometimes pretended, has grown familiar by repetition, that the Government established by our fathers has broken away from its moorings and is now adrift upon high seas, headed toward the rocks, nobody knows where.

We ought to keep company with no such opinions. They belong to the blackness of the darkness of a past generation. From 1865 forward to eternity, whatever else happens, the American Republic shall live—live to answer the accusers of the people, live to vindicate the faith of our fathers, live to send forth the light of civil liberty, to races not yet grown to the stature of freedom, and to nations yet unborn.

And not only has the Constitution of the United States had to contend with influences always adverse and sometimes malevolent in their hostility, but the Declaration of Independence has passed through vicissitudes hardly less perilous to its moral integrity. Mr. Jefferson originally wrote, "All men are created equal and independent." He then struck out the words "and independent," leaving our sublime political dogma standing nakedly there, "All men are created equal."

By that he did not mean that everybody comes into this world with exactly the same equipment of mind or body, or character, or estate. Our fathers, so far as I have been able to find out, were men of immense practical good sense. They knew perfectly well the differences which necessarily exist among men, arising from the nature of things. They had no quarrel with the framework of society. Their quarrel was with the abuses of despotism, the inequalities arising, not from the nature of things, but from the maladministration of governments. It was against these that they uttered the challenge of divine justice, "All men are created equal" in their right to life, liberty, and the pursuit of happiness.

But even in that narrower sense the Declaration of Independence has had a hard time of it from first to last. For nearly a century the institution of slavery put the Declaration to an open shame before the world. Mr. Jefferson, though himself a holder of slaves, understood this perfectly, for in his Notes on Virginia, speaking of slavery, he put on record his own conviction on the subject, without ambiguity and without reserve, in these words, as portentous to-day as they ever were before: "I tremble for the safety of my country when I remember that God is just and that his justice can not sleep forever." And Washington evidently had the same view of the matter, for if you will examine his last will and testament hidden yonder, in the Library of Congress exactly as he wrote it, you will see that, among the last acts of his life, he manumitted all his slaves, tenderly making provision for those who were too young to work and for the infirmities of those who were too old, and adding a pious expression of hope that the odious institution might speedily pass out of the life of the rising Republic. It was a blot upon the character of the whole country, made respectable by the laws of nearly every colony, North and South alike. It did speedily pass away from most of the States. The climate as well as the conscience of New England was against it, so that gradually its influence narrowed within the territory farther south, where for generations it remained, cursing the black man and the white man alike, and illustrating in the end the infinite judgment of God upon every form of injustice against the hands that are hardened by toil and the backs of men bent under the burdens of society. I know that while that conflict was in progress there were some who claimed that our fathers meant to say that liberty was suitable for white people only; but when Mr. Lincoln, in the great debates of 1858, drove Stephen A. Douglas from that position, he used only the legitimate weapons of history and reason.

I can not believe that our fathers, after they had been commissioned of heaven to write, in the face of the kingdoms and monarchies of this world, our manuscript of equal rights—I can not believe that they deliberately put out of their calculations any men or any race of men. To believe it would be to impeach not only the integrity of their minds, but the sincerity of their hearts. I refuse to do either. On the contrary, the longer I live the more perfect my conviction becomes that there is in this world, after all, only one question of politics, and that is the question of equal chances for men and women to win in the race of life. [Applause in the galleries.]

Questions of war and of diplomacy, of peace and education become significant only as they are bound up together with the rights and welfare of the weary and heavy-laden millions of the earth. Toward the consummation of popular freedom human society has steadily approached. That universal conclusion will surely be obtained. Kings and royal families can not stop the course of history. The end is inevitable, because it is right, that this world of ours, so long the theater of ambition and the prejudices of rank and caste, of race and creed; of blood and privilege and wealth, shall one day in the coming era throw off the tyranny of all these and in their place raise up unto honor the enduring aristocracy of upright manhood. [Applause in the galleries.]

That is the message which comes from one century across another to us and to our children; and long as this stately building stands here on the eminence which Washington chose for its foundations these favorite sons of colonial Maryland, his friends and counselors, whose statues we unveil to-day, shall repeat the message in the ears of all nations and of all ages. [Applause in the galleries.]

Mr. DEPEW. Mr. President, materialism is ever crowding with increasing force upon sentiment. It is destructive of ideals As wealth increases and competition grows and larger opportunities intensify the struggle for existence or for great accumulations, unselfish sentiment becomes more distant and difficult. The war of the Revolution was, in its best and highest sense, inspired by sentiment and for a principle. Actual oppression had not reached that acute form which had precipitated other revolts. As Burke said:

> In other countries the people, more simple and of a less mercurial cast, judge of an ill principle in government only by an actual grievance; here they anticipate the evil and judge of the pressure of the grievance by the badness of the principle. They augur misgovernment at a distance, and snuff the approach of tyranny in every tainted breeze.

The Continental Congress differed from all other bodies which have overthrown and created governments. All of its members were men of substance, who had nothing to gain, beyond the establishment of those principles of government in which they believed, and everything to lose in the contest. Carroll was the richest of the signers and the second richest man in the United Colonies. Washington was the wealthiest, his fortune being reckoned at $750,000, while Carroll assessed himself at a half million dollars. Hancock was the wealthiest man in Massachusetts, Morris in New York, and in each delegation was some one similarly situated in his colony. It was mostly an American convention. Forty-nine of the signers were born in this country, two in England, two in Scotland, two in Ireland, and one in Wales. They were all thoroughly versed in the principles of English liberty and in the rights of British subjects. They knew what they were entitled to under the great Charter and the Bill of Rights. Their average age was 45 years. The oldest were Franklin and Hopkins, who were 70, and the youngest were Rutledge and Lynch, who were 27. Hancock was 40 and Jefferson 33 years.

The proportion of lawyers to the whole number was numerically less and the doctors were greater than in any subsequent Congress of the United States. Sixteen were lawyers, 9 merchants, 5 doctors, 5 planters, 3 farmers, and 1 clergyman. The other 17 were, like Franklin, men of letters and of science, who had made their mark in various careers. Eighteen were graduates of American universities, 3 of Cambridge, England, and 1 of Edinburgh University. Twenty-one were liberally educated in institutions of learning in this country and abroad and by private tutors and travel. Eleven were self-taught, but they were by no means the least learned of their associates. Roger Sherman, who began life as a shoemaker, was a man of such transcendent ability that he was regarded in the Convention as its ablest lawyer and possessing a judgment to which universal deference was paid. None of them had any title, nor were they statesmen, as that term was then understood. They were the products of a self-governing people, who had developed, in the course of a century and a quarter, a habit of independence.

The colonial forces had learned the art of war and been the most efficient soldiers of Great Britain in the struggle on this continent with France. The signers were not seeking fame by speeches which would command listening Senates, for they sat with closed doors and without reporters. We know that the discussions were upon a lofty plane and carried on with universal ability and power. Jefferson bears witness that John Adams on the side of independence was a Colossus in debate. These fifty-six statesmen represented accurately the constituency which elected them. They voiced the sentiment of the vast majority of the American people. They were so conspicuous and influential that the British Government would gladly have rewarded them with the titles which are now so much coveted by the residents of the British colonies all over the world and granted to them as personal favor or distinction. They not only spurned these honors, but were conscious that if they failed in their revolt their lives were forfeited for treason and their estates confiscated. Two of them were already proscribed by proclamation as beyond all possibility of pardon if the colonies were subdued—Samuel Adams and John Hancock.

In other revolutions the violent men, the demagogues, those who had everything to gain by disorder, were in the main thrown to the front. With success came the struggle for power, and bloody proscriptions were as merciless and as general by those who succeeded in capturing the State against their associates in the Revolution as against the tyrants who had been expelled. This happened in the French Revolution, and has been the ordinary course of history in the South American Republics. But the signers of the Declaration of Independence never claimed for themselves any rewards of their countrymen for what they had done. None of them made any effort to seize the Government or to secure special individual favors. They knew what they were doing and that it was for posterity. Two of them became Presidents of the United States and one Vice-President, but the succession after Washington of John Adams and after Adams of Jefferson in the cleavage which came and lasted until the civil war between State rights and the nation were the natural choice of the free will of a free people.

Most of them were selected at different times during their lives for the diplomatic service, for Congress or the Senate, for the judiciary or the executive office in their several States, but they performed their duties as conscientiously and retired to private life as willingly as if they had never had any connection with the creation of the institutions which they served. Although their education had been local and their public life in colonial affairs, they commanded as diplomats the admiration of the oldest cabinets of Europe. The securing of the consent of monarchical France to an alliance, with the assistance of her fleet and armies, was a marvel of diplomacy, while the judicial decisions, acts of Congress, reports of Cabinet ministers, and state papers of the fathers has guided the course of Government from their day to ours and remain an unequaled monument of creative wisdom.

The course of Rome for many centuries was controlled by the mysterious revelation of the Sibylline leaves, but there was no mystery about the Declaration of Independence, no mystery about the Constitution of the United States, no mystery about the Farewell Address of Washington, and no mystery in the writings which have come to us from the fathers of the Revolution.

Forty-seven lived to see the independence which they had declared seven years before recognized by Great Britain. Forty-three hailed the new Constitution which was adopted in 1787, and which is our guide and government to-day practically unchanged. Happily for the country, three of them lived for more than fifty years after that eventful epoch-making Fourth of July. The influence not only of the teachings, but of the example of these surviving signers during the first half of our existence can not be calculated. The death of Jefferson and of Adams, occurring on the same day, on the Fourth of July, on the fiftieth anniversary of the hours during which the Declaration of Independence was adopted, brought vividly before the people the sentiment and the principles for which the signers stood. Their political antagonism had been forgotten in the last two decades of their lives, and in their union in death there appeared, as it were, on that memorable day spread upon the heavens in view of all the people the immortal Declaration of Independence; and on the one side Jefferson, the author, and on the other side Adams, the Colossus in debate, by whose eloquence it was unanimously agreed to.

Charles Carroll of Carrollton lived six years longer. He spent twelve years abroad, studying in the best institutions of England and of the Continent. His wealth and social position at home brought him in contact with the leading minds of those countries. He was four years in the Temple at London studying law. At the age of 27 he returned to his home equipped with every appliance of opportunity and of learning that the times afforded him. This was in 1764. The colonies were aflame with the discussion of taxation without representation. Carroll instantly jumped into the arena. His pamphlets commanded universal attention. To the royal governor of Maryland, who had endeavored to impose a tax not sanctioned by the legislature, he wrote this revolutionary

sentiment and dangerous expression for a colonial subject twelve years before the Declaration of Independence: "In a land of freedom this arbitrary exercise of prerogative must not and will not be endured."

Ten years later and two years before the final act, conferring with some members of Parliament, one of them said: "If you revolt, we will send 6,000 veteran English soldiers to your country, who will march from one end of it to the other, for there is nothing with you which could resist them." Carroll's answer was: "So they may, but they will be masters only on the spot on which they encamp. If we are beaten on the plains we will retreat to the mountains." Carroll was not present when the Declaration of Independence was passed. Maryland had suffered little and was not feeling seriously the effects of the extraordinary exercise of the royal prerogative, so the Maryland legislature was reluctant to take the extreme step of separation. Carroll made it his mission as a member of that legislature to bring his State into line. Nothing could resist his impetuous patriotism and sound reason. He had more at stake than any of them, and he brought his State finally to withdraw its opposition and to authorize its delegates to sign the Declaration. Then with this mission, won mainly by his efforts, he went to Philadelphia and took his place as a delegate in Congress.

When the time for signing came, and in bantering each other as to whether in case of failure they would hang singly or hang together, the remark was made to Carroll, "You can escape, because there are so many Charles Carrolls." His answer, immediately emphasized by the inscription following his pen, was, "Charles Carroll of Carrollton." It is the only title in our Revolution. There have been many men of distinction in different ages and countries whose proud boast was that they had and could transmit to their descendants their name as of the duchy, the earldom, or the barony which had been bestowed upon them by royal grant for distinguished services or as favors of the Crown. But here was a distinction not bestowed, not granted, but assumed by the writer, not as a title of nobility, not as a claim, like the lands at Blenheim, to a great estate conveyed by a grateful country, but as the location and description by which the executioner could find him if the cause of liberty failed. The members of revolutionary conventions, as a rule, when the revolution was successful, have met with bloody deaths or been driven into exile. But the signers of the Declaration of Independence experienced all their lives that sweetest incense to a patriot and a statesman—the love and reverence and admiration of a grateful people.

A writer records a visit made to Carroll at his home when he was the only survivor of that immortal band. He was at that time 95 years of age. The visitor says that as he entered the parlor from a bundle of shawls on the sofa came a figure so slight and emaciated that it seemed scarcely human. But Mr. Carroll began at once to question him about the Virginia statesman from whom he had come and then to discuss the old days in the light of the new. That visitor, a man of imagination, cared little for what was said. He was grasping a hand which had signed the Declaration of Independence. He stood in the presence of the last of the immortals. There must have appeared to him the Congress in session on that great day. He could see Benjamin Harrison, of Virginia, seize John Hancock, who had just been elected President, and carry and place him in the chair, saying, "We will show mother Britain how little we care for her by making the Massachusetts man our President whom she has excluded from pardon by public proclamation."

He would see Benjamin Franklin calling attention to the fact that upon the back of the President's chair was a picture which represented the rising sun, the same chair which Washington occupied eleven years afterwards as President of the Constitutional Convention, when the sun of American liberty had risen, never to set. He would recall that then and there was the dawn of a new era in the affairs of the world. Constitutional liberty, self-government, the equality of all before the law, absolute religious freedom, and freedom of the press. These were new forces, which, if successful, must permeate all countries and affect the institutions of every land. Charles Carroll at 95, fifty-six years after he had signed the Declaration of Independence, could look back triumphantly at the results. He could see three generations of his own descendants enjoying its blessings. He had witnessed the perils of the Confederation, the cementing of the bond of union, and the creation of an imperishable nation by the Constitution of 1787.

As a friend and adviser of Washington he had taken part in that formative period of the first two Presidential terms, when the fabric was so feeble and tottering daily to a fall, and when it was held together mainly by the character and confidence of that foremost man of all the world, "The Father of his Country." He had witnessed the perils of a French alliance, which had been avoided, and seen the successful issue of a second war with Great Britain. His country was strong and prosperous. Every nation had its representatives at its capital. It possessed a powerful navy and mercantile marine, which carried its commerce all around the globe, its flag was on every sea and in every port, and the prosperity and happiness of its people were unexampled. There was but one danger, and that was acute in 1832—the danger of disunion. When the Declaration was signed, in 1776, the perils of the country were wholly from without. In 1832 they were entirely from within.

"One people" was the term used in reference to the citizens of the Thirteen United States of America in the Declaration of Independence. "We, therefore, the Representatives of the United States in Congress assembled, appealing to the Supreme Judge of the world, declare that these United States are, and of right ought to be, free and independent States," was the closing of that document. "That the people of the United States. in order to form a more perfect union," are the words under which our Constitution was written. Washington received his sword from the Congress of the United Colonies, and returned it when triumphant to the Congress of the United States. All who were born and all who accepted citizenship under that Declaration and that Constitution came into the inalienable inheritance of all the rights, the powers, and the liberties of the Union of the States. The danger to the Union from the conflicting ideas of State rights and nationality, which clouded the last days of Charles Carroll, culminated in 1861 into the bloodiest civil war of modern times.

That struggle it is now clearly seen was a providential interposition in our affairs, not only to extirpate slavery, but to perpetuate the Union. We witness the unprecedented spectacle of the victors and of those who failed, both fighting as our blood only can fight for an ideal, now sitting side by side in this Congress, equally loyal to the flag and to the Union. The passions of civil war have died while the generation which fought it is living. With this question settled the progress and development of the country in all that constitutes the wealth and power of a nation has been five times greater in the thirty-seven years since the civil war than in the preceding eighty-nine years.

We can place among the immortals John Hanson, who has also been selected by the Commonwealth of Maryland as her representative in the gallery of State patriots in this Capitol, as President of the Congress of the Confederation during the later years of the struggle, and he had appended to his name the unique title of "President of the United States in Congress assembled." As the signers, from above, note the honor this day conferred upon the one of their number who lingered longest on this side they recognize that, great as were their aspirations, fond as were their hopes, mighty as were their dreams of the future of their country, yet in every element which makes a happy people enjoying the blessings of the largest liberty and a nation foremost in the affairs of the world, the Republic which they created has surpassed all they hoped or dreamed or prayed for. [Applause in the galleries.]

Mr. BACON. Mr. President, I am unwilling that the exercises of this most interesting occasion shall close without any word being spoken from either of the four original States lying south of the Potomac. In the arrangements made for these exercises it was not designed that this should be so. Of these four States, if not of the entire thirteen, in Revolutionary times, Virginia will be recognized as easily the first.

And thus it was that it was deemed proper that a Senator from Virginia should be heard upon this occasion. It seemed to be peculiarly fitting that this should be so on the presentation of these two statues.

John Hanson was the first President of the United States in Congress assembled, and a Virginian was the first President of the United States under the Constitution.

Charles Carroll was a signer of the Declaration of Independence, and the framer of the Declaration of Independence was a Virginian, while the soldier who made that Declaration good was also a Virginian.

Recognizing all this, the senior Senator from Virginia [Mr. DANIEL] had been selected to speak as the representative, in a sense, of these four original States. All will agree that no more happy selection could have been made. Unhappily, since these exercises have begun and within a few minutes just past, the information has been brought to us that the illness of the Senator from Virginia will prevent his being heard to-day, and, at this last moment, the duty has been unexpectedly devolved upon me.

Mr. President, I would not undertake at any time to supply the place of this eloquent Virginian, and in any event extemporaneous speech would not be fitting here to-day. But without attempting more than a word, I will be pardoned, Mr. President, for saying that the failure of Virginia or of North Carolina or of South Carolina or of Georgia to be heard to-day would be misconstrued, if from such failure it was understood that the fact that statues to John Hanson and Charles Carroll were to be

presented here to-day had been passed over by them as a matter not worthy of attention or of speech from them; for it can be confidently said that not only now, but at all times since the date of the signing of the Declaration of Independence the people of those four States have been loyal and true to every utterance of that great instrument. They are not only loyal to its great principles, but they revere the memory of its great authors.

Mr. President, not only in sentiment, but so far as might be expressed in acts, the devotion of the people of these States to the principles of that instrument has been manifested, and they have united in the effort to do honor to those who framed that immortal instrument, and plighted their lives and fortunes to its maintenance.

Among other things, it may be mentioned that in my own State of Georgia there are a number of counties which have been named for framers and signers of the Declaration of Independence. I can not enumerate all of them, but I will mention as pertinent to this occasion that not only are there in Georgia the counties of Jefferson and Hancock and Franklin and Gwinnett and Hall and Walton, and others bearing the names of these illustrious signers, and named in their honor, but there is also in the State the county of Carroll, named in honor of the renowned Marylander.

Mr. President, if I may be pardoned the suggestion, as I have sat here and listened to these eloquent speeches I have noticed in the niches of this Chamber the busts of all the Vice-Presidents of the United States, and the thought has occurred to me that it would be fitting if at some time the Government of the United States would erect a hall for the immortals—the consecrated band who proclaimed the great Declaration which challenged the political dogmas of a thousand years, and defied the greatest military power of all the earth.

We have the Chamber of the old House of Representatives, in which each State is authorized to place the statues of two of its most illustrious citizens. But, sir, this work of thus commemorating these founders of the Republic should not be left to the States alone. The time may come when the old Senate Chamber will be vacated by the Supreme Court when a fitting building may be erected for the judicial department of the Government.

When that time comes, Mr. President, it will be fitting that that historic chamber shall be chosen for the hall of these immortals, and that therein shall be placed, to be forever preserved, the effigies in marble and bronze of the deathless framers and signers of the Declaration of Independence.

Mr. WELLINGTON. Mr. President, Maryland, one of the original thirteen States, to-day sends greeting to her sister Commonwealths and, as a token of her steadfast faith in the principles advocated by the immortal Declaration of Independence, places in the American Pantheon the statues of two of her most illustrious citizens of the Revolutionary period—Charles Carroll of Carrollton, to whose untiring energy and aggressive policy the adoption of the Declaration of Independence is in a great measure due, and John Hanson, who was the first "President of the United States in Congress assembled" under the government of the Articles of Confederation. The pages of her history are illumined by many names which shall live as long as the American nation survives or the records of its history are remembered. In peace and war, in the period of settlement, during all the mutations of fortune in the Revolution, in the adoption of the Constitution, in the progress of the nation, in the great civil struggle, and in the years subsequent thereunto unto the present she hath wrought her part through and by the heroic efforts of her sons. From among them all have been selected these two as being most worthy to represent her in the Temple of Statues at the National Capitol.

When the adventurous spirits—heroic mariners and commanders of Europe—in the sixteenth century sought, discovered, and explored the New World, in which they fondly imagined the fabled treasures of El Dorado might be hidden,

> They found not what they sought,
> But Fame with her bay wreath dowers
> The hardy band, for they found the land,
> And the land that they found is ours.

But, sir, in the century following the North American continent became the trysting place and haven of refuge of the oppressed of all European nationalities, who pledged themselves to liberty, religious toleration, and self-government. The struggles of settlement, the battles for British supremacy, are an important page in the annals of our country. The Puritan of New England, the adherent of Roger Williams, who founded the Providence Plantations, the Quaker followers of Penn, the Cavaliers of Virginia, the Catholic adherents of Leonard Calvert in Maryland, the Huguenots of the Carolinas, were unlike in many things, but the mainspring of their action was freedom, independence, self-government.

The province of Maryland was granted by Charles the First to Cæcilius Calvert, Lord Baltimore, bounded with much greater dimensions than now constitute the territory of the State. A number of counties in West Virginia, Delaware, and a portion of Pennsylvania were included. But with Lord Fairfax upon the one hand and the eminent Quaker, William Penn, on the other the boundaries were circumscribed and narrowed after many bloody encounters and valiant fights. Lord Baltimore held the colony as a feudal principality, but never viewed it personally, having delegated to his brother, Leonard Calvert, the rights of government. He was a noble, righteous, and liberal man, and under his leadership the colonists of Maryland "laid the foundation, broad and deep, of civil and religious liberty."

As it was in Maryland, so it gradually became in her sister colonies. The same aspiration was felt, the same environment sought, the same object contemplated in each and every one of the colonies finally dominated by Great Britain. New Amsterdam became New York; the Spaniards returned to the southland; the French, after a desperate struggle, were forced to abandon the mainland entirely; and thus in the passage of time all elements were consolidated under English influence and the British spirit of liberty pervaded the conglomerate mass.

The founders of the colonies sacrificed the civilization of Europe to avoid coercion, and their decendants were deeply imbued with the spirit of liberty. With the ax in one hand and the rifle in the other, they penetrated the wilderness, subdued nature, and conquered the aboriginal inhabitants. As they grew and prospered the English Government withdrew its protection and they stood alone. The American pioneer was forced to do battle for himself against a savage foe, and also to combat the enemies of Great Britain. This taught him self-reliance, to seek his own and his fellow-colonists' counsel, and gradually to form a bond of union in which mutual friendship and reciprocal aid were the component parts. There was no recognized right to form alliances among themselves, but in consequence of the similarity of their interests, laws, and at times precarious situations, they frequently united to advance the common welfare and for defense against the Indians. Finally in 1754 a Colonial Congress was held in Albany, at which delegates from seven colonies were present. It was resolved "that a union of the colonies is necessary for their preservation, and Parliament should establish it." It was not, however, until the mother country began its tyrannies and oppressions that such a union was consummated. The bold stand taken by the people of Massachusetts was approved and applauded by the other colonial legislatures, and a national feeling was manifested.

When, in 1775, the first clash of arms came in Massachusetts, a Continental Congress had already assembled, of which Peyton Randolph, of Virginia, was made the President. A year later the second Congress, having passed beyond petitions and bills of right, advanced to the supreme step of severing relations with the mother country, and announcing to the world a doctrine in governmental affairs as different to that which had preceded it as the new dispensation of the Nazerene had been in comparison with the Mosaic law. During the Middle Ages and even in modern times the feudal tenure had prevailed in Europe. There was mastership and service. The common people were serfs, the nobles held power by force, the monarchs of the kingdoms and empires ruled by right of descent and the grace of God.

The Declaration of Independence reversed these ancient methods, denied the usurped powers, and proclaimed the right of men to govern themselves by their own consent. Kingship was abolished, nobility and its titles discarded, and a simple government of the people, through representatives chosen by themselves, assumed control in their stead.

The colony of Maryland had been in sympathy with the opposition to the encroachment of Great Britain upon what the colonists considered their "inalienable rights" and had participated in the first Continental Congress, had answered the call of Massachusetts for assistance, and the riflemen of Allegany, with other component parts of the Maryland Line which was afterwards to become famous as the army of salvation upon at least two occasions, when desperate battles were fought, had been sent forward to aid the colonists of New England.

They were, however, a conservative people; they were a proprietary colony in contradistinction with those of a provincial character or charter government. Men of great landed estates, always careful, were not willing to advance in rapid strides, and they deemed in the Maryland convention, which appointed its delegates to the Continental Congress in 1776, that the time for separation from the mother country had not yet come. Therefore Samuel Chase and his colleagues sent by Maryland as delegates to the Continental Congress were restricted in their powers and instructed to vote against the adoption of the Declaration of Independence upon the part of the Maryland colonists.

It was at this point that the eloquence, ability, patriotism, and aggressive nature of Charles Carroll and the conservative but steadfast character of John Hanson united and intervened and threw the weight of the influence of their native colony upon the side of those who sought for separation from Great Britain and the establishment of the Republic.

Charles Carroll of Carrollton was born September 8, 1737, at Annapolis, in the colony of Maryland, which city was then not only the capital of the colony, but the center of wealth, power, culture, and social influence of the colonies of the South. His family was the richest in Maryland and potent in fashioning the course of events in that domain. They were of the Catholic faith and Jacobite in their tendencies. Charles Carroll was, at the age of 8 years, sent to France to be educated in the religious colleges of that country. At the age of 20 he departed from France and became a student at law at the Temple, in the city of London, England, where he remained for eight years, and at the end of that period was probably one of the most highly educated and cultivated men born in the colonies, for, in addition to the advantages that had been given him, he added a strong character and splendid intellect. At the age of 27, after an absence of twenty years from his native land, he returned to Maryland, and by reason of his powerful family ties, his great wealth, but, above all, on account of superior ability and a mental equipment exceeded by none of his countrymen, he at once took high station among them and began his career in the practice of the law and the management of his estates.

In the year succeeding his return to Maryland the odious "stamp act" was passed. It touched every fiber in his nature and at once ignited into a bright flame the latent fire of his patriotism. He was in the front rank of those who boldly and courageously protested at this iniquitous legislation of the mother country and pledged himself to resist the execution of the infamous law.

In 1774 the delegates to the Maryland assembly passed a resolution declaring that no more tea should be imported into that territory. In contravention of this resolution, in the year of its adoption a brig load of this article arrived in the port of Annapolis. Intense excitement at once manifested itself. The *Peggy Stewart* was ready to discharge her cargo, but the noble woman in whose honor the vessel had been named, herself an ardent patriot, by an appeal to Charles Carroll prevented the consummation of the project. When his advice was sought as to what it was proper to do under the circumstances, he replied with promptitude and decision, "If you would allay the rage of the people, burn the vessel together with its contents." It was not many hours afterwards when a great concourse of people assembled upon the water front saw the bright light of a conflagration, which burned the vessel to the water's edge, and there went up a great shout of patriotic satisfaction.

In 1776 Charles Carroll was appointed a commissioner, with Benjamin Franklin, Samuel Chase, and John Carroll, to induce the inhabitants of Canada to join with the thirteen colonies in their antagonism to British tyranny. This mission was unsuccessful. Influences which it would be futile to mention in the present caused the Canadians to refrain from uniting with the American revolutionists in their great struggle for liberty.

On his return to Philadelphia, Carroll found that the Continental Congress was engaged in debate and discussion upon the proposition that not only should there be resistance to the unjust taxation of the British Parliament, but that the colonists had now reached a vantage ground upon which they should assert their independence of English rule. Carroll found that Chase and his colleagues, who had been chosen to represent Maryland, would be unable to vote for this Declaration, by reason of instructions which had been placed as a restriction upon them by the assembly which gave them their credentials.

In a moment his mind, which was quick of perception, saw the danger of this opposition, for the action of the Maryland delegates in refusing to sign the instrument might have a fatal effect upon its intent and frustrate its purpose. The national sentiment had reached its height. The moment for decisive action had arrived. In order to make the action of the Congress effective it must be unanimous, and therefore Carroll, with a celerity in those days unprecedented, journeyed to Annapolis. In haste he proceeded to the convention, and with resolute demeanor, while it was yet in session, entered the chamber, procured recognition, and at once began the delivery of an address which seems an inspiration; so forceful in its nature was it that he procured a repeal of the instructions, and on that day, the 28th of June, prevailed upon the convention to send new instructions to the delegates at Philadelphia, abrogating those formerly issued and directing them to vote for the Declaration.

In the first days of July he was appointed a delegate to Congress, and notwithstanding his strenuous effort to reach Philadelphia in time for the passage of the Declaration, he was too late to cast his vote in its favor; but when the delegates were called upon to sign their names to the immortal document John Hancock, the President of the Continental Congress, asked him if he would sign it. "Most willingly," rang out the clear voice of Carroll, and he stepped forward and affixed his name; but as he did so some one suggested that it was an act for which possibly His Majesty the King of England might at some future time urgently require his presence, and that there were other Carrolls in Maryland. Therefore he again took the pen and added, "of Carrollton." "That the British King might know where to find him to answer for his treason." Thus we find that while Charles Carroll was not of the committee which drew that great state paper, while he could not claim authorship or inspiration as did Jefferson and Franklin, yet upon his action depended its acceptance and success.

During the great struggle which followed, which, indeed, had already begun, until its final consummation, Charles Carroll labored without ceasing. The friend and confidential adviser of Washington, serving in many capacities; in Congress, in the State legislature, ever faithful and loyal, ready and willing to give freely of his services and his means, that the Declaration for which he had pledged "his life, his fortune, and his honor" should triumph.

The Declaration of Independence is, in my humble opinion, the most important act of the American people. Its adoption was hailed with patriotic exultation by the colonists. Amid the peals of old liberty bell from the tower of the hall in which Congress deliberated freedom was proclaimed. It was the beginning of a new era in government. It not only gave notice to the world that the American colonies were, and of right ought to be, free and independent States, but it went further and beyond that. It declared that all men were born free and equal, and endowed with certain inalienable rights, among which should be mentioned "life, liberty, and the pursuit of happiness." Aye, it went beyond that, and it laid down resolutely and firmly the doctrine that all just goverment must derive its authority from the governed. The world was astonished; Britain was stunned by the blow; Metternich, the statesman of the old school, who was guiding the fortunes and diplomacy of continental Europe, laughed and said that "a government so founded must be ephemeral in its nature and would soon pass away by reason of internal dissensions." But his prophecy was vain; his judgment was clouded; for upon that Declaration was founded a new nation, conceived and born in liberty, fraternity, and equality, and it was the intention of the fathers, the framers, the patriots; it was the intention of Charles Carroll and John Hanson, as evidenced in many of their utterances, that America should not only have freedom for herself, but should inculcate liberty and advance, protect, and defend freedom for all the nations and peoples of the earth.

The Declaration of Independence is the grandest exposition of the noble heritage which of right belongs to a patriotic, liberty-loving people that has ever been penned, spoken, proclaimed, or sung by man. It is splendid in conception, magnificent in its dignified statement, majestic in its ever-increasing power, as it names, condemns, lifts up to scorn the encroachments, oppressions, and tyrannies of the English Government, and becomes sublime as it hurls its maledictions upon wrong, breaks the bonds that bound the colonists, and proclaims liberty to the world. It is not organic law, it has not the force of the Constitution in courts of law, but, sir, in the day the Declaration of Independence is not the supreme law in the hearts and minds of the American people the Constitution will be no longer respected and the national life will be endangered. Therefore it should stand first, sacred, inviolate.

During the same time that the Continental Congress was employed in fashioning and adopting the Declaration of Independence there was also appointed a committee to formulate a plan of government for the union of the thirteen colonies into a league for the mutual protection and defense, that they might in union wage war upon Britain and achieve a common independence. These articles do not evidence the same high spirit that was manifested in the Declaration. Rival interests, sectional differences, various contentions which had been forgotten in the lofty and noble patriotic enthusiasm of the Declaration were plainly seen in the twenty articles which were reported to the convention. After the adoption of the Declaration a long struggle took place upon these Articles of Confederation. They were finally adopted by the convention on the 15th day of November, 1777.

The Declaration had dealt with the people of the United States. The Articles of Confederation dealt with sovereign Commonwealths, and here we find the beginning of the two ideas which fought for supremacy from the first hour of our appearance in the arena of nations until the end of the great civil war—the one for Federal supremacy, the other for State sovereignty.

These Articles of Confederation were ratified in July, 1778, by delegates from all the States in the Union save three. They were subsequently signed by New Jersey on November 25, 1778, by Delaware February 22, 1779, and Maryland March 1, 1781. It will be seen that the State of Maryland was the last to give adhesion to the plan of the Confederacy. The reason for her long and strenuous opposition was that John Hanson and Daniel Carroll, of her delegates in Congress, assumed a position upon the question of the Western domain which was at length successful and which time has demonstrated to have been supremely wise.

Beyond the confines of the original States lay the great "Northwest Territory." Several of the Commonwealths claimed extravagant area because of the ill, or rather undefined, boundary. Maryland refused to ratify unless these claims were surrendered, for she contended that the vast tracts of land rescued from the common enemy by mutual effort should be common property and inure to the benefit of the National Government. This position was maintained for five years. Hanson and Carroll labored assiduously to remove the impediments existing, and at length succeeded in arousing the other States to a sense of the importance of the question and effected a compromise. Thereupon they were empowered to sign the ratification for Maryland.

After these years of struggle we find Maryland, though the last of the States to accede to the proposition, gave her assent to the ratification of the Articles of Confederation graciously and gladly on March 1, 1781, and made plain the way for the beginning of government under the Confederacy. The Revolutionary or Provisional Congress passed away. In its stead the new Congress, under the government of the Confederacy, was convened on March 2, 1781, under the title of "United States of America."

Under this plan of government there is what may appear to us now a strange condition. There is absent every particle of executive power in this Confederacy; the Congress is the legislative power, and in truth the only governing power recognized in the Republic. The reason for this is, to the student of history, very plain. The patriots of the Revolution had so long suffered from executive power as imposed by Parliament and practiced by royal governors that they detested and despised it, and would have none of it in the General Government. The States themselves had their governors and legislative bodies, but the Federal Government was devoid of executive power, except so far as the Federal Legislature by its own acts assumed them under the articles and executed them through its President.

Upon the assembling of Congress, under the new Articles of Confederation, on the 2d of March, 1781, John Hanson was present as a delegate from Maryland. He was born in Charles County, southern Maryland, in the year 1715, and was therefore at this period fast approaching the time which is allotted to men by the patriarch—three score and ten—yet he was as active as ever in the great struggle for independence. Years had not diminished his ardor nor lessened his devotion to the cause. He was descended from a family who originally dwelt upon the eastern shore of the State, in the good old county of Kent. His was one of the most influential families in the province. His personality stands in direct contrast with that of Charles Carroll. His education was obtained in the land of his nativity, not in foreign countries. His occupation was that of a Maryland landowner, a tiller of the soil, dwelling amidst his large plantation; a Protestant in faith, and, naturally, an adherent of the house of Hanover.

In early manhood he began, by reason of his position, to take great interest in the affairs of the colony. He represented Charles County in the lower house of the assembly in numerous sessions, and in the exciting times when the oppressions of Great Britain upon the colonies augmented from year to year he participated with thoughtful conservatism, which gradually developed—not by passion, but by reason and principle—into a determined opposition to the mother country. His fame spread throughout the province, and he ranked high among the accepted leaders of the movement for resistance. He was among the strongest and stanchest advocates of the "Maryland associations," and was among the first to sign the agreement obligating himself, "by the sacred ties of honor and reputation, not to import nor purchase any article thus taxed or which should thereafter be taxed by Parliament for the purpose of revenue," and he was the first in Charles County to openly compel the reshipment of goods sought to be imported.

In 1773 the march to the westward had already begun, and Frederick County, which has proven to be one of the richest agricultural districts in the United States, began to attract prominent settlers. John Hanson was in the vanguard of the march of the new pioneers and settled in Frederick County in 1773. Already well known as a leader in the State, his activity was transferred from Charles to Frederick County. In 1774 he was appointed a delegate to the General Congress at Annapolis and also elected a member of the committee of observation for the colony. He was active in organizing the Maryland Line, and contributed freely from his means, not only to his own State government, but it is recorded of him at this time that he sent £200 sterling for the relief of the poor of Boston, then suffering by reason of British invasion. Thenceforward we may trace his history, ever in the forefront, serving in various capacities upon committees and in assemblies.

In 1775 the Maryland convention issued its declaration of independence, known as the "Association of Freemen of Maryland." This meant the downfall of the proprietary government and the assumption of power by the provisional government of the people themselves. Matthew Tilghman was the president of this convention, and John Hanson one of its most distinguished and forceful members. During his chairmanship of committee of observation in Maryland, which practically governed the colony, the attempt of Lord Dunmore and his fellow-conspirators to destroy Maryland, Virginia, and Pennsylvania by fire and sword was discovered and frustrated. When Maryland had ceased to be a province and became a State under its own constitution, John Hanson was again a member of the general assembly, and in 1779 was elected a delegate to the Continental Congress. In November, 1780, he was reelected to the general assembly of Maryland, but declined the honor and resigned his office, he being at the same time a member of the Continental Congress from his State.

Here it may be remarked that when he resigned his office he said to the people of Frederick County that the best man they could send in his place was Thomas Johnson, the famous first governor of Maryland when she was free.

On November 28, 1781, John Hanson was reelected to Congress for his third term, and with Daniel Carroll subscribed to the ratification of the Articles of Confederation for his State.

The organization of the new Congress began, and John Hanson, of Maryland, was chosen as President, and thus became "President of the United States in Congress assembled," occupying that exalted position until 1782, during the eventful period when the American armies, in conjunction with their French allies, finally triumphed, when beneath the rays of an October sun George Washington received the sword of his captive Cornwallis. The great labor accomplished, independence won, and the nation in its formative period, with every indication of advancement and success, John Hanson, now a man old in years as well as high in honors, retired from public life, seeking seclusion and rest.

He was the first "President of the United States in Congress assembled," and his hand guided the fortunes of the new nation in the year which brought the final success of American arms, after a long period of vicissitude and changeful fortune. He was not a man of selfish ambition, but became active in the affairs of his native colony by reason of his love of country and steadfast purpose to stand by and for the right. That he loved home better than the arena of political life is evidenced by his correspondence with his nearest and dearest of kin. As we read some of these epistles written to his wife and to his son-in-law, Dr. Philip Thomas, of Frederick, we are impressed with the fact that only a high sense of duty kept him for five and twenty years constantly engaged in public service, and allowed him to retire only when his fondest hopes had been realized in the consummation of freedom and self-government for his native land. I trust I may be pardoned for presenting to public view an extract from a letter which was evidently intended for his family, dated at Philadelphia, September 4, 1782. He wrote as follows:

> As to my serving as a delegate in our assembly next year, I hope my friends will excuse me. I think the public can have no further claim to my services. I have performed my term of duty and they must give me a discharge. Retirement to people of my age must be most desirable, and I hope I shall enjoy it in the future without being censured for withdrawing from the public service.

But the effect of the arduous labors of a lifetime of constant effort in the great cause soon called him to a more lasting rest than that afforded by the seclusion of his estate, for on the 22d day of November, 1783, he passed out of this life into the future, where it is said "just men are made perfect."

Charles Carroll lived long beyond John Hanson. To him was vouchsafed a life filled with honors even in his declining years. The services which he rendered to his State and to the Union can not be too highly appreciated. The Articles of Confederation had been well denominated "a rope of sand," and the formation of a strong, lasting Union was necessary as between the sovereign States. Common oppression and mutual disasters had united them in a desperate endeavor to obtain freedom.

At the conclusion of the struggle the Army was disbanded, Washington resigned his commission and lived quietly at Mount Vernon; but notwithstanding his private station, he stood first in the hearts of his countrymen, and he was worthy of their high esteem. His patient endurance more than any other quality had brought final success to the American arms. It was reserved for him to do as great a service for his country in civil life as he had rendered upon the field. He it was who appealed to his countrymen to form a more lasting union by the adoption of a Constitution creating a Federal Government. His influence was necessary, he alone had the power of leading the various and conflicting interests of the colonies to this conclusion. Among the very first of the leaders in the various States with whom he had consultation was Charles Carroll, and through Charles Carroll Maryland was induced to favor a convention and assist in the formation of a Constitution and finally aid in its adoption. Thus he rendered to the State and to the Union service of supreme value. He served in the Senate of the United States under the new Constitution, for the adoption of which he labored valiantly and faithfully. Then in the senate of his State for a decade, and after that

came retirement from public life, receiving in private station from his fellow-citizens the honors which were due to him as the first and greatest citizen of his State. The end of his glorious life came on the 14th of November, 1832, he having reached an age almost unprecedented among the men of his time, almost 96 years. He was the last survivor of the signers of the Declaration of Independence.

Such was the character, such were the services of the two Marylanders whom our statues typify as the best product of the manhood of our soil. They have passed away, but they shall be ever remembered, and their fame will extend into the distant future. Their influence has not ceased. True it is, the principles which they evolved and for which they struggled seem at present to be obscured by an eclipse. If it be so, would it not be well upon this occasion to call a halt in the fateful march, would it not be well to look backward, and, if necessary, retrace our steps until we may stand again in that altitude where our vision will become bright and clear, where the flash light of an indiscreet ambition, of a desire for "world power," for territorial expansion and colonial aggrandizement shall forever pass away, and in its stead we shall see again that light which led us for a century and a quarter in honorable history and glorious achievement as a nation? We shall march to the music of the song of the great Declaration for which Charles Carroll and John Hanson lived and labored throughout many years, and realize, as did they, that our strength as a nation depends upon the exemplification of the grandest doctrine ever promulgated to men—that they shall be free and govern themselves, under God, according to their own consent and pleasure. [Applause in the galleries.]

Mr. HOAR. Mr. President, I ask that an order be made that the Senator from Virginia [Mr. DANIEL] be permitted to put into the RECORD and into the account of the proceedings of this day, when published otherwise, the remarks he had intended to make.

The PRESIDENT pro tempore. The Senator from Massachusetts asks unanimous consent that the Senator from Virginia [Mr. DANIEL] may be permitted to publish in the RECORD and make part of the record of this day's proceedings the speech which he had prepared and had intended to have made, but which he has been prevented from doing by sickness. Is there objection to the request. The Chair hears none, and that order is made.

Mr. WELLINGTON. Mr. President, I ask that the concurrent resolution offered by my colleague be adopted.

The PRESIDENT pro tempore. The question is on the adoption of the concurrent resolution offered by the Senator from Maryland [Mr. MCCOMAS].

The concurrent resolution was unanimously agreed to.

Mr. WELLINGTON. I now move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 17 minutes p. m.) the Senate adjourned until Monday, February 2, 1903, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 31, 1903.

CONSUL.

William H. Bishop, of Connecticut, to be consul of the United States at Genoa, Italy, vice Richmond Pearson, appointed envoy extraordinary and minister plenipotentiary to Persia.

COLLECTORS OF CUSTOMS.

John M. Holzendorf, of Georgia, to be collector of customs for the district of St. Marys, in the State of Georgia, to succeed Budd Coffee, whose term of office has expired by limitation.

John Rosler, of Virginia, to be collector of customs for the district of Tappahannock, in the State Virginia, to succeed Thomas C. Walker, whose term of office has expired by limitation.

SURVEYORS OF CUSTOMS.

Jeremiah J. McCarthy, of Massachusetts, to be surveyor of customs in the district of Boston and Charlestown, in the State of Massachusetts. (Reappointment.)

Charles H. Senseney, of West Virginia, to be surveyor of customs for the port of Wheeling, in the State of West Virginia. (Reappointment.)

ASSISTANT TREASURERS.

George A. Marden, of Massachusetts, to be assistant treasurer of the United States at Boston, Mass. (Reappointment.)

William S. Leib, of Pennsylvania, to be assistant treasurer of the United States at Philadelphia, Pa., to succeed John F. Finney, whose term of office has expired by limitation.

COLLECTOR OF INTERNAL REVENUE.

Peter E. Garlick, of New York, to be collector of internal revenue for the Twenty-first district of New York, to succeed Charles C. Cole, resigned.

ASSISTANT SURGEON IN THE NAVY.

Ransom E. Riggs, a citizen of South Carolina, to be an assistant surgeon in the Navy, from the 19th day of January, 1903, to fill a vacancy existing in that grade on that date.

PROMOTIONS IN THE NAVY.

1. Commander Charles C. Cornwell, to be a captain in the Navy from the 10th day of January, 1903, vice Capt. George W. Melville, retired.

2. Pay Inspector Samuel R. Colhoun, to be a pay director in the Navy from the 23d day of November, 1902, vice Pay Director Arthur Burtis, retired.

3. Pay Inspector John N. Speel, to be a pay director in the Navy from the 11th day of January, 1903, vice Pay Director William J. Thomson, retired.

MIDSHIPMEN TO BE ASSISTANT NAVAL CONSTRUCTORS.

1. Julius A. Furer.
2. William B. Fogarty.
3. Sidney M. Henry.
4. Lewis B. McBride.

These nominations are made in lieu of those of January 8, 1903, which are hereby withdrawn.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 31, 1903.

SURVEYOR OF CUSTOMS.

Sidney O. Weeks, of New York, to be surveyor of customs for the port of Patchogue, in the State of New York.

COLLECTORS OF CUSTOMS.

Peter Dippel, of New York, to be collector of customs for the district of Sag Harbor, in the State of New York.

James Low, of New York, to be collector of customs for the district of Niagara, in the State of New York.

POSTMASTERS.

GEORGIA.

Ida R. Wimberly, to be postmaster at Abbeville, in the county of Wilcox and State of Georgia.

John B. Crawford, to be postmaster at Cairo, in the county of Thomas and State of Georgia.

Alfred B. Finley, to be postmaster at Douglas, in the county of Coffee and State of Georgia.

Cicero C. Alexander, to be postmaster at Harmony Grove, in the county of Jackson and State of Georgia.

John C. Massey, to be postmaster at Hartwell, in the county of Hart and State of Georgia.

Newton T. Jones, to be postmaster at Pelham, in the county of Mitchell and State of Georgia.

Job R. Smith, to be postmaster at Winder, in the county of Jackson and State of Georgia.

Samuel M. Davis, jr., to be postmaster at Calhoun, in the county of Gordon and State of Georgia.

Edward Y. Swanson, to be postmaster at Monticello, in the county of Jasper and State of Georgia.

MARYLAND.

William R. Reese, to be postmaster at Crisfield, in the county of Somerset and State of Maryland.

Milton S. Lankford, to be postmaster at Princess Anne, in the county of Somerset and State of Maryland.

MASSACHUSETTS.

James O. Hodges, to be postmaster at Mansfield, in the county of Bristol and State of Massachusetts.

PENNSYLVANIA.

Arthur M. Roy, to be postmaster at Wellsboro, in the county of Tioga and State of Pennsylvania.

George A. Lukehart, to be postmaster at Dubois, in the county of Clearfield and State of Pennsylvania.

HOUSE OF REPRESENTATIVES.

SATURDAY, *January 31, 1903.*

The House met at 12 o'clock m., and was called to order by the Speaker.

Prayer was offered by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

The SPEAKER. The Chair lays before the House a privileged bill.

The Clerk read as follows:

A bill (S. 7063) permitting the building of a dam across the St. Croix River at or near the village of St. Croix Falls, Polk County, Wis.

Be it enacted, etc., That the consent of Congress is hereby granted to St. Croix Falls Wisconsin Improvement Company, a corporation organized under the laws of the State of Wisconsin, and to St. Croix Falls Minnesota Improvement Company, a corporation organized under the laws of the State of

Minnesota, or either of them, their and each of their successors or assigns, to build a dam across the St. Croix River at or near the St. Croix Falls, so called, in said river, and all works incident thereto in the utilization of the power thereby developed: *Provided*, That the plans for the construction of said dam and appurtenant works shall be submitted to and approved by the Chief of Engineers and the Secretary of War before the commencement of the construction of such dam: *And provided further*, That said St. Croix Falls Wisconsin Improvement Company and said St. Croix Falls Minnesota Improvement Company, or either of them, their and each of their successors or assigns shall not deviate from such plans after such approval either before or after the completion of the structure, unless the modification of said plans shall have previously been submitted to and received the approval of the Chief of Engineers and of the Secretary of War: *And provided further*, That such dam and the appurtenant works shall be so constructed as to permit the free passage of saw logs without unreasonable hindrance and delay.

SEC. 2. That in case any litigation arises from the building of said dam or from the obstruction of said river by said dam or appurtenant works cases may be tried in the proper courts, as now provided for that purpose in the States of Wisconsin and Minnesota, and in the courts of the United States.

SEC. 3. That this act shall be null and void unless the dam herein authorized be completed within five years from the time of the passage of this act.

SEC. 4. That the right to amend or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. JENKINS, a motion to reconsider the last vote was laid on the table.

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bills of the following titles:

H. R. 13944. An act granting a pension to Margaret Ann West;
H. R. 13127. An act granting a pension to Nancy Works;
H. R. 14836. An act granting a pension to Rebecca L. Chambers;
H. R. 12981. An act granting a pension to Sarah A. Waltrip;
H. R. 12683. An act granting a pension to Sarah L. Bates;
H. R. 11197. An act granting a pension to minor children of Daniel J. Reedy;
H. R. 623. An act granting a pension to Susan Kennedy;
H. R. 14262. An act granting a pension to Harriet Robinson;
H. R. 14837. An act granting a pension to John H. Roberts;
H. R. 4923. An act granting a pension to William L. Whetsell;
H. R. 10350. An act granting a pension to Rebecca Piper;
H. R. 629. An act granting a pension to Caroline Fitzimmons;
H. H. 14273. An act granting a pension to John H. Whidden;
H. R. 11485. An act granting a pension to Julian McCarthy;
H. R. 9611. An act granting a pension to Maria M. C. Smith;
H. R. 12902. An act granting a pension to Julia Lee;
H. R. 7130. An act granting a pension to Elizabeth Lowden;
H. R. 2783. An act granting a pension to William Dixon;
H. R. 11339. An act granting a pension to Augustus Blount;
H. R. 13233. An act granting a pension to William A. Nelson;
H. R. 15112. An act granting a pension to Matilda A. Marshall;
H. R. 15229. An act granting a pension to James T. Jackson;
H. R. 12324. An act granting a pension to Cora E. Brown;
H. R. 7815. An act granting a pension to Nancy A. Killough;
H. R. 14913. An act granting an increase of pension to Ann M. Morrison;
H. R. 15398. An act granting an increase of pension to Andrew W. Miller;
H. R. 7779. An act granting an increase of pension to William Belk;
H. R. 8175. An act granting an increase of pension to John W. Covey;
H. R. 15433. An act granting an increase of pension to William Heywood;
H. R. 13200. An act granting an increase of pension to Charles B. Greely;
H. R. 10219. An act granting an increase of pension to J. Banks Hunter;
H. R. 13955. An act granting an increase of pension to Jesse A. McIntosh;
H. R. 10826. An act granting an increase of pension to Josiah S. Fay;
H. R. 5718. An act granting an increase of pension to James M. Blades;
H. R. 11694. An act granting an increase of pension to Dennis F. Andre;
H. R. 12413. An act granting an increase of pension to William Zickerick;
H. R. 7680. An act granting an increase of pension to David C. Yakey;
H. R. 15385. An act granting an increase of pension to Alfred J. Sellers;
H. R. 8721. An act granting an increase of pension to Joseph Westbrook; and
H. R. 14373. An act granting an increase of pension to William H. Loyd.
H. R. 8447. An act granting an increase of pension to John McArthur;
H. R. 15549. An act granting an increase of pension to John Wright;
H. R. 12812. An act granting an increase of pension to Otis T. Hooper;
H. R. 3907. An act granting an increase of pension to John H. Sare;
H. R. 15648. An act granting an increase of pension to Lester H. Salsbury;
H. R. 15441. An act granting an increase of pension to Josiah Stackpole;
H. R. 15069. An act granting an increase of pension to Daniel P. Marshall;
H. R. 10698. An act providing for allotments of lands in severalty to the Indians of the Lac Courte Oreille and Lac du Flambeau reservations, in the State of Wisconsin;
H. R. 15922. An act to enable the Secretary of Agriculture to more effectually suppress and prevent the spread of contagious and infectious diseases of live stock, and for other purposes;
H. R. 1592. An act for the relief of F. M. Vowells;
H. J. Res. 216. Joint resolution extending the provision granting to the State of Pennsylvania the use of the court-house at Scranton and Williamsport, Pa.;
H. R. 5007. An act granting an increase of pension to James W. Messick;
H. R. 8152. An act granting an increase of pension to William S. Hutchinson;
H. R. 12563. An act granting an increase of pension to Horace Fountain;
H. R. 9776. An act granting an increase of pension to Alice A. Fitch;
H. R. 13262. An act granting an increase of pension to James N. Spencer;
H. R. 16011. An act granting an increase of pension to Morton A. Leach;
H. R. 12215. An act granting an increase of pension to Henry M. Posey;
H. R. 10757. An act granting an increase of pension to Lewis Fishbaugh;
H. R. 14265. An act granting an increase of pension to Helen M. Packard;
H. R. 13353. An act granting an increase of pension to George Thompson;
H. R. 3302. An act granting an increase of pension to Henry G. Wheeler;
H. R. 10214. An act granting an increase of pension to Henry Thomas;
H. R. 9734. An act granting an increase of pension to John P. Peterman;
H. R. 7385. An act granting an increase of pension to John Kelly, second;
H. R. 9658. An act granting an increase of pension to Robert Stewart;
H. R. 16224. An act granting an increase of pension to William Montgomery;
H. R. 8247. An act granting an increase of pension to Francis M. McCoy;
H. R. 4437. An act granting an increase of pension to Absalom Case;
H. R. 15874. An act granting an increase of pension to Rebecca R. Greer;
H. R. 15789. An act granting an increase of pension to Benjamin Cooper;
H. R. 11280. An act granting an increase of pension to Henry J. Feltus;
H. R. 12701. An act granting an increase of pension to Milton Noakes;
H. R. 13472. An act granting an increase of pension to Lewis Wilcox;
H. R. 15999. An act granting an increase of pension to William F. Loomis;
H. R. 15113. An act granting an increase of pension to John Murphy;
H. R. 7766. An act granting an increase of pension to John Huffman;
H. R. 13997. An act granting an increase of pension to Lyman A. L. Gilbert;
H. R. 13463. An act granting an increase of pension to Hiram A. Hober;
H. R. 14256. An act granting an increase of pension to Jesse R. Dewstoe;
H. R. 15114. An act granting an increase of pension to Alonzo F. Canfield;
H. R. 1617. An act granting an increase of pension to Margaret A. Osborn;
H. R. 5792. An act granting an increase of pension to Andrew J. Reeves;

H. R. 9153. An act granting an increase of pension to John D. Binford;

H. R. 13839. An act granting an increase of pension to John W. B. Huntsman;

H. R. 15063. An act granting an increase of pension to William R. Thompson;

H. R. 15682. An act granting an increase of pension to Jared P. Hubbard;

H. R. 14751. An act granting an increase of pension to Regina F. Palmer;

H. R. 12877. An act granting an increase of pension to James N. Gates;

H. R. 15729. An act granting an increase of pension to Abner M. Judkins;

H. R. 15396. An act granting an increase of pension to George H. Stone;

H. R. 14185. An act granting an increase of pension to Albert Blood; and

H. R. 15416. An act granting an increase of pension to William Thompson.

ENROLLED BILL SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 13679. An act to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 3512. An act fixing the punishment for the larceny of horses, cattle, and other live stock in the Indian Territory, and for other purposes; and

S. 6595. An act fixing the times and places for holding regular terms of the United States circuit and district courts in the western district of Virginia, and for other purposes.

CARTER B. HARRISON

The SPEAKER also laid before the House the bill (H. R. 11139) granting a pension to Carter B. Harrison, with Senate amendments.

The Senate amendments were read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

POST-OFFICE APPROPRIATION BILL.

Mr. LOUD. Mr. Speaker, I move that the House now resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 16990, the Post-Office appropriation bill.

The motion was agreed to; accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. HEPBURN in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 16990, the Post-Office appropriation bill.

Mr. SWANSON. Mr. Chairman, I now yield fifty minutes to the gentleman from North Carolina [Mr. POU].

Mr. POU. Mr. Chairman, it is probably not out of place at this time for some one to call the attention of the country to the comedy in which certain politicians are engaged.

A very serious proposition confronts the Republican party. It is this: How far can it really proceed with antitrust legislation without injuring the trusts? How drastic a bill can it pass which will really be inoperative? How far can it proceed with the attack and yet leave its trust friends uninjured? Is it possible for it to do the Sherman Act over again? Can it fool the people a little while longer?

The provisions of all the bills which Republican ingenuity up to this time has been able to evolve may be summed up under two heads. First, the requirement of publicity in the management of the trusts; second, the inhibition against discrimination in interstate commerce. The first four sections of the substitute offered by the Judiciary Committee require publicity. The fifth, sixth, and seventh sections present the plan of the committee whereby discrimination may be prevented. The eighth, ninth, tenth, and eleventh sections provide machinery by which the law is to be enforced. The trusts do not appear to be alarmed at all at the proposed legislation, and, so far as appears, the legislation stimulates but little hope in the breasts of those who have suffered. In my opinion, Mr. Chairman, the bill is utterly inadequate.

It really looks, Mr. Chairman, as if the substitute bill were drawn to protect the trusts which are now oppressing the people, for upon its very threshold the bill exempts all of these lawbreakers from its operation. It provides "that every corporation which may be *hereafter* organized shall, at the time of engaging in interstate or foreign commerce, file the return hereinafter provided for." I do not believe that the publicity required by this bill will afford any substantial remedy, but it appears that a majority of the committee, for some reason, has left absolutely exempt from the operation of the bill all corporations except those which may be hereafter organized. What have our great lawbreakers done that they should be thus favored by the majority of the committee? Why should they be permitted to enjoy this advantage? Why should they be allowed to live in the shadow, while new trusts must live in the sunlight?

A favorite expression of our Republican friends is that there are good trusts and bad trusts. The majority of the committee has evidently observed this distinction. The old trusts are the good trusts. Those that are to be hereafter organized are the bad trusts. The old trusts may operate in the dark; the new trusts must operate in the light.

What will be the effect of this exemption? If your publicity idea amounts to anything, if it is of any real benefit to the people, if its effect shall be to force the trusts to comply with the law, then, in my opinion, it will be a long time before any new trusts are organized. Old charters will be bought in order that the law may be evaded, and it will be many years before any bad trusts will rise up to challenge the supremacy of the good trusts which you are permitting to live in the dark.

But what will your trusts care about your publicity requirement anyway? The good trusts, those that are to sit in darkness, care but little about the publicity of their operations. We know they water their stock. We know that nearly all of them are overcapitalized. Take as an illustration any one of the great trusts of the country. Many people already know—

Its name, date of organization, when and where organized, statutes under which it is organized, and all amendments thereof; if consolidated, the constituent companies, when and where organized, with the same information as to such constituent companies; if reorganized, name of original corporation or corporations, the law under which all reorganizations have taken place, with the same information as to all prior companies in the chain of reorganization; amount of authorized capital stock, shares into which it is divided, par value, whether common or preferred, and distinction between them; amount issued and outstanding; amount paid in; how much, if any, paid in cash, and how much, if any, paid in property; if any part in property, the kind, character, and location, its cash market value at the time it was received in payment; the name and address of each officer, manager, agent, and director; a true and correct copy of its articles of incorporation; a full, true, and correct copy of any and all rules, regulations, and by-laws adopted for the management of its business.

It would probably not be a very difficult task to procure substantially this information about any of the great corporations of the country engaged in interstate business. Some of the companies themselves do not hesitate to give much of it to the public. Some of the great newspapers of the country, loyal to the interest of the people, have already procured much of the information and have given it to the public. The people have a tolerably correct estimate of the trusts. Perhaps it would be well enough to require all of the trusts, the good and the bad, those who sit in darkness as well as those who are to sit in the light, to furnish such information in a sworn statement to a Government official. But the point I am making is this: The requirement of publicity does not accomplish what both political parties have promised to perform. Publicity does not strike at the root of the evil; it does not strike from the hands of the consumer the shackles which the trusts have put upon him. Everybody knows he is at their mercy. What does the trust care, so long as Congress leaves the consumer in its power? The publicity idea is not a very bright idea. It will not fool anybody. It is a makeshift. It is merely an effort to temporize with a great question, which will be regarded with contempt by the American people.

The anthracite coal strike began on May 14, 1902. It terminated on October 20, 1902, having lasted nearly six months. The miners demanded at first that wages should be increased 20 per cent. This demand was subsequently modified into a request that wages should be increased 10 per cent, and that a ton of coal should consist of 2,240 pounds, and that a man should be appointed by the miners to witness the weighing of the coal. In 1900, I believe, the miners had secured an advance of 10 per cent in their wages, but this slight increase did not cover the increased cost of living. From 1896 until 1902 the cost of living had increased nearly 50 per cent. Republican orators and the Republican press of the country during those years were constantly reminding the people of the unprecedented prosperity which the country was enjoying, and especially the laboring man. He was the especial pet of that party. The great Republican heart beat for him as for no other human being in the universe.

Ah! Mr. Chairman, they wanted his vote. But when the toiler, who spends most of his life in the bowels of the earth shut off from pure air and sunshine, demanded an increase of 10 per cent in his wages, and that 2,240 pounds should be received as a ton of coal, and that his representative should see that he was not cheated in the weighing of the coal, the trusts said "No, this demand is unreasonable. Republican prosperity has not yet reached this point. You must continue to dig, and dig, and dig at the

same wages you received in 1900, and you must continue to dig out a 3,000 ton of coal and my representative, not yours, shall say whether the product of your labor is correctly weighed." Seven great railroad corporations control nearly 70 per cent of the total anthracite coal produced.

Under Republican protection there has been an enormous increase in the value of stocks in these corporations. Republican statesmen have been constantly congratulating the country upon the enormous increase in railroad earnings; but when confronted with the proposition to increase the wages of the miners 10 per cent, these corporations flatly refuse. As a result, 147,000 miners quit work. What then? Cold weather came on and with it great suffering. Anxiety was written upon the faces of the poor in cities and towns all over the country. Even food products were burned in order that life might be sustained. Churches, schoolhouses, and other public buildings were thrown open in order that the poor might not freeze to death. Even in Washington it was difficult for the Government to procure enough coal to heat its buildings. In Boston and New York coal went to $25 per ton, in Philadelphia to $24 per ton, to $20 per ton in numbers of places. Did anybody suppose that publicity would relieve this situation? Does the Republican party propose to answer this cry of distress with a stereotyped statement showing the officers of these seven corporations, the amount of their cash stock, how much money they paid in and how much property conveyed, the name and address of each officer, and a true and correct copy of their articles of incorporation? Do you gentlemen upon the Republican side think you can satisfy the moral sentiment of this country by any such subterfuge?

In the midst of all this distress what did you do? Did you then dare to say that your publicity law, this iridescent idea of your President, was sufficient? Not at all. But in the midst of it all you adopted a Democratic idea. [Applause on the Democratic side.] You invoked a great Democratic principle when you were forced to repeal the duty of 67 cents per ton upon anthracite coal for one year. You got that suggestion from the Democratic platform of 1900, which I will read: "Tariff laws should be amended by putting the products of trusts upon the free list to prevent monopoly under the plea of protection." Your President had said that there was no duty upon anthracite coal. He found he was mistaken, and with great professions of patriotism, flavored with tears of pity for the distressed, you came in here and admitted that in the extreme exigency of the hour the best you could do was to put coal temporarily upon the free list. Before I conclude I shall return to this subject with some further observations.

Now, what is the second remedy which our Republican friends offer? It is this:

That any person, carrier, lessee, drawer, officer, receiver, agent, or representative of a carrier, subject to the act to regulate commerce, who or which shall offer, grant, give, solicit, accept, or receive any rebate, concession, facilities or services in respect to the transportation of any property in interstate or foreign commerce for any common carrier subject to such act whereby any such property shall, by any device whatever, be transported at a less rate than that named in the tariffs published and filed by such carrier, or shall receive any advantage by way of facilities or services, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be subject to a fine of not less than $1,000.

Mr. Chairman, this section is terrible in its impotence. Our Republican friends propose to answer the demand of the people of this country for relief by saying to common carriers, "You shall not transport articles of commerce from one State to another at a less rate than you publish." This is indeed a potent requirement. It is creditable to the conscience of the Republican party. This bill does not offer any plan by which these agencies of interstate commerce are prevented from putting up their rates as high as they see fit, but they become guilty of a crime when they haul articles of commerce at a less charge than they themselves have published. In other words, the Republican party says, "You must do what you say you are going to do; if you do not, you shall be subject to a fine of not less than $1,000." Another subterfuge, Mr. Chairman. No wonder the trusts are serene in their consciousness of perfect safety.

Mr. THAYER. Will the gentleman allow me a question?

The CHAIRMAN. Does the gentleman from North Carolina yield to the gentleman from Massachusetts?

Mr. POU. I do.

Mr. THAYER. You claim, as I understand, that the trusts will not be affected by this legislation if it becomes a law. If that be true, tell me why it is that the great defender and apologizer for trusts and combines at the other end of the Capitol has served notice on the country that this bill, impotent as it is, shall never be passed.

Mr. POU. To whom does the gentleman refer?

Mr. THAYER. To the only one that I know who stands out as the great defender of these trusts and combines, MARK HANNA, of Ohio.

Mr. POU. Well, Mr. Chairman, it can be easily understood how that gentleman would object to any legislation which might affect the trusts, because, as I understand it, he has solved the whole problem by saying that there are no trusts. Therefore from his standpoint you can not pass any legislation which will affect the trusts when there are no trusts to affect. Evidently that gentleman thinks that we are engaged in a vain business when we are legislating against something which does not exist.

We then come to the sixth section of this bill. What does that section provide? The pith of that section consists in this: You say that none of the corporations subject to the provisions of this act shall be permitted to sell to one of their customers cheaper than they do to another, if the purpose of such discrimination is to destroy competition. Two things must therefore be established: First, a discrimination in price; second, that such discrimination is for the purpose of destroying competition. Probably it would not be very difficult to establish the first of these propositions, but every lawyer knows how extremely difficult it would be to establish the second.

How are you going to prove the purpose of the corporation? I do not understand our Republican friends to contend that they have the power to say to these corporations "You shall sell as cheaply to one of your customers as you do to another." In order to accomplish the result contemplated by this section it must be shown that the trusts have an unlawful purpose in making the discrimination. I fear that the friends of this bill will find its provisions as utterly impotent as the provisions of the Sherman antitrust law have appeared to be. I honestly believe that the trusts will not be at all disturbed in the flagrant oppressions of which they are guilty, even if the bill is enacted into a law.

The majority report of the committee shows great solicitude for investors in trust stock, but is silent as to the welfare of the millions who are forced to consume the products of the trusts. The person who owns stock in a trust is a part of the trust. The majority of the committee seems anxious to protect him. They feel sure publicity will do this, for even Mr. John D. Rockefeller advises publicity. Actually the majority of the committee have incorporated in their report the suggestion of Mr. John D. Rockefeller, "who," they say, "is understood to be at the head of one of the largest industrial corporations in existence." They say in this report that "even Mr. Rockefeller in effect advised publicity in his statement before the Industrial Commission." Then they quote the evidence of Mr. Dill, "who," they say, "has had very large experience in the organization of corporations, is the author of several works upon corporations and *was the attorney organizing the United States Steel Company.*" (Italics are mine.)

These gentlemen approve publicity. Therefore publicity is efficient. It will correct the evil. This must be so, is the conclusion of the Republican majority of the committee, for Mr. Rockefeller, the head of one great trust, and Mr. Dill, attorney for another, advise it. Publicity is the means whereby the trusts shall be forced to do right, for the trusts themselves say so. This is the logic of the Republican majority of this committee.

Mr. Chairman, the great evil which menaces the happiness of millions in this Republic is not overcapitalization in the formation of trusts, it is not in watered stock, it is not in lack of publicity, it is not in discrimination among customers. Bad as all this is, there is a still worse evil, in the presence of which all this pales into insignificance. It consists in the power of the trusts to control the essentials of life and to fix the prices thereof. The great evil which will involve this country sooner or later in revolution, unless corrected, consists in the power of a single corporation or individual to control the food which human beings must have, the clothing they must wear, the fuel they must burn, the implements they must use, and the prices people must pay for these essentials of life. More than this; it consists in the power of a single corporation to control the market of the great agricultural products of our people, and its ability to fix the price thereof. When this is permitted men are no longer free.

We might as well face the issue squarely now. Sooner or later we will be forced to face it.

Now, by section 6 of this bill you say you have the power to prohibit the "use, either directly or indirectly, of any of the facilities or instrumentalities of interstate commerce" to corporations which shall attempt to monopolize or control production by allowing discrimination in prices, etc., in order to destroy competition. The able lawyers who drew the bill, therefore, admit that, if the public welfare demands it, Congress has the power to *prohibit all interstate commerce* to those offending against the welfare of the people. The bill is no doubt the product of much constitutional research. The air has been full of rumors, which have not been very strenuously denied, concerning the action of the Chief Executive in requesting one member of the committee to carefully investigate the trust evil. The assistance of the Attorney-General of the United States has been invoked. So we have the right to assume that the provisions of section 6 do not exceed the constitutional power of Congress.

Now, then, if this be true, you have the power to prohibit any

corporation or individual, which or who shall acquire a monopoly of any of the essentials of life, from engaging in interstate commerce. Mr. Chairman, if our Republican friends will add a section including this provision and conferring this power upon some designated agency, it will stimulate some hope in the breasts of the people. It will be some evidence of an earnestness of purpose, and it will tend to contradict the impression that the Republican party is really the friend of the trusts and is simply trifling with this great question.

Mr. Chairman, why not resort to something that is practical? This is a great question, which should be approached with absolute candor and with the utmost sincerity of purpose. Its importance is so great that every statesman in the land should place its consideration far above any party advantage. I shall vote for the pending measure, but I have little hope that any material relief will be accomplished by it. Both political parties have promised the people, in the most emphatic terms, that they would do all in their power to strike from their hands the shackles of monopoly.

We all know that the wage-earner is at the mercy of the trusts. We know that the price of some of the great agricultural products of the country is absolutely fixed by the trusts. We know that, practically speaking, the trust buys at its own price and sells at its own price. No wonder that among the favored few millions are almost as common to-day as thousands were in the early days of the Republic. More than this. We know the trusts are charging the American people for their goods more than they charge foreigners for identically the same goods. We know that they are punishing us for making them rich. And yet we are protecting the trusts from all outside competition. Our folly has been so great that we have put ourselves in their power. Thank God the party to which I belong has done what it could to prevent this, but the Republican party has shut off competition from the outside world, and has said to the trusts and monopolies, "Here are 79,000,000 American people. They are your legitimate prey. Do with them as you see fit. They shall not buy goods from foreigners; they must buy your goods. Put your own price upon them. The prey is yours; do with it as you see fit." What is the logical answer to all this, Mr. Chairman? What does the conscience, the sense of right which God has put in the breast of every man, what answer does it give? It is this: "Remove the protection allowed by law to these great criminals; let them have the world to compete with; let the American buy wherever he can get his goods the cheapest."

If in the course of time the trusts shall monopolize the commerce of the world, humanity may be forced to deal with them in an entirely different manner. Why not remove the protection they enjoy by reducing the tariff upon the articles which they manufacture to that point which will force them to sell as cheaply to the American as to the foreigner? What has the American done that he must thus be punished? What has the foreigner done that he shall be permitted to enjoy this discrimination in his favor? Are not Americans as good as foreigners? Now, Mr. Chairman, if the Republican party found its only remedy in the extreme situation which surrounded us in the coal strike by suspending the duty upon anthracite coal, why will not similar relief be afforded in case the duty is removed or reduced upon other trust articles?

I have a letter from the Secretary of the Treasury in which he informs me that cotton-mill and spinning machinery is dutiable at 45 per cent ad valorem. I also have a letter from one of the leading cotton-mill men of the country, under date of September 13, 1902, from which I will quote the following:

A carding machine can be bought in England from $375 to $400. The same machine costs in the United States from $600 to $750. Mule spindles cost in England from $1 to $1.25 per spindle. They cost in this country from $1.75 to $2.25 per spindle. Fly frames are in the same ratio. Ring spindles cost about $2 in England and about $3 in this country.

I merely mention this as one instance of discrimination.

My State, Mr. Chairman, is entering upon a great era of manufacturing. The day is not far distant when we will manufacture as much cotton as our State produces. Why permit this discrimination against us? Why allow an injustice to be done us? Why not allow our cotton-mill men to buy their machinery as cheaply as Englishmen? What necessity is there for continuing this 45 per cent tariff which the Secretary of the Treasury says exists? If you pass an antitrust bill which is worth anything nobody knows what the Supreme Court will do with it. That court may discover grave constitutional objections. But in the midst of all this dilemma we know that some relief can be given the consumer by reducing the duty upon trust-protected articles. Let us try this remedy. Republican State conventions have declared for it; common sense teaches it. You admitted it yourselves when you came in here and, in your desperation to do something, suspended the duty on anthracite coal.

The people are waiting, Mr. Chairman. The great rank and file are not blind partisans. They do not worship forever at the shrine of any political party. They love the flag; they love the country more than they do any political party on earth. [Applause.]

And, after all, political parties are but agencies. They are not masters, but servants. They have no right to dominate the conscience of any man. In perfect sincerity of purpose let us, the servants of the people, in dealing with this great question, attempt to do something practical for our country and for humanity. [Loud applause on the Democratic side.]

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and the Speaker having resumed the chair, a message from the President of the United States, by Mr. BARNES, one of his secretaries, announced that the President had approved and signed bills of the following titles:

On January 29, 1903:

H. R. 10522. An act to provide for laying a single electric street railway track across the Aqueduct Bridge, in the District of Columbia, and for other purposes.

On January 30, 1903:

H. R. 6649. An act for the relief of Julius A. Kaiser;

H. R. 15510. An act to promote the efficiency of the Philippine constabulary, to establish the rank and pay of its commanding officers, and for other purposes;

H. R. 15506. An act to amend section 14 of an act entitled "An act to divide the State of Texas into four judicial districts;"

H. R. 14839. An act providing that the circuit court of appeals of the fifth judicial circuit of the United States shall hold at least one term of said court annually in the city of Montgomery, in the State of Alabama, on the first Monday in September in each year;

H. R. 15066. An act to incorporate the Association of Military Surgeons of the United States;

H. R. 15708. An act to extend the time for the completion of the incline railway on West Mountain, Hot Springs Reservation; and

H. J. Res. 16. Joint resolution to carry into effect two resolutions of the Continental Congress directing monuments to be erected to the memory of Generals Francis Nash and William Lee Davidson, of North Carolina.

On January 31, 1903:

H. R. 7664. An act providing for the compulsory attendance of witnesses before registers and receivers of the land office.

POST-OFFICE APPROPRIATION BILL.

The committee resumed its session.

Mr. HILL. Mr. Chairman, I desire to occupy the time of the House but a very few minutes. When the gentleman from Tennessee [Mr. PATTERSON] was speaking the other day on the question of trusts, I interrupted him with a question. As a general rule I do not believe in that sort of procedure; for I think that a set speech of that kind is in general made by a member of the House for distribution among his constituents, and it hardly seems to be fair to inject a question for the purpose of embarrassing him. I therefore, at the close of the session, went to the gentleman and said that he had my full consent to strike out from the RECORD the portion which I had interjected. He did so, I assume. But I think it is due to myself that I should explain the statement which I made in connection with the question which I put to him.

The principal feature of his remarks to which I objected was the statement that trust-made products were increased in price by levying a duty against articles of like character imported into this country under the protective-tariff system. Having made a little investigation of that question during the last campaign, and having the facts in my possession, I asked him the question with the expectation that he would reply. He objected, however, to my giving my authority for my statement. During the last campaign I received the book which I hold in my hand, which is the Democratic campaign text-book. I examined it with much pleasure, as I do everything of that kind, especially any emanation from the brain of my friend and colleague in the House, the gentleman from Georgia [Mr. GRIGGS], chairman of the Democratic Congressional committee. I found in that book a list of 185 articles the prices of which were given from 1896 down to 1901, all of them claiming to be products of trusts. It occurred to me in the examination of that list that possibly our genial friend from Georgia had "builded better than he knew."

So I went to work, and I took from this list which I have here all the articles which were named as being on the free list, and I was surprised to find, in view of the way in which the campaign turned out, that our friend at that time had put in this campaign text-book anthracite coal as being on the free list; so that we had good authority during that campaign for saying that anthracite coal was on the free list, for we found it—and I have it here in the Democratic campaign text-book—on the free list.

I took all the articles that I found, according to this statement which I have here, and which claims to be authoritative. I give this list as I find it on Democratic authority, both as to prices

and duties and as to whether the articles are controlled by trusts. And in what I am saying I want it distinctly understood that I am relying solely on Democratic official authority.

Now, the articles that were on the free list in this list of trust-made products were anthracite coal, stove coal, broken coal, copper, flax, jute, petroleum (crude and refined), petroleum (150° test), rubber, sisal, and binder twine; and I took the prices from 1896 as given there and brought down to 1901, and I found that the average advance during those five years upon all of the free-list articles in the Democratic campaign text-book was 26 per cent, not including coal, for it did not seem to me it would be fair under existing conditions to charge the enormously increased price of coal during the strike to the problem which I wanted to solve, so I left that out; with that in, the advance would have been 74 per cent average on the entire free-list articles cited in the Democratic campaign text-book.

Now, then, I wanted to make a comparison with protected articles the products of trusts, and so I took twice the number of articles entering into daily consumption in the homes and in the construction of the homes of our American people, and the articles so taken were alcohol, brick, Boston crackers, cotton flannels, Rosedale cement, canned fish, ginghams, glassware, wire nails, cut nails, fresh beef, salt beef, salt pork, smoked hams. And I want to say right here that it seems to me that it was equally unfair under existing conditions in the provision market to put beef in here; but, desiring to give to our Democratic friends all the advantage possible, I left out coal on the free list and put in beef on the protected list; so that generosity (if it might be so characterized) was shown to our Democratic friends in making this comparison. Continuing the list, I find pig iron, rice, sugar, granulated sugar, Ashton salt, steel rails, and tin plate. I think this is a fair list of articles entering into consumption among the American people; and I made that comparison with the free-list articles as given in the Democratic campaign text-book.

The result was that I found that the products of trusts—the protected products of trusts—compared with the products of factories in this country on the free list showed an average advance of 15½ per cent as against 26 per cent of all the articles placed on the free list in the Democratic campaign text-book. So that it seems to me that a fair and reasonable conclusion that one might reach on Democratic authority, if that authority is good—and I used no other—was that the tariff had cut no figure in increasing the prices of these articles as shown by the Democratic campaign text-book. Now, there is one further conclusion I want to draw from this comparison, and I am citing this now for the information of our Democratic friends on the other side, who I presume have not perhaps as carefully as some others studied their own campaign text-book.

The gentleman from Tennessee [Mr. PATTERSON] the other day cited the great suffering which was inflicted upon the farmers of this country by the tariff upon the products of the United States Steel Company, citing especially wire nails and cut nails. Let me quote from the Democratic campaign text-book. Wire nails in 1896, before the enactment of the Dingley tariff law, according to Democratic authority, were $3.15 a keg, and in 1901, after five years of the Dingley tariff bill and after the organization and full operation of the United States Steel Company, they were $2.10, and have since gone down to $1.85.

Mr. WILLIAM W. KITCHIN. Mr. Chairman, will the gentleman permit a question?

Mr. HILL. Certainly.

Mr. WILLIAM W. KITCHIN. Will the gentleman kindly state what the price of barbed wire was in 1896 and 1897, and what it was in 1901?

Mr. HILL. I think very likely there may have been an advance. According to Democratic authority it was 2½ cents a pound in 1896, and $3.10 a hundred in 1902.

Mr. WILLIAM W. KITCHIN. Quite an advance.

Mr. HILL. But against the proposition of barbed wire——

Mr. WILLIAM W. KITCHIN. I want to ask the gentleman one more question. I will ask the gentleman if there are not 10 pounds of barbed wire used to every pound of cut nails?

Mr. HILL. I admit that.

Mr. WILLIAM W. KITCHIN. Will the gentleman permit me to ask him another question?

Mr. HILL. Certainly.

Mr. WILLIAM W. KITCHIN. Has the gentleman controverted the facts stated by the gentleman from Tennessee [Mr. PATTERSON] that these great trusts sell their goods abroad more cheaply than they do to Americans?

Mr. HILL. That question was not under consideration at that time.

Mr. WILLIAM W. KITCHIN. But I ask the gentleman now.

Mr. HILL. I am not discussing that question.

Mr. WILLIAM W. KITCHIN. I ask the gentleman if he will not admit that they sell abroad more cheaply than they do here?

Mr. HILL. I am not intending to discuss that question. [Applause and laughter on the Democratic side.]

Mr. WILLIAM W. KITCHIN. It is a fair question, I think, in this discussion.

Mr. HILL. I will answer the gentleman as soon as I reply to the first question which he asked.

Mr. WILLIAM W. KITCHIN. I will ask the gentleman if——

Mr. HILL. The gentleman asked me if barbed wire is not a greater burden upon the farmer than cut nails. I say yes, Mr. Chairman. I say that it is. I am willing to admit that there is an advance in the price of barbed wire; but I say to the gentleman that that is on the protected list and the advantage is on his side; but binder twine is a greater burden to the farmer than barbed wire is.

Mr. WILLIAM W. KITCHIN. Let me ask the gentleman another question.

Mr. HILL. Wait until I get through. Binder twine is a greater burden to the farmer than barbed wire, and I want to refer the gentleman to his own campaign text-book, that binder twine is on the free list.

Mr. WILLIAM W. KITCHIN. But before we leave the products of the steel trust——

Mr. HILL. Wait until I get through. I waited for the gentleman. Binder twine, according to the Democratic authority, in 1896, on the free list, was 6¾ cents a pound, and in 1902, still on the free list, was 14¼ cents a pound.

Mr. WILLIAM W. KITCHIN. Now, I want to ask the gentleman another question about the products of the steel corporation.

The CHAIRMAN. Does the gentleman yield?

Mr. HILL. I do not yield until I have finished the answer to the gentleman's first question.

Mr. WILLIAM W. KITCHIN. He did finish that.

The CHAIRMAN. The gentleman declines to yield.

Mr. HILL. Now, the gentleman first asked me a fair question. I am perfectly willing to admit that the comparison which I have made is on Democratic authority, but when I make that statement I want to say distinctly that in my judgment no logical conclusion can be drawn from statements made either on that side of the House or on this as to the result of the workings of the tariff on prices. Now, the gentleman has asked me a question fairly, whether I do not know that some articles are sold abroad for less than they are sold at home. Yes, I do know it; but I know that there are commercial and business reasons for it, and, on the other hand, I know that there are many articles sold abroad at higher prices than they are sold at home. But there are commercial and business reasons for that, just the same as there are for the other thing which the gentleman has referred to in his question.

Mr. WILLIAM W. KITCHIN. Now, will you permit me to ask you another question?

The CHAIRMAN. The gentleman must address the Chair.

Mr. WILLIAM W. KITCHIN. Mr. Chairman, will the gentleman from Connecticut permit an interruption?

The CHAIRMAN. Does the gentleman from Connecticut yield?

Mr. HILL. Yes.

Mr. WILLIAM W. KITCHEN. I ask the gentleman from Connecticut if he can name half a dozen other articles, except nails, controlled by the steel corporation that have not greatly risen in price from 1896 until now, since the organization of the steel corporation and the trusts that preceded it?

Mr. HILL. Has the gentleman finished his question?

Mr. WILLIAM W. KITCHIN. I have finished that question.

Mr. HILL. I will reply, and state that I have shown that every article on the free list, given by Democratic authority——

Mr. WILLIAM W. KITCHIN. I said controlled by the steel corporation.

Mr. HILL. Without exception, from beginning to end, averaged an advance of 26 per cent in the past five years, while the articles which I have stated, going into daily consumption in the United States during the same period, protected and the products of trusts, average an advance of only 15½ per cent. Now the gentleman can make his own explanation if he sees fit.

Mr. WILLIAM W. KITCHIN. Evidently the gentleman did not understand my question. I did not ask a question about the relative prices——

Mr. HILL. I think the question has been fairly answered.

Mr. WILLIAM W. KITCHIN. I think the gentleman did not understand the question——

The CHAIRMAN. The gentleman from North Carolina is not in order.

Mr. WILLIAM W. KITCHIN. I ask the gentleman from Connecticut to yield to me.

The CHAIRMAN. The gentleman from North Carolina is not in order.

Mr. WILLIAMS of Mississippi. Will the gentleman permit an interruption?

The CHAIRMAN. Does the gentleman from Connecticut yield to the gentleman from Mississippi?

Mr. HILL. Yes; certainly.

Mr. WILLIAMS of Mississippi. If the gentleman's argument means anything at all, it means that, in his opinion, putting things upon the protected list has a tendency to lower their price?

Mr. HILL. It does not mean any such thing.

Mr. WILLIAMS of Mississippi. Now, I want to ask you this question in candor. I said if the argument meant anything. The gentleman has just said it meant nothing. Now, does the gentleman make the statement, or will he stand for the statement, that putting articles upon the protected list does not tend to raise their prices to the consumer?

Mr. HILL. I will not make the statement, Mr. Chairman, either one way or the other. I distinctly stated in the beginning, in response to the declaration of our friend from Tennessee [Mr. PATTERSON] the other day, as to the suffering which was inflicted upon our farmers by putting a duty upon the trust-manufactured product of wire nails, that it was all imaginary, and that Democratic authority itself showed that during the past five years there had been a reduction of $1.30 a keg on every keg of wire nails, notwithstanding the Dingley tariff of 50 cents per hundred had been in operation all the time.

Mr. WILLIAMS of Mississippi. Of course, I take it——

Mr. HILL. Now, I will admit to the gentleman from Mississippi, and he knows I will admit, that in many cases the putting on of a tariff increases the price. In many cases it has no effect, and, in my judgment, this was one of the cases. Any general question of that kind can not be answered yes or no. I will state furthermore, in reply to the gentleman who addressed an inquiry to me a moment ago [Mr. WILLIAM W. KITCHIN], that the same general inquiry in regard to goods being sold abroad lower than they are here is entirely fallacious, that there can be no general argument advanced on that proposition. During the last campaign I was speaking in my own town, and when I finished and sat down—I had been discussing that very question—the chairman of the meeting, sitting behind me, said to me, "Mr. Hill, I have to-day received five orders from abroad, one of them $40,000 in amount." I said to him, "Are you selling those goods at a less price or at a higher price than you sell them at home?" He said, "We are getting a higher price."

Mr. WILLIAMS of Mississippi. Now, will the gentleman let me pursue the inquiry?

Mr. HILL. I simply give that one single fact against the general theory that is advanced in this Democratic campaign textbook.

Mr. WILLIAMS of Mississippi. Will the gentleman allow me to pursue the inquiry with another question?

Mr. HILL. Certainly.

Mr. WILLIAMS of Mississippi. From the Republican standpoint is not the object of the passage of a protective tariff bill to raise the price of the goods protected, in order to prevent competition from abroad——

Mr. HILL. I will answer the question of the gentleman.

Mr. WILLIAMS of Mississippi. I have not finished the question—so that from your standpoint American labor may possibly get a higher wage? And if it be true that the tendency of a protective tariff is to give American labor higher wages, must it not necessarily do it by raising the price of the article produced?

Mr. HILL. In answer to the gentleman, I will say that is a theoretical question which would require much more time to consider and answer than I design to take now. I simply introduced these figures based on Democratic authority, and now say to my Democratic friends that in the future in studying their own campaign text-books they may study it more wisely than it seems that they did in getting these figures together.

Mr. WILLIAMS of Mississippi. Only one more question.

Mr. MADDOX. Mr. Chairman, I desire to ask the gentleman a question.

Mr. WILLIAMS of Mississippi. Only one more question.

The CHAIRMAN. Does the gentleman from Connecticut yield to the gentleman from Georgia.

Mr. HILL. Certainly.

Mr. MADDOX. I want to ask you this question. You have stated how prices were advanced on articles under protection?

Mr. HILL. Yes.

Mr. MADDOX. Then how can you stand here and claim that prosperity is due to a protective tariff?

Mr. HILL. I have not made any such claim.

Mr. MADDOX. How can your party do it?

Mr. HILL. I am not responsible for anybody else. I have simply gone and isolated a few figures from our Democratic friends' campaign book, in order that possibly I may induce them very quietly at their homes, after Congress adjourns, to study their own campaign text-book which they used during the last campaign. That is the only object I have in taking the floor, and that is all I intended to do, and all I want to do so far as that is concerned. I have got one other subject on which I want to talk——

Mr. THAYER. I would like to ask the gentleman a question, Mr. Chairman.

The CHAIRMAN. Does the gentleman yield to the gentleman from Massachusetts?

Mr. HILL. I do.

Mr. THAYER. The gentleman has made a misleading statement in standing here and saying that in 1894 and 1896 nails were worth $3.15 while in 1902 they were $2.20. I live in a city where we manufacture nails, and in 1894 and 1896 cut nails were $1.40, and in 1902 $2.20.

Mr. HILL. Mr. Chairman, the gentleman states I have made a misleading statement. I cited my authority before I begun—the Democratic campaign text-book. [Loud laughter on the Republican side.] I will refer the gentleman to page 373:

Nails, wire, eight penny, fence, put up in 100 pounds per keg, f. o. b. mills and Pittsburg, duty half a cent a pound, prices controlled by the United States Steel Company, July, 1896, $3.15; July, 1902, $2.10.

And if the statement is misleading, I refer the gentleman to JAMES M. GRIGGS, chairman of the Democratic Congressional national campaign committee.

Mr. THAYER. The gentleman had no right, standing on the floor here, to make false representations, when they come from a source he believed not to be reliable.

The CHAIRMAN. The gentleman from Massachusetts is not in order.

Mr. HILL. I am not responsible for it.

Mr. THAYER. You are responsible for your sayings here.

The CHAIRMAN. The gentleman from Massachusetts is not in order.

Mr. HILL. Mr. Chairman, I am not responsible for the inability of the gentleman from Massachusetts to comprehend the condition of things in general and the conditions as set forth by the Democratic campaign book. [Laughter on the Republican side.] He will have to reconcile them for himself. There is, however, another subject I desire to say a few words concerning. I will make no comment at this time. I shall transgress upon the patience of the House at some future time to refer to it. That is the question of a common ratio of the silver of the world. In my time I ask the Clerk to read an editorial written by, I think, one of the ablest economists of the country, certainly one whom every person will admit is possessed of full knowledge and ability as to the money question—Horace White, of New York.

The Clerk read as follows:

THE NEW SILVER MOVEMENT.

President Roosevelt has asked Congress to give him power to lend the support of the United States to "such measures as will tend to restore and maintain a fixed relationship between the moneys of the gold-standard countries and the silver-using countries." This authority is asked without any suggestion, and apparently without knowledge of the fact, that a large part of our political and diplomatic activity during the past quarter of a century had been directed to that very problem—the problem, namely, how to cause two things to be of equal value when they are of unequal value. This was the underlying question in three international monetary conferences, and also in the Wolcott Commission of 1897.

The resemblance of the latter to the plan now recommended by the President, if we may judge from the accompanying documents, is rather striking. Mr. Wolcott and his colleagues went to England, not expecting to bring about any change in the monetary standard of the United Kingdom, but to induce her to lend India to some experiment for supporting the price of silver. The Salisbury ministry, being little skilled in the subject, and having very imperfect knowledge of the state of public opinion either in India or England, assented to the project, stipulating, however, that the single gold standard should be maintained in the United Kingdom, and stipulating also that both the United States and France should open their mints to the free coinage of silver at the ratio of 15½ to 1. On those conditions Lord Salisbury, in the innocence of his heart and the paucity of his knowledge, agreed to recommend that the government of India should reopen its mints to the free coinage of silver, and that the Bank of England should keep silver in its vaults to the extent of one-fifth of its metallic reserve. When these facts were fully made known there was such an overwhelming protest of public opinion in both England and India against it that Lord Salisbury was obliged to say that he could not go on with the negotiation. It was a mortifying failure.

Yet the Wolcott commission had a much more promising start than any which could be set on foot now to accomplish the like task. That task, as we have said, is to make two unequal things equal to each other. It is so declared in the papers submitted with the President's message. The joint communication of the ministers of Mexico and China presents their wish in these words:

"It is desired that the governments of gold-standard countries having dependencies where silver is used and the governments of silver countries shall cooperate in formulating some plan for establishing a definite relationship between their gold and silver moneys, and shall take proper measures to maintain such relationship."

"Definite relationship between their gold and silver moneys" means holding the values of the two kinds of money at a parity. This may be done by one country for itself alone. Indeed, it is done by the United States at this moment. It is done by limiting the amount of silver money to the needs of retail trade, and compelling its use in such trade by abolishing other money of small denominations. But how this is to be done internationally, that is, by concert of action between a number of countries, we defy anybody to point out. The attempt to accomplish this end in the four or five countries of the Latin Union was a total failure. As soon as a divergence took place between the legal ratio and the market ratio of gold and silver, the cry of sauve qui peut was raised, and each of the countries concerned made haste to stop the coinage of silver. France limited her coinage secretly in 1873,

openly in 1874, and stopped it altogether in 1876. The other countries were glad to escape in the same way from the agreement they had made to establish "a definite relationship between their gold and silver moneys."

Yet there was a much better opportunity to carry out this scheme in the case of the Latin Union than in the one now mooted in Washington. The Latin Union countries had a common currency at the start. They began with a legal ratio that was coincident with the market ratio. They were adjoining countries, territorially, and they were, in point of intelligence, the equals of any nations in the world. They were not the colonies of any other countries, and hence were not obliged to take their decisions from distant masters, whose action they could not anticipate. How different are the conditions of the peoples which it is now sought to link together in a monetary union. In the first place, the legal ratio which they wish to establish is that of 32 to 1, whereas the market ratio is far different and fluctuating violently. The countries concerned are certainly not of a high range of intelligence, and only one of them can be properly called self-governing. Mexico is self-governing, but China can hardly be called such. The Philippines are governed at Washington, the Straits Settlements at London, and Tonquin at Paris. A monetary union to be made of such a hotch-potch is inconceivable. We have had one foretaste of its difficulties in the disagreement at Washington on the Philippine currency bill of last session and again in the present session. However, if the wise men who have decided to make another silver experiment—a brand new thing never tried before, as they seem to imagine—let them go ahead. It will amount to nothing except the salaries and expenses of the commissioners, which, of course, we are able to pay.

Mr. HILL. Mr. Chairman, I do not desire at this time to make any comment on the article or subject, but in order to save members of the House the trouble of preparing and looking up figures which probably they would desire to examine in the future when this question comes up, as it undoubtedly will this year, I will insert a statement of the world's production of silver since 1896, by years, and also the price of silver, calling attention to the fact that in 1896 the world's production was 157,000,000 ounces, and it has gone up steadily to 1901, last year, the latest statistics available, to 174,000,000, nearly 175,000,000 ounces; that during the same years the price of silver started in 1896 at 67½ cents per ounce, and has gone down until last year it was 52.7 cents an ounce. After asking that these figures be inserted in the RECORD, I leave the subject and return the remainder of my time to the chairman of the committee.

The figures are as follows:

World's production of silver.

	Ounces.
1896	157,061,370
1897	160,421,082
1898	169,055,253
1899	168,337,453
1900	173,591,364
1901	174,998,573

Price per ounce of silver.

1896	$0.67565
1897	.60438
1898	.59010
1899	.60154
1900	.62007
1901	.59595
1902	.52700

SPEAKER PRO TEMPORE.

The committee informally rose, and the Speaker resumed the chair.

The SPEAKER. The Chair desires to announce the appointment of the gentleman from Ohio [Mr. GROSVENOR] to act as Speaker during the ceremonies this afternoon, commencing at 3 o'clock.

POST-OFFICE APPROPRIATION BILL.

The committee resumed its session.

Mr. GAINES of Tennessee. Mr. Chairman, I desire to address myself to a bill which I introduced a few days ago, which should be of interest to this House and the entire country.

It is a bill which provides that our postal service shall not be used by what is known as "wild-cat insurance companies."

A "wild-cat insurance company" is described in this bill as being an insurance company, whether life, fire, or marine, which fails to comply with all the laws of the State or Territory of its headquarters or its domicile.

The bill should be amended so as to force them to comply with the laws of the State or Territory where the risk is located when insured.

To be brief, and show you that such concerns are trying to do a so-called, but in fact a fraudulent, insurance business, I give you now, as I have stated heretofore, an example of how they operate. A B will go to New Jersey and get a charter. He will then go to Chicago and rent "desk room" and get him a directory of Nashville or New Orleans, Cincinnati, and all the towns in which he desires to operate, taking care to not operate—insure—in Illinois or New Jersey. He will sit down to his desk and with the most enticing invitation to the people, whose names he will select from the directory, write letters to them promising to give them cheap insurance. The face of the letter shows this is true, the face-value rate, perhaps, being cheaper than it is at the home of the subsequent victim. He will then write in some gilt-edged promises, "quick settlement," etc., in case of fire or death.

So that the laboring people of the country (the people who have no time to read the newspapers or to read the magazines and keep up with the sharpshooters of finance and insurance) will naturally be induced into insuring with this wild-cat concern. The humble and the ignorant classes are thus reached and victimized as a rule, a class of people whom we should be most watchful to protect and aid.

A B does not comply with the operating laws of New Jersey. He does not comply with the operating laws in Illinois, where he has headquarters—a desk, pen, ink, paper, and city directories as their stock or money in trade. He does not comply with the operating laws of Tennessee, or Kentucky, or Missouri, or of any other State where he insures. He simply gets the charter in New Jersey, goes to Chicago and proceeds, and uses the United States mail as his sale agent to practice his wild-cat scheme on the innocent and unsuspecting.

He dare not operate in New Jersey, because he does not comply with the operating laws there. When the authorities in New Jersey go to him and say, "Are you going to operate here?" he will say, "No, I am going to Chicago; I'll not hurt anyone in New Jersey." And he goes to Chicago. The State officers may come to him in Chicago, and to them he says: "I am not operating in Illinois; I am not insuring anyone here; I am insuring down in Tennessee and Ohio and Kentucky" or wherever he is operating, "and if I hurt anybody I shall hurt the people down in those States." So he pays in no money, creates no trust fund where he is chartered—New Jersey—and he does not comply with any operating law there.

He does exactly the same thing in Illinois; so when a man he insures in Tennessee, Kentucky, or Ohio dies and his widow and children want their insurance money, want the benefit of the hard-earned premiums they have paid, or when the little cabin burns down and they want to be reimbursed, there is nobody to sue in Tennessee, Kentucky, or Ohio, nobody in New Jersey, and if you go to Chicago you find a party to sue—if you find him at all; he proves to be good for nothing. He is all wind and water; no money "paid in;" no assets; no property—a bankrupt to start with in money and morals.

He started out to defraud if not to rob and steal. Certainly he gets the premiums by false pretenses by using the mails, which use and abuse of the mails ought to be prohibited, but the Postmaster-General does not think the law covers such a case.

He is, however, in sympathy with this kind of a bill.

So you see there is no agent anywhere. This one person or concern is the "whole thing," with the United States mail as his only agent by and through which this insurance is procured.

The State officer does not know anything about the transaction until a death or loss occurs, and then the poor fatherless or homeless victim goes to the fire commissioner of the State, who is powerless to act, to ventilate his trouble.

There is no bond filed or local agent, as the laws require, in all the States as a rule. No one to sue. No property if suit is entered.

The States can not reach such a case for the reason that the mail service is exclusively under the control of the Federal Government and not the States.

The insurance commissioner of the State can not interfere with the mails, can not stop the conveying of the mails, nor arrest a party who, if he knows, is delivering a letter from this robber concern to the unfortunate party who is insured, or whose house has been burned down, or husband has died.

Now, this bill provides distinctly that the insurer must comply with the law where his headquarters are or domicile is, and it should be amended, I suggest, so as to require the party to comply with the law of the State or Territory where the property is located or individual resides when insured. This does not interfere with any State law. There is now no State power that can reach the mails, and for this reason the insurance commissioners or actuaries of each of the several States of this Union met in Columbus, Ohio—I think in September last—and passed a resolution which I desire to have read, to show that even these distinguished gentlemen, who are vigorous, earnest, and honest, declare in so many words that because these concerns use the United States mails and have no agents within the State they can not be reached, and they suggest that this is a trouble and evil that Congress should take in hand and cure at once. I ask the Clerk to read the memorial of this convention to Congress. This resolution is forwarded to me by Mr. Folk, insurance commissioner of Tennessee, who is the author of it. There is a memorial to Congress also. Read both.

The Clerk read as follows:

The legislation proposed by this bill is in accordance with the unanimous recommendation of the National Convention of Insurance Commissioners, held at Columbus, Ohio, in September, 1902.

The following is the resolution adopted by this convention:

"Whereas it is known to the insurance departments of the various States that certain concerns styling themselves 'insurance companies,' and purporting to write fire insurance, are operating throughout the country, not only without regard to the insurance laws of the various States in which they seek patronage, but without authority of the insurance department of the States wherein their headquarters are located; and

"Whereas it is the plan of procedure of these so-called insurance companies, in order to evade State laws, to refrain from seeking any business in the State of their headquarters, and in order to evade the laws of other

States to refrain from sending agents into such other States, but to use the mails of the United States to further their unlawful business, thereby avoiding liability to arrest and prosecution; and

"Whereas concerns operating in this manner as a rule are totally irresponsible, their policies being of no value; and

"Whereas the offense in the various States of operating unauthorized insurance is only a misdemeanor and therefore not extraditable, rendering the State where the unauthorized insurance is written powerless to avenge the law where the operation has been transacted through the mails: Therefore, be it

"*Resolved by the convention of insurance commissioners*, That the committee on unauthorized insurance is hereby directed to draft a memorial to be presented on behalf of this convention to the Postmaster-General of the United States, acquainting him with the conditions and asking him to take cognizance of these matters whereby the United States mails are being used for base and fraudulent purposes and as a means of evading the criminal statutes of the various States.

"*Be it further resolved*, That the Postmaster-General be requested to deny the use of the mails to these pseudo insurance concerns where they seek to operate through the mails in the States wherein they have not procured license to do business from the proper authorities; or, if the Postmaster-General will not go so far, that he be requested at least to prohibit the mails to any pretending insurance company which is not authorized to do business by the proper insurance authorities of the State in which it has its domicile."

MEMORIAL TO CONGRESS.

The following is the memorial drafted by the convention, petitioning Congress to take cognizance of the situation and grant the desired relief:

To the Congress of the United States, Washington, D. C., greeting:

The national convention of insurance commissioners, now in session at Columbus, Ohio, has the honor to address you for the purpose of respectfully and earnestly directing your attention to a serious condition of affairs which the members of this convention in their various jurisdictions are powerless to remedy, and from which substantial relief can only be obtained through enactment of amendments to the present postal laws.

We respectfully represent that to the best of our knowledge, information, and belief the United States mails are being used for fraudulent and nefarious purposes by certain concerns styling themselves "insurance companies," and seeking by correspondence and advertising matter sent through the mails to obtain money for so-called fire-insurance policies, these policies being in most instances entirely worthless. None of the concerns in question is authorized to transact business by the authority of any State in the Union. They evade the laws of the States of their domicile by writing no business therein, and evade liability to arrest and prosecution in other States by operating entirely through the medium of the mails.

We respectfully urge that Congress will take cognizance of these matters to the end that proper laws may be passed to meet the serious situation.

Respectfully,

NATIONAL INSURANCE COMMISSIONERS' CONVENTION.

Mr. THOMAS of North Carolina. Will the gentleman from Tennessee allow me to call his attention and that of the Committee of the Whole to a letter which I have received from the commissioner of insurance of my State, North Carolina, in which he calls attention to the bill recommended at the recent convention of insurance commissioners of all the States, and asks for that measure the support of myself and other members of our delegation? With the permission of the gentleman from Tennessee I ask that this letter be inserted in the RECORD.

Mr. GAINES of Tennessee. I gladly yield to the gentleman's request.

The letter referred to by Mr. THOMAS of North Carolina is as follows:

INSURANCE DEPARTMENT, STATE OF NORTH CAROLINA,
Raleigh, January 26, 1903.

Hon. CHAS. R. THOMAS, M. C.,
Washington, D. C.

DEAR SIR: I trust you will pardon my trespassing upon your time this morning, but I am very anxious to have you and the other members of our delegation to support House bill No. 16880, introduced by Mr. GAINES of Tennessee. The object of this bill is to deny the use of the United States mails to insurance companies not authorized to do business in their home States. These companies are what are known as "wild-cat" or "underground" companies, and the object of the bill is to try to stamp them out.

The bill was adopted by the recent convention of the insurance commissioners of all the States.

Very truly, yours,

JAS. R. YOUNG,
Insurance Commissioner.

Mr. BROMWELL rose.

Mr. GAINES of Tennessee. I yield to the gentleman from Ohio.

Mr. BROMWELL. I wish to inquire of the gentleman from Tennessee whether he has a report from the Postmaster-General to the effect that the Post-Office Department can not under existing law regulate this matter of using the United States mails to further schemes of fraudulent insurance?

Mr. GAINES of Tennessee. I will state to the gentleman that Mr. Folk, who is the auther of this resolution, and who prepared the bill which I introduced, spent a week here a short while ago, and we conferred with the Postmaster-General and Mr. Christiancy, counsel for that Department—Mr. Folk conferred several times, I believe. They agreed that the law as it stands is not sufficient; at all events, that there was trouble about enforcing the present law, probably because not broad enough in defining fraud in law; and this bill is drawn along the lines they suggested to Mr. Folk, I dare say. I think, and my information is, this bill has been drawn so as to extend our laws to such a class of insurance business, and under the suggestions made by these officers.

Mr. BROMWELL. In view of the broad power that the Postmaster-General now exercises in regard to fraudulent matter going through the mails, I can not understand on what ground he assumes that he can not regulate and control this matter.

Mr. GAINES of Tennessee. One difficulty I can see is in regard to the definition of this "wild-cat" concern. It is undefined by law. We should define it. Things now excluded are defined or described.

In this bill we define that term as a concern that does not comply with any law—insurance law—of the State of its headquarters or domicile. There is no law with which these concerns comply. We say in this bill: "If you do not comply with the law of the State where your headquarters are, you are a wild-cat concern, and you shall not use the mails." The bill makes this definition for the Postmaster-General. The wild-cat can not escape, then, by saying: "I intended to pay when I insured him." If he never pays, and complies with the State laws named, he can use the mails unless shown to be a fraud in fact.

Mr. BROMWELL. I am not referring to the question, what is a wild-cat concern nor what a regular concern; but if fraudulent companies are using the mails for the purpose of obtaining money by false pretenses and perpetrating fraud upon the public I can not understand why the Postmaster-General has not authority now to suppress such use of the mails. He does it in the case of fraudulent patent-medicine schemes and all other fraudulent concerns of similar character. He does not come to Congress asking for additional legislation in that matter. I am sure that the use of the mails in connection with fraudulent insurance could be suppressed in the manner indicated without any additional legislation if the Postmaster-General chose to exercise his authority of withholding this fraudulent matter from the mails. Has the gentleman any written statement from the Postmaster-General?

Mr. GAINES of Tennessee. I have not; but I want to say that this bill has been submitted to Mr. Christiancy, the counsel for the Department, by Mr. Folk; and he approves the extension of the law. He said to me in substance that there would be trouble in undertaking to enforce the law as it is—that under the recent decision of the Supreme Court of the United States there would be trouble in enforcing the present statute. This bill is drawn to meet that opinion.

Mr. BROMWELL. Has he made any attempt; has he undertaken to withhold the name of any of these fraudulent concerns and test the question as to his authority?

Mr. GAINES of Tennessee. I am not informed. I do not think he has had any insurance case of this class—those which comply with no law. This bill extends the law so as to cover such cases. This bill makes the noncompliance with the local laws, as stated, a fraud in law, and arms the Postmaster-General with the right to bar such concerns from the use of the mails without further evidence.

I do not think such a class of cases had been presented to the Department until Mr. Folk and myself urged the Postmaster-General to bar these concerns under the present law, but in substance the Postmaster-General stated that he doubted his power to do so without "special evidence of fraud in each case"—fraud in fact. This bill bars these concerns for "noncompliance" with the State laws, as explained, such noncompliance being made a fraud in law without additional evidence showing fraud in fact.

The Postmaster-General declined to act in such cases as these without "special evidence in each case," or a change in the law, as my bill suggests. This class of cases seemed to be new to the Department, and I am satisfied none such have been tried for noncompliance with State laws as explained. Hence this bill.

Mr. BROMWELL. I think that should be done first.

Mr. GAINES of Tennessee. I may add that General Payne, with Attorney-General Christiancy, read me a recent decision of the Supreme Court of the United States passing upon our postal laws which exclude fraudulent businesses from the mail, which decision, being adverse to the Government, intensified the belief of these officials that the Department is without power to exclude these lawless concerns from the mail, without evidence in each case of fraud in fact, even if they had complied with the State laws.

To prove fraud in fact in each case would greatly increase the labors of the Department, but to bar these concerns from the mail for noncompliance with the State laws would be a comparatively easy undertaking. The State officials would gladly cooperate with the Department.

Again, the proof of actual fraud is made, generally, after a fire, death, or loss has occurred and the insured refuses to pay. The insurer might not pay even after he had complied with the State laws. Still to force him to comply fully with the State laws as stated would tend to prevent fraud and encourage honest dealing before and after loss.

I am taking the time of the committee now to explain this bill, because it is very plain and patent that these fraudulent concerns exist. They produce great distress. No one will doubt these two statements. We have the postal appropriation bill under consideration, and I want to see if we can not amend it by inserting briefly the substance of my bill; and as it may be subject to a point of order, I wish to explain fully the merits and righteous purposes of the amendment, so that no one will feel warranted in raising a point of order against it.

Congress will soon adjourn; and I am afraid if we allow this

opportunity to pass, the enactment of this bill into law would be deferred for a year, and maybe longer. The existence of the evil sought to be removed must be confessed. That this kind of a law will cure it is indisputable. Now I yield to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, I take it that this is very much or identically the same proposition which the gentleman from Tennessee presented when he had the department of commerce and labor bill up for consideration.

Mr. GAINES of Tennessee. That amendment was a very brief proposition I then offered, covered elaborately by this bill, placing the enforcement of the law in the hands of the Postmaster-General, as I remember it, under the postal power granted the Federal Government. I drew it hurriedly a few moments before I offered it and without this bill being before me. The purpose of both measures was the same.

Mr. MANN. I felt very much interested in the remarks which the gentleman made at that time on the subject, because I saw that the gentleman was endeavoring to reach in one way some gross frauds which our committee had been endeavoring to reach in another way.

Mr. GAINES of Tennessee. And the reason why I differed with the gentleman was this: "That insurance is not commerce," says the Supreme Court of the United States; and I quoted the decisions of the Supreme Court—the Hooper case, from California—to prove that.

Mr. MANN. Well, irrespective of the question, as I stated to the gentleman at that time, I made no claim that insurance was commerce. My claim on that was that nobody knew what the Supreme Court would decide, and I still maintain that. My position in reference to a bureau of insurance was that it would be able to obtain and give out information which would lead to the correction of these abuses. Now, I understand the gentleman proposes to have the Post-Office Department investigate any insurance company to see whether it complies with local laws or not.

Mr. GAINES of Tennessee. Yes; and all insurance concerns that fail to comply with the laws of the State where their headquarters are, or where they do business, are forbidden the use of the mails by my bill.

Mr. MANN. Well, that is a very exhaustive subject for the Post-Office Department to enter into. On the same principle, we might have them investigate every corporation to see whether it complied with local laws or not. Where will you end, I ask the gentleman?

Mr. GAINES of Tennessee. Oh, no. This bill covers only one class of corporations. It will not be a hard job to see if they have complied with the local laws. Under the proposition which he had in his bureau of commerce and labor bill he was trying to regulate, under the interstate commerce grant of power to Congress, something—insurance—by the Federal Government which was not "commerce," and so adjudged by the courts.

Mr. MANN. That is just identically what we were not trying to do.

Mr. GAINES of Tennessee. Now, the gentleman is bound by the opinions of the Supreme Court, I take it. I dislike to be bound by them sometimes, I want to say to the gentleman, and sometimes I refuse. But that tribunal has thus spoken, and I thus acted, and the gentleman knows that I am sincere and honest in what I say.

Mr. MANN. I always believe the gentleman is not only sincere, but that he is bright.

Mr. GAINES of Tennessee. I thank you. With such luster around me, how could I be otherwise? [Laughter.] The gentleman was seeking to do something Congress had no power to do—regulate a business that was not "Federal business"—insurance—by just creating a little bureau to sit up here without teeth or power.

Mr. MANN. Does the gentleman claim that Congress does not have the power in one department of the Government to gather information, but if we transfer it to the Post-Office Department it would have the power?

Mr. GAINES of Tennessee. Exactly. That is what I am trying to explain to the gentleman, if he will permit me a moment.

Mr. MANN. The gentleman misunderstood entirely the provision. We made no claim, in reference to gathering statistics, that we are doing it under the power to regulate commerce. We made no pretense of that in the bureau of corporations.

Mr. GAINES of Tennessee. And having no power under the interstate "commerce" clause to regulate insurance, what right would you have to go down and order Brown and Jones in Tennessee or Illinois to open up their books in Nashville or Chicago and show they were wild-cats or angels without wings? Such a law would be unconstitutional and beyond the power of Congress to pass, but when we come to the power over the post-office and post-roads, it is as broad as the Republic. It covers the whole jurisdiction of the United States, including our colonies—and I am sorry always to use the word "colonies" in discussing any question pertaining to matters under our flag. This postal power knows no State lines.

Mr. MANN. Does the gentleman claim that the power the Constitution confers upon Congress must be exercised by one specific executive department of the Government, and the same power can not be exercised by another specific department of the Government in which Congress chooses to place it?

Mr. GAINES of Tennessee. I contend that Congress has the exclusive right and complete jurisdiction, regardless of State lines, to control the mails; to say what shall be mail and what shall not be; to say what can go in and what can not go in. But under the interstate-commerce clause Congress has nothing to do with insurance. You can not meddle with insurance, which is a local business—State business and not Federal business. Do you not see that that is the difference between the two bureaus? In other words, one of the bureaus—Bureau of Commerce—knows State lines, and you are obliged to submit to State lines and confine your investigations [to interstate and foreign commerce under that bureau—founded on the commerce clause of the Federal Constitution.

Under the postal clause, Congress has the exclusive right to "establish post-offices and post-roads," and that applies regardless of State lines, so that the Postmaster-General could send a good agent, whom, doubtless, the gentleman from Chicago [Mr. MANN] would select for him, to look after these concerns, with full power to act; and he would send him to Chicago and Nashville, and say to Smith and Jones: "Where is your State license? Have you complied with the law of Tennessee or Illinois?" And if they had not, he would have a right to exclude them from the use of the mails, because there are no State lines or State powers to prevent it.

The Federal jurisdiction is complete in such a case, just the same as where a man breaks open a letter box on the street or commits any depredation against the post-office service "within the jurisdiction of the United States." You have the right under the postal power of the Government to find out who the offender is and to punish him. You can not do that under the interstate-commerce clause.

Mr. MANN. Nobody ever claimed you could, and there was not a line in that provision relating to insurance which had anything to do with that.

Mr. GAINES of Tennessee. Under what grant of power to Congress were you seeking to create that insurance bureau?

Mr. MANN. We could create an insurance bureau under the authority that I have called attention to.

Mr. GAINES of Tennessee. And yet that was a "commerce" bill.

Mr. MANN. Oh, well, it does not purport to be a bill relating solely to commerce. We expressly stated to the gentleman that we made no claim under that section of the bill that insurance was commerce. That is a matter that I claim is not yet decided; but we did not put it upon that ground, at all. I do not wish to take up the time of the gentleman, but the gentleman would not claim, I suppose, that the Attorney-General could not investigate these matters, in order to determine whether the Post-Office Department should exclude a concern from the use of the mails?

Mr. GAINES of Tennessee. Not at all. His power is general in Federal matters. Insurance not being Federal business, hence he could not meddle with it.

Mr. MANN. One of the very purposes of the bureau of insurance was to gather information, so that when this information was presented to Congress, showing the very broad scope of these fraudulent companies, Congress might prohibit their use of the mails.

Mr. GAINES of Tennessee. But you were creating an insurance bureau without any legal powers to compel things to be done. I am satisfied that the gentleman agrees with me that these things should be outlawed.

Mr. MANN. Oh, I agree with the gentleman.

Mr. GAINES of Tennessee. And the gentleman agrees with me that we can do so this way?

Mr. MANN. I did not oppose the gentleman's amendment the other day.

Mr. GAINES of Tennessee. The gentleman will agree with me that we can invoke the Post-Office Department to assist in uprooting these lawless concerns. We can do that under that grant of power.

Mr. MANN. I have no doubt that we can.

Mr. GAINES of Tennessee. Now I hope the gentleman will try to get this committee to do this. The gentleman may go now and write this amendment, if he chooses. Heaven knows I do not care anything about authorship. What I want to do is to help the people, and to outlaw these concerns.

I see there is some new law proposed in this appropriation bill, and I want a little amendment that will get down to the root of this evil, so that the people will be protected as much as possible.

The gentleman knows that the State authorities now are as powerful as they can be in such matters, but this post-office power is not within the jurisdiction of the State authorities, and, therefore, this great convention comes up and states that fact and says: "Now, we ask the Government to get out of partnership with these frauds, to stop them from using the mails," and the Postmaster-General, in substance, does not feel that he has the power now to do it.

Mr. MANN. If the gentleman will pardon me——

Mr. GAINES of Tennessee. Yes.

Mr. MANN. I can conceive a very great difference between having a bureau of the Government which publishes the information that it receives, so that everybody receives fair treatment, and some unknown official in the Post-Office Department, who publishes no information, who makes no report to the public, who does not print the information that he receives, but who passes upon the question who shall use the mails and who shall not.

Mr. GAINES of Tennessee. The difference between the gentleman and myself in this matter, I am glad to see, is not in purpose. We both want to outlaw this fraudulent business, but he would invoke the commerce power of the Federal Government—which does not cover the insurance business—while I desire to invoke the postal power that can cover that business legally and powerfully, and the statutes enacted thereunder I desire to extend to the insurance business.

Mr. Chairman, to show you that the Postmaster-General feels that he can not exclude these concerns for noncompliance with State laws I cite the committee to the fact that the gentleman from Iowa [Mr. HEPBURN] a few days ago, in this Chamber, denounced these concerns as "catamounts," holding aloft, as he stated, "the names of thirty-two in number." I wish he had published the list. They are playing havoc all over the country. Now, if the Postmaster-General was not convinced that he did not have the power, under the present law, he would have excluded these concerns before this from the mails.

Mr. Folk and myself discussed thoroughly with General Payne and Attorney-General Christiancy the necessity for immediate action barring these concerns from the mails, but without effect, save and except they suggested this amendment to the existing law with an appropriation to execute it.

The recent decision of the Supreme Court I referred to a few moments ago intensified their desire for this amendment which they approved. I submit, however, that it should be further elaborated by requiring the insuring party or thing to comply with the laws of the State or Territory wherein the party insured lives or the property insured is situated, so that suits, if necessary, can be immediately brought and into local courts. This would protect the people at both ends of the line.

This bill has been referred to a subcommittee, but the chairman of that committee, the gentleman from Pennsylvania [Mr. BINGHAM], is absent. Learning this, I went to the other two gentlemen who are on that committee, the gentleman from Ohio [Mr. BROMWELL] and the gentleman from Missouri [Mr. COWHERD]. They are both ready to proceed with the consideration of this bill as soon as the chairman returns, which may be some time yet.

But here, now, we have up this Post-Office appropriation bill. We can put a little amendment on here to cover these cases, and nobody ought to object or interpose a point of order.

What is the object of a point of order?

It is to prevent the members from being taken by surprise and provoke full consideration. Nobody could be taken by surprise in this matter after what has been said about these concerns and this bill.

Here is a great appropriation bill carrying out the laws referring to the mails. The Postmaster-General does not think he has power enough, and here is the gentleman from Ohio ready and willing to consider the matter, and so is the gentleman from Missouri; and if this amendment is offered and no point of order made, this law can be made this session, plain and powerful, and the Postmaster-General can soon act.

Mr. BROMWELL. If the gentleman will permit me to interrupt him, I will state that the gentleman is entirely correct in stating that "the gentleman from Ohio" is as much opposed to this wild-cat insurance as the gentleman from Tennessee. The first case I ever had the pleasure of carrying from the police court of Cincinnati to the supreme court of Ohio was a wild-cat insurance case. I won the case all along the line, and the violator of the law was severely punished as a result.

My sympathies are entirely with the proposition of the gentleman from Tennessee; but this is a matter that has come into the Post-Office Committee's hand by a bill offered by the gentleman from Tennessee, which is now in the hands of the subcommittee, of which the gentleman from Pennsylvania [Mr. BINGHAM] is chairman; and I think I can assure the gentleman that as soon as General BINGHAM returns and is able to call that subcommittee together the bill will receive consideration, and I have no doubt, so far as the subcommittee, and possibly the full committee, are concerned, that it will receive a favorable report.

At the present I would much prefer not to attempt to put it on an appropriation bill. There is some information that the subcommittee itself thinks it would like to get from the Postmaster-General before they unqualifiedly approve this bill. I myself would like to have a statement of the Postmaster-General officially saying that he has not adequate power for him now to enforce the law against these frauds, and I would further like to have an indorsement of the Postmaster-General in writing as to his approval of this particular bill.

Mr. GAINES of Tennessee. I am perfectly willing to have all that, but I do not want this Congress to die without the enactment of this or a similar measure.

Mr. BROMWELL. There is over a month yet before Congress expires.

Mr. GAINES of Tennessee. But, inasmuch as the chairman is absent and has been absent for some time, I do not know how long he may be, and the gentleman says "if" he comes back he will do so and so; but will he give consideration to this bill in time for Congress to act?

I am ready now to go with the gentleman from Ohio or the gentleman from Missouri to the Postmaster-General and have a conference with him regarding this matter. I am ready to do anything proper rather than to let this bill hang on for another twelve months when we know we can give relief here by a small amendment which will give the necessary power to the Postmaster-General.

However, I will abide by the gentleman's suggestion and not offer the amendment, hoping to pass the bill this session.

Mr. Chairman, I want to submit a letter from the actuary of the insurance department of the great State of Missouri. When we had this matter up a few days ago one of my distinguished colleagues from that State [Mr. SHACKLEFORD] objected to the position I took about this matter, and said the State laws were sufficient and that the bill was pure "Federalism." I am invoking Federal power in this bill. It can not be a State power unless you amend the Constitution and give the postal power back to the States. Will the Clerk please read the letter?

The Clerk read as follows:

INSURANCE DEPARTMENT, STATE OF MISSOURI,
City of Jefferson, January 27, 1903.

Hon. JOHN W. GAINES, M. C.,
Washington, D. C.

DEAR SIR: I take this opportunity of expressing my approval of House bill No. 16880, introduced by you on the 19th of January, 1903, providing that certain sections of the statutes of the United States shall be made applicable to insurance companies or organizations not authorized by the State or Territory in which they are organized or domiciled. This is a measure which should receive the support of every member of Congress, as it will materially assist in stamping out a fraud which is practiced, I believe, in every Congressional district in the United States, and one which has become very annoying to the people. I trust the measure will become a law. I have also written a member of Congress from the district in which I live, namely, Hon. W. D. VANDIVER, of the Fourteenth district of Missouri.

Very respectfully, yours,

J. B. REYNOLDS, *Actuary.*

Mr. GAINES of Tennessee. Now, Mr. Chairman, I desire to insert in the RECORD, with the consent of the committee, in extending my remarks on this question, a list of the fraudulent concerns that have been excluded from the use of the mails under the present law, so as to show the committee what has been excluded—and I take it that everything has been excluded that could have been under the law—and I fail to find any insurance company in the list. If I am correct, there is an active official construction of the law as it is, showing an absence of power.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to insert with his remarks a list. Is there objection? [After a pause.] The Chair hears none.

The paper referred to is as follows:

FRAUDULENT MATTER IN THE MAILS—INSTRUCTIONS TO POSTMASTERS.

31. It having been made to appear to the Postmaster-General, upon evidence satisfactory to him, that the Honduras National Lottery Co., Paul Conrad, President, and Paul Conrad, at Puerto Cortez, Honduras, Central America; Juarez Beneficiencia Publica Lottery, and M. Carguellos, Inspector of Juarez Beneficiencia Publica Lottery, at City of Mexico, Mexico; Bissell, Platt & Co., at Toronto, Canada; the Mutual Guarantee Co., Francisco Alfaro, President; R. E. Kuchnert, Vice-President; Ignacio Burgoa, Second Vice-President; Charles E. Quincy, Secretary and Manager; W. E. Fry, Treasurer, and General E. Gaynor, Actuary, at City of Mexico, Mexico; the Santo Domingo Lottery Co., J. B. Sarson, President, at City of San Domingo, Republic of San Domingo, are engaged in conducting lotteries or similar enterprises for the distribution of money by lot or chance through the mails, in violation of the act of Congress entitled "An act to amend certain sections of the Revised Statutes relating to lotteries, and for other purposes," approved September 19, 1890.

Now, therefore, by authority vested in him by said act, and by the act of Congress entitled "An act for the suppression of lottery traffic through international and interstate commerce and the postal service, subject to the jurisdiction and laws of the United States," approved March 2, 1895, the Postmaster-General hereby forbids you to pay any postal money order drawn to the order of said parties, and you are hereby directed to inform the remitter of any such postal money order that payment thereof has been forbidden, and that the amount thereof will be returned upon the presentation

of a duplicate money order applied for and obtained under the regulations of the Department.

And you are hereby instructed to return all letters, whether registered or not, and other mail matter which shall arrive at your office directed to the said parties to the postmasters at the offices at which they were originally mailed, to be delivered to the senders thereof with the word "Fraudulent" plainly written or stamped upon the outside of such letters or matter: *Provided, however*, That where there is nothing to indicate who are the senders of letters not registered or other matter, you are directed in that case to send such letters and matter to the Dead Letter Office with the word "Fraudulent" plainly written or stamped thereon, to be disposed of as other dead matter under the laws and regulations applicable thereto.

FOREIGN LOTTERY COMPANIES AGAINST WHICH ORDERS SIMILAR TO THE ABOVE HAVE BEEN ISSUED.

The International Patentees' Agency, at London, England.
Loteria Mexicana de la Beneficiencia Publica, L. D. Ladish, president; Francisco B. Espinosa, interventor; Tropical Fruit Company, Box 174; Huasteca Cooperative Land, Coffee, and Fruit Company, Apt. 174, at San Luis Potosi, Mexico.
Hamburger Staats-Lotterie (Hamburg State Lottery), Wilhelm Schulze, haupt-collector (William Schulze, principal collector), at Neustrelitz, Germany.
Mexican American Coffee Culture Company; Mexican Marble Company; A. Sagastegui, C. Davila, boxes 174 and 184, at San Luis Potosi, Mexico.
H. Wallace, D. Estrada, and C. Leopoldo, at San Luis Potosi, Mexico.
S. Melendez, L. C. Sigiesmundo, and A. Diaz, at San Luis Potosi, Mexico.
J. Zavala, L. S. Clement, and A. Galindo, at San Luis Potosi, Mexico.
L. E. Kiefer, box 174, alias L. E. Keifer, at San Luis Potosi, Mexico.
U. Bassetti, at City of Mexico, Mexico.
National Society of Sculpture, J. E. Clement, manager: secretary, box 1025, at Montreal, Canada.
Albert Jarmulowsky, Schau Schwencke and Schwerdfeger, at Schwerin, in Mecklenburg, Germany.
Neubauer & Rendelmann; National Lottery of the Kingdom of Saxony; Brunswick-Lunenburg National Lottery (Braunschweig-Lunenburgische Landes-Lotterie), at Neustrelitz, Schwerin, in Mecklenburg, and Berlin, Germany.
Mutual Guarantee Company of Mexico, City of Mexico, Mexico.
H. B. Cocke, at City of Mexico, Mexico.
C. Humme, at Hamburg, Germany.
Valentin & Co., at Hamburg, Germany.
Martin Meyer, jr., & Co., at Hamburg, Germany.
Fox Manufacturing Company, at Toronto, Canada.
Gerhd. R. Hagerfeldt, at Lubeck, Germany.
J. Dammann and the Ducal Brunswick-Lunenburg State Lottery, at Hamburg, Germany.
Otto Forster & Co., Lubeck State Lottery, Hamburg, Germany.
Henri Hirsch, 10 Rue Chauchat, Paris, France.
Albert Gerber and the Royal Hungarian Money Lottery, Budapest, Hungary.
Wilhelm Schulze and the State Lottery Office, Hamburg, Germany.
R. Unger, Eisenach, Germany.
Mercur and the Royal Hungarian Lottery, Budapest, Hungary.
Conrad Lewin, Neustrelitz, Germany.
W. Fodor & Co., Budapest, Hungary.
Lowenherz & Co., Hamburg, Germany.
City of Hamburg Lottery, Chief State Lottery of Hamburg, Lottery of City of Hamburg, Hamburg, Germany.
National Society of Sculpture, Quebec, Canada.
Thimothe Archambault, Quebec, Canada.
Wilhelm Schulze, Hamburg, Germany.
Messrs. Szanto & Co., Budapest, Hungary.
Herman Osterwitz, Dessau, Germany.
Karl Fekete, Budapest, Hungary.
Bernard Leprohen, Montreal, Canada.
Gabor Munk, Budapest, Hungary.
E. Drolet, Quebec, Canada.
Gustav Kluver, Hamburg, Germany.
Dorge Frigyesbankhaza, Budapest, Hungary.
S. Perlberg, Budapest, Hungary.
S. Perlberg and Royal Hungarian Money Lottery, Budapest, Hungary.
J. Garber, Budapest, Hungary.
Bankinghouse Hecht, Budapest, Hungary.
A. Brandon & Co., Amsterdam, Holland.
Max Schlessinger, Mainz, Germany.
Campania de Lotteria de Monterey, Neuva Leon, Mexico.
Ernst Harmson & Co., Lubeckishhen Staats Lotterie, Hamburg, Germany.
The Saxon States Lottery, Chemnitz, Saxony.
Wildemar Hiller, Chemnitz, Saxony.
Herman Hiller, Chemnitz, Saxony.
The Grande Loterie en favour de l'Eglise Catholique, and P. E. Demers, A. E. D'Artois, and J. A. Decles, at Farnham, Quebec.
Canadian Royal Art Union and S. T. Dickinson, manager, Montreal, Canada.
H. Thunnissen, agent, Hamburg, Germany.
D. M. Goldschmidt, Hamburg, Germany.
Emil Zarncke and the Mecklenburg-Schwerenchen Geldlotterie, Schwerin, Mecklenburg, Germany.
Royal Hungarian Lottery and Emil Veg and Armin Schön, jr., Budapest, Hungary.
Martin Meyer, jr., & Co., Hamburg, Germany.
H. Langenhahn and Great German Money Lottery, Bremen, Germany.
Sachsen-Thuringisch-Anhaltischer Staats Lotterie; M. Lam, Lubeck, Germany.
Credit d'Epargue, Paris, France; Emile Tuchmann.
"Credit General du Canada," Montreal, Canada.
"L. Levesque," Montreal, Canada.
Joseph Vincent, Quebec, Canada.
"Tattersall," care George Adams, Hobart, Tasmania.
Pierre Longtin, Quebec, Canada.
Carl Farnow, Hamburg, Germany.
S. Sarkany and Arnold Martony, Budapest, Hungary.
The National Society of Sculpture and A. W. Blouin, Montreal, Canada.
Loteria Tamaulipeca, Tampico, Tam., Mexico.
J. Kornberg and Hamburg State Lottery, Hamburg, Germany.
Santo Domingo Lottery Company, and the Haytian Lottery Company, Port au Prince, Haiti.
Franco-Bulgarian Bank and Lottery of the town Sofia, Sofia, Bulgaria.
Conrad Lewin, Berlin, Germany.
Nicolaus Jacobi and Herzogl. Landes-Lotterie, Bremen, Germany.
Loteria Nacional (National Lottery), Mexico City, Mexico, and J. Maxemin, agent, Mazatlin, Sinaloa, Mexico.
The Boer Liberty Lottery and International Boer Union, City of Mexico, Mexico.
E. J. Cohen & Sohn and the Hamburg State Lottery, Hamburg, Germany.
Victor and Rudolph Josephy and Mecklenburg-Schwerinchen Landes-Lotterie, Schwaan, Mecklenburg, Germany.
F. Goldschmidt and Hamburg State Lottery, Hamburg, Germany.
Theodor Klüver and Hamburg City Lottery, Hamburg, Germany.
Emanuel Feyertag and Royal Hungarian Lottery, Budapest, Hungary.
Committee of the Artistic Lottery, Committee of the International and Artistic Lottery, and Au Comité de la Loterie Artistique Internationale, The Hague, Holland.
Pater Barral, Immensee, Switzerland.
Banque Franco-Bulgare, and Monsieur le Directeur de la Banque Franco-Bulgare, Sofia, Bulgaria.
Heinrich Schilephake and Mecklenburg-Schwerin State Lottery, Neustrelitz, Germany.
Karl Kiss & Co., and Banque Karl Kiss & Co., Budapest, Hungary.
Wilhelm Grodhaus and Hessisch-Thuring Staatslotteries, Darmstadt, Hesse.
Windus & Co., Hamburg, Germany.
N. D. Bartels Wwe. Nachf., Bankers, Hamburg, Germany.
Ad. Goldschmidt, Hamburg, Germany.

32. The attention of postmasters and other employees of the postal service is called to section 499, P. L. and R., which prohibits the circulation in the mails of all matter relating to lotteries, or schemes offering prizes dependent upon lot or chance. In cases of doubt, where postmasters have reason to believe that any scheme or advertisement is in violation of the lottery law, they should refer the matter to the Department for instructions.

33. Postmasters must not give opinions as to the construction of the lottery law as applicable to advertisements or schemes submitted to them. All such questions should be referred to the Department.

FOREIGN LOTTERY MATTER.

34. Postmasters and other postal officials are hereby notified that "fraud orders" issued against lottery companies and their officers operating in foreign countries do not cover mail matter originating in foreign countries and simply passing through our territory, but cover mail matter originating in this country only which is addressed to any of the parties named in such orders.

Mr. GAINES of Tennessee. I desire now to discuss the power of Congress to exclude persons and concerns engaged in "wild-cat insurance business" and "trusts" which restrain trade from the use of the mails.

Congress, and not the States, has exclusive control of our postal service. Congress has admitted and excluded what Congress chose to admit or exclude, and this power was by Congress invoked in crushing lotteries, and in the noted case of In re Rapier, Mr. Chief Justice Fuller, for the Supreme Court of the United States, upheld the act of Congress—the antilottery statute. There can be no doubt of its constitutionality, nor of the bill I have introduced extending the provisions of this antilottery statute to wild-cat insurance concerns.

The Supreme Court of the United States, in the case of Pensacola Telegraph Company against the Western Union Telegraph Company (96 U. S., pp. 8, 9), said:

> Congress has power to regulate commerce with foreign nations and amongst the several States (Const., Art. 1, Sec. 8, 3), and to establish post-offices and post-roads (Id., paragraph 7). Since the case of Gibbons *v.* Ogden (9 Wheat., 1), it has never been doubted that commercial intercourse is an element of commerce which comes within the regulating power of Congress.
>
> Post-offices and post-roads are established to facilitate the transmission of intelligence. Both commerce and the postal service are placed within the power of Congress because, being national in their operation, they should be under the protecting care of the National Government.

I stop here to call special attention to this language of the court:

> Post-offices and post-roads are established to facilitate the transmission of intelligence.

I know of no decision of the Supreme Court of the United States defining a letter to be "commerce." It would seem that a letter is "intelligence" carried in the mail, or out of the mail I may add.

IS MAIL "COMMERCE" OR IS THE POSTAL SERVICE A FACILITY OR INSTRUMENT OF "COMMERCE IN LAW?"

The "commerce" grant of power and the "postal" grant of power to Congress are separate and distinct grants, the first being given to regulate "commerce" among the several States and foreign nations, and the other—the postal grant—to regulate the transmission of "intelligence" by and through the postal service.

This is evidently the distinction drawn by the court in this case, for the court says:

> The powers (postal and commerce) thus granted are not confined to the instrumentalities of commerce, or the postal service known or in use when the Constitution was adopted * * * They were intended for the government of the business to which they relate at all times and under all circumstances.

The court states how these two—"both"—powers were "intended" to be used—their purpose—for the court in the next sentence says:

> As they (these two powers) were intrusted to the General Government for the good of the nation, it is not only the right but the duty of Congress to see to it that (1) intercourse among the States and (2) the transmission of intelligence are not obstructed or unnecessarily encumbered by State legislation.

IS A LETTER COMMERCE?

It is plain to me that the "commerce" power of Congress was intended and is to be used to regulate what is known as "commerce" and the "postal" power, a separate and distinct grant, is "intended" to be used in the "transmission of intelligence"

by way of letters. Or to put it differently, "commerce" is one thing and "intelligence" is another. Commerce is one thing and mail another.

Of course Congress can and does permit certain small commodities to be sent through the mails, but such articles are "commerce," not "intelligence," not information, not letters.

THE LITTLEFIELD TRUST BILL—DOES IT EXCLUDE TRUSTS FROM THE MAILS?

I have referred to this opinion for the purpose of reminding Congress that the antitrust bill reported to the House a few days ago by the gentleman from Maine [Mr. LITTLEFIELD] omits to use plain language for excluding from the mails (assuming for the present this is the intention of the bill, which I doubt) trusts, combines, monopolies, etc.. engaged in the restraint of "interstate" trade. Here is the language of this bill, which provides that these "trusts," etc., in restraint of interstate trade (not State trade) "shall not use the facilities or instrumentalities of interstate commerce."

If this language is "intended" to cover the "postal service" as one of the "facilities or instrumentalities of interstate commerce," I have grave doubts that it succeeds, under the opinion of the Supreme Court just quoted.

Even conceding that it does, or that its author honestly intended this language to cover the postal service and exclude interstate trusts, etc., described in the bill, from the use of the mails, I submit that it is better that we say literally what we mean than use doubtful terms. We can easily do that. We can say the "trust," etc. (described in the bill), "shall not use the mails."

This removes all doubt of the intention of Congress. These words are plain. They are well understood. Why not use plain language? The courts have defined them and Congress has used them heretofore, for similar words are now included in certain of our postal laws.

The courts would not be called on to define these words or explain their meaning.

If the language, "facilities or instrumentalites of interstate commerce" is used, delay follows, litigation ensues; and the courts, already crowded, it is said, must "construe" this language and judicially hold that the postal system is one of our interstate "facilities or instrumentalities," in the face of the fact already shown in the telegraph case referred to, wherein the court said:

Post-offices and post-roads are established to facilitate the transmission of intelligence.

The court in this case treats the "commerce" power and the "postal power" of Congress as separate and distinct powers, the one granted to control interstate and foreign commerce, and the other to control "the transmission of intelligence" by the use of post-offices and post-roads.

WHAT DEMOCRATS AND REPUBLICANS DID IN FIFTY-SIXTH CONGRESS.

In the Fifty-sixth Congress, January 3, 1900, I introduced a bill to regulate trusts. That bill described fully trusts, monopolies, combines, etc., it proposed to regulate. It covered all concerns, including persons who undertook to restrain both State or interstate trade.

This Littlefield bill is confined to interstate trade only.

I discussed my bill thoroughly two or three times in the House. Both Democrats and Republicans thought so well of this plan as one of the ways to regulate trusts—both Democrats and Republicans adopted it. They incorporated this provision in an antitrust bill which passed the House and went to the Senate, where, and as the Democrats prophesied, it received an untimely death and prompt burial by the willing hands of Republican Senatorial pallbearers, ever faithful to their allies—trusts. [Laughter.]

I now ask, if the Republicans mean to exclude trusts from the mails, why abandon the plain language thus adopted by both parties in the last Congress, that these trusts, etc., "shall not use the mails," and adopt the novel, undefined, unused, indefinite, and at least doubtful language of "facilities or instrumentalities of interstate commerce" in lieu.

It is strange that the gentleman from Maine [Mr. LITTLEFIELD], who said much in the last campaign in favor of outlawing trusts, now voluntarily, or under the directions of the President, who said last fall that he (the President) must be taken as being sincerely opposed to trusts—that his "my words must be taken at their face value"—should now use language undefined by the courts and of doubtful meaning if the gentleman from Maine and the President, or either, really mean to say by that language "that the trusts shall not use the mails."

WHY NOT EXCLUDE STATE TRUST TRADE FROM THE MAILS?

Assuming that the words "facilities or instrumentalities of interstate commerce" are broad enough on their face for the court to twist or construe them into meaning or covering our "postal service" and that the trusts, etc., described in the bill could not lawfully use the mails, still trusts, combines, monopolies, etc., engaged exclusively in the restraint of "State" trade are not excluded from the mails by this bill, because it applies to "interstate" trust trade and not to State trust trade, that is, trades in restraint of commerce done wholly within the limits of the State.

Whereas if all trusts, etc., in restraint of State and interstate trade were excluded from the use of the mails, the source and the stream of "commerce," State and interstate, would be stripped of State trusts restraining State trade and State trusts or interstate "trusts" restraining interstate or foreign trade.

Why invoke half the power of Congress over our post-roads and mail? Why exclude only trusts engaged in restraint of interstate trade from the mails? Why make half a bite at a whole cherry? The trade, whether State or interstate, begins within the limits of some one of the several States or Territories. There the trust's seed is planted. There it grows. There it spreads like a great banyan tree. There State trust trade begins, and from that trade flows interstate and foreign trade.

Why not, then, broaden this bill so as to exclude all trusts, etc., from the use of the mails when engaged in State trust trade or interstate and foreign trust trade, or all three of them?

The bill which I introduced January 3, 1900, in the Fifty-sixth Congress, and again in the present Congress, December 6, 1902, clearly covers this unfortunate omission in the Littlefield bill now before this Congress, excluding both State and interstate trust trade from the mails.

Mr. Chairman, the distinguished gentleman [Mr. PALMER] who now honors me by listening attentively to my remarks asked yesterday my colleague [Mr. PATTERSON of Tennessee] this question: "Can Congress prohibit interstate commerce?"

I will answer the gentleman with pleasure, and say, Yes, and Congress has done so, and the Supreme Court of the United States, from the days of Chief Justice John Marshall down to the days of Chief Justice Fuller, have held that the power to "regulate interstate and foreign commerce given to Congress is full and complete in Congress," and that Congress, under this power, can "prohibit" trusts, combines, etc., which "directly restrict interstate and foreign commerce."

Mr. Justice Peckham, for the whole court, in the noted Addyston pipe-trust case, uses the word "prohibit" in defining the extent of this power as to interstate trusts, and that word has been frequently employed in defining the extent of the power of Congress to regulate this outlawed "commerce."

The court in this pipe-trust case affirmed the circuit court of appeals in this construction of this power (with a slight alteration of the decree which undertook to enjoin that portion of this pipe-trust business done wholly within the State of Tennessee, the headquarters of this concern).

The court confined, in other words, the operation of the antitrust act of June 2, 1890, to the prohibition of all contracts and combinations in direct restraint of interstate and foreign commerce, and distinctly held that this act provides that such concerns are "prohibited" and can be and were prohibited legally by Congress under this act.

The opinion of the circuit court of appeals was rendered by the full court—Justices Taft, of Ohio; Lurton, of Tennessee, and Severens, of Michigan—Mr. Justice Taft speaking for the court.

In reading these two opinions and the cases they cite, you will immediately see that Congress has the power under this commerce law to regulate, even to the extent of prohibiting, both interstate and foreign commerce, and hence we are forced to the conclusion that Congress can "prohibit" both.

Indeed, Congress has prohibited both, and begun at an early date; so did the several States before the Constitution.

I cited a number of such Congressional statutes in my speech in the House June 2, 1900, and reviewed all the authorities, or many of them, on the subject, two of which I have already cited, and I would feel honored if the distinguished gentleman [Mr. PALMER] would scan that speech, easily found here in the House library (RECORD, vol. 33, appendix, 1st sess. 56th Cong., p. 688). I will insert this particular portion of this speech in extending my remarks, as follows:

1. The Wilson tariff law of 1894 prohibited the importation of convict-made goods in these words:

"That all goods, wares, articles, merchandise, manufactured wholly or in part in any foreign country by convict labor shall not be entitled to entry at any of the ports of the United States, and the importation thereof is hereby prohibited," etc.

This prohibitory provision was carried into and is now a part of the Dingley tariff law. So, in recent legislation both the advocates of the Wilson tariff law—the Democrats—as well as of the Dingley tariff law—the Republicans—under its commerce power has the right to prohibit foreign commerce, and, as I will show later on, interstate commerce, too.

2. The old laws prohibiting commerce with France and England, known as the embargo acts, were held constitutional as a proper exercise of the commerce power of Congress. They were generally approved and discussed in the Clark *v.* Field case (143 U. S.), where the McKinley tariff law was brought into question. Mr. Cooley, on the Principles of the Constitution, citing cases at page 70, says the embargo acts were a "constitutional" exercise of our commerce powers, and adds:

"The power that controls commerce from the very nature of things includes the power to restrict and limit—to prohibit as to certain things and to

suspend altogether when, for the time, it seems wise. It is a sovereign power and knows no limit."

Again:

"The power to regulate commerce among the several States is granted to Congress in terms as absolute as is the power to regulate commerce with foreign nations." (Brown *v.* Houston, 114 U. S., 622; Crutcher *v.* Kentucky, 141 U. S., 47.)

3. Congress has prohibited commerce with the Indian tribes even within the limits of a State and all manner of trade with them except by persons duly commissioned (act August 15, 1876), and has empowered the President to prohibit the introduction of certain articles of commerce into Indian Territory (United States Revised Statutes, 2132). Congress has prohibited the exportation of cattle from Indian Territory for trade (United States Revised Statutes, 2133) and the sale of liquors to Indians (Ib., 2139).

These laws have all been held constitutional, and the power is unquestionable.

Chief Justice Taney, in the celebrated License cases (5 Howard, 504), enunciates the same doctrine:

"Congress under its general power to regulate commerce with foreign nations may prescribe what articles of merchandise shall be admitted and what excluded, and may, therefore, admit or not, as it shall seem best, the importation of ardent spirits."

And in the United States *v.* Forty-three Gallons of Whisky, etc. (93 United States, 188), it was likewise held that—

"Congress under its constitutional power to regulate commerce with the Indian tribes may not only prohibit the unlicensed introduction and sale of spirituous liquors in the Indian country, but extend such prohibition to territory in proximity to that occupied by the Indians."

In United States *v.* Holiday (3 Wallace, 407) it was held that—

"The circuit courts of the United States have jurisdiction of the selling of ardent spirits to an Indian under the act of February 12, 1862.

"By that act Congress made it penal to sell spirituous liquors to an Indian under the charge of an Indian agent, although it was sold outside of any Indian reservation and within the limits of a State. The act is constitutional under the power to regulate commerce with the Indian tribes."

We have seen from the cases above cited, based, as all our commerce law in question is, on the leading case of Gibbons *v.* Ogden (9 Wheaton), that the power to regulate interstate commerce is as complete as the power to regulate international commerce, and we see that Congress has the power, and has exercised it constitutionally, to actually prohibit international commerce.

Then why should Congress hesitate to prohibit interstate trust commerce? It clearly has the power and undertook to exercise it in the antitrust act of 1890.

In the recent Pipe case (175 U. S.) Justice Peckham, for the whole court, says:

"The reasons which may have caused the framers of the Constitution to repose the power to regulate interstate commerce in Congress do not, however, affect or limit the extent of the power itself.

"In Gibbons *v.* Ogden (supra) the power was declared to be complete in itself and to acknowledge no limitations other than are prescribed by the Constitution.

"Under this grant of power to Congress, that body, in our judgment, may enact such legislation as may declare void and prohibit the performance of any contracts between individuals or corporations where the natural and direct effect of such a contract will be, when carried out, to directly, and not as a mere incident to other and innocent purposes, regulate to any substantial extent interstate commerce. (And when we speak of interstate we also include in our meaning foreign commerce.) We do not assent to the correctness of the proposition that the constitutional guaranty of liberty to the individual to enter into private contracts limits the power of Congress and prevents it from legislating upon the subjects of contracts of the class mentioned.

"The power to regulate interstate commerce is, as stated by Chief Justice Marshall, full and complete in Congress, and there is no limitation in the grant of the power which excludes private contracts of the nature in question from the jurisdiction of that body. Nor is any such limitation contained in that other clause of the Constitution which provides that no person shall be deprived of life, liberty, or property without due process of law.

* * * * * * *

"The provision in the Constitution does not, as we believe, exclude Congress from legislating with regard to contracts of the above nature while in the exercise of its constitutional rights to regulate commerce among the States. On the contrary, we think the provision regarding the liberty of the citizen is, to some extent, limited by the commerce clause of the Constitution, and that the power of Congress to regulate interstate commerce comprises the right to enact the law prohibiting the citizen from entering into those private contracts which directly and substantially, and not merely indirectly, remotely, incidentally, and collaterally regulate to a greater or less degree commerce among the States.

"We can not so enlarge the scope of the language of the Constitution regarding the liberty of the citizen as to hold that it includes or that it was intended to include a right to make a contract which in fact restrained and regulated interstate commerce, notwithstanding Congress, proceeding under the constitutional provision giving to it the power to regulate that commerce had prohibited such contracts."

We then see here, from the latest utterance, that Congress did "prohibit" interstate-commerce trust combines, and that such a provision does not trench upon that liberty of the citizen the Constitution guarantees. In the other two leading cases, The United States *v.* Joint Traffic Association (171 U. S., 505) and the Missouri transportation case (136 U. S.), the court holds that Congress has the power to prohibit interstate trust commerce which is interstate commerce.

4. Congress has prohibited the importation of adulterated or unwholesome food or drugs and other things injurious to health (acts August 30, 1890, March 2, 1897) and the importation and exportation of diseased cattle (act August 30, 1890), and interstate commerce in diseased live stock (act May 29, 1884), and the exportation of slaughtered meat (act March 3, 1891).

5. Congress has prohibited the immigration of idiots, insane persons, criminals, polygamists, and Chinese (acts March 3, 1891, March 3, 1894, August 3, 1882, March 3, 1875). See the authorities touching upon these various acts and the power of Congress to enforce them in Desty's Federal Constitution, and Prentiss and Egan on the commerce clause of the Federal Constitution, page 337, etc.

6. Only a few days ago Congress passed what is known as the Lacey bird bill, prohibiting the sale and transmission of birds killed in a State prohibiting their killing to another State, which, as the author of the bill, the gentleman from Iowa [Mr. LACEY], admitted in his speech was based upon the right of Congress to prohibit interstate commerce.

7. Congress a few days ago passed a bill allowing the States to prohibit the introduction of convict-made goods in the several States that may refuse their admission.

8. In 1888, May 22 (RECORD, vol. 92, p. 4533), the House, by vote of 185 to 44, passed a bill prohibiting convict-made goods from being shipped from one State to another. Our most notable Republicans and Democrats in that Congress supported that measure—Mr. Speaker HENDERSON, President McKinley, Representatives GROW, Grout, HOPKINS, CANNON, DALZELL, Brown of Ohio, Dingley, Senator BURROWS, Senator Gear, Senator LODGE, Senator MASON, and many leading Democrats.

Now, in the face of the action of Congress here shown for over a hundred years in prohibiting—not simply regulating, but prohibiting—international and interstate commerce, can any fair-minded man, halfway patriotic, longer dispute that Congress has the power to prohibit interstate and international commerce? For a hundred years Congress has enacted such legislation, and the court has uniformly upheld such laws.

Why, then, should Congress not prohibit interstate trust commerce?

At an early day we passed embargo acts, by which we prohibited foreign commerce and held up commercial ship lines. They were held valid laws under the commerce grant of Congress to "regulate" commerce. Mr. Cooley cites some of the courts who upheld these laws, although the opponents of the laws claimed the power to "regulate" did not include or extend to the "annihilation" of commerce. But in a case from Massachusetts, decided in 1808 or 1809, the Federal court declared the power went that far, but the embargo act did not annihilate "all commerce." Annihilation was unnecessary even as a war measure.

ANNIHILATION IS A QUESTION OF POLICY AND NOT POWER.

In the construction of the McKinley tariff law, the Supreme Court of the United States, in the case of Field *v.* Clark (143 U. S. Rept.), referred to these embargo and other prohibitory acts approvingly, going to show what Congress had done and could do legally under this power to regulate commerce.

We prohibited the importation of convict-made goods under the Wilson tariff law.

We prohibited the transportation of diseased cattle through the States.

We prohibited the importation of diseased goods.

We prohibited the importation of certain undesirable foreigners.

We prohibited the transmission of liquors to the Indians.

We prohibited the use of interstate freight trains without certain car couplers—to preserve life.

We recently prohibited the shipment of game from States prohibiting its killing and shipment—the Lacey law.

All of these acts, or many of them, I referred to briefly in my speech of June 2, 1900.

There can be no question about the "extent" of the power of Congress to regulate interstate and foreign commerce, and if we stand by the opinions of the Supreme Court of the United States we can go so far as to "prohibit" such commerce. Whether we should prohibit honest commerce is a question of policy and not of power under these decisions.

But we see the court of last resort has already decided, time and again, that Congress can "prohibit" and that Congress has legally "prohibited objectionable" interstate and foreign commerce, and that is the question. That is the issue, plus the enforcement of the law as it is and as amended. This is as far as we need to go to remedy this evil.

"TRUSTS" ARE OUTLAWS.

I denounce, along with this court and the great mass of the people of the United States, all trusts, monopolies, corporations, or other concerns which, or persons who directly restrain State, interstate, or foreign commerce.

Such business is outlawed by the wish and for the welfare of the people and for the preservation of the purposes of the Government, which purposes are to encourage and protect each and every individual within the jurisdiction of this Republic in his inalienable right of preserving his life, maintaining his happiness, his liberty, and protecting the high and the low from lawlessly harming each other.

Monopolies are outlawed by the common law, which has been defined as "the collected wisdom of ages."

Mr. Justice Jackson, of Tennessee, soon after the enactment of the antitrust act of 1890, declared that law to be the common law broadened in some parts, and I believe Judge Taft thus spoke in delivering the opinion in the Pipe case.

Monopolies are outlawed by the common law and the statute law of nearly all if not quite all of the States and organized Territories of the United States, including even Alaska.

They have no right to exist, in law or morals. They are contrary to both. They cheat, in whole or a part, God's creatures out of their own personal chance to live and make a living in the easiest moral and legal way they can.

I believe in self-ownership and its preservation, personal independence, and rectitude of purpose, respecting always conscientiously and from a moral standpoint the smallest right that is the right of another.

The trouble about monopolies is they protect their own rights, if they have any, and absorb, grab, or destroy the rights of others, which is contrary to good morals, and hence contrary to the common law and our antitrust statutes and a healthy public policy.

Mr. PALMER. Mr. Chairman, may I interrupt the gentleman?

The CHAIRMAN. Will the gentleman from Tennessee yield to the gentleman from Pennsylvania?

Mr. GAINES of Tennessee. Yes.

Mr. PALMER. If it were necessary, in order to destroy the trusts, to destroy all commerce, would you do it?

Mr. GAINES of Tennessee. That question is one in the extreme. That is unnecessary. It in effect assumes or states that "trusts" are "all commerce," which I deny. "Trusts" are not legal or moral "commerce." "Commerce" is moral business and not immoral business. "Commerce" is legal business and not illegal business. Trusts in restraint of commerce are immoral, illegal, and contrary to the common law of the land, the State laws, and the Federal laws on trusts, to the spirit of our institutions, are in derogation to the rights of the people, contrary to the purposes of the Government, and therefore fly in the face of a healthy public policy and hence should be and are therefore outlawed, always have been, and such "commerce," if you denominate "trusts" "commerce," should be absolutely destroyed.

And it is begging the question for the gentleman to assume that we must destroy "all" commerce to strip honest commerce, if you please, of immoral and illegal commerce—trusts—assuming for argument that trusts are "commerce."

Limbs are often amputated to save the body, but because a patient now and then dies as a result of such act it is no use to stop cutting limbs off.

Again, the gentleman assumes that all commerce is represented by the trusts or trusts are all commerce.

This is a confession (1) that there are trusts, and (2) which "Congress" can "destroy"—a concession that trusts exist, and a further concession that trusts are in a majority, and, although an evil because in the majority trusts must survive and honest commerce remain oppressed, the people starved, and money getting and money holding put above the man who makes honest commerce.

It may be true that there are more sinners than saints in a given community; that the devil is in the majority; and if so, I take the stand with the minority and insist on whipping him out. We have done so on many occasions and protected society.

I agree with my friend that there are many trusts and that they may control "all commerce," and I am reminded by the question he has asked me of a stanza which as a schoolboy I was required to parse:

Wherever God's people erect a house of prayer,
The devil always builds a chapel there;
And 'twill be found, upon examination,
The latter has the largest congregation.

God's people and the Democrats, gentlemen, I dare say, built "the house of prayer." The Republicans and the trust the "chapel."

And from the manner in which the Republicans are administering the antitrust laws of this country, the way in which your Attorney-General is executing them, or rather not executing them, and the way in which the President is allowing him to execute them, or rather not execute them, there is a larger congregation of trusts—the offspring of Republicanism—in this country controlling the welfare of this people, stifling honest trade, honest commerce, and honest people than ever existed before in the history of this country. [Applause on the Democratic side.]

ANTITRUST ACT OF JUNE 21, 1890, DRASTIC.

And it is not because the law is not drastic and powerful. It is entirely inoffensive unless the Attorney-General first acts, and executes, and makes it offensive. It became law without a dissenting vote in the House or Senate. Not a single vote against it on its passage. Both parties supported it.

BOTH PARTIES DOUBTED ITS CONSTITUTIONALITY IN 1890.

Both parties doubted its constitutionality then, but said, "We will leave that to the court," notably Mr. Kerr, of Iowa, a Republican.

The court of last resort in powerful opinions has held it entirely constitutional and paid tribute to the lawmakers who framed it. And I want to say to my good friend from Pennsylvania [Mr. PALMER], whose friendship and society I always enjoy, that wherever this act of 1890 has been applied to an "interstate" trust combine that combine has been crushed out of existence.

FIRST CASE UNDER ACT JUNE 2, 1890.

The first case arose in Tennessee between a coal association of Nashville and a coal company of Kentucky, known as the Jellico coal case, reprinted in 46th Tennessee Reports. A preliminary injunction was refused by Judge Hammond, a Republican, inasmuch as the statute, as he said, was new and the Government was not required under it to give bond! So, to that extent, that a "temporary" injunction was refused is true, as stated by Attorney-General Knox in one of his recent publications; but the distinguished Attorney-General should have gone further and said on final hearing, had in three or four months after the bill was filed, a "permanent injunction" was granted and this coal trust crushed; or, to use the language of the gentleman from Pennsylvania, this coal trust was "destroyed." Yet the honest coal business survived and is thriving in Kentucky and Tennessee, and coal is selling there to-day at $3.50 to $3.75 a ton—and why? The laws are enforced. Our antitrust statutes are enforced. The people are on top.

Let me add just here that the permanent injunction was granted in this Jellico case after due deliberation, but promptly, by the late lamented Judge David M. Key, an old Confederate soldier, and that the distinguished and able United States district attorney who had charge of the case at Nashville was the Hon. John Rhum, an old Federal soldier, who fought another kind of a battle in and about Nashville over forty years ago.

Here the old Confederate and Federal soldier met and, as usual, drew blood—not from the people, but from the trusts.

Mr. Chairman, if the present laws were enforced relief would follow, I believe, the act of June 2, 1890, and an antitrust act incorporated in the Wilson tariff law and continued by the present Dingley tariff law being our two antitrust acts.

Not a single suit has been filed under the latter law of which I have ever heard, and I have industriously investigated the books and records to see. Not a case can I find. Why is this? Have we not ship trusts, international tobacco trusts, and other trusts nominated in the public press and undisputed? Why this nonaction?

PUBLICITY SHORT OF THE EVIL TO BE CURED.

I agree to your publicity proposition, but I want more. Publicity falls short of the mark; but, oh heavens and earth! How much more "publicity" do you want than the "publicity" we have had to show, for instance, the outrageous lawlessness practiced in Pennsylvania to-day, and that, too, in defiance of laws of that State, which prohibit the combination of coal companies and railroads that have produced the awful conditions of that old State?

Why, sir, the Interstate Commerce Commission, in its last report, "advance sheets," page 53, say that "The Lehigh Valley Coal Company is a corporation owned by the Lehigh Railroad Company," and I may add and charge this railroad owns and operates this coal company in the face of the constitution of Pennsylvania, which says that "railroads shall not own or operate, directly or indirectly, coal mines in" that State.

The Interstate Commerce Commission incorporates in its report the opinion of Judge McPherson, of the circuit court of the United States for the eastern division of Pennsylvania, delivered more than a year ago, January 4, 1902, and is reported in 112 Federal Reporter, 487, in the case of Lehigh Valley Railroad Company against Rainey and others.

Rainey sued this "railroad" in the State court for discriminating, in hauling coal, in favor of the Lehigh Valley Coal Company, but it was transferred to the State court.

The Federal court dismissed the suit, the court finding that there was only a "paper of theoretical discrimination," no actual discrimination or damage done Rainey, because the railroad had not hauled any coal "except for its own engines" between the points wherein Rainey alleged discrimination.

But in the course of the opinion the court, in alluding to the coal actually hauled between the two points for the use of the railroad's own engines, said:

This coal was mined by the Lehigh Valley Coal Company, which was clearly proved to be the Lehigh Valley Railroad Company. The identity of interest between the two corporations was so plain that it seemed idle to question it, so far as its practical effect upon the matter at issue was concerned, although, of course, the court did not intend to treat as nonexistent for all purposes the legal distinction between the two separate corporate entities. But dealing with real things and not with mere shows, it was clear to my mind that (for the purposes of the case before me) the coal company was mining as the scarcely veiled hand of the railroad company, and therefore that it made no difference at all what rate of freight was formally charged by the railroad company for hauling the coal. In essence, the railroad company mined, carried, and burned its own coal; and, under such circumstances, I still think it was correct to say that a charge for freight would be little more than a bookkeeping entry.

In other words, this railroad (1) owns its own coal mines, (2) digs its own coal for its own use and the public, (3) loads its own coal on its own cars, (4) hauls it at its own real or "paper" fixed rate of transportation, (5) hauls this coal on its own road into Eastern and Atlantic States, fixes its own selling price, an item being probably its "paper" rate for hauling, and (6) sells this coal to a freezing people at from $10 to $14 and $20, through some agent skulking around the streets of New York and Boston robbing an unoffending people.

Mr. Chairman, I will read the constitution of Pennsylvania, which prohibits railroads from owning or operating coal mines, directly or indirectly; yet you see they are now doing so.

This constitution reads thus:

202. No incorporated company, doing the business of a common carrier, shall, directly or indirectly, prosecute or engage in mining or manufacturing articles for transportation over its works; nor shall such company, directly

or indirectly, engage in any other business than that of common carriers, or hold or acquire lands, freehold or leasehold, directly or indirectly, except such as shall be necessary for carrying on its business; but any mining or manufacturing company may carry the products of its mines and manufactories on its railroad or canal, not exceeding 50 miles in length.

203. No president, director, officer, agent, or employee of any railroad or canal company shall be interested, directly or indirectly, in the furnishing of material or supplies to such company, or in the business of transportation as a common carrier of frieght or passengers over the works owned, leased, controlled, or worked by such company.

I dare say that this provision of this constitution was suggested by the noted opinion in the Morris Coal Company case by Judge Agnew of the Pennsylvania supreme court, where that great jurist under the common law broke up a combination of six coal companies in that State in 1871 or 1872—somewhere about that time. But the courts are silent in Pennsylvania now, on trusts and monopolies, as the tomb.

Now, gentlemen, here is "publicity" of both fact and law; but chaos, trusts, and insurrection abide and abound in Pennsylvania. Here are the facts found by the Federal court over a year ago, that this railroad company owned and operated these coal mines, and here is the constitution which says they shall not do either. And yet it is being done in defiance of all law and order.

This railroad is an "interstate instrumentality," and is hauling, beyond question, its coal through and out of Pennsylvania into States along the Atlantic coast in open defiance of the antitrust act of June 2, 1890, which clearly applies here, because it is an undisputed fact that this railroad is in a combination with four or five other railroads, and that they all own coal mines in Pennsylvania, operate them, haul the coal therefrom, fix their own rates of transportation, and sell this coal in other States by and through their agents, and at a rate that is arbitrary and prohibitory, so high is the price.

Yet neither the laws of Pennsylvania nor of the United States are being enforced against this unholy combination. The governor and State officials of Pennsylvania know of these lawless acts, yet they act not to prevent or destroy them or these combinations, but rather encourage them.

No one can tell me that Mr. Knox, the Attorney-General of the United States, who was born, reared, and lives in Pennsylvania, is not familiar with these facts, including the decision of Judge McPherson. It is unnatural and unreasonable to ask me or the American people to believe that he has not turned a deaf ear to these open charges, to these published facts, to these combinations. On the contrary, it is patent that he has closed his eyes to the situation, and that he is deaf to appeals to him to enforce our antitrust laws.

All "publicity" possible has been given in these matters through the press and by parties who swear to the truth of these charges and have regularly filed them with the Attorney-General, Mr. Knox. Yet this "publicity" has not relieved the situation nor induced or forced the Attorney-General to act.

Here is a letter of Mr. Hearst, of the New York Journal, and a copy of the petition and other documents which he has filed with the Attorney-General, Mr. Knox, showing the combination formed by these several railroads—six, I believe—to control the coal output of Pennsylvania in quantity, cost of transportation into other States, and the price for digging, hauling, and selling.

I hope my distinguished friend from Pennsylvania [Mr. PALMER] will read these documents, or permit me to read them to him. They are to be found in the CONGRESSIONAL RECORD of January 16, 1903, page 882. The gentleman will remember also that I had read here to the House an open letter addressed to the President from Mr. Hearst again briefly and succinctly challenging his attention to these combinations, and the failure of Attorney-General Knox to enforce the law. He appealed to the President to obey his oaths to see that the laws of the United States Government are faithfully executed.

The case against these combinations in the shape of a petition prepared and sworn to by Mr. Hearst have been on file before the distinguished Attorney-General, Mr. Knox, and therefore the President of the United States, since the 4th of last October, and not a single suit has been filed by way of injunction or indictment.

Mr. PALMER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Will the gentleman yield?

Mr. GAINES of Tennessee. Certainly.

Mr. PALMER. Of these railroads of which the gentleman speaks, if he will permit me, I will say that all except one were incorporated before the adoption of the constitution of 1873, and all of them owned their coal lands, and had the right to own them before that constitution was adopted, and neither the constitution of the State of Pennsylvania nor any other law could take that right away from them or violate the provisions of their charters, or the sanctity of the contracts under which they are doing business.

Mr. GAINES of Tennessee. Has not Pennsylvania some antitrust laws? Laws against combinations?

Mr. PALMER. What if we have?

Mr. GAINES of Tennessee. Have you?

Mr. PALMER. What has that to do with it?

Mr. GAINES of Tennessee. I want to be informed.

Mr. PALMER. The gentleman is complaining because the Attorney-General of the United States does not do an impossible thing.

Mr. GAINES of Tennessee. Have you any antitrust laws in Pennsylvania?

Mr. PALMER. Suppose we have?

Mr. GAINES of Tennessee. I suppose you have, as the gentleman does not admit the fact. Why does not your attorney-general and your governor enforce the law against these trusts and break up this railroad combination under your antitrust laws?

Mr. PALMER. There is no railroad combination and there is no infringement of the law, so far as I know.

Mr. GAINES of Tennessee. With all due deference to my friend's statement, here is the oath of Mr. Hearst, sworn to time and again, published time and again, and in it he shows this combination, and that the papers are filed with the Attorney-General of the United States, and have been since last October. Mr. Hearst states that the Attorney-General referred them to Mr. Burnett, United States attorney for the southern district of New York, and that not one thing has been done in this matter down to the present time.

Mr. Hearst goes on further and says that the people tried to form an independent railroad up there, with which to haul the coal from certain mines. Yet these big railroads combined and bought the lands away from them before they got the railroad, and then gobbled up the independent railroad in embryo—I believe it was the Wyoming Railroad or the Wyoming mine—so that the people in Pennsylvania and the East are again in the clutches of these five or six railroad combines.

Why, Mr. Chairman, it is just a plain case where "publicity" does not punish or make officers execute the law.

I do not know when the constitution of the State of Pennsylvania was adopted; but admitting that it is a fact that the railroads of which the gentleman speaks were incorporated before the constitution was made, is it not a fact—and a notorious fact—that this "combination" exists and has been organized in late years, and every day commits new wrongs, crimes, and misdemeanors?

Is it not a notorious fact, Mr. Chairman, that this is against the law—the act of June 2, 1890, and the interstate act? Yet nothing is done to enforce them by State or national officers. Mr. Hearst has given all the "publicity" of actual combination in Federal commerce anybody in the world wants who desires to enforce the law. He has sworn to his petition; he has filed affidavits with it, and he has supported it by certified copies of the combination, I am informed. Here it is all in the RECORD. You see the whole statement for yourselves.

I can not take my time nor the further indulgence of the committee to read this Hearst document. It is published with the petition and affidavits, etc. The gentleman will find this very interesting reading matter in this RECORD. It is perfectly plain, however, that he shows a combination of railroads to control the Pennsylvania coal output, and that the combination is in restraint of Federal commerce.

Only a few days ago the distinguished gentleman from Ohio, General GROSVENOR, brought in a resolution—and I hope my friend now will pay particular attention to what I say—and that resolution went on to say that whereas "it is apparent" there is a "conspiracy to put up the price of coal," etc., and we immediately passed the resolution and appointed the committee to go hence and see about it. This must have been in restraint of Federal commerce. "It is apparent!" How did it become any more "apparent" to him than it did to the Attorney-General with all this information before him? What now has the Attorney-General done?

Mr. PALMER. Oh, it is very cheap and easy to say in a resolution that it is "apparent."

Mr. GAINES of Tennessee. I took the gentleman from Ohio at his word when he spoke thus seriously, just as I do the gentleman who is now addressing me, and so did the House when we heard this resolution read.

Mr. PALMER. The committee has been to Boston?

Mr. GAINES of Tennessee. They have.

Mr. PALMER. And they have investigated?

Mr. GAINES of Tennessee. They have.

Mr. PALMER. And they have not been able to find any combination.

Mr. GAINES of Tennessee. Oh, but I do not read the Boston papers in that way. One of the gentlemen of this committee—I do not know who it was—said "that many a man had been hanged on less testimony" than they received up there showing this railroad and coal conspiracy. This the Boston paper stated.

Mr. PALMER. Oh, well, men have been hanged without any testimony at all.

Mr. GAINES of Tennessee. I do not know whether it was a Democrat or a Republican, Mr. Chairman, who thus spoke of the evidence educed, but the fact remains that one of the members of the committee, as one or two Republican papers of Boston stated, said that "men have been hanged on less testimony than that which they have found," showing the very thing which Mr. Hearst swears to as true is true; that is, that these railroads in Pennsylvania are in a conspiracy not only to own all the coal lands, but to dig all the coal and haul it all and sell it all, and at their prices. That is what he charges. That is what he swears to, and that is what the Attorney-General has had in his hands since the 4th of October, 1902. But what has the Attorney-General done? What is he—the Attorney-General—doing in this matter? Nothing we can see or hear.

And yet, Mr. Chairman, here we are junketing a committee all around the country to find out what Mr. Hearst has already "found" out through his great enterprise; because of his great love of country, his great love of the people. Why, I understand he was elected by many thousands to Congress in his district, a close district. That shows how close he is to the people. They have confidence in him, and the testimony that we have from this investigating committee corroborates what he has charged for the past four months, when the Attorney-General of the United States turned a deaf ear to it, who stands palsied and refuses to enforce the antitrust law of 1890, while the people of this country are freezing for the lack of coal.

Why, I have just been notified that immense cargoes of coal are coming into this country from foreign countries! You gentlemen said free coal would give no relief! Don't you know that you built your tariff to shut out coal? Didn't you? Didn't you succeed? Anthracite coal was on the free list in the Wilson tariff law, and in 1896 importations rose to 146,000 tons under that law, while in 1901, under the Dingley law, there was only one ton—a single ton—of anthracite imported.

Mr. PALMER. Mr. Chairman, coal was on the free list under the Dingley law.

Mr. GAINES of Tennessee. Oh, no.

Mr. PALMER. Oh, yes.

Mr. GAINES of Tennessee. I will show you about that.

Mr. PALMER. What was the tariff on coal under the Wilson bill?

Mr. GAINES of Tennessee. Anthracite was free of duty under the Wilson tariff, and I have a letter of December 5, 1902, from our statistician, Mr. O. P. Austin, stating that fact.

Mr. PALMER. I am informed that the duty in the Wilson bill was 40 cents a ton.

Mr. GAINES of Tennessee. Not on anthracite coal. It was free. But 40 cents is less than 67 cents a ton, the rate of the present tariff law.

Mr. MINOR. I would say to the gentleman from Tennessee that if 67 cents is a steal, then 40 cents is a steal just the same.

Mr. GAINES of Tennessee. I disagree with the gentleman, at least to this extent: 40 cents, if that was the rate, was a revenue rate levied to run the Government, while the rate of 67 cents was a rate so high that it prohibits the importation of coal and was not levied for revenue only, but for revenue, protection per se, and reciprocity added, to force reciprocal arrangements which have never been made.

Anthracite coal, however, under the Wilson tariff act was on the free list in the fact and in law, and our coal importations rose from a few tons to about 146,000 tons in 1896, while under the Dingley tariff importations continued to fall until in 1901 there was one single, solitary ton imported, and that came from the Dominion of Canada.

I have found, Mr. Chairman, Mr. O. P. Austin's letter to me of December 5, in which he says: "No anthracite coal was subject to duty under the Wilson act." I have not time to read the whole letter; I will print it in my remarks.

Under the Dingley act anthracite coal was placed literally on the free list in one part of the bill, way over near the end—paragraph 523—over a hundred paragraphs from paragraph 415, where someone, by an adroit use of language and with great knowledge of coal, succeeded in making anthracite dutiable.

Mr. PALMER. Oh, no.

Mr. GAINES of Tennessee. I am going to prove to the gentleman that I am right, as usual. [Applause.] Wait a minute. I have here a copy of the present tariff law—the act of 1897. Here is the ostensible "free list" on page 55, and under the heading "free list" there appears the following:

Paragraph 523. Coal, anthracite, not specially provided for in this act, and coal stores of American vessels, but none shall be unloaded.

Now, then, over a hundred paragraphs before paragraph 523, paragraph 415 reads:

Coal, bituminous, and all coals containing less than 92 per cent fixed carbon, and shale, 67 cents per ton of 28 bushels, 80 pounds to the bushel. Coal, slack or culm, such as will pass through a half-inch screen, 15 cents per ton of 28 bushels, 80 pounds to the bushel.

Now, gentlemen, bear in mind this fact: That there is practically no coal outside of the United States (and Mr. Austen says none inside of the United States) which has as much as 92 per cent of fixed carbon in it, and you can readily see the two sections combined operate to tax anthracite coal imported, because coal "with less" than 92 is taxable at 67 cents per ton.

Hence it was that Mr. Moody, late a member of this House, and now our distinguished Secretary of the Navy, denounced the duty on anthracite as having been placed in the Dingley tariff act "in a cowardly and sneaking way."

Paragraph 415 levies a duty of 67 cents if the anthracite contains "less" than 92 per cent fixed carbon, and as there is practically no anthracite coal in existence in foreign countries containing 92 per cent of fixed carbon, hence the great bulk of foreign anthracite coal must contain "less" than 92 per cent, and hence if brought to the United States must pay this duty of 67 cents per ton. In other words, there being no foreign anthracite coal having as much as 92 per cent fixed carbon, it must necessarily have "less" than 92 per cent fixed carbon, if it has any, and if it has "less," under paragraph 415 of the Dingley tariff act, it must pay 67 cents per ton, but if it has as much as 92 per cent fixed carbon, under paragraph 523, it is duty free.

Mr. Austin in this letter to me states that the anthracite coal in the United States ranges from 80 to 87 per cent fixed carbon, and further shows that there are a few Welsh coal mines producing anthracite containing 92 per cent fixed carbon, but I am satisfied that the customs officers would, in practice, hold as dutiable even this coal, which barely contains 92 per cent and a little over of fixed carbon, and I am informed that the customs officers did so hold and tax the little anthracite that was imported previous to our coal famine, but that Mr. Secretary Shaw, to relieve the coal situation in the East, nullified this anthracite tariff and let the coal in free.

Mr. PALMER. Mr. Chairman——

The CHAIRMAN. Will the gentleman yield to the gentleman from Pennsylvania?

Mr. GAINES of Tennessee. So that by the law saying that coal shall be free in paragraph 523, and saying in another paragraph, 415, that it shall pay a duty if it contains "less" than 92 per cent fixed carbon, when there is no such coal in existence, practically makes anthracite coal necessarily dutiable.

Mr. PALMER. If the gentleman will come up to my country, I will show him a good many thousand acres of land containing coal that has over 92 per cent of fixed carbon.

Mr. GAINES of Tennessee. I want to say to the gentleman that Mr. Austin says that the Geological Survey reports that the anthracite coal in the United States has less than 92 per cent of fixed carbon in it and that it "ranges between 80 and 87 per cent."

Mr. PALMER. You are mistaken about that.

Mr. GAINES of Tennessee. Here are the words of Mr. Austin: "According to the office of the Geological Survey, the fixed carbon contained in anthracite coal ranges from 80.87 to 87.98 per cent." That is my authority. If there is any mistake, then there are two Department public officials publishing the mistakes. Now, I want to ask my friend if he voted for the bill taking the tariff off coal the other day?

Mr. PALMER. Suppose I did; what does that have to do with it?

Mr. GAINES of Tennessee. Did you do that? I would like to know if you did that one good act?

Mr. PALMER. If I did, what would that have to do with it?

Mr. GAINES of Tennessee. Ah, there is a multum of talk and a parvum of do with the Republicans on this subject against trusts. [Laughter and applause.]

There is a great amount of palaver all over the country about the trusts. Your President last fall begged the American people to take his words at their "face value," but when he comes back to the White House, Mr. Hearst loads him and his Attorney-General, Mr. Knox, down with proof of a whole lot of interstate trusts and combines controlling coal; they both sit by with arms akimbo, in front of warm fires made of trust-dug coal, trust-hauled coal, trust-owned coal, trust-sold coal—all paid for by the people's money—while the people are freezing on the outside, pointing to those who are guilty of this criminal denial of coal, and yet the President and his Attorney-General refuse to prosecute their oppressors when they have the power and it is their duty to do so.

But more; even after the President had told Congress, what we all really knew, that free anthracite coal would relieve the "coal crisis," weeks and weeks passed before coal was relieved of a robber tax, and then, when the people were freezing here in Washington and elsewhere, the Republicans reluctantly abated the tax for a year only, at the same time saying "that this law

would give no relief, that no coal would come here with the duty on or off."

But, thank Heaven, ship loads of foreign coal are daily coming to our shores and relieving the people. The Democratic party and the Lord are on the people's side, as usual.

Mr. PALMER. The gentleman asked me a while ago if I voted for the bill taking the duty off coal. I guess I did. I always vote with the gentleman from Tennessee when he votes right, which is seldom.

Mr. GAINES of Tennessee. I am glad you did. That which is right is done on your side of the House, but it is not often. But even in this case the Republicans were whipped into action by the demands of the Democrats who represented the appealing masses on the outside and not until then.

I am very glad that my friend has confessed that he voted for this measure, even though he had to guess at what he did. I want to preserve in the RECORD, as without alcoholic effect, anything which the Republicans here in Congress do for the good of the whole country. I do not have the chance often.

Now, does the gentleman state that we can find anthracite coal in his country showing 92 per cent fixed carbon?

Mr. PALMER. Yes; more.

Mr. GAINES of Tennessee. Do you mean to say that there is anthracite coal outside of this country, in any amount, having 92 per cent fixed carbon in it?

Mr. PALMER. In Luzerne County, Pa., it shows more, and that county is in the United States, as I understand it.

Mr. GAINES of Tennessee. Outside of the United States, I asked. I want to get the gentleman to where the trouble is. We did not prohibit anything in Pennsylvania. I wish the Democrats could. The trouble is up there that we can not prohibit anything bad. [Laughter.] I wish we could, because it would make you a good people and keep you out of a constant state of revolution up there. [Laughter and applause.] My question was with reference to coal outside of the United States having 92 per cent fixed carbon, and not coal in Pennsylvania.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES of Tennessee. Mr. Chairman, I had just reached Wales in my argument [laughter], and I really want now to get to print with my remarks these letters which I have here, showing the per cent of carbon in Welsh coal and in our coal.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent——

Mr. GAINES of Tennessee. I would like to have five minutes just to finish this matter.

Mr. PALMER. I hope the gentleman will be allowed to finish his interesting discussion, and I ask unanimous consent that he may have five minutes more.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the time of the gentleman from Tennessee may be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GAINES of Tennessee. Now, Mr. Chairman, here is a letter, including others, dated December 5, 1902, addressed to me by O. P. Austin, chief of the Bureau of Statistics, and I want to read it for the information of the gentleman, and insert the inclosure in the RECORD:

TREASURY DEPARTMENT, BUREAU OF STATISTICS,
Washington, December 5, 1902.

Hon. J. W. GAINES,
1325 G street NW., Washington, D. C.

SIR: Since writing the letter to the Journal Company, Crawfordsville, Ind., a copy of which is inclosed, I have ascertained the following information with respect to per cent of carbon contained in certain classes of South Wales anthracite coal:

Analyses of South Wales anthracite coal.

District.	Per cent of carbon.	District.	Per cent of carbon.
Neath Abbey	91.08	Gwendraeth in Caermarthenshire	92.17
Swansea	89.60	Caermarthen:	
Ystalyfera	92.46	Pontyeats	91.16
Cwm Neath	93.12	Big Vein	88.70
Brass vein of the Cwm Cynfell colliery in Glamorganshire	91.44	Pembroke	92.17
Bonville Court in Pembrokeshire	94.18		

H. W. Hughes's Text-book of Coal Mining, 1896, reports South Wales coal near Swansea 92.56 per cent, and other South Wales coal generally, 90.39 per cent carbon.

According to the office of the Geological Survey, the fixed carbon contained in American anthracite coal ranges from 80.87 to 87.98 per cent.

Very respectfully,

O. P. AUSTIN, *Chief of Bureau.*

MEMORANDUM.

During the four months ending with October last, the anthracite coal free of duty imported was 18,266 tons; value, $85,634. The imports of anthracite coal decided to be subject to duty during the same period were 31,703 tons; value, $135,970.

The rate of duty collected is 67 cents per ton, the same as on bituminous coal, if not slack or culm such as will pass through a half-inch screen. On the latter the duty is 15 cents per ton. I am unable at present to state just how much duty has been collected during the four months indicated, but it is probable that it can be figured that on most of the dutiable 67 cents per ton has been collected.

TREASURY DEPARTMENT, BUREAU OF STATISTICS,
Washington, October 22, 1902.

The JOURNAL COMPANY,
Crawfordsville, Ind.

SIRS: In response to your favor of the 16th instant to the Secretary of the Treasury, referred to this office, with respect to imported coal, I have to reply as follows:

The Wilson tariff act went into effect August 28, 1894, and the Dingley tariff act July 24, 1897.[a] During this period covered by the two acts, as nearly as the fiscal year corresponds to it, the imports of anthracite coal for consumption, returned to this Bureau by collectors of customs, were as follows:

Anthracite coal.

Year ending June 30—	Tons.	Value.
UNDER WILSON ACT.		
1895	80,215	$304,627
1896	149,629	345,964
1897	86,880	202,923
UNDER DINGLEY ACT.		
1898	5,866	14,804
1899	601	2,686
1900	142	628
1901	1	6
1902	311	2,006

No anthracite coal was subject to duty under the Wilson Act, and collectors have returned none as subject to duty under the Dingley Act, except a few tons during the current fiscal year not shown above.

I am unable to inform you how much foreign anthracite coal contains more than 92 per cent of fixed carbon, nor am I able to inform you to what extent the tariff benefits the coal trust, nor why the clause with respect to the percentage of carbon, which makes anthracite coal dutiable, was inserted in the Dingley law.

It will be impossible to state whether the Welsh coal, mentioned in your letter as on the way to this country now, will have to pay duty until it has been appraised at the ports into which it may be imported.

The first importation of dutiable anthracite coal reported by collectors to this Bureau was during the month of September last. The amount was very small.

Very respectfully,

J. N. WHITNEY,
Acting Chief of Bureau.

TREASURY DEPARTMENT,
BUREAU OF STATISTICS,
Washington, December 5, 1902.

Hon. J. W. GAINES, M. C.,
House of Representatives, Washington, D. C.

SIR: I hope you will pardon the delay in sending you the matter which I yesterday promised should reach you before noon to-day. A slight delay occurred by reason of the fact that some new matter regarding the percentage of carbon contained in certain South Wales anthracite coal had just become available, and you will find it in the accompanying statement.

I am sorry that I am unable to give you the importations of anthracite coal by months prior to July, 1897. I now recall that I found, on taking charge of the Bureau in May, 1897, that anthracite coal was not stated separately in the monthly publications of the Bureau, but only in its annual publications, and I gave instructions that beginning with the fiscal year then just at hand anthracite should be separately stated in each month as well as annually. Our printed reports, therefore, only state the total importation of anthracite annually down to July, 1897, and monthly as well as annually since that date. I therefore give you a table showing the monthly figures, beginning with July, 1897, and a page from one of our printed volumes giving the annual figures as far back as 1892.

Very respectfully,

O. P. AUSTIN,
Chief of Bureau.

Imports of anthracite coal into the United States from June 1, 1897, to December 31, 1898, by months.

Months.[b]	Tons.	Value.
1897.		
July	3,043	$7,523
August	45	243
September	16	83
October	133	689
November	15	45
December	29	137
Six months ended December 31	3,281	8,720
1898.		
January	2,528	5,808
February	27	127
March		
April	15	74
May		
June		
July		

[a] Anthracite coal free under Wilson Act.
[b] No monthly record of imports of anthracite coal prior to July, 1897.

Imports of anthracite coal into the United States, etc,—Continued.

Months.	Tons.	Value.
1898.		
August		
September	515	$2,341
October	53	210
November		
December	11	49
Twelve months ended December 31	3,149	8,609

O. P. AUSTIN, *Chief of Bureau.*

TREASURY DEPARTMENT, BUREAU OF STATISTICS,
December 5, 1902.

Mr. Chairman, the impartial eye, at a mere glance at the letter of Mr. Austin and the exhibits to it, can see that for all practical purposes there is no anthracite coal in the United States, or outside of the United States, which contains 92 per cent of fixed carbon, and that the customs office, as I stated, would resolve all doubts against the foreign anthracite coal from Wales, and did do so last summer, and exclude it.

You can also see that whoever drew these two coal paragraphs, Nos. 415 and 523, knew all about coal, the carbon in it, and what he was doing.

He knew that there was practically no coal that could come up to the standard of 92 per cent of carbon, and that if the latter was so drawn as to tax it if it contained "less" than 92 per cent, practically all anthracite would pay 67 cents tax per ton.

This legislative operation was skillful. It takes a skilled surgeon to cut a limb off without the loss of blood. A butcher means to draw blood and lose it. You do not hear the sharp knife of the surgeon splitting flesh, but you do hear the blow of the butcher with a broadax. So it was unknown at the time the Dingley law was being framed, to many members of Congress at least, that this tax was imposed.

Its repeal a few days ago is a confession that anthracite coal was not on the "free list" and was dutiable.

FREE LIST TO KILL TRUSTS.

Mr. Chairman, a few words more and I am done. It is contended by my friend from Pennsylvania and many other Representatives, at least those members in favor of the trusts and combines, that in destroying the trusts you destroy "commerce." I maintain, in destroying the trusts you destroy dishonest commerce and leave honest commerce to prosper as it did before the days of trusts and combines, the outgrowth of protective tariff and the nonenforcement of our antitrust laws.

When General Garfield, a distinguished Republican and once a member of this House, and still later elected President of the United States, wanted to crush the salt monopoly, he said, put salt on the free list. A monopoly, he said, was making salt in New York and selling it in Canada—just across Lake Ontario—a dollar a ton less than the same salt was being sold to the people in New York and the United States. He said that they transported it from the United States to Canada, paying the cost of transportation, insurance, license, wharfage, all the expenses, and then sold the salt at less than they did to our own people. He denounced, and properly, such commerce, such an immoral and un-American and unjust act.

He was not alone in this denunciation, for by his side stood a distinguished Representative from the State of Maine, at that time a Representative in this House, Mr. HALE, now Senator HALE. He, too, denounced this salt monopoly in no uncertain terms, indeed, in the most vigorous language, and insisted that salt be put on the free list.

Here is no mean authority to cite in favor of the position the Democrats take to prevent trusts and combines from being formed hereafter and to destroy unlawful commerce that now exists in the United States.

But I now cite my friend from Pennsylvania and the committee to a most notable example of where a monopoly was crushed and thereafter the legitimate business of making quinine continued. You will remember when quinine was selling at $5 and $10 an ounce that a distinguished Kentuckian, Mr. McKenzie, a Democrat, said "put quinine on the free list." It was done. The quinine monopoly was crushed, but the legitimate quinine business continued and prospered, and does to-day, and the people all over this country can now buy quinine for half—yes, at 25 and 50 cents an ounce. We have a legitimate, honest, prosperous quinine business, and not the illegitimate, dishonest, prosperous quinine monopoly denying the people this most valuable medicine.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. GAINES of Tennessee. Mr. Chairman, I thank the committee for the great courtesy they have extended. [Loud applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. SPERRY having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 12316. An act granting an increase of pension to Weden O'Neal;

H. R. 8650. An act for the relief of the estate of Leander C. McLelland, deceased;

H. R. 9360. An act for the improvement and care of Confederate Mound, in Oakwoods Cemetery, Chicago, Ill., and making an appropriation therefor;

H. R. 8238. An act for the relief of the heirs of Mary Clark and Francis or Jenny Clark, deceased, and for other purposes; and

H. R. 288. An act for relief of the Christian Church of Henderson, Ky.

The message also announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with profound sorrow of the death of the Hon. JAMES MCMILLAN, late a Senator from the State of Michigan.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended to enable his associates to pay proper tribute to his high character and distinguished public services.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

Resolved, That as a further mark of respect at the conclusion of these exercises the Senate adjourn.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 11858. An act for the relief of William E. Anderson.

H. R. 1147. An act for the relief of the First Baptist Church of Cartersville, Ga.

H. R. 16333. An act to change and fix the time for holding district and circuit courts of the United States for the eastern division of the eastern district of Arkansas.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 342. An act for the relief of the heirs of Aaron Van Camp and Virginius P. Chapin.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 6973. An act authorizing the city of Nome, a municipal corporation organized and existing under chapter 21, Title III, of an act of Congress approved June 6, 1900, entitled "An act making further provision for a civil government for Alaska, and for other purposes," to construct a free bridge across the Snake River at Nome City, in the Territory of Alaska—to the Committee on Interstate and Foreign Commerce.

POST-OFFICE APPROPRIATION BILL.

The committee resumed its session.

Mr. WILLIAMS of Mississippi. Mr. Chairman, during the last campaign we heard a great deal about Republican prosperity caused by the Republican tariff, which, in its turn, had caused an increase of price for American manufactured goods, thereby enabling the American manufacturer to pay to American labor a high wage if he wanted to. I believe I make a fair statement of the contention on the stump by Republican campaign orators during that contest, and perhaps by the gentleman from Connecticut [Mr. HILL] himself.

It was therefore with much wonder and astonishment and some degree of sympathy that I heard the gentleman from Connecticut this morning demolish the entire theory upon which his party had won the last fight. The gentleman from Connecticut [Mr. HILL] was either trying to say something, or he was trying to say nothing. He was either trying to pick flaws in the mere accuracy in details of figures and classification in a Democratic campaign book, or else he was taking them as true and building up an argument upon them.

The former horn of the dilemma I shall not consider, because I know the gentleman's frankness too well to think him capable of mere carping. I shall therefore take it for granted that he meant something, and if he meant anything at all, in producing words and figures, he meant to produce them fairly, and he meant them to mean what he said they meant, and that was this:

That, so far from the Republican tariff having increased prices, thereby enabling the Republican manufacturers to pay American labor better prices—provided, of course, they were willing to

pay them, an impossible supposition—the truth was that articles upon the free list have advanced more in price than articles upon the protected list, and therefore, according to the Republican theory, people who were producing articles on the free list earned more money for their products and were thereby enabled to pay better wages than protected manufacturers producing protected articles, provided, of course, the manufacturers made richer were willing to pay more.

That is not all, Mr. Chairman. I think it is time we were finding out whether some other Republican ideas are fallacies or not. The gentleman from Connecticut did not produce quite a fair list, because of course the gentleman knew that anthracite coal was not upon the free list.

Mr. HILL. Will the gentleman pardon me?

Mr. WILLIAMS of Mississippi. I refuse to take it for granted now that the gentleman did not mean what he said.

Mr. HILL. The gentleman says I was not fair in my quotation, but does the gentleman state that I did not quote accurately?

Mr. WILLIAMS of Mississippi. The gentleman quoted perfectly accurately—I did not mean to say that he did not quote fairly. I was not paying attention to my words. I mean the gentleman did not properly take his figures, and that he did not believe in his figures, not in his conclusion from them.

Now, Mr. Chairman, it is perfectly easy to go around and take up a figure here and a figure there and make figures prove almost anything. Somebody said figures never lie, but Macaulay said that figures were the only facts that could nearly always lie—it depended on who used them. Now, my friend has selected a list of articles.

Mr. HILL. The gentleman from Minnesota means to be fair?

Mr. WILLIAMS of Mississippi. Oh, certainly.

Mr. HILL. Did I not take every article in the entire free list furnished in the Democratic campaign text-book? Did I not take every article upon the free list without exception?

Mr. WILLIAMS of Mississippi. Yes; but not every one which was taken as upon the protected list. [Applause.] You did not arrive at any average down the line. And when you took the figures given by the Democratic campaign book as to articles on the free list, you took at least three articles, as I recollect, about which the Democratic campaign book had made a mistake—anthracite coal for one—and the Democratic campaign book is not to be blamed for making a mistake about anthracite coal being on the free list, because the President of the United States himself, who lives so strenuous a life that he ought to find out everything, did not find out, until after he had made a campaign speech to the contrary, that there was a duty on anthracite coal. The Secretary of the Navy also announced in a public speech that anthracite was on the free list. The Dingley bill reads at first blush as if anthracite coal were free, but it bore until the other day a duty of 67 cents. It reads at first blush as if kerosene oil, out of which the great Standard Oil Company has been formed into almost a monopoly, were also upon the free list.

But I know it is not, and the gentleman from Connecticut knows that it is not. The Dingley bill, on the contrary, imposes practically a very high protective tariff upon oil, because it says that it shall be free, except when coming from countries which levy a duty upon oil imported to their shores; and about the only country in the world that makes oil for export, except the United States, is Russia, and it imposes an abnormally high import duty upon oil, and therefore we levy in return an abnormally high import duty upon the only sort of oil we can import.

Binder's twine has the same kind of a provision in the Dingley bill, so that it could not be said to be altogether upon the free list.

Now, I am going to take some figures which I am going to select for exactly the opposite purpose, and perhaps the two exhibits taken together may answer one another. I want to take the very sheet from which my friend from Connecticut read. I turn to wire nails. I find here, first, that the gentleman's quotations of prices is literally correct; but the gentleman will excuse me for reminding him that he took as a starting point the high mid-July price of 1896, when nails were at an abnormally high price, and before the formation of the trust which the gentleman argues could not have controlled the prices.

Now, then, everybody knows that a trust starts off by lowering prices in order to drive competitors out of business, and after this trust was in control it lowered its prices for two years, until it had almost a monopoly of the American market, and after that the price increased regularly up to 1902, as these figures quoted by the gentleman show. Now, then, if the gentleman, instead of starting with the year before the Dingley tariff bill was brought in, will start with the year upon which that bill went into operation and had its effect, he will find a steady increase in the price of these wire nails. So his argument against the power of trust and tariff artificially to raise prices falls to the ground.

But, talking about the products of the steel trust, let us refer to some more of these articles: Anvils, Peter Wright's, 1897, $0.1025; 1902, ibid. Angles, per 100 pounds at tide, 1897, $1.20; 1902, $3.75. Axes, first quality and best brand, 1897, $5.25; 1902, $7; other brands quoted from Hardware, 1897, $4.75, but in 1902, $6.50. Barbed wire, galvanized, 1897, $1.90; 1902, $3.10. Chains, 1897, $6.60; 1902, $8. Pig iron, 1897, $10; 1902, $14.65. Pig iron, Foundry No. 1, 1897, $12.75; 1902, $16.75. Steel rails, 1897, $25; 1902, $28. Steel billets at Pittsburg, 1897, $15.90; 1902, $27.50. Steel beams at tidewater, 1897, $1.70; 1902, $1.75. Steel bars at tidewater, 1897, $1.05; 1902, $1.70. Shovels, Ames No. 2, 1897, $7.93; 1902, $9.12. Tin plates, 1897, $3.50, and in 1902, $4.19. All these are subject to the prices dictated by the present steel trust.

Then I come to barbed wire, which the farmer must use all the time, which has risen from $2.02 in 1896 and $1.90 in 1897 to $3.10 in 1902, over 50 per cent.

I might add, controlled by other combines:

Boots, per dozen, in 1897, $16; in 1901, $18; and sold cheaper abroad.

White pine boards, at Buffalo, in 1897, sold at $16; in 1902, at $25.

I might add indefinitely, in nine cases out of ten supporting my contention and disappointing the wish—father to the conclusion—of the gentleman from Connecticut [Mr. HILL], other articles of iron and steel.

To show that it is the tariff and trust price and not the natural and normal price of these tariff-protected and trust-monopolized goods which has risen, every article—plows and harvesters and reapers and cotton gins and cotton-mill machinery—all virtually in the same category—are sold nearly at the 1897 price abroad and at the enhanced price at home.

Now, as to anthracite coal. Like the gentleman, I will not come down to the price at this time, because, to take the last price would not, I think, be dealing fairly with this question. But the price rose during the entire period—even excepting last year——

Mr. HILL. I stated distinctly that in making the average I excluded anthracite coal, because I did not think it fair to include it, and that if I had put it in it would have made the advance on free-list articles 74 per cent instead of 26 per cent.

Mr. WILLIAMS of Mississippi. But I said a moment ago that, like the gentleman from Connecticut [Mr. HILL], I would not include it, because it was not upon the free list and because its inclusion would have proved the opposite of what he said it would have proved if he had included it. That is the difference.

Now, let us take the subject of horse nails. I hear a great deal, Mr. Chairman, now and then about "protecting American labor" and how "American labor" is "protected" by a tariff—all folderol on both sides, as every informed man knows. Take a blacksmith, for example, or take a bricklayer. How in the name of common sense does the American tariff make the wages of a blacksmith or bricklayer larger than the wages of men in similar pursuits in Europe? And yet they are greater.

I will tell you the only way in the world in which the tariff affects the American blacksmith. It makes him pay about 40 per cent, I believe it is, more for his nails than the same American company, making the same nails, sells them for to his British cousin in London and in the other towns of Great Britain and upon the continent of Europe. Horse nails went up in price during the Dingley tariff period from 0.09 to 1.05 cents. Steel rails went up from $25 to $28, beginning with 1897, after the Dingley Act went into operation.

Mr. HILL. Is the gentleman not mistaken? Steel rails remained at $28 straight through, according to Democratic authority.

Mr. WILLIAMS of Mississippi. Oh, they did not.

Mr. HILL. As I remember. I have not the figures.

Mr. WILLIAMS of Mississippi. The gentleman is again mistaken. In 1896 steel rails were, it is true, $28.

Mr. HILL. What were they in 1902?

Mr. WILLIAMS of Mississippi. Let me continue. When the trusts had taken hold of them, they drove down the price of rails to shut out competitors, but steel rails rose from $18 in 1898 to $28 in 1902.

Mr. HILL. Just exactly what they were in 1896.

Mr. WILLIAMS of Mississippi. Yes.

Mr. HILL. And are to-day the same price.

Mr. WILLIAMS of Mississippi. Yes; but they ought to be very much below that.

Mr. HILL. Will the gentleman explain the effect on steel rails of the tariff or the trusts?

Mr. WILLIAMS of Mississippi. I am going to prove to the gentleman that they ought to be down where they were in 1897, viz, $25, when the tariff began to have effect, or in 1898, viz, $18 when the trusts began to have effect. I have here the testimony of President Charles M. Schwab. He admitted to the Industrial

Commission last May that in May, 1901, steel rails were exported at an average price of about $23 a ton, when the domestic price was $26 and $28, a difference of from $3 to $4, and the foreign price now being the American price of 1897 and less by $3.

Now, Mr. Chairman, it frequently happens that the tendency of a law is counteracted by the general trend of events. It frequently happens that although the trend and tendency of a protective tariff law are to enable a manufacturer to charge more to the consumer than he otherwise could, the real effect from other cause is that his prices are driven down somewhat, but that he is still enabled to get more than he could have gotten if the tariff law were not in operation.

Whenever a man is able to pay freight 3,000 miles across the Atlantic and still sell rails there at $23 and $24, that is a proof that that is the normal price for steel rails, plus freight, unless you take the position that the manufacturer sells rails at a loss. But they have been doing this, according to Mr. Schwab's testimony, not upon one particular occasion to get rid of a surplus, but for six years, and men do not carry on that sort of movement for that length of time simply to amuse themselves.

Mr. Chairman, a tariff law that fails to raise prices has failed of the purpose of the law. A trust that fails to raise prices or else to lower the wages of labor, one of the two, has failed of the purpose of the organization of a trust. A trust is formed not for a philanthropic purpose, not for the amusement of the various corporations that enter into it, but for the plain business reason of making money.

Now, there are only these methods in which an aggregation of corporations can make more money in the production of a given commodity than one of the corporations by itself could have made; they must make it by getting their wages for less, or by employing fewer laborers, by being able to present a consolidated front to the demands of labor when labor wants increased wages, or else by their power to decrease wages. That is one way. Another way is to control the price of the raw material, which must sell in an approximately monopolized market. A third way is to raise the price to the consumer by artificial means higher than the natural and normal demand and supply price in the market, and therefore take in more money.

Now, there is no other way under the sun, except to raise prices, reduce the price of labor or reduce the volume of labor, or control the price of raw material in an approximately monopolized market. Sometimes they merely decrease the volume of labor. How? Why, there is a factory in the town of my friend from Connecticut [Mr. HILL], there is another in the town of my friend from Virginia, and there is another in the town of my friend from Georgia, one man carrying on each business in the same line.

The trust is then formed. They close down the Georgia and the Connecticut plant and keep them idle, throwing out of work all the locally employed people, and continue their work with an increased volume of business and a decreased aggregate of labor at the other two plants. In this event, the consolidation makes money by decreasing the number of employees and plants. In the other cases supposed the process is self-evident. Now, unless a man takes the absolutely insane position that these great combinations of corporations are made for philanthropy or for fun, or just for pastime, he must admit that they are formed to make money, and he must admit that they can not make money in any other than in one of the ways that I have indicated. They must do one of those things or else they must fail of their purpose. If so, all trusts must be bad trusts, and there can be no "good trusts." Their purposes are bad, and contrary to sound public policy. Now and then one, of course, fails of its purpose.

But what I want to get at to-day is this: It seems to me that my friends upon the Republican side are shifting too much. They used to tell us long ago that the object of a protective tariff—I used to express it by saying that the object of a protective tariff was a sort of eleemosynary object to tax the great body of the consumers in order that more prosperity might be given to American manufacturers in order to hothouse into immediate and artificial prosperity certain industries at the expense of the general consumer, diverting American capital from naturally unprofitable channels to channels made profitable by legislation and with capital, its attendant, labor; but our Republican friends used to answer that by saying, "This is but a slight tax. The people ought to be philanthropic and patriotic and 'national' enough to enable America to have her own manufactures, and in order to do it the American manufacturer ought to be put in possession of the home market."

Now, during the last campaign they told us that the American manufacturer was already in possession of the home market and that he was marching on "conquering and to conquer." Then when we said, "Then you have accomplished your object," they said, "Oh, no; we want now to tax the American consumer in order to put the manufacturer in possession of the foreign market, to fix it so that while he perhaps levies a higher price within his protected field upon the American consumer he may sell a great volume of goods at a living rate to the foreigner, and thereby gradually take possession of and conquer 'the markets of the world.'"

Now, what I want my Republican friends on the other side of this aisle to do is this: I want them to line themselves up on some sort of a theory, either the old Henry Clay theory of "protecting infant industries;" and then we will object to these gray-haired, brawny-armed fellows who not only own everything around them, but are selling to South Africa and to Great Britain herself.

They must either take that position or they must take the philanthropic and patriotic pretense position that the balance of the community can "well afford" to tax itself "a little" in order that "America may support her own manufactures," or they must take the "Vanderlip theory," that we are going to keep up the protective tariff "in order to conquer the foreign field," or they must take the "Hill theory," that things upon the free list advance more rapidly in price than things upon the protected list, and therefore furnish more money out of which to pay American labor. I do not care which you take, but take one or take the other. [Applause on the Democratic side.] Why, even a Democrat can not shoot in more than one direction at the same time. [Laughter.]

Mr. WM. ALDEN SMITH. And then he can not hit anything.

Mr. WILLIAMS of Mississippi. And then he likes to know where his enemy is, so as to know if he has anything to shoot at. Now, my friend from Connecticut [Mr. HILL] would be the last man in the world to contend that a comparison between goods on the free list on one side and goods upon the protected list upon the other side can be arrived at in any other way than by taking the entire volume of one and the entire volume of the other and then taking the average price upon each during a period of some considerable time. I do not care where it is, gentlemen, but wherever there is an article upon the free list a trust approximating a monopoly in that article can not be formed, except in so far as the company may be protected by international freight rates. It can not be formed.

Gentlemen say that there are trusts in Great Britain. If they mean by that that there are combinations of capital and aggregations of corporations, yes, of course, as there are everywhere, but there has never been formed the thing that we are fighting. "The thing we call a rose by any other name would smell as sweet." We know what we are fighting. We are fighting these great aggregations of corporate power which succeed in monopolizing or so nearly monopolizing the production of a given article as to be able practically to fix their own price upon it, or else practically to buy at their own price the raw material of the American farmer, or else control by shut-downs the labor employed—one of those three things.

Now, it would be impossible under the natural law to form a world aggregation of capital, I do not care how much or powerfully extended, that could practically control world prices, or that could practically dictate prices of world raw material; because the moment you attempt to form one in a free-trade country based on the control of raw material, England, for example, the great leviathans of the deep would plow the broad Atlantic laden with raw materials from America, laden with raw materials from the Baltic, Germany, and the balance of the world. And if a trust attempted to make its prices higher than the natural and normal prices fixed by God's law of supply and demand throughout the world, then the same great leviathans of the deep would bring the finished product in every succeeding day to tear down prices, and that little scheme would "die a-borning."

Mr. SIBLEY. Will the gentleman from Mississippi yield to an interruption?

Mr. WILLIAMS of Mississippi. Certainly.

Mr. SIBLEY. I read from page 277 of the Democratic campaign book what it says on the theory of free trade:

> The theory of free trade is that both seller and buyer are benefited by an exchange of commodities, and that, as all are consumers, the greatest good to the greatest number requires that there be no barriers to trade in order that goods may be as cheap as possible and the cost of living be reduced to a minimum.

I would like to know if the gentleman subscribes to that theory?

Mr. WILLIAMS of Mississippi. I understand the question, or the result at which the gentleman would arrive. Now, I am free to admit that one Republican contention is true. You can build up an industry by a protective tariff [applause on the Republican side] if you are willing to have the public pay the price. That is what you want to arrive at, is it not?

Mr. SIBLEY. Just one word more. I want to ask the gentleman this other question. Did not you and myself and Mr. Bryan go through these United States, from one ocean to the other,

advocating free silver because we said it would raise the price of every product that human toil created, and that that was necessary to stop the stagnation and paralysis that existed at that time? Now, then, you admit that free trade lowers prices; then we were demanding free silver to raise prices.

Mr. WILLIAMS of Mississippi. The gentleman is now taking that old cardinal fallacy that Adam Smith disposed of long, long years ago, and which has been out of existence since then except in the *minds of men* making a political argument. There is no blessing or curse in low or high prices per se. It depends upon what produces the high prices and what produces the low prices. A decreasing price brought about by improved methods of production, by cheapened processes—new inventions, for example—is always a blessing to humanity; decreased prices brought about by artificial legislative means enhancing the value of money are always a curse to humanity. [Applause on the Democratic side.]

Increased prices brought about by levying a toll upon products is always a curse to humanity. [Renewed applause.] A tariff levies a toll. Low prices brought about by the invention of new labor-saving machinery and increased lines of transportation and transportation facilities, thereby cheapening the tax upon the product from the producer to the consumer, is always a blessing to humanity. [Applause.] Now, I do not know what the gentleman said in the campaign referred to. I know I did not say what he suggests. I believe the gentleman has about as good sense as I have, and I do not believe that the gentleman ever went from the Atlantic to the Pacific or the Lakes to the Gulf preaching the bare, bald doctrine that enhancement of price, in itself, was a blessing to the world.

Mr. SIBLEY. I would ask the gentleman if 8.71 for cotton is not a blessing, and if this price and that wider market for the uses of it are not largely responsible for the condition that now exists in the sunny Southland. Instead of the 4.71 under the free-trade bill, you are getting 8.71 for your cotton now.

Mr. WILLIAMS of Mississippi. Yes; and we got 4 cents under the McKinley bill. Mr. Chairman, I am absolutely astonished at my friend from Pennsylvania. If there is any circumstance in all the world that shows what American brawn and American combination and American brain can do unassisted by government, it is the success of cotton culture in the South. There never has been a day in the history of the South that 1 per cent of the enhancement of the price of cotton came from a tariff. All that the tariff ever had to do with the cotton planter and the laborer in the cotton field was to increase the price either had to pay for plows, scrapers, shovels, axes, hoes, barbed wire, harness, gearing, gins, cleaners, and cotton-oil mill machinery.

We have sold our cotton in Liverpool, we have sold it in competition with the so-called pauper labor of India that works at one-tenth of what our labor works for, we have sold it against the pauper labor that shelters itself under the shadow of the pyramids, under English organizations and capitalization, and we have held our own in all and every country.

Mr. Chairman, the protective tariff has made the difference between American wages and British wages, has it? If so, why was it that American wages in colonial times, when we were a part of Great Britain and when every law was in favor of Great Britain against ourselves and in favor of every English manufacturer and farmer against ourselves, that the wages of the American mechanic, the wages of the American woodmen, the wages of the American worker of every sort in the farm and in the field and in the mines were greater than they were in Great Britain? Why is it that the difference between the two scales of wages was greater then than it is now?

Let me ask another question. Why is it that the wages in highly protected continental countries like Austria, France, and Germany are less than they are in Great Britain with free trade? Do you expect by that that I intend to leave the impression that it is because of the protective tariff? No; I try to preserve my intellectual integrity at every hazard. It does not prove that free trade makes higher wages; it does not mean that protective tariff produces higher wages. I will tell you what it proves. It proves that neither one of them has anything to do with it. What does make high wages? God's eternal law of supply and demand. As Bourke Cockran said, "When two jobs are hunting one man, wages are high; when two men are hunting one job, wages are low."

There is something else, however, Mr. Chairman, if I have got the time to tell about it, and that has something to do with wages, because when I make the statement that the demand for labor and supply of labor fixes the price of labor, then you ask me why is it under this eternal law the wages for Americans are higher than in Great Britain and that the wages in Great Britain are higher than they are in Prussia and Austria and France. Why is it that the demand for labor should be brisker here and in Great Britain after us, next to the colonies of Great Britain, than in other countries? I tell you it is because the supply of labor is less. It is less in Great Britain than in the other settled countries except ourselves. I am leaving out of consideration the British colonies.

Why is it the supply of labor in the shop and in the factory and in the mine is less in proportion with us, and after us in Great Britain, than the supply of labor anywhere else on the globe? In order to answer we have got to get back to that old principle enunciated by Ricardo and indorsed by that great democratic man, that great prescient genius whom I admire more every day that I live, Thomas Jefferson [applause on the Democratic side], that, everything else being equal, wages will be high where land is cheap and wages will be low in that country where land is high. Why? Because of the natural law of preference that man goes to agricultural pursuits when he cheaply and profitably can.

Mr. SIBLEY. Will the gentleman allow me an interruption?

The CHAIRMAN. Does the gentleman from Mississippi yield to the gentleman from Pennsylvania?

Mr. WILLIAMS of Mississippi. I will yield.

Mr. SIBLEY. The gentleman has mentioned the name of that great statesman, Thomas Jefferson. I want to ask him if Jefferson, about 1814, if I recollect right, did not write a letter recanting all his former free-trade theories and say that new conditions had arisen which led him to modify his opinions on that subject which he had theretofore expressed?

Mr. WILLIAMS of Mississippi. I do not think he ever did. I never heard of his suffering from temporary insanity in his life; I do not think it ever occurred. I think the gentleman is mistaken. [Laughter.]

Mr. BOUTELL. Mr. Chairman, will the gentleman from Mississippi allow me a suggestion?

Mr. WILLIAMS of Mississippi. I will.

Mr. BOUTELL. Right in that connection, with the gentleman's admiration for the opinion of Thomas Jefferson and in connection with his interest in the welfare of the laboring man and the interest of the Democratic party in the welfare of the American workman, will the gentleman allow me to call his attention to a letter of Thomas Jefferson to the Hon. John Jay, written August 28, 1785, and courteously marked "Private." It reminds me of the communications of this distinguished gentleman on the subject of the annexation of Louisiana when it was all to be used sub silentio. In speaking of his desire to keep the country an agricultural country, which seems to be the desire of my Democratic brethren ever since——

Mr. WILLIAMS of Mississippi. Oh, no; not when by natural evolution and without the assistance of laws artificially hothousing other industries, it becomes otherwise.

Mr. BOUTELL (reading):

> Our citizens will find employment in this line (agriculture) till their numbers, and of course their productions, become too great for the demand, both internal and foreign. This is not the case as yet, and probably will not be for a considerable time. As soon as it is the surplus of hands must be turned to something else. I should then perhaps wish to turn them to the sea in preference to manufactures because, comparing the characters of the two classes, I find the former the most valuable citizen.

Now, here is the opinion of the founder of the Democratic party on the subject of the American workman and the American mechanic—an opinion which the gentleman from Mississippi says he has followed in his admiration for this great man:

> I consider the class of artificers as the panders of vice and the instruments by which the liberties of a country are generally overturned.

[Applause on the Republican side.]

Mr. WILLIAMS of Mississippi. Mr. Chairman, Homer said that Jove himself sometimes nodded. Pope says:

> Be Homer's works your study and delight.
> Read them by day and meditate by night.

And yet we are told Homer did himself sometimes nod. [Applause.] That reminds me of another great man who has nodded—a man of a strenuous life, who said that he regarded the cowboy as an infinitely higher specimen of humanity than the man working patiently at his plow or at his anvil supporting a wife and raising children for the Republic. [Applause.] From the way you Republicans are at present fighting organized labor I think you perhaps want me to agree in a great man's temporary aberration of expression. But that has nothing to do with this question. I am trying to discuss a proposition on which I indorsed Mr. Jefferson's opinion, whose character and whose general opinions I also indorse.

I do not know which is the highest class of people on the surface of the earth, although I have a sort of class feeling that God's own creatures are the men who are closest to the ground, and that men generally, like the giant Antæus, gather strength—moral, mental, and physical—from contact with mother earth. I believe that agriculture in its happy condition, is the noblest, purest, healthiest, and highest pursuit of man. [Applause.] But I do not believe that artificers, or merchants, or preachers, or

anybody else are any worse than they can help being. [Laughter and applause.]

Now, let me go on with this theory about land and wages.

Mr. LOUD. I will remind the gentleman that in three minutes the Committee of the Whole must rise, in order that the House may take up the special order fixed for 3 o'clock. I suggest that the gentleman can conclude his remarks at some other time.

Mr. WILLIAMS of Mississippi. I think I can finish this line of remark in three minutes; at any rate, I will try. If I do not, I will shove into the RECORD my favorite plan for starting the banana industry in this country. I want to show how, by levying a duty of a dollar apiece on bananas, every man can get a home-produced banana at 90 cents' cost, and this, too, without raising the price of labor employed in raising bananas, while promoting the prosperity of the persons whose capital may be employed in raising the bananas in hothouses. [Laughter.]

Now, let me go on. If you take a country where land is cheap to buy or to rent, men are going into agriculture, as far as they can, because it is the most enticing, natural, normal, healthy, primitive, and attractive life; and the men who are enticed out of agriculture—who are engaged in the mine or the factory—will have to be paid higher prices. If you take a country where land can be rented for $1 an acre and bought for $5 or $6 or $15 or $50 an acre, the men who are even already operatives, working in factories, can better withstand the demand of the manufacturer than in lands where land sells at $500 or $1,000, and the manufacturer can better afford to raise wages, even to the artificer, rather than to shut down.

Even when the artificial period of organized labor has come, if the manufacturer or the mine owner wants the man working in the mine to receive less than he ought to receive, the laborer can respond, if land and rents are low, "No; I can go and buy for a very small amount of money a few acres sufficient for a home; or if I can not buy the land, I can rent it;" and down in the good State of Mississippi to-day he can say, "I can go to Mr. WILLIAMS, or some other planter, who will furnish me a mule on credit, and supply me with a place to put in a cotton and corn crop, a home to live in, a garden spot for vegetables, a cow lot, general plantation pasturage, all the wood I need for cooking and fuel, a wagon to haul it, my family supplies on a credit, team and implements and home and garden and fuel without charge, and all I will have to pay him will be one-half of the gross proceeds of the common venture of his land and capital and brain and my brawn and muscle and brain," and how can you oppress labor under such circumstances? How could either capital or organized labor oppress it? Two men are hunting one job with the "land vent," as Mark Smith aptly calls it, to help labor.

Now, why is it that Great Britain has, next to America, the highest wage scale? Because the British nation possesses, next to America, a larger body of fertile and cheap land than any other country upon the globe, and although those lands are in Australia, in Cape Colony, and in Canada, still it is true that there is hardly an Englishman who has not a cousin or a brother or a father or a son that has gone to the colonies. So that is just like moving from Connecticut to Ohio, or from Ohio to Mississippi—just like our interstate immigration movements.

As long as you can keep down the supply of labor in the factories and in the mines by keeping a safety-valve of escape toward the farm and the field, towards cheap land to buy or to rent—as long as you can maintain a "land vent," so long are you going to have high wages; and when you can not, when you have settled this country so densely that you can not do that, your wages will not possess the advantage that they do to-day, nor any advantage, except that proceeding from organized labor, in union, intelligently and firmly directed. Now, there is another reason. Wherever land is cheap to rent or buy, wherever men feel free and are filled with an incentive and with hope in their hearts, there they work better.

They do not work as though they were chained like slaves to the galley, to do a certain task to-day and then quit, merely to earn their wages, but each man was taught when he was a boy that he may be a millionaire some day, or the President of the United States, or a Congressman even. [Laughter.] So he works with hope in his heart, hope singing merrily and ambition spurring him like a good rider on a thoroughbred steed, and he is not like those in the class of labor found, for instance, in Austria, who know that all they can do is to get money enough to buy their food and raiment and a glass of beer or two after the day is over and have enough left to pay three kreutzers to sit in the park and listen to Strauss's band. [Applause.]

[Here the hammer fell.]

Mr. LOUD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker pro tempore [Mr. GROSVENOR] having resumed the chair, Mr. HEPBURN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 16990, the Post-Office appropriation bill, and had come to no resolution thereon.

REPRINT.

Mr. LOUD. Mr. Speaker, I ask unanimous consent that there may be a reprint of the bill H. R. 16990, the Post-Office appropriation bill.

The SPEAKER pro tempore. The gentleman from California asks unanimous consent that there be a reprint of the Post-Office appropriation bill. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. SCHIRM was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of David E. Kaller, Fifty-fifth Congress, no adverse report having been made thereon.

STATUES OF CHARLES CARROLL AND JOHN HANSON.

The SPEAKER pro tempore. The House is in session pursuant to the special order of the House, which the Clerk will read.

The Clerk read as follows:

On motion of Mr. PEARRE, by unanimous consent,

Resolved, That the exercises appropriate to the reception and acceptance from the State of Maryland of the statues of Charles Carroll of Carrollton and John Hanson, erected in the Statuary Hall, in the Capitol, be made the special order for Saturday, January, 31, 1903, at 3 o'clock p. m.—*Order made in the House Wednesday, December 17, 1902.*

Mr. PEARRE. Mr. Speaker, I ask that the letter of the governor of Maryland, which has been read heretofore in this House and laid upon the table, be taken from the table and read again.

The SPEAKER pro tempore. Without objection, the Clerk will report the letter.

The Clerk read as follows:

EXECUTIVE DEPARTMENT,
Annapolis, Md., December 15, 1902.

To the Senate and House of Representatives of the United States, Washington, D. C.

GENTLEMEN: I have the honor to inform you that in acceptance of the invitation contained in section 1814 of the Revised Statutes of the United States, the general assembly of Maryland, by chapter 311 of the Acts of 1898, made an appropriation to procure statues of Charles Carroll of Carrollton, one of the signers of the Declaration of Independence, and John Hanson, President of the Continental Congress of 1781 and 1782, to be placed in Statuary Hall, in the Capitol, at Washington, D. C.

By authority of the act of the general assembly of Maryland, the governor appointed John Lee Carroll, Douglas H. Thomas, Thomas J. Shryock, Fabian Franklin, and Richard K. Cross to constitute a commission to procure and have the statues erected.

I am informed by the commissioners that the statues were made by Mr. Richard E. Brooks, of Boston; that they are completed and have been placed in position, and are now ready to be presented to Congress.

As governor of the State of Maryland, therefore, I have the honor to present to the Government of the United States the statues of the distinguished statesmen named.

Very respectfully, JOHN WALTER SMITH,
Governor of Maryland.

Mr. PEARRE. Mr. Speaker, I submit the following resolutions, which I will send to the desk and ask to have read.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the thanks of Congress be presented to the State of Maryland for providing the bronze statues of Charles Carroll of Carrollton and John Hanson, citizens of Maryland, illustrious for their historic renown and distinguished civic services.

Resolved, That the statues be accepted and placed in the National Statuary Hall in the Capitol, and that a copy of these resolutions, duly authenticated, be transmitted to the governor of the State of Maryland.

Mr. PEARRE. Mr. Speaker, on the 2d day of July, 1864, the President approved an act of Congress inviting each of the States to present statues, not more than two in number, of deceased persons who had rendered such military or civic service as entitled them to commemoration as national figures in Statuary Hall in the National Capitol.

Maryland, hesitating lovingly among the multitude of her distinguished sons, Thomas Johnson, William Pinkney, William Smallwood, John Eager Howard, Samuel Chase, Otho Holland Williams, Luther Martin, Roger B. Taney, Reverdy Johnson, Henry Winter Davis, Francis Scott Key, and a score of others, has at last made her selection and has presented the two handsome bronze statues which have been added to the brilliant galaxy of statesmen and soldiers which surround the nation's Hall of Fame.

By an act of the general assembly of Maryland, approved in 1898, an appropriation was made and a commission appointed, consisting of Ex-Governor John Lee Carroll, Douglas H. Thomas, Thomas J. Shryock, Dr. Fabian Franklin, and Richard K. Cross, who were instructed to have designed and cast statues of Charles Carroll of Carrollton, one of the signers of the Declaration of Independence, and John Hanson, President of the United States in Congress assembled from 1781 to 1782.

The marked ability and artistic taste with which that commission has discharged its duty are attested by the excellence of these two statues, executed in bronze by Mr. Richard E. Brooks, of Boston, Mass.

To accept this gift of the old Commonwealth of Maryland to the Government and people of the United States, are we gathered here to-day under authority of a resolution of the House of Representatives, adopted on the 17th day of January, 1903.

The pleasant duty devolves upon me to speak to the exalted virtues of Charles Carroll of Carrollton. To form an adequate estimate of the character of a man who has gone before us, Mr. Speaker, we must try to view him in the light of his time and to measure him by the standard then existing. To secure the true likeness, we must paint the picture on the background of his environment while living, with the side lights and full lights of his surroundings, inquire how far he followed or disregarded precedents, and learn the extent to which his course, in crises, conformed to or violated the rules and tendencies of his education and station.

When America was discovered, it was said that the new land concealed a fountain whose perpetual waters had power to reanimate age and restore the strength of youth. The tradition was true, but the youth to be renewed was the youth of society: the life to bloom afresh was the life of the race; and this was to be accomplished by the revolution of the colonies, which was the consummation of freedom's struggle for nearly two centuries. The forces working toward it had their origin in the great mental revival of the Reformation in the sixteenth century. Man, after groping through the darkness of feudalism, had at last faintly seen the light. Free inquiry, freedom of thought in spiritual affairs, was soon followed by the desire for freedom of thought and action in the temporal order. The dignity of man's individuality had been clouded by his subserviency to superior power. In the old civilization of Europe, authority and power moved from the superior to the inferior. The Government esteemed itself invested by divine right with the power to furnish protection and demand submission.

But a new principle had taken possession of the heart of man. The right to apply the powers of his mind to any question, and to assert his individual judgment began to creep upon his intelligence.

Successive ages of struggle, successive lives, and deaths of heroes in the world of thought, had brought man to the idea of the freedom of the individual, and it was then but the work of time to carry him to the comprehension of the power that lies in the collective reason of the whole—to teach him to substitute the natural equality of man for the hereditary privilege of monarchs, to replace the irresponsible authority of a sovereign with a dependent government emanating from the harmonized opinions of equal individuals.

The spark of liberty that first glimmered in the breasts of the Anglos and Saxons in the forests of Germany kept smoldering through the centuries, now fanned into a flame by the tyranny of kings, until the Magna Charta is secured, again but a dying ember under the Tudors; now flashing fitfully in the petition and declaration of rights, and again lost sight of in foreign wars, often faint, but never dead; often hidden, but always glowing in the Anglo-Saxon breast until it burst into a blaze of beauteous glory in the Declaration of Independence, and its full effulgence rested on a free and united land.

The seventeenth century found Charles the First on the throne of England; headstrong but vacillating, arbitrary but weak, tyrannical and false, this monarch was little fitted to control the English people at a time when the leaven of liberty was working in the souls of his subjects. The divine right of kings was the political doctrine of the Stuarts; the divine right of the people was the political truth of the century.

Prerogative took the field in its stubborn contest with the popular will and never left it until the Declaration of Independence rang the death knell as well to the tyranny of kings as the tyranny of Parliaments.

In 1760 George the Third ascended the throne of England, and the tyranny of the seventeenth century, which was supposed to have died with Charles the First and the deposition of James the Second, was revived. The hand on the clock of time is turned back; civilization halts in its progress. His whole policy was bent upon the subjugation of the colonies to raise revenue, as Charles the First had done. He undertook to tax the colonies without their consent, and the stamp act was passed through Parliament with scarcely a division.

Then began the great struggle for representative government against the arbitrary power of one man.

Two great waves broke in fury over Great Britain and her colonies in America. The one ancient, the power of monarchy, rolling with all the accumulated strength of centuries; the other modern, the united will of the people, agitated by the tumultuous swellings of a popular spirit, increased by the coming flood of a newer and more modern enlightenment, rolled on in its overwhelming and resistless course.

The nobility of England had forgotten the revolution of 1688 and the lessons it had taught. The King had forgotten the lesson of the death of Charles the First, and the power to tax the colonies internally without their consent in the face of the Magna Charta, the declaration of rights, the charters of the colonies, and the determined will of the people was not only asserted as a financial necessity but maintained as a political right.

This was the England to which Charles Carroll of Carrollton went in 1757, when he entered the Temple at London to study law at the age of 20, after having spent the prior period of his life from 8 years of age at St. Omers, Rheims, and Paris, in France, the home of absolute monarchy.

Such was the situation of the province of Maryland and its relation to the mother country when, in 1764, a refined and cultured aristocrat, the pampered son of a father who was the protégé of Cæcilius Calvert, and bound to the Stuarts by every tie of social contact and royal beneficence, he landed at Annapolis on the 14th of February, at the age of 27, a disfranchised citizen by reason of his faith. Charles Carroll of Carrollton was of almost royal ancestry, being descended from the princely family of the Carrolls of Ely O'Carroll, Kings County, Ireland.

He was an aristocrat by birth, breeding, education, and association. His every hereditary connection and tendency was monarchical. He did not spring from the free gentry of Great Britain, nor from the masses who, during the century of his birth, were struggling for the recognition of the inherent rights of free manhood, but from the ruling classes, who, attached to the absolute monarchy of their time, were fighting to delay, aye, to prevent, this recognition. His paternal grandfather, Charles Carroll, after his admission to the bar, became the secretary of Lord Powis, one of the ministers of James the Second, who bespoke for him the favor of Cæcilius Calvert, the first Lord Baltimore, with whose commission of attorney-general of the province he came to Maryland in 1688.

By Lord Baltimore he was endowed with large landed estates, which made him and his descendants the wealthiest residents of the province, and he was ever attached to the service of the proprietary, the grant of the King.

His father, Charles Carroll the second, if I may so call him, was also connected with the proprietary by every tie, and had that pride of ancestry characteristic of caste and class, invariably binding such men to the existing order and opposing them to changes in government.

In 1761 we find him writing to his son, Charles Carroll of Carrollton, then a student abroad, to trace back his Irish ancestry to the year 1500, in these words:

> I find by history as well as by genealogy that the country of Ely O'Carroll and Dirguill, which comprehended most of King's and Queen's counties, were the territories of the O'Carrolls, and that they were princes thereof. You may, as things are now circumstanced, and considering the low estate to which all the branches of our family are reduced by the struggles the ancient Irish maintained for the support of their religion, rights, and properties, and which received their finishing stroke at the Revolution, think my inquiry an idle one, but I do not think so. If I am not right, the folly may be excused by its being a general one, and I hope for your own and my sake you will gratify me by making as careful an inquiry as possible and giving me what light you can on the subject. As soon as there is peace I will send you the genealogy, in Irish and English, and I desire you will get our family in particular traced to its origin.

Thus descended, thus reared, thus associated, every factor of his environment should have molded the youthful mind of Charles Carroll of Carrollton in the rut of the past and ordained him as a defender of the tyranny of kings against the rights of the people.

Notwithstanding a previous effort of his father to have him sell his estates in Maryland and expatriate himself, he returned to America in 1765 a finished scholar and an accomplished gentleman and took possession of his large estates in Maryland, part of which was called "Carrollton," by which he afterwards distinguished himself from his relative, Charles Carroll, barrister, of Annapolis. With wealth to indulge every whim, with refined literary taste and ability to engage his thought, with friends to amuse him, and barred from public life and politics by his religion, there was nothing to draw him into the vortex of the controversy over human rights by which he soon found himself surrounded save the inherent sense of justice and of right which shaped his whole life. The profits of his profession offered no temptation; the emoluments of office could not allure the richest man in the province. He could hope to gain no concessions from the Provincial Government in espousing its cause; no place of prominence and power at the hands of the people for defending their rights, for both were Protestant. He was a Catholic, disqualified by reason of his faith from voting or holding office in the "Land of the Sanctuary."

The loss of his fixed and substantial wealth stood as a constant

warning to him not to be active in any of the many controversies arising in this new country and age, and pointed to indifference and neutrality as the course which an enlightened selfishness should pursue.

Association, friendship, love of home and neighbor, did not combine to turn him to the cause of his countrymen, for he had spent his whole life from childhood to mature manhood in the schools of absolutism in France, and had formed his friendships among those classes in both England and France which were not only wedded to the forms and practices of tyranny, but were in many instances a part of the government which oppressed.

No man in all the colonies was more encircled by conditions that would have predisposed him to the royal cause, or at least to diplomatic inactivity, than Charles Carroll of Carrollton.

Reason, experience, and indeed posterity would have condoned such a course, and nothing but an enlightened mind, a loyal and a brave heart, could have so completely divorced him from all the precedents of his life. The ordinary man is largely the creature of circumstances. He usually follows the crowd.

To accept the conditions in which a man finds himself, to agree with his neighbor, make no great draft on either moral or physical courage. To break the bond of one's surroundings, to sever old friendships and associations, to disagree with one's neighbor, aye, to fight and kill him, to risk life, property, all, in crisises which involve all, demands that lofty moral courage, that intelligent self-containment, that complete unselfishness, that has in all ages distinguished the great man from the small.

What did this young Irishman find when in 1764, at 27 years of age, he set foot upon the soil of Maryland and took possession of his large estate? He found a fair land, dedicated to religious freedom, welcoming him as a citizen, but for his faith depriving him of a citizen's dearest rights; a province whose royal charter guaranteed its citizens all the ancient rights of Englishmen and protected them, in terms, from taxation by any but their own representative; a colony sacred to man's most modern rights trembling with the prospect of the stamp act, finally imposed on the 22d day of March, 1765.

He found the proprietary government, the government of which his fathers had been a part, the government of the benefactors of his family, bent upon imposing taxes upon the people in the shape of fees of public officers and tithes to the Episcopal clergy by proclamation of the governor, without the consent of the people through their representatives. The stamp act would have cost him but little, the fees to public officers and tithes to the clergy would not have embarrassed him seriously, in his great wealth. He could have paid them, but in each of these controversies he saw a principle embodied, the sacred principle that the people alone have the right to tax themselves. He saw that this question must be settled then, there, for him, for his fellow-citizens, for humanity, for posterity.

No hesitation marked his course. Throwing aside every association of his early life, risking his vast property, manfully overcoming every predilection arising from his ancestry, birth, and education, he cast his lot with the people. No public act or utterance marks his attitude toward this historic piece of tyranny, for he could not vote or hold office; but that his heart was the patriot's heart appears in a letter to his friend Edmund Jennings, of London, in which he says:

> Should the stamp act be enforced by tyrannical soldiery, our property, our liberty, our very existence is at an end. And you may be persuaded that nothing but an armed force can execute this worst of laws. Can England, surrounded with powerful enemies, distracted with intestine factions, encumbered and almost staggering under the immense load of debt, little short of £150,000,000, send out such a powerful army to deprive their fellow-subjects of their rights and liberties?
>
> If ministerial influence and parliamentary corruption should not blush at such a detestable scheme; if Parliament, blind to their own interest and forgetting that they are the guardians of sacred liberty and of our happy constitution, should have the impudence to avow this open infraction of both, will England, her commerce annihilated by the oppression of America, be able to maintain these troops? Reflect on the immense ocean that divides this fruitful country from the island whose power, as its territory is circumscribed, has already arrived at its zenith, while the power of this continent is growing daily and in time will be as unbounded as our dominions are extensive. The rapid increase in manufactures surpasses the expectation of the most sanguine American. Even the arts and sciences commence to flourish, and in these, as in arms, the day, I hope, will come when America will be superior to all the world.

Prophetic hope, uttered at the dawn of the nation's darkest day, resplendently realized at the dawn of a new century, on a day when we commemorate the virtues of the patriot whom it inspired!

In his opposition to the next step of government, to assume the rights of the people Charles Carroll left his retirement and stepped into public gaze as the avowed champion of the people. Public officers in Maryland had always been paid by fees fixed by the assembly. The law fixing those fees and the tithes which the Episcopal clergy of the Established Church were allowed to collect had expired by its own limitation. The house of burgesses and the council failed to agree on a new law, and Governor Eden prorogued the assembly and by executive proclamation fixed the fees and tithes himself.

This action of the governor aroused more indignation in the province, if possible, than the stamp act, which was soon repealed. In his opposition to this proclamation he perhaps shone brightest in all his long advocacy of the people's rights against the aggressions of arbitrary power.

In a series of published letters, replete with erudition, in classic style and poignant satire, Charles Carroll again espoused the people's cause, and, on the broad ground that these fees and tithes were nothing short of taxes on the people, and as such could only be imposed upon them by their consent, through their duly elected representatives, he arraigned the governor and his secretary of state, the gifted Daniel Dulaney, in dialogues between the First and Second Citizen, and which were the philippics of the age.

During this written debate he was taunted as "Jesuit," "anti-Christ," a "man without a country;" and yet his devotion to the people's cause rose supreme over every insult, over all injustice, and inspired him with an eloquence of diction and a forcefulness of statement which put to rout the great Daniel Dulany, the peer of any lawyer of his time in England or America.

The broad liberality of his mind and soul, his devotion to civil and religious freedom, appear in this controversy, when in referring to the English Revolution he says:

> That the national religion was in danger under James the Second from his bigotry and despotic temper, the dispensing power assumed by him and every other part of his conduct clearly evince. The nation had a right to resist and so secure its civil and religious liberties. I am as averse to having a religion crammed down people's throats as a proclamation.

This was the reply of a Catholic in a time of intense feeling between religious sects, which had gone to the length of bloody wars, in a controversy in which the deprivation of his rights by reason of his religion furnished the taunt to this adversary, and characterizes a mind as broad and a soul as lofty as the spirit of religious toleration in which Maryland alone of all the colonies first reared an altar.

Meanwhile events hurried on in rapid succession. England bent upon the subjugation of the colonies, deprived them of one ancient right after another—the duty on tea, the Boston port bill, the appointment of the judiciary by the Crown, the navigation acts, were all laid with ruthless hand upon the weak but determined colonists. The people remonstrated, petitioned, prayed. At last when petition availed not, when remonstrance seemed vain, when patience had ceased to be a virtue, and moderation had failed, the people of the colonies, characterized as well by their loyalty and obedience, as by their love of law and hatred of tyranny, rebelled against the systematic oppressions of George the Third.

The immortal Otis inspired Massachusetts by his magnificent patriotism and proposed a congress of the colonies. "Join or die" echoed from the green hills of New Hampshire to the shores of the Savannah. Virginia, under Patrick Henry, South Carolina, under Christopher Gadsen, and Maryland, with a spontaneous outburst of patriotism led by Charles Carroll and Thomas Johnson, approved the suggestion, and each of the colonies, catching up the music of union, joined with heavenly harmony in the glorious anthem of a new nation. In all this struggle the province of Maryland was foremost, most unselfish.

To prove this must we be reminded that the Frederick County court first had the courage, eleven years before the Declaration of Independence, to declare the stamp act unconstitutional; that before a hostile foot had pressed her soil the sons of Maryland flew to arms at the trumpet call of Massachusetts oppressions, not to defend their own homes, not to protect their own families, but to assist a sister colony in maintaining with their blood the principles of free government?

Must we again be told that the old Maryland Line was first to drive the serried ranks of England from the heights of Harlem at the point of the bayonet, and that they bore the brunt of almost every fight thenceforth to Valley Forge? Must the generous haste with which her sons responded to the call of the conquered Carolinas be recounted, and how, from Camden to Eutaw Springs, through Guilford Court-House, Hobkirks Hill, and Cowpens, with a determined courage born of patriotic conviction, with an impetuous valor inspired by its responsibility to the future of mankind, the Maryland Line, the tenth legion of Green's army, the old guard of the Continental forces, dashed with Morgan through the veterans of the daring Tarleton and with Howard through the Irish Buffs of the gallant Webster, and drove them, at the point of the bayonet, in panic from the field?

No hated stamp ever polluted the soil of Maryland. Her citizens in daylight, not disguised as Indians, met the ship *The Good Intent*, laden with dutiable articles, at the harbor of Annapolis four years before the destruction of the tea in Boston Harbor, of which our infant lips are taught to prattle, and compelled her to put back to England with her unwelcome cargo, and within six

months after the destruction of the tea at Boston Harbor, assembled without disguise and compelled the owner of the *Peggy Stewart*, with a cargo of tea, to set fire to and burn her to the water's edge.

Out of a population of about 250,000 souls she furnished to the Continental Armies 5,000 militia and 15,000 regulars, 400 of whom, at the battle of Long Island, withstood six attacks of a full brigade of English veterans, covered the retreat of the Continental Army, saved it from destruction and the Revolution from collapse, leaving 260 of their number on the field.

Mr. Speaker, in paying tribute to one of Maryland's greatest sons I may be pardoned for this partial digression, which so naturally thrusts itself upon one's attention in reviewing the history of the time written by Northern men, who by some inadvertence seem to have overlooked the leading part the colony played in the war for human rights. In all of this, of all of this, was Charles Carroll of Carrollton, not as a soldier, but as an organizer and maturer of provisional and permanent government in the province and the nation.

While I am aware, sir, that military deeds and fame are more dazzling and lasting in men's minds than the less dramatic life of a civil officer during war, yet it is apparent that as great ability, heroism, and patriotism is needed and may be displayed in civil office in such crises as on the tented field. The army is the executive arm of a people in such a time, while behind the glamour, the martial pomp and glory of all successful wars lies the patient, painstaking, plodding statesman, reconciling differences, quieting passion, abating jealousies, re-forming government out of the broken pieces of a former structure, recruiting armies, providing financial system, guarding foreign relations, and raising revenue, without all of which wars are impossible and their results fruitless of good to the people.

Charles Carroll of Carrollton chose the less showy part. He formulated policy, inspired patriotism, collected troops and provided for their maintenance, guided public sentiment toward liberty, yet retained it short of license, embodied into laws rules of action for the people to fit the time, meet their aspirations, and safeguard the liberties which they won by blood and battle, not only from foreign but domestic attack.

The convention of Maryland assembled July 26, 1775, and at once adopted resolutions throwing off the proprietary power and assuming a provisional government. This convention issued its declaration of independence, known as the "Association of the Freemen of Maryland," in which they approved the resistance of British aggression by force, pledged themselves to sustain this opposition, and gave as their principal reason for such a course not their own wrongs, but the oppression of the province of Massachusetts Bay by the British. Carroll was a member of this convention and a signer of the articles of the association.

This association vested all the power of government in a provincial convention, and Carroll became a member of this convention. The executive power of the new government was conferred by this convention upon a committee of safety, consisting of sixteen members, and Carroll became a member of this committee, which had full charge of military and naval affairs. The glorious record of Maryland troops, which I have just faintly and partially reviewed, therefore was attributable in a large measure to his care and executive ability.

As a member of this committee and of the committee of observation of his county, as a commissioner with Samuel Chase, of Maryland, and Dr. Franklin to Canada to persuade her to join the colonies, as a member of Congress, as a member of the board of war and the committee on foreign applications, as a member of the senate of Maryland and of the United States Senate for many years, he did industrious, laborious, and distinguished service in conducting the war to a successful conclusion, securing the independence of the colonies and reorganizing society in the province and nation into well-regulated governments.

To follow him through the various public functions he performed would be to write the civic history of the State and nation during their struggles, and I shall but revert to some of his most distinguished services to both as a constructive statesman.

To him perhaps more than to any other single man was due the honor for securing official action by the colony in favor of casting her lot with her sister colonies. The people of the province met in convention on May 8, 1776, to select delegates to Congress, which was to decide whether the colonies should declare their independence, and agreed in this convention by resolution that the interests of the colonies would be best subserved by a reunion with Great Britain. Charles Carroll was absent, but at a subsequent session, June 21, he was present, and, prevailing upon the delegates to reverse their former action, prepared and succeeded in having adopted a resolution instructing Maryland's delegates in Congress "to join her sister colonies in declaring the united colonies free and independent States," with the proviso (which showed his zealous care of the autonomy of the State), that "the sole and exclusive right of regulating the internal government of the colony be reserved to the people thereof."

The recent tendency to elect Senators by the popular vote gives peculiar interest to the fact that Charles Carroll of Carrollton, as a member of the first constitutional convention of Maryland, was the author of the method of electing the Senators of that State by electors chosen by the people and not by the people directly. This method, which obtained in Maryland until 1837, six years after his death, differed from that of every other colony that had up to that time framed a constitution, made the Maryland senate a famous body for many years, and furnished the model for the method afterwards prescribed in the Constitution of the United States for electing Senators thereof. It had the approval of Madison, Taney, and many others, and in the formative period of the State's early history secured the best ability of the State for the Senate and saved the people much hasty, ill-digested, and reckless legislation.

The necessity of perfect freedom of commerce between the States and the absence of any provision for it in the articles of confederation had perhaps as much to do with the framing of the Constitution of the United States, which made this country "one and inseparable, now and forever," as any other one thing. This necessity created the interstate-commerce clause in the Constitution, the shortest and perhaps the most benign and comprehensive provision in that great instrument; the clause through which alone it is conceded effective legislation may be enacted to regulate and control the so-called trusts. It is not, I apprehend, generally known that this necessity was first and most prominently developed in a controversy between Virginia and Maryland, which became acute in 1777. Virginia claimed the right to collect tolls on all vessels going through the capes into Chesapeake Bay, which right, if conceded, placed the trade of Maryland's principal port at the mercy of the State of Virginia.

Maryland resisted it, and in this year the two houses of the legislature appointed commissioners to meet those from Virginia to settle the jurisdiction of the rivers and the bay dividing the two States. Charles Carroll, Thomas Stone, and Brice Thomas Beale Worthington were selected with others from the house to prepare instructions for the guidance of the Maryland commissioners. This dispute convinced the States that all navigable interstate waters as well as all other means of interstate commerce must be within the regulation of a central and superior government, which was afterwards accomplished by the interstate-commerce clause.

Credit may be fairly claimed for Maryland, through Charles Carroll, of Carrollton, and her other representatives, for the promotion and accomplishment of another great national benefit, which has redounded richly to the welfare of the people—the surrender by the States to the General Government of all their western lands, which afterwards comprised the great Northwest Territory. Maryland first brought this matter to the attention of Congress, and persisted in her demand by refusing to sign the articles of confederation until this concession was made.

Maryland had been twice shorn of her territory, once by Pennsylvania and again by Virginia, and she was unwilling that these immense and unknown tracts, extending, as was thought in that day, to the Southern Sea, and subjugated by the blood of all the colonists, should be the sole estate of the several States which claimed them by vague titles.

This vast expanse, since divided into States and furnishing homes for thousands of prosperous American citizens, teeming with industry and rich in possessions of all kinds, owes in a large measure its present condition to the attitude of Maryland and the statesmanship of Charles Carroll of Carrollton, and the nation finds a better balance in the territorial area of its States.

Charles Carroll did not remain long in Congress, and, indeed, his career there does not seem to have been as brilliant in the two terms he served as his service in the State senate was. He resigned, after having been elected the third time, because, as he said:

> The great deal of time which was idly wasted in frivolous debates disgusted me so much that I thought I might spend mine better than by remaining a silent hearer of such speeches as neither edified, entertained, or instructed me.

Comment upon the wisdom of his reason is, perhaps, unnecessary here.

Elected to the first Senate of the United States under the Articles of Confederation, still holding his seat in the Maryland senate, he was an active and influential—nay, a leading figure in both. The roll of almost every important committee in the Maryland senate during his long service there, and that of almost every committee of importance in the Senate of the United States, until he resigned therefrom to avoid losing his seat in the senate of his State, contains the name of Charles Carroll of Carrollton.

His legislative career, sir, seems to have been distinguished rather by real, unattractive, effective work in preparing bills, reports, and public papers than in the discussion of questions on the

floor. Scarcely a communication passed between the two houses of the Maryland assembly during his service in its senate that he did not prepare and present that communication. Fearless independence characterized his attitude toward and vote upon public questions in both the Maryland legislature and in both Houses of Congress. The records of both contain many votes on which he stood alone, or nearly so. If he were alone it was the loneliness of righteousness—his solitude was the solitude of conscientious conviction. Secure in the confidence of his own rectitude, he did not fear to stand alone, but always, whether in reports or debate, gave reasons for his positions that inspired the confidence of his associates in his integrity and intelligence.

Devoted to human freedom, although a large owner of slaves, he introduced a bill into the United States Senate for the gradual abolishment of slavery. Honest in every instinct, he resolutely and invariably resisted the issuance by State or Nation of a depreciated or depreciating paper currency, and maintained his position by some of the strongest papers ever written upon that subject.

His fertile mind grasped with equal ease all public subjects, from the bestowal of titles on public officers in the United States, which he opposed, to intricate questions of revenue, finance, and diplomacy.

His skillful management of Maryland's fight for the national capital, which resulted in its location on Maryland soil on the banks of the Potomac, stamped him as an astute leader of men and conspires with many other evidences of his greatness to make the erection of a statue to him on this spot most fitting.

Nor was great capacity for public affairs the only talent of this many-sided man. There are few great business enterprises of his time and section with the promotion and active management of which his name is not connected. As one of the incorporators of and a stockholder in the Baltimore Iron Works, as an incorporator of the company then known as "The Proprietors of the Susquehanna Canal" (to make that river navigable from the border of Maryland to tidewater), as one of the commissioners of the State of Maryland to confer with those of Virginia for the opening and extension of navigation on the Potomac, which resulted in the renewal of the Potomac Company, the parent of the Chesapeake and Ohio Canal, and, finally, as the first of the American directors of the Baltimore and Ohio Railroad, he proved that his capabilities were not confined to abstract discussion of theories of government, but extended to the successful advancement of the material interests of the State.

Tall, straight, slender, graceful, and imposing in figure and mien, polished and courtly in manner and address, refined and cultivated in mind and spirit, pure of purpose and of lofty ideals and aspirations, he was the paragon of the gentleman, the patriot, and the statesman of his time.

Leading by ability, not pretense; persuading by reason, not sophistry; commanding by affection, not fear, he was a distinct and effective factor in all the great work of his generation until, with honors thick upon him and the consciousness of work well done, he retired from public life with the love of those who knew him best, the lofty esteem of those with whom he served his country, and the confidence, respect, and gratitude of all his fellow-citizens, and died lamented by every man who cherished honor and loved virtue.

In the heart of the older Maryland, where he located the capital of the United States, at the left hand of the great Samuel Adams, who fired the citizenship of Massachusetts, as he that of Maryland, into open resistance to oppression, looking toward Allen and Garfield, of Ohio, formed from the trackless Northwest, which he saved to the nation for the constructing of free States, and in company with Benton and Blair, of Missouri, who in a later crisis led their State to adhere to the Union, as he, in the first great crisis, led his to adhere to her sister colonies to throw off the tyranny of England, he, and they, and all their associates will stand as silent and continual monuments to the immortal truth they labored and fought to establish, that the collective will of individual freemen is the truth and only source of the power and authority of all the governments of man. [Loud applause.]

Mr. DALZELL. Mr. Speaker, nearly forty years ago the President of the United States was authorized by law to extend an invitation to each State of the Union to contribute to the Chamber of the old House of Representatives, now known as Statuary Hall, the figures in imperishable marble or bronze of not exceeding two of her deceased citizens, illustrious for their historic renown or for distinguished civil or military service such as might be deemed worthy of national commemoration.

It is matter of historic interest that the author of the proposition was that distinguished son of Vermont to whom the people of this country in largest part owe their splendid Congressional Library and who for a period of more than forty years in the House of Representatives and in the Senate rendered to his country illustrious public service, the late Senator Justin Morrill.

What he said in speaking to the passage of the bill in the House on April 19, 1864, is worthy of reproduction here at this time. With reference to the Hall of the old House he said:

> Congress is the guardian of this fine old Hall, surpassing in beauty all the rooms of this vast pile, and should protect it from desecration. Its noble columns from a quarry exhausted and incapable of reproduction—
>
> "Nature formed but one,
> And broke the die in molding."
>
> Its democratic simplicity and grandeur of style and its wealth of association, with many earnest and eloquent chapters in the history of our country, deserve perpetuity at the hands of an American Congress. It was here that many of our most distinguished men, whose fame "the world will not willingly let die," began or ended their career.
>
> It appears to me eminently proper, therefore, that this House should take the initiative in setting apart with reverent affection the Hall, so charged with precious memories, to some purpose of usefulness and dignity. To what end more useful or grand, and at the same time simple and inexpensive, can we devote it than to ordain that it shall be set apart for the reception of such statuary as each State shall elect to be deserving of this lasting commemoration? Will not all the States with generous emulation proudly respond, and thus furnish a new evidence that the Union will clasp and hold forever all its jewels—the glories of the past, civil, military, and judicial—in one hallowed spot where those who will be here to aid in carrying on the Government may daily receive fresh inspiration and new incentives.
>
> "To scorn delights and live laborious days?" and where pilgrims from all parts of the Union, as well as from foreign lands, may come and behold a gallery filled with such American manhood as succeeding generations will delight to honor, and see also the actual form and mold of those who have inerasably fixed their names on the pages of history.

Whether the conception was original with Mr. Morrill or not, I do not know. It may be that it had been his fortune to visit St. Stephen's Hall in the new palace of Westminster and to behold on either hand "the statues of Parliamentary statesmen who rose to eminence by the eloquence and abilities they displayed in the House of Commons;" of Hampden, the apostle of liberty, in an age of royal arrogance; of Falkland, Clarendon, Selden, Somers, and Mansfield, immortal in the annals of English law; of Sir Robert Walpole, Fox, Burk, and Grattan, unsurpassed in the logical and thrilling eloquence of English speech; of the Earl of Chatham, America's friend in her time of need, and of his brilliant son, incomparable statesman even in his early manhood, and, equally with his father, dear to us in his devotion to our cause, William Pitt.

It may be that, thrilled with the emotions of his sight, he contemplated an array of American statesmen, orators, and public men who in our American capital should challenge comparison with this array of the mother country in her historic hall. However that may be, it is nevertheless true that while "the actual form and mold of Justin Morrill, who has inerasably fixed his name on the pages of our history, does not appear in our Hall of Statues, it is also true that column and arch and the artistic whole bear testimony to his memory and are suggestive of his patriotic foresight.

Maryland to-day asserts her right to a place in the gallery of our heroes and presents to the nation the statues of two of her citizens illustrious for their historic renown, distinguished for civic service, and worthy of national commemoration, and prays judgment upon her choice.

In this ceremony Pennsylvania is no intruder. She claims a right to a part in the imposing exercises. William Penn and George Calvert (Lord Baltimore) were twin pioneers in an adventure upon a new continent. Quaker and Roman Catholic, they each sought a virgin soil on which to plant and nourish the principles of civil and religious liberty. Knight-errants were they in the search for that of which England in her decadence under the rule of the Stuarts knew nothing. But more than that, Pennsylvania and Maryland have an intimate place in history, because of the fact that the royal grants to Penn and Calvert gave rise to a question of title that has a marked place in our national history. Parts of the same territory were included in each royal concession. Hence arose a controversy which was ultimately determined by the definition of Mason and Dixon's line—a line which for years was looked upon not only as dividing territory, but as the boundary between human liberty and the system of human slavery. Such line of demarcation, thank God, is now a thing of the forgotten and buried past. Pennsylvania and Maryland are now as they were in the beginning twin champions of the institutions which mean liberty to all men, and but recently the valor of their sons fighting in a common cause testifies their common interest in humanity, even to the shedding of blood on foreign soils. Theirs a common flag and a common creed of freedom.

Maryland asks the nation to accept as her contribution to its gallery of heroes John Hanson and Charles Carroll of Carrollton. John Hanson was a distinguished patriot of the times that tried men's souls, and fills a large place in the Maryland history of those times. Others will speak at length of his virtues and his title to our regard. I prefer to speak of that other distinguished man whose statue in bronze we face to-day in the company of the immortals whom the various States of this Union have set up with pride in our Capitol—Charles Carroll of Carrollton. As much as any man of his generation anywhere, and more than any

other man of his generation in Maryland—and there were giants in those days—he stands for that generation's grand conception and heroic acts.

Born in 1737, he long outlived the contemporaries of his birth. Dying in 1832, at the age of 95 years, he is conspicuously known as the last survivor of the signers of the Declaration of Independence. But that is by no means his only title to an honorable fame. His life's history is unique. Thirty years he was a student, preparatory to a life of patriotic action equally long, and that was followed by another like period of rest and scholarly recreation in the practice of the virtues of citizenship which furnished to his contemporaries and to posterity an illustrious example for their guide and instruction. This triple career has no parallel in American history or, so far as I know, in any other. His first thirty years were spent partly in a home school, but mainly abroad in institutions of learning on the Continent, in a study of languages, of the arts, of philosophy, of all that conspires to make the accomplished and scholarly gentleman. He was a student of the civil law in France and of the common law in England.

Endowed by inheritance with great wealth he might have surrendered himself to the enjoyment of ease and the comforts of life, without regard to the great questions that the period in which he lived presented. His life covered the period preceding the Revolution, the Revolutionary period, and that which succeeded it. In each and all of these he was a prominent and commanding figure. He was during his whole life conspicuously Maryland's champion of the cause of civil and religious liberty.

His sojourn and education abroad had no influence upon his *Americanism*. He returned to his home in Maryland an ardent patriot, imbued with the spirit of independence and prepared to give his life, his energies, and his talents to its service. He returned at a time when the storm clouds were already gathering that presaged the Revolution, and he enrolled himself actively upon the side of the colonies and against the mother country. His scholarly and energetic pen was devoted to the task of creating and encouraging a patriotic and aggressive public opinion.

At one time a question arose in the house of delegates relative to the fees of civil officers of the colonial government. This the governor undertook to settle by a proclamation, and a question as to his right to do so became the subject of discussion in the public press. In a series of letters notable for their classic style, their convincing logic, and the spirit of freedom that pervaded them, under the nom de plume of First Citizen, Mr. Carroll assailed the governor's right. "In a land of freedom," said he, "this arbitrary exertion of the prerogative will not, must not, be endured." Although opposed by Mr. Daniel Dulaney, the provincial secretary, a man of great power as a writer and distinguished reputation as a lawyer, Mr. Carroll succeeded in securing the indorsement of public opinion, and the governor's proclamation was burnt by the common hangman. He early foresaw that the continued encroachment of England upon the rights of the colonies must inevitably result in war.

When Mr. Graves, a member of Parliament, asserted that 6,000 soldiers would easily march from one end of the colonies to the other, he replied:

So they may, but they will be masters of the spot only on which they encamp. They will find naught but enemies before and around them. If we are beaten in the plains we will retreat to our mountains and defy them. Our resources will increase with our difficulties. Necessity will force us to exertion, until, tired of combating in vain against a spirit which victory after victory can not subdue, your armies will evacuate our soil, and your country retire a great loser by the contest.

In June, 1774, the delegates of Maryland as a protest against British aggression declared the importation of tea to be unlawful. A certain Mr. Stewart, a friend of Mr. Carroll's, was a consignee of a cargo of the forbidden merchandise in his brig *Peggy Stewart*.

Indignant people rose up to prevent the unloading. Mr. Carroll was appealed to by the owner for protection. Setting aside, however, his personal esteem for his friend, he declared the importation to be in defiance of the law, and said "My advice is that he (the owner) set fire to the vessel and burn her, together with the tea that she contains, to the water's edge," and this was done. In the Revolutionary period Charles Carroll of Carrollton filled many conspicuous and important as well as laborious offices in which his services proved of great advantage to the cause of the struggling colonists. He was a member of the first committee of observation in Maryland and a delegate in the provincial convention.

That convention at one time instructed the Maryland Representative in the General Congress "To disavow in the most solemn manner all design in the colonies of independence."

He secured a repeal of these instructions and a substitution in their stead of a direction to the Representatives "To concur with the other united colonies, or a majority of them, in declaring the united colonies free and independent States."

He was one of the three commissioners—Samuel Chase and Dr. Franklin being the others—appointed to effect if possible a coalition between Canada and the colonies against the mother country.

Had the attempt, which failed, been successful and had Canada joined forces in the cause of independence, how different might now have been the complexion of the American Union! He was a member of the Congress that gave to the world the Declaration of Independence and one of the signers of that great instrument. He was a member of the board of war and continued while on that board and in Congress to be a member also of the Maryland convention. He was one of the committee appointed to draft the constitution of his State. After the adoption of the constitution, he was twice United States Senator from the State of Maryland. He was one of the commissioners for settling the boundary line between Maryland and Virginia.

I do not regard this as a proper occasion on which to attempt a lengthy or detailed review of the life of Charles Carroll of Carrollton. What I have said is sufficient to indicate that in the choice of his statue for Statuary Hall Maryland has complied with the strict letter of the law and contributed one of her citizens illustrious for historic renown and distinguished for civil service worthy of national commemoration.

Charles Carroll was an ardent Federalist, and with the downfall of that party in 1801 laid down the burdens of public and retired to private life. He was then 64 years of age. There yet remained to him, as the sequel showed, thirty-two years more of life, all of which were spent in the enjoyment of a dignified leisure, in scholarly pursuits, and in the practice of his religion, to which he was ardently devoted. He was an enthusiastic Roman Catholic, faithful to the teachings of his church and observant of its customs and obligations.

A scholar, a statesman, a man of affairs, a Christian gentleman, he was idolized by his fellow-citizens, not only for what he had done, but for what he was in himself and by way of example to others.

Since I came into this Hall this afternoon I find that so honored and conspicuous a figure was Charles Carroll in his old age that he received express recognition from Congress. I find the following letter, written to him by Andrew Stevenson, the Speaker of the House:

WASHINGTON, *May 22, 1828.*

SIR: I have the honor to communicate to you, by direction of the House of Representatives, the inclosed joint resolution of both Houses of Congress, extending to you, as the only surviving signer of the Declaration of Independence, the privilege of franking. You will be pleased, sir, to receive it as a token of the distinguished respect and veneration which Congress entertains toward an early and devoted friend to liberty, and one who stood preeminently forward in the purest and noblest band of patriots that this world has ever seen.

I can not resist the gratification which this opportunity affords of publicly testifying the strong sentiments of esteem and veneration which, individually, I entertain for your character and services, and expressing an earnest hope that the evening of your long life may be as peaceful and happy as it has been active and useful.

I have the honor to be, sir, your obedient and faithful servant,

ANDREW STEVENSON,
Speaker of the House of Representatives of the United States.

It was his happy lot to see the Government that he had helped to found grow in strength and influence; to see his country expand in territory and wealth, and to be inspired with the faith that the future held in store for it only continued and progressive advances.

Charles Carroll of Carrollton's title to enduring fame rests upon the fact that he was a lover of and a successful worker in the cause of human liberty.

A great American orator once said, in speaking about statues:

The honors we grant mark how high we stand, and they educate the future. The men we honor and the maxims we lay down in measuring our favorites show the level and morals of the time.

Mr. Speaker, we may safely abide admeasurement by this standard when we introduce into our American Pantheon Charles Carroll of Carrollton.

Could some miracle for the time being breathe the breath of life into the figures that adorn our Statuary Hall, Carroll would need no introduction to that company, nor would that company need introduction to him. The one touch of nature that makes the whole world kin would be found in the common love of liberty, in the common devotion to its principles, and in the common life service in its cause. It would be a goodly company, in which there could be no rivalry as between its members, except rivalry as to extreme devotion to country and to fellow-man; a company that includes soldiers and statesmen, diplomats, and men who have been potent factors in the advancement of civilization; such a soldier as the chivalric and knightly Kearny; such a diplomat as Livingston, who gave to us our empire west of the Mississippi; such an agent of civilization as Robert Fulton, creator of commerce; such a statesman as Webster, expounder of the Constitution; and, peerless in the world's history among the champions of liberty, the immortal Washington. [Loud applause.]

Mr. SCHIRM. Mr. Speaker, to commemorate her great men and to perpetuate the glory of their deeds by public ceremonies and in lasting works of art are the fitting acts of a great nation.

They inspire veneration for the past and infuse hope for the future. Love of country is thereby stimulated in the bosoms of both young and old, and the spirit of sacrifice wins the devotion of the heart for future crises. A country without monuments is a living death—she throws no beam of light upon the untrodden path of the future. To her humanity looks in vain for a guiding star, but a country that molds in bronze and stone her tributes to greatness ever lives, and tells the story of her achievements to the recurring centuries with charming eloquence. Sensible of these facts, the law of our land has provided that each State might send the effigies of two of her chosen sons to be placed permanently in the National Statuary Hall.

It pleases the fancy to reflect that in that hall the House of Representatives held its meetings until the completion of this magnificent Chamber, and the imagination, Pygmalion-like, conjures into living form the statues of those patriots who, by their oratory in the forum of the House or by their heroism upon the fields of battle, won laurels for themselves and shed luster upon the pages of American history.

The State of Maryland has now availed itself of its privilege and erected among those silent witnesses of great events and the doers of great deeds the effigies of two of her illustrious sons, Charles Carroll of Carrollton and John Hanson.

My worthy and eloquent colleague has already portrayed the character and achievements of Charles Carroll of Carrollton, and the pleasant duty has been assigned me of performing a similar office in honor of John Hanson.

The little colony of Maryland played an important part in the gigantic drama which closed with the independence of the United States; and it is from this period that Maryland has made both of her selections. So many able and brilliant men have graced the history of our State that much embarrassment was encountered in choosing but two upon whom to confer this distinction, for fear that thereby injustice might seem to have been intentionally done to others. Had we been privileged we could easily have filled all available space with effigies of renowned Marylanders and yet have felt dissatisfied that others equally worthy could not be added.

Among jurists the name of Roger B. Taney, Chief Justice of the Supreme Bench of the United States, suggests itself; among statesmen, Samuel Chase; among orators, William Pinkney and Henry Winter Davis; among soldiers, Col. John Eager Howard, who with the Maryland Line saved the day at Cowpens, Gen. Otho H Williams, whose genius was displayed on many fields, and Lieut. Col. Tench Tilghman, who was an aid on the staff of General Washington; as a promoter of religious freedom, Cæcilius Calvert; as a writer of national anthems, Francis Scott Key, who gave to our country the Star Spangled Banner when he saw by the dawn's early light that our flag was still floating over the ramparts of Fort McHenry.

To John Hanson, however, belongs the distinction of having held the highest Federal office ever conferred upon a Marylander, that of President of the United States in Congress assembled, and of having done more than any other one man in the colony to destroy the supremacy of Great Britain. John Hanson was born at Mulberry Grove, Charles County, Md., on April 3, 1721. The Hanson family was a large one, and many of them found their way into the public service. His grandfather, Colonel Hanson, fell at Lützen for the cause of religious liberty; his oldest brother, Judge Walter Hanson, was commissary for Charles County; his brother Samuel was a patriot, and presented to General Washington £800 sterling to provide shoes for his barefoot soldiers; William, his youngest brother, was examiner-general of Maryland; his son, Alexander Contee, was a patriot and intimate with Washington. He was one of the first judges of the general court and chancellor of the State; he was an elector for Washington, and compiled the laws of Maryland; his son, Samuel, was a surgeon in the Life Guards of Washington, and his son, Peter Contee, of the Maryland Line, was wounded at Fort Washington.

The first mention of John Hanson in public life is as a delegate from Charles County to the lower house of assembly, in which he served nine terms. The disputes which arose between the two houses of assembly upon the burning questions of the day brought to the lower house, composed of the representatives of the people in the province, the ablest men in Maryland. He carried to that body a matured mind, which was there trained for the higher and more important responsibilities that awaited him in a broader field. At the close of the French and Indian war the tide of immigration turned to the fertile regions of Frederick County, and thither, in 1773, John Hanson followed the long train of sturdy home builders. In his new environment his personal magnetism was soon felt; his sound judgment and honesty of character won for him the respect and confidence of the people. His advice was eagerly sought in those times of growing dissatisfaction, and, through his efforts, the citizens of Frederick County became devoted to the principles of the Revolution and firm in their resistance to the oppressions of the mother country.

His influence constantly increased and he was the leading spirit among a band of determined patriots during the transition of Maryland from a dependent, proprietary province into a sovereign State. During this period of transition there gradually grew up side by side with the proprietary government another government—a government of the people. The latter was an outgrowth of the restless desire for freedom, and its formidable character was not suspected until it became too powerful to be checked. This new government consisted of a general convention of the province and its council of safety, while in the counties there were mass meetings and committees of observation, with an embryo department of state called a committee of correspondence. Hanson was a member of the convention and served as chairman of both the committee of observation and the committee of correspondence in Frederick County. To these honors was added that of treasurer of the county, and to him were intrusted all the funds to pay the soldiers and the delegates to Congress.

John Hanson was a silent, but no less effective, power. His activity was of that character as to require secrecy to make his plans effective. When, however, the crisis had been reached, when bold and fearless words were needed to arouse the resolution and strengthen the purpose of his compatriots, he arose in the convention in July, 1775, and with the unflinching determination of Patrick Henry declared that they would "repel force by force," and pledged himself to support the "present opposition." These were timely words. Enthusiasm was rekindled; other colonies heard them and rejoiced. From that day the colonists in Maryland were bound in closer union. Upon John Hanson primarily devolved the task of organizing and equipping the army. Money was scarce, arms and ammunition were scarcer, but his resourceful mind knew no obstacles.

Under his direction two companies of riflemen were sent to join the army at Boston, and these were the first troops that came from the South to Washington's assistance. Forty companies of minutemen were organized, and the whole of Maryland was put upon the defensive. Arms were manufactured, powdermills erected, and money provided through voluntary contributions. So thorough was his work that when 13,800 militia were required to reinforce the army, Maryland furnished much more than her full quota. That he had the confidence of the Government is evidenced from the fact that President Hancock made him one of a committee of two to transmit $300,000 to General Washington for the maintenance of the army in Canada, and by the further fact that he was one of the committee of four deputized to reorganize the Maryland troops, for which purpose Congress furnished the committee with blank commissions to be issued under the advice of General Washington, to officers who reenlisted after the term of their enlistment had expired.

John Hanson rendered one service to his country that can not be too greatly extolled. Lord Dunmore, the proprietary governor of Virginia, conceived the plan of arming the Indians on the frontier and to make a simultaneous attack upon the colonies from the back country and from the coast. It was planned first to fall upon Fort Pitt, in Pennsylvania, and thence to work their way eastward to Alexandria, Va., in which vicinity there was a fleet of 90 British ships prepared to continue the onslaught along the waterways. The designs of Lord Dunmore were soon detected by Hanson and by his vigilance frustrated. Dr. John Connolly, one of the chief conspirators, who had been carrying dispatches from General Gage to Lord Dunmore, and who had been operating with the Cherokee, Swanee, Mingo, and Delaware tribes, with several of his comrades, fell into the hands of the minute men of Maryland, near Hagerstown, while they were on their way to Detroit. The arrest of these allies of the King and Parliament, of General Gage and Lord Dunmore, was followed by their imprisonment, and the conspiracy died.

About four years later, in 1779, in another sphere of action, John Hanson again proved himself the man of the hour.

Maryland had persistently refused to agree to the Articles of Confederation until some provision had been made for settling the question of the Western domain. That Maryland was right in her contention subsequent events have established; but a crisis had been reached upon which may have devolved the very existence of the Union. John Hanson, believing that the failure to effect a union would probably mean the loss of everything that had been achieved and that through union alone the perplexing questions could be solved, set to work to have the bar to a complete union removed. His attitude at this time was not unlike that of President Lincoln at a later period of our national history.

Hanson's efforts were rewarded by the passage of an act to empower the delegates of this State in Congress to subscribe and ratify the Articles of Confederation, and accordingly, on the 1st day of March, 1781, John Hanson and Daniel Carroll, as delegates of the State of Maryland, put their signatures to the document which was the beginning of the indissoluble Union of the United States. This having been accomplished, he threw his

entire force into the debate on the western land question. That question was settled according to the judgment of Maryland, and out of that vast territory which became the common property of all the States were carved the newer States of Ohio, Indiana, Illinois, Michigan, and a part of Wisconsin.

John Hanson was three times elected to the Continental Congress, and after his third election was elevated to the position of President of that body. During his first and second terms in Congress he was shown the distinction of being elected also to the lower house of the State. After twenty-five years of public service, rich with the honors that become the man with a clear mind and an incorruptible heart, he retired to private life and spent his last days at Oxon Hill, Prince George County, Md., where he died November 22, 1783.

John Hanson was one of those modest, unassuming great men who seek no glory for themselves, but find their highest reward in the good that accrues from their efforts to the great body of the people. He was essentially a thinker, a contriver, an unraveler of knotty points, a man to whom the people looked when other leaders said, "What shall we do now?" In those days, when there was great diversity of opinion among men of equal ability and patriotism, John Hanson proved himself a master in bringing to the front the central idea and enlisting the support of all men who in their adherence to the chief thought lost sight of minor differences. He was of a reflective temperament, weighing well each proposition, and standing firm by his decisions. Too little tribute has heretofore been paid to those quiet, thoughtful men who have furnished the basic ideas upon which governments have been founded and for which armies have contended. Behind the man behind the gun is the idea, the principle, the conviction, which justifies his use of arms, and without which an army becomes an irresponsible mob. It has been said that it is sweet and beautiful to die for one's country, but it is no less sublime to give to one's country sound doctrine and imperishable tenets. The statue of John Hanson, representing him in a reflective attitude, I now formally present to our country, whose Government he so grandly helped to establish. [Loud applause.]

Mr. Speaker, I move the adoption of the resolution offered by my colleague.

The SPEAKER pro tempore (Mr. GROSVENOR). The question is on agreeing to the resolution offered by the gentleman from Maryland [Mr. PEARRE].

The resolution was agreed to.

Mr. LACEY. Mr. Speaker, it is my sad duty to announce the death of my colleague, Hon. JOHN N. W. RUMPLE, who, at 4 o'clock this morning, after a long and painful illness, was called to his final reward.

Iowa has lost one of her most distinguished and pure-minded citizens; this House has been deprived of one of its ablest and worthiest members, and the veterans of the civil war have lost an earnest friend and comrade.

I will not now speak further of his life and character, but at some future time his colleagues will ask the House to set apart a suitable time for the purpose of paying tribute to his memory.

Mr. Speaker, I move the adoption of the resolutions which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the House of Representatives has learned with deep sorrow and regret of the death of the Hon. JOHN N. W. RUMPLE, member of this House from the State of Iowa.

Resolved, That a committee of members of the House, with such members of the Senate as may be joined, be appointed to take order concerning the funeral of the deceased.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy of the same to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased the House do now adjourn.

The resolutions were agreed to.

The SPEAKER pro tempore. Pending the announcement of the result, the Chair, with the unanimous consent of the House, will appoint the following committee: Mr. HEDGE of Iowa, Mr. THOMAS of Iowa, Mr. HAUGEN of Iowa, Mr. SMITH of Iowa, Mr. CONNER of Iowa, Mr. HEMENWAY of Indiana, Mr. PRINCE of Illinois, Mr. GARDNER of Michigan, Mr. APLIN of Michigan, Mr. DARRAGH of Michigan, Mr. PAYNE of New York, Mr. GROSVENOR of Ohio, Mr. DALZELL of Pennsylvania, Mr. RICHARDSON of Tennessee, Mr. ADAMSON of Georgia, and Mr. CROWLEY of Illinois.

The resolutions are agreed to; and, in accordance with the order previously made, the House will stand adjourned until to-morrow, Sunday, February 1, at 12 o'clock noon.

Accordingly (at 4 o'clock and 39 minutes p. m.) the House adjourned until Sunday, February 1, at 12 o'clock noon.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, the following executive communication was taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Supervising Architect of the Treasury submitting an estimate of appropriation for rental of buildings at Greensboro, N. C.—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. CURRIER, from the Committee on Patents, to which was referred the bill of the House (H. R. 17085) to effectuate the provisions of the additional act of the International Convention for the Protection of Industrial Property, reported the same without amendment, accompanied by a report (No. 3426); which said bill and report were referred to the House Calendar.

Mr. PARKER, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 17) requiring all corporations engaged in interstate commerce to file returns with the Secretary of the Treasury, disclosing their true financial condition, and of their capital stock, and imposing a tax upon such as have outstanding capital stock unpaid in whole or in part, submitted his views, to accompany report (No. 3375, part 3); which said views were referred to the Committee of the Whole House on the state of the Union.

Mr. NEVIN, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 17) requiring all corporations engaged in interstate commerce to file returns with the Secretary of the Treasury, disclosing their true financial condition, and of their capital stock, and imposing a tax upon such as have outstanding capital stock unpaid in whole or in part, submitted his views, to accompany report (No. 3375, part 4); which said views were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MERCER: A bill (H. R. 17167) providing for the purchase of a site and the erection thereon of stables for the use of the Government—to the Committee on Public Buildings and Grounds.

By Mr. DALZELL: A bill (H. R. 17168) to increase the efficiency and safety of the mercantile marine of the United States by creating a commission to revise the laws relating to construction, installation, and inspection of marine boilers, to provide uniformity of inspection of marine boilers in the United States and insular possessions, and for other purposes—to the Committee on the Merchant Marine and Fisheries.

By Mr. RANDELL of Texas: A bill (H. R. 17169) relating to damages by certain corporations in the Indian Territory concerning fellow-servants, and for other purposes—to the Committee on Indian Affairs.

By Mr. REEVES: A bill (H. R. 17170) to amend an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved June 13, 1902—to the Committee on Interstate and Foreign Commerce.

By Mr. JENKINS: A joint resolution (H. J. Res. 258) proposing an amendment to the Constitution of the United States prohibiting bigamy and polygamy—to the Committee on the Judiciary.

By Mr. McCLEARY: A concurrent resolution (H. C. Res. 77) to provide for the printing of the proceedings at the unveiling of the statue of the Count de Rochambeau—to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BENTON: A bill (H. R. 17171) granting a pension to Alfred G. O'Neal—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17172) granting an increase of pension to Daniel Willhoit—to the Committee on Invalid Pensions.

By Mr. BOREING: A bill (H. R. 17173) granting a pension to James S. Weddle—to the Committee on Invalid Pensions.

By Mr. CONRY: A bill (H. R. 17174) granting a pension to Susan J. Keller—to the Committee on Invalid Pensions.

By Mr. CURTIS: A bill (H. R. 17175) granting an increase of pension to John W. Ijams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17176) granting an increase of pension to William H. Howard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17177) granting an increase of pension to Amos B. Ferguson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17178) granting an increase of pension to James A. Davis—to the Committee on Invalid Pensions.

By Mr. DE ARMOND: A bill (H. R. 17179) granting an increase of pension to Christopher G. Divers—to the Committee on Invalid Pensions.

By Mr. DEEMER: A bill (H. R. 17180) granting an increase of pension to Jane Davison—to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 17181) granting a pension to William Harden Daniels—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17182) granting a pension to Elizabeth M. Anderson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17183) granting a pension to Christopher C. Wilson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17184) granting a pension to Catherine Smither—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17185) granting a pension to Kittie Shortlidge—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17186) granting an increase of pension to John T. Rader—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17187) granting an increase of pension to Francis M. Northern—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17188) granting an increase of pension to James H. Layne—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17189) granting an increase of pension to Peter N. Eichammer—to the Committee on Pensions.

Also, a bill (H. R. 17190) granting an increase of pension to Joseph A. Brown—to the Committee on Invalid Pensions.

By Mr. McLAIN: A bill (H. R. 17191) for the relief of Gillie M. Pace—to the Committee on War Claims.

By Mr. MONDELL: A bill (H. R. 17192) authorizing the Secretary of the Interior to issue a patent to the city of Buffalo, Wyo., for certain tracts of land—to the Committee on the Public Lands.

By Mr. OLMSTED: A bill (H. R. 17193) granting a pension to Mary Zinn—to the Committee on Invalid Pensions.

By Mr. ROBB (by request): A bill (H. R. 17194) granting an increase of pension to Thomas Dipper—to the Committee on Invalid Pensions.

Also (by request): A bill (H. R. 17195) granting an increase of pension to Eli D. Hopkins—to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 17196) granting an increase of pension to Charles W. Boyer—to the Committee on Invalid Pensions.

By Mr. SMALL: A bill (H. R. 17197) for the relief of Hannah B. Sabiston—to the Committee on Claims.

By Mr. HENRY C. SMITH: A bill (H. R. 17198) for the relief of James L. Carpenter—to the Committee on War Claims.

Also, a bill (H. R. 17199) for the relief of Mary E. Carey, executrix of the estate of James J. Newell, deceased—to the Committee on War Claims.

By Mr. SPARKMAN: A bill (H. R. 17200) for the relief of Adam L. Eichelberger—to the Committee on War Claims.

Also, a bill (H. R. 17201) to remove the charge of desertion from the military record of Andrew Brewton—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Resolutions of Moses Mendelssohn Lodge, No. 147, Order of B'rith Abraham, of Philadelphia, Pa., relating to methods of the Immigration Bureau at the port of New York—to the Committee on Immigration and Naturalization.

By Mr. BABCOCK: Petition of the Woman's Christian Temperance Union and citizens of Livingston, Wis., against the repeal of the canteen law, and in relation to the sale of liquor in immigrant stations, Government buildings, etc.—to the Committee on Alcoholic Liquor Traffic.

By Mr. BENTON: Paper to accompany bill for a pension to Alfred G. O'Neal—to the Committee on Invalid Pensions.

Also, paper to accompany House bill for increase of pension of Daniel Willhoit—to the Committee on Invalid Pensions.

By Mr. BOWERSOCK: Protest of the Woman's Christian Temperance Union of Moran, Kans., against repeal of the anti-canteen law and also favoring the McCumber bill—to the Committee on Military Affairs.

By Mr. BURKE of South Dakota: Resolutions of the Black Hills Mining Men's Association, of South Dakota, favoring the establishment of an independent department of mines and mining—to the Committee on Mines and Mining.

By Mr. COUSINS: Protest of the First Methodist Episcopal Church of Mount Vernon, Iowa, against the repeal of the anti-canteen law—to the Committee on Military Affairs.

By Mr. DOVENER (by request): Petition of G. S. McFadden and 74 other citizens of Moundsville, W. Va., and vicinity, for 9-foot draft of water in the Ohio River—to the Committee on Rivers and Harbors.

Also, petition of the Woman's Christian Temperance Union of Burnsville, W. Va., to prohibit liquor selling in Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. ESCH: Papers to accompany House bill to correct the military record of Isaac d'Isay—to the Committee on Military Affairs.

By Mr. GOLDFOGLE: Resolutions of Meier Malheim Lodge, No. 64; Kaiser Friedrich Lodge, No. 10, Order of B'rith Abraham, and Jacob Lodge, No. 68; William Heller Lodge, No. 4, Sons of Benjamin, all of New York City, relating to methods of the immigration bureau at the port of New York—to the Committee on Immigration and Naturalization.

By Mr. HULL: Papers to accompany House bill 13142, granting a pension to Jonathan H. Mohler—to the Committee on Invalid Pensions.

By Mr. LLOYD: Petition of D. R. Brown, of Memphis, Mo., in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. McANDREWS: Resolution of Local Union No. 416, Brotherhood of Carpenters and Joiners, of Chicago, Ill., relative to the repeal of the desert land and homestead commutation acts—to the Committee on the Public Lands.

By Mr. OTJEN: A joint resolution of the legislature of Wisconsin, relating to the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. SHALLENBERGER: Petition of Ragsdall & Son and others of Kenesaw, Nebr., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. SIMS: Petition of A. M. Roberts and other citizens of Densons Landing, Tenn., in favor of the post-check currency bills—to the Committee on the Post-Office and Post-Roads.

By Mr. STEPHENS of Texas: Petition of druggists, confectioners, and other citizens of Vernon, Tex., urging the reduction of the tax on alcohol used in soda drinks and extracts—to the Committee on Ways and Means.

By Mr. THOMAS of North Carolina: Petition of citizens of Beaufort, N. C., for the construction of the inland waterway—to the Committee on Rivers and Harbors.

By Mr. WARNER: Petitions of retail druggists of Decatur, Mattoon, Charleston, Sidney, Ogden, and Bethany, Ill., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. WRIGHT: Petitions of the Woman's Christian Temperance Union and citizens of East Smithfield, Pa., in favor of the enactment of laws prohibiting the sale of intoxicating liquors in Government buildings and in immigrant stations—to the Committee on Alcoholic Liquor Traffic.

HOUSE OF REPRESENTATIVES.

SUNDAY, *February 1, 1903.*

The House met at 12 o'clock m.

The Clerk read the following letter:

HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., February 1, 1903.

I hereby designate Hon. HENRY C. SMITH, of Michigan, as Speaker pro tempore this day.

D. B. HENDERSON, *Speaker.*

The SPEAKER pro tempore (Mr. HENRY C. SMITH). Prayer will be offered by the Chaplain.

The Chaplain, Rev. HENRY N. COUDEN, D. D., offered the following prayer:

O Lord God and Father of us all, whose thoughts are above our thoughts and whose ways are past finding out, help us with faith to walk where we can not see the way, with confidence to trust where we can not solve the problems, that our lives may be sublime in faith and confidence, heroic in thought, word, and deed. How often in the midst of life and usefulness are those whom we love, honor, and respect taken from us, leaving the mind distracted and the heart desolate! How often has this Congress been visited by the Angel of Death! Only yesterday the sad news came to us that another member of this House has been taken from us, leaving a vacant seat and hearts rent with sorrow and grief. We pray most fervently that those who knew and loved him best may be comforted in the blessed thought that there is no death—that somewhere, some time, there will be a glad reunion. We thank Thee for the beautiful custom which prevails in the National Congress in setting apart a day for the purpose of eulogizing the departed. We are here to-day in memory of one whose life and works still live and will live in the minds and hearts of those who knew him and in the deeds wrought for his beloved country. Help us to emulate what was

truly noble, great, and heroic in his life, that departing we may leave behind us the world a little better that we have lived and wrought. Comfort, we beseech Thee, the friends, widow, and children of him whose name we would honor to-day in this service, and Thine be the praise, through Jesus Christ our Lord. Amen.

The Journal of yesterday's proceedings was read and approved.

EULOGIES ON THE LATE SENATOR M'MILLAN.

Mr. CORLISS. Mr. Speaker, I offer the following resolutions. The Clerk read as follows:

Resolved, That the House has received with sincere regret the announcement of the death of the Hon. JAMES MCMILLAN, late a member of the Senate from the State of Michigan, and tenders to the family of the deceased the assurance of their sympathy with them in the bereavement they have been called upon to sustain.

Resolved, That as a further mark of respect to the deceased, and in recognition of his eminent abilities as a public servant, the House, at the conclusion these memorial proceedings, shall stand adjourned.

Resolved, That the Clerk be directed to transmit to the family of Mr. MCMILLAN a certified copy of the foregoing resolutions.

The SPEAKER pro tempore. The question is on agreeing to the resolutions.

The question was taken, and the resolutions were unanimously agreed to.

Mr. CORLISS. Mr. Speaker, we are mourning to-day the loss of a close and delightful companionship, a companionship which lightened public care and gave pleasure to private intercourse.

I am grateful for the opportunity to lay a wreath of honor and affection on the monument of my esteemed friend, Hon. JAMES MCMILLAN.

"Praising what is lost makes the remembrance dear." "There are three kinds of praise—that which we yield, that which we lend, and that which we pay. We yield it to the powerful from fear, we lend it to the weak from interest, and we pay it to the deserving from gratitude."

If he had never held public office, if his name had never been heard beyond the boundaries of Detroit, he would have been her most favorite and honored citizen in his day and generation.

Michigan has been most highly honored in the Senate of the United States by men of rare genius and ability. Howard, Chandler, Conger, Palmer, and MCMILLAN have severally left an enduring imprint of their great characters upon the escutcheons of the State and nation.

I distinctly remember our first meeting twenty-five years ago, and the enduring impression then made upon my mind of his firm, noble, and dignified character. He was then, though a comparatively young man, among the foremost business men of the city of Detroit. He demonstrated early in life marvelous genius as an organizer, promoter, and operator of vast industrial institutions. He not only possessed the rare faculty of correctly estimating the latent powers and talents of other men, but knew how to put them into forceful and successful operation. Under his masterful guidance men were trained in the practical school of business affairs and made to feel the influence and enjoy the fruits of his genius. He generously shared with his associates the blessings of his prosperity and wealth. By the establishment of great manufacturing institutions and steamship lines he utilized the resources of nature, extended the facilities of transportation, and afforded bountiful opportunity for the employment of well-paid artisans. Labor always obtained its just reward in all enterprises with which he was associated. He was always a modest, dignified, manly man. He met every occasion in life with a simple, firm, and quiet courtesy. There was no yielding, supplication, or timidity in it. He never asked favors, though no man was more willing to grant them. He never attempted to answer other men's arguments, but he carried conviction and moved men by the power of his influence and firm judgment.

Moderation, "the silken cord running through the pearly chain of all our virtues," was preeminently manifest in his character.

In the affairs of men he stood like the great oak of the forest—unmoved by tempest. The waves in the sea of human life, the ever-changing vicissitudes in business affairs, misfortunes, howsoever great, or dangers, howsoever threatening, never disturbed the serenity of his firm character, daunted his courage, or moved his judgment. He was as unyielding as flint and true as steel in the things he stood for, but his flint or steel never struck a spark by collision with any other. He may be justly termed the "silent statesman." In a few words he gave his opinion upon all matters commanding his judgment. Into whatever realm of life he entered the genius of his ability and the wisdom of his judgment dominated. This was true in political as well as business affairs. To political problems he applied business principles and success followed. If misfortunes were met in the pathway of his life, they were unknown to his associates. It has been said, "The world estimates men by their success in life, and, by general consent, success is evidence of superiority."

Judged by this standard our beloved Senator should rank among those of the greatest superiority, for his career was marked by a succession of successes. At home his memory will be cherished as a benefactor because of the establishment of great institutions of industrial life wherein labor finds fruitful reward; in state affairs he will rank next in leadership to the renowned Zachariah Chandler; many beautiful landmarks, public improvements, the recent union station, and other architectural ornamentations to our capital city, largely due to his effort, will stand as monuments to his memory and wisdom. His friends were legion, and his loyalty "grappled them to his heart with hooks of steel." His life was too active and progressive to permit him to stop to punish an enemy. He enjoyed to a marked degree the usual recreations and pleasures of men and found ample time to give to his charming family the devotion of husband and father. The death of a brother, son, and grandson during the last year of his life undoubtedly hastened his end.

Death takes us unawares
And stays our hurrying feet;
The great design unfinished lies,
Our lives are incomplete.

To illustrate more fully his great character, I include in my remarks the following letter from a mutual friend:

WASHINGTON, D. C., *August 12, 1902.*

DEAR MR. CORLISS: I regret that I could not come to Detroit to attend the funeral of Senator MCMILLAN. He was the fairest and squarest man I ever knew in public life. Mr. MCMILLAN always tried to do the right thing. His chief characteristic was his constant effort to be just. The volume and stress of business force strong and successful men of his type to fix rules to guide and control their relationship with men. In following this necessary practice Mr. MCMILLAN gave fine and sympathetic consideration to the infinite variety of human needs, hopes, and conditions. To understand what others felt that they had a right to expect of him he made a duty. Those who sought him received his assistance in making their proposition clear and satisfactory to themselves. He was helpful and not antagonistic. He reasoned from the position of others before he analyzed from his own standpoint. Personal prejudices were kept in the background. He was not arbitrary. Men thought him reasonable, because he reasoned from their viewpoint as well as from his own. His judgments commanded the confidence of men because they grew out of conditions and requirements and were not the impulses of personal desires or the pretext of conveniences.

Senator MCMILLAN was an opportunist. He rarely sought to create conditions, but stood ready to take advantage of them. His marvelous gift of accurately judging men enabled him to confidently trust those who were active in his behalf. Men had to make good to work with him. He made no promises, but remembered services. As a political leader he did not seek to use his party, but to find out the common-sense requirements of his party and see that it was not disappointed in the part he took.

He had more respect for the intelligence of the great middle classes than any man I ever knew. His faith was in workers. They were his partners. To them he gave his confidences and extended aid. The men who were striving to buy homes, to take care of families, and to lay by competences were the ones he believed in. He did not care much whether cents or dollars were involved. Some called him an aristocrat. Perhaps he was. I hardly know what they mean, but if he was he was the right kind. He was a worker, did business with workers, believed in their aspirations, was in sympathy with them, stood for them, employed his full power and strength to be a useful man in the largest and best sense, and earned the honest respect of those who knew the merit of his work. As a rich man he set a pattern which will be hard to excel. It is too bad that his State and his country should be deprived of his services.

Faithfully,

OTTO CARMICHAEL.

Hon. JOHN B. CORLISS, *Detroit, Mich.*

The tribute of Sir Walter Scott to Fox, in his last resting place, most fittingly portrays the noble nature of JAMES MCMILLAN:

For talents mourn, untimely lost,
When best employed, and wanted most;
Mourn genius high, and lore profound,
And wit that loved to play, not wound;
And all the reasoning powers divine
To penetrate, resolve, combine;
And feelings keen, and Fancy's glow—
They sleep with him who sleeps below.

Mr. WM. ALDEN SMITH. Mr. Speaker, this day has been set apart in honor of the memory of the late Senator from Michigan, JAMES MCMILLAN. It had not been my purpose to take part in these proceedings, owing to physical indisposition; but as the time drew near when my colleagues were to give expression to the love and affection in which we hold the memory of our most distinguished son, I could not deny myself the privilege of attending upon this day's session of the House, and paying my brief tribute to the memory of one whom I loved in his lifetime and remember and revere now that he has passed away.

If ever there was a man prepared in every way to live it was JAMES MCMILLAN, and if ever there was a man prepared to die it was JAMES MCMILLAN. His character was so beautifully rounded, his life so perfect in all that goes to make a man, his example so inspiring, contact with him so helpful, that in his death we who have associated with him so many years will lose our wisest counselor and our most trusted leader. He passed out mourned by all the people within the borders of our beloved State, and I think it safe to say that in his lifetime he enjoyed the confidence of more of our people than any citizen of our Commonwealth.

Some public men improve by distance—in perspective look

larger. Senator McMILLAN grew with close inspection, and was greater and grander the nearer the view. His life was one of struggle and earnest endeavor. He wrestled with the elements that try men's souls and his attractive personality took on some of the majesty of the storm, rising superbly to every great trust reposed in him. Poor in his youth, he never forgot the ladder by which he climbed, and the friends of his early life were the comfort and consolation of his maturer years. A dutiful son, he ministered to those who gave him birth; a kind father, his children loved him with a devotion unsurpassed, and like him have the confidence of their fellows.

Surrounded by every luxury, in years still but little past the meridian, surrounded by all the comforts that wealth could bestow, in full enjoyment of his splendid powers, with influence as wide as the country's domain, a temperament so retiring, a disposition so modest and so graceful, it had been the hope and expectation of us all that many years of public usefulness and private enjoyment were yet in store for him.

Always interested in the young men of his State, we loved him because of his boundless sympathy and his generous and kindly helpfulness. He never surrounded himself with empty ornamentation, but was accessible to all, regardless of rank or station. Faithful to his duties as a Senator, there was no act of his that would not bear the keenest scrutiny. Powerful though he was, he used that power so gently, so sparingly that many did not realize in his lifetime what a potent figure he was in the affairs of his country. He did not pursue the bubble of high public place that he might use it for his own advantage, but grasped the helm of the ship of state with vigorous hand that it might safely weather the sea in storm and in tempest. JAMES McMILLAN was as great in private life as he was in public office, and the qualities that made him strong in his phenominal business career contributed to his success in the field of public activity. I think it entirely safe to say that there is no Senator of the United States whose personality will be missed so much as that of the one whom we honor to-day.

To have the confidence of those we serve and the respect of those with whom we associate is the highest reward of public service. He had the affection of those he served and the love of his associates, prizes rarely realized in this fitful field.

In the great game of politics we are often reminded of chess. While it is being played, all the men stand in their places and are respected accordingly. First the king, then the queen, then the knights, then the bishops, then the common soldiers. But when once the game is ended and the table taken away, and all are confusedly tumbled into a bag, haply the king is lowest and the common soldier upmost. So in this great struggle of life. We seek the bubble of popular approval at the cannon's mouth; we press the apple to our lips, and lo, it turns to ashes. But in the life of this distinguished Senator, whose death we mourn to-day, we find inspiration, comfort, and consolation, and of such glory as is permanent he had his full share.

The great French soldier, De Latour d'Auvergne, was the hero of many battles, but remained, of his own choice, in the ranks. Napoleon gave him a sword and the official title of "The first grenadier of France." When he was killed the emperor ordered that his heart should be intrusted to the keeping of his regiment and that his name should be called at every roll call, and that his next comrade should make answer "Dead upon the field of honor."

So, Mr. Speaker, the nation gives back to Michigan all that is mortal of Senator McMILLAN, and we take it to our hearts and will preserve his ashes in the soil he loved, and when the roll of the distinguished men of Michigan shall be called his illustrious name will ever be pronounced, and there will always be someone ready to answer in his absence, "Dead upon the field of honor."

Mr. BABCOCK. Mr. Speaker, it becomes my sad duty to add my mite to the wreath of honor we have met this day to lay on the grave of JAMES McMILLAN. For many years I was closely associated with him in public and legislative matters. His long-continued service as chairman of the Committee on the District of Columbia in the Senate brought us together many times in conference and for consultation, so that I came in closer contact with him than with almost any other member of the United States Senate.

I early learned to admire his character and to respect his judgment. To me he was the ideal Senator, ripe in years and experience; one whose efforts in a business way had been crowned with success, and one whose public service had been recognized not only by his own State, but by the nation. Independent in all things, successful in all things, he was peculiarly fitted to discharge the duties of his high office. In committee, in conference between the two Houses, he was gentle and considerate of the opinions of others, yet, when he believed that he was right, was firm and unyielding. No influences could reach him except those which appealed to his sense of justice and right.

He was a stanch friend of the District of Columbia, and his death was their great loss. I believe that one of the great if not the greatest ambitions of his life was to beautify and develop the capital, and make it the most attractive city in the world.

His character was written in his face, and one had but to know him to admire the influences which governed his every action, for it is one of the compensatory laws of nature that the thoughts we think, the hopes and aspirations we entertain, our wishes, our moral make-up, in short, our character, sooner or later in life, become engraved upon the face in lines that can not be effaced, and tell to the world the kind of life that we have lived.

I believe this was true of Senator McMILLAN. His face fully expressed the life that he had lived, the forceful, earnest character, the great, kind heart, and that gentle consideration he had for others.

When the story of the city of Washington is told in years to come his name will be a household word. He left his work unfinished, but set for us an example that we should all be proud to follow.

Mr. HAMILTON. Mr. Speaker, it is not an easy thing to interpret into words even a single phase of the character of one we know or have known.

It is a difficult thing to put in words even our own impressions about ourselves. Few men really understand one another.

An idea seldom presents itself to two minds in the same form. When I talk about another man I am reminded of Dr. Holmes's idea about the three Johns and the three Thomases, always engaged in any dialogue between John and Thomas.

I knew JAMES McMILLAN as a Senator of the United States from the State of Michigan, with whom my duties as a Representative in Congress from that State brought me in frequent and friendly contact.

He was born in Canada in 1838. He quit school at the age of 14 and graduated into a hardware store in Hamilton, Ontario, where he worked for four years. Then he came to Detroit, where he worked two years in another hardware store. He then became purchasing agent for a railroad company, saved some money, made some investments, acquired some capital, and finally became a partner in the Michigan Car Company.

Thereafter he widened the scope and increased the number of his investments from time to time until he died a multimillionaire.

In 1879 he succeeded Zachariah Chandler as chairman of the Republican State central committee of Michigan and was chairman in 1886, 1890, 1892, and 1894.

He became a United States Senator in 1889 and held that position until his death, August 10, 1902.

I am not concerned overmuch with the fact that JAMES McMILLAN became a rich man. He lived in an era of tremendous progress, enterprise, invention, and discovery, and had the courage and sagacity to take honorable advantage of his opportunities.

You can not always judge heroism nowadays by the amount of the prize money; neither can you judge of a man by the size of his bank account.

Of course there are a great many people who immediately inquire how much money a man is worth if you assert that he is an able man. To such people it will be plain without further inquiry that JAMES McMILLAN was an able man.

But to JAMES McMILLAN his wealth and the things that his wealth brought him were but the externals and equipment of a strong man running his race.

The probate court has to do with his material estate; what of the man?

He was born in the possessive case and he left some millions, but what else did he leave? He was a keen, successful business man, but what else was he?

At Atlantic City I have seen artists in sand who, out of piles of sand on the seashore, could shape forms of beauty that slept or smiled in the sunlight until the rising tide obliterated them. So men heap up shapes of beauty and pile up possessions here on the edge of eternity which the tide of years obliterates.

We are all artists in sand mostly, but while we and our works are soon submerged by the rolling years there is one thing that survives us, sometimes for a long time, sometimes for a short time, subject to the understanding and misunderstanding of those who measure us with their measure, and that is character.

JAMES McMILLAN was what is known as a self-made man, but he was not in the habit of advertising the fact.

He demonstrated, as many another man has demonstrated, that it is possible to get an education without going to college, and yet, like most such men, he was keenly alive to the importance of a college education.

He realized that money devoted to education is devoted to the highest economic uses, and gave liberally to educational purposes.

Like most great men and institutions, he was quiet, strong, and unostentatious. A supreme court is much less noisy than a justice's court.

He was a charitable man, but he never advertised his charities.

Starting with nothing, he accumulated colossal wealth, and while accumulating it he promoted public enterprises and scattered private benefactions along the way of his success.

He was always a genial man, and his geniality was tempered with the kind of tact which enabled him to check undue familiarity.

Mixed with a splendid generosity, a warmth of soul, and kindness of heart, there was always the ruggedness of the Scotch hills of his ancestry and the climate of his birth.

He seldom made mistakes through "the will's defect or the blood's excess."

He was not an orator, and yet he had a power of analytic statement unencumbered by verbal embroidery, highly satisfactory to a mind seeking information.

He was a keen judge of men and motives, and was never known to make any investments in Utopia. A sham always shriveled in his presence.

If he had imagination, it did not haze his judgment. Neither did he take counsel of his prejudices.

In business, as in politics, he acted upon the theory that to tell the truth is the best diplomacy; to go straight the shortest way.

He became a leader in Michigan politics, not because there was any beating of tom-toms in his vicinity, but because he was absolutely steadfast and reliable, and men always knew where to find him.

His legislative career was that of a broad-gauge, honorable business man, applying business methods to national concerns.

There never was a time when integrity was more essential to business and political success than now. Let it be rumored in the commercial world that a man's "word will not inform you what he means to do," and the commercial world, by common consent, determines that he is not a man to bargain with.

JAMES MCMILLAN'S word was as true and undeviating as the figures cut in steel on a carpenter's square in the hardware stock he handled when a boy.

As a statesman he was always practical. He never had any idea of trying to steer the ship of state to the Hesperides, and he was never for a moment a demagogue. He had no part with politicians who hang on agitation for what they can pick up.

He had the same contempt for cheap men who want to be conspicuous that Carlyle expresses in his Hero Worship when he says: "Examine the man who lives in misery because he does not shine above other men; who goes about producing himself, pruriently anxious about his gifts and claims; struggling to force everybody, as it were begging everybody, for God's sake, to acknowledge him a great man, and set him over the heads of men! * * * He can not walk on quiet paths. Unless you will look at him, wonder at him, write paragraphs about him, he can not live."

JAMES MCMILLAN was never solicitous about having people crane their necks to see him.

He went along quietly attending to a good deal of public and private business, but wasted no vitality in trying to make himself conspicuous and no money on press agents.

He had no newspapers subsidized to admire him.

In the midst of plenty he lived an absolutely temperate life.

He gained for himself honor and glory. Glory is a good thing, but it goes hand in hand with villification. He had both. Prosperity breeds jealousy, and jealousy breeds rivalry. History is full of consolations for the obscure.

Many men regard politics from a very personal standpoint. For one friend who is loyal without thought of collecting a dividend from his friendship there are always several other kinds of friends, waiting in ambush and otherwise.

He was closely identified with the progress and development of his home city of Detroit.

As chairman of the District of Columbia Committee he was practically mayor of Washington, and at his instance a commission of experts formulated plans for the artistic improvement of Washington, which, as they take material shape, will form memorials to his enlightened public spirit.

And it came to pass that when the man sat in his house at rest among the trophies of an honorable career, Death summoned him.

Mr. SAMUEL W. SMITH. Mr. Speaker, we have met together this Sabbath day—and there could be no more fitting and appropriate occasion—to pay our tribute of respect, love, and affection to the honored dead.

The last time I looked into the kindly face of Senator MCMILLAN, while living, was the day he left this city to go to his summer home at Eagle Head, near Manchester-by-the-Sea.

I have visited with him many times during the last six years, in the place where we were the most accustomed to see him, in the committee room of the District of Columbia near by the Senate Chamber, and I recall no time when he was more cheerful or seemed in better health. He was the very picture of health. He spoke of having overtaxed himself with committee work, and said that he felt the need of a change and rest, which he was about to take, but that he would soon be as well as ever.

He briefly reviewed the work of the session, referring in his usual pleasing way to what had been accomplished, and more especially to legislation affecting Washington and the District. After a most pleasant visit, which I shall always remember, he bade me good-bye, saying he would see me in Michigan in September or October.

Which one of us did not expect to meet him and again receive his kindly greetings?

What a shock when on the 10th of August following, without a word of warning, we were summoned to hear the startling and painful news of his sudden and sad taking away.

A leading Detroit paper said: "Not since the morning of November 1, 1879, when Zachariah Chandler was found dead in his bed in the Grand Pacific Hotel in Chicago, has the passing of a citizen of Michigan produced the shock, both in the State and nation, which followed the wholly unexpected announcement of the death of Senator JAMES MCMILLAN." Radically as the two men differed in temperament there was a rough parallel between the career of that sturdy old leader of the youthful Republican party and that of his masterful successor, which continued even to that last sleep, from which there is no awakening in this life.

On every hand and from people in all the walks of life there were heard expressions of the most profound sorrow and grief. Page after page could be filled with the many beautiful and heartfelt tributes which came from every portion of the country. Ex-Governor Luce said, "Michigan will not soon see his like again."

Senator MCMILLAN was a "self-made man." He came from Ontario to make a fortune in the young Republic, and he succeeded in this as he did in all of his undertakings.

His eventful life, so full of activity, so complete with many good deeds, is an incentive to all young men, and for whom he always had an encouraging word. It was not an uncommon thing for him to make investments for the purpose of helping young men start in life.

He was born in Ontario in 1838. At the age of 14 he left school and went to work, preferring a commercial to a professional life.

What a striking parallel between the early life of Zachariah Chandler and that of Senator MCMILLAN. Chandler's father offered him a college education or $1,000 in cash with which to begin business. He chose the latter and went to Detroit to build for himself a lucrative business. Senator MCMILLAN could have had the education, but he preferred to go out in the world and hew out his own future and fortune, which consisted not only of money, stocks, and lands, but a good name, a spotless character, an unsullied reputation, and the esteem and confidence of his fellow-men, which will prove an enduring monument, more lasting than stone or brass.

At the age of 18 he is working in a hardware store in his adopted city at $60 per month. At 20 he is the purchasing agent of the Detroit and Milwaukee Railroad, a very responsible position for one much older.

At his majority he is superintending the extension of the same railroad, and his ability was again manifested by the adjustment of a strike among the men, whose confidence he won.

In 1860 he was married to Miss Mary L. Wetmore, of Detroit, and to them six children were born. At this time he was receiving a modest salary, and together they commenced housekeeping in a small house just back of his residence on Jefferson avenue, which is only one of several beautiful homes he owned and occupied at different seasons of the year.

At 23 he is again the purchasing agent of the same railroad and is reputed to have saved $5,000. At 24 he decided to engage in the ice business. This was his first business venture.

At 26 he assists in organizing the Michigan Car Company, which has grown into much larger proportions since, and it was only one of many manufacturing institutions which he was identified with at the time of his death. He was not only largely interested in manufacturing, but was a stockholder in the banks of his city and was also a large holder of real estate. When we recall the many enterprises with which he was associated we marvel that one mind could have accomplished so much. He was truly Michigan's largest business man.

After attaining this proud position he turned gradually away from an active business life to engage in politics. He pursued the same course in politics that he did in business; he was content to begin at the foot of the ladder. In 1874, 1875, and 1876 he was a member of the board of estimates of the Seventh Ward of Detroit, and a member of the park commission in 1881, 1882, and 1883. He was a member of the Republican State central committee for several years; was also its treasurer in the memorable greenback campaign in 1878 when Zachariah Chandler was chairman. Later on he was chairman of the committee during several campaigns, always leading the party on to sure and certain victory.

He was not an orator, but a man possessed with the divine gift of excellent common sense. He did not care to speak, he preferred to act; he wanted results; he did not often address the Senate, but when he did he was listened to with the closest attention. His speeches upon the tariff, currency, and wool may be termed the only set speeches he made in thirteen years' experience.

He was often heard advocating some plan for the improvement of Washington. The national capital has lost one of its best and most influential friends. As chairman of the Senate Committee on the District of Columbia he was foremost in carrying out the work of beautifying, adorning, and making Washington the most beautiful city in the world.

The Republican party, recognizing his ability and conspicuous services, elected him to the Senate in 1889, and he was reelected in 1895 and 1901, always the unanimous choice of his party, and in the election of 1895 enjoyed the honor of receiving the vote of every member of the legislature, which had been conferred only once before in Michigan's history.

It was on this occasion that Senator Joseph R. McLaughlin in presenting his name to the caucus said:

> Charity and benevolence know him. He believed that wealth was a gift of God, to be shared by the children of penury or devoted to institutions that contemplated a general good. Forty years ago, leaving home and friends and kindred, he came to this country of great possibilities from a neighboring land, to join hands and fortunes with us. With what success his efforts have been rewarded you know full well. The wheels of industry sing his praises. The white wings of commerce salute him prince of men. While American traditions last, while the noblest sentiments of the heart are drawn in admiration to the honest efforts of the poor boy struggling for success in the world, while America is America, men of his type will be respected and honored.

It has been the lot of but few men, and especially for one without any legislative experience, to enter the greatest lawmaking body in the world and occupy, as he did, a foremost place early in his Senatorial career. At the time of his death he was a member of the following important committees: Chairman of the District of Columbia, Commerce, Naval Affairs, Corporations Organized in the District of Columbia, Relations with Cuba, Coast and Insular Survey.

It was in the committee room or in conference rather than in the Senate Chamber where he did his most effective work. He was one of a little coterie of Senators who controlled and shaped the legislation of the Senate and of the nation.

He died at the period of his greatest usefulness.

His success in life is a splendid tribute to his ability.

His name and fame will go down in history with that of Cass, Chandler, and others of Michigan's distinguished sons.

He was a charitable man, as will be shown by his many gifts in the city of Detroit and to various State institutions of the State which he honored and served so well and which to-day mourns his sad and untimely taking away. One who was closely associated with him during the years when he accumulated his wealth has said, "It was the joy of his life to help along his fellowmen and aid the unfortunate. No worthy cause was ever presented to him for assistance without receiving a generous response, and it was his habit to say, 'If you want more, you know where to come for it.'" His predecessor in the Senate, Hon. Thomas W. Palmer, said of him, "His faults, if he had any, were so overshadowed by his virtues that they never will be cited in the story of his life."

His loss to the city of Detroit, the State of Michigan, and in the councils of the nation will be more keenly felt as the years go by.

He was a kind, courteous, dignified, pleasant, Christian gentleman, a good and true friend, and as such I bid him an affectionate farewell.

Mr. GARDNER of Michigan. Mr. Speaker, though JAMES MCMILLAN was born on this side the Atlantic, there coursed through his veins pure Scotch blood transmitted by parents both of whom were native to the land of Scott and Burns. His father, a man of high character and marked ability, was honorably connected with important business enterprises in Canada, the land of his adoption and the birthplace of him whose life is commemorated in this service. The late Senator MCMILLAN came to the United States when a youth of 17 and settled in Detroit, Mich., which was ever after his home while living and where his mortal remains are sepulchered.

As a business man, Mr. MCMILLAN was for many years recognized as one of the most successful in the Middle West. He began the career which won him distinction in the financial world by acceptably filling for two years a subordinate position in a mercantile house in his adopted city. He then entered a larger field of activity, as purchasing agent of an important railroad-building undertaking. He here gathered the experience and gained the acquaintance and confidence of his superiors, all of which stood him in good stead in later years. Refusing a flattering offer to go to Spain and embark in railroad-building ventures, he entered, in 1863, at the age of 25, upon a business career which had to do with enterprises having their ramifications in various States and in different countries, involving in the aggregate the investment and expenditure of many millions of dollars. To but call the roll of these varied concerns, to say they were successfully conducted, and that JAMES MCMILLAN'S was the master mind in conducting them is to pay only a just tribute to his ability as a business man and financier.

He was one of the organizers of the Michigan Car Company, which gradually became the largest single industry in Detroit. He established car companies in London, Ontario, and in Kansas City. He purchased and through his younger brother conducted the car works at St. Louis, Mo.

Mr. MCMILLAN was the leading spirit in the organization of the Detroit Wheel Company, the Detroit Iron Furnace Company, the Baugh Steam Forge Company, the Fulton Iron and Engine Works, the Newberry Furnace Company, and the Detroit Pipe and Foundry Company. He built and until entering the Senate was president of the Duluth, South Shore and Atlantic Railway. It was under his leadership that the international bridge was constructed at Sault Ste. Marie. He became interested in lake transportation, and at the time of his death was possessed of large maritime interests, and was president of the Detroit and Cleveland Navigation Company.

It has been said of him that no man ever lived in Michigan who did so much to build up Detroit, the metropolis of the State, or to develop and utilize the resources of that great Commonwealth.

One of the distinguishing features of his business career was his ability to select with almost unerring sagacity the subordinates who were to fill important positions and to share in the responsibilities of conducting his vast and varied undertakings. Another characteristic was the liberality with which he treated his subordinate chiefs, not only in the matter of compensation and the impartation of his confidence, but in making them sharers and participants in the success of the particular branch of business with which they had to do. Not a few men now in the prime of prosperous careers are indebted not only for their business training, but their financial start, to this broad-minded and liberal-hearted man.

From these successes and fortunate business ventures on a large scale Mr. MCMILLAN, at the end of a series of years, emerged with an established reputation as an honorable, farseeing, and successful business man, and with an acquired fortune which, even in these days of colossal accumulations, is regarded as princely.

In political life we think of Mr. MCMILLAN only as Senator. But men rarely come to that great office without having had some previous experience which demonstrated their ability and fitness for the high station. In this respect Mr. MCMILLAN was not an exception to the rule. As early as 1874 he was chosen a member of the Detroit board of estimates, later he served on the board of park commissioners, and still later as a director in the museum of art. In each and all of these positions he discharged the duties devolved with credit to himself and acceptability to the city.

His introduction into State politics was through his relation to the Michigan Republican State central committee. In that body his organizing and executive ability early gave him a recognized standing with his fellow-members, and when Zachariah Chandler died he was chosen to succeed, as chairman of the committee, that great leader of men.

As the administrative head of his party through several successive campaigns he so favorably impressed himself upon the Republicans of his State that in 1889 he received a unanimous nomination for the United States Senate. In 1895 he received for his second term the vote of every legislator of both parties, and again in 1901 he was chosen for a third time without a contest.

I will leave to others the agreeable task of dwelling upon his Senatorial career and content myself with saying that he gradually gained and firmly held the confidence of his fellow-Republicans in the nation, as he did in the State, as a wise, sagacious, and patriotic leader. No man since Chandler has been so potent a force in the politics of his State, and no Michigan man since Chandler has been so influential in the capital of the nation.

But JAMES MCMILLAN was more than a successful man of affairs, more than a statesman, though as such his services to his country were of recognized value; he was a philanthropist. The field of his benefactions, like that of his business enterprises, was varied and was subjected to the same discriminating judgment. He was the founder and the constant friend and helper of Grace Hospital—which bears the name of his cherished daughter, deceased—one of Detroit's noblest humanitarian institutions, which represents at this time in buildings, equipment, and endowment a half million of dollars.

Among the thousands of students in annual attendance at the Michigan University the lovers of Shakespeare, through the liberality of Mr. MCMILLAN, have access to one of the finest American collections of the works of the great dramatist.

He gave to the Michigan Agricultural College, one of the oldest, best endowed, and most numerously attended of its class, its famous entomological collection, from which the State and the nation are deriving benefits through the advantages it has placed within the reach of its students.

On the campus of Albion College there stands a noble building, erected solely through his generosity and dedicated to the cause of science. Daily, in term time, its spacious rooms are thronged with bright and brainy young men and women in search of knowledge in the science of life. From its halls many teachers have gone forth to impart instruction in that which they there learned under such favorable conditions.

In far-away Texas, whose soil was never pressed by the feet of this lover of men, an institution designed to uplift and ennoble the daughters of negro mothers was the recipient of large donations. At this hour the grandchildren of those who were bondwomen share in the healthful and purifying influence of this man whose native air never filled the nostrils of a slave.

These are among the visible evidences of his liberality and are illustrative of his broad view of the needs of men as well as his response to the solicitations of those who appealed to his generosity. It is but just to his memory to say that none of these was given with ostentation, none was accompanied by self-advertising, nor were they used for self-exploitation. They are known because they have a tangible existence; but who can tell, save Him who hears the orphan's sigh, the strong man's moan, or notes the widow's tear, how many were ministered to by the left hand of this practical philanthropist when the right hand knew it not?

Two acts done on the last day of his life, the knowledge of which was conveyed to the recipients in the last letters ever written by him whose life went out so suddenly, are indicative of the innumerable benefactions of this princely man. One of these letters carried the joy of relief to a husband and father whose home was imperiled and which would certainly be lost unless aid came quickly; the other conveyed a generous response to the appeal of a woman, a stranger to him, but the worthy widow of an honored and influential citizen. After a careful investigation and being fully satisfied that she was deserving, he remarked in confidence to another, "I can not bear to take the consequences of refusal to an appeal like that." So saying, he lifted his pen and signed his name that carried with it some hundreds of dollars and removed the weight from a burdened heart. It was his last signature. A fitting close to a life filled with worthy deeds and great accomplishments. A few hours later his own great heart had ceased to beat, and this friend of man and servant of God had passed from the living.

If we seek the governing influence under which this business man built a name and character which young men may well strive to emulate; if we ask whence this statesman's gentle yet controlling power as an incorruptible leader of men and shaper of legislation, or where the hidden spring from which flowed this ever widening and deepening stream of benevolences, may we not find answer to all these in the fact that he was born of Christian parents; that the life principles of the Master Teacher were early instilled into his nature; that in his mature years he was a constant reader of the Divine Word; that he early identified himself with and to the end of his life remained a faithful, consistent, and effective member of the Christian church? The Christ man was a dominating force in shaping the life and character of JAMES MCMILLAN. He lived and died a Christian.

Mr. SHELDEN. Mr. Speaker, we have met to-day to pay the last sincere tribute of respect and esteem to a dead friend; to show by our presence and our words that we have been the gainer through the life and influence of the late JAMES MCMILLAN and by our association with him. Of him, indeed, will we all join in saying, "the good that men do lives after them."

I shall, Mr. Speaker, address myself to the memory of JAMES MCMILLAN as a friend "faithful and just to me."

How futile it would be of us in a passing hour and in the weakest of all methods, a few printed words upon the page, to try and portray the results of his life; a life that it took years upon years of thought and patient persistent toil to make perfect.

Long after this hour and its tribute shall be forgotten; long after it shall cease to be remembered, even as the legislative footnote on the death of a member, the works and results of JAMES MCMILLAN'S life will remain as a lasting and permanent memorial and monument to his memory in this city.

When Washington, the capital of the fairest nation on earth, shall take rank as the most perfect capital in the world, then will it be time to write the history of JAMES MCMILLAN'S life work. Then only can it be written. For then will the observant mind see in every beautiful structure that shall hereafter grace this city what the hand of the craftsman has wrought on the plan that the late Senator from Michigan conceived and started.

Vast as was Mr. MCMILLAN'S work here and in his home State, where he was allied with immense interests, it is as a loyal friend that he will be best remembered by those who held him in greatest esteem, those who were permitted to get closer to the real man and see the wonderful self-poise and mastery of self that enabled him to rise above every obstacle and stand undismayed in every climax. There was in his friendship so much of deep and true loyalty, so much of fidelity to the advancement of his friends that this phase of his life is the most beautiful to me.

Two cities and a great State mourn his death, but posterity can afford to be thankful that he left so much for the benefit of his kind and the good of his country at large.

Mr. FORDNEY. Mr. Speaker, the nation and its lawmakers were greatly shocked on a quiet Sunday last August by the unexpected and sad news from Manchester-by-the-Sea that Senator JAMES MCMILLAN had passed away in the night.

His illness was of the most brief duration. The last day, before the night of his death, had been devoid of distinguishable sign that the conqueror of all mankind was so near. Indeed, the Senator had been in strong and robust health, and in his health-seeking exercise had displayed his old-time vigor. A slight indisposition, a little later in the day, was followed by a rally that left him apparently in perfect physical condition. That indisposition was but the forerunner of the end, but human eyesight could not perceive it, and in the night, with but the briefest spasm of illness, the elect of the great State of Michigan had passed to that bourn "from whence no traveler returns."

JAMES MCMILLAN occupied a peculiar place in politics, and the combination of circumstances which landed him at the head of the Senate Committee on the District of Columbia was, as posterity will see demonstrated, the most kindly move that fate ever made for the capital city of the nation.

JAMES MCMILLAN, as a business man of large and varied interests, brought to the Senate that practical experience which afterwards proved of such great value to the city.

He had no political training in the meager, smaller way, as his first office was that of United States Senator from Michigan. Almost from the outset, when he was made a member of the Senate Committee on the District of Columbia, he began to suggest and urge reforms, and when greater power, through legislative experience, came to him, he pushed those reforms to a successful termination. Devoid of ostentation, he made no boast of what he would do, but quietly accomplished it and then rested content. His was not a nature of the vain-glorious, self-praising sort, and the changes he wrought were so peacefully and smoothly brought about that the results were the first the world knew of the movement.

We all regret that he was so soon called from earthly labor to eternal rest, but we glory in the fact that he was permitted to live long enough to start that thoroughly comprehensive and grand plan for the glory of "most beautiful Washington." When that plan shall have been carried out and when future generations shall behold the completion of the plan which he conceived and started, then will the grandeur and greatness of JAMES MCMILLAN'S life work be realized. He contributed more than his mite to the future, and the future will recognize it.

JAMES MCMILLAN was a natural leader of men. Coming from a small inland city in the Dominion of Canada, he brought to the shores of his adopted State nothing but the native wit and sturdy manhood of his people. He indeed started from the lower round of the ladder, but it was not long before he began to mount. Step by step, at first, and then by leaps and bounds, until, long before his public life opened, he dominated more and larger interests than any other man in his State, and where he dominated at all he dominated absolutely and completely.

Having perfect mastery of himself and all that he touched, he added to this self-centered control those lovable traits of character that endeared him most to those who served with him. A sturdy, unswerving loyalty—which appealed most strongly to those nearest to him, because they saw more of it than others—was his strongest personal characteristic. Rewards for faithful service in his behalf, whether in business life or in politics, was as certain as the service itself, and where JAMES MCMILLAN gave his word, there he gave, as surely, the performance of that promise.

A great State mourns an illustrious adopted son, a nation's capital misses his guiding genius, and we of the Michigan delegation feel the deep loss of a friend and leader. We mourn him the most because we have lost the most. No human being can erect a monument to the memory of JAMES MCMILLAN that will be as lasting as the work he has done here in Washington.

The future glory of this city will be his monument for all time.

Mr. APLIN. Mr. Speaker, a good man has gone just at the time when life was most enjoyable and his usefulness greatest. The life of legislative acquaintance is short at best, but long enough for men of the stamp of the late JAMES MCMILLAN to

leave their impress upon legislative history and to intensify the bonds of friendship that bind men to each other.

JAMES MCMILLAN was a success in life. He was more than that. He was a good man for his home city, where his remains rest; he was a good man for his State, where his fame will never dim nor its luster be lost as an example for rising youth; he was a good man for this capital of the nation, for out of the magnitude of his experience and out of his desire to make the city of government the most beautiful and characteristic city in the nation he evolved a plan which will be carried out. This plan was his ruling desire, and in his death the city of Washington can well join the people of Michigan in bewailing his departure from the scene of his usefulness.

He needs no monuments of brass or stone. The capital of the future will bear the stamp of his genius and thought; and when "most beautiful Washington" becomes the actuality, then will the ideal of the late Senator from Michigan become the real and his name will be coupled with its growth and fame. Here in the seat of government can his friends, with singular propriety, repeat of him the motto of his State, "If you seek his monument, look around you."

Let us not consider the suddenness of his taking off. At the height of his power and strength, just when he had about reached the climax of his career, when he had but to wait and behold the culmination of the plans he had conceived, the summons of the Supreme Ruler of the universe came. JAMES MCMILLAN'S name was called, and he answered. Who shall say that he would have wished it otherwise? He might have lived to do more, but he had done enough to win from his fellow-men of this and future time the commendation, "Well done, thou good and faithful servant."

As in life we followed his advice, so in death we will abide by the example of his work and worth and be better men and better citizens for having known JAMES MCMILLAN.

Mr. BURTON. Mr. Speaker, we have met to-day to commemorate the life and mourn the death of that strong and noble man, JAMES MCMILLAN. Sixty-four years would seem a shortened span for one of so equable a temperament and well-ordered life. Necessarily, even if a man live to be fourscore, his life work will be left incomplete, but Senator MCMILLAN has left a lasting impress. In commemorating his life his fellow-members in the Lake Carriers' Association quoted these words:

> He did not fall
> Like drooping flowers that no man noticeth,
> But like a great branch of some stately tree,
> Rent in a tempest and flung down to death.

His decease would seem to be an irreparable loss to the city of Washington, for he had given the benefit of his excellent judgment to its complicated affairs for many years, and had inaugurated plans for its improvement and beautification which must be of great permanent advantage. The thousands and tens of thousands who annually visit the national capital will return home more proud of their country and more patriotic citizens because of the improvements which he inaugurated. The foreigner who visits us and who often goes home forming his judgment of the country by the capital alone, will see here no signs of royal pomp, but utility and beauty worthy of a great republic. It would be fitting indeed that, within the limits of this city, he should be commemorated by a statue of marble or brass, but he has left a more enduring monument in his practical activity for the betterment of the city of Washington.

He was interested in the commerce of the country, primarily in that of the Great Lakes, where he was a large owner of ships. His work here is not incomplete. He lived to see that traffic grow to enormous proportions; he lived to see many channels which had been dangerous for the navigator made safe by broadening and deepening and lighted, so that the pathway of the sailor was made clear. In his activity for the commercial development of the country he did not belong to Michigan, but to the United States.

His activities were not restricted to his immediate locality, but with broad vision he comprehended the commercial needs of the whole country. While not an impracticable enthusiast, he was no pessimist. He appreciated as few men did the commercial and industrial possibilities of this country. In his private career he was not one of those Napoleons of finance who have a facility in absorbing for themselves the accumulations of others; his success was the upbuilding of the community in which he lived. He gave employment to thousands, and added not to his own possessions merely, but to the prosperity of the whole country. He was not an orator, but he had that excellent discernment, that poise and calmness which made his counsel invaluable. Oftentimes when measures were being considered in the Senate it was a better argument for their enactment than elaborate statements or eloquent appeals to know that Senator MCMILLAN had given them his approval.

Such an influence as he exerted can not come from intellect alone or from mere shrewdness in business, but must rest upon moral qualities; for in legislation, as in everything else, that which makes men most influential is, after all, the moral quality. This he possessed in an unusual degree. Everyone knew that he had a desire to do justice; that he had a judgment free from any bias, from any influences which might lead him astray. In private life this same disposition was shown. He did not stop with steadfastness in his loyalty to his friends. His heart took in as well the unfortunate, the struggling, those in distress. His name will be remembered, not merely by the hospitals he endowed, the libraries which he assisted; it will be perpetuated in the young men who felt the quickening force and the encouragement of his friendly words and his kindly assistance.

Not alone Michigan will remember this influence, but throughout the country there will be felt the effect of the career of a brave, true man, who went on his way with success, with industry, and with earnestness, yet at the same time imparting the influence of his good deeds around him.

At such a time as this when death is brought near to us we are wont to ask the question, "Does death end all?" Is there an immortality here or hereafter? Is there not some place in this boundless universe where those who have labored hard and nobly here will find an abiding place? I believe that for Senator MCMILLAN there is an immortality; there is an immortality here due alike to his statesmanship, to his qualities of mind and heart.

After all, men are judged by the little things of life; and by this standard he must occupy a very high place. He is worthy to be counted with that great army whose graves are on the land and in the sea—who have diffused sweetness and light all around, who by quiet and unostentatious yet constant deeds of goodness have made life more tolerable and have contributed to bring this earth again to its original condition as a garden of beauty and of enjoyment. Truly, if the good deeds of all these were to be written down, the world would not contain the books which would be written.

Whatever may be our creed—whether we have any creed at all—I think it must afford us satisfaction to know that in his life he was guided by Christian principle and in his death was sustained by Christian hope. And in commemorating such a life our hopes are big with immortality. Just as it is said that we are evolved from lower grades of existence—that the human species is an advanced type—so we may hope that there are still higher grades of existence for immortal souls, and we may say—

> Eternal process moving on,
> From state to state the spirit walks,
> And these are but the shatter'd stalks,
> Or ruined chrysalis of one.
>
> Nor blame I death because he bare,
> The use of virtue out of earth;
> I know transplanted human worth,
> Will bloom to profit otherwhere.

Mr. HENRY C. SMITH. Mr. Speaker, I am persuaded to take the time of the House to speak of the life, the worth, and the character of the late Senator JAMES MCMILLAN. The example and the good influence of such a life and of such a character ought not to be lost.

Senator MCMILLAN was also the representative of a new school in politics—the honest, sincere, practical, and effective public servant, working to the purpose that government should be by and for the people and not by and for the politicians—a class to be emulated and encouraged.

He was born at Hamilton, Ontario, May 12, 1838, the second son of William and Grace McMillan, who came there from Scotland in the year 1834. His father was prominently connected with the Great Western Railway and with other large enterprises, and was a strong man. Like this son, the father was perfectly fearless in any cause which he believed to be just. He, too, was keen, energetic, at all times on the alert for opportunities by which he could better himself, and he had the same sterling integrity, and was at the same time also a most agreeable man socially and devoted to his family.

His ambition for James was a college course and a finished education in the schools. But the commercial instinct dominated the son; he quit school and conducted a store for some years. Then the rising Republic attracted him and led him to believe that opportunities were greater here, and in 1855, without means, acquaintances, or friends, he moved to Detroit, Mich., where he engaged as a clerk for a well-known hardware firm, on a meager salary. Two years later, through the influence of his father, he became purchasing agent for a railroad company. He developed business thrift without wealth's greed; honesty which was its own herald and required no boosting, it was natural; genialty without profusion; he was bright, not caustic; he never wounded others, and did not push others aside or climb over them. Direct and true, he hit the mark and won gloriously. To but enumerate

and describe the large business concerns with which he was connected and over which he exercised commanding influence would be almost to give a history of the great business of the city of Detroit and of the State of Michigan.

His holdings at the time of his death covered many branches of business—railroads, real estate, bank and telephone stock, mining, car shops, boat buildings, navigation, and industries of all kinds.

He had an income of $300,000 a year, and died worth $5,000,000. And he earned it all, unaided, by his commanding ability. It has been said to be praise enough of another that "he wrote no line which dying he could wish to blot." It is a most welcome thought that when we lay the measuring rod upon the life and deeds of Senator MCMILLAN we find no line which we would wish to blot. He had not one dollar which the world might not know where and how he got it; there is no taint upon his fortune, no mar upon his business integrity. He won fairly all he had. Not by cunning manipulation, nor by the natural rise in the values of properties, but by his foresight, energy, ability, and absolute and unqualified integrity he gave value to the properties he managed. He did not hurt his fellow-man; he "blazed the trees" of new enterprises, and stood in a class alone.

He succeeded because he worked, because he was shrewd, because he was honest, and had and merited the confidence and trust of those who traded with him. Because he selected the good and shunned the bad. No bad passion disfigured his life. And goodness, after all, is the final test. His life is a record of thrift, integrity, and patriotism which others seeing will strive to follow. It is a solemn thing to lead such a life; its example will leave a good and lasting imprint on the State and the nation.

The poet has said:

Success is labor's prize;
Work is the mother of fame.
And who on a boom shall rise
To the height of an honored name?
The bee by industry reapeth
The stores which enrich the hives.
All that is thrifty creepeth,
For toil is the law of lives.
And he who reaps without sowing
A bitter harvest reaps.
The law of gradual growing
Is the law that never sleeps.

He brought into his public and political life the same principles, the same ability, the same integrity, work, and fidelity, and a lofty patriotism. In all of his political life he was unflinchingly upright, and he demanded the same integrity from those with whom he held any relations. He gave full credit to honesty, but would not countenance sham or pretense of any kind.

He became the unanimous choice of the Michigan legislature for United States Senator, and no taint of money marred the choice.

When he became a public servant he divorced himself from private enterprises; interested in transportation, he refused in the Senate a position on the Interstate Commerce Committee.

His work as chairman of the Senate Committee on the District of Columbia is appreciated, and his memory will always be sacred in Washington, the District, and the nation. He directed the affairs of the District with the same business sagacity and prudence which made his own business life such a success.

He had three great purposes: First, to overcome the feeling that the District was not to be generously aided; second, to make the improvements permanent, substantial, and on a scale suitable to the capital of a rich, powerful, and generous people; and third, to beautify in an artistic and a worthy way the wonderful city of Washington. It was his aim and ambition that this should be the most beautiful capital city of the world, as it is the capital city of the strongest, the most patriotic, and the most generous nation of the earth. If in the days to come the Congress shall carry out what his mind had the ability to conceive and what he had the courage to stand for, this great capital, where sentiments of loyalty and national pride and national honor are made, and policies of growth and thrift and stability and justice are formed, will indeed be the place where the people of the globe may come for lessons in the best government of man.

This is monument enough, in memories cherished, sacred and enduring; but beyond his ability, beyond his wealth—and those who knew him best never thought of his riches—beyond his public services, beyond all was the man. "He was a man; he loved his fellow-men, and ministered unto them when they were sick." He was as generous as he was noble. During all of his busy life he did the duty of a good citizen, in the ranks, in caucuses, in conventions, everywhere. "Who would be chiefest among you must be servant of all" was the inspiration of his life. In times of financial disaster he did not await the call of anguish, but tendered, unasked, needed help and gave with free hand and in abundance.

On his funeral day the wheels of industry, which had sung his praises in the music of progress, were still. The churches, the colleges, the libraries, and the hospitals that had known him were shrouded in somber hues. The laborers who worked and toiled for ample pay by reason of his life joined in the universal lament. Smoke was dead in chimneys under which his thrift had built furnace fires; the blinds of bank and shop were drawn, and boats on river and lake bore flags of mourning. House and Senate will miss him, Detroit will miss him, Michigan will miss him, the District and the nation will miss him. Labor and capital will miss him, charity will miss him. But home and friends will miss him most.

Friends are in life's exchange the sterling coin,
True tender for all the rarest forms of joy;
The only pauper is the friendless man.

We join in the full chorus of respect and affection for the polished man, the faithful servant, the cherished friend.

Mr. CORLISS. Mr. Speaker, on account of the unavoidable absence of other members who desired to speak upon this occasion, I ask unanimous consent that general leave to print be granted for ten days.

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent that general leave to print be granted for ten days. Is there objection?

There was no objection.

The SPEAKER pro tempore. And now, pursuant to the resolutions heretofore adopted, and as a further mark of respect to the memory of the deceased, the House stands adjourned.

Accordingly (at 1 o'clock and 35 minutes p. m.) the House adjourned.

SENATE.

MONDAY, *February 2, 1903.*

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. CULLOM, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

STATE MILITIA.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, pursuant to law, an abstract of the returns of the adjutants-general of the several States of the militia thereof; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

EAST WASHINGTON HEIGHTS TRACTION RAILROAD COMPANY.

The PRESIDENT pro tempore laid before the Senate the annual report of the East Washington Heights Traction Railroad Company for the year ended December 31, 1902; which was referred to the Committee on the District of Columbia, and ordered to be printed.

SPANISH TREATY CLAIMS COMMISSION.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Spanish Treaty Claims Commission, transmitting, in response to a resolution of the 19th ultimo, information relative to contracts for fees of attorneys. The Chair calls the attention of the Senator from Maine [Mr. HALE] to the communication and asks what disposition he wishes to have made of it.

Mr. HALE. Mr. President, I wish to call the attention of the Senate for a moment to the communication.

There has been a great deal of uncertainty and lack of information as to the extent of the claims that have poured in a great tide before this Commission, and the object of my resolution was to have the facts in relation to the claims elicited. I had previously introduced a bill, which was referred to the Committee on Foreign Relations, providing for a limitation on the fees of attorneys before the Commission. That limitation was neglected in the act which created the Commission. It has been applied and was enforced in other great commissions, where the amounts claimed were large, like the Alabama Claims Commission and the Indian Depredations Claims Commission, but it was omitted in the act which constituted the Spanish Treaty Claims Commission. That bill was referred to the Committee on Foreign Relations, which had charge of this subject, but it has not been reported.

In my resolution I asked the Commission to send in a report so that we might have some view of the extent of the performances that are going on before the Commission. The report is a very interesting one. After a moment I shall ask that it be printed and referred to the Committee on Foreign Relations. I have looked it over and made some memoranda.

The claims have been presented under the act of March 2, 1901,

which has as its foundation the well-known provision of Article VII of the Spanish treaty, which is as follows:

The United States and Spain mutually relinquish all claims for indemnity, national and individual, of every kind, of either Government, or of its citizens or subjects, against the other Government, that may have arisen since the beginning of the late insurrection in Cuba and prior to the exchange of ratifications of the present treaty, including all claims for indemnity for the cost of the war.

The United States will adjudicate and settle the claims of its citizens against Spain relinquished in this article.

After that Congress created the Spanish Claims Commission, and the President appointed its members and they set to work. Already 542 claims have been presented, amounting to $61,672,077. Contracts with attorneys were filed to the number of only 67. The amounts claimed in the 67 cases are $10,294,797. In these contracts the percentage to be allowed to attorneys runs from 5 per cent to 50 per cent, or an average, as I thought, looking them over, of about 33 per cent of the entire sum claimed. Of this $10,000,000, $3,140,476 will be absorbed by the attorneys if there are full recoveries.

The attorneys in all these claims are resisting in every possible way any action that will limit or restrain their charge of fees. I do not suppose that that has had the least to do with the inaction on the part of the committee in not reporting the bill. The Committee on Foreign Relations are very busy and they have large subjects before them. But I wish to say here and now to that committee that this matter is of importance enough for them to look into the bill referred to it and report it back at the present session of Congress.

Mr. CULLOM. If the Senator will allow me, I desire to state for his information that the committee has had the subject under consideration and has discussed the bill more than once. There seemed to be a difference there in regard to it, and the result has been that in the pressure of affairs the committee has not finally come to a conclusion.

I wish to say that so far as I am concerned, I agree with the Senator that action ought to be taken on the bill. I think the fees of attorneys ought to be limited in such cases, as they always have been heretofore, as I understand it, where commissions have had charge of claims against the Government.

Mr. HALE. I am very glad to hear the chairman of the committee make that statement, and I shall have accomplished all that I seek here if what he indicates is carried out by the committee and a report is made.

I take it that no question can be raised as to the desirability of limiting the fees of these attorneys. They do not want to have their fees limited. The commission never hears anything of the parties themselves. I do not suppose the identification of a single claimant by his appearance before the commission has taken place, but the attorneys are constant, their presence is pervasive, and they do not want to have their fees limited.

In the Alabama Claims Commission we limited them, and the court settled in each case what the attorney should have. All the sums were paid to the parties themselves, with the exception of the allowances to the attorneys. When we passed the Indian Depredation Claims Commission act we put on just such a provision as I have provided in the bill which has been referred to the Committee on Foreign Relations. That provision I find here in volume 26 of the Statutes. At the outside those claims were only about $30,000,000. It provided that the fees of attorneys should not exceed 15 per cent in ordinary cases and 20 per cent in any case. In small cases the fees might be larger than 15 per cent.

Mr. President, here is an instance showing how far away this is. Of 390 claims shown by this paper, 262 in number are pressed by naturalized citizens, and only about 90 by native citizens and United States corporations. The claimants are not here. They are represented by their attorneys. They will never be seen—I make no reflection personally upon the attorneys, but the combination of the attorneys is tremendous to prevent any kind of limitation to their fees.

There is another point, but that I do not go into now. There is a bill pending in which they desire appeals to the Supreme Court. Whether that bill should pass or not I do not know. That does not come up now, but all of the attorneys are for it. Here is an immense aggregation of claims that if not followed up and scrutinized carefully and the fees of the attorneys limited will amount in a few years to tens of millions of dollars, which the Government will have to pay.

I ask now simply that this reply, which is most interesting, shall be printed and referred. I have picked out these facts from the communication. Let it be referred to the Committee on Foreign Relations, and I hope the committee will find time in the midst of its great duties to report soon.

Mr. STEWART. I should like to inquire if it is the opinion of the Senator from Maine that there ought not to be any appeal. Where questions involving $60,000,000 are pending there must be a great many serious questions of international law to be settled.

Mr. HALE. The bill is not up now. It of course raises a very important question whether the act of a commission of this kind should be transferred to the Supreme Court where a precedent is made which may bind us for the future; but we can not debate that now. I am not prepared to say that I am in favor of granting the right of appeal, but that question will come up at some other time.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Maine yield to the Senator from South Carolina?

Mr. HALE. Certainly.

Mr. TILLMAN. I was not in the Chamber when the Senator from Maine took the floor, and I should like to know what claims he is discussing.

Mr. HALE. I will repeat in a few words that some days ago I presented a resolution in relation to the Spanish Claims Commission. There is a bill pending to limit the fees of attorneys. There are no limitations now as there have been in the cases of other great commissions. Upon my motion a resolution was sent to the Spanish Claims Commission asking them to send us information about these claims, the extent and the classes they cover, so that the committee might have that information in its examination of the bill limiting the attorneys' fees. What I have been saying is in relation to the report, calling attention to certain quite interesting facts that have been brought out in this paper. It is all on the question of limiting the fees of attorneys before the Spanish Claims Commission.

The PRESIDENT pro tempore. The communication will be printed as a document, and referred to the Committee on Foreign Relations.

Mr. LODGE. I wish to say to the Senator from Maine, if I may be permitted, that his bill is before the committee, as the chairman has stated, and that it has been discussed more than once. Personally I favor it very strongly, but there was a great deal of division of opinion about it and no action has been taken. The committee, as the chairman has stated, has not neglected the bill. I agree entirely with the Senator.

Mr. HALE. I should hope that there would not be any longer opposition to limiting the fees of attorneys in all these cases.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 7063) permitting the building of a dam across the St. Croix River at or near the village of St. Croix Falls, Polk County, Wis.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 11139) granting a pension to Carter B. Harrison.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 1517) for the relief of Robert Brigham;

A bill (H. R. 2422) for the relief of Edward S. Crill;

A bill (H. R. 2441) for the relief of William M. Bird, James F. Redding, Henry F. Welch, and others;

A bill (H. R. 4178) for the relief of Austin A. Yates;

A bill (H. R. 4240) authorizing the Secretary of the Treasury to defray the expenses of contestant in the contest entitled "Koonce against Grady;"

A bill (H. R. 6516) for the relief of Henry P. Montgomery, surviving executor of Granville Garnett, deceased;

A bill (H. R. 6637) for the relief of Col. H. B. Freeman;

A bill (H. R. 7007) for the relief of the legal representative of Maj. William Kendall;

A bill (H. R. 7361) for the relief of C. W. Colehour;

A bill (H. R. 8186) for the relief of John D. Chadwick;

A bill (H. R. 9063) to refund certain taxes paid by the Anheuser-Busch Brewing Association, of St. Louis, Mo.;

A bill (H. R. 10678) for the relief of the Florida Brewing Company;

A bill (H. R. 10921) for the relief of Charles A. Cutler;

A bill (H. R. 10938) for the relief of parties from whom cigars were seized on account of bearing counterfeit stamps;

A bill (H. R. 11205) for the relief of I. R. Harkrader;

A bill (H. R. 11340) for the relief of McClure & Willbanks;

A bill (H. R. 12064) for the relief of Lebbeus H. Rogers and the administrators of William B. Moses, deceased;

A bill (H. R. 12075) for the relief of Jacob Swigert, late deputy collector seventh Kentucky district;

A bill (H. R. 13257) to refund penalty to the Bank of Colfax, Iowa;

A bill (H. R. 13703) for the relief of N. F. Palmer, jr., & Co., of New York;

A bill (H. R. 14164) for the relief of Charles W. Carr; and

A bill (H. R. 15747) directing the issue of a check in lieu of a lost check drawn by George A. Bartlett, disbursing clerk, in favor of Fannie T. Sayles, executrix, and others.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 342) for the relief of the heirs of Aaron Van Camp and Virginius P. Chapin;

A bill (H. R. 1147) for the relief of the First Baptist Church of Cartersville, Ga.;

A bill (H. R. 11858) for the relief of William E. Anderson; and

A bill (H. R. 16333) to change and fix the time for holding district and circuit courts of the United States for the eastern division of the eastern district of Arkansas.

CREDENTIALS.

The PRESIDENT pro tempore presented the credentials of James P. Clarke, chosen by the legislature of the State of Arkansas a Senator from that State for the term beginning March 4, 1903; which were read, and ordered to be filed.

Mr. MORGAN presented the credentials of EDMUND WINSTON PETTUS, chosen by the legislature of the State of Alabama a Senator from that State for the term beginning March 4, 1903; which were read, and ordered to be filed.

Mr. PATTERSON presented the credentials of HENRY M. TELLER, chosen by the legislature of the State of Colorado a Senator from that State for the term beginning March 4, 1903; which were read, and ordered to be filed.

Mr. VEST presented the credentials of William Joel Stone, chosen by the legislature of the State of Missouri a Senator from that State for the term beginning March 4, 1903; which were read, and ordered to be filed.

PETITIONS AND MEMORIALS.

Mr. LODGE presented a petition of the Granite Cutters' National Union, American Federation of Labor, of Milford, Mass., praying for the passage of the so-called eight-hour bill; which was ordered to lie on the table.

He also presented the petition of the Woman's Christian Temperance Union of Cambridge, Mass., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in immigrant stations; which was ordered to lie on the table.

He also presented a petition of the New England Shoe and Leather Association, of Boston, Mass., praying for the ratification of the Hay-Bond treaty; which was referred to the Committee on Foreign Relations.

He also presented a petition of Local Division No. 26, Order of Railway Conductors, of Toledo, Ohio, praying for the passage of the so-called employers' liability bill; which was referred to the Committee on Interstate Commerce.

Mr. GALLINGER presented a petition of Cigar Makers Local Union No. 269, American Federation of Labor, of Nashua, N. H., praying for the enactment of legislation to prohibit the giving of presents, coupons, etc., with cigars and tobacco; which was referred to the Committee on Finance.

He also presented a petition of the Board of Trade of Washington, D. C., praying that an appropriation be made for the medical inspection of schools in the District of Columbia; which was referred to the Committee on Appropriations.

Mr. PLATT of New York presented a memorial of the Trades Assembly, American Federation of Labor, of Utica, N. Y., remonstrating against the repeal of the revenue-stamp tax on one-eighth kegs of beer; which was referred to the Committee on Finance.

He also presented petitions of sundry citizens of New York City, Kingston, Owego, Hamilton, and Rochester, all in the State of New York, praying for the enactment of legislation to reorganize and promote the efficiency of chaplains in the Army; which were referred to the Committee on Military Affairs.

He also presented petitions of Lodge No. 117, of Brooklyn; of Lodge No. 22, of New York; of Lodge No. 18, of New York City; of Lodge No. 201, of Rochester; of the Congregation of Spard Anshe Lubawitz, of Brooklyn; of Lodge No. 68, of New York City; of Lodge No. 64, of New York City; of Lodge No. 10, of New York City; of Lodge No. 40, of Rochester; of Lodge No. 7, of New York City; of Lodge No. 90, of New York City; of Lodge No. 239, of New York City, and of Lodge No. 106, of New York City, all of the Order of B'rith Abraham, in the State of New York, praying for the enactment of legislation to modify the methods and practice pursued by the immigration officers at the port of New York; which were referred to the Committee on Immigration.

He also presented memorials of the Society for the Prevention of Cruelty to Animals, of Poughkeepsie; of sundry citizens of Ossining; of the Society for the Prevention of Cruelty to Animals, of Ossining, of the Woman's Educational and Industrial Union, of Dunkirk; of Eliza S. Underhill, of New York; of the Humane Society of Buffalo; of Amy J. Miller and sundry other citizens of Ossining; of the Mohawk and Hudson River Humane Society, of Albany; of Florence E. Stray and sundry other citizens of Ossining; of Mrs. E. S. Young and sundry other citizens of New York City; of Chauncey D. MacElroy, of Mount Vernon, and of the Humane Society of Fulton, all in the State of New York; of James F. Dennis, of Portsmouth, R. I., and of the State Bureau of Child and Animal Protection, of Denver, Colo., remonstrating against the enactment of legislation relative to the interstate transportation of live stock; which were referred to the Committee on Interstate Commerce.

Mr. PERKINS presented a petition of the Chamber of Commerce of Los Angeles, Cal., praying for the enactment of legislation to promote the efficiency of the Navy; which was referred to the Committee on Naval Affairs.

He also presented petitions of Shipwrights and Calkers' Local Union No. 9162, of San Francisco; of Mill Men's Union No. 262, of San Jose; of Carpenters' Local Union No. 769, of Pasadena; of Local Division No. 393, Order of Railway Conductors, of San Bernardino; of Brotherhood of Blacksmiths, Local Union No. 48, of Stockton; of Amalgamated Woodworkers' International Union No. 147, of San Francisco; of Casting Chippers' Local Union No. 10405, of San Francisco; of Boiler Makers and Iron-Ship Builders' Union No. 148, of Vallejo, and of sundry citizens of Tuolumne, all in the State of California, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. BURROWS presented petitions of Typographical Union No. 122, of Kalamazoo; of Federal Labor Union No. 9087, of Adrian; of Typographical Union No. 168, of Muskegon; of Carpenters and Joiners' Local Union No. 297, of Kalamazoo; of the Trades and Labor Union of Detroit, and of Cigar Makers' Local Union No. 46, of Grand Rapids, all of the American Federation of Labor, in the State of Michigan, praying for the repeal of the desert-land law and the commutation clause of the homestead act; which were referred to the Committee on Public Lands.

He also presented a petition of the Aspinwall Manufacturing Company, of Jackson, Mich.; praying for the enactment of legislation to appropriate the receipts from the sale or disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands; which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also presented petitions of Cigar Makers' Local Union No. 314, of Jackson; of the Street Railway Employees' Association of Detroit; of Local Union No. 17, of Detroit; of Iron Molders' Local Union No. 360, of Port Huron; of Labor Council of Manistee; of Local Union No. 1618, of St. Charles; of Cigar Makers' Local Union No. 310, of Manistee; of Local Union No. 512, of Ann Arbor; of Local Union No. 297, of Kalamazoo; of Upholsterers' Local Union No. 26, of Grand Rapids, and of Cigar Makers' Local Union No. 268, of Escanaba, all of the American Federation of Labor, and of sundry citizens of Saginaw, all in the State of Michigan, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented petitions of the Michigan Wholesale Grocers' Association, of Detroit; of Ham Smith, of Orleans, and of Williams Brothers Company, of Detroit, all in the State of Michigan, praying for the enactment of legislation to restrict immigration; which were ordered to lie on the table.

He also presented petitions of L. R. Bynum, the Burnett Foundry and Machine Works, D. C. Osborn, the Winston Grocery Company, W. Andrews, F. W. Sherman, P. Middleton, C. W. Fallass, McCune & Smith, R. Smith, Reuben G. Porter, Leon Chichester, G. W. Bunch, Nathan J. Stone, George Eckel, J. N. Pannabecker, Dr. G. A. Parmenter, N. J. McCune, Will Z. Searle, W. R. Stinchcomb, G. S. Barnes, A. J. Ramsby, Herbert L. Davis, and sundry other citizens, all of Petoskey, and of Luther L. Ulason, of Bayview, all in the State of Michigan, praying for the passage of the so-called pure-food bill and for the enactment of legislation to restrict immigration; which were ordered to lie on the table.

He also presented memorials of the Kalamazoo Paper Company, of Kalamazoo; of the Spencer and Barnes Company, of Benton Harbor; of the Kalamazoo Builders' Exchange, of Kalamazoo; of the Wallin Leather Company, of Grand Rapids; of the Muskegon Valley Furniture Company, of Muskegon; of the Reliance Corset Company, of Jackson, and of George H. Barbour, of Detroit, all in the State of Michigan, remonstrating against the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. BEVERIDGE presented petitions of Steam Engineers' Local Union No. 19, American Federation of Labor, of Fort Wayne; of Musicians' Local Union No. 58, American Federation of Labor, of Fort Wayne, and of the central committee of the combined Polish societies and lodges of South Bend, all in the State of Indiana, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. CLAPP presented a petition of Crown of the West Lodge,

No. 135, Order of B'rith Abraham, of St. Paul, Minn., praying for the enactment of legislation to modify the methods and practice pursued by the immigration officers at the port of New York; which was referred to the Committee on Immigration.

Mr. PLATT of Connecticut presented a petition of the congregation of the Congregational Church of Brookfield, Conn., and a petition of Local Grange No. 141, Patrons of Husbandry, of Brookfield, Conn., praying for the enactment of legislation to provide for the exclusion of illiterate immigrants and to prohibit the sale of intoxicating liquors in Government buildings; which were referred to the Committee on Public Buildings and Grounds.

Mr. WARREN presented a petition of the Chamber of Commerce of Juneau, Alaska, praying for the enactment of legislation providing for the laying of a submarine cable from the northwest coast of Washington to Alaska; which was referred to the Committee on Military Affairs.

He also presented a memorial of the Sorosis Club of Chickasha, Ind. T., remonstrating against the passage of the so-called omnibus statehood bill; which was ordered to lie on the table.

Mr. KITTREDGE. I present resolutions of the legislature of the State of South Dakota, favoring the enactment of legislation providing for the ratification of the present agreement with the Rosebud (Sioux) Indians for the cession of all that portion of their reservation lying in the county of Gregory, and praying that it be opened to homestead settlement. I ask that the resolutions may be printed in the RECORD, and referred to the Committee on Indian Affairs.

There being no objection, the resolutions were referred to the Committee on Indian Affairs, and ordered to be printed in the RECORD, as follows:

STATE OF SOUTH DAKOTA, DEPARTMENT OF STATE.

UNITED STATES OF AMERICA,
State of South Dakota, Secretary's Office:

I, O. C. Berg, secretary of state of the State of South Dakota, do hereby certify that the attached instrument of writing is a true and correct copy of house joint resolution No. 7, as passed by the legislature of 1903, as the same appears of record in this office, and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of South Dakota. Done at the city of Pierre this 29th day of January, 1903.

[SEAL.] O. C. BERG, *Secretary of State.*

A joint resolution by the house and senate of the eighth legislative assembly of the State of South Dakota, memorializing the Congress of the United States to ratify the existing treaty with the Rosebud (Sioux) Indians for a cession of all that portion of their reservation lying in the county of Gregory, S. Dak., and praying that provisions be made for opening said tract to homestead settlement.

Be it resolved by the house of representatives (the senate concurring), That whereas one James McLaughlin, as United States Indian inspector, did on the 4th day of September, A. D. 1901, make and conclude an agreement with the male adult Indians of the Rosebud Reservation, in the State of South Dakota, for a cession of certain described lands lying and being in Gregor County, S. Dak.; and

Whereas said body of land, comprising approximately 416,000 acres, is reputed to be fertile in soil and rich in all natural resources, needing only settlement and development to transform it into one of the choicest spots of our great State; and

Whereas in its present state the coveted land brings no revenue to the Indians and they desire to cede it, as evidenced by their treaty; and

Whereas the acquisition of this Territory to the taxable area of the State would mean the addition of thousands to our population and the enlargement of Gregor County, which is now so small it can not maintain a county government without an annual deficit even with an excessive tax levy: Therefore, be it

Resolved, That we, in justice to both the Indians and our State, implore the Congress of the United States to hasten a ratification of the existing treaty and to provide ways and means for the early opening of this splendid body of land to homestead settlement, under such restrictions and conditions as they may deem wise.

Mr. KITTREDGE presented a petition of the Black Hills Mining Men's Association, of Deadwood, S. Dak., praying for the establishment of a department of mines and mining; which was referred to the Committee on Mines and Mining.

Mr. SIMON. I present a petition of the legislature of Oregon, praying for the enactment of legislation for the relief of settlers on lands in Sherman County, in that State. I ask that the petition be printed in the RECORD and referred to the Committee on Public Lands.

There being no objection, the petition was referred to the Committee on Public Lands, and ordered to be printed in the RECORD, as follows:

Senate joint memorial No. 3.

Whereas JOHN H. MITCHELL, on March 14, 1902, introduced into the Senate of the United States bill S. 4530, entitled "A bill for the relief of settlers on lands in Sherman County, in the State of Oregon," which bill reads as follows:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Interior be, and he is hereby, authorized and directed to investigate and ascertain the reasonable value, respectively, of the lands settled upon and heretofore claimed by the respective persons whose names are set out in full in Senate Document No. 8, second session Fifty-sixth Congress, and in Senate Document No. 240, first session Fifty-seventh Congress, and in which documents are also specifically stated an accurate description of the lands claimed by each of such persons, respectively, together with the value of the improvements thereon, respectively, all of said lands and improvements to be determined, in all cases where such settlers have been dispossessed of their lands, as of the date of the ouster of such settlers, respectively, from said lands by either The Dalles Military Wagon Road Company, or the Eastern Oregon Land Company, successor in interest of The Dalles Military Road Company, in pursuance of the judgment and decree of the Supreme Court of the United States affecting the title to said lands; and it is hereby made the duty of the Secretary of the Interior to ascertain the dates, respectively, when such settlers, or any of them, were respectively dispossessed of such lands; and in all cases where any of such settlers are still in possession of the lands so claimed by them, respectively, the value of the same and of the improvements thereon shall be determined as the date of the passage of this act.

"SEC. 2. That upon the ascertainment of such values of said lands and improvements, respectively, as hereinbefore provided in section 1 of this act, the Secretary of the Interior is hereby authorized and directed to issue to said settlers, severally and respectively, a certificate of indebtedness, in which it shall be stated the exact amount each of such settlers is entitled to in accordance with the ascertained value of such lands and improvements as provided for by the first section of this act, and on the presentation of such certificates by such settlers, respectively, to the Secretary of the Treasury of the United States warrants shall be drawn in favor of such settlers, respectively, for the amounts, respectively, so ascertained to be due by the Secretary of the Interior as aforesaid, which warrants shall be paid out of any money in the Treasury not otherwise appropriated; and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, an amount sufficient to meet the payment of all such warrants so drawn as aforesaid.

"SEC. 3. That in the event of the death of any such settlers the Secretary of the Interior is hereby authorized and directed to ascertain and certify the value of such lands and improvements in the name of the legal representatives of such settler so deceased, and payment shall be made to such legal representatives in like manner as above: *Provided, however*, That no assigned claim of any settler shall have any recognition under the provisions of this act."

Therefore,

Resolved by the house (the senate concurring), That the Congress of the United States be, and is hereby, memorialized to enact said bill into law at the earliest practicable moment, as the same is a most meritorious bill, in the interest of a class of settlers on the public lands in eastern Oregon, which lands were at the time entered and settled upon by the several parties referred to in the bill declared by the Department of the Interior to be public lands of the United States and open to settlement, and which were subsequently, after homes had been established thereon and large amounts of money expended respectively by said settlers, declared by the Supreme Court of the United States to belong to The Dalles Military Wagon Road Company, or its successor, the Eastern Oregon Land Company.

Adopted by the Senate January 14, 1903.

GEORGE C. BROWNELL,
President of the Senate.

Concurred in by the House January 15, 1903.

L. T. HARRIS,
Speaker of the House.

Mr. SIMON. I present a petition of the legislative assembly of the State of Oregon, praying for the improvement of the Columbia River between The Dalles and Celilo, in that State. I ask that the petition be printed in the RECORD, and referred to the Committee on Commerce.

There being no objection, the petition was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

Senate Joint Memorial No. 1.

To the honorable Senate and House of Representatives of the United States:

We, your memorialists, the legislative assembly of the State of Oregon, respectfully represent that the Columbia River, with the exception of a very short distance between The Dalles and Celilo, in the State of Oregon, is navigable all the year for boats of average tonnage from the Pacific Ocean to Kettle Falls, in the State of Washington, a distance of more than 700 miles; that owing to the topography of the country through which the said river flows the producers of the vast region known as the Columbia Basin, which comprises an area of not less than 2,300,000 acres, mostly arable land, can cheaply reach the markets of the world with their products only by means of the channel of the Columbia River, and for that reason the removal of all obstructions to navigation therein and the consequent reduction of transportation rates is a matter of most urgent necessity; that the obstructions to navigation alluded to can be overcome by the construction of properly equipped canal and locks between the points named; that a careful survey and plans for such canal and locks, with detail drawings and estimates, have been made under the direction of Capt. W. A. Harts, Engineer Corps, United States Army, which shows that the probable cost of such improvement would not exceed $3,962,000.

Your memorialists therefore pray that said improvement be speedily commenced and vigorously prosecuted to an early completion.

Adopted by the Senate January 13, 1903.

GEORGE C. BROWNELL,
President of the Senate.

Concurred in by the House January 14, 1903.

L. T. HARRIS,
Speaker of the House.

Mr. CLAY presented a memorial of the Savannah Cotton Exchange, of Savannah, Ga., remonstrating against merging the Interstate Commerce Commission with the proposed department of commerce and labor; which was ordered to lie on the table.

Mr. GAMBLE presented resolutions of the legislature of South Dakota, favoring the enactment of legislation providing for the ratification of the agreement between the United States and the Rosebud Indians for the cession of certain lands to the United States; which were referred to the Committee on Indian Affairs.

He also presented a petition of the Black Hills Mining Men's Association of South Dakota, praying for the establishment of a separate department of the Government to be known as the department of mines and mining, and remonstrating against that department being placed under the proposed department of commerce and labor; which was referred to the Committee on Mines and Mining.

Mr. McCOMAS presented a petition of the executive committee of the Baltimore Clearing House Association of Baltimore,

Md., praying that an increase be made in the clerical force of the subtreasurer's office, at that city; which was referred to the Committee on Appropriations.

He also presented a petition of the Bloomingdale and Le Droit Park Citizens' Association of the District of Columbia, praying that an appropriation be made for paving Rhode Island avenue from Florida avenue to First street NW.; which was referred to the Committee on the District of Columbia.

Mr. HANNA presented a petition of sundry citizens of Oberlin, Ohio, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in immigrant stations, and also providing an educational test for immigrants to this country; which was ordered to lie on the table.

He also presented the memorial of F. E. Kohler & Co., of Canton, Ohio, remonstrating against the passage of the so-called eight-hour anti-injunction and conspiracy bills; which was ordered to lie on the table.

He also presented the petition of Rev. Harris P. Richards, of Medina, Ohio, praying for the enactment of legislation to restrict immigration; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Racine, Ohio, praying for the establishment of a parcels-post system; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry citizens of the State of Ohio, praying for the enactment of legislation to amend the internal-revenue law so as to reduce the tax on distilled spirits; which was ordered to lie on the table.

He also presented petitions of the Woman's Christian Temperance Union of Berea, of the congregation of the Church of Christ of Jersey City, of the congregation of the Christian Church of Mungen, of the Woman's Christian Temperance Union of Rogers, and of the Young People's Christian Union of the Second United Presbyterian Church of Cambridge, all in the State of Ohio, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Government buildings; which were referred to the Committee on Public Buildings and Grounds.

He also presented petitions of Local Union No. 118, of Barberton; of Local Union No. 55, of Cleveland; of Carpenters and Joiners' Local Union No. 11, of Cleveland; of Local Union No. 148, of Springfield; of the United Trades and Labor Council, of Cleveland; of Local Union No. 27, of Cincinnati, and of Local Union No. 152, of Marietta, all of the American Federation of Labor, in the State of Ohio, praying for the repeal of the desert-land law and the commutation clause of the homestead act; which were referred to the Committee on Public Lands.

He also presented petitions of the Columbia Carriage Company, of Hamilton; of the Defiance Box Company, of Defiance; of the Columbus Iron and Steel Company, of Columbus; of the Taylor & Boggis Foundry Company, of Cleveland; of the Chisholm Steel Shovel Works, of Cleveland; of the Jeffrey Manufacturing Company, of Columbus; of the Diamond Rubber Company, of Akron; of F. E. Kohler & Co., of Canton; of the Cleveland Hardware Company, of Cleveland; of the Dayton Manufacturing Company, of Dayton; of the Bucher & Gibbs Plow Company, of Canton; of the Fransue & Williams Company, of Alliance; of the Triumph Electric Company, of Cincinnati; of N. Drucker & Co., of Cincinnati; of the Lockland Lumber Company, of Lockland, and of the Cunningham Manufacturing Company, of Fostoria, all in the State of Ohio, praying for the establishment of a department of commerce; which were ordered to lie on the table.

He also presented a petition of Summit Lodge, No. 203, International Association of Machinists, of Akron; of the Findlay Trades and Labor Assembly, of Findlay; of the Lewis Avon Lodge, No. 34, of Marietta; of Local Union No. 179, of Mansfield; of Local Union No. 59, of Zanesville; of the Gravel Roofers' Union No. 9893, of Cleveland; of Local Union No. 212, of Cincinnati; of the Order of Railway Conductors of Middleport; of Massillon Division, No. 402, Order of Railway Conductors, of Massillon; of Masons' International Union No. 23, of Columbus; of Local Union No. 124, Brass Workers' Union, of Columbus; of Upholsterers' Local Union No. 76, of Cincinnati; of the Home Federal Labor Union, No. 6697, of Cincinnati; of Bricklayers and Masons' Local Union No. 8, of Youngstown; of Bakers and Confectioners' Union No. 252, of Cincinnati; of Brass Molders and Workers' Union No. 102, of Springfield; of the Car Makers' Union No. 58, of Lorain; of Defiance Federal Labor Union, No. 10474, of Defiance; of Metal Polishers' Local Union No. 43, of Hamilton; of Hillsboro Labor Union, No. 10581, of Hillsboro; of Brass Molders' Local Union No. 132, of Cleveland; of Local Union No. 352, of Bucyrus; of Iron Molders' Union No. 143, of Mount Vernon; of Iron Molders' Union No. 283, of Hamilton; of Cigar Makers' Union No. 48, of Toledo; of Cleveland Waitresses' Union, No. 107, of Cleveland; of the Brewery Engineers and Firemen's Union No. 251, of Cleveland; of the Conneaut Central Labor Union, of Conneaut; of Local Union No. 42, United Garment Workers, of Cleveland; of Stove Mounters' International Union No. 53, of Salem; of Carriage and Wagon Workers' Local Union No. 76, of Zanesville; of Cigar Makers' Local Union No. 481, of Cincinnati; of the Granite Cutters' Union of Cleveland; of Federal Labor Union No. 6729, of Salem; of Journeymen Barbers' Union of Cleveland; of Carriage and Wagon Workers' Local Union No. 41, of Cincinnati; of the Wood, Wire, and Lathers' Union No. 2, of Cleveland; of Local Union No. 147, Bottlers' International Union of the United Brewery Workmen, of Columbus; of the Boot and Shoe Workers' Local Union No. 68, of Cincinnati; of Journeymen Tailors' Union No. 50, of Bucyrus; of Switchmen's Union No. 116, of Conneaut; of Bricklayers and Masons' Union No. 50, of Alliance; of the Pattern Makers' Association of Cuyahoga Falls; of the Glass Bottle Blowers' Association, of Massillon; of Watch Case Engravers' International Association of Canton; of Lodge No. 431, International Association of Machinists, of Warren; of Lodge No. 225, International Association of Machinists, of Dayton; of Lodge No. 118, International Association of Machinists, of Barberton; of Local Union No. 246, International Brotherhood of Electrical Workers, of Steubenville; of Local Union No. 239, Brotherhood of Painters and Decorators, of Akron; of Local Union No. 9493, American Federation of Labor, of Hamilton; of the Hotel and Restaurant Employees' International Alliance and Bartenders' International League of Cincinnati; of Cincinnati Musicians' Protective Association No. 1, of Cincinnati; of the Central Trades and Labor Council of Coshocton; of the Central Trades and Labor Council of Zanesville; of the Central Labor Council of Cincinnati; of the Trades and Labor Assembly of Columbus; of the Trades and Labor Assembly of Marietta; of East Youngstown Lodge, No. 8, of Youngstown; of Eagle Lodge, No. 15, of Ironton; of Toledo Lodge, No. 49, Iron and Steel Workers, of Toledo; of St. Clair Lodge, No. 44, of Cleveland; of Nimishillen Lodge, No. 32, of Canton; of Victory Lodge, No. 48, of Zanesville; of Local Union No. 65, Amalgamated Sheet Metal Workers' International Association, of Lakewood; of Local Union No. 52, Brotherhood of Stationary Firemen, of Cleveland; of Local Union No. 98, Brotherhood of Staionary Firemen, of Hamilton; of Local Union No. 2, Brotherhood of Stationary Firemen, of Toledo; of the United Brotherhood of Leather Workers, of Columbus; of the Carpenters' District Council, of Cincinnati; of Local Union No. 209, United Brotherhood of Carpenters and Joiners, of Cincinnati; of the Carpenters and Joiners' Union, No. 1235, of Warren; of Local Union No. 494, Carpenters and Joiners' Union, of Columbus; of Local Union No. 1288, United Brotherhood of Carpenters and Joiners, of Lisbon; of Local Union No. 822, United Brotherhood of Carpenters and Joiners, of Findlay; of Local Union No. 86, United Brotherhood of Carpenters and Joiners, of Lancaster; of Local Union No. 2, United Brotherhood of Carpenters and Joiners, of Cincinnati; of Local Union No. 143, United Brotherhood of Carpenters and Joiners, of Canton; of Local Union No. 182, United Brotherhood of Carpenters and Joiners, of Lima; of Local Union No. 1149, United Brotherhood of Carpenters and Joiners, of Marion; of Local Union No. 245, United Brotherhood of Carpenters and Joiners, of Cambridge; of Local Union No. 1231, United Brotherhood of Carpenters and Joiners, of Cleveland; of Local Union No. 650, United Brotherhood of Carpenters and Joiners, of Pomeroy; of Local Union No. 164, United Brotherhood of Carpenters and Joiners, of Dayton; of Buckeye Union No. 226, International Brotherhood of Blacksmiths, of Columbus; of Musicians' Protective Union, No. 86, of Youngstown; all in the State of Ohio, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented memorials of the Threshers Electrical Company, of Dayton; of F. E. Kohler & Co., of Canton; of the J. & H. Clasgens Company, of New Richmond; of the H. P. Deuscher Company, of Hamilton; of the Junkenheimer Company, of Cincinnati; of the Diamond Rubber Company, of Akron; of the Otis Steel Company, Limited, of Cleveland; of the W. I. Clark Company, of Salem; of the Henderson Lithographing Company, of Cincinnati; of the Cincinnati Milling Machine Company, of Cincinnati; of the Crawford, McGregor & Canby Co., of Dayton; of the Dayton Manufacturing Company, of Dayton; of the Cincinnati Tool Company, of Cincinnati; of the Columbus Iron and Steel Company, of Columbus; of the Triumph Electric Company, of Cincinnati; of the Barney & Smith Car Company, of Dayton; of the Ohio Sash and Door Company, of Cleveland; of the American Carriage Company, of Cincinnati; of the Elbel Company, of Canton, all in the State of Ohio, remonstrating against the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. HOAR. Mr. President, I desire to present two petitions. One of them is headed by Bishop Huntington, bishop of central New York. It recites that the information which the American people have had in regard to affairs in the Philippine Islands has been almost falsified by later and fuller information, or by the events, and that a committee charged with investigating that subject by the Senate ended its labors, leaving many witnesses

not called and many subjects requiring information unexplored, and therefore petitions that the Senate authorize the Committee on the Philippines, or a subcommittee thereof, to sit during the recess of Congress to obtain the information needed by the people for the proper administration of that dependency, and that Congress make a suitable appropriation to pay the expenses thereof.

The other petition is headed by President Schurman, of Cornell University, and is signed by Rev. William R. Huntington, the very eminent clergyman who is rector of Grace Church, New York, and by other well-known and eminent names. The petition recites that the time is now auspicious for an unimpassioned and impartial investigation of such matters, that the present season is far removed from a political campaign in this country and nearly a year removed from a military campaign in the Christian provinces in the Philippines, and making, therefore, the same prayer.

I ask that the petitions may be received and referred to the Committee on the Philippines.

The PRESIDENT pro tempore. That reference will be made in the absence of objection.

Mr. FRYE presented a petition of the Pomological Society of the State of Maine, praying that an appropriation of $2,500,000 be made for the erection of a new building for the use of the Department of Agriculture; which was referred to the Committee on Public Buildings and Grounds.

FRAUDULENT AND SPECULATIVE LAND ENTRIES.

Mr. HANSBROUGH. I present certain communications from the Secretary of the Interior, addressed to the chairman of the Committee on Public Lands of the Senate, relative to the number of commuted homestead, timber and stone and desert land entries attacked on the ground of fraudulent and speculative intent. I move that the communications be printed as a document.

The motion was agreed to.

CHAPLAINS IN THE NAVY.

Mr. CULLOM. I present certain articles, representing the views of eminent divines and others, recently published chiefly in the religious press, relating to Congressional legislation in behalf of chaplains in the Navy. I move that the articles be printed as a document.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4807) granting an increase of pension to Thomas Parfitt;

A bill (H. R. 10953) granting an increase of pension to John A. M. Seitz;

A bill (H. R. 13850) granting an increase of pension to Charles K. Cameron;

A bill (H. R. 14120) granting an increase of pension to Sarah A. Leepard;

A bill (H. R. 15585) granting an increase of pension to Solomon S. Shaner; and

A bill (H. R. 9987) granting an increase of pension to Aaron Young.

Mr. CLARK of Wyoming, from the Committee on Public Lands, to whom was referred the bill (H. R. 12098) to amend section 1 of the act of Congress approved May 14, 1898, entitled "An act extending the homestead laws and providing for a right of way for railroads in the district of Alaska," reported it with an amendment, and submitted a report thereon.

He also, from the Committee on Mines and Mining, to whom was referred the bill (H. R. 15198) defining what shall constitute and providing for assessments on oil mining claims, reported it without amendment, and submitted a report thereon.

Mr. WETMORE, from the Committee on the Library, reported an amendment proposing to appropriate $3,000 for the purchase by the Joint Committee on the Library of a bronze portrait bust of the late President McKinley, executed by Mrs. Emma Cadwallader-Guild, intended to be proposed to the sundry civil appropriation bill, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. SIMON, from the Committee on Pensions, to whom was referred the bill (S. 7202) granting an increase of pension to Fanny B. Orwan, reported it without amendment, and submitted a report thereon.

Mr. PLATT of New York. I report from the Committee on Printing the annual report of the Commissioner of Patents for the year 1902, and ask that that committee be discharged from its further consideration and that the report be referred to the Committee on Patents.

The PRESIDENT pro tempore. The report will be so referred.

Mr. CARMACK, from the Committee on Pensions, to whom was referred the bill (H. R. 16217) granting an increase of pension to Julia E. Jones, reported it without amendment, and submitted a report thereon.

Mr. DEPEW, from the Committee on the Judiciary, to whom was referred the bill (H. R. 16724) to provide for an additional judge of the district court of the United States for the southern district of New York, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 7038) to provide for an additional judge of the district court of the United States for the southern district of New York, reported adversely thereon, and the bill was postponed indefinitely.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom were referred the following bills, submitted adverse reports thereon; which were agreed to, and the bills were postponed indefinitely:

A bill (H. R. 11099) to amend section 1189 of chapter 35, of "An act to establish a code of law for the District of Columbia," approved March 3, 1901;

A bill (S. 5897) to regulate the assessment and collection of personal taxes in the District of Columbia;

A bill (S. 5920) prescribing license taxes in the District of Columbia, and for other purposes; and

A bill (S. 3093) to authorize the Commissioners of the District of Columbia to prescribe license fees, make regulations govering the same, and fix penalty for noncompliance therewith, and for other purposes.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom were referred the following bills, reported adversely thereon, and the bills were postponed indefinitely:

A bill (S. 4512) authorizing the Commissioners of the District of Columbia to make a rearrangement of streets in certain subdivisions; and

A bill (S. 6331) to provide for laying a single electric-railway track across Aqueduct Bridge, in the District of Columbia, and for other purposes.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom the subject was referred, reported a bill (S. 7220) to amend an act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes," approved March 2, 1895; which was read twice by its title.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

Mr. GALLINGER. I move that the bill (S. 3900) to amend an act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes," approved March 2, 1895, being Order of Business 1754 on the Calendar, be indefinitely postponed, and that the House bill just reported by me be given the place of the Senate bill on the Calendar.

The motion was agreed to.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the amendment submitted by himself on the 23d ultimo, proposing to appropriate $5,000 for paving California avenue from Columbia road to Phelps place, in the city of Washington, intended to be proposed to the District of Columbia appropriation bill, reported favorably thereon, and moved that it be printed, and, with the accompany letter from George M. Sternberg, Surgeon-General United States Army, referred to the Committee on Appropriations; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 24th ultimo, proposing to increase the appropriation for temporary Home for ex-Union Soldiers and Sailors, Grand Army of the Republic, and Spanish War Veterans, from $4,000 to $6,000, intended to be proposed to the District of Columbia appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself, on the 24th instant, proposing to appropriate $1,500 for a chief clerk for the street-sweeping office of the District of Columbia, intended to be proposed to the District of Columbia appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 29th ultimo, proposing to appropriate $6,000 for paving Yale street from Thirteenth street to Fourteenth street, in the District of Columbia, intended to be proposed to the District of Columbia appropriation bill, reported favorably thereon, and moved that it be printed, and, with the accompanying paper, referred to the Committee on Appropriations; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 28th ultimo, proposing

to appropriate $5,500 for 11 medical inspectors of public schools in the District of Columbia, intended to be proposed to the District of Columbia appropriation bill, reported it with an amendment, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by Mr. QUAY on the 26th ultimo, proposing to appropriate $2,500 to enable the register of wills of the District of Columbia to complete the card index of the records of his office, intended to be proposed to the District of Columbia appropriation bill, reported it with an amendment, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 29th ultimo, proposing to increase the salaries of the judges of the police court of the District of Columbia from $3,000 to $4,000 per annum intended to be proposed to the District of Columbia appropriation bill, reported favorably thereon, and moved that it be printed, and, with the accompanying paper, referred to the Committee on Appropriations; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 5th ultimo, proposing to appropriate $2,500 for paving Twenty-second street from R street to S street, in the District of Columbia, reported it with amendments, and moved that it be printed, and, with the accompanying paper, referred to the Committee on Appropriations; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by Mr. STEWART on the 29th ultimo, proposing to increase the salary of the sanitary and food inspector of the District of Columbia from $1,800 to $2,400, and proposing to appropriate $100,000 for continuing the construction of a bridge across Rock Creek on the line of Connecticut avenue extended, in the District of Columbia, intended to be proposed to the District of Columbia appropriation bill, reported it with an amendment, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

He also, from the same committee, reported an amendment proposing to appropriate $19,000 for paving Rhode Island avenue from Florida avenue to First street, in the District of Columbia, intended to be proposed to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 16492) granting an increase of pension to Wilson G. Gray;

A bill (H. R. 7778) granting a pension to Peter Buckley;

A bill (H. R. 16272) granting an increase of pension to Enoch Dodd;

A bill (H. R. 16271) granting an increase of pension to Gustavus W. Peabody;

A bill (H. R. 16269) granting an increase of pension to Annie W. Coit;

A bill (H. R. 1015) granting an increase of pension to Isaac F. Russell;

A bill (H. R. 12963) granting a pension to Sarah E. Smith;

A bill (H. R. 16711) granting a pension to Ann Gilbert;

A bill (H. R. 12991) granting an increase of pension to Gustavus S. Perkins;

A bill (H. R. 3516) granting an increase of pension to Ozro F. Cheney;

A bill (H. R. 12214) granting an increase of pension to Jane A. Tillinghast; and

A bill (H. R. 16058) granting a pension to John Corbett.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 7176) granting a pension to Jennie W. Rhoades, reported it with amendments, and submitted a report thereon.

Mr. BURTON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 5738) granting an increase of pension to William E. Fehrenback;

A bill (H. R. 10663) granting an increase of pension to Benjamin H. Downing;

A bill (H. R. 5920) granting a pension to Washington T. Filson;

A bill (H. R. 5918) granting a pension to Margaret Fox; and

A bill (H. R. 16032) granting an increase of pension to Henry Taylor.

Mr. BURTON, from the Committee on Pensions, to whom was referred the bill (S. 7182) granting a pension to William McHenry, reported it with amendments, and submitted a report thereon.

Mr. DEBOE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 14811) granting a pension to Almedia J. Robison;

A bill (H. R. 15211) granting a pension to Mary J. Slusser;

A bill (H. R. 1829) granting an increase of pension to George W. Brill;

A bill (H. R. 14407) granting a pension to May E. Bunn;

A bill (H. R. 7851) granting an increase of pension to Jennie H. Cramer;

A bill (H. R. 5511) granting an increase of pension to Cyrus V. Gorrell;

A bill (H. R. 2473) granting an increase of pension to James Billingsley;

A bill (H. R. 3569) granting an increase of pension to Joseph A. Buckholz;

A bill (H. R. 12019) granting an increase of pension to William Lowe;

A bill (H. R. 15864) granting an increase of pension to Benjamin Knestrict;

A bill (H. R. 16321) granting a pension to Michael Devine;

A bill (H. R. 3899) granting an increase of pension to Thomas B. Wilson; and

A bill (H. R. 13297) granting a pension to Martin Greeley.

Mr. DEBOE, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 2860) granting an increase of pension to Henderson Mercer; and

A bill (H. R. 7110) granting an increase of pension to Aurelia M. Power.

Mr. MCCUMBER, from the Committee on Pensions, to whom was referred the bill (S. 6734) granting an increase of pension to Marie A. Rask, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 1929) granting an increase of pension to Peter Tuper;

A bill (H. R. 13799) granting an increase of pension to Henry C. Trout;

A bill (H. R. 15406) granting an increase of pension to James P. Campbell;

A bill (H. R. 15409) granting an increase of pension to James Claybourn; and

A bill (H. R. 4266) granting an increase of pension to Henry Ehmke.

Mr. PATTERSON, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 966) granting a pension to William Y. Turner; and

A bill (S. 6143) granting an increase of pension to Elvira C. Crompton.

REPORT OF SUPERINTENDENT OF INDIAN SCHOOLS.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the resolution submitted by himself on the 19th ultimo, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Public Printer be, and he is hereby, authorized and directed to print from stereotyped plates one thousand additional copies of the Report of the Superintendent of Indian Schools for 1902, for the use of the Department of the Interior.

WOODSMAN'S HANDBOOK.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the resolution providing for printing copies of the Woodsman's Handbook, submitted by the Senator from New Hampshire [Mr. GALLINGER] on the 29th ultimo, to report it favorably with amendments, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution.

The amendments of the Committee on Printing were to change the form into that of a concurrent resolution, by inserting after the word "*Resolved*" the words "*by the Senate (the House of Representatives concurring)*;" in the first line, before the word "thousand," to strike out "five" and insert "fifteen," and in line 4, after the words "Printing Office," to strike out the words "for the use of the Senate" and to insert "of which 5,000 copies shall be for the use of the Senate, 5,000 copies for the use of the House of Representatives, and 5,000 copies for the use of the Department of Agriculture;" so as to make the resolution read:

Resolved by the Senate (the House of Representatives concurring), That 15,000 copies of the Woodsman's Handbook, part 1, being Bulletin 36, Bureau of Forestry, United States Department of Agriculture, be printed and bound at the Government Printing Office, of which 5,000 copies shall be for the use

of the Senate, 5,000 copies for the use of the House of Representatives, and 5,000 copies for the use of the Department of Agriculture.

The amendments were agreed to.

The resolution as amended was agreed to.

BIRTH AND DEATH REGISTRATION.

Mr. QUARLES. I am instructed by the Committee on the Census, to whom was referred the joint resolution (H. J. Res. 184) requesting State authorities to cooperate with Census Office in securing a uniform system of birth and death registration, to report it favorably without amendment, and I ask unanimous consent for its immediate consideration.

The Secretary read the joint resolution; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

COURTS IN ALABAMA.

Mr. PETTUS. By direction of the Committee on the Judiciary, I report back favorably, without amendment, the bill (H. R. 16651) to fix the time for holding the United States district and circuit courts in the northern and middle districts of Alabama; and I ask that it be considered presently.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. PETTUS. From the same committee, I report back the bill (S. 6896) to fix the time for holding United States district and circuit courts in the northern and middle districts of Alabama, and move that it be indefinitely postponed.

The motion was agreed to.

COURTS IN TEXAS.

Mr. CULBERSON. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 16330) to detach the county of Dimmit from the southern judicial district of Texas and to attach it to the western judicial district of Texas, to report it favorably without amendment; and I ask for its present consideration.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. LODGE (for Mr. HOAR) introduced a bill (S. 7221) granting an increase of pension to Louis R. Daniels; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FOSTER of Washington introduced a bill (S. 7222) for the relief of Charles M. Buchanan; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. JONES of Arkansas introduced a bill (S. 7223) providing for the interment of the remains of Marie Irene Donaldson and her daughter, Marie Irene Donaldson; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. BLACKBURN introduced a bill (S. 7224) for the relief of the Russellville and Logan County Agricultural and Mechanical Association of the State of Kentucky; which was read twice by its title, and referred to the Committee on Claims.

Mr. PLATT of Connecticut introduced a bill (S. 7225) granting a pension to Harriet H. Crissey; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. QUAY introduced a bill (S. 7226) to authorize the Pittsburg, Carnegie and Western Railroad Company to construct, maintain, and operate a bridge across the Allegheny River; which was read twice by its title, and referred to the Committee on Commerce.

Mr. TELLER introduced a bill (S. 7227) permitting the town of Montrose, Colo., to enter 160 acres of land for reservoir and water purposes; which was read twice by its title, and referred to the Committee on Public Lands.

AMENDMENTS TO BILLS.

Mr. GALLINGER submitted an amendment proposing to appropriate $7,500 for improving Seventh street NE., from Michigan avenue to Rhode Island avenue, and Cincinnati street NE. from Seventh street NE. to Fourth street NE., intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

He also submitted an amendment proposing to appropriate $75,000 for continuing work on the Arizona avenue sewer, in the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

He also submitted an amendment proposing to increase the salary of the stenographer to the Board of Charities in the District of Columbia from $840 to $1,000 per annum, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. DUBOIS submitted an amendment relating to the claims of the different counties of Arizona on account of legal costs and expenses incurred in the prosecution of Indians under the act of March 2, 1885, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

He also submitted an amendment relating to entry on the unsold lands of the former Fort Hall Indian Reservation, in the State of Idaho, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. HEITFELD submitted an amendment relating to the institution of suits in the Court of Claims by the Citizen Band of Pottawatomie Indians of Oklahoma Territory, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. MCCOMAS submitted an amendment proposing to appropriate $19,000 for paving Rhode Island avenue from Florida avenue to First street NW., in the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the bill (S. 7142) for the allowance of certain claims reported by the Court of Claims, and for other purposes; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Claims.

He also submitted an amendment relating to the claims of laborers, workmen, and mechanics employed by or on behalf of the Government of the United States for labor performed in excess of eight hours per day, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Education and Labor, and ordered to be printed.

Mr. PERKINS submitted an amendment intended to be proposed by him to the bill (S. 7142) for the allowance of certain claims reported by the Court of Claims, and for other purposes; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Claims.

Mr. RAWLINS submitted an amendment relating to the allotment to the Uinta and White River tribes of Ute Indians upon the Uinta Indian Reservation, in the State of Utah, of the lands within said reservation, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. NELSON submitted an amendment proposing to appropriate $100,000 out of money in the Treasury due the estates of deceased colored soldiers of the civil war for the purpose of erecting in the District of Columbia a memorial home for aged and infirm colored people, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. QUARLES submitted an amendment relating to the issuance of patents in fee to certain members of the Kiowa, Comanche, and Apache tribes of Indians for lands heretofore allotted to them in the Territory of Oklahoma, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Finance:

A bill (H. R. 9063) to refund certain taxes paid by the Anheuser-Busch Brewing Association, of St. Louis, Mo.;

A bill (H. R. 10678) for the relief of the Florida Brewing Company;

A bill (H. R. 10938) for the relief of parties from whom cigars were seized on account of bearing counterfeit stamps;

A bill (H. R. 12075) for the relief of Jacob Swigert, late deputy collector seventh Kentucky district; and

A bill (H. R. 15747) directing the issue of a check in lieu of a lost check drawn by George A. Bartlett, disbursing clerk, in favor of Fannie T. Sayles, executrix, and others.

The following bills were severally read twice by their titles, and referred to the Committee on Claims:

A bill (H. R. 1517) for the relief of Robert Brigham;

A bill (H. R. 2422) for the relief of Edward S. Crill;
A bill (H. R. 2441) for the relief of William M. Bird, James F. Redding, Henry F. Welch, and others;
A bill (H. R. 4178) for the relief of Austin A. Yates;
A bill (H. R. 4240) authorizing the Secretary of the Treasury to defray the expenses of contestant in the contest entitled "Koonce against Grady;"
A bill (H. R. 6516) for the relief of Henry P. Montgomery, surviving executor of Granville Garnett, deceased;
A bill (H. R. 6637) for the relief of Col. H. B. Freeman;
A bill (H. R. 7007) for the relief of the legal representatives of Maj. William Kendall;
A bill (H. R. 7361) for the relief of C. W. Colebrow;
A bill (H. R. 8186) for the relief of John D. Chadwick;
A bill (H. R. 10921) for the relief of Charles A. Cutler;
A bill (H. R. 11205) for the relief of I. R. Harkrader;
A bill (H. R. 13257) to refund penalty to the Bank of Colfax, Iowa;
A bill (H. R. 11340) for the relief of McClure & Willbanks;
A bill (H. R. 13703) for the relief of N. F. Palmer, jr., & Co., of New York; and
A bill (H. R. 14164) for the relief of Charles W. Carr.

The bill (H. R. 12064) for the relief of Lebbeus H. Rogers, and the administrators of William B. Moses, deceased, was read twice by its title, and referred to the Committee on the Judiciary.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had on the 31st ultimo approved and signed the following acts:

An act (S. 5316) providing for an additional circuit judge in the eighth judicial circuit; and

An act (S. 5914) establishing a regular term of United States district court in Addison, W. Va.

REGULATION OF COMMERCE.

Mr. GALLINGER. I ask unanimous consent that 2,000 extra copies of the bill (H. R. 15331) to amend an act to limit the effect of the regulations of commerce between the several States and with foreign countries in certain cases, approved August 8, 1890, and the accompanying report be printed for the use of the Senate.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and that order will be made.

STATUE OF GEN. HENRY LEAVENWORTH.

Mr. HARRIS. I ask unanimous consent for the present consideration of the joint resolution (S. R. 138) authorizing the Secretary of War to furnish condemned cannon for a life-sized statue of Gen. Henry Leavenworth, at Leavenworth, Kans.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COURTS-MARTIAL IN THE PHILIPPINES.

The PRESIDENT pro tempore. If there be no concurrent or other resolutions, the Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted by Mr. RAWLINS on the 27th instant, as follows:

Be it resolved by the Senate, That the Secretary of War is hereby directed to inform the Senate what courts-martial have been ordered and held in the Philippine Islands, and what judgments rendered by them in consequence of the dispatch sent by the Secretary of War to Major-General Chaffee referred to in the memorandum of the Secretary of War for the Adjutant-General under date of April 15, 1902; also what action was taken by the President or the Secretary of War on the judgment of any court-martial so ordered, either approving or disapproving the same.

Also, that the records in full of the several following courts-martial ordered and held in the Philippine Islands be communicated, to wit:

That on Brig. Gen. Jacob H. Smith.
That on Maj. Edwin F. Glenn, Fifth Infantry.
That on Lieut. Edwin A. Hickman, First Cavalry.
That on Lieut. J. H. A. Day, Marine Corps.
That on Maj. L. W. T. Waller, of the Marine Corps.
That on Lieut. Preston Brown, Second Infantry.
That on Capt. James A. Ryan, Fifteenth Cavalry.
That on Lieut. —— Cooke.
That on Lieut. Julian E. Gaiyot.
That on Lieut. N. E. Cook, of the Philippine Scouts.
That on Lieut. W. S. Sinclair, battalion adjutant, Twenty-eighth Infantry.

Also, any record or reports of investigations which may be on file in the War Department relating to the case of the so-called "Father Augustine," alleged to have been put to death by Cornelius M. Brownell, formerly a captain of the Twenty-sixth Volunteer Infantry, at Banate, island of Panay, province of Iloilo, in December, 1900; also any investigations made by the Department of Justice into the facts of such case, together with any legal conclusions reached thereon and reported to the War Department.

Mr. BERRY. Mr. President, if the resolution can be passed without debate I believe I will forego making the remarks I intended to make in regard to it.

Mr. LODGE. I think, Mr. President, that I made a motion to refer the resolution to the Committee on the Philippines.

The PRESIDENT pro tempore. That is the pending motion.

Mr. BERRY. In view of that motion, I want to say a few words before the resolution is referred. I shall occupy but a very few minutes.

Mr. President, I think this resolution ought to be passed and that it ought not to be referred to the Committee on the Philippines. I think so especially in view of the defense which the Senator from Vermont [Mr. PROCTOR] has made of Captain Brownell. I do not think I ever heard a more remarkable defense put forward to excuse and acquit a man charged with wrongdoing. The Senator from Vermont stated that Captain Brownell had been charged with cruelty, and the Senator sent to the Clerk's desk and had read a letter signed by Captain Brownell, which has just been printed in the RECORD.

Captain Brownell says in his own defense that this priest, Augustine, had been professing friendship for the Americans, while at the same time he was acting as treasurer for the insurgents. Captain Brownell says, having heard of this man, to use his own language, he had ordered him to be delivered to him on a United States gunboat; that he caused this man to be taken to his headquarters, and that he there informed him that he had reliable information that this priest, Augustine, had a certain amount of money which belonged to the insurgents; that Captain Brownell tried to persuade the man to give him an order for the money, but the priest refused; that thereafter, after using all the arguments that he could, he directed that the water cure, so called, should be applied to this priest so as to compel him to give an order for the money; that after the man had undergone that treatment Captain Brownell again tried to reason with the priest, who again refused; that Captain Brownell thereupon ordered the application of the water cure a second time, and that, finally, suffering from the torture inflicted by Captain Brownell's order, the priest said he would sign the order for the money, and he did sign it.

The officer says he had promised this man the very moment he signed the order that the punishment would cease, but after the order had been signed, he says that he had been directed to find out the whereabouts of a certain Filipino colonel; and so he called on this priest to give him that information. The priest refused; whereupon, notwithstanding the officer's promise that if the priest would give an order for the money further punishment would not be inflicted, he directed the water cure to be again applied to the priest because he refused to tell of the whereabouts of the Filipino colonel; that he continued to refuse, when the water cure was again administered, and that the priest died while they were inflicting the punishment upon him. True, he says, that he got a physician to certify that the priest was not drowned by the water, but that he died, I think the statement is, from fatty degeneration of the heart.

That is the defense which the Senator from Vermont puts into the RECORD for this American officer, who says in his defense that he inflicted this torture, that the man died while it was being inflicted under his orders, and that his motive and purpose in doing so was to make the man give an order for the money. That is the statement which the Senator from Vermont thinks is sufficient defense for this American officer. I want to read now just a word or two from the statement made by the Senator from Vermont about this matter, who had read the defense of this officer before he made the statement. The Senator from Vermont said:

Mr. President, Capt. Cornelius M. Brownell was a Vermont officer. I have known him well for years. There is no better specimen of the volunteer soldier in Vermont or in any other State than Captain Brownell. He was a captain in the militia before the Spanish war.

Now, we are told—and the statement goes to our young men at West Point, who are being trained for officers of the Army—that a Senator of the United States, a former Secretary of War, regards this man as the best specimen of an American volunteer officer. I am not here to heap epithets of abuse upon Captain Brownell, but he has put into the record over his own signature statements which ought to condemn him in the mind of every fair and humane man in the United States. He says that this priest, under the operations of the torture which was inflicted upon him by his order, died, and that the motive which actuated him to inflict the punishment was to force this man to give to this officer an order for money; and that is defended upon the floor of the Senate of the United States!

It will be remembered that this man, Captain Brownell, comes from one of the older States of this Union; from a State which prides itself upon the education of its people, which claims that they are peculiarly enlightened and civilized Christians, and especially that they are humane. He comes from a State whose people have often concerned themselves about the wickedness of other people, but they never concede that they have any wickedness of their own; and yet the Senator from that State tells us that this officer, who deliberately and coolly, by torture, murdered a man, the motive being to obtain money from him, is to be held up as the highest specimen of an American officer. It

may be that the sentiment of the country has gotten to that point, Mr. President; but it seems to me that if we should allow what has been said here to pass as a sufficient defense for an act of this kind and nothing be said to controvert it, this Senate would be placed in the position of having approved what the distinguished Senator from Vermont has said.

Of course, as I have said, I have no words of abuse to put upon this officer; we have no statement except his own; we have not the statement of any other witness; and the statement which has been presented to us is the statement of this officer. If there be doubt as to the statement, I can read it. After having inflicted this torture, Captain Brownell says:

> Endeavoring in all this proceeding to act in a gentlemanly manner, but firmly, I told him that the idea of compulsion was abhorrent to an American officer.

This officer says that, and yet we are told that his act was excusable and justifiable. I believe, Mr. President, before this unjust, unholy, and disgraceful conquest of the Philippine Islands was undertaken, if an American officer had perpetrated such acts as this officer has admitted he perpetrated, he would have been universally condemned from one end of this country to the other; but the men who forced that war feel it incumbent upon them to defend every act committed in its prosecution.

I want to say that in making this statement I am not attacking the Army of the United States. I hope and believe that there are but few officers aside from this one who would have ever perpetrated an act of this character; certainly there are few who would ever have undertaken to defend it by admitting it. What I say applies to that officer. I do not seek to apply it to others. In fact, in the statement made here it will be found that the officer says when he went the last time to inflict this punishment—I will read his own language, so that I may not misquote it:

> I directed him to be conducted to a house apart from the headquarters in order that he might be quietly and carefully dealt with, as the night guard was on at headquarters and there were a large number of enlisted men within hearing.

It seems that even he thought that it was necessary to conceal from the enlisted men this diabolical act. I regret that any man wearing the American uniform should ever have perpetrated such a crime, and I more regret that the Senator from Vermont should have attempted to justify it on the floor of the Senate.

Mr. PROCTOR. The Senator from Vermont defended Captain Brownell, and continues to do so, and he resents the imputation of the Senator from Arkansas that Captain Brownell was guilty of murder. Captain Brownell is an intelligent and cultivated officer and gentleman. He was in a situation there which must be considered before he is to be judged. He was only a captain, removed from communication with any superior commander and surrounded by this treachery, which has been made apparent. He knew that this man, whom he had in his custody, was the prime mover in instigating the treachery and the massacre that was contemplated and almost accomplished. It was the duty of Captain Brownell to protect his command, and he did it by the best and the only means he could use. It was a method, much as we may criticise it, that was the means of saving the lives of many American soldiers, as well as those of thousands of Filipinos.

The result in this particular case was that that district was pacified at once; the presidentes and the principales that had been engaged in this conspiracy to massacre the Americans came in at once, asknowledged their guilt, and gave allegiance to the American Government, and there has been no trouble since that time.

Captain Brownell was a most excellent officer. The Senator from Arkansas was, I believe, a good soldier, and if he had been in that critical place would have met the situation and preserved his command, and have done his duty by his country in so doing.

The Senator from Arkansas speaks of Vermont as being engaged in missionary enterprises for the reform of other countries. I am not aware that we have ever undertaken anything for the improvement of the conditions in Arkansas, and I am willing that they shall be compared with the conditions in Vermont now or at any other time.

Mr. BERRY. Mr. President, of course, if the Senator from Vermont sees proper to approve the conduct of this officer as stated by himself, that is a question for the Senator. As to the statement of the Senator that he resents what I have stated, I do not know just in what way or how he proposes to resent it. That is also a question for the Senator.

Now, I want to say here that when the Senator from Vermont said that I, under any character of circumstances, under any provocation, or under any conditions, would inflict torture upon a human being, I tell him that he is not acquainted with me. There is no power on this earth that could induce me either to do such a deed or to approve it after it had been done.

I have only stated what Captain Brownell himself said, that he caused this torture to be inflicted, and the man died while under its operation. The Senator from Vermont says that he resents the idea that that was murder. The Attorney-General has decided, I believe, in an opinion given by him, that this officer can not be tried; that he can not be tried by the military tribunals, because he has been discharged from the Army, and that he can not be tried by the civil authorities, I presume, because there was no law in that country, but simply the arbitrary will of the executive department of this Government, and therefore the man goes free; but I assert on this floor—and there is no lawyer here who will deny it—that in any State of this Union, before any jury, after such an admission and such a confession as that made by Captain Brownell, he would be adjudged guilty of murder—there can be no doubt about it—because he inflicted this punishment and must have known the consequences that would follow. The motive which actuated him, he himself says, was to make this man give him an order for money. If there is any other element which would go to make the crime murder except determination to take life, and that for a bad motive, I do not know what that element is.

I do not care, Mr. President, to say more on the subject at this time.

Mr. PROCTOR. Mr. President——

Mr. ALLISON. Mr. President, I intended to say a few words in reference to the resolution, but as the Senator from Vermont [Mr. PROCTOR] wishes to call up for consideration the Army appropriation bill, I will waive making any remarks at this time.

The PRESIDENT pro tempore. What shall be done with the resolution?

Mr. ALLISON. I was about to say a word in reply to some suggestions which have been made in respect to the resolution, but, as I have stated, I defer doing so in order that the Senator from Vermont may call up the appropriation bill in his charge.

The PRESIDENT pro tempore. What shall be done with the resolution?

Mr. RAWLINS. Mr. President——

Mr. LODGE. If other Senators desire to speak upon it, I ask that the resolution and the motion to refer may go over, the resolution retaining its place.

Mr. ALLISON. That is satisfactory.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Massachusetts [Mr. LODGE] that the resolution go over, retaining its place? The Chair hears none, and that order is made.

POST-OFFICE AT INDIANOLA, MISS.

Mr. TILLMAN. I merely want to make a brief explanation, with the permission of the Senator from Vermont.

Mr. PROCTOR. I yield for that purpose.

Mr. TILLMAN. On the 24th of last month the Senator from Wisconsin [Mr. SPOONER] called up the Indianola post-office matter, and made a speech on it. The Senator from Mississippi [Mr. MCLAURIN], who is more directly interested in that subject than anyone else, answered that speech, and the two Senators occupied all the time until 5 o'clock, when there was a special order for the consideration of pension legislation. I had wished to say something in regard to that matter, but the Senator from Wisconsin leaving the city the next day, I felt unwilling to call it up during his absence. Now, the Senator from Mississippi is absent, and he asked me on Friday, when he left, not to call up the matter during his absence. So I shall have to wait until some time when these two Senators are present, when I hope to have something to say about the Indianola post-office and cognate questions.

Mr. SPOONER. I want to say to the Senator that I will stay here.

Mr. TILLMAN. I was not supposing for a moment or even hinting that the Senator from Wisconsin would not stay here.

ARMY APPROPRIATION BILL.

Mr. PROCTOR. I move that the Senate proceed to the consideration of the bill (H. R. 16567) making appropriation for the support of the Army for the fiscal year ending June 30, 1904.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Vermont that the Senate proceed to the consideration of the bill named by him.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with amendments.

Mr. PROCTOR. I ask unanimous consent that the formal reading of the bill may be dispensed with, that it be read for amendment, the amendments of the Committee on Military Affairs to be first considered.

The PRESIDENT pro tempore. The Senator from Vermont asks unanimous consent that the formal reading of the bill be dispensed with, that it be read for amendment, and that the committee amendments shall first receive consideration. Is there objection? The Chair hears none, and that order is made.

JAMES HUNTER.

Mr. TELLER. I want to submit an amendment to the Army appropriation bill——

Mr. BACON. Before the Senator proceeds to do that, with the permission of the Senator from Vermont [Mr. PROCTOR], I desire to ask for the consideration of a very small bill, which will take but a moment.

Mr. TELLER. I will withhold my amendment until the Senator from Georgia can call up his bill.

Mr. BACON. With the consent of the Senator from Vermont, I ask unanimous consent for the present consideration of the bill (H. R. 16564) granting an increase of pension to James Hunter.

Mr. PROCTOR. I yield if the bill will create no discussion.

Mr. BACON. I am sure it will not.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of James Hunter, late of Captain Hardin's company, Georgia Volunteers, Creek Indian war, and to pay him a pension of $16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLAIMS OF CHIPPEWA INDIANS, ETC.

Mr. CLAPP. Will the Senator from Vermont yield to me, that I may enter a motion?

Mr. PROCTOR. Certainly.

Mr. CLAPP. I desire to enter a motion to reconsider the vote by which the bill (S. 3112) conferring jurisdiction on the Court of Claims to determine all claims of the Confederated Bands of Ute Indians of Colorado was passed. I will call it up at some later time.

The PRESIDENT pro tempore. The motion will be entered.

STATEHOOD BILL.

Mr. QUAY. Will the Senator from Vermont yield to me for one moment? I will confiscate but a moment of his time.

Mr. PROCTOR. Certainly.

Mr. QUAY. I rise again to ask the unanimous consent of the Senate for the fixing of a day and an hour when the final vote shall be taken upon what is known as the omnibus statehood bill. I ask the unanimous consent of the Senate that on Wednesday, the 18th day of February, at 2 o'clock p. m., the vote shall be taken upon the statehood bill and all amendments then pending or that may then be offered.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks unanimous consent——

Mr. KEAN. Mr. President——

The PRESIDENT pro tempore. The Chair will state the request. The Senator from Pennsylvania asks unanimous consent that on the 18th day of February, at 2 o'clock in the afternoon, the final vote be taken on the measure known as the statehood bill and on all amendments that have been offered or which then may be offered. Is there objection?

Mr. NELSON. In the absence of the Senator from Indiana [Mr. BEVERIDGE], the chairman of the Committee on Territories, I object.

Mr. KEAN. The Senator from Indiana is absent. I have sent for him.

Mr. QUAY. The Senator from Indiana was apprised that I was going to make this request.

The PRESIDENT pro tempore. Objection is made.

ARMY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 16567) making appropriations for the support of the Army for the fiscal year ending June 30, 1904, which had been reported from the Committee on Military Affairs with amendments.

The first amendment of the Committee on Military Affairs was, on page 1, line 7, after the word "office," to insert "or that of the chief of staff;" so as to make the subhead read:

Commanding general's office or that of the chief of staff.

The amendment was agreed to.

The next amendment was, on page 1, line 10, after the word "office," to insert "or that of the chief of staff;" so as to make the clause read:

To defray the contingent expenses of the commanding general's office or that of the chief of staff in his discretion, $3,000.

The amendment was agreed to.

The next amendment was, under the subhead "Adjutant-General's Department," on page 4, after line 14, to insert:

To enable the Secretary of War to purchase from Francis B. Heitman, the compiler thereof, the manuscript of the Historical Register of the United States Army, compiled from the official records of the War Department from 1789 to the date of the passage of this act, $3,000; and for printing an edition of 6,000 copies of said register by the Public Printer, 1,000 for the use of the Senate, 2,000 for the use of the House of Representatives, and 3,000 for the War Department, and from the copies allotted to the War Department each Government depository shall be supplied with one copy, $12,000.

The amendment was agreed to.

The next amendment was, on page 5, line 16, after the word "appropriation," to insert the following proviso:

Provided further, That section 192, Revised Statutes, shall not apply to the subscriptions to newspapers by the military information division for the fiscal years ending June 30, 1900, June 30, 1901, June 30, 1902, June 30, 1903, and thereafter.

The amendment was agreed to.

The next amendment was, under the subhead "Office of the Chief Signal Officer," on page 6, line 13, after the word "dollars," to insert the following proviso:

Provided, That hereafter the purchase of signal stores and equipment, or the engagement of services not personal, by the Signal Corps of the Army may be made by the Signal Corps of the Army in open market in the manner common among business men when the aggregate of the amount required does not exceed $200, but every such purchase or employment shall be promptly reported to the Secretary of War.

The amendment was agreed to.

The next amendment was, under the subhead "Engineer battalions," on page 8, line 4, after the word "additional," to insert "pay;" so as to make the clause read:

Additional pay for length of service, $27,168.

The amendment was agreed to.

The next amendment was, under the subhead "Electrician sergeants (Artillery Corps), on page 8, line 23, after the word "assigned," to strike out "in the discretion of" and insert "for duty at such places as;" in the same line, after the words "Secretary of War," to insert "may direct;" and on page 9, line 1, after the word "dollars," to insert:

Provided, That there shall be added to the Artillery Corps 25 master electricians, to be appointed by the Secretary of War, after such examinations as he may prescribe, who shall receive $75 per month and the allowance of an ordnance sergeant, $22,500.

So as to make the clause read:

One hundred electrician sergeants, to be assigned for duty at such places as the Secretary of War may direct, at $408 each, $40,800: *Provided*, That there shall be added to the Artillery Corps 25 master electricians, to be appointed by the Secretary of War, after such examination as he may prescribe, who shall receive $75 per month and the allowance of an ordnance sergeant, $22,500.

The amendment was agreed to.

The next amendment was, on page 10, line 8, after the word "headquarters," to strike out "and," and in the same line, after the word "Army," to insert "or that of the chief of staff;" so as to make the subhead read:

Pay to clerks and messengers at department headquarters, at Headquarters of the Army, or that of the Chief of Staff.

The amendment was agreed to.

The next amendment was, on page 10, line 11, after the word "clerk," to insert "at Headquarters of the Army, or that of the chief of staff," and in line 12, after the word "dollars," to insert "per annum;" so as to make the clause read.

One chief clerk at Headquarters of the Army, or that of the chief of staff, $2,000 per annum.

The amendment was agreed to.

The next amendment was, under the subhead "For pay of the staff," on page 14, line 10, after the word "law," to strike out "one colonel, two lieutenant-colonels" and insert "one lieutenant-colonel;" in line 11, before the word "majors," to strike out "four" and insert "two;" in the same line, before the word "captains," to strike out "eight" and insert "four;" in line 12, before the word "first," to strike out "eight" and insert "four;" and in line 15, after the word "Army," to strike out "*Provided further*, That no addition to the number of officers of the Army shall be created by the foregoing provision;" so as to make the clause read:

For additional pay to such officers for length of service, to be paid with their current monthly pay, $21,720: *Provided*, There shall be added to the Signal Corps of the Army, as now authorized by law, one lieutenant-colonel, two majors, four captains, and four first lieutenants: *Provided further*, That the vacancies thus created or caused shall be filled first by the promotion of officers of the Signal Corps, according to seniority, and thereafter by details from the line of the Army.

The amendment was agreed to.

The next amendment was, at the top of page 15, to insert as a new section the following:

SEC. 2. The general staff corps shall be composed of officers detailed from the Army at large, under such rules as may be prescribed by the President.

The duties of the general staff corps shall be to prepare plans for the national defense and for the mobilization of the military forces in time of war; to investigate and report upon all questions affecting the efficiency of the Army and its state of preparation for military operations; to render professional aid and assistance to the Secretary of War and to general officers and other superior commanders, and to act as their agents in informing and coordinating the action of all the different officers who are subject under the terms of this act to the supervision of the chief of staff; and to perform such other military duties not otherwise assigned by law as may be from time to time prescribed by the President.

The general staff corps shall consist of one chief of staff and two general officers, all to be detailed by the President from officers of the Army at large not below the grade of brigadier-general; 4 colonels, 6 lieutenant-colonels, and 12 majors, to be detailed from the corresponding grades in the Army at large, under such rules for selection as the President may prescribe; 20 captains, to be detailed from officers of the Army at large of the grades of captain or first

lieutenant, who while so serving shall have the rank, pay, and allowances of captain mounted. All officers detailed in the general staff corps shall be detailed therein for periods of four years, unless sooner relieved. While serving in the general staff corps, officers may be temporarily assigned to duty with any branch of the Army. Upon being relieved from duty in the general staff corps, officers shall return to the branch of the Army in which they hold permanent commission, and no officer shall be eligible to a further detail in the general staff corps until he shall have served two years with the branch of the Army in which commissioned, except in case of emergency in time of war.

The chief of staff, under the direction of the President or the Secretary of War, shall have supervision of all troops of the line and of the Adjutant-General's, Inspector-General's, Judge-Advocate's, Quartermaster's, Subsistence, Medical, Pay, and Ordnance Departments, the Corps of Engineers, and the Signal Corps, and shall perform such other military duties not otherwise assigned by law as may be assigned to him by the President. Duties now prescribed by statute for the Commanding General of the Army as a member of the Board of Ordnance and Fortification and of the Board of Commissioners of the Soldiers' Home shall be performed by the chief of staff or other officer designated by the President. Acts and parts of acts authorizing aids-de-camp and military secretaries shall not apply to general officers of the general staff corps.

The Chief of Artillery shall hereafter serve as an additional member of the general staff and shall have the rank, pay, and allowances of a brigadier-general, and the provisions of this section 2 shall take effect August 15, 1903.

The amendment was agreed to.

The next amendment was, under the subhead "Retired officers," on page 17, line 11, after the word "dollars," to insert the following proviso:

Provided, That in addition to the detail of retired officers now authorized by law, it shall hereafter be lawful for the Secretary of War to detail, whenever in his judgment the public interests require it, not exceeding 20 retired officers as military attachés at the United States embassies and legations abroad; and for service in connection with the organized militia in the States or Territories, upon the request of the governor thereof, and such retired officers shall be entitled, while so employed, to receive the full pay and allowances of their respective grades.

The amendment was agreed to.

The next amendment, was on page 18, line 6, after the word "retirement," to insert:

And any officer of the Army now on the active list below the grade of major-general who served with credit as an officer or an enlisted man in the regular or volunteer service during the civil war before April 9, 1865, shall when retired be retired by the President, by and with the advice and consent of the Senate, with the rank an pay of the next higher grade. This section shall apply to officers who have been retired on or since the 11th day of August, 1898, but shall not apply to any officer whose service on the active list does not exceed thirty-five years, and shall not apply to any officer who has been placed on the retired list by virtue of any act of Congress nor to any officer who has already received an advance of grade at the time of retirement, or with a view to retirement.

Mr. PROCTOR. I move, at the end of line 10, to strike out the word "shall" and insert "may."

The SECRETARY. It is proposed to amend the committee amendment by striking out the word "shall," in line 10, and inserting "may."

The amendment to the amendment was agreed to.

Mr. PROCTOR. In line 12, after the word "rank," I move to strike out "an" and insert the words "and retired;" so as to read "with the rank and retired pay of the next higher grade."

Mr. HALE. Mr. President, I wish to call to the attention of the Senate the fact that there has been put into this appropriation bill, an annual appropriation bill, a body of law, of general legislation, that should be considered as a separate measure, reported by a committee as a separate measure, and acted upon by the Senate as a separate measure. I am inclined to think, although I have not examined it, that the provisions here in this bill, the annual Army appropriation bill, are, if not precisely, almost exactly like those which the Senate has considered and passed.

But I want now to enter my protest against making appropriation bills the vehicle for general legislation. If it is done in cases where it is deemed likely that another body may not pass a general bill, it will always be proposed as a vehicle by which general legislation shall pass. I do not think, Mr. President, that is a good condition. I do not think it ministers to due consideration and deliberation.

I should like to ask the Senator in charge of this bill why it was that upon an appropriation bill for the coming fiscal year his committee has interpolated this body of general legislation?

Mr. COCKRELL. I do not know to which particular amendment the Senator from Maine refers as general legislation.

Mr. HALE. To section 2.

Mr. COCKRELL. If he refers to the staff and retired pay, I say emphatically that they are not general legislation.

Mr. HALE. They were reported, I am told, from the committee as general legislation——

Mr. COCKRELL. It is true they were reported.

Mr. HALE. And passed.

Mr. COCKRELL. No; the bill is under consideration now, on a motion to reconsider the vote by which it was passed.

Mr. HALE. Does the Senator think that this, which is entirely new matter, pertaining to the organization of the Army, is not general legislation?

Mr. COCKRELL. No; it is not general legislation. No plainer proposition has ever been made to the Senate, in my judgment, than that the staff bill, as it is called, is not general legislation.

Mr. HALE. It is not the law now?

Mr. COCKRELL. Yes; it is practically the law now.

Mr. HALE. Then the Senator——

Mr. COCKRELL. Here are certain staff officers. Now, this authorizes their assignment to certain kinds of duty. Under the Constitution and the general law the President probably possesses every one of those powers. It is not delegating any more than he has now, except that they wanted these duties prescribed, and we are prescribing just exactly what the officers, for whose salaries we appropriate, shall do to earn their salaries. It has been universally held, whenever the question has been presented to the Senate, that when we appropriate to pay a man for his services we have a right to provide what he shall do.

Mr. HALE. There is no general staff corps now. This is understood thoroughly. It has been regarded in the Army as a desirable thing to create what there has never been before, a general staff corps, and this does create it. The bill reported by the Committee on Military Affairs as a proper and separate measure of general legislation creates the staff corps. The mere question whether it deals with their salaries is immaterial. I do not say it may not work well, but there never has existed any such staff corps as is provided for here.

I was not inclined to make the point of order, because I am not certain but that the legislation in itself may be desirable; but as the Senator from Missouri has declared that it is not general legislation, I certainly do not wish to have it pass on the theory that I for one accept it. If it is not general legislation to create a staff corps, never existing heretofore, with new duties, and thereby practically revolutionizing the command of the Army, then I do not know what general legislation is.

Mr. FORAKER. Mr. President, I rise merely to call the attention of the Senator from Maine to the fact that the President of the United States, as Commander in Chief of the Army and Navy, has the undoubted right to order men upon staff duty and to organize a staff corps as he may see fit. But the practice has grown up of having an officer who is called the Commanding General of the Army, and in legislation he has been referred to as such. It would create some confusion for the President, by an executive order, to create a staff.

The real purpose of legislation on the subject is to avoid the confusion and to make it clear and to pave the way to get around the difficulties in administration which would arise, not from want of authority in the Commander in Chief to appoint and organize the staff, but simply because of the way in which we have legislated without foreseeing this condition.

Mr. HALE. The Senator from Ohio is talking about one thing and I am talking about another. The Senator is talking about the desirability of Congress doing it rather than to leave it to the President. Quite likely the President may make such designation as he chooses with reference to the duties of officers. The President can, by order, direct every soldier in the Philippine Islands to be brought home. But if Congress should report a measure of that kind it would be general legislation. The fact that the President can do it does not in any way take it out of the domain of general legislation. The question as to what the power of the President is does not touch this question. Here we are creating by law a new corps, a great corps in the War Department, a corps which has never existed before. It is general legislation as much as if we undertook to deal with any other Department. I will reserve the point of order.

I do not make it, because I am by no means certain that is not in itself valuable legislation, but I do not like to see, and Senators ought not to like to see, general legislation on appropriation bills. I will say this about committees. Committees are not appointed here simply for the purpose of taking bodily matters that are suggested in the way of legislation by the heads of departments and dumping them into appropriation bills. Committees ought to scrutinize that carefully, and say to the Secretary or the head of the department, "We can not do that on an appropriation bill." I am afraid there is not independence enough in committees about these things.

Mr. PROCTOR. Mr. President, the President would not probably by order establish a general staff corps, naming it that; but aside from that, I think all the duties that are devolved by this amendment on the general staff corps the President might now order. It certainly would be within his province to designate any duties that the officers should be called upon to do. That is the substance of it.

Mr. HALE. Does the Senator think that the President has authority now, without a change of law, without general legislation, to order retired officers to a particular duty and to give them full pay?

Mr. PROCTOR. I was not speaking of that feature; I was speaking of the staff corps.

Mr. HALE. That is a part of section 2. I am talking about the entire section 2. It is filled with general legislation, Mr. President.

Mr. PROCTOR. The President would not, of course, have authority to do that, but that seemed to the committee germane, as it is a distribution of the appropriation bill. It is an arrangement as to how it shall be distributed to the different officers.

Mr. HALE. The question of its being germane, if the Senator will allow me, has nothing to do with the case. That is another question. The question is whether it is general legislation on an appropriation bill. That is the only question. Being somewhat in doubt as to whether this is not desirable legislation, I will not now make the point of order, but will reserve it to the end of the bill.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Vermont to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. PROCTOR. On page 18, line 18, before the word "act," I move to insert the word "special;" so as to read: "any special act of Congress."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. QUAY. Mr. President, I wish merely to say, in brief, that I differ from the views of the Senator from Missouri in that I believe these amendments to be general legislation. I also differ from the views of the Senator from Maine in that I believe they are properly in this bill. But as I am in favor of the amendments and no point of order is made, I do not propose to raise one or to embarrass the passage of the bill.

Mr. HALE. Let me ask the Senator from Missouri whether he adopts that view? Does he think that general legislation can be properly incorporated into an appropriation bill?

Mr. COCKRELL. Not unless it is directing the expenditure of the money that is appropriated.

Mr. HALE. That it relates to the special subject of the bill.

Mr. COCKRELL. The subject-matter.

Mr. HALE. The Senator does not believe in doing that. Mr. President, there is another question. I look back to line 16, on page 16, and here is a direct change of law:

Duties now prescribed by statute for the Commanding General of the Army as a member of the Board of Ordnance and Fortification and of the Board of Commissioners of the Soldiers' Home shall be performed by the chief of staff or other officer designated by the President.

Now, that is not a thing which without this legislation the President can do, because the statute declares that certain duties shall be performed by the General of the Army, and this declares in terms that they shall not be done by the General of the Army, but by some one else designated by the President.

I will reserve the point of order at any rate.

The PRESIDENT pro tempore. The Secretary will state the next amendment.

Mr. PROCTOR. The Senator is right about that. Those are mere formal duties, and that clause might just as well be stricken out.

Mr. HALE. Striking it out does not satisfy me. It is not my objection to the particular clause. I am inclined to think that it is a good clause, and it is undoubtedly; but I wish the Senator in charge of the bill would face the thing boldly and squarely, as the Senator from Pennsylvania does, who says it is general legislation and it ought to be on an appropriation bill because we can get it through easier and quicker in that way. That is what I wish the Senator from Vermont and the Senator from Missouri would do. I do not quite expect the Senator from Missouri to do it, because he is a veteran here, and he knows how important it is that general legislation should not go on appropriation bills. But the Senator from Vermont has not had the enfeebling experience of the Senator from Missouri, and I should be very much better pleased if he would come right out boldly and squarely. I am not certain but that I would not urge the point of order if he would tell us plainly that we can get this through quicker by putting it on an appropriation bill than in any other way, and that is why they put it on.

The next amendment of the Committee on Military Affairs was, under the subhead "Retired enlisted men," on page 19, line 4, after the word "dollars," to insert the following proviso:

Provided, That hereafter, in computing the length of service for retirement, credit shall be given soldiers for double the time of their actual service in China, the same as is now given in Porto Rico, Cuba, and the Philippine Islands.

The amendment was agreed to.

Mr. LODGE. What became of the amendment on page 18?

The PRESIDENT pro tempore. It was agreed to as amended. No point of order was made.

Mr. HALE. I reserved it on the whole of section 2.

Mr. LODGE. There is some misunderstanding about that. It was reserved on that amendment as well as the other.

Mr. HALE. I reserved the point of order on section 2.

The PRESIDENT pro tempore. On the whole of section 2?

Mr. LODGE. Yes; the whole of section 2.

Mr. HALE. The whole of section 2, to the bottom of page 18.

The PRESIDENT pro tempore. The point of order can be made in the Senate just as well as in Committee of the Whole.

Mr. HALE. Just as well.

The PRESIDENT pro tempore. So the Senate may as well agree to the amendment now, and then if the point is to be raised it can be raised in the Senate.

Mr. HALE. That is all right.

The reading of the bill was resumed. The next amendment was, under the subhead "Miscellaneous," on page 20, line 17, before the word "deposits," to insert "soldiers;" and in line 19, after the word "deposits," to insert:

Provided, That officers of the Army shall have the right to deposit money upon the same terms as enlisted men, payable at such periods and under such regulations and at such times as the Secretary of War shall prescribe, and bearing interest at 3 per cent per annum.

So as to make the clause read:

For interest on soldiers' deposits, $100,000, and so much as may be necessary to pay back such deposits: *Provided*, That officers of the Army shall have the right etc.

The amendment was agreed to.

The next amendment was, on page 21, line 5, after the word "officers," to insert "and contract surgeons;" so as to make the clause read:

For mileage to officers and contract surgeons, when authorized by law, $400,000.

The amendment was agreed to.

The next amendment was, on page 21, line 18, before the word "officers," to insert "commissioned;" so as to make the clause read:

For additional 10 per cent increase on pay of commissioned officers serving at foreign stations, $200,000.

The amendment was agreed to.

The next amendment was, on page 21, line 21, to increase the appropriation for pay of one computer for artillery board from $2,000 to $2,500.

The amendment was agreed to.

The next amendment was, on page 21, after line 21, to insert:

For cost of repairing injuries by reason of mortar practice at Fort H. G. Wright, N. Y., on August 23, 1902, to dwelling house of E. M. Ferguson, situated on Fishers Island, New York, $25.

Mr. HALE. I am called from the Chamber, and I offer an amendment to this amendment now. It will be in order, because it is an amendment to an amendment. It is precisely such a case as is covered by the amendment of the committee.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. After line 2, on page 22, insert:

In payment of damages to private property by gun firing and mortar practice at Fort Preble, Me., Winthrop, Mass., and Fort Hamilton, N. Y., as reported to Congress in House Document No. 588, first session Fifty-seventh Congress, $3,806.72.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, under the subhead "Philippine Scouts," on page 23, to strike out from line 4 to line 20, inclusive, in the following words:

That section 37 of the act of February 2, 1901, entitled "An act to increase the efficiency of the permanent military establishment of the United States," is hereby repealed, and the Secretary of War is directed to muster out the Porto Rico Provisional Regiment of Infantry of the United States service on or before July 1, 1903: *Provided*, That the officers and enlisted men of the Porto Rico Provisional Regiment of Infantry shall, upon being mustered out, be paid two months' extra pay, to be paid out of the appropriation for pay of the Army: *Provided further*, That officers of the Regular Army serving with the Porto Rico Provisional Regiment of Infantry when mustered out of said regiment shall return to their lineal rank in the Regular Army, and shall be paid for service with said regiment only for time actually in such service: *Provided further*, That citizens of the island of Porto Rico shall be eligible to enlistment in the Regular Army.

The amendment was agreed to.

The next amendment was, on page 23, after line 20, to insert:

For Porto Rico Provisional Regiment of Infantry, composed of 2 battalions of 4 companies each.

The amendment was agreed to.

The next amendment was, on page 23, after line 22, to insert:

Pay of officers of the line, $54,300.

The amendment was agreed to.

The next amendment was, on page 23, after line 24, to insert:

Pay of enlisted men, $143,676: *Provided*, That citizens of Porto Rico shall be eligible for enlistment in the Regular Army and the Porto Rico Regiment may be ordered for service out of the island of Porto Rico.

Mr. McCOMAS. I heartily favor the proposition to continue the enlistment of Porto Ricans and to order the Porto Rico Regiment out of the island of Porto Rico for service, but is this intended to be outside of the island of Porto Rico?

Mr. PROCTOR. It is.

Mr. McCOMAS. Then why not say outside of the island?

Mr. PROCTOR. There is no objection to that.

Mr. McCOMAS. If it is for outside service, we might as well say so.

Mr. PROCTOR. There is no objection to that amendment to the amendment.

The PRESIDENT pro tempore. The Senator from Maryland moves, after the word "service," to strike out the word "out" and to insert the word "outside."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 24, line 5, after the word "appropriated," to insert "for pay of the Army and miscellaneous;" so as to make the clause read:

All the money hereinbefore appropriated for pay of the Army and miscellaneous shall be disbursed and accounted for by the Pay Department as pay of the Army, and for that purpose shall constitute one fund.

The amendment was agreed to.

The next amendment was, under the subhead "Subsistence Department," on page 26, line 21, after the word "men," to insert "at such places as the Secretary of War may determine;" so as to read:

And for ice to organizations of enlisted men at such places as the Secretary of War may determine.

The amendment was agreed to.

The next amendment was, under the subhead "Quartermaster's Department," on page 28, line 3, to increase the appropriation for the purchase of regular supplies of the Quartermaster's Department from $5,000,000 to $5,500,000.

The amendment was agreed to.

The next amendment was, on page 28, after line 23, to insert:

For the purchase of the necessary instruments, office furniture, stationery, and other authorized articles required for the equipment and use of the officers' schools at the several military posts, $25,000, to be immediately available.

The amendment was agreed to.

The reading of the bill was continued to line 6, on page 31.

The PRESIDING OFFICER (Mr. PERKINS in the chair). The hour of 2 o'clock having arrived, it becomes obligatory upon the Chair to lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. QUAY. Mr. President, the pending order, if there is no objection, may be temporarily laid aside in order that the Army appropriation bill may be proceeded with, the order being without prejudice to the unfinished business.

Mr. NELSON. I did not catch the statement of the Senator from Pennsylvania.

The PRESIDING OFFICER. Unanimous consent is asked that the regular order be temporarily laid aside that the Senate may finish the consideration of the pending appropriation bill.

Mr. NELSON. Very well.

The PRESIDING OFFICER. The Chair hears no objection to the request. It is so ordered.

The reading of the bill was resumed. The next amendment of the Committee on Military Affairs was, on page 31, line 19, after the words "Secretary of War," to insert the following proviso:

Provided further, That when a mounted officer of the line is ordered to duty beyond the seas or to make a change of station in the United States in which the cost of transportation for the private horses which he is required to keep exceeds the sum allowed for that purpose in the Army Regulations, the Secretary of War is authorized, under such regulations in respect to inspection and valuation as he may prescribe, to permit the purchase of said horses by the Quartermaster's Department at a price not exceeding the average contract price paid for horses during the preceding fiscal year, from which sum shall be deducted one-seventh of such contract price for each year, or major fraction of a year, which may have elapsed since date of purchase by said officer.

The amendment was agreed to.

The next amendment was, on page 33, line 2, after the word "dollars," to insert "and $2,000,000 of the said sum shall be immediately available;" so as to make the proviso read:

Provided further, That the number of and total sum paid for civilian employees in the Quartermaster's Department, including those paid from the funds appropriated for regular supplies, incidental expenses, barracks and quarters, Army transportation, clothing, camp and garrison equipage, shall be limited to the actual requirements of the service, and that no employee paid therefrom shall receive a salary of more than $150 per month, except upon the approval of the Secretary of War. $4,750,000, and $2,000,000 of said sum shall be immediately available.

The amendment was agreed to.

The next amendment was, on page 33, line 5, after the word "dollars," to insert "to be immediately available;" so as to make the proviso read:

Provided, That of the above amount the sum of $9,000, to be immediately available, or so much thereof as may be necessary, may be used by the Secretary of War to purchase additional ground adjacent to the present Omaha quartermaster's depot reservation in Omaha, Nebr., for the purpose of enlarging said reservation to admit the erection thereon of the quartermaster's warehouse building.

The amendment was agreed to.

The next amendment was, on page 33, line 10, after the word "building," to insert the following proviso:

Provided further, That not to exceed $100,000 of this appropriation may be expended under the direction of the Secretary of War for the purchase of articles of heavy furniture for the permanent furnishing of officers' quarters at permanent military posts: *Provided further*, That the Secretary of War is hereby authorized to use such part of the proceeds received from the sale of the military reservation at Indianapolis, Ind., as in his discretion may be necessary for the payment of sewer assessment outstanding against said property and the expense of the appraisement thereof: *Provided further*, For continuing the construction, equipment, and maintenance of suitable buildings at military posts and stations for the conduct of the post exchange, school, library, reading, lunch, amusement rooms, and gymnasium, to be expended in the discretion and under the direction of the Secretary of War, $500,000.

The amendment was agreed to.

The next amendment was, on page 34, line 10, before the word "hundred," to strike out "five" and insert "seven;" in the same line, before the word "thousand," to insert "and fifty;" and in the same line, after the word "dollars," to insert "to be immediately available;" so as to make the clause read:

Barracks and quarters, Philippine Islands: Continuing the work of providing for the proper shelter and protection of officers and enlisted men of the Army of the United States lawfully on duty in the Philippine Islands, including the acquisition of title to building sites when necessary, and including also shelter for the animals and supplies, and all other buildings necessary for post administration purposes, $750,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 37, line 4, before the word "million," to strike out "fifteen" and insert "sixteen;" so as to make the proviso read:

Provided further, That the number of draft animals purchased from this appropriation, added to those now on hand, shall be limited to such numbers as are actually required for the service, $16,000,000.

The amendment was agreed to.

The next amendment was, on page 37, line 20, to increase the appropriation for clothing and camp and garrison equipage from $4,000,000 to $4,750,000.

The amendment was agreed to.

The next amendment was, on page 38, after line 12, to insert:

For the purchase and preservation of the battlefield of Balls Bluff, and the soldiers' burial place there, and for putting the same in suitable condition, to be expended under the direction of the Secretary of War, the sum of $5,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, under the subhead "Medical Department," on page 40, line 10, to increase the appropriation for the medical and hospital department from $450,000 to $550,000, and in the same line, after the word "dollars," to insert:

And out of said sum an amount not exceeding $200,000 is hereby made available, under such regulations as the Secretary of War may prescribe, for the payment, or the reimbursement of payments made, of just bills and charges for the support, care, and treatment, including proper hospital charges, of sick officers and enlisted men of the Regular and Volunteer armies of the United States while they were absent from duty on leave or on furlough, or otherwise, by direction or by permission of proper authority, on or after April 21, 1898, and up to and including April 11, 1899, in like manner as if the said officers and enlisted men had been on duty at the times when and places where the said bills and charges were incurred; and that the appropriations above designated shall remain and continue available for the purposes hereinbefore set forth for and during the term of two years from and after the date of the approval of this act.

The amendment was agreed to.

Mr. CULLOM. As I will not be able to remain in the Chamber during the balance of the reading of the bill, I desire to ask of the Senator in charge of the bill about two provisions in it.

First, I wish to say that a year or two ago there was a provision enacted prohibiting the use of the canteen in the Army. I desire to know whether there is anything interfering with the action taken at that time. In other words, is it proposed to legislate the canteen back into the service?

Mr. PROCTOR. There is nothing of the kind in the bill.

Mr. CULLOM. I am glad to know that.

The other question is whether there is any provision in the bill giving any kind of promotion to chaplains in the Army. I have had a good many letters from people on that subject, expressing a desire that some such legislation should be had.

Mr. PROCTOR. There is no such provision in the bill. It was considered by the committee, but on the whole it was not deemed advisable to insert it in this bill.

Mr. CULLOM. That answers my question.

The PRESIDING OFFICER. The reading of the bill will proceed.

The Secretary resumed the reading of the bill. The next amendment of the Committee on Military Affairs was, under the subhead "Engineer department," on page 43, line 6, after the word "by," to strike out "competent authority" and insert "the Chief of Engineers;" so as to read:

For unforeseen expenses, for travel expenses of officers on journeys approved by the Chief of Engineers and made for the purpose of instruction.

The amendment was agreed to.

The next amendment was, under the subhead "Ordnance Department," on page 45, line 8, after the word "dollars," to insert the following proviso:

Provided, That for the purpose of furnishing a national trophy and medals and other prizes to be provided and contested for annually, under such regulations as may be prescribed by the Secretary of War, said contest to be open to the Army, and the National Guard or organized militia of the several States, Territories, and of the District of Columbia, and for the cost of the trophy, prizes, and medals herein provided for, the sum of $2,500 be, and the same is hereby, annually appropriated, out of any money in the Treasury not otherwise appropriated, to be expended for the purposes hereinbefore prescribed under the direction of the Secretary of War.

The amendment was agreed to.

The next amendment was, on page 46, line 24, after the word "dollars," to insert "but every such purchase shall be immediately reported to the Secretary of War;" so as to read:

And hereafter purchases of ordnance and ordnance stores and supplies may be made by the Ordnance Department in open market, in the manner common among business men, when the aggregate of the amount required does not exceed $200, but every such purchase shall be immediately reported to the Secretary of War.

The amendment was agreed to.

The next amendment was, on page 47, line 7, after the word "service," to insert "to the grade of first lieutenant;" in line 9, after the word "February," to strike out "first" and insert "second;" in line 10, after the word "grade," to strike out "in which the vacancy exists, or from the grade below," and insert "of first or second lieutenant, and officers so detailed shall, while so serving, receive the pay of first lietenant;" so as to make the clause read:

And hereafter details for service to the grade of first lieutenant in the Ordnance Department under the provisions of the act of February 2, 1901, may be made, from the Army at large, from the grade of first or second lieutenant, and officers so detailed shall, while so serving, receive the pay of first lieutenant.

The amendment was agreed to.

The next amendment was, on page 47, line 14, after the word "upon," to strike out:

The recommendation of a board of officers serving in the Ordnance Department, senior to the eligible grade, and after at least one examination, which shall be opened to competition: *And provided further*, That officers so detailed for service in the Ordnance Department in grades below that of lieutenant-colonel shall not be again eligible for such detail until after they shall have served for at least one year out of that department.

And insert:

Such examination as may be prescribed by the Secretary of War.

So as to make the clause read:

Provided, That no officer shall be so detailed except upon such examination as may be prescribed by the Secretary of War.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. PROCTOR. I move, on page 16, line 14, after the word "President," to strike out the words "or the Secretary of War."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 16, line 14, after the word "President," it is proposed to strike out "or the Secretary of War."

The amendment was agreed to.

Mr. PROCTOR. On page 18, line 10, after the word "April," I move to strike out "ninth" and insert "fifteenth," so as to read: "before April 15, 1865."

The amendment was agreed to.

Mr. FORAKER. I offer the amendment which I send to the desk, to be inserted on page 14, after line 15.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 14, after the word "Army," at the end of line 15, it is proposed to insert:

Provided further, That the President be, and is hereby, authorized to appoint, by and with the advice and consent of the Senate, an officer of the Signal Corps as chief of the telegraph and cipher bureau of the Executive Office, who shall have the rank, pay, and allowances of a major.

The amendment was agreed to.

Mr. BACON. I offer the amendment which I send to the desk, and ask that it may be inserted on page 45, at the conclusion of line 19.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After the words, "Secretary of War," at the end of line 19, on page 45, it is proposed to insert a colon, and the following:

Provided further, That for the purpose of furnishing the necessary articles requisite to fully arm, equip, and supply each regiment, battalion, squadron, company, troop, battery, signal, engineer and hospital corps and medical department of the organized militia of the several States, Territories, and the District of Columbia with the same armament and equipment as are now prescribed for corresponding branches of the line or staff in the Regular Army, without cost to said States, Territories, or the District of Columbia, but to remain the property of the United States, and to be accounted for in the manner now prescribed by law, the Secretary of War is hereby authorized, under such regulations as he may prescribe, on the requisitions of the governors of the several States and Territories, or the commanding general of the militia of the District of Columbia, to issue the said armament and equipment to the organized militia; and the sum of $2,000,000 is hereby appropriated and made immediately available until expended for the procurement and issue of the articles constituting the same.

Mr. BACON. Mr. President, I desire briefly to say that that amendment is in direct line with the bill which we have passed reorganizing the militia, and that the appropriation is necessary in order that that bill may be made effective.

I will state, further, that I have conferred with the War Department, and that the amount mentioned in the amendment is deemed the proper amount to carry out that purpose.

Mr. PROCTOR. There is no objection to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. If there be no further amendments to the bill as in Committee of the Whole, it will be reported to the Senate as amended.

Mr. PETTUS. Mr. President, there have been and will be some other amendments proposed to this bill. The gentlemen who desire that they should be offered were here this morning and inquired whether this bill would be voted upon to-day. I replied that I could not tell them, but that I would ask that it be laid over until to-morrow morning before a vote should be taken. I should like very much, for their accommodation, that that should be done. The bill was only taken up this morning, and it is a very important bill.

Mr. PROCTOR. I hope the Senator will not insist upon that. His friends who thought that there was something in the measure which they wanted amended have, I think, become satisfied that there is nothing in it relating to them, and I am sure the Senator can satisfy them.

Mr. PETTUS. But they want something in the bill, Mr. President, if I may say so, that will relate to them. That is the purpose of my request.

Mr. PROCTOR. And that would be in the nature of legislation, perhaps. I think there is nothing coming properly within the scope of an appropriation bill but what has been included in the bill. I hope the Senator will not ask for a postponement.

Mr. TELLER. I desire to offer an amendment to come in on page 18 of the bill, which I hope the chairman of the committee will accept. On page 18, line 15, after the date "1898," I move to strike out down to and including the word "retirement," in line 21, and insert what I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to amend the committee amendment as it has been amended, on page 18, line 15, after the date "1898," by striking out the remainder of the paragraph, as follows:

But shall not apply to any officer whose service on the active list does not exceed thirty-five years, and shall not apply to any officer who has been placed on the retired list by virtue of any special act of Congress, nor to any officer who has already received an advance of grade at the time of retirement, or with a view to retirement.

And in lieu thereof to insert the following:

And all those now on the retired list, without regard to length of service, who served with credit as officers or as enlisted men in the regular or volunteer forces during the civil war prior to April 15, 1865, otherwise than as a cadet, and whose names are borne on the Official Register of the Army, and who have heretofore been retired on account of wounds received or disability incurred in the line of duty, or on account of age, or who have received the Congressional medal of honor, but shall not apply to any officer who has been placed on the retired list by virtue of any special act of Congress, nor to any officer who has already received an advance of grade at the time of retirement, or with a view to retirement: *Provided*, That in conferring the promotions authorized by this act the grades of first and second lieutenants shall be held to be one and the same grade.

Mr. PROCTOR. There is no objection to that amendment, Mr. President.

The amendment was agreed to.

Mr. PROCTOR. On page 4, line 20, after the word "dollars," I move to insert "to be immediately available." This refers to the provision for the printing of the Historical Register of the United States Army, for which $3,000 is appropriated, and the manuscript is already in hand.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 4, line 14, after the word "dollars," it is proposed to insert "to be immediately available."

The amendment was agreed to.

The PRESIDING OFFICER. The bill is still in Committee of the Whole and open to amendment. If no further amendment be proposed, the bill will be reported to the Senate.

Mr. PETTUS. I made a request which I will now put in the form of a motion. I move that the further consideration of the bill be postponed until to-morrow morning.

The PRESIDING OFFICER. The Senator from Alabama moves that the further consideration of the bill, which is now before the Senate as in Committee of the Whole, be postponed until to-morrow morning.

Mr. PROCTOR. Will the Senator name the time to-morrow morning to take the vote?

Mr. PETTUS. Immediately after the routine morning business.

Mr. PROCTOR. I prefer that an hour should be named—say 1 o'clock.

Mr. PETTUS. One o'clock will do me just as well as any other time.

The PRESIDING OFFICER. The Senator from Alabama asks unanimous consent that the further consideration of the bill be postponed until to-morrow, Tuesday, at 1 o'clock. Is there objection? The Chair hears none, and that order is made.

DISTRICT TAX SALES AND TAXES.

Mr. GALLINGER. The Senator from Pennsylvania [Mr. QUAY], being interested in the unfinished business, has consented that I may ask that it be temporarily laid aside to permit me to ask for the present consideration of Senate bill 6421.

The PRESIDING OFFICER. The Senator from New Hampshire asks unanimous consent that the unfinished business be temporarily laid aside in order that the Senate may proceed with the consideration of a bill which will be read in full for the information of the Senate.

The Secretary read the bill (S. 6421) to amend an act entitled "An act to amend an act entitled 'An act relating to tax sales and taxes in the District of Columbia,'" approved May 13, 1892, as follows:

Be it enacted, etc., That an act entitled "An act to amend an act entitled 'An act relating to tax sales and taxes in the District of Columbia,'" approved May 13, 1892, is hereby amended to read as follows:

"That it shall be the duty of the assessor for the District of Columbia to prepare and keep in his office for public inspection a list of all real estate in the District of Columbia heretofore sold, or which may hereafter be sold, for the nonpayment of any general or special tax or assessment levied or assessed upon the same, including assessments in condemnation cases, said list to show the date of sale and for what tax or assessment sold, in whose name assessed at the time of sale, the amount for which the same was sold, when and to whom conveyed, if deeded, or, if redeemed from said sale, the date of redemption.

"SEC. 2. That it shall be the duty of the assessor, whenever called upon, to furnish, in addition to the regular tax bills for any piece or parcel of real estate in the District of Columbia, a certified statement, over his hand and official seal, of all taxes and assessments, general and special, that may be due and unpaid at the time of making said certificate, or that all taxes have been paid to the day of issuance thereof; and for each and every certificate so furnished by said assessor the party requesting the same shall pay to the collector of taxes of the District of Columbia a fee of $1; and said certificate when furnished shall be a bar to the collection and recovery of any tax or assessment omitted from and which may be a lien upon the real estate mentioned in said certificate, and the assessor is hereby authorized and directed to cancel upon the records of his office any such tax sale, tax, or assessment so omitted from said certificate.

"SEC. 3. That all acts or parts of acts inconsistent with any of the provisions of this act are hereby repealed."

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STATEHOOD BILL.

Mr. QUAY. I now ask for the regular order, Mr. President.

The PRESIDING OFFICER. The unfinished business is before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. BARD. Mr. President, in consequence of the interruption in my remarks I am compelled to recall to the attention of the Senate that in my preceding observations, when referring to the tabulated statement showing the annual assessment valuation of property in Arizona and New Mexico for twenty years and commenting upon the fact that the governors of Arizona had repeatedly claimed that assessments were entirely too low, I said that even were the valuations unfair, they were unfair during the whole period and that nevertheless the assessment rolls served my purpose of determining the rate of progress which the Territory had made in developing its resources and in the accumulation of wealth.

The same practice by assessors of disregarding the provisions of the law requiring that all property shall be assessed at its cash value obtains in California, too, and the assessments of every class of property, except moneys, mortgages, and solvent credits, are low, ranging from 40 to 70 per cent of the true cash or marketable value.

I have reason to believe that this system of low assessments prevails in two of the southeasterly counties of California, San Diego and San Bernardino, which have the Colorado River as their common boundary with Arizona.

These two counties have a population of 63,019, or about one-half the population of Arizona.

San Bernardino County is the largest subdivision of California, its area being nearly 20,000 square miles. But the greater portion of both counties consists of mountain and desert lands.

Their resources are similar to those of Arizona. There are mines of gold and silver, and deposits of copper, iron, soda, and salt. As in Arizona, some portions of the lands are occupied by orchards of orange and lemon, walnuts, olive, and deciduous fruits. Some portions are farmed in barley, wheat, and alfalfa, and sugar beets. Dairying is an important industry in some localities. There are but few manufactures.

As in Arizona, horticulture and agriculture in these two counties of California are dependent upon irrigation, and, as in Arizona, all the available water in these counties, except that which may be supplied by the Colorado River, subterranean sources, or by storage systems, has already been utilized.

There seems, therefore, an appropriateness in using the developed agricultural resources and aggregate wealth of these two neighboring counties in California as standards, which may readily be comprehended, for measuring the importance and extent of the agriculture and aggregate wealth of Arizona.

Taking the data from the census for 1900, I find that Arizona has 5,809 farms, aggregating an area of 1,935,327 acres. These two counties in California have 5,048 farms, aggregating 1,028,551 acres. Arizona has 4,464 improved farms, aggregating an area of 254,521 acres. These two counties in California have 4,544 improved farms, aggregating 326,711 acres, or over 72,000 acres more than Arizona and about the same area in improved farms as has New Mexico.

The value of land and improvements, buildings, implements, and machinery in Arizona is $14,448,160; in New Mexico it is $22,040,424; in Arizona and New Mexico together it is $36,488,584; in the two counties of California it is $40,827,517 or nearly three times as much as in Arizona and over $4,000,000 more than in Arizona and New Mexico together.

According to their assessment rolls these two counties together have assessable property valued at $39,029,537, which is almost exactly equal to the assessed valuation of all property of every kind in the whole Territory of Arizona and over $1,000,000 more than the assessed valuation of all property in New Mexico in 1902.

So far as I am informed there is no movement on the part of the people of these two counties to be separated from the other fifty-five counties in California, and to ask Congress to be admitted as a new State, and yet in respect to the possession of accumulated wealth which contributes to the expense of the Government, they are better qualified for statehood than is Arizona or New Mexico under present conditions.

Further pursuing my plan to investigate the reports of the governors of Arizona for the last twenty years, with the view of determining what has been the rate of progress that has been made in the development of the resources of the Territory, I will now take up the subject of agriculture.

To determine what progress has been made in agriculture during the period mentioned we must first determine to what extent the arable lands were used in 1883 and what were the conditions affecting or relating to agriculture at or about that time, and then compare them with the areas of land now under cultivation and the general conditions which prevail.

Fortunately, in the report of Governor F. A. Tritle to the Secretary of the Interior, dated September 30, 1883, we have a very good description of the general conditions of the resources of the Territory at that time. I will not quote his remarks at length, but will summarize, as follows:

He says that the grand resources which so long had remained dormant are at last being understood and appreciated, and that possessing these three great resources of wealth—mining, agriculture, and grazing—Arizona is destined to be the home of a large population, and there are few new countries which are blessed with so many sources of permanent prosperity or which have so bright a future. He refers to the fact that while the progress of the civilization of the Territory and the development of its resources had been interfered with by most serious difficulties, those conditions had been changed, and that during the preceding two years exceptional development had been made in all the several industries, and that the affairs of the Territory are in an exceedingly prosperous condition.

This statement will indicate that it is quite fair to begin our investigations at this turning point in the history of Arizona.

It was recognized by Governor Tritle in 1883, as it is now conceded by Governor Murphy, that "irrigation is necessary to raise a crop in Arizona, and very little is produced without it."

Governor Tritle estimates that in 1883 there were between 60,000 and 70,000 acres under cultivation, 30,000 acres of which are under cultivation along the Salt River, and it is estimated that the 60,000 inches in Salt River at its lowest stage will afford water enough to cultivate 120,000 acres, or more than four times the area then being made productive.

He states also that Arizona was then (in 1883) "in possession of two transcontinental railroads and over 1,000 miles of telegraph lines, and that with the completion of certain other railroad lines then projected the Territory will enter a career of

prosperity that will astonish the most sanguine believer in its marvelous wealth and brilliant future."

Governor Tritle, in his annual report to the Secretary of the Interior for 1884, again says "the development of the wealth embraced in mining, grazing, and agriculture has shown marked advancement, and there has been absolute freedom from the depredations of hostile savages. There are now in the Territory about 300,000 head of cattle, and there is probably good pasturage, under present conditions, for 1,000,000 more. There are now in the valleys of the Salt and Gila rivers 400,000 acres which can be brought under cultivation, although less than 50,000 acres are now being made productive, 35,000 acres being in Salt River Valley, and an immense canal is being constructed which will convey water enough to reclaim at least 100,000 acres."

In the report for 1885 the information for which we seek is more specific. It states that the total number of acres under cultivation is 97,000, and that of the 2,000,000 acres of arable land which the Territory is estimated to contain it is believed there is living water under present conditions sufficient to reclaim 700,000 acres, of which at least 600,000 acres are found in the valleys of the Salt and Gila rivers, not more than one-eighth of which is yet under cultivation.

The governor again repeats that as nothing can be raised without irrigation, it follows that Arizona's productive capacity as a farming region depends entirely upon the available water supply; that 60,000, square miles (about 38,000,000 acres), or more than half the entire area of the Territory, can be utilized for grazing purposes; that the number of cattle assessed that year was 435,000, but that 50 per cent of the cattle were not assessed. He therefore estimates the number of cattle in the Territory at that time to be 652,500, and that nearly all of the cattle are pastured upon about 13,000,000 acres tributary to natural springs and streams. Besides, there are in the Territory 900,000 sheep.

To compare these data with the conditions now existing, as disclosed by the census of 1900 and the reports of the governor for the last two years, we find that in 1901 Governor Murphy states that "the problem of water storage for irrigation is the most interesting question before the people of Arizona, and all are agreed that upon the storage of flood waters depends the future development of agriculture in the Territory," and that "while there are millions of acres of Government land open to entry, there is hardly an additional acre that is available until the water supply is increased through storage;" and he is compelled to reply to inquiries as to the opportunities for settlers in Arizona on the public lands, that "practically speaking all of the land for which there is water available at present has been acquired by settlers, and the only opening for other agriculturists is to buy land already tilled," and "that capital had been led into the construction of canals for which the water, normally, is not sufficient, and under these canals settlers have acquired lands from the Government and have gone ahead cultivating and improving their possessions so far as possible, although in many instances the land lies uncultivated year after year simply because there is not water for it."

He says this is illustrative of the conditions in Maricopa County, the principal agricultural county of Arizona, and that the area of the land settled upon in Maricopa County under the various canals will aggregate 300,000 acres, while the land actually irrigated each year will not probably amount to more than 130,000 acres, and for much of this area there is, throughout a long season each year, an insufficient volume of water in the ditches.

Evidently having the census tables for 1900 before him, Governor Murphy, in his report for 1901 (Annual Reports, Department of the Interior for 1901, Miscellaneous Reports, part II, p. 117), gives us the following specific information, which enables us to make the desired comparisons:

In 1900 there were 1,935,327 acres included in farms, of which only 254,521 acres are improved. Of the improved land, 227,890 acres are outside of Indian reservations and 26,631 acres are within Indian reservations; and of the 227,890 acres of improved land, 81.4 per cent, or 185,396 acres, is irrigated land, and of this 974 acres are irrigated wholly or in part by pumping or artesian wells.

Now, by comparing this data with that taken from the reports for 1883, 1884, and 1885, we ascertain that of the 2,000,000 acres of arable land estimated to be contained in the Territory by Governor Tritle in his report for 1885, 1,935,327, or approximately all of it, is now included in farms; and that of the 700,000 acres estimated in 1885 to be susceptible of irrigation, only 254,521 acres are included in the aggregate area in farms in 1900; that the area of the lands in cultivation, which was estimated by the governor to be in 1883 between 60,000 and 70,000 acres, and in 1885 to be 97,000 acres, has increased to 254,521 acres, a gain of about 189,000 acres since 1883, and of 157,000 acres since 1885.

It will also appear, according to Governor Murphy's report, that the area of the irrigated land outside of Indian reservations increased from 65,821 acres in 1890 to 185,396 in 1900, a gain of 119,575 acres; and according to his statement there can not be, under present conditions, any further increase of the area of irrigated land in the Territory until the water supply is increased through storage.

Of the area of irrigated land (185,396 acres), about 130,000 acres are in Maricopa County, supplied with water from the Salt and Gila rivers, and this is a gain of about 65,000 acres over the area reported in 1883 to be under cultivation.

We find from tables in this report for 1901 (p. 127) that the canals which furnish these acres of land in Maricopa County with water from the Salt and Gila rivers, and first used in 1886 and up to 1890, aggregate about 391 miles in length and cost over $1,877,000, or about $14 per acre.

The report (p. 117) also contains the statement that within the ten years from 1890 to 1900, 545 miles of canals and ditches were constructed at a cost of $1,508,469, and that by the opening of these new ditches and canals between 1890 and 1900, 26,297 acres were added to the irrigated area. This would indicate a cost for canal systems of $3,385,467, or $26 per acre for the original cost of works to supply water to 130,000 acres actually irrigated now, and that the cost for supplying the additional area alone was about $57 per acre.

Governor Murphy, again referring to the census statistics, says, that on the farms making use of irrigation the average value of products not fed to live stock is $7 per acre.

Closely related to agriculture is the third important industry in Arizona, namely, range grazing, which I purpose to discuss, with the view of determining what has been its growth.

I pursue again my comparisons of the conditions of the industry in the early part of our period of twenty years with its present condition.

The opening of the two transcontinental railroads across the Territory in 1881 gave a great impetus to the introduction of cattle on ranges, and in the years 1883 and 1884 every running stream and permanent spring was settled upon, and the adjacent ranges were stocked with cattle brought in from the adjoining States of Mexico, from other Territories, and from the States.

Governor Tritle, in 1885, estimated that there were then in the Territory 652,500 head of cattle, but he arrives at this result by adding 50 per cent to the number assessed, 435,000. He estimates that more than one-half of the whole Territory, or 36,000,000 acres, can be utilized for grazing purposes. But not more than one-third of this immense range is supplied with living water. Consequently we will understand that about 13,000,000 acres were considered available.

And he says, again, that nearly all the cattle in the Territory—namely, 652,500 head—are pastured upon about 13,000,000 acres tributary to natural springs and streams.

In 1891 (vol. 14, Governor McCord) the ranges were throughout the Territory conceded to be stocked nearly to the full capacity. Governor McCord says the assessment roll of cattle for 1891 shows 720,941 head of cattle, but that nevertheless men whose judgment is not at fault on these matters are positive that after the calf branding of 1891, and before the sale of steers in the fall of that year, there were, in round numbers, 1,500,000 cattle in Arizona.

In 1892 there was a great drought, and the cattlemen realized that the ranges were overstocked, and they were forced to move their stock out of the country. The losses are conceded to be no less than 50 per cent, and some insist that 75 per cent is not too geat an estimate. This bitter experience that Arizona stockmen underwent in 1892 and 1893 compelled them to realize that there is a limitation to the quantity of cattle that may be pastured in the Territory, beyond which it is unwise to go; and the motto, "Fewer stock and better," indicates the generally accepted plan for carrying on the industry.

At the same time, the governor expresses the opinion that the sheep owners in some localities of northern Arizona have approached dangerously near the line of safety, not for want of grass, but of water, and that this may in a measure be remedied by building tanks and conserving the waters that now run to waste.

It is evident from these statements that the grazing on the ranges of Arizona has also nearly, if not quite, reached its maximum limit under present conditions. It is understood that the business has generally been remunerative, and therefore, in these days of rare opportunities for investment, it is probable that the stock industry of Arizona is prosecuted to its reasonable legitimate limit.

Now, relying upon the estimate made by Governor Tritle, that the number of cattle in the Territory in 1885 was 652,500, and comparing it with the 924,761 head of neat cattle in the Territory in 1899, as shown by the census returns, which includes 135,181 calves under 1 year old, we find that in the fifteen years there would appear to be an increase of 90,135 head. But that comparison is most liberal, and hardly justifiable. We have compared statistics derived from one source in 1885 with statistics derived from another source in 1900.

A more reliable comparison is made by taking only the assessment rolls or the census reports for our basis of calculation. And if we rely wholly upon the census we find (in Table CLVI) that the number of neat cattle, exclusive of calves, in Arizona, expressed in thousands, was, in 1880, 136,000; in 1890, 928,000; in 1900, 607,000, and that the percentage of decrease in the last decade was 34.5 per cent, or 321,000 head.

Grazing is certainly a very important industry for Arizona, but until some effective means shall be found to supply with water and thus make available for pasturage the rest of its large area of land there would seem to be no possibility of its further growth.

Many of the most valuable grasses are annuals. Drastic feeding on them year after year leaves too little seed for renewal, and finally none at all. Too close grazing in time destroys any perennial grass. It is killed by trampling, and during long droughts cattle pull it up by the roots.

In the regions where plenty of rainfall exists, the pasturage is longer lived and less liable to permanent injury by overgrazing, but in an arid region like Arizona there is great danger that overstocking will permanently injure large parts of its grazing area, and if the land which is made no longer valuable for grazing purposes can not be utilized for agriculture without irrigation, it will, of course, become worthless for any purpose. When the pasture becomes too poor for cattle, sheep are brought in, and though they are able to roam farther away and to live where cattle would die, they soon complete the destruction by close feeding and trampling of the loose soil in the areas nearest the watering places.

That sheep are displacing the cattle on the ranges in Arizona is indicated by the census returns (Table VI, Vol. V, Agriculture), which give the number of sheep in Arizona in 1870 as 803, in 1880 as 466,524, in 1890 as 515,136, in 1900 as 668,458.

Pursuing the same method of ascertaining the growth in the development of the resources of Arizona, I will now compare its productions of precious metals in 1883 with that of 1902, and I ask leave to print a table showing the value of Arizona's production of precious metals for the past twenty years which I have collated from the reports of the Director of the Mint.

Table showing the value of Arizona's production of precious metals, prepared from reports of the Director of the Mint.

Year.	Gold.	Silver.	Total.
1882	$1,065,000	$7,500,000	$8,565,000
1883	950,000	5,200,000	6,150,000
1884	930,000	4,500,000	5,430,000
1885	886,000	3,825,000	4,711,000
1886	1,110,000	3,400,000	4,510,000
1887	830,000	3,800,000	4,630,000
1888	871,501	a 3,560,079	4,431,580
1889	1,092,059	2,719,845	3,811,904
1890	976,827	1,727,400	2,704,227
1891	975,000	1,913,535	2,888,535
1892	1,177,577	1,373,375	2,550,952
1893	1,184,200	3,795,652	4,979,852
1894	1,784,475	1,483,254	3,267,729
1895	1,965,300	1,275,990	3,241,290
1896	2,604,200	2,473,373	5,077,573
1897	2,895,900	2,896,032	5,791,932
1898	2,524,800	119,467	2,644,267
1899	2,566,100	2,040,630	4,606,730
1900	4,193,400	3,872,970	8,066,370
1901	4,083,000	3,636,234	7,719,234
1902	4,155,000	4,098,000	8,253,000

a Coin value.

This table will show that in 1883 the production of gold was $950,000 and the production of silver was $5,200,000, or altogether $6,150,000, and that in 1902 the production of gold had increased to about $4,000,000, but that the value of the silver produced had fallen off to about $4,000,000, so that the total production for 1902 as compared with 1883 shows an increase for the twenty years of $2,103,000. However, the production of 1882 was much greater than that of 1883, and compared with that of 1902 there has been a decrease in the production amounting to $300,000 in the twenty-one years since 1882.

The aggregate value of the production of gold and silver shows marked fluctuations during the twenty years, the total product decreasing during the decade following 1882 until in 1892 it had fallen off to two million and a half of dollars. It recovered somewhat during the years next succeeding, but in 1898 it fell off again to a little more than two and a half million dollars. At no time between 1883 and 1902 has the total production of gold and silver been as much as it was in 1883.

I have another tabulated statement showing the total copper production of Arizona from 1882 to 1901, inclusive (the figures for 1902 not being obtainable), covering a period of twenty years, which I have obtained through the courtesy of the Geological Survey; and I ask that it be inserted in my remarks at this point.

The PRESIDING OFFICER (Mr. PERKINS in the chair). If there be no objection, the table will be inserted in the RECORD.

The table referred to is as follows:

Total copper production in Arizona from 1882 to 1901, inclusive.

	Pounds.		Pounds.
1882	17,984,415	1893	43,902,824
1883	23,874,963	1894	44,514,894
1884	26,734,345	1895	47,953,553
1885	22,706,366	1896	72,934,927
1886	15,657,035	1897	81,530,735
1887	17,720,462	1898	111,158,246
1888	31,797,300	1899	133,054,860
1889	31,586,185	1900	118,317,764
1890	34,796,689	1901	130,778,611
1891	39,873,279		
1892	38,436,099	Total	1,085,313,552

Mr. BARD. The production of copper in Arizona in 1882 was, roughly, 18,000,000 pounds, since which time it has constantly increased without much variation—although in 1886 and 1887 it dropped below that point—until in 1899 the copper production reached the highest point of about 133,000,000 pounds; in 1900 it fell off to 118,000,000 pounds; and in 1901 it recovered to 130,000,000 pounds.

The valuation of the copper product for 1901 at 10 cents per pound would be about $13,077,861, which, added to the aggregate gold and silver production, would make the aggregate value of these three productions about $21,000,000.

We find, upon examining the assessed valuations of property taxed in Arizona, that 1,376 patented mines and improvements on mines are assessed at the aggregate valuation of only $6,303,394, or about one-sixth of the aggregate amount of assessed property in the Territory; which suggests that the common practice of placing low valuations upon mines, or letting some of them go untaxed entirely, prevails in Arizona as well as in many of the other States and Territories.

Town and city lots and improvements alone are assessed at $9,859,525.12 or 50 per cent more than are the mines and improvements, and according to the assessment roll constitute more than one-quarter of all the tax-bearing property in the Territory.

The governors of the Territory have repeatedly called attention to the injustice of allowing the mine owners to evade bearing their just proportion of the taxes, and in his report for 1900 Governor Murphy repeats his very earnest appeal to the legislative assembly for legislative enactment giving to the board of equalization the power to assess mines and to equalize the values of mining property. He says, in reference to this evasion of taxes by mine owners: It is "wrong, and in no way can the proposition be defended, that great riches in gold, copper, and silver dug from Arizona ground and distributed as dividends in the East and in Europe should not be taxed in some form in the Territory."

There has always been in the mining States and Territories a strong opposition on the part of the population against taxing mining property. This opposition is founded upon the idea that it is impracticable to ascertain even approximately the value of ores that are yet hidden in the rocks, and to assess the bullion, or the net proceeds of the mines, would subject the mine owners to inquiry and investigation that would be prejudicial to their interests. This objection is a tradition or principle coming down from a former generation, and is so firmly fixed in the minds of the people that we need not be surprised when we are told by Governor Murphy that his earnest appeal "resulted in no new legislation on the subject," and in all probability the same system of taxation, which relieves the mines of a great part of their fair share of taxes, will be continued in Arizona for many years to come, whether it has statehood or not.

The history of mining shows many fluctuations. The great mines are often temporarily or permanently abandoned because of circumstances which tend to reduce the values of the output or to enlarge the cost of mining beyond the point where the business remains remunerative.

A case in point is mentioned in the report of the governor of Arizona, where the Mammoth Mine, in Pinal County, for a long time a great producer, has been worked down to the water level, and is closed for the present, pending a reorganization, preparatory to drainage and deeper working.

Then, again, improved methods of mining or treatment of the ores may give renewed impetus to the industry, as in the case of the mines in the Tombstone district, which have been lying practically dormant for over twenty years, but which are now being resuscitated. The great silver camps in Utah, Colorado, Idaho, Montana, and Nevada have at times been compelled to cease operations, partially or completely, as a result of the depression in the price of silver. We have seen from the comparison that I have made of the history of the production of gold and silver in Arizona, that the industries are subject to the same mutations and uncertainties that prevail elsewhere. At present the copper mines of Arizona are in a prosperous condition, and no one can predict to what immense dimensions the production may go, nor can anyone say how soon there may be a turn which will make them of less importance.

I do not wish to put particular significance upon the figures, but it will be observed from the table of copper production that there has been a falling off in the production of copper in Arizona since 1899.

As I have shown, the governors of Arizona have repeatedly admitted that both the agricultural and grazing resources of the Territory have reached their limit under present conditions of water supply, and this limitation is an important factor in determining whether Arizona will be able to attract and retain a permanent population whose numbers will have a reasonable ratio with the population of the rest of the country.

The soil is more constant and reliable than the mines as a resource. Upon the soil communities must in general, directly or indirectly, depend for their prosperity and growth. Upon it ordinarily depends the power of any community to maintain its population. Manufacturing interests grow where agriculture thrives. It is true that the soil of Arizona is exceedingly fertile wherever it can be reclaimed and watered. Professor Hilgard, of the University of California, a very high authority on such subjects, has declared that the extraordinary fertility which marks the valley of the Nile is a quality inherent in aridity itself.

The valuable ingredients of the soil, which are soluble and in our humid regions are washed out and carried by the streams into the ocean, have been accumulating in the arid soil of the West for centuries, and wherever water in sufficient quantities can be obtained to utilize them on the land they will contribute more to the welfare and maintenance of future generations than all the wealth which may be yielded from all the existing mines.

Professor Hilgard's conclusions are the result of patient investigation, and are based on over a thousand analyses of the soils of the arid and humid regions of the United States. They demonstrate that the soils of the arid regions, when compared with the soils of the region east of the Mississippi River, contain on an average three times as much potash, six times as much magnesia, and fourteen times as much lime, and he declares that arid countries are always rich countries when irrigated. Nearly all of the rivers of the West are torrential and carry more or less rich silt, which if arrested and diverted by dams and canals will serve to keep the soil interminably enriched.

It is estimated from observation by the scientific men of the University of Arizona that this fertilizing material in Arizona soils would cost, if purchased in the markets, over $9 per acre.

The only possible solution of supplying additional water for irrigation purposes in Arizona is the construction of great reservoir systems near the sources of the streams or the diversion of water from the Colorado. Opportunities offered by nature for such storage works can not be utilized under present conditions, because of the large cost involved and the difficulties to deal with vested rights in existing works, and in appropriated water, and to distribute the cost among the settlers proportionately.

Congress has, however, recently recognized the importance of the reclamation of the arid lands and the duty and necessity of Government to assist in the work of reclamation by devoting the proceeds of all future sales of its public land in the arid States and Territories for such purpose, in order to make them habitable and available for the surplus people. Such appropriation will be inadequate for providing more than a fair beginning on a reasonable scale of the immense enterprise of reclaiming the great arid West.

Much time will be required for the Government to evolve its plans for reclamation of the arid wastes, for it is a novel and untried policy and involves many intricate legal questions and engineering and scientific problems.

In view of the varying laws and regulations in the several arid States in respect to appropriation and riparian rights and the control and distribution of waters, it is probable that the Government will find it most expedient to initiate its policy of reclamation of the arid lands by applying the reclamation fund first to the development of some of its projects for dams and storage reservoirs in the Territories.

It therefore seems to me that there are several good reasons why this reclamation fund should be applied to carrying forward, if found practicable and judicious, one or more of the projects for developing the water supply in Arizona which have been discussed for many years. Among them is the San Carlos dam on the Gila River, in which the Government is directly interested, for it would supply water to the Indians of the San Carlos Indian Reservation, who are in a measure dependent upon aid from the Government, and who if supplied with water, would be able to support themselves. The dam would also supply water for the reclamation and irrigation of a considerable area of the public domain in the vicinity.

Another important project is the Tonto Basin Reservoir, which is designed to regulate the supply and overcome the periodical shortage of water in the Salt River Valley—the glory of Arizona. It is an ambitious scheme, and, if constructed, it will have an important bearing on the further development and future welfare of a country already settled and prepared to utilize the additional water which may be conserved by the proposed works.

It, however, raises the serious question whether the Government may, under the irrigation bill, properly use the reclamation fund for supplying water to lands held almost entirely in private ownership.

It is gratifying to know that the Geological Survey has now a force in Arizona, in charge of the Chief of the Division of Hydrography, Hon. F. H. Newell, engaged in making accurate surveys with the view of determining the possibilities of the various projects for the storing of water which have been discussed for some time, and of selecting one or more of the most available and valuable sites for the initiation of the national irrigation movement in that region.

These remarks have far exceeded the limit that I had set, and I will close them with the simple declaration that, in view of the facts which I have presented relative to her condition, it seems clear to me that Arizona is not yet fully qualified for statehood, and that her admission as a State would not afford her better opportunities for improvement in her conditions, nor will the refusal to admit her have the effect of retarding or interfering with the development of her resources.

The conditions in New Mexico, which I have not attempted to describe, but which have been presented in the report of the committee, and in the able remarks of the other members of the committee who have preceded me in this discussion, are also such that, in justice to the whole country, I am unable to vote in favor of her admission.

Oklahoma, though fitted in many respects for statehood, ought not to be admitted alone, nor until the Indian Territory is also included in the proposed new State.

If there is room for doubt as to the advisability of admitting these Territories at this time, that doubt should be given in favor of the whole people of the nation rather than to the people of the Territories, and I concur fully with the committee in their caution that if it is a mistake not to admit these Territories at the present time, it is a mistake which can be remedied by any future Congress.

If it is a mistake to admit them, and that mistake is consummated, it never can be undone, for the American people never have permitted, nor will they under any conceivable circumstances ever permit, so long as the Republic continues, one single star to be removed from the field of our flag.

Mr. QUARLES obtained the floor.

Mr. CLAPP. Will the Senator from Wisconsin yield, that I may ask the Senate to take up the motion I made this morning?

Mr. QUARLES. Certainly.

The PRESIDING OFFICER. The Senator from Minnesota asks unanimous consent that the regular business be temporarily laid aside for the purpose of taking up a bill.

Mr. QUAY. I have no objection to temporarily laying aside the pending order with the understanding that the bill the Senator from Minnesota proposes to call up will not create any discussion.

Mr. CLAPP. It will not.

The PRESIDING OFFICER. The Chair hears no objection.

CLAIMS OF CHIPPEWA INDIANS, ETC.

Mr. CLAPP. When the bill (S. 3112) conferring jurisdiction on the Court of Claims to determine all claims of the confederated bands of Ute Indians of Colorado was recommended last spring, a committee amendment was made which I supposed had been filed with the clerks, but which I found on the passage of the bill on Saturday had not been filed. I move to reconsider the votes by which the bill was ordered to a third reading and passed on Saturday last.

The motion to reconsider was agreed to.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment.

Mr. CLAPP. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. It is proposed to strike out all after the word "Congress," in line 4, page 7, down to and including the word "thereof," in line 21, on the same page, and to insert in lieu thereof the following:

Including any and all claims arising from the use of lands for the occupation of railroads and other public highways or public uses not herein excepted from the jurisdiction conferred by this act, and all demands on the part of the United States and claims against said Indians growing out of treaty obligations and agreements ratified by Congress except judgments of the Court of Claims for depredations committed by said Indians and the capitalized annuity and interest thereon hereinafter provided to be set off against the compensation to said Indians for certain timber and forest reservations; but excluding the claims of said Indians to compensation for lands embraced within the White River Plateau Timber and Land Reserve, set apart to the United States under Executive order and proclamation of the President dated October 16, 1891, and the Battlement Mesa Forest Reserve, set apart to the United States under Executive order and the proclamation of

the President December 24, 1892; against the compensation for said reservations which may hereafter be allowed and paid to said Indians there shall be set off the sum of $1,250,000, being an amount of money sufficient at 4 per cent to produce annually $50,000, together with the interest arising on said fund, annually paid to said Indians per capita in cash under the provisions of section 5 of the "Act to accept and ratify the agreement submitted by the confederated bands of Ute Indians in Colorado for the sale of their reservation in said State, and for other purposes, and to make the necessary appropriation for carrying out the same," approved June 15, 1880, which sum and the annuity arising therefrom shall not enter into or form a part of any set-off to be offered by the United States in the action herein provided for; and the Secretary of the Interior shall report to Congress at its next session the acreage and character of the lands embraced within the said reservation, classifying the same as mineral, agricultural, timber, and stone lands, and shall report the estimated value of each class of said lands per acre, and he shall immediately enter into negotiations with said Indians for the purpose of agreeing upon the compensation which shall be paid to them by the United States for said lands, in which negotiations the said Indians may be represented by the attorneys by this act authorized to represent them in the courts, whose compensation shall not exceed 15 per cent of the amount which may be allowed to said Indians after deducting the set-off herein provided.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Minnesota.

The amendment was agreed to.

The PRESIDING OFFICER. If there are no further amendments in the Senate——

Mr. CLAPP. There were certain amendments made to the bill as it passed on Saturday.

The PRESIDING OFFICER. Those amendments have already been agreed to.

Mr. CLAPP. That is all right.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

STATEHOOD BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. BEVERIDGE. Mr. President, with the permission of the Senator from Wisconsin——

Mr. QUARLES. I yield to the Senator from Indiana.

Mr. BEVERIDGE. This morning I was called for a moment to my committee room from the Chamber, during which time the Senator from Pennsylvania asked that a date be fixed for voting upon the pending measure, and the Senator from Minnesota [Mr. NELSON] objected. The Senator from Pennsylvania, I understand, said that what he was going to do was well understood by the chairman. I simply want to call attention to the fact that of course the Senator did not mean that any inference should be drawn from that that I had in anywise consented in any manner, openly or secretly, to a date being fixed for a vote upon this bill.

I was called, as I explained to the Senator, for a few moments to the committee room. The senior Senator said he was going to make the usual request. In my absence there were a large number of Senators prepared to object—the senior Senator from Wisconsin [Mr. SPOONER], the Senator from Minnesota [Mr. NELSON], the senior Senator from New Jersey [Mr. KEAN], and indeed, a very large number of others, and the usual objection would be made. I simply rose to relieve the Senator of the inference which might have been drawn from his words, for I know he does not wish to be understood as implying that there was any understanding that a vote should be reached at that time, or at any specific date.

Mr. QUAY. Not at all, Mr. President. The understanding of the Senator from Pennsylvania is distinctly to the contrary. What happened was that I mentioned to the Senator from Indiana that I was about to make the request. He said he was obliged to leave the Chamber, and I said that he would find a substitute, or something of that sort.

My remark in relation to the Senator from Indiana was drawn out by what the Senator from New Jersey [Mr. KEAN] stated in connection with his objection, to wit, that he objected on account of the absence of the Senator from Indiana.

Mr. BEVERIDGE. I was certain that the Senator did not mean that any inference should be drawn from it, and it was for the purpose of giving the Senator himself the opportunity to so state that I rose.

Mr. QUAY. That is all right.

Mr. BEVERIDGE. What the Senator has stated as occurring between me and himself is exactly right, of course, except that I asked the Senator whether he was going to do anything that would require my attention, as I was called away for a few moments. He said he was going to make his usual request and he had no doubt several gentlemen on our side would object, and I told him that I thought that would certainly occur.

I have been informed that the Senator remarked, in my momentary absence, that what he was going to do was understood by me; and I wanted to relieve the Senator from having it inferred by anything in his remarks that there was any understanding. I have done that, and therefore accomplished my purpose. I am glad I have done so, because I have afforded the Senator the opportunity to make himself clear on that point.

Mr. QUAY. The Senator from Indiana may rest assured that I will never accuse him of endeavoring to facilitate the passage of this bill.

Mr. BEVERIDGE. But the Senator will admit earnest efforts on the part of the chairman to facilitate debate.

The PRESIDING OFFICER. The junior Senator from Wisconsin has the floor.

Mr. QUARLES. Mr. President, I desire to say in the first instance that, so far as Arizona and New Mexico are concerned, I bear neither any ill will. On the other hand, I have many friends living in both those Territories, and if it were proper to consult personal preference I should be more than glad to vote in accordance with their wishes. But I do not feel at liberty to consult personal wishes in a case which involves stipulating away the rights of the State that I have the honor, in part, to represent upon this floor. If it shall be the deliberate verdict of Congress that 96,000 people living in Arizona shall be the equivalent of 194,000 people living in my own State; if it shall be held that 96,000 people in Arizona, constituting a little more than 54 per cent of the ratio of representation, shall have not only a Representative in the other House, but shall also be given two Senators, who are to enter this body upon an equal footing, then Wisconsin and every other State represented on this floor will be compelled to yield a pro rata of influence and power to qualify a Territory that is deficient in population.

This we have no right to do. I freely concede that both of these Territories have very many cultivated, highly intelligent people who would be an honor to any civilization and welcomed as useful citizens in any State of the Union. But the trouble is that there are not enough of them. The percentage of illiteracy throughout those Territories is such that the mere numerical test can not possibly be considered alone sufficient.

Mr. President, I have been surprised at some things that have taken place since this bill came to us from the House. I have been taught from my youth to revere the Union, not only as a sentiment represented by its flag, but in every regard as being a sacred combination of States, and that any change in the Union was a matter of vital importance; that when a proposition was advanced to add three States to this Union it should challenge the attention and engage the best thought of both bodies of Congress, upon whom and upon whom alone the Constitution has vested the discretion to admit new States.

Without desiring to speak in the vein of criticism, this bill in another place seems to have received very scant attention; and when it comes here the same indifference seems to prevail, as though it were a subsidiary question. I have thought at times, Mr. President, since this discussion begun, what would be the attitude of this body if, instead of representing States, we represented a great and powerful commercial combination, and the proposition had been to bring in three new partners, who should partake equally of our profits and share with us the responsibility of management?

It has seemed to me that under those circumstances the pending proposition would have awakened the utmost interest. No pains would have been spared in ascertaining who and what those three proposed partners were; what their records had been, not only in a business way, but socially and morally; whether they were so equipped that they could fit into the great company advantageously; whether their temperaments were such that we could work with them; what capital they had; what credit they could command—and at every point where the question touched the welfare of the concern there would have been the most searching investigation before any final conclusion was reached. Why? Because the admission of three partners makes a new combination and a different combination. The firm name might remain the same, but it would be essentially a different concern. There would be three new factors in every question of policy. Mr. President, does anyone doubt that the commercial spirit would have dictated the most exhaustive investigation upon such a question?

In the case of a commercial partnership, with nothing but dollars and cents involved, the whole success or failure of the enterprise would be shown in a balance sheet; and yet here we are a great partnership of uncrowned sovereigns, a great combination of States, upon whose existence and prosperity there is more of destiny hinging than ever depended upon any other combination in this world. Dollars and cents are mere dross as compared with the great public interests that are here involved. Still the fact remains that the admission of three States, like the admission of three partners, makes a new Union, and a different Union.

As my distinguished colleague [Mr. SPOONER] suggested to me a moment since, there is this difference: A partnership can be wound up at any time by the court and its liabilities and assets settled, but here our decision upon this measure must stand

forever, absolutaly irrevocable, with no tribunal to which any appeal can ever be taken. Therefore it has seemed to me that this was a measure of the first importance, which calls for the most thorough debate and investigation.

But what do we find, Mr. President, when the measure reaches this House? An announcement is made before the report is printed, before any of the testimony is printed, that "we, the majority, are ready to vote to-day;" and, if I remember aright, the further proposition that "we, the majority, are ready to fight this afternoon if we have got to have a fight at all." That announcement was something novel, I apprehend, in parliamentary usage, and it was as startling as it was novel. The announcement of the will of the majority and the count of the votes ordinarily constitute the last step in parliamentary procedure; but in this case it is made the first. "We, the majority"—and that announcement, sir, is flashed out here before this body with all the suddenness of a wireless message—"we, the majority, ask and demand."

How had that majority been ascertained, Mr. President? No feature of the measure had ever been presented to this body, no discussion had been had, no vote had been taken, yet at the very outset we hear of a predetermined majority. Mr. President, it took nerve and skill; yes, more, it took genius to make the announcement so cogent and masterful as to put every opponent of this measure immediately in a hopeless minority, to put him at a dispiriting disadvantage; and, without phrasing it in words, practically served notice that "we, the majority," having the votes have no need of argument; that he who seeks to discuss this measure will be looked upon as an obstructionist. It was not put in so many words; but by the dramatic manner and assurance with which it was done, it suggested a new precedent in parliamentary usage, resorted to for the purpose of producing a certain effect upon this body, which we have felt thrilling this Chamber from that hour until now.

Who were "we, the majority," and how was it ascertained? By a mass meeting somewhere or by a secret conclave—a caucus in some dark room? That, Mr. President, is and will always remain one of those inscrutable mysteries which attend this novel method of arriving at the will of the majority. While we were wondering who "we, the majority" were, we were in part enlightened by a remark made by the distinguished Senator from Tennessee [Mr. BATE], for whom I entertain a profound respect. You will remember that he said that, "We on this side of the Chamber are not divided, however it may be upon the other;" and in substance he said, as I remember, "Without having polled my confrères, I feel at liberty to say that every one of them is in favor of this measure; we are ready to vote to-day."

It seemed to me, sir, that some great light must have irradiated the other side of the Chamber to produce that sudden and vivid conviction, and I was reminded of the two old worthies in the Bible, each of whom was confronted on the highway by a great light, and I may be pardoned for saying that the present incident suggests Balaam rather than Saul.

Another thing, Mr. President, that is somewhat remarkable. A proposition was made by the committee by way of substitute to change the provisions of this bill. It was promptly announced that a motion to lay on the table would be made if the substitute were presented. What did that mean? Simply that instead of pursuing the usual ordinary methods sanctioned by the practice and traditions of the Senate any proposition to perfect the bill would be stifled by a motion to lay upon the table. Thus we were early admonished that no change in the text of the bill would be permitted. It had reached the stage of perfection under the masterful influence of the majority.

By unanimous consent statehood was made the regular order, and has had the attention, and almost the sole attention, of this body since the 10th day of December. It has also occupied a good part of the morning hour, and thus siege has been laid to this House by the proponents of this measure, who assume that debate is an impertinence and argument an obstruction.

I had occasion the other day to look into the CONGRESSIONAL RECORD of 1888, where a bill was being considered for the admission of South Dakota, and I could not help but notice the contrast in parliamentary procedure. That case was discussed on both sides by the ablest men in this body; and, if I mistake not, a much longer time was consumed in the discussion than has been taken here; and, instead of having been regarded as a measure which should be put through by the brutal numerical strength of a majority, it was looked upon as a great question worthy of the serious attention of the statesmen who then had seats in this body.

NO POLITICAL ESTOPPEL.

There is another feature of this discussion to which I wish to advert for a moment. It is another peculiar characteristic of the same general nature. We have been repeatedly admonished since this debate began that the question had been practically settled by a political convention. An effort has been made here to enforce a kind of political estoppel upon Senators because, forsooth, some of them were present at a political convention which assumed to pass a resolution in favor of the early admission of these Territories. That has been held in terrorem over the Republican members of this body, and the logic of it is that for a Senator to think is apostasy and to disagree is political heresy. I do not yield even to the distinguished Senator from Ohio in loyalty to the Republican party or to its political tenets, but I do not look upon a political platform as infallible, and I want to deny, on my own behalf, at least, that a political convention is or ought to be the keeper of the Senatorial conscience; neither do I admit that it is the forum where a great measure like this can be safely matured.

What are the proper limitations of a political convention? I apprehend that their powers consist, first, of the right to nominate party candidates, and secondly, to give expression to the political thought that is at that time agitating the mind of the people. The platform ought to be a correct photograph of the intellectual conviction of the people regarding the questions then at issue. If the platform goes beyond that, the convention has transcended its legitimate power; it speaks no longer ex cathedra, but is a mere personal declaration of the gentlemen who happen to have framed the platform.

Statehood is not, and never can be, a political question. It is essentially a legislative question. It involves primarily the exercise of a great legislative discretion. Furthermore, the admission of the three Territories was not an issue at the time when the Republican convention met in Philadelphia. It was not a question in which the people felt present interest; it was not a question upon which they voted; it was not a question that was discussed at all by either party anywhere, so far as I know, or considered as a part of the political creed of either party.

I can not understand any difficulty that any Senator should feel who might have been concerned even in the preparation of that plank in that political convention, when he comes here as a Senator of the United States to pass upon statehood as a legislative question. He is considering it here from an entirely different view. As a politician he considers it as it will affect the interest of a party, while here, as a Senator, he has before him the whole question as it will influence the welfare of 78,000,000 people and 45 States.

The distinguished Senator from Ohio [Mr. FORAKER], when he was discussing this question, said that he remained still of the same opinion that he entertained and expressed as a member of the committee on resolutions at Philadelphia. That certainly is a very happy coincidence; it is nothing more. There should be no embarrassment on the part of any Senator in the consideration of this question here by reason of anything that was done in the Philadelphia convention. When a judge takes his seat upon the bench he does not feel constrained by opinions given at the bar while acting under private retainer. His point of view has been radically changed. He is no longer the advocate of private interests, but the exponent of public justice.

Now, Mr. President, I beg leave——

Mr. QUAY. Will the Senator from Wisconsin allow me to interrupt him?

The PRESIDING OFFICER (Mr. PERKINS in the chair). Does the Senator from Wisconsin yield to the Senator from Pennsylvania?

Mr. QUARLES. Certainly.

Mr. HOAR. Has the Senator from Wisconsin finished?

Mr. QUARLES. I have not.

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Pennsylvania?

Mr. HOAR. I beg pardon; I thought I had the floor.

Mr. QUAY. Mr. President, some one has sent me an anecdote, which seems to me very apropos to the position of the Senator from Wisconsin in regard to national platforms. There is nothing offensive in it, and, if he does not object, I will send it to the desk and ask to have it read.

The PRESIDING OFFICER. Is there objection to the reading of the paper sent to the desk?

Mr. NELSON. Mr. President, I do not think it is fair to inject anything like that into the remarks of the Senator from Wisconsin.

Mr. QUARLES. I should prefer to have the Senator from Pennsylvania reserve the article and print it in his own speech when he makes it.

Mr. QUAY. Very well.

The PRESIDING OFFICER. Objection is made to the reading of the paper. The Senator from Wisconsin is entitled to the floor.

Mr. QUARLES. Do I understand that the Senator from Massachusetts [Mr. HOAR] desires to say something?

Mr. HOAR. No; I beg the Senator's pardon. I thought perhaps the Senator was giving up the floor for to-day, and I desired to ask for the passage of a bill. But I misunderstood the interruption.

Mr. QUARLES. Mr. President, I should be very glad at this point to yield the floor until to-morrow morning.

Mr. CULLOM. I wish to move an executive session.

Mr. HOAR. I should like to call up a bill.

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Massachusetts?

Mr. CULLOM. I yield for that purpose.

CRIMINAL, PAUPER, AND DEFECTIVE CLASSES.

Mr. HOAR. I desire to ask the Senate to take up for consideration the bill (S. 6032) to establish a laboratory for the study of the criminal, pauper, and defective classes. If it raises discussion I shall not press it.

The PRESIDING OFFICER. The Senator from Massachusetts asks unanimous consent for the present consideration of a bill which will be read to the Senate for its information.

The Secretary read the bill, which had been reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and insert:

That there shall be established in the Department of Justice a laboratory for the study of the abnormal classes, and the work shall include not only laboratory investigations but also the collection of sociological and pathological data, especially such as may be found in institutions for the criminal, pauper, and defective classes, and generally in hospitals and schools. Said laboratory and work shall be in charge of a director, who shall be appointed by the President, and shall receive a salary of $3,000 per annum. He shall make a report once a year, directed to the Attorney-General, which, with the approval of that officer, shall be published. For the proper equipment of said laboratory, and the rental, if necessary, of a suitable room therefor, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $5,000, or so much thereof as may be required.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. KEAN. I do not object, but I think we ought to have a brief explanation by the Senator from Massachusetts.

Mr. HOAR. If the Senator from Illinois does not object, I will say a word only.

Mr. CULLOM. Very well.

Mr. HOAR. Mr. President, this is a bill which has been petitioned for by learned and scientific bodies without number all over the country. It relates to investigations as to the result of certain inherited physical conditions in the matter of crime. The Judiciary Committee have recommended it, with a great deal of hesitation I agree, but still on the whole the majority of the committee thought it was a desirable thing to do.

I confess it does not seem to me very likely that the bill will pass the House at the present Congress, though it may, but I thought it was due to the very earnest and devoted gentleman who has been engaged in that work formerly in the Bureau of Education and to the petitioners to ask the Senate to pass the bill if it would.

Mr. CULLOM. Will the Senator from Massachusetts allow me to say a word? The gentleman who has heretofore occupied a similar position, and who I suppose is asking for the passage of this bill, was an employee of the Bureau of Education. The head of that Bureau declined to consider him further in connection with it, and dropped out of the estimates the recommendation for the salary which had been allowed to him heretofore, and came before the Committee on Appropriations and made such a statement in reference to it as convinced the committee that it ought not to be continued. I hope the Senator will not press the bill.

The PRESIDING OFFICER. Does the Senator from Illinois object?

Mr. CULLOM. I feel constrained to object to its consideration to-day.

The PRESIDING OFFICER. Objection being made, the bill will go over.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twelve minutes spent in executive session the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills and joint resolutions:

A bill (S. 661) authorizing the restoration of the name of Thomas H. Carpenter, late captain, Seventeenth United States Infantry, to the rolls of the Army, and providing that he be placed on the list of retired officers;

A bill (S. 1471) for the relief of Henry G. Rogers;

A bill (S. 3317) authorizing the President to appoint Lieut. Robert Flatt, United States Navy, to the rank of commander;

A bill (S. 3748) for the relief of M. L. Cobb, administrator of W. W. Cobb, deceased;

A bill (S. 5329) authorizing the President to appoint Lieut. Commander William P. Randall, retired, United States Navy, a commander on the retired list.

A bill (S. 5381) to correct errors in dates of original appointments of Capt. James J. Hornbrook and others;

A bill (S. 5891) to authorize the President to appoint Brig. Gen. H. C. Merriam to the grade of major-general in the United States Army and place him on the retired list;

A bill (S. 6104) to restore to the active list of the Navy the name of John Walton Ross;

A bill (S. 6278) to extend the provisions of chapter 8, title 32, of the Revised Statutes of the United States, entitled "Reservation and sale of town sites on the public lands," to the ceded Indian lands in the State of Minnesota;

A bill (S. 6446) to provide for the construction of a bridge across Rainy River, in Minnesota;

A joint resolution (S. R. 146) to extend the time for construction of the Akron, Sterling and Northern Railroad in Alaska; and

A joint resolution (S. R. 156) dedicating to the city of Columbus, in the State of Ohio, for uses and purposes of the public streets, part of property conveyed to the United States by Robert Neil by deed dated February 17, 1863, recorded in Deed Book 76, page 572, etc., Franklin County records.

The message also announced that the House had passed a concurrent resolution tendering the thanks of Congress to the State of Maryland for providing the bronze statues of Charles Carroll of Carrollton and John Hanson, citizens of Maryland, illustrious for their historic renown and distinguished civic services, and also that the statues be accepted and placed in the National Statuary Hall in the Capitol.

The message further communicated to the Senate resolutions passed by the House commemorative of the life and services of Hon. JAMES MCMILLAN, late a Senator from the State of Michigan.

The message also communicated to the Senate the intelligence of the death of Hon. JOHN N. W. RUMPLE, late a Representative from the State of Iowa, and transmitted the resolutions of the House thereon.

The message further announced that the Speaker of the House had appointed Mr. HEDGE, Mr. THOMAS, Mr. HAUGEN, Mr. SMITH, and Mr. CONNER, of Iowa; Mr. HEMENWAY, of Indiana; Mr. PRINCE, of Illinois; Mr. GARDNER, of Michigan; Mr. APLIN, of Michigan; Mr. DARRAGH, of Michigan; Mr. PAYNE, of New York; Mr. GROSVENOR, of Ohio; Mr. DALZELL, of Pennsylvania; Mr. RICHARDSON, of Tennessee; Mr. ADAMSON, of Georgia, and Mr. CROWLEY, of Illinois, members of the committee on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (H. R. 1139) granting a pension to Carter B. Harrison;

A bill (H. R. 8238) for the relief of the heirs of Mary Clark and Francis or Jenny Clark, deceased, and for other purposes;

A bill (H. R. 8650) for the relief of the estate of Leander C. McLelland, deceased; and

A bill (H. R. 12316) granting an increase of pension to Weden O'Neal.

DEATH OF THE LATE REPRESENTATIVE RUMPLE.

Mr. DOLLIVER. Mr. President, I ask the Chair to lay before the Senate the resolutions of the House of Representatives in relation to the death of the Hon. JOHN N. W. RUMPLE, late a Representative from the State of Iowa.

The PRESIDENT pro tempore. The Chair lays before the Senate the resolutions indicated by the Senator from Iowa, which will be read.

The Secretary read the resolutions, as follows:

IN THE HOUSE OF REPRESENTATIVES, *January 31, 1903.*

Resolved, That the House of Representatives has learned with deep sorrow and regret of the death of the Hon. JOHN N. W. RUMPLE, member of this House from the State of Iowa.

Resolved, That a committee of members of the House, with such members of the Senate as may be joined, be appointed to take orders concerning the funeral of the deceased.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy of the same to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased, the House do now adjourn.

Mr. DOLLIVER. Mr. President, at a subsequent day I will ask the Senate to set aside a time when the colleagues and friends of the late Captain RUMPLE may pay appropriate respect to his memory. For the present I offer the resolutions which I send to the desk.

The PRESIDENT pro tempore. The resolutions submitted by the Senator from Iowa will be read.

The Secretary read the resolutions, as follows:

Resolved, That the Senate has heard with deep sensibility the announcement of the death of Hon. JOHN N. W. RUMPLE, late a Representative from the State of Iowa.

Resolved, That as an additional mark of respect to the memory of the deceased, the Senate do now adjourn.

The PRESIDENT pro tempore. The question is on agreeing to the resolutions submitted by the Senator from Iowa.

The resolutions were unanimously agreed to; and, in accordance with the second resolution (at 4 o'clock and 30 minutes p. m.), the Senate adjourned until to-morrow, Tuesday, February 3, 1903, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 2, 1903.

PROMOTIONS IN THE ARMY.

Corps of Engineers.

Maj. James B. Quinn, Corps of Engineers, to be lieutenant-colonel, January 29, 1903, vice Damrell, retired from active service.

Capt. Edward Burr, Corps of Engineers, to be major, January 29, 1903, vice Quinn, promoted.

POSTMASTERS.

ARIZONA.

Oregon D. M. Gaddis, to be postmaster at Kingman, in the county of Mohave and Territory of Arizona, in place of Oregon D. M. Gaddis. Incumbent's commission expires February 14, 1903.

Benjamin Goldman, to be postmaster at Naco, in the county of Cochise and Territory of Arizona. Office became Presidential July 1, 1902.

CONNECTICUT.

Thomas F. Higgins, to be postmaster at Terryville, in the county of Litchfield and State of Connecticut, in place of Thomas F. Higgins. Incumbent's commission expired January 17, 1903.

Richard Jobes, to be postmaster at Suffield, in the county of Hartford and State of Connecticut, in place of Richard Jobes. Incumbent's commission expired May 13, 1901.

Frank G. Letters, to be postmaster at Putnam, in the county of Windham and State of Connecticut, in place of Frank G. Letters. Incumbent's commission expired January 17, 1903.

Thomas Walker, to be postmaster at Plantsville, in the county of Hartford and State of Connecticut, in place of Thomas Walker. Incumbent's commission expired June 22, 1903.

Leopold J. Curtiss, to be postmaster at Norfolk, in the county of Litchfield and State of Connecticut, in place of Leopold J. Curtiss. Incumbent's commission expired January 27, 1903.

Stephen B. Hoyt, to be postmaster at New Canaan, in the county of Fairfield and State of Connecticut, in place of Stephen B. Hoyt. Incumbent's commission expired January 27, 1903.

John L. Elliott, to be postmaster at Clinton, in the county of Middlesex and State of Connecticut, in place of John L. Elliott. Incumbent's commission expired January 27, 1903.

H. Guy Linsley, to be postmaster at Branford, in the county of New Haven and State of Connecticut, in place of H. Guy Linsley. Incumbent's commission expired January 27, 1903.

GEORGIA.

William T. Rudolph, to be postmaster at Thomaston, in the county of Upson and State of Georgia, in place of William T. Rudolph. Incumbent's commission expires February 15, 1903.

ILLINOIS.

Edward D. Cook, to be postmaster at Piper City, in the county of Ford and State of Illinois, in place of Edward D. Cook. Incumbent's commission expired January 31, 1903.

William McMeekin, to be postmaster at Galva, in the county of Henry and State of Illinois, in place of William McMeekin. Incumbent's commission expires February 16, 1903.

INDIANA.

Oscar Fitzpatrick, to be postmaster at Linton, in the county of Greene and State of Indiana, in place of William J. Hamilton, resigned.

INDIAN TERRITORY.

Samuel S. Cobb, to be postmaster at Wagoner, in the Creek Nation, Ind. T., in place of William T. Morgan. Incumbent's commission expires February 15, 1903.

Charles B. Ramsey, to be postmaster at Davis, in the Chickasaw Nation. Ind. T., in place of Michael F. Myers. Incumbent's commission expired January 28, 1903.

David C. Blossom, to be postmaster at Atoka, in the Choctaw Nation, Ind. T., in place of David C. Blossom. Incumbent's commission expired January 28, 1903.

IOWA.

William N. Oursler, to be postmaster at Odebolt, in the county of Sac and State of Iowa, in place of William N. Oursler. Incumbent's commission expires February 15, 1903.

George W. Metcalf, to be postmaster at Lansing, in the county of Allamakee and State of Iowa, in place of John F. Wier. Incumbent's commission expired January 17, 1903.

Stephen Tabor, to be postmaster at Independence, in the county of Buchanan and State of Iowa, in place of Stephen Tabor. Incumbent's commission expires February 15, 1903.

Ernest D. Powell, to be postmaster at Exira, in the county of Audubon and State of Iowa, in place of Ernest D. Powell. Incumbent's commission expired January 17, 1903.

Gideon M. Gifford, to be postmaster at Elkader, in the county of Clayton and State of Iowa, in place of Gideon M. Gifford. Incumbent's commission expired January 10, 1902.

Edward C. Brown, to be postmaster at Dewitt, in the county Clinton and State of Iowa, in place of Edward C. Brown. Incumbent's commission expired January 12, 1903.

KANSAS.

James M. Morgan, to be postmaster at Osborne, in the county of Osborne and State of Kansas, in place of James M. Morgan. Incumbent's commission expired January 17, 1903.

KENTUCKY.

John M. Green, to be postmaster at Pineville, in the county of Bell and State of Kentucky, in place of William M. Bingham. Incumbent's commission expired December 21, 1902.

Lizzie Vanpel, to be postmaster at Morganfield, in the county of Union and State of Kentucky, in place of Lizzie Vanpel. Incumbent's commission expires February 6, 1903.

LOUISIANA.

George J. Reiley, to be postmaster at Clinton, in the parish of East Feliciana and State of Louisiana, in place of George J. Reiley. Incumbent's commission expired January 10, 1903.

MAINE.

Walter H. Downs, to be postmaster at South Berwick, in the county of York and State of Maine, in place of Walter H. Downs. Incumbent's commission expired January 10, 1903.

MARYLAND.

William T. Coulson, to be postmaster at Port Deposit, in the county of Cecil and State of Maryland, in place of William T. Coulson. Incumbent's commission expired January 23, 1903.

MASSACHUSETTS.

John W. Sproul, to be postmaster at Abington, in the county of Plymouth and State of Massachusetts, in place of John W. Sproul. Incumbent's commission expires February 14, 1903.

Charles A. Perley, to be postmaster at Baldwinsville, in the county of Worcester and State of Massachusetts, in place of Charles A. Perley. Incumbent's commission expired January 27, 1903.

Adolphus R. Martin, to be postmaster at Chicopee Falls, in the county of Hampden and State of Massachusetts, in place of Adolphus R. Martin. Incumbent's commission expired January 26, 1903.

James F. Shea, to be postmaster at Indian Orchard, in the county of Hampden and State of Massachusetts, in place of James F. Shea. Incumbent's commission expired January 10, 1903.

Samuel L. Wheaton, to be postmaster at Manchester, in the county of Essex and State of Massachusetts, in place of Samuel L. Wheaton. Incumbent's commission expires February 15, 1903.

Charles J. Wood, to be postmaster at Natick, in the county of Middlesex and State of Massachusetts, in place of Charles J. Wood. Incumbent's commission expired January 10, 1903.

Louis L. Campbell, to be postmaster at Northampton, in the county of Hampshire and State of Massachusetts, in place of Louis L. Campbell. Incumbent's commission expires February 15, 1903.

Walter L. Shaw, to be postmaster at Palmer, in the county of Hampden and State of Massachusetts, in place of Walter L. Shaw. Incumbent's commission expires February 15, 1903.

John G. Orr, to be postmaster at Pittsfield, in the county of Berkshire and State of Massachusetts, in place of John G. Orr. Incumbent's commission expired January 27, 1903.

MICHIGAN.

Roland Franklin, to be postmaster at Clio, in the county of Genesee and State of Michigan, in place of Roland Franklin. Incumbent's commission expires February 6, 1903.

John Amesse, to be postmaster at Lake Linden, in the county of Houghton and State of Michigan, in place of John Amesse. Incumbent's commission expires February 9, 1903.

Frank N. Green, to be postmaster at Olivet, in the county of Eaton and State of Michigan, in place of Frank N. Green. Incumbent's commission expired January 27, 1903.

Frank P. Heath, to be postmaster at Plainwell, in the county of Allegan and State of Michigan, in place of Frank P. Heath. Incumbent's commission expires February 9, 1903.

Fred J. Mauren, to be postmaster at Portland, in the county of Ionia and State of Michigan, in place of Frank J. Mauren. Incumbent's commission expires February 6, 1903.

Will H. Brunson, to be postmaster at St. Johns, in the county of Clinton and State of Michigan, in place of Will H. Brunson. Incumbent's commission expires February 14, 1903.

William Fitzgibbons, to be postmaster at Saranac, in the county of Ionia and State of Michigan, in place of William Fitzgibbons. Incumbent's commission expires February 9, 1903.

Henry L. Hess, to be postmaster at Three Oaks, in the county of Berrien and State of Michigan, in place of Henry L. Hess. Incumbent's commission expires February 9, 1903.

Charles H. Loomis, to be postmaster at Sparta, in the county of Kent and State of Michigan, in place of Charles H. Loomis. Incumbent's commission expires February 9, 1903.

MINNESOTA.

Frank Hagberg, to be postmaster at Winthrop, in the county of Sibley and State of Minnesota, in place of Nels A. Lilyquist, deceased.

Henry Tome, to be postmaster at Pine Island, in the county of Goodhue and State of Minnesota. Office became Presidential January 1, 1903.

G. B. Bjornson, to be postmaster at Minnesota, in the county of Lyon and State of Minnesota. Office became Presidential January 1, 1903.

Archibald J. Dewolf, to be postmaster at Windom, in the county of Cottonwood and State of Minnesota, in place of Milo T. Dewolf. Incumbent's commission expired January 7, 1903.

John F. Wrabek, to be postmaster at New Prague, in the county of Lesueur and State of Minnesota, in place of John F. Wrabek. Incumbent's commission expired July 7, 1902.

Arthur W. Sheets, to be postmaster at Long Prairie, in the county of Todd and State of Minnesota, in place of Arthur W. Sheets. Incumbent's commission expired January 19, 1903.

MISSISSIPPI.

Nevan C. Hathorne, to be postmaster at Columbia, in the county of Marion and State of Mississippi. Office became Presidential January 1, 1903.

MISSOURI.

Thomas Sharp, to be postmaster at Wellsville, in the county of Montgomery and State of Missouri, in place of Thomas Sharp. Incumbent's commission expires February 10, 1903.

David B. Ormiston, to be postmaster at Linneus, in the county of Linn and State of Missouri, in place of David B. Ormiston. Incumbent's commission expires February 14, 1903.

NEBRASKA.

John F. Griffith, to be postmaster at Pawnee City, in the county of Pawnee and State of Nebraska, in place of John N. Hassler. Incumbent's commission expired June 2, 1902.

NEW HAMPSHIRE.

Charles O. Hurlbutt, to be postmaster at Lebanon, in the county of Grafton and State of New Hampshire, in place of Charles O. Hurlbutt. Incumbent's commission expired January 19, 1903.

NEW JERSEY.

Caroline E. Condit, to be postmaster at Millburn, in the county of Essex and State of New Jersey, in place of Caroline E. Condit. Incumbent's commission expired January 19, 1903.

Marcus Mitchell, to be postmaster at East Orange, in the county of Essex and State of New Jersey, in place of Marcus Mitchell. Incumbent's commission expired January 23, 1903.

NEW YORK.

William H. Bain, to be postmaster at Canajoharie, in the county of Montgomery and State of New York, in place of William H. Bain. Incumbent's commission expires February 15, 1903.

W. Scott Siver, to be postmaster at Chittenango, in the county of Madison and State of New York, in place of W. Scott Siver. Incumbent's commission expired January 28, 1903.

Herbert W, Davis, to be postmaster at Falconer, in the county of Chautauqua and State of New York, in place of Herbert W. Davis. Incumbent's commission expired May 11, 1902.

Justus B. Abbott, to be postmaster at Gouverneur, in the county of St. Lawrence and State of New York, in place of Justus B. Abbott. Incumbent's commission expires February 10, 1903.

George H. Keeler, to be postmaster at Hammondsport, in the county of Steuben and State of New York, in place of Florence M. Wheeler. Incumbent's commission expires February 15, 1903.

Nelson E. Ransom, to be postmaster at Little Falls, in the county of Herkimer and State of New York, in place of Nelson E. Ransom. Incumbent's commission expires February 15, 1903.

Peter H. Vosburgh, to be postmaster at Matteawan, in the county of Dutchess and State of New York, in place of Peter H. Vosburgh. Incumbent's commission expired January 13, 1903.

William J. H. Parker, to be postmaster at Moravia, in the county of Cayuga and State of New York, in place of William J. H. Parker. Incumbent's commission expired January 13, 1903.

William Witte, jr., to be postmaster at Roslyn, in the county of Nassau and State of New York, in place of William Witte, jr. Incumbent's commission expires February 15, 1903.

Michael Halligan, to be postmaster at Rouses Point, in the county of Clinton and State of New York, in place of Michael Halligan. Incumbent's commission expires February 15, 1903.

Charles C. Horton, to be postmaster at Silver Creek, in the county of Chautauqua and State of New York, in place of Charles C. Horton. Incumbent's commission expired January 13, 1903.

NORTH CAROLINA.

John E. Crymes, to be postmaster at Waynesville, in the county of Haywood and State of North Carolina, in place of John E. Crymes. Incumbent's commission expires February 15, 1903.

OHIO.

Tanner R. Snowden, to be postmaster at Wellsville, in the county of Columbiana and State of Ohio, in place of Tanner R. Snowden. Incumbent's commission expires February 15, 1903.

Joseph G. Gest, to be postmaster at Washington Court-House, in the county of Fayette and State of Ohio, in place of Joseph G. Gest. Incumbent's commission expired January 28, 1903.

George E. McDonald, to be postmaster at Minerva, in the county of Stark and State of Ohio, in place of George E. McDonald. Incumbent's commission expires February 15, 1903.

Edmund F. Moore, to be postmaster at Lisbon, in the county of Columbiana and State of Ohio, in place of Edmund F. Moore. Incumbent's commission expired January 24, 1903.

Walter B. Johnson, to be postmaster at Fredericktown, in the county of Knox and State of Ohio, in place of Walter B. Johnson. Incumbent's commission expired January 24, 1903.

William H. Surles, to be postmaster at East Liverpool, in the county of Columbiana and State of Ohio, in place of William H. Surles. Incumbent's commission expires February 15, 1903.

W. B. Jones, to be postmaster at Delaware, in the county of Delaware and State of Ohio, in place of Robert J. Cox. Incumbent's commission expired January 24, 1903.

PENNSYLVANIA.

Elsie Shrodes, to be postmaster at Oakdale, in the county of Allegheny and State of Pennsylvania. Office became Presidential January 1, 1903.

David C. Rhoads, to be postmaster at Hummelstown, in the county of Dauphin and State of Pennsylvania, in place of Adam Strickler, resigned.

George S. Baldwin, to be postmaster at Tunkhannock, in the county of Wyoming and State of Pennsylvania, in place of Robert W. Bannatyne. Incumbent's commission expired June 10, 1902.

David M. Turner, to be postmaster at Towanda, in the county of Bradford and State of Pennsylvania, in place of David M. Turner. Incumbent's commission expired May 11, 1902.

Howard S. Stillwagon, to be postmaster at Rosemont, in the county of Montgomery and State of Pennsylvania, in place of Howard S. Stillwagon. Incumbent's commission expired January 31, 1903.

Henry M. Brownback, to be postmaster at Norristown, in the county of Montgomery and State of Pennsylvania, in place of Henry M. Brownback. Incumbent's commission expired January 31, 1903.

William F. Brittain, to be postmaster at Muncy, in the county of Lycoming and State of Pennsylvania, in place of Daniel B. Dykins. Incumbent's commission expired March 30, 1902.

TENNESSEE.

William F. Millican, to be postmaster at Rockwood, in the county of Roane and State of Tennessee, in place of William F. Millican. Incumbent's commission expires February 15, 1903.

Norvell L. Scobey, to be postmaster at Newbern, in the county of Dyer and State of Tennessee, in place of Norvell L. Scobey. Incumbent's commission expired January 27, 1903.

TEXAS.

William E. Sayers, sr., to be postmaster at Bay City, in the county of Matagorda and State of Texas. Office became Presidential October 1, 1902.

Joseph M. Gurley, to be postmaster at Greenville, in the county of Hunt and State of Texas, in place of Jefferson Schoonover. Incumbent's commission expired May 24, 1902.

VIRGINIA.

William H. Parker, to be postmaster at Onancock, in the county of Accomac and State of Virginia, in place of William H. Parker. Incumbent's commission expired January 23, 1903.

WISCONSIN.

Robert Downend, to be postmaster at Osceola, in the county of Polk and State of Wisconsin. Office became Presidential January 1, 1903.

Leopold E. Jochem, to be postmaster at Cedarburg, in the county of Ozaukee and State of Wisconsin. Office became Presidential January 1, 1903.

Byron Fairbanks, to be postmaster at West Bend, in the county of Washington and State of Wisconsin, in place of Byron Fairbanks. Incumbent's commission expires February 15, 1903.

Cornelius E. Donovan, to be postmaster at Waterloo, in the county of Jefferson and State of Wisconsin, in place of Cornelius E. Donovan. Incumbent's commission expired May 10, 1902.

Byron H. Sanford, to be postmaster at Sheboygan Falls, in the county of Sheboygan and State of Wisconsin, in place of Byron H. Sanford. Incumbent's commission expires February 13, 1903.

Charles H. Maynard, to be postmaster at Sheboygan, in the county of Sheboygan and State of Wisconsin, in place of Charles H. Maynard. Incumbent's commission expires February 15, 1903.

Fred M. Griswold, to be postmaster at Lakemills, in the county of Jefferson and State of Wisconsin, in place of Fred M. Griswold. Incumbent's commission expires February 15, 1903.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 2, 1903.

DIRECTOR OF THE MINT.

George E. Roberts, of Iowa, to be Director of the Mint.

CONSUL.

James W. Ragsdale, of California, now consul at that place, to be consul-general of the United States at Tientsin, China.

POSTMASTERS.

KENTUCKY.

John S. Miller, to be postmaster at Greenville, in the county of Muhlenberg and State of Kentucky.

MICHIGAN.

Joseph Wise, to be postmaster at Southlake Linden, in the county of Houghton and State of Michigan. Office became Presidential July 1, 1902.

Robert B. Ferris, to be postmaster at Burr Oak, in the county of St. Joseph and State of Michigan.

James K. Train, to be postmaster at Edmore, in the county of Montcalm and State of Michigan.

Lafayette C. Hall, to be postmaster at Plymouth, in the county of Wayne and State of Michigan.

John Hanna, to be postmaster at Birmingham, in the county of Oakland and State of Michigan.

Newton E. Tower, to be postmaster at Union City, in the county of Branch and State of Michigan.

Charles M. Cole, to be postmaster at Atlantic Mine, in the county of Houghton and State of Michigan.

James W. Bedell, to be postmaster at Wakefield, in the county of Gogebic and State of Michigan.

Herbert E. Lindsey, to be postmaster at Clinton, in the county of Lenawee and State of Michigan.

Charles W. Pullen, to be postmaster at Milan, in the county of Washtenaw and State of Michigan.

Benjamin F. Oakes, to be postmaster at East Tawas, in the county of Iosco and State of Michigan.

John F. Chisholm, to be postmaster at Grand Marais, in the county of Alger and State of Michigan.

Leonard W. Feighner, to be postmaster at Nashville, in the county of Barry and State of Michigan.

OHIO.

Charles W. Brainerd, to be postmaster at Mantua Station, in the county of Portage and State of Ohio.

Wesley J. Grant, to be postmaster at Middlefield, in the county of Geauga and State of Ohio.

John W. Ammerman, to be postmaster at Eaton, in the county of Preble and State of Ohio.

Joseph C. Bender, to be postmaster at National Military Home, in the county of Montgomery and State of Ohio.

W. E. Moulton, to be postmaster at Canal Fulton, in the county of Stark and State of Ohio.

WASHINGTON.

Dan W. Bush, to be postmaster at Chehalis, in the county of Lewis and State of Washington.

HOUSE OF REPRESENTATIVES.

MONDAY, *February 2, 1903.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. CANNON, by direction of the Committee on Appropriations, reported the bill (H. R. 17202) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes; which was ordered printed, and referred to the Committee of the Whole House on the state of the Union.

Mr. RICHARDSON of Tennessee reserved all points of order on the bill.

Mr. CANNON. Mr. Speaker, I desire to give notice that as early as practicable I shall call the bill up for consideration.

SEPARATION OF PUBLIC AND PRIVATE LANDS.

Mr. BATES moved to suspend the rules and pass the bill (H. R. 15008) providing for the better separation and utilization of public and private lands within the limits of railroad land grants in the arid region, with amendments.

The SPEAKER. The gentleman from Pennsylvania moves to suspend the rules and pass the following bill, with amendments, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That wherever and to the extent that the lands within the place limits of any railroad and wagon road land grant are arid or semiarid in character, and for that reason can not be utilized in tracts of single sections, the Secretary of the Interior is hereby authorized, in his discretion and with the approval of the President, to exchange public lands which are vacant, unappropriated, arid or semiarid, not mineral, not timbered, and not required for reservoir sites or other public uses or purposes, for private lands of like area, character, and value in the alternate sections granted to the railroad or wagon road company, so far as may be necessary to assemble such public and private lands, according to ownership, in more compact bodies of such area as will permit them to be advantageously used. Every exchange hereunder shall be confined to lands withing the place limits of the railroad or wagon road land grant, and the public lands so exchanged must be of such relative contiguity to the private lands surrendered to the Government that the area of taxable lands in any State, Territory, or county will not be diminished. The railroad or wagon road company or its grantee must, at its expense and by appropriate instruments of conveyance, surrender to the Government a full and unincumbered right and title to the private lands included in any exchange before patents are issued for the public lands included therein, and no charge of any kind shall be made for issuing such patents. Upon the completion of any exchange the land surrendered to the Government therein shall become a part of the public domain. Nothing herein shall in any manner be so construed as to enlarge the quantity of land to which any railroad or wagon road company or any of its grantees may be entitled under existing law.

Amend the title so as to read: "A bill providing for the better separation and utilization of public and private lands within the limits of railroad and wagon road land grants in the arid region."

Mr. RICHARDSON of Tennessee. Mr. Speaker, I demand a second.

Mr. LACEY. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Iowa asks unanimous consent that a second be considered as ordered. Is there objection? [After a pause.] The chair hears none.

Mr. RICHARDSON of Tennessee. Mr. Speaker, the gentleman from Washington [Mr. JONES] submitted the views of the minority, and if he demands a second, I yield to him for that purpose.

The SPEAKER. A second has been ordered. Does the Chair understand the gentleman from Tennessee yields to the gentleman from Washington?

Mr. RICHARDSON of Tennessee. Does the gentleman from Washington desire to control the time against the bill?

Mr. JONES of Washington. I would like to.

Mr. RICHARDSON of Tennessee. Very well; I yield to the gentleman.

The SPEAKER. The gentleman from Washington will be recognized. The gentleman from Pennsylvania [Mr. BATES] is recognized for twenty minutes.

Mr. BATES. Mr. Speaker, this is a Department measure, recommended and urged by the Secretary of the Interior, approved by the Committee on Public Lands by an almost unanimous report. It deals only with arid lands in the range regions of the West. It does not apply to timbered land, nor mineral lands, nor lands reserved by the Government for reservoirs or other purposes. The bill provides that in the discretion of the Secretary of the Interior and the approval of the President of the United States certain lands, arid or semiarid in character, nonmineral, nontimbered, may be exchanged for public lands of equal value within the same place limits, exchanges to be limited to the same counties, so that the area or taxable value of the land shall not be either appreciated or diminished.

The pith of the whole matter is that land of this character, by reason of its aridity, is practically useless and worthless in isolated single sections. It takes from 40 to 50 acres of land affected by this bill to support a single head of stock. The streams in this section in the dry season are in many instances miles apart—in some instances 20 to 25 miles—so that the food question and the water question with the cattle dealers and the ranch men makes a single section of this land absolutely worthless and useless for present purposes or present use. In other words, the stock industry requires a large range. Under the existing situation there has been clashing and interference between the bona fide owners of these granted lands and those who claim the right of roaming pasturage over the public lands. The fence laws have created a great deal of disturbance.

Under the present law and under the decisions of the court the owner of private lands can not fence in his own holdings if thereby he incloses any of the public lands. This has made friction. It has made contention and strife, and in some instances

has caused bloodshed between those who hold private land and those who claim the right of pasturage over the public domain. Experience shows—and I will leave it to anyone in this House who has made even a cursory examination of the question—that when the Government is in partnership with individuals the Government always gets the worst of it. This bill is intended to dissolve that partnership—to divorce the holdings of private owners and those who have the use, under the general custom, of the public domain. An objection will be made, no doubt, that this land ought to be left in single sections—not assembled, but left in single sections in the interests of the homesteader. I submit, Mr. Speaker, that land will always yield to its highest usefulness. If any of this land should in the future, either immediate or remote, be found capable of raising crops, be found fit for agricultural purposes, it could no longer be held for stock-grazing purposes, because this higher use will always call it into requisition.

This land at present is fit only for grazing, and it can only be used for that, and these owners will not be able to use it for grazing unless they can assemble their holdings so that a sufficient amount of land can be combined together for water purposes and for grazing purposes.

Mr. RICHARDSON of Tennessee. Will the gentleman allow me to ask him a question?

Mr. BATES. Certainly.

Mr. RICHARDSON of Tennessee. Kindly tell us how many acres of land will be affected by this bill.

Mr. BATES. The land affected by this bill is the nonarable, the arid, or semiarid lands of the land-grant district. I am unable to tell the gentleman how many acres will be affected.

Mr. RICHARDSON of Tennessee. Is there any way of estimating how much?

Mr. LACEY. I will answer that question for the gentleman. There are about 17,000,000 acres of the land grants unsold. A portion of that is timber land. Out of this 17,000,000 only that portion which is useful for grazing purposes would be embraced in this proposition, and no more.

Mr. RICHARDSON of Tennessee. Is it five, ten, or fifteen million acres?

Mr. LACEY. I should think probably half of it. That would be a rough estimate.

Mr. ROBINSON of Indiana. Will the gentleman include in the estimate of 17,000,000 the 12,000,000 in Arizona and New Mexico?

Mr. LACEY. It is only the unsold railroad land grants.

Mr. ROBINSON of Indiana. That would make it nearly 30,000,000 acres of land. I will ask the gentleman from Pennsylvania if this proposition is not to change from alternate sections in the land grants to the railroads to a consolidation of the interests of those roads?

Mr. BATES. No, sir. It only affects the arid lands. I ask every member of this House, before voting upon this proposition, to bear in mind that it only affects the arid lands or semiarid lands. The lands granted to the railroad companies of the West were arable in the Eastern and Middle Western States. It has no relation to such land, but only affects the arid and semiarid lands that are only fit for grazing purposes.

Mr. ROBINSON of Indiana. Does not this bill give the railroad companies the power of selection?

Mr. BATES. Mr. Speaker, the exchange, if any should be affected under the operation of this bill, is in the discretion of the Secretary of the Interior, with the approval of the President. And the bill directly states that the exchanges would be between lands of equal value; and the gentleman knows full well that the value of lands depends upon their location as well as upon the condition of the soil.

Mr. MONDELL. Will the gentleman yield to me? I desire to make a parliamentary inquiry at this time, if the gentleman will yield for just a moment. Mr. Speaker, I note in the report——

Mr. BATES. I yield two minutes to the gentleman from Wyoming.

Mr. MONDELL. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. MONDELL. I notice the report of the committee contains the following amendment, which is not contained in the bill as printed. In line 3 of section 1, after the word "that," insert the following, namely, "at any time within five years after the approval of this act, and." I wish to inquire if the report in this case would govern or the print of the bill as now before the House? This is one of several committee amendments. The other committee amendments are all printed in the bill, but by some inadvertence or error this amendment is not in the bill as now before the House.

The SPEAKER. The motion of the gentleman from Pennsylvania would carry with it the amendments reported by the committee—agreed to by the committee. The best evidence that the House could have before it is the report of the committee, and unless it is admitted this was a part of the report, the Chair does not see how it would be safe to say that the report of the committee contains the language.

Mr. MONDELL. This is a part of the report of the committee, and is simply not printed in the bill.

The SPEAKER. There is no question but what the amendment would be carried by the motion of the gentleman from Pennsylvania, but the Clerk will report the amendment.

The Clerk read as follows:

In line 3, page 1——

Mr. BATES. How much time have I, Mr. Speaker?

The SPEAKER. The gentleman has eight minutes remaining.

Mr. BATES. I reserve the balance of my time.

The SPEAKER. The gentleman will suspend until the Clerk reports the amendment.

The Clerk read as follows:

In line 3 of section 1, after the word "that," insert the following, namely, "at any time within five years after the approval of this act, and."

The SPEAKER. The gentleman from Iowa. How much time does the gentleman yield?

Mr. BATES. I yielded to the gentleman from Wyoming for a parliamentary inquiry.

The SPEAKER. How much time?

Mr. BATES. Two minutes.

Mr. MONDELL. I merely made the parliamentary inquiry.

Mr. BATES. I think I will reserve the balance of my time.

The SPEAKER. The gentleman from Washington is recognized for twenty minutes.

Mr. JONES of Washington. Mr. Speaker, I have sometimes thought that the rules of this House ought to be changed, but when measures of this character come up in this way I think they ought to be enforced as strictly as possible. Whatever may be the merits or demerits of this bill, it is not a bill that ought to come up under the suspension of the rules, when only twenty minutes of debate can be allowed and no amendments can be made. This is a measure that I consider of very great importance. It involves the disposition of an immense amount of the public domain. The question was asked a while ago how much land this bill involved, and it was stated that the land grant unsold amounted to 17,000,000 acres. Why, gentlemen of this House, the land grant of the Northern Pacific Railroad alone, unsold, amounts to over 17,000,000 acres, according to their annual report of 1902.

Mr. BATES. May I interrupt the gentleman?

The SPEAKER. Does the gentleman from Washington yield to the gentleman from Pennsylvania?

Mr. JONES of Washington. Yes.

Mr. BATES. Is the gentleman from Washington possessed of information as to how much of that land is arid and semiarid and would be affected by this bill?

Mr. JONES of Washington. I will come to that a little later. The question was asked how much land remained unsold, and it was stated that there are 17,000,000 acres. Now, there are 17,000,000 acres in the Northern Pacific grant, alone, unsold; an immense tract belonging to the Union Pacific, and an immense tract belonging to the Southern Pacific. The whole amount of land, in grants, involved in this bill is from fifty to sixty and it may be seventy-five millions of acres—no man can tell. The friends of this bill can not tell; they do not know how much is involved.

Mr. STEPHENS of Texas. There are 15,000,000 acres in New Mexico alone.

Mr. JONES of Washington. Yes.

Mr. LACEY. I want to say to the gentleman from Washington that when called upon to give the figures I gave them from the report of the minority, as it footed it up, 17,000,000 acres, but I find that that was a mistake.

Mr. JONES of Washington. Yes; that is the Northern Pacific alone. It seems, Mr. Speaker, that the majority themselves never figured this up to see how much it involves. They do not know how many acres of the public domain are affected by this bill. It is true that it applies to only the semiarid and arid lands, but no man can tell how much land is arid and semiarid. A great proportion of the unsold grant of the Northern Pacific Railroad is arid and semiarid land. Now, how much is involved under the Southern Pacific, how much is involved under the Union Pacific, I do not know. But I do say, gentlemen, that this is a proposition presented to the members of this House that involves almost one-fifth of the public domain of the United States, and we are asked to pass upon it in a twenty-minute debate on a side. I say, if for no other reason, this proposition to suspend the rules and consider this bill ought to be voted down.

It is surprising, gentlemen, to see the forces behind this bill. The gentleman from Pennsylvania [Mr. BATES] who has no arid lands in his State, who has no land grants to railroads in his State,

is pushing this bill. Why? I do not question his motive. He is representing the interests of some of his constituents who have holdings that will be affected. I received a letter from a gentleman in Pennsylvania a few days ago urging the passage of this bill. Why? Because he has four or five hundred thousand acres of land in Montana that he bought from the railroad company, knowing the condition, knowing the checker-board plan, and now he wants the Government to come in and help him to get his land together in one body so he can use it to better advantage. The only purpose in this bill is that those who own thousands and hundreds of thousands of acres in this country, within railroad grants, who purchased those lands knowing their situation, knowing their circumstances, knowing the relation they had to the public lands, now come to the Government and want us at the Government expense, upon the investigation by Government agents, to pass legislation for their sole benefit, and not for the benefit of the Government.

Oh, our friends say, pass this bill and the public lands will be put into a compact body, and that will help the Government by inducing settlement.

Now, if a section of land to-day is of no benefit to a settler under the present conditions, how can it be when it is segregated? Remember that the settler to-day, after the passage of this bill, can only take 160 acres as a homestead. If 160 acres on one side of a section to-day will not support a family, how will it when placed in any other part of the public domain? Now, what lands under this bill will be surrendered? The poorest lands, of course. What lands will they select? Why, the very best lands they possibly can, of course. How can this help the Government? How will it encourage settlement? It would not.

Mr. TAWNEY. Will the gentleman allow an interruption?

Mr. JONES of Washington. Certainly.

Mr. TAWNEY. Does this bill apply to any land outside of the 6 miles on each side of the railroad?

Mr. JONES of Washington. Twenty miles on each side of the road. It does not apply outside the limits of the grants. Oh, but they say the selection must have the approval of the President of the United States and the Secretary. What does that amount to, gentlemen? No man has more confidence in the President of the United States and the Secretary of the Interior than I have, but do you propose that they shall go and examine these tracts of land? Certainly not. They must take the representation of their subordinates and their agents. Every patent issued to-day is issued with the approval of the President of the United States and the Secretary of the Interior, and yet the report of the Secretary of the Interior bristles with charges of frauds against the public-land laws and the procuring of patents to the public domain. They must depend upon the reports and examinations of subordinate officers.

And we know how easy it is for a person to get a report from a subordinate officer. Suppose the gentleman from Pennsylvania should go into the arid and semiarid region and examine the lands proposed to be surrendered and those to be selected. He would probably report them as being of comparatively little value. Yet, within a year or five years these tracts of land may be of very great value. I know that in the State of Washington—I speak more from my own knowledge of conditions in that State than from any knowledge as to conditions in other States—I say that in the State of Washington lands within the grant of the Northern Pacific Railroad which five years ago sold for 50 cents an acre are to-day selling at $10, $12, and $15 an acre, and are producing from 35 to 40 bushels of wheat to an acre. At that time they would have been considered as arid lands. We do not know what this arid and semiarid land may prove to be worth. Arid or semiarid to-day, it may be very valuable and productive next year.

What does it mean to pass this bill? It means to entail upon the Department of the Interior an immense expense. The Commissioner of the Land Office recommends this year an increased appropriation of $100,000 for special agents. The Department has not sufficient force at its command to investigate the condition of things as they are now. Yet this bill proposes that an investigation of these millions of acres of land must be done by the Government at the Government's expense for the benefit of these private holders. That means thousands and thousands of special agents to be paid out of the Treasury of the United States. Gentlemen, this is a bill which ought not to pass under any circumstances, much less under a suspension of the rules.

Mr. Speaker, I yield two minutes to the gentleman from Texas [Mr. KLEBERG], and reserve the balance of my time.

The SPEAKER. The gentleman from Washington [Mr. JONES] has ten minutes remaining.

Mr. KLEBERG. Mr. Speaker, as a member of the Committee on the Public Lands, I wish to say to this side of the House, although this is not at all a political question, that this is a thoroughly bad bill, and that every Democrat ought to vote against it. It is a squandering of the public lands for no other reason than to further some private interest. It has no purpose whatever except to advance the private interests of men who want to concentrate their lands at the expense of the Government. I hope that every Democrat will vote against the bill.

Mr. JONES of Washington. Mr. Speaker, I yield three minutes to the gentleman from Colorado [Mr. SHAFROTH].

[Mr. SHAFROTH addressed the House. See Appendix.]

Mr. JONES of Washington. Mr. Speaker, I want to call attention to the statement made by the gentleman from Pennsylvania [Mr. BATES] in regard to the number of members of the committee joining in this report, a statement in which I believe he was mistaken. The number of members in attendance in the committee when this bill was passed was nine or ten, and the committee stood 5 to 4 or 6 to 4, I am not positive as to exact number. Other members who were not in attendance have announced their opposition to the bill. On the other hand, I think it fair to state that one member [Mr. FORDNEY] who signed the minority report telegraphed to me on Saturday that he had withdrawn his opposition to the bill.

The SPEAKER. Does the gentleman from Pennsylvania desire to consume the remainder of his time?

Mr. BATES. Not if the gentleman making the minority report desires more time.

The SPEAKER. The question is on suspending the rules——

Mr. BATES. Mr. Speaker, I desire to yield four minutes to the gentleman from Iowa [Mr. LACEY].

The SPEAKER. The gentleman from Iowa is recognized for four minutes.

Mr. LACEY. Mr. Speaker, I would like to have the attention of the House for a few minutes on this proposition. This is not a bill to increase the holdings of anybody. Under the Camfield case, which is reported in 167 United States, at page 518, it is held that the owners of land grants, the purchasers from land-grant roads, can not fence their holdings because in so doing they include even-numbered sections of public lands and deprive the public of access to those sections. This proposition is to permit, within the limits of a county, holdings to be consolidated under the direction of the Secretary of the Interior. The Secretary of the Interior asks authority to do this. He is not fearful there will be any abuse. Every exchange must be within a particular county and extends no further. The owner of lands in one county may exchange for like lands in the same county. The same area of taxable land will still remain in use. It is limited only to grazing lands.

Mr. THAYER rose.

The SPEAKER. Does the gentleman from Iowa yield to the gentleman from Massachusetts?

Mr. LACEY. I decline to yield, as I have not the time. I should be glad to yield if I had the time. It requires from 40 to 50 acres of much of this grazing land to pasture one steer. If a man buys a section of land a mile square and has only a comparatively small herd of cattle, a dozen or twenty, if he can buy four sections and fence them together he will have a field in which he can take care of more cattle, and the alternate sections exchanged will be located in the other part of the country, where they are held by the Government. That is all there is in this proposition. When the gentleman from Washington [Mr. JONES] says it is a proposition to advance the value of private holdings, that is true, because the value of private holdings will be advanced if they can be fenced. If they can not be fenced, and the only right the holder has is to pay taxes on them, of course they will depreciate in value. This is a proposition to advance in value these private holdings; in short, to allow the grazing land to be used as grazing land is used in Texas, and it is to the advantage of the private holder, but deprives no one of any right whatever.

The Secretary of the Interior has recommended making this exchange, subject alone to the approval of the President of the United States, and there is no possible danger that can arise, and whether the area is large or small makes no difference. The fact remains that there are millions of acres of dry land fit only for grazing, and the grass will be doubled in quantity if it can be fenced and taken care of. That land belongs to private holders to-day, and all they want is the privilege of fencing it in. Under the decision in the Camfield case, which I wish I had time to read to the House, holders of those lands can not fence their own lands. In some localities, notably California and South Dakota, those who desire to graze their cattle on the public lands can not safely do so, because they will violate the State law and trespass on the private lands and thus become liable for damages, so that in those States the rule is that cattle must be kept off private lands. This is necessary in order to enable the owners of cattle which run at large on the public domain to protect themselves by allowing the private lands to be segregated.

Mr. RODEY. Mr. Speaker, will the gentleman yield?

The SPEAKER. The time of the gentleman has expired.

Mr. RODEY. Mr. Speaker, I ask unanimous consent that the time of the gentleman may be extended so that I may ask him a question.

The SPEAKER. The gentleman from Pennsylvania [Mr. BATES] has four minutes remaining, and the gentleman from Washington [Mr. JONES] has five minutes remaining.

Mr. ROBINSON of Indiana. Mr. Speaker, if the gentleman from Washington has any time to yield, I will ask him to yield me three minutes.

Mr. JONES of Washington. Mr. Speaker, I yield the gentleman two minutes.

Mr. ROBINSON of Indiana. Mr. Speaker, I am opposed to this bill because I believe a majority of the committee that reported it is opposed to it. I can not believe otherwise. We find a number of the committee signing the minority report in opposition to it, and this opposition is supplemented by the statements made by others who oppose the proposition but did not sign the dissenting views. It is also supplemented by the belief I have that no committee of this House, in my judgment, considering this bill in all its details, as we should consider it (and not in this manner under suspension of the rules), would report favorably a bill of this kind involving a change of a fixed policy, of holdings of from 30,000,000 to 70,000,000 acres of the public domain. It entirely changes the policy of the Government with reference to alternate sections. I am opposed to it because it enables large landowners, under the new irrigation project started last session, to choose and secure the sources of water supply and avail themselves to the exclusion of bona fide settlers under the United States law. It also authorizes in its final results the acquisition of immense landed estates, and to that extent denies the principle of homestead settling. It gives to railroads, subsidized by land grants of former years, new rights and privileges and advantages never intended by the original grant.

I am opposed to it because the railroads have all the rights they ought to have within the 40-mile limit and the additional 10-mile lieu limit, but this gives them an additional power of selection in territory outside of the present limitation, and they can exercise this privilege to the disadvantage of the settlers of the United States. I am opposed to it because this House can not in this manner and at this time give that due consideration which, in my judgment, the committee failed to give the measure. I trust that this side of the House and the other side of the House will defeat by a two-thirds vote legislation of such vital and sweeping scope when proposed to be passed under a suspension of the rules. [Applause.]

Mr. JONES of Washington. The gentleman from Iowa [Mr. LACEY] states that the Secretary of the Interior urges this bill. He does urge it. He did not, however, urge it in any of his reports. He never thought of the bill until it was referred to him by the committee. Then the matter was brought up by the friends of the measure.

The gentleman from Iowa [Mr. LACEY] states that there are sections of this country where there are thousands of acres of land that are absolutely worthless except for pasturage. That is true, but it is not true as to many of the States affected by this bill. It is not true of the State of Washington. We have thousands of acres of arid and semiarid lands there, but there is no desire on the part of our people generally that there should be a segregation. Some of my friends who have large holdings would like the bill, but the masses of the people do not want it, and those who do are perfectly willing to subordinate their personal views to the general good. I believe that we are affected by this bill as much as any other State in this Union. As I stated a moment ago, lands in that State which five years ago were considered worthless, as the gentleman from Iowa states in regard to certain sections of the country, are growing 35 and 40 bushels of wheat to the acre.

Mr. LACEY. Will the gentleman yield for a question?

Mr. JONES of Washington. I can not yield; my time is too short. This bill does not limit the selections of these lands to surveyed lands. They may go anywhere, between the limits of their grants, and select in the same county any surveyed or unsurveyed lands. They need not be contiguous. Oh, but gentlemen say they are confined to the county! That is true, but what does that mean in some of the counties of the West? In the county in which I live they can surrender land in one part of that county and select land a hundred miles away and still come within the terms of this bill. I venture to say that in Oklahoma, Arizona, Montana, and New Mexico they can go a still farther distance and be within the terms of this bill. As has been said here, it involves an entire departure from the policy of this Government with reference to land grants. When those grants were made they were made in this "checkerboard" way for a particular purpose. The object of this bill is to do away with that purpose.

It is to allow these holdings to be concentrated for the benefit of the railroads and those who have purchased lands within these place limits. Who have been urging this bill? None of the people from my State. The cattlemen of my State oppose this measure. The masses of the people generally oppose it. I do not blame these people for pressing this measure. They have a perfect right to urge measures for their benefit. It is for us as representing the whole people and the public interests to act in accordance with our views of the general welfare.

Mr. LACEY. Will the gentleman yield?

Mr. JONES of Washington. I can not. I admit that I received a letter from one of the best friends I have in Yakima County, and representing and expressing the views of a certain association there composed of friends of mine, urging the passage of this bill. But friendship can not control my judgment upon a proposition that involves the public domain and the rights of the people, nor would they have it do so. I trust this motion will not prevail.

The SPEAKER. The time of the gentleman from Washington has expired. The gentleman from Pennsylvania has four minutes remaining.

Mr. BATES. I yield two minutes to the gentleman from Oklahoma [Mr. FLYNN].

Mr. FLYNN. Mr. Speaker, there seems to be a misapprehension as to what this bill contemplates. The gentleman from Indiana [Mr. ROBINSON] referred to the fact that it might interfere with the irrigating ditches. The bill specifically provides that none of this land shall be exchanged unless it is arid or semiarid, nonmineral, not timbered, and not required for reservoir sites.

Mr. ROBINSON of Indiana. The gentleman misunderstood me.

Mr. FLYNN. Mr. Speaker, let me say that here is the proposition, where every alternate section is owned by private parties. Those lands can not be sold by sections on account of the Government holding the land adjoining. When they undertake to fence their own land, without putting a post on the Government land, ipso facto the Government land becomes fenced, because the fence surrounds it on all sides, and then a howl goes up to Congress that the Government land is being fenced. I say if you desire fair treatment and the development of that country, in fairness you should allow a man who owns scattered tracts of land to furnish the deeds to the Government at his own expense, so that this exchange can be made in the discretion of the Secretary of the Interior, if it is deemed advisable. That is all there is to this proposition. Here is a township of land, every alternate section belonging to a railroad company. They can not sell theirs, they can not use theirs, because they can not fence it. The Government owning the balance of the land alternating with them, this bill provides they may exchange like for like with the Government and secure their land in one tract and the Government secure their land in one tract. That is all there is to this bill, and it is limited, furthermore, to the county in which the land is situated.

[Here the hammer fell.]

Mr. BATES. I yield the remaining two minutes to the chairman of the Committee on the Public Lands [Mr. LACEY].

Mr. LACEY. Mr. Speaker, I am somewhat surprised at my friend from Washington [Mr. JONES] claiming that no one in his locality is in favor of this bill. I have in my hand a letter, which I will put into the RECORD, from the Washington Wool Growers' Association, from the gentleman's own district, asking for the passage of this bill. It is as follows:

OFFICE OF THE WASHINGTON WOOL GROWERS' ASSOCIATION,
North Yakima, Wash., January 21, 1903.

Hon. W. L. JONES,
Representative from Washington, Washington, D. C.

DEAR SIR: Through your kindness this office has just received H. R. Report No. 3101, being the report of the committee on H. R. bill No. 15008, and also the views of the minority on the same and adverse to the report of the whole committee.

This bill came before the Washington Wool Growers' Association at its last regular meeting on the 13th instant for consideration. There was a large representation present from different parts of the State; there was much said in favor of the proposed bill by the members, and not a word against it. My letter to you of December 23 on this subject was read and accepted as the sense of the association.

Have just hurriedly read the pamphlet and some thoughts have occurred to me in this perusal.

Does not the reference to "baronial estates" savor more of the fervid eloquence of the "stump" rather than the calm, logical examination of a proposition in a formal report? We must take things as we find them; these "estates," however so much "foreign and contrary to our interests," were created years ago, and long before this State existed as such, and this bill proposes to deal with a condition and not a theory, and place these "same estates" in such shape as to render them useful through consolidation, and then we can safely depend upon local taxation to do whatever may be necessary in the matter of reducing them.

It does not appear from a casual reading of the "bill" that the Government is about to enhance the value of private holdings "without compensation;" lands of "like area, character, and value" must be surrendered for exchange without expense to the Government. If the "poorest" are surrendered for exchange they can only, by the terms of the "bill," be considered in connection with lands of like poverty.

That the action and approval of the President and that of the Secretary of the Interior must be based upon the reports of subordinates is a condition common to all Governmental affairs. This preliminary duty can easily be

performed by United States deputy surveyors in connection with their other work, and thus avoid the "immense force" and millions of expense so dreaded by the minority.

True, private holdings will be concentrated, and likewise those of the Government, within land-grant limits. Whatever better position may come to the private owner must also inure to the Government, as the exchange when made must be within the land-grant limits and within the narrow boundaries of a county in each and every case. So circumscribed is the territory for the assembling of land in any one instance—as Secretary Hitchcock so forcibly and aptly explains it in recommending the bill, "No roaming right of selection is given"—that it is impossible for any such disparity to exist as the minority seem to fear.

It is a case for governmental "interference," as everyone will be benefited and no one put in a worse condition than at present. There will be no diminution of public domain for the acquisition of the homesteader, and what there is will be in a more attractive situation, not sandwiched in between hostile holdings. The railroad lands in this State, a long narrow strip checkerboarded through the center of Washington, will be grouped in solid blocks in the several counties, in a more suitable shape for use or sale, consequently of more value, and thus, through taxation, bring in greater revenue to this Commonwealth. Really there will then be more public domain for the settler and homesteader, as the practice of taking up a string of "forties" through an even section, to thus connect alternate railroad sections, will cease, and you well know in such cases the best is always gobbled up. The fencing of Government land, as referred to in mine of December 23, will also stop, there being no further incentive for such trespassing.

This assembling of lands in compact bodies, instead of being a "menace" to irrigation projects, must prove to be an additional incentive to such undertakings, as we have all long since discovered that the greatest trouble in promoting and financing legitimate feasible irrigation propositions is to obtain enough concentrated acreage to attract capital for such expensive operations.

These are a few of the thoughts that come to me as I hurriedly read the bill, the recommendations of Mr. MOODY of Oregon, and the adverse report of the minority.

In view of the support the measure receives from such high authority as Secretary Hitchcock, the benefit it will be to a very large number of your constituents, it is hoped that you will reflect on what is herein contained and other letters from this office and then reconsider your action and assist Mr. MOODY and others in obtaining the passage of the bill recommended by the House Committee on Public Lands, No. 15008.

Very respectfully, yours,

R. K. NICHOLS, *Secretary and Treasurer.*

Mr. JONES of Washington. Mr. Speaker——

The SPEAKER. Does the gentleman from Iowa yield to the gentleman from Washington?

Mr. LACEY. I can not yield.

Mr. JONES of Washington. That is the letter that I referred to in my remarks.

Mr. LACEY. This proposition limits the exchange to each county. It relieves these men from liability under the Camfield case, so that they may fence their own land. Under existing law they must fence the Government land when they fence their own; and as this is forbidden, they can not fence their own lands. They find themselves in controversy with the Department of the Interior because they have inclosed public lands. This proposition is a solution of that difficulty, and that is why the Secretary of the Interior favors the enactment of the bill.

Now, the opposition comes from Texas. Why? Texas has all her arid lands fenced, all under grazing leases, every foot of them in use, and they know that under that arrangement the amount of grass has doubled in the State of Texas, as it would double in the State of Wyoming or in the other arid States where the grass on private lands could be protected.

Mr. RANDELL of Texas. Mr. Speaker——

The SPEAKER. Does the gentleman yield?

Mr. LACEY. I can not yield. I have but two minutes. If the same arrangement is made in Wyoming as is made in Texas, the same results will ensue and the same increase of grass will be found. In those States where the land is fenced into different fields the land is permitted to rest one year and the next year to be grazed. Much of the grass is annual. It must go to seed. Under the existing arrangement a man can not permit the grass to go to seed on his own land, because he can not fence the land. This bill will give the same acreage in each county as at present under private ownership and the same acreage in each county under Government ownership. No harm is done to anybody, and the Secretary of the Interior can not make the exchange until it is approved by the President of the United States.

I regret, Mr. Speaker, that there is no more time to consider this bill, but it is a bill that addresses itself to the equity and right of the House. The gentleman from Washington [Mr. JONES] only complains that the bill will increase the value of the private holdings. If such holdings can be increased in value without injuring anybody else, it should be done.

The SPEAKER. The time of the gentleman from Iowa has expired. All debate has expired. The question is on the motion of the gentleman from Pennsylvania [Mr. BATES] to suspend the rules and pass the bill as amended.

The question being taken, the Speaker announced that in his opinion two-thirds not having voted in favor of the motion to suspend the rules and pass the bill, it was rejected.

LIEUT. ROBERT PLATT.

Mr. MIERS of Indiana. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3317) authorizing the President to appoint Lieut. Robert Platt, United States Navy, to the rank of commander.

The bill was read, as follows:

Be it enacted, etc., That the President be, and is hereby, authorized to appoint Robert Platt, lieutenant of the junior grade, United States Navy, not in the line of promotion, to the rank of commander, United States Navy, and to place him on the retired list of the Navy as such.

Mr. MIERS of Indiana. Mr. Speaker, I ask that Senate Report No. 380 of the Fifth-fifth Congress, first session, be read in my time.

The Clerk read as follows:

The Committee on Naval Affairs, to whom was referred the bill (S. 1126) authorizing the President to appoint Lieut. Robert Platt, United States Navy, to the rank of commander, having had the same under consideration, beg leave to submit the following report:

The committee recommend the passage of the bill for the reasons set forth in the following statement of facts:

Robert Platt is borne on the Navy Register as "Lieutenant, junior grade, not in line of promotion." This case is unique. After thirty-three years' service in the Navy, which includes service during the rebellion that gained honorable mention and high commendation from Admiral Du Pont and other naval officers under whom he served, Lieutenant Platt stands at the foot of the junior officers of the grade held by him, the seniors of whom were not born when he was serving with the fleet of Admiral Du Pont in the attack upon Charleston. Born in North Carolina in 1835, Lieutenant Platt went to sea at an early age, and was trained in that maritime school that has given so many distinguished men to the American merchant and naval marine. Upon the breaking out of the rebellion Lieutenant Platt was a prosperous skipper, with thorough knowledge of his business and familiarity with the Southern coast and harbors. Tempting offers from representatives of the Confederate States and the appeals of relatives and old associates were unavailing to induce him to abandon allegiance to the United States.

For a short time prior to the breaking out of the rebellion Lieutenant Platt was in the service of the United States Coast Survey as first master, mate, and executive officer of the steamer *Bibb*. His services with the Coast Survey were of a character to secure for him the highest commendation of the chief officers thereof, and the experience acquired by him while on that duty made him a specially valuable man to the naval forces operating against the harbors and seaport cities of the Confederacy.

When hostilities commenced in 1861 the vessels of the Coast Survey were turned over to the Revenue-Marine Service and became an auxiliary force of the Navy. Appreciating the ability and loyalty of Lieutenant Platt, his superior officers earnestly recommended his appointment as lieutenant in the Revenue Marine. The following letters show the estimation in which Lieutenant Platt was held:

NORFOLK, VA., *April 9, 1861.*

SIR: Mr. Robert Platt is deserving of receiving a commission in the Revenue Service, and I take great pleasure in joining his friends in recommending him for the place. He served with me as senior master mate and executive officer of the surveying steamer *Bibb* for a number of years, and besides his competency, of which I can not speak too highly, he is a gentleman in his manner, habits, and associations; he is also strictly moral, and his appointment would, in my opinion, secure to that service a ready-made and efficient officer.

Very respectfully, your obedient servant,

A. MURRAY,
Lieutenant Commanding, United States Navy.

The SECRETARY OF THE TREASURY.

UNITED STATES STEAMER BIBB,
Perth Amboy, May 1, 1861.

DEAR SIR: I beg leave to introduce to your favorable notice Mr. Robert Platt, the chief officer of this vessel, who has been connected with the Coast Survey for some years, during which time he has become acquainted with our harbors and coast.

These vessels are now to be turned over to the Revenue Service, when Mr. Platt must be thrown out of employment should he not receive what he is desirous of obtaining, "an appointment as lieutenant in the Revenue Service." Mr. Platt is a native of North Carolina. "His love of the flag" is stronger than that of the "States-right doctrine," owing to which he is unable to return to his native State to battle for the Union.

Under these circumstances, and the fact that he has such high testimonials as to character and qualifications, I have been induced to ask that you would be pleased to assist him with your influence to obtain the desired situation.

I would not presume to ask this was I not confident that the Government would in this, her time of need, obtain a most valuable servant.

Respectfully, yours,

N. C. BLAKE,
Lieutenant Commanding, United States Army.

Hon. W. V. BRADY.

Lieutenant Platt remained with the revenue-marine steamer *Bibb* as executive officer until March, 1863, when he was appointed acting ensign in the Navy by Admiral Du Pont for reasons that are set forth in the following letter:

[Dispatch No. 153, 1863.]

FLAGSHIP WABASH,
Port Royal Harbor, S. C., March 26, 1863.

SIR: I have the honor to inform the Department that I have appointed Robert Pratt, at present executive officer of the United States Coast Survey steamer *Bibb*, as acting ensign in the United States Navy from the 1st of March, this being the highest appointment I can offer.

I would, however, recommend that the Department should give him the appointment of acting master from the same date. Mr. Platt has been of great service in this squadron, is an educated and thorough seaman, and is, moreover, to pilot the fleet into Charleston Harbor, as I have reason to believe that his knowledge of the channel exceeds that of any of the few pilots we have here, and for which perilous service he has patriotically volunteered.

I may add that there are two other pilots in the squadron holding the position of acting master, which is a further reason for making the appointment.

Very respectfully, your obedient servant,

S. F. DU PONT,
Rear-Admiral, Commanding South Atlantic Blockading Squadron.

Hon. GIDEON WELLES,
Secretary of the Navy, Washington, D. C.

Lieutenant Platt led Admiral Du Pont's fleet into the harbor of Charleston on April 1, 1863, his vessel leading the fleet and under the fire of the enemy's shore batteries. For his skill, coolness, and intrepidity Lieutenant Platt

was specially commended by Admiral Du Pont. In acknowledgment of his services upon that occasion, Mr. Platt was advanced to the grade of acting master, his appointment coming from Admiral Du Pont with the following letter:

FLAGSHIP WABASH,
Port Royal, S. C., April 14, 1863.

SIR: I have the pleasure to inclose your appointment as acting master in the United States Navy, and you will report to Captain Boutelle in that capacity and continue your previous duties on the *Bibb*.

I avail myself of the occasion to express my commendation of your pilotage of the *Weehawken*, the leading ship in the attack on the Charleston ports, on the 1st of April, under my own observation, and which has been alluded to by Capt. J. Rodgers in the most favorable terms in his official report.

Respectfully, your obedient servant,

S. F. DU PONT,
Rear-Admiral, Commanding South Atlantic Blockading Squadron.

Acting Master ROBERT PLATT,
U. S. S. Bibb, Port Royal, S. C.

The following extract from the official report of Captain Rodgers, to which reference is made in the foregoing letter of Admiral Du Pont, shows the value of Lieutenant Platt's services upon the occasion referred to:

INSIDE OF CHARLESTON BAR, S. C., *April 8, 1863.*

* * * * * * *

All the officers and men behaved so admirably that I am unable to select one for especial commendation. I am much indebted to Mr. Robert Platt, of the United States Coast Survey steamer *Bibb*, for his cool and efficient pilotage of the vessel, which he continued to direct after a ball touching the pilot house immediately over his head had given him a severe concussion. * * *

I have the honor to be your obedient servant,

JOHN RODGERS, *Captain.*

Rear-Admiral S. F. DU PONT,
Commanding South Atlantic Blockading Squadron.

Mr. Platt remained on duty with the blockading fleet until the termination of the war, performing such service as was assigned him. When the war closed Mr. Platt, upon the application of Carlisle Patterson, then Chief of the Coast Survey, was assigned to that service. He remained with the Coast Survey for several years, being continued in the Navy as a volunteer officer. June 15, 1878, an act was passed by Congress making Mr. Platt master in the Navy, not in the line of promotion. By the act of March 3, 1883, the grade of master was abolished and the grade of junior lieutenant established. Although there was no specific reference to Master Platt in that act, he was continued on the Navy Register as "lieutenant (junior grade), not in line of promotion." It is a question whether, by the act of March 3, 1883, Mr. Platt did not become a lieutenant (junior grade) without limitation.

During all these years Mr. Platt has continued to serve the Government with efficiency and fidelity. For some time past he has been in command of the United States Fish Commission steamer *Fish Hawk*, and has performed valuable service in connection with the propagation of food-fish and in obtaining information touching their nature and habits. With thirty-three years' service in the Navy, of which over twenty years have been sea service, and three of which were during the war, he is still a junior lieutenant. He asks, in view of his long and faithful service and of the fact that he reached the age of 62 in March, 1897, the age at which officers above the grade of lieutenant are retired, that Congress pass an act authorizing his appointment to the grade of commander, not in the line of promotion, to the end that he may, having reached the age of 62, be retired with that grade.

It may be urged that this is an unusual request, but it can be truthfully said that this is not only an unusual case, but one without precedent, and one which is not likely to again be presented. Mr. Platt was granted admission to the Navy with a limitation as to promotion, which had to be acquiesced in in order to overcome the opposition of those who would be affected by his full admission. Had he been admitted without limitation he would have attained the grade of commander before reaching the age for retirement, and in the intervening years would have been in the enjoyment of the additional pay that attaches to the grades above that which has been continually held by him. Lieutenant Platt's long and faithful services justify him in asking Congress to give him the measure of relief asked for, and the fact that Lieutenant Platt remained loyal to the Government at a time when men of his abilities and special equipment were offered liberal inducements to accept service from the Confederacy; that he abandoned his home and severed the bonds which united him to kindred and friends and voluntarily offered his services to maintain the integrity of the Union, should be given consideration in this connection.

The sacrifices made by those men of Southern birth who remained loyal to the Government have been frequently recognized by Congress and the Executive in individual cases. Special recognition was given this class of citizens by Congress in the act of August 15, 1876, by which it was provided that commodores in the Navy "who, being at the outbreak of the late rebellion, citizens of any State which engaged in such rebellion, exhibited marked fidelity to the Union in adhering to the flag of the United States," should, upon retirement, be retired with the grade of rear-admiral. If special recognition should be the reward of naval officers under the conditions described in the act above quoted, surely the citizen under like conditions, who was free from the moral and legal obligations resting upon the naval officer to remain loyal to his flag, is deserving of equal recognition from Congress.

The advancement of Lieutenant Platt to the grade of commander, not in the line of promotion, would not affect any officer on the Naval Register, and would involve to the Government a comparatively trifling expenditure, and that only for a very limited period. It would be a fitting recognition of long and faithful services, and would enable an old and faithful officer, whose life has been passed in the public service, to maintain himself and family during the few years that remain to him.

MARINE BARRACKS,
Navy-Yard, Boston, Mass., April 21, 1896.

This is to certify that Mr. Robert Platt (now Lieut. Robert Platt, United States Navy) and I served together on coast-survey duty on the coast of Maine in 1861, just after the outbreak of the war. Mr. Platt was then the sailing master of the schooner *Arago*, which vessel was temporarily detached from coast-survey duty and armed by orders of the Government at Washington, with orders to cruise off that coast, prevent arms and munitions of war being sent by sea to the rebels, and one especial order was to cruise for and capture four rebel vessels which were reported to have run the blockade at New Orleans. The names of these vessels were *Alice Ball*, *Orozimbo*, *Express*, and *Peter Marcy*. Through the active efforts and good judgment of Captain Platt three of these ships were captured. Captain Platt himself brought the *Alice Ball* into Eastport (Maine) Harbor with the rebel flag union down and our flag above it. A large party in Eastport was at that time unfriendly to the Government, and often threats were made that they would take the three captured ships (*Alice Ball*, *Express*, and *Orozimbo*) from us, but Captain Platt's vigilance and the excellent discipline he had in force in his command prevented any such action on the part of the citizens of the town, and the vessels were retained until delivered to other officials of the Government.

ROBT. L. MEADE,
Major, United States Marine Corps.

Mr. MIERS of Indiana. Mr. Speaker, the facts stated in this report furnish a stronger argument for the passage of the bill than I could possibly construct and a more eloquent plea for justice than I have language to express. Three times the Navy Department has recommended its passage.

At three sessions of Congress the Senate Committee on Naval Affairs found the facts as above and recommended the passage of the bill, and each time the Senate passed the same.

The House Committee on Naval Affairs has also three times reported the bill favorably and recommended its passage.

I deem it a privilege to make the final motion that will bring long-delayed justice to this American citizen, who has served in the United States Navy thirty-three years, over twenty years of which was on the sea, which included service during the rebellion that gained honorable mention and high commendation.

I hope this bill will pass without a dissenting vote.

The question was taken; and two-thirds voting in favor thereof, the rules were suspended and the bill passed.

NEW AGRICULTURAL DEPARTMENT BUILDING.

Mr. MERCER. Mr. Speaker, I move to suspend the rules and pass the following Senate bill with the amendments recommended by the Committee on Public Buildings and Grounds.

The SPEAKER. The gentleman from Nebraska moves to suspend the rules and pass the Senate bill which the Clerk will report with the amendments recommended by the Committee on Public Buildings and Grounds.

The Clerk read as follows:

An act (S. 4722) for the erection of a building for the use and accommodation of the Department of Agriculture.

Be it enacted, etc., That the Secretary of Agriculture be, and he is hereby, authorized and directed to cause a suitable and commodious fireproof building, for the use and accommodation of the Department of Agriculture, including all of its bureaus and officers now occupying rented quarters in the District of Columbia, to be erected on such portion of the grounds of the Department of Agriculture belonging to the United States as he may deem expedient immediately in the vicinity of the present building, said building to be constructed in accordance with plans, to be procured, based on accurate estimates, providing for the erection of said building, complete in all its details, as herein described and within a total cost of not exceeding the sum herein stipulated, and he is hereby authorized, after procuring such plans, and after due advertisement for proposals, to enter into contracts within the limit of cost hereby fixed and subject to appropriations to be made by Congress for the erection of said building complete, including heating and ventilating apparatus, elevators, and approaches, and the removal of the present building or buildings of the Department of Agriculture on said grounds.

SEC. 2. That the supervision of the construction of said building shall be placed in charge of an officer of the Government especially qualified for the duty, to be appointed by the Secretary of Agriculture, subject to the approval of the head of the department in which such officer is employed, who shall receive for his additional services an increase of 25 per cent of his present salary, such increase to be paid out of the appropriation for the building herein authorized.

SEC. 3. That the limit of cost for the construction of said building complete, including heating and ventilating apparatus, elevators, and approaches, and the cost for removal of the present building or buildings of the Department of Agriculture, is hereby fixed at $1,500,000, and no contract shall be entered into or expenditure authorized in excess of said amount.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I demand a second.

Mr. MERCER. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from Nebraska asks unanimous consent that a second be considered as ordered. Is there objection?

Mr. RICHARDSON of Tennessee. Reserving the right to object, I desire to ask the gentleman a question, if I can have order, so that I can ask it.

The SPEAKER. The House will please be in order, and gentlemen will please cease conversation.

Mr. RICHARDSON of Tennessee. A parliamentary inquiry, Mr. Speaker, I first address to the Chair, whether this recognition of the gentleman is to make a motion on behalf of the Committee on Agriculture, or is it an individual request?

The SPEAKER. These are individual suspensions, all of them.

Mr. RICHARDSON of Tennessee. Individual recognition?

The SPEAKER. It is individual suspension day.

Mr. RICHARDSON of Tennessee. I know; but the Chair has the option of recognizing committees or individuals.

The SPEAKER. But this is an individual recognition.

Mr. RICHARDSON of Tennessee. I know that priority is given to the committee if it requested.

The SPEAKER. The gentleman is right about that, but these are individual recognitions.

Mr. RICHARDSON of Tennessee. Now, I want to ask the gentleman if the Agricultural Committee approves unanimously making this motion to suspend the rules and pass this bill?

Mr. MERCER. The Committee on Agriculture has nothing to do with it.

Mr. RICHARDSON of Tennessee. The Committee on Public Buildings and Grounds. I beg the gentleman's pardon.

Mr. MERCER. Yes, sir; it is a unanimous report of the committee.

Mr. RICHARDSON of Tennessee. Then I have no objection to a second being considered as ordered.

The SPEAKER. The gentleman from Nebraska is recognized to control twenty minutes and the gentleman from Tennessee twenty minutes.

Mr. MERCER. Mr. Speaker, this is a matter that has been before the country and Congress for several years. The committee has been in receipt of communications from all parts of the United States requesting that this legislation be had. As members know, the Department of Agriculture is very much limited as to its space. It occupies a very old and unsatisfactory building. The Department is growing rapidly, and to-day, as we all know, it is one of the greatest Departments of this Republic. Its usefulness is increasing, and it needs more room and better accommodation in order that it may properly transact its business. I think most of the members of this House are personally familiar with the situation, and know that this measure is a just one. The committee is of the opinion that a building, and a substantial building, large enough to satisfy all branches of the Department can be erected on this ground, which is Government ground, in the vicinity of the present building within the limit of cost covered by the amendments to the Senate bill.

Mr. Speaker, I reserve the balance of my time.

Mr. RICHARDSON of Tennessee. I want to ask the gentleman if this bill is in the usual form that the committee prescribes for public buildings in the city of Washington?

Mr. MERCER. It is in the usual form, except in this particular, that the Secretary of Agriculture has been authorized to take charge of the construction of this building. In most authorizations for public buildings the Secretary of the Treasury is given authority to control and superintend construction, but the Secretary of the Treasury has no objection to this feature of the pending bill, and it seems to be the desire of the Agricultural Department to have the legislation in this form.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I only wish to say that I did not demand a second with a view of opposing the passage of this bill. I did not know until the gentleman made the motion that a motion was to be made to suspend the rules and pass it; therefore I have not had an opportunity to investigate it. But inasmuch as the minority members of the Committee on Public Buildings and Grounds have joined in the recommendation, I shall make no objection. If there is any gentleman on this side of the House or on the other side of the House who desires to be heard in opposition of the bill, of course I will yield him time out of the twenty minutes. Having demanded the second, and the time having been given to me under the rules, I feel it is right and proper to make this statement, in order that any gentleman who desires to oppose the bill may not be misled but may have an opportunity to speak. For myself I do not oppose the passage of the bill.

Mr. MERCER. I do not think there is any disposition to oppose the passage of the bill.

The SPEAKER. The question is on the motion of the gentleman from Nebraska to suspend the rules and pass the bill with the amendments which have been read.

The question was taken, and, in the opinion of the Chair, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

JOHN RUSSELL BARTLETT.

Mr. DAYTON. Mr. Speaker, I move to suspend the rules and pass Senate bill 4222.

The SPEAKER. Are there any amendments?

Mr. DAYTON. Yes, sir; with an amendment.

The SPEAKER. The gentleman from West Virginia moves to suspend the rules and pass with an amendment the bill which the Clerk will report.

The Clerk read as follows:

A bill (S. 4222) authorizing the appointment of John Russell Bartlett, a captain on the retired list of the Navy, as a rear-admiral on the retired list of the Navy.

Be it enacted, etc., That the President, by and with the advice and consent of the Senate, is hereby authorized to appoint John Russell Bartlett, now a captain on the retired list of the Navy, to be a rear-admiral on the retired list of the Navy, with the rank and pay of said office: *Provided*, That no pay, bounty, or other emolument shall accrue by reason of the passage of this act.

The amendment was read, as follows:

In line 7, strike out the words "and pay."

Mr. RICHARDSON of Tennessee. I demand a second.

Mr. DAYTON. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from West Virginia asks unanimous consent that a second may be considered as ordered. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The Chair recognizes the gentleman from West Virginia [Mr. DAYTON] and the gentleman from Tennessee [Mr. RICHARDSON].

Mr. DAYTON. Mr. Speaker, this is a bill in behalf of a retired naval officer who has a very remarkable record. He was a midshipman at the Academy in the third class when the war broke out in 1861. Before graduation he was sent from the Academy on board the *Brooklyn* and was under Farragut in the passage of the forts at New Orleans, and was also in the naval battle at Vicksburg and in the two charges on Fort Fisher. In 1897, only a few months before the passage of the personnel bill, and after a life of active service in the Navy, and a record which I say is as good as that of any officer in the Navy, he was retired for nervous disease known as neurasthenia, which, as I understand, is almost equivalent to nervous prostration. In a few months afterwards he recovered his health, and during the Spanish war, under the law that provides for the employment of retired officers, he was placed in active service and did conspicuous service in behalf of his country. Being in good condition and good health to-day he is discharging his duties actively as a retired officer, discharging active duty in the naval service in connection with the general board over which Admiral Dewey presides.

He was retired a few months before the passage of the personnel bill, which would have authorized him to be retired with the rank of a rear-admiral. The bill carries no pay, the House Committee having amended it so as to simply give him the rank of a rear-admiral. I want to say to the gentlemen of the House that his long and conspicuous service to his country, both when on the active list and since during the Spanish war, and even now, warrants and merits this recognition on his behalf. The Navy Department has recommended it and it has passed unanimously the Committee on Naval Affairs. I want to say further to the members of the House that it has been the uniform policy of the Naval Committee to closely scrutinize these bills and to report very few of them, and only under extraordinary circumstances and conditions. A great many of the officers on the retired list feel that an injustice was done them by the passage of the personnel bill. We have adopted the general policy where a retired officer is willing to undertake the active duty and does go into active service of the Navy to supply the need existing of officers to continue and perform active duty to encourage that. We have deemed it proper and right in certain cases to give them this promotion in cases like this without pay.

Mr. STEELE. Will the gentleman allow me an interruption?

Mr. DAYTON. Certainly.

Mr. STEELE. I understand the gentleman to say that this bill proposes to give him the rank and not the corresponding pay.

Mr. DAYTON. He does not ask that.

Mr. STEELE. As the bill reads it would give him pay corresponding to his rank. It does not specially provide that he shall not have the pay of the rear-admiral.

Mr. DAYTON. The Senate bill provides a corresponding pay with the rank. Provides that the President is authorized to appoint him to be rear-admiral on the retired list of the Navy, with rank and pay of said office. The House amendment strikes out the word "pay," and now it provides that he shall be retired a rear-admiral, with the rank of said office but not the pay. He will draw the pay of a captain.

Mr. STEELE. I do not think there is any question that if he is retired as a captain he would be paid as a captain, and that if he was retired as a rear-admiral he would be paid as a rear-admiral. Now, another point: The gentleman says a great many officers complain about the passage of the personnel bill. Are there not a great many of the officers who are equally entitled to the consideration that this officer is, and ought not this bill to be a general bill rather than to make it specific and apply to specific cases?

Mr. DAYTON. I do not think so. I do not think there is another officer in the Navy who passed with Farragut through the campaign in front of New Orleans and Vicksburg and Fort Fisher, and landed in both attacks. I doubt whether there is another officer in that class.

Mr. STEELE. If they did not it is their misfortune, for probably they would like to have been there.

Mr. DAYTON. I want to say, Mr. Speaker, that this officer merits promotion because of his long service since he has been on the retired list and in the active list. He went through the Spanish war and to-day fulfills the duties of an active officer and does it well. Every single officer in the Navy, in my judgment, will bear testimony to the fact that Capt. John Russell Bartlett is entitled to this recognition. I want to say further that as far as the pay is concerned I am absolutely sure, from an examination and from a consultation with the law authorities of the Navy and the rules and regulations governing it, that this bill does not carry a single dollar of pay as a rear-admiral, but that he will receive the pay of a captain and the rank of a rear-admiral.

Mr. STEELE. Would the gentleman object to providing that this officer shall only receive the pay and emoluments of a captain?

Mr. DAYTON. The bill already provides that he shall receive no pay or bounty or emoluments by the passage of this act. That is in the bill. Mr. Speaker, I reserve the balance of my time.

Mr. RICHARDSON of Tennessee. Mr. Speaker, my only object in demanding a second on this bill was that it might be properly debated. If the minority members of the Committee on Naval Affairs interpose no objection, I see no reason why I should oppose the bill. If any gentleman on either side of the House desires time to use in opposition to the bill, I will yield to him; if not, I am content that a vote be taken.

The question being taken on the motion to suspend the rules and pass the bill, it was agreed to (two-thirds voting in favor thereof).

BRIDGE ACROSS MONONGAHELA RIVER, PENNSYLVANIA.

Mr. DALZELL. I move to suspend the rules and pass the bill which I send to the desk, with the amendments of the committee.

The bill (H. R. 16975) to authorize the construction of a bridge across the Monongahela River, in the State of Pennsylvania, by the Eastern Railroad Company, was read, with the amendments of the Committee on Interstate and Foreign Commerce.

Mr. MADDOX. I demand a second on the motion to suspend the rules.

Mr. DALZELL. I ask unanimous consent that a second be considered as ordered.

There was no objection.

Mr. DALZELL. Mr. Speaker, this is a simple, everyday bridge bill, such a bill as is passed again and again by unanimous consent. There can not be any possible objection to it.

The question being taken on the motion to suspend the rules and pass the bill with the amendments of the committee, it was agreed to (two-thirds voting in favor thereof).

MUSCLE SHOALS POWER COMPANY.

Mr. RICHARDSON of Alabama. I move to suspend the rules and pass, with the amendments of the Committee on Interstate and Foreign Commerce, the bill which I send to the desk.

The bill (H. R. 16602) to extend the time granted to the Muscle Shoals Power Company by an act approved March 3, 1899, within which to commence and complete the work authorized in the said act to be done by said company, and for other purposes, was read, as follows, with the amendments of the committee:

Be it enacted, etc., That the time allowed the Muscle Shoals Power Company by section 2 of an act entitled "An act granting to the Muscle Shoals Power Company right to erect and construct canal and power stations at Muscle Shoals, Ala.," approved March 3, 1899, to commence and complete the work therein authorized to be done be extended so that unless the work authorized in said act to be done be commenced within two years and completed within four years from the date of this act the privileges granted to said company by said first-mentioned act shall cease and be determined; and said company is authorized to erect and construct dams which may abut on lands of the United States Government along the line of the Muscle Shoals Canal, if approved by the Secretary of War.

Mr. PAYNE. I ask for a second on the motion to suspend the rules. In the confusion I could not hear what the bill is.

Mr. RICHARDSON of Alabama. I ask unanimous consent that a second be considered as ordered.

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from Alabama [Mr. RICHARDSON] for ten minutes.

Mr. RICHARDSON of Alabama. Mr. Speaker, this is undoubtedly just such a bill as would pass by unanimous consent if certain conditions did not exist at this time in the House, known to us all. Therefore, in order to get the bill before the House, I had to resort necessarily to the motion for a suspension of the rules.

The object of this bill, Mr. Speaker, is simply to extend the life of a charter already granted by Congress to what is known as the Muscle Shoals Power Company. The necessity for asking this extension of time arises by reason of the fact that there is a question now under consideration, and not yet definitely settled, as to what rental, if any, the Government would be entitled to from this company for the use of the waters of the Tennessee River; and before this question can be settled, as the Chief Engineer of the War Department states in a letter to the Interstate and Foreign Commerce Committee, the life of this charter will expire, unless extended by a bill such as this.

Mr. PAYNE. For how long a period does this bill propose to extend the time?

Mr. RICHARDSON of Alabama. For three years.

Mr. STEELE. Is there not some question in regard to abutting property of the Government? Is there not some change of the law proposed in that regard?

Mr. RICHARDSON of Alabama. There is. The work of the company proposes to abut upon Government property; and the Chief of Engineers writes thus:

The privilege proposed to be granted is one that may result in embarrassment to the Government, and it may be a valuable one for which the company should be required to pay. As it is necessary that action shall be taken on the bill during the present session of Congress, in order to preserve the life of the franchise, there is not sufficient time to properly and carefully investigate these questions; but I am of the opinion that, if the bill is amended as indicated on a copy of the same herewith submitted, the interests of the Government will be protected, and that there will be no objection to favorable action by Congress thereon.

Mr. STEELE. Is the bill so guarded as to give the Government pay for any damages that may be done?

Mr. RICHARDSON of Alabama. The question of damages is the one now under consideration; and the Chief Engineer has proposed that the bill be passed with an amendment which, of course, has been accepted by the committee and amply safeguards the Government in all its rights.

The question being taken on the motion of Mr. RICHARDSON of Alabama to suspend the rules and pass the bill, it was agreed to (two-thirds voting in favor thereof).

THOMAS H. CARPENTER.

Mr. CASSEL. Mr. Speaker, I move to suspend the rules and pass the bill (S. 661) authorizing the restoration of the name of Thomas H. Carpenter, late captain, Seventeenth United States Infantry, to the rolls of the Army, and providing that he be placed on the list of retired officers, which I will send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the President of the United States be, and is hereby, authorized to nominate and, by and with the advice and consent of the Senate, appoint Thomas H. Carpenter, late a captain, Seventeenth Infantry, a captain of infantry in the Army of the United States; and when so appointed he shall be placed upon the list of retired officers of the Army, unlimited, on account of wounds received in battle, from which he is under disability.

Mr. UNDERWOOD. Mr. Speaker, I demand a second.

Mr. CASSEL. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

Mr. CASSEL. Mr. Speaker, I yield to the gentleman from Ohio [Mr. DICK] such time as he may desire.

Mr. DICK. Mr. Speaker, this is a thoroughly meritorious case, the applicant having been wounded at the battle of Gettysburg, the ball passing through the knee and lodging under the kneecap. It was supposed by the surgeons then examining the wound that the ball has passed through the leg and that the wound would heal. Subsequently and repeatedly surgeons made examinations and found no trace of the ball, but the soldier was unable to march with his command, and after repeatedly asking to be retired, resigned his commission. It was only recently, through the assistance of the X-ray, that the ball was located and found to still be in the wounded leg, causing continued stiffness, and proving absolutely the claim of the soldier as to his inability to march with his troops. On this account the committee of the House has recommended the passage of this bill. The bill has already passed the Senate.

Mr. CASSEL. Mr. Speaker, I yield to the gentleman from Iowa [Mr. HULL].

Mr. HULL. Mr. Speaker, I want to say just a word or two in addition to what has been said by the gentleman from Ohio [Mr. DICK]. This man was severely wounded, as the gentleman stated. He had a commission in the Regular Army. At the time that he was ordered to go to a certain place to perform active duty, he replied that he could not sustain the fatigue of active service in the field. After the board examined him and failed to find any trace of the ball, he was ordered to rejoin his regiment, and thereupon resigned. He had to resign, obey orders, or be court-martialed. It was impossible for him to perform his duty. He has been on crutches nearly all of the time since. It was at a time when most of the Regular Army officers were willing to get rid of all the volunteers they could who had received commissions in the Regular Army. The bill has passed the House several times during the past twenty years, and has also passed the Senate several times.

The man, in my judgment, presents one of the best cases that ever has come before Congress. His case has been reported upon by more committees who favorably recommended it than any other case with which I am at all acquainted. It seems to me that it is a very small act of justice to a man who should have been retired when he applied for retirement and who was conscientious enough to know that he could not do the duty. He was never able to prove to the Army officers or the surgeons the cause of his continued lameness until the X ray came to his assistance, when the ball was located, and, as I understand it, has since been extracted, though leaving him still crippled and lame.

Mr. UNDERWOOD. Mr. Speaker, I would like to ask the gentleman a question.

The SPEAKER. Does the gentleman yield?

Mr. HULL. Certainly.

Mr. UNDERWOOD. I would like to know when it was this gentleman resigned from the Army.

Mr. HULL. It was in 1866. The Regular Army after the civil war seemed willing to get volunteers out.

Mr. UNDERWOOD. At that time there was no retirement list.

Mr. HULL. Oh, yes; they were retiring officers then.

Mr. BARTLETT. I would like to ask the gentleman a question.

Mr. HULL. Certainly.

Mr. BARTLETT. I want to know what effect this bill will have upon the pay the man will receive. Will the Government be called upon to pay him for any services in the past?

Mr. HULL. No, not at all. He will be paid nothing until the President nominates and the Senate confirms him as a captain on the retired list.

Mr. HEPBURN. What rank did he have?

Mr. HULL. He was a captain.

Mr. HEPBURN. What regiment?

Mr. HULL. He was in an Iowa regiment until, on account of gallantry, he was promoted to a position in the Regular Army.

Mr. BARTLETT. When was he wounded?

Mr. HULL. He was wounded at the battle of Gettysburg.

Mr. STEELE. What is the name of this officer?

Mr. HULL. Captain Carpenter.

Mr. STEELE. Was not Captain Carpenter discharged from the service because he preferred to go out of the service under the consolidation act of 1869 and receive a year's pay? Was he not included in that list?

Mr. HULL. No. The chairman of the subcommittee calls my attention to the fact that it was in 1866, and he was retired from the service because he was absolutely unable to go without his crutches at the time and could not perform active service. He had been serving as provost-marshal after receiving his wound.

Mr. STEELE. Retired or resigned?

Mr. HULL. Resigned.

Mr. STEELE. On account of the law giving him a year's pay?

Mr. HULL. No; the matter of a year's pay came about in 1870.

Mr. STEELE. And this man did not get a year's pay?

Mr. HULL. No.

Mr. STEELE. What rank did he have when he was retired?

Mr. HULL. He was a captain in the Regular Army.

Mr. STEELE. He was a captain when he retired?

Mr. PALMER. He did not retire; he resigned.

Mr. STEELE. Mr. Speaker, in justice to the Regular Army I wish to say that I do not think it is fair to charge that officers of the Regular Army desire to get rid of volunteers. I can say from experience that there is absolutely no justification for that charge except in cases where the officers ought to have been gotten rid of. I do not know about this officer. The X-ray has come to his assistance, and if he had a gunshot under his kneecap, received during the war, I should not vote against his retirement. But it is unfair to charge the Regular Army with trying to get rid of volunteer officers.

Mr. HULL. I will say that he had to march or resign, as shown by the report. Some years ago, when Mr. Outhwaite was chairman of the Committee on Military Affairs and I was on the subcommittee, I made a very full investigation of this case, and the committee unanimously reported that this man be restored to the Army, and the bill passed that House, in the Fifty-second or Fifty-third Congress, I am not certain which. It has passed this House or the Senate several times. The man was unable to march. The demonstration of the X-ray has shown why he was lame, and I will say to my friend that when they were reducing the Army afterwards it seemed to be a fatality that the volunteer soldiers were the ones that always got mustered out. I sincerely hope the House will pass this bill.

Mr. UNDERWOOD. Mr. Speaker, I have nothing to say about the merits of this bill. I presume this man was as good a soldier as any of the other officers who properly conducted themselves, and I suppose the case is as good a case as the usual bill that is brought up here to take a man from civil life and retire him on a pension. My objection to the bill is this: This officer, for reasons that were sufficient to himself, resigned from the Army over thirty years ago. Now, why he did that we do not know. If there was any question of justice to be done him, it ought to have been done then. There was no prejudice against a soldier in 1866.

Mr. HULL. While the gentleman is on that point will he pardon an interruption?

Mr. UNDERWOOD. Certainly.

Mr. HULL. I understood the gentleman to say that he had waited some thirty years. He commenced more than twenty-five years ago to try to get justice done. I have been in Congress only twelve years, but I know he has been here every year that I have been here, and before that.

Mr. UNDERWOOD. I understand that, but I say that over thirty years ago, according to the report, he of his own voluntary act sent his resignation to the Department. He was not mustered out——

Mr. DICK. But he had to do one of two things. Either he had to resign or he had to disobey orders. He could not obey the commands that were given to him, and therefore was compelled to resign.

Mr. UNDERWOOD. Well, if he was unable to perform his duty as a soldier and as an officer that was the time for Congress or the Secretary of War to have done this man justice. If for his own reasons he saw proper to resign, and if for reasons that the Department deemed proper they were willing to accept his resignation, I say that the question in all justice and all equity should have been ended then.

Now, I have no reflections to make on this officer and this gentleman, but I say it is a late day for men who resigned from the Army thirty years ago, possibly to enter civil life in more remunerative employment than to stay in the Army, now that they happen to be broken in health or have failed in that business which they chose to follow, to come to Congress and contend that they shall be pensioned by putting them on the retired list to draw officer's pay, which pensions them at a great deal higher rate than their companions in arms have ever received. If this man has an injury to his leg he is entitled to a pension, but he is not entitled to retire and draw an officer's pay; and for that reason I have always opposed this class of bills, and I do not think they ought to be passed.

Mr. BARTLETT. This bill directs the President to appoint him in the Army.

Mr. DICK. If by reason of a recent invention the contention that he made forty years ago, that a bullet was lodged in his kneecap, and that therefore he could not march with his troops, is shown to have been correct, is it too late for Congress to do him justice, when by reason of that fact he was compelled to resign the service that he was performing at that time? He did not resign voluntarily. He resigned because he must do that or disobey the orders of his superiors and be court-martialed. Being compelled to do one of those two things, he chose to resign. And now, because of a recent invention which shows that his claim was meritorious and fair, he comes before Congress for the rectification of an injustice under which he has labored for more than a third of a century.

Mr. UNDERWOOD. Mr. Speaker, my friend makes a very good argument, an ingenious argument, about an invention; but it seems to me it has nothing to do with the case. I see nothing here to show that the Department ever doubted the word of this officer that he was unable to walk, or that it took any invention to demonstrate to the Department that he was unable to serve. There is nothing here to show that he ever offered or asked for retirement.

Mr. HULL. Oh, yes, there is.

Mr. UNDERWOOD. Did he go before a retiring board? That was his privilege at that time. He had the right to go before a retiring board.

Mr. HULL. He did, and the board decided against him.

Mr. UNDERWOOD. Then if the retiring board found against him, why, it was his privilege either to agree to their orders or to resign from the Army. He exercised that right, and so it is too late a day for this man to come here now.

Mr. HULL. If the gentleman will permit just one word, for I know my friend wants to be fair.

Mr. UNDERWOOD. Certainly.

Mr. HULL. The retiring board did not think his injury was a permanent one, though he went on crutches. It has been demonstrated since the X-rays have been invented that the man was absolutely right and the retiring board was absolutely wrong. Now, he had either to obey the order, be court-martialed, or resign. He preferred to go out with a clean record rather than be court-martialed. He has been upon crutches nearly all the time since. He now walks with a cane and has a bad limp, and it does seem to me that if my friend, with his usual fairness and generosity, will read the report, he will not object to the passage of this bill.

Mr. UNDERWOOD. My objection is not to this single case, but to all these cases. This is one of a number of cases of its class that I have always opposed since I have been in Congress. I believe that when these officers went out of the Army thirty years ago, went before a retiring board, their cases were considered by the Secretary of War or the Secretary of the Navy, that ought to be an end of the matter, and they should not be brought up at this late day.

Mr. DICK. May I interrupt the gentleman for a moment?

Mr. UNDERWOOD. Certainly.

Mr. DICK. This is one of more than 2,000 bills of this kind that are pending before your Committee on Military Affairs. This

one comes into this House with the unanimous report of that committee, who have considered it with great care and fairness.

Mr. UNDERWOOD. Well, I will say, in reply to my friend from Ohio, that I find on a great many questions before this House there are a large number of gentlemen who disagree with me. I very often find myself in the minority, and I do not question the ability of those gentlemen on the Military Committee, both the majority or the minority side of the committee, but on this particular question I have always differed with the committee who have investigated the matter. I believe that it is too late to open up these cases and retire these men. I have always believed that there ought to be a day of final judgment, and we ought not to go into these old cases, thirty years old, and try them over again at this time, and for that reason I have opposed this class of bills.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and the Speaker announced that in the opinion of the Chair two-thirds voted in favor thereof.

Mr. UNDERWOOD. I ask for a division.

The House divided; and there were—ayes 60, noes 16.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

WILLIAM P. RANDALL.

Mr. MEYER of Louisiana. Mr. Speaker, I move to suspend the rules and pass the bill S. 5329.

The SPEAKER. The gentleman from Louisiana moves to suspend the rules and pass the bill which the Clerk will report.

The Clerk read as follows:

A bill (S. 5329) authorizing the President to appoint Lieut. Commander William P. Randall, retired, United States Navy, a commander on the retired list.

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint Lieut. Commander William P. Randall, United States Navy, retired, a commander on the retired list of the Navy, with the retired pay of that grade from the date of such appointment.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and in the opinion of the Chair two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

AKRON, STERLING AND NORTHERN RAILROAD, ALASKA.

Mr. BURKETT. Mr. Speaker, I move to suspend the rules and pass Senate joint resolution 146.

The SPEAKER. The gentleman from Nebraska moves to suspend the rules and pass the joint resolution which the Clerk will report.

The Clerk read as follows:

Joint resolution (S. R. 146) to extend the time for construction of the Akron, Sterling and Northern Railroad in Alaska.

Resolved, etc., That the time within which the Akron, Sterling and Northern Railroad Company is authorized to construct its line of railroad from the head of Valdez Bay, in the Territory of Alaska; thence extending up Lowe River 12 miles to Keystone Canyon; thence for a distance of 3 miles through said canyon, on the west side thereof; thence through Dutch Valley a distance of 4 miles; thence 13 miles along the benches on the west side of Lowe River drainage, through Thompson Pass, as definitely located by said company, be, and the same is hereby, extended for two years from and after the passage of this resolution.

Mr. LACEY. Mr. Speaker, I demand a second.

The SPEAKER. The gentleman from Iowa demands a second.

Mr. BURKETT. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from Nebraska asks unanimous consent that a second may be considered as ordered. Is there objection? [After a pause.] The Chair hears none. The gentleman from Nebraska is recognized for twenty minutes in favor of the joint resolution and the gentleman from Iowa for twenty minutes in opposition.

Mr. LACEY. Mr. Speaker, I desire to ask the gentleman a question. What is the necessity of this bill? In other words, why can not they file a new plat under the law and take an extension of time under that instead of making an appeal to Congress?

Mr. BURKETT. I will say to the gentleman that as I read the law, and as it seems that the Department reads the law, each 20 miles of railroad is to have a filing, and then there is one year to complete that 20 miles. Now, they have already filed their maps for this 20 miles, and they have a year in which to complete that, and then they will have to file another, and they will have a year to complete that. The Secretary of the Interior's letter is here, and it seems to indicate that this must be done.

Mr. LACEY. Why can not they refile a plat for that 20 miles and take this extension under the general law?

Mr. BURKETT. I apprehend if they had started out first as a new company and filed their plats they might go on with it. However, that would take a longer method, perhaps, than it would to pass this legislation, and not be as satisfactory as this will be.

Mr. SULZER. Mr. Speaker, I want to ask the gentleman from Nebraska a question.

The SPEAKER. Does the gentleman from Nebraska yield to the gentleman from New York?

Mr. BURKETT. Certainly.

Mr. SULZER. How many miles of this railroad have been surveyed?

Mr. BURKETT. I was just reading the statement of the company, and it seems they have made a survey clear through. They state that they have the materials all ordered and arrangements made for financing the proposition. As I understand it, the survey is already made now.

Mr. SULZER. As I understand the gentleman, no part of this railroad has been built as yet?

Mr. BURKETT. I take it from the report filed in the Senate and what I know about it that there has been no part yet built. In the first year during the short open season they surveyed and then had to file the surveys and finance it, and when they got back February came round and the time had expired. The time was from last February to this February, only leaving one open season, in which I understand they made the survey.

Mr. SULZER. Do I understand the gentleman to state that the Secretary of the Interior says in his letter that it is necessary for this resolution to pass, extending the time for constructing this road two years, in order for the company to hold what they now possess under the law?

Mr. BURKETT. From the statement he makes with reference to this matter they would lose their rights, because the law said that all the rights they had would be forfeited if not completed at the end of a year.

Mr. SULZER. Mr. Speaker, I am in favor of building railroads in Alaska. The people up there need them to open up and develop the country. Now, I want to ask, was this company organized under the general law or by special act of Congress?

Mr. BURKETT. I think it was under a special act of Congress passed in 1898 for Alaska. In this country we have five years to complete a section of the road. That is under the act of 1879, probably, but under the special act for building roads in Alaska, although it is farther away and harder to get at, they were only given one year, or one-fifth of the time that we have here.

Mr. SULZER. This resolution simply extends the time; it gives the railroad company no public lands in Alaska?

Mr. BURKETT. No, sir.

Mr. SULZER. Mr. Speaker, I see no objection to the resolution, and I think it ought to pass.

Mr. BURKETT. As far as this bill is concerned, they get no land. I was not here when the special act was passed, and I do not know.

Mr. SULZER. I understand. All this resolution does is to extend the time two years to complete the railroad. I see no objection to that.

Mr. BURKETT. That is all.

Mr. SULZER. I shall vote for the resolution.

Mr. CURTIS. Mr. Speaker, I would like to ask the gentleman a question.

The SPEAKER. Does the gentleman from Nebraska yield to the gentleman from Kansas?

Mr. BURKETT. Yes.

Mr. CURTIS. I would like to ask the gentleman from what committee this bill is reported.

Mr. BURKETT. The Committee on the Territories.

Mr. CURTIS. Why did it not go to the Committee on Public Lands?

Mr. BURKETT. I do not know. I had nothing to do with referring the bill.

The question was taken; and in the opinion of the Chair two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

BOUNDARIES OF FEDERAL JUDICIAL DISTRICTS IN ALABAMA.

Mr. BOWIE. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 14512) to amend an act to add certain counties in Alabama to the northern district therein, and to divide the said northern district, after the addition of said counties, into two divisions, and to prescribe the time and places for holding courts therein, and for other purposes, approved May 2, 1884, as amended by the report of the Judiciary Committee. They have reported an amendment by way of a substitute, and I move that the substitute be adopted.

The Clerk read the bill as amended, as follows:

Be it enacted, etc., That section 2 of an act approved May 2, 1884, entitled "An act to add certain counties in Alabama to the northern district therein, and to divide the said northern district, after the addition of said counties, into two divisions, and to prescribe the times and places for holding courts therein, and for other purposes," be amended so as to read as follows:

"SEC. 2. That the said northern district is hereby divided into three divisions, which shall be known as the northern, southern, and eastern divisions

of the northern district of Alabama. The southern division of said northern district shall include the counties of Sumter, Greene, Hale, Pickens, Tuscaloosa, Lamar, Fayette, Walker, Jefferson, Blount, Bibb, Shelby, St. Clair, and Dekalb, and a term of the circuit court and district court of the United States for said northern district shall be held for said southern division at the city of Birmingham, in the said county of Jefferson, twice in each year, at the times provided by law.

"The eastern division of said northern district shall include the counties of Etowah, Calhoun, Cleburne, Clay, Talladega, and Cherokee, and a term of the circuit court and the district court of the United States for said northern district shall be held for said eastern division in the city of Anniston, in the said county of Calhoun, twice in each year, on the first Mondays in May and November. The remaining counties of said northern district shall constitute the northern division thereof, and the terms of the circuit and district courts of the United States for said northern district shall be held therein at the times and places prescribed by law."

SEC. 2. That this act shall be in force from its passage, and all other provisions of the act aforesaid, approved May 2, 1884, and all acts amendatory thereof not inconsistent with this act, shall remain in full force and effect, and so far as they are applicable shall relate to and govern the eastern division of the northern district of Alabama.

SEC. 3. That a place for holding the courts for the eastern division of the northern district of Alabama shall be furnished to the Government free of cost by the county of Calhoun until other provision is made therefor by law.

SEC. 4. That all civil process issued against persons residents in said counties of Etowah, Calhoun, Cleburne, Clay, Talladega, and Cherokee, and cognizable before the United States courts, shall be made returnable to the courts, respectively, to be held at the city of Anniston; and all prosecutions for offenses committed in either of said counties shall be tried in the appropriate United States court at the city of Anniston.

SEC. 5. That all cases, civil and criminal, now pending on the dockets of the southern division of the northern district of Alabama, as herein created, shall remain on the docket of the southern division of said district and be tried in Birmingham, Ala., unless transferred to the dockets of the eastern division of said district by consent of all the parties thereto entered of record, or unless transferred by the order of court for good cause shown.

SEC. 6. That the clerks of the circuit and district courts of the southern division of the northern district of Alabama shall maintain an office, in charge of themselves or a deputy, at said city of Anniston, which shall be kept open at all times for the transaction of the business of said courts.

The question was taken; and in the opinion of the Chair two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

Mr. BOWIE. Mr. Speaker, I find a slight typographical error in the title to the bill just passed. The word "time" in the title should be "times."

The SPEAKER. Without objection, this correction will be made.

There was no objection.

KENSEY J. HAMPTON.

Mr. BOREING. Mr. Speaker, I move to suspend the rules and pass with amendments the bill (H. R. 15243) to authorize the President of the United States to appoint Kensey J. Hampton captain and quartermaster in the Army.

The Clerk read the bill as amended, as follows:

Be it enacted, etc., That the President of the United States in his discretion be, and he is hereby, authorized to appoint Kensey J. Hampton, late captain and assistant quartermaster, United States Volunteers, to the grade of captain and quartermaster, United States Army, to fill the first, or any subsequent, vacancy in said grade in the Quartermaster's Department occurring after the passage of this act.

Mr. UNDERWOOD. Mr. Speaker, I demand a second.

Mr. BOREING. Mr. Speaker, I ask unanimous consent that a second be regarded as ordered.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that a second be considered as ordered. [After a pause.] The Chair hears none.

Mr. BOREING. Mr. Speaker, if in order, I ask that the report of the committee be read.

The SPEAKER. The gentleman from Kentucky asks for the reading of the report, which will be done in the gentleman's time.

The Clerk read the report (by Mr. DICK), as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 15243) to authorize the President of the United States to appoint Kensey J. Hampton captain and quartermaster in the Army, report the same back to the House with the recommendation that it do pass with the following amendments:

After the word "States," in line 3, insert "in his discretion;" and after the word "first," in line 7, insert "or any subsequent."

The records of the War Department and other evidence before the committee show that Captain Hampton served as assistant quartermaster, United States Volunteers, from June 7, 1900, to June 30, 1901, when he was mustered out of the United States service. When the act of February 2, 1901, increasing the permanent establishment of the Army was passed, President McKinley appointed Captain Hampton to the same grade and staff in which he served in the Volunteer Army. At the time of his appointment he was on duty in the Philippine Islands on General Wheaton's staff and acting depot quartermaster for the Department of Northern Luzon. He was ordered up for physical examination before a board in Manila, which board reported him disqualified on account of a defect in the left eye.

However, two subsequent examinations were had by specialists for the eye—one by Dr. Stafford, of the First Reserve Hospital, Manila, and the other by Dr. Burnett, Washington, D. C.—both reporting that no serious defect could be found, and upon these reports the Surgeon-General of the Army waived the report of the first board and cleared his physical record. It seems from the evidence that the report of former board was unusual, as the defect discovered by the two specialists was slight, and has never caused Captain Hampton the slightest inconvenience or required him to wear glasses.

It was further shown that after the receipt at the War Department of the report of the examining board at Manila, and before Captain Hampton's arrival in the States after his muster out of the volunteer service, Alvin A. Barker, an officer of the Twenty-sixth Volunteer Infantry, was appointed and assigned to take the place for which he, Hampton, had failed to qualify; that eight days after Captain Barker was appointed he resigned without ever going on duty, and that Capt. Eugene F. Ladd, of the Ninth United States Cavalry, was detailed under the provisions of the new Army law to fill the place made vacant thereby.

It appears, therefore, that, while the law was technically complied with in the appointment and resignation of Captain Barker and the subsequent detail of Captain Ladd, really the place was never filled as contemplated by the act of February 2, 1901, and that Captain Hampton, who was appointed to this place by President McKinley, was kept from filling it by an error in the report of the board which examined him. It also appears that of all those designated for appointment by the late President McKinley in the various staff departments Captain Hampton was the only one who did not receive his commission.

The committee are of the opinion that this bill is exceedingly meritorious, and, therefore, recommend its passage with amendments.

The report of the Record and Pension Office, War Department, in this case is as follows:

Case of Kensey J. Hampton, late captain and assistant quartermaster, U. S. Volunteers.

The records on file in this office show as follows: Kensey J. Hampton was appointed captain and assistant quartermaster of volunteers May 28, 1900, to rank from May 9, 1900; accepted the appointment June 7, 1900, at Washington, D. C.; was on waiting orders from June 7 to June 27, 1900; was on duty as quartermaster and commissary on the tug *Slocum* from June 28 to October 20, 1900; was on temporary duty at San Francisco, Cal., from October 20 to October 27, 1900; was on leave of absence from October 28 to November 16, 1900; was en route to Seattle from November 17 to November 25, 1900, and on duty at that place from November 26 to December 3, 1900.

He was on duty as quartermaster and commissary on the transport *Kintuck* from December 3, 1900, on which transport he sailed from Seattle December 15, 1900, arriving at Manila, P. I., January 23, 1901; was relieved from duty on the transport January 31, 1901, and was on duty in the Philippine Islands from February 1 to June 30, 1901, when he was honorably discharged from the service of the United States.

Respectfully submitted.

F. C. AINSWORTH,
Chief Record and Pension Office.

RECORD AND PENSION OFFICE,
War Department, December 8, 1902.

The SECRETARY OF WAR.

Mr. BOREING. Mr. Speaker, the Committee on Military Affairs, having investigated this matter, have unanimously reported in favor of this bill, and authorized me to call it up.

Mr. UNDERWOOD rose.

Mr. BOREING. I yield to the gentleman from Alabama.

Mr. UNDERWOOD. Mr. Speaker, the only objection I have to this bill is the same objection I have to all this class of legislation. It is simply that we are invading the functions of another department of the Government and attempting to take men off the retired list or out of private life and legislate them into the Army, and then to retire them on full pay.

This man was retired by an Army board that knew the facts and had been appointed to conduct such examinations; yet, because he has political influence and probably is a good officer and a good man, he comes here and it is expected that we shall legislate him into the Army. This is a class of legislation which ought not to be passed. It is a matter with which Congress ought to have nothing to do by means of private bills; and although I know that the House is not with me on these propositions, I simply want to register my own protest against this class of legislation.

Mr. BOREING. Mr. Speaker, this is not a political question; the bill was introduced by the gentleman from Virginia [Mr. HAY].

Mr. UNDERWOOD. I did not speak of it as a question between political parties.

Mr. BOREING. I want to say further that this bill does not retire an Army officer on pay. In February, 1901, we passed a bill providing for the appointment of certain officers from civil life. President McKinley designated Captain Hampton for one of those positions. It is true that a board did report that there was a defect in one of this man's eyes; but it is also true that two subsequent examinations, ordered by the War Department, made reports, approved by the Surgeon-General, contradicting the first report. In the meantime, however, the place to which Captain Hampton had been appointed was technically filled by a man who had served only eight days. The chairman of the Committee on Military Affairs has personal knowledge of these matters.

Several MEMBERS. Let us vote.

Mr. BOREING. I have no disposition to occupy time in talking. I will give gentlemen an opportunity to vote, and I know that they will vote with me because they are fair.

The question being taken on the motion of Mr. BOREING to suspend the rules and pass the bill, it was agreed to, two-thirds voting in favor thereof.

JUDICIAL DISTRICTS IN TEXAS.

Mr. SHEPPARD. I move to suspend the rules and pass the bill (H. R. 17088) to create a new division of the eastern judicial district of Texas, and to provide for terms of court at Texarkana, Tex., and for a clerk for said court, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That the counties of Bowie, Morris, Franklin, and Titus shall constitute a division of the eastern judicial district of Texas.

SEC. 2. That terms of the circuit and district courts of the United States for the said eastern district of Texas shall be held twice in each year at the city of Texarkana, and that until otherwise provided by law the judges of said courts shall fix the times at which said court shall be held at Texarkana, of which they shall make publication and give due notice.

SEC. 3. That all civil process issued against persons resident in the said counties of Bowie, Morris, Franklin, and Titus, and cognizable before the United States courts, shall be made returnable to the courts, respectively, to be held at the city of Texarkana, and all prosecutions for offenses committed in any of said counties shall be tried in the appropriate United States courts at the city of Texarkana: *Provided*, That no process issued or prosecution commenced or suit instituted before the passage of this bill shall be in any way affected by the provisions hereof.

SEC. 4. That the clerks of the circuit and district courts of said district shall maintain an office, in charge of themselves or a deputy, at the said city of Texarkana, which shall be kept open at all times for the transaction of the business of said division.

The question being taken on the motion to suspend the rules and pass the bill, it was agreed to (two-thirds voting in favor thereof).

ALEXANDER STEWART WEBB.

Mr. DICK. I move to suspend the rules and pass the bill which I send to the desk.

The Clerk read as follows:

A bill (S. 4973) to place Lieut. Col. and Bvt. Maj. Gen. Alexander Stewart Webb on the retired list of the United States Army.

Be it enacted, etc., That the President of the United States be, and he hereby is, authorized to nominate and, by and with the advice and consent of the Senate, to appoint Alexander Stewart Webb, late a brigadier-general of volunteers and lieutenant-colonel and brevet major-general, United States Army, a lieutenant-colonel, and to place him on the retired list of the Army with that rank and pay, the retired list being thereby increased in number to that extent; and all laws and parts of laws in conflict herewith are suspended for this purpose only: *Provided*, That from and after the passage of this act no pension shall be paid to the said Alexander S. Webb.

Mr. RICHARDSON of Tennessee. I demand a second on this motion to suspend the rules.

Mr. DICK. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

Mr. RICHARDSON of Tennessee. Reserving the right to object, I desire to ask whether this bill has been reported by any committee of the House.

Mr. DICK. It has not.

Mr. RICHARDSON of Tennessee. Then I object to the request for unanimous consent and ask for a vote by tellers.

The SPEAKER. The Chair appoints as tellers the gentleman from Tennessee [Mr. RICHARDSON] and the gentleman from Ohio [Mr. DICK].

Mr. RICHARDSON of Tennessee. I ask to be excused from service as a teller, and that the gentleman from Alabama [Mr. UNDERWOOD] be appointed in my place.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] will act as teller in conjunction with the gentleman from Ohio [Mr. DICK].

The House divided; and the tellers reported—ayes 52, noes 32.

So the motion to suspend the rules was seconded.

The SPEAKER. The Chair recognizes the gentleman from Ohio [Mr. DICK] to occupy the time allowed by the rules in favor of the motion.

Mr. DICK. Mr. Speaker, I ask that the report be read in my time.

Mr. RICHARDSON of Tennessee. Did I understand the gentleman to say that he would send up the House report?

Mr. DICK. No; this is the Senate report.

Mr. RICHARDSON of Tennessee. There is no House report on the bill, as I understand.

The Clerk read Senate Report No. 1020, as follows:

The Committee on Military Affairs, to whom was referred the bill (S. 4973) to place Lieut. Col. and Bvt. Maj. Gen. Alexander Stewart Webb on the retired list of the United States Army, have duly considered the same and submit the following report:

A similar bill was reported favorably by this committee and passed by the Senate in the Fifty-sixth Congress, and also favorably reported and passed by the Senate in the Fifty-fourth Congress.

Senate Report No. 151, in the Fifty-sixth Congress, has been reconsidered, and is adopted and submitted as the report on this bill, and is as follows:

[Senate Report No. 151, Fifty-sixth Congress, first session.]

The Committee on Military Affairs, to whom was referred the bill (S. 2447) to place Lieut. Col. and Bvt Maj. Gen. Alexander Stewart Webb on the retired list of the United States Army, have had the same under consideration and submit the following favorable report:

Alexander Stewart Webb served as an officer in the United States Army for over fifteen years, from July 1, 1855, to November 25, 1870. It seems scarcely necessary to submit a special report upon the bill, for the service of General Webb was of so conspicuous a nature that it requires little remark. Within six months from his graduation from the United States Military Academy, on July 1, 1855, he was on active military service with his regiment in Florida in quelling the uprisings of the Seminole Indians, there getting a foretaste of the more extensive military operations that were soon to come and in which he was to take so brilliant a part. He was a man of scholarly as well as of military attainments, being assistant professor of mathematics at the United States Military Academy for three years immediately preceding the civil war, and principal assistant professor of geography, history, and ethics at the Military Academy for several years after the war.

At all times during the war his service was of the most active and valuable nature. He was in the field in Virginia in 1861 and participated successfully in 17 different actions and battles, among which were such important ones as Mechanicsville, Antietam, Chancellorsville, Gettysburg, the Wilderness, and Spottsylvania. The gallantry of his services was not without recognition. For gallant service at Gettysburg he was brevetted major and awarded a medal of honor "for distinguished personal gallantry in the battle of Gettysburg." He was brevetted lieutenant-colonel at the battle of Bristoe Station, colonel for gallant and meritorious service at the battle of Spottsylvania, brigadier-general for gallantry in the campaign ending in the surrender of Gen. R. E. Lee, major-general for gallant and meritorious service during the war, major-general volunteers for gallant and distinguished conduct at the battles of Gettysburg, Bristoe Station, the Wilderness, and Spottsylvania. At the battles of Gettysburg and Bristoe Station, in the Mine Run campaign, and at the battles of Martins Ford, the Wilderness, and Spottsylvania, he was in command, successively, of the Second Brigade of the Second Division of the Second Corps, Second Division of the Second Corps, and First Brigade of the Second Division of the Second Corps.

General Webb's conduct at Gettysburg, July 3, 1863, is particularly worthy of mention. He was in command of the Second Brigade of the Second Division of the Second Corps, and had been with the color guard of the Seventy-second Pennsylvania Volunteers, of whom every man was wounded or killed. General Webb left the color guard and went across the front of the companies to the right of the Sixty-ninth Pennsylvania, all the way between the lines, in order to direct the fire of the latter regiment upon a company of rebels who had rushed across the lower stone wall, led by the rebel general Armistead. Thus General Armistead and General Webb were both between the lines of troops and both were wounded, but by this act of gallantry General Webb kept his men up to their work until more than one-half were killed or wounded. In this action he was wounded by a bullet which struck him near the groin. General Meade, in his letter presenting a medal to General Webb, mentions this act as one not surpassed by any general on the field.

General Webb was also more severely wounded at Spottsylvania May 12, 1864, in the head. He served in various positions after the war, as shown by the appended documents, until December 31, 1870, when he was honorably discharged at his own request. He is to-day president of the College of the City of New York, and is ill much of the time from the results of his wounds, and as a consequence will be unable to continue his work. He has no other means of support. The bill was referred to the Secretary of War for remark, who referred it to the Adjutant-General, whose report is herewith printed, and will be seen to be in terms of the highest commendation. It was also referred to the Major-General Commanding the Army, whose report is herewith printed. There is also appended a statement of the military service of General Webb from the records of the Adjutant-General's Office.

This measure was also before the Senate in the Fifty-fourth Congress, during the first session of which your then committee ordered the same favorable report, and the bill was passed by the Senate.

In view of the facts above set forth and as appearing in the papers herewith printed, your committee recommend the passage of this bill without amendment.

Mr. DICK. Mr. Speaker, I ask that the letters which will be found at the conclusion of the report, from the Adjutant-General and from the Major-General Commanding the Army, be read.

The Clerk read as follows:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE.
Washington, January 8, 1896.

SIR: I have the honor to return herewith Senate bill No. 1106, providing for the reappointment in the Army and retirement as lieutenant-colonel of Alexander S. Webb, late lieutenant-colonel and brevet major-general, United States Army, which has been referred to the Department by the Senate Committee on Military Affairs for information.

At the close of the war General Webb was transferred to the Forty-fourth Infantry, then known as an invalid regiment, composed of wounded and disabled officers and men. Upon the reduction of the Army in 1869, this regiment was consolidated with the Fifth Infantry, an active regiment. Many of the officers of this regiment were then retired. As General Webb was physically incapacitated for active service on the plains with the Fifth Infantry, he sought retirement. In this he was unsuccessful. He thereupon resigned, and has since been occupied in civil life.

Could the retiring board have foreseen the effects of the severe wound that he received there can be no doubt that its verdict would have been that he was incapacitated for active service.

It is held that he was justly entitled to retirement at that time. Had he then been reported incapacitated for active duty, he would have gone on the retired list with the rank and pay of brigadier-general, under the act of July 28, 1866, the actual rank he held and was exercising when wounded.

His appointment and retirement now as a lieutenant-colonel, the rank which he held when discharged from the Army, is recommended as simple justice to a gallant and disabled officer, distinguished at Bristow, in receiving Pickett's charge at Gettysburg, at Spottsylvania, and in the last campaign of the late war. I inclose a summary of his military record.

Very respectfully,

GEO. D. RUGGLES, *Adjutant-General.*

The SECRETARY OF WAR.

[Indorsement of Major-General Commanding.]

HEADQUARTERS OF THE ARMY, *Washington, January 20, 1896.*

Respectfully returned to the honorable the Secretary of War, concurring in within report and recommendation of the Adjutant-General.

NELSON A. MILES,
Major-General Commanding.

Mr. UNDERWOOD. I yield to the gentleman from Georgia [Mr. MADDOX] such time as he may desire.

Mr. MADDOX. Mr. Speaker, I would like to have read the following report.

The SPEAKER. The gentleman from Georgia asks to have read in his time the following report, which the Clerk will read.

The Clerk read as follows:

The minority of the Committee on Military Affairs have fully considered the bill (H. R. 2263) to place Alexander Stewart Webb on the retired list of the Regular Army with the rank of lieutenant-colonel, and recommend that the bill do not pass.

The majority of your committee set out at length the history of service rendered by Alexander Stewart Webb, and the minority cordially indorse all that is said in commendation of General Webb's gallant service. He was educated by the Government, and rendered meritorious service from 1855 to 1869. War records say: "On November 25, 1870, he requested to be discharged the military service under the provisions of section 3, act of July 15, 1870, to take effect December 31, 1870, and was honorably discharged accordingly."

He voluntarily surrendered his commission as an officer of the Regular Army. Section 3 of the act of July 15, 1870, provides—

"That the President be, and he is hereby, authorized, at his discretion, honorably to discharge from the service of the United States officers of the Army who may apply therefor on or before the 1st day of January next; and such officers so discharged under the provisions of this act shall be entitled to receive, in addition to the pay and allowances due them at the date of their discharge, one year's pay and allowances."

General Webb received the full one year's extra pay. Before he tendered his resignation he was elected president of the City College of the city of New York. The position carried with it a salary of $7,500 a year, together with a home free of rent, making his salary equal to at least $9,000 a year.

General Webb has held this office for more than a quarter of a century. It is true he applied for retirement before sending in his resignation, but the board, composed of Regular Army officers, his comrades and associates, refused him retirement and ordered him to rejoin his regiment. The minority of your committee are constrained to believe that if General Webb had not been elected to and accepted the position of president of the college he would have obeyed the order of the board. As a good soldier, educated at the expense of the Government, he should have obeyed the order. If true, as now claimed, that the board erred in not retiring General Webb, a very short time in active service would have demonstrated this, and certainly his associates in the Army would have done justice by retiring him. We believe the fact that General Webb has been at the head of a great institution of learning for more than a quarter of a century vindicates the judgment of the retiring board.

There were more than 500 officers retired under the same laws General Webb took advantage of. Each one of them has the same right to ask Congress to now place him on the retired list. A large number of these officers were really forced out of the service by the reduction of 20 regiments. The larger part of them are poor men and have battled for the bare necessaries of life since leaving the Army. Many of them have applied to Congress year after year for restoration and retirement, and asked in vain. To refuse these gallant men, most of them volunteer officers who were commissioned in the Regular Army at the close of the war as a recognition of gallant conduct on the field of battle, and grant this favor to General Webb is so manifestly unjust that the minority of your committee can not consent to it. We ask the Congress to consider the enormous expense which must result from such legislation. To carry it out to its legitimate conclusion would make the retired list of the Army cost the people more each year than the active list now costs.

General Webb has received since his resignation over $200,000 in salary, and if we add allowance in the way of house rent in New York City, even this amount will be largely increased. Certainly the plea of poverty can not be set up in this case and denied in the hundreds of other cases where the struggle for life has taxed to the uttermost the officers thrown out of the Army by the reorganization act of 1870.

J. A. T. HULL.
JOHN C. TARSNEY.
B. F. MARSH.

Mr. MADDOX. Mr. Speaker, it seems to me that this report is a complete answer to all that has been said by the gentleman on the other side. This officer was ordered to duty in 1870. He was examined by a board of surgeons and was decided by them to be capable of performing that service. Before that time, however, it seems he was elected president of some college in New York, and rather than go and serve in the Army, he resigned. Now he applies to Congress to place him upon the retired list as a lieutenant-colonel. I am informed by gentlemen who seem to know what they are talking about that he has already been retired by this college and draws a salary of some $5,000 a year. It does seem to me that if there is any case where we ought to call a halt in this retiring business, it is right here. I yield the balance of my time back to the gentleman from Alabama.

Mr. UNDERWOOD. Mr. Speaker, this case is probably a little more glaring than the others, but the same principle is involved. Here is a man that the Army board has refused to retire. He resigned because he wanted to seek private employment, just like the other cases. He got the private employment, and according to the report of the committee in the Fifty-fourth Congress when this case was up before, it would seem that he got very remunerative employment, and for that reason refused to join his regiment, sending his resignation in to the President. It was accepted, and now he asks us to put him on the retired list. This is a dangerous class of legislation; it is a class of legislation that should not be adopted. We seek to exercise an Executive function and by it to take this man out of civil life because, regardless of his past record, he is in civil life to-day. He is in civil life because he desired to go into civil life and sent his resignation to the President. Now he comes before Congress, and has been here before—for other Congresses have turned this case down—and asks us to put him on the retired list as a lieutenant-colonel on three-quarters pay. I think the time has come when this class of legislation should be stopped, and I again offer my protest. I reserve the balance of my time.

The SPEAKER. The question is on the motion to suspend the rules and pass the bill.

The question was taken; and in the opinion of the Chair two-thirds having failed to vote in favor of suspending the rules, the motion was lost.

JOHN WALTON ROSS.

Mr. BUTLER of Pennsylvania. Mr. Speaker, I move to suspend the rules and pass the bill (S. 6104) to restore to the active list of the Navy the name of John Walton Ross, without amendment.

The Clerk read as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint John Walton Ross, surgeon, United States Navy, retired, to the active list of the Navy as a medical director (an additional number), not in line of promotion, and to retain his present longevity (from the date of his original commission as surgeon in the Navy), said officer having tendered his services to the United States.

Mr. UNDERWOOD. Mr. Speaker, I demand a second.

Mr. BUTLER of Pennsylvania. Mr. Speaker, I ask unanimous consent that the second be considered as ordered.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that a second be considered as ordered. Is there objection? [After a pause.] The Chair hears none, and the gentleman from Pennsylvania is recognized for twenty minutes.

Mr. BUTLER of Pennsylvania. Mr. Speaker, the person for whose restoration this bill has been introduced, Dr. John Walton Ross, entered the service of the Government in 1870 and served therein with fidelity for twenty-four years, about one-half of the time at sea and the other half on shore. In 1894, his eyes having gotten into bad condition, a medical board recommended that he be placed on the retired list. In 1898, at the outbreak of the Spanish-American war, he volunteered and his services were accepted by the Navy Department. He served that Department in the South until February, as I recollect, or the spring of 1902, when he was relieved.

The services of this man have been distinguished, full of merit, and have been remarkable. They have been recognized by every official of the Government who has had any connection therewith. The report shows that he served in the yellow-fever infected districts of the United States, and by reason thereof his eyes were injured. This bill is recommended by the Surgeon-General of the Navy, by the Bureau of Navigation, and by the Secretary of the Navy. He is a valuable officer, having served the Government twenty-eight years, twenty-four as a regular surgeon and four as a volunteer. The Surgeon-General of the Navy urgently requests that he may be restored to the active list. This action will interfere with the promotion of no one, as this bill provides that the number which he shall receive will be an additional one. As near as we can learn Dr. Ross is perhaps 56 or 57 years of age. Had he remained in the service he would have been promoted at this time to the grade to which this House is asked to restore him.

I will say to my friend from Alabama that the Committee on Naval Affairs considered this case and everybody voted in favor of restoring this man to the active list, that the Government might have the benefit of his skill. I will further say to the gentleman from Alabama that the Department stands greatly in need of surgeons, and this is considered a wise and economical thing to do.

Mr. UNDERWOOD. Will the gentleman from Pennsylvania allow me to ask him a question?

The SPEAKER. Does the gentleman from Pennsylvania yield?

Mr. BUTLER of Pennsylvana. Yes.

Mr. UNDERWOOD. Do I understand that this is a bill not to retire an officer but to restore an officer to duty who has already been in the Army and is now on the retired list?

Mr. BUTLER of Pennsylvania. That is correct. I will say to my friend that since Dr. Ross has been put on the retired list his eyesight has been restored, and in the judgment of the medical officers of the Navy he is competent to perform active duty, and they greatly desire the benefit of his services.

Mr. UNDERWOOD. What is his age?

Mr. BUTLER of Pennsylvania. Fifty-six or fifty-seven. He has six or seven years of active service yet to perform.

Mr. DINSMORE. Mr. Speaker——

The SPEAKER. Does the gentleman from Pennsylvania yield to the gentleman from Arkansas?

Mr. BUTLER of Pennsylvania. Certainly, Mr. Speaker.

Mr. DINSMORE. What was the rank of this officer when he was retired?

Mr. BUTLER of Pennsylvania. He was at the head of the surgeons' list, and this gives one higher grade than he then had; a grade he would have reached had he continued in the service.

Mr. WILLIAMS of Mississippi. Does this propose to give him a grade higher than the grade he already had?

Mr. BUTLER of Pennsylvania. One grade higher than the grade he had at the time he was retired.

Mr. McCLELLAN. What was his grade when he was retired?

Mr. BUTLER of Pennsylvania. He was at the head of the surgeons' list when he was retired, and this makes him a medical director, the grade he would have reached had he continued on the active list.

Mr. UNDERWOOD. I desire to say that when I asked for a second on this bill I supposed it was another retirement bill; but I see it is a bill to allow an officer to return to duty from the retired list, and I have no objection to the passage of a bill of that kind.

The question being taken on the motion, and two-thirds voting in favor thereof, the rules were suspended and the bill was passed.

CAPT. JAMES J. HORNBROOK AND OTHERS.

Mr. DINSMORE. Mr. Speaker, I move to suspend the rules and pass the bill (S. 5381) to correct errors in dates of original appointments of Capt. James J. Hornbrook and others.

The bill was read, as follows:

Be it enacted, etc., That with a view to correct errors in dates of original appointments, upon their graduation from the United States Military Academy, the President is hereby authorized to cause the names of Capts. James J. Hornbrook, William F. Clark, and Samuel G. Jones, of the cavalry, to appear upon the lineal list of captains of cavalry, in the order above named, next below that of Capt. Frank M. Caldwell.

The question was taken; and (two-thirds voting in favor thereof) the rules were suspended and the bill was passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

S. 6147. An act to establish a fish-hatching and fish station in the State of Indiana;

S. 2429. An act to provide for the payment of overtime claims of letter carriers excluded from judgment as barred by limitation;

S. 7124. An act to provide for the removal of persons accused of crime to and from the Philippine Islands, Guam, Tutuila, and Manua for trial;

S. 7168. An act to establish a port of delivery at Salt Lake City, Utah;

S. 6339. An act to confirm certain forest lieu selections made under the act approved June 4, 1897;

S. 6515. An act to exempt from taxation certain property of the Daughters of the American Revolution in Washington, D. C.;

S. 261. An act providing for the establishment of a life-saving station in the vicinity of Cape Flattery, or Flattery Rocks, on the coast of Washington;

S. 6847. An act to increase the number of light-house districts;

S. 3309. An act for the relief of Mary A. Shufeldt;

S. 6056. An act to pay Hewlette A. Hall balance due for services in connection with the Paris Exposition;

S. 6536. An act providing for the construction of a tender for the Twelfth light-house district;

S. 4876. An act to remove the charge of desertion from the military record of William P. Taylor, deceased;

S. 6754. An act authorizing the city of Batesville, Ark., to draw water from the pool of Dam No. 1, Upper White River;

S. 6290. An act to extend the provisions of section 2455 of the Revised Statutes of the United States as amended by act of February 26, 1895, relating to public lands; and

S. 7044. An act to authorize the President to detail officers of the Revenue-Cutter Service as superintendents or instructors in the public marine schools.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 16330. An act to detach the county of Dimmit from the southern judicial district of Texas and to attach it to the western judicial district of Texas;

H. R. 16651. An act to fix the time for holding the United States district and circuit courts in the northern and middle districts of Alabama;

H. R. 16564. An act granting an increase of pension to James Hunter; and

H. J. Res. 184. Joint resolution requesting State authorities to cooperate with Census Office in securing a uniform system of birth and death registration.

The message also announced that the Senate had passed with amendments bill of the following title in which the concurrence of the House was requested:

H. R. 9503. An act to authorize the Oklahoma and Western Railroad Company to construct and operate a railway through the Fort Sill Military Reservation, and for other purposes.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

Senate concurrent resolution 61.

Resolved by the Senate (the House of Representatives concurring), That 15,000 copies of the Woodman's Handbook, part 1, being Bulletin 36, Bureau of Forestry, United States Department of Agriculture, be printed and bound at the Government Printing Office, of which 5,000 copies shall be for the use of the Senate, 5,000 copies for the use of the House of Representatives, and 5,000 copies for the use of the Department of Agriculture.

HENRY G. ROGERS.

Mr. OTJEN. Mr. Speaker, I ask that the rules be suspended and the bill (S. 1471) for the relief of Henry G. Rogers be passed.

The bill was read, as follows:

Be it enacted, etc., That Henry G. Rogers, late first sergeant of Company B, Twenty-fourth Wisconsin Volunteer Infantry, shall be held and considered commissioned a second lieutenant in said regiment from January 2, 1864, with rank from November 25, 1863, and to have been discharged as such lieutenant January 27, 1864: *Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

Mr. UNDERWOOD. Mr. Speaker, I should like to have a second on this bill.

Mr. OTJEN. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from Wisconsin [Mr. OTJEN] for the bill and the gentleman from Alabama [Mr. UNDERWOOD] against it.

Mr. OTJEN. Mr. Speaker, the sole object of this bill is to permit Mr. Rogers to be considered as having been commissioned, so that he may join the Loyal Legion. He is a man of very excellent standing and is anxious to join the Loyal Legion, and they are anxious to have him. This bill does not involve the Government in one dollar of expense. It provides that no pay, bounty, or other emolument shall accrue on account of the bill. It will not involve the Government in any additional pension, because he is already drawing a twelve-dollar pension for wounds which he received while a soldier.

This commission would be dated from November 25, 1863, and the wounds for which he is pensioned he received in September, 1863, so that it would not involve the Government in any expense whatever. Mr. Rogers has a very excellent record. He received a wound in the battle of Perryville, on October 8, 1862, and at the battle of Stone River, later, he received two wounds. At the battle of Chickamauga, September 19 and 20, 1863, he received a wound through the right arm, and later on, in the same battle, received four additional wounds, which absolutely disabled him. He lay upon the battlefield three days without his wounds being attended to, and I hope the gentlemen will have no further objection to the bill.

Mr. GROSVENOR. I desire to ask the gentleman what is the history of this man. I have not been able to hear a word. Was he ever an officer?

Mr. OTJEN. He was a sergeant and was commissioned a second lieutenant, but was not mustered. It is only to muster him, so he may join the Loyal Legion. It will not involve the Government in a dollar of expense.

Mr. GROSVENOR. How was he commissioned—by whom?

Mr. OTJEN. By the governor of the State of Wisconsin.

Mr. GROSVENOR. Why was he not mustered in?

Mr. OTJEN. Because the company had been reduced below the minimum.

Mr. GROSVENOR. It was a recruiting commission, issued to a sergeant?

Mr. OTJEN. No, sir; I think not; but a regular commission as second lieutenant.

Mr. GROSVENOR. What was the number of the regiment?

Mr. OTJEN. I do not remember his regiment.

Mr. GROSVENOR. There are thousands, at least, of these cases.

Mr. OTJEN. He served in the Twenty-fourth Wisconsin Volunteer Regiment. He has a very excellent record.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and in the opinion of the Chair two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

TABLETS AT GETTYSBURG FOR REGULAR ARMY FORCES.

Mr. ADAMS. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 7 as amended.

The Clerk read as follows:

A bill (H. R. 7) authorizing the Secretary of War to cause to be erected monuments and markers on the battlefield of Gettysburg, Pa., to commemorate the valorous deeds of certain regiments and batteries of the United States Army.

Be it enacted, etc., That the Gettysburg National Park Commission be, and hereby are, authorized and directed, under the supervision of the Secretary of War, to erect such monuments and markers of granite and bronze upon the battlefield of Gettysburg, in the State of Pennsylvania, as will fittingly designate the positions, indicate the movements, and commemorate the valorous services of the following batteries and regiments of United States Regulars upon the battlefield: Batteries E, G, H, I, and K, First United States Artillery; A, B, D, G, L, and M, Second United States Artillery; C, F, and K, Third United States Artillery; A, B, C, F, G, and K, Fourth United States Artillery; C, D, F, I, and K, Fifth United States Artillery; Second, Third, Fourth, Sixth, Seventh, Eighth, Tenth, Eleventh, Twelfth, Fourteenth, and Seventeenth Regiments of United States Infantry; First, Second, Fifth, and Sixth Regiments of Cavalry; and United States Engineers Detachment.

The Secretary of War shall, so far as practicable, procure the appointment of committees of the survivors of these regiments and batteries, with whom the said Commission shall consult, and, with the approval of the Secretary of War, determine the designs and positions of said monuments and markers and the inscriptions they shall bear, and for the purpose of carrying out the provisions of this act, $61,500 is hereby appropriated, out of any moneys not otherwise appropriated, and the disbursements under this act shall be made on the approval of the Secretary of War.

Mr. ADAMS. Mr. Speaker, I will simply state for the information of the House that I was unanimously instructed by the

Committee on Military Affairs to report this bill with a favorable recommendation, and to seek the earliest parliamentary opportunity to secure its passage. The object of the bill is to remedy a defect of long standing on the part of the National Government, it having failed to do what the States have done at their own expense in the erection of monuments and tablets commemorating the gallant deeds of volunteer forces on the field at Gettysburg. Strange as it may seem, when every organization designated by the States have erected their tablets, the Government has never placed a monument or tablet showing the positions of the Regular Army. That is the whole object of this bill. It appropriates the necessary money and authorizes the Secretary of War, in conjunction with the National Park Association, to erect these tablets. I feel so sure that it must commend itself to the good judgment of the House that I do not believe it is necessary to say anything more.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and in the opinion of the Chair two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

REGULATING THE PRACTICE OF MEDICINE AND SURGERY IN THE INDIAN TERRITORY.

Mr. STEPHENS of Texas. Mr. Speaker, I move to suspend the rules and pass without amendment the bill H. R. 15986.

The bill was read, as follows:

A bill (H. R. 15986) regulating the practice of medicine and surgery in the Indian Territory.

Be it enacted, etc., That hereafter no person shall practice medicine and surgery, or either, as a profession in the Indian Territory without first being registered as a physician and surgeon, or either, in the office of the clerk in the district in which he or she offers to practice.

SEC. 2. That each district clerk in the Indian Territory shall keep in his office a well-bound book, in which he shall register the names of all such persons as shall be lawfully qualified, as hereinafter provided, and who shall apply for registration as physicians and surgeons, or either, with the date of such registration.

SEC. 3. That hereafter any person who may wish to practice the science of medicine or surgery, or both, in the Indian Territory shall be allowed to register as such who shall file with the clerk of the United States court of any district in the Indian Territory a certificate of qualification signed by a majority of the board of medical examiners of the district in the Indian Territory in which he or she offers to register: *Provided*, That any person living in a district in which no board is organized may apply to the board of some other district in the Indian Territory.

SEC. 4. That immediately after the passage of this act the United States judge of each district in the Indian Territory shall appoint for his district a board of medical examiners, consisting of three persons, who shall be citizens of the district and learned in the science of medicine and surgery, of good moral character, graduates of some reputable medical college recognized by either of the American medical college associations, and who shall thereafter be duly registered under this act, who shall hold their office for a period of four years, or until their successors are duly appointed and qualified; and should a vacancy occur in any of said boards at any time, the same shall be filled by appointment made by the United States judge of the district in which the vacancy occurs.

SEC. 5. That the members of said board shall, before entering upon the discharge of their duties, take the official oath required to be taken by officers of the Indian Territory.

SEC. 6. That at the first meeting of the members of such boards, after they shall have been appointed, preparatory to the transaction of business assigned them under this act, they shall organize by electing one of their members as president and another as secretary.

SEC. 7. That the regular meetings of each board shall be held quarterly at the court-house of that district on the first Monday in January, April, July, and October in each year, and when so assembled said board shall faithfully and impartially examine all such persons as shall appear before them for that purpose touching their qualifications to practice medicine and surgery, or either, and all such persons as shall satisfy such board of examiners, or a majority of them, that he or she is of good moral character and duly qualified in knowledge and capacity to practice medicine and surgery, or either, shall receive from such board a certificate of qualification as physician and surgeon, or either, as the case may be, which certificate shall entitle such person to registration under the provisions of sections 2 and 3: *Provided further*, That no person desiring to practice medicine under this act shall be excluded therefrom on account of any particular system or school of medicine that he or she may desire to practice.

SEC. 8. That any person desiring to be examined at any other time than the regular quarterly meeting shall notify the president of the board of such desire, whose duty it shall be to assemble the board as soon as practicable and examine such applicant.

SEC. 9. That the district clerk shall give to every person registered under this act a certificate of registration over his signature and official seal, and such certificate shall authorize any such person to practice as physician or surgeon, or both, as the case may be, in any district in the Indian Territory, provided he or she registers said certificate with the district clerk in the district in which he or she resides.

SEC. 10. That the clerk shall receive as his fee for all services required of him under this act in each case the sum of $1.50.

SEC. 11. That any two members of said board shall constitute a quorum for the transaction of all such business as shall come before it, and each applicant for examination shall pay in advance to the secretary, to be divided equally among the members of such board, the sum of $10, which shall be their only compensation.

SEC. 12. That all physicians and surgeons holding diplomas desiring to practice the science of medicine and surgery in the Indian Territory shall submit the same to the board of examiners for the district in which they desire to practice for examination and approval, for which said applicant shall pay a fee of $1 to said board, and upon approval by said board of said diploma shall not be required to undergo the examination herein provided for; and said board shall issue to said applicant a certificate of approval, which certificate shall be registered in the clerk's office for the district in which said board holds jurisdiction.

SEC. 13. That any person who shall prescribe or administer medicine for or who shall in any manner treat disease or wounds for pay shall be deemed physicians and surgeons under this act.

SEC. 14. That any person who shall hereafter engage in the practice of medicine and surgery, or either, in the Indian Territory, in violation of the requirements of this act, shall be deemed guilty of a misdemeanor, and upon conviction in any court having jurisdiction thereof under the laws of the United States governing the practice of medicine and surgery in the Indian Territory shall be fined in any sum not less than $25 and more than $100. And each day said physician or surgeon shall practice medicine or surgery without being registered as hereinbefore required shall be deemed a separate offense.

Mr. STEPHENS of Texas. Mr. Speaker, this bill has been reported unanimously by the Committee on Indian Affairs. The United States judge of that district has written a letter recommending the passage of the bill. There has been no objection to it from any source. There are about 300,000, or probably more, white persons in that Territory and nearly 100,000 Indians. There are no laws in the Indian Territory whatever regulating the practice of medicine and surgery. It has therefore become a breeding ground for a great many quacks, and the people of this Territory are now, by this bill, asking for this relief. I hope there will be no objection to the passage of this bill. Mr. Speaker, I will print as part of my remarks the report made by me on this bill:

The Committee on Indian Affairs, to whom was referred the bill (H. R 15986) regulating the practice of medicine and surgery in the Indian Territory, beg leave to submit the following report, and recommend that said bill do pass without amendment:

This is a bill enacting that hereafter no person shall practice medicine and surgery, or either, as a profession in the Indian Territory without first being registered as a physician and surgeon, or either, in the office of the clerk in the district in which he or she offers to practice.

The bill provides that the United States judge of each district in that Territory shall appoint in his district a board of medical examiners consisting of three graduates of some reputable medical college recognized by either of the American medical college associations. This board holds office for four years.

They are required to examine and grant certificates of qualification to practice medicine to all persons of good moral character and duly qualified in knowledge and capacity to practice medicine and surgery in the Indian Territory, and no person shall be excluded from registration on account of having studied any particular school of medicine. Every applicant for registration shall pay to the board in advance a fee of $10, which shall be equally divided among the board, and this shall be their only compensation. Each applicant also shall pay $1.50 to the clerk for recording his certificate. This law will not cost the Government anything.

Physicians holding diplomas from reputable medical colleges shall pay a fee of $1 to the board and shall be entitled to a certificate of approval without being required to undergo an examination.

The necessity for this legislation arises from the fact that any person, however ignorant, is now permitted to practice medicine in the Indian Territory, and as a result the Indian Territory is filled with many disreputable and ignorant quack doctors, who prey upon an unprotected people. This bill will, if it becomes a law, furnish the desired legal protection.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and in the opinion of the Chair two-thirds being in favor thereof, the rules were suspended and the bill was passed.

THANKS OF CONGRESS TO REAR-ADMIRAL LOUIS KEMPFF.

Mr. HITT. Mr. Speaker, I move to suspend the rules and pass House joint resolution No. 8.

The Clerk read as follows:

House joint resolution No. 8, tendering the thanks of Congress to Rear-Admiral Louis Kempff, United States Navy, for meritorious conduct at Taku, China.

Resolved, etc., That the thanks of Congress be, and they are hereby, tendered to Rear-Admiral Louis Kempff, commanding the Asiatic Squadron, for the wisdom displayed by him in refusing to join the allied forces in the bombardment of the forts at Taku, China.

Mr. HITT. Mr. Speaker, the facts upon which that resolution is based are common property, known all over the world. This is unanimously reported from the committee. The resolution was not considered before Admiral Dewey had been consulted, and that great sailor said that it was merited, and thrice merited. It took as great character, resolution, and courage to refuse to fight in such a grave and difficult crisis as it did to fight for this was in view of easy victory, with six great allies against one weak power. The wisdom and the patriotism of Admiral Kempff in refusing to join the allies in suddenly beginning war upon the Chinese Government were immediately vindicated, for by the action of the allies in attacking Taku the whole Chinese nation was instantly inflamed—not merely the Boxer rebels. Their Government was exasperated.

Our minister, with all the other foreign representatives, was involved in the whirlwind of threatened destruction at Pekin. Many thousands of Christians were slain. Had the other powers whose fleets attacked the fort at Taku followed the wise rule of the strong, calm American sailor who said, "Let no American gun or American vessel be used to make war upon a people or bombard the fort of a government with which we are not at war," and had they confined themselves to the protection of their citizens, as he did to the defense of American life and property, the bloody and dreadful scenes at Pekin might have been far different. Even after those scenes the Chinese showed confidence in our Government alone—through us gave out the first news of

the besieged, agreed to the open-door policy, and modified the indemnity, always trusting our sincerity. Our course toward their Government had been for more than fifty years fair, without greed to rob them of provinces or oppress them. John Russell Young, who, many of you know, was long our minister there, told me that no other power in the world had the ear and the confidence of the Chinese Government as had the United States, because our Government had always been self-restraining, disinterested, and fair minded, as here illustrated in the conduct of Admiral Kempff.

I do not wish to take up the time of the House in reciting the history of his part in that memorable 18th of June, 1900, so widely known to all readers, which has been discussed by the eminent publicists of the day, and has merited and received eulogy from so many writers in all countries.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and in the opinion of the Chair two-thirds having voted in favor thereof, the rules were suspended and the joint resolution was passed.

BRIDGE ACROSS CUMBERLAND RIVER NEAR CARTHAGE, TENN.

Mr. SNODGRASS. Mr. Speaker, I move to suspend the rules and pass the following bill, without amendments: H. R. 16909, to amend an act entitled "An act authorizing the construction of a bridge across the Cumberland River at or near Carthage, Tenn.," approved March 2, 1901.

The Clerk read the bill, as follows:

Be it enacted, etc., That an act entitled "An act authorizing the construction of a bridge across the Cumberland River at or near Carthage, Tenn.," approved March 2, 1901, be, and the same is hereby, revived and declared to be in full force and effect, and that section 5 of said act is hereby amended so as to read as follows: "That this act shall be null and void if said bridge is not commenced within one year and completed within three years from the 1st day of April, 1903."

The question was taken; and in the opinion of the Chair two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

BRIG. GEN. H. C. MERRIAM.

Mr. ESCH. Mr. Speaker, I move to suspend the rules and pass the bill (S. 5891) to authorize the President to appoint Brig. Gen. H. C. Merriam to the grade of major-general in the United States Army and place him on the retired list, without amendments.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to appoint, with the advice and consent of the Senate, Brig. Gen. H. C. Merriam to the grade of major-general in the United States Army and place him on the retired list.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I demand a second.

Mr. ESCH. I ask unanimous consent, Mr. Speaker, that a second be considered as ordered.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that a second be considered as ordered. Is there objection? [After a pause.] The Chair hears none.

Mr. ESCH. Mr. Speaker, this bill is to authorize the President of the United States, by and with the advice and consent of the Senate, to appoint Gen. H. C. Merriam a major-general on the retired list. General Merriam entered the service in 1862 as captain in the Twentieth Maine Infantry. He served with distinction during the rebellion. He was twice brevetted for gallantry on the field, and on one occasion was awarded a medal of honor by Congress for leading charge on Fort Blakely, near Mobile. After the war he was made a major in the regular service and was assigned to the southwest territory, and engaged int he Apache campaign. After that he was assigned to service along the border of the Rio Grande in Texas, and there so distinguished himself as to receive the merited praise of his superior officer. After that he was assigned to duty in the Department of Columbia, and was afterwards engaged in the Nez Perce campaign in the Northwest. During that service he won the confidence of the inhabitants of that section, and also the commendation of his superior officers.

Since that time he has been engaged in the Department of Colorado and Missouri. Since 1897 he has been made a brigadier-general, and was assigned to the Department of Colorado, and during a portion of that time had also a great portion of the district of Missouri under his charge, a command worthy of a major-general's rank. In 1898 he was made a major-general of volunteers and assigned to the Pacific, and while there performed the arduous duties of preparing and fitting out the expedition to the Philippine Islands, the first expedition under General Anderson and the second under Maj. Gen. Wesley Merritt. So thorough and faithful were his services in the preparation of this expedition that he received the praise of General Merritt, likewise the commendation of the President.

He has served as a brigadier since 1897. His retirement was in November, 1901.

Prior to his retirement he had been promised an increase of rank and an appointment to the rank of major-general. That promise was made by the President to several generals of the Army. It was made to General Bates, and also to Senator FRYE, and to the Secretary of War, and was made to General MacArthur a few days before the President was shot at Buffalo.

After that tragedy the time for retirement came by operation of law, and he was retired with the rank of brigadier-general and holds that rank to-day. In view of the distinguished services of this officer, in view of the commendation he has received at the hands of every superior officer, of the commendation received at the hands of the President of the United States and of the Congress, the Committee on Military Affairs of the House unanimously recommend the passage of the bill. It has likewise been recommended by the Secretary of War.

Mr. Speaker, I reserve the balance of my time.

The question on the passage of the bill was taken; and in the opinion of the Chair two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

BRIDGE ACROSS BOGUE CHITTO, LOUISIANA.

Mr. ROBERTSON of Louisiana. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 16646) to authorize the construction of a bridge across Bogue Chitto, in the State of Louisiana, with amendment.

The Clerk read the bill as amended, as follows:

That authority is hereby granted, and consent is hereby given, for the building of a wagon and foot bridge across Bogue Chitto River, in the parish of St. Tammany, State of Louisiana, by the police jury of said parish: *Provided*, That the plans and location for such bridge shall be first approved by the Secretary of War.

SEC. 2. That said bridge shall be a lawful structure, and shall be recognized and known as a post route, and shall enjoy the rights and privileges of other post roads in the United States; and no charge shall be made for the transmission over the same of the mails, troops, and munitions of war of the United States. Equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies, and the United States shall have the right of way across said bridge and its approaches for postal-telegraph purposes, and any changes in said bridge which the Secretary of War may hereafter require and order, in the interest of navigation, shall be promptly made by the said police jury without expense to the United States.

SEC. 3. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date of approval hereof.

SEC. 4. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The question on the passage of the bill was taken; and in the opinion of the Chair two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

EXTERMINATION OF FUR-BEARING ANIMALS IN ALASKA.

Mr. TAWNEY. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 13387) to amend an act entitled "An act to prevent the extermination of fur-bearing animals in Alaska, and for other purposes," with amendment.

The Clerk read the bill, as follows:

Whereas the records of the State and Treasury Departments up to date show conclusively that the regulations of the Bering Sea tribunal, made at Paris, August 16, 1893, for the preservation and protection of the fur-seal herds of Alaska, have utterly failed to so protect and preserve these herds from indecent killing and ruinous diminution of life after seven years of faithful enforcement; and

Whereas the negotiations undertaken by the Jordan-Thompson commission in 1896 and 1897 to alter and amend the said useless regulations of the Bering Sea tribunal have also ended in complete failure to afford the slightest relief; and

Whereas the Government of the United States is reduced, by the failure of these official negotiations aforesaid, to the painful position of being obliged to breed and protect annually some 50,000 female seals on the seal islands of Alaska for alien hunters to slaughter at sea, our people being absolutely shut out from that killing by special act of Congress; and

Whereas this killing of 20,000 to 30,000 mother seals at sea by alien hunters every year entails the cruel and indecent starvation to death on the islands of 15,000 to 25,000 young or pup seals every September and October; and

Whereas this ruin of the fur-seal industry of the United States in Alaskan waters by alien hunters compels the Government to support the native inhabitants of the seal islands by annual appropriations from the public Treasury; to keep a resident staff of Treasury agents on the said islands, and order the sailing and idle patrol service of four and five revenue-marine cutters into Alaskan waters from May to the end of October, annually; and

Whereas the cruel and improper condition of affairs on the seal islands of Alaska will continue for an indefinite period, unless Congress puts an end to it: Therefore,

Be it enacted, etc., That the President of the United States be, and is hereby, authorized and empowered to negotiate and conclude negotiations with the Government of Great Britain for a review of the condition of affairs on the fur-seal rookeries of the Pribilof Islands, Bering Sea, Alaska, said review to determine what further regulations shall be ordered, if any can be devised, which will restore and preserve the fur-seal industry of Alaska for the good of all mankind and abate the shameful order of killing now permitted and conducted.

SEC. 2. That pending the investigation and review of said condition of affairs the President of the United States is hereby authorized to conclude and proclaim a modus vivendi with the Government of Great Britain whereby the killing of any or all fur seals on the land or in the sea by the subjects of the respective Governments shall be suspended and entirely prohibited, except a few hundred young male seals annually on the islands of St. Paul and St. George, for natives' food, and said modus vivendi shall remain in force and binding until it is abrogated by a mutual agreement to that end by the United States and Great Britain.

SEC. 3. That the provisions of the act approved April 6, 1894, providing punishment by fine, imprisonment, and forfeiture of vessels for violation of the articles of the award of the Bering Sea tribunal of arbitration are hereby made applicable to all violations of the modus vivendi herein provided for,

and it shall be the duty of the President to make known by proclamation the provisions of said modus vivendi.

SEC. 4. That all expenses incident to said review, investigation, acquisition of authentic data, and preparation of the report of the case of the United States, ordered and approved by the President, shall be paid by the Secretary of the Treasury out of any moneys in the Treasury of the United States not otherwise appropriated, which amount is hereby appropriated.

SEC. 5. That if the modus vivendi authorized by section 2 of this act be not concluded, and regulations under the same, effectual in the judgment of the President for preserving the Alaskan seal herd, be not put into operation before the opening of the pelagic sealing season of 1903, then the Secretary of the Treasury may, with the approval of the President, except as hereinafter provided, take and kill each and every fur seal, male and female, found on the Pribilof Islands; but that not less than 10,000 female seals and 1,000 male seals shall be left alive thereon. The skins of said seals so killed shall be sold by him to the best advantage with regard to time and place of sale as he may elect, and the proceeds thereof covered into the Treasury of the United States: *Provided*, That all needful expenses incident to the killing of said seals, preservation and transportation of skins, erection of necessary buildings, employment of labor, care of the seal islands and Pribilof natives incurred by the Secretary of the Treasury shall be paid by him out of any moneys in the Treasury of the United States not otherwise appropriated, which amount is hereby appropriated: *Provided, also*, That nothing in the Revised Statutes, sections numbered 1960 and 1961 contained therein, shall prevent the Secretary of the Treasury from exercising the authority herein conferred upon him to take and kill said seals, but otherwise said sections shall remain in full force and operation.

Mr. MCCLELLAN. I demand a second on the motion to suspend the rules.

Mr. TAWNEY. I ask unanimous consent that a second be considered as ordered.

Mr. MCCLELLAN. I object.

The SPEAKER. The Chair appoints as tellers on this question the gentleman from Minnesota [Mr. TAWNEY] and the gentleman from New York [Mr. MCCLELLAN].

The House divided; and the tellers reported—ayes 68, noes 25.

So the motion to suspend the rules was seconded.

The SPEAKER. The Chair recognizes the gentleman from Minnesota [Mr. TAWNEY] in support of this motion, and the gentleman from New York [Mr. MCCLELLAN] in opposition.

Mr. TAWNEY. Mr. Speaker, the bill now under consideration proposes to authorize the President of the United States to enter into negotiations with the Government of Great Britain for a review of the Bering Sea regulations in respect to the killing of fur seal and for a modus vivendi, suspending entirely or prohibiting the killing of seal either on land or sea for a period of time to be mutually agreed upon, or until the regulations have been reviewed and modified so as to prevent the slaughter of the seal herd of Alaska, as it is at present going on. This in a modified form is the same bill that was reported by the Ways and Means Committee of this House in the Fifty-fourth Congress, and which passed the House at that time by unanimous consent.

It was reported from the committee to that Congress by the late Nelson Dingley, jr., chairman of the committee. The Senate failed to pass it, and consequently the negotiations were not authorized, and the executive department of the Government could do nothing; and in the meantime the slaughter of the Alaska fur-seal herd by the pelagic hunters has been going on. In 1874 this herd numbered more than 4,000,000; to-day, as I am informed by the last survey, the herd does not exceed 200,000. That the House may know the extent to which it has been reduced, and the limit of time when it will be entirely exterminated, I need only say that four-fifths of the seal killed last year by the North American Commercial Company, that has the contract or lease with the Government for the killing of seal on the Pribilof Islands, were seals only 1 year old, or what are known as "eye plasters."

In reporting this bill to the House in the Fifty-fourth Congress, Mr. Dingley, in a very brief report, summed up the whole situation when he said:

> The necessity for this course arises from the fact that the Alaskan fur-seal herd is being rapidly exterminated by pelagic sealing vessels—mainly Canadian—which follow the seal herd as it moves along our Pacific coast in the spring and enter Bering Sea at the end of the close season, in August, when they are free under the ineffectual regulations adopted by the Paris tribunal to use the spear—more deadly than the shotgun—in killing, outside of the 60-mile zone, the seals that frequent these waters in pursuit of food. As these seals are mainly females that have brought forth their young on the Pribilof Islands, the killing of the mother seals results in the starvation of the young upon the land and the inevitable rapid extinction of the fur-seal herd.

Let me say here that we have on the floor of this House a member from Illinois [Mr. CROWLEY] who was a special agent of the Treasury Department on the Pribilof Islands in 1895, who himself assisted in the counting of 30,000 seal pups that were starved by reason of their mothers having been exterminated when in the open sea beyond the 6-mile zone in search of food to maintain themselves and their young.

Mr. Dingley continues:

> The rapidity of the decline of the valuable herds which annually resorted to the Pribilof Islands of Alaska, mainly on account of pelagic sealing, will be seen when it appears that in 1874 this herd numbered about 4,633,000. In 1890 the herd had been reduced to 1,039,000, and at the close of the season in 1895 to about 175,500—44,000 seals, mostly females, having been killed during the last season by pelagic sealers and about 30,000 pups having died of starvation in consequence of the killing of the mother seals.

Now, Mr. Speaker, I want to call the attention of the House to the fact that the report of our minister to Japan shows that in 1901 there were fitted out at Yokohama four sailing vessels that sailed under the Japanese flag; three of them navigated by Americans, took seals on the American side in Bering Sea, and that during the year 1902 a number of Japanese sealers would visit Bering Sea. Japan not being a party to the Paris agreement, the pelagic hunter sailing under the Japanese flag may go to within 3 miles of the Pribilof Islands. And the commander of the revenue cutter *Manning*, in a report to the Department, which I have here, says that he boarded two vessels which were fitted out at Yokohama and were hunting and killing fur seal within the 6-mile zone; and that he was informed that in that year 18 vessels were fitted out at Yokohama for the purpose of engaging in seal fishing in the Alaskan waters. For the information of the House I will read from the last annual report of the supervising special agent of the Treasury Department what our special agent in Alaska says:

> In August last the commander of the revenue cutter *Manning* boarded in Bering Sea two sealing vessels sailing under the Japanese flag, with seals on board, and complete sealing outfits of boats and fire-arms. One of them stated that 18 sealers had cleared from Yokohama for Bering Sea. In September last the same officer boarded four Japanese sealers in the vicinity of the 60-mile zone around the Pribilof Islands, in which pelagic sealing is prohibited to American and British sealers by the terms of the Paris award. The commander of the *Manning* pertinently remarks that "to one on the grounds, seeing the workings of the present method of patrol and the results, it appears ludicrous for the American and British Governments to be making such efforts to prevent their own sealers from gathering in the seals, thus protecting the herd that the Japanese may come in and secure the cream of the business."
>
> This is a matter of grave importance to the Pribilof herd, and it would seem that, if no insistence is made regarding the other features of the Paris arbitration, the one requirement of the award, the preservation of the 60-mile limit, should be enforced against all comers. Even if this Government has no property right in the seals, which is not granted, it would seem the proper act of a civilized nation to preserve the 60-mile zone free from hunting, so that the female seals may safely gather food for their young on the rookeries before becoming targets for the guns and spears of the hunters.

Now, if we can put a stop to this butchery by the pelagic hunter, as it is carried on there to-day, we have by our treaty with Japan and Russia an agreement that as soon as the pelagic hunter of Great Britain ceases his work this provision of the treaty will become operative, and Japan and Russia will likewise cease their operation and the killing of seal in the open sea, as they are doing now.

Now, the one and only objection that has ever been made to this bill, and it was not raised when the bill was before the House in the Fifty-fourth Congress, is that provision which says that in the event Great Britain refuses to enter into negotiations with us for the purpose of so amending the regulations as to insure the preservation and protection of that herd then one of two things must follow—either the herd will be exterminated by the pelagic sealer or we will, in the discretion of the President, step in and take our own property; but in the event that discretion is exercised it must be exercised so as to preserve the species by allowing to remain on these islands 10,000 female seals and 1,000 male seals.

So that if Great Britain refuses to join with us for the preservation of practically the only fur-seal herd in the world by so modifying the present impotent regulations as to prevent the slaughter of that herd, then and only in the event of such failure or refusal can this authority be exercised. And why should it not be exercised? If we take the herd or what remains it will be taken in a decent, humane way, and we will get the benefit. If we do not take it the pelagic hunter will be slaughtering the females in open sea and starving their young on the Pribilof Islands. In that case the benefit will inure wholly to the pelagic hunter, and it is only in that remote contingency that this discretionary authority is vested in the President of the United States. Whether it would ever be recognized or not I do not know, but I have no doubt that in that case its exercise would be justified, and knowing this it might bring about a settlement of this much vexed question. In regard to this particular provision of the bill, which was contained in the bill reported by Mr. Dingley, he says:

> It is believed that it is Canada that is standing in the way and holding back Great Britain from cooperating with us in the preservation of the seal herd, and that when Canada sees that we propose to take summary measures to end not only the inhumanity that consigns thousands of young seals to slow starvation, but also the farce by which we are expending large sums of money to police Bering Sea practically to aid her pelagic sealers in the work of exterminating seals, she will no longer endeavor to prevent England from uniting with us in efficient measures to save the seal herds to the world.

Mr. Speaker, I reserve the balance of my time.

Mr. MCCLELLAN. Mr. Speaker, accompanying the report on this bill were filed the views of the minority of the Committee on Ways and Means, consisting of the gentleman from Massachusetts, Mr. MCCALL, our late friend the gentleman from Connecticut, Mr. Russell, the gentleman from California, Mr. METCALF, the gentleman from Nevada, Mr. NEWLANDS, and myself. We recognize quite as well as the gentleman from Minnesota [Mr. TAWNEY]

the necessity that exists for the preservation of the Alaskan seal herd from the pelagic hunter. We realize quite as much as does he the cruelty of pelagic sealing.

As far as the first four sections of the bill are concerned, we have no objection, for they are designed to confer upon the President an authority which he already possesses under the treaty-making power of the Constitution. They serve as a polite parliamentary remainder that he should be up and doing; that he should at least make some effort to bring about a cessation of the cruel practice of which Great Britain is guilty. To section 5 of the bill we are unalterably opposed. It either means nothing at all or else it means that, failing to renew negotiations with Great Britain, failing to establish a modus vivendi by which pelagic sealing shall be stopped, the Secretary of the Treasury will, under the direction of the President, kill off all the Alaskan seal herd with the exception of 10,000 cows and 1,000 bulls.

It is probable that the Aleuts, of whom there are 300 living on the Pribilof Islands, will eat the get and more than the get of the remaining 11,000 seals, so that if section 5 goes into effect it will be only a question of time when the whole seal herd will be destroyed. Upon this subject President David Starr Jordan, of Leland Stanford University, formerly commissioner in charge of our fur-seal investigations in 1896 and 1897, says, in a letter to the chairman of the Committee on Ways and Means:

As a stroke of diplomacy the threat might be of value; how much would remain to be seen. As such I would not oppose it. If, however, it is seriously considered as a line of policy, it is simply monstrous. It would be a confession of weakness, of inability to meet England in diplomacy. It would bring upon us the odium which now properly rests with Great Britain for her unwillingness to abolish the destructive agency of pelagic sealing. It would needlessly destroy the most valuable and most interesting marine animal yet left. * * * The idea is a monstrous one. * * * In any event I trust that the idea of slaughtering the animals ourselves may never be seriously considered. It is preposterous.

Upon a similar proposition—that of killing all the herd upon the islands—Senator MORGAN of Alabama made a minority report to the Senate on April 16, 1896. Senator MORGAN was one of the two arbitrators upon the Paris tribunal, selected by the United States. He declared that the provision to authorize the destruction of the seals by our Government proposed—

to add to the enemies of the fur seals on our islands the authorized agents and officers of the United States. * * * This (their destruction) can only be done while they are virtually prisoners, driven to the islands by the necessities of existence, which they can no more avoid than wrecked mariners could avoid taking shelter there from a tempest in Bering Sea.

Senator MORGAN also took the ground that Great Britain would have a right to insist that such a provision in law would be "a violation of the treaty rights of that Government in respect to the fur seals."

Senator John Sherman, of Ohio, at the same time, expressed his views in a minority report, as follows:

I place my opposition to this bill upon the ground that the proposed destruction of the seals by the United States is a cruel act, not to be justified even though the same result may be brought about by pelagic sealing. The measure proposed is dictated by apparent spite, because some other power will destroy them in another way. It is better to take the chances that Great Britain will give to the subject kinder and more generous treatment and join with the United States in making new regulations to preserve seal life.

The Secretary of the Treasury, the Hon. L. M. Shaw, in a letter to the chairman of the Committee on Ways and Means, dated February 7, 1902, says:

With reference to the proposition that all seals on the islands be killed and the skins sold by the Secretary of the Treasury, it is suggested that such action would be an admission that the position of this Government in the diplomatic controversy which has been for years and is now pending concerning the right of this Government to protect the seal life from wanton destruction is untenable. It would also involve serious loss of revenue, arbitrarily annul existing contracts, and invite criticism for the sanctioning of an act which might properly be termed barbarous.

I desire to state that the revenue from 1870 to date derived from the seal islands, exclusive of all expenses connected therewith, amounts to over $5,000,000. * * *

To destroy the source from which the Government may continue to derive a large sum per annum, even if pelagic sealing is not terminated, would, in my judgment, be unwise.

So much for those who are opposed to this proposal. The only person claiming to be an authority upon seal life who favored section 5 before the committee is a certain Mr. Henry W. Elliott, formerly an employee of the Smithsonian Institution and once a special commissioner of the United States for the purpose of investigating conditions of seal life. During the oral argument of Sir Charles Russell before the Paris tribunal on the fur-seal question, in 1893, Mr. Carter, of counsel for the United States, said, in reference to Mr. Elliott:

We have not referred to it ourselves—

That is, to Mr. Elliott's report—

in our case. We have carefully avoided everything of Mr. Elliott's.

The PRESIDENT. Is there any reason why the scientific authority of Mr. Elliott should be considered as not valuable?

Mr. CARTER. We totally distrust him and have carefully avoided him. He is a great favorite on the other side—

That is, the British side.

Further on Mr. Carter, still speaking of Mr. Elliott, said:

Oh, we distrust him, because we suppose that he is an untrustworthy observer, a man who is given to theories and not to an accurate dealing with facts. It is on this ground that we distrust him. He is not a man from whom we conceive the truth can be well and suitably gathered.

Mr. Phelps, also of counsel for the United States, in his argument before the same tribunal, makes this statement about Mr. Elliott:

The eminent jurist, Judge Swan, who throws some light upon the subject, and Professor Elliott came into violent collision. Judge Swan proceeds to refute all Elliott's science, depreciate his ability, and denounce his motives; and if you take Swan's judicial estimate of the man he would disappear from the case at once.

And further on:

What was the trouble? Mr. Elliott had been connected, as Judge Swan said—and I think he told the truth, probably; it would not be respectful to assume of any man with the title of judge that he would say anything else—that Mr. Elliott had been connected with the old company. There was a violent competition at Washington about the renewal of the lease, and the new company got it from the old, and Mr. Elliott's side was defeated, and then immediately after—that is to say, within two or three months, he made his appearance on the islands.

Now, Mr. Speaker, we are asked to confer this power upon the Secretary of the Treasury—to permit him, if he fails to bring about satisfactory arrangements with Great Britain, to destroy the entire seal herd—although such eminent authorities as Prof. David Starr Jordan, Senator MORGAN, Senator Sherman, and the Secretary of the Treasury himself have reported against it, with only one witness in its favor, Mr. Elliott, whose evidence was discredited by our own representatives before the Paris tribunal.

If we are to renew negotiations with Great Britain, as I trust we shall, let us do so with clean hands. Let us not condemn Great Britain for her barbarity and then announce that we propose to perform an act that is infinitely worse. If section 5 of the bill is intended seriously, it is, to quote President Jordan, preposterous. If it is intended as a mere diplomatic maneuver, it is absurd.

Were it possible to amend this bill by striking out section 5, there could be no objection to its passage; but inasmuch as that is not possible, inasmuch as we must accept it wholly or reject it entirely, I see no way that I can do my duty without asking the House to refuse to pass the bill. [Applause.]

I reserve the remainder of my time.

The SPEAKER. The gentleman from Minnesota has eight minutes remaining.

Mr. TAWNEY. I yield three minutes to the gentleman from Ohio [Mr. BEIDLER].

Mr. BEIDLER. Mr. Speaker, there are two points striven to be covered by this bill. One is the preservation of this seal herd, the other is putting a stop to the inhuman manner of killing them.

We have facts and figures presented to us that show clearly the main cause of the falling away of this herd from 4,500,000 individuals in 1872 to 200,000 now to be the fact that the females are killed in the sea and the young, their pups, so called, are allowed to die of starvation on the islands.

The gentleman from New York [Mr. MCCLELLAN] takes issue with section 5 of the bill and says it would be wrong to destroy this herd. If the present methods are continued there will be nothing to stop the extinction of the herd within a short time. In 1872 there were 100,000 4 and 3 year old male skins taken. In the year 1902, thirty years thereafter, out of a catch of only eleven thousand and some hundreds, only 424 skins were those of 4 and 3 year olds, showing that practically the herd is extinct to-day.

Under section 5 of this bill 10,000 females and 1,000 males are allowed to remain on the islands. All the herd being killed but that number, it will entirely put a stop to pelagic sealing and cause the herd to increase again as in former years.

I will now introduce the following correspondence and exhibits:

LAKEWOOD, OHIO, *December 3, 1901.*

Hon. J. A. BEIDLER,
House of Representatives, Washington, D. C.

MY DEAR SIR: Public abuses, public impositions, always prevail under our form of government until the attention of Congress and the Executive is centered on them. When that is fairly done, then they cease, and their abatement is usually prompt.

To that end I desire to enlist your aid in getting Congress to act at once in putting a stop, quickly, to that shameful condition of affairs on the Seal Islands of Alaska which, unchecked, will result in the extermination of the male life thereon by 1906, and in order that you may have a general idea of what that imposition on the public really is, and will continue to be to the bitter end unless you act in the premises, I respectfully submit the following:

In 1867, when Alaska passed into our possession, we received from Russia a herd of fur seals on the Pribilof or Seal Islands which I found by elaborate survey in 1872 to consist of at least 4,500,000 seals of all ages and classes.

To protect and save this herd of valuable and harmless animals, Congress in 1868 made these Seal Islands a Government reservation and put all the seal hunters that had rushed up and were about to rush up out of the field. In 1870, after much deliberation, it passed the act approved July 1, 1870, which leased the islands for a term of twenty years, restricted the annual catch of seals to 100,000 young males, and put the entire charge, responsibility, and detail upon the Secretary of the Treasury. The action of Congress was wise; it was in every way happy in its working, and no better step has ever been

suggested since, until the trouble dawned (in 1887) of pelagic hunting of fur seals upon the conduct of this business.

I will not recite the painful history of the scandalous, weak, and puerile management of our case against Great Britain which culminated at Paris August 16, 1893, and which cost us the loss of our fur seals; but worse than that, in another way, it reflected severely on our reputation for possessing mental acumen and common honesty, since our agents who managed the case had given no evidence before this tribunal that they were endowed with a single one of these attributes.

The abortive regulations of the Paris tribunal were put into effect, and proven by their resultant working to be worse than useless by the end of the sealing season of 1894. Stung by the loss of life so shamefully killed under the cover of law, the late Governor Dingley, then in the House, and the late Judge Gresham, then Secretary of State, called upon me for some suggestion of an effective step which, under the existing law, treaty, etc., could be taken by our Government to put an end to this misery and waste of life on the Pribilof Islands.

The result of this careful investigation and concerted work of Governor Dingley and Judge Gresham was embodied in what was known as the Dingley seal bill. It was first introduced by Governor Dingley (H. R. 8633) January 20, 1895, and was referred to the Ways and Means Committee, from which committee it was unanimously reported (No. 1849) by Mr. W. L. Wilson, the chairman, February 18. On February 22 it was unanimously passed by the House; but the sine die adjournment of Congress on March 4, 1895, did not give the bill time for action in the Senate.

Again Governor Dingley introduced the bill (H. R. 3206; Report No. 451) January 3, 1896; again it was fully considered by the Ways and Means Committee, and again it was unanimously reported to the House February 20, 1896; and on February 25 it was again unanimously passed by the House after full debate.

The Senate Foreign Relations Committee acted promptly, and it was favorably reported by Mr. FRYE March 4, and made a special order for Thursday, March 16, 2 p. m., and so placed on the Calendar.

Now, what happened to arrest and defeat this sensible, merciful bill? Richard Olney, who became Secretary of State after the death of Judge Gresham, in June, 1895, suddenly became impressed with the conceit that he could so manage the business as to abate this acknowledged imposition and nuisance without the help of that bill. He therefore wrote to Senator FRYE, saying so, in short, and asked that the bill be not taken up, for its passage "would greatly embarrass" him, if not "totally defeat the pending negotiations." Senator FRYE had no alternative. The bill was dropped.

Mr. Olney simply collapsed—he was quickly disarmed when the Canadians measured their wit against his, just as I knew he would be, and as the other friends of the Dingley seal bill predicted, when he had the want of good sense to interfere with it.

But the Canadians went further; they steered the dazed Mr. Olney into a renewal of the "joint commission" nonsense, which was so painful in its results for us at Paris; they persuaded Mr. Olney to believe that if he would send up an agent or two, "experts," to meet their "experts" on the islands—to meet them "informally;" that if these experts agreed upon any regulations as being better suited for the protection of the herd than the existing ones, why they would—well, yes, probably make the change.

Then Mr. Olney, finding that he could have a joint commission but not invested with any powers, loaded the affair upon the Treasury Department. Accordingly in June, 1896, we have the appointment of David Starr Jordan as a "commissioner in charge of fur-seal investigations," for the United States, appointed (June 18) by the Secretary of the Treasury. Mr. Jordan was aided by a half dozen of lesser lights whom he called his "staff," all of them, like himself, inexperienced.

The Canadians then secured the appointment of D'Arcy W. Thompson, a teacher of biology in Dundee University, Scotland, to pair off with Jordan, and one of their own scouts, Mr. James Macoun, to represent the British "staff." This "joint commission" of "experts"—Jordan with six associates and Thompson with only one—went to work to investigate into the real status of the conditions as questioned, in June, 1896.

The Canadians again went to work with the same success that distinguished their efforts when they skinned our agents at Paris in 1893. They ensalivated Jordan, flattered his conceit, and really got him to publicly declare, at the close of the first season's work, that he had "a perfect agreement with them" on "all matters of fact," and on "all questions of policy." (See CONGRESSIONAL RECORD, Feb. 28, 1897, p. 2619; remarks of Senator PERKINS.)

After playing with Dr. Jordan and his "staff" another season (1897), and long enough to get them well entangled, the Canadians steered them into a "fur-seal conference," and rejoiced in having that notorious architect of that botch of our case at Paris, John W. Foster, again to deal with, as the "special envoy and minister extraordinary" to manage Dr. Jordan's "perfect agreement" with them.

On the 16th November, 1897, our agents surrendered every point that we had justly made against an infamous industry to the Canadian keeping and satisfaction in the form of a "joint statement of conclusions," whereby our hands are officially tied in so far as executive action in either State or Treasury Department is concerned forever! [We are, free, however, to clean up the wreck and stop the imposition by act of Congress.]

When the Canadian minister of marine and fisheries openly boasted a few days after this surrender of our case was made, he did not take the power of Congress into mind or he would not have said this:

"TORONTO, *November 27, 1897.*

"Sir Louis H. Davies, at a meeting of the Liberals here last evening, referred to his recent visit to Washington to attend the seal conference. He said:

"'The seal experts settled the question of fact in such a way that hereafter it can not be opened up. We know exactly where we are.'"

Yes, but we know, too, Mr. BEIDLER, what he does not know—that you and your fellow-members have the power to show him and his pelagic crew that this question can be opened up in spite of the folly of one agent or the dull wit of another.

I therefore inclose a copy of the Dingley seal bill of 1896, and ask that you modify it so that it will apply to the present day and date and introduce it at your earliest convenience. The passage of this bill at an early day in the session and before the pelagic sealing season opens in Bering Sea for 1902 will put an end to an infamous industry, save the fur-seal species from extermination, and heal a running sore.

The argument for its passage which I made February 18, 1896, before the Ways and Means Committee was printed by that committee, and I inclose a copy for your information.

In order that Congress may understand the utter uselessness and the mischief in the premises caused by the result of Jordan's work in 1896-97, I also inclose a review of its salient blunders and most inexcusable mistakes—only a few of them; to dress them all down would necessitate the cutting of every page in his report, and the time for that complete work is not at my command at present; it is not necessary, either, for what I have opened up to public view in this revision inclosed is ample, and enough to illustrate the ignoble failure of his work and his idle attempt to better that shameful order of affairs on the seal islands of Alaska, which has been so mischievous in its resultant "joint agreement" with the agents of the pelagic hunter. I also inclose that "agreement," item by item, as he signed it with his British associates, and have placed the items of "fact" which he prepared himself for that "agreement" side by side with those items of "fact," which the Canadians persuaded him to sign, and thus surrender his own. (Exhibit B et seq.)

In this amazing State paper we are placed in the absurd light of officially declaring that under existing law, regulations, and trade condition the fur-seal herd of Alaska was and is entirely secure from extermination of the species; that it had reached in 1897 as low an ebb in its form and number as it ever would, since the killing on land and in the sea had become unprofitable to both land and sea butchers, on account of the small number of seals left alive on the islands; that an equilibrium had been attained.

The exact reverse of this "joint conclusion" is the truth; the fur-seal herd is in danger of immediate extermination, and the proceeds of the pelagic hunter's work have netted him an enormous profit in 1900 and again in 1901—over 100 per cent profit.

This astounding ignorance of the true condition of affairs on the seal islands of Alaska is repeated by the perfunctory report of the Secretary of the Treasury, Lyman J. Gage, to Congress, last December, wherein not a single hint of the swift impending extermination of this life in his charge is given to the public; it is charitable to believe in his ignorance, and so let him pass into that mass of official wreckage which the mismanagement of this business since 1890 has heaped up in Washington.

The entire record of this conduct since 1890, on our part, of the Alaskan fur-seal business, save that brief interval of Governor Dingley's and Judge Gresham's work in 1895-96, has been one uninterrupted narrative of shameful, humiliating failure. In order that an end be made to any possibility of another exhibition of stilted tomfoolery at the expense of the American public over the pretense of saving our fur-seal herd from that indecent and ruinous extermination of the species, now right at hand. I earnestly urge you to act. Put in that Dingley seal bill of 1896, and push it to its final passage. It is a merciful measure, and unless it is enacted the complete destruction of the fur-seal species of Alaska will take place in 1906-7.

Very sincerely, yours,

HENRY W. ELLIOTT.

EXHIBIT A.

Analysis and review of the report of Dr. D. S. Jordan, submitted to the Secretary of the Treasury February 24, 1898, as "Commissioner in charge of fur seal investigations," 1896-97.

[Only the salient and chief errors are noticed in this connection; the lesser and unimportant items are passed without mention.]

THE INITIAL BLUNDER.

The final report of Dr. Jordan on the fur seals of the Pribilof Islands has been recently issued. The preliminary reports of this gentleman in 1896 and 1897 have been variously commented on in the press as they appeared, and the public generally were lead to believe that some practical good was to accrue from the investigation which he was conducting; but our people now know that Dr. Jordan's "perfect agreement" with the British agents was a simple delusion which he so joyfully announced to the United States Senate, through Senator PERKINS, in these words: "England shows every indication of a desire to do the fair thing. This intention is especially clear in the fact that she has sent an honorable commission which is familiar with all the facts ascertained by us, the head of the commission having been with me every day throughout the summer, and he and I being in agreement on all questions of policy, as well as on all matters of fact, so far as was developed by our conversations during the expedition." (CONGRESSIONAL RECORD, February 28, 1897, p. 2619.)

How badly Dr. Jordan failed to understand his British colleague was made plain by that gentleman's report to his Government, issued May 10, 1897, in which Dr. Jordan was taught the sober lesson that Professor Thompson did not subscribe to him in any question of policy respecting the management of the fur-seal herd, and to no essential details of fact. (Report of Prof. D'Arcy Thompson on his mission to Bering Sea in 1896, dated March 4, 1897; U. S., November 3, 1897.)

Now that Dr. Jordan has given public evidence of his utter inability to understand what his own field associate on the seal grounds in 1896 intended to say or do, I believe I have a good right to show that Dr. Jordan has made an equally grave blunder in regard to what I did on the seal islands in 1872-1874, and is equally incompetent to understand what I have said. In the final report of his investigation, above mentioned, he devotes a large space to the subject of my work on the census of the fur-seal herds in 1872-1874, and in this space endeavors to show that I was "merely guessing," and making "Mr. Elliott wholly devoid of mathematical sense, or else must have failed to appreciate what his figures really meant."

In Dr. Jordan's preliminary report of 1896 (Treasury Dept. Doc. No. 1913) he alludes to this census work of mine in no such language, and mildly doubts the probability of my figures being right; he does not in this report give me the warrant to handle him without gloves which appears in this his final report, and to handle him at once on this question is both my pleasure and a public duty.

Let me describe my early mission and its auspices. I first set out in April, 1872, for the seal islands to gather information and collect for the Smithsonian Institution. When I arrived on the islands, April 22, 1872, I landed there without the slightest pressure from anyone or instructions to work out a case for lawyers and diplomats to tinker over and botch. I was to get the data as to the life history of the fur seal by observing that life on the ground, and to make as full a collection of the skins, skeletons, etc., as the circumstances of my living on the islands would permit.

I was received in the most cordial manner on the islands by both Government and lessee agents; every facility given me to work, and everything that I questioned or inquired into was answered and opened in perfect good faith and to best of the ability of those men. I quickly made myself acquainted with enough of the Russian language so that I could freely get the personal ideas and facts possessed by the Aleuts or natives bearing on the seals, thus checking my inquiries from one person to another. I never was misinformed by design, and by so doing never permitted myself to be deceived on that score. I devoted three consecutive seasons—1872, 1873, 1874—to close biological study of the fur-seal life, spending the winter of 1872-73 on the islands so that I could see with my own eyes the entire routine of arrival and departure of the seals from their haunts on the islands. The result of these studies was first briefly epitomized and published by the Treasury Department in 1874, and finally when I found that I could not so arrange my private affairs as to permit of a two years' absence from home in order to study the Russian herd, I gave my elaborated work of 1872-1874 to the late Gen. Francis A. Walker, at his solicitation, with the sanction of the Smithsonian Institution, for publication as one of the initial monographs of the Tenth Census, United States of America.

In this monograph it became imperative to omit much detail in the line of my record of daily observations on the rookeries, because if it were all

incorporated the volume would be too bulky, compared with the other monographs ahead, for the funds of the Census Office to print; therefore my original colored rookery maps and hundreds of notes and illustrations carefully drawn from life were excluded, very reluctantly, by the authorities, and only then because they believed I had covered the ground fully, even in their abridged form. When I suggested to Professor Baird that all of the details of my chapter on the census of the seals, pictures, maps, and all, should be incorporated, he replied, saying that I had made it clear enough and easily understood in the abridged version.

Repeatedly since the publication of that monograph in 1882 has this question of the population of the fur-seal rookeries on the Pribilof Islands been raised in my presence by naturalists of far greater ability than Dr. Jordan, and I have never failed to satisfy them of the substantial soundness of my views and figures. Now that Dr. Jordan at this late hour attempts to impeach their integrity, I propose to impale his sophisms, assumptions, and misstatements on a few pointed facts.

Dr. Jordan says (on page 77): "The next attempt at enumeration was made in 1872-1874 by Henry W. Elliott, special agent sent by the United States Treasury Department to investigate the condition of the herd. He followed the same general method inaugurated by Captain Bryant, finding the shore extent and width of the rookeries and allotting a certain space to each individual animal. He, however, worked out the plans in much greater detail." This is a deliberate misstatement of fact. Captain Bryant made an estimate in 1870 of the area and extent of the breeding grounds of the Pribilof Islands, when at the time he had never laid his eyes on a single rookery on St. George Island, and had seen but three of the seven breeding grounds on St. Paul, and these he saw through a telescope from the deck of a steamer. He then made the assertion that "there are at least 12 miles of shore line on the island of St. Paul occupied by the seals as breeding grounds, with the average width of 15 rods. There being about 20 seals to the square rod, gives 1,152,000 as the whole number of breeding males and females. Deducting one-tenth for males leaves 1,037,800 breeding females." He then proceeded to estimate the St. George seals at "about one-half the number of St. Paul."

By the very nature of things this estimate was a mere guess. The author of it never saw one-hundredth part of the area he figured on, and he did not know enough of the animals, and for that matter never knew enough, to understand that placing 20 of them on a square rod of superficial area was a ludicrous expansion of their real method of hauling on the breeding grounds. It was the frank and good-natured personal admission of the old man Bryant to me, when I went up with him on the same steamer to the islands in April, 1872, that he did not know anything definite about the subject; that he was merely guessing, as any old whaler might calculate "dead reckoning" in a fog, that caused me to set so promptly to work when I arrived on a preliminary topographical survey of the area and position of each breeding ground on the islands, as well as making surveys of the entire shore lines of both. But I had no idea as I began the work and completed it, in so far as the landed area went, of making a census of the seals upon the line of Captain Bryant's speculation, because I early saw that there were so many variations in the sizes of the seals, the irregular massing and unmassing of the harems, that the plan of locating just so many adult seals to a given area was impracticable.

But as I hung over these rookeries day after day I became impressed with the fact that no matter whether the mother seals were present on the ground, or absent on their food excursions, their pups, or young ones, never left the immediate area of their birthplace on the rookery up to a time in the season not later than the 10th or 20th of each July; that if I counted them in a given area during that period I should then know just how many cows belonged to it, and only by taking the pups as my guide could I get at the real number of females; the males were steadfastly on the ground all the time, and then a general estimate for the number of virgin females could be made on the ratio of this pup count, as it was the basis of the birth rate of the entire herd.

While this subject grew upon me, I called the attention of my associates on the island (St. Paul, 1872-73) to it. One of these gentlemen, Mr. William Kapus, was an unusually well-educated man (the company's general manager) and a man of affairs as well. He took a deep interest in the solution of this seal-space problem, as I presented it to him in the following form, also Dr. Kramer, the surgeon, another cultivated, scholary man, aided me in the inquiry:

1. The seals haul out on these breeding grounds with great evenness of massing—never crowded unduly here or scattered there—so evenly that if suddenly every mother were to appear at the height of the season there would be just room enough for all, without suffocating or inconveniencing their lives on the rocks.

2. That in estimating the number of seals in the breeding grounds we must make the number of pups present at the height of the season the unit of calculation, because their mothers are never all present at any one time, not half, and at many times not one-third of them are; that the height of the breeding season is between July 10 and 20 annually.

Upon these two fundamental propositions I stirred up a vigorous discussion and examination as to their truth or untruth among the white men then on the islands, or St. Paul Island especially, late in 1872, and until the close of the season of 1873 the settlement of this question was left open. Then each and every white man on the islands at that time (there were nine of them) subscribed heartily to the truth of these, my assumptions, as a true working hypothesis.

Now, what does Jordan say about this particular law of even distribution on the rookeries which I formulated in 1872? Before I quote him I want to say that Jordan when he landed on the Pribilof Islands for the first time in his life, July 8, 1896, saw nothing but a ghostly remnant of the life I was observing and studying in 1872-74. The few seals that have in declining generations survived and were wandering about over the edges of those immense areas of deserted hauling grounds of 1872 and had ranged themselves in widely scattered and irregularly massed harems on fringes of the abandoned rookery slopes of 1872 became to his inexperienced eye "a great many thousands" and "a strong nucleus." Never having seen what I saw, he became deeply impressed with the form of what only aroused my pity in 1890, as it had stimulated my wonder and admiration in 1872-1874. With this wretched understanding and loaded to the gunwale with it, Jordan says in regard to my basic propositions as above cited:

"One who is familiar with the nature of the breeding grounds can not help feeling that in the foundation of this law Mr. Elliott did not have the picture of the rookeries before him. Had he traveled over the length and breath of the rookeries, as was done in 1896 and 1897, he never would have proposed such a law; that there should be as many seals to the square rod on the jagged and broken lava rocks of Kitovi or on the broken slopes of Gorbatch, where the animals are now, and must have then been, separated by bowlders weighing tons, should be the same as on the smooth sand flat of Tolstoi or the level slope of Hutchinson hill, is on the face of it impossible."

Just because I had traveled over these rookeries day in and day out, when seals were there and when absent, was why I recognized this law of distribution, and I will safely venture to say that I have taken two steps to Jordan's one in this work on the rookery grounds. With every fissure and embedded lava rock (these loose "bowlders weighing tons" on Kitovi, and only few such "bowlders" on Gorbatch) I am familiar, and I found to my surprise at first that Kitovi was an ideal massing ground for the breeding seals, and Gorbatch also; that these jagged rocks, nearly all deeply embedded in the detritus of the cinder and lava slopes, actually carried more seals than if they were perfect plane surfaces. Wherever I found a miniature lava butte on these breeding grounds (they are all of volcanic superstructure) that the seals could not scale or otherwise occupy, the area of the same was deducted from the sum of square feet belonging to the ground, and I never made the "blunder of assuming the same distribution everywhere," by taking this precaution and in the following way:

First, I carefully located the herds as they lay on the several breeding grounds during the height of the season, i. e., between July 10 and 20, which I discovered to be the time in 1872. This location was rapidly and accurately made on a land chart of the rookery ground prepared early in the season and before the seals had hauled out. By having these charts all ready, with the stations from which my base lines and angles were taken, all plainly in my view when the seals hauled out, it was a simple thing to place the bearings of the massed herds on the chart. The Reef and Gorbatch grounds made a busy day's work, and no more for me because thus prepared; the same of Zapadnie; Tolstoi easily finished in half a day; same of Lukannon; same of Kitovi; Polavina a short day's work, while Novastoshals, or the large Northeast point breeding ground, took the best part of two days. The St. George rookeries were handled in even shorter time by this method.

Not content with assuming that I had not traveled over the rookeries as he had, Jordan proceeds to ignore the written record of my work in regard to counting the pups. On page 79 of his report he makes the gratuitous assertion that I did not know that all the breeding seals were not present on the rookeries at any one time during the height of the season. Mark his language, which my published work in 1880 disproves every word of: "But of these things Mr. Elliott was not aware. He was content to assume that all the cows were there."

What do I say about these cows, published sixteen years before Jordan ever saw a cow seal, and then for the first time on the Pribilof rookeries? "The females appear to go to and come from the water to feed and bathe quite frequently after bearing their young, and usually return to the spot, or its immediate neighborhood, where they leave their pups." * * *

Again I say: "A mother comes up from the sea, whither she has been to wash and perhaps to feed for the last day or two." * * * (Page 39, Monograph, Seal Islands of Alaska. Washington, 1880.) And still worse for Dr. Jordan, on pages 104 and 105 of the same monograph, Fish Commission edition, 1882, appears the still more explicit proof of his deliberate inability to give credit to truth. What better impalement of Jordan can be devised than these words of mine: "The umbilicus of the pup rapidly sloughs off, and the little fellow grows apace, nursing to-day heartily, in order that he may perhaps go the next two, three, or four days without another drop from the maternal fount; for it is the habit of the mother seal to regularly and frequently leave her young on this, the spot of its birth, to repair for food in the sea. She is absent by these excursions, on account of the fish not coming inshore within a radius of (at the least) 100 miles of the breeding grounds, though intervals varying, as I have said, from a single day to three or four, as the case may be."

And with this published record of my thorough understanding of the truth that the cows are not present all the time, as early as 1872-1874, in his hands, Dr. Jordan deliberately attempts to rob me of that credit which naturalists all over this world have given to me, and still give for my accurate work on these islands. I say he "attempts," and I say it advisedly, for that is all it amounts to.

From this unjustifiable misrepresentation Dr. Jordan proceeds to make an analysis of my figures of the population of the seal rookeries, as published in 1872-1874 and enlarged upon by me again in 1880. Now he steps upon ground of legitimate criticism, and I am more than ready to meet it. With reference to my figures (Monograph, Seal Islands, p. 61), he says: "Waiving for a moment the method of obtaining these figures, we may remark that they are not easy to understand. Of this total 'of breeding seals and young,' Mr. Elliott, in the same connection, tells us that 1,000,000 'are young.' There must, then, be an equal number of mothers, or 2,000,000 adult breeding females and their pups. To this must be added the young 2-year-old cows that are included, though not present. Mr. Elliott has himself given us an estimate of these. Considering, of the 1,000,000 pups born 500,000 are females, he says 'that at least 225,000 of them safely return in the second season after birth.' This, therefore, gives us a total of 2,225,000 females and young in the complete estimate of 3,193,420, leaving 868,428 animals which can only be accounted for as breeding bulls. This is impossible, and yet no other explanation of the discrepancy is at hand."

This is exactly quoted as it stands in Dr. Jordan's final report, page 79; and if it were not for the deliberate misstatement that "Mr. Elliott in the same connection tells us that 1,000,000 'are young,'" there might indeed be "no other explanation of the discrepancy" at hand. But "in the same connection" I do not say anything of the kind about only 1,000,000 pups being born out of this grand total on the Pribilof Islands; on the contrary, on page 61 (Monograph, Seal Islands), I present a carefully tabulated statement of the exact ratio of seal life on the several breeding grounds of the Pribilof Islands, summing it up by the square feet of sea margin, multiplied by the average depth as "grand sum total for the Pribilof Islands (season of 1873), breeding seals and young, 3,193,420," saying as I do so that these figures as above show this total. Then I proceed to open another and distinctly separate enumeration of the nonbreeding, or bachelor, seals, which I clearly declare entirely outside of any basic calculation, having no initial point like the breeding seals; and I close this summary of the seal life on the seal islands on the following page.

Then I take up under an entirely different caption an entirely different question. I take up then the question of "The increase or diminution of the seal life, past, present, and prospective." I enter upon a purely speculative theme and do not attempt to speak except in broad, general terms. Taking up that subject in this connection and not in conjunction with the statement of facts preceding it, I enter upon a hypothetical expression of what I believe the loss of life sustained by the young seals amounts to. I use the broad general assertion that "1,000,000 pups or young seals, in round numbers, are annually born upon these islands of the Pribilof group every year." Naturally to point my speculation in figures of loss, which follows, it is better and easier to say "1,000,000" than 1,296,710, which would be the exact line of figures if the speculation was treated as a matter based upon fact.

But I merely assume that half of the pups get back as yearlings next year, and that assumption is as well or better illustrated by a general figure than a specific one. The result is precisely the same anyway, and really has in either case of exact or general figures the same value. In my own mind at the time I was inclined to think that fully one-half of these pups did not get back, and so I preferred the general or indefinite figure rather than to strain an exact division of the pups into a vague theory. Jordan himself is guilty of this fusion of fact and theory repeatedly in his report. But I never have permitted it in my work.

Then Jordan proceeds to make himself still more erroneous in assumption. He says: "But if these figures were in themselves reasonable we must still take exception to the method by which they were obtained. * * * On his method of surveying the rookeries Mr. Elliott has given us practically no data."

The stupidity or else the effrontery of this statement as to my giving him no data can be well understood by reference to the elaborate charts of these breeding grounds which are published in my report of 1890. (H. R. Doc. 175, Fifty-fourth Congress, first session.) These surveys were so elaborate and so full of detail that General Walker, in 1890, was unable to publish them in the Census Monograph owing to lack of funds for their preparation, and I reluctantly inserted a small series of indeterminate pen and ink sketch maps to illustrate the general idea; but in 1890 I took them up to the islands with me and placed my work of that season on them in turn, making in this way the very best contrast of the condition of 1872–1874 with that of 1890 that could have been devised.

Unlike Dr. Jordan, I am not a barber's apprentice in topographical work. I served three summers under the best of topographers in the field, 1869–1871, inclusive, doing exactly such work as this on the seal islands—i. e., making original surveys of unmapped districts in the Rocky Mountain region. Until I made my surveys of the seal islands in 1872–1874 there was nothing on the maps that faintly resembled the area, the contour, or the topography of the Pribilof group. The Russian charts of them were perfect caricatures and the American copies no better.

So good were my charts of St. Pauls Island that a surveying party of the United States Coast Survey, when it landed there in July, 1874, asked for and received from me copies of it, which they did not alter in the slightest noteworthy degree after spending a week on the ground, and it was shortly after published by the Coast Survey Office, with scant credit to me, its author. However, I care nothing for that, and I only mention it because Dr. Jordan calls in one of his subordinates to appear as a swift witness against me as a surveyor. Jordan says: "Of these maps Captain Moser, in his hydrographic report on the islands, made certain tests. Of Mr. Elliott's shore line he says: 'It was a bad misfit, and rarely stood the test of an instrumental angle.' He further says of the topography of the maps that 'it is so vague and indefinite that it is next to impossible to do anything with them. I should call them sketches.'"

It will do Jordan good and take the conceit out of this Captain Moser to know that these charts of mine stood the test of instrumental angles to the entire satisfaction of Capt. J. G. Baker, United States Revenue Marine, and Lieut. (now Captain) Washburn Maynard, United States Navy in 1874, and Captain Colson, United States Revenue Marine, in 1890. Each and every one of those trained hydrographers expressed their approval of these charts and their surprise at the accuracy with which I had plotted the shore lines. Captain Maynard in 1874 went all over the rookeries with my detailed charts of the same, made in 1872–73, and between us there we verified and corrected every one of them, so that these records which I made in those years can not be whistled down the wind by an inexperienced or jealous man or men.

Following this attempt to destroy the sense of my chart work (on p. 80), Jordan raises a question and then answers it, as usual, wrong. He says: "To each one of the seven of the ten rookeries of St. Paul Island Mr. Elliott ascribes an average width of 150 feet. Two of the remaining breeding grounds have an average width of 100 feet each, and the third 40 feet. * * * Whatever the average width of each rookery may have been, it was certain it was not the same for all. Neither now nor at the past times Tolstoi, Polovina, Vostochin, the Reef, Kitovi, Lukannin, and Zapadin had the same average width. The 150 feet is a guess, and that only."

A guess, and that only! Indeed! The utter ignorance of the method of my work which Dr. Jordan assumes, or really is afflicted with, can be well understood when I take up for instance the case of Tolstoi, to show how easy it is for certain people, like Jordan, who, having ears, hear not, and eyes, see not. On page 38 of my 1890 report, which was in Jordan's hands when he first started for the seal islands, appears the following detailed explanation of each and every step taken by me in surveying each and every rookery, as well as Tolstoi.

Detailed analysis of the survey of Tolstoi rookery July 10, 1890.

[Sea margin beginning at A and ending at D.]

	Square feet.
800 feet sea margin between A and B, with 80 feet average depth, massed	64,000
400 feet sea margin between B and C, with 60 feet average depth, massed	25,000
1,600 feet sea margin between C and D, with 10 feet average depth, massed	16,000
Jag E has 300 feet of depth, with 40 feet average width, massed	12,000
Jag F has 100 feet of depth, with 40 feet average width, massed	4,000
Jag G has 120 feet of depth, with 40 feet average width, massed	4,800
Total square feet	124,800

The annexed colored chart that this legend illustrates carries all these stations and base-line points in detail. Every topographical feature is faithfully indicated on it, and these specialized lines of average depth were drawn over these sections of the herd as it lay upon the ground on that day and date—the proper time of the season.

Now, in order that this detailed analysis of Tolstoi can be summed up in one compact sensible expression, I take the entire length of its sea margin—2,800 feet—and divide the entire sum of its square feet of massed area—124,800 feet—by it. That enables me to say: "July 11, 1890, Tolstoi has 2,800 feet of sea margin, with 44½ feet of average depth, 124,800 square feet of superficial area, making ground for 62,400 breeding seals and young."

Here is the result in detail of my survey of Tolstoi in 1872, which was verified by myself and Capt. Washburn Maynard, United States Navy, in 1874:

Detailed analysis of the survey of Tolstoi rookery, July 15, 1872.

[Sea margin beginning at A and ending at D.]

	Square feet.
1,000 feet sea margin between A and B, with 350 feet average depth, massed	350,000
400 feet sea margin between B and C, with 150 feet average depth, massed	60,000
1,600 feet sea margin between C and D, with 30 feet average depth, massed	48,000

Three thousand feet sea margin on Tolstoi breeding ground and 458,000 square feet in it, making ground, in round numbers, for 225,000 seals.

It will be noted that in this Tolstoi summary for 1872 I ignore the real presence of 8,000 square feet and deliberately reduce that estimate of seals from 229,500 to 225,000, because I never ran the risk in my work of 1872 and 1890 of being a foot or two ahead of the real average. I carried this cautious reservation all through my surveys of each and every rookery, and this is the reason why Captain Maynard, my associate in the work of 1874, makes his estimate, based upon this survey, of the sum total of Pribilof seal life so much higher than mine. He declared that he was satisfied, from close personal supervision of taking all our land angles in 1874, that I was safely inside of the real limit of supervision, and that the figures of the survey were conservative and right. He was then, as he is now, a skilled mathematician and hydrographer, and he had the right to his opinion based upon the figures of that careful work. Yet Jordan has the sublime ignorance in 1898 to sneer at this unbiased, careful survey of 1872–1874 by saying "the 150 feet is a guess, and that only" (p. 80, note).

I used these figures of 1890 in detail for Tolstoi because I do not give the detailed analysis or figures of 1872–1874 (only the summary) in my 1890 report of its sea margin and square feet, viz, "3,000 feet of sea margin, making ground for 225,000 breeding seals and their young," not deeming it necessary to produce so many detailed figures, when my charts for both seasons were in full evidence in the published work of 1890.

As with Tolstoi, so with every other rookery on the Pribilof Islands. But Jordan, holding all this incontestible proof of careful survey in his hands, can not "verify Mr. Elliott's surveys of the rookeries!"

Jordan, also, in this connection has been careful not to quote the reason why I made these elaborate charts in 1872–1874. If he did, he would render his method of counting the seals, or, rather, guessing at the exact count of individual bulls, cows, and pups, idle and abortive. I said in 1874, speaking of my law of uniform distribution of breeding seals on the rookeries:

"This fact being determined, it is evident that just in proportion as the breeding grounds of the fur seal on these islands expand or contract in area from their present dimensions, the seals will increase or diminish in number." How well my charts of 1890 laid upon those of 1872–1874 tell that story! How futile the rambling and self-contradicting seal-counting work of Jordan to express the truth! Listen to Jordan himself, on page 101. He unwittingly trips himself there on this very point: "The only reliable basis of enumeration has been found and determined. This is a count of live pups." (This is what I published in 1872–1874.) Then on page 341, part 2, Jordan hamstrings himself in the following language:

"It is evidently impossible to make an accurate census of the seals on St. Paul Island, because on the great rookeries, as the Reef Gorbatch, Tolstoi, and Zapadin no one can either estimate or count the cows (sic). Nor can one do it at Polovina, because there is no one point of view where the whole rookery is visible. Even the bulls can be only roughly estimated." Very true, Dr. Jordan, but why does Dr. Jordan on page 83, part 1, call in this remarkable witness to his own inability to reason on his own lines of argument? "In the same year (1879) Mr. Beaman records under date of June 10 that 'there were a couple of thousand bulls' on Polovina rookeries, when Mr. Elliott estimates fully 10,000 in 1874."

I never made the blunder of attempting to count all the bulls, all the cows, or all the pups on any rookery in 1872–1874. The utter stupidity of such a step never entered my head. It never did in 1890, even, when the ragged remnant of the great life of 1872 was before me. It has only remained for Jordan and his job lot of assistants to race up and down these desolated breeding areas in their idle attempts to do so; and the record of the self-contradiction of their own work bristles with the folly of it on a score of pages in his report.

Having made this exhibition of careless incapacity to grasp details of evidence easily at hand with which to guide him to an authentic statement of what the form and numbers of our fur seal herd were in 1872–1874—a point of departure of vital importance to the success of any argument in showing the decline of this herd, and the absence of which in his (Jordan's) report has been repeatedly alluded to by Lord Salisbury as sufficient warrant for Her Majesty's Government in refusing to accept our complaint or assertion that a dangerous decline of the herd had taken place—having done so, Jordan then proceeds to make the matter still worse for himself and our cause, which, unfortunately for us and the seals, he was in charge of at the time.

On page 80, Dr. Jordan says: "But aside from the question of accuracy in the surveys themselves, Mr. Elliott has assigned an impossible space to each individual seal. His unit of space is two square feet to each animal, young or old, or four square feet for the cows, ignoring the pups. * * * In a standing position she (the cow) would need at least three square feet, but as the cows are constantly moving about, and coming and going to and from the sea it is impossible to limit one to such a space."

At this point, and in this connection, Jordan may be pardoned for his inability to understand the massing of the breeding seals in 1872–1874, when there were seven to ten times as many of them as contrasted with their number when he first saw them in 1896.

In 1890, when I landed on the seal islands after a continuous absence from them for sixteen years, the sight of their abandoned and shrunken seal grounds impressed me instantly. Not so were the newcomers, the Treasury agents who traveled up with me. They, like Jordan, only saw "thousands of seals—many thousands," and it was really hard to get them to appreciate the gravity of the condition of the herd. I told them on the 1st of June, 1890, that they would not get the quota of 60,000, and not a man, agent of company or Treasury, or a native for that matter, then agreed with me on the islands. But by the end of the month they saw the truth as I had declared it.

Here is what I published in 1872–1874 relative to the seal unit of space, and it is clear enough to men who have reasoned to the line with me on the ground itself—to men like Captain Maynard, United States Navy, 1874, and William Kapus, general manager of the lessees in 1872–73, and all of their official associates who were with them at that time:

"Rookery space occupied by single seals.—When the adult males and females, 15 or 20 of the latter to every 1 of the former, have arrived upon the rookery, I think an area little less than 2 square feet for each female may be considered as the superficial space required by each animal with regard to its size and in obedience to its habits, and this limit may safely be said to be over the mark. Now, every female or cow on this 2 feet square of space doubles herself by bringing forth her young, and in a few days or a week, perhaps, after its birth the cow takes to the water to wash and feed, and is not back on this allotted space one-half of the time again during the season. In this way is it not clear that the females almost double their number on the rookery grounds without causing the expansion of the same beyond the limits that would be actually required did they not bear any young at all? For every 100,000 breeding seals there will be found more than 85,000 females and less than 15,000 males, and in a few weeks after the landing of these females they will show for themselves—that is, for this 100,000—fully 180,000 males, females, and young instead, on the same area of ground occupied previously to the birth of the pups.

"It must be borne in mind that perhaps 10 or 12 per cent of the entire number of females were yearlings last season and come up on to these breeding grounds as nubiles for the first time during this season—as 2-year-old cows; they, of course, bear no young. The males, being treble and quadruple the physical bulk of the females, require about 4 feet square for their use of this same rookery ground; but, as they are less than one-fifteenth the number of the females, much less in fact, they therefore occupy only one-eighth of the space over the breeding ground, where we have located the supposed 100,000. This surplus area of the males is also more than balanced and equalized by the 15,000 or 20,000 2-year-old females which come on to this ground for the first time to meet the males. They come, rest a few days or a week, and retire, leaving no young to show their presence on the ground.

"The breeding bulls average 10 feet apart by 7 feet on the rookery ground; have each a space, therefore, of about 70 square feet for an average family of 15 cows, 15 pups, and 5 virgin females, or 35 animals for the 70 feet—2 square feet for each seal, big or little. The virgin females do not lay out long and the cows come and go at intervals, never all being on this ground at one time;

so the bull has plenty of room in his space of 70 square feet for himself and harem.

"Taking all these points into consideration, and they are features of fact, I quite safely calculate upon an average of 2 square feet to every animal, big or little, on the breeding grounds at the initial point upon which to base an intelligent computation of the entire number of seals before us. Without following this system of enumeration, a person may look over these swarming myriads between Southwest Point and Novastoshnah, guessing vaguely and wildly at any figure from 1,000,000 up to 10,000,000 or 12,000,000, as has been done repeatedly. How few people know what a million really is! It is very easy to talk of a million, but it is a tedious task to count it off, and makes one's statements as to millions' decidedly more conservative after the labor has been accomplished."

"*Transcript from the author's field notes of 1874.*

"NAH SPEELKIE, *St. Paul Island, July 12.*

"I am satisfied to-day that the pups are the sure guide to the whole number of seals on the rookeries. The mother seals are constantly coming and going, while the pups never leave the spot upon which they are dropped more than a few feet in any direction until the rutting season ends; then they are allowed, with their mothers, by the old bulls to scatter over all the ground they want to. At this date the compact system of organization and massing on the breeding grounds is solidly maintained by the bulls; it is not relaxed in the least until on and after July 20."

Now with this life study before him, proportioned to the exact attitudes, sizes, and disposition of a harem of fur seals, what does Jordan say? Hear him: "It is true that Mr. Elliott justifies in part his small unit of space by certain references to the coming and going of the animals. He asserts that after the pups are born the 'individual cows are' not on their allotted space one-fourth of the time, and that the females 'almost double their number on the rookery ground without expanding its original limits.' But Mr. Elliott failed to grasp what this really meant. He sees in it only justification for the unit of space, which he has assigned to the individual animals. It should have called his attention to the fact that the breeding seals which he saw before him and which he was attempting to enumerate were but a part and not the whole of the rookery population."

It seems utterly incredible that any man with the least regard for the express command of written directions like those which I have published as above quoted could make such a ridiculous and senseless reduction of them. Dr. Jordan has, however, done so, and here we have the evidence of his weakness in cold type.

THE CLIMAX TO THE INITIAL BLUNDER.

Inclosing this particular review of the initial error of Dr. Jordan, who is building upon its assumption the whole structure of his computation of the numbers of the fur seal herd in 1872-1874, I will bring out into the light one of the most striking and curious blunders of the very many which he has made in this report. He has a peculiarity of asserting one thing as a fact, and then soon after, in the same sequence, he unwittingly brings in the proof of his having been mistaken as to this assumption of that fact. Perhaps the most unfortunate one of these cruel stultifications of his own making appears in the report, as follows:

On page 83 of part 1, he says:

"Mr. Elliott ascribes to Spilki rookery a population of 8,000 cows and pups in 1874, and something like 200 bulls. It is recorded by Agent Beaman in the log for the year 1879 that this rookery on June 20 (a date at which all of the harem bulls must have been in place) had 23 bulls. This is less than one-tenth of Mr. Elliott's estimate.

"In the same year Mr. Beaman records, under date of June 10, that there 'were a couple of thousand bulls' on Polavina rookery, where Mr. Elliott estimates fully 10,000 in 1874.

"While these entries do not give us definite proof as to the early condition of these rookeries, yet they clearly and conclusively show that Mr. Elliott's figures are grossly exaggerated."

If Mr. Beaman can be quoted here as an authority to show the "gross exaggeration" of my work in 1872-1874, how will it seem if I can quote Mr. Beaman from the pages of this same document, of Jordan's own composition, showing that Jordan himself is guilty of "gross exaggeration?" Observe the following on page 274, part 2, under the head of "1880:"

"*May 21.*—Eighty-six bulls holding positions were counted on Gorbatch. The number on the other side (i. e., the reef side) could not be counted. There were probably 300 in all, including both sides."

"*May 24.*—An inspection was made on Kitovi and Lukannon rookeries; 112 bulls counted on Kitovi and 142 on Lukannon, with a possible error in the count of 25 to 30."

Dr. Jordan, in placing these quotations in his report, as cited above, puts a footnote under them saying that these notes of Mr. Beaman are the work of a real "wide-awake agent" of the Government, and it is a great pity that there is no more work like it on the log, etc., and that Beaman himself did not continue these counts, since they would soon throw the needed light upon the condition of the herd in those days.

Now, mark the wretched sequel of this quotation by Dr. Jordan from Mr. Beaman for Dr. Jordan, as it follows in this final report of February 24, 1898.

On page 213 (Part I), under the heading of "Comparative census, 1896-97," Jordan publishes the result of the counts which he has made of the bulls, cows, and pups as they existed on the several rookeries during the seasons named. We read that in Gorbatch rookery in 1897 Jordan finds 308 bulls. In 1880, before the least sign of loss of life was evident on any one or all of the Pribilof rookeries, Mr. Beaman says that there were only 86 bulls!

Now, measured by this "authority," by the same Mr. Beaman, who is quoted so emphatically as such on page 83 (Part I), Jordan himself is guilty of "gross exaggeration" in showing by this table a vast increase of seal life on Gorbatch after saying in the body of his report it has been "steadily and rapidly shrinking ever since 1886-87." If Beaman is a fit "authority" to crush my work with [on p. 83, Pt. I], then he is equally fit to crush Jordan, and he certainly does it up brown [on p. 274, Pt. II].

Still worse and more of it, Jordan, in 1897, says (pp. 2, 3, Pt. I) that he counts 139 bulls on Lukannon. Beaman is quoted by Jordan [p. 247, Pt. II] as saying that in 1880 there were only 142 bulls on Lukannon "with a possible error in the count of 25 to 50;" so that in all of these seventeen years, between Beaman and Jordan, there has been no change for better or worse on that rookery.

And, again, Jordan counts 179 bulls on Kitovi rookery in 1897 (p. 213, pt. 1); but Beaman says that in 1880 there were only 112 bulls on Kitovi (p. 274, pt. 2). Thus Jordan finds another great increase of seal life since 1880 on the most desolate of all the desolated and ruined rookeries on the seal islands to-day.

Perhaps this association with Mr. Beaman will yet dawn upon the mind of Jordan as not so good a warrant for charging me with "gross exaggeration" as he thought it was. (He may not see the point, however, sharp as it is.)

This indigestible mess which Dr. Jordan has made of the above-cited question shows very clearly the fact that in this investigation which he was attempting to make he was either very careless or utterly incompetent to handle the evidence. (I am myself of the opinion that he was both. I believe that this idea will grow on other people, too, as they study that grotesque work.)

A fuller and better understanding of this woeful blunder of Dr. Jordan in re Beaman (who as a Treasury agent on St. Paul Island, in 1879-80, made a few desultory notes daily in the "log" of his office at that time) will be enhanced by the following ludicrous contrast, made by his placing his figures against those of Dr. Jordan, who seriously quotes him so authoritatively (p. 83, pt. 1, and p. 274, pt. 2):

Rookeries and number of bulls on same.

Rookery.	Beaman, 1880.	Jordan, 1897.
Kitovi	112	179
Lukannon	142	139
Garbotch	86	308
Reef	a 214	487
	1879.	
Polavinas	a 2,000	244
Spilkie	23	None.

a About.

If Jordan had possessed the caution of a true investigator he would have seen in 1897, when this "log" was before him, what I saw in 1890, when it was under my eye, that these "counts" of Mr. Beaman could not be quoted intelligently or used in any form whatever, except to cloud and confuse a correct idea of the subject. Of course I have no knowledge of what Mr. Beaman was really trying to do, since it was utterly impossible to count those bulls in 1880 on any of those rookeries, unless Neh Speel, for there were then ten times as many seals upon those breeding grounds as there are to-day, and Jordan himself says there were "five times as many." Therefore, if you multiply the Jordan figures by 5, and then contrast them with Beaman's record, you will grasp the wonderful depth and darkness of that hole which Jordan has tumbled into, having dug it himself. For Mr. Beaman is not to blame—not at all.

THE OVERDRIVING BLUNDER.

The next blunder of Dr. Jordan, and one which completely discomfited him when he was brought face to face with the following facts by the British agents during his conference with them, and which he abjectly surrendered to them November 16, 1897, in his "joint agreement" of that date with them—this blunder is his insistence on the idea that no driving or culling of the young male seals or excessive killing of them ever has or ever will injure the herd. I will throw light on the subject, and at the outset say that this attempt on the part of our agents to conceal a burning truth, while conducting our case in Paris in 1893, and since by Jordan and his associates, was the chief single botch and failure of the many that they then perpetrated. Let us assume that all pelagic sealing can be and is suppressed. If so, would Dr. Jordan's view as to unrestrained killing of the very finest of the young males, if put into practice, restore the herd?

No; it will not. It will not, because certain recommendations are made as to the methods of land killing which are to be followed on the islands by the Jordan commission, which are indorsed by the Treasury Department. These ideas of Dr. Jordan, if put into practice, will simply continue the wreck and ruin that now exists on the Pribilof fur-seal rookeries and hauling grounds.

Dr. Jordan, in his final report, asserts that all the work of ruin to our herd of fur seals is the work of the pelagic sealer; that no injury to that herd or life has ever resulted from overdriving and killing of young male seals, as practiced on the islands since the herd came into our possession, in 1867.

I know better. I know that the Russians themselves knew better than that in 1820, seventy-nine years ago, and that they then aroused themselves to the truth of injurious effect of overdriving and killing on land, and when, too, at that time, there was no such thing dreamed of even as the work of pelagic sealing, much less done.

When, in 1890, I stopped the work on the Pribilof Islands of land driving and killing, because it was ruinous to the well-being of the herd, a concerted attempt was instantly made in Canada and in Washington to deny my reason for that action, and that attempt has continued to this day. Naturally it does; it will continue just as long as there is a seal to kill on the islands. With the pelagic sealer in the field the dust can be raised over his cruel, wasteful work which will shield and obscure the cruel and wasteful work on the islands. It will conceal most of it from the attention of those who know but little of the business.

Therefore I desire in this connection, and pending the action of Congress, which must pass sooner or later on the question, to throw some light on that particular section of Dr. Jordan's final report which relates to the subject of killing seals on the islands and wherein he denies the fact that any injury has been done—denies it because he knows himself nothing of it and has been obliged to rely upon other authorities. Who? Well, let him answer for himself. I know.

Dr. Jordan has made two basic blunders in the foundation for his statement that no land driving or killing of the young male seals on the Pribilof Islands has ever injured the herd or ever will. His first great mistake is his utter failure to understand the Russian method of driving and killing. He refers to it frequently and incorrectly.

To be brief and explicit, the Russian method of work was radically different from the American system, with special regard to the period of seal driving, sizes of seals taken, and method of curing the green pelts on the islands.

Under the Russian régime the seals were driven in small daily drives all through the season, opening early in June and closing late in November annually. All the seals driven in these drives were taken, with very few exceptions; or, in other words, all the 1, 2, 3, and 4 year old males and all of the females that might be swept up into these drives, after August 10 and 20 to the end of the work in November. The Russians rejected in these drives only the very "short" or small yearlings, and the "patched" or "wigged" bulls, or 5 and 6 year olds. The percentage of this rejection up to August 10 never was more than 2 per cent, and after that not to exceed 5 per cent.

They (the Russians) were compelled to make these small drives on account of their method of curing the pelts before shipment. This they did by air-drying them and not salting them down, as we do, in kenches. So they were able to handle only a few hundred skins daily, where salting would permit the same number of men to handle thousands daily. Air-drying green skins in a damp, foggy atmosphere like that of the Pribilof Islands is a slow and tedious process, because each of these pelts must be "hooped stretched" and "pegged out;" as much time spent on an air-dried pelt as on the curing of ten in salt.

Under the American order, beginning in 1868, the sole use of salt was at once made and the difficult question of time in which to cure the skins on the islands was solved. Then the object became to so drive, at the beginning of the season in June, as to be able to take the skins of 100,000 prime animals before the middle or end of July and then ship the whole catch early in August, so as to have it laid down in London by the middle of October, in good

time for the annual Hudson Bay auction sales, which buyers from the entire world attended.

Therefore, the Americans drove up in four weeks, killed and cured as many seals as the Russians would have or could have handled in five months. Also, they were enabled to make by this driving and curing and selection of a particular size or weight of skin that they might determine to take.

With a vast superabundance of seals in 1872-1874 the Americans naturally determined to take nothing out of the driven herds but the very finest animals, and these fine skins were then, as they now are, the hides of the 3 and 4 year old males. The lessees were obliged to pay the same tax on a small, low-priced skin as on a large, fine skin, so they naturally aimed at nothing but the large, fine animals and rejected the small ones, letting them go back from the killing grounds to the sea. Thus began at once, in 1870, the practice of culling all the fine animals out of the driven herds on the killing grounds, which is a practice of infinite harm and sure ruin to the good form and service of the breeding grounds.

The effect of this culling of the driven herds was not more than faintly shadowed out to me in 1872-1874. I saw it then; I made note of it and left word with the Treasury Department to guard against it in my report of 1874. (Condition of Affairs in Alaska, 1875, pp. 75-77.)

Way back as far as 1820 the Russians themselves recognized the fact that they were culling the herds too closely—that they were ruining the business by the of land killing all the choice males—they knew that they alone on the islands were to blame, because no such thing as hunting fur seals in the water by white men then was dreamed of, much less done.

In 1818, and after a period of over ten consecutive years of active driving and culling out of all the largest and very finest young male seals that could annually be secured, the board of directors at St. Petersburg of the Russian-American Company were informed by their agent at Sitka that the supply of these large young male seals had been practically exhausted, and that a smaller grade of skins must be taken or none at all. A trusted associate of the board, General Yanoosky, was sent out by them to go to the Pribilof Islands and investigate and report to them what the exact status of the herd was. This gentleman did so. He arrived on St. Pauls Island in the spring of 1819 and remained there during the whole season, until late in November, when he departed and went down to Sitka, where on the 25th of February, 1820, he finished and forwarded to the board at St. Petersburg his report. A brief of it is given in the papers of the old Russian company and was produced in the counter case of Great Britain, at Paris, as follows:

No. 6.—From the board of administration of the Russian-American Company, under the protection of His Imperial Majesty, to Capt. Matvei Ivanovitch Muravief, etc., chief manager of the Russian-American Colonies.

(No. 175.)

In his Report No. 41, of the 25th February, 1820, Mr. Yanovsky, in giving an account of his inspection of the operations on the islands of St. Paul and St. George, observes that every year the young bachelor seals are killed and that only the cows, "sekatch," and half "sekatch" are left to propagate the species. It follows that only the old seals are left, while if any of the bachelors remain alive in the autumn they are sure to be killed the next spring. The consequence is that the number of seals obtained diminishes every year, and it is certain that the species will in time become extinct.

This view is confirmed by experience. In order to prevent the extinction of the seals it would be well to stop the killing altogether for one season and to give orders that not more than 40,000 are ever to be killed in any one year on the island of St. Paul or more than 10,000 in any one year on the island of St. George.

Mr. Yanovsky considers that if these measures are adopted the number of seals will never diminish. The board of administration, although they concur in Mr. Yanovsky's view, have decided not to adopt the measures proposed by him unless it is found that there is no migration of seals to the two small islands which are believed to exist to the south and north of the chain of islands. * * *

The board would be glad if, when you next go to the islands, you would suggest any measures which you think would tend to improve the fur-seal industry. Should it, however, be impossible for you to visit the islands at present, you will lose no time in giving orders for the rules laid down by this board to be applied forthwith.

MICHAEL KISSELEF.
VENEDICT CRAMER.
ANDREI SEVERIN.
ZELENSKY, *Chief Clerk.*

MARCH 15, 1821.

A Russian copy of this letter in June, 1874, was given me to read at Unalaska Village, by the Rev. Innokevty Shaieshnikov, the son of the man who entertained and assisted Yanovsky on St. Paul Island, "Bidarsheek" Kazean Shaieshnikov, and then the headman on the island; and I also had from this authentic source, a complete history of the Russian driving and conduct of affairs on those islands during that period of their ownership, and I now submit it in detail. It throws light on the question, and it is Dr. Jordan's misfortune that he was not amenable to its sober and direct teaching. Look at that official record of Yanovsky, and then remember that his recommendation was not adopted. What followed?

In fourteen years only "8,118 fresh young seals, males and females together," were "left alive to breed" on St. Pauls Island. This collapse, due entirely to excessive land killing of young male seals in 1834 was followed by a complete rest of the small remnant of the herd in 1835. Only "100 bachelors" were killed and 3,952 pups for the food of the natives. [I have published this record of the Russian work on the island of St. Paul 1834-1854 in detail in my report of 1890, 54th Cong., 1st sess., H. R. Doc. No. 175.]

Here is this evil of overdriving and culling the herd presented and defined fifty years before I saw it, and nearly seventy years before Jordan denies its existence in 1898. Think of it! We have sent two investigating commissions since 1890 up to our ruined fur-seal preserves on the Pribilof Islands—one in 1891 and the other in 1896-97—and yet, in spite of this plain Russian record and my detailed and unanswerable indictment of that particular abuse in 1890, these commissioners blindly and stupidly deny it. They attempt to set aside the Russian record by saying that the Russians then killed females as well as males and drove them up to the shambles in equal numbers.

The Russians did nothing of the sort. They began the season early in June by driving from the hauling grounds, precisely as we do to-day, and continued so to drive all through the rest of the season. They never went upon the rookeries and drove off the females; they never have done so since 1799. How, then, did the females get into their drives?

The females fell into these drives of the Russians because that work was protracted through the whole season—from June 1 to December 1. In this way the drivers picked up many cows after August 1-10 to the end of November following, since some of these animals during that period leave their places on the breeding grounds and scatter out over large sections of the adjacent hauling grounds, so as to get mixed in here and there with the young males. Thus the Russians in driving across the flanks of the breeding grounds, going from the hauling grounds, during every August, September, October, and November, would sweep up into their drives a certain proportion of female seals which are then scattered out from the rookery organization and are ranging at will over those sections of the hauling grounds driven from. What that proportion of this female life so driven was in Russian time no man to-day can precisely determine. From the best analysis I can make of it, I should say that the Russian female catch in their drives never exceeded 20 per cent of the total number driven at any time, and such times were rare, and that it ranged as low as 5 per cent of female life up to the end of August annually.

Now, what does Jordan say to-day about this work which the Russians condemned seventy years ago and I in 1890?

"As land killing has always been confined to the males, and as its operations are to-day what they have been since the herd came into the American control, except in so far as they have been improved, this means that land killing is not and has not been a factor in the decline of the herd."

I went up in 1890 prejudiced against the pelagic sealer; I am yet; but prejudice can not make answer to the following facts:

In 1890 I found in the place of 3,193,670 breeding fur seals and their young only 959,455.

In the place of a round million of nonbreeding young male seals on the hauling grounds in 1872-1874, I found a scant hundred thousand.

It is, and was, easy to account for the heavy shrinkage of life on the rookeries, for the pelagic sealer has been hard at work on the female life since 1885-86. He has killed in the water 75 to 80 females to every 20 males, and this proportion in killing ought to be shown on the breeding grounds. It was.

But what about that infinitely greater loss among the young males on the hauling grounds? If the pelagic sealer was all to blame (as Jordan says he is) for this ruin of the herd, why should this class of seals, of which he kills the fewest, be the one class most fearfully decimated?

I began on the ground in 1890 to review every season's work on the islands since 1874. I found that in 1883 the supply of surplus male seals had so dwindled on the islands that the driving was then extended to all of the hauling fields; that extension declared increased difficulty in getting the supply long before the pelagic sealer had entered Bering Sea or had really begun destructive work in the North Pacific Ocean.

If the pelagic sealer had not caused this trouble on the islands in 1883-1887 of getting the full supply of killable young male seals, what had? An epidemic or disease? No, not a trace of it. Then there remained but two reasonable answers; either too many seals were annually killed by the lessees, or the method of driving to cull the herds so driven was at fault.

The effect of killing annually 100,000 young male seals of a single high grade upon the whole herd as begun in 1870 was an experiment. It went far beyond the Russian limit and method, for it added a much greater danger. It called for the systematic culling out of all the seals driven under 3 years of age and over 4 years.

This act of steadily killing every fine 3-year-old and 4-year-old male that comes up annually in the drives began in a few years to create a serious interference with that law of natural selection in the life of the herd which enables the fur seal to be so dominant a pinniped. This interference is at once seen by a thoughtful naturalist when the continued culling of the very finest young male seals out from the herd takes place annually. How long would any stock breeder keep up the standard of his herd in this State if he annually slaughtered all of the very finest young males that were born into it or brought into it?

Yet Dr. Jordan comes forward in his final report with this plain confession of his inability to grasp a well-established truth in regard to the life of wild animals. Listen to him (Chap. IX, p. 128):

"The whole matter (theory of overdriving) is too absurd for serious consideration, and might be passed by with the silent contempt which it deserves were it not for the fact that it was accepted by the British commissioners in 1891 and made the chief foundation of the British contention before the Paris tribunal of arbitration."

Yet, curiously enough, Dr. Jordan, on page 120, immediately preceding this dogmatic deduction, cuts all the ground out from under his own feet in the following statement:

"But suppose the killing was continued through a series of years, every 3-year-old being killed, the reserve would in time be cut off, and the stock of breeding bulls die out. It is impossible to say how long it would take to produce this effect, because we do not know the length of the life of a bull. We may infer, however, that it is not less than fifteen years; and therefore the injurious effects of this excessive killing, begun in any given year and continued indefinitely, would not be seen within ten years at least."

This he publishes under the caption of "A hypothetical case."

It is not hypothetical; it is the real story of the driving and killing on the islands from 1880 up to 1890. During all those years I know, from the records of the work, and the direct personal testimony of the men who did the work, that they never allowed a 3-year-old seal to escape that they could get. That in 1883 they first began to fall behind in their run of 3-year-old seals from the hunting grounds of 1872-1874, which had so abundantly supplied them. Then they began to extend their driving to the hitherto untouched hauling grounds of the islands, until, by 1896, they were driving from every nook and corner on the islands where a young male seal hauled out, and by 1889, in spite of the frantic exertions that they made, they got less than one-quarter of their quota of 3-year-old skins. They had to make it up in yearlings and "short" 2-year-olds for that year.

In the face of this positive truth about the work of 1889, which appears in my report of 1890, Dr. Jordan, in 1898, makes the following strange blunder of statement: "To destroy this class (3-year-olds) or any considerable number of them would at once weaken the herd. But there would be no object in such killing, and it has never been thought of." (P. 120.)

Never been thought of! Why, it was the sole aim and thought of the land butchers to get every fine 3-year-old and 4-year-old seal that could be secured in the seal drives from 1872 to 1890. When the supply of this grade dwindled on the original sources of supply, then the work of driving from the hitherto untouched reservoirs was regularly increased, with vigor and tireless persistency.

But Dr. Jordan makes his case still worse, for he goes on to say that this overkilling is not practicable. On page 121 he declares: "In the hypothetical case above cited we have supposed that every male of a given age could be taken. While in theory this is possible, in practice it could probably never be done. There are certain hauling grounds, such as Lagoon, Zapadnie Head, Otter Island, Silvitah Rock, and Southwest Point, from which the seals have not, and never have been driven. The young males frequenting there were left undisturbed."

This emphatic statement by Dr. Jordan is wholly and completely untrue. I have the record and the proof that each and every one of these places of retreat which he names above have been annually visited by the sealing gangs on Dr. Paul Island since 1884; and these "undisturbed" seals have been regularly driven off from those particular places, so that they would haul out on other places where they could be taken more advantageously, or they were killed, thousands and tens of thousands of them, right on the ground itself, notably on South West Point in 1884-1886. They were entirely hunted off from Otter Island, because the law and the lease does not allow the lessees to kill seals there. And this particular secret work was in progress right up to the hour when I stopped it, July 20, 1890.

Now, who has imposed upon Dr. Jordan with this bald untruth? Who has so completely and shamefully misled him? What avails his high personal character or his deserved reputation as a naturalist when he makes a gross and a monumental blunder like this? A blunder upon which he bases his whole defense of an abuse, which I condemn. Right at this point and in this connection Dr. Jordan, in part 3 of his report (p. 330), makes the following remarkable self-contradiction of what he asserts, as quoted above:

"In the matter of branding, also, we may note it is of the utmost importance to the Government to know just what proportion of breeding males are necessary for its herd. This fact once known, it then becomes equally important to see that the proper number of young males are reserved for the replenishment of the breeding stock. Under present conditions the matter of securing this reserve is left more or less to chance. There is no evidence that the 3-year-old which is allowed to escape from one drive will not be taken in the next.

Here is his own admission, in his own words, of the precise and perfect truth of my indictment of the methods of land killing, which he denies in Volume I, Chapter IX, page 128. Small wonder that the Canadians profited by their association with him.

This close approach under Russian order to total destruction of the fur seal herd in 1834, from the results of excessive driving and culling out of all the choice young male seals since 1817, makes an authoritative and positive denial of the "scientific" investigations of our agents in 1891—"experts," as they were officially termed—and of Dr. Jordan's conclusions as to land killing in 1896-97. These figures of that Russian period of destruction make also a most eloquent and significant contrast with those of our own time of decline, and they are herewith submitted.

They constitute a deadly parallel, both for the scientists above mentioned and for the seals.

These Russian records of the ill results of their abuse in driving only to take the very finest young males, and these failing in supply then to take everything, are not as specific as they undoubtedly were when first sent to the general manager at Sitka from the islands. It can be easily understood that under the pressure of the demand for these skins by the board of directors, all the reports showing the need of "resting" or of checking the kill ing on the islands would be toned down as much as possible, even to suppressing them altogether.

But they were specific enough for a competent investigator to make good use of; they were so clear to my mind that in 1874 I thought them valuable, and I translated and published them in the body of my report for that year, and republished them in my finished work of 1880. I regarded them as notes of warning way back in those early days of our management of the business, well worthy of notice. (Condition of Affairs in Alaska: Washington, 1875, pp. 107-120.)

In the classification of skins taken on the islands as exhibted in the table herewith submitted, the terms are: "Prime" skins are 3 and 4 year olds, "short" skins are 2-year-olds, "eyeplasters" are 1-year-olds, all male fur seals.

The Russian figures in the following table are taken from the work of Bishop Venianimov, Zapieska ob Oonalashkenskaho Otdayla, St. Petersburg, 1842; Vol. II, p. 568, et seq.

Those relating to our own time and work, 1889-1901, are from the trade catalogues of the London sales, where the Alaskan skins have all been sold at public auction since 1871. The significant classification of sizes annually taken on the islands, which declares that in 1901 we were draining the dregs of the male life, is found in these records of the London sales, and there is no appeal from the perfect truth of the figures.

Russian period of diminution, 1817-1835.

Year.	Seals.	Year.	Seals.
1817	60,188	1827	19,700
1818	59,866	1828	23,288
1819	52,225	1829	20,811
1820	50,229	1830	18,034
1821	44,905	1831	16,034
1822	36,469	1832	16,434
1823	29,873	1833	16,412
1824	25,400	1834	15,751
1825	30,100	1835	100
1826	23,250		

American period of diminution, 1889-1901.

Year.	Seals.	Remarks: "Prime" skin, 8 to 9 pounds; "short," 5 to 6 pounds; "eye plasters," 4 to 4½ pounds.
1889	100,000	¼ "prime" skins; ¼ "short;" ½ "eye plasters."
1890	28,000	¼ "prime" skins; ¾ "short."
1891	14,000	All "prime" skins; modus vivendi.
1892	7,500	Do.
1893	7,500	Do.
1894	16,031	All "prime" skins.
1895	15,000	Do.
1896	30,000	¼ "prime" skins; ¼ "short;" ½ "eye plasters."
1897	20,766	¼ "prime" skins; ¾ "short."
1898	18,032	Do.
1899	16,812	Do.
1900	22,470	¼ "prime" skins; ¼ "short;" ½ "eye plasters."
1901	22,672	1/10 "prime" skins; 2/10 "short;" 7/10 "eye plasters."
1902	18,000	¾ "short;" ¼ "eye plasters;" can or will be taken.
1903	16,000	All "eye plasters;" can or will be taken.
1904	16,000	Do.
1905	8,000	Do.
1906	1,000	Do.
1907	.....	The end of the young male life.

NOTE.—In 1834 only "8,118 young seals, males and females, were left alive to breed" on St. Pauls Island. The Russians stopped the killing in 1835 and thus prevented the extermination of the species.

By 1907 we will reach the end of the young male life on the islands; and by 1910 the female life will have followed it, on account of lack of service and the pelagic hunter.

THE "TRAMPLED PUP" BLUNDER.

After failing in this report, as I have shown above, to correctly grasp the truth as to the form and number of the fur-seal herd in 1872-1874, and failing to appreciate the deadly effect of overdriving and culling the young male seals, Dr. Jordan's next blunder in relative importance, is his amazing mistake as to the cause of the death of the pup seals, which he persisted in announcing in 1896, and then again, though modified greatly, in 1897. I refer to his "discovery" that the "natural check on the increase of life" on these rookeries is the annual trampling to death of the young or baby seals by their parents on the ground of their birth!

So possessed was Dr. Jordan by the belief in this nonsense of "trampled" pups when he returned from his first season's visit (after spending just twenty-seven days in this "thorough work") on the Pribilof Islands that he refused to modify the amazing folly of it, but actually induced or directed his associates to announce the "discovery" to the scientific world by its assertion at a regular meeting of the Biological Society of Washington early in January, 1897. This announcement thus formally made was publicly approved by Jordan's associates on the Commission at the meeting, and discussed as a new factor of the greatest importance to a correct understanding of the seal question. I alone on that occasion took the floor and disputed the truth of it and denied it, and with my emphatic denial the session adjourned.

Present at that meeting was Dr. Charles W. Stiles, who heard me, and who was impressed by my saying that better knowledge would show the presence of some disease among those "trampled" pups, which were described that evening as dead and counted, and that they never came to death by reason of being crushed beneath the bodies and flippers of their parents, as the half dozen speakers who preceded me all united in affirming.

Dr. Stiles revolved the subject in his mind and investigated the specimens brought down to the National Museum of these "trampled" pups and their viscera. He discovered the true cause of their death, and then announced it. He said it was due to the ravages of the worm Uncinaria, which is an intestinal parasite that often destroys sheep, foxes, and kindred life, and, indeed, a variety of it destroys human life.

This ought to have completely settled Jordan and his "trampled" pup "discovery." It did, but Jordan has gathered together a few fragments of his exploded theory, and feebly insists upon its recognition as a minor and not a major cause of loss of life among the pups. He makes this admission and correction, however, without giving the credit to Dr. Stiles which that gentleman deserves. He says (p. 70):

"In our investigations of the subject of mortality among the pups in 1896, which were begun late, we assumed that the chief cause of death among the 11,000 pups counted before the middle of August was the trampling of the fighting bulls. The more thorough investigations of 1897, however, prove this an error. The principal cause of death was found to be a small parasitic worm of the genus Uncinaria, which infests sandy areas, and the ground has become filthy."

But in spite of this admission of his blunder, pointed out by myself before it was in type, and after that forced on him by Dr. Stiles, he still makes the following furtive suggestion that there is "a certain number" of the pups crushed to death by their parents:

"In our experience we have seen them stand hard knocks and even come off from under the feet of the bulls uninjured. * * * But when the little pup is only a few days old it is a very different matter. In the rushes of the clumsy bull, in his efforts to defend or discipline his harem, a certain number of the little fellows are crushed to death before they are old enough to get away and pod by themselves." (P. 70.)

This is precisely what I have described in detail (Mono Seal Islands, p. 38), and I have made no hesitation in saying that a few of these pups are crushed, and that "it seems questionable whether more than 1 per cent of all the pups born each season on these great rookeries of the Pribilof Islands are destroyed in this manner on the breeding grounds."

The "certain number" of trampled pups which Dr. Jordan vaguely hints at is a ridiculous one in the aggregate, and amounts to less now than when I noted it first of all men, in 1872, and described it in 1874. (Condition of Affairs in Alaska, p. 138.)

Now, let us analyze the loss from the ravages of the intestinal worm Uncinaria, which Jordan, with strange imprudence, declares to be the "chief natural cause of death among pups, so far as known at present." [Joint statement of conclusions (item 5), signed November 16, 1897, p. 242, Pt. I.] Every detail of the report and record of finding the worm-killed pups by Dr. Jordan and his assistants, season of 1896-97, locates all of the carcasses on the sandy portions of the breeding grounds; the other sections of the rookeries were free from any evidence of dead pups which amounted to more than my description of such loss in 1872-1874, viz, 1 per cent.

The sandy areas of the Pribilof breeding grounds I determined with great exactitude in 1872-1874; they then amounted to less than one twenty-third of the whole breeding area, viz: Entire superficial area of the breeding grounds, seasons of 1872-1874, Pribilof Islands, was 6,386,840 square feet, the sandy areas of which contained 275,850 square feet, or only one twenty-third of the whole, and these areas are the same to-day—no more or no less in extent.

Therefore Jordan's "chief natural cause of death" is limited by the facts that attend it to a little fraction only of that life which Jordan says it destroys, and it really becomes insignificant; but Dr. Jordan's Canadian associates have taken infinite satisfaction and comfort out of this mistaken stand of Jordan, whereby they escape any direct or indirect impalement on the one real and true cause of that shame and misery which marks the conduct of affairs on the Seal Islands to-day. I allude to the starvation of the pups, thousands and tens of thousands of them, on the rookeries every year for the reason of their mothers being killed at sea by Canadian hunters. So completely have the Canadian agents handled Jordan in this matter that he omits the slightest mention of this particular shame and cruel loss and waste of life in the body of any one of the sixteen items of his "joint statement" with them, cited above.

THE BRANDING BLUNDER.

The fourth blunder in relative importance of the many blunders strung on the wire of Dr. Jordan's report is the puerile and abortive work which he instituted and authorized—seasons of 1896-97—in the matter of branding cow and pup fur seals. Under head of Chapter XIV (pt. 3, pp. 325-331) Dr. Jordan goes into the details of this idle business and gives his unqualified approval to pup branding as a means of destroying the value of the fur-seal skins, so as to drive the pelagic sealer out of business and thus protect and restore the herd!

The complete failure of this business, both in its application to the seals and to the pelagic sealer, has followed since the date of his report, February 24, 1898. The cruel farce of torturing baby seals, many of them at the time of branding without mothers, and starving to death in September and October, has been abandoned on the islands. The folly of it became so rank that even the timid officialism that had it in hand after Jordan left the islands rebelled.

I protested before the Ways and Means Committee, February 18, 1896 (during the progress of a hearing) against this attempt being made to brand these seals, as suggested in 1895, seriously, by Mr. C. S. Hamlin, and I gave the best reason of all reasons for dropping the scheme when I said that even if the seals were branded—all of them—the pelagic hunter would stick to his business until the last one of them was taken. A brand will not depreciate the value of a skin so marked more than 5 per cent or 10 per cent at the most, and in most cases not affect it at all.

The dressers of skins can unhair and prepare a branded skin just as easily as they can one not so treated, and far easier than they can dress a skin cut and torn by the bullets and spear prongs of the pelagic hunter. These dressed skins, ready for the furriers and makers, are then all purposely cut,

in the making up and fitting of garments, into strips, ribbons, and right-angled pieces, which are sewed together again in order that the seams shall constitute ribs, as it were, for the thin skin, upon which it will not stretch out of shape or tear apart under pressure by the form of the wearer, as they would do if not so treated.

Understanding this procedure, it becomes at once evident that any skin with a patch on it bare of fur—say the area of a brandmark, i. e., 6 inches by 2—will not interfere in the slightest with the work of making it up, and that area of branding will be simply cut out and thrown aside, entailing a loss at the most of not more than a fiftieth of the superficial area of the dressed skin; in short, the loss is nil.

The Canadian hunter has paid less attention to Dr. Jordan's branding scheme than he has to any one of the hundreds of obstacles that continually arise during the progress of his work, such as the vagaries of his vessel, his crew, his hunters, his weather, good, bad, and otherwise. In all of these he constantly finds serious setbacks, but, nevertheless, he never lets up, and he has been reaping a richer reward than ever from the proceeds of his business since Dr. Jordan first shook these branding irons at him; and, as Jordan has left the case in joint agreement with the Canadian agents, the pelagic sealer has an indefinite future of good return from his calling at our expense, providing we do not agree with Jordan, let the matter rest.

Having put these glaring and salient mistakes of Dr. Jordan into the light, so that they are easily recognized, I do not think it necessary to dissect and exhibit any more of them, since this exposure of the most mischievous ones renders the lesser blunders of no relative importance.

There remains, however, the crowning folly and greatest mischief of his work to deal with and properly analyze. That chief blunder and source of regret is the "joint statement of conclusions respecting the fur-seal herd frequenting the Pribilof Islands in Bering Sea," which he signed with his British associates in our State Department November 16, 1897. He has literally lived up to his promise, made February 28, 1897, that he has a "perfect agreement" with the British agents, for he has agreed to everything that was agreeable to them in this smooth paper, and nothing else.

THE CHIEF BLUNDER.

I have alluded to a peculiarity of Dr. Jordan in publishing the results of his work, by which he unwittingly introduces evidence of his own approval in one portion of the report that completely denies the truth of some statement of fact which he had made previously. This incoherent and slovenly habit is resultant of nothing in the end for its author but mortification and discredit. Illustrative of this, note the following:

The end of Dr. Jordan's work and association with the fur-seal question came over his signature to a "joint agreement" with his British peer in this business, dated November 16, 1897.

This "agreement" is an amazing exhibition of Dr. Jordan. It is a sad, most extraordinary, but, unhappily, it is a true picture of the man, since Dr. Jordan is his own accuser, and utters his own sentence.

On page 184 (Part I), under the caption of "Chapter XIV—Summary of conclusions," Dr. Jordan says:

"Before passing to a consideration of the final topic, the remedy for the condition of the herd, we may give the following brief statement of the chief facts concerning the fur-seal herd, which have a bearing on its future protection and preservation. This statement while in a sense a summary of the preceding discussions, was originally prepared by Messrs Hamlin and Jordan, the American delegates to the recent fur-seal conference at Washington, for the use of the conference. A few of the estimates here given may be open to difference of opinion, but in general the accuracy of these statements has not been questioned and can not be."

He follows this preface here with 20 detailed items of fact which he says "can not be successfully" questioned. (Pp. 184-186.)

In order that the complete, abject surrender of these "chief facts" by Dr. Jordan to the British agents may be seen at once, and the act of that denial by their author be recognized beyond contradiction, I submit what he publishes as "facts prepared for the use of this conference" and what he actually signed as "facts" in that conference.

EXHIBIT B.

The surrender of the case of the United States in re fur-seal herd of the Pribilof Islands by David Starr Jordan and Charles S. Hamlin, commissioners in behalf of the United States, made by their signatures to a "Joint statement of conclusions," November 16, 1897, with the British agents, Professor Thompson and Mr. Macoun, in the State Department, Washington.

The evidence of that surrender to the Canadians is given from the report of Professor Jordan, submitted to the Secretary of the Treasury February 24, 1898, and is herein produced by putting his "Statements of facts" (Chap. XVI, pp. 184-186) item by item against his "Joint statement of conclusions" (Appendix II, pp. 240-244), as published in said report (The Fur Seals and Fur Seal Islands of the North Pacific Ocean), prepared and annotated by Henry W. Elliott, April 10, 1902.

STATEMENTS OF FACT.	JOINT STATEMENT OF CONCLUSIONS.
Jordan prepared the following "for the use of the conference." (Pp. 184-186 final report, Chap. XVI of Fur-Seal Investigation, Pt. I.]	Jordan, in the conference on 16th November, 1897, signed the following radical disagreements to his "statements of fact." (Pp. 241-244, Appendix II, final report of Fur-Seal Investigation, Pt. I.)
1. Since the year 1885 the fur-seal herd, as measured by it breeding females, has steadily declined in numbers.	1. "There is adequate evidence that since the year 1884 * * * the fur-seal herd as measured on either the hauling grounds or the breeding grounds has declined in numbers." * * * [The year 1884 is substituted for 1885.]
2. The best available measure of this decline is found in these facts.	2. "In the absence of earlier counts of actual counts of the rookeries such as have been made in recent years, the best approximate measure of decline now available is found in these facts."
a During the period between 1871 and 1885 no difficulty was experienced in obtaining each year 100,000 male seals of recognized killable age by the 20th July.	*a* About 100,000 male seals of recognized killable age were obtained from the hauling grounds each year from 1871 to 1889. The table of statistics shows on the whole a progressive increase in the number of hauling grounds driven and the number of drives made, as well as a retardation of the date at which the quota was attained during a number of years previous to 1889. [Observe that "no difficulty" is struck out, and the admission is made that increased work to get the seals was the fact.]
	b In 1896 only 30,000 killable seals were taken after continuing the driving until July 27, and in 1897 only 20,890 were taken after continuing the driving until August 11."
3. From this and other data it would appear that the herd of breeding females on the Pribilof Islands in the years 1871-1885 must have been about five times as great as at present, or from 600,000 to 700,000 in number.	
4. The natural life of the female fur seal is estimated at from ten to fifteen years. Assuming thirteen years as an average, each female would have ten years of breeding life. If this be true, 10 per cent of the breeding females die of old age each winter, in addition to the unknown losses from other causes. The stock of breeding females is recruited solely by the accession each year of 3-year-old cows. This is struck out completely from the "agreement," and No. 5 taken up as 4.	
5. The natural death rate among the young fur seals, especially among the pups, is very great. At present about two-thirds die from natural causes before they reach the age of 3 years, or killable age for the males and breeding age for the females.	
6. The chief natural causes of death among the pups are:	
(*a*) Ravages of the parasitic worm Uncinaria, infesting sandy breeding areas.	
(*b*) Trampling by fighting or moving bulls and cows.	
(*c*) Starvation of pups strayed or separated from their mothers when very young.	
(*d*) Ravages of the great killer (Orca).	
(*e*) Drowning in the storms of winter.	
The natural loss from other causes are relatively very small.	
7. Counts and estimates show that the number of breeding females bearing pups on the rookeries of St. Paul and St. George in 1896 was about 157,000 and in 1897 about 130,000.	
8. On certain rookeries pups were counted during both seasons. Where 16,241 were found in 1896, 14,318 were found in 1897, a decrease of about 12 per cent. The harems on all the rookeries were counted during both seasons. In 1896 there were 4,932; in 1897 4,418, a decrease of 10.41 per cent. The cows actually present on certain rookeries at the height of the season were counted both seasons. Where 10,198 were found in 1896, 7,307 were found in 1897, a decrease of 28.34 per cent.	
	b In the year 1896, 28,964 killable seals were taken after continuing the driving until July 27, and in 1897, 19,189 after continuing the driving till August 11. We have reason to believe that during the period 1896 and 1897 a very much larger number of males of recognized killable age could have been taken on the hauling grounds."
	"The reduction between the years 1896 and 1897 in the number of killable seals, while an indication of decrease in the breeding herd, can not be taken as an actual measure of such decrease. A number of other factors must be taken into consideration, and the real measure of decrease must be sought in more pertinent statistics drawn from the breeding rookeries themselves."
	[Observe that this item utterly contradicts its original and denies it.]
	3. From these data it is plain that the former yield of the hauling grounds of the Pribilof Islands was from three to five times as great as in the years 1896 and 1897, and the same diminution to one-third and one-fifth of the former product may be assumed when we include also the results of hunting at sea.
	[Observe that "the herd of breeding females" is struck out, and a negation inserted in lieu of the original "fact."]
	4. The death rate among the young fur seals, especially among the pups, is very great. While the loss among the pups prior to their departure from the islands has been found in the last two years to approach 20 per cent of the whole number born, and though the rate of subsequent mortality is unknown, we may gather from the number which return each year that from one-half to two-thirds have perished before the age of 3 years—that is to say, the killable age for the males and the breeding age for the females.
	[Observe that 20 per cent loss is added to the original "fact."]
	5. The chief natural causes of death among pups, so far as known at present, are as follows, the importance of each being variable and more or less uncertain:
	(*a*) Ravages of the parasitic worm Uncinaria, most destructive on the sandy breeding areas and during the period from July 15 to August 20.
	(*b*) Trampling by fighting bulls or by moving bulls and cows, a source of loss greatest among young pups.
	(*c*) Starvation of pups strayed or separated from their mothers when very young, or whose mothers have died from natural causes.
	(*d*) The ravages of the great killer (Orca), known to be fatal to many of the young and perhaps also to older seals.
	At a later period in the storms of winter drowning of the pups is believed to be a source of loss among the older ones, but not certainly known.
	[Observe the fact that the starvation of the pups caused by the death of their mothers by pelagic hunting is not even hinted at in this statement, and despite the fact that it is the one great single cause of loss well and positively known on the islands since 1894! This is a sad omission for Dr. Jordan; it reflects upon him seriously.]
	6. Counts of certain rookeries with partial counts and estimates of others show that the number of breeding females bearing pups on St. Paul and St. George was in 1896 and 1897 between 160,000 and 130,000, more nearly approaching the higher figure in 1896 and the lower in 1897.
	7. On certain rookeries where pups were counted in both seasons, 16,241 being found in 1896 and 14,318 in 1897, or applying a count adopted by Professor Thompson, 14,734 in the latter year, there is evident a decrease of 9 or 12 per cent within the twelve months in question. The count of pups is the most trustworthy measure of the numerical variation in the herd. The counts of harems, and especially of cows present, are much inferior in value. The latter counts, however, point in the same direction. The harems on all the rookeries were counted in both seasons. In 1896 there were 4,932; in 1897 there were 4,418, a

9. It is not possible to state absolutely the decline in the actual number of breeding cows from 1896 to 1897, but it is not far from 15 per cent.

10. The number of killable seals taken on the islands in 1897 shows a decrease of about 30 per cent from the number taken in 1896. This represents, approximately, the decrease in 3-year-old breeders which entered the rookeries in 1897, the number of males and females born being practically equal.

11. Land killing is not now a factor in the decline of the herd, and has not been since the islands came into the possession of the United States. It has not caused injury to the breeding herd, either by undue reduction in number of males, or by impairing their virility, or in any other way.

12. Land killing has tended to increase the breeding herd by the reduction of the number of adult bulls and their consequent fighting, which results in the destruction of females and pups.

13. No appreciable part of the decline of the herd is due to illegal killing or killing in defiance of the regulations of the Paris award.

14. The reduction in the breeding herd has been due to the killing of females at sea, with the resulting starvation of nursing pups and the destruction of unborn pups.

15. Pelagic sealing necessarily involves indiscriminate killing of males and females. The greater proportion of the animals taken in the pelagic catch are females. The statistics for the American catch, obtained by expert examination in the custom-houses, show an average of 78 per cent for the years 1894, 1895, 1896. The examination of pelagic skins in London confirms this percentage.

16. The natural increase of the breeding herd is about 16½ per cent each year, being one-half of the surviving 3-year-olds. The natural death rate from old age each year is not far from 10 per cent. The death rate of adults from other causes can not be accurately estimated. The killing of females by the hand of man, therefore, can not reach 6½ per cent of the total decrease of 10.41 per cent. The cows actually present on certain rookeries at the height of the season were counted in both seasons. Where 10,198 were found in 1896, 7,307 were found in 1897, a decrease of 28.34 per cent.

ment strikes out any regard for the

[Observe the fact that this agree-accuracy of the harem or cow counts and their showing of loss.]

8. It is not easy to apply the various counts in the form of a general average to all of the rookeries of the islands. We recognize that a notable decrease has been suffered by the herd during the twelvemonth 1896 to 1897 without attempting, save by setting the above numbers on record, to ascribe to the decrease more precise figures.

[Observe that no agreement as to any percentage of loss is made here—will not be entertained.]

10. This is struck out entirely from the agreement. Jordan surrenders it.

9. The methods of driving and killing practiced on the islands as they have come under our observation during the past two years call for no criticism or objection. "An adequate supply of bulls is present on the rookeries. The number of older bachelors rejected in the drives during the period in question is such as to safeguard in the immediate future a similarly adequate supply. The breeding bulls, females, and pups on the breeding rookeries are not disturbed. There is no evidence or sign or impairment by driving of the virility of the males. The operations of driving and killing are conducted skillfully and without inhumanity."

[Observe the fact that this agreement covers only two years—the "past two years"—and will not stand for more than the "immediate future." It is a complete denial of the claim which Jordan makes in his "Facts" and expressed so clearly in this item (11).]

12. Struck out entirely by the "Agreement." A sensible act, even if the Canadians did so.

10. The pelagic industry is conducted in an orderly manner and in a spirit of acquiescence in the limitations imposed by law.

[Certainly; why should these "regulations" be violated when they themselves facilitate the operations of the pelagic sealer and protect him? This is a great bit of Bunsbyism in such a document.]

14. This item of "fact" is struck out and omitted entirely from this agreement.

11. Pelagic sealing involves the killing of males and females alike, without discrimination, and in proportion as the two sexes coexist in the sea. The reduction of males effected on the islands causes an enhanced proportion of females to be found in the pelagic catch; hence this proportion, if it varies from no other cause, varies at least with the catch upon the islands.

In 1895 Mr. A. B. Alexander, on behalf of the Government of the United States, found 62.3 per cent of females in the catch of the *Dora Sieward* in Bering Sea, and in 1896, Mr. Andrew Hackett, in behalf of the Canadian government, found 84.2 per cent in the catch of the same schooner in the same sea. There are, no doubt, instances, especially in the seasons of migrations and on the course of the migrating herds, of catches containing a very different proportion of the two sexes.

[Observe the complete denial of the "fact" as set forth in item 15, and its effect in this "agreement."]

16. Struck out entirely, and in its place the following items, 12, 13, and 14, are inserted, which deny the conclusion of this item of "fact:"

number each year without involving the decline of the herd. If the herd is to be restored, the killing of female seals should not be permitted.

17. As neither land killing nor sea killing now yields a profit for the money invested and for the money spent in protection, the fur-seal herd is therefore, from a commercial point of view, virtually destroyed. But this has not involved the biological destruction of the herd. Under wise protection it may regain its former numbers.

18. In our judgment, all facts in any way vital to international action regarding the protection and preservation of the fur-seal herd are now in the possession of both Governments.

19. These facts show that the herd has largely declined from its original condition, and from its condition in 1891 and 1894; that it is still declining, and that the cause of the decline is the slaughter of females involved in pelagic sealing.

20. The regulations of the Paris award have proved ineffective to preserve the herd. They have not prevented its decline, which has continued and must continue in spite of them. They can not bring about a restoration of the herd, as they permit the killing of females in numbers vastly in excess of their natural increase.

But the crowning and supreme error in this item (16) of agreement is the declaration that under existing law, regulations, and trade conditions the fur-seal species is in no danger of extermination.

It is passing out rapidly from existence; and in not less than four more

12. The large proportion of females in the pelagic catch includes not only adult females that are both nursing and pregnant, but also young seals that are not pregnant, and others that have not yet brought forth young, with such also as have recently lost their young through the various causes of natural mortality.

[Observe the "dust" over truth here.]

13. The polygamous habit of the animal, coupled with an equal birth rate of the two sexes, permits a large number of males to be removed with impunity from the herd, while, as with other animals, any similar abstraction of females checks or lessens the herd's increase, or, when carried further, brings about an actual diminution of the herd. It is equally plain that a certain number of females may be killed without involving an actual diminution of the herd, if the number killed do not exceed the annual increment of the breeding herd, taking into consideration the annual losses by death through old age, and through incidents at sea.

[Observe the fact that Jordan here knowingly signs an agreement that permits the killing of females, so as not to allow the restoration of the herd which he asks for in item 16.]

14. While whether from consideration of the birth rate or from an inspection of the visible effects it is manifest that the take of females in recent years has been so far in excess of the natural increment as to lead to a reduction of the herd in the degree related above, yet the ratio of the pelagic catch of one year to that of the following has fallen off more rapidly than the ratio of the breeding herd of one year to the breeding herd of the next.

[Observe, pelagic sealing has ceased to harm!]

18. This item of "fact" struck out completely.

19. In this greater reduction of the pelagic catch compared with the gradual decrease of the herd, there is a tendency toward equilibrium, or a stage at which the numbers of the breeding herd would neither increase or decrease. In considering the probable size of the herd in the immediate future, there remains to be estimated the additional factor of decline resulting from reductions in the number of surviving pups, caused by the larger pelagic catch of 1894 and 1895.

[Observe the complete denial of the "fact" in item 19 by this astonishing agreement as to an "equilibrium!" Not only has the pelagic catch increased in 1899 and 1900 from 24,332 seals in 1897, when this paper was signed, to 35,000 and 35,690 in those years, respectively, but the herd has steadily declined up to date.]

20. This item is struck out completely from this agreement.

16. The diminution of the herd is yet far from a stage which involves or threatens the actual extermination of the species so long as it is protected in its haunts on land. It is not possible during the continuance of the conservative methods at present in force upon the islands, with the further safeguard of the protected zone at sea, that any pelagic killing should accomplish this final end. There is evidence, however, that in its present condition the herd yields an inconsiderable return either to the lessees of the islands or to the owners of the pelagic fleet.

[Observe this ridiculous result in "agreement," after two seasons of study of the subject by Jordan; observe the positive negation of each and every order to stop pelagic sealing which Jordan has signed, and observe the utter and silly error of statement as to profits of the pelagic

seasons from date (April, 1902) the male life on the islands will be completely destroyed, and the female life, with the birth rate cut off by result of operation of natural law, will follow it, in spite of all that we can do, unless we act now.

sealer: The profits of these hunters in 1898, following this agreement, were 20 per cent gerater than in 1897; in 1899 they were 50 per cent greater; in 1900 they were 150 per cent greater, and this season of 1901 they have been 145 per cent greater. (*See* Exhibit H, ante.)]

Note, supplemental.—When this joint agreement as to conclusions was signed at the State Department, and before the ink was dry, the following advice of it was at once given to Lord Salisbury by Professor Thompson, who was stated to be in "perfect agreement" with Dr. Jordan by that gentleman (Dr. Jordan) himself in a letter to Senator PERKINS, which was read in the Senate of the United States February 28, 1897. The utter inability of Jordan to understand his British associate can be well understood by the following copy (Blue Book, "U. S. No. 2, 1898"):

The British agent regrets that the herd has decreased in 1897, and also that the pelagic industry has declined in still greater ratio!

WASHINGTON, *November 16, 1897.*

MY LORD: I have the honor to transmit to your lordship a joint statement of conclusions regarding the present herd of the Pribilof Islands, which has to-day been completed and signed by all the delegates.

Your lordship will perceive that we agreed upon specific statements that a certain number of females may be taken without actually diminishing the herd, that the diminution of the herd is far from a stage involving or threatening the extermination of the species, and that under the methods in force on the islands, and safeguarded by the protected zone at sea, pelagic sealing can never accomplish this final end; further, that the pelagic industry is conducted in orderly manner and in a spirit of acquiescence in the limitations imposed by law. On the other hand, we have, unhappily, to record a decrease in the herd and a still greater decrease of the pelagic industry.

I have, etc.,

D'ARCY W. THOMPSON.

This is the sum of the scientific labor of Dr. Jordan during 1896-97, and this is the best understanding which he and his associates have been able to arrive at. While the fur-seal species of Alaska is actually passing, under his eyes, out of all existence on those islands, he is unable to see it; he is unable to grasp the self-evident truths of the past records of this business, and to observe their reappearance on the ground to-day under existing law, regulations, and conditions.

The young male life on the rookeries is drained to the dregs at the present hour, but unless we stop the work of the pelagic hunter, there is no sense or reason in stopping our work of killing on the islands. To do so would simply be to save life there for the Canadian hunter to indecently slaughter at sea, and merely prolong the cruel and shameful extermination of the species which is sure to ensue if that hunter is not suppressed.

If we step in and kill off the surplus female life ourselves, down to a margin of ten or twelve thousand, that, at once, will put the pelagic hunter out of business, and at the same time it warrants us in saving the right proportion of choice young male life on the breeding grounds, which we must save at once or else lose the life itself.

Killing these female seals ourselves, harsh as it may seem in the abstract, is, in fact, an act of the greatest mercy to the herd, since it eliminates the extreme brutality of the pelagic hunter's work. It anticipates and prevents the slow torture to death of tens of thousands of helpless young seals which is officially observed and counted every season now by our agents under existing law.

It is but one killing, and the work ends, if we do it; if not done by us, then this infamous butchery of the pelagic hunter will continue year after year in the future, as it has prevailed year after year since 1893, and will only end by the total destruction of the species in 1906-7.

In short, if we do not stop by the method of this seal bill that work of the pelagic hunter, then we can not ask our people to stop their work on the islands; it is manifestly wrong and useless to do so. If we do not stop the pelagic sealer, then the swift extermination, total and complete, of this remnant of the Alaskan fur-seal herd is right at hand, owing to the combined operation of natural and unnatural causes.

HENRY W. ELLIOTT.

LAKEWOOD, NEAR CLEVELAND, OHIO, *December 3, 1901.*

Now, Mr. Speaker, this picture of the "thorough performance" of the work of the Jordan-Thompson commission is drawn true to life, and it illustrates in sharp, clear outline the folly of sending inexperienced men up to investigate a subject on the seal islands about which they knew nothing prior to their appointment, and it also clearly shows that such agents succeed only in the direction of making confusion worse confounded; that they wreck and ruin a good cause.

In this connection it is only right that I give to the House the genesis of this mischievous work of the Jordan-Thompson commission, and an epitomized account of the progress of those "negotiations" which Mr. Olney assured the Senate (March, 1896) would enable him to better the shameful order of affairs on the seal islands of Alaska. It was upon his assurance of success that the Senate did not pass the seal bill now pending, though it was favorably reported from the Foreign Relations Committee and placed on the Calendar March 4 and made a special order for March 16, 2 p. m.

EXHIBIT C.

Being extracts from the official records showing the progress of the failure of our agents to revise, alter, or amend the regulations of the Bering Sea tribunal, 1895-1897.

The following chronological analysis is an official exhibit of the abortive negotiation of the agents of the United States in the matter of the amendment of the costly and useless regulations of the Bering Sea tribunal, and for which the Dingley seal bill was dropped, while pending in the Senate, March 16, 1896, at the request of Richard Olney, Secretary of State, who asked that it be abandoned, since he was then successfully "negotiating" with Great Britain, and its passage would "greatly embarrass him, if not defeat these negotiations," etc.

[Taken from the British Blue Book, "United States, No. 4, 1897."]

March 11, 1896.—Richard Olney, Secretary of State, informs the British minister that "28,000 seal pups died on the Pribilof Islands during the past season from starvation, their mothers having been killed at sea." He asks that the British Government consent to having "further regulation" made during "the coming season," to the end that "the valuable herd may be saved from total extermination." (P. 53, No. 34.)

This letter is the "negotiation" which Mr. Olney considers ample warrant for his asking Senator FRYE to drop the Dingley seal bill, H. R. 9026, then before the Senate, being made a special order for March 16, 1896, and this letter is answered, after it has been carefully studied by the Canadians, as follows:

April 17, 1896.—Lord Salisbury, British premier, answers by saying that Mr. Olney's statement that 28,000 seal pups died from starvation last year is "founded on the assumption" and not on the fact that "the death of these pups was due to the direct result of their mothers having been killed at sea," and goes into an extended analysis of the same to show Mr. Olney that he (Mr. Olney) does not know what the facts are, and denies any necessity for any change during the coming season. He, however, has no objection, and is "desirous" of conducting an "independent inquiry" into the "state of the herd" by an "agent sent from this country," etc. (P. 57-58, No. 38.)

Sir Julian hands this to Mr. Olney April 29, who swallows the rejection of his argument without comment, and hastens to knuckle down in the following submissive note—of which the extract below only is made:

April 29, 1896.—Richard Olney informs Sir Julian that he accepts Lord Salisbury's amendment to his (Olney's) letter of the "11th ultimo," and ventures "to suggest" that the British agent stop over here on his way to Alaska and see the "expert," Mr. Hamlin; "the objects of his mission would probably be greatly promoted." (P. 62, No. 43.)

Lord Salisbury then proceeds to fix the status of the British investigation agent (and that of course fixes the powers of Olney's), that no negotiations will be reopened pending the receipt of his report, and closes the door on Olney for that issue during the coming season.

May 14, 1896.—Lord Salisbury informs Mr. Bayard that, "pending the receipt of the report which the agent will be instructed to furnish, Her Majesty's Government will not be in a position to enter upon negotiations." (P. 63, No. 46.)

After sleeping on this defeat, Mr. Olney finally plucks up courage enough to try and get a change in the "firearm" regulations, as to sealing them up, etc. He stirs up Lord Salisbury, as follows:

July 2, 1896.—Richard Olney sends a copy of a letter of Charles S. Hamlin, Acting Secretary of the Treasury, in which he asks that the British Government's consent to a change in the existing firearm regulations be made, itemizing the same. Mr. Olney asks that "Her Majesty's Government agree to the foregoing suggestions," etc. (P. 74, No. 56.)

In order to give Mr. Olney's wounds time to heal before knocking him out again, Lord Salisbury waits until the 7th of August before administering the second "turn down," viz:

August 7, 1896.—Viscount Gough (acting for Sir Julian) addresses Mr. Rockhill (who is acting for Mr. Olney), saying that with regard to certain amendments to the existing regulations suggested by Mr. Hamlin, "Her Majesty's Government regrets that they can not enter into the supplementary arrangements in regard to sealers entering Bering Sea suggested by Mr. Hamlin." (P. 79, No. 63.)

The amiable Mr. Hamlin, not relishing this cool turn-down, manages to inspire the crestfallen Mr. Olney with a supply of fresh courage enough to drive out the following letter, in which he is bound to have something in the nature of an offer made by him accepted by Salisbury, so he sends the following "clever" note:

October 13, 1896.—Mr. Olney writes to Viscount Gough, saying that the detailed reply to his (Olney's) note of 2d July last has caused Mr. Hamlin to address him a letter on the 3d instant, in which Mr. Hamlin "calls attention to the somewhat surprising statement" contained in Viscount Gough's communication, etc., but that "in view of the fact that the sealing season is now finished," etc., he "would suggest that the whole question be postponed pending the receipt of Jordan's report," etc. (P. 82, No. 66.)

Olney was gratified this time, for the British premier promptly agreed to the postponement. But he rubbed a little salt into that agreement, however, for he coupled it with a note of warning for Mr. Olney, as follows:

November 14, 1896.—Lord Salisbury informs Sir Julian that "Her Majesty's Government agree to postpone further discussion into a revision of the firearm regulations, "but in view of the concluding paragraph of Mr. Olney's letter of the 13th ultimo, your excellency should be careful to avoid any expression which might be construed into an admission that Her Majesty's Government contemplate a revision of the regulations before the period named by the Arbitration Tribunal has expired." (P. 83, No. 67.)

After sleeping a month over this understanding with Lord Salisbury, Olney, through the pressure of the amiable Mr. Hamlin, seems to think the limit of this proposed postponement has been reached, and he thinks the question ought to be now taken up without delay; so—

December 15, 1896.—Mr. Olney informs Sir Julian that he wishes now to "reopen the question" and have "it settled before the sealing season of 1897 opens," etc. (P. 83, No. 68.)

Lord Salisbury, after wondering over the persistency of Mr. Olney in putting his [Olney's] head into a poke, finally punches it again, deliberately and slowly, thus:

January 14, 1897.—Lord Salisbury asks Sir Julian to "inform the United States Government," and "explain to them" that "the Canadians must act in the premises first," and "until they do act," he will do nothing, etc. (No. 69, p. 85.)

Mr. Olney braces up again, and ventures to inquire as to what the Canadians are likely to do (which of course Lord Salisbury has not the least idea of, no more than Olney).

January 23, 1897.—Mr. Onley asks Sir Julian "when the Canadian government will probably be prepared to take action in regard to the question," etc. (P. 86, No. 70.)

On the 9th March Lord Salisbury informs Sir Julian (p. 87, No. 72) that he is "still in correspondence with the Canadians" over this question, and a further communication will be made, etc., over these points; and that ends it forever, in so far as Mr. Richard Olney goes.

The foregoing record of complete failure following the request made in March, 1896, that the Dingley seal bill be dropped, is fastened on Mr. Richard Olney in the most complete and enduring manner and form by the official records quoted above.

The next chapter in this wretched record of our official inability to meet the Canadians successfully with a good cause in our hands is furnished by the record of the John W. Foster management of the business, and that appears in the following sequence, bearing in mind all the time that Messrs. Hamlin and Jordan are in constant accord and full understanding with the Hon. John W. Foster.

MR. JOHN W. FOSTER—HIS RECORD OF BOTCH WORK.

The State Department letters quoted under this head are signed by John Sherman, Secretary, but it is admitted in that Department that they were all prepared by John W. Foster and Charles

S. Hamlin. Those who were acquainted with the physical condition of Mr. Sherman can easily explain why it was done.

March 6, 1897.—Lord Salisbury asks Sir Julian to inform the United States Government that he has received a copy of Dr. Jordan's report for 1896, but that up to date he has not received a copy of Dr. Thompson's report, but that it will be forwarded just as soon as he gets it. He says that Dr. Jordan's report does not present any facts that warrant the statement of an "early extermination" of the seal herd, and that Thompson has the same opinion. He will not agree to any change in the regulations for the coming season of 1897, and wants Thompson to go up again this year, etc. (P. 86, No. 71.)

March 12, 1897.—John Sherman asks Sir Julian as to "when the Canadian government would take action in regard to the inspection of seal skins;" it is so urgent, and it ought to be attended to at once, etc. (P. 88, No. 73.)

Thompson's report not being at hand, and Jordan telling Foster that it contains a "perfect agreement" with himself on all "vital" points, the Hon. John W. Foster importunes Sir Julian for a copy of it or advance sheets, being quite certain in his mind that the British Government are afraid to have its conclusions published. In order, therefore, to let Foster have a clear understanding of what Thompson really did conclude, Sir Julian informs Foster of the truth.

March 23, 1897.—Sir Julian informs Mr. Sherman that "Professor Thompson has stated to Her Majesty's Government his views as to the various points in regard to seal life, which require further investigation to enable Her Majesty's Government to consider the question of revising the regulations," but from his information "there is apparently no reason for any fear of danger to the herd at the present time," etc. (P. 89, No. 74.)

This kind of staggers the belief of the Hon. Mr. Foster, but he still suspects a "nigger" in the Salisbury wood pile, and he employs the following "diplomatic" stroke over Sir Julian's head to smoke him out.

April 10, 1897, London.—Mr. White (embassy of the United States) addresses Lord Salisbury that "as a result of the investigations made last year in Alaskan waters by Dr. Jordan, with whose views Professor Thompson, who was sent by Her Majesty's Government to make similar investigations, is believed to concur," has forced the President to believe that the seals are on the verge of "early extinction," and that it is a matter of grave concern to him (the President), etc. He asks that the modus vivendi of 1891 be taken up and put into force for the coming season, and he says that if this modus is taken up at once and agreed to, Thompson can visit the seal islands again(!). He wants a reply at "the earliest date which may be practicable." (P. 89, No. 75.)

This implication, coarse as it was and thinly veiled, that Lord Salisbury was suppressing the points in Thompson's report, was just the fool document needed to put that gentleman on his mettle and to destroy all further chances, if any ever existed, for the Hon. John W. Foster to use his "diplomacy" in behalf of the seals. In the meantime Lord Salisbury had received the following from Sir Julian, which clearly disclosed the "Hon. John W. Foster's" hand in the preparation of the White note, quoted above:

April 11, 1897.—Sir Julian informs Lord Salisbury that "the Hon. John W. Foster, who was United States agent at the Paris arbitration, has been nominated by the President a commissioner to carry on the negotiations and conduct the correspondence on the subject on behalf of the United States Government." (P. 90, No. 77.)

Foster was formally appointed on the 9th of April, but was actually at it from the beginning of McKinley's Administration, March 4, 1897. Lord Salisbury was, of course, privately well informed as to the authorship of the seal letters and propositions which officially came to him signed by "John Sherman" and the "President." He knew the lightness of the Foster caliber, and undoubtedly chuckled over the rapid succession of confused, inaccurate, and impertinent statement and suggestion which came from this time on to him from our State Department as to the fur seals.

On the 9th of April, 1897, Mr. Foster led off with the following proposition made to Sir Julian through John Sherman—the original suggestion of the scheme came from Mr. Hamlin, who was urging Judge Gresham, then Secretary of State, to press it during the winter of 1895:

April 9, 1897.—Sir Julian writes saying that this day Mr. Sherman wants him "to sound the British Government" as to desirability of settling the seal question by an international agreement between "the United States, Great Britian, Russia, Japan, and Hawaii to prohibit absolutely the killing of fur seals both on land and at sea for such a period as might be found necessary for the herds to regain their normal numbers," etc. (P. 9, No. 78.)

While Sir Julian was sending this proposition, verbally made to him on that day by John Sherman, Mr. Foster had prepared and forwarded the following letter, which was brought out by the plump denial of any immediate danger to the seal herd, based upon Jordan and Thompson's reports, by Lord Salisbury, quoted above, under date of "March 23, 1897" (P. 89, No. 74):

It will be observed that it is the prelude to the White note, quoted above, and coarsely insinuates that the British Government is suppressing Thompson's report for a purpose. It then goes into a discussion of statistics and facts which are simply confused, unfortunate, and erroneous in application, and winds up with the broad hint that the British Government does not, perhaps, mean to act in good faith. As a forerunner of the notorious "shirt sleeve" letter of the 10th of May following, it is interesting as a study of the antecedents of the most senseless and mischievous letter, of American authorship, that ever went into the official files of the State Department.

April 9, 1897.—John Sherman addresses Sir Julian with a long letter devoted to an attempt to show why Lord Salisbury is in error with regard to the conclusion of Julian's report; that the President is "greatly concerned;" that it is "unfortunate for this Government that it does not possess Thompson's report," and winds up with an urgent request that a modus vivendi be agreed upon at once for 1897, etc. (p. 92, No. 79).

The White note and this one just quoted bring out from Lord Salisbury the following non sequitur, denying, paragraph by paragraph, the erroneous statements contained in them, and carefully omitting to answer the correct charges; it also denies the modus vivendi, and really closes the subject for the current year; it also sends Thompson's report for 1896, and denies any agreement in it with Jordan's "facts."

April 22, 1897.—The British premier informs Sir Julian that the demand for the modus vivendi and the claim of extreme urgency is "reputed to be based on the result of Dr. Jordan's investigations last year, in which it is stated that Professor Thompson is believed to concur. I am unable to inclose for communication to the United States Government copies of Mr. Thompson's report, from which it will be seen that the President is mistaken in supposing that, in the opinion of the British agent, there is any immediate cause for alarm. * * * Dr. Jordan's report has been carefully examined, and it does not appear to contain any facts" which would warrant the statement made in Mr. White's note as to the "depleted condition and prospective early extinction of the herd.

"If the United States Government is prepared to give adequate compensation to the sealing fleet on account of its enforced abstention from the fishery this season, Her Majesty's Government would have no reason for refusing their assent to a modus vivendi, but they do not gather that such is the case, and it would be impossible for them to submit a vote to Parliament for the purpose, holding as they do, that no sufficient reason has been shown for its necessity."

As regards the proposed conference, Her Majesty's Government are of the opinion that "further investigation is necessary" on "many points connected with seal life before the questions at issue could be discussed with the hope of obtaining any satisfactory result. * * * And Her Majesty's Government must adhere to the view set forth in my dispatch of the 6th ultimo, that further investigation is required before the question of revising the regulations can be considered," etc. (p. 95, No. 82).

The following letter from Lord Salisbury is a categorical denial of John Sherman's long letter of April 9, quoted above. It goes into detailed analysis of the confused and blundering statements and figures used by Messrs. Foster and Hamlin in that letter, and, in short, makes our complaint appear to be positively silly as it is put out by Foster.

May 7, 1897.—Lord Salisbury to Sir Julian; proceeds to pick to pieces the incoherent items of John Sherman's letter of the 9th ultimo, and literally riddles it; it is interesting to note the contents of this letter, which were on the way over the ocean at the very time the notorious "shirt-sleeve" letter was prepared and sent by Foster and Hamlin; had these authors of that boomerang been aware of the text of this letter at that time, the "shirt-sleeve" letter would never have been written and posted, but it was composed and finished and mailed May 10, and in the hands of John Hay at about the same time that this letter of Salisbury got into our State Department. These letters passed each other, going and coming, on the ocean. (P. 99, No. 90.)

The following letter, the "shirt-sleeve" letter, was written by John W. Foster and Charles S. Hamlin. It is the attempt of those two men who got into water far beyond their depth, and it is the letter that made an end to all further successful attempts by the McKinley Administration to alter or amend the shameful order of affairs on the seal islands. It is a very long letter, filled with a perfect medley of truth and error in statement, and of silly opinion and inference. It covers nearly nine pages of the British Blue Book.

The most amazing circumstance about the whole affair is that the President, when this letter was read to him, did not stop it and alter its coarse tone and senseless insinuation of Great Britain's want of common honesty and good faith. The authors of the letter were very proud at the time of this rambling, self-contradicting, and mischievous screed, but it is said that Ambassador Hay, when he first received it, was struck with these faults just mentioned and tried to have it withdrawn, or greatly modified, but that he was peremptorily directed to deliver it to Lord Salisbury. He did so on May 22, having held it up nearly a week.

May 10, 1897.—John Sherman writes to Mr. Hay a long letter expressing his regret that the British Government has rejected the modus vivendi, and the joint conference of expert agents of the powers he suggests for 1897. He says that it is "surprising that Her Majesty's secretary should base his rejection of the proposals of this Government, so impressively submitted, upon the report of one scientist whose facts and conclusions are incorrectly apprehended, and the delayed report of another, which is for the first time made public," etc. * * * (P. 104-111, No. 94.)

To this ill-advised and inaccurate letter, long and tedious, Lord Salisbury never made any reply. He gave it the quietus of silence, and at the same time turned his back on any further advances from the same source—from John W. Foster and his associates. Then and there ended any and all successful effort for any revision or betterment of the conditions on the seal islands while John W. Foster had anything to do with it in so far as Her Majesty's Government was concerned.

But on page 120 (No. 105) of this Blue Book, quoted, appears a ten-page letter signed by "Edward Wingfield," dated "Downing street, July 26, 1897," and addressed—"Colonial Office to Foreign Office"—"Received July 26, 1897," in which the "shirt-sleeve"

letter is literally eviscerated and dissected, and ripped to nothing but shreds; unquestionably the data was furnished by the Canadian managers, but the blundering statements of fact, the coarse insinuations, and the shallow "regrets" of Mr. Foster are turned inside out by this clerk in Mr. Chamberlain's office.

In order to break the force of the utter, complete collapse of the case of the United States in this business, Mr. Hay, by virtue of his personal worth and entire innocence of any association with the authorship of the "shirt-sleeve" letter, was able to get the thoroughly disgusted British prime minister to agree to an informal meeting of Jordan and Thompson, as experts, at Washington, and nothing else, with no power to revise things, viz:

July 28, 1897.—Lord Salisbury addresses Mr. Hay, saying:

"In the last paragraph of the dispatch, addressed to you by Mr. Sherman, under the date of the 10th May last, and communicated by you to me on the 22d of that month, a wish is expressed for a conference of the powers interested in the fur-seal fishery of the North Pacific.

"In reply I have to state that Her Majesty's Government are willing to agree to a meeting of experts nominated by Great Britain and Canada, and by the United States, in October next." * * * (P. 130, No. 106.)

The above succinct and direct citations from the official record show exactly what our agents did to botch and wreck our case, after holding up the Dingley seal bill in 1896, down to the final extinction of it by that "joint statement," signed in the State Department; the progress of that particular work began and ended as outlined in the following record, also taken from the British Blue Book and the Report of Dr. David Starr Jordan, February 24, 1898.

THE GENESIS OF THE "JOINT STATEMENT OF CONCLUSIONS," ETC., SIGNED BY THE AGENTS OF THE UNITED STATES WITH THOSE OF GREAT BRITAIN NOVEMBER 16, 1897.

April 9, 1897.—John W. Foster is appointed by the President as a "special commissioner," to negotiate with Great Britain for a revision of the costly and useless regulations of the Bering Sea tribunal. Jordan has impressed the Administration with the belief that he has secured a perfect agreement with the British agents for the suppression of pelagic sealing. To be sure of this, however, a "diplomatic agent," "astute" and "brilliant," is needed to manage the landing of this agreement; so Foster is selected!

May 10, 1897.—After receiving the official refusal of the British Government, dated April 22, to reopen the sealing question, John W. Foster and Charles S. Hamlin prepare and send to Ambassador Hay, for Lord Salisbury, the notorious "shirt-sleeve" letter. Mr. Hay had sense enough to try and suppress it, but the Administration, at that moment, thought it a fine state paper, and overruled Mr. Hay. It was given to the British Government May 22, 1897, but Mr. Hay succeeded in so warning the Administration as to its effect if made public that the Associated Press copies of it, which had been sent out, were held up until the 14th of July, 1897, when it was suddenly published in the New York Tribune, and in that paper alone, and contrary to orders.

This publication of that rank diplomatic work of John W. Foster aroused so much contempt and indignation in England that the door of Lord Salisbury's office was promptly and silently closed to Mr. Foster. The British premier caused it to be officially published that he refused to have any official intercourse with Mr. Foster, even though that person was in London at the time (July), and that Mr. Hay was the only one who could address him.

Thus it will be observed that at the very outset of this business of arranging for the Jordan-Thompson seal conference Mr. Foster, by his want of sense and total inability to manage it, has destroyed any chance for a successful outcome of its meeting in so far as the British Government was concerned, and the fact is as plain as a pikestaff.

In spite of this proof of his incompetency and dead failure, this man, the Hon. John W. Foster, in order to keep up appearances and have some reason for his official being as a "special envoy," etc., posts directly from the closed door at Salisbury's office to St. Petersburg, and there actually invites the Russian Government to send delegates to attend a joint conference of English, Japanese, and American experts with power to revise the rules and regulations of the Bering Sea tribunal!

And he went still further as a "diplomat" and "special envoy," etc., for he caused it to be published (August 1) in the press dispatches of this country that these delegates would all assemble at Washington in October, with full powers to revise the Bering Sea regulations if they saw fit to do so.

This publication aroused the Canadian government, and it promptly issued, through Lord Salisbury, a vigorous denial of any participation by Great Britain in such a conference.

Nevertheless the Hon. Charles Sumner Hamlin is posted over to Tokyo as another special envoy to invite the Japanese Government to send delegates to this forbidden feast.

The net result of this stupid officialism was an indignant and disgusted meeting of Japs and Russians at the State Department, about the middle of October.

Of course what they did amounted to nothing, and they knew it; they were buncoed and steered into an absurd dress parade at Washington.

In the meantime, to break the force of this fur-seal fiasco as managed by John W. Foster, Mr. Hay, who was our ambassador at London, prevailed upon Lord Salisbury so that the British agents, Thompson and Macoun, were permitted to meet our agents, Jordan and Hamlin, "informally," that they might talk over the subject all they desired to, but that no powers whatever were vested in them beyond that.

Dr. Jordan ought to have seen by this time that he had not succeeded in getting this "perfect agreement" with the British agents, and that he was done for, boxed up, and laid away. But his fatuous soul persisted, and in order that no further disturbance f rom his quarter should ever manifest itself, the Canadians took him up on his "perfect agreement" and secured one in the conference, November 16, 1897, which exactly suited them and nonsuited our case.

Mr. Speaker, this exhibition of Mr. Olney's failure to handle the Canadians was swiftly followed, as you have seen, by the mischievous and incompetent work of John W. Foster, who was for some inscrutable reason—by reason of some accident—taken up to right this utter collapse of Mr. Olney's plans.

It should be plainly stated to the House that this is the same John W. Foster who so mismanaged our case at Paris, 1891–1893, that we were shamefully humiliated and overwhelmingly defeated on each and every count submitted by us to the tribunal of arbitration.

He now comes onto the scene again, with a fresh lease of life for his ignorance and incompetence; he proceeds to live right up to his record, and at once begins in the following fashion:

EXHIBIT D.

Showing the progress of the international "seal conferences," at Washington, in which agents of Russia, Great Britain, Japan, and the United States took part, as given to the public by our agents in the State Department, down to the date of the dissolution and failure of these conferences, November 16, 1897, closed by the following declaration of the Canadian Minister of Marine and Fisheries, in which he tells the truth, and boasts of the triumph of his agents:

TORONTO, *November 27.*

Sir Louis H. Davies, at a meeting of Liberals here last night, referred to his recent visit to Washington to attend the seal conference. He said:

"The seal experts settled the question of fact in such a way that hereafter it can not be opened up. We know exactly where we are." (General press dispatch, Cleveland Plain Dealer, Nov. 28, 1897.)

After the British Government had officially refused to enter into a modus vivendi for 1897 and to take any part in a joint conference with agents of Russia, Japan, and our Government, under date of April 22, 1897 (British Blue Book, U. S. No. 4 (1897), No. 82, p. 95), the Hon. John W. Foster, who was appointed April 9, 1897, to manage this business, again comes forward and again gives proof of his unfitness to handle the subject. He actually goes in person to St. Petersburg during July following the date of the refusal of Lord Salisbury quoted above and invites the Russian Government to send delegates to this forbidden conference, and the same improper invitation is given to the Japanese Government in person at Tokyo by "Special Envoy" Charles S. Hamlin.

The Russian delegates arrived in Washington on the 12th of October, 1897; they were followed by the Japanese delegates on the 18th of that month. they were naturally much chagrined and stirred when they learned the truth as to the part they were taking in a farce. Mr. Foster had to do something at once to quiet them, so he and his associates gave out the following stuff and nonsense to the press:

TO PROTECT SEAL HERDS—RUSSIA'S STRINGENT REGULATIONS ON THE SUBJECT—ZONE LIMIT OF 30 MILES—ONLY RUSSIAN CITIZENS PERMITTED TO OPERATE WITHIN ZONE AND TO KILL NO SEALS EXCEPT THE BACHELOR, WHEN FOUND ON LAND—PUNISHMENT FOR FOREIGN POACHERS—ADVANCED ATTITUDE IN COMING CONFERENCE.

Although formal conferences on the Bering Sea question will not open until after the arrival of the Japanese delegates, yet the presence here of two of the Russian delegates has permitted the authorities to inform themselves quite thoroughly as to the attitude of Russia on the protection of the seals. It has brought out the fact that Russia takes an advanced position in preserving her seal herds, and has more stringent laws and regulations in that direction than any of the countries interested. Under the Russian system a zone 30 miles wide is established around seal islands belonging to the Empire. The seals found within this zone are regarded as exclusively Russian, and no other than the inhabitants of the islands can take a seal within these limits. This gives the Russian citizens exclusive rights over the seals, not only on the islands, but extending 30 miles seaward.

A British or Japanese sealer can not operate within the zone, except to buy skins of the Russian inhabitants of the islands. The Russians themselves are permitted to kill only bachelor seals, it being against strict regulations to kill a female or a pup seal. The females are guarded with special care, as the killing of one female is regarded as equivalent to the killing of three seals, namely, the female herself, her pup on land, and her unborn pup. Furthermore, the Russians are allowed to kill a bachelor only when the animal is on land, it being forbidden to kill any manner of seal in the water.

The Russian authorities see that these regulations are enforced. A fleet of Government ships patrol the 30-mile zone, and any foreign sealer who attempts to operate within these limits is seized. As a rule, the seized sealers are taken to Vladivostock, their catch confiscated, and severe punishment inflicted. This has led to many protests, but Russia has maintained thus far her rigid regulations against foreigners within the 30-mile zone.

In one notable case the ship *Dahlia*, cleared by a United States consular officer, but manned with a Japanese crew, attempted to take seals on the Russian islands. They were met with armed resistance and several of the Japanese were killed. Claims for indemnity were made against Russia, but never paid, as the Imperial authorities maintained their right to protect their property against invasion.

It is understood to be the wish of Russia in the forthcoming conference not to stop at the protective regulations already made, but to carry them further by increasing the width of the zone considerably beyond 30 miles. The Russian authorities have found by experience that many of the female seals go more than 30 miles to sea in search of food. The wish is, therefore, to make the zone so wide that it will extend to the farthest point to which females go for food. (Post, Washington, October 15, 1897.)

This absolute nonsense, gravely and solemnly drawled out here as the "advanced position of Russia" in "preserving her seal herds," sounds precisely like that "muffled oaf" argument made

by the Hon. John W. Foster at Paris in 1893, as the agent of the United States, the "brilliancy" and the "astuteness" of which cost us the most humiliating and shameful defeat that the record of American diplomacy discloses up to date—a record which makes Americans groan and excites mirth in Canada.

The Japs took the bait in good faith, and with the best intentions; they sent their delegates with Mr. Hamlin, who came back on the same ship with them. On their way over to Washington from San Francisco they heard, for the first time, that Great Britain had refused to meet them in conference. They were interviewed at Chicago, and their surprise and chagrin were very frankly expressed? We do not hear a word, however, from the Hon. Charles Sumner Hamlin, who gets them into this fiasco, which the Japs scent, but too late to "save their faces."

S. Fujita, director of agriculture in Japan, and Prof. K. Mitsukuri, presiding professor of zoology in the imperial university at Tokyo, arrived in the city this morning on their way as delegates from the Japanese Government to the seal-fisheries conference in Washington, November 12.

They were accompanied from Japan by Hon. Charles S. Hamlin, special commissioner of the United States, who bore the invitation for Japan to participate in the conference.

From San Francisco they were accompanied as far as Council Bluffs by Dr. David Starr Jordan, of Leland Stanford Junior University, who is also a delegate and will join them later in Washington.

Referring to the refusal of Great Britain to send delegates to the conference, Mr. Fujita said: "At the time of our leaving Japan we understood the United States, Great Britain, and Russia had agreed to act with us.

"The fact that Great Britain had refused was not known to us till our arrival in San Francisco.

"We are now awaiting instructions from our Government as to whether or not we shall participate in the conference. We hope to receive them in a few days at Washington." (Chicago Journal, October 15, 1897.)

In the meantime Dr. Jordan, who had joined them as a brother delegate at San Francisco, stops off en route and runs up to Minneapolis, Minn., where he interviews very freely; but considering the fact that he knows his Slavonian and Mongolian associates are going to be buncoed soon, he, oddly enough, says nothing about it.

"ARE BOTH TO BLAME—UNCLE SAM AND JOHN BULL HAVE KILLED THE SEALS.

"Dr. David Starr Jordan, president of Stanford University, California, and United States commissioner in the fur-seal investigations, is the guest of his brother-in-law, Edward J. Edwards, of 500 Eighth street S. Dr. Jordan is on his way to attend the international conference concerning the fur seals, and is accompanied by G. A. Clark, a graduate of the University of Minnesota, class of 1891, who acted as his secretary during the investigation.

In speaking of the frightful destruction of seals, Dr. Jordan said:

"The breeding females are the life of the herd, as only 1 male in 30 is allowed to enter it, and males have always existed in great superabundance. Since 1885 the American herd has fallen from 600,000 breeding females to 130,000; the Russian herd from 300,000 to about 50,000; the Kurile herd from about 40,000 to 1,200—that part of it now belonging to Japan now numbering 20 females as against 25,000 formerly. The Mexican herd (Guadaloupe Island), once numbering about 10,000, is now extinct. The sole cause of decline has been in all cases the same—the indiscriminate killing of females. For this great international crime two nations are solely responsible. They are Great Britain and the United States.

"One great obstacle to the success of negotiations in the past is the fact that we have never come into any conference with clean hands. American hands have destroyed one-third of our own herd, which once had a cash value of $25,000,000, and more than half the devastation of other herds has been due to American enterprise. We have allowed our pirates to destroy the seal herds of ourselves and our neighbors just as we allow squatters to burn off our forests to improve the feed for their sheep.

English they be and Japanese
That hank on the Brown Bear's flank;
And some be Scot, but the worst God wot
And the boldest thieves be Yank.

"If nations were as honest and as just in their dealings as private citizens are forced to be, the whole seal controversy could be settled in a day. And it must be settled." (Minneapolis Times, Oct. 17, 1897.)

This improvised and elegant verse of Dr. Jordan, in which the weakness of the Yankee is so feelingly expressed, is quite Fosterian in its fitness as a diplomatic prelude by our agents to a joint conference. Jordan is learning rapidly under this "astute" diplomat's guidance.

The Japs get into Washington October 18, and, being in a state of mind as to what they ought to do under the changed order of their understanding, they were steered up to the author of their embarrassment in the State Department, October 19—to Hon. John W. Foster. What that distinguished "diplomat" said to these oriental "experts" is not known, but it appears that the President sent for this "diplomat" early in the afternoon following the arrival of the Japs at the State Department. What Mr. Foster said as to his part in this fiasco is also not known; the reporters, who care for these little affairs to the best of their ability, however, secured and published the following:

TRICKED INTO IT BY SHERMAN—SIR LATONI SAYS JAPAN IS IN THE SEALING CONFERENCE ONLY OUT OF COURTESY.

OTTAWA, CANADA, *November 1.*

Sir Ernest Latoni, British minister to Japan, is in Montreal.

He says Japan is in the sealing conference only out of courtesy, having been misled by Sherman as to the facts. (Chicago Journal, November 1, 1897.)

The Japanese delegates to the tripartite conference on seal life, who arrived in Washington yesterday, called at the State Department to-day and were presented to ex-Secretary Foster, who has in charge the negotiations for the conference, by one of the secretaries of the Japanese legation. Mr. Botkine, of the Russian delegation, called at the Department to talk over the arrangements for the conference with General Foster. It is understood that they expect to make a short visit to New York this week, but will return on Friday in time to attend the first meeting of the conference on Saturday, October 23. The President had a conference with John W. Foster this afternoon, presumably to learn the status of the seal conference matter. (Chicago Inter-Ocean, October 19, 1897.)

On the 23d October, 1897, the Japanese and Russian delegates met in secret conference at the State Department, and by November 1, 1897, they came to a complete agreement—"if Great Britain would agree with them," etc.; their agreement was signed, and their treaty signed subject to that condition. This aimless, useless documeut now sleeps in the pigeonholes of the Senate Foreign Relations Committee, a sleep that will have no waking.

This solemn farce being concluded, the Hon. John W. Foster turned his powers of "skilled diplomacy" loose upon the coy and backward British delegates, and he actually sought to trap these wary birds by sprinkling banquet salt upon their tails in the following "brilliant" effort:

DINNER TO SEAL CONFEREES—A DISTINGUISHED GATHERING AT HON. JOHN W. FOSTER'S HOME—SCIENTISTS, DIPLOMATS, OFFICIALS, AND PROMINENT CITIZENS OF WASHINGTON MEET AT THE HOSPITABLE BOARD OF THE EX-SECRETARY.

Ex-Secretary of State John W. Foster last night gave a dinner to his associates of the international fur-seal conference, which is now in session in this city. It was a brilliant affair, and was perhaps the most distinguished gathering of scientists and public men ever assembled at a private entertainment. Mrs. Foster, assisted by Mrs. Pierre Botkine, the wife of the Russian delegate to the conference, received the guests in the magnificent music room, which was handsomely decorated with chrysanthemums and other cut flowers. The table was a mass of roses.

The guests of honor were Prof. David S. Jordan, Charles S. Hamlin, Japanese Delegates Shiro Fujita and Prof. Kakichi Mitsukuri, and the Russian delegates, M. de Wollant, Pierre Botkine, and M. de Routkowsky. Owing to the nearness of the election, many who had received invitations to attend were unable to do so, as they had left for their respective homes. (Post, Washington, D. C., November 2, 1897.)

It certainly was a "brilliant affair," and possibly the "most distinguished gathering of scientists and public men ever assembled at a private entertainment," as the long list of victims who attended amply attest, and who were received in the "magnificent music room," and who were fed on a table that "was a mass of roses!"

It also is noted in this list of guests present that while "the distinguished British scientist, Professor Thompson," was in evidence bodily, Sir Julian Pauncefote, the British ambassador, was shut out from this delightful entertainment "owing to the recent death of the Duchess of Teck." [Ahem! Did Sir Julian ask the Hon. John W. Foster to thus publicly give reason for not being present at this "brilliant affair," and if so, why is there no explanation of the fact that Canadians, too, are all missing from the roster of this rare diplomatic function?]

After the Russians and the Japs were out of sight and completely eliminated from the question Lord Salisbury allows the "informal meeting" of Jordan and Hamlin with his agents, Professor Thompson and Mr. James Macoun. The time and manner of the opening and procedure of this second international farce in the "seal conference" was given to the press by Mr. Foster and his associates, as follows:

EXPERTS IN SESSION.

Ex-Secretary Foster called on the premier early in the day, and later Sir Wilfred Laurier and Sir Louis Davies called on the British ambassador, Sir Julian Pauncefote, who accompanied them in a call on Secretary Sherman. Dr. Jordan, the United States seal expert, called on Professor Thompson, the British expert, and Professor Macoun, the expert of Canada, and it was arranged to have the meeting of experts at the State Department at 2 o'clock this afternoon, to consider the seal question.

CONFERENCE OF EXPERTS.

An understanding was reached that the experts should conduct the meeting, but that the distinguished gentlemen present would be free to ask questions and exchange views incidental to the exchange of expert testimony. This gives the meeting the more important aspect of a conference among diplomatic officials, although nominally Lord Salisbury's original condition that it was to be only a "meeting of experts" is being rigidly adhered to in all the formalities of the gathering.

State Department officials, as well as those of Canada, say that no definite line of settlement has yet presented itself and that the character of the settlement will depend upon the exchange of views between the experts. Much doubt prevails as to how far the treaty concluded Saturday between the United States, Russia, and Japan relative to the suspension of sealing will have a bearing on the matter. Up to the time the meeting opened neither the Britith nor the Canadians had been officially advised of the existence of the Russo-Japanese treaty.

Sir Wilfrid Laurier and party arrived here yesterday afternoon and took quarters at the Shoreham. The members of the party are: Sir Wilfrid and Lady Laurier, Sir Louis and Lady Davies, Miss Ethel Davies, Prof. J. M. Maccoun, Mr. R. M. Venning, Mr. R. Boudreau, and Mr. E. B. Williams.

RECEIVED BY THE PRESIDENT.

President McKinley to-day received Sir Wilfrid Laurier in the blue room at the White House. Secretary Sherman introduced Sir Wilfrid, who was accompanied by Sir Julian Pauncefote, British ambassador, Sir Louis Davies, and Professor Thompson, the British seal expert. The visit was entirely formal.

OPENING THE CONFERENCE.

The conference began at the State Department at 2.30 o'clock this afternoon. The meeting was held in the diplomatic anteroom, which a few days ago was the scene of a similar gathering of representatives of Russia, Japan, and the United States.

A treaty for the suspension of pelagic sealing was the result of the Russian-Japanese-United States conference, and the hope is expressed that similar action will be taken by the conference which began its sessions to-day.

It was made clear at the State Department that to-day's meeting was "a conference of experts," and that no other officials would take active part. The conferees are Mr. Hamlin and Professor Jordan on behalf of the United States, Prof. D'Arcy Thompson for England, and Professor Macoun for Canada. Two delegates are allowed the United States, in order to offset the apparent advantage of probable joint action on the part of the delegates from England and Canada.

All the delegates have spent many months in Bering Sea and vicinity investigating seal life and are thoroughly equipped for the work in hand.

The main purpose of their investigations was to determine the effect of pelagic sealing on the life of the herd. The individual reports of the experts will be considered at the present conference, with a view to reaching an agreement as to the best course of action for the protection and preservation of the seal herds. In case the American and foreign experts agree that pelagic sealing threatens the extermination of the seals, there is no doubt of a satisfactory arrangement between Great Britain and the United States on the sealing question.

There is reason to believe, however, that the English and Canadian experts do not altogether agree with the American experts as to the disastrous effects of pelagic sealing.

To-day's session was devoted mainly to organization and an agreement as to the course of procedure. Sir Julian Pauncefote, the British ambassador; Sir Wilfred Laurier, the Canadian premier; Sir Louis Davies, the Canadian minister of marine, accompanied the English and Canadian experts to the conference, and were present only as spectators, taking no part in the proceedings. Ex-Secretary Foster was present in the same capacity on the part of the United States. (Washington Evening Star, November 10, 1897.)

The carefully prepared introduction to an entirely fruitless conference, a sham battle, contains the carefully suppressed truth as to the barren result of the Japanese-Russo meeting of "experts" a few days earlier. It will be noted that the first hint of the failure of Jordan's "perfect agreement" with his British associate as to details of pelagic sealing is given out, covertly, in this statement.

The sessions of this conference, like those of the Russo-Japanese conferences, continued behind closed doors for six days, and until the Canadians had succeeded in getting Dr. Jordan to sign away himself every "fact" that he had prepared for them to sign. The only glimpses the public had of these confabulations appeared furtively in dispatches like the following: The "success" of our "experts" had at last rendered the Hon. John W. Foster dumb.

If the seal experts have reached a deadlock or have completed their labors, the fact has not been officially made known by Gen. John W. Foster, who has full charge of the negotiations. (Chicago Journal, November 13, 1897.)

But the Hon. John W. Foster did let a few hints escape, as follows, which did suggest a deadlock at the outset (which in truth was the fact), and it will be observed that the wit of the Canadian simply staggered the dull wit of that gentleman, though light was dawning.

WASHINGTON, D. C., *November 12.*

The third session of the experts on seal life was held at the State Department to-day, all of the representatives of the United States, Canada, and Great Britain being in attendance except Sir Wilfrid Laurier, who spent the morning in visiting the Catholic University. Mr. Adams, first secretary of the British embassy, took his place as the diplomatic representative of the Canadian government.

It is stated upon good authority that the Canadians will ask a counter concession from this country in the way of a guaranty for the protection of the northern fisheries in return for any alteration of the sealing regulations to which they may give their consent. They take the position that the fish along the Canadian and Newfoundland coasts are as much the property of Canada as are the seals on the Pribilof Islands the property of the United States, and contend that they have as much right to make demand for the protection of the fish against American fishermen as we have to ask Canadians to agree to further restrictions in the matter of killing the seals.

THE SPECIFIC COMPLAINT.

Their specific complaint is that while Canadian laws prohibit fishing except within certain seasons, the American laws do not impose corresponding conditions, and that while the taking of fish can be prohibited during the closed seasons within their territory, it can not be controlled outside of these boundaries. Many of the fish which properly belong within Canadian waters are thus picked up out of season by American fishermen. Sir Wilfrid Laurier will ask the United States to agree to the protection of these fish during the breeding season as an offset for any seal concession to which Canada may consent.

During to-day's conference a series of propositions was presented by the American representatives, covering the number and habits of the seals, and the extent to which the seal herd had been reduced during the five years in which the Paris award had been in operation. In turn, the British-Canadian representatives presented counter propositions, covering their view of the same subjects. (Chicago Inter Ocean, November 13, 1897.)

The mental activity of Dr. Jordan and his associate during such a slant from the "disastous effect of pelagic sealing" in this secret conference has been, unhappily, denied a record. But two days later the alert reporters pumped out a decided admission that Jordan's "agreement" with the British agents was a "flash in the pan." They got the following, all there was in the empty proceedings and resultant failure of our case:

Washington, November 15.—Canada is not disposed to accept our proposals looking to the preservation of the seal herds, and the diplomatic negotiations that opened so auspiciously and which had in view the permanent settlement of all old disputes are threatened with entire failure.

The affair will probably come to a head late this afternoon. The seal experts have agreed, and they are expected before night to submit a signed report embodying some undisputed statistics as to the decrease in seal life.

The agreement is on technical matters only, and has no effect except to lay the foundation for the diplomatic wrangle over the real question which, in a few words, is: "Will Canada quit?"

Secretary Sherman, acting through Special Commissioner of Reciprocity John A. Kasson, is prepared to submit to Sir Wilfrid Laurier and Sir Louis Davies two propositions which, if agreed to, will open the way to negotiations for reciprocity and fix matters as desired. The proposals are:

1. An agreement to suspend pelagic sealing for one year.

2. The beginning of negotiations for the permanent suspension of pelagic sealing.

As before stated, the Canadians are not disposed to accept these conditions. They regard such acceptance as an unconditional surrender, and while professing a willingness to meet on any ground of compromise, they claim they would not be supported in such a course by public opinion at home.

The present arrangement is that the diplomatic meeting shall take place after the experts have adjourned and presented their report.

There is a possibility that at this meeting a common ground may be reached which will at least result in the appointment of a commission to conduct further negotiations.

The chances, however, do not favor this result. (Chicago Journal, November 15, 1897.)

It will be noted that the Hon. John W. Foster, in spite of the perfect collapse of this business which he has been steering, hints at the hope of being at least able to secure a continuation of his "valuable" services in the "appointment of another commission to conduct further negotiations;" and it will be also noted that the Canadians do not agree. Why should they? They have bagged the game and they have no incentive or further use for the Hon. John W. Foster.

But yet, to make sure of the seal business—to clinch the nails which they have driven for their own, holding to that "joint agreement" in conference with our experts, and which the Hon. John W. Foster managed so well for them—they put the following official quietus to the faintest hope that this man and his associates might ever again entertain of getting any agreement with them to suspend pelagic sealing.

CANADA AND THE SEALS—ENGLAND INDORSES HER ACTION IN REFUSING TO CONSENT TO A CONFERENCE.

LONDON, *December 27.*

Lord Salisbury, the premier, has written to United States Ambassador Hay in response to America's latest proposals in the Bering Sea controversy—her request that England would enter into an agreement with the United States, Russia, and Japan to stop sealing. Great Britain declines to enter into such an agreement. Lord Salisbury says in substance that he has communicated with the Canadian government, which has the foremost interest in the sealing question, and that Canada is unwilling to become a party to such an arrangement as is proposed by the United States. Therefore England, continues Lord Salisbury, whose interest is but slight, would not be justified in acceding to the proposals. Lord Salisbury's answer emphasizes the policy of England not to interfere in Canada's foreign relations. (Plain Dealer, Cleveland, Ohio, December 28, 1897.)

While our own people looked at the affair in this light—

"The report that the Americo-Russo-Japanese seal conference, after barely a week's session, has accepted a proposition to absolutely suspend pelagic sealing gives one the unpleasant impression that the proceedings of the conference had been 'cut and dried.' That Great Britain and Canada could be induced to assent to an arrangement of this character is not to be thought of; nor is it conceivable how the prohibition of sealing on the high seas could be enforced without the assent of the powers which would be mainly affected by the projected taboo. If the report should prove to be true, the promise that the seal conference at Washington was to be an advisory body only would have been violated, and the suspicion of the British Government that Russia and Japan had been lugged into the conference merely to outvote the British and Canadian delegations would have been justified. Great Britain would have cause for congratulation that she did not permit herself to be inveigled into a packed court by Envoy at Large Foster's 'smartness.'" (Philadelphia Record, October 31, 1897.)

THE REAL ATTITUDE OF THE CANADIANS IN THIS BUSINESS OF PELAGIC SEALING.

In this connection it is only right and manly for us to give the Canadian hunter credit for what he stands for in the prosecution of an industry which is so cruel and so infamous. If we were in his place, we would be influenced and governed by the following items of fact:

1. Pelagic fur sealing has been practiced by the natives of the northwest coast from time immemorial, and by white men more or less since 1860 up to 1886, without objection from any quarter.

2. Objection being made, and an indictment served on him in 1887–1893 by our people, he took his case into the highest court which can be created on this earth for the settlement of disputes of this kind.

3. This court, at Paris, in 1893, licensed the work which he is doing to-day, and practically set aside our complaint.

That our case at Paris was simply botched and lost by the ignorance and incompetence of our agents does not weigh a feather's weight in his mind to-day; he will not admit it; he justifies his work by that verdict of the tribunal; he does, what I am free to admit, just what an American pelagic hunter would do to-day if the tables were turned and the possession of the seal islands vested in Canada.

Therefore it is not right for us to insist upon the Canadian's lack of a virtue in this matter which we ourselves do not possess; they are in the business for all that they can make out of it, and they intend to stick to it just as long as it will pay them.

Understanding the foregoing, is it not clear to any judicial mind that the only thing for us to do in the wretched situation, as it now stands for us, is to make at once an end to a business that is not only a losing one for us, but is positively indecent every year in its sequel and will soon exterminate the fur-seal species?

We have the legal right to do this, and we have also a higher

right; we have the moral right to put an end to this cruel industry; every impulse of humanity and every prompting of sound sense urges and demands of us that we do so. These motives insist that if the Canadian hunter will not let go, then that we should mercifully anticipate his work and wipe out an infamous industry which will endure indefinitely for his pecuniary gain and our sole cost and shame, unless we act accordingly.

In order, therefore, to make the best of a bad bargain it is necessary for Congress to provide the ways and means, and it will do so when the pending bill becomes a law.

It may be that when the Canadian hunter faces the ruin of his business next spring which this bill, enacted, brings to him, that he will become reasonable, and not insist upon the license which he enjoys to-day; it may be, and very likely, too, he will allow the real English sentiment to assert itself which was so well expressed by Professor Huxley in the face of our incompetent agents who urged him in 1892 to pronounce his judgment upon their papers which they submitted to him.

Since this sentiment of favor for such a measure as the pending bill comes from one who is known as possessing the greatest mind in British natural science, I take much satisfaction in quoting him. Professor Huxley says:

* * * "Finally, I venture to remark that there are only two alternative courses worth pursuing.

"One is to let the fur seals be extirpated. Mankind will not suffer much if the ladies are to do without sealskin jackets, and the fraction of the English, Canadian, and American population which lives on the sealskin industry will be no worse off than the vastly greater multitude who have had to suffer for the vagaries of fashion times out of number. Certainly, if the seals are to be a source of constant bickering between two nations, the sooner they are abolished the better.

"The other course is to tread down all merely personal and trade interests in pursuit of an arrangement that will work and be fair all around, and to sink all the stupidities of national vanity and political self-seeking along with them.

"There is a great deal too much of all these undeniable elements apparent in the documents which I have been studying.

"T. H. HUXLEY."

APRIL 25, 1892.

(Pro. Trib. Arbitration, vol. 2, Appendix I, pp. 413, 1893.)

No wonder that the foregoing caustic review of the bungling work of our agents at Paris, as well as that of the Canadian pettifoggers, caused those worthies on both sides to ignore Professor Huxley.

Just think! only think for a moment seriously, if you can, of the ridiculous reduction of this botchwork of John W. Foster in that fur-seal conference of 1897. Can anything, even in extravagant fiction, be more asinine in its conduct, or more impotent in its conclusions? Yet we have the Dr. Jordan of these idle evolutions gravely addressing a letter to the Ways and Means Committee only a few weeks ago (February 3, 1902), telling them that these seals were in no danger of extermination, and that he had left matters in fine shape, and that it was now a comparatively easy matter to stop pelagic sealing through the Joint High Commission.

Jordan is to be pitied, but not so Foster; that person, who has been the evil genius of this whole business since 1891, has a hide so thick that he does not seem to know that the Canadians have been, and are, wiping their feet upon him. Again he comes to the front as the spokesman of a "high joint commission," which it seems that the Canadians cooked up with his help in May–June, 1898. Sir Wilfrid Laurier and his official family at Ottawa shrewdly counted on having Foster put at the head of such a commission. Then, having this dull person there, they would so manipulate matters as to get what they wanted more, in re a boundary of Alaska, in addition to having in hand vastly more than is right with reference to the seals, thanks to the stupidity of our agents.

Well, the Joint High Commission is launched in July, 1898, and Foster at once gives our people to understand that this sealing business, which he has bungled and marooned at Ottawa, will now be settled so as to give us our rights. It should be stated here that the membership of this Commission was made up of five members on our side and five Canadians. Senator FAIRBANKS, of Indiana, was put at the head of it and Foster at the foot, because when the President proposed to make it up after the plan of Foster a great big kick was made by several Senators who had grown weary of the sight and sound of Foster in the premises.

As soon, however, as the Commission organized Foster got to work as usual, and managed to get the State Department snarled up on the present boundary modus vivendi before John Hay could get the nuisance abated; then and at once this boundary dispute strangled the aforesaid Commission February 22, 1899. It has never had a meeting since; it never will; and it never ought to be revived.

THE HIGH JOINT COMMISSION—A NEGATION AB INITIO.

Not discouraged by the resultant failure and humiliation of this wretched seal conference, the Hon. John H. Foster, soon after its death (and his, too), again is presented to us as a member of the High Joint Commission (Canadian-American), with all of his tattered diplomacy wrapped about him. He can not, from force of habit, let the public remain in ignorance of the following bit of "official" information, and again we are told that pelagic sealing has been terminated.

EXHIBIT E.

"NO PELAGIC SEALING—AN AGREEMENT IS REACHED BY WHICH CANADA AGREES TO TERMINATE IT—LONG-STANDING DISPUTE TO BE SETTLED AT LAST.

"WASHINGTON, *June 2.*

"The Canadian negotiations recently concluded here led to the preparation of a protocol which formerly agreed to the exact subjects to be submitted to an international commission. While the protocol makes no preliminary agreement on the several questions, yet it is the general understanding among officials that the Bering Sea question will be adjusted and finally settled by the complete termination of pelagic sealing.

"This has been a source of controversy for many years, the United States seeking to put an end to pelagic sealing and Canada contesting against this termination of an industry very profitable to many citizens of the Canadian Pacific coast. During the recent negotiations, however, it developed that this industry was practically extinct and was no longer profitable to any considerable number of Canadians. It was stated by those well versed in the matter that only two Canadian vessels were engaged at present in sealing operations in Bering Sea. Heretofore the Canadian sealers have gone to Bering Sea by the hundreds, and it was impossible for Canada to stop the industry without paying these sealers a very considerable sum, running into the millions, for the extermination of their industry.

Now, however, under the changed conditions, it is said Canada has only a few sealers to deal with, and is therefore in a position to meet the contentions of the United States without seriously injuring a large established industry. While no agreement toward giving up pelagic sealing was reached during the recent meeting, the discussion was along lines indicating that the coming commission will without difficulty and with due regard for the interests of both Governments put an end to Bering Sea controversies by agreeing to a complete suspension of pelagic sealing. It is understood also that the protocol specifically recites that there shall be three representatives from each Government on the Canadian-American commission. (Cleveland Leader, June 3, 1898.)

This misleading information is continued again by the following item given to the public, in which the Jordan-Foster scheme of buying out the pelagic rights and all that rubbish is seriously mentioned:

WORK OF THE JOINT COMMISSION—WILL BE COMPLETED SOME TIME IN NOVEMBER.

QUEBEC, *September 27.*

The Joint Commission is making progress and will probably complete its session in November. Subcommittees are busily at work and have accomplished much. The 12 original questions in the protocol have been thoroughly canvassed, and a basis of agreement reached on most of them.

In the matter of the fur seals of Bering Sea it is probable that the American Government will purchase the ships and equipment of the Canadian sealers on condition that all Canadian rights to the seal fisheries in Bering Sea be surrendered.

Few, if any, changes will probably be made in the laws governing the fisheries of the Atlantic and Pacific coasts; in the inland fisheries it is likely that both Governments will agree to adopt uniform laws for the better protection of the fish. (General Associated Press dispatch, September 28, 1898.)

"Subcommittees are busily at work," and "have accomplished much," says the Hon. John W. Foster. Yes, they were; and their accomplishment was the act of positive negation whenever and wherever any proposition submitted to this Commission came up, either here in Washington or over there in Quebec.

As to this hint drawn out in the above dispatch about the purchase of the Canadian fleet and their rights to pelagic sealing, which was the Foster-Jordan offer, and which these agents fancied that the Canadians would agree to, the following public declaration of the Canadian minister of marine and fisheries ought to have had its effect on the obtuse wit of John W. Foster. It was rubbed into him several months earlier, but lost in the mental vacuum of that man.

TORONTO, *November 27.*

Sir Louis H. Davies, at a meeting of Liberals here last night, referred to his recent visit to Washington to attend the seal conference. He said:

"They were told (the Americans) that the right to catch seals being a national right, vindicated by the great Paris tribunal as a legitimate industry on the part of British subjects, could not be disposed of for mere money consideration, and that Canada did not sell national rights for money." * * * (General Associated Press dispatch, Cleveland Plain Dealer, November 28, 1897.)

Yet Mr. Foster actually again took up this positive flat refusal of the Canadians, as a member of the High Joint Commission, and fiddled away upon it during the entire period of the idle and aimless meetings of that Joint Commission, giving out at intervals the above samples of rank stuff and nonsense which ran through the columns of our newspapers over the impending "success" of its deliberations in so far as the saving of our fur-seal herd was concerned.

The untruth of these misleading dispatches, and the complete failure of the High Joint Commission to agree upon anything, except to eat, drink, and travel back and forth between Washington and Quebec, is now a subject of public record.

The late Governor Dingley, who was appointed a member of this Commission against his wishes, said at the time to a friend that the idea of the Commission as announced and constituted was a mistaken one as to any settlement of the pending questions in that way. He also said that he did "not believe anything could or would come out of it of the least consequence one way or the other," for "it is too much of a debating club—a big debating

club, in fact, and it can never, by the very nature of things, agree upon any one thing that has been submitted, or all of the things."

Now, Mr. Speaker, we will come down from this folly and nonsense resultant of the work of the Jordan commission to the following statement of the actual condition of affairs on the seal islands to-day.

EXHIBIT F.

The condition to-day of the interests of the Government on the seal islands of Alaska is so bad that it fairly defies adequate description; it was bad in 1890; it was made still worse in 1893-94 by that result of the amazing incompetence of our agents and "experts" who ruined our case at Paris; then it has been intensified as a miserable condition of affairs by the additional increment derived from that idle and mischievous work of the Jordan-Thompson commission in 1896-97; it is now so settled that unless Congress provides the ways and means for a merciful and wise change, its existing shame and cruelty will exterminate the fur-seal species of Alaska. A brief review from the authentic records of the State and Treasury departments makes the following exhibit:

In 1893, on the 16th of August, the Bering Sea tribunal of arbitration, sitting in the city of Paris, rendered its decision against each and every count in our case then submitted to it.

Our claim of jurisdiction over the waters of Bering Sea was denied. Our claim of a property right in the fur seal was denied to us, in spite of weeks of legal vaporing on the part of our agents to gain its recognition, and, worst and most of all, our claim to the protection of our fur-seal herd from indecent and ruinous slaughter was, by the wretched bungling and dense ignorance of our agents, also denied to us. These agents at the date of the rendition of this verdict telegraphed to the people of this country that a "great victory" was won by them!

At that time most of our people who had given any attention to this subject were prepared to lose the first two claims; but they did not realize until the end of the season of 1894 that the regulations ordered by that Bering Sea tribunal, after being faithfully enforced during the sealing season of 1894, instead of saving our fur-seal herd from scandalous and ruinous slaughter, actually facilitated that very evil. The pelagic catch of 1894 was the largest ever known in the entire history of that business, and it still keeps that record.

In December, 1894, the late Governor Dingley, and the then Secretary of State, Judge Gresham, after repeated conferences and careful consideration of every phrase of this improper condition of affairs on the seal islands of Alaska, drew up a bill (H. R. 8033) for Congressional action, which was in substance, and indeed is literally, the same as the one now before the Ways and Means Committee. It was delayed in the House on account of the difficulty in promptly getting the exact figures of that immense pelagic catch of 1894 verified to the full satisfaction of the Treasury officials, and it was not acted on in the committee until the 18th of February, 1895. It was then unanimously reported (Rep. No. 1849) by the chairman, Mr. W. L. Wilson, to the House, and passed by a unanimous vote of that body the 22d of February. This was, however, too late for action in the Senate before the sine die adjournment of Congress on March 4, 1895.

This bill was again introduced by Governor Dingley (H. R. 3206) at the opening of the Fifty-fourth Congress, referred to the Ways and Means Committee, unanimously reported (Report No. 451) by him from that committee, and passed by the House, February 25, 1896, after full debate, without a dissenting vote. It was reported from the Senate Foreign Relations Committee by Mr. FRYE on March 4, and made a special order for March 16, 1896.

At this point the successor to Judge Gresham as Secretary of State, Richard Olney, stepped in and took the responsibility of informing Senator FRYE that he was "successfully negotiating" with Great Britain at that moment for the betterment of affairs on the Seal Islands, and hence the passsage of the pending seal bill "would greatly embarrass" him, "if not totally defeat the object in view."

This gave no alternative to Mr. FRYE or the friends of the bill. It was dropped, and the day it was dropped Canada got the better of our officials, as usual. She steered Mr. Richard Olney into the creation of the Jordan-Thompson Commission early in June, 1896, and then engineered the business so as to secure from our agents in this commission, Messrs. Jordan and Hamlin, a complete surrender of our complaint against pelagic sealing in the "joint statement of conclusions," etc., which these gentlemen unwittingly signed on the 16th of November, 1897, with their British associates, in the State Department.

In order that the committee may see clearly just what a mess of the business Jordan and Hamlin succeeded in making, I have prepared an analysis of the "joint statement" by which our case has been officially denied and surrendered through these agents, and I hereby submit it, as an appendix to these statements which I am now making. (See Exhibits VIII, IX.)

The committee will at once observe that each and every item of fact which condemned the infamous industry of pelagic sealing, that was prepared for the use of that conference by Dr. Jordan, into which he had been steered by the Canadians and John W. Foster, has been surrendered abjectly by that gentleman.

There is not a word, or a whispered word, in this "joint statement of conclusions" which admits that the chief cause of cruel death and waste of life is due to the effects of pelagic sealing, i. e., the starvation of the motherless young, or even hints at it.

There is not a word, or a whispered word, in any one of these items of agreement between Dr. Jordan and his British associates that suggests, even, the suppression of pelagic sealing, and not a word which hints at the impending extermination of the fur seal.

This outcome is bad enough—is pitiful enough for us if it stopped there; but, unfortunately for our case, it does not. The fifteenth item of agreement declares that a state of "equilibrium" has been reached in the business, whereby the herd has so diminished in number that taking it on land and in the water has ceased to be a profitable industry for either ourselves or the Canadian hunters. This is true, indeed, for our side; it is wholly true; but it is utterly untrue for the Canadian side. Not only have the Canadian hunters increased their profits more than 100 per cent since this "agreement" was signed, but they have increased their annual killing up to 28,552 in 18 8 to 34,000 in 1899, to 35,191 in 1900; and to about 25,000 in 1901, as against 24,532 seales taken by them in 1897, when this "equilibrium" was declared; and the price per skin has advanced from $6.50 in 1897 to $16 during these periods up to date. (See Exhibit III, appended, showing the land and pelagic catch, with prices realized, 1871-1901.)

In the meantime, our killing on the islands is running into the dregs of that surplus male life which alone we can kill.

This improper and unwarranted official negation of each and every one of our vital indictments of the Canadian work and its cruel, indecent result leaves to-day that remnant of our fur-seal herd now existing on the Pribilof Islands completely at the mercy of a band of alien sea wolves—absolutely in that control in so far as any attempt that can now be made by the State or the Treasury Departments to free it is concerned. Congress alone, and of its own initiation, must act in the premises or the shame and the cruelty that now characterizes this business will be followed in 1907 by the total destruction of the male life on the seal islands.

Let me try to make this statement clear as to indefinite continuation:

Out of the 4,500,000 fur seals of all classes which I found on the Pribilof rookeries in 1872-1874 only about 225,000 of all classes were left alive on those rookeries last year. Of this aggregate, about 100,000 were breeding females and their young, 80,000 pups, the balance being the yearlings of both sexes, and about 4,000 old bulls on the breeding grounds. Every young male seal above 1 year old that could be secured on the islands last summer was taken, 22,672 of them.

The male life was so reduced last season that only about 1,826 first-class skins were secured in the total catch of 22,627. The balance of the catch were small skins, smaller than have been taken by our people at any time before or since 1889-90 on the killing grounds. This clearly shadows out the collapse of the surplus male catch of good skins on the islands this season; it has taken place last year (1901) on the Russian islands (those islands not having had the saving restraint upon them of the modus vivendi of 1891-1893, which stopped all killing on the Pribilofs for that time, save a few thousand food skins).

But with the remnant of the female life of the herd it is otherwise. Under existing conditions our people are prohibited from killing or even molesting them on the land or in the sea—on the land by special acts of Congress, 1868 and 1870, and in the sea by act of 1897. The British pelagic hunter, however, has the right to kill these female seals at sea during certain months of the year, and as that right to kill these seals, which we now so carefully breed and protect for his use and gain, has been given to him by the highest court on earth, he never will surrender it to us unless we offer him in exchange for it something vastly more valuable—some right of our own people, which we will never agree to do.

But the continuation of this work of the pelagic hunter prevents us from checking the killing of all the best of the young males as they haul out annually; it is manifestly wrong for us to save this life on the islands only for the alien hunters to kill at sea. Since 1896 we have never permitted a young breeding bull to pass from the killing grounds to the breeding grounds. If a 1-year-old escaped last summer he is reasonably sure to be killed this season as a 2-year-old; if by any chance he does scrape through unseen he will certainly be skinned as a 3-year-old in 1903; and if by a miracle he should slip through he will never get beyond 1904 as a 4-year-old.

So, in this manner, it will be observed that the young male life can not reach the breeding grounds under the system in vogue to-day, and we can not change it in sense or reason unless the pelagic sealer is put out of business. We take all the young males just as rapidly and as sure as they land. The pelagic hunter gets 20 per cent of his catch also made up by their lives, plus the female seals which he builds 80 per cent of his work and profit upon, and which we can not touch under existing laws.

Therefore it can be seen at once that the males are subjected to an extra natural death rate from two fires—they are killed on the land and killed in the sea; while the females have only one such fire to withstand, or the extra natural death rate from killing at sea, since they are now so carefully bred and preserved from injury on the islands, by ourselves from ourselves, and at our sole cost.

Consequently the male life will go out first, and it has gone with geometrical or fourfold rapidity as contrasted with the exit of the female life. Hence, while the male life is fairly gone, and has been drawn upon to the dregs during this last season, the end of the female life will yet be long drawn out on the islands under the present order of affairs.

To this prolongation of that cruel and unmanly killing of nursing mother seals at sea—thousands and tens of thousands of them annually—entailing, as it does, the torture of slow starvation to death of the thousands and tens of thousands of their helpless offspring on the islands of their birth every September and October—to this extension of cruelty and barbarous work every man and woman in this broad land of ours protests, and will protest, who has the least idea of what is going on. It can be ended and the imposition and nuisance abated by passing this bill, which lays out the only path that reaches to it over which we can travel.

At this point of so killing off the seals on the islands as to put the Canadian hunter out of business, I desire to call your attention to a very important reservation that travels with the execution of the act as ordered. I refer to the fact that at least ten to fifteen thousand breeding seals will be left alive on the rookeries; their retention will not be of the least use to the pelagic hunter—so small a number signifies nothing for him, when searching for them in the high sea, and out of business he must go; he will not even think of sailing out and up into Bering Sea next summer if we pass this bill at once.

What does the existence of ten or fifteen thousand breeding fur seals signify to us? It means that in ten years time they will have so increased as to be tenfold as numerous as they are to-day, and in fifteen years a half million of them. Therefore, gentlemen, you will easily comprehend the fact that the passage and enforcement of the provisions of the pending bill not only puts the infamous work of the pelagic hunter down—entirely down—but it in no way orders, or even suggests, the extermination of the herd; it gives the unhappy animals a merciful rest and eliminates cruelty and indecency.

To continue this self-confessed imposition on the seal islands of Alaska is to fly into the face of good reason, to outrage the best impulse of humanity, and to please no instincts of our own save those of greed, cruelty, and indecency.

In view of these facts you will observe, Mr. Speaker, that the business on the islands has reached the dregs—that while the pelagic hunter has a relatively long rope yet left, we have reached the end of ours. The following exhibit eloquently describes the result of last season's catch on the islands:

EXHIBIT G.

Analysis of the island or "Alaska" catch of male fur seals, taken on the Pribilof Islands, season of 1901; sold in London, December 17, 1901; classification made by sale catalogue of C. M. Lampson & Co.

Sizes.	All males.	Average weight per skin.	Price per skin.	
			1901.	1900.
		Pounds.		
4-year-olds	244	10 to 11	$40.50	$38.25
3-year-olds	1,582	7 to 8	38.75	37.50
2-year-olds	3,922	5½ to 6½	33.50	31.25
1-year-olds	16,079	4 to 5	22.25	24.00
Total	21,827			

With 449 skins, which can not be included in the above classification, since they are entered as "faulty," "cut," etc., and sold way down. The skins are larded with a half pound of blubber to a pound each when cured in the salt. The 4-year-old skins will often have 2 pounds of blubber adherent

This showing as above cited is the official record of the sale, and it declares to us the significant fact that about only 1,826 prime skins could be found on the Pribilof Islands during the season of 1901, in spite of the extension of the driving into the 15th of August, or the opening of the "stagy" season. It also shows that the dregs of the young male life are being drawn upon, and will continue to be, with the high prices prevailing, owing to the self-evident scarcity of supply.

For a better understanding of the rapid decline in the numbers of the male life of the Pribilof herd the following analysis of the island or "Alaska" catch of male fur seals taken on the Pribilof Islands, season of 1897, is given for comparison with the foregoing analysis of the catch for 1901:

Sizes.	All males.	Average weight per skin.	Average price per skin, 1897.
		Pounds.	
4-year-olds	1,997	10 to 11	$22.00
3-year-olds	5,329	7 to 8	19.00
2-year-olds	13,000	5½ to 6½	14.00
Total	20,326		

Of which about 1,000 came over from 1896, "food" skins.

Note the fact that in 1897 there were nearly eight times as many 4-year-olds as in 1901; there were four times as many 3-year-olds, and a little over thrice as many 2-year-olds, and that no 1-year-olds or "eye-plaster" skins were taken. The price was too low; hence they escaped. But the price climbed up in 1900, so that by 1901 every 1-year-old was secured if hauled out, or four-fifths of the entire catch of 1901 is made up of these little seals.

In 1897 they only took the "long" 2-year-olds or the best grown ones. They did not take all that hauled out because the price did not warrant them in so doing.

This analysis of 1897 gives a graphic contrast with that of 1901 and eloquently declares the rapidity with which the young male life is being eliminated on the islands.

Now, take the Canadian hunters' catch; observe the following:

EXHIBIT H.

Analysis of the pelagic catch of fur seal for the season of 1901, taken from the sale catalogue of C. M. Lampson & Co., as sold in London, December 17, 1901. Out of the 25,000 skins taken last year only 13,611 were offered at this sale. This catch is taken entirely from the Pribilof herd by Canadian hunters, and is known to buyers as "northwest coast" skins.

Male and female skins.	Average price per skin.	
	1901.	1900.
76 skins of "wigs" (adult males)	$17.67	$11.26
98 skins of "4-year-olds," 10 to 11 pound skins	17.67	19.12
This grade is composed of males.		
1,468 skins of "3-year-olds," 8½ to 9 pound skins	16.85	19.12
This is nearly 80 per cent male grade.		
2,451 skins of "short 3-year-olds," 6½ to 7½ pound skins	18.62	19.58
This grade is nearly 90 per cent female skins.		
2,730 skins of "long 2-year-olds," 5½ to 6 pound skins	19.00	20.04
This grade is nearly 90 per cent female skins.		
2,670 skins of "short 2-year-olds," 5 to 5½ pound skins	17.50	18.35
This grade is nearly 90 per cent female skins.		
2,531 skins of "long yearlings," 4 to 5 pound skins	13.75	14.50
This grade is about 50 per cent female skins.		
1,159 skins of "yearlings," 3½ to 4 pound skins	10.40	10.85
This grade is about 50 per cent female skins.		
296 skins of "short yearlings," 3 pound skins	7.25	10.25

Total of 13,107 skins, leaving a balance of 500 skins which I can not classify, since they are entered as "faulty," "cut," etc.

This sale shows that about 4,000 skins out of the 13,611 offered are male skins; the balance females. (See Exhibit III, appended.)

In this statement of catch and prices realized it is at once clearly established that the Canadian hunter is making a great profit out of his infamous business; that the "agreement" which Jordan made with the Canadians is utterly silly in its conclusion that pelagic sealing had ceased in 1897 to render any profit to its promoters. Those profits have increased 100 per cent.

These hunters have made an enormous profit during the last two seasons, and everything points to a steady continuance of it until they exterminate the species, if we are willing to hold the bag for them—to stupidly pay for the piper while they dance.

Let us look at the cost of settling up this cruel, barbarous, and indecent business for the gain of a few Canadian butchers while they exterminate the life for us. The trouble fairly began in 1890, and the following exhibit will show what an imposition it has been, and is to-day, upon the public Treasury:

EXHIBIT J.

Showing the cost of the futile Navy and Revenue Marine seal patrol of Bering Sea and the North Pacific Ocean.

The following extract is taken from the official report of Commander Clark (now Captain Clark, of the *Oregon*, and so well known to us since the Santiago naval fight), which was made by him at the close of his season's work of directing the patrol in Bering Sea, 1894, and after he had personally observed the operations of the pelagic sealing fleet during the entire period of their hunting outside of the "60-mile zone." The shame and the cruelty of the whole business so deeply impressed him that he makes the following statement:

NAVY-YARD, MARE ISLAND, CAL., *October 27, 1894.*

SIR: In compliance with the Department's instructions dated September 25, 1894, * * * I have the honor to submit the following report, upon the movements of the seal herd in its progress toward Bering Sea, and upon seal life in general. * * *

It was, of course not foreseen when the award was signed by the tribunal of arbitration that a slaughter so destructive to the life of the herd could be carried on under its provisions, or that one of its results would be of so cruel a nature that anything approaching a parallel to it would not be tolerated in a stock-raising community. It is proper to remark here that a starving seal pup will live nearly six weeks. While sealing was only permitted outside of Bering Sea, the catch may have been as great, or even greater, but it was more equally divided between the sexes, and if a pup was lost when a female was killed, then it had not yet been born. If the pelagic sealer is to secure all the profits to be made during the few years that he requires to exterminate the herd, it would seem to be more in the interests of humanity, as well as sound policy, to anticipate his action. * * *

C. E. CLARK,
Commander, United States Navy.

(Sen. Ex. Doc. 67, 53d Cong., 3d sess., p. 431, No. 251.)

The idle and farcical patrol of Bering Sea and the North Pacific Ocean since 1891 down to date by vessels of the United States has cost the public Treasury an enormous sum—money and time of public servants utterly thrown away in burlesque effort. The following statement of that cruising taken from the official reports of the Secretary of the Treasury lights up the truth of the foregoing statement beyond successful contradiction.

For the enforcement of the patrol ordered by the modus vivendi of 1891–1893 and the regulations of the Bering Sea Tribunal put into effect first in May, 1894, and continued to date, the following vessels have been engaged, number and character, per annum, as given below:

1891, 3 United States ships of war, 3 revenue-marine cutters; 1892, 4 United States ships of war, 3 revenue-marine cutters; 1893, 4 United States ships of war, 3 revenue-marine cutters; 1894, 4 United States ships of war, 3 revenue-marine cutters; 1895, 5 revenue-marine cutters; 1896, 6 revenue-marine cutters; 1897, 4 revenue-marine cutters; 1898, no mention of it; 1899, 5 revenue-marine cutters; 1900, 5 revenue-marine cutters; 1901, 5 revenue-marine cutters.

The cost of the cruising in 1891, 1892, 1893, and 1894, when the United States naval fleet combined with the Revenue-Marine cutters, was annually between $450,000 to $494,000. The protest of the naval officers against this useless and idle patrol on their part with ships of war caused the Government to drop that feature and put the entire patrol into the Revenue-Marine. The cost of maintaining a Revenue-Marine cutter for this Alaskan cruising averages $40,000 per year for coal, wages, supplies, and repairs. (See statement of Secretary Carlisle, following.)

Taking these five Revenue-Marine cutters from the ports and districts where they were assigned on the Atlantic and Pacific into this Alaskan district, 1890–1894, has given the good excuse and real need for the building and equipment of six new cutters since then to fill their places.

Therefore it will be at once clearly observed that the annual cost of this patrol of Bering Sea to the public Treasury has never been less than $200,000 to $240,000 since 1895, unless for 1898, when the Spanish war may have drawn most of the Revenue-Marine cutters out of the field, for it is not specified in the Secretary of the Treasury's report to Congress for that year.

The following extract is made from the statement of the Secretary of the Treasury, January 22, 1897, to the President of the United States Senate in answer to an inquiry by that body as to the cost of policing Bering Sea, and other matters. (Fifty-fourth Congress, second session, Doc. No. 81, p. 5.)

"As to the cost of policing Bering Sea and the North Pacific each year since 1890, I have to state that the honorable the Secretary of the Navy upon request has informed this Department that the cost of maintaining vessels of the United States Navy in these waters since 1890, including pay and rations of officers and crews and repairs to the vessels during and immediately following the performance of said patrol duty, was as follows:

1890	No patrol by Navy.
1891	$133,281.64
1892	233,231.31
1893	183,067.74
1894	452,768.18
1895	No patrol by Navy.

The expense incurred by revenue cutters in patrolling Bering Sea from 1890 to 1895, inclusive, including pay and rations of officers and men, is as follows:

1890	$36,846.66
1891	51,650.70
1892	66,672.57
1893	47,385.79
1894	53,439.63
1895	148,677.74

From these figures it would seem that the total cost of policing these waters during the period in question is $1,410,721.96.

The amounts which have been expended by the Government for the support of the native inhabitants of the seal islands of Alaska follow:

1893	$11,337.32
1894	18,319.44
1895	25,563.21

While not requested by the resolution, I append a statement of the amounts expended for salaries and traveling expenses of agents to the seal fisheries of Alaska each year since the date of the first appropriation for that purpose:

1876	$2,752.68	1886	$7,937.49
1877	8,080.49	1887	16,174.13
1878	10,892.50	1888	10,184.52
1879	16,381.78	1889	13,027.10
1880	9,571.62	1890	10,747.71
1881	4,248.09	1891	15,396.83
1882	15,203.06	1892	16,071.33
1883	11,090.32	1893	11,168.27
1884	13,811.64	1894	10,953.09
1885	13,102.61	1895	10,308.38

Total cost—	
Policing waters	$1,410,721.96
Support of natives	55,219.97
Salaries and expenses of agents	227,163.04
Total	1,693,104.97

Respectfully, yours,

J. G. CARLISLE, *Secretary*

Then, if the cost of the Paris junket, 1893, is added, $224,514, and the damage award paid by us to the sealers (1875–76), $473,000, we have Carlisle's total swelled to $2,390,619.97; then add cost of patrol, 1896 to date, $1,450,000, giving a total of $3,840,619.97. Revenue from sealskin tax and rental, 1890–1901, inclusive, $2,110,000; net loss to public Treasury to date, $1,730,619.97.

It is not right, Mr. Speaker, to omit mention of the abortive and silly work which Dr. Jordan and his associates undertook on the seal islands in 1896–97. I refer to the tomfoolery known

and extensively advertised at the time as the "successful" branding of fur seals, whereby the Canadian hunter was sure to be put out of business and the whole question settled by his suppression in that manner!

EXHIBIT K.

THE IMPOTENT WORK OF BRANDING FUR SEALS.

The idle idea of branding female fur seals, so as to destroy the value of their skins and thereby drive the pelagic sealer out of business, was actually attempted and put into practice on the Pribilof Islands in 1896, first by Jordan and his associates in a small way, and then worked by him up there in 1897 to the best of the ability of himself and his associates. This abortive, silly work was indorsed by Secretary Gage in his report for that year to Congress, and commended as a practicable solution of this sealing question, if the Canadians did not yield!

To the utter uselessness and cruelty of this scheme the attention of the Ways and Means Committee was called during Mr. Elliott's hearing February 18, 1896. But it seems that in spite of the protest which he made, this nonsense has actually had its day on the seal islands; but the futility and the cruelty of the job became too rank for its continuation, even by its authors, and it has been practically abandoned since 1898.

Little did the pelagic sealer care for the branding work, which was to ruin the value of his catch, since the trade reports show that he immediately increased his business when Jordan began his, and added immensely to his profits. When the small pups' skins were so "successfully" branded on the islands in 1897 the pelagic sealer received only $6 per pelt for his catch that year; to-day, after five years of this "successful operation" in "destroying the value of the skins," as Secretary Gage has officially described it, the pelagic sealer points with pride and infinite sarcasm to the fact that he gets $16 per pelt, or nearly three times as much as he did when the branding was not done.

THE OFFICIAL RECORD OF BRANDING SEALS SENT TO CONGRESS BY THE SECRETARY OF THE TREASURY, LYMAN J. GAGE, 1897–1901.

[Secretary of Treasury, Report of (p. 29), 1897, Secretary Gage.]

"Renewed experiments were made also in the branding of female pup seals, several thousands being successfully branded in such a manner as to totally destroy the skins from a commercial standpoint, while in no wise injuring the health or vitality of the animal." (One hundred and eighteen cows branded on St. Paul by Associate Joseph Murray; 5,371 pups branded on St. Paul by Associate Joseph Murray; 1,800 pups branded on St. George by Treasury Agent Judd, and so reported. Total, 7,289 seals for 1897. To Dr. Jordan by Murray: "Great success," etc.)

Four revenue marine cutters on patrol this season.

Secretary of Treasury, report of (p. 34), 1898 (Secretary Gage):

Not a word about branding seals.

Not a word about the revenue-marine patrol.

Secretary of Treasury, report of (p. 31), 1899 (Secretary Gage):

Not a word about branding seals.

Five revenue-marine cutters on patrol this season.

Secretary of Treasury, report of (p. 31), 1900 (Secretary Gage):

Not a word about branding seals.

Five revenue-marine cutters on patrol this season.

Secretary of Treasury, report of (p. 39), 1901 (Secretary Gage):

"About 2,000 female fur-seal pups branded this season," etc.

Five revenue cutters on patrol this season.

In this connection the House will observe from the foregoing citations that the Secretary of the Treasury in his reports omits all mention of the "successful" branding of seal pups after 1897 until 1901, an interregnum of four years. Why does he refer to the botch job now? Nothing has been done on the islands as to that work to speak of until last season. Why is the folly again taken up?

Just think a moment of this cruel incident to any and all branding of seal pups. When those "2,000 female fur-seal pups" which the Secretary refers to as branded last season were driven up for that object, no living man could tell what proportion of their number were then or were soon to be deprived of their mothers, either at that moment or later in the season, by the pelagic hunters. Every one of those motherless seals died last fall of starvation on the islands. How many of these 2,000 freshly branded pups were thus deprived of support and then starved to death? We can not tell exactly; but a large number of them met that fate, and they each had the extra torture of burned backs to endure while so perishing, and all this to no earthly purpose whatever in so far as destroying the work of the pelagic hunter or the value of his catch, as the foregoing exhibits of the increased value of his skins since this work was undertaken attest.

The progress of this job of branding fur seals, since it was first put into practice on St. Pauls Island by Dr. Jordan, finally reached the ludicrous climax which is shown in the following carefully prepared statement given to the newspapers by Jordan himself, August 27, 1897, or within a week or so after he had left the islands, first in the New York Tribune of that date and repeated later, as follows:

"In conversation with a reporter recently Professor Jordan said:

"'I find that few people seem to realize how much the scheme of branding female seals is helping us to kill off the Canadian poachers. They must have found this year among the skins they took hundreds that were absolutely worthless to them by reason of the branding marks on the fur.

"This system of branding consists in placing a mark on the back of the animal with a hot iron, so that wherever the iron touches the fine fur is destroyed, making the skin so operated on entirely worthless for commercial purposes. Up to the present season it has been our custom to perform this branding operation with a red-hot bar, but we found that needless pain was being inflicted on the animals by this process, so we have made a change in the method. E. E. Farmer, of Stanford University, has invented a platinum wire pencil which draws its power from an electric dynamo. This pencil maintains a white heat and can be used with the greatest freedom, any sort of a mark being rapidly and easily made. Its great merit is that it inflicts no pain whatever on the animal." (Milwaukee Journal, Oct. 16, 1897, taken from a long syndicated article headed "Triumph of American diplomacy.")

Instead of "killing off the Canadian poachers" by this work, these gentry have simply increased their catch and their profits ever since Jordan fairly began the branding job. And still more, six weeks after this interview above quoted was given to the public, down came a statement of the utter failure of that costly electric-branding pencil and plant when put into actual work on the island which Jordan had just departed from. The Farmer job put up by Jordan was a complete failure, and has not been even suggested as worthy of a second trial by Jordan himself.

The Canadian and British agents upon the islands with Jordan at this time may have cunningly inspired Jordan with this folly of action and belief in branding. If they did not, who did? In their reports Thompson and Macoun do not make the slightest reference to it.

Having shown us how "the scheme of branding seals is helping us to kill off the Canadian poachers," Jordan does not want to absorb all the credit for this folly. He insists that—

"The branding idea originated in the mind of Joseph Murray, now chief Government agent of the rookeries. He was formerly a prominent cattleman in Colorado, and it was his experience with herds that gave him the idea of putting distinguishing marks on the seals." (Milwaukee Journal, October 16, 1897.)

This branding idea did not originate in the mind of Joseph Murray: It originated, in so far as any published record goes, by the statement of M. L. Washburn, who, as an employee of the Alaska Commercial Company, testified before the Committee on Merchant Marine and Fisheries, House of Representatives, in the autumn of 1888, at Washington. (Fiftieth Congress, second session, Report No. 3883.) He did not go to the absurd length of the scheme that Jordan traveled, by any means. He made the suggestion that the seals might be branded with a mark which would make them Government property, positively and easily identified, no matter where taken or how far they had strayed away from the islands in the high seas.

There was, then, an excuse for Washburn's suggestion, since at that time some (though not many) of our good lawyers claimed that we had a property right in these seals, that they strayed away from the islands to feed, just as cattle did from a corral on the plains, and a "U. S." brand mark would be sufficient identification and proof of ownership.

But this claim was denied to us at Paris, 1893. Jordan, in 1896-97, had no such excuse; he put an idle conceit into futile practice.

Mr. Speaker, I come now to the real object and aim of my bill. It is to put the pelagic sealer out of business, and to save at the same time the fur-seal species. The history of the Russian ownership and management of the Pribilof seal herd throws the following clear, full light on what seems to have been completely hidden from or else willfully ignored for trade interests by Dr. Jordan and his associates:

EXHIBIT L.

THE RUSSIAN PERIOD OF GREAT DIMINUTION OF THE PRIBILOF FUR-SEAL HERD 1834–1844.

I bring this period in to show that the present loss of life on the fur-seal rookeries of the seal islands of Alaska is not the first experience of the kind which has been recorded by white men, or, rather, since this life came into the supervision and control of white men, in 1786–87; prior to that date these breeding grounds had been undiscovered by either savage or civilized men.

The Russian records show that from 1817 down to 1834 the supply of choice young male seals was constantly growing less and less as each year followed the other; they show that no such method of killing these seals at sea, now so well known to us as "pelagic sealing," was known to white men or practiced by them, or by the Alaskan natives, during the entire period of Russian ownership and control, ending in 1867; they show that this remarkable shrinkage of the herd from 1817 down to 1834 was due entirely to overdriving and culling of young male seals; they show that fourteen years before the utter collapse of the herd took place this result of ruin was announced by an official investigator, who urged, in 1820, that steps be taken then to avert the disaster, and they show that in spite of this clear note of warning and remonstrance the greed and the avarice of a Russian board of directors overruled Yanovsky's appeal; then they show that the end was reached in 1834, just as he had predicted under date of February 25, 1820, saying:

* * * "that every year the young bachelor seals are killed, and that only the cows, 'seecatchie' and 'polseecatchie' are left to propagate the species. It follows that only the old seals are left, while if any of the bachelors are left alive in the autumn they are sure to be killed next spring. The consequence is that the number of seals obtained diminishes every year, and it is certain that the species will, in time, become extinct." * * *

Then he asks that the killing be stopped altogether in 1821; and then, when resumed in 1822, that only 40,000 be killed, etc., etc. (Proc. Tribunal of Arbitration Bering Sea, Vol. 8, pp. 323-325, No. 6, 1893.)

To this warning and remonstrance against overdriving and killing young male seals on the Pribilof Islands in 1820 the Russian board of directors from St. Petersburg, under date of March 15, 1821, made the following reply and denial: "That although they concur in Mr. Yanorsky's view they have decided not to adopt the measures proposed by him," etc.

What was the result?

The entire disappearance of the killable young male life on the islands in 1834. Then came the long rest of ten years on these rookeries before killing to any noteworthy extent of young males was or could be resumed.

In 1834 the Russian records show that just 100 "halluschickie" were taken—all that could be secured on St. Paul Island "safely"—"leaving in 1835 for breeding, 8,118 fresh young seals, males and females together." (Veniaminov: Zapieskie, etc., Vol. II, p. 568 et seq., 1842.)

Here is the authentic record made by an unusually intelligent and personally well-informed man, written in 1837, that less than 9,000 seals that were "fresh and young" were left alive on St. Paul Island in 1835—reduced to this feeble remnant entirely by excessive killing on the island of young male seals; yet we have had two commissions of our "experts" and scientists visit those rookeries, in 1891 and in 1896-97, only to return and stupidly deny this record, and charge every harm to that herd upon the pelagic sealer and his work since 1886.

Bishop Veniaminov's count of 8,118 seals left on the St. Paul grounds in 1835 was an authentic one, made by the "Bidarshik" Kazean Shaieshnikov, who was the head man and in charge of the island; he also was the man who entertained Yanovsky, in 1819, during the whole of that season, while his investigation was being made then, and which resulted in Yanovsky's warning report, which is quoted above.

This unquestioned record of the Russians is of the greatest interest to us at this hour, because it shows the recuperative powers of the fur-seal herd. Here in 1835 we have but 8,118 young seals left out of millions that existed on the same ground in 1790-1800. In 1857 the Russian records declare that this remnant of 1835 had so multiplied that it overflowed on the breeding grounds

way up to and even beyond the utmost limit it had ever occupied in the days of its finest form and number when first discovered by man; and that no further concern as to the number taken annually need bother the board of directors.

The gentlemen of this committee will, in the light of that record, easily understand how safe it is for us to put the pelagic sealer out of business by killing off these 100,000 female seals now existing down to a residuum of 10,000 or 15,000, and then still have in reserve sufficient power to restore the herd, ample in every respect.

The Russian record of diminution to the point of complete collapse begins in 1817, and is given to us by Bishop Veniaminov, who himself spent the season of 1825 on the islands, and who had free access to all the records of the Russian-American Company. He closed this record in 1837 and its continuation, quoted below, is taken from the record made by Kazean Shaiesnikov, who lived on St. Paul Island during the time covered by it.

Russian record of diminution, 1817–1834.

[Table I, part 2.—Veniaminov's Zapieska, etc., St. Petersburg, 1842.]

Year.	Seals taken from—		Total.
	St. Paul Island.	St. George Island.	
1817	47,860	12,328	60,188
1818	45,932	13,924	59,856
1819	40,300	11,925	52,225
1820	39,700	10,520	50,220
1821	35,750	9,245	44,995
1822	28,150	8,319	36,469
1823	24,100	5,773	29,873
1824	19,850	5,550	25,400
1825	24,600	5,500	30,100
1826	23,250		23,250
1827	17,750	1,950	19,700
1828	18,450	4,778	23,228
1829	17,150	3,661	20,811
1830	15,200	2,834	18,034
1831	12,950	3,084	16,034
1832	13,150	3,296	16,446
1833	13,200	3,212	16,412
1834	12,700	3,051	15,751
1835	4,052	2,528	6,580
1836	4,040	2,550	6,590
1837	4,220	2,582	6,802
Total	464,259	114,665	578,924

In 1874, when Mr. Elliott was investigating this particular subject on the Pribilof Islands, he called a meeting of the natives at St. Pauls village (August) and asked them to give him their best recollection of this sudden drop in the number of seals taken on their island in 1835. After long and patient interchange of opinion among themselves, they gave him the following statement of the actual number of old breeding seals left alive on the St. Paul rookeries at the close of the season's killing in 1834 and during the season of 1835. He asked them this question because Bishop Veniaminor says (quoted above) that in 1835 only "8,118 fresh, young seals, males and females together," were left on St. Pauls Island for breeding. If that were so, how could 4,052 of them be taken in 1835 and then have 4,220 taken in 1836 without completely ending the business?

The St. Paul natives agreed upon the following census for 1835:

	Cows.
Lagoon rookery had 2 bulls	2,000
Zapadine rookery had	1,000
Novastoshnah rookery had	1,500
Polavina rookery had	500
Lukannon Ketavie rookery had 10 bulls	300
Reef and Garbotch rookery had 10 bulls and 20 bulls	1,800
Nahspeel rookery had	100
Total of	7,200

[This census of the natives he has recorded in his report on the "Condition of affairs in Alaska," 1874, p. 119.]

Now, this total of 7,200 old breeding seals as given by these natives agrees pretty well with the bishop's sum of 8,118 "fresh young seals" but it still puzzled Elliott to understand how they could take, or would dare to take, more than half of the entire number in 1835, and then follow it up with a practical extirpation of the life in 1836, according to the figures of the bishop's table.

But in 1890 he stumbled upon the following record, which explains the question completely and satisfactorily. The natives were right, and so was the bishop:

List of the killing for furs and other purposes since the Zapooska of 1835.

[An autographic list made by the "Deacon" and "Bidarshik" Kazean Shaiesnikov, who was the headman on St. Pauls Island during the entire period covered, and it was put in Elliott's hands July 2, 1890, by his son, Father Paul Shaiesnikov.]

Year.	"Hollus-chickie" (or killable male seals).	"Sairie kotic-kov" (or "gray pups" about 5 months old).
1835	100	3,952
1836	1,200	2,840
1837	2,000	2,020
1838	2,500	1,380
1839	5,000	.230
1840	5,350	.650
1841	7,100	.900
1842	8,800	1.200
1843	10,050	1.294
1844	10,150	2.632
1845	9,550	3.428
1846	12,000	3.503
1847	13,300	3.708
1848	13,600	3.370
1849	10,000	3.350
1850	5,530	.538
1851	10,295	.935
1852	9,380	1.250
1853	13,906	1.700
1854	33,861	1.400

With this "list" in Elliott's hand, at once the table of Veniaminov, quoted above, becomes intelligible. Without it it is impossible to reconcile his statement that all killing was stopped in 1835, on the one hand, with his table showing 4,052 killed, on the other; but now we see that the Bishop's total for that year on St. Paul was only "100" skins of "bachelor" or killable seals and "3,952" skins of pups or "gray pups" (5 months old). So, in fact, the killing for market was literally stopped. The pups were taken by the natives for food and clothing; but it will be observed that just as soon as the herd began to increase again the killing of pups was discontinued, and the food supply requisite taken from the "bachelor" carcasses.

When regarding this point in 1874, and trying to discover the real cause of this complete collapse of the herd, Elliott was led to a false conclusion by a misunderstanding of what the natives said and Veniaminov's record affirmed, as to the taking of female seals for their skins in those early days of decline. He understood them then to mean that in taking female seals, as they did, that the driving was made from the rookery grounds as well as from the hauling grounds, and not changed to males alone until 1845. On this false understanding he based his conclusion that the seals were either harassed away from their breeding grounds, or were decimated by a plague or epidemic to such an extent that nothing remained but a remnant in 1834, and he so stated it then. (P. 120, Condition of Affairs in Alaska, 1874.)

But his investigations on the ground in 1890 led him to the truth as declared by the Russian agent, Yanovsky, in 1820, and Veniaminov's record of 1817-1837 then became perfectly consistent and intelligible to him and to us.

The Russian driving never, after the work of 1805–1808, entered the rookery grounds or breeding areas; but as these drives were kept up all through the season, from June 1 to the end of November annually, a certain number of cows were swept into the driven bands, since many of these females (after the breeding season had ended, by August 1) scattered out from the rookeries over the hauling grounds, where the drivers secured their daily quotas.

Once incorporated in the drive, the female was killed along with the male, as it was the rule of the Russians to take everything that they brought up to the killing grounds, except the very old or very young seals, regardless of sex. They had use for all grades of skins, and were not hampered by a uniform tax, to be paid upon every skin taken, regardless of its size or quality, as our people have been.

Illustrative of this, in 1854, 43,000 skins were taken on St. Paul and St. George islands; of this number, 20,000 were 1 and 2 year old skins and were sent to New York; 15,000 were 2 and 3 year old skins and sent to St. Petersburg, and 6,000 were 3 and 4 and 5 year old skins, "big skins" or "medium bulls," and they were sent to the Chinese market; the balance of this catch was used in the "colony" (Alaska). The average female skin will grade in size and weight and quality with the best 2-year-old male; my understanding of the proportion of female skins taken in these Russian drives, as above described, makes it about 10 per cent of the whole season's catch; or, say, for instance, some 4,500 female seals were taken in the 43,000 catch of 1854, being swept into the drives which were all made on the "hauling grounds" during August-November of that year.

In taking this record of the bishop, and also that legend of the natives into consideration, I believe that since these early enumerations were made of only the grown seals, i. e., all above the pups, then it is right to assume that there were about 15,000 seals of that class on the rookeries, instead of 7,200; the absence of more than half to two-thirds of the mother seals at any one time during the height of the breeding season on these rookeries makes a count of the cows at any one time deceptive and far below the reality. Elliott saw the necessity, first of all men, of counting the pups as a safe basis of enumeration of the cows; this he did early in 1872, and proceeded on that line all through his work.

There is no reason to question the accuracy of Veniaminov's figures of 1834. The legendary count given by the natives in 1874 to Maynard and Elliott is not worthy of so much credit; and did it stand alone, we should not place much specific importance to it, except in a general way, as illustrating an era of great loss of life on the rookeries. But coming to Elliott as it did, and without knowledge or prompting of the Bishop's record, for it gives details which he does not publish, I regard it as a valuable addition to the truth of the Bishop's account.

The natives, in 1874, when giving Elliott this description and census of 1834-35, differed among themselves as to the cause. A majority of them charged it up to an extraordinary "frozen summer" by which the islands were surrounded by solid ice floes way into the middle of August, thus shutting out the mother seals from coming ashore to bear their young, etc.; several of the older natives, however, dissented. But Elliott noticed the fact that Veniaminov is silent about this "ice age" in 1834–35. He would not have been had such a condition prevailed, since he was then living and busily engaged in preparing this work of his, "Zapieska ob Oonalashkenskaho Otdayla."

He had direct annual letters from Shaiesnikov, who was in charge of St. Pauls Island, and who was the man who counted the seals (8,118) for him, and who remained in charge until his death in 1854. Shaiesnikov is eulogized by the bishop, and also highly commended for ability and faithfulness by the general manager at Sitka, in many letters and documents.

We have records of ice floes that have shut the islands up against the landing of vessels until the middle of July in one or two instances, and frequently until the 20th and 25th of June for St. Paul; but these floes were "hanging" or "drifting" raft floes, "anchored to the islands," with open water all around on every side, and pierced with "lanes" or reaches of open water, through which the seals could and did land as usual. A brisk gale from any point of the compass will quickly sweep the ice away. Without such a wind these floes "hang" or "anchor" around the islands until very late.

Veniaminov, with all the records of the work in his possession, and living at the time, says deliberately that this collapse of the fur-seal herd on the Pribilof Islands, culminating in 1834, was due entirely to "excessive" and "wicked killing" of the young male life ("Zapieska," etc., vol. 2, p. 568, St. Petersburg, 1842); and Yanovsky predicted it, in 1820, as certain to come unless the culling and killing of choice young males was stopped.

These tables of Russian diminution, contrasted with the figures of our own time and trouble, show plainly enough that history is repeating itself on the islands to-day; that the utter and total destruction of the male fur-seal life up there will be accomplished under existing law, regulations, and trade conditions by 1906 unless we pass the pending bill, for unless we stop our work on the islands we can not save the species; but it is silly and useless to stop our people unless at the same time we stop the pelagic hunters. The enactment of this bill will stop them at once. Nothing else can or will.

Mr. Speaker, in conclusion, let me draw the following picture from the life on the seal islands to-day:

The female seal, heavy with her unborn young, hauls out on the Pribilof breeding grounds early in July. In a day or two after landing she gives birth to her "pup," and after suckling it

for a day or two she leaves it, gorged with her milk, to sleep and rest on the rookery until she shall return.

She goes off for food—away to sea in the west or northwest, anywhere from 80 to 120 miles from the island to the favored fishing banks of her kind; while out there, either as she feeds or sleeps between meals, she is struck by the pelagic hunter's spear, and her quivering body thrown onto the deck of his vessel, where her skin is cut from the flesh, and her blood and mother's milk run down into the scuppers, commingled.

This is indecent enough in itself, but it is not the worst; that helpless "pup" which she left behind her on the island in a day or two begins to grow hungry and to thirst; it rouses itself to long, loud calls for its butchered mother; then subsides for short and fitful intervals of rest; day after day does this little creature repeat this wailing of hunger and thirst—week after week, until it finally sinks into death.

Multiply this example of tortured life twenty thousand times; then you will get a faint idea of what this abominable shamble on the seal islands of Alaska is and was during every September and October since 1893.

How long, Mr. Speaker, would you permit such a cruel and indecent exhibition as this to go on, year after year, in your district? How long would you permit this shame and brutality to be prolonged, if, after fifteen consecutive years of failure on the part of your bungling agents and inexperienced joint commissions, the same official wrecks were to ask you now, to-day, to keep the wretched business open so that they might continue to play with its misery?

Let us make a merciful ending to this infamous business of the pelagic hunter. The shortest and the happiest ending will follow the passage of this bill; it is the only step left for us to take in the premises which will surely preserve the Alaskan fur-seal species from that cruel and indecent extermination which is right at hand if it is not enacted.

Mr. TAWNEY. Does the gentleman from New York expect to use the balance of his time?

Mr. McCLELLAN. I do not.

Mr. TAWNEY. Mr. Speaker, in reply to the suggestion of the gentleman from New York, that the President now has power to enter into negotiations as contemplated by this bill, I respectfully submit that such is not the fact. The findings of the Jordan-Thompson commission some years ago have been construed by the representatives of the Canadian government and by others as tying the hands of the State Department, and that this is so for two reasons: One is that there is no money appropriated for the purpose of conducting negotiations for any modification of the existing regulations; second, because of the alleged findings of fact by the Jordan-Thompson commission. Now, to show you how this Jordan-Thompson agreement is interpreted by the Canadians, I will read from an interview published in Toronto, November 27, 1897, giving what Sir Louis Davies said:

Sir Louis H. Davies, at a meeting of Liberals here last night, referred to his recent visit to Washington to attend the seal conference. He said: "The seal experts settled the question of fact in such a way that hereafter it can not be opened up. We know exactly where we are. * * * They were told (the Americans) that the right to catch seals, being a national right, vindicated by the great Paris tribunal as a legitimate industry on the part of British subjects, could not be disposed of for a mere money consideration, and that Canada did not sell national rights for money."

So that it is absolutely impossible for the executive branch of the Government to open negotiations, and it is so interpreted, not only here, but also in Canada and Great Britain.

Section 5 is objected to by the gentleman from New York [Mr. McCLELLAN], but only because under certain conditions it vests in the executive branch of the Government absolute authority to take the seal life on the Pribilof Islands, except 10,000 females and 1,000 males. Now, I submit, Mr. Speaker, that if these negotiations are not reopened, that if the present regulations for the protection and preservation of the herd are not so amended as to prevent the butchery carried on by the pelagic sealer, that herd will be absolutely extinct in a very few years, especially at the rate at which it is being depleted now. And then what have you done? You have destroyed the herd, and how? You have destroyed it by starving thousands and tens of thousands of seal pups on the Pribilof Islands whose mothers have been butchered in the open sea when out upon the feeding grounds to regain sustenance for the young she has left behind.

Now, if this herd is to be butchered in that cruel and inhuman manner, if it is to be exterminated, let us do it, then, in a decent manner, and not by means of starvation. But I do not anticipate that it will ever be necessary to exercise this discretionary authority. I believe that with that provision in this bill the State Department, or the Executive through the State Department, will be able to open or reopen this subject and secure such a modification as will prevent the present inhuman practices of the pelagic hunter. The 60-mile zone within which no seal can be killed either by American citizen or British subject is not closed to Japan or to Russia, and will not be closed until the pelagic hunters of Great Britian or Canada cease their inhuman work. That being so, and at the rate these vessels are now fitting out in Yokahoma, it will be, I say, a very short time when the pelagic sealer will have entirely destroyed this seal life, and the Government of the United States will be deprived of enjoying the benefit of its own property; for I believe, notwithstanding the findings of the Bering Sea tribunal, these fur seal are the property of the United States, whether they are on land or sea. I ask for a vote.

The SPEAKER. The question is on suspending the rules and passing the bill with amendments.

The question was taken, and the Speaker announced that he was in doubt.

The House divided, and there were—ayes, 72; noes, 23.

Mr. McCLELLAN. I ask for the yeas and nays.

The question was taken on ordering the yeas and nays.

The SPEAKER. Fifteen gentlemen have arisen—not a sufficient number; the yeas and nays are denied; and, two-thirds having voted in favor thereof, the rules are suspended and the bill is passed.

BRIDGE ACROSS CHOCTAWHATCHEE RIVER, IN GENEVA COUNTY, ALA.

Mr. CLAYTON. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 16881) to authorize the court of county commissioners of Geneva County, Ala., to construct a bridge across the Choctawhatchee River, in Geneva County, Ala.

The SPEAKER. The gentleman from Alabama moves that the rules be suspended and pass the bill which the Clerk will report.

The bill was read at length.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken, and, in the opinion of the Chair two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

RESERVATION AND SALE OF TOWN SITES ON THE PUBLIC LANDS.

Mr. EDDY. Mr. Speaker, I move to suspend the rules and pass the bill (S. 6278).

The bill was read, as follows:

A bill (S. 6278) to extend the provisions of chapter 8, title 32, of the Revised Statutes of the United States, entitled "Reservation and sale of town sites on the public lands," to the ceded Indian lands in the State of Minnesota.

Be it enacted, etc., That chapter 8, title 32, of the Revised Statutes of the United States, entitled "Reservation and sale of town sites on the public lands," be, and is hereby, extended to and declared to be applicable to ceded Indian lands within the State of Minnesota. This act shall take effect and be in force from and after its passage.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I demand a second.

The SPEAKER. A second is demanded.

Mr. EDDY. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that a second be considered as ordered. Is there objection? [After a pause.] The Chair hears none. The Chair recognizes the gentleman from Minnesota and the gentleman from Tennessee.

Mr. EDDY. Mr. Speaker, I ask for the reading of the report in my time.

The SPEAKER. The report will be read in the gentleman's time.

The report (by Mr. EDDY) was read, as follows:

The Committee on the Public Lands, to whom was referred the bill (S. 6278) to extend the provisions of chapter 8, title 32, of the Revised Statutes, entitled "Reservations and sale of town sites on public lands," to ceded Indian lands in the State of Minnesota, have had the same under consideration and report the bill with the recommendation that the same do pass.

Under the Nelson law (act of January 14, 1889, 25 Stat. L., 24) as amended by the Morris law (act of June 27, 1902) there is only one way by which the ceded lands on the Chippewa Indian reservations in Minnesota can be disposed of, and that is under the homestead law. The general town-site law (chap. 8, Title XXXII, R. S.) does not apply to these lands. The homesteader can not sell any of his land until he has proved up his homestead claim, and he can not prove up, under any circumstances, in less than fourteen months, by commuting his entry, and without commuting it takes five years; and it generally takes from six months to two years after final proof is made before the same can be approved by the General Land Office and patent issue.

This bill extends the provisions of the general town-site law to these reservations. Under the provisions of this law the land desired to be used for town a site is platted into lots under the supervision and direction of the Interior Department and sold at public auction at not less than $10 per lot.

Under the original agreement with the Indians, as embraced in the Nelson law, the Indians are entitled to all the proceeds of the sale of the land and timber on these reservations.

This bill will not only be of great benefit to the people who want to start towns and engage in business on said ceded lands by enabling them to immediately get title from the Government of the United States to the lots upon which they desire to make improvements, but it will also be of great benefit to the Indians, as they will realize more from the land if it is platted into town lots and sold at public auction under the provisions of the general town-site law than they will get under the homestead law, viz, $1.25 per acre.

It is urgently necessary for the development of these ceded reservations

that this bill be passed, so that people who desire to start towns and engage in business along the railroads that are built or are under construction through these lands can get a good and valid title to town lots without waiting from two to six years for the homesteader to get title under the homestead law. The general town-site law provides for an equitable disposition of such portions of the public domain as are suitable for town sites, and in the opinion of your committee this bill should pass.

The salient points of the general town-site law are as follows:

"1. Parties having founded or who desire to found a city or town on the public lands, under the provisions of sections 2382, 2383, 2384, 2385, and 2386, must file with the recorder of the county in which the land is situate a plat thereof, describing the exterior boundaries of the land according to the lines of public surveys, where such surveys have been made.

"2. Such plat must state the name of the city or town, exhibit the streets, squares, blocks, lots, and alleys, and specify the size of the same, with measurements and area of each municipal subdivision, the lots in which shall not exceed 4,200 square feet, with a statement of the extent and general character of the improvements.

"3. The plat and statement must be verified by the oath of the party acting for and in behalf of the occupants and inhabitants of the town or city.

"4. Within one month after filing the plat with the recorder of the county a verified copy of said plat and statement must be sent to the General Land Office, accompanied by the testimony of two witnesses that such town or city has been established in good faith.

"5. Where the city or town is within the limits of an organized land district a similar map and statement must be filed with the register and receiver. The exterior boundary lines of the town, if upon the land over which Government surveys have not been extended, may, when such surveys are so extended, be adjusted according to those lines, where it can be done without impairing vested rights.

"6. In case the parties interested shall fail or refuse, within twelve months after founding a city or town, to file in the General Land Office a transcript map, with the statement and testimony called for by section 2382, the Secretary of the Interior may cause a survey and plat to be made of said city or town, and thereafter the lots will be sold at an increase of 50 per cent on the minimum price of $10 per lot.

"7. When lots vary in size from the limitation fixed in section 2382 (4,200 square feet), and the lots, buildings, and improvements cover an area greater than 640 acres, such variance as to size of lots or excess in area will prove no bar to entry, but the price of the lots may be increased to such reasonable amount as the Secretary may by rule establish."

Mr. RICHARDSON of Tennessee. Mr. Speaker, I desire to ask what committee reported this bill.

Mr. EDDY. It is the unanimous report of the Committee on the Public Lands. It has also been unanimously reported by a committee of the Senate and passed the Senate.

Mr. RICHARDSON of Tennessee. Is this the Senate bill?

Mr. EDDY. It is.

The question was taken; and in the opinion of the Chair two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

BRIDGE ACROSS ST. FRANCIS RIVER, ARKANSAS.

Mr. VANDIVER. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 16573) to authorize the construction of a bridge across the St. Francis River, at or near the town of St. Francis, Ark., without amendment.

The Clerk read the bill, as follows:

Be it enacted, etc., That authority is hereby granted, and consent is hereby given, for the building of a wagon and foot bridge across St. Francis River at or near the town of St. Francis, in the State of Arkansas, by A. R. Vanmatre, a citizen of the State of Missouri: *Provided*, That the plans for such bridge shall first be submitted to and approved by the Secretary of War.

SEC. 2. That said bridge shall be a lawful structure, and shall be known and recognized as a post route, and shall enjoy the rights and privileges of other post roads of the United States; and no charge shall be made for the transmission over the same of the mails, troops, and munitions of war of the United States. Equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies, and the United States shall have the right of way across said bridge and its approaches for postal telegraph and telephone purposes; and any changes in said bridge which the Secretary of War may require in the interests of navigation shall be made by the person or corporation owning or operating the same at their own expense.

SEC. 3. That this act shall be null and void if actual construction of the bridge herein authorized shall not be commenced within one year and completed within two years from the date of approval hereof.

SEC. 4. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The question was taken; and, in the opinion of the Chair, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

BRIDGE ACROSS RAINY RIVER, IN MINNESOTA.

Mr. MORRIS. Mr. Speaker, I move that the rules be suspended and pass the bill (S. 6446) to provide for the construction of a bridge across Rainy River, in Minnesota, without amendment.

The Clerk read the bill at length.

The question was taken; and in the opinion of the Chair two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

DEDICATION OF CERTAIN PROPERTY TO COLUMBUS, OHIO.

Mr. VAN VOORHIS. Mr. Speaker, I move to suspend the rules and pass Senate joint resolution 156, dedicating to the city of Columbus, in the State of Ohio, for uses and purposes of the public streets, part of property conveyed to the United States by Robert Neil by deed dated February 17, 1863, recorded in deed book 76, page 572, etc., Franklin County records.

The Clerk read the joint resolution, as follows:

Resolved, etc., That there be, and hereby is, dedicated to the city of Columbus, Franklin County, Ohio, for the uses and purposes of public streets and highways forever, so much of the property conveyed to the United States by Robert Neil by deed dated February 17, A. D. 1863, and recorded in deed book No. 76, at page No. 572, of said Franklin County's record of deeds as is described as follows: Being part of the streets bounding the 77 acres 3 rods and 8 poles of land known as the Columbus Barracks, situate in the city of Columbus, Ohio, said dedication being more specifically described as follows: Being the United States' part of Buckingham street, 77 feet wide; Cleveland avenue, 66 feet wide; Stanton street, 70 feet wide; and Jefferson avenue, 66 feet wide.

SEC. 2. That the Secretary of War be, and he hereby is, authorized and directed to execute such paper writing as will carry out the purposes of this resolution.

The question was taken; and in the opinion of the Chair two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

BRIDGE ACROSS CONECUH RIVER, ALABAMA.

Mr. WILEY. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 16915), as amended by the committee, authorizing the commissioners' court of Escambia County, Ala., to construct a bridge across Conecuh River at or near a point known as McGowans Ferry, in said county and State.

The Clerk read the bill at length.

The question was taken; and in the opinion of the Chair two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

STATE SCHOOL INDEMNITY SELECTION IN ABANDONED MILITARY RESERVATION.

Mr. LACEY. Mr. Speaker, I move to suspend the rules and pass the bill (S. 5505) adjusting certain conflicts respecting State school indemnity selections in lieu of school sections in abandoned military reservations, without amendment.

The Clerk read the bill, as follows:

Be it enacted, etc., That all State school indemnity selections in lieu of what are known as school sections in abandoned military reservations made pursuant to the decision of the Secretary of the Interior dated January 28, 1898, and before notice of the withdrawal of that decision was received at the local land office at which the selections were made, and which are otherwise regular and free from any prior lawful claim, shall be confirmed by the Secretary of the Interior; and the lands in such school sections in lieu of which such confirmed selections were made shall be disposed of under the laws applicable to other lands in such abandoned military reservations, a preference right being accorded to those who have made and maintained a bona fide settlement or entry pursuant to said decision of the Secretary of the Interior.

Mr. UNDERWOOD. Mr. Speaker, I demand a second.

Mr. LACEY. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Iowa asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

Mr. LACEY. Mr. Speaker, this bill was introduced in the House and the Senate at the request of the Department of the Interior in order to relieve the situation growing out of a change in ruling. The Department first held that land sections 36 and 16 inside the military reservation formed a proper basis for indemnity selection. Subsequently it was held that the land belonged to the State for school purposes in place. During this period some land that had thus been disposed of by indemnity was settled upon, making a conflict between the settlers on the one hand and the indemnity selections on the other. While the law was thus held, all selections will be ratified and approved by this bill. This is to relieve the situation of the conflict between the indemnity and the settlers during that brief period.

Mr. STEPHENS of Texas. May I ask the gentleman a question?

Mr. LACEY. Certainly.

Mr. STEPHENS of Texas. Does not the gentleman think it would be an unsafe precedent for Congress to undertake to correct all the errors the Secretary of the Interior has made in his rulings?

Mr. LACEY. I think it would be unsafe, both for legislative action and departmental action, but here is a simple proposition covering a few years of time in which we find settlers, on the one hand, and the State, on the other, in conflict. It neither increases nor reduces the amount of the State land; it simply changes the location of it, that is all. The State has obtained other lands in lieu of those it formerly held, and which the settlers have taken, whereas the State ought to have kept the land it had instead of taking new land.

Mr. UNDERWOOD. Does this apply simply for the benefit of bona fide settlers who have gone on the land and settled it for homestead purposes?

Mr. LACEY. That is all; it relieves the settlers and does not deprive the State of any rights. The Department has submitted a bill through the Speaker to this House, and through the President of the Senate to the other House, asking this relief. The Senate bill having gone through, we now desire to substitute it for the House bill and pass it.

I reserve the remainder of my time.

The SPEAKER. The Chair recognizes the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. I am satisfied.

The question being taken on the motion to suspend the rules and pass the bill, it was agreed to, two-thirds voting in favor thereof.

BRIDGE OVER PEARL RIVER, MISSISSIPPI.

Mr. McLAIN. I move to suspend the rules and pass the bill H. R. 16509, with the amendments reported by the committee.

The bill (H. R. 16509) to authorize the Pearl and Leaf Rivers Railroad Company to bridge Pearl River, in the State of Mississippi, was read, with the amendments proposed by the committee.

The question being taken, the motion to suspend the rules and pass the bill, with the amendments, was agreed to, two-thirds voting in favor thereof.

ROCHFORD CEMETERY ASSOCIATION, SOUTH DAKOTA.

Mr. MARTIN. Mr. Speaker, I move to suspend the rules and pass, with an amendment of the Committee on Public Lands, the bill (H. R. 12952) authorizing the Secretary of the Interior to issue patent to the Rochford Cemetery Association to certain lands for cemetery purposes.

The bill, with the amendments, was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent to the Rochford Cemetery Association, of the town of Rochford, S. Dak., for cemetery purposes, to the following-described land, to wit: The south half of the southeast quarter of the southwest quarter of section 22, and the north half of the northeast quarter of the northwest quarter of section 27, township 2 north, range 3 east, Black Hills meridian, embracing in all 40 acres of land, in Pennington County, S. Dak., said patent to contain the provision that said land shall be used for cemetery purposes only: *Provided*, That the said association pay $1.25 per acre therefor.

Mr. RICHARDSON of Tennessee. I demand a second on the motion to suspend the rules.

Mr. MARTIN. I ask unanimous consent that a second be considered as ordered.

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from South Dakota [Mr. MARTIN] to control the time in support of the motion, and the gentleman from Tennessee [Mr. RICHARDSON] in opposition.

Mr. MARTIN. Mr. Speaker, the town of Rochford, in Pennington County, S. Dak., has used a piece of Government land for cemetery purposes for nearly a quarter of a century. Rochford is an unincorporated village. Very recently some of the older citizens of the town have formed a cemetery association, which has been incorporated under the laws of the State for the purpose of acquiring this piece of land—40 acres—paying for it to the Government, and beautifying and preserving the cemetery.

The provisions of the bill are simply that the Secretary of the Interior may convey by patent to this Rochford Cemetery Association this 40 acres of land, to be used for cemetery purposes only, on the payment of the usual price of $1.25 per acre. The bill provides for nothing else. It is recommended by the Committee on the Public Lands, and by all who have passed upon the question.

The question being taken, the motion to suspend the rules and pass the bill was agreed to, two-thirds voting in favor thereof.

LAND FOR RESEVOIR AND WATER PURPOSES, MONTROSE, CAL.

Mr. BELL. I move to suspend the rules and pass, with the amendment reported by the Committee on the Public Lands, the bill (H. R. 16731) permitting the town of Montrose, Colo., to enter 160 acres of land for reservoir and water purposes.

The bill with the proposed amendment was read, as follows:

Be it enacted, etc., That the town of Montrose, in the State of Colorado, is hereby authorized to enter and receive patent for the lands hereinafter described, by and in the name of the mayor of said town, and in trust for it, for reservoir and water purposes, upon its paying $1.25 per acre therefor, namely: Beginning at a point 1¼ miles north and 3 miles west of the quarter section corner on the west line of section 18, township 48 north, range 6 west, of the New Mexico principal meridian; thence north 2,640 feet; thence west 2,640 feet; thence south 2,640 feet; thence east 2,640 feet to the place of beginning, and containing 160 acres of unsurveyed, nonmineral mountain land, which should, if the Government survey was extended to said locality, constitute the south half of the northeast quarter and the north half of the southeast quarter of section 4, township 48 north, range 7 west, New Mexico principal meridian, in Montrose County, State of Colorado: *Provided*, That nothing herein contained shall be so construed as to impair any existing valid adverse rights to any portion of said land.

The question being taken, the motion to suspend the rules and pass the bill was agreed to, two-thirds voting in favor thereof.

FOG BELL, ETC., ON SOUTHAMPTON SHOAL, SAN FRANCISCO BAY.

Mr. KAHN. I move to suspend the rules and pass the bill (S. 2450) to establish a fog bell and lens-lantern light on the southeastern end of Southampton Shoal, San Francisco Bay, California.

The bill was read as follows:

Be it enacted, etc., That there be established on the southeastern end of Southampton Shoal, San Francisco Bay, California, a fog bell and lens-lantern light, at a cost not to exceed $30,000.

Mr. RICHARDSON of Tennessee. I demand a second on the motion to suspend the rules.

Mr. KAHN. I ask unanimous consent that a second be considered as ordered.

There was no objection.

Mr. KAHN. Mr. Speaker, Southampton Shoal lies in the middle of San Francisco Bay, and is about 2½ miles long by a third of a mile wide. Between it and Angel Island is the strait through which all vessels bound for our great rivers, the San Joaquin and the Sacramento, and the San Pablo and Suisun bays, must sail. There is probably no place on the entire Pacific coast where so many vessels pass except through the Golden Gate itself. Recently a ship known as the *Malsden* was wrecked on that shoal. The Department strongly recommends the passage of this bill. The committee is unanimous in reporting it favorably.

The large number of vessels constantly passing this shoal, going to Port Costa and river ports to load with grain and other products, together with the danger by reason of the fogs so frequent in that neighborhood and the strong tides that run there, make it necessary that this light should be established. Under present conditions this shoal is a great menace to navigation. Several vessels have met disaster there, and the construction of this lighthouse is intended to prevent such accidents in the future. Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and in the opinion of the Chair two-thirds having voted in the affirmative, the rules were suspended and the bill was passed.

BRIDGE ACROSS THE MISSOURI RIVER.

Mr. COWHERD. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 7648) to authorize the construction of a bridge across the Missouri River and to establish it as a post road, with amendments.

The bill was read at length.

The SPEAKER. The question is on suspending the rules and passing the bill with amendments.

The question was taken; and in the opinion of the Chair two-thirds having voted in the affirmative, the rules were suspended and the bill as amended was passed.

EXTRADITION TO AND FROM THE PHILIPPINE ISLANDS.

Mr. COOPER of Wisconsin. Mr. Speaker, I move to suspend the rules and pass the bill (S. 7124) to provide for the removal of persons accused of crime, to and from the Philippine Islands, for trial.

The Clerk read the bill.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I demand a second.

Mr. COOPER of Wisconsin. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that a second be considered as ordered. Is there objection?

Mr. RICHARDSON of Tennessee. Mr. Speaker, reserving the right to object to that request, I would ask the gentleman if this bill has been considered by the Committee of the House on Insular Affairs?

Mr. COOPER of Wisconsin. The bill has not been considered by the House committee. I submitted it to the gentleman from Georgia [Mr. MADDOX], a member of the committee, and he said he could see no ground for objection to it. It passed the Senate last Saturday. The bill originated in the Department of Justice, was drawn by the Solicitor-General at the request of the Secretary of War, by whom it was sent here. It simply provides that persons committing crime, or charged with crime in the Philippine Islands and escaping to one of the Territories or States of the Union may be extradited, and the reverse of that, that persons committing crime here and escaping to the Philippine Islands may be brought back. There is no law now which provides for that extradition.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I think this bill ought to be considered by the committee. I object to having a second considered as ordered. We have not a copy of the bill and I want some further explanation.

The SPEAKER. Objection is made to a second being considered as ordered. The Chair would ask if the gentleman's motion is to pass the Senate bill as it passed the Senate?

Mr. COOPER of Wisconsin. As it passed the Senate.

The SPEAKER. Then, this other bill will have to be read, as the one which was read is not the same. The Clerk will report the bill as it passed the Senate.

The Clerk proceeded with the reading of the bill.

During the reading,

Mr. COOPER of Wisconsin. Mr. Speaker, that is not the way the bill passed the Senate. Manua was stricken out. It applies only to the Philippine Islands.

Mr. RICHARDSON of Tennessee. Mr. Speaker, this shows the necessity of having the bill considered by the committee.

The SPEAKER. We have here a certified copy of the bill and that is what the Clerk is reading from.

Mr. COOPER of Wisconsin. That being so, Mr. Speaker, I am willing to have the reference to the committee. I received the bill from the Senator from Massachusetts, who told me that was the way it passed the Senate, and I made this motion at his request.

The SPEAKER. Then the Chair understands that the gentleman withdraws his motion.

Mr. COOPER of Wisconsin. Yes; I withdraw my motion.

WILLIAM H. CRAWFORD.

Mr. ADAMS. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1563) for the relief of William H. Crawford.

The bill was read as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, William H. Crawford, of Philadelphia, Pa., an assistant engineer, with rank of lieutenant, junior grade, on the retired list of the Navy, as for disabilities incurred in the line of duty, to take effect upon the date of appointment under this act.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I demand a second.

Mr. ADAMS. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that a second be considered as ordered. Is there objection?

Mr. RICHARDSON of Tennessee. Mr. Speaker, reserving the right to object, I want to ask the gentleman if this bill has been reported by the committee of the House?

Mr. ADAMS. This bill has been reported by the Naval Committee, I believe, unanimously.

Mr. RICHARDSON of Tennessee. I will not object to having a second considered as ordered.

The SPEAKER. There is no objection. The Chair recognizes the gentleman from Pennsylvania.

Mr. ADAMS. Mr. Speaker, I will state to the House that this bill is to correct a mistake made by the Secretary of the Navy some years ago, in which an officer, after gallant service in the Army, having been wounded twice, upon recovery, was appointed an assistant engineer in the Navy, where he continued to serve during the balance of the war until injured by escaping steam. His health finally failed him, and he was ordered by a physician to go out to Colorado.

Knowing that probably the long absence required in order to effect a cure could not be obtained from the Department, he wrote a letter on the 1st of April, asking if his resignation would be accepted. To his surprise the Secretary of the Navy treated this inquiry as a resignation, and answered it on the 6th, saying that his resignation was accepted. Immediately, on the 9th, he wrote a letter saying there was a mistake—that it was simply an inquiry in order that he might control his conduct in regard to going to Colorado for his health, if it should be necessary; but he was informed that it was too late—that the resignation must stand. He continued to appeal to the Department to have this mistake rectified, until finally the Secretary of the Navy said it was beyond the power of the Department so to do, and referred him to Congress.

Under these conditions he has come to Congress with the sanction of the Secretary of the Navy. The bill has passed the Senate committee, it has passed the Senate, and has passed the House Committee on Naval Affairs. Now it comes before the House for passage in this body. It is a most meritorious case.

Mr. STEELE. Mr. Speaker——

The SPEAKER. Does the gentleman from Pennsylvania yield to the gentleman from Indiana?

Mr. ADAMS. Yes.

Mr. STEELE. Is not this a bill that was voted down during the present session of Congress?

Mr. ADAMS. No, sir; this bill has not been voted down this session. I assure the gentleman.

Mr. STEELE. Was it not up for consideration?

Mr. ADAMS. It was up on a request for unanimous consent, and was objected to.

Mr. BARTLETT. May I ask the gentleman a question?

The SPEAKER. Does the gentleman yield?

Mr. ADAMS. I yield for a question.

Mr. BARTLETT. Do I understand the gentleman that this man comes in that class of those who resigned from the Navy at one time?

Mr. ADAMS. Why, sir, he did not resign.

Mr. BARTLETT. I am asking the question. I want to find out.

Mr. ADAMS. That is the merit of this bill. He wrote a letter of inquiry if his resignation would be accepted, and the reason for that inquiry was that he was threatened with consumption and his physician said that probably he would have to go to Colorado for a long residence; that he probably could not live in this climate longer. He made this inquiry to know, if he had to go, if this long absence for his health became necessary, whether his resignation would be accepted. To his surprise, this inquiry was treated and accepted as a resignation. He at once protested and has been protesting ever since.

Mr. BARTLETT. In other words, they accepted his inquiry whether he would have to resign as a resignation, and he is no longer on the rolls.

Mr. ADAMS. I will read the letter to the gentleman.

Mr. SMITH of Kentucky. Read the letter.

Mr. BARTLETT. I am just trying to find out the facts.

Mr. ADAMS. I am sure if the gentleman understands the facts he will help to right this wrong.

Mr. BARTLETT. I will, if it is right to do so.

Mr. ADAMS. The gentleman must understand that a naval officer in bad health has to report from time to time during his leave of absence. He wrote the following letter:

PHILADELPHIA, *April 1, 1868.*

SIR: I beg to inform the Department that my health has not been so good in the past fifteen days as when I last reported, and feeling convinced that it is permanently impaired to an extent sufficient to disqualify me from performing my duty, I respectfully ask if my resignation will be accepted if tendered at the end of the present month.

Very respectfully, your obedient servant,

W. H. CRAWFORD,
Second Assistant Engineer, U. S. Navy, 1328 Mount Vernon Street.

Hon. GIDEON WELLES,
Secretary United States Navy, Washington, D. C.

On the 6th of the month the Secretary of the Navy wrote as follows:

NAVY DEPARTMENT, *April 6, 1868.*

SIR: Your resignation as a second assistant engineer in the United States Navy, tendered in your letter of the 1st instant, is hereby accepted, to take effect on the 30th instant.

Respectfully,

GIDEON WELLES,
Secretary of the Navy.

Second Assistant Engineer WM. H. CRAWFORD,
Philadelphia.

To that he made the following reply:

Immediately upon receipt of the above letter Mr. Crawford wrote the Secretary, saying:

"PHILADELPHIA, *April 9, 1868.*

"SIR: Your letter of the 6th instant is received. I respectfully beg leave to state that I have not tendered you my resignation. I wrote to know if it would be accepted if tendered. My object in doing this is because my physician has advised me to go to the Rocky Mountains for my health, and if my health does not improve soon I thought of doing so, and in that case I wish to know if it will be accepted if tendered.

"Very respectfully, your obedient servant,

"W. H. CRAWFORD,
"*Second Assistant Engineer, U. S. Navy,*
"*No. 1328 Mount Vernon Street.*

"Hon. GIDEON WELLES,
"*Secretary U. S. Navy, Washington, D. C.*"

Mr. BARTLETT. What was the date of that letter inquiring whether his resignation would be accepted?

Mr. ADAMS. April 1, 1868.

Mr. BARTLETT. What has this officer been doing now for thirty-four years?

Mr. ADAMS. He has been importuning the Navy Department to correct this error. So far as he was informed, the entire power lay with the Secretary of the Navy to rescind the acceptance of that resignation. When Secretary Long informed him that it was beyond the power of the Secretary of the Navy to rescind that resignation, and referred him to Congress, he came here at once. The matter now stands with the approval of the Secretary of the Navy, with the indorsement of the Senate committee, the passage of the bill through the Senate, the passage of the bill through the House Naval Committee, and it is now before the House for ratification.

Mr. LACEY. Will the gentleman notice that the letter was written on April 1.

Mr. ADAMS. Yes; and that is the reason he was made a fool of.

Mr. BARTLETT. May I inquire of the gentleman, when he first undertook to correct this mistake or error, which was committed by the Navy Department, to which he has referred?

Mr. ADAMS. Three days afterwards. I have just read the letter to the gentleman.

Mr. BARTLETT. I understand that. When he undertook to correct it at the Navy Department, what did he do after that in order to get the Department to restore him to his place?

Mr. ADAMS. I will state to the gentleman that here is the affidavit of Lieutenant Crawford——

Mr. BARTLETT. Of course I accept the gentleman's statement as to that.

Mr. ADAMS. I will read the affidavit:

From April 9, 1868, until Secretary Long decided, in 1899, that the Department had not power to correct, etc.

And so this paper goes on to state that in order to support himself that he was obliged to take private occupation, which took him out of the country off and on, but that he never ceased to importune the Department to correct the mistake which the Department had made. It is not a case similar to that of the other officers who went on and resigned. He never resigned and never intended to resign.

Mr. BARTLETT. Will the gentleman permit me to ask him another question?

Mr. ADAMS. Certainly.

Mr. BARTLETT. Do I understand the gentleman to say that it has taken the Navy Department from 1868 to 1899, with all its incoming and outgoing Secretaries and other officials, to determine whether this man had properly resigned or not?

Mr. ADAMS. It took them that time, after all his repeated efforts, while it was understood that the Secretary had the power to correct the error, before Secretary Long said that it was necessary for him to come to Congress.

Mr. BARTLETT. Do you mean to say that there was no one in the Navy Department in this thirty years who was able to tell this man that they had no power and that he should come to Congress for relief.

Mr. ADAMS. I mean to say that no Secretary took that position until Secretary Long took it and referred him to Congress. That is the record.

Mr. BARTLETT. And the gentleman says this officer has been absent from the country engaged in some business?

Mr. ADAMS. Off and on. He had to support his family.

Mr. BARTLETT. Why, certainly; and he ought to have done it.

Mr. STEELE. I would like to have a little time upon this bill without taking the time of the gentleman from Pennsylvania.

The SPEAKER. The gentleman from Tennessee controls the time in opposition to the bill.

Mr. ADAMS. I reserve the balance of my time.

Mr. RICHARDSON of Tennessee. I yield five minutes to the gentleman from Indiana.

Mr. STEELE. I would ask the gentleman from Pennsylvania did not this officer send a feeler to the Navy Department to see if it would not give him some more leave of absence or accept his resignation? I will ask him if it is not a fact that he had been deviling the Department for nearly a year before that, without having performed any service, getting a leave of absence and asking for an extension and saying will not the Department or will the Department, at a certain time next year, say, that, on account of my inability to perform service, accept my resignation, and in obedience to that the Secretary of the Navy accepted his resignation? Is it not a case where the Secretary himself gave the benefit of the doubt to the service and got rid of him?

Mr. ADAMS. I am surprised at the gentleman from Indiana.

Mr. STEELE. Well, answer the question. I do not want your surprise.

Mr. ADAMS (continuing). With his record as a soldier, to bring up such a suggestion against a man whose health has been impaired in the service of the country. He was wounded at Fair Oaks and was at Antietam. Then afterwards he went into the Navy, and was scalded by escaping steam so as to affect his health.

Mr. STEELE. I am asking for information.

Mr. ADAMS. The remarks of the gentleman should rise above that. The man was in ill health.

Mr. STEELE. And has been ever since the war.

Mr. ADAMS. And has been.

Mr. STEELE. He has never performed any duty since the close of the war. Then he threatened to resign, and the Secretary just accepted the bluff. [Laughter on the Democratic side.]

Mr. ADAMS. Not at all. I have explained the circumstances fully; that he felt that he was compelled to go to Colorado for his health.

Mr. STEELE. What does the Secretary of the Navy say about it?

Mr. ADAMS. Secretary Long?

Mr. STEELE. Secretary Welles; and after Secretary Welles had called the bluff, as my friend on the other side suggests, who knows the game better than I do—when he called the bluff and had accepted his resignation, how is it we had no Secretary who came to Congress and asked power to correct the mistake, if it was one, and if he did not say so, why did not the next Secretary say so, or any other in the last twenty-five years have anything to say of the kind? No Secretary has said so until Secretary Long said what he is reported to.

Mr. ADAMS. I will state in reply to the gentleman that shortly after the war the officers of the Navy were in excess of those required for the public service, and they were seizing every chance to accept resignations or supposed resignations in retiring them and getting them off the list. That is one reason why this inquiry was taken and accepted as a resignation when a resignation never was intended.

Mr. STEELE. What I want to know is this: If the gentleman believes that this officer had been a desirable officer and the Secretary had made a little mistake, if he would not have corrected it in ten days, much less thirty years?

Mr. ADAMS. Why, the gentleman forgets that I read the letter of Lieutenant Crawford, which he wrote to the Department after they had accepted his letter as a resignation on the 6th, he wrote them on the 9th.

Mr. STEELE. That was just after his bluff had been called. He felt badly about it.

Mr. ADAMS. I do not consider, sir, that a resignation of an officer of the United States Navy is to be called and made fun of by the term of "bluff" in the House of Representatives.

Mr. STEELE. There may be something objectionable to the word "bluff."

Mr. ADAMS. There is when you apply it to the honorable resignation of an officer of the United States Navy.

Mr. STEELE. I have had my bluffs called. [Laughter.]

Mr. ADAMS. You can not call mine on this subject. [Laughter.] If you do you will be beaten by the House of Representatives.

Mr. STEELE. Well, that is all right. I understand the case from the gentleman's point of view, but my opinion is that my surmise is correct, that if he had been a desirable officer he would have been in the Navy to-day.

Mr. ADAMS. I say, Mr. Speaker, that he was a desirable officer. I have explained that at that particular time the officer was in the United States service.

Mr. RICHARDSON of Tennessee. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. RICHARDSON of Tennessee. I want to ask if the gentleman is speaking in his own time or in mine?

Mr. ADAMS. I am speaking in the time of the gentleman from Tennessee.

Mr. STEELE. I have just taken my seat, and I am glad the gentleman has finished his remarks. [Laughter.]

Mr. RICHARDSON of Tennessee. I now yield to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Speaker, I would be glad if the gentleman from Pennsylvania would have read again the letter of resignation in my time.

Mr. ADAMS. Let the Clerk read it.

The Clerk read as follows:

PHILADELPHIA, *April 1, 1868.*

SIR: I beg to inform the Department that my health has not been so good in the past fifteen days as when I last reported, and feeling convinced that it is permanently impaired to an extent sufficient to disqualify me from performing my duty, I respectfully ask if my resignation will be accepted if tendered at the end of the present month.

Very respectfully, your obedient servant,

W. H. CRAWFORD,
Second Assistant Engineer, U. S. Navy, 1338 Mount Vernon Street.

Hon. GIDEON WELLES,
Secretary U. S. Navy, Washington, D. C.

Mr. GROSVENOR. Mr. Speaker, we have set an example to-day—and I refer to this case so that I may be in a proper position—of overruling the War Department and the Navy Department in many of their acts which have stood uncontested for from thirty to thirty-five years. I do not undertake to decide what ought to be done about this, but one thing is very certain, we have a most incompetent and unworthy organization of the Navy and the Army, or we have come to a degree of interference by Congress that is not justified.

I will not comment upon other bills which have been passed. We passed a bill that worked its way somehow or other from the Military Committee conferring an office, a status upon a sergeant of the war who failed to acquire a commission. There were many thousands of them. The chairman of the Committee on Military Affairs told me to-day that he did not doubt that there were 3,000 of them standing in the same position, good men, but not officers.

Now, here is a case of a man who notified the Department thirty-odd years ago that he was not fit to be in the naval service, and the Department accepted his proposition, and he went out. Now, times got hard, his health is now not what he thought it was then, and he comes back to be restored to the Navy. Have we got an arm of the service so utterly inefficient that it can not do business better than that, or are we to load the retired list of the Army and Navy simply because somebody is a good man, and somebody made a mistake in going out of the Navy, and now after a long lapse of years wants to be put back?

I do not believe in it; and I will take my chances of the criticism by the gentleman from Pennsylvania that this is a good soldier.

I do not doubt it. He is contented with his record, and so am I. He eulogizes him here in Congress; so would I if I knew him. But I can bring here 100 cases, in two hours' time, just as meritorious as that one. The question is now are we to proceed and establish the precedent that all a man has got to do is to come here and say he made a mistake and regrets it and we restore him to the service?

Mr. ROBINSON of Indiana. I would like to ask the gentleman from Ohio if he considers the letter a resignation?

Mr. GROSVENOR. I do. Acquiescence, as the gentleman knows, for he is a lawyer, in a construction of that character is just as good as if it had been in the most positive terms.

Mr. ROBINSON of Indiana. Does not the gentleman recognize that in three days after it had been so construed the officer himself gave the other construction to it?

Mr. GROSVENOR. He did not give a very effective construction to it.

Mr. ADAMS. Mr. Speaker, the mistake the gentleman from Ohio makes is one of principle. I would have some sympathy with his remarks if he said that this House ought not to overturn the judgment of the Department and reinstate an officer who had resigned of his own volition. That position would have been sound and well taken; but that is not this case. This man did not resign. He did not acquiesce in the construction of his letter. It was a wrong construction, which he asks you to right. Immediately upon receiving the acceptance of his alleged resignation, dated the 6th, at once, on the 9th, he writes and says, "I did not resign. That was never intended to be a resignation."

We are not overriding the judgment of the Department. There is no such purpose proposed in this bill. Those who take that view do not understand the situation. The matter is simply this: The Department admits that the mistake was made in the interpretation of this man's letter, and the Department says: "We can not correct our own mistake; you must go to Congress." In pursuance of the direction of the Secretary of the Navy this man comes to Congress; and this bill is brought before the House for the purpose of correcting the mistake admitted by the Department, but which it states it has no power to correct.

That is the position. There is no reversal of the judgment of the Secretary of the Navy; there is no reversal of the advice and judgment of the Department. The object is simply to correct an error.

Mr. STEELE. Was not this bill voted down at the last session?

Mr. ADAMS. Not within my knowledge.

Mr. ROBINSON of Indiana. I do not want the gentleman from Pennsylvania to understand me as construing this man's letter as a resignation. I think it was not.

Mr. ADAMS. It was not.

Mr. FITZGERALD. If this man did not intend to resign at the end of the month, why did he want the opinion of the Department as to whether his resignation would be accepted?

Mr. ADAMS. Simply because he was in ill health—was threatened with consumption—and had been advised by his physician that to effect a permanent cure he would probably have to go to Colorado for the period of a year or more. He had the matter under consideration, and he asked the Department whether, if he decided that he must be absent from duty for this long period (for which he could not get leave of absence), the Department would accept his resignation.

Mr. FITZGERALD. In that letter he states that his health was impaired and that he would be unable to perform any of the duties of his position.

Mr. ADAMS. As I have stated, every officer who is absent on sick leave is obliged to make a report to the Department every fifteen days as to the state of his health, and the letter to which the gentleman refers was written partly in compliance with the regulation of the Department.

Mr. FITZGERALD. Did he want the Department to inform him that it would not accept his resignation if it should be sent in?

Mr. ADAMS. No; he wished to know whether, if his resignation should be tendered at the end of the month, it would be accepted. The letter so states.

Mr. FITZGERALD. He desired to send in his resignation at the end of the month?

Mr. ADAMS. He did not know as to that. He was awaiting the decision of his physician as to whether he would be obliged to go away for a long period in order to cure permanently his threatened pulmonary trouble.

The question being taken on the motion to suspend the rules and pass the bill,

The SPEAKER. In the opinion of the Chair, two-thirds have failed to vote in favor of the motion, and it is not agreed to.

TRANSFER OF LANDS IN CALIFORNIA.

Mr. NEEDHAM. Mr. Speaker, I move to suspend the rules and pass the bill (S. 5212) granting to the State of California 640 acres of land in lieu of section 16, township 7 south, range 8 east, San Bernardino meridian, State of California, now occupied by the Torros band or village of Mission Indians.

The bill was read, as follows:

Be it enacted, etc., That there be, and is hereby, granted to the State of California 640 acres of lands, to be selected by said State, under the direction of the Secretary of the Interior, from any of the unappropriated public lands of nonmineral character in said State, in lieu of section 16, township 7 south, range 8 east, San Bernardino meridian, State of California; and the selection by said State of the lands hereby granted, upon the approval of same by the Secretary of the Interior, shall operate as a waiver by the State of its right to said section 16, and thereupon said section 16 shall become a part of the reservation heretofore set apart for the use and occupancy of the Torros band or village of Mission Indians, of southern California, under the provisions of the act of Congress approved January 12, 1891, entitled "An act for the relief of the Mission Indians in the State of California," according to the terms and subject to the conditions imposed by said act.

The SPEAKER. Is a second demanded on this motion?

Mr. MOON. A second is demanded.

Mr. NEEDHAM. I ask unanimous consent that a second be considered as ordered.

There was no objection.

Mr. NEEDHAM. Mr. Speaker, under the general law there were granted to the State of California sections 16 and 36 for school purposes. It has been found that section 16 described in the bill is occupied by the Torros Band of Mission Indians, who have made valuable improvements upon it, including some artesian wells and other property of that kind. This bill provides that the State of California may select, in lieu of the lands now so occupied, another 640 acres. The bill was prepared by the Department, it has passed the Senate, and has been unanimously reported by the Committee on Public Lands.

The question being taken on the motion of Mr. NEEDHAM to suspend the rules and pass the bill, it was agreed to (two-thirds voting in favor thereof).

WIDOWS ISLAND, MAINE.

Mr. LITTLEFIELD. I move to suspend the rules and pass the bill (H. R. 3100) providing for the conveyance of Widows Island, Maine, to the State of Maine.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and instructed to convey, for and in behalf of the United States, to the State of Maine, when said State shall decide to accept the same, to be used for public purposes, Widows Island, situated in Fox Island thoroughfare, on the coast of Maine, with all of the buildings and improvements thereon: *Provided*, That whenever, in the judgment of the President of the United States, the building and grounds herein ceded to the State of Maine are needed by the Navy Department, the United States may resume possession of the same: *And provided further*, That should the United States resume possession of said building and grounds the value of any improvements made by the State of Maine shall be refunded to the State of Maine, and that the Secretary of the Navy shall ascertain and fix the value of said improvements, if any there be: *Provided further*, That if the State of Maine shall at any time cease or fail to use the aforesaid property for public purposes it shall immediately revert to the United States, and in that case no compensation shall be made by the United States for any improvements or betterments.

Mr. RICHARDSON of Tennessee. I demand a second on this motion.

Mr. LITTLEFIELD. I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection?

Mr. RICHARDSON of Tennessee. Reserving the right to object, I ask whether this bill has been reported by any committee of this House?

Mr. LITTLEFIELD. Yes, sir; it has been unanimously reported by the Committee on Naval Affairs at this session, the report having been made by the gentleman from Kentucky [Mr. WHEELER].

Mr. RICHARDSON of Tennessee. I do not object to a second being ordered.

There being no objection, the motion to suspend the rules was seconded.

The SPEAKER. The question is now on suspending the rules and passing the bill.

Mr. RICHARDSON of Tennessee. I should like to hear some reason in favor of the bill. I should be glad to know the value of this island.

Mr. LITTLEFIELD. I think that if the Clerk will read the report it will be found to make a clear statement of the whole situation. After the reading, if any gentleman so desires, I will make a further explanation.

The SPEAKER. The Clerk will read the report in the time of the gentleman from Maine [Mr. LITTLEFIELD].

The Clerk read as follows:

The Committee on Naval Affairs, to whom was referred the bill (H. R. 3100) providing for the conveyance of Widows Island, Maine, to the State of Maine, beg leave to submit the following report:

Widows Island, which is authorized to be conveyed by this bill to the State

of Maine, is situated on the coast of Maine. It was purchased by the Light-House Board in 1857, of private individuals, for the sum of $500. In 1887 a naval hospital was constructed thereon, at an expense of $50,000, for the purposes and under the circumstances set forth in the letter of the Secretary of the Navy, containing the report of the Bureau of Medicine and Surgery approving the bill, which is now quoted:

NAVY DEPARTMENT, *Washington, January 16, 1901.*

SIR: Referring to bill H. R. 12001, providing for the conveyance of Widows Island, Maine, to the State of Maine, and to your request of the 11th instant for an expression of the Department's views in regard thereto, I have the honor to state that the Bureau of Medicine and Surgery, which has charge of the property in question, reports as follows:

"The naval hospital on Widows Island, Maine, was built in 1887. It is a two-story building, 50 by 69 feet. It will accommodate about 30 patients. It was intended principally as an administration building, and a majority of the patients were to be accommodated in outside pavilions.

"The hospital was built to meet an emergency which no longer exists. The Navy Department had a small yellow-fever hospital on Woods Island, near Portsmouth, but local influences necessitated its abandonment, and it became immediately necessary to provide other accommodations for possible yellow-fever cases that could not then be cared for elsewhere.

"In consequence of wise and effective sanitary precautions the vessels of the Navy cruising in the West Indies have been free from yellow fever for several years. Meanwhile, the health authorities of the State of New York have established in the lower bay, inside of Sandy Hook, very extensive and very complete contagious-disease hospitals, where every attention can be given to the officers and crews of infected vessels and the vessels thoroughly disinfected. In the event of yellow fever appearing on any vessel of the Navy it would be immediately sent to the New York quarantine station, which is now thoroughly well equipped for service.

"This renders the Widows Island Hospital unnecessary as a yellow-fever hospital, for which it was built, and it is not required for a general hospital. There is a naval hospital at Portsmouth, N. H., which meets all requirements of the station.

"The Widows Island Hospital has been a source of expense to the Bureau of Medicine and Surgery for many years, as it was necessary to keep it in repair and have it properly guarded. It was not needed during the war with Spain, and it is altogether improbable that it would ever be needed by the Navy or be anything else than a continued expense. The Bureau, therefore, entirely approves of H. R. 1201 and recommends its approval by the Department."

This property having ceased to be of service to the Navy, so far as this Department is concerned, no objection is perceived to the passage of the measure above mentioned ceding it to the State of Maine.

Very respectfully,

JOHN D. LONG, *Secretary.*

HON. GEORGE EDMUND FOSS,
Chairman Committee on Naval Affairs, House of Representatives.

Since this hospital was built in 1887, for the reasons, presumably, indicated in the letter of the Secretary of the Navy, it has never been occupied by a single patient. Its only occupant has been the keeper, who has had charge of the property for the Government, without having been of any use to the Government. Since its erection it has been a constant source of expense, the items for the last four years being as follows:

1897—Keeper	$720.00
Miscellaneous expenses	207.99
Total	927.99
1898—Keeper	720.00
Miscellaneous expenses	65.00
Total	785.00
1899—Keeper	720.00
Miscellaneous expenses	72.33
Repairs to roof	30.00
Total	822.33
1900—Keeper	720.00
Miscellaneous expenses	183.75
Wharf	650.00
Total	1,553.75

We are of the opinion that there is no reasonable probability of its use by the Government; and if it is to be kept by the Government and kept in proper condition, it will involve an annual outlay of from $720 to $1,000 or more. Under the circumstances we recommend the passage of the bill.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I could not catch the condition on which the Government of the United States can resume this title. I understood there was some such condition in the bill.

Mr. LITTLEFIELD. Yes. I will read it:

Provided, That whenever, in the judgment of the President of the United States, the building and grounds herein ceded to the State of Maine are needed by the Navy Department, the United States may resume possession of the same: *And provided further*, That should the United States resume possession of said building and grounds the value of any improvements made by the State of Maine shall be refunded to the State of Maine, and that the Secretary of the Navy shall ascertain and fix the value of said improvements, if any there be: *Provided further*, That if the State of Maine shall at any time cease or fail to use the aforesaid property for public purposes it shall immediately revert to the United States, and in that case no compensation shall be made by the United States for any improvements or betterments.

My attention was first called to this, I would say to the gentleman from Tennessee, by Surgeon-General Van Ruypen, about three years ago. I was in his office one day and he called my attention to this island with this hospital upon it. I knew about the island, because it is situated about 15 miles from where I live. He called my attention to the fact that it never had been used, even for a minute, for the purposes for which it was constructed; that it cost the Department on an average about $1,000 a year, and he asked me if I could not arrange to get rid of it and get the State of Maine to take it. I told him that possibly it might be done, so I introduced a bill at the last session, which was unanimously reported by the committee, but I was not able to reach it.

I have seen the building myself during the past summer. The roof is in such condition that extensive repairs will have to be made in order to make it tight. It seems that the original contractors contemplated a continuous leak, because when they built it they built around the chimneys that are in the building wooden troughs for the purpose of catching the leakage, and since then it has had tubs and receptacles of that sort in its attic for that purpose. Unless a large sum of money is expended on the roof, the building itself will be somewhat injured by that leakage. That is about all there is to the bill. At the suggestion of the Surgeon-General I am doing what I can to get rid of this annual expense which does not seem to produce any result to the Government of the United States.

Mr. RICHARDSON of Tennessee. Does the gentleman think it fair to impose this expense on the State of Maine to keep it in order?

Mr. LITTLEFIELD. The State of Maine will have to keep it in order if it accepts it. It contemplates using it as a reformatory for women. It is not especially well adapted for that.

Mr. GROSVENOR. Badly located?

Mr. LITTLEFIELD. Yes; it is not very well located for that purpose. I am inclined to think that if the bill passes the State of Maine will probably create a reformatory for women and locate it in this place.

Mr. RICHARDSON of Tennessee. Does the gentleman think that if a condition were imposed on the State of Maine to pay from $25,000 to $50,000, that the State of Maine would accept it on that condition?

Mr. LITTLEFIELD. I should doubt it very much. I think it is somewhat doubtful whether the State of Maine will organize its reformatory for women, even under the circumstances, if the building is transferred from the Government.

Mr. RICHARDSON of Tennessee. I believe the report shows that the Government expended $50,000 on the building.

Mr. LITTLEFIELD. Yes; it undoubtedly cost $50,000.

Mr. RICHARDSON of Tennessee. How much land is there?

Mr. LITTLEFIELD. There are something like two or three acres on the island. There is nothing else on it except this building and the wharf, and it is absolutely worthless for any other purpose. It is not practicable to use it for any other purpose.

Mr. HEPBURN. Mr. Speaker, could we not utilize this occasion for at least one useful purpose, that of trying to find out who is responsible for this expenditure of nearly $100,000 for a piece of property that the Government of the United States has never for one moment used? Somebody is responsible for this kind of crime, and we ought to at least be able to find out who it is and hold him up so that the people can excoriate him, mentally, at least.

Mr. LITTLEFIELD. I have no objection to the gentleman from Iowa holding up anybody or impaling anybody he likes, but I take it he will not bother the gentleman from Maine with that process, because it was before his time. I assume it was built for good reasons. Who was responsible for this in 1887 I do not know.

Mr. RICHARDSON of Tennessee. What appropriation bill carries the annual appropriation for that?

Mr. LITTLEFIELD. I presume the naval appropriation bill; but as to that I do not know.

Mr. RICHARDSON of Tennessee. Perhaps the gentleman from Illinois [Mr. CANNON], chairman of the Committee on Appropriations, could tell us.

Mr. CANNON. I do not know anything about the island or the widow. No appropriation bill that I know anything about carries this appropriation.

Mr. RICHARDSON of Tennessee. Does not the gentleman recognize that it would be impossible to get the $720 appropriated annually, which I understood the gentleman from Maine to say had been appropriated, unless Congress made the appropriation? And if Congress made the appropriation, I thought it was a respectful question to address to the chairman of the Committee on Appropriations, because I know he knows what the items are which are recommended by the Committee on Appropriations.

Mr. CANNON. I will say to the gentleman from Tennessee that I have no doubt that the maintenance of hospitals is paid from appropriations carried by the naval appropriation bill, and not from any carried on the sundry civil bill.

Mr. GROSVENOR. Mr. Speaker, I should like to ask the gentleman from Maine if he is personally well acquainted with this island and these premises?

Mr. LITTLEFIELD. I can not say that I am well acquainted. I was on the island during the last summer, and at this building, and made a call on the keeper.

Mr. GROSVENOR. What sort of a place would it be for a lobster hatchery? [Laughter.]

Mr. LITTLEFIELD. I do not think the gentleman from Ohio can hatch out any lobster idea from this island.

Mr. GROSVENOR. We have had some trouble to give the State of Maine a lobster hatchery.

Mr. LITTLEFIELD. I know you did, and you exercised a great deal of discretion in so doing, which it affords me great pleasure to now acknowledge.

Mr. CANNON. May I ask the gentleman a question?

Mr. LITTLEFIELD. Yes.

Mr. CANNON. This is on the seacoast?

Mr. LITTLEFIELD. It is in Fox Island Thoroughfare, in Penobscot Bay.

Mr. CANNON. There come in, especially from Portland and New York Harbor, and generally from New York, claims for damages, scores of them, for the breaking of windows and the doing of damage by the discharge of the high-power guns in our seacoast defenses. Are there any of them near there that would jar out any of these windows?

Mr. LITTLEFIELD. I have not discovered anything larger than a fowling piece.

Mr. CANNON. Nothing larger?

Mr. LITTLEFIELD. No.

Mr. CANNON. There are no high-power guns near there?

Mr. LITTLEFIELD. No, except in Portland, and that is about 60 miles distant. I do not understand that the shock would travel that distance.

Mr. CANNON. For many years there has been an agonizing effort to have the Government buy certain lands upon Cushings Island.

Mr. LITTLEFIELD. I have nothing to do with that.

Mr. CANNON. I just wanted to ask my friend a question. The lands are very expensive, and very extensive also. Does my friend think that a trade might be gotten up in some way by which we could get Cushings Island?

Mr. LITTLEFIELD. I do not think any Siamese twinship could be found between Cushings Island and Widows Island. I am pretty well advised as to what the chairman of the committee has in his mind.

Mr. FITZGERALD. Will the gentleman from Maine allow me to ask him a question?

The SPEAKER. Does the gentleman from Maine yield to the gentleman from New York?

Mr. LITTLEFIELD. With pleasure.

Mr. FITZGERALD. During the reading of the report it was stated that there were accommodations in the harbor of New York for these yellow-fever cases. Is it the intention to make New York Harbor a dumping ground for the yellow-fever cases formerly sent to this island?

Mr. LITTLEFIELD. If that were the intention, it need not disturb New York very much, when fifteen years have elapsed without a single case in that hospital. I do not think my friend need be disturbed very much about that.

Mr. FITZGERALD. There must have been some possibility of a number of cases from the Navy being sent to this hospital, when such an extensive plant was erected.

Mr. LITTLEFIELD. I know nothing about what gave rise to the erection of this building, or what were the reasons for building it. I suppose the Department expected to have some use for it, but it turns out to be a fact that they have not had.

One of the reasons given by the Surgeon-General in conversation was substantially the reason given here—that after it was built other accommodations, as I remember it, were made in New York, which more adequately took care of their yellow-fever patients, and rendered this unnecessary. Of course I do not know anything about that.

Mr. FITZGERALD. The accommodations made in the harbor of New York were made by the local authorities for the protection of the people of New York. It is not a place to which the Navy can send its cases. It is a place where vessels coming to the port of New York with persons infected by contagious diseases may send them until they have recovered; and if the object of the bill is to make this contageous-disease station in New York Harbor a dumping ground for the entire Navy, it is my opinion that this hospital in Maine should remain the property of the Government.

Mr. LITTLEFIELD. Well, I will say to my friend from New York, that I do not think there is any such purpose or intent.

Mr. FITZGERALD. I should hope not, because we are quite solicitous about our health up there.

Mr. LITTLEFIELD. I do not think that consideration is involved in it at all.

The question was taken; and two-thirds voting in favor thereof, the rules were suspended and the bill passed.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States, by Mr. BARNES, one of his secretaries, announced that the President had approved and signed bills of the following titles:

On January 31, 1903:

H. R. 2974. An act for the relief of J. V. Worley; and

H. R. 14516. An act granting an increase of pension to James D. Kiper.

On February 2, 1903:

H. R. 15922. An act to enable the Secretary of Agriculture to more effectually suppress and prevent the spread of contagious and infectious diseases of live stock, and for other purposes.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 6147. An act to establish a fish-hatching and fish station in the State of Indiana—to the Committee on the Merchant Marine and Fisheries.

S. 2429. An act to provide for the payment of overtime claims of letter carriers excluded from judgment as barred by limitation—to the Committee on Claims.

S. 7124. An act to provide for the removal of persons accused of crime to and from the Philippine Islands, Guam, Tutuila, and Manua for trial—to the Committee on Insular Affairs.

S. 7168. An act to establish a port of delivery at Salt Lake City, Utah—to the Committee on Ways and Means.

S. 6339. An act to confirm certain forest lieu selections made under the act approved June 4, 1897—to the Committee on Public Lands.

S. 6515. An act to exempt from taxation certain property of the Daughters of the American Revolution in Washington, D. C.—to the Committee on the District of Columbia.

S. 261. An act providing for the establishment of a life-saving station in the vicinity of Cape Flattery, or Flattery Rocks, on the coast of Washington—to the Committee on Interstate and Foreign Commerce.

S. 6847. An act to increase the number of light-house districts—to the Committee on Interstate and Foreign Commerce.

S. 3309. An act for the relief of Mary A. Shufeldt—to the Committee on Claims.

S. 6056. An act to pay Hewlette A. Hall balance due for services in connection with the Paris Exposition—to the Committee on Claims.

S. 6536. An act providing for the construction of a tender for the Twelfth light-house district—to the Committee on Interstate and Foreign Commerce.

S. 4876. An act to remove the charge of desertion from the military record of William P. Taylor, deceased—to the Committee on Military Affairs.

S. 6754. An act authorizing the city of Batesville, Ark., to draw water from the pool of Dam No. 1, Upper White River—to the Committee on Interstate and Foreign Commerce.

S. 6290. An act to extend the provisions of section 2455 of the Revised Statutes of the United States, as amended by act of February 26, 1895, relating to public lands—to the Committee on the Public Lands.

S. 7044. An act to authorize the President to detail officers of the Revenue-Cutter Service as superintendents or instructors in the public marine schools—to the Committee on Interstate and Foreign Commerce.

Senate concurrent resolution No. 61:

Resolved by the Senate (the House of Representatives concurring), That 15,000 copies of the Woodsman's Handbook, part 1, being Bulletin 36, Bureau of Forestry, United States Department of Agriculture, be printed and bound at the Government Printing Office, of which 5,000 copies shall be for the use of the Senate, 5,000 copies for the use of the House of Representatives, and 5,000 copies for the use of the Department of Agriculture—

to the Committee on Printing.

NELLIE ETT HEEN.

The SPEAKER laid before the House the bill (H. R. 12240) granting to Nellie Ett Heen the south half of the northwest quarter and lot 4 of section 2, and lot 1 of section 3, in township 154 north, range 101 west, in the State of North Dakota, with a Senate amendment; which was read.

Mr. MARSHALL. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 8238. An act for the relief of the heirs of Mary Clark and Francis or Jenny Clark, deceased, and for other purposes;

H. R. 8650. An act for the relief of the estate of Leander C. McLelland, deceased;

H. R. 12316. An act granting an increase of pension to Weden O'Neal; and

H. R. 1139. An act granting a pension to Carter B. Harrison.

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER also, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bills of the following titles:

H. R. 13679. An act to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898;

H. R. 11858. An act for the relief of William E. Anderson;

H. R. 1147. An act for the relief of the First Baptist Church of Cartersville, Ga.; and

H. R. 16333. An act to change and fix the time for holding district and circuit courts of the United States for the eastern division of the eastern district of Arkansas.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. SWANSON, indefinitely, on account of sickness.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to: and accordingly (at 5 o'clock and 10 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting an abstract of the militia returns of the several States and Territories—to the Committee on Militia, and ordered to be printed.

A letter from the East Washington Heights Railroad Company, transmitting the report of said company for the year ended December 31, 1902—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a copy of a report by the Commissioner of Indian Affairs relating to the claim of Delos K. Lonewolf—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting supplemental estimates of appropriations for the service of the fiscal year ending June 30, 1903—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. GRAFF, from the Committee on Claims, to which was referred the bill of the House (H. R. 3527) for the relief of Hannah W. Millard, reported the same without amendment, accompanied by a report (No. 3428); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16480) granting a pension to Anna C. Bingham, reported the same with amendments, accompanied by a report (No. 3429); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6442) granting an increase of pension to Sarah E. Gifford, reported the same with amendments, accompanied by a report (No. 3430); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11122) granting an increase of pension to John W. Copley, reported the same with amendments, accompanied by a report (No. 3431); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13046) granting an increase of pension to Joseph H. Ludlum, reported the same without amendment, accompanied by a report (No. 3432); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16427) granting an increase of pension to Juliaetta Rowling, reported the same with amendments, accompanied by a report (No. 3433); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11958) granting an increase of pension to Henry H. Windes, reported the same with amendments, accompanied by a report (No. 3434); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10505) granting a pension to Mabel A. Woolsey, daughter of Harvey Woolsey, reported the same with amendments, accompanied by a report (No. 3435); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16754) granting an increase of pension to Benjamin F. Hughes, reported the same with amendments, accompanied by a report (No. 3436); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15696) granting an increase of pension to Milton D. Wells, reported the same with amendments, accompanied by a report (No. 3437); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2913) granting a pension to Catherine A. Sawdy, reported the same with amendments, accompanied by a report (No. 3438); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17043) granting an increase of pension to Martha Maddox, reported the same with amendments, accompanied by a report (No. 3439); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1519) granting a pension to Nellie A. Batchelder, reported the same with amendment, accompanied by a report (No. 3440); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4066) granting an increase of pension to Philip Krohn, reported the same with amendments, accompanied by a report (No. 3441); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6065) granting an increase of pension to James Garland, reported the same with amendments, accompanied by a report (No. 3442); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2911) granting a pension to Charles M. Walker, reported the same with amendment, accompanied by a report (No. 3443); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4734) granting a pension to Deborah J. Fogle, reported the same with amendment, accompanied by a report (No. 3444); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 4740) granting an increase of pension to J. E. Wallace, reported the same with amendments, accompanied by a report (No. 3445); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13701) granting a pension to Theodore Buri, reported the same with amendments, accompanied by a report (No. 3446); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16786) granting an increase of pension to John C. Sauther, reported the same with amendments, accompanied by a report (No. 3447); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14788) granting a pension to Frank E. Hills, reported the same with amendments, accompanied by a report (No. 3448); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15403) granting an increase of pension to Milton C. Norton, reported the same with amendment, accompanied by a report (No. 3449); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15404) granting an increase of pension to

William M. Hattery, reported the same with amendment, accompanied by a report (No. 3450); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15915) granting an increase of pension to Frank Stoppard, reported the same with amendments, accompanied by a report (No. 3451); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7433) granting an increase of pension to B. C. Knapp, reported the same with amendments, accompanied by a report (No. 3452); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16419) granting a pension to James Harrison, reported the same with amendments, accompanied by a report (No. 3453); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16857) granting an increase of pension to Oliver H. Kile, reported the same with amendments, accompanied by a report (No. 3454); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16784) granting an increase of pension to Michael Howe, reported the same with amendments, accompanied by a report (No. 3455); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16787) granting an increase of pension to R. G. Hanscom, reported the same with amendments, accompanied by a report (No. 3456); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17133) granting a pension to Kathinka Sichel, reported the same with amendments, accompanied by a report (No. 3457); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid pensions, to which was referred the bill of the House (H. R. 16048) granting a pension to John Graham, reported the same with amendments, accompanied by a report (No. 3458); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15619) granting an increase of pension to Charles Strong, reported the same with amendments, accompanied by a report (No. 3459); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12841) granting a pension to William King, reported the same with amendments, accompanied by a report (No. 3460); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 17093) granting a pension to Caroline Schaefer, reported the same with amendment, accompanied by a report (No. 3461); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14929) granting a pension to John Keen, reported the same with amendments, accompanied by a report (No. 3462); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16667) granting an increase of pension to Leroy N. Buell, reported the same with amendments, accompanied by a report (No. 3463); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16000) granting an increase of pension to John A. Amadon, reported the same with amendments, accompanied by a report (No. 3464); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R 15440) granting an increase of pension to John Fullerton, reported the same with amendments, accompanied by a report (No. 3465); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6969) for the relief of Visa C. Morrill, reported the same with amendments, accompanied by a report (No. 3466); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6724) granting an increase of pension to Julia A. Stilwell, reported the same with amendments, accompanied by a report (No. 3467); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5586) granting a pension to Oliver W. Newton, reported the same with amendments, accompanied by a report (No. 3468); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16929) granting an increase of pension to William H. Trites, reported the same with amendment, accompanied by a report (No. 3469); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16785) granting an increase of pension to Collins W. Wright, reported the same with amendments, accompanied by a report (No. 3470); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6018) granting an increase of pension to William J. Chitwood, reported the same without amendment, accompanied by a report (No. 3471); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6370) granting a pension to Alice F. Smalley, reported the same with amendment, accompanied by a report (No. 3472); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7003) granting an increase of pension to Sarah C. Merrell, reported the same without amendment, accompanied by a report (No. 3473); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CANNON, from the Committee on Appropriations: A bill (H. R. 17202) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1901, and for other purposes—to the Union Calendar.

By Mr. CUSHMAN: A bill (H. R. 17203) to provide for the purchase of a site and the erection of a building thereon at Whatcom, in the State of Washington—to the Committee on Public Buildings and Grounds.

By Mr. LITTLE: A bill (H. R. 17204) to authorize the construction of a bridge across the Arkansas River at or near Moors Rock, in the State of Arkansas—to the Committee on Interstate and Foreign Commerce.

By Mr. HEMENWAY: A bill (H. R. 17205) to pension all soldiers and sailors who served in the military or naval service of the United States at least ninety days in the war of the rebellion, and who were honorably discharged therefrom, at the rate of $12 per month, and also placing upon the pension roll of the United States the widows of such soldiers and sailors who were married prior to June 27, 1890—to the Committee on Invalid Pensions.

By Mr. McCLEARY: A bill (H. R. 17206) to extend the United States pension laws to participants in the Sioux Indian war of 1862—to the Committee on Pensions.

By Mr. BATES: A bill (H. R. 17236) to provide for the raising of Commodore Perry's flagship Niagara—to the Committee on Naval Affairs.

By Mr. HILL: A bill (H. R. 17237) removing fire limit on post-office grounds at Bridgeport, Conn.—to the Committee on Public Buildings and Grounds.

By Mr. HEATWOLE: A joint resolution (H. J. Res. 259) providing for change of method of distribution of bulletins and professional papers issued by the Geological Survey—to the Committee on Printing.

By Mr. ADAMSON: A joint resolution (H. J. Res. 260) to provide for printing additional copies of the reports of the Smithsonian Institution—to the Committee on Printing.

Also, a concurrent resolution (H. C. Res. 79) to authorize printing of additional copies of report of Smithsonian Institution for 1901—to the Committee on Printing.

By Mr. HEATWOLE: A concurrent resolution (H. C. Res. 80) relating to printing bulletins of the Department of Agriculture—to the Committee on Printing.

By Mr. SULZER: A concurrent resolution (H. C. Res. 81) authorizing the appointment of a joint committee to investigate our navigation policy, to trace its effects upon our marine, to consider how to encourage it and regain our lost carrying trade, and to report a constitutional remedial measure—to the Committee on Rules.

By Mr. BARTLETT: A concurrent resolution (H. C. Res. 82) to print certain documents on bankruptcy—to the Committee on Printing.

By Mr. ESCH: A joint resolution of the legislature of Wisconsin, relating to the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. MARTIN: A joint resolution of the legislature of South Dakota, relating to treaty with Rosebud Indians—to the Committee on Indian Affairs.

By Mr. BROWN: A joint resolution of the legislature of Wisconsin, relating to the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By the SPEAKER: A joint resolution of the legislature of South Dakota, relating to a treaty with the Rosebud Indians—to the Committee on Indian Affairs.

Also, a joint resolution of the legislature of Wisconsin, relating to the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. JACKSON of Kansas: A concurrent resolution of the legislature of Kansas, asking that a battle ship be named "Kansas"—to the Committee on Naval Affairs.

By Mr. McCLEARY: A memorial of the legislature of Minnesota, asking the extension of the pension laws to participants in Sioux Indian war in 1862—to the Committee on Pensions.

By Mr. COOPER of Wisconsin: A joint resolution of the legislature of Wisconsin, relating to the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BELL: A bill (H. R. 17207) granting a pension to J. C. Terry—to the Committee on Invalid Pensions.

By Mr. CUSHMAN: A bill (H. R. 17208) granting an increase of pension to Isaac N. Moore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17209) granting an increase of pension to Mason H. Wood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17210) granting an increase of pension to William H. Cummins—to the Committee on Invalid Pensions.

By Mr. FLYNN: A bill (H. R. 17211) granting an increase of pension to James M. Walker—to the Committee on Invalid Pensions.

By Mr. GARDNER of Massachusetts: A bill (H. R. 17212) granting an increase of pension to Mary F. Calef—to the Committee on Invalid Pensions.

By Mr. GRIFFITH: A bill (H. R. 17213) granting an increase of pension to Mahlon M. Lucky—to the Committee on Invalid Pensions.

By Mr. JOY (by request): A bill (H. R. 17214) for the relief of Mrs. Lucy C. Freeman, née Field—to the Committee on War Claims.

By Mr. McCLEARY: A bill (H. R. 17215) granting an increase of pension to Matthias J. Sontag—to the Committee on Invalid Pensions.

By Mr. McRAE: A bill (H. R. 17216) granting an increase of pension to James W. Ferrell—to the Committee on Invalid Pensions.

By Mr. MAHON: A bill (H. R. 17217) for the relief of Lucy C. Freeman, née Lucy C. Field—to the Committee on War Claims.

By Mr. METCALF: A bill (H. R. 17218) granting an increase of pension to George K. Knowlton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17219) granting a pension to Col. C. C. Marsh—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 17220) granting a pension to Samuel H. Reeder—to the Committee on Invalid Pensions.

By Mr. POWERS of Massachusetts: A bill (H. R. 17221) granting an increase of pension to James M. Seavey—to the Committee on Invalid Pensions.

By Mr. RIXEY: A bill (H. R. 17222) for the relief of the legal representatives of E. A. W. Hooe, deceased—to the Committee on War Claims.

By Mr. SHAFROTH: A bill (H. R. 17223) granting an increase of pension to Alonzo S. Harris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17224) granting an increase of pension to Eli Newsom—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17225) granting an increase of pension to Henry Wagner—to the Committee on Invalid Pensions.

By Mr. SKILES: A bill (H. R. 17226) granting an increase of pension to Joseph Mitchell—to the Committee on Invalid Pensions.

By Mr. WM. ALDEN SMITH: A bill (H. R. 17227) granting a pension to Alanson Beebe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17228) for the relief of Elizabeth Fortier—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17229) for the relief of George W. Zanty—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17230) for the relief of William H. H. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17231) granting a pension to Ralph Steffens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17232) for the relief of Jane Ann Wheeler—to the Committee on Invalid Pensions.

By Mr. CALDERHEAD: A bill (H. R. 17233) granting a pension to John Haynes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17234) granting an increase of pension to David Flynn—to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 17235) to remove the charge of desertion against Sampson Carroll—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Petition of railroad brakemen and conductors of Pennsylvania, by J. P. Weaver, representative of the orders, in favor of the passage of the safety appliance bill—to the Committee on Interstate and Foreign Commerce.

By Mr. BELL: Petition of Bricklayers and Masons' Union of Canon City, Colo., favoring the repeal of the desert-land law—to the Committee on the Public Lands.

By Mr. BROMWELL: Sundry petitions of various firms and their employees, and other citizens of Cincinnati, Ohio, for the improvement of the Ohio River from Pittsburg to Cairo—to the Committee on Rivers and Harbors.

Also, resolution of the Builders and Traders' Exchange favoring joint resolution No. 220, for a survey of the Ohio River from the mouth of the Big Miami to the mouth of the Ohio—to the Committee on Rivers and Harbors.

By Mr. BOUTELL: Petition of citizens of Chicago, Ill., against the use of prize packages of snuff, etc.—to the Committee on Ways and Means.

By Mr. CANNON: Resolution of Carpenters and Joiners' Union No. 269, of Danville, Ill., for the repeal of the desert-land law—to the Committee on the Public Lands.

Also, petition of J. S. Williams and other retail druggists, urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. CASSEL: Resolutions of Lancaster Central Labor Union of Lancaster, Pa., and of Cigar Makers' Union, No. 301, of Akron, Pa., for the repeal of the desert-land and homestead-commutation acts—to the Committee on the Public Lands.

Also, petition of the Woman's Christian Temperance Union of Millersville, Pa., and United Brethren Church of Dillsburg, Pa., against the repeal of the canteen law, and in relation to the sale of liquor in immigrant stations, Government buildings, etc.—to the Committee on Alcoholic Liquor Traffic.

By Mr. COOPER of Wisconsin: Petition of the Woman's Christian Temperance Union of Whitewater, Wis., for an amendment to the Constitution defining legal marriage to be monogamic—to the Committee on the Judiciary.

By Mr. DOUGHERTY: Petition of 50 citizens of Gallatin, Mo., for the passage of Senate bill 909, extending free-delivery service to cities whose postal receipts exceed $5,000 per annum—to the Committee on the Post-Office and Post-Roads.

By Mr. ESCH: Petition of George A. Luetsche and A. J. Braustadt, Mondovi, Wis., in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. FITZGERALD: Resolutions of the American Free Trade League, favoring the removal of the tariff on beef—to the Committee on Ways and Means.

By Mr. GREEN of Pennsylvania: Petition of retail druggists of Lehigh and Carbon counties, Pa., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. GRIFFITH: Papers to accompany House bill granting an increase of pension to Louis Spicer—to the Committee on Invalid Pensions.

By Mr. HAY: Petition of the heirs at law of William H. Lupton, deceased, late of Frederick County, Va., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. HILDEBRANT: Petition of 35 citizens of Ellsberry, Ohio; the Commercial Club and other citizens of Ripley, Ohio, and vicinity, 164 names, for 9-foot draft of water in the Ohio River—to the Committee on Rivers and Harbors.

Also, petition of Ogden Monthly Meeting of Friends, Ogden

Ohio, asking for an exemption clause in House bill 15345, for the organization of the militia—to the Committee on the Militia.

Also, petition of 3 retail druggists of Mowrystown, Ohio, urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. KAHN: Resolutions of the Sailors' Union of the Pacific, for the repeal of the desert-land law—to the Committee on the Public Lands.

Also, resolutions of the Chamber of Commerce of San Francisco, Cal., favoring American register for British bark *Pyrenees*—to the Committee on the Merchant Marine and Fisheries.

By Mr. KEHOE: Petition of sundry citizens of Maysville, Ky., and vicinity, for 9-foot draft of water in the Ohio River—to the Committee on Rivers and Harbors.

By Mr. KNOX: Resolutions of the City Council of Boston, Mass., protesting against the establishment of a depot for the light-house service on Castle Island, Boston Harbor—to the Committee on Appropriations.

By Mr. LLOYD: Petition of retail druggists of Hannibal, Mo., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. McCLEARY: Resolutions of Typographical Union No. 42, Minneapolis, Minn., relative to amendment of the United States land laws—to the Committee on the Public Lands.

Also, resolutions of the same relative to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. McCLELLAN: Resolutions of the American Chamber of Commerce, of Paris, France, in favor of the adoption of the metric system in the United States—to the Committee on Coinage, Weights, and Measures.

By Mr. RIXEY: Papers to accompany House bill for the relief of the legal representatives of E. A. W. Hooe, of Stafford County, Va.—to the Committee on War Claims.

By Mr. ROBB: Petition of J. D. Spain, of Saco, Mo., in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. RUCKER: Petition of Geo. T. Bell and other retail druggists of Bucklin, Mo., favoring House bill No. 178—to the Committee on Ways and Means.

By Mr. SKILES: Paper to accompany House bill for increase of pension of Joseph Mitchell—to the Committee on Invalid Pensions.

By Mr. WM. ALDEN SMITH: Petition of various societies in Allendale, Ottawa County, Mich., in favor of an amendment to the Constitution defining legal marriage to be monogamic, etc.—to the Committee on the Judiciary.

Also, protest of two Congregational churches and certain societies of Allendale, Mich., against the repeal of the anticanteen law—to the Committee on Military Affairs.

Also, petitions of the Woman's Christian Temperance Union, two Congregational churches, Wesleyan Methodist Church, of Allendale, and Wesleyan Methodist Church, of Blenden, Mich., to prohibit liquor selling in Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. SNODGRASS: Petition of three retail druggists of Spring City and Lorraine, Tenn., favoring House bill 178—to the Committee on Ways and Means.

By Mr. SULZER: Resolutions of Aaron Wise Lodge, No. 244, Order of B'rith Abraham, of New York City, relating to methods of the Immigration Bureau at the port of New York—to the Committee on Immigration and Naturalization.

Also, resolutions of the Paint Grinders' Association of the United States, urging legislation to empower the Interstate Commerce Commission to establish uniform freight classification and freights—to the Committee on Interstate and Foreign Commerce.

Also, resolution of New York Stereotypers' Union No. 1, in reference to public lands, and favoring the repeal of the desert-land act—to the Committee on the Public Lands.

Also, resolutions of the American Chamber of Commerce of Paris, France, in favor of the adoption of the metric system in the United States—to the Committee on Coinage, Weights, and Measures.

By Mr. THOMAS of Iowa: Petitions of the Woman's Christian Temperance Union and the Methodist Episcopal Church of Ashton, Iowa; the First Methodist Episcopal Church, Lake Side Presbyterian Church, German Methodist Episcopal Church, and the First Baptist Church of Storm Lake, Iowa, in favor of the enactment of laws prohibiting the sale of intoxicating liquors in Government buildings and in immigrant stations—to the Committee on Alcoholic Liquor Traffic.

By Mr. THOMAS of North Carolina: Petition by citizens of Craven County, N. C., for the construction of the inland waterway—to the Committee on Rivers and Harbors.

By Mr. YOUNG: Resolution of the American Chamber of Commerce of Paris, France, in favor of the adoption of the metric system in the United States—to the Committee on Coinage, Weights, and Measures.

SENATE.

TUESDAY, *February 3, 1903.*

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. HALE, and by unanimous consent, the further reading was dispensed with.

FINDINGS OF THE COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of John Q. Everson and others and John Lippincott and others *v.* The United States; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

BALTIMORE AND WASHINGTON TRANSIT COMPANY.

The PRESIDENT pro tempore laid before the Senate the annual report of the Baltimore and Washington Transit Company for the year ended December 31, 1902; which was referred to the Committee on the District of Columbia, and ordered to be printed.

BRIGHTWOOD RAILWAY COMPANY.

The PRESIDENT pro tempore laid before the Senate the annual report of the Brightwood Railway Company of the District of Columbia for the year ended December 31, 1902; which was referred to the Committee on the District of Columbia, and ordered to be printed.

WASHINGTON RAILWAY AND ELECTRIC COMPANY.

The PRESIDENT pro tempore laid before the Senate the annual report of the Washington Railway and Electric Company for the year ended December 31, 1902; which was referred to the Committee on the District of Columbia, and ordered to be printed.

GEORGETOWN AND TENNALLYTOWN RAILWAY COMPANY.

The PRESIDENT pro tempore laid before the Senate the annual report of the Georgetown and Tennallytown Railway Company for the year ended December 31, 1902; which was referred to the Committee on the District of Columbia, and ordered to be printed.

METROPOLITAN RAILROAD COMPANY.

The PRESIDENT pro tempore laid before the Senate the annual report of the Metropolitan Railroad Company for the year ended December 31, 1902; which was referred to the Committee on the District of Columbia, and ordered to be printed.

COLUMBIA RAILWAY COMPANY.

The PRESIDENT pro tempore laid before the Senate the annual report of the Columbia Railway Company for the fiscal year ended December 31, 1902; which was referred to the Committee on the District of Columbia, and ordered to be printed.

ANACOSTIA AND POTOMAC RIVER RAILROAD COMPANY.

The PRESIDENT pro tempore laid before the Senate the annual report of the Anacostia and Potomac River Railroad Company for the year ended December 31, 1902; which was referred to the Committee on the District of Columbia, and ordered to be printed.

CITY AND SUBURBAN RAILWAY.

The PRESIDENT pro tempore laid before the Senate the annual report of the City and Suburban Railway of Washington for the year ended December 31, 1902; which was referred to the Committee on the District of Columbia, and ordered to be printed.

CREDENTIALS.

Mr. SIMMONS presented the credentials of Lee S. Overman, chosen by the legislature of the State of North Carolina a Senator from that State for the term beginning March 4, 1903; which were read, and ordered to be filed.

CHAPLAINS IN THE NAVY.

Mr. HALE. I move to reconsider a matter presented yesterday where a document was ordered printed. I move to reconsider the vote for the purpose of moving afterwards that the same paper be printed in connection with another, so that they may appear together.

The PRESIDENT pro tempore. Will the Senator name the document?

Mr. HALE. The order of the Senate is found on page 1561 of the RECORD, under the heading, "Chaplains in the Navy."

The PRESIDENT pro tempore. The Senator from Maine moves to reconsider the vote by which the Senate agreed to the printing of a document in relation to chaplains in the Navy. The Chair hears no objection, and the vote is reconsidered.

Mr. HALE. I now move that the paper be printed as a document, and that there be added to it a letter from the Secretary of the Navy on the same subject.

The PRESIDENT pro tempore. The Senator from Maine moves

that the paper be printed, in connection with the papers he now sends to the desk, as a document.

Mr. HALE. And referred to the Committee on Naval Affairs.

The PRESIDENT pro tempore. The Chair hears no objection, and that order is made.

PETITIONS AND MEMORIALS.

Mr. SCOTT presented a petition of Lodge No 236, Brotherhood of Locomotive Firemen, of Hinton, W. Va., praying for the repeal of the desert-land law and the commutation clause of the homestead act; which was referred to the Committee on Public Lands.

Mr. NELSON presented a petition of Camp No. 4251, Modern Woodmen of America, of Villard, Minn., praying for the enactment of legislation providing for the improved economy of the forest resources of the country; which was referred to the Committee on Public Lands.

He also presented a petition of Lodge No. 510, Brotherhood of Locomotive Firemen, of Minneapolis, Minn., and a petition of Carpenters and Joiners' Local Union No. 307, American Federation of Labor, of Winona, Minn., praying for the repeal of the desert-land law and the commutation clause of the homestead act; which were referred to the Committee on Public Lands.

He also presented a petition of Duluth City Lodge, No. 133, Order of B'rith Abraham, of Duluth, Minn., and a petition of Minneapolis City Lodge, No. 63, Order of B'rith Abraham, of Minneapolis, Minn., praying for the enactment of legislation to modify the methods and practice pursued by the immigration officers at the port of New York; which were referred to the Committee on Immigration.

He also presented petitions of Local Union No. 91, of Minneapolis; of Local Union No. 22, of Mankato; of Carpenters and Joiners' Local Union No. 7, of Minneapolis; of Local Union No. 36, of St. Paul, and of Granite Polishers' Local Union No. 9481, of St. Cloud, all of the American Federation of Labor, in the State of Minnesota, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented petitions of the congregation of the Congregational Church of Owatonna; of the Woman's Christian Temperance Union of Wabasso; of the Zion Society, Evangelical Association, and Woman's Christian Temperance Union of Preston; of the Woman's Christian Temperance Union of Buffalo; of the Political Equality Club of St. Paul; of the Sacred Thirst Total Abstainers' Society of St. Paul, and of the Woman's Christian Temperance Union of Clinton, all in the State of Minnesota, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Government buildings; which were referred to the Committee on Public Buildings and Grounds.

Mr. BEVERIDGE presented a petition of the Manufacturers' Association, of Peru, Ind., praying for the passage of the so-called eight-hour bill; which was ordered to lie on the table.

Mr. SPOONER presented a petition of the Woman's Christian Temperance Union of Lafayette, Wis., and a petition of the congregation of the Good Shepherd Church, of Racine, Wis., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Government buildings; which were referred to the Committee on Public Buildings and Grounds.

He also presented a petition of Kaukauna Lodge, No. 474, International Association of Machinists, of Kaukauna, Wis., praying for the repeal of the desert-land law and the commutation clause of the homestead act; which was referred to the Committee on Public Lands.

He also presented a memorial of the Woman's Christian Temperance Union of Livingston, Wis., remonstrating against the repeal of the present anticanteen law, and praying for the enactment of legislation to prohibit the sale of intoxicating liquors in immigrant stations and Government buildings, and also for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on Military Affairs.

Mr. MARTIN presented a petition of Norfolk Lodge, No. 248, Order of B'rith Abraham, of Norfolk, Va., and a petition of Newport News Lodge, No. 231, Order of B'rith Abraham, of Newport News, Va., praying for the enactment of legislation to modify the methods and practice pursued by the immigration officers at the port of New York; which were referred to the Committee on Immigration.

Mr. TELLER presented a petition of the Produce Exchange of Seattle, Wash., praying for the enactment of legislation to open the land of the Territory of Alaska to settlement and the mineral wealth of that Territory to the industry of the United States; which was referred to the Committee on Territories.

He also presented a memorial of the directors of the El Paso branch of the Colorado Humane Society, remonstrating against the enactment of legislation relative to the interstate transportation of live stock; which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of Timnath, Colo., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of the State of Colorado, praying for the enactment of legislation to amend the internal-revenue law so as to reduce the tax on distilled spirits; which was ordered to lie on the table.

He also presented a petition of the Woman's Club of Colorado Springs, Col., and a petition of the Colorado State Medical Society, of Denver, Colo., praying for the establishment of a laboratory for the study of the criminal, pauper, and defective classes; which were ordered to lie on the table.

He also presented a petition of Queen City Lodge, No. 113, Order of B'rith Abraham, of Denver, Col., and a petition of Western Lodge, No. 301, Order of B'rith Abraham, of Denver, Col., praying for the enactment of legislation to modify the methods and practice pursued by the immigration officers at the port of New York; which were referred to the Committee on Immigration.

He also presented petitions of Carpenters and Joiners' Local Union No. 850, of Leadville; of Local Union No. 5, of Florence; of Carpenters and Joiners' Local Union No. 489, of Canon City; of Ward Miners' Local Union, No. 59, of Ward, and of Local Union No. 4, of Colorado Springs, all of the American Federation of Labor; of Local Division No. 451, Brotherhood of Locomotive Engineers, of Denver, and of Local Division No. 515, Brotherhood of Locomotive Engineers, of Basalt, all in the State of Colorado, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented petitions of the Trades and Labor Assembly of Canyon City; of Federal Labor Union, No. 1, of Canyon City; of the Operative Plasterers' International Association, of Canyon City; of Bricklayers and Masons' Local Union No. 3, of Canyon City; of Teamsters and Expressmen's Local Union No. 1, of Canyon City; of Carpenters and Joiners' Local Union No. 55, of Denver; of Cigar Makers' Local Union No. 129, of Denver; of Local Union No. 475, of Florence, and of Typographical Union No. 82, of Colorado Springs, all of the American Federation of Labor, and of Royal George Lodge, No. 59, Brotherhood of Locomotive Firemen, of Pueblo, all in the State of Colorado, praying for the repeal of the desert-land law and the commutation clause of the homestead act; which were referred to the Committee on Public Lands.

Mr. FOSTER of Washington presented a petition of the State Federation of Labor, of American Federation of Labor, of Seattle, Wash., praying for the passage of the so-called eight-hour bill; which was ordered to lie on the table.

He also presented a petition of the Trades Council, American Federation of Labor, of Tacoma, Wash., praying for the repeal of the desert-land law and the commutation clause of the homestead act; which was referred to the Committee on Public Lands.

He also presented a petition of sundry citizens of Seattle, Wash., praying for the adoption of certain amendments to the so-called pure-food bill; which was ordered to lie on the table.

He also presented petitions of sundry citizens of Spokane, Wash., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in immigrant stations and in Government buildings; which were ordered to lie on the table.

Mr. MORGAN. I present the petition of Hinton Rowan Helper, relating to a projected intercontinental railway through the three Americas. The petitioner asks that his petition may be printed, and I move that it be referred to the Committee on Printing to ascertain whether it ought to be printed or not.

The motion was agreed to.

Mr. CLAPP presented a petition of the congregation of the Stewart Memorial Presbyterian Church, of Minneapolis, Minn., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Government buildings; which was referred to the Committee on Public Buildings and Grounds.

Mr. FRYE presented a petition of Empire State Lodge, No. 69, of Rochester, N. Y., praying for the enactment of legislation to modify the methods and practice pursued by the immigration officers at the port of New York; which was referred to the Committee on Immigration.

VOLCANOES IN NICARAGUA.

Mr. MORGAN. I present a letter from the Secretary of State, inclosing the report of a special agent of that Department, which I send to the desk and ask to have read.

The PRESIDENT pro tempore. The Secretary will read the letter of transmittal.

The Secretary read as follows:

DEPARTMENT OF STATE,
Washington, January 31, 1905.

Hon. JOHN T. MORGAN,
Chairman Committee on Interoceanic Canals,
United States Senate.

SIR: I have the honor to inclose herewith, for the information of your committee, a copy of the report of Mr. James O. Jones, who was sent as a special agent of the Department of State to obtain certain facts as to what

effects, if any, the recent seismic disturbances in Guatemala, Costa Rica, and Nicaragua have had upon the level of the waters in lakes Nicaragua and Managua.

I have the honor to be, sir, your obedient servant,

JOHN HAY.

Mr. MORGAN. I move that the letter and accompanying paper be printed as a document and referred to the Committee on Interoceanic Canals.

The motion was agreed to.

Mr. MORGAN. In this connection I also ask to have printed a document on the volcanoes of Nicaragua, prepared for the Government of Nicaragua by P. W. Chamberlain, civil engineer, and a member of the American Society of Civil Engineers, which has been sent here by our consul at Managua. I ask that the paper be printed in connection with the report of Mr. Jones, as it relates to the same subject.

The PRESIDENT pro tempore. The Senator from Alabama asks that the document presented by him be printed with the report transmitted by the Department of State. Is there objection? The Chair hears none, and it is so ordered, and the entire document will be printed, and referred to the Committee on Interoceanic Canals.

REPORT OF COMMITTEES.

Mr. BURNHAM, from the Select Committee on Industrial Expositions, to whom was referred the amendment submitted by himself on the 14th instant, proposing to appropriate $25,000 to enable the inhabitants of the Indian Territory to provide and maintain an exhibit of the products and resources of that Territory at the Louisiana Purchase Exposition, in the city of St. Louis, Mo., intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be printed, and, with the accompanying paper, referred to the Committee on Appropriations; which was agreed to.

Mr. CARMACK, from the Committee on Pensions, to whom was referred the bill (H. R. 11596) granting an increase of pension to Inez L. Clift, reported it without amendment, and submitted a report thereon.

Mr. DEBOE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4441) granting an increase of pension to Oscar Brewster;

A bill (H. R. 12971) granting a pension to Thomas Martin, and;

A bill (H. R. 15889) granting an increase of pension to Chester W. Abbott.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 16148) granting an increase of pension to Harry F. Libby; and

A bill (H. R. 13358) granting a pension to Elizabeth A. Wilder.

Mr. MORGAN, from the Committee on Foreign Relations, to whom was referred the joint resolution (S. R. 160) to authorize A. G. Menocal to accept a decoration, reported it without amendment.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 12410) granting an increase of pension to Mary Nichols;

A bill (H. R. 15472) granting an increase of pension to William H. Chamberlin; and

A bill (H. R. 8617) granting a pension to Sabina Lalley.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom was referred the bill (H. R. 15757) granting a pension to Frances C. Broggan, reported it with amendments, and submitted a report thereon.

Mr. TURNER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4153) granting a pension to Jane Hale;

A bill (H. R. 13999) granting an increase of pension to Dennis Cosier; and

A bill (H. R. 9814) granting an increase of pension to Mary Williams.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4183) granting an increase of pension to Gottlieb Kafer; and

A bill (H. R. 14143) granting an increase of pension to Augusta W. Seely.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (S. 7159) authorizing the Memphis, Helena and Louisiana Railway Company to construct and maintain a bridge across St. Francis River, in the State of Arkansas, reported it without amendment, and submitted a report thereon.

Mr. BURTON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 15839) granting an increase of pension to Luther Scott; and

A bill (H. R. 15892) granting an increase of pension to Eli Titus.

Mr. FORAKER, from the Committee on Pacific Islands and Porto Rico, to whom was referred the bill (S. 6599) to provide a government for the island of Guam, and for other purposes, reported it with an amendment.

Mr. FAIRBANKS, from the Committee on the Judiciary, to whom was referred the bill (S. 6773) to expedite the hearing and determination of suits in equity pending or hereafter brought under the act of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," reported it with amendments.

NATIONAL-BANK RESERVES.

Mr. ALLISON. I am directed by the Committee on Finance, to whom was referred the bill (H. R. 7659) to amend section 1 of an act entitled "An act to amend sections 5191 and 5192 of the Revised Statutes of the United States, and for other purposes," to report it with amendments, and I ask unanimous consent for its present consideration.

The Secretary read the bill, and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendments of the Committee on Finance were, on page 1, line 2, before the word "thousand," to strike out "fifteen" and insert "thirty;" on page 2, line 3, after the word "Comptroller," to strike out the words "with the approval of the Secretary of the Treasury;" in line 5, after the word "city," to strike out the words "so designated," and in line 10, after the word "Statutes," to strike out the proviso in the following words:

Provided, That no bank with a capital of less than $100,000 shall be thus designated.

So as to make the bill read:

Be it enacted, etc., That section 1 of an act entitled "An act to amend sections 5191 and 5192 of the Revised Statutes of the United States, and for other purposes," approved March 3, 1887, be, and the same is hereby, amended to read as follows:

"That whenever three-fourths in number of the national banks located in any city of the United States having a population of 30,000 people shall make application to the Comptroller of the Currency, in writing, asking that the name of the city in which such banks are located shall be added to the cities named in sections 5191 and 5192 of the Revised Statutes, the Comptroller shall have authority to grant such request, and every bank located in such city shall at all times thereafter have on hand, in lawful money of the United States, an amount equal to at least 25 per cent of its deposits, as provided in sections 5191 and 5195 of the Revised Statutes."

The amendments were agreed to.

The bill was reported to the Senate as amended.

Mr. ALLISON. Before the bill is finally disposed of, I desire to say a single word in explanation.

The only object of the bill is to strike out "fifteen thousand" in the sections of the Statutes named and to insert "thirty thousand," so that in cities of 30,000 inhabitants these banks may have reserves. That is the only change. The House fixed it at 15,000 and we insert 30,000. I hope the bill will be passed.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ISSUANCE OF A DUPLICATE CHECK.

Mr. TELLER. I am instructed by the Committee on Finance, to whom was referred the bill (H. R. 15747) directing the issue of a check in lieu of a lost check drawn by George A. Bartlett, disbursing clerk, in favor of Fannie T. Sayles, executrix, and others, to report it favorably without amendment.

Mr. BEVERIDGE. Mr. President, I ask unanimous consent for the immediate consideration of the bill which has just been reported by the Senator from Colorado.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It recites in the preamble that whereas it appears that George A. Bartlett, disbursing clerk, Treasury Department, did, on the 19th of July, 1902, issue a check, No. 1813553, upon the Treasurer of the United States at Washington, District of Columbia, in favor of Fannie T. Sayles, executrix, and others, for $3,708.33, being in payment for rent of a building in Indianapolis, Ind., for quarters for Government offices; and that the check was by Fannie T. Sayles, executrix, and others, indorsed for deposit in the Merchants' National Bank, Indianapolis, Ind., and so deposited, which check was subsequently mailed by the Merchants' National Bank to its correspondent for collection, and was destroyed in a wreck on the Pennsylvania Limited on July 24, 1902, in transmission through the United States mails; and whereas the provisions of the act of February 16, 1885, amending section 3646, Revised Statutes of the United States, authorizing United States disbursing officers and agents to issue duplicates of lost checks, apply only to checks

drawn for $2,500 or less, it therefore instructs George A. Bartlett, disbursing clerk of the Treasury Department, to issue a duplicate of the original check, under such regulations in regard to its issue and payment as have been prescribed by the Secretary of the Treasury for the issue of duplicate checks under the provisions of section 3646, Revised Statutes of the United States.

Mr. SPOONER. I should like to ask the Senator from Colorado if the bill is in the usual form?

Mr. TELLER. It is in the usual form. It is one of those cases where the amount is so large that the Department can not pay it; and therefore an act of Congress is required.

Mr. SPOONER. In bills of this kind there is ordinarily a provision for the filing of a bond of indemnity.

Mr. TELLER. By this bill it is provided that the duplicate check to be issued shall be issued in accordance with the provisions of the statute relating to these matters.

Mr. SPOONER. That is provided for, then?

Mr. TELLER. It is.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

BILLS INTRODUCED.

Mr. CLAPP introduced a bill (S. 7228) to extend the time within which rebates may be allowed under the act entitled "An act to repeal war-revenue taxation, and for other purposes," approved April 12, 1902; which was read twice by its title, and referred to the Committee on Finance.

Mr. GAMBLE introduced a bill (S. 7229) to permit second homestead entries in certain cases, and for other purposes; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. BURNHAM introduced a bill (S. 7230) granting a pension to Catharine M. Folsom; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 7231) granting a pension to Zachariah Orner; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MARTIN introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 7232) for the relief of Robert H. Beverley; and

A bill (S. 7233) for the relief of the legal heirs of the late L. Claiborne Jones.

Mr. TELLER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensons:

A bill (S. 7234) granting an increase of pension to Isaac N. Hughey;

A bill (S. 7235) granting an increase of pension to Emily M. J. Cooley; and

A bill (S. 7236) granting a pension to William C. Banks.

Mr. BLACKBURN introduced a bill (S. 7237) for the relief of Sidney R. Smith; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. CULLOM introduced a bill (S. 7238) granting a pension to John W. Hall; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GALLINGER (by request) introduced a bill (7239) to exempt building associations in the District of Columbia from taxation; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. BEVERIDGE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7240) granting an increase of pension to Reuben Smalley (with the accompanying papers);

A bill (S. 7241) granting an increase of pension to Stephen W. Troyer; and

A bill (S. 7242) granting an increase of pension to John Hendricks.

Mr. FRYE introduced a bill (S. 7243) to increase the efficiency and safety of the mercantile marine of the United States, and to appoint a commission to recommend to the Congress the revision of all laws of the United States relating to the construction, installation, and inspection of marine boilers and their appurtenances, and to suggest the enactment of such additional legislation as will effect improvement in construction of marine boilers and maintain uniformity of inspection of marine boilers in all portions of the United States and insular possessions, and to further provide a reciprocal recognition of boiler-inspection certificates between the several maritime nations having marine-inspection laws; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Commerce.

Mr. PLATT of Connecticut introduced a bill (S. 7244) granting an increase of pension to Mary Lucetta Arnold; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 7245) amending the act of June 19, 1888, providing for the erection of a public building at Bridgeport, Conn.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. COCKRELL introduced a bill (S. 7246) granting a pension to Caroline Weinheimer; which was read twice by its title.

Mr. COCKRELL. On January 14, 1901, a bill was approved granting a pension to Catharine Weinheimer, mother of the beneficiary named in the bill I have just introduced. I inclose a copy of that law, together with the Senate and House reports in that case, and a letter from myself to the honorable chairman of the Committee on Pensions. I move that the bill and the accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. MORGAN introduced a bill (S. 7247) for the relief of certain homestead settlers in the State of Alabama on lands which have been recovered, or which may hereafter be recovered, in the courts by the grantees of certain railroad companies in that State; which was read twice by its title, and referred to the Committee on Public Lands.

AMENDMENTS TO BILLS.

Mr. KEARNS submitted an amendment relating to the opening to location and entry of a portion of the Uncompahgre Indian Reservation in the State of Utah, intended to be proposed by him to the Indian appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Indian Affairs.

He also submitted an amendment authorizing the Secretary of the Interior to lease 20 acres of land of the tract now occupied by the Shebit Indians for the use of the Utah and Eastern Copper Company in the erection and operation of a smelter, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

He also submitted an amendment relating to the allotments of land to the Uinta and White River Ute Indians, limiting the grazing lands to be set aside for the use of the Uinta, White River Utes, and other Indians to lands south of the Strawberry River not greater than 250,000 acres in extent, and extending the time for opening to public entry the unallotted lands on said Uinta Indian Reservation to October 1, 1904, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. MARTIN submitted an amendment proposing to appropriate $35,000 for the extension of the present contract to collect and dispose of ashes and miscellaneous refuse from all business places in the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on the District of Columbia.

Mr. TELLER submitted an amendment proposing to appropriate $75,000 to pay to the executor or administrator of the estate of Eli Ayres the claim made by said Eli Ayres in his lifetime, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

He also submitted an amendment conferring jurisdiction upon the Court of Claims to hear and determine the claims of the Chippewa Indians of Lake Superior and the Mississippi for certain sums of money claimed by said Indians under the several treaties between said Indians and the United States dating from 1837 to 1855, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. GALLINGER submitted an amendment providing for the filling of vacancies which may occur in the board of directors of the Central Dispensary and Emergency Hospital in the District of Columbia by the Commissioners of the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

He also submitted an amendment proposing to repeal the provision in the act of June 30, 1883 (30 Stat., 538), fixing charges for the use of single or grounded wire telephones in the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. DEPEW submitted an amendment proposing to appropriate $25,000 for the purchase of a site and the erection and equipment of isolation buildings in the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill; which was ordered to be printed, and, with the accompanying memorandum, referred to the Committee on the District of Columbia.

Mr. COCKRELL submitted an amendment intended to be proposed by him to the bill (S. 7142) for the allowance of certain claims reported by the Court of Claims, and for other purposes; which was referred to the Committee on Claims, and ordered to be printed.

Mr. QUARLES submitted an amendment proposing to appropriate $1,226.39 to pay Huff Jones, of Oconto, Wis., for money expended under an agreement with William T. Richardson, Indian agent at Green Bay, Wis., in November, 1872, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. CULLOM submitted an amendment proposing to appropriate $3,687.48 out of any money in the Treasury belonging to the Creek Nation of Indians to pay William M. Springer for professional services rendered to said nation, directing the payment of two Cherokee warrants for $1,500 each to William M. Springer for professional services rendered said Cherokee Nation, and proposing to appropriate $5,000 out of any money in the Treasury belonging to the Kiowa, Comanche, and Apache tribes of Indians in Oklahoma to pay William M. Springer for professional services rendered said Indians, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. QUAY submitted an amendment authorizing the Secretary of the Interior to pay, out of any money in the Treasury belonging to the Cherokee Nation, four Cherokee warrants of $1,500 each, which were issued in 1900 to Lucien B. Bell and others, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

DISPOSITION OF ROUTINE BUSINESS.

Mr. HANSBROUGH submitted the following resolution; which was referred to the Committee on Rules:

Resolved, That Senators, of their own motion, at any time while the Senate is sitting, may deposit in a receptacle provided for that purpose at the Secretary's desk any petitions or memorials, reports from the Committee on Pensions, and pension bills, and all matters so deposited shall be disposed of in the same manner as if presented by Senators from their places on the floor of the Senate.

SALARIES OF POSTMASTERS IN VERMONT.

Mr. PROCTOR submitted the following resolution; which, with the accompanying paper, was referred to the Committee on Post-Offices and Post-Roads, and ordered printed:

Resolved by the Senate, That the Postmaster-General be, and hereby is, directed to report to the Senate the amounts of salaries of all postmasters in the State of Vermont for the terms of service specified whose names and terms of service appear on the schedule of such cases in said State, hereto attached, adjusted under the act of 1854, and the amount of the salary of each such postmaster adjusted and paid under the act of 1864, so that the difference between the salary paid and the amount of salary ordered paid by the act of 1883 shall appear in each case specified on the said schedule.

FRANCIS S. DAVIDSON.

Mr. HOAR submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate the bill (S. 1115) for the relief of Francis S. Davidson, late first lieutenant, Ninth United States Cavalry.

STATUES OF CHARLES CARROLL AND JOHN HANSON.

Mr. McCOMAS submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound of the proceedings in Congress upon the acceptance of the statues of Charles Carroll of Carrollton and John Hanson, presented by the State of Maryland, 16,500 copies, of which 5,000 shall be for the use of the Senate and 10,000 for the use of the House of Representatives, and the remaining 1,500 copies shall be for the use and distribution of the Senators and Representatives in Congress from the State of Maryland.

The Joint Committee on Printing is hereby authorized to have the copy prepared for the Public Printer, who shall procure suitable copper-process plates to be bound with these memorials.

COURTS-MARTIAL IN THE PHILIPPINES.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day. The resolution known as the Rawlins resolution is before the Senate.

Mr. DUBOIS. I ask that it may go over and remain on the table.

The PRESIDENT pro tempore. The Senator from Idaho asks that the resolution may retain its place on the table. The Chair hears no objection.

OFFICERS AND CREW OF STEAMER CHARLESTON.

Mr. HALE. I should like to call up the bill (H. R. 5756) for the relief of the officers and crew of the U. S. S. *Charleston*, lost in the Philippine Islands November 2, 1899. There will be no objection to it.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to reimburse the officers and crew of the U. S. S. *Charleston*, destroyed on a coral reef off Camiguin Island, in the Philippines, November 2, 1899, for losses incurred by them, respectively, in the destruction of that vessel.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CANCELLATION OF TAXES.

Mr. DUBOIS. I ask unanimous consent for the consideration of the bill (H. R. 16099) to cancel certain taxes assessed against the Kall tract.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM P. MARSHALL.

Mr. BEVERIDGE. I ask for the present consideration of the bill (H. R. 647) for the relief of William P. Marshall.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay $200 to William P. Marshall, late a private in Company H, One hundredth Pennsylvania Volunteer Infantry, being the amount due him for bounty.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FANNY FARMER.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 7166) granting an increase of pension to Fanny Farmer.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the words "Company B," to insert "Second Regiment;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Fanny Farmer, widow of Augustus B. Farmer, late of Company B, Second Regiment, and captain Company A, Eighteenth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CENTRAL ARIZONA RAILWAY.

Mr. BURTON. I desire unanimous consent to call up the bill (S. 6968) granting the Central Arizona Railway Company a right of way for railroad purposes through the San Francisco Mountains Forest Reserve, in the Territory of Arizona.

The PRESIDENT pro tempore. The bill has been twice read to the Senate. Is there objection to its consideration?

Mr. SPOONER. I should like to ask the Senator from Kansas if this is the bill which was up the other day?

Mr. BURTON. It is.

Mr. SPOONER. The one which the President vetoed?

Mr. BURTON. No, sir; it is not the bill which the President vetoed; but it is a new bill which I introduced to cover the objection the President had to the former measure.

Mr. SPOONER. I do not think we ought to take up a bill——

Mr. BURTON. If the Senator will permit me, I hold in my hand two communications—one from the Secretary of the Interior and the other from the Commissioner of the General Land Office—which I will ask to have read.

Mr. SPOONER. I think it would be better to let the Clerk read the communications rather than that the Senator should hold them in his hand.

Mr. BURTON. I send the communications to the desk to be read.

The PRESIDENT pro tempore. If there is no objection, the two communications will be read.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR,
Washington, January 24, 1903.

The CHAIRMAN OF THE COMMITTEE ON PUBLIC LANDS, *Senate.*

SIR: I have the honor to acknowledge the receipt, by reference from your committee, with a request for views thereon, of a copy of S. 6968, entitled "A bill granting the Central Arizona Railway Company a right of way for railroad purposes through the San Francisco Mountains Forest Reserve, in the Territory of Arizona."

In answer to the request I inclose a copy of the report on the bill by the Assistant Commissioner of the General Land Office, under date of the 23d instant.

He has stated therein that he sees no objection to the passage of the bill, as it appears to provide safeguards necessary for the protection and government of the reserve.

I approve of the report.

Very respectfully, E. A. HITCHCOCK, *Secretary.*

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., January 22, 1903.

The SECRETARY OF THE INTERIOR.

SIR: By the reference of the honorable Acting Secretary of the Interior, dated January 22, 1903, for early report in duplicate, with return of paper, I am in receipt of a copy of Senate bill 6968, granting the Central Arizona Railway Company a right of way for railroad purposes through the San Francisco Mountains Forest Reserve, in the Territory of Arizona, which bill was referred by the clerk of the Committee on Public Lands, under instructions of the committee, for the views of the Department thereon.

In reply I have the honor to report that as the bill appears to contain the safeguards which are necessary for the protection and the government of the forest reserve, I see no objection to its passage.

The copy of the bill referred, with a copy of this letter, is herewith inclosed.

Very respectfully,

W. A. RICHARDS,
Assistant Commissioner.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The bill was reported to the Senate without amendment. ordered to be engrossed for a third reading, read the third time, and passed.

COLVILLE INDIAN RESERVATION LANDS.

Mr. TURNER. I ask unanimous consent for the consideration of the bill (H. R. 159) providing for free homesteads on the public lands for actual and bona fide settlers in the north one-half of the Colville Indian Reservation, State of Washington, and reserving the public lands for that purpose. It is only fair that I should state in this connection that the Senator from Connecticut [Mr. PLATT] desires to make a statement concerning this bill, but I am assured that the statement will not be very long and that it will not delay the Senate.

The PRESIDENT pro tempore. The Senator from Washington asks for the present consideration of House bill 159. It has been read in full to the Senate and considered as in Committee of the Whole. Is there objection to its present consideration?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. PLATT of Connecticut. Mr. President, I merely wish to make a statement about what this bill is and what it involves. I will try to be brief, and to come within the five-minute rule.

There was a Colville Indian Reservation. It contained about 3,000,000 acres. It was made by an Executive order. I do not think there was any treaty with the Indians establishing this reservation. Several years ago an agreement was negotiated with the Indians by which half of the reservation, about fifteen hundred thousand acres, was to be opened to settlement, and the Indians were to be paid, under that agreement, I think, a million and a half dollars. If that is not the sum, the Senator will correct me.

That agreement came here and was not ratified by Congress, but Congress proceeded to direct the reservation to be opened, allotments to be made to the Indians, the balance to be sold at a specified price per acre, and the proceeds to be retained in the Treasury and applied for the use and benefit of the Indians. But there was a provision in the act that the fund should be subject at any time to disposition by Congress. It was not an absolutely permanent fund in the Treasury for the Indians.

This land has been allotted; that is, the allotments which were to be made to the Indians have been made. As it stands now the Government is obliged to sell the lands, and while the fund remains not otherwise disposed of in the Treasury to apply the use of it for the benefit of the Indians.

Now, it is proposed to open these lands to homestead settlement under the free-homes act. I know it is useless in the Senate to object to or oppose such a proposition; my objections have been too often overruled. But I wish to state to the Senate that I believe the result of it will be that the Colville Reservation Indians will come to Congress and ask for $1,500,000 and that Congress will give it to them. I want the Senate to pass the bill with a full understanding of what I believe will hereafter be the result.

Mr. STEWART. Will the Senator allow me?

Mr. PLATT of Connecticut. Certainly.

Mr. STEWART. Does the Senator believe that the Government will be under any obligations to give it to them? By the agreement itself the Government had the right to make other disposition of the fund. Would not this be another disposition, and would it not end the whole proceeding?

Mr. PLATT of Connecticut. The Senator knows perfectly well as to that, as he has recently been engaged in the settlement of an Indian claim where it is conceded that the Indians have no legal claim, but that they have certain equities, which are recognized, and they get the money. Now, this is what Congress agreed should be done:

SEC. 2. That the net proceeds arising from the sale and disposition of the lands to be so opened to entry and settlement shall be set apart in the Treasury of the United States for the time being, but subject to such future appropriation for public use as Congress may make, and that until so otherwise appropriated may be subject to expenditure by the Secretary of the Interior from time to time, in such amounts as he shall deem best, in the building of schoolhouses, the maintenance of schools for such Indians, for the payment of such part of the local taxation as may be properly applied to the lands allotted to such Indians, as he shall think fit so long as such allotted lands shall be held in trust and exempt from taxation, and in such other ways as he may deem proper for the promotion of education, civilization, and self-support among said Indians.

If the Government changes that law and opens the lands for settlement without selling them, I think it must be evident to everyone that the Indians will come forward and claim that they have an equitable right to this $1,500,000, and they will get it.

Mr. TURNER. Mr. President, I merely wish to say that the bill has been reported favorably by the Committee on Indian Affairs and that it has the approval of the Commissioner of Indian Affairs and the Secretary of the Interior. It applies the homestead provisions to the Colville Indian Reservation, which was opened to settlement in 1891 and which is already almost entirely settled, so far as the lands are arable.

As to every other Indian reservation that has been opened to settlement, no matter how much the cost to the Government, it has had the homestead law applied to it; and if Congress follows its well-defined policy, unless an exception is to be made as to the State of Washington, this bill ought to pass.

Since the decision of the Supreme Court in the Lone Wolf case there is no question that these Indians will have no claim for reclamation against the Government, unless it be by virtue of the language of the act which the Senator from Connecticut [Mr. PLATT] has read to the Senate. It will be seen by reference to the report of the Committee on Indian Affairs accompanying the law from which the Senator read that they will have no claim even under that, because that committee in its report to the Senate guard against any such implication. I hold in my hand the report made by Mr. Manderson, from the Committee on Indian Affairs, May 12, 1892, on the bill to ratify and confirm an agreement with the Indians residing on the Colville Reservation, in the State of Washington, which concludes thus:

The committee are also of the opinion that the Indians should be secured in their schoolhouse, sawmill, and gristmill, on Bonaparte Creek, unless they desire to select better locations for these institutions. While unwilling to make payment to the Indians for these lands not used for allotment purposes, the committee recognize a moral obligation on the part of the Government to aid them in their endeavors to attain a higher civilization and ultimate fitness for citizenship, and therefore advise that the proceeds arising from the sale of the parts of the reservation disposed of under the land laws of the United States be deposited in the Treasury to the credit of these Indians, subject, principal and interest, to expenditure in the discretion of the Secretary of the Interior for certain enumerated purposes in promotion of their welfare, but with the unexpended balance at all times subject to the disposition of Congress.

This is simply an act of justice to the State of Washington, and puts the settlers on this reservation on the same plane as settlers on all other lands bought from the Indians.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADDITIONAL JUDGE, SOUTHERN DISTRICT OF NEW YORK.

Mr. DEPEW. I ask unanimous consent for the present consideration of the bill (H. R. 16724) to provide for an additional judge of the district court of the United States for the southern district of New York.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REGULATION OF COMMERCE.

Mr. CLAPP. I ask unanimous consent for the present consideration of the bill (S. 7053) to further regulate commerce with foreign nations and among the States.

The PRESIDENT pro tempore. The Senator from Minnesota asks unanimous consent for the present consideration of the bill named by him, which will be read to the Senate for its information, subject to objection.

The Secretary proceeded to read the bill, but before concluding was interrupted by

The PRESIDENT pro tempore. The Chair lays before the Senate the Army appropriation bill, which was assigned for consideration at this hour.

ARMY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 16567) making appropriation for the support of the Army for the fiscal year ending June 30, 1904.

Mr. PROCTOR. Mr. President, in view of the strong and very earnest remarks of the Senator from Maine [Mr. HALE] yesterday in regard to general legislation on an appropriation bill—although he did not press the point of order, he reserved it, and although there are conflicting opinions among good parliamentarians as to whether the amendment which was then under consideration is subject to the point of order or not—to save any question, I ask that section 2, on page 15, including the section

number, down to and including line 7, on page 17, being the staff amendment, be disagreed to.

The PRESIDENT pro tempore. The recollection of the Chair is that the amendment was adopted, but that the point of order was reserved, so that the Senator from Vermont now asks that the vote by which this amendment was adopted be reconsidered. Is there objection? The Chair hears none, and it is so ordered.

Now the Senator from Vermont asks unanimous consent to withdraw the amendment.

Mr. PROCTOR. Yes; I wish to withdraw the amendment.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the amendment is withdrawn.

Mr. PROCTOR. I now ask for a reconsideration of the vote by which the amendment, beginning in line 11, page 40, and ending on line 3, page 41, was adopted. I have a letter from the Surgeon-General regarding it. The amendment in the form in which I now propose to place it will make no material difference, but puts the language in proper form. I move, in line 10, on page 40, to strike out "five" and restore the original word "four," and then to strike out the whole of the following amendment and insert what I send to the desk.

The PRESIDENT pro tempore. The Senator from Vermont asks unanimous consent that the vote by which the amendment in line 10, on page 40, striking out "four" and inserting "five," and also the amendment adopted, beginning in line 10, on page 40, and going to line 3, on page 41, inclusive, be reconsidered. Is there objection? The Chair hears none, and that order is made.

The Senator from Vermont now asks that the amendment be withdrawn. The Chair hears no objection, and it is withdrawn.

Mr. PROCTOR. I now move to restore the word "four" in line 10, on page 40, so as to make the amount $450,000, as it originally stood.

The amendment was agreed to.

Mr. PROCTOR. I now ask for the adoption of the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to insert in lieu of the words stricken out the following:

MEDICAL EXPENSES, FURLOUGHED SOLDIERS, SPANISH WAR.

For the payment, or the reimbursement of payments made, of just bills and charges for the support, care, and treatment, including proper hospital charges, of sick officers and enlisted men of the Regular and Volunteer Armies of the United States while they were absent from duty on leave or on furlough, or otherwise, by direction or by permission of proper authority, on or after April 21, 1898, and up to and including April 11, 1899, in like manner as if the said officers and enlisted men had been on duty at the times when and places where the said bills and charges were incurred, the sum of $200,000 is hereby reappropriated from the balance remaining unexpended of the appropriation of $2,000,000, made by the act approved March 2, 1901; and shall remain and continue available for the purposes hereinbefore set forth for and during the term of two years from and after the date of the approval of this act.

The PRESIDENT pro tempore. The question is on the adoption of the amendment.

The amendment was agreed to.

Mr. FORAKER. On yesterday the Senate adopted an amendment on my motion, on page 14, after the word "Army," at the end of line 15. I want to amend that amendment which was then adopted. I wish to insert after the word "have," in the last line of the amendment, the words "while so serving."

The PRESIDENT pro tempore. The Senator from Ohio asks unanimous consent to reconsider the vote by which the amendment referred to by him was agreed to. The Chair hears no objection.

Mr. FORAKER. It was agreed to as in Committee of the Whole, and I suppose it can be amended in the Senate.

The PRESIDENT pro tempore. Yes; but if there be no objection, it can be amended now.

Mr. FORAKER. I desire to amend it now by inserting the words I have stated.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Ohio to the amendment yesterday adopted on his motion will be stated.

The SECRETARY. The amendment adopted yesterday, on motion of Mr. FORAKER, was, on page 14, after the word "Army," at the end of line 15, to insert:

Provided further, That the President be, and is hereby, authorized to appoint, by and with the advice and consent of the Senate, an officer of the Signal Corps as chief of the telegraph and cipher bureau of the Executive Office, who shall have the rank, pay, and allowances of a major.

It is now proposed after the word "have," in the last line, to insert "while so serving."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

EFFICIENCY OF THE ARMY.

Mr. BERRY. Mr. President, I rise to ask for the consideration at this time of the motion made by me to reconsider the vote by which the bill (H. R. 15449) to increase the efficiency of the Army was passed. The Senator from Vermont [Mr. PROCTOR] agrees that the vote shall be reconsidered with a view of disagreeing to the amendment which I will indicate if the motion shall be agreed to.

Mr. LODGE. I understand that consent is given simply to make the amendment to which the Senator refers, and that then the bill be immediately put upon its passage.

The PRESIDENT pro tempore. Then the motion to reconsider the vote by which the bill was passed would be withdrawn, and the bill would stand passed.

Mr. BERRY. The motion to reconsider will first have to be agreed to.

The PRESIDENT pro tempore. The Senator from Arkansas asks unanimous consent that the votes by which the amendments to this bill were ordered to be engrossed and the bill to be read the third time and passed be reconsidered. Is there objection? The Chair hears none, and it is so ordered. The bill is now before the Senate and open to amendment.

Mr. BERRY. Mr. President, I now ask unanimous consent that the amendment reported by the committee, to insert the words "or the Secretary of War" on page 3, section 4, line 4, be disagreed to.

The PRESIDENT pro tempore. The Senator from Arkansas asks unanimous consent that the amendment by which the words "or the Secretary of War" were inserted after the word "President," on page 3, section 4, line 4, be reconsidered, and that the amendment inserting those words be disagreed to. Is there objection? The Chair hears none, and it is so ordered.

Mr. PROCTOR. I move that section 6 of the bill be disagreed to, for the reason that precisely the same provision has just been passed in the Army appropriation bill.

Mr. PETTUS. I ask that that particular part of the bill be read.

The PRESIDENT pro tempore. The Senator from Vermont [Mr. PROCTOR] asks unanimous consent that the vote by which section 6 was agreed to be reconsidered, and that the amendment be rejected.

Mr. PROCTOR. I will withdraw the motion, Mr. President. The amendment will do no harm, I think, as it stands.

Mr. PETTUS. I am not making any objection. I merely want information, so as to know what I am called upon to vote for.

The PRESIDENT pro tempore. The motion is withdrawn.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

REGULATION OF COMMERCE.

Mr. CLAPP. I now ask that the reading of the bill (S. 7053) to further regulate commerce with foreign nations and among the States be resumed at the point where it was left off.

The PRESIDENT pro tempore. The Senator from Minnesota [Mr. CLAPP] asks unanimous consent that the bill which was laid aside at the hour of 1 o'clock, and which was partially read, may be further read for the information of the Senate. Is there objection? The Chair hears none, and the Secretary will resume the reading of the bill.

The Secretary resumed and concluded the reading of the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 7053) to further regulate commerce with foreign nations and among the States, which had been reported from the Committee on Interstate Commerce with amendments.

The first amendment was, on page 1, section 1, line 5, after the word "omitted," to strike out "by any lessee, trustee, receiver, officer, agent, or representative of such corporation" and insert "to be done by any director or officer thereof, or any receiver, trustee, lessee, agent, or person acting for or employed by such corporation;" in line 10, after the word "said," to strike out "act" and insert "acts or under this act;" in line 11, after the word "misdemeanor," to insert "committed;" on page 2, line 2, after the word "acts," to insert "or by this act;" and in line 3, before the word "except," to strike out "individuals" and insert "such persons;" so as to read:

That anything done or omitted to be done by a corporation common carrier, subject to the act to regulate commerce and the acts amendatory thereof which, if done or omitted to be done by any director or officer thereof, or any receiver, trustee, lessee, agent, or person acting for or employed by such corporation, would constitute a misdemeanor under said acts or under this act shall be held to be a misdemeanor committed by such corporation, and upon conviction thereof it shall be subject to like penalties as are prescribed in

said acts or by this act with reference to such persons except as such penalties are herein changed.

The amendment was agreed to.

The next amendment was, in section 1, page 2, line 15, after the words "subject to," to strike out "the acts" and insert "said act;" in line 16, before the word "whereby," to insert "and the acts amendatory thereto;" in line 19, after the word "said," to strike out "acts" and insert "act;" and in line 19, after the word "commerce," to insert "and the acts amendatory thereto, or whereby any other advantage is given or discrimination is practiced;" so as to read:

The willful failure upon the part of any carrier subject to said acts to file and publish the tariffs or rates and charges as required by said acts or strictly to observe such tariffs until changed according to law, shall be a misdemeanor, and upon conviction thereof the corporation offending shall be subject to a fine not less than $1,000 nor more than $20,000 for each offense; and it shall be unlawful for any person, persons, or corporation to offer, grant, or give or to solicit, accept, or receive any rebate, concession, or discrimination in respect of the transportation of any property in interstate or foreign commerce by any common carrier subject to said act to regulate commerce and the acts amendatory thereto whereby any such property shall by any device whatever be transported at a less rate than that named in the tariffs published and filed by such carrier, as is required by said act to regulate commerce and the acts amendatory thereto, or whereby any other advantage is given or discrimination is practiced.

The amendment was agreed to.

The next amendment was, in section 1, page 3, after line 8, to insert:

Every violation of this section shall be prosecuted in any court of the United States having jurisdiction of crimes within the district in which such violation was committed or through which the transportation may have been conducted; and whenever the offense is begun in one jurisdiction and completed in another it may be dealt with, inquired of, tried, determined, and punished in either jurisdiction in the same manner as if the offense had been actually and wholly committed therein.

In construing and enforcing the provisions of this section the act, omission, or failure of any officer, agent, or other person acting for or employed by any common carrier acting within the scope of his employment shall in every case be also deemed to be the act, omission, or failure of such carrier as well as that of the person. Whenever any carrier files with the Interstate Commerce Commission or publishes a particular rate under the provisions of the act to regulate commerce or acts amendatory thereto, or participates in any rates so filed or published, that rate as against such carrier, its officers or agents, in any prosecution begun under this act, shall be conclusively deemed to be the legal rate, and any departure from such rate, or any offer to depart therefrom, shall be deemed to be an offense under this section of this act.

The amendment was agreed to.

The next amendment was, in section 2, page 4, line 11, after the word "parties," to strike out "all persons," and in the same line, after the word "carrier," to insert "all persons;" so as to make the section read:

SEC. 2. That in any proceeding for the enforcement of the provisions of the statutes relating to interstate commerce, whether such proceedings be instituted before the Interstate Commerce Commission or be begun originally in any circuit court of the United States, it shall be lawful to include as parties, in addition to the carrier, all persons interested in or affected by the rate, regulation, or practice under consideration, and inquiries, investigations, orders, and decrees may be made with reference to and against such additional parties in the same manner, to the same extent, and subject to the same provisions as are or shall be authorized by law with respect to carriers.

The amendment was agreed to.

The next amendment was, in section 3, page 4, line 23, after the word "petition," to insert "alleging such facts;" in line 24, after the word "States," to insert "sitting in equity;" in line 25, after the word "parties," to strike out "alleging such practice" and insert:

And when the act complained of is alleged to have been committed or as being committed in part in more than one judicial district or State, it may be dealt with, inquired of, tried, and determined in either such judicial district or State.

In line 5, page 5, after the word "court," to strike out "to;" in the same line, after the word "summarily," to insert the word "to;" in line 6, after the word "circumstances," to insert:

Upon such notice and in such manner as the court shall direct and without the formal pleadings and proceedings applicable to ordinary suits in equity, and to make such other persons or corporations parties thereto as the court may deem necessary.

In line 11, after the words "of the," to strike out "allegation, to" and insert "allegations of said petition said court shall;" in line 13, after the words "tariffs or," to insert "direct and;" in line 14, after the word "orders," to insert "writs;" in line 15, before the word "and," to insert "writs;" in line 16, after the word "carrier," to insert "subject to the right of appeal as now provided by law;" in line 18, after the word "States," to strike out "under the direction of the Attorney-General;" in line 7, page 6, after the word "transaction," to insert:

The claim that such testimony or evidence may tend to criminate the person giving such evidence shall not excuse such person from testifying, but such testimony or evidence shall not be used against such persons or corporations on the trial of any criminal proceeding.

And beginning in line 12, page 6, to strike out:

But all carriers, corporations, or shippers whose books and papers are produced in evidence in said proceedings, and all persons required to testify shall have the same immunity from prosecution and punishment, and to the same extent and subject to the same provisions, as is provided for in an act approved February 11, 1893, entitled "An act in relation to testimony before the Interstate Commerce Commission, and in cases or proceedings under or connected with an act entitled 'An act to regulate commerce, approved February 4, 1887, and the amendments thereto.'"

So as to make the section read:

SEC. 3. That whenever the Interstate Commerce Commission shall have reasonable ground for belief that any common carrier is engaged in the carriage of passengers or freight traffic between given points at less than the published rates on file, or is committing any discriminations forbidden by law, it shall be authorized to present a petition alleging such facts to the circuit court of the United States sitting in equity having jurisdiction of the parties; and when the act complained of is alleged to have been committed or as being committed in part in more than one judicial district or State, it may be dealt with, inquired of, tried, and determined in either such judicial district or State, whereupon it shall be the duty of the court summarily to inquire into the circumstances, upon such notice and in such manner as the court shall direct and without the formal pleadings and proceedings applicable to ordinary suits in equity, and to make such other persons or corporations parties thereto as the court may deem necessary, and upon being satisfied of the truth of the allegations of said petition said court shall enforce an observance of the published tariffs or direct and require a discontinuance of such discrimination by proper orders, writs, and process, which said orders, writs, and process may be enforceable as well against the parties interested in the traffic as against the carrier, subject to the right of appeal as now provided by law. It shall be the duty of the several district attorneys of the United States to institute and prosecute such proceedings, and the proceedings provided for by this act shall not preclude the bringing of suit for the recovery of damages by any party injured, or any other action provided by said act approved February 4, 1887, entitled "An act to regulate commerce," and the acts amendatory thereof. And in proceedings under this act and the acts to regulate commerce the said courts shall have the power to compel the attendance of witnesses, both upon the part of the carrier and the shipper, who shall be required to answer on all subjects relating directly or indirectly to the matter in controversy, and to compel the production of all books and papers, both of the carrier and the shipper, which relate directly or indirectly to such transaction; the claim that such testimony or evidence may tend to criminate the person giving such evidence shall not excuse such person from testifying, but such testimony or evidence shall not be used against such persons or corporations on the trial of any criminal proceeding.

Mr. CLAPP. On behalf of the committee I offer an amendment to strike out the words "of the parties" where they occur in line 25, on page 4.

The amendment to the amendment was agreed to.

Mr. CLAPP. Referring to page 6, we provided as to a person giving testimony that the testimony should not be used against him. Upon consultation of the later authorities we find that the immunity is not broad enough, and on behalf of the committee I offer an amendment to the amendment of the committee.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Minnesota will be stated.

The SECRETARY. On page 6, line 7, after the word "transaction," it is proposed to strike out the remainder of the section and to insert in lieu thereof the following:

The claim that such testimony or evidence may tend to criminate the person giving such evidence shall not excuse such person from testifying or such corporation producing its books and papers; but no person or corporation shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he or it may testify or produce evidence, documentary or otherwise, in such proceeding.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

STATEHOOD BILL.

Mr. QUAY. Mr. President, I rise to renew my request that a day and an hour may be fixed at which a vote shall be taken on the bill known as the omnibus statehood bill, now the regular order. I ask the unanimous consent of the Senate that a vote be taken on the 19th day of February next, at 2 o'clock p. m., upon the bill and amendments pending and those which may then be offered.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks unanimous consent that the vote on the pending bill, known as the omnibus bill, and all amendments then pending and all at that time offered, shall be taken at 2 o'clock on the afternoon of February 19. Is there objection?

Mr. BEVERIDGE. Mr. President, I regret that I can not accede to the Senator's request. I wish to say in this connection that the Senator certainly sees that such a consent is impossible. But four prepared arguments have been made upon our side of the question, but two upon the Senator's side, and there has been only a limited amount of regular ordinary running debate. A very much larger number of Senators upon our side of this matter than those who have spoken intend to speak, and I have no doubt a larger number on the Senator's side than those who have already spoken for it wish to defend the omnibus bill. The junior Senator from Wisconsin [Mr. QUARLES] is only in the midst of his able and brilliant argument. He will be followed by the senior Senator from New Jersey [Mr. KEAN] in a carefully prepared, exhaustive, and, I make bold to say, absolutely convincing speech. After him many other Senators desire to be heard. Therefore, the Senator from Pennsylvania will readily see that it is perfectly impossible to consent to the Senator's request.

The PRESIDENT pro tempore. The Senator from Indiana objects.

Mr. QUAY. Mr. President, I will ask, then, whether unanimous consent can be given to take the vote at the same hour on the 2d day of March next?

Mr. SPOONER. Will the Senator make it the 5th? [Laughter.]

Mr. QUAY. I will not.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks unanimous consent that on the 2d day of March next, at 2 o'clock in the afternoon, without further debate, a vote may be taken on the omnibus bill, so called, and then pending amendments and amendments at that time offered. Is there objection?

Mr. BEVERIDGE. Mr. President, it is impossible to agree upon any specific date.

The PRESIDENT pro tempore. The Senator from Indiana objects.

Mr. QUAY. I should myself have objected to a vote on that occasion if the Senator from Indiana had not. As to his suggestion in reference to Senators upon the affirmative of the statehood issue, that there are a large number of them who desire to address the Senate and who have not yet done so, I will merely state that my request for unanimous consent is not at all offensive to those Senators.

Mr. BEVERIDGE. I did not say there were a large number of Senators on the affirmative side of the omnibus proposition who desired to speak. I said I entertained the hope that there would be a number more than those who have already so ably spoken for it who would desire to defend the bill. Of course if that is not well placed, it is not well placed.

Mr. GALLINGER. It is delusive.

The PRESIDENT pro tempore. The bill is not now before the Senate. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 475) to refer the claim of Joseph W. Parish to the Secretary of the Treasury for examination and payment of any balance found due;

A bill (S. 2450) to establish a fog bell and lens-lantern light on the southeastern end of Southampton Shoals, San Francisco Bay, California;

A bill (S. 5212) granting to the State of California 640 acres of land in lieu of section 16, of township 7 south, range 8 east, San Bernardino meridian, State of California, now occupied by the Toros band or village of Mission Indians; and

A bill (S. 5505) adjusting certain conflicts respecting State indemnity selections in lieu of school sections in abandoned military reservations.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 9503) to authorize the Oklahoma and Western Railroad Company to construct and operate a railway through the Fort Sill Military Reservation, and for other purposes; and

A bill (H. R. 12240) granting to Nellie Ett Heen the south half of the northwest quarter and lot 4 of section 2, and lot 1 of section 3, in township 154 north, of range 101 west, in the State of North Dakota.

The message further announced that the House had passed with amendments the following bills in which it requested the concurrence of the Senate:

A bill (S. 4222) authorizing the appointment of John Russell Bartlett, a captain on the retired list of the Navy, as a rear-admiral on the retired list of the Navy; and

A bill (S. 4722) for the erection of a building for the use and accommodation of the Department of Agriculture.

The message also announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 7) authorizing the Secretary of War to cause to be erected monuments and markers on the battlefield of Gettysburg, Pa., to commemorate the valorous deeds of certain regiments and batteries of the United States Army;

A bill (H. R. 3100) providing for the conveyance of Widows Island, Me., to the State of Maine;

A bill (H. R. 7648) to authorize the construction of a bridge across the Missouri River and to establish it as a post-road;

A bill (H. R. 12952) authorizing the Secretary of the Interior to issue patent to the Rochford Cemetery Association to certain lands for cemetery purposes;

A bill (H. R. 13387) to amend an act entitled "An act to prevent the extermination of fur-bearing animals in Alaska," and for other purposes;

A bill (H. R. 14512) to amend an act to add certain counties in Alabama to the northern district therein, and to divide the said northern district after the addition of said counties into two divisions, and to prescribe the time and places for holding courts therein, and for other purposes, approved May 2, 1884;

A bill (H. R. 15243) to authorize the President of the United States to appoint Kensey J. Hampton captain and quartermaster in the Army;

A bill (H. R. 15986) regulating the practice of medicine and surgery in the Indian Territory;

A bill (H. R. 16509) to authorize the Pearl and Leaf Rivers Railroad Company to bridge Pearl River in the State of Mississippi;

A bill (H. R. 16573) to authorize the construction of a bridge across St. Francis River at or near the town of St. Francis, Ark.;

A bill (H. R. 16602) to extend the time granted to the Muscle Shoals Power Company by an act approved March 3, 1899, within which to commence and complete the work authorized in the said act to be done by said company, and for other purposes;

A bill (H. R. 16646) to authorize the construction of a bridge across Bogue Chitto in the State of Louisiana;

A bill (H. R. 16731) permitting the town of Montrose, Colo., to enter 160 acres of land for reservoir and water purposes;

A bill (H. R. 16881) to authorize the court of county commissioners of Geneva County, Ala., to construct a bridge across the Choctawhatchee River in Geneva County, Ala.;

A bill (H. R. 16909) to amend an act entitled "An act authorizing the construction of a bridge across the Cumberland River at or near Carthage, Tenn.," approved March 2, 1901;

A bill (H. R. 16915) authorizing the commissioners' court of Escambia County, Ala., to construct a bridge across Conecuh River at or near a point known as McGowans Ferry, in said county and State;

A bill (H. R. 16975) to authorize the construction of a bridge across the Monongahela River in the State of Pennsylvania by the Eastern Railroad Company;

A bill (H. R. 17088) to create a new division of the eastern judicial district of Texas, and to provide for terms of court at Texarkana, Tex., and for a clerk to said court, and for other purposes; and

A joint resolution (H. J. Res. 8) tendering the thanks of Congress to Rear-Admiral Louis Kempff, United States Navy, for meritorious conduct at Taku, China.

STATEHOOD BILL.

Mr. QUAY. I move that the Senate proceed to the consideration of the omnibus statehood bill, so called.

The PRESIDENT pro tempore. The Senator from Pennsylvania moves that the Senate proceed to the consideration of the omnibus statehood bill, so called, which will be stated by its title.

The SECRETARY. A bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. QUARLES. Mr. President, when I yielded the floor yesterday I was contending for the right, and the corresponding duty, of independent thought and fearless investigation on the part of a Member or Senator, and that, while acting here under the sanction of an oath, considering the general welfare of the nation, we are not conclusively foreclosed by the phraseology of a particular resolution which some political convention may choose to adopt.

I wish to draw the distinction between a general declaration of principle by a political convention and a concrete application of it to a given measure. I do not wish to be understood, Mr. President, as calling in question the authority, the binding force, or the sanction of a general declaration of political policy by a national convention. It is entitled both here and everywhere else to the greatest respect.

But, Mr. President, suppose for the purposes of the argument we were to concede the conclusive effect of the platform declaration at Philadelphia, the interpretation put upon the language by the advocates of the pending measure is fallacious and unsound.

In 1896 the Republican convention declared in substance in favor of the admission of these Territories as soon as they were fit. In 1900 by a shorter resolution the Republican convention declared in favor of early admission. I apprehend, Mr. President, that under a fair construction the two resolutions are substantially the same, although phrased differently. It certainly will not be contended that the members of the convention of 1900 had in mind the admission of Territories that were not fit.

Both resolutions contemplated the fair exercise of legislative discretion. And when the matter is all summed up, we find that it is not a declaration in favor of this specific measure or of any specific measure, and after all amounts to no more than this: The Republican delegates there assembled pronounced it as their judgment that the interests of the Republican party would be promoted by the early admission of these Territories as soon as

Congress found that they were fit to be admitted. This is not a foundation upon which to rest this omnibus bill, calling for the admission of a bunch of Territories, but is a mere declaration of general policy to which I am willing to bow and which ought to be held in high respect by the members of that party.

Now, Mr. President, following the suggestion of the report of the committee——

Mr. MASON. The Senator from Wisconsin will not object if I call his attention at this point to the exact language of our platform?

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Wisconsin yield to the Senator from Illinois?

Mr. QUARLES. Certainly.

Mr. MASON. It reads:

We favor home rule for, and the early admission to statehood of, the Territories of New Mexico, Arizona, and Oklahoma.

Mr. SPOONER. There is something else there.

Mr. MASON. No.

Mr. SPOONER. There is something about home rule.

Mr. MASON. I read that. That is all there is on the subject, and it mentions the three Territories that are named in the omnibus bill.

Mr. QUARLES. I had that language in mind. My proposition, I will say to the Senator, is that "early" does not mean "immediate" or "hasty," nor does it call for premature consideration. The two platforms are exactly in harmony, and neither seeks to exclude legislative discretion.

IRRIGATION AND WATER SUPPLY.

It was suggested in the report that the first consideration perhaps in approaching this discussion was the interests of the Territories themselves, and in that connection I wish to submit an aspect of the question which has not been considered in this debate, which, it seems to me, from the standpoint of Arizona and New Mexico, is entitled to serious attention. If anything has been demonstrated by history and confirmed by this discussion it is that the great need of these two Territories is water. So important is water in view of the climatic conditions that it is water which now determines the measure of productiveness, and not the soil.

We have been informed that only about one-fourth of 1 per cent of the area of these Territories has yet been brought under irrigation. We are further informed that the facilities for irrigation have already outstripped the supply of water. There are aqueducts and ditches that are entirely dry because there is not water to carry on the work of irrigation. No man familiar with the situation can have a doubt that it is water that must develop that country, if it is ever developed, and that its supply is far more important to those communities than statehood can possibly be.

Mr. President, in all my reading I know of only one more importunate demand for water than is made by these two Territories, and that came from the arid region presided over by his Satanic Majesty, and was the appeal of the rich man to Father Abraham to send him a drop of water to cool his parched tongue.

Now, the next proposition in order is this: The water so imperatively needed can never come from the clouds. It can never be gathered up by private capital or individual energy. There is absolutely no recourse except to the strong arm of the Federal Government. Uncle Sam must come to the front with his millions and by an expensive system of dams and reservoirs lay the floods and torrents under contribution.

Now, the question recurs—and it is worthy the serious attention of every man who is to pass upon this matter, not as a politician, but as a statesman—Will statehood at this time advance or retard this great improvement? I grant that if statehood would promote irrigation the interests of those Territories would lie in that direction. If, on the other hand, it will retard progress in that direction, the real friends of the Territories ought to act accordingly.

Congress has listened to the appeal of these people and has year by year appropriated a vast sum of money for preliminary surveys, for ascertaining where reservoirs could be successfully constructed, for measuring streams, and doing all preliminary work so necessary to the introduction of a general scheme of irrigation. Congress has passed a bill whereby a large portion of the area of the Western country has been devoted to this purpose. We are told by the Senator from Idaho [Mr. DUBOIS] that already, under the operation of that act, some eight or nine million dollars have accumulated, and the expectation is that a very much larger sum will be added to this fund. Furthermore, Congress has given to the Territory of New Mexico 600,000 acres of the public domain to facilitate this general purpose.

Now, allow me to direct attention to the particular framework of this irrigation statute. It will be remembered that it passed this body without debate and without analysis. As the law stands to-day, this enormous fund, together with its accretion, may be taken into these two Territories and expended there in exploitation and development, and the only requirement of the act is an approximate evening up or distribution among the States after a period of ten years. Now, this legislation would seem to offer a great opportunity for these two Territories.

Mr. President, the greatest obstacle which the scheme of irrigation will have to meet is the limited power of the Federal Government and the plenary jurisdiction of the States. The officers of the Government to whom this work will be intrusted must speedily discover that there are serious impediments in the way of an intelligent administration of the measure within the limits of sovereign States.

Let me illustrate. Officers of the United States go to the State of Colorado, for instance, to impound flood waters. Some of you are familiar with her constitution. In her organic law she has laid down certain principles regarding the appropriation and distribution of water. Not only that, but she has built up a system of local statutes and a whole network of decisions, and around those are clustered usages and customs which have the force of law. We go now, for the purpose of administering this act, into the sovereign State of Colorado. Can we appropriate water from any one of her streams? Why, Mr. President, not at all. By her constitution she has asserted that the exclusive jurisdiction over those streams belongs to the State of Colorado. The question of navigation not being involved, her authority over those waterways is supreme. We can never divert the water from any stream in Colorado without an enabling act from her legislature.

Suppose we get legislative permission and the Government builds the necessary dams and reservoirs and we have succeeded in impounding the flood waters of one of the Colorado streams. Thus far we have proceeded by the permission of the State. Now, the minute we conduct from that Federal reservoir a stream of water into an aqueduct or a lateral or a ditch it falls immediately under the jurisdiction of the State of Colorado. Its laws attach to it; we must observe its usages and its customs, which are diametrically opposed to the common law. What then? The United States has absolutely lost all control over that stream of water as soon as it has left its reservoir.

The State of Colorado may suspend its jurisdiction over a stream to permit us to appropriate water; but it never can, and never will suspend its system of laws, or surrender its usages and customs regarding the appropriation and use of water. So that you have the United States Government there engaged in a great scheme involving enormous expenditures, which scheme the Federal Government is powerless to control.

Now, let me tell you what will happen—and the officers of the Government will be quick to discern this as soon as they begin to carry it out in actual detail. You have built great reservoirs. You have stored your flood water. You are proceeding to distribute it. You are obliged to carry your aqueduct over a private estate. The owner of that estate objects. You must either abandon your scheme or you must have recourse to condemnation. You institute your proceedings of condemnation, and then you meet a very serious question, which, briefly stated, is this: While engaged in distributing water over a titled area, such as you would have to do in a State like Colorado, is it a legitimate Federal public purpose? That question lies at the very foundation of your right to proceed. Can the United States condemn land to carry on the business of selling water? So growing out of the dual relation of the Federal and State governments and the different systems of laws, you will in the various States encounter no end of difficulties, perplexities, and complications.

Mr. HANSBROUGH. Will the Senator allow me?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from North Dakota?

Mr. QUARLES. With pleasure.

Mr. HANSBROUGH. I ask the Senator if that is not the case with respect to all great questions like this? Do we not have complications and tribulations and troubles until the question is thoroughly sifted out in the courts of the country?

Mr. QUARLES. I do not know any place on this green earth where trouble does not come. I have never yet known any great project to be adopted where there were no complications. I am about to speak in a moment of the condition in these Territories as compared with States and to suggest that this scheme can be carried out with far less difficulty, with fewer complications, in a Territory than in a State.

In this connection I may say now that when the Government goes into its own territory it has to reckon with no other sovereign. It also has an influence in framing the laws controlling the exercise of the right of eminent domain. Congress has the power to supervise the enactment of Territorial laws, and presumably the statutes in those Territories, under the circumstances, would be framed to facilitate this scheme. Every facility within the lawmaking power would be afforded.

The streams of a Territory are under the exclusive control of Congress. You are not compelled to appeal to the sovereign will

of a State. There the Government finds large masses of unappropriated land, and I would suggest to the Senator from North Dakota that that is a most important circumstance as bearing upon the constitutional question and the Federal authority to engage in this enterprise at all.

If the unappropriated area is sufficiently large, so that the Government as a primary purpose is seeking to improve its own land, that might be held and would undoubtedly be held by the courts to be a legitimate Federal purpose. But in a State which has been settled, where the lands have been appropriated, this Government in distributing water for sale among settlers perhaps would stand upon the same footing as any other great proprietor who was distributing water for hire. But in a Territory where it has great areas of unappropriated land the question presents entirely a different legal aspect. The Government goes in and takes possession of a stream. It impounds the flood waters and carries its aqueduct over its own territory for the purpose of improving its own land. Such a state of facts would simplify the question.

Mr. President, the people of these two Territories have become excited over the question of statehood, and nothing is more natural. We can all understand it, especially we who have lived in a new Territory. But I submit it to the candid judgment of all who hear me, whether in view of these propositions the people of New Mexico and Arizona will not be entitled, almost of right, to have the larger portion of this fund expended within their own limits to the exclusion of States, and to have all the experimentation done there, and is not that of greater benefit, of greater import to those Territories than to acquire the status of statehood?

As I look upon it, Mr. President, statehood at the present time would be an impediment, an obstruction, and therefore a calamity to these Territories. If they should unite their energies under this beneficent act of Congress to secure the expenditure of that sum of money within their own area reclaiming lands, furnishing homes and farms for thousands of settlers, they need not then trouble themselves about statehood. Population will come, wealth will come, and statehood will follow as certainly as night follows day.

Mr. President, if I understand the attitude of Arizona, if I comprehend the arguments which have been made here in her interest, statehood is desired as a stimulus. Statehood is looked upon as desirable because it will attract large numbers of people, because it will attract capital; but in my humble judgment the irrigation scheme will bring to them all of these desirable elements much more quickly and much more surely than the acquisition of statehood.

Mr. DUBOIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Idaho?

Mr. QUARLES. With pleasure.

Mr. DUBOIS. I was paying close attention to the Senator from Wisconsin, but I may have misunderstood him, notwithstanding. Was the Senator arguing that when the Federal Government went into the State of Colorado it would there be confronted with the Colorado laws and it could not interfere with them, because Colorado was a sovereign State; but that in going into these proposed States of New Mexico and Arizona, they being under the control of the Government, it would not be restricted as in the State of Colorado?

Mr. QUARLES. Yes, sir.

Mr. DUBOIS. I would ask, then, if the Congress of the United States has not authority to waive any rights which it might have in those two Territories. Is the Congress of the United States able by legislation to waive any rights which it might have in the Territories of New Mexico and Arizona?

Mr. QUARLES. I did not catch the Senator's point. I do not understand the waiver of which the Senator speaks.

Mr. DUBOIS. I understood the Senator to agree to the proposition that when the Federal Government goes to the State of Colorado to build reservoirs, canals, dams, etc., it can not contravene the laws of the State of Colorado——

Mr. QUARLES. Yes.

Mr. DUBOIS. That it is a sovereign State. Now, then, can it contravene, for instance, the laws of New Mexico and Arizona?

Mr. QUARLES. Undoubtedly. Congress has supervisory control over all Territorial legislation.

Mr. DUBOIS. Very well. Then I come to my question again: Has Congress the power to waive its right to set aside any statutes of the Territories of Arizona and New Mexico?

Mr. QUARLES. Congress has no power to divest itself of any legislative function. The Constitution imposes that upon Congress, and it would be beyond the power of Congress to divest itself of that discretion.

Mr. DUBOIS. As I said the other day, I am not a lawyer, and therefore I can not follow these refinements; but Congress has done that very thing in the irrigation act which I have here.

Mr. QUARLES. I will say to the distinguished Senator that if Congress has assumed to do such a thing the act was utterly nugatory and void.

Mr. DUBOIS. If the Senator will pardon me, I will read the act of Congress. This is section 8 of the national irrigation act passed by Congress. It says:

> That nothing in this act shall be construed as affecting or intended to affect or to in any way interfere with the laws of any State or Territory relating to the control, appropriation, use, or distribution of water used in irrigation, or any vested right acquired thereunder, and the Secretary of the Interior, in carrying out the provisions of this act, shall proceed in conformity with such laws, and nothing herein shall in any way affect any right of any State or of the Federal Government or of any landowner, appropriator, or user of water in, to, or from any interstate stream or the waters thereof.

Mr. QUARLES. There are two branches of that proposition, of which I will speak separately, if the Senator will permit me. The first declaration, that it is not intended to impinge upon the legislation of the State, is, of course, a truism. Congress could not do that. The proposition that it was not intended to change any of the laws of a Territory does not involve any renouncement of the power of Congress in that regard. It simply indicates that there is no present purpose in that particular act to do that thing.

Further, I will explain to my distinguished friend from Idaho, Congress has not, as he will see by reflection, undertaken to withdraw or renounce any of the control that it has over Territorial legislation. It amounts to a statement that for the time being it is satisfied with the legislative conditions in those Territories, and it goes no further.

Mr. DUBOIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Idaho?

Mr. QUARLES. Certainly.

Mr. DUBOIS. Of course I feel my disadvantage in arguing a point which is a legal proposition with the distinguished Senator and able lawyer from Wisconsin, but this word is used here, which is a very strong word, it seems to me:

> That nothing in this act shall be construed as affecting or intended to affect or to in any way interfere——

Mr. SPOONER. In that act.

Mr. DUBOIS. No—

> with the laws of any State or Territory relating to the control, appropriation, use, or distribution of water used in irrigation.

It is not to interfere with the laws of any Territory covering this whole irrigation problem.

Mr. SPOONER. Does the Senator take that as a contract binding Congress never to interfere with existing laws on that subject in any Territory, or does he construe it as my colleague does? My colleague needs no help from any source in the discussion of such a question or any other, but I insist that he correctly construes it as a declaration by Congress that it is not intended by that act to interfere with any laws existing in the Territories.

Mr. DUBOIS. It is that Congress shall not interfere in respect to irrigation laws; that it shall place the Territories on precisely the same basis as States in regard to its laws on the subject of irrigation.

Mr. SPOONER. Congress could not place the Territories on the same basis as the States, beyond its power to change it.

Mr. DUBOIS. I will say to the Senator from Wisconsin that I was one of the subcommittee to draw the present act, and there were some able lawyers on the committee. It was a committee of 17, composed of representatives from each of the arid and semiarid States and Territories. One question which we discussed, and the hardest question for us to decide, was whether the States and the Territories should have the control all the time or whether Congress in passing this national irrigation act should come in and assume control, affecting the distribution and use and conservation of waters. We decided that the laws of the Territories and States should govern. That was the intention of those men, and, as I said, there were a great many lawyers on the committee.

Mr. SPOONER. But, if the Senator will permit me, did this committee decide that where a Territory had been admitted into the Union with a constitution which gave the new State control over waters originating in the State Congress had the power to abrogate that constitution and assume that control on behalf of the General Government? My colleague said that the declaration in this act that the act should not be construed to interfere with the rights of the States or the laws of the State was a truism. Is it not so?

Mr. DUBOIS. Yes.

Mr. SPOONER. Is it anything more than that?

Mr. DUBOIS. No; it is a truism.

Mr. SPOONER. It is a truism?

Mr. DUBOIS. Yes.

Mr. SPOONER. In other words, it is an assertion by Congress that this act is not intended to do——

Mr. DUBOIS. Something which it could not do?
Mr. SPOONER. What the act could not do?
Mr. DUBOIS. Certainly.
Mr. SPOONER. But is it not true that as to the Territories an entirely different rule prevails?
Mr. DUBOIS. I should think not.
Mr. SPOONER. Have we not the power to enact all the legislation for the Territories? Have we not the power to overrule and abrogate every act passed by the legislature of a Territory?
Mr. DUBOIS. Undoubtedly.
Mr. SPOONER. Then, does that mean anything more than what was stated by my colleague, that that act was not intended to abrogate the existing laws of the Territories on the subject of water?
Mr. DUBOIS. Plainly not, in my judgment.
Mr. SPOONER. Very well; that is all my colleague asserted.
Mr. DUBOIS. Oh, no. The Territory could pass a law, for instance, and Congress could refuse to sanction that law and destroy it; that Congress could do. If, however, they had not passed a law and Congress says we will allow you to pass this law, they would have authority to pass it.
Mr. SPOONER. But that——
Mr. DUBOIS. Congress now gives up the right——
Mr. SPOONER. No; Mr. President——
Mr. DUBOIS. In this act to interfere with the laws of the Territories, knowing that it could not do it.
Mr. SPOONER. No; the act says that it shall not be construed to interfere with any law passed by the Territorial legislature; in other words, that it is not intended to repeal any Territorial legislation.
Mr. DUBOIS. No; that it shall not interfere with those laws.
Mr. SPOONER. It does not say that.
Mr. DUBOIS. I-n-t-e-r-f-e-r-e.
Mr. SPOONER. But that is that this act shall not interfere with them. Does the Senator not see the distinction between a statement by Congress that a particular act was not intended to interfere with the Territorial legislation and the proposition that Congress has abdicated the constitutional function and will never exercise the power to abrogate any Territorial act which it has passed?
Mr. DUBOIS. Now let me reverse it. Do you suppose that Congress, after having passed that act, would interfere and change the laws of these Territories in regard to the use and distribution of water? Is it not a guaranty that it will not?
Mr. SPOONER. Mr. President, that begs the question. The Senator says Congress has guaranteed that it would not; in other words, that Congress has abdicated its power.
Mr. DUBOIS. Yes.
Mr. SPOONER. By contract?
Mr. DUBOIS. Yes; by law.
Mr. SPOONER. Not to change any act of any Territory that regulated the use of water, I say, as my colleague says, that Congress has done no such thing. I say that all Congress has done, and all Congress can do, so far as the Territory is concerned, is to say that the particular act in which you find that language is not intended to abrogate any law existing in the Territory regulating the use of water. The Territory is the United States in a sense. It belongs to the United States, and the Congress of the United States, representing the Government legislatively, does not enter into a contract with itself that it will not change laws which itself through a delegated authority has enacted.
Mr. DUBOIS. Now, Mr. President——
Mr. SPOONER. In other words, I insist, just as my colleague does, that Congress is as free to-day as it was before that act was passed to enact laws for a Territory regulating the use of water, if in the judgment of Congress the public interest requires it. Does the Senator mean to contend here that this irrigation act is a contract between Congress and a Territory, and that Congress never will interfere, no matter what the public interest may demand, with some act passed by a Territorial legislature regulating the use of water?
Mr. DUBOIS. I intend to say this: I agree with the Senator from Wisconsin that this language is a truism so far as the States are concerned and that Congress intended to put the Territories on the same footing with the States. It says in express terms that it will not interfere with the laws of the Territories in regard to the use and distribution of water. I would agree that Congress could reverse itself and interfere in a Territory; but it says here plainly that it will not interfere, and I assume that Congress will maintain that position. What I am objecting to is that under the language of that act the Senator from Wisconsin argues that Congress will interfere.
Mr. SPOONER. No; I did not argue that.
Mr. DUBOIS. He was making a distinction in regard to the use, distribution, storage, etc., of waters in the States and in the Territories.
Mr. SPOONER. I did not argue, nor did my colleague——
Mr. DUBOIS. I meant your colleague.
Mr. SPOONER. My colleague did not argue that this was an assertion by Congress that it could not interfere, or that it could be construed by any possibility as an agreement that it would not interfere. It is only a declaration by Congress that that act is not intended to interfere with the legislation of any Territory regulating the use of water. But when the Senator goes beyond that and contends that it is a contract on the part of Congress that the legislation of a Territory regulating the use of water is beyond its reach until statehood, I enter my protest.
I beg my colleague's pardon. I intended to give him a rest; that is all.
Mr. DUBOIS. I beg the pardon of both Senators, but I do not propose, even by such adroit and able lawyers as they are, to be diverted. The Senator's colleague was arguing in regard to this very act, that the money set apart would be in this fund, and he was proceeding to discuss the effect of the irrigation act, and in discussing the act he puts the Territories in a different class from that occupied by the States.
Mr. SPOONER. No, Mr. President, he did no so far as this act was concerned, as I understood him, and I listened to him carefully. He said that this act Congress did not intend, and it so declared, to interfere with any legislation in the Territories regulating the use of water. He said that in this act Congress did not intend to interfere, as it could not, with any act of a State regulating the use of water.
Mr. DUBOIS. Yes, I will agree to that.
Mr. SPOONER. Did my colleague intimate that Congress by this act had lost the constitutional power to regulate for itself the use of water in the Territories hereafter? I did not so understand him.
Mr. DUBOIS. No, nor did I say it. You must have misunderstood me.
Mr. SPOONER. Well, I may have done so, but I think not.
Mr. DUBOIS. I stated that he was arguing the effect of this act——
Mr. SPOONER. Then we agree.
Mr. DUBOIS. And he illustrated it by referring to Colorado, in the first place, and then went to the Territories and proceeded to show that Congress could do in a Territory what it could not do in a State. Is not that a fair statement of it?
Mr. SPOONER. That is true.
Mr. DUBOIS. I say that he was arguing that this act itself provides that there shall be no distinction so far as the use, distribution, and conservation of water and all things appertaining to irrigation is concerned between a State and a Territory.
Mr. QUARLES. Mr. President, let me illustrate what I mean, so that my friend from Idaho [Mr. DUBOIS] will have no doubt whatever about my position. I think the distinguished Senator has misunderstood me as he evidently did the distinguished lawyers who were trying to enlighten his conscience at the time that bill was before his committee.
Congress, by that enactment, said that it recognized—as indeed it must—the enactments of the several States on this subject. Right there I wish to say that recognition is not of a single system or a single code of regulations, but, if the Senator will look into it, he will find one law in California, another law in Colorado, and still another system in Idaho. The law governing the appropriation of water has been inflected by the particular uses that were desired to be made of water in the particular localities. For instance, where water was used for mining purposes, one system grew up and usages ripened into law. So the recognition Congress was bound to make in that irrigation act included all those varied and diverse systems, and the Government would have to reckon with each one of those independent sovereigns and their absolute laws and customs whenever it entered their territory. That is the force of the first part of the concession made in the irrigation bill.
The second proposition amounts, as my distinguished colleague says, to nothing more than this: That for the time being by this particular bill Congress does not choose to change any of the laws in any of the Territories now governing the use and appropriation of water, but the power to do so still remains unimpaired by any provision of that bill.
Let me illustrate: As soon as the attention of the Federal officers who are to administer that irrigation act is called to these fundamental principles I believe they will see the importance of trying this great experiment where they will not be fettered by State jurisdiction and State laws. If it should be found necessary to condemn real estate in the Territory of Arizona to carry out this great project the Government might find it necessary to change the laws of that Territory regulating the exercise of the right of eminent domain in order to facilitate that work. That power the Government would have, and it would undoubtedly be exercised in the interest of the scheme of irrigation.

If the Senator will look into the law, he will see how great a part the right of eminent domain will play in the extension of any irrigation system. That advantage we would have in the Territory. That is one of the reasons why I say that if the people of Arizona and New Mexico, instead of devoting their energies to acquiring statehood, had combined to secure the appropriation and use of this money within their Territories in the first instance, and had appealed to the almost unlimited discretion of the officers under the irrigation law they would, in my humble judgment, have promoted the interests of their section much more than by holding statehood conventions and sending Delegates here to try to hasten admission into the Union.

SPECULATION AND EXPLOITATION.

Mr. President, the second proposition that I wish to advert to briefly also concerns the Territories of Arizona and New Mexico. It is that the people of those two Territories have not yet reached a stage of development where they can safely dispense with the control and restraint of the Federal power. The evidence that has been presented by the committee shows conclusively the efforts that have been made in both Territories to escape or resist the control imposed by the Harrison Act. We find already that in certain parts of both Territories the rate of taxation has risen to the enormous level of 5 and 6 per cent. Such a rate of taxation is, of course, ruinous. These Territories are not exceptional in this regard. It seems to be an irresistible impulse on the part of new Commonwealths to run in debt; it is as irresistible and inevitable as the teething process with children. It is easily understood.

In new communities there exists a local public spirit, which is of great value in promoting development, but it can easily be aroused and fanned into a flame of excitement; so, I say, there is nothing exceptional in the situation of these Territories. But, Mr. President, the era of exploitation is certain to come to each of these communities as soon as statehood is granted. The promoters, the sharpers, will go to the new States, and their numbers will be like the locusts that invaded Egypt. There is one crop to be garnered in a new State which is not dependent on irrigation, and that is a crop of State and municipal bonds. If I mistake not, there is evidence that some astute husbandmen are prepared to gather this crop, which will fructify under the genial influence of statehood even in the arid region.

The Good Book has it that "Wheresoever the carcass is, there will the eagles be gathered together," and, if I mistake not, if we should admit these two Territories as States there would be savage work done with beaks and talons. An era would be ushered in there such as we have seen in other States.

Take my own State as an illustration, or the State of Minnesota, whose able representative [Mr. NELSON] addressed himself to this question. Those States were settled by a strong, hardy race of pioneers. They were an intelligent people, many of them coming from New England and New York. They were well versed in the arts of government; and yet as soon as they took on the mantle of statehood there was opened up just such an era of exploitation. I have lived to see the sad effect of it upon those communities. I have seen cities and counties bond themselves for large sums of money for the building of railroads, and I have later seen the grass growing in the streets of those cities; I have seen them reduced to the humiliation of repudiation, carrying on long, vexatious lawsuits, many municipalities unable to have any local officers for fear of the service of a writ from the United States court with a view to enforcing those obligations. I have seen them, with their officers-elect, meeting only for a single occasion to pass the budget, and then all resigning, so that there would be nobody upon whom process could be served. In that way the whole progress of those municipalities was retarded for many long years.

The distinguished Senator from Minnesota spoke of the experience of his State in this regard. History repeats itself, and what happened in the States to which I have referred will happen in these proposed States. It is natural and easy for promoters to go into new communities and represent the great necessity of railroads, the great agency of building up infant communities, and the insidious suggestion is made at public meetings and elsewhere and through the press that all the State or the municipality has to do is to lend its credit to the scheme, that eventually it will be self-sustaining, will pay every dollar on demand, and will relieve the municipalities. But those suggestions are delusive, and in almost every instance the State or municipality issuing the bonds has been obliged in the end to pay the debt.

We have had here evidence from Arizona as to the issuance of Pima County bonds. I do not purpose to follow that subject at length, but it is only one of the features of what has been going on which indicates the restlessness of those communities, and their desire to promote their own growth by these adventitious aids. What would happen there now if we should take off the restraint of the Federal Government, if we should withdraw the protection of the Harrison Act, which prevents any of those municipalities from encumbering themselves to a greater extent than 4 per cent of the assessed valuation?

Their new liberty might be exercised in plunging themselves in debt to aid a multitude of schemes for internal improvement which would be presented in an alluring shape as calculated to build up the waste places and bring lasting glory to the new State.

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Indiana?

Mr. QUARLES. Certainly.

Mr. BEVERIDGE. I call the Senator's attention to the fact that the first witness who appeared before the subcommittee in Oklahoma made an argument against statehood even for Oklahoma, a very highly developed community, upon the ground that they were very prosperous and contented there now, and that railroads were being built with the money of investors who were investing their money as a legitimate matter, whereas, if they were admitted as a State and the 4 per cent limitation were removed, there would instantly be competition among the towns, as there had been in the past, and that the people would be burdened, as they have in other States, with an enormous amount of unnecessary debt; that if they remained as they were for a short time they would have all the railroads that they needed without any expense to the people. I saw a clipping in the Washington Post from some railroad journal, which I intended to bring down here, which went on to say that the Rock Island Railroad Company had determined to expend something like $20,000,000 in the extension of its lines in Oklahoma and the Indian Territory. If the 4 per cent limitation were removed, this witness argues, the people would build those roads themselves instead of their being built by subsidies. Certainly that is true of certain enterprises elsewhere in other Territories.

Mr. QUARLES. I am very thankful, Mr. President, for the suggestion of the Senator from Indiana. As he well intimates, if we continue those communities under the protecting care of the Federal Government, the railroads that ought to be built will be built by private capital. On the other hand, if we confer statehood now upon those communities, it requires no prophet to predict what will happen there. Railroads will be built that never ought to be built, and they will be built upon the strength of State and municipal bonds that never ought to be issued. In a short time, as the Senator says, if they remain in their present condition, they will have built those roads which are justified by the condition of the country, and will not engage in fatuous speculation such as all the recently admitted States have been concerned in.

Mr. President, we are advised by the evidence that a system of schools—a comprehensive system of education, I may say—has been established in these Territories. It seems to me far wiser that these schools should be permitted to do their perfect work, allow that people to become better capable of taking care of themselves, of administering the affairs of government, and acquiring greater resisting power in order that they may not be involved in these speculations when the invasion of exploitation shall come.

THE ORDINANCE OF 1787.

I wish to say a few words regarding the capacity of these two Territories for admission at this time. This omnibus bill suggests an illustration that a chain is no stronger than its weakest link, and an omnibus bill is no better than its worst provision. Therefore if it has been demonstrated here that either of these Territories is unfit for any reason for present admission, that should be an end of this entire measure. If Arizona has not sufficient population, or a population of such character as to entitle her to statehood, that is the end of the whole proposition, and we may dismiss it at once.

Much has been said regarding the question of population. It would be difficult, looking over the history of this country, and especially reviewing the acts admitting the several States, to arrive at any rule that ought to obtain in this case. The distinguished Senator from Ohio [Mr. FORAKER], who seems to be almost the only Senator in favor of this measure who has skill or tact enough to attempt to defend it on the floor, made a long review of the various acts whereby States had been admitted to the Union. He discussed at great length the ordinance of 1787.

All the States that were admitted pursuant to the provisions of that ordinance, or pursuant to legislation extending that ordinance, stand in a class by themselves. They were admitted by reason of a distinct, definite compact, which was made by the early Congress with the people of the territory, and I think it is greatly to the credit of this nation that Congress saw fit to carry out that pledge to the very letter, although the ordinance itself was probably repealed by the Constitution.

In the first place, the ordinance of 1787 has no direct bearing upon the measure under consideration. These Territories are not included within its provisions. Then it remains simply to determine whether there is any argument by way of analogy to

be made from the circumstances attending the admission of those States under that ordinance. I undertake to say that there is no analogy from which any deduction can be made at this time which is at all persuasive.

"Times change, and we change with them," and one has only to think for a moment of the situation in which this country was when the ordinance of 1787 was adopted to realize how futile it is to apply the doctrine of analogy in this case.

At that time, as suggested by the distinguished Senator from Massachusetts [Mr. HOAR], steam was a sleeping giant; it had never turned a wheel or moved a paddle; electricity was only manifested by the lightning flash, which was looked upon as an emblem of the wrath of God. Beyond that narrow fringe of settlement along the Atlantic coast there stretched a trackless wilderness inhabited by hostile tribes. The States were few and feeble; they had been decimated and impoverished by a great war; they were torn asunder by internal discord; they were distressed by jealousies; they were smarting under the taunts of the monarchical governments of Europe. It was a life and death struggle then to establish in this new hemisphere the foundations of a free government. There was nothing strong about the Confederation at that time except the patriotic spirit of the old heroes who were concerned in administering that Government. It has been called a rope of sand. The necessity at that time for new States to make this feeble Government more strong and stable was such that every inducement had to be extended to the hardy pioneers to go into the forest and reclaim it and bring it into civilization, so that new States could be created to give greater strength and fiber to the Confederation.

The rule of the ordinance of 1787 was continued far beyond the emergencies out of which it arose; but we are dealing with the condition which prompted the adoption of that ordinance; and when we come to compare it with the present condition of this Union see how the analogy fades out. To-day we have 45 great States. They are wealthy and powerful and independent; they have no occasion to fear any power on this earth; their flag is honored and respected wherever it flies. Is there any emergency at this time which dictates as a matter of prudence the bringing in of additional States into this Union? Manifestly not. No such suggestion has been made in this debate, nor will be, that the Union, the Government, has any reason, prudential or otherwise, for bringing these Territories into the galaxy of States at this time. It is simply a question of doing justice to those communities that are demanding admission; nothing more.

Mr. BEVERIDGE. I listened with interest to what the Senator had to say about the ordinance of 1787, and I thought perhaps he was going to pursue the subject further. If not, I wish to call his attention to the fact that those Senators who have thus far spoken on this side with respect to that ordinance do not contend, of course, that the ordinance should apply now. We merely cite that as we cite the rule of the unit of representation or any other rule to show that a Territory, while it is not contended that it should have any specific number, should have a fair proportion in comparison with the rest of the country. That was the force of our suggestion and the extent to which it went.

Mr. QUARLES. I appreciate and understand the purposes for which the committee dealt with the ordinance, but I inferred from the long and brilliant argument made by the Senator from Ohio [Mr. FORAKER] that he went further than the committee; first assuming to criticise the interpretation of the ordinance made by the committee, and that he intended his argument to proceed a step further and to throw light upon the present contention by reason of the fact that States have so recently been admitted having only 60,000 inhabitants, maintaining that right under the ordinance of 1787, as it has been extended.

Mr. BEVERIDGE. That is correct.

Mr. QUARLES. And it has been extended further than has been suggested in this argument. If it were necessary, I could call attention to a statute that has been overlooked in this debate, which extended the doctrines and provisions of the ordinance of 1787 over the Dakotas. But it is quite immaterial to refer to that, because the Dakotas had an abundant population to admit them upon any principle without the invocation of any special rule.

The Senator from Ohio [Mr. FORAKER] proceeded further and reviewed the admission of certain other States which were admitted during the war period or shortly afterwards, and he admitted himself, as of course everyone knows, that there was then another emergency pressing upon this nation, an emergency to have a certain number of States in order to effectuate what was known as the war policy or the policy of reconstruction.

I say, Mr. President, there is no analogy whatever to be drawn from the fact of the admission of that group of States, because there, as in the case of the early States, the acts of admission were dictated by an imperative emergency, and it was thought that the emergency was such as to warrant the admission of those States even though the population was below the number which ordinarily would be required to equip a Territory for statehood.

Mr. President, the learned Senator from Ohio proceeds to build up what he calls a rule, and I wish to address myself to it for a moment. If I understand his argument, it was something like this: After the rule of the ordinance of 1787 had passed away there was, by some common consent, a new rule, namely, that the population which was equal to the ratio of representation should be the test of admission. If I were arguing from his premises I should evolve a rule exactly opposite to that arrived at by the Senator from Ohio.

It will be noted that the Ordinance of 1787 fixed a maximum number. Discretion operated below that maximum of 60,000. The more recent authorities that he produces would seem to fix the minimum as the ratio of representation, and discretion may be exercised above the minimum and not below it. That is to say, that a Territory to be eligible for consideration must have at least the number of people that would admit them to representation in the lower House, and the zone of discretion is reached when you get above that number.

But he has formulated a convenient rule—a rule exactly adapted to the emergency of his argument. It makes the number of the ratio of representation a maximum which entitles to representation, and, to use his language, "New Mexico is entitled to representation," while Arizona, with less than the requisite population, is entitled to the tender consideration and discretion of Congress. No such rule is recognized by any law, ordinance, or treaty. It is supposed to have sprung out of a consensus of opinion, or unwritten tradition, if you please. The current of opinion, as I gather it from these sources, is entirely different from that stated by the Senator from Ohio. It requires a Territory to show that she has people enough to entitle her to representation as a condition precedent. So far as this question is one of representation, that is a logical position.

But, Mr. President, the question we are discussing here is not confined to or limited by the rule of representation. That is but one element of it. There are other considerations besides the numerical strength of the population. When a Territory has made itself eligible by showing that it has enough people to entitle it to representation, then begin the inquiries: first, whether the people are sufficiently advanced in education and in civilization to entitle them to stand upon an equal footing with the other States; secondly, whether the territory occupied by them has resources sufficient for all time to maintain that population. For instance, a mining craze in Arizona might have brought into that Territory for the time being a population sufficient to equal the ratio of representation. But on examination we might find that the mines were liable to fail; that there were no other resources to maintain so large a population, and in a short time a general exodus might be expected. The discretion of Congress would therefore be invoked to determine whether, under all the circumstances, notwithstanding the presence of a sufficient number of people, it would be wise to admit the Territory as a State. No, Mr. President, there is no rule which makes the number of people the sole or conclusive test.

TREATY OF GUADALUPE-HIDALGO.

The Senator argues that there is some moral obligation resting upon us in this case growing out of the treaty of Guadalupe-Hidalgo. I can not agree with the distinguished Senator in that respect, although I make the assertion with diffidence, owing to his great legal ability. The first proposition I would suggest is this: The Constitution confers upon Congress, without limitation, the discretion to admit new States. Can that discretion be bargained away by the treaty-making power? Can the treaty-making power enter into a compact with Mexico to deprive us of that constitutional discretion? Mr. President, it seems to me that the statement of the proposition is its own refutation. That discretion was not impaired one iota by that convention with Mexico. Unlike the Ordinance of 1787, that treaty was a compact with another sovereign and not with the people. Mexico could enforce, perhaps, against us, that treaty, but we have made no compact with the people who inhabit that Territory as we had with the people of the Northwest Territory.

Let us examine the treaty of Guadalupe-Hidalgo. It does not, by its terms, assume to impair our legislative discretion. The Senator speaks often of the parenthetical clause wherein occurs an express recognition of our discretion. Suppose that parenthetical clause were stricken out, would it change the reading or the meaning of that treaty? It would then stand merely stipulating that those Territories are to be admitted into the Union "at the proper time." Strike out the parenthesis, and who would determine when the proper time had arrived?

Mr. BEVERIDGE. Or even strike out "the proper time.'

Mr. QUARLES. Or, as the Senator from Indiana says, go further and strike out the clause regarding the proper time. To

what power would the question be referred? Manifestly to Congress. But, Mr. President, it is idle to discuss that question, because the parenthetical clause was added, the words "proper time" were employed, referring distinctly to the discretion of Congress.

But the Senator makes an argument on the meaning of the other phrase—"the principles of the Constitution"—and, if I understood his argument, it was that "the principles of the Constitution" indicated the presence in a Territory of a number of people equal to the ratio of representation. I can not agree with the Senator there. The principles of the Constitution referred to in that treaty were two: First, that there should be found in that Territory a republican form of government, and secondly, that the admission should be conformable to the discretion of Congress, with whom alone it is lodged by the Constitution. Those are the only two references in the Constitution to this subject, and presumably the only ones to which reference was made by the diplomats who framed that treaty.

So we come back again to the same proposition, that the integrity of legislative discretion on this question has never been impeached or impaired. Statehood is here to-day as an original question. It stands here to-day free from any emergency or exigency that should constrain our action. We stand here bound to exercise our discretion wisely in view of all the facts and circumstances that are brought to our attention.

Mr. BEVERIDGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Indiana?

Mr. QUARLES. Certainly.

Mr. BEVERIDGE. I dislike very much to interrupt the Senator, because his succession of points is very clear, but with his permission I will say that I was particularly struck by what the Senator said about the fact that the provisions of the Constitution giving Congress the power, the discretion, to say when a Territory shall be admitted could neither be added to nor subtracted from by the provision of any treaty or the omission to put any provision in any treaty; and that even if the words "proper time" and the parenthetical clause "to be judged of by Congress" had been left out of the treaty of Guadalupe Hidalgo, the same power would be there and the same limitation would be there, because the Constitution would be read into the treaty, of course.

Mr. QUARLES. Yes.

Mr. BEVERIDGE. Now, then, that being true, and all lawyers and everybody else will admit it, is it not a significant fact, a fact which requires our particular attention, why it was put in by the drafters of that treaty? They knew all those things, nevertheless they inserted those words, which from a legal point of view were unnecessary. There must have been some reason for that, and that is emphasized by the further fact that that language has never occurred in any other treaty adopted before or since. It is only with reference to New Mexico and Arizona and the territory we acquired from Mexico that there were inserted the words "at the proper time, to be judged of by Congress." The fact that they did that, from a legal view unnecessary, and did a thing which never has been done in any treaty before or since, suggests that there must have been some very conspicuous reason before those who drew that convention, and that reason no doubt exists to-day.

Mr. QUARLES. I am very thankful to my friend for having made that suggestion, and I do not feel at all at a loss to understand the motive which prompted the inclusion of that language. There could have been no other, except overcautiousness on the part of the people who were negotiating that treaty, to make sure that the discretion of Congress should be unimpaired whenever the question of admitting those Territories arose; and it was wisely done, for now there can be no question as to the proper interpretation of the treaty, and no room within its four corners for such a rule as the Senator from Ohio laid down.

CAPACITY FOR STATEHOOD.

Mr. President, there is one proposition touching the fitness of these Territories which has not been specifically referred to in this debate, to which I wish to make reference for a moment. With great pains the statistics have been tabulated by the several Senators who have spoken upon this question. We know exactly the rate of illiteracy in these Territories. We know the number of foreign born. We know all about the resources of agriculture and grazing and mining, and I shall not detain the Senate a moment to go into any of those questions. But I do beg to refer to one argument, based upon the showing of the census, which has not been adverted to. The ratio of illiteracy in both Territories is startling. No right-minded man can contemplate with any satisfaction the bringing in of a population where the ratio of illiteracy is so high.

But there is another thing which is even more suggestive than the tables of illiteracy, and that is that in New Mexico among the native-born population the percentage of illiteracy is 51. I want every Senator to think for a moment what that means. Among the native-born population, those who have been born under our institutions and under our flag, the ratio of illiteracy is 51 per cent. That is a most alarming suggestion.

We know what our institutions have done for peoples of other races; we know what an inspiration they have been to the sturdy immigrants who have come to our shores, and still in one of our own Territories that is asking to come in as a sovereign State on an equal footing we find that alarming state of facts. "By their fruits ye shall know them" is a maxim as true to-day as it was when first uttered. And that civilization, existing there for half a century under our institutions, produces 51 per cent of illiteracy!

Sir, in the State from which I come we have a large proportion of foreign population—not only the Germans, but the Scandinavians, the Poles, and an admixture of other foreign elements. But we have noticed all through that the second generation, coming under the beneficent influence of our school system, are not only Americans, but the most intense Americans we have. Take the Germans, for instance. They speak our language; they sympathize with our ideas; they adopt our methods; they are imbued with our enthusiasm, and they are the most stalwart Americans you can find. It is much the same with all those other nationalities; and while the number of foreign born has been very large, such a thing as an interpreter in a jury room has never been heard of. They become the best of citizens. They are patriotic, public spirited, thrifty, and in every respect have become assimilated with our population.

I have not heard any reference made in this debate to a singular circumstance, and that is that the subcommittee had before it a number of justices of the peace in New Mexico, many of whom were native born; and in one instance an interpreter was required for a justice of the peace who appeared before the committee. Although he had been produced right there, he could not speak the language of the country. Now, presumably, that man was above the level of the intelligence of the community in which he lived, because he had been selected to judge and arbitrate the disputes of his neighbors.

The committee had before it another justice of the peace who was also native born. They asked him what is the Constitution of the United States. He said he had never read it except only a fragment or a clause, which he had seen printed in Spanish. The question was still pressed, and he said it was something out of which had come the laws of New Mexico.

Mr. BEVERIDGE. Will the Senator from Wisconsin permit me?

Mr. QUARLES. Certainly.

Mr. BEVERIDGE. Another justice of the peace who was asked that question said he had not read it at all. The Senator referred to the fact that for one justice of the peace an interpreter was required. I think, perhaps, that was the case in more than one instance; certainly in most of the instances there was broken speech. The interpreter was not recorded as being used where it was at all possible to understand the witness. Further, in every instance, possibly with one exception and I believe in every instance, the testimony shows that the dockets of the justices of the peace were written in Spanish and the processes issued from their offices in Spanish.

I wish to call the Senator's attention to another fact, because I see he has passed the point, and that is with respect to his statement concerning the illiteracy of the native-born element, because it astonished me, and I have given some attention to this subject. Do I understand the Senator to say that the illiteracy of the native-born element is 51 per cent?

Mr. QUARLES. Yes, sir; it is so shown by the census.

Mr. BEVERIDGE. The significance of that fact, serious as it is, does not, I think, appear fully upon its face. Illiteracy is determined by the following test: Can you read or write any language? And 51 per cent, as the Senator states—and it astonishes me; it is an alarming state—of the native-born element can not read or write the English language or any other language. If the test were applied to the reading and writing of English, how much higher does the Senator think it would be?

Mr. QUARLES. I have no idea.

Mr. BEVERIDGE. But necessarily it would be very much higher.

Mr. QUARLES. This statement would excite great surprise in the mind of any person not familiar with the environments under which those people live. The subcommittee, I venture to say, visited the cities. Now, the urban population in these Territories is quite different from the rustic population. The people of the cities are, of course, all the time brought in contact with the business element, with the life of commerce, and those people become bright and energetic. But anyone who has visited that Territory, and especially if he has had the opportunity of traveling in old Mexico, will have no difficulty in understanding the situation. It is natural and it is logical.

Now, great wonder is expressed that forty years elapsed before

it occurred to these people in New Mexico that a system of schools was necessary. That would be a monstrous proposition as applied to almost any other of our new communities. Take the case of Wisconsin, for instance. The old frontiersmen, who were hewing down the trees and building their log cabins, made it their business in the first instance to discuss the question of education, and the first graded school of the West was established in the little town where I was born while it was yet a wilderness. But those people down there in New Mexico, as I said, lived for forty years under American institutions before the necessity of a school system became apparent. Now, why is that? It is perfectly natural to one who understands the situation.

A plaza either in old Mexico or in New Mexico is a menace to civilization. It brings isolation. A plaza surrounded by adobe buildings will shelter a dozen or twenty families, as the case may be. There they live in complete isolation. They reproduce the original type. They think the same thoughts and they sing the same songs as their fathers had for centuries before. They follow the goats through the chaparral and sagebrush during the day. They return to the plaza at night and indulge in the same games and pastimes that diverted their ancestors before them.

Now, Mr. President, while civilization is infectious, those little communities are immune. Civilization never reaches them. There they have lived generation after generation as a pastoral people. Their wants are few and simple. The climate is mild. They do not have to hustle to keep warm. They have fruit and they can provide themselves with the necessaries of life without great exertion. There they have lived, I say, without feeling a throb of commerce or civilization. The need of education does not appeal to them. Until the plaza is invaded you will have no progress among those people.

In the cities of New Mexico, we are advised that their system of schools is admirable. We see the enrollment of pupils, and it is large. We see that improvement is going on. But when you go back to the plaza you will find nothing of the kind. How it may be now, since this impulse of education has aroused to some extent the lethargies of the people, I do not know.

When Cortez approached the palace of the Montezumas to deliver the message of his august sovereign, Spain was a great power. Her infantry was renowned throughout the world. Her armadas struck terror to the nations of Europe. She was a dominating influence in European politics. The wealth of her colonies was poured into her lap. She was enamored of luxury. And what did she do? She drove the Moors and the Moriscos from her borders, and they were her artisans. The sound of the harumer was discordant. Industry was something vulgar, not to be encouraged or tolerated. So the artisans, the working people, were made exiles by Spain, and from that time dates her decadence. We find that her colonies one after another have revolted and established their independence. It became the mission of this young nation to intervene and relax her nerveless hand from the last of her western possessions.

As illustrative of this tendency toward decadence we find the Cortes of Spain, the legislative assembly, appealing to Philip the Second to forbid the use of coaches, because, forsooth, the Spanish people had gotten along so well without them for so many years. Now, poor old Spain, reduced to a second-rate power, has retired within her own boundaries to reflect upon the uncertainties of human greatness. Wherever her children are, wherever you find the Spanish blood, you find that this racial infirmity has been inherited; and in the plaza in New Mexico, as in old Mexico, the watchwords of that laggard civilization are "mañana" and "poco tiempo."

Now, Mr. President, let us wait. Let us wait until education has permeated those rustic communities. Let us pause until we have aroused in their breasts the American initiative. Let us wait until they are capable of sympathizing with our civilization, willing to adopt our methods, our habits, our language, before we admit them as a sovereign State.

A WILDERNESS IF IRRIGATION FAILS.

Mr. President, there is another reason that I want to urge upon the Senate why these two Territories ought not to be admitted, and it is a reason which has not been offered by anybody, and I esteem it worthy of attention. What will be the future of Arizona and New Mexico if irrigation fails? That region will relapse into a wilderness.

I wish to call the attention of the Senate to the legal situation which now exists with reference to irrigation. Let me say at the outset that it seems to me the United States Government is undertaking to carry out two antagonistic policies. Its officers are working at cross-purposes. In Congress we are trying to mature and carry out a great scheme of irrigation. We have passed a bill with this end in view. But at the same time the officers of the United States Government in the courts are seeking to establish a principle which is a menace to any Federal system of irrigation.

It is well known that New Mexico must depend upon the Rio Grande and the Pecos for its irrigation. It is well known that both of those streams are interstate streams. It is known that a large quantity of the water in those two streams has already been appropriated, so that the Rio Grande River at times, at El Paso, runs dry.

Now, the Rio Grande is not only an interstate stream, but it is an international stream. It passes on, as everyone knows, into the Republic of Mexico. So the question raised by the law officers of the United States Government is one of very great importance as to the future of this country—whether this appropriation of water is to be permitted if it threatens the navigability of the Rio Grande River. I think it is not generally known that the Supreme Court of the United States, in considering this question, has given an intimation which at least is startling in its bearing upon the future of these two Territories.

There was a dam projected on the Rio Grande River for irrigation purposes, and the officers of the United States Government brought suit to enjoin the building of that dam on the theory that navigation would be affected by the diversion of water for irrigation. That dam was intended to store the flood waters of the river in New Mexico. A preliminary injunction was issued. The lower court dismissed the bill on the ground that the Rio Grande River was not navigable in New Mexico, and therefore the bill had no equity. The case was carried to the Supreme Court of the United States, and there the whole question was considered.

I will pause only long enough to say to those who may not have investigated the subject that the common-law rule requires that a river passing my land, for instance, shall be permitted to run as by nature it would run. The upper proprietor may use the water as it passes him, but he must return it into the stream, so that the volume of the river shall not be substantially diminished when it passes my land.

Now, that common-law rule has been entirely abrogated in the States of Colorado, California, and in most of the Western States. It has given place to another rule, which gives priority of right to priority of appropriation. The doctrine of riparian rights under the common law has been abrogated.

Congress has recognized the local abrogation of the common-law rule in many statutes and in a number of decisions, and it was supposed by the profession generally, I think, that that recognition by Congress and its courts was all sufficient to do away with the common-law rule on that subject, as applied to that whole region.

Now, you see at once that if the common-law rule were to be applied to the Rio Grande and the Pecos it would simply destroy irrigation, because when they take water out of a river in that arid country the evaporation is something enormous, I think about 30 per cent, if I remember. I may be in error.

Mr. TELLER. Mr. President, I should like——

Mr. HOAR. The Senator is making a very interesting statement, and I wish to ask him if he understands that the doctrine known as the "common-law doctrine" applies to irrigation?

Mr. QUARLES. Yes, sir; and I shall show that the Supreme Court does apply it. I will hear the Senator from Colorado.

Mr. TELLER. I should like to say to the Senator that he has overestimated the amount of evaporation. It is not to exceed from 12½ to 15 per cent.

Mr. QUARLES. I am thankful for the suggestion. I do not pretend to be an expert upon this subject.

Now, I wish to call the attention of the Senate to the case to which I have referred. It is found in 178 United States and is the case of United States *v.* Rio Grande Irrigation Company.

I will read briefly from page 704. The court said:

> Notwithstanding the unquestioned rule of the common law in reference to the right of a lower riparian proprietor to insist upon the continuous flow of the stream as it was, and although there has been in all the Western States an adoption or recognition of the common law, it was early developed in their history that the mining industry in certain States, the reclamation of arid lands in others, compelled a departure from the common-law rule, and justified an appropriation of flowing waters both for mining purposes and for the reclamation of arid lands, and there has come to be recognized in those States, by custom and by State legislation, a different rule—a rule which permits under certain circumstances, the appropriation of the waters of a flowing stream for other than domestic purposes. So far as those rules have only a local significance, and affect only questions between citizens of the State, nothing is presented which calls for any consideration by the Federal courts.

Then they speak of an act passed by Congress which recognized by express terms that doctrine of the prior appropriation of water, the prior proprietor having the better right. The court says:

> The effect of this statute was to recognize, so far as the United States are concerned, the validity of the local customs, laws, and decisions of courts in respect to the appropriation of water.

Then they go on and speak of the desert-land act, which I need not read. It is familiar to most Senators. Then they speak of several other acts, and on page 706 the court says:

> Obviously by these acts, so far as they extended, Congress recognized and assented to the appropriation of water in contravention of the common-law

rule as to continuous flow. To infer therefrom that Congress intended to release its control over the navigable streams of the country and to grant in aid of mining industries and the reclamation of arid lands the right to appropriate the waters on the sources of navigable streams to such an extent as to destroy their navigability, is to carry those statutes beyond what their fair import permits. This legislation must be interpreted in the light of existing facts—that all through this mining region in the West were streams, not navigable, whose waters could safely be appropriated for mining and agricultural industries, without serious interference with the navigability of the rivers into which those waters flow. And in reference to all these cases of purely local interest the obvious purpose of Congress was to give its assent, so far as the public lands were concerned, to any system, although in contravention to the common-law rule, which permitted appropriation of those waters for legitimate industries. To hold that Congress, by these acts, meant to confer upon any State the right to appropriate all the waters of the tributary streams which unite into a navigable water course, and so destroy the navigability of that water course in derogation of the interests of all the people of the United States, is a construction which can not be tolerated.

I will not detain the Senate to read this opinion further, but the court goes on and holds that the lower court was in error in dismissing the bill on the ground that the Rio Grande was not navigable in New Mexico. They hold that, if the appropriation of the water in New Mexico affected the navigability of the river in another State, then it makes no difference whether the river was navigable in New Mexico or not.

This case was again before the court in 184 United States, but it is not particularly significant, except that the language employed by the court would seem to indicate that this is regarded as a most important and dangerous question. This case is still pending, and testimony is being taken to determine to what extent the appropriation of the water of the Rio Grande River for the purposes of reclamation is interfering with the navigability of the stream lower down. Any Senator who will read that opinion will, I think, see that there is very grave danger that they may eventually apply the common-law rule with all that that implies.

But that is not all, Mr. President. The case I have just called attention to proceeded upon the doctrine of navigability. The same proposition has been raised in another way in a case that is reported in 185 United States, the case of Kansas *v.* Colorado. There the question of navigability was not raised. There the question presented by the bill was whether Colorado could appropriate the water of the Arkansas River while it was running within the Colorado boundaries, and thus deprive the people of Kansas, through which State the river runs, from the advantageous use of water for domestic and other purposes as well as for irrigation, presenting the sole, simple question as to the right of one State to appropriate the water of an interstate stream, leaving out the question of navigability.

There was a demurrer interposed to that bill; and every lawyer knows that a demurrer admits all the facts that are well pleaded, and the court might have proceeded to a decree determining all these questions upon that demurrer.

The Supreme Court, however, regarding the question as so difficult and so important, declined to pass upon the demurrer, and sent the case back to have the evidence taken (and that court takes original jurisdiction in that case), so that that court might know what the very facts were, as to the extent to which the Colorado people had been appropriating that water, to what extent it influenced the underflow, which is a feature of that water course in Kansas, and all the other facts, considering it a question of such great importance as to whether the common-law rule should be applied that the court has thus asked to have the demurrer withdrawn and all the facts presented before that court.

Now, without wearying the Senate further I wish to ask here, in view of the inevitable result that must flow from the application of the common-law doctrine to those two streams, ought we to admit that Territory with that menace hanging over it? Ought we not to wait until we know what the law is, affecting, as it does, the resources and almost the very life of those two Territories? If we admit them, our act is irrevocable; it can not be reviewed or recalled. Is there a Senator here who, in view of that litigation, in view of that great danger imperiling, as it does, the industries of those two Territories, would wish to say that they should be admitted as sovereign States before the court has determined this great fundamental question?

Mr. TELLER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Colorado?

Mr. QUARLES. With pleasure.

Mr. TELLER. It seems to me the Senator is assuming what is not a fact, that the Rio Grande is within the legal term a navigable stream, and that he is putting up a bugbear that will never rise to trouble us or anyone else. That stream is not navigable, has never been navigable to any commercial extent, and never will be.

Mr. QUARLES. Does the Senator mean that the Rio Grande is not navigable at any point?

Mr. TELLER. I mean that for a few months in the year the lower end of the stream is navigable, during which time little one-horse steamboats occasionally run upon it; but there is practically no commerce on that river, and there never has been.

Mr. QUARLES. Mr. President, I can only say that if I am making a bugbear of this question, I am imitating the Supreme Court of the United States, which seems to be very much disturbed by that same bugbear.

Mr. TELLER. I should like to say that the Supreme Court had some evidence, at which I am astonished, to the effect that the river was navigable not only at its mouth, but in New Mexico. It never has been so. There never has been in the history of the river a boat which has passed El Paso. There never has been a steamship or a sailboat on the river above that point.

Mr. QUARLES. Mr. President, I can not follow the distinguished Senator from Colorado into that matter of fact, concerning which I am entirely ignorant.

Mr. SPOONER. I will ask my colleague if he assents to the definition of navigability suggested by the Senator from Colorado, that that is only a navigable stream within the meaning of the law which can float a 1-horse, a 2-horse, or a 10-horse steamboat, or whether, if a stream is navigable for any of the useful purposes of commerce, such even as the floating of logs to market, that does not constitute navigability within the American rule?

Mr. TELLER. I should like to reply to that if the other Senator from Wisconsin will allow me just one minute.

Mr. QUARLES. Certainly.

Mr. TELLER. It can not possibly be assumed by the Senator from Wisconsin or anybody else——

Mr. SPOONER. I do not assume anything——

Mr. TELLER. That the Congress of the United States is going to declare a river a navigable stream if you can run posts or logs down it, and thus deprive a half million people at the head of the stream of the right to live there at all. We are treating this matter as a practical thing. The Senator says there will be danger some day that the people at the head of that stream and along the borders of the stream will be deprived of water for domestic use in agriculture—that they will be without it in order that somebody may run a saw log down the river.

Mr. SPOONER. I assume nothing except this——

Mr. TELLER. I think you do.

Mr. SPOONER. I think I did not. I only stated a proposition of law. The common-law rule of navigability is the ebb and flow of the tide. The American rule of navigability is not the ebb and flow of the tide, but it is the susceptibility of a stream for some of the useful purposes of commerce, and that does not involve steamboat navigation; but whether a stream is conceded to be navigable under the American rule, independent of the act of Congress declaring it navigable or otherwise, is a question of law and of water rights.

Mr. TELLER. Certainly; I understand that.

Mr. SPOONER. I have not assumed anything contrary to that.

Mr. TELLER. I think the Senator assumes that a stream might be navigable because posts and logs could be run down it. I do not concede that to be a fact. There may be somewhere in Wisconsin decisions holding that streams are navigable where posts and logs are run down them.

Mr. SPOONER. When the Senator says that he indicates forgetfulness of the scope of the decisions on that subject.

Mr. TELLER. I have never looked to see what the decisions were.

Mr. SPOONER. I was not referring to any Wisconsin decision.

Mr. TELLER. I know the rule as to navigable streams where the Government of the United States interferes with and takes charge of them is that they are considered navigable when boats can be run upon them. I do not believe that the Government has ever taken charge of any other streams.

Mr. QUARLES. Mr. President——

Mr. SPOONER. I surrender to my colleague for the time.

Mr. QUARLES. Mr. President, in the case of Kansas *v.* Colorado the question of navigability is entirely left out of view by the court, and still the question raised was held by the court to be so important that they sent the case back to take proof. Here is what the court says; let us see if there is any bugbear in this:

> We think proof should be made as to whether Colorado is herself actually threatening to wholly exhaust the flow of the Arkansas River in Kansas; whether what is described in the bill as the "underflow" is a subterranean stream flowing in a known and defined channel, and not merely water percolating through the strata below; whether certain persons, firms, and corporations in Colorado must be made parties hereto; what lands in Kansas are actually situated on the banks of the river, and what, either in Colorado or Kansas, are absolutely dependent on water therefrom; the extent of the watershed or the drainage area of the Arkansas River; the possibilities of the maintenance of a sustained flow through the control of flood waters; in short, the circumstances, a variation in which might induce the court to either grant, modify, or deny the relief sought or any part thereof.

If I understand that language, it means that if the proof is strong enough, the court proposes to deal with the case according to the principles of common law, but it hesitates until the very

facts can be presented in the record, not with reference to navigability, but with reference to the right of one State to appropriate and use all the waters in the stream, and thereby deprive the adjoining State of the use of the same for domestic and other purposes. The distinguished Senator from Colorado [Mr. TELLER] will not, I think, say there is any bugbear there. It seems to me to be a menace, and it seems to go right to the very root of this whole question,

Mr. President, is any great interest to be sacrificed, is any right to be infringed. if we wait until we know what the highest court in the land shall say upon this subject? It seems to me, sir, that we are constrained by every principle of prudence to wait until we know what the court shall hold, not only as to the possibility of future irrigation, but as to the permanence of the system so far as it has already been established.

Mr. BURTON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Kansas?

Mr. QUARLES. Certainly.

Mr. BURTON. I was not in the Chamber when the Senator spoke about the streams in New Mexico and Arizona. To what streams did the Senator refer that might be affected by this legislation?

Mr. QUARLES. The Rio Grande and the Pecos, both interstate streams.

Mr. BURTON. Is the Senator disturbed about any opinion of the Supreme Court affecting the waters of those streams so as to affect the development of either Arizona or New Mexico?

Mr. QUARLES. Mr. President——

Mr. BURTON. If the Senator will allow me another word—surely there can be no reason for urging that as an argument against this bill.

There is one thing while I am on my feet, if the Senator will allow me, that I wish to say, and that is water is never lost by taking it out of a stream and putting it on the land. Take a thousand cubic feet of water out of a stream and put it on the land and it will find its way back to the channel again with no diminution at all. The Senator will recognize that fact if he is familiar with the subject of irrigation.

Mr. QUARLES. Mr. President, I do not profess to be informed in regard to details of irrigation, but I do know that on the Gila River there was a band of Indians who had always had an abundance of water to carry on irrigation who were compelled to come before our committee and ask for aid because the appropriation of the waters of the Gila River farther up the stream had absolutely deprived them of water. Does not the Senator know that the water of the Gila River and its tributaries is almost entirely appropriated in Arizona and consumed right there in irrigation? The allegations in the verified bill in the case of Kansas *v.* Colorado are that in the State of Colorado the waters have been appropriated to such an extent that the river ceases to flow through Kansas, although in all the years before there had been an abundant flow. I refer my distinguished friend to authoritative instances of that kind rather than to assert any opinion of my own.

Mr. BURTON. The cases which the Senator has cited are not authoritative at all. There is no such thing as the loss of water by its appropriation for irrigation if you will wait long enough for the water to percolate through the ground back again into the stream.

I hesitate to speak about the case that is pending between Colorado and Kansas; but it is not brought by irrigationists; it is brought by lawyers. The fact about the matter is that every single drop of water taken out by the ditches in Colorado will get back into the stream in Kansas, whether there is ever any case tried or not. Take 1,000 or 10,000 cubic feet of water out of the stream, say at Pueblo or at Rockyford, or any place between Pueblo and the State line, spread that water over the country, and in the course of a few years it finds its way back into the channel, and there will be just as much water in Kansas as there was before a drop was taken out.

Mr. BEVERIDGE. Mr. President, in answer to the remark of my friend the Senator from Kansas [Mr. BURTON] that in the course of a few years the water will seep back into the channel, I ask him what would become of the lands lying around the channel where it was dry?

Mr. BURTON. The lands would be there. [Laughter.]

Mr. BEVERIDGE. The lands certainly would.

Mr. BURTON. They will not get away. If the water was on the land before the ditches were built in Colorado, the water can not be taken out at all under existing law. For instance, if a ditch is built and it appropriates the water, enough of the water must be permitted to go down the channel to be used by the ditch first built. That is the law everywhere.

The suit referred to was brought upon the idea that all the water could be appropriated above and thus deplete the stream below it. That is the basis of the fallacy.

Mr. BEVERIDGE. I am not talking about the suit; I am talking about the Senator's fallacy, because I think it is the Senator's fallacy and not the fallacy of the conclusion drawn by the Senator from Wisconsin. Now, the Senator from Kansas says that if water is taken out of a stream, no matter how much, for irrigation it is not lost. That is a good deal like saying that force is never lost. Of course it is never lost, because it goes some place else; but it is lost for available use. The Senator states that if water is taken out of a stream so that the channel below is dry, in the course of a few years it will seep back into the channel. The Senator means us to understand that the water is not lost. Of course not; it goes some place; but what becomes of the land that was under cultivation, which lies along the stream, when the stream becomes dry? That is the question.

The Senator from Wisconsin has read authorities which the Senator from Kansas says are not authoritative. I submit that is a question of opinion. It occurs to me that they are authoritative, and he will permit me to give one more. When the subcommittee was at Phoenix we found that the irrigation channel had taken a large volume of water from Salt River some miles above the city, and that the stream opposite the city was therefore totally dry. That is a very familiar experience, I am told, in those regions. So that, outside of the theory of the nonloss of water, like the theory of the nonloss of force, is the practical matter that when you divert from the channel of the stream enough water for irrigation, or any other purpose, you use it up and, of course, the channel below is dry; and to say that it seeps back is a good deal like saying that if you drew off all the water there was in a well you would not pump the well dry, because in time it would seep back. Nobody contends that water is lost or destroyed any more than anybody contends that force is destroyed. It has gone somewhere else—that is the trouble.

Mr. QUARLES. Mr. President, I do not pretend to be an expert on irrigation, but I had always supposed that it was an elementary principle of physics that if water were poured on a hot stove evaporation would result. I think I can not be mistaken about that simple proposition. If you turn a stream of water into the hot sands is not evaporation enormously increased at once?

Mr. BURTON. Evaporation is so small that it is not appreciable. In any of the canals that have been built the loss of water by evaporation is so small that it is not measurable at all. The streams that were dry, of which the Senator spoke, were in that condition because the water had been recently taken out above. In the course of a short time, in a few years, the same water that is taken out and spread upon the land gets back into the channel again. That is the point I was trying to make. The loss by evaporation in irrigation amounts to nothing. It is so small that it is not counted at all.

Mr. QUARLES. I wish that the distinguished Senator had been in the Senate when another distinguished Senator from the West [Mr. TELLER], presumably familiar with this subject, announced here this afternoon that the evaporation by reason of irrigation amounted to 12½ to 15 per cent. It seems to me that is quite an appreciable amount, and I would advise my distinguished friend from Kansas, if he is candid in his view, to make haste to get into the Supreme Court and convince them of this doctrine rather than to discuss it here.

Mr. BURTON. There is little danger of any harm coming from the decision of the Supreme Court when the facts are finally presented in regard to this matter. There is nobody being hurt by it now. I will say to the Senator that, in my opinion, the loss—I will repeat it again—the loss of water by irrigation is only temporary; it gets back to the channel.

Mr. QUARLES. Mr. President, I have been speaking already longer than I intended. I am somewhat weary and I should be glad to yield the floor at this time and resume to-morrow.

Mr. SPOONER. Would my colleague prefer to discontinue his speech at this time until to-morrow?

Mr. QUARLES. I would much prefer it, if that is agreeable to the Senate.

Mr. SPOONER. Where is the Senator from Pennsylvania [Mr. QUAY]?

The PRESIDENT pro tempore. The Chair will occupy a few moments of time, with the permission of the Senator from Wisconsin.

Mr. SPOONER. I have no doubt the Senator from Pennsylvania will consent to that.

The PRESIDENT pro tempore. The Chair at this time will lay before the Senate bills from the House of Representatives for reference.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 7648) to authorize the construction of a bridge across the Missouri River and to establish it as a post-road;

A bill (H. R. 16509) to authorize the Pearl and Leaf Rivers Railroad Company to bridge Pearl River in the State of Mississippi;

A bill (H. R. 16573) to authorize the construction of a bridge across St. Francis River at or near the town of St. Francis, Ark.;

A bill (H. R. 16602) to extend the time granted to the Muscle Shoals Power Company by an act approved March 3, 1899, within which to commence and complete the work authorized in the said act to be done by said company, and for other purposes;

A bill (H. R. 16646) to authorize the construction of a bridge across Bogue Chitto in the State of Louisiana;

A bill (H. R. 16881) to authorize the court of county commissioners of Geneva County, Ala., to construct a bridge across the Choctawhatchee River in Geneva County, Ala.;

A bill (H. R. 16909) to amend an act entitled "An act authorizing the construction of a bridge across the Cumberland River at or near Carthage, Tenn.," approved March 2, 1901;

A bill (H. R. 16915) authorizing the commissioners' court of Escambia County, Ala., to construct a bridge across Conecuh River at or near a point known as McGowans Ferry, in said county and State; and

A bill (H. R. 16975) to authorize the construction of a bridge across the Monongahela River, in the State of Pennsylvania, by the Eastern Railroad Company.

The following bills were severally read twice by their titles, and referred to the Committee on the Judiciary:

The bill (H. R. 14512) to amend an act to add certain counties in Alabama to the northern district therein, and to divide the said northern district, after the addition of said counties, into two divisions, and to prescribe the time and places for holding courts therein, and for other purposes, approved May 2, 1884; and

A bill (H. R. 17088) to create a new division of the eastern judicial district of Texas, and to provide for terms of court at Texarkana, Tex., and for a clerk to said court, and for other purposes.

The following bills were severally read twice by their titles, and referred to the Committee on Public Lands:

A bill (H. R. 12952) authorizing the Secretary of the Interior to issue patent to the Rochford Cemetery Association to certain lands for cemetery purposes; and

A bill (H. R. 16731) permitting the town of Montrose, Colo., to enter 160 acres of land for reservoir and water purposes.

The following bill and joint resolution were severally read twice by their titles, and referred to the Committee on Naval Affairs:

A bill (H. R. 3100) providing for the conveyance of Widows Island, Maine, to the State of Maine; and

A joint resolution (H. J. Res. 8) tendering the thanks of Congress to Rear-Admiral Louis Kempff, United States Navy, for meritorious conduct at Taku, China.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 7) authorizing the Secretary of War to cause to be erected monuments and markers on the battlefield of Gettysburg, Pa., to commemorate the valorous deeds of certain regiments and batteries of the United States Army; and

A bill (H. R. 15243) to authorize the President of the United States to appoint Kensey J. Hampton captain and quartermaster in the Army.

The bill (H. R. 13387) to amend an act entitled "An act to prevent the extermination of fur-bearing animals in Alaska," and for other purposes, was read twice by its title, and referred to the Committee on Foreign Relations.

The bill (H. R. 15986) regulating the practice of medicine and surgery in the Indian Territory was read twice by its title, and referred to the Committee on Indian Affairs.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had on the 2d instant approved and signed the following acts:

An act (S. 3238) granting a pension to Martha Elizabeth Hench;

An act (S. 4121) granting a pension to Elizabeth Jacobs;

An act (S. 4296) granting a pension to Andrew Ady;

An act (S. 5280) granting a pension to Dollie Cosens;

An act (S. 6361) granting a pension to Emma Dean Powell;

An act (S. 6693) granting a pension to Mary J. Ivey;

An act (S. 252) granting an increase of pension to Levi H. Peddycoard;

An act (S. 1131) granting an increase of pension to Sydda B. Arnold;

An act (S. 1614) granting an increase of pension to Nelson W. Carlton;

An act (S. 1637) granting an increase of pension to Annie A. Neary;

An act (S 1903) granting an increase of pension to Hamline B. Williams;

An act (S. 1978) granting an increase of pension to Wesley S. Potter;

An act (S. 2084) granting an increase of pension to Samuel E. Ewing;

An act (S. 2806) granting an increase of pension to Laura S. Picking;

An act (S. 2863) granting an increase of pension to Mary L. Purington;

An act (S. 3250) granting an increase of pension to Winfield S. Piety;

An act (S. 3298) granting an increase of pension to William A. Kimball;

An act (S. 3607) granting an increase of pension to Oliver P. Helton;

An act (S. 3644) granting an increase of pension to James Mealey;

An act (S. 3730) granting an increase of pension to Jonas Olmstead;

An act (S. 3773) granting an increase of pension to Leroy Roberts;

An act (S. 3940) granting an increase of pension to Eliza C. Deery;

An act (S. 3970) granting an increase of pension to Mary Elizabeth Fales;

An act (S. 4332) granting an increase of pension to Mary B. Heddleson;

An act (S. 4401) granting an increase of pension to Frederick Kropf;

An act (S. 4412) granting an increase of pension to John G. Rees;

An act (S. 4515) granting an increase of pension to Alfred O. Blood;

An act (S. 4827) granting an increase of pension to George W. Scott;

An act (S. 5244) granting an increase of pension to William H. Maxwell;

An act (S. 5352) granting an increase of pension to William Flinn;

An act (S. 5355) granting an increase of pension to George A. King;

An act (S. 5412) granting an increase of pension to Henry E. Spring;

An act (S. 5643) granting an increase of pension to Nicholas Smith;

An act (S. 5976) granting an increase of pension to Milton Frazier;

An act (S. 6071) granting an increase of pension to Mary Manes;

An act (S. 6132) granting an increase of pension to Fanny McHarg;

An act (S. 6155) granting an increase of pension to William Markle;

An act (S. 6182) granting an increase of pension to Lila L. Egbert;

An act (S. 6257) granting an increase of pension to Mary B. Keller;

An act (S. 6467) granting an increase of pension to Sarah E. Ropes;

An act (S. 6492) granting an increase of pension to Thomas Starrat;

An act (S. 6514) granting an increase of pension to Stephen J. Houston;

An act (S. 6526) granting an increase of pension to Orin T. Fall;

An act (S. 6543) granting an increase of pension to David C. Morgan; and

An act (S. 6614) granting an increase of pension to Bertha R. Koops.

STATEHOOD AMENDMENTS.

Mr. QUAY. Mr. President, I should be glad to know what became of the reports made from my committee a few days ago?

The PRESIDENT pro tempore. They are on the Calendar.

Mr. QUAY. I think they had better take the ordinary reference. I do not see any objection to such a course, and I will ask that they be referred.

The PRESIDENT pro tempore. They can not be taken up without calling them from the Calendar.

Mr. BEVERIDGE. What is the request?

Mr. QUAY. That the reports made from my committee a few days ago shall be referred in accordance with the request of the committee. It is a matter of indifference, but they ought to be disposed of.

Mr. SPOONER. From what committee were they reported?

Mr. QUAY. From the Committee on Organization, Conduct, and Expenditures of the Executive Departments.

Mr. SPOONER. What is the nature of the report?

Mr. QUAY. It is the report on the statehood bill. The reference, of course, amounts to nothing under the circumstances, but I think the reports ought to be referred to the proper committee, or else a precedent will be established that may be troublesome in the future.

The PRESIDENT pro tempore. They can only be taken from the Calendar by motion.

Mr. QUAY. Then I move that they be taken up.

Mr. BEVERIDGE. That is not necessary, because there is not going to be any objection.

Mr. QUAY. They will have to be taken up anyway.

Mr. BEVERIDGE. There is not going to be any objection to their being referred as the Senator requests.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks that Calendar No. 2703, being an amendment to the Agricultural appropriation bill, providing for the admission of the Territories of Oklahoma, Arizona, and New Mexico into the Union as States, be referred to the Committee on Agriculture and Forestry, and that Calendar No. 2704, being an amendment to the sundry civil appropriation bill, providing for the admission of the Territories of Oklahoma, Arizona, and New Mexico into the Union as States, be referred to the Committee on Appropriations. Is there objection? The Chair hears none, and that order is made.

Mr. BEVERIDGE. I want merely to say in that connection that it will be admitted by every person, no matter what his views may be as to the merits of this measure, that this is an extraordinary procedure. It requires something to be done right now in an unusual method, and therefore it is proper to call attention to what is required to be done in this method of proposed attachment to an appropriation bill.

The first thing we see is that it is proposed not only to put onto an appropriation bill a bill having nothing to do with appropriations, but to put onto such a bill a thing which never can be undone if enacted into law. In that respect it differs from everything else. It is serious, far-reaching, irrevocable. Is there an emergency—and I am not going to argue the matter; I am merely calling the attention of the Senate to it at this time—before the Senate for such an unusual method in such a hurry? Not only is it everlasting in its consequences, not only does it forever affect the Republic, but there is earnest, determined difference of opin ion upon it. Should such a measure be rushed in this revolutionary way?

As I said, I will make no objection to the reference of this amendment now, but this is a large general subject, and I have no doubt that at the proper time it will be discussed to the satisfaction of the Senator from Pennsylvania. But I thought it was proper at this juncture to call attention in a general way to just what is proposed.

Mr. QUAY. I merely wish to say, Mr. President, that the Senator is mistaken in saying the proceeding is unusual. The records of this Senate teem with precedents of this character.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 3546) for the relief of L. A. Noyes.

The message also announced that the House had passed the concurrent resolution of the Senate requesting the President to return to the Senate the bill (S. 1115) for the relief of Francis S. Davidson, late first lieutenant, Ninth United States Cavalry.

EXECUTIVE SESSION.

Mr. CULLOM. Mr. President, if there is nothing before the Senate I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After forty minutes spent in executive session the doors were reopened, and (at 4 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 4, 1903, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 3, 1903.

MINISTER PLENIPOTENTIARY.

Arthur M. Beaupré, of Illinois, now secretary of legation and consul-general there, to be envoy extraordinary and minister plenipotentiary of the United States to Colombia, vice Charles Burdett Hart, resigned.

CONSUL-GENERAL.

Alban G. Snyder, of West Virginia, to be secretary of legation and consul-general of the United States at Bogota, Colombia, vice Arthur M. Beaupré, nominated to be envoy extraordinary and minister plenipotentiary there.

SURGEON IN PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

P. A. Surg. Gregorio M. Guiteras, of South Carolina, to be a surgeon in the Public Health and Marine-Hospital Service of the United States, in place of John Vansant, deceased.

PROMOTIONS IN THE ARMY.

Infantry Arm.

Capt. Edward H. Plummer, Tenth Infantry, to be major, December 31, 1902, vice Peshine, Eleventh Infantry, retired from active service.

First Lieut. Ira C. Welborn, Ninth Infantry, to be captain, December 29, 1902 (subject to examination required by law), vice Thurston, Sixteenth Infantry, promoted.

First Lieut. David E. W. Lyle, Fourteenth Infantry, to be captain, December 30, 1902, vice Jones, Twenty-seventh Infantry, detailed as quartermaster.

First Lieut. Alexander E. Williams, Second Infantry, to be captain, December 31, 1902, vice Plummer, Tenth Infantry, promoted.

First Lieut. Romulus F. Walton, Tenth Infantry, to be captain, January 9, 1903, vice Gleason, Sixth Infantry, deceased.

First Lieut. Charles W. Exton, Twentieth Infantry, to be captain, January 10, 1903, vice Roydon, Twenty-sixth Infantry, retired from active service.

First Lieut. David P. Wheeler, Twenty-second Infantry, to be captain, January 27, 1903, vice Lawton, Twenty-sixth Infantry, retired from active service as major and judge-advocate.

Second Lieut. John T. Dunn, Eleventh Infantry, to be first lieutenant, October 11, 1902, vice Maginnis, Eleventh Infantry, promoted.

Second Lieut. De Witt W. Chamberlin, Second Infantry, to be first lieutenant, October 18, 1902, vice Berry, First Infantry, promoted.

Second Lieut. Kaolin L. Whitson, Twenty-seventh Infantry, to be first lieutenant, October 21, 1902, vice Hammond, Ninth Infantry, promoted.

Second Lieut. Walter H. Johnson, Eighth Infantry, to be first lieutenant, November 8, 1902, vice Ingram, Fifth Infantry, promoted.

Second Lieut. Robert E. Grinstead, Twenty-third Infantry, to be first lieutenant, November 28, 1902, vice Davis, Seventeenth Infantry, promoted.

Second Lieut. Albert S. Williams, Twenty-sixth Infantry, to be first lieutenant, December 3, 1902, vice Janda, Eighth Infantry, promoted.

Cavalry Arm.

Lieut. Col. Charles L. Cooper, Fourteenth Cavalry, to be colonel, January 30, 1903, vice Swigert, Fifth Cavalry, retired from active service.

Maj. Alexander Rodgers, Fourth Cavalry, to be lieutenant-colonel, January 30, 1903, vice Cooper, Fourteenth Cavalry, promoted.

Capt. James Lockett, Fourth Cavalry, to be major, January 30, 1903, vice Rodgers, Fourth Cavalry, promoted.

First Lieut. William D. Chitty, Third Cavalry, to be captain, January 30, 1903, vice Lockett, Fourth Cavalry, promoted.

PROMOTIONS IN THE NAVY.

Lieut. (Junior Grade) Michael J. McCormack, to be a lieutenant in the Navy from the 1st day of January, 1903, vice Lieut. William H. Buck, resigned.

Pay Inspector James A. Ring, to be a pay director in the Navy from the 10th day of December, 1902, vice Pay Director Joseph Foster, retired.

Pay Inspector Reah Frazer, to be a pay director in the Navy from the 19th day of January, 1903, vice Pay Director Albert S. Kenny, retired.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 3, 1903.

ASSISTANT COMMISSIONER OF GENERAL LAND OFFICE.

John H. Fimple, of Carrollton, Ohio, to be Assistant Commissioner of the General Land Office.

CONSUL.

Levi S. Wilcox, of Illinois, now consul at that place, to be consul-general of the United States at Hankau, China.

APPRAISER OF MERCHANDISE.

George H. Allan, of Maine, to be appraiser of merchandise in the district of Portland and Falmouth, in the State of Maine.

COLLECTOR OF CUSTOMS.

Nelson E. Nelson, of North Dakota, to be collector of customs for the district of North and South Dakota, in the States of North Dakota and South Dakota.

APPOINTMENTS IN THE NAVY.

Frederick S. W. Dean, a citizen of South Carolina, to be an assistant surgeon in the Navy from the 26th day of January, 1903.

Richard L. Sutton, a citizen of Missouri, to be an assistant surgeon in the Navy from the 26th day of January, 1903.

Ransom E. Riggs, a citizen of South Carolina, to be an assistant surgeon in the Navy, from the 19th day of January, 1903.

ASSISTANT NAVAL CONSTRUCTORS.

1. Jules A. Furer.
2. William B. Fogarty.
3. Sidney M. Henry.
4. Lewis B. McBride.

PROMOTIONS IN THE NAVY.

1. Commander Charles C. Cornwell, to be captain in the Navy from 10th day of January, 1903.
2. Pay Inspector Samuel R. Colhoun, to be a pay director in the Navy from the 22d day of November, 1902.
3. Pay Inspector John N. Speel, to be a pay director in the Navy from the 11th day of January, 1903.
1. Lieut. (Junior Grade) Edward H. Watson, to be a lieutenant in the Navy from the 2d day of December, 1902.
2. Lieut. (Junior Grade) Orlo S. Knepper, to be a lieutenant in the Navy from the 2d day of December, 1902.
3. Lieut. (Junior Grade) Edward H. Dunn, to be a lieutenant in the Navy from the 10th day of January, 1903.
4. Asst. Surg. Ralph W. Plummer, to be a passed assistant surgeon in the Navy from the 17th day of June, 1902.

PROMOTION IN THE MARINE CORPS.

First Lieut. Frederick L. Bradman, United States Marine Corps, to be a captain in the Marine Corps from the 23d day of July, 1901.

POSTMASTERS.

ILLINOIS.

Edwin L. Welton, to be postmaster at Centralia, in the county of Marion and State of Illinois.

Stacy W. Osgood, to be postmaster at Winnetka, in the county of Cook and State of Illinois.

William C. Heining, to be postmaster at Red Bud, in the county of Randolph and State of Illinois.

INDIANA.

William L. Walker, to be postmaster at Carthage, in the county of Rush and State of Indiana.

John W. Hill, to be postmaster at Redkey, in the county of Jay and State of Indiana.

Asa M. Ballinger, to be postmaster at Upland, in the county of Grant and State of Indiana.

IOWA.

Joseph E. Howard, to be postmaster at Forest City, in the county of Winnebago and State of Iowa.

KANSAS.

Edward J. Byerts, to be postmaster at Hill City, in the county of Graham and State of Kansas.

James S. Alexander, to be postmaster at Florence, in the county of Marion and State of Kansas.

MICHIGAN.

Edgar B. Babcock, to be postmaster at Kalkaska, in the county of Kalkaska and State of Michigan.

MISSISSIPPI.

Frank Fairly, to be postmaster at Mount Olive, in the county of Covington and State of Mississippi.

John W. Lockhart, to be postmaster at Durant, in the county of Holmes and State of Mississippi.

NORTH CAROLINA.

Isaac M. Meekins, to be postmaster at Elizabeth City, in the county of Pasquotank and State of North Carolina.

OKLAHOMA.

George S. Walker, to be postmaster at Bridgeport, in the county of Caddo and Territory of Oklahoma.

Perry C. Hughes, to be postmaster at Busch, in the county of Roger Mills and Territory of Oklahoma.

Charles W. Sherwood, to be postmaster at Okeene, in the county of Blaine and Territory of Oklahoma.

John H. Asbury, to be postmaster at Lexington, in the county of Cleveland and Territory of Oklahoma.

John R. Tate, to be postmaster at Blackwell, in the county of Kay and Territory of Oklahoma.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February 3, 1903.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

OKLAHOMA AND WESTERN RAILROAD COMPANY.

The SPEAKER laid before the House the bill (H. R. 9503) to authorize the Oklahoma and Western Railroad Company to construct and operate a railway through the Fort Sill Military Reservation, and for other purposes, with Senate amendments, which were read.

Mr. HULL. Mr. Speaker, all these amendments are recommended by the War Department, excepting inserting the word "city" after Oklahoma. I move to concur in all the amendments of the Senate.

The question was taken, and the motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed joint resolution and bills of the following title; in which the concurrence of the House was requested:

S. R. 138. Joint resolution authorizing the Secretary of War to furnish condemned cannon for a life-size statue of Gen. Henry Leavenworth at Leavenworth, Kans.;

S. 6421. An act to amend an act entitled "An act to amend an act entitled 'An act relating to tax sales and taxes in the District of Columbia,'" approved May 13, 1892; and

S. 3112. An act conferring jurisdiction upon the Court of Claims to hear and determine the claims of the Chippewa Indians of Lake Superior and the Mississippi, and to determine the claims of the White River or confederated bands of Ute Indians, of Colorado, and the Delaware Indians.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 16724. An act to provide for an additional judge of the district court of the United States for the southern district of New York;

H. R. 16099. An act to cancel certain taxes assessed against the Kall tract;

H. R. 15747. An act directing the issue of a check in lieu of a lost check drawn by George A. Bartlett, disbursing clerk, in favor of Fannie T. Sayles, executrix, and others;

H. R. 5756. An act for the relief of the officers and crew of the U. S. S. *Charleston*, lost in the Philippine Islands, November 2, 1899;

H. R. 647. An act for the relief of William P. Marshall; and

H. R. 159. An act providing for free homesteads on the public lands for actual and bona fide settlers in the north half of the Colville Indian Reservation, State of Washington, and reserving the public lands for that purpose.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

Senate concurrent resolution 62.

Resolved, That the President be requested to return to the Senate the bill (S. 1115) for the relief of Francis S. Davidson, late lieutenant, Ninth United States Cavalry.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 3112. An act conferring jurisdiction upon the Court of Claims to hear and determine the claims of the Chippewa Indians of Lake Superior and the Mississippi, and to determine the claims of the White River or Confederated bands of Ute Indians of Colorado, and the Delaware Indians—to the Committee on Indian Affairs.

S. 6421. An act to amend an act entitled "An act to amend an act relating to tax sales and taxes in the District of Columbia," approved May 13, 1892—to the Committee on the District of Columbia.

S. R. 138. Joint resolution authorizing the Secretary of War to furnish condemned cannon for a life-size statue of Gen. Henry Leavenworth, at Leavenworth, Kans.—to the Committee on Military Affairs.

ORDER OF BUSINESS.

The SPEAKER. This brings up the special order, namely, the claims bills not disposed of. The Chair will recognize the gentleman from Illinois, chairman of the committee, in favor of the bills, and the gentleman from New York [Mr. PAYNE] in opposition to them; and under the agreement there is ten minutes debate allowed on each side on each bill.

Mr. GRAFF. Will the bills be called up in the same order that they were the other day?

The SPEAKER. They will come up in their order.

ELEONORA G. GOLDSBOROUGH.

The first business was the bill (S. 3421) for the relief of Eleonora G. Goldsborough.

Mr. PAYNE. Mr. Speaker, Charles B. Goldsborough was a surgeon in the Marine-Hospital Service, and died on the 5th of January, 1890, in that service. So that the House will see that he was in the civil branch of the United States service. It is claimed that he died of blood poisoning growing out of an operation performed on a negro sailor in the summer of 1888, two years before his death. The only evidence there is upon this subject is the statement of Mrs. Goldsborough, the claimant, the widow of Dr. Goldsborough. Perhaps I ought to say that the bill provides that she shall receive two years' pay and extra allowance, amounting to $7,220, on account of his death. She states, referring to her husband:

While on duty in the city of Mobile he was desperately ill of malarial fever, and from there he was ordered to Chicago, the extreme cold of which, following upon the warmer temperature of Mobile, brought on a serious attack of rheumatism, from which he had not wholly recovered when he was again ordered to New Orleans. While engaged in the course of his duty he contracted blood poison in the performance of an operation, which also tended to undermine his health, and in April, 1889, he was again attacked by malarial fever, which his already weakened constitution was unable to withstand, and from which, together with the other complications, he eventually died.

There is also this statement from Dr. Ames, late passed assistant surgeon in the Marine-Hospital Service:

SPRINGFIELD, MASS., *March 7, 1902.*

I hereby certify that I attended Surg. Charles B. Goldsborough in the marine hospital, New Orleans, in November and December, 1889, and until his death, January 5, 1890. His death was due primarily to "blood poisoning," as manifested by the formation of abscesses and carbuncles.

While not personally cognizant of the fact, as I was not stationed in New Orleans at the time, I have frequently heard that Surgeon Goldsborough had been poisoned while operating upon a negro sailor in the summer of 1888.

Very respectfully,

R. P. M. AMES,
Late Passed Assistant Surgeon, M. H. S.

That is all the evidence in the case in regard to the blood poisoning, if that is a material factor in that respect to the Government. The committee say:

Upon the strength of this there can be no reasonable doubt that Surgeon Goldsborough's death was directly due to the effects of the operation in August, 1888.

The operation in August in which he was said to have contracted blood poisoning.

Now, the committee say there is one precedent for this bill:

It may be stated that a precedent for the bill now under consideration has been made by the act approved June 15, 1898, which granted the legal representatives of Asst. Surg. John W. Branham, of the Marine-Hospital Service, the amount of his salary and allowances for two years, Dr. Branham having died of yellow fever after serving about five months. Surgeon Goldsborough gave faithful service for twelve years.

The committee say:

The Branham case was an exceptional one. This case comes in the same class and is considered equally exceptional.

Your committee are of the opinion that Dr. Goldsborough died of an infectious disease acquired in the performance of his duty, and the bill is therefore returned with the recommendation that it pass when amended.

The bill is therefore reported with the recommendation to pass it as amended, and the amendments make an allowance for two years, amounting in all to $7,200.

Now, Mr. Speaker, of course all men wish to sympathize with the widow who has been bereft of her husband. I suppose there are hundreds of thousands, perhaps a million deserving widows in the United States who lost their husbands, many of them who have lost their husbands in the civil service, many of them who have lost their husbands because of disease contracted without doubt in the civil service and as a result of the civil service. But it has never been the policy of the Government of the United States to pension any person because of any disease or any other disability contracted in the civil service.

If this bill for Branham crept through the House at some time without its being noticed and without debate, or if it crept through the House at some time during a yellow fever excitement, because a man had braved death in taking care of a patient who was afflicted with that disease—that deadly disease, that infectious disease—it should furnish no precedent, Mr. Speaker, for the House in their opening up a new career of pensions; opening a different kind of pensions; to depart from the rule from the foundation of the Government, to pension only those in the military and naval service of the Government of the United States. Gentlemen may say, "Oh, this is only one case; we will not follow it with this class of cases." And yet the Branham case is made a precedent for this bill; and the next case that would come here would be fortified by the Branham case and the Goldsborough case; and yet we find there is not sufficient evidence in the case on which any man could say that this doctor died of blood poisoning superinduced by an operation performed upon a negro sailor two years before he died.

And yet this is the class of cases upon which the House is called upon to act. This is a precedent we are asked to make. I submit that gentlemen should stand up here and do justice to the United States, not simply deal out mercy or charity to a widow that happens to bring her claim to us. No man has the right in his representative capacity to put his hand into the Treasury of the United States and deal out charity to any of its citizens. He should rather dispense justice here, and when charity appeals put his hand in his own pocket, into his own personal treasury, and deal out charity to any who may come to us. Mr. Speaker, I reserve the balance of my time.

Mr. STEPHENS of Texas. I would like to ask the gentleman a question.

Mr. PAYNE. Very well.

Mr. STEPHENS of Texas. Would not this furnish a precedent to all persons in the employ of the Government and put them on the civil-pension list?

Mr. PAYNE. It certainly would tend in that direction.

Mr. HEPBURN. I would like to ask the gentleman a question before he sits down.

Mr. PAYNE. Certainly.

Mr. HEPBURN. I would like to ask the gentleman if that is not what we are now doing under the civil-service rules that in part control the departments?

Mr. PAYNE. I do not think we are.

Mr. HEPBURN. Are there not more than a thousand persons practically pensioned in the departments under the civil service?

Mr. PAYNE. I do not think there are; but I do think there are men and women in the departments who are unfit to be there and who do not earn their salary.

Mr. HEPBURN. Would not that number be constantly increasing?

Mr. PAYNE. I do not know; the gentleman is as good a prophet as I am. I call attention to the fact that that has not been done by an act of Congress, but by the departments keeping clerks there after they are unfit for service. I know the departments are weeding out of the service these people or putting them on a lower salary.

Mr. GRAFF. Mr. Speaker, I now yield to the gentleman from Maryland [Mr. SCHIRM] who reported this bill.

Mr. SCHIRM. Mr. Speaker, it is refreshing undoubtedly to this House to listen to the leader on this side of the Chamber making a plea for justice and imputing motives to other members of this House in their position in support of this question. We are not attempting to put our hands into the Treasury of the United States to deal out pure and simple charity to anyone. We do believe, however, that the widow of this marine-hospital surgeon, Charles B. Goldsborough, is entitled to some consideration, because he lost his life as a direct result of his duties at the hospital.

I doubt not that on many occasions, if we are going into the sphere of the vague, as the gentleman from New York has done, that his vote will be found recorded on many questions that favored charitable claims coming from his own district and State when he did not go into his own pocket to deal out the charity. There is a precedent for this bill, and that precedent was made in 1898, when Assistant Surgeon Branham died as a result of his service in the pest hospital and his widow or legal representatives were given two years' salary with allowances. The gentleman from New York was a member of the House then. Perhaps he was not here when the bill was passed, and the fact that it escaped him induces him to say that it crept through or that "through some excitement as the result of the yellow fever in the South the hearts of men, being a little more touched with charity, allowed it to go through."

He had an opportunity to know that this bill was before the House then, and he made no objection. It is not fair to the rest of the members who did know that the bill was before the House that improper motives should be imputed to them by the leader on this side of the Chamber. The whole cry is that we are establishing a civil pension list. I was glad to receive the suggestion from the gentleman from Iowa [Mr. HEPBURN] on that line. We have, as a matter of fact, established a civil pension list. The great army of employees in Washington has among it many who ought to be dropped out, many who are useless to the Government, who are kept there through the charity of some people that have influence enough to control the powers that be.

Mr. STEPHENS of Texas. Is it not the duty of the head of every department to discharge every clerk under them that can not perform his duty; and are not the heads of the departments failing to perform their duty when they refuse to discharge incompetent persons?

Mr. SCHIRM. The question of unfitness of an employee is one of opinion.

Mr. GROSVENOR. Will the gentleman from Maryland permit me a suggestion?

Mr. SCHIRM. Certainly.

Mr. GROSVENOR. They can discharge them by having a lawsuit with every one of them and an appeal to a higher court to see whether the charges are true or false.

Mr. SCHIRM. Yes; it was for that reason that I made the remark that the matter of unfitness or fitness is one of opinion, and the heads of the departments are like all other human beings and subject to the charitable suggestions of gentlemen influential in this and other branches of the Government.

Mr. STEPHENS of Texas. Let me ask the gentleman if it is not the Democrats that were dropped, not Republicans, and no reason given for it?

Mr. SCHIRM. Well, they probably were incompetent. [Laughter.] I say it is a matter of opinion, and I see the gentleman from Texas is coming around to our way of thinking. From the question he put to the gentleman from New York I thought he was against us; now I think he is with us.

Mr. Speaker, it is not purely a matter of charity, and when the committees of the Senate and the House reported the Branham case they said:

> Your committee fearlessly blaze the way, as indicated in this report, because we think it an act of simple justice, and but poorly carrying out the implied obligation upon the Government to relieve the wants of the wife and children of one who heroically faced a danger fully equal to that encountered by the soldier in time of war.

To my mind there is very little difference between giving up your life upon the battlefield and giving it up in the hospital in this kind of dangerous work. It is well known that the service in the Marine Hospital is more dangerous than that performed by naval surgeons, and naval surgeons may be retired upon part pay, and in case of death a pension is provided for their families.

I believe that this case appeals to the justice of the House; and I rather apprehend from my short experience as a member of the Committee on Claims that there was a great deal of charity mingled with our decisions upon claims that were brought before us; for in but very few cases could we get absolute legal proof. We had to take some things for granted; and in most cases we gave the claimants the benefit of reasonable doubts. I do not believe that this House has reached the point where it will establish itself as an absolutely legal tribunal that will not grant anything to a claimant unless strict legal proof is brought, or unless the facts come within strict legal requirements. This is an appeal to justice, the charitable justice of this House. I leave it to the House for its decision.

Mr. PEARRE. Mr. Speaker, I feel called upon to endeavor so far as I can to correct perhaps some misapprehensions which may arise in regard to this bill. The applicant or claimant in this case is a lady residing in Maryland, who is absolutely penniless. As the report itself shows, after her husband's death she was left with some little property, but that property has been entirely expended or consumed, not through any fault of hers, but in order to maintain herself and her children.

Now, Mr. Speaker, the gentleman from New York has dilated somewhat upon the subject of precedents in the House of Representatives. If I know anything about this House or have learned anything about it in the short time that I have had the honor of being a member, it is this, that the House of Representatives is the one body in the United States that is above and beyond precedent, that is controlled by no precedent, that makes its own precedents and follows only such precedents as it desires to follow. Mr. Speaker, this following of precedents, to begin with, is not always a very safe policy; because what is a safe precedent in one age or in one day would not be such in another age and another day.

This claim is a claim which, as my colleague from Maryland [Mr. SCHIRM] has said, appeals not only to the charity of this House, but to its sense of justice; and if precedents were needed in order to confirm the justice of this claim they could be found in this Congress and in every Congress which has preceded it for many years. Within my own recollection a bill was passed in this House appropriating a considerable sum of money to the family of a gentleman who lost his life by accidentally falling down an elevator shaft in the Post-Office Department building in this city.

The SPEAKER pro tempore. The time of the gentleman from Maryland has expired.

Mr. PEARRE. I ask unanimous consent for three minutes more.

Mr. FOSTER of Vermont. I object.

The SPEAKER pro tempore. Objection being made, the Chair must enforce the order of the House limiting debate on these bills to ten minutes on each side.

The question being taken on the amendment reported from the Committee of the Whole, it was agreed to.

The SPEAKER pro tempore. The question now recurs on ordering this Senate bill as amended to be read a third time.

The question being taken, there were—ayes 49, noes 67.

Mr. SCHIRM. I make the point of order that no quorum is present.

The SPEAKER pro tempore (having counted the House). The count by the Chair discloses 178 members. A quorum is present.

Mr. SCHIRM. I call for the yeas and nays.

The yeas and nays were not ordered, only 12 members voting in favor thereof.

So the House refused to order the bill to a third reading.

Mr. PAYNE. I move to reconsider the vote just taken, and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOSEPH W. PARISH.

The next business in order was the bill (S. 475) to refer the claim of Joseph W. Parish to the Secretary of the Treasury for examination and payment of any balance found due.

The SPEAKER pro tempore. The question is on ordering this bill to a third reading.

Mr. PAYNE. Mr. Speaker, this case arises out of a contract made by the Government in 1863 with one Joseph W. Parish and another, whose name is not disclosed, for the delivery of ice——

Mr. CANNON. Mr. Speaker, I rise to a question of order. Near as I am to the gentleman from New York [Mr. PAYNE], I can not hear what he is saying.

Mr. BARTLETT. May I ask the gentleman from New York to repeat the date of this contract?

The SPEAKER pro tempore. The gentleman from New York will suspend until the House is in order. [A pause.]

Mr. PAYNE. Mr. Speaker, a contract was made in the spring of 1863 for the delivery of 30,000 tons of ice—5,000 at St. Louis, at $16 a ton; 5,000 at Cairo, at $20, a ton; 10,000 at Memphis, at $20 a ton, and 10,000 at Nashville, at $25 a ton. The whole purchase price was $630,000 for the ice. The ice was to be delivered in these localities. They did deliver under this contract 4,174 tons at St. Louis, 1,388 tons at Cairo, 6,456 tons at Memphis, and 750 tons at Nashville, and received therefor from the Government $228,914. The other 18,000 tons, or nearly 18,000 tons, were not delivered. The contract was made by an assistant surgeon-general. When the Surgeon-General heard of it he promptly told the assistant to suspend the contract. A notice was given to the contractor, which reached him on the 2d day of April, suspending the contract. In the meantime he had bought the ice. Ten thousand tons of it were bought at Lake Pepin, in Minnesota, and it does not appear where the balance of it was bought or what became of it. The 10,000 tons at Lake Pepin melted, were not delivered to the Government, and were a total loss.

After the war was over, and about 1882 or 1883, I think, Congress submitted the claim to the Court of Claims. There was a hearing had before the Court of Claims and the Court of Claims held that this assistant surgeon had no authority to make the contract, and decided in favor of the United States. They also made some findings of fact. The case then went to the Supreme Court of the United States, and the Government abandoned the idea that this assistant surgeon-general could not make the contract, said it was a valid contract, and then the question came as to the amount of damages this party was entitled to recover for the ice which had not been delivered. The Court of Claims found in their ninth finding of facts as follows:

> Said Parish was prepared and willing to deliver said 30,000 tons of ice in conformity with the conditions and obligations of the said contract and the terms of said letter of March 25, 1863, of which the defendants had notice, but they would not nor did receive more than the 12,768 tons aforesaid.

I can not quote as much as I would like to from the decision of the Supreme Court. This is the most important case that will come before this House this day, and I believe it is the most barefaced case that will come before this House to-day or, I hope, in some time. The court say:

> In point of fact, the order was never revoked, but suspended, so that the claimants could not tell whether it would be revoked or revived, and they never made or offered to make delivery of the amount demanded by that order. The Government did require, accept, and pay for part of it. The balance was never delivered or tendered.
>
> Without elaborating the matter, we are of opinion that as the claimants neither delivered or offered to deliver the remainder, they can not recover either the contract price or the profits they might have made if they had done so. And as the Government left the demand suspended, so that while claimants were compelled to purchase under the original order, and could not safely dispose of it while it remained unrevoked, they are entitled to recover what they paid for the ice that was lost, and what expense they were at in making the purchase and in keeping it until it was lost. So if they lost anything on the other ice not purchased at Lake Pepin, but purchased before they learned of the order of suspension, they should recover that.

Now, in regard to this Lake Pepin ice, the Court of Claims made a finding upon that. The eighth finding of facts is as follows:

> Of the 23,000 tons of ice purchased by said Parish between the 25th of March and the 2d of April, 1863, the quantity of 10,000 tons was purchased at Lake Pepin, in Minnesota, and in the month of April the stage of water in the Mississippi River was such that with sufficiency of steamboats and barges

present there in the early part of that month that quantity might have been transported southward to St. Louis and the other places at which the said Parish was required by said contract to furnish said ice; but the said Parish did not have steamboats and barges at said lake in that month to transport the ice which he had purchased there, and after that month the water in said river became and continued so low that the said ice could not be so transported southward, and the same melted and was lost to said Parish.

Or, in other words, as to 10,000 tons of this ice they were not ready and prepared to deliver; they could not float it down from Lake Pepin to these points; they could not have tendered it to the Government; they could not have delivered it to the Government if the Government had demanded it at any time during this summer. Now, the chairman of the committee, as to this very patriotic gentleman who was furnishing this ice to the Government at the rate of $21 a ton and which cost him about $4 a ton, claims that the Supreme Court of the United States made a mistake in reversing, as he says, the tenth finding of facts. Well, the Supreme Court, it is very evident, has made no mistake. Why, the eighth finding of fact reverses the ninth finding of facts, so far as the 10,000 tons are concerned. But the court had the record all before them; the attorney for the claimants knew what the court had decided.

Mr. WILLIAMS of Mississippi. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. PAYNE. Only for a question.

Mr. WILLIAMS of Mississippi. How much did the 10,000 tons cost; how much per ton?

Mr. PAYNE. About $4 a ton. All the ice cost that.

Mr. WILLIAMS of Mississippi. That would be about $40,000, then?

Mr. PAYNE. Well, I will say to the gentleman, if the gentleman will not interrupt me, for I have so little time in which to make a statement, that I think I will cover all the points.

Mr. WILLIAMS of Mississippi. I just asked for information upon that point.

Mr. PAYNE. The Court of Claims found in the first place that he was entitled to $10,000, according to the statement the chairman made the other day. Afterwards it was reopened in the Court of Claims on additional evidence, and he recovered $64,000 damages on this 18,000 tons of ice; so that that man has received $228,914 and $64,000, or a total of $292,914; and by this modest little bill he comes in here and asks us to pay him $337,086 in addition to what we have already paid him, and that for ice that cost him, according to what he recovered before the Court of Claims, about $4 a ton, or about $120,000 for the whole 30,000 tons. He has made a profit, Mr. Speaker, of $160,000, and he does not come in here now as a pauper claiming the sympathy of the House.

Mr. WILLIAMS of Mississippi. Did he ever receive the $10,000 to which you refer?

Mr. PAYNE. He received the $64,000.

The SPEAKER pro tempore. The time of the gentleman has expired. The question is on the third reading of the bill.

Mr. GRAFF. Mr. Speaker, I want to use my time. I desire to say that the other day in the Committee of the Whole House this matter was fully gone into. To-day I have upon my desk the opinion of the Supreme Court and the opinion of the Court of Claims. The other day I cited the fact that the Supreme Court does not go back of the findings of fact of the Court of Claims. That position is invulnerable, and there is no exception in a number of cases decided by the Supreme Court. They are guided by the findings of fact of the Court of Claims. Now the gentleman from New York [Mr. PAYNE] says that this ice cost only $4 a ton—the ice produced, for instance, at Lake Pepin in Minnesota and the ice on the St. Lawrence River in Canada—and that therefore, forsooth, he made the profits equal to the difference between $4 a ton and $18 per ton which he received for the ice he delivered on the Mississippi River at Memphis, at St. Louis, and at other points.

In other words, the gentleman commits the egregious blunder of not taking into consideration the very large expense of transporting this ice from Lake Pepin and from the St. Lawrence River down the Mississippi to the places of destination at these points on that river. I have a report here in my hand made some ten years ago upon this very claim, in which the estimated cost of the delivery of the ice, in addition to the $4 a ton which the gentleman says it cost where it was produced up in the northland, would range from $6 to $10 per ton. It required no small amount of money in those days to carry things so bulky as ice by water navigation the great distance of hundreds of miles down to the points of destination at Memphis, St. Louis, and the other two points.

Mr. MORRIS. Will the gentleman permit a question?

Mr. GRAFF. Yes.

Mr. MORRIS. How about the statement made by the gentleman from New York [Mr. PAYNE] a while ago, that there were 10,000 tons of this ice that this man could not have delivered at all? What is he entitled to at all on that 10,000 tons of ice? If he could not deliver the ice, why is he entitled to anything?

Mr. GRAFF. The finding of fact to which the gentleman refers simply states the opinion of the court that Mr. Parish did not have in his possession large enough steamboats to take this ice down the Mississippi River and deliver it at these points after the Surgeon-General of the United States had directed the assistant surgeon who made the original contract to suspend the delivery of the ice.

Mr. TALBERT. Mr. Speaker, will the gentleman allow me to ask him a question there?

Mr. GRAFF. Yes.

Mr. TALBERT. The gentleman from New York made the statement that this party had made a net profit of $160,000 on the transaction.

Mr. GRAFF. That is impossible.

Mr. TALBERT. The gentleman made the statement.

Mr. GRAFF. The cost of from $3 to $4 a ton for ice where it was produced, in a year when there was no ice produced in this country south of Chicago, added to the expense of delivery, which would range from $6 to $10 a ton, would bring the cost of the ice——

Mr. TALBERT. He said that was the profit made on the whole transaction.

Mr. GRAFF. That is impossible. This item of expense would bring the price of the ice up to something over $14 a ton, and the average he received at the different points ranged from $18 to $21 a ton.

Mr. MORRIS. Another question: Was the lack of transportation for this ice from Lake Pepin to where it was to be delivered due to the revocation of the contract by the Surgeon-General?

Mr. GRAFF. Why, exactly. That is the important point in the bill. The evidence before the court was the claimant in this case could have sold that ice for $50 a ton, but he held the ice, because he was liable under a written contract between him and the United States to deliver this ice at any time. This suspension that was made was very artfully made, for the purpose of compelling the claimant to hold this ice and ultimately allow it to melt and become valueless. It is not true, as stated by the gentleman from New York, that the United States receded in the Supreme Court from their position, claiming that the assistant surgeon had no legal right or power to make a binding contract.

That is the reason why the Court of Claims decided against the claimant. But when it went to the Supreme Court of the United States, page after page of their opinion, nine-tenths of the opinion, is devoted to setting aside that decision and overruling the decision of the Court of Claims, and deciding that the assistant surgeon-general had full power to make a binding contract against the Goverment with the claimant. In addition to this, in these court reports appears the notice given to all people, inviting them to come in and make a contract for this ice. This ice was to be used in the hospitals for the soldiers at these four different cities of the Mississippi, around which neighborhood clustered so much military activity and where the necessity for it became imminent.

Carry yourselves back to 1863, when this contract was made, when the whole world had the right to come forward and make a contract at the invitation of the Government, and not at the request of the claimant. What does this bill do? Attempt to decide how much shall be awarded to this claimant? It does not say that a cent shall necessarily be awarded to the claimant, but it is referred to the War Department of the United States, giving them full power to adjudicate this question and determine the facts of the case and award to the claimant in accordance with the One hundred and eleventh United States Reports, laying down the proper rule for damages. Does the gentleman mean that anywhere it is the law as a measure of damages that the man shall get the full contract price and not deduct the things which he was not compelled to do? The gentleman knows that the rule of law is that he shall only be allowed the contract price less the expenses of delivering, which he was not compelled to pay in this instance.

Mr. PAYNE. Will the gentleman allow me to ask him a question?

Mr. GRAFF. Yes, sir.

Mr. PAYNE. Why did not you put that in the bill, instead of "deducting therefrom all payments which had been made?"

Mr. GRAFF. That is a part of the law of the land. These expenses are deducted, so that the proper measure of damages is laid down in the bill.

Mr. PAYNE. You failed to follow the law of contracts.

Mr. GRAFF. The One hundred and eleventh United States, the Rahan case, lays down another doctrine.

Mr. PAYNE. A doctrine in the case where the contract was annulled and not suspended.

Mr. GRAFF. Getting at the profit, they would not eliminate

the expenses of the delivery. Of course the claimant was not compelled to deliver the ice if the Government did not call upon him to bring the ice.

Ah, Mr. Speaker, there has been a general criticism of these bills. Forty-six bills were brought in by this committee, and the gentleman had an opportunity to object successfully by reason of the absence of a quorum. The gentleman had questioned the work of this committee and sent reports throughout the country that we were about to loot the Treasury, and he could not find with all of his investigations any reason for preventing the passage of 36 of them. [Applause.] Thirty-six out of forty-six! Looting the Treasury, forsooth! Why, the 46 bills do not aggregate $300,000; and I have seen the gentleman sit silent and see appropriations of half a million dollars for pumpkin shows for favored portions of the United States [applause] under the pretense of fostering our commerce [renewed applause], but really which were for the benefit of restaurateurs, cigar dealers, and other gentlemen who feed a transient population. [Laughter and applause.] Ah, looting the Treasury——

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SHATTUC. I ask unanimous consent that the gentleman have five minutes more.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. GRAFF. Division.

Mr. BARTLETT. May I inquire what is the motion?

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The question was taken; and there were—ayes 88, noes 62.

So the bill was ordered to a third reading, and it was accordingly read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Mr. PAYNE. On that I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 101, nays 98, present 9, not voting 144, as follows:

YEAS—101.

Adams,	Douglas,	Lindsay,	Schirm,
Adamson,	Dovener,	Livingston,	Shattuc,
Allen, Me.	Esch,	Loudenslager,	Shelden,
Ball, Del.	Feely,	Lovering,	Showalter,
Ball, Tex.	Flanagan,	McAndrews,	Sibley,
Bartholdt,	Foster, Ill.	McCulloch,	Skiles,
Bates,	Foster, Vt.	McLain,	Smith, Ill.
Blackburn,	Fowler,	Mahoney,	Smith, S. W.
Boreing,	Gaines, W. Va.	Mann,	Sperry,
Breazeale,	Gibson,	Mickey,	Stewart, N. J.
Bromwell,	Gooch,	Miller,	Storm,
Broussard,	Graff,	Mondell,	Sulloway,
Brown,	Graham,	Moody, Oreg.	Sulzer,
Brundidge,	Greene, Mass.	Morrell,	Tawney,
Burke, S. Dak.	Hanbury,	Moss,	Thomas, Iowa
Calderhead,	Hay,	Needham,	Thomas, N. C.
Conry,	Henry, Conn.	Olmsted,	Vreeland,
Cromer.	Howell,	Patterson, Pa.	Warner,
Crumpacker,	Joy,	Pearre,	Warnock,
Currier,	Kern,	Ransdell, La.	Weeks,
Cushman,	Kitchin, Claude	Reeves,	Williams, Miss.
Davey, La.	Kleberg,	Reid,	Wright,
Davidson,	Kyle,	Robb,	Young.
Deemer,	Landis,	Roberts,	
Dick,	Latimer,	Robertson, La.	
Dinsmore,	Lever,	Robinson, Ind.	

NAYS—98.

Alexander,	Draper,	Lester,	Ryan,
Allen, Ky.	Driscoll,	Lewis, Ga.	Shallenberger,
Aplin,	Elliott,	Littauer,	Sheppard,
Bankhead,	Emerson,	Lloyd,	Sims,
Bartlett,	Finley,	Loud,	Slayden,
Billmeyer,	Fitzgerald,	McClellan,	Small,
Bishop,	Fleming,	McDermott,	Smith, Ky.
Bowersock,	Flood,	McLachlan,	Snodgrass,
Bowie,	Gardner, N. J.	Maddox,	Spight,
Brantley,	Gillet, N. Y.	Martin,	Stark,
Burleson,	Griffith,	Mercer,	Stephens, Tex.
Burton,	Grosvenor,	Miers, Ind.	Sutherland,
Caldwell,	Heatwole,	Moon,	Talbert,
Candler,	Hill,	Mutchler,	Tate,
Cannon,	Hitt,	Overstreet,	Thayer,
Capron,	Holliday,	Padgett,	Thompson,
Cassingham,	Howard,	Palmer,	Trimble,
Clark,	Jones, Va.	Parker,	Vandiver,
Clayton,	Jones, Wash.	Payne,	Wanger,
Cochran,	Kehoe,	Perkins,	White,
Conner,	Ketcham,	Pugsley,	Wiley,
Cowherd,	Kluttz,	Randell, Tex.	Williams, Ill.
Creamer,	Knapp,	Reeder,	Zenor.
De Armond,	Lacey,	Richardson, Ala.	
Dougherty,	Lamb,	Russell,	

ANSWERED "PRESENT"—9.

Boutell,	Gillett, Mass.	Jackson, Kans.	Shackleford,
Brownlow,	Hamilton,	Otjen,	Van Voorhis.
Cooper, Wis.			

NOT VOTING—144.

Acheson,	Eddy,	Jett,	Rhea,
Babcock,	Edwards,	Johnson,	Richardson, Tenn.
Barney,	Evans,	Kahn,	Rixey,
Beidler,	Fletcher,	Kitchin, Wm. W.	Robinson, Nebr.
Bell,	Foerderer,	Knox,	Rucker,
Bellamy,	Fordney,	Lassiter,	Ruppert,
Belmont,	Foss,	Lawrence,	Scarborough,
Benton,	Fox,	Lessler,	Scott,
Bingham,	Gaines, Tenn.	Lewis, Pa.	Selby,
Blakeney,	Gardner, Mass.	Little.	Shafroth,
Brandegee,	Gardner, Mich.	Littlefield,	Sherman,
Brick,	Gilbert,	Long,	Smith, Iowa
Bristow,	Gill,	McCall,	Smith, H. C.
Bull,	Glass,	McCleary,	Smith, Wm. Alden
Burgess,	Glenn,	McRae,	Snook,
Burk, Pa.	Goldfogle,	Mahon,	Southard,
Burkett,	Gordon,	Marshall,	Southwick,
Burleigh,	Green, Pa.	Maynard,	Sparkman,
Burnett,	Griggs,	Metcalf,	Steele,
Butler, Mo.	Grow,	Meyer, La.	Stevens, Minn.
Butler, Pa.	Haskins,	Minor,	Stewart, N. Y.
Cassel,	Haugen,	Moody, N. C.	Swann,
Connell,	Hedge,	Morgan,	Swanson,
Coombs,	Hemenway,	Morris,	Tayler, Ohio
Cooney,	Henry, Miss.	Mudd,	Taylor, Ala.
Cooper, Tex.	Henry, Tex.	Naphen,	Tirrell,
Corliss,	Hepburn,	Neville,	Tompkins, N. Y.
Cousins,	Hildebrant,	Nevin,	Tompkins, Ohio
Crowley,	Hooker,	Newlands,	Underwood,
Curtis,	Hopkins,	Norton,	Wachter,
Dahle,	Hughes,	Patterson, Tenn.	Wadsworth,
Dalzell,	Hull,	Pierce,	Watson.
Darragh,	Irwin,	Pou,	Wheeler,
Davis, Fla.	Jack,	Powers, Me.	Wilson,
Dayton,	Jackson, Md.	Powers, Mass.	Woods,
Dwight,	Jenkins,	Prince,	Wooten.

So the bill was passed.

The following pairs were announced:

For the session:

Mr. BOUTELL with Mr. GRIGGS.

Mr. DAYTON with Mr. MEYER of Louisiana.

Mr. BROWNLOW with Mr. PIERCE.

Mr. SHERMAN with Mr. RUPPERT.

Mr. KAHN with Mr. BELMONT.

Until further notice:

Mr. VAN VOORHIS with Mr. GORDON.

Mr. LONG with Mr. NEWLANDS.

Mr. SOUTHARD with Mr. NORTON.

Mr. HASKINS with Mr. FOX.

Mr. MORRIS with Mr. GLASS.

Mr. METCALF with Mr. WHEELER.

Mr. HOPKINS with Mr. SWANSON.

For one week:

Mr. SCOTT with Mr. JACKSON of Kansas.

For the day:

Mr. WM. ALDEN SMITH with Mr. HENRY of Mississippi.

Mr. BABCOCK with Mr. UNDERWOOD.

Mr. BARNEY with Mr. BELLAMY.

Mr. BULL with Mr. CROWLEY.

Mr. HILDEBRANT with Mr. MAYNARD.

Mr. BURLEIGH with Mr. BURGESS.

Mr. BRISTOW with Mr. DAVIS.

Mr. BUTLER of Pennsylvania with Mr. GAINES of Tennessee.

Mr. STEELE with Mr. COOPER of Texas.

Mr. CORLISS with Mr. COONEY.

Mr. DALZELL with Mr. SHAFROTH.

Mr. DARRAGH with Mr. GLENN.

Mr. EVANS with Mr. GREEN of Pennsylvania.

Mr. GARDNER of Michigan with Mr. LASSITER.

Mr. HEDGE with Mr. GOLDFOGLE.

Mr. JENKINS with Mr. WILLIAM W. KITCHIN.

Mr. HEMENWAY with Mr. WILSON.

Mr. MUDD with Mr. NAPHEN.

Mr. HENRY C. SMITH with Mr. TAYLOR of Alabama.

Mr. PRINCE with Mr. NEVILLE.

Mr. SMITH of Iowa with Mr. RIXEY.

Mr. STEWART of New York with Mr. PATTERSON of Tennessee.

Mr. TIRRELL with Mr. ROBINSON of Nebraska.

Mr. WACHTER with Mr. RUCKER.

Mr. WOODS with Mr. SNOOK.

Mr. ACHESON with Mr. POU.

Mr. MOODY of North Carolina with Mr. SHACKLEFORD.

Mr. SOUTHWICK with Mr. WOOTEN.

Mr. CONNELL with Mr. BUTLER of Missouri.

Mr. GILL with Mr. EDWARDS.

Mr. JACK with Mr. SCARBOROUGH.

For the vote:

Mr. BRICK with Mr. BURNETT.

Mr. COOMBS with Mr. BENTON.

Mr. CURTIS with Mr. GILBERT.

Mr. HAUGEN with Mr. HOOKER.

Mr. HEPBURN with Mr. JOHNSON

Mr. WATSON with Mr. SWANN.

Mr. MCCALL with Mr. RICHARDSON of Tennessee.
Mr. MAHON with Mr. SPARKMAN.
Mr. OTJEN with Mr. MCRAE.
Mr. DWIGHT with Mr. LITTLE.
Mr. BINGHAM with Mr. RHEA.
Mr. MINOR with Mr. JETT.
Mr. COUSINS with Mr. HENRY of Texas.

The result of the vote was then announced as above recorded.

On motion of Mr. GRAFF, a motion to reconsider the vote whereby the bill was passed was laid on the table.

ELIZABETH MUHLEMAN ET AL.

The SPEAKER pro tempore (Mr. GROSVENOR). The Clerk will report the next bill.

The Clerk read as follows:

S. 2116. An act for the relief of Elizabeth Muhleman, widow, and heirs at law of Samuel A. Muhleman, deceased.

Mr. PAYNE. Mr. Speaker, I yield to the gentleman from Georgia [Mr. MADDOX].

Mr. MADDOX. Mr. Speaker, this is a bill appropriating $5,000 to pay Elizabeth Muhleman, widow, and heirs at law of Samuel A. Muhleman, deceased, out of any money in the Treasury, and so on. This claim is based on the Ford's Theater disaster. It is claimed here by the claimant, Mrs. Muhleman, and those who have testified before the committee, that his death was caused by an injury received in the Ford's Theater disaster; that it caused aneurism, of which he died about four years thereafter.

Congress in 1893, immediately after the Ford's Theater disaster, appointed a Commission to examine and try all these cases. I was appointed on that Commission, and am the only member in Congress now that was on that Commission. The Commission was appointed, and for something over four years it was engaged in the trial of every case for all injuries to parties, or those who received their death, and finally it cost the Government about $330,000 in order to pay off these claims.

Now, it seems from the evidence in this case, and from the report as we get it from the Committee on Claims, that this man, Muhleman, claims that he was injured on that day; that he was examined by physicians immediately thereafter, again in 1893, and continued up to 1898; that he even went out into the State of Indiana to be examined for disease of the heart in 1895. Now, gentlemen of the House of Representatives, if it is true that this man received the injury which caused his death by reason of this Ford's Theater disaster, he ought to recover the amount asked for in this case. If it is not true, then he ought not to recover.

Mr. TALBERT. Did this man come before your Commission?

Mr. MADDOX. He never did. I was going on to say that this Commission, consisting of five from the House and five from the Senate, held open court for four years, not only during sessions of Congress, but during the interim, and everybody was invited to come before it, and we tried over 250 cases on their merits. Not only that, but it was required in this Department where this disaster occurred for every man who claimed an injury not only to register his name there, but also to register the injury, or the character of the injury, he received by reason of this accident, if you can call it an accident, which it was not.

Now, I want to say to the House that notwithstanding all these facts—that this Commission stood open here for four years—notwithstanding that every one of these men who had suffered injury was required to register his injuries at the Department, this man made no appearance before this Commission and made no claim; and he never registered at the Department as having been injured, but, on the contrary, served in that Department up till the time of his death—a period of five years; and now, four years after his death, this claim is presented to the House of Representatives.

The reason I have been anxious that I might be heard on this case by members now present is that if this claim be allowed then there is a precedent under which the heirs or legal representatives of every man who was present in that building at the time of that disaster and who has since died, or may hereafter die, can come before Congress and claim that his death was caused by that disaster. That is exactly what is going to happen.

If the Claims Committee, as I understand from their report—I do not know what they had before them except so far as it is disclosed in the report—had taken the trouble to investigate the other side of this question, they might have learned more about it. In order to ascertain the facts, I wrote to General Ainsworth, in control of the Record and Pension Office of the War Department, a letter inquiring about this matter, stating that as I had been a member of the commission I felt it my duty to call the attention of the House to the facts. Now, I wish to read the letter of General Ainsworth in regard to this claim:

RECORD AND PENSION OFFICE, WAR DEPARTMENT,
Washington City, February 2, 1903.

Hon. JOHN W. MADDOX, *House of Representatives.*

SIR: In response to your letter of the 31st ultimo, in which you inquire how long Samuel A. Muhleman continued in the discharge of his duties as a clerk in this office after the Ford's Theater disaster, also whether he was in the service at the date of his death, and why, if he was injured in the disaster, he did not present his claim to the commission that investigated such claims, I have the honor to advise you as follows:

The records of this office show that Mr. Samuel A. Muhleman was on duty at the Ford's Theater building at the time of the accident there on June 9, 1893, but owing to the fact that he was located on the first floor, near the wall which acted as a protection to him, he escaped injury from the falling floors. The records also show that immediately after the accident he registered with others on the list of survivors. Those who were injured were required to make a statement to that effect on the list, but Mr. Muhleman registered without remark.

Mr. Muhleman was employed continuously as a clerk in this office from the time of the accident, June 9, 1893, to February 14, 1838, the date of his death. There is nothing of record to show that during that period he ever claimed to have suffered any ill effect from the accident of June 9, 1893.

This office is unable to state why, if he believed himself to have been injured in the accident, he did not submit his claim to the Congressional committee that was appointed to investigate such claims.

Very respectfully,

F. C. AINSWORTH,
Chief Record and Pension Office.

Now, gentlemen, this is a very remarkable case. If there is any virtue in it at all, is it not singular that this man, as appears in the report, was being examined immediately before this commission had been established by Congress, by these physicians upon whose evidence this report is based; that he should have visited the State of Indiana for the purpose of consulting an expert and yet that he did not present himself before the board of surgeons provided for by Congress—one from the Marine Corps, one from the Army, and one from the Navy; that he did not present himself before the commission that sat for years examining claims of this character; that he made no application before that Commission and no complaint of any injury having been received; and that no claim for any injury sustained by him is made until four years after his death? And now we are furnished with evidence purporting to show that he died by reason of an injury received in that Ford's Theater disaster.

Gentlemen, if we can reach back under these conditions or circumstances and connect alleged injuries of this person, what is to hinder the presentation of a similar claim in the case of every man who was present in that building at the time of this disaster and may hereafter die?

The SPEAKER pro tempore. The time of the gentleman from Georgia [Mr. MADDOX] has expired.

Mr. MADDOX. I ask unanimous consent for three minutes more.

The SPEAKER pro tempore. The gentleman from Georgia [Mr. MADDOX] asks unanimous consent that his time may be extended.

Mr. FOSTER of Vermont objected.

The SPEAKER pro tempore. Objection is made.

Mr. MADDOX. Who made the objection? Nobody rose and objected.

Mr. FOSTER of Vermont (rising). Mr. Speaker, I object. It may seem ungracious for me to do so, but we have fixed this rule and we have many more of these cases remaining——

The SPEAKER pro tempore. Debate is not in order.

Mr. GRAFF. I yield to the gentleman from Iowa [Mr. THOMAS].

Mr. THOMAS of Iowa. I yield five minutes to the gentleman from West Virginia [Mr. DOVENER].

Mr. DOVENER. Mr. Speaker, I have heard with some surprise the very singular reasons given by the only surviving member of the Commission appointed to investigate the Ford's Theater disaster who is now a member of this House. He says that if it is true that this man received the injuries he ought to be paid. To that I agree. The only question, then, for this House to decide is whether as a matter of personal judgment and because he was in the employ of the Government and did not care to make a claim shall defeat this bill, or whether his death, which brought loss and disaster upon his wife and children, was caused by the disaster at Ford's Theater.

There is no question that there is evidence before this body to-day which, if it had been brought before that Commission, would have entitled him to receive something in addition to his salary. It is true that he was not injured physically, but there is no question that the fall and certain injuries that he received at that time produced heart disease. He did not have heart disease before, and he died from heart disease produced by the shock and the disaster at Ford's Theater in 1893. I want to correct one thing which the gentleman from Georgia [Mr. MADDOX] says, viz, that here, nearly five years after his death, there is a bill presented in Congress. I say that in that the gentleman is mistaken.

Mr. MADDOX. What is that?

Mr. DOVENER. The gentleman stated that nearly five years after his death a bill is presented for the first time.

Mr. MADDOX. I did not say that.

Mr. DOVENER. In that I say the gentleman is mistaken.

Mr. MADDOX. I did not say that.

Mr. DOVENER. I so understood the gentleman.

Mr. MADDOX. Well, the gentleman is mistaken. I said four years afterwards.

Mr. DOVENER. Well, you said more than four years afterwards. This bill was presented and passed the Senate of the Fifty-sixth Congress, and the Senate bill came to this side, and among other bills was not considered in the House. It also passed the Senate in this Congress and is now being considered by this House. The Senate passed the bill, not on supposition, but on the evidence of gentlemen who were sworn before the Senate committee. First, Thomas Hynes made an affidavit that he was intimately acquainted and associated with this man previous to the 9th of June, 1893; that he knew Muhleman to be physically sound and healthy; that Muhleman was injured in the collapse at Ford's Theater, and that immediately after that he commenced to complain of his heart.

Fred K. Swett, a physician of ten years' standing, made affidavit that in July and August of 1893 he was consulted by Muhleman with regard to a difficulty in breathing and peculiar sensation in his head; that he found him suffering with this disease of the heart. James T. Hensey, Muhleman's physician, who had known him for eleven years, swore that before this disaster there was no disease of the heart from which he suffered, but that immediately after this he was called in to attend him and found he was suffering from certain bruises and injuries received on the outside, of slight character, but that his heart was troubled, and that from that time on the trouble continued to increase up to the time of his death, and was the cause of his death. Dr. Riggs, a practicing physician here in this city, made oath to the same facts; that he knew him before and afterwards; that the nervous shock and injuries received at the time of the disaster were the cause of his death. Dr. Johnstone also made the same affidavit. Dr. Kennard made the same affidavit, and Dr. E. A. Wearman, a specialist in Indianapolis, where Muhleman had gone to see if he could not get some relief, testified to the same facts and that it was the cause of his death.

Now, the only question here, according to the statement of the gentleman from Georgia [Mr. MADDOX], is whether he contracted that trouble by reason of that disaster in Ford's Theater. If this trouble continued and was the cause of his death, the claimants ought to have the amount of $5,000, which was allowed in the case of others whose death was caused by the disaster. I think we ought to take into consideration also the fact that he was patriotic enough, when he was earning his living from the Government, not to make the claim. He thought all the time that he possibly might recover. Of course after he was dead he could not make the claim, and the loss falls upon his widow and children, who have been deprived of their support and his companionship, and all because of this disaster at Ford's Theater. Of these things there is not a contradiction, unless it be that implied in the fact that he did not make a claim. I ask the members of this House to be fair and listen to the evidence which is adduced in this case. I am content, then, to take the judgment of the House. Mr. Speaker, I ask that this report be read.

The Clerk read as follows:

The Committee on Claims, to whom was referred the bill (S. 2216) entitled "A bill for the relief of Elizabeth Muhleman, widow, and the heirs at law of Samuel A. Muhleman, deceased," beg leave to submit the following report, and recommend that said bill do pass without amendment:

This is a bill that has already passed the Senate.

The facts on which the bill is founded are fully set forth in Senate Report No. 473, made by the Senate Committee on Claims during the present Congress, in which report your committee concur and adopt the same as its report.

The Senate report is as follows:

"The Committee on Claims, to whom was referred the bill (S. 2216) for the relief of Elizabeth Muhleman, widow, and the heirs at law of Samuel A. Muhleman, deceased, having considered the same, beg to report as follows:

"A bill similar to this one was introduced at the last session and favorably reported from this committee. The bill was not reached on the Calendar. Your committee concur in the views expressed in the report made at the last session, adopt it as a part hereof, and recommend the passage of the bill.

"The report is as follows:

[Senate Report No. 1582, Fifty-sixth Congress, first session.]

"The Committee on Claims, to whom was referred Senate bill 1658, have had the same under consideration and make the following report:

"This claim arises out of what is known as the Ford's Theater disaster, and in which class of cases the sum of $5,000 was fixed as compensation in case of death by the commission and paid by the Government in a number of cases in which death resulted from injuries received in that disaster. Samuel A. Muhleman, deceased, the husband and father of the claimants, was a clerk in the employ of the Government and at his desk performing his clerical duties at the time of the disaster at Ford's Theater, and up to that time was a sound and healthy man physically. Other clerks occupying desks adjacent to that occupied at the time by Mr. Muhleman were killed, but Mr. Muhleman, through utmost physical exertion, saved himself, but came out of the débris frightened, bruised, sore, and with splinters in his flesh. The great physical exertion which he made at the time to save his life and the shock to his nervous system produced aneurism of the heart, which constantly progressed in severity from that time until February 14, 1898, when he died from aneurism incurred in the disaster mentioned, leaving surviving him a widow and four small children.

"Mr. Muhleman made no claim before the Commission for compensation for injuries received in the disaster for the reason that he was able to discharge his clerical duties, but he continuously suffered from extreme nervousness and from the increasing severity of the heart trouble thus produced from the time of the disaster until the time of his death, and was under the treatment of various physicians from July or August, 1893, up to the time of his death for the aneurism occasioned as stated. The evidence submitted in the claim clearly establishes the fact that prior to the Ford's Theater disaster Mr. Muhleman was a sound and healthy man physically; that aneurism of the heart was caused by the shock to his nervous system and the injuries which he received in the disaster, and that such aneurism continuously increased in severity from that time to the time of his death, and that he died from the effects of the injuries received in the disaster. The claim is a meritorious one, and your committee therefore report the bill back and recommend that it do pass.

"An abstract of the evidence in this claim is appended hereto as a part of this report."

Thomas Hynes makes affidavit that he was intimately acquainted with Samuel A. Muhleman and was employed in the same office with him for the past fifteen years; that previous to June 9, 1893, he knew Mr. Muhleman to be physically sound and healthy; that on that date Mr. Muhleman was involved in the collapse of Ford's old Theater building; that after that disaster he constantly complained of great nervousness and heart disease consequent upon the great exertion he was compelled to make to save himself from being crushed to death in the falling walls and débris of the wrecked building; that this nervous condition and heart disease constantly increased from the 9th day of June, 1893, until the day of his death, and that the cause of Mr. Muhleman's disease and his death is directly chargeable to the disaster at Ford's old theater building June 9, 1893.

Fred K. Swett, a physician of ten years' standing, makes affidavit that in July or August, 1893, Mr. Muhleman consulted him for a difficulty in breathing and a peculiar sensation in the head which he stated appeared very soon after the disaster at Ford's Theater in June of that year; that upon examination he found an irritable heart, and occasionally a slight murmur could be distinguished, rhythm and action were irregular, and dyspnœa was pronounced on slight exertion; that the head trouble he attributed to the cardiac lesion; that from October, 1893, to the spring of 1894 he saw Mr. Muhleman almost daily, and during all that period he suffered from heart trouble, and that on several occasions he was obliged to prescribe and administer remedies to give him temporary relief from his suffering, and that the heart lesion continued to the day of his death, and was the cause of his death.

James T. Hensey, M. D., makes affidavit that he was intimately acquainted with Mr. Muhleman from the year 1882, and was closely associated with him, both in business relations and as a medical man from that date; that previous to June 9, 1893, Mr. Muhleman was a sound and healthy man physically; that upon that date he was in the Ford's old theater building with Mr. Muhleman, and that it is personally known to him that Mr. Muhleman's peril was so imminent that it required the utmost physical exertion to save himself; that from that day until the day of his death he complained of extreme and ever-increasing nervousness and of heart trouble; that he was present two years afterwards at a physical examination made by Dr. R. B. Johnstone, which conclusively showed heart disease, rapidly progressive in character, and that the death of Mr. Muhleman is directly traceable to the injuries he received at the disaster at Ford's Theater building on June 9, 1893.

D. H. Riggs, a practicing physician, makes affidavit that he had known Mr. Muhleman for ten or twelve years and that he was a perfectly well man until after the shock he received in the disaster at the old Ford's Theater; that during the ensuing year after the disaster he made an examination of Mr. Muhleman and diagnosed his case as thoracic aneurism, and that such trouble undoubtedly caused his death.

R. B. Johnstone, M. D., makes affidavit that he made several examinations of Mr. S. A. Muhleman, some of which were conjointly with Dr. G. Howard Kennard; that at every examination he found every evidence of a dislocation of the heart, the apex beat being thrown over to the right side between the third and fourth ribs. This dislocation was due to a probable aneurism, which, from the history of the case, dates from the accident at the falling of the old Ford's Theater; that the extension of the dislocation of the heart was gradual and progressive, and was certainly resultant from the shock received at the time of said accident, and that it was the cause of death.

G. Howard Kennard, M. D., makes affidavit that since April, 1895, he made a number of examinations of the physical condition of Mr. Muhleman, the last being a few days before his death; that he found a misplaced heart, the apex beat being to the right side, about the fourth rib; that he also found evidence of an aneurism of gradual development, and which undoubtedly caused his death, and that this condition, which resulted in his death, was undoubtedly due to the excessive muscular and nervous strain suffered at the time of the collapse of the Record and Pension building, on Tenth street NW.

Dr. E. A. Wehrman, of Indianapolis, Ind., makes affidavit that in 1895 Mr. Muhleman wrote him that he was and had been feeling badly for a long time, and was coming out to have him make an examination of his condition; that in August, 1895, he, together with Dr. L. W. Jordan, at the request of Mr. Muhleman, made an examination at Indianapolis, and they found a well-developed aneurism of the aorta; that he knew Mr. Muhleman from boyhood up, and that he was a strong, healthy man of fine physique, and he believes that nothing was the matter with him before the Ford's Theater disaster that would predispose aneurism; that from his examination of him and the description given of the Ford's Theater disaster, the excitement and nervous shock which that disaster produced on Mr. Muhleman was the starting of his aneurism, which proved fatal February 14, 1898.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The question was taken; and on a division (demanded by Mr. GRAFF) there were—ayes 20, noes 35.

Mr. DOVENER. Mr. Speaker, I demand the yeas and nays.

The SPEAKER pro tempore. The gentleman from West Virginia demands the yeas and nays. Those in favor of ordering the yeas and nays will rise and stand until they are counted.

Mr. DOVENER. I raise the point of no quorum. I withdraw the demand for the yeas and nays.

The SPEAKER pro tempore. The Chair will announce that the yeas and nays are refused, and the gentleman from West Virginia makes the point of no quorum. When on a division less than a quorum votes and then tellers or the yeas and nays are refused, it is too late to make the point of no quorum.

Mr. DOVENER. I withdrew the demand for the yeas and nays and made the other point.

The SPEAKER pro tempore. The Chair had counted and announced the result. Only six gentlemen rose and that was not

enough. The Chair overrules the point of the gentleman from West Virginia. The noes have it and the bill is defeated. The Clerk will present the next bill.

L. A. NOYES.

The next business was the bill (S. 3546) for the relief of L. A. Noyes.

Mr. PAYNE. Mr. Speaker, this is a bill to pay L. A. Noyes the sum of $1,819 for services rendered as acting assistant Treasury agent at the island of St. George, Alaska, from August 1, 1886, to May 30, 1887, inclusive.

The Treasury has a special agent and three subagents at the Pribilof Islands, looking after the Government seal interests there. During the winter they keep two men there and two come back to the States. On this occasion Mr. George R. Tingle was the special Treasury agent in charge, and his assistants were T. F. Ryan, A. P. Loud, and J. P. Manchester. Mr. Tingle and Mr. Ryan had spent the previous winter on the islands, and, in accordance with the custom of the Treasury Department, were entitled to go down and spend the winter in the States, leaving Mr. Loud and Mr. Manchester there. Captain Loud relieved Tingle at St. Paul Island, and Mr. Manchester was expected to relieve Mr. Ryan at St. George, but Manchester claims that he had a verbal understanding with the Secretary of the Treasury that he, too, was to come down; in other words, that he had an understanding with the Secretary that but one agent should be left there.

Mr. Manchester wanted to come, and Mr. Tingle very obligingly assumed to create another office and to appoint a man to fill the place, and so he appointed Dr. Noyes, who was employed at the time by the Alaska Fur Seal Company as its physician, leaving Dr. Noyes there in the dual capacity of serving the Fur Seal Company as its physician and also serving the United States as special Treasury agent at the island. I do not say this is any reflection upon Dr. Noyes, or that he did not do his full duty as well as a man could, acting in the dual capacity.

Now, Mr. Tingle claims that there was a precedent for this; that in 1870 Captain Bryant, Treasury agent in charge, appointed Mr. Falconer to fill a vacancy, and that the Secretary of the Treasury subsequently ratified the appointment and permitted Mr. Falconer to be paid without objection. Well, there was a vacancy at that time, an actual vacancy, and Captain Bryant did not have to create a new office and to create another Treasury agent, as was done in this case under this bill; but he assumed to appoint a man to fill a vacancy and the man stayed there, and when he had reported what he had done to the Secretary of the Treasury, the Secretary of the Treasury approved the appointment, and so paid the man his $6 per day. These agents are all paid the sum of $6 per day the year around, Sundays included, whether they are in the islands or whether they are in the States. The special agent and his three assistants are each paid the same amount.

The gentleman from Vermont [Mr. FOSTER] mistakenly stated the other day that Captain Manchester did not draw his pay for this time, but I am informed that he did draw his full pay and that there was no vacancy. So that it amounted to this, that Mr. Tingle legislated a vacancy, made an office, and filled the office by the appointment of Dr. Noyes, who was there as the doctor of the Fur Seal Company, and Noyes stayed there during the winter, and now he comes to the Treasury Department for pay for performing the duties of an office which has never been created by law. That is the simple bald statement of the case. If anybody owes him anything, it is Tingle or Manchester. It is the man who was relieved from duty and was allowed to come to his home and spend his winter and still receive his full pay, and I do not think Congress ought to recognize any such claim as this. That is all there is in the claim; that is the whole matter.

I reserve the balance of my time.

Mr. GRAFF. Mr. Speaker, I yield to the gentleman from Vermont [Mr. FOSTER].

Mr. FOSTER of Vermont. Mr. Speaker, if I should employ an agent to look after my affairs, and should employ an assistant for him, to do a certain line of work, and when the time came for that assistant to do that work, he should tell my agent that he had a verbal understanding with me that he did not need to do it, and my agent, acting in good faith and believing that he had the authority, should employ a man to do that work for me, and he did it properly, it being necessary work and I got the benefit of it, the courts of Vermont would find some way of making me pay for it.

I can not vouch for the courts of New York, and if I should undertake to defend upon the ground that I had unjustly and improperly paid that assistant for doing the work that he did not do, I would stand, I believe, in almost as unenviable a position as the gentleman from New York occupies when he asks the United States Government to refuse to pay this bill, which the United States Treasury says ought to be paid, for services that were necessary to the Government, for services that were meritoriously rendered by Mr. Noyes at the request of the agent of the United States Government, who claimed authority to appoint him and did appoint him, because, forsooth, the United States Government improperly and unjustly paid Mr. Manchester for doing the work that he never performed.

Now, that is the plain situation in this case. Mr. Noyes was not on St. George Island. He was a resident at the time, temporarily, of St. Paul Island. The United States Government, through its agent, when it was found that Mr. Manchester had an understanding that he might return home, requested Mr. Noyes to go from the place where he was—St. Paul Island—to St. George Island and remain there during the winter to look after the property of the United States Government and do the other work which was necessary to be done and for which Mr. Manchester was appointed. He went there and performed that work. The gentleman from New York has no right to claim that he was on St. George Island during these months in any other capacity than as an agent of the United States Government. The officials of the Treasury Department say in their report that they find reluctantly that the law prevents their paying this bill for services that were necessary, for services that were meritorious and properly rendered.

Now, under these circumstances, Mr. Speaker, I ask the members of this House to say to the United States Treasury Department that this honest bill for services rendered—necessary services rendered—by a man who was appointed by an agent of the Government, who took his oath of office, who supposed he had authority to render the services, and who supposed that after he had rendered the services the United States Government would pay him therefor, shall be paid.

Mr. PAYNE. Just one word, if the gentleman has concluded.

Mr. FOSTER of Vermont. Then I reserve the balance of my time.

Mr. PAYNE. I only want to call attention to the unenviable position the gentleman from Vermont has taken. If I am employed by the Government, if I declare I want to go home and go home for six months and ask somebody else here to be my deputy and go through the form of making an appointment for a vacancy which did not exist, shall the Government, not only after they have paid me to do the work and sent me there to do it, be called upon to pay the other man, too?

Mr. GRAFF. Does the gentleman believe that has anything to do with this case? The fact that an official of the Government had gone off, when he should not have gone off, when another citizen is called upon to perform the duty, and did perform that duty, and the Treasury Department recommends that he should be paid for it, ought he not to be paid? That is so plain and bald a proposition that I think the gentleman might accept it.

Mr. PAYNE. Well, Mr. Speaker, it is not so plain and so bald that I can see it.

Mr. GRAFF. I think the gentleman ought to understand it.

Mr. FOSTER of Vermont. I do say that Mr. Manchester ought to have stayed there and performed his work, but when he went to Mr. Tingle, who was in charge, and said he had an arrangement with the Secretary of the Treasury of the United States by which he was entitled to return home and he was going to return home, and when Mr. Tingle by his instructions was commanded to leave some one in charge of that island, it became the duty of Mr. Tingle if he could find a man to find him and send him to St. Paul Island to discharge the duties which Mr. Manchester ran away from.

Mr. GRAFF. Will the gentleman permit me to ask him a question?

Mr. FOSTER of Vermont. Yes.

Mr. GRAFF. After the claimant entered upon his duty, did the Treasury Department recognize him in the performance of that duty?

Mr. FOSTER of Vermont. Yes; just as far as it could.

Mr. GRAFF. I mean in relation to the performance of his duty.

Mr. FOSTER of Vermont. Yes; and they say in their report that they find, reluctantly, owing to a technicality of the law, that they can not pay for these services, which they say "were both necessary and meritorious," and for which Mr. Noyes "is entitled to relief by Congress."

The SPEAKER pro tempore (Mr. GROSVENOR). The question is on ordering the bill to a third reading.

The question was taken; and the bill was ordered to be read a third time, and was read the third time.

The SPEAKER pro tempore. The question now is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. PAYNE) there were 39 ayes and 19 noes.

So the bill was passed.

On motion of Mr. FOSTER, of Vermont, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States, by Mr. BARNES, one of his secretaries, announced that the President had approved and signed bills of the following titles:

On February 2, 1903:

H. R. 10300. An act conferring jurisdiction upon the circuit and district courts for the district of South Dakota in certain cases, and for other purposes; and

H. J. Res. 216. Joint resolution extending the provision granting to the State of Pennsylvania the use of the court-houses at Scranton and Williamsport, Pa.

On February 3, 1903:

H. R. 1592. An act for the relief of F. M. Vowells; and

H. R. 15711. An act to authorize the construction of a bridge across the Clinch River, in the State of Tennessee, by the Knoxville, Lafayette and Jellico Railroad Company.

CHARLES R. HOOPER.

The SPEAKER pro tempore. The Clerk will report the next bill.

The Clerk read as follows:

The bill (H. R. 2637) for the relief of Charles R. Hooper.

Mr. CANNON. Mr. Speaker, this is a bill that I objected to in the committee, and I think it is my duty to object to it now.

The SPEAKER pro tempore. The Chair will call the attention of the gentleman from Illinois to the fact, of which the Chair was not advised, that this bill has been engrossed and read a third time, so that the real question is on the passage of the bill.

Mr. CANNON. If I can have the attention of the House for about three or five minutes at the outside, I can say all that I want to.

Charles R. Hooper, a mechanic employed in the navy-yard here at Washington, some 27 years old, while at work met with this accident. It is perhaps stated briefly by the helper, and I will read it from the report:

This is to certify that I am at present employed in the forge shop in the navy-yard at Washington, D. C., and have been for nine years. I have known Mr. Charles R. Hooper for the last nine years. Mr. Hooper was a blacksmith in the forge shop in the navy-yard at Washington, D. C. I was Mr. Hooper's helper for about two years, from 1893 to 1894. On the 1st day of August, 1894, about 1.36 p. m., Mr. Hooper was putting an iron band on a wooden body. I was striking for Mr. Hooper with a sledge hammer on the tool with which he was holding on the band, when my sledge hammer fell sideways, striking the tool and cutting a piece of steel out of it, which flew into Mr. Hooper's left eye. Mr. Hooper dropped everything, walked over to his anvil, and said his eye was gone. I saw the blood drop on the anvil.

Mr. Hooper is a sober and industrious young man, capable of filling any position in his line of business previous to the loss of his eye.

Respectfully,

JOHN H. SWAIN.

Now, I have no doubt that that statement is literally correct. I have no doubt that Mr. Hooper is a most deserving man. I am satisfied from the report that while he has not lost his sight, I am not sure but that he has lost the sight of this eye. I believe it was taken out and a sympathetic affection of the other eye renders it liable to make him blind. It has not done so up to this time. Now, that is the whole case. There is no statement in the report as to the circumstances of Mr. Hooper; whether he had an accident policy, how much property he has, how much property his friends have, whether he belongs to the Odd Fellows or any other organization from which he receives assistance. I do not know about that. All of us have sympathy with a man who loses his eye, and especially a worthy man, whether he be in the employ of the Government or is a taxpaying citizen dependent upon his own hustling for employment from other citizens.

Now, so far as the Government being legally liable here, it will not be claimed for a moment. If the employer had been a citizen instead of the Government, and this man was the employed, there can be no pretense that the employer would be liable. There can be no pretense that the Government is liable. Now, it is said here in this report that there was some showing before the committee to the effect that the striker was negligent. I do not know whether he was or not; I have read to you the account of the helper who made the strike. Nor does it matter whether he was negligent or not, the Government is not liable. It is a mere question of sympathy. We have the power to appropriate $5,000 for this man. We have the power, if lightning were to strike any worthy citizen, or unworthy citizen either, and kill him or blind him, we have the power to appropriate $5,000 or any other sum as a gift to that citizen or his legal representatives. The only limitation on our power is our sense of duty in the premises and the restraining influence of a wise and just public sentiment.

Now our citizens are all worthy, some of them employed by the Government at good wages, but the great mass of them employed otherwise than by the Government, and they are taxpayers. I think very likely that if many of the cases throughout the length and breadth of the United States, where people who are working for the Government meet with accidents could come here and sit in the House, with friends calling attention to it and to their condition, constantly in our sight, with tears of appeal, very likely we would have our sympathies aroused from time to time. That is human; but after all is said and done, there is in round numbers three or four hundred thousand people working for the Government. If we, every time that one is subjected to an accident, with or without the carelessness of a coemployee, would vote to them money from the Treasury, that would not be good policy, and if it is good policy then let us pass a general law. If a general law was proposed here there is not a man that would vote for it, not one.

Mr. WILLIAMS of Mississippi. Will the gentleman from Illinois allow me?

Mr. CANNON. Certainly.

Mr. WILLIAMS of Mississippi. I would like to ask the gentleman whether, in his opinion, if this man had been working for a corporation under exactly similar circumstances, and under the facts in this case, the corporation would have been liable in a suit at law?

Mr. CANNON. In my judgment, there would not be the slightest liability. I am reenforced in that opinion by conversation with some of the best lawyers in the House, some of whom have been upon the bench, nisi prius and appellate, and they say that there can be no pretense of liability on the part of the Government.

Mr. SIMS. Will the gentleman allow me a question?

Mr. CANNON. Certainly.

Mr. SIMS. The gentleman has stated that the Government is a large employer of labor. Is it not a fact that in view of the great undertakings in which the Government is engaging—the building of canals, etc.—it will soon be a much larger employer of labor than it has been?

Mr. CANNON. Oh, yes; and this labor for the Government is labor that is sought for as a matter of favor. It is no discredit, of course, for anyone to seek and receive this labor. Persons have a right to seek for it. But I submit that until the Government makes a departure that none of us are willing to indorse, until we adopt the principle that we will pay damages where accidents occur, or that we will give pensions to persons engaged in the civil service of the Government, we can not defend legislation of this kind.

Mr. CRUMPACKER. Will the gentleman allow me a single suggestion? The preamble of this bill, in the second clause, recites that this injury occurred while Mr. Hooper was engaged in the forge shop; that he was by an accident struck in the left eye with a piece of steel, resulting in the entire loss of the eye. Now, there is no pretense of building up or basing this claim on any alleged responsibility of the Government. On the face of the case as stated in the bill, it is shown that this was an accident pure and simple—nothing but an accident.

Mr. CANNON. Precisely. If I should consult the promptings of my heart, I would contribute to this man's relief, if his case should be brought to my attention, and if he should be willing to receive the contribution. I apprehend he would not do so. I have no doubt that he is an American citizen who deserves well. Whether he needs relief or not I do not know. But gentlemen here understand that our whole civilization is builded upon the self-reliance of the citizen, or, in case of personal distress or disaster, upon the assistance of friends, or the provision by life insurance companies, benevolent societies, etc., where the party suffering has not property upon which to rely; or locally, in cases of extreme poverty and suffering, upon relief from the local government.

[Here the hammer fell.]

Mr. MILLER. Mr. Speaker, I hope that I shall have the attention of this House while I present this matter fairly. So far as concerns the statements that have been made by the gentleman from Illinois, he fairly states the case as it appears in the report of this committee. I am frank to say that the committee report is not as full and complete as it ought to be. The facts are that this man was a skilled mechanic in the employ of the Government in one of our navy-yards; that he was at the time of this accident in the act of using old machinery—machinery such as has long ago gone out of use—machinery no longer used by the Government of the United States or by corporations in doing this kind of work; but while his coemployee was striking and this claimant was holding the band in place with the old machinery, about which he and his fellow-workmen had time and again complained, but which had never been replaced by new machinery, which would have held the band in place without the man holding it at all, thus removing him from any danger whatever—while this man was performing this kind of duty in the employ of the Government, his coemployee gave a stroke with a hammer sidewise, and in doing so let the hammer fall on the machine that the

claimant was holding, thereby knocking off a piece of steel, which flew into the eye of the claimant, from the effects of which he lost his eye.

Now, the testimony that appears in this report is the testimony of the claimant and his coemployee.

Mr. BOWIE. Will the gentleman allow me this question: On the facts just stated, if this were a suit at law against a private corporation, would not the claimant be regarded as guilty of contributory negligence in continuing in that employment after he had discovered the condition of the machinery to be such as now appears on the facts stated?

Mr. MILLER. I can only say in reply that possibly under a very rigid rule this might not be a case where the sufferer could recover, but I do not think that contributory negligence would ever be pleaded by any lawyer in any court in a case of this kind. I do not believe the time has come when a man in the employ of the Government of the United States, or any corporation, is to become a spy upon his coemployees and watch every blow that they strike and every act that they perform, so as to determine whether or not he shall have a case against the Government or the corporation in case of injury. I do not think the time has yet arrived when any lawyer in this country, pleading a case of this kind, would for a single moment argue that there was contributory negligence on the part of the claimant.

Now, as I have said, the testimony in this case is the testimony of these two persons; but, as appears in this report, these two employees of the Government appeared before this subcommittee and were carefully examined, and they both showed by their testimony that this accident occurred through the carelessness and negligence of the coemployee of the claimant, and without any fault or negligence whatever on the part of the man who is making this claim.

In addition to that we had the testimony of expert physicians in the case, who appeared before the committee and testified that in their judgment not only was the one eye entirely gone, but that on account of sympathetic action the claimant must lose the sight of the other eye.

I put this question before the committee on two grounds: First, that it is the duty of the Government of the United States in a case of this kind to care for the claimant, and also upon the broad ground of humanity, that it is the duty of the Government of the United States, rather than a private or public charitable institution or any lodge or Masonic fraternity to which the man may have belonged, to take care of him and his family under the present circumstances.

The testimony before the committee shows that this man has spent every dollar of the money which he had in this world trying to save the sight of the other eye, and to-day he and his wife and three children are penniless and are the subject of charity in the city of Washington. Shall the Government of the United States take care of these people or shall the Masonic fraternity be asked to take care of them for the rest of their lives? Here is a young man 27 years of age, in the bloom of young manhood, with every prospect of many years before him, years full of hope in which to earn a living for himself and his family, but the light of day has been shut out from him, or soon will be, forever. I ask the members of this House at this time to bring, as they come to this question with their votes, one ray of sunshine into the life of this poor man, so that he may feel that the Government of the United States is willing to do something for those who lose their sight in its service.

This House at a recent session passed a bill making an appropriation of $2,500 for a man who fell down an elevator shaft in the Treasury Department. The testimony in that case shows that he walked right into the doors of the elevator shaft, looking neither to the right nor to the left. He fell and broke his leg, and for the loss of that leg he was given by this House $2,500. I ask you not to strike at the blind. If you will strike, strike at men who have the sight to see. I ask you, while you are passing appropriations here for the payment of hundreds of thousands of dollars to corporations and men who have lost something, they claim, at the hands of the Government, or because of their own negligence, to give to this man what he asks in order that he may be able to get some of the happiness which ought to come to him in life. [Applause.]

Mr. Speaker, I reserve the balance of my time.

Mr. GRAFF. Mr. Speaker, I yield to the gentleman from Maryland [Mr. PEARRE].

Mr. PEARRE. Mr. Speaker, how much more time is remaining?

The SPEAKER pro tempore. The gentleman has four minutes remaining.

Mr. PEARRE. Mr. Speaker, at the request of the claimant, I introduced this bill. He lives now, I believe, in Washington, and some of his people live in the Sixth district of Maryland, which I have the honor to represent. I have heard several arguments made against this bill and against bills of a like nature in the House this morning, which strike me as having no real foundation or basis. I do not understand, Mr. Speaker, that it is necessary that a claimant against the United States Government should be able to establish his claim under the law. I do not think that it is the necessary basis for appropriation by the Government in cases of this sort that the man should have a claim which he could have enforced at law, either against the Government or against a corporation, if the claim had been against a corporation instead of the Government.

There are hundreds of appropriations made, some of which have already been referred to, where there was no legal claim against the Government at all. Indeed, most of these claims are equitable in their character and in no sense legal. I remember about a year ago, or perhaps two years ago, there was contained in one of the appropriation bills, or in a separate bill, I am not clear which, an appropriation for the family of a man named Willett, who fell down the elevator shaft in the Post-Office Department. There was a suspicion at that time that that was not even an accident, but was a suicide. Yet one of the appropriation committees of this House recommended the appropriation and the appropriation passed the House. That family certainly had no legal claim against the United States Government. So was it with the case which was referred to by the gentleman from Kansas [Mr. MILLER], which occurred in the Treasury Department, where another man fell down an elevator shaft and broke his leg.

Why, we invariably allow to the families of members of Congress the amount of salary remaining after the death of the Congressman during his term. There is no legal claim against the Government for that; there is not even a quantum meruit, because the Congressman is dead and not able to give the service to the Government for which the remaining amount of his salary would be paid. Yet it is given. I do not know whether it is given in charity or mercy or what not, but the families of Congressmen always get it. So it was, Mr. Speaker, in the case of General Ainsworth. The gentleman from Illinois [Mr. CANNON] will doubtless remember that some money was appropriated—I think in the sundry civil bill—to compensate General Ainsworth for certain expenses to which he had been put in defending a suit arising out of the Ford Theater disaster. Was there any legal claim there? There was not even an equitable claim in the minds of many people, and yet that claim was favorably recommended and passed by the House.

The SPEAKER pro tempore. The time of the gentleman has expired. The question is on the passage of the bill.

The question being taken, the Speaker pro tempore announced that he was in doubt.

Mr. MILLER. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 52, noes 38.

Accordingly the bill was passed.

On motion of Mr. MILLER, a motion to reconsider the last vote was laid on the table.

HEIRS OF PETER JOHNSON.

The next business was the bill (H. R. 6830) authorizing and directing the Secretary of the Treasury to pay to the heirs of Peter Johnson certain money due him for carrying the mail, reported from the Committee of the Whole, with an amendment.

Mr. GRAFF. Mr. Speaker, I yield to the gentleman from North Carolina [Mr. CLAUDE KITCHIN]. I will say to the gentleman from North Carolina that he may wait until the gentleman from New York [Mr. PAYNE] has stated his objections to the bill, if he has any.

Mr. CLAUDE KITCHIN. I want to say to the gentleman from New York that I would like to have this bill passed over for a few minutes, until I can get some reports that I have sent for.

The SPEAKER pro tempore. If there be no objection, the bill will be informally passed.

Mr. PAYNE. I should rather go on with it now.

The SPEAKER pro tempore. The gentleman objects.

Mr. CLAUDE KITCHIN. I would like to have the gentleman from New York let it go over for a few minutes, and take up another just like it.

Mr. PAYNE. I would rather they would come up in this order. There are three of these claims.

Mr. CLAUDE KITCHIN. Let me say to the gentleman from New York again that I wish he would let this bill go over for a few minutes.

Mr. PAYNE. Well, I said to the gentleman that there are three of these bills for carrying the mail, and I want them to come up in the order in which they are on the Calendar. I want this one to come up first.

Mr. CLAUDE KITCHIN. The reason is, I have sent for the reports.

Mr. PAYNE. I have no objection to the gentleman sending for the reports.

Mr. CLAUDE KITCHIN. And they have not come in yet.

Mr. PAYNE. If the gentleman will ask that the next three cases go over for the present, I will not object to that.

Mr. CLAUDE KITCHIN. I will not ask that.

Mr. PAYNE. Very well, then, we will go on.

Mr. Speaker, this is a bill for carrying the mail in the State of Texas between the 1st day of July, 1858, and June 30, 1862, as it reads in the bill. I think, however, that it does not include any services except from December 30, 1860, to May 31, 1861.

This matter of claims for carrying the mails came into the Forty-fourth and Forty-fifth Congresses, and in the Forty-fifth Congress the whole thing broke down of its own weight. They were coming in here asking the United States to pay them for carrying the mail from the 1st day of January, 1861, to the 31st day of May, 1861. The Government made a proclamation in May that they would cease to carry out any contracts for carrying the mails in the seceding States on the 31st of May.

The Confederate Government also made a proclamation in May that they would assume all contracts on the 1st of June. Then they came into the Forty-fifth Congress and asked an appropriation for about $400,000 to pay for carrying the mails during those four months, and Congress voted that appropriation. Then they came in with a resolution to amend that appropriation in order to compel the Treasury Department to pay those claims, which the Treasury Department had not done, and, by the way, the first order was that the carrying of mail should be paid for up to the time that the States actually seceded, not to the 31st of May.

They sought to amend it by making it the 31st day of May, and then they tried to strike the provision that deducted all sums that had been paid by the Confederate government. Well, that thing was debated here for two days. No one knew much about it in the House, and finally Mr. Willets, of Michigan, discovered that the Confederate government had taken into its possession on the 1st day of June all the property of the United States relating to the carrying of the mails, mail bags, money in the post-offices, money due from postmasters, property of every description, save only the postage stamps. That appeared in that debate.

Mr. GRAFF. Will the gentleman yield?

Mr. PAYNE. No; I can not yield. After that appeared, Mr. Reagan, who had introduced the resolution, saw the mistake that he had made, saw the lapse in his memory, because he had denied that the Government had made any such payment, and the whole thing broke down and the Committee of the Whole voted to strike out the enacting clause in the bill. They brought it back into the House, and after some begging the resolution was referred back to the Committee on the Post-Office and Post-Roads, and has been there ever since that day. There have been a few of these claims paid. They have come here to the Department—perhaps, a half a dozen of them—claims, I suppose, that have got through Congress at some time without people noticing what they were.

There are claims still unpaid; but it appears that the Confederate Government appropriated $800,000 to pay these claims. They went to work and paid them, and it was only about twenty years ago that this Government could find out anything on this subject; and then they bought the original book of the Confederate post-office department containing the payments that had been made upon these claims. They paid $2,500 to a private party for that book. What did they find? They found that the book had been mutilated by some interested parties, and a dozen sheets in some places torn out of the book, the last preceding leaf and the next leaf showing payments paid on account of United States transportation of mails, payment for this very service. How many there are who were paid on the sheets torn out no man can tell.

Now, it was said to us the other day that in some of these cases, and in this case, the gentleman had made the affidavit that he had not received payment, and it was stated that he was a reputable citizen, a man who would not make a statement that he had received payment if he had not. He took this contract in 1858. In 1860 he received a warrant from the Treasury, No. 6712, for $1,222.63. It appears that in 1883, on the 9th day of October, he made an affidavit that he had indorsed the warrant over to his friend, Thomas Taylor, who was the postmaster, and that Taylor had sent it to J. Putnam, a commission merchant in New Orleans, for collection, and that it was lost in the mails, and that they had received nothing on the warrant. He made an application for a new warrant to issue.

About this time other parties made claim for this warrant, claiming to own it, and a Government agent made a thorough investigation. They found that Johnson had assigned the warrant to one De Crow, and received from him full value for it; that De Crow sold it May 14, 1861, to this Mr. Thomas Taylor, and that Taylor paid it over to J. Valentine & Co. afterwards, who invested it for him in Confederate bonds. Johnson's affidavit stated that Taylor was dead, but the Government found that he was alive, and got his affidavit of all the facts in the case. Taylor's books were shown to the Government's agent, in which there was this entry against Valentine & Co.: "To cash, $1,282.75, P. O. warrant 122263."

The Government made a thorough investigation in New Orleans and found that no such a man as J. Putnam was ever there in the commission business. At the time Johnson made the claim for the lost warrant he made no claim whatever that anything was due him on this contract. Now, here is this witness who comes here pressing that this claim never was paid, and on his affidavit or statement, I do not know which, this committee say that the claimant has never been paid.

We have the statement of the Department that they have these mutilated records, and so far as the records show it does not show any payment of Johnson, and therefore the presumption is that he was not paid. But when he presented the claim for the lost warrant he said nothing about this few months of 1861 for carrying the mail. If he had a claim he would have presented it to the Post-Office Department. He had no such claim. We find that one of the States that seceded assumed to pay these contracts, and paid them to these mail carriers, and then the Confederacy came on and they assumed to pay them, and made an appropriation. Some of them came in a second time, and were paid. Some of these claims were presented to the Post-Office Department of the United States after they had been paid twice, on the claim that they had never been paid.

Mr. CLAUDE KITCHIN. Will the gentleman permit me to interrupt him?

Mr. PAYNE. Not at this time. Now, Mr. Speaker, whether this is one of those cases where the book had been mutilated and the pages torn out where Johnson was paid, I do not undertake to say; but there is a strong presumption that he was paid, because of the appropriation of the United States Government, and the practice of the Confederate Government, because they did take and pay it out of the property of the United States Government. He did not make a claim for this payment when he made the demand for the warrant, and there is nothing to show that it has not been paid, unless it is the word of this man Johnson, who is impeached by the records of the Post-Office Department, by witness after witness of the Government, when he made a claim for this draft which he said he had lost and to get a duplicate draft. I say that this is a case that ought not to meet the approval of this House.

Mr. CLAUDE KITCHIN. Mr. Speaker, I tried to ask the gentleman from New York when that warrant was issued, and for what time.

Mr. PAYNE. It was issued for 1860, on this very contract.

Mr. CLAUDE KITCHIN. If that is true, the records of the Post-Office Department—the Auditor for the Post-Office Department—show that that has been paid, and he is not claiming that amount or that warrant.

Mr. PAYNE. Can it be possible that the gentleman did not understand anything I said?

Mr. CLAUDE KITCHIN. It may be possible that I did not understand the gentleman. I wanted to ask him if that was not for services rendered prior to December 31, 1860?

Mr. PAYNE. Certainly; and he made a false affidavit. He impeached himself, and he is impeached by the records of the Post-Office Department.

Mr. CLAUDE KITCHIN. This claim is for services after December 31, 1860.

Mr. PAYNE. Why, certainly.

Mr. CLAUDE KITCHIN. From December 31, 1860, to May 31, 1861. And he swore that it had not been paid, and the Confederate records show that it has not been paid. The records of the Post-Office Department at Washington show that it has not been paid. The gentleman from New York surely has not seen the last letter of the Postmaster-General, of date January 17, 1903. I want the gentleman to listen, because he has not seen this letter in which the Auditor for the Post-Office Department itemized every single claim that appears to be due now, and itemized every single claim paid by the Confederate Government, according to its records, to the amount of $457,541.15, and it shows that this claim has not been paid.

Mr. PAYNE. It shows on the record of the Post-Office Department that the Confederate Government paid over $568,000 prior to the first quarter in 1864, and it also shows that the records of the Confederate Government had been mutilated—whole pages having been removed, and in some places dozens of pages torn out right in the midst of this very matter.

Mr. CLAUDE KITCHIN. This letter from the Postmaster-General accounts for that difference. He says the Confederate Government appropriated $800,000, not only to pay the mail contractors, but postmasters and others in the postal service, and that $107,000 difference might have been paid to postmasters and other agents connected with the postal service.

Mr. PAYNE. I want to say to the gentleman that the records

show that so much was paid for mail transportation, and to distinguish it from the Confederate mail transportation they said United States mail transportation, $568,000.

Mr. CLAUDE KITCHIN. But the letter from the Postmaster-General shows that you are mistaken about that.

Mr. PAYNE. The records show it. Read us where he says that I am mistaken.

Mr. CLAUDE KITCHIN. Has the gentleman from New York been to the office of the Treasury Department and examined the old Confederate records?

Mr. PAYNE. I have been to the office of the Auditor of the Post-Office Department and examined the old Confederate records, a method that I would commend, with becoming modesty, to my friend from North Carolina.

Mr. CLAUDE KITCHIN. When did the gentleman go there?

Mr. PAYNE. This morning.

Mr. CLAUDE KITCHIN. Why, Mr. Speaker, the report made by the Auditor upon his examination of his own records covers six months. He has been at that six months; that is, the Senate resolution directing the Postmaster-General to prepare an itemized statement of all these claims from the records, both United States and Confederate, was passed June 26, 1902, and this letter is dated January 17, 1903, and yet the gentleman says he has only been there this morning and made an examination and virtually says that the Auditor is mistaken. The gentleman from New York wants us to take his word for it from his hasty investigation.

Mr. PAYNE. I beg the gentleman's pardon. He does not say anything of the kind or contradict what I say. He says that the records have been mutilated.

Mr. CLAUDE KITCHIN. Yes, and the only difference he finds is this $107,000 to which you refer, and this is accounted for by the payment to the postmasters and other postal agents in the Southern States. Now, let me quote exactly what he says:

It is evident, therefore, that there was paid by the Confederate States Government $107,003.07 more than is shown by their records of individual payments, and hence it is believed that the statement submitted herewith is to that extent in excess of the amount actually due as shown by the records of this office, unless, as indicated in the appropriation act of the Confederate congress above referred to, the amount paid was made to persons under appointment in the postal service other than mail contractors, of which this office has no record.

So when the Union armies captured the Confederate records they did not capture those containing the appointment and payments of postmasters and others in the postal service, but did capture all that related to the mail contractors. From the Confederate records and the records of the Auditor's Office for the Post-Office Department it appears that the Confederate Government paid $457,541.15 and left unpaid $225,466.23, and the report of the Auditor shows that among the unpaid claimants is Mr. Johnson, this claimant.

Mr. PAYNE. On the contrary, the report of the auditor of the Confederate States for the first quarter of 1864 showed that they had already paid $568,000.

Mr. CLAUDE KITCHIN. For postal services, including postmasters, mail contractors, and others in the postal service. You have the record there; read it. I have read the record which you have before you, and it shows that the appropriations and payments were made for mail contractors and for others in the postal service—including postmasters and all others in the mail service. And in this report of the Confederate Government auditor we find that they spent $564,544.22, under the act of the Confederate congress, for postal contractors, postmasters, and others in the mail service. You have the report there; why not read it?

Mr. PAYNE. They got this after that record was made; they got it during Cleveland's Administration.

Mr. CLAUDE KITCHIN. Has not the gentleman before him the RECORD for the Forty-fifth Congress, second session?

Mr. PAYNE. I have.

Mr. CLAUDE KITCHIN. If the gentleman will turn to page 1594 he will find that I am correct about it.

Mr. PAYNE. That record was made in March, 1878. This book, to which I refer, was bought when Mr. Carlisle was Secretary of the Treasury under the Cleveland Administration.

Mr. CLAUDE KITCHIN. The gentleman said that the act of congress appropriated $800,000 to pay——

Mr. PAYNE. I said the Confederate congress.

Mr. CLAUDE KITCHIN. Yes, I refer to the Confederate congress—that it appropriated $800,000 to pay only mail contractors. I say it appropriated that amount to pay mail contractors and every other man in the postal service.

Mr. PAYNE. They showed me the original in the office of the Auditor this morning.

Mr. CLAUDE KITCHIN. Now, I want to ask this question of the gentleman from New York: Have you read and studied this letter of the Postmaster-General that he sent to the Senate January 17, 1903, by virtue of a Senate resolution of date June 26, 1902, asking the Postmaster-General to hunt up all these matters and find out the truth about it? Here is that resolution which brought forth the letter:

Resolved, That the Postmaster-General be directed to send to the Senate the number of items and the total amount due to individuals for carrying the mails prior to May 1, 1861, in cases where the Confederate records on file in the Department fail to show payment by the Confederate Government.

Mr. PAYNE. I notice——

Mr. CLAUDE KITCHIN. I ask you whether you have read that letter?

Mr. PAYNE. I have not.

Mr. CLAUDE KITCHIN. I know you have not; your speech would indicate it.

Mr. PAYNE. They showed me the original of it in the Post-Office Department this morning.

Mr. CLAUDE KITCHIN. How can the gentleman have any exact knowledge of this matter, which it must have taken months to prepare, when he has only looked into it for, perhaps, an hour this morning?

Mr. PAYNE. They did the best with the mutilated records they had. Some gentleman has very kindly—unwittingly, I suppose—opened up to these gentlemen the idea that the Government has not a defense in the records of the Confederacy against the payment of whatever amount may remain of these $220,000 worth of claims; and of course that would open a grand chance for the army of claimants.

Mr. CLAUDE KITCHIN. I want to say to the gentleman that I have carefully examined the Confederate records in regard to this matter, and if the gentleman will make a careful examination he will find that according to the records of the Confederate Congress and the reports of the postmaster-general, and the records of the Confederate Government, and our Department records here—put everything in, giving you every advantage of everything you can claim—there are claimants to the amount of over $150,000 who have not been paid. Why, then, should the gentleman from New York, with his suspicious mind, maintain that this man is among the number who are frauds and liars, and not among the number of honest claimants who have never been paid, and who the records of the Department show have not been paid.

Mr. PAYNE. How can you show that, when the records are mutilated?

Mr. CLAUDE KITCHIN. The gentleman talks about records being mutilated. A few moments ago he spoke, as I understood him, of a book having been bought from Mr. Carlisle having these records.

Mr. PAYNE. I said Mr. Carlisle bought this book. The gentleman can not misquote me in that way. But I have repeated time and again that whole pages—in one instance a dozen pages—have been taken out of the book, right along where these accounts should be.

Mr. CLAUDE KITCHIN. The Auditor, whose duty it was under the resolution of the Senate to examine these accounts, has spent several months in doing so—from June 26 of last year to January 17 of this year—and he does not say that this book you speak of was mutilated, that pages were cut out. But he says that some of the records of the Confederate Government have been mutilated. We all admit that. But he does not say that they have been mutilated so much that on account of the mutilation this claim can not be investigated. I say to the House that this claim has never been paid, but is among the number which the Auditor sends to the Senate as being unpaid.

[Here the hammer fell.]

The SPEAKER pro tempore. The question is on the amendment proposed by the committee.

The question being taken, the amendment was agreed to.

The SPEAKER pro tempore. The question is now on ordering the bill as amended to be engrossed and read a third time.

The question was decided in the affirmative.

The SPEAKER pro tempore. The question is now on the passage of the bill.

The question having been taken.

The SPEAKER pro tempore. The noes appear to have it.

Mr. CLAUDE KITCHIN. I call for a division.

The question was again taken; and there were—ayes 61, noes 40.

Mr. PAYNE. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 109, nays 72, answered "present" 14, not voting 157; as follows:

YEAS—109.

Adamson,	Benton,	Burleson,	Cowherd,
Allen, Ky.	Billmeyer,	Burnett,	Creamer,
Allen, Me.	Bowie,	Butler, Pa.	De Armond,
Ball, Del.	Brantley,	Candler,	Dick,
Ball, Tex.	Breazeale,	Clark,	Dougherty,
Bankhead,	Broussard,	Clayton,	Elliott,
Bell,	Brundidge,	Conry,	Finley,

Flanagan,	Kluttz,	Mutchler,	Small,
Fleming,	Lamb,	Neville,	Smith, Ill.
Foster, Ill.	Latimer,	Padgett,	Snodgrass,
Fowler,	Lester,	Patterson, Pa.	Spight,
Gaines, Tenn.	Lever,	Randell, Tex.	Stark,
Gilbert,	Lewis, Ga.	Reid,	Stephens, Tex.
Gooch,	Lindsay,	Rhea,	Sulloway,
Graff,	Little,	Rixey,	Sulzer,
Green, Pa.	Livingston,	Robb,	Talbert,
Griffith,	Lloyd,	Robinson, Ind.	Tate,
Henry, Tex.	McAndrews,	Rucker,	Thomas, N. C.
Hooker,	McClellan,	Russell,	Vandiver,
Howard,	McCulloch,	Ryan,	White,
Jackson, Kans.	McLain,	Shackleford,	Williams, Ill.
Johnson,	McRae,	Shallenberger,	Williams, Miss.
Jones, Va.	Maddox,	Shattuc,	Wright,
Kehoe,	Martin,	Sheppard,	Young,
Kern,	Mickey,	Showalter,	Zenor.
Kitchin, Claude	Miller,	Sibley,	
Kitchin, Wm. W.	Moody, Oreg.	Sims,	
Kleberg,	Moon,	Slayden,	

NAYS—72.

Aplin,	Douglas,	Holliday,	Payne,
Bartholdt,	Dovener,	Howell,	Pearre,
Bishop,	Draper,	Jones, Wash.	Scott,
Bowersock,	Driscoll,	Knapp,	Shelden,
Brick,	Eddy,	Kyle,	Smith, H. C.
Brown,	Emerson,	Lacey,	Southwick,
Burton,	Esch,	Landis,	Sperry,
Cannon,	Fitzgerald,	Littauer,	Stevens, Minn.
Capron,	Gardner, N. J.	Littlefield,	Stewart, N. J.
Cochran,	Gillet, N. Y.	Loud,	Sutherland,
Coombs,	Graham,	Lovering,	Tawney,
Corliss,	Greene, Mass.	Mercer,	Thomas, Iowa
Cromer,	Grosvenor,	Miers, Ind.	Tirrell,
Crumpacker,	Grow,	Morgan,	Wanger,
Currier,	Hamilton,	Needham,	Warner,
Curtis,	Henry, Conn.	Olmsted,	Warnock,
Cushman,	Henry, Miss.	Overstreet,	Watson,
Deemer,	Hill,	Palmer,	Weeks.

ANSWERED "PRESENT"—14.

Boutell,	Haskins,	Mann,	Steele,
Brownlow,	Hopkins,	Otjen,	Swann.
Bull,	Hughes,	Richardson, Tenn.	
Cassingham,	Joy,	Ruppert,	

NOT VOTING—157.

Acheson,	Dinsmore,	Knox,	Richardson, Ala.
Adams,	Dwight,	Lassiter,	Roberts,
Alexander,	Edwards,	Lawrence,	Robertson, La.
Babcock,	Evans,	Lessler,	Robinson, Nebr.
Barney,	Feely,	Lewis, Pa.	Scarborough,
Bartlett,	Fletcher,	Long,	Schirm,
Bates,	Flood,	Loudenslager,	Selby,
Beidler,	Foerderer,	McCall,	Shafroth,
Bellamy,	Fordney,	McCleary,	Sherman,
Belmont,	Foss,	McDermott,	Skiles,
Bingham,	Foster, Vt.	McLachlan,	Smith, Iowa
Blackburn,	Fox,	Mahon,	Smith, Ky.
Blakeney,	Gaines, W. Va.	Mahoney,	Smith, S. W.
Boreing,	Gardner, Mass.	Marshall,	Smith, Wm. Alden
Brandegee,	Gardner, Mich.	Maynard,	Snook,
Bristow,	Gibson,	Metcalf,	Southard,
Bromwell,	Gill,	Meyer, La.	Sparkman,
Burgess,	Gillett, Mass.	Minor,	Stewart, N. Y.
Burk, Pa.	Glass,	Mondell,	Storm,
Burke, S. Dak.	Glenn,	Moody, N. C.	Swanson,
Burkett,	Goldfogle,	Morrell,	Tayler, Ohio
Burleigh,	Gordon,	Morris,	Taylor, Ala.
Butler, Mo.	Griggs,	Moss,	Thayer,
Calderhead,	Hanbury,	Mudd,	Thompson,
Caldwell,	Haugen,	Naphen,	Tompkins, N. Y.
Cassel,	Hay,	Nevin,	Tompkins, Ohio
Connell,	Heatwole,	Newlands,	Trimble,
Conner,	Hedge,	Norton,	Underwood,
Cooney,	Hemenway,	Parker,	Van Voorhis,
Cooper, Tex.	Hepburn,	Patterson, Tenn.	Vreeland,
Cooper, Wis.	Hildebrant,	Perkins,	Wachter,
Cousins,	Hitt,	Pierce,	Wadsworth,
Crowley,	Hull,	Pou,	Wheeler,
Dahle,	Irwin,	Powers, Me.	Wiley,
Dalzell,	Jack,	Powers, Mass.	Wilson,
Darragh,	Jackson, Md.	Prince,	Woods,
Davey, La.	Jenkins,	Pugsley,	Wooten.
Davidson,	Jett,	Ransdell, La.	
Davis, Fla.	Kahn,	Reeder,	
Dayton,	Ketcham,	Reeves,	

So the bill was passed.

The following additional pairs were announced:

For the session:

Mr. BROMWELL with Mr. CASSINGHAM.

Until further notice:

Mr. HUGHES with Mr. TRIMBLE.

Mr. FOSTER of Vermont with Mr. POU.

For this day:

Mr. HAUGEN with Mr. WILSON.

Mr. POWERS of Maine with Mr. BARTLETT.

Mr. MCCALL with Mr. RICHARDSON of Tennessee.

Mr. BINGHAM with Mr. TAYLOR of Alabama.

Mr. MANN with Mr. JETT.

Mr. MAHON with Mr. SPARKMAN.

Mr. DWIGHT with Mr. COONEY.

Mr. MINOR with Mr. SWANN.

Mr. ACHESON with Mr. FLOOD.

Mr. COOPER of Wisconsin with Mr. FEELY.

Mr. JENKINS with Mr. MAHONEY.

Mr. EVANS with Mr. WILEY.

Mr. SMITH of Iowa with Mr. ROBERTSON of Louisiana.

Mr. DAVIDSON with Mr. RANSDELL of Louisiana.

Mr. PRINCE with Mr. HAY.

Mr. VREELAND with Mr. RICHARDSON of Alabama.

Mr. CONNER with Mr. THOMPSON.

For this vote:

Mr. MOODY of North Carolina with Mr. PUGSLEY.

Mr. HITT with Mr. DINSMORE.

Mr. HEPBURN with Mr. MCDERMOTT.

Mr. COUSINS with Mr. CALDWELL.

Mr. BURKE of South Dakota with Mr. DAVEY of Louisiana.

Mr. HEATWOLE with Mr. THAYER.

The result of the vote was announced as above recorded.

On motion of Mr. CLAUDE KITCHIN, a motion to reconsider the last vote was laid on the table.

JOHN L. YOUNG.

The next business was the bill (H. R. 7792) for the relief of John L. Young, with an amendment.

Mr. PAYNE. Mr. Speaker, I suppose many of the members of the House simply come in here and vote, without knowing what the character of the bill is; whether it is to pay a claim for carrying mail, or whether it is in the nature of a gratuity for some person; whether it is an honest and a just claim or not, and there is not much use of wasting the time of the House in speaking about the matter under consideration. Yet I deem it my duty to present the facts in this case, so far as I can get them. Here is a claim for carrying the mail in the State of South Carolina from the 1st day of January to the 31st day of May, 1861. It appears that South Carolina seceded on the 20th of December, 1860, and, as is well known, there was no Government of the United States exercised in that State during this entire period.

Another peculiar feature about this bill is that it is to pay John L. Young the amount. Still the bill and the report and all the records show that the contract was made with a railroad—the Spartanburg and Union Railway Company, I think, of which John L. Young was the president. The chairman of the committee, in looking around for evidence in this case, evidently wrote to the Postmaster-General to see if there was any assignment by this railroad company to John L. Young of the claim. The gentleman from Illinois [Mr. GRAFF] evidently got on to the idea that before this bill passed the House there ought to be some kind of an assignment to Mr. Young. So he wrote to the Post-Office Department, and the Postmaster-General, under date of February 24, 1902, says:

> I find no evidence of the assignment of the claim for compensation for service by the railroad company to John L. Young, to which you refer.

Again, the Auditor of the Post-Office Department says:

> There is no evidence in this office that any service was performed from April 1 to May 31, 1861.

That includes two months of the time included in this bill. Mr. Speaker, it is useless to comment on these facts which appear in the records of the committee. The committee say in their report:

> The papers in the case satisfy your committee that said John L. Young, individually, is the owner of the claim and should be paid the same.

Well, the committee does not give us any light as to how Mr. Young came to be the owner of the claim. The papers do show that the chairman was looking after some paper to establish an assignment of the claim to Mr. Young, and he could not find it in the Post-Office Department.

Mr. CLAUDE KITCHIN. Mr. Speaker, will the gentleman yield for a question?

Mr. PAYNE. Yes; but do not take up much of my time.

Mr. CLAUDE KITCHIN. Has the gentleman examined the evidence in this case?

Mr. PAYNE. I have examined simply the report in the case and what I could get in the Post-Office Department.

Mr. CLAUDE KITCHIN. Here is the evidence in the case before the committee, and it has been in the committee room all the time. It includes affidavits, letters, and other material evidence.

Mr. PAYNE. Have you any assignment of this claim to Mr. Young in your hand?

Mr. CLAUDE KITCHIN. No; but I have two affidavits from Mr. Young that he was president of this railroad; that the Department discontinued the service on May 31, 1861; that on June 1, 1861, he resigned his position as president of the road, and made the road settle with him. They owed him some over $7,000, and he took this claim as part payment, and did no more postal work for the Confederate government.

Mr. PAYNE. He does not present any assignment of the claim?

Mr. CLAUDE KITCHIN. Yes; he swears that they turned it over to him.

Mr. PAYNE. Did he bring any assignment of the claim?

Mr. CLAUDE KITCHIN. No assignment of the claim, but an affidavit.

Mr. PAYNE. That at some time it was assigned?

Mr. CLAUDE KITCHIN. And the further fact that this railroad in all these years has never put in any claim, has never claimed to own it. If the claim had been the property of the company, the company undoubtedly would have put it in.

Mr. PAYNE. The gentleman does not know whether this claim has ever been paid or not. I do not know whether it has been paid or not. The Confederate records that would have showed whether this claim was paid or not have been mutilated. They do not show whether it has been paid or not. They do not show its payment. What was contained in the missing leaves that some one took out before they turned the book over to the Government of the United States, of course we do not know. This claim comes in here forty years after it matured.

The gentleman says this claimant was loyal to the United States. Why in the name of common sense, then, did he not go to the Government of the United States in 1861 with this claim, if he had it, and present it forty-two years ago, instead of waiting until this time? The claim is not only old and dead, but it has an odor about it that seems bad to gentlemen who are seeking to do their duty here and to vote on claims according to their judgment whether they are right or wrong.

And now I want to state to the House that this is only the beginning of these claims. Some Senator introduced a resolution a short time since, calling upon the Postmaster-General to show all the claims for this class of postal service that did not appear by this mutilated record to have been paid, and the Postmaster-General of course had to return that. Before that the Department had not allowed anybody to see those records, especially if they were claimants. People were a little afraid to come in and make affidavit that they had not been paid, if they had been paid, for fear the record might turn up against them. The Senate resolution went over there and the Postmaster-General was obliged to disclose all that was in those records.

Now, at the next session of Congress we shall witness every one of these claimants rising up, or the heirs of claimants where the claimants themselves are dead, coming here to Congress, marshaled by claim agents who have undoubtedly ere this sent around their very alluring letters to the people to come in and make claims, promising that it shall not cost them anything, and that they will get half of what comes out of the Government of the United States, simply because this resolution went over from the Senate, and the Postmaster-General had to give up the lack of evidence he had as to some of these claims. He could not supply the missing pages torn out of this book. He can not supply the proof that these claims were paid, because the books have been mutilated by some person who was interested to do it before the Government could get hold of the book.

And so this is the opening of the door that we have, by one of the committees of Congress, and these claimants, after forty-three years, are invited to come in here and make their claims to the Congress of the United States. And no matter how fast they come, it will be impossible to keep half a quorum of the House to hear even a word of discussion of the facts as to these claims.

I have taken some pains to find out the facts as to these claims to which I have objected. I invite the members of the House to sit down in the quiet of their offices and read the facts as I have presented them about each one of these claims, and I think some gentlemen who have come in here since the argument will feel ashamed that they voted for the claim under these circumstances.

[Here the hammer fell.]

Mr. CLAUDE KITCHIN. Mr. Speaker, we face this proposition: The gentleman who opposes this measure admits that he has not even read the evidence, and yet he violently opposes the measure under that admission.

Now, I want to say to that side of the House, this is certainly not a partisan bill and it certainly ought not to be a sectional measure. I am surprised at the gentleman saying that we ought to kill this measure because it is 43 years old.

Why, the gentleman knows that if the claim had come to Congress at any time prior to ten years ago it would have thrown that side of the Chamber into convulsions—the very name of rebel and Confederate veteran would have thrown you into sectional spasms. Such was the feeling that arose about any claim that came from anyone in any of the seceding States.

Mr. PAYNE. Was not this man a Union man, according to the statement of the gentleman?

Mr. CLAUDE KITCHIN. I did not say so.

Mr. PAYNE. Did you not say a moment ago he was a Union man.

Mr. CLAUDE KITCHIN. I did not say so a moment ago.

Mr. PAYNE. I understood the gentleman to say so himself.

Mr. CLAUDE KITCHIN. I did not say so. I said he was the president of the railroad that had the mail contract, and when the United States Post-Office Department discontinued the mail service, May 31, 1861, he at once resigned as president.

Mr. PAYNE. You were so understood by other gentlemen here.

Mr. CLAUDE KITCHIN. Now the reason, gentlemen, and we all know it, why it has not been attempted to pass these bills through Congress was because of the sectional feeling engendered by the war. Why, my friends, in 1867 the sectional feeling and excitement ran so high that a bill passed through this House, through the Senate, and was approved by the President, forbidding any officer of the Government paying any claim or demand whatever, arising prior to the war, to anyone not known to be opposed to the Confederacy, however honest and just it might be. That statute is on the Federal statute books to-day.

For twenty years after 1867 the spirit that inspired that act was dominant in this House. The time is passed—ought to be passed—when such a spirit should seize and dominate a single mind or heart in this House. Mr. Young, the claimant, is an intelligent, cultured gentleman. He has lived the life of honorable citizenship for 82 years. He began life as civil engineer, and built for the most part with his own brain and brawn and money this railroad. He was president and manager of it until this service was discontinued by the United States Government, May 31, 1861. He immediately resigned, and had a settlement with this road the very next day and they turned this very claim over to him as a part payment for his services. Men of such character do not commit perjury to get a few dollars. I am informed by the gentleman from South Carolina [Mr. JOHNSON] that Mr. Young died about ten days ago.

Mr. LOUD. Will the gentleman yield to me right there?

Mr. CLAUDE KITCHIN. I will.

Mr. LOUD. Will the gentleman try to explain to this House his honest opinion of how much United States mail was carried in South Carolina along about May, 1861?

Mr. CLAUDE KITCHIN. I do not know how much; but certainly it was carried. Just about as much as it had been. I have a letter here from the Auditor of the Post-Office Department showing that mail service was not discontinued in South Carolina until May 31, 1861. By the way, I want to say that the Confederate postmaster-general compelled every single one of the mail carriers to settle with the United States Government to May 31, 1861, and these settlements were made. These very settlements appear to-day upon the Auditor's books.

Mr. LOUD. Why did they not settle this?

Mr. CLAUDE KITCHIN. Simply because the war came on. The settlements were stopped. I hold in my hand the original copy of a letter written by Mr. Young to the Post-Office Department May 25, 1866, in which he demanded payment of this identical claim, and also the original letter from the Auditor in reply thereto. I want to read it to show you not only the feeling existing at the time, but that this claimant began at once after the war to insist upon payment of this claim, and to show also why it was not settled.

OFFICE OF THE AUDITOR OF THE TREASURY
FOR THE POST-OFFICE DEPARTMENT,
May 31, 1866.

SIR: Your letter of the 25th May has been received. I have, in reply, to say that you are doubtless aware that one of the evils which the rebels brought upon the people of the States declared to be in rebellion by the proclamation of the President was the suspension of the settlement and payment of all claims of contractors for services rendered prior to the war.

* * * * * * * *

Very respectfully,

I. N. ARNOLD, *Auditor.*

JOHN L. YOUNG, Esq.,
Office of the Spartanburg and Union Railroad Company,
Unionville, S. C.

That is the reason they were not paid then, and this gentleman has followed up his claim with letters to the Post-Office Department from 1866 and to the Congressmen who represented the district from 1866 to the present time. There are letters to the Congressmen in 1872, 1874, and 1877, Republican Congressmen, until now, insisting and showing at all times that this Government owed him for this mail service, for which he had never been paid a cent, and which was found to be due by the Post-Office Department May 31, 1861.

There on my desk is all the evidence, clear and voluminous. Here are affidavits, letters to and from the Post-Office Department, letters to and from members of Congress of his district, from 1866 till now, and other evidence material to the facts in the matter. Now, with this evidence, with the evidence of the Confederate records showing that this man was never paid a dollar, with the evidence of the Post-Office Department records showing that he has never been paid a dollar and that it is still due—with all this evidence, how can you declare that this man committed perjury? He has not been silent for these forty-three years. You have his letter to the Department, dating as far back as May 25, 1866, insisting upon payment of this very claim, and

the letters of the Department showing why these matters were not then paid.

With this evidence before me as a member of the Claims Committee and as a member of this House, I would not, I could not, turn down this claim on the ground that the gentleman from New York had a suspicion that this was a fraudulent claim because some parties attempted twenty-five years ago to defraud the Government. I could not believe that Mr. Young deliberately committed perjury in order to get a few dollars out of the Government. I came to the conclusion—I was forced to the conclusion from the evidence that this was a just claim. I know, and you know, that the only reason that these Southern claims were not paid long ago was because of the feeling between the two sections, and because of the act of 1867 forbidding the payment of any of these claims.

Gentlemen of the House, as I have said, it is not a partisan question, it is not a sectional question, but it is simply one of justice. He has not slept upon his rights. He has pursued this claim for nearly forty years. All the records sustain his contention. He ought to be paid. The Government has had his services. The Government admits that it owes it in the letter from the Post-Office Department dated January 17, 1903, which my friend says he has not read. If any man will conquer his prejudices and read the evidence as we have read it and study it as we have studied it, he will be forced in spite of himself to the conclusion to which this committee has come unanimously, and which I hope and believe this House will come to.

The SPEAKER pro tempore. The question is on the amendments proposed by the committee.

The question was taken; and the committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question now is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. PAYNE) there were—ayes 70, noes 42.

Mr. PAYNE. Mr. Speaker, I make the point of no quorum.

The SPEAKER pro tempore. The gentleman from New York makes the point of no quorum. The Chair will count. [After counting.] One hundred and fifty-three members present—no quorum. The officers will close the doors. The Clerk will call the roll. As many as are in favor of the passage of the bill, as their names are called, say "aye," and those opposed say "no." The Clerk will proceed with the call.

The question was taken; and there were—yeas 108, nays 78, answered "present" 24, not voting 142; as follows:

YEAS—108.

Adamson,	Dougherty,	Lindsay,	Shallenberger,
Allen, Ky.	Douglas,	Little,	Sheppard,
Allen, Me.	Elliott,	Livingston,	Sibley,
Ball, Del.	Finley,	Lloyd,	Sims,
Ball, Tex.	Flanagan,	McAndrews,	Slayden,
Bankhead,	Fleming,	McCulloch,	Smith, Ky.
Bell,	Gaines, Tenn.	McLachlan,	Smith, H. C.
Benton,	Gibson,	McRae,	Snodgrass,
Billmeyer,	Gilbert,	Maddox,	Sparkman,
Bowie,	Gooch,	Mickey,	Spight,
Brantley,	Graff,	Miller,	Stark,
Broussard,	Green, Pa.	Moody, Oreg.	Stephens, Tex.
Brundidge,	Griffith,	Moon,	Sulzer,
Bull,	Hanbury,	Neville,	Swann,
Burke, S. Dak.	Hooker,	Padgett,	Talbert,
Burleson,	Howard,	Patterson, Pa.	Tate,
Burnett,	Johnson,	Powers, Mass.	Taylor, Ala.
Caldwell,	Jones, Va.	Randell, Tex.	Thomas, Iowa
Candler,	Kehoe,	Reid,	Thomas, N. C.
Cassingham,	Kern,	Rhea,	Underwood,
Clark,	Kitchin, Claude	Rixey,	Wachter,
Cowherd,	Kitchin, Wm. W.	Robb,	Wanger,
Creamer,	Kleberg,	Robinson, Ind.	White,
Davey, La.	Kluttz,	Rucker,	Wiley,
De Armond,	Lamb,	Russell,	Williams, Miss.
Dick,	Lever,	Ryan,	Young,
Dinsmore,	Lewis, Ga.	Shackleford,	Zenor.

NAYS—78.

Adams,	Emerson,	Kyle,	Reeves,
Aplin,	Esch,	Lacey,	Scott,
Bishop,	Fitzgerald,	Lawrence,	Shelden,
Bowersock,	Fletcher,	Littauer,	Showalter,
Bromwell,	Gardner, N. J.	Loud,	Smith, Ill.
Burton,	Gillett, Mass.	Lovering,	Southwick,
Cannon,	Graham,	McCleary,	Sperry,
Capron,	Greene, Mass.	McClellan,	Stevens, Minn.
Cochran,	Grosvenor,	Mahon,	Stewart, N. J.
Conner,	Grow,	Martin,	Stewart, N. Y.
Coombs,	Hamilton,	Mercer,	Tayler, Ohio
Corliss,	Heatwole,	Mondell,	Thayer,
Cromer,	Hill,	Morgan,	Tirrell,
Crumpacker,	Hitt,	Needham,	Vreeland,
Currier,	Holliday,	Olmsted,	Warner,
Curtis,	Howell,	Overstreet,	Warnock,
Deemer,	Hull,	Palmer,	Williams, Ill.
Dovener,	Jones, Wash.	Payne,	Wright.
Draper	Ketcham,	Pearre,	
Driscoll,	Knapp,	Perkins,	

ANSWERED "PRESENT"—24.

Bartlett,	Foster, Vt.	Mann,	Richardson, Tenn.
Boreing,	Haskins,	Meyer, La.	Ruppert,
Boutell,	Henry, Conn.	Mudd,	Smith, Wm. Alden
Brownlow,	Hopkins,	Norton,	Steele,
Cooper, Wis.	Kahn,	Otjen,	Van Voorhis,
Foss,	Lessler,	Pugsley,	Wheeler.

NOT VOTING—142.

Acheson,	Davidson,	Jackson, Md.	Ransdell, La.
Alexander,	Davis, Fla.	Jenkins,	Reeder,
Babcock,	Dayton,	Jett,	Richardson, Ala.
Barney,	Dwight,	Joy,	Roberts,
Bartholdt,	Eddy,	Knox,	Robertson, La.
Bates,	Edwards,	Landis,	Robinson, Nebr.
Beidler,	Evans,	Lassiter,	Scarborough,
Bellamy,	Feely,	Latimer,	Schirm,
Belmont,	Flood,	Lester,	Selby,
Bingham,	Foerderer,	Lewis, Pa.	Shafroth,
Blackburn,	Fordney,	Littlefield,	Shattuc,
Blakeney,	Foster, Ill.	Long,	Sherman,
Brandegee,	Fowler,	Loudenslager,	Skiles,
Breazeale,	Fox,	McCall,	Small,
Brick,	Gaines, W. Va.	McDermott,	Smith, Iowa
Bristow,	Gardner, Mass.	McLain,	Smith, S. W.
Brown,	Gardner, Mich.	Mahoney,	Snook,
Burgess,	Gill,	Marshall,	Southard,
Burk, Pa.	Gillet, N. Y.	Maynard,	Storm,
Burkett,	Glass,	Metcalf,	Sulloway,
Burleigh,	Glenn,	Miers, Ind.	Sutherland,
Butler, Mo.	Goldfogle,	Minor,	Swanson,
Butler, Pa.	Gordon,	Moody, N. C.	Tawney,
Calderhead,	Griggs,	Morrell,	Thompson,
Cassel,	Haugen,	Morris,	Tompkins, N. Y.
Clayton,	Hay,	Moss,	Tompkins, Ohio
Connell,	Hedge,	Mutchler,	Trimble,
Conry,	Hemenway,	Naphen,	Vandiver,
Cooney,	Henry, Miss.	Nevin,	Wadsworth,
Cooper, Tex.	Henry, Tex.	Newlands,	Watson,
Cousins,	Hepburn,	Parker,	Weeks,
Crowley,	Hildebrandt,	Patterson, Tenn.	Wilson,
Cushman,	Hughes,	Pierce,	Woods,
Dahle,	Irwin,	Pou,	Wooten.
Dalzell,	Jack,	Powers, Me.	
Darragh,	Jackson, Kans.	Prince,	

So the bill was passed.

The following additional pairs were announced:

Until further notice:

Mr. HOWELL with Mr. MCDERMOTT.

For this day:

Mr. LEWIS of Pennsylvania with Mr. BREAZEALE.

Mr. BRICK with Mr. CLAYTON.

Mr. FOERDERER with Mr. FOSTER of Illinois.

Mr. HEPBURN with Mr. HENRY of Texas.

Mr. FORDNEY with Mr. JACKSON of Kansas.

Mr. OTJEN with Mr. LATIMER.

Mr. IRWIN with Mr. LESTER.

Mr. REEDER with Mr. MCLAIN.

Mr. KNOX with Mr. MUTCHLER.

Mr. ALEXANDER with Mr. MIERS of Indiana.

Mr. WADSWORTH with Mr. SMALL.

On this vote:

Mr. TAWNEY with Mr. CONRY.

Mr. FOSS with Mr. PATTERSON of Tennessee.

The result of the vote was announced as above stated.

The SPEAKER pro tempore. Without objection, the proposed amendment to the title of this bill will be agreed to.

There was no objection.

On motion of Mr. CLAUDE KITCHIN, a motion to reconsider the vote by which the bill was passed was laid on the table.

JOHN F. LAWSON.

The next business was the bill (H. R. 7864) to pay John F. Lawson $237.96, balance due him for services as United States mail carrier.

Mr. PAYNE. Mr. Speaker, this bill goes beyond anything that has ever been asked. It goes beyond any precedent that has ever been made, or any claim ever presented in any bill of this character. In the first place, away back in 1878, gentlemen on the other side of the House tried to get these bills paid up to the 31st day of May, 1861. Failing in that, they asked that they be paid up to the time that the States seceded. They failed in that. The bills of this character that we have already passed this afternoon provide for payment to the 31st of May. But here is a bill—

To pay to John F. Lawson, of Hickman County, Tenn., the sum of $237.96, being the balance owing to him for services rendered as United States mail carrier on route No. 10013, Tennessee, from January 1 to November 29, 1861, and said sum will be paid out of any money in the Treasury not otherwise appropriated.

Mr. LIVINGSTON made a remark in an undertone.

Mr. PAYNE. Did not the State of Tennessee secede? The gentleman answers "yes." I thought it did; I had that impression; and that State was in the possession of the Confederate Government in 1861. So that there is no excuse whatever for extending the time of this payment.

Now, if this claim were simply extended so as to include the time that this man could actually have been required to carry the

mail, it would not come to any such sum as is here named. I commend to the House the extreme care of my friend from Illinois [Mr. GRAFF], the chairman of this Committee on Claims—the care that he has for the Treasury of the United States—the care with which these bills are examined. Still, a bill comes in here to pay a claim up to November 29, 1861, upon a certain mail route. Why, sir, is there to be no end to this thing? Is there to be no limit? Is there to be no time fixed up to which these things are to be paid, if they must be paid under the leadership of the Committee on Claims?

And by the way, Mr. Speaker, I can not understand how that committee ever got jurisdiction of these three bills upon which we are acting to-day. I can not understand why these bills do not belong to the Committee on War Claims. I can not understand why the "ice bill" upon which we have been occupied to-day and last Friday came from the Committee on Claims and not from the Committee on War Claims. I am told by a member of the Committee on War Claims that the committee had the "ice bill" presented to them and that they turned it down. Yet it comes up here to-day from the Committee on Claims and the House passes it by a vote of 100 to 98.

Mr. CLAUDE KITCHIN. Will the gentleman allow me a question?

Mr. PAYNE. Oh, certainly.

Mr. CLAUDE KITCHIN. The gentleman says that this proposed settlement is up to November 29.

Mr. PAYNE. I say the bill so reads.

Mr. CLAUDE KITCHIN. No; the bill reads "July 10."

Mr. PAYNE. November 29.

Mr. CLAUDE KITCHIN. No——

Mr. PAYNE (handing the bill to Mr. CLAUDE KITCHIN). Well, there is the bill; read it.

Mr. CLAUDE KITCHIN. The amendment is in accordance with the report.

Mr. PAYNE. There is no statement of an amendment in the report.

Mr. CLAUDE KITCHIN. Let the gentleman read the report, and it will show what time this bill covers.

Mr. PAYNE. There is no statement of any amendment in the report or on the bill. There is no amendment pending.

Mr. CLAUDE KITCHIN. Read the report.

Mr. PAYNE. All there is in the report about these dates is in the letter from Mr. Castle, the Auditor for the Post-Office Department. Here is what he says:

SIR: In reply to your letter of December 13, 1901, relative to the claim of John L. Lawson for mail service on route No. 10013, Tennessee, from January 1 to November 29, 1861, you are informed that the compensation due Mr. Lawson from January 1 to July 10, 1861, the date to which the service was performed, in accordance with certificate on file, amounts to $316.30.

This would seem to indicate that Mr. Castle had computed the amount up to the 10th of July. There is a discrepancy between Mr. Castle's statement and the statement in the bill. But whichever may be the date intended, the House readily sees that it goes beyond May 31, when all these mail contracts were canceled by the proclamation of the Postmaster-General, which cancellation has always been recognized everywhere except in this Committee on Claims.

Mr. CLAUDE KITCHIN. The amount found due by the Auditor is the correct amount of the bill, which is up to July 10.

Mr. PAYNE. Now, Mr. Speaker, the reply is made that it corresponds up to July 10. It is doubtful, from the statement of the Auditor, whether he is counting up to July 10 or November 29; but whatever date it is, it is the wrong date, and there is no excuse for paying this claim a moment beyond May 31, 1861. In fact, there is no excuse for paying it at all.

Mr. CLAUDE KITCHIN rose.

Mr. PAYNE. Oh, I can not be interrupted all the time. The gentleman will have ten minutes and may correct it if he can. Mr. Lawson makes an affidavit that he carried the mail on the route from said date until November 28, 1861. He further states that he received about $74 on this first quarter of 1861 from the United States, and did not receive any more. So if we take it up to the time this State seceded from the Union, and that ought to be the proper date, and deduct the $74, there would remain the paltry sum of about $36 due on this contract, if he is able to make out his case, but we have a bill here to pay him $237. They pay him, confessedly, up to the 10th day of July, a month and ten days beyond the time that they themselves had tried to fix as the rule, and there is no excuse for that.

According to their own confession, they pay, as I believe, and as the bill states, down to the 29th day of November, 1861. Is the House to rush blindfolded into this business and pass this bill and make another precedent? Am I to be told by gentlemen on this side of the House, "Why, we are voting for this bill to pay the other side for voting for some of our bills; we want to pay our debts?" Is there a combination here, Mr. Speaker? Is that the reason that this money is to be voted out of the United States Treasury?

Mr. Speaker, I reserve the balance of my time.

Mr. CLAUDE KITCHIN. Mr. Speaker, I yield to the gentleman from Tennessee [Mr. PADGETT].

Mr. PADGETT. Mr. Speaker, I shall detain the House but a moment or two. This is a bill to pay Mr. Lawson two hundred and thirty-seven dollars and some cents for balance due him under a mail contract. The services were rendered until July 10, 1861. The contract extended up to November 29, 1861. Now, the gentleman from New York raises the question of secession. The letter that I have here of the Auditor of the Treasury shows that Mr. Lawson continued to perform service for the United States up to the date for which he asks pay, and the Government accepted his service. He continued to perform the service, and the Government got the benefit of that service.

Now, I want to call the attention of the House to the fact that at the time the order was made to which the gentleman from New York [Mr. PAYNE] refers, of May 31, Tennessee was in the Union. It had voted down the first proposition of secession, and the next election was not held until some time in June, as I remember, and the State did not take action until later, so that practically up to the time that he is asking for pay Tennessee was in the Union, and this man continued to perform the service for the Government under his contract. I say that it is a small contention to come before this honorable body in behalf of the United States and say that the Government would receive his services and then not pay him the contract price.

I want to say more, that under the decision of the Supreme Court of the United States none of the States were ever out of the Union. They were still States of the Union, and we have the bare, naked, bald question submitted to this Congress, if the Government made this contract and this man performed the service and the Government received the benefit of his service and continued to allow him to exercise the privilege of his contract and to perform the service, then how will the Government repudiate paying for the service which he performed? I say, Mr. Speaker, that we show by the records that the service was performed, that the Government got the benefit of it, that the amount the man claims is just, and that it is unpaid. There is no pretense in this case that it was ever paid by anyone, and I believe that the sense of justice of this House will vote to pay this old man what is justly and honorably due him under his contract.

Mr. PAYNE. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman has four minutes.

Mr. PAYNE. Well, Mr. Speaker, in that four minutes I wish to say that the rule in the House of Representatives in the Forty-fifth Congress, which was at one time voted upon as the rule, was the date of the passing of the ordinance of secession by the convention, and of course everybody knows that Tennessee went out of the Union the second time by the action of the legislature, some time in May, and there is no excuse whatever for continuing this claim down to November 29, or even down to the 10th of July.

Mr. PADGETT. Will the gentleman yield for a question?

Mr. PAYNE. Yes.

Mr. PADGETT. Tennessee voted down the first proposition of secession in February, and the next election was not held until, I think, the 8th of June, and later on the legislature ratified the vote under the second election, and it was practically the 1st of July before Tennessee went out of the Union.

Mr. PAYNE. Hold on, I can not give the gentleman all of my time. The gentleman seems to want to make a speech in my time. Mr. Speaker, it still holds good that the proclamation of the Postmaster-General was addressed to the State of Tennessee, as well as to other States that went out on the ordinance of secession passed by the legislature, and that the stoppage of the mail and the assuming of the mail by the Confederate Government commenced on the 1st day of June, and the assuming of these contracts commenced on the 1st day of June. There is not a particle of excuse for going beyond that on any theory of the case and voting to pay this man for a single penny after the 31st day of May.

Mr. WILLIAMS of Mississippi. Was he not required to settle with the Government up to the 1st of July?

Mr. PAYNE. No; he was not.

Mr. PADGETT. He was required to settle.

A MEMBER. Did he not settle with the Confederate Government?

Mr. PADGETT. How could he when Tennessee was in the Union?

The question being taken on ordering the bill to be engrossed and read a third time, on a division (demanded by Mr. PAYNE) there were—ayes 73, noes 45.

Accordingly, the bill was ordered to be engrossed and read a third time; and was read the third time, and passed.

On motion of Mr. TALBERT, a motion to reconsider the last vote was laid on the table.

FRANCIS S. DAVIDSON.

The SPEAKER pro tempore laid before the House the following resolution:

Resolved, etc., That the President be requested to return to the Senate the bill (S. 1115) for the relief of Francis S. Davidson, late first lieutenant, Ninth United States Cavalry.

The resolution was agreed to.

GEORGE C. ELLISON.

The next business was the bill (H. R. 3385) for the relief of George C. Ellison, reported from the Committee of the Whole with a favorable recommendation.

Mr. COWHERD. Mr. Speaker, I desire to be heard in opposition to this bill. It seems to me that these bills ought to be heard and passed upon on their merits. I am not for all claims nor against all claims. I think each should stand on its own merits. This bill appears to me to be unique. It is a proposition to pay $5,000 to a man who claims to have spent that amount in defending himself against the charge of murder.

The facts, as I gather them from the report—and I pretend to no knowledge of the case except what appears in the report—are these: A man named Ellison was the engineer in charge of the machinery in the basement of this building. A man named Small, who had been assistant engineer, and had been discharged for some reason, cherished an enmity against Ellison and had made threats against his life. On one occasion Small went down into the engine room, he at the time probably being under the influence of intoxicating liquor, and approached Ellison in a threatening manner. Ellison picked up a billet of wood, or an ax handle, and struck Small over the head. Small afterwards died from the injury, and Ellison was arrested and tried for murder.

Now, I want to call the attention of the House to this fact, that there is no pretense in this case from the report of the committee, and none will be made, that this man Small was attempting to destroy the machinery, that he was making any attack upon the House, or that he was there with dynamite or gunpowder to blow up the building. It was a personal assault, made by one man against the other. It is in identically the same situation as though the assault had been made when the man Ellison was going home, except for the fact that he was in the engine room down here in the basement of this building. In fact, it is identically the same as though a member of this House should be assaulted upon his way home to-night by some one who had taken umbrage at something that he had done here. It was a personal attack made upon Ellison by Small. In defending himself from it, putting the best construction upon the matter possible, he killed the man. I submit, Mr. Speaker, that in that view of the case, and that is the most favorable view which can be taken, the United States Government can not possibly be liable for the costs of that trial.

But I want to call the attention of this House to another fact, and that is that this man Ellison had two trials before a jury of citizens here in the District of Columbia. The trials were about a year apart in point of time, so that any question of feeling arising out of the incident would have died out, and certainly one of those trials was a fair one. But in neither of those trials was Ellison able to gain an acquittal by a jury of his countrymen. And yet, on a case that was so questionable that two juries in the courts of the United States were unable to decide that this was even a case of self-defense, where the man was unable to show before two juries that the assault was not one for which he ought to have been punished, we have here a bill to pay $5,000 to this man for his own defense.

Let me say that the case was finally dismissed by the United States district attorney, and there never was an acquittal of this man in court. They bring here a letter of the judge before whom the case was tried, and the judge says he thinks it was a case of self-defense; as he remembers it, Ellison was lying on a sofa, and the man Small entered and made some demonstration, entered with threats, and Ellison jumped up and struck him with a piece of wood, from which blow he afterwards died.

Now, I submit that putting this case upon the most favorable hypothesis, putting it upon the hypothesis that the man was acting only in self-defense, there can be no question but what the assault was a personal one, for which the United States Government should in no case be liable or responsible. But putting it upon the facts as they appear in this record, we have the case of one man killing another under doubtful circumstances, under circumstances so questionable that twice a jury of his countrymen refused to acquit him, and yet the Government of the United States is asked to pay $5,000 for the cost of that trial—costs incurred by the man in his own defense. I submit, Mr. Speaker, that this bill ought not to pass. The Government ought not to be compelled to pay a cent on any such showing of facts as this.

Mr. SULZER. Mr. Speaker, this bill was before the Committee of the Whole House on the state of the Union last Friday. It was then briefly discussed, and the committee laid the bill aside with a favorable recommendation. In my opinion the bill is a just one, and I hope it will pass. Let me say this bill was introduced by my colleague, the late Amos J. Cummings. The claimant, Mr. George C. Ellison, was one of the most loyal and steadfast friends Amos J. Cummings ever had, and as a friend of Amos J. Cummings I am in favor of this bill. In my judgment any man in this House who will read the report or who is familiar with the facts in this case will favor this bill and vote for it. The record shows the equities are all with Mr. Ellison, and, as a matter of simple justice, he is entitled to this relief.

Mr. Speaker, the gentleman from Missouri has stated the facts in the case substantially, but partially, and only in a legal and technical way, like a lawyer for the defendant. It is true, however, that Mr. Ellison was for several years chief engineer of this Capitol. The life of every man in the Capitol during that time was in his hands. He was charged with the performance of the duty to look after the boilers and the engines in the engine room downstairs. He could not leave his post or run away without endangering human life.

He was faithful in the performance of that duty and stood heroically by his post when a man named Small, whom the Clerk of the House had discharged some time before on account of his drunken habits, and who had a grudge, without cause, against Ellison, and had threatened over and over again that the first opportunity he got he was going to kill Mr. Ellison. Small went down stairs one day, as the report shows, from the corridor of this Capitol, where he told several persons that he was going down stairs to kill Ellison. When he got into the engine room he threatened to kill Ellison, and Ellison retreated, and did not defend himself until he feared his life was in danger, and then, and not till then, did he act on the defensive by picking up a piece of wood and striking this man Small in self-defense. After this Small went away.

Nobody thought he was seriously injured. He was around the streets of Washington for several days afterwards, apparently intoxicated. Finally he was taken to a hospital and died. After his death in the hospital an examination was made and it was discovered that Small's skull was fractured. Mr. Ellison was accused and put on trial. He had two trials in the city of Washington and was discharged. A statement is made by Mr. Ellison of the cost of these trials, and it figures up to over $9,000. Mr. Ellison was finally acquitted, but the expenses of these trials made him a poor man. All the money he had saved by a life of industry and economy for years and years was spent in his defense. I desire to read as part of my remarks the items of his expenses on each trial:

Vouchers and accounts of George C. Ellison.

FIRST TRIAL.

WASHINGTON, D. C., *June, 1879.*

The following is a true itemized account of expenses incurred by George C. Ellison in defending himself while on trial for the alleged murder of David Small, in supreme court of the District. Case called May 2, 1877:

To Col. William A. Cook, chief counsel in case, including services of three medical experts in case	$1,450.00
To Joseph E. Hayden, associate in same case	800.00
To legal services in New York, H. B. Stanton	100.00
To legal services, Charles P. Shaw	100.00
To expenses in jail (seventy days)	250.00
To expenses of wife, sons, and daughters in coming to and returning from Washington, and boarding while here	250.00
To expenses telegraphing witnesses	47.00
To M. A. Clancy, professional stenographer, making verbatim reports	310.25
To securing ($12,000) bail and indemnifying surety	525.00
Mileage, witness fees, and board	992.09
First trial	4,824.34

SECOND TRIAL.

WASHINGTON, D. C., *June, 1879.*

The following is a true itemized account of expenses incurred by George C. Ellison in defending himself while on trial the second time for the alleged murder of David Small. Case called June 20, 1878:

To Col. W. A. Cook, chief counsel	$1,000.00
To Hon. Stephen L. Mayham, counsel	1,000.00
John Swinburn, M. D., expert	551.20
J. Harry Thompson, M. D., expert	500.00
D. W. Bliss, M. D., expert	250.00
Robert Reyburn, M. D., expert	250.00
W. S. Wells	250.00
S. A. H. McKimm	25.00
Wife, sons, and daughters' expenses to and from Washington, and board while here	250.00
Telegraphing witnesses	38.00
Professional stenographer, taking testimony ($250, not claimed)	00.00
Julius Veidt, account making diagram of engine rooms	52.00
To mileage and fees of witnesses and expenses of same	655.25
Second trial	4,821.45
First trial	4,324.34
Total	9,645.79

It made Ellison a bankrupt, and now, after years of suffering for doing his duty, in his declining years he only asks the Government to pay him $5,000, which I think is very reasonable and fair, just and right. If you will read the report you will find letters from some of the most distinguished men in this country saying Mr. Ellison acted in self-defense while in the performance of his office and only did his duty; and you will find a letter from Judge Andrew Wylie, the justice who presided at the trials—I think it is Exhibit No. 1—in which he says:

WASHINGTON, *March 22, 1880.*

MY DEAR SIR: Your favor, dated January 22 last, from the Ebbitt House, was never seen by me till this morning. It came to my house, doubtless, while I was at court and was mislaid.

I do not suppose that you desire that I should make a statement at length of the evidence or even of the facts which were proven on the trial of The United States *v.* Ellison. I shall therefore merely give at present the conclusion to which my mind was brought by the evidence in that case.

The defendant was tried for the murder of a man named Small. (I believe this was the name of the deceased.) Ellison's character had always been excellent, and at the time of the homicide he filled a place of confidence and trust at the Capitol. Small had previously been an employee there in a place subordinate to that of Ellison, and had been removed. He was a person of violent temper and intemperate habits. He thought Ellison had been instrumental in having him removed, and had made threats against the latter, which had been told to Ellison. One morning he entered Ellison's room at the Capitol and made demonstrations which, taken in connection with the threats, were well calculated to create alarm in Ellison for his personal safety.

Ellison sprang up from the sofa where he was lying, seized a billet of wood, and struck Small on the head. Small fell, but soon got up again and went away, no one supposing that the injury was fatal. He was drinking pretty hard for several days afterwards, but went about the city. It turned out that the skull had been fractured, and at the expiration, I think, of about nine days he died.

I thought, from all the evidence, that Mr. Ellison had good reasons for apprehending great bodily danger from the deceased, and that it was a case of justifiable homicide, and of that opinion was the jury.

It is always nearly a misfortune to be obliged to take human life even in self-defense, but in this instance I think Mr. Ellison should be held to have been without reproach.

Truly, yours,

ANDREW WYLIE.

Hon. S. L. MAYHAM.

The facts in the case conclusively prove that Mr. Ellison only did his duty and acted in self-defense, and no jury in the world would decide otherwise.

Mr. SHACKLEFORD. Where did Mr. Ellison live? Where was his home?

Mr. SULZER. I do not know. I am only discussing this case from the facts in the report, and from those facts I believe the bill is a just and meritorious measure.

Mr. SHACKLEFORD. Do you know whether the claim that you now present has the approval of the gentleman from New York—the watchdog of the Treasury in these cases?

Mr. SULZER. The gentleman is present. He can answer.

Mr. PAYNE. I will say to the gentleman that it has not the approval of "the gentleman from New York."

Mr. LIVINGSTON. Did you not vote for it in the Committee of the Whole the other evening?

Mr. PAYNE. I did not.

Mr. SULZER. I am informed that the gentleman did. But, however, I care nothing about that. I do not care whether the gentleman from New York [Mr. PAYNE] is in favor of the bill now or against it. I do know, nevertheless, that if Amos J. Cummings were here to present this claim to this House and fight for it, that the gentleman from New York would think twice before he would oppose it. [Laughter and applause.]

I say, and it can not be successfully denied, that it is the duty of the House of Representatives to protect and preserve the safety and efficiency of its officers and employees so long as they are acting in the line of their duties, or whenever they may be required, in great emergencies, to do acts not held or found to be unlawful, for their personal and official protection, while in the discharge of their duties, or to enable them to properly discharge such duties, and that such duty to protect and defend its officials and employees extends to the duty of reimbursing such officials and employees for any and all expenses properly and necessarily incurred in and about such duties, or lawful, or unusual and not unlawful, acts demanded by the exigencies of the situation for the proper and efficient discharge of their duties.

Mr. Speaker, just a few words more. It may be said, and I think the gentleman from Missouri did refer to it incidentally, that there is no precedent for this bill. Why, sir, the CONGRESSIONAL RECORD is full of similar precedents. In the report accompanying this bill is cited precedent after precedent where this House has paid the expenses of one of its officers or employees where he acted in the performance of his duty and incurred expense.

I will only cite now to gentlemen of this House the well-known case of Hallet Kilbourn, in which the Government reimbursed him for all the legal and incidental expenses he was put to in defending himself from charges brought against him while in the performance of his duty as an officer of this House; and so if the House votes down this bill it will establish another kind of a precedent that some time or other may come back to worry and annoy us, because as a matter of right and law the House ought to stand by every officer or employee who honestly, fearlessly, and faithfully does his duty; and if ever there was an officer of this House who honestly, fearlessly, and faithfully did his duty, in the face of grave danger, it was this brave and loyal man Ellison; and I hope there will be no man in this House so unjust, so unsympathetic, and so uncharitable as to refuse to reimburse him by giving him this small sum of $5,000. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. COWHERD. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman has four minutes remaining.

Mr. COWHERD. Mr. Speaker, I have nothing to say in reply to the gentleman's statement as to what the late lamented Mr. Cummings would have said in regard to this bill. I suppose the members of this House will gauge their action on this claim by their own conscience, and not by that of any other gentleman, however distinguished.

I want to say this, that the gentleman from New York [Mr. SULZER] has not contradicted any one of the points I made in opposition to this measure. He cites the Hallet Kilbourn case, which, as my friend informs me—I was not familiar with it—was a case where the House ordered the arrest of a man, and in executing that order the man afterwards brought suit against the officer of the House and the House defended its own proceeding. This man was not defending the House, he was not defending the property of the House, and he was not in performance of his duty. This House had never given him any commission to kill anybody to protect himself. That is a right that came to him, not by law of this Congress, nor by the authority of the House. It was inherent in him; it is the same right that every man has, and if you pay him for defending his life, you ought to pay every other Government employee, no matter who or where he is, whenever he gets into trouble and presents a case of self-defense sufficient to hang a jury on. That is all there is in this case, and I submit it ought not to pass.

The SPEAKER pro tempore. The question is on ordering the bill to be engrossed and read a third time.

The question was taken; and on a division (called for by Mr. SULZER) there were—ayes 10, noes 81.

Mr. SULZER. Mr. Speaker, I ask unanimous consent to withdraw the bill.

Mr. SHACKLEFORD. I object, Mr. Speaker.

Mr. SULZER. I make the point of no quorum.

The SPEAKER pro tempore. That comes too late. The gentleman asked unanimous consent to withdraw the bill, which was objected to. That was a parliamentary act of the House. Other business has intervened, and it is too late now to make the point of no quorum.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 16564. An act granting an increase of pension to James Hunter;

H. R. 288. An act for relief of the Christian Church of Henderson, Ky.;

H. R. 9360. For the improvement and care of Confederate Mound, in Oak Woods Cemetery, Chicago, Ill., and making an appropriation therefor; and

H. R. 12240. An act granting to Nellie Ett Heen the south half of the northwest quarter and lot 4 of section 2, and lot 1 of section 3, in township 154 north of range 101 west, in the State of North Dakota.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 7063. An act permitting the building of a dam across the St. Croix River at or near the village of St. Croix Falls, Polk County, Wis.;

S. 111. An act for the relief of William J. Smith and D. M. Wisdom;

S. 903. An act for the relief of William D. Rutan;

S. 679. An act directing the issue of a check in lieu of a lost check drawn by Capt. E. O. Fechet, disbursing officer, United States Signal Service Corps, in favor of Bishop Gutta-Percha Company;

S. 6034. An act raising the rank of Chief Engineer David Smith on the retired list of the Navy;

S. 5079. An act for the relief of George P. White;

S. 3555. An act for the relief of William Dugdale;

S. 1928. An act for the relief of G. H. Souder;

S. 3401. An act for the relief of H. Glafcke;

S. 1672. An act for the relief of Elisher A. Goodwin, executor of the estate of Alexander W. Goodwin;

S. 1206. An act for the relief of Frank J. Burrows;
S. 916. An act for the relief of Clara H. Fulford;
S. 661. An act authorizing the restoration of the name of Thomas H. Carpenter, late captain, Seventeenth United States Infantry, to the rolls of the Army, and providing that he be placed on the list of retired officers;
S. 1471. An act for the relief of Henry G. Rodgers;
S. 3317. An act authorizing the President to appoint Lieut. Robert Platt, United States Navy, to the rank of commander;
S. 3748. An act for the relief of M. L. Cobb, administrator of W. W. Cobb, deceased;
S. 4308. An act for the relief of Katie A. Nolan;
S. 5329. An act authorizing the President to appoint Lieut. Commander William P. Randall, retired, United States Navy, a commander on the retired list;
S. 5381. An act to correct errors in dates of original appointment of Capt. James J. Hornbrook and others;
S. 5724. An act for the relief of Paymaster James E. Tolfree, United States Navy;
S. 6104. An act to restore to the active list of the Navy the name of John Walton Ross;
S. 6278. An act to extend the provisions of chapter 8, Title XXXII, of the Revised Statutes of the United States, entitled "Reservation and sale of town sites on the public lands," to the ceded Indian lands in the State of Minnesota;
S. 6446. An act to provide for the construction of a bridge across the Rainy River in Minnesota;
S. R. 156. Joint resolution dedicating to the city of Columbus, in the State of Ohio, for uses and purposes of the public streets, part of property conveyed to the United States by Robert Neil by deed dated February 17, 1863, recorded in Deed Book 76, page 572, etc., Franklin County records;
S. R. 146. Joint resolution to extend the time for construction of the Akron, Sterling and Northern Railroad in Alaska; and
S. 4832. An act for the relief of Col. H. B. Freeman.

POST-OFFICE APPROPRIATION BILL.

Mr. LOUD. Mr. Speaker, I move that the House now resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Post-Office appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. OLMSTED in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 16990, the Post-Office appropriation bill.

Mr. COWHERD. Mr. Speaker, I desire to yield to the gentleman from Missouri [Mr. ROBB].

Mr. ROBB. Mr. Chairman, a few days ago I had the pleasure of hearing the very interesting discussion by the gentleman from Ohio [Mr. GROSVENOR] and the gentleman from Missouri [Mr. CLARK] of the political tendency and the relative prospects of the two great parties, viewed in the light of the recent elections. The adherents of the respective parties represented by these gentlemen were bidden to be of good cheer and invited to confidently look forward to that great (and according to the gentleman from Missouri not unequal) contest in 1904. They were discussing the vote, and the situation as viewed from the vote, presuming, we are to infer, that in the next campaign there is to be no substantial change in the issues.

If the issues are to remain practically the same, as I believe they will, and if the prospects for Democratic success are encouraging, as I believe they are, it may be pertinent and important to inquire the cause of our defeat in recent campaigns. What was the cause? That is, what was it but for which Democratic success would have resulted?

Some may say it was popular disapproval of the Democratic position on the money question in 1896; some may say it was popular approval of the Republican policy of imperialism in 1900; but it was not because of either. I will tell you what it was that defeated Mr. Bryan in 1896 and again in 1900. During the campaign of 1896 Mr. Bryan said:

> I am glad that if I am elected there is not a trust or syndicate that can come to me and say, "We put you there; now pay us back." I am opposed to the trusts. As an Executive I shall use what power I have to drive every trust out of existence.

And again, in his letter of acceptance in 1900, he said:

> Our platform, after suggesting certain specific remedies, pledges the party to an unceasing warfare against private monopoly in nation, State, and city. I heartily approve of this promise. If elected, it shall be my earnest and constant endeavor to fulfill the promise in letter and spirit.
>
> I shall select an Attorney-General who will, without fear or favor, enforce existing laws; I shall recommend such additional legislation as may be necessary to dissolve every private monopoly which does business outside of the State of its origin.

The trusts knew that these were the words of one who would, if elected, carry them into execution. They knew that Democratic success meant trust extermination and Republican success meant trust perpetuation, and the trust, by throwing to the support of the Republican candidates all the power and influence which aggregated wealth and concentrated capital could command, succeeded in electing them. With the trusts and trust influence eliminated Republican success would have been impossible, and, although aided by all the power which the trust could command, had not the promises and pledges of the Republican party on the trust question—promises and pledges yet unredeemed and unfulfilled—deceived and misled thousands of voters, Democratic success would have been assured.

The cause of our defeat was the power of the trusts in American politics, as exemplified in their ability to manipulate and manage a great party in their own interests and so as to deceive a large body of our people. The trust question therefore rises in importance not alone as our industrial affairs are affected by the trusts, but as they affect our social and political system. It is the most important question which has or will come before this Congress. It is the most important before the American people to-day. It resolves itself into this: Is this to be a government of the trusts, by the trusts, and for the trusts?

The record of the Republican party on the trust question has been one of broken pledges and violated promises. Under it, and as the direct and responsible result of Republican legislation, the trusts received their first inspiration. Under it they were given life and have flourished. Under it they have been fostered and encouraged and have increased in strength and grown in numbers until they embrace nearly every important branch of our industries. They have been permitted to fasten themselves upon our industrial system until those exercising the powers of the Government stand hesitating and halting in pretended fear that the so-called business interest may be disturbed by an honest effort to enforce existing laws or enact new legislation. Still none are so bold as to stand upon the floor of this House and openly undertake to justify their existence; none who will say there is any necessity for their being or any benefits to be derived by the public or the country from their continuation, and few there are who doubt their great and dangerous power, threatening alike to the welfare of our people and to the institutions of our Government.

The modern trust is a new form of monopoly which sprung into existence in our country and, like all monopolies, is designed to destroy competition, control the product, and regulate and fix the price of the article. Mr. William H. Cook, in his book on trusts, in speaking of the combination known as a trust, said:

> It is neither a corporation or a well-defined common-law trust; it avoids the checks and safeguards which a wise public policy has thrown around corporate acts; its articles of agreement are secret, and jealously guarded even from the inventor himself; no charter or statements need be filed for public inspection; no reports need be made or published; it may carry on any business it desires; the principles of ultra vires acts do not check it; no limit is placed by statute on the capital stock; no law prevents an increase or decrease of the trust certificates; no qualifications are prescribed for its trustees; no tax is laid on the franchises or capital stock; it may move from State to State; it may, and does, evade taxation, and defies the power of the courts; it wields vast sums of money, secretly, instantaneously, and effectually to accomplish its nefarious ends; and it does all this, not for the advancement of the country and the nation, but for the purposes of extortion and for the annihilation of independent firms. (Cook on Trusts, p. 53.)

And further on he says:

> It is a monopoly, and the most cruel, the most harsh, and the most detestable of all monopolies. It presses hardest on those who are least able to pay its exactions. It is a grievous burden which is borne, not by the rich and powerful, but by the poor and weak. It is a monopoly in the necessaries of life, in those things which render possible the daily existence and comfort of the farmer, the mechanic, and the laboring man. * * * It is a monstrous wrong. It is a wrong which never has been and (we trust) never will be endured by an English-speaking people. (Id., p. 55.)

The legislation against the trusts has nearly all been enacted within the last ten or fifteen years, for the obvious reason that prior to that time the trusts had not made their appearance as a disturbing factor in our industrial affairs. Monopoly in whatever form it appeared, always odious, always injurious, always illegal and criminal, was dealt with by the courts under the principles of the common law. In 1889 thirteen States passed antitrust provisions. Kansas, Maine, Michigan, Missouri, Nebraska, North Carolina, Tennessee, and Texas exacted statutes upon the subject, and the new States of Idaho, Montana, North Dakota, Washington, and Wyoming adopted constitutional provisions.

Following them came five more States and one Territory with statutory enactments in 1890, viz, Iowa, Kentucky, Louisiana, Mississippi, South Dakota, and the Territory of Oklahoma. Then in 1891 Alabama, Illinois, Minnesota, and the Territory of New Mexico, and in 1893 New York, Wisconsin, California, and Nebraska enacted antitrust laws, and many other States have since followed with similar enactments. So that we have in a large majority of the States of the Union antitrust provisions, either statutory or constitutional, designed for the prevention of the trusts. What does this all indicate but that the people in every section of our country were becoming disturbed and alarmed at the

growth of monopoly and were determined to supplement the provisions of the common law with whatever power they possessed to prevent its taking a firm hold on American soil?

Prior to the advent of the trusts the courts had not been slow in putting the seal of their condemnation on all forms of private monopoly. Always and everywhere they saw in them the selfish and grasping hand of greed, with no other or better purpose than to filch from the public that to which in justice they were not entitled. I desire as a part of my remarks to insert excerpts from a few of these decisions, to show that the courts have uniformly held that combinations, the design and effect of which are to give the persons combining a monopoly in the manufacture, sale, or control of a commodity, are unlawful and against public policy and that all contracts and agreements for such purpose were illegal and void at common law. In the case of Leslie *v.* Lorillard (110 N. Y., 533) the court said:

Corporations are great engines for the promotion of the public convenience and for the development of public wealth, and so long as they are conducted for the purposes for which organized they are a public benefit; but if allowed to engage, without supervision, in subjects of enterprise foreign to their charters or if permitted unrestrainedly to control and monopolize the avenues to that industry in which they are engaged they become a public menace, against which public policy and statutes design protection.

In this case it is declared that they become a public menace by being permitted to control and monopolize unrestrainedly an industry.

In the case of Morris Run Coal Company *v.* Barclay Coal Company (68 Penn. St., 173), five companies engaged in operating coal mines combined together for the purpose of governing the supply and price of coal. Agnew, J., in delivering the opinion of the court, said:

The effects produced on the public interests lead to the consideration of another feature of great weight in determining the illegality of the contract, to wit, the combination resorted to by these five companies. Singly each might have suspended deliveries and sales of coal to suit its own interests, and might have raised the price, even though this might have been detrimental to the public interest.

There is a certain freedom which must be allowed to everyone in the management of his own affairs When competition is left free, individual error or folly will generally find a correction in the conduct of others. But here is a combination of all the companies operating in the Blossburg and Barclay mining regions, and controlling their entire production. They have combined together to govern the supply and the price of coal in all the markets from the Hudson to the Mississippi rivers, and from Pennsylvania to the lakes. This combination has a power in its confederated form which no individual action can confer.

The public interest must succumb to it, for it has left no competition free to correct its baleful influence. When the supply of coal is suspended the demand for it becomes importunate, and prices must rise. Or if the supply goes forward, the price fixed by the confederates must accompany it. The domestic hearth, the furnaces of the ironmaster, and the fires of the manufacturer all feel the restraint, while many dependent hands are paralyzed and hungry mouths stinted. The influence of a lack of supply or the rise in the price of an article of such prime necessity can not be measured. It permeates the entire mass of community and leaves few of its members untouched by its withering blight. Such a combination is more than a contract—it is an offense.

In Salt Company *v.* Guthrie (35 Ohio, 672), McIlvaine, C. J., says:

Public policy unquestionably favors competition in trade, to the end that its commodities may be afforded to the consumer as cheaply as possible, and is opposed to monopolies, which tend to advance market prices to the injury of the general public. We think the contract before us should not be enforced. By it all the salt manufacturers (with one or two exceptions) in a large salt-producing territory, and whose aggregate annual product is about 140,000 barrels, have combined for the expressed purpose of regulating the "price and grade of salt." A board of directors is chosen. All salt made or owned by the members, as soon as packed into barrels, is placed under the control of the directors. "The manner and time of receiving and distributing salt shall be under the control of the directory."

"Each member of the association binds himself to sell salt only at retail, and then only to actual consumers, at the place of manufacture and at such prices as may be fixed by the directors from time to time." The directors make monthy reports of sales and pay over the proceeds to the members in proportion to the amount of salt received from each. The clear tendency of such an agreement is to establish a monopoly and to destroy competition in trade, and for that reason, on grounds of public policy, courts will not aid in its enforcement. It is no answer to say that competition in the salt trade was not in fact destroyed, or that the price of the commodity was not unreasonably advanced. Courts will not stop to inquire as to the degree of injury inflicted upon the public; it is enough to know that the inevitable tendency of such contracts is injurious to the public.

In Alger *v.* Thacher (19 Pick., 51), Morton, J., enumerates among others the grounds that invalidate contracts in restraint of trade, the following:

Fourth. They prevent competition and enhance prices.

Fifth. They expose the public to all the evils of monopoly. And this is especially applicable to wealthy companies and large corporations, who have the means, unless restrained by law, to exclude rivalry, monopolize business, and engross the market. Against evils like these, wise laws protect individuals and the public by declaring all such contracts void.

Many other cases might be cited, not only showing the almost universal condemnation of monopoly by the courts, as being in restraint of trade and subversive of the liberty of the citizen, but the above are sufficient. I desire, however, to refer to a celebrated case and a leading decision decided by the supreme court of Michigan in the case of David M. Richardson *v.* C. H. Buhl and Russell A. Alger, 77 Mich., 632. Inasmuch as the gentleman from Ohio [Mr. GROSVENOR] denied that Russell A. Alger ever owned a cent of stock in the Diamond Match Company, I want to state that in that case he was not only a party but testified as a witness that the object of the combination was to control prices.

The court found that the combination formed by the Diamond Match Company was unlawful, and declared that a corporation organized for the purpose of controlling the manufacture and sale of matches, and crushing out all competition and opposition was a menace to the public. Chief Justice Sherwood, in that case, said:

Monopoly in trade or in any kind of business in this country is odious to our form of government. It is sometimes permitted to aid the Government in carrying on a great public enterprise or public work, under Government control, in the interest of the public. Its tendency is, however, destructive of free institutions and repugnant to the instincts of a free people and contrary to the whole scope and spirit of the Federal Constitution, and is not allowed to exist under express provisions in several of our State constitutions.

Indeed, it is doubtful if free government can long exist in a country where such enormous amounts of money are allowed to be accumulated in the vaults of corporations, to be used at discretion in controlling the property and business of the country against the interests of the public and that of the people for the personal gain and aggrandizement of a few individuals. It is always destructive of individual rights and of that free competition that is the life of business, and it invites and perpetuates one of the great evils which it was the object of the framers of our form of government to eradicate and prevent.

It is alike destructive to both individual enterprise and individual property, whether conferred upon corporations or individuals, and, therefore, public policy is, and ought to be, as well as public sentiment, against it. All combinations among persons or corporations for the purpose of raising or controlling the prices of merchandise, or of any of the necessaries of life, are monopolies and intolerable, and ought to receive the condemnation of all courts.

From Michigan to Florida and from Maine to California protest against the monopolizing of our great industries had not only been made, but had found expression in the legislative will and in judicial decision. It was under these circumstances that what is known as the Sherman antitrust law was born. From the close of the civil war, for a quarter of a century and more as the result of Republican policies and Republican legislation, the wealth of the country has been steadily diverted from the many and concentrated in the hands of the few.

A moneyed aristocracy had arisen and rapidly grown in power until it assumed to control not only our great industries but the Government itself. All the evils of a strong, centralized, and consolidated power were not only threatened but had actually been felt. The States were powerless to afford full and complete relief. Their authority could not be extended beyond State boundaries. The discrimination by, and merging the interests of, great railroads, and the consolidation of great manufacturing and producing establishments operating in numerous States and over a wide territory were beyond their control. In response to a public demand as well as a public necessity Congress in 1887 enacted the interstate commerce law for the regulation of railroads doing an interstate business and of preventing discriminations and unreasonable charges.

Three years later, on July 2, 1900, the act entitled "An act to protect trade and commerce against unlawful restraints and monopolies" was approved and became a law. This is what is called the Sherman antitrust law, although it is said the distinguished gentleman whose name it bears had very little to do with the enactment of the law and that he failed and refused to vote for the bill on its final passage. I desire here to insert the law as a part of my remarks.

An act to protect trade and commerce against unlawful restraints and monopolies.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:

SEC. 1. Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, is hereby declared to be illegal. Every person who shall make any such contract or engage in any such combination or conspiracy, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding $5,000, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

SEC. 2. Every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons, to monopolize any part of the trade or commerce among the several States, or with foreign nations, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding $5,000, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

SEC. 3. Every contract, combination in form of trust or otherwise, or conspiracy, in restraint of trade or commerce in any Territory of the United States or of the District of Columbia, or in restraint of trade or commerce between any such Territory and another, or between any such Territory or Territories and any State or States or the District of Columbia, or with foreign nations, or between the District of Columbia and any State or States or foreign nations, is hereby declared illegal. Every person who shall make any such contract or engage in any such combination or conspiracy, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding $5,000, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

SEC. 4. The several circuit courts of the United States are hereby invested with jurisdiction to prevent and restrain violations of this act; and it shall be the duty of the several district attorneys of the United States, in their respective districts, under the direction of the Attorney-General, to institute proceedings in equity to prevent and restrain such violations. Such proceedings may be by way of petition setting forth the case and praying that such violation shall be enjoined or otherwise prohibited. When the parties

complained of shall have been duly notified of such petition, the court shall proceed, as soon as may be, to the hearing and determination of the case; and pending such petition and before final decree, the court may at any time make such temporary restraining order or prohibition as shall be deemed just in the premises.

SEC. 5. Whenever it shall appear to the court before which any proceeding under section 4 of this act may be pending, that the ends of justice require that other parties should be brought before the court, the court may cause them to be summoned, whether they reside in the district in which the court is held or not; and subpœnas to that end may be served in any district by the marshal thereof.

SEC. 6. Any property owned under any contract or by any combination, or pursuant to any conspiracy (and being the subject thereof) mentioned in section 1 of this act, and being in the course of transportation from one State to another, or to a foreign country, shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for the forfeiture, seizure, and condemnation of property imported into the United States contrary to law.

SEC. 7. Any person who shall be injured in his business or property by any other person or corporation by reason of anything forbidden or declared to be unlawful by this act, may sue therefor in any circuit court of the United States in the district in which the defendant resides or is found, without respect to the amount in controversy, and shall recover threefold the damages by him sustained, and the costs of suit, including a reasonable attorney's fee.

SEC. 8. That the word "person," or "persons," wherever used in this act shall be deemed to include corporations and associations existing under or authorized by the laws of either the United States, or the laws of any of the Territories, the laws of any State, or the laws of any foreign country.

It is a notorious and much to be regretted fact that this measure has not afforded the relief to which the people were entitled and which they had a right to expect. It has remained, except in a few instances, practically a dead letter upon the statute books. If it is claimed that it is weak and inefficient, it can at least be said of it that it has stood for more than twelve years unamended and as a silent monument of the conditions which brought it forth and a living testimonial of the indisposition of those having the power to do so to amend, improve upon, or enforce its provisions. If the law is a good one why has it not been enforced? If it is defective why has it not been amended so as to make it effective?

More trusts, exercising greater powers for evil, have been formed during the last six years than in all the history of the country before. The conditions demanding relief have grown in urgency and in importance and still no relief has been or is likely to be granted. The responsibility must rest with the Republican party, which has been in complete and absolute control of all departments of the Government. Even now after all the talk of antitrust legislation by this Congress the trusts do not seem to be alarmed. The following appeared in the Washington (D. C.) Post of January 12, 1903:

TRUSTS NOT ALARMED.

There was a rapidly advancing stock market last week while Congress was struggling, with more apparent sincerity than has been the case in recent years, to frame legislation for the control of the trusts by the Federal Government. The fact that the markets did not suffer sharp declines on the publication of the Administration bill for controlling the trusts and upon the repeated reports that President Roosevelt will call an extra session of Congress if antitrust legislation is not enacted during the life of the present Congress, indicates one of two things: That Wall street believes the whole antitrust programme to be a bluff, or else that the leaders of finance believe that the proposed legislation, if enacted into law, will not seriously interfere with their business plans.

This security on the part of the trusts can not be justified upon any idea of the lack of power in Congress to deal effectively with them. The President, the Attorney-General, and the Supreme Court have all decided that Congress has plenary power. The old contention in favor of a constitutional amendment, which party exigencies brought forth, having served its purpose, has been laid aside. It is simply a question, in the matter of legislation, as it is in the enforcement of existing law, of the exercise of the power.

I believe, by a proper exercise of the power given under the present law and vigorous and determined prosecutions, many of the trusts against which public attention and public censure is now directed, would have been destroyed, and that many more which have been formed would never have had any existence. At the same time I do not wish to be understood as contending that the law is a perfect and complete one. I think it is far from it, and that it ought to be extended, enlarged, and improved upon by amendment or supplemental provisions, so as to facilitate and render more certain prosecutions under it.

But of the few cases which have been prosecuted and which have reached the Supreme Court of the United States good results in at least some of them have followed. The act of July 2, 1900, has not been before the Supreme Court in but few cases, namely: United States *v.* E. C. Knight Company, 156 U. S., 1; United States *v.* Trans-Missouri Freight Association, 166 U. S., 290; United States *v.* Joint Traffic Association, 171 U. S., 505; United States *v.* Hopkins, 171 U. S., 578; Anderson *v.* United States, 171 U. S., 604, and Addyston Pipe and Steel Company *v.* United States, 175 U. S., 211.

In the Trans-Missouri Freight Association and Joint Traffic Association cases, two of the most gigantic combinations ever known, designed to fix and regulate freight rates, were destroyed. In the Addyston Pipe and Steel Company case, six establishments engaged in making cast-iron pipe for gas, water, and sewer purposes, and controlling the market in that commodity in 36 States, entered into a combination to control prices by suppressing competition among themselves, the court sustained the suit of the United States to enjoin them as being in violation of the antitrust law. The effect of the decision in the Knight case, otherwise known as the Sugar Trust case, is considered by some to leave nothing in the antitrust act for the Government to stand upon. Indeed, this seems to be the opinion of the Attorney-General, for in his Pittsburg speech, after reviewing the case, he says:

These cases seem to define the scope of the antitrust law and show how little there is now left for the statute to operate upon.

The court held in the Sugar Trust case that a combination to control manufacture or production which did not necessarily and directly affect interstate commerce was not within the provisions of the act. It was held upon the evidence in that case that the combination only related to manufacture and not to commerce. The Government seems to have rested its case upon the idea that the control of the manufacture necessarily involved the control of its disposition and operated in restraint of interstate commerce, without offering any evidence relating to the disposition of the manufactured article. It is possible that that case failed on account of the failure to submit the evidence which might have been obtained. In fact, the court said in that case:

There was nothing in the proofs to indicate any intention to put a restraint upon trade or commerce, and the fact, as we have seen, that trade or commerce might be indirectly affected was not enough to entitle complainants to a decree.

And the Supreme Court, in the Addyston Pipe decision, in commenting on this case, said:

The direct purpose of the combination in the Knight case was the control of the manufacture of sugar. There was no combination or agreement, in terms, regarding the future disposition of the manufactured article; nothing looking to a transaction in the nature of interstate commerce. The probable intention on the part of the manufacturer of the sugar to thereafter dispose of it by sending it to some market in another State was held to be immaterial and not to alter the character of the combination.

The various cases which had been decided in this court relating to the subject of interstate commerce, and to the difference between that and the manufacture of commodities, and also the police power of the States as affected by the commerce clause of the Constitution, were adverted to, and the case was decided upon the principle that a combination simply to control manufacture was not a violation of the act of Congress, because such a contract or combination did not directly control or affect interstate commerce, but that contracts for the sale and transportation to other States of specific articles were proper subjects for regulation, because they did form part of such commerce.

An examination of the decisions will disclose that each case is dependent upon its own peculiar facts and circumstances, and, as was stated in the opinion in the Addyston Pipe case:

All the facts and circumstances are, however, to be considered in order to determine the fundamental question—whether the necessary effect of the combination is to restrain interstate commerce.

It was said in that case:

The commodity may not have commenced its journey and so may still be completely within the jurisdiction of the State for purposes of State taxation, and yet at that same time the commodity may have been sold for delivery in another State. Any combination among dealers in that kind of commodity which in its direct and immediate effect forecloses all competition and enhances the purchase price for which such commodity would otherwise be delivered at its destination in another State would, in our opinion, be one in restraint of trade or commerce among the States, even though the article to be transported and delivered in another State were still taxable at its place of manufacture.

And again:

Where the contract is for the sale of the article and for its delivery in another State, the transaction is one of interstate commerce, although the vendor may have also agreed to manufacture it in order to fulfill his contract of sale. In such case a combination of this character would be properly called a combination in restraint of interstate commerce, and not one relating only to manufacture.

The most modern trust has taken the form of a single corporation. A consolidation of several corporations into one, in the effort to evade and escape the provisions of antitrust laws. Some have thought that under this new device it was impossible to reach them—that being a single corporation it could not conspire and combine with itself to restrain trade, and that it would escape the prohibitions and penalties of all laws against monopoly, both State and Federal. But the courts so far have held otherwise. The Illinois supreme court in the case of Ford *v.* Milk Shippers' Association (155 Ill., 166), in which it was insisted that being a corporation it could not violate the statute of that State, replied:

The corporation, as an entity, may not be able to create a trust or combination with itself, but its individual shareholders may in controlling it, together with it, create such trust or combination that will constitute it with them alike guilty.

And the St. Louis (Mo.) court of appeals in the case of National Lead Company *v.* S. E. Grote Paint Company, which came under the antitrust law of that State in a unanimous opinion, written by Judge Bond, said:

It must follow that if the stockholders and governing officers of the plaintiff corporation combined with each other to violate any of the provisions of the section under review through the instrumentality of their corporate

entity, then the corporation composed by them was a party to such illegal combination within both the letter and the spirit of the above section of the act of 1891. Or, correctly stated, that a combination which is illegal under the antitrust law can not be operated under the cloak of a corporation, and by its constituent members or governing bodies.

There are a number of other cases to the same effect.

There are those who, recognizing the evils of trusts, say they can not and will not be suppressed; that they are here to stay; that the most we can do is to endeavor to regulate and restrain them in the commission of wrong within endurable degrees and tolerable bounds. What does this mean, if true, but that a condition has arisen in our country which many of us feared might arise, when the trusts, the combined power of consolidated and centralized wealth, was stronger than the Government itself. I am not ready to believe that this condition has yet arisen, but I look forward to the future with apprehension if all the powers of the Federal and State governments are not speedily exercised.

Section 8 of Article I of the Constitution of the United States gives to Congress the power to "regulate commerce with foreign nations and among the several States and with the Indian tribes" and "to make all laws which shall be necessary and proper for carrying into execution the foregoing" power. The Supreme Court of the United States, in speaking of this power in the Addyston Pipe case, said:

The power to regulate interstate commerce is, as stated by Chief Justice Marshall, full and complete in Congress, and there is no limitation in the grant of the power which excludes private contracts of the nature in question from the jurisdiction of that body. Nor is any such limitation contained in that other clause of the Constitution which provides that no person shall be deprived of life, liberty, or property without due process of law.

And further on in the same case they said:

If Congress has not the power to legislate upon the subject of contracts of the kind mentioned, because the constitutional provision as to the liberty of the citizen limits to that extent its power to regulate interstate commerce, then it would seem to follow that the several States have that power, although such contracts relate to interstate commerce and more or less regulate it. If neither Congress nor the State legislatures have such power, then we are brought to the somewhat extraordinary position that there is no authority, State or national, which can legislate upon the subject of or prohibit such contracts. This can not be the case.

The power which we have is a full, complete, and perfect power. We can, if we will, so legislate as to drive every trust out of existence. Every means should be adopted to accomplish that end.

The great question with which we have to deal should be approached with a firm determination to do something and to accomplish something. We should not approach it in a spirit of timidity.

Mr. Chairman, the report accompanying the bill which has been reported by the majority party in this House is more than half apologetic to the wrongdoers against whom we are supposed to be legislating.

The bill is an able effort to do no harm and little good. It comes to us as the combined wisdom of the Administration and those specially selected for its preparation, of how to legislate and do nothing. The great bill which has been in prospect so long and about which so much has been said has been laid before this House. "The mountain has been in labor and brought forth a mouse."

While I intend to vote for the bill, I hope to see it amended so as to make it more far-reaching and effective. The amendments proposed by the minority members of the committee should be adopted. The publicity provisions should be made to apply to all corporations—those heretofore as well as those hereafter organized—and not simply those hereafter organized, as provided in the bill.

If publicity is offered as a panacea, why let the great trusts of to-day escape it? A more detailed inquiry into the affairs of the corporation should be made and penalties should be provided for failure to make the return, in addition to authorizing suit to be brought to restrain them from doing an interstate business. Section 6 should be amended so as to apply to any other association of individuals monopolizing the manufacture and sale of any commodity. As the section now stands it only includes corporations.

It should be further amended so as to deny to any corporation or association or person violating any of the provisions of this act or the antitrust act of July 2, 1890, not only "the facilities or instrumentalities of interstate commerce," but in explicit and express terms the facilities of the mails, the telegraph, and the telephone. In addition to these and other amendments suggested by the minority members of the committee, I would require from every corporation or association of persons doing an interstate business, as a part of its return, a statement showing whether it was or was not a member of any combination or party to any contract or agreement such as is prohibited by the act of July 2, 1890.

It is beyond my comprehension how anyone who is honestly and sincerely in favor of any legislation against the trusts can persuade himself to vote against the following amendment, proposed by the minority:

SEC. —. The President is hereby authorized, and it shall be his duty, whenever it shall be shown to his satisfaction that by reason, wholly or materially, of the existence of the tariff or customs duty upon any article, such article, or articles of its class and kind are monopolized or controlled by any person, organization, or combination to the detriment of the public, by proclamation to remove or suspend such duty, in whole or in part, until the next assembling of Congress, or until the abuse prompting him to such action shall have ceased.

If this amendment should be adopted, what a splendid opportunity it would afford our President to put in force his oft-repeated expression that "words should be backed up by deeds."

Senator John Sherman, in speaking on the antitrust bill on March 21, 1890, said:

If the combination is aided by our tariff laws, they should be promptly changed, and if necessary equal competition with all the world should be invited in the monopolized article.

And again, in the same speech, he said:

The people pay high taxes on the foreign article to induce competition at home in the hope that the price may be reduced by competition and with the benefit of diversifying our industries and increasing the common wealth.

But the competition at home, which it was hoped might reduce prices, has been stifled by the trusts, and the prices which our own people are required to pay are higher than the people of foreign countries pay for the same commodities manufactured, exported, and sold to them by our home-grown and home-supported trusts.

Great as are our diversified industries, the opportunities for independent enterprises are swiftly and surely being restricted and withdrawn by these giants of monoply, and the people are being reduced to a condition of dependence and industrial servitude. Let the international barriers to competition from abroad be withdrawn, where competition has been artificially restricted or destroyed at home, and we will have done much toward solving the trust problem.

Mr. Chairman, I am not opposed to corporations. I am not opposed to the legitimate combination of capital for the purpose of carrying on great enterprises; but it is quite a different proposition when it comes to allowing the few, by means of the devices of shrewd and designing men, to lay unjustly their heavy hand on the property of the many. And that is what the trust does.

Judge Black, of Pennsylvania, in graphic language described the trusts as inventions to increase the power of the monopolist and "through which his felonious fingers are made long enough to reach into the pockets of posterity, so that he lays his lien on property yet uncreated, anticipates the labor of coming ages, coins the industry of future generations into cash, and snatches the inheritance from children whose fathers are unborn." [Applause.]

Mr. Chairman, I would have the trusts go, and not be ceremoneous about their leave-taking. I would have American politics and American industries lifted above and beyond the control of monopoly. I would have the country return to that great principle in all just governments—that great doctrine of Democracy, of "Equal rights to all men and special privileges to none." [Loud applause on the Democratic side.]

Mr. LOUD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. BOUTELL, Speaker pro tempore, having taken the chair, Mr. OLMSTED, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had instructed him to report that it had further considered House bill 16990, the Post-Office appropriation bill, and had come to no resolution thereon.

And then, on motion of Mr. LOUD (at 5 o'clock and 10 minutes p. m.), the House adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the receiver of the City and Suburban Railway, transmitting the report of the railway for the year 1902—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the vice-president of the Columbia Railroad Company, transmitting the report of the company for the year 1902—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the vice-president of the Brightwood Railway Company, transmitting the report of the company for the year 1902—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the vice-president of the Georgetown and Tennallytown Railway Company, transmitting the report of the company for the year 1902—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the vice-president of the Metropolitan Railroad Company, transmitting the report of the company for the year 1902—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the vice-president of the Anacostia and Potomac River Railroad Company, transmitting the report of the company for the year 1902—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the vice-president of the Washington Railway and Electric Company, transmitting the report of the company for the year 1902—to the Committee on the District of Columbia, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. COOPER of Wisconsin, from the Committee on Insular Affairs, to which was referred the bill of the Senate (S. 7124) to provide for the removal of persons accused of crime to and from the Philippine Islands for trial, reported the same with amendment, accompanied by a report (No. 3478); which said bill and report were referred to the House Calendar.

Mr. BURTON, from the Committee on Rivers and Harbors, reported a bill of the House (H. R. 17243) to amend "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved June 13, 1902 (in lieu of H. R. 16339), accompanied by a report (No. 3479); which said bill and report were referred to the House Calendar.

Mr. KEHOE, from the Committee on War Claims, to which was referred the bill of the House (H. R. 16133) to extend the time for presentation of claims under the act entitled "An act to reimburse the governors of States and Territories for expenses incurred by them in aiding the United States to raise and organize and supply and equip the Volunteer Army of the United States in the existing war with Spain," approved July 8, 1898, and under acts amendatory thereof, reported the same without amendment, accompanied by a report (No. 3480); which said bill and report were referred to the House Calendar.

Mr. BURTON, from the Committee on Rivers and Harbors, to which was referred the bill of the House (H. R. 17170) to amend an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved June 13, 1902, reported the same without amendment, accompanied by a report (No. 3481); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. HENRY C. SMITH, from the Committee on War Claims, to which was referred the bill of the House (H. R. 17164) for the relief of Arra M. Farnsworth, reported the same without amendment, accompanied by a report (No. 3474); which said bill and report were referred to the Private Calendar.

Mr. CALDWELL, from the Committee on War Claims, to which was referred the bill of the House H. R. 14368, reported in lieu thereof a resolution (H. Res. 424) referring to the Court of Claims the papers in the case of Willoughby L. Wilson, administrator of the estate of Willoughby Wilson, deceased, accompanied by a report (No. 3475); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 16798, reported in lieu thereof a resolution (H. Res. 425) referring to the Court of Claims the papers in the case of Sampson Kinna, accompanied by a report (No. 3476); which said resolution and report were referred to the Private Calendar.

Mr. SPIGHT, from the Committee on War Claims, to which was referred the bill of the House H. R. 16577, reported in lieu thereof a resolution (H. Res. 426) for the relief of Mrs. G. W. Ross et al., accompanied by a report (No. 3477); which said resolution and report were referred to the Private Calendar.

Mr. PARKER, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 16105) authorizing the President to reinstate Alexander G. Pendleton, jr., as a cadet in the United States Military Academy, reported the same without amendment, accompanied by a report (No. 3483); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SCARBOROUGH: A bill (H. R. 17238) amendatory of an act entitled "An act to provide for a permanent Census Office," approved March 6, 1902—to the Select Committee on the Census.

By Mr. CREAMER: A bill (H. R. 17239) in relation to a monument to the memory of James Monroe, fifth President of the United States, to be erected at the Fifth avenue main entrance to the Central Park, New York City—to the Committee on the Library.

Also, a bill (H. R. 17240) in relation to a monument to the memory of James Monroe, fifth President of the United States, to be erected at the Fifth avenue main entrance to the Central Park, New York City—to the Committee on the Library.

By Mr. BROUSSARD: A bill (H. R. 17241) to authorize the Upper Teche Deep Water Association to dredge Bayou Teche, in the State of Louisiana, between Breaux Bridge and Port Barre—to the Committee on Rivers and Harbors.

By Mr. SLAYDEN: A bill (H. R. 17242) to aid in the suppression of the bubonic plague in Mexico, and to prevent its spread to the United States—to the Committee on Foreign Affairs.

By Mr. BURTON, from the Committee on Rivers and Harbors: A bill (H. R. 17243) to amend "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved June 13, 1902, in lieu of H. R. 16339—to the House Calendar.

By Mr. COOPER of Wisconsin: A bill (H. R. 17244) to provide for the removal of persons accused of crime to and from the Philippine Islands for trial—to the Committee on Insular Affairs.

By Mr. SULZER: A joint resolution (H. J. Res. 261) making appropriation for site and the erection of a pedestal for a bronze statue in Washington, D. C., in memory of the late Hon. Amos J. Cummings—to the Committee on the Library.

By Mr. GREENE of Massachusetts: A concurrent resolution (H. C. Res. 83) authorizing the appointment of a joint committee to investigate our international navigation policy, to trace its effect upon our merchant marine, to consider how to encourage it and regain our lost carrying trade, and to report a constitutional remedial measure to the Fifty-eighth Congress—to the Committee on Rules.

By Mr. CALDWELL, from the Committee on War Claims: A resolution (H. Res. 424) referring the claim of Willoughby L. Wilson to the Court of Claims—to the Private Calendar.

Also, from the same committee: A resolution (H. Res. 425) referring to the claim of Sampson Kinna to the Court of Claims—to the Private Calendar.

By Mr. SPIGHT, from the Committee on War Claims: Resolution (H. Res. 426) referring to the Court of Claims H. R. 16577—to the Private Calendar.

By Mr. KERN: A resolution (H. Res. 427) calling for certain information from the Secretary of War—to the Committee on Interstate and Foreign Commerce.

By Mr. CURTIS: A resolution (H. Res. 428) to continue pay of messenger in charge of heavy mail wagon—to the Committee on Accounts.

By Mr. COOPER of Wisconsin: A resolution (H. Res. 429) for the consideration of S. 7124, to provide for the removal of persons accused of crime to and from the Philippine Islands for trial—to the Committee on Rules.

By Mr. BOWERSOCK: A concurrent resolution of the Kansas legislature requesting the naming of a United States battle ship "Kansas"—to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BENTON: A bill (H. R. 17245) granting an increase of pension to Perry C. Watson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17246) granting a pension to George Washington Baldwin—to the Committee on Invalid Pensions.

By Mr. CONNER: A bill (H. R. 17247) granting a pension to Mary H. Rumple—to the Committee on Invalid Pensions.

By Mr. DOVENER: A bill (H. R. 17248) granting a pension to J. P. Fox—to the Committee on Invalid Pensions.

By Mr. GILLETT of Massachusetts: A bill (H. R. 17249) granting an increase of pension to Wilbur M. Fay—to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 17250) granting a pension to Mary E. McKinnon—to the Committee on Pensions.

By Mr. MAHON: A bill (H. R. 17251) granting an increase of pension to John W. Silks—to the Committee on Invalid Pensions.

By Mr. MUDD: A bill (H. R. 17252) granting an increase of pension to William R. Laws, alias William Lewis—to the Committee on Invalid Pensions.

By Mr. SMITH of Kentucky: A bill (H. R. 17253) for the relief of the estate of B. J. Stoner, deceased—to the Committee on War Claims.

By Mr. WM. ALDEN SMITH: A bill (H. R. 17254) granting a pension to Thomas Scarvell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17255) granting an increase of pension to Morris M. Comstock—to the Committee on Invalid Pensions.

By Mr. TIRRELL: A bill (H. R. 17256) authorizing the Secretary of the Treasury to pay to Joel H. Simonds the bounty authorized under the act of Congress approved July 28, 1866—to the Committee on War Claims.

By Mr. VAN VOORHIS: A bill (H. R. 17257) to correct the military record of the late Henry G. Thomas—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BENTON: Petition of retail druggists of Southwest City, Nev., and Sheldon, Mo., in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

Also, resolutions of Ministerial Alliance, of Monett, Mo., for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

Also, papers to accompany House bill granting an increase of pension to Perry C. Watson—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting a pension to Walter P. Mitchell—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting a pension to George Washington Baldwin—to the Committee on Invalid Pensions.

By Mr. BURTON: Resolutions of Cleveland City Lodge, No. 33, Sons of Benjamin, of Cleveland, Ohio, relating to methods of the immigration bureau at the port of New York—to the Committee on Immigration and Naturalization.

By Mr. BOWERSOCK: Petition of retail druggists of Lawrence, Kans., favoring House bill 178—to the Committee on Ways and Means.

Also, petitions of the Baptist Church and United Presbyterian Church of Garnett, Kans., to prohibit liquor selling in Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. BROMWELL: Sundry petitions of various firms and their employees, and other citizens of Cincinnati, Ohio, and vicinity, for the improvement of the Ohio River from Pittsburg to Cairo—to the Committee on Rivers and Harbors.

By Mr. DOUGHERTY: Petitions of Mayor W. T. Shoop, of Richmond, Mo., and citizens of Excelsior Springs, Gallatin, and postmaster of Cameron, Mo., for the extension of the free-delivery service to cities whose postal receipts are $5,000 or more per annum—to the Committee on the Post-Office and Post-Roads.

Also, four petitions of retail druggists of Hamilton, Modena, Cameron, and Cainsville, Mo., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. DOVENER: Papers to accompany bill for a pension to John P. Fox—to the Committee on Invalid Pensions.

By Mr. EVANS: Papers to accompany House bill 15825, to remove the charge of desertion against the military record of John H. Arford—to the Committee on Military Affairs.

By Mr. FITZGERALD: Petition of New York Stenographers' Union, No. 1, for the repeal of the desert-land law and the commutation clause of the homestead act—to the Committee on the Public Lands.

Also, petition of the F. W. Cook Brewing Company and other citizens of Evansville, Ind., asking that navigation of the Ohio River be improved so as to provide a 9-foot draft at extreme low water from Pittsburg to Cairo—to the Committee on Rivers and Harbors.

Also, papers to accompany House bill granting a pension to Mary E. McKinnon—to the Committee on Invalid Pensions.

By Mr. GRAHAM: Resolutions of the American Chamber of Commerce, of Paris, France, in favor of the adoption of the metric system in the United States—to the Committee on Coinage, Weights, and Measures.

By Mr. HILL: Petition of Grange No. 141 and Congregational Church and other societies, all of Brookfield, and W. A. Wells and other citizens, of Winsted, Conn., to prohibit liquor selling in Government buildings, etc.—to the Committee on Public Buildings and Grounds.

By Mr. HOWELL: Petition of Tuckerton Creek Improvement Association, of Tuckerton, N. J., asking for the improvement of Tuckerton Creek—to the Committee on Rivers and Harbors.

By Mr. KNAPP: Resolution of Cigar Makers' Union, No. 124, of Watertown, N. Y., favoring the enactment of House bill 16457, relating to tobacco—to the Committee on Ways and Means.

By Mr. MAHON: Papers to accompany House bill granting an increase of pension to John W. Silks—to the Committee on Invalid Pensions.

By Mr. MOODY: Petition of J. H. Weider and 3 other druggists of Burns, Oreg., in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. RUPPERT: Petition of Gustav Blum Lodge, No. 7, Sons of Benjamin, of New York City, relating to methods of the immigration bureau at the port of New York—to the Committee on Immigration and Naturalization.

Also, resolutions of the American Chamber of Commerce, of Paris, France, in favor of the adoption of the metric system in the United States—to the Committee on Coinage, Weights, and Measures.

By Mr. SHERMAN: Resolution of Cigar Makers' Union No. 210, of Rome, N. Y., for the enactment of House bill 16457, relating to tobacco—to the Committee on Ways and Means.

Also, petition of citizens of Boonville, N. Y., favoring the enactment of Senate bill 909, for the extension of free delivery to villages of 5,000 inhabitants, or the receipts amount to $5,000 or more—to the Committee on the Post-Office and Post-Roads.

By Mr. SMITH of Kentucky: Papers to accompany House bill relating to the claim of G. M. D. Stoner, administrator of the estate of R. J. Stoner, deceased—to the Committee on War Claims.

Also, papers to accompany House bill for the relief of the legal representatives of Samuel A. Spencer—to the Committee on War Claims.

By Mr. SPERRY: Resolutions of Gladstone Lodge, No. 2410, Order of B'rith Abraham, of Waterbury, and New Haven Lodge, No. 73, Order of Sons of Benjamin, of New Haven, Conn., relating to method of the Immigration Bureau at the port of New York—to the Committee on Immigration and Naturalization.

By Mr. SULZER: Protest of Birnbaum Lodge, No. 288, and Jonathan Lodge, No. 77, Order of B'rith Abraham, New York, N. Y., against the exclusion of Jewish immigrants at the port of New York—to the Committee on Immigration and Naturalization.

By Mr. THOMAS of North Carolina: Petition of citizens of Craven County, N. C., for inlet waterway—to the Committee on Rivers and Harbors.

By Mr. ZENOR: Petition of George Reimann and 38 other citizens of Tell City, Ind., and vicinity, for 9-foot draft of water in the Ohio River—to the Committee on Rivers and Harbors.

SENATE.

WEDNESDAY, *February 4, 1903.*

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16604) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1904, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 17, 22, 33, 34, 37, 40, 44, 51, 63, 64, 65, 66, 67, and 70.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 35, 36, 38, 39, 41, 42, 43, 45, 46, 47, 48, 49, 50, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, and 68, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows: In line 1 of said amendment strike out the word "heirs" and insert in lieu thereof the words "surviving children;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$474,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$94,400;" and the Senate agree to the same.

EUGENE HALE,
S. M. CULLOM,
JAMES H. BERRY,
Managers on the part of the Senate.
ROBERT R. HITT,
ROBERT ADAMS, JR.,
HUGH A. DINSMORE,
Managers on the part of the House.

Mr. LODGE. I should like to know exactly what is the condition of amendment numbered 20?

The PRESIDENT pro tempore. It will be stated by the Secretary.

The SECRETARY. On page 10, after line 15, insert:

For payment to the surviving children of Thomas T. Prentis, late United States consul at Martinique, who with his wife and all their possessions were lost in the late disaster caused by the eruption of Mount Pelee, $5,000.

Mr. LODGE. The appropriation remains the same, I understand, but the clause now provides for the surviving children?

Mr. HALE. Yes.

Mr. LODGE. That is all I want to know.

The PRESDENT pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 2637) for the relief of Charles R. Hooper;

A bill (H. R. 6830) authorizing and directing the Secretary of the Treasury to pay to the heirs of Peter Johnson certain money due him for carrying the mail;

A bill (H. R. 7792) for the relief of the legal representatives of John L. Young; and

A bill (H. R. 7864) to pay John F. Lawson $237.96, balance due him for services as United States mail carrier.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President pro tempore.

A bill (S. 111) for the relief of William J. Smith and D. M. Wisdom;

A bill (S. 661) authorizing the restoration of the name of Thomas H. Carpenter, late captain, Seventeenth United States Infantry, to the rolls of the Army, and providing that he be placed on the list of retired officers;

A bill (S. 679) directing the issue of a check in lieu of a lost check drawn by Capt. E. O. Fechet, disbursing officer, United States Signal Service Corps, in favor of Bishop Gutta-Percha Company;

A bill (S. 903) for the relief of William D. Rutan;

A bill (S. 916) for the relief of Clara H. Fulford;

A bill (S. 1206) for the relief of Frank J. Burrows;

A bill (S. 1471) for the relief of Henry G. Rodgers;

A bill (S. 1672) for the relief of Elisha A. Goodwin, executor of the estate of Alexander W. Goodwin;

A bill (S. 1928) for the relief of G. H. Souder;

A bill (S. 3317) authorizing the President to appoint Lieut. Robert Platt, United States Navy, to the rank of commander;

A bill (S. 3401) for the relief of H. Glafcke;

A bill (S. 3555) for the relief of William Dugdale;

A bill (S. 3748) for the relief of M. L. Cobb, administrator of W. W. Cobb, deceased;

A bill (S. 4308) for the relief of Katie A. Nolan;

A bill (S. 4832) for the relief of Col. H. B. Freeman;

A bill (S. 5079) for the relief of George P. White;

A bill (S. 5329) authorizing the President to appoint Lieut. Commander William P. Randall, retired, United States Navy, a commander on the retired list;

A bill (S. 5381) to correct errors in dates of original appointments of Capt. James J. Hornbrook and others;

A bill (S. 5724) for the relief of Paymaster James E. Tolfree;

A bill (S. 5891) to authorize the President to appoint Brig. Gen. H. C. Merriam to the grade of major-general in the United States Army, and place him on the retired list;

A bill (S. 6034) raising the rank of Chief Engineer David Smith on the retired list of the Navy;

A bill (S. 6104) to restore to the active list of the Navy the name of John Walton Ross;

A bill (S. 6278) to extend the provisions of chapter 8, Title XXXII, of the Revised Statutes of the United States, entitled "Reservation and sale of town sites on the public lands," to the ceded Indian lands in the State of Minnesota;

A bill (S. 6446) to provide for the construction of a bridge across the Rainy River in Minnesota;

A bill (S. 7063) permitting the building of a dam across the St. Croix River at or near the village of St. Croix Falls, Polk County, Wis.;

A joint resolution (S. R. 146) to extend the time for construction of the Akron, Sterling and Northern Railroad in Alaska;

A joint resolution (S. R. 156) dedicating to the city of Columbus, in the State of Ohio, for uses and purposes of the public streets, part of property conveyed to the United States by Robert Neil by deed dated February 17, 1863, recorded in Deed Book 76, page 572, etc., Franklin County records;

A bill (H. R. 288) for relief of the Christian Church of Henderson, Ky.;

A bill (H. R. 9360) for the improvement and care of Confederate Mound, in Oak Woods Cemetery, Chicago, Ill., and making an appropriation therefore;

A bill (H. R. 12240) granting to Nellie Ett Heen the south half of the northwest quarter and lot 4 of section 2, and lot 1 of section 3, in township 154 north of range 101 west, in the State of North Dakota; and

A bill (H. R. 16564) granting an increase of pension to James Hunter.

CREDENTIALS.

Mr. BURTON presented the credentials of Chester I. Long, chosen by the legislature of the State of Kansas a Senator from that State for the term beginning March 4, 1903; which were read and ordered to be filed.

PETITIONS AND MEMORIALS.

Mr. GALLINGER presented the memorial of Emma E. Sawyer, of Webster, N. H., remonstrating against the enactment of legislation relative to the interstate transportation of live stock; which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the Cigar Dealers' Association of Chicago, Ill., remonstrating against any reduction being made in the duty on cigars imported from Cuba; which was referred to the Committee on Finance.

He also presented the petition of Judson W. Lyons, of Washington, D. C., praying that an appropriation be made to erect a suitable building for the Freedman's Hospital; which was referred to the Committee on the District of Columbia.

He also presented the memorial of A. M. Raymond, of Washington, D. C., remonstrating against the proposed $10,000,000 loan to the District government; which was referred to the Committee on the District of Columbia.

Mr. HOAR. I present a petition signed by the presidents of five colleges and by 69 professors of various colleges—Harvard, Brown, Yale, and so on—praying that a committee be appointed to inquire into the conditions in the Philippines, so that the American people may know just what is going on in those islands. I move that the petition be referred to the Committee on the Philippines.

The motion was agreed to.

Mr. PLATT of New York presented a petition of the Seneca Nation of New York Indians, praying for the ratification of an agreement between that tribe and the Quilter Nation of Indians for the leasing of all lands in the Cattaraugus Reservation; which was referred to the Committee on Indian Affairs.

He also presented a petition of Council No. 70, Junior Order of United American Mechanics, of New York City, N. Y., praying for the enactment of legislation to restrict immigration; which was ordered to lie on the table.

He also presented petitions of Typographical Union No. 523, of Tarrytown; of Local Union No. 34, of Troy; of Typographical Union No. 9, of Buffalo; of Local Union No. 369, of Green Island, and of the Central Associated Trades Council of Corning, all of the American Federation of Labor, in the State of New York, and of Local Union No. 94, American Federation of Labor, of Chicago, Ill., praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented petitions of Haines & Co., of Buffalo; of the Buffalo Hardwood Lumber Company, of Buffalo; of the Buffalo Box Factory, of Buffalo, and of Holland, Graves, Manbert & George, of Buffalo, all in the State of New York, praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which were referred to the Committee on Interstate Commerce.

Mr. DILLINGHAM presented a memorial of the Society for the Prevention of Cruelty to Animals, of Brattleboro, Vt., remonstrating against the enactment of legislation relative to the interstate transportation of live stock; which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of Brattleboro, Vt., praying for the adoption of certain amendments to the immigration bill; which was ordered to lie on the table.

He also presented petitions of Laborers' Protective Union No. 9523, of Bellows Falls; of the Central Labor Union of Middlebury; of Local Union No. 264, of Rutland; of Local Union No. 215, of Rutland; of Decorators, Painters, and Paper Hangers' Local Union No. 311, of Montpelier; of Carpenters and Joiners' Local Union No. 683, of Burlington, and of Local Union No. 20, of Wilder, all of the American Federation of Labor, in the State of Vermont, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. LODGE presented a petition of the Oil Trade Association

of Boston, Mass., praying for the ratification of the Hay-Bond treaty with Newfoundland; which was referred to the Committee on Foreign Relations.

Mr. MCCOMAS presented a petition of United Lodge, No. 326, Order of B'rith Abraham, of Baltimore, Md., and a petition of Maryland Lodge, No. 96, Order of B'rith Abraham, of Baltimore, Md., praying for the enactment of legislation to modify the methods and practice pursued by the immigration officers at the port of New York; which were referred to the Committee on Immigration.

Mr. SCOTT presented a petition of Local Division No. 103, Amalgamated Association of Street Railway Employees, of Wheeling, W. Va., praying for the passage of the so-called eight-hour bill; which was ordered to lie on the table.

Mr. MASON presented a memorial of sundry citizens of the Indian Territory, remonstrating against the admission of Oklahoma and the Indian Territory into the Union as one State in order to preserve the legal status of the negro race; which was referred to the Committee on Territories.

Mr. SPOONER. I present a joint resolution of the legislature of the State of Wisconsin relative to the enlargement of the powers of the Interstate Commerce Commission. I ask that the joint resolution may be printed in the RECORD and referred to the Committee on Interstate Commerce.

There being no objection, the resolution was referred to the Committee on Interstate Commerce, and ordered to be printed in the RECORD, as follows:

[State of Wisconsin, legislature of 1903, No. 8 S.]

Joint resolution No. 1, relating to Interstate Commerce Commission.

Whereas continuous effort has been made during the past four sessions of the Congress of the United States to secure legislation giving greater effectiveness to the interstate-commerce act by investing the Commission created by that act with larger authority with respect to the rates established by common carriers for the transportation of persons or property: Therefore, be it

Resolved by the senate (the assembly concurring), That it is the opinion of this legislature that appropriate and effective legislation to accomplish this purpose be enacted at the earliest possible date.

Resolved, That a copy of the foregoing preamble and resolution be immediately transmitted by the secretary of state to the President of the Senate and to the Speaker of the House of Representatives and each of the Senators and Representatives from this State.

J. O. DAVIDSON,
President of the Senate.
I. L. LENROOT,
Speaker of the Assembly.
THEO. W. GOLDIN,
Chief Clerk of the Senate.
C. O. MARSH,
Chief Clerk of the Assembly.

REPORTS OF COMMITTEES.

Mr. PLATT of New York, from the Committee on Naval Affairs, to whom was referred the bill (S. 5943) to correct the naval record of George Nelson Armstrong, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4906) to correct the naval record of Alfred Burges, reported it without amendment, and submitted a report thereon.

Mr. TURNER, from the Committee on Pensions, to whom was referred the bill (S. 6653) granting a pension to Halvor Paulsen, reported it with amendments, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 16162) granting an increase of pension to George Brown; and

A bill (H. R. 15841) granting an increase of pension to John Da Silva.

Mr. MARTIN, from the Committee on Claims, to whom was referred the bill (H. R. 9632) for the allowance of claims of certain citizens of Virginia for damages to their property incident to the encampment at Manassas and march from Camp Alger to Thoroughfare Gap, Virginia, as recommended by a board of officers appointed for the consideration of claims for damages to property by volunteer soldiers during the war with Spain, reported it without amendment, and submitted a report thereon.

Mr. TALIAFERRO, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 2422) for the relief of Edward S. Crill; and

A bill (S. 7184) for the relief of W. R. Austin & Co.

Mr. TALIAFERRO, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 14251) granting an increase of pension to Hugh J. Reynolds;

A bill (H. R. 11125) granting an increase of pension to John S. Campbell;

A bill (H. R. 15084) granting a pension to James H. Powell; and

A bill (H. R. 15572) granting a pension to Charles W. Bracken.

Mr. TALIAFERRO, from the Committee on Pensions, to whom was referred the bill (S. 4812) granting a pension to Addison Arnold, reported it with an amendment, and submitted a report thereon.

Mr. KEAN, from the Committee on Claims, to whom was referred the bill (S. 206) authorizing the Secretary of the Treasury to adjust and settle the account of James M. Willbur with the United States, and to pay said Willbur such sum of money as he may be justly and equitably entitled to, reported it without amendment, and submitted a report theron.

He also, from the same committee, to whom was referred the bill (S. 6212) to compensate the Old Point Comfort Improvement Company for the demolition and removal of the Hygeia Hotel property from the Government reservation at Old Point, Va., reported it without amendment, and submitted a report thereon.

Mr. SIMON, from the Committee on Pensions, to whom was referred the bill (H. R. 15911) granting an increase of pension to George N. McMurry, reported it with amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 15910) granting an increase of pension to James A. Hale, reported it without amendment, and submitted a report thereon.

Mr. MCCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 1923) granting an increase of pension to Frederick W. Damon;

A bill (H. R. 8288) granting an increase of pension to Scott Case;

A bill (H. R. 13519) granting an increase of pension to James M. Clement;

A bill (H. R. 8287) granting an increase of pension to Peter Johnson; and

A bill (H. R. 14391) granting an increase of pension to Edward Walsh.

Mr. CARMACK, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 14897) granting an increase of pension to Phillip Mooney;

A bill (H. R. 15300) granting a pension to Delania Preston;

A bill (H. R. 15622) granting an increase of pension to Benjamin Cardwell; and

A bill (H. R. 15693) granting an increase of pension to Delitha A. Cook.

Mr. DEBOE, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (H. R. 9107) granting a pension to Austin A. Vore; and

A bill (H. R. 14845) granting a pension to Margaret Snyder.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 15358) granting an increase of pension to John Snodgrass; and

A bill (H. R. 13088) granting an increase of pension to Hiram D. Deming.

N. F. PALMER, JR., & CO.

Mr. STEWART. I am directed by the Committee on Claims, to whom was referred the bill (H. R. 13703) for the relief of N. F. Palmer, jr., & Co., of New York, to report it with an amendment in the nature of a substitute. The Secretary of the Navy having acted upon the claim, the committee recommend the adoption of the substitute which I report. I ask unanimous consent for the present consideration of the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment reported by the Committee on Claims was to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, directed to pay to N. F. Palmer, jr., & Co., of New York, the sum of $83,620.59 out of any money in the Treasury not otherwise appropriated, in full of their claim for damages and losses incurred in the construction of the armored cruiser Maine, that being the amount recommended to be paid by the Secretary of the Navy.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. STEWART. I move that the Senate insist on its amendment and ask for a conference with the House of Representatives.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. STEWART, Mr. KEAN, and Mr. MARTIN were appointed.

Mr. STEWART. I move that the Senate bill on the same subject, being the bill (S. 6375) for the relief of N. F. Palmer, jr., & Co., be indefinitely postponed.

The motion was agreed to.

WILLIAM M. BIRD AND OTHERS.

Mr. CLAPP. I am directed by the Committee on Claims, to whom was referred the bill (H. R. 2441) for the relief of William M. Bird, James F. Redding, Henry F. Welch, and others, to report it favorably without amendment. I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of the Treasury to examine into the circumstances of the performance and execution by William M. Bird, James F. Redding, Henry F. Welch, and others, as sureties of D. A. J. Sullivan, of the work in the construction of the new United States post-office and court-house in Charleston, S. C., under the contract of D. A. J. Sullivan to construct the same, dated January 13, 1890, and to ascertain what work was done thereunder and whether for any reason the parties who performed the work are justly and equitably entitled to be reimbursed the amount by them expended in performing it over and above the original contract price; and the Secretary is authorized to take evidence to ascertain the facts in the case, notwithstanding the terms of the contract, and to determine the amount that should fairly and equitably be allowed to the parties, and to pay such sum as he may determine shall be allowed, not to exceed, however, $22,704.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEGAL REPRESENTATIVE OF MAJ. WILLIAM KENDALL.

Mr. CLAPP. I am also directed by the Committee on Claims, to whom was referred the bill (H. R. 7007) for the relief of the legal representative of Maj. William Kendall, to report it favorably without amendment. I ask unanimous consent for the consideration of the bill at this time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the accounting officers of the Treasury to settle the account of William Kendall, deceased, as a sutler at Fort Columbus, New York Harbor, for articles furnished by him to soldiers there recruited or stationed during the period from the 1st of January, 1867, to the 31st of December, 1868, inclusive, and provides that in all cases where the several amounts claimed were regularly entered on the original muster of descriptive rolls which accompanied the detachments from the fort, and where thus charged against the respective soldiers but were not transferred to the company rolls nor retained out of the soldier's pay and allowed to William Kendall, deceased, the said amounts, not to exceed, exclusive of interest, $2,000, shall be allowed and paid to his legal representative.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. CLAPP. I move that the bill (S. 2924) for the relief of the legal representative of Maj. William Kendall be indefinitely postponed. It is similar to the House bill just passed.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Minnesota to indefinitely postpone the Senate bill named by him.

The motion was agreed to.

REMOVAL OF PERSONS ACCUSED OF CRIME.

Mr. LODGE, from the Committee on the Philippines, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the House of Representatives be requested to return to the Senate Senate bill No. 7124.

SALARIES OF POSTMASTERS.

Mr. LODGE, from the Committee on Post-Offices and Post-Roads, to whom was referred the resolution submitted by Mr. HOAR on December 2, 1902, relating to salaries of postmasters in the State of Massachusetts, reported it with amendments.

The resolution as proposed to be amended is as follows:

Resolved by the Senate, That the Postmaster-General be, and hereby is, directed to report to the Senate the amounts of salaries of all postmasters in the various States and Territories adjusted under the act of 1854, and the amount of the salary of each such postmaster adjusted and paid under the act of 1864, so that the difference, if any, between the salary paid and the amount of salary ordered paid by the act of 1883 shall appear in each case; and, further, the Postmaster-General is directed to report the total amount claimed and the equitable and legal merits of such claims, what in his opinion the liability of the Government is, and whether any such claims have been already adjusted and paid.

Mr. HOAR. I understand that the resolution goes to the Calendar.

Mr. LODGE. It has just been reported by the Committee on Post-Offices and Post-Roads, and goes to the Calendar.

The PRESIDENT pro tempore. The resolution will be placed on the Calendar.

BILLS AND JOINT RESOLUTION INTRODUCED.

Mr. MCCOMAS introduced a bill (S. 7248) granting a pension to Ezra J. Yingling; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TURNER introduced a bill (S. 7249) for the relief of Matilda Elizabeth West; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. CARMACK introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 7250) for the relief of the estate of Benjamin Adams, deceased; and

A bill (S. 7251) for the relief of the estates of Asa Faulkner, deceased, Lewis L. Faulkner, deceased, and S. B. Spurlock, deceased.

Mr. DILLINGHAM introduced a bill (S. 7252) granting an increase of pension to Martha C. Paige; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. FAIRBANKS introduced a bill (S. 7253) granting an increase of pension to Oscar Walker; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HANNA (by request) introduced a bill (S. 7254) to provide pensions for freedmen, and so forth; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MASON introduced a bill (S. 7255) granting a pension to Isabel Winegar; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. PATTERSON introduced a bill (S. 7256) for the relief of Edward F. Mitchell; which was read twice by its title, and referred to the Committee on Claims.

Mr. LODGE introduced a joint resolution (S. R. 162) for the erection of a monument to the memory of John Paul Jones; which was read twice by its title, and referred to the Committee on the Library.

AMENDMENTS TO BILLS.

Mr. MCCOMAS submitted an amendment proposing to appropriate $30,000 for the purchase of the site at Curtis Creek, Maryland, now leased as a depot for the Revenue-Cutter Service, intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Commerce.

He also submitted an amendment authorizing the Secretary of the Treasury to repay all moneys paid as duty upon anthracite coal at any port of the United States after the 6th day of October, 1902, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment authorizing the Secretary of the Treasury to repay all moneys paid as duty upon anthracite coal at any port of the United States after the 6th day of October, 1902, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Finance, and ordered to be printed.

Mr. LODGE submitted an amendment authorizing the purchase of land on Cushings Island, Portland Harbor, Maine, intended to be proposed by him to the fortifications appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. TELLER submitted an amendment proposing to appropriate $8,000 to grade and macadamize Twentieth street from Queens Chapel road to Brentwood road in the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

He also submitted an amendment proposing to appropriate $24,000 for the construction of a mess hall and quarters for employees at the Indian school at Grand Junction, Colo., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. MASON (by request) submitted an amendment relative to the adjudication of divorce cases for desertion under the "old law" in the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill; which was

referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. GALLINGER submitted an amendment proposing to appropriate $25,000 for grading, improving, and regulating the property lately purchased by the District of Columbia for the Western High School, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. McCUMBER submitted an amendment proposing to appropriate $100,000 to establish an Indian agricultural school at or near the city of Wahpeton, in the State of North Dakota, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. MARTIN submitted an amendment proposing to increase the salary of the special assessment clerk of the District of Columbia from $1,700 to $2,000, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PENROSE submitted an amendment proposing to repeal the provision in the act of June 30, 1883 (30 Stat., 538), fixing charges for the use of single or grounded wire telephones in the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MALLORY submitted an amendment proposing to appropriate $35,000 for grading, regulating, and macadamizing Albemarle street, in the District of Columbia, from Connecticut avenue to the Broad Branch road in Rock Creek Park, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. FORAKER submitted an amendment intended to be proposed by him to the bill (H. R. 3109) for preventing the adulteration, misbranding, and imitation of foods, beverages, candies, drugs, and condiments in the District of Columbia and the Territories, and for regulating interstate traffic therein, and for other purposes; which was ordered to lie on the table and be printed.

Mr. PRITCHARD submitted an amendment proposing to pay the balance of salaries due certain Senators from the States of Alabama, Louisiana, North Carolina, South Carolina, Mississippi, Texas, etc., due them as Senators in the years 1867, 1868, 1869, 1870, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Privileges and Elections, and ordered to be printed.

MARTHA WINTER HADDOCK.

Mr. TALIAFERRO submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Martha Winter Haddock, widow of Joseph N. Haddock, late a messenger in the United States Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

DISTRICT REVISED CODE.

Mr. GALLINGER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That 500 copies of the revised code of law for the District of Columbia be printed and bound, 400 copies to be for the use of the Senate and 100 copies for the use of the Committee on the District of Columbia.

CONSIDERATION OF SENATE PENSION BILLS.

Mr. GALLINGER. Mr. President, there are 27 pension bills on the Calendar, and it is very important that they should be transmitted to another body as speedily as possible if they are to get consideration. I ask unanimous consent that those Senate pension bills, 27 in number, may have consideration at the conclusion of the morning business.

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent that the Senate unobjected pension bills on the Calendar may be considered immediately after the completion of the morning business. Is there objection? The Chair hears none, and that order is made.

BUILDING FOR THE DEPARTMENT OF AGRICULTURE.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 4722) for the erection of a building for the use and accommodation of the Department of Agriculture.

The amendments of the House of Representative were, on page 1, line 6, after the word "Agriculture," to insert "including all of its bureaus and offices now occupying rented quarters in the District of Columbia;" on page 1, line 8, after the word "expedient," to insert "immediately in the vicinity of the present building;" on page 1, line 9, to strike out all after the word "with" down to and including the word "one," line 12, and to insert "plans, to be procured, based on accurate estimates, providing for the erection of said building, complete in all of its details, as herein described, and within a total cost of not exceeding the sum herein stipulated;" on page 1, line 12, after the word "authorized," to insert "after procuring such plans, and;" and on page 2, line 17, to strike out the words "two million" and insert "one million."

Mr. FAIRBANKS. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

LABORATORY OF CRIMINOLOGY.

Mr. COCKRELL. I ask unanimous consent to have printed as a Senate document a report of the committee appointed to consider the advisability of passing a resolution approving the establishment of a laboratory of criminology. I ask that it may be printed as a document, together with an extract from the estimates of appropriations, salaries, Bureau of Education, submitted by the Commissioner of Education, through the Secretary of the Interior.

The PRESIDENT pro tempore. The Senator from Missouri asks to have printed as a document the paper he sends to the desk. Is there objection? The Chair hears none, and it is so ordered.

OPERATION OF COAL MINES BY RECEIVERS.

Mr. MASON. I desire to ask unanimous consent to print in the RECORD remarks which I have prepared in support of the bill (S. 6710) to provide for the temporary operation of coal mines by receivers, which has been referred to the Committee on the Judiciary. The bill was introduced by my colleague [Mr. CULLOM], and I desire to submit the remarks in the nature of a brief in support of it for the benefit of the Judiciary Committee. I have spent considerable time in preparing the statement, and, in order to save the time of the Senate, I want to have it printed by order of the Senate.

The PRESIDENT pro tempore. The Senator from Illinois asks unanimous consent that he may print in the RECORD certain remarks.

Mr. PLATT of Connecticut. Mr. President, there is no Senator whom I would more willingly accommodate by agreeing to a request of this character than the Senator from Illinois, but I think Senators will all bear me witness that we have never yet given leave to print in the Senate, and I doubt very much whether we ought to do it. Would it not suit the purpose of the Senator to have his statement printed as a document?

Mr. MASON. Yes.

The PRESIDENT pro tempore. The Senator from Illinois now asks that the speech which he proposed to make may be printed as a Senate document. Is there objection? The Chair hears none, and that order is made.

EFFICIENCY OF THE ARMY.

Mr. COCKRELL. I move to reconsider the vote by which the Senate yesterday passed the bill (H. R. 15449) to increase the efficiency of the Army. It is the bill known as the staff bill. I desire the reconsideration so that a small amendment may be added which is deemed necessary and which has been agreed upon. It will only take a minute.

The PRESIDENT pro tempore. The Senator from Missouri moves to reconsider the vote by which the amendments of the Senate to the bill named by him were ordered to be engrossed and the bill read the third time, and passed. The question is on that motion.

The motion was agreed to.

Mr. COCKRELL. On motion of the Senator from Arkansas [Mr. BERRY], the Senate struck out the words "or the Secretary of War," on page 3, in section 4, line 4. I now move to insert, after the word "President," the words "or the Secretary of War under the direction of the President;" so that it will read:

That the chief of staff under the direction of the President, or the Secretary of War under the direction of the President.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 3, in section 4, line 4, after the word "President," it is proposed to insert "or the Secretary of War under the direction of the President."

The amendment was agreed to.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

ISSUANCE OF A DUPLICATE CHECK.

Mr. TELLER. Mr. President, the Senate yesterday passed the bill (H. R. 15747) directing the issue of a check in lieu of a lost check drawn by George A. Bartlett, disbursing clerk, in favor of Fannie T. Sayles, executrix, and others. The bill was drawn by the Department, and it is now discovered that a mistake was made in stating the number of the check. The Department has

called our attention to it, and I now desire to enter a motion to reconsider the vote by which the Senate yesterday passed the bill.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and that order will be made.

Mr. TELLER. I am informed that the bill has gone to the House of Representatives, and therefore I move that the House of Representatives be requested to return the bill to the Senate.

The motion was agreed to.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had on the 3d instant approved and signed the act (S. 6595) fixing the times and places for holding regular terms of the United States circuit and district courts in the western district of Virginia, and for other purposes.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Claims:

A bill (H. R. 2637) for the relief of Charles R. Hooper;

A bill (H. R. 6830) authorizing and directing the Secretary of the Treasury to pay to the heirs of Peter Johnson certain money due him for carrying the mail;

A bill (H. R. 7792) for the relief of the legal representatives of John L. Young; and

A bill (H. R. 7864) to pay to John F. Lawson $237.96 balance due him for services as United States mail carrier.

FRANCIS S. DAVIDSON.

The PRESIDENT pro tempore. The Chair lays before the Senate a message from the President of the United States; and calls the attention of the senior Senator from Massachusetts [Mr. HOAR] to the message. The message will be read.

The Secretary read as follows:

To the Senate:

In compliance with a resolution of the Senate of the 3d instant (the House of Representatives concurring), I return herewith Senate bill No. 1115, entitled "An act for the relief of Francis S. Davidson, late first lieutenant, Ninth United States Cavalry."

THEODORE ROOSEVELT.

WHITE HOUSE, *February 4, 1903.*

Mr. HOAR. I move that the message and accompanying bill lie on the table for the present.

The motion was agreed to.

JOHN RUSSELL BARTLETT.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 4222) authorizing the appointment of John Russell Bartlett, a captain on the retired list of the Navy, as a rear-admiral on the retired list of the Navy, which was, in line 7, to strike out the words "and pay."

Mr. HALE. I move that the Senate concur in the House amendment.

The motion was agreed to.

COURTS-MARTIAL IN THE PHILIPPINES.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day. It is the resolution known as the Rawlins resolution.

Mr. HALE. Mr. President, I think the Senator from Iowa [Mr. ALLISON] indicated a desire to say something on that resolution; and he is not now present. I therefore ask that the resolution go over, holding its place.

The PRESIDENT pro tempore. The Senator from Maine asks that the resolution go over, retaining its place. Is there objection? The Chair hears none, and that order is made.

REBECCA A. GLASS.

The PRESIDENT pro tempore. The morning business is closed. Under the unanimous-consent agreement which has been made, the consideration of Senate pension bills will be proceeded with.

The bill (S. 6024) granting a pension to Ann Christy Glass was announced as first in order, and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rebecca A. Glass, former widow of Josiah M. Christy, late of Company K, Twenty-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Rebecca A. Glass."

EDNA K. HOYT.

The bill (S. 1631) granting an increase of pension to Edna K. Hoyt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edna K. Hoyt, widow of Charles H. Hoyt, late major and quartermaster, United States Army, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLOTTE J. CLOSSER.

The bill (S. 5641) granting a pension to Charlotte J. Closser was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, after the word "pay," to strike out "him" and insert "her;" and in line 9, before the word "dollars," to strike out "twelve" and insert "eight;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charlotte J. Closser, widow of Frederick Closser, late of Company D, Eleventh Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BOWMAN H. PETERSON.

The bill (S. 1227) granting a pension to Bowman H. Peterson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Bowman H. Peterson, late surgeon Eighth Regiment Missouri Volunteer Infantry, and major, Twenty-ninth and Sixth regiments Missouri Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Bowman H. Peterson."

THOMAS BASSETT.

The bill (S. 4443) granting an increase of pension to Thomas Bassett was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Bassett, late of Company K, Fourth Regiment Indiana Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES M. WHITE.

The bill (S. 4919) granting an increase of pension to James M. White was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James M. White, late of Company A, Sixtieth Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ANDREW JACKSON.

The bill (S. 5830) granting an increase of pension to Andrew Jackson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty-six" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew Jackson, late of Company H, Ninety-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FREDERICKE W. LILLMAN.

The bill (S. 3174) granting an increase of pension to Fredericka W. Lillman was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Fredericke W. Lillman, widow of Peter H. Lillman, late of Battery A, Second Regiment Missouri Volunteer Light Artillery, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Fredericke W. Lillman."

ELIZABETH NEAL.

The bill (S. 1335) granting a pension to Elizabeth Neal was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "late," to insert "second lieutenant" and strike out "of;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Neal, widow of John W. Neal, late second lieutenant Company A, Eighty-fifth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARGARET J. M'CRANIE.

The bill (S. 5929) granting a pension to Margaret J. McCranie was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions, with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret J. McCranie, widow of Malcolm McCranie, late of Capt. Archie McCranie's company, Georgia Volunteers, Florida Indian war, and pay her a pension at the rate of $8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES G. DAVIS.

The bill (S. 5993) granting an increase of pension to James G. Davis was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions, with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James G. Davis, late of Company D, Fourth Regiment Indiana Volunteers, war with Mexico, and Companies F and H, Fifth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EVARTS EWING MUNN.

The bill (S. 6394) granting a pension to Mrs. Evart Ewing Munn was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Evarts Ewing Munn, widow of Curtis E. Munn, late major and surgeon, United States Army, and pay her a pension at the rate of $25 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Evarts Ewing Munn."

LEANDER W. COGSWELL.

The bill (S. 6652) granting an increase of pension to Leander W. Cogswell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty-six" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Leander W. Cogswell, late captain Company D, Eleventh Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

A. PAUL HORNE.

The bill (S. 6843) granting an increase of pension to A. Paul Horne was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of A. Paul Horne, late of Company B, Ninth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EMILY LAWRENCE REED.

The bill (S. 6702) granting a pension to Emelie Lawrene Reed was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emily Lawrence Reed, widow of Walter Reed, late major and surgeon, United States Army, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

Mr. GALLINGER. Mr. President, I desire to call the attention of the Senator from Virginia [Mr. MARTIN] to the fact that a pension for Emily Lawrence Reed, widow of Walter Reed, late major and surgeon, United States Army, is now being considered.

There has been great pressure, I will say, Mr. President, in behalf of this pension, to make it a large pension. Dr. Reed was a renowned scientist, and he is reputed to have discovered the cause of yellow fever, claiming that its transmission is by way of mosquitoes, and it is claimed in his behalf that his discovery is going to eliminate yellow fever from the causes of death in this and other countries.

Without expressing an opinion on that point, Mr. President, I will say that the committee were bound by their rules to report this bill at $35 per month, but I will venture the suggestion that if the Senate in its wisdom feels like overruling the committee on this matter I shall raise no factious opposition to any action the Senate may take.

Mr. MARTIN. Some days ago, Mr. President, the Senate, at my request, ordered printed as a Senate document a memorandum giving a brief account of the discoveries of Dr. Reed. That document has not yet been printed. I had hoped to have it on the desk of every Senator before this bill was considered; but as I am familiar with it, I will briefly present the views entertained by me and which were fully sustained in that document.

Dr. Reed undoubtedly discovered the method of the propagation of yellow fever. It is not a mere suggestion that he may have discovered it, but he demonstrated to the satisfaction of the scientific world everywhere, not only in the United States, but in every part of the world, that he discovered the method of propagation of yellow fever; and with that discovery in mind he devised methods which have actually eradicated yellow fever from the city of Habana for the first time in more than one hundred and eighty years.

The Secretary of War, in an address delivered by him in this city since the death of Dr. Reed, which took place on the 23d day of November last, stated that in his opinion this discovery by Dr. Reed saved to the United States more lives than were lost in the Spanish war, and to commerce more money than the entire cost of the Spanish war.

I myself, Mr. President, when present at some memorial exercises held by the Medical Association of the city of Washington in memory of Dr. Reed, heard General Wood, who was in command in Cuba at the time these discoveries were made, go further than the Secretary of War went, and say that for each year the discovery saved more lives than were lost in the Spanish war and for each year saved more money than the entire cost of the Spanish war.

This discovery is one of the greatest benefits conferred on mankind since the discovery of Dr. Jenner. It has been recognized by most of the leading medical and scientific societies of the world. In the Senate document which was recently ordered printed there are even resolutions adopted by the medical profession in Egypt. Such resolutions have come in, as I have stated, from every section of the civilized world recognizing the great benefit conferred upon mankind by the discovery of Dr. Reed.

I think, Mr. President, it would be exceedingly unfortunate if such services as have been rendered should not receive some recognition more than a pension of $35 a month from the Congress of the United States, and without detaining the Senate to go to any further extent in this matter I move that the bill be amended by inserting $125 per month in lieu of the $35 reported from the committee.

The PRESIDENT pro tempore. The Senator from Virginia offers an amendment which will be stated.

The SECRETARY. Amend the committee amendment by striking out, before the word "dollars," the word "thirty-five" where it appears and inserting in lieu thereof "one hundred and twenty-five."

Mr. HOAR. Mr. President, I desire to suggest to the honorable Senator from Virginia that there be inserted in the bill words something like these, "in special recognition of her husband in discovering," etc.; so that it will not stand like an ordinary pension. It is no particular honor to him except as a precedent for every other case.

Mr. LODGE. That is right.

Mr. MARTIN. Adopting the suggestion of the senior Senator from Massachusetts, I will also ask that the bill be amended by adding the words "in special recognition of services rendered in Cuba in connection with the discovery of the method of the propagation of yellow fever."

Mr. HOAR. I would put it in this way, "in special recognition of the eminent service to mankind of said Walter Reed in the discovery of the cause and cure of yellow fever."

Mr. GALLINGER. I think that is right.

Mr. MARTIN. I am glad to withdraw my last amendment and have the one suggested by the senior Senator from Massachusetts submitted in place of it.

The PRESIDENT pro tempore. The amendment will be read.

Mr. HOAR. It is to add at the end of the bill——

The PRESIDENT pro tempore. The Senator from Virginia desires to retain his first amendment increasing the sum?

Mr. MARTIN. That is to remain. I did not withdraw it.

Mr. HOAR. I understood that it had been adopted. The amendment I suggested is to come in at the end of the bill.

The PRESIDENT pro tempore. The amendment of the Senator from Virginia to the amendment of the committee has not been adopted.

Mr. HOAR. I move it as a separate amendment to the bill to come in at the end of the bill.

The PRESIDENT pro tempore. Then the first question will be on the amendment proposed by the Senator from Virginia increasing the sum from $35 to $125.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The PRESIDENT pro tempore. The Senator from Massachusetts offers an amendment, which will be read.

The SECRETARY. It is proposed to add, at the end of the bill:

In special recognition of the eminent services to mankind of said Dr. Walter Reed in the discovery of the cause and remedy of yellow fever.

Mr. HOAR. My colleague suggests the words "the means of preventing the transmission and propagation of yellow fever." I think that is an improvement myself.

Mr. GALLINGER. That is better.

Mr. HOAR. I will amend my amendment accordingly.

Mr. GALLINGER. I suggest to leave out the word "doctor."

Mr. HOAR. Very well.

The PRESIDENT pro tempore. The Senator from Massachusetts offers an amendment which will be stated.

The SECRETARY. It is proposed to add, at the end of the bill, the following words:

In special recognition of the eminent service to mankind of said Walter Reed in discovering the cause and method as well as the means of preventing the transmission and propagation of yellow fever.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. HOAR. I am sorry to delay the Senate, but that is not exactly read as it was offered.

Mr. GALLINGER. Your colleague changed it.

Mr. HOAR. I want to leave out some words there.

Mr. GALLINGER. I suggest that we proceed with the other bills while the amendment is being prepared.

The PRESIDENT pro tempore. If there be no objection, the remaining pension bills will be proceeded with.

The PRESIDENT pro tempore subsequently said: The Senator from Massachusetts offers an amendment to the bill, which was passed over, which will be stated.

The SECRETARY. It is proposed to add at the end of the bill:

In special recognition of the eminent services of said Walter Reed in discovering the cause and method as well as the means of preventing the transmission and propagation of yellow fever.

Mr. PLATT of Connecticut. If we are to be critical I want to inquire whether the word "method" there refers to the transmission, or whether it is coupled with the word "cause," and refers to the cause of yellow fever?

Mr. LODGE. I thought the language was clear, "the cause and method, as well as the means of preventing the transmission and propagation of yellow fever."

The PRESIDENT pro tempore. The amendment will be again read.

The Secretary again read the amendment.

Mr. LODGE. It should read "the cause and method of," "in discovering the cause and method of as well as the means of preventing the transmission and propagation of yellow fever."

Mr. TILLMAN. I suggest to the Senator from Massachusetts, although I presume to differ with his English very reluctantly, that the repetition of the word "of" is not as good English as he first used.

Mr. LODGE. I put it in to satisfy the Senator from Connecticut.

Mr. PLATT of Connecticut. It does not satisfy me.

Mr. LODGE. I wish the Senator from Connecticut would reframe the phrase. What we want to do is to make it clear that we are giving this pension in order to recognize the great services of Dr. Reed in discovering the means and methods by which yellow fever is propagated and transmitted, and also the methods which he discovered of arresting it.

Mr. PLATT of Connecticut. That is all right. If the Senator would put his amendment in the language which he has just uttered, it would not be open to criticism.

Mr. LODGE. The language of speech is seldom the language of a statute.

Mr. PLATT of Connecticut. I do not wish to interfere in the matter.

The PRESIDENT pro tempore. The amendment as now modified will be read.

The SECRETARY. It is proposed to add at the end of the bill the following words:

In special recognition of the eminent services of said Walter Reed in discovering the means of preventing as well as the cause and method of the transmission of the propagation of yellow fever.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Emily Lawrence Reed."

MAY MOSHER CHASE.

The bill (S. 7207) granting an increase of pension to May Mosher Chase was considered as in Committee of the Whole. It proposes to place on the pension roll the name of May Mosher Chase, widow of Constantine Chase, late major, Artillery Corps, United States Army, and to pay her a pension of $35 per month in lieu of that she is now receiving, and $2 per month additional on account of the minor child of said Constantine Chase until he reaches the age of 16 years.

Mr. GALLINGER. In line 7, I move to strike out "major" and insert "lieutenant-colonel."

The amendment was agreed to.

Mr. GALLINGER. In line 8, before the word "dollars," I move to strike out the word "thirty-five" and insert "forty-eight."

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES MONTY.

The bill (S. 6941) granting a pension to James Monty was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Monty, late of Company H, Second Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to James Monty."

DAVID N. TOLLES.

The bill (S. 4287) granting an increase of pension to David N. Tolles was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David N. Tolles, late of Company A, Third Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FANNY B. ORWAN.

The bill (S. 7202) granting an increase of pension to Fanny B. Orwan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Fanny B. Orwan, widow of Frederick A. Orwan, late second-class private, United States Signal Corps, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JENNIE W. RHOADES.

The bill (S. 7176) granting a pension to Jennie W. Rhoades was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" and in the same line, after the word "month," to insert "in lieu of that she is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jennie W. Rhoades, widow of Stephen W. Rhoades, late acting master, United States Navy, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Jennie W. Rhoades."

WILLIAM E. FEHRENBACK.

The bill (S. 5738) granting an increase of pension to William E. Fehrenback was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William E. Fehrenback, late of Company I, Second Regiment Iowa Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM H. M'HENRY.

The bill (S. 7182) granting a pension to William McHenry was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. McHenry, late of Company D, Sixth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to William H. McHenry."

HENDERSON MERCER.

The bill (S. 2860) granting an increase of pension to Henderson Mercer was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henderson Mercer, late of Company C, One hundredth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARIE A. RASK.

The bill (S. 6734) granting an increase of pension to Marie A. Rask was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-five;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Marie A. Rask, widow of Olof H. Rask, late first lieutenant United States Marine Corps, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM Y. TURNER.

The bill (S. 966) granting a pension to William Y. Turner was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, before the word "dollars," to strike out "twenty-four" and insert "twenty," and in the same line, after the word "month," to insert "in lieu of that he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Y. Turner, late of Company F, Fifteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELVIRA C. COMPTON.

The bill (S. 6143) granting an increase of pension to Elvira C. Crompton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elvira C. Compton, widow of Andrew J. Compton, late captain Company B, One hundred and forty-first Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amendad so as to read: "A bill granting an increase of pension to Elvira C. Compton."

PROPOSED PURE FOOD LEGISLATION.

Mr. McCUMBER. I ask unanimous consent that the bill (H. R. 3109) for preventing the adulteration, misbranding, and imitation of foods, beverages, candies, drugs, and condiments in the District of Columbia and the Territories, and for regulating interstate traffic therein, and for other purposes, shall be taken up for consideration on Thursday morning after the routine morning business.

Mr. LODGE. If unanimous consent is to be given to take up bills for consideration in the morning hour, if the Senator from Pennsylvania [Mr. QUAY] is going to grant requests of that kind, there are one or two bills on the Calendar which I think are more pressing even than the pure-food bill. I should like to know whether the morning hour is going to be granted by the Senator from Pennsylvania for that purpose, because, if so, I have a request to make about the Philippine bill.

Mr. QUAY. Mr. President, it is within the province and power of the Senator from Massachusetts to object to the consideration of the bill if he chooses. Unanimous consent is asked in this case.

Mr. LODGE. I shall object to the granting of any of these requests until I know whether that is to be general.

Mr. QUAY. I will state for the information of the Senator from Massachusetts it is not going to be general.

The PRESIDENT pro tempore. The Senator from North Dakota asks unanimous consent that the bill indicated by him

may be taken up for consideration at the completion of the morning business on Thursday. Is there objection?

Mr. LODGE. I object to the granting of consent at this time.

The PRESIDENT pro tempore. Objection is made.

HEARING AND DETERMINATION OF ANTITRUST CASES.

Mr. FAIRBANKS. I ask unanimous consent for the present consideration of the bill (S. 6773) to expedite the hearing and determination of suits in equity pending or hereafter brought under the act of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies."

The PRESIDENT pro tempore. The Senator from Indiana asks unanimous consent for the present consideration of a bill, which will be read to the Senate for its information.

The Secretary read the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. QUAY. I will not object, with the understanding that the bill provokes no discussion. If it does, I shall have to withdraw my consent.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment, in line 7, page 1, after the word "ninety," to insert "'An act to regulate commerce,' approved February 4, 1887, or any other acts having a like purpose that hereafter may be enacted;" so as to make the bill read:

Be it enacted, etc., That in any suit in equity pending or hereafter brought in any circuit court of the United States under the act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890, "An act to regulate commerce," approved February 4, 1887, or any other acts having a like purpose that hereafter may be enacted, wherein the United States is complainant, the Attorney-General may file with the clerk of such court a certificate that, in his opinion, the case is of general public importance, a copy of which shall be immediately furnished by such clerk to each of the circuit judges of the circuit in which the case is pending. Thereupon such case shall be given precedence over others and in every way expedited, and be assigned for hearing at the earliest practicable day, before not less than three of the circuit judges of said circuit, if there be three or more; and if there be not more than two circuit judges, then before them and such district judge as they may select. In the event the judges sitting in such case shall be divided in opinion, the case shall be certified to the Supreme Court for review in like manner as if taken there by appeal as hereinafter provided.

SEC. 2. That in every suit in equity pending or hereafter brought in any circuit court of the United States under said act, wherein the United States is complainant, including cases submitted but not yet decided, an appeal from the final decree of the circuit court will lie only to the Supreme Court and must be taken within sixty days from the entry thereof: *Provided*, That in any case where an appeal may have been taken from the final decree of a circuit court to the circuit court of appeals before this act takes effect, the case shall proceed to a final decree therein, and an appeal may be taken from such decree to the Supreme Court in the manner now provided by law.

The amendment was agreed to.

Mr. BATE. Is there a report upon this bill?

Mr. FAIRBANKS. There is no report upon it. The bill itself is perfectly plain. It provides, substantially, that whenever the Attorney-General shall certify to the clerk of the circuit court in which a suit in equity under any antitrust laws is pending, or hereafter brought, and wherein the Government is complainant, that the case is of general importance, it shall be the duty of the clerk to furnish a copy of the certificate of the Attorney-General to the circuit judges within the circuit wherein the suit is then pending.

The case shall thereafter be given precedence over other cases and shall be assigned for hearing at the earliest possible date, before not less than three of the circuit judges, and if not more than two circuit judges, then before them and the district judge whom they shall select. An appeal from the final decree of the court shall lie only to the Supreme Court of the United States; and where an appeal might have been taken to the circuit court of appeals before the bill, if enacted into law, takes effect, an appeal may be taken from the final decree therein to the Supreme Court.

The far-reaching importance of the cases arising under antitrust laws now upon the statute books or hereafter to be enacted, and the general public interest therein, are such that every reasonable means should be provided for speeding the litigation. It is the purpose of the bill to expedite litigation of great and general importance. It has no other object.

Mr. BATE. I do not say but that it is all right; I do not know how that is; but I have not myself heard the bill read before. Some others have not, and I think it had better go over until to-morrow.

Several SENATORS. Oh, no.

Mr. FAIRBANKS. I hope the Senator from Tennessee will allow the bill to be disposed of at this time. There is no objection to it in the Judiciary Committee, and I believe it will meet with the general favor of the Senate.

Mr. BATE. But there is no report from the committee.

The PRESIDENT pro tempore. The bill is reported from the committee.

Mr. FAIRBANKS. The bill is reported from the committee.

Mr. BATE. Is it a unanimous report?

Mr. FAIRBANKS. It is, I am pleased to say, a unanimous report.

Mr. BATE. There is no objection, then, sir.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to expedite the hearing and determination of suits in equity pending or hereafter brought under the act of July 2, 1890, entitled 'An act to protect trade and commerce against unlawful restraints and monopolies,' 'An act to regulate commerce,' approved February 4, 1887, or any other acts having a like purpose that may be hereafter enacted."

STATEHOOD BILL.

Mr. QUAY. Mr. President, I desire to renew my request that at 2 o'clock on Thursday, the 19th of February, a final vote be taken upon the pending bill, known as the omnibus statehood bill, with the amendments now pending and those then offered.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks unanimous consent that on the 19th day of February, at 2 o'clock in the afternoon, without further debate, the final vote shall be taken upon the pending omnibus statehood bill and amendments then pending and those then offered. Is there objection?

Mr. SPOONER and Mr. NELSON addressed the Chair.

The PRESIDENT pro tempore. The Senator from Wisconsin.

Mr. SPOONER. Mr. President, the Senator who has charge of this bill for the majority of the Committee on Territories is not in the Chamber, but before he left—and he was obliged to leave—he said to me that he did not anticipate any such request by the Senator from Pennsylvania, in view of the fact that that Senator had made so many unsuccessful efforts to obtain the unanimous consent of the Senate. He thought that he must have learned by this time that it could not be obtained. He asked me, if such a request were made, on his behalf to object to it, and I object.

The PRESIDENT pro tempore. Objection is made.

Mr. HANSBROUGH. Mr. President——

Mr. QUAY. I have the floor, I believe, Mr. President.

The PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. QUAY. I move, in view of what has just been said by the Senator from Wisconsin, that the Senate proceed to the consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

The motion was agreed to.

Mr. HANSBROUGH. I ask the Senator from Pennsylvania to kindly yield to me until I can call up a bill which is quite important.

Mr. QUAY. I will give way with pleasure to the Senator from North Dakota if the bill provokes no discussion.

Mr. HANSBROUGH. I do not think it will provoke any discussion.

The PRESIDENT pro tempore. The Senator from North Dakota.

LANDS IN ALASKA.

Mr. HANSBROUGH. I ask unanimous consent for the present consideration of the bill (H. R. 12098) to amend section 1 of the act of Congress approved May 14, 1898, entitled "An act extending the homestead laws and providing for a right of way for railroads in the district of Alaska."

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. HANSBROUGH. This bill——

Mr. SPOONER. Mr. President——

The PRESIDENT pro tempore. The bill can not be before the Senate until the Senate has consented. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with an amendment, to strike out all after the enacting clause and insert:

That the provisions of the homestead laws of the United States not in conflict with the provisions of this act, and all rights incident thereto, excepting the commutation provisions thereof, and excepting also the provisions relating to the acquisition of title through soldiers' additional homestead rights, are hereby extended to the district of Alaska, subject to such regulations as may be made by the Secretary of the Interior; and no indemnity, deficiency, or lieu lands pertaining to any land grant originating outside of the district of Alaska, and no scrip or warrant of any kind whatsoever shall be located within, taken from, or exercised on any lands in said district: *Provided*, That no entry shall be allowed extending more than 160 rods along the shore of any navigable water, and along such shore a space of at least 80 rods shall be

reserved for entry between all such claims; and that nothing herein contained shall be so construed as to authorize entries to be made or title to be acquired to the shore of any navigable waters within said district; and no patent shall issue hereunder until all the requirements of sections 2291, 2292, and 2305 of the Revised Statutes of the United States have been fully complied with as to residence, improvements, cultivation, and proof: *And it is further provided*, That every person who is qualified to make homestead entry of the public lands of the United States who has settled upon or who shall hereafter settle upon any of the public lands of the United States situated in the district of Alaska, whether surveyed or unsurveyed, with the intention of claiming the same under the homestead laws, shall, subject to the provisions and limitations hereof, be entitled to enter 320 acres or a less quantity of unappropriated public land in said district of Alaska. If any of the land so settled upon, or to be settled upon, is unsurveyed, then the land settled upon, or to be settled upon, must be located in a rectangular form, not more than one mile in length, and located by north and south lines run according to the true meridian; and the location so made shall be marked upon the ground by permanent monuments at each of the four corners of the said location, so that the boundaries of the same may be readily and easily traced; that the record of said location shall, within ninety days from the date of settlement, be filed for record in the recording district in which the land is situated. Said record shall contain the name of the settler, the date of the settlement, and such a description of the land settled upon, by reference to some natural object or permanent monument, as will identify the same; and, if after the expiration of the said period of five years the public surveys of the United States have not been extended over the land located, a patent shall nevertheless issue for the land included within the boundaries of said location as thus recorded, upon proof to be submitted to the register and receiver of the proper land office, upon proof that he is a citizen of the United States, and upon the further proof required by section 2291 of the Revised Statutes of the United States, and under the procedure in the obtaining of patents to the unsurveyed lands of the United States, as provided for by section 10 of the act hereby amended, and under such rules and regulations as shall be prescribed by the Secretary of the Interior as hereinbefore provided, except that the settler shall pay no price per acre for said land in the procedure of obtaining said patent, except the ordinary office fees and commissions of the register and receiver: *And provided always*, That no title shall be obtained hereunder to any of the mineral or coal lands of the district of Alaska: *And it is further provided*, That the right of any homestead settler to transfer any portion of the land so settled upon, as provided by section 2288 of the Revised Statutes of the United States, shall be restricted and limited within the district of Alaska as follows: For church, cemetery, or school purposes to 5 acres, and for the right of railroads across such homestead to 100 feet in width on either side of the center line of said railroad; and all contracts by the settler made before his receipt of patent from the Government, for the conveyance of the land homesteaded by him or her, except as herein provided, shall be held null and void.

Mr. SPOONER. This is a House bill, and the House bill contains six lines. The amendment of the committee is very elaborate, and I should like to have the Senator from North Dakota point out, if he will, the differences between the Senate amendment and the House bill.

Mr. HANSBROUGH. I will be very glad to endeavor to do so, if the Senate will bear with me.

Mr. President, the bill passed by the House provided simply for a homestead of 320 acres in Alaska without any other protecting provision.

Mr. LODGE. Will the Senator allow me? It amended existing law.

Mr. HANSBROUGH. It was an amendment.

Mr. LODGE. What is the law to which it referred?

Mr. HANSBROUGH. It is the one which provided a homestead to the extent of 80 acres, passed some years ago.

Mr. LODGE. Did that act extend the homestead laws to Alaska?

Mr. HANSBROUGH. It did. The Committee on Public Lands of the Senate have agreed upon an amendment which we think so thoroughly safeguards the House bill that the committee agreed upon it unanimously, after quite a time being taken in considering it. I think it would be well to have the latter part of the report of the committee read. I send it to the desk, and will ask the Secretary to read all that portion of the report on the second page which is in large type.

Mr. PLATT of Connecticut. Before the reading is entered upon, I should like to call the attention of the Senator from North Dakota to a provision in this bill:

Provided, That no entry shall be allowed extending more than 160 rods along the shore of any navigable water, and along such shore a space of at least 80 rods shall be reserved for entry between all such claims; and that nothing herein contained shall be so construed as to authorize entries to be made or title to be acquired to the shore of any navigable waters within said district.

That seems to provide, first, that you may make an entry of 160 rods along the shore of a navigable water; that a space of 80 rods shall be reserved for entry between all such claims; and the next clause is that you shall not acquire any title on navigable waters. I should like an explanation of it.

Mr. HANSBROUGH. I will say to the Senator from Connecticut that that is a mistake. I have before me a copy of the bill, in which I have made a correction, and I intended to offer an amendment to insert the word "from" instead of "for."

Mr. SPOONER. In what line?

Mr. HANSBROUGH. In line 14, page 2.

Mr. PLATT of Connecticut. The two clauses will then be entirely inconsistent. The one provides that a person may get 160 rods along the shore of navigable waters, 80 rods being reserved between the entries; and the next clause is that he shall not get any title any way to land on navigable waters.

Mr. HANSBROUGH. I think the Senator has misread the bill.

Mr. PLATT of Connecticut. It is perfectly plain. Here is this clause:

That nothing herein contained shall be so construed as to authorize entries to be made or title to be acquired to the shore of any navigable waters within said district.

Mr. CLARK of Wyoming. Will the Senator from Connecticut allow me? That is exactly in the words of the present law——

Mr. HANSBROUGH. That is right.

Mr. CLARK of Wyoming. Intending to reserve the shore line from homestead entry.

Mr. HANSBROUGH. For highway purposes.

Mr. CLARK of Wyoming. For highway purposes.

Mr. HANSBROUGH. Exactly.

Mr. CLARK of Wyoming. It is in the exact words of the present law.

Mr. HANSBROUGH. By changing the word "for" in line 14 to "from," I think the objection of the Senator from Connecticut will be met.

I will ask that the report may be read as suggested.

The PRESIDENT pro tempore. That portion of the report which has been marked will be read.

The Secretary read as follows:

The committee is fully satisfied of the necessity of extending the homestead law to the district of Alaska in the form presented in the foregoing proposed amendment, and for the following reasons among others:

The present law which allows a homesteader to take 80 acres is entirely inadequate for the conditions of the country and the efforts of those who go there for settlement. A large part of the land in Alaska is suitable for agricultural purposes, but is not suitable for such purposes in the limited area of 160 acres allowed by the general homestead law of the United States, and still less so in an area of 80 acres as allowed by former legislation of Congress.

It is believed by the committee that in enlarging the amount of land which each settler may in good faith take to 320 acres a sufficient amount would be set apart to enable that settler to engage profitably in the occupation of agriculture in that district. The committee has seen fit to increase the limitations of the homestead act, as in the proposed amendment set forth—that is, that the commutation clause of the homestead act, which is applicable to the States of the United States and the Territories, shall not be allowed in Alaska. This is done for the purpose of preventing settlers upon these tracts from taking land for the purpose of speculation and paying $1.25 per acre (as in other parts of the country subject to homestead entry) dispose of their rights and holdings for speculative purposes.

Second. It has been thought proper in cases where a person shall desire to make entry on 320 acres of land as allowed in this bill that he shall make it in a compact, rectangular form not more than 1 mile in length. This precludes the possibility of monopolizing the streams and narrow valleys by any one homesteader.

Third. All this land is, by the operation of this proposed bill, taken out of the operation of the law which allows the entry of land of like character in the United States and Territories by means of the various classes of land scrip which may now be applied to that purpose.

The necessity of legislation of the sort proposed by this bill is pressing and immediate; and, amended as in this report set forth, the committee recommend that the bill be passed.

Mr. HANSBROUGH. I ask that the amendment, which I suggested a while ago, in line 14, on page 2, be stated.

The PRESIDENT pro tempore. The Senator from North Dakota offers an amendment to the amendment, which will be stated.

The SECRETARY. In line 14, page 2, of the amendment strike out the word "for" and insert "from;" so as to read "shall be reserved from entry."

The amendment to the amendment was agreed to.

Mr. HANSBROUGH. In line 24, on the same page, I propose an amendment. After the word "qualified" I move to insert the words "under existing laws."

The PRESIDENT pro tempore. The Senator from North Dakota offers an amendment to the amendment, which will be stated.

The SECRETARY. After the word "qualified," in line 24, page 2, it is proposed to insert the words "under existing laws;" so as to read:

And it is further provided, That every person who is qualified under existing laws to make homestead entry of the public lands of the United States, etc.

The amendment to the amendment was agreed to.

Mr. HANSBROUGH. On page 4, I move to strike out all after the word "provided," in line 10, down to and including the word "patent," in line 12, and to insert "without the payment of any purchase price or other charges."

The PRESIDENT pro tempore. The Senator from North Dakota offers an amendment to the amendment, which will be stated.

The SECRETARY. After the word "provided," in line 10, page 4, it is proposed to strike out "except that the settler shall pay no price per acre for said land in the procedure of obtaining said patent" and to insert "without the payment of any purchase price or other charges;" so as to read:

Without the payment of any purchase price or other charges, except the ordinary office fees and commissions of the register and receiver.

The amendment of the amendment was agreed to.

Mr. SPOONER. I understand the effect of that is to give to the homesteader the land without any payment to the United States, except the ordinary fees for procuring the patent.

Mr. HANSBROUGH. The filing fees.

Mr. SPOONER. The filing fees.

Will the Senator kindly explain—there are probably good reasons for it—the enlargement of the homestead privilege to 320 acres. That will be exceptional, as I understand, if this bill becomes a law. What is the reason why a person shall be permitted to homestead 320 acres of land in Alaska while he is not permitted to homestead 320 acres of land elsewhere in the United States?

Mr. HANSBROUGH. The opinion of the committee, after fully considering this whole subject-matter, was that it was the duty of Congress to offer as great an inducement as possible to settlers to go to Alaska, and thus, to some extent at least, to endeavor to divert that tremendous stream of emigration which of late years has been pouring over into Canada from the United States. It is well understood that the land laws of Canada are exceedingly liberal. They have been made so in order to induce the immigration to which I have referred. We have a vast territory in Alaska which is reported to us by officials of the Government to be fit for agricultural purposes and stock raising. So the committee reached the conclusion that if a settler went to Alaska, he should have as large a piece of land as possible, so that he might establish not only agriculture but stock raising.

Mr. SPOONER. If he is to have as large a piece of land as possible, why not raise the limit, and say a thousand acres.

Mr. HANSBROUGH. I think a thousand acres would be altogether too much. At any rate, Mr. President, it was the purpose of the committee to offer an inducement to settlers to go to Alaska and take homesteads; and that was the whole object of increasing the size of the homesteads from 160 acres to 320 acres.

Mr. SPOONER. I should like to ask——

Mr. QUAY. If there is to be any further contention, I shall feel it my duty to object.

Mr. SPOONER. I submit to the Senator from Pennsylvania that it is not a contention. I am only asking a question for information.

Mr. QUAY. Then I will withdraw the word "contention" and say "colloquy."

Mr. SPOONER. I should like to ask the Senator from North Dakota whether this amendment has been submitted to the Secretary of the Interior, and whether any report has been made from the Interior Department upon it?

Mr. HANSBROUGH. The amendment was not submitted to the Interior Department; but it is strictly in line with the recommendation of the Secretary of the Interior in his last annual report. The bill is so thoroughly safeguarded in every way that it meets with the approval of all the officials with whom I have talked.

Mr. CLARK of Wyoming. Mr. President——

Mr. SPOONER. I should like to ask, if the Senator from Wyoming will permit me, what the Secretary of the Interior thinks in regard to this proposed legislation?

Mr. CLARK of Wyoming. I will state just on that point that there is a letter on file in the Committee on Public Lands from the Secretary of the Interior, in which he states that 320 acres of land is not too much for a homestead in Alaska.

Mr. SPOONER. I think that is probably true; and I should like to have that statement in the RECORD.

Mr. HANSBROUGH. The bill accords entirely with the view of the Secretary of the Interior.

Mr. SPOONER. I should like to call the attention of the Senator from North Dakota to the language of the bill, on page 2, beginning in line 7, which reads:

> And no indemnity, deficiency, or lieu lands pertaining to any land grant originating outside of the district of Alaska—

What is meant by the phrase "any land grant originating outside of the district of Alaska?" What is the object of that provision?

Mr. HANSBROUGH. That language is inserted with the intention of preventing the location of land scrip that has been issued to the railroad companies; it is intended to prevent them from locating it on any lands in Alaska.

Mr. SPOONER. Does that accomplish the purpose? Of course, a land grant is a grant of land by Congress, but what are referred to as lands originating in the district of Alaska?

Mr. HANSBROUGH. There are no land grants in the district of Alaska. The land grants are those outside of Alaska.

Mr. SPOONER. Would it not be better to provide explicitly that no scrip shall be located?

Mr. HANSBROUGH. We do provide just above against the location of soldiers' additional homesteads.

Mr. SPOONER. Have you not covered the whole ground in this provision:

> And no scrip or warrant of any kind whatsoever shall be located within, taken from, or exercised on any lands in said district.

It occurs to me that the language to which I first called attention is not only unnecessary, but perhaps misleading, and that the object of the committee would be better subserved by omitting it.

Mr. HANSBROUGH. I think the Senator is correct about that; and I shall be glad if he will frame an amendment to accomplish that purpose.

Mr. SPOONER. Then, beginning in line 7, page 2, I move to strike out the words:

> And no indemnity, deficiency, or lieu lands pertaining to any land grant originating outside of the district of Alaska.

The PRESIDENT pro tempore. The question is on agreeing to the amendment submitted by the Senator from Wisconsin.

Mr. NELSON. Mr. President, that amendment should not be agreed to. That clause should remain in the bill.

Mr. HANSBROUGH. I have asked the Senator from Wisconsin [Mr. SPOONER] to perfect an amendment which he proposes to offer instead of the clause in the bill.

Mr. SPOONER. I intended to move an amendment that no selections of lieu lands to fill any deficiency in land grants made outside of Alaska shall be permitted in that district.

Mr. NELSON. There is much forest-reserve scrip outstanding. Years ago an act was passed under which the railroads secured lands lying along the mountain sides which were of little value. They relinquished those lands to the Government but preserved the scrip therefor, and they have been using that so-called scrip to secure a great deal of valuable pine land in the Western Territories, in California, in Washington, and in Idaho. The object of this provision is to prevent them using that scrip in Alaska. It is called, in common parlance, "forest-reserve scrip," but it is really no scrip at all.

Mr. SPOONER. If my friend from Minnesota [Mr. NELSON], with whose purpose I am entirely in sympathy, will permit me to call his attention to the language which will remain after my amendment is adopted, I wish to ask him if it does not cover the point he makes? The bill will then read:

> And no scrip or warrant of any kind whatsoever shall be located within, taken from, or exercised on any lands in said district.

That is the language which will remain.

Mr. NELSON. I doubt if that will accomplish the desired object, because though technically this is called "forest-reserve scrip," it is not real scrip. It is simply a matter of the railroad companies having relinquished certain forest-reserve lands to which they were entitled, and they hope to select other lands in lieu of and in satisfaction therefor. This would not come in technically under the form of land scrip. No scrip was issued, as a matter of fact. So, I think the provision in the bill as it stood originally should remain.

Mr. SPOONER. I think the words "originating outside of the district of Alaska" are misleading. I think this clause should be stricken out:

> And no indemnity, deficiency, or lieu lands pertaining to any land grant originating outside of the district of Alaska.

Mr. NELSON. The Senator can see the operation of the bill. Here is the Northern Pacific Railroad Company, which had a land grant extending from Lake Superior to the Pacific Ocean. As a part of this land grant it had a big mountain out in the State of Washington of little value, but after the forest-reserve law was passed the railroad company relinquished its right to those lands and got the privilege of selecting lieu lands elsewhere, and it has been selling that privilege to lumbermen. I know a lumberman in Minnesota who, under that kind of scrip, has got 700,000 acres of valuable pine land in California. For that reason the object of that amendment is to cut off and prevent the making of such selections.

Mr. SPOONER. And that ought to be cut off. Now, I suggest whether these words would not cover the point:

> And no scrip, forest reserve or otherwise, or land warrant of any kind whatsoever, shall be located within, taken from, or exercised on any lands in said district.

Mr. NELSON. I hardly think it is as broad as the term "lieu lands." That, I think, would come nearer defining it than any other phrase.

Mr. SPOONER. I suggest to the Senator from North Dakota that he allow this bill to go over until to-morrow morning.

Mr. HANSBROUGH. I will consent that the bill may go over, Mr. President.

Mr. SPOONER. We are all for the bill, and by that time we can get it into a satisfactory shape, and pass it.

The PRESIDENT pro tempore. The bill will go over.

EXTENSION OF EUCLID AVENUE.

Mr. GALLINGER. Mr. President, the Senator from Pennsylvania [Mr. QUAY] consents that I shall ask for the consideration of Senate bill 5909, for the extension of Euclid avenue. I shall withdraw the request if there is any discussion on the bill. I will say that it is important that it should be passed for certain reasons.

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent for the present consideration of the bill the title of which he has stated.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 5909) for the extension of Euclid avenue, which had been reported from the Committee on the District of Columbia with an amendment, to strike out all after the enacting clause and insert:

That within thirty days after the passage of this act the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia, sitting as a district court, by petition, particularly describing the lands to be taken, a proceeding in rem to condemn the land that may be necessary for the extension of Euclid place through lot A of University Park subdivision and lots 14 and 15 of Hall and Elvan's subdivision of Meridian Hill, with a width of 50 feet.

SEC. 2. That of the amount found to be due and awarded as damages for and in respect of the land condemned for the extension of Euclid place as herein provided, not less than one-half thereof shall be assessed by the jury hereinafter provided as benefits, and to the extent of such benefits against those pieces or parcels of land on each side of said Euclid place extended as herein provided, and also on any or all pieces or parcels of land which will be benefited, in the proportion that said jury may find said pieces or parcels of land will be benefited.

SEC. 3. That the proceedings to condemn the land necessary for the extension of Euclid place as herein provided shall be taken under the provisions of sections 3, 4, 5, 6, 7, 8, 9, and 11 of an act of Congress entitled "An act for the extension of Columbia road east of Thirteenth street, and for other purposes," approved June 6, 1900, so far as the same may be applicable to the provisions of this act: *Provided*, That the amount of money found to be due and awarded as damages as hereinbefore provided shall be payable, one-half out of the revenues of the District of Columbia and one-half out of any money in the United States Treasury not otherwise appropriated, and a sufficient sum to pay the amount of said awards is hereby appropriated, payable as aforesaid.

SEC. 4. That the sum of $300 is hereby appropriated, one-half out of the revenues of the District of Columbia and one-half out of any money in the United States Treasury not otherwise appropriated, to provide the necessary funds for the costs and expenses of the condemnation proceedings taken pursuant hereto.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ASSESSMENT ON OIL-MINING CLAIMS.

Mr. CLARK of Wyoming. I ask unanimous consent for the present consideration of the bill (H. R. 15198) defining what shall constitute and providing for assessments on oil-mining claims.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes that where oil lands are located under the provisions of Title XXXII, chapter 6, Revised Statutes of the United States, as placer-mining claims, the annual assessment labor upon such claims may be done upon any one of a group of claims lying contiguous and owned by the same person or corporation, not exceeding five claims in all, provided that the labor will tend to the development or to determine the oil-bearing character of the contiguous claims.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THE NATIONAL FLORENCE CRITTENTON MISSION.

Mr. FOSTER of Washington. I ask unanimous consent for the present consideration of the bill (H. R. 14899) to amend an act entitled "An act to incorporate the National Florence Crittenton Mission."

Mr. QUAY. I give notice that I shall object to the consideration of any further bills, but I shall not object to the bill the consideration of which is asked by the Senator from Washington, unless it provokes discussion.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. GALLINGER. Mr. President, I move that the bill (S. 5970) to amend an act entitled "An act to incorporate the National Florence Crittenton Mission," which is now on the Calendar with a favorable report from the Committee on the District of Columbia, and which is similar to the House bill which has just been passed, be indefinitely postponed.

The motion was agreed to.

STATEHOOD BILL.

Mr. QUAY. Mr. President, I now ask for the regular order.

The PRESIDENT pro tempore. The regular order is before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

INDIAN TERRITORY AND OKLAHOMA.

Mr. QUARLES. Mr. President, I had occasion yesterday to consider the omnibus bill with reference to its sins of commission. I propose for a few moments to direct the attention of the Senate to its sins of omission, which are not less heinous.

Some one has said that a blunder may rise to the dignity of a crime, and I submit that the omnibus bill assumes to perpetrate a blunder in legislation the gravity of which can hardly be overstated. I refer to the divorcement of the two sections of the old Indian Territory and the proposition to incorporate the arid end of that Territory into the Union of States and leave the fertile and more productive part thereof entirely unorganized and practically a derelict among the States and Territories. It is too small for another State, too rich in resources to degenerate into a "No Man's Land." The proposition is to leave it in its present pitiable and chaotic condition, "without form and void," without relief or hope.

Protest has been made upon the floor against the intolerable eastern boundary of the present Territory of Oklahoma as recognized by this bill. It seems to have been cut down with a dull knife. It has jagged and irregular angles, and is not only unscientific, but absolutely intolerable. This is not a sentimental objection, but it is one of substance, because I need only remind you, sir, that if that is to remain as a permanent boundary, marked by no natural object like lake or river, but an imaginary line running zigzag across that eastern frontier, there will be constant questions of jurisdiction arising, and we will confer upon Oklahoma an unwelcome heritage of law suits. Besides that, sir, we might be responsible for a generation of cross-eyed children should they undertake to follow the boundary of the State in which they live.

As has been well said, the geographical argument was never stronger than it is in this case for a reunion of the two sections of the old Indian Territory. It is familiar that the present Territory of Oklahoma, while it is rich in agriculture, has no timber that is fit for any commercial use, it has no minerals, while the Indian Territory is well watered and has abundant timber. It has an inexhaustible supply of coal, most easily reached by man, some of the coal measures being within 6 feet of the surface and requiring only what is known as the stripping process to allow access to them. In addition to that, sir, the Indian Territory has iron, lead, zinc, and building stone of many varieties. It has splendid sandstone; it has as good an article of granite as is yielded by any quarry in America; it has marble, and in addition to that, an abundant supply of asphaltum and unmistakable indications of oil.

I presume, sir, that for the most part the Indian Territory to our people is an unknown land. It was so to me, and I shared the general superstition regarding it until a visit of the Committee on Indian Affairs made it possible for me to discover the popular error. It is, sir, a great garden spot, and I can hardly better explain its wonderful resources than by saying that under its genial sky the three great staples, corn, wheat, and cotton, are grown with equal success. So that, instead of the divorcement of these two sections, if they are brought together, as nature evidently intended they should be, there will be the resources of a great, rich, powerful State. They can manufacture their cotton, having the coal at hand and having cheap labor, at a lower price than it can be manufactured anywhere else in the world.

The railroads, anticipating the growth of that fertile region, have already gridironed the Territory with lines of communication far in excess of what has taken place in many of the older States.

I wish to say a word also, Mr. President, regarding the so-called Indians who for seventy years have held that vast tract of land by a communal title. I expected, in going into that region, to see the traditional tepee, to see Indians in blankets and with painted faces, but I soon learned that those tribes of Indians became civilized before they left the Southern States in 1835, and that the bleaching process, to which reference has been made, began at that early day. Those Indians are an intelligent people. The young men are active and industrious. Many of them are wealthy; a large proportion of them are as white as we, and as active and energetic. They have accumulated property. It is true that the full-bloods, who have retreated into the flint hills, live there by themselves and are not at all progressive, but they number only about 8,000, and are speedily passing away.

It is understood, I presume, that these Five Civilized Tribes, as they are justly called, under the act of Congress having the fee simple of that vast tract of territory conferred upon them as a tribe, had also the power to enforce a complete isolation. No white man could enter that Territory, under the act of Congress, without becoming an intruder.

But, Mr. President, those Indians were bright enough and broad enough to see that if they invited the white man to come in they would have better stores, better physicians, better lawyers; that the farms would be cultivated with better thrift and success, and so they broke down the barriers that this Government had extended around them for their protectien, changed

their policies, and invited the white men to come. And they have come, Mr. President, in large numbers. I believe there are today, in the Indian Territory, no less than 400,000 white men. While there I had an opportunity to become acquainted with a large number of those people.

I had the honor of addressing many audiences. I saw many of them in their homes and in their places of business. I visited their thrifty cities, where were exhibited stocks of goods as large as in an ordinary store in our cities in the North, and I want to say, sir, that it would be hard to exaggerate the intelligence, the thrift, the enterprise that everywhere permeate those communities. There is no friction whatever between the Indian population and the white population. They are working in harmony, but of course the Indians have taken care of the subject of education for their own children, and at Tahlequah, the capital of the Cherokee Nation, I saw as fine a building as one often finds dedicated to the purposes of education, a building which must have cost from $75,000 to $100,000. It was an Indian school for girls, and was well regulated in every way. So each of the tribes has provided, from its own fund, facilities for the education of the Indian children.

Mr. President, it was simply refreshing to go into those communities and see the enthusiasm and enterprise of the people. When they make known their wishes here regarding the future of that country I feel that they are entitled to the considerate attention of Congress.

I wish to direct the attention of the Senate for a moment to another objection that has not been alluded to in debate, which I think is a fair criticism of the omnibus bill. The proposition to confer statehood upon Oklahoma alone would, I apprehend, create an intolerable burden upon the people there. If any Senator will examine the map of this proposed State he will find in the northeastern corner thereof a very large domain which belongs to the Osage Indians. I can not give the Senate at this moment the exact dimensions of it, but it is a very large tract, which, of course, would not belong to the taxable area of the new State. If you turn to the southwestern part of the proposed State you will find another very large area known as the "Kiowa and Apache Reservation." While it is proposed to open up and allot that land in the near future, I would call the attention of the Senate to the fact that for a series of years, varying from five to seven, according to the pleasure of the homesteader, this great section would not be liable to contribute anything to the burdens of taxation.

It is true, sir, that for a time certain sections of the Indian Territory will not be available for purposes of revenue, but the two Territories taken together will be able at once to sustain all the burdens of statehood and to administer a republican form of government beyond the possibility of doubt.

Let me call the attention of the Senate for a moment to the situation in the Indian Territory as throwing light upon the character of the white people who have settled there. It may not be generally known, but it is none the less true, that in the Indian Territory they have been practically without law. The Five Tribes administered their own laws. They had their own executive, their own legislature, their own judiciary; but gradually that tribal government has crumbled away.

The United States has dismantled the tribal courts and substituted Territorial courts of its own, and so little by little and year by year the tribal government in all its departments has faded out. We have from time to time imported from Arkansas certain sections of Mansfield's Digest, but they have none of the ordinary adjuncts of government. They have no towns, they have no counties, they have no machinery for laying out roads, for building jails; they have no provisions for the unfortunate, the insane, or the defective classes, and they have had scarcely any system of law that could be called domestic in its character.

Now, I call attention to the fact that during all these years the white population in that Territory has been self-governing, and I think it is a great tribute to the genius of the American people for self-government that that community down there has made such a record under such adverse circumstances. The facts will show, sir, that notwithstanding the anomalous and chaotic conditions, so far as law and local institutions are concerned, there has been less crime in the Indian Territory than has occurred in either of the neighboring States. It shows that those people were so imbued with the American idea of self-government that they became independent and capable of controlling their own affairs, guided only by the American instincts that had been implanted in their breasts in the States whence they came.

But in this connection I beg to say thatthe condition of affairs in the Indian Territory is pitiable in the extreme, and an acquaintance with that state of affairs ought to be the strongest argument here for including the Indian Territory with Oklahoma, if either is to be admitted. There are there in that Territory about 50,000 white children of school age, with no system of schools at all. It is barbarous that anywhere within our domain, no matter how remote it may be, such a state of things should continue. Those children down there have been memorializing this body by sending postal cards here, a bundle of which the Senator from Indiana [Mr. BEVERIDGE] exhibited one day upon the floor. He handed me that little bundle of postal cards, and my eye fell upon the uppermost card, which was written by a little girl, and it said: "The state of things down here is awful:" and the little girl spelled the word "awful" "o-f-f-a-l." Now, that child little understood what pathos she was unconsciously adding to her appeal.

No, Mr. President, the conscience of the United States Senate ought to be aroused by such a state of things, and we ought, if we are to do justice to those people, to remedy the existing state of affairs as soon as we are able.

Another thing, Mr. President, the people of both those sections of the old Indian Territory are desirous of single statehood. This desire has been manifested in many ways, by hundreds of letters received by all of us who have had any connection with the affairs of that Territory; by committees who have appeared here; by numerous conventions held in both these Territories, and notably by the great convention held on the 6th day of January last, attended by 5,000 delegates from both Territories, where the resolution for single statehood was unanimously adopted.

Why should the wishes of those people be frustrated? Why should we, sitting here, assume to impute to them ignorance in regard to local conditions bearing on the question of statehood? They know what the situation is in the Indian Territory far better than we do. If it be their desire, as clearly appears also by the evidence taken by the subcommittee, that they should remain together as one great State—a State in which they and their children after them may feel just pride—should we sit here and arbitrarily ignore their request?

There is another thing, Mr. President. I believe that the people in both Oklahoma and Indian Territory have vindicated their plea for statehood by the wonderful progress that has been made there in the last thirteen years. Thirteen years ago what is now Oklahoma Territory was like a wilderness, but like a young giant that Territory has pushed to the front, while New Mexico and Arizona have proceeded with laggard steps. They have established a civilization there that is marvelous. Their progress excels anything of the kind that has ever marked the history of this commonwealth.

It is also worthy of remark that these people have tolerated no saloons and no gambling houses. The spirit of the people, unaided by law, was in favor of peace and order and good morals. In this substantial way they have commended themselves to our approbation. Let us listen to their powerful appeal.

Now, Mr. President, in view of the situation there, in view of the wishes of the people, I submit whether we ought to burden those people with the enormous expense of two State establishments for all time. Just consider for a moment what an intolerable burden that will be when, as they say, and as everybody must know, one State government would accomplish the desired end. We ought not to impose upon them such a burden as that.

I will not stop now to calculate in dollars and cents what an enormous sum that would amount to as the years roll on, but, encumbered as they both are, for the time being, with local conditions which will restrict the taxing area, I submit they should be combined in one State, so that they may with dignity and ease, as well as with honor, maintain a republican form of government. They have richly earned all that they ask, and are to be commended for desiring a single State that may have varied resources, insuring wealth and power, and calculated to fulfill the aspirations of a proud, high-spirited people.

The distinguished Senator from Ohio [Mr. FORAKER], when making his interesting address, spoke about the absence of a school fund in the Indian Territory. I agree, in a large measure, with what he said. I think myself it would be unfair to require Oklahoma to merge herself with the Indian Territory unless some provision be made to equalize the abundant provision already made for education in the Territory of Oklahoma. This objection may be readily met. When the process of allotment is completed in the Indian Territory there will be considerable fractions of land in each tribal domain which will not be needed for purposes of allotment, and I believe that when the time comes the Government of the United States should buy all of those fractions and portions of land and incorporate them into a suitable school fund, in order that the Indian Territory may be suitably endowed to enter into the Union with Oklahoma on a fair basis.

Now, Mr. President, I have about concluded what I wished to say, and I have spoken already much longer than I intended. But there have been some very peculiar manifestations since this bill came to us from the House. I think there are not lacking indications that the old omnibus had made several trips before it

came here; that it has stood before the doors of every national convention held for many years; that, like St. Paul, or following his advice, it has been "all things to all men." Finally the old omnibus was pulled from the other end of the Capitol in here and occupied the middle aisle between the two sides of the Chamber, and I fancy that on the other side of the old vehicle there was a legend, "This is a Democratic band wagon," whereas on this side it bore the legend of the Philadelphia convention, with the suggestion below, "What is politics among friends?"

Some of the Senators from this side of the Chamber, forgetting the story of the Trojan horse and forgetting, for the time being, that memorable line of Virgil, "Timeo Danaos et dona ferentes," have volunteered to be harnessed up with the Democrats to help pull the omnibus through the Senate. Shortly after the old vehicle came in, the astute Senator from Pennsylvania, a most consummate master and strategist in politics, mounted the box, and, turning that classic and immobile face toward us; that face that never betrays the secrets of the busy brain behind it—you might as well study the face of the Sphinx to learn the secrets of the desert—says to us, "Senators, I call for the regular order. Any of you who undertake to remove the old omnibus out of its place must be considered an obstructionist. This omnibus is a triumphal car which is on its way to the White House, and let us have the regular order now, and no obstruction." [Laughter.]

Mr. President, if the old omnibus shall ever reach that historic place toward which it seems to be destined, I think it will pass into history as the greatest political paradox of modern times. Now, instead of taking that lumbering old vehicle down to the White House, I would suggest in conclusion that it be retired to some appropriate place, there to be kept, like the coach of Washington, as a curiosity, or perhaps better yet, like the chariot of Maximilian, still cherished by the people of Mexico as an instructive relic, an unholy ambition.

Mr. KEAN addressed the Senate. After having spoken for a few minutes,

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER (Mr. PETTUS in the chair). Does the Senator from New Jersey yield to the Senator from Indiana?

Mr. KEAN. Certainly.

Mr. BEVERIDGE. I was listening very attentively to what the Senator said, but I did not catch, from the numbers assigned to each county, whether the Senator was going over the question of apportionment, as the committee has done in the report with reference to Arizona. Was that what the Senator was doing? I could not quite catch it over here.

Mr. KEAN. That is what the Senator from New Jersey was attempting to do.

Mr. BEVERIDGE. If the Senator from New Jersey was attempting to do it, he was doing it extremely well, as he does everything he attempts to do.

Mr. KEAN. I thank the Senator.

Mr. BEVERIDGE. I have not myself given careful attention to the New Mexican apportionment. I did to the Arizona apportionment, which deserves considerable attention here from somebody by way of explanation, and for which explanation the committee has called, but which nobody has given as yet.

There is a disparity of representation in the constitutional convention, as represented by its constituencies, which, on the face of it, is simply outrageously unjust, as will be seen by referring to the page perhaps preceding the last page of the committee's report. A county will be given, let us say, for example, three representatives, and another county, having twice the population, is given practically the same number of representatives. Yet that radical injustice and the denial of popular representation in the constitutional convention is deliberately inserted in this bill. Now, if that be also true with reference to New Mexico, it renders the iniquity of the bill, of course, all the greater.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from New Hampshire.

Mr. KEAN. Certainly.

Mr. GALLINGER. I am not familiar with this provision of the bill, but I want to suggest that in one New England State every city and town is alike represented. A city of 25,000 has the same representation in the legislature as a town of a hundred. In another New England State the representation is almost as unequal. It seems to me that if there is a little inequality in New Mexico or Arizona it is not so startling as it is in some of the older States of the American Union. But this is not a gerrymander, but inequality of representation, which exists in almost every State.

Mr. KEAN. Mr. President——

Mr. BEVERIDGE. If the Senator from New Jersey will permit me——

Mr. KEAN. I was merely going to say to the Senator from New Hampshire that those States in New England started well, and they did have equal representation when they started.

Mr. GALLINGER. Not at all.

Mr. KEAN. They have not changed their system. It is the system they adhere to, and they do well, in my opinion, when they adhere to old customs and old notions.

Mr. GALLINGER. That of course is the Senator's opinion. I will say that they did not start in accordance with the principle of equality at all, nor have they adhered to the principle of equality. I am not criticising the situation, but I think there is a great deal of denunciation heaped upon these Territories in matters concerning which they are doing quite as well as some of the older States of this Union.

Mr. BEVERIDGE. With the permission of the Senator from New Jersey, I should like to say a word.

Mr. KEAN. I yield.

Mr. BEVERIDGE. I hope I do not understand my friend the honorable Senator from New Hampshire to defend a gerrymander upon the instances that he has stated from New England. It is a gerrymander to which we refer in the apportionment of the constitutional convention for Arizona. It is a gerrymander, I take it, to which the Senator from New Jersey refers when he alludes to the apportionment in New Mexico. The Senator from New Hampshire comes back and says in certain New England States they started out with equality representation by towns. The Senator does not intend to defend this gerrymander by that historical instance?

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from New Hampshire?

Mr. BEVERIDGE. Certainly.

Mr. GALLINGER. I was about to remark that the question of gerrymander is one from which no State is entirely free. The State of Indiana has been guilty of gerrymandering. I presume the Senator from Indiana has lifted his voice against it.

Mr. BEVERIDGE. I have.

Mr. GALLINGER. Well, Mr. President, the Senator has gone further than most men in public life in the direction of political virtue.

Mr. BEVERIDGE. Do I understand that the Senator from New Hampshire would not lift his voice against it?

The PRESIDING OFFICER. Senators must not indulge in this conversation. The Senator from New Hampshire has the floor.

Mr. GALLINGER. I thank the Presiding Officer. I will occupy the floor but a moment, by the courtesy of the Senator from New Jersey.

I was about to say that there is scarcely a State in the North which has not been guilty of gerrymandering to gain advantage in the legislature, to gain advantage in Congressional representation, and to accomplish political purposes. As to how far these two Territories have been guilty in that direction, I do not know. No evidence has been produced that they have done it at all. But I venture to say they have not gone beyond the point that happens almost every year in the States of the North, and I think we ought not to hold them in terrorem because they have possibly imitated the conduct of the people in Indiana, in New Jersey, and in New Hampshire. That is all I have to say about it.

Mr. BEVERIDGE. Mr. President, I do not know what is the Senator's familiarity with the history of gerrymandering in Indiana, although he speaks with a great deal of liberality concerning that subject. I do know something about that history, and the Senator was quite right when he said that perhaps I had lifted my voice against it. I have lifted my voice against it, and always intend to do so; and while I claim no monopoly, no more than the ordinary share of political virtue, no more than that which ought to actuate every citizen, it is my purpose to lift my voice against such a thing as that in my own or any other State with which I have anything to do, whether it is attempted by the opposition party or by my own party. I do not think that substantial and permanent victory comes by any such political trick, and I see no reason why, without the assumption of extraordinary virtue, a man should not "lift his voice," to use the Senator's expression, against that denial of popular representation wherever it may occur.

But that is not the question here. It is not the question whether Arizona is imitating bad examples set somewhere else, either in the Mississippi Valley or New England. It is the question whether the Congress of the United States shall imitate that example, because this gerrymander appears in this bill, in the enabling act which is to constitute these present Territories States. It is not their act. They are not following the bad example of other States or parties in other States. It is our act. And does the Senator or any other Senator mean to say that it is admissible, or even pardonable, that the Congress of the United States should follow a reprehensible example simply because it has been done by some or either political party in any State in a political emergency?

Mr. GALLINGER. If the Senator will permit me——
Mr. BEVERIDGE. Certainly.
Mr. GALLINGER. I mean to say that in almost every State in the American Union at the present time gerrymanders exist in reference to Congressional districts, which the Congress of the United States, under the Constitution, could correct if it chose to do so. I think I am not mistaken in the assertion that the Congressional districts of the State of Indiana have been gerrymandered, and that the lines are not now laid down in accordance with the principle of equality. That is my judgment, and I am somewhat familiar with the question, too, Mr. President.

Mr. BEVERIDGE. Mr. President, the judgment of the Senator as to political lines in Indiana may well be put up against the combined judgment of men who the Senator himself will admit are patriotic and fairly intelligent and who really know something about the subject. But that begs the question I asked the Senator and the Senate, and that question is, conceding it to be true, as we know it is, that perhaps all parties in the past have resorted to this trick of temporary partisan advantage (a thing which to my observation has never resulted in their permanent advantage), does the Senator mean to say that the Senate of the United States in conferring statehood on a Territory, in calling her constitutional convention, should deliberately and with her eyes open, imitate that bad example; and that we do it deliberately and with our eyes open is exhibited on the face of the bill itself?

This gerrymander is not a thing to be implied or inferred. It is on the written pages which it is proposed we shall enact. Is there anybody here, no matter how ardent an advocate he is of the statehood measure, who will defend that principle? Will anybody maintain that the Senate of the United States has come to the point where it ought to follow admittedly the worst practices of political parties for temporary advantage?

Mr. President, the Senator, in his remarks a moment ago, seemed to admit the gerrymander, and he said something about its being for partisan purposes. I have not mentioned for what purpose it was; the committee in its report did not mention for what purpose it was; and the Senator has been the first to suggest any partisan purpose with reference to this subject, either directly or indirectly.

Mr. GALLINGER. I know that the Senator from Indiana does not mean to misrepresent me.

Mr. BEVERIDGE. I do not, and will not.

Mr. GALLINGER. I said that gerrymanders had occurred in the States for partisan purposes, and the Senator knows it to be true.

Mr. BEVERIDGE. Certainly I know it to be true; and that being true, I ask the Senator whether or not he indorses it and thinks the Senate of the United States ought to follow that bad practice in this bill. In the committee's report and in the debates upon this subject we have not charged that the figures exhibited there are a gerrymander for political purposes. Every Senator upon this floor and every member of the Senate who has studied the subject no doubt knows in his own mind what they are for. But the committee did, in its report, call upon those who are urging the passage of the omnibus bill to explain those figures; and although the bill has been before the Senate since the opening of the session, not one Senator who is in favor of it has uttered a syllable in explanation of this feature. Is that not strange?

Now, Mr. President, let me read just what it is in reference to Arizona, and then I want to hear further from the Senator from New Jersey with reference to the gerrymander in New Mexico, which had escaped my attention, I will say.

In Arizona Apache County has 2 delegates and 8,297 population. I will not read them all but will go along——

Mr. GALLINGER. I wish the Senator would read them all.

Mr. BEVERIDGE. All right. Cochise County has 4 delegates and 9,251 population. That is practically the proportion. Coconino 2 delegates, with 5,514 population; Gila, 2 delegates and 4,973 population. Now listen. Graham 3 delegates, with a population of 14,162; Maricopa 5 delegates, with a population of 20,457; Mohave 2, with a population of 3,426. Mohave County has 2 for a population of 3,426, whereas Graham has 3 for a population of 14,162. Navajo has 2, with a population of 8,829, although Mohave, with only 3,426 has 2; that is to say, one county, with twice the population, has the same representation as another county which has only half the population. Will any Senator explain that? Is that a thing which any Senator wants to put upon the statute book of the United States? Pima County has 3 delegates, with a population of 14,689, and Pinal has 3 with less than half of that number, namely, 7,779.

Why is it, I ask the Senator or any other Senator, that the people of Pinal County should be given twice the representation in the constitutional convention that the people of Pima County have? That is what they have. Each of those counties has 3 delegates in the constitutional convention, yet one county has twice the population of the other.

That thing runs all through. Santa Cruz has 2 delegates, with a population of 4,545. Listen to that. Yet Navajo County has only 2, with 8,829. Why is it that the people of Navajo County are denied 50 per cent of their representation? Why is it that the people of Santa Cruz are given 2 representatives whereas Navajo has but 2, with twice the population?

Yavapai has 4 for 13,799 population. Yuma has 2 for 4,145.

There, Mr. President, is the apportionment on the face of the bill itself, which it is proposed, without correction and even without explanation, to enact into law.

There have been only two vigorous defenses of this measure, and yet although the committee's report calls for an explanation of that from anybody favoring the bill, not one word has been heard of it. I should like to have some explanation, and if no explanation can be given, are the Senators willing to correct that apportionment? Will anybody say that an explanation should not be given when we are conferring statehood and are deliberately denying to the people in the proposed new State a proportionate representation in their constitutional convention? Does anybody think it is beneath his notice to explain that thing? Is it consistent with republican form of government? Is it consistent with the principle of democratic representation?

Therefore, Mr. President, I rose to ask the Senator from New Jersey to explain more fully the New Mexican apportionment, which had escaped my attention.

Mr. McCOMAS. Will the Senator from New Jersey yield to me for a while?

Mr. KEAN. I yield to the Senator from Maryland.

Mr. McCOMAS. Mr. President, I have been listening to this debate in respect of this very unhappy feature—the gerrymandering of the legislative districts—as a beginning of statehood in the new States. The proposition is that the Congress of the United States must now crystallize these gerrymanders, the worst practice and the most insidious danger to representative government in the organic acts of these new States. The great misfortune of this debate, and I think a consideration which has much prolonged the debate, is that there has been no opportunity, and there will be given no opportunity, to better the bill, to take out of it features which are admittedly objectionable, features which even those who are the most earnest advocates of the passage of the measure must realize are serious objections in the making of new States.

It happens that we are not permitted to make amendment. We must either reject the bill or we must accept it with these objectionable provisions in it. For one, I object to that method of legislation upon any proposition. I object to it when it is to inaugurate the organic laws of States. I object to it when it is to divide the sovereign power of this Federal Republic, not among 45 but among 48 States. You are going to make a large subdivision of the sovereign power of the States, and you are going to base this action of Congress now upon an error fundamental, starting with legislative districts so unequally divided in these States, not only in the election of Representatives in Congress, but in the election of representatives to the legislature who elect Senators in Congress.

It is said here that if it be thus in Arizona, it is likewise in New Mexico. That is a double reason why the whole matter should stop here and now. If it happens that Republicans in New Mexico have gerrymandered that Territory, and that the Democrats have gerrymandered the Territory of Arizona, then "a plague o' both your houses." If we are to make them States and if they are to enter the great circle of sovereign powers under a Federal Union, they should come with clean hands; they should not ask in this beginning of the twentieth century that that despicable, narrow little trick of gerrrymandering should be sanctioned by Congress.

I speak with some feeling upon this matter. I never had any part in making any gerrymander of any State, and, except in recent years, I have had no opportunity to attempt a gerrymander. I am proud to say that when, after a long series of years of political adversity in my State, the time came when the Republicans could make Representative districts in any extent whatever, in the only instance in which they did it the Republicans made them so fair, so just, so reasonable, that the opposition party, expecting to find that we were trying to intrench ourselves by that petty trickery, were astonished at our moderation, and by their silence approved our justice and wisdom.

Years ago, Mr. President, in the House of Representatives, I had the honor to introduce—and I remember it went as far as the approval of the caucus of my party in that House—after as much study as I was capable of and with such seriousness as I could bring to the proposition, I framed a bill to prevent this practice of gerrymandering the Congressional districts. The purpose was to so have it apply in the legislation of Congress that it

might be an example to the people of the States and to the legislatures in respect of their legislative districts.

There will come a time, Mr. President, when the fountain of representative power will be cleansed of this contamination, and an awakened sentiment of the people of the country will tend to purge it more and more. After the excitement of the elections and the stress of party ascendency, the zeal of party manipulation will at some time in this great country of ours give place to a serious and thoughtful effort to stop this practice of gerrymandering; and that effort will receive the impetus and encouragement of the better thought in this country.

Yet now, in the beginning of the twentieth century, we are in haste and anxiety to bring in new States which might wait for a little more population and might make more equitable division of the scant population in their legislative districts in two of the proposed new States which this bill proposes to admit forever. They should not imitate the inequality of the rainfall in those arid regions by fixing a like inequality in the population of the legislative districts.

We certainly have a right to make those amendments, and we should be permitted to make them. I hope that Senators who are urgently in favor of this bill will agree, if ever this matter shall be adjusted after long debate, that we shall have the opportunity to make such improvements in respect of these matters. They are fundamental; they are essential; and I, for one, would never be prepared to vote for any bill which would enact into law, not the current law of an appropriation bill, which every year may be changed, not a statute of general law, which may be modified or amended, but an organic law, an act which makes a State, which we can not change after it passes unamended. It should not be, and I thought it could not be, in the Senate of the United States until I saw this omnibus bill to rush new States into the Union in this ill-advised fashion.

The more this bill is examined, Mr. President, the more the friends of it must be seriously concerned that it is not a better bill, and the more those who think it is not a good bill should go over it and give it more careful consideration.

Why can we not amend this bill? Why can we not wipe out the Republican gerrymander in one of the new States and the Democratic gerrymander in another of the new States? I look in vain for some one to give a good reason why it should not be done.

In the bill against gerrymandering which I framed and had reported years ago in the other House, and which died in the midst of more exciting things, in addition to equality in population a Territory was required to be compact, contiguous, adjacent, and, as nearly as possible, symmetrical in its geographic boundaries. Those are elements which do not apply to this gerrymander on the face of it, as the Senator from New Jersey [Mr. KEAN] has so well said in his interesting speech, and as the Senator from Indiana [Mr. BEVERIDGE] has so admirably stated from the table contained in his own most persuasive report upon this bill, the report of the majority.

Mr. President, if we could have a new chart on these walls of the two Territories of Arizona and New Mexico, with the gerrymander and the shading in the density of population as we have in the tabulation of the census, it would show a most glaring and unequal picture of the popular legislative representation in that country.

How few are these people? A limited number of people, 1 man to 1 square mile of territory in a domain larger than New York and New England combined, and we are asked to hasten, despite this inequality in a sparse country, where population would seem to be almost too scarce to tempt anyone to a gerrymander, to ratify and confirm this most glaring inequality by passing this statehood bill.

I remember to have made—some years ago, and I am sorry that I have it not here—some tabulations and to have placed in the report upon that antigerrymander bill a number of maps of most curious gerrymanders in this country. When we came to make a new apportionment bill last year, after the last census, we required that the territory should be compact and contiguous in the Congressional districts. In doing that we made a slight advance. It was not compulsory, but was persuasive as against the habit of Congressional gerrymandering.

Shall it be, Mr. President, that the Senate is powerless now; that it must incontinently rush into the circle of States these ill-prepared Territories with their sparse populations, their unattractive aspect, and without any prospect of their increase in population and wealth within many decades? It is said this must be done—done now, done within the next thirty days—without getting rid of this bad feature in this organic law.

There is another reason why the feature of the gerrymander which we are thus to sanction and to dignify by the action of the Senate is particularly unfortunate. From the very interesting speech of the Senator from California [Mr. BARD], and from the observations of the Senator from New Hampshire [Mr. BURNHAM], whose thorough and comprehensive speech I have just been reading in the RECORD, it appears that there is a considerable population in New Mexico and Arizona with which we have heretofore had much to do—a Mormon population. I speak of it not economically, but I speak of it in respect of citizenship. There is not a more hardy, industrious, pertinacious people anywhere than the Mormon community. In the orderly and daily conduct of life, in thrift, in industry, in frugality, in sobriety, they are a most remarkable people.

If any community, if men of any sect or creed, can be said to be fitted to fight that area of desert to find water, and to make the country blossom and bloom where water was not accessible before their immigration, they are the people who can conquer the obstacles of the desert and the arid region. They have subarid regions, and in some places they approach the arid region, according to our geological description of our vast country, which is lacking in copious and abundant rainfall. They have in a measure solved this irrigation problem. They are now moving farther south into New Mexico, and especially into Arizona.

It has been here stated repeatedly, and denied by nobody, that one-fifth of the political power in Arizona is in the hands of the Mormon people who have emigrated thither. It is more than one-fifth. There is not in respect of the Mormons the uniform slowness of increase of population in that Territory—a slowness of population which is quite unusual and quite un-American. The Mormons alone keep up about the American average of increase of their own people in that Territory.

In Oklahoma the other people of the United States not of the Mormon faith vastly exceed the Mormons in number. Oklahoma is in a latitude different from that of Arizona or New Mexico. It is among the choicest regions of the temperate zone. It is being populated from both North and South, and not by the Mormons.

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Indiana?

Mr. MCCOMAS. I yield to the Senator from Indiana.

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER. The Senator from Indiana will address the Chair.

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER. The Chair recognizes the Senator from Indiana. The objection of the Chair was to the Senator turning his back on the Chair.

Mr. BEVERIDGE. Well, Mr. President, I was talking to the Senator from Maryland [Mr. MCCOMAS], and, however much it may be necessary, the Chair well knows that I always address the Chair in intent.

I, however, desire to interrupt the Senator from Maryland for the purpose of asking him a question of considerable concern to the Senate and, I take it, to this country. In the matters with which my time has been occupied I have not noticed it until this moment, and I ask the Senator from Maryland, and if he can not answer me, then I ask the Senator from Ohio [Mr. FORAKER] or the Senator from New Hampshire [Mr. GALLINGER] or any other Senator in favor of this bill, as to whether there is an antipolygamy clause in this bill with reference to Arizona.

Mr. FORAKER. I understand there is.

Mr. BEVERIDGE. Well, Mr. President, the committee in drafting its substitute put that clause in with great care. I do not know whether it is in this bill or whether it is not in this bill, but it is something I desire very much to know. It is very pertinent to the subject about which the Senator from Maryland is now speaking.

Mr. MCCOMAS. I was just about to refer to that feature of this bill.

Mr. BEVERIDGE. I have called the Senator's attention to it.

Mr. MCCOMAS. I am very glad, Mr. President, that the Senator from Indiana has asked that question. The curious thing is that there are two inadequate provisions on that subject. As was so well stated by the Senator from California [Mr. BARD], and I think by the Senator from New Hampshire [Mr. BURNHAM], there are two inadequate provisions in respect to Arizona and New Mexico, the places where the Mormon problem must be met, and a slightly more stringent provision in respect to the Territory of Oklahoma, where that danger is least to be feared. But, Mr. President, such as they are, as I have not the bill before me, I will read them from the statement found in the speech of the Senator from California.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from New Hampshire?

Mr. MCCOMAS. I yield with pleasure to the Senator.

Mr. GALLINGER. I think the Senator ought to read the provisions in the bill, Mr. President. I have been writing to my

people that such provisions exist in the bill, and I hope I have been correct. Now, I think it is but due to those of us who support this bill that the exact phraseology should be read.

Mr. McCOMAS. If the Senator will give me a copy of the bill I will read the sections. When the Senator gives them to me to read and I read them it will be found that the weaker provision is, as I said a moment ago, in connection with the two Territories where the danger of polygamy and the Mormon Church ascendency is greatest, and there is a slightly stronger provision in respect to the Territory of Oklahoma, where that danger is not so seriously to be apprehended.

Mr. President, these questions are coming upon us now. We see by the public press that a Senator has been elected from the State of Utah, where the Mormon practices are objected to by the people of the United States, objected to by the moral sentiment of the United States, and objected to in emphatic terms by the very statute which organized Utah as a State. In the exercise of their right, the legislature of Utah have elected a Senator from that State, and objection is made to him, not that in every other respect he is not worthy to hold a seat on this floor, but that in respect of his exalted official connection with the Mormon Church he is not a person entitled to a seat on this floor.

I am not going to discuss such a question, but I am going to suggest to those who would make new States what would be the predicament if there should be an election of a person to whom upon any grounds men might object—upon what grounds it does not yet appear to me. Upon what ground can the people of other States petition Congress to interfere with the rights of the people of one of the States as to the representative they may elect, if they elect him in conformity with the regulations prescribed by the act of Congress pursuant to the powers of the Constitution? That question gives me and must give us all serious concern.

Mr. GALLINGER. Mr. President——

Mr. McCOMAS. In a moment I will yield to the Senator.

We do not want that matter to arise here again and again. We ought to guard it in limine, Mr. President. Before we proceed we ought to see that we have States and communities in which such a difficulty and such an embarrassing proposition may not arise. It is a proposition in which the moral sentiment of the country may be on one side and on which the law of the case and the right of representation under the power of a State may happen to be all upon the other side. Why rush into all these problems rashly, impetuously, now in the dying days of a short session of Congress?

I have not, in my experience here and in the other House, seen more incontinent persistence—and I say it with great respect to the gentlemen who differ with me on the subject—with more incontinent persistence to take up a proposal of statehood which has lingered for half a century and now must be done within half a month.

If the Senator from New Hampshire will mark and give me the three sections, I shall be very glad to read them.

Mr. GALLINGER. With the Senator's permission, I will read them myself.

Mr. McCOMAS. All three?

Mr. GALLINGER. All three.

Mr. McCOMAS. And then pass them to me?

Mr. GALLINGER. Certainly.

Mr. McCOMAS. I yield to the Senator from New Hampshire.

Mr. GALLINGER. The provision relating to Arizona, Mr. President, is as follows:

> First. That perfect toleration of religious sentiment shall be secured, and that no inhabitant of said State shall ever be molested in person or property on account of his or her mode of religious worship: *Provided*, That polygamous or plural marriages are forever prohibited.

In reference to New Mexico, the language, I believe, is exactly the same; but I will read it. It is as follows:

> First. That perfect toleration of religious sentiment shall be secured, and that no inhabitant of said State shall ever be molested in person or property on account of his or her mode of religious worship: *Provided*, That polygamous or plural marriages are forever prohibited.

The Senator is mistaken in saying that the provision in reference to Oklahoma is stricter than that in reference to the other Territories. In reference to Oklahoma the bill provides:

> First. That perfect toleration of religious sentiment shall be secured, and that no inhabitant of said State shall ever be molested in person or property on account of his or her mode of religious worship: *Provided*, That nothing herein contained shall be construed to legalize the practice of polygamy.

Mr. McCOMAS. Mr. President——

Mr. GALLINGER. If the Senator will permit me just a word, I will say that after reading the bill very carefully I have written to a great many good people in my part of the country that there was a very strict provision in the bill against permitting polygamy in these proposed new States; and, after rereading it, I am sure that I have stated the matter accurately in my correspondence. But I will be glad to hear the Senator from Maryland on that point.

Mr. McCOMAS. Mr. President, I do not mean to trench too long upon the patience of the Senator from New Jersey [Mr. KEAN]. I had intended to make some observations in respect to this bill in another of its phases, but I shall content myself with taking this one matter and hoping for some other opportunity in respect to two other very important features of this question upon which I have serious convictions.

The Senator from New Hampshire [Mr. GALLINGER] says that he has written to his constituents that he is quite sure that this matter is carefully guarded. When the Senator says that, I know that he writes from his conviction and that his mind is entirely satisfied, for he is a man of care, conviction, and courage, but I think, in spite of his conviction, he can not ask me to share that confidence with him.

I read in turn these clauses:

> First. That perfect toleration of religious sentiment shall be secured, and that no inhabitant of said State shall ever be molested in person or property on account of his or her mode of religious worship: *Provided*, That polygamous or plural marriages are forever prohibited.

Now, undoubtedly the Senator believed when he made that statement that the proviso was effective and most restrictive of the practice of polygamy. The rest of the section is a broad statement permitting the widest religious toleration, which of course does honor to our age. It happens that under a provision which is almost quoted in those words in my own State, founded upon religious toleration and dedicated to civil and religious liberty, and under the constitution thus framed containing that statement in the bill of rights, they were able, if they had wished, to sentence to death Anabaptists and to deprive of the privileges of citizenship persons who belonged to the Catholic faith, which founded the province which finally became the great Commonwealth of Maryland.

That is a broad statement which enables men to enjoy the largest liberty. If there be any restriction, it is to be found in the proviso. What is this proviso concerning the last of these Territories—New Mexico—in this bill?

> *Provided*, That polygamous or plural marriages are forever prohibited.

Not polygamy, not living in polygamy, not polygamous cohabitation, but the celebration of the rites of marriage of a monogamous man to a second, third, or fourth wife is sternly and strongly prohibited by the proviso in this section.

What is to prevent him from going up to the temple at Nauvoo and there, if they may, under the laws of Utah or anywhere else, celebrate a plural marriage? And what is to prevent them from going back and living in the State of New Mexico? The proviso simply prohibits the rites of polygamous marriage. It does not prohibit polygamous cohabitation in New Mexico.

This gerrymander is most carefully worded. I ask serious and sage Senators like the distinguished Senator from Pennsylvania and the Senator from New Hampshire if those be the only things in the bill which prohibit? If the Senator has found something else or if his associate has shown him something else I should like to have the benefit of it now.

Mr. GALLINGER. Mr. President, my associate has not furnished me anything else. But the Senator is a lawyer and I am not. To that extent I am laboring under a great disadvantage. I will ask the Senator if polygamous and plural marriages are forbidden by this proposed law?

Mr. McCOMAS. By the proviso?

Mr. GALLINGER. By the proviso; and the proviso is a part of the law just as much as the text in other respects. I will ask the Senator, the Edmunds law being on the statute books in addition to the provision in this law, if polygamy will not absolutely be taken care of in New Mexico and Arizona, as it is in Utah to-day?

Mr. McCOMAS. Mr. President, I will answer that question, because it is most pertinent and it helps to illustrate the serious danger here. The Edmunds Act is effective in this District and in all the Territories of the United States. Up to the hour that this bill becomes a law you can prosecute those who live in a state of polygamous cohabitation.

After that hour you can only punish them in respect of morals or violations of the public peace or police power by statutes of the State; and after passing this organic statute in respect of this State you would forthwith take away from New Mexico all of the condemnations of the Edmunds law from the very hour that this bill becomes a statute and New Mexico becomes a State, and you send them forth with a population now in each of these States one-fifth Mormon, soon to be two-fifths Mormon, soon to be a majority Mormon, with a gerrymandered legislature, men elected to be at their own control, so that the conscience and public sentiment of the country will be without the barriers that now exist under the Edmunds Act while they are Territories and under the control of Congress.

That is my answer, Mr. President, and I am glad to have the opportunity to make it to my friend the Senator from New

Hampshire, who I know to be very sincere in his belief. But this matter the Senator says has been guarded. It has not been guarded at all. It, I repeat, is simply the prohibition of the celebration of a ceremonial of polygamous marriage. There is no prohibition in this act unless the Senator finds it somewhere else than those places which he has read to me. There is no prohibition of the criminal cohabitation of the polygamous life, of the bigamous life, which at present, under the Territorial form, will be imposed upon those Mormons who might desire to defy the laws of the United States, and who will be delighted to find that there is no law to be defied in the organic law of New Mexico, as a new State, in the law of Arizona, as it will be when Congress passes this omnibus statehood bill.

Mr. GALLINGER. Mr. President——

Mr. MCCOMAS. I yield to the Senator from New Hampshire.

Mr. GALLINGER. I will ask the Senator if it would not be in better form, instead of denouncing this provision, to offer an amendment that would express his views on this subject? The Senator is aware of the fact that this bill will be offered as an amendment upon an appropriation bill, and I hope it may be attached to an appropriation bill. If it can be done by my vote it will go there. The Senator can very readily propose an amendment, and I will pledge him that so far as my vote goes he can not make it any too strong to suit me.

Mr. MCCOMAS. I feel sure of that. If I prepared that amendment, which would be a very acceptable duty and not difficult to perform in the light of this discussion, the amendment, I apprehend, I would not be allowed to have submitted and voted on in this Chamber.

Mr. QUAY rose.

Mr. MCCOMAS. Does the Senator from Pennsylvania agree with my observation on that point?

Mr. QUAY. I think that when a day is fixed for a vote on this bill the amendment of the Senator from Maryland would be adopted unanimously. I would certainly have no objection to it.

Mr. MCCOMAS. If in the ordinary chance of a bill being put on its passage, I should offer an amendment to-morrow or the next day, will the Senator in charge of the omnibus bill accept such an amendment?

Mr. QUAY. I am not prepared to say, but I reiterate that an amendment will be adopted at the proper time unanimously by the Senate if we are allowed to vote upon the bill. That amendment is already in the amendment adopted by the Committee on Agriculture, if the Senator from New Hampshire who has it there will be kind enough to read it.

Mr. GALLINGER. I will say that it is in the same language as is found in the bill.

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from New Hampshire?

Mr. MCCOMAS. I yield to the Senator.

Mr. GALLINGER. I will say to the Senator from Pennsylvania that the language is the same in the amendment as it is in the bill.

Mr. QUAY. In the original bill?

Mr. GALLINGER. In the original bill. But I will join in the suggestion made by the Senator from Pennsylvania that the Senator from Maryland shall draft an amendment to the amendment, and then allow us to vote on the bill, which has been here since May, 1902. Under those circumstances the amendment can be adopted. There has been a good deal of talk on this bill, and the Senator from Pennsylvania this morning offered to give two weeks more for talk. If the minority, if it is a minority, will permit us to come to a vote, I pledge myself to join with the Senators from Pennsylvania and Maryland in putting in an anti-polygamous amendment as strong as it can be written by the Senator from Maryland or the Senator from Indiana.

Mr. MCCOMAS. Mr. President, I would much rather have the ear of the Senator from Pennsylvania, that I might be permitted in my place as a Senator to make an amendment to a bill here in due order on the Calendar. I do not like the necessity of accepting the proffer that I shall put an amendment as a rider to make organic States upon an appropriation bill. I could not accept the offer of the Senator from New Hampshire without being particeps criminis to a very bad practice, I think the only bad practice on earth the Senator from New Hampshire did ever engage in. I say that riders on appropriation bills are a bad practice, Mr. President. I can not, therefore, accept the offer of my friend to try to put an additional rider on the shoulders of the rider on an appropriation bill in this body.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield?

Mr. MCCOMAS. I yield with pleasure to the Senator from New Hampshire.

Mr. GALLINGER. About two years ago it became my duty to exert myself to repeal a law of the United States relating to pensions. When I looked the matter up I found that the law was a provision which had been enacted on an appropriation bill. It never had been submitted to the Committee on Pensions. It had been put there, I think, by the Committee on Appropriations in their wisdom.

It was a very important statute relating to pension legislation which was put on an appropriation bill, I think the sundry civil bill. The Senator will not make men in public life believe, however successful he may be in making the people in the country towns of the United States believe, that it is an unusual thing to legislate on an appropriation bill. Almost half of the legislation of Congress is on appropriation bills, and the Senator knows it as well as I.

Mr. MCCOMAS. The knowledge of the Senator and myself, perhaps, on this subject is about equivalent. We both know something of it by observing, but not this sort of legislation now proposed. Will the Senator from Pennsylvania, before I proceed, tell me now upon how many appropriation bills has this statehood amendment been made? I should like to know. It has been offered upon the Agricultural appropriation bill. I ask the Senator from Pennsylvania if it is true—I have heard it stated—that it was offered to the Post-Office appropriation bill?

Mr. QUAY. No.

Mr. MCCOMAS. It has been offered to the Agricultural appropriation bill. If to others, I wish the Senator to enlighten me. I wish to state the fact.

Mr. QUAY. The amendment has not beeen offered to any bill except to the Agricultural appropriation bill and the sundry civil appropriation bill. The amendment was introduced and referred to the committee of which I have the honor of being chairman, a very important committee, which reported with practical unanimity in its favor and asked to have it referred to the Committee on Appropriations. It has not been presented there, nor has it been inserted, and, in fact, I scarcely know what has become of the amendment. I believe it was referred yesterday, but I am not informed——

Mr. BEVERIDGE. Yes, it was referred yesterday at the request of the Senator from Pennsylvania.

Mr. QUAY. I am not informed as to any committee of the Senate except the Committee on Agriculture.

Mr. MCCOMAS. Now, Mr. President, I do not know what the amendment is which the Senator from New Hampshire passed as a rider on the appropriation bill. Perhaps, like another Uncle Toby to another Corporal Trim, in the instance the Senator from New Hampshire mentioned, I might say, "Thou didst right as a man, but wrong as a statesman." It is the practice, not the purpose, I am talking about. If I am to vote for organic legislation on appropriation bills, there is a wide difference in the manner in which I vote. In 1877 and 1878 we all remember—certainly the distinguished occupant of the chair and many Senators on this floor who were then on this side of the Capitol or on the other remember—how this question was discussed and how James A. Garfield led in the contest in objecting to coercing the Executive by putting legislative riders on appropriation bills. There has been legislation here. I think it was the Senator——

Mr. BEVERIDGE. Mr. President——

Mr. MCCOMAS. I yield to the Senator from Indiana.

Mr. BEVERIDGE. I wish to ask a question of the Senator right at this juncture. Both the Senator from Pennsylvania and the Senator from New Hampshire have referred to the legislation that has been attached to appropriation bills and claim that this is nothing unusual. Since this Government was founded under our present Constitution there have been 32 States, I believe, admitted. I want to ask either of the Senators, or any Senator, whether any one of those 32 States that have been admitted have ever been admitted as a rider to an appropriation bill?

Mr. QUAY. Mr. President——

Mr. MCCOMAS. I yield to the Senator from Pennsylvania.

Mr. QUAY. If the Senator will permit me, in reply I will put a query to him. Was there ever a case in which a vote was denied upon a bill to provide for the admission of a Territory as a State in this Union? The circumstances are extraordinary and the action is extraordinary of course, if it be extraordinary; I have not examined that point.

Mr. BEVERIDGE. I will say in answer to what the Senator has said, not admitting what he says, but for the sake of argument and in answer to it, that there has probably never been a bill presented to Congress under the circumstances of the presentation of this bill, and certainly never one so thoroughly bad. We were pointing out this afternoon, while the Senator was away, and it was out of that that this debate sprang, one of the defects of this bill (the bill has not been analyzed; it will be before the debate proceeds), concerning the gerrymander in Arizona. What excuse has the Senator for that? I have asked every other Senator on that side.

Mr. QUAY. I am not prepared to offer any excuse for the apportionment of Arizona, except to say that I understand it was copied from the statute books of Arizona as the existing apportionment of that Territory.

Mr. BEVERIDGE. Mr. President——

Mr. McCOMAS. I hope the Senator will allow me.

Mr. BEVERIDGE. I will answer the Senator later on.

Mr. McCOMAS. I was being drawn into the question of a rider on an appropriation bill. I do not want to detain the Senate much longer. I am talking about things I believe in, but I do not want to be wearisome about it. But I was drawn by these interrogations away from the completion of my statement in respect of the flimsy barriers against polygamy put in this omnibus statehood bill.

I have read the provision in respect to New Mexico. It is the identical provision in respect to Arizona, and I repeat my statement that it does not prohibit polygamy. It simply prohibits the celebration of the rites of the ceremony of plural marriage; that and no more; and when you come to the State of Oklahoma I find the language is only triflingly variant from that. In the case of Oklahoma here is the only guard, unless some Senator can find in it another provision elsewhere. I take all that is shown by my friend, the honorable Senator from New Hampshire. Here it is in the case of Oklahoma:

That perfect toleration of religious sentiment shall be secured, and that no inhabitant of said State shall ever be molested in person or property on account of his or her mode of religious worship.

That is rather an unnecessary provision in respect of the State when you consider the Constitution of the United States; but we pass that because here is the proviso which is intended to prohibit polygamy:

Provided, That nothing herein contained shall be construed to legalize the practice of polygamy.

I ask the attention of Senators to the loose formation of the only prohibition, which is in this proviso:

Provided, That nothing herein contained shall be construed to legalize the practice of polygamy.

If it has been heretofore legalized, if it be hereafter legalized in the State, then the organic act provides that this proviso shall always maintain that the act was never intended ex vi termini to legalize polygamy in one of the new-made States. Why did not the proviso prohibit affirmatively the legalizing of polygamy?

Now, Mr. President, is it not a monstrous proposition that that is as far as the Congress of the United States can go in the twentieth century in respect to this proposition? We say that nothing herein contained shall be taken to legalize polygamy. Suppose the act of the assembly of the first legislature elected under this gerrymander provided by this gerrymander legislation shall be dominated by the one-fifth Mormons, and they shall control the first session of the legislature which may elect Senators.

Not only those that may be expected, but unexpected apparitions may appear to Senators. The acts of the assembly may appear in the first book of the statutes of the new Territory controlled by Mormons, who can say with clearness and accuracy, "You did not prevent us from legalizing polygamy, and all other action of the United States hitherto has not prohibited us, under the State law. You have only provided that your organic act itself does not legalize polygamy or polygamous practices."

Mr. GALLINGER. That is Oklahoma.

Mr. McCOMAS. My friend the Senator from New Hampshire says that is Oklahoma. I suppose he means to say that the barrier is simply a barrier of rushes, but that there is no torrent of Mormonism to invade, to overcome the people and sentiments and the morals of the good settlers of Oklahoma.

Mr. GALLINGER. Mr. President——

Mr. McCOMAS. Why put it there at all if it is not to be put strong enough? I yield to the Senator.

Mr. GALLINGER. The Senator from New Hampshire did not mean anything of the kind.

Mr. McCOMAS. I was unfortunate, then.

Mr. GALLINGER. It is unfortunate that the Senator from Maryland assumes the right to think for the Senator from New Hampshire. The Senator from Maryland a little while ago said there was no need of any provision relating to Oklahoma, as I understood him. There is a provision in the bill relating to Oklahoma. It is not as stringent as the provision relating to the other two Territories, as I read it.

But again, if the Senator will bear with me for a moment, if it is not strong enough, why does the Senator not offer an amendment? Why scold those of us who favor this bill and who have been trying since May, 1902, to get a vote on it and have been held up? Why does not the Senator propose an amendment and give us an opportunity to examine it?

Mr. McCOMAS. The Senator misunderstood me, because I have no desire, or ambition, or power to scold him. That would be a most unpleasing and a most unsuccessful thing if I should attempt it. But I say, and I said a while ago, that in Oklahoma there was less Mormon peril than in the other two Territories. I said a while ago that the provision there was slightly stronger than in the other two Territories, but I did not say it was much stronger, Mr. President, the provision in the other Territories being that you can not celebrate the rights of polygamous matrimony in the two Territories of Arizona and New Mexico.

This is just about one-hundredth part of a grain stronger when it says: "That nothing herein contained shall be construed to legalize the practice of polygamy." They are the most mildly inferential objections to the practice, which is so opposed to the moral sense of the Senator from New Hampshire and all the people of this country, that I am amazed that they are not corrected.

I scold nobody. I hope very modestly to state my reasons to my peers. I do not scold anybody, but I do protest, Mr. President, that we ought to have a better bill, by wise amendments, before we make for all time three States which might wait a year longer, as they have waited fifty-odd years now under the Constitution of the United States, while we have had control in these domains as Territories over polygamy.

And then that brings me to the second reason, which I was about to give, why I will not and why I can not offer an amendment to a rider on an appropriation bill, and then I will conclude. I began to say that in an excited period of our history when——

Mr. QUAY. If the Senator will permit me, I think he misunderstood the suggestion of the Senator from New Hampshire and of the Senator from Pennsylvania. We would suggest, not merely that he should offer an amendment as a rider on an appropriation bill, but that he shall also offer it, if he desires, to the omnibus bill.

Mr. GALLINGER. Certainly.

Mr. QUAY. There is no objection to that.

Mr. McCOMAS. Some time I may try to offer the amendment to the omnibus bill, and I think I already know my fate. I will then be asked whether there has been a date fixed for voting, and I will be told you can not amend this bill under discussion until a day is fixed for voting on it.

Mr. President, why can I not amend and offer an amendment unless I know when the bill I amend is going to be voted on by the clock? The procedure is what I am discussing. I said a while ago that in the exciting period of our history I mentioned the lesson was taught by the people of this country, and taught for all time that the Executive should not be coerced by riders on appropriation bills.

I want to be clear. I have not any knowledge or information, direct or indirect, whether the President of the United States would or would not sign this bill if it passed. I am without any knowledge from any source on that subject. I have not even enough information to have an opinion, except that which a priori I draw from my own belief. With gerrymanders and Mormon practices I hope the President might find serious defects in these bills, but I do not know.

The distinguished Senator from Georgia [Mr. CLAY] I think the other day was citing a vote wherein a measure was put upon an appropriation bill, which was concerning the Cuban relations, which were then pressing and most serious, and certain Senators here who are opposed to this bill at the present time had voted to put that clause upon an appropriation bill. How very different that is from the thing that I am now talking about. The case where the President had in his annual message urged the doing of that thing and where he had thereafter, by a special message, urged the doing of it, and it was put upon an appropriation bill in aid of the recommendations of the President of the United States, in no wise coerces a coordinate branch of the Government of the United States.

But the effort is made to put the provision upon that bill, sacred to garden seeds and flowers, and to all the farmers and all the large interests of the United States, which have grown to be of the most far-reaching consequence to the husbandman and agriculturists of the United States, or such a bill can not pass, and then to have it tacked, perchance, to the post-office appropriation bill, or it can not pass, or the sundry civil bill can not pass without a rider upon those appropriation bills, to do what?

To compel the Executive of the United States, against his judgment, to compel a coordinate branch of the legislative body of the United States, against its will, to accept such organic legislation, not trivial, not current, not that which can be repealed, but that which becomes as irrevocable as the Constitution itself after the new States are organized. To put that upon an appropriation bill and to send it to the Executive is for Congress and for the Senate to repeat the offense which lead James A. Garfield from the House of Representatives to the White House when the people denied the policy, the righteousness, of putting riders upon appropriation bills, to coercing the conscience and the intelligence and the sense of duty of the Executive of the United States.

But, Mr. President, I hardly thought to find able and distinguished Republicans consenting to, cooperating in, acting together with the minority in order to coerce a Republican Executive to say "You can not have the Government provided for. You must starve one branch or another of the Government unless you will sign a bill making three States," two of which, in the absence of prohibition, may become Mormon commonwealths, with no adequate prohibition of polygamy in their borders, and you wish to send them with these gerrymanders, sanctioned by this bill, and recommended when it is put upon an appropriation bill.

Mr. President, I hope that gentlemen will stop short of coercing the Republican chief Executive, whose opinion I do not know; but coercion comes when by the will of the legislative body you say to the Executive: "Whether you would or would not willingly assent, it matters not where you stand upon this omnibus bill; the Senate says we will starve the Executive; we will starve the House; we will starve both branches of the Government of the United States by taking the purse in our hands and holding it back from you unless you will make these three States, these two unfitted States," to enter the Union without safeguards, which I have urged.

Mr. President, I apologize to the Senator from New Jersey [Mr. KEAN] for having taken just now so much of his time on this proposition.

Mr. BEVERIDGE. Mr. President, I ask the Senator from New Jersey to yield to me.

Mr. KEAN. Certainly.

Mr. BEVERIDGE. Mr. President, this debate sprung out of an inquiry upon my part concerning what I supposed the Senator was reading—what he appeared to be reading, as I caught the figures—the gerrymander in New Mexico.

I find, however, that he was reading from a list of figures showing representation and showing the native population, but not the whole population. But while I was calling attention to that I called attention and asked anyone representing this bill, or who was for it, to explain the gerrymander in Arizona, which appears upon the face of this bill itself. The Senator from New Hampshire had an answer for that, which was that gerrymanders had been practiced in other States, and I asked the Senator whether he thought that bad precedent was a thing which the Senate of the United States should follow in a law establishing a State.

Now, Mr. President, since that time I have had worked out for me just exactly what this gerrymander is, so far as its denial of popular representation means. I have here the basis of representation with reference to the counties worked out for me, and I take it upon the authority that is given. If it is wrong you can easily correct it.

We find that in Mohave County 1,713 people have one representative, while in Graham County 4,721 people have one representative. Why is it that a citizen living in Mohave County is given two and a half times the power in the formation of the new State's constitution that the people in another county have? Is there a difference in the quality of their citizenship? In Yuma County 2,072 people have one representative; in Pima County 4,896 people have one representative.

I ask the Senator from Ohio and I ask the Senator from New Hampshire (I am sorry the Senator from Pennsylvania has left the Chamber) to explain what our report requests and what not a single Senator who favors this measure has explained to the Senate, and that is the mystery of the apportionment of Arizona. The Senator from Pennsylvania rose a moment ago and said that he did not know the explanation, but he understood that it was the same apportionment now on the statute books. Does that excuse it Mr. President?

Mr. GALLINGER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from New Hampshire?

Mr. BEVERIDGE. Of course I yield.

Mr. GALLINGER. Does the Senator deny that it is the same apportionment that is now on the statute book?

Mr. BEVERIDGE. I do not.

Mr. GALLINGER. The Senator says he lifted his voice against a gerrymander in Indiana.

Mr. BEVERIDGE. I did.

Mr. GALLINGER. Now, the Senator knows that Congress has power over that Territory. Why does not the Senator lift his voice against that legislation, and propose to override it by act of Congress?

Mr. BEVERIDGE. It does not need to now.

Mr. GALLINGER. Indeed! Why not, if matters are as represented?

Mr. BEVERIDGE. I lifted my voice within my own State against a gerrymander that existed there—both my colleague and I—because it was wrong, as this is wrong, and I lift my voice against this here because it is wrong.

Mr. GALLINGER. If the Senator will permit me, a great many discoveries have been made in regard to this legislation. A few years ago a Territory was admitted with 30,000 people, and many Senators who are opposing this legislation voted to admit that Territory as a State. Now the Senator from Indiana has discovered—and his report bears me out—that at the present time a Territory ought to have a million one hundred and twenty-five thousand people. It is a most remarkable discovery and is entitled to just as much weight as discoveries of that kind are entitled to; no more and no less.

The Senator from Indiana calls attention to this inequality of representation in Arizona. There is a State in New England, and that State was admitted to statehood when the inequality was just as great as it is now, in one county of which there is a representative for 2,084 people and in another county one for 447 people.

Mr. BEVERIDGE. Does the Senator refer to the State of Connecticut?

Mr. GALLINGER. I refer to the State of Vermont. This question was not raised when that State was admitted. It has never been raised before. It is not a gerrymander, but inequality of representation. But I do know that this matter of representation is not equal in any State. It is not in my own State. It is not in Connecticut. It is not in Vermont.

But this is not a new thing, and here again I will suggest to the Senator that an amendment might be offered, perhaps remedying this, but it has not been offered.

Mr. BEVERIDGE. Do I understand the Senator to justify this apportionment by the instances he has cited?

Mr. GALLINGER. I do not know that I want to say that, but I do say to the Senator that inasmuch as he raised his voice against what, I suppose, was a Democratic gerrymander in Indiana, he as a member of this body has not only a constitutional right, but a constitutional duty to introduce a measure here which will correct the present inequality in the Territory of Arizona; and he has not done it.

Mr. BEVERIDGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from Indiana?

Mr. BEVERIDGE. He did yield, and I have the floor by the sufferance of the Senator from New Jersey.

Mr. KEAN. I yield.

Mr. BEVERIDGE. I yielded to the Senator from New Hampshire. I have put this question three or four times for some explanation. The first time the Senator from New Hampshire cited an instance of gerrymander, and I asked the Senator whether any number of instances justified it; whether or not it was a practice which he thought the Congress of the United States ought to follow. And asking it again, going on to the explanation that the Senator from Pennsylvania gave, the Senator from New Hampshire entered upon a diversion here about something that we stated with reference to the rule that might be adopted for a million and one hundred thousand of people.

I am not surprised that the Senator, with whose skill in debate everybody is familiar, when this question is put should seek a diversion, and at some other time I will answer his diversion. If I had the time and did not want to interrupt the Senator from New Jersey so long, I would answer that very point now. However, I am not going to get away, in the minute or two that I am going to speak, and I am going to speak only a minute or two, from the question of the gerrymander in Arizona; and I am not going to let the Senator get away from it.

The Senator from Pennsylvania—I have appealed to everybody for an explanation—gave as the only explanation that it was already on the statute books. I do not know whether it is or not. If the Senator from Pennsylvania says so of course I take that to be the case. But is that an excuse? Does it not, on the contrary, italicize the wrong? Does it not show that in their legislature down there they have adopted an apportionment—since the Senator from New Hampshire has referred to it; I have not—presumably for party purposes, which gives the citizens of one county twice and sometimes nearly three times the power in voting for their representatives who make their laws that another county has? Does it not show that we ought not to follow, as the Senator from Pennsylvania says we are merely doing, that practice when we are providing for a constitutional convention for a sovereign State?

Mr. GALLINGER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from New Hampshire?

Mr. BEVERIDGE. Certainly.

Mr. GALLINGER. I should like the privilege of correcting the Senator for the second time, and I hope he will not offend again.

Mr. BEVERIDGE. Well.

Mr. GALLINGER, I said nothing whatever that would justify the Senator in saying that I suggested that this inequality of

representation in the Territories was for partisan purposes. I said gerrymanders had been made in the States for partisan purposes.

Mr. BEVERIDGE. Yes; that is what the Senator from New Hampshire said. Does the Senator mean to say that therefore they are not also made in the Territories for that purpose?

Mr. GALLINGER. I have no knowledge whatever on that subject.

Mr. BEVERIDGE. That bears out precisely what I said.

Mr. BURTON. Mr. President——

Mr. BEVERIDGE. I hope the Senator from Kansas will permit me to get through. I have an engagement down in my office immediately, and I want to make this point. When I come back to the Chamber I will be glad to answer any questions that the Senator wants to put to me, and he can have the time to study his question up.

Mr. BURTON. I certainly will not interrupt the Senator if he wants to get through.

Mr. BEVERIDGE. I will say with reference to that, that that has not been the Senator's practice in the past. His interruptions have always been very welcome, even when not pertinent.

The Senator from New Hampshire did say, and he was the first to suggest it in this debate, that gerrymanders were usually for partisan purposes; and, of course, we all understand that to be true. Now, that being true, here is the gerrymander; and is it not a correct and logical and truthful inference that if gerrymanders are usually for partisan purposes this is also?

I have not suggested that in the debate until the Senator himself brought up the general subject of partisan gerrymanders. The committee in its report did not state it, but the committee did demand an explanation for an apportionment which absolutely denies to thousands of citizens in counties of that Territory any representation whatever; and we have yet to hear a single explanation of that remarkable fact. It is a fact which becomes rather serious when we come to consider that it is something which we are putting upon the statute books of the United States.

Why was it that they did not adopt with reference to Arizona the same rule they adopted with reference to Oklahoma, that the elections should be held in districts, and that the judges should appoint the election officers, and all that sort of thing? Why was it that in Arizona a definite and distinctive apportionment was made; and having made that kind of an apportionment, why was it that it was an apportionment which upon its face, beyond all escape, denies to thousands of citizens in that Territory any representation whatever?

Were it not for the fact that I must leave the Chamber for a moment or two I should refer to this document to show that I am not wrong, and that what I am stating is the opinion of the citizens of the Territory. I refer to the testimony of ex-Governor L. C. Hughes, which will be found on pages 166 and 167 of the testimony. Mr. Hughes represented the Arizona Pioneer Society, which had met one or two days before the subcommittee reached Tucson. Mr. Hughes appeared before the committee, and, contemplating our visit, this society, composed of the old pioneers, whom we have heard so highly eulogized by the Senator from Ohio [Mr. FORAKER], adopted a memorial protesting against the omnibus bill on the ground that there was a denial of representation to the people there. I shall read only one or two things from the testimony, because I am in a hurry. I read from page 167:

> The present apportionment is a gerrymander. * * *
> Q. Can you point out your objection to the bill?—A. Yes, sir; the bill is a gerrymander. The bill does not give a just apportionment.

And he goes on to show how it is a gerrymander. Then he produced and made a part of his testimony the memorial of the Society of Arizona Pioneers, showing that this bill is a gerrymander.

I have asked, and the committee's formal report has asked, some explanation of this most unjustifiable denial of representation; and, as the Senator from Wisconsin has suggested, the answer has always come, "We want a vote;" and every criticism that has been made upon this bill has been met by the same sufficient answer, "Give us a vote."

Mr. President, this is a subject which, having been started, should be pursued further. Senators who are in favor of this measure, full of defects as it is, inexcusable as it is, to which the attention of the Senate will be called hereafter, should be prepared to give some explanation to Senators whom they ask to vote for it. We have asked the question several times, and no explanation has been given. There will be a great many days of debate yet, and in all probability weeks of debate yet unless this mongrel measure is abandoned earlier. I hope in the weeks to come somebody can furnish an explanation.

Mr. WELLINGTON. Will the Senator permit me for a moment?

Mr. BEVERIDGE. Certainly.

Mr. WELLINGTON. Is it necessary to answer the question of the Senator? Does he think it is vital? Does he not know that there is not a State in the Union which has equal representation in its legislature? There is not one. You can not point to one that I know of. I will take my own State. The city of Baltimore has one-half of the inhabitants of that State, and yet in the legislature of that State it has about one-quarter of the representation.

Mr. BEVERIDGE. Does the Senator think that is right?

Mr. WELLINGTON. I do not know whether it is right or not, but I know it exists. And it has existed from time immemorial, and nobody could correct it.

Mr. BEVERIDGE. Does the Senator advocate such a thing in a bill passed by Congress for apportionment in a constitutional convention of a new State?

Mr. WELLINGTON. The Senator does this: The Senator says that anything that is permissible in all the States of the Union should not be charged up as a wrong against the account of one Territory that is seeking to obtain admission.

Mr. BEVERIDGE. Does the Senator think a gerrymander is permissible?

Mr. WELLINGTON. The Senator has possibly thought so himself at times.

Mr. BEVERIDGE. No; I never did, in either my own party or the opposite party.

Mr. WELLINGTON. It is not a gerrymander. It is an inequality of representation.

Mr. BEVERIDGE. Oh, well, call it what you please. "A rose by any other name will smell as sweet"—or as bad.

Mr. WELLINGTON. Yes, or as bad.

Mr. BEVERIDGE. The question is, Does the Senator or any other Senator upon that side of this question justify gerrymanders; and, even if so, as a matter occurring in a State, do you think it is a thing that the Senate of the United States ought to follow in the most solemn law that it is possible for us to enact—for this is the most solemn enactment we can make—except only a declaration of war? Nothing is more solemn.

Mr. GALLINGER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from New Hampshire?

Mr. BEVERIDGE. Yes, sir.

Mr. GALLINGER. Mr. President, from the time New Hampshire became one of the original States until 1876 we had town representation. It would be called township representation in the Senator's part of the country.

Mr. BEVERIDGE. I am familiar with it.

Mr. GALLINGER. One of those towns had four voters, and a member was sent to the legislature every year. The basis of representation was 600 population, except that we gave to all towns having less than that number one representative. It was an absolute system of inequality, but nobody raised his voice against it in our country. Perhaps if the Senator from Indiana had visited us, he would have raised his voice against it.

Mr. BEVERIDGE. Oh, I would not attempt to improve anything at all in the State of New Hampshire.

Mr. GALLINGER. Well?

Mr. BEVERIDGE. I do not think I could. I do not think it needs it.

Mr. GALLINGER. I have an impression our people would come to that conclusion if the Senator should come among us.

Mr. BEVERIDGE. They would not have to, Mr. President. I would assert it myself.

Mr. GALLINGER. I simply rose to suggest that that inequality existed. It exists now in many of the New England States, even more flagrantly than in the instance I have cited, and I really can not for the life of me see that this is such an important thing, except it gives the Senator from Indiana another text; that is all.

Mr. BEVERIDGE. And a good text, Mr. President.

Mr. GALLINGER. Just another text. We understand exactly what the Senator is driving at. This session will close in about four weeks, and if the Senator can talk four weeks longer, of course we will not get a vote on this bill.

Mr. LODGE. Mr. President——

Mr. BEVERIDGE. Pardon me for a moment. I have always treated the Senator from New Hampshire with that courtesy which is due from one Senator to another, and with that consideration which is due to a Senator of his eminence; and I deny the right of the Senator, when I am engaging in debate here which is so legitimate that he himself engages in it, to describe any purpose which a Senator has.

Mr. GALLINGER. I will take the right to say that this is deliberate and premeditated obstruction to legislation, and nothing else.

Mr. BEVERIDGE. We had the debate out the other day on the question of obstruction; and I think the Senate understands, and I think the country understands, where the real obstruction is.

Mr. GALLINGER. I think it does.

Mr. BEVERIDGE. I think it does, indeed, and where it originates.

Mr. GALLINGER. Mr. President——

Mr. BEVERIDGE. I hope the Senator will permit me to get through. I should not have——

Mr. GALLINGER. Will the Senator permit me for one moment?

Mr. BEVERIDGE. I will.

Mr. GALLINGER. The Boston Herald, the leading newspaper of New England, which has not been very warmly in favor of admitting these States, had an editorial several days ago as follows:

Yes, indeed; it takes a large and elegant amount of cheek for the opponents of the statehood bill to accuse Senator QUAY of confiscating the time of the Senate. The latest performance of the opponents of the bill, in their effort to stave off a vote, is to contribute to the debate a history of the metals from the time when Tubal Cain first smote his anvil down to the present day.

[Applause in the galleries.]

Mr. BEVERIDGE. To show how accurate the Senator is—and I see the Senator has his admirers ready to make their presence audible—the paper from which the Senator read is, I believe, the only New England paper that is on the Senator's side.

Mr. GALLINGER. It is now, and there are others.

Mr. BEVERIDGE. Yes; and it was at the beginning, because I myself saw an editorial——

Mr. GALLINGER. That may be so. Possibly the Senator converted it.

Mr. BEVERIDGE. No; there is no use of the Senator doing that. As a matter of fact, I read an editorial favoring the omnibus bill in the paper the Senator has referred to at the very beginning of the controversy, before the Senator or any other Senator had the honor of addressing his colleagues. The Senator says that this paper has been against statehood. The reverse is true. And I believe it is the only considerable——

Mr. GALLINGER. Mr. President——

Mr. BEVERIDGE. I decline to yield at this point.

Mr. GALLINGER. I should like to make an apology to the Senator.

Mr. BEVERIDGE. But the Senator from Indiana does not intend that the Senator should make any apology.

The PRESIDENT pro tempore. The Senator from Indiana declines to yield.

Mr. BEVERIDGE. I decline to yield at the present time.

Mr. GALLINGER. Very well.

Mr. BEVERIDGE. I must leave the Chamber.

Mr. GALLINGER. I hope the Senator will be permitted to get away.

Mr. BEVERIDGE. I have no doubt the Senator does. But the Senator may as well understand that Senators on this side are quite determined not to get away from this subject. Our judgment and conscience demand that we shall stand by it; and we will stand by it, unshaken even by the Senator.

Mr. President, these diversions do not surprise me when I remember the skill in debate of the Senator from New Hampshire, and I am not surprised that Senators on the other side want to get away from the question of an explanation of the gerrymander which the bill on its face shows is proposed to be made here by Congress in reference to Arizona. That explanation has not yet been given. The Senator from New Hampshire refers to editorials. There is an abundance of editorials upon the question who the obstructors are in this matter and what ought to be done. The subject is one into which I have not entered. I do not think it is proper; but if the Senator wants to go into that, it can be gone into to any length he pleases. The press of the country understand this business mighty well.

With reference to this being a proper subject of debate, it is a legitimate subject of debate, which is proved by the fact that the Senator himself and other Senators have entered into it. It is the first time it has been mentioned in this debate, and neither the Senator nor any other Senator has a right to say that the Senator from Maryland or I or anybody else uses it merely as a means to consume time. There was no necessity for it. The Senator from New Jersey [Mr. KEAN] was prepared to go on, and he is now prepared to proceed. But I simply wish to say to the Senator and other Senators that the debate will go on unscared and unhindered and unchecked and unintimidated by any aspersions that may be cast upon us.

Mr. BURTON. How long?

Mr. BEVERIDGE. Well, Mr. President, I will not answer that question as it deserves to be answered. Every speech that has been made, and there have been only five, has been carefully prepared. The running debate has been participated in by Senators upon the other side. Fewer speeches have been made upon this question than upon any other important large question, I venture to say, within the recollection of the Senator's long and distinguished service in this body.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, returned to the Senate, in compliance with its request, the following bills:

A bill (S. 7124) to provide for the removal of persons accused of crime to and from the Philippine Islands for trial; and

A bill (H. R. 15747) directing the issue of a check in lieu of a lost check drawn by George A. Bartlett, disbursing clerk, in favor of Fannie T. Sayles, executrix, and others.

REMOVAL OF PERSONS ACCUSED OF CRIME.

The PRESIDENT pro tempore. The Chair lays before the Senate the bill (S. 7124) to provide for the removal of persons accused of crime to and from the Philippine Islands for trial, returned by the House of Representatives in compliance with its request, to which he calls the attention of the junior Senator from Massachusetts.

Mr. LODGE. The bill was recalled because there was a clerical error in the copy sent from the Senate. There was no error made in the Senate. The error was a clerical one. The House insisted that the bill should be recalled before a true copy was sent. I ask that the bill which has been recalled be indefinitely postponed and that a true copy be communicated to the House.

The PRESIDENT pro tempore. The Chair suggests that the Senator from Massachusetts ask that the Secretary be instructed to send a true, engrossed copy of the bill to the House of Representatives.

Mr. LODGE. I will put it in that form. It is a new case. I did not know exactly how to put it.

The PRESIDENT pro tempore. The Chair believes that will accomplish the Senator's purpose.

Mr. LODGE. I ask that the Secretary be instructed to send to the House a true, engrossed copy of the bill.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Massachusetts? The Chair hears none, and it is so ordered.

ISSUANCE OF A DUPLICATE CHECK.

The PRESIDENT pro tempore. The Chair lays before the Senate the bill (H. R. 15747) directing the issue of a check in lieu of a lost check drawn by George A. Bartlett, disbursing clerk, in favor of Fannie T. Sayles, executrix, and others, returned by the House in compliance with its request. The Chair calls the attention of the Senator from Colorado to the bill.

Mr. TELLER. In the preamble is the word "eighteen" where it should be "eight." My attention has been called to it by the Department. It was a mistake in sending it down. I move to reconsider the vote by which the preamble was agreed to.

The motion was agreed to.

Mr. TELLER. In line 3 of the preamble I move to strike out "eighteen" where it appears after the word "numbered" and to insert in lieu thereof the word "eight."

The amendment was agreed to.

The preamble as amended was agreed to.

STATEHOOD BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. PETTUS. Mr. President——

The PRESIDENT pro tempore. The Senator from New Jersey is entitled to the floor.

Mr. KEAN. I yield to the Senator from Alabama.

[Mr. KEAN'S speech will be published entire after it shall have been concluded.]

Mr. PETTUS. I have consulted with the Senator from New Jersey, who has a cold, and it would be more convenient to him to go on in the morning. I therefore move that the Senate proceed to the consideration of executive business.

Mr. QUAY. I did not understand exactly the reason mentioned by the Senator from Alabama for his motion.

Mr. PETTUS. I stated that the voice of the Senator from New Jersey was out of order, and that he thought he could proceed better in the morning.

Mr. QUAY. Do I understand that to be the request of the Senator from New Jersey?

Mr. KEAN. I should prefer not to go on this evening.

Mr. PETTUS. I did not make the motion at his request.

Mr. KEAN. I have a very bad cold, but if the Senator from Pennsylvania insists upon it I will proceed now.

Mr. QUAY. I will not insist upon it.

Mr. KEAN. I will be ready to go on in the morning.

Mr. QUAY. But the Chair will perceive that almost daily the progress of this discussion is checked by some suggestion of a similar character. I say that without reflecting at all upon my friend the Senator from New Jersey. The infirmities of the opponents of the statehood bill are something quite frightful to see. [Laughter.]

Mr. GALLINGER. And they are increasing.

Mr. QUAY. And they are increasing. I fear before the termination of the discussion they will all be in the hospital.

Mr. LODGE. No.

Mr. QUAY. I have no objection to the matter going over until to-morrow morning.

Mr. LODGE. Some of them will stay with you to the end.

Mr. SPOONER. Have you any objection to their being in the hospital?

Mr. QUAY. Not at all.

EXECUTIVE SESSION.

Mr. PETTUS. I renew the motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 4 o'clock and 48 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 5, 1903, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 4, 1903.

ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE PHILIPPINE ISLANDS.

John T. McDonough, of New York, to date from January 30, 1903, vice James F. Smith, resigned.

CIRCUIT JUDGE.

Willis Van Devanter, of Wyoming, now serving as Assistant Attorney-General, to be United States circuit judge for the eighth judicial circuit. An original appointment under the act of Congress approved January 31, 1903, entitled "An act providing for an additional circuit judge in the eighth judicial circuit."

ASSOCIATE JUSTICE.

Clinton F. Irwin, of Illinois, to be associate justice of the supreme court of the Territory of Oklahoma. A reappointment, his term expiring February 20, 1903.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 4, 1903.

ASSISTANT TREASURERS.

George A. Marden, of Massachusetts, to be assistant treasurer of the United States at Boston, Mass.

William S. Leib, of Pennsylvania, to be assistant treasurer of the United States at Philadelphia, Pa.

COLLECTOR OF INTERNAL REVENUE.

Peter E. Garlick, of New York, to be collector of internal revenue for the Twenty-first district of New York.

COLLECTORS OF CUSTOMS.

John Rosler, of Virginia, to be collector of customs for the district of Tappahannock, in the State of Virginia.

Daniel W. Patrick, of North Carolina, to be collector of customs for the district of Pamlico, in the State of North Carolina.

SURVEYOR OF CUSTOMS.

Charles H. Senseney, of West Virginia, to be surveyor of customs for the port of Wheeling, in the State of West Virginia.

MARSHAL.

B. F. Oneal, of Louisiana, to be United States marshal for the western district of Louisiana.

RECEIVER OF PUBLIC MONEYS.

Sargent S. Morton, of California, to be receiver of public moneys at San Francisco, Cal.

POSTMASTERS.

CONNECTICUT.

H. Guy Linsley, to be postmaster at Branford, in the county of New Haven and State of Connecticut.

John L. Elliot, to be postmaster at Clinton, in the county of Middlesex and State of Connecticut.

Stephen B. Hoyt, to be postmaster at New Canaan, in the county of Fairfield and State of Connecticut.

Leopold J. Curtiss, to be postmaster at Norfolk, in the county of Litchfield and State of Connecticut.

Thomas Walker, to be postmaster at Plantsville, in the county of Hartford and State of Connecticut.

Frank G. Letters, to be postmaster at Putnam, in the county of Windham and State of Connecticut.

Richard Jobes, to be postmaster at Suffield, in the county of Hartford and State of Connecticut.

Thomas F. Higgins, to be postmaster at Terryville, in the county of Litchfield and State of Connecticut.

INDIANA.

Oscar Fitzpatrick, to be postmaster at Linton, in the county of Greene and State of Indiana.

IOWA.

William D. Burk, to be postmaster at Muscatine, in the county of Muscatine and State of Iowa.

MAINE.

Walter H. Downs, to be postmaster at South Berwick, in the county of York and State of Maine.

MASSACHUSETTS.

John W. Sproul, to be postmaster at Abington, in the county of Plymouth and State of Massachusetts.

Charles A. Perley, to be postmaster at Baldwinsville, in the county of Worcester and State of Massachussetts.

Adolphus R. Martin, to be postmaster at Chicopee Falls, in the county of Hampden and State of Massachussetts.

James F. Shea, to be postmaster at Indian Orchard, in the county of Hampden and State of Massachussetts.

Samuel L. Wheaton, to be postmaster at Manchester, in the county of Essex and State of Massachusetts.

Charles J. Wood, to be postmaster at Natick, in the county of Middlesex and State of Massachusetts.

Louis L. Campbell, to be postmaster at Northampton, in the county of Hampshire and State of Massachusetts.

Walter L. Shaw, to be postmaster at Palmer, in the county of Hampden and State of Massachusetts.

John G. Orr, to be postmaster at Pittsfield, in the county of Berkshire and State of Massachusetts.

MINNESOTA.

Frank E. Bentley, to be postmaster at Montevideo, in the county of Chippewa and State of Minnesota.

Frank E. Gartside, to be postmaster at Winona, in the county of Winona and State of Minnesota.

Clark A. Wood, to be postmaster at Heron Lake, in the county of Jackson and State of Minnesota.

Christian A. Rasmussen, to be postmaster at Red Wing, in the county of Goodhue and State of Minnesota.

NEBRASKA.

George A. Eckles, to be postmaster at Chadron, in the county of Dawes and State of Nebraska.

James N. Brooks, to be postmaster at Rushville, in the county of Sheridan and State of Nebraska.

NEW HAMPSHIRE.

Charles O. Hurlbutt, to be postmaster at Lebanon, in the county of Grafton and State of New Hampshire.

NEW JERSEY.

Joseph Miller, to be postmaster at Salem, in the county of Salem and State of New Jersey.

Marcus Mitchell, to be postmaster at East Orange, in the county of Essex and State of New Jersey.

Caroline E. Condit, to be postmaster at Millburn, in the county of Essex and State of New Jersey.

NEW YORK.

Theodore C. Fletcher, to be postmaster at Babylon, in the county of Suffolk and State of New York.

John L. Kyne, to be postmaster at East Syracuse, in the county of Onondaga and State of New York.

John H. Eadie, to be postmaster at New Brighton, in the county of Richmond and State of New York.

Lewis B. Jewell, to be postmaster at Ovid, in the county of Seneca and State of New York.

Charles Schmeiser, to be postmaster at Stapleton, in the county of Richmond and State of New York.

Benjamin L. Ward, to be postmaster at Cambridge, in the county of Washington and State of New York.

William B. Le Roy, to be postmaster at Cohoes, in the county of Albany and State of New York.

Charles S. Munger, to be postmaster at Herkimer, in the county of Herkimer and State of New York.

James E. Peck, to be postmaster at Jordan, in the county of Onondaga and State of New York.

Jetur R. Rogers, to be postmaster at Southampton, in the county of Suffolk and State of New York.

Gervas H. Kerr, to be postmaster at Pelham Manor, in the county of Westchester and State of New York.

William H. Bain, to be postmaster at Canajoharie, in the county of Montgomery and State of New York.

W. Scott Siver, to be postmaster at Chittenango, in the county of Madison and State of New York.

Herbert W. Davis, to be postmaster at Falconer, in the county of Chautauqua and State of New York.

Justus B. Abbott, to be postmaster at Gouverneur, in the county of St. Lawrence and State of New York.

George H. Keeler, to be postmaster at Hammondsport, in the county of Steuben and State of New York.

Nelson E. Ransom, to be postmaster at Little Falls, in the county of Herkimer and State of New York.

Peter H. Vosburgh, to be postmaster at Matteawan, in the county of Dutchess and State of New York.

William J. H. Parker, to be postmaster at Moravia, in the county of Cayuga and State of New York.

William Witte, jr., to be postmaster at Roslyn, in the county of Nassau and State of New York.

Michael Halligan, to be postmaster at Rouses Point, in the county of Clinton and State of New York.

Charles C. Horton, to be postmaster at Silver Creek, in the county of Chautauqua and State of New York.

NORTH DAKOTA.

Ernest C. Eddy, to be postmaster at Fargo, in the county of Cass and State of North Dakota.

OHIO.

W. B. Jones, to be postmaster at Delaware, in the county of Delaware and State of Ohio.

William H. Surles, to be postmaster at East Liverpool, in the county of Columbiana and State of Ohio.

Walter B. Johnson, to be postmaster at Fredericktown, in the county of Knox and State of Ohio.

Edmund F. Moore, to be postmaster at Lisbon, in the county of Columbiana and State of Ohio.

George E. McDonald, to be postmaster at Minerva, in the county of Stark and State of Ohio.

Joseph G. Gest, to be postmaster at Washington Court-House, in the county of Fayette and State of Ohio.

Tanner R. Snowden, to be postmaster at Wellsville, in the county of Columbiana and State of Ohio.

VIRGINIA.

John R. Waddy, to be postmaster at Norfolk, in the county of Norfolk and State of Virginia.

William H. Boyenton to be postmaster at Hampton, in the county of Elizabeth City and State of Virginia.

WASHINGTON.

F. A. Tarr, to be postmaster at Montesano, in the county of Chehalis and State of Washington.

WISCONSIN.

George W. Smith, to be postmaster at Eau Claire, in the county of Eau Claire and State of Wisconsin.

George H. Dodge, to be postmaster at Arcadia, in the county of Trempealeau and State of Wisconsin.

Nicholas T. Martin, to be postmaster at Mineral Point, in the county of Iowa and State of Wisconsin.

James T. Brownlee, to be postmaster at Mondovi, in the county of Buffalo and State of Wisconsin.

Gustav A. Albrecht, to be postmaster at Plymouth, in the county of Sheboygan and State of Wisconsin.

Hervey L. Coe, to be postmaster at Port Washington, in the county of Ozaukee and State of Wisconsin.

William H. Landolt, to be postmaster at Wauwatosa, in the county of Milwaukee and State of Wisconsin.

Fred M. Griswold, to be postmaster at Lakemills, in the county of Jefferson and State of Wisconsin.

Charles H. Maynard, to be postmaster at Sheboygan, in the county of Sheboygan and State of Wisconsin.

Byron H. Sanford, to be postmaster at Sheboygan Falls, in the county of Sheboygan and State of Wisconsin.

Cornelius E. Donovan, to be postmaster at Waterloo, in the county of Jefferson and State of Wisconsin.

Byron Fairbanks, to be postmaster at West Bend, in the county of Washington and State of Wisconsin.

Leopold E. Jochem, to be postmaster at Cedarburg, in the county of Ozaukee and State of Wisconsin.

Robert Downend, to be postmaster at Osceola, in the county of Polk and State of Wisconsin.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February 4, 1903.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

POST-OFFICE APPROPRIATION BILL.

Mr. LOUD. Mr. Speaker, I move that the House now resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Post-Office appropriation bill, and, pending that, I desire to make some arrangement about closing general debate.

The SPEAKER. The gentleman from California moves that the House resolve itself into Committee of the Whole House for the further consideration of the Post-Office appropriation bill, and, pending that, states that he wants some understanding as to the closing of general debate.

Mr. LOUD. Mr. Speaker, I will ask that general debate close on this bill at 3 o'clock, and that two hours be controlled by myself and one hour by the gentleman from Georgia [Mr. GRIGGS].

The SPEAKER. And pending that motion, the gentleman asks that general debate close at 3 o'clock; two hours to be controlled by himself and one hour by the gentleman from Georgia [Mr. GRIGGS]. Is there objection? [After a pause.] The Chair hears none.

The motion was agreed to.

And accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. OLMSTED in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 16990, the Post-Office appropriation bill.

Mr. LOUD. I yield to the gentleman from Ohio [Mr. BROMWELL] such time as he may desire within the hour.

Mr. BROMWELL. It has been stated, Mr. Chairman, that a drowning man, or a man with death imminent, makes a review of all his life, recalls all of his good deeds and his bad ones, but particularly his bad ones, and that his whole life passes in panorama in a very few seconds. I do not know whether that is the feeling which actuates me this morning in making a retrospect, in view of the fact that after the 4th of March next I shall cease to hold my membership of this House, and particularly my connection with the Post-Office Committee, of which I have been permitted to be a member for the last eight years.

But, as a matter of fact, it has been of some interest to me to review briefly some of the legislation that has been had by this great Post-Office Committee and Congress upon matters which have been brought before it, and particularly to note the wonderful advance that has been made in the post-office service during that short period of time.

It has become so much a matter of course to the people of this country to take for granted the magnificent prosperity which has come to it since the Republican party came into power—the wonderful advance in commerce and manufactures—that this great index of trade and commerce, the Post-Office Department, should be taken in its advancement as a matter of course, and very few of us can realize without resort to figures, comparing the statistics of the Post-Office Department at different periods, what this great advance has been within the short period of four terms, or eight years of this Congress.

I have before me the report of the Postmaster-General of the United States for 1894–95, and also the report of the present Postmaster-General for the fiscal year ending July 1, 1902, and I wish briefly to make some extracts from these reports, to summarize this wonderful development of the postal service.

I find from the report of the Postmaster-General for 1895 that the receipts from postal revenue for the year ending July 1, 1895, were $76,171,090.09; for the year ending July 1, 1902, the receipts from the same source were $119,958,229.40, showing an increase in seven years of $43,787,139.31, or a total increase of 57 per cent; that the receipts from the money-order business for the year ending July 1, 1895, were $812,038.19; for the year ending July 1, 1902, they were $1,889,817.86, or an increase of $1,077,779.67, being 133 per cent of increase in the seven years; that the total revenue from all sources for the year ending July 1, 1895, was $76,983,-128.19, while the receipts from all for the year ending July 1, 1902, were $121,848,047.26, being an increase of $44,864,919.07, representing an increase of 58 per cent.

But, Mr. Chairman, if the receipts have increased in this manner, so also have the expenditures, although not in the same ratio. The expenditures for the year ending July 1, 1895, were $86,790,-172.82; for the year ending July 1, 1902, $124,785,697.07, an increase of $37,995,524.25, being an increase of 43 per cent.

A still more striking comparison will be seen when we take the expenditures as I have already given them for 1902, and compare

them with the receipts for 1895. The deficit then for the current year would be $47,802,568.88.

For a better comparison of these figures I have selected the five largest items of expenditure, comparing the expenditures for the year ending July 1, 1895, with those of the year ending July 1, 1902, upon the items I shall name.

It cost us for transporting the mails on railroads for the year ending July 1, 1895, $26,429,747.21. The same item cost us last year $34,700,000, or an increase of $8,270,252.79.

Compensation to postmasters: For the year ending July 1, 1895, $16,079,508.40; for the last year, $20,783,919.97, or an increase of $4,703,411.57.

For free-delivery service: In 1895, $12,139,092.27; for the past year, $17,123,310.90, or an increase of $4,984,218.63.

For compensation of clerks in post-offices: In 1895, $9,414,135.67; for last year, $14.434,047.70, an increase of $5,019,912.03.

For compensation of railway mail clerks: In 1895, $7,103,025.30; in 1902, $10,264,588.38, or an increase of $3,161,563.08. The difference in the conditions of the country may well be illustrated by quoting from the opening paragraphs of the Postmaster-General's report for these two years. The Postmaster-General in his report for 1895 says:

It will be seen that the financial and industrial depression, which has seriously affected the revenues of the postal service for the past two years and disappointed the estimates of my predecessors, extended far enough into the fiscal year of 1895 to make an unusually wide gap between revenues and expenditures. It is gratifying, however, to report that a large part of this deficiency occurred in the first quarter of the year, and that since then the revenues of the Department have reflected the general returning prosperity of the country.

The report of the Postmaster-General for this year, at the bottom of page 4, is as follows:

The increase in the postal revenues not only attests the wonderful prosperity of the people and the activity of business interests throughout the country, but also indicates that the extension of postal facilities, carefully directed, result sooner or later in increased receipts and diminished deficits. With phenomenal growth of population and other favoring conditions, the mail matter poured into the post-offices has rapidly helped to lessen the percentage of deficit. Despite largely increased expenditures, the revenues gradually approximate the expenses after each added outlay has marked a new standard.

As a further illustration of this wonderful growth, in 1895 the number of domestic money orders issued in the United States was 22,031,120. Last year the number was 40,474,327, showing an increase of 18,443,207, or nearly 90 per cent. The value of domestic money orders issued in 1895 was $156,709,089.77, while in 1902 it was $313,551,279, showing an increase of $156,842,189.23, or more than double during the seven years. The number of foreign money orders issued in the United States in 1895 was 909,278. In 1902 it was 1,311,111, showing an increase of 401,833, or about 44 per cent. The amount in value of foreign money orders issued in 1895 was $12,906,485.67; in 1902, $22,974,473, an increase of $10,067,997.33, or about 80 per cent increase. The number of paid registered-mail pieces in 1895 was 11,744,525; in 1902, 19,628,143, or an increase of 7,883,658, about 70 per cent in the seven years.

Mr. Chairman, this growth of the post-office service is also shown in the wonderful increase in the number of post-office employees. In 1895 the number of post-office clerks was about 13,000, exact figures not being available from the report. In 1902 the number of post-office clerks was 19,887, or an increase of something over 6,000. In 1895 the number of carriers was 12,714; in 1902 the number of carriers was 17,785, or an increase of over 5,000. The Railway Mail Service employees in 1895 numbered 7,045; in 1902 9,731, an increase of 700. Of rural free-delivery service employees, in 1895 there was none; in 1902, about 12,000, the exact figures not being available. It is also interesting, Mr. Chairman, to notice that our postal service during that time has been extended to Hawaii, Porto Rico, and Alaska, to say nothing of the Cuban service while it lasted, and the Philippine service, which is independent of the departmental service here. In 1895 we had but one short line of pneumatic-tube service in the city of Philadelphia; I think less than half a mile in length. During the next year we shall have the tube service in Philadelphia, New York, Boston, Chicago, and St. Louis.

The most wonderful, perhaps, of the developments that have taken place in this service during these seven years has been the installation and growth of the rural free-delivery service. In the report of the Postmaster-General for 1895, page 8, he says:

The amount appropriated by Congress, $20,000, to test the feasibility of establishing rural free delivery was not expended during the last fiscal year, the Department not being able to devise a plan by which a satisfactory test could be made with this small allowance. To establish rural free delivery throughout the United States would involve, it is believed, an expenditure annually of not less than $20,000,000, and the revenues of the Government, not less than the revenues of the Department, are imposing the most rigid economy and the necessity for refraining, as far as possible, from uncertain experiments.

If, with full knowledge of the cost of free delivery in towns and villages and in the country, the people's representatives shall desire to undertake it, this Department will omit no effort to make it a thorough success; but under present conditions and present revenues, it believes it both duty and policy to extend and improve the postal facilities of all the people through the expansion and improvement of the existing system. For myself, personally, I may say that I assumed control of this Department too late in the fiscal year to take any action under this appropriation. Should Congress see fit to make it available for the current year, I will make the experiment ordered by the best tests I can devise.

The Postmaster-General, alluding to this same service, on page 6 of his report for the current year, says:

Rural free-delivery service has become an established fact. It is no longer in the experimental stage, and undoubtedly Congress will continue to increase the appropriation for this service until all the people of the country are reached where it is thickly enough settled to warrant it.

Another great advance which has been made by the Post-Office authorities has been in carrying into effect the provisions of what was known from time to time as the Loud bill. Congress after Congress attempted to put into definite legislation the provisions of the so-called Loud bill for the purpose of diminishing the deficit of the Post-Office appropriation and also for correcting the abuses of the second-class mail privilege.

This bill occasionally passed one House or the other, but never was enacted into law. The Post-Office authorities, finding that Congress would not give definite and specific legislation upon this subject, assumed the responsibility, upon the theory that existing law gave them sufficient control over the mail matter of the country to decide what was and what was not intended to be included in the second-class mail privilege, and, thanks to the heroic efforts of the Third Assistant Postmaster General, Mr. Madden, many of these abuses have been corrected, and it has been done so quietly and yet so effectively that very little general protest has arisen throughout the country. It is to be hoped that Congress will in the future strengthen the hands of the Department, in order that this great privilege given to the newspapers and to legitimate publications may not be abused by the impositions which have been practiced upon it in the past.

In the present bill, in addition to the ordinary appropriations, are included a number of new items. I will briefly allude to them.

In section 2 of the bill there is a provision for amending section 6 of the act making appropriations for the service of the Post-Office Department for the year ending June 30, 1886, and other purposes. The special object of this particular amendment is to withdraw the restriction upon the amount that may be earned by the messenger boys who carry special-delivery letters. This limit has been entirely removed, as it has been found that those who are most diligent and industrious reach the limit fixed by law before the month expires, and then have to waste the rest of the month. As the bill is proposed to be amended, it places it in the discretion of the postmaster to use any of the messenger force and pay them according to existing law without reference to any fixed amount as a limit.

The next amendment is for the purpose of placing the protection of the penal laws upon the boxes used by the star routes. Heretofore there has been very little delivery of mail to boxes along the lines of star routes. That service has been a through service from one point to another. But the Second Assistant Postmaster-General has recently introduced boxes similar to the rural free-delivery boxes along star routes, and in the contracts which are now made there is a provision that the star-route contractor shall deliver to those boxes. It seemed, however, that there was no definite provision of law by which depredations on these boxes could be prevented, and this amendment is merely to correct that omission.

Section 3 is for the purpose of extending the protection of the law to the special-delivery messenger, such as is extended to carriers and other post-office officials.

Section 4 is an important provision demanded in the interest of economy and convenience. It provides for the prepayment of mail in a manner similar to what is now in use with newspapers, paying by weight in advance and not requiring the stamping of the separate pieces of mail. It provides that mail matter of not less than 2,000 identical pieces of third or fourth class matter may be deposited without placing the stamps upon the individual pieces, but by payment in bulk in advance in the same manner as the newspapers are now mailed.

Mr. STEELE. I should like to ask the gentleman a question. Does that provision meet with the approbation of the Department?

Mr. BROMWELL. It not only meets with the approbation of the Department, but the provision in the bill was drawn by the Department. It makes no change whatever in the rate of postage. The same amount of postage is paid for each individual piece mailed, but instead of being paid by stamping each one, a pound of these identical pieces may be weighed up, the number to the pound ascertained, and the rate paid at 1 cent for 2 ounces, just the same as now.

Mr. STEELE. My object in asking was because it seemed to me it would require greater surveillance to guard against fraud when they were thrown in in bulk like that.

Mr. BROMWELL. The plan is this: A publisher or a business man may send 2,000 of these identical pieces to the post-office. A pound of them will be selected out and weighed and the number of pieces in that pound counted. Now, say it runs 100 pieces to the pound. Then the postage will be paid on the number of pounds at the rate of the postage on those individual pieces, being 100 to the pound.

Mr. STEELE. Suppose this publisher should send 2,000 pounds through the post-office and they were weighed, and then he would send 500 pounds direct to the car, where he might have an arrangement with the railway mail clerk, and he should dump that 500 pounds right in with the 2,000 pounds?

Mr. BROMWELL. The same fraud could be perpetrated by the newspapers, and yet there is no complaint of anything of that kind being done.

Mr. STEELE. I was asking for information. It seems to me that there might be danger of fraud arising from collusion with the railway mail clerks.

Mr. LOUD. I will say to the gentleman that the system has been in operation for years with reference to newspapers, and all this matter must go through the post-office.

Mr. BROMWELL. The object of the provision is not only to serve the convenience of those who mail this matter, but as an economy to the service, in that it does not require the force of clerks to stamp all this amomnt of mail, and it is practically just the same as with newspapers.

These, Mr. Chairman, are the principal provisions that are recommended in the bill. There are two other things that have been done, largely through the instrumentality of the Post-Office Committee, and more particularly through the efforts of the chairman of that committee, during the last eight years, which has resulted in a great improvement of the service. One of these is the segregation of the various items in the bill. It was formerly the custom to appropriate lump sums, leaving the distribution of the items in the discretion of the Post-Office Department. The system of segregation or separation of these items and a separate appropriation for each of the various items in the bill was commenced by the committee some years ago, and, as I say, largely through the instrumentality of the chairman of the committee, by which now the appropriation bill not only appropriates the amounts necessary for each branch of the service, but specifically devotes that particular part of the appropriation which is to go to the different classes or items of expenditure.

The other great improvement, Mr. Chairman, has been the change that has been gradually taking place in the classification of the various post-office employees. We all remember how five or six years ago three classification bills were presented to this House, and were being pressed by the post-office clerks, the carriers, and the railway mail clerks. All of them appealed more or less to the members of this House, and all were being urgently demanded by the associations representing these bodies of post-office employees. By a process of gradual increases these classification bills have been carried into effect, with one exception, and that is taking the promotion of post-office clerks out of the merit system. As it is now, the carriers are the only force in the service which get their promotion merely by longevity or length of service. The railway mail clerks get their promotions as the result of continuous record and thorough examination at short intervals. The post-office clerks get their promotion as a result of meritorious service in the various post-offices, the matter being largely in the discretion, perhaps entirely so, of the postmaster at each office; and in this way he is enabled to select those clerks who have done their duty faithfully to the exclusion of those who have been negligent. Those who have done well are promoted; from those who have neglected their duty promotion is withheld.

Mr. Chairman, I can not refrain at this time, and I think I but express the sentiment of my colleagues on the Committee on the Post-Office and Post-Roads when I say to this House and to the country that the services that have been rendered by the chairman of this committee during the last eight years have been beyond computation. I intend no flattery when I say that it is the universal judgment of every member of this House with whom I have spoken that there is to-day no man in the United States who has a more thorough knowledge of postal matters in all its details than the distinguished chairman of the Post-Office Committee. I think I voice the sentiment of every member of this House when I say that no man who has ever been at the head of that great committee has displayed more industry and more ability. I think I voice the sentiment of everyone who knows this distinguished gentleman, whether member of this House or not, when I say that there has never been a more honest, straightforward, conscientious devotion to the public service than has been rendered by Mr. LOUD as chairman of this committee [great general applause], and I know that whatever may have been the cause, whatever may have induced the constituents of this gentleman to decline to return him to the next Congress, I know that this House has suffered a loss and the country has suffered a loss from which it will take a long time to recover.

Mr. STEELE. I would say something about his courageous conduct as you went along there.

Mr. BROMWELL. That goes without saying with any man who has witnessed the course of the chairman of the Post-Office Committee, when advocating unpopular measures, frequently in the face of opposition, going down to defeat, but nevertheless standing up here courageously, as the gentleman from Indiana has suggested, doing his duty whether in the majority or minority on all subjects presented from his committee and upon all the subjects that have engrossed the attention of the House. I think that this tribute is due to this distinguished gentleman; and I say that in voicing it as my own personal sentiment I but repeat what is the universal sentiment of this House. [Loud general applause.]

Mr. LOUD. I yield thirty minutes to the gentleman from Pennsylvania [Mr. SIBLEY].

Mr. SIBLEY. Mr. Chairman, I regret that the gentleman from Mississippi [Mr. WILLIAMS] is not in his seat. On Saturday last I asked the gentleman from Mississippi this question:

The gentleman has mentioned the name of that great statesman Thomas Jefferson, and I want to ask him if Jefferson, about 1814, if I recollect right, did not write a letter recanting all his former free-trade theories and say that new conditions had arisen which led him to modify his opinions on that subject which he had theretofore expressed?

In reply to that Mr. WILLIAMS of Mississippi said:

I do not think he ever did. I never heard of his suffering from temporary insanity in his life. I do not think it ever occurred. I think the gentleman is mistaken. [Laughter.]

Mr. Chairman, in Volume VI of Jefferson's Complete Works I find a letter under date of January 9, 1816, addressed to Benjamin Austin, esq., and in this letter he says:

You tell me I am quoted by those who wish to continue our dependence on England for manufactures. There was a time when I might have been so quoted with more candor, but within the thirty years which have since elapsed how are circumstances changed! We were then in peace. Our independent place among nations was acknowledged. A commerce which offered the raw material in exchange for the same material after receiving the last touch of industry was worthy of welcome to all nations. It was expected that those especially to whom manufacturing industry was important would cherish the friendship of such customers by every favor, by every inducement, and particularly cultivate their peace by every act of justice and friendship.

Under this prospect the question seemed legitimate, whether, with such an immensity of unimproved land, courting the hand of husbandry, the industry of agriculture or that of manufacture would add most to the national wealth. And the doubt was entertained, on this consideration chiefly, that to the labor of the husbandman a vast addition is made by the spontaneous energies of the earth on which it was employed. For one grain of wheat committed to the earth she renders twenty, thirty, and even fifty fold, whereas to the labor of the manufacturer nothing is added. Pounds of flax in his hands yield, on the contrary, but pennyweights of lace. This exchange, too, laborious as it might seem, what a field did it promise for the occupations of the ocean; what a nursery for that class of citizens who were to exercise and maintain our equal rights on that element? This was the state of things in 1785, when the "Notes on Virginia" were first printed; when, the ocean being open to all nations, and their common right in it acknowledged and exercised under regulation sanctioned by the assent and usage of all, it was thought that the doubt might claim some consideration.

But who in 1785 could foresee the rapid depravity which was to render the close of that century the disgrace of the history of man? Who could have imagined that the two most distinguished in the rank of nations for science and civilization would have suddenly descended from that honorable eminence, and setting at defiance all those moral laws established by the Author of nature between nation and nation, as between man and man, would cover earth and sea with robberies and piracies, merely because strong enough to do it with temporal impunity, and that under this disbandment of nations from social order we should have been despoiled of a thousand ships and have thousands of our citizens reduced to Algerine slavery.

Yet all this has taken place. One of these nations interdicted to our vessels all harbors of the globe without having first proceeded to some one of hers, there paid a tribute proportioned to the cargo, and obtained her license to proceed to the port of destination. The other declared them to be lawful prize if they had touched at the port or been visited by a ship of the enemy nation. Thus were we completely excluded from the ocean. Compare this state of things with that of '85 and say whether an opinion founded in the circumstances of that day can be fairly applied to those of the present. We have experienced what we did not then believe, that there exists both profligacy and power enough to exclude us from the field of interchange with other nations; that to be independent for the comforts of life we must fabricate them ourselves. We must now place the manufacturer by the side of the agriculturist.

The former question is suppressed, or rather assumes a new form. Shall we make our own comforts or go without them at the will of a foreign nation? He, therefore, who is now against domestic manufacture must be for reducing us either to dependence on that foreign nation or to be clothed in skins and to live like wild beasts in dens and caverns. I am not one of these; experience has taught me that manufactures are now as necessary to our independence as to our comfort; and if those who quote me as of a different opinion will keep pace with me in purchasing nothing foreign where an equivalent of domestic fabric can be obtained, without regard to difference of price, it will not be our fault if we do not soon have a supply at home equal to our demand, and wrest that weapon of distress from the hand which has wielded it.

If it shall be proposed to go beyond our own supply, the question of '85 will then recur, Will our surplus labor be then most beneficially employed in the culture of the earth or in the fabrications of art? We have time yet for consideration, before that question will press upon us, and the maxim to be applied will depend on the circumstances which shall then exist, for in so complicated a science as political economy no one axiom can be laid down as wise and expedient for all times and circumstances, and for their contraries. Inattention to this is what has called for this explanation, which reflection would have rendered unnecessary with the candid, while nothing will do it with those who use the former opinion only as a stalking-horse to cover their

disloyal propensities to keep us in eternal vassalage to a foreign and unfriendly people.

My learned and distinguished friend from Mississippi, whom we all honor——

Mr. WILLIAMS of Illinois. Will the gentleman allow me a question?

Mr. SIBLEY. My time is so limited I do not want it taken up by interruptions.

Mr. WILLIAMS of Illinois. I simply want to ask the gentleman if he thinks the same reasons exist to-day for the protective tariff that existed in 1816, provided they did exist then?

Mr. SIBLEY. Mr. Chairman, I am not one of those who think that the world stands forever and eternally still. It is moving on. The same conditions do not exist; you can not keep them so if you desire. My friend from Mississippi said he could not believe it possible that Thomas Jefferson had ever written such language because he never suffered from temporary insanity.

I do not think he ever suffered from temporary insanity; I consider him one of the wise men, one of the ornaments of all the ages—an American in whom every citizen of this country can take a just pride. I reverence his memory. I have tried to be something of a student of his teachings. But I think that in his earlier period, when the ambitions of life were pressing upon him and political power was within his grasp, or seemed to be, he might hold one opinion, but when he had reached the ripe maturity of age, when ambitions were behind him, when he was looking only to the future welfare, prosperity, and happiness of the American people, in that letter of 1816 he gave out the rule of conduct safest to follow.

I shall not attempt, Mr. Chairman, with only twenty minutes allotted me at this time, to make an argument concerning the trusts. I believe that question is coming up later, and if I can get the time I will make a few remarks on that occasion. But my friend from Mississippi [Mr. WILLIAMS] stated the other day, if I recall his remarks aright, that there were but three methods possible under which a trust can exist: First, to reduce the price of the product purchased from the producer of that product. Is that correct? I do not wish to mistake the gentleman's position. Second, by reducing the wages of labor; or, third, by increasing the price to the consumer.

Mr. WILLIAMS of Mississippi. Or decreasing the volume of labor.

Mr. SIBLEY. Or decreasing the volume of labor. Now, Mr. Chairman, there is not a gentleman who is familiar with any of our great manufacturing centers, our great industrial works that we have all through the northern section of this country, who does not recognize that the gentleman is mistaken in that. Through the ability to set certain men to perform this labor and certain men to perform that the cost of production is diminished, precisely as the factory can diminish the cost and the price of my coat from what it was when my mother used to spin and weave it for me when I was a boy. The day of individualism is passed, and the day of concentration of effort, for the accomplishment of great purposes, has come. Individualism, competition, is destructive; it is war. Cooperation of forces is peace and is a guaranty of greater prosperity and greater happiness and blessings to the human race.

Why, sir, in the testimony taken before the Industrial Commission one witness stated—and this was not with relation to a great corporation as corporations go to-day—that the Federal Steel Company in their combination have saved annually $500,000 in freight from cross-shipment. Suppose they locate one factory in the South, another in Baltimore, another in New England—three separate factories—can Boston compete with your trade in Mississippi or South Carolina, and all competing at some point yonder? Every combination of capital that has increased the price to the consumer has been forced to close its doors; and the record of every successful combination of capital is a diminished price to the consumer.

You say that prices are higher. Surely! But where do you wish to make them lower? Formerly you got four cents and a fraction for your cotton; now you get 8.31 cents. You do not want cotton lower? In Pennsylvania oil sold under Mr. Cleveland's Administration for 50 cents a barrel; to-day the producers of that petroleum get $1.50 a barrel. Do we want oil lower? Wages have been increased in every calling where human endeavor and brawn and brain and muscle are exerted. Labor does not want a cheaper price. And you will find that you can never have the price below a just margin of profit unless labor suffers.

One effect of combination is the cheapening of the cost of administration. I know of one concern where certain general officers do the work which formerly required three times the number; thus the cost of administration is lessened. In the same way the ability to manufacture more cheaply is developed. But I am not going into the trust question at this time.

Gentlemen on that side seem to be afraid of combined capital. You say it is dangerous. How much is dangerous? Let us fix a limit. Is it a million dollars, or ten million dollars, or a hundred million dollars, or a billion dollars? Fix the limit. Where is the danger line? My judgment is that every dollar of capital which is used by unfair means to crush competition, every dollar of capital which is used to prevent labor finding its just reward, every dollar of capital which is used to oppress the consuming public, is a wrongful dollar; but every dollar which cheapens the cost of production and extends the area through which such productions may reach the people, that gives wider employment to labor and better returns to capital, comes not as a curse, not as a menace, but as a blessing.

It is merely evolution from the lower to the higher form—from the day of individualism, when the village blacksmith was the chief artisan of the hamlet or township, when the carpenter was also the wheelwright, and the shoemaker made shoes for the whole community—to that union of labor which lessens toil and blesses all mankind. Every result of cooperation of effort, whether it be in labor or in capital, has been a blessing or should be. My friend says that the way to kill the trusts is to kill the tariff. I hold in my hand here the Democratic campaign handbook. It contains on its cover a picture of an elephant, labeled "The anatomy of the G. O. P."

This is the Republican elephant, and I find that every muscle and bone and sinew and ligament here is represented by some great combination of capital. Here at the heart is the money power. Well, I suppose that is a trust! Here are represented all the railroads and the locomotive trusts; the tail of the animal is the cordage trust and the trunk the rubber trust. There is not a single enterprise in this country which is moving and going forward, which is extending our domestic and our foreign commerce, which is not in some way represented in the anatomy of this great Republican elephant.

Gentlemen, the compiler of that book has unconsciously paid the Republican party the highest tribute that has ever been paid to it. [Applause on the Republican side.] I find that all these industries, all these great enterprises, everything which is moving forward and carrying humanity's hopes with it, is represented somewhere here. Here upon the legs in three places are marked "The tariff," "The tariff," "The tariff"—all these great enterprises standing on the tariff.

Now, you have an idea that these industries will move faster and extend up higher by performing a surgical operation on this elephant, and you propose to cut off his legs just below the body. Why, a schoolboy might think an elephant would go faster if his legs were removed, but he would have to be a pretty young schoolboy. But that is the remedy for the trusts proposed by our Democratic friends, ever forgetful of the fact that before we had trusts, known as such in the United States, they existed in England, and they have more of them there to-day than we have. I have a copy of a paper which I picked up in London which invites subscriptions to the United Laundry Trust, of London, with a capital of £500,000. There is hardly a business which is not in some way or other in a combination over in that country, and yet England, the mother of trusts, is a free-trade nation.

Mr. Chairman, this is the idea of the theorist. Away back in 1888 there arose in this country a distinguished theorist. He enunciated a doctrine which, if enacted into law, he claimed would increase our prosperity until our storehouses would be unable to contain the golden harvest which would roll into them. That man was Grover Cleveland. People could not take him at his word then, but in 1892 they did, and in 1893, with this Chamber as its theater, there was enacted on the floor of this House a national drama—I might say a national tragedy.

The closing hours of the debate upon the Wilson tariff bill had arrived. For the friends of protection, Thomas B. Reed stood there. For the champions of free trade, William L. Wilson, of West Virginia, stood yonder. They were two men marvelous in their attributes; each a credit to his country and the age which produced him; both masters of parry and of thrust; each inspired, I believe, with the highest motives of patriotism. Unfortunately for Mr. Reed, he had to confine himself to the hard and solid foundation facts. All that he could do was to show what by experience had come to this nation when a reversal of the policy of protection had taken place. But over on the other side, when the time came for Mr. Wilson to close the debate, the theorist was in command. All the illimitable spaces of the celestial universe were his, and he plucked the stars as baubles and passed them out among the membership on that side of the floor.

When he sat down, you gentlemen who were on the floor of this House at that time will recall there was a hush in this Chamber like that in the chamber of death. Then there arose a roar like unto that of rushing waters, men frantically hugged him to their breasts, men seized him and bore him upon their shoulders, among them one who has been twice a candidate for the Presidency of the United States, and marched him through the aisles

of this hall. Fact and theory had met in the arena, fact overthrown and theory triumphant. It was the apotheosis of theory; but the history of the next four years was branded as with a hissing iron into the hearts and lives of men in every hamlet in all this broad land.

Now, gentlemen, you have a theory about the tariff and you have a theory about the trusts. To-day labor is employed throughout the length and breadth of all the land. No man seeks employment to-day who does not find it at the highest wage ever received. Capital is rewarded for its daring and enterprise as never before. Labor is employed in the factory, upon the farm, and in the field, meeting the greatest recompense it ever received. This marvelous prosperity, with the furnaces pouring out their pillars of smoke by day and of fire by night, is pointing out the pathway which is leading God's chosen people of this nation from the house of industrial bondage to a land flowing with milk and honey. [Applause.]

This, Mr. Chairman, is a time when all charged with responsibility for legislation should step carefully and cautiously, as those who tread upon thin ice; for if by an injudicious policy, if by hasty or ill-advised legislation we impair our prosperity of the present moment and carry the country back into the abyss from which it has happily escaped and where the last great exponent of free trade left us, and where that man who, I think, will be your next candidate will want to take us again, I believe the American people will hold us to a strict accountability when the hysteria and the mania of the present moment concerning tariff revision and the trusts have passed away. [Applause.]

I yield back my remaining time to the chairman of the committee.

Mr. LOUD. Mr. Chairman, I yield fifteen minutes to the gentleman from New York [Mr. PERKINS].

Mr. PERKINS. Mr. Chairman, I wish to speak briefly concerning some changes that I think could be made in the tariff profitably to the people of the United States and advantageously to the Republican party.

Two months ago I introduced into this House two bills—one repealing the duty on coal and meat and the other repealing the duty on hides and lumber. Those bills were referred to the Committee on Ways and Means, the distinguished chairman of which [Mr. PAYNE] sits near me, and in that committee they have slept the sleep of the just for two months and will continue to sleep until the close of this session. But, while the Committee on Ways and Means can put the bills to sleep, they can not put to sleep the question.

In introducing those bills I claim to be a better protectionist than the Ways and Means Committee. What, Mr. Chairman, is the theory of protection? In using a word we must not forget the thing that is represented by the word. What is the theory upon which protection in the United States of America is advocated by the Republican party? It rests upon the assumption that labor is better paid in this country than in most other countries, and that to enable American manufacturers to pay their employees such wages as are required to support them in the decent comfort which they demand, a certain amount of duty must be levied upon goods made in other lands by cheaper labor.

That is what protection rests upon and without that it can not stand at all. There is no one who does not realize that the most important thing for the people of this land is that the great mass of wage-workers should be well, satisfactorily, even highly paid.

The greatest curse and the greatest danger that could fall upon the country would be the growth of a class of pauper laborers, ill paid, ill fed, ill taught.

So the fundamental object of protection is to secure for our working people the highest degree of comfort and well-being. Now, it is evident that a provision which has for its result to make the cost of living higher for the mass of the people, undoes to some extent the good which they might derive from higher wages. There is no advantage in receiving more wages if we also raise the cost of necessaries which one buys with his wages.

The first objection made to a bill of this sort is that it must mean a general revision of the tariff, and this would result in business disturbance. I agree that a general revision of the tariff might have such results, and I do not believe the day will soon come when the Republican party would or should undertake it. But how can anyone, how can my friend on the Ways and Means Committee, say that if the duty on some specific article is found to be injurious it can not be taken off without bringing under consideration the entire tariff? Why, Mr. Chairman, what an object lesson we had not two weeks ago. There was a duty on anthracite coal—a part of the Dingley tariff just as much as any other section of that bill. There was also a duty on soft coal—a part of the Dingley tariff just as much as any other section of the tariff. In one day, in six hours, without amendment, without trouble, the duty on anthracite coal went off forever. The duty on soft coal went off for one year, and I hope forever. Was any revision of the tariff necessary to accomplish that?

Let us be rational. Do not let us say things that have no meaning. A change was made in the Dingley tariff which permanently took off the duty on anthracite coal and temporarily off from soft coal. Does any man say that business disturbances followed that change? Have bankers been alarmed? Have manufacturers been disturbed? Has there been any commotion in business interests in this country because the Congress of the United States saw fit to take off the duty on an article when that duty was deemed injurious? We can not be like the Medes and Persians, and live under laws that alter not. There is no law on the statute book that will or should for all time remain beyond the possibility of amendment. I submit, Mr. Chairman, that the proper thing for the Republican party—the party in power—is, if the duty on certain articles is shown to be disadvantageous to the great mass of the community, to see that the duty is taken off.

Let us take the tax on coal. When the difference in cost between the two grades is considerable, soft coal is sure to take the place of hard coal for many uses, and lowering the price of one necessarily brings down the price of the other. Why is not it for the benefit of the community that the price of every grade of coal should be as low as possible? Does anyone really maintain that it helps a workingman to raise the price of the coal he burns? Does anyone claim that it helps the manufacturer to make more costly the coal he requires to heat his building and to generate power? In order that manufacturers may pay good wages, we must furnish them every facility for carrying on their business economically.

Mr. BOREING. I will ask the gentleman if he does not believe that the wage-earner who mines coal is as much entitled to protection as the wage-earner in clothing, shoes, and other articles used by the people?

Mr. PERKINS. Exactly the same; but coal is an article which must necessarily be used by 80,000,000 people. We must consider, not only a certain number of coal owners and coal corporations—nor even the 125,000 people who mine coal—but the 80,000,000 people in the United States of America who use it. Can one believe that it is advantageous to the people of the community or wisdom in the Republican party to keep up an impost which must be paid by the entire population on an article of primary necessity?

The object of protection is to build up our manufacturing interests, and it is of vital importance to them that the cost of coal should be as low as possible. The price of soft coal has almost doubled within a few months. Is that a good thing for manufacturers? This increase in the cost of power will seriously cripple many of them. It will diminish the amount of business they can do and the number of men they can employ.

It is argued that taking off the duty on coal will make little difference in its cost except at a time like this when prices are abnormally high. Is that any reason for keeping it on? Here is a duty which is inoperative most of the time and only operates when it does harm.

It may well be that the abolition of the duty on soft coal should be accompanied by a provision that other countries should abolish any duty they have on our coal. I do not believe there would be any trouble in obtaining such an agreement with Canada, and I have understood from large dealers in soft coal that they would view the abolition of our duty with pleasure if it was accompanied by an abolition of the duty imposed by Canada. As a result of this we might fairly expect to cheapen the cost of power for our manufacturers, and to increase the market for our coal in Canada.

I can not understand why the leaders of the Republican party think it is wise to keep this duty on. Let us suppose the question of the free entry of coal was put to a popular vote to-day. Nine hundred and ninety-nine out of a thousand would vote in favor of taking it off. Is it good politics for us to insist in keeping it on?

This extra cost is paid by every man in the country who has a stove to cook his dinner or to keep his house warm. It is paid by every manufacturer in the country who warms his building or creates power. Who receives the benefit, if any benefit is received? A few very powerful and very rich corporations. I do not believe in any anarchistic outcry against great corporations, but when it comes to increasing their profits where they are already large, and when every cent of this increase comes out of the pockets of the entire population, that is another question. Are we to consider the interests of a few great coal operators, or are we to consider the interests of 80,000,000 people who buy coal? Let every man choose whom he will serve.

Who gets the benefit of the tax on meat? I have no feeling against the great packing companies, but surely they are not in position to demand an increase in profits already large, when these come out of the whole community. Need I say that a tax on an article absolutely necessary for health, for the ability to labor, for life itself, like meat, is always and necessarily a wrong one, no matter who gets the benefit of it.

Mr. BOREING. Is not clothing as much a necessity as meat?

Mr. PERKINS. I can not yield to the gentleman. If I had more time I would be delighted to answer his question. It is for the interest of the community that every man who labors in the United States should have good, sufficient, and wholesome meat to eat. We do not want a laboring population such as they have in Europe, where in many countries the man who eats meat once a week is doing well. We desire that a man shall have meat to eat every day in the week.

If the cost of this is increased, who gets the benefit? Nine-tenths of the benefit goes to a few great corporations. It is contrary to popular sentiment—if not corrected will receive popular condemnation from the masses of the voters—if it is believed that any party keeps up the price of beef to the man who eats it for his dinner; and of that extra price nine-tenths goes to wealthy corporations.

Some of our friends say that this extra cost of meat is of great importance to the farmers. This is not so. I represent in part a farming community. There is not one farmer out of 500 in the county of Monroe who reaps one cent of benefit by reason of the duty on meat. There is not one farmer in a hundred in the United States of America who raises beef to sell to such an extent that the extra 2 cents would make a difference to him of $5 a year.

How many farmers are there in the United States who fatten for the market two cattle in the course of a year? How many are there who fatten one? The vast majority do not. Taking off this tax would not appreciably affect the prosperity which the farmers of this country now enjoy; but cheap meat will benefit millions. The loss of the additional price for meat due to the tariff will harm few and help many. The tax on meat is essentially and radically wrong. It falls upon the mass of the people. It is a tax to which the poor contribute in proportion to their income a hundredfold as much as the rich. It is wrong in principle, injurious in result, and bad in politics.

Let us now consider very briefly the duty on hides. The shoe industry of the country is one of the great industries. It employs over 200,000 people. It pays out not far from $100,000,000 in wages. If it is not entiled to protection, who is? For many years there was no duty on hides; for many years there was a small duty, and during all those years the cattle industry grew greater and greater. Manifestly it was not suffering. Finally, by the Dingley bill, a duty of 15 per cent was imposed on the hides of cattle. It is not much on a hide—perhaps $1.50 to $2.00—but in a manufactory where hundreds of thousands of pairs of shoes are turned out, it amounts to an appreciable item. Our manufacturers can turn out the shoes necessary for this country, I suppose, in six or eight months, running full capacity. They must have a foreign outlet, and yet the shoe manufacturer who sells his shoes abroad must compete with the one who gets his hides free.

Furthermore, in this country competition is so close that it is the testimony of shoe manufacturers that the item of additional cost in a shoe, amounting, perhaps, to 2 cents a pair—and more in cheap shoes than in expensive ones—can with difficulty be added to the wholesale price. If it can be added, the man who buys the cheap shoes has to pay for it; if it can not be added, the manufacturer, to that extent, is crippled. There are many shoe manufacturers in Rochester. It is a large industry and employs many men. Every one of them has written me that this duty interferes with the development of his business. Is protection intended to help manufacturers, or to harm them? If it is intended to harm them, keep on the duty on coal and hides. If its object is to still further develop the manufacturing interests of the country, take it off.

Again we meet with the question, Whom is it intended that protection should protect? The additional price of hides is paid by one of our greatest industries in the country, and one that employs hundreds of thousands of men. Who reaps the benefit of it? Nearly all of it, and perhaps all of it, necessarily goes to the great packers. Their business has not been so unprofitable that it needs any special protection. Cattle are usually sold by the pound "on the hoof." Does anyone believe that the owner of the cattle receives any more because the dealer, by reason of this duty, is able to get a few more cents for each hide? I have not been able to find anything that shows that this is the fact. On the other hand, the statistics show that the reverse of this is the truth. I find among the figures that were collected by my colleague from Massachusetts, Mr. ROBERTS, the prices paid for cattle and hides for many years.

In 1893, for example, steers were selling for $6 per 100 pounds. That is the price the cattle raiser and the farmer got. At that time hides were selling at 9 cents a pound. Seven years later hides were selling at 13 cents a pound. Had the price of cattle gone up? Not one cent. They were still selling at $6 per 100 pounds. In other words, every cent of the additional profit that resulted from the sale of hides between 9 cents and 13 cents went to the man who sold the hides; not to the man who raises the cattle, but to the man who buys the cattle, slaughters them, takes off the hide, sells the meat to the butcher, and the hide to the shoe manufacturer.

The statistics during seven years show that there is no connection between the varying price at which cattle sell on the hoof and the varying price that hides are sold for. Common sense shows it without any statistics. When a man sells a steer for a hundred dollars, he does not add on a dollar or twelve shillings because hides are selling a little higher in the New York market than they would sell if there was not a 15 per cent duty on them. To call this protection is a gross misnomer. It only results in raising the profits of a very few men at the cost of a great industry. If this is the way we interpret protection, I do not believe that the protective tariff has many years of life before it. He is the true friend of that system who is ready to modify any portion of the tariff law that lessens the actual wages of labor by increasing the cost of living, or which injures manufacturing interests by increasing the cost of manufacture.

So far as I am concerned, I am ready to vote for taking off the tax which, instead of helping, harms the shoe industries of my own district, the shoe industries of the New England States, the shoe industries of the whole land. A duty which is injurious to them is not the protection to American industries which I have understood was the doctrine of the Republican party. Thirteen years ago Mr. Blaine said that to take hides from the free list would yield a profit to the butcher only, the last man who needed it, and that its only effect on the farmer would be that he would have to pay more for his children's shoes. What Mr. Blaine prophesied history has verified.

I can not go into detail as to the duty on lumber, but the motives of those who defend it are past finding out. We have from every side laments that our forests are being cut off too fast. Everyone knows that this is so. The States and the General Government are spending millions to preserve the forests as a means of water supply, and yet, on the other hand, we say that our people must not use lumber from other countries, and we insist that all the lumber that goes into American buildings shall be cut in American forests. As a result of this policy not only our forests are being destroyed, but the house of the laboring man, to improve whose condition is the object of our protective laws, costs more than it otherwise would. This seems to me bad politics as well as bad legislation. The lumber of this country, as everybody knows, is practically owned by a small number of exceedingly rich men and corporations. The lumber that is used in this country is consumed by every man who builds a house.

The return of the Democratic party to power would be a misfortune, and I should not fear it unless it came by reason of Republican mistakes. If our friends on the other side succeed again, it will not be as the result of Democratic wisdom, but of Republican folly.

The people are paying more for coal than they like to, and they find a duty on it that we will not repeal. The duty on hides and lumber injures important interests, and we keep it in force. That is not the way to get votes. We are kept in because people are afraid of what the Democrats will do, but we can not count on this forever. If we do not change some things in our tariff system, sooner or later others will be elected who will do it for us.

Consider the articles on which we ask that the duty should be repealed—coal and meat, hides and lumber. Does anyone think that business interests would be disturbed because manufacturers got their coal cheaper and workingmen bought their meat for less money? Would Armour & Co. go out of business if they made $1.50 less on the hides of the cattle they slaughter?

Some one said the other day that the Ways and Means Committee were sitting on the safety valve of the tariff. If they sit there too long the steam will accumulate until the safety valve bursts and the Ways and Means Committee will go up with it.

I am willing to vote for measures as a result of which the workingman can buy more cheaply the coal he burns in his fire and the meat that is cooked in his kitchen; which will enable our manufacturers to sell more shoes abroad, and our farmers and clerks to buy more cheaply shoes at home; which will help the artisan to build a better house for less money. As he sits in his comfortable room before his warm fire and digests his beefsteak he will resolve to vote for those who voted for him.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PERKINS. I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. LOUD. Mr. Chairman, I now yield five minutes to the gentleman from New York [Mr. PAYNE].

Mr. PAYNE. Mr. Chairman, I have listened to the remarks of my friend and colleague from an adjoining district of New York. He says we can go into the consideration of his bills without bringing before the House a general revision of the tariff, because we were able in six hours to pass through both Houses a

bill suspending the duties on coal for a year and to remove the duty on anthracite. He does not know of the three weeks of work to prepare the way in the House and in the Senate for an emergency measure suspending the duty on coal. Every member of the House and Senate knows that if one of his bills sought its way through the House or through the Senate it would be open to amendment on every schedule of the Dingley tariff.

Mr. PERKINS. Could not we have a rule?

Mr. PAYNE. We could have a rule in the House, but they do not have any rules in the Senate, if the gentleman can understand——

Mr. PERKINS. I understand that thoroughly.

Mr. PAYNE. The gentleman says the duty on coal affects every consumer in the United States. I did not suppose there was a man that believed any such proposition as that. With our abundant coal fields producing more coal, both anthracite and bituminous, than any other nation on the face of the earth, producing all the coal, substantially, that is consumed in the United States, the tariff makes no difference save to the coal that is mined——

Mr. PERKINS. Will the gentleman allow me?

Mr. PAYNE. Not out of my five minutes—save to the coal that is mined on the Pacific coast. There it only preserves the market for coal to our people and for our miners that go down into the mines, the general price being fixed by competition in the country.

He says that the farmers of Monroe County did not get any benefit from the high price of meat that we had during the past year. I do not know that they are different there from what they are in the almost adjoining county of Cayuga. I know the farmers in my county reaped the benefit from the high prices, and they were boasting to me of the high prices they were getting for their fattened steers when they took them into the market last summer. The tariff on meat cut no figure in the high price of beef during last summer. The 2 cents a pound was but a beggarly amount compared with the great advance made in meat. Why this advance? Because of the shortness of the corn crop, because of the few beef cattle there were to supply the demand. But when things are normal the 2 cents a pound simply helps to preserve the market for the farmers of the United States along the Canadian border, and if my friend came in here with his bill he would find that those representing the farming constituencies who were shrewd enough to get something of the advance that was made in meat during the last summer would want to amend some of the tariff schedules which are so sacred to my friend from New York.

Now, I do not say that the Dingley tariff is sacred; I do not say but that at some time it should be amended. When the time comes that the benefits to accrue from a revision of that tariff, going into other schedules so as to make a perfectly harmonious whole, when the benefits outweigh the stoppage of trade and manufacture, and the paralysis to business that will come of a general revision of the tariff, the Republican party will take up that duty and perform it for the benefit of the people of this country, always along the lines of protection to our own industries, and in the interest of the wage-earners of the United States. [Loud applause on the Republican side.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. PAYNE having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 7166. An act granting an increase of pension to Fanny Farmer;

S. 7053. An act to further regulate commerce with foreign nations and among the States; and

S. 6968. An act granting the Central Arizona Railway Company a right of way for railroad purposes through the San Francisco Mountains Forest Reserve, in the Territory of Arizona.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 2441. An act for the relief of William M. Bird, James F. Redding, Henry F. Welch, and others;

H. R. 7007. An act for the relief of the legal representatives of Maj. William Kendall; and

H. R. 15198. An act defining what shall constitute and providing for assessments on oil mining claims.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 15747) directing the issue of a check in lieu of a lost check drawn by George A. Bartlett, disbursing clerk, in favor of Fannie T. Sayles, executrix, and others.

The message also announced that the Senate had passed the following resolution:

Resolved, That the House of Representatives be requested to return to the Senate Senate bill No. 7124.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16604) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1904.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 4722) for the erection of a building for the use and accommodation of the Department of Agriculture.

The message also announced that the Senate had passed with amendments a bill of the following title in which the concurrence of the House of Representatives was requested:

H. R. 7659. An act to amend section 1 of an act entitled "An act to amend sections 5191 and 5192 of the Revised Statutes of the United States, and for other purposes."

POST-OFFICE APPROPRIATION BILL.

The committee resumed its session.

Mr. LOUD. Mr. Chairman, I reserve the balance of my time.

[Mr. GRIGGS addressed the committee. See Appendix.]

Mr. GRIGGS. Mr. Chairman, I yield the remainder of my time to the gentleman from Mississippi [Mr. WILLIAMS].

The CHAIRMAN. The gentleman has ten minutes remaining.

Mr. GRIGGS. Mr. Chairman, I ask unanimous consent to rearrange these remarks and to insert some tables.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to rearrange and extend his remarks in the RECORD. Is there objection?

There was no objection.

The committee informally rose.

RETURN OF A BILL TO SENATE.

The SPEAKER laid before the House the following request of the Senate; which was read, considered, and agreed to:

Resolved, That the House of Representatives be requested to return to the Senate S. 2174.

POST-OFFICE APPROPRIATION BILL.

The committee resumed its session.

Mr. WILLIAMS of Mississippi. Mr. Chairman, on Saturday, January 31, while I was addressing the House, the gentleman from Pennsylvania [Mr. SIBLEY] asked me a question, which I will now read, together with the reply thereto:

Mr. SIBLEY. The gentleman has mentioned the name of that great statesman, Thomas Jefferson. I want to ask him if Jefferson, about 1814, if I recollect right, did not write a letter recanting all his former free-trade theories and say that new conditions had arisen which led him to modify his opinions on that subject which he had theretofore expressed.

Mr. WILLIAMS of Mississippi. I do not think he ever did. I never heard of his suffering from temporary insanity in his life; I do not think it ever occurred. I think the gentleman is mistaken.

Now, Mr. Chairman, it is right hard in the presence of the roar of Niagara to think, and it was perhaps a little difficult for the House this morning, while the gentleman from Pennsylvania was delivering one of his characteristic speeches, to think coolly and impartially when he undertook to read a letter from Mr. Jefferson which he said supported the contention of his question the other day, and which, by the way, does not support it in any particular whatsoever. I think this difficulty must have occurred, because after he read parts of Mr. Jefferson's letter the Republican side applauded. My friend from Pennsylvania is a very skillful debater. It is said that when you want to teach a man how to be a skillful fencer you ought to teach him to exchange foils during the fencing and to exchange partners and antagonists also. My friend has fenced upon so many sides of so many different questions that I do not know a man in the Union who ought to be more skillful than he. [Applause and laughter on the Democratic side.]

I remember when he stood on this side and fenced with us how we loved his rapier stroke. I remember that when he was a Populist how the Populists admired him as one of the greatest newfound statesmen of a new and promising era. And now, when I see him in the central aisle and his Republican brethren gathering about him and applauding the reading of a letter for the purpose of showing something which it does not show, I can not but admire his ability, his ingenuity, and his skillfulness. The gentleman says that Mr. Jefferson had written a letter in which he "recanted all of his free-trade theories," and this morning he produced a letter written to Benjamin Austin from Monticello on January 9, 1816, and there is not one word in the letter from the beginning to the end of it recanting a single "free-trade theory" that Mr. Jefferson had ever entertained.

The letter only goes thus far, that Mr. Jefferson proposed a remedy for a then existing emergency in the life of the American people, and that remedy is this, that the people "will keep pace" with him "in purchasing nothing foreign where an equivalent of domestic fabric can be obtained, without regard to difference of price." This was Jefferson's method of "encouraging manufactures." He does not even hint at a protective tariff or

any sort of governmental action. His plan is characteristically Jeffersonian and individualistic. There is not one word in this letter, there is not one word in any utterance of Mr. Jefferson anywhere, from the beginning of his life to the end of it, proposing to put a tax upon imports into the United States for the purpose of protecting manufactures. [Applause on the Democratic side.]

And that is not all. Mr. Jefferson was then writing in reply to some strictures that had been passed upon him because of opinions uttered in his notes on Virginia, in 1785. In that book he had expressed this opinion, that our surplus labor after a while had better be turned to the sea rather than to manufactures, and had given his reasons for believing that. He changed his opinion upon that point of our surplus labor being not devoted to manufactures, and upon that point only—both utterances were purely academic and had no reference to a tariff—and he said this, after admitting that he had thought otherwise in 1785:

But who in 1785 could foresee the rapid depravity which was to render the close of that century the disgrace of the history of man? Who could have imagined that the two most distinguished in the rank of nations, for science and civilization, would have suddenly descended from that honorable eminence, and setting at defiance all those moral laws established by the author of nature between nation and nation, as between man and man, would cover earth and sea with robberies and piracies, merely because strong enough to do it with temporal impunity; and that under this disbandment of nations from social order, we should have been despoiled of a thousand ships, and have thousands of our citizens reduced to Algerine slavery. Yet all this has taken place. One of these nations interdicted to our vessels all harbors of the globe without having first proceeded to some one of hers, there paid a tribute proportioned to the cargo, and obtained her license to proceed to the port of destination. The other declared them to be lawful prize if they had touched at the port or been visited by a ship of the enemy nation. Thus were we completely excluded from the ocean. Compare this state of things with that of '85 and say whether an opinion founded in the circumstances of that day can be fairly applied to those of the present. We have experienced what we did not then believe, and there exists both profligacy and power enough to exclude us from the field of interchange with other nations; that to be independent for the comforts of life we must fabricate them ourselves. We must now place the manufacturer by the side of the agriculturist

A free field and an equal opportunity that means, or nothing.

The former question is suppressed, or, rather, assumes a new form: Shall we make our own comforts or go without them at the will of a foreign nation? He, therefore, who is now against domestic manufactures must be for reducing us either to dependence on that foreign nation or to be clothed in skins and to live like wild beasts in dens and caverns.

He merely is no longer "against" going into "domestic manufactures," but thinks it advisable to begin to build them up by buying, where possible, goods of home manufacture. I said here the other day that the longer I lived the more I loved the character and the more I admired the magnificent prescience and foresight of Thomas Jefferson, the sage of Monticello. I knew that with his peculiar intellect and his political character, his habits of thought and trend of thought, although nobody can pretend to keep in mind all he ever wrote, he had "never suffered from temporary insanity" or mental aberration, and had never denied the grand old Jeffersonian doctrine of an exactly free and equal opportunity to all men upon the surface of this earth to make their living in the sweat of their brows, unhindered by government and unaided by government. And the gentleman from Pennsylvania has not found anything to the contrary. I wanted to reply this morning, if I could have obtained the time, to the speech of the gentleman from Pennsylvania, but the time was necessarily given up so that I could not do that. I have had the opportunity only to set Mr. Jefferson right, if a mere pigmy like myself could speak of "setting" a great man like that "right," and if my fellow-pigmy, my friend from Pennsylvania [Mr. SIBLEY], could by any possible missile which he could hurl hurt a character like that. [Laughter and applause on the Democratic side.] There never will come a time when every dart cast at him will not fall hurtless from his shield, because he was, next to one other man, who was more than man, the greatest democrat that ever lived. I do not speak in a partisan sense. I mean, socially and otherwise, a world democrat. I mean by that the greatest lover of mankind and the most ardent and consistent lover of an equal opportunity for all the sons and daughters of men upon the surface of this earth.

My friend gets up this morning and refers to the Democratic campaign book, and shows you pictured thereon the Republican elephant with its legs all plastered over with "trusts," and he says, "How could you make the elephant go faster by cutting off his legs?" The gentleman seems to have made a mistake. We do not want to make the elephant go faster. It has gone too fast already. It is going too fast now. It is trampling upon too many precious rights, stamping individualism out of existence. We want to make it go slower, and, for my part, I only see one way to make it go slower, and that is to cut off its legs containing all these trust muscles in them. The gentleman seems to imagine that the elephant is the country. Not a bit of it. The elephant is merely the Republican party, in my opinion somewhat of an enemy of the country. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I will take some other occasion to reply to the speech of the gentleman from Pennsylvania, because it seems to be directed toward me, and shall insert Mr. Jefferson's letter in full in the RECORD, in order that there may be no question in any man's mind—Democrat or Republican—that the gentleman from Pennsylvania is totally wrong and I right about its real meaning. [Loud applause on the Democratic side.]

MONTICELLO, *January 9, 1816.*

TO BENJAMIN AUSTIN, Esq.

DEAR SIR: Your favor of December 21 has been received, and I am first to thank you for the pamphlet it covered. The same description of persons which is the subject of that is so much multiplied here too, as to be almost a grievance, and by their numbers in public councils have wrested from the public hand the direction of the pruning knife. But with us as a body they are republican and mostly moderate in their views; so far, therefore, less objects of jealousy than with you. Your opinions on the events which have taken place in France are entirely just, so far as these events are yet developed. But they have not reached their ultimate termination. There is still an awful void between the present and what is to be the last chapter of that history; and I fear it is to be filled with abominations as frightful as those which have already disgraced it. That nation is too high minded, has too much innate force, intelligence, and elasticity to remain under its present compression. Samson will arise in his strength as of old, and as of old will burst asunder the withes and the cords and the webs of the Philistines.

But what are to be the scenes of havoc and horror, and how widely they may spread between brethren of the same house, our ignorance of the interior feuds and antipathies of the country places beyond our ken. It will end, nevertheless, in a representative government, in a government in which the will of the people will be an effective ingredient. This important element has taken root in the European mind, and will have its growth. Their despots, sensible of this, are already offering this modification of their governments as if of their own accord. Instead of the parricide treason of Bonaparte, in converting the means confided to him as a republican magistrate to the subversion of that Republic and erection of a military despotism for himself and his family, had he used it honestly for the establishment and support of a free government in his own country, France would now have been in freedom and rest, and her example operating in a contrary direction, every nation in Europe would have had a government over which the will of the people would have had some control. His atrocious egotism has checked the salutary progress of principle and deluged it with rivers of blood which are not yet run out. To the vast sum of devastation and of human misery of which he has been the guilty cause much is still to be added. But the object is fixed in the eye of nations, and they will press on to its accomplishment and to the general amelioration of the condition of man. What a germ have we planted, and how faithfully should we cherish the parent tree at home!

You tell me I am quoted by those who wish to continue our dependence on England for manufactures. There was a time when I might have been so quoted with more candor; but within the thirty years which have since elapsed how are circumstances changed! We were then in peace. Our independent place among nations was acknowledged. A commerce which offered the raw material in exchange for the same material after receiving the last touch of industry was worthy of welcome to all nations. It was expected that those especially to whom manufacturing industry was important would cherish the friendship of such customers by every favor, by every inducement, and particularly cultivate their peace by every act of justice and friendship. Under this prospect the question seemed legitimate whether, with such an immensity of unimproved land, courting the hand of husbandry, the industry of agriculture or that of manufactures would add most to the national wealth? And the doubt was entertained on this consideration chiefly, that to the labor of the husbandman a vast addition is made by the spontaneous energies of the earth on which it is employed; for one grain of wheat committed to the earth she renders twenty, thirty, and even fifty fold, whereas to the labor of the manufacturer nothing is added.

Pounds of flax, in his hands, yield, on the contrary, but pennyweights of lace. This exchange, too, laborious as it might seem, what a field did it promise for the occupations of the ocean; what a nursery for that class of citizens who were to exercise and maintain our equal rights on that element? This was the state of things in 1785, when the "Notes on Virginia" were first printed; when, the ocean being open to all nations, and their common right in it acknowledged and exercised under regulations sanctioned by the assent and usage of all, it was thought that the doubt might claim some consideration. But who in 1785 could foresee the rapid depravity which was to render the close of that century the disgrace of the history of man? Who could have imagined that the two most distinguished in the rank of nations for science and civilization would have suddenly descended from that honorable eminence, and setting at defiance all those moral laws established by the Author of nature between nation and nation, as between man and man, would cover earth and sea with robberies and piracies merely because strong enough to do it with temporal impunity; and that under this disbandment of nations from social order we should have been despoiled of a thousand ships, and have thousands of our citizens reduced to Algerine slavery. Yet all this has taken place.

One of these nations interdicted to our vessels all harbors of the globe without having first proceeded to some one of hers, there paid a tribute proportioned to the cargo, and obtained her license to proceed to the port of destination. The other declared them to be lawful prize if they had touched at the port, or been visited by a ship of the enemy nation. Thus were we completely excluded from the ocean. Compare this state of things with that of 1785 and say whether an opinion founded in the circumstances of that day can be fairly applied to those of the present. We have experienced what we did not then believe, that there exists both profligacy and power enough to exclude us from the field of interchange with other nations; that to be independent for the comforts of life we must fabricate them ourselves. We must now place the manufacturer by the side of the agriculturist. The former question is suppressed or rather assumes a new form. Shall we make our own comforts or go without them, at the will of a foreign nation? He, therefore, who is now against domestic manufacture must be for reducing us either to dependence on that foreign nation, or to be clothed in skins and to live like wild beasts in dens and caverns.

I am not one of these; experience has taught me that manufactures are now as necessary to our independence as to our comfort, and if those who quote me as of a different opinion will keep pace with me in purchasing nothing foreign when an equivalent of domestic fabric can be obtained, without regard to difference of price, it will not be our fault if we do not soon have a supply at home equal to our demand and wrest that weapon of distress from the hand which has wielded it. If it shall be proposed to go beyond our own supply, the question of 1785 will then recur, Will our surplus labor be then most beneficially employed in the culture of the earth or in the fabrications of art? We have time yet for consideration before that question will press upon us, and the maxim to be applied will depend on the circumstances which shall then exist, for in so complicated a science as political economy no one axiom can be laid down as wise and expedient for all times and circumstances, and for their contraries. Inattention to this is what has called for this explanation, which reflection would have rendered unnecessary with the candid, while

nothing will do it with those who use the former opinion only as a stalking horse to cover their disloyal propensities to keep us in eternal vassalage to a foreign and unfriendly people.

I salute you with assurance of great respect and esteem.

Mr. LOUD. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Chairman, I do not take the floor for the purpose of discussing at any length the question made and presented by the gentleman from Georgia in relation to the comparative prices of American manufactured goods sold in the United States and sold abroad. The question is a very old one. I was greatly surprised when the Democratic national Congressional committee put forth with so much appearance of self-satisfaction statements which have been read and commented upon by their author. It was not a new question, and he has not said a single new word about it. It has been thrashed out on this floor on each recurring discussion of the tariff problem since I, at least, have been a member of this House, which began in 1885.

At the time of the pendency of the McKinley bill we had an elaborate discussion of it, and big catalogues—they are very familiar to me—just such catalogues as the gentleman has paraded here, were brought by a gentleman by the name of Mansur, from Missouri, and all the same statements were made. It was during that year that I had occasion to look into the matter definitely and distinctly.

During the fall following the discussion on that bill I wrote letters to a number of the leading consuls and consuls-general in Europe, several of them, and received from them full statements that threw light on the question; and I take the floor on this occasion to ask unanimous consent of the House that I may republish those statements. One of them was made by a gentleman who is now consul-general at Frankfort. He entered the consular service abroad in 1877 and has been there ever since. Another was consul-general at that time at Berlin, Mr. Mason, having been at that time at Frankfort on the Main. Another is a letter from an operator in machinery with his headquarters at Frankfort; and they throw abundant light upon this whole question.

I may say very briefly that there is no manufacturer in the United States that has been able to continue his business for five years, nor merchant at the head of any considerable line of business that is not doing every year of his life just exactly in principle what the gentleman has complained of in our manufacturers of the United States. You may go to the leading stores in the city of New York in the months of May and June, and a price will be placed upon a certain line of goods. You may go to the same store in September and October, and there is a reduction of 25 to 50 per cent on that particular line of goods. You may do the same thing with the manufacturers in the great leading lines of production in the United States; and they do not sell their surplus manufactures among their customers.

It would be folly for a merchant in the same town, in the country, when he is forced to make a reduction incident to the changing seasons and fashions, to sell his goods to the same customers who will come for their fall supplies to him. The same tactics—if that is the proper word—the same policy is used by our manufacturers in disposing of their surplus production. And in that way, and that way only, with a single exception, which I will refer to, our trade abroad has been enormously increased. It is very true that in some lines goods manufactured in the United States have been introduced into Europe at a cost below the cost of production. I was told by a gentleman connected with the manufacture of wire nails that at the close of the first year of their attempt to gain the markets of Europe it had cost his organization a million dollars that year to pay the difference between the cost of production and the price they had sold the goods at abroad. Yet that was a good business transaction. It was the introduction into a foreign market of a new line of goods. Since that time it has grown in monstrous proportion, to the benefit of the laborer of the United States.

Pursuant to the unanimous consent of the House, I attach the documents to which I have referred. I presented this same material during the last campaign in a speech I had the honor to make at Marion, Ind., and so I quote here the introductory paragraph of that speech and the concluding summary thereof:

The Democrats say that the products of these trusts are being sold in Europe and other markets for less money than they are being sold in the United States. I had occasion a long time ago to study this question, and I did it very thoroughly. This is not a new question; it is not a discovery nor even an invention at this time. Long ago in the House of Representatives, to wit, in 1891, this subject was brought to the attention of the House by one of the able members of the Democratic party, Mr. Mansur, of Missouri, and he produced the same startling array of facts, as he called them, that are now being paraded by the Democratic national committee.

INDISPUTABLE TESTIMONY.

I can not better answer the whole subject than by publishing here to-day some letters which came to me in answer to interrogatories which I sent, under the fire of that Congressional debate, to certain gentlemen in Europe whom I knew would be able to discuss intelligently the whole business. I had spent considerable time in Europe during the summer of 1891, and I append to the introduction of the letters which discuss this question a few words explanatory of how they came into my possession, as well as the letters themselves. I sent letters of inquiry to Frank Mason, consul-general of the United States at Frankfort-on-the-Main, a gentleman of high character, known to everybody in the northern part of Ohio, a man who has been twenty-five years connected with the consular service, was retained by reason of his high character and efficiency by Grover Cleveland during his term, and is to-day one of the most efficient of our foreign consuls. I also append a letter from W. H. Edwards, consul-general at Berlin, one of the clearest-headed and brightest men that the United States has sent abroad. I furthermore attach a statement of an American gentleman who for many years has dealt in all these articles at Frankfort, himself a Bostonian by birth and residence, and who makes the whole matter absolutely clear; and in this connection I append a letter written by me from London to Wilbur F. Wakeman, secretary of the American Protective Tariff League, New York, dated September 2, 1891, when I had the fullest knowledge of the facts and before I knew that Governor Campbell would introduce the subject into the campaign of 1891.

LONDON, ENGLAND, *September 2, 1891.*

WILBUR F. WAKEMAN,
Secretary American Protective Tariff League, New York City.

DEAR SIR: Information has reached me from the United States that the old story which was so thoroughly and so effectively ventilated and repudiated in the progress of the debate on the McKinley bill in Congress in relation to our manufacturers selling their goods in Europe at a less price than they sell them in the United States is being again industriously circulated with the hope of affecting unfavorably to the protectionists the elections pending in the United States. As I understand it the claim is made that from the list price, as published by our manufacturers and exporters, a larger discount is made abroad than is made at home.

During the two months of my stay in Europe I have taken a great deal of pains to ascertain the exact facts in relation to this matter, and have, moreover, asked for information on the subject from three gentlemen best capable, in my opinion, of all Americans in Europe to give exact facts, and I therefore furnish to you the letter of Mr. Larrabee, a distinguished American business man, for many years doing business in American products in Germany, and I also furnish the letter of Mr. Consul-General Mason, who has had long experience and whose integrity as a man will not be questioned by anyone who knows him, and the two letters of Consul-General Edwards, one of the most distinguished and capable men in the consular service of the United States abroad. This seems to be all there is of this matter, and like most of the arguments against a protective tariff falls to the ground upon investigation.

It may be true, as here intimated, that certain American manufacturers, in their great zeal to secure European markets to bushels of wheat and barrels of pork, figuratively speaking, have been willing to make sacrifices to secure an entree into the European market, but these cases have been exceedingly rare, and in point of fact the American producer has been more content than it would seem wise in him to treat the foreign market as though it required the same article that is required by the American.

As a matter of course, there is a wide difference between the demand in Europe and the demand in America for almost every quality of manufactured article—I speak especially for those portions of Europe outside the British Isles. Their railroad trains would not be tolerated a moment in the United States, and so of very many other matters about which I might speak, but the mere suggestion to a man who has observed it is quite sufficient.

I sum up from observation, investigation, knowledge, and the testimony of the witnesses which I here present that there is absolutely less than nothing in the whole of the story.

C. H. GROSVENOR.

CONSUL-GENERAL MASON'S LETTER.

Following are the letters to which General GROSVENOR referred in his letter:

CONSULATE-GENERAL OF THE UNITED STATES,
Frankfort-on-the-Main, August 14, 1891.

C. H. GROSVENOR,
St. Galle, Switzerland.

MY DEAR SIR: I have your note of the 11th instant, inclosing a letter from the American Protective Tariff League to you on the subject of export discounts. The letter states that it is asserted by free-trade orators and journals in the United States that certain exporters there give much more liberal discounts to foreign importers than they grant to home purchasers. This, if true, would tend to prove that American manufacturers are so highly protected by the present tariff that they can afford to sell their products to foreign buyers at prices considerably below those which they demand from American purchasers. You ask me to give the results of my experience and observation in respect to this subject and I gladly comply.

By "discounts" is understood, of course, the reduction which a manufacturer or dealer makes from his list or catalogue price in making terms with the purchaser. The practice of making and printing a schedule or catalogue of high prices in dollars and negotiating sales by discounts from such list is an American invention and was first practiced in the United States. Its object is to enable the jobber or retailer to sell goods at the apparent price of the manufacturer, as shown by the list or catalogue of the latter, thereby concealing the profit of the jobber or retailer, which consists in the discount which the manufacturer has conceded from his list prices. This practice was afterwards adopted by English exporters who came into competition with those of our own country in foreign markets. Many manufacturers have list prices so high that they can grant discounts of 30, 40, 50, and even 60 per cent and still retain a profit on their goods sold. Whether an exporter sells actually for a high or low price depends, therefore, not upon the percentage of discount which he allows, but upon his list or schedule, which forms the basis of the transaction. In some lines of trade these lists are uniformly from 80 to 100 per cent above the net market value, so that large discounts look formidable, but, in reality, mean very little.

We come now to the main question, whether American exporters habitually or to any important extent give heavier discounts to foreign than to domestic purchasers. My own belief, confirmed by long observation and experience, is that they do not. During my twelve years' experience as consul in Switzerland, France, and Germany I have often tried to introduce certain kinds of American manufactured goods by inducing merchants or consumers in my district to give orders upon American terms. This was done, of course, from no personal or pecuniary motive, but for the purpose of extending American trade abroad. The principal difficulty which I have always encountered has been the rigid adherence of American exporters to their price lists, their refusal to grant any special concession either in price, terms of payment, or conditions of packing and delivery. With few exceptions they have seemed wholly indifferent to foreign trade, and wished to use it only as a dumping ground for their surplus products at times when the market was dull at home. Not only this, but in more than one instance when I had persuaded a foreign dealer to order goods from an American exporter, during times of depression in the United States, the said exporter would ignore continued orders from the same dealer as soon as an improvement in the American market enabled him to sell all his product at home.

Still further, the goods sent abroad by American exporters are in very many cases the refuse of their stock, the obsolete or imperfect wares which they can not sell readily at home. And I think it will be found that wherever an American exporter has given an unusual discount to a foreign buyer there has been some defect in quality to justify such reduction in price. It is just this unreadiness of American exporters to make liberal concessions in order to establish a foreign trade which makes foreigners say of us as a people that we are great manufacturers and home traders, but we are not "merchants" in the large English sense of the term. On the other hand, I have met many proofs that European exporters do constantly and habitually make extraordinary discount to American buyers.

In the matter of silk goods, aniline, velvets, and several other classes of merchandise, I have long been accustomed to scrutinize closely invoiced values and detect undervaluations. As a basis of such supervision I have been obliged to study carefully local market values; that is, the wholesale selling prices. The uniform excuse of the shippers is that there is in nearly every line of export trade a lower schedule of prices for the American trade. They say in effect that "the Americans are large buyers; they want the best goods we can make, and pay promptly; every European exporter, therefore, prefers American to any other foreign buyers, so that competition for the American trade is fierce and constant. And so, since the importers over there have to import through a high tariff, we meet them halfway and give them especially low prices and liberal terms."

No one will probably deny that in this policy the European exporter shows good business judgment and common sense. Neither would any intelligent person ascribe such good judgment to the effects of the power which may happen to prevail in the country where he lives. In fact, the import tariff has nothing to do with the matter. The manufacturers of Switzerland, which country collects only a nominal import duty upon anything, are just as willing to grant liberal discounts to American buyers as are those of France, Germany, or Italy, which impose high import duties upon many classes of articles.

Ask the import buyers of leading New York firms like Mills & Gibb, E. S. Jaffray & Co., and Field, Leiter & Co., of Chicago, and they will tell you that they can buy almost any kind of manufactured goods at the place of production for prices lower than are charged to the jobbing or retail trade in Europe.

The more deeply this question is studied the more clear it will appear that if there is any advantage in respect to export discounts it is the consumers of the United States and not those in foreign countries who have the principal benefit of it.

FRANK H. MASON, *Consul-General.*

CONSUL-GENERAL EDWARDS'S LETTERS.

CONSULATE-GENERAL OF THE UNITED STATES,
Berlin, August 14, 1891.

C. H. GROSVENOR.

MY DEAR SIR: The contents of the communication inclosed with yours of the 11th caused me no surprise. Whilst I am unable to deal with the details of the case mentioned by your correspondent, I am not ignorant of certain facts which may have an important bearing on the question.

You do not need to be told whether the manufacturers engaged in the practical solution of the important question, their export trade, are justified in giving to the wares manufactured for export the finish demanded by foreign consumers and foreign customs requirements. The manufacturers of other countries have, in many instances, succeeded so closely in copying our wares without imitating the rich and luxurious finishing process as to force our manufacturers, in order to obtain or retain a fair share of the trade of any foreign country, to vary or modify the finish to suit the tastes of the foreign people or to meet the demands of competition.

Everyday experience shows our foreign manufacturers that the best article, according to their standard, is not always most acceptable and most salable to foreign consumers. Our people want, our market demands in every instance in respect of almost every article of commerce and trade, a very highly polished or very luxuriously finished article.

The foreigner, as a rule, does not see the necessity for the luxurious or highly finished and considers the roughly finished work quite as useful for his purpose. He does not see why copper tubes should be made or finished with nickel plate. He demands the plain, less expensive article—an article that the American manufacturer, for the credit of his house at home, would not turn out for home consumption. Wherever exporters have been able to establish a footing on foreign soil for our manufactured wares it has been through varying or modifying their manufactures to suit foreign tastes and to meet the requirements of foreign customs laws.

In disposing of these wares for foreign account the difference in the cost of finish is frequently accounted for in the discount rate allowance and not in the price. In other words, the broad answer to the argument is that the wares sold for export are manufactured for foreign account and are not of the same grade, quality, style, or finish as those manufactured and sold for home consumption, and that the market demands are not the same. Our expensive finishing processes are not regarded as indispensable nor even desirable by many foreign consumers.

Many American manufacturers, after much struggling and hesitation, have at last resorted to stifle their scruples upon this subject, and I must say that in my opinion the sooner they outgrow the pride which stickles for the rich finish the sooner will they secure a sound footing in the foreign market. Take the case of one of the industries of our State. The Dayton Cash Register Company have established in this city an agency for the sale of their machines, which are beautifully finished in nickel plate. The machines are sold at about $200 each, and I am quite sure that the plain machine, without the elaborate and costly finish, could be put on this market for $50.

I am equally sure that if the American manufacturers do not make the change required by these economical people, the want will soon be supplied by the German manufacturers and the expensive American machine driven from the market. The clear-headed exporter would manufacture a machine specially adapted to the wants, tastes, and economical habits of these people, and of course he could sell it at a 60 per cent discount, because it cost far less than the American market machine.

There is another point to which I desire to invite your attention. Many articles are subjected in different foreign countries to a special system of customs duty taxation. To illustrate, take the case of the German customs tariff on carriages, sulkies, surreys, victorias, and everything in the vehicle line. Our manufacturers have adopted what they represent as their standard vehicles in every class.

The bodies, gears, wheels, and shafts are all painted and striped certain colors and styles which seem indispensable to the American manufacturers, because the home trade demands it. Then they add their rubber side-curtains, their automatic pads, their rich and stylish linings, etc., until they have a vehicle which they think meets the demands of our markets, and, therefore, should be accepted everywhere. If those same manufacturers would consult the requirements of the customs laws of foreign countries they would find that, owing to the special system of customs duty taxation in force in many foreign countries the rates of duty on the rich linings, the automatic pad, the rubber side curtains, the luxurious canopy, the standard colors, etc., make it practically impossible to export such wares with profit. The truth is, the vehicles, when completed according to the American manufacturers' standard, carry so many high-duty articles under the foreign system of taxation that it is not profitable to export them. Why not drop a pad, or a side curtain, or a canopy if it gives you profitable entrance to the foreign market? Naturally the experienced exporter who has taken the pains and precaution to consult the provisions of foreign tariffs and has learned the wishes of foreign consumers, manufactures and sells the article they want, having finished it in the most practicable way to meet the customs tariff of the country to which it is exported.

That is the manufacturer who is making the discount allowance of 60 per cent, and he can afford to do so, as it is an entirely different article from that sold to the home trade. Every American manufacturer who desires to become an exporter and who hopes to compete successfully in the foreign markets, should study well the customs laws of foreign countries and shape their export wares in a way that will enable them to meet in a profitable manner the demands of foreign customers. They should give up their pride of standard style and finish whenever the effect is to keep their goods out of the foreign markets.

You can rest assured that every important exporter of this country has a copy of the McKinley tariff measures in his possession, and, what is more, he understands every provision which touches his business quite as well as he understands his Bible. It is the only way to deal with the foreign trade, and I am quite sure that you will find upon investigation that the 60 per cent discount allowance was made because the manufacturer could benefit to that extent some change made in the finish or manufacture of an article for foreign consumption. I think you will find my argument sound and sustained by facts. It is not the same article in every respect that is sold for the home trade.

W. H. EDWARDS.

POTSDAM, *August 16, 1891.*

DEAR GENERAL GROSVENOR: Yesterday I stated at length my views in the matter of the difference in the discount allowed between our home trade and the foreign market, still I can not help thinking that a little further explanation is advisable in the matter. My contention is that the granting of the difference in the discount allowance may be fully accounted for in every case by the difference in the quality, style, and finish of the articles intended for the export trade. To my personal knowledge American export trade has heretofore suffered to a very serious extent because the American manufacturers would not vary or modify the standard of their products to meet the demands of foreign trade, and at the same time satisfy in the most practical and profitable way the requirements of foreign customs laws. The truth is, their blind position in respect of these matters has kept many foreign markets practically and entirely closed to our product. They were not in a position to successfully compete with foreign products and foreign competition until they had consented to manufacture the identical article for the foreign trade that was being sold in the foreign market by their foreign competitors. This necessitated a material change from the high standard of the products manufactured for the home trade. The truth is, the home standard was so much above that demanded by the foreign trade that our manufacturers are now able to supply the export trade with an article so much inferior in cost and appearance that they can well afford to grant a 60 per cent allowance on the price of the high standard article.

To put the matter in another way, certain clear-headed American manufacturers have, in view of the demands of the foreign markets and the special requirements of foreign customs laws, manufactured an article to satisfy known conditions to be met with in foreign markets. This article is described in the invoice in the same terms as that sold in the home market, and would appear to the trade as the same article as that sold for home account.

To illustrate: An American manufacturer of buggies, or phaetons, would not explicitly set forth in his invoice that he had dropped the rich lining, the rubber side curtains, and the automatic pads in order to sell with advantage in the foreign market. If he knew his business, he would invoice the shipment as buggies, or phaetons, and account for the difference in the standard of the vehicles—that is to say, he would account for the loss of the rich linings, the automatic pads, and the rubber side curtains by the discount allowance. Why should he publish to the world through his invoice the exact form or standard he found it profitable to ship to any particular foreign market after a thorough investigation as to the tastes of the people and a careful examination in relation to the customs tariff of the various foreign countries?

To continue with the case of carriages, phaetons, etc., the customs tariff in Germany on the naked vehicle is very insignificant, and any American manufacturer may export the unpainted and unfinished vehicle with great profit, but the very moment he is called upon to pay duty on the painted and striped article the rate is so materially changed that it makes the transaction doubtful so far as profits are concerned. When you add to that a rich lining, another rate of duty is assessed. When you add to that rubber curtains, still another rate of duty is assessed. When you add to that an automatic pad or a canopy, still another rate is assessed. When, at last, you undertake to export the standard American vehicle you have it so overloaded with high duty articles that it is virtually prohibited from entrance to any foreign markets.

The American manufacturer who has carefully studied the situation will send his naked vehicle, if that is the only profitable form in which he can introduce the article in the foreign market, perhaps with a 60 per cent discount, because it is sold without paint, without stripes, without lining, without curtains, without a pad, and without a canopy.

What is true of the carriage, buggy, phaeton, sulky, and surrey trade is equally true of other branches. I present this case because it is easily understood by the agricultural element.

W. H. EDWARDS.

C. S. LARRABEE'S TESTIMONY.

FRANKFORT-ON-THE-MAIN, *August 12, 1891.*

Gen. C. H. GROSVENOR,
Care United States Consul at St. Gall.

MY DEAR SIR: Yours of yesterday, with inclosure, just received. The assertion of free traders that American machinery, etc., is sold to foreigners at lower prices than to home consumers is an old chestnut that I frequently heard repeated in Massachusetts last fall. So far as my knowledge goes, it is untrue in general. I can not give you much data to go by, but advise your correspondent to call on Samuel A. Haines, No. 90 Chambers street, New York, who is either on his way home or will be next week. He has been exporting to Europe and Australia now for fifteen years, and selling the same goods in the States, and I am sure will give valuable facts which will disprove the assertion. His line is hardware and agricultural implements.

I have not imported from America in late years much except machinery, and in my case I found last fall and this spring that machine manufacturers were selling to consumers very often cheaper than for export, but no cheaper for export than to large home buyers. In 1876, when the American manufacturers of hardware and agricultural implements set out to establish

an export trade, it was argued that if by selling abroad they could increase their output they could afford to sell at a very small profit, as their gain would come in a reduced cost and smaller proportional expense account and their workmen would be employed more months in the year. To establish an export trade, therefore, the large commission houses, who made the prices for the goods, contributed their commissions and the manufacturer his profit, but it was soon found that the expenses of creating an export demand were more than the probable future profits; that to export we must compete with European labor, and rather than do that, after about four years of trial, the desire to create an export market gradually ceased. It is self-evident that we can not pay our workmen $2 to $4 a day and compete with foreign labor at 50 cents and 75 cents a day. While, therefore, there was a market in America, it was folly to think of competing abroad. The result of these four years spent in introducing our goods was that Germany and England copied our goods and took our market from us. This is the case also with machinery. I do not believe that any machinery is sold for export to-day cheaper than at home. Competition governs prices, and the margin at home is too small now to admit of such a thing.

One instance occurs to me of cheaper export prices than for home consumption, but the reason is clear. I import to Germany a certain make of sandpaper, an emery cloth, and get 40 per cent and 50 per cent, where the American discount is, I think, 30 per cent and 2½ per cent. The export is small because such goods are made here in quantities, and though a far inferior quality, are less than half price. On asking lately the manufacturer in New York why he made this difference he said in the States he must guarantee the quality of his goods, and in case that any proved not up to the mark, must exchange them; that he had been called upon to do this, and therefore was obliged to exercise great care in manufacturing, and, therefore, for domestic consumption, the goods cost more than goods for export. I found to my sorrow that sometimes the goods he sent me were not up to the mark, and he explained that for export he took no guarantee and had made his prices accordingly. If any goods are sold abroad cheaper they are not up to the quality of domestic consumption goods, or they are sold under a contract of large quantity, and the same quantity and quality for home use could be bought at the same prices. I do not believe agricultural machinery to-day could be sold abroad lower than it is in the States without material loss.

There may be articles that can be bought for export cheaper. I allude to patented articles on which large royalties are paid. I am aware that patentees having no patent abroad remit their royalties for a small sum for export goods. This may, on some machinery, make quite a difference, but it does not prove our patent law to be bad, for the very consumers who pay these royalties owe their existence to our patent laws.

Bismarck saw that to make Germany a great country he must adopt that which had made America great, and in the face of much opposition made the country accept protection, and gave it a patent law in 1877, and from that time dates German progress, and all thinking men in Germany now acknowledge it that their great progress in industrial undertaking, which has, in a few years, made them such powerful competitors to England, is entirely owing to these two factors. Were we to open our doors to-day to German competition our workmen would have to content themselves with what circumstances force German labor to accept—50 cents a day for their labor.

The argument that we sell cheaper abroad is illusory. Trade is governed closely by competition. The margin is too small to allow discrimination in prices between consumers. Quantity governs the price and the expenses in marketing—I speak of wholesale transactions. It is true I found some goods at retail cheaper abroad than the same goods at home. Why? Because the foreigner was content with 2½ per cent profit, and our people can not exist that way. Competition among retailers abroad is so strong that they very often sell a specialty in American goods as a leader at little or no profit, while I notice in America the retailers in one town generally agree not to slaughter their goods. Surely this is no reason why our workmen who produce the goods should not have protection against foreign labor. The commission houses in Chambers street can, as I said, give you facts, and the machine people in Liberty street will, I think, confirm my views.

The assertion first spoken of is a mischievous one, being so general, but I believe any and every instance brought to prove it would, if sifted, show a reason which would render it harmless for the purpose for which it is made. When I go home I shall pay attention to assembling data on this subject.

In the old countries—Germany, France, Switzerland, and England—Americans buy cheaper than domestic buyers, for the reason of large orders, no expense in selling, and prompt payments. He who can take the whole product of a mill gets it cheaper, no matter who he is or where from, than he who buys from hand to mouth, the world over.

C. S. LARRABEE.

GENERAL GROSVENOR'S SUMMING UP.

After reading the letters General GROSVENOR said: "A careful reading of this correspondence and a wise application of the information thus obtained to the issues now urged by the Democratic national committee lays bare the absurdity of the whole of this pretense. If I were to answer in few words the complaint I should put it in this way:

"First. The American manufacturer in the United States finds himself with a large surplus of manufactures, and, doing exactly what the American manufacturer always does, he sells his goods instead of burning them, and he sells his surplus outside of his usual and regular market. He sends them to Europe and sells them for whatever he can get. He does exactly as the American in your town does who buys his goods in the spring for the spring and summer trade; he buys them in the fall for the fall and winter trade, and when his customers are all supplied he sells his surplus at whatever he can get for it, and sells it, if possible, outside the scope of his usual and regular trade and business.

"Second. I would say that the American manufacturer is earnestly seeking new markets with the determination to extend and enlarge his trade, and is putting into the markets of the Old World new commodities, new inventions, new developments, and is forcing the markets regardless of cost. He is willing to sacrifice something to open the market hitherto unoccupied by his manufacture. There is nothing in this complaint except the wail of Democratic despair of a legitimate and intelligent issue."

The committee informally rose.

RETURN OF BILL TO SENATE.

The SPEAKER laid before the House the following resolution of the Senate; which was read, considered, and agreed to:

IN THE SENATE OF THE UNITED STATES,
February 4, 1903.

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 15747) directing the issue of a check in lieu of a lost check drawn by George A. Bartlett, disbursing clerk, in favor of Fanny T. Sayles, executrix, and others.

POST-OFFICE APPROPRIATION BILL.

The committee resumed its session.

Mr. LOUD. Mr. Chairman, the Post-Office appropriation bill carries for the next fiscal year something over $153,000,000. When I look back over the short period of time that I have been a member of this House and can see that the amount appropriated when I first became a member of the Committee on Post-Office and Post-Roads was considerably less than $70,000,000, I am not so much reminded of the flight of time as I am of the enormous increase in the amount of business transacted in this country.

Mr. Chairman, the amounts of money recommended by the committee for the support of the several bureaus and divisions of the Post-Office Department are liberal, some of them, in my opinion, bordering at least on the verge of extravagance. During the period from 1893 and ending substantially with the fiscal year of 1897 the appropriations made by Congress, recommended by the committee, were at least leading in the direction of the crimping of the Post-Office Department in the expenditure of money. There was, however, during that period one year in which the receipts of the Department were less in total amount than they were for the preceding year.

With the beginning of the fiscal year of 1898, business being much improved in this country, the Post-Office Committee saw fit to recommend to Congress, and Congress saw fit to adopt, a more liberal policy toward the management of the Post-Office Department. Up to 1895 the Post-Office appropriation bill contained not exceeding 10 pages. Moneys were appropriated in lump sums for all branches of the Post-Office Department. Congress found it very easy to cut off $500,000 here and $500,000 there in order to meet their views regarding the management of the Department.

That resulted, Mr. Chairman, in a general cutting down of salaries of postal employees whose salaries were not absolutely fixed by law. There was at that time and the preceding year a clamor throughout the country, very manifest upon this part of the Government, influences demanding not alone an increase of salary, but classification bills which should increase their salaries by statute each year of their service. I believe I speak for the Post-Office Committee when I say that the committee think it unwise to enact any legislation that shall arbitrarily promote every person in the postal service each year until he shall reach a maximum statutory salary.

So, then, some years ago the Post-Office Committee took hold of this matter, keeping the law intact as it was, segregating the various items, and appropriating directly each year for so many in each class, leaving, as you will observe, Mr. Chairman, to the executive department and to the postmasters, and ultimately for Congress, to determine how much promotion there shall be in the various branches of the postal service. That work is with this bill completed. Post-office clerks, railway mail clerks, post-office inspectors are the last to be classified and segregated this year in this bill, substantially all of which, however, has been done within the statute that has been in existence for a great many years.

The clamor for the passage of a bill classifying the Railway Mail Service has substantially ceased. The law regulating the pay of railway mail clerks is fixed at a maximum salary of eight, nine, ten, twelve, and fourteen hundred dollars. In 1885, by reason of the small appropriation for the Post-Office Department, that Department was confronted with the situation of either creating a deficiency or cutting down salaries. I think it is due to that Department to state to the House and the country that that Bureau, almost alone, has studiously refused to create a deficiency when it was possible to maintain the postal service.

As I say, they were met with this condition. They either had to create a deficiency or decrease the salaries of the railway mail clerks. The salaries were reduced—class 5 to $1,300 and class 4 to $1,150. Our first step was to restore class 5 to $1,400 and class 4 to $1,200. Then we created an intermediate class. Believing that an advance of $200 per year was greater than the necessities of the service demanded, we created a thirteen-hundred-dollar class and an eleven-hundred-dollar class. The result of that, however, was to give men in that service more rapid promotion.

With this bill we have created a new class. I will say to the House that it is not warranted by law, but the committee was unanimous in its recommendation. In view of the dangers, in view of the hardships, in view of the extraordinary ability required for Railway Mail Service clerks, the committee thought that a class of $1,500 should be created, and you will find in this bill that we have created a class at $1,500 a year. There goes into that class but 225 men who will receive $1,500 a year. They are men who have charge of two railway postal cars or more.

The result of the conference or recommendation of the committee and the action of the House has increased the average salary of the post-office clerks, and those are clerks employed in the post-office, from an average of less than $700 in 1895 to an average now of something over $900 a year. Last year the increase for post-office clerk hire was $2,800,000, an extraordinary amount when you consider the increase made and the amount of the original appropriation. This year we recommend an increase of about

$2,200,000. I believe, and I only speak for myself, that the increase is larger than a wise and conservative management of the Post-Office Department would warrant.

But as this is probably the last time I shall ever have the opportunity to address the House, particularly on the Post-Office appropriation bill, this being what might be termed my farewell address, I can not refrain from saying to those of the House who may remain as members, pledged as they are—as they can see the light—to legislate for the best interest of all, that the increase on the Post-Office appropriation bill for the next year, even admitting that times will continue as prosperous as they are to-day, should be much less than the amount contained in this appropriation bill.

In regard to this increase of salary and the complete classification of all the employees in the postal service, you must remember that the salaries of post-office clerks varies from $500 a year, the minimum in second-class offices, or $600 a year, the minimum in first-class offices, up to $2,700 a year. So between that rate there is the chance and the hope of promotion in the mind of every employee in the post-offices, to furnish an incentive to him, to encourage him, to make a better official of him, with the hope that ultimately he may reach this coveted goal.

The Railway Mail Service is now classified in even hundreds of dollars—from $800 to $1,600; and there is the hope of promotion even beyond that to the place of assistant division superintendent at $1,800; and ultimately the opportunity also to reach the position of division superintendent, at $3,000 a year (a promotion which is open to those who deserve it), which your committee recommends in this bill.

There is now before the Committee on the Post-Office and Post-Roads a bill which has passed the other legislative branch providing for the compulsory promotion of all clerks who enter the post-office to $1,000 a year as a minimum. There is not agitated now, Mr. Chairman, but it only slumbers, and will yet come—I hope not to trouble you—but there will come to Congress in the future that bill to classify letter carriers. Now, I want to urge upon the House that the word "classification" is simply a delusion and a snare as regards both of these bills. They are simply bills providing for the compulsory promotion of these employees of the Government to a higher grade.

As you all know, I have stood for some years—uncomplainingly, as a rule, bearing the burden—against the passage of the letter-carriers' salary bill, as I have against the passage of all of these bills for "classification," because the passage of any legislation of that kind must necessarily destroy the efficiency of the postal service. If you remove from man the hope and the desire to advance through his own effort, you have destroyed entirely the average man's efficiency in the service in which he is engaged. We only become proficient by reason of the hope of attaining ultimately, through our own efforts, a higher position. Now, all that the post-office clerks' bill proposes to do is to remove the incentive and promote the drone side by side with the most efficient man in the postal service.

I have said privately some years ago that I would not have seriously objected to a bill which put the letter carriers of this country on the same plane as all the rest of the post-office employees; that is, that they should enter the service at a stipulated salary, and might, through their own efforts and by proving their efficiency, advance annually at the rate of $100 up to a maximum of $1,200. What prompted Congress to single out the letter carriers as a special class who should be promoted by law, irrespective of the duty they performed, or their efficiency in the service, I can not tell, and probably could not have told even if I had been a member of Congress at that time.

I say here without fear of successful contradiction that this legislation tends to prostrate and destroy the efficiency of any service. A letter carrier appointed at $600 goes to $800 and then to $1,000, be he good, bad, or indifferent. Be he incompetent as a letter carrier and only competent for a collector, his salary advances just as rapidly as that of the most efficient man in the carrier service.

Now, in these closing remarks that I make to Congress, I hope (and I utter these remarks only as a prospective citizen going out of public life, never to return, and having only at heart the interest of a citizen of this country), I hope that if you ever do take up the letter carriers' salary bill you will strike from the present statute that provision which promotes compulsorily every one of these officials annually. I believe that that law to-day is costing us through an inefficient service $5,000,000 annually, which will continue to increase as the service increases. You can see it yourself. You have removed the incentive for a man to excel. He only has to do just sufficient to keep him in the service.

The Post-Office Committee, I think, should be congratulated by the House of Representatives that it has steadily recommended against an encroachment of this character upon the efficiency of the public service; that it has steadily stood against these so-called "classification" bills, which are but compulsory promotion bills. That committee has stood steadily against these measures up to the present hour, and I say again I hope Congress will never remove that bar; that it will at all times have in view an efficient service for the best interests of the people, which can only be obtained by holding out to man the hope of promotion through his own efforts.

I did desire to call the attention of the House at length, but will do so only in passing, to the increase in certain items in the Post-Office appropriation bill. Some years ago we had considerable agitation in Congress about the enormous increase in the amount of money paid to railroad companies for the transportation of mail. That question was, I think, substantially determined, at least for a time, or the agitation checked, by the report of the commission appointed to investigate that subject.

If anyone will take the time to look at the increase of the various items in the postal service, he will see that where the increase is left discretionary, substantially, in the Post-Office Department, it is abnormal, but where the increase comes from contract service or from a service similar to the transportation of mail, whereby the increased amount of business done decreases the pay per pound, then the increase, if anything, is below the normal.

It will be found that the increase in the Post-Office clerk hire since 1897, including the fiscal year of 1904, has been more than 80 per cent, while the increase in the amount of money paid to railroads for the transportation of mail for the same period has been but 30 per cent. Take it all through the Post-Office appropriation bill and single out the character of work that is done by competition, by contract, and it will be found that while we are getting a good service the increase during that same period has varied but very little from 25 to 30 per cent.

Mr. BROMWELL. Mr. Chairman, I notice that the time which has been fixed for general debate is about to expire, and I ask unanimous consent that the chairman of the committee be allowed such time as he desires in order to finish.

The CHAIRMAN. The order having been made in the House, it is not competent for the committee to extend the time. The Chair will state that the gentleman has fourteen minutes remaining.

Mr. LOUD. Mr. Chairman, I was watching the clock and am very nearly through. There is one other subject to which I wish to direct attention, and I do it somewhat in the line of regret. When I was a boy I used to hear an expression, and do once in a while now in my own country, that if a man's foresight was as long as his hindsight he would be a wonderful man. I regret, and I think Congress, when it contemplates and investigates, will have serious cause to regret, that the rural free-delivery service was not placed with our contract star-route service, or, I might say, in the department of the Second Assistant Postmaster-General.

If you will take the time to read the hearings before the Post-Office Committee and see how extensive the free-delivery service has grown under star routes, with a very trifling increase in expenditure, those of you who will be here a few years from now, appropriating from forty to fifty millions of dollars a year for rural free delivery, will then have ample time and cause to regret not having placed under the Second Assistant Postmaster-General, in conjunction with the star-route service which is now being most excellently carried out by him, this Rural Free-Delivery Service, which is the most extravagant bureau ever organized in any government service.

When we but contemplate that the expenses in the Post-Office Department here in Washington alone for the management of that service is as great as the total expenditure for the management of the whole bureau of the Second Assistant Postmaster-General, we have cause to wonder whether we have not gone a little too fast in respect to rural free delivery. Some one may ask why I have not given my effort to the curtailing of expenditures.

Fortunately or unfortunately, that branch of the service is not under the control of the Post Office Committee. That part of the service is managed by the Committee on Appropriations. The salaries are extravagant, the number of employees is more than double what it should be. That no man can question. It costs nearly $700,000 for a field service. Now, it might be asked why we did not cut that down. We have pared off wherever we dared to.

The Post-Office Committee has realized what every other observing man has realized—that when you touch the rural free-delivery service it would seem that the very service itself depends upon John Smith or Tom Jones getting a large salary for doing nothing, and the Post-Office Committee has recommended no more than they feel the House will sustain them in. I may say in passing that we have made the only cut in the rural free-delivery service which has been attempted to be made by the House of Representatives.

I do not know that I have anything further to say, and am willing that the bill should now be read under the five-minute rule.

The CHAIRMAN. The Clerk will read the bill.

The Clerk read as follows:

For separating mails at third and fourth class post-offices, $1,300,000.

Mr. FOSTER of Vermont. I wish to offer an amendment to come in at the end of line 21.

The CHAIRMAN. The gentleman from Vermont offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 10, at the end of line 21, add the following:

"For clerk hire for third-class post-offices not entitled to an allowance for separating the mails, $500,000: *Provided*, That the Postmaster-General in the disbursement of this appropriation shall not allow more than $300 per year to any postmaster, and shall make allowance only to those postmasters who devote their entire time to the duties of their office."

Mr. LOUD. I make the point of order against that provision that it is new law, that it provides for the employment of clerks in offices not under existing law entitled to clerk hire. Clerks are only allowed under existing law in first and second class post-offices.

The CHAIRMAN. Does the gentleman from Vermont desire to be heard on the point of order?

Mr. FOSTER of Vermont. Mr. Chairman, it seems to me that lines 20 and 21 do provide for the allowance of clerk hire to third and fourth class postmasters. That paragraph reads:

For separating mails at third and fourth class post-offices, $1,300,000.

Now, that is simply one way of securing an allowance to the postmasters of the third and fourth classes by way of clerk hire. This method, as we readily see, is an antiquated method. In offering the amendment I do not want to show a lack of appreciation of the work done by the Post-Office Committee in preparing this bill, or my lack of appreciation of their watchfulness of the United States Treasury. It may be that in view of the point of order the wording of the amendment should be a little different. Here is certainly an allowance to postmasters of the third and fourth classes, and it is an allowance for a certain purpose, and the whole purpose of my amendment is to enlarge the amount and to distribute that amount in a more equitable and just manner than that in which it is now distributed.

As it is to-day, there is a little post-office in one of the towns in my district the postmaster of which receives from the United States Government an allowance of $200 for separating the mail simply because there is a star route which emanates from his office. A third-class post-office in the adjoining town does twice the business that this office does, but the postmaster of that office receives no allowance for clerk hire, because, forsooth, the work is confined to patrons of the office and there is no star route emanating therefrom.

The CHAIRMAN. The Chair is of opinion that the point of order is well taken.

Mr. LOUD. Inasmuch as the gentleman has discussed the merits of this proposition, I move to strike out the last word for the purpose of debate. The gentleman from Vermont has made an insidious attempt to provide by law clerk hire for postmasters in third-class offices. I know that an official in the Post-Office Department urges such legislation. The gentleman referred to a fourth-class office that gets $200 per annum for separating purposes. Then he referred to a third-class office that does a great deal more work, that does not have any allowance.

I want to call the attention of the House to the fact that the payment to the postmaster is based upon the amount of work that is done in that office. The object of allowing money for separating purposes (and that is in accordance with the law) is that the postmaster is required to handle mail from which he can not possibly receive any returns, and the returns are what makes his own salary. I have heard an official in the Post-Office Department say that any postmaster who devotes all of his time to the duties of a third-class post-office ought to have clerk hire. Well, the pay of a postmaster in a third-class office varies from one thousand to nineteen hundred dollars a year.

Take an office that the gentleman evidently had in view, a $1,700 or $1,800 office. The postmaster is paid $1,700 or $1,800 for the work that legitimately belongs to that office, not as a salary to him alone, because if you were to compensate postmasters in towns of 1,500 or from 1,000 to 2,000 population at the rate of seventeen, eighteen, or nineteen hundred dollars and then furnish them clerk hire, the rush for postmasters' places would be greater than it is to-day, because I will venture to say that there is not a town in the United States under 3,000 population where a man can make $1,500 a year without an investment of money.

The president of your bank, if you have a bank in a town of that size, does not get eighteen or nineteen hundred dollars a year. Now, the pay to-day is based upon the work done in the office. An eighteen hundred or nineteen hundred dollar office can be conducted by two bright young men. Suppose the postmaster should take the hog share of the salary? Let him take a thousand dollars, and he can hire a young man at $800. There is not another position in the town in which either of them, without investing money, could make $1,000 or $800.

Now, the payment of postmasters is as high as it has ever been. It is enough. I had intended in the course of my remarks to call attention to this very item, which in four years has increased more than a hundred per cent. I know it is not properly used. Just as well as I know I stand here, I know that some of this money is used for the purpose of giving clerks to postmasters where there is only a nominal separation. I said to the Post-Office Department, and the Post-Office Committee sustains me, that we do not want to enact into law this provision. They said: "Well, we are doing it now." Well, if a public official wants to distribute public money without warrant of law and I can not help it, let him go on; but simply because he is taking the money and giving it to postmasters that should not have it is no reason why this House should enact legislation. I withdraw the pro forma amendment.

Mr. FOSTER of Vermont. Mr. Chairman, I admit the truth of the general proposition made by the chairman of the committee, but it is a fact that the third-class postmaster, who draws $1,900 from the Government by way of salary, has to keep his office open continuously from 7 o'clock in the morning until 8 o'clock in the evening, and that he gets nothing from the Government by way of clerk hire. If his salary is increased by the Government to $2,000, he becomes a second-class postmaster, and is given a liberal allowance for clerk hire. I say that it is not a just arrangement of the postmasters of this country. The third-class postmaster must keep his office open all these hours just the same as the second-class postmaster does without any of this additional compensation. He must have an assistant; he must have clerks, and he gets from the Government no recompense unless forsooth there is a star route emanating from his office. I say this method is antiquated and inadequate and it is inequitable. I am advocating this change not because the United States Post-Office Department wants it or does not want it; I am asking for it because I think it right and because my constituents believe it right.

The Clerk read as follows:

For pay of letter carriers in new offices entitled to free-delivery service under existing law, $100,000.

Mr. LITTLE. Mr. Chairman, I desire to offer an amendment.

The Clerk read as follows:

Add at end of line 2, page 13, the following:

"That section 1 of an act entitled 'An act to extend the free-delivery system of the Post-Office Department, and for other purposes,' approved January 3, 1887, is hereby amended so as to read as follows:

"'That letter carriers shall be employed for the free delivery of mail matter, as frequently as the public business may require, at every incorporated city, village, or borough containing a population of 50,000 within its corporate limits, and may be so employed at every place containing a population of not less than 5,000 within its corporate limits, according to the last general census, taken by authority of State or United States law, or at any post-office which produced a gross revenue for the preceding fiscal year of not less than $5,000: *Provided*, That this act shall not affect the existence of the free delivery in places where it is now established: *And provided further*, That in offices where the free delivery shall be established under the provisions of this act such delivery shall not be abolished by reason of decrease below 5,000 in population or $5,000 in gross postal revenue, except in the discretion of the Postmaster-General.'"

Mr. LOUD. I make the point of order against that.

The CHAIRMAN. Will the gentleman from California state his point of order.

Mr. LOUD. That it is new legislation. It appears on its face that it is an attempt to amend an act.

Mr. LITTLE. Will the gentleman withhold his point of order for the present?

Mr. LOUD. I think I can withhold it, but I shall have to press it.

Mr. LITTLE. Mr. Chairman, I want only to suggest to the House, in advocacy of the necessity of this amendment, that under existing law cities of 10,000 inhabitants or cities where the gross income is $10,000 now enjoy the privileges of free delivery. We have also inaugurated the system of rural free delivery. As the law now exists, we go at one step from a city of 10,000, overlooking the cities between that and 5,000, to rural free delivery; and my opinion is that the cities of this class are entitled to the privileges of free delivery and ought to have it. I regret, therefore, that the chairman of the committee feels impelled to make the point of order against this amendment. I have no doubt, however, that it is new legislation.

I concede it. This bill has been considered, passed the Senate, and has been fully reported on by the Postmaster-General and tacitly has his indorsement. He indorses the policy, but suggests an increase of 400 cities the first year, and then to include the remainder. Although this amendment, as I realize, must go out of the bill on a point of order, I want to call the attention of the House to the necessity for its passage, and hope that at some future day it may be reported, passed by Congress, and become a law. I believe it fills up a link between cities that ought to have free delivery and rural delivery, and by beginning this service it will give to the country a complete and perfect system.

Mr. LOUD. Mr. Chairman, I recognize that this character of free-delivery service must ultimately come, but legislation of this character must necessarily be considered with some other

legislation relating to clerk hire or else it will be wholly inoperative. But in view of the enormous increase of expenditures of the Post-Office Department for the fiscal year about to close and for the next fiscal year, I think it the part of wisdom for Congress to delay a year or two years, and possibly three years, the enactment of legislation of just that kind.

Mr. TATE. Will not the gentleman give us a chance to vote on it?

Mr. LOUD. At some other time.

The CHAIRMAN. Inasmuch as the amendment proposes new legislation and violates the well-known rule of the House that no new legislation shall be put upon an appropriation bill, the Chair sustains the point of order.

The Clerk read as follows:

Rural free-delivery service: For compensation to seven special agents in charge of divisions, at $2,400 each, $16,800.

Mr. BABCOCK. Mr. Chairman, I offer the following amendments.

The Clerk read as follows:

Strike out the word "seven," in line 13, page 14, and insert in its place the word "ten." In lines 14 and 15, page 14, strike out the words "sixteen thousand eight hundred" and insert in place thereof the words "twenty-four thousand."

Mr. BABCOCK. Mr. Chairman, I hope the chairman of the committee will consent to this amendment. It provides for ten special agents in charge instead of seven, and is in line with the recommendation of the Post-Office Department. You take the great States of the Northwest—Illinois, Iowa, Wisconsin, and Minnesota—and if we wish to communicate with the headquarters for rural delivery we have to go to Indianapolis, Ind., to-day. This is a service that has grown and developed wonderfully. Five years ago, when this bill was under discussion, the committee brought in a proposition prohibiting the use of any part of a little appropriation of $150,000 for special agents.

I offered an amendment at that time, Mr. Chairman, that this should be stricken out:

Provided further, That no portion of the above sum provided for the support of rural free-delivery service should be used for any other service than the payment of carriers and horse-hire allowance.

Now, gentlemen, the chairman of the committee maintained his position and held that qualification in that bill of $150,000 for this service, and he now comes here with a bill appropriating over $12,000,000.

Certainly this service has grown, and while I appreciate the great service the gentleman has done to the country as chairman of the committee he so ably represented, I do believe that this is needed, that it is necessary for the service, and I hope the gentleman from California will not oppose it.

Mr. LOUD. Mr. Chairman, I regret very much to have to oppose the amendment offered by the gentleman from Wisconsin. This provision in the appropriation bill received probably more consideration than any other item in it. The committee, I believe, were unanimous in the support of the provision in regard to cutting the estimate of the Department down from ten to seven. I will say that the Department did estimate for ten division superintendents. I have always intended to be perfectly frank with the House, and I propose to do the same thing to-day.

I believe that that allowance of three additional divisions was simply for the purpose of accommodating some gentlemen in public life and not for the interests of the public service. If gentlemen will take the trouble to read the hearings on that subject they will find that there is not a division south of the Ohio River, neither did they propose to put one south of the Ohio River if they got ten divisions. You will find there is but one division west of the city of Denver, and neither did they propose to put another one there.

Mr. GIBSON. I want to say to the gentleman that there is a division south of the Ohio River.

Mr. LOUD. Well, there is one in St. Louis.

Mr. GIBSON. Yes, and one at Nashville, with Mr. W. F. Conger as special agent, and we need at least two more.

Mr. LOUD. I have no doubt that the State of Tennessee could use a thousand of them. [Laughter.] And there are enough ambitious Republicans in Tennessee to fill every one of the places before breakfast, but the service does not need them. The gentleman from Wisconsin said that they had to go to Indianapolis. Why? People living in the State of Montana have to go to San Francisco to communicate with headquarters, and they would if you gave fifty superintendents.

Now, of these three divisions, they propose to put one at Boston—I believe that is already promised. I am rather of the impression that when this bill comes back from the other end of the Capitol it will contain provision for 10 divisions, because I think all these three are promised over there; I do not believe there is any left for the House. The other two were to go right in this little network of divisions—one for the State of Iowa. I do not know whether the other was to go up into Wisconsin or not.

Mr. BABCOCK. Allow me to say that Wisconsin and Minnesota have hopes.

Mr. LOUD. I think that is about all they will have. When they get through, some one else will have the cake.

Mr. BROMWELL. I read in the evidence of Mr. Machen before the Post-Office Appropriation Committee that it is the intention "to take the States of Illinois and Wisconsin out of the middle division and form them into a division." The gentleman from Wisconsin, I presume, is to get one of these if they are appointed.

Mr. LOUD. However that may be, Mr. Chairman, the committee after long deliberation came unanimously to the conclusion that the interests of the service did not demand the establishment of any more division headquarters. You are now spending for supervision of the rural free-delivery service in the field more than $650,000, and I venture the assertion that five division superintendencies could adequately supervise the rural free-delivery service for the next five years to come, and the interests of the Government be as well taken care of as if you had 50—probably better.

Mr. BABCOCK. Just one word, Mr. Chairman. Every member of this House knows of the growing demand and pressure upon all of us for this rural free-delivery service, and knows of the difficulties under which the Department has labored to improve this service in the way that the interests of the country demand. Now, I want to say in answer to the remarks of the gentleman from California about the distribution of these places, and the statement about their being promised here in New England or elsewhere in the East, that after I had been advised of the situation I took the matter up with the Department, and said that if such was the policy I should not support any proposition of this kind.

The answer of the Department to me was that if the ten divisions were allowed they should be put where they would give the best service, and that there was absolutely no truth in the assertion that they would be bunched in New England or in the section which the chairman of the committee has designated as "right around here." Now, we all know the growing demand for this service. There are forty-five States with only seven headquarters for these special agents. I believe this is a wise provision; I believe that the growing needs of the country demand such a provision, and I hope Congress will adopt it.

Mr. BROMWELL. Mr. Chairman, it is not often that we have the pleasure of hearing from the distinguished gentleman from Wisconsin [Mr. BABCOCK] on a Post-Office appropriation bill. But we have here a plea for additional officers at $2,400 a year. Three such officers are provided for by the amendment which has been offered. Now, I want to read what Mr. Machen (probably the best posted man as to what is intended to be done with these three additional men) had to say before the Post-Office Committee in the hearing which we gave him. I asked him the question, "Where do you propose to put the new ones?"

We have seven now—practically eight, because one of those now employed in the other branch of the service in San Francisco is really acting as one of the inspectors; so that we have eight, although there are only seven distinct divisions mentioned. This is what Mr. Machen said in answer to my question:

My idea was to divide the western division and the middle division, taking out the State of Iowa and making that a division by itself.

There is one of the additional men provided for.

And then taking the States of Illinois and Wisconsin out of the middle division and forming them into a division.

There are two of the three provided for. Then, farther along, he says:

Then there is some talk of dividing the eastern division and placing headquarters at Boston.

There is provision for the third of these gentlemen. My friend from Tennessee, who already has one division—I think at Nashville—will have to wait a while on the superintendent of the free-delivery service before it comes his turn to get another. All these gentlemen south of the Ohio River, except Tennessee, will have to wait a long time before they can come in for any portion of the benefit of this amendment. It is to give Iowa one, to give Wisconsin and Illinois one, and to give Boston one. Gentlemen may just as well understand what is provided for in this amendment.

Mr. HENRY C. SMITH. Mr. Chairman, I will ask if the gentleman from Ohio will answer a question.

Mr. BROMWELL. Certainly.

Mr. HENRY C. SMITH. I notice here in the next paragraph, on page 14, line 16, "for compensation to 25 special agents," etc. What are those special agents?

Mr. BROMWELL. We have not yet reached that paragraph.

Mr. HENRY C. SMITH. I know, but I want to distinguish them from the men to whom the gentleman from Wisconsin refers.

Mr. BROMWELL. They are not special agents in charge of divisions, and, as I understand it, Mr. Machen intends to use them here and there, as may be necessary, as sort of traveling inspectors or agents.

Mr. HENRY C. SMITH. Do the men mentioned in line 13—those special agents—have superintendence over the ones to whom I have referred?

Mr. BROMWELL. Yes. These are the traveling or field men, as it were.

Mr. COWHERD. They are to locate the routes?

Mr. BROMWELL. Yes.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken; and on a division (demanded by Mr. BABCOCK) there were—ayes 28, noes 54.

So the amendment was rejected.

Mr. FOSTER of Vermont. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend in line 14, page 14, by striking out the word "four" and inserting in lieu thereof the word "five."

Mr. LOUD. Mr. Chairman, against that I raise the point of order. The statutory salary is now $2,400.

Mr. FOSTER of Vermont. I would like to ask the chairman of the committee a question. Does this appropriation bill provide, on page 19, for any increase in the salary of the division superintendents of the Railway Mail Service?

Mr. LOUD. It does, and the gentleman can raise the point of order against it when it is reached, if he desires.

Mr. FOSTER of Vermont. I extend my very sincere thanks.

The CHAIRMAN. The Chair understands the gentleman from California to say the salary is fixed by law at $2,400. The amendment offered by the gentleman from Vermont proposes to appropriate $2,500. The point of order made by the gentleman from California is therefore sustained.

The Clerk read as follows:

For compensation to 25 special agents, at $1,600 each; 15 special agents, at $1,500 each; 15 special agents, at $1,400 each, and 15 special agents, at $1,300 each, $103,000.

Mr. HENRY C. SMITH. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Strike out, in line 16, page 14, after the word "to," the word "twenty-five" and insert the word "thirty."

Mr. HENRY C. SMITH. Mr. Chairman, the superintendent of the rural free-delivery service requested the appointment of 30 of these special agents, and in his showing before the committee demonstrated the importance and almost the necessity of having an additional number of special agents. The committee has reported 10 additional route inspectors, that being 10 more than were in commission last year or at the present time. The committee has not seen fit, however, to increase the number of special agents engaged in laying out the service throughout the country. The Department at this time is something like two years behind in the establishment of rural routes. In other words, a petition must have been filed with the Department for something like two years before any attention is paid to it, before any man visits the territory from which it comes and looks over the roads and inspects the conditions to determine whether or not the service should be established.

I appeal to the members of the House that this service is the only real boon ever given to the large class of people in this country who sustain our Government and who ought to be sustained and assisted by this great Government—the farming class. Among them the rural free-delivery service is the most popular of any legislation that Congress has ever established in this country, and I submit we ought to give the superintendent of this department such assistance as he requires in order that the service already asked for may be speedily established. In my own district I think there are some seventy routes nearly two years old, routes that have been asked for for more than two years and as yet no inspector has been sent to look them over and determine whether the service should be established. What is true in our part of the country is true everywhere. I submit that the recommendation of the Post-Office Department to have 30 of these special agents instead of 25, as reported by the committee, should obtain.

Mr. LOUD. Mr. Chairman, all there is involved in this is a question of salary. We are informed by the superintendent of that division that route inspectors and special agents perform their work interchangeably. That is, route inspectors institute routes, as well as do special agents.

Mr. HENRY C. SMITH. Mr. Chairman, will the gentleman permit a question?

Mr. LOUD. If it is only a question.

Mr. HENRY C. SMITH. Is it not a fact that there was an attempt at one time to make a distinction between what we call inspectors and what we call special agents, it being claimed that the inspectors were to correct defects and right mistakes of special agents?

Mr. LOUD. That is a matter of regulation with the Department.

Mr. HENRY C. SMITH. Which are these? As I understand from a member of the committee, the distinction between inspectors and those who lay out the routes has been abolished.

Mr. LOUD. That is what we are informed; that they perform substantially the same work. Now, the theory of the Department in increasing this number to 30 was to promote a certain number of these special agents and inspectors down along the line. They proposed to cut off 19 inspectors and make them special agents. So all it would result in would be promotions.

Now, the committee thought, in view of the fact that these men had not entered the service as men generally enter the service, at a small salary, and worked up, but had entered the service at a salary of $1,200, or $1,400, or $1,500, or $1,600, very few of them having been in the service as long as three years, and many of them not two years, and some of them not more than one year, and getting on an average more salary than they would in any other branch of the postal service in eight or ten years, we thought that 10 of them were enough to promote. So you will see we provided for 25 special agents at $1,600, being 10 more than are provided for for the current year, and then allowing the same number of special agents at the other salaries, and allowing more inspectors.

They asked that the per diem of the inspectors be raised to $4 a day. The committee recommend that it be retained at $3 a day, as we think a man can well afford to enter this rural delivery service at a minimum salary as an inspector at $1,200 and $3 a day, $1.50 of which is salary and $1.50 of which goes to support himself, on the average. We thought that he could afford to work his way along, $100 a year, and go up the next year to $1,300, and then, if he is an efficient man, the next year to $1,400, and the next year to $1,500, and so on up to $1,600. These are some of the best places there are in the postal service.

Take a special agent at a salary of sixteen hundred dollars a year; that is a salary only paid to post-office inspectors, a position reached after many years of service in the Post-Office Department, and after having passed an examination so severe that I venture to assert that there are not three men in the rural delivery service to-day who could take such an examination. We think that we have arranged the matter here properly, providing for the promotion of ten men down along the whole line, and we ask the House to sustain the committee.

Mr. BROMWELL. Mr. Chairman, I should like to add that the testimony of Mr. Machen as to the salary of these special agents, on page 30 of the hearing, the first paragraph at the top of the page, is as follows:

I have always held, and I think any man who has had any experience with the postal service will say, that a sixteen hundred dollar inspector or special agent getting $4 a day per diem has a position that is worth two thousand or twenty-one hundred dollars. There is no denying that.

That is what these 70 special agents get. That is, with the $4 a day per diem, the sixteen hundred dollar men, the highest class, Mr. Machen says, are getting the equivalent of two thousand or twenty-one hundred dollars a year.

Mr. HENRY C. SMITH. Will the gentleman permit another question?

Mr. BROMWELL. Certainly.

Mr. HENRY C. SMITH. I could not hear all the gentleman from California said. As I understand, his position is that this is simply a question of salary?

Mr. LOUD. That is all, nothing else. Mr. Machen substantially admitted that it was a question of salary and nothing else. It makes 15 additional agents and 15 less inspectors; that is all.

Mr. HENRY C. SMITH. The Department asks for 30, and you give them 25.

Mr. LOUD. I know; but we give them the total number of men that they ask for, though not at the salaries they asked.

Mr. HENRY C. SMITH. I will withdraw the amendment under the statement of the gentleman from California.

The CHAIRMAN. Without objection, the amendment will be considered as withdrawn.

There was no objection.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. HEPBURN having taken the chair as Speaker pro tempore, a message from the President of the United States, by Mr. BARNES, one of his secretaries, announced that the President had approved and signed bills of the following titles:

On February 3, 1903:

H. R. 10698. An act providing for allotments of lands in severalty to the Indians of the Lac Courte Oreille and Lac du Flambeau reservations in the State of Wisconsin; and

H. R. 16333. An act to change and fix the time for holding district and circuit courts of the United States for the eastern division of the eastern district of Arkansas.

POST-OFFICE APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For necessary and special facilities on trunk lines from Washington to Atlanta and New Orleans, $142,728.75: *Provided*, That no part of the appropriation made by this paragraph shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service.

Mr. TALBERT. Mr. Chairman, I move to amend by striking out the paragraph beginning with line 5 and ending in line 11. I know it is an unthankful task, and possibly a useless one, to make that motion.

Mr. CRUMPACKER. Let me inquire of the gentleman, does his motion include the entire paragraph?

Mr. TALBERT. Yes, sir; from lines 5 to 11, inclusive.

Mr. Chairman, this is a bounty given to the railroads which is absolutely unnecessary, and, as I understand, the Postmaster-General himself says that it is absolutely unnecessary. I know it may be said that it provides:

That no part of the appropriation made by this paragraph shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interests of the postal service.

As a matter of course, if the appropriation is made he will feel it incumbent upon him to use it and will use it. I have inquired of the gentleman from California [Mr. LOUD], the chairman—the distinguished chairman of this committee—about the matter, and he says that he believes it is absolutely unnecessary; that it will not facilitate the mail in any way, shape, or form, and I hope the amendment will prevail.

Mr. KLEBERG. Will the gentleman allow me to ask him a question?

Mr. TALBERT. Certainly.

Mr. KLEBERG. Does the railroad change its schedule; and I will ask him the further question, whether it changes it or not does it not carry the mail just the same?

Mr. TALBERT. I am informed that the mail facilities are just as good without this appropriation as with it.

Mr. KLEBERG. That is my opinion, and I have no doubt it is a fact.

Mr. LIVINGSTON. May I suggest to the gentleman from South Carolina that he does not know anything about what he is saying when he says it does not facilitate the mails. Are you aware of the fact——

Mr. TALBERT. I am aware of the fact that he thinks all wisdom is lodged in him, and that noboby knows anything but him. But some people know a thing or two as well as he. [Laughter.] I am giving the information that I have received from the distinguished chairman of this committee. He says that it is absolutely unnecessary, and I think the gentleman from California [Mr. LOUD] is about as well posted upon this matter as the distinguished gentleman from Georgia, and maybe a little better.

Mr. LIVINGSTON. Are you aware of the fact that we have got the fastest mail train except one in the United States for this service?

Mr. TALBERT. I am not.

Mr. LIVINGSTON. I did not believe you knew anything about it.

Mr. TALBERT. I care nothing about what the gentleman believes, but I believe they will get just as good service without this appropriation as with it, and if this appropriation is put in there will just be a few more free passes, and the railroad will expect a quid pro quo in return. I hope the amendment will be agreed to.

Mr. LAMB. Will my friend answer a question?

Mr. TALBERT. I will if I can.

Mr. LAMB. I just want to ask my genial colleague from the Palmetto State——

Mr. TALBERT. The lamb——

Mr. LAMB. The lion—whether or not he has asked the Postmaster-General if this appropriation will facilitate the mail?

Mr. TALBERT. His opinion has been received on repeated occasions. He has sent in writing his opinion to the effect that he does not need it and does not want it, but if they make the appropriation he will, of course, use it. I asked the chairman of the committee if he thought it was necessary, and he said it was not.

Mr. LAMB. I will give my friend this information, which I have obtained. I have asked the Postmaster-General this question myself: If this appropriation is discontinued, will 37 be taken off and that service denied? And he said in his judgment it would be. In view of the fact that this fast mail will be suspended unless we vote this appropriation, I shall vote for the appropriation.

Mr. GROSVENOR. I rise to ask the gentleman from South Carolina to permit this motion which he has made to come to a vote at once.

Mr. TALBERT. I have no objection whatever, Mr. Chairman, if the gentleman from Ohio does not.

Mr. GROSVENOR. I am in favor of the motion.

Mr. TALBERT. I am ready for a vote.

Mr. GROSVENOR. I have been sustaining the gentleman's position for fifteen years.

Mr. TALBERT. I am glad that you are right once, my friend.

Mr. GROSVENOR. It is utterly useless to oppose this appropriation. It will stay in the bill, and no power on earth can get it out, and therefore I want to suggest to the gentleman to let us go on and vote.

Mr. TALBERT. All right. I am ready and willing for a vote.

Mr. BANKHEAD. Mr. Chairman, this provision now under discussion has been the subject of debate in this House for a number of years, although it is a thing that is the right of our Southern people. It has been frequently contended, Mr. Chairman, that the Post-Office Department, or rather the Second Assistant Postmaster-General, was opposed to this provision. Now, I think, in order that the House may clearly understand what we are to vote upon, it would be well to state the exact situation as it exists to-day. We have heretofore been making appropriations for the purpose of expediting the mail from Washington to New Orleans. This mail has been carried on what was commonly known as train No. 37. The Post-Office Department found that it was somewhat difficult for that train, carrying as, it did, passenger coaches and doing ordinary passenger work, to maintain the schedule required by the Department.

After this discovery—that is, on the 2d of November last—an agreement was reached between the Post-Office Department and the Southern Railway officials and other railroad officials, making a continuation of this line from Washington to San Francisco, or, rather, to southern California—to make a special train for this purpose. The result was and is that every day, at 8 o'clock in the morning, a special train leaves the station in Washington, consisting of nothing whatever but mail cars. All the passenger traffic has been shut out, and this special train, put on for the special purpose of expediting the mail to the South, is given the right of way, and every train between here and New Orleans is side tracked in order that this exclusively mail train may have the right of way to make this schedule.

The result is that the train leaves here at 8 o'clock in the morning, takes up all the mail that comes into Washington in the morning, including the mails from New York, Buffalo, Boston, and Canada, and all the Eastern country, and such mail in transit is immediately transferred and sent to its destination. The great Sunset train on the Southern Pacific road has been changed in schedule so as to make instant connection with this exclusive Southern mail train out of Washington at New Orleans, and the result is that the mails leaving here this morning at 8 o'clock reach New Orleans to-morrow morning at 11.50, and Houston and San Antonio and other points in proportion to that schedule. Atlanta, Birmingham, Montgomery, Mobile, and other Southern centers receive their mails correspondingly earlier.

Now, Mr. Chairman, I say that this mainspring of the business activity of the South, costing only $142,000, ought not to be disturbed here, after we have labored year after year for many wearisome years to bring it about, and to give thereby such great benefits to such a multitude of people.

Mr. BROMWELL. May I interrupt the gentleman?

Mr. BANKHEAD. Certainly.

Mr. BROMWELL. I understood the gentleman to say that under the old arrangement, when they carried passenger and express cars, it was difficult to keep up the schedule, but that now they have a through mail train.

Mr. BANKHEAD. Yes.

Mr. BROMWELL. What was the difficulty under the old arrangement—did the passengers and the express business slow down the schedule?

Mr. BANKHEAD. Yes; as a matter of course.

Mr. BROMWELL. In other words, you were not running a fast mail train for the benefit of the Government, but you were drawing the subsidy for the last twenty years just the same. Is that true?

Mr. BANKHEAD. No; that is not true by any means.

Mr. BROMWELL. Then I misunderstood the gentleman.

Mr. BANKHEAD. You truly did.

Mr. HENRY C. SMITH. Will the gentleman yield to me for a suggestion?

Mr. BANKHEAD. I will yield to the gentleman.

Mr. HENRY C. SMITH. The gentleman seems to be familiar with the service, and I see that the appropriation asked for is $142,728.75. What is the 75 cents for?

Mr. BANKHEAD. I suppose that is to pay for axle grease. [Laughter.]

Mr. KLEBERG. Will the gentleman allow me a question?

Mr. BANKHEAD. Yes.

Mr. KLEBERG. Is it not a fact that the mail was carried under the old arrangement with the same facility and dispatch as the mail is carried now?

Mr. BANKHEAD. Not by any means.

Mr. KLEBERG. It was as far as all Texas points are concerned.

Mr. BANKHEAD. The trouble with the gentleman from Texas is that he has been away from Texas for some time.

Mr. KLEBERG. No; I have been there within six months.

Mr. BANKHEAD. I have a statement of the Department with reference to this schedule, and they say that the mail is expedited by the new arrangement twelve hours.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. BANKHEAD. I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that he may have his time extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BANKHEAD. The fact is that the mails have been expedited between here and New Orleans twelve hours actual time, and between here and Houston, Tex., the great distributing point for all Texas, twelve hours running time.

Mr. SMITH of Illinois. Will the gentleman allow me to make a suggestion in reference to the hearings?

Mr. BANKHEAD. Certainly.

Mr. SMITH of Illinois. This is in reference to what the Department thinks as to whether the mails have been facilitated. If the gentleman will turn to page 57 of the hearings before the subcommittee, he will find that Mr. Shallenberger says on this subject:

> We make no recommendation. I may say that the policy of the Department to exact the very best service out of this fund has prevailed during the past year and has resulted in securing a special and exclusive mail train between Washington and New Orleans on much the fastest schedule we have ever secured.

Mr. BANKHEAD. That is true. In addition to that, I called on Mr. Shallenberger day before yesterday in reference to this matter, and he stated that in his judgment this special train for which we are now trying to provide consisted of mail cars only and could not be had without this appropriation. That is what he said to me day before yesterday. Now, is it supposed that a railroad system running, as this road does, through a comparatively sparsely settled country, from here to New Orleans, could put on a special train and give it the right of way and sidetrack other trains in order that they may facilitate the mails?

Mr. BRUNDIDGE. If the gentleman will pardon me, I have understood that some people have complained to the Post-Office Department that the schedule was not being kept and that the mail is being kept back. Is that a fact?

Mr. BANKHEAD. Mr. Chairman, I am glad that my friend asked me that question, because I took the precaution to get the official time-table of the departure and arrival of this train, leaving here at 8 o'clock in the morning and arriving at Atlanta at 11.50 that night.

Mr. BRUNDIDGE. But, is it not a fact——

Mr. BANKHEAD. I am coming to that. It is not a fact.

Mr. BRUNDIDGE. Regardless of the schedule, does the train make time?

Mr. BANKHEAD. That is what I have right here. Mr. Chairman, this shows that this train has maintained its schedule every day since the 2d day of November, from here to Atlanta, except in about half a dozen instances, and then it was detained in Washington by order of the Post-Office Department to take up its connections. Here is the schedule. I know that this complaint of failure of schedule has been made, but it is not true. According to this schedule, officially made, giving the date of the departure and arrival at every one of the junctional points between here and New Orleans, the train makes 50 miles an hour. That is the schedule time between here and New Orleans.

It strikes the track only in the high places, and stops at junctional points.

The train was established for the express purpose of expediting the mails. Gentlemen here from the East and West, and every other section of the country know how important it is for business men to get their mail promptly. We are expending in this bill nearly $10,000,000 to expedite the mails by way of free delivery. That is right. I approve of it. Here is an appropriation of only $142,000 to expedite the mail by twelve hours between here and the principal business cities of the South. I hope the motion will not prevail.

Mr. GROSVENOR and Mr. SHATTUC rose.

The CHAIRMAN. The gentleman from Alabama has one minute remaining, if he desires to occupy his time. If not, the Chair will recognize the gentleman from Ohio.

Mr. GROSVENOR. Mr. Chairman——

Mr. SHATTUC. Mr. Chairman, I object, unless the gentleman from Ohio first addresses the Chair.

Mr. GROSVENOR. I did address the Chair. I merely wish to state that I have no opposition to the amendment. If the gentleman will not make any more speeches in favor of it, I think it will go through. [Laughter.]

Mr. SHATTUC. Well, Mr. Chairman, unlike my friend and colleague from Ohio, when I get through with my speech I will still find a few gentlemen occupying their seats in this House. [Laughter.]

Mr. Chairman, this appropriation is for $142,728. The distance from Washington to New Orleans by the route of this train is 1,111 miles. The trains run daily (365 times a year). That makes the running of this train annually 405,515 miles. It earns $142,728. That amounts to 35 cents per mile per train one way. How they get the cars back I did not figure on.

Now, every railroad man knows that the cost of the extra speed which is required of this train should be counted at least 20 per cent higher than would be counted for the ordinary express train. Then, too, in view of the fact that the ballast on these Southern roads is of poor quality and little in quantity, the fast train is excessively expensive. Now, this train is a special. It is a Government train, unlike any other train in the United States, because of the fact that the Post-Office Department actually dictates the time—makes the time-table just as though the road belonged to the Government. Besides that, Mr. Chairman, it carries nothing but mail, as has been stated. The time between New York and Atlanta on this train by this schedule is six hours quicker; between the East and Montgomery it is six hours quicker; Mobile, one day quicker; New Orleans, one day quicker; to points in Texas and Mexico, one day quicker, and to all Southern places from six to twenty-four hours in advance of regular mail trains.

In reference to the statements made by the gentleman from Texas [Mr. KLEBERG], that they get their mail just as quick in Texas as they used to get it, he must remember that they get it with a greater degree of regularity. I say, as an expert in this business, and I speak advisedly when I speak on the subject, if the Government of the United States can utilize this service it is one of the best investments the Government ever made for the citizens in the Southern States. It is not only of advantage to cities and villages directly on the route of this train, but we should take into consideration the great advantage we secure by having the connecting trains which run throughout the Southern country, which make connections with this special train, and those trains cost the Government nothing extra. That gives my friend from Mississippi his extra mail. It gives all of these gentleman who do not live on the route of this particular extra train facilities throughout the South which could not be secured in any other way than by this governmental train.

Now, I say without any reservation at all, as a railroad man, that these people ought to have this extra pay if you expect them to give any such special extra service as they are giving you at the present time. To say, as has been said, that the railroads would run this train just as it is being run if the Government did not allow extra pay for the train is childish guesswork, for certainly no one here is justified in making any such statement, as no one here has any information justifying such a statement. It is a fact that a competing road to the one now running this train threw up voluntarily the appropriation and declined to run the train, claiming that the amount received as compensation did not justify the services rendered. Now, if it is such a good thing for the road that is now working under the appropriation by running the train under direction of the Government, why did the other road give up the contract? Because the benefit of this extra service goes to the Southern railways for the benefit of the Southern people has no influence with me at all, because of the fact that every section of the United States, not only indirectly, but directly, is interested. The Northern railways have not been paid extra for the reason that the immense business of the Northern railways justifies and makes it necessary for them to run special mail trains, or they would not be doing it. There is no use of paying them for doing what they already are doing.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BOUTELL having taken the chair as Speaker pro tempore, a message from the Senate by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bill of the following title; in which the concurrence of the House was requested:

S. 7124. An act to provide for the removal of persons accused of crime to and from the Philippine Islands for trial.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 14899. An act to amend an act entitled "An act to incorporate the National Florence Crittenton Mission."

The message also announced that the Senate had passed with

amendments bills of the following titles in which the concurrence of the House was requested:

H. R. 16567. An act making appropriations for the support of the Army for the fiscal year ending June 30, 1904; and

H. R. 15449. An act to increase the efficiency of the Army.

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bills of the following titles:

H. R. 8238. An act for the relief of the heirs of Mary Clark and Francis or Jenny Clark, deceased, and for other purposes;

H. R. 12316. An act granting an increase of pension to Weden O'Neal;

H. R. 8650. An act for the relief of the estate of Leander C. McLelland, deceased;

H. R. 11139. An act granting a pension to Carter B. Harrison;

H. R. 16564. An act granting an increase of pension to James Hunter;

H. R. 288. An act for relief of the Christian Church of Henderson, Ky.;

H. R. 9360. An act for the improvement and care of Confederate Mound, in Oak Woods Cemetery, Chicago, Ill., and making an appropriation therefor; and

H. R. 12240. An act granting to Nellie Ett Heen the south half of the northwest quarter, and lot 4 of section 2, and lot 1 of section 3, in township 154 north, of range 101 west, in the State of North Dakota.

ENROLLED BILLS SIGNED.

Mr. WACHTER, also from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 159. An act providing for free homesteads on the public lands for actual and bona fide settlers in the north one-half of the Colville Indian Reservation, State of Washington, and reserving the public lands for that purpose.

ARMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, I ask unanimous consent that the bill making appropriations for the Army at this time may be considered, and that we disagree to all the amendments and ask for a conference.

Mr. RICHARDSON of Tennessee. Mr. Speaker, the committee having arisen informally, I object.

The SPEAKER pro tempore. Objection is made by the gentleman from Tennessee.

POST-OFFICE APPROPRIATION BILL.

The committee resumed its session.

Mr. CRUMPACKER. Mr. Chairman, about a year ago I took the pains to investigate this special facility appropriation. I found there were 182,000 miles of railroad in this country carrying mail, and about 2,750 railway mail routes. The average statutory pay per mile for carrying mails is $184 per year. The proposed appropriation is to expedite mails between the city of Washington and the city of New Orleans. When this appropriation was first made in the year 1893 that line of road received $382,000 a year from the Government as the regular statutory pay, or about $335 a mile.

The pay of that same line of roads last year, exclusive of the subsidy, was $795,000, over $700 per mile, while the average in the country is only $184. The regular pay of this line has increased since the subsidy was first put on over 107 per cent. So I submit now that if there was ever any justification for this subsidy, the time has passed.

Mr. SIBLEY. Since 1893, when $384,000 was paid, has not the railroad nearly quadrupled its mileage?

Mr. CRUMPACKER. It has not. I say that $380,000 was the pay to this road for carrying the mail from Washington to New Orleans—the identical route and the identical system over which the special-facility appropriation is to be paid now.

Mr. SIBLEY. The total compensation to the Southern Railroad, which has taken in practically all the railways of the South——

Mr. CRUMPACKER. The gentleman does not understand. This is the pay for carrying the mails directly from Washington to New Orleans.

Mr. GROSVENOR. A single train.

Mr. CRUMPACKER. Everybody in the country knows that the tendency in the last eight or ten years has been for the great railroads to crystallize into systems, and railroads are compelled by the march of progress to put on and maintain extra fast trains to accommodate their passenger and express business. The statement has been made here that trains on the Southern road make 50 miles an hour. I make the assertion, and appeal to the chairman of the Committee on the Post-Office and Post-Roads for vindication, that the average schedule of the best trains on that road is only about 38 miles an hour.

The Second Assistant Postmaster-General, Mr. Shallenberger, a year ago, before the Committee on the Post-Office and Post-Roads, said that in the judgment of the Post-Office Department substantially the same facilities would be obtained by the Government and the people along the line of the road if this special-facility appropriation were discontinued.

Mr. BROMWELL. May I ask the gentleman a question?

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Ohio?

Mr. CRUMPACKER. I do, with pleasure.

Mr. BROMWELL. Mr. Chairman, I would like to read to the gentleman a question and an answer, to show what General Shallenberger's position is now on this question. It has been assumed that General Shallenberger has changed his mind, which, as you will all remember, in previous debates upon this subject, was shown to be as has been stated here, that if Congress appropriated for this service he would spend the money, but that he did not see that the service was going to be benefited by the appropriation. Now, I happened to be temporarily out of the committee room when General Shallenberger was given his hearing, and the particular item that was up while I was away was this special facility appropriation. When I returned I said to him:

I was not here when the item of special facilities was passed. You have not changed your mind on that, have you?

And this is what General Shallenberger answered:

No, sir. While, as I said, we do not make any estimate for it and do not recommend it, we use to the best possible advantage the appropriations made, and this year we have secured an exclusive mail train on a faster schedule than ever before.

That is what he said.

Mr. CRUMPACKER. Mr. Chairman, the Post-Office Department makes no estimates at all for this appropriation. There is no other road in the country, except one running out of Kansas City, that gets any special facility pay. All the mails of the great railway systems throughout the length and breadth of the country are carried for the regular statutory pay, except this line from Washington to New Orleans, a line which runs through perhaps the oldest settled part of the country; a line, as I said a moment ago, upon which the business has increased during the last nine years 107 per cent.

Why, Mr. Chairman, the regular statutory pay for the year 1901 was $271,000 more than the statutory pay plus the subsidy in the year 1893. I do not believe any fair-minded man can investigate the history of this special facility appropriation without coming to the conclusion that it is a subsidy, pure and simple, and that the Government gets no equivalent whatever for the expenditure of the money. The Postmaster-General says that while he recommends against it, the persistent appropriation by Congress of this fund is taken to mean that Congress desires that it shall be expended, and he will continue to expend it as long as Congress continues to appropriate it.

Mr. SHATTUC. Is there any other train in the United States that is exclusively under the control of the Government except this?

Mr. CRUMPACKER. This train is no more under the control of the Government than the great fast mail trains on any of the roads. It is under the control of the Government just to this extent: The Post-Office Department requires the managers of the road to furnish a schedule of the time of trains, and the schedule so furnished can not be changed without the consent of the Department, but it always consents. The schedules are made to accommodate the business of the road itself, and they are furnished to the Post-Office Department and changed when the management of the road desires a change to be made, with the consent of the Department.

[Here the hammer fell.]

Mr. LIVINGSTON. Mr. Chairman, the gentleman from South Carolina and the gentleman from Texas have both stated that the mail was not facilitated nor the time shortened under this contract. Now, let me just give one illustration of what is done. That fast mail leaves Washington at 8 o'clock in the morning. It arrives in Atlanta at 11 in the evening. There it is met by a train to Augusta, by another going to Savannah, by another going to Birmingham, Ala., by another going to Chattanooga and Nashville, and by another train.

Now, Mr. Chairman, there is just one suggestion that the gentleman from South Carolina threw out that has left a false impression upon this House. I suggested to him when he was talking that he knew nothing about the matter. That train arrives in Atlanta at 11 o'clock. Every single town on the Georgia Railroad, on the Georgia Central Railroad, on the Chattanooga road, and on the Birmingham road receives its mail earlier, and every rural mail carrier in that country gets his mail earlier, and immediately after breakfast starts throughout the country with it.

There is not a farmer or mechanic, negro or white man in that country but gets his mail from six to twelve hours earlier than he did before; and yet the gentleman from South Carolina stands up and says there is no facility, no increase of facilities. That is all I want to say. I only wanted to show that the gentleman did not know anything about it.

Mr. TALBERT. Mr. Chairman, in reply to what the gentleman has said——

Mr. HAY. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. HAY. Debate has been exhausted on this paragraph.

Mr. TALBERT. I desire, Mr. Chairman, to only say a few words in reply to my distinguished friend.

The CHAIRMAN. The gentleman from Virginia makes the point of order that debate upon this amendment is exhausted.

Mr. TALBERT. Then I move to strike out the last word.

Now, Mr. Chairman, I want to say, in reply to my friend, that the president of the Chamber of Commerce of Augusta says that it makes it twenty-four hours later, and you say that it makes it twelve hours earlier. Now, both of these statements can not be true; one must be true and the other must be a mistake.

Now, Mr. Chairman, I hope that my amendment will prevail. There is only one question here. If you desire to legislate for the railroads, vote for this appropriation; if you desire to legislate for the people, vote it out. That is the policy I always follow. If this train is on, which I deny—I do not believe it [laughter]—it carries the mail only to a certain section, and makes it twenty-four hours later to the great masses of the people all through the country. So I stand here as a representative of the people, and shall vote for striking out this item.

Mr. LOUD. Mr. Chairman——

Mr. BANKHEAD. Mr. Chairman, I just want to say a word in reply to the statement made.

The CHAIRMAN. The gentleman from California was recognized.

Mr. LOUD. I move that debate upon this paragraph be closed.

Mr. TALBERT. I would like to ask the gentleman a question.

The CHAIRMAN. The gentleman from California moves that debate upon this paragraph and amendments be closed. The question is on agreeing to the motion.

The question was taken, and the motion was agreed to.

The CHAIRMAN. The question is on the last amendment of the gentleman from South Carolina, to strike out the last word.

Mr. TALBERT. I withdraw that amendment, and I ask for a vote on my amendment striking out the paragraph.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the question is on the amendment striking out the paragraph.

The question was taken.

Pending the announcement,

Mr. KLEBERG. Division.

The committee divided; and there were—ayes 80, noes 76.

Mr. BANKHEAD. Tellers.

The question was taken, and tellers were ordered.

The CHAIRMAN. The gentleman from South Carolina [Mr. TALBERT] and the gentleman from Alabama [Mr. BANKHEAD] will please take their places as tellers.

The committee again divided; and the tellers reported—ayes 73, noes 87.

So the amendment was lost.

The Clerk read as follows:

For continuing necessary and special facilities on trunk lines from Kansas City, Mo., to Newton, Kans., $25,000, or so much thereof as may be necessary: *Provided*, That no part of this appropriation shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service.

Mr. GROSVENOR. Mr. Chairman, I move to strike out the last word.

If my friend from South Carolina had given heed to the words of warning which I gave to him, the bill would have been twenty minutes further along on its way to passage than it now is. I have voted to strike out that proposition about fifteen times, and the result has been uniform, and to the majority of the committee always satisfactory. Now, this paragraph upon which I have now proposed an amendment stands to me to-day in a very different light from the other one. I opposed this proposition also. It is to carry the mails promptly from Kansas City, Mo., and Kansas City, Kans., southward down to Newton, Kans.

I was very much opposed to that, and did all I could to eliminate it from the postal appropriation bill. But I was approached on one occasion by a gentleman who took me into his confidence, and he said that there was a very unpleasant condition of politics down toward the southern hemisphere, reached by that line of railroad out of Kansas City, and he thought we ought to appropriate money enough to disseminate and diffuse the printed material that was issued in Kansas City down into Kansas. And I in a large part withdrew my opposition to the amendment. I knew that the Kansas City Journal, of Kansas City, Mo., was a very sound Republican newspaper, and I knew that the Kansas City Star was a very able paper, for it has attacked me a great many times within the last three years very ably. [Laughter.] I thought by giving away $25,000 of the public money we might get some light down into the State of Kansas.

Mr. SHATTUC. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. SHATTUC. I ask if the remarks of the gentleman from Ohio are germane to the amendment?

Mr. GROSVENOR. If the gentleman does not know better, the Chair will inform him. This is another paragraph.

Mr. SHATTUC. Mr. Chairman, I rise to a point of order. We have passed that amendment; we have passed that paragraph.

Mr. GROSVENOR. I am discussing the same point that the gentleman thinks we have passed. He is riding backward in one of those fast trains, looking out of the window, apparently. [Laughter.]

Mr. SHATTUC. I may be wrong, of course, but I want to leave it to the Chair to determine. Am I in order, Mr. Chairman? I say the remarks of the gentleman are not germane.

Mr. GROSVENOR. I am discussing the appropriation of $25,000 to the railroad line from Kansas City to Newton, Kans.

The CHAIRMAN. The amendment offered by the gentleman from Ohio was to strike out the last word, and there is always a good deal of latitude allowed for such an amendment——

Mr. SHATTUC. I claim, Mr. Chairman, that the gentleman's remarks are not germane.

The CHAIRMAN. The gentleman is out of order himself, and must wait until the Chair concludes his remarks. The point of order being made, he should confine himself to the amendment before the House.

Mr. GROSVENOR. I move to strike out the paragraph, Mr. Chairman, which was what I intended when I rose.

Mr. SHATTUC. I will sit down, Mr. Chairman, if I am out of order, but I ask whether or not the amendment offered by the gentleman from South Carolina was not to the same effect?

Mr. GROSVENOR. Not at all.

Mr. SHATTUC. I am not asking the gentleman from Ohio; I am asking the Chair.

Mr. GROSVENOR. This is another paragraph.

Mr. SHATTUC. I want the Chair to tell me, so that I will have some confidence in it. [Laughter.]

The CHAIRMAN. The gentleman from Ohio moves to strike out the paragraph.

Mr. SHATTUC. I beg the gentleman's pardon.

Mr. GROSVENOR. Oh, I would not if I were you. [Laughter.] Mr. Chairman, I now begin another five-minute speech. [Laughter.] As I was saying, knowing the ability of the newspapers in Kansas City to throw light down into Kansas and thence by dissemination into Nebraska and Colorado and other points, I withdrew, practically, my objection to this subsidy amendment of $25,000. My friend was wise, and I heeded his counsel wisely. The subsidy has been granted year after year. The newspapers have gone into Kansas, and light has broken out and results have followed, and I am in favor of keeping up the $25,000 as long as there is any danger of the resuscitation of Populism down in that splendid section of the country. [Laughter.] Mr. Chairman, I withdraw my proposed amendment.

Mr. HENRY C. SMITH. Mr. Chairman, I renew the amendment to strike out the paragraph. I want to say, in the first place, that I believe with most people in fair play to all and favors to none, with special privileges to none and with equal rights to all, a precept which I have often heard from the other side of this Chamber ever since I have been here. I want to say, too, that neither the Southern Railroad, mentioned in the first paragraph upon which the committee has acted, nor the Santa Fe Railroad, mentioned in the paragraph which I have asked to have struck out—I say that both of these concerns have passed beyond the pale of infant industries and need no further protection.

I do not believe they need any special subsidy or aid. They are not asking for it. No evidence is taken by the Post-Office Committee to sustain the appropriation. Since I have been a member of this House it has not even been intimated that these roads are anywhere on record as asking for these special subsidies. The Postmaster-General said on the hearings that he did not recommend it. I do not believe they need this nursing indicated by the gentleman from Ohio [Mr. GROSVENOR], even of the Republican newspapers, to sustain and better the condition of the people along the line of the latter road.

Why should there be an appropriation given to the Southern Railroad or to the Santa Fe Railroad—to one of something over $100,000 and to the other only $25,000—to carry the mails, and this over and above that what other railroads get for like services? Why not subsidize the Lake Shore and Michigan Southern Railroad, which has the best mail train in the United States, beyond

any doubt, going from New York to Chicago? Why not subsidize the Wabash? Why not subsidize all the great railroad lines which carry special mail and have fast mail trains?

Why, the Government fixes a penalty if the mail does not arrive on time. These railroad companies which carry the mail under contract with the Government, if they are behind a certain number of minutes in their arrival at certain points, must pay a penalty, and the payment of that penalty is sufficient to induce the railroad company, if there were no other reason, to make time without any subsidy, to stimulate the onward progress of these great mail trains. No man stands more in favor of the advancement of mail facilities in this country than I do, but the most of these mail trains carry passengers and express and do a general railway business.

Some gentleman stated that these trains preceded every other train; that all trains got out of the way for them. That is a question of the management of the company. The company has a right to say which train shall precede another, which shall have the right of way. Railroads are quite ready to serve the public in such manner as the public needs require. Even now I understand one great railroad company, for the purpose of affording the people an opportunity to have coal, has withdrawn from service one of its principal passenger trains, asking that the passengers be inconvenienced for a time in order that the people may have coal to keep them warm. This is a hopeful sign, when the quasi public servants recognize their obligation to the public, and that unasked.

There is no doubt that the railroad companies are willing and ready to do the fair thing, but they are not, in these prosperous days, beggars for special sums of money for performing these services, in a measure, at least, of a public nature. I am not making any onslaught against the companies that receive this subsidy, or against railroad companies generally, but what I contend for is that if one railroad company is to be benefited in a special and an exceptional manner, then all should be so benefited. I hope that both of these subsidies will go out together. Let us have a vote upon the proposition and let gentlemen go on the record.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Michigan.

The question was taken; and on a division (demanded by Mr. COWHERD) there were—ayes 46, noes 66.

So the amendment was rejected.

The Clerk read as follows:

For payment of rewards for the detection, arrest, and conviction of post-office burglars, robbers, and highway mail robbers, $25,000: *Provided*, That 10 per cent of the foregoing amounts appropriated for service in the office of the Fourth Assistant Postmaster-General may be available interchangeably for expenditure on the objects named, but no one item of appropriation shall thereby be increased more than 10 per cent.

Mr. LAMB. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

At the end of line 2, page 27, insert the following:

"Hereafter envelopes with printed addresses shall be classified in the mail as printed matter."

Mr. LOUD. Mr. Chairman, on that I raise the point of order.

The CHAIRMAN. The gentleman will state the ground of his point of point.

Mr. LOUD. It is new legislation.

Mr. LAMB. This may be subject to the point of order, but I hope the gentleman will reserve it until I can make an explanation.

Mr. LOUD. I will reserve the point of order for the present.

Mr. LAMB. Mr. Chairman, this is a provision to so modify and change the postal law that third-class matter may be included in sending envelopes or more than one envelope out to customers from any given point. If you will refer to the fourth paragraph of section 474 of the postal laws, you will find the following provision:

A single blank or printed card or envelope, with a written or printed address thereon may be inclosed with third-class matter.

Now, a good many of my constituents who are largely engaged in various enterprises have, in the last few days, presented to the Third Assistant Postmaster-General a schedule of prices fixed by the postmaster in Richmond for the mailing of third-class matter. The postmaster at Richmond ruled against them. Yesterday, very reluctantly, the Third Assistant Postmaster-General sustained that ruling, but he informed me that there could be no objection to such an amendment as I here offer. While it may be subject to a point of order, I hope the chairman of this committee will not insist upon the same in view of the fact that these people will be inconvenienced and taxed simply because this law of last year failed to say "envelopes" instead of "envelope." If my amendment passes this embarrassment will be relieved and my constituents will be greatly benefited. I think it is a plain proposition, and I hope that the point of order will not be insisted upon.

Mr. LOUD. I want to say, Mr. Chairman, that if I had the time to investigate this question, or if the committee had the time, we might not be compelled to raise the point of order; but as there are many things involved in this amendment, I feel constrained to insist on the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

SEC. 4. That hereafter, under such regulations as the Postmaster-General may establish for the collection of the lawful revenue and for facilitating the handling of such matter in the mails, it shall be lawful to accept for transmission in the mails quantities of not less than 2,000 identical pieces of third or fourth class matter without postage stamps affixed: *Provided*, That postage shall be fully prepaid thereon.

Mr. LOUD. Mr. Chairman, I desire to offer the following amendment.

The Clerk read as follows:

Amend, page 29, after line 9, by inserting the following:

"SEC. 5. Whoever by violence enters a railway post-office car or any apartment in any railway car assigned to the use of the Railway-Mail Service, or who willfully or maliciously assaults a railway postal clerk in the discharge of his duties in connection with such car or apartment, and whoever willfully aids or assists therein, shall for every such offense be punishable by a fine of not more than $1,000 or by imprisonment for not more than three years."

Mr. SMITH of Kentucky. I make the point of order against that that it is new legislation.

Mr. LOUD. Will the gentleman listen for just one moment?

Mr. SMITH of Kentucky. Yes.

Mr. LOUD. There is law providing punishment for an attack on all post-office officials except railway mail clerks. The Department has urged this amendment for a number of years. I can not for the life of me see why the railway mail clerk should not be afforded the same protection that is accorded to every other postal officer. That is all there is in the amendment.

Mr. BARTLETT. May I ask the gentleman what the purpose of this amendment is? Is it just simply to put the railway mail clerks upon the same footing as to protection from assault as the city letter carriers and other carriers?

Mr. LOUD. That is all.

Mr. GROSVENOR. It is clearly necessary.

Mr. SMITH of Kentucky. I should like to have the amendment reported again. I did not catch its full import.

The amendment was again read.

The CHAIRMAN. Does the gentleman insist on his point of order?

Mr. SMITH of Kentucky. I withdraw the point of order.

The amendment was agreed to.

Mr. LOUD. I offer the following amendment.

The amendment was read, as follows:

Add a new section to stand as section 6, to read as follows:

"SEC. 6. That hereafter the Postmaster-General may, from time to time, designate any officer of the Post-Office Department above the grade of fourth-class clerk to sign warrants and collection and transfer drafts in his stead, and such warrants and drafts when so signed shall be of the same validity as if they had been signed by the Postmaster-General."

The amendment was agreed to.

Mr. LOUD. I see that there are two sections 3 in this bill. I ask that the Clerk be directed so to arrange the sections as that they may be in numerical order. It will simply require a renumbering of the sections.

The CHAIRMAN. The gentleman from California asks unanimous consent that the Clerk be permitted to arrange the sections so that they may come in numerical order. Is there objection?

There was no objection.

The Clerk resumed and completed the reading of the bill.

And then, on motion of Mr. LOUD, the committee rose; and Mr. LACEY having taken the chair as Speaker pro tempore, Mr. OLMSTED, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 16990) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1904, and for other purposes, and had directed him to report the same back to the House with amendments and with the recommendation that the bill as amended do pass.

Mr. LOUD. I move the previous question on the bill and amendments to the final passage.

The previous question was ordered.

The SPEAKER pro tempore. Is a separate vote demanded upon any of the amendments? If not, the Chair will put them in gross.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and was accordingly read the third time.

The SPEAKER pro tempore. The question now is on the passage of the bill.

Mr. TALBERT. I move to recommit the bill with the following instruction——

Mr. UNDERWOOD. I move to recommit the bill to the Committee on the Post-Office and Post-Roads.

Mr. TALBERT. I move to amend that with the following instructions——

Mr. UNDERWOOD. I make the point of order that that is out of order.

The SPEAKER pro tempore. The gentleman moves to amend with the following amendment.

Mr. UNDERWOOD. I make the point of order against that.

The SPEAKER pro tempore. The Clerk will report the amendment. To this the gentleman from Alabama makes the point of order.

Mr. TALBERT. I move a substitute for the motion of the gentleman from Alabama.

Mr. UNDERWOOD. The gentleman can not substitute a motion.

The Clerk read as follows:

Recommit the bill (House bill 16690) with instructions to the Committee on the Post-Office and Post-Roads to report the bill without delay, leaving out the special facilities appropriation contained on page 22, included in the paragraphs from line 5 to line 18, inclusive.

The SPEAKER pro tempore. A motion to recommit, under section 1 of Rule XVII, can be amended, but is not debatable.

Mr. TALBERT. Then my motion is in order.

The SPEAKER pro tempore. The question is upon the amendment.

Mr. TALBERT. Upon that I demand the yeas and nays.

The question was taken upon ordering the yeas and nays.

The SPEAKER pro tempore. On this question the ayes are 29, the noes 105—a sufficient number, and the yeas and nays are ordered.

Mr. HENRY C. SMITH. I make the point of no quorum.

Mr. LOUD. Mr. Speaker, I move that the House do now adjourn.

Mr. HITT. Mr. Speaker, before that motion is put, I would like to ask the gentleman if he will not withdraw the point of no quorum.

Mr. RICHARDSON of Tennessee. I call for the regular order.

The SPEAKER pro tempore. The regular order is demanded.

Mr. HENRY C. SMITH. I withdraw the point of no quorum.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. HITT. Mr. Speaker, under the rule requiring the printing a day in advance of consideration, I submit a conference report to be printed in the RECORD.

The SPEAKER pro tempore. That will be done under the rule.

The report of the committee of conference is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16604) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1904, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 17, 22, 33, 34, 37, 40, 44, 51, 63, 64, 65, 66, 67, and 70.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 21, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 35, 36, 38, 39, 41, 42, 43, 45, 46, 47, 48, 49, 50, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, and 68; and agree to the same.

Amendment numbered 20: That the House recede frem its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In line 1 of said amendment strike out the word "heirs" and insert in lieu thereof the words "surviving children;" and the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$474,500;" and the Senate agree to same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$94,400;" and the Senate agree to the same.

ROBERT R. HITT,
ROBT. ADAMS, JR.,
HUGH A. DINSMORE,
Managers on the part of the House.

EUGENE HALE,
S. M. CULLOM,
JAMES H. BERRY,
Managers on the part of the Senate.

The statement of the House conferees is as follows:

The managers on the part of the House at the conference on the disagreegreeing votes of the two Houses on H. R. 16604, making appropriations for the diplomatic and consular appropriation service for the fiscal year ending June 30, 1904, submit the following written statement in explanation of the effect of the action recommended in the accompanying conference report on each of said amendments:

The amendment of the Senate making Bulgaria a diplomatic agency instead of a mission combined with Greece and Servia is agreed to.

The Senate amendment making the title of our representative to Siam envoy extraordinary and minister plenipotentiary instead of minister resident and consul-general is agreed to.

The increase of the salary of the minister to Persia from $5,000 to $7,500, and of the secretary of the embassy to Austria-Hungary from $2,250 to $2,625, and of the second secretary from $1,800 to $2,000 are agreed to.

The provision for the secretary to Siam, who is to be consul-general to Bangkok, at $1,800; for the secretary to Switzerland, at $1,500; of the payment of the balance of six months' salary of the late minister to Japan, $6,000, and to the children of the late consul at Martinique, $5,000, are agreed to.

The provision for libraries of diplomatic officers, $6,000, and for a new edition of the Consular Regulations, $3,000, are disagreed to.

The consul at Santiago de Cuba, omitted from the House bill, is provided for, at $3,000.

An advance of $500 each allowed to the consuls at Amherstburg, Coburg, Monterey, Munich, Amsterdam, Breslau, and Sydney (New South Wales) is agreed to.

An advance of $500 at Beirut and Fuchau is disagreed to.

The provision of $2,000 for a consul at Warsaw is disagreed to, and $1,000 for a consul at Colonia is also disagreed to.

A reduction of $500 on the salary at Tamsui, Formosa, is agreed to.

An increase in clerk hire of $600 at Hongkong is agreed to. One for $600 for clerk hire at Monterey and one for $200 at Naples are disagreed to, and one for $250 at Stockholm is agreed to.

The proposed increase of $2,000 for interpreters in China, Korea, and Japan is disagreed to.

The amount of the bill as it passed the House was $1,944,625.69; increased by the Senate, $39,925; amount passed by the Senate, $1,984,550.69; amount agreed to in conference, $1,968,250.69, being a decrease from the bill as passed by the Senate of $16,300.

ROBERT R. HITT.

Mr. MIERS of Indiana. I desire to make the same request with reference to the conference report on Senate bill 4850.

Mr. TALBERT. I rise to a point of order. The point of order is that after the yeas and nays have been ordered the point of no quorum is not in order until after the roll is called.

The CHAIRMAN. The point of no quorum has been withdrawn.

Mr. MIERS of Indiana. I ask that the report and statement be printed in the RECORD.

INCREASED PENSIONS TO THOSE WHO HAVE LOST LIMBS.

The SPEAKER pro tempore. The gentleman from Indiana submits a conference report and statement, which will be printed in the RECORD.

The report of the committee of conference is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill S. 4850, "An act to increase the pensions of those who have lost limbs in the military or naval service of the United States, or are totally disabled in the same," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 4, 5, and 7, and agree to the same.

On amendments numbered 1, 2, 3, 6, and 8 the committee of conference have been unable to agree.

C. A. SULLOWAY,
W. A. CALDERHEAD,
ROBERT W. MIERS,
Managers on the part of the House.

J. H. GALLINGER,
P. J. McCUMBER,
JAS. P. TALIAFERRO,
Managers on the part of the Senate.

The statement of the House conferees is as follows:

The managers on the part of the House on Senate bill 4850, entitled "An act to increase the pensions of those who have lost limbs in the military or naval service of the United States, or are totally disabled in the same," beg leave to report as follows:

This bill passed the Senate on April 19, 1902, and provided an increase of pension to those who, while in the military or naval service of the United States and in line of duty, lost one hand or one foot, or had been totally disabled in the same, from $30 to $45 per month; to those who lost an arm at or above the elbow or a leg at or above the knee, or had been totally disabled in the same, from $36 to $50; to those who lost an arm at the shoulder joint or leg at the hip joint, or one so near the shoulder or hip joint as to prevent the use of an artificial limb, from $45 to $60 per month; and an increase to those who lost one hand and one foot, or had been totally disabled in the same, from $36 to $60 per month.

On June 16, 1902, the House made the following amendments to that bill:

First amendment: On page 1, line 6, after the word "duty," insert the words "from wounds, injuries, or disease originating prior to August 4, 1886."

Second amendment: On page 1, line 8, strike out the word "forty-five" and insert in lieu thereof the word "forty."

Third amendment: On page 1, line 11, strike out the word "fifty" and insert in lieu thereof the word "forty-six."

Fourth amendment: On page 2, line 1, after the word "joint," insert the words "or where the same is in such a condition."

Fifth amendment: On page 2, line 2, strike out the words "or are totally disabled in the same."

Sixth amendment: On page 2, line 3, strike out the word "sixty" and insert in lieu thereof the word "fifty-five."

Seventh amendment: On page 2, line 6, after the word "month," insert the words "and that all persons who in like manner shall have lost both feet shall receive a pension at the rate of $100 per month: *Provided however*, That this act shall not be so construed as to reduce any pension under any act, public or private."

The eighth amendment was a new section, namely, section 2, and reading as follows:

"That the pensions of all persons who served one year or more in the Army or Navy of the United States, and who, under the act approved June 27, 1890, and the acts amendatory thereof, are drawing or hereafter shall be entitled to draw a pension at the rate of $12 per month, and who are or shall become so disabled from injuries or disease as to require the frequent and periodical aid and attendance of another person, shall be increased to $30 per month from and after the date of the certificate of the examining surgeon or board of examining surgeons showing such degree of disability and made subsequent to the passage of this act."

After a full and free conference the Senate has receded from its disagreement to the House amendments numbered 4, 5, and 7 and agrees to the same, but on the amendments numbered 1, 2, 3, 6, and 8 the committee on conference have been unable to agree.

Mr. LOUD. I insist on my motion, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from California moves that the House do now adjourn.

Mr. WILLIAM W. KITCHIN. A parliamentary inquiry, Mr. Speaker. If this motion to adjourn is adopted, will the yea-and-nay vote come up in the morning?

Mr. GROSVENOR. The first thing in the morning.

Mr. STEELE. Let us have the regular order.

The SPEAKER pro tempore. It will be the regular order.

Mr. STEELE. A motion to adjourn is not debatable.

The SPEAKER pro tempore. Pending this motion, the Chair will submit to the House the following request of a member.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. GLENN, indefinitely, on account of illness in his family.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 7166. An act granting an increase of pension to Fanny Farmer—to the Committee on Invalid Pensions.

S. 6968. An act granting the Central Arizona Railway Company a right of way for railroad purposes through the San Francisco Mountains Forest Reserve, in the Territory of Arizona—to the Committee on the Public Lands.

S. 7053. An act to further regulate commerce with foreign nations and among the States—to the Committee on Interstate and Foreign Commerce.

The motion to adjourn was then agreed to.

And accordingly (at 5 o'clock and 32 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a list of judgments rendered by the Court of Claims—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of State calling attention to certain estimates of deficiency—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting record of award to Walter Grant Dygert by the Spanish Treaty Claims Commission—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Supervising Architect relating to repairs of wharf at Wilmington, N. C.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a schedule of claims allowed by accounting officers of the Treasury under appropriations, the balances of which have been exhausted or carried to the surplus fund—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of J. B. Hutcheson, administrator of estate of Fumey Hutcheson, against The United States—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. KLEBERG, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 13074) to authorize the governor of the State of Mississippi to select certain lands in part satisfaction of its grant for university purposes, reported the same with amendment, accompanied by a report (No. 3540); which said bill and report were referred to the House Calendar.

Mr. LACEY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 16946) to amend an act entitled "An act to extend the coal-land laws to the district of Alaska," approved June 6, 1900, reported the same with amendment, accompanied by a report (No. 3541); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. COOPER of Wisconsin, from the Committee on Insular Affairs, to which was referred the bill of the House (H. R. 17244) to provide for the removal of persons accused of crime to and from the Philippine Islands for trial, reported the same without amendment, accompanied by a report (No. 3542); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 14) granting an increase of pension to George F. Howe, alias Harrington, reported the same without amendment, accompanied by a report (No. 3484); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 532) granting an increase of pension to Merritt Young, reported the same without amendment, accompanied by a report (No. 3485); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1128) granting an increase of pension to Lyman Matthews, reported the same without amendment, accompanied by a report (No. 3486); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1738) granting an increase of pension to Thomas Doyle, reported the same without amendment, accompanied by a report (No. 3487); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1914) granting an increase of pension to Elbert Chittum, reported the same without amendment, accompanied by a report (No. 3488); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1939) granting an increase of pension to John M. Drake, reported the same without amendment, accompanied by a report (No. 3489); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2007) granting a pension to Mary A. Everts, reported the same without amendment, accompanied by a report (No. 3490); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invald Pensions, to which was referred the bill of the Senate (S. 2111) granting an increase of pension to William Kepler, reported the same without amendment, accompanied by a report (No. 3491); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2130) granting a pension to Margaret A. Munson, reported the same without amendment, accompanied by a report (No. 3492); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2256) granting an increase of pension to Andrew J. Pennel, reported the same without amendment, accompanied by a report (No. 3493); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2259) granting a pension to Sarah J. Snook, reported the same without amendment, accompanied by a report (No. 3494); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2302), granting a pension to Rose O. Crummett, reported the same without amendment, accompanied by a report (No. 3495); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2363) granting an increase of pension to James A. Capen, reported the same without amendment, accompanied by a report (No. 3496); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2439) granting an increase of pension to Richard A. Larimer, reported the same without amendment, accompanied by a report (No. 3497); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2591) granting an increase of pension to George W. McComb, reported the same without amendment, accompanied by a report (No. 3498); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2596) granting an increase of pension to Israel F. Barnes, reported the same without amendment, accompanied by a report (No. 3499); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2626) granting an increase of pension to Ardenia Dillon, reported the same without amendment, accompanied by a report (No. 3500); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2799) granting an increase of pension to Israel V. Hoag, reported the same without amendment, accompanied by a report (No. 3501); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2936) granting an increase of pension to Berthold Fernow, reported the same without amendment, accompanied by a report (No. 3502); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2974) granting an increase of pension to Samuel J. Boyer, reported the same without amendment, accompanied by a report (No. 3503); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3081) granting an increase of pension to Leonard A. Norton, reported the same without amendment, accompanied by a report (No. 3504); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3249) granting an increase of pension to Charles W. Scherzer, reported the same without amendment, accompanied by a report (No. 3505); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3405) granting an increase of pension to William H. H. Bouslough, reported the same without amendment, accompanied by a report (No. 3506); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3542) granting an increase of pension to William H. Shaw, reported the same without amendment, accompanied by a report (No. 3507); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3568) granting an increase of pension to John P. Travis, reported the same without amendment, accompanied by a report (No. 3508); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3573) granting an increase of pension to John P. Post, reported the same without amendment, accompanied by a report (No. 3509); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3574) granting an increase of pension to Henry R. Bennett, reported the same without amendment, accompanied by a report (No. 3510); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3608) granting an increase of pension to Alphonso T. Gould, reported the same without amendment, accompanied by a report (No. 3511); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3632) granting an increase of pension to Frank E. Freeman, reported the same without amendment, accompanied by a report (No. 3512); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3645) granting an increase of pension to Simeon Deno, reported the same without amendment, accompanied by a report (No. 3513); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4134) granting an increase of pension to Timothy Loughlin, reported the same without amendment, accompanied by a report (No. 3514); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4359) granting an increase of pension to John S. Milam, reported the same without amendment, accompanied by a report (No. 3515); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4607) granting an increase of pension to Oliver G. Wright, reported the same without amendment, accompanied by a report (No. 3516); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4752) granting an increase of pension to Betsey Jones, reported the same without amendment, accompanied by a report (No. 3517); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4806) granting an increase of pension to Frank A. Olney, reported the same without amendment, accompanied by a report (No. 3518); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5020) granting a pension to Emma D. Goslin, reported the same without amendment, accompanied by a report (No. 3519); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5040) granting an increase of pension to Stephen G. Cole, reported the same without amendment, accompanied by a report (No. 3520); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5055) granting an increase of pension to Mary E. Phillips, reported the same without amendment, accompanied by a report (No. 3521); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5117) granting an increase of pension to John U. Allen, reported the same without amendment, accompanied by a report (No. 3522); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5359) granting an increase of pension to Hampton B. Farmer, reported the same without amendment, accompanied by a report (No. 3523); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5389) granting an increase of pension to Jasper N. Acree, reported the same without amendment, accompanied by a report (No. 3524); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5733) granting an increase of pension to John W. Slack, reported the same without amendment, accompanied by a report (No. 3525); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5803) granting an increase of pension to Nathaniel A. Winks, reported the same without amendment, accompanied by a report (No. 3526); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5846) granting an increase of pension to Thomas G. Forrester, reported the same without amendment, accompanied by a report (No. 3527); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5850) granting an increase of pension to Herbert Whitworth, reported the same without amendment, accompanied by a report (No. 3528); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5852) granting an increase of pension to Robert P. McRae, reported the same without amendment, accompanied by a report (No. 3529); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5901) granting an increase of pension to Orange Sells, reported the same without amendment, accompanied by a report (No. 3530); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5938) granting an increase of pension to Henry O. McClure, reported the same without amendment, accompanied by a report (No. 3531); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6012) granting an increase of pension to Mary Ann Sears, reported the same without amendment, accompanied by a report (No. 3532); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6066) granting an increase of pension to Edward Straub, reported the same without amendment, accompanied by a report (No. 3533); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6276) granting an increase of pension to Mary E. Russell, reported the same without amendment, accompanied by a report (No. 3534); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6338) granting a pension to Albert M. Smith, reported the same without amendment, accompanied by a report (No. 3535); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6350) granting a pension to Inez McCollum, reported the same without amendment,

accompanied by a report (No. 3536); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6607) granting an increase of pension to Fordyce M. Keith, reported the same without amendment, accompanied by a report (No. 3537); which said bill and report were referred to the Private Calendar.

Mr. BULL, from the Committee on Naval Affairs, to which was referred the bill of the Senate (S. 4577) for the relief of William McCarty Little, reported the same without amendment, accompanied by a report (No. 3538); which said bill and report were referred to the Private Calendar.

Mr. MILLER, from the Committee on Claims, to which was referred the bill of the Senate (S. 5561) for the relief of S. R. Green, reported the same without amendment, accompanied by a report (No. 3539); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 16586) granting a pension to Henry Landan—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16897) for the relief of Plains Lodge, No. 135, Free and Accepted Masons, of East Baton Rouge, La.—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 17201) to remove the charge of desertion from the military record of Andrew Brewton—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. RIXEY (by request): A bill (H. R. 17258) in regard to assessments on extension of Rhode Island avenue—to the Committee on the District of Columbia.

By Mr. MUDD (by request): A bill (H. R. 17259) to exempt building associations in the District of Columbia from taxation—to the Committee on the District of Columbia.

By Mr. NAPHEN: A bill (H. R. 17260) to change the location of the light-house depot at Castle Island, Boston Harbor, Massachusetts—to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON: A bill (H. R. 17261) for an addition to the public building at Greenville, S. C.—to the Committee on Public Buildings and Grounds.

By Mr. MUDD: A bill (H. R. 17262) to regulate the hours of service and compensation of attendants and nurses at the Government Hospital for the Insane, in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BOWIE: A resolution (H. Res. 430) calling on the Secretary of Agriculture for an opinion—to the Committee on Agriculture.

By Mr. WACHTER: A resolution (H. Res. 431) for the appointment of an additional clerk for the Committee on Enrolled Bills—to the Committee on Accounts.

By Mr. EDWARDS: A resolution of the legislature of Montana relating to the shipment of live stock—to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BLAKENEY: A bill (H. R. 17263) granting an increase of pension to John Brown—to the Committee on Invalid Pensions.

By Mr. BOREING: A bill (H. R. 17264) granting a pension to Sidney Coffee—to the Committee on Invalid Pensions.

By Mr. DOUGHERTY: A bill (H. R. 17265) granting an increase of pension to W. H. Lewis—to the Committee on Invalid Pensions.

By Mr. DOVENER: A bill (H. R. 17266) granting a pension to Eliza J. Davidson—to the Committee on Invalid Pensions.

By Mr. FEELY: A bill (H. R. 17267) granting an increase of pension to Emma R. Wallace—to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 17268) granting an increase of pension to James C. Neff—to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 17269) granting a pension to Rachel Tyson—to the Committee on Pensions.

By Mr. REID: A bill (H. R. 17270) for the relief of Eli G. Collier—to the Committee on War Claims.

By Mr. RYAN: A bill (H. R. 17271) granting an increase of pension to William K. Fowle—to the Committee on Invalid Pensions.

By Mr. THOMAS of North Carolina: A bill (H. R. 17272) for the relief of the heirs of Sarah Hartley—to the Committee on War Claims.

By Mr. DOVENER: A bill (H. R. 17273) granting a pension to Oscar M. Parsons—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CASSEL: Resolution of the Central Labor Union of Columbia, Pa., for the repeal of the desert-land law—to the Committee on the Public Lands.

By Mr. CONRY: Resolution of the common council of the city of Boston, Mass., asking for a light-house station in Boston Harbor—to the Committee on Interstate and Foreign Commerce.

By Mr. DOVENER: Affidavits to accompany bill for a pension to Eliza J. Davidson—to the Committee on Invalid Pensions.

Also, five affidavits to accompany bill for a pension to Oscar M. Parsons—to the Committee on Invalid Pensions.

By Mr. FLYNN: Papers to accompany House bill 17211, granting a pension to James M. Walker—to the Committee on Invalid Pensions.

By Mr. GIBSON: Petition of George F. Wrinkle, for increase of pension—to the Committee on Invalid Pensions.

By Mr. HAMILTON: Petition of J. C. Leggett and others, of Hopkins Station, Mich., in support of the McCumber bill, and in relation to the sale of liquor in immigrant stations, Government buildings, etc.—to the Committee on Public Buildings and Grounds.

By Mr. HEMENWAY: Petition of A. H. Kennedy and other citizens of Rockport, Ind., and vicinity, for 9-foot draft of water in the Ohio River—to the Committee on Rivers and Harbors.

By Mr. HULL: Protest of citizens of Sandwich, N. H., against the repeal of the anticanteen law—to the Committee on Military Affairs.

By Mr. IRWIN: Petition of merchants and manufacturers of Louisville, Ky., for the improvement of the Ohio River from Pittsburg to Cairo—to the Committee on Rivers and Harbors.

By Mr. JOY: Petition of H. F. Hasselbrock and other retail druggists of St. Louis, Mo., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. KAHN: Papers to accompany House bill granting a pension to Mary E. McKinnon—to the Committee on Invalid Pensions.

By Mr. MAHONEY: Resolution of Woodworkers' Union No. 7, of Chicago, Ill., for the repeal of the desert-land law—to the Committee on the Public Lands.

By Mr. McANDREWS: Resolution of the Progressive Caulkers and Cast-iron Water and Gas Main Pipe Layers' Union, of Chicago, Ill., for the repeal of the desert-land law—to the Committee on the Public Lands.

By Mr. McCLEARY: Petition of Thad H. Howe, president Cigar Makers' Association, opposing any reduction in the duty on cigars coming from Cuba—to the Committee on Ways and Means.

By Mr. PALMER: Protest of Luzerne County Lodge, No. 153, Order of B'rith Abraham, Wilkesbarre, Pa., against the exclusion of Jewish immigrants at the port of New York—to the Committee on Immigration and Naturalization.

By Mr. RIXEY: Petition of the heirs of Mary A. Hall, deceased, late of Alexandria County, Va., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. SPERRY: Petition of Tiphereth Zion Lodge, No. 199, Order of B'rith Abraham, of Ansonia, Conn., relative to immigration—to the Committee on Immigration and Naturalization.

By Mr. THOMAS of North Carolina: Paper to accompany bill for the relief of the heirs of Sarah Hartley—to the Committee on War Claims.

By Mr. WOODS: Resolutions of City Front Federation, of San Francisco, and of the Stockton Federated Trades, of Stockton, Cal., favoring the repeal of the desert-land law—to the Committee on the Public Lands.

By Mr. YOUNG: Resolutions of the Philadelphia Maritime Exchange and Maritime Association of the Port of New York, favoring the passage of House bill 10158 for the removal of discriminations against American sailing vessels in the coasting trade—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Cigar Dealers' Association, of Chicago, Ill., protesting against the reduction of duty on cigars—to the Committee on Ways and Means.

SENATE.

THURSDAY, *February 5, 1903.*

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. BERRY, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. If there be no objection, the Journal will stand approved. The Chair hears none, and it is approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 7124) to provide for the removal of persons accused of crime to and from the Philippine Islands for trial.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16604) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1904.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 15449) to increase the efficiency of the Army, asks a conference with the Senate on the disagreeing votes of the two houses thereon, and had appointed Mr. HULL, Mr. PARKER, and Mr. SULZER managers on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President pro tempore:

A bill (H. R. 159) providing for free homesteads on the public lands for actual and bona fide settlers in the north one-half of the Colville Indian Reservation, State of Washington, and reserving the public lands for that purpose;

A bill (H. R. 647) for the relief of William P. Marshall;

A bill (H. R. 5756) for the relief of the officers and crew of the U. S. S. *Charleston*, lost in the Philippine Islands November 2, 1899;

A bill (H. R. 9503) to authorize the Oklahoma City and Western Railroad Company to construct and operate a railway through the Fort Sill Military Reservation, and for other purposes;

A bill (H. R. 16099) to cancel certain taxes assessed against the Kall tract;

A bill (H. R. 16630) to detach the county of Dimmit from the southern judicial district of Texas and to attach it to the western judicial district of Texas;

A bill (H. R. 16651) to fix the time for holding the United States district and circuit courts in the northern and middle districts of Alabama;

A bill (H. R. 16724) to provide for an additional judge of the district court of the United States for the southern district of New York; and

A joint resolution (H. J. Res. 184) requesting State authorities to cooperate with Census Office in securing a uniform system of birth and death registration.

PETITIONS AND MEMORIALS.

Mr. HOAR. I present a petition signed by the presidents of 11 American colleges and 46 college professors in various colleges, which are in addition to a large number signed by other presidents and professors, asking that the inquiry into the conditions in the Philippine Islands may be continued, so that the American people may know just what is going on there. I move that the petition be referred to the Committee on the Philippines.

The motion was agreed to.

Mr. GAMBLE presented a petition of Labor Union No. 14, Western Federation of Miners, of Deadwood, S. Dak., praying for the passage of the so-called eight-hour bill; which was ordered to lie on the table.

Mr. PENROSE presented a petition of the Woman's Christian Temperance Union of Kushequa, Pa., praying for the adoption of an amendment to the Constitution to prohibit remarriage, unless divorced under certain conditions; which was referred to the Committee on the Judiciary.

He also presented petitions of the congregation of the First United Presbyterian Church of Sheridan; of the congregation of Mt. Washington Baptist Church, of Pittsburg; of the congregation of the Central Reformed Church, of Allegheny; of 31 citizens of Warren; of the congregation of the Duquesne Heights Methodist Episcopal Church, of Pittsburg; of the Woman's Christian Temperance Union of Allegheny, and of the congregation of the Trinity Lutheran Church, of Selinsgrove, all in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented petitions of the International Brotherhood of Electrical Workers of Philadelphia, of Cigarmakers' Local Union No. 316, of McSherrystown, of the Central Labor Union of Columbia, of the Central Labor Union of Lancaster, of the Trades Assembly of Williamsport, and of Cigarmakers' Local Union No. 301, of Akron, all of the American Federation of Labor, in the State of Pennsylvania, praying for the repeal of the desert-land law and the commutation clause of the homestead act; which were referred to the Committee on Public Lands.

He also presented petitions of 29 citizens of East Smithfield, of the Women's Christian Temperance Union of Glen Campbell, and of the congregation of the Mount Washington Methodist Episcopal Church, of Pittsburg, all in the State of Pennsylvania, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Government buildings; which were referred to the Committee on Public Buildings and Grounds.

He also presented petitions of Star Lodge, No. 329, of Philadelphia; of Liberty Lodge, No. 6, of Philadelphia; of Keystone Lodge, No. 120, of Philadelphia; of McKinley Lodge, No. 283, of Pottstown; of Wilkesbarre Lodge, No. 158, of Wilkesbarre; of Pennsylvania Lodge, No. 19, of Philadelphia; of Judge Meyer Sulzberger Lodge, No. 95, of Philadelphia, and of Pennsylvania Lodge, No. 67, of Philadelphia, all of the Order of B'rith Abraham, in the State of Pennsylvania, praying for the enactment of legislation to modify the methods and practice pursued by the immigration officers at the port of New York; which were referred to the Committee on Immigration.

He also presented petitions of 19 citizens of Hegins, of 44 citizens of Aristes, and of 25 citizens of Lehigh, all in the State of Pennsylvania, and of 84 citizens of Boston, Mass., praying for the enactment of legislation to restrict immigration; which were ordered to lie on the table.

Mr. QUAY presented a memorial of the Seneca Nation of Indians, remonstrating against the enactment of legislation to ratify and confirm a lease made by the Seneca Nation to John Quilter; which was referred to the Committee on Indian Affairs.

Mr. WARREN presented a petition of the Chamber of Commerce of Juneau, Alaska, praying for the enactment of legislation to establish Juneau as a port of entry; which was referred to the Committee on Commerce.

Mr. GALLINGER presented a petition of Granite State Lodge, No. 181, Order of B'rith Abraham, of Manchester, N. H., praying for the enactment of legislation to modify the methods and practice pursued by the immigration officers at the port of New York; which was referred to the Committee on Immigration.

Mr. ELKINS presented a petition of the Woman's Christian Temperance Union of Fairmont, W. Va., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Government buildings; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of Elkhorn Lodge, No. 304, Order of B'rith Abraham, of Keystone, W. Va., praying for the enactment of legislation to modify the methods and practice employed by the immigration officers at the port of New York; which was referred to the Committee on Immigration.

Mr. DRYDEN presented petitions of H. K. Slack, of Trenton; of David S. Mayhew, of Trenton; of H. Huret, of Trenton; of J. B. Keiser, of Paterson; of Local Union No. 13, of Newark; of Carpenters and Joiners' Local Union No. 429, of Montclair; of Local Union No. 163, of Jersey City, all of the American Federation of Labor; of Local Division No. 289, Amalgamated Association of Street Railway Employees, of West Hoboken, and of Local Division No. 174, Order of Railway Conductors, of Paterson, all in the State of New Jersey, and of Lithographers' International Protective and Beneficial Association No. 1, American Federation of Labor, of New York City, N. Y., praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented memorials of the Trent Tile Company, of Trenton; of James R. Sayre, jr., & Co., of Newark; of the Joseph Campbell Preserve Company, of Camden; of the Trenton Potteries Company, of Trenton; of Joseph G. Gallagher, of Newark, and of the John Moses & Sons Company, of Trenton, all in the State of New Jersey, remonstrating against the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented the memorial of Joseph P. O'Lone, of Hoboken, N. J., remonstrating against the repeal of the revenue-stamp tax on eighths kegs of beer; which was referred to the Committee on Finance.

He also presented the petition of M. S. Reeves, of Bridgeton, N. J., and a petition of Admiral Farragut Council, No. 162, Junior Order of United American Mechanics, of Jersey City, N. J., praying for the enactment of legislation to restrict immigration; which were ordered to lie on the table.

He also presented memorials of Mrs. Marten L. Cox, of Newark, of G. Wisner Thorns, of Newark, and of the Society for the Prevention of Cruelty to Animals, of Elizabeth, all in the State of New Jersey, and of Edmund J. Karr, of New York City, N. Y., remonstrating against the enactment of legislation relative to the interstate transportation of live stock; which were referred to the Committee on Interstate Commerce.

He also presented memorials of Rev. DeWitt C. Cobb, of Atlantic Highlands; of Hugh Graham, of Kearny; of Rev. H. M. Brown, of Cranbury; of Walton B. Luds, of Morristown; of Alfred W. Seeds, of Moorestown; of J. K. Carroll, of Dennisville; of Jacob Hayes, of Moorestown; of Mrs. Lizzie Tyler, of Point Pleasant; of Dr. Milton Munson, of Atlantic City; of Nathan J. Taylor, of East Newark; of Edward H. Jones, of Haddonfield; of L. D. Sibley, of Vineland; of W. H. Gardner, of Livingston; of Thomas M. Moore, of Passaic; of J. B. Westcott, of Vineland; of Walter Scott Brown, of Vineland; of L. F. Babcock, of Vineland; of James A. Wood, of Vineland; of H. F. Henderson, of Vineland; of William P. Lyzott, of Vineland; of George A. Mitchell, of Vineland; of John Permisman, of Vineland; of Joseph A. Cornwell, of Vineland; of Rev. C. B. Fisher, of Cape May, and of the Law and Order League of New Jersey, of Cape May, all in the State of New Jersey; of H. W. Collingsworth of New York City; of Frederick E. Kip, of New York City, and of David A. Ackerman, of New York City, all in the State of New York, remonstrating against the repeal of the present anticanteen law; which were referred to the Committee on Military Affairs.

Mr. SCOTT presented petitions of sundry citizens of Ravenwood, Buffalo, Spencer, Weston, Charleston, Lockhart, Wheeling, Buckhannon, and Point Pleasant, all in the State of West Virginia, praying for the enactment of legislation granting to States the power to deal with the intoxicating liquors which may be shipped into their territory from other States; which were referred to the Committee on Interstate Commerce.

Mr. MARTIN presented a petition of Lodge No. 195, Order of B'rith Abraham, of Newport News, Va., praying for the enactment of legislation to modify the methods and practice pursued by the immigration officers at the port of New York; which was referred to the Committee on Immigration.

He also presented a petition of Lodge No. 441, International Association of Machinists, of Portsmouth, Va., praying for the repeal of the desert-land law and the commutation clause of the homestead act; which was referred to the Committee on Public Lands.

Mr. BEVERIDGE presented a memorial of the Humane Society of Elkhart, Ind., remonstrating against the enactment of legislation relative to the interstate transportation of live stock; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Commercial Club, of New Albany, Ind., praying for the adoption of a metric system of weights and measures; which was referred to the Select Committee on Standards, Weights, and Measures.

Mr. SPOONER presented a petition of sundry citizens of Wisconsin, praying for the enactment of legislation to exclude illiterate immigrants, and also to prohibit the sale of intoxicating liquors in Government buildings; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Woman's Christian Temperance Union and sundry citizens of Menomonie, Wis., praying for a continuance of the anticanteen law; to prohibit the sale of intoxicating liquors in immigrant stations and Government buildings, and also for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on Military Affairs.

Mr. TILLMAN presented a memorial of the American Anti-Trust League and District Assembly No. 66, Knights of Labor, of Washington city, D. C., remonstrating against the enactment of legislation placing the Interstate Commerce Commission under the jurisdiction of the department of commerce, and also against merging the Department of Labor with the department of commerce, and praying for the passage of the so-called Heitfeld bill, creating the Department of Labor as a separate department; which was referred to the Committee on Commerce.

STATEHOOD BILL.

Mr. BEVERIDGE. I send to the desk a petition which I ask may be read.

There being no objection, the petition was read, as follows:

CHICKASHA, IND. T., *January 27, 1903.*

Hon. JOSEPH H. MILLARD,
Washington, D. C.

DEAR SIR: In behalf of the women of the Indian Territory and of Sorosis of Chickasha, Ind. T., we beg and implore you to protect us against the horrible injustice of the omnibus bill.

We have a half million people in the Indian Territory, with all the resources that entitles us to statehood. We do not want Oklahoma to become a State without us. We are their equal in population, in taxable wealth, and in every other way.

Do you think it right to give Oklahoma the right to frame the organic law, organize the State government, and have all the advantages in the location of public institutions? No! a thousand times no! It is a palpable injustice to us. Can you afford to discriminate between an equally divided people?

What is nearer our hearts than our children, and 'tis a fact that they need schools and other advantages that can only come from single statehood.

If the omnibus bill passes—and we can hardly believe that the statesmanship of the United States Senate will consent to its perpetration—we are ruined, and implore you to scorn not the cry of the majority of the men, women, and children of the two Territories, for they know of our needs.

We want single statehood with Oklahoma, but rather than have the omnibus bill passed, we would prefer no legislation.

Thanking you in advance, and relying on your influence to protect us against the passage of the omnibus bill, we beg to remain,

Very respectfully,

Mrs. F. E. RIDDLE,
President of Sorosis.
Mrs. J. B. SPARKS,
Secretary of Sorosis.

The PRESIDENT pro tempore. The petition will lie on the table, the statehood bill being now the unfinished business.

REPORTS OF COMMITTEES.

Mr. BERRY, from the Committee on Commerce, to whom were referred the following bills, reported them severally without amendment:

A bill (H. R. 16573) to authorize the construction of a bridge across St. Francis River at or near the town of St. Francis, Ark.;

A bill (H. R. 16975) to authorize the construction of a bridge across the Monongahela River, in the State of Pennsylvania, by the Eastern Railroad Company;

A bill (H. R. 16909) to amend an act entitled "An act authorizing the construction of a bridge across the Cumberland River at or near Carthage, Tenn." approved March 2, 1901;

A bill (H. R. 16646) to authorize the construction of a bridge across Bogue Chitto, in the State of Louisiana;

A bill (H. R. 7648) to authorize the construction of a bridge across the Missouri River and to establish it as a post-road;

A bill (H. R. 16509) to authorize the Pearl and Leaf Rivers Railroad Company to bridge Pearl River, in the State of Mississippi; and

A bill (H. R. 16915) authorizing the commissioners' court of Escambia County, Ala., to construct a bridge across Conecuh River at or near a point known as McGowans Ferry, in said county and State.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (H. R. 16881) to authorize the court of county commissioners of Geneva County, Ala., to construct a bridge across the Choctawhatchee River in Geneva County, Ala., reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. 7158) to authorize the building of a railroad bridge across the Tennessee River at a point between Lewis Bluff, in Morgan County, Ala., and Guntersville, in Marshall County, Ala., reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 16602) to extend the time granted to the Muscle Shoals Power Company by an act approved March 3, 1899, within which to commence and complete the work authorized in the said act to be done by said company, and for other purposes, reported it without amendment.

Mr. BERRY. I move that the bill (S. 6808) to extend the time granted to the Muscle Shoals Power Company by an act approved March 3, 1899, within which to commence and complete the work authorized in the said act to be done by said company, and for other purposes, be taken from the Calendar and indefinitely postponed.

The motion was agreed to.

Mr. BURTON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 1482) granting an increase of pension to John A. Smith;

A bill (H. R. 15421) granting an increase of pension to Elizabeth Palmer;

A bill (H. R. 2675) granting an increase of pension to John M. Stanley; and

A bill (H. R. 13689) granting a pension to William W. Painter.

Mr. ALGER, from the Committee on Military Affairs, to whom was referred the bill (S. 5918) to amend section 1225 of Revised Statutes, so as to provide for detail of retired officers of the Army and Navy to assist in military instruction in schools, reported it with an amendment, and submitted a report thereon.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 11544) to correct the military record of Thomas J. Morman, reported it with an amendment, and submitted a report thereon.

Mr. PRITCHARD, from the Committee on Pensions, to whom

were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 6889) granting an increase of pension to Michael Rader;

A bill (H. R. 11199) granting a pension to Lewis Walton;

A bill (H. R 1377) granting an increase of pension to Bridget Agnes Tridel;

A bill (H. R. 14814) granting a pension to Herman J. Miller;

A bill (H. R. 14302) granting an increase of pension to Samuel Burrell;

A bill (H. R. 14303) granting an increase of pension to Robert H. Maricle; and

A bill (H. R. 15997) granting an increase of pension to Christian J. Flanagan.

Mr. PRITCHARD, from the Committee on Pensions, to whom was referred the bill (H. R. 15400) granting an increase of pension to Enos Turner, reported it with an amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Commerce, to whom was referred the amendment submitted by Mr. BURROWS on the 29th ultimo providing for the establishment of a life-saving station at or near Eagle Harbor, on Keweenaw Point, Mich., intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

He also (for Mr. CARMACK), from the Committee on Pensions, to whom was referred the bill (H. R. 15694) granting a pension to Bessie Ledyard, reported it without amendment, and submitted a report thereon.

Mr. HANNA, from the Committee on Commerce, to whom was referred the amendment submitted by Mr. MCCOMAS on the 4th instant proposing to appropriate $30,000 for the purchase of the site at Curtis Creek, Md., now leased as a depot for the Revenue-Cutter Service, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. PERKINS, from the Committee on Commerce, to whom was referred the bill (S. 6407) to provide for the establishment of a life-saving station at Half Moon Bay, south of Point Montara and near Montara Reef, California, reported it without amendment, and submitted a report thereon.

Mr. FORAKER, from the Committee on Military Affairs, to whom was referred the bill (H. R. 8132) to remove the record of dishonorable dismissal from the military record of John Finn, alias Flynn, reported it with an amendment, and submitted a report thereon.

Mr. MCCOMAS, from the Committee on Education and Labor, to whom was referred the amendment submitted by himself on the 2d instant, relating to the claims of laborers, workmen, and mechanics employed by or on behalf of the Government of the United States for labor performed in excess of eight hours per day, intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. 5453) creating a commission to inquire into the condition of the colored people of the United States, reported it with amendments.

Mr. FRYE, from the Committee on Commerce, reported an amendment proposing to appropriate $200,000 for the construction of a steam revenue cutter of the first class for service on the coast of Maine, intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. DEPEW, from the Committee on Commerce, to whom was referred the amendment submitted by Mr. FOSTER of Washington, on the 29th ultimo, proposing to appropriate $15,000 for the construction of a light-house and fog-signal station on Burrows Island, Puget Sound, State of Washington, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

JAMES L. ELMER.

Mr. PROCTOR. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 6881) for the relief of James L. Elmer, to report it favorably without amendment, and I ask unanimous consent for its present consideration.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes that James L. Elmer, late second lieutenant, Forty-third Infantry, United States Volunteers, and post commissary of subsistence at Tacloban, Leyte, Philippine Islands, shall be relieved from liability to the United States on account of moneys received by him as such post commissary of subsistence, and directs the proper accounting officers of the Treasury to close the accounts of James L. Elmer as post commissary, Forty-third Infantry, United States Volunteers. But the amount for which credit shall be given is not to exceed $1,235.59.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALLEGHENY RIVER BRIDGE.

Mr. ELKINS. I am directed by the Committee on Commerce, to whom was referred the bill (S. 7226) to authorize the Pittsburg, Carnegie and Western Railroad Company to construct, maintain, and operate a bridge across the Allegheny River, to report it favorably with a slight amendment, and I ask unanimous consent for its present consideration. The bill is approved by the War Department and there is no objection to it so far as I can see.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment of the Committee on Commerce was, on page 3, line 4, after the word "War," to insert:

And the said company shall, at its own expense, make from time to time such changes in said bridge as the Secretary of War may order in the interests of navigation.

The amendment was agreed to.

Mr. TELLER. I should like to know what committee the bill comes from.

The PRESIDENT pro tempore. The Committee on Commerce.

Mr. ELKINS. It is unanimously reported from the Committee on Commerce, and is agreed to by everybody.

Mr. TELLER. I wish some one would tell us what the bill is. I could not tell from the reading. In the first place, I could not hear back here.

Mr. ELKINS. I will say to the Senator from Colorado that it merely authorizes the construction of a bridge. Does the Senator want to have it read again?

Mr. TELLER. No; I do not want to have it read again, but I wish to have some one tell me something about the bill.

Mr. ELKINS. It is a bridge to be built at Pittsburg by the Pittsburg, Carnegie and Western Railroad Company. It is indorsed by the War Department and reported favorably from the Committee on Commerce, with a slight amendment suggested by the War Department. It is agreed to by the Senators from Pennsylvania. I have heard no objection whatever to the bill, and I know that there is none.

Mr. TELLER. It is a bridge in Pennsylvania?

Mr. ELKINS. It is a bridge over the Allegheny River.

Mr. QUAY. It is a bill, Mr. President, to authorize this railroad company, which is an important railway connection in western Pennsylvania, to construct a bridge over the Allegheny River. I introduced the bill a few days ago and it was reported favorably from the Committee on Commerce to-day, having been approved by the War Department, and the Senator from West Virginia kindly relieved me of the trouble of calling it up.

Mr. HALE. Scores of such bills have been passed.

Mr. ELKINS. Yes, sir. There is no objection to it.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ROSETTA E. RAFFERTY.

Mr. GALLINGER. I am directed by the Committee on Pensions, to whom was referred the bill (S. 7145) granting an increase of pension to Rosetta E. Rafferty, to report it favorably with an amendment, and I ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on Pensions was, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rosetta E. Rafferty, widow of William A. Rafferty, late colonel Fifth Regiment United States Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving, and $2 per month additional on account of each of the minor children of said William A. Rafferty until they reach the age of 16 years.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARIE IRENE DONALDSON AND DAUGHTER.

Mr. GALLINGER. I am directed by the Committee on the District of Columbia, to whom was referred the bill (S. 7223) providing for the interment of the remains of Marie Irene Donaldson

and her daughter, Marie Irene Donaldson, to report it favorably without amendment. I call the attention of the Senator from Arkansas [Mr. JONES] to the matter.

Mr. JONES of Arkansas. I ask the unanimous consent of the Senate that the bill may be taken up at this time for consideration.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the health officer of the District of Columbia to issue a permit for the interment in the District of Columbia of the remains of the late Marie Irene Donaldson and her daughter, Marie Irene Donaldson, formerly residents of the District of Columbia and citizens of the United States, now interred at Puerto Plata, Santo Domingo.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. QUAY. Mr. President, I rose to say that I was about to object to the bill which has just passed, but at the request of the Senator from Arkansas I refrain; and that I will hereafter object to unanimous consent being given at this session of the Senate—that is, for to-day.

INVESTIGATION BY COMMITTEE ON INDIAN AFFAIRS.

Mr. JONES of Nevada. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution reported by the Senator from Nevada [Mr. STEWART] from the Committee on Indian Affairs, to report it favorably without amendment, and I ask for its present consideration.

The resolution was read, as follows:

Resolved, That the Committee on Indian Affairs, or any subcommittee thereof appointed by its chairman, is hereby authorized to investigate the claim of the Ogden Land Company to the lands of the Seneca Nation of Indians in the State of New York, and the proposed allotment of said lands in severalty to said Indians. Also to investigate and report upon such other matters affecting the Indians or the Indian service as the committee shall consider expedient. Said committee shall have power to send for persons and papers, examine witnesses under oath, employ a stenographer and interpreter, and sit during the session or the recess of the Senate at such times and places as the committee may determine; and the actual and necessary expenses of said investigations to be paid out of the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. ALLISON. I ask that the resolution may be read again. I did not gather the full scope of the proposed investigation.

The Secretary again read the resolution.

Mr. ALLISON. I ask that it may lie over for a day.

Mr. STEWART. I will state that the matter of settling the claim of the Ogden Land Company to the Seneca Indian Reservation, with a view to allotting the land in severalty, has been going on for many years. It has been before the Committee on Indian Affairs at the present session, and the committee came to the conclusion that it was necessary to go on the ground and take testimony there before it could be intelligently disposed of. We had several hearings, and the committee instructed me to offer this resolution so as to have the hearing on the ground after the adjournment of Congress.

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. STEWART. Certainly.

Mr. SPOONER. Is it not a fact that the title of the Ogden Land Company to the land in that reservation is now involved in a law suit pending in the Federal court in the State of New York?

Mr. STEWART. I wish it was, but I am afraid it is not. There is a suit pending, but I doubt whether they have service. The heirs of the Ogden Land Company are very numerous, and I doubt very much the feasibility of disposing of the title except by resorting to condemnation. I think that the title will have to be condemned.

Mr. SPOONER. Was not a suit filed in equity to quiet the title?

Mr. STEWART. The title of the Ogden Land Company, but it is uncertain that they are all there. There are many of the heirs, and I think it very doubtful whether they will be able to get service so as to conclude the trial.

This is not a very desirable service, and if the Senate do not think it better that the committee should enter upon the investigation I shall not insist upon it. The committee, after investigation, instructed me to report the resolution.

Mr. ALLISON. I do not know the details of the proposed settlement with the Ogden Land Company; but I know the committee of which I am chairman had occasion to examine the question some years ago, and were very thoroughly impressed with the fact that they had no claim at all. However, it may be that they have a claim in equity.

Mr. TELLER. Mr. President——

The PRESIDENT pro tempore. Objection being made, the resolution has gone to the Calendar.

Mr. TELLER. I wish to say a word about it.

The PRESIDENT pro tempore. The Senator from Colorado.

Mr. TELLER. I have had some occasion to look up the Ogden Land Company title, and I agree with the Senator from Iowa that they have not any title. If the case is now in the court, where there can be some kind of a consideration given to it, it seems to me that that is the best place to leave it.

Mr. STEWART. I will state to the Senator from Colorado that the committee will not undertake to dispose of it. The committee never will undertake to pass upon that title. The only thing the committee will consider is the best mode of having the courts determine it, how it shall be determined, and how to get service. The committee will not undertake to determine the title. The title is against the present policy of the Government, as I understand it. It was, as I understand the general history, a grant made by the colonial government to Massachusetts, and Massachusetts transferred it to New York, and New York to a company; and originally it was simply the right of purchase when the land came into market, or when the Indian title was extinguished.

The Government of the United States would never allow them to avail themselves of that privilege, because it required legislation to put them in a position where they could avail themselves of it. The United States must break up their tribal relations or allow them to dispose of the land. The Indians can not dispose of it, and nothing will be done until there is some action on the part of the United States. But the people in that section are very anxious that the tribal relations shall be broken up and the land allotted, as is the policy of the Government in other cases.

This case was excluded from the Dawes Commission Act on the suggestion of Mr. Dawes that it involved this Ogden claim, which made it an exception to the case of the lands of the Five Tribes and others, or it would have been settled then. In order that the lands may be divided and held in severalty and that the tribal relation may be broken up in New York, which appears to be desirable everywhere, it is necessary first to take no chances on the Ogden land claim. It must either be settled by this suit or out of some suit brought directly to acquire title, or by condemnation on the part of the United States. I think that if the title is in the way of the policy of the United States to dissolve the tribal relation and allot the land the United States should remove it by condemnation.

Mr. HALE. There is one point which I wish the Senator to explain. It seems that this matter is now in the courts, who are considering the whole subject. The Senator says that the committee does not propose to settle the title or to take upon itself that jurisdiction, but that it ought to look and see that the courts conduct it in a proper way, as the process goes on, probably. Now, is there any infirmity in the proceedings which have been instituted in the courts, and do the courts need any instruction and direction from the Committee on Indian Affairs as to the conduct of the suit?

Mr. STEWART. I am afraid there is.

Mr. HALE. Then we may as well understand it.

Mr. STEWART. I am afraid there is. I am afraid they have not got service.

Mr. HALE. Is not that a matter for the courts? Should Congress send a committee to look into processes that are going on in the courts and take charge of the question whether proper service has been made?

Mr. STEWART. That is not all that the committee will go there for.

Mr. JONES of Arkansas. Will the Senator allow me a moment?

Mr. STEWART. Certainly.

Mr. JONES of Arkansas. I think I may possibly be mistaken. I am a member of the Committee on Indian Affairs, and I was present when the original resolution was adopted. I understood the resolution to be one directing the chairman to ask permission of the Senate that the Committee on Indian Affairs might by a committee or a subcommittee investigate the condition of the Seneca Nation.

Mr. STEWART. Yes.

Mr. JONES of Arkansas. I did not understand it to have anything to do with the law suit about the Ogden Land Company's claim. I believe, with the Senator from Iowa, that there is no shadow of justice in the Ogden Land Company's claim. I do not believe that there is anything of it, and I had no idea that there was any proposition made that the committee should be directed to investigate the Ogden Land Company's claim to find out the condition of the suit. I understand that the matter is pending in the court.

Mr. HALE. That is made the subject of the resolution in terms.

Mr. JONES of Arkansas. I was very much mistaken about the action of the committee, if that is what the committee ordered. I rather think that the chairman misunderstood the resolution adopted by the committee.

Mr. HALE. The resolution had better lie over anyway.

The PRESIDENT pro tempore. The debate is proceeding by unanimous consent.

Mr. STEWART. The debate can proceed further by unanimous consent.

Mr. HOAR. I should like to have unanimous consent to ask a question not on this particular point, but a question the answer to which I think will interest all Senators. I wish the chairman of the Committee on Rules or the Senator from Iowa, the chairman of the Committee on Appropriations, would answer it.

A good many Senators will go out of office on the 4th of March, and some Senators who will go out on the 4th of March have been reelected and will take office again. All the committees of the Senate terminate with the Congress, I believe.

Mr. ALLISON. I will say to the Senator from Massachusetts that where we have not had an extra session of Congress following the adjournment of the preceding Congress it has been the custom to continue the committees of the preceding session, and that undoubtedly will be done.

Mr. HOAR. Yes, to continue the committees. Now, when a committee is charged with a duty like that proposed here, what happens in relation to Senators whose terms expire with the Congress? The Senators who go out and are not reelected cease their functions, and so far there are vacancies on the committee; but what happens in relation to Senators like the Senator from Connecticut [Mr. PLATT], who will be serving under a reelection, not under the old one? Can the Senator from Connecticut sit on this committee under this resolution? He is a member of the Committee on Indian Affairs. He has not been appointed after his election.

Mr. ALLISON. I do not know just how that will be.

Mr. HOAR. I think we ought to settle that question some time. We are going to have a swarm of these resolutions for appointing committees to do various things in the vacation. Somebody ought to know about it and be able to tell us. Now, the Senator from Connecticut has had some considerable experience with this Seneca Indian Reservation matter.

Mr. STEWART. If the Senator will allow me, the committee would not go there unless the Senator from Connecticut was with the committee.

Mr. HOAR. I should not myself like to have it do so.

Mr. STEWART. I should not like to have it.

Mr. HOAR. I feel a little hereditary interest in the Seneca Indian matter, because of one of my earliest memories. When I was a boy 10 or 15 years old my father was appointed by the governor of Massachusetts to preserve some control over this matter of the title which the Indians had in the land; as a commissioner to look after some attempt to get away the land of the Seneca Indians by a person who was then coveting them, and the Commonwealth of Massachusetts thought he saved the Indians at that time from a great wrong. I felt a little hereditary interest on that account, though knowing little about this present matter. I should like very much to have the Senators who have been somewhat familiar with this subject, like the Senator from Connecticut, on the committee, if they are to investigate it; and that is the point of my question.

EMPLOYMENT OF MESSENGER.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. DILLINGHAM on June 24, 1902, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Transportation Routes to the Seaboard be, and it is hereby, authorized to employ a messenger, to be paid from the contingent fund of the Senate, at the rate of $1,440 per annum, until otherwise provided by law.

MARTHA WINTER HADDOCK.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. TALIAFERRO on the 4th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Martha Winter Haddock, widow of Joseph N. Haddock, late a messenger in the United States Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

ALEXANDER G. PENDLETON, JR.

Mr. SCOTT. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 6680) authorizing the President to reinstate Alexander G. Pendleton, jr., as a cadet in the United States Military Academy, to report it favorably without amendment and submit a report thereon. I will state in reporting this bill that it is for the purpose of restoring a cadet to the Military Academy who was dismissed under the charge of hazing, but the evidence and the report we submit do not substantiate that, and the young man, under the advice of counsel, pleaded guilty, not knowing what he was doing. I will just read the following from the War Department:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
December 17, 1902.

Respectfully returned to the Secretary of War.

Alexander G. Pendleton, jr., was admitted into the United States Military Academy August 30, 1899, as cadet from the Territory of Arizona, and dismissed August 9, 1902, by sentence of general court-martial promulgated in General Orders, No. 90, Headquarters of the Army, Adjutant-General's Office, August 6, 1902, copy herewith.

Attention is invited to the memorandum of the Secretary of War, dated the 11th instant, and its accompanying papers, also herewith.

W. P. HALL, *Acting Adjutant-General.*

In this connection, and as Cadet Pendleton makes the contention, in his printed statement, that he was properly on duty in new Cadet Davenport's tent at the time the offense was committed, I beg to invite attention to the copy of a report from the Superintendent of the Military Academy, submitted herewith.

Very respectfully,
H. C. CORBIN,
Adjutant-General, Major-General, United States Army.

Mr. President, I think it would be very agreeable to the committee to have this bill acted on. I understand that if the young man is reinstated he can probably graduate with his class this year. I do not want to take the time of the Senate by reading the report or asking that the report which was submitted by the House Committee on Military Affairs be read.

The PRESIDENT pro tempore. The Senator from West Virginia asks for the present consideration of the bill reported favorably by him from the Committee on Military Affairs.

Mr. QUAY. I object to the present consideration of the bill.

The PRESIDENT pro tempore. Objection is made, and the bill will be placed on the Calendar.

SENATE MANUAL.

Mr. SPOONER. I am authorized by the Committee on Rules to report the orders which I send to the desk; and I ask unanimous consent that they may be considered at this time.

The PRESIDENT pro tempore. The Senator from Wisconsin, from the Committee on Rules, reports an order for which he asks present consideration. The order will be read.

The Secretary read as follows:

Ordered, That the Committee on Rules is instructed to prepare a new edition of the Senate Manual; and that there be printed 1,500 copies of the same for the use of the committee.

The PRESIDENT pro tempore. Is there objection to the present consideration of the order?

Mr. HOAR. Is that all that relates to that matter?

The PRESIDENT pro tempore. There is another order reported at the same time by the Senator from Wisconsin.

Mr. HOAR. Let it be read for information.

The PRESIDENT pro tempore. It will be read for information.

The Secretary read as follows:

Ordered, That 500 copies of the Standing Rules of the Senate, with index, together with the rules for the regulation of the Senate wing of the Capitol, adopted by the Committee on Rules, be printed and bound in paper covers for the use of the Senate.

Mr. HOAR. I should like to move an amendment to the first resolution by adding:

And that the committee be authorized, in its discretion, to add such portions of the treaties of the United States acquiring territory as it may deem advisable.

The purpose of the amendment is that, for instance, the treaty acquiring territory from Mexico and the treaty acquiring the Louisiana territory, which to some extent were considered binding as to the disposition of the territory, be inserted in the Manual in a brief form. We have the Ordinance of 1787 and some other like information in the Manual, and I suppose the matter which I suggest can be condensed into a page or two. I have not made it imperative, but have left it to the discretion of the committee itself.

Mr. SPOONER. I have no objection to the amendment.

The PRESIDENT pro tempore. Is there objection to the present consideration of the first order reported by the Senator from Wisconsin, which will be again read?

The Secretary read the order, as follows:

Ordered, That the Committee on Rules is instructed to prepare a new edition of the Senate Manual; and that there be printed 1,500 copies of the same for the use of the committee.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Massachusetts [Mr. HOAR] will be stated.

The SECRETARY. It is proposed to add to the order the following:

And that the committee be authorized, in its discretion, to add such portions of the treaties of the United States acquiring territory as it may deem advisable.

The amendment was agreed to.

Mr. CLAPP. Mr. President, I do not want to interfere with the proposition of the Committee on Rules, but it seems to me there ought to be a larger number of copies of the Manual printed. There is a very large demand for it. It is a very useful work, and it is full of very important and valuable information.

Mr. SPOONER. I will say to my friend from Minnesota that we publish an edition of the Manual every two years by authority of Congress.

Mr. CLAPP. I know that.

Mr. SPOONER. I do not know that it would be wise to print a very much larger number.

Mr. CLAPP. Just at present I have a great many demands for the Manual, which can not be supplied.

Mr. SPOONER. So have we all.

Mr. CLAPP. It seems to me that it is a work of such value to the public that it would be wise to print a larger edition. I do not see why we should not print more than the number proposed. However, I will not press an amendment against the wishes of the chairman of the committee.

Mr. SPOONER. I have no objection to printing a larger number if it is desired.

Mr. BEVERIDGE. How many are proposed to be ordered?

Mr. SPOONER. One thousand and five hundred copies.

Mr. TELLER. I suggest that the number be made 2,500, and I will move an amendment to that effect. It will cost but a trifle more.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Colorado will be stated.

The SECRETARY. After the word "printed" it is proposed to strike out "1,500" and insert "2,500."

The amendment was agreed to.

The order as amended was agreed to.

Mr. SPOONER. I now ask for the consideration of the second order reported by me.

The PRESIDENT pro tempore. The order will be read.

The Secretary read as follows:

Ordered, That 500 copies of the Standing Rules of the Senate, with index, together with the rules for the regulation of the Senate wing of the Capitol, adopted by the Committee on Rules, be printed and bound in paper covers for the use of the Senate.

The order was considered by unanimous consent and agreed to.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Mr. TELLER introduced a bill (S. 7257) for the relief of David H. Moffat; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. ELKINS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7258) granting a pension to Eliza Lewis (with the accompanying paper);

A bill (S. 7259) granting a pension to Samuel Richards (with the accompanying papers); and

A bill (S. 7260) granting a pension to Henry King (with the accompanying paper).

Mr. FAIRBANKS introduced a bill (S. 7261) granting an increase of pension to Thomas E. Gandy; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 7262) granting an increase of pension to John W. F. Jansen; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 7263) to provide for the purchase of a site and the erection of a building thereon, to be used for a laundry and stable for the Bureau of Engraving and Printing, and to provide for the erection of an addition to the Bureau of Engraving and Printing building on the ground now occupied by the laundry building and stable, and for other purposes; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. DUBOIS (for Mr. HEITFELD) introduced a bill (S. 7264) conferring jurisdiction upon the Court of Claims to hear and determine the claim of the Colville Indians in the State of Washington; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. PENROSE introduced a bill (S. 7265) relative to the port of Chester, Pa.; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 7266) to authorize the Secretary of the Treasury to adjust the accounts of the Grand Rapids and Indiana Railway Company for transporting the United States mails; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Post-Offices and Post-Roads.

He also introduced a bill (S. 7267) to grant an honorable discharge from the military service to Robert Hipple; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 7268) for the relief of William H. Crawford; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7269) granting a pension to Julia A. Roberts;

A bill (S. 7270) granting an increase of pension to Ella M. Ewing; and

A bill (S. 7271) granting an increase of pension to Daniel Nagle.

Mr. PERKINS introduced a bill (S. 7272) to correct the record of Henry Lippincott, assistant surgeon-general, United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 7273) to provide an American register for the British ship Pyrenees; which was read twice by its title, and referred to the Committee on Commerce.

Mr. CULLOM introduced a bill (S. 7274) to remove the charge of desertion from the military record of Thomas Watts; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. DEPEW introduced a bill (S. 7275) granting a pension to Mary A. Sands; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MARTIN introduced a bill (S. 7276) for the relief of the Western Branch Baptist Church, Virginia; which was read twice by its title, and referred to the Committee on Claims.

Mr. TILLMAN introduced a bill (S. 7277) granting an increase of pension to Elbert H. Dagnall; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HANSBROUGH introduced a bill (S. 7278) for the further prevention of the spread of communicable diseases in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. MORGAN introduced a joint resolution (S. R. 163) to preserve and enforce the act approved June 28, 1902, entitled "An act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans;" which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. HANSBROUGH introduced a joint resolution (S. R. 164) proposing an amendment to the Constitution of the United States prohibiting bigamy and polygamy; which was read twice by its title, and referred to the Committee on the Judiciary.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. PATTERSON submitted an amendment proposing to appropriate $500 to enable the Secretary of the Interior to enter into negotiations with the Weeminuchi Ute tribe of Indians for the relinquishment of their title to the United States to the tract of land known as the "Mesa Verde," in the county of Montezuma, Colo., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. TELLER submitted an amendment authorizing the payment, out of any funds in the Treasury of the United States belonging to the Choctaw Nation, of $220,698.75 to the representative of said Choctaw Nation, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. PRITCHARD submitted an amendment proposing to appropriate $5,177.90 to pay Henry W. Spray for care, education, and support of Indian children in the Indian school at Cherokee, N. C., from July 1 to December 31, 1892, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. GALLINGER submitted an amendment proposing to appropriate $5,000 for grading and improving Chesapeake street along the southern boundary of Reno subdivision, from Wisconsin avenue to Grant road, in the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

He also submitted an amendment proposing to appropriate $15,000 for paving with asphalt Seventh street NW., from G street to K street, in the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. KITTREDGE submitted an amendment proposing to appropriate $6,000 for bringing home the remains of Americans employed as teachers in the Philippines, also of civil employees of the Army who die abroad and soldiers who die on transports, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. KEAN submitted an amendment proposing to appropriate $120,958.39 to compensate the Old Point Comfort Improvement Company for the demolition and removal of the Hygeia Hotel property from the Government reservation at Old Point, Va., etc.,

intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

MILITARY OCCUPATION OF PANAMA AND COLON, ETC.

Mr. MORGAN. I offer a resolution, and ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. The resolution will be read.

The Secretary read the resolution, as follows:

Resolved, That the Secretary of the Navy is directed to send to the Senate copies of all reports and of all correspondence in the Navy Department, with naval or other officers of the United States, on duty in the bays of Panama and Colon since April, 1902, which relate to the military occupation of said bays and the region between them, and the cities of Colon and Panama, by the forces of the United States; or that relate to the operation of military or police forces of Colombia, or of any insurgents that were in arms against the Government of Colombia in that region of country since April, 1902; or that relate to any measures of any officers of the United States to bring about the pacification of that region, or any intervention by such officers to that end; or that relate to the terms and conditions of the surrender of insurgent forces in that quarter to the forces or authorities of the Republic of Colombia.

Mr. HALE. Let that resolution lie over a day, Mr. President.

The PRESIDENT pro tempore. The resolution will go over under the rule.

COURTS-MARTIAL IN THE PHILIPPINES.

The PRESIDENT pro tempore. If there be no further concurrent or other resolutions, the Chair lays before the Senate a resolution coming over from a previous day, known as the Rawlins resolution.

Mr. MCCUMBER. I ask unanimous consent that the resolution be laid aside for the present, so that I may ask the Senate to proceed to the consideration of House bill 3109 until the hour of 2 o'clock.

The PRESIDENT pro tempore. The Senator from North Dakota asks unanimous consent that the resolution go over, retaining its place on the table. Is there objection? The Chair hears none, and it is so ordered.

PROPOSED PURE-FOOD LEGISLATION.

Mr. MCCUMBER. I now ask unanimous consent for the consideration, until the hour of 2 o'clock, of the bill (H. R. 3109) for preventing the adulteration, misbranding, and imitation of foods, beverages, candies, drugs, and condiments in the District of Columbia and the Territories, and for regulating interstate traffic therein, and for other purposes.

The PRESIDENT pro tempore. The Senator from North Dakota asks unanimous consent for the present consideration of the bill named by him. Is there objection?

Mr. DUBOIS. I was requested by the Senator from Arkansas [Mr. JONES] to object to the consideration of the bill if he were not in the Chamber when its consideration was requested, and I agreed to do so. In pursuance to that request, I am compelled to object.

Mr. MCCUMBER. Notwithstanding the objection, I move that the Senate proceed to the consideration of the bill.

The PRESIDENT pro tempore. The question is on the motion of the Senator from North Dakota [Mr. MCCUMBER] to proceed to the consideration of the bill notwithstanding the objection. [Putting the question.] By the sound the "ayes" have it.

Mr. STEWART. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. BATE. I ask that the title of the bill may be stated from the desk.

The PRESIDENT pro tempore. The title of the bill will be stated.

The SECRETARY. A bill (H. R. 3109) for preventing the adulteration, misbranding, and imitation of foods, beverages, candies, drugs, and condiments in the District of Columbia and the Territories, and for regulating interstate traffic therein, and for other purposes.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. DUBOIS (when his name was called). I am paired with the Senator from Oregon [Mr. MITCHELL].

Mr. NELSON (when his name was called). I have a general pair with the junior Senator from Missouri [Mr. VEST]. Not knowing how he would vote on this question if present, I withhold my vote.

Mr. QUARLES (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. If he were present, I should vote "yea."

Mr. TURNER (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. WARREN]. Not seeing him in the Chamber, I withhold my vote.

The roll call was concluded.

Mr. FOSTER of Washington (after having voted in the affirmative). I have a general pair with the Senator from Mississippi [Mr. MCLAURIN], who, I am informed, is absent. So I withhold my vote.

Mr. CLAY (after having voted in the affirmative). I desire to inquire of the Chair if the junior Senator from Massachusetts [Mr. LODGE] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. CLAY. Then I withdraw my vote, as I am paired with that Senator.

Mr. CLAPP (after having voted in the affirmative). I have a pair with the junior Senator from North Carolina [Mr. SIMMONS]. He not being present, I withdraw my vote.

The result was announced—yeas 40, nays 18; as follows:

YEAS—40.

Alger,	Dietrich,	Harris,	Patterson,
Allison,	Dillingham,	Hoar,	Penrose,
Bacon,	Dryden,	Kean,	Perkins,
Beveridge,	Fairbanks,	Kearns,	Pritchard,
Burnham,	Foraker,	Kittredge,	Proctor,
Burton,	Frye,	McComas,	Quay,
Clark, Mont.	Gamble,	McCumber,	Scott,
Clark, Wyo.	Gibson,	McLaurin, S. C.	Simon,
Deboe,	Hanna,	Mason,	Wellington,
Depew,	Hansbrough,	Millard,	Wetmore.

NAYS—18.

Bate,	Elkins,	Morgan,	Taliaferro,
Blackburn,	Gallinger,	Pettus,	Teller,
Carmack,	Jones, Ark.	Platt, Conn.	Tillman.
Cockrell,	Mallory,	Spooner,	
Cullom,	Martin,	Stewart,	

NOT VOTING—30.

Aldrich,	Daniel,	Jones, Nev.	Quarles,
Bailey,	Dolliver,	Lodge,	Rawlins,
Bard,	Dubois,	McEnery,	Simmons,
Berry,	Foster, La.	McLaurin, Miss.	Turner,
Burrows,	Foster, Wash.	Mitchell,	Vest,
Clapp,	Hale,	Money,	Warren.
Clay,	Hawley,	Nelson,	
Culberson,	Heitfeld,	Platt, N. Y.	

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported by the Committee on Manufactures with an amendment, to strike out all after the enacting clause and insert a substitute.

The PRESIDENT pro tempore. The amendment reported by the committee proposes to strike out all after the enacting clause and insert a substitute. If there be no objection, the Chair will instruct the Secretary to read the part proposed to be inserted without reading that proposed to be stricken out. Is there objection?

Mr. JONES of Arkansas. I rather think the entire bill ought to be read, Mr. President. I think Senators are not familiar with the provisions of the bill.

The PRESIDENT pro tempore. A single objection will require its reading. The Senator from Arkansas objects, and the bill will be read in full.

The Secretary read the bill.

The PRESIDING OFFICER (Mr. PERKINS in the chair). The amendment reported by the Committee on Manufactures in the nature of a substitute will now be read.

The SECRETARY. It is proposed to strike out all after the enacting clause and insert the following:

That the introduction into any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or from any foreign country, or shipment to any foreign country of any article of food or drugs which is adulterated or misbranded within the meaning of this act is hereby prohibited; and any person who shall ship or deliver for shipment from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, or to a foreign country, or who shall receive in any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia or foreign country, or who, having received, shall deliver in original unbroken packages for pay or otherwise, or offer to deliver to any other person any such article so adulterated or misbranded within the meaning of this act, or any person who shall sell or offer for sale in the District of Columbia or the Territories of the United States such adulterated or misbranded foods or drugs, or who shall export or offer to export the same to any foreign country shall be guilty of a misdemeanor, and for such offense be fined not exceeding $200 for the first offense, and for each subsequent offense not exceeding $300, or be imprisoned not exceeding one year, or both, in the discretion of the court.

SEC. 2. That the chief of the Bureau of Chemistry in the Department of Agriculture shall make or cause to be made, under rules and regulations to be prescribed by the Secretary of Agriculture, examinations of specimens of foods and drugs offered for sale in original unbroken packages in the District of Columbia, in any Territory, or in any State other than that in which they shall have been respectively manufactured or produced, or from any foreign country, or intended for shipment to any foreign country, which may be collected from time to time in various parts of the country. If it shall appear from any such examination that any of the provisions of this act have been violated, the Secretary of Agriculture shall at once certify the facts to the proper United States district attorney, with a copy of the results of the analyses, duly authenticated by the analyst under oath.

SEC. 3. That it shall be the duty of every district attorney to whom the Secretary of Agriculture shall report any violation of this act to cause proceedings to be commenced and prosecuted without delay for the fines and penalties in such case provided.

DEFINITIONS.

SEC. 4. That the term "drug," as used in this act, shall include all medicines and preparations recognized in the United States Pharmacopœia for internal

and external use. The term "food," as used herein, shall include all articles used for food, drink, confectionery, or condiment by man or domestic animals, whether simple, mixed, or compound.

ADULTERATIONS AND MISBRANDING.

SEC. 5. That for the purposes of this act an article shall be deemed to be adulterated—

In case of drugs:

First. If, when a drug is sold under or by a name recognized in the United States Pharmacopœia, it differs from the standard of strength, quality, or purity as determined by the test laid down in the United States Pharmacopœia official at the time of the investigation.

Second. If its strength or purity fall below the professed standard under which it is sold.

That such drug shall be deemed to be misbranded:

First. If it be an imitation of or offered for sale under the name of another article.

Second. If the package containing it or its label shall bear any statement regarding the ingredients or the substances contained therein which statement shall be false or misleading in any particular, or if the same is falsely branded as to the State or Territory in which it is manufactured or produced.

In the case of confectionery an article shall be deemed to be adulterated:

If it contains terra alba, barytes, talc, chrome yellow, or other mineral substances or poisonous colors or flavors, or other ingredients deleterious or detrimental to health.

In the case of food an article shall be deemed to be adulterated:

First. If any substance or substances has or have been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength, so that such product, when offered for sale, shall deceive or tend to deceive the purchaser,

Second. If any substance or substances has or have been substituted wholly or in part for the article, so that the product, when sold or offered for sale, shall deceive or tend to deceive the purchaser.

Third. If any valuable constituent of the article has been wholly or in part abstracted, so that the product, when sold or offered for sale, shall deceive or tend to deceive the purchaser.

Fourth. If it contains any added poisonous ingredient or any ingredient which may render such article injurious to the health of the person consuming it.

Fifth. If it consists in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter.

An article of food shall be deemed to be misbranded:

First. If it be an imitation of or offered for sale under the distinctive name of another article: *Provided*, That the term "dinstinctive name" shall not be construed as applying to any article sold or offered for sale under a name that has come into general use to indicate the class or kind of the article if the name be accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced.

Second. If it be mixed, colored, powdered, or stained in a manner whereby damage or inferiority is concealed, so that such product, when sold or offered for sale, shall deceive or tend to deceive the purchaser.

Third. If it be labeled or branded with intent so as to deceive or mislead the purchaser, or purport to be a foreign product when not so, or is an imitation, either in package or label, of another substance of a previously established name, or which has been trade-marked or patented.

Fourth. If the package containing it or its label shall bear any statement regarding the ingredients or the substances contained therein, which statement shall be false or misleading in any particular, or if the same is falsely branded as to the State or Territory in which it is manufactured or produced: *Provided*, That an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases:

First. In the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food, under their own distinctive names, and not included in definition first of misbranded articles of food in this section.

Second. In the case of articles labeled, branded, or tagged so as to plainly indicate that they are mixtures, compounds, combinations, imitations, or blends: *Provided*, That the same shall be labeled, branded, or tagged so as to show the character and constituents thereof: *And provided further*, That nothing in this act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredients to disclose their trade formulas, except in so far as the provisions of this act may require to secure freedom from adulteration or imitation: *Provided further*, That no dealer shall be convicted under the provisions of this act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other party from whom he purchases such articles to the effect that the same is not adulterated or misbranded within the meaning of this act, designating it, and providing further, always, that said guarantor or guarantors reside in the United States. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such article to such dealer, and said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach, in due course, to the dealer under the provisions of this act.

SEC. 6. That every person who manufactures or produces for shipment and delivers for transportation within the District of Columbia or any Territory, or who manufactures or produces for shipment or delivers for transportation from any State, Territory, or the District of Columbia, to any other State, Territory, or the District of Columbia, or to any foreign country, any drug or article of food, and every person who exposes for sale or delivers to a purchaser in the District of Columbia or any Territory any drug or article of food manufactured or produced within said District of Columbia or any Territory, or who exposes for sale or delivers for shipment any drug or article of food received from a State, Territory, or the District of Columbia other than the State, Territory, or the District of Columbia in which he exposes for sale or delivers such drug or article of food, or from any foreign country, shall furnish within business hours, and upon tender and full payment of the selling price, a sample of such drugs or articles of food to any person duly authorized by the Secretary of Agriculture to receive the same and who shall apply to such manufacturer, producer, or vender, or person delivering to a purchaser such drug or article of food, for such sample for such use, in sufficient quantity for the analysis of any such article or articles in his possession.

SEC. 7. That any manufacturer, producer, or dealer who refuses to comply, upon demand, with the requirements of section 8 of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding $100 or imprisonment not exceeding one hundred days, or both. And any person found guilty of manufacturing or offering for sale, or selling, any adulterated, impure, or misbranded article of food or drug in violation of the provisions of this act shall be adjudged to pay, in addition to the penalties hereinbefore provided for, all the necessary costs and expenses incurred in inspecting and analyzing such adulterated articles which said person may have been found guilty of manufacturing, selling, or offering for sale.

SEC. 8. That any article of food or drug that is adulterated or misbranded within the meaning of this act, and is transported or being transported from one State to another for sale, or if it be sold or offered for sale in the District of Columbia and the Territories of the United States, or if it be imported from a foreign country for sale, or if intended for export to a foreign country, shall be liable to be proceeded against in any district court of the United States, within the district where the same is found and seized for confiscation, by a process of libel for condemnation. And if such article is condemned as being adulterated the same shall be disposed of as the said court may direct, and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the Treasury of the United States, but such goods shall not be sold in any State contrary to the laws of that State. The proceedings of such libel cases shall conform, as near as may be, to proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in such case; and all such proceedings shall be at the suit of and in the name of the United States.

SEC. 9. That this act shall not be construed to interfere with commerce wholly internal in any State, nor with the exercise of their police powers by the several States: *Provided further*, That nothing in this act shall be construed to interfere with legislation now in force, enacted either by Congress for the District of Columbia or by the Territorial legislatures for the several Territories, regulating commerce in adulterated foods and drugs within the District of Columbia and the several Territories, except wherein such legislation conflicts with the provisions herein.

Mr. JONES of Arkansas. The committee has made a report upon this matter; and while the reading of the bill satisfies me that the Senate proposition is a very great improvement on the House bill, I think the report ought to be read for the information of the Senate before action is taken on the bill.

Mr. FORAKER. I want to offer an amendment to the amendment, to which there is no objection, I understand, and I should like to do it now and have it agreed to.

The PRESIDING OFFICER. The question before the Senate is on agreeing to the amendment in the nature of a substitute reported by the Committee on Manufactures.

Mr. JONES of Arkansas. I am perfectly willing that the amendment should be offered and be pending.

The PRESIDING OFFICER. The Senator from Ohio proposes an amendment which will be read and lie upon the table until the pending amendment is disposed of.

Mr. FORAKER. I offer an amendment to the amendment, to add at the end of line 22 on page 21 the following:

Provided further, That nothing in this act shall be held to apply to substances or materials manufactured and sold exclusively for use in the arts and industries, but only when manufactured or sold as drugs or medicines.

The PRESIDING OFFICER. Does the Senator wish to have his amendment considered at this time? As an amendment to the amendment it is in order.

Mr. PLATT of Connecticut. Let the amendment to the amendment be stated.

The PRESIDING OFFICER. The Secretary will read the amendment to the amendment.

The SECRETARY. It proposes to add at the end of the amendment the following:

Provided further, That nothing in this act shall be held to apply to substances or materials manufactured and sold exclusively for use in the arts and industries, but only when manufactured and sold as drugs or medicines.

Mr. LODGE. Is that an amendment?

The PRESIDING OFFICER. It is an amendment to the amendment.

Mr. LODGE. Offered by the committee?

The PRESIDING OFFICER. No, by the Senator from Ohio [Mr. FORAKER]. The question is on agreeing to the amendment to the amendment.

Mr. McCUMBER. Mr. President, I understand this amendment is one which affects simply drugs. The amendment is an addition to the definition of what constitutes drugs and what are adulterated articles of drugs. Is that correct?

Mr. FORAKER. Yes.

Mr. McCUMBER. We have had considerable correspondence on matters of that kind. I will say most frankly to the Senator from Ohio that this bill, as it passed the House, and the substitute recommended here, are worded so that the amendment will not be necessary, because drugs are defined as only those articles which are used in the treatment of diseases, either external or internal. Therefore any material when used for any other purpose would not come under the definition of drugs. But inasmuch as there seems to be a misunderstanding on the part of some dealers in turpentine and otherwise as to whether this bill would affect them, the committee, I am certain, would have no objection to this amendment to make it doubly clear.

Mr. FORAKER. All right.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. JONES of Arkansas. I think the report ought to be read now.

The PRESIDING OFFICER. The reading of the report is called for by the senior Senator from Arkansas.

Mr. McCUMBER. I should like to ask the Senator from Arkansas if he has any objection to my making a brief statement

before the report is read, or would he prefer to have the report read first?

Mr. JONES of Arkansas. I am perfectly willing that either course shall be pursued. If the Senator from North Dakota prefers to go on with his statement now, I am perfectly willing to have him do so, with the understanding that the report will be subsequently read. If the Senator goes on with his statement now, I hope he will point out specifically to the Senate the differences between the House proposition and the Senate proposition, as I think they ought to come out very distinctly and to be understood by the Senate.

Mr. McCUMBER. My reason for making the request was that I might do so; and in the very short time between now and 2 o'clock I would ask permission to make the statement and to answer any questions concerning it. I would rather take it up before the report is read.

Mr. President, for more than fifteen years societies interested in laws preventing the adulteration of food and drug products have made most strenuous efforts in both the Senate and the House to secure proper legislation. A bill has passed the House for the first time, I believe, which has embodied in it the recommendations of the Congress of Pure Foods and Drugs, and which, I believe, meets with the approbation of both the wholesale and retail trade of the country.

Mr. President, I have already made two quite lengthy addresses upon the general subject of pure-food legislation, and I desire at this time only to explain the difference between the bill as it passed the House and the bill which has been recommended as a substitute by the Committee on Manufactures.

I especially call the attention of the Senator from Arkansas to the principal difference. If you will take the bill which passed the House and give your attention to section 1 and section 7, you will find two important features which have been eliminated entirely from the Senate bill. In other words, the bill is practically the same with section 1 and section 7 eliminated. The bill which passed the House the other day not only defined adulterations and misbrandings and prohibited interstate commerce in that character of goods, but it provided for and organized a bureau of chemistry in the Department of Agriculture, which was to assist the Secretary of Agriculture in establishing food standards.

Section 7 made it the duty of the Secretary of Agriculture to establish what were practically food standards, and to assist him in making proper standards it was provided that he should call to his assistance the director of the bureau of chemistry, the chairman of the committee on food standards of the association of official agricultural chemists, also five physicians to be appointed by the President from the Army and Navy and Marine-Hospital Service, and in addition five persons expert in hygiene, physiological chemistry, in commerce, and in manufactures. It provided that when these standards were fixed they might be read in evidence, that they should not be conclusive as to the question of adulteration but they might be read as some evidence in relation thereto.

Now, I wish to say here that all of that has been stricken out entirely. What does the bill then provide? It simply, first, defines what are adulterations and what are misbrandings. It practically adopts the same definitions that were contained in the bill which passed the House. But they have been rearranged so that those articles adulterated would more properly fall under a definition that would correspond with the name adulteration and the same in reference to misbranding. So it provides simply for the prohibition of interstate commerce in adulterated articles and in misbranded articles, and beyond interstate commerce it does not go one inch. It stops the moment that the goods become mixed with the general goods of the State. So it does not interfere in any possible way with State power, or police regulation.

The only thing that is required of the Secretary of Agriculture or the Department of Agriculture is that it imposes upon that Department the duty of assisting in ascertaining the adulterations and misbrandings that are going on in the country, and requires him to report to the proper officers. The Agricultural Department is already performing this identical work. It is making these investigations continually in the same manner that is provided in this bill. So it adds in no respect to the duties of the Secretary of Agriculture.

The Senator from Arkansas [Mr. JONES] made quite serious objections to that feature of the bill which was reported in the Senate at the last session, which provided for the fixing of these standards, and also which provided for the duties of the Secretary of Agriculture in ascertaining the adulterations and misbrandings that were going on in the country; and yet at the same time I desire to call the Senator's attention to the fact that he voted for practically the same thing in the agricultural appropriation bill, and from the fact that it is in that bill as it now stands it is unnecessary to be replaced in this bill. But of course that is of simply annual occurrence, and the appropriation goes no further than that.

Mr. President, I have found no objection from any source whatever to the bill as it now stands. The amount of correspondence that the committee is receiving daily upon this subject is simply enormous, and everything is in favor of the bill as reported by the Senate Committee on Commerce. It goes into no question that is not fully and clearly understood. It deals simply with the prohibitions and the necessary steps to carry into effect the prohibitions against interstate commerce in adulterated articles.

Is there any Senator in this body who objects to that legislation? If so, what is the ground of his objection? I should like to have those who oppose this measure come out, so that we may meet them and understand the force of their objections.

The bill also prohibits the interstate commerce in misbranding, in false or lying articles. It compels every such article to unmask before it crosses any State line. Now, what man can reasonably object to that character of legislation?

I desire to call attention to the fact that the bill does not prohibit any man from dealing in adulterated articles if he desires to do so. It simply compels him to brand those articles exactly as they are. We have passed the same kind of legislation time and again in reference to specific articles. For instance, at the last session we passed a bill here without any objection whatever which compelled the manufacturers of cheese to mark the State in which it was manufactured, or to prohibit them from using the name of any other State in the sale of it. No Senator objected to that. We have passed the necessary legislation in reference to filled cheese. We are having similar legislation in reference to our meats which are being exported abroad. So there can be no objection to this bill. The Secretary of Agriculture has given it most careful consideration and it has his most earnest support, and certainly no one can believe that he has not had at all times the interest of the American people at stake.

Mr. President, by whom is this measure antagonized? The only antagonism that has been manifested in the slightest degree has been by those associations that desire to have some other bill brought forward, almost the same, but providing practically for a new set of officers, and the committee thought that that was unnecessary at the present time. The committee also feel that we have not yet reached that stage in science so that it would be safe for the Department of Agriculture, even with the best assistance, to determine what are food standards and compel every manufacturer of food to measure up to those particular standards.

The manufacturers of the country are strongly in favor of this bill, simply for reasons which they have explained time and again. May I not state the reasons now in an extract from a letter? I will ask that all these letters pertaining to the same subject be printed in the RECORD. There are few, very few, of them. I will quote one from East St. Louis, Ill.:

EAST ST. LOUIS, ILL., *December 2, 1902.*

Senator PORTER J. McCUMBER,
Washington, D. C.

DEAR SIR: Appreciating the fact that owing largely to your great vigilance, ability, and industry the sentiment against swindling methods in relation to the manufacture and marketing of human food is farther along and nearer taking the form of law than ever before, we again respectfully venture to trespass on your valuable time, and would submit as follows:

At present, under the system of each State having a different law and requiring goods to be labeled in a certain prescribed manner peculiar to that State and regardless of the requirements of others and adjoining States, the manufacturer is at a loss to know just how to label his goods, and is submitted to endless annoyance and inconvenience in the conducting of his legitimate business, without the slightest benefit accruing to the consumer, in whose interest these laws are supposed to exist.

When the General Government adopts a law, however, the different States will very soon drop in line, bringing system and order out of existing confusion, and establishing rulings which will hold good universally and be of untold benefit to the honest manufacturer and his customers, amply protecting the latter and not hampering the former with a lot of puzzling, vexatious, and oftentimes unjust regulations.

No law will be just right from the start or please everybody, so that whatever is done is not final for all time; it may and probably will be changed and improved thereby, or even repeal is possible if found desirable. The Hepburn bill in the House and the McCumber bill in the Senate represent the crystallization of fourteen years of effort on the part of those who really and earnestly desire a bona fide pure-food law as against those make-believes, who discuss and discuss to a frazzle and muddy the waters simply that nothing at all may be done to interfere with the sales of their spurious counterfeit goods. Misbranding, substitution, and adulteration has become such a science that it is high time the strong arm of the National Government was raised against them and that those who manufacture and sell pure, wholesome, reliable goods should not have their business ruined and discredit brought on legitimate enterprises by unscrupulous substitutors and adulterators.

At each previous session of the Congress the pure-food forces have practically had to begin at the bottom again, but now, thanks in a large measure to you, we believe the time is now ripe for action, and would earnestly urge you to keep up the good work and strike while the iron is hot.

Respectfully, yours,

J. C. GRANT CHEMICAL CO.
CHAS. ROGER, *Manager.*

Here are a few more:

CLEVELAND, OHIO, *December 17, 1902.*

Senator PORTER J. McCUMBER, *Washington, D. C.*

DEAR SIR: As there seems to be a possibility of passing a national pure-food bill during the coming short session of Congress, and as the measure you

advocate in pure-food matters we consider the most perfect so far advocated, we respectfully call your kind attention to our former letter to you under date June 23, which pretty well covers our position in this matter. This letter was published in CONGRESSIONAL RECORD of June 25, and in addition to facts set forth in said letter, we desire to add that we desire national pure-food legislation on account—

First. The multiplicity of State laws, each differing in some slight degree, makes national pure-food legislation necessary.

Second. Each pure-food department in operation under State laws makes its own rulings and interpretations in relation to the law under which it operates. These laws are diverse and interfere with interstate commerce.

Third. State rulings have the effect of law, although they have no warrant or authority in law, because it takes a court of decision to declare the rulings invalid, and few manufacturers desire to make a test case and pay all the expenses in order to secure such legislation.

Fourth. If a national pure-food law is passed, State laws and State rulings will be so amended as to conform to the national law.

Fifth. From our experience and acquaintance with the trade generally, there seems to be a demand not only from the people, but from all honest manufacturers who manufacture honest goods, for a just pure-food law, as well as a relief to the manufacturers from the trying conditions which now prevail, and we see a relief in a national law, and then we, as before said, feel all States will conform to said law.

We appreciate the interest you have taken in national pure-food measures, and trust that a good and acceptable law will be enacted during this short session.

Very respectfully,

E. SCHNEIDER & CO.,
Per E. S.

BALTIMORE, MD., *December 16, 1902.*

Senator PORTER J. MCCUMBER, *Washington, D. C.*

DEAR SIR: We, as manufacturers of baking powders, extracts, and other grocers' specialties, are very anxious to have some pure-food law passed; we want a national one; we have too many State laws now. Every State we sell in has a different law, and we have a great deal of trouble to conform to them all.

In our opinion, the trade that we are selling to are asking for such a bill as the one that you are advocating, as they do not know how they stand when they try to conform to the different State laws, while if a national law is passed all this trouble will be overcome, as the different States will amend their laws to conform to the national law.

We trust that you will be successful in getting your law passed. We believe same is on the Senate Calendar, and we hope you will get same passed in this session.

Thanking you for your courtesy in this matter, we remain,

Yours, truly,

C. READ & CO.

STATE COLLEGE, CENTER COUNTY, PA., *November 29, 1902.*

Hon. P. J. MCCUMBER,
United States Senate, Washington, D. C.

DEAR SIR: Permit me to express the appreciation of the National Pure Food and Drug Congress for your vigorous efforts, as chairman of the Senate Committee on Manufactures, toward the enactment of the pure-food bill indorsed by us. We hope that the coming session may witness no diminution of your interest and effort in its behalf. We feel that though many important measures will arise for the consideration of the National Legislature, there is none which can transcend the pure-food measure in fundamental importance as affecting directly the physical, moral, and ultimate financial welfare of the people. We hope that the greed of the few may henceforth be estopped from preying upon the property and health of the many. I venture to predict that in future years you will look back upon success in the enactment of this measure with more unalloyed satisfaction than upon most of your legislative acts, because of the demonstration of its broad, good effects.

Very respectfully,

WM. FREAR,
Acting Chairman Executive Committee,
National Pure Food and Drug Congress.

CINCINNATI, *December 17, 1902.*

Senator PORTER J. MCCUMBER,
United States Senate, Washington, D. C.

DEAR SIR: I trust you will pardon me for again calling your attention to pure-food legislation. It is such an important matter to the great manufacturing interests of the country, as well as to the consumers, that Congress should not delay action any longer.

Among the several States that have food laws there are no two alike, and there is not room enough on my goods to put enough reading matter to comply with such laws. For instance, I ship goods to points up and down the Mississippi River. These goods first go into the jobbers' hands and are distributed by them, and at a good many points I must comply with no less than four State laws, which are all different, and complying with one does not comply with another. Hence you can readily see how hard it is to do business under such a multiplicity of State laws and rulings. Each pure-food department in such several States makes its own rulings, no two of which are alike, and makes it difficult to do interstate business. If the McCumber bill should become a law, all States would probably so amend their laws to conform to the national law and save us all this trouble and worry.

In Illinois there is only a ruling by the State commissioner, which probably would have no standing in the court, but no one can sell goods in that State without complying with such ruling, because the retailer will not handle such, as he is afraid of prosecution, and, absurd as it may seem, the manufacturer can not do business in such States without complying with such rulings.

I trust that you may see your way clear to pass your bill this session of the Congress, and thus relieve us of such annoyances as now exist.

Very respectfully,

A. J. PARLIN.

TERRE HAUTE, IND., *December 17, 1902.*

Senator PORTER J. MCCUMBER,
Washington, D. C.

DEAR SIR: You would do us, and we believe the people in general, a very great favor if by your influence it would be possible to induce Congress to pass a national pure-food law. Under the present conditions it is very annoying to the merchants in general, especially those who transact business in more than one State. We feel it more, possibly, than some firms in our line, as our city is situated almost on the boundary line between Indiana and Illinois, and our business is almost equally divided between the two States.

Yours truly,

HULMAN & CO.

These are only a few out of thousands of letters of the same character. They show the desire of the manufacturers of the country to have a pure-food bill. I have already expressed in a debate upon this subject reasons why the State laws should be supplemented by a national law, which I will not go over again in the few minutes left at my disposal.

I wish to call attention to a few matters showing why the druggists and physicians of the country are earnestly in favor of a bill of this kind. I desire to call attention to a few facts in the hearing that was had before us the other day. Dr. Parmele, in speaking on this subject, said:

While the retail druggist occasionally might be able to make extemporaneous substitutions, they would represent but a very small percentage of what is done. They must have the cooperation of the dishonest manufacturer.

Here, again, he calls attention to one fact. He is a man eminent in his profession. He said:

I might call attention to one personal experience. This does not prove everything, however, because if it did I would have to go out of business.

I got 12 prescriptions written by Prof. Frank Lydston, of Chicago; sent them to 12 different drug stores, and the whole 12 were substitutes. That would not give me any chance to live; that percentage would not hold true all the time, of course; otherwise I would have no business.

Again, here is a clipping from the Philadelphia Medical Journal which is worthy of serious consideration. This clipping reads as follows:

The surgeons of the New Orleans Eye, Ear, Nose, and Throat Hospital have noted the great number of patients entering the institution from the country around New Orleans suffering from partial or total blindness.

An investigation has disclosed the fact that a cheap antiseptic containing a large amount of wood alcohol has been used throughout Louisiana. The city chemist found as much as 30 per cent of methyl alcohol in some of these specimens, rendering them totally unfit for internal administration. As methyl alcohol, when taken internally, acts directly on the optic nerve, the majority of the persons affected will not fully recover their eyesight.

Now, Mr. President, I suggest this simply as one of the reasons why doctors, why manufacturers, why druggists and all other persons favor this bill. I have taken up the time nearly until 2 o'clock, and I wish to give notice at this time that to-morrow after the close of the routine morning business I will ask again that the bill be taken up for consideration.

As a minute or so remain before the expiration of the morning hour, if the Senator from Arkansas has any questions in reference to this measure that I have not made clear, I shall be very glad to respond.

Mr. JONES of Arkansas. The time is too short to begin an analysis or discussion of the bill, and I do not care to ask any questions now.

Mr. GALLINGER. Mr. President, I should like to suggest to the Senator that I wish before this bill is taken up again that he examine the closing words in section 9:

Except wherein such legislation conflicts with the provisions herein.

I will say to the Senator that we have been laboring here for a great many years to get satisfactory laws on the statute book upon this and allied subjects for the District of Columbia——

Mr. MCCUMBER. I will state to the Senator right here that I have most thoroughly examined that, and also the correspondence by the District officers. They seem to think that the bill is in conflict with some of the provisions of the laws of the District of Columbia, but it is not so. I can not find that it conflicts in any way. It simply prohibits the sale of an adulterated article and a misbranded article in the District of Columbia, and there is no law of the District of Columbia which allows that to be done. It does not interfere in any other respect.

Mr. GALLINGER. I regret the Senator did not allow me to conclude my sentence. I have quite forgotten where I left off, but I will simply say that if it does not conflict, then there is no need of placing it in this law. I, however, will call attention to that later on.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had on the 4th instant approved and signed the act (S. 6461) providing for an additional district judge in the district of Minnesota.

STATEHOOD BILL.

Mr. QUAY. Mr. President——

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. QUAY. I understood my friend the Senator from North Dakota [Mr. MCCUMBER] to give notice that on to-morrow at the conclusion of the routine morning business he would ask the Senate to proceed again to the consideration of the bill which has just passed from the consideration of the Senate.

Mr. ALDRICH. I did not understand him to make that statement.

Mr. QUAY. I understood him to make it.

Mr. MCCUMBER. Yes; the same bill.

Mr. QUAY. I do not wish to be at all discourteous to my friend from North Dakota, with whose views in relation to the proposed legislation I sympathize absolutely, but I wish to say to him that the condition of affairs in connection with the statehood bill to-morrow may be such that I shall be compelled to antagonize his suggestion.

Mr. MCCUMBER. I wish to say to the Senator from Pennsylvania, Mr. President, that so far there has been practically no discussion of the statehood bill before 2 o'clock. If matters continue as they have continued in the past the chances are that there will be little more done upon that bill between 1 and 2 o'clock to-morrow than there has been done in the past. I can see no reason why we can not occupy the attention of the Senate to-morrow morning for a half or three-quarters of an hour without injuring the status of the statehood bill in any way.

Mr. QUAY. That will depend upon conditions. It is very evident to my mind, Mr. President, that if we are to reach a conclusion upon the statehood bill more time will be required in its discussion than is allotted under the regular order, as now suggested, for which I now call.

Mr. ALDRICH. I do not understand that any unanimous consent has been asked or given in regard to the consideration of the pure-food bill, so called.

The PRESIDENT pro tempore. It was only a notice.

Mr. ALDRICH. I suggest to the Senator from North Dakota that before the bill comes up again, as a matter of convenience to Senators, it would be wise to make a statement showing the relative provisions of the House bill and the Senate bill. I understand that there are radical differences between them, and I think it would facilitate the discussion if he would make some kind of a statement and have it printed, so as to show the precise difference between the two bills.

Mr. MCCUMBER. The report, which is very short, shows that, and I also made the statement to make it doubly clear this morning. The report shows the difference between the two bills.

Mr. ALDRICH. I was not fortunate enough to be present when the Senator made the statement this morning.

Mr. QUAY. Mr. President, I desire again to make what has become almost a daily request to the Senate, for unanimous consent that this bill and pending amendments and amendments then to be offered may be voted upon February 19, at 2 o'clock p. m.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks unanimous consent that this bill and the pending amendments, and amendments then offered, shall, without further debate, be voted upon at 2 o'clock, February 19. Is there objection?

Mr. NELSON. I object, Mr. President.

The PRESIDENT pro tempore. Objection is made.

Mr. QUAY. Now I ask for the regular order.

Mr. KEAN. I yield to the Senator from New Hampshire [Mr. GALLINGER] at his request.

Mr. QUAY. I call for the regular order. I understand the Senator from New Jersey is impatient to address the Senate upon it.

Mr. KEAN. I yield to the Senator from New Hampshire at his request.

Mr. GALLINGER. Mr. President, I desire to occupy the attention of the Senate only a few moments in calling attention to a matter that was under discussion on yesterday. I read the bill very carefully and the various reports, and while I found in the bill provisions relating to polygamy which I supposed were sufficiently stringent, as I recall it, no allusion to the matter is made in the report. When that question arose on yesterday I confess that I did not feel that I was very well prepared to discuss it, and I put myself on record as being quite as strongly in favor of the most stringent provision in this bill relating to polygamous practices as any Senator could possibly be.

Since that time I have taken occasion to look at the laws under which the last six States which have been brought into the Union were admitted.

On February 22, 1889, an act was approved admitting the States of North Dakota, South Dakota, Montana, and Washington—a quartet of States. A good deal of criticism has been made that we propose to admit three States in one bill, and yet fourteen years ago a quartet of States was admitted in one bill, and a great many Senators who are now opposing the so-called omnibus bill which is before the Senate voted for the bill admitting these four States—South Dakota, North Dakota, Montana, and Washington.

Mr. CULLOM. What were the four?

Mr. GALLINGER. South Dakota, North Dakota, Montana, and Washington. The Senator from Illinois undoubtedly voted for it with great cordiality, and so he of course is foreclosed from making the criticism which has freely been made here, that this is an unusual thing; that we are admitting three States in one bill, an omnibus bill, which the Senator from Wisconsin [Mr. QUARLES] yesterday so humorously described, forgetting that we had had a worse omnibus bill a few years ago, and which most of the leading Senators here now voted for without objection.

But what I meant to say in connection with this matter was that while there was a criticism, as I remember it, at that time that the practice of polygamy had invaded the Territory of Montana to some extent, there is no provision whatever in that bill relating to the subject except the general provision that "perfect toleration of religious sentiment shall be secured, and that no inhabitant of said States shall ever be molested in person or property on account of his or her mode of religious worship." That bill was approved February 22, 1889.

On the 3d day of July, 1890, the State of Idaho was admitted to the Union, and I think I am not mistaken in the assertion that it has been suggested in various quarters that the Mormons were getting a foothold in the State of Idaho. I ask my friend from Idaho [Mr. DUBOIS] if that contention has not frequently been made?

Mr. DUBOIS. With the consent of the Senator from New Jersey [Mr. KEAN], I will answer that question and some others when the Senator has concluded his remarks. I will answer the Senator's question now if he desires, but I would like to submit some further remarks in answer to the Senator's question.

Mr. GALLINGER. I will simply say in this connection that in the bill in 1890, which received the approval of various of our leading Senators here, some of whom have perhaps recently been exercised over this question of Mormonism, there is not a line relating to the question of Mormonism. Congress in its wisdom and the Chief Executive left it to the State to deal with it, and I presume the State of Idaho is dealing with that question very successfully. At any rate, I have heard no recent suggestion that Mormonism is prevalent in that new and very prosperous State.

Four years later, on the 16th day of July, 1894, an act was passed admitting Utah into the Union on an equal footing with the original States.

Now, Mr. President, I need not discuss the question as to whether the Mormon religion or the practice of polygamy existed in the State of Utah. That is known to all men, and it would be simply a waste of time if I should undertake to discuss it.

Congress passed a law admitting that Territory to the Union, and what kind of a provision did Congress put into the bill relating to polygamy? These Senators were here. They knew all about this question of Mormonism, whether or not it was one that should be dealt with in the bill admitting this new State, and in that bill was inserted this provision:

> That perfect toleration of religious sentiment shall be secured, and that no inhabitant of said State shall ever be molested in person or property on account of his or her mode of religious worship: *Provided*, That polygamous or plural marriages are forever prohibited.

Now, Mr. President, that is precisely the provision that is in the bill now before the Senate, under which we propose, if it is enacted into law, to admit the States of New Mexico, Arizona, and Oklahoma; or, to be more specific, it is the precise phraseology that is in the bill relating to New Mexico and Arizona. And yet on yesterday Senators, under the right they have in debate, doubtless responding to conscientious convictions, raised a great hue and cry over the inadequacy of the provision that was found in this bill relating to the question of polygamy.

Mr. KEAN. Will the Senator yield to me for a question?

Mr. GALLINGER. Certainly. The Senator has yielded to me.

Mr. KEAN. Does the Senator consider the present provision against polygamy adequate?

Mr. GALLINGER. I am not discussing that. I was intending to say before I got through that I have had legislative experience enough to know that this matter, having been sprung upon the Senate, if the Senator from New Jersey does not, some Senator on that side of the question will say that the provision relating to Utah is not adequate. I have anticipated that.

Mr. KEAN. I certainly say so.

Mr. GALLINGER. I have anticipated that, and I think I am safe in saying that the Senator from New Jersey will doubtless indulge in that contention. The Senator nods his head. So I am prepared for that.

But, Mr. President, any criticism made upon those of us who have been supporting this bill, in so far as this question of polygamy goes, is not, to my mind, very well placed when it is considered that when Utah was admitted as a State, that we all know at one time did tolerate the practice of polygamy, and, indeed, the Territory in which polygamy perhaps found its origin, the wise men of Congress and the Chief Executive of the nation thought that was an adequate provision, and, so far as I know, very little proof has been supplied to the country that it has not proved adequate. As to those of us who thought that that

provision in the bill that is now before us, being in the identical language of the provision in the statute admitting Utah was sufficient, it ought at least to exclude from the province of severe criticism for having entertained that view.

Now, Mr. President, that is all I care to say, simply.

Mr. TELLER. How about Wyoming?

Mr. GALLINGER. I have not touched on Wyoming.

Mr. TELLER. There are more Mormons there than in Arizona.

Mr. GALLINGER. The senior Senator from Colorado asks me as to the provision in this statute relating to Wyoming. I omitted to get that, but I will venture to say, Mr. President, that there was a Territory, which is now a State, in which a very large Mormon population is found, and I feel sure that it will be found upon examining the statute that there is no more stringent provision in that law than there is in the bill now under consideration.

My purpose is served, and I thank the Senator frow New Jersey for kindly allowing me the opportunity to make this explanation.

Mr. DUBOIS. Will the Senator from New Jersey permit me?

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from Idaho.

Mr. KEAN. I yield with pleasure, Mr. President.

Mr. DUBOIS. Yesterday I was necessarily absent, by the permission of the Senate, attending to my duties as one of a subcommittee on an appropriation bill when this discussion arose, or I should have spoken then in regard to it.

When Idaho came into the Union, its constitution provided that the legislature of Idaho could disfranchise the Mormons, with a line, simply by enacting that no Mormon should vote in Idaho or sit on a jury there. As a matter of fact, when Idaho was admitted into the Union the Mormons were disfranchised and could not sit on a jury. That was our test oath. The question was taken to all the courts, and finally sustained unanimously by the Supreme Court of the United States.

I contended, as Senators here know, that that provision of our constitution should not be disturbed. A great many Senators were loath to admit a State with such a test oath. I took the ground that on account of the peculiarity of those people and their belief in the divine institution of polygamy we ought not to be forced into the Union without this clause which our people wanted; that Congress could keep us out, but that, representing my people as a Delegate, I protested they should not take us in unless this constitutional amendment was ratified by Congress as a part of our State constitution.

At that time in Idaho we had the most stringent laws in regard to polygamy, unlawful cohabitation, adultery, and all kindred subjects. We were admitted into the Union, as I say, under that constitution, and the Mormons were disbarred from all their rights of franchise.

Mr. SPOONER. All of them?

Mr. DUBOIS. All the Mormons, all members of the Mormon Church, no matter whether they were polygamists or not. We had in Idaho put on our statute book a provision that no Mormon should vote; and, as I have said, that law has been passed upon by the Supreme Court of the United States and sustained.

Mr. HALE. How much of an element in numbers had the Mormons in Idaho compared with the rest of the population of the State? What proportion of your population belongs to the Mormon Church.

Mr. DUBOIS. Roughly, I should say between one-fifth and one-sixth of our population—a very large proportion.

Mr. HALE. Are they interspersed throughout the different counties or are they largely together?

Mr. DUBOIS. They are mostly together on the borders of Utah, extending north. I live in the heart of the Mormon country. There are 6 counties out of the 21 counties in the southeastern part of the State, and I should say that in three of those counties the Mormons are a majority of the population, and in the other three they are about equal in numbers to the Gentiles. In addition to that, there are some of them scattered among the other counties.

Mr. HALE. Do they take no part in the legislation or in the elections in the State?

Mr. DUBOIS. They took no part in the framing of our constitution. They were disfranchised under our Territorial law; they were not allowed to vote or to sit on juries, and there was not a Mormon in our constitutional convention. Our constitutional convention, regardless of politics, put the provision in our constitution that no member of the Mormon Church should vote.

Mr. HALE. Now I direct the Senator's attention to what is the present condition in that State.

Mr. DUBOIS. I intended to lead up to that. My remarks were leading up to that directly.

Mr. HALE. I did not want to interrupt the Senator.

Mr. DUBOIS. I was paving the way for that.

Mr. HALE. What the Senator is saying is very interesting, and some of it is quite new to me.

Mr. DUBOIS, At the time when this drastic legislation was passed in Idaho, which startled the country and attracted attention everywhere to this Mormon problem, the Mormon people believed and said that under the Constitution of the United States we could not interfere with polygamy, putting that contention on the ground that we could not interfere with the religious beliefs and practices of any people. Polygamy, they claimed, was a religious tenet, and that therefore under the Constitution of the United States we could not disturb it. That made our fight very simple, but very bitter. They took that position, and we, of course, combated it.

Mr. SPOONER. What was the nature of the test oath to which the Senator from Idaho has referred?

Mr. DUBOIS. I will explain it. They were required to swear that they did not belong to an organization which taught or preached the practice of polygamy, and that they did not subscribe to the support of any institution which teaches, counsels, or advises the practice of polygamy, etc. We had a very able Democratic lawyer from the State of Kentucky who framed this law, which has passed the scrutiny of all the courts.

As I say, when such legislation as that was necessary the Mormons contended openly that the United States was powerless to interfere with polygamy because it was a religious tenet, and that the Constitution of the United States gave them freedom in religion. After Idaho was admitted under this State constitution a proposition was made in Congress to apply the Idaho law to Utah. That may have had something to do with subsequent events.

Mr. HALE. Utah was then a Territory.

Mr. DUBOIS. Utah was then a Territory, but the Mormons being in the large majority in Utah, of course the Utah legislature could not pass any such provision as was passed by the Idaho legislature, where the Gentiles were in the majority.

Various causes operated to cause the Mormons to abandon polygamy. There was a feeling among the younger members of the Mormon Church, and a very strong feeling, that polygamy should be done away with. So here was this pressure within the church against polygamy and the pressure by the Government from outside the church against polygamy. In 1891, I think it was, the president of the Mormon Church issued a manifesto declaring that thereafter there should be no polygamous marriages anywhere in the Mormon Church. The Mormons were then called together in one of their great conferences, where they meet by the thousands. This manifesto was issued to them by the first presidency, which is their authority, was submitted to them, and all the Mormon people ratified and agreed to this manifesto, doing away with polygamy thereafter.

The Senator from Maine [Mr. HALE] will recall that I came here as a Senator from Idaho shortly after that, and the Senator from Connecticut [Mr. PLATT] will recall how bitter and almost intemperate I was in my language before his committee and on the floor of the other House in the denunciation of these practices of the Mormon Church. But after that manifesto was issued, in common with all of the Gentiles of that section who had made this fight, we said, "They have admitted the right of our contention and say now, like children who have been unruly, 'we will obey our parents and those who have a right to guide us; we will do those things no more.'" Therefore we could not maintain our position and continue punishing them unless it was afterwards demonstrated that they would not comply with their promise.

After a few years in Idaho, where the fight was the hottest and the thickest, we wiped all of those laws from our statute books which aimed directly at the Mormon people; and to-day the laws on the statute books of Idaho against polygamy and kindred crimes are less stringent than in almost any other State in the Union. I live among those people; and, so far as I know, in Idaho there has not been a polygamous marriage celebrated since that manifesto was issued, and I have yet to find a man in Idaho or anywhere else who will say that a polygamous marriage has been celebrated anywhere since the issuance of that manifesto.

Mr. HALE. Then it must follow from that, as the years go by and as the older people disappear, polygamy as a practice will be practically removed.

Mr. DUBOIS. There is no question about it; and I will say to the Senator, owing to the active part which we took in that fierce contest in Idaho, I, with others who had made the fight, thought we were justified in making this promise to the Mormon people. We had no authority of law, but we took it upon ourselves to assure them that those older men who were living in the polygamous relation, who had growing families which they had reared and were rearing before the manifesto was issued, and at a time when they thought they had a right under the Constitution to enter the polygamous relation—that those older men and women and their children should not be disturbed; that the polygamous

man should be allowed to support his numerous wives and their children. The polygamous relations, of course, should not continue, but we would not compel a man to turn his families adrift. We promised that the older ones, who had contracted those relations before the manifesto was issued, would not be persecuted by the Gentiles; that time would be given for them to pass away, but that the law would be stringently enforced against any polygamous marriage which might be contracted in the future.

Mr. HALE. I can see the force of that generous policy, which was based upon the larger proposition that in getting rid of an undoubted evil, having provided for its disappearance in the near future, for the time you bear with the present condition of those older parties. Under this generous treatment I suppose those older persons in Idaho did not cease the polygamous relation; they supported their wives and their family relations were maintained, but there was no new taking on, and therefore in time polygamy would disappear.

Now, let me ask the Senator another question. Notwithstanding that, and what he thinks will be the absolute disappearance of polygamy as a practice of the church, I ask whether the Mormon Church organization and its hold over its followers and membership is maintained as strongly as ever? Notwithstanding the disappearance of polygamous marriage as a church practice, do the Mormons still hold that kind of allegiance which in a sense is offensive in that it makes the church higher than the Government? What is the opinion of the Senator as to that?—for I am asking actually for information.

Mr. DUBOIS. Very much to my regret, Mr. President, I must answer the Senator's question in the affirmative. I can not see any very great diminution in the power of the Mormon Church over its followers in political and temporal affairs since the disappearance of polygamy. Polygamy, as the Senator says, has practically disappeared; it is no longer a question which bothers any of us who live in that part of the country.

Mr. HALE. But the hierarchy is there?

Mr. DUBOIS. The hierarchy is there, and designing politicians are there as everywhere, and if it were not for those politicians, coming from the outside in a great many instances, I imagine that our people in that Western country would gradually divorce the church from the state in politics.

Mr. PLATT of Connecticut. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Connecticut?

Mr. DUBOIS. Certainly.

Mr. PLATT of Connecticut. Has not the Mormon Church, by manifesto or proclamation, or whatever name you will give to their authoritative utterances, said that they did not propose to take part in politics, that their members were entirely free to join either of the political parties, and to have any political associations and affiliations that they chose?

Mr. DUBOIS. They did. That was a part of this very manifesto, and one of the strong reasons which impelled us in that country to cheerfully accept it, assuming that they would carry out that provision as well as the other.

Mr. HALE. But the Senator finds that, so far as the power of the church, the concentrated power over the individual, the hierarchy, is concerned, that is as strong to-day as it ever was?

Mr. DUBOIS. Well, I probably went a little too far in saying, if I did make such a statement, that it was as strong as it ever was. I think it is not. The younger members of the Mormon Church, since they have been given the right of franchise and have participated in politics, do not take very kindly to the exercise of this authority by the leaders, and a great many of them are breaking away; but the power of the church is as absolute among most of the older people as it was in former days.

Mr. HALE. There is no falling to pieces of that?

Mr. DUBOIS. There is a falling to pieces among the younger element, who resent it.

Mr. HALE. But not in the organization of the Mormon Church. That is maintained just as firmly as ever?

Mr. DUBOIS. No Mormon holding high ecclesiastical position can aspire to any political office without first gaining the consent of the first presidency of the Mormon Church.

Mr. HALE. That is clearly an objectionable condition. Does not the Senator agree with me upon that?

Mr. DUBOIS. Most thoroughly. It is, if anything, more objectionable than polygamy.

Mr. HALE. More far-reaching in its result?

Mr. DUBOIS. More detrimental to the State and to the interests of the United States.

Mr. HALE. But that exists to-day?

Mr. DUBOIS. That exists to-day. That ruling was made by the first presidency of the Mormon Church some six or seven years ago. Under that ruling they destroyed Apostle Thatcher, a Democrat, who was aspiring to a seat in this body. He went before a Democratic legislature asking to be elected United States Senator, and the first presidency destroyed his ambition because he had not gained the consent of the first presidency to make his canvass.

Mr. HALE. Does the Senator think—and he has large intelligence about this and near-by States and Territories—that a like condition affecting the church and its sway and its influence and the allegiance to it exists to-day to any extent in New Mexico and Arizona as it does in Idaho—not the practice of polygamy by polygamous marriages in the future, but the deep-seated, overruling law and control of the Mormon Church, which the Senator has so well described in Idaho? Does he think that condition exists to a more or less degree in the two Territories which are the subjects of this discussion?

Mr. DUBOIS. It exists in those two Territories in exactly the same degree that it exists in Wyoming, Utah, and Idaho, and every other place where there are Mormon people.

Mr. BEVERIDGE. May I ask the Senator a question?

Mr. DUBOIS. Certainly.

Mr. BEVERIDGE. Does the Senator know whether or not there is on the statute books of either of these Territories any law in force at present against polygamy?

Mr. DUBOIS. I do not know, and I do not care.

Mr. BEVERIDGE. I should be glad to have the information if the Senator has it. I do care.

Mr. DUBOIS. I have stated as plainly as I can that there is not any polygamy. So what is the use of having a law against something that does not exist?

Mr. BEVERIDGE. The question is, then, What is the use of putting in the bill a prohibition against polygamous marriages?

Mr. DUBOIS. There is not any particular use. If my statement on that point is not true, of course none of my statements are true. I mean my statement that polygamous marriages are not sanctioned or contracted by the Mormon Church.

Mr. WARREN. Will the Senator allow me?

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Wyoming?

Mr. DUBOIS. Yes.

Mr. WARREN. I have no desire to correct the Senator in his statements regarding Mormon Church affairs or the Mormon people in Idaho, nor do I desire to define conditions in Arizona or New Mexico; but I wish to say that in my experience of thirty-five years in Wyoming I have known no difference between the Mormon Church and any other church so far as politics have been concerned, or the part the Mormon people have taken in political affairs. If at any time there has been a political condition there that has caused those seeking or those enjoying office to show subservience to the Mormon Church, or to unduly ask that church's influence, I do not know of it.

We all know that other churches—the Presbyterian, the Methodist, the Catholic, and all the great denominations—have a certain influence in elections, great or small according as they predominate in different localities; and our experience in Wyoming has been that the Mormon people stand exactly as the people of other religious faiths in regard to politics and the exercise of their suffrage.

The Mormons of Wyoming never have been polygamists, have not been an indolent or an immoral people, but, on the contrary, have been and are industrious, moral, frugal, and thrifty, and are a desirable and good class of citizens. If there are Mormon settlements in New Mexico and Arizona, and if these settlements increase, I am of the opinion that the Mormons there will form the same desirable class of citizens as we find them in Wyoming.

Mr. DUBOIS. Mr. President, I do not care to enter into any controversy with the Senator from Wyoming [Mr. WARREN]. I was answering the allegation in regard to polygamy. The Senator from Maryland [Mr. MCCOMAS] stated that there would soon be a Mormon majority in Arizona; that the Mormons numbered one-fifth of the population now and would soon be two-fifths, or I think he said, or a majority. I doubt that very much. So far as that is concerned States like Idaho and these proposed new States can easily control the Mormon people whenever they so desire. If the Mormon people should flagrantly, through their first presidency—those who have authority—openly interfere in politics in Idaho I would guarantee to take the stump in that State and disfranchise every Mormon in one campaign.

Mr. HALE. Is it from the first presidencies in the different States or is it from the first presidency in Utah, whom we might call the primate of Utah, that the Mormon people take their directions?

Mr. DUBOIS. They take their directions from the first presidency of the Mormon Church, which consists of the president and two councilors, who are selected from the apostle quorum of twelve, and who are called the second and third presidents, the three being known as the first presidency of the Mormon Church.

Mr. HALE. In each State?

Mr. DUBOIS. No, in Utah. This triumvirate constitutes what

is known as the first presidency of the Mormon Church. They have a presidency of the stake, which is the highest authority in Idaho. The supreme power is given these three presidents in Utah.

Mr. HALE. In Utah?

Mr. DUBOIS. Yes. They have presidents in their different Territories and States. In Idaho, for instance, they have two or three presidents of stakes, as they call them, who are presidents over a large area, embracing a great many Mormons. I imagine they have a president of the stake in Wyoming.

Those presidents of the stakes have no authority politically over their followers. They can be Republicans and go on the hustings, as they do, and contend for the principles of the Republican party; but a Democratic Mormon who occupies a very subordinate position in the church can answer them in just as intemperate language as any public speaker answers another, and will not be checked for it. But when it is understood that the first presidency wants something done they can send their orders out into Idaho and everywhere else, and they will be obeyed. I say—and at some other time I may take up this question again—that if it were not for outsiders we would have settled this question. But we can take care of it in these Territories and States, because what is being done is being done in a measure under cover, and every time authority is exercised which we can trace pretty close to the first presidency, it makes a tremendous disturbance and is bitterly resented not only by Gentiles but by many Mormons as well.

Mr. HALE. Still it is a very serious condition which the Senator has stated to us, that this silent authority, accountable not to the State, not to the nation, not to the officers of the presidency of the State, but to the central, controlling, potential force represented by the first president and his associates in Utah—raises a very profound problem for the Senate to deal with in these States. The Senator knows, as he knows history, that it has been one of the most difficult things to deal with people who hold any allegiance aside from that to the Government—an allegiance which may be, as suggested to me by the Senator from Wisconsin [Mr. SPOONER], an oath-bound allegiance, but, if not, is dominating in the mind of the person who is subject to that influence.

The Senator thinks that the States can deal with that question, but it brings to my mind a clearer appreciation—while we have abolished polygamy, as I think we have as a future practice, and I think the Senator is right about that—it presents to my mind as never before the danger of the influence of the Mormon Church in those localities in the future as a dark element that can not be penetrated by the light that usually illuminates and enlightens communities generally in the States. It is an inside influence; it is pernicious, and may be fraught with the most serious mischief. I think the Senator feels that himself.

Mr. DUBOIS. I want to be perfectly clear. Of course the Mormon first presidency deny absolutely that they exercise this power. They insist that their hands are entirely out of politics.

Mr. SPOONER. Do they deny that they are politicians?

Mr. DUBOIS. They say that they do not try to exercise political control any more than does the bishop of any other church, and we find a great many men like my friend the Senator from Wyoming [Mr. WARREN] who has plenty of Mormons in his State, who insist that the Mormon Church is no different from any other church. They do not openly proclaim this power, nor do they openly exercise this power.

I think that no one will deny my statement that a great many of the younger element who have tasted the sweets of political life and who are candidates for office on a ticket do not like to have orders issued from Salt Lake that the ticket on which they are running should be defeated. In my State during the last campaign, in one county where we had a ticket which ought to have been elected, the leading Mormon of that county, who was running on the ticket, said, "We had better withdraw our ticket, because the church is going to defeat us." The young Mormons resented that very bitterly. For the reason that the first presidency is not proclaiming this power or openly exercising it, headway is being made against this power constantly and steadily, especially among the younger element of the church.

Mr. WARREN. In speaking of Wyoming, of course we have the younger members of the church. Settlements in our State were made later than the earlier settlements in Utah and Idaho. I ask the Senator, in view of his statement regarding the political attitude of the younger members, when it comes to the parting of the ways, if he does not think there is the same tendency to exercise all the functions of citizenship regardless of church affiliations?

Mr. DUBOIS. I do.

Mr. WARREN. That being so, does not the Senator think in New Mexico and Arizona, these being newer settlements, that there will not be the same difficulty, or the same degree of difficulty, that the Senator describes in his own State?

Mr. DUBOIS. I am not putting my State in a different category from the others.

Mr. HALE. Why should it be different?

Mr. DUBOIS. It is not different.

Mr. BACON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Georgia?

Mr. DUBOIS. Certainly.

Mr. BACON. Senators have all gotten together in a bunch over there and we can not hear them. It is a very interesting question, and I hope they will get farther apart.

Mr. HALE. The Senator from Georgia is missing a great deal.

Mr. BACON. I am trying to hear it, but I can not do it if Senators all get within a few feet of each other and each one talks to the other.

Mr. DUBOIS. My contention is that in regard to every subject these two Territories are made an exception, as they have been in almost everything. Judging from the experience in my own State and the experience in Wyoming, I think the Gentile element will always largely predominate in these Territories where Mormons now are. I do not think there is any question for doubt in regard to that. The conditions are the same in all those Western States. If there comes any flagrant interference by the first presidency, these States will enact laws like the Idaho test oath, removing the Mormons from all participation in politics, or other laws which will make it very uncomfortable for them. The younger element is helping us in our opposition to church interference. Frankness compels me—and I gladly do it—to state the condition in that country as I understand it.

Mr. TELLER. With the consent of the Senator who has the floor, I wish to say a few words.

Mr. KEAN. I yield to the Senator from Colorado.

Mr. TELLER. We have had in the State of Colorado for twenty-five years a considerable population of Mormons. We have never had any law against polygamy in the State. We have had a law against bigamy, and that has been sufficient to prevent any polygamous marriages or any polygamous relations in the State among the Mormon settlements. There are three colonies or settlements of Mormons.

I do not myself believe that there has ever been any interference politically by the Mormon Church with these communities. I think those of them who came from Utah had their political ideas very largely formed before they came to Colorado, and quite a large proportion of them have never lived in Utah and have never been brought under the rigid subjection that perhaps the Mormons have encountered in that community.

In Colorado they divide politically, with a preponderance very largely toward the Republican party, and I understand very well why that is. The founders of the Mormon Church were great believers in the doctrine of protection. That was one of their cardinal economic ideas. Their purpose was to manufacture and produce everything in the community in which they lived that it was possible to produce or manufacture and to buy as little from the outside as possible. And notwithstanding at one time they felt there was very decided persecutions on the part of the General Government, which was then in the hands of a Republican Administration, very distinguished members of that church maintained their allegiance to the Republican party.

I agree with the Senator from Idaho that the church is all-powerful, and whenever the church does speak through its first presidency I have no doubt the great body of the church would respond to the demand made. But that such a demand is made or ever has been made, so far as our people are concerned, I very much doubt. That power which the church secured to itself in its early days has been a great agent in colonizing and supporting that section of the country.

Mr. President, I had an opportunity of knowing the very first founders of this church. Some of them came from the immediate neighborhood in the State of New York where I was born and brought up, and nearly forty years ago I came in contact with these people in Utah. I think in all the history of this country there has never been gathered together a more remarkable class of men than that which gathered in Utah in the early history of that Territory. They were men of great ability, many of them men of fine education, some of them classical scholars of note. I believe I do not exaggerate when I say that at one time the finest Hebrew scholar on the continent was a member of the Mormon hierarchy. They were Greek scholars; they were historians; and they had that enthusiasm which alone carried success in an enterprise of that character.

Mr. President, that they practiced polygamy vigorously there for many years can not be doubted. I knew for a great many years the president of the church who issued the manifesto against polygamy. I have no hesitation in saying here—he is dead—that he was a man of very great intellect and a man whose honesty

and integrity I never heard questioned by anybody in or outside of Utah.

Mr. WARREN. Who was he?

Mr. TELLER. Mr. Woodruff. And when he declared to the Mormon Church that polygamy must cease he did not declare it as a man. According to the theory of that church he was the vice-regent of the Almighty, and it was an enunciation to them not of the will of the church, but of the will of God himself.

Mr. PLATT of Connecticut. He claimed to have a revelation, did he not?

Mr. TELLER. Of course, polygamy was established on a claim of revelation, and it was destroyed on the claim of a revelation.

Mr. BACON. Who was the officer to whom the Senator referred?

Mr. TELLER. Wilford Woodruff. I think the Senator from Utah will agree with me that I do not overstate the character of this man.

I do not mean to approve of the polygamy doctrine, for I am as much opposed to it as is the Senator from Idaho. I am speaking of the people themselves and of their wonderful character and their wonderful success. I have had some opportunity of knowing about this matter. I do not believe, as the Senator from Idaho says, there has been a polygamous marriage or a polygamous relation maintained, except as he explained it. I suppose it does exist in that way. At one time, when we were attempting by the national law and the national power to destroy polygamy, the man who would feed his little children, born of a polygamous wife, could be incarcerated in prison. Many of the men who supported the women with whom they had lived and with whom they had reared children, went to jail because they furnished food and clothing for their wives and children. They might abandon them and leave them to starve and the Government would not prosecute, but if they fed them the Government would prosecute.

Mr. KEAN. May I ask the Senator from Colorado a question?

Mr. TELLER. Certainly.

Mr. KEAN. The Senator seems to be well informed on this subject. Is not polygamy practiced at the present time in Mexico by these same people?

Mr. TELLER. I do not know anything about the practice in Mexico. Neither does the Senator, I believe.

Mr. KEAN. I asked the question, as I knew the Senator from Colorado was well informed.

Mr. TELLER. There is a colony in Mexico. There is a colony in a country nine-tenths of whose people are members of the Catholic Church; and if there are any people on the American continent who enjoy a high character for the sanctity of the marriage vow and the relation of the sexes, it is that church. I should not believe without the most positive proof that any colony was allowed to practice polygamy in the Republic of Mexico. I do not believe they do, Mr. President. I was in Mexico a few years ago and in the neighborhood of the colony in Chihuahua, and I never heard any complaint of that. I heard them well spoken of as industrious, well-behaved, and good people. I believe that to-day there is no danger whatever of polygamy.

Now, as to the power of the church, that can not be destroyed by legislation. It is undoubtedly a misfortune that it should prevail, but to some extent it prevails in every religious organization on the continent. In a political contest I have seen the power of pretty nearly every great church in the United States influencing the voter, undoubtedly with the thought that it was a proper thing to do; and I do not mean to say that sometimes that interference may not be a good thing in the interest of the morals of the people.

Mr. PLATT of Connecticut. May I ask the Senator from Colorado a question?

Mr. TELLER. Certainly.

Mr. PLATT of Connecticut. Does the Senator go so far as to assert or suppose that in case a man's official duty in his official capacity was held to clash with the requirements of the church, he would follow the requirements of the church rather than his official oath and his official duty under his oath?

Mr. TELLER. I have no reason to suppose, from my acquaintance with the Mormon people, that that condition ever existed. I have known men of as high a character in that church as I have in any other, and without positive proof that such a condition existed I should not be willing to believe it. I have never heard any complaint of that. The only complaint I have ever heard is that the first presidency sometimes says, "We should like to have this man elected," or "We should like to have the other." I believe that rarely occurs in Utah, and I do not believe it has ever occurred in the State of Colorado with our Mormon population. I have never heard that it has occurred in Wyoming, which is a neighbor of ours and of which we all know something.

Mr. DUBOIS. I will say to the Senator from Connecticut that we have a great many Mormon local officials in our State; a district judge is a Mormon; in Utah, of course, the governor and other high officials are Mormons, and that question never has been raised at all and is not likely to be raised any more than that the devotion of some of us to the Presbyterian Church and its tenets would cause us to violate our oath of office as Senators.

Mr. PLATT of Connecticut. The reason I asked the question was that the statement as broadly made by the Senator from Idaho and the Senator from Colorado might be construed in that way. I doubt very much whether that would be so.

Mr. TELLER. I did not intend to go to any such extent. I only meant to say that when the first presidency indicated that they thought a political party which was struggling for power was friendly to them and in their interest, the Church would be very apt to respond. I have seen that done by bishops and leaders in other churches.

Mr. President, I wanted to say these few words about the Mormons, because I took up a paper the other day in which I found a statement, made by somebody, that there was to be a great contest in the Western States over the question whether the Mormons were going to get control of the States. I have seen repeatedly in public prints the statement that they held the balance of power in the State of Colorado. They have never been a factor in political affairs in the State. They may have been in a county, but I have never heard any complaint of that. But, as far as our State affairs are concerned, neither party has ever nominated a Mormon, and they have never been considered, I repeat, as a factor. They never will be. They will not be in Wyoming; they will not be in Arizona, or in any of these States. In the first place, they are not people who devote themselves much to politics. They are as industrious, debt-paying, law-abiding a people as there are anywhere on the continent.

Mr. RAWLINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from Utah?

Mr. KEAN. I yield.

Mr. RAWLINS. Mr. President, in view of the reference made by the Senator from Colorado and also other Senators to the conditions prevailing in Utah, there are one or two things I deem it proper to say in this connection.

In 1893 I was a Delegate in the House of Representatives. I introduced the bill under which Utah became a State. My attitude had been somewhat similar to that of the Senator from Idaho [Mr. DUBOIS]. He has already stated the occurrences which led up to the creation of the sentiment in Congress and in the country by reason of which Utah became a State.

The Mormon Church had maintained the institution and practice of polygamy. In Utah it had held absolute dominion politically in local affairs. Party politics were church and antichurch. But in 1890, for various reasons, the president of the Mormon Church, almost if not quite professing to speak by Divine authority, proclaimed to the Mormon people and to the world that there should be a cessation of the practice of polygamy and that the hand of the church would be taken out of political matters, and that the Mormon people like other people would be free to exercise their own preferences in regard to politics and political parties.

This solemn delaration was affirmed and approved by a Mormon conference, embracing all the organizations of the church. The non-Mormons in Utah accepted that pledge as one made in good faith, and those who had been violently opposed to the Mormon Church and polygamy withdrew opposition to the admission of Utah to the Union as a State.

So when I presented the bill to the House, Utah, by reason of her population and her wealth being otherwise entitled to admission, Congress enacted the necessary legislation and Utah came into the Union as a State.

Now, it is true that old polygamous relations have in a way been maintained. Perhaps in some few instances, very exceptional and rare, there have been in Utah and elsewhere by Mormons polygamous marriages contracted. Perhaps that pledge, made by the Mormon Church in regard to polygamy, has, as fully as might have been expected, in view of all the conditions, been complied with. But men possessed of political power and influence, in spite of any pledge to the contrary, are not likely to surrender that power. It seems not to be human nature. The Mormon leaders during the Territorial days held political power and dominion. While they said to the Mormon people, "You are free to make your political preference, to vote as you please," these leaders were subjected to importunities, by politicians or perhaps by parties in some instances, by persons aspiring to political office, to employ that influence in their behalf. That has been our trouble in Utah, and it will continue to be our trouble in Utah.

The Mormon leaders have proclaimed that they do not interfere in political affairs. And yet that subtle influence has pervaded the communities until there is a confirmed belief on the part of all people in the State of Utah—Mormons, I believe, and non-

Mormons alike—that the church influence in politics is an extremely important factor.

Mr. SPOONER. Will the Senator from Utah allow me to ask him a question? The statement is an exceedingly interesting one. I have not myself been so much concerned about this question, so far as it relates to polygamous marriages, because I have assumed that it could be reached by the criminal laws of the country, properly enforced. But does the Senator agree with the statement of the Senator from Idaho as to the absolute power which he indicated exists on the part of the first presidency, as he called it, over the political actions of members of the church, going to the extent of prohibiting a Mormon from being a candidate for office, a prohibition which must be obeyed? I suppose if the order were that he should become a candidate for office, it likewise would be an order to be obeyed. Is that the Senator's understanding of the situation?

Mr. RAWLINS. The Senator from Idaho, I think, stated the situation with substantial accuracy. I would add in this connection one or two incidents.

Mr. DUBOIS. To be entirely accurate, I will state what I said: That the Mormon first presidency issued a statement recently that no Mormon holding a high ecclesiastical position should become a candidate for high political office without the consent of the first presidency. That is the statement.

Mr. SPOONER. The Senator does not go to the extent of saying that no Mormon can become a candidate for political office if prohibited by the first presidency?

Mr. DUBOIS. I was speaking of their order, which refers to those high in authority in the church. The practice is for any Mormon who wants to be a candidate for sheriff or county office, or on the State ticket or anything like that, to do so.

Mr. SPOONER. What I want to get at, if I can, from the Senators who live in the vicinage, so to speak, is the extent of power which may be exercised, if the hierarchy chooses to exercise it, upon the action, political and otherwise, of members of the church.

Mr. HALE. Let me ask the Senator——

Mr. RAWLINS. If the Senator from Maine will permit me, I should like to answer the question propounded by the Senator from Wisconsin.

Immediately upon the admission of Utah into the Union the question rose which is the subject-matter of the inquiry of the Senator from Wisconsin. One of the parties nominated in a political convention in the ordinary way men holding positions in the Mormon Church for political offices. In the progress of the campaign, during a Mormon conference, it was proclaimed to the Mormon people that those candidates had not received the permission of their religious associates to become candidates for these offices, and therefore their conduct was not approved in that respect. This, promulgated in the midst of a political campaign, it was thought had a material effect upon the election. These men were defeated. Thereupon the men who had continued to be candidates were arraigned.

Mr. HALE. They were what?

Mr. RAWLINS. They were arraigned before the authorities of the church.

Mr. HALE. The men who did not regard the order?

Mr. RAWLINS. They did not regard the order. They were arraigned before the authorities of the church, charged with misconduct. Thereupon a manifesto, as it was called, was issued by the Mormon Church and proclaimed to the Mormon people, upon which the Mormon people were invited to vote their approval. That was, that no person in the Mormon priesthood and occupying an important position in the Mormon Church, should aspire to a political office without first having obtained the consent of his religious leaders. That manifesto was adopted in conference and in the different local church organizations throughout the State.

The party called a reconvened convention to protest against this doctrine, on the idea that if it were submitted to by the Mormon people, it would result in this—and I think it has so resulted: That any Mormon nominated without first obtaining the permission of the church leaders to become a candidate has the disapproval of the church organization as such, while any Mormon occupying a prominent position who conforms to that rule and obtains the consent of the authorities of the church, goes to the Mormon people with the benediction of the Mormon Church, and among a large number of that people it would be sufficiently potent to induce them to cast their suffrage for that candidate.

Mr. HALE. While the other man rests under the frown of the church. Now, I submit, Mr. President, that no statement can be stronger than this as to the interposition of this church power. The approval of a church sets a man free in the race the American citizen embarks in for the favor of his fellows, but if his candidacy is not approved, he rests under the frown of the church and he can obtain no office. Does the Senator know any other church about which that is true?

Mr. RAWLINS. No; I do not.

Mr. HALE. No; I do not think he does.

Mr. RAWLINS. I want to state in this connection that a vigorous protest was made at the time against this manifesto, this idea that a member of the Mormon Church could not aspire to office without obtaining the consent of the church leaders. It was protested against for the very reasons I suggest. Not only did the non-Mormons protest against it, but many of the Mormons protested against it, and they met in convention and adopted resolutions protesting against it.

Mr. WARREN. Mr. President——

Mr. RAWLINS. But, of course, Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Wyoming?

Mr. RAWLINS. In one moment. Of course, Mr. President, the Mormon people in a way have been compelled to acquiesce in it, for this reason: Anyone opposing it after its adoption as a church organization was subject to excommunication in the church. Very many Mormons, younger Mormons and older Mormons, too, in that respect, dislike it and are protesting against it, but are not willing to carry their protest to the extent of suffering such excommunication.

Now, in Utah no Mormon—and of course the large proportion of our population are members of the church—feels that the road to political preferment is open to him except upon that condition. Very many of the best Mormons, therefore, will not aspire to political office, because while they acquiesce they do not desire to submit to this sort of interference of the church in affairs of state.

Mr. SPOONER. Will the Senator permit me to ask him another question—only for information?

Mr. RAWLINS. Certainly.

Mr. SPOONER. Has the full scope of the power of the Mormon Church over its members, so far the Senator knows, come to the knowledge of the public?

Mr. RAWLINS. I think it has been discussed many, many times in the public press, and also, I suppose, in the halls of Congress.

Mr. SPOONER. Does the Senator know whether the members of the Mormon Church take an oath or not?

Mr. RAWLINS. That is a field of inquiry I would not care to enter upon.

Mr. WARREN. Will the Senator from Utah yield to me for a question?

Mr. RAWLINS. With pleasure.

Mr. WARREN. Without challenging the statement of the Senator from Utah, for he undoubtedly knows more about the Mormon situation in Utah than I do, or perhaps any one here, I should like to ask him where the line is drawn as to those who are required to get permission of the church in order to accept a political nomination or take an active part in politics? Does it apply to business and professional men, or does it apply only to certain high church officials, and if the latter, just where the line is drawn with reference to church positions, and how many and of what order does it include?

I would ask the Senator another question before he answers, so that the two may be considered together. Is the condition he is describing the condition as it has continuously prevailed from early times to the present; is it of the present or of long ago; and what is the condition now as compared with the condition one, two, three, five years ago?

Mr. RAWLINS. I am glad the Senator has asked both those questions, because I have no interest in this matter except to present the case as it actually is.

Mr. WARREN. I will say that I do not ask the questions to distract the Senator.

Mr. RAWLINS. I know.

Mr. WARREN. But such information is of great interest to the Senate and to the country, and I should like to have it completed. I only ask the questions so as to have the answer complete.

Mr. RAWLINS. As to the first question, I regret that I am unable to give the limit, because when this manifesto was issued by the church, announcing that members aspiring to political office—that is, persons holding positions of authority in the Mormon Church—should obtain permission of the authorities before doing so, many Mormons themselves made the inquiry and desired to have the limit defined, so that they might know what degree or standing in the church would make the person amenable to this rule. As I understand it, the church declined to fix any limitation, but, as a matter of fact, it related to two persons. One was an apostle of the Mormon Church, subsequently deposed. The other was in a subordinate position in the church. He was one of the first seven presidents of the quorum of seventies. In one campaign this man made the fight under the political ban of the church, without having its consent, and was defeated. In the subsequent campaign, having subscribed to the doctrine and

obtained the consent, he was elected. Now they are conscious, not Gentiles but Mormons, that if they could they would rid themselves of this.

That leads me to the answer to the inquiries very properly propounded by the Senator from Wyoming. In Utah I concede that there has been very great progress among the Mormon people themselves in the way of the emancipation of the people from this kind of influence. In the older days—the Territorial days—the sway was absolute, and you would hear no protest. To-day there is a very large class among the Mormon people who would readily overthrow this church domination in affairs of state, and it is just as obnoxious to them as it is to any member of the Senate. That feeling, that sentiment, that disposition to get rid of it is growing.

Now, one of the great troubles we have in Utah is this: The managers of political campaigns (and it is true of all managers, and I do not speak in a party sense) seek to pull all the strings in order to win. Those are sometimes legitimate and sometimes, in the estimation of people who look at the matter impartially in the interest of the public weal, they are illegitimate.

If these extraneous influences could be got rid of, if leaders of the Mormon Church, or any other church are not led to believe that they can gain some advantage, some immunity, by aiding one political party or another, they see that there is no reward for them by intermeddling in church affairs. On the other hand, it ought to be the case that instead of rewards it ought to be reprobated. No advantage at least, but rather a disadvantage, should come in consequence of this intermeddling. This attempted interference would disappear if the leaders themselves would take their hands out. Many of them proclaim that they do not want or do not put them in, but if they would keep their hands out the rank and file of the Mormon people would be left to themselves. They are not a dangerous people. They are an industrious and frugal people.

Mr. WARREN. I wish to ask the Senator a question right in the same line. I think the Senator will be glad to answer it.

Mr. RAWLINS. Certainly.

Mr. WARREN. Is it not a fact that when this condition first prevailed and for a long time after it there were but two parties in Utah, one the Mormon and the other the Gentile? Or, to be more specific, the People's party (Mormon) and the Liberal party (Gentile). There were then no political parties such as are known to-day as Republicans and Democrats. In former times it was the Mormon and the Gentile. Since the division of the parties, since there has been a Republican party and a Democratic party, has the tendency been toward greater freedom from the dominating influence the Senator has mentioned, or otherwise?

Mr. RAWLINS. I think so, most decidedly. I think I anticipated in some remarks which I had the honor ten years ago to make in the House of Representatives that we would not actually be free from this question, that it would arise in one way or another to plague us, but that with conditions favorable to the free exercise of the right to vote, to deal with public questions, with the division of these people who had theretofore been solidified discussing this question, it would tend to the accomplishment of the end which all desire. That has resulted, and it will continue, in my judgment. I do not think that we will be dominated in our political affairs in Utah. The conditions will improve, in my judgment.

Mr. McCOMAS. Mr. President, the Senator says two new parties are there, Republican and Democratic. Can the Senator tell me the practical result in the present legislature? Is he informed how many members are reputed Mormons?

Mr. RAWLINS. I could not give the exact proportion.

Mr. McCOMAS. Approximately?

Mr. RAWLINS. But a majority of the legislature.

Mr. KEAN. It is utterly impossible to hear the Senator.

Mr. McCOMAS. I should like to hear this answer.

Mr. RAWLINS. I am not accurately informed as to the number.

Mr. McCOMAS. Approximately?

Mr. RAWLINS. I am quite sure that a considerable majority of the present legislature are members of the Mormon Church.

Mr. McCOMAS. A considerable majority of the present legislature are members of the Mormon Church?

Mr. RAWLINS. Yes; I think that is true. That is a rough statement, because I have seen——

Mr. DUBOIS. And of the State?

Mr. RAWLINS. Of course a large majority of the population of the State are members of the Mormon Church.

Mr. WARREN. So that the proportion of the legislature would represent very fairly the proportion of the population of the State as to Mormons and non-Mormons?

Mr. RAWLINS. I do not think the Mormon people have been disposed to discriminate on the grounds of religion, to apply the religious test. I have thought that in the elections generally they have manifested considerable liberality in that regard.

In so far as the dominating influence of the church has been employed, it has not been employed strictly for the purpose of elevating Mormons as against non-Mormons. I think the leaders themselves have not felt inclined to make a strictly religious test; but appealed to, their aid sought, with the idea that advantage was to come to them or immunity was to come to them or something was to come to them if one side or the other was aided, in a way which I can not describe the aid has been given. At least, that is the firm opinion of, I think, all the people, almost without exception, in my State.

Mr. President, I do not think that I have anything further to suggest.

Mr. HALE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from Maine?

Mr. KEAN. Certainly.

Mr. HALE. For only a moment.

The discussion this afternoon, Mr. President, has not only been most interesting, but most valuable, and, as a Senator on my left says, startling. It has disclosed the presence in certain States and Territories of a powerful religious organization, a well-organized church, not asserting a practice that is believed by the American people to be wicked in its results, the practice of polygamy, but asserting itself as a dominant, potential force from the mind and action of its followers.

The Senator says that this has been fully discussed before. I do not think so. Most of the discussion that has taken place in Congress in relation to Mormonism has been with reference to the practice of polygamy and its disastrous results upon the social fabric. The greater question of the power and determination of the Mormon hierarchy to intrude itself into temporal matters and to influence and control the action of its followers as citizens is what has been developed here to-day, and it may well give us pause.

The very last statement of the Senator from Utah—that when an election has taken place and there have been opposing forces, in some way the influence of the church has been brought to bear to secure a given result, he does not know how—tells the whole story.

We have been told that in elections of popular officers where there are two candidates and the one has the approval of the church and the other rests under the frown of the church, the man who rests under the frown of the church goes down. We have been told of another case where a man running for office, a candidate before his fellows, with a laudable ambition to be elected to an important office, has been prohibited from running by the authorities of the church, that he is withdrawn from the contest.

I do not know, Mr. President, of any greater power than that. I do not know of any more dangerous power than that. It is the power to bind and loose. If there is anything in the spirit of the American institutions, it is that this is never permissible on the part of the authorities of a religious organization to exercise control in temporal matters over its followers and to influence elections, as the Senator from Utah said, by methods which he does not know about, but which are always effective.

This day has not been ill spent, Mr. President, in bringing out in this discussion on what is called statehood certain conditions that obtain where the Mormon Church has secured its lodgment; and the lessons which we have been taught here ought to sink into the minds of Senators and ought to give us pause, I do not think upon this bill—it is wider than that—but it discloses conditions that we may well take into account in any legislation with reference to these communities.

Mr. PATTERSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from Colorado?

Mr. KEAN. I yield. This is a very instructive discussion.

Mr. PATTERSON. Mr. President, as suggested by my colleague [Mr. TELLER], there is a group of States in which a very considerable Mormon population exists besides in Utah, and it has given those of us who have been interested in public affairs cause for considerable thought and investigation.

I have listened with a great deal of interest to the disclosures of the Senator from Utah [Mr. RAWLINS], and they brought to my mind what I have heard given as the probable cause of the intervention of the chief officers of the Mormon Church in the political affairs of the States and Territories in which the Mormon Church has a considerable existence. It might be well enough for Senators to take into consideration with the facts as they have been stated the probable cause.

We all know from history that the Mormons have been, what they believe themselves at least, a persecuted sect. The institution of polygamy has brought them into very serious disrepute with those who believe that the very foundation of society is the institution of monogamous marriages. With antipolygamous laws, with the edict of the church that polygamy should cease,

the antipathy or the odium with which Mormonism was surrounded did not cease to any very considerable extext. The odor of polygamy has clung to the church whether polygamy was exterminated or altogether abandoned or not. It produced a desire in the minds of the leaders of the church to maintain the church and its membership in as favorable a condition to the popular mind as was possible.

The church, I am inclined to think, has been particularly desirous of being in good favor with the Government, if I might use that term, for the purpose of indicating the political power that for the time being was in possession of the Government, the result of which has been that one political party, not because the political party was any more tolerant of polygamy or of the Mormon religion than another political party, has been the chief beneficiary of this intervention by the Mormons of the country as a church, as an organization, in the political affairs of the country, of the States and Territories in which they exist.

We have heard reports of this kind suggested by the Senator from Utah, of those who are interested in political matters outside of Utah sending delegations to high memhers of the church in Utah for intervention by them in behalf of political candidates or a political party. That such appeals have been made there is no doubt. What the success of the appeals has been I have no knowledge. But when it is remembered that the Mormons have, in their opinion, endured persecution, that they are a body of people selected for the weight of the Government hand and the finger of scorn from outside their territory, it is not to be wondered at that the church as a church organization has intermeddled as it has in political and public affairs. Its chief desire is and has been to remain in favor with the party in power. From that party, not because it is a Democratic or a Republican party, but because it is in power, they have expected protection by reason of political favors they were able to, and did, in fact, return.

Hence from the very necessities of the case, from their standpoint at least, we find the condition of things existing that the Senator from Wyoming [Mr. WARREN] has described and the Senator from Maine [Mr. HALE] has denounced, and I do not know how you are going to prevent it. . It is simply a development of human nature in an organization of men and women striving for position, striving for protection, endeavoring to maintain their organization and to strengthen it. They are reaching out along the lines that they see open to them for the favor and support of the Government itself. It would be precisely the same, Mr. President, if some other party were in power. It is not a case of political conviction.

As my colleague [Mr. TELLER] has said, naturally they were protectionists, but that was in a limited sense. They felt in the early days that the distances between their communities in Utah and those to the east and west were sufficient to give them the protection that would enable them to produce and make whatever was necessary for their domestic life and their business progress; but when their Territory was invaded, when it was opened up to settlement, when antagonism, the most bitter that the human mind can conceive of, followed the inroads of the Gentile to the Mormon territory, then, as was natural, they sought for the method by which they could best protect themselves. So this condition of things is not to be wondered at. If there was any other church organization which had undergone the trials that this church organization has undergone, I care not what its religious belief or practices might be, if the sect was large enough and strong enough and powerful enough to become a factor in the political life of the country, we should find that church pursuing precisely the same course that is being pursued by the Mormon Church to-day.

I agree entirely with the Senator from Maine [Mr. HALE] that it is a very deplorable condition of things. I know that in our State we have a very large body of people——

Mr. SPOONER. Will the Senator allow me to ask him a question?

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Wisconsin?

Mr. PATTERSON. With pleasure.

Mr. SPOONER. The Senator from Colorado speaks of the attitude of the Mormon Church in politics to-day, and thinks it perfectly natural, and not dependent in any degree upon any political convictions, but taken in order to secure from the Government—by that I understand the Senator to mean the party for the time being in power——

Mr. PATTERSON. Yes.

Mr. SPOONER. In order to secure protection—the Senator from Utah [Mr. RAWLINS] said "immunity." Protection from what?

Mr. PATTERSON. Protection from public scorn, protection from ignominy, protection from a public sentiment that is likely to be fully as potential upon the lives of those people as some direct attack upon their personal rights and privileges—favor with the Government. I imagine that the Senator from Wisconsin [Mr. SPOONER] and no other Senator will suggest that the person or the body of people who stand in high favor with the government of the State or the Government of the nation, whatever his or their moral status may be, are not in a much better attitude to the people at large and in their own community than he or they would be if they were allowed to drift without that favor. That is the line which I have in mind.

Then, again, I can well understand, if they were desirous of legislation of a certain character which they might not otherwise receive, and which they might deem quite essential for their local betterment and protection that the church—it being a church in this instance that has been pursued, that has been prosecuted, that has been made odious—would naturally seek to ally itself not by a formal treaty but by acts of favor from themselves to the party that happened to be in power in order that their status might thereby be improved.

I was going to suggest, Mr. President, that it is understood that the two or three settlements of Mormons in Colorado vote one way. I do not pretend to say, and I would not say, for I do not believe it, that it is because they have political convictions that way, but because it is the policy which has gradually intruded itself upon them by reason of the necessity that has been crowded upon them; and I think it quite well enough, if denunciation is to be indulged in, if the right of officials to hold positions to which they may have been elected is to be called in question, that the causes, the reasons be taken into consideration, as well as the bald fact that they are members of a church organization which has made itself obnoxious to the body of the American people.

Mr. MCCOMAS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from Maryland?

Mr. KEAN. Certainly.

Mr. MCCOMAS. Mr. President, I was not present when the Senator from New Hampshire [Mr. GALLINGER] made some criticism of my observations upon the practice of polygamy in Arizona, and when the Senator from Idaho [Mr. DUBOIS] began to talk of the tenets and political and secret practices of the Mormon Church in Utah and adjacent States which seem to be somewhat contaminated by this Mormon influence. I came in, however, in time to hear a part of the observations of the Senator from Idaho, and I listened to all of the remarks of the Senator from Utah [Mr. RAWLINS] and of the Senator from Wyoming [Mr. WARREN]. I was impressed with their frankness and sincerity, but, Mr. President, I was still more impressed with the importance and the significance of the statements I have heard here this afternoon.

We are here engaged in making new States. It seems that not only Utah, but to a great extent Idaho and Wyoming have in a less degree the Mormon problem; Colorado appears to have it to meet, and we have had here to-day instead of solutions of the Mormon question only confessions, explanations, reprobation, mere hope, barren of result, after many years of practical trial in these new statehoods.

I was especially impressed by the statement concerning the secrecy of the priestly methods and supremacy of the first presidency of the Mormon Church. Years ago I saw quite frequently in Utah that remarkable man, Brigham Young, and then observed his power and his talent for organization. I saw and became somewhat familiar with the conditions of the Salt Lake settlement, not yet open, but soon to be opened to the railroads. It was hoped by the Gentiles then that when the railroads came and competition for a livelihood with our people from the States and a stream of new settlers to weaken the Mormon force of numbers would gradually change the then situation, and thus time would make the Mormon question vanish.

I beheld in my youth the hierarchy in absolute control of municipality and Territory; I beheld the domination of a powerful man with his presidency, his councilors, his bishops, and apostles, and an organization which seemed to me then even more effective than the political machinery of Tammany in New York. That organization seems, from the statements made here to-day, to have been not only strong and effective, but to have been enduring, and to have lasted without loss of power down to the present time.

The statement was then made by the Gentiles and their belief then held that when one man with one wife and family, after the opening of the railroads, would come into competition in business with one man with many families necessity would exterminate polygamy, would compel monogamy in the social and domestic life of that very interesting community.

I was impressed then, as all men have been since, by the sobriety, the thrift, the energy, and the patient, persistent advance in wealth and power of that singular people; and I hoped, if they could be rid of this one dark shadow and this one dangerous practice, they would reap the reward of their toil and of their trials,

and would, by the abolition of this practice of polygamy and disappearance of the domination of a secret hierarchy, meet the approval of the people of our country.

But years have gone by and the Territory, as it was when I saw it, is now a State, and this tremendous organization, with its absolute power, with its secrecy, still remains. I was impressed by the remarks of the Senator from Utah, and by his frankness. He wanted to say frankly what he knew in respect of both sides of this case; but when asked whether or not the power of the church in respect to political action was insisted upon and now secretly controlled the Mormon people—that was the substance of the question—the Senator's significant answer was—and he was sincere in his utterance—that he preferred not to make any statement upon that point.

Now, Mr. President, we have hurried along with the preparation and real criticism of this bill very much in the same way the bill for the admission of Utah carelessly went along in the other House ten years ago. I turned to see what was done when Utah became a State, because I wanted to understand why it was that in placing this tremendous proposition before the people, the suffragans of the United States, the only words in the organic act which made Utah a State which would at all relate to, affect, or prohibit these practices, and constrain this secret, irresistible, mysterious, and all-pervading power of the Mormon hierarchy and their support of polygamy, was to be found in a single line:

Provided, That polygamous or plural marriages are forever prohibited.

I wanted to find why it was that in making a State of the Union the Congress of the United States had so incontinently rushed forward with this matter, and I thought, perhaps, an inquiry would relieve my doubt by showing matters which were more restrictive than this single, mild prohibition indicated. I was surprised to find that in the Senate there was no debate on the Utah statehood proposition. The RECORD contains only about thirty lines to tell the story in the Senate of the proffer and passage of the bill making Utah a State.

Mr. President, the report in the Senate on this weighty proposition contains the brief printed matter on the near page of the volume in my hand. [Exhibiting.] There were two reports in the House of Representatives. In 1893, so little and ill consideration did the Senate give to this very serious question, and as a result of this careless haste some of the consequences detailed here today have unhindered followed since Utah has been a State. In the House there happened to be a majority and a minority report.

The majority report was largely signed; the minority report was made by the gallant General Wheeler, of Alabama, who was chairman of the committee, and who desired to put some kind of manacles upon the unhindered Mormon Church, which was left free in the majority report. But the committee ran away from the gallant general. He never ran away from anybody. He did not run away from his proposition in this instance, but the House then seemed to have been in an amiable atmosphere of general consent, very much like that atmosphere which is sought to be infused here when the distinguished Senator from Pennsylvania [Mr. QUAY] daily rises and asks for unanimous consent that a day be fixed for a vote upon a bill which has not been amended and which is only being discussed in one aspect and not much in any other, and which requires the serious discussion which it ought to receive as much as the Utah bill ought to have received discussion in Congress when that Mormon community was made a State of the Union.

I said, Mr. President, that the Utah bill seemed to go by general consent. I find here that on page 178 of the RECORD of December 12, 1893, the present Senator from Utah [Mr. RAWLINS], then being the Delegate in the House of Representatives from Utah, and he more than any man living, seemed to hypnotize the House at that time in getting the organic act through the House of Representatives; but he seems to have been of an opinion at that time somewhat different, I take it, from his opinion now, for he then said:

Governor West, in his report—

The House knew and the country knew that Governor West had been the stern executive endeavoring to put down the Mormon practices in Utah and to compel obedience to the law then in force. I will not take time to read from the Statutes at Large, volume 24, of the Forty-ninth Congress, the entire act known as the "Edmunds Act" at that time, chapter 397, but it has in its first section very important antipolygamy provisions, which enable husband and wife to testify in prosecutions for polygamy. Section 2 provides for the issuance of attachments for witnesses and recognizances. The statute also provides punishments for adultery, which is the crucial punitory provision in any statute against polygamy, and one which should be in every organic act, and which should be in the statutes of the States where the Mormons are numerous before the State be admitted.

The statute also provides punishment for fornication, makes stipulations in regard to prosecutions for adultery, and then imposes restrictions and regulations in respect of marriage ceremonies, certificates of marriage, and their use as prima facie evidence, with punishments for violation of such provisions.

Those are a few of the many drastic but, as it now seems, most necessary restrictions upon the practice of polygamy and restraints upon the power of this great Mormon organization. But at that time men seemed to be hopeful and optimistic, and in this spirit the House discussed the question. The distinguished Senator from Utah then said:

Governor West, in his report as Territorial governor, which I have in my hand, says—

Governor West was much opposed to the church and to polygamy in his administration in Utah—

the practice of polygamy has been abandoned by the church and the people. Polygamous marriages are forbidden by the authorities of the church. The people or church party has been dissolved—

It seems to have gathered its power together quickly again—

and the conditions existing in the Territory are now in no wise different from those in vogue in the States of the Union.

Mr. RAWLINS. Mr. President, I should like to invite the attention of the Senator from Maryland to one point.

The PRESIDING OFFICER (Mr. PETTUS in the chair). Does the Senator from Maryland yield to the Senator from Utah?

Mr. McCOMAS. With pleasure.

Mr. RAWLINS. The Senator emphasizes the fact that the Church or People's party had dissolved. That was strictly accurate. Before 1890 there had been a Church party, which was known locally as the "People's party." It was the Mormon party.

Mr. McCOMAS. I remember that.

Mr. RAWLINS. The Gentiles were organized under what was known as the Liberal party. In 1890, prior to that proclamation, the Church or People's party met together and disorganized, disbanded. That was in pursuance of the general declaration that the people should divide as they pleased. But I do not think the governor ever intended, and I did not intend to imply it by reading what the governor had said, that the Mormon Church had disbanded.

Mr. McCOMAS. Oh, no, Mr. President; the words do not say so. I understood precisely what the Senator has so clearly explained. The Mormon party and the anti-Mormon party had been facing each other, and the Mormon party had been dissolved, and soon thereafter the alignment became that of existing political organizations as in the other States of the Union; but when the people's party or the church party was dissolved, it would seem to be an implication from the expression of Governor West, who had battled against the hierarchy there, that there was a time coming when the potential control of the church party had been wiped out by the disorganization of the church party.

We now find, by the revelations of the Senator from Idaho and the Senator from Utah, that secretly, quietly, in the councils of that hierarchy, the resistless control continued, and we shall see presently—because I want to avoid being too lengthy in my statement on this subject—that the Mormon Church has been more persistent, far-reaching, and more effective, perhaps, if less demonstrative, in the control of the State than it was when it controlled the Territory.

What was done in the House regarding polygamy? It was agreed that it had ceased. Much of that is in the debate. It was said it was only an economic question which needs no political solution, which needs no drastic measures. It was said the Edmunds Act and the like had worked their way, too, and polygamy had blanched in the face of the power of the Government and in the face of the competition for a livelihood with Gentiles. The multifamily man of Utah had given before a cheaper monogamous domesticity, like that in the other States of the Union. This and much more like it contented the House. But General Wheeler seems to have had his doubts, earnest man as he was, and when the committee ran away from their serious duty, the chairman seems not to have ran away, because he made a minority report on this matter, and made it especially because of this neglect to put in the Utah statehood bill restrictions upon the Mormon Church and polygamy.

It appears from the minority report of General Wheeler in the House that the Senator from Utah must have hypnotized pretty nearly all of the committee, and he says that the argument before the committee of the Senator from Utah, then a Delegate, had changed the situation of affairs, but that he still adhered to his belief that something must be done to restrict Mormonism. They had something to fight with outside the statehood bill. Mormonism hoped to become a State in the Union. They had the act of the Utah legislature, which does not find a place in the statute books of Arizona and New Mexico, but a very strong provision. Section 12 of the constitution which had been adopted by the

people of Utah when they knocked at the doors of Congress for admission provided:

SEC. 12. Bigamy and polygamy being considered incompatible with "a republican form of government," each of them is hereby forbidden and declared a misdemeanor.

Any person who shall violate this section shall, on conviction thereof, be punished by a fine of not more than $1,000 and imprisonment for a term not less than six months, nor more than three years, in the discretion of the court. This section shall be construed as operative without the aid of legislation, and the offenses prohibited by this section shall not be barred by any statute of limitation within three years after the commission of the offense; nor shall the power of pardon extend thereto until such pardon shall be approved by the President of the United States.

Not by a Mormon governor, mark you, but by the President of the United States. Another section of that Utah constitution made the foregoing provision irrevocable.

As General Wheeler then said, the people of Utah asking admission had thus closed the door against the repeal of that drastic measure to restrain polygamy in Utah, and the Senator from Utah will bear me out—because I do not mean to recite it to the Senate—that a statute immediately following practically followed the same line, providing severe penalties for offenses in the same direction.

What have we here when Senators or members of the House come to frame an omnibus bill for three States? They do not find such a provision in either of the Territories where the Mormons have such a foothold, where they are important, as they are in the State of Idaho from the statement of the Senator from Idaho to a degree. For New Mexico with fewer Mormons, and Arizona with many Mormons, there is no profert of such a provision in the constitution of either. There is no provision even of legislative enactment so far as we can here find out. There is nothing done except to insert, parrot-like, this single line of utterly idle prohibition of the celebration of the rites of plural marriage, which means nothing, is simply wind and sound, without sense, without substance.

Now, Mr. President, following the line of objection of the chairman, General Wheeler proposed an amendment, and I will read a part of it:

But said constitution shall prohibit polygamy or dual marriage, and polygamy or dual marriage shall be declared by such constitution to be felony and punishable by any of the courts of said State of competent jurisdiction by inflicting a fine of not less than $1,000 or more than $5,000, and confinement in the penitentiary for not less than one year or more than five years.

Even that provision, framed by a gallant soldier, perhaps not a lawyer, related simply to the celebration of marriage. In easy frame of mind, the House accepted much less—accepted this proviso of a single line:

Provided, That polygamous or plural marriages are forever prohibited.

And without report or consideration, apparently on the record, without discussion in the Senate, the Utah bill passed, and the statehood bill was sent to the President for his signature.

When they came to frame this bill, in order to meet the confessed presence and growth of Mormonism in Arizona and the like danger in New Mexico, those who framed the statehood bill were in such a great hurry that they added only that single line and no more:

Provided, That polygamous or plural marriages are forever prohibited.

I wish to know, Mr. President, if this weak salve has such a soporific effect upon the mind of any Senator, as it seemed to have upon the mind of my friend the Senator from New Hampshire, who thinks it quite effective. Suppose that line also had been omitted, because it is like a parenthesis—something which can be omitted without altering the sense.

I say most respectfully of the Senate of that time, that when this body, which had time after time debated, and then passed, in 1882 and in 1887, the Edmunds acts amending a section of the Revised Statutes to provide punishment for polygamy and to restrain the Mormon Church and the Mormon practices—if we imitate such action, I think the Senators now would be so negligent that they would be, in the words of Sydney Smith, "guilty of indecent exposure of their intellects" when they performed such an act of statehood with so little attention and with so little exhibition of conscience and serious care for the welfare of the States of this Union—putting a new star in the flag with this smirch and stain upon it, and with no effort, no disposition, apparently, to wipe out polygamy and the control, the iron control, the priestly control of the Mormon hierarchy.

Now, then, what has resulted? The day that Utah became a State, so far as I have had a chance to read this statute, it appears to me that all of the former carefully prepared legislation of Congress lost its efficacy. The act of Congress reached only Territories, and Utah was no longer a Territory. What resulted? Polygamy has continued. Only in the last Congress, not this, for if it were this I could not speak of it——

Mr. RAWLINS rose.

Mr. MCCOMAS. I ask the Senator from Utah whether Mr. Roberts was not elected to the last Congress?

Mr. RAWLINS. Mr. President——

Mr. MCCOMAS. Will the Senator tell me, was Mr. Roberts elected to the last Congress?

Mr. RAWLINS. In 1898.

Mr. MCCOMAS. Yes—the former Congress.

Mr. RAWLINS. Mr. President——

Mr. MCCOMAS. I yield to the Senator.

Mr. RAWLINS. I would like to call the Senator's attention to the statement he just made.

The PRESIDING OFFICER. The Senator from Utah is not in order.

Mr. MCCOMAS. I yield to the Senator from Utah.

The PRESIDING OFFICER. The Senator must address the Chair before taking the floor.

Mr. RAWLINS. Mr. President, I thought I did address the Chair. I suppose the Chair did not hear me.

The PRESIDING OFFICER. The Senator from Utah.

Mr. RAWLINS. Mr. President, all those provisions of the Federal statutes which were in force at the time of the admission of Utah into the Union, if the Senator will examine, he will find were continued in force by an express provision in the act of Congress under which Utah came into the Union. Of course the legislature elected under the Constitution had the power to supersede that legislation or to repeal it. It subsequently, as a matter of fact, substantially reenacted those laws, and the Federal laws which were in force in the Territory before the admission of Utah as a State are, I think, in all particulars in force to-day, if I remember rightly. I may be mistaken as to the details of legislation.

I will state further that I think every case of polygamy which has come to light since the admission of Utah into the Union has been prosecuted.

Mr. MCCOMAS. Mr. President, I desire to ask the Senator from Utah if he has information from the public press or otherwise whether Mr. Roberts, who was then elected as a member of the House of Representatives, against whom it was charged that he had three living wives in Utah, with whom he cohabited, has been prosecuted for any of those offenses, and has been vindicated or punished therefor?

Mr. RAWLINS. Mr. President, there are at least two offenses relating to polygamy. One is bigamy or polygamy——

Mr. MCCOMAS. Yes.

Mr. RAWLINS. Which is entering into a marriage by a man who already has a lawful wife. Roberts was not amenable to that statute, because the marriages which he contracted were contracted so long before that the offenses were barred.

It was charged that he was guilty of what was known as unlawful cohabitation—that is, living with more than one woman as his wife. He was indicted for that offense and tried and I think convicted by a jury; but I think upon appeal the supreme court held the conviction unlawful, the trial irregular, and that the prosecution had failed to make a case. The judgment was reversed and subsequently the case dismissed. That is as I recollect the proceeding in that matter.

Mr. MCCOMAS. I am very glad the Senator from Utah interrupted me, because he is in the right, and he has made a correction which strengthens my argument.

The nineteenth section of the organic act, as the Senator has said, I now find contains this important provision:

And all laws in force made by said Territory at the time of its admission into the Union shall be enforced in said State, except as modified or changed by this act or by the constitution of the State; and the laws of the United States shall have the same force and effect in said State as elsewhere in the United States.

I should like to ask the Senator from Pennsylvania—the distinguished Senator who is so much concerned in the passage of this bill—if he will accept an amendment now to insert in the bill, in respect of Arizona and New Mexico, the provision I have just read, extending the Edmunds Act as a part of the organic law of New Mexico and Arizona?

Mr. QUAY. Mr. President, I was not listening when the Senator from Maryland made his proposition. I am not prepared or authorized just now to accept any amendment to the pending bill, but there is no difficulty, as I said yesterday, about the adoption of the most stringent amendment the Senator can offer to the bill upon the question of polygamy, if he will permit us to have a vote on the bill. The procedure proper for the Senator from Maryland just now seems to be that adopted by the Senator from Texas and the Senator from Georgia. If he has an amendment of that character to propose, he should send it to the Chair to have it printed as an amendment which he will propose to the bill when the proper time comes.

Mr. MCCOMAS. Will the Senator enlighten me as to when will be the proper time to offer the amendment?

Mr. QUAY. When we proceed to take action upon the bill. Will the Senator kindly inform me upon that point?

Mr. MCCOMAS. I have no information upon that subject.

Mr. QUAY. Nor have I.

Mr. McCOMAS. But I can not see why, if I introduce this amendment, I should not be able to be assured of the powerful appreciation and approval of the Senator from Pennsylvania, without regard to the time by the clock when a final vote is reached upon his bill, which we are all desiring to perfect.

Mr. QUAY. Time is of the essence of the findings in everything in relation to this bill. Whenever the Senator is ready to fix a day for a vote upon the bill his amendment can be offered and voted upon.

Mr. McCOMAS. I hope this bill will never pass without a provision at least as strong as that in the Utah act. It is a powerful incentive to a still stronger prohibition when the Senator from Utah rightly corrects me and leads me to read this further provision in the organic act of Utah, prohibiting and tending to prevent polygamy by extending to the State all the Federal laws which then affected the Territory of Utah.

With that provision and with the carefully prepared legislation of 1882 and 1887, if we now find that all these barriers were idle and vain, how ridiculous, how light, how feather-light, how inconsequent, is the single line of the prohibition in this omnibus bill, with nothing in the proposed constitution of Arizona or of New Mexico to restrict polygamy; no extension of the Federal prohibition of polygamy or restriction of Mormon control in the omnibus bill for New Mexico and Arizona. How wrong, I say with all respect, how improvident, how bad it is to offer a statehood bill under these conditions, without having put in the bill those clauses which in Utah have been only partially effective in restraining the practices of the people and the control of the State by the Mormon hierarchy. We ought to take time to better them.

What further resulted? Mr. Roberts came here as a member of Congress. In the exercise of its judgment, its right, and control over the privileges and election of members, the House deposed him from his seat, expelled him from its membership. Whether or not that was wise or legal, we are not here to discuss. But he was reputed to have had three wives, and it seems not to be denied in the debate, if I am right, and the Senator from Utah says that the prosecution which followed was not effective. Here Congress, for the offense, put him out of the pale of its membership, and the marriages having been contracted prior to the enactment of the legislation, he was not within the penalties of the law in respect to the ceremonial rites of polygamous marriage, for his marriage preceded this statute, and for the bigamous or polygamous cohabitation he escaped any conviction, as has been stated by the Senator from Utah.

Mr. President, I have looked in vain in the Federal reports, in the Supreme Court reports, to find whether any construction has ever been given or whether anybody has ever appealed to that single line of prohibition in this enabling act which made Utah a State. I looked in vain, and well I might know I would. Nobody would ever make enough of such an impotent pretense of a restriction as to expect to find any legal efficacy in that single line. It was a good-humored concession by a good-humored Congress that lost control of this subject, that was indifferent to this grave and important matter; and now that line is all that is served up to us again in this bill to restrict the Mormon evil. Roberts, the Mormon, came to Congress, and the present legislature of Utah is a Mormon body. The church has not weakened; it is intrenched in power by statehood.

The distinguished Senator from Pennsylvania says if we offer these amendments in good faith and at the proper time the bill may be so amended. But this bill is now pressed, whether amended or not, and I take notice, and I think the people of the country will take notice, that this bill, without any such restrictions, is here pressed for passage at the present session of Congress and will be pressed so far as I can now see without any amendment in this particular. No court will ever be called upon to enforce the efficacy of that idle and inutile line of ineffective and scant profession of prohibition of polygamous marriages, without any attempt to restrict or restrain polygamous cohabitation, adultery, fornication, or other offenses, or control of marriages or certification of marriages and the like, in the Federal statutes.

Mr. President, I hope I have not any bigotry in my composition. I certainly have no superstition. I saw in the press some time ago that I had refrained from talking on a certain occasion because I had a superstition about the number 13. It makes me smile to think anyone could print a statement so silly. I am not conscious of any superstition. I certainly am not conscious of any bigotry; but at the root of the civilization of the English-speaking people are the home and the home life. We are a people of homes. We are a people of domestic affections and domestic life.

To us the words "father," "mother," "wife," "child" are as sacred, if not more sacred, than the equivalent words in any other tongue to people of any other land. Our States are founded on such a civilization. It is a postulate of the American States' existence. It is the Plymouth Rock of that splendid structure, this Republic. It is the basis wheron we have raised our supremacy in this world. Without the home life, the domestic life, in ever State in this Union we should find in one spot or another a quicksand under the stateliest pile ever reared under the sky, the loftiest civil government the world has known. I speak it not rhetorically. I speak it sincerely.

These words are feeble when compared with those of a distinguished judge of our Supreme Court in a case that came up from Utah, the case of Murphy *v.* Ramsey, in 114 United States, page 45. He had in mind the formation of States and the duty of legislators when dealing with the making of States. The simple and eloquent words, when we are so lightly passing by this danger of polygamy in the new States which it is proposed to make, should be an admonition to every legislator, it seems to me, as they are to myself. Said Justice Matthews, for the Supreme Court:

> If we concede that this discretion in Congress is limited by the obvious purposes for which it was conferred, and that those purposes are satisfied by measures which prepare the people of the Territories to become States in the Union, still the conclusion can not be avoided that the act of Congress here in question is clearly within that justification. For certainly no legislation can be supposed more wholesome and necessary in the founding of a free, self-governing Commonwealth, fit to rank as one of the coordinate States of the Union, than that which seeks to establish it on the basis of the idea of the family as consisting in and springing from the union for life of one man and one woman in the holy estate of matrimony; the sure foundation of all that is stable and noble in our civilization; the best guaranty of that reverent morality which is the source of all beneficent progress in social and political improvement. (Murphy *v.* Ramsey, 114 U. S. Reports, 45.)

This court, by that learned judge, in those solemn terms admonishes us, the makers of States, that we must base new States only upon the institution of the family as an Englishman and an American know the family, as Burns saw the cotter's family on Saturday night. We must never again forget that the unit is the family, of which the basis is the domestic life—one man and one wife, happy children, mother, father, sister, brother, yet all a unit in a household; many households making many homes, and all the happy homes saving the State from corruption and from secret conspiracy, from such conditions as this which exists in Utah, conditions extending to Idaho, advancing to Wyoming, already reaching out as a fast-growing power in Arizona, and even invading New Mexico.

I say this is a serious matter, and the admonition of that learned justice, now in his grave, should come home to me, and to everyone else who must vote upon this serious proposition, proposed as it is improvidently, carelessly, heedlessly, without the attempt to hamper this iniquity and this barbarous power similar to that which was made when Utah came into the Union. I protest that the American Senate can, but it never should; it may, but I hope it never will, pass such a bill and be recreant to the moral sentiment of our country and mankind.

Mr. KEAN. Mr. President, I supposed when I yielded the floor this morning that the interruption would be but for a short time and that I might resume and continue my remarks at some length to-day and to describe the condition of New Mexico and come down to Arizona, where I intended to call attention to the question of polygamy; but others seem to have taken up that subject to-day, and I will try to draw their minds away from that subject for a short time and resume the consideration of the admission of the Territory of New Mexico as a State, and state why I object to it.

I was calling attention to the report of the governor of the Territory as to the character and intelligence and industry of these people.

Mr. SCOTT. Will the Senator from New Jersey yield to me to make a motion?

Mr. KEAN. Certainly.

Mr. SCOTT. I move that the Senate do now adjourn,

Mr. QUAY. Mr. President——

The PRESIDENT pro tempore. The Senator from West Virginia moves that the Senate adjourn.

Mr. QUAY. I desire to say one word.

The PRESIDENT pro tempore. The motion is not debatable.

Mr. QUAY. It is not debatable, but I ask unanimous consent to say a word.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks unanimous consent to say one word. Is there objection? The Chair hears none.

Mr. QUAY. I was about to say that I do not think it is exactly courteous in the Senator from West Virginia to cut off the Senator from New Jersey in the midst of his remarks. He has been sitting here all day patiently waiting to address the Senate. He has been cured of his cold overnight, and to-day his time has been taken from him and confiscated by other Senators. If it were a late hour in the evening I should not object to a motion

to adjourn, but I think certainly the Senator from West Virginia ought to permit the Senator from New Jersey to go on until 5 o'clock. At that time, so far as I am concerned, I will not object to a motion to adjourn.

Mr. ALDRICH. I ask the Senator from West Virginia to make a motion to go into executive session. There are a number of nominations.

Mr. KEAN. I yield to the Senator from Rhode Island. I will try to accommodate myself to the wishes of Senators.

The PRESIDENT pro tempore. Does the Senator from West Virginia withdraw the motion to adjourn?

Mr. SCOTT. I withdraw it. I made it because I thought the Senator from New Jersey was worn out after his extended remarks [laughter] and did not care to go on any further to-day with his argument.

Mr. ALDRICH. I move that the Senate proceed to the consideration of executive business.

Mr. QUAY. I ask the Senator from Rhode Island to withhold the motion until 5 o'clock. I will yield to it then. I do not want to ask for the yeas and nays.

Mr. ALDRICH. It will certainly be 5 o'clock before any adjournment can be reached, I suggest to the Senator from Pennsylvania. I think we had better have an executive session.

Mr. QUAY. I think it very discourteous to the Senator from New Jersey under the circumstances.

Mr. ALDRICH. We can hardly——

Mr. QUAY. I stand for the rights and privileges and courtesies of the Senate being extended to the Senator from New Jersey.

Mr. SPOONER. Will the Senator excuse me for a moment? I should like to ask the Senator from New Jersey if he would be offended if the Senate went into executive session?

Mr. KEAN. Not at all. I had no idea, I will say to the Senator from Pennsylvania, what the request of the Senator from West Virginia was when he rose and asked me to yield to him.

Mr. QUAY. I will not object to the motion.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Rhode Island that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened and (at 4 o'clock and 43 minutes p. m.) the Senate adjourned until to-morrow, Friday, February 6, 1903, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 5, 1903.

MARSHAL.

Charles K. Darling, of Massachusetts, to be United States marshal for the district of Massachusetts. A reappointment, his term expiring February 7, 1903.

RECEIVER OF PUBLIC MONEYS.

Otis L. Atherton, of Russell, Kans., to be receiver of public moneys at Wakeeney, Kans., vice Frank W. King, term expired.

PROMOTION IN THE NAVY.

Asst. Engineer Julius A. Kaiser, retired, to be a past assistant engineer in the Navy, on the retired list, from the 13th day of October, 1868, in accordance with an act of Congress approved January 30, 1903.

POSTMASTERS.

ALABAMA.

Spencer J. McMorris, to be postmaster at Wetumpka, in the county of Elmore and State of Alabama. Office became Presidential January 1, 1903.

CALIFORNIA.

Charles H. Dobble, to be postmaster at Palo Alto, in the county of Santa Clara and State of California, in place of George L. Merguire, removed.

Orlando J. Lincoln, to be postmaster at Santa Cruz, in the county of Santa Cruz and State of California, in place of Orlando J. Lincoln. Incumbent's commission expires March 2, 1903.

GEORGIA.

James F. Boughton, to be postmaster at Madison, in the county of Morgan and State of Georgia, in place of James F. Boughton. Incumbent's commission expired January 9, 1903.

ILLINOIS.

Henry K. Brockway, to be postmaster at Barrington, in the county of Cook and State of Illinois. Office became Presidential July 1, 1902.

Clarence F. Buck, to be postmaster at Monmouth, in the county of Warren and State of Illinois, in place of Clarence F. Buck. Incumbent's commission expires February 16, 1903.

John T. Clyne, to be postmaster at Joliet, in the county of Will and State of Illinois, in place of James G. Elwood. Incumbent's commission expires February 21, 1903.

Charles F. Douglas, to be postmaster at Ashland, in the county of Cass and State of Illinois, in place of Charles F. Douglas. Incumbent's commission expired January 31, 1903.

Albert W. Errett, to be postmaster at Kewanee, in the county of Henry and State of Illinois, in place of Albert W. Errett. Incumbent's commission expires February 16, 1903.

Warren M. Heath, to be postmaster at Libertyville, in the county of Lake and State of Illinois. Office became Presidential July 1, 1902.

Clark J. McManis, to be postmaster at Princeton, in the county of Bureau and State of Illinois, in place of Clark J. McManis. Incumbent's commission expires March 3, 1903.

Andrew J. Pickrell, to be postmaster at Anna, in the county of Union and State of Illinois, in place of Paskel C. Willoughby. Incumbent's commission expired May 4, 1902.

James Porter, to be postmaster at Martinsville, in the county of Clark and State of Illinois. Office became Presidential January 1, 1903.

Arthur P. Woodruff, to be postmaster at Savanna, in the county of Carroll and State of Illinois, in place of Arthur P. Woodruff. Incumbent's commission expired January 27, 1903.

INDIANA.

Robert W. Morris, to be postmaster at New Albany, in the county of Floyd and State of Indiana, in place of Robert W. Morris. Incumbent's commission expired January 31, 1903.

David A. Shaw, to be postmaster at Mishawaka, in the county of St. Joseph and State of Indiana, in place of Albert Gaylor. Incumbent's commission expires March 3, 1903.

IOWA.

George Hardenbrook, to be postmaster at Maxwell, in the county of Story and State of Iowa, in place of George Hardenbrook. Incumbent's commission expired January 17, 1903.

Abraham Wilkin, to be postmaster at Keosauqua, in the county of Van Buren and State of Iowa, in place of Abraham Wilkin. Incumbent's commission expired January 27, 1903.

KANSAS.

George J. Barker, to be postmaster at Lawrence, in the county of Douglas and State of Kansas, in place of Eldie F. Caldwell. Incumbent's commission expired June 2, 1902.

George Delaney, to be postmaster at Axtell, in the county of Marshall and State of Kansas, in place of George Delaney. Incumbent's commission expired January 17, 1903.

Charles Smith, to be postmaster at Washington, in the county of Washington and State of Kansas, in place of Charles Smith. Incumbent's commission expired January 27, 1903.

Thomas E. Thompson, to be postmaster at Howard, in the county of Elk and State of Kansas, in place of Thomas E. Thompson. Incumbent's commission expires March 2, 1903.

KENTUCKY.

James P. Hutcheson, to be postmaster at Owenton, in the county of Owen and State of Kentucky, in place of James P. Hutcheson. Incumbent's commission expires February 6, 1903.

LOUISIANA.

B. F. Ford, to be postmaster at Natchitoches, in the parish of Natchitoches and State of Louisiana, in place of Jean E. Breda. Incumbent's commission expired March 9, 1902.

MASSACHUSETTS.

Lorenzo B. Crockett, to be postmaster at North Easton, in the county of Bristol and State of Massachusetts, in place of Lorenzo B. Crockett. Incumbent's commission expires March 3, 1903.

MICHIGAN.

Martin N. Brady, to be postmaster at Saginaw West Side, in the county of Saginaw and State of Michigan, in place of Martin N. Brady. Incumbent's commission expires March 3, 1903.

Joshua Braun, to be postmaster at Sebewaing, in the county of Huron and State of Michigan. Office became Presidential October 1, 1902.

Charles S. Collier, to be postmaster at Frankfort, in the county of Benzie and State of Michigan, in place of Charles S. Collier. Incumbent's commission expires February 6, 1903.

William R. Cook, to be postmaster at Hastings, in the county of Barry and State of Michigan, in place of William R. Cook. Incumbent's commission expires March 3, 1903.

Victor F. Huntley, to be postmaster at Manton, in the county of Wexford and State of Michigan, in place of Victor F. Huntley. Incumbent's commission expires February 6, 1903.

Archie R. McKinnon, to be postmaster at Shelby, in the county of Oceana and State of Michigan, in place of Archie R. McKinnon. Incumbent's commission expires February 15, 1903.

MINNESOTA.

William Kaiser, to be postmaster at Faribault, in the county of Rice and State of Minnesota, in place of William Kaiser. Incumbent's commission expires February 15, 1903.

MONTANA.

Albert Hollander, to be postmaster at Granite, in the county of Granite and State of Montana. Office became Presidential January 1, 1902.

NEBRASKA.

B. W. McLucas, to be postmaster at Fairbury, in the county of Jefferson and State of Nebraska, in place of George Cross. Incumbent's commission expired January 7, 1903.

NEW JERSEY.

Aaron P. Kachline, to be postmaster at Frenchtown, in the county of Hunterdon and State of New Jersey, in place of Aaron P. Kachline. Incumbent's commission expired January 28, 1903.

Benjamin B. Ogden, to be postmaster at Keyport, in the county of Monmouth and State of New Jersey, in place of Benjamin B. Ogden. Incumbent's commission expired January 28, 1903.

NEW YORK.

Gilmore O. Bush, to be postmaster at Tuxedo Park, in the county of Orange and State of New York, in place of Gilmore O. Bush. Incumbent's commission expires March 2, 1903.

George R. Cornwell, to be postmaster at Penn Yan, in the county of Yates and State of New York, in place of George R. Cornwell. Incumbent's commission expires March 2, 1903.

Edward C. Fisk, to be postmaster at Mayville, in the county of Chautauqua and State of New York, in place of Edward C. Fisk. Incumbent's commission expired January 10, 1902.

Levi M. Gano, to be postmaster at Watkins, in the county of Schuyler and State of New York, in place of Levi M. Gano. Incumbent's commission expired January 13, 1903.

Benjamin E. Jones, to be postmaster at Nunda, in the county of Livingston and State of New York, in place of Benjamin E. Jones. Incumbent's commission expires February 15, 1903.

George G. McAdam, to be postmaster at Rome, in the county of Oneida and State of New York, in place of George G. McAdam. Incumbent's commission expired January 28, 1903.

John H. McIntosh, to be postmaster at Canton, in the county of St. Lawrence and State of New York, in place of John H. McIntosh. Incumbent's commission expires March 3, 1903.

NORTH DAKOTA.

Hary Leighton, to be postmaster at Cavalier, in the county of Pembina and State of North Dakota. Office became Presidential January 1, 1903.

Gustave B. Metzger, to be postmaster at Williston, in the county of Williams and State of North Dakota. Office became Presidential January 1, 1903.

OHIO.

Aaron Brining, to be postmaster at Versailles, in the county of Darke and State of Ohio, in place of Aaron Brining. Incumbent's commission expired January 31, 1903.

PENNSYLVANIA.

Howard E. Butz, to be postmaster at Huntingdon, in the county of Huntingdon and State of Pennsylvania, in place of Howard E. Butz. Incumbent's commission expires February 15, 1903.

John B. Griffiths, to be postmaster at Jermyn, in the county of Lackawanna and State of Pennsylvania, in place of John B. Griffiths. Incumbent's commission expires March 3, 1903.

William H. H. Lea, to be postmaster at Carnegie, in the county of Allegheny and State of Pennsylvania, in place of William H. H. Lea. Incumbent's commission expires March 3, 1903.

Nathaniel B. Miller, to be postmaster at North Clarendon, in the county of Warren and State of Pennsylvania, in place of Nathaniel B. Miller. Incumbent's commission expires March 3, 1903.

Herman H. North, to be postmaster at Bradford, in the county of McKean and State of Pennsylvania, in place of Herman H. North. Incumbent's commission expires February 20, 1903.

W. W. Reber, to be postmaster at Lehighton, in the county of Carbon and State of Pennsylvania, in place of Benjamin J. Kuntz. Incumbent's commission expired March 16, 1902.

Joseph S. Taylor, to be postmaster at Morrisville, in the county of Bucks and State of Pennsylvania. Office became Presidential October 1, 1902.

James N. Weaver, to be postmaster at Sayre, in the county of Bradford and State of Pennsylvania, in place of James N. Weaver. Incumbent's commission expires March 3, 1903.

SOUTH CAROLINA.

Alonzo D. Webster, to be postmaster at Orangeburg, in the county of Orangeburg and State of South Carolina, in place of Alonzo D. Webster. Incumbent's commission expires March 3, 1903.

TENNESSEE.

John T. Hale, to be postmaster at Trenton, in the county of Gibson and State of Tennessee, in place of John T. Hale. Incumbent's commission expires March 3, 1903.

VERMONT.

Stanley R. Bryant, to be postmaster at Windsor, in the county of Windsor and State of Vermont, in place of Stanley R. Bryant. Incumbent's commission expired January 19, 1903.

WEST VIRGINIA.

James B. Campbell, to be postmaster at New Cumberland, in the county of Hancock and State of West Virginia, in place of James B. Campbell. Incumbent's commission expired January 24, 1903.

WISCONSIN.

Arthur W. James, to be postmaster at Waukesha, in the county of Waukesha and State of Wisconsin, in place of Arthur W. James. Incumbent's commission expires February 13, 1903.

Eldon D. Woodworth, to be postmaster at Ellsworth, in the county of Pierce and State of Wisconsin, in place of Eldon W. Woodworth, to correct name.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 5, 1903.

CONSUL.

William H. Bishop, of Connecticut, to be consul of the United States at Genoa, Italy.

COLLECTOR OF CUSTOMS.

Walter Fifield, of New Jersey, to be collector of customs for the district of Great Egg Harbor, in the State of New Jersey.

SURVEYOR OF CUSTOMS.

Jeremiah J. McCarthy, of Massachusetts, to be surveyor of customs in the district of Boston and Charlestown, in the State of Massachusetts.

PROMOTION IN THE MARINE-HOSPITAL SERVICE.

P. A. Surg. Gregorio M. Guiteras, of South Carolina, to be a surgeon in the Public Health and Marine-Hospital Service of the United States.

POSTMASTERS.

PENNSYLVANIA.

Edward W. Hannum, to be postmaster at Swarthmore, in the county of Delaware and State of Pennsylvania.

William F. Brittain, to be postmaster at Muncy, in the county of Lycoming and State of Pennsylvania.

Henry M. Brownback, to be postmaster at Norristown, in the county of Montgomery and State of Pennsylvania.

David C. Rhoads, to be postmaster at Hummelstown, in the county of Dauphin and State of Pennsylvania.

Elsie Shrodes, to be postmaster at Oakdale, in the county of Allegheny and State of Pennsylvania.

Howard S. Stillwagon, to be postmaster at Rosemont, in the county of Montgomery and State of Pennsylvania.

David M. Turner, to be postmaster at Towanda, in the county of Bradford and State of Pennsylvania.

George S. Baldwin, to be postmaster at Tunkhannock, in the county of Wyoming and State of Pennsylvania.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February 5, 1903.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

POST-OFFICE APPROPRIATION BILL.

The SPEAKER. The question now before the House is on the motion to amend the motion to recommit the Post-Office appropriation bill, and the yeas and nays are ordered. Those in favor of the motion to amend the motion to recommit will answer "yes" when their names are called, and those opposed will answer "no." The Clerk will call the roll.

The question was taken; and there were—yeas 100, nays 121, answering "present" 14, not voting 117; as follows:

YEAS—100.

Allen, Ky.	Dinsmore,	Lawrence,	Rucker,
Allen, Me.	Dougherty,	Lever,	Russell,
Ball, Del.	Dovener,	Little,	Shallenberger,
Barney,	Driscoll,	Lloyd,	Sheppard,
Beidler,	Esch,	McCall,	Slayden,
Billmeyer,	Feely,	McCulloch,	Smith, Ky.
Bishop,	Fleming,	McLachlan,	Smith, H. C.
Bromwell,	Fordney,	McRae,	Snook,
Brown,	Foss,	Miers, Ind.	Southard,
Brundidge,	Foster, Ill.	Minor,	Stark,
Burgess,	Gaines, Tenn.	Moody, Oreg.	Stevens, Minn.
Burke, S. Dak.	Gaines, W. Va.	Needham,	Storm,
Burkett,	Gilbert,	Otjen,	Sulzer,
Burleson,	Graff,	Palmer,	Sutherland,
Burton,	Griffith,	Parker,	Talbert,
Cassingham,	Grosvenor,	Patterson, Tenn.	Tawney,
Clark,	Hamilton,	Payne,	Tirrell,
Cooper, Wis.	Henry, Tex.	Perkins,	Vandiver,
Corliss,	Hitt,	Powers, Mass.	Warnock,
Cromer,	Jones, Va.	Randell, Tex.	Weeks,
Crumpacker,	Jones, Wash.	Reid,	White,
Currier,	Kern,	Rixey,	Williams, Ill.
Cushman,	Kitchin, Claude	Robb.	Woods,
Davidson,	Kitchin, Wm. W.	Roberts,	Wooten,
De Armond,	Kleberg,	Robinson, Ind.	Zenor.

NAYS—121.

Acheson,	Evans,	Landis,	Robertson, La.
Adams,	Fitzgerald,	Lessler,	Ryan,
Adamson,	Fletcher,	Lewis, Ga.	Schirm,
Alexander,	Flood,	Lewis, Pa.	Scott,
Babcock,	Foerderer,	Lindsay,	Shattuc,
Bankhead,	Foster, Vt.	Littlefield,	Shelden,
Bartlett,	Fowler,	Livingston,	Sibley,
Bates,	Fox,	Loudenslager,	Skiles,
Blackburn,	Gardner, N. J.	McClellan,	Small,
Boreing,	Gibson,	McLain,	Smith, Ill.
Brandegee,	Goldfogle,	Maddox,	Sparkman,
Brantley,	Graham,	Metcalf,	Spight,
Breazeale,	Green, Pa.	Mickey,	Steele,
Brick,	Greene, Mass.	Miller,	Sulloway,
Broussard,	Griggs,	Mondell,	Tate,
Bull,	Hanbury,	Morgan,	Tayler, Ohio
Burnett,	Haskins,	Morrell,	Taylor, Ala.
Butler, Pa.	Hay,	Moss,	Thayer,
Caldwell,	Heatwole,	Mutchler,	Thomas, Iowa
Capron,	Hepburn,	Nevin,	Thomas, N. C.
Cassel,	Hopkins,	Norton,	Thompson,
Clayton,	Hull,	Olmsted,	Underwood,
Coombs,	Irwin,	Overstreet,	Vreeland,
Cowherd,	Jackson, Kans.	Padgett,	Wachter,
Curtis,	Johnson,	Patterson, Pa.	Wanger,
Davey, La.	Kehoe,	Pou,	Wheeler,
Deemer,	Ketcham,	Prince,	Wiley,
Dick,	Kluttz,	Ransdell, La.	Young.
Douglas,	Knapp,	Reeder,	
Draper,	Lacey,	Richardson, Ala.	
Emerson,	Lamb,	Richardson, Tenn.	

ANSWERED "PRESENT"—14.

Ball, Tex.	Gill,	Maynard,	Van Voorhis,
Boutell,	Jenkins,	Moon,	Williams, Miss.
Brownlow,	Loud,	Ruppert,	
Finley,	Mann,	Sims,	

NOT VOTING—117.

Aplin,	Dayton,	Joy,	Rhea,
Bartholdt,	Dwight,	Kahn,	Robinson, Nebr.
Bell,	Eddy,	Knox,	Scarborough,
Bellamy,	Edwards,	Kyle,	Selby,
Belmont,	Elliott,	Lassiter,	Shackleford,
Benton,	Flanagan,	Latimer,	Shafroth,
Bingham,	Gardner, Mass.	Lester,	Sherman,
Blakeney,	Gardner, Mich.	Littauer,	Showalter,
Bowersock,	Gillet, N. Y.	Long,	Smith, Iowa
Bowie,	Gillett, Mass.	Lovering,	Smith, S. W.
Bristow,	Glass,	McAndrews,	Smith, Wm. Alden
Burk, Pa.	Glenn,	McCleary,	Snodgrass,
Burleigh,	Gooch,	McDermott,	Southwick,
Butler, Mo.	Gordon,	Mahon,	Sperry,
Calderhead,	Grow,	Mahoney,	Stephens, Tex.
Candler,	Haugen,	Marshall,	Stewart, N. J.
Cannon,	Hedge,	Martin,	Stewart, N. Y.
Cochran,	Hemenway,	Mercer,	Swann,
Connell,	Henry, Conn.	Meyer, La.	Swanson,
Conner,	Henry, Miss.	Moody, N. C.	Tompkins, N. Y.
Conry,	Hildebrant,	Morris,	Tompkins, Ohio
Cooney,	Hill,	Mudd,	Trimble,
Cooper, Tex.	Holliday,	Naphen,	Wadsworth,
Cousins,	Hooker,	Neville,	Warner,
Creamer,	Howard,	Newlands,	Watson,
Crowley,	Howell,	Pearre,	Wilson,
Dahle,	Hughes,	Pierce,	Wright.
Dalzell,	Jack,	Powers, Me.	
Darragh,	Jackson, Md.	Pugsley,	
Davis, Fla.	Jett,	Reeves,	

So the motion of Mr. TALBERT was rejected.

The following pairs were announced.

For the session:

Mr. SHERMAN with Mr. RUPPERT.

Mr. BROWNLOW with Mr. PIERCE.

Mr. KAHN with Mr. BELMONT.

Mr. MANN with Mr. JETT.

Until further notice:

Mr. VAN VOORHIS with Mr. GORDON.

Mr. LONG with Mr. NEWLANDS.

Mr. MORRIS with Mr. GLASS.

Mr. SHOWALTER with Mr. LATIMER.

Mr. HUGHES with Mr. TRIMBLE.

Mr. HOWELL with Mr. MCDERMOTT.

For this day:

Mr. BRISTOW with Mr. BELL.

Mr. SAMUEL W. SMITH with Mr. BELLAMY.

Mr. WM. ALDEN SMITH with Mr. CONRY.

Mr. MOODY of North Carolina with Mr. COONEY.

Mr. CONNER with Mr. FLANAGAN.

Mr. DALZELL with Mr. HENRY of Mississippi.

Mr. GILLET of New York with Mr. GOOCH.

Mr. GROW with Mr. HOOKER.

Mr. HEMENWAY with Mr. SHAFROTH.

Mr. HEDGE with Mr. LASSITER.

Mr. LITTAUER with Mr. LESTER.

Mr. PEARRE with Mr. SELBY.

Mr. MCCLEARY with Mr. ROBINSON of Nebraska.

Mr. WRIGHT with Mr. HOWARD.

Mr. SOUTHWICK with Mr. SNODGRASS.

Mr. WATSON with Mr. SWANN.

Mr. MUDD with Mr. NEVILLE.

Mr. SMITH of Iowa with Mr. CROWLEY.

Mr. STEWART of New Jersey with Mr. MAHONEY.

Mr. SPERRY with Mr. WILSON.

Mr. CONNELL with Mr. BUTLER of Missouri.

Mr. GILL with Mr. EDWARDS.

Mr. MAHON with Mr. SCARBOROUGH.

Mr. JOY with Mr. MCANDREWS.

Mr. HENRY of Connecticut with Mr. BOWIE.

Mr. COUSINS with Mr. CREAMER.

Mr. JACK with Mr. FINLEY.

Mr. HILDEBRANT with Mr. MAYNARD.

Mr. MARTIN with Mr. GLENN.

Mr. BURK of Pennsylvania with Mr. DAVIS of Florida.

Mr. JENKINS with Mr. NAPHEN.

Mr. DWIGHT with Mr. PUGSLEY.

Mr. WADSWORTH with Mr. SIMS.

On this vote:

Mr. MEYER of Louisiana with Mr. MOON.

Mr. BARTHOLDT with Mr. SHACKLEFORD.

Mr. CANNON with Mr. BENTON.

Mr. HAUGEN with Mr. RHEA.

Mr. BINGHAM with Mr. COOPER of Texas.

Mr. BURLEIGH with Mr. COCHRAN.

Mr. DARRAGH with Mr. SWANSON.

Mr. GARDNER of Michigan with Mr. BALL of Texas.

Mr. GARDNER of Massachusetts with Mr. ELLIOTT.

Mr. MERCER with Mr. STEPHENS of Texas.

Mr. CANDLER (for the bill) with Mr. WILLIAMS of Mississippi (against).

Mr. WILLIAMS of Mississippi. I desire to withdraw my vote and be recorded "present," as I am paired with my colleague [Mr. CANDLER], who is sick.

The result of the vote was announced as above stated.

The SPEAKER pro tempore (Mr. LACEY). The question is now upon the motion to recommit.

The motion was rejected.

The bill was then passed.

On motion of Mr. LOUD, a motion to reconsider the vote by which the bill was passed was laid on the table.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. HITT. I wish to call up the conference report submitted yesterday upon the consular and diplomatic bill. This report, with the statement of the House conferees, has already been printed in the RECORD. I ask that the reading of the report, which is hardly intelligible to one not familiar with the subject, be dispensed with, and that the statement of the House conferees be read instead.

Mr. RICHARDSON of Tennessee. I wish to ask whether this report is final?

Mr. HITT. It is the last report, and is unanimous.

Mr. RICHARDSON of Tennessee. I have no objection to the request.

The SPEAKER pro tempore. In the absence of objection, the request of the gentleman from Illinois [Mr. HITT] will be agreed to.

There was no objection.

The statement of the House conferees was then read.

[The conference report with the statement will be found on page 1714.]

Mr. HITT. Mr. Speaker, the statement just read recites every item that was changed or dealt with by your conferees, and does this so clearly that I can not add anything to it. The amount involved in these amendments is not large. I move that the report be adopted.

The question being taken, the conference report was adopted.

On motion of Mr. HITT, a motion to reconsider the vote by which the report was adopted was laid on the table.

INCREASED PENSIONS TO THOSE WHO HAVE LOST LIMBS.

Mr. SULLOWAY. Mr. Speaker, I call up the conference report on the bill (S. 4850) to increase the pensions of those who have lost limbs in the military or naval service of the United States, or are totally disabled in the same, and ask unanimous consent that the reading of the report be dispensed with, and that the statement instead be read.

The SPEAKER pro tempore. The gentleman from New Hampshire calls up a conference report and asks unanimous consent that the reading of the report be dispensed with and that the statement be read. Is there objection?

There was no objection.

The Clerk read the statement.

[For statement and conference report, see page 1714.]

Mr. SULLOWAY. Mr. Speaker, I move that the House agree to the conference report as to amendments numbered 4, 5, and 7, and further insist on its other amendments, and ask for a further conference thereon.

The SPEAKER pro tempore. The question will be first on agreeing to the report as to amendments 4, 5, and 7.

The question was taken and the report agreed to.

The SPEAKER pro tempore. The gentleman from New Hampshire moves to further insist on the remaining amendments and ask for a conference thereon.

The question was taken and the motion agreed to.

The SPEAKER pro tempore announced the following conferees on the part of the House: Mr. SULLOWAY, Mr. CALDERHEAD, and Mr. MIERS of Indiana.

On motion of Mr. SULLOWAY, a motion to reconsider the last two votes was laid on the table.

TERMS OF COURT IN DISTRICT OF UTAH.

Mr. JENKINS. Mr. Speaker, I desire to submit a conference report on the bill (S. 149) to provide for holding terms of court in the district of Utah, and ask that the report and the statement of the House conferees be printed in the RECORD under the rules.

The SPEAKER pro tempore. The gentleman from Wisconsin submits a conference report and statement, which will be printed in the RECORD.

The report of the committee is as follows:

The committee of conference on the disagreeing votes between the two Houses on Senate bill No. 149, to provide for holding terms of court in the district of Utah, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments to said act and agree to the same with the following amendments:

Strike out the words "September, January, and," in line 6 of the said Senate act, and insert after the word "April," in line 6, the following: "and November, and at Ogden City on the second Monday in March and September."

Insert in line 7, before the word "terms," the word "other," and insert after the word "at," in line 7, the following: "said Salt Lake City and."

Further amend line 7 by striking out the word "or," after the word "City" and before the word "other," and inserting the words "and at;" so that the said act when so amended will read as follows:

"That the State of Utah constitutes one judicial district, which is known as the district of Utah. Terms of the district court shall be held in Salt Lake City on the second Monday in April and November, and at Ogden City on the second Monday in March and September of each year: *Provided*, That other terms of said court may be held at said Salt Lake City and Ogden City and at other places in said district when deemed necessary by the judge."

Respectfully submitted.

JOHN J. JENKINS,
RICHARD WAYNE PARKER,
D. A. DE ARMOND,
Managers on the part of the House.
GEO. F. HOAR.
JO. C. S. BLACKBURN,
J. L. RAWLINS,
Managers on the part of the Senate.

The statement of the House conferees is as follows:

The committee of conference agree that the House recede from its amendments to said act, and agree to the same with the following amendments:

Strike out the words "September, January, and" in line 6 of the Senate act, and insert after the word "April," in line 6, the following: "and November, and at Ogden City on the second Monday in March and September."

Insert in line 7, before the word "terms," the word "other," and insert after the word "at," in line 7, the following: "said Salt Lake City and."

Further amend line 7 by striking out the word "or," after the word "City" and before the word "other," and inserting the words "and at;" so that the said act when so amended will read as follows:

"That the State of Utah constitutes one judicial district, which is known as the district of Utah. Terms of the district court shall be held in Salt Lake City on the second Monday in April and November, and at Ogden City on the second Monday in March and September of each year: *Provided*, That other terms of said court may be held at said Salt Lake City and Ogden City and at other places in said district when deemed necessary by the judge."

JOHN J. JENKINS.
D. A. DE ARMOND.
RICHARD WAYNE PARKER.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bill of the following title; in which the concurrence of the House was requested:

S. 6773. An act to expedite the hearing and determination of suits in equity pending or hereafter brought under the act of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," "An act to regulate commerce," approved February 4, 1887, or any other acts having a like purpose that may be hereafter enacted.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 16099. An act to cancel certain taxes assessed against the Kall tract;

H. R. 16630. An act to detach the county of Dimmit from the southern judicial district of Texas and to attach it to the western judicial district of Texas;

H. R. 16651. An act to fix the time for the holding of the United States district and circuit courts in the northern and middle districts of Alabama;

H. R. 9503. An act to authorize the Oklahoma City and Western Railroad Company to construct and operate a railway through the Fort Sill Military Reservation, and for other purposes;

H. J. Res. 184. An act requesting State authorities to cooperate with Census Office in securing a uniform system of birth and death registration;

H. R. 16724. An act to provide for an additional judge of the district court of the United States for the southern district of New York;

H. R. 647. An act for the relief of William P. Marshall; and

H. R. 5756. An act for the relief of the officers and crew of the U. S. S. *Charleston*, lost in the Philippine Islands November 2, 1899.

GENERAL STAFF BILL.

Mr. HULL. Mr. Speaker, I ask unanimous consent that the bill H. R. 15449, the general staff bill, may be taken from the Speaker's stable, that the amendments of the Senate be nonconcurred in, and that we ask for a conference thereon. I will state that the Committee on Military Affairs has authorized me to make this motion.

The SPEAKER pro tempore. The gentleman from Iowa asks unanimous consent to take from the Speaker's table the bill H. R. 15449, the general staff bill; to disagree to the Senate amendments and ask for a conference. Is there objection?

There was no objection.

The SPEAKER pro tempore announced the following conferees on the part of the House: Mr. HULL, Mr. PARKER, Mr. SULZER.

ARMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, I am also authorized by the Committee on Military Affairs to ask unanimous consent that the bill (H. R. 16567) to increase the efficiency of the Army be taken from the Speaker's table, that the Senate amendments be nonconcurred in, and that the House ask for a conference.

The SPEAKER pro tempore. The gentleman from Iowa asks unanimous consent that the bill H. R. 16567, the Army appropriation bill, be taken from the Speaker's table, the Senate amendments nonconcurred in, and that the House ask for a conference thereon. Is there objection?

Mr. SLAYDEN. Mr. Speaker, reserving the right to object, I would like to ask the chairman of the committee a question with reference to one or two items in this bill, and particularly to learn what opportunity the House will have to pass upon those items, if any, without the rejection of all of the amendments made by the Senate.

Mr. GROSVENOR. Mr. Speaker, I do not feel authorized to consent to this occupation of time.

Mr. HULL. If the gentleman from Ohio will wait one minute, I want to say to my friend from Texas [Mr. SLAYDEN] that this matter was considered by the committee this morning. The gentleman, of course, was present, and the opposition of the committee to some of the amendments is the same as that of my friend. There is a very large amount of legislation on this bill, much of which the House, in my judgment, will not agree to at all; but in order to get at work on the bill, with the hope of getting it through in the next three weeks, it does seem to me that it ought to go to conference this morning, and I hope no objection will be made.

Mr. SLAYDEN. Mr. Speaker, I have no desire to delay the consideration of the bill at all, but I do want the House to have an opportunity to vote on two or three amendments in that bill. I will mention them. One is that paragraph which authorizes officers of the Army to deposit their money with the Government through the paymaster, and to receive 3 per cent interest thereon. I do not believe that it ought to pass. The officers of the Army do not want it. The other is that section——

Mr. GROSVENOR. Mr. Speaker, I am not willing that this informal debate should go on. I do not yield for that purpose.

The SPEAKER pro tempore. The gentleman from Ohio objects.

Mr. SULZER. Mr. Speaker, I trust there will be no objection to the request of the gentleman from Iowa.

The SPEAKER pro tempore. Objection has already been made.

Mr. SULZER. By whom?

The SPEAKER pro tempore. By the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Unless the motion can be put at once.

Mr. HULL. Well, it can be put at once. I ask the Chair to submit the request again.

The SPEAKER pro tempore. The gentleman from Iowa renews his request. Is there objection?

Mr. SLAYDEN. Mr. Speaker, unless I can be assured that we can have an opportunity to vote on these amendments singly, and not be compelled to accept or reject the Senate amendments en bloc, I shall be forced to object.

Mr. SULZER. You can have that opportunity.

Mr. SLAYDEN. I will see whether I can.

Mr. HULL. Then I ask that the bill be referred to the Committee on Military Affairs. If the gentleman from Texas wants to put himself in that position, he can do it.

Mr. CANNON. I hope the gentleman will take an order to have the amendments printed and numbered.

Mr. HULL. Mr. Speaker, I understand that will be done.

PERSONS ACCUSED OF CRIME IN THE PHILIPPINE ISLANDS.

The SPEAKER pro tempore laid before the House the bill (S. 7124) to provide for the removal of persons accused of crime to and from the Philippine Islands for trial.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. COOPER of Wisconsin, a motion to reconsider the last vote was laid on the table.

RAILROAD LAND GRANTS IN THE ARID REGIONS.

Mr. MOODY of Oregon. Mr. Speaker, I ask unanimous consent for a reprint of the bill H. R. 15008, corrected so as to conform to the report, and a reprint of the amended report.

The SPEAKER pro tempore. The gentleman from Oregon asks for a reprint of the amended bill and report. The Clerk will report the title of the bill.

The Clerk read the title of the bill (H. R. 15008) providing for the better separation and utilization of public and private lands within the limits of railroad land grants in the arid regions.

The SPEAKER pro tempore. Is there objection?

Mr. RICHARDSON of Tennessee. What is the request?

The SPEAKER pro tempore. For the reprint of a bill and report that is out of print.

Mr. RICHARDSON of Tennessee. Just a reprint of the bill?

The SPEAKER pro tempore. And to make a correction. The first print contained a typographical error.

Mr. RICHARDSON of Tennessee. All right.

The SPEAKER pro tempore. Is there objection?

There was no objection.

REPRINT OF H. R. 17.

Mr. GROSVENOR. Mr. Speaker, before making a report from the Committee on Rules, I ask unanimous consent for a reprint of House bill No. 17, the bill which is to be considered to-day.

The SPEAKER pro tempore. The gentleman from Ohio asks for a reprint of House bill No. 17. The Clerk will report the title.

The Clerk read the title of the bill (H. R. 17) requiring all corporations engaged in interstate commerce to file returns with the Secretary of the Treasury disclosing their true financial condition, and of their capital stock, and imposing a tax upon such as have outstanding capital stock unpaid in whole or in part.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. GROSVENOR. My request includes the report also.

The SPEAKER pro tempore. That the bill and the report also be reprinted. Is there objection?

There was no objection.

TRUSTS.

Mr. GROSVENOR. Mr. Speaker, I make the following privileged report.

The SPEAKER pro tempore. The gentleman from Ohio makes the following privileged report from the Committee on Rules.

Mr. GROSVENOR. Mr. Speaker, I hope the House will give its attention, so that the rule may not have to be reread so often.

The SPEAKER pro tempore. The House will be in order and attend to the reading of the resolution and report.

The Clerk read as follows:

The Committee on Rules, to whom was referred the resolution of the House, No. 419, have had the same under consideration, and report the following in lieu thereof:

Resolved, That immediately upon the adoption of this rule it shall be in order to consider in the House the bill (H. R. 16458) to expedite the hearing of suits in equity pending or hereafter brought under the act of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies;" and after one hour of consideration, or so much thereof as may be necessary, the previous question shall be considered as ordered on said bill and pending amendments; and that so soon as the said bill H. R. 16458 shall have been disposed of, the House shall resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 17) requiring all corporations engaged in interstate commerce to file returns with the Secretary of the Treasury, disclosing their true financial condition and of their capital stock, and imposing a tax upon such as have outstanding capital stock unpaid in whole or in part; and general debate on said bill shall continue for ten hours, when the amendment in the nature of a substitute recommended by the Committee on the Judiciary shall be read for amendment under the five-minute rule, and after three hours, unless said consideration under the five-minute rule shall be sooner concluded, the Committee of the Whole shall rise and report the bill with the substitute amendment as perfected by the Committee of the Whole; whereupon, without debate or intervening motion, the vote shall be taken on said amendment and the bill to final passage: *And provided further*, That on the legislative day succeeding the one on which this order shall begin to operate, the House shall meet at 10 a. m.; and that all members have leave for five days to print on the subjects of either of the bills referred to in this order.

Mr. GROSVENOR. Mr. Speaker, I am authorized by the Committee on Rules, acting through the members now on the floor, to offer the following amendment to the report just read; and when it is read by the Clerk I will make a statement of its effect on the rule.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Insert, after the words "pending amendments:"

"*Provided*, That if before the consideration of the above-mentioned bill shall have been concluded the bill S. 6773, relating to the same subject-matter, shall have been received from the Senate, it shall be taken from the Speaker's table and substituted for consideration in lieu of the said bill H. R. 16458, and shall be considered in all respects as the bill H. R. 16458 would have been considered under the terms of this order."

Also, after the words "so soon as the said bill H. R. 16458," insert "or the bill S. 6773."

Mr. GROSVENOR. Mr. Speaker, the effect of the amendment which is now offered is to make it in order for the House to substitute for the House bill the Senate bill which the Senate passed on yesterday, which is the same as the bill which we call the expediting bill, a bill upon which there is a unanimous report of the Committee on the Judiciary. That bill has since been received by the House, and this amendment simply allows the House to substitute the Senate bill.

Mr. RICHARDSON of Tennessee. Do I understand the gentleman to say that the Senate bill is identical in its provisions with the House bill?

Mr. GROSVENOR. Identical in its provisions, as I am informed.

Mr. LITTLEFIELD. With the exception of two formal amendments that I shall offer when the bill comes up.

Mr. GROSVENOR. I am talking of the bill as it came over from the Senate.

Mr. FLEMING. Will the gentleman from Ohio allow me to ask him a question?

Mr. GROSVENOR. Certainly.

Mr. FLEMING. And that is whether, if this rule is adopted in the form in which you have presented it, it will give perfect freedom in amendments of the House bill which this refers to?

Mr. GROSVENOR. If the gentleman will wait until the amendment which I have offered is agreed to, I will explain that to the House.

Mr. FLEMING. Any time the gentleman sees fit to give an answer; but I would like to know before we go further.

The SPEAKER pro tempore. The question is upon the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER pro tempore. The question is now on agreeing to the resolution.

Mr. FLEMING. Now, I would like to have the gentleman answer me.

Mr. GROSVENOR. That I will gladly do. The effect of the resolution if adopted as amended will be to bring up at once the expediting bill here in the House. There is a limitation in the rule, that not more than one hour's debate can be used upon that bill. Then the particular bill which the gentleman is cognizant of will come at once in the Committee of the Whole. At the end of ten hours of general debate this bill will be read during three hours under the five-minute rule for amendment, and there, of course, will be full liberty of amendment; but it is in the Committee of the Whole, as the gentleman will understand. Thereupon the bill will be brought back into the House, with the previous question considered as ordered upon the bill, and such amendments as may have been agreed to, to the final passage.

Mr. FLEMING. Does this rule cut off all possibility of amendment in the House?

Mr. GROSVENOR. It does.

Mr. FLEMING. No amendment can be offered in the House?

Mr. GROSVENOR. No amendment can be offered in the House. I want to be perfectly frank about it—it will not be in order to move to recommit with instructions.

Mr. HOPKINS (to Mr. GROSVENOR). But there is full opportunity for amendment in committee.

Mr. GROSVENOR. I have stated that very fully. I reserve the balance of my time upon the question of the adoption of the rule.

Mr. RICHARDSON of Tennessee and Mr. SMITH of Kentucky rose.

The SPEAKER pro tempore. The gentleman from Tennessee is recognized.

Mr. SMITH of Kentucky. Mr. Speaker, I want to ask the gentleman from Ohio a question. The minority have suggested several amendments to the principal bill (H. R. 17) and I want to know if under this rule it will be possible to have a record vote upon any of these amendments.

The SPEAKER pro tempore. The Chair has recognized the gentleman from Tennessee.

Mr. GROSVENOR. I will say to the gentleman that it will not.

Mr. RICHARDSON of Tennessee. I will yield to the gentleman from Kentucky.

Mr. GROSVENOR. Mr. Speaker, I have not yielded the floor.

The SPEAKER pro tempore. The Chair understood the gentleman from Ohio had yielded the floor, and the Chair has recognized the gentleman from Tennessee.

Mr. GROSVENOR. The Chair must have misunderstood me. I will yield to the gentleman from Tennessee to ask a question, and if the gentleman wants time he can have it.

Mr. RICHARDSON of Tennessee. I understood the gentleman from Ohio had closed his remarks.

Mr. GROSVENOR. No; but I am ready to yield to the gentleman from Tennessee such time as he may require.

Mr. RICHARDSON of Tennessee. The rule gives us twenty minutes on a side, and I insist on my twenty minutes under the rule.

The SPEAKER pro tempore. The previous question has not been ordered or asked for.

Mr. RICHARDSON of Tennessee. I understand we have twenty minutes to debate the rule.

The SPEAKER pro tempore. Not unless the previous question has been ordered.

Mr. GROSVENOR. Mr. Speaker, I am willing to yield to the gentleman from Tennessee twenty minutes.

Mr. RICHARDSON of Tennessee. But the rule of the House gives me twenty minutes.

Mr. GROSVENOR. The previous question has not been ordered. Mr. Speaker, I will demand the previous question.

Mr. PAYNE. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. PAYNE. This question has been debated, and if the previous question is ordered now will it not cut off all further debate?

The SPEAKER pro tempore. It certainly would.

Mr. PAYNE. I do not want the gentleman from Tennessee to labor under a mistake.

Mr. RICHARDSON of Tennessee. I did not suppose the gentleman from Ohio wanted to cut off the forty minutes' debate.

Mr. GROSVENOR. I do not, and I offer to yield to the gentleman from Tennessee twenty minutes or any other time.

Mr. RICHARDSON of Tennessee. I do not care to accept twenty minutes that is allowed under the rule.

Mr. GROSVENOR. The gentleman or I misunderstands the rules of the House. This proposition has been submitted to the House, debated, and if no previous question has been demanded, therefore I have the right to occupy the floor an hour.

Mr. RICHARDSON of Tennessee. I understood the gentleman to agree that we should have forty minutes' debate.

Mr. GROSVENOR. And I am ready to carry it out. I will yield the gentleman from Tennessee twenty minutes. This is all due to a misunderstanding.

Mr. RICHARDSON of Tennessee. Well, that is all I desire, and I do not think I shall use all of the twenty minutes, and if any gentleman on this side desires to occupy a portion of this time I will yield to him.

My object in taking the floor is to explain the effect of the rule which has been presented by the gentleman from Ohio, and to protest against its provisions.

The rule first provides that the bill known as the expediting bill shall first be considered by the House, and, if it is desired, it may be considered for one hour under the rule. I take it there is no gentleman on this side of the House who is opposed to the first bill—this bill—which has for its object and purpose expediting in the courts the hearing of suits under the original anti-trust act known as the Sherman law. The object of the first bill is to hasten cases under that act, and we are all ready to vote for that without any rule.

The rule further provides as to the other trust measure reported as a substitute for House bill 17 that there shall be thirteen hours of debate—ten hours in general debate and three hours' debate for the purpose of amendment under the five-minute rule in Committee of the Whole—and then, after the thirteen hours' debate, the bill shall be reported to the House and, without intervening motion, the bill shall be put upon its passage. This means, of course, that in the House there will be no opportunity to move to recommit this bill with instructions or to amend it in any form or fashion or to present any substitute for the measure as presented by the committee and matured or perfected in Committee of the Whole. Of course we understand, Mr. Speaker, that in Committee of the Whole, after the ten hours of general debate, the bill will be read under the five-minute rule for amendment in committee. That means there will be no record vote upon any amendment proposed, debated, or voted upon in Committee of the Whole. It means, further, that there can be no record vote in the House upon amendment or substitute after the bill is matured or perfected in Committee of the Whole, and therefore the only record vote that can be had, upon the other hand, upon either under this rule will be the vote upon the passage of the bill reported from the Committee of the Whole.

Now, I say that is unjust, Mr. Speaker. It is unjust and unusual. It may be that modes of procedure of this kind are excusable in great political exigencies and emergencies. Where a political party has not the time or is afraid, as sometimes is the case, and it is a political question and a record might be made that would be embarrassing or something of that kind, it might excuse the party from a record vote. But there is no sort of excuse now for the majority in control of this House to deny the minority a record vote upon propositions that they may offer to restrain the trusts in this country or to place restrictions upon them. Why should you do it? Are you afraid that we shall present something that you can not vote for and the rejection of which will damage or injure you before the people of the country? What else can it be?

We may not agree with you, and we do not agree with you, as to the remedy for the regulation and control of trusts. You have brought a measure here which you say will assist in their control and government, and we all wish some measure of that kind passed by Congress. We differ from you as to the method of treating this case; but you say to us, "You are to vote upon the bill as we present it, or you shall have no record vote at all. You can not present any remedy of your own, but you must go to the country on a record vote on the proposition we desire to present."

Now, I say there is no reason why that should be so. I know very well, and I think the country knows, why the majority on this floor refuse to allow the minority to present their remedy for the control of the trusts. They fear that the remedy we would present would be more effectual in the suppression and control of the trusts than the measure they will present. And, to get a little closer to the subject, you are afraid that we shall present some remedy in the shape of tariff taxation, the reduction of the rates of duty upon trust-protected articles, which build up and foster the trusts of this country, and you do not want to go on record in opposition to such a measure. [Applause on the Democratic side.]

Now, be honest with yourselves and answer me: Is not that the reason, and the only reason, that you will not permit this side of the House to offer amendments to the bill and get a record vote upon them? I know it, and you know it. I take it, no gentleman on the other side of the House will have the temerity to stand up in his place and say that he is willing to give this side of the House an opportunity to present tariff-reform amendments which would effectually impair, if not totally destroy, the power of the trusts to injure the commercial and business interests of this country, and give us a vote upon them. No gentleman will say that in resorting to this rule the majority have any other motive than that I have assigned—that is, that they are unwilling to give us such a record vote.

Now, the question is, What are we of the minority to do in this emergency? The majority present this cast-iron rule, and say, "You must take this measure as we present it or you shall have nothing." For myself, I am prepared to say that I am ready to vote for any measure, however weak it may be, if it tends to improve the conditions under which we labor in this country in respect to the government of trusts. If your measure is one little short step in the direction of a better management and control of trusts, I will vote for it. I take it that your measure is a step in that direction. It is not, in my judgment, what we ought to pass. I know we shall not get an opportunity to vote for such a measure as we ought to pass. We can hardly expect the majority in this House to give us such an opportunity. We shall not be in a position to offer the proper amendments to improve the present law or the bill which you now tender us, and which you propose to pass through the House.

I have never believed, Mr. Speaker, that we are going to have any trust legislation during this session of Congress. I am not a prophet, I do not pretend to know what is going to happen, but I doubt very much if we are to have any legislation during this session of Congress which will be effectual in the control and government of trusts.

When this measure comes to be voted upon I take it that every gentleman here will vote for it—at least every gentleman will do so who believes that it is even one short step in the direction of a proper management and control of these organizations. It is largely a subterfuge. It is not intended to be an honest, straightforward, rigid measure for the control and management of these organizations. It is a makeshift; it is a pretense; it is not what the country expects; it is not what you promised in the late campaign. In passing this measure you carry the question over to the next session of Congress.

Mr. Speaker, I do not care to take up more time in discussing this rule. I shall not oppose the rule nor shall I ask this side of the House to vote against its adoption, because if we do not pass this rule this morning and consider your proposed measure and

pass it, even in its present form, or as it may be amended in the Committee of the Whole, there will be no legislation during this session of Congress. We would like to amend the rule so as to allow us to offer amendments for the better control of trusts. We can not do that unless we vote down the demand for the previous question. I take it, you have votes enough to pass your rule.

I take it that you will pass it. When it has been passed and we enter upon the discussion of the bill, we shall, during the debate, attempt as far as we are able to show that this measure will be ineffectual, that it will not accomplish the great purpose that we have in view; it will not accomplish what you promised the people you would do when Congress should meet again; it will not come up to the promises of your President made on the stump or on the hustings time and time again during the last campaign. But, this being the very best that we can possibly get during this session, we may all vote for the measure.

Mr. Speaker, how much of the twenty minutes have I remaining?

The SPEAKER pro tempore. The gentleman has nine minutes remaining.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I yield to my colleague on the committee, the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, I concur with what my colleague on the Committee on Rules has said. We could not of course control the vote in the Committee on Rules. We had to accept or reject such a rule as the majority were willing to present in this instance. We believe that some legislation against the trusts is better than no legislation at all. The legislation offered by the majority here is a small step in the right direction, but we do not think it will be affected. We desired and insisted in the Committee on Rules that we should have an opportunity for a record vote in the House where we could offer amendments which would make this bill effective against the trusts, but the rule adopted by the majority of the committee cuts off the right of amendment.

Now, the question before the House is, whether we will fight a measure because we can not get what we think we ought to have to the fullest extent we ought to go, or whether we will accept the step that is as far as the majority is willing to go in the right direction. Now, I think their present proposition is a step along the right road, but a very short step. However, I am not willing to impede or interfere with their taking even so slight a step in the right direction. Therefore, I intend to vote for the proposition, and, as it is not in order under the rules of this House to amend this rule so that we may get what we think we ought to have, I think it is best to vote for the rule.

Mr. WILLIAMS of Mississippi. Mr. Speaker, may I ask the gentleman a question?

Mr. UNDERWOOD. Certainly.

Mr. WILLIAMS of Mississippi. Suppose we could vote this rule down, then would they not be forced to bring in a more liberal rule?

Mr. UNDERWOOD. I would say to my friend that if we voted this rule down, we might have no legislation before the end of the session. If we will vote down the motion for the previous question, then we would have a right to amend this rule.

Mr. WILLIAMS of Mississippi. Why not have a yea-and-nay vote on the adoption of the rule?

Mr. UNDERWOOD. Because that accomplishes no result.

Mr. WILLIAMS of Mississippi. It puts us on record as not consenting to this ironbound rule.

Mr. UNDERWOOD. If we will have a yea-and-nay vote on the previous question and vote that down, we will have an opportunity to amend. I am in favor of voting down the previous question and amending the rule if we can. Of course we understand the majority will not vote down the previous question, but I am in favor of making the attempt. If we can not do it, why then I think it is better to take the rule and take some legislation rather than no legislation at all.

Mr. Speaker, I yield back the balance of my time.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I reserve the balance of my time.

Mr. GROSVENOR. Mr. Speaker, if this were the first time in the progress of legislation that the majority of the House of Representatives fixed the terms upon which legislation might be considered, the appeal of the gentleman from Tennessee [Mr. RICHARDSON] would have a greater effect upon me than it does now. I want to say to the gentleman that the majority side of this House will be held responsible for all the legislation of this character that will be enacted during this session of Congress.

Our Democratic friends will not divide the responsibility with us. They will insist that we had a majority and that we had the power to make the terms and enact the legislation, and so, Mr. Speaker, the logic of our position here to-day is that we accept that responsibility and are going to prescribe the method by which this legislation shall be enacted. It is said that the minority side of the Chamber will not be permitted to make their views known by the offering of amendments. That is an exaggeration of the situation. Every amendment offered upon that side of the House during the three hours of time will be entered upon the record of the House and read by everybody who desires to know what the Democrats are proposing.

It will be a splendid opportunity, Mr. Speaker, for our Democratic friends to tell us exactly how they stand on this question and what they do propose, and the only trouble that they will encounter will be that after they have made known to the country what their views are, the Republican side of the House will doubtless reject their propositions. It will be perfectly well known where it comes from. It will not come from our side of the House. It will be the Democratic plan, the Democratic policy, the Democratic purpose in regard to this matter of trusts, and I am perfectly willing that it be done.

I shall rejoice if the fullest opportunity shall develop, in the form of proposed legislation, that drastic radicalism of which we have heard so much in debates on this floor, and of which we are to hear during the coming hours of to-day and to-morrow. Let the country see what their purpose is—what it is they are striking at and the form of the weapon—and the country will judge between us; the country will judge between the character of this conservative bill which we bring here and the radicalism which will be proposed on that side of the House. Mr. Speaker, the country, however, will have to take this view of it, that these propositions which will be made in the form of proposed amendments would not be voted for if the Democrats had the power to put them into this enactment.

They would never dare to assail the business of the country in the manner they do. The Republican party, whether for the good of the country or otherwise, is charged with the conservatism of the present prosperous condition of the country. The gentleman from Tennessee [Mr. RICHARDSON] says that if you will give the Democratic party on this floor the opportunity they will attack the trusts in a very formidable manner; and when he comes to give specifications, he says they will do it by repealing the protective tariff system. They will propose that all the goods manufactured in the United States by combinations of capital, by combinations of labor, by whatever combination they may be manufactured, shall all be put upon the free list, and the flood tide of foreign industry shall sweep over our country.

Mr. RICHARDSON of Tennessee. No; I do not think the gentleman has any right to quote me as saying that. I have not said that.

Mr. GROSVENOR. I do not say the gentleman has said that, but that is the fact of it. At all events the gentleman says we have fallen short of our promises——

Mr. RICHARDSON of Tennessee. I do not think it would be necessary to go that far in order to regulate trusts.

Mr. GROSVENOR. Well, I do not know whether it is or not. The gentleman promises that he will do something of this character, and he will do it by the repeal of some of the protective tariff statutes of our country. Well, I believe, Mr. Speaker, that if the gentleman was in power with his party he would make his promise good. It is not often that I have to admit that the Democratic party have made their promises good to the country, and I will repeat from the illustration of a distinguished Virginia somebody or other in the recent campaign to illustrate why it is that I concede that on one occasion, at least, the Democratic party made a promise and did fulfill it. The suggestion of the gentleman that they will do it by interfering with the tariff reminds me of the illustration told by that gentleman on the stump in Ohio. He said it was not true that the Democratic party never fulfilled its promises——

Mr. THAYER. Mr. Speaker——

The SPEAKER pro tempore. Does the gentleman from Ohio yield?

Mr. GROSVENOR. Why, I am right in the midst of a paragraph. The gentleman certainly does not want me to stop right here. This man said the Democratic party, in 1892, did make a promise to the country, and it is right along the line of the gentleman's proposition now. He said that the Democratic party, using as he did the language of Scripture, said, "Come unto me all ye that labor and are heavy laden, and I will give you rest." "And," said the old gentleman, "we went and we rested for four years." [Laughter and applause on the Republican side.] That was when we had the hard times, and there was a condition that I can not describe. That is the identical proposition now urged by the gentleman from Tennessee.

Mr. THAYER. Mr. Speaker——

The SPEAKER pro tempore. Does the gentleman from Ohio yield to the gentleman from Massachusetts?

Mr. GROSVENOR. For what purpose?

Mr. THAYER. If the gentleman is——

Mr. GROSVENOR. Wait a moment. I have not yielded.

The SPEAKER pro tempore. The gentleman has not yielded.

Mr. GROSVENOR. For what purpose?

Mr. THAYER. To ask you a question.

Mr. GROSVENOR. Ask it. I am ready.

Mr. THAYER. If you are so confident that people on this side of the House will make radical recommendations to amend this bill, why are you not willing to go on record as voting against that, and to show our folly in advocating them? [Applause on the Democratic side.]

Mr. GROSVENOR. That brings me to the concluding paragraph of my speech. We are not willing to use up the time of the House and the time of the session while the gentleman and his associates shall make individual political platforms. When you can get one platform upon which a respectable majority of the Democratic party can stand we will be ready to meet that, either in the House of Representatives or anywhere else on earth; but we do not propose to take the time of this House while each individual member of the Democratic minority comes running in here with his own peculiar views.

And now let me say to the gentleman from Massachusetts that we will oppose the measures suggested by that side. There will be record enough. The mere fact, if it shall be a fact, that ultimately, after getting all the wisdom of your side of the House, we vote affirmatively to pass this bill, will be a sufficient record for you to charge that we did not accept your propositions, and that we are therefore against your propositions.

Mr. CLAYTON. May I ask the gentleman a question?

Mr. GROSVENOR. Yes.

Mr. CLAYTON. You seem to be very desirous of economizing the public time. One hour has been given to me in the discussion proposed by the rule. I am quite content to surrender that hour and to shorten the time, provided that at the end of the debate of twelve hours, instead of thirteen, shortening the debate by one hour, you allow the minority an opportunity to make a motion to recommit or to offer a substitute. [Applause on the Democratic side.] Will you accept the proposition?

Mr. GROSVENOR. The gentleman from Alabama has only put in other words what the gentleman from Tennessee [Mr. RICHARDSON] has already said, and no one knows better than the gentleman from Alabama that I have no power to concede his request. [Derisive laughter on the Democratic side.] But I say to the gentleman, without any qualification whatever, that if I had the power I would not do it. [Applause on the Republican side.] So that is enough upon that branch of this case.

Mr. CLAYTON. That is one candid answer you have made.

Mr. GROSVENOR. So then, Mr. Speaker, the responsibility is here, the purpose is here, a long debate is provided, full opportunity for amendment is provided under this rule; and I believe that the rule is a fair and just one under all the circumstances. Unless there is further debate desired upon the other side in their twenty minutes I shall move the previous question.

Mr. FLEMING. Will the gentleman allow me to ask him a question?

Mr. GROSVENOR. Certainly.

Mr. FLEMING. Am I to understand the real parliamentary position is this, that no one in the House has the right to offer an amendment or to ask unanimous consent?

Mr. GROSVENOR. To ask unanimous consent?

Mr. FLEMING. No one except yourself?

Mr. GROSVENOR. I think not. I think it would not be in order to modify this rule.

Mr. FLEMING. Then I will ask the gentleman if he will not, occupying the floor as he does, ask unanimous consent that the pending resolution may be so amended as to permit the House to have a record vote on at least one amendment offered by the minority of the committee. Will the gentleman give us that courtesy?

Mr. GROSVENOR. If it was a matter personal to the gentleman from Georgia, I would be delighted to do it, but occupying the position that I do I can not.

Mr. FLEMING. But being a matter of politics the gentleman can not do it.

Mr. GROSVENOR. Being a matter of whatever you may call it. You understand it as well as I do. I can not. I demand the previous question.

Mr. RICHARDSON of Tennessee. A parliamentary inquiry. If the demand of the gentleman from Ohio for the previous question is sustained, would it be in order to move to amend the rule so as to allow an amendment to be offered in the House and a record vote obtained? If the demand is sustained, will it be in order?

The SPEAKER pro tempore. If the demand is sustained, certainly not.

Mr. RICHARDSON of Tennessee. If we vote down the previous question, can we not then offer an amendment?

The SPEAKER pro tempore. The Chair thinks the House understands that.

Mr. RICHARDSON of Tennessee. Then I hope we shall vote down the previous question, so that we may offer an amendment.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. RICHARDSON of Tennessee. I call for a division.

The House divided; and there were—ayes 130, noes 99.

Mr. RICHARDSON of Tennessee. I ask for the yeas and nays on the demand for the previous question.

The yeas and nays were ordered.

The question was taken; and there were—yeas 141, nays 106, answered "present" 12, not voting 93; as follows:

YEAS—141.

Acheson,	Davidson,	Hull,	Payne,
Adams,	Deemer,	Irwin,	Perkins,
Allen, Me.	Dick,	Jackson, Md.	Powers, Mass.
Babcock,	Douglas,	Jenkins,	Prince,
Ball, Del.	Dovener,	Jones, Wash.	Reeder,
Barney,	Draper,	Kahn,	Reeves,
Bartholdt,	Driscoll,	Ketcham,	Roberts,
Bates,	Eddy,	Knapp,	Schirm,
Beidler,	Emerson,	Kyle,	Scott.
Bishop,	Esch,	Lacey,	Shattuc,
Blakeney,	Evans,	Landis,	Shelden,
Boreing,	Fletcher,	Lawrence,	Skiles,
Boutell,	Foerderer,	Lewis, Pa.	Smith, Ill.
Bowersock,	Fordney,	Littauer,	Smith, H. C.
Brandegee,	Foss,	Littlefield,	Smith, Wm. Alden
Brick,	Foster, Vt.	Loudenslager,	Southard.
Bromwell,	Fowler,	Lovering,	Stevens, Minn.
Brown,	Gardner, N. J.	McCall,	Stewart, N. Y.
Bull,	Gibson,	McCleary,	Storm,
Burk, Pa.	Gill,	McLachlan,	Sulloway,
Burke, S. Dak.	Gillett, Mass.	Marshall,	Sutherland,
Burkett,	Graff,	Metcalf,	Tawney,
Burleigh,	Graham,	Miller,	Tayler, Ohio
Burton,	Greene, Mass.	Minor,	Thomas, Iowa
Butler, Pa.	Grosvenor,	Moody, Oreg.	Tirrell,
Calderhead,	Hamilton,	Morgan,	Vreeland,
Cannon,	Hanbury,	Morrell,	Wachter,
Capron,	Haugen,	Moss,	Wanger,
Cassel,	Heatwole,	Mudd,	Warner,
Coombs,	Hemenway,	Nevin,	Warnock,
Corliss,	Henry, Conn.	Olmsted,	Weeks,
Cromer,	Hepburn,	Otjen,	Woods,
Crumpacker,	Hildebrant,	Overstreet,	Young.
Currier,	Hill,	Palmer,	
Curtis,	Hitt,	Parker,	
Cushman,	Holliday,	Patterson, Pa.	

NAYS—106.

Adamson,	Fleming,	Little,	Shallenberger,
Allen, Ky.	Flood,	Livingston,	Sheppard,
Ball, Tex.	Foster, Ill.	Lloyd,	Sims,
Bankhead,	Gaines, Tenn.	McClellan,	Slayden,
Bartlett,	Gilbert,	McCulloch,	Small,
Bell,	Goldfogle,	McRae,	Smith, Ky.
Benton,	Gooch,	Maddox,	Snook,
Billmeyer,	Green, Pa.	Maynard,	Sparkman,
Breazeale,	Griggs,	Mickey,	Spight,
Broussard,	Hay,	Miers, Ind.	Stark,
Brundidge,	Henry, Tex.	Moon,	Sulzer,
Burgess,	Hooker,	Mutchler,	Swann,
Burleson,	Howard,	Norton,	Talbert,
Burnett,	Jackson, Kans.	Padgett,	Tate,
Caldwell,	Johnson,	Patterson, Tenn.	Taylor, Ala.
Cassingham,	Jones, Va.	Pou,	Thayer,
Clark,	Kehoe,	Randell, Tex.	Thomas, N. C.
Clayton,	Kern,	Ransdell, La.	Thompson,
Cochran,	Kitchin, Claude	Reid,	Underwood,
Conry,	Kitchin, Wm. W.	Rhea,	Vandiver,
Cowherd,	Kleberg,	Richardson, Tenn.	Wheeler,
Davey, La.	Kluttz,	Rixey,	White,
De Armond,	Lamb,	Robb,	Williams, Ill.
Dinsmore,	Lester,	Robinson, Ind.	Williams, Miss.
Dougherty,	Lever,	Rucker,	Zenor.
Feely,	Lewis, Ga.	Russell,	
Fitzgerald,	Lindsay,	Ryan,	

ANSWERED "PRESENT"—12.

Brantley,	Griffith,	Hughes,	Ruppert,
Brownlow,	Haskins,	Mann,	Steele,
Finley,	Hopkins,	Morris,	Van Voorhis.

NOT VOTING—93.

Alexander,	Edwards,	McAndrews,	Shafroth,
Aplin,	Elliott,	McDermott,	Sherman,
Bellamy,	Flannagan,	McLain,	Showalter,
Belmont,	Fox,	Mahon,	Sibley,
Bingham,	Gaines, W. Va.	Mahoney,	Smith, Iowa
Blackburn,	Gardner, Mass.	Martin,	Smith, S. W.
Bowie,	Gardner, Mich.	Mercer,	Snodgrass,
Bristow,	Gillet, N. Y.	Meyer, La.	Southwick.
Butler, Mo.	Glass,	Mondell,	Sperry,
Candler,	Glenn,	Moody, N. C.	Stephens, Tex.
Connell,	Gordon,	Naphen,	Stewart, N. J.
Conner,	Grow,	Needham,	Swanson,
Cooney,	Hedge,	Neville,	Tompkins, N. Y.
Cooper, Tex.	Henry, Miss.	Newlands,	Tompkins, Ohio
Cooper, Wis.	Howell,	Pearre,	Trimble,
Cousins,	Jack,	Pierce,	Wadsworth,
Creamer,	Jett,	Powers, Me.	Watson,
Crowley,	Joy,	Pugsley,	Wiley,
Dahle,	Knox,	Richardson, Ala.	Wilson,
Dalzell,	Lassiter,	Robertson, La.	Wooten,
Darragh,	Latimer,	Robinson, Nebr.	Wright.
Davis, Fla.	Lessler,	Scarborough,	
Dayton,	Long,	Selby,	
Dwight,	Loud,	Shackleford,	

So the previous question was ordered.

The following additional pairs were announced:

For the session:

Mr. DAYTON with Mr. MEYER of Louisiana.

Until further notice:

Mr. HOPKINS with Mr. SWANSON.

Mr. HASKINS with Mr. FOX.

For balance of week:

Mr. MERCER with Mr. BRANTLEY.

For this day:

Mr. WADSWORTH with Mr. NAPHEN.

Mr. TOMPKINS of New York with Mr. EDWARDS.

Mr. STEELE with Mr. COOPER of Texas.

For balance of day:

Mr. BRISTOW with Mr. MCLAIN.

Mr. ALEXANDER with Mr. ROBERTSON of Louisiana.

Mr. BLACKBURN with Mr. BOWIE.

Mr. COOPER of Wisconsin with Mr. SHAFROTH.

Mr. GAINES of West Virginia with Mr. RICHARDSON of Alabama.

Mr. KNOX with Mr. DAVIS of Florida.

Mr. GARDNER of Massachusetts with Mr. CANDLER.

Mr. GARDNER of Michigan with Mr. SHACKLEFORD.

Mr. DARRAGH with Mr. BELMONT.

Mr. DWIGHT with Mr. NEVILLE.

Mr. BINGHAM with Mr. ELLIOTT.

Mr. NEEDHAM with Mr. GRIFFITH.

On this vote:

Mr. WATSON with Mr. WOOTEN.

Mr. MONDELL with Mr. WILEY.

The result of the vote was then announced as above recorded.

The SPEAKER pro tempore (Mr. LACEY). The question now is on agreeing to the resolution.

The question was taken; and the resolution was agreed to.

EXPEDITING SUITS AGAINST UNLAWFUL RESTRAINTS AND MONOPOLIES.

The SPEAKER pro tempore. Senate bill 6773 having been received, under the amendment to the rule it is laid before the House, and the Clerk will read the bill.

The Clerk read as follows:

A bill (S. 6773) to expedite the hearing and determination of suits in equity pending or hereafter brought under the act of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies;" "An act to regulate commerce," approved February 4, 1887, or any other acts having a like purpose that may be hereafter enacted.

Be it enacted, etc., That in any suit in equity pending or hereafter brought in any circuit court of the United States under the act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890, "An act to regulate commerce," approved February 4, 1887, or any other acts having a like purpose that hereafter may be enacted, wherein the United States is complainant, the Attorney-General may file with the clerk of such court a certificate that, in his opinion, the case is of general public importance, a copy of which shall be immediately furnished by such clerk to each of the circuit judges of the circuit in which the case is pending. Thereupon such case shall be given precedence over others and in every way expedited, and be assigned for hearing at the earliest practicable day, before not less than three of the circuit judges of said circuit, if there be three or more; and if there be not more than two circuit judges, then before them and such district judge as they may select. In the event the judges sitting in such case shall be divided in opinion, the case shall be certified to the Supreme Court for review in like manner as if taken there by appeal as hereinafter provided.

SEC. 2. That in every suit in equity pending or hereafter brought in any circuit court of the United States under said act, wherein the United States is complainant, including cases submitted but not yet decided, an appeal from the final decree of the circuit court will lie only to the Supreme Court and must be taken within sixty days from the entry thereof: *Provided*, That in any case where an appeal may have been taken from the final decree of a circuit court to the circuit court of appeals before this act takes effect, the case shall proceed to a final decree therein, and an appeal may be taken from such decree to the Supreme Court in the manner now provided by law.

Mr. LITTLEFIELD. Mr. Speaker, I would like to inquire what bill the Clerk has just read?

The SPEAKER pro tempore. The Senate bill.

Mr. LITTLEFIELD. I move to amend the Senate bill, under the rule, with the two amendments which I send to the desk.

The Clerk read as follows:

Amend by inserting in section 2, line 16, after the word "under," the words "any of;" and by striking out, in line 17 of said section, the word "act" and inserting in lieu thereof the word "acts."

Mr. LITTLEFIELD. I will explain the general purpose of these amendments. It is to make the bill harmonious. As it was originally drawn it provided only for the expediting of cases that were brought under the act to protect trade and commerce against unlawful trade and monopolies, and therefore it read in the singular in section 2. When reported from the Judiciary Committee on the part of the House, and as it comes from the Senate, it also provides for expediting proceedings under the act regulating commerce, approved February 4, 1887, or any other acts having like purpose that may be hereafter enacted. So, instead of having the bill provide "that in every suit in equity pending or hereafter brought in any circuit court of the United States under said act," we say "under any of said acts," so as to make the bill harmonious throughout.

Mr. WM. ALDEN SMITH. Does that include the Sherman law?

Mr. LITTLEFIELD. Yes.

Mr. CLAYTON. May I ask the gentleman a question?

Mr. LITTLEFIELD. Certainly.

Mr. CLAYTON. The bill as you propose to amend it makes it identical with the bill that the House Committee on the Judiciary considered and ordered a favorable report upon?

Mr. LITTLEFIELD. Precisely.

Mr. CLAYTON. Then I see no objection to the passage of the bill. It certainly met the unanimous approval of the members of the Committee on the Judiciary of the House.

The SPEAKER pro tempore. The question is on the amendments offered by the gentleman from Maine.

The amendments were considered, and agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. LITTLEFIELD, a motion to reconsider the last vote was laid on the table.

TRUSTS AND INDUSTRIAL COMBINATIONS.

The SPEAKER pro tempore. Under the rule adopted by the House, the House will resolve itself into Committee of the Whole House on the state of the Union for the consideration of House bill 17.

Mr. LITTLEFIELD. Pending that, Mr. Speaker, I ask unanimous consent that the time be divided between the majority and the minority, to be controlled by myself on the one side, and the minority time to be controlled by the gentleman from Missouri [Mr. DE ARMOND]. I also desire to make a statement that the minority views submitted by the gentleman from Ohio [Mr. NEVIN] upon the committee were concurred in by the gentleman from Georgia [Mr. FLEMING] of the committee, who desires unanimous consent that his name may be added to that of Mr. NEVIN.

The SPEAKER pro tempore. The gentleman from Maine asks unanimous consent that the name of Mr. FLEMING may be added to the minority views of the gentleman from Ohio [Mr. NEVIN]. Is there objection? [After a pause.] The Chair hears none.

The gentleman from Maine also asks unanimous consent that the time be divided between the majority and minority, and that he, the gentleman from Maine [Mr. LITTLEFIELD], may control the time on the part of the majority, and the gentleman from Missouri [Mr. DE ARMOND] may control that on the part of the minority. Is there objection to this arrangement? [After a pause.] The Chair hears none, and it is so ordered.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. BOUTELL in the chair.

The CHAIRMAN. The House is in Committee of the Whole on the state of the Union for the consideration of House bill No. 17, according to the special rule heretofore adopted. The Clerk will report the bill.

The Clerk proceeded to read the bill (H. R. 17) requiring all corporations engaged in interstate commerce to file returns with the Secretary of the Treasury, disclosing their true financial condition, and of their capital stock, and imposing a tax upon such as have outstanding capital stock unpaid in whole or in part.

The bill as proposed by the Committee on the Judiciary to be amended is as follows:

Be it enacted, etc., That every corporation which may be hereafter organized shall, at the time of engaging in interstate or foreign commerce, file the return hereinafter provided for, and every corporation, whenever organized and engaged in interstate or foreign commerce, shall file a return with the Interstate Commerce Commission for the year ending December 31, whenever, and at such time, as requested by said Commission, stating its name, date of organization, where and when organized, giving statutes under which it is organized, and all amendments thereof; if consolidated, naming constituent companies and where and when organized, with the same information as to such constituent companies, so far as applicable, as is herein required of such corporation; if reorganized name of original corporation or corporations, with full reference to laws under which all the reorganizations have taken place, with the same information as to all prior companies in the chain of reorganization, so far as applicable, as is herein required of such corporation; amount of bonds issued and outstanding; amount of authorized capital stock, shares into which it is divided, par value, whether common or preferred, and distinction between each; amount issued and outstanding; amount paid in; how much, if any, paid in in cash, and how much, if any, in property; if any part in property, describing in detail the kind, character, and location, with its cash market value at the time it was received in payment, giving the elements upon which said market value is based, and especially whether in whole or in part upon the capitalization of earnings, earning capacity, or economies, with the date and the cash price paid therefor at its last sale; the name and address of each officer, managing agent, and director; a true and correct copy of its articles of incorporation; a full, true, and correct copy of any and all rules, regulations, and by-laws adopted for the management and control of its business and the direction of its officers, managing agents, and directors.

Nothing herein contained shall be construed as relieving any corporation from making, in addition to the foregoing, such returns as are now required by the "Act to regulate commerce," approved February 4, 1887, and all amendments thereof; but the provisions of this act, as to signing and making oath

to returns and making answers on oath to written inquiries, shall be applicable to returns and such answers made under said act and amendments thereof.

So far as any return may be a duplicate of one already filed, that fact may be stated, and the details, which are in such case duplicates, need not be repeated. Upon its being made to appear to the satisfaction of the Commission that without fault on its part it is impracticable for such corporation to furnish any of the items aforesaid, it may, by a written order of said Commission, be excused from furnishing such item or items.

Said Commission shall cause to be prepared a blank return for the use of such corporations, containing the foregoing requirements, and shall make such rules and regulations as may, in its judgment, be necessary to carry out the purposes of this act. The president, treasurer, and a majority of the directors of such corporation shall make oath in writing on said return that said return is true. The treasurer, or other officer of such corporation having the requisite knowledge, shall answer on oath all inquiries that may be made in writing on the direction of said Commission in relation to said return. Any corporation failing to make such return, or whose treasurer or other officer shall fail to make the answers aforesaid, may be restrained, on the suit of the United States, from engaging in interstate commerce until such return is made. Suit may be brought in any district of the United States at the election of the Attorney-General.

SEC. 2. That whoever knowingly swears to a return that is false in any material particular, or knowingly swears to an answer to any such inquiry that is false in any material particular, shall be deemed guilty of perjury and punished as provided in section 5392 of the Revised Statutes of the United States. Whoever shall knowingly prepare, or cause to be prepared, a return or answer that is false as aforesaid shall be deemed guilty of subornation of perjury and punished as aforesaid.

SEC. 3. That it shall be the duty of said Commission to cause to be prepared and published, on or before the 1st day of June in each year, a list of all corporations making returns, with an abstract of such returns, for free distribution in such number as said Commission may deem necessary to meet any reasonable and proper demand therefor, to be distributed under the direction of the Commission.

SEC. 4. That said Commission shall have the same authority to inquire into the management of the business of said corporations, relating to interstate and foreign commerce, in the same manner and to the same extent, with the same power to compel the attendance of, and the giving of testimony by, witnesses, and the production of books, papers, contracts, and agreements, as is provided in "An act to regulate commerce," approved February 4, 1887, and all amendments thereof. Said Commission may employ such agents and clerks, as in its judgment may be necessary, for properly executing the provisions of this act, and shall make an annual report to the President, containing, among other things, such specific recommendations for additional legislation as it may deem necessary.

Any person who shall neglect or refuse to make returns, attend and testify or answer any lawful inquiry hereinbefore provided for, or produce books, papers, contracts, agreements, and documents, if in his custody, control, or power to do so, in obedience to the subpœna or lawful requirements of the Commission, shall be deemed guilty of an offense against the United States, and upon conviction thereof by a court of competent jurisdiction shall be punished by a fine of not less than $500 nor more than $5,000.

SEC. 5. That any person, carrier, lessee, trustee, receiver, officer, agent, or representative of a carrier, subject to the act to regulate commerce, who, or which, shall offer, grant, give, solicit, accept, or receive any rebate, concession, facilities, or service, in respect to the transportation of any property, in interstate or foreign commerce, by any common carrier subject to said act, whereby any such property shall, by any device whatever, be transported at a less rate than that named in the tariffs published and filed by such carrier as is required by said act to regulate commerce, or shall receive any advantage by way of facilities or service, shall be deemed guilty of a misdemeanor, and shall upon conviction thereof be subject to a fine of not less than $1,000.

SEC. 6. That no corporation engaged in the production, manufacture, or sale of any article of commerce, violating any of the provisions of section 5 of this act, or attempting to monopolize or control the production, manufacture, or sale thereof, in any particular locality, by discrimination in prices, or by giving special privileges or rebates or otherwise, in order to destroy competition therein, in such locality, shall use, either directly or indirectly, any of the facilities or instrumentalities of interstate commerce, or in any way engage in interstate commerce, for the purpose of aiding or facilitating, either directly or indirectly, such production, manufacture, or sale, with such intent; nor shall any other person or corporation use any of the facilities or instrumentalities of interstate commerce, or in any way engage in interstate commerce, in buying, selling, or disposing of any such article of commerce, for the purpose of enabling such first-mentioned corporation to engage or to continue to engage in such production, manufacture, sale, or control, with such intent. Every corporation or person violating the provisions of this section shall be punished, on conviction, by a fine of not less than five hundred and not exceeding five thousand dollars.

SEC. 7. That any common carrier, lessee, trustee, receiver, or transportation company, engaged in interstate commerce, now subject to the provisions of said act to regulate commerce, knowingly transporting any property produced, manufactured, or sold in violation of the provisions of this act, or in violation of the provisions of "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890, in interstate commerce, shall be subject to a penalty of not less than $1,000, to be recovered by the United States, in any court of the United States having jurisdiction thereof, which suit may be brought in any district in which such common carrier, lessee, trustee, or receiver, or transportation company has an office or conducts business.

SEC. 8. That in all prosecutions, hearings, and proceedings under the provisions of this act, and under the provisions of "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890, whether civil or criminal, no person shall be excused from attending and testifying, or from producing books, papers, contracts, agreements, and documents before the courts of the United States, or the commissioners thereof, or the Interstate Commerce Commission, or in obedience to the subpœna of the same, on the ground, or for the reason, that the testimony or evidence, documentary or otherwise, required of him, may tend to criminate him, or subject him to a penalty or forfeiture; but no person shall be prosecuted or subjected to any penalty or forfeiture for, or on account of, any transaction, matter, or thing concerning which he may testify or produce evidence, documentary or otherwise, before said courts, commissioners, or Commission, or in obedience to the subpœna of either of them, in any such case or proceeding.

Testimony of witnesses under the provisions of the act to regulate interstate commerce and amendments thereof, and of this act, before said Commission, or any member thereof, shall be on oath, and either of the members of said Commission may administer oaths and affirmations and sign subpœnas.

SEC. 9. That the several circuit courts of the United States are hereby invested with jurisdiction to prevent and restrain the violation of any of the provisions of this act. It shall be the duty of the several district attorneys of the United States in their respective districts, under the direction of the Attorney-General, to institute proceedings in equity to prevent and restrain the several acts herein forbidden. Such proceedings may be by way of petition setting forth the case and praying that the acts hereby made unlawful shall be enjoined or otherwise prohibited. When the parties complained of shall be duly notified of such petition the court shall proceed as soon as may be to the hearing and determination of the case, and upon such petition, and before final decree, the court may at any time make such temporary restraining order or prohibition as shall be deemed just.

SEC. 10. That whenever it shall appear to the court before which any proceedings under this act shall be pending that the ends of justice require that other parties shall be brought before the court, the court may cause them to be summoned, whether they reside in the district where the court is held or not, and subpœnas to that end may be served in any district by the marshal thereof.

SEC. 11. That any person or corporation injured in business or property by any other person or corporation, by reason of anything forbidden or declared to be unlawful by this act, may sue therefor in any circuit court of the United States in the district in which the defendant or defendants reside or are found, without respect to the amount in controversy, and shall recover threefold the damages sustained and the costs of suit, including a reasonable attorney's fee.

SEC. 12. That this act shall take effect May 1, 1903.

Mr. LITTLEFIELD (when the title of the bill had been read). I ask unanimous consent that the further reading of the bill be dispensed with.

There was no objection.

Mr. LITTLEFIELD. I now yield an hour to the gentleman from Massachusetts [Mr. POWERS].

Mr. POWERS of Massachusetts. Mr. Chairman, I desire to discuss some of the salient features of this bill, and more particularly the foundation principles upon which the legislation rests. The bill as it comes from the Committee on the Judiciary does not in any sense come before this House as a party measure. The discussion that took place this morning would indicate that this question of the regulation and control of the trusts and combinations was a question which might be considered as a party measure. I think that I disclose in no way the secrets of the committee room when I say that at no time while this bill was under consideration was there any division on party lines. All the members of the Judiciary Committee believe in some legislation on this subject. Different members differ in their views as to the best remedy to be applied, and by the minority report which has been presented it will clearly appear that gentlemen on both sides of this House believe that the substitute bill which has been recommended by the committee contains some provisions that it ought not contain, and that some amendments ought to be made to the bill as reported from the committee; but I think it is fair to say, Mr. Chairman, that this proposition of regulating and controlling the great combinations of the country comes from your Committee on the Judiciary in no sense as a party measure, but in response to a demand of the American people.

I hardly need say that there is justification for this legislation. For more than fifteen years there has been a continuous and increasing demand for legislation that would better control the great industrial combinations in this country. I think, sir, that if we carefully examine the reasons for these complaints we shall find that the real grievance of the people rests upon the idea that there does not exist in the industrial world to-day, particularly in the United States, free and untrammeled competition. If you will follow out these grievances as they come to us by petition, as we read them in the public prints, you will find that nearly every one reaches back to a complaint that a great combination has obtained some unlawful privilege and by unlawful means is trammeling, destroying competition.

You will find that the complaint has been general for many years that the large combinations, with their large moneyed influence, have been able to compel the great transportation companies of this country to make to them rebates, and also to give them a different class of service from that which they grant to the small competitors. You will find also that the complaint rests upon the assertion that in every part of this country great industrial combinations are attempting to crush out the independent operators; and it is claimed—I think rightly claimed—that these large combinations go into certain localities and by cutting prices obtain the business in those localities and crush the small competitors. And it is also claimed—I believe rightly claimed—that they do this with a view of creating monopoly, and having created that monopoly, they then recoup the loss that they have made in the cutting of prices, by raising the price of the prime necessities of life above the normal rate, and thereby oppressing the consumer.

Now, this bill, which is reported as a substitute for House bill No. 17, is a bill which seeks to remedy this attempt to destroy competition. This bill might very properly be termed a bill to defend the American people in their industrial liberty. For more than a century the Congress of the United States has been engaged in enacting laws for the protection of the American citizen in his political rights. We are now called upon to enact some

legislation that will better protect the American citizen in his industrial rights; that will protect the American citizen so that he may enter the great field of commercial activity and competition upon the same conditions upon which the large combinations enter this field—some kind of legislation that shall say to the railroad companies: "You must carry the freight of the small manufacturer and the small producer upon exactly the same terms upon which you carry the freight of the largest corporation engaged in business in any part of the Union."

And it goes further. Whenever we find combinations engaged with intent to destroy competition in any one place or in any one locality, we seek to prevent the destruction of that competition, if we are able to do so.

Now, you say, how are we going to do it? This bill, Mr. Chairman, is framed entirely under what is known as the commerce clause of the Constitution—that clause which confers upon Congress the power to regulate commerce with foreign nations and among the States and with the Indian tribes. There is no question that Congress has the absolute authority to regulate that commerce. It may regulate it at will. It may regulate the commerce between the States to the same extent that a sovereign State may regulate commerce exclusively within the limits of the State. More than that, it may regulate commerce without any limitation, for the very reason that the grant which the States made to the National Government was a grant without limitations or conditions, a grant which gave to the national Congress the authority to regulate commerce in any way which in the judgment of Congress the welfare of commerce and the welfare of the people demanded.

I noticed the other day that in one of the leading metropolitan papers of the great city of New York the claim was made editorially that we were attempting through this bill to do something that we had no right to do. It was claimed that the proposed legislation was a usurpation of the rights of the States, and they put this query: Can it be possible that Congress has the right to say to any corporation in this country that it shall not engage in interstate commerce? It then went on to say that if that be true, then Congress could paralyze industry in this country; that it would usurp the rights that belonged to the people of the States, and that it would lead to a revolution.

Now, I hardly need to say to you, Mr. Chairman, that that was from one of the leading journals published in the city of New York, which from the very first has opposed all trust legislation. It is one of those papers that undertakes to influence sentiment against any legislation controlling the trusts, and I suppose that that paper is published too near the atmosphere of Wall street to have very much influence upon the members of this body. I do not know who owns that paper, but I do know that that journal to-day is advocating the very things that the trusts are advocating when they say, "Keep your hands off the money power of this country and allow the rule of the survival of the fittest to prevail." But we say in turn that there is nothing in this bill which we now have under consideration which seeks to destroy the great industrial interests of this country.

On the other hand, I shall undertake to satisfy the House in what I have to say to-day that this is a bill in the interest of the protection and defense of the vested interests of the United States. As long ago as 1824 the United States Supreme Court construed this commerce clause of the Constitution in the famous case of Gibbons *v.* Ogden, which was reported in 9 Wheaton, the opinion being rendered by that peerless jurist, Chief Justice Marshall. That was a case which came up from the State of New York. The Government was represented by that great legal advocate, Attorney-General Wirt, and associated with him was Mr. Webster. On the other side appeared those eminent lawyers, Oakley and Emmett. The question was whether a navigable river in the State of New York was within the exclusive jurisdiction of the State, and the supreme court of New York held that it was. That question came up upon error and was decided as long ago as 1824.

Now, I am going to call your attention to the language which Chief Justice Marshall used in rendering the opinion of the court. Referring to the power conferred upon Congress by the commerce clause in the Constitution, he says:

> It is the power to regulate, that is, to prescribe a rule by which commerce is to be governed. This power, like all others vested in Congress, is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations other than are prescribed in the Constitution—

And there are no limitations prescribed in the Constitution.

Again, Chief Justice Marshall says:

> The power of a sovereign State over commerce, therefore, amounts to nothing more than the power to limit and restrain it at pleasure. And since the power prescribing the limits to its freedom necessarily implies the power to determine what shall remain unrestrained, it follows that the power must be exclusive; it can reside but in one potentate; and, hence, the grant of this power carries with it the whole subject, leaving nothing for the State to act upon.

Now, that case, decided nearly a century ago, has from time to time been cited with approval, not only by United States courts, but by every court of highest resort in most of the States of the Union. More than that, the United States courts have cited that case from time to time with approval. It never has been modified, and that construction, which was the first construction the Supreme Court ever placed upon the commerce clause of the Constitution, stands to-day as the law of this land. In the case of Gloucester Ferry Company against Pennsylvania (114 U. S.) the court says:

> The power to regulate interstate and foreign commerce, vested in Congress, is the power to prescribe the rules by which it shall be governed; that is, the conditions upon which it shall be conducted; to determine when it shall be free and when subject to duties or other exactions.

In the same case the court holds that commerce among the States consists of intercourse and traffic between their citizens, and includes the transportation of persons and property, and the navigation of public waters for that purpose, as well as the purchase, sale, and exchange of commodities.

In the case of Mobile Company *v.* Kimball, reported in 102 United States, 691, the headnote states the decision in this language:

> Congress has power to prescribe the conditions upon which commerce shall be conducted between our citizens and the citizens or subjects of other countries, and between the citizens of the several States, and to promote its growth and insure its safety.

Also, in 96 United States:

> The power of Congress to regulate commerce with foreign nations and among the several States includes a control of the electric telegraph as an agency of commerce. That power is not limited to such instrumentalities as were in use when the Constitution was adopted.

Now, the great instrumentality of commerce to-day is the railway system of this country, a system with trackage of nearly 200,000 miles, which the American people have invested something like $12,000,000,000, or more than one-eighth of the entire wealth of the nation. This railway system constitutes the great highway of the nation, over which the commerce of our people passes. It is the great artery through which pulses the commercial life of our people.

Now, we say that Congress has the perfect right to say what shall pass over that great highway. Our bill provides that whenever any corporation undertakes to violate existing law, either in the acceptance of rebates or special service from the railways, that corporation shall be denied the right to use this great instrumentality of commerce. The bill further provides that wherever a combination undertakes by unlawful means to crush out the independent operator, the small operator, that corporation may be denied this instrumentality of commerce.

Now, why should that not be so? That is a regulation of commerce between the States, and that is one of the regulations which the Constitution may fairly be said to have contemplated. The railway companies of this country which constitute this great instrumentality of commerce, are chartered by the different States in the Union. They are what are known as public-service corporations. They are called public-service corporations because they are engaged in the performance of a quasi-public duty. They are clothed with great power and privileges by the grant of the State. They are given that great power which is the attribute of the State, known as the right of eminent domain. They may take your property, they may take my property, for the purpose of carrying out provisions of their charters. And being public-service corporations, they may be controlled.

Every State, for instance, has the right to control the rates charged by the railroads within that State, to say what kind of service they shall give, and there is to-day hardly a State in the Union that has not created a railroad commission and placed that commission over the railroad companies operating within the State.

Now, whenever the railroad operates outside of the State, whenever it takes merchandise from one State and conveys it to another State, then it is engaged in interstate commerce, and Congress has the right to say to those railroads, "You shall not carry the goods of any trust or combination that violates the laws of the Congress of the United States." And that is all our substitute bill seeks to do. It seeks to keep open the field of competition by saying that these corporations, if they violate the law, shall not be allowed to make use of the instrumentalities of commerce.

Now, I do not agree with the New York newspaper which says that that is a usurpation. I understand perfectly well that there is a wide divergence of opinion as to the method by which we shall regulate these trusts. I understand perfectly well that my friends upon the other side of the House say that the true method of regulating the trusts is by a revision of the tariff. And while we are attempting to regulate them under one clause of the

Constitution, some of my friends upon the other side honestly believe that they shall be regulated under another clause of the Constitution. I intend, before I close, to say something on that subject.

But one thing must be borne in mind—that in attempting to regulate commerce we should have in view simply the attempt to do no more than is necessary. There was a discussion this morning on this question as to how far Congress should properly go in the regulation of the trusts. I believe that we are called upon to go no further than to protect competition, and that when we protect competition we have then provided a remedy for the evils that exist. If you take up the other method that has been suggested, and I think it is suggested by one of the amendments—it is the method founded on a revision of the tariff. In other words, some of our Democratic friends say that the true way to destroy the trusts, or to regulate the trusts, is to take off the duty on goods that come in competition with the goods that are produced by the trusts. When you take into consideration the fact that there are something like 169 articles to-day that are in the control of the trusts, upon which there is no duty, you can see how futile that would be.

Suppose, Mr. Chairman, that we wanted to regulate what is known as the Standard Oil Company of this country, one of the largest trusts. Can we regulate that by taking off the duty, when there is no duty on the product? Can we regulate that when it has become international in its character and is existing as a corporation in this country and is existing as an allied corporation across the sea? Can we regulate that? Suppose, on the other hand, we want to regulate the United States Steel Company? That company has no monopoly of the product which it manufactures. It produced last year about 48 per cent of the steel output in this country, and if we take off the duty on the steel production of this country and bring that into competition with the steel production of Germany and England, we bring into competition those independent companies that to-day are in the field of competition against the United States Steel Company, and they would go to the wall under a revision of the tariff long before the United States Steel Company would. And the same is true of many other products to-day entirely under the control of the trusts. So it seems to me, while I believe in a revision of the tariff—and I will say this to my Democratic friends, that I believe the time has come for a general revision of the tariff—I believe in a revision of the tariff upon other grounds and not as a remedy to regulate the trusts.

Mr. SMITH of Kentucky. Mr. Chairman, if it will not interfere with the plans of my friend from Massachusetts, I should like to ask him a question.

Mr. POWERS of Massachusetts. I yield.

Mr. SMITH of Kentucky. I should like to know if the gentleman does not believe that there are many trusts that can be reached under the interstate-commerce clause of the Constitution that can not be otherwise reached, and, on the other hand, if he does not believe there are a number of other trusts that can be reached under the taxing provision of the Constitution that can not be reached under the interstate-commerce clause of the Constitution?

Mr. POWERS of Massachusetts. I believe there is no trust that can not be reached under the commerce clause of the Constitution; on the other hand, I believe there are many trusts that can not be reached under a revision of the tariff. When you take into consideration that no corporation can become prosperous and do a large business that does not do an interstate business, it follows from that if you regulate these corporations under the interstate-commerce clause by taking from them the facilities to do business if they are violating the law, that you restrict them to the full extent that you ought to restrict them.

Mr. SMITH of Kentucky. Now, another question, just in that connection.

Mr. POWERS of Massachusetts. I yield for the question.

Mr. SMITH of Kentucky. Now, this bill simple prevents a discrimination in transportation rates in favor of any corporation engaged in interstate commerce. Now, you take a corporation or trust, as we are in the habit of calling it, that has already obtained the entire field in the sale of a certaln article of commerce, can not it live and hold that field on the same transportation rates that it now has against any new enterprise, forcing it out of existence, and will it not continue to be as much a trust after this bill has been put into operation as it ever was before?

Mr. POWERS of Massachusetts. I can imagine, Mr. Chairman, a case where a corporation has a natural monopoly, where there is no power to put them into competition. For instance, if you can imagine a case of a corporation owning all the coal fields of this country, then, of course, there could be no competition in coal. Now, how can you reach that? You can reach, of course, such a corporation if they oppress the people and charge a price which they ought not to charge the consumer by removing the duty upon coal. But if you take the case of a manufacturer where they have not a natural monopoly, the case of a corporation that is simply in the field and holding the field because it has certain advantages which enables it to hold the field, then that corporation will always be reached by competition. Now, I do not believe that in a country as large as this is, with as much capital and as much brains as we have in this country, that any combination is going to take possession of the open field and hold that field as against all competition.

Mr. SMITH of Kentucky. Now, you take a trust in some manufacture, in control of the manufacture of a product—they have the exclusive field. Now, what is to hinder them, when a new competitor offers to spring up, from putting the price down and crushing it out of existence in interstate commerce?

Mr. POWERS of Massachusetts. Well, now, the sixth section of this bill seeks to take care of that. I do not assume that any corporation of the kind described by the gentleman from Kentucky can obtain a monopoly of the entire field without doing interstate commerce. I do not assume any large industrial corporation can obtain a monopoly in any one locality in this country unless they make use of the instrumentalities of interstate commerce.

This bill provides that whenever a corporation seeks to do what my friend from Kentucky has supposed that they may undertake to do, that that corporation may be deprived by an order of the court of the use of interstate commerce. The moment it is deprived of this privilege or instrumentality, that moment that corporation must go to the wall. But this provision does not provide that that corporation shall be for all time restrained, but that it shall be restrained so long as it is engaged in unlawfully undertaking to create a monopoly. Now, the moment that that takes place, if a large corporation is forced to pay the same railroad rates as a small corporation, and can get no advantage in the way of facilities over the small corporation, that moment the large corporation and the small corporation would be put on the same basis.

Now, it is true that the large corporation can produce cheaper than the small corporation, and can sell to the consumer for less than the small corporation, and that corporation ought to continue in business, because we are not undertaking to put any barrier against the tendency which is toward cooperation, that which is toward material centralization; and no one will undertake to say that in the last twenty-five years there has not been a tremendous tendency toward material centralization in the trade and commerce of the country and of the world. It would seem that the only thing we can do is to insist that these combinations, these consolidations, shall keep well within certain lines of equal facilities in shipping goods which are afforded the small corporation as set out in the provisions of our bill; that the large corporation that undertakes to destroy a small corporation by a reduction of the price with a view that after destroying competition of raising the price to the consumer, should not be allowed to do an interstate-commerce business.

Now, for myself I can not imagine any corporation that could be of any particular menace to the people of the United States that does not engage in interstate commerce. If it be true that this is all going to be accomplished within the State, the power is in the State to regulate the commerce, because the States have not conferred upon Congress authority to deal with any kind of commerce except the commerce among the States.

Mr. THAYER. Will the gentleman allow me a question?

Mr. POWERS of Massachusetts. Certainly.

Mr. THAYER. I understood the gentleman to say that he thought the time had already come when there should be a reform and revision of the tariff. I concur with him fully upon that point. Now, if that is true, I want to ask the gentleman if he does not think it would be helpful legislation to reduce, for instance, the high protective and almost prohibitive tariff upon steel and steel products, and if by doing that we should not call a halt in the amassing of capital that we see every few months in the steel combine which is taking in companies and corporations capitalized at $50,000,000.

Mr. POWERS of Massachusetts. That question is connected with the revision of the tariff and is entirely independent of the question now before the House. I imagine my friend from Massachusetts and I entertain somewhat similar views upon the reform of certain schedules in the tariff; but what I said a few moments ago was this: That if the purpose of removing the tariff on steel was to regulate that large fourteen hundred million dollar corporation known as the United States Steel Company, it would be more likely to regulate the small companies that to-day are in competition with it. The very fact that the United States steel corporation, known as the "steel trust," produces less than one-

half of the product, it is fair to assume that the removal of the duty would be more likely to injure the small operator than it would to injure the large one. More than that, if we destroy the small operators and put them out of the field it would leave the trust in charge of the field, and I take it that my friend from Massachusetts does not want us to reduce the tariff so as to leave the trust in control of the field.

I also assume that he does not want such a revision of the tariff as would give possession of our manufactures to the manufacturers of England and Germany. I assume that he wants to do exactly what I want to do, and that is to so revise the tariff that every manufacturer shall stay here and prosper, and, at the same time, that it shall operate as a benefit to the great consuming public.

Mr. THAYER. If the gentleman will pardon me, I would like to ask the gentleman if he thinks it is necessary to keep the tariff so high on steel products that the steel trust can distribute a yearly dividend of $150,000,000, as they do at present?

Mr. POWERS of Massachusetts. I have never been quite satisfied that the dividends declared by the United States Steel Company were dividends in the sense of that term as we use it. When a company capitalized at fourteen hundred million dollars, three-quarters of it watered stock, undertakes to float that stock and pay dividends, it must keep up the dividends in order to float the stock, and I am not so sure but that is exactly what the steel trust is doing to-day. This is true, that the steel trust to-day is in competition with a large number of independent operators, and if the independent operators can not hold the field, and make dividends, and produce steel as cheap as is produced by the large corporations, then there is no field for the independent operator.

One thing that I desire to have distinctly understood is that I do not believe in any revision of the tariff, or in any regulation of the trusts, which will lead to the financial disaster of this country. During the last twenty years in which the trusts of this country have been developed, we have seen the greatest industrial progress that this country or the world has ever seen. During the past twenty years there has been a general industrial progress throughout the world but in the United States it has been simply marvelous. I desire, for a few moments, to call attention of the House to certain figures and statistics which have been compiled from the last census, and I should say that I am indebted for this compilation to a New York paper, not the paper to which I referred a short time ago, but to the New York Commercial Advertiser.

These statistics show that from 1882, down to 1902, a period of twenty years, the industrial progress of this country has been nothing short of what may be termed phenominal. Take, for instance, our population. The population for 1882 down to 1902 increased more than 50 per cent. In the last decade the increase in population in this country was over 13,000,000. Now look at the increase in our wealth. In this period of twenty years it was more than 120 per cent. The total wealth in this country in 1882 was, in round numbers, $42,000,000,000, and the total wealth at the close of last year was something over $94,000,000,000.

During the last decade—from 1892 to 1902—the increase in our national wealth was nearly thirty billions, an increase which represents an amount greater than the American people had accumulated from the landing of Columbus up to the firing on Sumter in 1861. When you take into consideration the fact that in a single decade, from 1892 to 1902, the wealth of this country has increased $30,000,000,000 and our population increased more than 13,000,000, we must realize that there has grown up within that time what would constitute a nation, and a wealthy nation, within the borders of the United States.

Mr. ROBB. I should like to ask the gentleman whether he does not know that the percentage of persons who own and operate their own farms has, during the last ten years, or rather from 1890 to 1900, greatly decreased; that is to say, that the tenantry of farms in the United States has rapidly increased during those ten years.

Mr. POWERS of Massachusetts. I will say, Mr. Chairman, that I was not aware that such was the fact.

Mr. ROBB. The gentleman will allow me in this connection to call his attention to the fact that in 1890 the percentage of tenants was 28.4; and that in 1900 it was 35.3 per cent; in other words, there has been an increase of 6.9 per cent in the number of tenants. Now, I leave the gentleman to figure out from that how long it would be at that rate before the farms of the United States would not be owned by the farmers, who ought to own them, but that a condition of tenantry would exist in this country; in other words, wealth would be concentrated in the hands of a few and taken from the hands of the many where, I contend, it should be.

Mr. POWERS of Massachusetts. I do not think that that indicates that the farmers——

Mr. ROBB. If the gentleman will allow me, I will say that I am reading from the abstract of the last census, page 218.

Mr. POWERS of Massachusetts. I do not think that indicates that the farmer is not thrifty. My friend from Nebraska, who comes from a farming district, says that the farmers are so thrifty that the farmer to-day has been able to move into town and rent his property to someone who has come across the ocean in recent years; and later on, I presume, the tenant will become the owner of the farm, and later on the tenant will rent his farm and move into town. I imagine that is the evolution going on to-day.

Mr. ROBB. Will the gentleman allow me another question?

Mr. POWERS of Massachusetts. I yield for a question only.

Mr. ROBB. Is it reasonable to suppose that people who are able to own and operate their own farms would be operating them, not as owners, but as tenants?

Mr. POWERS of Massachusetts. Well, I think it is entirely reasonable to suppose that a man may have more than one farm. One man may own five farms and may rent the whole five. I do not think any such condition of things indicates that the farming population is not prosperous to-day.

Now I wish to go on and take up a few more of these statistics which may illustrate the subject. Take, for instance, the savings-bank deposits—and these are supposed to represent the thrift of what may be known as the laboring or middle classes. Now, the savings-bank deposits have increased within the last twenty years more than 300 per cent—that is, there are to-day in the savings banks three times the amount of deposits in value that there were in 1882—and it will be found, I think, if you examine those figures in detail, that those deposits are contributed very largely by the farming interests of the West and the South. That certainly does not indicate that the farming population of this country is going into a worse condition than it was before the trusts started in 1882.

Mr. GILBERT. The savings banks have been started only within the last twenty or thirty years.

Mr. LITTLEFIELD. Oh, no.

A MEMBER. That may be true in some places.

Mr. LITTLEFIELD. Thirty or forty years ago we had them in many places.

Mr. POWERS of Massachusetts. Take, for instance, what is known as the clearing houses. The total bank clearings in 1902 were twice what they were in 1882, indicating the growth in the volume of mercantile transactions among our people. Take, for instance, the value of farms—and I come now to the very question which my friend from Missouri has put to me—the value of farms and farm property, according to the statistics of the United States, nearly doubled within this period of twenty years, and the same is true as to the value of farm products. Take, for instance, the production of cotton, in which many of my friends on the other side of the House are interested. The production of cotton during the last twenty years has doubled in the Southern States, and the statistics show that to-day there are more than 11,000,000 acres under cultivation in excess of what there were in 1882.

Mr. ROBB rose.

Mr. POWERS of Massachusetts. I yield for a question.

Mr. ROBB. The gentleman did not understand the purport of my question. It was not that the farming property had not increased in value and that the number of farms had not increased, but it was this, that the percentage of persons owning farms had not only not increased, but had diminished 6.9 per cent within the last ten years.

Mr. POWERS of Massachusetts. I yielded for a question only, not for a statement.

Now, take the sugar production. Sugar production has increased over 300 per cent within the last twenty years. The coal production has also increased 300 per cent. In the case of pig-iron production, its increase has been over 400 per cent, and our steel production increased more than 700 per cent during the last twenty years. The value of the production of our manufactories increased within this period from five billions to more than thirteen billions of dollars, and the employees more than doubled in number, while the wages paid them in gross were three times as great in 1902 as in 1882. We exported nearly twice as much merchandise in 1902 as we did in 1882.

Our railway system nearly doubled its mileage in these twenty years, and more than doubled its gross and net earnings within that period. It carried three times the amount of freight and tonnage in 1902 that it did in 1882 and more than twice the number of passengers. As I said a moment ago, the railway system of this country is the great instrumentality of interstate commerce. It is the highway of the nation. When you take into consideration that our railway system in 1882 was operating 112,000 miles of railroad and at the close of 1902 it had increased so that it was

nearly 200,000 miles, enough to encircle the globe four times, into which has gone one-eighth of the wealth of this nation, you get some idea of the commercial activity of our people during this period of twenty years.

Mr. Chairman, I propose to insert in my remarks certain tables, showing the comparative industrial growth of the United States during the last two decades. I said a few moments ago that I am indebted to the New York Commercial Advertiser for this compilation of most interesting statistics, which, I believe, have been collected and compiled with the greatest possible accuracy. They indicate an industrial growth of which any nation may be justly proud, and while it is not possible to decide what part of this growth is due to the tendency to consolidation of capital, I think it is fair to assume that the creation of large industrial corporations has hastened and expanded our commercial progress. It stands to reason that in a great country like this, with vast resources, many of which have not been developed, the cooperation of large sums of money in corporations is requisite for the highest and most rapid development.

While it is true that the tendency to material centralization exists throughout the commercial world to-day, it is more marked in the United States than elsewhere. This is largely due to the enterprise and industry of our citizens. I shall insert a table showing the comparative industrial growth of the United States with that of Great Britain, Germany, and France, and I shall also insert a table showing the growth of our railway system during the past twenty years, which is a most excellent standard for demonstrating the commercial activity of our people.

While I believe that the time has come for some general revision of our tariff laws, I am equally well satisfied that this revision should be made along the lines of a protective policy and in such a manner as not to retard our industrial growth. I should hope that it might tend rather to accelerate than retard it.

I have no question as to the power of Congress to enact legislation under the commerce clause of the Constitution, which would limit the size and character of corporations engaged in interstate commerce: but such legislation would be of a most extreme character, uncalled for by existing conditions, and could not fail to prove more harmful than beneficial. To my mind there is no sentiment or prejudice against wealth in this country unless it seeks to be arrogant or oppressive. In certain phases it has already become such, and for that reason is creating a socialistic sentiment among the American people. I can imagine nothing more foolhardy than the tendency of the moneyed power to oppress the people. It would most certainly lead to legislation hostile to the great vested interests which ought to serve rather than oppress the people.

The security of property in this country rests upon public opinion. No property qualification is a prerequisite of our right to vote. For six centuries the landed estates have controlled the politics and legislation of Great Britain. That condition has been a bulwark to the security of property rights, but it is not so with us. The American voter, exercising his political right of suffrage, may directly or indirectly through the ballot box change every statute law of every State, the constitution of every State, and even our Federal statutes and our Constitution. It is in the power of the American voter to change our form of government, to carry us over to absolute socialism, acting well within his political rights under our form of government. He may so change our constitutional form of government as to permit of the condemnation of all property for the benefit of the people without any compensation therefor. If American capital would render itself secure, it must cease to oppress and must seek to serve the people.

Now, there is no question that the tendency of the age is toward great consolidations of capital. There is no question that there is a public demand for these large corporations which we sometimes term "trusts." There is no question but that the tendency of the time is toward material centralization and it is demanded. Nobody finds any fault with material centralization. Nobody finds any fault with the creation of these corporations; but what our people insist upon is that these corporations shall keep within certain limits, that no large corporation shall be permitted to destroy a small corporation or to destroy the business of an individual. That is what we are seeking to prevent.

TABLE 1.—*Comparative industrial growth of the United States in the last decade.*

In the subjoined table official figures have been used wherever accessible, fiscal years being taken. Where estimates have been substituted, only those of recognized authorities have been accepted. In a few instances, as will be observed, comparison is with the last nine years where satisfactory estimates for 1902 could not be obtained. The items presented were selected with a view to showing comprehensive tendencies. Census figures are of even decades.

	1882.	1892.	1902.	Increase (+) or decrease (−).			
				1892 over 1882.		1902 over 1892.	
				Amount.	Per cent.	Amount.	Per cent.
Population	[a] 52,495,000	[a] 65,086,000	[a] 79,003,000	+ 12,591,000	23.99	+ 13,917,000	21.38
Wealth	[b] $42,642,000,000	[b] $65,037,091,000	[b] $94,300,000,000	+$22,395,091,000	52.52	+$29,262,909,000	44.99
National-bank individual deposits	$1,066,901,720	$1,764,456,177	$3,209,273,894	+ $697,554,457	65.38	+ $1,444,817,717	81.88
Deposits in savings banks	$966,797,081	$1,712,769,026	$2,750,177,290	+ $745,971,945	77.16	+ $1,037,408,264	60.57
Number of savings bank depositors	2,710,354	4,781,605	6,686,672	+ 2,671,251	76.42	+ 1,885,067	39.42
Deposits in State banks	$281,775,496	$648,513,809	$1,698,185,287	+ $366,738,313	130.15	+ $1,049,671,478	161.86
Deposits in private banks	$295,622,160	[c] $93,091,148	$131,669,948	− $202,531,012	685.16	+ $38,578,800	41.44
Loan and trust company deposits	$144,841,596	$411,659,996	$1,525,887,943	+ $266,818,400	184.21	+ $1,114,227,947	270.66
Total bank and trust company deposits	$2,755,938,053	$4,630,490,156	$9,315,193,912	+ $1,874,552,103	68.00	+ $4,684,703,756	101.17
New York bank clearings	$46,552,846,161	$36,279,905,236	$74,753,189,436	−$10,272,940,925	22.06	+$38,473,284,200	106.04
Total bank clearings	$61,054,353,600	$60,883,572,438	$116,021,618,003	− $170,781,162	03	+$55,138,045,565	90.56
Gold, including certificates, in circulation	$333,280,345	$549,602,443	$938,793,298	+ $186,382,098	51.30	+ $389,190,855	70.79
National-bank notes out October 31	$302,727,747	$172,432,146	$380,476,334	− $190,295,601	52.18	+ $208,044,188	120.67
Money in circulation	$1,174,290,419	$1,601,347,187	$2,249,390,551	+ $427,056,768	36.45	+ $648,043,364	40.46
Circulation per capita	$22.37	$24.60	$28.43	+ $2.23	9.97	+ $3.83	15.57
Gold in the Treasury	$148,506,390	$225,577,706	$559,302,051	+ $77,071,316	51.89	+ $333,724,345	147.94
Railway freight carried 1 mile, tons	39,302,209,249	88,241,050,225	[d] 150,000,000,000	+ 48,938,840,976	124.52	+ 65,758,949,775	78.06
Value of farms and farm property	[b] $12,180,501,538	[b] $16,082,287,689	[b] $20,514,001,838	+ $3,901,766,151	32.34	+ $4,431,734,149	27.53
Value of farm products	[b] $2,212,540,927	[b] $2,460,107,454	[b] $3,764,177,706	+ $247,566,527	11.20	+ $1,304,070,252	53.01
Value of all farm animals	[b] $1,576,884,707	[b] $2,308,767,573	[b] $2,981,722,945	+ $731,882,866	46.41	+ $672,955,372	29.13
Wheat, bushels	504,185,470	515,949,000	[e] 626,947,007	+ 11,763,530	2.33	+ 110,998,007	21.51
Corn, do	1,617,025,100	1,628,464,000	[e] 2,545,366,379	+ 11,438,900	.71	+ 916,902,379	56.25
Wool, pounds	272,000,000	249,000,000	316,341,032	+ 22,000,000	8.09	+ 22,341,032	7.60
Value of wool manufactures	[f] $277,200,000	[f] $297,100,000	[f] $316,800,000	+ $19,900,000	7.18	+ $19,700,000	6.63
Cotton, bales	5,456,048	9,035,379	[e] 10,680,680	+ 3,579,331	65.59	+ 1,645,301	18.21
Value of cotton manufactures	[f] $207,250,000	[f] $295,300,000	[f] $345,000,000	+ $88,050,000	42.48	+ $49,700,000	16.83
Value of silk manufactures	[b] $31,033,045	[b] $87,298,454	[b] $107,256,258	+ $46,265,409	112.84	+ $19,957,804	22.86
Gold production	$32,500,000	$33,014,981	$78,666,700	+ $514,981	1.58	+ $45,651,719	138.19
Sugar production, tons	[f] 164,000	[f] 258,064	[f] 473,126	+ 92,064	56.14	+ 217,062	84.77
Petroleum production, gallons	1,281,454,860	2,121,405,594	[g] 2,914,346,148	+ 839,950,734	65.58	+ 792,940,554	27.21
Copper production, tons	40,467	154,018	[f] 272,264	+ 113,551	280.38	+ 118,246	76.78
Coal production, do	92,219,454	160,115,242	[f] 280,000,000	+ 67,895,788	73.62	+ 119,884,758	75.00
Pig-iron production, do	4,623,323	9,157,000	[f] 17,782,000	+ 4,533,677	98.99	+ 8,625,000	94.14
Steel production, do	1,736,692	4,927,581	[g] 13,473,595	+ 3,190,889	183.38	+ 8,546,014	173.34
Manufactories, number	[b] 253,852	[b] 355,415	[b] 512,734	+ 101,563	40.00	+ 157,319	44.31
Manufactures, value of product	[b] $5,369,579,191	[b] $9,372,437,283	[b] $13,039,279,566	+ $4,002,858,092	74.54	+ $3,666,842,283	39.13
Factory employees, average number	[b] 2,732,592	[b] 4,712,622	[b] 5,719,137	+ 1,980,027	72.52	+ 1,006,515	21.37
Factory wages paid	$947,953,795	$2,283,216,529	[b] $2,735,430,848	+ $1,335,262,734	140.80	+ $452,214,319	19.80
Value of merchandise imports	$724,639,574	$827,402,462	$903,320,948	+ $102,762,888	14.17	+ $75,918,486	9.18
Value of merchandise exports	$750,542,257	$1,030,278,148	$1,381,719,401	+ $279,735,891	37.25	+ $351,441,253	34.12
Value of agricultural exports	$552,219,819	$799,328,232	$852,465,622	+ $247,108,423	44.77	+ $52,137,350	6.53
Value of manufactured exports	$134,794,346	$158,510,937	$403,641,401	+ $23,716,591	14.94	+ $245,130,464	154.65
Commercial failures, number	6,388	10,344	[g] 11,002	+ 3,606	53.00	+ 658	6.00
Liabilities failures, do	101,547,564	114,044,167	[g] 113,092,376	+ 12,496,603	12.30	− 951,791	.08

[a] Estimated.
[b] Census years and figures.
[c] Includes only those reporting, estimated at one-fourth the total number.
[d] Computed from interstate commerce report for 1901 and earnings statements of 1902.
[e] Preliminary estimate, 1902.
[f] Trade estimate.
[g] 1901.

TABLE 2.—*Industrial growth in the United States compared in significant items with conditions in Great Britain, Germany, and France.*

No exact comparison between the growth of this and other countries during the last ten years is possible, because trustworthy foreign statistics are far behind the period under consideration. It is to be borne in mind also that between this country and the nations of Europe there are very wide differences, owing mainly to the size of our country, its richness in natural resources, and the immense areas devoted to agriculture. In the table given herewith, however, there is significant evidence of the relative rapidity with which the United States has grown in the last ten years. Perhaps the most noteworthy item is that of exports of manufactures. Great Britain, with her enormous outflow to her colonies, exported last year more than $1,100,000,000 worth while we were disposing of $400,000,000 worth to foreign customers. But whereas Great Britain in this item lost more than 1 per cent in the decade from 1882 to 1892, and gained only 18 per cent in the last decade, the United States gained 155 per cent in the last ten years, after an advance of 15 per cent in the decade preceding.

UNITED KINGDOM.

	1882.	1892.	1901-2.	Increase (+) or decrease (−). 1892 over 1882. Amount.	Per cent.	1902 over 1892. Amount.	Per cent.
Population	35,206,617	38,153,676	[a] 41,952,510	+ 2,947,059	8.37	+ 3,798,834	9.96
Individual deposits in national banks	[b] $118,421,000	[b] $153,231,000	[b] $204,496,000	+ $34,810,000	29.40	+ $51,265,000	33.46
Deposits in savings banks	$407,084,681	$575,407,797	[c] $936,116,543	+ $168,323,116	41.35	+ $360,708,746	62.69
Number of depositors in savings banks	4,411,959	6,954,236	[g] 10,434,877	+ 2,542,277	57.62	+ 3,480,641	50.05
Deposits in private banks [d]	$1,699,552,000	$2,573,094,000	$3,601,035,000	+ $873,542,000	51.40	+ $1,027,941,000	39.95
Deposits in all banks [e]	$2,225,057,681	$3,301,732,797	$4,741,647,543	+ $1,076,675,116	48.39	+ $1,439,914,746	43.61
Gold, including certificates, in circulation [f]	$592,000,000	$550,000,000	$511,000,000	− $42,000,000	7.09	− $39,000,000	7.01
National-bank notes outstanding [g]	$137,244,877	[g] $140,208,440	[g] $158,973,732	+ $2,963,563	2.16	+ $18,765,292	1.338
Money in circulation	$821,844,877	$790,208,440	$786,773,732	− $31,636,437	3.85	− $3,434,708	.40
Circulation per capita	$23.34	$20.71	$18.75	− $2.63	11.27	− $1.96	9.46
Total bank clearings [h]	$30,274,000,000	$31,544,000,000	$46,529,000,000	+ $1,270,000,000	4.13	+ $14,985,000,000	47.51
Cattle ..... number	9,832,417	11,519,417	11,477,824	+ 1,687,000	17.16	− 41,593	.36
Sheep ..... do	27,448,220	33,642,808	30,829,889	+ 6,194,588	22.57	− 2,812,919	8.33
Hogs ..... do	3,956,495	3,265,898	3,411,129	− 690,597	17.36	+ 145,231	4.45
Wheat ..... bushels	80,922,800	60,775,245	53,927,729	− 20,147,555	24.90	− 6,847,516	11.27
Copper ..... tons	3,464	495	532	− 2,969	85.71	+ 37	7.47
Coal production ..... do	156,499,977	181,786,871	219,046,945	+ 25,286,894	16.16	+ 37,260,074	20.50
Pig-iron production ..... do	8,586,680	6,709,255	7,928,647	− 1,877,425	21.86	+ 1,219,392	18.17
Steel production ..... do	2,259,649	3,019,640	5,000,000	+ 759,991	33.63	+ 1,980,360	65.61
Imports, merchandise	$2,001,251,000	$2,062,392,926	$2,540,265,299	+ $61,141,926	3.06	+ $477,872,373	23.12
Exports, merchandise	$1,085,521,000	$1,105,748,000	$1,362,728,000	+ $20,227,000	1.86	+ $256,980,000	23.24
Exports, manufactures	[i] $970,681,400	$956,791,289	$1,126,564,729	− $13,890,111	1.43	+ $169,773,440	17.74

GERMANY.

Population	45,719,000	[a] 50,266,000	57,666,000	+ 4,547,000	9.95	+ 7,300,000	14.52
Individual deposits in national banks	[j] $41,786,582	[j] $119,750,000	[j] $141,980,000	+ $77,963,418	186.57	+ $22,230,000	18.56
Deposits in savings banks	[k] $433,437,630	[k] $845,305,824	[kc] $1,367,499,204	+ $411,868,194	95.02	+ $522,193,380	61.78
Number of depositors in savings banks	[k] 3,341,610	[f] 5,974,782	[kc] 8,670,709	+ 2,633,172	78.80	+ 2,695,927	45.12
Gold, including certificates in circulation [e]	$387,144,000	$600,000,000	$721,100,000	+ $212,853,000	54.98	+ $121,100,000	20.18
National-bank notes outstanding [g]	$1,229,161,000	$1,284,177,000	$1,320,214,000	+ $55,016,000	24.01	+ $36,037,000	12.68
Money in circulation	$836,954,000	$1,094,177,000	$1,249,714,000	+ $257,223,000	30.73	+ $155,537,000	14.22
Circulation per capita	$18.36	$21.77	$21.71	+ $3.41	18.57	− $0.06	.0027
Cattle ..... number	15,786,764	17,555,694	[l] 18,959,632	+ 1,768,930	11.21	+ 1,383,998	7.88
Sheep ..... do	19,189,715	13,589,612	[l] 9,692,501	− 5,600,103	29.18	− 3,897,111	21.32
Hogs ..... do	9,206,195	12,174,288	[l] 16,807,014	+ 2,968,093	32.24	+ 4,632,726	38.05
Wheat ..... bushels	93,822,000	116,215,000	91,817,000	+ 22,393,000	23.87	− 24,398,000	20.99
Sugar production ..... metric tons	599,722	1,144,368	2,293,297	+ 544,646	90.82	+ 1,148,929	100.39
Copper ..... tons	17,200	25,400	31,081	+ 8,200	47.67	+ 6,281	24.73
Coal production ..... do	64,344,991	91,081,573	150,216,849	+ 26,736,582	41.55	+ 59,135,276	64.93
Pig-iron production ..... do	3,327,371	4,859,470	7,731,994	+ 1,532,099	46.04	+ 2,872,524	59.11
Steel production ..... do	1,057,820	2,712,659	6,293,170	+ 1,654,839	156.44	+ 3,580,511	131.99
Imports, merchandise	$759,489,654	$956,414,662	$1,351,017,234	+ $196,925,008	25.93	+ $394,602,572	41.26
Exports, merchandise	$744,822,904	$703,078,180	$1,113,125,048	− $41,804,724	5.61	+ $410,046,868	58.32
Exports, agricultural products	$204,399,000	$151,179,000	$182,354,000	− $53,220,000	26.04	+ $31,175,000	20.62
Exports, manufactures	$527,699,000	$530,145,000	$688,409,000	+ $2,446,000	.0046	+ $158,264,000	29.85

FRANCE.

Population	37,730,000	38,360,000	[m] 38,595,000	+ 630,000	16.69	+ 235,000	61.00
Individual deposits in national banks	[n] $72,046,000	[n] $65,929,000	[n] $71,813,000	− $6,117,000	8.49	+ $5,884,000	18.92
Deposits in savings banks	$347,882,000	$741,854,000	[c] $824,932,000	+ $393,972,000	113.25	+ $83,078,000	31.19
Number of depositors in savings banks	4,645,893	8,084,435	[c] 10,680,986	+ 3,438,542	74.01	+ 2,596,431	2.12
Gold, including certificates in circulation [f]	$874,876,000	$800,000,000	$810,600,000	− $74,876,000	8.56	+ $10,600,000	1.32
National-bank notes outstanding [g]	[o] $528,745,000	[o] $822,601,000	[o] $817,206,000	+ $93,856,000	17.75	+ $194,605,000	31.26
Money in circulation	$2,006,807,000	$2,122,601,000	$2,049,006,000	+ $115,794,000	5.77	− $73,595,000	3.47
Circulation per capita	$53.19	$55.33	$53.09	+ $2.14	4.02	− $2.24	4.05
Total bank clearings [h]	$877,205,000	$939,608,000	$2,056,607,000	+ $62,403,000	7.11	+ $1,116,999,000	118.88
Cattle ..... number	11,617,792	13,364,434	[l] 14,520,832	+ 1,746,639	15.04	+ 1,156,398	8.65
Sheep ..... do	21,634,706	21,504,956	[l] 20,179,561	− 129,750	.59	− 1,325,395	6.17
Hogs ..... do	6,259,980	6,339,100	[l] 6,740,405	+ 79,120	1.26	+ 401,305	6.33
Wheat ..... bushels	343,544,000	310,836,000	304,210,000	− 32,708,000	9.52	− 6,626,000	2.13
Corn ..... do	27,038,000	27,607,000	[l] 22,448,000	+ 539,000	1.99	− 5,159,000	18.69
Wool ..... pounds	80,140,000	107,221,000	[l] 96,720,000	+ 27,081,000	33.79	− 10,501,000	9.79
Sugar production ..... metric tons	337,088	578,110	1,055,000	+ 241,022	71.50	+ 476,890	82.49
Coal production ..... do	20,278,092	25,764,984	31,344,845	+ 5,486,892	27.05	+ 5,579,861	21.65
Pig-iron production ..... do	2,007,000	2,024,000	2,363,000	+ 17,000	.0084	+ 339,000	16.75
Steel production ..... do	446,612	671,741	[l] 1,570,326	+ 225,129	50.41	+ 898,585	133.77
Imports, merchandise	$930,607,000	$808,284,000	$909,898,000	− $122,223,000	13.14	+ $101,614,000	12.57
Exports, merchandise	$689,859,000	$667,915,100	$804,069,800	− $21,943,900	3.18	+ $136,154,700	20.39
Exports, agricultural products	$214,000,000	$184,000,000	$210,000,000	− $30,000,000	14.02	+ $26,000,000	14.13
Exports, manufactures	$364,447,000	$362,617,000	$398,104,000	− $1,830,000	5.02	+ $35,487,000	9.79

THE UNITED STATES.

	1882.	1892.	1902.	Increase (+) or decrease (−). 1892 over 1882. Amount.	Per cent.	1902 over 1892. Amount.	Per cent.
Population	[p] 52,495,000	[p] 65,086,000	[p] 79,003,000	+ 12,591,000	23.99	+ 13,917,000	21.38
Individual deposits in national banks	$1,066,901,720	$1,764,456,177	$3,209,273,894	+ $697,554,457	65.38	+ $1,444,817,717	81.88
Deposits in savings banks	$966,797,081	$1,712,769,026	$2,750,177,290	+ $745,971,945	77.16	+ $1,037,408,264	60.57
Number of depositors in savings banks	2,710,354	4,781,605	6,666,672	+ 2,071,251	76.42	+ 1,885,067	39.42
Deposits in private banks [d]	$295,622,160	[q] $93,091,148	$131,669,948	− $202,531,012	685.16	+ $38,578,800	41.44
Deposits in all banks [e]	$2,755,938,053	$4,630,490,156	$9,315,193,912	+ $1,874,552,103	68.00	+ $4,684,703,756	101.19
Gold, including certificates, in circulation [f]	$363,280,345	$549,662,443	$938,793,298	+ $186,382,098	51.30	+ $389,130,855	70.77

TABLE 2.—*Industrial growth in the United States compared in significant items with conditions in Great Britain, Germany, and France*—Continued.

THE UNITED STATES—continued.

	1882.	1892.	1902.	Increase (+) or decrease (−). 1892 over 1882. Amount.	Per cent.	1902 over 1892. Amount.	Per cent.
National-bank notes outstanding[a]	$362,727,747	$172,432,146	$380,476,334	− $190,295,601	52.18	+ $208,044,188	120.67
Money in circulation	$1,174,290,419	$1,601,347,187	$2,249,390,551	+ $427,056,768	36.45	+ $648,043,364	40.46
Circulation per capita	$22.37	$24.60	$28.43	+ $2.23	9.97	+ $3.83	15.57
Total bank clearings[b]	$61,054,353,600	$60,883,572,438	$116,021,618,003	− $170,781,162	.03	+$55,138,045,565	90.56
Cattle number	35,891,870	54,067,590	r67,822,336	+ 18,175,720	50.63	+ 13,754,746	25.44
Sheep do	45,016,224	44,938,365	r61,605,811	+ 77,859	.17	+ 16,667,446	37.12
Hogs do	44,122,200	52,398,019	r62,876,108	+ 8,275,819	18.77	+ 10,478,089	20.00
Wheat bushels	504,185,470	515,949,000	s626,947,007	+ 11,763,530	2.33	+ 110,998,007	21.51
Corn do	1,617,025,100	1,628,464,000	s2,545,366,379	+ 11,438,900	.71	+ 916,902,379	56.25
Wool pounds	272,000,000	294,000,000	316,341,032	+ 22,000,000	8.09	+ 22,341,032	7.60
Sugar production metric tons	164,000	256,064	473,126	+ 92,064	56.14	+ 217,062	84.77
Cotton tons	40,467	154,018	272,264	+ 113,551	280.38	+ 118,246	76.78
Coal production do	92,219,454	160,115,242	t280,000,000	+ 67,895,788	73.62	+ 119,884,758	75.00
Pig-iron production do	4,623,323	9,157,000	t17,782,000	+ 4,533,677	98.99	+ 8,625,000	94.14
Steel production do	1,736,692	4,927,581	u13,473,595	+ 3,190,889	183.38	+ 8,546,014	173.34
Imports, merchandise	$724,639,574	$827,402,462	$903,320,948	+ $102,762,888	14.17	+ $75,918,486	9.18
Exports, merchandise	$750,542,257	$1,030,278,148	$1,381,719,401	+ $279,735,891	37.25	+ $351,441,253	34.12
Exports, agricultural products	$552,219,819	$799,328,232	$851,465,622	+ $247,108,423	44.77	+ $52,137,350	6.53
Exports, manufactures	$134,794,346	$158,510,937	$403,641,401	+ $23,716,591	14.94	+ $245,130,464	154.65

[a] June 30, 1902.
[b] October statements of the London Economist for the Bank of England.
[c] Data for December 31, 1901.
[d] October statements of the London Economist for all joint stock banks except the Bank of England.
[e] October statements of the London Economist for all joint stock banks.
[f] Entire stock of gold and silver in monetary use, as given by the Director of the Mint.
[g] Notes issued by joint stock banks including the issue department of the Bank of England (less gold reserve of this department).
[h] Operations of the London Bankers' Clearing House and the Paris "Chambre des compensations," respectively.
[i] Data for the year 1880, ending December 31.
[j] Statements for the Imperial Bank and other banks of issue.
[k] Figures for Prussia only.
[l] For the year 1900.
[m] Census population March 24, 1901.
[n] October statements of the London Economist for the Bank of France and branches.
[o] All notes issued by the Bank of France.
[p] Estimated by actuary of Treasury Department.
[q] Includes only these reports, about one-quarter.
[r] Census years and figures.
[s] Preliminary estimate.
[t] Trade estimate.
[u] 1901.

TABLE 3.—*The growth of railway earnings.*

	1882.	1892.	1902.	Increase. 1892 over 1882.	1902 over 1892.
Mileage reporting	112,412	171,563	195,945		
Gross earnings	$770,356,762	$1,171,407,343	$1,711,745,200	$401,050,581	$540,337,851
Net earnings	$280,409,758	$390,404,347	$606,616,795	$109,994,589	$216,212,458
Total income	$310,862,877	$532,370,129	$688,331,287	$221,507,252	$155,968,158
Charges	$149,245,380	$416,404,928	$458,459,951	$267,159,548	$42,055,023
Net income	$161,617,477	$115,965,191	$229,871,336	a $45,652,287	$113,906,135
Dividends	$102,031,434	$101,929,135	$150,685,959	a $102,239	$48,756,824
Surplus	$59,586,343	$14,036,056	$79,185,367	a $45,550,282	$65,149,311

	1882.	1892.	1902.	Changes. 1892 over 1882.	1901 over 1892.
Passengers carried	289,190,783	560,958,211	607,278,121	271,767,424	46,319,910
Passengers carried 1 mile	6,834,048,765	13,362,898,299	17,353,588,444	6,528,839,534	3,990,690,145
Tons of freight	360,490,375	706,555,471	1,089,226,444	346,065,096	382,670,973
Tons of freight, 1 mile	39,302,209,249	88,241,050,225	147,087,136,040	48,938,840,976	58,846,085,815

[a] Decrease.

Now, we have another feature in this bill and that is what is known as "publicity." The committee framing this bill believe that the time had come when the people demand that they should know something about these great industrial combinations; that if the States see fit to allow them to be organized and make no return, then the people have the right to know what they were composed of, who the men are that are in their management, how much actual cash had been paid in, and what are their methods of doing business, and the first seven sections of the substitute bill provide for these returns, leaving it in the discretion of the commission that supervises them to call for an annual return, and the bill further provides the kind of an annual return it shall call for.

More than that, this bill provides that the Interstate Commerce Commission may at any time call upon any officer or any person connected with these corporations to come and give information under oath, and every return has to be made under oath in order that they may know the methods of these corporations. Now, while that publicity does not go as far as some would have it go, it is in the right direction, and in my judgment it goes as far as it ought to go at the present time.

Mr. THAYER. Mr. Chairman, I notice that in the bill known as the Littlefield bill, which was first introduced, provision is made "that every corporation engaged in interstate commerce," and so on, and in the substitute presented here it applies to those that shall come hereafter. I want to ask the gentleman why in his opinion he thinks we should make a law now applicable only to those who shall come after and not compel those already in existence to make some returns? Why was that change made?

Mr. POWERS of Massachusetts. I will say, Mr. Chairman, that I voted for that change, and for this reason: We believe that if you require every new corporation entering the field to file a return when entering upon interstate commerce it will go a long way to prevent overcapitalization of industrial corporations. To require a corporation which is now doing business, which is already organized, to make a return in no sense affects the question of overcapitalization. I do not assume that my friend from Massachusetts [Mr. THAYER] would say that he was in favor of a law which would require every combination that was overcapitalized to reform its capitalization before it could do interstate business.

I assume that to-day there is not one corporation doing interstate commerce business out of one hundred which is not overcapitalized, but what I do believe is this, that if the policy of this Government for the future is to require disclosure of every corporation which proposes to do an interstate business to make the return required by this law, it will go a long way toward deterring American citizens from organizing overcapitalized corporations.

More than that, the Interstate Commerce Commission can call upon every corporation doing an interstate commerce business for the same kind of a return that it calls for from the corporation that may be hereafter organized.

Mr. THAYER rose.

The CHAIRMAN. Does the gentleman yield?

Mr. POWERS of Massachusetts. I yield for a question only.

Mr. THAYER. But, as I understand your bill, it does not prohibit overcapitalization, even in the future. Therefore, why will

it not be as applicable to those already in existence as to those that are to come after?

Mr. POWERS of Massachusetts. The question whether a corporation shall be overcapitalized or not is a matter entirely for the State. We can not reach that. Every State has the right to prevent the overcapitalization of its corporations. The State of Massachusetts, a part of which I have the honor to represent in this Chamber, has provided by law for more than twenty years that no corporation shall do business until its capitalization has been passed upon by a commissioner of corporations.

Mr. THAYER. Why would not that be good for the whole country?

Mr. POWERS of Massachusetts. I have no question but that would be a good thing for the whole country; but one thing is true, capital always goes along the path of least resistance. It will go to that State and organize where it can get the greatest privileges. It will go to a State like New Jersey and organize, where it is permitted to do things under a charter that it can obtain in that State that it can not do under a charter that it can obtain from the Commonwealth of Massachusetts. The State of New Jersey—and I say nothing disrespectful of the State of New Jersey; I think the same is pretty nearly true of the State of Maine, from which my friend [Mr. LITTLEFIELD] in charge of this bill comes; also the State of Delaware and the State of West Virginia—but the State of New Jersey last year received from corporations and from capital that came in from outside the State more than $3,000,000—enough to pay all its State expenses, and a surplus to be put aside. Can you expect the State of New Jersey, with that temptation before it, to change its laws and to fall into line with the policy of the Commonwealth of Massachusetts?

Mr. MORRIS. Mr. Chairman, will the gentleman permit a question?

Mr. POWERS of Massachusetts. I yield to the gentleman from Minnesota.

Mr. MORRIS. Could not the General Government prevent overcapitalization just in the same way that in section 6 of the Littlefield bill you prevent the attempt to monopolize any department of business? In section 6 of the Littlefield bill there is a provision that no corporation which is attempting to monopolize any department of business shall make use of the agencies of interstate commerce. Now, could not overcapitalization be prevented in the same way—by forbidding any overcapitalized company to enjoy the agencies of interstate commerce—and could not the General Government do it in that way?

Mr. POWERS of Massachusetts. I have no question, Mr. Chairman, that this Congress has the authority, under the commerce clause of the Constitution, to say that no corporation that is overcapitalized, wherever it may be created, shall have the privilege of doing interstate commerce business. But I take it that my friend from Minnesota is not quite ready to vote for a bill that will prevent and prohibit 90 per cent, at least, of all the interstate commerce corporations to-day from doing business. Suppose we put that into effect. I will assume that we stop at once the operations of the Standard Oil Company. I assume that we stop in the next place the operations of what is known as the sugar trust.

Mr. MORRIS. Could you not put it into effect as to future corporations, as you have done the provisions for publicity, leaving out the corporations organized in the past?

The time of Mr. POWERS of Massachusetts having expired, Mr. LITTLEFIELD yielded to him five minutes more.

Mr. POWERS of Massachusetts. I have no question but that that could be done, and very likely my friend from Minnesota has in mind a bill that was introduced into the Senate sometime since by the senior Senator from Massachusetts; but it strikes me that we do not need to do that at the present time. It strikes me that all we are required to do at the present time is to prevent these great industrial combinations from taking rebates from the railroads, preventing the railroads from giving rebates and discriminations to the shippers; that when you have stopped that, and when you have stopped at the same time the corporations or large combinations from attempting to create monopolies, we have accomplished all the people demand of us.

One thing, however, Mr. Chairman, must be born in mind. There is growing up in this country to-day what is called a socialistic party and a socialistic sentiment. In my State during the last year there was an increase from 4,000 votes at the State election to nearly 40,000 for that party. There are to-day a large number of intelligent people who believe that the time has come for the United States Government to proceed to take possession of the railroads and the other corporations engaged in public service between the States. It is important that this Congress should enact some legislation to satisfy the people that we propose to hold these gigantic monopolies well in check.

I believe that in this bill, when it is carefully considered, the House will reach the conclusion that it has accomplished that. One thing we must bear in mind is that legislation ought not to be enacted by men who believe that every corporation is wrong and ought to be destroyed. I believe that a measure of this kind ought to be conservative in its character. On the other hand, he who thinks that the industrial conditions of the present time are all right and do not need to be safeguarded does not understand or comprehend the situation. The great majority of the Representatives in this body believe in a fair protection of vested interests, and at the same time a fair protection of the consumer, and it is the great conservative element, recognizing the importance of labor upon the one hand and recognizing the importance of capital upon the other, that will work out this problem for the welfare of the people and the welfare of the Republic. [Loud applause on the Republican side.]

Mr. DE ARMOND. I yield one hour to the gentleman from Alabama [Mr. CLAYTON].

Mr. CLAYTON. Mr. Chairman, I have listened with a great deal of pleasure to the excellent address delivered by the distinguished gentleman from Massachusetts [Mr. POWERS]. It was pitched upon a high plane and ought to be sufficient to induce the House to support the pending bill. But, Mr. Chairman, as excellent as his address was, and however much merit this bill may have, it should have, by way of amendment, more effective provisions for the suppression of the trust evil. In behalf of the minority of the Committee on the Judiciary of this House, I am authorized to say that we will support this bill, not because it meets the popular demand, but because we hope to amend it; and that if we can not do that, then we will vote for it for the reason that it has at least a little merit.

I want to indorse what the gentleman [Mr. POWERS] has said as to the conduct of our consideration of trust measures before the Committee on the Judiciary. And as he violated no committee secret, I violate none in saying that those discussions took no party tinge upon questions of law; but it, perhaps, would not be out of place to say that there, as here, whenever a proposition has been or is urged for the enactment of any law that militates against any party policy or cherished economic theory, it did and always will provoke opposition on partisan lines.

The gentleman was correct in telling the House that this bill as now reported is predicated solely upon the commerce clause of the Constitution. If you have done the minority the honor to read their views you will readily see the difference between the minority of the Committee on the Judiciary and the majority. It is apparent, as has already been disclosed here to-day, that the majority of that committee and the majority of this House—more than that, that the majority of the other legislative branch of the Government, and the head of the Republican party in the White House, as well—differ from the Democratic party in that in all their demands for legislation for the control of the trusts and for the suppression of the criminal trade conspiracies Republicans now ground all their proposed remedies upon one constitutional provision—that is, the power of Congress to regulate interstate commerce.

Mr. Chairman, it has been said, in substance, by some great statesman—Burke, perhaps, but I care not who said it—that around the question of taxation the greatest battles of civilization have been fought. And around this question to-day the battle of the people against the giant combines engaged in criminal conspiracy in the restraint of trade for the purpose of limiting production, of enhancing prices, of lowering wages, of crushing out the independent producer, of destroying the business man of moderate means—around this question and taxation as a remedy must be fought the battle against the tyranny of monopoly and the oppression of unlimited and uncontrolled wealth.

Mr. Chairman, there is more than one provision of the Federal Constitution that those of us on this side invoke to meet this evil. We are not content with singling out one provision of the organic law of the Union to meet every phase of the trust wrongs and injuries. The argument of the gentleman from Massachusetts [Mr. POWERS], just delivered, well illustrates the futility of invoking the commerce clause solely. He points out certain corporations that perhaps can not be reached by the commerce power of Congress, and he undertakes to show that certain corporations or trusts can not be reached by the taxing power of the Federal Government.

Mr. Chairman, I recur to what happened in the Fifty-fifth Congress for the purpose of showing that the power of taxation was then demanded in this House by a distinguished Democrat to meet the trust evil, which then was merely threatened as compared now with its subsequent and present development. Let me refer to the fact that when the Dingley bill was presented here, the distinguished Kentuckian [Mr. WHEELER] offered a provision to tax the trust corporations engaging in interstate commerce. And, further, that repeatedly during the debate on that measure, and since, Democrats have offered provisions to remit certain tariff

taxes in order that combines built up and fostered by the abuse of the taxing power should not be sheltered behind the tariff wall.

Permit me, Mr. Chairman, to digress for one moment for the sake of history. In the Fifty-sixth Congress the two parties assumed a different attitude. For in the latter days of the long session of that Congress, within six days of the adjournment of that session, two measures were brought into this House and briefly debated and put through here by the majority. Attention to this fact is invited so that the gentlemen of the Republican party may know that while their distinguished President is discussing the doctrine of evolution in the next campaign, as he did in the last, he may be reminded that the present pretended hostility of the Republican party to the trusts is, to some extent, evolution from their position that no effective remedy was possible without an amendment of the Constitution.

You remember that the proposition was brought forward to amend the Constitution of the United States. You will remember that the chairman of the Committee on the Judiciary at that time made a labored, able, and extensive speech, of perhaps three hours in length, in which he took the position that Congress was powerless to deal with trade monopolies and restraints without a constitutional amendment. I shall quote from his speech to show that the contention of the Republican party at that time is variant from their present assumed attitude. A distinguished member of that committee, Mr. OVERSTREET, who wrote the report on the bill called the Littlefield bill in the Fifty-sixth Congress, took the position that publicity, as a remedy, was worthy of no consideration. He then reported that bill eschewing the publicity feature. Contrast that with the repeated later demand of President Roosevelt for publicity. Hear also Attorney-General Knox at Pittsburg last October:

> They (corporations) should be subject to visitorial supervision, and full and accurate information as to the operations should be made regularly at reasonable intervals. Secrecy in the conduct and result of operation is unfair to the nonmanaging stockholders, and should, as well for reasons of state, be prohibited by law.

And now we have this bill with elaborate provisions for publicity. So that we congratulate you, gentlemen, that you have evoluted from the position of demanding a constitutional amendment as the sine qua non to deal with trusts to your present insistance that publicity will do good and is the best remedy. [Applause on the Democratic side.]

Hereafter when you discuss the Darwinian theory, which is applicable in the case of mollusks and monkeys, make some application of it to the Republican party. [Laughter and applause on the Democratic side.] That party has at last reached the monkey stage, where it has vertebræ and a tail, and monkey-like imitates some of the good actions of the Democratic party. [Loud laughter on the Democratic side.] We challenge you to read the debates of the Fifty-sixth Congress. I have them here. I go loaded for you. [Laughter.] If you want to see them come over here and get them. I challenge you to read these debates right here, and see if you gentlemen did not take the position that you were powerless without a constitutional amendment.

You cried out for it; you said that the interstate-commerce clause was inadequate. Learned lawyers made ingenious arguments to support that contention. Ah, but in the process of evolution, when you have reached the vertebrate state, when you cease to be oysters, clams, or—shall I say lobsters [laughter]—when you have passed to that stage of evolution you now come to the Democratic position that there is sufficient power in the Congress under the Constitution to deal with these gigantic trade conspiracies. [Applause on the Democratic side.]

Mr. LITTLEFIELD. Will the distinguished gentleman allow me a question?

Mr. CLAYTON. Certainly.

Mr. LITTLEFIELD. Will the gentleman be kind enough to inform us what speakers he refers to?

Mr. CLAYTON. I refer particularly to the speech of the gentleman from New York [Mr. Ray].

Mr. LITTLEFIELD. And to what other?

Mr. CLAYTON. Oh, they are all set out in these debates.

Mr. LITTLEFIELD. Well, that is rather too big a bundle for me to look at in a moment.

Mr. CLAYTON. It has a good lot of other things in it, I admit.

Mr. LITTLEFIELD. What other speech does the gentleman refer to?

Mr. CLAYTON. I shall set them out in my speech. I haven't the time to trace the history of the evolution of the Republican party now.

Mr. LITTLEFIELD. Through its cuttlefish, mollusk, clam, lobster, and monkey stages, the gentleman means? [Laughter.]

Mr. CLAYTON. Yes; including the Republican party. [Laughter on the Democratic side.]

Mr. LITTLEFIELD. But the gentleman does not remember any speech except that of the gentleman from New York?

Mr. CLAYTON. There was Mr. OVERSTREET'S report that I told you about.

Mr. LITTLEFIELD. But I am not talking about reports; I am talking about speeches.

Mr. CLAYTON. The whole Republican membership of the committee indorsed Mr. OVERSTREET'S report, I think.

Mr. LITTLEFIELD. The gentleman from Alabama is not treating the House fairly when he says that.

Mr. CLAYTON. Well, I will be just and say that I looked over the speech of the gentleman from Maine——

Mr. LITTLEFIELD. Did you find that proposition there?

Mr. CLAYTON. Well, I did not find anything in it that I can now remember. [Laughter.] Not a thing. [Laughter.] That is, that impressed me.

Mr. LITTLEFIELD. If the gentleman succeeded in taking in the speech of the gentleman from Maine, he did not have room for anything else.

Mr. CLAYTON. Well, I modestly guess that is correct.

Mr. LITTLEFIELD. No doubt about that. The Democracy——

Mr. CLAYTON. Oh, now, the gentleman will have the conclusion of this debate, and he ought not to take up my time in this way. It is not fair.

Mr. LITTLEFIELD. But when I rise to ask you a fair question, there is no reason why you should not treat me fairly.

Mr. CLAYTON. That is what I am trying to do.

Mr. LITTLEFIELD. I should like the names of the men who made those speeches that the gentleman has referred to.

Mr. CLAYTON. I have named them, or some of them. Will some one of my colleagues here take this book, a compilation of trust speeches and the like, prepared by the Attorney-General, and carry it right over there to my friend from Maine and show him these speeches?

Mr. WILLIAMS of Mississippi. It is very reasonable to assume that every man who has signed the report must have made a speech on the line of the report.

Mr. LITTLEFIELD rose.

Mr. CLAYTON. Oh, I hope the gentleman will not consume my time further. I now have less than an hour.

Mr. BALL of Texas rose.

The CHAIRMAN. Does the gentleman from Alabama yield to the gentleman from Texas?

Mr. CLAYTON. Yes, sir.

Mr. BALL of Texas. I will make the statement that the gentleman from Maine did state that Congress was without power to deal effectively with these monopolies except by constitutional amendment. I can show that.

Mr. CLAYTON. I hope my friend will look it up and show it to my friend from Maine.

Mr. LITTLEFIELD. It may be there, and it may not be.

Mr. CLAYTON. Now, Mr. Chairman, I want to get out of the way some more small brush. I want to get rid of the historical lie that I have heard brought forward here now and have heard brought forward before, and that is the statement that the only trust legislation we have ever had in this country was by Republicans.

I have here the entire history of the so-called Sherman antitrust law. I have searched the records and I find that the bill as introduced by Mr. John Sherman in the Senate had a coach and four driven through it by the Senator from Mississippi, Mr. George, and that afterwards, on the motion of the other Senator from Mississippi, Mr. Walthall, that bill was taken from the Finance Committee of the Senate, of which Mr. Sherman was chairman, and sent to the Committee on the Judiciary of that body, which committee brought forward a measure striking out the whole of the bill proposed by Mr. Sherman except the enacting clause, and substituted what is now incorrectly but commonly called the Sherman antitrust law. I find, further, that every Democrat who voted in the Senate voted for that measure. The sole man who voted against it was Mr. Blodgett, who, I believe, was a Republican.

Now, when that bill came to the House that great lawyer and Democrat from Texas, David B. Culberson, reported it to the House. And you can trace that measure along until it became a law, and you will find that every Democrat voted for it when it passed this body. So much for that.

Now, there is another thing that I want to talk about briefly. I want to take up that page of the Republican campaign book where they quote some sort of an expression from Mr. McKinley to this effect: That you do not have to guess what the Republican party will do; you know what it will do.

Mr. LITTLEFIELD rose.

The CHAIRMAN. Does the gentleman from Alabama yield?

Mr. CLAYTON. Yes, for a question.

Mr. LITTLEFIELD. I have been informed that Mr. Blodgett was a Senator from New Jersey, and was a Democrat, not a Republican.

Mr. CLAYTON. Well, he was the sole man who voted against that measure.

But that is immaterial. Let me go on and preach my sermon from this Republican text. I was talking about that statement on the front page of that book to the effect. you do not have to guess what the Republican party will do. Well, I have a guess coming to me now, and I want to guess it at this moment. In the Fifty-sixth Congress we all guessed that the Littlefield bill would never see the light in the Senate. We guessed that your constitutional amendment would die after that campaign ended. And it did die and is yet clad in the cerements of a Republican Senatorial grave.

Now, we want to make another guess right here. We guess here and now that you are not going to pass into law this bill which you are about to pass through this House under a special rule, and for which we shall vote. This bill has in it certain provisions which corporate greed and monopoly will not permit the majority party to vote into law. [Applause on the Democratic side.] Read sections 5, 6, and 7—I believe those are the numbers. I undertake to say that some of those sections will never be enacted by a Republican Congress into law.

Now, personally I have confidence in and respect for gentlemen on the Republican side of this House; but no Republican is bigger than his party, and it is your party that controls you and is amenable to criticism.

There is no organization on earth where the rule of majority carried to brutality is so well exemplified as in the case of your party. Your party has created these trusts and now protects them. The trusts have fed you during the campaigns, they have furnished the money that has paid your election expenses, and the Republican party is as wise as the two animals mentioned in the Scriptures.

The ox knoweth his owner and the ass his master's crib.

[Applause and laughter on the Democratic side.]

Now, go ahead with the guessing, and you will see that this bill as presented here to-day will never become a law. And while the gentleman from Maine [Mr. LITTLEFIELD] seems to be so tender of his own record, I want to call attention to the fact that at one time in the process of his evolution he favored the exercise in some way of the taxing power against trade monopolies, for he introduced into this House a bill proposing to levy a tax upon the watered stock of these corporations. But evolution goes on, and the taxing clause is entirely abandoned in the bill which is presented to this House to-day.

Mr. BALL of Texas. Mr. Chairman, will the gentleman yield?

Mr. CLAYTON. Certainly.

Mr. BALL of Texas. I find on page 604 of the Appendix to the CONGRESSIONAL RECORD, of the last session of the Fifty-sixth Congress, these remarks in the able speech made by the gentleman from Maine [Mr. LITTLEFIELD] in regard to the necessity for a constitutional amendment:

Mr. Bryan says: "I am in favor of an amendment to the Constitution that will give Congress the power to destroy every trust in the country."

Mr. LITTLEFIELD. This amendment will do it. Under the Constitution as it is Congress can not do it.

[Applause on the Democratic side.]

Mr. CLAYTON. Now, I want to ask the gentleman from Maine one question, and I want him to give me a categorical answer. I will ask the gentleman if he has not evoluted?

Mr. LITTLEFIELD. No; I stand by that statement now.

Mr. CLAYTON. I just want a categorical answer.

Mr LITTLEFIELD. It is absolutely true as a legal proposition. It does not say that Congress had exhausted its power. The gentleman from Texas had better look that speech up and see if he can find any statement of the gentleman from Maine that Congress had exhausted its power. Under the Constitution as it stands we can only reach the trusts engaged in interstate commerce.

Mr. CLAYTON. Oh, Mr. Chairman. I must ask the gentleman not to make a speech, he must let me have a fair whack. He has the majority and power and can do as he pleases, and he ought to treat us underlings over here fairly. Now, please do sit down a while. [Laughter.]

Mr. LITTLEFIELD. And not kick the under dog when he is down.

Mr. CLAYTON. Sit down, you constitutional lawyers, sit down and rest, and let the representative of a great farming district talk.

Mr. LITTLEFIELD. I will have to get up again in order to sit down, for I was seated when the gentleman ordered me to sit down.

Mr. CLAYTON. Thank you, sir. Now, Mr. Chairman, the minority views set forth several propositions embodying the taxing powers vested in Congress, and I insist that under the commerce and taxing powers every trust—those engaged in interstate and those engaged in intrastate commerce—can be dealt with effectively.

I call attention to the amendment proposed by the minority, which offers to put certain articles upon the free list:

Amend by adding the following:

"SEC. —. That hereafter the following articles may be imported into the United States free of duty:

"Steel rails, structural steel, tin plate, iron pipe, and other metal tubular goods; wire nails, cut nails, horseshoe nails, barb wire, and all other wire; cotton ties, plows, and all other agricultural tools and implements.

"Borax, borate of lime, and boracic acid.

"Paris green.

"Paper, and pulp for the manufacture of paper.

"Salt.

"Plate glass and window glass."

And another amendment is suggested clothing the President with the discretionary power to remit the tariff on trust-made articles:

Amend by adding the following:

"The President is hereby authorized, and it shall be his duty, whenever it shall be shown to his satisfaction that by reason, wholly or materially, of the existence of the tariff or customs duty upon any article, such article or articles of its class and kind are monopolized or controlled by any person, organization, or combination to the detriment of the public, by proclamation to remove or suspend such duty, in whole or in part, until the next assembling of Congress, or until the abuse prompting him to such action shall have ceased."

I shall print certain information in relation to some of those articles and the trusts that control them. There is another provision presented by the minority that seeks to levy a special tax upon certain corporations. That provision calls for the exercise of the undoubted taxing power of the Federal Government—the proposition to remit the customs duties on certain articles invokes in another way, a negative way, the taxing power.

Mr. Chairman, we may well pretermit any extensive academic discussions of this subject, the trusts, and leave that to the magazines and to the well-considered essays that adorn the pages of the CONGRESSIONAL RECORD. But, sir, I desire to call brief attention to certain provisions of the Constitution and the remedies thereunder, and which we have brought forward, which we now invoke, but which the rule that was arbitrarily adopted to-day will perhaps deprive us from further offering.

The Constitution of the United States provides, among other things, that Congress shall have power to lay and collect taxes, duties, imposts, and excises, to provide for the general welfare of the United States; to regulate commerce with foreign nations and among the several States; to establish post-offices and post-roads; and to make all laws which shall be necessary for carrying into operation the foregoing powers vested by this Constitution in the Government of the United States or any department thereof.

It must be admitted that the taxing power vested in Congress is perhaps in higher degree more plenary than the commerce power. The great case which gives the first exposition and the great exposition of the commerce clause of the Constitution is Gibbons *v.* Ogden. The first great case that gives an exposition of the taxing power is McCulloch *v.* Maryland. The leading recent case that defines the power of Congress to deal with corporations engaged in interstate commerce is the Addyston Pipe case. The leading cases that differentiate the power of the Federal Government from the power reserved to the States are the Knight Sugar Refining case and the Hopkins case.

Gentleman, read these cases, and those set out in the compilation prepared by the Attorney-General, and you will readily see what the power of Congress is. You will have no difficulty in distinguishing the taxing power from the commerce power. You will observe that the taxing power is unlimited, except in one particular, and that is that we can not levy an export tax. You will see that there are two qualifications to this taxing power, namely: The taxation must be uniform, and capitation or other direct taxes must be apportioned according to population. There is, of course, one other implied limitation, namely, a tax can not be levied upon a State, or the agencies whereby it discharges the functions of government. With that expressed exception and that implied exception, and with those two qualifications, the taxing power of the Federal Government is as absolute as ever belonged to any sovereign.

Now, gentlemen, if your party desires to meet the trust evil, why not apply all the proper agencies and instrumentalities of the Federal Government to that end? Why not put in your bill a denial of the privileges of the mails to these criminal conspirators? Why not impose an occupation or other special tax upon them? Why not tax watered stock? Let me assert a proposition, and I challenge its dispute, that it is within the power of Congress to levy a special tax on every corporation in this country and also levy a tax on the capital stock of every corporation, whether that corporation is engaged in intrastate or interstate commerce, or whether it be limited solely to manufacturing, or to any other business. Will you deny the proposition that this Government can levy such a tax? Now, let me for the benefit of

the laymen here—because I assume that every lawyer is familiar with these cases—read some of the decisions upon this point:

In Scholey *v.* Rew, 90 United States, page 331 (succession tax), the court said:

Apply the rule to be deduced from that enactment to the facts found by the court, and it must follow that the argument of the United States is well founded, unless some one or more of the special objections to the tax set up by the plaintiff are sufficient to exonerate him from such liability. Those objections are as follows: (1) That the act imposing the duty is unconstitutional and void. (2) That the case is not one within the act imposing the tax or duty. (3) That the plaintiff being an alien the devise to him is absolutely void.

1. Support to the first objection is attempted to be drawn from that clause of the Constitution which provides that direct taxes shall be apportioned among the several States which may be included within the Union according to their respective numbers, and also from the clause which provides that no capitation or other direct tax shall be laid unless in proportion to the census or amended enumeration; but it is clear that the tax or duty levied by the act under consideration is not a direct tax within the meaning of either of those provisions. Instead of that it is plainly an excise tax or duty, authorized by section 8 of Article I, which vests the power in Congress to lay and collect taxes, duties, imposts, and excises to pay the debts and provide for the common defense and general welfare.

Such a tax or duty is neither a tax on land nor a capitation exaction, as subsequently appears from the language of the section imposing the tax or duty, as well as from the preceding section, which provides that the term succession shall denote the devolution of real estate; and the section which imposes the tax or duty also contains a corresponding clause which provides that the term successor shall denote the person so entitled, and that the term predecessor shall denote the grantor, testator, ancestor, or other person from whom the interest of the successor has been or shall be derived.

Successor is employed in the act as the correlative to predecessor, and the succession or devolution of the real estate is the subject-matter of the tax or duty, or in other words, it is the right to become the successor of real estate upon the death of the predecessor, whether the devolution or disposition of the same is effected by will, deed, or laws of descent, from a grantor, testator, ancestor, or other person from whom the interest of the successor has been or shall be derived; nor is the question affected in the least by the fact that the tax or duty is made a lien upon the land, as the lien is merely an appropriate regulation to secure the collection of the exaction.

Indirect taxes, such as duties of impost and excises and every other description of the same, must be uniform, and direct taxes must be laid in proportion to the census or enumeration as remodeled in the fourteenth amendment. Taxes on lands, houses, and other permanent real estate have always been deemed to be direct taxes, and capitation taxes, by the express words of the Constitution, are within the same category; but it never has been decided that any other legal exactions for the support of the Federal Government fall within the condition that unless laid in proportion to numbers that the assessment is invalid.

Whether direct taxes in the sense of the Constitution comprehend any other tax than a capitation tax and a tax on land is a question not absolutely decided, nor is it necessary to determine it in the present case, as it is expressly decided that the term does not include the tax on income, which can not be distinguished in principle from a succession tax such as the one involved in the present controversy.

Neither duties nor excises were regarded as direct taxes by the authors of the Federalist. Objection was made to the power to impose such taxes, and in answering that objection Mr. Hamilton said that the proportion of these taxes is not to be left to the discretion of the National Legislature, but it is to be determined by the numbers of each State, as described in the second section of the first article. An actual census or enumeration of the people must furnish the rule, a circumstance which shuts the door to partiality or oppression. In addition to the precaution just mentioned, said he, there is a provision that all duties of imposts and excises shall be uniform throughout the United States.

Exactions for the support of the Government may assume the form of duties, imposts or excises, or they may also assume the form of license fees for permission to carry on particular occupations or to enjoy special franchises, or THEY MAY BE SPECIFIC IN FORM, AS WHEN LEVIED UPON CORPORATIONS IN REFERENCE TO THE AMOUNT OF CAPITAL STOCK OR TO THE BUSINESS DONE OR PROFITS EARNED BY THE INDIVIDUAL OR CORPORATION.

2. Sufficient appears in the prior suggestions to define the language employed and to point out what is the true intent and meaning of the provision, and to make it plain that the exaction is not a tax upon the land, and that it was rightfully levied, if the findings of the court show that the plaintiff became entitled, in the language of the section, or acquired the estate or the right to the income thereof by the devolution of the title to the same, as assumed by the United States.

Doubt upon that subject, it would seem, can not be entertained if it be conceded that the subject-matter of the assessment is the devolution of the estate or the right to become beneficially entitled to the same, or the income thereof, in possession or expectancy, under the circumstances and conditions specified in the other parts of the section.

In the License Tax cases, 72 U. S., 462, the court said:

And it is difficult to perceive wherein the legislation we are called upon to consider is contrary to public policy.

This court can know nothing of public policy except from the Constitution and the laws, and the course of administration and decision. It has no legislative powers. It can not amend or modify any legislative acts. It can not examine questions as expedient or inexpedient, as politic or impolitic. Considerations of that sort must, in general, be addressed to the legislature. Questions of policy determined there are concluded here. * * *

It is true that the power of Congress to tax is a very extensive power. It is given in the Constitution with only one exception and only two qualifications. Congress can not tax exports, and it must impose direct taxes by the rule of apportionment and indirect taxes by the rule of uniformity. Thus limited, and thus only, it reaches every subject, and may be exercised at discretion. But it reaches only existing subjects. Congress can not authorize a trade or business within a State in order to tax it.

If, therefore, the license under consideration must be regarded as giving authority to carry on the branches of business which they license, it might be difficult, if not impossible, to reconcile the granting of them with the Constitution.

But it is not necessary to regard these laws as giving such authority. So far as they relate to trade within State limits, they give none and can give none. They simply express the purpose of the Government not to interfere by penal proceedings with the trade nominally licensed, if the required taxes are paid. The power to tax is not questioned nor the power to impose penalties for nonpayment of taxes. The granting of a license, therefore, must be regarded as nothing more than a mere form of imposing a tax and of implying nothing except that the licensee shall be subject to no penalties under national law if he pays it.

This construction is warranted by the practice of the Government from its organization. As early as 1794 retail dealers in wines or in foreign distilled liquors were required to obtain and pay for licenses and renew them annually, and penalties were imposed for carrying on the business without compliance with the law. In 1862 these license-taxes and the other excise or internal taxes which had been imposed under the exigencies of the time, being no longer needed, were abolished. In 1813 revenue from excise was again required, and laws were enacted for the licensing of retail dealers in foreign merchandise, as well as to retail dealers in wines and various descriptions of liquors. These taxes also were abolished after the necessity for them had passed away, in 1817.

No claim was ever made that the licenses thus required gave authority to exercise trade or carry on business within a State. They were regarded merely as a convenient mode of imposing taxes on several descriptions of business, and of ascertaining the parties from whom such taxes were to be collected.

With this course of legislation in view, we can not say that there is anything contrary to the Constitution in these provisions of the recent or existing internal-revenue acts relating to licenses. * * * *Upon the whole, we conclude* * * *

5. That the recognition by the acts of Congress of the power and right of the States to tax, control, or regulate any business carried on within its limits is entirely consistent with an intention on the part of Congress to tax such business for national purposes.

In Pacific Insurance Company *v.* Soule, 7 Wallace, 433, where the court considered the proposition asserted by the insurance company that under the act of June 30, 1864, and the amendment of July 13, 1866, the tax levied upon the amounts insured, renewed, or continued by insurance companies upon the gross amounts of premiums received and assessments made by them, and also upon dividends, undistributed sums, and income, was a direct tax, the court held to the contrary, and said:

The taxing power is given in the most comprehensive terms. The only limitations imposed are: That direct taxes, including the capitation tax, shall be apportioned; that duties, imposts, and excises shall be uniform, and that no duties shall be imposed upon articles exported from any State. With these exceptions, the exercise of the power is, in all respects, unfettered. * * *

To the question under consideration it must be answered that the tax to which it relates is not a direct tax, but a duty or excise; that it was obligatory on the plaintiff to pay it.

Now, Mr. Chairman, I desire to make a brief reference to what is known as the income-tax decision. I want to read from the opinion rendered by Chief Justice Fuller on the rehearing of the case.

In Pollock *v.* Farmers' Loan and Trust Company, 158 U. S., on page 635, the court said:

We have considered the act only in respect of the tax on income derived from real estate and from invested personal property, and have not commented on so much of it as bears on gains or profits from business privileges or employments in view of the instances in which taxation on business privileges or employments has assumed the guise of an excise tax and been sustained as such.

Being of opinion that so much of the sections of this law as lay a tax on income from real and personal property are invalid, we are brought to the question of the effect of that conclusion upon these sections as a whole. * * * And again, on page 637 of the same: We do not mean to say that an act laying by apportionment a direct tax on all real estate and personal property or the income thereof, might not also lay excise taxes on business, privileges, employments, and vocations. But this is not such an act, and the scheme must be considered as a whole. Being invalid as to the greater part, and failing, as the tax would be, if any part were held valid in a direction, which could not have been contemplated except in connection with the taxation considered as an entirety, we are constrained to conclude that sections 27 to 37, inclusive, of the act, which became a law without the signature of the President on August 28, 1894, are wholly inoperative and void.

That tax was declared to be repugnant to the Constitution, for it mixed the income derived from real estate and personal property with the revenue from other sources, and therefore was violative of the provision that requires direct taxes to be apportioned according to population.

Mr. Chairman, before I forget it, I want to call attention to another thing that the Democratic party has done. I want to call the attention of the House to page 570, volume 28, of the United States Statutes at Large, section 73 and those that follow it, to show a wise provision of the much-abused Wilson-Gorman law that was there enacted against the trusts, and which you in your Dingley bill were careful not to repeal.

Now, the next time some gentleman with a parrot-like voice and parrot-like regularity asks what the Democrats did, point them to what they did in support of the so-called Sherman law. Point them to the prosecutions instituted under Mr. Cleveland. Point them to this provision of the Wilson-Gorman law. Point them to that provision of the Dingley law that preserved it.

Mr. LITTLEFIELD. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Alabama yield to the gentleman from Maine?

Mr. CLAYTON. I do.

Mr. LITTLEFIELD. I simply wanted to ask this question: Why, in the opinion of the gentleman from Alabama, the provisions that he has been discussing, connected with the Wilson law, were not applied to combinations engaged in interstate commerce as well as foreign commerce? I do not know what reason there may have been, but I notice there was that omission.

Mr. CLAYTON. Well, I can not answer that question at this time. Perhaps you can.

Mr. LITTLEFIELD. I can not, and I never knew a man who could.

Mr. CLAYTON. If it was an omission that ought to have been

rectified, you ought to have rectified it in the Dingley bill and you ought to rectify it now. [Applause on the Democratic side.]

For many years, Mr. Chairman, the Democratic party has not had absolute control of both branches of Congress and the Presidency at the same time, except for a space of two years. For the last six years the Republican party has been intrenched in power in both branches of Congress and in the White House. What have you done except to suggest campaign expedients, and to criticise the minority? You have not done any business in the line of suppressing the trust evil. Do some business now, and we will help you. [Applause on the Democratic side.]

I have here a list, which I will print, of trusts that have been formed since 1899. I have a list of them where their combined capital aggregates upward of four billions of dollars. Are we not justified is saying that the Dingley tariff has fostered trusts, as Mr. Havemeyer said? Did you ever stop to think of one of the reasons given for laying the tariff duty so high in the Dingley bill? It was, they said, to carry out the idea of Republican reciprocity. Upon that idea Mr. Kasson was sent abroad to negotiate reciprocity treaties. He came back with his pockets full of reciprocity treaties; but the trusts said "We are growing rich and fat under the Dingley bill." What became of the Kasson reciprocity treaties? Like the Littlefield bill, like your constitutional amendment, they went where the whangdoodle mourneth. [Laughter.]

Now, Mr. Chairman, I would like to know how much time I have. These are just a few desultory remarks.

The CHAIRMAN. The gentleman from Alabama has fifteen minutes remaining.

Mr. CLAYTON. I wish I had ten hours.

Now, Mr. Chairman, this special tax. We invite you gentlemen to put in a provision taxing these corporations, and while the provision we have suggested seeks to levy a special tax upon all corporations having a capital stock of $200,000, except benevolent associations and the like, if you will accept that amendment we will take it with a limitation to corporations engaged in interstate commerce.

Every lawyer knows that it has been held in McCulloch against Maryland and ever since that the taxing power of the Federal Government is the power to destroy it, so ample is it. We know that it has been invoked to destroy State banks of issue. It was used to destroy the oleomargarine industry. The control of the Federal Government over the mail was so applied as to deny the use of the mails to lotteries. I say to you now, accept a tax provision limited to business corporations engaged in interstate and foreign commerce, and then instead of grounding this amendment for a special tax solely upon the taxing power we will place it on the two provisions, the commerce power of Congress and the taxing power as well.

You know that should you levy a special tax in accordance with this provision it would raise revenue; it would bring these trade conspirators under public surveillance; it would accomplish, if this amendment were adopted, all the publicity that you seek, and a better control than this bill contemplates. There is a provision in the proposed special tax proposition to levy a certain tax upon all business corporations having a capital stock of $200,000 or more, and then when the corporation proves to the satisfaction of the Commissioner of Internal Revenue that it is not engaged in violating the antitrust laws, then the tax is reduced to a minimum, but still enough to support the law under the taxing power of Congress.

Now, we do not intend that you gentlemen shall run away from the use of the taxing power of the Federal Government without the attention of the country being called to it. You may talk about a revision of the tariff unsettling business. I challenge you to drop the tariff discussion and take the special tax and apply it, and see if it does not bring about publicity, see if it does not bring about control, see if it does not prevent the violation of the statutes against monopolies and trade restraints.

Mr. Chairman, permit me, in this connection, to make brief reference to the difference between use and the abuse of the taxing power. It is not my intention, however, to impose upon the House any stilted thesis portraying the divergent views of the several schools of thought on taxation. Suffice it to say that it is now well settled that if a tax levied by Congress is grounded in any appropriate provision of the Constitution, the courts will uphold it, regardless of a possible ulterior motive of the lawmakers and without reference to a probable intentional incident whereby something, and one other than raising revenue, may be accomplished.

Some of us here hold to the theory that all taxation should be for public purposes, and that it is not a rightful use of the taxing power to tax one man for the benefit of another, or one business or industry for the purpose of building up another. Such an abuse is lacking in all the essentials of equality. Every man should be allowed to enjoy his own, subject to the tax tribute exacted for the maintenance of the Government economically administered. Further than this, every man in a civilized community under a government by law must be restrained by the injunction *sic utere tuo ut alienum non laedas.*

The Democratic theory has always been that the tax must be primarily and really for public purposes. This is at least the ethical application of the power. On the other hand, the theory of the Republican party has always been that taxation should be used whenever and wherever expedient to accomplish any end desired, unfettered by any real public purpose. The Republican party has imposed prohibitive tariff taxes, not for public revenue, but for the avowed purpose of fostering private interests. It has levied taxes upon legitimate occupations and industries in order to ruin them, and for the purpose of building up rival occupations and industries. Whenever you have levied any such tax, the taxing power has been abused.

The courts have declared that such abuse can not be restrained by the judicial hand of the Government. The minority of your Committee of the Judiciary are of opinion that a special tax on the watered stock of corporations can be justified because it will accomplish the public purpose of destroying the evil practice fraught with so much harm, and of which Attorney-General Knox has said:

> Overcapitalization is the chief of these and the source from which the minor ones flow. It is the possibility of overcapitalization that furnishes the temptations and opportunities for most of the others. Overcapitalization does not mean large capitalization or capitalization adequate for the greatest undertakings. It is the imposition upon an undertaking of a liability without a corresponding asset to represent it. Therefore overcapitalization is a fraud upon those who contribute the real capital, either originally or by purchase, and the efforts to realize dividends thereon from operations is a fraudulent imposition of a burden upon the public.
>
> When a property worth a million dollars upon all the sober tests of value is capitalized at five millions and sold to the public, it is rational to assume that its purchasers will exert every effort to keep its earnings up to the basis of their capitalization. When the inevitable depression comes, wages must be reduced, prices enhanced, or dividends foregone. As prices are naturally not increased, but lowered in dull periods, it usually resolves itself into a question of wages or dividends.
>
> While this condition may exist under any circumstances, it is exaggerated by overcapitalization in the illustrating case five to one. The overcapitalized securities enter into the general budget of the country, are bought and sold, rise and fall, and they fluctuate between wider ranges and are more sensitive in proportion as they are further removed from intrinsic values, and, in short, are liable to be storm centers of financial disturbances of far-reaching consequence. They also, in the same proportion, increase the temptation to mismanagement and manipulation by corporate administrators.

The minority also think that a special tax on the capital stock of purely business corporations of $200,000 and over, engaged in interstate commerce, if you please, will not only raise revenue, a public purpose, but will under the provision go far toward discovering and suppressing the trusts—another public benefit.

Now, Mr. Chairman, is such a tax expedient? If you concede the power of Congress to lay it, it is then a question of expediency; and if the Republican party is in earnest about suppressing the trust evil, I commend to them this expediency idea, for if there ever was a political party in any country that believed in the overshadowing doctrine of expediency in the settlement of all questions, that party is preeminently the Republican party. [Loud applause on the Democratic side.]

The constitutionality of it being conceded, is it expedient? I have the reports here of the Commissioner of Internal Revenue, showing since 1861 the taxes that have been raised by occupation and other special taxes. I shall print memoranda from the report. As a revenue measure it is expedient. It is expedient as furnishing a remedy, for when you have the right to levy a tax and you ground the support of the law on the taxing power of Congress, the people can derive all the incidental benefits from the enforcement of the law regardless of what particular constitutional grant it is founded on. Will any Republican dispute that?

What becomes of the original-package decisions? What becomes of the oleomargarine law, of the special-tax laws, of the law against State banks which had for its avowed object the driving out of business the State banks of issue? So, I say, that for revenue and according to precedents and for the good that may come of it, here is the power and here is a plan.

You may refine about the extent of the commerce power of Congress, you may say that the States have certain control over domestic manufactures, and that Congress has exclusive power over interstate commerce, but when you use the taxing power you rely on a broader power, unlimited, unfettered, except that no export tax can be levied, and qualified by the provisions that direct taxes must be apportioned according to population and that the taxation must be uniform.

Now, every lawyer knows that the uniformity here spoken of is geographical uniformity, and that a tax on capital stock is not a direct tax. Congress has power in its imperial will to select whatever objects it may see fit to tax within the constitutional limitations. It can single out one business and compel it to contribute to the support of the Government and it may exempt another from the tax. It may require the liquor dealer to pay a license tax, and of the oleomargarine dealer, of the banker, and of the broker an occupation tax may be exacted. All or any

other business may be exempted from taxation. Nobody can question the exercise of the power. So in repeated decisions it has been held that it is the geographical uniformity and uniformity in no otherwise.

Now, my Republican friends, if you are in earnest, use all the powers and agencies of the Federal Government to meet the present conditions. Do not create a lot of material here for another campaign, but formulate a measure and put it through the House, having as its real object the suppression of the trust evil.

Mr. WHEELER. Will the gentleman yield to me for a question?

Mr. CLAYTON. Certainly.

Mr. WHEELER. I would like to ask the gentleman whether or not he also admits or concurs in this proposition, that in the exercise of the taxing power the Government may select the object of taxation and levy taxes upon the amount invested and graduate the tax as to the amount that may be invested.

Mr. CLAYTON. Undoubtedly so. I think the cases I have read from sustain that proposition. I heartily agree with that, and I ask the gentleman from Kentucky, who is a good lawyer, if he does not agree to that proposition? I know he has studied it in connection with the proposition he presented when the Dingley bill was under consideration.

Mr. WHEELER. Yes; unquestionably.

Now, Mr. Chairman, campaign promises are often made to win elections. Political platforms, sometimes fierce in their denunciation, are made not infrequently to further the prospects of parties. If the Republican party is sincere in its determination to meet the public demands and suppress these evils, why longer minimize the subject? Why longer in your campaign books and by your campaign orators say that but a small number of the articles of commerce are produced or controlled by trusts? Why minimize the subject? You do not talk that way when the coal famine is on. You put through a bill suspending your tariff laws on coal. You do not talk that way when the people are hungry for meat; you prosecute the beef trust, or make an attempt at it.

Why deceive people in that way? Why not employ all the Federal power and agencies to meet these evils? Why mystify the subject? Why did you come here in the Fifty-sixth Congress and make learned arguments attempting to show that Congress was without power? Why do you try now to make confusing arguments against using the taxing power? Quit minimizing the evil, and quit mystifying the power of Congress. Come down to business and provide for the use of the taxing power, as well as the commerce power, as has been done in the tariff in the cases I have mentioned.

Quit qualifying your declarations by your chief orators when you denounce the trusts fiercely in one breath, and in another say they must be dealt with "kindly," or you will disturb something. These criminal concerns must be dealt with gently, kindly, if not havoc will occur. The trust magnate that hears that qualification, if he belonged to the feline family, would rub up against that Republican orator, arch his back, and purr like a pet kitten in response to the soothing stroke of a friendly hand. [Laughter on the Democratic side.]

Mr. OLMSTED. Will the gentleman yield for a question?

Mr. CLAYTON. I have but a few minutes. I would like to do it.

The CHAIRMAN. The gentleman from Alabama declines to yield.

Mr. CLAYTON. If the gentleman wants simply to ask a question, I will yield.

Mr. OLMSTED. Only a question. I wish to ask why the Democratic party in 1888, having the Presidency, the House of Representatives, and the Senate, did not deal with the trust question. The report which I hold in my hand, made to the Democratic House by the Committee on the Judiciary, of which Mr. BACON of Georgia was chairman——

Mr. RICHARDSON of Tennessee. Mr. BACON of Georgia was never in the House.

Mr. GAINES of Tennessee. The gentleman from Pennsylvania means Mr. Bacon of New York. And the Republicans joined in that report.

Mr. CLAYTON. We did not have all that power then.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. CLAYTON. Mr. Chairman, I ask five minutes additional.

The CHAIRMAN. Is there objection to extending the gentleman's time? The Chair hears none.

Mr. GAINES of Tennessee. Now, will the gentleman from Alabama, when he resumes, show why the Republicans in this House, in dealing with the trusts, do not invoke the postal power to control the transmission of the mail of the trusts in the States as well as between the States?

Mr. CLAYTON. Because they would hurt the trusts if they did. We broke up the lotteries by denying to them the use of the mails, and we might break up or cripple a whole lot of trusts by a similar exercise of power. But the reason it is not done is plain enough.

Mr. GAINES of Tennessee. They did propose that in the Fifty-sixth Congress, but they have quit doing so now.

Mr. CLAYTON. One thing I can say of the Republican party——

A MEMBER. They stick to their friends. [Laughter.]

Mr. CLAYTON. Yes, the gentleman is right; and I feel like quoting Scripture again in that connection.

Mr. Chairman, this great Republican party has been in power for six years, is it not? Yes, you have been in power, or the trusts have been. [Laughter.]

Mr. OLMSTED. We have no more power now than you had in 1888.

Mr. CLAYTON. You have full power. We did not have it. I confess that my knowledge of evolution and natural history is so limited that I can hardly distinguish the difference between the trusts and the Republican party. [Laughter.] You belong to them, and you know it. You "fry the fat" out of them in every campaign. But there may come a day when platform declarations and campaign promises will not purchase place and power. [Applause on the Democratic side.]

Mr. Chairman, there are some of us who dissent somewhat from the view of the President that trusts are the legitimate result of commercial evolution. We believe that the trusts, as they exist to-day, have come from either some Federal legislation or Federal privilege, permission, or toleration, in cases where Congress has ample power to enact remedial laws. But the trusts are here and we should legislate to control them.

You are backed up by the consolidated and organized greed of the country. The party to which I owe allegiance recognizes all legitimate occupations. It encourages the accumulation of wealth. It is proud of the progress of the country. But it is mindful of the great interests of the wage-earner, the taxpayer, and the small man—the man of moderate means and the consumer. This party believes in the fundamental doctrine of equal rights to all and special privileges to none. It believes we should give every man a fair showing in the race of life. Enforce the laws against trade conspirators and let the era of real happiness come in our industrial progress.

The eloquent gentleman [Mr. POWERS] who opened this debate has spoken entertainingly and regretfully of the growth of socialism. Ah, gentlemen, cease contenting yourselves with deploring that growth. Remember that every time a lamp is lighted in the cottage of the poor a tribute has been exacted and poured into the coffers of the Standard Oil monopoly. Do something. Throw away your artful excuses. Abandon subterfuges and fulfill some of your pretty promises. Avaricious commercialism ought not to continue more and more to control you.

The Government must be not in theory only, but in fact for the people. Constitutional authority you have. When will you cease trifling? We owe it to the country, to ourselves, to humanity, to make effective use of the power to regulate commerce and all other lawful power necessary. Why longer reject the suggestions of the Attorney-General and of your brethren on this side of the House? Let us see to it that justice is done between the very rich and the very poor, and to the great middle class. Most of us here belong to neither of the extremes, but are, I claim, and with becoming modesty I trust, of that great mass of self-reliant, independent people who toil with brain or hand, or with both, and who are at once the bulwark and hope of the perpetuity of American institutions. Let us not be controlled by the trust potentates, who, however commendable it may be, build monuments to their selfish selves in the form of libraries or great universities with corps of sycophantic professors, and who also vainly endeavor to bribe God Almighty by giving magnificent structures of stone called churches.

This is a government in some sort by the States, in another sort by Congress—by the Federal Government—and in its last analysis it is a government by political parties. Speed the day when the party big enough and brave enough will be chosen to enact and enforce legislation to restrain these conspiracies and combinations against the welfare of the people and a party that will, in the language of a great justice of the Supreme Court of the United States, prevent "the submergence of the liberties of the people in a sordid despotism of wealth." [Applause.]

APPENDIX A.

WHAT REPUBLICAN REPRESENTATIVES SAID IN THE FIFTY-SIXTH CONGRESS.

On June 1, 1900, Mr. HAMILTON, of Michigan, said:

This, then, appears to be the conclusion of the whole matter:

1. The States can not control because of lack of unanimity.

2. The Federal Government can not control by interference with matters which belong to State control under present law.

3. Therefore, inasmuch as trade constantly flows beyond State boundaries, there ought to be a Federal law for the control of industrial corporations, which can follow and regulate them always and everywhere.

To this end an amendment to the Federal Constitution is necessary.

On May 31, 1900, Mr. Ray of New York, chairman of the Committee on the Judiciary, said:

NECESSITY FOR THIS AMENDMENT.

As already stated, the necessity for this proposed amendment to the Constitution of the United States arises from the fact that the Supreme Court of the United States, a court to which we all bow with deference, and to which all must bow, has, with but one dissenting voice, held that manufacture and production are not a part of commerce.

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THEREFORE CONGRESS IS POWERLESS.

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NATIONAL POWER NECESSARY.

Congress being powerless and the States impotent, where shall we turn? There is but one answer, and that is: Let the people of the nation through their respective State legislatures confer upon Congress—representing all the people of all the States, all the interests of this grand and mighty Republic—plenary power to define, regulate, prohibit, or dissolve all industrial trusts, monopolies, or combinations, whether existing in the form of corporations or otherwise. Let each State retain all the powers it now possesses and aid or add to Congressional legislation in any way and to any extent not in conflict with national action. The monopolies and combines mentioned injuriously affect all the people of all the States, the industrial interprise and prosperity of nearly every section of every State, and therefore constitute a national evil. It is a matter of national and not of local or State concern alone, and therefore should be and must be dealt with by national power if dealt with effectively. This is the policy and genius of the Government of this Union.

* * * * * * *

THE EFFECTIVE REMEDY.

The only real effective remedy is to give Congress the power to control and, if necessary, repress and dissolve such illegal combinations and monopolies, in whatever form existing. The mails can not be denied them until adjudged illegal, and this will be evaded in many ways. Postmasters can not be made judge and jury and executioner in such cases. And who is to determine, and when, and how, as to what letters may be sent and what stopped? Must the letters of every citizen be opened and read by prying and garrulous postmasters in searching and watching for communications supposed to be sent by a monopoly or an illegal combination? We may harass and annoy under our present constitutional power, but remedy the evils we can not. May it not be that such a power had better not be exercised at all?

THE TRUE COURSE.

I assert that the Congress of the United States should have the power to maintain an open field for honest competition in all industrial enterprise and occupation throughout the entire Union; that in efforts to accomplish this we should not be compelled to act by indirection, or resort to methods of questionable expediency or to legislation of doubtful constitutionality. I assert that when corporations or associations of individuals so conduct their business as to become a menace to the welfare of the people generally throughout this Republic, or in the territory belonging thereto, the Congress of the United States, representing that people and answerable to them, should possess the constitutional power to control, repress, and dissolve the illegal and dangerous organization. [Applause.]

On June 2, 1902, Mr. ALEXANDER of New York, in speaking to the Republican resolution to amend the Constitution said:

Such an amendment is absolutely essential if Congress is to have power to regulate and control monopolies.

In the report on H. R. 10539, known as the Littlefield bill, in the Fifty-sixth Congress, the Republican majority of the Committee on the Judiciary said:

Your committee has carefully considered the various suggestions relative to taxation and the bearing of the tariff upon the question of trusts and monopolies and regard them as entirely without merit. We have also considered the various suggestions that have been made relative to publicity, and while it is perhaps probable that some advantages might result therefrom, we are of the opinion that the inconvenience and disturbance to legitimate industry and business would be very much in excess of any advantage that might reasonably be expected from such legislation, and therefore do not deem it wise to recommend any such legislation.

APPENDIX B.

THE GROWTH OF TRUSTS.

Moody's Manual of Corporation Securities, the accepted authority, gives this list of trusts organized since January 1, 1899, with capital not less than $10,000,000 each.

Trust.	Year organized.	Capital.
Allis Chalmers Co	1901	$36,250,000
Amalgamated Copper Co	1899	155,000,000
American Agricultural Chemical Co	1899	83,600,000
American Beet Sugar Co	1899	20,000,000
American Bicycle Co	1899	36,436,400
American Brass Co	1900	10,000,000
American Can Co	1901	82,426,600
American Car and Foundry Co	1899	60,000,000
American Cigar Co	1901	10,000,000
American Grass Twine Co	1899	13,083,000
American Hide and Leather Co	1899	33,025,000
American Ice Co	1899	41,705,000
American Iron and Steel Manufacturing Co	1899	10,000,000
American Light and Traction Co	1901	12,127,800
American Locomotive Co	1901	50,412,500
American Machine and Ordnance Co	1902	10,000,000
American Packing Co	1902	20,000,000
American Plow Co	1901	75,000,000
American Dynamo Equipment Co	1899	22,000,000
American Sewer Pipe Co	1900	10,235,700
American Shipbuilding Co	1899	15,500,000
American Smelting and Refining Co	1899	900,000,000
American Snuff Co	1900	23,001,700
American Steel Foundries Co	1902	30,000,000
American Window Glass Co	1899	17,000,000
American Woolen Co	1899	49,796,100
American Writing Paper Co	1899	30,000,000
Associated Merchants Co	1901	15,000,000
Atlantic Rubber Shoe Co	1901	10,000,000
Borden's Condensed Milk Co	1899	25,000,000

APPENDIX B—Continued.

THE GROWTH OF TRUSTS—continued.

Trust.	Year organized.	Capital.
Central Foundry Co	1899	$18,000,000
Chicago Pneumatic Tool Co	1902	10,000,000
Colonial Lumber and Box Corporation	1902	15,000,000
Consolidated Railway Lighting and Refrigerating Co	1901	17,000,000
Consolidated Tobacco Co	1901	262,689,200
Corn Products Co	1902	80,000,000
Crucible Steel Co. of America	1900	50,000,000
Eastman Kodak Co	1901	19,673,100
Electric Co. of America	1899	20,238,400
Electric Vehicle Co	1899	18,475,000
Fairmount Coal Co	1901	18,000,000
General Chemical Co	1899	16,821,500
Harbison Walker Refractories Co	1902	25,750,000
International Harvester Co	1902	120,000,000
International Salt Co	1901	33,000,000
International Steam Pump Co	1899	31,150,000
Jones & Laughlin Steel Co	1902	30,000,000
Monongahela River Consolidated Coal and Coke Co	1899	39,470,000
National Asphalt Co	1900	55,563,000
National Carbon Co	1899	10,000,000
National Enameling and Stamping Co	1899	23,838,400
National Fire Proofing Co	1899	12,500,000
National Sugar Refining Co	1900	20,000,000
New England Cotton Yarn Co	1899	15,577,000
New York Dock Co	1901	28,580,000
Pacific Hardware and Steel Co	1902	10,000,000
Pennsylvania Steel Co	1901	34,250,000
Pittsburg Brewing Co	1899	26,000,000
Pittsburg Coal Co	1899	59,731,900
Planters' Compress Co	1899	10,000,000
Pressed Steel Car Co	1899	30,000,000
Quaker Oats Co	1901	11,500,000
Railway Steel Spring Co	1902	20,000,000
Republic Iron and Steel Co	1899	48,204,000
Royal Baking Powder Co	1899	20,000,000
Rubber Goods Manufacturing Co	1899	26,410,015
Standard Milling Co	1900	17,250,000
Steamship Consolidated (Trans-Atlantic)	1902	170,000,000
Union Bag and Paper Co	1899	27,000,000
United Box Board and Paper Co	1902	30,000,000
United Copper Co	1902	50,000,000
United Fruit Co	1899	15,389,500
United Shoe Machinery Co	1899	20,656,575
United States Cast-Iron Pipe and Foundry Co	1899	25,000,000
United States Cotton Duck Corporation	1901	13,100,000
United States Realty and Construction Co	1902	66,000,000
United States Reduction and Refining Co	1901	12,808,000
United States Shipbuilding Co	1902	71,000,000
United States Steel Corporation	1901	1,389,389,356
Universal Tobacco Co	1901	10,000,000
Virginia Iron, Coal, and Coke Co	1899	18,970,000
Total		4,290,805,646

APPENDIX C.

THE STEEL TRUST BOTH A PRINCE AND A PAUPER.

[By Byron W. Holt.]

Unquestionably, our billion-dollar steel trust is the prince of industries. Not only is its capitalization ($1,400,000,000) higher than is that of any other single industry, but it controls, through ownership of stock and "community of interest," many other important iron and steel industries, such as the Bethlehem Steel Company, the Cambria Steel Company, the American Bicycle Company, and the American Can Company, which add about $100,000,000 to the capital controlled. Through its pooling and price-fixing agreements with competing concerns, manufacturing rails, structural steel, steel plates, steel sheets, steel billets, steel bars, wire rope, etc., perhaps $200,000,000 more capital is brought under control, making almost a $2,000,000,000 steel trust.

Disregarding its alliances and affiliations, the value of the trust's yearly product is about $400,000,000, its first year's profits over $111,000,000, and its yearly wage roll about $150,000,000. In many lines, such as wire, tin plates, and bridges, the trust is at present practically the only producer. According to the testimony of its president, it owns 80 per cent of the iron-ore mines of the Lake Superior region, nearly all of the Connellsville coking-coal mines, 1,000 miles of railroad, transports its ore on its own vessels, and produces about 70 per cent of our entire output of steel. Besides, it is by far the largest body of financial water in the world. The estimates on the amount of water vary from $500,000,000 to $1,100,000,000, it being difficult to distinguish between the water of the preferred and the fog of the common stock.

That this prince of industries is also the greatest pauper on earth is an "easy proposition." Surely, an industry that receives governmental aid to the extent of $70,000,000 or $80,000,000 a year has no equal as a pauper. This seems to be a fair estimate of the amount of tariff benefits which it is now obtaining from this country.

Tariff profits of United States Steel Corporation.

Product.	Production.	Duty rate (per cent).	Tariff profit.
Steel rails ..... tons	1,500,000	7.84	$12,000,000
Structural steel ..... do	350,000	11.20	4,000,000
Tin plate ..... boxes	7,000,000	1.50	7,000,000
Wire nails ..... kegs	8,000,000	.50	4,000,000
Barb wire ..... pounds	660,000,000	a $\frac{2}{3}$	2,600,000
Other wire ..... tons	900,000	a 1$\frac{1}{2}$	9,000,000
Tubular goods ..... do	500,000	8.96	4,000,000
Plates and sheets ..... do	1,000,000	+13.44	10,000,000
All other steel ..... do	2,000,000	+ a 1	20,000,000
Total			72,600,000

a Cents per pound.

That these estimates are conservative is evident from the fact that we were both importing and exporting many kinds of iron and steel goods last year, and that generally domestic prices were near the import point. The tariff, therefore, is responsible for about two-thirds of the first year's profits of our greatest trust. The tariff, then, burdens smaller industries with taxes amounting to over $70,000,000 a year, and turns the proceeds over to this giant monopoly. Not only this, but, because this trust's products are sold cheaper to foreigners, this tariff tax puts all our steel-consuming industries at a disadvantage with foreigner competitors. Hundreds of small industries, handicapped in this way, are having the life crushed out of them by this tariff juggernaut.

APPENDIX D.

The mother of all trusts is the customs tariff bill. * * * It is the Government, through its tariff laws, which plunders the people, and the trusts are merely the machinery for doing it.—Henry O. Havemeyer, president of the sugar trust, June 14, 1899.

By the aid of the tariff, manufacturers can fix exorbitant prices in the domestic market.

Shall we continue a tariff on articles that are, in fact, articles of export?

The question this Congress will be called upon to answer is, Will it permit a tariff duty to remain in force to enable a trust to pay dividends on watered stock?—Joseph W. Babcock, member of Congress, chairman National Republican Congressional Committee.

That the great industrial trusts are selling vast quantities of American products abroad at prices far less than those at home, which they exact from their own countrymen, is common knowledge; but it is difficult to obtain the exact figures of foreign sales in such cases, because the manufacturers are unwilling to acknowledge any advantage in prices to foreigners, lest it injure their sales at home, and by the system of discounts on regular prices so universally practiced, it is easy to conceal the facts. It was only by advertising in the New York World a reward of $100 that the Democratic Congressional Committee succeeded in obtaining some of the export price and discount lists, from which and from other reliable evidence the following statement is made up. It is believed to be entirely trustworthy.

Tariff-trust prices at home and abroad.

Article and description.	Export price.	Home price.	Per cent of difference.
Acetylene gas generator:			
Colt, 10-light ..... each	$40.00	$55.00	37
Ammunition caps:			
BB round ..... per 1,000	1.03	1.49	43
Central fire, 32 long, Colt's ..... do	6.48	9.00	40
Rim fire, 22 long ..... do	2.16	3.00	39
Primed shells, 21 short ..... do	.72	1.53	112
Borax:			
City refined ..... per pound	.02½	.07½	210
Carbide:			
Lump ..... per ton	55.00	70.00	27
Chucks:			
Skinner's standard drill, No. 100	3.09	4.90	58
Skinner's ind. lathe, F, 12-inch ..... each	15.88	24.00	51
Union Manufacturing Co., ind., No. 18, 10-inch ..... each	10.20	16.60	63
Union Manufacturing Co., face plate jaws, No. 48, 8-inch ..... 4 set	23.52	39.00	66
Harness snaps, Covert's:			
"Trojan" loop, 1¼-inch ..... per gross	2.40	3.23	35
"Derby" loop, 1-inch	1.68	2.24	33
"Yankee" roller, 1¼-inch XC breast strap	1.00	1.37	37
Lead, pig ..... per 100 pounds	2.00 to 2.50	3.97½	58-98
Meat choppers:			
Enterprise, No. 5 ..... each	.75	1.04	39
Enterprise, No. 10 ..... do	1.14	1.56	37
Enterprise, No. 22 ..... do	1.51	2.08	38
Enterprise, No. 32 ..... do	2.25	3.12	38
Nails, wire, base price ... per 100 pounds	1.30	2.05	58
Piano, Bradbury ..... each	300.00	375.00	25
Playing cards, Bicycle ..... per gross	12.35	25.65	108
Powder:			
Duck, in canister, pound .. per pound	.37½	.45	20
Duck, in 25-pound kegs ..... do	.24⅝	.32	30
Indian rifle, in 25-pound kegs, FFFg, etc ..... per pound	.11⅛	.16	37
Smokeless, in 25-pound kegs ..... do	.37½	.48	27
Rakes, malleable iron shanks:			
10-inch ..... per dozen	1.18	1.50	27
12-inch ..... do	1.28	1.60	25
14-inch ..... do	1.39	1.75	26
16-inch ..... do	1.50	1.85	23
Sad irons, BB, in cases ..... per pound	.02¼ to .03½	.03½ to .04	25
Saws, Disston & Sons:			
Band—			
2½-inch, gauge 18 ..... per foot	.21	.34	62
10-inch, gauge 18 ..... do	1.25	1.54	23
Hand—			
No. 12, 24-inch ..... per dozen	14.82	18.04	22
No. 16, 24-inch ..... do	11.97	14.57	22
No. 107, 24-inch ..... do	10.83	12.30	13
Sewing machines:			
Domestic, No. 1 ..... each	13.25	20.00	59
Domestic, No. 4 or 9 ..... do	17.48	25.00	43
Shovels:			
Barter, socket strap ..... per dozen	5.83- 6.52	7.50- 8.41	29
Rowland, plain back ..... do	5.12- 5.83	6.75- 7.00	29
Tin plates, Bessemer ..... per 100 pounds	3.19	4.19	31
Typewriters, Remington, and others, each	55.00-65.00	100.00	54-82
Wire, barb:			
Galvanized ..... per 100 pounds	2.25	2.90	29
Painted or varnished ..... do	1.86	2.60	40
Wire, plain, fencing ..... do	1.37½	2.00	45
Wire, plain, galvanized:			
Gauge 4 to 9 ..... do	1.54	2.70	75
Gauge 10 to 11 ..... do	1.62	2.97	83
Gauge 12 ..... do	1.76	3.10	76
Gauge 13 to 14 ..... do	1.81	3.37	85
Gauge 15 to 16 ..... do	2.08	3.78	81

Tariff-trust prices at home and abroad—Continued.

Article and description.	Export price.	Home price.	Per cent of difference.
Wire, plain, galvanized—Continued.			
Gauge 17 ..... per 100 pounds	$2.46	$4.05	65
Gauge 18 ..... do	2.63	4.32	64
Wire rope:			
Galvanized, 2½ inches circumference, per 100 feet	3.12	9.70	211
1 inch circumference ..... per 100 feet	.72	2.60	261

The progress of work on shipbuilding in the United States has largely been retarded because makers of steel material required a higher price from the American consumers than they did from the foreign consumers for substantially the same products.—*United States Bureau of Statistics, Commerce, and Finance, August, 1900.*

Borax, 7¼ cents in America, 2½ in England; duty, 5 cents.

The present price of American borax in England is obtained from Mr. Ernest L. Fleming, an importing manufacturer and exporter of borax, soda, etc., of Weaverham, Cheshire, England. Mr. Fleming was accused of attempting to defraud the Government by importing borax (duty, 5 cents per pound) as "washing crystal" (duty, 25 per cent, or about one-fourth cent per pound). He came to this country to test the matter, and in July, 1902, was arrested, tried, and exonerated of the charge. He was greatly astonished to see the close connection here between the Government and the trusts. He writes, August 15, 1902:

"The present price of borax (refined) in England is 2½ cents a pound. In America it is 7¼ cents per pound—just the difference of the tariff, 5 cents per pound. Hundreds of carloads in the United States are used every week, no less than 66 different trades being dependent, more or less, on this one article. The trust makes $1,250,000 profit per annum out of the people of the United States."

Mr. Schwab said: "It is quite true that export prices are made at a very much lower rate than those here. * * * I think you can safely say this, that where large export business is done—for example, in the line of iron and steel—nearly all the people from whom supplies are bought for that purpose give you a good price for the materials that go into export; railroads will, in most instances, carry them a little cheaper for you, and so on all down the line."

Q. "Is it a fact generally true of all exporters in this country that they do sell at lower prices in foreign markets than they do in the home market?"

A. "That is true, perfectly true." (Charles M. Schwab, president Steel Trust, testimony before Industrial Commission.)

Steel rails for export.

The New York World of April 9, 1901, contained the following:

Mr. Charles Thulin, a Pennsylvania contractor, recently secured a contract to supply rails for Russia's great Siberian railway. He asked the leading Steel Trust companies here for bids. They all asked him about $35 per ton, with freight to be added. Mr. Thulin went over to England, sublet his contract to an English firm, and one of the same companies that had asked him $35 plus freight here sold the rails at $24 a ton delivered in England to the English subcontractor. * * *

APPENDIX E.

THE FARMERS AND THE MANUFACTURERS.

[By Henry Loomis Nelson.]

Comparing the statistics of the census year 1870 and 1900, we find that the number of farms had a little more than doubled; that the average farm value had slightly increased, and that the value of the farm products had a little less than doubled. But when we come to the manufacturing interests, those which are largely benefited by the tariff taxes imposed on the farmers, the merchants, the professional classes, and the wage-earners in other pursuits, we find an astounding tale of gain and profit. Those who are occupied in manufacturing (employers and employed) constitute a little more 24 per cent of the population engaged in gainful pursuits.

In 1860 there were in the United States 140,433 manufacturing establishments, and in 1900 there were 512,734 such establishments. In the meantime the number of employees had increased from 1,311,246 to 5,719,137, and their wages and salaries from $378,878,966, or $289 per capita, to $2,735,431,000, or $478 per capita. While there was this generous advance in wages and salaries, there was an increase in the value of the product of the manufacturing establishments of nearly 600 per cent.

The manufacturers will say that this prosperity is due to the protective tariff, and, while this is not wholly true, we may admit it for the moment; for we want especially to inquire what these favored 24 per cent of our people have done in return for the generosity of the 76 per cent who have taxed themselves that the manufacturers might prosper, and who have paid to the Government in order to furnish this protection more than $700,000,000, which the Government has squandered in war, besides other sums.

In 1897 we were paying from $10.25 to $11 for Bessemer pig; to-day we are paying from $21.75 to $22.50. In 1897 we paid $15.50 for steel billets; to-day we pay $34 to $35. Steel rails were down to $18 in 1897; to $17.50 in 1898; they were up to $35 in 1900, and have been fixed at $28 since early in 1901.

We are not receiving any of the benefits of this protection-fostered prosperity. We are paying more for our tin plates used in canning, roofing, and for various domestic purposes, although by our self-taxation we have helped the manufacturer to a prosperity which is measured by our annual production of nearly 900,000,000 pounds of this useful article.

The total expenditure for food, clothing, meats, and miscellaneous per capita increased from $75.50 in 1897 to $102 in 1901. In 1902 we find government more expensive to each one of us than it has been since the civil war; that living costs us more than it did five years ago, and that the protected manufacturers alone have abounded in prosperity—a prosperity which they have not shared with their fellow-citizens.

APPENDIX F.

Hanna points to what he terms the present prosperous condition of labor as the result of trade combinations. Why, the proposition is absurd! Trusts are not formed for the purpose of helping the laborers, but for the purpose of getting larger profits out of investments.—*Ex-Senator Washburn, of Minnesota.*

PRICES AND WAGES.

[By Byron W. Holt.]

Reign of protected trusts brings high prices and low wages.

The census bulletins on manufactures have been published for 33 States and Territories. They include all of the New England and Southern States

except Massachusetts, Virginia, and Kentucky, and all of the States west of the Mississippi River except Texas, California, Washington, and Minnesota. New Jersey and Delaware are also included.

According to the statistics of these 33 States, 1,004,590 wage-earners received an average of $418.48 each per year, or $1.39 per day, in 1890; and 1,463,365 wage-earners in these same States received an average of $387.53 each per year, or $1.29 per day, in 1900. The day wages of the average earner, in manufacturing industries in these States, then declined from $1.39 to $1.29, or 6 per cent, from 1890 to 1900. Dun's Review, of January 4, 1902, contains tables based upon quotations for 350 articles, with due allowance for the relative importance of each, showing that the cost of living is now greater in this country than ever before. The following are some of Dun's "index" figures:

	January 1, 1890.	July 1, 1897 (low).	January 1, 1900.	January 1, 1902.
Breadstuffs	$13,765	$10,587	$13,254	$20,002
Meats	7,620	7,529	7,258	9,670
Dairy and garden	12,675	8,714	13,702	15,248
Other food	9,935	7,887	9,200	8,952
Clothing	14,845	13,808	17,484	15,547
Metals	16,240	11,642	18,085	15,375
Miscellaneous	15,111	12,288	16,312	16,793
	90,191	72,455	95,295	101,587

The totals show that the cost of living was 6 per cent greater in 1900 than in 1890, 31 per cent greater in 1900 than in 1897, and 40 per cent greater in 1902 than in 1897.

If, as most trust promoters and defenders proclaim, trusts cheapen production and lower prices, the cost of living should be lower now instead of higher than ever before. It is rather unfortunate for the trusts and their friends that the great rise in prices should correspond exactly with the great growth of trusts. Nearly half of these trusts were formed during 1899, the year of the greatest advance in prices. The index number for prices which stood at 80,423 on January 1, 1899, rose to 95,295 on January 1, 1900. More trusts (including the greatest of all) have been formed since June, 1899; and prices have still further advanced.

These facts should silence forever the claims that trusts justify their existence by the lower prices which they give us. Trusts may, and probably do, lower the cost of production; but this is a very different thing from lower prices to consumers. It is undoubtedly true that these trusts are selling their products to foreigners at unusually low prices. They are, however, protected in our markets by tariff duties averaging, on manufactured goods, including prohibition duties, about 75 per cent. Often they charge us 50 to 100 per cent more than they charge foreigners for the same goods.

APPENDIX G.

DATA IN RE TOTAL NUMBER OF BUSINESS CORPORATIONS IN THE UNITED STATES.

Careful examination of Moody's Manual of Corporation Securities shows that the total number of corporations in the United States with a capitalization of $200,000 or over is 5,379.

The vast majority of these corporations have a capitalization far up into the millions.

This count has left out of consideration all corporations classed under the heads of charity, religious, benevolent, hospital, medical, surgical, hygienic, educational, for promotion of the useful arts, scientific, literary, musical, and public entertainment.

It appears that 1,411 of these industrial corporations have been amalgamated or merged into larger corporations, such as are popularly denominated "trusts."

Investigation of the reports of the State of New Jersey alone shows that for the year 1901, on industrial corporations alone, exclusive of railways, canals, etc., chartered or doing business within that State, a tax was levied and collected on the aggregate of $4,955,934,803.80 of capital stock.

In Massachusetts a tax was levied and collected on the capital of the industrial group of corporations alone aggregating $316,782,833 for the year 1901.

These States serve as illustrations. The other States do not publish similar reports.

West Virginia, which does a large business in chartering corporations, levies a "per capita" tax on the number of corporations, making each one pay a license per annum of, say, $50 or $100, with reference to the capitalization of each.

APPENDIX H.

The report of the Commissioner of Internal Revenue for 1901, page 4, gives a schedule of articles and occupation subject to special tax under the internal-revenue laws in force after July 1, 1901. On page 7 of the same report the tax on legacies and distributive shares of personal property is stated.

Table E, beginning on page 376 of the same report, shows receipts from specific and general sources of internal revenue, including special and occupation taxes for fiscal years from 1863 to 1865, ending June 30.

Especial attention is called to page 390, showing the special taxes collected from bankers, brokers, and others, and from legacies. On page 392 there is a recapitulation of receipts from general and special sources, including occupation taxes under the internal revenue, the amounts collected under existing laws, and the amount collected under laws which have since been repealed.

Beginning on page 70 of the same report the decisions of the United States Supreme Court and other courts are given, upholding the stamp tax on transactions denominated as "calls," stamp taxes on memorandum of stock transactions, legacy taxes, tax on the business of sugar refining, stamp tax on plasters, stamp tax on fermented liquors, special stamp tax on wholesale liquor dealers, 10 per cent tax on bank note circulation, stamp tax on dramshop bonds given by saloon keepers under State laws, etc.

Mr. LITTLEFIELD. I yield thirty minutes to the gentleman from Iowa [Mr. THOMAS].

Mr. THOMAS of Iowa. Mr. Chairman, I had hoped that this discussion might proceed on nonpartisan lines. This bill certainly presents a nonpartisan question. The trust question, as it is now before the House, is a question that interests the entire people of this country. Nearly all parties agree that we need some legislation to curb the great and growing influence of the trusts. This being true, I had hoped that we might proceed with this discussion on such lines as would avoid personalities and partisanship. But in that we have been disappointed.

So far as this discussion has proceeded on this side of the House, I am pleased to know that my associates have confined themselves to a consideration of the questions presented by this bill in a respectful and nonpartisan manner. But I can not say so much for our friends on the other side.

For several days we have heard discussions from the other side of the House on the subject of trusts and trust legislation; and these consisted very largely in denunciations of the Republican party and the course that party has pursued in dealing with the subject.

The Republican party has been arraigned in these discussions in the severest terms. In fact, Mr. Chairman, the gentleman from Alabama, who has just preceded me, has, in one particular, without intending it, I venture to say, given to the Republican party a compliment when he declared in a loud and sonorous strain that it is a party of evolution; and he then went so far even as to say that it has passed the monkey stage.

I wish I were able to say as much for the Democracy. [Laughter.] It has not advanced that far; it is still dancing to the music of the hand organ and holding out its plate with faint hopes that the people will forget its career of incompetency and drop in a pittance to sooth its troubled mind. [Applause and laughter on the Republican side.] True, the Republican party is the party of evolution. Ever since it has been organized it has been going forward, taking up questions of importance as they have arisen, and has dealt with them in the interests and for the welfare of the American people. In this regard I say it is the party of evolution.

Mr. Chairman, I realize the fact that difficulties necessarily arise in the enactment of legislation of the kind proposed by this bill. There are necessarily differences of opinion, and in order to have any legislation upon a subject of this nature, to a certain extent, there must be compromises and yieldings of individual opinions. We can not expect to have incorporated in any bill of this nature measures which will met our entire individual views.

I am free to say that I do not agree with all of the provisions of the bill now under consideration, and I apprehend that that is true of each member of the committee who reported this bill; but in order to arrive at some legislation it was necessary that each of us should yield some of our individual opinions in order to reach some conclusion and present a bill as effectual as possible for the consideration of this House. The gentleman who has preceded me [Mr. CLAYTON], and also other gentlemen from the Democratic side of the House, have charged the Republican party with insincerity and bad faith in dealing with the trust question. They have charged the Republican party with being derelict in duty in its failure to enact adequate legislation prior to this time for the purpose of controlling the operation of the trusts that are growing up in this country.

Mr. THAYER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. THOMAS of Iowa. Yes.

Mr. THAYER. If that accusation is not substantially true, what answer has the gentleman to make to the bill which we passed here in the Fifty-sixth Congress, and the constitutional amendment which we passed here, but which failed to pass the other House, which was overwhelmingly Republican?

Mr. LITTLEFIELD. Mr. Chairman, one moment. What is the gentleman's suggestion about the constitutional amendment?

Mr. THAYER. I spoke loud enough so that both of the gentlemen could hear, if they paid attention.

Mr. LITTLEFIELD. I know, but I understood the gentleman to say that the constitutional amendment passed this House. Is that the gentleman's recollection of it?

Mr. THAYER. Yes.

Mr. LITTLEFIELD. On the contrary it did not pass this House, because the Democrats, all except the gentleman and two or three others, voted against it, and therefore it did not get anywhere.

Mr. THAYER. Well, how about the bill?

Mr. LITTLEFIELD. Oh, yes.

Mr. THOMAS of Iowa. Mr. Chairman, I did not yield for a discussion of this kind. I only yielded to the gentleman from Massachusetts for a question.

The question of the gentleman from Massachusetts, I apprehend, needs no further answer. When interrupted I was about to state that denunciations were made of the Republican party because of its alleged failure to enact proper legislation for the regulation of trusts. What has the Democracy ever done on this subject to entitle it to the rôle of censor of the Republican party? What has the Democracy ever proposed? The Democratic party was at one time in power while these trusts were growing up, and in view of the loud declamations that the Democrats have made on the floor of this House in extolling their own virtue and in denouncing the action of the Republican party, I do not believe it is out of place here to refer briefly to a short record of the Democratic party upon this question. I think it is proper now and here to answer in this way some of the assertions and

charges made by the opposition against the Republican party, to show their own record and to show their insincerity in what they are urging at this time.

Mr. THAYER. Mr. Chairman, I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield?

Mr. THOMAS of Iowa. For a question, yes.

Mr. THAYER. Is not the gentleman satisfied in his own mind that if this bill passes this House, as presented by the committee, it never will become a law, because it will not be passed by the Senate?

Mr. THOMAS of Iowa. I am not so informed.

Mr. THAYER. Has not Mr. HANNA substantially said that, when he stated that the only legislation to be had would be the attachment which he had put onto the commerce and labor bill; that that was the only legislation to be passed?

Mr. THOMAS of Iowa. I am not advised that he has so stated. I do not think that he has so stated.

Mr. THAYER. It is so reported.

Mr. THOMAS of Iowa. It may have been reported, but I am constrained to believe that the whole report comes from a Democratic source and is therefore necessarily unreliable. [Applause and laughter on the Republican side.] I started out here by saying that I proposed to show the Democratic record upon this question. In 1888 the Democrats had control of the House. They had a Democratic President. In that Congress they proposed to take up this question of the trusts. They went right into the "trust-busting" business and proposed to effect a remedy for what they themselves declared to be a great and growing evil.

Mr. Bacon, the chairman of the Committee on Manufactures, a Democrat, asked that that committee be authorized to investigate the trust question and to report to the House such measures as the committee might deem necessary and practicable, to carry out the purposes of the resolution.

In the time allotted to me in this discussion I will not attempt to read this resolution, but will here insert it in my remarks, to be printed in the RECORD:

Mr. Bacon, from the Committee on Manufactures, submitted the following, which was agreed to:

"Whereas it is alleged that certain individuals and corporations in the United States engaged in manufacturing, producing, mining, or dealing in some of the necessaries of life and other productions, have combined for the purpose of controlling or curtailing the production or supply of the same, and thereby increasing their price to the people of the country, which combinations are known as associations, trusts, pools, and like names; and

"Whereas such combinations not only injuriously affect commerce between the States, but impair the revenues of the United States as derived from its duties on imports: Therefore,

"*Resolved*, That the Committee on Manufactures be, and the same is hereby, directed to inquire into the names and number and extent of such alleged combinations under whatever name known, their methods of combination or doing business, their effect upon the prices of any of the necessaries of life and of all productions to the people of the country, upon its internal or foreign commerce, and its revenue from import duties, together with any and all other matters relating to the same which may call for or suggest legislation by Congress, and report the same to the House with such recommendations as the said committee may agree upon.

"And for these purposes the Committee on Manufactures is authorized to sit during the sessions of the House, to employ a stenographer, to administer oaths, examine witnesses, compel the attendance of persons and the production of papers. And the expense of such investigation shall be paid out of the contingent fund of the House."

That resolution was passed on the 25th day of January, 1888. That committee was invested with all the authority to investigate the trusts and recommend to the House proper legislation that could be conferred by the House of Representatives. In March following they commenced their investigation. They commenced it in earnest. They commenced investigating the two greatest trusts in the United States—the sugar trust and the Standard Oil trust. They took about 1,000 pages of testimony, as here set out in the reports I have before me, in investigating these two trusts, and they came to the conclusion that they were very bad trusts indeed, and we will agree with them in that.

Mr. ROBB. I should like to ask the gentleman if it is not a fact that the trust question was not considered of the importance in 1888, either in the States or in the Nation, that it is now and has been since that time, and further, if it is not a fact that the very first State that passed any State legislation in the form of antitrust laws was in 1889?

Mr. LITTLEFIELD. After they had been advised to do so by the Republican national platform, do you mean?

Mr. THOMAS of Iowa. I will answer the gentleman's question by reading briefly from the report of that committee, which I have right here.

The Committee on Manufactures respectfully report—

And I will say that this report was made in July, 1888—

that, acting under the authority and direction of a resolution of the House passed on the 25th day of January, 1888, they have proceeded to investigate and inquire into the matters and things referred to in said resolution. and having examined witnesses and papers in relation thereto, they have been unable to complete such inquiry and investigation, and respectfully report the following resolution, with the recommendation that it do pass.

* * * * * * *

Your committee further report that the names of various combinations and trusts have been from time to time furnished to your committee; that the number of such combinations is very large, and that your committee in calling witnesses and taking testimony have proceeded upon the following plan of investigation:

Then they proceeded to state the plan of investigation, and after stating the form of the combinations they further said:

This form of combination was obviously devised for the purpose of relieving the trusts and trustees from the charge of a breach of the conspiracy laws of various States, or of being a combination to regulate or control the price or production of any commodity. Hence they assert that the corporations themselves which control and regulate the price of commodities remain with their organization intact and distinct, and not in combination with each other.

I will not read the entire report, but for the information of the House I will here insert the entire report that it may be printed in the RECORD:

[House Report No. 3112, Fiftieth Congress, first session.]

The Committee of Manufacturers respectfully report that, acting under the authority and direction of a resolution of this House passed on the 25th day of January, 1888, they have proceeded to investigate and inquire into the matter and things referred to in said resolution, and having examined the witnesses and papers in relation thereto they have been unable to complete such inquiry and investigation, and respectfully report the following resolution, with the recommendation that it be passed:

(Your committee further reports that the names of various combinations and trusts have been from time to time furnished to your committee; that the number of such combinations is very large, and that your committee in calling witnesses and taking testimony proceeded upon the following plan of investigation, i. e., to inquire)—

(1) With relation to trusts or combinations in lines of business which are connected with or use articles in which there exist a competition in our markets between the domestic product and the foreign product imported and dutiable under our tariff laws.

(2) With relation to such combinations dealing in articles which are not imported into this country or are not subject to import duties.

(3) With relation to such combinations dealing in articles which are subject to taxation under the internal-revenue laws of the United States.

Your committee has particularly directed its inquiry into the methods of and the extent of the business done or controlled by the sugar trust and the Standard Oil trust, and respectfully submits herewith the testimony taken before it in relation to these two trusts.

In submitting this testimony your committee desired to call the attention of the House to the form of organization of these two trusts. Both of them are organized upon substantially the same plan. From the testimony it appears that there exists a certain number of corporations organized under the laws of the different States and subject to their control; that these corporations have issued their stock to various individuals, and that these individual stockholders have surrendered their stock to the trustees named in the agreement creating these trusts and accepted in lieu thereof certificates issued by the trustees named therein. The agreements provide that the various corporations whose stock is surrendered to the trustees shall preserve their identity and carry on their business. In the sugar-trust agreement the provision is that the several corporations shall maintain their separate organizations and each shall carry on and conduct its own business.

In the Standard Oil trust agreement it is provided that all property, real and personal, assets, and business shall be transferred to and vested in the said several companies. The duties of the trustees are restricted to the receipt of the dividends declared by the various corporations and the distribution of the aggregate of them to the holders of the trust certificates, pro rata, and to holding and voting upon the stock of the corporation. The trustees in both cases, upon the stand as witnesses, specifically denied that the trustees, as such, ever do any other business than to receive and distribute these dividends and exercise the only other function given to them by the trust agreements, that is, to hold the stock of the various corporations and exercise the right of stockholders in such corporation.

The care with which the trustees avoid making any agreement relating to commodities appears from the testimony as to the arrangement made with the Oil Producers' Association in the fall of 1887. The officers of the Producers' Association testified that an arrangement was then made with the Standard Oil trust by which 5,000,000 barrels of oil belonging to the Standard Oil trust were set apart for the benefit of the association, upon its agreeing to curtail the production of crude oil at least 17,000 barrels per diem. These witnesses undoubtedly understand that their arrangement was with the trustees of the Standard Oil trust. But the written agreement produced, and now in evidence, shows that it was made with and is signed by the Standard Oil Company of New York, one of the companies whose stock is held by the trustees, and that the Standard Oil trust or the trustees thereof, as such, are not parties to it, nor is either of them responsible for the carrying out of that agreement.

This form of combination was obviously devised for the purpose of relieving the trusts and trustees from the charge of any breach of the conspiracy laws of the various States, or of being a combination to regulate or control the price or production of any commodity; hence they assert that the corporations themselves, which control and regulate the price of commodities and the extent of production and have tangible property, remain with their organization intact and distinct, and not in combination with each other; that the stockholders, who owned only the stock, and by well-settled legal rules had no legal title in the property of the corporations, entered into the agreement and sold their stock in the corporation and accepted in payment trust certificates, and that the trustees receive and hold only the stock of corporations, and have no legal title to any of the property of the corporation, and neither buy nor sell anything nor combine with anyone to fix prices or regulate production of any commodity.

Your committee has deemed it proper to call attention to this feature of these combinations because it is believed that it will be found that all trade combinations having similar aims either have adopted this method or speedily will do so, and also, because the legislation which has been proposed to this House and referred to your committee has been directed against combinations to fix the price or regulate the production of articles of merchandise or commerce. It is plain that the two combinations, the testimony concerning which is herewith submitted, have been intentionally formed so as to avoid, if possible, the charge that the trust, as such, or the trustees, in that capacity, either fixed the price or regulated the production of any article of merchandise or commerce.

Complaint having been made to him by citizens of the State of New York against the sugar trust and one of the corporations whose stock it holds, the attorney-general of the State has, after hearing, directed prosecutions to be commenced against that trust and the corporation complained of, upon grounds which are set forth in an elaborate opinion, which is submitted as

part of the evidence in relation to that trust, and as containing a careful statement of the law of that State so far as it affords any remedy against such trusts.

Mr. OLMSTED. Will the gentleman permit me? That was an interlocutory report. I will ask him if he will read, or permit me to read, the final report?

Mr. THOMAS of Iowa. I intend to refer to the final report. After making this report—and remember that it was made just before the adjournment of the first session of that Congress—the committee was then continued by resolution of the House and directed to continue their investigation, and they continued to investigate and investigate the trusts, until they had investigated two other trusts, namely, the whisky trust and the cotton-bagging trust.

Mr. LITTLEFIELD. Local trusts, like.

Mr. THOMAS of Iowa. And in their report they state that they find that nearly all other trusts in this country are organized on the same lines as the Standard Oil trust and the sugar trust. Continuing this investigation up to the 3d day of March, 1889, just before the death of that Congress, and just before the Democrats went out of power, they made their final report, and I will read it.

Your committee respectfully submit herewith the testimony taken before them in relation to the whisky trust and the combination affecting the article of cotton bagging. Your committee believe that the testimony heretofore submitted to the House, and that which accompanies this report, discloses the nature, form, and causes of trusts and combinations, and that all others in existence are formed in substantially the same way as those referred to in such testimony. They respectfully report that the number of combinations and trusts formed or forming in this country is, as your committee has ascertained, very large, and affects a large portion of the important manufacturing and industrial interests of the country. They do not report any list of these combinations, for the reason that new ones are constantly forming and that old ones are constantly extending their relations.

Mr. LITTLEFIELD. That was in 1888?

Mr. THOMAS of Iowa. That was in 1889—on the 3d day of March.

Mr. THAYER. 1788 or 1888?

Mr. THOMAS of Iowa. 1889.

Mr. THAYER. I thought it was in 1788.

Mr. THOMAS of Iowa. Well, the history of the Democratic party remains the same from year to year, so that it is entirely immaterial, I submit, whether it was 1788 or 1888. [Applause on the Republican side.] Its history is so ancient that a discrepancy of dates of a hundred years is of but little moment.

Mr. THAYER. Can not you get down to less than fifteen or twenty years ago and find something that the Democrats have done or failed to do?

Mr. THOMAS of Iowa. They have not done anything in modern times except to make a few blots and blurs on our bright pages of history.

Mr. THAYER. They have not had the ability to do anything. They have not been in power anywhere.

Mr. MANN. We will admit they have not had the ability.

Mr. THOMAS of Iowa. We will get into modern history presently, if the gentleman will just hold himself for a few moments.

Mr. LITTLEFIELD. If he will keep on the ground, like.

Mr. THOMAS of Iowa. It will be necessary for me to repeat a little—in order to get the context—reading from this report:

They respectfully report that the number of combinations formed and forming in this country is, as your committee has ascertained, very large, and affects a large portion of the important manufacturing and industrial interests of the country.

They do not report any list of these combinations, for the reason that new ones are constantly forming and that old ones are constantly extending their relations so as to cover new branches of business and invade new territories.

That is, I believe, a sufficient answer to the gentleman from Missouri [Mr. ROBB].

Mr. ROBB. Will the gentleman allow me to ask him another question?

Mr. THOMAS of Iowa. Now, here is the culmination of the whole report.

Mr. GILBERT. What did the succeeding Republican Congress do along the same line?

Mr. THAYER. Nothing.

Mr. THOMAS of Iowa. Just wait until I get to that and I shall answer the gentleman to his complete satisfaction. Here I will read the culmination of the whole thing. Here is the conclusion of that committee that had been appointed by a Democratic House for the purpose of investigating the trust question and reporting some suitable and practical measure to the House for its action. It was approaching the end of that Congress. The Democracy was about to pass out of power and the Republicans were coming into power. A Republican Congress and a Republican President had already been elected. Here is what the committee says in its final statement and in ending its year's work, as a last expiring message to the American people:

Your committee further reports that, owing to the present differences of opinion between the members of the committee they limit this report to submitting to the careful consideration of subsequent Congresses the facts shown by the testimony taken before the committee.

Mr. LITTLEFIELD. They fainted away, and turned it over to the Republicans.

Mr. THOMAS of Iowa. They acknowledged their incompetency to deal with the question, and as they were going out of power they handed their books over to the Republicans, who were now coming into power, and saying "There is the evidence showing up these trusts; we can not deal with it; now take it up and enact such legislation, not as we recommend, as we are unable to recommend anything, but such legislation as you may find applicable to the case." That was the recommendation of the Democratic committee to a Democratic House just as it was going out of power.

Mr. ROBB. Now, if the gentleman will allow me——

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Missouri?

Mr. THOMAS of Iowa. Yes, sir.

Mr. ROBB. If the trusts were oppressing the people in 1888, or had the power to oppress them in 1888, as they have now and have had since that time, how do you account for the fact that no State in the Union had deemed it necessary to pass any State law against trusts? How do you account for the fact that the laws enacted by the State legislatures for the purpose of suppressing trusts have been enacted since 1889?

Mr. THOMAS of Iowa. I want to say to the gentleman from Missouri that the Republican platform of 1888 declared against trusts, and recommended to Congress and to the several State legislatures the enactment of adequate legislation for the complete control of trusts.

Mr. THAYER. You have had twenty-five years to carry out that platform and never did it.

Mr. THOMAS of Iowa. Wait until I answer the gentleman from Missouri. In pursuance of that, half of the States in the Union took up the question and enacted legislation more or less drastic in favor of controlling the trusts.

Mr. GILBERT. Was that the same platform in which the Republican party denounced the Democrats in this House for the demonetization of silver?

Mr. THOMAS of Iowa. Well, I do not propose, Mr. Chairman, to be led away from the line of discussion, but I may come to that.

Mr. GILBERT. Was not that in the same platform?

Mr. THOMAS of Iowa. I will come to the facts about that in a moment if the gentleman will just be quiet.

Mr. LITTLEFIELD. You do not want to resurrect a dead issue.

Mr. THOMAS of Iowa. That is too dead to refer to. I may perhaps refer to it further along in my remarks, if time will permit.

Mr. THAYER. You are not supposed to be very accurate about such ancient history.

Mr. THOMAS of Iowa. The Congress that then came in—the Congress that came in on the 4th of March, 1889—immediately upon the organization, took up the trust question, and the outgrowth of that is the Sherman antitrust law which was placed upon the statute books.

Mr. LITTLEFIELD. The first bill in the Senate.

Mr. THOMAS of Iowa. I want to refer to another matter with reference to the passage of the Sherman antitrust law that has been referred to by the gentleman who preceded me [Mr. CLAYTON]. It is true, as he stated, that when that bill came up for final passage in the House the Democrats, as well as the Republicans, voted for it; but it is also true that before it came to a final vote they tried to side track it by substituting a free-silver measure instead of the bill, and, having been defeated in that and brought to a vote on the bill as it came from the Senate, they voted for it. It is not much to their credit that, after having tried in the House to defeat the Senate bill by substituting a bill on another subject and failed, and then having been brought right up against the real thing, to oppose or support the measure, they voted for it.

This is the fact, and this is a part of the history of the Democratic party upon this question. Let us go a little further into this investigation. By the election of 1892 the Democrats came into power. They had control of all the branches of the Government—the legislative and the executive. They had control of the Senate and the House of Representatives, and during that time you did not hear the trust question mentioned by them. They were dealing with other matters. They were dealing with the Wilson bill; and I admit here and now publicly that they did do a good deal in suppressing the trusts, not with any particular purpose of going into the "trust busting," but they did so only because the policy they put in operation had its influence in prostrating all industries alike.

Mr. LITTLEFIELD. And all other kinds of business. [Laughter on the Republican side.]

Mr. THOMAS of Iowa. They did enact the Wilson free-trade

mongrel tariff act, and I admit that as a result the trusts to a certain extent were suppressed, but, at the same time, in equal proportion, they suppressed every other industry in the United States. It is one of the black periods in the history of this country, that period when the Democratic party had supreme control over all the legislative branches of the Government.

We are not afraid to review the history of the two parties upon this question and compare them, the one with the other. We believe that when we take such review there is no question but that the Republican party will stand out bright before the American people; that it will stand out as the party that has in every crisis stood for the best interests of humanity and for the best interests of good government. In fact, there has not been a law written upon our statute books for the last fifty years that is worth reading that has not been written there by the Republican party. [Applause on the Republican side.]

Mr. ROBB. Will the gentleman yield for a question?

Mr. THOMAS of Iowa. Yes.

Mr. ROBB. I want to ask if it is not the fact that during the Democratic Administration which the gentleman is talking about there were not more prosecutions instituted under the Sherman antitrust law than in any preceding or succeeding administration?

Mr. THOMAS of Iowa. I do not know how that is; but we know that there were no great results from them, whether there were many prosecutions or not. [Laughter and applause on the Republican side.]

Mr. ROBB. Does the gentleman consider the decision in the Addyston pipe case not a result from the prosecution that was instituted during that Democratic Administration?

Mr. THOMAS of Iowa. I do not know when that was instituted.

Mr. LACEY. Will the gentleman from Iowa allow me a suggestion?

Mr. THOMAS of Iowa. Yes.

Mr. LACEY. Allow me to suggest that the Addyston pipe trust was formed under the Wilson bill.

Mr. ROBB. But the prosecution was commenced under a Democratic Administration.

Mr. LACEY. I say the trust was formed while the Wilson bill was in force.

Mr. THOMAS of Iowa. Mr. Chairman, before dismissing entirely all reference to the report of the Committee on Manufactures of the Fiftieth Congress, I desire to refer briefly to the urgent demand of the gentleman from Alabama, who has preceded me, to place trust-made articles on the free list as an effective remedy for the trust evil. It is his contention that the tendency of a protective tariff is to build up and foster trusts, and that a repeal of protective duties on trust-made goods would be a potent factor in solving the trust problem. I shall not attempt to go into a general discussion of the relation of tariff duties to the trusts, as time will not permit me to do so; but I shall content myself to draw out whatever lessons may be found in the proceedings of the House Committee on Manufactures and the reports made by that committee, to which I have already given some attention.

That committee started out in its investigations by an attempt to "beard the lion in his den." It attacked the two greatest trusts in the country—the Standard Oil trust and the sugar trust. It spent most of its time in the investigation of these trusts, and it found in them many things to condemn, and rightly, I believe. In fact, in the estimation of the committee they were very bad trusts; and one of the bad features they found in these trusts was that they presented a formula for all of the other trusts then existing and that were then "forming in this country," the number of which was "very large, and affects a large portion of the manufacturing and industrial interests of the country." Begging the indulgence of the House, I will again make this quotation from the committee's report: "Your committee has deemed it proper to call attention to this feature of these combinations, because it is believed it will be found that all trade combinations having similar aims have adopted this method or speedily will do so." If we credit the report of this committee, it will be seen that these two organizations took the initiative in this country in the formation of great and controlling organizations for the creation of monopoly, and that the others have only been following in their footsteps. No one would hardly venture to claim that these trusts, in their organization and building up to that point of becoming the most gigantic industrial organizations in the country, were aided or promoted in any manner by protective tariff legislation.

The Standard Oil trust neither dealt in nor produced any product or commodity that was touched by any tariff duty. The products that it produced and dealt in and put upon the market were on the free list and were open to the free competition of the world, without hindrance or impediment by any import duty. It was surrounded by a world of free trade, and in that freedom of trade it grew to such gigantic proportions.

At that time there was a duty on sugar, but that could not be of any advantage to the sugar trust, because there was practically then no sugar produced in this country, except a small amount produced in Louisiana, which was so insignificant in amount as not to affect the market to any appreciable extent. The sugar trust had acquired practical control of the sugar market of this country, and the only opposition that it has to-day is that afforded by the beet-sugar interests that have grown up in this country under the influence of the bounty paid under the McKinley tariff act of 1890 and the duties imposed upon the importation of raw sugar.

The lessons, then, to be drawn from the proceedings of that committee and the report made by it to the Fiftieth Congress—and no one has attempted or will attempt to controvert their correctness—are that the field uninfluenced by protective duties is as productive in the growth of trust organizations as the field surrounded by the barriers of protection, and I do not believe that I would be going outside of the plane of fair deductions from our actual experiences if I were to go still further and maintain that the general system of protection as advanced by the Republican party is influential in its general tendencies to keep open trade and competition among our own people and, in so doing, to reduce the opportunities to create monopoly by controlling here the markets and trade that properly belong to this country, rather than to permit them to be controlled and monopolized by other countries.

Without referring to the whisky trust and the cotton-bagging trust—also investigated by that committee—with more particularity, it will be sufficient to call attention to the fact that these grew up in the same atmosphere and surrounded by the same influence under which the Standard Oil and the sugar trusts were organized, with the last-named trusts for models of organization.

Owing to the course of discussion pursued by the speakers on the other side of the House who have preceded me, I have been led to digress from the line of argument outlined for myself in the discussion of the proposed legislation now before the House for its consideration. I will therefore direct my remaining remarks in that direction.

In considering the subject of trusts, it is important to understand what trusts are; and to find a remedy for the growing evil connected with trusts, it is necessary to trace out their growth and development and the causes and conditions that have led to their formation. It has become common to apply the name "trusts" to all large combinations of capital.

In discussing this question it will not do to make a blind or indiscriminate attack on all corporate existence, or on all large combinations of capital controlled by corporate authority; neither will it do, in the enacting of legislation to curb the growing evils of trusts, to fail to distinguish between those trusts and combinations of capital that are organized for the legitimate purpose of developing the resources of the country and supplying the increased needs and legitimate demands of the people and those that are organized for the more sordid purpose of subserving the rapacity of the promoters. This distinction should be kept clearly in view at all times; and while it should be the aim of every patriotic citizen to remove entirely, or reduce to a minimum, the evil in trusts and to compel their organizations and operations on a basis for the benefit and happiness of the whole people, care must be taken, so that whatever legislation may be enacted on that question, the aim must be to destroy the evil without attacking unduly or imposing unnecessary burdens on the combinations that are organized and operated in the interests of the people or for the public good.

This is a country of great extent and vast natural resources. The elements of wealth and greatness were distributed by the Creator throughout the country, extending from the Atlantic to the Pacific and from the lakes of the North to the Gulf of Mexico. They were placed there to be utilized for the benefit of mankind. It was never intended that they should lie dormant, but that they should be explored and developed.

This country is large in area and its natural resources are diversified. Its natural capabilities were great. These required development. To bring the different parts of the country in close relation so as to bring about a uniform, economic development of the whole country and for the utility of all, and to enable each part to develop its own resources and to contribute in the largest measure to the grandeur of the whole country required the building of vast systems of railroads and telegraph lines, and other means of rapid and easy communication. In the hills and valleys were embedded great mineral wealth. Our forests were filled with valuable timber, and the wide range of country with its fertile soil awaited the touch of industry to yield its products to supply the wants of mankind.

To develop these required the employment of capital and labor. Neither could do it alone without the aid of the other. The inexorable law of necessity here brought them together; and the

same law ought to be sufficient to hold them in such bond of union as will advance the united interests of both.

To build railroads over this vast expanse of territory; to construct telegraph lines; to improve the facilities for navigation; to discover the resources of the country and develop them required large combinations of capital. This could not be accomplished by individual effort.

In what we may properly term the development period of the country there were no great accumulations of wealth in individual hands. Individuals were not to be found who would take the personal risks and responsibilities of undertaking these large enterprises. The requirements were too vast; their magnitude was too great. Out of this necessity sprang the formations of corporations with large combinations of capital to accomplish these great purposes. In this industrial development individual effort was inadequate and the combinations of capital, contributed to by a great number of persons, without assuming that personal responsibility attended on individual effort, came as a necessary outgrowth of an industrial evolution.

Competition and the demand for an enlarged production led men of genius to the invention of labor-saving devices, so as to increase the productivity of the country and put its products on the market with as low per cent of expense as possible. The same causes were operative in the economic evolution that has been developing in this country, and that, in the cause of development, have led to combinations and concentration as a means of labor saving and of cheapening of products.

By the centralization of energetic forces into large establishments the per cent of expense is diminished. In nearly all the fields of production the output in large quantity, when produced by a single establishment, can be placed on the market with much less expense than the same product in like quantity could be produced and placed on the market by a number of smaller establishments. Our large extent of territory, its vast natural resources, the rapid increase of population, have made great demands on the ingenuity and energy of the people, and a response to these demands has led the way in this vast economic evolution. Whether these things are for the best interests of the people are not now questions open for discussion. They have entered the procession in the march of progress and have contributed in large measure to the rapid developments that have made this country renowned.

In the line of this economic development and as a necessary element in its accomplishment, large corporations combining vast interests and controlling great accumulations of capital have been formed, resulting in labor saving and reduction of expenses. That these large combinations were necessary in the development of the country, and with the labor they employed, were largely instrumental in developing the great natural resources of the country, and placing it in a position of first importance among the nations of the world, no one, acquainted with the economic history of the country, will deny.

Large combinations of capital—or trusts, if you please to call them such—when properly handled and properly controlled are a benefit to mankind and we would not destroy them if we could. But it is equally true that these trusts are in many instances formed and conducted for sordid and selfish purposes without due regard to the public good. Such trusts should be destroyed or placed under such control as will make them subserve the good of the people. They have no such natural rights as belong to the individual. Their rights and privileges are created by the laws of the country. They are creatures of the law and should be controlled by the law. The special privileges that are extended to them by the laws of the country in authorizing their organization and in giving them legal existence and extending to them rights and immunities not enjoyed by natural persons should be so limited as to prevent them from oppressing the people.

The incentive for a rapid development of the resources of the country have led the State governments and the Federal Government as well to grant extensive privileges to corporate capital. The desire for speedy gain and for an immediate realization of the fruits of our natural conditions have led to an opening up of the doors to the formation of corporations without incorporating in the laws those restrictions that may be necessary to subserve the interests of the people in the future. May it not be true that we have been building too much for the present without due regard for the future? May it not be true that, in the policy of economic development that we have been pursuing, we have been too restless with the single aim of present realization and too much inclined to let the future take care of itself?

We are drawing from our mines and forests immense wealth for the present day, and with the increase of population and the advancement of our methods of living to a higher plane these demands are daily increasing. We are and have been a people of nation builders, but will not reflection lead us to conclude that we are and have been building for the passing day rather than for the times that lie off distant in the future? Are our mines inexhaustible or can we not now contemplate the time, not very far off, as we count the age of nations, when we will discover a limit to their output? Can we not now encompass our forests, and, with the data at hand, name with reasonable accuracy the year when they will be exhausted?

Present greed is characteristic of the age; and while that is true, it serves as a stimulant to the daily march of progress. It is an influence more potent in giving direction to corporate management than to individual action. The oft-used phrase "Corporations are soulless" is not without meaning. They have no visible identity to which can attach the odium of misconduct as a personal matter, that attends the action and conduct of natural persons. The malfeasor is always found to be some agent or employee.

This will not justify an assault, indiscriminately, on all forms of organized capital, as some are attempting to do. Such a course, if pursued, would only result in breaking down our economic system of development that has wrought such wonders in the country without substituting anything to take its place. Whether our economic system, in its relations to combinations of capital, has been right or wrong, we must accept existing conditions and deal with them as we find them to-day and endeavor to retain what is right and correct what is wrong. It is these great combinations and corporations that are furnishing labor for our wage-earners to-day, and to destroy them or to limit their efficiency to operate for the public good would as certainly affect injuriously the laborers of the country and turn back the wheels of progress that have brought the country to its present marvelous state of development.

The strong hand of the law should be laid on all those trusts and combinations that are organized for the selfish and sordid purpose to destroy competition, to restrict business, to create monopolies, to limit production, or to control prices, as inimical to labor and subversive of the free institutions of the Government.

On a question of this kind there should be no disagreement of political parties.

We have built a nation in a little more than a century that has, in its rapid growth and industrial development, surpassed all other nations, a parallel of which can not be found in history. This has not been accomplished by a few individuals. It has been accomplished largely through the instrumentality of that great body of the common people known as the middle class. It is from this class that has emanated the brain and energy that have given life and activity to the forces that have developed the vast resources of the country.

Seeing that in open and free competition each individual had equal opportunities of preferment, and stimulated by the hope and desire of individual ownership in the fruits of effort, the people have devoted their energies to the advancement of individual interests, and by the advancement of individual interests have built up the interests of the country at large, which is but the aggregation of individual interests.

The best results in any nation are to be attained only when each individual is inspired with the thought of freedom of action and with the hope of the enjoyment of the ownership of property acquired through his own labor and skill. No nation can be truly prosperous where a large per cent of its population is in enforced idleness. General employment is essential to general prosperity and general happiness, but to make a country truly happy and truly prosperous requires more than these. It requires freedom of thought and freedom of action under such conditions as will insure to the individual the opportunity of enjoying the acquisition of the proceeds of his honest and well-directed efforts.

The young man that has no other incentive to action before him than that of being an employee, as a wage-earner under the direction and the control of others, is not moved by that strong influence to exert his energies in the development of his powers and capabilities as he who has before him the well-founded hope of enjoying an independence of action in an equal contest for preferment under a system that will assure him equal opportunities in the open field of competition for the enjoyment of the fruits of his labors in the acquisition and ownership of the proceeds of his efforts.

It has been the policy of this Government to adopt such measures as would afford the greatest opportunities to the individual and the greatest stimulant to individual action. It is under that policy that the poor men of the country have advanced to wealth and affluence, and the common people of the country have risen to the most important places in the State and nation, and have become conspicuous and noted in the fields of art, literature, and invention.

The great fortunes of this country, until the last decade, have been almost entirely in individual hands, and have been controlled by the individual who possessed them. There have been great combinations of capital, but they have had for their object the

development of the resources of the country or the production of those utilities that are necessary for the happiness of mankind. They were not originally organized for the monopolization of trade and commerce or the industrial forces of the country.

Some of these organizations doubtless still serve the purpose of promoting the public good; but, in the industrial and economic development characterizing this age of progress, many combinations and corporations are organized for the sole purpose of monopolization, for the purpose of concentration in a single executive head the power of absolute control not of a single business enterprise, but of all enterprises producing the same kind of products, so that the power of monopoly in an entire industry is concentrated in a single organization or management that may be exercised at will for good or evil.

These are the organizations at which legislation should be aimed, and as against them I am free to say that I am in favor of such legislation, to the limit of the constitutional power of Congress, as will be adequate to deprive them of the power of creating monopoly, and, if it is necessary to accomplish that purpose, to entirely dissolve them and to punish with the severest penalties those engaged in promoting them.

It is insufficient answer to say that these trusts, organized with large accumulations of capital and combining under one head vast industries, are able to produce and put on the market many of the necessaries for general consumption at less cost and at lower prices than could be otherwise done. The object of these organizations is the power to control the price of material, the price and condition of labor, the extent of the output, the means of transportation, and finally the market. With such power in a single management competition can not enter to influence trade, commerce, or the market.

It ceases to be a factor, and the people are left to the mercy of the trust. The trust can dictate. The people, while affording protection to the trust in the laws that give it existence, must submit to its dictation.

But these are not the only evil tendencies that threaten the country by the continual development and extension of the trust evil. It is breaking down the smaller establishments throughout the country that have maintained a close relation with the people, and that afforded opportunities for individual control and ownership.

The buying up of the smaller industries of the country and uniting them under one management or uniting them by the mutual agreement of the several constituents or organizations, or by forcing them out of business through their power to control prices and means of transportation, compels the original owners and those who had control to seek other employment or to enter the new organization as employees, instead of occupying the independent position of proprietor, with the incentive attendant upon the hope of ownership. It narrows the field of opportunity for proprietorship and independent occupation and admits nothing better to take its place than that the former proprietors become employees and enter the service of the trust under its control and dictation.

The natural results of such a policy is to destroy that incentive that has led the young men of this county to develop their energies and ingenuities that have been instrumental in raising so many of them from poverty to wealth and affluence, and from the ordinary walks of life to the highest positions in art, literature, commerce, and statesmanship, and that have, in such a marked degree, contributed to the marvelous growth and development of the country.

A continuation of the policy adopted by the trusts may result in the advancement of the wealth of the country, but it will be an accumulation of wealth in the hands of the few—the creation of a wealth aristocracy as objectionable in its tendencies and degrading in its influences as any feudal system that ever oppressed the people of Europe.

We may look at the trusts and their general tendencies and the influences that they are likely to have on our institutions, and we may decry against them. That will not effect a remedy. They have come with the industrial and economic evolution of the age, under laws that have given them existence, and the situation must be met and treated as it is found to exist at the present time. The diversity of interests; the differences of opinion, are all matters that can not be ignored in seeking a remedy for the trust evil.

There seems to be no very great disagreement on the general proposition that something must be done to curb the growing power and influence of trusts; but the difficulty arises when it is attempted to formulate a measure that will meet with general approval, or with such approval as will receive the approbation of the people of the country, and will, at the same time, accomplish the ends desired without seriously affecting the public interests.

A great many panaceas have been suggested for the trust evil; but many of these, when measured up with existing conditions, will be found not to reach the evil.

That the trust evil can be eradicated entirely is not to be expected any more than that human nature can be so reformed as to remove all traits of selfishness and sordid impulses. But, because we may not be able to reach the goal of perfection in this class of legislation is no sufficient reason why nothing should be done. Many remedies have been suggested. Some urge publicity as the most effectual means of working out a remedy. To this the answer is made that the remedy will not be complete, and therefore impracticable.

It is doubtless true that publicity alone will not effect a complete remedy. But it will be an important step in that direction, and, if adopted, in connection with the other measures proposed by the bill under consideration, it will have its influence and be one of the potent factors in bringing about the desired result. Others claim that Congress has already gone to the limit of its constitutional power in legislation in restraint of trusts. Section 8, Article I, of the Constitution provides that "Congress shall have power * * * to regulate commerce with foreign nations, and among the several States, and with the Indian tribes."

The authority conferred by this section of the Constitution is general in its terms. It is a plenary power, without limitation. It leaves to the discretion of Congress the manner of exercising that power and the determination of its scope of operation.

In the Sherman antitrust law, as is expressed in the title of that act, Congress enacted a measure intended "to protect trade and commerce against unlawful restraints and monopolies." It was then thought by many that the act approached closely the limit of authority of Congress under the Constitution, and that it would prove effectual in the restraint of the growing evils in trust combinations.

That law provided that "every contract, combination in the form of trust or otherwise, or conspiracy in restraint of trade or commerce among the several States or with foreign nations is hereby declared to be illegal." A violation of the law is declared a misdemeanor and punishable under its provisions. At the time of the passage of that act the growing tendency of corporate organizations was the formation of trusts in fact, where the properties remained in the original owners and the central or new organization was given the power to regulate and control the several organizations uniting in the combine, with the power to fix prices, the quantity of output, and matters generally thought to be for the benefit of constituent bodies.

The chief end to be attained was to avoid competition by placing the control of the several establishments in a single head. On this plan had been organized the Standard Oil trust, the sugar trust, the cotton bagging trust, and many others of a similar nature. But, after the enactment of the Sherman law, it was found that that method of combination would prove impracticable and it was very soon abandoned, and the method that is now pursued was adopted, and instead of the constituent organizations holding the properties they are transferred absolutely to the trust; the trust issues its stock to the original companies in amounts according to the values put on the same in the deal, in nearly every instance issuing stock largely in excess of its actual value or what it would cost to reproduce it.

By this plan of organization the trust character was to some extent eliminated, but the purposes of the organization remained the same. The several constituent organizations are placed under a single management and competition is practically destroyed.

Numerous prosecutions have been had under the Sherman law, and the Supreme Court of the United States has quite clearly defined the scope of that law and the limitations of its provisions as a regulation of commerce among the several States. But none of these cases go to the extent of defining the limitations to the power of Congress in the regulation of commerce, or of defining the manner of exercising that power. In these cases the Supreme Court has only attempted to declare the will of Congress as expressed in that and other acts on this general subject. That act has been sustained in every provision. The court was not required in these cases to determine the limit of Congressional power under the Constitution; but only to determine the limit to which Congress had already gone in its legislation on this subject.

In the case of the United States *v.* Knight & Co. the Supreme Court defined the limitations of the act of July 2, 1890, and in defining the scope of that act discussed the constitutional powers of Congress, so far as they related to the facts in the case then under consideration. The American Sugar Refining Company was incorporated under the laws of New Jersey. It acquired by purchase a number of other refineries, situated in the State of Pennsylvania, and, after having acquired them, controlled nearly the whole sugar-refining interests in the United States. It held a monopoly of the sugar-refining of the country. But its operations of manufacturing and refining sugars were within the limits of the State, and commerce with other States was only an incident to the business for which the trust was formed.

Under this state of the case it was held that under the provision of the Sherman law the contracts under which the several refineries

were taken into the sugar trust could not be dissolved; that in the manufacture and production of sugar within the limits of a State the sugar was not subject to the provision of the antitrust law, and that under the commerce clause of the Constitution Congress has not the power to place the manufacture or refining of sugar, under such circumstances, under such control, as a regulation of commerce.

But I desire to call attention to the fact that in that case there was no charge that there was any violation of the law, or attempted violation, in any matter pertaining to the transportation of the product of the trust from one State to another. The attack was made on the contract through which the several constituent companies were taken into the trust, which did not pertain to the commerce among the States of the sugar to be produced.

In that case it said:

The regulation of commerce applies to the subjects of commerce and not to matters of internal police. Contracts to buy, sell, or exchange goods to be transported among the several States, the transportation and the instrumentalities, and articles bought, sold, or exchanged for the purpose of such transit among the States, or put in the way of transit, may be regulated, but this is because they form part of the interstate trade or commerce.

In case of separate jurisdictions, as exist under the Federal Constitution between the Federal Government and the several States, there must be a line defining the powers of each. In defining the powers of each in the case of Coe *v.* Errol (116 U. S., 517) the Supreme Court says:

There must be a point of time when they cease to be governed exclusively by the domestic law and begin to be governed and protected by the national law of commercial regulation, and that moment seems to us to be a legitimate one for that purpose, in which they commence their final movement from the State of their origin to that of their destination.

This defines the point at which a commodity becomes a subject of interstate commerce. In the investigation of this question it is equally important to ascertain when it ceases to be such.

In the case of Leicey *v.* Hardin (135 U. S., 100) it is held that a commodity retains its character as a subject of interstate commerce until it reaches the consignee, and may then be sold by him in the original package, under the protection of the interstate-commerce law, free from its control by State laws. In these cases we have defined the full limit as to the time of the commencing and ending of the operation of the interstate-commerce clause of the Constitution on any commodity subject to its provisions. Within these limits the power of Congress is unrestricted. It is within the scope of its power to define what are proper subjects of interstate commerce and the terms and conditions under which any commodity may become a subject of commerce among the States. Congress has the power to recognize and refuse to recognize a commodity as a proper subject of interstate commerce, and any action of Congress on that subject can not be questioned by the courts.

Defining the power of the courts on this question, in the case of Leicey *v.* Hardin, the court says:

Whatever our individual views may be as to the deleterious or dangerous qualities of particular articles, we can not hold that any articles which Congress recognize as subjects of interstate commerce are not such, or whatever are there recognized can be controlled by State laws amounting to regulations, while they retain that character.

This is quoted and the same rule is applied in the case of Schollenberger *v.* Pennsylvania (171 U. S., 13, 14).

In the case of In re Rahrer (140 U. S., 545) the Supreme Court, in passing upon the question as to the power of the State legislature to determine what is legal commerce and answering the contention that the States possessed such power, says:

If this be the true construction of the constitutional power, then the paramount power of Congress to regulate commerce is subject to a very material limitation, for it takes from Congress and leaves with the States the power to determine the commodities or articles of property which are the subjects of lawful commerce.

These cases plainly establish the fact that one of the constitutional powers of Congress to regulate commerce is the prerogative of determining what commodities are proper subjects of legal commerce, and on that subject its power is supreme. If Congress has the power to determine what commodities are proper subjects of legal commerce, it necessarily follows as a corollary that it has the power to declare the condition upon which any commodity may be put in process of interstate commerce.

In the case of Leicey *v.* Hardin, already referred to, the Supreme Court held that intoxicating liquors having been recognized by Congress as an article of legal commerce, the sale of it by the consignee could not be prohibited by any law of the State while it remained in the original package. To overcome the force of this decision, and to remove intoxicating liquors from the protection of the commerce clause of the Constitution, and subject them to State supervision, the Wilson bill, approved August 8 1890, was passed by Congress, which provided:

That all fermented, distilled, or other intoxicating liquors or liquids transported into any State or Territory, or remaining therein for use, consumption, sale, or storage therein, shall, upon arrival in said State or Territory, be subject to the operation and effect of the laws of such State or Territory enacted in the exercise of its police powers to the same extent and in the same manner as though such liquors or liquids had been produced in said State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise.

The purpose of the statute was to divest intoxicating liquors of the character of subjects of interstate commerce at an earlier period than would happen without such statute.

In the case of In re Rahrer, 140 U. S., on page 562, the court, in construing this act and holding it valid, says:

No reason is perceived why, if Congress chooses to provide that certain designated subjects of interstate commerce shall be governed by a rule which divests them of that character at an earlier period of time than would otherwise be the case, it is not within its competency to do so.

From these cases it will be seen that Congress has the power, under the Constitution, to determine what commodities are proper subjects of interstate commerce, to fix the time and circumstances under which any article of interstate commerce shall cease to be such and become subject to State laws; and if Congress possesses these powers, then it is equally true that Congress has the power to determine the conditions precedent to any commodity becoming an article of interstate commerce.

The Congress under its constitutional power can not reach into a State and control a corporation organized under State laws for the purpose of carrying on a business or producing a commodity within the boundaries of the State. Such control is reserved to the State. Congress can not require such corporation to give publicity to its organization or business, nor can it by the enactment of any law inhibit such corporation or trust from monopolizing or controlling the production, manufacture, or sale of any product or commodity within a State. But it has the power, by general law, to declare certain conditions to be performed by the producer, owner, or shipper precedent to his product or commodity becoming an article of interstate commerce.

While Congress can not require a corporation organized under State law and conducting a business within a State to give publicity to its organization or business, it may, acting within its constitutional powers to regulate commerce among the States, require such corporation to give such publicity as a condition precedent to its entering into interstate or foreign commerce, and for the enforcement thereof may impose penalties providing for the punishment of such corporation and its officers for engaging in or attempting to engage in such commerce, without having first performed the conditions required.

The first four sections of the bill require publicity to be given by corporations engaged in interstate and foreign commerce in matters pertaining to their organization and business, and a penalty is provided in case of neglect or refusal to give such publicity, to be enforced by prosecution in the courts of competent jurisdiction. These sections also provide that corporations failing to make such returns may be enjoined from engaging in interstate commerce by suit in the name of the United States. I believe that this is clearly within the limits of the constitutional powers of Congress to regulate commerce among the States.

To express my own views, I should much prefer that this section be amended so as to place corporations already organized on the same basis with those to be organized in the future, and when the proper time comes I shall submit an amendment covering this point.

I have already occupied too much time. I shall not, therefore, attempt to discuss the other provisions of the bill at this time, but leave that to my associates, contenting myself with the further statement that I believe that every provision of the bill is within the scope of the constitutional power of Congress to regulate commerce with foreign countries and among the States, and that if enacted into law it will go far toward solving the vexed trust problem.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. CAPRON having taken the chair as Speaker pro tempore, a message in writing from the President of the United States was communicated to the House of Representatives by Mr. BARNES, one of his clerks, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On February 4, 1903:

H. R. 1193. An act to correct the military record of Henry M. Holmes; and

H. R. 6467. An act granting an honorable discharge to Samuel Welch.

On February 3, 1903:

H. R. 1147. An act for the relief of the First Baptist Church of Cartersville, Ga.

TRUSTS.

The committee resumed its session.

[Mr. MIERS of Indiana addressed the committee. See Appendix.]

Mr. THOMAS of North Carolina. Mr. Chairman, the pending

bill is the result of the popular demand for some further legislation to correct and restrain the trust evil in this country.

More than twelve years ago the Sherman antitrust law was enacted, and although we have been repeatedly informed by the distinguished gentleman from Ohio, General GROSVENOR, and others on the Republican side of the House, that this law afforded an adequate remedy against the existence and growth of those monoplies which the people, by common consent, have denominated trusts, the President and this Republican Congress admit its inadequacy and propose at this late day to supplement the provisions of the Sherman law.

I take it the Republican party is proceeding upon the idea, "better late than never." This construction of Republican action is more lenient than the conclusion that the Republican party has been forced to abandon its inaction by the fear of defeat and the rising storm of popular indignation at its policy of favoritism toward and toleration of the combinations of capital which oppress the masses, destroy competition, and endanger the free institutions of the greatest Republic in all history.

Whatever may be the motive for framing and presenting this legislation to this Congress, it is true either, first, that the Sherman Act of July 2, 1890, and the subsequent amendments thereto in the Wilson tariff act of August 28, 1894, expressly preserved in the Dingley Act of 1897, have not been enforced by the Republican administrations since their enactment; or, second, that they are ineffective, in whole or in part, to curb and restrain monopoly. Additional legislation is necessary and is demanded by the people of the country.

I shall not attempt in this debate to discuss the economic questions involved in the formation and growth of trusts or the legal aspects of the Sherman law and pending measure of the committee.

I am sure these matters have had the full and careful consideration of the Judiciary Committee, and the whole subject as adjudicated in the courts and from the standpoint of political economy presents a vast field of thought, study, and investigation. The national and State antitrust laws, the decisions of the United States Supreme Court, and the recommendations of the President doubtless have received the consideration of the committee.

The interstate and foreign commerce clause of the Constitution of the United States (Art. I, Section VIII, clause 3), and the decisions of the United States Supreme Court, enumerated in the reply of the Attorney-General, dated January 3, 1903, to the communication of Senator HOAR, chairman of the Senate Judiciary Committee, from the Knapp case down to and including the Addystone Pipe and Steel Company case, show that the power of Congress to legislate upon the question is ample so far as interstate commerce is concerned. Invoking this power at the last session of this Congress, Democrats introduced many bills; among others, bills providing for—

First. Publicity.

Second. Placing trust-made goods on the tariff free list.

Third. Making trust-made goods liable to State antitrust laws when they enter the States having such laws.

Fourth. Placing upon the free list trust-made goods sold cheaper abroad than at home—at a less price to the foreigner than to the American citizen.

None of these measures were adopted by the Republican majority, but all were buried in the committee. One Republican, the distinguished and able gentleman from Maine [Mr. LITTLEFIELD], introduced one bill to amend and strengthen in a very mild form the Sherman law.

But since the election, and since the Republican party has had some greater manifestation of the popular opposition to trusts and the feeling of the people upon this great question, at this late day and hour they now propose this measure of slight relief to the people, which will doubtless meet the usual fate of all Republican antitrust bills originating in this House, namely, a lingering death upon the Senate Calendar.

But, Mr. Chairman, does this legislation yet go far enough, does it strike at the root of the evil, does it eradicate and cure the trust cancer upon the body politic? Will it do more, if it does that, than to alleviate temporarily the evil and restrain the cancerous growth while monopoly still exists? The real danger to the country lies in the formation and the overcapitalization of the 287 corporate trusts of the country, 200 of which are benefited by and owe their formation to the tariff laws of the Republican party.

Henry O. Havemeyer, president of the sugar trust, said on June 14, 1899:

> The mother of all trusts is the customs tariff bill. It is the Government, through its tariff laws, which plunders the people, and the trusts are merely the machinery for doing it.

The national Democratic platform of 1900 declared:

> We condemn the Dingley tariff law as a trust-breeding measure skillfully devised to give the few favors which they do not deserve and to place upon the many burdens which they should not bear.

Mr. BABCOCK, chairman of the national Republican Congressional executive committee, in 1901 said:

> By the aid of the tariff, manufacturers can fix exorbitant prices in the domestic market.

And, as has been tersely said, "the Dingley law ties the hands of the American consumer while the trusts pick his pockets."

Under the Republican protective tariff trusts have increased and flourished as never before in the history of the United States or the world. The only other countries having trusts comparable to ours are the protected countries of Continental Europe, especially Germany and Austria.

More trusts have been formed since the Dingley law was enacted than ever before in our national history. Out of 287 of these industrial combinations, according to an accurate list, more than 200 are directly or indirectly, in whole or in part, benefited and fostered by the Dingley tariff law. These have monopolized for their private benefit nearly all the necessaries of life, and levy tribute upon the people from the cradle to the grave. They control competition, regulate production, fix prices. From the moment the Dingley law was passed trusts sprang up as if by magic, competition was destroyed, industrial enterprise stifled.

Russell Sage, speaking of the danger to business and to our institutions from the destruction of competition and the overcapitalization of the trusts, said, in an article in the North American Review, the destruction of competition must lead to "retaliative legislation:"

> We had better remain content with the old-fashioned system of honest competition, under which we have grown great as a nation and prosperous as a people.

The consolidations of to-day begin at the very outset with capitalizations which cast all past experiences in the shade and which almost stagger the imagination.

The steel combination, with its capitalization of $1,400,000,000, a sum more than one-half the national debt, one-seventieth the entire wealth of the United States, is the giant combination of them all. This company's issue of securities will represent practically one-half the entire volume of money of the United States. In the combination of capital of this colossal organization the stockholders received three shares of stock in the new corporation for one in the old. By a stroke of the pen what was $1,000,000 is converted into $3,000,000.

Besides the steel trust, towering over all, we have seen organized under the McKinley and Roosevelt Administrations, and since the Dingley law, trusts which control nearly every necessary of life, nearly every product and business industry of this country. With the Dingley law dawned upon the nation the trust era.

Mr. Chairman, we may pass restraining statutes, but as long as our absurdly high tariff stands—a tariff enabling the manufacturers and trusts to sell their goods cheaper to the foreigner than to our own citizens, a tariff the highest known in the history of our Government—the trusts will continue to flourish, They will increase in numbers, and will grow in power and influence, in spite of this legislation, for great accumulation of wealth in the hands of a favored few under the tariff laws makes easy the formation of great industrial and transportation combinations. We are now in the stage of trust development when the tariff, combined with other special privileges, permits the trusts to extort from consumers.

Reform the tariff in those schedules which shelter monopoly, and you strike at the root of the trust evil and eradicate it, because you restore competition, make the concentration of wealth difficult or impossible, and thereby destroy monopoly.

Mr. Chairman, the greatest danger to the country to-day is in the growth of monopoly, which is contrary to the genius and spirit of our free institutions, builds up special classes, and leads to constant conflicts between the two great American forces—labor and capital.

Says Lloyd, in his Wealth against Commonwealth, "Monopoly is business at the end of its journey." "The concentration of wealth, the wiping out of the middle classes, are other names for it." "Liberty produces wealth, and wealth destroys liberty, for liberty and monopoly can not live together." This has been the history of the world since time began. Under this irresistible law of the decay of free institutions with the growth of wealth and its concentration in the hands of the few, the greatest and freest nations of the world have been doomed to destruction.

The invocation of every power of Congress to resist this tendency to monopoly is, therefore, the patriotic duty of Congress, and not only should the commerce clause of the Constitution be invoked, but those tariff schedules which shelter monopoly should be reformed or repealed.

Illustrations of trusts maintained or fostered by the high protective tariff of the Republican party are numerous. The largest trust of all is, of course, the mammoth steel trust, to which I wish again especially to refer. This trust embraces most of the

great steel and iron plants and companies of the country and controls practically all the steel and iron output—at least 85 per cent of it.

It absolutely dictates the prices of all the immense number of articles included in these steel and iron industries, and also dictates wages. It is capitalized at the enormous sum of $1,400,000,000, and its dividends are about 10 per cent, or nearly $150,000,000 per annum. Fully two-thirds of this enormous profit is gained directly from the tariff, the average tariff protection on articles controlled by this trust being about equal to 50 per cent. This 50 per cent represents all extra profit to the steel trust over and above the legitimate profit which it would make, or which its constituent companies would make, if there were no such tariff protection.

It may be said, as the protectionists always maintain, that if there were no such protection the American manufacturers could not make anything at all. Recent developments have proved the falsity of this claim. It may have been true at some time in the distant past, when our "infant industries" were infants indeed. It is not true now, when the cost of production and of raw material in the steel industries and in many of our other industries is no greater than abroad. If this be denied, the denial is refuted by the actions of the trusts themselves in selling their products abroad in foreign markets at the same prices, or lower prices, than the foreign-made goods of the same sort command in their home market.

That the trusts of the United States have been and are doing this right along there is abundant and conclusive evidence. Mr. Schwab, the president of the steel trust, confessed it to be true of his trust before the Industrial Commission and said it was the general practice of the trusts. Other trust magnates have borne similar testimony. The export price lists of the exporting firms prove the charge; so do the records of sales made abroad. Mr. Schwab nonchalantly said when business was in a normal condition nowadays—in these days of trust-made tariffs and tariff-made trusts—export prices were "always" lower than home prices and that to the best of his recollection American-made steel rails had been sent to Europe and sold there for $23 a ton at the same time when they were selling in the American market for $28 a ton.

In other words, the tariff gives the steel trust a chance to charge the American customer $28 a ton for steel rails, and the trust naturally accepts this opportunity and does charge the American customer $28 a ton, while at the same time the trust sends its rails abroad and sells them there for $23 a ton, and makes a profit on them at that, and thus literally robs the home customer out of at least $5 a ton; and it is on the profits of this robbery that the steel trust grows so rich. It thrives by wringing extortionate profits out of our citizens, while remaining content with reasonable profits from foreigners; and it is the high tariff that enables it to do so.

The story of one trust is the story of all of them, with slight variations. There is no need to amplify details, but a few more will be pertinent.

The oil trust is protected by a duty equal to 17 per cent on refined oil, and declares dividends of 40 or 50 per cent annually.

The window-glass trust is protected by a duty equal to 59 per cent, on an average, and declares dividends of about 15 per cent.

The sugar trust is protected by an average duty equal to 85 per cent, and pays dividends of from 14 to 22 per cent.

The biscuit trust is protected by a duty equal to about 20 to 32 per cent, or an average of, say, 26 per cent, and pays dividends of 10 per cent.

The match trust is protected by a duty of 29 per cent, and pays dividends of 10 per cent.

The cement trust is protected by a duty equal to 23 per cent, and pays dividends as high as 33 per cent.

The salt trust is protected by an average duty equal to 39 per cent, and makes at least 7 per cent annually.

The copper trust and brass trust are protected by a duty of 46 per cent on manufactures of those metals, and they both make at least 8 per cent annually.

Some of the other trusts, all of which declare handsome dividends, on stock, too, that is at least one-half fictitious and "water," are protected as follows:

The various chemical trusts, by an average tariff of 27 per cent.

The rubber trust, by an average tariff of 32 per cent.

The leather trust, by an average tariff of 36 per cent.

The various paper trusts, by an average tariff of 29 per cent.

The woolen trust, by an average tariff of 91 per cent.

The various tobacco trusts, by an average tariff of 115 per cent.

The modest borax trust may be allowed to wind up the procession with a tariff protection of only 158 per cent.

A few more discriminations in favor of the foreign markets may profitably be cited. It has been discovered, for example, that our borax sells at home for nearly 8 cents a pound, abroad at 2½ cents a pound. Our wire nails sell at home at $2.05 per 100 pounds, and abroad at $1.30. Our handsaws sell at home at $18 per dozen, and abroad at $15. Our Bessemer tin plates sell at home at $4.19 per 100 pounds, and abroad at $3.19. Our galvanized wire rope sells at home at $9.70 per hundred feet, and abroad at $3.12. Our table knives sell at home at $15 per gross, and abroad at $12. Our oil machinery, our agricultural machines, our sewing machines, our typewriting machines, almost all kinds of machinery and of our other manufactured articles, can be bought much lower abroad than at home. Is not that a humiliating, an exasperating condition for a true American to reflect upon?

If American citizens continue to endure such extortion on the part of the trusts they will sacrifice their manhood and must eventually become mere serfs and slaves to these great combinations and corporate monopolies. Pass not only the pending bill but the amendments thereto recommended by the minority of the Judiciary Committee in their report upon this bill; reform your tariff schedules in so far as they shelter monopoly—at least in so far as they enable the trusts to sell their goods cheaper abroad than at home; break down this tariff bulwark which enables the trusts to practice extortion upon our own citizens; restore competition in part in this way, and you strike at the root of the evil and benefit the people. This can be done, Mr. Chairman, without affecting any legitimate industry North or South.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LANDIS having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

S. 5909. An act for the extension of Euclid avenue;

S. 966. An act granting an increase of pension to William F. Turner;

S. 1227. An act granting an increase of pension to Bowman H. Peterson;

S. 1335. An act granting a pension to Elizabeth Neal;

S. 1631. An act granting an increase of pension to Edna K. Hoyt;

S. 2860. An act granting an increase of pension to Henderson Mercer;

S. 3174. An act granting an increase of pension to Fredericke W. Lillman;

S. 4287. An act granting an increase of pension to David N. Tolles:

S. 4443. An act granting an increase of pension to Thomas Bassett;

S. 4919. An act granting an increase of pension to James M. White;

S. 5641. An act granting a pension to Charlotte J. Closser;

S. 5738. An act granting an increase of pension to William E. Fehrenback;

S. 5830. An act granting an increase of pension to Andrew Jackson;

S. 5929. An act granting a pension to Margaret J. McCranie;

S. 5993. An act granting an increase of pension to James G. Davis;

S. 6024. An act granting a pension to Rebecca A. Glass;

S. 6143. An act granting an increase of pension to Elvira C. Compton;

S. 6394. An act granting a pension to Evarts Ewing Munn;

S. 6652. An act granting an increase of pension to Leander W. Cogswell;

S. 6702. An act granting an increase of pension to Emily Lawrence Reed;

S. 6734. An act granting an increase of pension to Marie A. Rask;

S. 6843. An act granting an increase of pension to A. Paul Horne;

S. 6941. An act granting an increase of pension to James Monty;

S. 7176. An act granting an increase of pension to Jennie W. Rhoades;

S. 7182. An act granting an increase of pension to William H. McHenry;

S. 7202. An act granting an increase of pension to Fanny B. Orwan; and

S. 7207. An act granting an increase of pension to May Mosher Chase.

The message also announced that the Senate had passed with amendments bills of the following titles in which the concurrence of the House was requested:

H. R. 15747. An act directing the issue of a check in lieu of a lost check drawn by George A. Bartlett, disbursing clerk, in favor of Fannie T. Sayles, executrix, and others; and

H. R. 13703. An act for the relief of N. F. Palmer, jr., & Co., of New York.

TRUSTS.

The committee resumed its session.

Mr. LITTLEFIELD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker pro tempore having resumed the chair, Mr. BOUTELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 17) requiring all corporations engaged in interstate commerce to file returns with the Secretary of the Treasury, disclosing their true financial conditions, and of their capital stock, and imposing a tax upon such as have outstanding capital stock unpaid in whole or in part, and had come to no resolution thereon.

FANNIE T. SAYLES, EXECUTRIX.

The SPEAKER pro tempore laid before the House the bill (H. R. 15747) directing the issue of a check in lieu of a lost check drawn by George A. Bartlett, disbursing clerk, in favor of Fannie T. Sayles, executrix, and others, with a Senate amendment.

The Senate amendment was read.

Mr. OVERSTREET. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

ADDITIONAL TERMS OF COURT, WESTERN JUDICIAL CIRCUIT, SOUTH CAROLINA.

The SPEAKER pro tempore laid before the House the following message from the President of the United States:

To the House of Representatives:

I return without approval House bill No. 14275, entitled "An act providing for additional terms of court in the western judicial district of the State of South Carolina."

The Attorney-General reports that the establishment of the two additional places for holding court in the western judicial district of South Carolina at Spartanburg and Rockhill would be accompanied by considerable expense, which would be hardly justifiable, as the necessity is at least very doubtful.

In response to requests for their views on the subject, the judges of the circuit and district courts in this district also report that there is no necessity for and that the public business does not require such additional terms.

In view of these statements, I am constrained to withhold my approval of the bill.

THEODORE ROOSEVELT.

WHITE HOUSE, *February 5, 1903.*

The bill is as follows:

Be it enacted, etc., That a term of the circuit and district courts of the United States shall be held in the western judicial district of South Carolina at the city of Spartanburg on the first Tuesday of February and at the city of Rockhill the third Tuesday of September in each year, and the judges, marshal, and clerk shall attend said terms: *Provided*, That the county and city of Spartanburg and the county of York and the city of Rockhill shall furnish, respectively, places for the holding of said terms of court without cost to the United States.

Mr. OVERSTREET. Mr. Speaker, I move that the message be referred to the Committee on the Judiciary.

The motion was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. CANDLER, for five days, on account of sickness.

To Mr. FOX, for one week, on account of important business.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 6734. An act granting an increase of pension to Marie A. Rask—to the Committee on Pensions.

S. 6702. An act granting an increase of pension to Emily Lawrence Reed—to the Committee on Pensions.

S. 6394. An act granting a pension to Evarts Ewing Munn—to the Committee on Pensions.

S. 5993. An act granting an increase of pension to James G. Davis—to the Committee on Pensions.

S. 3174. An act granting an increase of pension to Fredericke W. Lillman—to the Committee on Invalid Pensions.

S. 1631. An act granting an increase of pension to Edna K. Hoyt—to the Committee on Pensions.

S. 5909. An act for the extension of Euclid avenue—to the Committee on the District of Columbia.

S. 7182. An act granting an increase of pension to William H. McHenry—to the Committee on Invalid Pensions.

S. 6941. An act granting an increase of pension to James Monty—to the Committee on Invalid Pensions.

S. 6843. An act granting an increase of pension to A. Paul Horne—to the Committee on Invalid Pensions.

S. 6652. An act granting an increase of pension to Leander W. Cogswell—to the Committee on Invalid Pensions.

S. 6143. An act granting an increase of pension to Elvira C. Compton—to the Committee on Invalid Pensions.

S. 6024. An act granting a pension to Rebecca A. Glass—to the Committee on Invalid Pensions.

S. 5929. An act granting a pension to Margaret J. McCraine—to the Committee on Pensions.

S. 5830. An act granting an increase of pension to Andrew Jackson—to the Committee on Invalid Pensions.

S. 5738. An act granting an increase of pension to William E. Fehrenback—to the Committee on Invalid Pensions.

S. 5641. An act granting a pension to Charlotte J. Closser—to the Committee on Invalid Pensions.

S. 4287. An act granting an increase of pension to David N. Tolles—to the Committee on Invalid Pensions.

S. 4919. An act granting an increase of pension to James M. White—to the Committee on Invalid Pensions.

S. 4443. An act granting an increase of pension to Thomas Bassett—to the Committee on Pensions.

S. 2860. An act granting an increase of pension to Henderson Mercer—to the Committee on Invalid Pensions.

S. 1335. An act granting a pension to Elizabeth Neal—to the Committee on Invalid Pensions.

S. 1227. An act granting an increase of pension to Bowman H. Peterson—to the Committee on Invalid Pensions.

S. 966. An act granting an increase of pension to William Y. Turner—to the Committee on Invalid Pensions.

S. 7207. An act granting an increase of pension to May Mosher Chase—to the Committee on Pensions.

S. 7176. An act granting an increase of pension to Jennie W. Rhoades—to the Committee on Invalid Pensions.

S. 7202. An act granting an increase of pension to Fanny B. Orwan—to the Committee on Invalid Pensions.

REPRESENTATIVE MOODY, OF NORTH CAROLINA.

Mr. KLUTTZ. Mr. Speaker, it is my sad duty to announce to the House the death of my friend and colleague, Hon. JAMES MONTRAVILLE MOODY, a member of this House from the State of North Carolina. He died at 1.30 o'clock p. m. to-day at his home in Waynesville, N. C. This House has lost one of its most faithful and useful members, and his State a public servant who has honored her in this Congress, as in every other official position he has ever held.

I shall not at this time trust myself to make any extended remarks, but at some future day his colleagues will ask the House to take such action upon his death as in its judgment is proper. I ask the adoption of the resolutions which I send to the desk.

The Clerk read as follows:

Resolved, That the House of Representatives has learned with profound sorrow of the death of the Hon. JAMES MONTRAVILLE MOODY, member of this House from the State of North Carolina.

Resolved, That a committee of members of the House, with such members of the Senate as may be joined, be appointed to take order concerning the funeral of the deceased.

Resolved, That the Clerk communicate these resolutions to the Senate, and transmit a copy of the same to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased, the House do now adjourn.

The SPEAKER pro tempore. The question is on the adoption of the resolution.

The question was taken; and pending the announcement of the vote, by unanimous consent of the House, the Speaker pro tempore announced the names of the following members to attend the funeral of the deceased: Mr. KLUTTZ of North Carolina, Mr. BLACKBURN of North Carolina, Mr. CLAUDE KITCHIN of North Carolina, Mr. BROWNLOW of Tennessee, Mr. GIBSON of Tennessee, Mr. TATE of Georgia, Mr. FINLEY of South Carolina, Mr. JOHNSON of South Carolina, Mr. LAMB of Virginia, Mr. HAUGEN of Iowa, Mr. HENRY of Connecticut, Mr. RANDELL of Texas, Mr. COONEY of Missouri, Mr. POU of North Carolina, Mr. SMALL of North Carolina, Mr. CLARK of Missouri, Mr. WRIGHT of Pennsylvania, and Mr. COCHRAN of Missouri.

The resolutions were agreed to; and then, in accordance therewith, and in pursuance of its previous order at (5 o'clock and 5 minutes p. m.), the House adjourned until 10 o'clock a. m. to-morrow.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred, as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief Signal Officer, United States Army, report of public documents distributed during the fiscal year ended June 30, 1902—to the Committee on Printing, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the chief clerk of the Court of Claims submitting an estimate of appropriation for repairs of heating apparatus in Court of Claims building—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Treasurer of the United States submitting an estimate of appropriation for use of the national-bank redemption agency—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from Supervising Architect of the Treasury submitting an estimate of appropriation for rent of temporary

quarters for Government officials at Waco, Tex.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Postmaster-General submitting an estimate of appropriation for hire of vehicle—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HULL, from the Committee on Military Affairs, reported the joint resolution (H. J. Res. 262) for appointment of a member of Board of Managers of the National Home for Disabled Volunteer Soldiers, accompanied by a report (No. 3544); which said bill and report were referred to the House Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 3522) to increase the pension of Mexican war survivors to $12 per month, reported the same without amendment, accompanied by a report (No. 3545); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 16761) providing for advances from the Treasury of the United States for the support of the government of the District of Columbia, reported the same without amendment, accompanied by a report (No. 3548); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PARKER, from the Committee on Military Affairs, to which was referred the joint resolution of the Senate (S. R. 138) authorizing the Secretary of War to furnish condemned cannon for a life-size statue of Gen. Henry Leavenworth, at Leavenworth, Kans., reported the same with amendment, accompanied by a report (No. 3549); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. NEVIN, from the Committee on Claims, to which was referred the bill of the House (H. R. 2984) referring the claim of Hannah S. Crane and others to the Court of Claims, reported the same without amendment, accompanied by a report (No. 3543); which said bill and report were referred to the Private Calendar.

Mr. CLAUDE KITCHIN, from the Committee on Claims, to which was referred the bill of the Senate (S. 6056) to pay Hewlette A. Hall balance due for services in connection with the Paris Exposition, reported the same without amendment, accompanied by a report (No. 3546); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17179) granting an increase of pension to Christopher G. Divers, reported the same with amendments, accompanied by a report (No. 3547); which said bill and report were referred to the Private Calendar.

Mr. DICK, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 1168) to authorize the appointment of Edward L. Bailey as captain of infantry, United States Army, and to place him on the retired list, reported the same without amendment, accompanied by a report (No. 3550); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2, Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows;

Mr. CAPRON, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 15692) to correct the muster and authorize the pay of Frederick R. Eastman, reported the same adversely, accompanied by a report (No. 3551); which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 6913) for the relief of John W. Lewis, reported the same adversely, accompanied by a report (No. 3552); which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 17268) granting an increase of pension to James C. Neff, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. WEEKS: A bill (H. R. 17274) to amend the act of February 24, 1897, entitled "An act to provide for the relief of certain officers and enlisted men of the volunteer forces"—to the Committee on Military Affairs.

By Mr. MONDELL: A bill (H. R. 17275) to pay John Iredale for services as folder in April, 1901—to the Committee on Accounts.

By Mr. RICHARDSON of Tennessee: A bill (H. R. 17276) to fix the salary of the Public Printer—to the Committee on Printing.

By Mr. HULL, from the Committee on Military Affairs: A joint resolution (H. J. Res. 262) for appointment of a member of Board of Managers of the National Home for Disabled Volunteer Soldiers—to the House Calendar.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. CASSINGHAM: A bill (H. R. 17277) to correct the military record of Alexander D. Patton—to the Committee on Military Affairs.

By Mr. DOVENER: A bill (H. R. 17278) for the relief of Thomas C. Sweeney—to the Committee on Claims.

Also, a bill (H. R. 17279) granting a pension to John Crawford—to the Committee on Invalid Pensions.

By Mr. GRIFFITH: A bill (H. R. 17280) granting an increase of pension to William H. Laws—to the Committee on Invalid Pensions.

By Mr. HANBURY: A bill (H. R. 17281) for the relief of Michael Conlan—to the Committee on Claims.

By Mr. HULL: A bill (H. R. 17282) to extend the provisions of the act of March 3, 1885, relative to officers and enlisted men of the United States Army—to the Committee on Military Affairs.

By Mr. IRWIN: A bill (H. R. 17283) for the relief of J. B. Jones—to the Committee on Claims.

By Mr. METCALF: A bill (H. R. 17284) to provide an American register for the British ship Pyrenees—to the Committee on the Merchant Marine and Fisheries.

By Mr. SHERMAN: A bill (H. R. 17285) for the relief William Gardner—to the Committee on Military Affairs.

By Mr. SNOOK: A bill (H. R. 17286) to remove the charge of desertion from the record of William Urton—to the Committee on Military Affairs.

Also, a bill (H. R. 17287) granting an increase of pension to John Elston—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of the First Presbyterian Church of Rochester, Pa., for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

Also, resolution of Iron Molders' Union, No. 150, of Newcastle, Pa., urging the passage of House bill 3876, for an eight-hour law—to the Committee on Labor.

By Mr. CALDERHEAD: Petitions of J. M. Rutherford, J. L. Clark, and other druggists, urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, resolutions of Peoria (Ill.) Retail Grocers' Association, favoring the passage of pure-food bills—to the Committee on Interstate and Foreign Commerce.

By Mr. CASSINGHAM: Papers to accompany House bill to correct the military record of Alexander D. Patton—to the Committee on Military Affairs.

By Mr. CONRY: Resolutions of the Citizens' Association of Jamaica Plain, Mass., regarding interstate railroad traffic, etc.—to the Committee on Interstate and Foreign Commerce.

By Mr. COOPER of Wisconsin: Petition of retail druggists of Edgerton, Wis., favoring the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. DOVENER: Papers to accompany House bill granting a pension to John Crawford—to the Committee on Invalid Pensions.

By Mr. FOERDERER: Resolution of Electrical Workers' Union No. 21, of Philadelphia, Pa., for the repeal of the desert-land law and the commutation clause of the homestead act—to the Committee on the Public Lands.

By Mr. GRIFFITH: Papers to accompany bill relating to the correction of the military record of William Burke—to the Committee on Military Affairs.

By Mr. IRWIN: Paper to accompany House bill for the relief of J. B. Jones—to the Committee on Claims.

By Mr. LACEY: Petition of the National Live Stock Association in favor of a public-land commission—to the Committee on the Public Lands.

Also, protest of the same against the passage of House bill 15008, called the "land exchange" bill—to the Committee on the Public Lands.

Also, resolutions of the same in favor of preserving the pasturage on the public domain—to the Committee on the Public Lands.

By Mr. LIVINGSTON: Paper to accompany bill for the relief of the heirs of Hartwell Jones—to the Committee on War Claims.

Also, paper to accompany bill for the relief of Malitta Long—to the Committee on War Claims.

By Mr. MOODY of Oregon: Petition of Grand Prairie Grange, No. 10, of Albany, Oreg., for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. ROBINSON of Indiana: Petition of G. M. McBride, of Ashley, Ind., against the repeal of the now existing canteen law and in favor of an antipolygamy amendment—to the Committee on the Judiciary.

By Mr. RYAN: Papers to accompany House bill for increase of pension of William K. Fowler—to the Committee on Invalid Pensions.

By Mr. SHERMAN: Papers to accompany House bill for the relief of William Gardner—to the Committee on Military Affairs.

By Mr. SKILES: Petition of the Woman's Christian Temperance Union of Norwalk, Ohio, for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. SNOOK: Paper to accompany House bill granting an increase of pension to John Elston, of Mandall, Ohio—to the Committee on Invalid Pensions.

By Mr. SULZER: Protest of New Kurlander Lodge, No. 95, Order of B'rith Abraham, New York City, against the exclusion of Jewish immigrants at the port of New York—to the Committee on Immigration and Naturalization.

Also, petition of the executive committee of the Interstate Commerce Law Convention, Milwaukee, Wis., in relation to House bill 15592—to the Committee on Interstate and Foreign Commerce.

By Mr. WARNOCK: Petition of Woman's Christian Temperance Union of Plain City, Ohio, in favor of legislation in restraint of the liquor traffic—to the Committee on Alcoholic Liquor Traffic.

SENATE.

FRIDAY, *February 6, 1903.*

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. If there be no objection, the Journal will stand approved. The Chair hears none, and it is approved.

EFFICIENCY OF THE ARMY.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 15449) to increase the efficiency of the Army and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. PROCTOR. I move that the Senate insist upon its amendments and agree to the conference asked by the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. COCKRELL, Mr. QUARLES, and Mr. FORAKER were appointed.

PUBLIC BUILDINGS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting for the information of the proper committees of the Senate copies of reports made in regard to the limit of cost of certain public buildings; which, with the accompanying paper, was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendment of the Senate to the preamble to the bill (H. R. 15747) directing the issue of a check in lieu of a lost check drawn by George A. Bartlett, disbursing clerk, in favor of Fannie T. Sayles, executrix, and others.

The message also announced that the House had passed with amendments the bill (S. 6773) to expedite the hearing and determination of suits in equity pending or hereafter brought under the act of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," "An act to regulate commerce," approved February 4, 1887, or any other act having a like purpose that may hereafter be enacted, in which it requested the concurrence of the Senate.

The message further announced that the House had passed a bill (H. R. 16990) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1904, and for other purposes; in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4850) to increase the pensions of those who have lost limbs in the military or naval service of the United States, or are totally disabled in the same; further insists upon its disagreement to the amendments of the Senate numbered 1, 2, 3, 6, and 8 to the bill upon which the committee of conference have been unable to agree; asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SULLOWAY, Mr. CALDERHEAD, and Mr. MIERS of Indiana managers at the conference on the part of the House.

The message further communicated to the Senate the intelligence of the death of Hon. JAMES MONTRAVILLE MOODY, late a Representative from the State of North Carolina, and transmitted resolutions of the House thereon.

The message also announced that the Speaker of the House had appointed Mr. KLUTTZ of North Carolina, Mr. BLACKBURN of North Carolina, Mr. CLAUDE KITCHIN of North Carolina, Mr. BROWNLOW of Tennessee, Mr. GIBSON of Tennessee, Mr. TATE of GEORGIA, Mr. FINLEY of South Carolina, Mr. JOHNSON of South Carolina, Mr. LAMB of Virginia, Mr. HAUGEN of Iowa, Mr. HENRY of Connecticut, Mr. RANDELL of Texas, Mr. COONEY of Missouri, Mr. POU of North Carolina, Mr. SMALL of North Carolina, Mr. CLARK of Missouri, Mr. WRIGHT of Pennsylvania, and Mr. COCHRAN of Missouri members of the committee on the part of the House to attend the funeral of the deceased Representative.

PETITIONS AND MEMORIALS.

Mr. HOAR. I present a petition signed by 5 college presidents and 39 college professors in aid of sundry others signed by college presidents and professors, presented heretofore, in regard to the prosecution of the inquiry into the conditions in the Philippine Islands. I move that the petition be referred to the Committee on the Philippines.

The motion was agreed to.

Mr. GAMBLE presented a petition of the Bonesteel Commercial Club, of Bonesteel, S. Dak., praying for the ratification of the agreement entered into between the United States and the Rosebud Indians for the cession of that part of the reservation within the limits of Gregory County, S. Dak.; which was referred to the Committee on Indian Affairs.

He also presented a petition of the American Mining Congress, praying for the establishment of a department of mines and mining; which was referred to the Committee on Mines and Mining.

Mr. PERKINS presented petitions of the International Union of Flour and Cereal Mill Employees, Local Union No. 15, of Stockton; of Typographical Union of San Jose, and of Local Union No. 227, of San Francisco, all of the American Federation of Labor, in the State of California, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. SCOTT presented petitions of sundry citizens of Ravenswood, Sutton, Wellsburg, and South Buckhannon, all in the State of West Virginia, praying for the enactment of legislation granting to the States power to deal with the intoxicating liquors which may be shipped into their territory from other States; which were referred to the Committee on Interstate Commerce.

Mr. QUARLES presented a petition of the South Side Christian Endeavor Society, of Stevens Point, Wis., praying for the enactment of legislation to prohibit the sale of intoxicating liquors on property owned by the United States Government; which was referred to the Committee on Public Buildings and Grounds.

He also presented a memorial of the South Side Christian Endeavor Society, of Stevens Point, Wis., remonstrating against the repeal of the present anticanteen law; which was referred to the Committee on Military Affairs.

He also presented a petition of the Federated Trades Council, American Federation of Labor, of Madison, Wis., praying for the repeal of the desert-land law and the commutation clause of the homestead act; which was referred to the Committee on Public Lands.

Mr. CULLOM presented a petition of the National Live Stock Association, of Chicago, Ill., praying for the enactment of legislation relative to the interstate transportation of live stock; which was referred to the Committee on Interstate Commerce.

He also presented a petition of Garden City Lodge, No. 75, Order of B'rith Abraham, of Chicago, Ill., praying for the enactment of legislation to modify the methods and practice pursued by the immigration officers at the port of New York; which was referred to the Committee on Immigration.

He also presented a petition of Journeymen Tailors' Local Union, No. 169, American Federation of Labor, of Galesburg, Ill., and a petition of Woodworkers' Local Union, No. 73, American Federation of Labor, of Quincy, Ill., praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. CLAY presented a petition of the Georgia Bankers' Association, praying for the repeal of the bankruptcy law; which was referred to the Committee on the Judiciary.

Mr. FRYE presented a petition of the American Mining Congress, praying for the establishment of a department of mines and mining; which was referred to the Committee on Mines and Mining.

MISSOURI RIVER BRIDGE.

Mr. BERRY. I am directed by the Committee on Commerce, to whom was referred the bill (S. 6961) to authorize the construction of a bridge across the Missouri River between the city of Chamberlain, in Brule County, and Lyman County, in the State of North Dakota, to report it favorably, with amendments.

Mr. GAMBLE. I ask unanimous consent for the present consideration of the bill just reported by the Senator from Arkansas.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The first amendment of the committee was, in section 2 on page 2, line 2, after the word "structure," to insert:

And shall be recognized and known as a post route upon which no higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States than the rate per mile paid for the transportation over the railroad or public highway leading to said bridge. The United States shall also have the right to construct, without charge therefor, telegraph and telephone lines across and upon said bridge, and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies.

The amendment was agreed to.

The next amendment was, in section 3, page 2, line 5, after the word "than," to strike out "one" and insert "three," and in the same line, after the word "hundred," to strike out "and fifty;" so as to read:

That said bridge shall be constructed as a pontoon bridge and shall contain a drawspan giving a clear opening of not less than 300 feet in length, etc.

The amendment was agreed to.

The next amendment was to add as a new section the following:

SEC. 4. That no bridge shall be commenced or built under this act until the location thereof and the plans for its construction, with such maps as shall be necessary for a full understanding of the regimen of the river for a distance of 1 mile above and one-half mile below the proposed site of said bridge, shall have been submitted to and approved by the Secretary of War, and any subsequent change in the plans, construction, or location of said bridge shall be subject to like approval.

The amendment was agreed to.

The next amendment was to add as a new section the following:

SEC. 5. That this act shall be null and void unless the bridge herein authorized be commenced within one year and completed within three years from the date hereof.

The amendment was agreed to.

The next amendment was to add as a new section the following:

SEC. 6. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

Mr. HALE. Is this a part of the morning business?

The PRESIDENT pro tempore. It is a bill just reported from the Committee on Commerce, a bridge bill.

Mr. HALE. After this I think I will object to anything except the routine morning business, and I shall ask that it may go on without the consideration of bills.

Mr. QUAY. Did I understand the Senator to say that he would object to the passage of bills to-day by unanimous consent, or merely pending the order of morning business?

Mr. HALE. During the routine business of the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the construction of a bridge across the Missouri River between the city of Chamberlain, in Brule County, and Lyman County, in the State of South Dakota."

REPORTS OF COMMITTEES.

Mr. MARTIN, from the Committee on the District of Columbia, to whom was referred the amendment submitted by himself on the 3d instant, proposing to appropriate $35,000 for the extension of the present contract to collect and dispose of ashes and miscellaneous refuse from all business places in the District of Columbia, intended to be proposed to the District of Columbia appropriation bill, reported favorably thereon, and moved that it be printed, and, with the accompanying paper, referred to the Committee on Appropriations; which was agreed to.

Mr. WETMORE, from the Committee on the Library, to whom was referred the bill (H. R. 16) to provide for the erection at Washington, D. C., of bronze equestrian statues to the memory of the late Brig. Gen. Count Casimir Pulaski and Baron Steuben, reported it with amendments, and submitted a report thereon.

Mr. DEBOE, from the Committee on Pensions, to whom was referred the bill (H. R. 15673) granting a pension to Annie E. Doss, reported it without amendment, and submitted a report thereon.

Mr. PETTUS. By direction of the Committee on Military Affairs I report back favorably without amendment the bill (S. 6895) to authorize the promotion of Maj. William Crawford Gorgas, surgeon in the Army of the United States, and submit a report thereon.

I shall ask the unanimous consent of the Senate for the immediate consideration of this bill. It is earnestly recommended by the Surgeon-General, by the Secretary of War, and by Brigadier-General Wood, under whom eminent services were performed by Major Gorgas.

Mr. HALE. I am sorry to interfere with the Senator from Alabama, but a few moments ago I gave notice that I would object to any bill being passed during the morning business, and I am obliged to insist upon the point on this bill.

The PRESIDENT pro tempore. Objection is made, and the bill goes to the Calendar.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the bill (H. R. 2557) for the relief of Henry L. McCalla, reported it with an amendment, and submitted a report thereon.

Mr. FAIRBANKS, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 7263) to provide for the purchase of a site and the erection of a building thereon, to be used for a laundry and stable for the Bureau of Engraving and Printing, and to provide for the erection of an addition to the Bureau of Engraving and Printing building on the ground now occupied by the laundry building and stable, and for other purposes, reported it without amendment, and submitted a report thereon.

Mr. ALGER, from the Committee on Military Affairs, to whom was referred the bill (S. 5219) to grant an honorable discharge from the military service to Robert C. Gregg, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 7) authorizing the Secretary of War to cause to be erected monuments and markers on the battlefield of Gettysburg, Pa., to commemorate the valorous deeds of certain regiments and batteries of the United States Army, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 16591) granting an increase of pension to James Mattingly, reported it without amendment, and submitted a report thereon.

Mr. SCOTT, from the Committee on Pensions, to whom was referred the bill (H. R. 15550) granting a pension to Mary A. Hinkle, reported it without amendment, and submitted a report thereon.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 16053) granting an increase of pension to Henry P. Reynolds; and

A bill (H. R. 15206) granting a pension to Mary P. Everton.

Mr. PLATT of Connecticut, from the Committee on Relations with Cuba, to whom was referred the amendment submitted by himself on the 19th ultimo, proposing to appropriate $39,795.34 to pay the claim of the Cuban Submarine Telegraph Company, Limited, for expenses incurred in repairing damage done to its cables and property by United States war vessels during the war with Spain, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be printed and, with the accompanying papers, referred to the Committee on Appropriations; which was agreed to.

CONSIDERATION OF PENSION BILLS.

Mr. GALLINGER. Mr. President, I should like to make a request. It is that on Saturday, after the routine morning business has been concluded, one hour be given to the consideration of unobjected pension bills.

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent that on Saturday next, after the completion of the routine morning business, one hour be given to the consideration of unobjected pension cases. Is there objection?

Mr. HALE. Why does not the Senator, instead of breaking

into each day, obtain consent to consider the Pension Calendar of unobjected cases?

Mr. GALLINGER. That is what I have asked.

Mr. HALE. You have asked for an hour.

Mr. GALLINGER. Yes; we can finish them in an hour.

Mr. HALE. If the Senator thinks we can finish all of them in an hour, I have no objection.

The PRESIDENT pro tempore. The request is for to-morrow?

Mr. GALLINGER. For to-morrow.

The PRESIDENT pro tempore. The Chair hears no objection, and the order is made.

BILLS INTRODUCED.

Mr. PENROSE introduced a bill (S. 7279) granting an increase of pension to Henry G. Blayney; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 7280) to provide an American register for the cable-repairing ship *Scotia*, and for other purposes; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 7281) making it a misdemeanor for persons to unlawfully use or wear the insignia or button of the Spanish-American War Veterans, the insignia or rosette of the Military and Naval Order of the Spanish-American War, or the official decorations of Spanish-American war societies; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. GALLINGER introduced a bill (S. 7282) for the establishment of public-convenience stations and bath houses; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 7283) to amend an act entitled "An act to permit the Pintsch Compressing Company to lay pipes in certain streets in the city of Washington," approved May 19, 1896; which was read twice by its title, and referred to the Committee on the District of Columbia.

OMNIBUS CLAIMS BILL.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the bill (S. 7142) for the allowance of certain claims reported by the Court of Claims, and for other purposes; which was referred to the Committee on Claims, and ordered to be printed.

WASHINGTON MONUMENT.

Mr. GALLINGER. Mr. President, I have here several valuable papers relating to the history of the Washington Monument, some of which are now out of print. They have been compiled by the secretary of the Washington Monument Association under the direction of that body, and I feel sure will be of great public interest. I ask that they be printed as a document.

Mr. HOAR. I should like to ask the Senator from New Hampshire whether the proposed publication contains, and, if not, whether it should not contain, Mr. Winthrop's two very interesting orations, one at the laying of the corner stone and the other on the completion of the Monument?

Mr. GALLINGER. I do not know, but, agreeing with the Senator that the document ought to contain those orations, I will say that I will have the matter looked up and have them included.

Mr. HOAR. Very well. It is then understood that they may be added. Mr. Winthrop, Mr. President, did what never happened to any other person except Mr. Webster. He delivered the oration at the foundation of the Washington Monument and then, some thirty years after, I think, was the orator at the time of its completion, as you very well recollect. He was unwell, so that he was not able to deliver it in person, and it was read before the two Houses of Congress by Governor Long, then a member of the House. Mr. Webster had the same experience in regard to the Bunker Hill Monument. He delivered the oration at the laying of the corner stone and again, seventeen years after, on the completion of the monument. Those four orations stand in the literature of the world, as it seems to me, unrivaled in that department of oratory.

Mr. Winthrop's first oration is hardly accessible at all anywhere, and the second one is in the documents published by the two Houses at the time. If there is to be a history of the Washington Monument to be printed, it seems to me eminently fitting that those two very eloquent and able addresses should be included in the document.

Mr. FAIRBANKS. I will ask the Senator whether the document should not also contain the oration of Senator DANIEL?

Mr. HOAR. Oh, certainly.

Mr. FAIRBANKS. It seems to me that it should include that as well as the oration of Mr. Winthrop.

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent that the papers in relation to the Washington Monument be printed as a document and that there be included with the papers the oration of Mr. Winthrop at the laying of the corner stone and his oration at the completion of the Monument.

Mr. GALLINGER. And also Senator DANIEL'S oration.

Mr. FAIRBANKS. And also the oration of Senator DANIEL at the time of the completion of the Monument. As I understand it, Mr. Winthrop and Senator DANIEL were the orators on the occasion of the celebration of the completion of the Monument.

The PRESIDENT pro tempore. There is also included in the request the oration of Senator DANIEL made at the time of the completion of the Monument. Is there objection? The Chair hears none, and it is so ordered.

INVESTIGATION BY COMMITTEE ON INDIAN AFFAIRS.

Mr. STEWART. I ask unanimous consent that the resolution proposing an investigation by the Committee on Indian Affairs be taken up.

The PRESIDENT pro tempore. Resolutions have not yet been reached.

Mr. HALE. Let us have the regular order.

The PRESIDENT pro tempore. Concurrent or other resolutions are in order.

Mr. STEWART. I ask unanimous consent that the resolution which was before the Senate yesterday may be taken up. I desire to offer a substitute for it.

The PRESIDENT pro tempore. The resolution to which the Senator refers is on the Calendar. It was reported yesterday and it can only be taken up at this time by unanimous consent.

Mr. STEWART. I ask unanimous consent to call it up.

Mr. HALE. Mr. President, I have insisted that the regular order shall proceed until it is exhausted. After that, if Senators can get unanimous consent for the consideration of bills, etc., I have no objection, but I ask that the regular order be completed.

Mr. STEWART. I will wait until the regular order is completed.

IMPROVEMENT OF DELAWARE RIVER AT PHILADELPHIA.

Mr. PENROSE submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he hereby is, authorized and directed to cause to be made an examination and survey of the Delaware River at Philadelphia, with a view to extending the improvement thereof above Christian street as far as Allegheny avenue, and to submit plans and estimates for such improvement, the cost of the work herein directed to be paid from the amount available for the improvement of said river below Christian street.

JOHN H. LAWSON.

Mr. BATE. The bill (H. R. 7864) to pay John H. Lawson $237.96 balance due him for services as United States mail carrier was referred to the Committee on Claims. I move that the committee be discharged from the further consideration of the bill and that it be referred to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

HOUSE BILL REFERRED.

The bill (H. R. 16990) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1904, and for other purposes, was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

COURTS-MARTIAL IN THE PHILIPPINES.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, submitted by the Senator from Utah [Mr. RAWLINS].

Mr. HALE. Let it go over, holding its place.

The PRESIDENT pro tempore. The Senator from Maine asks that the resolution may go over, retaining its place on the table. The Chair hears no objection, and that order is made.

MILITARY OCCUPATION OF PANAMA AND COLON, ETC.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted yesterday by Mr. MORGAN, as follows:

Resolved, That the Secretary of the Navy is directed to send to the Senate copies of all reports and of all correspondence in the Navy Department, with naval or other officers of the United States, on duty in the bays of Panama and Colon since April, 1902, which relate to the military occupation of said bays and the region between them, and the cities of Colon and Panama, by the forces of the United States; or that relate to the operation of military or police forces of Colombia, or of any insurgents that were in arms against the Government of Colombia in that region of country since April, 1902; or that relate to any measures of any officers of the United States to bring about the pacification of that region or any intervention by such officers to that end; or that relate to the terms and conditions of the surrender of insurgent forces in that quarter to the forces or authorities of the Republic of Colombia.

Mr. HALE. I move that the resolution be referred to the Committee on Naval Affairs.

The PRESIDENT pro tempore. The Senator from Maine moves that the resolution be referred to the Committee on Naval Affairs.

Mr. MORGAN. Mr. President, I feel constrained to state the purpose of the resolution in reply to the motion of the Senator

from Maine. It has no reference at all to the operations in the future of the Navy or the Army. It has reference alone to a treaty which is before the Senate and which has been published by authority of this body.

The purpose of the resolution is to acquire from the Navy Department the reports of officials and the correspondence which has taken place between the officers of the Government of the United States in that region and the Navy Department, which will show the condition of the people in that part of the country, and which will show, probably, their political relations toward each other and toward the United States—whether they are hostile or whether they are friendly.

It will show, also, no doubt, the operations of the insurrectionary party in Panama, during the last year, after the month of April. It will show how that insurrection was settled, if it ever has been settled, and whether that part of the country is still in insurrection or whether other departments of the Republic of Colombia are in insurrection. It will show, as I suppose, either the proof or the disproof of allegations which were made in the Colombian papers published at Baranquilla, and also in the papers of the United States, at the time of the settlement or the proposed settlement of that insurrection, that the Government of Colombia offered the insurrectos that they would pay them $3,000,000 for peace, and would pay it out of the money that was to be obtained from the United States for the sale of concessions relating to the canal.

These statements were made in the Colombian papers, Mr. President, and quoted and copied in the papers of New York and elsewhere in the United States. I saw them at the time. Authentic copies of those papers are not in my reach at the present moment, but I state in my place that those newspapers made the statements to which I refer, that is to say, that the Colombian Government, which means President Marroquin, for there is no government there but that of a dictatorship, proposed to the insurrectos of Panama to settle with them, not with the whole of the insurrectionary party in the 15 different departments of Colombia, but this one department, by paying them, as I have said, $3,000,000 out of the money to be obtained from the United States.

Now, in looking over the papers which have been reported to the Senate, coming from the State Department, we will find in the report upon the bill introduced by the senior Senator from Massachusetts [Mr. HOAR] a statement of an agreement between the Secretary of State, by order of the President, and Mr. Concha, the minister from Colombia, by the order, as he stated, of his Government.

I will read the correspondence that took place between these two plenipotentiaries to show what the situation was at the time of the passage of what is called the canal bill, on the 28th of June, 1902. I will remark, however, that at the time of the passage of that bill propositions in the form of treaties had been submitted to the Secretary of State and were communicated to Congress which showed that Nicaragua and Costa Rica together offered to sell the concessions to the United States for $7,000,000, and Colombia offered to sell her concession to the United States for the same amount of money—$7,000,000, so that at the time we were considering that bill the offers of the three Governments balanced each other precisely, and there was no question for discussion, of course, as to the cost of the canal based upon a difference in the offers of the respective Governments.

In the communication of the treaty proposed by Colombia at that time to the United States Mr. Concha had addresssd a letter to Mr. Hay, which Mr. Hay communicated to me as chairman of the Committee on Interoceanic Canals, on May 15, 1902. I will not read the letter addressed to myself, but I will ask leave to insert it in my remarks, unless some Senator wants to hear it read, and also the entire correspondence on that subject, reported to the Senate in May, 1902, which includes a copy of the treaty agreed upon between Mr. Hay and Mr. Concha as the plenipotentiaries of the two Governments. I will discuss these papers, or the parts of them that are pertinent to this resolution I have offered, leaving the Senate to consider other questions suggested by them.

DEPARTMENT OF STATE,
Washington, May 15, 1902.

Hon. JOHN T. MORGAN,
Chairman Committee on Interoceanic Canals, United States Senate.

SIR: I have the honor to inclose copies of letters from the Colombian minister, dated the 31st of March and the 18th and 23d of April, accompanied by the letter of exposition and the letter of William Nelson Cromwell, both dated the 31st of March, referred to in the minister's letter of that date, and also a memorandum of a convention which the Government of Colombia is ready to sign with that of the United States of America respecting the completion, maintenance, control, and protection of an interoceanic canal over the Isthmus of Panama. I also inclose a copy of a letter which I addressed to the minister of Colombia on the 21st of April, announcing that I am directed by the President to inform him that I shall be ready to sign with him the proposed convention as soon as the Congress of the United States shall have authorized the President to enter into such an agreement and the law officers of this Government shall have decided upon the question of the title which the New Panama Canal Company is able to give of all the properties and rights claimed by it and pertaining to a canal across the Isthmus, and covered by the pending proposal.

I inclose, also, a project of a treaty presented to me this day by the minister of Nicaragua in behalf of his Government. I have not yet received a definite proposition from the Government of Costa Rica, but am informed by the Costa Rican minister that his Government is ready to enter into any satisfactory arrangement with that of the United States on the basis of the protocol of December 1, 1900, but that, as set forth in the recent message of President Eglesias, an extract from which I inclose, it will be necessary that the Government of Costa Rica should, before entering into positive negotiations with that of the United States of America, adopt a constitutional amendment authorizing the necessary concessions for the construction of an interoceanic canal, or to have the matter referred to public opinion in some other way by calling a constituent assembly for the purpose. I am assured by the Costa Rican Government that these steps will be taken as soon as the Congress of the United States shall decide the question of the route of the canal. I also inclose, in accordance with the request of the Nicaraguan minister, a copy of the protocol entered into between this Government and those of Nicaragua and Costa Rica December 1, 1900.

I have the honor to submit all these documents to your committee, with the hope that this definite information as to the purposes and intentions of the Nicaraguan, Colombian, and Costa Rican Governments may be of service to you in determining the question of the route of the proposed interoceanic canal.

In view of the great interests involved, the President wishes me to express to you and to the committee of which you are chairman his earnest hope that there may be as little delay as possible in the legislation which will authorize the beginning of this work, which he regards as so important and so beneficent to this country and the world.

I am, sir, very truly, your obedient servant, JOHN HAY.

The papers inclosed to me and reported to the Senate in connection with the bill of the Senator from Massachusetts were as follows:

LEGACION DE COLOMBIA,
Washington, D. C., March 31, 1902.

I have the honor to hand your excellency the proposal of the Republic of Colombia for a concessionary convention or treaty between the Republic of Colombia and the United States of America respecting the completion, maintenance, operation, control, and protection of the interoceanic canal over the Isthmus of Panama.

I soon shall hand you a letter of exposition and also have requested Mr. William Nelson Cromwell, general counsel of the New Panama Canal Company, to present you a statement which I have approved.

Please accept these additional communications in connection with the proposed treaty.

I avail myself of this opportunity to renew to your excellency the assurance of my high consideration.

JOSE VICENTE CONCHA.

Hon. JOHN HAY,
Secretary of State of the United States.

[Translation.]

LEGATION OF COLOMBIA,
Washington, D. C., March 31, 1902.

The undersigned, envoy extraordinary and minister plenipotentiary of the Republic of Colombia, has the honor to supplement the note which he had the honor to hand to the honorable Secretary of State, together with the memorandum setting forth the bases of a treaty between Colombia and the United States for the purpose of securing the authorization of Colombia for the New Panama Canal Company to transfer its rights and privileges to the American Government and of regulating the relations between the contracting parties in respect of this enterprise.

The bases have been formulated after a serious and mature consideration of those which were submitted to the legation on the subject by the president of the Isthmian Canal Commission, which had been intrusted by the honorable Secretary of State with the discussion of the question. The intent of these bases has been to condense the most liberal terms that could be granted by Colombia in the matter.

The Republic that I represent realizes the importance of the contemplated interoceanic waterway for the civilization and progress of the world, and since nature has placed the shortest and most expeditious route within the territory of the Republic, Colombia widely and generously opens her doors so that the grand work may be achieved within the shortest possible time.

If the people of the United States evince an earnest desire that their Government apply its energies and treasure to the completion of the canal, Colombia not only will not place any obstacle whatever in the way of such a purpose or keep her concessions within the bounds of those previously conceded to private enterprise, but will enlarge those concessions to such an extent as to renounce a demand for the ownership after the lapse of a number of years of operation, as stipulated in the French company's contract; she will grant the use of a much more extensive zone than that originally conceded for the execution of the work; extend facilities in all the ports of the Republic for cooperation in the work of the enterprise; relinquish her proprietary and usufructuary rights in the Panama Railway, and, lastly, forego a fixed participation in the proceeds of the canal, confining her demands to a fee of annuity for the price of the zone, the revenues of the railway, and the heavier expenses put upon the public administration in the Isthmus by the increase of population and the traffic consequent to the work on the canal itself.

Thus does Colombia give fresh evidence of her long-standing and cordial sentiments of friendship toward the United States, and evinces in a clear and sincere manner the gratification with which she will receive the industrious and intelligent citizens of your Republic in her territory.

Colombia has no lust of unwise lucre through the construction of the canal in her territory, and a final convention on this subject will not be hampered by pecuniary considerations. Her pride in the matter is bent on having the neutral waterway between the two oceans, that ideal of universal peace and progress, become a reality on her territory, and under the protection of her sovereignty. The compensations asked by Colombia have special importance only in that they will imply a practical and constant recognition of her sovereignty.

The undersigned has no doubt that the mere perusal of the memorandum will bring forward the justice and equity of the propositions, which, if accepted, would be perfected in the same spirit.

The undersigned embraces this opportunity to reiterate to the honorable Secretary the assurance of his highest and most distinguished consideration.

JOSE VICENTE CONCHA.

Hon. JOHN HAY,
Secretary of State of the United States.

[The New Willard, Washington, D. C., Sullivan & Cromwell, 49 and 51 Wall street.]

NEW YORK, *March 31, 1902.*

Hon. JOHN HAY,
Secretary of State, Washington, D. C.

SIR: In connection with the presentation by Señor Jose Vicente Concha, minister plenipotentiary and envoy extraordinary from the Republic of Colombia, of a proposed concessionary convention or treaty between the United States and Colombia to further the completion, operation, control, and protection of the Panama Canal by the United States, I have been requested by the minister, in view of my relation to the subject as general counsel of the Panama Canal Company, and of my knowledge of the minister's views derived from our daily conferences in the preparation of the treaty, to submit the following reflections:

Colombia welcomes the United States to its territory, and will facilitate in every way reasonable within its power the consummation of the desires and needs of the United States for the completion, operation, maintenance, control, and protection of the interoceanic canal across its domain, subject, of course, to the sovereignty of Colombia, and a reasonable and just convention between the two nations.

Colombia views with admiration, as does the rest of the world, the splendid magnanimity, the far-seeing statesmanship, the virile and comprehensive policy which moves this people to construct the greatest undertaking which has ever engaged the attention of mankind, not for its own benefit alone, nor with selfish preference to its own commerce, but for the common benefit upon equal terms and under universal neutrality in times of peace for all the peoples of the earth.

History does not furnish another instance of such national generosity, patriotism, and wisdom.

This could not but call out from Colombia the warmest response; and that nation takes pride in associating herself with an affair conducted upon such an elevated plane of national and international duty and concern.

The Isthmian Canal Commission, a most distinguished and able body, selected with such care by President McKinley to consider all possible isthmian canal routes and to determine which of them it is most to the interest of the United States to acquire, has reported unanimously that the Panama route is the most practicable and feasible route for an isthmian canal to be under the control, management, and ownership of the United States. Therefore the solution of the problem only involves two other conditions:

1. The sale by the New Panama Canal Company to the United States of the concession, property, and rights of the canal, with the shares of the Panama Railroad Company; and,

2. A new concessionary convention or treaty with Colombia.

The first of these two conditions already has been made easy of fulfillment in the formal acceptance by the New Panama Canal Company of the valuation fixed by the Isthmian Canal Commission—$40,000,000—and by its duly authorized proposal to the United States for a sale of the property at that price, subject, of course, to a satisfactory convention being arrived at between the United States and Colombia.

The sole remaining condition, then, is the determination of the concessionary and treaty relations of the United States to a zone of territory across the Isthmus of Panama necessary for the consummation of the undertaking.

There has not been a moment in which Colombia has not entertained the keenest desire to further the design of the United States, and this sentiment has prevailed under each succeeding administration in Colombia and alike in both of the great national parties who alternately have ruled in that country.

This sentiment is neither new born nor inspired by hope of pecuniary gain. The two nations are old friends, and this feeling assumed practical form in 1846, when the treaty of that year was made, which expressly provided for the construction of this canal, in furtherance of which Colombia guaranteed to the United States the free transit of the Isthmus and granted extraordinary concessions to the people and commerce of the United States upon terms of perfect equality with its own citizens, while the United States, in turn, guaranteed the neutrality of the Isthmus and of the canal to be constructed upon it, as well as the sovereignty of Colombia over that territory.

It is a significant fact that this treaty of 1846-1848, assuring to the United States special rights and privileges upon the Isthmus of Panama in connection with any interoceanic canal or railroad across the Isthmus of Panama, antedates the Clayton-Bulwer treaty. The treaty of 1846-1848 is in full force, as it has continued to be without change from the date of its execution.

Colombia has never made a treaty with any other nation upon the subject of an isthmian canal, although it was at liberty to do so.

These treaty ties cemented their joint designs for the construction of a new highway for the world have held the two nations together in common interests and unbroken friendship for more than a half century.

By granting the concessions now owned by the New Panama Canal Company and by furthering the construction of the canal to its present advanced stage of completion by the Old and New Panama Canal companies, Colombia initiated the great work which now, happily, the United States may consummate.

While the minister of Colombia was in Washington for more than a year waiting for the moment when the subject could be seriously and attentively discussed, it is only since January 4, 1902, that anything could be definitely said or done, since then, and then only, was a definite proposal of sale made by the canal company. Immediately thereupon, however, the Government of Colombia, requiring the services of its then minister in other important fields, designated its minister of war, Señor Concha, as minister plenipotentiary and envoy extraordinary, to come at once from Bogota to Washington, charged with its ripest views and amplest instructions, to confer with the executive authorities of the United States, and, after exchange of information and opinions, to reach a satisfactory convention.

Minister Concha has devoted himself, since his arrival a few weeks ago, absorbingly to this task, and is prepared to reach a conclusion with the executive officers of the Government.

He is fully empowered to negotiate and sign a treaty, subject only to the ratification of the Colombian Congress, as in like cases with all nations.

But Colombia is in the dark as to the precise desires and needs of the United States upon the subject, and Minister Concha can not, of course, anticipate in his first statement all the reasonable requirements of this Government. He wishes, however, to manifest in the most hearty manner the desire of his Government to facilitate the purposes of the United States, and this disposition is manifested by the comprehensive convention which he has this day submitted to you, but not as an ultimatum. The establishment of a canal convention involves, as you are so well aware, besides the utilization of a canal zone for the construction, operation, maintenance, control, and protection of a canal, railroad, and auxiliary works, as well as a grant renewable perpetually and a consent to the sale by the New Panama Canal Company (all of which Colombia concedes in the convention submitted), but also numerous other grave questions relating to judicial procedure, punishment of crimes, the capture of criminals, sanitary and police regulations of Panama and Colon, proper regard to the vested interests upon the Isthmus, exemption of the United States from all forms of taxes, port charges, or other dues, etc.

Quite aside from pecuniary matters, these are subjects which only can be examined and negotiated directly with you in person, and are impossible of negotiation with the Houses of Congress.

Permit me to call attention to the facts that a canal convention in respect of the Isthmus of Panama necessarily involves considerations which do not relate to a section where there is but a wilderness, uninhabited by man, and producing no income to the nation. The convention respecting the Panama route covers a zone which has been the pathway of commerce across the continent for four hundred years, with important cities at its termini, with villages along the route, with a settled population, with considerable property, and with important vested interests to be taken into consideration.

All this represents an increment of value in civilizing influences, in means of protection, in expenditures of national funds for improvement and development, as well as in certitude of engineering plans, of all which the United States now may derive the benefit.

It would be neither in order nor fitting for the canal company or myself to express any views, one way or the other, upon any of the provisions of the proposed treaty, and our reserve in that regard will be noted. However, I beg to refer, by special request of the minister, to Article XXV of his proposed treaty, and which article relates to the pecuniary terms. Colombia is prepared to discuss, negotiate, and decide upon the precise sum or sums which may be reasonable for the United States to pay and for Colombia to ask, but as the subject is in the hands of Congress, and it seems impracticable at the moment to secure a definite expression of the views of the United States upon the subject, Colombia manifests its good faith and reasonableness by proposing that the annuity shall be only such sum as mutually may be agreed upon between the nations, or, failing in such agreement, such fair and reasonable amount as may be determined by a high commission presided over by the president of the International Peace Tribunal of The Hague, the remaining members being nominated in equal number by the two nations.

Such annuity would only be fixed once in a hundred years. The national requirements of Colombia make a payment of $7,000,000 desirable, and you will note the provisions on that head; but I also ask you to note that Colombia waives the annuity for the first fourteen years. This method insures to the United States the concessionary rights which it requires and which can not be affected or interrupted by any difference or delay respecting the ascertainment of the annuity. The United States is only required to pay such sum as it may agree upon or as so may be determined to be fair and reasonable. Colombia does not ask more than what may be determined to be fair and reasonable, and surely the United States does not wish to do less than that.

I have the honor to be, Mr. Secretary, your obedient servant,

WM. NELSON CROMWELL,
General Counsel New Panama Canal Company.

LEGACION DE COLOMBIA,
Washington, D. C., April 18, 1902.

SIR: Concerning the conclusions reached as the result of the conference held between yourself and Mr. Cromwell, and adopting, as far as practicable, your valuable suggestions, I beg leave to hand you the concessionary convention or treaty (in Spanish and in English), embodying the amendments agreed upon in the conference referred to.

My previous communication of March 31, 1902, proposing the concessionary convention or treaty in behalf of my Government, and the expository communications of myself and Mr. Cromwell, under the same date, apply equally to the inclosures.

Awaiting the pleasure of your excellency, I have the honor to renew the assurances of my high consideration.

J. V. CONCHA.

Hon. JOHN HAY,
Secretary of State of the United States,
Department of State.

Then follows the full text of the treaty that Mr. Concha submitted to the Government of the United States as being a treaty that he was authorized to make by the President of Colombia and would make and was ready to sign, as follows, and then the letter of Mr. Hay accepting the same, and the concluding letter of Mr. Concha, which completed the treaty and closed the negotiations.

The agreement between the Governments, through their plenipotentiaries, was completed by their respective notes, which were duly interchanged. Nothing remained to be done but the formality of signing the copies, one for each Government, in order to identify them and not to add anything to their legal or moral obligation; any added stipulation would be a new negotiation. We had a right to demand that the price of the concession was agreed upon, at $7,000,000. If we have lost that right, it must be because we have given it away to Colombia.

LEGACION DE COLOMBIA, WASHINGTON, D. C.

Memorandum of points to be embodied in a convention between the Republic of Colombia and the United States of America for the construction of an interoceanic canal by the Panama route and the management of the railroad over said Isthmus, in furtherance of article 35 of the treaty of 1845-1848, existing between said nations; presented by the undersigned envoy extraordinary and minister plenipotentiary of the Republic of Colombia.

ARTICLE I.

The Government of Colombia authorizes the New Panama Canal Company to sell and transfer to the United States its rights, privileges, properties, and concessions, as well as the Panama Railroad and all the shares or part of the shares of that company, with the exception of the public lands situated outside of the zone hereinafter specified now corresponding to the concessions to both said enterprises, which public lands shall revert to the Republic of Colombia.

But it is understood that Colombia reserves all its rights to the special shares in the capital of the New Panama Canal Company, to which reference is made in Article IV of the contract of December 10, 1890, which shares shall be paid their full nominal value at least.

The railroad company (and the United States as owner of the enterprise) shall be free from the obligations imposed by the railroad concession, excepting as to the payment at maturity by the railroad company of the outstanding bonds issued by said railroad company.

ARTICLE II.

The United States shall have the exclusive right to excavate, construct, maintain, operate, control, and protect a maritime canal from the Atlantic to the Pacific Ocean, to and across the territory of Colombia, such canal to be of sufficient depth and capacity for vessels of the largest tonnage and greatest draft now engaged in commerce; and also the same rights for the construction, maintenance, operation, control, and protection of railway, telegraph, and telephone lines, canals, dikes, dams, reservoirs, and such other

auxiliary works as may be necessary and convenient for the construction, maintenance, protection, and operation of the canal.

ARTICLE III.

To enable the United States to exercise the rights and privileges granted by the foregoing articles, the Republic of Colombia grants to that Government the use of a zone of territory along the route of the canal to be opened, 5 kilometers in width on either side thereof, measured from its center line, excluding the cities of Panama and Colon. So far as necessary for the construction, maintenance, and operation of the canal, the United States shall have the use and occupation of the group of small islands in the Bay of Panama, named Perico, Naos, and Flamenco, together with 10 fathoms of water in the Bay of Limon in extension of the canal, but the same shall not be construed as being within the zone herein defined, nor governed by the special provisions applicable to the zone. This concession shall be for the term of one hundred years, renewable at the option of the United States for periods of similar duration and subject to the payment of the amount hereinafter expressed.

This grant shall in no manner invalidate the titles of rights of private landholders in the said zone of territory, nor shall it interfere with the rights of way over the public roads of the department.

All the stipulations contained in article 35 of the treaty of 1846-1848 between the contracting parties shall continue and apply in full force to the cities of Panama and Colon and to the accessory community lands within the said zone, and the territory thereon shall be neutral territory, and the United States shall continue to guarantee the neutrality thereof and the sovereignty of Colombia thereover in conformity with the above-mentioned article 35 of said treaty.

In furtherance of this provision, there shall be created a joint commission by the Governments of Colombia and the United States that shall establish and enforce sanitary and police regulations.

ARTICLE IV.

The rights and privileges granted to the United States by the terms of this convention shall not affect the sovereignty of the Republic of Colombia over the territory within whose boundaries such rights and privileges are to be exercised.

The United States freely acknowledges and recognizes this sovereignty and disavows any intention to impair it in any way whatever, or to increase its territory at the expense of Colombia or of any of the sister republics in Central or South America, but, on the contrary, it desires to strengthen the power of the republics on this continent, and to promote, develop, and maintain their prosperity and independence.

ARTICLE V.

The Republic of Colombia authorizes the United States to construct and maintain at each entrance and terminus of the proposed canal a port for vessels using the same, with suitable light-houses and other aids to navigation; and the United States is authorized to use and occupy within the limits of the zone fixed by this convention such parts of the coast line and of the lands and islands adjacent thereto as are necessary for this purpose, including the construction and maintenance of breakwaters, dikes, jetties, embankments, coaling stations, docks, and other appropriate works. And the United States undertakes the construction and maintenance of such works and will bear all the expense thereof. The ports, when established, shall be declared free, and their demarcations shall be clearly and definitely defined.

To give effect to this article, the United States will give special attention and care to the maintenance of works of drainage, sanitary, and healthful purposes along the line of the canal and its dependencies, in order to prevent the invasion of epidemics, or of securing their prompt suppression, should they appear. With this end in view the United States will organize hospitals along the line of the canal and will suitably supply the towns of Panama and Colon with the necessary aqueducts and drainage works, in order to prevent their becoming centers of infection on account of their proximity to the canal.

The Government of Colombia will secure the possession of the land that may be required in the towns of Panama and Colon to effect the improvements above referred to, and the Government of the United States shall be authorized to impose and collect equitable water rates previously agreed upon with the Government of Colombia during fifty years for the service rendered; but on the expiration of said term, the use of the water shall be free for the inhabitants of Panama and Colon, except to the extent that may be necessary for the maintenance of said aqueducts.

ARTICLE VI.

The Republic of Colombia agrees that it will not cede or lease to any foreign government any of its islands or harbors within or adjacent to the Bay of Panama, nor on the Atlantic coast of Colombia between the Atrato River and the western boundary of the department of Panama for the purpose of establishing fortifications, naval or coaling stations, military posts, docks, or other works that might interfere with the construction, maintenance, operation, protection, safety, and free use of the canal and auxiliary works. In order to enable Colombia to comply with this stipulation, the Government of the United States agrees to give Colombia the material support that may be required, in order to prevent the occupation of said islands and ports, guaranteeing there the sovereignty, independence, and integrity of Colombia.

ARTICLE VII.

The Republic of Colombia includes in the foregoing grant the right, without obstacle, cost, or impediment, to the free navigation and use of the waters of the Chagres River and other streams, lakes, and lagoons, and of all waterways, natural and artificial, within the jurisdiction and under the dominion of the Republic of Colombia in the department of Panama, that may be necessary or desirable for the construction, maintenance, and operation of the canal and its auxiliary works, including the right to raise and lower the levels of the waters and to deflect them, and to rectify and navigate any and all streams, lakes, and lagoons. All damages caused to private landowners by inundation, or by the deviation of water courses, or in other ways, arising out of the construction or operation of the canal, shall in each case be appraised and settled by a joint commission appointed by the Governments of Colombia and the United States, but the cost of the indemnities so agreed upon shall be borne solely by the United States.

ARTICLE VIII.

The Government of Colombia declares free for all time the ports at either entrance to the canal and the waters thereof in such a manner that there shall not be collected by the Government of Colombia custom-house tolls, tonnage, anchorage, light-house, wharf, pilot, or quarantine dues, nor any other charges or taxes of any kind shall be levied or imposed by the Government of Colombia upon any vessel using or passing through the canal or belonging to or employed by the United States, directly or indirectly, in connection with the construction, maintenance, and operation of the main work or its auxiliaries or upon the cargo, officers, crew, or passengers of any such vessel, it being the intent of this convention that all vessels and their cargoes, crews, and passengers shall be permitted to use and pass through the canal and the ports leading thereto, subject to no other demands or impositions than such tolls and charges as may be imposed by the United States for the use of the canal and other works, it being understood that such tolls and charges shall be equal for vessels of all nations.

The ports leading to the canal shall also be free to the commerce of the world, and no duties or taxes shall be imposed, except upon merchandise destined to be introduced for the consumption of the rest of the Republic of Colombia, or the department of Panama, and upon vessels touching at the ports of Colon and Panama, and which did not cross the canal. Though the said ports shall be free and open to all, the Government of Colombia may establish in them such custom-houses and guards as Colombia may deem necessary to collect duties on importations destined to other portions of Colombia and to prevent contraband trade. The United States shall have the right to make use of the ports at the two extremities of the canal as places of anchorage, in order to make repairs for loading, unloading, depositing, or transshipping cargoes either in transit or destined for the service of the canal.

ARTICLE IX.

There shall not be imposed any taxes, national, municipal, departmental, or of any other class, upon the canal, the vessels that may use it, tugs and other vessels employed in the service of the canal, the railways and auxiliary works, storehouses, workshops, offices, quarters for laborers, factories of all kinds, warehouses, wharves, machinery and other works, property and effects appertaining to the canal or railroad, or that may be necessary for the service of the canal or railroad and their dependencies, whether situated within the cities of Panama and Colon, or any other place authorized by the provision of this convention.

Nor shall there be imposed contributions or charges of a personal character of whatever species upon officers, employees, laborers, and other individuals in the service of the canal and its dependencies.

ARTICLE X.

It is agreed that telegraph and telephone lines, when established for canal purposes, may also, under suitable regulations, be used for public and private business in connection with the systems of Colombia and the other American Republics, and with the lines of cable companies authorized to enter the ports and territories of these Republics; but the official dispatches of the Government of Colombia and the authorities of the Department of Panama shall not pay for such service higher tolls than those required from the officials in the service of the United States.

ARTICLE XI.

The Government of Colombia shall permit the immigration and free access to the lands and workshops of the canal enterprises of all employees and workmen of whatever nationality under contract to work upon the said canal and its dependencies, with their respective families, and all such persons should be free and exempt from the military service of the Republic of Colombia.

ARTICLE XII.

The United States may import at any time into the said zone, free of customs duties, imposts, taxes, or other charges, and without any restriction, any and all vessels, dredges, engines, cars, machinery, tools, explosives, materials, supplies, and other articles necessary and convenient in the construction, maintenance, and operation of the canal and auxiliary works; also all provisions, medicines, clothing, supplies, and other things necessary and convenient for the officers, employees, workmen, and laborers in the service and employ of the United States within the said zone and for their families. If any such articles are disposed of for use without the zone and within the territory of the Republic, they shall be subject to the same import or other duties as like articles under the laws of Colombia, or the ordinances of the department of Panama.

ARTICLE XIII.

The United States shall have authority within the said zone to protect and make secure the canal, as well as railroads and other auxiliary works, and to preserve order and discipline among the laborers and other persons who may congregate in that region in consequence of the proposed work.

The Governments of Colombia and the United States shall agree upon the regulations necessary for said purpose, as well as to the capture and delivery of criminals to the respective authorities. Special regulations also shall be agreed upon, in the manner aforesaid, for the establishment of laws and jurisdiction to decide controversies that may arise respecting contracts relative to the construction and management of the canal and its dependencies, as well as to the trial and punishment of crimes that may be committed within the said zone of the canal.

ARTICLE XIV.

The works of the canal, the railways, and their auxiliaries shall be declared of public utility, and in consequence all areas of land and water necessary for the construction, maintenance, and operation of the canal and the other specified works may be expropriated in conformity with the laws of Colombia, except that the indemnity shall be conclusively determined, without appeal, by a joint commission appointed by the Governments of Colombia and the United States.

The indemnities awarded by the commission for such expropriation shall be borne by the United States, but the appraisal of said lands and the assessment of damages shall be based upon their value before the commencement of the work upon the canal.

ARTICLE XV.

The Republic of Colombia grants to the United States the use of all the ports of the Republic open to commerce as places of refuge for any vessels employed in the canal enterprise, and for all vessels in distress having the right to pass through the canal and wishing to anchor in said ports. Such vessels shall be exempt from anchorage and tonnage dues on the part of Colombia.

ARTICLE XVI.

The canal, when constructed, and the entrances thereto shall be neutral in perpetuity, and shall be open upon equal terms to the vessels of all nations at uniform tonnage and other rates that may be imposed in virtue of the stipulations of this convention and in conformity with the stipulations of the treaty entered into by the Governments of the United States and Great Britain on November 18, 1901, and known as the Hay-Pauncefote treaty.

ARTICLE XVII.

The Government of Colombia shall have the right to transport over the canal its vessels, troops, and munitions of war at all times, without paying charges of any kind. This exemption is to be extended to the auxiliary railway for the transportation of persons in the service of the Republic of Colombia or of the department of Panama, or of the police force charged with the preservation of public order, as well as to their baggage, munitions of war, and supplies.

ARTICLE XVIII.

The United States shall have full power and authority to establish and enforce regulations for the use of the canal, railways, and the entering ports and auxiliary works, and to fix rates of tolls and charges thereof, subject to the limitations stated in the Article XVI.

ARTICLE XIX.

The rights and privileges granted to the United States by this convention shall not affect the sovereignty of the Republic of Colombia over the real estate that may be acquired by the United States by reason of the transfer of the rights of the New Panama Canal Company and the Panama Railroad Company lying outside of the said canal zone.

ARTICLE XX.

If, by virtue of an existing treaty between the Republic of Colombia and any third power, there may be privileges or concessions relative to an interoceanic means of communication which especially favors such third power and which in any of its terms may be incompatible with the terms of the present convention, the Republic of Colombia agrees to cancel or modify such treaty in due form, for which purpose it shall give to the said third power the requisite notification within the term of four months from the date of the present convention, and in case the existing treaty contains no clause permitting their involuntary annulment, the Republic of Colombia agrees to procure its modification or annulment in such form that there shall not exist any conflicts with the stipulations of the present convention.

ARTICLE XXI.

The rights and privileges granted by the Republic of Colombia to the United States in the preceding articles are understood to be free of all anterior concessions or privileges to other governments, corporations, syndicates, or individuals, and consequently if there should arise any claims on account of the present concessions and privileges the claimants shall resort to the Government of Colombia and not to the United States for any indemnity or compromise which may be required.

ARTICLE XXII.

The Government of Colombia renounces the participation to which it might be entitled in the future earnings of the canal under Article XV of the contract with the "Universal Panama Canal Company;" and it likewise renounces now and hereafter all the rights reserved in the said concession which shall belong to Colombia at the expiration of the term of ninety-nine years of the concession granted to the above-mentioned company.

ARTICLE XXIII.

If it should become necessary at any time to employ armed forces for the safety or protection of the canal, or of the ships that make use of the same, or the railways and other works, the Republic of Colombia agrees to provide the forces necessary for such purpose, according to the circumstances of the case, but if the Government of Colombia can not effectively comply with this obligation, then, with the consent of or at the request of Colombia, or of her minister at Washington, or of the local authorities, civil or military, the United States shall employ such force as may be necessary for that sole purpose, and as soon as the necessity shall have ceased will withdraw the forces so employed. Under exceptional circumstances, however, on account of unforeseen or imminent danger to said canal, railways, and other works, or to the lives and property of the persons employed upon the canal, railways, and other works, the Government of the United States is authorized to act in the interest of their protection, without the necessity of obtaining the consent beforehand of the Government of Colombia; and it shall give immediate advice of the measures adopted for the purpose stated, and as soon as sufficient Colombian forces shall arrive to attend to the indicated purpose those of the United States shall retire.

ARTICLE XXIV.

The Government of the United States agrees to complete the construction of the preliminary works necessary, together with all the auxiliary works, in the shortest time possible; and within two years from the date of the exchange of ratification of this convention the main works of this canal proper shall be commenced, and it shall be opened to the traffic between the two oceans within twelve years after such period of two years. In case, however, that any difficulties or obstacles should arise in the construction of the canal, which are at present impossible to foresee, in consideration of the good faith with which the Government of the United States shall have proceeded and the large amount of money expended so far on the works and the nature of the difficulties which may have arisen, the Government of Colombia will prolong the terms stipulated in this article up to twelve years more for the completion of the work of the canal.

ARTICLE XXV.

As the price or compensation for the right to use the zone granted in this convention by Colombia to the United States for the construction of a canal, together with the proprietary right over the Panama Railroad, and for the annuity of $250,000, gold, which Colombia ceases to receive from the said railroad, as well as in compensation for other rights, privileges, and exemptions granted to the United States; and in consideration of the increase in the administrative expenses of the department of Panama consequent upon the construction of the said canal, the Government of the United States binds itself to pay Colombia the amount of $7,000,000 in American gold on the exchange of the ratification of this convention, after its approval by the legislative bodies by both countries, and fourteen years after the date aforesaid a fair and reasonable annuity that shall be agreed upon by the contracting Governments, three years before the expiration of the above-mentioned term of fourteen years.

In fixing this fair and reasonable annuity there shall be taken into consideration the present price of the usufruct of the railway as well as the compensation that is to be stipulated for the use of the zone and for the additional administrative expenses that the construction of the canal will impose upon Colombia; and also the advanced payment of $7,000,000 and the comparative cost and conditions upon which the United States reasonably could have expected to acquire concessions satisfactory to it in respect of any other canal route.

Three years before the expiration of each term of one hundred years the annuity for the following term shall be fixed in a similar manner.

But in the event that the parties are unable to come to an understanding within the periods above referred to as to such fair and reasonable annuity, then before the second year prior to the termination of the periods above referred to the contracting parties shall proceed to constitute a high commission, to be composed of five members, of whom two shall be appointed by Colombia, two by the United States, and the fifth (who shall be the president of such high commission) shall be the president for the time being of the International Peace Tribunal of The Hague, and the determination reached by said commission, by a majority vote, concerning such fair and reasonable annuity that is to be paid to Colombia by the United States in conformity with this article shall be binding upon the contracting parties.

But no delay nor difference of opinion in fixing such amount shall affect nor interrupt the full operation and effect of this convention in all other respects.

ARTICLE XXVI.

If after the lapse of five years from the date of this convention the necessary works for the opening of the canal should not have been commenced by the United States, or if after the expiration of the twelve years stipulated for the completion of the work, and the extension of twelve years referred to in Article XXIV, the canal should not be opened to commerce, all the concessions granted by this convention shall be forfeited and all the works, principal and accessory, machinery, and properties of the canal, shall become the property of the Republic of Colombia, and the same Republic shall recover its actual rights over the Panama Railroad without any obligation to return any of the sums that it may have received in conformity with this convention.

ARTICLE XXVII.

This convention, when signed by the contracting parties, shall be submitted for legislative approval, and shall be exchanged within a term of eight months from this date.

Article XXV fixes the price of the concession at $7,000,000, and nothing is stated in the present treaty as a reason for raising the price to $10,000,000.

Mr. Hay, in reply to Mr. Concha's note, says this:

DEPARTMENT OF STATE,
Washington, April 21, 1902.

SIR: I have the honor to acknowledge the receipt at your hands of a communication dated the 31st of March, 1902, and another of the 18th of April, inclosing a proposal of the Republic of Colombia for a concessionary convention or treaty between the Republic of Colombia and that of the United States of America respecting the completion, maintenance, operation, control, and protection of an interoceanic canal over the Isthmus of Panama.

I am directed by the President to inform you that I shall be ready to sign with you the proposed convention as soon as—

First. The Congress of the United States shall have authorized the President to enter into such an agreement; and

Second. As soon as the law officers of this Government shall have decided upon the question of the title which the New Panama Canal Company is able to give to all the properties and rights claimed by it and pertaining to a canal across the Isthmus and covered by the pending proposal.

Accept, sir, the renewed assurances of my highest consideration.

JOHN HAY.

Señor DON JOSE VICENTE CONCHA, etc.

Mr. Concha replied to that note as follows:

[Translation.]

LEGATION OF COLOMBIA,
Washington, D. C., April 23, 1902.

SIR: I have the honor to acknowledge the reception of your excellency's communication of the 21st instant, by which you are pleased to inform me that you are authorized by the President of the United States to sign with the Republic of Colombia the treaty relative to the opening of the Panama Canal, and the other details connected with the said work, in accordance with the draft I submitted to the Government of the United States on the 18th instant, and that you will proceed to do so as soon as permission shall have been given by the Congress of this Republic and as soon as the official lawyers shall have given their opinion regarding the title of the new canal company for the transfer of its rights.

When the occasion to sign the above-mentioned treaty shall arise, I will present, according to usage, the full powers authorizing me to do so.

Accept, excellency, the sentiments of my high consideration.

JOSE VICENTE CONCHA.

Hon. JOHN HAY,
Secretary of State of the United States,
Department of State.

Mr. President, I desire to be very brief about this matter. I have now presented the case of a treaty agreed to between our Secretary of State and the minister of Colombia, both asserting that it was done by the orders of their respective Governments and that they were both ready to sign that treaty whenever Congress should authorize the making of such a treaty, and whenever the President of the United States should ascertain through its proper legal adviser—the Attorney-General, I suppose—that the title of the Panama Canal Company to what it proposed to sell us was free and clear. Both of these matters have been ascertained to the satisfaction of the President, and the treaty now in the Senate has been sent here because of the ascertainment of those facts.

The treaty that was submitted by Mr. Concha to Mr. Hay, and agreed to by both parties, was for the payment of $7,000,000 for this concession and $250,000 a year, I think, for fourteen years, but at any rate that was the annual amount that was agreed upon.

The treaty now submitted to the Senate contains a provision for the payment of $10,000,000——

Mr. CULLOM. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Illinois?

Mr. CULLOM. I think I ought to ask, Mr. President, that the doors be closed in the discussion of this treaty, and I will call the attention of the Senator from Alabama to it before insisting upon my motion.

Mr. MORGAN. Mr. President, the Senator from Illinois need not make any apology to me for that motion. I have had it inflicted upon me heretofore for the purpose of covering up debate and preventing any inquiry into public affairs. The Senator, of course, has the right to make the motion and, if some one seconds it, he can go ahead.

Mr. CULLOM. Mr. President, I move that the doors be closed.

Mr. HALE. I second the motion, Mr. President.

The PRESIDENT pro tempore. The Senator from Illinois——

Mr. MORGAN. I raise a question of order on that motion, Mr. President.

The PRESIDENT pro tempore. The Senator will state his point of order.

Mr. MORGAN. The point of order is that I am on the floor,

and that the Senator from Illinois can not take me off the floor to make that motion.

The PRESIDENT pro tempore. The Chair overrules the point of order.

Mr. CULLOM. I will insist on my motion, Mr. President.

The PRESIDENT pro tempore. The Sergeant-at-Arms will clear the galleries and close the doors.

The Senate proceeded with closed doors to consider the resolution.

After one hour and fifteen minutes (at 1 o'clock and 58 minutes p. m.) the doors were reopened.

Mr. MORGAN. Mr. President, I proceed with the remarks I was prevented from making when the doors were closed, which I intended to make.

The first fact I meant to state was the publication in the Springfield Daily Republican, of Massachusetts, and inasmuch as Senators have doubtless all heard this paper or have read it, I will ask that it be inserted in my remarks as a part of them.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Is there objection to the request of the Senator from Alabama that the article to which he alludes be made a portion of his remarks?

Mr. HALE. It was on that very matter that the Senate closed its doors, and I must object to its being printed as a part of the public records of the Senate.

Mr. MORGAN. Mr. President, I had not presented that paper to the Senate, and the Senator from Maine is mistaken about the doors having been closed on that very matter. There was not a Senator in this body, except perhaps one, the Senator from Wisconsin, who knew that I had the paper.

Mr. HALE. Is not this the paper the Senator had read with closed doors?

Mr. MORGAN. Oh, yes; not in open session.

Mr. HALE. I did not say in open session.

Mr. MORGAN. Does the Senator want me to state what took place with closed doors? He has asked me a question with reference to it.

Mr. HALE. The Senator is an old Senator, and I have no apprehension——

Mr. MORGAN. The Senator asked me a question about what took place in secret session, and of course——

Mr. HALE. I asked the question whether this was the same paper.

Mr. MORGAN. Yes; it is the same paper that I read in secret session.

Mr. HALE. Then I must object.

Mr. MORGAN. Well, Mr. President, I leave it to the Senate to say whether I shall read it or not. I insist on its going into the RECORD.

The PRESIDENT pro tempore. The Senator from Alabama moves that the article from the Springfield Republican be printed in the RECORD as a part of his remarks. The question is on agreeing to the motion.

Mr. HALE. Mr. President, I think the Senate should not in any way countervail what it has done already this morning in taking this matter into a session with closed doors and there considering it as the rules provide. I do not think that when we come out of that session of closed doors the Senate ought to permit a subject-matter that was considered with closed doors and formed a part of the discussion, because the Senator now makes that motion——

Mr. MORGAN. I call the Senator to order. He has no right to speak about what took place with closed doors.

Mr. HALE. I have the right to say that this is the same paper.

Mr. MORGAN. I call the Senator to order. The Senator has no right to speak of what took place. He has already asked me a question about what took place with closed doors and I have answered him.

Mr. HALE. I ask——

Mr. MORGAN. Now he proceeds to comment on what took place with closed doors, and I call him to order.

The PRESIDENT pro tempore. Both Senators will please suspend. The Chair lays before the Senate the unfinished business, which is the statehood bill.

STATEHOOD BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. QUAY. Mr. President——

Mr. MORGAN. Will the Senator allow me to proceed for five minutes, merely to state my position?

Mr. QUAY. In one moment, if the Senator will pardon me. I desire to make my usual request.

Mr. NELSON. Mr. President, I rise to a point of order.

The PRESIDENT pro tempore. The Senator from Minnesota will state the point of order.

Mr. NELSON. The point of order is that the Senator from New Jersey [Mr. KEAN] is entitled to the floor, and if anyone is to yield it as a matter of grace to the Senator from Alabama, that grace should come from the Senator from New Jersey and not from the Senator from Pennsylvania.

Mr. MORGAN. I was not aware of the fact that the Senator from New Jersey is entitled to the floor.

The PRESIDENT pro tempore. The Senator from Pennsylvania has been recognized by the Chair, and he has the floor.

Mr. QUAY. I do not wish to split hairs with the Senator from Minnesota over the question whether the Senator from New Jersey or the Senator from Pennsylvania is entitled to the floor. If it so be that the Senator from New Jersey is entitled to the floor, I will ask him to yield to me for a moment.

The PRESIDENT pro tempore. The Senator from New Jersey has not been recognized by the Chair. The Senator from Pennsylvania has the floor.

Mr. HALE. Was not the Senator from New Jersey on the floor at the time the Senate adjourned? I understood that he was on the floor and held the floor upon this bill, which comes up at 2 o'clock.

The PRESIDENT pro tempore. The Senator from New Jersey has not addressed the Chair.

Mr. HALE. The Senator from New Jersey was in his seat prepared to take the floor upon the bill.

Mr. QUAY. My recollection is that the Senator from New Jersey had been on the floor and was swept off the floor.

Mr. HALE. Only by yielding; and clearly when we resume the consideration of the bill at 2 o'clock the Senator from New Jersey is entitled to the floor.

Mr. GALLINGER. Mr. President, I rise to a question of order.

The PRESIDENT pro tempore. The Senator from New Hampshire will state his question of order.

Mr. GALLINGER. I think it might be well to have the question once for all settled. Can a Senator suspending his remarks at the close of one day claim the floor in his right the next day, unless he is recognized?

The PRESIDENT pro tempore. The Chair is of opinion that he can not.

Mr. GALLINGER. That is my opinion.

Mr. QUAY. Mr. President, I rise to ask the unanimous consent of the Senate that on the 20th day of February, at 2 p. m., a vote may be taken on the pending bill, known as the omnibus statehood bill, and on all the amendments now pending or that may then or hereafter be made or offered.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks unanimous consent that at 2 o'clock on the 20th day of February a final vote be taken upon the pending bill, upon amendments then pending, and amendments then offered, without further debate. Is there objection?

Mr. NELSON. Mr. President, the chairman of the Committee on Territories being absent, in his absence I object.

The PRESIDENT pro tempore. Objection is made.

Mr. KEAN. Mr. President——

The PRESIDENT pro tempore. The Senator from New Jersey.

Mr. MORGAN. I wish to ask the courtesy of the Senator from New Jersey.

Mr. KEAN. I yield to the Senator from Alabama.

MILITARY OCCUPATION OF PANAMA AND COLON, ETC.

Mr. MORGAN. Mr. President, the article to which I referred is not before me, and I ask the Secretary to state the date of it.

The Secretary read as follows:

Springfield Daily Republican, Friday, January 30, 1903.

Mr. MORGAN. I have many letters directed to me from different parts of the United States, from gentlemen who claim to be Republicans, and I have no doubt they are, and they write as though they were men of intelligence, who set forth the same line of reasons that are presented in the article I am forbidden to read, but which I believe the newspapers are not forbidden to print. If I had the liberty of laying those letters before the Senate I might perhaps convince it that the Springfield Republican is acting the part of wisdom and patriotism, and is anxious for the peace and security of this country in time to come, as we all may well be.

I wish to say now, Mr. President, not as characterizing the treaty we are about to enter into, but to characterize the present attitude of the Government of the United States, I believe that if we persist in going on as we are going, a war with Colombia will become inevitable within a few years—perhaps one or two—and not only that, but the inflammation, the war which has already broken out in the Central American States, will lead to complications on the part of the Government of the United States which will cause us to regret that we ever had any connection with the subject of a canal at Panama.

ALLEGHENY RIVER BRIDGE.

Mr. ELKINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from West Virginia?

Mr. KEAN. I yield.

Mr. ELKINS. There was a mistake made in the passage of the bill (S. 7226) to authorize the Pittsburg, Carnegie and Western Railroad Company to construct, maintain, and operate a bridge across the Allegheny River. The bill was passed yesterday and I wish to bring it before the Senate in order to correct an error. I move to reconsider the vote by which the bill was passed so that I may offer an amendment.

The PRESIDENT pro tempore. The Senator from West Virginia asks unanimous consent that the votes by which the bill was ordered to a third reading and passed be reconsidered. Is there objection? The Chair hears none, and the bill is in the Senate and open to amendment.

Mr. ELKINS. I offer an amendment to come in on page 3, which I ask may be read.

The SECRETARY. On page 3, section 3, line 6, after the words "post road" strike out the words:

over which no higher charge shall be made for the transportation of mails, troops, and munitions of war or other property of the Government of the United States than for any other passengers or freight passing over same.

And in lieu thereof insert:

upon which no higher charge shall be made for the transportation over the same of the mails, the troops, and munitions of war of the United States than the rate per mile paid for the transportation over railroads or public highways leading to said bridge.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THE ALASKAN BOUNDARY.

Mr. ELKINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Jersey yield further to the Senator from West Virginia?

Mr. KEAN. I yield.

Mr. ELKINS. I ask to have printed as a document and in the RECORD an article which appeared in the Washington Post on the Alaskan boundary, by ex-Secretary of State John W. Foster. It contains a great deal of information bearing upon a pending subject.

The PRESIDENT pro tempore. The Senator from West Virginia asks that the communication appearing in the Post, under the signature of John W. Foster, touching the Alaskan boundary, be printed as a document for the use of the Senate.

Mr. ELKINS. And that it also be printed in the RECORD.

The PRESIDENT pro tempore. The Chair hears no objection, and it is so ordered.

The article is as follows:

THE ALASKAN BOUNDARY—VIEWS OF FORMER SECRETARY OF STATE FOSTER ON THE QUESTION INVOLVED.

EDITOR POST: I am a daily and careful reader of the Post, whose editorials especially I find of interest and profit. With the latter I am usually in accord; but I feel constrained to say that I think the editorial in your issue of to-day on "The Alaskan boundary" was written without a full comprehension of the situation, and that after further consideration you may deem it proper to revise your conclusions. With that object in view, allow me to submit a few suggestions.

First. There exists a necessity between neighboring and friendly nations for the accurate fixation of their coterminous frontier lines by means of artificial monuments or the designation of natural boundaries, such as mountain peaks or river channels. These frontier lines can not be arbitrarily laid out and marked by one of the interested nations alone. Although our international boundary with Mexico was sought to be accurately fixed by treaty stipulations fifty years ago and more, the two Governments have been engaged, from time to time, up to a very late date, in the creation of boundary commissions to consider and determine the exact line, and, after such agreement, to establish the monuments or designate the natural boundary.

We have had a similar experience as to the Canadian frontier line. The treaty of peace and independence of 1783 fixed the boundary as accurately as was possible with the geographical knowledge of the day, but for nearly a century following the precise establishment and marking of the line was the occasion of almost constant discussion and sometimes of violent controversy. First arose the question of what was the initial point of division on the Atlantic coast, then as to the ownership of the islands in and near Passamaquoddy Bay, followed by the long and bitter controversy as to the northeast boundary from the Maine coast to the St. Lawrence, and, in succession, the line among the islands of the St. Lawrence and the Great Lakes, the agreement upon the forty-ninth parallel, and, finally, not until 1873 was the line to the Pacific Ocean definitely agreed upon and marked.

Second. When in our relations with Great Britain any question has arisen as to the boundary with Canada it has been the policy of the Government of the United States, after diplomatic discussion had failed to bring about an agreement, to refer the subject to a joint commission of an equal number of representatives of each Government, with authority to agree upon and mark the boundary. But the United States has also seen proper in repeated instances to refer a boundary dispute to arbitration with a neutral umpire. Under the first treaty negotiated with Great Britain after independence—that by John Jay, in 1794—the question as to what was the St. Croix River named in the treaty of peace of 1783 as the eastern boundary of the United States was referred to three arbitrators, one chosen by each Government, and an umpire. (See Art. V of treaty of 1794.) By the treaty of peace with Great Britain of 1814 the distinguished statesmen and patriots, John Quincy Adams, Henry Clay, James A. Bayard, and Albert Gallatin, agreed to the creation of three separate arbitration commissions, each with a neutral umpire, to adjust various boundary disputes, involving the ownership and sovereignty of the various islands in Passamaquoddy Bay, the northeastern boundary line, the course through the St. Lawrence, the Great Lakes, and the Lake of the Woods. (See treaty of 1814, articles 4, 5, and 6.) By the treaty of Washington of 1871 the joint high commission, embracing some of the leading statesmen of the United States, submitted to the arbitration of the Emperor of Germany the fixation of the water boundary through the Strait of San Juan or Haro to the Pacific Ocean. (See treaty of 1871, art. 34.)

The treaty signed by Secretary Hay and Ambassador Herbert, now pending in the Senate, does not submit any American territory to the adjudication of arbitrators, but creates a commission of three American and three British experts to determine where the line between Alaska and British Columbia should be drawn, as laid down by the treaty of 1825, and, if they can agree, to mark the line.

Third. The boundary line between Alaska and British Columbia has never been definitely fixed, as the line between Mexico and the United States and between Canada and the United States has been fixed, as stated, by joint commissions. When the Territory of Alaska was first acquired by cession from Russia, the chief interest of the Government and people of the United States was in the fur seals and the fisheries on the islands and along the coast. Hence there was no urgent necessity to know accurately the interior boundary line. But as the country came to be settled and permanent industries established on the mainland occasion arose for a well defined and marked boundary, in order to determine police and administrative jurisdiction and to locate customs stations for the collection of duties.

As early as 1872 the British minister in Washington urged upon Secretary Fish the desirability of a joint survey and the definite fixation of the Alaska-Canadian boundary. Mr. Fish concurred in this view, but upon referring the matter to the Army engineers he found that such a survey would cost the United States alone $1,500,000, and Congress was not at that time disposed to authorize the outlay when the Government was husbanding its resources to build up its credit and reestablish specie payments.

If the proposition of the British minister had been then accepted, there would have been no difficulty in having the frontier traced and marked substantially as it was then and is now claimed by the United States. This is made clear by the correspondence which passed between the two Governments. Similar propositions have been made since that date by the British Government, but for reasons not necessary to detail here they were not favorably acted upon by the United States. It is plain, however, that each postponement has increased the embarrassments attending a friendly settlement.

Fourth. No one has insisted more strongly than I have, both officially and with the public, that the contention of the United States for a continuous belt or strip of territory around all the inlets of the sea is incontestable, but every candid reader of the treaty, in the light of present knowledge of the topography of the country, must admit that there are certain points of uncertainty as to the precise frontier which can be best determined by a joint commission. For instance, at the time the treaty was negotiated all the available maps represented the existence of a well-defined mountain chain apparently about 30 miles from the coast and following with some degree of regularity its sinuosities. The correspondence shows that a belief in such a chain existed in the minds of the negotiators, and they sought to establish the line in accordance with the supposed fact. Later explorations have shown that the early cartographers were in error, as there is no such chain, and that the region in question is, as it has been expressed by one of the explorers, "a wilderness of mountains."

Again, the only knowledge possessed by the negotiators respecting Portland Canal or Channel was through the explorations of Vancouver, but there is an apparent conflict as to Portland Channel between Vancouver's maps and his narrative. An essential point in the interpretation of the treaty is to determine just what is the Portland Channel.

On the early Russian maps and on the later ones issued in the United States, Canada, and England, the territory marked as now belonging to the United States under the treaty is a continuous strip running around all the inlets, with a uniform width of 30 marine miles. Yet, in my humble judgment, this claim can not be successfully maintained under the treaty at all points. An examination of the later surveys shows, for example, that there is a well-defined watershed at White Pass, north of Lynn Canal and only about 13 miles from Skagway, near the head of navigation. When the surveys and maps are critically examined by experts, there may be other points in the line which will, under the terms of the treaty, approach the coast nearer than 10 marine leagues, or 30 miles.

I trust that what I have stated is sufficient to show that there are matters of uncertainty which must be determined before the boundary can be marked upon the surface, and that an agreement can be more easily and satisfactorily reached, without putting our territorial claim in peril, by means of a joint commission of experts than in any other way.

Fifth. In the interest of our own citizens resident in Alaska or possessing property there, as well as of good neighborship, the present state of uncertainty as to the exact boundary line should no longer continue. This condition restrains enterprise, raises embarrassing jurisdictional questions, is a constant source of irritation, and may at any time create international complications. Recent reports of the United States Geological Survey show that sections of that frontier contain auriferous-bearing formations not as yet exploited.

At any moment the gold fever may break out in some new locality of the unadjusted and unmarked line and a police conflict may be precipitated. It sounds quite heroic and patriotic to assert that the territory in question belongs to our country and that we should not yield an inch of it. But coterminous nations, and conspicuously the United States, have, as I have shown, pursued a different method of adjusting their territorial questions. While I have never favored submitting our claim in Alaska to arbitration, I have felt that we could properly unite with Great Britain in the creation of a joint commission of citizens distinguished for their learning, uprightness, and patriotism, to whom the delimitation of the boundary could be safely intrusted. Such I understand to be the object of President Roosevelt and Secretary Hay, and I am persuaded that Congress and the country, reposing confidence not only in their patriotism, but in their skill and good judgment, will approve of their action in negotiating the Alaskan boundary convention, and will thank them for this effort to establish better relations with our Canadian neighbors.

JOHN W. FOSTER.

WASHINGTON, *January 31.*

INVESTIGATION BY COMMITTEE ON INDIAN AFFAIRS.

Mr. STEWART. Will the Senator from New Jersey yield to me for a moment?

Mr. KEAN. I yield to the Senator.

Mr. STEWART. I ask unanimous consent to call up the resolution which was pending yesterday. I will offer an amendment to it.

The PRESIDENT pro tempore. The Senator from Nevada asks unanimous consent that the resolution be taken from the Calendar and now considered. The resolution will be read.

The Secretary read the resolution reported by Mr. STEWART from the Committee on Indian Affairs on the 31st ultimo and reported yesterday from the Committee to Audit and Control the Contingent Expenses of the Senate, as follows:

Resolved, That the Committee on Indian Affairs, or any subcommittee thereof appointed by its chairman, is hereby authorized to investigate the claim of the Ogden Land Company to the lands of the Seneca Nation of Indians in the State of New York, and the proposed allotment of said lands in severalty to said Indians. Also to investigate and report upon such other matters affecting the Indians or the Indian Service as the committee shall consider expedient. Said committee shall have power to send for persons and papers, examine witnesses under oath, employ a stenographer and interpreter, and sit during the session or the recess of the Senate at such times and places as the committee may determine; and the actual and necessary expenses of said investigations to be paid out of the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. JONES of Arkansas. I understood the chairman of the committee to say that he had changed the resolution.

Mr. STEWART. If the Senator will allow the substitute to be read, it will be found satisfactory.

The PRESIDENT pro tempore. Is there objection to its consideration?

Mr. JONES of Arkansas. I object, unless the amendment is satisfactory. I want to see first what the amendment is.

The PRESIDENT pro tempore. The amendment will be read, and the Chair will hold the matter open for objection.

The SECRETARY. It is proposed to strike out all after the word "*Resolved*" and insert:

That the Committee on Indian Affairs, or any subcommittee thereof appointed by its chairman, is hereby authorized to investigate and report upon such matters affecting the Indians or the Indian service as the committee shall consider expedient. Said committee shall have power to send for persons and papers, examine witnesses under oath, employ a stenographer and interpreter and sit during the session or the recess of the Senate at such times and places as the committee may determine, and the actual and necessary expenses of said investigations to be paid out of the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

The Senate, by unanimous consent, proceeded to consider the resolution.

The amendment was agreed to.

The resolution as amended was agreed to.

MILITARY INSTRUCTION BY RETIRED OFFICERS.

Mr. ALGER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from Michigan?

Mr. KEAN. I yield to the Senator from Michigan and also to the Senator from West Virginia [Mr. SCOTT], who has a request to make.

Mr. ALGER. I ask unanimous consent for the present consideration of the bill (S. 5918) to amend section 1225 of the Revised Statutes so as to provide for detail of retired officers of the Army and Navy to assist in military instruction in schools.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Military Affairs with an amendment, on page 2, section 2, line 21, after the word "position," to insert:

Provided further, That they shall receive no compensation from the Government other than their retired pay.

So as to make the section read:

SEC. 2. That no detail shall be made under this act to any school unless it shall pay the cost of commutation of quarters of the retired officers or noncommissioned officers detailed thereto and the extra-duty pay to which the latter may be entitled by law to receive for the performance of special duty: *Provided*, That no detail shall be made under the provisions of this act unless the officers and noncommissioned officers to be detailed are willing to accept such position: *Provided further*, That they shall receive no compensation from the Government other than their retired pay.

The amendment was agreed to.

Mr. SPOONER. I should like to ask whether the number of such details is limited. I suppose that is provided for in the bill, or is it left open to discretion?

The PRESIDENT pro tempore. It is left open to the discretion of the President of the United States.

Mr. SPOONER. Very well.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

ALEXANDER G. PENDLETON.

Mr. SCOTT. I ask unanimous consent for the present consideration of the bill (S. 6680) authorizing the President to reinstate Alexander G. Pendleton, jr., as a cadet in the United States Military Academy.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HEARING AND DETERMINATION OF ANTITRUST CASES.

The PRESIDENT pro tempore. The Chair lays before the Senate the amendments of the House of Representatives to the bill (S. 6773) to expedite the hearing and determination of suits in equity pending or hereafter brought under the act of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," "An act to regulate commerce," approved February 4, 1887, or any other acts having a like purpose that may be hereafter enacted. The Chair calls the attention of the Senator from Massachusetts to the amendments, which will be stated.

The SECRETARY. On page 2, line 16, after the word "under," the House of Representatives have inserted the words "any of;" and on the same page, line 17, they have stricken out "act" and inserted "acts."

Mr. HOAR. I move that the Senate concur in the amendments made by the House of Representatives.

Mr. SPOONER. What is the effect of the amendments?

Mr. HOAR. This bill provides for the expediting of causes under the act known as the Sherman antitrust law—which ought to be called the anti-Sherman trust law, because it was passed under his vigorous protest—"or any other acts having a like purpose."

The second section of the bill provides:

That in every suit in equity pending or hereafter brought in any circuit court of the United States under said act, etc.

As this bill relates to expediting suits under that act or any similar acts, the House inserted the words "any of," after the word "under," and changed the word "act" to "acts," so as to read, "under any of said acts." The amendments are merely verbal.

Mr. SPOONER. That is satisfactory.

The PRESIDENT pro tempore. The question is on concurring in the amendments of the House of Representatives.

The amendments were concurred in.

LIGHT-HOUSES AND FOG SIGNALS IN ALASKAN WATERS.

Mr. PERKINS. By the consent of the Senator from New Jersey, I wish to ask unanimous consent for the present consideration of a bill in relation to lights in Alaskan waters.

The PRESIDENT pro tempore. Does the Senator from New Jersey yield?

Mr. KEAN. I yield to the Senator from California, as I want to improve the Alaskan coast.

Mr. PERKINS. I ask unanimous consent for the present consideration of the bill (S. 6535) providing for the construction of light-house and fog-signal stations in Alaskan waters.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to appropriate $350,000 to enable the Secretary of the Treasury to establish, under the direction of the Light-House Board, light-house and fog-signal stations in Alaskan waters.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BOGUE CHITTO BRIDGE, LOUISIANA.

Mr. MCENERY. I ask the Senator from New Jersey to yield to me that I may request the consideration of a bill.

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from Louisiana?

Mr. KEAN. I yield with pleasure to the Senator.

Mr. MCENERY. I ask unanimous consent for the present consideration of the bill (H. R. 16646) to authorize the construction of a bridge across Bogue Chitto, in the State of Louisiana.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, procceded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ESTATE OF M. J. GREALISH.

Mr. QUAY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from Pennsylvania?

Mr. KEAN. I yield with great pleasure to the Senator from Pennsylvania, Mr. President.

Mr. QUAY. I ask unanimous consent for the present consideration of the bill (H. R. 3502) for the relief of the estate of M. J. Grealish, deceased. It is a bill of 11 lines, which I think the

Senate will find unobjectionable, and it will not take very much time.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of the Treasury to pay to the estate of M. J. Grealish, deceased, late a captain in the United States Army, $766.64, balance remaining due for service rendered by Captain Grealish as assistant commissary of subsistence from July 15, 1870, to March 20, 1878.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PROPOSED PURE-FOOD LEGISLATION.

Mr. McCUMBER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from North Dakota?

Mr. KEAN. Certainly.

Mr. McCUMBER. At this time I desire to give notice that on Monday next, immediately after the routine morning business, I shall move that the Senate proceed with the consideration of the bill known as the pure-food bill.

AMERICAN ACADEMY IN ROME.

Mr. WETMORE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from Rhode Island?

Mr. KEAN. I do.

Mr. WETMORE. I ask unanimous consent for the present consideration of the bill (S. 4980) to incorporate the American Academy in Rome.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDENT pro tempore. This bill was read and considered as in Committee of the Whole on January 8th last, and several amendments were then adopted to it. The remaining amendments will be stated.

The next amendment reported from the Committee on the Library was, in section 1, page 2, line 4, before the name "McMillan," to strike out "James" and insert "William C.;" in line 6, after the name "George Von L. Meyer," to insert the name "S. Weir Mitchell;" in the same line, after the name "Charles Moore," to insert "Edwin D. Morgan;" in line 9, after the name "Frederick W. Rhinelander," to insert the name "Elihu Root;" in line 14, after the given name "Egerton," where it occurs before "Winthrop," to insert the initial "L.," and in line 16, after the word "politic," to insert "in the District of Columbia;" so as to read:

That Edwin A. Abbey, Samuel A. B. Abbott, Charles Francis Adams, James W. Alexander, James B. Angell, Arthur T. Barney, Edward J. Berwind, Edwin H. Blashfield, William A. Boring, Daniel H. Burnham, Nicholas Murray Butler, John L. Cadwalader, Frank W. Chandler, William A. Clark, Thomas Jefferson Coolidge, Frank Miles Day, William E. Dodge, William F. Draper, Charles W. Eliot, Theodore N. Ely, Marshall Field, Charles L. Freer, Daniel Chester French, Henry C. Frick, Lyman J. Gage, Richard Watson Gilder, Daniel Coit Gilman, Arthur T. Hadley, Charles C. Harrison, John Hay, Thomas Hastings, William H. Herriman, Abram S. Hewitt, Henry L. Higginson, Charles L. Hutchinson, William M. Kendall, John La Farge, Charles Lanier, Austin W. Lord, Charles F. McKim, William C. McMillan, Frederic MacMonnies, William Rutherford Mead, George Von L. Meyer, S. Weir Mitchell, Charles Moore, Edwin D. Morgan, J. Pierpont Morgan, H. Siddons Mowbray, Frederick Law Olmsted, jr., Francis L. Patton, Robert Swain Peabody, George B. Post, Henry S. Pritchett, Herbert Putnam, Frederick W. Rhinelander, Elihu Root, F. Augustus Schermerhorn, J. G. Schurman, Carl Schurz, James Stillman, Waldo Story, Augustus St. Gaudens, James Knox Taylor, Henry Walters, John Q. A. Ward, George Peabody Wetmore, Henry White, Stanford White, William C. Whitney, Egerton L. Winthrop, their associates and successors, are hereby created a body corporate and politic in the District of Columbia by the name of the American Academy in Rome, for the purpose of establishing and maintaining an institution to promote the study and practice of the fine arts and to aid and stimulate the education and training of architects, painters, sculptors, and other artists, by enabling such citizens of the United States as shall be selected by competition from among those who have passed with honor through leading technical schools or have been equally well qualified by private instruction or study to develop their powers and complete their training under the most favorable conditions of direction and surroundings.

The amendment was agreed to.

The next amendment was, on page 3, section 2, line 8, after the word "for," to strike out "its lawful ends" and insert "the necessary use and purposes of said organization;" so as to make the section read:

SEC. 2. That said corporation may adopt a constitution and make all by-laws, rules, and regulations not inconsistent with law that may be necessary or expedient in order to accomplish the purposes of its creation; and it may hold real estate in the United States and in the Kingdom of Italy for the necessary use and purposes of said organization to an amount not to exceed $500,000; and it may adopt a seal. Said corporation shall have its principal office in Washington, in the District of Columbia, and shall hold its annual meetings in such places as the said incorporators shall determine.

The amendment was agreed to.

The next amendment was, on page 3, to strike out section 4, as follows:

SEC. 4. That said corporation may send each year to the Library of Congress such works of the scholars of the institution as may be agreed upon between the officers of the corporation and the Librarian of Congress as suitable for preservation and exhibition in the Library.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MEMPHIS, HELENA AND LOUISIANA RAILWAY.

Mr. BERRY. Will the Senator from New Jersey kindly yield to me?

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from Arkansas?

Mr. KEAN. I am glad to yield to the Senator from Arkansas.

Mr. BERRY. I ask unanimous consent for the present consideration of the bill (S. 7159) authorizing the Memphis, Helena and Louisiana Railway Company to construct and maintain a bridge across St. Francis River, in the State of Arkansas.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS J. MORMAN.

Mr. BACON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from Georgia?

Mr. KEAN. Certainly.

Mr. BACON. I ask unanimous consent for the present consideration of the bill (H. R. 11544) to correct the military record of Thomas J. Morman.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Military Affairs with an amendment, in line 7, after the word "discharge," to insert "as of the date of June 1, 1848;" so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and is hereby, authorized to correct the military record of Thomas J. Morman, Capt. E. R. Goulding's company, Calhoun's Mounted Battalion Georgia Volunteers, Mexican war, and grant him an honorable discharge, as of the date of June 1, 1848.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

STATEHOOD BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. KEAN addressed the Senate in continuation of the speech begun by him on the 4th instant. After having spoken about three-quarters of an hour,

Mr. McCUMBER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from North Dakota?

Mr. KEAN. Certainly.

Mr. McCUMBER. As the Senator has spoken for a considerable time now, will he yield to me to make a report and to ask unanimous consent for the present consideration of the bill which I propose to report?

Mr. KEAN. I will.

[Mr. KEAN's speech will be published entire after it shall have been concluded.]

PUBLIC BUILDING IN FARGO, N. DAK.

Mr. McCUMBER. I am directed by the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 7115) to provide for the erection of an addition to the public building in the city of Fargo, N. Dak., to report it with an amendment, and to submit a report thereon.

The PRESIDENT pro tempore. Is there objection to the reception of the report at this time? The Chair hears none.

Mr. McCUMBER. I ask unanimous consent for the present consideration of the bill.

The PRESIDENT pro tempore. The Senator from North Dakota asks unanimous consent for the present consideration of the bill just reported by him. It will be read to the Senate in full for its information.

Mr. MORGAN. I object to the present consideration of the bill.

The PRESIDENT pro tempore. The Senator from Alabama objects.

Mr. MORGAN. There are but three Senators on the Republican side of the Chamber, and the Republicans are more interested in legislation than all the balance of us. They have control of the Government.

Mr. BEVERIDGE. But there are three more Republicans over on this side.

Mr. MORGAN. There being but three Senators on the Republican side, I must object.

Mr. McCUMBER. There is about the same number, I suggest, on each side.

Mr. SIMMONS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from North Carolina?

Mr. KEAN. I yield.

Mr. SIMMONS. Would the Senator from New Jersey just as soon suspend his remarks until to-morrow?

Mr. KEAN. I will do so, as I believe the Senator from North Carolina has a request he wishes to make.

Mr. MORGAN. I withdraw the objection I made to the bill reported by the Senator from North Dakota.

DEATH OF REPRESENTATIVE JAMES M. MOODY.

Mr. SIMMONS. I ask the Chair to lay before the Senate the resolutions from the House of Representatives relative to the death of my colleague in that body.

The PRESIDENT pro tempore. The Chair lays before the Senate resolutions of the House, which will be read.

The Secretary read the resolutions, as follows:

Resolved, That the House of Representatives has learned with profound sorrow of the death of the Hon. JAMES MONTRAVILLE MOODY, member of this House from the State of North Carolina.

Resolved, That a committee of members of the House, with such members of the Senate as may be joined, be appointed to take order concerning the funeral of the deceased.

Resolved, That the Clerk communicate these resolutions to the Senate, and transmit a copy of the same to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased, the House do now adjourn.

Mr. SIMMONS. Mr. President, later a number of Senators will submit remarks to the Senate on the life and character of the deceased. For the present the resolutions of the House may lie on the table, and I ask unanimous consent for the adoption of the resolutions which I send to the desk.

The PRESIDENT pro tempore. The Senator from North Carolina submits resolutions, which will be read.

The Secretary read the resolutions, as follows:

Resolved, That the Senate has heard with deep sensibility the announcement of the death of Hon. JAMES M. MOODY, late a Representative from the State of North Carolina.

Resolved, That a committee of five Senators be appointed by the President pro tempore, to join the committee appointed on the part of the House of Representatives, to take order for superintending the funeral of the deceased.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

The PRESIDENT pro tempore. The question is on agreeing to the resolutions.

The resolutions were unanimously agreed to.

The PRESIDENT pro tempore appointed as the committee under the second resolution Mr. PRITCHARD, Mr. SIMMONS, Mr. CLARK of Wyoming, Mr. DIETRICH, and Mr. HEITFELD.

Mr. SIMMONS. Mr. President, I move, as a further mark of respect to the memory of the deceased, that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 3 o'clock and 18 minutes p. m.) the Senate adjourned until to-morrow, Saturday, February 7, 1903, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February 6, 1903.*

The House met at 10 o'clock a. m.

The Clerk read the following letter:

WASHINGTON, D. C., *February 6, 1903.*

I hereby designate as Speaker pro tempore for this day Hon. JOHN F. LACEY, of Iowa.

D. B. HENDERSON, *Speaker.*

The SPEAKER pro tempore. Prayer will be offered by the Chaplain.

The Chaplain, Rev. HENRY N. COUDEN, D. D., offered the following prayer:

Once more, Almighty God, our Heavenly Father, touched by the sudden death of another faithful member of this House, and warned of the uncertain tenure of life, we pray that we may do our work so faithfully that when the summons comes to us we shall be prepared to pass on to that unknown, where we shall take up the work Thou hast for us to do there. Comfort, we beseech Thee, the bereaved ones with the blessed hope of the Gospel that there shall be a time when they shall meet their dear one again.

Hear us and bless us all. In the name of Christ our Saviour. Amen.

THE JOURNAL.

The Journal of the proceedings of yesterday was read.

The SPEAKER pro tempore. If there be no objection, the Journal as read will stand approved.

Mr. DE ARMOND. Mr. Speaker, I desire to suggest a correction of the Journal. On page 1747 of the RECORD I notice that the bill which we have been considering (H. R. 17) is not printed. I suggest the correction that will be made when that bill is incorporated.

The SPEAKER pro tempore. To print the same in the RECORD?

Mr. DE ARMOND. It should be printed in the RECORD, but in fact only the substitute is printed. Both the bill and the substitute should be printed in the RECORD.

The SPEAKER pro tempore. It is not usual to print the bill in the RECORD unless it has been read in extenso and becomes a part of the RECORD.

Mr. DE ARMOND. It is unusual, I think, Mr. Speaker, not to have printed in the RECORD the bill which the House is considering. I believe the rule is certainly very general, and the practice, I believe, universal, to have printed in the RECORD the bill which the House is considering. In this case it is No. 17.

The SPEAKER pro tempore. The Chair does not so understand it. The number and title of a bill are always printed.

Mr. DE ARMOND. The substitute is printed in the RECORD, and the substitute was not read at all, according to my recollection. The RECORD says:

Mr. LITTLEFIELD (when the title of the bill had been read). I ask unanimous consent that the further reading of the bill be dispensed with.

That is bill 17. Instead of bill 17 appearing in the RECORD we have the substitute for bill 17. What I suggest is a correction of the RECORD. I have no objection to the substitute appearing in the RECORD, but what I suggest is a correction that will show bill 17 in the RECORD.

The SPEAKER pro tempore. That question comes up on every appropriation bill. The first reading of the bill is dispensed with usually. The bill is not read. The title is read. The bill is not printed in the RECORD, but when the sections of the bill are discussed under the five-minute rule, as they are read, they are printed in the RECORD.

Mr. DE ARMOND. I am aware of that.

The SPEAKER pro tempore. And when we reach the five-minute debate on this bill the same thing will be done.

Mr. DE ARMOND. I am aware of that with reference to appropriation bills, but that rule does not obtain with reference to other bills. I do not know of any rule that provides for the putting into the RECORD of a substitute which has not been read at all.

The SPEAKER pro tempore. The mistake consists in printing in the RECORD the substitute, not the omission of the other. The Chair will suggest that there is no rule requiring the text of a bill which has been read in the House to be printed either in the Journal or RECORD. It is not necessary or customary to print it in either of them.

Mr. DE ARMOND. The practice certainly is very general to print the bills in the RECORD. Since there does not seem to be any objection from the floor, it seems to me that this correction should be made, providing the Speaker pro tempore himself will withhold his objection.

The SPEAKER pro tempore. It can be printed by unanimous consent.

Mr. DE ARMOND. I am asking that it be made as a correction of the RECORD, asking that the RECORD be corrected. That is what I am asking. The unanimous-consent proposition comes up later, if it comes up at all.

The SPEAKER pro tempore. The Clerk will read a ruling of Mr. Carlisle, found on page 84 of the Digest.

The Clerk read as follows:

The Speaker said:

The Chair will state that on being applied to yesterday by the Chief Official Reporter for advice as to whether or not the joint resolution which was read by the gentleman from Kentucky should be printed in the RECORD, the Chair advised him that the joint resolution did not properly belong there and ought not, therefore, to go into the RECORD as a part of the proceedings of the House.

The Chair does not know of any rule which would authorize or require the Official Reporter to insert everything that may be read, either on the floor of the House by a member himself or from the desk by the Clerk, in the hearing of the House. Unanimous consent is frequently asked of the House to insert such matters in the RECORD, and the Chair knows of no other way in which they can get there under the rules of the House, except that it has been the practice of the House, the Chair thinks, to insert in full resolutions of inquiry addressed to the heads of the Executive Departments of the Government. * * * The Chair decides that, under the practice of the House, the joint resolution offered by the gentleman from Kentucky on yesterday is not such part of the official record of the proceedings of the House as can be entered in full either upon the RECORD itself or upon the Journal of the House; and the Chair decides that the gentleman has now no right to demand, as a matter of right, the reading of the official notes of the reporters of what transpired on yesterday; from which decision the gentleman from Kentucky appeals.

Mr. DE ARMOND. Mr. Speaker, if the Speaker will indulge me a moment, that decision has no bearing whatever, not the slightest, upon the question which I have now raised in the House and before the Speaker. That was a case where a member from his seat on the floor read something and asked that that something be incorporated in the Journal. The decision was that neither that matter as read by a member or the same matter as read at

the request of a member by the Clerk had any official place in the Journal. This is not something read by a member or read by the Clerk at the request of a member, but it is the bill which the House is considering; and therefore the decision by Mr. Speaker Carlisle, whether correct or not correct, I submit has nothing to do with this question. I think the RECORD ought to be corrected. It seems to me a little singular that the substitute has in some way found its place in the RECORD while the bill is entirely absent from it; and it seems to me, if the Speaker will permit me to make such a suggestion, it is a little singular that the objection should come from the Speaker to having this bill 17, which we are considering, put in the RECORD as a correction of the RECORD.

The SPEAKER pro tempore. The Chair will state that the universal practice is not to print these bills in the RECORD, but there is a special reason why this particular bill might be excepted, owing to the importance of the bill and the substitute. But that will be a matter for unanimous consent. The RECORD is made up in the usual way, except in inserting the substitute, which ordinarily would not have been inserted.

Mr. DE ARMOND. Upon that matter, Mr. Speaker, I ask unanimous consent that there be printed in to-day's RECORD House bill 17, the substitute, and the amendments proposed by the minority to the substitute.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent to print in to-day's RECORD the bill, the substitute, and the proposed amendments to the substitute.

Mr. LITTLEFIELD. I want to ask if that would include the amendments suggested in the minority views? I have no objection.

Mr. DE ARMOND. The bill itself, the substitute as reported by the committee, and the amendments suggested by the minority.

Mr. LITTLEFIELD. In the minority views?

Mr. DE ARMOND. The amendments appended to the minority views.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri? [After a pause.] The Chair hears none.

The Journal was then approved.

The bill is as follows:

A bill (H. R. 17) requiring all corporations engaged in interstate commerce to file returns with the Secretary of the Treasury, disclosing their true financial condition, and of their capital stock, and imposing a tax upon such as have outstanding capital stock unpaid in whole or in part.

Be it enacted, etc., That every corporation engaged in interstate commerce shall, on or before September 1 of each year, file a return with the Secretary of the Treasury of the United States, stating, among other things, its name, date of organization, where and when organized, giving statutes under which it is organized, and all amendments thereof; if consolidated, naming constituent companies, and where and when organized, with the same information as to such constituent companies, so far as applicable, as is herein required of such corporation; if reorganized, name of original corporation or corporations, with full reference to laws under which all the reorganizations have taken place, with the same information as to all prior companies in the chain of reorganization, so far as applicable, as is herein required of such corporation; amount of authorized capital stock, shares into which it is divided, par value, whether common or preferred, and distinction between each; amount issued and outstanding; amount paid in; whether paid in in cash, or property; if property, describing in detail the kind and character, with its cash market value at the time it was received in payment; total indebtedness, giving nature of same and purpose for which it was incurred; in case of indebtedness represented by mortgages, notes, debentures, or other obligations, amount authorized, amount issued, amount outstanding, and cash realized on same, date, rate of interest, and when payable; a statement of the assets at their present cash market value, and liabilities, with current assets and liabilities, total earnings and income, operating expenses, interest, taxes, maintenance, permanent improvements, net earnings, and dividends declared, with rate and date during the year preceding the 1st of the preceding July; salaries of officials, and wages of employees.

Said Secretary shall cause to be prepared a blank return for the use of such corporations containing the foregoing requirements and such others as may be necessary, so that said return shall disclose the true financial condition of such corporation and its capital stock, and shall make such rules and regulations as may in his judgment be necessary to carry out the purpose of this act. The treasurer or other officer of such corporation having the requisite knowledge shall answer on oath all inquiries that may be made in writing under the direction of the Secretary of the Treasury relative to its financial condition or to its capital stock; such answer shall not be used as evidence against the person making it except in prosecutions under this act. The treasurer of such corporation shall make oath that said return is true.

SEC. 2. That whoever knowingly swears to a return that is false in any material particular or knowingly swears to an answer to any such inquiry that is false in any material particular shall be deemed guilty of perjury and punished as provided in section 5392 of the Revised Statutes of the United States. Whoever shall knowingly prepare or cause to be prepared a return or answer that is false as aforesaid shall be deemed guilty of subornation of perjury and punished as aforesaid.

SEC. 3. That all corporations engaged in interstate commerce whose outstanding capital stock is not fully paid in in cash, or other property at its cash market value, shall pay annually, on the 1st day of September of each year, to the Secretary of the Treasury of the United States, a tax equal to 1 per cent of its capital stock issued and outstanding. If said tax shall remain unpaid for a period of thirty days after the same shall become due, an action of debt may be maintained therefor, for and in the name of the United States, against said corporation for the recovery thereof. Said tax shall bear interest from said 1st day of September at the rate of 6 per cent per annum.

Said tax is hereby made a first lien upon all of the property and estate of such corporations. Any corporation engaged in interstate commerce failing to make such return, or whose treasurer or other officer shall fail to make the answers aforesaid, or that shall fail to pay said tax within said thirty days, shall be restrained on the suit of the United States from engaging in interstate commerce. It shall be the duty of the Attorney-General of the United States, at the request of said Secretary, to enforce the provisions of this act. Suit may be brought in any district where such corporation has an established office or place of business.

SEC. 4. That it shall be the duty of said Secretary to cause to be prepared and published, as soon after the 1st day of September in each year as practicable, a list of all corporations making returns, showing the condition of each corporation and its capital stock, for free public distribution a number sufficient to supply any demand therefor.

The substitute is as follows:

Strike out all after the enacting clause and insert:

"That every corporation which may be hereafter organized shall, at the time of engaging in interstate or foreign commerce, file the return hereinafter provided for, and every corporation whenever organized and engaged in interstate or foreign commerce shall file a return with the Interstate Commerce Commission for the year ending December 31, whenever, and at such time, as requested by said Commission, stating its name, date of organization, where and when organized, giving statutes under which it is organized, and all amendments thereof; if consolidated, naming constituent companies and where and when organized, with the same information as to such constituent companies, so far as applicable, as is herein required of such corporation; if reorganized, name of original corporation or corporations, with full reference to laws under which all the reorganizations have taken place, with the same information as to all prior companies in the chain of reorganization, so far as applicable, as is herein required of such corporation; amount of bonds issued and outstanding; amount of authorized capital stock, shares into which it is divided, par value, whether common or preferred, and distinction between each; amount issued and outstanding; amount paid in; how much, if any, paid in in cash, and how much, if any, in property; if any part in property, describing in detail the kind, character, and location, with its cash market value at the time it was received in payment, giving the elements upon which said market value is based, and especially whether in whole or in part upon the capitalization of earnings, earning capacity, or economies, with the date and the cash price paid therefor at its last sale; the name and address of each officer, managing agent, and director; a true and correct copy of its articles of incorporation; a full, true, and correct copy of any and all rules, regulations, and by-laws adopted for the management and control of its business and the direction of its officers, managing agents, and directors. Nothing herein contained shall be construed as relieving any corporation from making, in addition to the foregoing, such returns as are now required by the "act to regulate commerce," approved February 4, 1887, and and all amendments thereof; but the provisions of this act, as to signing and making oath to returns and making answers on oath to written inquiries, shall be applicable to returns and such answers made under said act and amendments thereof.

"So far as any return may be a duplicate of one already filed, that fact may be stated, and the details, which are in such case duplicates, need not be repeated. Upon its being made to appear to the satisfaction of the Commission that without fault on its part it is impracticable for such corporation to furnish any of the items aforesaid, it may, by a written order of said Commission, be excused from furnishing such item or items.

"Said Commission shall cause to be prepared a blank return for the use of such corporations, containing the foregoing requirements, and shall make such rules and regulations as may, in its judgment, be necessary to carry out the purposes of this act. The president, treasurer, and a majority of the directors of such corporation shall make oath in writing on said return that said return is true. The treasurer, or other officer of such corporation having the requisite knowledge, shall answer on oath all inquires that may be made in writing on the direction of said Commission in relation to said return. Any corporation failing to make such return, or whose treasurer or other officer shall fail to make the answers aforesaid, may be restrained, on the suit of the United States, from engaging in interstate commerce until such return is made. Suit may be brought in any district of the United States at the election of the Attorney-General.

"SEC. 2. That whoever knowingly swears to a return that is false in any material particular, or knowingly swears to an answer to any such inquiry that is false in any material particular, shall be deemed guilty of perjury and punished as provided in section 5392 of the Revised Statutes of the United States. Whoever shall knowingly prepare, or cause to be prepared, a return or answer that is false as aforesaid shall be deemed guilty of subornation of perjury and punished as aforesaid.

"SEC. 3. That it shall be the duty of said Commission to cause to be prepared and published, on or before the 1st day of June in each year, a list of all corporations making returns, with an abstract of such returns, for free distribution in such number as said Commission may deem necessary to meet any reasonable and proper demand therefor, to be distributed under the direction of the Commission.

"SEC. 4. That said Commission shall have the same authority to inquire into the management of the business of said corporations, relating to interstate and foreign commerce, in the same manner and to the same extent, with the same power to compel the attendance of, and the giving of testimony by, witnesses, and the production of books, papers, contracts, and agreements, as is provided in "An act to regulate commerce," approved February 4, 1887, and all amendments thereof. Said Commission may employ such agents and clerks, as in its judgment may be necessary, for properly executing the provisions of this act, and shall make an annual report to the President, containing, among other things, such specific recommendations for additional legislation as it may deem necessary.

"Any person who shall neglect or refuse to make returns, attend and testify or answer any lawful inquiry hereinbefore provided for, or produce books, papers, contracts, agreements, and documents, if in his custody, control, or power to do so, in obedience to the subpœna or lawful requirements of the Commission, shall be deemed guilty of an offense against the United States, and upon conviction thereof by a court of competent jurisdiction shall be punished by a fine of not less than $500 nor more than $5,000.

"SEC. 5. That any person, carrier, lessee, trustee, receiver, officer, agent, or representative of a carrier subject to the act to regulate commerce, who, or which, shall offer, grant, give, solicit, accept, or receive any rebate, concession, facilities, or service in respect to the transportation of any property, in interstate or foreign commerce, by any common carrier subject to said act, whereby any such property shall, by any device whatever, be transported at a less rate than that named in the tariffs published and filed by such carrier, as is required by said act to regulate commerce, or shall receive any advantage by way of facilities or service, shall be deemed guilty of a misdemeanor, and shall upon conviction thereof be subject to a fine of not less than $1,000.

"SEC. 6. That no corporation engaged in the production, manufacture, or sale of any article of commerce, violating any of the provisions of section 5 of this act, or attempting to monopolize or control the production, manufacture, or sale thereof, in any particular locality, by discrimination in prices, or by giving special privileges or rebates or otherwise, in order to destroy competition therein, in such locality, shall use, either directly or indirectly,

any of the facilities or instrumentalities of interstate commerce, or in any way engage in interstate commerce, for the purpose of aiding or facilitating, either directly or indirectly, such production, manufacture, or sale, with such intent; nor shall any other person or corporation use any of the facilities or instrumentalities of interstate commerce, or in any way engage in interstate commerce, in buying, selling, or disposing of any such article of commerce, for the purpose of enabling such first-mentioned corporation to engage or to continue to engage in such production, manufacture, sale, or control, with such intent. Every corporation or person violating the provisions of this section shall be punished, on conviction, by a fine of not less than five hundred and not exceeding five thousand dollars.

"SEC. 7. That any common carrier, lessee, trustee, receiver, or transportation company, engaged in interstate commerce, now subject to the provisions of said act to regulate commerce, knowingly transporting any property produced, manufactured, or sold in violation of the provisions of this act, or in violation of the provisions of 'An act to protect trade and commerce against unlawful restraints and monopolies,' approved July 2, 1890, in interstate commerce, shall be subject to a penalty of not less than $1,000, to be recovered by the United States, in any court of the United States having jurisdiction thereof, which suit may be brought in any district in which such common carrier, lessee, trustee, or receiver, or transportation company has an office or conducts business.

"SEC. 8. That in all prosecutions, hearings, and proceedings under the provisions of this act, and under the provisions of 'An act to protect trade and commerce against unlawful restraints and monopolies,' approved July 2, 1890, whether civil or criminal, no person shall be excused from attending and testifying, or from producing books, papers, contracts, agreements, and documents before the courts of the United States, or the commissioners thereof, or the Interstate Commerce Commission, or in obedience to the subpœna of the same, on the ground, or for the reason, that the testimony or evidence, documentary or otherwise, required of him, may tend to criminate him, or subject him to a penalty or forfeiture; but no person shall be prosecuted or subjected to any penalty or forfeiture for, or on account of, any transaction, matter, or thing concerning which he may testify or produce evidence, documentary or otherwise, before said courts, commissioners, or Commission, or in obedience to the subpœna of either of them, in any such case or proceeding.

"Testimony of witnesses under the provisions of the act to regulate interstate commerce and amendments thereof, and of this act, before said Commission, or any member thereof, shall be on oath, and either of the members of said Commission may administer oaths and affirmations and sign subpœnas.

"SEC. 9. That the several circuit courts of the United States are hereby invested with jurisdiction to prevent and restrain the violation of any of the provisions of this act. It shall be the duty of the several district attorneys of the United States in their respective districts, under the direction of the Attorney-General, to institute proceedings in equity to prevent and restrain the several acts herein forbidden. Such proceedings may be by way of petition, setting forth the case, and praying that the acts hereby made unlawful shall be enjoined or otherwise prohibited. When the parties complained of shall be duly notified of such petition, the court shall proceed as soon as may be to the hearing and determination of the case, and upon such petition, and before final decree, the court may at any time make such temporary restraining order or prohibition as shall be deemed just.

"SEC. 10. That whenever it shall appear to the court before which any proceedings under this act shall be pending, that the ends of justice require that other parties shall be brought before the court, the court may cause them to be summoned, whether they reside in the district where the court is held or not, and subpœnas to that end may be served in any district by the marshal thereof.

"SEC. 11. That any person or corporation injured in business or property, by any other person or corporation, by reason of anything forbidden or declared to be unlawful by this act, may sue therefor in any circuit court of the United States in the district in which the defendant or defendants reside or are found, without respect to the amount in controversy, and shall recover threefold the damages sustained and the costs of suit, including a reasonable attorney's fee.

"SEC. 12. That this act shall take effect May 1, 1903."

Amend the title so as to read: "A bill requiring corporations engaged in interstate commerce to make returns, prohibiting rebates and discriminations and the use of interstate commerce in attempts to destroy competition, and for other purposes."

The amendments to the substitute proposed by the minority are as follows:

AMENDMENTS TO THE SUBSTITUTE PROPOSED BY THE MINORITY.

Amendment No. 1.

Amend by striking out the following words at the beginning of the substitute, to wit:

"That every corporation which may be hereafter organized shall, at the time of engaging in interstate or foreign commerce, file the return hereinafter provided for, and every corporation whenever organized and engaged in interstate or foreign commerce shall file a return with the Interstate Commerce Commission for the year ending December 31, whenever and at such time as requested by said Commission."

And insert the following in lieu thereof:

"That every corporation, whether now or hereafter organized and engaged or that may engage in interstate or foreign commerce, and having a capital of $100,000 or more, shall annually, during the month of January of each year, unless the Interstate Commerce Commission from time to time substitute another date, make and file with said Commission for the preceding year a return and report."

Amendment No. 2.

Amend by adding at the end of section 6 the following: "The facilities and instrumentalities of interstate commerce," as the terms are employed in this act, shall embrace the mails, the telegraph, and the telephone.

Amendment No. 3.

Amend the first section of the substitute by inserting just after "sale," fifth line, sixth page, the words "the amount of taxes paid for the preceding year."

Amendment No. 4.

Add to section 1 the following:

"Any corporation failing to make such return in the time and manner required by this act shall be subject to a penalty of not less than 1 per cent on its capital stock."

Amendment No. 5.

Amend by adding at the end of sections 5, 6, and 7 the following:

"Each day's violation of this section shall constitute a separate and distinct offense."

Amendment No. 6.

Amend by adding the following:

"SEC. —. That in addition to the grounds of bankruptcy now existing by law, a corporation shall have committed an act of bankruptcy, and shall accordingly be subject to proceedings to adjudge it an involuntary bankrupt and wind up its affairs and distribute its assets, first, whenever it shall have issued stock in excess of the fair, reasonable value of its property; or, second, whenever it shall have given or offered to any person, association, or corporation any privilege, preference, advantage, facilities, discount, or rebate denied to or withheld from any other person, association, or corporation; or, third, whenever directly or indirectly it shall have engaged in any conspiracy or entered into any combination, agreement, or understanding to monopolize or aid in monopolizing any product of general utility, or so much thereof as to affect injuriously the general welfare, or to stifle lawful competition, or to control or affect injuriously the price of or the market for any commodity in general use or demand; or, fourth, whenever it shall have effected or attempted to effect any consolidation, combination, cooperation, undertaking, or agreement with any other corporation, association, or person, contrary to any law of the United States or of any State in which it shall do or offer to do any business."

Amendment No. 7.

Amend by adding the following section:

"SEC. —. Every corporation engaged in interstate commerce, wherever organized, shall be subject to the jurisdiction of the courts of any State in which it shall carry on business as it would be if created by such State, or as citizens thereof are subject to such jurisdiction."

Amendment No. 8.

Amend by adding the following:

"SEC. —. That any property owned or manufactured under any contract or by any trust or combination or pursuant to any conspiracy forbidden by the laws of a State, and being in the course of transportation from such State to another State, the District of Columbia, a Territory, or a foreign country, or to such State from another State, the District of Columbia, a Territory, or a foreign country, shall be forfeited to the United States, and may be seized and condemned by like proceedings as are provided by law for the forfeiture, seizure, and condemnation of property imported into the United States contrary to law; and every person who shall, knowing that any property to be owned or manufactured in any of the ways above described, transport it, or cause, or order, or contract for its transportation as above described, shall be deemed guilty of a misdemeanor, and, on conviction, be punished by a fine not exceeding $20,000, or by imprisonment not exceeding five years, or by both such fine and imprisonment: *Provided*, That nothing herein contained shall be held to interfere with any proceedings in a State court for the violations of any law thereof."

Amendment No. 9.

Amend the substitute by adding the following:

"SEC. —. That hereafter the following articles may be imported into the United States free of all duty:

"1. Steel rails, structural steel, tin plate, iron pipe, and other metal tubular goods; wire nails, cut nails, horseshoe nails, barb wire, and all other wire; cotton ties, plows, and all other agricultural tools and implements.

"2. Borax, borate of lime, and boracic acid.

"3. Binding twine.

"4. Paris green.

"5. Paper and pulp for the manufacture of paper.

"6. Salt.

"7. Plate glass and window glass."

Amendment No. 10.

Amend the substitute by adding the following:

"SEC. —. The President is hereby authorized, and it shall be his duty, whenever it shall be shown to his satisfaction that by reason, wholly or materially, of the existence of the tariff or customs duty upon any article, such article, or articles of its class and kind, are monopolized or controlled by any person, organization, or combination to the detriment of the public, by proclamation to remove or suspend such duty, in whole or in part, until the next assembling of Congress, or until the abuse prompting him to such action shall have ceased."

Amendment No. 11.

Amend by adding the following:

"SEC. —. There is hereby levied and shall be assessed and collected annually the following taxes on all corporations, whether domestic or foreign, doing business in the United States for profit or gain, and having a capital stock of $200,000 or more, at the rate of 10 per cent on its capital stock. The amount of the capital stock of any taxable corporation for the purposes of taxation shall be estimated according to its par value fixed by the charter, or by resolution of its board of stockholders or directors, and shall include all assets owned by such corporation which are reserved or funded or set aside for the benefit of its stockholders.

"Sec. —. Those corporations are exempt from taxation under this act whose income (or profits), after the payment of necessary expenses of operation and administration thereof, is devoted exclusively to purposes of charity or religion or benevolence, or to hospital, medical, surgical, or hygienic purposes; or to education, or the promotion of the useful arts; or to scientific purposes; or to literary or musical purposes; or to public entertainment.

"SEC. —. If any corporation liable to taxation under this act shall establish to the satisfaction of the Commissioner of Internal Revenue, by competent proof, under oath, that it is not engaged or about to be engaged in any way with any other corporation or person in any of the acts or combinations, conspiracies, agreements, or in any act or conduct that is prohibited in the act entitled 'An act to protect trade against unlawful restraints and monopolies,' approved July 2, 1890, or in the act entitled 'An act to provide revenue for the Government and to encourage the industries of the United States,' approved July 24, 1897, or an act entitled 'An act to regulate commerce,' approved February 4, 1887, or this act, or any amendment of any of said acts, the said taxes of said corporation shall be remitted, except 1 per cent thereof, which shall be collected and paid into the Treasury of the United States.

"SEC. —. The Commissioner of Internal Revenue, under the direction of the Secretary of the Treasury, is charged with and is empowered to direct and enforce the execution of this act, and the Secretary of the Treasury shall make such regulations as are needful for such purpose. All laws applicable to the collection of internal-revenue taxes by the United States, whether civil or criminal, shall apply to corporations that are taxable under this act and to their officers and directors, and to the enforcing of the provisions hereof."

Amendment No. 12.

Amend by inserting the following just after section 6:

"SEC. 7. That no person engaged in the production, manufacture, or sale of any article of commerce, or violating any of the provisions of section 5 of this act, or attempting to monopolize or control the production, manufacture, or sale thereof by driving out competition in any particular locality by discrimination in prices or by giving special privileges or rebates or otherwise in order to destroy competition therein in such locality, shall use, either directly or indirectly, any of the facilities or instrumentalities of interstate commerce, or in any way engage in interstate commerce for the purpose of aiding or facilitating, either directly or indirectly, such production, manufacture, or sale with such intent; nor shall any other person or corporation use any of the facilities or instrumentalities of interstate commerce or in any way engage in interstate commerce in buying, selling, or disposing of any

such article of commerce for the purpose of enabling such first-mentioned corporation to engage or to continue to engage in such production, manufacture, or sale or control with such intent. Every person violating any of the provisions of this section shall be punished, on conviction, by a fine of not less than $500 and not exceeding $5,000."

Amendment No. 13.

Amend by adding a new section, as follows:

"SEC —. The words 'interstate commerce' wherever they occur in this act shall be held to embrace commerce from any State or Territory of the United States or the District of Columbia to any other State or Territory or the District of Columbia."

NAVAL APPROPRIATION BILL.

Mr. FOSS, from the Committee on Naval Affairs, reported the bill (H. R. 17288) making appropriations for the naval service for the fiscal year ending June 30, 1904, which was referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Mr. LLOYD. I reserve all points of order on the bill.

The SPEAKER pro tempore. The gentleman from Missouri reserves all points of order on the bill.

TRUSTS.

Mr. LITTLEFIELD. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. LITTLEFIELD. I propose to move that the House resolve itself into Committee of the Whole House on the state of the Union.

The SPEAKER pro tempore. That is not necessary under the rule. Under the rule the House resolves itself into Committee of the Whole House on the state of the Union under the special order for the consideration of the bill H. R. 17. The gentleman from Illinois [Mr. BOUTELL] will please take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, Mr. BOUTELL in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 17.

Mr. SMALL. Mr. Chairman, the proposed bill is intended to curb the power for evil of the industrial monopolies which have been organized in the United States during the recent past which are engaged in interstate commerce. The bill is in response to a righteous demand upon the part of the American people. Like most of the reforms which have been embodied in law, this proposed legislation has its origin with the Democratic party. The Republican party is enslaved by the spirit of commercialism, as is now generally admitted. The leaders of that party are willing at all times to make sacrifices of principle, of convictions, and even of the fundamental doctrines which brought that party into existence for the sake of maintaining peace with the monopolistic combinations which are now dominating our industrial life. The dollar is the potent factor which controls their deliberations and shapes their actions. That party deserves no credit for bringing forward this measure at this late date. The same evils have existed for at least half a decade.

Democrats have repeatedly sounded a note of warning upon this floor and from every platform in the country. At first they were met by our friends on the other side with cries of derision, and we were termed "calamity howlers" who were endeavoring to check prosperity. Subsequently, when we pressed them to the wall, through their recognized leaders they confidently claimed there were no trusts. A little later they blushingly admitted the imputation, but said there were good trusts and bad trusts, of which the former predominated. As the people listened more attentively to the voice of Democracy, the leaders upon the other side put their ears to the ground, and now for some months they have been hearing the demand by the great American Republic upon this question, and they decided that they could not longer afford to delay a response thereto.

The majority brought forward a bill in this House in the closing days of the first session of the Fifty-sixth Congress in 1900 which was a mere pretense and which they never intended should be enacted into a law. That party dare not trifle longer with the people, and unquestionably some legislation will be enacted at this session; but I predict that this bill now under consideration, as imperfect and impotent as it is, will not become a law. It is rather more probable that the bill which has passed at the other end of the Capitol, and which was introduced by the distinguished gentleman from West Virginia and known as the "Elkins bill," and which is now pending before the Committee of Commerce of this House, will be fixed upon as the one even less harmful to the dear friends of the Republicans, the trusts.

There are many good people who still insist that monopolies are a myth and that the present evils resulting from their existence are very much exaggerated. Object lessons are always more forceful and impressive than mere argument and reason. Therefore, it might be well to cite some of the monster combinations which have been formed during recent years and then to hold up a few of them to the public gaze.

From January 1, 1899, to September 1, 1902, there were formed in the United States, exclusive of transportation lines, 82 combinations or trusts, with a total capitalization of $4,318,005,646. This embraces only the great combinations that have been formed during the past three and one-half years. As a matter of information and interest, I submit the following list of industrial combinations or trusts with a capitalization of $10,000,000 each and over which were formed during the period just mentioned, from January 1, 1899, to September 1, 1902:

Trusts.	Date.	Amount.
Allis-Chalmers Co	1901	$36,270,000
Amalgamated Copper Co	1899	155,000,000
American Agricultural Chemical Co	1899	33,600,000
American Beet Sugar Co	1899	20,000,000
American Bicycle Co	1899	36,496,400
American Brass Co	1900	10,000,000
American Can Co	1901	82,466,600
American Car and Foundry Co	1899	60,000,000
American Grass Twine Co	1899	13,033,000
American Cigar Co	1901	10,000,000
American Hide and Leather Co	1899	33,025,000
American Ice Co	1899	41,705,000
American Iron and Steel Manufacturing Co	1899	20,000,000
American Light and Traction Co	1901	12,127,800
American Locomotive Co	1901	50,412,500
American Machine and Ordnance Co	1902	10,000,000
American Packing Co	1902	20,000,000
American Plow Co	1901	75,000,000
American Railway Equipment Co	1899	22,000,000
American Sewer Pipe Co	1900	10,295,700
American Shipbuilding Co	1899	15,500,000
American Smelting and Refining Co	1899	100,000,000
American Snuff Co	1900	23,001,700
American Steel Foundries Co	1902	30,000,000
American Window Glass Co	1899	17,000,000
American Woolen Co	1899	49,796,100
American Writing Paper Co	1899	30,000,000
Associated Merchants Co	1901	15,000,000
Atlantic Rubber Shoe Co	1901	10,000,000
Borden's Condensed Milk Co	1899	25,000,000
Central Foundry Co	1899	18,000,000
Chicago Pneumatic Tool Co	1902	10,000,000
Colonial Lumber and Box Corporation	1902	15,000,000
Consolidated Railway Lighting and Refrigerating Co	1901	17,000,000
Consolidated Tobacco Co	1901	262,689,200
Corn Products Co	1902	80,000,000
Crucible Steel Co. of America	1900	50,000,000
Eastman Kodak Co	1901	19,673,100
Electric Co. of America	1899	20,398,400
Electric Vehicle Co	1899	18,475,000
Fairmont Coal Co	1901	18,000,000
General Chemical Co	1899	16,821,500
Harbison-Walker Refractories Co	1902	25,750,000
International Harvester Co	1902	120,000,000
International Salt Co	1901	83,000,000
International Steam Pump Co	1899	31,150,000
Jones & Laughlin Steel Co	1902	30,000,000
Monongahela River Consolidated Coal and Coke Co	1899	39,470,000
National Asphalt Co	1900	55,563,000
National Carbon Co	1899	10,000,000
National Enameling and Stamping Co	1899	23,858,400
National Fireproofing Co	1899	12,500,000
National Sugar Refining Co	1900	20,000,000
New England Cotton Yarn Co	1899	15,577,000
New York Dock Co	1901	28,580,000
Pacific Hardware and Steel Co	1902	10,000,000
Pennsylvania Steel Co	1901	34,270,000
Pittsburg Brewing Co	1899	26,000,000
Pittsburg Coal Co	1899	59,731,900
Planters' Compress Co	1899	10,000,000
Pressed Steel Car Co	1899	30,000,000
Quaker Oats Co	1901	11,500,000
Railway Steel Spring Co	1902	20,000,000
Republic Iron and Steel Co	1899	48,204,000
Royal Baking Powder Co	1899	20,000,000
Rubber Goods Manufacturing Co	1899	26,410,015
Sloss-Sheffield Steel and Iron Co	1899	18,200,000
Standard Milling Co	1900	17,550,000
Steamship Co., Consolidated Trans-Atlantic	1902	170,000,000
Union Bag and Paper Co	1899	27,000,000
United Box, Board and Paper Co	1902	30,000,000
United Fruit Co	1899	15,239,500
United Copper Co	1902	50,000,000
United Shoe Machinery Co	1899	20,055,575
United States Cast-Iron Pipe and Foundry Co	1899	25,000,000
United States Cotton Duck Corporation	1901	12,100,000
United States Realty and Construction Co	1902	66,000,000
United States Reduction and Refining Co	1901	12,808,300
United States Shipbuilding Co	1902	71,000,000
United States Steel Corporation	1901	1,389,339,956
Universal Tobacco Co	1901	10,000,000
Virginia Iron, Coal and Coke Co	1899	18,070,000
Total		4,318,005,646

A complete list without regard to date of formation, and including the large and the small, would aggregate more than 800 different combinations and would foot up a capitalization of more than $9,000,000,000. If to this list we add railroad consolidations, the outstanding capitalization would be swelled to more than $15,000,000,000.

During the year 1901 the Census Office published the result of an investigation into industrial combinations commonly called trusts.

This report shows only those combinations that were in existence in the census year, and therefore falls far short of the number as they exist to-day. The aggregates shown by the Census Office, however, are astounding, and this report reveals such a condition of affairs in the industrial world as is calculated to force the thoughtful economist to contemplate the terrible disaster that must surely follow such combinations of capital for the purpose of controlling the necessaries of life. To enter into the details of all these combinations, to show their methods of formation, how their capital has been inflated with water, and how the public is forced to pay enormous dividends upon this fictitious capital, would require a volume and I shall content myself with giving some of the details of one or two of the most notable of these combinations.

Probably the most notorious combination in the industrial world is that known as the "United States Steel Corporation."

According to Census Bulletin No. 122, which was issued December 30, 1901, there were then in existence 40 combinations which were organized to control iron and steel and their products. These 40 combinations controlled 447 plants. The actual value of their property as attested to the Census Office by their officers was $341,779,954. This was the value certified to as representing all the tangible property of these 40 combinations, and we must assume that this representation is correct, or that some or all of the officers of these corporations made false returns to the Government.

While the Census Office was conducting its inquiry a number of the corporations above alluded to, under the guidance of Mr. J. P. Morgan, were formed into a new corporation which was called the United States Steel Corporation. In 1901 this corporation consisted of the Carnegie Company, the Lake Superior Consolidated Iron Mines, and 9 other corporations engaged in various branches of steel and iron manufacture. At the time of the organization of this new company the Carnegie Company had issued stock to the amount of $156,800,000; the Lake Superior Consolidated Iron Mines had stock outstanding to the amount of $29,425,940, and the 9 other companies included in the deal had stock outstanding to the amount of $528,465,300. Add to these amounts the bonds issued by the National Steel Company, one of the 9 companies above alluded to, to the amount of $2,811,000, and it shows the total capital outstanding of these companies to have been $717,502,240.

This was very much more than twice as much as the real value of the tangible property belonging to these companies. It does seem that this large amount of fiction in the capital stock of these various corporations would have satisfied Mr. Morgan and his friends, but it did not, by a great deal. When these companies were merged into the United States Steel Corporation they carried in it all this enormous amount of capital, water and all, except $13,150,000, which was the price paid for the property of the Shelby Steel Tube Company, but it added $301,000,000 in bonds, making the grand total of the capitalization $1,005,351,740, and this capital, according to Moody's Manual, has been increased to $1,322,432,900, and if we include the stocks and bonds of subsidiary companies, which the United States Steel Corporation does not own, but controls, the capital is swelled to $1,389,339,956. It is absolutely safe to say that less than one-third of this capital represents actual tangible property. The balance, with the exception of some patents, is fiction—purely nothing.

The magnitude of this giant can best be gathered and understood by comparing its capital with some other large monetary aggregations. This capitalization is larger than the national debt of any of the nations of the earth except France, Germany, Italy, Russia, Spain, and the United Kingdom. It is $400,000,000 more than the debt of the United States. It has more capital and surplus than all the national banks of the United States; its capital is more than three times as large as the total specie in the United States Treasury on November 20, 1902; it has more capital than all the deposits in all the savings banks in New England in 1901. If this capital were divided among the people of the United States it would show a per capita of 50 per cent more than the national debt per capita for the United States.

The interest per capita on the Government debt of the United States in 1901 was 38 cents, but the interest and dividends on the United States Steel Corporation's capital in one year amounts per capita for the population of the United States to 96.8 cents. The capital of this great corporation is only about $800,000,000 less than the total money in circulation in the United States in 1902. The net earnings of this corporation in 1902 were $132,662,617. It paid a 4 per cent dividend on its common stock, 7 per cent on its preferred stock, and 5 per cent on its bonds. This means for that year something more than $70,000,000 in dividends and interest and leaves a surplus of more than $62,000,000.

Of course, anyone knows, according to the methods heretofore adopted by this corporation, that it is only a question of time when additional stock or bonds will be issued to absorb this surplus, so that it may become ordinary capital to levy additional dividends upon the consumers of iron and steel.

No one who believes in the eternal principles of justice will say that it is right for this overcapitalized concern to exact these enormous payments of dividends on water, and certainly no one who believes in equal justice to all and special privileges to none can defend a situation that permits such conditions to exist. These conditions do exist, because this combination has practically destroyed competition, and I believe it has been able to destroy competition because tariff duties prevent foreign manufacturers from placing their goods on the American market. The United States Steel Corporation can and does sell steel rails in England at $11 per ton cheaper than it does at home, but the English manufacturer can not compete with American prices because of a duty of $7 per ton upon his products, which shuts our market out of all his calculations. It can not be said that an import duty upon iron and steel is necessary to the existence of that industry in the United States. In the New York Commercial of November 4, 1902, I find the following:

CUT IN PRICE OF TIN PLATE ON DECEMBER 1—STEEL CORPORATION REDUCES ITS LIGHT PRODUCT 40 CENTS—IN LINE WITH THE ACTION ON SHEET STEEL, SMALL TUBES, AND WIRE NAILS—NOT AN INDICATION OF A RECESSION IN THE TIDE OF PROSPERITY—AIMED AT RIVALS.

NEW YORK, *November 3, 1902.*

The United States Steel Corporation to-day announced that the American Tin Plate Company had made a reduction in tin plate of 40 cents a box, or from $4 to $3.60.

The change applies to new equipments only, and will not become operative until December 1. In old stock no change is expected to be made for several months.

ACTION WAS EXPECTED.

The action of the tin plate company did not come as a surprise, because it has been known for some time that the operating department was working on a new schedule.

Then, again, the inactivity of the mills for the last few months has pointed to a shading in prices. There is no disputing the fact that overproduction is directly responsible for the reduction.

Following this, the falling off in demand, which usually occurs at this time of the year, resulted in a scramble for business by the independent companies. In order to keep their mills in operation they cut prices, and the combine naturally followed suit.

TO MEET ALL COMPETITION.

The United States Steel Corporation is determined to furnish its customers with tin plate at prices as low as those established by the independents, and in the event of a continuance of an inactive market quotations may go even lower.

The reduction in the price of tin plate follows reductions in sheet steel, small tubes, wire nails, and a few classes of wire goods. The cut in sheet steel was made last September, and is equivalent to $5 a ton.

NOT A SIGN OF DEPRESSION.

Steel corporation interests to-day took particular pains to point out that the lowering of prices is confined to the lighter branches of finished products, adding that the demand for material of this character is generally light at this time of the year, and the decline does not indicate that the crest of the wave of prosperity in the steel business has ebbed. For example, the cut in sheets is confined to black and galvanized plates, two of many grades turned out by the Sheet Steel Company.

CUTS IN LIGHT PRODUCTS.

In tubing the cut is confined to the small sizes, the demand for the larger shapes being more pronounced than ever before. The demand for small tubing, it is said, always shows a declining tendency with the approach of winter.

In wire the inactivity is confined to wire nails, owing to the fact that building operations are curtailed during the winter.

In tin plate the demand has been light for several months, due largely to the partial failure of the salmon catch and the pea crop shortage, which called for fewer tin cans for preserving.

NEW MILLS TO BLAME.

Had it not been for the new steel mills that have come into existence during the last two years it is likely that no reduction in prices at this time would have been necessary. While consumption is larger than two years ago, its increase has not been proportionate to the increase in production.

Representatives of the United States Steel Corporation do not attempt to conceal the fact that the inactivity of certain branches of the steel industry is due directly to increased production. At the same time they point out that a reduction in prices will discourage the organization of new enterprises, and that in time the industry will adjust itself to these new conditions.

IN LINE WITH ITS POLICY.

A representative of the United States Steel Corporation made this statement to-day:

"People are simply making a mountain out of a molehill in attempting to make capital out of the reduction in certain finished products. It is an interesting fact that the United States Steel Corporation has not advanced the price of one article since it was organized.

"If we had done so a howl would have been raised. Now that we cut prices in order to meet new conditions inexperienced people get it into their heads that the top notch in so far as steel is concerned has been reached.

"The cut in prices is confined to tin plate, wire nails, two of the many grades of sheet steel, and small tubes. The demand for large tubings is brisk, and there is every indication that it will continue so.

CONSUMPTION KEEPS UP.

"The activity of the steel-rail mills, structural plants, armor-plate works, steel-plate mills—in fact, all classes of heavy material—is sufficient to offset the falling off in the demand for light finished products.

"When the demand for the products of certain mills subsides, we devote our energies to products for which an immediate outlet can be found.

"That there is little foundation for the reports that the decline in tin plate, sheet steel, etc., does not foreshadow depression in the iron and steel industry is evident from the fact that the consumption of iron ore, coke, pig iron, and other products that make up the foundation of the iron and steel industry was never more pronounced than at present.

"The fact that the furnaces have sold their possible production until July 1

of next year and have opened their books for the last half of 1903 is sufficient proof that the iron and steel situation is sound.

"So far as heavy material is concerned, consumption is greatly in excess of demand. For example, there will be a shortage in steel rails next year, notwithstanding that something like 500,000 tons of rails will be imported from Europe.

"Through the carrying out of our policy of concentration and the great demand for heavy classes of steel, the cut in the prices in certain grades of light material will not affect the earnings of the steel corporation to any extent.

EARNINGS BIG ENOUGH.

"Of course the earnings of the corporation will show a falling off during the next four months, owing to the closing of navigation on the lakes, but they will exceed the earnings reported during the corresponding period of last year.

"The production of pig iron is not nearly adequate to the demands of the finishing mills. Consumption of pig iron is now going on at a rate of 1,500,000 tons a month.

"The increase in iron and steel imports does not indicate that we are losing our foreign business. The demand in this country is so pronounced that we have been forced to ignore the foreign markets altogether.

NO TIME FOR FOREIGN TRADE.

"When the demand becomes less inactive and prices reach a lower level we will find no difficulty in competing with foreign mills. Why, notwithstanding the high wages that are paid here, we can sell steel abroad at prices that our foreign competitors can not touch except at a loss."

About 80 per cent of the sheet-steel mills of the United States Steel Corporation are now in operation. The production of tin plate is within 25 per cent of the maximum capacity of the mills. The falling off in the demand for small tubing has resulted in no great curtailment of production.

PLATE MILLS BUSY.

The representative of a prominent steel-plate concern said:

"We have observed that many financiers and public men are expecting a lessening in the volume of business done in this country and a decline in the prices of all commodities, but there is no indication of such recession to be detected in the steel industry—certainly not in our branch of it.

"The steel-plate mills of the country have booked orders ahead for from three to six months' steady employment and bonuses are being paid for quick delivery. It is true that these orders are subject to cancellation, but there is very little likelihood of such action, and the mills would be glad of it if a few orders were canceled, as they have sold beyond their capacity.

WHY PRICES ARE LOW.

"There is no occasion for a reduction in prices. All things considered, prices are low—much lower than they might be, considering the enormous demand. The steel producers might have put prices much higher had they desired to make every dollar the trade would stand.

"There are two reasons why they did not. Higher prices would have increased foreign competition. As it was, finished products were imported to a certain extent. But the main reason why prices were held down to a comparatively low level was that the contrary course would have decreased consumption.

"That was well illustrated four years ago, when we had just such a demand as there has been this summer. The price was advanced to $60 a ton, and then within twelve months fell to $24 a ton, so great was the blighting influence of high prices on constructive work.

WHEN STEEL WAS TOO HIGH.

"The New York Central was using, in the vicinity of Albany, thousands of tons of steel for replacing wooden bridges. When the price reached a certain point the New York Central officials ordered all steel construction stopped and made temporary constructions of wood wherever there was anything to be done. Then the road simply waited for prices to come down, and they came.

"By this time steel men have learned that it is much more profitable to encourage construction and to keep the demand steady than to have periods of very high prices followed by periods of idleness at the mills. In our branch of the business there has not been a change in prices for more than five months. On May 22 the base price at the mill was advanced from $38 to $40 a ton. That price will remain in effect for the next quarter at least."

AIMED AT OUTSIDERS.

The Eastern agent of a steel company not in the steel corporation, said:

"Prices are fixed by the steel corporation, which controls between 60 and 70 per cent of the country's production. It is possible that that company, in order to put a stop to the foolish course of small outside concerns which know no better than to sell steel products for the value of the raw material, may reduce prices on certain lines for a time, but judging from the general situation there is no reason why prices should go lower.

"At present prices are low, fully as low as the producers can afford to make them. Nor is there any indication of any diminution in the demand."

This newspaper is friendly to the United States Steel Corporation and other trusts, and would not be likely to publish in its news columns inaccurate statements concerning its friends, and it is absolutely certain that it would not quote the officers of the United States Steel Corporation incorrectly.

After perfecting its plans to destroy the independent tin-plate manufacturers, this monster turned its attention to the independent producers of steel tubes. On November 7, 1902, a special from Cleveland, Ohio, to the New York Commercial, among other things, says:

The United States Steel Corporation is starting to make war on the independent producers of steel tubes, with the intention of driving them out of business. The first step was taken in that direction a week ago, when the corporation announced a reduction in the price of tubes.

This same dispatch points to the fact that this fight against the steel tube manufacturers dated back to the formation of the United States Steel Corporation when it took over the Shelby Steel Company and attempted to buy the other tubing mills. But because some of these independent mills preferred an independent existence and determined to withhold their property from this gigantic combine, they have become the subjects of the wrath of this trust. It was not charged nor intimated that the production of these smaller mills was materially affecting the market, but the trust decided that the time had come when it might not rely on the general market, and so it determined to drive the last of its competitors to the wall.

Not only does the United States Steel trust absolutely control the production and prices of iron and steel in the United States, but it boasts that it is able to meet European competition anywhere. On November 24, 1902, a representative of the Steel Corporation is reported by the New York Commercial as saying that the steel industry of the United States was then in a better position to compete with foreign mills than ever before in its history. This representative is quoted as saying:

The economy resulting from consolidation has reduced the cost of production to a minimum. Nowhere in the world can steel be manufactured so cheaply as in the United States. This is in spite of the fact that wages here are twice what they are in Europe.

The United States Steel Corporation owns 78 blast furnaces, with an annual capacity of 6,500,000 tons of pig iron; 149 steel works and 6 finishing plants, with an annual capacity of about 9,000,000 tons of steel. Its Lake Superior iron mines have an annual output of 12,000,000 tons of ore. It owns 18,300 coke ovens, 70,830 acres of coal land, 30,000 acres of other lands, and a lake fleet of 112 vessels. It owns the Olliver Iron Mining Company and the Pittsburg Steamship Company, and it has leased 50,000 acres of coal land from the Pocahontas Coal Company. With these enormous holdings of raw materials and these tremendous transportation facilities, it has power to crush any American competitor that may dare place his goods upon the market. It boasts that it can go into the European markets and compete successfully with the iron makers of the Old World. It is protection that has barred every competitor from the American markets and enables this single corporation practically to control the price of iron and steel in the entire world.

Another notable example of the power of a monopoly is seen in the American Tobacco Company. This corporation was organized in 1890, and acquired the principal cigarette factories in the country. In 1898 it acquired the properties of the Brown Tobacco Company and the Drummond Tobacco Company, of St. Louis. In this same year, 1898, the Continental Tobacco Company was formed in the interest of the American Tobacco Company to control the plug tobacco of the United States. In 1899 the American Tobacco Company acquired the Union Tobacco Company. In 1900 the American Snuff Company was formed for the purpose of controlling 95 per cent of the snuff output of the United States.

In 1901 the Consolidated Tobacco Company was formed to acquire, consolidate, and control all the interests of these various tobacco companies. The authorized capital of the Consolidated Tobacco Company is more than $262,000,000. Its actual capital issued on September 1, 1902, consisted of $30,000,000 full-paid capital stock and bonds to the amount of $157,844,600, making a total outstanding capital of $187,844,600. The assets of the American Tobacco Company, as shown by their balance sheets December 31, 1901, were $91,183,612, of which amount $29,747,860 represented values fixed upon trade-marks, patents, etc. The assets of the Continental Tobacco Company were $111,621,616.

The tobacco monopoly, with possibly the exception of the Standard Oil Company, is the most calculating and cold-blooded of any that affects the American people. It not only controls the production of manufactured tobacco and its prices, but it has gone a long way further and established itself in control of the raw material produced by the farmers. It has placed its agents upon the various tobacco markets of the country with instructions to pay so much and no more for certain grades of tobacco, and the farmer has been compelled to accept these prices for the very good reason that the American Tobacco Company's competitors, who once bid upon the farmers' tobacco, have been crushed and driven out of business; and if any man dare enter the tobacco markets and purchase tobacco above the price offered by the American Tobacco Company, he does it at his financial peril. When such a competitor offers the goods for sale which he has purchased, he finds to his sorrow that the American Tobacco Company is the only manufacturer that can use his goods, and he is forced to take their price.

In North Carolina, one of the leading States in the production and manufacture of tobacco, there are abundant examples of the ravages of this monster among the manufacturers and dealers and producers of tobacco. In 1890 that State had 90 establishments engaged in the production of chewing and smoking tobacco. In 1900, after a decade of unexampled growth in manufactures in the State, not only in the value of products, but in the number of new establishments which come into existence, this industry showed only 80 establishments, as compared with the 90 of 1890. The value of manufactured tobacco during this decade increased 108 per cent.

The number of people employed in tobacco factories increased during this decade but 6.7 per cent, and the average annual earnings of these employees decreased 4.4 per cent. That is to say, that at a time when there was free competition in this industry

the proportion of labor employed was much greater and that the wages paid this labor were higher than at a time when competition had been destroyed and one great combination controlled this industry. I do not charge this crime to the tobacco trust; I mention it as a significant fact. This monopoly has not been even modest in its career. It has plundered the farmer and enslaved the retail dealer, crushed the small manufacturer, and corralled the consumer.

Another example of the control of a Southern product by a combination, or rather by an association of friendly combinations, is found in the American Cotton Oil Company and the Virginia-Carolina Chemical Company. The Virginia-Carolina Chemical Company was organized in 1895 and controls practically all the phosphate rock from Maryland to Florida, and owns a controlling interest in the Southern Cotton Oil Company, besides other cotton-oil plants.

In July, 1901, this company had capital stock issued to the amount of $39,984,400. The capital invested in fertilizer factories in the States of Georgia, North Carolina, South Carolina, and Florida was in round numbers $25,000,000. This capital represents an actual value of the properties employed in the manufacture of fertilizers in these four States. These are the States in which this combination operates principally. It owns or controls practically every fertilizer factory within them; and it demands of the farmers of the South that they shall pay dividends upon 60 per cent more capital than its properties are worth.

The American Cotton Oil Company owns practically all the cotton-oil mills in the country, outside of those owned by the Virginia-Carolina Chemical Company. Thus these two corporations fix the price of cotton seed, and are able to fix the price of the manufactured product.

Perhaps the best example of perfect monopoly which is found in this country, if not in the world, is the Standard Oil Company. According to the reports of the Twelfth Census the actual capital employed in petroleum refining in the United States in the census year was $95,327,892.

The paid-up capital of the Standard Oil Company is $97,500,000. That is to say, this one company (though it must be admitted that it owns practically all the oil refineries in the country) is capitalized for more than the value of the entire refining business of the country. I do not recall that it has ever been charged that Mr. Rockefeller has attempted to inflate the Standard Oil stock with "water"—it may be that the physical principle that oil and water will not mix has prevented it—but no principle, physical, political, or moral, has stopped him from levying tribute from every householder who lights his home with oil.

The Standard Oil Company in 1900 paid a dividend of 48 per cent on its capital stock, and for the five years ending in December, 1900, its dividends amounted to 175 per cent of its capital stock. Between the method of Mr. Morgan and most other trust organizers, of watering valuable stocks and thereby increasing capitalization so that nominal dividends may appear reasonably small, and the method of Mr. Rockefeller of allowing his capital to remain intact and boldly declaring dividends from his earnings, even though they are enormous percentages, I say that of these two methods I frankly admit Mr. Rockefeller's is the more commendable.

If the Standard Oil Company were organized upon the basis of the United States Steel Corporation it would be capitalized at about $900,000,000. It is interesting in this connection to note a comparison of the apparent profits of the entire petroleum refining business in the United States and the actual profits paid upon the capital of the Standard Oil Company. The reports of the Twelfth Census show that if all the products of the petroleum refining business of the country in 1899 had been sold at the refineries and at the values reported to the Census Office, and that if the expenses connected with the refining business as reported to the Census Office had been deducted from these gross sales, there would have been left an amount of apparent profits sufficient to pay a dividend of 7.7 per cent on the entire capital employed in the industry.

In that same year, 1899, the Standard Oil Company paid a dividend of 33 per cent upon its capital of $97,500,000. These figures suggest that the reports of the value of products as made by the refineries to the Census Office were far below the value that should have been reported. It would be interesting to know how the Standard Oil Company reconciles its tremendous dividends of 33 per cent upon $97,500,000 with the statements made to the Census Office, which show that the apparent profits of the entire petroleum industry were only 7.7 per cent.

Whenever it is charged that a protective tariff tends to foster monopoly, the friends and defenders of trusts point to the Standard Oil Company as a fine example of how a great monopoly can come into existence and thrive without the benefits of protection. They tell us that the existence of this the most powerful of all monopolies is not due in any measure to protection, because petroleum and petroleum products are on the free list, and it is surpassing strange that the public has accepted this statement as true, and that public men and the press generally have innocently allowed such statements to go unchallenged. I know it is a terrible thing to be disillusioned, but candor and truth compel me to turn the light upon this question of protection as it affects the petroleum refining business in the United States.

In paragraph 626, act of July 24, 1897, commonly known as the Dingley Act, there is a proviso to this effect, that "if there be imported into the United States crude petroleum or the products of crude petroleum produced in any country which imposes a duty on petroleum or its products exported from the United States, there shall in such cases be levied, paid, and collected a duty upon said crude petroleum or its products so imported equal to the duty imposed by such country." On April 21, 1898, the Division of Customs, Treasury Department, issued Department circular No. 68, which gives a list of the countries imposing a duty on petroleum and petroleum products, together with the rates of duty so imposed. This list embraces more than 100 governments which impose a duty upon petroleum and its products, and according to the proviso of section 626, act of July 24, 1897, the United States imposes a similar duty upon petroleum and its products from all these countries.

Besides the United States, Russia is the only country that produces petroleum for export in any considerable quantity. Austria-Hungary and Roumania are the next largest producers of petroleum, but neither of these countries produces more than is sufficient for home consumption. Russia, therefore, is the only country that can put large quantities of petroleum upon the markets of the world in competition with the United States. When the Standard Oil monopoly increases its prices upon illuminating and other oils to such an extent that they amount to extortion, and it has often done such a thing, the Russian refineries, were they permitted to enter our markets, could compel the Standard Oil Company to give the people oil at reasonable prices; but the provision of the Dingley tariff law, above quoted, imposes a duty upon petroleum and petroleum products which are produced in Russia, because Russia imposes a duty upon such products produced outside of her own domain.

The duty imposed by Russia on kerosene and all other liquid products obtained from the distillation of petroleum is 1 ruble per pood. The United States Geological Survey gives 6.6 pounds as the weight of a gallon of refined petroleum. The export price of refined petroleum as quoted in the Oil, Paint and Drug Reporter of January 26, 1903, was 5.65 cents per gallon. Converting these Russian terms into United States equivalents and taking the export price of refined petroleum, above quoted, we find that the duty imposed by the United States upon refined petroleum produced in Russia is 9.42 cents per gallon, which is equivalent to an ad valorem duty of 167 per cent.

It might be interesting to state in this connection that the United States imposes upon petroleum imported from Austria-Hungary a duty of 12.4 cents per gallon, which is equivalent to an ad valorem duty of 213 per cent, and from Roumania a duty of 8.63 cents per gallon, which is equivalent to 153 per cent ad valorem. Another interesting fact is that while the quoted export price of kerosene oil on January 26, 1903, was 5.65 cents per gallon, the price quoted for kerosene in bulk to the American trade was 10.5 cents per gallon.

The oil people may undertake to explain this difference between the export price and the price to the American consumer by saying that the kerosene oil sold in this country is of superior quality. This may probably be a partial explanation of the difference, but the difference in the quality between the lowest and the highest grades of refined oil can not account for any such difference in prices as I have quoted. The real explanation is that the American market is a noncompetitive one, and the Standard Oil Company charges its home customers what it pleases, while the foreign markets are competitive and it must, therefore, fix its export prices to meet competition.

As I have already stated, Russia is the only country in the world that produces petroleum in sufficient quantities to compete with the United States. In the year 1900 Russia produced 77,230,561 barrels of crude petroleum, and in the same year the United States produced 63,362,704 barrels. In that year Russia exported 290,728,175 gallons of illuminating oil and the United States exported 730,585,487 gallons. The largest purchaser of Russian oils in that year was Great Britain, which country took 62,000,000 gallons.

In 1901 Great Britain took from the United States 169,548,529 gallons. The average price which Great Britain paid for American oils in 1901 was 5.4 cents per gallon. Germany purchased from the United States in 1901 136,399,456 gallons of oil, at an average price of 5.2 cents per gallon. These figures tend to show that the Standard Oil Company without protection is able to meet competition anywhere. It can go into Germany, at the

very door of Russia, and sell its products in competition with Russia, and with its lubricating and heavy oils it goes into Russia itself and competes with the Russian refineries.

The total quantities of mineral oils imported into the United States during the year ending June 30, 1902, was 3,235,467 gallons. Of this amount 2,601,684 gallons were admitted free. It is significant that of the total imports 2,783,148 gallons were received from the United Kingdom, and of the total imports admitted free of duty 2,380,022 gallons were received from the same country. Great Britain is the only large purchaser of petroleum that admits it into its markets free, and, as I have just shown, it is practically the only foreign country that sells mineral oils in the United States.

If we did not impose a duty upon Russian oil, and if there were that same free commercial intercourse between Russia and the United States that there is between Great Britain and the United States, it is evident that this one article of general consumption would be furnished to the American people at prices far below those they are now paying. It can not be contended that the petroleum-refining business in general, and the Standard Oil Company in particular, is in such an uncertain and unstable condition as to require a protective duty of more than 9 cents per gallon in order that its only competitor shall not interfere with its fixing of prices. I have shown conclusively that whenever and wherever it is necessary to meet a competitor the Standard Oil Company is able to do so, and that it secures its full share of the business of the world. I think I have also shown that wherever and whenever its competitors have been shut out of the market it has not hesitated to charge whatever prices a forbearing and helpless public seemed able to pay.

Thus, Mr. Chairman, are exhibited in some detail a few of the great industrial combinations which are now in existence. The constitution of North Carolina in its declaration of rights declares "that monopolies are contrary to the genius of a free State, and ought not to be allowed." These pregnant words are as applicable to these modern days as they were a century ago when embodied in the organic law of my State.

What are the remedies proposed in this bill for the evils which beset our economic system and bear with a heavy hand upon the producers and consumers of the country? Although various excuses are offered, yet it is freely admitted that the existing tariff affords protection and shelter to the great bulk of these monopolies. The bill contains not one word of encouragement or alleviation from the tariff schedules by which they are making their daily exactions.

The Dingley tariff is the one sacred part of our statute law which is declared to be free from the ruthless hands of Congress. No matter how much individual Republican voters and members of that party in this House may protest, regardless of the plain admonition offered by the Democratic party, our opponents have set themselves steadily against the granting of any relief by putting upon the free list any trust-made article. With pious hypocrisy they at once enlist themselves as champions of the smaller and independent concern engaged in the production of similar articles in competition with the trusts and declare that the lesser will be injured more than the greater by any reduction from the protective tariff. Apparently nothing but a political revolution will dislodge the defenders of the present tariff law and thereby establish justice and equality before the law.

There are substantially embraced in the bill two remedies, one providing what is commonly known as "publicity," and the other forbidding the granting of rebates or concessions by common carriers and preventing the latter from transporting any property manufactured in violation of the provision of the act.

Publicity may be good and is certainly worthy of experiment, but it is not a panacea. In any event, however effective it may prove, it is made abortive because it is only applicable in mandatory terms to those corporations which might hereafter be organized. All corporations created subsequent to this law are required, when engaged in interstate commerce, to make certain returns, laying bare the several elements of the body corporate, and thus enabling their more fortunate rivals who, under the protection of secrecy heretofore and fostered by existing law, have been enabled to establish a monopoly, the more successfully to crush their new rivals. Again, no penalty is provided as against any corporations which shall fail to make the required returns, and the only remedy is by injunction, the equitable method which has been so much abused and resorted to so generously in the courts of the United States during recent years.

Section 6 of the act provides that no corporation which accepts any rebate from a common carrier or attempts to monopolize any product "shall use any of the facilities or instrumentalities of interstate commerce." This is, to say the least, a very indefinite penalty, and which will be fruitful of much legal acumen by the courts when it is attempted to be construed. Which particular instrumentalities of commerce are intended to be included? Is it intended to embrace the common carriers alone or to include the mails, the telegraph, and the telephone, all of which are of a public nature and under the control of the law? The minority have insisted that these "instrumentalities" shall be defined and the law made effective, but in their tender solicitude the majority have considered that language too plain—might be construed as too drastic.

Attention is called to the fact that the enforcement of this law is to be trusted entirely to the courts of the United States. Why not confer upon the State courts jurisdiction to enforce the laws of their respective States against corporations engaged in interstate commerce? Congress has the right to confer this power, and thus under such a dual system would the respective laws of the States and the General Government be administered in their own courts and thereby more effectually prevent the creation and existence of monopolistic combinations.

Mr. Chairman, all these and other defects in the proposed law are pointed out most clearly in the admirable report of the minority of the committee.

The subject is one of vital importance. It should be considered in a nonpartisan spirit, and the best wisdom of Congress, gleaned from experience and study of this complex question, should be enacted into law. Personally I have no hostility to corporations or to capital. Both have contributed to our material progress, and I welcome the extension of each into every section and State of our common country. I have no patience with him who is jealous of the prosperity of another, or who would place unnecessary obstacles in the way of any citizen or corporation engaged in the development of our resources, in the manufacture of our raw products, or in the extension of our trade and commerce, both domestic and foreign. But this development must proceed along normal lines and the rights of every citizen must be recognized and natural laws must be upheld.

Free competition in all industrial pursuits must be preserved. There must be no monopoly in any of the necessaries of life demanded by modern civilization; the great arteries of commerce upon land and sea, the railroads and other transportation companies, must cease to discriminate and must accord equal privileges and equal rights as well to the humblest citizen as to the most powerful corporation.

Wherever these evils are fostered and permitted by existing laws they are a menace to healthy progress and must be repealed. Wherever the strong have waxed so great that they dare violate these inalienable rights and attempt to maintain a monopoly, the strong hand of the law, not in anger, but with firmness and justice, must intervene and restore an equality of rights and opportunities.

Mr. LAWRENCE. Mr. Chairman, thoughtful men agree that upon a successful solution of the problem of the trusts depends in great measure the welfare of the American people during the years that are to come. It should not be a party question. The consequences which might follow failure in the effort to solve the problem are so far-reaching that the question is one which may well demand the attention of the earnest and patriotic men of all parties. A very distinguished Democrat has recently stated that in his opinion there will be dark days—days full of want and suffering and disaster—before the problem can be solved, and that out of the demand for the solution of this question may be wrought a political revolution. He questions the sincerity of both of the great political parties, claiming that the leaders are guilty of hypocrisy and deceit, neither party apparently being more desirous than the other of finding and applying a cure. I can not agree with the distinguished gentleman, for I believe that the strong men of both parties are in earnest in the effort to enact laws which shall compel these great combinations of capital to subserve the public good.

Recently the President of the United States has been speaking on this subject, and his words have been earnest and frank. I am confident that he has been not alone the spokesman of his own party, but of the American people. He realizes that it is useless to rail at or regret this phase of the great industrial growth of the past half century; that the practical thing to do is to face conditions as they are and get the best there is in them out of them. He does not offer a patent cure-all for the evils of the trusts, but he recognizes the existence of such evils, and proposes to make a persistent effort to reach as satisfactory a solution of the problem as is possible. In his first message to the Fifty-seventh Congress, President Roosevelt said:

> There is a widespread settled conviction in the minds of the American people that these trusts are in many of their features and tendencies hurtful to the general welfare. This springs from no spirit of envy or uncharitableness, nor lack of pride in the great industrial achievements that have placed this country at the head of the nations struggling for commercial supremacy. It does not rest upon a lack of intelligent appreciation of the necessity of meeting changing and changed conditions of trade with new methods, nor upon ignorance of the fact that combination of capital and effort to accomplish great things is necessary when the world's progress is demanding that

great things be done. It is bottomed upon the sincere conviction that combination and concentration, while not to be prohibited, is to be controlled, and in my judgment this conviction is right.

In his message, delivered at the opening of the present session, he says that the experience of the past year has emphasized the desirability of the steps he then proposed; that while the inviolability of property is a fundamental base of civilization, this is not inconsistent with the right of society to regulate the exercise of powers conferred upon the owners of property in such a way as to prevent the misuse of these powers; that corporations, and especially combinations of corporations, should be managed under public regulation; and it having been shown that such supervision can not be obtained by State action, we must therefore look to its achievement by national action. The President sums up the matter with these strong and convincing words:

No more important subject can come before the Congress than this, the regulation of interstate business. This country can not afford to sit supine on the plea that under our peculiar system of government we are helpless in the presence of the new conditions and unable to grapple with them or to cut out whatever of evil has arisen in connection with them. The power of the Congress to regulate interstate commerce is an absolute and unqualified grant and without limitations other than those prescribed by the Constitution. The Congress has constitutional authority to make all laws necessary and proper for executing this power, and I am satisfied that this power has not been exhausted by any legislation now upon the statute books.

It is evident, therefore, that evils restrictive of commercial freedom and entailing restraint upon national commerce fall within the regulative power of the Congress, and that a wise and reasonable law would be a necessary and proper exercise of Congressional authority to the end that such evils should be eradicated. I believe that monopolies, unjust discriminations, which prevent or cripple competition, fraudulent overcapitalization, and other evils in trust organizations and practices which injuriously affect interstate-commerce trade, can be prevented under the power of Congress "to regulate commerce with foreign nations and among the several States" through regulations and requirements operating directly upon such commerce, the instrumentalities thereof, and those engaged therein. I earnestly recommend this subject to the consideration of the Congress with a view to the passage of a law, reasonable in its provisions and effective in its operations, upon which the questions can be finally adjudicated, that now raise doubts as to the necessity of constitutional amendment.

This part of the President's message was referred to the Committee on the Judiciary, and that committee after earnest consideration of the subject have reported the bill now before the House. The committee is certainly entitled to the thanks of Congress and of the people for its prompt action. The report of the committee has been followed by equally prompt action on the part of the House in assigning the bill for consideration—a fact which goes far toward refuting the insinuation that this Congress is not sincerely endeavoring to enact effective laws upon this most important subject.

When a trust—whether existing in the form of a corporation, joint stock company, association, or partnership—succeeds in its purpose to monopolize manufacture, to control prices, to limit production, to destroy competition, or to restrain trade and commerce, it interferes with legitimate enterprise and becomes oppressive. The aim of legislations should be to make all such organizations serve the public, and we have found it necessary to enact laws to prevent unfair methods of conducting business.

Much good has been accomplished by means of such laws; but it is becoming clearer every day that there is a necessity for additional legislation, not to destroy combinations of capital, but to compel, so far as as legislation can do so, honest management in the interest of the public. It is idle for anyone to longer deny the right of capital and labor to combine. The purpose of those who desire proper Government regulation and control is not to destroy or tear down. We would not adopt desperate remedies which might result in depriving our workingmen of employment and check that splendid industrial development of which we are so proud. The legislation now upon the statute books and the pending bill are not in any way hostile to corporations as such, but to the evil in them. It can work no injury to an honest corporation, honestly conducted. It is simply an effort to make these creatures of the State render honest service to the State. Great combinations of capital honestly conducted have contributed immeasurably to our advancement. It is when they become oppressive monopolies that there is danger to our people. As Mr. Justice Harlan of the Supreme Court of the United States has said:

Any combination that disturbs or unreasonably obstructs freedom in buying and selling articles manufactured to be sold to persons in other States or to be carried to other States—a freedom that can not exist if the right to buy and sell is fettered by unlawful restraints that crush out competition—affects not incidentally, but directly the people of all the States.

The destruction of competition, secrecy, and overcapitalization are not necessary for the development of our great business enterprises and should be prevented. Much of the evil of which we complain has been made possible because of the secrecy which has been permitted in the management of corporations. The public is entitled to full and accurate information. Under such publicity there would be little effort to break down competition by unlawful means. Overcapitalization is a fraud which bears with especial severity upon the public. The effort to pay dividends upon a greater sum than has been invested in a business naturally leads to unfair methods and oppressive management. Such unfair methods and oppressive management are especially intolerable when a corporation controls a necessity of life. The American people will not long permit a condition of things to exist under which there can be a monopoly of a necessity of life without an effective Government supervision and control. If such Government supervision and control can not save us from, for instance, such a calamity as threatened us from the recent coal strike, then Government ownership will surely come. I am sure that I do not mistake the temper of our people upon this point.

But while appreciating the necessity for additional legislation upon this subject, and for legislation which shall be effective, I realize as clearly as anyone that we could by unwise legislation destroy, or at least seriously check, the prosperity which has brought comfort and happiness to our homes. Statistics are generally dry, but those which deal with the material progress of the United States for the past fifty years must be of great interest to our citizens. They tell convincingly and eloquently the story of our development as a nation. Since 1861 our population has increased from 31,000,000 to 76,000,000; our national wealth from about $16,000,000,000 to nearly $100,000,000,000. The deposits in our savings banks have increased from $149,277,504 to $2,507,094,580, and the number of depositors from about 700,000 to over 6,000,000. There has been an increase in our imports of 143 per cent and in our exports of 318 per cent, the latter reaching in 1900 the splendid total of $1,394,483,082. There were in 1850 957,000 wage-earners in the United States; in 1900 the number had reached to 5,316,000. We would not change this story of progress to one of disaster, but we are confident that if this progress is to continue there must be legislation which will make possible a just and effective control of our great corporations.

Many of the States have enacted stringent antitrust laws, but as it is impossible to secure uniformity of action on the part of the States, many feel that Congress should have greater power conferred by means of a constitutional amendment. It is the opinion of the President that before the problem is finally and satisfactorily solved there will have to be an amendment to the Constitution conferring additional power on the Federal Government. To that end, an amendment to the Constitution was proposed by the Republicans of the Fifty-sixth Congress. It provided that Congress should have power "to define, regulate, control, prohibit, or dissolve trusts, monopolies, or combinations, whether existing in the form of a corporation or otherwise." It failed to pass, as there was not the necessary two-thirds vote required to pass a constitutional amendment. I shall vote for it again if I have an opportunity.

An effective and prompt solution of the problem is of such vital importance that I would like to see all doubt with reference to the power of the Federal Government in the matter removed as soon as possible. However, great Constitutional lawyers, in whose judgment I have confidence, hold that by the legislation now upon the statute books, we have by no means exhausted the national power over the subject. The senior Senator from my State is of the opinion that we now have the power to compel corporations doing an interstate business to keep accounts; that we can subject them to Government supervision; that we can prohibit stock-watering; in a word, that Congress has a right to compel them to use their powers so as not to injure others engaged in lawful commerce.

Attorney-General Knox, in his masterly address upon the subject of trusts, says that if the Sherman Act exhausts the power of Congress over monopolies, then the American people find themselves impotent, facing a situation with which neither the Federal nor State governments can deal. He is unhesitatingly of the opinion that Congress has the power under the Constitution to amend and extend the Sherman Act so as to effectively regulate national and foreign commerce, and "prevent the stifling of competition, the regulating of output and price, and the restraining of national and international trade," and says:

I do not believe that we find ourselves so helpless. When the currents of monopoly evil obviously flow out over State lines and cover the country, not only entering but largely filling the channels of interstate and foreign trade, it will not do to say that the evil is beyond national reach.

In speaking further upon this phase of the question, the Attorney-General says:

If Congress under its power to regulate interstate commerce may utterly destroy a combination and forfeit its property in interstate transit, as the Sherman Act provides, it seems reasonable to say that it can, in the exercise of the same power, deny to a combination, whose life it can not reach, the privilege of engaging in interstate commerce, except upon such terms as Congress may prescribe to protect that commerce from restraint. Such a regulation would operate directly upon commerce and only indirectly upon the instrumentalities and operations of production.

Much has already been accomplished in the execution of the Sherman antitrust law. That law declares that every contract, combination in the form of trust or otherwise, or conspiracy in restraint of trade to be illegal; and provides that every person who shall make such contract, or engage in any such contract,

or engage in any such combination or conspiracy, shall be deemed guilty of a misdemeanor, punishable by a fine not exceeding $5,000, or by imprisonment not exceeding one year, or by both such fine and imprisonment.

By reason of this law great combinations have been destroyed, because the Government was able to show that a conspiracy existed to restrain sale and distribution among the States. That was the fate of the Addystone Pipe combination. During the past year it became known that there was a combination of the great railway systems of the Middle West, by reason of which a few grain buyers were being favored in the matter of freight rates and thereby the small shippers were being driven from business. Suits were brought by the Government against 14 railroad companies and temporary injunctions were granted. The Attorney-General says that it is generally believed that, with few exceptions, since the issuing of these injunctions, the open tariffs have been applied and uniform rates charged to large and small shippers alike.

Injunctions were also issued against the combination of the great packing houses, known as the "beef trust," restraining them from combining and agreeing upon the prices to be charged for their products, and, as is well known, a suit is now pending to prevent the merger of the Northern Pacific, the Great Northern, and the Chicago, Burlington and Quincy into a New Jersey corporation to be known as the Northern Securities Company. In bringing about the merger, there was to be stock watering to the extent of $200,000,000. It was expected that by eliminating competition dividends could be paid upon that watered stock.

There are many who believe that a remedy for existing conditions could be found by placing all articles manufactured by trusts upon the free list upon the theory that a protective tariff fosters and shelters these trusts. Undoubtedly by such means the trusts could be "punished," but harm would also come to all our business interests, and the "punishment" would bear with especial severity upon the competitor of the trust and upon the workingmen employed in such industry.

I am one of those who believe in such a revision of the tariff as is needed to meet changed conditions in the interests of the American people, and I subscribe to the sentiment that tariff schedules are not sacred. The Dingley law, enacted five years ago, was never perfect, and no one will claim that it is in all respects such a law as we would pass to-day. I expect to see a revision made by the friends of protection, and in accord with the protective principle. I do not, however, think that a remedy for the evils of the trusts can be found through revision of the tariff or by any changes in our tariff laws. The platform adopted by the Republican party in my own State in October last contained a statement that "This plan of free trade in all products made by so-called trusts would mean the greatest possible injury to all the competitors of the trusts, and the least possible injury to the trusts themselves; that it would mean incalculable loss to all wage-earners employed in every industry thus recklessly assailed and the domination in our markets of foreign trusts." To this statement I heartily subscribe. We shall not better conditions by hysterical legislation which might close our factories, and hand over to foreigners the work now being done by American workingmen.

The bill now under consideration is entitled "A bill requiring corporations engaged in interstate commerce to make returns, prohibiting rebates and discriminations, and the use of interstate commerce in attempts to destroy competition, and for other purposes." Its first four sections deal with the feature of publicity. Existing corporations engaged in interstate commerce are compelled to file returns with the Interstate Commerce Commission upon the request of that Commission, and the corporations hereafter organized must file such returns at the time of organization. They are required to disclose their capitalization and financial foundation. If there is overcapitalization, "that unjust burden upon our industrial and commercial existence," such fact will become known by the return, for the corporation is compelled to disclose the amount of bonds, amount of authorized capital stock, amount paid in, how much, if any, is paid in cash, and how much, if any, in property.

If any part is paid in property, its kind, character, and location must be described; also its cash market value and the elements upon which said market value is based, and especially whether it is based upon the capitalization of earning, earning capacity, or economies, with the date and the cash price paid therefor at its last sale. Should there be ambiguity or uncertainty, the commission is empowered to make inquiries of the proper officers. All returns must be made under oath, and a person making a false return is deemed guilty of perjury and punished accordingly. Provision is made for publishing and distributing abstracts of such returns for the information of the public, and the Interstate Commerce Commission is given the same authority to inquire into the management of the business of corporations relating to interstate and foreign commerce as is provided in "An act to regulate commerce," approved February 4, 1887, and amended March 26, 1889, and February 10, 1891.

The Attorney-General, in his communication of January 3, 1903, to the special subcommittee on trusts of the Judiciary Committee, recommended that as a first step in a policy to be pursued persistently until every industry can be assured of equal rights and opportunities all discriminatory practices affecting interstate trade be made offenses to be enjoined and punished, and that such legislation should be directed against those who give and those who receive the advantages thereof. He also suggested legislation relating to concerns which manufacture wholly within a State whose products enter into interstate commerce, by which their products could be prohibited from crossing State lines. He also urged legislation penalizing the transportation of goods produced by the guilty parties. All of the above suggestions are covered by sections 5, 6, and 7. The remaining sections of the bill were inserted at the request of the Department of Justice as essential to the efficient administration of the law.

The thanks of the House are due to the Committee on the Judiciary for thorough investigation and prompt action. A large number of bills referring to this subject were considered, and all members introducing such measures were given hearings if they so desired. Not only that, but several conferences were had with the Department of Justice, and its recommendations, as has been said, have been incorporated into the bill now pending. The report of the committee, a very able document, shows with what care and patience the matters have been discussed. It is not claimed by the committee that the bill which they report is perfect or as far-reaching as some desire. Time will show whether its operation is advantageous and will undoubtedly develop the necessity for still further legislation along these lines.

The bill prepared by the committee is designed, in the words of the report, "to more effectively regulate and control, on conservative lines, industrial and business combinations which, in their operation, prove injurious to the public welfare. It involves the idea of publicity, additional legislation to prevent discrimination by rebates or special privileges upon the part of railroad companies, and seeks to prevent the effort to destroy competition in particular localities by discrimination in prices, and prohibits railroad companies from transporting goods in violation of the provisions of law, and contains provisions intended to facilitate the enforcement of this act, as well as existing legislation upon the same lines." With these purposes I am in hearty accord.

I believe the pending bill will more effectively regulate and control industrial and business combinations which in their operation prove injurious to the public welfare. I shall vote for its passage, because I am confident that it is a decided step in the right direction and will prove an effective remedy in dealing with the evils of the trusts. [Applause.]

Mr. HENRY of Texas Mr. Chairman, this bill is supposed to control and suppress trusts, monopolies, and combinations in restraint of trade, and yet not once is the word "trusts" mentioned in the measure. It is a most remarkable bill, considering the causes which have impelled its consideration and the terms which are embraced in it. We have heard much of trusts and combinations. In his message of December, 1902, the President of the United States spoke of trusts and combinations, monopolies, unjust discrimination, and fraudulent overcapitalization, and recommended legislation touching them, and yet not one word in reference to the trusts and combinations is contained in this bill reported by the Committee on the Judiciary.

There are two chief features of this bill. One relates to publicity in reference to corporate affairs in this country and the other pertains to discriminations in the way of rebates and otherwise.

Mr. Chairman, this measure will not reach the difficulty. It is gratifying to hear the gentlemen on the other side of this House say that this legislation should be considered without partisan spirit. A great legal proposition is involved. A tremendous crisis is upon the American people, and sooner or later this question must be settled properly, for never in the history of the world have the Anglo-Saxon people and monopolies existed for a long time together. In time the spirit which sustained Andrew Jackson when he destroyed and suppressed the old United States Bank will again reassert itself, and the American people will put under their feet monopolies, trusts, and combinations which are oppressing them to-day.

There can be no valid objection to the legitimate corporation. Corporations organized for proper business purposes are necessary in this country, and I would make no war on such corporate enterprises. They have existed for many years and will continue to survive in the future. But when these corporations violate the purposes for which they have been organized, when they violate their charter privileges and combine and organize for the

purpose ot suppressing competition, limiting production, and raising prices of the necessities of life, then it is appropriate that this body should take some action to control and eradicate them.

It is well known that the so-called Sherman antitrust law of 1890 is defective. It is faulty because it fails to give a comprehensive definition of what constitutes a trust, monopoly, or combination in restraint of trade. If gentlemen are sincere in their proposal to enact legislation against the trusts, let us enact a definition of what constitutes a trust. Let us put the subject in a concrete form and define what a "trust" is and prescribe an adequate penalty which will control or destroy it.

Several years ago the Attorney-General of the United States, under a Democratic Administration, made this statement in reference to the so-called Sherman antitrust law:

"Several of the circuit courts have held that the act of July 2, 1890, which used general terms with no attempt at defining them, made nothing unlawful which was not unlawful before, but merely provided punishment for such agreements and conspiracies against trade and commerce as the courts, by the rule of the common law, have always refused to enforce between the parties. The result has been a great doubt and uncertainty and failure of the law to accomplish its purpose. If it is proposed to continue in this purpose, I suggest an amendment which shall leave no doubt about what is meant by monopolies, by attempting to monopolize, and by contracts, combinations, and conspiracies in restraint of trade and commerce."

This language was Attorney-General Harmon's.

Congress should pass legislation that is not too radical. Let us enact conservative legislation. When we deal with trusts and combinations in the bill which comes from the Committee on the Judiciary, we should certainly define what constitutes trusts and combinations and prescribe appropriate penalties. It is well known that the Sherman antitrust law has been almost construed away; the terms which referred to trust combinations were very vague and indefinite in that law. It did not pretend to define trusts, monopolies, and conspiracies against trade. This omission has been the great fault of the law. Then, if we are to deal with the trusts and monopolies of the present day, it is proper that we should enact a definition of what they are and prescribe adequate penalties. Some gentlemen on that side of the House contend that Congress has already exhausted its power and should go no further. The distinguished gentleman from Maine [Mr. LITTLEFIELD] was quick to disclaim that in a preceding Congress he had contended that Congress had exhausted its power and that a constitutional amendment was necessary, although he then used language indicating that he believed to the contrary and voted for the constitutional amendment. When we were about to enact the Porto Rican tariff law and the Philippine tariff measure, gentlemen on the other side resolved all doubts in favor of those laws and against the Constitution. On this occasion they resolve all doubts in favor of the Constitution and against the proposed amendments which are offered by the minority of the Judiciary Committee.

Many of those gentlemen who have believed in a strong central government have now become States' rights advocates, and say that Congress should not invade the rights of the States. They now profess great love for the reserved rights of the States, and would not invade them even to kill a trust. Why, the distinguished gentleman from Ohio [Mr. GROSVENOR] contended in a speech during the Fifty-sixth Congress that we had already exhausted the power of Congress, that the Sherman antitrust law was strong enough to cover every phase of this question, and that no further legislation should be enacted by Congress; that we should not invade the rights of the States; that we should not interfere with their privilege of granting charters to corporations and regulating them. They say now that we have exhausted the power of Congress and should go no further. And the chairman of the Judiciary Committee will contend that we have no power to go further than the Sherman antitrust law has gone; that we have already exhausted our constitutional right, and that Congress can not add to what is already contained in existing legislation.

Let us look at that proposition for a short time. These corporations have formed themselves into combinations, trusts, and conspiracies against trade. There are three methods by which they enter into these agreements and conspiracies against trade. The first time that the trust was known by that name was in 1882, when the Standard Oil trust was organized, when a number of oil companies, firms, and partnerships entered into an agreement under the terms of the Standard Oil trust and absorbed 98 per cent of the petroleum-oil industry in this country. They put their affairs in the hands of nine trustees. Then shortly afterwards the sugar trust was organized on the same plan. Then the next method was for a corporation to purchase the stocks of other corporations, and thus enter into a combination and conspiracy against trade by combining their corporate stocks and interests. And the third way, the modern method, is to organize a great corporation in the State of New Jersey or some other State of the Union and purchase the physical properties of the other corporations and absorb them in that way, and thus enter into a gigantic combination to fix prices, limit production, and destroy competition.

Mr. NEVIN. Will the gentleman allow me a question?

Mr. HENRY of Texas. Yes, sir.

Mr. NEVIN. I take it from what the gentleman says that he agrees that a combination of capital per se is not wrong. Now, I wish to ask what acts should a corporation or trust do before the gentleman would penalize them?

Mr. HENRY of Texas. I would expressly define that in the very first section of this bill which we are to enact. I would say what acts constitute a combination or conspiracy in restraint of trade.

Mr. NEVIN. And what acts would the gentleman designate?

Mr. HENRY of Texas. I have an amendment which I wish to offer, if your committee will agree to it, an amendment to define clearly what shall constitute a trust or combination in restraint of trade. But you have cut us off from the privilege of getting a record vote on such an amendment.

Mr. NEVIN. Oh, no; I beg the gentleman's pardon.

Mr. LITTLEFIELD. I think the gentleman from Texas is in error in the remark he has just made. The special rule that we have adopted allows any amendment under the five-minute rule. Does the amendment that the gentleman from Texas has in mind appear in the views of the minority?

Mr. HENRY of Texas. No, sir.

Mr. NEVIN. That is the reason I ask the gentleman to specify the nature of his proposition.

Mr. PALMER. It would be interesting to know what the gentleman's definition of a trust or combination is.

Mr. HENRY of Texas. I have not my amendment immediately at hand. It is in my desk. It simply defines what are trusts, combinations, and conspiracies against trade.

Mr. PALMER. The gentleman contends that the Sherman act and also this bill are defective, because they contain no definition of a trust. Will he let us know what his definition is?

Mr. HENRY of Texas. I will do it.

Mr. CLAYTON. I suggest to the gentleman that he print his amendment in the RECORD.

Mr. PALMER. Give us the benefit of it now.

Mr. HENRY of Texas. Certainly I will; I will submit it. I contend that the Sherman antitrust law does not contain a sufficient definition; that the Supreme Court has construed it away. When you look for its substance there is nothing to it. My amendment proposes to make it definite, and I will offer such an amendment. But your measure is supposed to be directed against trusts and monopolies, and in no section of it do you undertake to define what trusts and monopolies are. The President of the United States, in his message to this Congress, complains of "trusts" and "monopolies," and says that some legislation should be enacted on the subject. Yet this bill is not directed or aimed at the combinations at all; not once is the word "combination" or "monopoly" used. This bill is directed only at corporations and says that their affairs must be made public. Now, here is the amendment which I will offer, and ask that it be printed in the RECORD. I will not read it now, but it gives a full definition of trusts and monopolies.

Mr. NEVIN. Let us have it now.

Mr. HENRY of Texas. Very well; I will read it now:

That a trust is a combination of capital, skill, or acts in restraint of trade or commerce among the several States and Territories of the United States by two or more persons, firms, corporations, or association of persons, or either two or more of them, for either, any, or all of the following purposes:

First. To create or carry out restrictions in trade or commerce.

Second. To increase or reduce the price of merchandise, produce, or commodities.

Third. To prevent competition in manufacture, making, transportation, sale, or purchase of merchandise, produce, or commodities, or to prevent competition in aids to commerce.

Fourth. To fix at any standard or figure, whereby its price to the public shall be in any manner controlled or established, any article or commodity of merchandise, produce, or commerce intended for sale, use, or consumption in the United States of America.

Fifth. To make, or enter into, or execute, or carry out any contract, obligation, or agreement of any kind or description by which they shall bind or have bound themselves not to sell, dispose of, or transport any article or commodity, or article of trade, use, merchandise, commerce, or consumption, below a common standard figure, or by which they shall agree in any manner to keep the price of such article, commodity, or transportation at a fixed or graded figure, or by which they shall in any manner establish or settle the price of any article or commodity or transportation between them or themselves and others to preclude a free and unrestricted competition among themselves or others in the sale or transportation of any such article or commodity, or by which they shall agree to pool, combine, or unite any interest they may have in connection with the sale or transportation of any such article or commodity that its price might in any manner be affected.

Every person, acting in his own behalf or as the agent, attorney, employee, representative, or officer of any firm, copartnership, corporation, or any association whatever, aiding, becoming interested in, executing, or entering into any combination for each, any, or all of the purposes defined and set out in this section, in restraint of trade thereof among the several States and Territories of the United States, or with foreign nations, shall be deemed guilty of a misdemeanor, and on conviction thereof in any circuit or district court of the United States shall be punished by fine not less than $1,000 or by imprisonment not exceeding one year, or by both said fine and imprisonment, in the discretion of the court.

Each day's maintenance of said combination as defined in this section shall constitute a separate and distinct offense.

That defines what shall constitute a trust and combination in restraint of trade.

Mr. GROSVENOR. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. HENRY of Texas. Yes.

Mr. GROSVENOR. Mr. Chairman, I have not had so good an opportunity as has the gentleman to understand that amendment, but it strikes me that a combination as defined in the first paragraph—that is, a combination of skill, etc.—might impair the usefulness of combinations of labor.

Mr. HENRY of Texas. The amendment speaks for itself. I am trying to solve this question in accordance with legal principles.

Mr. GROSVENOR. I am trying to do the same thing, and listened with a great deal of deference to the reading of the document, but it strikes me that what I say would be true under half a dozen of the subdivisions.

Mr. HENRY of Texas. I think the gentleman will change his mind when he comes to read it and "evolute" as he has evoluted on the power of Congress. The definition applies to products, commodities, and articles of commerce, and not to labor organizations.

Mr. GROSVENOR. I have not evoluted at all.

Mr. HENRY of Texas. Then I suppose the gentleman will support the measure before the House?

Mr. GROSVENOR. I have not said anything about that.

Mr. HENRY of Texas. In the gentleman's speech in the last Congress he said that Congress had exhausted its power and could not go any further.

Mr. GROSVENOR. Did I use the words "exhausted its power?"

Mr. HENRY of Texas. Practically.

Mr. GROSVENOR. The gentleman puts that construction upon language which is not susceptible of that construction. I said the Sherman Act was sufficient, and I say it yet.

Mr. HENRY of Texas. Still the gentleman voted for the constitutional amendment.

Mr. GROSVENOR. I do not know whether I did or not.

Mr. HENRY of Texas. I think the gentleman did.

Mr. GROSVENOR. Anything beyond the additional facilities for enforcing the Sherman Act is, in my judgment, totally unnecessary.

Mr. HENRY of Texas. Well, if the Sherman Act is sufficient, why are the trusts not suppressed by the Republican Administration?

Mr. GROSVENOR. Everyone that has been attacked——

Mr. HENRY of Texas. And why does the President recommend further legislation for the suppression of trusts and combinations?

Mr. GROSVENOR. Well, the time was when I was charged with being the mouthpiece of the Administration, but the gentleman must know that that time has gone by. [Laughter.]

Mr. HENRY of Texas. Now, Mr. Chairman, I would give a definition of these combinations in restraint of trade. But this measure does not remotely allude to the subject. Prescribe a penalty and say that any person or corporation violating the provisions contained in the definition shall be punished in any district or United States court. This body, having the power to deal with interstate commerce, may define what combinations and contracts restrain interstate commerce, and have the absolute and unqualified power to suppress them. Now, gentlemen say that they want to consider this proposition from a nonpartisan standpoint. If they do, let them adopt that amendment, which defines trusts and provides a punishment for their formation and continuance. Let us approach the subject in a conservative way; but when we are dealing with the subjects of trusts and combinations we should use language which shall apply to the great combinations, monopolies, and conspiracies against trade, instead of talking about "publicity" of corporate affairs and discriminations and rebates.

For my part I can not see the merits of the publicity idea. We already know all about these trusts and combinations. We have complete lists of them. We know what their capital stock is. We know as much about them now as we would if this act should finally pass in the other end of the Capitol. It is an evasion of the question. It does not approach the question that is referred to by the President in his message. It is a miserable makeshift. It is a snare and delusion to lull the people to sleep.

Permit me now to discuss the constitutional power of Congress to deal with trusts and monopolies.

Mr. PALMER. Mr. Chairman, will the gentleman permit a question?

Mr. HENRY of Texas. Yes.

Mr. PALMER. The gentleman says that we all know what the trusts are and that he has a list of them. Will the gentleman place in the RECORD the list of what he calls trusts?

Mr. HENRY of Texas. Yes. The gentleman from Alabama [Mr. CLAYTON] will do that. He stated on yesterday that he had a list of them.

Mr. PALMER. I would be glad to know what you claimed the trusts are, what business they are engaged in, and whom they are hurting.

Mr. NEVIN. Under the gentleman's definition as given here in the paper I hold in my hand, I would ask him if he would put into the RECORD what he calls trusts. I mean by that corporations that are violating the law in the manner set out in the amendments which he proposes to offer.

Mr. WHEELER. Does the gentleman not know some of them?

Mr. NEVIN. I think I do, to answer the gentleman squarely, but I would like to know what the gentleman means by it.

Mr. HENRY of Texas. That will appear. We all know that 75 per cent of the manufactured articles that are consumed by the American people to-day are absolutely controlled and dominated by the great trusts of this country.

Mr. NEVIN. There I very much differ with you.

Mr. HENRY of Texas. Well, we will simply continue to differ on the proposition.

Mr. LITTLEFIELD. Where does the gentleman get his authority for the statement?

Mr. HENRY of Texas. I get my authority from various sources, and I have thoroughly convinced myself of the fact, and if the gentleman will listen I will convince him.

Mr. LITTLEFIELD. I hope so.

Mr. HENRY of Texas. You admit that there are some trusts. This would reach some trusts and combinations. It would apply to the Standard Oil trust, the sugar trust, the steel trust, the wire and nail trust, the borax trust. the paper trust, the leather trust, the coal trust, the beef trust, and various combinations between corporations, partnerships. and individuals which have entered into contracts in restraint of trade. You admit that, do you not?

Mr. LITTLEFIELD. Why, I am simply asking the gentleman a question. I asked him where he got his authority. I ask it in all kindness, simply wanting to know where the gentleman got his authority for his 75 per cent proposition. I am not disputing it, I am only saying that if you have any statistical authority for it I am curious to get it.

Mr. HENRY of Texas. That will accompany the discussion. I have thoroughly convinced myself of that proposition. These trusts which have been named and many others will be reached by my amendment.

This bill refers only to corporations. It should prevent contracts and combinations between persons and corporations and partnerships and joint-stock companies as well. It can do so. Let it apply to all of them alike, and whenever they enter into a contract in restraint of trade which destroys competition they should be punished under that definition enacted by virtue of the commerce clause of the Constitution.

It will be seen that the proposed amendment clearly and specifically states what shall constitute a trust. Then it provides an adequate penalty for the violation of the same. Has this body the power to thus deal with trusts and combinations? Can we define them when they restrict interstate commerce, and can we punish them? Let my State's rights friends on the Republican side of the House answer whether we can. The distinguished gentleman from Maine [Mr. LITTLEFIELD] on yesterday was quick to say that this body had not exhausted its power, and it was evident that he believed that we could thus define these contracts in restraint of trade and provide for a punishment. The commerce clause is broad, and any contract which impedes commerce between the States of this Union can be prohibited and destroyed by law enacted by this body, if it so chooses. Here is the Knight case frequently alluded to. It clearly elucidates the extensive jurisdiction Congress has over contracts in restraint of free competition.

It will be perceived how far-reaching the proposition is, that the power of dealing with a monopoly directly may be exercised by the General Government whenever interstate or international commerce may be ultimately effected. The regulation of commerce applies to the subjects of commerce, and not to matters of internal police. Contracts to buy or sell or exchange goods to be transported among the several States, the transportation and its instrumentalities, and articles bought and sold or exchanged for the purpose of such transit among the States, or put in the way of transit, may be regulated. But this is because they form part of interstate trade or commerce.

Thus unanimously spoke the Supreme Court of the United States.

Take the great United States Steel Corporation, a combination of many corporations in this country, doing business throughout this Union of States and doing an interstate-commerce business, the very terms of its agreement and combination providing that it shall do an interstate-commerce business and shall strike at

and destroy competition, raising the price of nearly all iron and steel products, by its very language thus disclosing its intent and purpose. This gigantic trust is capitalized at $1,752,371,856. Its visible assets are about $300,000,000, and the balance of this immense amount of capital stock is watered and fraudulent. This trust controls more than 77 per cent of the iron and steel industry of the United States. The iniquitous protective tariff, shutting out the competition of the outside world, is responsible for its profits of more than $100,000,000 annually. And yet there is not one word in this law to suppress such a combination.

There are various trusts and combinations admittedly doing an interstate business, which are restraining trade to-day throughout this Union, that could be reached under the power of Congress. Why not apply the remedy? The President of the United States in his recent message says that Congress has not exhausted its power. He says that such combinations should be suppressed, that "fraudulent overcapitalization" should be stopped. The Attorney-General, a distinguished lawyer, holds that Congress has not exhausted its power; that the Sherman antitrust law is not sufficient and should go further than it does. Then why not advance along "conservative" lines and put something in this statute against "trusts" and "monopolies" and "combinations" in restraint of trade, instead of only directing its language at corporations, at railroads, for giving rebates, and persons and corporations for receiving them?

Let me dwell upon the fact that Congress has the power to prohibit such combinations and contracts in restraint of trade. After an exhaustive investigation, it seems clear to me that this body has the power to enact legislation that will control and destroy these contracts and agreements which impede commerce between the various States of the Union. The clause of the Constitution is broad enough not only to warrant this legislation, but to warrant every amendment that has been offered or that will be offered by the minority.

Here is the language of the Supreme Court in reference to just such contracts, combinations, and agreements as I am discussing. It is in the noted Joint Traffic Association case:

> The point not being raised and the decision of that case having proceeded upon an assumption of the validity of the act under either construction, it can, of course, constitute no authority upon this question. Upon the constitutionality of the act it is now earnestly contended that contracts in restraint of trade are not necessarily prejudicial to the security or welfare of society, and that Congress is without power to prohibit generally all contracts in restraint of trade, and the effort to do this invalidates the act in question.

The very question at issue before this body now was before the Supreme Court. Can contracts and combinations in restraint of trade be prohibited by Congress?

> It is urged that it is for the court to decide whether the mere fact that a contract or arrangement, whatever its purpose or character, may restrain trade in some degree, renders it injurious or prejudicial to the welfare or security of society, and if the court be of opinion that such welfare or security is not prejudiced by a contract of that kind, then Congress has no power to prohibit it, and the act must be declared unconstitutional.

In answering the question the language of the Supreme Court is clear and resonant. They say:

> The question really before us is whether Congress, in the exercise of its right to regulate commerce among the several States, or otherwise, has the power to prohibit, as in restraint of interstate commerce, a contract or combination between competing railroad corporations entered into and formed for the purpose of establishing and maintaining interstate rates and fares for the transportation of freight and passengers on any of the railroads parties to the contract or combination, even though the rates and fares thus established are reasonable. Such an agreement directly affects, and of course is intended to affect, the cost of transportation of commodities, and commerce consists among other things of the transportation of commodities, and if such transportation be between States it is interstate commerce. The agreement affects interstate commerce by destroying competition and by maintaining rates above what competition might produce.

Now they say:

> We think it extends at least to the prohibition of contracts—

Such as defined in my amendment—

> relating to interstate commerce, which would extinguish all competition between otherwise competing railroad corporations, and which would in that way restrain interstate trade or commerce

As broad as language can make it.

The court continues:

> We do not think, when the grantees of this public franchise are competing railroads seeking the business of transportation of men and goods from one State to another, that ordinary freedom of contract in the use and management of their property requires the right to combine as one consolidated and powerful association for the purpose of stifling competition among themselves, and of thus keeping their rates and charges higher than they might otherwise be under the laws of competition. And this is so, even though the rates provided for in the agreement may for the time be not more than are reasonable. They may easily and at any time be increased. It is the combination of these large and powerful corporations, covering vast sections of territory and influencing trade throughout the whole extent thereof, and acting as one body in all the matters over which the combination extend, that constitutes the alleged evil, and in regard to which, so far as the combination operates upon and restrains interstate commerce, Congress has power to legislate and to prohibit.

Let Congress make this act apply to all such contracts of corporations and individuals restraining interstate commerce. The Supreme Court decides that this body has complete power; and if we are proposing to legislate against trusts and combinations in restraint of trade, let us define these combinations and trusts and penalize them.

Is there anything harsh or radical in that sort of legislation? You boast that you passed the Sherman antitrust law; that you put it on the statute books. The Supreme Court has so construed its provisions away that it is no longer useful and will not reach the modern trust and combinations and conspiracies against trade. Amend the language and make it reach them and extirpate them if we can.

It would be wearisome to detain the committee long in reading from books, but permit me to read from one other decision of the Supreme Court in order to clearly put before this body and before the country the power of Congress in dealing with the very question in hand. The Supreme Court said, in 1899, in the matter of the power of Congress:

> Under this grant of power to Congress that body, in our judgment, may enact such legislation as shall declare void and prohibit the performance of any contract between individuals or corporations where the natural and direct effect of such a contract will be, when carried out, to directly, and not as a mere incident to other and innocent purposes, regulate to any substantial extent interstate commerce. (And when we speak of interstate we also include in our meaning foreign commerce.) We do not assent to the correctness of the proposition that the constitutional guaranty of liberty to the individual to enter into private contracts limits the power of Congress and prevents it from legislating upon the subject of contracts of the class mentioned.

Very often the Supreme Court has held that no State in this Union could pass a law which would impede commerce between the States, and yet we refuse to say here to-day that corporations, persons, or partnerships shall not enter into agreements and contracts which restrain free commerce between the States and destroy competition. We have the power. Let us exercise it.

The court further says, in the same case:

> We can not so enlarge the scope of the language of the Constitution regarding the liberty of the citizen as to hold that it includes or that it was intended to include a right to make a contract which in fact restrained and regulated interstate commerce, notwithstanding Congress, proceeding under the constitutional provision giving to it the power to regulate that commerce, had prohibited such contracts.

In a nutshell the court comes to this conclusion, which reaches the difficulty now before us, if we would but apply the language and remedy in our legislation to-day.

> We conclude that the plain language of the grant to Congress of power to regulate commerce among the several States includes power to legislate upon the subject of those contracts in respect to interstate or foreign commerce which directly affect and regulate that commerce, and we can find no reasonable ground for asserting that the constitutional provision as to the liberty of the individual limits the extent of that power as claimed by the appellants. We therefore think the appellants have failed in their contention upon this branch of the subject.

Thus the Supreme Court holds that this body has absolute and plenary power to enact a statute which shall define these contracts as being in restraint of trade and interstate commerce and to punish corporations and individuals entering into such combinations. We all know that many corporations and persons have entered into such combinations. It is admitted on all sides, by gentlemen on that side of the House, by the President of the United States, and by the Attorney-General of the United States. Then let us deal with them in a "conservative" manner, if you please; let us say to these persons and corporations with whom we are at war at this time that they shall not impede free intercourse between the States of the Union and suppress competition in many articles that are consumed by the American people.

There can not be any doubt of our power to thus deal with this subject. Let us apply every remedy. If you are willing to suppress the trusts and control them, let us apply every reasonable expedient, and when we are legislating against trusts and combinations do not talk about corporations and discriminations and rebates, for the bill now being considered will not reach contracts, combinations, and conspiracies against trade.

If you will put this definition in the statute and prescribe adequate penalties for the violation of the same, I think it would not be an unwise step. Take every step warranted by the decision of the Supreme Court, by the Constitution, by every dictate of justice and fairness to the American people, and it can not be construed to be an unwarranted attack on the legitimate business interests of this country. There are many ways in which we can approach this subject. We should provide that the products of the trusts which are protected by the Dingley tariff law shall be placed on the free list. Do you believe that the people are more entitled to protection at your hands than the trusts? Then, if the trusts are sheltered by the Dingley bill, let us protect the American people by removing the shelter from the trusts afforded by the Dingley law. Some gentlemen on the other side of the House have announced that they are willing to revise the tariff, and, if I mistake not, the rumbling which has been heard in the State of Iowa on the question of revision of the tariff and the destruction of the trusts will soon spread from one end of this country to the

other and wipe out and destroy combinations and monopolies in America. [Applause on the Democratic side.]

Mr. PALMER. Will the gentleman yield to me for a question?

Mr. HENRY of Texas. Yes.

Mr. PALMER. I understand the gentleman to say that his remedy for the trust evil is to put trust-made goods on the free list.

Mr. HENRY of Texas. That is one of several remedies.

Mr. PALMER. And the gentleman says that 75 per cent of the manufactured goods of this country are trust-made goods?

Mr. WHEELER. Oh, no; he did not say that.

Mr. PALMER. If the gentleman will excuse me, I am putting my question to the gentleman from Texas. He stated more than once that 75 per cent of all manufactured goods in this country were trust made. The question I want to ask is this: In order to suppress what you call the trust evil, are you willing to put 75 per cent of all manufactured goods in this country on the free list?

Mr. HENRY of Texas. If they are in the trusts, I am. I am ready to do anything legitimate and constitutional to crush the trusts.

Mr. LITTLEFIELD rose.

The CHAIRMAN. Does the gentleman from Texas yield to the gentleman from Maine?

Mr. HENRY of Texas. Yes, sir.

Mr. LITTLEFIELD. Do I understand the gentleman to suggest the putting on the free list of these items mentioned in the amendment submitted by the minority?

Mr. HENRY of Texas. I am just coming to that point.

Mr. LITTLEFIELD. I notice among those articles binding twine. Now, do I understand the gentleman to say that there is a trust or combination or monopoly created by the tariff in the manufacture of binding twine?

Mr. HENRY of Texas. Let me make this argument in my own way. My time is limited. I do not want to be discourteous; but I would like to go ahead without interruption.

Mr. LITTLEFIELD. Well, I do not want to disturb the gentleman.

Mr. HENRY of Texas. If the trusts are protected by the tariff law, it will do no harm to protect the American people by removing the tariff on trust-made goods. It seems to me that a gentleman who refuses to remove the tariff which protects the trusts loves the trusts more than he does the American people when he refuses to give the people that benefit.

The amendment to which I have referred has been printed, but I will read it in order that it may go in with my remarks, and will offer it hereafter.

Amend the substitute by adding the following:

"SEC. —. That hereafter the following articles may be imported into the United States free of all duty:

"1. Steel rails, structural steel, tin plate, iron pipe, and other metal tubular goods; wire nails, cut nails, horseshoe nails, barb wire, and all other wire; cotton ties, plows, and all other agricultural tools and implements.

"2. Borax, borate of lime, and boracic acid.

"3. Paris green.

"4. Paper and pulp for the manufacture of paper.

"5. Salt.

"6. Plate glass and window glass."

The adoption of this amendment would lighten the burdens of many citizens in this country. It would bring untold relief to the great industrial and agricultural population. Its adoption means an enormous saving on many of the prime necessities of life.

Then, the next amendment reads:

Amend the substitute by adding the following:

"SEC. —. The President is hereby authorized, and it shall be his duty, whenever it shall be shown to his satisfaction that by reason, wholly or materially, of the existence of the tariff or customs duty upon any article, such article, or articles of its class and kind, are monopolized or controlled by any person, organization, or combination to the detriment of the public, by proclamation to remove or suspend such duty, in whole or in part, until the next assembling of Congress, or until the abuse prompting him to such action shall have ceased."

We shall offer those two amendments. They simply provide that where a trust is protected by the tariff laws the duty on goods manufactured by that trust shall be removed.

Mr. Chairman, what was the object of the tariff in its genesis? These "infant industries" of a hundred years ago that clamored so loudly for protection have now grown to be gigantic monopolies, combinations, and conspiracies against trade. With their millions and millions of dollars of capital, they are still asking for protection under the tariff laws of the United States. What was the reason of the protective tariff laws of this country in former years? Let us see. Mr. Blaine, perhaps the most conspicuous and brilliant advocate of the protective tariff theory in the latter half of the last century, used in his book entitled "Twenty Years of Congress" language of great meaning and weight. It is commended to gentleman who now favor retaining these tariff laws on the statutes in order that the trusts may fatten upon the resources of the people and go on declaring their millions and millions of dollars in dividends:

The American protectionist does not seek to evade the legitimate results of his theory. He starts with the proposition that whatever is manufactured at home gives work and wages to our own people, and that if the duty is even put so high as to prohibit the import of the foreign article the competition of home producers will, according to the doctrine of Mr. Hamilton, rapidly reduce the price to the consumer. He gives numerous illustrations of articles which, under the influence of home competition, have fallen in price below the point at which the foreign article was furnished when there was no protection.

* * * * * * *

Protection, in the perfection of its design as described by Mr. Hamilton, does not invite competition from abroad, but is based on the controlling principle that competition at home will always prevent monopoly on the part of the capitalist, assure good wages to our laborer, and defend the consumer against the evils of extortion.

When the tariff laws were first enacted it was supposed that if manufacturers were protected from the competition of the outside world then the competition of the manufacturers at home would reduce the price of the commodity to the American people. Such was the basic theory of the protective tariff advocated by Hamilton, Clay, and Blaine. They believed that, if we should shut out the balance of the world from our markets, competition at home among the protected industries would bring down and keep down the prices of their commodities to our home people. But this competition at home is utterly eradicated and destroyed, by the trusts and combinations among the protected industriesl which limit production, increase prices, and monopolize the home markets by their closely formed agreements and conspiracies. Competition among them at home is faded and gone. It is a mere reminiscence.

The impelling cause which induced Mr. Blaine and those who went before him to advocate a protective tariff has disappeared. Such reason for the protective tariff does not now exist. These infant industries have grown to be tremendous trusts and monopolies, and under no circumstances will they compete with one another while the tariff wall permits them to raise prices, agree among themselves, and control without let or hindrance the market in America, and grind the people to the full extent permitted by the protective tariff. Living to the American people has increased 40 per cent under the Dingley law. Over 200 corporate trusts, and many others, have been organized since its passage. Truly it is the mother of trusts! It affords a veritable breeding ground for them. They sell many of their products to the American people a hundred per cent higher than they sell to foreigners. Many articles are shipped abroad, and freight paid, for prices far below what the American people pay. The tariff permits this condition and lets the trusts grind our home people with prices to the full level of the tariff wall.

This condition can and should be remedied by placing trust-made goods on the free list, and thus we can force the trusts to sell to the American people at least for the same prices they sell to foreigners. There is no high wall then to shield them from outside protection. Put agricultural tools, plows, and implements on the free list. Put every trust-made article there. It will be a long stride in the right direction toward destroying trusts and combinations. Deny the trusts the use of the mails, telegraphs, and all instrumentalities of commerce. Tax the trusts out of existence. Not the legitimate corporate interests, but the great monopolies and combinations impeding and restraining interstate trade and commerce. Such power of taxation is given us to the fullest extent. Lay the heavy hand of taxation on the fraudulent overcapitalization of the corporations. By this method prohibit their watered stocks and bonds. Such power is confessed on both sides of this House.

For over three hundred years the English-speaking people have denounced monopolies and conspiracies against trade. They condemn them to-day. In America we are but repeating the historic struggles of the people of England against monopolies. The monopolies went down in the contest there and the trusts and monopolies will go down here. Queen Elizabeth yielded to the indignation of the House of Commons, and repealed the monopolies which she had granted on the necessities of life. The granting of monopolies was one of the chief causes which sent Charles I to the block. The struggle is at hand, and there can be no compromise between the people and the trusts. The spirit of independence and justice which has ever characterized the Anglo-Saxon race will continue to grapple with this great problem, and in the end there will be no vestige of the trust and monopoly remaining.

The CHAIRMAN. The time of the gentleman has expired.

[Mr. HENRY of Texas took his seat amid loud applause from the Democratic side].

Mr. LITTLEFIELD. Mr. Chairman, I yield one hour to the gentleman from Wisconsin [Mr. JENKINS].

Mr. JENKINS. Mr. Chairman, before reaching the question involved, I desire to allude to my adherence to the oft-expressed opinion, first given in 1892, that Congress has no power to legislate with

reference to the so-called trust question. I shall support the pending bill, which, I believe, will receive the unanimous support of the House, hesitating somewhat against unloading upon the Supreme Court in times of great excitement unconstitutional legislation simply because there is a popular demand for it. When some of the ablest gentlemen of my acquaintance differ on the question, I feel as though it should be brought to the attention of the American public as early as possible. The subcommittee labored earnestly to formulate something to satisfy the popular demand and devoted much time to the work. I am not entitled to any credit for a word or line of this proposed legislation, but cheerfully submit my views to the American people.

Mr. Chairman, as there is practically a unanimous demand upon the part of the people for Congressional legislation in regard to trusts, the subject has to be carefully examined before action, in order to legislate, within constitutional limitations, wisely and justly, to better rather than to injure present conditions. We must first ascertain the disease and then apply the appropriate remedy, and may not be able to agree upon either the disease or the remedy. Much confusion exists to-day in the popular mind in regard to the subject. Everybody names the diseases and has prescribed a remedy, and as much excitement prevails and considerable feeling exists the average mind is not particular as to either, but is contented with denouncing trusts and suggesting all sorts of remedies. The people are in earnest. Very many fair-minded men ask why this great outcry against the industrial interests of the country that have done so much to bring the nation into prominence and better the condition of the labor of this country, insisting that continued agitation of the subject will retard the growth of the country and in the end do violence to the labor thereof. The point of view aids largely in shaping judgment. In other words, the people are largely influenced by their own personal interests. I speak as opposed to all class and sectional legislation, keeping strictly in mind constitutional limitations that legislation should be for the benefit of the people and not for their oppression. It will never do for those intrusted with legislative power to do something under excitement for political effect, or to satisfy popular clamor, that the people themselves will not approve of or will fall short of affording them the relief demanded.

Great responsibility rests upon the representatives of the people both in State and in nation, for they have the rights and welfare of the people and the perpetuity of the nation as founded by the fathers in their keeping. The difficulties of legislation are increased by the intense feeling upon the part of the people. A most tremendous change has been wrought in this country in the last few years. It has operated quietly, effectually, aggressively, and lawfully, but not without provoking, however, intense feeling, developing dangers that must be removed, introducing new elements that must be controlled, subverting many principles of government, making the many industrial slaves of the few—Americans, freemen in name only. The end sought has been obtained—competition has been eliminated, the business and industrial interests of the country placed in the hands of a few instead of the many. The average American citizen, instead of being his own master, has rapidly become the industrial slave of another. The individual is no longer known in business.

Sharp business men saw that millions of money could be made if combination of capital would eliminate competition. Trusts were first employed, then combinations of different organizations; but now corporations have taken the place of both trusts and combinations and are now the great and sole agencies and instruments of commerce and transportation, controlling the necessaries and luxuries of life. It is easy to denounce anything, and, in fact, everything—to condemn a party, a legislative body, or an individual for what is done or not done. Drafting laws always involves responsibilities, but in times like these, when there is a general demand for prompt legislative action, those charged with the responsibility feel it and have to proceed with great care. This is a government of limited power only, confronted with the reserved rights of the States and the power of the judicial branch of the Government to pass upon the constitutionality of its legislative declarations. To frame the required legislation that will satisfy the people and meet the approval of the Supreme Court is very difficult within the limited power of Congress. A stern situation confronts us and no one can anticipate what the outcome will be.

The Democratic party continually charges the Republican party with being the friend of trusts, monopolies, and of the rich people, and the enemy of labor generally, and contends that if the tariff were removed trusts would thereby be destroyed. It may be worth while to examine the record of the Democratic party on these several matters, and also to consider the present state of the law. If there is no power in Congress to legislate so as to reach these various questions and to control monopolies, trusts, and the great corporations, neither party is to blame for a failure of legislation. The Republican party has placed itself on record as being in favor of adopting a constitutional amendment so as to create a power which will be adequate to control the commerce of the country, the great corporations, the monopolies, and so-called trusts, while the Democratic party has placed itself on record as being opposed to this remedial legislation.

Trusts proper and combinations proper were very numerous and active during Mr. Cleveland's term as President, when he had both Senate and House in political sympathy with him, but at that time the Democratic party did not undertake any legislation and never made any effort whatever to legislate against monopolies, trusts, or corporations, but all the time have been very active in charging the Republican party with a dereliction of duty. This whole question would have been settled a long time ago if the Republican party controlled a two-thirds vote in both Houses of Congress.

The duty of Congress is to come to the relief of the people whenever possible, bury all party differences, and take up great questions like this, so steadily and earnestly confronting the nation, and dispose of the same on business principles, with reference to the rights of all, whether it be labor or capital, whether they be rich or poor. The American people are uneasy. There never was a time in the history of the nation when almost every individual was so politically sensitive as at present. All realize that there is something wrong, something needing correction. The situation is aggravated by the political division in this country; the Democratic party practically antagonizing every position of the Republican party necessary to relieve the people. For several years the Republican party has been wonderfully successful, and I believe that party is as anxious as ever, not only to be retained in power, but to do everything possible for the best interests of the whole people.

The people are represented by parties, and great questions are now presented in this country; questions that will not admit of postponement, and the party equal to the emergency and occasion can be successful. Realizing that something is wrong, many argue that it is the tariff, and most all charge present conditions to the trusts. So much has been said with regard to tariff and trusts that the people are excited, alarmed, and aroused, intent on doing something as early as possible without reference to the subject or the after effect upon trade relations. Everybody condemns the trust so universally that a suggestion that trusts are beneficial receives no consideration. The people are in no mood to argue the merits or demerits of the trust, but content themselves by saying that trusts must go. The trust is blamed for all delinquencies. The Democratic party uses the argument to great advantage by charging that the tariff system is constitutionally and radically wrong; that the Republican party legislates for the rich and against the poor; that trusts are oppressive and are sustained by the Republican party. As it is plain that the people are interested and conditions threatening, it may be worth while to review the situation and honestly and thoroughly consider the same. Nothing will help more than to carefully and fully state the condition, and the American people can be safely trusted to do what is right as soon as they fully comprehend the subject.

Much confusion exists in the public mind on these very important questions. We must first ascertain what is a trust and its relation and effect upon trade and commerce. To do this we must call things by their right names. Mr. Justice Story defined a trust as "an equitable right, title, or interest in property, real or personal, distinct from the legal ownership thereof." This definition from a great jurist does not afford much light, but practically a trust means where A as the absolute owner of property conveys the same to B for the use and benefit of C—A parting with all of his title, B taking the legal title, while the equitable title goes to C. It is useless to trace the origin and object of the trust as defined by Mr. Justice Story. The modern trust is founded on the same definition, but its object and purpose are entirely different. The modern trust was formed by a combination of all similar concerns in the United States under one management. In the case of corporations all over the country the stockholders of each assigned their stock and took certificates in the new concern, but the people throughout the country were very hostile to these modern trusts and the law was adequate to reach them, and they all retired from business on the trust plan. After the trust had disappeared combinations came, soon to disappear, but in the place of combinations and trusts corporations have grown and taken the place of both.

These corporations are created by the State and not by the Federal Government. My insistence is that nothing further can be done under the Constitution and that the only remedy for the people is the adoption of an amendment to the Constitution which will give Congress power to regulate commerce in the United States, placing all corporations, copartnerships, and joint stock companies under the control of Congress and giving Congress the power to regulate, control, prohibit, and dissolve all contracts and combinations in restraint of trade or commerce. Unquestionably

the chief bnsiness of the country will be done through and by corporations, and the only possible remedy for the people is the adoption of this amendment. We are told that overcapitalization is a great evil and that if capitalization of corporations were limited it would benefit the people. This might be a proper question for the States, but something Congress has nothing to do with. The average person throughout the country is not interested in the question of capitalization. The people want the corporations controlled. They do not want these great monopolies to control the country. To let them go by limiting their capital or imposing a small tax, or even by making public their affairs, would legalize them as far as Congress is concerned, without any corresponding benefits to the people.

The States deny to the Federal Government the power to create these corporations. They are all created by the laws of their respective States and practically placed upon the same business footing as citizens, and until they come in competition with the legislative power of Congress are doing a perfectly lawful business, even though some might consider it to be oppressive. The trust, combination, and corporation all have the same object in view, the elimination of competition, so to-day the people have absolutely no protection whatever. A gigantic institution can control one or more of the necessaries of life and either refuse to sell to the people or, if they sell at all, on just such terms as they suggest. This is what makes the system so objectionable. These great industrial changes seriously affect almost everyone. Years ago we had in this country many proprietors of business, or what might be called business men, or yet stating it plainer, employers. Now we have but very few employers; almost all are employees. They are compelled to await the acting of the employer. They have no voice whatever in the industrial affairs of this country. They go to work at the suggestion of the monopoly, work on such terms as the monopoly dictates, and at such length of time as they prescribe, all contributing to the maintenance of a very bitter feeling. As I shall show, these unwise institutions are beyond the power of Congress and practically beyond the power of the States, growing stronger and stronger every day, and are determined to maintain themselves on a proposition indisputable that they have the absolute legal right to do as they see fit with their property, and that if people do not want to buy of them or work for them they need not.

Opposed to the few manufacturers or employers in the country are millions of laboring men who are the political power in the nation and who insist upon their rights in business affairs. They want to be parties to the contract affecting their labor, and when they are told they can either work on the terms given them or quit, a bad feeling is produced. The laborers know that the only possible way for them to succeed is by preventing others from taking their places. They pay no further attention to the statement that if they do not want to work themselves they must let others work, but they combine for what they deem their mutual protection. They absolutely believe they are standing in defense, not only of their own rights, but of their families. They are supported in their contention by a very large majority of the people. The strike comes on and they feel that after having left work their only protection and safety depends in not letting any one else take their places. Their employer, who is following a course marked out by law, calls upon the military arm of government and the injunctional power of the court for protection. This intensifies the animosity already existing, and conditions rapidly grow worse that ought never to exist in a free country like the United States, and the question is, How much longer can this state of affairs continue? But we need to stop and consider the situation, and so legislate as to obviate present difficulties and contribute to the upbuilding of a good feeling between the capitalist and the laborer. I am not aware of any organization of labor that demands that the business of this country be crippled. We do not want to do anything in any way to prevent a man pursuing his constitutional rights, or to deprive him of his property interests, because if we injure the capital of the country we are liable to weaken the laborer, who is so absolutely dependent upon capital. It can be no hardship to insist that, as far as the law is concerned, the laborer and the capitalist should be put on an equal footing. The welfare and perpetuity of the country depend upon it.

Over ten years ago I publicly announced that the only remedy was a constitutional amendment. I paid close attention to everything that was said at the great trust convention that met in Chicago a few years ago. I have been very materially strengthened from time to time by many things said by moneyed men in favor of it. As far as the question of time is concerned, if the people are sincere in demanding relief it all could be accomplished inside of two months. Congress could pass the resolution in a day or two; all of the State legislatures are now in session, or could be called in session in a very short time, and ratification could be accomplished. The people to-day all over the nation are looking to Congress for relief. In order to satisfy them that Congress has no power we will first consider the dual system of government. At the outset we had thirteen sovereign and independent States. They erected our present Federal Government. At the time of the adoption of the Constitution each State had absolute power to interdict what might be called interstate commerce, and had exclusive control of all commerce within their respective limits.

While I do not want to be hypercritical, I want to call full attention to the legal situation. It will be noted by subdivision 3, section 7, Article I of the Constitution, that Congress was given power to "regulate commerce with foreign nations and among the several States and with the Indian tribes." While this power was given in the same terms, it certainly was with different intention. That is, the power to regulate commerce with foreign nations and with the Indian tribes is much more extensive than to regulate commerce with the several States. To properly understand it, this section of the Constitution must be considered in connection with subdivision 18, section 8 of Article I:

> To make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

Therefore it will be seen that the only power Congress has is to make all laws necessary and proper to regulate commerce between the States. The States never surrendered to the Federal Government power to interdict commerce between the several States, they retaining that power with the power to absolutely control commerce within their respective limits; but this power of interdicting as far as the States is concerned is dormant. The power to regulate commerce presupposes that commerce exists, but the great object and purpose of the power was to promote unity between the States and to facilitate commerce between the States and not to embarrass commerce between the States. No power whatever was given to Congress to destroy or embarrass or hinder commerce between the States. From the day of the adoption of the Constitution down to the present time not a writer on this subject has ever suggested that Congress has any power to interfere with interstate commerce; but, on the other hand, every writer, including the Supreme Court of the United States, has said the object of vesting in Congress the power to regulate commerce was to insure uniformity of regulations against conflicting discriminating State legislation.

This matter has been more or less discussed in 9 Wheaton, 1; 12 Wheaton, 419; 15 Wallace, 275; 19 Wallace, 589; 91 United States, 280; 102 United States, 697; 128 United States, 21.

Now, I have contended from the outset that it was never the intention of the creators of this power to give Congress the power to destroy or prevent interstate commerce. In other words, the only power which Congress has is to prevent individuals or the States from attempting to regulate commerce or to place any restraints upon interstate commerce. If this power to interfere with the subject of commerce exists it must and can be exercised at the will of Congress, and the great object and purpose of the union of over one hundred years will be a failure. The supreme object and purpose of the formation of the Constitution was to make a more perfect union, destroy the power to interdict commerce between the States, and to make commerce free. No one can foretell what great influences and power may be brought to bear on Congress for unjust discriminations, unquestionably leading to prohibition of products, sectional and class legislation, if it should ever be held that Congress has absolute power to say what and on what terms articles of commerce can be shipped.

It was said in Groves *v.* Slaughter (15 Peters, 449) that "Congress could not prevent entry of slaves from one State to another, or force them into a State."

From a legal standpoint this subject is entirely new. So far in the history of this nation it has been discussed with reference to the line of demarcation between the power of Congress and the reserved power of the States and the so-called Sherman Act of July 2, 1890. There has been but little opportunity to develop thought or obtain the opinion of the Supreme Court of the United States on the important question how to deal with the great industrial situation confronting the nation. There must, in my judgment, be another development of the Constitution. Unquestionably there is necessity for action.

While there is anxious feeling existing in the minds of our people to-day against monopolies, I do not believe it to be my duty to denounce them or add to the present excitement. As I have said, these people are pursuing a lawful course, created and protected by the law. While monopolies have always been considered illegal at common law, the statutes of the several States in opposition to the common law have created these monopolies. Our people have always felt that they had the constitutional right to choose their own pursuits. To-day there is no possibility of their doing that. Hence, there is a denial of rights and privileges which they desire to enjoy, and through the corporation and

aggregation of capital the exclusive rights and privileges which the States were unable to directly bestow upon anyone are acquired by a few against the many.

I have considerable Democratic authority in support of my contention that Congress can not legislate: that is, if we ever do anything to meet the so-called trust question we will have to have a constitutional amendment. I shall cite nothing but Democratic authority for this position, which will include reference to the Supreme Court of the United States, and I think what I shall offer will be absolutely conclusive in favor of my statement.

On Thursday, May 31, 1900, we were trying to adopt a rule for the consideration of the so-called trust amendment to the Constitution, and, as on yesterday, the leader of the other side of the Chamber, the gentleman from Tennessee [Mr. RICHARDSON] opposed the adoption of the rule. He was then the acknowledged leader of the Democracy, and is to-day the acknowledged leader of the Democracy, as he has long been the leader of the Democracy on the floor of this House. He was supported warmly both by generous applause and votes on the Democratic side of the Chamber. I desire to quote him accurately:

It will, in our judgment, take away from the States the power which they now possess to suppress trusts, or, at least, greatly impair that power in the States. The most effectual remedy so far for the suppression of trusts and their control and regulation has been in the States. Mr. Speaker, this constitutional amendment, if passed, will serve to excuse Congress from acting and break down the power of the States to control these trusts. Now, I say in view of that fact our party has decided to oppose this constitutional amendment. We believe it is right to oppose it. * * * If we pass this constitutional amendment the effect of it will be to do just what the dominant party desires to do, and that is to eliminate the trust issue from the campaign this year. Now, are we going to help to do it? I hope not. I trust every Democrat who loves constitutional law and order, who believes in the rights of the State, will stand with his party here and vote down this constitutional amendment. [Applause on the Democratic side.] (First session Fifty-sixth Congress, p. 6301.)

It will be noted that the learned gentleman from Tennessee insists that the power is with the State. If that is correct, and I do not dispute him, then Congress has nothing to do with it. He further confesses that if this power is conferred on Congress it would remove the trust question. Therefore, if that is true, the tariff is not responsible for our trouble, because the States can not interfere with the tariff. The argument was—and he was well supported by his Democratic colleagues—that the whole power to dispose of this question resides with the States. I want no abler support than the statement of the learned gentleman from Tennessee.

I have another excellent case, which was decided by Judge Jackson, of the Supreme Court of the United States.

Mr. BALL of Texas. Will the gentleman from Wisconsin please state what decision of the Supreme Court held that?

Mr. JENKINS. I can not make my speech all at once.

Mr. BALL of Texas. You say that they said so and so. Will you quote one case?

Mr. JENKINS. If you will but be patient, you will hear and be a convert to my cause.

Mr. BALL of Texas. Just cite one such decision.

Mr. JENKINS. Now, Mr. Chairman, I want to get through as fast as possible, and I will read them.

In re Greene, 52 Federal Reporter, 104, page 112, the defendant had been indicted under the so-called Sherman Act of July 2, 1890. In short, while there were four counts in the indictment, they all embraced practically the one proposition that he, with others, had been making contracts with reference to manufacture and sale and the buying up of competitive institutions in different States in violation of the act. He had been arrested in Ohio, and an application having been made for an order to transfer him to Massachusetts for trial, he sought the aid of the United States court through a writ of habeas corpus, and in disposing of the case the court, among other things, said:

The quantity of such products, whether large or small, can in no way affect the right of disposition incident to lawful ownership. Congress may place restriction and limitations upon the right of corporations created and organized under its authority to acquire, use, and dispose of property. It may also impose such restrictions and limitations upon the citizen in respect to the exercise of a public privilege or franchise conferred by the United States. But Congress certainly has not the power or authority under the commerce clause, or any other provision of the Constitution, to limit and restrict the right of corporations created by the States, or the citizens of the States, in the acquisition, control, and disposition of property. Neither can Congress regulate or prescribe the price or prices at which such property, or the products thereof, shall be sold by the owner or owners, whether corporations or individuals. It is equally clear that Congress has no jurisdiction over, and can not make criminal the aims, purposes, and intentions of persons in the acquisition and control of property which the States of their residence or creation sanction and permit. It is not material that such property, or the products thereof, may become the subject of trade or commerce among the several States or with foreign nations. Commerce among the States, within the exclusive regulating power of Congress, "consists of intercourse and traffic between their citizens, and includes the transportation of persons and property, as well as the purchase, sale, and exchange of commodities." (County of Mobile *v.* Kimball, 102 U. S., 691-702; Gloucester Ferry Company *v.* Pennsylvania, 114 U. S., 203, 5 Sup. Ct. Rep., 826.)

In the application of this comprehensive definition it is settled by the decisions of the Supreme Court that such commerce includes not only the actual transportation of commodities and persons between the States, but also the instrumentalities and processes of such transportation; that it includes all the negotiations and contracts which have for their object or involve as an element thereof such transmission or passage from one State to another; that such commerce begins, and the regulating power of Congress attaches, when the commodity or thing traded in commences its transportation from the State of its production or situs to some other State or foreign country, and terminates when the transportation is completed, and the property has become a part of the general mass of the property in the State of its destination. When the commerce begins is determined not by the character of the commodity, nor by the intention of the owner to transfer it to another State for sale, nor by his preparation of it for transportation, but by its actual delivery to a common carrier for transportation or the actual commencement of its transfer to another State. At that time the power and regulating authority of the State ceases, and that of Congress attaches and continues until it has reached another State and become mingled with the general mass of property in the latter State.

That neither the production or manufacture of articles or commodities which constitute subjects of commerce and which are intended for trade and traffic with citizens of other States, nor the preparation for their transportation from the State where produced or manufactured, prior to the commencement of the actual transfer or transmission thereof to another State, constitutes that interstate commerce which comes within the regulating power of Congress; and, further, that after the termination of the transportation of commodities or articles of traffic from one State to another and the mingling or merging thereof in the general mass of property in the State of destination, the sale, distribution, and consumption thereof in the latter State forms no part of interstate commerce. (Pensacola Telegraph Company *v.* Western Union Telegraph Company, 96 U. S., 1; Brown *v.* Houston, 114 U. S., 622, 5 Sup. Ct. Rep., 1091; Coe *v.* Errol, 116 U. S., 517-520, 6 Sup. Ct. Rep., 475; Robbins *v.* Taxing Dist., 120 U. S., 497, 7 Sup. Ct. Rep., 592; and Kidd *v.* Pearson, 128 U. S., 1, 9 Sup. Ct. Rep., 6.) In the latter case the Supreme Court pointed out the distinction between commerce and the subjects thereof, and held that the manufacture of distilled spirits, even though they were intended for export to other States, was not commerce, falling within the regulating powers of Congress.

The defendant was discharged, for, it will be seen by the opinion quoted, the court held the defendant had not violated any law. What he had done in the State was legal; what he had contemplated doing in other States was legal by the laws of the several States.

This opinion disposes of the many arguments that are made that Congress can so legislate as to affect the price of the product at the time of sale. It thoroughly confirms my contention that the power of Congress is very limited. Let me say in passing now how ridiculous it appears when this Union was formed for the express purpose of promoting unity and facilitating business, the States reserving the power to control monopolies, that the Congress of the United States should be held to have power to make criminal any man who proposes to proceed in accordance with the law of his State but in violation of the law of Congress. This also disposes of many other questions; that is, Congress may legislate, even assuming that Congress has the power to legislate, and all the laws of Congress can be evaded. What is to hinder the great sugar trust (and that is the best illustration that we can take) from selling all its product to A and then let A make the shipments. I do not think it can be successfully argued that Congress can evade that transfer, punish the shipper, and interfere with the product. He makes a valid contract under the laws of the State of New Jersey, and is entitled to all the rights and privileges of citizenship in the various States.

Mr. GOLDFOGLE. Mr. Chairman, I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield?

Mr. JENKINS. For a question.

Mr. GOLDFOGLE. Does the gentleman from Wisconsin mean to assert that there are no trusts at all existing in this country?

Mr. JENKINS. Well, that is what the gentleman said; yes.

Mr. GOLDFOGLE. May I ask the gentleman another question? What is the purpose then of the Judiciary Committee reporting any bill on the subject?

Mr. JENKINS. Well, if my friend will sit down and listen patiently he will learn something. [Laughter.] I reiterate for the benefit of the gentleman from New York that there are no trusts in this country, and that these great corporations are acting in a lawful manner, doing just exactly what every one of us would do. Hence I say I have never spent any of my time denouncing them, but I have insisted since 1892 that, as there is no power to regulate them, there should be a power created in this country, not to oppress them, not to drive the business men out of business, not to do anything to destroy the prosperity of the country, but to regulate those great industries, and I feel satisfied, as I pass hurriedly over this question, that if there was a power in this Government to-day to regulate those great institutions we would have no trouble here. The only power Congress has is to regulate—in the words of the Supreme Court in many cases, "power to make rules by which interstate commerce will be governed"—and within all of the authorities, meaning that States, persons, and corporations can not regulate or restrain commerce. The Federal right can be protected as well without legislation as with it, for the only thing effective is a contract. All regulation and restraint of commerce must be done through contracts, and they can be annulled by the courts while Congress is silent.

I know that it is argued that Congress has power to pass a law which will prevent the so-called sugar trust from shipping their product directly or by shipping it through a third party under a

sale made in the State, but I am not in sympathy with any such view. I insist that under the law, conceding that the sugar trust is the greatest monopoly that ever existed, they can ship their product wherever they see fit as interstate commerce entirely uninfluenced by any law of Congress, or make a valid contract through a third party, or the purchaser can go to the State of New Jersey and buy the product there and have it shipped unaffected by the law of Congress, so that under the limited power of Congress any legislation that it makes can be evaded. I am not considering in my remarks this morning the subject of rebates. That is within the constitutional power of Congress. I am confining my views strictly to the subject of Congressional control over interstate commerce, contending that Congress has no power whatever over the subject of commerce; that is, if the shipper does not undertake to regulate commerce or place any restraint upon commerce Congress is powerless to reach him, whether it is a person or a corporation.

It was said in 122 U. S., 342; 114 U. S., 196; 91 U. S., 275; 102 U. S., 691, and 8 Wall., 168, as far as interstate commerce is concerned it makes no difference whether carried on by individuals or corporations. The grant makes no reference to the agencies, whether individuals or corporations.

It was further said in 122 U. S., 339, that transportation is essential to commerce, and every burden laid upon it is pro tanto a restriction.

I am astonished at the many arguments made to the effect that Congress has power to punish a person for doing what the reserve power of the State entitled him to do. This is not a case where the law of Congress is supreme or even concurrent with the law of the State. The law of the State permits and protects the manufacture and sale, the Federal power simply protecting the article of commerce in its travel from one State to another. The two powers must cooperate to promote harmony and unity and facilitate business, and not have the two powers opposing each other, to the detriment of all.

In the case of United States *v.* E. C. Knight Company (156 U. S., 1) the Government was trying to reach the so-called sugar monopoly. Several competitive companies had united and created a monopoly. The opinion of the court was delivered by the Chief Justice, and it would be well for our Democratic friends to take note of what that eminent gentleman said, for he is in line with all of the authorities on this question. It is an excellent lesson for those gentlemen who are insisting that Congress has power to invade the States and take the monopoly by the throat. The learned Chief Justice said, in part:

> It can not be denied that the power of a State to protect the lives, health, and property of its citizens and to preserve good order and the public morals, "the power to govern men and things within the limits of its dominion," is a power originally and always belonging to the States, not surrendered by them to the General Government, nor directly restrained by the Constitution of the United States, and essentially exclusive. The relief of the citizens of each State from the burden of monopoly and the evils resulting from the restraint of trade among such citizens was left with the States to deal with, and this court has recognized their possession of that power even to the extent of holding that an employment or business carried on by private individuals, when it becomes a matter of such public interest and importance as to create a commnn charge or burden upon the citizen, in other words, when it becomes a practical monopoly, to which the citizen is compelled to resort and by means of which a tribute can be exacted from the community, is subject to regulation by State legislative power.

Mr. HENRY of Texas. The gentleman is making an argument, as I understand, to show that Congress can not reach such monopolies as the sugar trust——

Mr. JENKINS. That is what the Supreme Court said, through its Democratic Chief Justice.

Mr. HENRY of Texas. The gentleman is arguing that Congress can not reach such monopolies as the sugar trust under the interstate-commerce clause. Now, does the gentleman deny that Congress can reach such a monopoly or trust under the taxing power?

Mr. JENKINS. I might say, digressing for a moment, that that all depends. My judgment is that Congress can pass a law having that object, if it so desires; but it must be in accordance with the terms of the Constitution. Congress has not the power, in my humble judgment, to say that it can tax mere interstate commerce. To illustrate: Here is a man in Minnesota, a wheat-producing State, who has a million bushels of wheat. He has no idea of making that wheat a subject of interstate commerce; but my friend from Texas decides to buy the wheat—a million bushels, we will say—and desires to ship it to the State of Texas. Congress can not say, because that man in Minnesota desires to ship his wheat to my friend in Texas, that he shall be compelled to pay a tax on it, because there would be a want of that geographical uniformity required by the Constitution. But Congress can, in my judgment, select wheat generally as a subject of taxation and impose a tax on it; but it must be geographically uniform—that is, wherever in the United States wheat may be, it must pay its uniform tax.

Mr. HENRY of Texas. In the income-tax case the Supreme Court held unanimously that occupations and privileges might be taxed, and is not sugar refining an occupation?

Mr. JENKINS. I do not deny that there is constitutional power in Congress to tax every corporation in the United States, but I insist the tax must be uniform.

Mr. HENRY of Texas. But could not such a tax as I have just described be uniform?

Mr. JENKINS. That is all right; but it is not such a tax as the people want. You want to make legitimate these great business institutions; the people do not want merely that we shall tax the sugar corporation, because if you do so the tax has to come out of the people, and they will not be content with that. I think there is no contention on that point. We have not that question here to-day.

You state a case that would make a tariff a tax. I do not understand how any power opposed to tariff can advocate a tax.

Mr. HENRY of Texas. But you may tax a corporation until you drive it out of business, just as you taxed the State banks and put them out of business.

Mr. JENKINS. I listened to my friend from Texas this morning when he said that he did not want to do anything to drive these combinations of capital out of business. The laboring people of this country are not asking that capitalists be driven out of business, but put under control.

Mr. HENRY of Texas. Let the gentleman understand me. I would not drive legitimate corporations out of business; but where a number of corporations form a combination to destroy business, I would tax them until I drove that combination out of business; in other words, I would destroy the trust.

Mr. JENKINS. By the law of the State, the supreme law of the land, these corporations are legitimate.

Now, it must be understood that the so-called Knight case was an attempt to reach a monopoly. And yet the Supreme Court of the United States said that it was impossible to do it, conceding it was a monopoly created by the State, protected by the State. When the Federal Government was created the State reserved to itself the power to control that monopoly, and it was not subject to regulation by Congressional power, but by State legislative power. There is no question that this is a correct legal statement, and if that is so I am at a loss to know how you can compel a corporation to disclose its business affairs. We will bring on a worse conflict here than we had in 1861 if the States are permitted to do one thing and the Federal Government antagonizes it. I do not believe any such condition of things was ever contemplated.

I have said heretofore that there is a vast difference between the power of Congress in regulating commerce between the States, and with foreign nations and Indian tribes. In discussing this question Prentice and Eggan, in their work on the Commerce Clause of the Federal Constitution, page 305, say:

> Over interstate commerce no such extensive authority has been claimed. The right to engage in such commerce is one of the rights reserved to the people and one of the privileges and immunities of citizenship. Congress can not lay an embargo upon interstate commerce, nor can it in national matters make restrictions of unequal operation among the States. (Groves *v.* Slaughter, 15 Pet., 449, McLean, judge.) The purpose with which the grant was made to secure freedom of transportation throughout the country unembarrassed by differing regulations at State lines measures not only the power of the States, but also of Congress.

And on page 42, discussing the same subject, the same authors say:

> In interstate commerce the power of the Federal Government is always limited by the constitutional rights of citizens.

This authority is a valuable contribution to this point.

I am further confirmed in my views of this question by the able and distinguished Senator from Missouri, who gave an extended interview of this subject in the Washington Post on December 25, 1902:

> VEST TALKS ON TARIFF—THERE, HE DECLARES, IS TO BE FOUND CURE FOR TRUSTS—HOPE IN DEMOCRATIC VICTORY—AS ONE OF THE AUTHORS OF THE SO-CALLED SHERMAN ANTITRUST LAW, HE DOES NOT REGARD THAT ACT AS POTENT—THINKS NEXT PRESIDENTIAL CAMPAIGN WILL BE FOUGHT ON ISSUE OF TARIFF REVISION.
>
> On the eve of his retirement to private life, after a long career of honorable and useful public service, Senator GEORGE GRAHAM VEST, of Missouri, is in a position to discuss affairs of State and legislative policy with an eye single to his country's welfare. A Democrat of profound convictions, he believes that in the Democratic party reposes the Republic's hope of permanency and greatness, but removed from the thought of preferment for himself, he has no need to let party considerations give color to his utterances.
>
> Senator VEST declares that, overshadowing all other issues in American politics, a revision of the tariff schedules as a means of curbing the growth of monopolistic corporations is forcing itself daily on the attention of the country. That the leaders of the Republican party contemplate such a revision of the tariff he does not for a moment believe. The Democratic minority in Congress, of course, is impotent to such an effort. This, then, the venerable Senator from Missouri thinks, is the issue upon which will be fought the next Presidential compaign, now less than two years removed.
>
> PRESENT LAW LACKS FORCE.
>
> As a member of the Senate Judiciary Committee which gave form to the antitrust law of 1890, known popularly as the Sherman law, Senator VEST speaks authoritatively when he declares that in the enactment of that measure Congress went as far as it has power to go under the grant of authority given it by the Constitution. And as one of the authors of the law, his words

also are entitled to consideration when he declares that the law is inefficient and lacking in force, under the rulings of the United States Supreme Court.

At his home on P street last night Senator VEST talked to a representative of the Post of matters that he considers of most vital moment to the country. His health is better somewhat than it recently has been, and though the burden of years and sickness have set their mark heavily upon him, his mind has lost none of that vigor that gave its possessor rank as one of the intellectual giants of the Senate.

"The greatest menace that threatens this country to-day," said Senator VEST, "is in combinations of capital that have monopoly for their object. That these trusts, as they have come to be known, owe their being largely, if not solely, to the protective tariff should be evident to any student of economic questions. The existence of a monopoly depends on the ability of a combination of capital to control the output and distribution of a commodity. That sufficient capital can be combined to control a commodity in this country we have seen, but there has not been, and it does not seem there could be, a combination sufficiently gigantic to control the world's output of any of the great necessaries of life.

MONOPOLY MADE POSSIBLE BY PROTECTION.

"In attempting to refute the argument that the tariff is responsible for trusts in this country, it is declared that equally great trusts exist in free-trade England. This is false, absolutely. There are in England a number of trusts which control the supply of certain articles of commerce, but none of these articles is a great necessary of life of general production. The English monopolies are possible because the articles they control are of such limited production that they have been able to gain possession of the sources of supply. No monopoly can exist in a great staple of commerce where competition is open to the world.

"This being the case, it seems very clear that monopolies in commercial staples is possible in the United States only because competition is not open to the world, and the protected tariff is convicted of responsibility. The first step, then, in an honest attempt to correct the evils from which we suffer is to remove the protection the tariff gives to monopoly and force it into world competition.

"But the Republican party will not take this step. The protective tariff is an interdependent mutuality of greed. Let an attempt be made to remove the protection afforded one industry, and every industry that feeds on protection will cry out in pain. Like a flock of English sparrows that comes noisily to the succor of one that has emitted cries of distress, the entire protection brood will join in a chorus of protest against any change in existing tariff schedules. When the present tariff was under consideration in the House of Representatives, Mr. Dingley, the accredited author of the measure, admitted the rates were unnecessarily high, but declared the schedules were fixed as a basis from which to negotiate favorable commercial treaties with other nations. Yet the Dingley rates are now held sacred, and their continuance is demanded by the interests that have gluttoned on them.

"Refusal to reduce the tariff rates leaves Congress with but weak weapons with which to fight monopoly. The act of 1890, known erroneously as the Sherman antitrust law, represents the limit of the constitutional authority of Congress to regulate trade between the States, and only in the regulation of trade between the States can Congress touch the trusts.

SHERMAN OPPOSED SHERMAN LAW.

"It is odd that the name of the late Senator Sherman should be coupled to a measure which he conspicuously opposed and refused to vote for. In 1890 Mr. Sherman introduced from the Senate Finance Committee a bill designed to regulate the trusts, but it was clearly unconstitutional in that it sought to take from the States their right to regulate their domestic commerce. The bill was referred to the Judiciary Committee, of which Senator Edmunds was chairman, and of which I was a member. The Judiciary Committee took up the question and reported the antitrust measure, which became law, but which embodied none of the essential features of the Sherman bill. When the bill came before the Senate Mr. Sherman opposed it and, rather than vote for its passage, got up and left the Senate Chamber.

"This act requires the establishing of two primary facts in order to make prosecution of a trust successful. The first is that the goods are manufactured or produced by a combination of capital monopolistic in its tendencies and in restraint of trade, and the second is that the goods upon which action is based are in the channels of interstate commerce. The most prominent Supreme Court decision under the law was in the prosecution against the American Sugar Refining Company, brought up from the United States circuit court of New Jersey. In this case the fact was established beyond dispute that the goods were manufactured by a monopoly that was in restraint of trade, but that the Government failed to prove that any of the product of this monopoly was sent by it into the channels of interstate commerce. The simple subterfuge had been resorted to of selling the goods to a second party and of having neither responsibility for nor knowledge of what became of them after they left the factories. Resort to this subterfuge, under the Supreme Court's ruling, will at any time render the so-called Sherman law insufficient to cope with trusts.

ATTORNEY-GENERAL KNOX'S PLAN.

"I read with interest the Pittsburg speech of Attorney-Keneral Knox, in which he claimed to be able to conduct successful prosecutions under this law. The Attorney-General may have resources of which I know nothing, but as one of the authors of the act I do not see how it can be done.

"The only other hope of securing direct legislation to cure the trust evil is by a constitutional amendment giving Congress a larger grant of power, and I do not believe the States are willing to surrender to Congress so large a measure of their reserved rights.

"The difficulty, if not the impossibility, of dealing with trusts through remedial legislation being established, does it not seem reasonable that the wise course would be to cut off the nourishment that has enabled them to grow to such ungovernable size? This is the view I think the American people will take of it, and a demand for such process should be the attitude of the Democratic party, the determination of the Republican party not to adopt the remedy being apparent. With this for the paramount issue in 1904, I confidently believe a Democratic President and a Democratic House of Representatives will be elected."

While I do not agree with all he says, it will be noticed that he concurs in my views by saying:

The only other hope of securing direct legislation to cure the trust evil is by a constitutional amendment giving Congress a larger grant of power, and I do not believe the States are willing to surrender to Congress so large a measure of their reserved rights.

I can not understand why our Democratic friends refuse to join us in creating the power. We will not only control the commerce between the States, but the commerce in the States, including the instruments and agencies of commerce. In other words, the whole subject will be under the absolute control of Congress. We are not denying any power to the States or taking it away from them because they are unable to operate. We are simply creating a great national power to meet a great national emergency. Yet our Democratic friends are so devoted to State rights that they will refuse to aid us in strengthening the Federal Government when necessary, but sit here this morning and suggest all sorts of unconstitutional amendments that is a complete invasion of the rights of every State in the Union.

I have too much respect for the rights of the States to join in supporting those amendments. I have always argued that it is our duty to respect the rights of the States. I am not willing to invade the rights of the States or impair the powers of the Federal Government. I do not think we ought to hesitate to strengthen the Federal Government whenever we see a necessity, but I am not going to join our Democratic friends to the extent of making the trusts odious by suggesting unconstitutional remedies that would be an absolute invasion of the rights of the States of this Union. Certainly under the Supreme Court decision Congress has nothing to do with the manufacture of the product, and it is plain nothing to do whatever after Federal power over the subject has ceased.

I am further supported in my views by another very celebrated Democratic Senator, the gentleman from Alabama [Mr. MORGAN], who had an extended interview in the Washington Post on the 27th of December, 1902. While I do not agree with his conclusions, he makes a most effective argument against the proposition that repeal of the tariff will remedy the evil.

MORGAN ON TRUSTS—ALABAMA SENATOR SEES SIGNS OF POLITICAL REVOLUTION—HE SCORES BOTH PARTIES—REPUBLICAN AND DEMOCRATIC LEADERS CHARGED WITH INSINCERITY—POLITICAL AFFILIATION NO SHIELD AGAINST GLITTER OF GREAT WEALTH—POWER OF TAXATION AND NOT THE TARIFF THE REMEDY OF THE EVIL—THIRD PARTY MAY BE NECESSARY—THE QUESTION ONE OF OVERWHELMING IMPORTANCE TO THE COUNTRY.

"I can not see that there is any great difference between the leaders of the Democratic and Republican parties on the question of trusts. Whichever party is out of power cries out against the octopus; whichever party is in power hugs the octopus to its breast. Political affiliation seems to be no shield against the glitter of great wealth."

At his home on John Marshall place, yesterday, Senator MORGAN, of Alabama, gave his views of trusts and trust legislation to a representative of the Post. Though unable to take an optimistic view of the situation as it exists to-day, he is not a pessimist. On the question of trusts, he declared the leaders of both the Republican and Democratic parties are guilty of hypocrisy and deceit, neither party apparently being more desirous than the other of finding and applying a cure. That a cure will be found, however, and that it will be applied effectively, he does not doubt. But before that devoutly to be wished for consummation he fears the chastising rod will be laid heavily on the American people. Out of this chastising he thinks will come an awakening and a political revolution that may sweep out of existence both of the great parties as they now are organized.

"Seldom, if ever," Senator MORGAN continued, "has a question of such overwhelming importance arisen in our economic development. It is pressing for solution, and it will be solved. The Republican party may solve it or the Democratic party may solve it. It may be that before a solution is found a new party will arise on the ruins of the old ones. The solution may come soon or it may be long delayed. It depends on how speedily the American people awaken to their peril. I am inclined to believe there will be dark days before the awakening comes—days full of want and suffering and disaster. My belief also is that out of the demand for a solution of this question will be wrought a political revolution—a revolution that will shake present party organization at its base, perhaps wipe it out.

"The strength corporate wealth has attained in the United States is calculated to fill one with awe. The President and the Congress are as pigmies beside it. It is feared by the leaders of both political parties. The pot has no ground upon which to criticise the kettle's blackness. Democrats and Republicans alike on the stump rave and shout and profess eagerness to engage in mortal combat with the giant. They come to Congress or assume executive office and their limbs are paralyzed and their tongues silenced.

PEOPLE HAVE THE POWER.

"There is one power, however, greater even than that of corporate wealth—the power of the American people. It is slow in the arousing, but, once aroused, no wrong can stand before it. The leaven already is at work—the people are beginning to think. The very poor are the first to feel the oppressions of the trusts. Conditions for them to-day are very hard and growing harder. People of moderate circumstances and comparative wealth do not so soon feel the weight of the burden, but it is bearing down upon them, and sooner or later it will become intolerable. Then they will join with the poor to fight a common battle, and whatever opposes them will be swept away. For men in high places who are serving two masters that day will be a day of reckoning."

"By what method of treatment do you think the cure will be effected?" Senator MORGAN was asked.

"No man is sufficiently a prophet to answer that question," the Senator responded, "but the course that seems most plausible to me is through the exercise by Congress of its constitutional power of taxation."

In explaining the details of the plan he proposed, Senator MORGAN said he would fix a graduated tax on the capital stocks of corporations, the rate of taxation increasing with the increase of capital. The percentage of tax on the capital of a $100,000 corporation he would have much lower than on one with a capital of $100,000,000.

"Then," said the Senator, "I would have a provision in the law that any corporation that came forward and furnished proof that it was not a monopoly or an unlawful combination in restraint of trade should be wholly relieved of the tax. This not only would provide a remedy that would cure, but it would relieve the Government of the burden of proof, placing it on the corporations."

TARIFF NOT A REMEDY.

"Do you think the trusts can be reached through a revision of the tariff?"

"A reduction of the tariff schedules might afford some relief, but it would not effect a cure. The tariff undoubtedly aggravates the trust evil, but responsibility does not rest there. The suggested provision that the President should be empowered to place on the free list any article control of which had been secured by a trust is not only unconstitutional, but it would have a double action Should capitalists for any reason desire the duty taken off

any article under such a law it would be necessary only to form a trust to control it and let the fact be known. No, I do not think the tariff offers a remedy, the use of which will cure the trust evil."

In answer to a query as to whether he thought trusts would be an issue in the next Presidential campaign, Senator MORGAN said:

"Undoubtedly there will be much discussion of trusts in 1904, but as both parties in the national platforms will go on record as opposed to them I do not see how it can be a real issue. Each party, of course, will accuse the other of insincerity in its antitrust plank, and each will try to outcrow the other, but I doubt if the question will afford an issue that will seriously count in determining the result."

"What, then, do you think will be the paramount issue?"

ISSUE IN NEXT CAMPAIGN.

"A contention for and against a protective tariff. There will be a strong demand for a revision of the tariff, not for the purpose so much of crushing trusts, as because the protection theory in tariff legislation is wrong in principle and a violation of the constitutional authority of Congress. I rather expect to see the parties lined up much as they were in 1884, when Grover Cleveland was first elected to the Presidency.

"As I have said, however, the question of curbing the power of trusts is of surpassing importance to the American people, and all present calculations are likely to be upset by developments in this question. It does not seem to-day that the crisis will be reached in two years, but no man can tell. It is a time of uncertainty, and changes may come so swiftly upon us that the existing order of things will be upturned before the Presidential election of 1904."

I have still another Democratic authority. Mr. Justice Peckham delivered the opinion of the Supreme Court in Addyston Pipe and Steel Company *v.* The United States (175 U. S., 211, p. 246). This case followed closely the so-called sugar case to which I have referred. Six competitive companies entered into a contract for the regulation of interstate commerce, and an action was brought by the United States to annul that contract. The court held it had power to destroy the contract, because the contract undertook to regulate commerce, a power exclusively within the power of Congress; that if Congress could prevent States from regulating commerce between the States, it could certainly prevent individuals from doing the same thing. The contract, if performed, would be a regulation of commerce between the States. The point was pressed very strongly on the court that Congress had no power whatever to interfere even with this contract; but the court held that it could destroy the contract, but was very careful to limit the power of Congress to reaching just such contract; or in other words, as I understand the decision, it practically says that the only power Congress has is to prevent the regulation of interstate commerce or to prevent any restraint upon interstate commerce. After making a very long argument the court said, in part:

It is almost needless to add that we do not hold that every private enterprise which may be carried on chiefly or in part by means of interstate shipments is therefore to be regarded as so related to interstate commerce as to come within the regulating power of Congress. Such enterprises may be of the same nature as the manufacturing of refined sugar in the Knight case—that is, the parties may be engaged as manufacturers of a commodity which they thereafter intend at some time to sell, and possibly to sell in another State; but such sale, we have already held, is an incident to and not the direct result of the manufacture, and so is not a regulation of or an illegal interference with interstate commerce. That principle is not affected by anything herein decided.

It will be noted that the court is emphatic in saying that interstate commerce can be carried on without coming within the regulating power of Congress, and it does not leave it open to conjecture what private enterprise may be or what interstate shipments can be made without coming within the regulating power of Congress; but they openly and boldly tell us that the refined sugar in the Knight case can be shipped by the sugar trust to any State in the Union and not come within the regulating power of Congress, because the sale is an incident to and not the direct result of the manufacture, confirming what I have said, that they could ship the sugar because the shipment of the sugar is not the regulation of or an illegal interference with interstate commerce.

Still later we find further Democratic authority. In Dooley *v.* United States (183 U. S., 151, p. 171) the minority of the court was discussing the power of Congress in this regard, and the Chief Justice said what is very much in point at this time:

But if that power of regulation is absolutely unrestricted as respects interstate commerce, then the very unity the Constitution was framed to secure can be set at naught by a legislative body created by that instrument.

Such a conclusion is wholly inadmissible. The power to regulate interstate commerce was granted in order that trade between the States might be left free from discriminating legislation and not to impart the power to create antagonistic commercial relations between them.

The prohibition of preference of ports was coupled with the prohibition of taxation on articles exported. The citizens of each State were declared "entitled to all privileges and immunities of citizens in the several States," and that included the right of ingress and egress and the enjoyment of the privileges of trade and commerce. (Slaughterhouse Cases, 16 Wall., 36.)

Justices Harlan, Brewer, and Peckham concurred in the opinion of the Chief Justice. Unquestionably, while this appears in the dissent, it represents the views of the court, as there is nothing said in the majority opinion in conflict with what was said by the Chief Justice in his opinion.

I still have further Democratic authority, Tucker on the Constitution, volume 2. The writer of this book was a very able man. He was a distinguished and honored representative in this House from the State of Virginia. He wrote at a time when there was nothing being said about it by the general public. His mind was perfectly free to follow his convictions and understanding of the law. He discussed the question at great length, and I quote from pages 526 to 555.

In regulating commerce, therefore, Congress regulates traffic in things, vehicles of transport, and things in transitu, but not the things themselves. Before and after the transitus they are beyond this power of regulation. The production and use of things in the terminus a quo and the terminus ad quem are not subjects of the commercial power, but of the law of the State or country from which and to which they are transported (p. 523).

But does the power so extensive in its reach as to foreign commerce have the same interpretation as to interstate commerce? A negative answer must be given to this question. The considerations which justify this conclusion are too important to be omitted.

(*a*) Under the articles of confederation the States could interdict trade inter se. The grant of power to Congress to regulate interstate commerce was with the purpose not to transfer this power of interdicting interstate trade to Congress, but to leave interstate commerce free, as the Constitution intended, in order to form a more perfect union. Could the Constitution have intended to destroy the freedom of interstate trade by Congressional power when it took it from the States and vested it in Congress in order to prevent such destruction? In the case of Railroad Company *v.* Richmond, Mr. Justice Field, speaking of this purpose in language which authorized the preceding statement, distinctly says: "The power to regulate commerce among the several States was vested in Congress in order to secure equality and freedom in commercial intercourse against discriminating State legislation; it was never intended that the power should be so exercised as to interfere with private contracts not designed at the time they were made to create impediments to such intercourse." Again, he says it was "designed to remove trammels upon transportation betweeen different States which had previously existed, and to prevent the creation of such tramels in future." And in speaking of the acts of Congress called in question, he says: "They were intended to reach trammels interposed by State enactment or by existing laws of Congress."

(*b*) If it is objected that the phrase to "regulate commerce" may mean the same power in reference to interstate trade as it does as to foreign trade, the answer is very easy. These regulations of commerce of either kind may be made by law, if the law be necessary and proper to carry the power into execution. A law that is necessary and proper to protect our vessels and the property engaged in foreign commerce against foreign enemies would not be necessary or proper as to interstate trade in a union between friendly States united under the Constitution. The word "proper" means, says Justice Story, in the clause cited by Chief Justice Chase, "bona fide appropriate." He says it is at once admonitory and directory. Can it be "bona fide and appropriate" in the exercise of a power which is delegated to make a "more perfect union" between the States to pass a law which would disunite the States by antagonistic commercial relations between them? Can it be appropriate to the end of "domestic tranquillity" to sow seed of controversy and rivalry between them in their trade inter se?

When we look at all powers vested in Congress as trust powers to be used for the States as beneficiaries and as members of one family of Commonwealths, so to be used as to promote union and not disunion, to establish harmony and peace and not discord and hostility between the States, it must be inevitably predicted that the courts will never hold any law of Congress which prohibits, restricts, or ties interstate commerce to be either necessary or proper as a regulation of commerce, but they must hold it to be a perversion of its trust power to the subversion of the fundamental principles of the Constitution. The power to regulate foreign and interstate commerce was given in the same terms diverso intuitu—in the first, to protect all against the machinations of foreign enemies; in the second, to protect and promote the free and unobstructed movement of men and things between the States in the family of the Union. (Pp. 528, 529.)

(*d*) But there is another general clause of the Constitution which is clearly a denial of any such power by Congress. It declares that "Citizens of each State shall be entitled to all privileges and immunities of citizens in the several States." In considering the meaning of this clause we must anticipate what would, in some respects, be more appropriately discussed hereafter. It will be perceived that this is a declaration of the personal right of every citizen, and belongs to him as such. No Federal or State law gives it to him; he holds it by the higher title of the Constitution itself. If, therefore, any regulations of commerce should invade the right conferred by this article, it would be, under Judge Marshall's canon, prohibited to Congress by the Constitution. It is a personal right which neither Congress nor a State can impair. It gives to a citizen in any State a passport to every other, and confers upon him the privileges and immunities which attach to the citizen of that other. (P. 530.)

It is therefore obvious that this right conferred by the Constitution upon the citizens of each State included free ingress and regress of persons and property and the like, and put them beyond the reach of the power of the States, and, a fortiori, beyond the power of the Federal Government. The power, therefore, of Congress to tax or prohibit interstate commerce, including the intercourse of persons, did not exist in Congress or in the States. Congress may regulate such commerce so as to promote it and secure its safety, but can not forbid it or tax it.

In a dissenting opinion in Stoutenburgh *v.* Hennick Mr. Justice Miller relies upon this construction of the clause as to the rights of a citizen as being a limitation upon the power of the States to tax drummers.

These considerations conclusively show that the power to regulate interstate commerce is not commensurate with the power of Congress to regulate foreign commerce; and while it may prohibit the transitus of persons from foreign countries into the United States as a whole and prohibit commerce in things by embargo, yet no such power is vested in Congress as to interstate commerce. A confirmation of this conclusion might be derived from the requirement of uniformity of duties, imposts, and excises, and from the prohibition upon Congress of making any regulation of commerce which would give preference to the ports of one State over those of another. The whole Constitution in all of its parts looks to the security of free trade in persons and goods between the States of the Union, and by this clause prohibits either Congress or the States to interfere with this freedom of intercourse and trade. (P. 533.)

It may be remarked that the power of Congress is not to regulate persons and things, but merely commerce in them. (P. 534.)

Section 267: In closing this prolonged discussion of this important clause a few additional considerations may be noted:

A State is held in many of the cases to have no power to tax a foreign drummer nor to forbid a person or corporation freely to engage in interstate commerce, and the reason assigned in the decisions has generally been that a State thus regulates interstate commerce. If this be so, then it would naturally follow that Congress could do these things because it is a regulation of commerce. This seems to the author to be a fallacy as to the ground of decision, for it has been seen that the article of the Constitution in reference

to citizenship prevents a State or Congress from taxing or preventing intercourse of persons or transitus of property between the States. Both of these the Constitution left free, and they can not be interfered with by State or Congress. Both are inhibited from the exercise of such power by the clause referred to. (P. 555.)

The only argument with which I am familiar in opposition to the views I have this morning expressed has been recently made by a gentleman interested in opposing my views, and he invokes section 9 of Article I of the Constitution of the United States:

The migration or importation of such persons as any of the States now existing shall think proper to admit shall not be prohibited by the Congress prior to the year 1808, but a tax or duty may be imposed on such importation not exceeding $10 for each person.

The argument of this gentleman is to the effect that the framers of the Constitution were compelled, on account of the extensive power of Congress, to place a limitation upon the power of Congress until the year 1808; that if it had not been for the limitation Congress could have prevented the migration or importation of the persons referred to in the Constitution. Therefore it was necessary to tie Congressional hands until the year 1808. Hence the power to regulate includes the power to destroy. My argument to the proposition is this: Within many of the authorities I have cited, and according to my own judgment, there is a difference between the power of Congress over foreign commerce and interstate commerce—that the migration or importation of persons mentioned in the Constitution could have been prevented by Congress, because this has relation to foreign commerce, not commerce between the States. The authority that I cited from 15 Peters, 449, shows that Congress could not prevent entry of slaves from one State to another or force them into a State, but they certainly had the power to prevent slaves from being imported into this country. They could do this as easily as they could pass a protective-tariff act. There being no limitation of power in that regard, those that favored the importation of slaves from foreign countries until the year 1808 insisted upon this limitation being placed upon the power of Congress; but whether the gentleman I refer to is right or not, or whether I am right or not, his argument is the only one I have been able to find anywhere opposed to my contention.

I appreciate very fully all that my friend from Texas and colleague on the committee has said with reference to the exercise of the taxing power. As I have indicated, that would simply be legalizing these monopolies, if Congress is permitted to do it, and will not relieve the people but will make the monopoly bolder; but however that may be, I am insisting that Congress has no power to tax interstate commerce as such. If the tax is direct, it must be apportioned. If indirect, it must be uniform. Unquestionably, I will say to my friend from Texas, Congress has ample power to impose a tax on every corporation in the United States, but it must be geographically uniform. The burden of taxation must fall uniformly on every corporation, wherever found. If you are going to impose a tax on interstate commerce, just see how it will work. I will again say to my friend from Texas, suppose he desires to buy a million bushels of wheat from a gentleman in Minnesota. Until the time that the contract is complete and the wheat is delivered to the common carrier for transportation to Texas there is no burden of taxation forced upon it, but according to his theory all interstate commerce shall be taxed.

Now, the party who desires to ship the wheat or the purchaser must bear that burden. The tax would not be uniform because it would not fall on all the wheat in the country wherever found. Congress can not discriminate and eliminate tax on wheat not shipped from one State to another. Congress could select wheat as the subject of taxation and impose a tax on all the wheat in the United States wherever found, but it must be on all wheat and not on what is consumed in the State alone or imposed on what is forced to seek a market in some other State, but, as I have said to my friend from Texas, my great objection is that the people do not want these great monopolies legalized by Congress. They are insisting upon their being controlled. If you tax them they are not only protected by the power of the States, but they will then be protected by the power of the Federal Government, because the Federal Government would not feel like interfering with them if they paid the tax imposed upon them. Undoubtedly all the great monopolies in the United States would like to make a contract with Congress to-day to pay so much revenue and be permitted to do business unobstructed and unannoyed. The people are not asking that these institutions be oppressed, but insist upon their being regulated so that whenever oppressive to the public at large the people can be relieved.

Mr. HENRY of Texas. Will the gentleman allow me to interrupt him for a moment?

Mr. JENKINS. Just for a question.

Mr. HENRY of Texas. Did you not the other day, with the members of the Judiciary Committee, consent that Congress should surrender its power over the product when it reached the State line, when it was intoxicating liquor, and become subject exclusively to the laws of the State where it was shipped?

Mr. JENKINS. I will say to my amiable friend that that is not the question involved here.

Mr. HENRY of Texas. That was a product, and we passed that bill.

Mr. JENKINS. Much has been said with reference to the difference in the right between persons and corporations to do interstate-commerce business, some suggesting that Congress can absolutely control the corporation and not the individual, insisting that it would be right to deal more drastically with corporations than with individuals, while some others insist that Congress should restrain all corporations chartered by the States from doing interstate-commerce business and compel all corporations desiring to do an interstate-commerce business to obtain charters from the Federal Government. Corporations are rapidly increasing under State law. All business enterprises requiring the use of considerable capital are now carried on through and by corporations created by State law. Congress can not interfere with these corporations doing business outside of the State of their creation. It is for the State where they are created and the States they enter to do business, and not for Congress to place conditions or limitations upon their operations unless they undertake to restrain or regulate interstate commerce. The States denied to Congress the right to create these corporations.

It makes no difference whether interstate commerce is carried on by individuals or by corporations. The grant of power is general in its terms, making no reference to the agencies by which such commerce may be carried on. It includes commerce by whomsoever conducted, whether by individuals or corporations. (8 Wall., 168; 91 U. S., 275; 102 U. S., 691; 114 U. S., 196.)

I have tried to present within the limited time allowed me the condition that actually confronts us, both as to the fact and that condition presented by our dual system of government, and the remedy that I believe ought to be applied. Realizing as I have for years the limited power of government, the earnest demand of the people for some relief, I found myself recently confronted with the situation presented by the so-called coal strike. That evidences more fully than anything I can say the entire situation. It shows how powerful these great combinations of capital are, how very difficult to reach. This absolutely controlled one of the great necessaries of life. They have simply been doing what I have said with reference to the other great monopolies created by the laws of a State—have been operating under the protecting law of the States and absolutely beyond the reach of the Federal Government except by and through the doctrine of eminent domain. Coal was withheld from the people. There was nothing that could take its place.

The people were ready, able, and willing to buy, but could not purchase. In consequence thereof the suffering was very great. I realize that there was a strong disposition upon the part of everybody to do something. I had it in mind that Congress was soon to adjourn; that the theory that I had in my mind must be developed by Congress; that it first required Congressional action. My belief was and is, if one of the great necessaries of life was withheld from the people by a monopoly created by the law that we were doing no great hardship to that monopoly when we insisted in the interest of the people that something should be done to compel that monopoly to recognize the wants and needs of the peoples as evidenced by their suffering. I suggested that the Judiciary Committee of this House be directed to inquire as to the power of Congress to act in this great emergency. At the time I introduced a resolution to this effect there was intense feeling throughout the country. I do not think that feeling has abated. Almost every individual felt outraged to think that they were treated so contemptuously by this monopoly.

I realized not only that Congress was about to adjourn, but if Congress did not take any action the Executive branch of this Government was absolutely powerless, and we would have to concede that this great Government of the people, for the people, and by the people was absolutely in the hands of a monopoly. In order to see whether or not I was justified in acting, I will submit an extract from one of the leading papers of the United States, which but voiced the sentiments of the entire country at that time:

COAL HELD FOR HIGHER PRICE—HUNDREDS OF THOUSANDS OF TONS LIE IDLE NEAR JERSEY CITY.

NEW YORK, *January 14, 1903.*

City officials who have been deceived by the coal operators' excuses that all coal possible is being shipped to New York may convince themselves that the operators are telling an untruth.

Along the lines of the Central Railroad of New Jersey from Jersey City through Bayonne down to Newark Bay are miles and miles of cars loaded with hundreds of thousands of tons of coal—not only gondola cars, but freight cars. The rails between the cars are rusted, showing that they have not been moved for many days. The coal is being held for higher prices.

In Bayonne there are acres of cars. In the Perth Amboy terminal yards there are sufficient loaded coal cars to extend, if placed in one train, fully 6 miles. In the Elizabethport yards the railroads are accumulating thousands upon thousands of tons, all in cars, ready to be released the moment the operators believe that the highest price has been reached.

On the 14th of January, 1903, as will be found from page 811, second session Fifty-seventh Congress, the able, eloquent, and distinguished gentleman from Pennsylvania [Mr. DALZELL] spoke on the coal question. In order that he may be correctly quoted and not misrepresented, I take his language from the RECORD:

I need not say anything, Mr. Speaker, as to the necessity or the propriety of the passage of this bill at this time. The great coal strike in Pennsylvania is a matter of lamentable history. I learn this morning, by a statement from an authentic source, that during the five months of that strike the country was deprived of a supply of anthracite coal amounting to 24,000,000 tons. There could be only one result from such a condition of things, and that result has followed—a scarcity of coal, great and widespread suffering in the heart of midwinter, and a high price for the commodity.

Now, I want to say here and now, speaking for myself, that I do not believe that this legislation will introduce into the market an additional pound of coal. I do not believe that any coal will be imported that would not have been imported without the passage of this bill. I do not believe that it will have any appreciable effect upon the price of coal. I do not believe that any legislation can affect the greed and avarice of the cormorants who are taking advantage of the present condition to oppress people already oppressed. But it will do one thing, it will satisfy the great public that believes that Congress can do something, and it will show the disposition of Congress to do everything that it can do to alleviate this distress.

Everyone knowing that honorable gentleman will know that he would not overstate the proposition. He told us that he had that morning received from an authentic source information that during the five months of the strike this country was deprived of a quantity of anthracite coal amounting to 24,000,000 tons. At that time all over the country we were reading of great destitution, a lamentable condition of affairs. In the dead of winter, coal, a necessity of life, withheld from the people. It was not that they were short of money and unable to buy coal, but were unable to obtain the coal at any price. Every hotel keeper was complaining that when night came they did not have coal enough to commence business with in the morning. Every department of Government here was trembling because of the scarcity of coal. I thought it was a lamentable and pitiable condition of affairs, that in a great nation like ours a monopoly had grown up so strong and powerful that it could withhold coal from the people and cause great and intense suffering and yet be beyond the reach of the Government.

The suggestion contained in my resolution was not in the interest of confiscation, but to prevent it. The only argument made against it was that it was a populistic idea, populistic to ascertain the power of this Government in this great emergency, and to say to this powerful combination withholding coal from the suffering people that if you will not furnish it, it will be the duty of the Government to furnish it until the exigency is over. In my judgment, it is the only possible relief we can at present afford the people. An honorable, just, and fair settlement of this coal strike would abate the present bad feeling in this country. Every sensible and intelligent man knows to-day that the coal men of this country are determined to pursue what they call a lawful course, and while compelled by the intercession of the President to make some concessions last fall, they are going to so operate as not to suffer any loss by reason of what they did, but propose to reinstate themselves as early as possible by insisting upon managing their own business in their own way, regardless of the rights of the people.

Now, this is the time for argument and education, not for villainous abuse. The people of this country are not being deceived. They know very well that it is not a populistic idea to inquire as to the national power, when four or five artificial persons created by the law of a State can cause so much suffering as has occurred this last winter by the withholding at will this great necessity of life. What a humiliating condition, when eighty millions of people are compelled to undergo untold sufferings in these great United States because they are in the toils of a few who insist upon the management of their business in their own way, without any interference. Now, I insist that it is one of the great duties of government to come to the relief of the people in such great emergencies, not in the interest of government ownership, not to carry out a populistic idea, but to help prevent the great conflict now going on. If the coal operators are determined to pursue their lawful course and the coal miners feel compelled to resent the action of the coal operators, it will bring on more trouble in this country than we can suppress. Therefore, I felt, as I feel now, that it was the highest governmental duty to ascertain just exactly what the power of this Government is, as I say, in such a great emergency. According to my view, this is the first time in the history of the country when the national power could be invoked, and I find that I am sustained by the Washington Post of January 29, 1903:

WHAT A STATE OWES TO THE COUNTRY.

Whether the Pennsylvania legislature of 1903 will improve upon the record of the latest and worst of its predecessors remains to be seen. That it could, if it tried with all its might, do worse than that awful aggregation of law-making talent is scarcely believable. The general impression is that legislation in the Keystone State, having been on a downgrade for many years, struck bottom muck in 1901, and that, therefore, any change of character must be for the better. This impression obtains in as well as out of the State. It would be difficult to find an intelligent Pennsylvanian of any party who would not in private conversation confess to a sense of humiliation over the bad reputation achieved by the government of his State, and especially over the administration of Governor Stone and the legislatures that sat during his term.

If this concerned only the people and the interests of that State, outsiders might not feel called upon to meddle with it, although sympathy for the afflicted would excuse such interference. But it does directly and seriously concern millions of families in many States. The country holds the State of Pennsylvania responsible for the coal famine and all the results thereof. The American public believes that anything like good government in that State would have rendered this terrible calamity impossible; believes that long years of misgovernment created the conditions that culminated in the strike of the miners. And the country at large viewed with mingled anger and disgust the puerile impotency of the State government after the strike began and the distressful situation of a coalless winter was being created.

Will this legislature take steps to prevent a recurrence of coal famine? The Philadelphia Press puts the case mildly in the admission that "the legislature owes it to the whole country to take any possible and proper steps to prevent a recurrence of the conditions resulting from the great coal strike."

All the anthracite mines are in the State of Pennsylvania. All the corporations and firms engaged in mining and transporting the coal to tide water are amenable to the laws of the State. All the miners are similarly situated. The entire business is a matter of State jurisdiction, and it could not be brought under national control without changing this democratic Republic into a gigantic commune. The palpable and culpable failure of the State government to discharge its obligation to its own people and "to the whole country" has produced other baneful results besides disease and death and cruel suffering.

It has given an impetus to the dangerous doctrine of government ownership and operation of all the coal fields, and every facility for working the mines and marketing their product. Under our Constitution, as heretofore interpreted, that would be impossible, but its agitation is dangerous. The spectacle of the chairman of the Judiciary Committee of the National House of Representatives proposing that the nation enter upon that straight road to the commune has shown how dangerous it is.

Is there statesmanship enough in Pennsylvania to perform the duty which the Philadelphia Press concedes to be an obligation of the State to the people? The election and inauguration of Judge Pennypacker as successor to the incompetent Stone has been hailed as the dawn of a new era. It is not enough to know that the new can not be worse than the old. The situation calls for a radical change—calls for the State's domination over its corporations and their employees instead of being dominated by them.

The article speaks for itself. It tells us that this coal question directly and seriously concerns millions of families in many States. They speak of it as a terrible calamity, call it a coal famine. What stronger argument can be used? But the Washington Post wants the State of Pennsylvania to act. Now, if it is populism for the Federal Government to act, is it not populism for the State to act? My judgment is that the same principle governs both. I concede that the State of Pennsylvania could have acted, but whether they can act now or not depends largely upon the question whether or not the people of that State can obtain coal. But the State of Pennsylvania is not the guardian of all the States of the Union or the people of the Union outside of their own State. While the State of Pennsylvania might relieve the wants of the people of their own State under the principle that I have suggested, yet they certainly could not reach out and take care of the suffering people outside of the State of Pennsylvania. The article of the Post is timely and able, but it should have called upon the Federal Government to relieve all the people and not upon the State of Pennsylvania to do it. Whatever would be done under such a power conferred by the nation or the State would not be by way of confiscation, but it would be under the power of eminent domain.

Let us briefly see what can be done under that power.

WHAT IS EMINENT DOMAIN?

It is an attribute of sovereignty and can be exercised whenever necessary or expedient to accomplish a purpose within the power of the Government. It does not depend on constitutional provision, but the use of the power is limited by the fifth amendment to the Constitution, which provides "nor shall private property be taken for public use without compensation."

Mr. Justice Field said, in United States *v.* Jones, 109 U. S., page 518:

The power to take private property for public uses, generally termed the right of eminent domain, belongs to every independent government. It is an incident of sovereignty, and, as said in Boom Company *v.* Patterson (98 U. S., 406), requires no constitutional recognition.

When the use is public the necessity or expediency and the manner of taking must be determined by the legislature and not the courts. In order to constitute a public use it is not essential that the entire community, or even any considerable portion thereof, should directly enjoy or participate in what is done. (Fallbrook Irrigation District *v.* Bradley, 169 U. S., 112.)

In the following cases it was held that the right of eminent domain can be exercised to enable municipalities to obtain water for public use: 95 Cal., 105; 4 Cush., 62; 4 Gray, 500; 47 N. J. L., 311; 135 Pa. St., 22; 160 U. S., 685; 53 N. J. Eq., 440; 143 N. Y., 596, where the municipality condemned a private water supply, and this was confirmed in the 166 U. S., 685.

In 7 Atlantic Reporter, 167, and 131 Ind., 446, private gas works were condemned for the benefit of the public.

It is public if it actually concerns or promotes the welfare, comfort, or convenience of the people.

Mr. Cooley, in his sixth edition of Constitutional Law, page 644, says:

It is a rightful authority which exists in every sovereignty to control and regulate those rights of a public nature which pertain to its citizens in common, and to appropriate and control individual property for the public benefit as the public safety, necessity, convenience, or welfare may demand.

In Pollard *v.* Hagan (3 How., 212), the court said:

The right which belongs to the society, or to the sovereign, of disposing, in case of necessity and for the public safety, of all the wealth contained in the State.

As will be seen, Mr. Cooley speaks of its being done for the public benefit as the public safety, necessity, convenience, or welfare may demand. He has argued it so full and equitably that there is nothing further that can be said on this subject.

As far as I am concerned, I can stand any amount of criticism. What I have said and done in this regard was in the interest of the suffering people the Washington Post speaks about. It seems to me, as I have been saying, that the time has come when something ought to be done in this country. We either had to ascertain our power or sit down here and say to this great monopoly, "You are created by the law, but you are greater than the law. No one shall question your right to proceed or operate your business as you see fit."

I only insisted upon action when it appeared that a national exigency had arisen, not that the people could not buy coal because of the scarcity of money, because, according to my judgment, neither State nor Federal Government could act in a matter of that kind; but if it appeared that the people were willing, anxious, and able to buy coal, and well knowing that coal is a necessity of life, and that it was withheld from the people, no matter what the reason, that it was the duty of the Government, through its legislative body, to declare that the exigency had arisen, and put in operation the power of eminent domain in the interest of the people. It would be useless to take possession of the coal mines if we could not control the lines of transportation; but I feel safe in saying this, that believing fully that the power exists, if that power had been openly declared by this House and made public to the nation, those great operators would have seen that there was a power in this country which could be put in operation if necessary, and they would not have then stood back on the letter of their rights and said, We will run our business to suit ourselves.

That may be all right in the abstract, but it will not work practically in this country at this time. Instead of making the many denouncements which are being made to-day, every effort ought to be made to bring capital and labor into closer and better relationship. There is a power to regulate and control the labor of the country, but absolutely no power to control the capitalists of the country; but, as I have said, if they do get into trouble they can call upon the strong arm of the Government to uphold them, while the millions of labor are simply building up a bitter, earnest feeling which will bring ruin to the business interests of this country.

The wealth of this nation ought to take a little time to ascertain public sentiment and have due regard for the rights of others.

The conditions are such in this country that it becomes the imperative duty of every citizen to conscientiously and carefully consider things as they exist to-day. The high protectionist must be reasonable or all protective duties will have to go. If the people are not relieved in one direction, they will take something else, in the hope that it will bring them the much-needed relief. In a little time the average citizen will not listen to reason. They will insist that the time for action has arrived. The man standing behind monopolies will regret that he did not join that conservative class of men of to-day who are anxious to perpetuate the Government just as the fathers intended—equal rights to all—for he will be looking for somebody to defend his property.

The millions of voters in this country are swaying backward and forward. They feel the grinding power of combined wealth, they appreciate that competition has been eliminated, they overlook the law and the constitutional rights of these great monopolies, and will insist that the time has come when they must take care of themselves and their families. When a man loses his reasoning powers he stands ready to do almost anything. When the people realize that nothing can be done by way of legislation to control these great trusts, and that the representatives of the people are unwilling to ascertain the powers of this Government to relieve present conditions, it will be impossible to foretell to what they will resort. As I have said, it is a fight between capital and labor. The refusal of the monopolies to join in the preservation of the rights of all and to aid in restoring public peace will make them responsible for all the troubles of the future. It will be practically impossible to continue doing business. To keep up present conditions will injure both capital and labor. These mammoth institutions that derive all of their strength and support from the law ought not to object to being controlled by the law in the interest of the public good when their business course becomes oppressive to the great majority of the people throughout the United States.

Mr. DE ARMOND. Mr. Chairman, I yield fifty minutes, or so much thereof as he may desire to use, to the gentleman from Georgia.

Mr. FLEMING. Mr. Chairman, it is not my purpose to engage in a political discussion on the measure now before the House, but rather to confine my remarks to some legal aspects of certain defects which, it seems to me, should be remedied in this bill.

One of the leading objects of political economy is to cheapen production. But the real purpose in view in reducing the cost of commodities is not to confer all the benefits on the producer or maker, and thus pile up immense fortunes in the hands of a few individuals, but rather to confer these benefits upon the great mass of the people by reducing the market price of the commodities to the consumers. If the reduction in cost to the maker is not followed by reduction in price to the consumer, one great object of political economy has been thwarted and both science and civilization cheated out of their just expectations.

There are only three methods yet devised by which the prices of commodities can be determined; one is by government regulation, another is by competition, and the third by monopoly. Whatever may be said for or against government regulation and for and against competition, there never has been and there can not be more than one opinion about monopoly from the standpoint of political economy. It is wholly and unalterably bad. What is the essential element of monopoly? It is power of the owner of commodities to fix the price that the people must pay for those commodities, unhampered by government and unhampered by competition.

The defect in this system is fundamental and never can be eradicated this side of the millennium, because it rests on human greed. If all men were altruists we would not need to legislate for competition. The manufacturer would count the cost of his product, add a margin of reasonable profit, and tender his goods on the market to his consumers at cost plus a reasonable profit. But as long as human nature remains as it is the maker or producer of commodities is not and can not in the nature of the case be a proper judge as to what the public or the great mass of the people shall pay for commodities of which he himself, the judge, is the owner.

Human nature has not yet risen to that high standard of moral perfection which will justify the people under any form of government in trusting their welfare in this important respect to the power and the judgment of the men who own the commodities to be sold.

It can not be denied that great saving can be effected by large aggregations of capital. Such economies are distinct advantages to mankind. It is not the amount of capital against which statesmen need to direct their efforts or about which the people need to have fear. It is the monopolistic tendency and power which is involved in these great aggregations of capital.

Wherever we can control that monopolistic tendency we can give relief and guard against danger. The American people have not advanced sufficiently far on the road to progress or decay, whichever it may be, to accept the socialistic principle of governmental regulation of prices. In the nature of the case we can not accept the principle of monopoly and therefore under the conditions now surrounding us, we are compelled to fall back for protection upon the great underlying principle of competition. It is our only available refuge from monopoly.

Mr. Chairman, the bill now up for consideration is based upon the theory that the regulation of prices must, at least for the present, rest upon the preservation of competition. And having reached that stage, I propose now to discuss some of the special features of this bill from the standpoint of competition.

I will say here by way of premise that I intend to vote for the bill whether it shall be amended or not. It is better than existing law; it is better than nothing. There is one section which is highly meritorious, and that is section 5, which prohibits railroads from making discriminations between shippers in favor of one and against another. It puts a penalty not only on the railroad which grants the rebates, but it puts a penalty upon the shipper who receives them.

I believe that with the proper effort on the part of the Interstate Commerce Commission and the Department of Justice there is no question but what every common carrier under the law can be made to deal with absolute fairness and equality toward all the shippers of the country. When that has been done, one great step in advance has been taken toward giving equal rights to all and special privileges to none. Some of the most immense fortunes in existence in America to-day have been founded upon discriminations in railroad rates. Section 5 of this bill will, for all future time, if honestly enforced by the officers of the law, absolutely prevent that wrong, in my judgment. Therefore I

have nothing but unqualified commendation for section 5, as far as it goes.

But right here I wish to call the attention of the House, and especially the members of the Judiciary Committee, to the fact that section No. 5, in regulating the transportation rates and preventing discriminations, by its express language confines its operation to railroads and those common carriers that are subject to the interstate-commerce act, or, in other words, to the carriers who are compelled by the laws that now exist to publish their tabulated rates, and the punishment is visited upon them for violation of the published rates.

Manifestly that classification does not embrace any carrier by water. There is not a river steamboat engaged in commerce between the States nor an ocean liner that crosses the sea that will come under the operation of this law. I ask the gentleman in charge of this bill why such omission should have been made or should be continued? Why should not this House add an additional paragraph to section 5 and forbid any common carrrier, whether by land or by water, from discriminating amongst shippers?

I give my unqualified indorsement to the section so far as it goes, but I give notice now that when it is reached in the consideration of the bill under the five-minute rule I shall offer an amendment to make the principle of that section, not the language, apply to all common carriers.

Mr. LITTLEFIELD. Mr. Chairman, does the gentleman from Georgia desire an answer to his question now?

Mr. FLEMING. I have no objection, if it is brief.

Mr. LITTLEFIELD. I can give it now. It was discussed, and there was no provision made for this in the interstate-commerce law, because there was no substantial complaint made by reason of discriminations made by such transportation companies, and it was suggested that some difficulties were involved in it respecting that, and for that reason we decided not to proceed that far. That is substantially the reason.

Mr. FLEMING. Mr. Chairman, at the proper time I shall offer the following amendment. I wish to say the gentleman from Maine, so far as I am concerned, has always exhibited a liberality of spirit, seemingly with a desire to perfect the bill, and it is in a reciprocal spirit toward him I want to propose the amendment to section 5, not to change a line of it as written, but to broaden its application and make it embrace water carriers. It may be, Mr. Chairman, that the difficulties and the burdens of discriminations have not heretofore been so great on water as on land, but that they exist I have no doubt. When you stop them on land, I have no doubt they will take to water. I would like very much to see the House in passing this bill now make it apply to all common carriers.

Mr. LITTLEFIELD. Just one further suggestion, perhaps, I should make to the gentleman from Georgia; that is, that there is a practical distinction between the transportation on water and on land. That is, you have no continuity of service which would enable you to regulate the corporation carrying on the sea on steamships.

Mr. FLEMING. I admit there are distinctions, but I can readily understand, in view of the great combinations now being made in this country, in view of the fact that the prosperity of our own people is going to depend in the future upon foreign trade to a far greater extent than ever before, I can readily see that here, in its inception, we should place the penalty of the law upon water carriers as well as upon the transportation companies by land, and I shall offer the following amendment, to add as an additional paragraph to section 5:

That any common carrier, lessee, trustee, receiver, officer, agent, or representative of such carrier, who or which shall offer, grant, give, solicit, accept, or receive any rebate, concession, facilities, or service in respect to the transportation of any property in interstate or foreign commerce, whereby any discrimination or advantage is given to any person or corporation over another person or corporation, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be subject to a fine of not less than $1,000.

Now, Mr. Chairman, to go back to section No. 1 of this bill. I have several objections to that section as it is now drawn. Strange to say, there is in the bill as reported from the Judiciary Committee a remarkable omission. With great solemnity and great enumeration of details, they require corporations to file returns and strangely omit to put any penalty for failure to comply with the requirement.

There is not a corporation in the United States, if this bill is allowed to stand as it is now printed, that need feel the least fear of punishment or disadvantage of any character by simply failing or neglecting to make its returns. The practical procedure will be for the Attorney-General to file a suit against the corporation, asking for an injunction to restrain it from transporting its goods in interstate commerce. Then when that bill, after much delay, is brought to a hearing in court all that the corporation would have to do would be to file its returns. There is no punishment for failure to file the returns when called for, and a delay in such filing works no disadvantage whatever under the law.

Now, I have been informed—and I presume it is no secret, and therefore I shall pass on from this part of my argument—that the gentleman in charge of the bill acknowledges its defect in this respect and intends to offer an amendment to cover that particular point.

Mr. THAYER rose.

The CHAIRMAN. Does the gentleman from Georgia [Mr. FLEMING] yield to the gentleman from Massachusetts [Mr. THAYER]?

Mr. FLEMING. Yes, sir.

Mr. THAYER. I should like to call the gentleman's attention to the fact that, as it appears to me, this bill does not provide that all corporations shall make returns.

Mr. FLEMING. It certainly does not; I am coming to that point now.

Another objection, to which I call the attention of the House, is the fact that this bill does not compel any corporation already in existence to make any return whatever, but leaves it entirely discretionary with the Interstate Commerce Commission to say whether or not any return shall be made at all, and if so, when. But it does put upon all corporations hereafter formed the burden of filing these returns. Why should that distinction be made? Why should corporations heretofore created, trusts now in existence, be allowed to go free, without carrying the burdens that are to be placed upon the large corporations that must hereafter be formed to fight those very trusts in the open market?

Mr. MADDOX. Will my colleague allow me to ask in this connection what good will this measure do if these trusts now in existence are to be excused from the making of these reports under the law?

Mr. FLEMING. The question is a very pointed one, and scarcely needs any answer. The effect of this provision of the bill is to give an advantage to the existing trusts, and prevent the people from getting other combinations of capital in the market to fight them, and compete with them, the only way that we have to break down the monopolies now existing.

Mr. MADDOX. If Mr. Morgan and the whole combined forces of these trusts had met, and if they had had the power to suggest the frame of this measure, could they have suggested a provision which would have been more in their interest than the one which we have in this bill, and which the gentleman is now discussing?

Mr. FLEMING. I think that in some respects it would be very hard to do. But section 5 will be of some service; and if we put on the amendment I have suggested, to make it apply to water transportation, we shall reach the big ship combines.

Mr. RICHARDSON of Tennessee. Will the gentleman tell us why the committee did not amend the bill so as to make it apply to existing corporations?

Mr. FLEMING. I am coming to that. I will show what excuse the committee gave.

Mr. RICHARDSON of Tennessee. Did they overlook that in committee?

Mr. FLEMING. Certainly not.

Mr. RICHARDSON of Tennessee. I want to know why this omission took place, what reason could have been assigned against the very proper amendment which the gentleman from Georgia is now discussing.

Mr. FLEMING. I have never heard any reason that amounted to the dignity of an argument as to why corporations already in existence should not be required to file these returns. The only reason I have heard is that they say "these corporations are already on the market; they have already floated their stock; the swindling has already been done, and there is no use now of showing the people how badly they have been swindled; but we will undertake to prevent anything of that kind in the future."

Now, the weakness of that position comes in right here. We are purposing as a fundamental principle of this bill to remedy the industrial evils of the country by resorting to competition. But under the bill as now framed we put obstacles in the way of new combinations of capital getting into the market to fight the combinations that now exist. I say that this is unsound—unsound in logic, unsound in political economy, unsound in law—and there is no excuse for it. I can well imagine that if the charges which I frequently hear and frequently read in the public prints are true about the Republican party being tied to the chariot wheels of the trusts of this country, that party might not be willing to place a penalty upon those from whom it has in the past received financial aid and benefit. But upon no theory of the public welfare, upon no theory of future competition, can I find a justification for it.

Mr. Chairman, there might be one other objection. It might be said that if all corporations were required to file their returns the operations of the Interstate Commerce Commission would be impeded by the absolute unwieldiness of the work placed upon

them. I think there is something in that, although I must admit that that excuse was originated in my own mind, and not in the mind, I think, of any gentleman who favors the bill as it now stands.

But, Mr. Chairman, the practical way to solve that difficulty is to strike out that part of this section and put an amendment in requiring all corporations, whether now existing or hereafter organized, having a capital stock over a certain amount—say, for instance, $100,000—to file those returns and make no discrimination whatever between the past and the future. That is the answer to it. If you require all corporations formed in the future to make these returns, an immense bulk of work may be laid upon the Commission which ought not to be there. Little corporations of capitalizations of twenty or thirty thousand dollars can do no harm in this great country, and there is no reason why we should not place a limit of $100,000 or $200,000 upon the capital stock and require all above that to file their returns, and omit, for the present at least, as insignificant, those having a less capital stock.

Now, upon that point the report of the majority of the committee says they could not make such a limitation because they were afraid they would violate the uniformity clause of the Constitution. I am surprised at the legal lights on the committee committing themselves to such a proposition. There are but three clauses in the Constitution of the United States where uniformity of legislation is required. One is uniformity in the levying of duties, imposts, and excises; another is uniformity in naturalization laws, and another is uniformity in the bankruptcy laws.

In no other respect is Congress, in mere matter of procedure, tied down to any system of uniformity. Why, only a few days ago this House, on the recommendation of this Judiciary Committee, passed a bill varying the general law assigning one district judge to every district, and gave two district judges to one district in the State of New York. Now, where did they get the power to vary the general law?

Mr. LITTLEFIELD. Will the gentleman from Georgia yield for a question?

Mr. FLEMING. I do.

Mr. LITTLEFIELD. I call the attention of the gentleman to the fact that the report does not state it would be unconstitutional, but simply does say that grave question might be raised. That is what the report says.

Mr. SMITH of Kentucky. What kind of a question?

Mr. LITTLEFIELD. A constitutional question. I will ask the gentleman if the objection was not seriously raised by men on the Judiciary Committee?

Mr. FLEMING. Oh, I think perhaps it was. I think so; but not by myself.

Mr. LITTLEFIELD. Oh, well, I do not say it was raised by the gentleman himself. I call the attention of the gentleman to the fact that the report does not state it would be unconstitutional, but simply says that grave question might be raised. That is what the report says; I drew it myself.

Mr. FLEMING. Well, Mr. Chairman, I am glad to have that admission. The gentleman, then, does not claim it is unconstitutional, but confines his defense to the statement that there may be grave doubts about it. I say by implication I was justified entirely in making the statement I did; but now, since he has admitted that much, I suggest to him and to the other members of the House that while perfecting this bill there is no basis for any such position by the committee. I have just cited one instance where the law is not kept uniform. This Congress put two judges in one United States district court only a few days ago in the State of New York.

Not only that, but in glancing over the subject I find that while the general law is that the district judge must reside in his district anywhere, a special law was passed requiring the district judge in Florida to reside in a particular city in his district. That was not held unconstitutional. Further than that, there is a different law controlling the adjournment of the district courts in Indiana and in Kentucky from that applied to the rest of the States; and in Louisiana there was a most remarkable exception.

Mark, now, the general law requires that the President shall "appoint district judges;" but when the law was passed for the appointment of a district judge in the State of Louisiana it provided that the President shall appoint a district judge "who shall be learned in the law," thus making a distinction between that district and that State and every other district and State in the Union. The law requires that that judge shall be "learned in the law;" but no such requirement applies in any other district.

Mr. Chairman, a great improvement will be made in this bill from the side of its practical working if the House will adopt an amendment requiring all corporations, past and future, to file these returns which have a capital stock of $100,000, and that amendment will be offered by some member of the minority when the section is reached.

Mr. THAYER. Mr. Chairman, I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield?

Mr. FLEMING. Yes.

Mr. THAYER. Believing, as I do, that overcapitalization is one of the greatest evils which now prevail, I would like to ask a member of the committee if that matter was considered with a view of putting in the bill a prohibition against capitalizing water and froth?

Mr. FLEMING. Well, Mr. Chairman, I do not know to what extent it was considered in the subcommittee that had the bill in charge. The bill was before the whole committee only one day. I think they did consider it as far as they could; but, inasmuch as the States create these corporations, I confess myself I do not see how we are going to control the organization and creation of corporations in that respect.

Mr. TAYLER of Ohio. Will the gentleman yield for another question on the point he has just spoken on?

Mr. FLEMING. I will be glad to do so.

Mr. TAYLER of Ohio. Referring to the question of a want of uniformity that might be raised if the minimum capitalization of the corporation was made the limit of this requirement——

Mr. FLEMING. Yes.

Mr. TAYLER of Ohio. Whether the gentleman remembers if the Supreme Court, in passing upon the income tax case, expressed any opinion as to the propriety or constitutionality of that act, in view of the fact that no incomes under $4,000 were taxable?

Mr. FLEMING. Mr. Chairman, my answer to that question is, as I have already stated, that there are three subjects on which the Constitution requires our laws to be uniform. One is the levying of taxes, duties, and imposts. Uniformity is required in that. In naturalization laws uniformity is required. In bankruptcy laws uniformity is required. But in no other section of the Constitution is any uniformity required. Of course we must not violate the provision guaranteeing "the equal protection of the laws."

Now, the income-tax law was a law levying a tax; and if you propose to tax these corporations, I frankly admit that you could make no such discrimination, unless it was reduced to a lower amount as the best practical working minimum.

Mr. TAYLER of Ohio. Perhaps my friend misunderstands my attitude as respects his proposition. I am very sure that if the Supreme Court had had a conviction upon the subject of that limitation it could have settled the income-tax law very much more easily than it found itself able to do.

Mr. FLEMING. But the income-tax law was a taxing law. It levied a duty, and the Constitution expressly says it shall be uniform. But here we are simply engaged in an administrative procedure, requiring these corporations to file returns for certain public purposes, but not for taxation.

Now, Mr. Chairman, I wish to call attention to another serious defect, as I understand it, in section 6 of this bill. This is the section which the Attorney-General of the United States and some of his wise legal advisers consider constitutional, but which the gentleman from Wisconsin, the chairman of the Committee on the Judiciary [Mr. JENKINS], considers entirely unconstitutional. I am inclined to agree with the Attorney-General on that great legal question. I believe that Congress has the power to regulate interstate commerce in such a way as to promote the public welfare to the extent that is provided for in that section. But if the committee will give me their attention for one moment they will see a remarkable omission here. This section, No. 6, says that no "corporation" engaged, and so on, shall send its goods to any particular locality for the purpose of breaking down competition at that point.

Mr. Chairman, why is that prohibition confined to "corporations?" Why did the committee omit to put in a similar prohibition against persons? Why did they allow private individuals to carry on this nefarious kind of commerce which you propose to prohibit in corporations, and which you say is so injurious to the public welfare? Is it intended as a loophole? I ask that question because it seems to me to be pertinent. Is it intended as a loophole for escape? There is an excuse given for it in the report of the committee, in which they say they doubt the constitutionality of making that prohibition apply to persons. They are confident it is legal and constitutional when applied to corporations, but they doubt its constitutionality when applied to individuals or persons.

Now, Mr. Chairman, this is a very important point in this bill. I do not think that any provision written in it from beginning to end is more worthy of our consideration than the one I am talking about now. Why should individual citizens be allowed to do what you prohibit corporations from doing in section 6? There is no justification in reason on the ground of the public welfare, and its only excuse can be found in the fears of these gentlemen

that it might not be considered constitutional. Now, I want to address myself to that particular question.

The position of the committee assumes that Congress has in some way some power over corporations that it does not possess over a person or a citizen. I deny that proposition as broadly as it can be stated, and I say Congress has just as much power over a person as it has over any corporation that is created by a State.

Mr. LITTLEFIELD. I understand the gentleman to state broadly the proposition that under the Constitution there is no distinction between the power with reference to a corporation and to a citizen.

Mr. FLEMING. Oh, no.

Mr. LITTLEFIELD. I would call the gentleman's attention to this authority, which he can use as he goes on. It is the case of Paul *v.* Virginia, 8 Wallace, 168, and which case holds that the term "citizen," under the clause of the Constitution which provides that the citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States, does not include corporations, and therefore the immunity clause does not apply to corporations, which gives persons a great advantage under the Constitution.

Mr. FLEMING. Mr. Chairman, I have that authority cited upon my own brief, which I hold in my hand. It sustains my position, and I will show that very conclusively in a few moments, so conclusively, I think, that nobody will doubt it.

Mr. LITTLEFIELD. I shall be glad to have that shown.

Mr. FLEMING. I hold in my hand a short brief that I have drawn up, headed "Corporations and the Constitution," and I have laid down five propositions which I think will be interesting, especially to my friend from Maine. I read:

CORPORATIONS AND THE CONSTITUTION.

1. The word "corporation" does not occur in the Constitution of the United States, either as originally drawn or as now amended.
2. The word "citizens" as used in section 2 of article 3 which extends Federal judicial power to controversies "between a State and citizens of another State, between citizens of different States," etc., does include corporations. (13 Wallace, p. 270.)

The same is true of the word "citizens" as used in the eleventh amendment prohibiting suits against a State by "citizens of another State or by citizens or subjects of any foreign State."

3. The word "citizens" as used in section 2, article 4, which declares that "the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States," does not include corporations. (8 Wallace, p. 168.)
4. The word "person" as used in the fifth amendment prohibiting the Federal Government from depriving any person of property "without due process of law," does include corporations. (164 U. S., p. 578.)
5. The words "persons" and "citizens" as used in that portion of section 1 of the fourteenth amendment defining who are "citizens of the United States" and prohibiting any State from abridging their "privileges and immunities" do not include corporations.
6. The word "person" as used in that portion of section 1 of the fourteenth amendment prohibiting any State from depriving any person of property "without due process of law," and from denying to any person within its jurisdiction "the equal protection of the laws," does include a corporation. (164 U. S., p. 578.)

Now, Mr. Chairman, let us take a look at the logic of the situation. We see as a fact that the word "corporation" does not occur in the Constitution of the United States. In some places where the word "person" occurs it is construed to include "corporations." In other cases it is construed as not applying to them. Therefore do you not see that all the power we have over a corporation we get by reason of the fact that the court construes it to be embraced under "person" or "citizen?" How, then, do you get any power over a corporation that you have not over a person? The only power Congress has over a State corporation is the power which it gets through the meaning of the word "person" or "citizen."

There is absolutely no answer to this, and Congress can not put the weight of its finger upon a corporation created by a State except through the construction that the court has placed upon the words "persons" and "citizens." And yet the Committee on the Judiciary solemnly come to the House and tell us that they omit to give us power over "persons" because they are afraid we have no warrant in the Constitution. If you have not the power over a person, a fortiori, you have not the power over a State corporation.

Now, Mr. Chairman, one other objection. If gentlemen will turn to section 7 they will see that it attempts to punish a corporation engaged in transportation of goods manufactured or sold in violation of law. It is true the bill uses the word "knowingly," but how, I ask, how is the transportation agent of the railroad to know in advance whether or not certain goods in dispute are tendered for shipment in violation of this law? You constitute him the judge and jury in advance of a trial in court, and compel him upon his peril to decide right or wrong.

Under the law, if he refuses to accept the goods on the ground that they are unlawful and prohibited by this act, and it should turn out on the trial that they are not unlawful, he is liable to damages. If he does accept the goods, and upon the trial it turns out they are unlawful, he is liable to damages. You punish him if he takes them and you punish him if he does not take them. Where is the justice, where is the common sense of Congress placing upon an agent of a railroad the powers and the duties of a court—duties that require sometimes weeks and months of judicial investigation? Yet you require him to act on the instant at his peril.

Mr. THAYER. Why not make it obligatory upon the common carrier to place marks upon his goods that they are not trust made, or so mark them that the agent would at once have intelligence as to whether or not they were prohibited under this statute?

Mr. FLEMING. Every man, of course, will think his own child perfect. He is never going to put the brand on its forehead that it is illegitimate or that it is in violation of the law. That will not do.

This is an intricate question; a question that no tribunal but a court is competent to pass upon. Therefore, Mr. Chairman, I shall insist at the proper time upon this section being stricken out entirely. Now, it could be improved by an amendment, if they would add a proviso that the penalty should not attach until after some competent tribunal had ascertained that the goods manufactured and sought to be transported were in violation of law. That would help it to some extent; but the real defect of it can never be remedied except by cutting it out entirely.

I hope when the time comes, under the five-minute rule, that the members of the House will exercise their own individual judgment in this matter and will vote to strike that section entirely from the bill. I will state that there is a minority report, concurred in by the gentleman from Ohio [Mr. NEVIN] and myself, asking that this section be stricken out.

Now, Mr. Chairman, I can say with perfect ease and frankness that in this matter I am animated only by a desire to do what is just and right to the railroads. I am under no possible obligation to one in this country or elsewhere. But as a matter of simple justice I do insist to this House that we ought not to leave such a section in this bill.

I not only object to this section from the fact that it is a hardship on the railroad officer, but I object to it because of the power which it puts in his hands. Suppose, for instance, there was some manufacturing company located along the line of a great railroad, and a rival company wanted to run it out of business. All that would be necessary would be to get the ear of the traffic manager, and whisper to him that the goods of its rival were trust goods made in violation of the law, and the agent of the transportation company would say: "I can not move your goods one foot from the station." And so in a few days he could put the unfortunate corporation into bankruptcy. It is an unwise power to give railroad corporations. It is unwise for us to put such a penalty on them, and it is equally unwise to put in their hands such a power to punish some one else.

Mr. MANN. Will the gentleman allow an interruption?

Mr. FLEMING. Certainly.

Mr. MANN. The gentleman says that the bill would impose a penalty upon the railroad company which permits the transportation of trust-made goods at its peril?

Mr. FLEMING. Certain trust-made goods.

Mr. MANN. Certain trust-made goods; yes. I call the attention of the gentleman from Georgia to the fact that section 5 of the bill imposes a penalty upon the agent of the railway company which refuses to permit a transportation of goods that are not trust-made goods.

Mr. FLEMING. Of course, he catches it both ways.

Mr. MANN. So the station agent, wherever he is situated, has got to decide for himself, and decide rightly, under penalty, whether goods presented to the railroad company are or are not trust made.

Mr. FLEMING. Yes; they put the penalty on him going and coming.

No tribunal except a competent court ought to be allowed to determine such a question. I do not think there can be two opinions on that subject. Surely the gentleman who put the section in the bill must have contemplated an extraordinary situation of affairs. He must have felt that some railroad would undertake to transport the goods after they had been declared illegal by some competent tribunal. This section ought to go out, for it can not be wholly cured.

Mr. NEVIN. Will the gentleman from Georgia allow me a suggestion?

Mr. FLEMING. Certainly.

Mr. NEVIN. I am advised that the committee will accept an amendment, and I would like to ask the gentleman in charge of the bill if the committee will accept the following amendment:

Provided, however, That before the penalty named in this section shall attach, some court of competent jurisdiction or the Interstate Commerce Commission shall have first found and declared that the person or corporation engaged in the production, manufacture, or sale of any article of commerce is so engaged in violation of this act or of said act to regulate commerce.

That, I think, will improve the section very materially. I understand the gentleman from Maine to say that the committee will accept it.

Mr. LITTLEFIELD. I have not heard read the whole amendment, but if it is the one the gentleman showed me the other day, I say yes.

Mr. FLEMING. I am glad to know that the committee will accept that amendment and unquestionably it will improve the section; it will take a great deal of the sting out of it; but we would do better to strike out the section entirely. The amendment still leaves the section open to serious objection.

I will take an illustration. Suppose a thousand tons of steel rails to have been transported to a certain point and there stopped by legal proceeding. Suppose the court has declared that they were being transported in violation of law. Under the bill, even with this amendment, these goods afterwards could not be moved from the place where they were left. What are you going to do with them? Strike the section out; and if you will enforce what is left you will have enough to answer all present purposes in that respect.

Mr. PALMER. Under the amendment—you say you are in favor of that——

Mr. FLEMING. I am in favor of the amendment, but prefer to strike out the section.

Mr. PALMER. Suppose a consignment of goods should be brought to a carrier and the question should be raised, "Are these trust-made goods?" While the court is determining the question whether the goods are trust-made or not, what will become of the goods?

Mr. FLEMING. I am not the author of the amendment or the section. I want the section stricken out; but the amendment is certainly an improvement upon the section in its present condition.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FLEMING. Will the gentleman from Missouri [Mr. DE ARMOND] allow me one minute more?

Mr. DE ARMOND. Yes, sir.

Mr. FLEMING. There is another amendment to which I wished to call attention. This bill uses the words "interstate commerce." Now, "interstate commerce" does not include all that we want to have included. The bill should include commerce between the Territories, or between a State and a Territory, also the District of Columbia; and therefore some member of the minority will offer an amendment to the effect that "interstate commerce" as used in this bill shall be construed to include commerce between the Territories (including the District of Columbia) or between a State and a Territory, etc.

If the committee will only include these other amendments, as well as those which they have already accepted, I think we should come very much nearer to agreeing on the bill and making a measure in more perfect shape, which shall be of some service to the country. [Applause.]

Mr. LITTLEFIELD. I now yield thirty minutes to the gentleman from New Jersey [Mr. PARKER].

Mr. PARKER. Mr. Chairman, the question that this legislation brings before the House is, as has been shown, one of details, on which the opinion of the various members as to what is wise or practicable in dealing with the great corporations and the great captains of industry who carry on the business of this country may be as numerous as the members themselves. But with all this diversity of views, the speech of the gentleman who has just spoken [Mr. FLEMING] emphasizes the one great division of opinion as between those who believe in regulating that business and those engaged in it, and, on the other hand, those who would take the risk of its destruction.

The bill as reported by the majority recommends regulation. Its title has been changed so as to read: "An act requiring corporations engaged in interstate commerce to make returns, prohibiting rebates and discriminations and the use of interstate commerce in attempts to destroy competition, and for other purposes." It is not directed against persons or corporations, but against certain evils therein indicated.

It provides for returns of facts that will aid the law. It fixes penalties for those who accept rebates as well as for those who give them. It provides like penalties against those who attempt to break down competition by discrimination in prices. It gives a powerful remedy by injunction, as well as a tremendous remedy which will enable us to call all officers of corporations or other persons engaged in interstate commerce, and to obtain their testimony, without their being incriminated, and without their having any right to refuse to answer. Thus it is a bill for regulation. It may be improved and strengthened in that regard, but it is for regulation and control.

The other view is represented by the minority report. It recommends destruction rather than regulation. Four members unite in all the amendments there proposed. One amendment proposes that any corporation that issues stock in excess of the value of its property, or that sells any goods to any one man for a cheaper price than it will sell them to others, or that gives to anyone any rebate that it denies to others, or that enters into a combination to bring about any monopoly in articles of general utility, so as to affect the price in the market, shall be considered as having done an act of bankruptcy and shall be put into bankruptcy.

That in addition to the grounds of bankruptcy now existing by law, a corporation shall have committed an act of bankruptcy, and shall accordingly be subject to proceedings to adjudge it an involuntary bankrupt and wind up its affairs and distribute its assets, first, whenever it shall have issued stock in excess of the fair, reasonable value of its property; or, second, whenever it shall have given or offered to any person, association, or corporation any privilege, preference, advantage, facilities, discount, or rebate denied to or withheld from any other person, association, or corporation; or, third, whenever directly or indirectly it shall have engaged in any conspiracy or entered into any combination, agreement, or understanding to monopolize or aid in monopolizing any product of general utility, or so much thereof as to affect injuriously the general welfare, or to stifle lawful competition, or to control or affect injuriously the price of or the market for any commodity in general use or demand; or, fourth, whenever it shall have effected or attempted to effect any consolidation, combination, cooperation, undertaking, or agreement with any other corporation, association, or person, contrary to any law of the United States or of any State in which it shall do or offer to do any business.

Under this amendment any corporation that may sell goods cheaper to one man than it is willing to sell to another becomes a bankrupt.

By another of their proposed amendments, goods unlawfully manufactured, contrary to the law of any State against trusts, are forfeited when they come to the border.

That any property owned or manufactured under any contract or by any trust or combination or pursuant to any conspiracy forbidden by the laws of a State, and being in the course of transportation from such State to another State, the District of Columbia, a Territory, or a foreign country, or to such State from another State, the District of Columbia, a Territory, or a foreign country, shall be forfeited to the United States, and may be seized and condemned by like proceedings as are provided by law for the forfeiture, seizure, and condemnation of property imported into the United States contrary to law; and every person who shall, knowing that any property to be owned or manufactured in any of the ways above described, transport it, or cause or order, or contract for its transportation as above described, shall be deemed guilty of a misdemeanor, and, on conviction, be punished by a fine not exceeding $20,000 or by imprisonment not exceeding five years, or by both such fine and imprisonment: *Provided*, That nothing herein contained shall be held to interfere with any proceedings in a State court for the violations of any law thereof.

Again, it is proposed that the President, if he is satisfied that particular goods are made by a trust and that it has a monopoly, shall be authorized to take off the duty on those goods. We recognize this provision as one that was proposed by a gentleman who was afterwards a Democratic candidate for the office of President, and as a provision which it was afterwards in the power of a Democratic Ways and Means Committee to report, but which was never reported. It has bobbed up from time to time in party platforms. It is now gravely proposed here.

Again, it is proposed that every corporation, domestic or foreign, doing business in the United States, and having over $200,000 capital shall pay 10 per cent tax on that capital, unless the tax be remitted by the act—of whom? Of the Commissioner of Internal Revenue, who shall be satisfied that the corporation is not monopolizing any product, in which case the tax shall be reduced to 1 per cent.

These are the provisions which the bill of the minority directs against all the great business corporations and interests of the country. It proposes their destruction if they be found to have done any act beyond the purview of the law as calmly as if that destruction were of little moment. The gentlemen who sign this report have come from various remote States, traveling upon the railroad, at charges of from 2 to 5 cents a mile, in Pullman cars and with all the appliances of modern civilization.

Now, those railroads are combinations of many corporations, with monopoly of their route, representing millions of capital. They are known as the Plant system, the Gould system, the Vanderbilt system, or whatever other system it may be. This is the travel provided by monopoly. Our ancestors came to this city by stagecoach, and the law provided a rate of 20 cents a mile each way as a reasonable charge to fall upon any gentleman who wished to travel in the way that suited his position. The proposition states itself. Our food used to be brought from the nearest farm, the grain ground at the nearest mill, the cattle killed by the local butcher.

Now we get our flour from the wheat fields of Minnesota and the Dakotas. Our meats come from the great herds of the West. All this is done by combinations of capital, which have established storehouses, cold storage and otherwise, built cold-storage cars, and run fast trains until the whole country is fed by combinations of capital called corporations. The minority propose that if they have done or shall do anything against the purpose and intent of this bill they are to be absolutely destroyed—put into bankruptcy and taxed out of existence.

Our light used to be obtained from oil lamps fed by the product of whales killed by our brave seamen in the Northern seas.

Now it comes in electricity made by power stored in coal which is taken out of the earth, or by gas made from that coal, or from oil taken out of underground storehouses, hauled over railroads, or forced through pipe lines. Thus in these ways combinations of capital, millions of dollars, come to do service to the whole country. We favor no legislation which under any circumstances demands or insists upon the destruction of these great agents of public utility. They serve us as the genii served Aladdin; they have built us a palace, as it were, in a day. We will regulate and control them, but we do not intend to destroy these useful giants that are the servants of modern civilization. These are the great differences between the two views expressed upon this bill.

Now, having said so much, let us add that any law which undertakes to deal with these subjects must attack what is wrong. When a man does what is wrong, he is punished for it. The law does not kill him. It only punishes him in order that future crimes of the same character may be prevented. If any person—and by person I include corporations as well as men, and there are men in this country whom we could name who represent and hold control of all these corporations and who could do all their business with their own capital, if they so chose, just as well as it is done under the form of a corporation—if any man or corporation tries to obtain advantages that can not be justly obtained by his fellow, then we shall insist upon equality before the law.

If these corporations build up their wealth or maintain it, as is charged—I do not say proved, but as suspected—if they build up their wealth or maintain it by obtaining discrimination in freight contracts or privileges in transportation that are not granted to other people, then those privileges should be forfeited and their value given up. The claim, as I stated in 1900, is made that these great firms or corporations have obtained special rates of freight contracts, special privileges as to cars, storage, switching, telegraph, or prompt delivery of their goods, and that by these privileges they seek to crowd out competition. These matters are all within the interstate-commerce jurisdiction of the United States. They are prohibited in the most sweeping terms. I shall not read the second and third sections of the interstate-commerce act, but they cover those discriminations beyond all question. The difficulty is in enforcing it. Let us provide remedies by which that law can be enforced.

Mr. Chairman, I have my own view about what is the best remedy. Penal statutes are very hard to enforce. It may be true, for instance, that one coal mine can get its coal to market and get cars when the other does not. You find that one combination has switches and terminals and storage facilities which another corporation or person does not seem to be able to get. But how can it be proved that there was any intention to do wrong in doing this? The conditions are complicated that settle the justice of these arrangements. Provide all the criminal penalties you will, and juries will not hold that there is such a breach of the law as to send a man to State prison or to put him under the ignominy of conviction of crime.

I have always proposed and I shall insist before this House that the proper remedy is this: In a civil suit let the United States be authorized to sue any person who has received a rebate or special privilege for the value of the special privilege or rebate which is sold and received against the law. I will read this provision:

> Any person who shall receive from any common carrier any benefit or advantage, whether by rebate, special privileges or contract, or otherwise, which benefit or advantage is prohibited by an act to regulate commerce or by this act, shall be liable to pay to the United States the value of such benefit or advantage, to be recovered with costs in an action of law brought by the United States in any circuit court, which action may be instituted by the Attorney-General.

I think I may say without impropriety that this provision was favored by the majority of the members of the committee, but that some of the members thought that there should be further provision that the action might be brought by an informer on a moiety, while some thought it ought to be only a simple action, as I propose, by the United States. Because of that difference of opinion the amendment fell.

I maintain that a suit for damages is much more efficacious than any proceeding upon a criminal charge, first, because the United States will not have to prove intent; secondly, because it can get all the evidence you desire without incriminating anybody, from the officers, from books, or from the person who receives the rebate, and thirdly, because the penalty is a hundred times greater than any fine which any court could ever impose. The value of these unjust discriminations may in some cases run into the millions. Those views governed me in reaching the conclusion which I urged in 1900 and which I urge now, because it is an efficient and direct remedy to enforce the payment to the public of rebates wrongfully received.

Mr. Chairman, let us have no sympathy whatever with the endeavor to pull down corporations as such. Let us have no sympathy whatever with the idea that we should attack the machinery by which men unite to serve their day and generation. The whole course of our business transactions shows that business as well as government has adopted the motto which united our States in one, the motto that in union there is strength—E pluribus unum—the motto that proper combination will do the work of the public better than it can be done by each particular person. And at the risk of losing some time, I wish to make one reference to the allusions that have been made to my own State.

It has been called the home of trusts. It is attacked because it receives a revenue from corporations and because great corporations, honest corporations, good corporations, prefer to go there and to pay the State taxes, rather than to go elsewhere. There are good reasons for this. The first is that in all the neighboring States and in the great metropolis of this country "Jersey justice" is famous, and stockholders know that when they subscribe to a New Jersey corporation they are under the control of strong courts, civil and criminal, which enforce the law and will protect them in their rights.

The second reason is that the State of New Jersey has always maintained that a corporation as well as an individual has the right to do an honest business like an individual without interference, as long as it does it honestly, and provided it is a private business.

The third reason, strange to say, is because New Jersey taxes the capital stock of corporations at its par value. We have very little belief in the power of any combination of individuals, commissioners or otherwise, to value the property that goes into capital stock. The value of a patent is a very indeterminate article' and many corporations are for patent exploiting. No commission can value a patent.

The Government of France has always maintained the right to approve the assets of any corporation before its stock goes upon the Bourse, and the result has been a state of corruption with reference to such great corporations as the El Paso and Pacific Railroad and Panama Canal as has sometimes pulled down the Government and changed the administration. Government by commission is not republican. The people are jealous of any such power to value corporate assets. New Jersey assures herself of that value in a practical way; she taxes every corporation a very small amount, one-tenth of 1 per cent, upon the total amount of its issued capital stock without reference to value.

Those that have value behind the stock last. Those that have no value behind that stock and are mere watered companies fail, because they can not pay that little tax, the forfeiture of their charter made, and annually the charters of numerous corporations in New Jersey are declared forfeited. Those that last are those that have value, and it has been recognized to be a recommendation of any corporation that it is able to last under that New Jersey law, which requires honesty, and under that New Jersey taxation, which requires likewise honest valuation of its capital stock, by putting on a tax that dishonest valuation can not pay.

Under these circumstances it is no wonder that the corporations have crowded into that State and that as the result of good courts and equal justice to all, rich and poor, it receives a revenue which, oddly enough, is rather objected to by those who come from other States. Let us say to the objector, "Go thou and do likewise."

Mr. Chairman, we come now to a more difficult question. The rates charged by railroads engaged in interstate commerce are and ought to be thoroughly under United States jurisdiction.

The great principle is that where the law creates any monopoly the prices charged under that monopoly must be regulated by law and made equal to all, because competition is gone. This principle is all pervading. If the law gives licenses to cabs in a city, so that no one but a licensed cab can transport passengers, it has the right to say at what rate passengers shall be carried. If it establish a railroad and give it a monopoly of its line from one place to another, it likewise requires equal and reasonable rates. Perhaps the principle might properly be extended to patent rights.

There have been some abuses whereby owners of patents and trade-marks have refused to sell their goods at reasonable rates unless the purchaser would buy other goods of them. But it has not yet been necessary to go so far. It is only an example of how far the principle may be regarded as universal. Where there is fair competition the law may trust the competition to establish the price.

Where there is no competition and competition is forbidden by law, by reason of the grant of a legal monopoly—and there are many such besides those I have mentioned, such as corporations that run water through the streets, telephone companies, trolley lines, gas and electric companies—naturally and necessarily, as a Government monopoly has been given to them, the Government owes it to the people to say that while the company shall receive a fair profit upon their investments, some arrangement shall be

adopted by which their rates shall be such as to give the benefit back to the people, so far as is not necessary for that fair profit.

Mr. WM. ALDEN SMITH. Will it interrupt the gentleman if I should ask him a question at that point?

Mr. PARKER. I yield to the gentleman.

Mr. WM. ALDEN SMITH. What I desire to ask is whether the publicity feature of the corporation laws of New Jersey is as large as that contained in this bill?

Mr. PARKER. Entirely as large, except that the provision for an affidavit as to value of their plant is, perhaps, not as broad as that contained here.

Mr. WM. ALDEN SMITH. Are these reports accessible?

Mr. PARKER. Perfectly, and abstracts are printed. We have a book of about 500 pages which gives all the information concerning them. But let me return to companies using the streets. In other lands they have established rules by which, when the profits of these street corporations are above a liberal dividend of 10 or 15 per cent, the balance above that shall be devoted toward taking up and canceling the stock into the treasury for the benefit of the city. A different rule must apply when these companies have been long established and their securities are in the hands of honest holders. That value must first be taken care of, and the principle can only be applied to prevent further stock watering. This regulation of local public corporations is not in this bill.

It is mentioned only as an example that can fairly be made of the great principle, that private business may fairly be left in most cases to the regulation of free competition, as long as that competition is not stifled, but that corporations doing a public service stand on a different basis, that they are created by the various legislatures or even by the United States, with monopoly of routes and monopoly of franchises, and are necessary public instruments for doing the business of the public, and because of that fact need to be regulated.

It is not yet settled how this should be done. Perhaps the laws of the United States might set an example here in the District of Columbia or the Territories as to these smaller local monopolies. This bill deals with the larger questions of interstate commerce. The interstate-commerce law requires equal rates, and its provisions only need to be perfected. Reasonable rates involve another question. All the older railroads in this country had rates imposed in their charters, but when the progress of business has been such that these very monopolies have all reduced their rates for transportation of passengers and freight to a mere tithe of the amount allowed by law it would be futile to interfere with rates by legislation.

Fortunately, America has little to complain of as to exorbitant rates, for even a monopoly can be trusted to reduce its prices enough to get business. The great monopolies of oil and coal keep their prices down low enough to get business in oil and coal. If the coal magnates owned all the anthracite coal in the country they would not dare to put the price of coal up so far as to drive it out of the market. If the price be run up, people would find some other way of keeping warm with less fire. Smoke-consuming devices would be perfected, or something would be done that would destroy the anthracite market. Free competition will take care of the business of the country, if only it be free.

Mr. FITZGERALD. Will the gentleman permit me to ask him a question?

Mr. PARKER. I can not be interrupted. I have only a minute or two left.

Mr. FITZGERALD. It will only take a minute.

Mr. PARKER. I have only about two minutes left.

Mr. FITZGERALD. Will the gentleman explain why the Standard Oil Company put up the price of oil at the time that there was a famine in coal?

Mr. PARKER. I ask that this interruption be not deducted from my time. One other great matter may some time come before the people of the States and of the United States, one other great matter that is perhaps outside of all that I have spoken of. There is a rule of law that many things are unlawful when done by a combination which would be lawful when done by a single man.

If all the people of a town combine to refuse to buy of a certain man or to sell to him, it would be criminal. It would break up his business, and if it was continued it would drive him out of town, and therefore it becomes a crime. We have single men in this country (not to speak of corporations), that I could name, the extent of whose business and organized power is such that they are more powerful than a hundred of such combinations as the old rules of the common law dealt with.

There may a question come, how this case is to be solved. Perhaps the actions of a man who controls so great an organization shall be governed by a different rule from that which governs other single individuals. They are giants on the business pathway. Ordinary men must not run into others. But the giant may be held, perhaps, to more strictly rule in his walk than a private individual, lest he trample others under foot. But there must be one rule for great and small.

The time may come when there will have to pass laws whereby if any man should manipulate prices, not with the intention of ordinary trade that is to make profit, but with a declared and proved intention to ruin another man, some penalty shall be imposed. But that legislation should be by the States. Let them try this experiment. The injury will be done in the States to local industries, and can not be done in any other way.

If there be a deficiency in the powers of the State to get at interstate commerce perhaps we may have to give the States power over deliveries free from the original package limitation.

But I do not believe that radical legislation will be needed. Competition on the whole is able to take care of any overgrown, ballooned, overfattened or overwatered corporation that ever existed.

Mr. WM. ALDEN SMITH. That is the theory of protection, that it gives all men the right to compete with one another.

Mr. PARKER. Yes, the theory that all men can compete. Away with the theory that we are not able to compete with anybody else, if he only fights fair; away with the theory that for that reason we should pull down the tariff wall and destroy industry in this country from one end of the land to the other. Remember that to pull down any industry will destroy and affect them all. Away with the theory of destruction! This bill and the majority of the committee stand for eqality of all men, rich or poor, before the law, not for the destruction of any man or any corporation, but for the regulation of the business of all men, rich or poor, so that in that business they shall allow free and full competition and shall do nothing but what is absolutely fair. [Prolonged applause on the Republican side.]

I beg to print herewith my report and views on this bill. They are as follows:

[House Report 3375, part 3, Fifty-seventh Congress, second session.]

BILL REQUIRING RETURNS FROM CORPORATIONS, PROHIBITING REBATES, ETC.

January 31, 1903.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. PARKER, from the Committee on the Judiciary, submitted the following views (to accompany H. R. 17):

The report of the committee is unanimous in favor of the bill, each member reserving the right and duty of informing the House where certain sections may and should be bettered.

SECTIONS 1, 2, 3, 4.

Sections 1 to 4 provide for sworn returns that will provide valuable statistics as to corporations engaged in interstate commerce, and will, it is hoped, protect against overcapitalization. It is noted that the scope of the bill applies only to such corporations aware engaged in interstate commerce, and not to local companies having monopolies of the public streets for gas, water, trolleys, telephones, etc. (over which the United States has jurisdiction only in the District of Columbia and the Territories), in which the question of overcapitalization is perhaps of more importance, but must be reserved for further legislation through appropriate committees.

The requirements of these sections as to returns are practically those enforced in each State as to its own corporations, and the massing of the information can not fail to prove of value.

SECTION 5.

This section deals with what is probably the paramount question, namely, the prevention of rebates, special privileges, and advantages in interstate freight contracts. It is by the aid of such unlawful privileges and advantages that the great monopolies of the land are believed to have been built up and maintained. The interstate-commerce law forbids all such advantages, but its penal provisions have utterly failed to prevent them.

They perhaps usually consist not in rebates of money, but in special privileges as to which it is difficult or impossible to prove criminal intent, so that prosecutions of the carrier under that act have generally failed, and prosecutions of the shipper under section 5 will probably be just as futile.

A remedy is wanted that will put in issue not the question of the intent with which a special privilege is given, but the question of fact whether it has been actually given. For this purpose many members of the committee believe that a simple action at law to recover the value of the rebate, special privilege, or advantage will have a much better result.

In such an action the defendant can not plead the purity of his intent or refuse to testify for fear of criminating himself, or do anything except to ask a fair trial of the question whether his contract, privileges, or freight rates are valid under the law of the land. If he have received unlawful advantages, recovery will be had, not of a mere fine, but of the full value of these advantages.

It is therefore proposed to add to section 5 (or substitute for it) the following:

"Any person who shall receive from any common carrier any benefit or advantage, whether by rebate, special privileges, or contract, or otherwise, which benefit or advantage is prohibited by an act to regulate commerce, or by this act, shall be liable to pay to the United States the value of such benefit or advantage, to be recovered with costs in an action of law brought by the United States in any circuit court, which action may be instituted by the Attorney-General."

It is fair to add that some members of the committee favored adding to this the following language:

"Such action may be instituted by the Attorney-General, or, by leave of the court, by any other person as informant, after notice to the Attorney-General to bring such suit. Such informant shall receive half the amount recovered in such suit instituted by him, but shall pay the expenses thereof: *Provided, however*, That such informant shall not dismiss or settle such suit without leave of the court, after notice to the Attorney-General of district attorney of the district wherein such suit is brought, and in case or such notice of application for leave to dismiss, or on notice to such informant by the Attorney-General, or in case such informant unduly delays or fails to prosecute such suit, the Attorney-General may be ordered by the court to assume said suit, and said informant shall lose all interest therein upon

proper terms as to costs and expenses already incurred by him, to be settled by the court."

Some also favor allowing recovery of double the value of the rebate when intentional. But suits by informants or for penalties are so disfavored by courts and juries that, in the complications attending the conditions of trade and the reasons for freight rates, it seems wiser to leave the grosser cases to the penal provisions of the present law, while providing a civil remedy by which anything illegal may be corrected, even if done by mistake or in the utmost good faith. The suit proposed appears adapted to that end.

SECTION 6.

This section prohibits all interstate commerce to any corporation that attempts to secure local monopoly by discrimination in prices.

The section is a new departure in the law. Its effect can best be realized by instances. The corporation may be within or without the State where the local monopoly is attempted.

For example, a corporation carrying on a general or department store in some town of a State may, by lowering prices on one article temporarily, drive out of business all the local dealers in that article, no matter what it be. In this case the section would prohibit the corporation from buying the article from another State. Or the corporation may be a manufacturer or wholesale dealer in that article outside of the State and may temporarily favor prices to one local dealer who does business exclusively with them, so as to drive all other local dealers out of trade. In this case the section prohibits the corporation from sending goods to the State.

It is plain that the injury in each case (if made one by law) is in underselling in the State in question. It is an injury done there and to local dealers of the State. That State may punish, if it be proper to punish. The jurisdiction of the United States is more doubtful.

It is true that in the second instance the State can not always exercise jurisdiction, for if the goods are shipped in original package the State can not touch them, and the shipment is part of interstate commerce and part of the transaction.

This matter of a "boycott," and of underselling small dealers by large concerns, has in modern times reached an importance which was unknown before the great concerns had grown so great. The law may have to find a remedy. It is, perhaps, doubtful whether the United States has jurisdiction to make sales illegal within a State which are not prohibited by the law of the State and create only a local monopoly. That State law can create this illegality, and until the State takes action the United States may not have the right to deny to any man, or any corporation, the right to use the facilities of interstate commerce. The courts will construe this section as to its constitutionality and decide whether the whole question of local monopolies and local boycotting of trade must be left to State law.

A United States statute might assist State jurisdiction by providing that any article of commerce shipped from one State or Territory into another to or by any person attempting to monopolize or control the production, manufacture, or sale thereof in any particular locality in the State or Territory by discrimination in prices, or by giving special privileges or rebates, or otherwise, in order to destroy competition therein in such locality, such articles of commerce, from the time of entering or of arriving within the boundaries of such State of delivery, shall become subject to the operation of all the laws of the said last State, preventing or remedying such monopoly or control by the aforesaid means and with the above intent.

Such a provision might be added as a new section. But the whole question is a difficult one.

SECTION 7.

Section 7 provides that any railroad corporation knowingly transporting any such articles of commerce or any property produced, manufactured, or sold in violation of the Sherman Act shall be subject to $1,000 penalty.

For the railroad company to protect itself its officers must act as judge and jury to determine whether any article is trust-made or not. If it determine that the article is shipped to aid a monopoly, it is to stop all the business of the corporation concerned. The proposition states itself. The law can not properly blacklist goods before trial, and the man who has the property has the right to sell. Any such restraint upon transportation would simply result in shipping by a jobber or exporter instead of by the manufacturer, whereupon the act utterly fails to apply.

Section 8 relieves witnesses from liability to punishment for testimony given and will have a wide and beneficent effect.

Section 9 gives a remedy by injunction, which is wise and far-reaching.

Section 10 allows the bringing in of absent parties.

Section 11 allows a suit for treble damages caused by any acts forbidden, and is properly adopted from existing law.

Liberty is taken to refer the House to Report No. 1506, Part 3, Fifty-sixth Congress, first session, as to an amendment providing for civil suit for the value of rebates therein suggested, as printed on pages 6492 and 6493 of the RECORD.

R. WAYNE PARKER.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. OLMSTED having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

S. 6881. An act for the relief of James L. Elmer;

S. 7145. An act granting an increase of pension to Rosetta E. Rafferty; and

S. 7223. An act providing for the interment of the remains of Marie Irene Donaldson and her daughter, Marie Irene Donaldson.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

Senate concurrent resolution 64.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he hereby is, authorized and directed to cause to be made an examination and survey of the Delaware River at Philadelphia, with a view to extending the improvement thereof above Christian street as far as Allegheny avenue, and to submit plans and estimates for such improvement, the cost of the work herein directed to be paid from the amount available for the improvement of said river below Christian street.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 15449) to increase the efficiency of the Army disagreed to by the House of Representatives; had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. COCKRELL, Mr. QUARLES, and Mr. FORAKER as the conferees on the part of the Senate.

TRUSTS.

The committee resumed its session.

Mr. DE ARMOND. Mr. Chairman, I now yield twenty minutes to the gentleman from Kentucky [Mr. GILBERT].

Mr. GILBERT. Mr. Chairman, there is a story found in the Folk Lore of Northern Europe to the effect that a certain peasant met a series of misfortunes. His barns were burned, his grain rotted in the fields, his cattle had the murrain, and this peasant concluded that some dreadful hobgoblin was pursuing him, and he determined to watch for this monster and slay him. So he sat up nights and peered about through the darkness, and finally he got sight of this big and shadowy demon. With a yell of triumph the peasant drew his sword and ran to catch this monster. He finally overtook and seized him, and with desperate energy the peasant drew back his sword to slay the monster, when the spook turned, and, lo! the face of the spook was his own.

So the Republican party is pursuing the trust, and the spook eludes them in the darkness. The evils of the political body politic are surely great enough. In the midst of the greatest abundance of coal the poor are without fire and the rich are charged enormous prices. With the greatest railroad systems in the world, rates are pooled and advanced in the interest of one shipper and rebates are given to build up the private fortunes of another. With fat cattle grazing upon every hillside, the beef trust forces the home consumer to pay larger prices than are paid for our cattle when shipped abroad, and the ship-subsidy schemers are here clamoring for $180,000,000 to help them transport the beef for the benefit of themselves and the foreign consumer.

With oil wells everywhere, one corporation dictates the price of it all. Yes; these are evils, and the trusts are the hobgoblins that cause it all. Let us watch and wait for a sight of this spook, armed and equipped to destroy the monster. Let us watch and see what the face of it is like.

The President in his first speech against the trusts, at Pittsburg, reared and ranted against these monsters, and wound up his speech by winking and blinking at Mr. Frick, and then went home with him to dinner. When Mr. Frick comes to Washington he dines at the White House, the most honored guest of the occasion. Of course, everybody has forgotten the ringleaders of that conspiracy to bring the Pinkerton detectives from Chicago and New York to guard the Homestead factories near Pittsburg. We have all forgotten that arrangements were made to bring these detectives a week before the strike began.

The last national convention of the Republican party met at Philadelphia and fulminated a broadside against "industrial combinations in restraint of trade." But everybody knows that that committee on resolutions met at the cottage by the sea of Mr. Griscom, who was then, and still is, the president of the International Navigation Company, and has for years been heading the ship-subsidy steal. He is the head and front of that gigantic scheme by which the promoters are seeking to obtain $180,000,000 out of the public Treasury to place it in the pockets of that corporation, not to enable them to transport merchandise and other property across the sea any cheaper, but to enable them to do so as cheaply as these things are already being carried without the subsidy.

We all know that Mr. Carnegie made a great fortune by organizing a monopoly and trust in the manufacture of structural iron and steel, and in armor plate for the Government, and we know that he sold this at enormous profit, at prices fixed by a trust of which he was the ringleader. We know that he sold armor plate across the sea to foreign countries cheaper, much cheaper, than he would sell it or could be induced to sell it to his own Government. But he made a fortune, and that is enough to make him an ideal Republican, and it is rude and plebeian to raise any question about how it was made. He is giving away large parts of his fortune in building libraries, and when he comes to town the President and Cabinet, Supreme Court and Congress, and all the lesser lights and the rag-tag and bobtail of the party gather around to do him honor, and admire and smile and fawn in the sheen and halo of the great benefactor.

The Standard Oil trust has perhaps been guilty of more big and little acts of meanness than any of the trusts. It has crushed more private enterprises and driven more people to pauperism than any of these greedy monsters, and yet all that is necessary to make a saint out of Mr. Rockefeller is for him to present a million or two to some college or church and all the crimes of the trust are forgotten and forgiven. The preacher clutches at the gold and smiles over the benefaction, while the college professor changes his curriculum to suit the great and good man. The professor pockets the increased salary and points the boys to the great model for them to follow. The price of oil is advanced a cent or two on the gallon and this great and good man makes

twice as much as he gave away, and, he too, becomes a "captain of industry" worthy of all praise. Surely, if there are any trust monopolies in this country, J. Pierpont Morgan has taken a leading part in bringing them into existence. Surely, if the promoters and organizers of trusts are to be regarded as criminals, he is the chiefest sinner. And yet, where is the drawing-room or club in which he is not a welcome and honored guest?

In the vague darkness somewhere you imagine there is a spook you call a trust, but as soon as one of these magnates who spends his life organizing these trusts, and who has grown fat and rich from the spoils appears out in the daylight, you doff your hats to him as one of the captains of industry. You make him the lion of society and the hero of the hour. Laws are worthless unless they express the real and honest sentiment of the people, and so long as a vicious sentiment exists which panders to wealth for its own sake your statutes will remain unexecuted. The man of millions is wined and dined, and it matters not how he lied, robbed, and cheated to obtain his fortune.

Are the trust magnates criminals? Do they in truth deserve ball and chain? Should they in fact be placed in the penitentiary for a year and fined $5,000? If so, why wait until the Attorney-General starts the prosecution? Why not make it the duty of every circuit and district judge to give the statute specially in charge to every grand jury and make it the duty of every district attorney to ferret out and prosecute these criminals? You do not wait for the Attorney-General to start prosecutions for counterfeiting, for forgery, or for violating the revenue laws, and why wait for the Attorney-General to prosecute the trusts.

If I had my way I would make it the duty of the circuit and district judges to call the grand juries' attention especially to the antitrust law and the duty of the district attorney to prosecute, and I would make it a felony for the Attorney-General to interfere to stop the prosecution. You propose to make a special class out of those trust criminals. You start out by giving them the stamp of respectability not accorded to other criminals in providing that they are not to be prosecuted at all until the Attorney-General says so. If you intend to regard these violators of this statute as real criminals give them the same treatment as are given other criminals. If you do not intend to regard them as real criminals then throw your bill into the wastebasket and stop trying to make yourselves believe and stop trying to make the country believe that you are in earnest.

No, gentlemen, the trouble is not the want of legislation. We could prosecute and convict every trust magnate in the country under the common law. Besides for more than twelve years the Sherman antitrust law has remained virtually a dead letter upon the statute books. The trouble is the want of an honest, healthy public opinion behind the law. The history, tradition, and policy of the Republican party have all along gravitated toward enthroning the dollar and debasing the man, and the controversy about the gold standard was an external manifestation and symptom of a broader and deeper national controversy. It was a struggle between American manhood and American commercialism. The money changers won the day and are now in the saddle. They are carrying the flag to the Orient. They are writing the platforms, selecting the candidates, and furnishing the spoils for political campaigns. You start out in search of a trust monster and wind up by finding a captain of industry.

We must reverse the whole policy of the Government and teach the people higher ideals. Let us begin by legislating for the masses, and stop legislating for the classes. Let the people and not the corporations control the country. Let us teach the people that palaces and millions are disgraceful unless honestly acquired. Let the poor man and the rich be equal before the law. Let us go back to the old landmarks and ask if the man is honest and capable, and not seek candidates because of their ability to debauch the ballot box and corrupt the elections. Teach the rising generations that

> Honor and shame from no condition rise;
> But to act well their part, there all the honor lies.

These things may become old and stale and tiresome by constant repetition; but we must not forget the magnitude of the evils that have grown up in this country by a long-continued and persistent course of unwise legislation. And lapse of time should not be allowed to mellow into forgetfulness the real causes of these bane ful trusts.

During all the history of modern Europe and America there have been two great political parties underlying the social and political revolutions that have extended from Runymede to this hour. One party has been willing to stand by the Crown and strengthen the arm of the King; the other party has constantly clamored for the rights of the people, and has struggled against the moneyed aristocracy and against kingly prerogatives. One party favored a strong government, and was always ready to enlarge the scope of royalty, and to thank God for the divine right of kings, and the passive obedience of the subject. The other party struggled for the rights of the people, and through many centuries battled to lift the masses from the condition of serfdom of the peasants of the middle ages.

These two great parties have battled from one end of English history to the other, and from the settlement of Jamestown to this day. In Scottish kirk and Catholic conclave, in Puritan assembly and Presbyterian synod, in Parliament and in Congress—everywhere these parties, under the guise, sometimes of religious nonconformists, and sometimes in the shape of political organizations, have waged a war of words and arguments for and against monarchy and the established church.

When heated debate and learned discussions failed, these opposing factions, time and again, met upon the "tented field," and in the fiercer conflicts of war fought for the truth of their causes. These parties have builded their own monuments, and have left unmistakable signs behind them which we may read and which are scattered all over England and America.

These monuments show the wisdom or folly of their teachings and the success or failure of the one party or the other. Each of these parties has had its period of mastery, and each in turn has been forced to yield to the superior genius and power of the other. To that political party favorable to the rights of the people and struggling for their elevation can be traced almost every step of English and American progress. To that other party, devoted to the King and willing to widen his domain of power, can be traced every period of tyranny, every period of oppression, and every retrograde movement of the Anglo-Saxon race. That party of the people forced Edward the First to repeal the laws in favor of purveyance and wardship. It was the growth of that party of the people that established the House of Commons, and they came to the front holding the purse strings of the nation. These representatives of the people in the House of Commons, after centuries of struggle, established the right in themselves to levy the taxes, and they built up through this same agitation the farmer and merchant class that have become the intelligent, wealthy middle class that now rules England.

That party of the people made James the First recall the banished ecclesiastics to their native land. That party of the people was in power when Charles the First was made to sign the petition of right, and when Charles the Second was compelled to grant the writ of habeas corpus. It was the party of the people that struggled against the tyranny of the Stuarts and achieved a parliamentary reform that constituted the glory of the revolution of 1688. That party of the people has gradually elevated the masses of the English race, and have gradually shorn the nobility and gentry of their hereditary claims to be booted and spurred to ride over mankind. The growth of this party of the people has narrowed the House of Lords into the smallest compass and curtailed the prerogatives of the Crown until these have virtually disappeared altogether. This party of the people came to the front in the reform measures of 1831, by which the elective franchise was extended to almost every citizen, and this party repealed the corn laws, and by the genius of Richard Cobden and John Bright this party of the people has made for England that vast empire "upon whose dominion the sun never sets."

In a word, this party has furnished almost every good thing England has had for five hundred years. From Chaucer to Shakespeare, from Shakespeare to Dr. Johnson, from Dr. Johnson to Gladstone, from Gladstone to the present Earl of Rosebery, who is to-day clamoring for home rule for Ireland, and who denounced the government for its miserable treatment of the Boers. "Look on this picture and on this."

To that king-loving party on the other hand can be traced most that is odious and mean in English history. That party was in power when Henry the Eighth married and murdered as many wives as he pleased, and confiscated the property of the monasteries because the church would not sanction his crimes. This royalist party was in power when England's religion had to be changed to suit the conscience of the person who occupied the throne, and the conscience of every subject had either to yield to the dictates of the Crown or be subjected to a religious persecution.

This royal party was in power when Queen Elizabeth established those monopolies that so stifled the trade of England that thousands died of starvation. This party was in power when the court of high commission and the infamies of the star chamber became a terror to the people. That party devoted to the king was in power when James the First made it a felony for a Jew or a Catholic to set his foot on the island of England, and when he forced the doctrine of the divine right of kings to be read from every pulpit in the Kingdom. That party of the king was flourishing at the head of the nation when Charles the First levied ship money without the consent of Parliament, and with his hired myrmidons laid waste the fair fields of Scotland. With the sword in one hand and the firebrand in the other this monarch invaded the Emerald Isle and made Ireland "the saddest island of the

sea." That royalist party came again into power when the court of Charles the Second became the most dissolute in Europe, and when favorites of the court were allowed to farm the revenues and to spend the taxes wrung from the people upon the silken harlots at Whitehall.

This party was in power when the Duke of Buckingham sold, under letters patent of the Crown, the exclusive right to make shoes to one man, and the exclusive right to make tinware to another, and so on, thus establishing the meanest monopolies that ever existed. This royal party was in power when Francis Bacon was keeper of the great seal and sold the judgments of his court to the highest bidder, and when James the Second sent Lord Jeffreys out upon those bloody assizes, when, for supposed political offenses and without a trial, women and children were hanged and their bodies hung upon stakes by the roadside to rot.

Our ancestors, driven from the old monarchy of England, brought to this country the doctrines and traditions for which they had vainly struggled and battled, and planted them in the forests of the New World, and the struggle went on between the lovers of liberty and the adherents of royalty. From the settlement at Jamestown and Plymouth Rock through all the history of the colonial period these political controversies continued, and these struggles for liberty still are to be found in the prevailing sentiments of the political parties of to-day.

The Declaration of Independence and the Constitution of the United States were not the creation of a day, but they were only the full-grown expression of political principles that had been growing and maturing through all the history of England. The doctrines of that party of the people, and the doctrines of the heroes of the American Revolution, and the doctrines of the Democratic party are to-day substantially the same. On the other hand, the underlying principles of the old royalist Tory party of England, and the doctrines of the adherents to the Crown during the days of the American Revolution, and the doctrines of the Republican party to-day are substantially the same. The Tory party of England, like the Republican party of this country, advocated favored classes to be supported by taxation of the masses. That party favored the building of great fortunes by monopolies and smiled at the grandeur of the English landlord. That party favored a strong centralized government and gloried in the glitter of the crown. In every essential feature the old Tory party of England loved the same things and hated the same things that are loved and hated by the Republican party of to-day. Just as in England almost every great landlord and prince of the blood is a Tory, so in this country almost every millionaire, every factory lord, and every mining king is a Republican. Just as in England, being a manufacturing country, Tory interference with the rights of the citizen built up great landed estates, so in this country, we being an agricultural people, the interference of the Republican party has built up a protective tariff and princely fortunes for the manufacturers.

Hamilton and his school were English royalists, Americanized, it is true, but still tinctured and permeated with the sentiments and prejudices of the same ancient faith; while Jefferson and his followers, upon the other hand, inherited the old faith of the Roundhead and Whig of the mother country. So on down through all of our political history the same old creeds, modified a little by time and the exigencies of the hour, still remain to-day. You might send one of our leading Republicans back across the sea to England and he would be found to-day a loyal Conservative, devoted to the "integrity of the Empire." He would have applauded Salisbury when he declared that not one shred of Boer independence should remain. Whereas if you should transport a genuine Democrat back to England he would be a Liberal, clamoring for home rule in Ireland, and he would have applauded Gladstone and would have rejoiced at the prospective independence of the South African Republics. Everybody knows that the sympathies and tastes and sentiments of the controlling elements of the Republican party are upon the side of the capitalists and "captains of industry," and everybody knows that the underlying sentiment that holds the Democratic party together is its sympathy for the struggling masses of mankind.

Charles the First lost his crown and his head for levying ship money without the consent of Parliament; our forefathers flew to arms and fought the battles of the Revolution because England undertook to impose a trifling tax under the odious stamp act; and yet we are to-day patiently submitting to the greatest burdens of tariff duties ever imposed upon an English-speaking people, and taxes, too, confessedly not needed by the Government, but imposed for the private gain of favorites of the Government. These taxes are imposed upon the people in order to swell the fortunes of factory lords and railroad magnates and mining kings, who live in marble palaces at home and who are spending abroad in traveling over Europe in royal splendor fortunes filched from the working classes and consuming classes of our own country. Millions of dollars in the shape of tariff taxes are paid every year by the working classes of this country into the pockets of these favorites of the Government, and then these nabobs go abroad every summer and spend these millions among the ragged and wax-headed counts of the Old World. They spend it in lounging in the perfumed baths of Baden Baden or they fling their gold across the gambling tables of Monte Carlo. And yet you are seeking to destroy the trusts! Let us teach the people that the man who wrecks a railroad is no less a scoundrel than the man who robs a bank. Let us proclaim the truth, that the men who monopolize and corner coal and beef and freeze and starve the people are no better than pirates, and that all thieves and robbers, especially the big thieves and robbers, are to be kicked out of decent society and are to be captured and punished.

The Republican party through all of its history has been and still is a party devoted to the interests of the classes and indifferent to the wishes and wants of the people. Posing as the friend of the laboring man, it relaxes the rules against Chinese immigration and fills the mines and factories with pauper labor imported to break down labor organizations and lower the rate of wages. It made the greenback a legal tender in payment of the soldiers, the farmer, and merchant, but not good enough to pay the interest on the bond. This Republican party enabled the rich to buy the bonds at 50 cents to the dollar of gold and then made the bonds payable in gold and doubled the fortune of every bondholder. With greenbacks or with silver bonds could be purchased at par when gold was worth two to one, and then the value of the bonds was doubled by demonetizing the silver and making all bonds payable in gold. I am not talking of 16 to 1. I am speaking of those years of legislation when the trust evil started, when vast millions were donated to bondholders, and when your national platform denounced the Democratic party for its efforts to demonetize silver. Aggregated wealth and an idle and insolent aristocracy have been the curse of every government and of every land.

Whether the plutocrat has been the long-finger-nailed nabob of the Orient, or the bloated blatherskite of our Western protective tariff system, his greed and power in every age "have made countless thousands mourn."

You are the architects and builders of these trusts, and all of the people are reaping the harvest you Republicans have sown.

Your protective tariff has operated to tax all the people in order to put the money into the pockets of a few manufacturers. While the wealth of the country has been produced in the North, and South, and West, yet the East—the poorest by nature of them all—has become possessed of more wealth than the North, the South, and the West combined.

All of this is by reason of a century of unfair and vicious legislation. You are now scheming to consolidate two vast Territorial empires into one State. Arizona and New Mexico are to be consolidated into one State for the purpose of still allowing the small and barren hillsides of New England to remain the seat of political power, so that you may still continue that system of pernicious legislation.

Mr. GROSVENOR. Mr. Chairman, I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield?

Mr. GILBERT. Yes.

Mr. GROSVENOR. Was it not a New England man, a Representative from Massachusetts [Mr. KNOX], who, as chairman of the Committee on Territories, reported and advocated and put through the bill to admit these three Territories as States?

Mr. GILBERT. This that I refer to was done in the Republican Senate.

Mr. GROSVENOR. But I refer to the action of the House.

Mr. GILBERT. Oh, the action of the House was all right.

Mr. GROSVENOR. Was not the measure led and championed by the chairman of the Committee on Territories [Mr. KNOX], a Massachusetts Republican?

Mr. GILBERT. Yes, that is correct; but why, if it is a Republican measure, have you not passed it through the Senate?

Mr. GROSVENOR. Oh, I am not a member of the Senate. The reason I did not pass it through the Senate might be that I voted against it here and would vote against it there.

Mr. FITZGERALD. Will the gentleman permit a suggestion?

Mr. GILBERT. Yes.

Mr. FITZGERALD. It is not the first time that the Republican party has put a measure through the House for the purpose of deceiving the people, and with no intention of enacting it into law. [Applause on the Democratic side.]

Mr. GILBERT. And more than that, the gentleman from Ohio, when that bill was under discussion, was honest enough to announce from his seat that his opposition to the bill was founded upon political considerations. That is the statesmanship that prompted his opposition to the bill, and I suppose it is the same political consideration that is now prompting the opposition to the bill in the other House. The truth is, the gentleman from Ohio will

understand, that the Republican party is now making the same desperate and heroic effort to destroy the trusts that it made for ten years to establish bimetallism by international agreement. [Laughter on the Democratic side.] Surely the people of this country will learn after a while how you Republicans are playing hide and seek here in the Capitol. You play one House against the other, and when attacked you point to the action of the Republicans in the House or Senate, as the exigency may demand. The gentleman from Ohio rises from his seat to proclaim that a Republican House passed a bill offering to make three States out of the territory of Arizona, Oklahoma, and New Mexico, when he knows, and everybody knows, that all of the Democrats favored this measure and the only opposition it encountered in the House came from the Republican side, led by this same gentleman from Ohio. He knows, and everybody knows, that the Democrats in the Senate are anxious to pass that bill and that it is being deadlocked and will be ultimately defeated by the Republican opposition in the Senate.

Yes; you passed an antitrust law also at the last session, backed by the unanimous support of the Democratic side of the House. It has been put to sleep in your Republican Senate, and you all know perfectly well that it will not become a law by reason of the Republican opposition in the Senate. Now you are going to pass this bill, backed by the support of all the Democrats, and this bill will also be put to sleep in the Senate. You are preparing to go before the country and try to make the people believe that you have been laboring to destroy the trusts.

You underestimate the intelligence of the people. They are going to catch on to your game of hide and seek. These vicious policies of your party and its double dealing have been pursued and persisted in until the poison has permeated our whole national system, and have in great measure vitiated the sentiments of our population.

The disease has become radical, constitutional, organic; and your homeopathic doses of antitrust legislation will prove as futile as your Sherman law has proved to be.

You applaud when the Supreme Court overturns the precedents of a century and refuses to make the rich pay income taxes. You give the management of your campaign to a man who was openly charged with bribing a legislature in order to obtain a seat in the Senate. When a leading Republican is found guilty of robbing the post-office funds in Cuba the Administration interposes to set him free. You turn with contempt away the delegates from South Africa, who came only for a smile of sympathy and encouragement. You are all in a trot in the broad highway of commercial greed, going to the devil together, with trust magnates in the lead. And now, when the whole country is honeycombed with trusts, you introduce a bill that is to apply only to corporations hereafter organized. So take your lanterns and, unlike Diogenes of old, go in search, not of an honest man, but in search of the monster trust, and when you find one look in its face and you will find that the face of the spook is your own. [Loud applause on the Democratic side.]

Mr. NEVIN. Mr. Chairman, the growth of our country in the last half dozen years in material wealth has been phenomenal. To the student of political economy it is nothing short of marvelous. We used to estimate our growth in millions, but now nothing short of billions will express the wondrous and wonderful increase of wealth. It has come to all occupations and all classes of people. Within the last half dozen years not only the manufacturer, but the laborer employed by him has increased in wealth.

The merchant who handles the goods, the grocer, the lawyer, the professional man—of all classes of the community this is true. That has not only been true of the last half dozen years, but since the war of the rebellion it is true. Steadily and certainly have we grown in wealth. For only four years did it stop, and that was when for some reason God punished the American people by putting them in the hands of the Democracy. From 1892 to 1897 we had perhaps four or five of the worst years in the history of the American people. This might not be very germane to my subject—this bill to regulate trusts and combines—were it not for the fact that at that time the sovereign remedy for the then-existing ills of the people offered by the Democratic party was tariff revision, and, strange to say, when we have before us to-day a question as to controlling monopolies and the so-called trusts, we find them offering the same panacea, the same omnicurant of tariff revision as the remedy now.

I assume that we can never, even if we could lay aside party politics and party policies, agree upon any measure upon this subject to the satisfaction of all the individuals of this House. If we were to start out now to draw a bill, I believe that the bills would be as various as the members of this House. Therefore we have to get together and present the best compromise measure that can be reached to remedy the evils which we are discussing.

Gentlemen have been talking of the trusts, of these great combinations, as if they were creatures of Congress, and as if we created them. Well, we have not anything to do with them as corporations or as creatures, save as they are engaged in interstate commerce and come within the control of this body. They are nothing more than individuals or corporations or artificial persons created by the States. Their powers are granted them by the States. Their charters give them all the rights they have and limit them in their functions, and all that we can do is when they engage in interstate commerce to put our hands upon them for the purposes of control.

This bill presented by the Judiciary Committee seeks to remedy the evils that exist, when they have come under the control of Congress. Everybody says that one of the great evils is overcapitalization. We have heard that from Mr. Bryan; we have heard that from Democratic sources as we hear it everywhere. This bill seeks to remedy that evil. It provides that every corporation that shall hereafter be formed to engage in interstate-commerce business shall, upon the 31st day of December next, file with the Interstate Commerce Commission all the figures and all the facts of its capital stock, that which is paid in in money, that which is paid in in property, and give to the people all that can be known of these bodies.

The gentleman who has just spoken [Mr. GILBERT] was in error, at least in his conclusion if not in his statement of fact, when he said that the corporations now in existence escaped the penalties of this law. All corporations now in existence and engaged in interstate commerce shall, when required by the Interstate Commerce Commission, file with said Commission a full and complete statement of their capital stock, and how paid in.

I have seen it estimated that not more than 5 per cent of the corporations of this country are within the meaning of what you denominate trusts; that fully 95 per cent are small corporations, engaged in business that in no sense could ever become a monopoly or ever could raise the prices of the products they manufacture to the consumer.

Now, what reason can there be for having 95 or 98 per cent of the corporations in existence to-day compile these facts and present them to the Interstate Commerce Commission? What good could it do? What reason is there for it? The power by this bill is put in the hands of the Interstate Commerce Commission to require any and all corporations that they may see fit to make such statement of their capitalization as is required of all corporations hereafter to be formed, going into interstate commerce business.

Mr. SMITH of Kentucky. If it will not disturb the argument of my friend——

Mr. NEVIN. It will not.

Mr. SMITH of Kentucky. I should like to ask him a question. My question is this: Suppose that it is developed by the returns made in pursuance of sections 1, 2, 3, and 4 of this bill that a corporation is largely overcapitalized, has a great deal of watered stock. What is the remedy against that in this bill?

Mr. NEVIN. None.

Mr. SMITH of Kentucky. None at all?

Mr. NEVIN. None. There is no remedy for that for any future corporations. It is the fact that you want to get before the people, the fact of the overcapitalization; how much of it is property, how much is money, and what may be water, in order that those who are going to invest or in order that those who want that information may have it. That is the sole purpose of that section and all it is meant to do.

Mr. SMITH of Kentucky. I want to ask the gentleman if he does not think that it would have been very wise for the committee to have reported in this bill a provision that would, as far as possible, have prevented the watering of stock by corporations?

Mr. NEVIN. I do not see what power Congress can have. These corporations are creatures of the States. Would you be willing as one of your party to say that we can take hold of these State institutions and control them, even if we have that power?

Mr. SMITH of Kentucky. I answer very candidly that I do not doubt the power of Congress to tax corporations of any class. I think it has been done repeatedly, and can be done again.

Mr. NEVIN. Yes.

Mr. SMITH of Kentucky. Now, I believe personally that it would have been well for this bill to have contained a provision requiring all corporations having watered stock to pay into the Federal Treasury a tax equal to the declared dividend upon their watered stock. I believe that would have driven them back to doing business on their paid-up capital stock.

Mr. NEVIN. Supposing they did, who would pay that tax eventually? You do not illegitimatize it. You do not say that they may not do it; you simply provide that for watering their stock they shall pay a penalty in the shape of a tax. Now, who would pay that tax?

Mr. SMITH of Kentucky. They would cease to have watered stock if they had to pay upon that into the Federal Treasury.

Mr. NEVIN. That would be a question. Now, that is the first evil we seek to remedy in this bill. What is the next great crying evil before the people? Why, it has been the fact that some persons or corporations have been permitted to have rebates from the railroad companies and common carriers, and thus they have been enabled to sell the product of their factories and mills for less than others in open competition. Beginning with section 6, clearly is the remedy here for that. It provides not only that the company which gives the rebate, but that the person or corporation receiving it, shall be liable under the act in any court of the United States, and upon conviction shall pay a fine of not less than $1,000.

I think that is an improvement such as will absolutely prevent rebates in the future. I take it that we are not here for the purpose of stopping these great instrumentalities of trade that have brought to us this enormous wealth that I have spoken of. It is for the purpose of regulating them and compelling the use of open, free competition, and not for the purpose of destroying them. We could no more go back to the old instrumentalities of trade and commerce of twenty-five, thirty, and forty years ago and have the prosperity we have to-day than we could go back to the old times of one hundred years ago and expect the same results.

We could no more expect the results in material wealth which have grown out of the evolutions of business and commerce that we have now under the old mode and way of doing business than we could expect to fight the battles of the present with the old musket and arms that we had in the war of the rebellion. And so it is we have grown up gradually to the present state of affairs. These corporations, thousands of them, 95 to 98 per cent of which never reach that stage in which they become a menace to the people of this country, are not and will not be affected by this law.

It is only the rich, in point of numbers very few, for which these laws need to be passed. And all we can do is to take a step and reach out just as far as we know the circumstances will permit; and if, during the years to come, we find this law does not do the work, if it is not an effectual remedy, why, then we can go forward and find a remedy. It will be found by some person or by some party at some time, because the American people will never submit to anything less than free, fair competition among all the people.

Now, then, I want to say that I differ from the committee as to one section, and that is section 7. I agree with Judge FLEMING. I do not believe that it ought to be here, and it ought to be stricken out without being even amended. Now, that section in effect provides:

That any common carrier or transportation company or receiver that shall knowingly transport any product produced in violation of the provisions of this act——

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. LITTLEFIELD. I yield five minutes more to the gentleman from Ohio.

Mr. NEVIN. Manufactured or sold in violation of the provisions of this act, shall be subject to a suit and penalty of not less than a thousand dollars, to be brought in any district in which such common carrier, etc., conducts business or has an office. It looks to me as if that is putting an unfair and improper burden upon the common carrier. A person or company comes and presents goods for transportation. Now, why should the common carrier be compelled to determine whether they have been manufactured or produced in violation of law or not? And I may say right here the word "knowingly" in the law does not affect it. That is begging the question. Now, if the common carrier receives these goods, it, being engaged in interstate commerce, is subject to the law.

Mr. WM. ALDEN SMITH. It may take it from a connecting carrier?

Mr. NEVIN. Yes; it may take it from a connecting carrier, but suppose it refuses on account of this law to receive them. Well, then, suit may be brought and the company mulcted in thousands and tens of thousands of dollars damages for refusing to accept these goods. I have in my mind one manufacturing plant at Dayton where if the roads centering there were to refuse to receive its goods it would absolutely ruin the establishment.

By the terms of this bill the railroad company must determine whether the goods come within this section or not; it must act instanter, and if it accepts them and it finds out afterwards that the goods are monopoly or trust made, why then it is liable to a penalty of a thousand dollars under this act, and if it does not take them it is liable to pay damages. Thus it is you have the old story: "You can and you can't; you shall and you shan't; you will and you won't; you're damned if you do and you're damned if you don't." [Laughter.] It does not make any difference whether you take them or refuse to take them you are subject to a penalty.

That is not all. The amendment that will be offered and which the gentlemen said they would accept does not cure it. The amendment says before suit can be brought and the penalty attach it must first be found and declared by some court of competent jurisdiction, or by the Interstate Commerce Commission, that the goods offered for transport have been made in violation of this act. Now, there are monopolies in this country by law. In my city the National Cash Register Company for many years was by law a monopoly. It was a legitimate monopoly. The patents under which it was manufactured were given it by the Government of the United States. Its products were the only ones that could be put out under a patent and the Government gave it the right of monopoly.

Now, they had monopoly-made goods, confessedly so; it does not require a court of competent jurisdiction or the Interstate Commerce Commission to declare that. It was by virtue of the law itself. It was by virtue of the power given it by the United States Government to produce and monopolize those goods. Now it takes those goods, say to the common carrier, and says, "we want you to ship these goods all over the country."

The common carrier says, "We can not do it. There is no exception in the law," it says, "if done in violation of the provisions of this act"—not in violation of law—"in violation of the provisions of this act, and in violation of the provisions of the Sherman Act of July 2, 1890, and we are unable to transport them. We are liable to a penalty of $1,000 in a suit brought by the United States Government." And so they are refused. What would be the result? Ruin to the company. It seems to me, Mr. Chairman, that that section should be stricken out. It is more drastic than any other section in the bill.

Mr. COOPER of Wisconsin. Will the gentleman allow me an interruption?

Mr. NEVIN. Certainly.

Mr. COOPER of Wisconsin. Will the gentleman call attention to the provision in the bill which prevents the transportation of monopoly-made goods?

Mr. NEVIN. Yes; it is the section before this one, describing the goods that are controlled, and it says goods transported in violation of the provisions of this act. In my judgment, it does not say it in precise terms, but it says any manufactured goods sold or manufactured in violation of the provisions of this act and that of the act of July 2, 1890.

Mr. COOPER of Wisconsin. If the gentleman will permit me, I understand the argument, but it is based upon the proposition that somewhere in this bill or in the act ordinarily known as the interstate-commerce act there is a provision prohibiting the transportation of monopoly-made goods, and I am unable to find that in this bill or in the interstate-commerce act.

Mr. NEVIN. This is the section that prohibits the transportation. This is the one that prevents trust-made goods from being transported. But regardless of this, I say that there is ample reason to have this section stricken out, and that the common carrier and receiver or transportation company ought not to be compelled to decide this question. I am in sympathy with the law if it will put a penalty on the manufacturer of these goods, if it will make him pay for the transportation of them if produced in violation of law.

Mr. THAYER. Will the gentleman allow me an interruption?

Mr. NEVIN. Yes.

Mr. THAYER. Is it not perfectly feasible——

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. SULZER. Give him time enough to answer the question.

Mr. THAYER. Is it not perfectly feasible——

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. DE ARMOND. Mr. Chairman, I now yield to the gentleman from New York [Mr. MCCLELLAN].

Mr. MCCLELLAN. Mr. Chairman, the bill before the House has been reported as the result of the urgent recommendations contained in the President's message on curbing the monopolistic tendencies of the trusts. Speaking as the official head of the Republican party, the President has repeatedly recognized the existence of the so-called trust evil, and has in so doing proved that both parties are in accord in believing that there is an evil that should be remedied.

So much has been written upon the trusts, so much has been spoken, not only by those who know something of the subject, but by those who know nothing at all, that this great, vital question of our day has been so obscured that at times its solution seems almost hopeless. Gentlemen speak of "curbing the trusts" and of "smashing the octopus" as though the deflection of the trend of existing economic conditions were as simple a performance as changing the direction of a stream of water coming from a garden hose. The very terms in use in the discussion are obscure. The same words are constantly used and misused to represent opposing thoughts. Until we know what it is we wish to

cure, until we know what the evil tendencies are we desire to curb, it is hopeless to even pretend to undertake to touch the question.

Some there are who argue that every combination of wealth on the face of the earth is an evil. Gentlemen have undertaken to prevent the concentration of wealth when they should have devoted their energies to the task of trying to reach the monopoly that concentration, aided by government, has made possible. The sooner that we are ready to recognize the economic fact that the tendency of the age is in the direction of the concentration of energy, of effort, and of wealth, the sooner will we be able to deal intelligently with the evil effects of concentration.

I take it that in speaking of trusts gentlemen do not necessarily mean trusts in the literal sense alone. They usually include in their references to trusts any combination of capital which is larger than those to which they are accustomed. Furthermore, gentlemen are in the habit of assuming that all great combinations of wealth are necessarily monopolies, which is very wide of the fact.

It is a new phase in the development of the Republican party that it should show any solicitude upon the trust question. What its purposes may be, what its theories are, passes all human comprehension. I have always been possessed of an impression that the Republican party derived its sinews of war, derived the very vital force which permits it to continue to exist, from the treasuries of those very trusts which it is now professedly anxious to curb.

On the other hand, the Democratic position is consistent. The Democratic party makes no war with wealth legitimately and honestly acquired. We realize that the tendency of the time is in all things in the direction of concentration. We know that labor is as dependent upon capital as is capital upon labor, and that the greater the honest wealth in a nation the greater will be the people's prosperity. But when great aggregations of wealth, engaged in the production and the distribution of the necessities of life, become monopolies, then we say that it is time to call a halt, not that we object to the wealth of itself, for we do not, but because we do object to its misapplication and its misuse. And so, unlike our Republican opponents, who are fighting like men buffeting the air, blind guides leaders of the blind, we are actuated by a common purpose.

None realizes more thoroughly than do I the vastness of the task to which we have set ourselves. The United States is confronted with the most serious economic crisis in its history, not even excepting that of slavery, and upon its correct solution will depend the future happiness and the hope of generations yet to come.

Broadly stated, there are in the United States five classes of monopolies: First, those derived from patents and copyrights, which are, within certain limitations, generally recognized as being in accordance with wise public policy; second, natural monopolies, derived from the exclusive ownership of certain natural sources of production, and which must be borne as long as the right of private property exists; third, monopolies due to direct government action, such as street-railway franchises in cities; fourth, monopolies caused by discrimination in freight rates accorded by the railroads; fifth, monopolies due to the protective tariff. It is with the last two classes of monopoly that we are alone concerned.

The tendency of monopoly price is constantly upward until it reaches the point at which the law of substitution comes into play—the point at which the consumer can no longer afford to buy and must seek some cheaper substitute. There are so-called trusts in every civilized country on earth, but the existence of trusts does not necessarily imply monopoly. Wherever there is competition it follows that there can be no monopoly, for the moment the effort is made to raise prices the competitor brings his goods to the market at the old price, and no increase is possible. In free-trade Great Britain whenever an effort has been made on the part of a so-called trust to raise the price of its product above that of the world market the producers of the world have at once brought their goods into competition and the effort has ignominiously failed. To make it possible for a producer to raise the price of his product above that of the world market the world producer must be excluded from competition. This can only be where government in its might excludes the foreign competitor by means of a protective tariff.

In every country of Europe the railroads are either owned and operated or carefully and honestly supervised by government, so the question of discriminating freight rates is nonexistent. There is therefore only one possible cause of monopoly, natural and direct government monopolies being excluded, in any other country but ours, and that cause is a protective tariff. And so we find that wherever there is free trade there is no monopoly, but that wherever there is a protective tariff monopoly exists, its power for oppression being directly proportionate to the amount of protection accorded. The problem with which we have to deal is that growing out of discriminating freight rates and a protective tariff.

The bill before us comes with more advertisement than any in recent years. It is the result of eight months' earnest effort on the part of the entire Republican party. It is only fair to assume for the sake of argument that its authors intend it seriously, and that before final adjournment it will be enacted into law. But even so, what will it accomplish? Its purposes appear to be twofold in scope: (1) The so-called "publicity" feature, intended to furnish the public with information as to the condition of corporations engaged in interstate or foreign commerce; (2) stringent provisions against discrimination on the part of common carriers in the matter of freight rates.

Just at present it is the fashion to assume that publicity in the affairs of corporations will prove an absolute preventive of monopoly. Gentlemen honestly believe that if the public is in possession of the details of management of our corporations that in some mysterious, peculiar way those corporations will be prevented from acquiring monopolies. The gentleman who fathers the bill before us states in his report that publicity will tend "to lay the foundation for more intelligent legislative action in the line of direct control" of the trusts. Yet publicity will not make the evil effects of monopoly more evident than they are to-day.

The only result of the publicity feature of the bill will be a greater protection to the honest investor in corporate securities. It may result in preventing the floating of wild-cat companies, and the fleecing of the bleating lambs of Wall street, but the Wall street end, if I may use that expression, is the only part of the problem that publicity will reach.

The sections of the bill designed to strengthen existing law against discriminating freight rates may serve to prevent the growth of monopoly in the future based upon this particular wrong, but they come too late, even if rigidly enforced, to destroy by themselves many monopolies already in existence. It is a question whether they do not tend to close the stable door after the horse has been stolen, and certainly their efficacy will depend upon the spirit in which they are enforced. The sincerity of a lukewarm Administration, driven to take some action by an insistent public clamor, is but a feeble reed to lean upon in the righting of a monstrous wrong. [Applause.]

The most glaring example of monopoly due to discriminating freight rates is the Standard Oil Company. Thanks to the complacence, thanks to the silent, if not the active, partnership of the railroads, this vast trust has acquired so complete, so absolute a monopoly that no enforcement of a prohibition against discriminating freight rates will serve to shake it; the remedy must be sought elsewhere.

We must not flatter ourselves that by a mere stroke of the pen we can reform humanity. There are some evils incident to our growth that can only be cured by the evolution of our race, but there is no evil that can not be minimized by wise and just legislation, and none that can not be prevented provided its anticipation renders prevention possible.

When the door is open and egress easy the wise man, if capable of walking, loses no time in leaving a burning building, and does not wrap himself in asbestos for the purpose of testing the temper of the flames. He prefers the obvious and simple solution of the problem rather than one which, while picturesque, is not unattended with danger. When the cause of a disease is perfectly evident, and when that cause can be readily removed, the common-sense remedy is the removal of the cause.

We propose by this bill to make public the affairs of the trusts, thereby protecting investors. So far, so good. We propose to prevent the railroads from joining the trusts in sleeping partnership; a very wise proposal, worthy of the statesman who fathers it, even if not original. But these remedies do not go below the surface, and so do not strike at the primary cause of the evil of monopoly. The effort to destroy the vine by trimming its leaves is doomed from the beginning; the effort to slay the monster of monopoly with paper pellets can scarcely disturb the confidence of the intended victim. To propose publicity and to prevent discriminating freight rates are well enough so far as they go, but as long as the Government remains in active partnership with the trusts of this country, just so long will the trusts be able to maintain monopolies. The fundamental cause of monopoly in this country, and in every country, is a protective tariff. Just so long as we maintain a tariff which prevents competition, just so long will we have monopolies.

I grant that it is a clever move on the part of the Republican party to try to hoodwink the public by means of bills such as the one before us. While professing sincerity in their efforts to destroy monopoly, they offer us this bill, which can accomplish but little, and very carefully refrain from even by implication touching the tariff. The views of the minority of the Committee on the Judiciary call attention to the chief omission from the bill.

The most dangerous class of monopolies, the most oppressive, the most absolute, is left entirely untouched, either directly or indirectly, either by statement or by suggestion. There is not one word in this bill in reference to the protective tariff. In the report of the gentleman from Maine there is not one word of hope that the time will ever come when the Republican party will dare to face the real question involved in monopoly—the protective tariff now upon the statute books. [Applause.]

It is perfectly true that the Standard Oil Company's monopoly was created because of the complaisance of the railroads, and that to-day it is strong enough to exist without their help. It is, however, no less true that were the countervailing duty against Caspian oil repealed, that product would serve as a guaranty to the people of the United States that the price of the home product could never be raised above that of the world market.

It is probable that were iron and steel admitted duty free, the steel trust, so called, would continue to do business, and to pay wages and dividends. But it is certain that were iron and steel placed upon the free list, or a revenue duty levied upon them, the steel trust would find itself powerless to raise prices above the world level or to maintain its present monopoly.

Were the duty on sugar reduced to the maximum revenue-raising point, it is very possible that the American Sugar Refining Company would be obliged to go out of business. But as it exists to-day, thanks to Government bounty, its stockholders when investing take a gambler's chance that the law will remain unrepealed, and for this very reason receive proportionately enormous dividends. The benefit to the people of the United States resulting from free sugar would far more than offset the loss of Government charity to the owners of the trusts.

Whatever justification there may have existed for a policy of protection in the early days of our history, that justification has long since disappeared. We have become so great, so rich, so prosperous, American labor is so efficient, American ingenuity and American brains so competent that we can compete on equal terms with every other nation on earth. The only possible result of protection to-day is the granting of Government subsidies to producers and distributers who do not need them.

We may deceive ourselves by specious arguments, we may talk of the unrest that would be created in the business community of the country by a revision of the tariff, and yet the fact remains that without a revision the problem can not be solved.

The party to which I have the honor to belong was founded upon certain fundamental principles which are unchanging and unchangable. One of those principles is that there should be no taxation except for purposes of government economically and honestly administered. [Applause.] That principle is as vital to-day as it was a hundred years ago, and but for the violation of that principle monopolies would not exist.

Try as it may the party in power can not shift the issue, and can not shirk the responsibilty of its own acts. By this bill, upon which it has staked its future, it proves its own hypocrisy. The Republican party has been in power for six years; the President and both branches of Congress are Republican; a revision of the tariff is demanded by the people, the necessity for that revision is conceded by far-sighted and patriotic Republicans, and yet no revision is proposed, nor promised, and this miserable makeshift is offered as a substitute, a makeshift of which the best that can be said is that it is better than nothing at all.

The people of this country are hardheaded and intelligent. They are conservative and slow in reaching their conclusions, but when they have once made up their minds as to what they want they ultimately obtain it. Should this bill be enacted, as we must assume it will be, it can only be a question of months when it will prove its own impotence. It would have been far wiser from a political point of view, far more courageous from a manly standpoint, had the Republican party openly acknowledged its solicitude for monopoly. The feat of running with the fox and hunting with the hounds is as impossible of accomplishment in statecraft as in the hunting field. There was a time when Republicans were not ashamed to boast of the artificial industries they had created. Now that their monster has grown strong, violent, and disreputable, they disclaim all responsibility for his existence. They even cut his acquaintance when they meet him on the street, but they nevertheless continue to feed him by stealth when he calls after nightfall at the basement door. They talk loudly against the evils of monopoly, but let the latter perfectly understand that it has nothing to fear as long as they remain in power. [Applause.]

No halfway measures can avail, no legislation that does not go to the root of the matter can be efficacious. There is but one solution of the problem; there is but one cure for the evil. That is the absolute dissolution of the unrighteous partnership that exists between Government and monopoly in the protective tariff. [Applause on the Democratic side.]

[Mr. GOLDFOGLE addressed the committee. See Appendix.]

Mr. LITTLEFIELD. I yield five minutes to the gentleman from Massachusetts [Mr. TIRRELL].

Mr. TIRRELL. Mr. Chairman, it will be impossible for me, in the brief time allotted, to discuss the provisions of this bill, nor is it necessary. The committee having this matter in charge with remarkable ingenuity and ability have provided for the exigencies and purposes for which this bill was designed. They recognized the fact that there has been a mighty change in the last twenty-five years in the industrial development of the country; that the methods of business which were in vogue twenty-five years ago have passed away; that not only in this country, but in all parts of the civilized world there has been an aggregation of business enterprises for economical purposes, and that the simpler methods of former days will probably never return. They have not attempted to cover the whole field or solve every problem the trusts present.

As government is an evolution from days when occupancy determined ownership to the complex administrative systems of modern civilization, so laws to control business are an evolution from unrestricted action to more or less restriction, as experience demonstrates to be wise. Every law regulating commerce or business is more or less experimental. It fails to meet every case. We ought not to expect it. The infinite diversity of action of enormous wealth seeking avenues of investment creates and frames new issues as rapidly as the old are solved. Step by step safeguarding the rights of both capital and labor is the statesman's duty. Mistakes will be made. Conditions change. What is applicable to-day may be obsolete to-morrow. If this bill fails to accomplish its purpose, it will at least be an honest effort to secure publicity in the organization of great corporations, prevent discrimination in transportation, provide against overcapitalization and watered stocks so far as the same are deceptive and misleading, guard against interference with competition, and secure full and complete returns relating to the assets and business of the trusts coming within its provisions.

In the discussion of this bill it is not surprising that conclusions are drawn diametrically opposed to each other. Much depends upon the point of view. One thinks it is a restraint of trade to fetter a corporation with inquisitorial laws, that it discourages the investment of capital, and leads to evasion and fraud. He asserts that only unhampered industries will flourish, and what individuals repudiate applies to corporate bodies as well. No individual, he argues, would tamely submit to an exposé of his business, and corporations—an aggregation of individuals with vested interests—will be affected in the same manner. Another becomes frenzied over the contemplation of the existence of great corporations, to him the foe of labor and the enemy of industrial prosperity. Whatever view is taken, it is indisputable that the public regulation of great corporations is demanded by the American people. It devolves upon Congress to evolve a law under which this may be secured without injury to legitimate business.

I believe this bill is justly framed to this end. It may fail, as almost every law fails, to give justice in every instance. I believe it is adapted to the general conditions applicable to the great trusts and for which the people demand reform. It signals out no special industry, it is devoid of partisanship, it applies to those corporations that owe their existence and prosperity to the use of public franchises, and it insists that those franchises shall be equitably and equally for the benefit of every corporation, great or small, wherever located. It provides means to carry out its provisions, enforcing penalties sufficiently severe to deter the repetition of offenses committed under it, and is so clear in phraseology that its meaning can not be misunderstood. Without lingering further upon this phase of the question I turn to another and more important, to prove, if possible, by a few illustrations the necessity of the enactment of some law to meet these ends.

If it can be shown that the objects of these great aggregations of capital, the so-called trusts, are to secure a monopoly of the business in which they are engaged, to suppress competition and to prevent competition in the future and to so manipulate their business that whatever the selling price of their product a large if not an excessive profit can be secured, then we have demonstrated the necessity of action. Take, for example, the Standard Oil Company, the first and one of the greatest trusts. In 1882, after eleven years under an agreement with independent oil companies by which they pooled their issues, dividing the territory in which they sold and selling at fixed prices, it organized a number of petroleum refineries in Pennsylvania and adjoining States into one consolidated company.

Previous to this consolidation the Standard Oil Company had for years, by a secret agreement with the railroads, secured lower freight rates than its competitors, and so shameful was the prostitution of public franchises by the railroads of the country, in addition to granting the Standard lower rates, they paid to it the

excess sums paid in freight rates by the Standard's competitors, which amounted, so statisticians tell us, to over $10,000,000, a large profit upon the par value of its stock, enabling them to sell oil at less than cost to crush out competition. Then the Standard Oil went to the independent companies offering to purchase their plants. What could they do? They knew the railroads would discriminate against them. They knew that the railroads were transporting oil at lower rates than they could possibly secure. They knew that the secrets of their business, necessarily more or less open to railroad inspection, were divulged to their rival. Against all this they protested. They demanded equal transportation rates.

Equal rates were promised, provided equal quantities of oil under the same conditions were shipped and guaranties were given, an impossibility, as the Standard Oil was the largest producer. There was no Interstate Commerce Commission to regulate the traffic; there was no court when transportation went beyond the boundaries of the State that had jurisdiction. Many of the States, even then recognizing the gross injustice of permitting a railroad organized and owing its continuance to the legislative enactments of the State itself such discriminations, had laws and commissions to punish such infractions and suppress by injunction any unfair or unjust treatment of its citizens who used these roads as common carriers for commercial purposes. Beyond the State the power ceased. The railroads were linked to the Standard Oil in the conspiracy. The independent companies could not long continue the unequal contest. Financial ruin was inevitable in competition which in railroad rebates alone gave a dividend and surplus to the Standard Oil stocks. They had to sell. If a company was obdurate it was threatened with special attacks to drive it from the market. So at last they came to terms. No one was allowed even to appraise his own property. What it was worth to the Standard Oil Company, as determined by its appraiser, was the price the Standard Oil paid.

In a hearing before the Congressional committee of this House, evidence was adduced that the independent refiners sold to the Standard Oil Company at 50, 40, 75 per cent—in short, the best per cent the Standard Oil would offer—plants that had been great producers and vigorous competitors before this octopus absorbed them. By such processes a trust was formed that sent its tentacles throughout the oil regions of the country until it seized them all. All this with a capital of $100,000,000 only, but which had a valuation in 1900 of $842,000,000, rating its stock at nearly nine times its par value, and paying dividends that year of $48,000,000, or nearly 50 per cent on its capitalization, following in 1901 with $45,000,000 in dividends, to swell the colossal fortunes of men who, by a wanton, open, and shameful discrimination in the use of public franchises, had squeezed the life out of independent competitors, forced the sale of their plants at their own figures, and acquired a monopoly of the oil business, controlling for five years prior to 1901 from 80 to 85 per cent of the American output of refined petroleum, now even more, having since bought out its leading competitor. It is asserted that to-day this company owns or controls absolutely 95 per cent of the output of the country.

It is reported, and has appeared in the papers of the country without denial, that the Standard Oil magnates have telegraphed to many United States Senators their opposition to the publicity features in the Commerce and Labor bill, creating a new department of the Government and authorizing the investigation of methods of business, to procure reports of the status of trust companies for action for violation of law, if the facts would justify. All this proves that the trusts aim, first, for a monopoly; second, to drive out competition, and third, to wring inordinate profits from the people. Other trusts on similar lines have their malodorous history, but this example, stated with some detail, illustrates the steps taken. This company, and other trust companies, it is true, claim that by economies they place their product on the market at lower prices than before the combination was made.

Even if true if those prices in the aggregate pay excessive profits on genuine capitalization there is just cause of complaint if the price can always be regulated to keep the profits far in excess of those from legitimate business investments. For instance, last summer the Standard Oil, justifying their action by the slight increase in manufacturing cost, unwilling to shrink its dividends to moderate dimensions, put a cent a gallon on the cost of oil. The company is said to produce 180,722 barrels a day, and this increase in price is reported to add to their profits $16,000,000 a year. At any rate, the stock of this company, on this increase, jumped from $655 to $750 a share. Thus, with the trusts it is not what the raw material can be obtained for or whether the manufacturing cost increases. In any event the field is theirs. Their market needs no drumming. The coal strike is a startling illustration. The railroad companies controlling the anthracite coal belt of Pennsylvania, where anthracite alone is found, could ask double, treble the ordinary price, which was paid instantly, as the coal could be secured from no other available source.

Mr. Havemeyer, the magnate of the sugar trust, frankly said, "Business is not philanthropy. I think it is fair to get out of the customer all you can consistent with the business proposition, the real object being the protection of our own business, the result being no profit to rivals." In accordance with that policy, to kill the beet-sugar competition in the Mississippi Valley, this trust sold refined sugar there last summer half a cent below the cost of raw cane sugar in New York. The profits here on the sugar we had to buy went to pay the losses there. We contributed, and were absolutely compelled to do so, to stifle an industry that fully developed would bring a vast amount of labor to the agricultural sections of the West and great wealth to the nation. This so-called sugar trust flourishes only as it monopolizes the production of refined sugar. In its organization it mattered little what it paid in buying up its rivals.

The capitalization of all the companies it bonded amounted on their own valuation to $6,590,000. The sugar trust capitalized this valuation for $50,000,000. Slight changes were made and the capitalization was advanced to $75,000,000, and recently to $90,000,000, the last addition ostensibly for the purchase of property; what property has not yet been disclosed. Its capitalization is nearly five times what was considered a fair value of its assets before consolidation. On this capitalization dividends are paid, hoodwinking the people into believing that a modest and proper return, consistent with a genuine investment of capital only, was earned. The underwriters of the United States Steel Corporation received as compensation 649,987 shares of preferred stock and an equal amount of common stock. Taking $90, the market value of the one, and $40 of the other, they have a value of $84,500,000, from which deducting $28,000,000 advanced by them leaves them a clean profit in the organization of this company of $56,500,000.

The interstate-commerce law of 1887 and the Sherman antitrust law of 1890 and similar laws passed in 31 States have had little effect in preventing the formation of trusts, and nearly 200, with an aggregate of nearly $4,000,000,000 in capital, exist in the United States. Stated in a general way, the preferred stock of these trusts represents the real capital and the common stock, water, created to pay the promoters or distributed as a bonus in the acquisition of the plants.

What is the effect of such combinations? I come from a State among the foremost in manufacturing activity. Scattered along its rivers and thickly studding its plains are potent evidences of its industrial life.

In towns in my district of 12,000 people more than 100 factories can be counted, representing diversified industries competing with each other for the same trade. All is stir, and hope, and confidence. Each day witnesses the development of new energies—the reaching out into larger lines by one, the invention of some new device by another, and the economical rearrangement of a factory by a third. Small enterprises in a few years become great, and the laborer in the yard becomes the foreman in the factory. There is a competitive spirit aroused among all to rise in the world. It is not limited to a few of extraordinary genius who would rise anywhere superior, apparently, to insuperable obstacles. In every department emulation, industry, and natural capacity with honest, faithful work reaps its reward and either in the master's place or as the proprietor of some small factory or business of his own the laborer of to-day becomes a leader to-morrow.

He learns every detail of the business, because he has had experience from the lowest to the highest place. He knows men, for he has been in touch with employer and employee in all the grades. He can sympathize with those struggling for bare necessities and realizes as well the cares and responsibilities of the masters of industry. He has no false estimate of the power of wealth and no despicable judgment of the attitude of labor, for he has been a laborer himself. Thus the ideal citizen is created, broad-minded and just to his fellow-men, sympathetic even when unreasonable complaints are made, and tactful in the adjustment of disagreements which will more or less frequently arise with his employees. Not only is wealth diffused throughout such a town more generally, but never can it be said there that the rich are growing richer and the poor poorer.

Like a kaleidoscope, changes are passing before the vision. New men are coming to the front from lower ranks. Business is increasing. New enterprises are being established. There is always some one at hand competent to fill a vacancy. Men trained by a diversified experience and honest effort are the rule and not the exception where there is a fair field for labor. They become thrifty because they are independent and had their chance. They are not a tenantry, but landholders bound to the soil and country. Their homes are neat and comfortable, furnished with what would be luxuries in former days. Such is a live community where monopolies are unknown or competition is not stifled. To build up such communities fair opportunity must be afforded for the humblest to rise, protected by laws that will restrain, if not entirely

prevent, unjust discrimination. When a trust has substantially absorbed its rivals and controls the market, its employees, lost in a great multitude, are but grains of sand upon the shore. They are atoms indistinguishable from each other, minute parts of a great body that one sees only as a whole.

As individuals, they are helpless and at the mercy of the master, unless by combination they can be aggregated into a formidable power. Before the trusts even the great corporations could not disarrange the business of the country. If strikes occurred, as was often the case, one factory might be closed a while, but other factories were running and the country was amply supplied with goods. The employer was solicitous to arrange a reasonable compromise with his employees, because the cessation of his business meant inability to fill his orders and loss of trade. The employee would meet employer in conference, because a long strike necessitated his removal from town and probably a poorer job. Thus strikes were of short continuance. Some basis of adjustment was arrived at. Sometimes, it is true, both sides remained obstinate, and the business would be transferred to another town or State. But this experiment proved costly. It would be tried only as a last resort.

With fair competition you can not cripple an industry. You can not prevent a supply according to the demand. Suppose it otherwise. Let, for example, a great corporation absorb the boot and shoe factories of the country. The employees, helpless as individuals, unite in a great union. The corporation is represented by its trustees. It can act swiftly and with absolute power. It disregards the just complaints of labor. A strike occurs. What can the laborer do? Where can he seek work? What opening is there for him anywhere? The union may close down the works indefinitely, but how does that help him if there is no shoe factory open for employment? Where could the anthracite coal miners have found employment if the mines they had struck against had not resumed work? Is there not danger and imminent danger at that, that work will not be resumed if the operator claims there is a principle at stake, as did the notorious Baer recently in Pennsylvania? Corporations do not starve or cry for bread. Their shareholders would probably never feel the pinch of poverty, even if work was not resumed.

Trusts in these emergencies are in an independent position. They can dictate terms and under the assumption we have made the employee must come to terms, union or no union, because there is no other alternative. He knows no other business but this. He must become a dependent upon charity or reseek employment with the monopoly carrying it on. The trusts can bide their time, and exhausted by the struggle the employee comes back a suppliant. They have nowhere else to go, and in the anthracite strike the intervention of the Government alone saved us from this pitiable spectacle. We had the object lesson, nevertheless. With competition gone, the independent American laborer is gone, and a servile dependent takes his place. His ambition is extinct. He has become part of a great machine. He has been evolved into an animal to do its master's will. While his union can ameliorate distress or poverty or bring about some modification of rules to lighten his burden, it fights against invincible odds.

In the interest of the masses there should be no czar of labor any more than a czar of empire. A free field for competition, publicity, equal rights for all, and an exaction of honest capitalization—this the people demand to avoid evils to which we have referred. What are the remedies our Democratic friends propose? One is often reiterated, to take off the duty on trust-made goods. Can they show that thereby the foreign competitor will not, with his cheaper products, supersede our markets? Our Democratic friends cry, "Crush the trusts!" This sounds well, but it involves a punishment of every independent producer, no matter how honorable his business methods have been. Great as monopoly is, it has not as yet controlled any branch of production in the country. Even the steel trust, with nearly a billion and a half of capital, has 48 per cent only of the steel prodnction of the United States.

The honest manufacturer must not be made to suffer for the sins of his competitor. Competition should be forced to honesty if possible by operation of law applicable to his case. The removal of duties on trust-made goods means free trade in the particular article affected, and is relegated to the arguments that will apply when tariff revision is before this body. As applied to this bill they are one-sided, dangerous, and unjust. It is vigorously asserted by those who advocate this course that it is justified, as trust goods are sold cheaper abroad than at home. We admit this is done. We deny that trusts or the tariff have anything to do with it. To ascertain the reason we must understand the conditions under which our manufacturing is carried on. We have the greatest surplus of any nation in the world.

The wealth of the country represents a per capita of $29.48 for every man, woman, and child in it. Money is not hoarded. It bears no interest in safety deposit boxes. It is invested often recklessly and nowhere more freely than in manufacturing.

Consequently mills and factories are constructed in all lines of industry more rapidly than the demand. Their capitalization is enormous. Only on a large scale in these times can economies be brought about. To all these mills there are fixed charges attached. There are the taxes, the interest upon the bonds, the salaries of officers, superintendents, and yearly employees, the interest account chargeable to the stock and material on hand, repairs, etc., all which are items entering into the manufacturing cost. So slight is the margin of profit in legitimate business that a few points in variation determine loss or profit. The profit is figured not on the minimum, but the maximum production of the mill. A day's cessation of the mill means an increased manufacturing cost the next day. The mill must be run constantly to make a dividend. The production must be large to make that dividend respectable.

Now, there is no great industry in this country where the productive capacity of our mills is not from 10 to 25 per cent more than our country alone requires. Foreign markets must be utilized or the mills shut down. Shutting down the mill means every day increased manufacturing cost. Take a wood-pulp mill for illustration, with a capacity of 50 tons a day. Suppose the manufacturing cost at that production is 1.70 cents a pound. The mill closes one day and resumes the next. The average production for three days is 33⅓ tons. Is it not plain that with the same help and the same fixed charges to run that mill the manufacturing cost for those three days is much more than it would have been if 50 tons were turned out?

There has been some labor expense saved and that is all. With the supply in excess of demand, the manufacturer can pursue three courses. He can close down from time to time, according as his product sells, once a week or a month now and then, or indefinitely as conditions change. He can gradually fill his warehouses and then resume after his surplus is disposed of, or he can find a market abroad and run his mill at its full capacity all the year round. He chooses the latter, because only thereby can he successfully compete on the narrow margin of profit characteristic to-day of legitimate business; because he can more economically run his mill; because it is better for his employees, thus giving them constant employment and steady wages; because he can build up a foreign trade, still holding the home market but securing a share of the trade beyond the seas. We ought not to complain, we have no reason to complain, if goods made under the most economical and favorable conditions at the lowest manufacturing cost are sold generally at a slight advance on that cost, if the surplus placed abroad is disposed of at even less than cost, for thus only as a rule to-day can goods be made for the prices asked here.

Shut off that foreign market and up goes the selling price here because it would cost more then to make the goods. The manufacturing cost increases to pay the fixed charges on the idle mill. There is no charity or philanthropy in foreign sales. Exporters will always get the best price possible abroad. Frequently they get as good a price there as here. Yet as a rule the prejudices of foreign markets must be overcome. Naturally the home product at the same price and value will be preferred. Foreign articles are not made in style the same as ours and our manufacturers do not at first make a style popular abroad and must learn to adapt their styles to the foreign market. He sells at first probably at less than cost. At any rate, he will get the best price he can and, when his clutch is firmly on that market, a profit in his sales.

This market we must have. This vent for the surplus of the country is a guaranty of continued prosperity. This commercial extension, even if was a temporary tax upon the country, must be encouraged. This commercial activity, not alone with our manufacturers but our farmers, is whitening every sea. Destroy this trade because trust-made goods are sold at a lower price and the trust-made goods of foreign countries will supersede our own trade here and both markets slip from our grasp. The protection of our own markets has been the war cry of the Republican party. It will be in the still brighter days to come. Its banner has waved in front of victorious political forces for fifty years, carrying civil and industrial blessings wherever it has fought its battles. To-day, not alone in the protection of American industry and labor, but in the enactment and enforcement of laws, it will seek above all justice as between man and man, that a government "by the people and for the people shall not perish from the face of the earth."

Mr. DE ARMOND. I yield twenty-five minutes to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS of Mississippi. Mr. Chairman, I stated the other day that I would take the first opportunity to reply to the reply made by the gentleman from Pennsylvania [Mr. SIBLEY]. I do that for two reasons; first, because the speech seemed to be

directed meward, and second, because that portion of the Republican elephant represented upon this floor seemed to have approved very much of the speech, as was indicated by its applause and by the ovation given to the gentleman from Pennsylvania. I wish therefore to follow that speech out to its logical end and ascertain if the Republican party or the country really can approve of its sentiments.

Mr. Chairman, clay tenement never contained a more genial and sympathetic soul than that of my friend from Pennsylvania [Mr. SIBLEY]. It is so genial and so sympathetic that it makes him allsided in his sympathies—sympathizing with many sides of many questions. I said the Republican elephant applauded the other day, but it seems that the paragrapher of the Washington Post thought that it ought to have indicated its pleasure in a different way. I read:

Doubtless the Republican elephant possesses sufficient humor to gasp and snicker every time it perceives the Hon. JOSEPH SIBLEY posing as its champion and lecturing the Democrats because of their inconsistencies.

Now, Mr. Chairman, a picture of direr despair was never drawn in more glowing colors than the one drawn by the gentleman from Pennsylvania the other day. A wail of hopelessness was never uttered in more optimistic tone than that uttered by the gentleman the other day when he preached the gospel of human despair and human helplessness to this House amid the applause and approval of the Republican party. I am not misquoting or misrepresenting the gentleman. I will give his exact words. Here, in what I am about to read, is the pith of his entire speech. There are inaccuracies in details all through it, but this is the pith and the gist of the gentleman's argument and of his position, and I am afraid of the position, to which you yourselves, as Republicans, are gradually coming by evolution of political opinion—I fear it, because you can not continue always to minimize the dangers of trusts and monopolies and to apologize for them without finally coming to the point to which he (the gentleman from Pennsylvania) has already come, of applauding them, not only as necessary, but as beneficial to humanity.

The day of individualism is passed, and the day of concentration of effort, for the accomplishment of great purposes, has come. Individualism, competition, is destructive; it is war. Cooperation of forces is peace and is a guaranty of greater prosperity and greater happiness and blessings to the human race.

Individualism is dead! Competition is "destructive and is war!" Human happiness is to be found in a peace like the peace which reigned in Warsaw—a peace which was predicated upon the fact that everything that could disturb the peace was dead.

Human industrial life will—competition being dead and individualism passed—run along smoothly under the direction and guidance and control of a few great "captains of industry," "concentrating effort," and "cooperating forces." The sublime ideals of individualism on which Christ builded and which were taught as the safeguards of temporal as well as eternal salvation by Paul, and John Knox, Thomas Jefferson, and Herbert Spencer, all shattered! And for what? Why these "cooperating forces" and "concentrated efforts" of magnates? All simply and solely to make money.

The gentleman does not know it, but his next logical step in the evolution of political thought must be an advocacy of State socialism. If "competition is dead" and monopoly "necessary," then how long do you fancy it will be before people will say, "Verily, then, let the monopoly be a State monopoly; let us elect the captains of industry."

Thomas Jefferson was right long ago when he said this world is full of timid souls who prefer the "calm of despotism" to "the tumult of liberty." The only sort of peace you can get from this sort of social condition is that proceeding from the "calm of despotism." The gentleman tells us that individualism is dead. If it is, then be ye assured, manhood is dead, industrial freedom is dead, and the highest ideal of a happy condition for a free people. If I were to undertake to picture what remains, as I think the speech of the gentleman from Pennsylvania would picture it, followed to its logical analysis, it would be the picture of a few great employers of labor paying, perhaps, good wages, though, most probably, the lowest wages possible, and ninety-nine one-hundredths of American humanity in employ under guidance, in "leading strings," with nothing left save only the right of revolution! Shade of Herbert Spencer! Is that what you applauded?

Competition is a curse! All that we have learned about competition being "the life of trade" is to be unlearned. Industrial despotism is "a blessing," monopoly is a blessing, individualism is dead, and, according to the gentleman's doctrine, punctuated by your applause, ought to be dead! I do not believe, Mr. Chairman, that man was made simply for the purpose of making money; and, as far as I am concerned, I believe it would be infinitely better to preserve, even at some cost, that magnificent middle class which has always been the foundation upon which this great Government and all free governments have rested, and upon which liberty has rested; to leave industrial individuality intact and not destroy that individuality by bringing all small concerns into some few great concerns.

To go further, Mr. Chairman, the other day the gentleman from Pennsylvania [Mr. SIBLEY] said:

But my friend from Mississippi [Mr. WILLIAMS] stated the other day, if I recall his remarks aright, that there were but three methods possible under which a trust can exist: First, to reduce the price of the product purchased from the producer of that product; second, by reducing the wages of labor, or, third, by increasing the price to the consumer.

Mr. WILLIAMS of Mississippi. Or decreasing the volume of labor.

Mr. SIBLEY. Or decreasing the volume of labor. Now, Mr. Chairman, there is not a gentleman who is familiar with any of our great manufacturing centers, our great industrial works that we have all through the Northern section of this country, who does not recognize that the gentleman is mistaken in that.

Everybody recognizes that I was mistaken? And yet I challenge anybody to cite one single trust which has thriven and is thriving to-day that has not done one of these four things. I challenge anybody to cite one which has not either reduced the price of labor actually or reduced it potentially by presenting a better power of resistance to withstand the demands of labor, when wages of labor ought to have risen, as in the case of the anthracite coal trust, or else raised the price to the consumer, as nearly every one of them has done, or else reduced the volume of labor by shutting down plants and throwing men out of employment, as has happened in thousands of instances.

To go on with what the gentleman from Pennsylvania [Mr. SIBLEY] said, he says that the "Federal Steel Company saved $500,000 in cross freights alone in one year." I do not know whether it did or not; but if it saved it, to whom did it save it? Because this very same steel company raised prices to the American consumer, with very few exceptions during that time, and its prices have been rising all along the line from the beginning of its formation, or very nearly from its beginning. Who got the saving? Was it the foreign consumer, to whom avowedly goods were sold cheaper than to Americans? I fancy it was the company and its great officers, and they alone.

To continue the gentleman's arguments or assertions—

Every combination of capital that has increased the price to the consumer has been forced to close its doors; and the record of every successful combination of capital is a diminished price to the consumer.

Now, the only trouble with that statement is that it is inaccurate and incorrect as a matter of fact. The steel trust has not "diminished prices to the consumer." The tobacco trust has not done it; the cordage trust has not done it, every farmer who buys binder twine knows it; the oil trust has not done it; the anthracite coal trust did not do it; the beef trust has not done it. There are the facts staring the gentleman in the face. And wherever any one of these trusts has chosen to maintain original prices without a rise, and there may be an instance or two of it, then it has done it by shutting down plants somewhere and concentrating labor in one given locality, or a few favored places, leaving unemployed the labor in the places where the plants were shut down.

The gentleman says he knows of one concern whose "general officers do the work which formerly required three times their number, and thus the cost of administration is lessened." Aye, but that is not all. Commercial travelers have been and are being thrown out of employment, bookkeepers are thrown out of employment, foremen of divisions in the works have been thrown out of employment, entire plants have been shut down and all sorts and conditions of men employed in industry have found their occupation, like Othello's, gone and have been forced to change pursuit or residence. We might just as well be fair and honest with one another. Gentlemen know that to be the case. No gentleman who has a respect for facts will deny that that has been the trend of events.

That is not all, Mr. Chairman. The natural trend of events is toward cheapened prices of finished products. That is the law of industrial progress and advancement. It comes about by constant invention and improvement, cheapening processes of manufacture. That is the law of industrial growth. For example, a man was making a hundred pounds of nails a day. A machine was invented whereby the man could make twenty times as many, a hundred times as many. That man who earned $1.75 a day while he was making a hundred pounds of nails with his hands gets, let us say, $4.50 a day now when he and the machine make, let us say, 20 kegs of nails a day. He has had a raise in his wages, and there has been at the same time a lowering of the cost of the nails. I am speaking of what takes place in the natural condition of things when monopolistic greed does not control.

In other words, a labor-saving machine, which is invented, is a part of the unearned increment of human progress, unearned by capital, unearned by labor, or by the consumer; earned only by genius, which is rewarded by its patent rights. The profit goes partially to the consumer, by cheapening the goods; partially to the capitalist, by enabling him to make better dividends or larger

quantities of goods, and partially to the laborer, by enabling him to make better wages. At least, that is the way the profits ought to go. So that the law of human progress is cheaper and cheaper finished products and higher and higher wages, because the percentage which labor makes in the total value of the finished product becomes less and less as humanity advances industrially. But these people, the trusts, have been able to counteract this law of humanity's industrial progress, which I have stated, by making the law stand still in its operation. Not only that, but they have absolutely *raised* the price to the consumer, notwithstanding the constantly cheapening process of manufacture, and at the same time refused the laborer the increased wages which labor ought to have as its share of the common advancement. [Loud applause on the Democratic side.]

We are not complaining, as gentlemen seem to think, that wages have fallen. They have not gone up as they should. The complaint is this: That out of this common fund that I call the unearned increment of human advancement, capital has got a great deal more than its share, and labor has got less than its share, and the consumer has received no share at all, but, upon the contrary, has been taxed in order that the profits of protected magnates may be greater yet. The gentleman goes on to say:

> Gentlemen on that side seem to be afraid of combined capital. You say it is dangerous. How much of it is dangerous?

And all that.

The Democratic party is not afraid of the right sort of combinations of capital. Nobody is afraid of combinations of capital per se. Nobody is preaching the demagogic doctrine that there ought to be no combinations of capital, because whenever Smith goes into partnership with Jones in the clothing business there is a combination of capital; whenever a stock company is formed there is a combination of capital. It is not a question of the amount, but it is a question of the method in which the combination of capital uses, and is permitted by law to use, its energies after the combination is formed. It is a question as to whether it uses it in a fair field, with equal opportunities to all people, or whether, on the contrary, they owe their magnitude to law-conferred or else to corporation-conferred special privileges, discrimination, inequities, and inequalities. I do not suppose there is a man in this House that would deny the right to any individual in America to do all the business that is done in America in a given line provided he did it in free competition with the world, in an open and fair field, and with equal opportunity to all other men. Everybody knows that neither individual nor corporation can monopolize any business in that way. I defy the wisest Republican upon the other side to give one single solitary instance of the successful operation of a monopolistic combination or a trust which has not rested upon special privileges granted either by law or by a corporation permitted by law to grant them. [Applause.] There is not one. The gentleman goes on:

> Why, a schoolboy might think an elephant would be faster if his legs were removed, but he would have to be a pretty young schoolboy. But that is the remedy for the trusts proposed by our Democratic friends.

That is not the remedy proposed by the gentleman's Democratic friends. There is nothing revolutionary, there is nothing anarchistic, there is nothing new even in the remedies proposed by the Democratic party. All the Democratic party asks is that you shall establish an industrial condition such as that no corporation and no class of business shall enjoy any special privileges conferred hy law or by other coporations. The remedy is as old as the founder of the party and his doctrine, "equal rights to all and special privileges to none." All that we ask, in short, is that you shall reduce the duty upon articles which are trust-produced to the point of world competition. That is one remedy. The next remedy proposed by the Democratic party is that you shall deprive common carriers of the power of making open or secret rebates and unjust discrimination, and forbid them thus from conferring special privileges upon certain combinations and certain shippers.

I think it would be well to go a step further and deny to common carriers the right to be anything except common carriers. A common carrier ought to be relegated to its original functions. It ought not to be permitted to own mines, factories, or to own anything else except the railroad itself and such property as may be necessarily or properly incident to its operation. Because if it collects freight from itself it merely takes money out of one pocket and puts it into another pocket, and in that way if it owns coal mines or factories it has the entire freight difference as an advantage over competitors.

Now, Mr. Chairman, the thing that chiefly attracts me about this speech of my friend from Pennsylvania is the close of it. He says:

> This, Mr. Chairman, is a time when all charged with responsibility for legislation should step carefully and cautiously, as those who tread upon thin ice.

Methinks I hear the old song upon the stage, where the actors all step around in the dim uncertain light, and each one sings to the other, "Hush, hush, hush, it is the bogeyman." [Laughter.] "Thin ice!" We have arrived at the "thin-ice" period! Glacial, is it not? I sometimes think, when I hear all these cautions, of that note from "Madame Angot," where the play folk all step around, with their black collars on, and feel out, trying to touch each other in the half light, and singing, "Où sont donc les conspirateurs?" [Laughter.] You would think that here was a great conspiracy to tear down industrialism, to tear down prosperity, to tear down the right of men to use their money as they please, provided they use it honestly, and provided they use it on an equal footing with other people, and provided further they are not bolstered up in exorbitant profit taking by special privileges conferred by the Government or by Government-created bodies.

Now, gentlemen, it seems to me that this "thin-ice" anxiety is a little bit uncalled for, for this reason: You have already adopted a part of the Democratic ideas. When you had to deal with the anthracite coal trust you adopted one by removing the duty, and when the Elkins bill passed the Senate you adopted another to put an end to freight discrimination, and sections 5 and 6 of this bill carry out, to some extent, the same idea as was embodied in the Elkins bill. But I will go on with the gentleman's speech:

> I believe the American people will hold us to a strict accountability when the hysteria and the mania of the present moment concerning tariff revision and the trust have passed away. [Applause.]

Mark the applause.

Now, Mr. Chairman, where does the "hysteria" come in? What is the tariff? Is it a god, is it something sacred, is it a thing not to be touched? Is there hysteria invovled in the idea of changing the schedules of a tariff bill? No; but I will tell you where the hysteria is. It is in your endless chain of tariff robbery; each one of you depending on each of the others; all of you engaged in a common scheme of robbing the consumer and supporting one another lest if one fall all shall fall. A bill is framed by immense log rolling of so-called industries, each one to be hothoused into artificial prosperity by taxation. It is a great arch supporting a structure of artificially high prices, and you are afraid that when one brick is removed from the arch the entire arch may fall. The hysteria breaks forth on that side of the Chamber whenever one says "tariff." [Laughter and applause on the Democratic side.] Why, we dare not touch the smallest schedule for fear of the cry "Democratic free trade," "Democratic destruction of industry," and the gentleman from Pennsylvania went into that a while and talked about it.

A while ago I read where he said that every successful combination of capital is diminishing the price to the consumer. I answered that, or attempted to, by stating instances to the contrary. But I need not have answered it. The gentleman from Pennsylvania replied to it himself a few breaths later. He said, "You say prices are higher. Surely, surely." So I need not have answered it. And he said, "Where do you wish to make them lower? Formerly you got 4 cents and a fraction for cotton, and now you get 8.31 cents." And in another part of his speech he speaks of 4-cent cotton being under a Democratic Administration.

Now behold how plain a tale shall put the gentleman down Let us settle once and for all this Republican error about cotton. Here is a book I hold, entitled "Cotton Facts," by William D. King, of New York, containing the price of cotton running back to 1880. I find in the list of prices of cotton that the lowest price that cotton reached in all that period was November 15, 1898, under the Administration of Mr. McKinley, when it went down to 5⅜ cents.

I find not only that, but taking that entire line of cotton figures for that year, and taking the line of figures under Mr. Cleveland's Administration, for the year when cotton was at its lowest—in 1894—the general average of prices for 1898 was less than in 1894. This is just an indication of the gentleman's carelessness. It is a small matter, but it is an indication of the inaccuracy running through the woof and warp and thread of all these utterances.

Now, Mr. Chairman, it seems to me that this question ought not to be a political question. It seems to me that the Republican party, presided over by our present Chief Magistrate, ought not to give up "a strenuous life," based, as all strenuous life necessariiy must be, on virile individuality; that you ought not to stand here like helpless "weaklings"—a favorite phrase of the President—and applaud a man when he says that the day of individualism is gone, the day of competition is gone. If the day of individualism is gone, the day of industrial freedom is not only gone with it, as I said some time ago, but the day of freedom of action has gone; and in the course of time the day of freedom of speech and of political conduct must go with it; for I tell you there can not exist a people anywhere, one one-hundredth of whom are employers and magnates, and the balance employees, even at good wages, if you will, with the old middle life, independent initiative, and the spirit of individualism stamped out of existence. [Loud applause on the Democratic side.]

Mr. LINDSAY. Mr. Chairman, I will vote for the bill now pending before this House. I do not believe the bill will accomplish the results that are so earnestly sought and desired by the people of the country. The people are demanding and they have a right to expect that the great national council of this Republic will formulate such legislation as will give relief from the oppression and exactions under which the common masses of the people have suffered for a long time past.

Groaning under these exactions, suffering from the grievous evils imposed by trusts and the conditions they have unfortunately created, we should go a long distance, due regard being had to constitutional limitations, to pass legislation which will reach, curb, control, and regulate these combinations whose purpose it has been to stifle fair competition in trade and prevent honest and legitimate rivalry in commerce. We should enact such laws as will prevent such a frightful condition as the country recently witnessed from the result of the coal trust and the beef trust.

But, sir, the majority in control of this House are responsible for the legislation, and the people, when the hour comes, when their will may through their right of suffrage be expressed at the polls, will show their disapproval of the Republican party, who have fostered and maintained these gigantic trusts and who have waited till this eleventh hour, and then only when the height of a people's indignation had been reached, to offer a so-called antitrust measure.

Still, as the bill is a step in the right direction it shall receive my vote. I recognize its weakness, but it is the best the majority will give us now. Not until the most disastrous results were worked out and an indignant people and a righteously indignant press cried out against the unlawful and illegal combinations, has the party in control ventured to report for the action of Congress any measure of an antitrust character. The one now before us will fail to accomplish the purpose sought, and when the people find that an effective, substantial, and practical law has not been adopted to break down and destroy the trusts, so destructive of the best interests of the nation, let them plainly understand that the responsibility rests with and belongs to the Republican party.

Mr. LITTLEFIELD. I yield five minutes to the gentleman from New York [Mr. DOUGLAS].

Mr. DOUGLAS. Mr. Chairman, I have asked for the privilege of addressing the House on this important issue, deeming it the duty of every Representative on the floor to make known to his own home district, and the country generally, his position on the trust question—the most momentous and serious problem commercially we have ever been called upon as a people to face—also feeling that one should not merely acquiesce in and follow the recommendations of our own party or the committee as to needed legislation, but plainly and unequivocally state our personal disposition and have the courage to record to what extent we are prepared to go in endeavoring to satisfactorily settle a grave condition which confronts the country, and the handling of which under the law is sure to have a pronounced influence on our future.

I welcome the present bill. Great care, earnest effort, thought, and sincere intent has been given to its framing by the subcommittee.

At the same time it does not seem likely that it will fully meet our ultimate needs and requirements, but rather we must look upon it as only an entering wedge, a proper experimental measure, and that further legislation, based on the experience we may gain by its enactment, will enable us in the future to perfect our laws so as to do no injury to honest corporations now existing or those which the future will develop, and at the same time regulate, restrain, and force combinations to do business fairly, placing the people in a safe position and preventing oppression by these immense corporations.

That the people themselves are greatly stirred up and disturbed over the position—the rich, the middle classes, and the poor, according as their interests are affected—is universally admitted, and if the masses are wrong in the view which, it appears, they have generally formed—that the great corporations, which have become so dominant and prominent a factor in our business life of recent years and are continually growing in strength and importance, are working to their likely present and permanent detriment—as individual members of the community we should make clear to them wherein lies their mistake.

If, however, they are right, and personal liberty, advancement of the workingmen's interests, the prospect of livelihood for the rising generation, and the ambition of the masses to better themselves is being held in check or injured by real or seeming obstacles ahead, so that men are forced to accept existing conditions and are practically obliged to work for these joint combinations of money and power rather than dare risk the starting and building up of enterprises of their own through fear of being driven out of business so soon as the results of their labor is likely to bring satisfactory returns, we should then frankly admit that danger exists, and formulate means to prevent its further spread.

Should the chances to build up fortunes and homes by the many be even slightly affected and the likelihood of those who are already far too rich enhanced, so that they may grow richer, not by their own honest exertions, but by corrupt practices, and to the detriment of the toiling masses, and the already colossal individual wealth of the few further extended, all must agree that it is time a halt should be called.

If the requirements, not to say actual necessities, of life are possible to be raised by unjust combinations in cost to the many; if the business honesty and uprightness of our children, who must yearly face the problems of life and enter the struggle for existence, is warped and the teaching of the home and the church broken down by the plain evidence before them that under our present methods success is of more importance than all else, and our new world is careless of consequences so long as the goal is rapidly reached; rapacity, dishonesty, craftiness, and cruelty to mankind being placed above the true inspirations and teachings of our forefathers; if American manhood, personal reliability, and honest faith in one's self, which is so pronounced a characteristic of the American people, is to be crushed out or injured, then most decidedly, if all, or some, or even one of these eventualities are possible to exist, or prevail at present, and are likely to be increased under our existing social status, we should not hesitate, or stay our hands, nor measure our purposes by fear of temporary disturbances of conditions, should it be possible to improve matters, but pass a comprehensive law, or series of laws, which will set right the existing wrongs, and we should prove our courage at all hazards, by being willing to force to a just conclusion for the general welfare a problem which must be met, and which the people will not be willing to longer have Congress ignore. [Applause.]

It seems weak, to say the least, to admit for a moment that Congress can not take action in such manner as while doing justice to all, including capital and labor, at the same time will create legislation that shall be so definite as to wisely prevent the greed of individuals or corporations from preying unjustly upon the country.

The able gentleman from Maine [Mr. LITTLEFIELD], in his masterly and powerful address, produced evidence which clearly proved that unlawful combinations have always existed to oppress and injure the common people, but he also clearly showed that even thousands of years ago the rulers of those days were alive to the disgrace of such conditions, and framed forcible laws to break down and punish such crimes. The trusts of those days, or all times, are, however, but pigmies in comparison with the network of ingenuity and shrewdness of our present-day great combines, backed by unlimited wealth and power to aid in carrying out their intentions, and certainly therefore our laws of a necessity must also be the stronger, clearer, and more determined, combined with heavy penalties, if we hope to accomplish tangible results.

The fear of unconstitutionality, a point which is so often advanced, should not be allowed to block the way of so many otherwise reasonable, proper, and feasible measures or proposals that have been put forward, and as the lawyers mostly disagree as to this danger, had we not better proceed at once, and leave our Supreme Court to finally decide any debated and contested points, so long as we know the intent is right?

The will and desire of the people themselves, and the universal demand for a measure, acts as a great factor to make almost any law justified if it fills the popular need and requirements, and it is questionable if a statute so passed would be ruled out by our highest courts except for very strong and potent reasons.

If it should prove necessary the Constitution should be amended, although we all appreciate the desire to avoid such a contingency, which might cause long delay.

It appears also as if it were time for us as a nation to lay aside some of the reverence we have for a Constitution framed so many years ago, when we had a population of only a few millions, and we should not hesitate to bring its provisions up to date, and have them revised, not only in this, but in such other particulars as may be found necessary and essential.

The situation as it now exists is not new, although the surrounding circumstances are, and the colossal capitalization of trusts and corporations is beyond anything dreamed of only a few years since.

In the past these evils were put up with until the strain became too great for the masses to bear, and the result was uprisings and bloodshed. We, however, live in a more advanced age; our countrymen are generally well educated, respect the law, and look to the Government to free them from real or threatened dangers, and they should not be disappointed. The party which takes the responsibility of inaction, and through cowardice and fear proposes to let well enough alone, will likely not remain long the dominant power in the land.

So great is the feeling among the poor it will not do to remain

quiescent, for should our present prosperity die away suddenly and the evil of bad times again assail us, undoubtedly local troubles and strikes of a serious nature would result in various sections of the country, and we had therefore far better take such steps as may be necessary while the present exceptionally good times are with us and few lack work.

The welfare and employment of the many and the moderate enriching of the largest number possible in any community, and not the building up of the few at the expense of the many, is what all nations should earnestly seek for as the greatest desideratum and surest method of national prosperity and welfare.

Combinations are unquestionably created on the plan of cutting down all unnecessary expenditure and reducing labor and clerical force where possible, and it is a debated question whether the large trusts bring about the employment, after formation, of a greater number of men and women owing to increased output or not.

It is also an open issue whether they cause, owing to cheaper production, the lowering of the cost of articles manufactured to the consumer, or a number of factories competing for the same trade would not force such a result far more rapidly.

It is difficult, with the uncertain information at hand, to say anything absolutely definite as to these points, although such questions should be carefully looked into, and let us hope if the department of commerce is established, as most of us wish, that within a short time we shall be able to procure necessary statistics to establish the facts.

It does appear beyond any question, however, that the trusts do away with the opportunity of the many to make a competency out of an industry or enterprise, and that it would be much more readily accomplished if there were a number of independent works.

The efforts of all trusts during recent years appear to be to do away with the intermediary, and to strive in every possible way to reach the consumer direct, and they often even go so far as to open their own retail establishments.

Let us take one trust alone as an illustration—the Standard Oil combination. Until they obtained the enormous power and influence which they exert to-day, and which amounts to a practical monopoly at home and abroad, oil was refined and sold to anyone who desired to purchase, and without restrictions as to the purchaser's selling price, or demand that the seller would handle none but Standard Oil products. The party purchasing was often a wholesale dealer in oil. The Standard made their profit, and the dealer made his. The dealer sold to a large grocer or storekeeper, who also made a profit, and the oil then went into the hands of the consumer, or, again, to a still smaller storekeeper, who finally sold to the consumer.

Thus there was a benefit derived by four or five different classes of traders, and yet the oil was obtained by the user through competition as cheaply as it is to-day, taking existing conditions at the time into consideration, and the many individual dealers or firms handling the product were enabled to make a competency and build up a business which eventually secured them a livelihood as a result of their labor and operations, and the same position existed as regards other corporations, whereas now the Standard and other trusts have practically driven out of trade the wholesaler, also the large and small retailer, and either sell, themselves, direct to the consumer, or do so through local agents who are not allowed to make any profit, but are tied down to a fixed price, simply obtaining a small commission, and all intermediary gain goes into the pockets of the Standard Company.

It may not be generally known, and so it is well, perhaps, to mention in this connection, that not only has the Standard adopted this method at home, but have taken upon themselves as well to do away with all trading in their products abroad.

Formerly they sold their oil and other output for export to any merchant who desired to trade in foreign lands. These merchants charged their profit, generally a small commission only, and distributed throughout the world—India, China, Japan, Australia, New Zealand, South Africa, South America, etc., besides the continent of Europe. The merchant sold to the large local importers in the various countries named and elsewhere, who sold in lesser quantities to the wholesaler. It then went to the smaller dealer, and so on to the consumer, all making a profit, or at least having a speculative opportunity to do so.

The Standard Company encouraged the export merchants in every possible way to build up business, and to work energetically in their interests, packed private brands for them, and never intimated that they would alter the situation, after such magnificent pioneer work being done for their company, and often at a heavy expense; but presto there was a sudden change of front. The Standard revised their methods and coolly turned around and informed the merchants, although they may have sold them for twenty-five or thirty years for a certain market, that they could no longer purchase. They now have their own agencies established in most of the countries named. American methods are adopted, and their agents do away absolutely with any possible chance of profit on the part of the foreign dealers.

The Standard arbitrarily fixes the price, and the agent sells at that figure to the wholesaler or retailer, who is bound by contract to buy oil from no one else and must sell it at the agreed-upon Standard quotation, and at the end of specified periods they make their returns and, if they have carried out their agreements, are paid a commission equal to probably 5 per cent for their servitude to the Standard.

I give these facts to show how extended are the various ramifications of this great trust, not only covering our entire country, but reaching out as well to secure a monopoly in many other parts of the world, and gathering to itself all profits by methods explained, forcing all they employ to accept their terms and penalizing all who deal with them by refusing to sell to anyone who will not agree to confine themselves solely to Standard goods. [Applause.]

This great corporation also practically controls the lubricating-oil production of America, the turpentine, benzine, naphtha, grease, gasoline, vaseline, etc., and are continually monopolizing other products, and all are placed as soon as practicable on a similar basis, and merchants who have been making a living by trading in these goods for years are now reluctantly obliged to turn elsewhere.

I have not specially mentioned the immense railroad and banking interests, steamship and sailing-vessel interests, and other manufacturing enterprises outside of oil and its products that the heads of this trust have gone into; but the moneyed interest involved reaches in all probability to one thousand millions of dollars, and their power is felt in many a direction unknown to the general public.

It may be right, but many thinking men consider it is not, that products of American origin should thus be held under absolute control of one company, and that citizens of the United States can neither buy for home or export trading; and likely profits which could be secured by many if the privilege was open are absolutely done away with.

Some say that notwithstanding these abuses we must not regulate the rights of individuals or corporations to do as they please so long as the law is not violated, as the Constitution grants to us all this liberty; but if certain men and combinations have, by willfully overlooking the rights of their fellows for years, built up fortunes of untold millions, it certainly appears as if the time has come when their hands should be restrained, so that others may have some rights, if we really live in a land of freedom.

If the trusts as private corporations can force others to sell their products only, and at fixed prices, presumably under existing law, which power they have grossly abused, why can not the law step in and force them to sell to all at an equitable figure, or at least not allow discrimination against dealers who desire to purchase from other firms who may be able to sell them? And this undoubtedly can be done without taking away from anyone the right to fix the original selling price.

The United States Steel Company, the tobacco trust, and many other corporations are now branching out and adopting similar methods to those of the Standard, opening their own selling agencies in foreign lands as well as here, and by quoting the merchant abroad as cheaply as the exporter are taking away from our traders the ability to longer make a profit or even commission from the sale of their goods.

The words "spheres of influence" are often used, meaning that a nation has taken hold of some portion of the world's surface in a foreign land and proposes to exercise for its own benefit in trading and other ways sole control or influence over said territory and the inhabitants thereof, which is only applying Standard methods by one nation to another, and this is a thought which we may well consider in connection with the trust question. It is well known that the Standard have for some years been endeavoring to divide the world by combination with the Russian oil people, proposing to join also with them one or two other companies, such as the Schell Company, who own large oil fields in Java, the intention being to adopt the "spheres of influence" plan—that is, Europe would be divided between the Russian and the Standard Oil people; South America would be similarly divided; North America would remain, of course, the field of the Standard Company; Australia, Africa, and other countries would be parceled up to suit mutual interests, with the final result that in all these places there would be absolutely no competition, and the company that controlled the territory allotted to them would have an absolute monopoly, and could charge prices their pleasure dictated, or the people would consent to pay without raising trouble, or the government would tolerate without taking the issue up and forcing a proper settlement in the people's interest.

All this possibly can not be prevented, but many believe that

such methods have already gone, or are fast going, too far, and the time has arrived when the different governments of the countries interested should step in, and see to it that laws are passed to prevent such international proposed arrangements by private corporations, and to create instead a healthy competition, to the end that the people, not only of our own, but other lands, may at least have some rights and chances to live and prosper in a business way.

If these combinations and trade arrangements, backed by immense capitalization controlling many of the great national industries, are not checked, why can not the steel and iron trusts, the beef trust, the packing trust, the canning trust, the tool trust, the tobacco trust, the harvester trust, the sugar trust, etc., all arrange in due time their "spheres of influence," divide territory, and place the people of the entire world practically as slaves at their feet? [Applause.]

This may seem somewhat of an exaggeration, and is to a certain extent; but we all know and realize that the globe to-day is comparatively no larger than Europe alone seemed a couple of hundred years ago, by reason of the enormous strides in development, the quick modern methods of communication by land and sea, and the possible almost instantaneous placing by cable of our desires and wishes before others thousands of miles away.

It may appeal to some, but probably few, that trade shrewdness and greed warranted the beef combination in raising prices last year to our poor beyond reason, while they sold to the poor of other countries 3,000 miles away at 25 per cent less.

That the oil trust is justified in putting up the price of that article of universal need several cents a gallon to the consumer, mostly the working classes, and at a time when its consumption is enormous by reason of the unfortunate coal situation and the inability of our poor to secure their usual supply, which has forced them to use oil stoves largely to heat their homes; and if statements are true, this has resulted in a trust, already paying dividends of over 40 per cent, adding many millions to its profits, wrung from those to whom every nickel is a consideration.

No one believes that the extra cost of the crude oil has warranted or justified these advances; and it is a well-established fact that the Standard pack the same oil or a better grade (as many foreign nations protect their people against explosions by regulating the test of the oil that can be imported) in tins, then in cases, pay the freight, insurance, landing and cartage charges, necessary commissions, and sell it to the heathen at the other end of the world at from 20 to 30 per cent less than at home.

Based on their prices abroad to-day, they could sell here at 33⅓ to 40 per cent less and make a good if not large profit, and as these statements are practically correct, no wonder the poor are raising their voices against such extortions.

It hardly seems proper that the tobacco trust should be permitted to carry out the thoroughly unscrupulous methods which they have followed in handling their business and in their endeavors to kill off all opposition. They have cut prices far below cost in many instances, and lost millions to accomplish the ruin of others. They have refused to sell to dealers who do not hold their goods exclusively. They purchase or lease stores occupied by their competitors at fabulous prices so as to drive them away from a location where they have built up a personal line of customers, and it is said they regularly employ men who act as spies, and whose sole duty it is to visit dealers' business places and obtain evidence against those who may have unknowingly or thoughtlessly infringed the internal-revenue laws, so as to cause trouble, close competitive places if possible, or force them to compromise by payment of Government fines.

The sugar trust and its methods are too well known to need repeating here, but certainly no one can claim their trade ways are, or have been, conducive to public morality, or will teach upright business ways to the young men of our country who are starting out in life careers.

The unfortunate coal strike and the misery and suffering engendered is a sad commentary on twentieth century enlightenment, and while time will not permit my entering into a review of the subject, every citizen feels that the greed of the large operations, working in conjunction with the railroads, had much to do with forcing the issue, and there is no question whatever but that proper legislation can and should be passed to prevent such occurrences from again disturbing the personal and business interests of the country.

The formation of combinations in this country started primarily for good and sufficient reasons and mostly with proper intentions. Large industries had been built up. The owners were often desirous of relieving themselves of business responsibility or were getting old and wished to turn the business into a corporation to relieve themselves of close personal attention and care of their interests. There were periods when competition between various industries became acute, and at first selling arrangements at fixed prices were agreed upon; but it was soon seen that the desire to do business was so keen that these agreements could not be properly maintained, as one or more parties to the deal would infringe and not abide by their promises. This often led to more acute warfare, and finally it was found necessary to resort to actual combinations for mutual protection under one company, parties interested taking stock according to the appraised valuation of the plant or business by experts, thus reducing expenses and absolutely doing away with any possibility of cutting in prices.

As, however, the country grew and prospered, officious men came to the front who took up more pronounced and, as they said, advanced theories and aimed at the control of commodities in a way which the original incorporators of combinations had not thought of or desired. They became unscrupulous and deliberately set about ruining the business of those who would not sell out to them, and have finally brought about conditions undoubtedly detrimental to the welfare of local interests and the country at large.

Men would secure options on a number of plants and by offering far more than the real value of the factory or business to the original owners would induce them to sell for cash and stock and then form a large company, disposing of the inflated stock to the public, often paying dividends which were not earned for one or more years to deceive outsiders while the stock was manipulated in Wall street, and in their extreme desire to obtain results have proceeded against independent companies who stood out against their offers in a manner which the law should no longer allow or tolerate. [Applause.]

The desire, in fact necessity, of cultivating by every means in our power good-fellowship and amity between all classes of our people is universally admitted and advocated, and while every one can not be rich, at least the poor can be brought by justice to admit that those who are better off do not oppress but on the contrary are willing to advance their interests in every possible way.

These ideas have led to much discussion as to whether or not the new business theories and formation of large combinations tend to bring about more cordial relations between the workingmen of the country and their employees, or the old order of things was best, and as this certainly is a factor of much moment and consequence, a few words on the subject may not be amiss in making these remarks.

Heretofore our industries have been chiefly built up by the genius, energy, and hard work of one or more men who have started often from the smallest beginning. They have had a personal pride and interest in their work and were influenced by surroundings and local public opinion. The proprietors lived in the town or city where the factory was established, and they naturally desired to stand well in the community. They had a personal knowledge and acquaintance with certainly a considerable portion of the workingmen under their control. The residents of the place took a material and sentimental interest in the enterprise, and naturally, by reason of all these foregoing mentioned conditions, when differences arose between proprietors and employees it would seem as if it should be more easy to adjust the trouble and reach a fair settlement than is possible in these later days of what we call national progress.

This theory has proved correct by the splendid record of dozens of business firms who have never had a strike at their factories. I will mention two notable cases, that of the Baldwin Locomotive Works, who have been in business some sixty to seventy years, and the praiseworthy career of Mr. Kilbourne, of the Kilbourne & Jacobs Manufacturing Company, of Columbus, Ohio.

At present the high officials and directors of our great enterprises are mostly located in the larger cities, often hundreds of miles away from the seat of industry. The factories themselves are run by well-paid superintendents, whose special duties are to make the best showing possible and secure the greatest output at the lowest cost. These men know that their results are being carefully watched and compared with what others similarly employed at the head of other corporation factories may accomplish.

There appears absolutely no room for sentiment or conscience, and when disputes arise, while certain officials may personally know of the injustice, suffering, and perhaps proper demand of the workingmen for redress, their duties as officers of the company likely compel them to absolutely stifle and smother all such feelings and knowledge, and to look at the matter simply as a business proposition. They are paid to save the company money, and therefore drive the hardest bargain possible.

All individuality is crushed, and men are viewed in calculating the settlement as simply machinery, capable of doing so much work in so much time, and to be paid accordingly.

This may not be true in all instances in the past, and I trust the record of the future will prove the theory even to be wrong, as we must admit some of the lately formed trusts have shown a commendable desire to deal fairly with their workingmen, which action we can not too strongly indorse.

These changes in the conditions of trade many consider has been the cause which has led largely to the combinations of the workingmen to protect themselves, and the formation of labor unions and their spread and increase in power and influence which nothing can now check.

They may often go far beyond their rights and public approval, also frequently injuring their own ends and wishes by unreasonable and absurd demands, or temporarily kill any special movement for their betterment by violence or defiance of the general good, but we must, nevertheless, admit unions have come to stay, and will have to be recognized outside the law, if not within it, and it may be as well to accept the position rather than attempt to fight or legislate against it.

Personally, I believe that before long national laws will be passed to regulate and control strikes and labor troubles, without forcing compulsory arbitration, when the issue involved is such that the entire country may suffer if a prompt conclusion of the difficulty is not reached.

One can not but arrive at the conclusion, after studying the matter carefully, that a number of factories competing among themselves to a reasonable degree is more favorable to healthy trade conditions than one or two large corporations handling the same amount of business, and certainly far better than a monopoly of one.

While the rivalry between industries may be keen, probably no single house would have sufficient capital to drive out of business all those in opposition, either by cutting prices or through controlling the raw material, and it has been unquestionably shown in the past that the more in any line of business the easier for others to start on small capitalization, and gradually build up without fear of being forced out.

Individual members of a business are not likely to go so far as to sacrifice their fortunes to drive out competition, but corporations with many millions at their disposal, the loss individually being but small, often feel that it is necessary for their final essential welfare and monopoly, and will not hesitate to force issues to the utmost limit and throw away enormous amounts to accomplish what they think for their best ultimate interests.

Competition in the past undoubtedly has been extremely keen between competing houses in various trades, yet self-preservation has ruled, prices have not, taken year by year, reached a point of absolutely placing goods on the market at a loss, as is proved by the fact that all classes of industries throughout the country have continued to expand and yearly grow until they have reached their present wonderful status, both as to large output and number of men employed, and it is only as the trusts increase in number and influence that deliberate, preconceived, and skillfully carried out methods are adopted to kill off rivals in business.

Corporations now endeavor in many cases to control the source of supply, or the raw material itself, recognizing unless this is done a monopoly is difficult, going so far as to buy up land or the raw product in any part of the world it may be found.

It has also been shown in many cases that inferior goods are placed on the market when competition is done away with, and the consumer suffers in pocket or health, but the price charged remains unchanged or is advanced.

The large share of the stock of these great combines is almost always held by a few individuals, although there may be often a goodly share of minority stockholders, and if large dividends are paid the bulk of the money goes to build up the already great wealth of the heavy stockholders who manipulated the deal and obtained probably the bulk of their stock without justification.

The people of a republic especially should value highly their rights of citizenship and see to it that they dominate the government, and not allow capitalists or corporations to hide behind or evade the laws which were enacted; not, as appears to have become the rule, to rob the people, but to protect them.

A nation like ours, that can produce the daily food and material requirements of man cheaper than any other country in the world, should furnish its people accordingly, and not allow itself to longer be placed by trust methods in the strange position of charging the population at home higher for the products of its own soil than they can be purchased abroad. The statement that by so doing we pay higher wages to our workingmen is not a valid reason for so prejudicial a position, nor do I believe the fact is correct.

The trusts have undoubtedly largely built themselves up in the past by securing unjust discrimination and allowances or private rebates in freight and carrying rates, and the law should be most forcible on this point, and no common carrier under any consideration should be allowed to grant any concession, either to the shipper or receiver of goods, absolute equality of rates existing for all parties. This should apply to all lines of vessels running on our lakes or rivers, and is of equal necessity between our seacoast ports and between United States ports and those of foreign countries.

The question of publicity has been very fully discussed and undoubtedly should form a part of any bill, as much good will thereby result.

There should also be a strong clause which would absolutely prevent the carrying out of any such plans as are at present in vogue, or that may be devised later, by the trusts, to break down existing competition or keep others from entering similar fields of enterprise. The law is certainly justified in refusing to sanction any action which is clearly taken not for trade protection but for the sole and often-admitted purpose of denying others the right to build up a legitimate business.

The Democratic party have been trying very hard to join together for political purposes the questions of trusts and tariff, but it does not appear that they have any just ground to stand upon. It is doubtful if a trust was ever formed that had for its inception the tariff protection accorded American industries. Certainly the various branches of such corporation, if they had remained single and carried on their business alone, would have had the same advantages under the tariff as if combined, and there is absolutely nothing in the contention. If, however, we go further and raise the issue that these combinations are taking advantage of the tariff, the same as the individual enterprise would have done, and as certain uncombined enterprises are doing, it seems by the facts that a good case can be made out.

The present tariff may have been drawn by its framers to last, as has been said, for a quarter of a century, but the country has expanded faster than these men foresaw, and unless the Republican party will see the handwriting on the wall, and not only say they are agreeable to revise, if it is needed and demanded, but act as well as talk, they may find the people will give unto others the task, which appears so distasteful to some of the leaders on the floor, who almost have a fit and froth at the mouth even if the suggestion is advanced.

There are beyond doubt to-day combinations that are taking advantage of the high wall we have built to hold prices at a figure which they could not do if the protection accorded to them was reduced to a judicious level. Again such articles as oil, hides, hard coal, beef (dressed or on the hoof), and other articles of general consumption might well go on the free list.

The essence of true protection is to protect, not, however, to feed with pap, so that we overfeed. We have the soil, the rivers, the climate, the minerals, the timber, the labor-saving machinery, and the wonderful genius and enterprise of our people, which forces combined have shown clearly our capability of producing in time most all the world's articles as cheaply as any nation on earth.

To build up our industries, to protect them, and especially to enable payment of the highest possible wages and granting of the shortest reasonable hours of work; also to prevent inferior goods coming to our market, manufactured abroad by poorly paid labor, we are right in having tariff protection, but just so soon as the percentage of duty goes above the bare margin necessary, it is no longer needed, wise, or proper in the general interest. To illustrate, if an article to accomplish what we wish needs 20 per cent protection, gladly give it, but do not give 21 per cent. In the first case the manufacturer, knowing that if he tries to advance prices to the consumer beyond the figure his protection gives that he invites the importation of goods to be sold in competition, will not attempt to do this, but if his margin is higher and he can likely charge more with impunity, he is very apt to do so unless home competition prevents.

To accurately reach a conclusion as to what rate of duty can be charged, we should demand of every industry protected a thorough statement of facts clearly proving their necessities before any protection should be granted, and then careful watch should be kept over all enterprises and a report secured by one of our Departments each twelve months or twenty-four months, so that the duties could be reduced each Congress as recommendations were made to that effect, backed by evidence; as beyond doubt most of our manufacturers cheapen their output yearly by various saving devices and securing of cheaper raw material. By such means we might be able to gradually do away with the necessity of complete tariff revision at unstated periods, which is most unsettling to the country.

Some articles of raw products can also beyond doubt be admitted at less duty than at present, the same being required to mix with similar materials raised here to enable manufacturers to turn out higher grades of goods, and this can be done without detriment to any class of the community. I am a sincere believer in careful nursing of our own resources and industries, and a proper duty for their safeguarding, but believe to-day this can be done and yet reductions of tariff made in many cases.

I regret so important a bill came before the House under a special rule limiting general debate, and also allowing but three hours for its final reading and the offering of amendments, as it prevented many from giving their views as to desirable changes in some of its provisions.

The time limit was reached before the reading of section 2 was completed, and I therefore was not able to suggest including in section 5 the following addition:

Section 5 reads as follows:

SEC. 5. That any person, carrier, lessee, trustee, receiver, officer, agent, or representative of a carrier, subject to the act to regulate commerce, who, or which, shall offer, grant, give, solicit, accept, or receive any rebate, concession, facilities, or service, in respect to the transportation of any property, in interstate or foreign commerce, by any common carrier subject to said act, whereby any such property shall, by any device whatever, be transported at a less rate than that named in the tariffs, published and filed by such carrier, as is required by said act to regulate commerce, or shall receive any advantage by way of facilities or service, shall be deemed guilty of a misdemeanor, and shall upon conviction thereof be subject to a fine of not less than $1,000.

Addition proposed:

Page 9, section 5, line 23, after the word "dollars:" "The provisions of this section shall apply to any common carrier, trustee, receiver, officer, agent, or representative of a carrier, enjoying the advantages of our seaports, and trading between United States ports, or between United States ports and foreign ports."

This addition could have done no possible harm to the bill, and might result in great good to a large number of American citizens who are handling a shipping business between our coastal and American and foreign ports.

Sufficient attention has not been given to the fact that our exporting and commission merchants are subject, on the supposed free ocean, to the same obstacles, restrictions, and abuses of power by shipping trusts as are their neighbors who trade on the land.

Systems of rebates are adopted by which shippers are forced to pay high schedule rates, and prepayment of freight is demanded, so that the carrier may have a complete power over the shipper, and then at periods ranging from six months to one year after date of shipment a portion of the freight is returned if the shipper meanwhile has been loyal to the carrier; that is, shipped no goods by an opposition line.

The carriers engaged in our foreign commerce, also often having a complete monopoly between ports, make contracts with large corporations to carry no other cargo, and thus absolutely prevent others wishing to send similar goods abroad from doing so.

There are many equally objectionable exactions forced on the shipper by foreign carriers using our seaports, and it is only proper and fair that our people should be granted relief.

To the lasting disgrace of our nation, we have practically no American freight lines to foreign countries at present. Therefore, at least we should have protection from the foreign shipping trusts.

I wish, in fairness to the gentleman from Maine, who has so ably handled this bill, to say that he informed me he considered section 5 covered what I desired to accomplish; but as there appears to others besides myself a great doubt on this point, I wished to make sure, and therefore regret the addition as proposed could not have been submitted to the House.

It has been my endeavor in discussing this question to do so from a business man's point of view, and to present some few features which have not come out in debate; also to call attention to various changes in methods of commercial life, and how they have already affected, and will probably still more potently influence, the laborer in all branches of trade, whether his duties are manual or mental. I do not desire to be considered extreme or unwilling to accept the situation as it exists, nor do I wish to fail to give full and ample credit to all that has been done by large corporations to help create, expand, and build up our different States and the nation as a whole, but am forced by convincing evidence to the conclusion that it is our duty, while doing nothing to injure or break down the continuance of prosperity by unjustified legislation, at least to delay no longer, but have bills passed to curb existing wrongs and prevent their recurrence. The present measure, while stronger and better than anything yet presented to us, does not in my judgment go far enough.

This is an era of commercialism. Nations are striving for supremacy, and powerful government help and aid, although often veiled, is back of the people of all countries in their creating of wealth and affluence, the building up of riches, and the attempt at peaceful trade conquest the world over. No great war has taken place among civilized nations for a long period, as, while the Franco-German struggle was sharp and disastrous to France, it was also short and did not greatly affect others.

This long peace has enabled all countries to make the wonderful strides they have, and the United States must keep the proud position we have acquired and forge ahead to the further benefit of ourselves and mankind universally.

It goes without saying to accomplish this we should not, and could not if we tried, force back the irresistible tide of national progress by declining to realize that the new conditions of business have come to stay and will continue to grow.

The immense cost of the gigantic undertakings of our day make imperative the joining together of capital under some form of trust, combination, or corporation. Private means can neither furnish the necessary large amounts essential to carry out the needed public and world improvements, nor can we expect those who might have it to be willing to risk their all in such undertakings.

Our duty, therefore, as representatives of the people seems plain, and that we should, with an open mind, deal out justice by wise legislation.

Progress, prosperity, and freedom to undertake great enterprises should not be interfered with, but the sting of corruption, the disgrace of unjust methods, and the possible persecution of our citizens should be taken away forever from all public companies, for their own eventual good and the people's happiness and welfare. [Applause.]

Mr. DE ARMOND. Mr. Chairman, I yield ten minutes to the gentleman from North Carolina [Mr. WILLIAM W. KITCHEN].

Mr. WILLIAM W. KITCHIN. Mr. Chairman, I regret very much that I have not time to discuss this bill, but in the short time I have I want to call attention to what seems conclusive evidence of the insincerity of the Republican party on trusts.

In 1888 the Republicans in their national platform denounced trusts. In their platform of 1892 they more bitterly denounced trusts. In their platform of 1896, when a different class of statesmen obtained control of their party, they deliberately omitted all reference to trusts. I call these facts to the attention of the gentleman from Maine [Mr. LITTLEFIELD] for his consideration when he closes this debate. He may say that it was unnecessary for the Republican party to renew its pledges, that they would not plead the statute of limitations; but they had better plead it out of date than to let it stare them in the face as binding and absolutely ignore its obligation.

In 1900, when practically all the great monopolies had become organized under the single-corporation plan, and while the people were crying against trusts, the Republican party wrote words in its platform condemning "conspiracies and combinations." Under the Republican construction the single corporation is not a conspiracy or combination. I believe that platform deliberately informs these great trusts that the Republican party is not hostile to single-corporation monopolies.

We are not against rich men, or riches, or corporations, or big corporations. We admit that large capital or large manufacturing plants can produce more cheaply than small ones. No man denies their right to this advantage. We deny the necessity of enormous combinations for economical production. Economy of production of oil does not require a combination worth $700,000,000. Economy in the manufacture of tobacco does not require a combination of $250,000,000. A ten-million-dollar tobacco manufacturing plant would be an immense concern, and could demonstrate the greatest economy in production. Such a plant would be worth more than the wealthiest county in my district, including its factories, its banks, its railroads, its farms, and all other taxable property. Yet such a single factory would not be a monopoly. We are not against great factories, but we deny the right of monopoly to exist in enterprises naturally of a competitive character. We admit that there are natural monopolies, such as street railroads, water companies, and others.

Natural monopolies should be controlled and their prices regulated by law. All monopolies in enterprises of competitive characters should be destroyed by law. It is unnatural for tobacco factories in Durham, in St. Louis, in Richmond, in New York, and other places to combine, and it is wrong to combine for the purpose of monopolizing the tobacco business. Destruction of monopolies is not destruction of factories. Factories existed before monopoly and they will exist and flourish if monopoly is destroyed.

Monopoly injures the small towns and sends their best talent to the great trust centers. It intimidates the energetic; it shuts the doors of opportunity to the young man. In my district twenty years ago new tobacco factories were started; no men now dare to begin manufacturing tobacco. Had the tobacco trust been in control thirty years ago as it is now, probably we would not know the names of the great tobacco magnates of to-day. Had the Standard Oil Company existed forty years ago, probably we would not know the name of Rockefeller. The great trust magnates laid the foundations of their fortunes under fair competition, then organized trusts and deny opportunity to all who have no special pull with them.

Control of an article gives the monopolist the power to fix its price. Human selfishness inspires him to fix the price for the satisfaction of his own greed. Having the disposition and the power, he uses them against the people, having, however, consideration always for the greatest net returns. Since we can not deprive monopolists of their disposition to rob the public when the greatest net returns require it, it is the duty of the Government to deprive them of their power to do so.

Mr. Chairman, why does the existing law subject monopolists

to imprisonment in the penitentiary unless monopoly is a moral wrong, unless it is a crime against humanity? The man who robs by virtue of his great wealth and power is no less a robber than he who robs at the point of a pistol. His method may be more polite and refined, but he accomplishes his purpose with just as much certainty and with much the same spirit. He is guilty of wrong as certainly as is the highwayman. Why will the Republican party not enforce the criminal provision of the Sherman antitrust law?

Why did not the President, when he got after the beef trust instruct the Attorney-General to indict its members? If a band of men should combine to rob every man who passes along the highway and under that agreement rob a thousand men and a lawyer should bring a suit to enjoin the members of that band from carrying out their contract, honest men would despise that lawyer. Yet when these people combined to put up the price of beef and robbed the consumers, violating the Sherman law, the Attorney-General brought suit to dissolve their agreement. He should have indicted the men who formed that conspiracy. The law which authorized the suit to enjoin them authorized their indictment. Why did not the President then think of "shackling cunning?"

It is because the President is only human. He suffers temptations as do other men. He wants to be nominated for President, and knows that no man can be nominated by the Republican party who has not the sympathy of these great trust magnates. He knows that no man who takes a bold, unrelenting position against trusts, against monopolies, and who, under the law, advocates putting these great tyrants of the people behind bars, can receive the nomination of the Republican party in the convention. That is the reason, in my judgment, the President abandoned his idea of "shackling cunning" in this age, as heretofore our ancestors had learned to "shackle force."

Mr. Chairman, it seems a recital of these facts shows every intelligent American citizen that the Republican party is not determined to break up monopolies. It is not intelligence that gentlemen lack. It is not wisdom. They know how to frame the laws and how to execute them. It is either conscience or courage that gentlemen lack. Republicans have controlled the administration of affairs now for six long years and have allowed platform declarations to remain a dead letter. The criminal statutes they have not enforced against monopolies. There is no middle ground between those who plunder and those who are plundered. If you Republicans are determined that the law shall not be enforced, if you are determined that private monopolies shall not be destroyed, if you are determined to permit them to continue to charge the American consumer more than they charge foreigners, then have the manhood to let the American people know your position.

Can you mislead them by pressing bills at the end of Congress, when you have no hope of their becoming law? If the American people should vote intelligently and deliberately that the monopolies should control this country, we would bow to their will; but we deny that the people favor private monopolies. We deny that they favor allowing corporations or individuals to have the power to arbitrarily control prices. [Applause on the Democratic side.]

[Here the hammer fell.]

Mr. DE ARMOND. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. KLEBERG].

Mr. KLEBERG. Mr. Chairman, in the limited time allotted to me it is impossible to cover the great subject of trusts in all its bearings, but I desire to emphasize in these remarks the fact that one of the chief causes of industrial monopolies is the transportation monopoly. As long as the railways of this country remain unregulated, so long will monopoly thrive and grow. You may have free trade and publicity galore in the United States, and unless you can fix reasonable freight rates and prevent clique enterprises sustained by discriminatory freight rates, you will still have the industrial trust.

But it seems that the railways are beyond the control of legislation unless it be of a character which suits their purposes. Not since the enactment of the interstate-commerce law, eighteen years ago, creating the Commission has there been an attempt to regulate railway traffic on the part of Congress, unless it be the passage of the Elkins bill at the other end of the Capitol a few days ago, yet this bill, weak as it is, will likely fail in this House, or, if it passes, be so amended as to give no relief to shippers, and will in the end furnish but further proof that the influence of the railways is all powerful.

I insist that Congress has the power under the interstate-commerce clause of the Constitution to provide for the appointment of a commission or tribunal vested with the delegated powers, first, to fix reasonable freight, passenger, and express rates on all public carriers engaged in interstate commerce; second, to classify freights; third, to compel interstate shipments; fourth, to require public accounting; fifth, to prevent discrimination of every character, whether by rebates, terminal facilities, or by reason of the long and short haul; sixth, to enforce the freight schedules as published by the carriers, and, seventh, to enforce the orders of the commission by the aid of the courts. I further insist that by such regulation legitimate transportation lines would be benefited, as discrimination would cease and their business would be brought under orderly control, while all shippers would be placed on the same level with each other and equal opportunity restored to all.

Nothing Congress could do would do more in restoring fair competition in all commercial and industrial enterprises. It is admitted on all sides that an active assertion of the competitive principle in our commercial and industrial life is the only remedy against the trust evil, and yet we do not avail ourselves of the constitutional and practical means at hand, but resort to palliatives which at best can not go to the root of the trust evil. Modern commerce and industry are based upon cheap and efficient transportation more than all other agencies combined, and unless that transportation offers like and equal opportunities to all enterprises, large or small, competition is impossible and monopoly inevitable.

How much longer will Congress trifle with this great question? Sooner or later it must be met, if monopoly is to be suppressed. Of all monopolies the railway and transportation monopoly is the greatest and most far-reaching. Nothing that enters commerce or manufacture escapes its control, and no human being is exempt from its arbitrary power. It fixes the price of every commodity that enters into daily use, and upon its supreme will is dependent every commercial and industrial enterprise. Communities, cities, States, and sections are built up or destroyed at its behest. Clique enterprises grow up under its fostering care and independent concerns are crowded to the wall, and all shippers outside of its patrimony must pay such freight rates as the traffic will bear. The manufacturer, the trader, the farmer, the laborer, and the consumer all must submit to its inflexible and often exorbitant decrees and pay tribute to its supreme dominion. Here is the basis of the trusts, here is the soil in which they thrive, here is the field for the trust reformer. Who will lay hands to the plow? [Loud applause.]

Mr. DE ARMOND. Mr. Chairman, I shall not claim that the trust evil is easily removed, nor shall I assume that I have discovered or have learned of any sure remedy for it. I believe, however, that experience has suggested certain methods of treatment which we have every reason to believe will be largely and beneficially effective. I believe that many of those methods are not to be employed. I believe that they do not receive from our brethren upon the other side of the House that consideration which they deserve, and that they will not receive it.

To say that any remedy or any combination of remedies can suddenly and radically cure all the evils inflicted upon the American public by the trusts would be going much further than I am disposed to go. Human greed, employing in its various vocations the best of human intellect that its spoils can secure, is not to be baffled in the easiest manner, much less to be eradicated from human nature in which it inheres. It is necessary for those who would deal with this great evil to seek the best and most effective and at the same time the simplest remedies that may be applied to it. If we would deal with it with any degree of effectiveness, approaching the necessity of the case, we should be willing to reconsider our own preconceived conceptions upon this subject, test our own philosophy anew, discard, if we can, such prejudices as may possess us, and turn our best ability, coupled with our best intentions, to what is the serious problem of the day.

I am one of those who believe that the evil might be greatly mitigated, that in many respects and with regard to many things the evil might be removed, by addressing ourselves honestly and conscientiously to a revision of our tariff laws. I do not say nor do I believe that all trusts spring out of the tariff laws or that all trusts are sheltered or protected by them. But it seems to me that it passes human understanding and is at varience with human observation, how any man can doubt that in many instances and to a large extent these trust evils are due to a tariff code needing careful and prompt revision.

I shall not go into any discussion of the relative merits of this philosophy or that philosophy with respect to the tariff. Certainly those who advocate its continuance will not in speech, whatever they may do in acts, claim that any tariff duty ought to be imposed or maintained when the effect of the imposition and the retention of that duty is injurious to the general public and beneficial only to comparatively few, who derive all of the good, all of the profit, that comes from it, or most of it even.

As was well remarked by the gentleman from Mississippi [Mr. WILLIAMS], in the nature of things there does not seem to be anything particularly sacred about a tariff law more than about any other piece of man's handiwork. Times are changing, circumstances are changing. Discoveries are made and developments

are taking place constantly, and if we had to-day a perfect tariff law, if such a thing were possible—and it is by no means possible—we might find in it to-morrow not a few imperfections. We might find more of them the next day, an increasing number the third day, and so on. I do not mean to suggest that there should be any lack of reasonable stability in tariff legislation; but I do insist that there should be insured that healthful stability which ever must result from just and timely revision.

Who will say that the legislator, having regard for the welfare of the country, ought not to be vigilant and active in the study of the tariff law after it is made as well as at the time it is going through the creative process? Whenever the people have to surrender part of their substance to those who have no just claim to it, those who already have more than enough, then from whatever reason—lack of wisdom, undue influence, want of care, bad intentions in the preparation or enactment of the law, or changed conditions since the law was put in force—whenever, from any of these causes, or from any other cause, hardship and wrong shall spring, relief should not long be denied or grudgingly given.

Whenever there shall arise in the country such a state of affairs that the existing law, in any important respect, is not what it should be, then wisdom, duty, patriotism, all unite in the demand for a correction, the demand that the law shall be brought into harmony with actual conditions and with justice as it ought to be administered and meted out to all alike.

He will be a bold man—no, I will not say that—he is a reckless man who would proclaim that the existing tariff law of this country does not need revision. And some gentlemen on the other side of the House—it may be but a few of them—have been whispering that the tariff ought to be revised. Why is it not revised? They do not give the reason. What reason can there be looking to the welfare of the public? What reason can there be of a public character? That there are political reasons abundant, reasons looking to special interests rather than to public interests, is open and plain to the comprehension and observation of any and all.

Other gentlemen say, in effect, that we shall not correct the tariff wrongs, even if it were well to correct them, even if their correction would bring relief in any degree to those who suffer from unjust and improperly imposed taxes, even if revision would break the hold of any of the giant trusts. And so they withhold legislation that would bring about as much of reform, as much of relief, as much of benefit, as much, modicum though it be, of justice between man and man, between the poor and middle classes and the mighty, as they confess it would bring. They still serve as a shield for the mighty, who, by reason of their wealth and the influence that it gives, have controlled legislation too largely and too long.

We of the minority suggest an amendment by which certain articles notoriously controlled, to the great prejudice of the people, by the giant trusts of this country—not your pigmy trust, scurrying along the fences, hiding in corners, but the giant trusts, that take the highways, that monopolize wholly or in large part many of the prime necessaries of life. We suggest this amendment to take off all duties upon a few products controlled by these great corporations, and believe in reductions here and there all along the line.

How could we greatly disturb business by conservative legislation to restore to certain business operations the element of common honesty?

It is claimed that whenever we endeavor to legislate upon these lines, whenever we try to do anything in respect to reducing the tariff, we are liable to disturb business conditions—disturb the business world. Whose business is it which is going to be thus disturbed? [Applause on the Democratic side.] The people's business world, the world of those who suffer from tariff exactions, and who have earnestly labored and time and again earnestly pleaded for relief? Certainly it will not be a disturbance of their business world. The disturbance can be only that which is inevitable, if it be inevitable, in taking from those who too long have gathered what does not belong to them the privilege, the immunity, of gathering so in the future. [Loud applause on the Democratic side.]

We suggest—and the suggestion is old, as was remarked by my friend from New Jersey [Mr. PARKER]: of course we are not claiming anything in the way of originality in the suggestion—we are suggesting, as was suggested when the present tariff law was under consideration in the House, that the President be clothed with power to clip the claws of some of the trusts. It was then feared and prophesied, if not actually foreseen, that the tariff would afford a sheltering place, a breeding ground, for numerous trusts which would prove of great harm to the public. It was then suggested, and has been suggested at other times, a number of times since, and again we suggest and urge, that the bill be amended so as to provide that the President, not the President of our selection, not of our party, not entertaining our views, but the President to whom you go for advice concerning trust legislation, the President to whom you bow for favors, the President to whom you look for promotion, the President elected by your party—that he be authorized, whenever in his own judgment, not ours, it shall be made manifest to him by facts brought before him and forcing conviction upon his mind, that some of the articles needed for the welfare and comfort of the people of this country are monopolized by trusts, then he, by virtue of the authority which we propose to give him, may, in his own judgment, in the discharge of his duty, by proclamation, remove or suspend the duty. When to him it is demonstrated, against his will and against his theories and against his views of a trust, that relief from trust exactions by virtue of the tariff law is demanded by justice or necessity, he may finally by proclamation remove or suspend the duty. He need not issue the proclamation until he finds that the tariff duty is harmful to the public at large, and beneficial only to some one or more trusts.

Now, I am not hopeful enough from what I have seen and in what I have heard in this Chamber to expect that this amendment will be accepted or adopted. Upon this side we have not the power to put it into this bill or otherwise to put it into the law; and my apprehension is that, using the ample power you have upon the other side, you will prevent its going in. But why will you do it? Would you rather trust the trusts than the President? We do not fully agree with him upon many things, are out of sympathy with him upon more than a few things, but we have respect for his high office, and, having regard for the sense of duty that must possess a man in it, we would a thousand times rather set the responsibility upon him than to remain at the mercy of the trusts. We would have the people of the country look toward the White House and say, "There is the man who can afford relief;" and then let him take the responsibility, if he choose, when it is centered upon and concentrated in him, of serving the trusts instead of the people.

There is no relief in the other direction. The trusts will not grow in grace. It is not in human experience. There is not a line in history as we all must read it, there is not an element of greed in the human heart, which suggests the thought that the trusts will relent, or that the people dare submit themselves permanently to their control. Why should you not give the President of the United States the option, in his own judgment, when satisfied in his own way, and to the extent that he himself is impelled to move, to relieve the people in some degree and for some time; at least until the assembling of Congress; to relieve them of burdens too heavy longer to be borne?

As has been said on this side of the House more than once in this debate, we are not seeking to destroy, but we are seeking to preserve. We are not making an attack to pull down and to scatter, but we are trying to stand as a bulwark to prevent that sort of concentration, that sort of swelling, growing, multiplying monopoly which soon will leave to the American citizen but the husks and shadow of what was in times not long past the pride of his American citizenship.

This bill provides for publicity on the part of corporations that are yet to be, corporations in the womb of the future, corporations that are to come forth out of the abundant expanse of time approaching; but as for the corporations that to-day exist, they may or may not be called on for some measure of publicity, all in the good judgment and pleasure of the Interstate Commerce Commission!

Could ingenuity devise anything more helpful to the monopolists or more hurtful to the public than the stripping of each new corporation and the covering of each hoary trust?

Surely criticism of the bill upon this head is not fanciful and can not be denounced by any fair-minded man as mere fault-finding. Of course, I understand the reason or the excuse for this partiality, as the reason or excuse is suggested by the gentlemen on the other side. It is that the searching for publicity when applied to all the corporations, great and small, would be burdensome, would be vexatious, would, in many instances, perhaps, bring out concerning the smaller ones details the exposure or publication of which would be hurtful to them, and not beneficial to the general public, and possibly of advantage to their mighty competitors. But does not that apply just as fully, just as completely—aye, with fourfold force—to the corporations that are to come into existence, establish themselves, get the world to know that they are, get the world to have confidence in what they are going to do and what they promise, and what they can do, so they may get a share of the world's patronage and business? Certainly it does.

We have suggested an amendment to make publicity work in the present tense. I do not know whether gentlemen on the other side will let it be adopted. Possessing the power which party organization and party control give, they may not consent to the amendment, but may kill it. We would have this inquiry for publicity directed to the corporations of to-day. We submit that "sufficient unto the day is the evil thereof." How could that

wise saying be applied better than to the existing trusts? The people are not clamoring lest they be plundered or oppressed by corporations that may be created some day, and that some day may do something wrong. The public complaint is of the trusts that exist now; the trusts whose clutch the people have felt; the trusts beneath whose heavy hand multitudes of them have gone down. It is for relief from the ills that are that the people have petitioned you and have been hopefully and patiently waiting. I believe that if through your party agency you deny them that relief they will arise in their might and secure it by the aid of those who now join them in urging you to help them.

Publicity has been greatly vaunted of late. Some persons, listening to some speeches and reading some literature—knowing nothing else about the subject—may have arrived at the conclusion that publicity is all of it. They may seem ready to say, "Just devise some means by which we can find out what the trust is doing and what it is doing its work with, and straightway all ills must vanish, while all the blessings of life, resplendent, revivified, and rejuvenated, endure." This certainly is an exaggerated view of the value of publicity. Publicity with regard to corporations may be very valuable to gentlemen who desire to invest in the stocks of these corporations, who would have monetary transactions with them by way of acquiring some of their holdings.

But are we not rather dwarfing our efforts, are we not rather belittling, making exceedingly small, the importance and magnitude of a great question, a great issue, when we concentrate our efforts upon an endeavor to secure from corporations hardly more than the information which will be valuable to those who wish to speculate in stocks? Most of the people have no desire for that; the people have no means for that; they are far better off without it. Publicity is of value only as it enables the individual citizen, and more particularly as it enables the lawmaker, to detect public abuses and to apply the remedy to them.

A large part of the bill under discussion relates to publicity. And, by the way, let me remark that House bill No. 17, the bill nominally under consideration, is quite a different product, a materially different output, from the substitute for House bill No. 17. The author of House bill 17, the distinguished gentleman from Maine [Mr. LITTLEFIELD], seems to have started after the trusts with "blood in his eye" and a tomahawk in his hand [laughter]; but by the time this gentleman and his colleagues come up with the trusts, further armed with the substitute for his bill, we find that they hold in their hands the pipe of peace, and that there is to be no trouble whatever between them and the bad corporations they started out to subdue. Evidently they have been authoritatively admonished to go slow and smite not.

Of course I do not find any fault with the gentleman from Maine, individually; I do not find any fault with his colleagues, individually or collectively. It would not do to offer, especially would it not do for them to urge here, anything that by any reasonable possibility could be objectionable to those most powerful gentlemen directing the trust operations, those whose favor and whose support and whose campaign contributions have been so valuable in times past, and are so indispensable in the present, and apparently will be still more indispensable in the near future. [Applause on the Democratic side.] These legislating gentlemen are under constraint; they are in leading strings. It was necessary to submit to "the powers that be," necessary to have the "O. K." of somebody high up on anything formulated before it could be exploited here.

How far the thing exploited is to go, whether like a most pretentious bill offered in the Fifty-sixth Congress, to make more bristling and more threatening the penalties of the Sherman law, and to pass through this House with only one or two adverse votes, it is to slumber in the Senate, awaiting the trumpet of the resurrection day, I know not. Being so near the adjournment, as we are, it is useless to go into prophecy on this subject. I do not think, though, that any serious alarm, certainly none threatening a panic, prevails in the strongholds of the trusts over what these gentlemen are proposing to do, much less over what they will do. I think there is, rather, serenity and the hope that the little bit of a flurry, the little bit of a whirlwind which these gentlemen raise here, will soon pass; that soon the sky will be entirely clear, and that long the pickings will continue to be good for the trusts. [Applause on the Democratic side.]

A great truth, it seems to me, lying at the root of the trust question is this: It has become fashionable to obscure, often to entirely lose sight of, the distinction between a real man, God's creature, and the thing of man's creation called a "corporation." I do not believe it ever could have been intended by those who framed the Constitution that a corporation created, say, in New Jersey—and we all forgive, of course, our friend from New Jersey [Mr. PARKER] for speaking so touchingly of corporations there, for it is loyalty to his State and it does not mislead anyone—that a corporation created in New Jersey, for instance, and preying upon the defenseless people in Kentucky, Missouri, California, or anywhere else in the wide Union must be supposed, by a queer perversion of terms, a queer twisting of the human intellect in dealing with them, to reside in New Jersey only, as God's man might do, although it never intended to carry on any business there, although it never does any business there, although it never will do any business there.

Did the wise old Constitution makers intend that when the corporation organized in one State invades another State, according to the purposes of its original creation, or invades forty-four other States, in pursuance of its original designs, in each and every one of them it shall be regarded as a most respected citizen only of the State whose legislature made it, and that therefore the courts that are good enough for the local citizen, for the real citizen, for the man to the manor born, for the man who can have but a solitary legal residence in one State or in one country—the courts that are good enough for him, the local State courts, are without jurisdiction over the corporation, unless the corporation be pleased to allow them to exercise jurisdiction?

Various prohibitions, various statutes, where the word "person" is used necessarily must comprehend corporations, but the converse of that, carefully considered and properly determined, by no means is true, that "corporation" means "person." I am not making any attack upon corporations, nor am I going to do so. A corporation is a useful agency in the carrying on of business, in many instances probably indispensable; but why a half dozen men or a half hundred men, or any number of men, by virtue of the enactment of some legislature, may have created a fictitious being, with a particular residence, a particular citizenship according to their own choice, which wherever it does business, can hark back to the old fictitious home in order to oust local courts of jurisdiction, and deny to local litigants inherent rights, which I believe the Constitution protects, is beyond my understanding.

There is an amendment offered here by the minority, not going far, not sweeping, not dangerous, but, in my judgment, just and also beneficial if it were put into the law, providing that the corporations engaged in interstate commerce, wherever organized, shall be regarded, so far as the jurisdiction of a local State court is concerned, as amenable to that jurisdiction in each and every State in which they shall do business, to the same extent precisely as if created by that State—to the same extent precisely as the citizens of that State, with human bodies and immortal souls, are amenable to the local jurisdiction. It deals only with the corporations engaged in interstate commerce. I believe it would be constitutional, just, and wholesome to have the same provision apply to all corporations, great and small, near and far. What reasonable objection can there be to it?

If you desire to curb the power of these corporations, if you desire to give the courts a chance to get at them, what objection can there be to the incorporation of this simple little amendment in this bill? What right has a corporation doing business in the State of Missouri, no matter where it is created, when a controversy arises between it and a citizen of Missouri, to fly to the Federal court, on the ground that while it operates in Missouri it belongs or lives in New Jersey, where perhaps it has not a dollar's worth of property, never did have, never intends to have there a dollar's worth of property? If that happens to be a corporation engaged in interstate commerce and this amendment were adopted, there would be jurisdiction and control over it by the local courts.

Gentlemen will hardly charge that justice can not be obtained upon the average as surely and easily in the several State courts as in the Federal courts. I hardly look for that to be asserted. Then why is it that there is this roving citizen of the Republic, this citizen that is not a citizen, this person that is not a person, this being that has no being except artificial being—why is it that this artificial being shall range the wide Union and everywhere choose its own tribunals, while the man of flesh and blood, the man who pays the taxes, the man who fights the battles, the man who in the aggregate constitutes everything that is worthy of preserving, in these cases has to be confined, as nature as well as law confines him, to one actual residence? He can not have a residence everywhere. He can not be a citizen of Missouri and a citizen of New York. He has one legal residence. When he acquires a new one he loses the old one. Now, why should a corporation be privileged beyond the individual?

There is an amendment suggested for exercising the taxing power upon corporations. I think there is no question about its constitutionality. If the principle be correct, if its application probably would be wholesome, matters of detail and matters of form ought not to stand in the way of any who desire to make this bill the best they can make it. Why ought not the same taxing power to be used in dealing with the trusts that was used in dealing with the State banks, when the desire of the lawmakers was to put the State banks out of business, so that the

issue of bank notes might be confined to and centered in the national banks?

Why not tax so highly that they can not live (except in reasonable obedience to reasonable laws) these ruinous trusts that are fattening upon the wealth of the land, and that gradually but surely are robbing and enslaving the masses? Why can not that be done? Does it lack justice? Does it lack feasibility? It is along the line of precedent, it is along the line of human reason, it is along the line of experience. I submit it also is along the line of common sense, providing you really wish to do something effective to the trusts and with the trusts.

A trust is nothing more nor less than a monopoly; that is all, but more than enough. As a general proposition, monopoly is absolutely antagonistic to the principles of the Republic and to the welfare of its citizens. It stifles human effort, it strangles human enterprise. It robs human citizenship, and the longer it proceeds in its nefarious operations the more powerful it grows, and the more difficult becomes the task of reducing it to fair proportions, and making it amenable to wholesome laws.

If there could be such a thing as that the citizen, not depending upon the judgment or the learning or the fidelity or the courage of some particular Federal officer, but arising in his own majesty as an American sovereign, could find a court open to him where he could invoke the law, where he could set in operation the machinery of the law for the redressing of the grievances from which he suffers under trust ministration and trust robbery, very much would be done toward correcting the evils which people now endure, looking to you for the help that justice and honesty may give in the righting of wrongs of which not lightly but seriously and feelingly they complain.

One amendment suggested, which I think is at least worthy of the trial, is that which would make amenable to the bankruptcy law the offending trusts. As is well known to those who care anything about what my views upon these subjects are, I am not a champion of the bankruptcy law. I am not in favor of it, but we have it. Lately it has been amended. For the near future, at least, it is to endure. Now, if that law, odious and objectionable as it is in many of its features, burdensome and exacting in many particulars, framed and fashioned and perfected in large part as a collecting machinery for the mighty, and an engine of oppression directed against the feeble—if that law is to endure, and if we can enable the citizen by resort to the courts of bankruptcy for a redress of the grievances suffered from a trust, why not provide the way?

Some gentleman says the amendment is unconstitutional. Whether it is unconstitutional or not is merely a matter of argument until the time is reached, if it ever be reached, when the court of final resort shall pass upon that question. It has been my observation, and the observation of many of late, that whether a particular provision of the law shall be declared constitutional or unconstitutional depends not solely upon the merits of the question, not solely upon the provision of the Constitution called into view, not solely upon the ability and learning of those who pass upon it, but that something comes in from the air, that there is some sort of subtle influence that gathers about the court room, that there is some sort of unseen yet tremendous power that shapes and influences the judgments of men upon the bench as well as off of it; and that a man of resource and learning in the law may find it about as easy to give reasons, satisfactory to him and to those who are pleased with his decision, for a decision one way as for a decision the other way.

If this trust evil were properly appreciated by those who pass upon the question; if it were regarded, as it deserves to be, as a great menace not only to the individual welfare of every American citizen engaged in the effort honestly to support himself and his family, but as a tremendous engine of power directed blindly, as to all interests but its own, against the very foundations of the Republic itself; if that sort of feeling and that sort of spirit pervaded the land and pressed down upon the court room, I have reason to believe that such an enactment as this would be held to be constitutional.

But if the voice of the people, however loud, far away, has not an echo in the court room where the decisions are to be made, and if the still, small voice, so persuasive, the breath so strongly tinctured with the seductive aroma of concentrated wealth and power, were within whispering distance, then it may be that the remedial legislation might be held to be unconstitutional. But he who steps over the constitutional bounds in an honest, earnest effort to find a simple, effective, constitutional remedy within the grasp of every citizen for an intolerable abuse too long endured, and for which no adequate remedy is afforded, will escape the censure of the just.

He who crosses the bounds of the Constitution, in well-meant if misjudged efforts for the correction of such notorious and abominable abuses as the trusts are guilty of, may well be pardoned for the error of his judgment in consideration of the rectitude of his purpose. But he who, hunting for an excuse, stammers and quibbles over the possible unconstitutionality of something which would be of great advantage in a great crisis, in a time of serious unrest in the public mind, when many elements are at work stirring and lashing the public to fever heat, threatening to carry public sentiment to dangerous extremes—he can not stand guiltless. He is falling far below the standard which ought to be applied to the national lawmaker when, in a real and serious emergency, he lets his doubts and quibbles stand in the way of submitting to the highest tribunal of the land the question of the constitutionality of proposed legislation, which, if constitutional, will afford a real remedy in a case where the demand for a remedy is at once imperative and urgent.

One section in this bill denies certain corporations offending against its provisions "the facilities and instrumentalities of interstate commerce." It is proposed by the minority to specify as embraced within that phrase, the mails, the telegraph, and the telephone. Now, either under the general construction it embraces and covers these great agencies of interstate commerce or it does not. That is a question of judgment, a question of construction, possibly of law; and if the question were really to arise, it might be the cause of hair splitting as to whether the general terms include the particular facilities, the mails, the telegraph, the telephone. If they are not included they should be.

Should the offending corporation be denied facilities of interstate commerce by a general phrase and yet be permitted to use the mails, the telegraph, and the telephone for perpetuating a nefarious business? That question in morals and public policy seems to me to answer itself. Besides, the most and the worst that could happen by the express inclusion of these great agencies of interstate commerce, and of all commerce—the mails, the telegraph, and the telephone, by direct specification—the most and worst that could happen would only make this specification superfluous. Here, again, I say to those who desire really to legislate in an effective way—to actually give some relief—you can not afford to halt at such a quibble over the meaning of words.

Now, these are some of the amendments suggested. Some persons have remedies which would wipe out State laws. Some gentlemen would have all corporations chartered by the United States, would have all the powers that the States have exercised in that behalf destroyed. It seems to me that these gentlemen either have not considered carefully the question or they are ready to go posthaste through and over laws that ought to be preserved and enforced, ready to blindly rub out and remove volumes that have been written to proclaim and level landmarks that have been erected to perpetuate the rights of the States, under which men have been protected in the progress in this country for more than a century.

There ought not to be taken from the States the powers which they possess and which they can exercise helpfully in curbing these giant trusts. Instead of that, we should strive to intensify the efforts of the lawmaker, national and State, and the zeal and integrity of those who enforce the law against the machinations, the schemes and devices and reckless procedure, the utter disregard of human rights, of the monopolists. The absorbing power of human greed, to control which is now and must be to a considerable degree the work of the States, has gone so far in its wicked ways that the agency of the laws of the State, the agency of the lawmakers, and the executors of the law in the States must be exerted to the utmost, and so must the power of the General Government, if substantial, abiding relief is to come.

If the Government of the United States will use the powers it has, even pushing them to the verge, even pushing them to the point where their constitutionality might be questioned, and will leave the States and the people of the States free to exert all the power reserved by them to themselves when the Constitution was made, there will not be more accomplished by the united forces of all than is desirable and necessary in protecting the people from the trusts.

Some talk as though those who are in favor of effective legislation for the control of the trusts are hostile to wealth and abhor any such thing as its proper aggregation. That phase of the question was very well discussed and disposed of just a little while ago by my friend from Mississippi [Mr. WILLIAMS] and my friend from North Carolina [WILLIAM W. KITCHIN]. There is no such issue at all, and gentlemen know it. You should not beg the question and misrepresent the facts.

If this country is to endure as a free republic, in essence as well as in name, if the American citizen is to grow and develop and have a reasonable share of what his own industry and genius produce, there must be some agency found, and I believe the most effective agencies must be invoked, to protect him against the aggression of monopoly. To the Federal Government he naturally looks for the best that the Congress can do. It will not satisfy him to play the one House of the Congress against the other; that will not satisfy him at all, nor will it mislead or delude him.

Whatever is done here is going to be criticised and scrutinized abroad in the country, and if nothing be done as in the former Congress nothing was done, although there was great parade before the election, you will not deceive the people by believing that they will not perceive the gap, but you should fear lest you be thrown in to fill it up. [Laughter.]

Now, I believe we ought seriously, without trying to gain party advantage, without being coached by party leaders, without having things O. K.'d by party chiefs, to see whether we can devise and put upon the statute books something which promises to be effective in relieving the people from the exactions which they certainly have borne long, and which they no longer will bear patiently.

This bill will accomplish but little good. I do not look for it to become a law, but if it were to become a law it would not accomplish much. Why is it not made so that it will accomplish a great deal more? Why? Now, that question certainly calls for an answer. Why is it? I have no doubt the gentleman who will close the debate on the other side can tell us in part why it is, but, of course, not desiring to embarrass him, I would not ask or insist that he do it. I will answer. It is because the powers that be in the party, and that control the Government, are endeavoring to go far enough, if they can, to satisfy the people of their good intentions, and to stop near enough and short enough to demonstrate to the people's enemies, the trusts, that they are merely going through a form, that, in fact, they are not going to do and can not afford to do anything substantial. [Applause on the Democratic side.]

It is very difficult to execute good laws when those against whom they are to be enforced are powerful and active and ingenious and influential. That is a very difficult thing. In this House we are not charged with the execution. The responsibility will not be upon us to have the laws executed, but the responsibility is upon us if the laws are not strengthened, if the laws are not made, if the hand of the executive officer may not be allowed the most effective weapon that can be used in defense of the public against those who despoil it. This responsibility rests here with us. How does this bill meet it? I venture to say that no gentleman in this presence, whatever he may do on the hustings, will really risk his reputation, if he feels that he has any, by stating that this is, or is believed to be, an effective measure for the cure of the trust evil.

It is believed on the one hand to be enough, at least it is hoped that it is enough, to satisfy an impatient public, and the assurance no doubt is abundant and comforting upon the other hand that it is not enough to hurt anybody, the hurting of whom would have a reactionary effect. So we have it here. We have in this debate the solemn consideration of a measure, the solemn consideration of amendments proposed to it, very solemn and very learned disquisitions upon the trust problem, and all its various branches and phases, and finally we shall see the Congress end the 4th of March having accomplished practically nothing, and then gentlemen may come forward again and say "We are going slow, feeling our way; this is a serious problem; we do not mean to rush or be rash about things."

Ah, Mr. Chairman, the gentlemen are making the discrimination now in their legislation which was made some months ago on the stump between the "good trusts" and the "bad trusts;" and somehow the "bad trusts" seem to have got themselves out of the way—out of range; and of course it will not do to shoot the "good trusts," so the ordnance is not heavily charged. It is neither of long range, nor are the projectiles particularly destructive, if they do happen to hit something. "Bad trusts" out of the way; "bad trusts" difficult to identify; "bad trusts" few and far between. And as for the "good trusts," great Lord, of all things, good and bad, great and small, present and future, in this world and in the next, do not hurt the "good trusts!" [Loud laughter and applause on the Democratic side.]

APPENDIX.

VIEWS OF THE MINORITY, SUBMITTED BY MR. DE ARMOND.

The undersigned do not oppose the passage of the measure reported by the committee, but urge that it should be amended and perfected, or at least greatly improved.

We realize that there is a strong popular demand, the outgrowth of bitter experience and balked efforts for redress, for legislation, honestly and wisely conceived, for the abatement as speedily as possible of as many as possible of the ills which the people suffer from the exactions of the trusts.

Trying to respond to this righteous demand, we wish to impress upon the House the importance of making this bill the best its wisdom can devise.

We believe this great demand for antitrust legislation springs from experience, not anticipation. The people are suffering now from the evil operations of the trusts now in existence. Of course they are warranted in believing and fearing that if they longer tamely submit to trust robbery more robbers will appear and all will become more ruthless.

They understand that the best deterrent they can bring to bear upon the spoiler who may be is that which proves most effective when applied to the spoiler that is.

A large part of the bill is devoted to "publicity." Indeed, publicity is its most prominent feature. Publicity as a panacea for the trust evil is not new. But of late this remedy has been advertised so extensively that we may not unnaturally be surprised when we find that it is now prescribed mainly for the trusts that may be, while as for the trusts that are—those which have wrought and are still working much of evil, and which threaten to work still more in the future, near and far—the publicity remedy may be administered to some of them, some time, in broken doses, without being prescribed.

In other words, the bill provides for requiring every corporation hereafter organized to lay bare, at the time of entering interstate commerce, its foundation and superstructure, its strength and its weakness. No matter that it may be organized to compete with some mighty trust, that trust, covered, standing in the shadow, must have the opportunity to gaze upon the nakedness of its fledgeling rival, and thus it is easier to strike the fatal blow.

The bill requires "every corporation which may be hereafter organized," "at the time of engaging in interstate or foreign commerce," to make a full report; a report so full, it is supposed, as to advise dealers and investors in corporation stocks to buy its shares understandingly, or understandingly refrain from investing in them.

It is claimed that there is no hardship in requiring of a new corporation what is not required of an old one, for it is said that those who enter the new corporation are not under compulsion to enter it—they have the option not to call it into being. Of course that is true, but, viewed from the standpoint of the suffering public, what reason is there for exempting existing corporations from the universal, enforced scrutiny to which the new corporations are to be subjected?

Is it because the people are concerned about future corporations, whether good or bad, great or small, but have neither need nor wish to know something of existing corporations, even if they are bad? Surely that can not be the reason for flying from the ills we suffer to those we know not of.

The argument most relied upon for this partiality to corporations now in being, including numerous trusts, is that upon very many existing corporations it would be onerous, and to the public, as to them, profitless, to require the report exacted of new corporations.

A complete answer to this contention is that any publicity worthy of the name enforced through legislation must be comparatively valueless in many instances, and the compulsion required to secure it annoying, embarrassing, even prejudicial, in many instances.

If publicity is deemed of enough importance to justify an effort—not to say a pretentious effort—to secure it, then the annoyance, the embarrassment, the injury, incidental to its acquisition for the public welfare, must not prove a bar to the enactment of an effective statute for securing publicity. This does not mean that there shall not be recognized the fact that a line may be drawn between the great corporations and the small ones.

Another view: What could tend more surely and effectively to a perpetuation of the great power and baleful influence of a giant trust than this requirement that every newcomer shall be stripped naked before it, while it may remain covered? Suppose a corporation were organized to enter the lists against the sugar trust, or the steel trust, or the Standard Oil trust, or the tobacco trust, would enforced publicity applied to the new corporation be anything else than its exposure, defenseless, to the mighty forces of the colossal trust now in being?

We propose to amend the bill so as to require the great corporations, among them the trusts from which the public suffer now, to make public that information which is deemed essential to the general welfare. If what it is most important to know can not be given publicity by positive requirement, then is vaunted publicity a pretense, and not a thing of substance and value.

A number of things not specified should be reported, among them the amount of taxes paid for the preceding year, and we offer an amendment to include that additional item. We believe there can be no good objection to this simple amendment, and we hope no bad objection will be interposed, or, if it is, that it may not prevail.

The first section of the substitute, which requires returns to be filed by corporations with a view of securing the advantages of "publicity," shows a most remarkable case of omission. It provides no penalty for noncompliance. Any corporation may with impunity neglect to file its returns. The law may be practically ignored without punishment.

Not the slightest harm or inconvenience would follow that policy of inaction until the particular corporation was singled out and proceeded against by the United States in a suit for an injunction to restrain the corporation from shipping its products into another State, and then a filing of the return would end the suit. A prompt filing of returns would confer no advantage. A delayed filing of returns after suit would impose no disadvantage. We suggest an amendment.

A simple amendment, but a valuable one, we think, is suggested as an addition to sections 5, 6, and 7 of the substitute, declaring each day's violation of the respective sections to constitute a distinct offense.

Section 6 of the substitute purports to deny to certain corporations "the facilities and instrumentalities" of interstate commerce. Why not also deny these same facilities and instrumentalities to associations, trustees, and individuals under the like circumstances? We know of no good reason for the omission—we are warranted in denominating it a refusal—to do so. And we propose to enumerate, as embraced within and constituting a part of such "facilities and instrumentalities," the mails, the telegraph, and the telephone.

Why does the committee refuse to do this? Perhaps the answer will be that "facilities and instrumentalities" include the mails, the telegraph, and the telephone. But the gentlemen who answer thus, when pressed, can go no further than to say they believe what at first they appear to confidently assert.

If they wish to deny to the offending corporations such facilities and instrumentalities as the mails, the telegraph, and the telephone, how can they so strenuously object to passing from belief to certainty by expressly mentioning them? At most and worst the few words employed in the cautionary specification would be but surplusage. This bill, of many pages and little substance, is proof conclusive that its authors are not niggardly with words.

If section 6 would be valuable in dealing with corporations, the section which we recommend, containing precisely the same provisions applied to natural persons, ought to be unobjectionable.

Criticism has been directed by some against section 7 of the substitute, purporting to provide for punishing the common carrier for transporting trust-made or monopolistic goods, putting the responsibility of deciding the intricate legal question involved, not upon a court, but upon the carrier; that is to say, upon its officers. If the carrier refuses to transport goods which should be carried, it is liable to penalties. If it consents to transport goods which should not be carried, it is also liable to penalties. But how are its officers to decide whether to carry or refuse to carry the freight offered? It has taken the courts days and weeks to decide such an issue, but the officer of the transportation company must decide it instanter at his peril.

Besides, by refusing transportation on the plea, whether founded in fact or not, that it is unlawful under this act, the transportation officer of a railroad might bankrupt any shipper, and thus play into the hands of the trusts. To make the provision fair and effective, a system of branding or otherwise marking articles offered for shipment should be established, with suitable penalties for evasion of the requirement and fraud in pretending to comply with it.

The simpler the remedy, if effective, and the larger the number of those who are qualified to administer it whenever interested, the greater the good accomplished. It is not easy to find a sovereign remedy for the trust evil, nor is it wise to depend upon the zeal, industry, and integrity of just a few officials to administer the remedy prescribed. If something at once simple and easily used could be provided, so that any man aggrieved could seek and find a plain, open way to relief and redress of grievances, much good would be accomplished.

May not the bankruptcy law be extended to offending corporations? If so, the way to relief and redress is plain enough, and the multitude may walk safely and confidently therein.

Can it be a stretch of reason or of law to denounce overcapitalization as an act of bankruptcy? The individual who, having $100,000 worth of property, and only that much, floats $200,000 in paper, based upon the $100,000 worth of property, is in a fair way to be adjudged a bankrupt.

Now, why shall not the corporation whose property is worth but $100,000, but which issues $200,000 in stock, be liable to be adjudged a bankrupt by reason of that act—why may not that overissue of stock, that overcapitalizing, be justly and legally declared to be an act of bankruptcy? In what respect would a law making the overissue of stock—the stock-watering industry—an act of bankruptcy be lacking in constitutional sanction or in broad public policy? We propose an amendment of this character.

The constitutionality of an enactment providing for the forfeiture and confiscation of articles transported in interstate commerce in violation of a valid law would be questioned by but few. If the same offending were declared by a Federal statute to be an act of bankruptcy, who is authorized to denounce that Statute as being unconstitutional?

Simple insolvency, unmixed with anything else, may constitute bankruptcy, but "bankrupt" means more than "insolvent." The main ingredient in a bankruptcy may be wrong-doing. So it is not unreasonable to believe that Congress may constitutionally declare each of the potent evil performances, whereby the trusts violate the law or the fundamental principles of public policy, to the manifest injury of the public, an act of bankruptcy. Accordingly, we submit further amendments to enable anyone interested to seek redress from trust oppression, by resort to proceedings in bankruptcy.

We believe no one who permits himself to do even a little thinking upon the subject will care to question the simplicity or efficacy of a resort to bankruptcy proceeding to break the backbone of a trust; he may raise the question of constitutionality. But what more can he say than that he doubts the constitutionality of the legislation proposed, or that he believes, with varying degrees of intensity, that such legislation would be declared unconstitutional? We trust the courts would uphold it as constitutional.

Why not test the matter? That can be done by passing such a law as we urge, but can not be done otherwise in a thousand years—can never be done. If declared unconstitutional, that part of the enactment would simply be worthless—be nothing—but if adjudged constitutional, how invaluable it might be. If you really wish to do something against the trusts and for the people, try it.

Articles tainted in the clutch of a trust, when carried beyond the border of the State in which they are produced, ought to be subject to seizure and confiscation, and to that end we suggest an amendment the provisions of which are embodied in H. R. 3105, introduced by Mr. GILLETT of Massachusetts.

So, also, should every corporation engaged in interstate commerce be subject to the jurisdiction of the courts of any State in which it shall carry on any business, as completely as citizens and residents of the State are subject to such jurisdiction; and we recommend that the bill be amended accordingly. With the power of the United State over interstate commerce wisely and honestly exercised, and the corporations engaged in interstate commerce amenable to State laws, in State courts, in each State in which they shall do business, to the same extent as if created in and by that State, many trust abuses will soon be things of the past.

As a speedy, direct, and sure relief from many most grievous monopolies and exactions of the trusts, we earnestly recommend a repeal of so much of the tariff law as imposes high protective tariff duties upon certain articles of prime necessity in the American household and in the development of the material wealth and the extension of the commerce of the nation, and which are well known to be controlled by great trusts to the serious detriment of both the individual citizen and the commonwealth.

Without going into the tariff question, we submit that upon whatever theory a tariff law may be framed we are unable to conceive upon what theory, tinctured with honesty or justice, any particular item of tariff taxation can be persistently, doggedly, defiantly continued when nortoriously a greedy trust is the beneficiary and a suffering public the victims of the legislation, and of the vicious perversity which perpetuates it. We believe a fair revision of the tariff laws would afford the best of remedies for many trust abuses.

In addition to the recommendation of specific amendments of the tariff laws, we further urge that the President be clothed with the power and intrusted with the duty of withdrawing from the trusts the sheltering and fostering care of the tariff, whenever, in his judgment, on facts brought to his attention, the public welfare requires such action by him. In this is nothing of coercion—merely an appeal to the President's patriotism and sense of right, coupled with an extension of the power to act.

It was foreseen when the present tariff law was passed that in it would be found an invitation, and sheltered by it a breeding ground for the trusts, and it was then proposed to give the President the power by proclamation to take off or suspend any item of the tariff taxation, whenever he should be convinced that a trust had taken advantage of it to monopolize and rob.

A number of times since the like proposition has been made, and always it was scornfully rejected. Again we bring it forward. Will you again reject it? Have you more confidence in the trusts than you have in the President? We have not. We would far rather look to the President, charged with a solemn duty, for the protection of the people than to the trusts that have been and are despoiling them.

The taxing power of the Government has not been invoked in dealing with the trusts. We believe that much revenue may be raised and many trust abuses corrected by a resort to this great power; and so we submit an amendment for its exercise.

An apparent omission may be supplied by the adoption of an amendment which we propose, making the legislation applicable to the Territories and the District of Columbia as well as the States, as to interstate commerce.

We are not opposed to the publicity treatment; we favor it. But we do not regard it as a cure, much less as a substitute for better remedies. If, however, by the potent agency of a majority vote, publicity is to be heralded as the great cure-all, we insist that enough of it shall be administered to test its efficacy. We are opposed to playing with publicity and discarding all else. The case is too serious.

As for the prohibitions and penalties hurled at certain corporations in certain sections of the bill, they bristle somewhat upon paper, but are not likely to accomplish much, if anything, not attainable by a vigorous enforcement of existing laws. Still, if the majority in the House will not permit anything better to pass, we shall vote for the substitute bill, placing, as we believe the country will place, the responsibility for another miscarriage where it belongs.

The amendments which we recommend are appended hereto.

DAVID A. DE ARMOND.
D. H. SMITH.
HENRY D. CLAYTON.
R. L. HENRY.

We concur generally in the foregoing without committing ourselves to each specific amendment or to what is said concerning each.

WM. ELLIOTT.
WM. H. FLEMING.

The CHAIRMAN. The Chair now recognizes the gentleman from Maine [Mr. LITTLEFIELD].

Mr. LITTLEFIELD. Mr. Chairman, will you be kind enough to state what length of time I have at my disposal?

The CHAIRMAN. The gentleman from Maine has one hour and twenty-one minutes.

Mr. LITTLEFIELD. Mr. Chairman, then, if the Chair and the committee please, I should like to make a request that for at least an hour or fifty minutes I be allowed to go on without interruption. I have quite an amount of ground to traverse; I am not quite able to tell how long a time I may take; and I may make better progress if I proceed without interruption for at least a considerable portion of my time. I do not want it understood that I object to interruptions, but I want to make some progress in the debate before yielding for that purpose.

In the consideration, Mr. Chairman, of the very important subject-matter of this bill, the Judiciary Committee, I think, very soon appreciated fully the profound and infinite difficulties and complexities involved in legislating for its proper regulation and control. We have never as yet been able to find anybody that has given to this question any thought, investigation, or reflection who would undertake to assume to write a statute that he believed would adequately take care of this situation under existing conditions, with the constitutional limitations that control this body.

So far as I am personally concerned, except as to the idea of publicity, involved in the bill which I introduced at the beginning of the last session, until the committee was instructed by the House to investigate this question, I had made no attempt to formulate any legislation for that purpose, nor had I before that time agreed, or been asked to agree, to make any attempt to prepare any legislation upon this question. Any assertion to the contrary, by whomsoever made, is wholly without foundation.

The committee has, during the time that has been at its disposal, made, I think, a faithful and earnest effort to present to this body a fair, reasonable, conservative, constitutional measure—a measure that it hopes will address itself to the good sense of this body. It is not responsible for any delays that have occurred in its presentation. Before I enter upon a discussion of its provisions I wish to make some allusion to the general conditions involved in this legislation, because I think it may be instructive, if we understand the condition that confronts us, and the situation that we try to meet.

I want to say in the outset that I suppose every man who intelligently discusses, and intelligently reflects, upon the question, understands a trust to be, in substance, either a person or a corporation, or a combination of persons or corporations, that attempts to monopolize the market for the purpose of being able to unduly and improperly increase the price to the public of some article of commerce, of common consumption. That, I understand to be, in a general way, perhaps, a popular definition of what we mean by trusts. I do not think the term "trusts" is by intelligent people applied to all corporate organizations. It should be applied, and in this discussion it should be understood as applying, to this condition to which I have called attention; and I would commend right here, by the way, this general definition to my distinguished friend from Texas [Mr. HENRY], who suggested a definition containing many details and refinements as being in his judgment the proper definition to be applied to the condition—the industrial, commercial, and business condition—that we are all discussing. His definition tends to overrefine and overdefine. Every lawyer knows that a general definition, is the safer definition, in connection with any proposition. To detail and specify, is to exclude, as a rule, that which you do not include, and thus narrow the scope of a general definition.

HISTORICAL REVIEW.

I think I ought to say, Mr. Chairman, that monopolies—and that is the term I shall use throughout the discussion—either upon the part of an individual or a combination of individuals or corporations, are hardly an invention of the present day. It is not a condition that is peculiarly incident to the last ten years, twenty years, or thirty years. This is not the first time in the history of the world that the attention of the public has been directed to this great question. I want to read just for a moment

an extract from a speech upon the question of trusts or monopolies, not made, by the way, in this body, but somewhat instructive as bearing upon this suggestion to which I now call the attention of the House, and the extract reads as follows:

It is a nest of wasps, or a swarm of vermin which have overcrept the land like the frogs of Egypt. They have gotten possession of our dwellings, and we have scarcely a room free from them. They sup in our cup, they dish in our dish, they sit by our fire, we find them in the dye vat and the washbowl. They have marked and scarred us from head to foot, they will not vote us a pin, we may not buy our own clothes without their brokerage. They are leeches that have sucked the Commonwealth so hard that it is almost become hectical. And some of them are ashamed of their right name; they shelter themselves under the name of corporation. They make by-laws which serve their turns to squeeze us and fill their purses. Unface them and they will prove as bad cards as any in the pack.

Now, the hydra-headed monster, not to make any offensive reference to that condition, was certainly at this time flourishing in all of its refulgent glory. That speech was not made on this floor by any of my distinguished friends on the other side, although in the first reading of the extract it might appear to have been taken from some of their speeches. It is perhaps a little more finished in its rhetoric than theirs, though my distinguished friend who closed the debate for the other side [Mr. DE ARMOND] would be entirely capable of duplicating this magnificent description of this condition. But it was not made here on this floor, and it was not made during the last two or three decades. It was made in the English Parliament by a man named Sir John Culpeper, in the year 1640, only two hundred and sixty-three years ago. [Laughter.] They had 'em then, and we have 'em now. Perhaps I ought to call the attention of my distinguished friend who has just taken his seat, and the attention, in fact, of every distinguished friend on the other side who has addressed the committee on this question, to the salient fact, that at that time——

Mr. MADDOX rose.

Mr. LITTLEFIELD. No, no; I beg pardon, but I wish to continue.

Mr. MADDOX. Just one question.

Mr. LITTLEFIELD. I can not yield now. I will yield later.

The CHAIRMAN. The gentleman from Maine has expressed a wish not to be interrupted until the expiration of his remarks.

Mr. LITTLEFIELD. I want to say that I desire to be entirely courteous, but I have a great deal of ground to traverse, and if I permit interruptions now I shall exhaust my time before I get over the ground which I wish to cover.

Mr. MADDOX. Let me ask just one question.

Mr. LITTLEFIELD. No, no; I can not yield.

Mr. MADDOX. Just one question.

The CHAIRMAN. The gentleman from Georgia is out of order.

Mr. LITTLEFIELD. I decline to yield. I say this. I call the attention of my distinguished friends on the other side to the fact that when this speech was made, thus graphically describing this condition, which can be so aptly applied to-day and which could be so appropriately made by any of my distinguished friends if they had the mental and intellectual ingenuity to make it and put the language together at that time, there was no Republican tariff. I want them to bear that in mind. Let me go a little further. It is said that history repeats itself. I am going a little further back into history than this date of 1640. I go back now to the year 1595, but before I make reference to this historical fact, bear in mind we are now having, and have been having since last May, quite a great deal of agitation over the coal trust. But this is not the first coal trust, and it is not the first disturbance in connection with a coal trust, as I will show in just a moment. I read an extract from The Surtees Society, from the introduction, page 43:

The earliest record extracted in this volume contains a complaint by London consumers of north country coals in 1595; that the hostmen had combined themselves to sell their coal at their own prices, for their own best advantage, and to the public detriment. The subsequent granting of the charter in 1600 sanctioned the position of the hostmen, and one of their early acts was to form a new combination for regulating the fund of coals. I find the indications of such combinations occur through the hostmen's books. The combinations were frequently dissolved at the instance of the consumer, and as the greatest consumption took place in London the greatest opposition came from the corporation of London, but the combinations were constantly renewed after they had been dissolved, and they lasted intermittently, first on the part of the hostmen, and after they had lost their exclusive privilege, on the part of coal owners generally until the latter half of the nineteenth century.

So we had a coal trust, and a coal combine, and a coal hydra-headed monster, or octopus, in 1595. Of course that does not demonstrate that there is none now, but I suppose there was no tariff on coal even then.

Now let me go back a little bit further, in order that we may understand the persistence of this condition from a historical standpoint. I am now going to read an extract from some legislation enacted only about fifteen hundred years ago. It reads substantially as follows:

Furthermore, you are to see that usurers control no class of commodities, in order that the price of provisions may not be raised by those who store up purchased wares, or by the wealthy who, in anticipation of less abundant harvests, will not sell their products at reasonable prices.

This, too, was similar legislation at that time:

Thus we have in 1.6, D. 47, II: "As a rule, particularly the corn usurers (dardanarii) are accustomed to put up provisions (annonam), in order to make them dearer." This practice was prohibited by mandates, as well as by constitutions.

And again, the Emperor Zeno enacted this proposition in his constitution, which he promulgated between 474 and 491:

We decree that no one shall be permitted to exercise a monopoly in garments of any sort * * * nor in any commodity serving as food, or put to any other use, nor in any fabric, be it of his own accord or in pursuance of an existing or proposed imperial edict or pragmatic sanction of our written decree, and that no one shall enter into an unlawful association not to sell certain commodities more cheaply than agreed. (International Monthly, No. 5. January-June, 1902, pp. 478-479.)

That might have been written in the year 1903, because the laws of 1903 upon the subject are almost a paraphrase of our friend Zeno's constitution, enacted about fifteen hundred years ago. Now, let us go back a little bit farther, in order to lay a little broader historical foundation for these suggestions, and to show the permanence of those conditions, and the fact they are not entirely incidental to the last fifteen years, or the Dingley tariff, or the McKinley tariff, or even the Wilson tariff. I now read from a description of an edict of the Emperor Diocletian, in the year 300 A. D. "It was an edict of one of the Roman Emperors, fixing a maximum throughout the Roman Empire for the prices of a great variety of commodities; that it consists of two parts, the decree itself and a list of the commodities with their prices; that the decree is long and verbose (like some of the speeches here made, perhaps I am making that kind myself), and written in a style strongly indicating the decline of Latinity." That is what happened to them when they were legislating on trusts in the year A. D. 300, under the Emperor Diocletian. Trusts then not only disturbed the State, but outlawing them deteriorated their "Latinity."

I have something here that goes even back before Christ three hundred and thirty years. I am going to read a short extract from the "Industry of Free Nations," containing a History of Industrial Conditions in Ancient Greece. It contains some very appropriate suggestions, and illustrates the fact that there is hardly anything new, as the wise man said, under the sun:

Murmurs begin to be simultaneously heard at the increased price of provisions and the difficulty of finding remunerative employment. Capital existed in greater masses probably than ever. For a certain time previous to the Macedonian conquest of the East gold had, it is true, grown scarce in Greece; why, it were no easy problem now to solve. But that Athenian embarrassment and stagnation were not caused by such comparative scarcity, is palpable from the fact, that from the death of Alexander, while unheard of and almost incredible quantities of the precious metals, liberated from the oriental treasuries, where they had for ages been accumulating, were poured with undiscriminating prodigality over the civilized world and peculiarly throughout Greece, Athenian trade seemed to languish more pitiably than ever, and all the evil symptoms of incurable decay develop themselves with more rapidity. * * *

Then arose the cry of provisions being too dear, and the populace, maddened with privation and incapable of disentangling the subtle web of mischief, in whose meshes their country lay, blindly assailed the corn dealers, as the only source to which their sufferings seemed attributable, and called for the revival of the obsolete laws which prohibited engrossing.

By one of these it had been forbidden that any person should, upon "the same occasion" purchase more than fifty times the contents of a phormus—the wicker basket ordinarily used in carrying corn. What the legal definition of "the same occasion" may have been, we know not, but the lamentations of the orators at the continued practice of monopolizing grain ceased for a time, only to break forth anew. Then we hear of novel remedies—the dealers in corn not being allowed to charge more than a certain percentage as profit, under heavy penalties.

I have heard that suggested in the year 1902 and 1903 by people who were traveling about the country with specifics for trusts and monopolies concealed about their persons.

Now, I call attention to a paragraph which tends to fix the great antiquity of that aggregation, that hoary-headed and immortal aggregation, which we know as the Democracy. Note the language:

This also proving futile, the eloquence of the demagogues waxes more and more hysterical.

[Laughter and applause.]

They were demagogues then and they are demagogues now. That would indicate, according to the gospel promulgated by my friend from Alabama the other day, that the Democracy, to use his classical English, when he gets warmed up to concert pitch, had not "evoluted," because they are now, just what they were then. [Laughter.] Let me go on reading this extract:

This also proving futile, the eloquence of the demagogues waxes more and more hysterical, and the "food usurers" must be punished with death; all of which fury naturally proves wholly ineffectual, obdurate corn dealers preferring to take the price of their goods at the risk of their lives than to

comply with the frantic law; or probably calculating, with smugglers' thrift, that they could better afford to bribe the revenue officers out of contraband profits than to do an unremunerative business upon philanthropic principles according to law. "Lysias can not say enough of the villainy of these men."

That comes very near characterizing some of our friends on this question.

"The public loss was their gain; and so much did they rejoice at the approach of national distress that they never failed in having the earliest intelligence, or they fabricated bad news—that corn ships from the Pontus had gone down, that certain ports had been blockaded, or that negotiations for peace were broken off. Even in tranquil times did they frequently annoy their fellow-citizens at large by buying up quantities of corn, and refusing to sell when it began to rise in price."

Many of these conditions we find duplicated in this year of our Lord 1903. Verily there is nothing new under the sun. Even the wise man wrote graphically upon this subject. He said:

He that withholdeth corn the people shall curse him, but blessings shall be upon the head of him that selleth it.

Now, this is three hundred and thirty years before Christ. Only a few days ago I read in the Literary Digest an extract from a code of laws promulgated by a distinguished and honorable gentleman by the name of Hammurabi, if I get the old gentleman's name right, twenty-three hundred years before Christ. I have no doubt if I could get that code in full, I would find in it a provision against monopolies controlling the prices of commodities to the injury of the public.

What does this indicate? It simply indicates that so long as civilization has been these conditions have existed. It does not indicate that they do not require control. It indicates, further, that so long as these conditions have existed they have had legislation undertaking to control and regulate them in the interest of public welfare, probably from two thousand three hundred years before Christ, down to the year 1903. It does not indicate that if during all this period legislation has not destroyed the octopus, it is futile, and attempts to regulate and control it, should be abandoned, any more than the fact that Cain murdered Abel, and since that time the law has prohibited murder, and murders have continued to be committed, indicates that the law against murder should be repealed as ineffective. But it indicates this, further, that this is a difficult question; that it is one that involves business conditions and that it persists; that it has been with us as long as the past has been, and that its complete elimination is an extremely difficult problem.

He would be a very bold and courageous man that would sit down, even if he was not confined by constitutional limitations, and undertake to write into the law of this, or any other land, a statute that would eliminate all the difficulties, injustices, and oppressions of which we legitimately, and properly, complain. We ought to approach and discuss this subject, understanding the difficulties with which the situation is complicated, the relation of business conditions to the public welfare, and the relations of the State to the control of those business conditions. We should realize that there is without doubt a line of demarcation in business activities, which delimits a domain beyond legislative control. While it is a matter of the utmost difficulty to determine this line, it may be impossible to define it, its existence is certain, and any legislation that attempts to go beyond it, will prove inutile and powerless. Now we have these conditions. We have no common-law power of regulating and controlling monopolies. If we had common-law power, unlimited, that would be one thing; that would be a difficult proposition in, and of, itself. But in addition to that, we are confined by constitutional limitations. I do not now have in mind the tariff. It may be well to again emphasize the fact that there was no tariff during any of this long period to which I have called your attention. The committee may recollect that the distinguished gentleman who closed the debate on the other side stated that the tariff did not create, in many respects did not foster, and had very little to do with trusts, although he thought it helped some. At the same time there are other gentlemen on the other side who swallow the unqualified assertion, hook, bob, line, and sinker, and say that the repeal of the tariff is the sole remedy for this evil.

It is proper to say that they are not entitled to the credit of originating the idea, as it was suggested and discussed by Senator VEST, of Missouri, during the discussion that resulted in enacting the Sherman antitrust law, in a manner that is fully as able, to say the least, as it has been discussed by any man since. We stand here restrained by the commerce clause of the Constitution. In, and through, and by it, we must exercise all the direct control we can exercise—of course taxation is exercised under another clause—so that our power is not a common-law power, but it is restrained and restricted by the commerce clause in the Constitution.

Upon this great subject, that has existed this great length of time, from a Federal standpoint, up to date, we have simply had, two acts of legislation. The first, in 1887, known as the interstate commerce law, under which the Interstate Commerce Commission regulates and controls the great transportation companies of this country, and, second, the Sherman antitrust law, enacted in 1890. And while I do not propose to take the time to throw political suggestions into this speech, because if I did I would not have time to consider this subject, it may be proper to say that whether these laws be wise or otherwise, whether they have proved efficient or otherwise, they are both the product of legislation of the Republican party. The interstate commerce law, introduced by Senator CULLOM, and reported by a Republican committee, passed by a Republican House and Senate, and signed by a Republican President. The Sherman antitrust law has the same history. Here is where we stand to-day in legislation.

Mr. RICHARDSON of Tennessee. If the gentleman will pardon me, in 1887 Mr. Reagan, of Texas, had charge of that bill on this floor.

Mr. LITTLEFIELD. I accept the gentleman's statement. I have no doubt the gentleman may be correct. I thank the gentleman for the correction.

Mr. RICHARDSON of Tennessee. I thought the gentleman did not wish to rest under a misapprehension.

Mr. LITTLEFIELD. I thank the gentleman. I want to call attention further to this, that the business conditions that now prevail, and that have prevailed for the last ten or a dozen years, resulting in the tremendous industrial development in the United States, have not, necessarily, at least, developed the monopolistic conditions about which complaint is made. They are not especially incident, or peculiar to these times. They have always prevailed whether there was prosperity or otherwise; so that so far as the monopolies and trusts are concerned, they can not in any proper sense be said to have developed during the last two decades.

CORPORATIONS AS INCIDENT TO INDUSTRIAL DEVELOPMENT.

There is a phase of this development, however, that is to a certain extent peculiar, incident to the conditions that now exist, and which have existed for ten or fifteen years, which we are in the habit of referring to as our vast industrial commercial development, and with which every true American is gratified, and that is this: The use of corporate organization as an instrument of this development, which, though not peculiar in the sense of not being unprecedented, has, perhaps, to a certain extent been excessive and unusual during this period.

Corporations existed one hundred years ago and more. The great distinguishing feature of corporate development—the watered stock and overcapitalization—while not altogether new or peculiar to these times is, I have no doubt, the leading, characteristic feature, of the business conditions that exist. It is involved in the combinations of great interests and the large aggregation of capital required for the purpose of meeting existing business conditions. That development has used the corporate form of organization in order to accomplish results. It may be that it could not have reached its present stage without it. And here I come in a few moments to the first proposition in the bill. What is a corporation? It is not a natural being; it is an artificial creation. The legislature creates it, and when the legislature creates a corporation it confers on the corporators certain special privileges and advantages that natural persons do not, and can not, enjoy. The corporations that we are discussing are all created by the States. And by reason of having conferred these special privileges and advantages upon corporations, it becomes the duty of the State and, so far as the United States can, within its sphere, it becomes the duty of the United States, to regulate and control these corporate organizations in order that they may prove beneficial, and not injurious, to the general welfare.

Briefly, what are some of the features, privileges, and advantages that are given to stockholders by the corporate form of organization, which could not be enjoyed without legislative authority? First, and perhaps most important, is the fact that the corporation, under varying rules, eliminates personal liability upon the part of the stockholders. It enables this artificial creation to engage in business, and pledge only its property for the payment of its debts, so that its stockholders are absolved from all individual liability. Further than that, it gives unity of control to the aggregation of capital gathered together in a corporation. In this it is distinguished from a partnership or association or a joint stock company, because in a partnership every member of the partnership has the same, or equal right, to control its business, to incur indebtedness, and to pledge its faith.

On the other hand, a corporation must act through its authorized agents—its president, its managers, its board of directors; thus there is unity of control. There is another feature which is important, so far as the business operations of a corporation are concerned, and that is, its continuity of life. In the case of a partnership, the death of a member of the partnership results in dissolution and a settlement, or readjustment, of its business. In

a corporation the death of any stockholder does not disturb the business of the corporation. The stock of the deceased stockholder is simply transferred to his legal representative and sold or distributed as a part of his estate, and the legal entity, of which the decedent was simply a stockholder, continues in existence.

Then there is another feature. The corporate form of existence enables the public to distribute its investments, and thereby reduce the risk of the individual investor. No one man is obliged to carry on a great enterprise solely upon the faith and credit of his own responsibility as an individual. Through a corporation, with the limitation of its liability, he may gather together from many, large amounts of capital. Different men associate together and join in various enterprises, so that one individual may be a stockholder in a dozen different corporations, or fifty, if he chooses, and thus he may distribute his hazard, and minimize the risk in business ventures, that he would otherwise be obliged to take if he were carrying on business upon his own account.

These are all valuable privileges, and in conferring them upon corporations, it is the duty of the State to see that this legal creation, this artificial creature, operates under proper regulations and proper control. The principal points of contact of a corporation with the public are these: First, with reference to its creditors; second, with reference to investors; third, with reference to consumers. When the State makes it possible for men to limit their personal liability by becoming members of a corporation, and leaves the corporation alone responsible to its creditors, it is the duty of the State to see—what? That the corporation shall not be able, by failing to disclose proper information, by the undue exercise of its corporate privileges, to place its creditor at a disadvantage, compared with the creditor of an individual in business. The investor, too, ought to know what the condition of the corporation is when he buys its bonds or invests in its stocks, because the governmental authority should not be allowed by statute to so create a corporation as to enable it to issue bonds and stocks, without giving to the investor an opportunity to know what he is investing in, in order that he may be able to protect himself. The authority that makes bonds and stock possible, should compel such disclosures as would place them on a par with other kinds of investments, as to the knowledge that the investor could obtain.

And when we come to large aggregations of capital—when these vast corporations are thus created—the interest of the consumer appears distinctly and readily upon the surface. It is the great overcapitalization resulting in the effort and purpose to declare dividends thereon that involves the increase of price of the product to the consumer. These last two considerations will be elaborated hereafter in the discussion of publicity.

STATE AND FEDERAL COMITY.

The State that creates the corporation has the power to regulate and control it. But that is not all. Corporations do business in other States than those in which they are organized, and any State in which a foreign corporation (and, of course, it is understood that I use the term "foreign" here in the sense of being organized in a State other than that in which it is doing business) is doing business has great power over it. It has the power to control and regulate the foreign corporation thus doing business.

My distinguished friend from Missouri [Mr. DE ARMOND], in the magnificent speech which he made in concluding this debate, suggested that the State of New Jersey organized corporations and sent them out upon defenseless States. I submit to the candid legal judgment of my distinguished friend that that statement is not sound, as a legal proposition. No corporation does business in any State other than that in which it is organized, except by virtue of—what? By comity. What is comity? Comity is the rule established by the courts of this country from the beginning down till now, which recognizes the legal existence of a foreign corporation within a State. Let me read a moment from the opinion of the Supreme Court in the case of Paul *v.* Virginia, 8 Wallace, 168, so as to get this legal proposition well stated:

> Having no absolute right of recognition in other States, but depending for such recognition and the enforcement of its contracts upon their assent, it follows as a matter of course that such assent may be granted upon such terms and conditions as those States may think proper to impose.

I commend this language to my distinguished friend from Missouri [Mr. DE ARMOND]. No State in the whole forty-five is defenseless against any corporation that undertakes to do business within its borders, provided the Supreme Court of the United States knows what it is talking about in this opinion. To continue:

> They may exclude the foreign corporation entirely; they may restrict its business to particular localities, or they may exact such security for the performance of its contract with their citizens as in their judgment will best promote the public interests. The whole matter rests in their discretion.

In the absence of affirmative, or, if I may use the term, negative, legislation, of course we all understand that every foreign corporation does business in every State without let or hindrance; but it is by reason of the fact that the decisions of the court have recognized the growing up and existence of this comity, that they are able to do business. They assume it in the absence of legislation, but it is within the power of a State to at any time legislate to exclude the foreign corporation, except, of course, so far as they may be engaged in interstate and foreign commerce. If any of my friends do not want the Standard Oil Company, or the United States Steel Company, or any of these vast corporations that are doing large business within the limits of their State, except subject to certain conditions, it is open to the legislatures of these States to impose those conditions, and, if the court is correct, to absolutely exclude them from the States, providing they do not encroach upon the Federal jurisdiction of interstate and foreign commerce.

I am not certain, but my impression is that one time in Texas there was enacted some very drastic legislation on this subject, which practically drove out a great many corporations. But there is a difficulty about legislation of that sort. We are all bound together. Each State does business with every other State, and our interests are interdependent. No one State can afford to stand apart from any other State and drive out business corporations, practically, of any character. No State can afford to isolate itself in business, as its own business would languish and die. I think the experience of Texas was unsatisfactory. Here, then, is State comity, by virtue of which, and only by virtue of which, in the absence of affirmative legislation, can a foreign corporation do business in a State.

Now, I submit as a suggestion that may well be considered when we determine the constitutionality of the legislation suggested by the first four sections of this bill, whether or not there may not be a Federal comity. What is State jurisdiction and what is Federal jurisdiction? Why, the State jurisdiction is over the business and the corporations doing business in the States and within the States. Corporations engaged in interstate commerce, individuals engaged in interstate commerce, as to such commerce are not the subjects of State comity. They are not within the State jurisdiction. In what jurisdiction are they? They are in the exclusive Federal jurisdiction. I suppose there is no corporation of any size in this country to-day engaged in any business of any consequence, that does not do business in at least one of two jurisdictions, and probably ninety-nine one-hundredths of them in two jurisdictions; first, in the jurisdiction of the State, exclusive for certain purposes; and second, in the jurisdiction of the United States, exclusive for its purpose, because the power of Congress over interstate commerce is exclusive and the State can not interfere with it or impair it. Nearly every corporation does business in both jurisdictions.

Now, can anyone be heard to say that while foreign corporations can only do business in a State by virtue of this principle of comity, that it has the power to do business in the Federal jurisdiction under this exclusive jurisdiction irrespective of the question of comity? Is there not, and may there not be, both State and Federal comity? Can it be tolerated or suggested that a corporation, when it goes into a State, goes as a suppliant, subject to the power of the "imperial" State, to use the language of my friend from Alabama, and at the same time that same corporation, which has no legal existence outside of the State of its organization, can go into the exclusive jurisdiction of the United States—interstate commerce—and be there imperial, autocratic, despotic, and do as it likes without any power in the Federal jurisdiction to control it?

And I submit for the consideration of some of my friends who elsewhere seem be a little bit disturbed about what they call the unconstitutionality of this proposition, whether or not they can suggest from a legal standpoint, by any means of logical analysis, a substantial distinction in this respect between State comity and Federal comity? If they do not stand upon the same basis, you vest the corporation in case of Federal jurisdiction, with vastly greater powers than the Federal Government has itself. Instead of the Federal Government being supreme under its exclusive jurisdiction, it would be dominated by the corporation. If Federal comity and State comity stand upon the same basis—and it seems to me there is sound parity of legal reason behind the two propositions—why, then, this bill relating to publicity has a perfectly constitutional and legal foundation, to say nothing of the general and unlimited power over interstate commerce upon which it is based. The committee submits that for consideration, upon the part of our friends, who say they are disturbed by the fact of its alleged unconstitutionality.

Now, I want to say just one word further in relation to State regulation and control. I have discussed at some length, because I think it should be borne in mind, the proper relation of the corporation to the State. I suppose that to-day a very large percentage of the business of this country is being done through the corporate form of organization, and I do not now refer to great

combinations known as trusts. The reasons that I have suggested why the corporate form of doing business, is feasible and wise, are sufficient to induce the investment of capital for that purpose. Perhaps 90 per cent of the business of the country is done by corporations. Every lawyer knows, and every citizen knows, that the tendency during the last ten or fifteen years has been inevitably, and surely, toward the corporate form of organization. It is not confined to mere manufacturing companies. It affects wholesale dealers in all lines of business. You will find them everywhere, in every city and town.

CARE EXERCISED BY STATES OVER CORPORATIONS.

Now, here is a practical question for us when we come to discuss this question in the line of publicity upon the part of the General Government. What regulation and control do the 45 States now exercise over this corporate form of organization? What care do they exercise to see whether or not their creations use their privileges to the detriment of the public? What attention, if any, do they pay to these organizations vested with such vast possibilities for good or evil?

In the absence of some Federal legislation tending to give the requisite information, to what extent could we learn to-day by applying to each of the 45 States, for instance, for these few salient facts: The number of corporations, the amount of capitalization, the amount of capital paid in. I hazard the suggestion that you could not learn anything. I do not base that upon a mere guess. During the last session of this Congress, when I was thinking this matter over somewhat with reference to the matter of corporate organizations, and was anxious to ascertain, if I could, to what extent the business of this country was carrying a large burden of overcapitalization, to be inevitably reflected in the price of the products sold, I made application to the Industrial Commission, several weeks before it expired by statutory limitation, to get for for me, from every State in the Union, the information which would disclose the number of corporations, the amount of capitalization, and the amount of capital paid in.

An officer of that Commission wrote to the secretary of state, or the proper officer, of every State in the forty-five United States. The answers that he received show the amount of regulation and control that is now exercised by these States over this vast army of industrial corporate organizations. I am sorry that I am not able to present here the letters that he received, but in moving the property of the Industrial Commission, after its expiration, to the Library of Congress, the correspondence seems to have been lost. But I have this statement from Mr. Durand, who wrote for me. After explaining about the loss of the correspondence, he says:

> I may add that the correspondence failed entirely in the case of almost every State to elicit the facts or any of the facts which Mr. LITTLEFIELD desired. It would be of value merely as showing the ignorance of the State officers regarding the corporations which they charter.

This demonstrates how little control the States exercise over, and how little the States know of, these corporate organizations, vast in size and vast in number, almost innumerable, thousands upon thousands, throughout the country.

Not having been able to get this information from the proper public authorities, I have, through the courtesy of the Congressional Information Bureau—an energetic and efficient medium for the investigation and ascertainment of data on public questions—been able to obtain what I have no doubt is the most complete list of large corporations in existence, and is the nearest approach to the information I desired. I append it as "Exhibit A." I understand they use the term "trust" as meaning a corporation resulting from the combination of other corporations. The introduction to the statement is prepared by them.

PUBLICITY—WE NOW HAVE PRACTICALLY NO PUBLICITY.

I do not go so far as to say that publicity will regulate and control all these conditions, but as I go on, I hope to be able to satisfy you, that it is certainly a step in the right direction. While no one claims that publicity in and of itself will necessarily prove to be a specific for any of the evils which it is expected to alleviate, there does, however, seem to be a general consensus of opinion as to its necessity, both as a remedial measure, and as one tending to lay the foundation for more intelligent legislative action in the line of direct control of such combinations.

PRESIDENT ROOSEVELT.

In discussing the general question of combinations and their relation to the public and the importance of publicity in connection therewith the idea was well stated by Theodore Roosevelt, in his message to the New York State legislature when governor of that State, on the 23d of January, 1900, as follows:

> We do not wish to put any burden on honest corporations. Neither do we wish to put an unnecessary burden of responsibility on enterprising men for acts which are immaterial; they should be relieved from such burdens, but held to a rigid financial accountability for acts that mislead the upright investor or stockholder or defraud the public.
>
> *The first essential is knowledge of the facts—publicity.* Much can be done at once by amendment of the corporation laws so as to provide for such publicity as will not work injustice as between business rivals.
>
> The chief abuses alleged to arise from trusts are probably the following: *Misrepresentation or concealment regarding material facts connected with the organization of an enterprise; the evils connected with unscrupulous promotion; overcapitalization;* unfair competition, resulting in the crushing out of competitors who themselves do not act improperly; raising of prices above fair competitive rates; the wielding of increased power over the wage-earners. * * * Some of these evils could be partially remedied by a modification of our corporation laws; here we can safely go along the lines of the more conservative New England States, and probably not a little further. Such laws will themselves provide the needed publicity and the needed circumstantiality of statement.
>
> *We should know authoritatively whether stock represents actual value of plants, or whether it represents brands, or good will; or, if not, what it does represent, if anything.* It is desirable to know how much was actually bought, how much was issued free, and to whom, and, if possible, for what reason. In the first place, this would be invaluable in preventing harm being done as among the stockholders, for many of the grossest wrongs that are perpetrated are those of promoters and organizers at the expense of the general public who are invited to take shares in business organizations. * * * Care should be taken not to stifle enterprise or disclose any facts of a business that are essentially private; but the State for the protection of the public should exercise the right to inspect, to examine thoroughly all the workings of great corporations just as is now done with banks; and wherever the interests of the public demand it, it should publish the results of its examinations. Then, if there are inordinate profits, competition or public sentiment will give the public the benefit in lowered prices; and if not, the power of taxation remains. *It is therefore evident that publicity is the one sure and adequate remedy which we can now invoke.* There may be other remedies, but what these others are we can only find out by publicity, as the result of investigation. *The first requisite is knowledge, full and complete.*

Directly in line and consistent with these recommendations were those made by President Roosevelt in his first message to the first session of the Fifty-seventh Congress. In this message, in discussing this question, he said:

> All this is true; and yet it is also true that there are real and grave evils, *one of the chief being overcapitalization, because of its many baleful consequences;* and a resolute and practical effort must be made to correct these evils.
>
> There is a widespread conviction in the minds of the American people that the great corporations known as trusts are in certain of their features and tendencies hurtful to the general welfare. This springs from no spirit of envy or uncharitableness, nor lack of pride in the great industrial achievements that have placed this country at the head of the nations struggling for commercial supremacy. It does not rest upon a lack of intelligent appreciation of the necessity of meeting changing and changed conditions of trade with new methods, nor upon ignorance of the fact that combination of capital in the effort to accomplish great things is necessary when the world's progress demands that great things be done. It is based upon sincere conviction that combination and concentration should be, not prohibited, but supervised and within reasonable limits controlled; and in my judgment this conviction is right.
>
> It is no limitation upon property rights or freedom of contract to require that when men receive from Government the privilege of doing business under corporate form, which frees them from individual responsibility, and enables them to call into their enterprises the capital of the public, they shall do so upon absolutely truthful representations as to the value of the property in which the capital is to be invested. Corporations engaged in interstate commerce should be regulated if they are found to exercise a license working to the public injury. It should be as much the aim of those who seek for social betterment to rid the business world of crimes of cunning as to rid the entire body politic of crimes of violence. Great corporations exist only because they are created and safeguarded by our institutions; and it is therefore our right and our duty to see that they work in harmony with these institutions.
>
> *The first essential in determining how to deal with the great industrial combinations is knowledge of the facts—publicity.* In the interest of the public the Government should have the right to inspect and examine the workings of the great corporations engaged in interstate business. *Publicity is the only sure remedy which we can now invoke.* What further remedies are needed in the way of governmental regulation or taxation can only be determined after publicity has been obtained, by process of law and in the course of administration. *The first requisite is knowledge, full and complete—knowledge which may be made public to the world.*

In his message to the second session of the present Congress upon this subject, he said:

> In my message to the present Congress at its first session I discussed at length the question of the regulation of those big corporations commonly doing an interstate business, often with some tendency to monopoly, which are popularly known as trusts. *The experience of the past year has emphasized, in my opinion, the desirability of the steps I then proposed.* * * * A fundamental base of civilization is the inviolability of property; but this is in no wise inconsistent with the right of society to regulate the exercise of the artificial powers which it confers upon the owners of property, under the name of corporate franchises, in such a way as to prevent the misuse of these powers. Corporations, and especially combinations of corporations, should be managed under public regulation. Experience has shown that under our system of government the necessary supervision can not be obtained by State action. It must therefore be achieved by national action. * * * *Publicity can do no harm to the honest corporation, and we need not be over tender about sparing the dishonest corporation.* * * *
>
> I believe that monopolies, unjust discriminations which prevent or cripple competition, fraudulent overcapitalization, and other evils in trust organizations and practices which injuriously affect interstate trade can be prevented under the power of the Congress to "regulate commerce with foreign nations and among the several States" through regulations and requirements operating directly upon such commerce, the instrumentalities thereof, and those engaged therein.

It will be observed here that the publicity upon which the President insists is publicity that results in "knowledge full and complete—knowledge which may be made public to the whole world." This demand is clearly not satisfied by any scheme or plan that does not result in such knowledge. A mere inquisition into the management of the affairs of a corporation, while it

might be offensive to the corporation and might develop facts valuable to the Department of Justice in proceedings under the statutes, is clearly not "knowledge, full and complete, made to the whole world." To characterize such a scheme as "publicity" is idle.

ATTORNEY-GENERAL KNOX.

Attorney-General Knox, a clear-headed and able lawyer and especially familiar with great corporate organizations, in his Pittsburg speech, October 14, 1902, advocated publicity as a leading feature in the line of remedies. In discussing this branch of the question he said:

The conspicuous noxious features of trusts existent and possible are these: *Overcapitalization, lack of publicity of operation*, discrimination in prices to destroy competition, insufficient personal responsibility of officers and directors for corporate management, tendency to monopoly, and lack of appreciation in their management of their relations to the people, for whose benefit they are permitted to exist.

"Publicity of operation," not inquisitorial investigation in lieu thereof, the Attorney-General evidently had clearly in mind when he made this speech.

Overcapitalization is the chief of these and the source from which the minor ones flow. It is the possibility of overcapitalization that furnishes the temptations and opportunities for most of the others. Overcapitalization does not mean large capitalization or capitalization adequate for the greatest undertakings. *It is the imposition upon an undertaking of a liability without a corresponding asset to represent it. Therefore overcapitalization is a fraud upon those who contribute the real capital either originally or by purchase, and the efforts to realize dividends thereon from operations is a fraudulent imposition of a burden upon the public.* When a property worth a million dollars upon all the sober tests of value is capitalized at five millions and sold to the public it is rational to assume that its purchasers will exert every effort to keep its earnings up to the basis of their capitalization. When the inevitable depression comes, wages must be reduced, prices enhanced, or dividends foregone. As prices are naturally not increased but lowered in dull periods, it usually resolves itself into a question of wages or dividends.

While this condition may exist under any circumstances, it is exaggerated by overcapitalization in the illustrating case five to one. *The overcapitalized securities enter into the general budget of the country, are bought and sold, rise and fall, and they fluctuate between wider ranges and are more sensitive in proportion as they are further removed from intrinsic values, and, in short, are liable to be storm centers of financial disturbances of far-reaching consequence. They also, in the same proportion, increase the temptation to mismanagement and manipulation by corporate administrators.*

In discussing the remedy he said:

They should be subject to visitorial supervision, and full and accurate information as to their operations should be made regularly at reasonable intervals. Secrecy in the conduct and results of operation is unfair to the nonmanaging stockholders, and should, as well for reasons of state, be prohibited by law.

INDUSTRIAL COMMISSION.

The Industrial Commission, after a very long and exhaustive investigation and mature consideration of the whole question, made, early in 1900, certain recommendations in accordance with the requirements of the statute under which they were acting, on this point saying:

To prevent the organizers of corporations or industrial combinations from deceiving investors and the public, either through suppression of material facts or by making misleading statements, your Commission recommend—

(*a*) That the promoters and organizers of corporations or industrial combinations which look to the public to purchase or deal in their stocks or securities should be required to furnish full details regarding the organization, the property or services for which stocks or securities are to be issued, amount and kind of same, and all other material information necessary for safe and intelligent investment.

(*b*) That any prospectus or announcement of any kind soliciting subscriptions which fails to make full disclosures as aforesaid, or which is false, should be deemed fraudulent, and the promoters, with their associates, held legally responsible.

(*c*) That the nature of the business of the corporation or industrial combination, all powers granted to directors and officers thereof, and all limitations upon them or upon the rights or powers of the members should be required to be expressed in the certificate of incorporation, which instrument should be open to inspection by any investor. * * *

The larger corporations—the so-called trusts—should be required to publish annually a properly audited report, showing in reasonable detail their assets and liabilities, with profit or loss, such report and audit under oath to be subject to Government inspection. The purpose of such publicity is to encourage competition when profits become excessive, thus protecting consumers against too high prices and to guard the interests of employees by a knowledge of the financial condition of the business in which they are employed.

On February 10, 1902, this Commission in its final report said:

The further consideration given to the subject by the Commission has justified in nearly all particulars our former conclusions and recommendations.

It recommended the establishment of a bureau, the duties of which should be—

To register all State corporations engaged in interstate or foreign commerce; to secure from such corporations all reports needed to enable the Government to levy a franchise tax with certainty and justice and to collect the same; to make such inspection and examination of the business and accounts of such corporations as will guarantee the completeness and accuracy of the information needed to ascertain whether such corporations are observing the conditions prescribed in the act and to enforce penalties against delinquents, and to collate and publish information regarding such combinations and the industries in which they may be engaged, so as to furnish to the Congress proper information for possible future legislation.

The publicity secured by the governmental agency should be such as will prevent the deception of the public through secrecy in the organization and management of industrial combinations or through false information. Such agency would also have at its command the best sources of information regarding special privileges or discriminations, of whatever nature, by which industrial combinations secure monopoly or become dangers to the public welfare. It is probable that the provisions herein recommended will be sufficient to remove most of the abuses which have arisen in connection with industrial combinations. The remedies suggested may be employed with little or no danger to industrial prosperity and with the certainty of securing information which should enable the Congress to protect the public by further legislation, if necessary.

In conclusion, after having further discussed the whole question, it said:

In the meantime the separate States should amend their corporation laws *so as to require greater publicity*, as outlined in our preliminary report.

Thus emphasizing the importance and necessity of publicity.

JOHN D. ROCKEFELLER.

Even Mr. John D. Rockefeller, who is understood to be at the head of one of the largest industrial corporations in existence, in effect advised publicity in his statement before the Industrial Commission. In his answer to the following question, "What legislation, if any, would you suggest regarding industrial combinations?" he said:

First. Federal legislation under which corporations may be created and regulated, if that be possible.

Second. In lieu thereof, State legislation as nearly uniform as possible, encouraging combinations of persons and capital for the purpose of carrying on industries, *but permitting State supervision*, not of a character to hamper industries, *but sufficient to prevent frauds upon the public.*

Publicity, such as is provided for in this bill, would seem to be one of the most feasible methods of preventing frauds upon the public. In the absence of State supervision "as nearly uniform as possible" the only thing that can take its place is Federal legislation, operating uniformly upon all State corporations engaged in interstate commerce, which is precisely the idea involved in the legislation recommended.

MR. DILL.

Mr. Dill, who has had very large experience in the organization of corporations, is the author of several works upon corporations, and was the attorney organizing the United States Steel Company, testifying upon the question of overcapitalization before the Industrial Commission, said:

Q. From your experience in the organization of some of the large corporations, have you been able to form any judgment on the question of overcapitalization, as to whether or not they are in many cases capitalized for considerably more than the real value of the properties put in?

A. If you will let me answer that question in my own way, I will do so by saying that there are corporations and corporations. There are very many corporations, which we will call combines, which are organized on a basis that presents no dangerous aspects to the public; but there are very many also organized with a good deal of capital that, in my judgment, *if not intended originally for fraudulent purposes, will become the cause of fraudulent action.*

Q. Will you explain that a little more in detail?

A. I assume that there are corporations that are grossly overcapitalized for various reasons and with various purposes. *Any corporation that is grossly overcapitalized is presumably organized in the first instance for the purpose of getting the stock to the public. Now, in order to get such stock to the public, there must be either a misrepresentation of facts, or, what in my judgment is just as bad, a concealment of material facts; and in my judgment in many of the so-called combines there is a concealment of material facts.*

Q. Do you base your opinion on what has come under your own observation?

A. Yes; if you do not take that answer to mean that I am of that opinion with respect to corporations I have organized myself. I have declined many organizations. Now, without calling names at all, a corporation was brought to my attention—I will say two months ago, so as not to bring it too near—concerning which, after a careful examination of the assets, *the conclusion was reached in our office that $500,000 would be a maximum fair valuation. We declined to organize that corporation for $8,000,000 and float it.* I should not want to be brought into any unpleasant position by having you ask the name; but it is advertised before the public to-day at $8,000,000. *Well, I do not know from reading the prospectus that any man could be indicted for making false representations; but I do know that it lacks dreadfully in the statement of material facts—facts that the public ought to know.*

Q. Does this overcapitalization and misrepresentation, in your judgment, chiefly affect the buyers of stock, or does it affect the consumers of goods through prices?

A. *It affects industry in general, and I can not agree with very many of my colleagues, who say that the question of the amount of capitalization is simply a matter of adjustment with the public;* because the ordinary company, largely capitalized, does not, as a rule, have the same directors as it has at first. It does not, as a rule, consist of exactly the same men the second year as the first. Now, whoever is in office as a director the first or second year feels it necessary, in order to keep his standing, and especially with concerns that have a Wall street end, either to make a showing of a dividend earned or to declare one that is not earned. In other words, so far as the race with honest competitors is concerned, the fraudulently capitalized company is bound to make an equal showing of honest earnings; *and it results either in a robbing of the capital or in a resorting to artificial means to earn that dividend, which artificial means commonly consist, in addition to putting up the price of material, in putting down the price of labor. So, I say, I can not agree with the statement so frequently made, that the question of capital is merely a matter of adjustment. Inflation always, in my judgment, leads to a material error and possible wrongdoing.*

Mr. Dill's experience with great corporations has led him to the conclusion that publicity in connection therewith is both necessary and proper. In another part of his testimony before the Commission he made the following statement:

The English law, which in my judgment will have to be passed in all States that desire to stand as proper charter-granting States, is about as follows: All stock issued by any company, in whosesoever hands it shall be or shall

come, shall be deemed to be held subject to be paid in full or in cash, unless before the stock is issued a contract shall have been filed in the office of the company, *and open to the public, which shall show which part of the stock has been issued for cash and which for property*, and which shall disclose the character and value of the property thus taken. The statute then goes on to provide that anybody may have a copy of that contract on payment of a fixed fee. That is publicity.

This statement of his is a fairly good general description of the publicity provided for in this bill, except that it goes further than the provisions of the bill.

CHICAGO TRUST CONFERENCE.

Some time in 1900 there was held in Chicago what has since been known as a trust conference, in which the question of combinations and business conditions connected therewith was quite fully discussed. Mr. Howe, of New Orleans, a lawyer of ability and experience, was chairman of the conference. At its conclusion he summed up its results by saying:

It seems to me—simply as an individual, of course—that almost every paper or address we have heard has made some admissions or concessions which may form a basis for some conclusions, and if you will allow me I will formulate some of them, as follows:

Upon the question of overcapitalization, he said:

As for issues of stock, they should be safeguarded in every possible way. They should only be allowed either for money or for property actually received by the company, and dollar for dollar. And when the property is so conveyed it should be on an honest appraisement of actual value, so that there may be no watering of stock.

Upon the question of publicity relating to the business condition of corporations, he said, as a final summing up of his conclusions as to what was in substance agreed upon by all of the parties to the conference:

4. *And finally there should be a thorough system of reports and Government inspection, especially as to issue of bonds and stock and the status and value of property.* Yet at the same time, in the matter of trading, business, and industrial companies, there are many legitimate secrets which must be respected by the general public.

In short, we need frankly to recognize the fact that trading and industrial corporations are needed to organize the activities of our country, and they are not to be scolded or belied, but controlled, as we control steam and electricity, which are also dangerous if not carefully managed, but of wonderful usefulness if rightly harnessed to the car of progress.

What he meant by control is very obvious, as he emphasizes the idea as to what control should be imposed when he says that the "*reports and Government inspection, especially as to issues of bonds and stock and the status and value of property*," should be thorough.

It is generally conceded that publicity will tend to prevent overcapitalization, and even James J. Hill rises to remark that "what is wanted is legislation preventing the watering of stock. Make that restriction, and a great good will be accomplished."

The only publicity that is now required with reference to corporate organizations, is that required by the interstate-commerce law with reference to railroad companies engaged in interstate commerce, by the statutes of the United States with reference to national banks, and by the various States with reference to banks, building and loan associations, insurance companies, railroad companies, other public-service corporations, and business corporations.

The returns required from railroad companies under the interstate-commerce law are "such annual reports as shall show in detail the amount of capital stock issued, the amount paid therefor, and the manner of payment for the same, the dividends paid, the surplus fund, if any, and the number of stockholders, the funded and floating debt, and the interest paid thereon, the cost and value of the carriers' property, franchises, and equipments," so far as they relate to the financial basis of the corporation and its capitalization.

While these are directed to the business condition of the corporation, they are not as full and complete as the requirements under this bill. These returns are not required by the statute to be made on oath. While the Commission may require an oath thereto and does, it is not a requirement of the law. Such an oath, even if false, could not be punished as perjury and adds nothing to the verity of the return. The returns now filed under these conditions with that Commission are practically valueless for the purpose of disclosing the financial condition of the railroad corporation and its capital stock. A statement by the corporation officers that has not behind it the obligations of a valid oath, is of very trifling value for these purposes. It is proper to say here, as bearing upon the verity of returns to States, that I have not found a statute in any State where an oath is required that requires the oath to be made within the limits of the State where the corporation is organized. Every lawyer knows that a State statute can not operate extraterritorially, and that oaths to reports made outside of the State add nothing to their verity.

The returns made by the national banks, and the supervisory power exercised over them under the statutes of the United States, are far more drastic and inquisitorial than the provisions of this bill. The returns made by, and the examination of, insurance companies, by the various State authorities are also much more searching than the provisions of this bill. The same is true of building and loan associations and of State banks. All of these various institutions have had apparently no difficulty in flourishing and prospering, notwithstanding the publicity involved by their returns and examinations. In the case of all meritorious organizations of that character, the returns and examinations have, in fact, facilitated, rather than retarded, their growth and success. The greater the publicity, the more they have inspired public confidence.

I will annex as Exhibit B an abstract of the laws of the various States showing the amount of publicity now required by the various State legislatures. With the exception of Massachusetts and Pennsylvania and one or two other States, you will see that there is practically no requirement on the question of publicity. There is not a single State outside of Pennsylvania, that contains requirements anything like the requirements contained in this bill. Many of them contain no requirements. The State of New Jersey—and I want to make this suggestion now in behalf of my friend [Mr. PARKER]—the State of New Jersey, contains practically nothing upon the question of making reports, in the line of publicity. It does not begin to disclose the conditions that we disclose under the terms of this bill.

This, then, is the condition: We have 45 different States, no one of which gives you any adequate publicity, except possibly Pennsylvania and Massachusetts, and the Massachusetts law does not begin to have the details contained in the provisions that are contained in the first provision of this bill, which is sneered at by my distinguished friends on the other side as being practically of no avail and able to accomplish nothing. I will reach that later on if I have the time. But here is a variety of legislation. It is impossible to expect uniformity upon the part of the States, and if there is to be any publicity that is to be of any use in connection with corporate organizations it must undoubtedly come from the action of Congress under the commerce clause of the Constitution, requiring all corporations engaged in interstate commerce to file such returns as may be thought necessary in order to produce the degree of uniform publicity requisite for the purposes suggested and desired. That is the purpose of this legislation.

It might well be contended that within the domain of its exclusive jurisdiction, interstate and foreign commerce, having excluded the States therefrom, it is incumbent upon the Federal Government to discharge the duties and exercise the control that would otherwise devolve upon the State, were it not thus excluded therefrom; but, in any event, it is submitted there are important features which justify the exercise of the regulating power of publicity.

FUTURE INVESTMENTS AND THEIR RELATION TO OVERCAPITALIZATION.

Investors are by no means confined to speculators on Wall street. If they were all the persons concerned in corporate bonds and stocks it might well be that we should not need to be especially solicitous on their account. The total wealth of the United States, according to provisional figures of the census of 1900, is $90,000,000,000. The sum total of railroad securities of the United States at par in 1901 was $11,688,147,091. In the table annexed statistics are given of industrial corporations which represent the combination of previously existing independent interests. The aggregate of the securities of these 451 industrial corporations actually issued are $9,231,136,698.

Here we have a total of $20,919,283,789 in steam railroads and industrial combinations—in round numbers $20,000,000,000, or more than 20 per cent of the total wealth of the country. When the securities of gas, electric-light, water, street-railway, telegraph, and telephone companies are added to this $20,000,000,000, the 340 corporations shown in the table aggregating $4,519,597,819, it will be seen how vast is the stake of the investing public in the integrity of corporate investments. Such securities are the common medium for investment by banks and trust companies, institutions for saving, life-insurance companies, as well as individual investors. Their investments aggregate billions.

The governor of New Jersey tells us that the stockholders of New Jersey corporations alone run up into hundreds of thousands, if not millions. All classes invest; the rich, the well-to-do, the poor, the widow, and the orphan. In the case of stocks, large dividends furnish the inducement to allure the investor. The corporate bond, if based upon a first mortgage of the corporate property, is clearly the safest form of investment. Who is there to-day not intimately connected with the management of the corporation that holds a corporate bond of any kind that knows what value there is behind it? Where can the intending purchaser of such a bond go to ascertain that information? He can not find it anywhere outside of Massachusetts and Pennsylvania, and possibly one or two other States, where comparatively few

corporations are organized by reason of the greater facilities for concealment offered elsewhere. Even there the information is inadequate.

None of the great combinations of which complaint is made could exist if their bonds could not be floated. It is doubtful if any of the large overcapitalized combinations now in existence could have been financed if the facts as to value involved in their organization had been fully known to the public. In a great many instances the bonds negotiated represent all of the actual investment in the corporation, the stock being largely speculative. It is certainly doubtful if the public would buy a bond when it knew that the only cash capital invested in the enterprise was the proceeds of the bonds in which it was invited to invest. If upon a public statement it appeared that the bondholders were the only parties assuming any real hazard, and that the only hazard undergone by the promoters was the ability to so control and manipulate the market as to be able to declare a dividend on a fictitious capitalization in order to give it simply a market value, and thus unload upon the public, fewer combinations would be floated, or be successful if floated. Where is the individual who, purposing to engage in any enterprise, would have the courage to go into the market and endeavor to borrow, secured by a mortgage on the enterprise, all the capital to be invested therein? If a man contemplated the purchase of a piece of real estate for the sum of $10,000 he would hardly expect to borrow upon the security of the real estate the whole of the purchase price. Yet, he can take with him two other men—dummies—organize as a corporation, make a bond issue to cover the full investment, comply with every provision of the law, and in that respect, in a perfectly legitimate manner, accomplish that result.

A corporate bond seems to impart an air of security not found in a secured promissory note, although the note does have, in addition to the security, which is all there is behind the bond so far as individual liability is concerned, the individual responsibility of the promisor. It does not meet the situation to say, "Let the purchaser take heed." When the purchaser buys an article of food or clothing, a horse, a dwelling, a farm, or any other tangible property it may well be that he must "take heed," as there he has, or can have, full opportunity to learn of the qualities and attributes of the subject of the purchase. The inspection of a bond, or stock certificate, or the reading of the ordinary prospectus, does not give the slightest idea as to the intrinsic value of the property represented by the bond or stock. The State makes it possible for the corporation to place bonds and stock upon the market and conceal every material fact essential to a determination of its value.

In the absence of a knowledge of these facts it is an absolute impossibility for a purchaser to form any idea of the real value of the stock or bond. "Surely in vain," says the sacred writer, "the net is spread in the sight of any bird." When the requisite degree of publicity shall place within the reach of the purchaser the information that will disclose the true value of the stock or bond, then the maxim "caveat emptor" may be properly invoked. To carefully keep from him the necessary information, to enable a corporation to dig a pitfall and then cover it up so as to ensnare the unwary, and then say, "Look out for yourself," is an unjustifiable use of the maxim. There is a simple test that will settle the propriety of these essential disclosures. If an article is intrinsically desirable and valuable the more its special qualities are made known and advertised, the quicker it will sell and the better price it will bring.

If a capital stock is all paid in, the corporation is doing a large and profitable business, and has accumulated a handsome surplus, the greater publicity that is given to these important facts the more the market value of the stock will be increased. Such a corporation seeks publicity. On the other hand, suppose the stock is only partly paid in, the corporation is doing a losing business, and has accumulated a deficit. The more these facts are known the more the market value of the stock becomes a negligible quantity. In other words, if a man has a good bond or stock, the more publicity he gets the better he likes it. If he has a poor bond or stock, the less publicity he receives the better he is satisfied. But why are not the public, the insurance companies, and the saving banks, which are relied upon as the final depositories of these securities, entitled to the same information in each case?

A sound corporation will make no objection to such publicity; an unsound one always objects. It is only corporations that have facts to conceal that object to publicity. The States, or some of them, legislate so as to enable the corporation to place the questionable bond and stock upon the market under apparently the same conditions that obtain in case of a first-class security. The information, if the financial foundation is wanting, will tend to deter investment. The States that charter these corporations can not be relied on to give it. The nearest approach to a uniform rule is for the United States to require returns that will give this information from all corporations engaged in interstate commerce. It is the fear that the prospective investor will be deterred that leads the promoters and organizers of great combines to insist upon the maintenance of conditions that will enable them to continue to create fictitious wealth.

THE PUBLIC INTEREST FROM THE BROAD STANDPOINT OF THE CONSUMERS.

It is through the medium of consumers, the purchasers of its products, that the overcapitalized combination finds its most extensive and oppressive contact with the public. Successful overcapitalization involves the necessity of declaring a dividend upon the overcapitalization equal to a dividend upon actual value, thus giving to the stock an earning capacity and creating an artificial market value. If all of the overcapitalization were held by the promoters and organizers, and was not held for the purpose of increasing the return, there would be no object in overcapitalizing. So long as the aliquot interest of the stockholder remained the same his share of the earnings would be the same, whether he held one share of stock or ten. It would be of no consequence to him whether his rate of dividend was 10 or 1 per cent so long as the aggregate of the dividend remained the same. His relative control in the affairs of the corporation would be the same.

From this point of view, if no other result was sought or attained, the overcapitalization would be immaterial so far as the public is concerned, and it is only from this view that overcapitalization is a matter of no concern to the public. If there is no other purpose, overcapitalization is meaningless and valueless to the stockholder. The real purposes of overcapitalization are believed to be of an entirely different character, and they all have an injurious effect upon the public. The purpose to create for the stock a fictitious value, and thus arbitrarily increase the wealth of the persons interested, is undoubtedly the main purpose of overcapitalization.

In order to accomplish this, in nearly every instance the price to the consumer must either be increased, or maintained, above its natural normal level. It is no doubt true that by a consolidation of a number of competing firms, or corporations, business economies may be produced by having one management instead of a number, by having one instead of a number of sets of traveling men, and by running one instead of a number of lines of advertising, etc. It is also true that an increase in the volume of business done, with practically the same cost of operation results in a larger return to the operator, or that a smaller percentage of profit, will on the larger volume of business, produce the same aggregate return, and enable the producer to sell to the consumer at a less price.

This aggregation of large capital, great volume of business on a small margin, giving a fair return to the capital invested, with a reduction in price to the consumer, is what is termed the new phase of modern industrial development; and the corporate form of organization, with its evils of overcapitalization, is the medium through which the development has largely taken place. Theoretically, on paper, this reasons well, looks well, and works well. The chief ultimate result in which the public has an abiding interest, the reduction of the price to the consumer, is in practice seldom attained. This result is the only fact that can justify this phase of industrial development from the public standpoint. It is not believed that any of these corporations yet organized have ever been dominated by, or organized for, the altruistic purpose of reducing the price to the consumer. The controlling purpose in such organizations is believed to be what it naturally would be—the profit of the parties thereto. If the public receives any benefit, it is incidental. Profit to the persons in control inspires their operation as well as organization.

That overcapitalization, which in every one of its attributes is sought to be made equivalent to actual capital, is an unjust burden upon our industrial and commercial energies seems to me clear. As capital is entitled to a fair return, the public is vitally interested in the amount of capital necessary to carry on a given enterprise. Such fair return is a proper element of the cost of the article, and the public must pay for it, and the other elements of cost involved, when it buys the article. An actual investment of $1,000,000 would require a price for the product that after the payment of operating expenses and fixed charges would yield in profit, say, $60,000. On the other hand, if $10,000,000 actual investment were employed in the same enterprise, with the same output, the net earnings would have to be $600,000 in order to give the same fair return on the investment.

Assuming, for the purpose of testing this idea, that all the other elements, such as cost and output remain the same, clearly in the last instance the public must pay a largely increased price by reason of the large investment. If, for the purpose of the illustration, $9,000,000 of this were overcapitalization or inflation, the public would be clearly paying in price $540,000 more than it ought to pay, or enough more in price, to produce nine times the return that ought properly to be received, or more than it naturally would pay independent of a monopoly of the market and

the transaction of the business through the medium of an overcapitalized corporation. For the purpose of showing that the illustration is not exaggerated, I give one instance that has come within my observation.

I know of one great combination that has now, as one of its constituent elements, a corporation that in the year 1901 had an actual cash capital of $150,000. It was building its plant and it had not got its plant completed when a promoter came along who desired to purchase this corporation, and its plant, in order to make up a prospectus and show that in his proposed scheme he had the entire control of the market, and was going to take in every corporation engaged in the production of that particular kind of product. He paid $750,000 for this particular plant. That plant to-day is a part of a great aggregation of capital, at a valuation of a million and a half, and that plant can be duplicated to-day, because it was not built on patents, it was not erected on trade-marks or special privileges—that plant can be duplicated to-day for $150,000.

Again, as a business proposition, if it is legitimate and proper for one corporation to thus place fictitious stock upon a par with actual value, it is for all, and every corporation should do so, for the purpose of placing its stockholders on a par with others, as to earning and dividend-paying capacity. In such case the consumers of all articles of commerce would be paying an abnormal price, in order to produce a return upon constructive capital employed, that would be from five to ten times as large as it ought to be, or, as in the instance cited by Mr. Dill, of capitalizing $500,000 at $8,000,000, sixteen times the return that ought to be made. How long could even our great resources stand that drain? I do not say that every great corporation has that degree of capitalization in its make-up. If it has, and all the corporations engaged in business, and my friend from Texas tells us that 75 per cent is controlled by great corporations, I do not know how correct he may be, but if all the corporations engaged in the business and are what he calls trusts, constitute 75 per cent of the business of this country, then 75 per cent of the business of this country, is carrying as an industrial burden, six to eight or ten times as large as it ought to carry, and here is one of the salient features that shows the evils of monopoly.

To what extent we are now paying exorbitant prices, to produce such abnormal returns no one can tell, as no reports are now made to any authority, State or national, that give any adequate information on that point. This is one of the things that this bill seeks to accomplish. It is through the facility offered for overcapitalization that the promoters of great combinations, formed from independent corporations and competing business concerns, get their enormous fees. The desire to get these fees in many instances, no doubt contributes as largely to the launching of the scheme as does the fact that the constituent companies see an opportunity to double, treble, quadruple—yes, increase ten to sixteen fold, perhaps—their original holdings, and thus by the alchemy of a new corporation lithograph themselves rich.

The attempt to monopolize the market is not the principal purpose, but an incident thereto, and follows as a necessary corollary of the condition. In order to perfectly realize the Crœsus-like dream of wealth by arithmetical progression, it becomes necessary to absorb all similar business interests, and thus eliminate competition and enable the resultant corporation to fix the price of the product at will, so as to produce the dividend essential to the creation of apparent market value. The fact that the promoter is able to advertise that his scheme involves the monopoly of the product, and will thereby enable the combination to fix at will the price to the consumer, is believed to be a potent element in successfully financing it. Unwarranted dividends and not monopoly are the moving cause. Monopoly is invoked to produce that result.

CAPITALIZATION OF EARNING CAPACITY.

One of the elements involved for the purpose of justifying this artificial process of accumulating wealth is what is called the capitalization of earning capacity or profits. While it is undeniable that the dividend paid upon a stock, or the interest paid upon a bond, largely determines its market value, it by no means follows that capitalization can be based upon earning capacity. As the Attorney-General has very aptly said, by this method shrewd men capitalize for their own benefit the country's prosperity. Profits are greater in times of prosperity. The consumer is then better able to pay larger prices. Capitalization at high-water mark would be grossly unjust when low-water mark was reached.

Again, profits are based upon the selling price. If the price is such as to yield a disproportionately large return upon the capital actually invested, then competition, if unimpeded by unlawful restraints or combinations, will by the operation of natural laws, reduce the price so as to bring the return down to the general level enjoyed by capital in like employments.

Then, by the operation of natural laws, the price to the consumer would be lowered, while a fair return upon the actual capital would be assured. If it is assumed that you can legitimately capitalize the profits or earning capacity, you exclude the operation of this natural law and permanently impose upon the consumer the payment of a price away above the natural level. You insure to the corporation the price in prosperity through the season of adversity. Once capitalized, the price can not be cut down without impairing the capital, and you have no right to impair the capital. By capitalizing the profits you deliver the public bound hand and foot to the capitalist, whom they must continue to serve that he may receive the stipulated reward.

OVERCAPITALIZATION ENABLES CONCEALMENT OF PROFITS.

Overcapitalization furnishes the convenient opportunity for concealing the profitable character of the enterprise. It is said that it was first employed for that purpose. There are instances where corporations have increased their capitalization 100 per cent in order that what was really, say, a 12 per cent dividend would appear to be only a 6 per cent dividend, and thus avoided the danger of making their employees uneasy and restive because they were not receiving in wages a fair proportion of the earnings of the business. Concealment of this character tends to minimize the dangers of successful competition. An annual dividend of $600,000 would be 60 per cent on an actual investment of $1,000,000. If an ordinary business enterprise unprotected by patents or copyrights was known to be paying 60 per cent annually, competition would as surely engage therein as water runs down hill, resulting in a reduction of price to the consumer. This laudable result is rendered improbable in so far as the facts as to the real rate of dividends are more or less successfully concealed.

But where there is practically no competition, as is the case with many of the large industrial combinations, the public have no means of determining whether the price charged is a reasonable one or not, for the reason that the public have no knowledge whether the combination is overcapitalized or not; nor have they any knowledge as to what proportion of the profits made by the combination go into new construction and are not paid out in dividends upon the overcapitalized stock. Even if we assume that the combination is greatly overcapitalized in the beginning, the profits may be sufficiently large so that after a period of years profits may have been reserved for the improvement and enlargement of the plant, so that the corporation ceases to be overcapitalized; but it is the consumer in that instance who has paid not only dividends, but has contributed to make up the deficiency in the overcapitalization.

Publicity, by creating an intelligent public sentiment, will go far toward ameliorating oppressive conditions. If it is a fact that competitors are ruthlessly destroyed and prices are increased in order that enormous returns may be received upon a relatively insignificant investment, and the searchlight of publicity can be turned thereon, it is doubtful if the persons who are responsible for such a reprehensible condition could long stand the well-directed public indignation that would thus be aroused.

It is not claimed that publicity is a cure-all. It is hoped that by its application the operation of natural laws may in an appreciable degree alleviate existing conditions. The whole subject, unhampered by constitutional provisions that circumscribe and limit us, is intricate, involved, and extremely difficult of solution. All legislation should be conservative and tentative. Full publicity should add materially to our information upon this abstruse subject, and enable us, in the light of the decisions of the court construing existing and new legislation, to act more intelligently and efficiently in enacting legislation that will more effectively regulate and control these conditions, so far as they are susceptible of legislative regulation and control.

It is idle to wait for the States to pass uniform legislation upon this subject. The financial incentive to furnish an asylum and breeding place for vicious, unrestrained, corporate vagrants is too strong for human nature to withstand. In 1884 the State of New Jersey conceived the laudable idea that it could add materially to its revenue by opening up great possibilities for corporations. They then began to revise their legislation with that end in view. Its revenue then was $195,273.15 annually in fees and taxes from corporations. After eighteen years of endeavor in this direction they have increased their revenues from this source so that they now receive the tidy sum of $3,447,310.11, which, it is understood, pays the running expenses of the State and leaves a comfortable margin for contingencies. They can hardly be expected to surrender this revenue.

Other States are engaging in friendly rivalry with New Jersey for a portion of this sum. They have become envious of the prosperity of New Jersey, and within the past few years have enacted fresh statutes under the provisions of which incorporators residing in any State in the Union may obtain a charter from those States without ever entering the State from which the charter is

granted, and not being required to ever hold a stockholders' meeting within the State, or ever doing any business therein, and its officers and stockholders being relieved of all personal liability for whatever acts they may commit in connection with said corporation. It is only by the enactment of a uniform law as to all corporations engaged in interstate commerce, as is proposed by this bill, that an approximation of the result desired can be reached.

Mr. PATTERSON of Tennessee rose.

Mr. LITTLEFIELD. Excuse me, but I want to hurry on and get to a proposition I want to state.

Mr. PATTERSON of Tennessee. I simply wanted to ask one question.

Mr. LITTLEFIELD. Well; if it is only a question.

Mr. PATTERSON of Tennessee. You say that overcapitalization is an evil and that the public is bearing these burdens. Why is it that you do not propose in your bill any remedy for the evil?

Mr. LITTLEFIELD. I will come to that now. I am glad to have the gentleman suggest it. The remedy that we propose is this section of publicity. I do not believe that if this Congress had the power, it ought to prohibit every corporation that is overcapitalized from engaging in interstate commerce. I believe that would produce profound depression and a panic, shock the business interests of the country, and ruin innocent investors, because it must be remembered that the innocent stockholders of these corporations aggregate millions.

Now, this bill proposes by publicity to place this situation where, by the operation of natural laws, it may work itself out. That is the object of the bill. It does not go as far, perhaps, as it might go; it does not go so far as it could go.

I am going to discuss in a few moments the provisions of the bill in detail.

Mr. PATTERSON of Tennessee. Will the gentleman allow me one more question? I will be very brief.

Mr. LITTLEFIELD. I yield.

Mr. PATTERSON of Tennessee. Does not the gentleman think that corporations that may hereafter be organized, if their returns should show, under this publicity clause, that they are overcapitalized, should not be allowed to engage in interstate business?

Mr. LITTLEFIELD. I do not think I should go so far as that. This is a new remedy—a new proposition. No legislation like this has ever before been adopted by Congress. No legislation like this has ever before been suggested in Congress. I know that my friends on the other side sneer about our "moving slowly" and about our "looking around quietly," about traveling around in the dark, and not desiring to disturb people. I can stand such suggestions, because I say that this is a new proposition. It is new legislation, and no man can tell what the effect of this legislation may be. I believe it will be salutary and wise, but I can not be certain about that. I can not demonstrate it. I think we can begin with this bill. If this bill in its operation as practically applied proves wise and beneficial, a step in the right direction, we can take further steps in the same direction.

I do not think any man here, in his senses, when he comes to reflect upon these questions, desires to pass any legislation, the tendency of which might be to disturb vast business interests, for the purpose of reaching what is, as a matter of fact, a relatively small percentage of all corporations engaged in interstate commerce.

Now, this bill does not read as House bill No. 17 did when introduced on the first day of last session by "the gentleman from Maine," as has been well suggested by the gentleman from Missouri [Mr. DE ARMOND]. As I have already stated, the bill perhaps goes further in some respects than some gentlemen on the committee wanted to go, and not so far as some other gentlemen wanted to go. I have not modified my views upon this proposition since I introduced the bill, though I have modified the bill to meet the views of others. I do not, however, claim that the bill at that time was as well prepared and as well drawn as the bill that has finally resulted from conversations and consultations and discussions with other men who have thought upon and studied this question.

This bill as first introduced provided that all existing corporations engaged in interstate commerce should file these returns. There was this objection suggested to that provision: That a large majority of the corporations to-day engaged in interstate business are legitimate business organizations; that the filing of returns, as required under the provisions of the bill, might prove, not only burdensome and inconvenient, but to many of these organizations perhaps a hardship; that, as my friend from Georgia [Mr. FLEMING] suggested—I believe that was his idea—such a requirement might lumber up the files of the Interstate Commerce Commission. That was a trivial consideration in my view, but it was vigorously urged that such a requirement might have that result. A modification, therefore, of the bill in that respect has been made. Instead of requiring every corporation engaged in interstate commerce to file these returns under all circumstances and at all times, the present provision is that the Interstate Commerce Commission may require returns to be filed by any corporation now engaged in interstate commerce. What does that mean? It means that if the Interstate Commerce Commission discharges its duty under this bill properly, fairly, and honorably every corporation that needs to be reached by a provision of this kind will be reached under regulations to be adopted by the Commission.

It hardly will do in discussing this bill to assume in advance that the Interstate Commerce Commission, a very distinguished and honorable body of men, who have discharged their duties so far faithfully and well, would be remiss in the discharge of their duties under this bill. While I might feel that the bill ought arbitrarily to include every corporation, I do not feel like going so far as to say that this Commission can not be trusted to properly administer this law.

Mr. WM. ALDEN SMITH. I should like to ask the gentleman whether in this bill we are not giving the Interstate Commerce Commission unusual power, in the clause beginning at line 22, page 6, which allows them to waive any return if, in their judgment, it is impracticable to get it?

Mr. LITTLEFIELD. No; I think that is an entirely proper provision. Of course it is unusual. The Commission has never been invested with any power of this kind by any prior legislation. It must be an unusual provision, because it is new. Necessarily what is new is unusual; and this is new because there has never been any occasion for such a provision until we were engaged in legislation of this kind.

Just for a moment; upon that proposition I will read this provision of the bill:

> That every corporation which may be hereafter organized shall, at the time of engaging in interstate or foreign commerce, file the return hereinafter provided for, and every corporation, whenever organized and engaged in interstate or foreign commerce, shall file a return with the Interstate Commerce Commission for the year ending December 31, whenever, and at such time, as requested by said Commission, stating its name, date of organization, where and when organized, giving statutes under which it is organized, and all amendments thereof; if consolidated, naming constituent companies and where and when organized, with the same information as to such constituent companies, so far as applicable, as is herein required of such corporation.

Now, it is very obvious that that is a provision of this bill in all its details with which many corporations, railroad and otherwise, might not be able to comply. What do we provide in this bill? The bill provides that if return is not filed that they may be restrained from engaging in interstate commerce until it is filed. It goes further than that with an amendment which we propose to offer. It provides if the return is not filed the corporation shall be subjected to a fine; and if its officers do not answer the question, to imprisonment. It would be a very curious piece of legislation that would compel a corporation, under penalty of fine and under penalty of being restrained from engaging in interstate commerce, to file things that it probably might not be able to file without giving some tribunal, at least, an opportunity to relieve the corporation from the difficulty that might arise under those circumstances. Do I answer the gentleman's question?

Mr. WM. ALDEN SMITH. Yes; I think the language should be such as to require them to furnish all they can.

Mr. LITTLEFIELD. The bill says "that is impracticable." If they furnish all that is practicable, they furnish all they can. They have to furnish all that is practicable.

Mr. WM. ALDEN SMITH. Does the gentleman believe they will be required to furnish all they can?

Mr. LITTLEFIELD. I answer that the same as the question in respect to the returns to be required by the Interstate Commerce Commission. I shall assume in this discussion that the Interstate Commerce Commission is a body of honorable men and that they will faithfully discharge that duty.

Mr. TAYLER of Ohio. Mr. Chairman, I would ask the gentleman if the history of the Interstate Commerce Commission suggests a fear that it will not seize upon all the responsibilities and powers that any law will pretend to give it? [Laughter.]

Mr. LITTLEFIELD. I have never seen any disposition on their part to let go of anything.

Mr. GAINES of Tennessee. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. LITTLEFIELD. Just for a question.

Mr. GAINES of Tennessee. Just for a question. The bill the gentleman from Maine first introduced, H. R. 17, and the substitute, at the very beginning read very differently, the first bill reading that every corporation engaged in interstate commerce shall do so and so. Now, then, the substitute reads like this, that every corporation which may hereafter be organized shall do so and so. As I understand the bill, it does not touch any existing corporations, but treats of those that are yet to be created

Mr. LITTLEFIELD. It puts all existing corporations under the Interstate Commerce Commission, with power to require returns from every one it sees fit. I have just gone over that.

PROVISIONS OF THE SUBSTITUTE BILL.

SECTION 1.

Section 1 describes in detail the character of the return to be made. These details are expected to disclose with a reasonable degree of accuracy the financial foundation of the corporation and its capitalization, demonstrating approximately the amount of overcapitalization. The information made public is an abstract of this return. In addition to the return the commission is authorized to make inquiries in writing of the officer having the requisite knowledge of corporations in order to clear up any ambiguity or uncertainty that may result from the returns filed. These inquiries are confined to the items specified.

The returns and answers are to be made on oath, and if they are false in any material particular the persons making the oath shall be deemed guilty of perjury and punished accordingly. While it is true that the act requires many details, as to some of which the information in some cases may not be obtainable, provision is made for that difficulty by authorizing the commission to excuse a corporation in writing wherever it is impracticable, without fault of the corporation, to furnish any such items. After the first return is filed, if there is no change in the condition of the corporation as to the items involved, the next return is not required to restate the details, as a simple statement under such circumstances that it is a duplicate will be sufficient. If a corporation fails to file the return the court may restrain it from engaging in interstate commerce until such return is made.

As to all corporations hereafter organized, returns are absolutely required to be filed at the time of their engaging in interstate commerce. It is expected that this requirement will tend to discourage the promotion and organization of any more overcapitalized industrial combinations. As to all existing corporations engaged in interstate commerce, the returns are to be filed only upon the request of the Interstate Commerce Commission. It is no doubt true that the bill could have required a return from all corporations engaged in interstate commerce. It is no doubt also true that a very large majority of the corporations that would thus be required to file returns are such as are not only legitimately organized, but in their business operation produce no injurious effect upon the public. And as to them, they would be subjected not only to unnecessary inconvenience, but in many instances, perhaps. to great hardship, and as to such returns there is not only no necessity but no public demand therefor.

SECTION 2.

Section 2 relates to the oath and provides for punishment in case the returns are false in any material particular. It also provides that whoever knowingly prepares a return that is false in any material particular shall be guilty of subornation of perjury and punished accordingly.

SECTION 3.

Section 3 provides for making public the abstract of the returns. They are to be published in such number for free distribution as the Commission may deem necessary and to be distributed under its direction.

SECTION 4.

Section 4 gives the Commission the same authority to inquire into the management of affairs of corporations relating to interstate and foreign commerce as is provided in the act to regulate commerce. The particular provisions of that act are found in section 12 of the act approved February 4, 1887, as amended March 2, 1889, and February 10, 1891, and reads as follows:

SEC. 12. That the Commission hereby created shall have authority to inquire into the management of the business of all common carriers subject to the provisions of this act, and shall keep itself informed as to the manner and method in which the same is conducted, and shall have the right to obtain from such common carriers full and complete information necessary to enable the Commission to perform the duties and carry out the objects for which it was created, * * * and for the purposes of this act the Commission shall have power to require, by subpœna, the attendance and testimony of witnesses and the production of all books, papers, tariffs, contracts, agreements, and documents relating to any matter under investigation.

Such attendance of witnesses and the production of such documentary evidence may be required from any place in the United States at any designated place of hearing. And in case of disobedience to a subpœna the Commission, or any party to a proceeding before the Commission, may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses, and the production of books, papers, and documents under the provisions of this section.

And any of the circuit courts of the United States within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpœna issued to any common carrier subject to the provisions of this act, or other person, issue an order requiring such common carrier or other person to appear before said Commission (and produce books and papers, if so ordered) and give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof. * * *

The testimony of any witness may be taken, at the instance of a party in any proceeding or investigation depending before the Commission, by deposition at any time after a cause or proceeding is at issue on petition and answer. The Commission may also order testimony to be taken by deposition in any proceeding or investigation pending before it at any stage of such proceeding or investigation. Such depositions may be taken before any judge of any court of the United States, or any commissioner of a circuit, or any clerk of a district or circuit court, or any chancellor, justice, or judge of a supreme or superior court, mayor or chief magistrate of a city, judge of a county court or court of common pleas of any of the United States, or any notary public, not being of counsel or attorney to either of the parties nor interested in the event of the proceeding or investigation. Reasonable notice must first be given in writing by the party or his attorney proposing to take such deposition to the opposite party or his attorney of record, as either may be nearest, which notice shall state the name of the witness and the time and place of the taking of his deposition. Any person may be compelled to appear and depose and to produce documentary evidence in the same manner as witnesses may be compelled to appear and testify and produce documentary evidence before the Commission, as hereinbefore provided.

Every person deposing as herein provided shall be cautioned and sworn (or affirm, if he so requests) to testify the whole truth, and shall be carefully examined. His testimony shall be reduced to writing by the magistrate taking the deposition, or under his direction, and shall, after it has been reduced to writing, be subscribed by the deponent.

If a witness whose testimony may be desired to be taken by deposition be in a foreign country, the deposition may be taken before an officer or person designated by the Commission, or agreed upon by the parties by stipulation in writing to be filed with the Commission. All depositions must be promptly filed with the Commission.

Witnesses whose depositions are taken pursuant to this act, and the magistrate or other officer taking the same, shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

These provisions are applicable so far as they relate to the subject-matter of this bill. This section also provides a penalty for neglecting or refusing to make returns or attend and testify or answer any lawful inquiry or produce books, papers, contracts, or agreements.

SECTION 5.

Section 5 of this act covers the suggestions of the Attorney-General in his communication of January 3, 1903, to the special subcommittee on trusts of this committee. Upon this point, among other things, he made the following suggestions:

I believe the rebates and kindred advantages granted by carriers to large operators in the leading industries of the country as against their competitors in many years amounted to a sum that would represent fair interest upon the actual money invested in the business of such operators. * * *

My suggestion, therefore, is that as a first step in a policy to be persistently pursued until every industry, large and small, in the country can be assured of equal rights and opportunities, and until the tendency to monopolization of the important industries of the country is checked, that all discriminatory practices affecting interstate trade be made offenses to be enjoined and punished. Such legislation to be directed alike against those who give and those who receive the advantages thereof, and to cover discrimination in prices as against competitors in particular localities resorted to for the purpose of destroying competition in interstate and foreign trade, as well as discrimination by carriers.

Such practices are so obviously unreasonable that to inhibit them would be a measure of regulation of commerce to keep it free and unrestrained and not an attempt to exercise arbitrary power.

Upon the necessity of this legislation he says:

It may be said that under the "act to regulate commerce" a shipper may be punished for receiving rebates or special rates less than the lawful published rates, and that it is unnecessary to provide additional legislation in this respect to curb trusts, monopolies, and combinations. This, however, is an erroneous statement.

Whatever the Congress may have designed in the act to regulate commerce regarding the punishment of shippers for participation in violation of that act, as construed by the courts, their punishable offenses fall under two heads:

First. Where the shipper has solicited or participated in instances of unjust discrimination, and

Second. In cases of fraud perpetrated by him against the carrier, e. g., by false representation of the contents of a package.

As to the first, the courts have held that to constitute unjust discrimination it is necessary to prove that at the time the lower unlawful rate was being granted to the favored shipper the higher lawful rate was imposed against another shipper on like commodities between the same points.

In many cases of departure by a carrier from its published tariffs the favored shipper has enjoyed his advantage for so long a time that all rivals have disappeared. In such cases, and they are the most numerous, no illegal discrimination exists; consequently the recipient of the unlawful rebates escapes the penalties of the act to regulate commerce.

The act prohibits the carrier from charging anyone a greater or less rate than the rates named in its schedules; but the penalties provided therefor have been held by the courts not to be applicable to any carrier that is an incorporated company.

The officers or agents of such incorporated company, who grant the rebate or make the unlawful concession in rates, are subject to indictment and punishment. That, however, is generally an impracticable remedy, because the agent who makes the concession is usually the only person by whom it can be ascertained that the rebate has been paid, and when he has testified in relation to the matter he has thereby obtained amnesty from prosecution.

Even if the corporation and its officers could be effectively reached by criminal proceedings, the law leaves unrestrained the persons, corporations, and combinations who are beneficiaries of the unlawful rebates.

This casus omissus of the act to regulate commerce should be supplied by imposing a penalty upon the incorporated carrier and beneficiary alike, and the right of the courts to restrain such practices at the suit of the United States—a right not settled and now vigorously challenged—should be made certain.

I think the operation of such an act should be limited to the transportation by common carriers subject to the act to regulate commerce. This is necessary for the reason that there is no requirement of law that rates shall be published by common carriers, except by railroad, or railroad and water carriers acting as one line. When the act to regulate commerce was under consideration, it was deemed impracticable, if not unwise, to attempt to regulate the rates of water or other common carriers. It was understood that in the nature of things water rates could not be stable.

In addition to that, it was believed that water competition must be unrestricted. As it is the least expensive means of transportation, it, wherever

it could directly or indirectly compete with carriers by rail, would, approximately, furnish a basis for rates by railroad, and measurably keep such rates within the limits of extortion.

So that if provision is made by law to prevent rebates, a standard or established schedule must be referred to; and as the admitted abuse of magnitude has been in the favors granted by railroad companies, their rates, which the law requires shall be made public, should be taken as the rates which must be adhered to and made equal to all the people under similar conditions.

It should therefore be made unlawful to transport traffic by carriers subject to the "act to regulate commerce" at any rate less than such carriers' published rate, and all who participate in the violation of such law should be punished.

The section herewith reported is substantially a section of the bill drawn by the Department of Justice, the particular distinction being the insertion of the language "or shall receive any advantage by way of facilities or service," the occasion for its insertion being that it was as necessary to prohibit the undue advantage conferred upon the shipper by way of facilities which placed his competitor at a disadvantage as it was to prohibit the shipper from receiving annual rebates and thus making the cost of carriage less for him than his competitor, this branch of the proposition being inadvertently omitted in the draft made by the Department of Justice. With this exception the section is substantially its draft, and it is also in substance the first section of a bill introduced in the Senate by Senator NELSON February 5, 1902, S. 3575. The necessity for the adoption of this section for the reasons given by the Attorney-General in his suggestions has been urged upon Congress for the past five or six years by the Interstate Commerce Commission. There can be no question about its propriety, as all concur as to its necessity.

SECTION 6.

Section 6 prohibits any corporation engaged in the production, manufacture, or sale of any article of commerce violating the provisions of the bill, in relation to rebates or facilities, or attempting to monopolize or control the production, manufacture, or sale by destroying competition in any particular locality by a discrimination in prices or special privileges from using in aid of that purpose any of the facilities or instrumentalities of interstate commerce. This is in response to the suggestion of the Attorney-General, which reads as follows:

An additional provision should be made to reach corporations, combinations, and associations which produce and manufacture wholly within a State, but whose products or sales enter into interstate commerce. It should relate, first, to such concerns as fatten on rebates in transportation (this has already been provided for in our section 5); and, second, to concerns which sell below the general price of a commodity in particular localities, or otherwise in particular localities wantonly seek to destroy competition. These could be excluded with their commodities, products, or manufactures from crossing State lines.

Section 6 of this bill I wish to call particularly to the attention of the committee. I do not understand that anybody, except, possibly, one of my distinguished friends on the committee, and I do not know that he does seriously—I was not quite able to get just exactly what he does claim from the desultory manner in which I listened to what he had to say—I do not mean the desultory manner in which he said it, for I was not able to listen consecutively—I do not understand that anybody seriously questions the constitutionality of this section.

It prohibits any corporation engaged in the production, manufacture, or sale of any article of commerce violating the provisions of the bill, in relation to rebates or facilities, or attempting to monopolize or control the production, manufacture, or sale by destroying competition in any particular locality by a discrimination in prices or special privileges, from using in aid of that purpose any of the facilities or instrumentalities of interstate commerce. This is in response to the suggestion of the Attorney-General, which reads as follows:

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Section 6 is intended to answer the second suggestion. It will be observed that this section proceeds to a certain extent upon a new idea, or perhaps a departure from the existing method of reaching the desired result. The Sherman antitrust law proceeds in effect upon the hypothesis that contracts and agreements are being made that in their operation restrain interstate trade and commerce, and it is directed against such contracts and agreements and such acts upon the part of individuals. This section proceeds upon the theory of the existence of the same conditions and reaches them from another direction. It in effect provides that no corporation manufacturing, producing, or selling an article of commerce and discriminating in prices for the purpose of destroying competition in any particular locality shall in any way use, directly or indirectly, in aid of accomplishing that purpose, any of the facilities or instrumentalities of interstate commerce. It goes as far as we can go for the purpose of reaching this particular object within constitutional lines.

GENESIS OF THIS SECTION.

Instead of undertaking to control the manufacture, production, and sale directly in the State, it attempts to exercise control when the purpose is illegal by depriving the manufacture, production, or sale within a State of the use of the facilities and instrumentalities of interstate commerce in aid of such illegal purpose. It says, while we can not control your illegal act in the State, you shall not use the instrumentalities of interstate commerce in aid thereof. There is probably no instance where the production, manufacture, and sale is carried on for the purposes indicated in the act where the facilities and instrumentalities of interstate commerce are not absolutely essential to the success of the business.

To meet the suggestion that the provisions of this act could be easily evaded by the principal corporation selling its output in the State where it is produced or manufactured to other persons or corporations, who would necessarily engage in interstate commerce for the purpose of distributing the article of commerce thus produced, manufactured, or sold, and thus enable the principal corporation to carry on its business with the prohibited purpose without being engaged in interstate commerce, we provide that no other person or corporation shall use any of the facilities of interstate commerce in order to enable the first-mentioned corporation to continue its production, manufacture, or sale for the prohibited purpose. While it is not insisted that this statute can not to some extent be evaded, it is believed that the last paragraph of this section goes as far as we can go in providing against such contingencies.

This section, as I have shown, does not proceed upon the theory that contracts and agreements are made that interfere with or impair interstate trade and commerce, but it proceeds upon the theory that the illegal purpose or unlawful act shall not be consummated by the aid of the facilities of interstate commerce. And in this respect this section suggests an entirely new legal proposition under the interstate-commerce power.

Mr. SMITH of Kentucky rose.

Mr. LITTLEFIELD. I can not yield now. I have only a few minutes left.

Mr. GAINES of Tennessee. Tell us what you mean by facilities, whether it includes the post-office facilities.

Mr. LITTLEFIELD. I can not stop to do that, except to state that in this respect the section is based upon the language used by Supreme Court where it defines interstate commerce, as follows:

Contracts to buy, sell, or exchange goods to be transported among the several States, the transportation and its instrumentalities and articles bought, sold, or exchanged for the purposes of such transit among the States or put in the way of transit may be regulated, but this is because they form part of interstate trade or commerce. (U. S. *v.* Knight, 156 U. S., 13.)

And—

Definitions as to what constitute interstate commerce are not easily given so that they shall clearly define the full meaning of the term. We know from the cases decided in this court that it is a term of very large significance. It comprehends, as it is said, intercourse for the purposes of trade in any or all of its forms, including transportation, purchase, sale, and exchange of commodities between the citizens of the different States, and the power to regulate it embraces all the instruments by which such commerce may be conducted. (Hopkins *v.* U. S. 171, U. S., 591.)

I have called attention to the peculiarity of this statute, proceeding as it does upon entirely different lines, having an entirely different genesis, and having a broader scope, a scope that can accomplish more than the theory of the original Sherman antitrust law.

THE KNIGHT CASE.

This section is an effort, within constitutional limitations, to enlarge the scope of the Sherman antitrust law to reach the situation indicated by the opinion of the case of E. C. Knight & Co. (156 U. S., 1.) It should be said, however, in reference to that case, that its scope is ordinarily somewhat misconceived, and it is supposed to go farther in narrowing the scope of the Sherman antitrust law than it really does. That case was an equity suit brought for the purpose of annulling certain agreements under which the unlawful combinations were alleged to have been made, and for preventing and restraining violations of the Sherman antitrust act. The bill was based mainly upon the written contracts, and it appears from the examination of the opinion that the court felt confined to the terms of these contracts in determining the issue raised by the bill.

The Government does not seem to have made a case, as it might have done, upon general principles against the defendants, relying upon these contracts as one of the elements making out their case, but by the allegations in the bill appear to have narrowed the contention to the construction of the written contracts themselves. That this was the view of a majority of the court in reaching its

conclusion and pronouncing its opinion is, I think, clear. The court say:

But the monopoly and restraint denounced by the act are the monopoly and restraint of interstate and international trade or commerce, while the conclusion to be assumed *on this record* is that the result of the transaction complained of was the creation of a monopoly in the *manufacture* of a necessary of life.

Note the question which the court here assert was the only question raised upon the record, and that was that the contracts resulted in the "creation" of a monopoly in the *manufacture* of a "necessary of life," not a monopoly and restraint of interstate commerce, a very different and very much broader proposition. If the bill and the record had made a case coming within the last alternative above suggested, the result might have been and undoubtedly would have been exactly the reverse. It does not appear that there were any difficulties in the way of laying a foundation in the bill and sustaining it by proper evidence for such a case as would have shown a contract or agreement in restraint of interstate commerce, which would have been, therefore, restrainable under the act. It is because of this circumscribed foundation made by the bill and disclosed by the record, to which the court were very obviously confined in their conclusion, that led it to make all along through the opinion the very clear and obvious distinction between manufacture and commerce. They say, for instance:

The fundamental question is whether, conceding that the existence of a monopoly *in manufacture* is established by the evidence, *that* monopoly can be directly suppressed under the act of Congress in the mode attempted by this bill.

That is to say, a monopoly in manufacture alone can not be shown to have any connection by the record with interstate commerce. Could such a monopoly be suppressed?

Again, "commerce succeeds to manufacture and is not a part of it." The record disclosed simply a contract to manufacture, not a contract to enter in, or engage in, or regulate, or control, interstate commerce. Hence the court say:

The power to regulate commerce is the power to describe the rule by which commerce shall be governed, and is a power independent of the power to suppress monopoly. But it may operate in repression of monopoly whenever that comes within the rules by which commerce is governed or whenever the transaction is itself a monopoly of commerce.

But the record did not show that the monopoly in question had anything to do with commerce. The court emphasizes this point throughout the opinion, saying later, with this precise question in mind as to what was disclosed by the record in that case:

The object was manifestly private gain in the *manufacture* of the commodity, *but not through the control of interstate or foreign commerce.*

That is to say, that object was the only object disclosed by the contract and the record. In order to have been reached under the antitrust act, however, the contract should have disclosed the object of controlling interstate or foreign commerce, which neither the contract nor the record did show. The fact that there was an incidental allegation that the product of the refineries was to be distributed among the several States, in the judgment of the court added nothing to the substance of the case under the bill, as they say:

It is true that the bill alleged that the products of these refineries were sold and distributed among the several States, and that all the companies were engaged in trade or commerce with the several States and with foreign nations; but this was no more than to say that trade and commerce served manufacture to fulfill its function.

Again:

There was nothing in the proofs *to indicate any intention to put a restraint upon trade or commerce*, and the fact, as we have seen, that trade or commerce might be indirectly affected was not enough to entitle complainants to a decree.

And again:

The subject-matter of the sale was shares of manufacturing stock, and the relief sought was the surrender of the property which had already passed and the suppression of the *alleged monopoly in manufacture* by the restoration of the status quo before the transfers; yet the act of Congress only authorized the circuit courts to proceed by way of preventing and restraining violations of the act in respect of contracts, combinations, or conspiracies in restraint of interstate or international trade or commerce.

Note the significance of the language. Here, in summing up the whole case, the court expressly say that the relief sought was "the suppression of the alleged monopoly in manufacture," not an alleged monopoly or restraint of interstate or international trade or commerce. Very clearly, from the view taken by the court of the allegations in the bill and the facts disclosed by the record, the whole controversy was absolutely narrowed and confined to the construction to be placed upon the written contracts, which by their terms did not either directly, or indirectly, relate to, or undertake to control, interstate trade and commerce, and it is very clear that under the act, which only prohibited the control of interstate trade and commerce, the court could not declare a contract void which in terms was confined to manufacture alone.

THE SHERMAN ANTITRUST LAW.

The Sherman antitrust law proceeds upon the theory that there are contracts and agreements monopolistic in their character which are in restraint of interstate trade and commerce. It is aimed throughout at contracts and agreements that tend to monopoly. That is its genesis.

Section 1 provides that "every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce," etc., and "every person who shall make any such contract or engage in any such combination or conspiracy," etc.

Section 2 provides that "every person who shall monopolize or attempt to monopolize, or combine or conspire with any other person or persons to monopolize, any part of the trade or commerce among the several States, or with foreign nations," etc.

Section 3 provides that "every contract, combination in form of trust or otherwise, or conspiracy, in restraint of trade or commerce," etc., and "every person who shall make any such contract, or engage in any such combination or conspiracy, shall be deemed guilty," etc.

Section 6 provides that "any property owned under any contract or by any combination, or pursuant to any conspiracy (and being the subject thereof)," etc. While the literal language of this act might include what is known at common law as contracts in restraint of trade, it is very clear that its dominating controlling purpose is to prevent contracts, agreements, combinations, and conspiracies resulting in or attempting to create monopoly. It is at least doubtful if a common-law contract in restraint of trade can be predicated upon the Sherman antitrust law. It is because the words "in restraint of trade or commerce" are used that the idea has obtained that the qualification of reasonableness or unreasonableness should be imported into this statute by construction.

It is very ably suggested by Mr. Justice White, in his dissenting opinion in the Trans-Missouri case, that the Sherman antitrust law should be construed upon the basis as to whether or not the combinations or conditions that it undertakes to attack, are or are not reasonable or unreasonable, and it has been suggested by distinguished men since that the law is open to that criticism. It was suggested—I heard a distinguished gentleman in another tribunal the other day say—that it was intended by the framers of that law to subject it to the test, as to whether the conditions attacked were reasonable or unreasonable. I beg leave to submit that such a construction can not be sustained. There is a contract in restraint of trade at common law. A contract in restraint of trade at common law is a contract by virtue of which a man disables himself from engaging in a particular occupation, business, or profession. He agrees not to practice his profession or engage in his business for a certain number of years, or within a certain locality, or a corporation agrees not to sell its goods within a certain locality or during a certain time, or, as the note in Angier *v.* Webbar (92 Comp. Dec., 751) puts it, "contracts which impose an unreasonable restraint upon the exercise of a business, trade, or profession are void, but contracts in reasonable restraint thereof are valid."

Now, that is the common-law contract in restraint of trade. But there are other conditions that disturb us vastly more than these contracts in restraint of trade, because contracts in restraint of trade at the common law were simply constructively against public policy and very few of them ever did any appreciable injury. The combinations and conspiracies that tend to monopoly and therefore increase the price of a product are an entirely distinct legal proposition. They are the status against which the Sherman antitrust law is aimed. It is contracts and combinations in the form of trusts or otherwise or conspiracies, not contracts that restrain one individual from engaging in a profession or in a business for a certain number of years or in a certain locality that are clearly within the intention of that statute.

Now, I wish to call the attention of the House to this fact: That at common law and under the decisions of the courts, from the days of the early common law down even until now, the idea of reasonableness or unreasonableness has never been predicated upon a combination or a conspiracy that tends to monopoly. It is always and only predicated upon contracts technically in restraint of trade, or that tend to exclude a man for a certain number of years or within a certain space. Every case referred to by the distinguished justice of the Supreme Court who dissented in the Trans-Missouri case as sustaining his view that reasonableness or unreasonableness should, under the Sherman antitrust law, be the test, is a case at the common law where the court were passing upon a contract technically in restraint of trade. No single case that he refers to involves contracts or agreements or conditions that tended to monopoly. In that respect his citations were foreign to the controlling purpose of that statute.

There are two distinct legal propositions—contracts in restraint of trade and combinations and agreements that tend to monopolies. I will put in as Exhibit C an abstract of more than 100 cases, taken from the English and American reports, showing this distinction, and I make this suggestion: I have not had the time myself carefully to examine every case upon this subject, but I have had them examined by a man in whose legal ability I have

confidence, and I think I can safely say that from the time when monopolies were first discussed, the books do not contain a single case based upon contracts or agreements that tend to monopoly, and therefore improperly and unduly increasing the price of a product; in which the term "reasonable" or "unreasonable" is predicated upon that condition—no case where that is relied upon as an element under such circumstances. On the other hand, where the facts satisfy the court that the condition tends to monopoly it is held unlawful without qualifications or limitations. While the term "restraint of trade" is used in defining the offense in the Sherman antitrust law, it is evidently used upon the theory that a monopoly or an attempt to monopolize trade would operate as a restraint upon interstate and foreign commerce, rather than in the artificial sense that a contract between two individuals, that impaired the right of one to engage in trade for a certain time or within a certain locality would be a restraint of that commerce. The definition inaptly is in part based upon the common-law term "restraint of trade," while the act is not intended to apply to such contract, but to such contracts and combinations as tend to monopoly.

Now, if I am correct about this—and I believe I am—the criticism that this statute ought to be construed upon the basis of whether or not the conditions against which it is aimed are reasonable or unreasonable, is unsupported.

SECTION 7.

Section 7 of the act is in response to another suggestion of the Attorney-General, which reads as follows:

Such legislation, to certainly reach producers guilty of practices injurious to national and international commerce, should, in my judgment, take the form of penalizing the transportation of the goods produced by the guilty parties, and the Federal courts should be given power to restrain such transportation at the suit of the Government.

This section prohibits, in effect, transportation companies now subject to the provisions of the act to regulate commerce from knowingly transporting any property produced, manufactured, or sold in violation of the provisions of this bill and of the act to protect trade and commerce against unlawful restraints and monopolies. This section is in substance a bill introduced by Mr. GILLETT of Massachusetts at the first session of this Congress, H. R. 3105, which in turn is a bill introduced by him in the Fifty-fourth Congress, H. R. 10249, and favorably reported by the Committee on the Judiciary to the House, House Report No. 3062. It is also in substance section 10 of a bill reported by the Judiciary Committee to the House during the Fifty-sixth Congress, H. R. 10539, Report No. 1506.

The propriety and the necessity of a section like this is also suggested by a remark of Judge Harlan in his dissenting opinion in the case of United States against E. C. Knight Co. (156 U. S., p. 40), where he says:

If it be suggested that Congress might have prohibited the *transportation* from the State in which they are manufactured of any articles, by whomsoever at the time owned, that had been manufactured by combinations formed to monopolize some designated part of trade or commerce among the States, my answer is that it is not within the functions of the judiciary to adjudge that Congress shall employ particular means in execution of a given power, simply because such means are, in the judgment of the courts, best conducive to the end sought to be accomplished. Congress, in the exercise of its discretion as to choice of means conducive to an end to which it was competent, determined to reach that end through civil proceedings instituted to prevent or restrain these obnoxious combinations in their attempts to burden interstate commerce by obstructions that interfere in advance of transportation with the free course of trade between the people of the States.

From this quotation it is reasonably to be inferred that during the consultations of the court and as a part of their discussion it was probably assumed that Congress could legally prohibit the transportation from the State in which they are manufactured of any articles by whomsoever at the time owned that had been manufactured by combinations. And it may, perhaps, be further assumed that in the judgment of the court this would have been a measure that could properly have been enacted to accomplish the purposes in view, and to that extent it may be said that the citation is an approval of this section.

This section is easily the most oppressive provision of the bill, and I like it the least. But it is earnestly urged by the Attorney-General and is much less drastic than a similar provision in the bill drawn by him.

SECTION 8.

Section 8 is a section relating to the testimony of witnesses and deprives them of the privilege of claiming their constitutional exemption from testifying upon the ground of criminating themselves and applies to all prosecutions, hearings, and proceedings under this bill, as well as under the act to protect trade and commerce against unlawful restraints and monopolies. This is in substance the act in relation to testimony before the Interstate Commerce Commission approved February 11, 1893, which has the same purpose in view, this last-mentioned act having been sustained by the United States Supreme Court as constitutional. (Brown *v.* Walker, 161 U. S., 591.)

An examination of the case of Brown *v.* Walker will show that the courts have held that a section that only went far enough to provide "that no evidence given by a witness shall be used against him, his property, or estate, in any manner, in any court in the United States, in any criminal proceeding," did not afford that complete protection to the witness which the amendment was intended to guarantee, and was therefore unconstitutional.

SECTION 9.

Section 9 vests the circuit courts of the United States with jurisdiction to restrain the violations of any provisions of this act, and with a little condensation is one of the sections drawn by the Department of Justice.

SECTIONS 10 AND 11.

Sections 10 and 11 are taken verbatim from the bill drawn by the Department of Justice, and with section 9, are understood to be essential to the efficient administration of the law.

The provision as to threefold damages is the same provision that has been in existence since 1890 as a part of the act to protect trade and commerce against unlawful restraints and monopolies, known as the Sherman antitrust law.

This section appears to be somewhat drastic in its terms, and may be thought to be open to abuse. It should, however, be borne in mind that the similar section of the Sherman antitrust law has been in force nearly thirteen years, and the committee are not advised of a single instance where it has been improperly used. While the legislation proposed by this bill is along the lines of the Sherman antitrust law, it is obvious from a comparison between the two that this section is not so comprehensive and far-reaching, and it is therefore fairly to be assumed that no injurious results may be expected from its adoption.

It is not believed that any of the provisions of this bill are open to successful criticism from a constitutional standpoint. All of its provisions are along the lines of the legislation which has already been sustained by the Supreme Court as constitutional, and are confined to and depend upon their relation to and connection with interstate commerce.

With these suggestions I shall have to leave this bill with the committee. It is suggested by a great many of my friends, as I have said, that the bill does not go far enough. I say it does not go as far, perhaps, as it might go. A word as to the suggestion made by the distinguished gentleman from Massachusetts [Mr. THAYER], that another distinguished gentleman in another place had said that this bill, and no other bill, on trusts should become law. I have no comment to make on the motives of men sitting in another place. I want to say to this House that it must be responsible for sending to the Senate a reasonable bill.

I want to say that it should send to the Senate a sane bill, a bill that upon these new lines proceeds slowly and conservatively. Whether or not the Senate, in the exercise of its wisdom, approves of the action of this House, is not a matter that concerns us. We act upon our own responsibility, and it is for us to formulate in this tribunal what we believe to be wise, reasonable, consistent, sane, and safe legislation. When we have done that we have discharged our duty. If the Senate, in its wisdom, does not agree with us, then the Senate and the House can appeal in the end to the people, whose servants we are. I want to see such a bill go to the Senate. I do not want to see this bill loaded up with extraordinary and unusual provisions. I do not want to see this bill go to the Senate under such circumstances and conditions, with such provisions engrafted upon it that a reasonable man in the Senate can say that the House has sent to it a measure that is unreasonable and too drastic. Let us send to the Senate a safe measure, and then, whatever the result, the House can rest satisfied that it has discharged its full and patriotic duty upon this great question. [Loud applause on the Republican side.]

EXHIBIT A.

LIST OF TRUSTS.

[Compiled by the Congressional Information Bureau, Washington, D. C.]

The list of trusts compiled by the Congressional Information Bureau, of Washington, D. C., is believed to be by far the most complete and accurate list in existence. It is the work of experts connected with the bureau, who have access to and have carefully and intelligently compared and collated all the authentic information on the subject, derived from the best financial authorities. In preparing this list the bureau, which is an entirely nonpartisan institution, has been actuated simply by a desire to ascertain and present the actual facts in the case. It has avoided all political prejudice in the matter, and has excluded from the list all alleged trusts based on wild and sensational rumors.

New trusts are constantly being formed and old trusts dissolved or reorganized, but this list, it is confidently claimed, affords a correct view of the trusts as they stand in this country at the present time.

The list is in two parts. The first part embraces all the great industrial trusts affecting the whole country or large sections of the country. The second part contains the so-called "natural trusts," mainly local in effect, such as monopolies in gas, water, electric traction, telegraph, express, insurance, etc.

The list of industrial trusts contains 453 trusts, with a total capitalization of over $9,000,000,000. The list of "natural trusts" contains, in addition, 340 trusts, with a total capitalization of more than four and a half billions.

The list as a whole, therefore, contains the grand total of nearly 800 trusts, with a total capitalization of nearly fourteen billions. These totals are fully 33 per cent larger than those of any other list hitherto published.

List of trusts in the United States January 1, 1903.

PART I. INDUSTRIAL TRUSTS.

Name.	Authorized capitalization.			
	Common stock.	Preferred stock.	Bonds.	Total.
Alabama and Georgia Iron Co.	$650,000	$650,000	.....	$1,300,000
Alabama Consolidated Coal and Iron Co.	2,500,000	2,500,000	$495,000	5,495,000
Allied Securities Co	25,000,000	.....	.....	25,000,000
Allis-Chalmers and Wisconsin Bridge Co.	20,000,000	16,250,000	.....	36,250,000
Amalgamated Copper Co	155,000,000	.....	.....	155,000,000
American Agricultural Chemical Co	16,715,600	17,153,000	.....	33,868,600
American Alkali Co	24,000,000	6,000,000	.....	30,000,000
American Automatic Weighing Machine Co	3,000,000	600,000	.....	3,600,000
American Axe and Tool Co	2,000,000	.....	.....	2,000,000
American Beet Sugar Co	15,000,000	5,000,000	.....	20,000,000
American Bicycle Co	20,000,000	10,000,000	10,000,000	40,000,000
American Book Co	5,000,000	.....	.....	5,000,000
American Brake, Shoe and Foundry Co.	1,500,000	3,000,000	1,000,000	5,500,000
American Brass Co	20,000,000	.....	.....	20,000,000
American Can Co	44,000,000	44,000,000	.....	88,000,000
American Car and Foundry Co.	30,000,000	30,000,000	.....	60,000,000
American Caramel Co	1,000,000	1,000,000	600,000	2,600,000
American Cement Co	2,000,000	.....	930,000	2,930,000
American Cereal Co	3,400,000	.....	1,600,000	5,000,000
American Chicle Co	6,000,000	3,000,000	.....	9,000,000
American Cigar Co	10,000,000	.....	.....	10,000,000
American Coal Co	1,500,000	.....	.....	1,500,000
American Cotton Co	4,000,000	3,000,000	.....	7,000,000
American Cotton Oil Co	20,237,100	14,562,300	5,000,000	39,799,400
American Felt Co	2,500,000	2,500,000	500,000	5,500,000
American Fire Engine Co	500,000	.....	370,000	870,000
American Fork and Hoe Co	2,400,000	2,400,000	800,000	5,600,000
American Fruit Products Co	1,750,000	.....	.....	1,750,000
American Ginning Co	5,000,000	.....	.....	5,000,000
American Glue Co	800,000	1,600,000	.....	2,400,000
American Graphophone Co	1,200,000	800,000	300,000	2,300,000
American Grass Twine Co	15,000,000	.....	.....	15,000,000
American Hard Rubber Co	2,500,000	.....	.....	2,500,000
American Hardware Corporation	5,000,000	.....	.....	5,000,000
American Hide and Leather Co	17,500,000	17,500,000	10,000,000	45,000,000
American Hominy Co	2,500,000	1,250,000	1,250,000	5,000,000
American Ice Co	25,000,000	15,000,000	1,705,000	41,705,000
American Iron and Steel Manufacturing Co	17,000,000	3,000,000	.....	20,000,000
American Jute Bagging Manufacturing Co	2,800,000	.....	.....	2,800,000
American Lamp Chimney Co	500,000	250,000	.....	750,000
American Last Co	2,000,000	1,500,000	.....	3,500,000
American Linseed Co	16,750,000	16,750,000	.....	33,500,000
American Lithographic Co	4,000,000	.....	3,000,000	7,000,000
American Locomotive Co	25,000,000	25,000,000	1,312,500	51,312,500
American Machine and Ordnance Co	10,000,000	.....	.....	10,000,000
American Malting Co	15,000,000	15,000,000	5,000,000	35,000,000
American Nickel Steel Co	1,500,000	.....	.....	1,500,000
American Packing Co	20,000,000	.....	.....	20,000,000
American Pastry and Manufacturing Co	2,000,000	1,000,000	.....	3,000,000
American Patent Kid Co	300,000	100,000	.....	400,000
American Pegamoid Co	2,500,000	2,500,000	.....	5,000,000
American Perfume Co	5,000,000	.....	.....	5,000,000
American Pipe Manufacturing Co	2,000,000	.....	.....	2,000,000
American Plow Co	37,500,000	37,500,000	.....	75,000,000
American Pneumatic Service Co	10,000,000	5,000,000	464,000	15,464,000
American Powder Co	1,500,000	.....	.....	1,500,000
American Radiator Co	5,000,000	5,000,000	.....	10,000,000
American Railway Equipment Co	12,000,000	10,000,000	.....	22,000,000
American Refractories Co	2,250,000	.....	.....	2,250,000
American Rice Co	650,000	350,000	.....	1,000,000
American Saddle Co	1,000,000	800,000	.....	1,800,000
American Sash and Door Co	3,500,000	2,500,000	.....	6,000,000
American School Furniture Co	15,000,000	15,000,000	.....	30,000,000
American Screw Co	3,250,000	.....	.....	3,250,000
American Sewer Pipe Co	10,000,000	.....	2,500,000	12,500,000
American Shipbuilding Co	15,000,000	15,000,000	.....	30,000,000
American Shot and Lead Co	3,000,000	.....	.....	3,000,000
American Silk Manufacturing Co	7,500,000	5,000,000	.....	12,500,000
American Smelting and Refining Co	32,500,000	32,500,000	35,000,000	100,000,000
American Snuff Co	12,500,000	12,500,000	.....	25,000,000
American Soda Fountain Co	1,250,000	2,500,000	.....	3,750,000
American Sparklets Co	13,500,000	1,500,000	.....	15,000,000
American Steel Casting Co	2,750,000	1,450,000	490,000	4,690,000
American Steel Foundries Co	30,000,000	.....	.....	30,000,000
American Stopper Co	1,000,000	.....	.....	1,000,000
American Stove Co	5,000,000	.....	.....	5,000,000
American Stove Board Co	100,000	.....	.....	100,000
American Sugar Refining Co	37,500,000	37,500,000	10,000,000	85,000,000
American Thread Co	6,000,000	6,000,000	6,000,000	18,000,000
American Tube and Stamping Co	2,800,000	.....	.....	2,800,000
American Typebar Machine Co	5,000,000	.....	.....	5,000,000
American Typefounders Co	4,000,000	2,000,000	975,000	6,975,000
American Warp Drawing Machine Co	2,300,000	700,000	.....	3,000,000
American Whip Co	250,000	.....	.....	250,000
American Window Glass Co	13,000,000	4,000,000	.....	17,000,000
American Wood Fireproofing Co	500,000	.....	.....	500,000

List of trusts in the United States January 1, 1903—Continued.

PART I. INDUSTRIAL TRUSTS—continued.

Name.	Authorized capitalization.			
	Common stock.	Preferred stock.	Bonds.	Total.
American Woodworking Machinery Co	$2,000,000	$2,000,000	$2,000,000	$6,000,000
American Woolen Co	40,000,000	25,000,000	.....	65,000,000
American Wringer Co	850,000	1,650,000	.....	2,500,000
American Writing Paper Co	12,500,000	12,500,000	17,000,000	42,000,000
Ames Shovel and Tool Co	3,000,000	2,000,000	.....	5,000,000
Ammunition Manufacturers' Association	4,000,000	.....	.....	4,000,000
Anthony & Scoville Co	1,000,000	600,000	.....	1,600,000
Anthracite Coal Trust	150,000,000	.....	.....	150,000,000
Artificial Lumber Company of America	8,500,000	3,500,000	.....	12,000,000
Associated Merchants Co	5,000,000	10,000,000	.....	15,000,000
Association of Boat-Oar Manufacturers of the United States	500,000	.....	.....	500,000
Atlantic Dynamite Co	2,500,000	.....	.....	2,500,000
Atlantic Rubber Shoe Co	2,500,000	7,500,000	.....	10,000,000
Atlas Portland Cement Co	6,000,000	1,500,000	.....	7,500,000
Atlas Tack Co	700,000	.....	1,250,000	1,950,000
Automatic Weighing Machine Co	3,000,000	600,000	.....	3,600,000
Automobile and Cycle Parts Co	5,000,000	.....	.....	5,000,000
Baltimore Brick Co	1,500,000	600,000	1,500,000	3,600,000
Bessemer Ore Association	20,000,000	.....	.....	20,000,000
Biglow Carpet Co	4,030,000	.....	425,000	4,455,000
Bolt and Nut Association	10,000,000	.....	.....	10,000,000
Booth, A., & Co. ("Fish Trust")	3,000,000	2,500,000	.....	5,500,000
Borax Consolidated, Limited	3,000,000	4,000,000	4,000,000	11,000,000
Borden's Condensed Milk Co	17,500,000	7,500,000	.....	25,000,000
Boston Breweries Co	3,250,000	6,500,000	.....	9,750,000
Boston Fruit Co	10,000,000	.....	.....	10,000,000
Box Makers' Combine (California and Oregon)	1,000,000	.....	.....	1,000,000
Brass Foundry and Machine Co	6,000,000	.....	.....	6,000,000
Brooklyn Wharf and Warehouse Co	5,000,000	7,500,000	.....	12,500,000
Broom Makers' Association of the United States	5,000,000	.....	.....	5,000,000
Broom Twine Selling Combine	500,000	.....	.....	500,000
Brunswick-Balke-Collendar Co	1,500,000	.....	.....	1,500,000
California Fruit Canners' Association	3,500,000	.....	.....	3,500,000
California Raisin Growers' Association	5,000,000	.....	.....	5,000,000
California Wine Association	10,000,000	.....	.....	10,000,000
California Wire Co	5,000,000	.....	.....	5,000,000
Cambria Steel Co	50,000,000	.....	206,000	50,206,000
Carter Steel and Iron Co. of East Tennessee	5,000,000	.....	.....	5,000,000
Casein Co. of America	5,500,000	1,000,000	.....	6,500,000
Castner Electrolytic Alkali Co.	2,000,000	.....	1,000,000	3,000,000
Cedar Shingles Manufacturers' Association	5,000,000	.....	.....	5,000,000
Celluloid Co	6,000,000	.....	.....	6,000,000
Central Car Trust Co	500,000	.....	1,046,000	1,546,000
Central Coal and Coke Co. (Columbus, Ohio.)	500,000	.....	.....	500,000
Central Coal and Coke Co. (Kansas City, Mo.)	1,500,000	1,500,000	.....	3,000,000
Central Fireworks Co	1,750,000	1,750,000	.....	3,500,000
Central Foundry Co	7,000,000	7,000,000	4,000,000	18,000,000
Central Lumber Co. of California	70,000,000	.....	.....	70,000,000
Central New York Brewing Co.	2,200,000	1,800,000	.....	4,000,000
Central Walnut Association of California	2,000,000	.....	.....	2,000,000
Chain Manufacturers' Association	3,000,000	.....	.....	3,000,000
Chemical Co. of America	5,000,000	.....	.....	5,000,000
Chemical and Pharmaceutical Manufacturers' Combine	50,000,000	.....	.....	50,000,000
Cherokee-Lanyon Spelter Co	600,000	.....	600,000	1,200,000
Chicago and Northwest Granaries Co	600,000	600,000	600,000	1,800,000
Chicago Breweries Co., Ltd	3,000,000	.....	1,948,000	4,948,000
Chicago Milk Co	3,000,000	3,000,000	.....	6,000,000
Chicago Pneumatic Tool Co	5,000,000	2,500,000	2,500,000	10,000,000
Chicago Railway Terminal and Elevator Co	1,330,850	1,402,920	1,365,500	4,099,270
City of Chicago Brewing and Malting Co	3,043,750	3,043,750	3,166,000	9,253,500
Clairton Steel Co	.....	.....	10,025,000	10,025,000
Cleveland and Sandusky Brewing Co	3,000,000	3,000,000	6,000,000	12,000,000
Colonial Box and Lumber Co	15,000,000	.....	.....	15,000,000
Colorado Fuel and Iron Co	23,000,000	2,000,000	15,300,000	40,300,000
Columbia Spring Co	2,000,000	.....	.....	2,000,000
Commercial Chemical Co	2,000,000	.....	.....	2,000,000
Compressed Air Co	7,245,000	755,000	500,000	8,500,000
Connecticut Breweries Co., Limited	350,000	350,000	.....	700,000
Consolidated Car Heating Co	1,250,000	.....	.....	1,250,000
Consolidated Fruit Jar Co	500,000	.....	.....	500,000
Consolidated Ice Co	2,000,000	2,000,000	.....	4,000,000
Consolidated Lake Superior Co	82,000,000	35,000,000	.....	117,000,000
Consolidated Lime Co	1,500,000	1,500,000	.....	3,000,000
Consolidated Rosendale Cement Co	500,000	1,000,000	1,100,000	2,600,000
Consolidated Rubber Tire Co	4,000,000	1,000,000	3,000,000	8,000,000
Consolidated Tobacco Co	94,844,600	.....	167,844,600	262,689,200
Consolidated Wagon and Machine Co	1,200,000	.....	.....	1,200,000

List of trusts in the United States January 1, 1903—Continued.
PART I. INDUSTRIAL TRUSTS—continued.

Name.	Authorized capitalization.			
	Common stock.	Preferred stock.	Bonds.	Total.
Consumers' Brewing Co	$1,900,000	$1,900,000	$1,700,000	$5,500,000
Continental Cement Co	5,000,000	5,000,000		10,000,000
Continental Coal Co (Ohio)	3,500,000		2,750,000	6,250,000
Continental Cotton Oil Co	3,000,000	3,000,000		6,000,000
Continental Gin Co	3,000,000		750,000	3,750,000
Copper Sheets and Bolts Manufacturers' Association	5,000,000			5,000,000
Corn Products Co	50,000,000	30,000,000		80,000,000
Coxe Bros. & Co	3,320,100			3,320,100
Crucible Steel Company of America	25,000,000	25,000,000		50,000,000
Denver United Breweries Co., Limited	2,000,000			2,000,000
Diamond Match Co	15,000,000			15,000,000
Diamond State Steel Co	4,250,000		1,000,000	5,250,000
Distilleries Securities Corporation	32,500,000		16,000,000	48,500,000
Dominion Securities Co	3,000,000			3,000,000
East Coast Milling Co	7,000,000	2,000,000		9,000,000
Eastman Kodak Co	25,000,000	10,000,000		35,000,000
Edison Portland Cement Co	11,000,000	2,000,000		13,000,000
Electric Boat Co	5,000,000	5,000,000		10,000,000
Elk Tanning Co	12,500,000			12,500,000
Empire Steel and Iron Co	5,000,000	5,000,000		10,000,000
Erie Brewing Co	1,000,000	500,000	1,000,000	2,500,000
Fairmont Coal Co	12,000,000		6,000,000	18,000,000
Federal Sewer Pipe Co	10,750,000	10,750,000		21,500,000
Federal Sugar Refining Co	25,000,000	25,000,000		50,000,000
Fireproofine Co	1,000,000	1,000,000		2,000,000
Fisheries Co	1,000,000	2,000,000	500,000	3,500,000
Flour combine (San Francisco, Cal.)	20,000,000			20,000,000
General Aristo Co	2,500,000	2,500,000		5,000,000
General Chemical Co	12,500,000	12,500,000		25,000,000
Graniteware trust	20,000,000			20,000,000
Grape growers' pool (Ohio)	2,000,000			2,000,000
Great Lakes Towing Co	3,627,850			3,627,850
Great Western Cereal Co	3,000,000		1,500,000	4,500,000
Hall Signal Co	1,900,000	100,000		2,000,000
Harbison-Walker Refractories Co	22,250,000		3,500,000	25,750,000
Havana Tobacco Co	45,000,000			45,000,000
Hawaiian Commercial Sugar Co	10,000,000		2,356,328	12,356,328
Hecker-Jones-Jewell Milling Co	2,000,000	3,000,000		5,000,000
Herring-Hall-Marvin Safe Co	1,650,000	1,650,000		3,300,000
Heywood Bros. & Wakefield Co	2,000,000	4,000,000		6,000,000
Hydraulic Press Brick Co	3,000,000			3,000,000
Illinois Brick Co	5,000,000	4,000,000		9,000,000
Indiana Portland Cement Co	5,000,000		2,000,000	7,000,000
Indianapolis Breweries Co	675,000	675,000	800,000	2,150,000
Indurated Fiber Industries Co	1,000,000			1,000,000
International Elevating Co	2,200,000			2,200,000
International Emery and Corundum Co	1,150,000		500,000	1,650,000
International Fire Engine Co	5,000,000	4,000,000		9,000,000
International Harvester Co	120,000,000			120,000,000
International Heater Co	900,000	900,000		1,800,000
International Mercantile Marine Co	60,000,000	60,000,000	75,000,000	195,000,000
International Nickel Co	12,000,000	12,000,000	10,000,000	34,000,000
International Paper Co	20,000,000	25,000,000	9,169,000	54,169,000
International Pulp Co	3,000,000	2,000,000		5,000,000
International Salt Co	30,000,000		12,000,000	42,000,000
International Steam Pump Co	15,000,000	12,500,000	3,650,000	31,150,000
Jefferson and Clearfield Coal and Iron Co	3,000,000		3,000,000	6,000,000
Johns (H. W.)-Manville Co	3,000,000			3,000,000
Jones (Frank) Brewing Co	4,000,000		2,500,000	6,500,000
Jones & Laughlin Steel Co	20,000,000			20,000,000
Kanawha and Hocking Coal and Coke Co	3,500,000		2,750,000	6,250,000
Keystone Coal and Coke Co	2,500,000			2,500,000
Keystone Watch Case Co	3,240,000			3,240,000
Kirby Lumber Co	10,000,000			10,000,000
Knickerbocker Ice Co	4,000,000	3,000,000	1,962,000	8,962,000
Lackawanna Iron and Steel Co	20,000,000		1,800,000	21,800,000
Lake Carriers' Association	10,000,000			10,000,000
Lake Dredgers' Association	5,000,000			5,000,000
Linen Thread Co	4,000,000			4,000,000
Locomobile Company of America	5,000,000			5,000,000
Lumber Carriers' Association	6,000,000			6,000,000
Macbeth-Evans Glass Co	2,000,000	200,000	600,000	2,800,000
Magnus Metal Co	1,500,000	1,500,000		3,000,000
Manhattan Spirit Co	5,000,000			5,000,000
Manufacturers and Consumers' Coal Co	5,000,000			5,000,000
Manufacturers' Paper Co	10,000,000			10,000,000
Manville Co	4,000,000	2,000,000		6,000,000
Maple Flooring Manufacturers' Association	2,000,000			2,000,000
Marsden Co. (cellulose trust)	35,000,000	15,000,000		50,000,000
Martin Kalbfleisch Chemical Co	1,450,000			1,450,000
Martin, The L., Co	600,000			600,000
Maryland Brewing Co	3,250,000	3,250,000	9,125,000	15,625,000
Massachusetts Breweries Co	15,000,000		1,200,000	16,200,000
Medina Quarry Co	2,000,000	1,200,000	1,140,000	4,340,000
Metropolitan Securities Co	30,000,000			30,000,000
Michigan Salt Association	4,000,000			4,000,000

List of trusts in the United States January 1, 1903—Continued.
PART I. INDUSTRIAL TRUSTS—continued.

Name.	Authorized capitalization.			
	Common stock.	Preferred stock.	Bonds.	Total.
Milwaukee and Chicago Breweries, Ltd	$3,774,250	$3,774,250	$3,500,000	$11,048,500
Mississippi Wire Glass Co	1,500,000			1,500,000
Monongahela River Consolidated Coal and Coke Co	20,000,000	10,000,000	9,479,000	39,479,000
National Abrasive Manufacturing Co	1,000,000			1,000,000
National Asphalt Co	19,600,000		35,963,000	55,563,000
National Association of Axle Manufacturers	5,000,000			5,000,000
National Association of Chamber Suit and Case Manufacturers	25,000,000			25,000,000
National Biscuit Co	30,000,000	25,000,000	1,683,000	56,683,000
National Candy Co	5,200,000	2,200,000		7,400,000
National Carbon Co	5,500,000	4,500,000		10,000,000
National Cash Register Co	4,000,000	1,000,000		5,000,000
National Casket Co	6,000,000			6,000,000
National Enameling and Stamping Co	20,000,000	10,000,000		30,000,000
National Fireproofing Co	2,000,000	3,000,000	7,500,000	12,500,000
National Glass Co	2,317,900		2,000,000	4,317,900
National Harrow Co	2,000,000			2,000,000
National Lead Co	15,000,000	15,000,000		30,000,000
National Malleable Castings Co	3,000,000			3,000,000
National Mirror Manufacturers' Association	5,000,000			5,000,000
National Rice Milling Co	3,000,000	2,000,000		5,000,000
National Roofing and Corrugating Co	5,000,000			5,000,000
National Saw Co	400,000	600,000		1,000,000
National Shear Co	1,500,000	1,500,000		3,000,000
National Ship Copperplating Co	1,500,000			1,500,000
National Steel and Wire Co	2,500,000	2,500,000		5,000,000
National Sugar Refining Co	10,000,000	10,000,000		20,000,000
National Tin Plate and Stamp Ware Co	10,000,000	10,000,000		20,000,000
National Wall Paper Co	30,000,000		8,000,000	38,000,000
New England Breweries Co	2,050,000		1,000,000	3,050,000
New England Brick Co	2,000,000	3,000,000	750,000	5,750,000
New England Consolidated Ice Co	16,000,000			16,000,000
New England Cotton Yarn Co	5,000,000	6,500,000	5,577,000	17,077,000
New England Lime Combination	1,500,000			1,500,000
New Jersey Zinc Co	10,000,000		10,000,000	20,000,000
New Orleans Brewing Co	1,690,000	1,100,000	13,000,000	15,790,000
New York Air Brake Co	10,000,000			10,000,000
New York and Kentucky Co	1,000,000	1,000,000		2,000,000
New York Arch Terra Cotta Co	2,000,000			2,000,000
New York Auto-Truck Co	10,000,000			10,000,000
New York Breweries Co., Ltd	3,000,000		1,890,000	4,890,000
New York Dock Co	17,000,000		11,580,000	28,580,000
Nicholson File Co	2,000,000			2,000,000
Niles-Bement-Pond Co	5,000,000	3,000,000		8,000,000
Norfolk Refrigerating, Storage, and Ice Co	1,000,000		1,000,000	2,000,000
North American Co	12,000,000			12,000,000
North American Copper Co	20,000,000			20,000,000
North Carolina Pine Timber Association	20,000,000			20,000,000
Northern Commercial Co	1,622,800		2,620,000	4,242,800
Northern Securities Co	400,000,000			400,000,000
Osborne Oil Combine (Pittsburg, Pa)	14,000,000			14,000,000
Otis Elevator Co	6,500,000	4,500,000		11,000,000
Pacific American Fisheries Co	5,000,000			5,000,000
Pacific Coast Biscuit Co	2,500,000	1,500,000	1,000,000	5,000,000
Pacific Coast Co	12,145,800		4,446,000	16,591,800
Pacific Hardware and Steel Co	10,000,000			10,000,000
Pacific Packing and Navigation Co	6,150,000	6,100,000	3,000,000	15,250,000
Park Steel Co	10,000,000			10,000,000
Paterson Brewing and Malting Co	3,000,000		3,000,000	6,000,000
Penn Tanning Co	13,500,000			13,500,000
Pennsylvania Central Brewing Co	2,800,000	2,800,000	2,700,000	8,300,000
Pennsylvania Furnace Co	2,100,000			2,100,000
Pennsylvania Salt Manufacturing Co	3,000,000			3,000,000
Pennsylvania Steel Co	27,250,000		7,000,000	34,250,000
People's Brewing Co., of Trenton	1,100,000			1,100,000
Pepperell Manufacturing Co	2,556,000			2,556,000
Photographic Paper Association	2,000,000			2,000,000
Pittsburg Brewing Co	13,000,000	6,500,000	6,500,000	26,000,000
Pittsburg Coal Co	32,000,000	32,000,000		64,000,000
Pittsburg Plate Glass Co	9,850,000	150,000		10,000,000
Pittsburg Stove and Range Co	1,000,000	1,000,000		2,000,000
Pittsburg Valve and Foundry Co	1,150,000			1,150,000
Planters' Compress Co	10,000,000			10,000,000
Pneumatic Signal Co	3,000,000			3,000,000
Pressed Steel Car Co	12,500,000	12,500,000	5,000,000	30,000,000
Print Cloth Pool	50,000,000			50,000,000
Puget Sound Packing Co	500,000			500,000
Pullman Co	74,000,000			74,000,000
Pure Oil Co	8,000,000	2,000,000		10,000,000
Quaker Oats Co	11,500,000			11,500,000
Railroad Securities Co	10,000,000		8,000,000	18,000,000
Railway Steel Car Co	25,000,000			25,000,000

List of trusts in the United States January 1, 1903—Continued.

PART I. INDUSTRIAL TRUSTS—continued.

Name.	Authorized capitalization.			
	Common stock.	Preferred stock.	Bonds.	Total.
Railway Steel Spring Co	$10,000,000	$10,000,000		$20,000,000
Railways Company General	1,200,000			1,200,000
Reece Buttonhole Machine Co	1,000,000			1,000,000
Refrigerator trust	8,000,000			8,000,000
Republic Iron and Steel Co	30,000,000	25,000,000		55,000,000
Rochester Optical and Camera Co	1,750,000	1,750,000		3,500,000
Rock Island Co	150,000,000			150,000,000
Rocky Mountain Paper Co	750,000	600,000		1,350,000
Rogers, William A., Limited	750,000	600,000		1,350,000
Rope combine (Cleveland, Ohio)	11,000,000			11,000,000
Royal Baking Powder Co	10,000,000	10,000,000		20,000,000
Rubber Goods Manufacturing Co	25,000,000	25,000,000		50,000,000
Safety Car Heating and Lighting Co	4,125,000			4,125,000
St. Louis Breweries, Limited	4,383,000	4,383,000	$4,961,600	13,727,600
San Francisco Breweries, Ltd	412,200	611,100	2,425,000	3,448,300
Sanitary Laundry Co	2,000,000		100,000	2,100,000
Santy Kalsomine Co. (plaster trust)	3,000,000			3,000,000
Sash and door combine	15,000,000			15,000,000
Sea Coast Packing Co	5,000,000	3,000,000		8,000,000
Sheet lead and pipe manufacturers' combine	25,000,000			25,000,000
Shovel makers of the United States and Canada	6,000,000			6,000,000
Sloss-Sheffield Steel and Iron Co	10,000,000	10,000,000	4,000,000	24,000,000
Soap makers' combine	25,000,000	25,000,000		50,000,000
Somerset Coal Co	4,000,000		4,000,000	8,000,000
Southern Car and Foundry Co	1,750,000	1,750,000		3,500,000
Southern Cotton Oil Co	11,000,000			11,000,000
Southern States Cement Co	2,000,000			2,000,000
Springfield Breweries Co	1,150,000	1,150,000	1,250,000	3,550,000
Squire, John P., & Co. (pork packing)	6,000,000	1,500,000		7,500,000
Standard Chain Co	1,500,000	1,500,000	700,000	3,700,000
Standard Milling Co	4,600,000	6,900,000	5,750,000	17,250,000
Standard Oil Co	97,000,000			97,000,000
Standard Quarrying and Construction Co	1,000,000			1,000,000
Standard Rope and Twine Co	12,000,000		10,335,000	22,335,000
Standard Sanitary Manufacturing Co	2,500,000	2,500,000	2,500,000	7,500,000
Standard Sardine Co	3,000,000	2,000,000		5,000,000
Standard Screw Co	1,500,000			1,500,000
Standard Shoe Machinery Co	3,000,000	2,000,000		5,000,000
Standard Table Oilcloth Co	5,000,000	5,000,000		10,000,000
Standard Typewriter Co	1,000,000		925,000	1,925,000
Standard Wheel Co	500,000	500,000	300,000	1,300,000
Steel Tired Wheel Co	4,000,000			4,000,000
Sterling Co., The	625,000	1,250,000		1,875,000
Stillwell-Bierce and Smith-Vaile Co	1,100,000		300,000	1,400,000
Street's Western Stable Car Line	4,000,000	1,000,000	300,000	5,300,000
Susquehanna Iron and Steel Co	1,500,000		300,000	1,800,000
Tacoma Co. (steel and ore)	25,000,000			25,000,000
Tennessee Coal, Iron, and Railroad Co	22,553,600	248,000	13,893,000	36,694,600
Theatrical trust	30,000,000			30,000,000
Thomas Iron Co	2,500,000			2,500,000
Trenton Potteries Co	1,750,000	1,250,000		3,000,000
Tubular Despatch Co	2,100,000		600,000	2,700,000
Umbrella Hardware Co	2,000,000			2,000,000
Union Bag and Paper Co	16,000,000	11,000,000		27,000,000
Union Bleaching and Finishing Co	2,500,000			2,500,000
Union Carbide Co	6,000,000		500,000	6,500,000
Union Steel and Chain Co	30,000,000	30,000,000		60,000,000
Union Steel Co	85,000,000			85,000,000
Union Switch and Signal Co	1,495,550		530,000	2,025,550
Union Tanning Co	10,000,000			10,000,000
Union Typewriter Co	10,000,000	10,000,000		20,000,000
Union Waxed and Parchment ment Paper Co	1,800,000	800,000	600,000	3,200,000
United Box Board and Paper Co	30,000,000			30,000,000
United Breweries Co	11,063,000		3,413,000	14,476,000
United Button Co	5,000,000			5,000,000
United Copper Co	75,000,000	5,000,000		80,000,000
United Engineering and Foundry Co	3,000,000	2,500,000		5,500,000
United Fruit Co	20,000,000		3,000,000	23,000,000
United Mattress Machinery Co	800,000	210,000		1,010,000
United Paper Co (tissue paper)	1,500,000	1,500,000		3,000,000
United Shoe Machinery Co	12,500,000	12,500,000		25,000,000
United Starch Co	3,500,000	2,500,000	1,250,000	7,250,000
United States Bobbin and Shuttle Co	1,200,000	800,000	300,000	2,300,000
United States Brewing Co. (Chicago)	5,000,000		3,500,000	8,500,000
United States Brewing Co. (Newark)	1,750,000	1,750,000	2,000,000	5,500,000
United States Cast Iron Pipe and Foundry Co	15,000,000	15,000,000	15,000,000	45,000,000
United States Cigar Co. (Delaware, Ohio)	6,000,000			6,000,000
United States Cigar Co. ("Stogie trust")	5,000,000	2,500,000		7,500,000
United States Cotton Duck Corporation	25,000,000	18,100,000		43,100,000
United States Dyewood and Extract Co	4,000,000	6,000,000		10,000,000
United States Eaves, Trough, and Conductor Pipe Association	$2,000,000			$2,000,000
United States Envelope Co	1,000,000	$4,000,000	$2,000,000	7,000,000
United States Finishing Co	1,000,000	2,000,000	1,750,000	4,750,000
United States Furniture Co	10,000,000			10,000,000
United States Glass Co	5,000,000	1,000,000		6,000,000
United States Gypsum Co	3,000,000	4,500,000		7,500,000
United States Leather Co	64,000,000	64,000,000	52,800,000	180,800,000
United States Paving Co	2,000,000			2,000,000
United States Playing Card Co	3,600,000			3,600,000
United States Printing Co	3,500,000			3,500,000
United States Realty and Construction Co	66,000,000			66,000,000
United States Reduction and Refining Co	6,000,000	6,000,000	3,000,000	15,000,000
United States Rubber Co	25,000,000	25,000,000	12,000,000	62,000,000
United States Shipbuilding Co	45,000,000		9,000,000	54,000,000
United States Silver Corporation	3,000,000		3,000,000	6,000,000
United States Steel Corporation	550,000,000	550,000,000	304,000,000	1,404,000,000
United States Varnish Co	18,000,000	18,000,000		36,000,000
United States Voting Machine Co	1,000,000			1,000,000
United States Whip Co	1,000,000	1,200,000	800,000	3,000,000
United Wire and Supply Co	1,000,000	1,000,000		2,000,000
Universal Tobacco Co	10,000,000			10,000,000
Utah Fuel Co	10,000,000			10,000,000
Utica Steam and Mohawk Valley Cotton Mills	2,000,000			2,000,000
Virginia-Carolina Chemical Co	38,000,000	12,000,000		50,000,000
Virginia Iron, Coal, and Coke Co	10,000,000		10,000,000	20,000,000
Vulcan Detinning Co	3,500,000			3,500,000
Washburn Wire Co	1,250,000	2,500,000		3,750,000
Western Consolidated Granite Co	300,000	300,000		600,000
Western Drug Jobbers	15,000,000	15,000,000		30,000,000
Western Stone Co	2,250,000		488,000	2,738,000
Westinghouse Air Brake Co	11,000,000			11,000,000
Westinghouse Automatic Air and Steam Coupler Co	5,000,000			5,000,000
Westinghouse Electric and Manufacturing Co	21,000,000	4,000,000	3,200,000	28,200,000
Wheeling Consolidated Coal Co	5,000,000			5,000,000
Wheeling Steel and Iron Co		5,000,000	600,000	5,600,000
White Mountain Paper Co	10,000,000	5,000,000	10,000,000	25,000,000
Wholesale Druggists' National Association	25,000,000			25,000,000
Wholesale Grocers of New England	75,000,000			75,000,000
Window Shade Manufacturers' Association	2,000,000			2,000,000
Wire Cloth Manufacturers' Association	5,000,000			5,000,000
Wisconsin Lime and Cement Co	5,000,000			5,000,000
Yarn Manufacturers' Combine	3,000,000			3,000,000
Yellow Pine Co	1,500,000	1,000,000		2,500,000
Total	5,973,853,850	2,091,508,320	1,165,774,528	9,231,136,698

List of trusts in the United States January 1, 1903—Continued.

PART I. INDUSTRIAL TRUSTS—continued.

PART II. LOCAL AND "NATURAL" MONOPOLIES.

Name.	Authorized capitalization.			
	Common stock.	Preferred stock.	Bonds.	Total.
Adams Express Co	$12,000,000		$12,000,000	$24,000,000
Akron Gas Co	200,000	$200,000	400,000	800,000
Alabama and Hudson Rwy. and Power Co	2,500,000			2,500,000
American District Telegraph Co	3,844,700			3,844,700
American Electric Heating Corporation	10,000,000			10,000,000
American Electric Telephone Co	200,000	1,000,000	500,000	1,700,000
American Express Co	18,000,000			18,000,000
American Gas Co. (Philadelphia)	1,000,000			1,000,000
American Home Telephone Co	2,000,000		1,000,000	3,000,000
American Indies Co	13,000,000	5,000,000		18,000,000
American Light and Traction Co	15,000,000	25,000,000		40,000,000
American Railways Co	25,000,000		2,500,000	27,500,000
American Street Railway Generator and Power Co	2,500,000			2,500,000
American Telephone and Telegraph Co	114,748,000		38,000,000	152,748,000
American Wireless Telephone and Telegraph Co	5,000,000			5,000,000
Association of Fire Underwriters for Arkansas	39,694,226			39,694,226
Auto-Electric Co	1,000,000			1,000,000
Baltimore Electric Light Co	5,000,000			5,000,000
Bay State Gas Co	100,000,000		12,000,000	112,000,000
Bell Telephone Co. of Missouri	4,000,000			4,000,000
Binghamton Rwy. Co	1,150,000		1,199,000	2,349,000
Boston and New York Telephone and Telegraph Co	5,000,000			5,000,000
Boston Electric Light Co	3,000,000		1,250,000	4,250,000
Boston Elevated Railway Co	20,000,000		14,336,000	34,336,000
Boston Suburban Electric Companies	3,000,000	3,000,000	840,000	6,840,000
Brooklyn Ferry Co	8,500,000		7,500,000	16,000,000

List of trusts in the United States January 1, 1903—Continued.
PART II. LOCAL AND "NATURAL" MONOPOLIES—continued.

Name.	Authorized capitalization.			
	Common stock.	Preferred stock.	Bonds.	Total.
Brooklyn Rapid Transit Combine	$45,000,000			$45,000,000
Brooklyn Union Gas Co	15,000,000			15,000,000
Buffalo Gas Co	7,000,000	$2,000,000	$5,900,000	14,900,000
Buffalo General Electric Co	2,400,000		2,400,000	4,800,000
California Central Gas and Electric Co	1,000,000			1,000,000
California Gas and Electric Corporation	30,000,000			30,000,000
Central District Printing and Telegraph Co	10,000,000			10,000,000
Central Electric Railway of Kansas City, Mo	500,000			500,000
Central Hudson Steamboat Co	600,000	400,000	500,000	1,500,000
Central New York Telephone and Telegraph Co	1,000,000		100,000	1,100,000
Central Union Gas Co. (Ohio and Indiana)	5,000,000	9,000,000		14,000,000
Central Union Telephone Co. (Illinois and Indiana)	10,000,000		6,000,000	16,000,000
Charleston (S.C.) Consolidated Rwy., Gas, and Electric Co	1,500,000			1,500,000
Chesapeake and Potomac Telephone Co	2,650,000		1,500,000	4,150,000
Chicago City Rwy. Co	19,000,000			19,000,000
Chicago Edison Co	7,590,000		7,483,000	15,073,000
Chicago Sectional Electric Underground Co	300,000		260,000	560,000
Chicago Telephone Co	15,000,000			15,000,000
Chicago Union Traction Co	20,000,000	12,000,000	88,394,200	120,394,200
Cincinnati Gas and Electric Co	28,000,000		1,300,000	29,300,000
Cincinnati, Newport and Covington Railway	4,000,000		3,000,000	7,000,000
Cincinnati Street Railway Co	20,000,000		692,000	20,692,000
Citizens' Lighting Company of Louisville, Ky	1,000,000		1,000,000	2,000,000
Cleveland Electric Illuminating Co	1,500,000	1,000,000	2,500,000	5,000,000
Cleveland Electric Railway Co	13,000,000		4,350,000	17,350,000
Columbia Car Electric Lighting and Brake Co	10,000,000			10,000,000
Columbus, Ohio, Gas Light and Heating Co	1,700,000	3,600,000	1,500,000	6,800,000
Commercial Cable Co	15,000,000		10,952,000	25,952,000
Commonwealth Electric Co. (Chicago)	5,000,000		3,100,000	8,100,000
Connecticut Railway and Lighting Co	11,000,000	4,000,000	15,000,000	30,000,000
Consolidated City Water Co. (Los Angeles)	2,480,000			2,480,000
Consolidated Gas Co. (Baltimore)	11,000,000		10,584,500	21,584,500
Consolidated Gas Co. (Long Branch)	1,000,000		1,000,000	2,000,000
Consolidated Gas Co. (Newark, N. J.)	6,000,000			6,000,000
Consolidated Gas Co. (New York)	80,000,000		71,235,000	151,235,000
Consolidated Gas Co. (Pittsburg)	4,000,000	2,500,000		6,500,000
Consolidated Railway Electric Lighting and Refrigerating Co	22,000,000			22,000,000
Consolidated Water Co. (Utica)	1,500,000	1,000,000	2,100,000	4,600,000
Cumberland Valley Telephone Co	200,000			200,000
Denver City Tramway Co	5,000,000			5,000,000
Denver Gas and Electric Co	3,500,000		5,500,000	9,000,000
Denver Union Water Co	5,000,000	2,500,000		7,500,000
Detroit City Gas Co	5,000,000		6,000,000	11,000,000
Detroit United Railway Co	12,500,000		25,000,000	37,500,000
Duluth General Electric Co	300,000		1,200,000	1,500,000
East Jersey Electric Co	1 000,000			1,000,000
East St. Louis and Suburban Co	5,000,000		8,000,000	13,000,000
Edison Electric Co. (Los Angeles)	2,000,000		1,641,000	3,641,000
Edison Electric Illuminating Co. (Boston)	8,750,000			8,750,000
Edison Electric Illuminating Co. (New York)	9,200,000			9,200,000
Electric Co. of America	25,000,000			25,000,000
Electric Storage Battery Co	13,000,000	5,000,000		18,000,000
Electric Vehicle Co	10,000,000	8,000,000	1,675,000	19,675,000
Electrical Lead Reduction Co	2,000,000			2,000,000
Electrotypers' Combine (New York)	5,000,000			5,000,000
Elgin, Aurora and Southern Traction Co	2,000,000		2,000,000	4,000,000
Elizabeth, Plainfield and Central Jersey Rwy	3,000,000		2,500,000	5,500,000
Equitable Gaslight Co. (Memphis)	1,000,000		1,005,000	2,005,000
Factory Insurance Association	34,655,000			34,655,000
Fairhaven and Westville (Conn.) Rwy. Co	5,000,000		2,543,000	7,543,000
Federal Telephone Co	10,000,000			10,000,000
Fort Pitt Gas Co	2,500,000		1,000,000	3,500,000
Fort Scott Consolidated Supply Co	250,000		200,000	450,000
Gas and Electric Co. (Bergen County, N. J.)	2,000,000		1,500,000	3,500,000
General Carriage Co	20,000,000			20,000,000
General Electric Co	45,000,000	865,000	3,720,000	49,585,000
General Electric Co. (Minneapolis)	$2,100,000			$2,100,000
General Electric Railway Co. (Chicago)	5,000,000		$3,000,000	8,000,000
Georgia Railway and Electric Co. (Atlanta)	5,000,000	$1,800,000	11,000,000	17,800,000
Hamilton Otto Coke Co. (Ohio)	500,000		500,000	1,000,000
Helena (Mont.) Power and Light Co	1,000,000		1,750,000	2,750,000
Herkimer County Light and Power Co	400,000		355,000	755,000
Hudson County Gas Co. (Jersey City)	10,500,000		10,500,000	21,000,000
Hudson River Telephone Co	4,000,000			4,000,000
Hudson River Water-Power Co	2,000,000		2,000,000	4,000,000
Hudson Valley Railway Co	3,000,000		4,000,000	7,000,000
Illinois State Board of Fire Underwriters	49,430,760			49,430,760
Imperial Electric-Light, Heat, and Power Co	1,500,000		1,000,000	2,500,000
Indiana League of Fire Underwriters	10,028,568			10,028,568
Indianapolis Street Railway Co	5,000,000		10,000,000	15,000,000
Interborough Rapid Transit Co	25,000,000			25,000,000
International Express Co	1,000,000			1,000,000
International Light, Heat, and Power Co. (Philadelphia)	500,000			500,000
International Power Co	7,400,000	600,000	225,000	8,225,000
International Traction Co. (Buffalo)	10,000,000	5,000,000	30,000,000	45,000,000
Interocean Telephone and Telegraph Co	2,000,000			2,000,000
Interstate Telephone Co. (Trenton)	5,000,000		1,100,000	6,100,000
Iowa Telephone Co	4,000,000		275,000	4,275,000
Jersey Central Traction Co	1,000,000		350,000	1,350,000
Jersey City, Hoboken, and Paterson Railway Co	20,000,000		20,000,000	40,000,000
Johnstown Light, Heat, and Power Co	500,000			500,000
Kansas City Electric Light Co	2,500,000		750,000	3,250,000
Kansas City Gas Co	5,000,000		3,942,000	8,942,000
Kentucky Heating Co	700,000		100,000	800,000
Keystone Telephone Co. (Philadelphia)	5,000,000	5,000,000		10,000,000
Kings County Electric Light and Power Co	2,500,000		11,951,000	14,451,000
Kinloch Telephone Co. (St. Louis)	2,000,000		2,000,000	4,000,000
Knoxville Electric Light and Power Co	110,000			110,000
Laclede Gas Light Co. (St. Louis)	8,500,000	2,500,000	10,750,000	21,750,000
La Crosse Gas and Electric Co	375,000	125,000	500,000	1,000,000
Lake Shore Electric Rwy. Co	4,500,000	1,500,000	4,000,000	10,000,000
Lake Street Elevated R. R. Co. (Chicago)	10,000,000		7,574,000	17,574,000
Lehigh Traction Co	1,000,000		585,000	1,585,000
Lehigh Valley Traction Co	3,000,000		6,652,000	9,652,000
Lexington (Ky.) Rwy. Co	1,500,000		875,000	2,375,000
Light, Heat, and Power Corporation (Boston)	1,000,000	250,000	100,000	1,350,000
Louisville Gas Co	3,600,000		500,000	4,100,000
Louisville Home Telephone Co	1,000,000		2,500,000	3,500,000
Louisville Railway Co	3,500,000		7,412,300	10,912,300
Lynchburg Traction and Light Co	750,000		1,000,000	1,750,000
Mahoning Valley Rwy. Co. (Youngstown, Ohio)	1,500,000		1,200,000	2,700,000
Manchester (N. H.) Traction, Light, and Power Co	5,000,000		1,500,000	6,500,000
Manhattan Rwy. Co	48,000,000		40,000,000	88,000,000
Manhattan Transit Co	10,000,000			10,000,000
Manufacturers' Light and Heat Co. (Pittsburg)	5,000,000		750,000	5,750,000
Marconi Wireless Telegraph Company of America	6,500,000			6,500,000
Market Street Railway Co. (San Francisco)	18,750,000		12,091,000	30,841,000
Massachusetts electric companies	14,293,100	15,057,400	3,500,000	32,850,500
Mauch Chunk, Lehighton and Slatington Street Rwy. Co	600,000		600,000	1,200,000
Memphis Light and Power Co	500,000		100,000	600,000
Memphis Street Rwy. Co	500,000		900,000	1,400,000
Metropolitan Securites Co. (New York)	52,000,000		95,449,000	147,449,000
Metropolitan Street Rwy. Co. (Kansas City)	8,500,000		15,600,000	24,100,000
Metropolitan West Side Elevated Rwy. Co. (Chicago)	7,500,000	9,000,000	11,907,000	28,407,000
Michigan Telephone Co	5,000,000		3,285,000	8,285,000
Middlesex and Somerset Traction Co	1,500,000		1,500,000	3,000,000
Mill Creek Valley Street Rwy. Co. (Cincinnati)	1,000,000	750,000		1,750,000
Milwaukee Electric Railway and Light Co	15,000,000	4,500,000	10,000,000	29,500,000
Minneapolis General Electric Co	1,500,000	750,000	3,008,000	5,258,000
Minnesota and Dakota Fire Underwriters	45,119,740			45,119,740
Missouri and Kansas Telephone Co	5,000,000		1,250,000	6,250,000

List of trusts in the United States January 1, 1903—Continued.
PART II. LOCAL AND "NATURAL" MONOPOLIES—continued.

Name.	Authorized capitalization.			
	Common stock.	Preferred stock.	Bonds.	Total.
Missouri Edison Electric Co	$2,000,000	$2,000,000	$4,000,000	$8,000,000
Mobile Light and Railroad Co.	2,250,000	.....	2,250,000	4,500,000
Monongahela Street Railway Co	7,000,000	.....	4,400,000	11,400,000
Montgomery Light and Power Co	750,000	.....	.....	750,000
Montgomery Railway Co	350,000	.....	350,000	700,000
Municipal Gas Co. (Albany)	2,000,000	.....	500,000	2,500,000
Nashville Railway Co	6,500,000	.....	6,500,000	13,000,000
National Electric Car Lighting Co	2,000,000	.....	.....	2,000,000
National Gas and Construction Co	1,000,000	.....	.....	1,000,000
New Amsterdam Gas Co	12,000,000	9,000,000	.....	21,000,000
New England Gas and Coke Co.	17,500,000	.....	17,500,000	35,000,000
New England Insurance Exchange	58,537,167	.....	.....	58,537,167
New England Telephone and Telegraph Co	20,000,000	.....	4,000,000	24,000,000
New Hampshire Traction Co. (Exeter)	1,000,000	.....	.....	1,000,000
New Orleans Lighting Co	2,000,000	.....	1,500,000	3,500,000
New Orleans Traction Lines	80,000,000	.....	.....	80,000,000
New Orleans Waterworks Co	2,000,000	.....	.....	2,000,000
Newport News and Old Point Railway and Electric Co	1,075,000	.....	3,075,000	4,150,000
New York and New Jersey Telephone Co	15,000,000	.....	1,324,000	16,324,000
New York and Pennsylvania Telephone and Telegraph Co.	1,000,000	.....	566,500	1,566,500
New York and Queens Electric Light and Power Co	1,250,000	1,250,000	2,500,000	5,000,000
New York Telephone Co	30,000,000	.....	1,925,000	31,925,000
New York Transportation Co.	5,000,000	.....	.....	5,000,000
Niagara Falls and Power Co	10,000,000	.....	10,000,000	20,000,000
Norfolk, Portsmouth and Newport News Railway Co	550,000	.....	1,000,000	1,550,000
Norfolk Railway and Light Co.	1,650,000	.....	4,000,000	5,650,000
North American Co. (electric financiering)	12,000,000	.....	.....	12,000,000
North Jersey Street Rwy. Co.	30,504,000	.....	28,500,000	59,004,000
North Shore Traction Co	4,000,000	2,500,000	.....	6,500,000
Northern Ohio Traction Co (Akron)	2,500,000	1,000,000	3,300,000	6,800,000
Northwestern Elevated Railroad (Chicago)	5,000,000	5,000,000	15,000,000	25,000,000
Northwestern Telephone Exchange Co	4,354,300	.....	.....	4,354,300
Oakland (Cal.) Transit Co	6,000,000	.....	3,000,000	9,000,000
Ohio and Indiana Air Line Railway Co. (Toledo)	750,000	.....	.....	750,000
Ohio and Indiana Consolidated Natural and Illuminating Gas Co	10,000,000	.....	7,350,000	17,350,000
Ohio River Electric Railway and Power Co	300,000	.....	300,000	600,000
Old Colony Street Railway Co.	5,777,700	.....	4,671,000	10,448,700
Old Dominion Railway Co. (Portsmouth, Va.)	2,000,000	.....	542,000	2,542,000
Omaha and Council Bluffs Railway and Bridge Co	1,500,000	.....	1,350,000	2,850,000
Omaha Street Railway Co	5,000,000	.....	2,350,000	7,350,000
Pacific Lighting Co. (San Francisco)	4,000,000	.....	.....	4,000,000
Pacific States Telephone and Telegraph Co	15,000,000	.....	750,000	15,750,000
Paterson and Passaic Gas and Electric Co	5,000,000	.....	3,632,000	8,632,000
Peninsular and Occidental Steamship Co	3,000,000	.....	.....	3,000,000
Pennsylvania Electric Vehicle Co	800,000	400,000	.....	1,200,000
Pennsylvania Manufacturing Light and Power Co	15,000,000	.....	.....	15,000,000
Pennsylvania Street Railway and Lighting Plants	8,000,000	.....	.....	8,000,000
Pennsylvania Telephone Co	3,000,000	.....	500,000	3,500,000
People's Gas and Electric Co. (Oswego)	450,000	.....	450,000	900,000
People's Gas Light and Coke Co. (Buffalo)	4,975,000	3,025,000	.....	8,000,000
People's Gas Light and Coke Co. (Chicago)	35,000,000	.....	29,046,000	64,046,000
People's Light and Power Co. (Newark, N. J.)	20,000,000	.....	.....	20,000,000
People's Mutual Telephone Co. (San Francisco)	.....	.....	500,000	500,000
Philadelphia Co. (natural gas)	15,000,000	6,000,000	20,250,000	41,250,000
Philadelphia Electric Co	25,000,000	.....	28,307,300	53,307,300
Phoenix Gas and Electric Co	800,000	.....	1,000,000	1,800,000
Pittsburg-Birmingham Traction Co	2,000,000	.....	3,064,000	5,064,000
Pittsburg, McKeesport and Connellsville Railway Co	3,500,000	.....	3,500,000	7,000,000
Portland Lighting and Power Co	300,000	100,000	400,000	800,000
Portland (Me.) Railroad Co	1,000,000	.....	2,000,000	3,000,000
Portland (Oreg.) Railway Co	700,000	100,000	800,000	1,600,000
Pottsville Union Traction Co	1,250,000	.....	1,117,000	2,367,000
Poughkeepsie City and Wappinger Falls Electric Railway Co	750,000	.....	404,000	1,154,000
Providence-Pawtucket Suburban Railway Co	8,000,000	.....	13,702,000	21,702,000
Public Works Co. (Bangor, Me.)	600,000	.....	600,000	1,200,000

List of trusts in the United States January 1, 1903—Continued.
PART II. LOCAL AND "NATURAL" MONOPOLIES—continued.

Name.	Authorized capitalization.			
	Common stock.	Preferred stock.	Bonds.	Total.
Pueblo Traction and Lighting Co	$1,500,000	.....	$1,000,000	$2,500,000
Quaker City Cab Co	1,000,000	.....	.....	1,000,000
Quincy Gas and Electric Co	600,000	.....	600,000	1,200,000
Railways Company General (Philadelphia)	1,200,000	.....	.....	1,200,000
Rapid Transit Co. (Chattanooga)	350,000	.....	300,000	650,000
Rapid Transit Ferry Co. (New York)	1,000,000	.....	.....	1,000,000
Rapid Transit Rwy. Co. (Dallas)	100,000	.....	200,000	300,000
Richmond Passenger and Power Co	1,000,000	$1,000,000	4,000,000	6,000,000
Richmond Traction Co	1,000,000	.....	500,000	1,500,000
Rochester Gas and Electric Co.	2,150,000	.....	3,000,000	5,150,000
Rochester Rwy. Co	5,000,000	.....	4,524,500	9,524,500
Rochester Telephone Co	700,000	.....	400,000	1,100,000
Rockford (Ill.) Railway, Light, and Power Co	350,000	.....	300,000	650,000
Rocky Mountain Bell Telephone Co	2,500,000	.....	.....	2,500,000
Sacramento Electric, Gas and Rwy. Co	2,500,000	.....	2,100,000	4,600,000
Saginaw Valley Traction Co	700,000	400,000	705,000	1,805,000
St. Louis and Suburban Rwy. Co	3,000,000	.....	2,300,000	5,300,000
St. Paul Gas Light Co	1,500,000	.....	.....	1,500,000
San Francisco Gas and Electric Co	20,000,000	.....	623,000	20,623,000
Savannah Electric Co	2,500,000	1,000,000	1,500,000	5,000,000
Schenectady Rwy. Co	600,000	.....	1,050,000	1,650,000
Schuylkill Traction Co	1,500,000	.....	2,000,000	3,500,000
Schuylkill Valley Traction Co.	500,000	.....	500,000	1,000,000
Scott-Janney Electric Co	15,000,000	15,000,000	.....	30,000,000
Scranton Rwy. Co	6,000,000	.....	3,655,500	9,655,500
Seattle Electric Co	5,000,000	3,000,000	5,000,000	13,000,000
Shamokin Light, Heat and Power Co	350,000	.....	225,000	575,000
Sioux City Traction Co	1,200,000	.....	750,000	1,950,000
South Chicago Elevated R. R. Co	10,323,800	.....	1,500,000	11,823,800
South Jersey Gas, Electric and Traction Co	6,000,000	.....	6,000,000	12,000,000
Southeastern Tariff Association	41,424,318	.....	.....	41,424,318
Southern Light and Traction Co	2,500,000	.....	2,500,000	5,000,000
Southern New England Telephone Co	5,000,000	.....	1,000,000	6,000,000
Southern Ohio Traction Co	2,000,000	.....	2,300,000	4,300,000
Southwest Missouri Electric Rwy. Co	800,000	.....	800,000	1,600,000
Sprague Electric Co. (N. J.)	500,000	.....	.....	500,000
Standard Carbide Gas Co	5,000,000	.....	.....	5,000,000
Standard Telephone Co. (Kansas City)	10,000,000	.....	.....	10,000,000
Stanley Electric Manufacturing Co	2,000,000	.....	.....	2,000,000
Staten Island Midland Railway Co	1,000,000	.....	1,000,000	2,000,000
Storey General Electric Co	3,500,000	.....	.....	3,500,000
Stowger Automatic Telephone Exchange (Chicago)	5,000,000	.....	.....	5,000,000
Strohm Automatic Electric Block Signal Co	5,000,000	.....	.....	5,000,000
Suburban Gas Co. (Philadelphia)	1,500,000	.....	1,550,000	3,050,000
Syracuse Gas Co	2,500,000	.....	2,500,000	5,000,000
Syracuse Lighting Co	3,000,000	1,000,000	2,000,000	6,000,000
Syracuse Rapid Transit Railway Co	2,750,000	1,250,000	4,086,000	8,086,000
Tacoma Railway and Power Co.	2,000,000	.....	1,700,000	3,700,000
Tampa Electric Co	500,000	.....	500,000	1,000,000
Taylor Signal Co	400,000	100,000	200,000	700,000
Telephone Company of America	5,000,000	.....	.....	5,000,000
Telephone, Telegraph and Cable Company of America	9,000,000	.....	.....	9,000,000
Terre Haute Electric Co	1,000,000	.....	1,500,000	2,500,000
Toledo, Bowling Green and Southern Traction Co	1,500,000	.....	1,191,000	2,691,000
Toledo, Columbus, Springfield and Cincinnati Railway Co	5,000,000	.....	.....	5,000,000
oledo Railways and Light Co.	12,000,000	.....	9,875,000	21,875,000
Topeka Railway Co	1,250,000	.....	450,000	1,700,000
Trenton Gas and Electric Co	2,000,000	.....	.....	2,000,000
Trenton Street Railway Co	1,000,000	.....	2,000,000	3,000,000
Triple State National Gas and Oil Co	2,000,000	.....	800,000	2,800,000
Twin City Rapid Transit Co	17,000,000	3,000,000	10,888,000	30,888,000
Twin City Telephone Co	1,500,000	.....	750,000	2,250,000
Underwriters' Association of New York	56,428,711	.....	.....	56,428,711
Union Electric Co. (Dubuque)	500,000	500,000	.....	1,000,000
Union Electric Construction Co	5,000,000	.....	.....	5,000,000
Union Elevated Railroad Co. (Chicago)	5,000,000	.....	5,000,000	10,000,000
Union Ferry Co. (New York)	3,000,000	.....	2,200,000	5,200,000
Union Light and Power Co. (Utah)	4,250,000	300,000	.....	4,550,000
Union Light, Heat, and Power Co. (Covington)	1,500,000	.....	1,500,000	3,000,000
Union Telephone Co. (Alma, Mich)	400,000	.....	.....	400,000

List of trusts in the United States January 1, 1903—Continued.
PART II. LOCAL AND "NATURAL" MONOPOLIES—continued.

Name.	Authorized capitalization.			
	Common stock.	Preferred stock.	Bonds.	Total.
Union Traction Company of Indiana	$4,000,000	$1,000,000	$5,000,000	$10,000,000
Union Traction Company of Philadelphia	30,000,000	----------	42,341,684	72,341,684
United Electric Company of New Jersey	20,000,000	----------	16,110,000	36,110,000
United Electric Light and Power Co. (Baltimore)	2,000,000	1,000,000	4,500,000	7,500,000
United Electric Securities Co.	500,000	1,000,000	2,231,000	3,731,000
United Express Companies	1,000,000	500,000	----------	1,500,000
United Gas and Electric Co. (New York)	2,500,000	1,500,000	3,000,000	7,000,000
United Gas Improvement Co.	12,500,000	12,500,000	3,250,000	28,250,000
United Illuminating Co. (New Haven)	1,000,000	----------	2,000,000	3,000,000
United Lighting and Heating Co.	6,000,000	6,000,000	----------	12,000,000
United Power and Transportation Co. (Philadelphia)	12,500,000	----------	8,787,630	21,287,630
United Railways Co. (Detroit)	12,500,000	1,000,000	8,280,000	21,780,000
United Railways Co. (St. Louis)	25,000,000	20,000,000	45,000,000	90,000,000
United Railways and Electric Co. (Baltimore)	24,000,000	14,000,000	52,000,000	90,000,000
United Railways Investment Co. (San Francisco)	10,000,000	15,000,000	20,000,000	45,000,000
United States Automatic Telephone Co	1,000,000	----------	----------	1,000,000
United States Express Co	10,000,000	----------	----------	10,000,000
United States Telephone Co. (Ohio)	2,000,000	----------	1,800,000	3,800,000
United Telegraph, Telephone, and Electric Co.	1,000,000	----------	500,000	1,500,000
United Telephone Co	300,000	----------	----------	300,000
United Telephone and Telegraph Co. (Maryland and Pennsylvania)	5,000,000	2,500,000	----------	7,500,000
United Traction Co. (Albany)	5,000,000	----------	4,121,300	9,121,300
United Traction Co. (Reading, Pa.)	403,700	----------	594,900	998,600
United Traction and Electric Co. (Rhode Island)	8,000,000	----------	----------	8,000,000
Universal Gas Co.	1,000,000	----------	----------	1,000,000
Utica and Mohawk Valley Rwy. Co	2,500,000	600,000	4,000,000	7,100,000
Utica Electric Light and Power Co	1,000,000	----------	1,000,000	2,000,000
Virginia Consolidated Street Railway System of Tidewater (Norfolk, Portsmouth, and Newport News)	6,000,000	----------	----------	6,000,000
Washington (D. C.) Gas Light Co.	2,600,000	----------	600,000	3,200,000
Washington (D. C.) Railway and Electric Co.	6,500,000	8,500,000	17,500,000	32,500,000
Washington Water Power Co. (Spokane)	2,000,000	----------	2,000,000	4,000,000
Wells-Fargo Express Co	8,000,000	----------	----------	8,000,000
Westchester Lighting Co. (New York)	10,000,000	2,500,000	4,450,000	16,950,000
Western Factory Insurance Association	23,862,500	----------	----------	23,862,500
Western Gas Co. (Milwaukee)	4,000,000	----------	4,000,000	8,000,000
Western Telephone and Telegraph Co.	16,000,000	16,000,000	19,000,000	51,000,000
Western Union Fire Insurance Association	47,902,368	----------	----------	47,902,368
Western Union Telegraph Co	146,051,380	----------	----------	146,051,380
Wheeling Traction Co	2,000,000	----------	2,500,000	4,500,000
Wilkesbarre and Wyoming Valley Traction Co.	5,000,000	----------	2,175,000	7,175,000
Wilmington and Chester Traction Co	2,000,000	----------	4,000,000	6,000,000
Wilmington Gas and Electric Co	500,000	1,000,000	1,000,000	2,500,000
Woods Motor Vehicle Co	7,500,000	2,500,000	----------	10,000,000
Worcester Railways and Investment Co	6,000,000	----------	----------	6,000,000
Wyandotte Gas Co. (Bethlehem, Pa.)	600,000	----------	500,000	1,100,000
York County Traction Co. (Pa.)	1,500,000	----------	971,000	2,471,000
York Telephone Co	200,000	----------	200,000	400,000
Youngstown-Sharon Railway and Light Co	2,500,000	----------	2,500,000	5,000,000
Total	2,938,618,600	296,922,400	1,284,056,819	4,519,597,819

EXHIBIT B.

The following abstract of the legislation of the various States will show to what extent publicity is required of the ordinary business corporation:

ALABAMA.

Annual return for taxation.—The president or chief officer of every corporation is required to make an annual return under oath to the assessors of the county where the corporation is located, showing the number of shares of the capital stock and par value, names and residences of the stockholders, actual par value and market value of shares, date of the last sale with names of seller and purchaser and price obtained, amount of dividends declared for the last three years, value of shares as shown by the books of such corporation and by the last report of the officers to stockholders, amount of surplus, amount of undivided profits not included in surplus, together with sworn statement of all taxable property, real and personal estate in the State, and the valuation and assessment thereof. (Alabama Code, sec. 3942.)

ARKANSAS.

President and secretary are required to make and file with the county clerk on or before February or August 15, annually, certificate showing the condition of the affairs of the corporation on January 1 or July 1, next preceding, containing the following particulars: Amount of capital stock actually paid in, cash value of real estate, cash value of personal estate, cash value of its credits, amount of indebtedness, names of shareholders and number of shares held by each. (Arkansas Statutes (Sanders & Hill, 1894), § 1337.)

Return from taxation.—In addition to the other property required to be listed, every corporation except those specially provided for shall, through the president, secretary, or principal accounting officer annually, during July, deliver to the assessor of the county a sworn statement of capital stock setting forth name and location of corporation, amount of capital stock authorized and number of shares, amount paid up, market value, or, if no market value, then the actual value, total indebtedness (except current expenses, excluding from current expenses purchase or improvement of property, and true value of all tangible property belonging to such corporation. (§ 6462, Id.)

CALIFORNIA.

Every corporation shall keep an office in the State and books for the inspection of any person having an interest therein in which shall be recorded the amount of the capital stock subscribed and by whom, names of owners and amount owned by each, respectively, amount paid in and by whom, transfers, amount of assets and liabilities, and names and residences of officers. (Const., art. 12, § 14.)

COLORADO.

An annual report shall be made within sixty days of January 1, showing the amount of capital stock, names of officers, residences, and addresses, amount of capital stock, amount paid in and how paid, amount of indebtedness, whether in active business in the State, other information to show with fullness and reasonable certainty the condition of its real and personal property and financial condition. (Mills Annotated Statutes of Colorado, § 491.)

If stock issued for property at value, the facts to be stated in reports. § 490, id.

Foreign corporations to file copy of charter, etc. § 500, id. See also § 499, id.

Every corporation except those assessed by State assessors to make return, sworn to by president or officer, to assessor of county, containing a sworn statement and schedule showing name and location of corporation, amount of capital stock and number of shares, amount of capital stock paid in and bonds outstanding, market value of stock and bonds or actual value, total indebtedness except for current expenses, excluding purchase or improvement of property, value and location of all property, gross earnings for the year ending April 30 preceding, net earnings for the same period, difference in value between tangible property and capital stock, and the mortgage or bonded indebtedness, name and description of each franchise or privilege owned or enjoyed, and its value.

CONNECTICUT.

The president and secretary of every corporation not required to make a similar report to the general assembly or some officer on or before the 15th of February or August shall file in the offices of the secretary of state and county clerk, where located, a certificate signed and sworn to by them (does not state where or before whom), showing condition on the 1st of December or January or June or July next preceding, and showing—

Amount of capital stock paid in—amount paid in cash and amount paid in property.
Cash value of real estate.
Name, residence, and number of shares of each stockholder.
Amount of its debts.
Cash value of personal estate.
Cash value of its credits. (General Statutes, § 3344.)

President and treasurer annually, on or before February 15 or August 15, shall file with the secretary of state and town clerk a certificate setting forth as of January 1 or July 1—

Names, residences, and post-office addresses of officers and directors.
Name, residence, and post-office address of each of the shareholders whose stock is not paid in full, with amount due thereon.
Location of the principal office in the State.
Number of shares and amount of other securities issued by other corporations owned by it, with their names and locations. (Id., § 3382.)
Report made by officer to assessors of names of stockholders residing in assessment district, with amount and value of stock held by each.

DELAWARE.

The president and secretary of every corporation shall annually, on December 1, make a return to the assessors, under oath, showing the number of shares of capital stock, market value per share, aggregate market or real value of all the shares, with names of owners and number of shares owned by each. (Chap. 381, Laws 1897, as amended by chap. 25, Laws 1898.)

Chapter 15, Laws 1901, section 2 (tax law), contains requirements as to certain corporations. All others shall file a report with the secretary of state January 1, showing location of office in State, names of officers, amount of authorized capital stock, amount paid in, amount invested in real estate, tax annually paid thereon, and amount invested in manufacturing and mining in the State.

President, with the secretary and treasurer, upon payment of each installment of capital stock, shall make and file with the secretary of state a certificate, stating the amount of the installment paid and whether in cash or property, also total amount of capital stock, if any, previously paid and reported. (Chap. 167, Laws 1901, § 23.)

FLORIDA.

Annual return shall be made to controller by the treasurer of every corporation, showing—

Names and residences of stockholders and number of shares owned by each.
Par and cash market value of shares.
Whole amount of capital stock and amount paid in.
Real and personal estate subject to taxation. (R. S., Florida, § 2134.)

GEORGIA.

Whenever corporations are required to make returns of property, etc., for taxation, such returns shall contain an itemized statement of property, each class or species to be separately named and valued or an itemized account of gross receipts, or business, or income, as above defined, or other matters required to be returned, and in case of net income only an itemized account of gross receipts and expenditures to show how the income returned is ascertained, etc. (Code, 1895, § 812.)

IDAHO.

Records and stock books open to directors, stockholders, members, and creditors. (Statutes of Idaho, §§ 2639, 2640.)

ILLINOIS.

A sworn statement shall be made to assessors giving the name and location of the corporation, amount of capital stock and number of shares, amount of

capital stock paid up, market value of shares, or, if no market value, the actual value, total indebtedness except for current expenses, excluding from current expenses purchase or improvement of property, assessed valuation of all tangible property.

Certificate of vote filed with secretary of state and recorder of deeds affecting changes as to name, place, enlargement or change of objects, increase or decrease of stock, or in number of directors, etc., or consolidation. (R. S. 1899, p. 443.)

Corporations annually, between February 1 and March 1, to report to secretary of state location, names of officers, with residences, and date of expiration of office, whether pursuing active business and kind of business, made under seal, signed, and sworn to by president, secretary, or other officer or assignee or receiver. (Laws 1901, p. 124.)

INDIANA.

Manufacturing and mining corporations shall make annual report within twenty days from January 1, under oath of president and majority of directors, and verified by them and the secretary, to be published in some newspaper in the county, showing the amount of capital stock, amount of assessments made and actually paid in, amount of existing debts.

The president or other accounting officer of every corporation shall annually, between April 1 and June 1, return a sworn statement to the assessor of its capital stock, setting forth particularly the name and location of the corporation, amount of capital stock and number of shares, amount paid up, market value, or if no market value, the actual value of shares, total indebtedness except current expenses, excluding from current expenses purchase and improvement of property, value of tangible property, difference in value between all tangible property and capital stock, name and value of each franchise or privilege owned or enjoyed by such corporation. (Thornton's Indiana Statutes, § 8988 et seq.) Officers may be examined.

IOWA.

In January, annually, corporations shall file with the secretary of state a list of officers and directors and any change in location. (Code of Iowa (1897), § 1612.)

Statement of amount of capital stock subscribed and amount actually paid in and amount of indebtedness in a general way, to be posted in like manner and corrected as often as changes occur. (§ 1625, id.)

Stock book shall be open to general inspection. (§ 1626, id.)

Corporations, on or before January 25, annually, shall furnish to the assessor of the district a verified statement showing specifically, with reference to the year next preceding January 1, total authorized capital stock and number of shares, number of shares issued and par value of each, amount paid into treasury on each share and total capital paid in, description and value of each tract of real estate owned by said corporation, date, rate per cent, and amount of each dividend declared and amount of capital on which declared, gross and net earnings, respectively, during the year, and amount of surplus, amount of profit added to sinking fund, highest price of sale of stock between 1st and 10th of January of current year, and highest price of sale during preceding year, and average of such sales. (§ 1323, id.)

KANSAS.

The president and secretary of every corporation shall annually as of June 30 make a statement to the secretary of state, showing the amount of authorized capital stock, amount of paid-up capital, par and market value per share, complete and detailed statement of assets and liabilities, a complete and detailed statement of the receipts of the corporation for the year next preceding, complete list of stockholders and post-office address of each, number of shares held and paid for by each, names and post-office addresses of trustees and manager and of directors. (General Statutes, Dassler, 1901, §§ 1283, 1263.) The secretary of state may at any time require a report as above.

KENTUCKY.

Public service corporations shall annually, between September 15 and October 1, make a statement to the auditor of public accounts, verified by the president or other officer, showing name of the corporation and principal place of business, kind of business, amount of capital stock, preferred and common, and number of shares of each, amount of capital stock paid up, par and real value, highest price at which sold within twelve months, amount of surplus and undivided profits, and value of other assets, total indebtedness as principal, amount of gross and net earnings or income, amount and kind of tangible property in the State and where situated and the fair cash value thereof, and such other facts as the auditor may require. (Statutes, Carroll, 1899, §§ 4077, 4078.)

LOUISIANA.

President, cashier, secretary, or agent of each corporation on or before March 1, annually, shall make a written statement under oath to the State collector or assessors of the parish or district, specifying the real estate owned by the corporation and where situated in the State, the amount of capital stock paid in and not invested in real estate, the principal place of business or where principal operations are carried on in which the corporation is liable to be taxed. (R. S., § 736.)

Stock book and books containing amount of capital stock subscribed, names of owners of stock and amounts owned by them, respectively, amount of stock paid and by whom, transfers of stock, with dates, amount of assets and liabilities, and names and places of residence of officers, to be open to public inspection. (Const., art. 273.)

MAINE.

The cashier, clerk, or treasurer of each corporation shall, between November 1 and December 8, annually, make return to the secretary of state of the names of stockholders and residences, amount of stock owned by each, and the whole amount of stock paid in as of November 1. The secretary of state shall lay the same before the legislature within the first thirty days. (R. S. Maine, ch. 46, § 31.)

Cashiers, clerks, or treasurers holding property liable to be taxed shall, by the 8th of April, annually, return under oath to assessors of town in which any of stockholders reside names of such holders, amount of stock owned by them on the 1st of April, and amount of stock paid in to such corporation. (§ 30, id.)

MARYLAND.

During the first week in January and July in each year a full and particular statement of affairs of every corporation shall be made, verified by oath of the president and treasurer or chief finance officer, which statement shall consist of a particular account of its assets and liabilities in minute detail to date. Recorded in book kept in principal office in State. (Public General Laws, Art. 23, § 73.)

The president and directors of every corporation shall keep full, fair, and correct accounts of their transactions, which shall be open at all times to the inspection of stockholders or members, and they shall annually prepare a full and true statement of the affairs of the corporation, which shall be certified to by the president and secretary and submitted at the annual meeting of the stockholders or members. (§ 5, id.)

MASSACHUSETTS.

Every corporation shall annually, within thirty days of the annual meeting, file with the secretary of state a report, sworn to by the president, treasurer, and a majority of the directors, showing the amount of capital stock, amount paid in, names of shareholders and the number of shares of each, assets and liabilities in form and detail as the commissioner of corporations shall require or approve. (Revised Laws of Mass., 1902, ch. 110, § 51.)

If the capital stock is over $100,000, such certificate shall be accompanied by a statement under oath of an auditor to be employed by three stockholders not directors, stating that such certificate represents the true condition as shown by the books. (§ 52, id.)

MICHIGAN.

Every manufacturing and mining corporation shall, in the month of January, annually file in the office of the secretary of state a statement under oath of the president or a director, giving names and number of shares held by each stockholder and places of residence, as of January 1. (Compiled Laws, 1897, § 6975.)

Every manufacturing corporation shall annually, in January or February, file with the secretary of state and county clerk a report, signed by a majority of the directors and verified by the oath of the secretary, showing the amount of the capital stock, the amount paid in, amount invested in real estate and in personal estate, amount of debts and credits, names of stockholders and number of shares of each, and such other information as the secretary of state may require. (§ 7048, id.)

It shall be the duty of the attorney-general, whenever and as often as required by the governor, to examine into the affairs of corporations and report examination in detail, with statement of facts, to the governor, who shall lay the same before the legislature. The attorney-general has power to administer oaths and to examine officers and directors on oath in relation to the affairs and condition of corporations and to examine vaults, books, papers, and documents.

The legislature has authority to make examinations, and may appoint a committee for that purpose which shall have the same powers as above. (§ 8551, id.)

MINNESOTA.

Corporations authorized to acquire private property.—By-laws shall be posted in principal place of business, subject to inspection. (§ 2597, Stats.)

A statement of the amount of capital stock subscribed, paid, and indebtedness in a general way, kept posted in principal place of business and corrected for changes. (§ 2598, id.)

Other corporations for profit.—The attorney-general, when required by the governor, shall examine into the affairs of corporations and report his examination in writing to the governor, with a detailed statement of facts, who shall lay the same before the legislature. The attorney-general has power to administer oaths to officers and directors and to examine vaults, books, papers, and documents belonging to the corporation or pertaining to its business. The legislature has same powers. (§ 3436, id.)

MISSISSIPPI.

No general requirement for publicity.

MISSOURI.

Foreign corporations shall file a copy of articles of incorporation in the office of the secretary of state and a certificate accompanying the same showing the location of its principal officer or agent in the State, and a sworn statement of the proportion of its capital stock represented by property and business transacted in Missouri. (Revised Laws, § 1025.)

Corporations shall make annual reports July 1, showing location of its principal business office, the names of the president and secretary, amount of capital stock subscribed and the amount paid up, par value and actual value of shares, cash value of all its personal property and of all its real estate within the State, and the amount of taxes paid for the preceding year. (§ 1013, id.)

Foreign corporations shall make annual report in July to secretary of state, signed and sworn to by principal officer in the State, showing the name of the principal officer in the State, location of principal office in the State, cash value of all real estate and personal property in the State as of June 1, amount of taxes paid in the State for the preceding year. (§ 1014, id.)

MONTANA.

Foreign corporations shall file with the secretary of state and county clerk a copy of charter or articles of incorporation, verified by oath of president and secretary and attested by a majority of the board of directors, showing name, location of principal place of business, out of State and in State, amount of capital stock, amount paid in in money, amount paid in in other ways, and in what amount of assets, and of what they consist and actual value, liabilities, and, if secured, how and on what property, also consent to be sued in State on cause arising in State, and designating person to be served. (Civil Code (1895), § 1030.)

Foreign corporations shall annually give statement containing same information as above. (L. 1901, p. 150.)

Domestic corporations shall make annual reports within twenty days from September 1, showing amount of capital stock and proportion paid in and amount of existing debts. The report shall be signed by president and a majority of directors and verified by the president, vice-president, or secretary, and published in a newspaper of the village or city of principal office and filed in county clerk's office. (Code, § 451.)

NEBRASKA.

By-laws of corporations shall be posted in conspicuous places at place of doing business, subject to public inspection. (Statutes (1899), § 1838.)

Corporations shall give notice annually in some newspaper printed in the county or counties where business transacted, or nearest newspaper in State, of amount of indebtedness. Signed by president and majority of directors. (§ 1839, id.)

Corporations shall make sworn statement to assessor showing name and location, amount of capital stock, and number of shares, amount of stock paid up, market value, and if no market value, then real value of shares, total amount of indebtedness, except current expenses, excluding from expense account amount paid for purchase or improvement of property, assessed valuation of real and personal property, same to be listed. (§ 4513, id.)

NEVADA.

Stock book and all other books of corporations shall be open to stockholders. Creditors and stockholders may have certified copy of any entry or of any paper on file in the office of such corporations and the same shall be presumptive evidence against such corporations. (Compiled Laws, § 881.)

NEW HAMPSHIRE.

All records, accounts, and papers of corporations should be open to the inspection of every member and stockholder and such petitions as relate to overdue and unpaid demand of creditor open to such creditor. (Pub. Stats. (1901), ch. 148, § 12.)

Certified copy furnished on payment of fee. (§ 13, id.)

Until capital stock fully paid and certificate thereof filed and recorded clerk shall annually, in May, file in office of town or city clerk at place of

business a list of names and residence stockholders certified under oath. (Ch. 150, § 10, id.)

Directors and treasurer to file certificate when stock fully paid under oath with town or city clerk. (§ 14, id.)

Corporations shall make annual return in May, under oath, of treasurer and majority of directors to secretary of state and town clerk of amount of assessments voted by corporation and actually paid, amount of all debts due to and by corporation, and value of all property and assets as of May 1. (§ 16, id.)

NEW JERSEY.

Contracts or agreements for sale, letting, leasing, consolidating, merging, or in any way disposing of or transferring the franchises, privileges, or any part thereof, shall be recorded in office of secretary of state.

Changes in name, amount of capital stock, par value of shares, etc., shall be certified to secretary of state.

List of corporations and names of officers and location of offices published annually by secretary of state (p. 949, § 200).

Corporations shall file list of officers within thirty days of annual meeting, date of election or appointment, term of office and residence of each, and place of business or corporation in State (p. 970, § 293, id.), character of business, and name of agent in charge of office on whom to serve.

Stock books open to stockholders thirty days prior to annual election (p. 914, id.).

Certificate filed when whole capital stock paid (p. 965, § 272, id.).

Every certificate filed must state location of office in State and name of agent in charge thereof on whom process may be served.

NEW YORK.

[Extract from volume entitled "Revised Statutes, Codes, and General Laws of New York," compiled by Clarence F. Birdseye, third edition, 1901, volume 3, page 3414.]

SEC. 30. *Annual report.*—Every domestic stock corporation and every foreign stock corporation doing business within this State, except moneyed and railroad corporations, shall, annually, during the month of January, or, if doing business without the United States, before the 1st day of May, make a report as to the 1st day of January, which shall state—

1. The amount of its capital stock and the proportion actually issued.
2. The amount of its debts, or an amount which they do not exceed.
3. The amount of its assets, or an amount which its assets at least equal.

Such report shall be made by the president or a vice-president or the treasurer or a secretary of the corporation, and shall be filed in the office of the secretary of state. If such report be not so made and filed, any such officer who shall thereafter neglect or refuse to make and file such report, within ten days after written request so to do shall have been made by a creditor or by a stockholder of the corporation, shall forfeit to the people the sum of $50 for every day he shall so neglect or refuse.

Stock or bonds shall only be issued for money, labor done, or property actually received, and in all statements and reports of the corporation stock issued for property purchased shall be so stated. (Page 3416, id.)

Increases or reductions of capital stock, changes in number of shares, place of business, etc., to be certified.

NORTH CAROLINA.

Property of corporations shall be listed for taxation in a statement showing the name and location of the corporation, amount of capital stock and number of shares, amount of capital stock paid up, market value of shares, or if no market value, actual value, assessed valuation of real property and of personal property listed and valued by items. (Act March 12, 1895, § 39.)

NORTH DAKOTA.

Such corporations (business) annually within twenty days from January 1 shall make a report and publish the same in a newspaper in the nearest place in the State, showing: Capital stock and amount paid in, amount and nature of indebtedness and amount due corporation, number and amount of dividends and when paid, and net amount of profits. Such report to be signed by president and majority of directors and verified by oath of president or secretary. Filed in office of register of deeds of county. (Revised Code of North Dakota (1895), § 3158, id.)

OHIO.

An annual report of the financial condition setting forth assets and liabilities of corporations shall be made and furnished to each stockholder with a list of the stockholders and residences. (Bate's Annotated Statutes of Ohio (1902), § 2268.)

Property of corporations shall be listed for taxation. (§ 2744, id.)

Books and records of corporations shall be open to stockholders. (§ 3254, id.)

OREGON.

Stock book of corporations open to any person interested therein. (Hill's Annotated Laws, § 3228.)

PENNSYLVANIA.

Certificate of incorporation states, among other things, what property is taken in payment for capital stock, and that such property is necessary for the purposes of the corporation. (Act of April 29, 1874, P. L. 73, as amended.)

Corporations shall make annual report in November by president, chairman, or treasurer, showing "total authorized capital stock, total authorized number of shares, number of shares of stock issued, par value of each share, amount paid into treasury on each share, amount of capital paid in, amount of capital on which dividend was declared, date of each dividend declared during said year ended with the first Monday of November, rate per centum of each dividend declared, amount of each dividend during the year ended with the first Monday of said month, gross earnings during the year, net earnings during the year, amount of surplus, amount of profits added to sinking fund during said year, highest price of sales of stock between the first and fifteenth days of November aforesaid, highest price of sales of stock during the year aforesaid, average price of sales of stock during the year; and in every case any two of the following-named officers, president, chairman, secretary, and treasurer, after being duly sworn or affirmed to do and perform the same with fidelity and according to the best of their knowledge and belief, shall, between the 1st and 15th days of November of each year, estimate and appraise the capital stock of the said company at its actual value in cash, not less, however, than the average price which said stock sold for during said year, and not less than the price or value indicated or measured by net earnings or by the amount of the profit made and either declared in dividends or carried into surplus or sinking fund, and when the same shall have been so truly estimated and appraised they shall forthwith forward to the auditor-general a certificate thereof, accompanied with a copy of their said oath or affirmation, signed by them and attested by a magistrate or other person duly qualified to administer the same: *Provided*, That if the auditor-general and State treasurer, or either of them, is not satisfied with the appraisement and valuation so made and returned, they are hereby authorized and empowered to make a valuation thereof based upon the facts contained in the report herein required, or upon any information within their possession or that shall come into their possession, and to settle an account on the valuation so made by them for the taxes, penalties, and interests due the Commonwealth thereon," etc. (Act of June 8, 1891, § 4 P. L., amending the act of June 1, 1889, § 20.)

RHODE ISLAND.

Manufacturing corporations shall file in the office of the town clerk annually, on or before February 15, a certificate signed by a majority of directors truly stating the amount of capital stock paid in, the value as last assessed for a town tax of its real estate, the value of its personal assets, and amount of its debts and liabilities on December 31 of the year next preceding. (General Laws, title 19, ch. 180, § 11.)

Corporations shall make returns of stockholders and amount owned by each to assessors of towns where stockholders reside.

SOUTH CAROLINA.

All subscriptions to the capital stock of any corporation shall be payable in money or in labor or in property at its money value, and shall be listed, the labor or the property, and the value thereof to be specified in the list of subscriptions; but no subscription in labor or in property shall be received unless such labor or property and the value thereof, so to be specified as aforesaid, be approved by said board of corporators, etc. (Civil Code (1902), § 1882.)

SOUTH DAKOTA.

The president, secretary, or principal accounting officer shall make and deliver to the assessor a sworn statement of the amount of capital stock, specifically setting forth the name and location of the corporation, amount of capital stock and number of shares, amount paid up, market value, if any, and, if not, the actual value, total indebtedness, except for current expenses, excluding from current expenses purchase and betterment of property, value of real estate and personal property. (Act of March 9, 1891.)

TENNESSEE.

The president of every corporation shall, annually, during the month of January, make and publish in a newspaper printed in the county of its principal place of business a sworn statement showing the amount of its capital stock and existing liabilities and list of names of stockholders. (Code (1884), § 1855.)

TEXAS.

When required by one-third of the stockholders of any corporation, a report shall be made of the situation and amount of business by the directors, and they shall declare and make such dividend as they shall deem expedient or the by-laws require. (Civil Code, art. 663.)

UTAH.

If property taken in payment of stock subscriptions, the same must be described and the value given in the articles of incorporation, and an affidavit filed of three persons that such property is worth the amount at which it is taken. (R. S., § 316.)

VERMONT.

Every corporation shall annually, on or before April 15, make to the clerk of the town in which stockholders reside a return giving a list of the names of such, number of shares standing in the name of each on April 1, the amount paid on the same, and to the clerk where the principal place of business is located a full list of stockholders with the same information. (Statutes, § 380.)

Before commencement of business, certificate to be filed of amount of capital stock paid in. (§ 3722.)

VIRGINIA.

Manufacturing and mining corporations shall exhibit books and statement of property and condition to such agent as the general assembly may from time to time appoint to examine same. (Code, § 1142.)

WASHINGTON.

The president, secretary, or principal accounting officer of each corporation shall make sworn return or statement to assessor, setting forth the name and location of the corporation, its real estate and where situated, the nature and value of its personal property. (Act March 15, 1897, § 20.)

WEST VIRGINIA.

The board of directors of every corporation shall make a report to stockholders at the annual meeting, showing property and funds and estimated value, debts due it and from it, amount of capital paid in and estimated surplus or deficiency, dividends declared, and losses or profits for year.

Copy report, with list of stockholders, delivered to stockholders. (Code, p. 551.)

Property, books, correspondence, and funds open to inspection by board or committee.

Every corporation to exhibit books and property to such agent or committees as the legislature may appoint to examine same and to report when legislature requires full, fair, and detailed statement on oath of president and secretary or principal bookkeeper. (Page 554, id.)

WISCONSIN.

The attorney-general, when required by the governor, shall examine into the affairs of corporations and report his examination in writing to the governor, with a detailed statement of facts, who shall lay the same before the legislature. The attorney-general has power to administer oaths to officers and directors and to examine vaults, books, papers, and documents belonging to corporation or pertaining to business. Legislature has same power. (Statutes, § 1766.)

Books of stock and accounts open to stockholders, and every creditor shall be informed at any time of amount of capital stock subscribed, amount paid in, who are stockholders, number of shares of each, amount unpaid by each, and if any unpaid shares transferred within six months, by whom, and amount unpaid at the time of transfer thereon. (§ 1757, id.)

Foreign corporations shall, within sixty days after request by any resident creditor, and annually thereafter, file with the secretary of state a statement showing the capital stock subscribed, amount paid in, and full names of stockholders, and amount of stock held by each. (§ 1770, id.)

WYOMING.

On request of 15 per cent of the capital stock the treasurer of any corporation shall render a statement of the affairs of the corporation, under oath, embracing a particular account of all assets and liabilities in minute detail, within twenty days after such request, and the same shall be kept on file in the office of the corporation for six months, open to the inspection of stockholders, but such statement shall not be required oftener than once in six months. (R. S. (1899), § 3057.)

DISTRICT OF COLUMBIA.

Annual reports.—Every such company (manufacturing, etc.) shall annually, except insurance companies, within twenty days from the 1st day of January, make a report, which shall be published in a newspaper in the District, which shall state the amount of capital and of the proportion actually paid, and the amount of existing debts, which report shall be signed by the president and a majority of the trustees, and shall be verified by the oath of the

president or secretary of the company, and filed in the office of the recorder of deeds of the District. (U. S. Stat. L., vol. 31, ch. 854, § 617.)

Many States require returns as a basis of taxation which are not included in the foregoing, the only purpose in this report being to give a general summary as to general publicity, with references to aid in verification.

PUBLICITY IN OTHER COUNTRIES.

In the matter of publicity of the facts involved in the organization and the operation of business corporations, our existing legislation and regulations fall very far short of similar legislation in other commercial countries. England is undoubtedly one of the most important industrial and commercial nations, and has very large and widely diffused business interests, many of which are necessarily operated through corporate organizations. Their requirements as to corporations, and the elements of publicity, are applied to the original prospectuses issued as the basis of their organization and for the purpose of inducing investment therein rather than in the line of making a report, but the same principles are involved. The English statutes as to the requirements necessary to be inserted in the prospectus was adopted in 1900, and reads as follows:

"SEC. 6. SPECIAL REQUIREMENTS AS TO PARTICULARS OF PROSPECTUS.—Every prospectus issued by or on behalf of a company, or any person engaged or interested in the formation of the company, must state (*a*) the contents of the memorandum of association, with the names, descriptions, and addresses of the signatories, and the number of shares subscribed for by them, respectively, and the number of founders' or management shares, if any, and the nature and extent of the interest of the holders in the property and profits of the company; and (*b*) the number of shares, if any, fixed by the articles of association as the qualification of a director, and any provisions in the articles of association as to the remuneration of directors; and (*c*) the names, descriptions, and addresses of the directors or proposed directors; and (*d*) the minimum subscription on which the directors may proceed to allotment and the amount payable on application and allotment on each share, and in the case of a second or subsequent offer of shares the amount offered for subscription on each previous allotment and the amount actually allotted, and the amount, if any, actually paid on such shares; and (*e*) the number and amount of shares and debentures issued, or agreed to be issued, as fully or partly paid up otherwise than in cash, and in the latter case the extent to which they are so paid up, and in either case the consideration for which such shares or debentures have been issued or are proposed or intended to be issued; and (*f*) the names and addresses of the vendors of any property purchased or acquired by the company, or proposed to be so acquired, which is to be paid for wholly or partly out of the proceeds of the issue offered for subscription by the prospectus, or the purchase or acquisition of which has not been completed at the date of publication of the prospectus, and the amount payable in cash, shares, or debentures to the vendor, and where there is more than one separate vendor, or the company is a subpurchaser, the amount so payable to each vendor; and (*g*) the amount, if any, paid or payable as purchase money in cash, shares, or debentures of any such property as aforesaid, specifying the amount payable for good will; and (*h*) the amount paid or payable as commission for subscribing or procuring or agreeing to procure subscriptions for any shares in the company, or the rate of any such commission; and (*i*) the amount or estimated amount of preliminary expenses; and (*j*) the amount paid or intended to be paid to any promoter and the consideration for any such payment; and (*k*) the dates and parties to every material contract, and a reasonable time and place at which any material contract or a copy thereof may be inspected, provided that this requirement shall not apply to a contract entered into in the ordinary course of the business carried on or to any contract entered into more than three years before the date of publication of the prospectus; and (*l*) the names and addresses of the auditors, if any, of the company; and (*m*) full particulars of the nature and extent of the interest, if any, of every director in the promotion of or in the property proposed to be acquired by the company, with a statement of all sums paid or agreed to be paid to him in cash or shares by any person either to qualify him as a director or otherwise for services rendered by him in connection with the formation of the company. In this section the term "vendor" includes lessor, and "purchase money" includes rent. Any condition requiring or binding any applicant for shares or debentures to waive compliance with any requirement of this section, or purporting to affect him with notice of any contract, document, or matter not specially referred to in the prospectus, shall be void.

The statutes of Victoria, an important colony of Great Britain, which in some respects follows and in other notable respects leads the mother country upon its legislation upon this and similar subjects, read as follows with reference to the prospectus:

SEC. 10. PROSPECTUS TO GIVE NAMES OF DIRECTORS AND STOCK HELD BY EACH—THE CONTRACTS MADE BY COMPANY OR ITS OFFICERS—MEMORANDUM OF ASSOCIATION—CONSIDERATION GIVEN FOR PROPERTY, BONUS GIVEN FOR OBTAINING SUBSCRIPTIONS, ALLOTMENT, DIRECTORS' STOCK QUALIFICATION SHARES PAID FOR OTHERWISE THAN IN MONEY—THE VENDORS OF PROPERTY TO THE COMPANY—PRELIMINARY EXPENSES—WORKING CAPITAL—AUDITORS—LIABILITY FOR FAULTY PROSPECTUS.—Every prospectus, however published or issued, which is published or issued with a view of obtaining subscriptions for shares in a company, or directly or indirectly inviting persons to subscribe for shares in a company, shall specify (*a*) the names, addresses, and occupations of the promoters and directors and the number of shares held or agreed to be taken up by them, respectively, and whether wholly paid up or partly paid up, and the consideration, remuneration, or reward (if any) to the directors, promoters, or members of the company; (*b*) the date of and the names of the parties to any contract directly or indirectly relating to the company, or to the promotion thereof, entered into by the company, or the promoters, directors, or trustees thereof, within two years before the issue of such prospectus; and shall also state a place where such contract, if in writing, may be inspected: *Provided*, That this subdivision of this section shall not apply to a contract entered into by the company after its incorporation in the ordinary course of the business carried on by the company; (*c*) the contents of the memorandum of association (if any), with the names and addresses of the signatories and the number of shares subscribed for by them respectively; (*d*) the consideration paid or to be paid (and if so, how and when) for any property purchased or acquired or to be purchased or acquired by the company, and from whom and when purchased or acquired, and whether any part (and if so, how much) of such consideration money is for good will; (*e*) the amount (if any) payable as commission, bonus, or reward for subscribing or agreeing to subscribe, or procuring or agreeing to procure, subscriptions for any shares in the company, or the rate of any such commission; (*f*) the minimum subscription upon which directors will proceed to allotment; (*g*) the number of shares (if any) fixed by the articles of association as the qualification of a director; (*h*) the minimum amount payable on application and allotment on each share; (*i*) the number and amount of shares issued or agreed to be issued as fully paid or partly paid up otherwise than in money, and in the latter case the extent to which they are so paid up, and in either case the consideration for which and the person or persons to whom such shares have been issued or are proposed or intended to be issued; (*j*) the names, addresses, and occupations of the vendors of any property purchased or acquired by the company, or to be so purchased or acquired, which is to be paid for wholly or partly out of the proceeds of the issue offered for subscription by the prospectus or the purchase or acquisition of which has been contemplated at the date of publication of the prospectus, and where there is more than one vendor or the company is a subpurchaser, the amount payable in money or shares to each vendor; (*k*) the amount or estimated amount of preliminary expenses; (*l*) the amount paid or intended to be paid and the shares allotted or intended to be allotted to or for any promoter and the consideration therefor; (*m*) the amount intended to be reserved for working capital; (*n*) the proposed application of the proceeds of the issue of the shares, and (*o*) the names and addresses of the auditors or intended auditors (if any) of the company. A prospectus which does not comply with the foregoing requirements shall be deemed fraudulent on the part of every promoter or director, and every person having authorized the insertion of his name in the prospectus as a director or as having agreed to become a director, and unless they show the fault was neither willful nor negligent they shall be jointly and severally liable for all damages caused thereby, and any person taking shares on the faith of such prospectus may, besides suing for damages, rescind the contract.

This section became a law in 1896. They have a further section which provides that no applicant for shares can waive any condition, such waiver being expressly declared to be void.

EXHIBIT C.

A DIGEST OF THE PRINCIPAL BRITISH AND AMERICAN DECISIONS UPON WHAT CONSTITUTES MONOPOLY, ILLEGAL COMBINATION, OR RESTRAINT OF TRADE, AT COMMON LAW.

BRITISH DECISIONS.

1. CONTRACTS IN RESTRAINT OF TRADE.

THE DYER'S CASE (BRITISH, 1415), THE EARLIEST REPORTED CASE.

In the reign of Henry V a dyer bound himself not to exercise his trade for six months in the same town with the plaintiff. An action on the bond was brought, but the case was dismissed. The court said:

"If the plaintiff were here he should go to prison till he had paid a fine to the King." (Yearbook, 2 Hen. V.)

RESTRICTING THE TRADE OF A HABERDASHER (BRITISH, 1602).

A workman agreed to pay £20 if he should use the trade of haberdasher within the county of Kent. The court held that to prohibit or restrain any one to use a lawful trade at any time, or at any place, was against the law, and said:

"Although it were alleged that here he is not prohibited or obliged absolutely that he shall not exercise the trade of an haberdasher, but that if he exercise it, he shall pay to the plaintiff £20, and so it differs from the Dyer case, yet it was all one; for he ought not be abridged of his trade and living." (Colgate *v.* Bacheler, 1 Croke's Rep., 872.)

THE IPSWICH TAILORS' CASE (BRITISH, 1602).

Certain workmen bound themselves not to work at a certain trade, but the court held the bond void at common law, and said:

"No man could be prohibited from working in any lawful trade, for the law abhors idleness, the mother of all evil, and especially in young men, who ought in their youth (which is the seed time) to have lawful sciences and trades, which are profitable to the commonwealth, and whereof they might reap the fruit in their old age, for idle in youth, poor in age; and therefore the common law abhors all monopolies which prohibit any from working in any lawful trade." (Ipswich Tailors' case, 11 Coke's Rep., 53a.)

CONTRACT NOT TO EXERCISE TRADE OF JOINER (BRITISH, 1635).

A man agreed that he would not exercise the trade of joiner in a certain shop in London for twenty-one years. Subsequently he leased the shop to a joiner who exercised his trade therein during the period. The entire court agreed that a man can not bind himself that he shall not use his trade generally, but that he might bind himself not to use it for a time certain in a place certain. (Rogers *v.* Parry, 2 Bulstrode, 136.)

AGREEMENT NOT TO USE A TRADE (BRITISH, 1649).

A woman, in consideration of a marriage to be had between a certain man and her daughter, promised £100 to the man and £10 for apparel for her daughter, and agreed to assign over her shop with divers wares in it, and her trade to the man. She further agreed not to use her trade in a certain town. While on a suit to enforce the contract the man obtained verdict, yet it was thus early urged that the agreement not to use her trade was contrary to law and void. (Prugnell *v.* Gosse, Alleyn, 67.)

AGREEMENT NOT TO EXERCISE A TRADE (BRITISH, 1711).

[The celebrated case of Mitchell *v.* Reynolds.]

A baker assigned to a man the lease of a certain bakehouse for the term of five years, and agreed not to exercise the trade of a baker within the parish during that period, upon a penalty of £50. Upon a suit to recover, the defendant urged that he was a baker by trade, that he had served his regular apprenticeship, and that the bond was void in law. The court said:

"The general question upon this record is whether this bond, being made in restraint of trade, be good. And we are all of opinion that a special consideration being set forth in the condition, which shows it was reasonable for the parties to enter into it, the same is good; and that the true distinction of this case is not between promises and bonds, but between contracts *with* and *without* consideration, and that wherever a sufficient consideration appears to make it a proper and useful contract, and such as can not be set aside without injury to a fair contractor, it ought to be maintained; but with this constant diversity, viz, where the restraint is general not to exercise a trade throughout the kingdom, and where it is limited to a particular place; for the former of these must be void, being of no benefit to either party, and only oppressive, as shall be shown by and by. * * *

"To conclude: In all restraints of trade, where nothing more appears, the law presumes them bad; but if the circumstances are set forth, that presumption is excluded, and the court is to judge of those circumstances and determine accordingly; and if upon them it appears to be a just and honest contract, it ought to be maintained."

This case is frequently cited in England and America as the leading case upon the subject. (Mitchell *v.* Reynolds, 1 P. Wms., 181.)

CONTRACT PROHIBITING SALE OF GUNS UNDER CERTAIN CONDITIONS (BRITISH, 1742).

The Gunmakers' Company had a by-law prohibiting the sale of guns under certain conditions to any person engaged in London or within 4 miles thereof not a member of the company, and certain other restrictions. The validity of the by-law was challenged on the ground that it was in unlawful restraint of trade. The court held the by-law illegal, and said:

"To oblige a man after he has finished his barrels not to sell them to anyone but one who is admitted of the company is a great restraint upon trade

So, likewise, not to put his mark or to suffer his mark to be put upon the barrel of any person not admitted of the company is a very great hardship and restraint, unless there was a particular reason for it." (The Master, etc., of Gunmakers *v.* Fell, Willes R., 384.)

CONSPIRACY TO IMPOVERISH A CERTAIN TAILOR (BRITISH, 1783).

Indictment stated that Eccles and six others, intending unlawfully and by indirect means to impoverish a certain tailor and to hinder him from using his trade, unlawfully conspired and combined for that purpose. The indictment was held good. Said the court:

"The conspiracy is to prevent both from working, the consequence is poverty. Both the conspiracy and the consequence are stated; but it is objected that there is no allegation of the means. Such an allegation is unnecessary." (King *v.* Eccles, 3 Doug., 337.)

ENGROSSING THE MARKET (BRITISH, 1800).

The defendant was charged with spreading rumors with intent to enhance the price of hops, and with engrossing large quantities of hops with the intent to resell the same for an unreasonable profit. He was convicted and heavily fined. Lord Kenyon said:

"That our law books do declare practices of the sort with which the defendant is charged to be offenses at common law can not be denied." (King *v.* Waddington, 1 East, 143.)

NOTES.—"These [forestalling, engrossing, and regrating] are kindred offenses, indictable both under the ancient common law and by early English statutes, yet seldom made the subject of a criminal prosecution in modern times. And in England they were abolished in 1844 by 7 and 8 Vict., c. 24, both as common-law offenses and as statutory." (Bishop's New Criminal Law, sec. 518.)

King *v.* Waddington "has been sharply criticised as not in harmony with modern political economy; and it no doubt goes beyond what would be considered proper among us. It has never been judicially disapproved." (Spelling's Trusts and Monopolies, p. 253.)

Mr. W. F. Dana, in 7 Harv. Law Rev., 338 (1894), denied that "engrossing" at common law had any relation to "monopolizing." (See Cooke's Trade and Labor Combinations, p. 159.)

"Entirely apart from these statutes, we must hold it to be indictable, on general principles of common law, to engross and absorb any particular necessary staple or constituent of life so to impoverish and distress the mass of the community for the purpose of extorting, by terror or other coercive means, prices above the real value. Questions of this kind have usually come before the courts on indictments for conspiracy, for it is by conspiracies that extortions of this kind are generally wrought. But on an indictment against an individual for buying up all the grain or other necessary staple so as to produce a famine in the market, and thus to obtain grossly extortionate prices, wrung through a sense of misery from the community, the offense may be held indictable at common law." (2 Whart. Crim. Law, sec. 1851.)

NOTE.—"The common law against these offenses of forestalling, engrossing, regrating, and monopolies has borne the test of ages, and has been wise and useful. The fault has not been in this law in the United States, but in the nonexecution of it." (7 Dane Abr., 39.)

REGRATING A CRIME AT COMMON LAW (BRITISH, 1800).

It is conceded that the statute of 12 George III has repealed all existing statutes relating to regrating; nevertheless regrating is a crime at common law. (Rex *v.* Busby, Peake's Add. Nisi Prius Cas., 189.)

NOTE.—Blackstone in his Commentaries has the following to say of regrating, forestalling, engrossing, and monopoly at common law:

BLACKSTONE ON REGRATING, FORESTALLING, ENGROSSING, AND MONOPOLY AT COMMON LAW (BRITISH, 1765).

"The offense of forestalling the market is also an offense against public trade. This, which (as well as the two following) is also an offense at common law, was described by statute 5 and 6 Edward VI, chapter 14, to be the buying or contracting for any merchandise or victual coming in the way to market, or dissuading persons from bringing their goods or provisions there, or persuading them to enhance the price, when there; any of which practices make the market dearer to the fair trader.

"Regrating was described by the same statute to be the buying of corn or other dead victual in any market and selling it again in the same market or within 4 miles of the place, for this also enhances the price of the provisions, as every successive seller must have a successive profit.

"Engrossing was also described to be the getting into one's possession, or buying up, large quantities of corn or other dead victuals, with intent to sell them again. This must of course be injurious to the public by putting it in the power of one or two rich men to raise the price of provisions at their own discretion. And so the total engrossing of any other commodity, with intent to sell it at an unreasonable price, is an offense indictable and finable at the common law. And the general penalty for these three offenses by the common law (for all the statutes concerning them were repealed by 12 George III, c. 71) is, as in other minute misdemeanors, discretionary fine and imprisonment. Among the Romans these offenses and other malpractices to raise the price of provisions were punished by a pecuniary mulct.

"Monopolies are much the same offense in other branches of trade that engrossing is in provisions, being a license or privilege allowed by the King for the sole buying and selling, making, working, or using of anything whatsoever, whereby the subject in general is restrained from that liberty of manufacturing or trading which he had before. These had been carried to an enormous height during the reign of Queen Elizabeth, and were heavily complained of by Sir Edward Coke in the beginning of the reign of King James the First, but were in a great measure remedied by statute (21 Jac. I, c. 3), which declares such monopolies to be contrary to law and void (except as to patents, not exceeding the grant of fourteen years, to the authors of new inventions, and except also patents concerning printing, saltpeter, gunpowder, great ordnance, and shot), and monopolists are punished with the forfeiture of treble damages and double costs to those whom they attempt to disturb; and if they procure any action brought against them for these damages to be stayed by any extrajudicial order other than of the court wherein it is brought they incur the penalties of præmunire.

"Combinations, also among victualers or artificers, to raise the price of provisions, or any commodities, or the rates of labor, are in many cases severely punished by particular statutes; and in general by statutes 2 and 3 Edward VI, capita 15, with the forfeiture of £10, or twenty-one days' imprisonment, with an allowance of only bread and water, for the first offense; £20 or the pillory for the second, and £40 for the third, or else the pillory, loss of one ear, and perpetual infamy. In the same manner, by a constitution of the Emperor Zeno, all monopolies and combinations to keep up the price of merchandise, provisions, or workmanship were prohibited upon pain of forfeiture of goods and perpetual banishment." (4 Blackstone, pp. 158-160.)

WHAT IS A REASONABLE RESTRAINT OF TRADE (BRITISH, 1831)?

A surgeon dentist agreed not to practice his trade within 100 miles of the city of York, where the plaintiff carried on that business. This was held by the court to be an unreasonable restraint, because it was larger than was necessary to afford a fair protection to the plaintiff in the enjoyment of his trade. The court said:

"We do not see how a better test can be applied to the question whether this is or not a reasonable restraint of trade than by considering whether the restraint is such only as to afford a fair protection to the interests of the party n favor of whom it is given, and not so large as to interfere with the interests of the public Whatever restraint is larger than the necessary protection of the party requires can be of no benefit to either. It can only be oppressive. It is, in the eye of the law, unreasonable. Whatever is injurious to the interests of the public is void on the ground of public policy." (Horner *v.* Graves, 7 Bing., 735.)

CONTRACT NOT TO BE A CARRIER DURING LIFE (BRITISH, 1837).

An owner of an express abandons his express business between two places, and covenants not to exercise the trade of carrier during his life. The purchaser gave him life employment as his assistant. This covenant was held valid by the court. (Wallis *v.* Day, 2 M. and W., 273.)

CONTRACT UNLIMITED AS TO TIME (BRITISH, 1837).

A clerk entering into the service of a druggist agreed that if he (the clerk) shall at any time thereafter exercise the trade or business of chemist and druggist in a certain town he should pay £500 in liquidated damages. The court held that the restraint was not shown to be unreasonable or oppressive by the circumstance that its duration was not limited to the life of the employer, or to the time during which he should carry on the business. (Hitchcock *v.* Coker, 6 Ad. and El., 438.)

CONTRACT NOT TO BE EMPLOYED IN A CERTAIN BUSINESS FOR A CERTAIN TIME (BRITISH, 1839).

A clerk, in consideration of employment, agreed that he would not within two years after leaving his employer's service solicit any of his employer's customers, or within nine months thereafter be employed in the business of a coal merchant. The court held the contract void as it was unlimited in point of space, and said: "It is against the principles and policy of the law as to any restraints on trade, and the right of every man to be at liberty to struggle for his own existence in the exercise of any lawful employment; and it is beyond what is necessary for the protection of the plaintiff, or what the justice of the case demands." (Ward *v.* Byrne, 5 M. and W., 548.)

A CONTRACT NOT TO PRACTICE A PROFESSION ANYWHERE (BRITISH, 1843).

A surgeon dentist covenanted not to carry on his profession in London or any of the towns or places in England or Scotland where the plaintiffs or the defendant, on their account, might have been practicing before the expiration of service. The court declared the contract void, and said:

"According to the terms of this covenant, the defendant is prohibited from carrying on his business, not merely at such place or places as the plaintiffs might be practicing at the time of the expiration of the service, but at any place where they might have been practicing before, though for ever so short a time. * * *

"Contracts for the partial restraint of trade are upheld, not because they are advantageous to the individual with whom the contract is made, and a sacrifice pro tanto of the rights of the community, but because it is for the benefit of the public at large that they should be enforced. Many of these partial restraints on trade are perfectly consistent with public convenience and the general interest, and have been supported. Such is the case of the disposing of a shop in a particular place, with a contract on the part of the vendor not to carry on a trade in the same place. It is in effect the sale of a good will, and offers an encouragement to trade by allowing a party to dispose of all the fruits of his industry. * * *

"And such is the class of cases of much more frequent occurrence, and to which this present case belongs, of a tradesman, manufacturer, or professional man taking a servant or clerk into his service, with a contract that he will not carry on the same trade or profession within certain limits. * * * In such a case the public derives an advantage in the unrestricted choice which such a stipulation gives to the employer of able assistants, and the security it affords that the master will not withhold from the servant instruction in the secrets of his trade and the communication of his own skill and experience, from the fear of his afterwards having a rival in the same business." (Mallan *v.* May, 11 Mees. and W., 652.)

CONTRACT NOT TO SELL BREAD ON PREMISES FOR SPECIFIED TIME (BRITISH, 1844).

A baker agreed that he would not, during a certain term, solicit the custom of or knowingly supply bread or flour to any of the customers then dealing at the premises, without the consent of the man to whom he had assigned his business. The court held the agreement not to be in unreasonable restraint of trade, and said:

"Contracts in partial restraint of trade, limited as to time and territory, founded on a reasonable consideration, confined to particular persons, are valid." (Rannie *v.* Irvine, 7 Man. and G., 976.)

CONTRACT RESTRICTING RIGHT OF TRAVELING SALESMAN TO SELL FOR ANOTHER (BRITISH, 1859).

A salesman agreed with his employers that in case he traveled for any other house in the same trade, after he had left his employers' service, he would forfeit £50. The court held that this contract was not an unreasonable restraint of trade, and said:

"Contracts for the partial restraint of trade are upheld, not because they are advantageous to the individual with whom the contract is made, and a sacrifice pro tanto of the rights of the community, but because it is for the benefit of the public at large that they should be enforced. Many of these partial restraints are perfectly consistent with public convenience and the general interest, and have been supported." (Mumford *v.* Gething, 7 C. B. N. S., 305.)

EXCLUSIVE ENJOYMENT OF THE BENEFITS PURCHASED (BRITISH, 1869).

A company was formed for the purchase and working of a process in the manufacture of leather cloth introduced into England from America. The contract of purchase contained a stipulation that the vendors "will not, directly or indirectly, carry on, nor will they, to the best of their power, allow to be carried on by others, in any part of Europe, any company or manufactory having for its object the manufacture or sale of productions now manufactured in the business or manufactory of the vendors, and will not communicate to any person or persons the means or processes of such manufacture, so as in any way to interfere with the exclusive enjoyment by the purchasing company of the benefits hereby agreed to be purchased."

The court held such a restriction was reasonable, the entire business and the subject-matter of the contract being considered. (Leather Cloth Co. *v.* Lorsont, 39 L. J., ch. 86.)

CONTRACT NOT TO PROCURE ORDERS (BRITISH, 1872).

A salesman agreed not at any time during his service for his present employers, or within two years from his quitting their service, either directly or indirectly, to sell, procure orders for sale, or recommend or be in any wise concerned in the sale or recommendation, either on his own account or for

any other person, of any Burton ale or beer or porter. The court held this contract void, and said:

"There has been a natural inclination of the courts to bring within reasonable limits the doctrine as to these covenants laid down in the earlier cases, but it has been generally considered in the later, as well as in the earlier, cases that a covenant not to carry on a lawful trade, unlimited as to space, is on the face of it void. * * * And the rule, if not obviously just, is at any rate simple and very convenient." (Allsopp *v.* Wheatcroft, 42 L. J., ch. 12.)

NOTE.—Allsopp v. Wheatcroft "was disapproved of in Rousillon *v.* Rousillon." (See Lopes, L. J., in Mills *v.* Dunham, 1 ch. Div., 1891, 576.)

RESTRICTIONS UPON THE CHAMPAGNE TRADE (BRITISH, 1879).

Defendant addressed a letter to the plaintiff, in which he undertook not to represent any house in the champagne business for a period of two years after leaving the plaintiff, or to establish himself or associate himself with other persons or firms in the champagne business for a period of ten years. These undertakings were made upon assurances that defendant's position was assured in the house, barring the happening of unforeseen events or negligence on defendant's part. The agreement was made upon the continent. Within the time fixed the defendant started in the prohibited business in London. The restriction applied to the champagne trade, and it clearly appeared that this trade extended over all Europe.

The court held that, considering the peculiar nature of the trade, the restraint was not unreasonable either in point of time or extent of territory. As to the rule that the extent of the territory determines the validity of the contract rather than the nature of the trade, the court said:

"I have, therefore, upon the authorities, to choose between two sets of cases, those which recognize and those which refuse to recognize this supposed rule; and, for the reasons which I have already mentioned, I have no hesitation in saying that I adhere to those authorities which refuse to recognize this rule, and I consider that the cases in which an unlimited prohibition has been spoken of as void relate only to circumstances in which such a prohibition has been unreasonable." (Rousillon *v.* Rousillon, L. R. 14, Ch. Div., 351.)

CONTRACT NOT TO DO BUSINESS "SO FAR AS THE LAW ALLOWS" RESTRAINS TRADE (BRITISH, 1887).

A retiring partner covenanted to retire from business "so far as the law allows." The court held such a covenant was too vague for the court to enforce. "The old rule," said the court, "that the law does not allow an absolute covenant in restraint of trade is still binding. The covenant is void on that ground also." (Davies *v.* Davies, 36 L. R., Ch. Div., 359.)

AGREEMENT CONTAINING NO LIMITATIONS AS TO SPACE (BRITISH, 1892).

A German company engaged in the manufacture and sale of aniline and soda made a contract with certain agents in England, whereby the agents were to have exclusive agency for certain articles, and to be paid over a very substantial sum during the life of the agreement. In consideration therefor the agents bound themselves for three years after the determination of the agreement not to enter into any similar business or give any information of any kind about the business of their principals. The court held the contract good, notwithstanding the fact that it contained no limitations as to space, and said:

The result of the authorities down to the present time on this question of a covenant in restraint of trade appears to be as follows: Where the restraint is general—that is, without qualification—the covenant is bad as being unreasonable and contrary to public policy. Where the restraint is partial—that is, subject to some qualification either as to time or space—then the question is whether the restraint *is reasonable; and if reasonable*, it is good in law. In considering this question of reasonableness the points to which the attention of the court is specially directed are the limits of time and space and the protection required for the trade of the covenantee, this latter point involving the examination of the nature and extent of the trade. The reasonableness depends on all the circumstances, and these must be duly weighed in each case. If the restraint is greater than the protection that the business of the covenantee can possibly require, the covenant is unreasonable and void. (Badische Anilin und Soda Fabrik *v.* Schott & Segner, 61 L. J. R., ch. 698.)

UNREASONABLE RESTRICTION UPON A CLERK AND BOOKKEEPER (BRITISH, 1892).

A clerk and bookkeeper agreed not to accept any situation as clerk or agent, nor to establish himself in a similar business within a certain distance without the written permission of his employer, for a period of three years after leaving the employer's service. There was a proviso in the contract that such permission should not be withheld if it should be shown to the satisfaction of the employer that the situation accepted was not with a firm dealing in the same class of goods as the employer. The court said that "the employer has put upon this clerk the outside limit, and stipulated that he shall not engage in any business," and therefore declared the agreement void. (Perls *v.* Solfeld, 61 L. J., ch. 409.)

RESTRICTIONS UPON MANUFACTURE OF GUNS (BRITISH, 1894).

Nordenfelt agreed with a gun company that he would not engage for a period of twenty-five years, either directly or indirectly, in the business of manufacturing guns and their accessories, except on behalf of the gun company. The consideration was that the gun company purchased the plant and good will of Nordenfelt, he being retained as manager on a salary. The consideration was held sufficient to sustain the contract.

"It has been determined judicially," said the court, "that in cases where the purchaser for his own protection obtains an obligation restraining the seller from competing with him within bounds which, having regard to the nature of the business, *are reasonable* and are limited in respect of space, the obligation is not obnoxious to public policy, and is therefore capable of being enforced." (Nordenfelt *v.* Maxim-Nordenfelt Co., 63 L. J. R. Ch., 908.)

2. ILLEGAL COMBINATIONS AND MONOPOLIES.

MONOPOLY IN PLAYING CARDS (BRITISH, 1602).

The plaintiff was given the sole right to import playing cards and the entire traffic in them and the sole right to make such cards within the realm. The defendant, in disregard of this grant, made and sold some gross of such cards and imported others, and was accordingly sued for infringing upon the exclusive privileges of the plaintiff. As to a portion of the cards made and sold within the realm he pleaded that he was a haberdasher in London and a free citizen of that city, and as such had a right to make and sell them. The court held the plea good and the grant void as against the common law and divers acts of Parliament. (Case of Monopolies, 11 Coke, 84b.)

CONFEDERATION AMONG BREWERS TO PUT DOWN THE GALLON TRADE (BRITISH, 1665).

Information was filed against brewers of London for confederating and conspiring to put down the gallon trade by which the poor are supplied, which caused mutiny against the farmers of excise. It was moved to quash the information on the ground that it is no crime by our law to *depauperate another in order to enrich oneself*. But after several debates the king's bench gave judgment for the King. They all agreed that the conspiracy here is an act punishable. (Starling Case, 1 Keb., 650.)

NOTE.—"Down to the end of the seventeenth century there appears to be no reason to suppose that, apart from the determination in Starling's case—a determination which was recognized by Lord Holt in 1704 as exceptional—the word 'unlawful' or 'illegal,' as used to describe the purposes, a combination for which is an indictable offense, was ever used by the courts in any other sense than that of 'criminal,' or at most 'punishable.'" (Wright on Crim. Consp., p. 51.)

COMBINATION TO FIX THE PRICE OF SALT (BRITISH, 1738).

This was a motion for leave to file an information against the defendants, who were separate proprietors of salt works in Droitwich, for a conspiracy to raise the price of salt there, by entering into an article whereby they bound themselves under a penalty of £200 not to sell salt under a certain price, which exceeded the price then received for it. The information was granted, and Lord Mansfield declared "that if any agreement was made to fix the price of salt or any other necessary of life (which salt emphatically was) by people dealing in that commodity, the court would be glad to lay hold of an opportunity, from what quarter soever the complaint came, to show their sense of the crime; and that at what rate soever the price was fixed, high or low, made no difference, for all such agreements were of bad consequence and ought to be discountenanced. He mentioned an indictment upon one of the last home circuits against the bakers of the town of Farnham for such an agreement." (King *v.* Norris et al., 2 Kenyon, 300.)

COMBINATION OF MASTER MANUFACTURERS OF COTTON (BRITISH, 1855).

Eighteen master manufacturers of a large district formed a combination by which they were bound to carry on their trade as the majority might direct. They might be compelled to shut up their manufactories and dismiss their hands even though that action should be against the interests of individual members of the association and the manufacturing community. The contract was held void.

"This bond," remarked the court, "takes away the freedom of action of the individual to carry on the trade, and to open and close his works according as it may be for his interest or that of the public." (Hilton *v.* Eckersley, 6 El. and Bl., 47.)

JOINT PURSE ARRANGEMENT BETWEEN RAILWAY COMPANIES (BRITISH, 1859).

Two railway companies agreed that their profits and loss should be brought into one common fund, and the net receipts divided into two shares of nine-tenths and one-tenth, without the authority of an act of Parliament. This contract was held void.

"It appears to me," said the court, "so clearly and palpably illegal that I do not think the court ought to hesitate in its views in that respect; otherwise it might be that all the railways in the Kingdom might be collected into one large joint stock concern." (Charlton *v.* Newcastle, etc., R. Co., 5 Jur., N. S., 1096.)

AGREEMENT BETWEEN CANADIAN SALT COMPANIES (CANADIAN, 1871).

Several incorporated companies and individuals in the salt business agreed to combine. The agreement provided that all the parties to it should sell all salt manufactured by them through the trustees of the association, and should sell none in any other manner. The agreement was held valid, the court saying that it was out of the question that this agreement had for its object the formation of a monopoly, as there are other parties than those to the agreement engaged in the manufacture of salt, and this agreement is nothing more than the agreement of two persons carrying on the same trade not to undersell each other. (Ontario Salt Co. *v.* Merchants' Salt Co., 18 Grant's Ch. Rep., 540.)

NOTE.—"But the view is taken [in this case] that, even if such acts were once 'illegal' at common law, 'long usage' has brought about a change in the common law in this respect." (Cooke's Trade and Labor Combinations, p. 159, n. 1.)

COMBINATION AMONG STEVEDORES TO PARCEL OUT THE STEVEDORING BUSINESS OF A PORT (BRITISH, 1879).

The stevedores of Melbourne, Australia, agreed to parcel out the stevedoring business of the port among themselves, so as to prevent competition, and to keep up the price to be paid for the work. The privy council court of Great Britain held that such agreement is not invalid if carried into effect by provisions reasonably necessary for the purpose, though the effect of them might be to create a partial restraint upon the power of the parties to exercise their trade.

But it held that the provision in the agreement that in the case of ships passing out of the hands of merchants named in the contract into the hands of other merchants, who should not choose to employ the party entitled under the agreement, all the parties thereto are deprived of work, can not be justified. It is obviously detrimental to the public, is entirely beyond anything the legitimate interests of the parties required, and is utterly unprofitable and unnecessary, at least for any purpose which can be avowed. (Collins *v.* Locke, L. R. 4 App. Cas., 674.)

COMBINATION OF MANUFACTURERS OF MINERAL WATER (BRITISH, 1890).

"If a contract for raising prices against the public interest is a contract in restraint of trade, this is undoubtedly such a contract. During the last one hundred years great changes have taken place in the views of the public, of the legislature, and therefore of the judges, on the matter, and many old-fashioned offenses have disappeared; but the rule still obtains that combination for the mere purpose of raising prices is not enforceable in a court of law. This contract is illegal in the sense of not being enforceable. It is not necessary that it should be such as to form the ground of criminal proceedings."

The action in this case was brought to enforce a penalty under the rules of a mineral-water association, which recited that the object of the association was to maintain the price of mineral water, and bound the members for ten years not to sell at less than 9d. a dozen bottles, or not less than any higher price fixed by the committee, on penalty of £10 for each violation. (Urmston *v.* Whitelegg, 63 L. T. (N. S.), 455.)

ASSOCIATION OF TEA-CARRYING COMPANIES (BRITISH, 1892).

[The very important case of Mogul S. S. Co.]

A suit for damages was brought by a company engaged in the tea-carrying trade at Hankow, China, against six other companies engaged in the same trade for loss inflicted by an alleged unlawful conspiracy entered into by them to drive the plaintiff out of the trade and to obtain control of the trade themselves. It appeared that the defendants agreed to conform to a plan of association by which they should constantly underbid the plaintiff, and take away his trade by offering exceptional and very favorable terms to customers dealing exclusively with members of the association, and that they did this to control the business the next season after he had been thus driven out of competition.

It was held by the House of Lords that this was not an unlawful and indictable conspiracy, giving rise to a cause of action by the person injured thereby; but it was not held that the contract of association entered into by the defendants was not void and unenforceable at common law. On the contrary, Lords Bramwell and Hannen distinctly say that the contract of association was void as in restraint of trade, but all the law lords were of

opinion that contracts void as in restraint of trade were not unlawful in a criminal sense, and gave no right of action for damages to one injured thereby. (Mogul S. S. Co. *v.* McGregor, etc., Co., L. R. App. Cas. (1892), p. 25.)

NOTE.—"Though the question was not in the case, it seems to have been the view of the court in Mogul Steamship Company *v.* McGregor that what are here called agreements 'in restraint of trade' were not indictable at common law." (Cooke's Trade and Labor Combinations, p. 159, n. 1.)

AMERICAN DECISIONS.

1. CONTRACTS IN RESTRAINT OF TRADE AT COMMON LAW.

AGREEMENT NOT TO RUN A STAGE ON A CERTAIN ROAD UNDER PENALTY (MASS., 1811).

A man ran a stage on the road between Boston and Providence. A rival contemplated setting up a stage on the same road. The man who was running the stage sold his stage coach and horse to his rival and entered into a bond not to run the stage on such road under a certain penalty. The court held the bond void, and said:

"If it does not appear whether the contract was or was not made on good consideration, so that the contract may be either good or bad, it is the prima facie presumption of law that the contract is bad, because it is to the prejudice of trade and honest industry, because the mischief to one party is apparent, and the benefit only presumptive; and because the apparent mischief is not merely private, but also public. Therefore all contracts barely in restraint of trade, where no consideration is shown, are bad." (Pierce *v.* Fuller, 8 Mass., 222.)

THE EVILS OF CONTRACTS IN RESTRAINT OF TRADE (MASS., 1837).

"The *unreasonableness* of contracts in restraint of trade and business is very apparent from several obvious considerations:

"(1) Such contracts injure the parties making them, because they diminish their means of procuring livelihoods and a competency for their families. They tempt improvident persons, for the sake of present gain, to deprive themselves of the power to make future acquisitions, and they expose such persons to imposition and oppression.

"(2) They tend to deprive the public of the services of men in the employments and capacities in which they may be most useful to the community as well as themselves.

"(3) They discourage industry and enterprise, and diminish the products of ingenuity and skill.

"(4) They prevent competition and enhance prices.

"(5) They expose the public to all the evils of monopoly; and this especially is applicable to wealthy companies and large corporations who have the means, unless restrained by law, to exclude rivalry, monopolize business, and engross the market. Against evils like these, wise laws protect individuals and the public by declaring all such contracts void." (Alger *v.* Thacker, 19 Pick., Mass., 51.)

COMBINATION AMONG OWNERS OF CANAL BOATS TO REGULATE PRICE OF TRANSPORTATION (PA., 1841).

Certain carriers by canal combined to regulate the price of transportation, and entered into a written agreement to that effect. They were indicted and the court held it was an indictable offense at common law, saying:

"The objects of the confederation are plainly stated, and its consequences and effects upon the community are obvious to the most careless observers. It is nothing less than a combination between the chief capitalists and carriers in this line of our public works to raise or depress the rate of freight, as it may suit their own interests, either to increase their profits or crush a competitor. Does such a combination come within the description of those which are punishable by indictment as conspiracies at common law?" Judge Grier, then presiding in the Pittsburg common pleas, and afterwards of the Supreme Court of the United States, declared that it does. (2 Whart. Precedents, No. 658 note m.)

A CONTRACT NOT TO ENGAGE IN BUSINESS WITHIN A CERTAIN STATE (N. Y., 1851).

"We can not say, therefore, that a restraint which is coextensive with this State leaves the residue of the Union open to the party to pursue unrestrained the same trade. Again, it is repugnant to the general frame and policy of our Government to regard the Union, in respect to our ordinary internal and domestic interests, as one consolidated nation. For all these purposes each State is a separate community with separate and independent public interests.

"It is by no means the same thing to the people of this State whether an individual carries on his trade within or without its borders. I am therefore of the opinion, independent of authority, that a contract prohibiting to an individual the pursuit of any trade or employment throughout the State of New York should be regarded as a contract in total restraint of trade within the rule of the common law." (Lawrence *v.* Kidder, 10 Barb., 641.)

To same effect see Taylor *v.* Blanchard (1866), 13 Allen (Mass.), 370.

But per contra, see Beal *v.* Chase (1875), 31 Mich., 490.

AN AGREEMENT NOT TO MANUFACTURE CANDLES (OHIO, 1853).

A certain party agreed that he would not be connected with the manufacture of certain candles in the county of Hamilton, State of Ohio, or at any other place in the United States. The court deemed the contract divisible and good as regards Hamilton County, but void as regards other places in the United States, as being too general. (Lange *v.* Werk, 2 Ohio St., 519.)

REPEAL OF STATUTES REVIVES COMMON LAW (ME., 1859).

A contract void against public policy because inhibited by statute does not become valid by reason of the subsequent repeal of the statute. (Baucher *v.* Mansel, 47 Me., 58.)

CONTRACT MAY BE AGAINST PUBLIC POLICY THOUGH ATTENDED WITH NO CRIMINAL INTENT (N. Y., 1862).

The object of a contract may be against public policy so as to render it void, though the contracting parties had no criminal or unlawful animus. (Saratoga Co. Bank *v.* King, 44 N. Y., 87.)

CONTRACT IN RESTRAINT OF TRADE VOID AS AGAINST PUBLIC POLICY (U. S. SUP. CT., 1874).

"There are two principal grounds on which the doctrine is founded that a contract in restraint of trade is void as against public policy. One is the injury to the public by being deprived of the restricted party's industry; the other is the injury to the party himself by being precluded from pursuing his occupation, and thus being prevented from supporting himself and family. It is evident that both these evils occur when the contract is general, not to pursue one's trade at all, or not to pursue it in the entire realm or country.

"The country suffers the loss in both cases; and the party is deprived of his occupation, or is obliged to expatriate himself in order to follow it. A contract that is open to such grave objection is clearly against public policy. But if neither of these evils ensue, and if the contract is founded on a valid consideration and a reasonable ground of benefit to the other party, it is free from objection, and may be enforced." (Oregon Steam Navig. Co. *v.* Winsor, 20 Wall., 64.)

CONTRACTS TO ELEVATE OR DEPRESS PRICES ARE IN RESTRAINT OF TRADE (WIS., 1876).

"All combinations between merchants, speculators, or any class of men to elevate or depress the market are injurious to the public interest and in restraint of trade. When such a purpose is apparent in a contract, it strikes the agreement with nullity." (Fairbank *v.* Leary, 40 Wis., 637.)

A CONTRACT BETWEEN TWO COAL COMPANIES TO MONOPOLIZE THE COAL TRADE (N. Y., 1877).

This case involved the validity of a contract between two coal companies, the object and effect of which was to give one of them the monopoly of the trade in coal in a particular region, by which the price of that commodity could be artificially enhanced. The court of appeals of New York held that "a combination to effect such a purpose is inimical to the interests of the public and that all contracts designed to effect such an end are contrary to public policy, and therefore illegal. * * *

"If they should be sustained, the prices of articles of pure necessity, such as coal, flour, and other indispensable commodities, might be artificially raised to a ruinous extent, far exceeding any naturally resulting from the proportion between supply and demand. No illustration of the mischief of such contracts is perhaps more apt than a monopoly of anthracite coal, the region of the production of which is known to be limited." (Arnot *v.* Pittston and E. Coal Co., 68 N. Y., 558.)

THE PUBLIC INTEREST THE CRITERION IN JUDGING OF REASONABLENESS OF THE RESTRAINT (W. VA., 1883).

"From the principles which underlie all the cases, the inference must be necessarily drawn that if there be any sort of business which from its particular character can be restrained to no extent whatever without prejudice to the public interest, then the courts would be compelled to hold void any contract imposing any restraint, however *partial*, on this particular business, provided, of course, it be shown clearly that the peculiar business thus attempted to be restrained is of such a character that any restraint upon it, however *partial*, must be regarded by the court as prejudicial to the public interest." (West Va. Trans. Co. *v.* Ohio River Pipe Line Co., 22 W. Va., 600.)

SPACE, PRACTICALLY THE ENTIRE UNITED STATES; TIME, NINETY-NINE YEARS (N. Y., 1887).

Roeber was engaged in the manufacture of matches in New York and the sale of the same throughout the United States. He sold his factory, business, and good-will to the Diamond Match Company, and covenanted that he would not at any time within ninety-nine years engage in the manufacture and sale of matches, unless in the service of the purchasing company, within any of the States and Territories of the Union except Nevada and Montana. He executed a bond with a penalty of $15,000 as liquidated damages in case of a breach of contract. "We are of opinion," said the court, "that the covenant, being supported by a good consideration, and constituting a partial and not a general restraint, and being, in view of the circumstances disclosed, reasonable, is valid and not void." (Diamond Match Co. *v.* Roeber, 106 N. Y., 473.)

AGREEMENT OF BED-QUILT MANUFACTURER NOT TO SELL, UNLIMITED AS TO SPACE (MASS., 1888).

A manufacturer of bed-quilts and comfortables conveyed to defendant his entire business and agreed not to engage in such business for five years. The court held that this was clearly illegal and void as being in restraint of trade because not limited as to space. (Bishop *v.* Palmer, 146 Mass., 469.)

AGREEMENT TO SELL SANDPAPER MACHINES UNLIMITED AS TO TIME AND TERRITORY (WIS., 1888).

An inventor of sandpaper machines sold his interest in the patents and business and agreed that he would not thereafter manufacture, sell, or cause to be sold any sandpaper machines of any description "unless the purchaser of the patents and business consented thereto." The court held the agreement void, as it was general and unrestricted and greater than was reasonably necessary to protect the purchaser in the enjoyment of the rights and business purchased. (Berlin Machine Works *v.* Perry, 71 Wis., 495.)

A CONTRACT NOT TO MANUFACTURE THERMOMETERS WITHIN THE UNITED STATES (N. Y., 1889).

A party sold to a corporation the trade-mark used on thermometers and stormglasses, and agreed "not to engage in the manufacture of any thermometers of any kind or description, nor of any stormglasses, at any place within the United States, at any time within a period of ten years from date." In this case it was urged that the contract was void inasmuch as it covered the entire country, but this contention was overruled by the court, which held that the restriction was no greater than the necessity of the vendee required, and the contract was enforced. (Watertown Ther. Co. *v.* Pool, 4 N. Y. Supp. 861.)

CONTRACT NOT TO SELL MEDICINE WITHIN A CERTAIN TERRITORY (U. S. SUP. CT., 1889).

A contract was entered into by which defendants, for a valuable consideration, agreed not to sell a certain medicinal preparation within the territory which it was covenanted complainants should occupy exclusively, nor sell to others for sale there. The court held such a contract limited as to space, though unlimited as to time, is reasonable and enforceable. (Fowle *v.* Park, 131 U. S., 88.)

EXCLUSIVE RIGHT TO FURNISH A RAILROAD COMPANY WITH SLEEPING CARS (U. S. SUP. CT., 1890).

A palace-car company contracted with a railroad company to furnish it with drawing-room and sleeping cars on all of its passenger trains and to have this right exclusively for fifteen years, the railroad company binding itself not to contract with any other company to run the same class of cars over its lines during that period. The Supreme Court of the United States held that such contract was not in restraint of trade, but may be enforced. That court said:

"Such a contract, it is argued, is in general restraint of trade. The authorities cited in support of this contention have no application to such a contract as the one before us. The defendant was under a duty, arising from the public nature of its employment, to furnish for the use of passengers on its lines such accommodations as were reasonably required by the existing conditions of passenger traffic. Its duty as a carrier of passengers was to make suitable provisions for their comfort and safety. Instead of furnishing its own drawing room and sleeping cars, as it might have done, it employed the plaintiff, whose special business was to provide cars of that character to supply as many as were necessary to meet the requirements of travel. It thus used the instrumentality of another corporation, in order that it might properly discharge its duty to the public.

"So long as the defendant's lines were supplied with the requisite number of drawing room and sleeping cars it was a matter of indifference to the public who owned them. We can not perceive that such a contract is at all in restraint of trade. The plaintiff was at liberty, so far as this contract was concerned, to make similar arrangements for the accommodation of passengers on all other railroads in the country, even those that are rivals or competitors in business with the defendant. It is, however, a fundamental

condition in all such contracts that their provisions must not be injurious to the public." (Chicago, St. L., etc., R. R. Co. *v.* Pullman Southern Car Co., 139 U. S., 79.)

AGREEMENT NOT TO REVEAL TRADE SECRETS FOR A SPECIFIED TIME (U. S. C. C., 1890).

Complainants were manufacturers of ink, and their business extended throughout the United States and Canada. Defendant was employed by complainants to canvass for purchasers, and he covenanted that he would not reveal their trade secrets and would not enter the employ of any competitor of complainants for three years after his employment should terminate. The court held the restriction as to time of three years as proper and the territory reasonable, saying:

"It has been well said that trade has obliterated State lines. The modern agencies of commerce have enlarged the field for the manufacturer and salesman to, or even beyond, the limits of the continent." (Carter *v.* Alling, 43 Fed. Rep., 208.)

CONTRACTS IN RESTRAINT OF TRADE NOT A CRIMINAL OFFENSE AT COMMON LAW (U. S. C. C., 1892).

"The antitrust act, in declaring that contracts, combinations, and conspiracies in restraint of trade and commerce between the States and foreign countries are not only illegal, but constitute criminal offenses, goes beyond the common law, for while contracts in restraint of trade were unlawful at the common law they were not misdemeanors or indictable." (In re Greene, 52 Fed. Rep., 104.)

NOTE.—"As to prices of merchandise, however, I have been unable to discover a single reported case of a prosecution for a combination to raise or maintain such prices. * * * But as to mere combinations to raise or maintain the prices of merchandise I have failed to find any evidence that such a combination was ever practically treated as a criminal offense, save that it was nominally made such by the language of the statute above quoted. That statute was repealed, as a matter of form, by the statute 5, George IV, chapter 95. But, as a matter of fact and substance, it had been ignored by the entire community from the time of its passage. At the time of the writing of Blackstone's Commentaries it had become an obsolete antiquity. * * * The case, Mogul S. S. Co. *v.* McGregor, necessarily holds that such a contract of combination, independently of any statute, though the courts might not enforce it, never constituted a crime or a legal wrong." (Stickney's State Control of Trade and Commerce, pp. 46, 47, 83.)

CONTRACT NOT TO USE PLANT (U. S. C. C., 1892).

A manufacturer agreed, in consideration of a percentage on the sales made by the purchaser, not to use his plant for the production of strap and T hinges for five years, the contract to be void in case the purchaser increases his facilities for the production of such hinges. This contract was held void by the court.

"A contract extending over a period of five years," said the court, "intended, like this at bar, for restricting production, and absolutely binding manufacturers and dealers, while still retaining their plants and establishments, to operate them in a particular way, or to shut them down in whole or in part, is such an incumbrance on the freedom of individual action, necessary to the public good, as to be invalid." (Oliver *v.* Gilmore, 52 Fed. Rep., 562.)

RESTRAINT OF TRADE AT COMMON LAW VOID AS BETWEEN PARTIES (MINN., 1893.)

"No case can be found in which it was ever held that at common law a contract or agreement in general restraint of trade was actionable at the instance of third parties, or could constitute the foundation for such an action. The courts sometimes call such contracts 'unlawful' or 'illegal,' but in every instance it will be found that these terms were used in the sense merely of 'void' or 'unenforceable' as between the parties; the law considering the disadvantages so imposed upon the contract a sufficient protection to the public." (Bohn Mfg. Co. *v.* Hollis, 54 Minn., 223.)

AN AGREEMENT NOT TO MANUFACTURE FIRE ALARMS (MASS., 1893).

An inventor and manufacturer of fire-alarm apparatus sold his machinery, stock, business, and patents to another person, and agreed not to engage in such business and not to enter into competition with the purchaser, either directly or indirectly, for a period of ten years. The court held the agreement good as regards the letters patent and the improvements which the inventor agreed to convey; but it was void in so far as it purported to bind the inventor not to manufacture or sell fire alarms under other patents or under no patents. (Gamewell Fire Alarm Tel. Co. *v.* Crane, 160 Mass., 50.)

THE KNIGHT SUGAR CASE (U. S. SUPT. CT., 1895).

The Supreme Court of the United States held in this case that the Federal antitrust law does not authorize the prevention of contracts which relate exclusively to the acquisition of sugar refineries and the business of sugar refining in a State, which bear no direct relation to commerce between the States; and the court said:

"Contracts, combinations, or conspiracies to control domestic enterprise in manufacture, agriculture, mining, production in all its forms, or to raise or lower prices or wages, might unquestionably tend to restrain external as well as domestic traffic, but the restraint would be an indirect result, however inevitable and whatever its extent, and such result would not necessarily determine the object of the contract, combination, or conspiracy.

"Again, all the authorities agree that in order to vitiate a contract or combination it is not essential that its result should be a complete monopoly. It is sufficient if it really tends to that end and to deprive the public of the advantages which flow from free competition. Slight reflection will show that if the national power extends to all contracts and combinations in manufacture, agriculture, mining, and other productive industries whose ultimate result may affect external commerce, comparatively little of business operations and affairs would be left for State control." (United States *v.* E. C. Knight & Co., 156 U. S., 1.)

Mr. Justice Harlan dissented in this case, and said:

"In my judgment, the citizens of the several States composing the Union are entitled, of right, to buy goods in the State where they are manufactured, or in any other State, without being confronted by an illegal combination whose business extends throughout the whole country, which, by the law everywhere, is an enemy to the public interests, and which prevents such buying, except at prices arbitrarily fixed by it. I insist that the free course of trade among the States can not coexist with such combinations. When I speak of trade I mean the buying and selling of articles of every kind that are recognized articles of interstate commerce.

"Whatever improperly obstructs the free course of interstate intercourse and trade, as involved in the buying and selling of articles to be carried from one State to another, may be reached by Congress, under its authority to regulate commerce among the States. The exercise of that authority so as to make trade among the States, in all recognized articles of commerce, absolutely free from unreasonable or illegal restrictions imposed by combinations is justified by an express grant of power to Congress, and would redound to the welfare of the whole country. I am unable to perceive that any such result would imperil the autonomy of the States, especially as that result can not be attained through the action of any one State."

INCOMPETENT AT COMMON LAW FOR ONE CORPORATION TO SUBSCRIBE FOR STOCK OF ANOTHER (U. S. C. C., 1895.)

"The general rule may be stated to be that it is incompetent for a corporation to subscribe for stock in another corporation. It must be acknowledged that there are exceptions to this rule, founded upon a variety of peculiar circumstances, which it is not necessary here to enumerate." (Merz Capsule Co. *v.* U. S. Capsule Co., 67 Fed. Rep., 414.)

"A contract by a corporation created under the laws of Ohio, while solvent and engaged in a profitable business, to sell its plants and assets for a consideration, the greater part of which is stock and bonds of another corporation to be organized to carry on the business, no exigency making such sale necessary for the protection of stockholders, is *ultra vires*, as, under the State laws, one corporation can not become the owner of stock in another unless authority to do so is clearly conferred by statute." (Easun *v.* Buckeye Brewing Co., 1892, 51 Fed. Rep., 156.)

GENERAL RESTRAINT OF TRADE (ILL., 1896).

A party bound himself not to carry on his trade or business at all, or not to pursue it within the limits of a particlar county or State. The court held this contract to be in such general restraint of trade as necessarily works an injury to the public at large and to the party himself, and to be void. (Hurson *v.* Gavin, 162 Ill., 377.)

PERTINENT EXTRACTS FROM THE TRANSMISSOURI FREIGHT ASSOCIATION CASE (U. S. SUP. CT., 1897).

A contract among those engaged in the latter business by which the prices for the transportation of commodities traded in or manufactured by the others is greatly enhanced from what it otherwise would be if free competition were the rule, affects and, to a certain extent, restricts trade and commerce and affects the price of the commodity. Of this there can be no question. Manufacturing or trading companies may also affect prices by joining together in forming a trust or other combination and by making agreements in restraint of trade and commerce, which when carried out affect the interests of the public. * * *

In business or trading combinations they may even temporarily, or perhaps permanently, reduce the price of the article traded in or manufactured, by reducing the expenses inseparable from the running of many different companies for the same purpose. Trade or commerce under these circumstances may nevertheless be badly and unfortunately restrained by driving out of business the small dealers and worthy men whose lives have been spent therein and who might be unable to readjust themselves to their altered surroundings. Mere reduction in the price of the commodity dealt in might be dearly paid for by the ruin of such a class and the absorption of control over one commodity by an all-powerful combination of capital. * * *

"It is wholly different, however, when such changes are effected by combinations of capital, whose purpose in combining is to control the production or manufacture of any particular article in the market, and by such control dictate the price at which the article shall be sold, the effect being to drive out of business all the small dealers in the commodity and to render the public subject to the decision of the combination as to what price shall be paid for the article. In this light it is not material that the price of an article may be lower. It is in the power of the combination to raise it, and the result in any event is unfortunate for the country by depriving it of the services of a large number of small but independent dealers who were familiar with the business and who had spent their lives in it, and who supported themselves and their families from the small profits realized therein.

"Whether they be able to find other avenues to earn their livelihood is not so material, because it is not for the real prosperity of any country that such changes should occur which result in transferring an independent business man, the head of his establishment, small though it might be, into a mere servant or agent of a corporation for selling the commodities which he once manufactured or dealt in, having no voice in shaping the business policy of the company, and bound to obey orders issued by others. Nor is it for the substantial interests of the country that any one commodity should be within the sole power and subject to the sole will of one powerful combination of capital. Congress has, so far as its jurisdiction extends, prohibited all contracts or combinations in the form of trusts entered into for the purpose of restraining trade and commerce. * * *

"The next question to be discussed is as to what is the true construction of the statute, assuming that it applies to common carriers by railroad. What is the meaning of the language as used in the statute, that 'every contract, combination in the form of trust or otherwise, or conspiracy in restraint of trade or commerce among the several States or with foreign nations, is hereby declared to be illegal?' Is it confined to a contract or combination which is only in unreasonable restraint of trade or commerce, or does it include what the language of the act plainly and in terms covers—all contracts of that nature?

"We are asked to regard the title of this act as indicative of its purpose to include only those contracts which were unlawful at common law, but which require the sanction of a Federal statute in order to be dealt with in a Federal court. It is said that when terms which are known to the common law are used in a Federal statute those terms are to be given the same meaning that they received at common law, and that when the language of the title is 'to protect trade and commerce against unlawful restraint and monopolies,' it means those restraints and monopolies which the common law regarded as unlawful, and which were to be prohibited by the Federal statute.

"We are of opinion that the language used in the title refers to and includes and was intended to include those restraints and monopolies which are made unlawful in the body of the statute. It is to the statute itself that resort must be had to learn the meaning thereof, though a resort to the title here creates no doubt about the meaning of and does not alter the plain language contained in its text.

"It is now with much amplification of argument urged that the statute in declaring illegal every combination in the form of trust or otherwise, or conspiracy in restraint of trade or commerce, does not mean what the language used therein plainly imports, but that it only means to declare illegal any such contract which is in *unreasonable* restraint of trade, while leaving all others unaffected by the provisions of the act; that the common-law meaning of the term 'contract in restraint of trade' includes only such contracts as are in *unreasonable* restraint of trade, and when that term is used in the Federal statute it is not intended to include all contracts in restraint of trade, but only those which are in unreasonable restraint thereof.

"The term is not of such limited signification. Contracts in restraint of trade have been known and spoken of for hundreds of years both in England and in this country, and the term includes all kinds of those contracts which in fact restrain or may restrain trade. Some of such contracts have been held void and unenforceable in the courts by reason of their restraint being unreasonable, while others have been held valid because they were not of that nature. A contract may be in restraint of trade and still be valid at common law. Although valid, it is nevertheless a contract in restraint of trade, and would be so described either at common law or elsewhere.

"By the simple use of the term 'contract in restraint of trade,' all contracts of that nature, whether valid or otherwise, would be included, and not alone that kind of contract which was invalid and unenforceable as being in unreasonable restraint of trade. When, therefore, the body of an act pronounces as illegal every contract or combination in restraint of trade or commerce among the several States, etc., the plain and ordinary meaning of such language is not limited to that kind of contract alone which is in unreasonable restraint of trade, but all contracts are included in such language, and no exception or limitation can be added without placing in the act that which has been omitted by Congress.

"Proceeding, however, upon the theory that the statute did not mean what its *plain* language imported, and that it intended in its prohibition to denounce as illegal only those contracts which were in unreasonable restraint of trade, the courts below have made an exhaustive investigation as to the general rules which guide courts in declaring contracts to be void as being in restraint of trade, and therefore against the public policy of the country. In the course of their discussion of that subject they have shown that there has been a gradual though great alteration in the extent of the liberty granted to the vendor of property in agreeing, as part consideration for his sale, not to enter into the same kind of businesss for a certain time or within a certain territory.

"So long as the sale was the bona fide consideration for the promise, and was not made a mere excuse for an evasion of the rule itself, the later authorities, both in England and in this country, exhibit a strong tendency toward enabling the parties to make such a contract in relation to the sale of property, including an agreement not to enter into the same kind of business, as they may think proper, and this with the view to granting to a vendor the freest opportunity to obtain the largest consideration for the sale of that which is his own.

"A contract which is the mere accompaniment of the sale of property, and thus entered into for the purpose of enhancing the price at which the vendor sells it, which in effect is collateral to such sale, and where the main purpose of the whole contract is accomplished by such sale, might not be included within the letter or spirit of the statute in question. But we can not see how the statute can be limited, as it has been by the courts below, without reading into its text an exception which alters the natural meaning of the language used, and that, too, upon a most material point, and where no sufficient reason is shown for believing that such alteration would make the statute more in accord with the intent of the lawmaking body that enacted it." * * *

The arguments which have been addressed to us against the inclusion of all contracts in restraint of trade, as provided for by the language of the act, have been based upon the alleged presumption that Congress, notwithstanding the language of the act, could not have intended to embrace all contracts, but only such contracts as were in unreasonable restraint of trade. Under these circumstances we are therefore asked to hold that the act of Congress excepts contracts which are not in unreasonable restraint of trade, and which only keep rates up to a reasonable price, notwithstanding the language of the act makes no such exception. In other words, we are asked to read into the act by way of judicial legislation an exception that is not placed there by the lawmaking branch of the Government, and this is to be done upon the theory that the impolicy of such legislation is so clear that it can not be supposed Congress intended the natural import of the language it used.

"This we can not and ought not to do. That impolicy is not so clear, nor are the reasons for the exception so potent as to permit us to interpolate an exception into the language of the act, and to thus materially alter its meaning and effect. It may be that the policy evidenced by the passage of the act itself will, if carried out, result in disaster to the roads and in a failure to secure the advantages sought from such legislation. Whether that will be the result or not we do not know and can not predict. These considerations are, however, not for us.

"*If the act ought to be read as contended for by defendants, Congress is the body to amend it and not this court, by a process of judicial legislation wholly unjustifiable.* Large numbers do not agree that the view taken by defendants is sound or true in substance, and Congress may and very probably did share in that belief in passing the act. The public policy of the Government is to be found in its statutes, and when they have not directly spoken, then in the decisions of the courts and the constant practice of the Government officials; but when the lawmaking power speaks upon a particular subject, over which it has constitutional power to legislate, public policy in such a case is what the statute enacts. If the law prohibit any contract or combination in restraint of trade or commerce, a contract or combination made in violation of such law is void, whatever may have been theretofore decided by the courts to have been the public policy of the country on that subject.

"The conclusion which we have drawn from the examination above made into the question before us is that the antitrust act applies to railroads, and that it renders illegal *all* agreements which are in restraint of trade or commerce as we have above defined that expression, and the question then arises whether the agreement before us is of that nature." (Mr. Justice Peckham's opinion in U. S. *v.* Trans-Mo. Frt. Assn., 166 U. S., 290.)

The following extracts were made from Mr. Justice White's dissenting opinion in the same case:

"Is it correct to say that at common law the words 'restraint of trade' had a generic signification which embraced all contracts which restrained the freedom of trade, whether reasonable or unreasonable, and, therefore, that all such contracts are within the meaning of the words 'every contract in restraint of trade?' I think a brief consideration of the history and development of the law on the subject will not only establish the inaccuracy of this proposition, but also demonstrate that the words 'restraint of trade' embrace only contracts which unreasonably restrain trade, and, therefore, that reasonable contracts, although they, in some measure, 'restrain trade,' are not within the meaning of the words.

"It is true that in the adjudged cases language may be found referring to contracts in restraint of trade which are valid because reasonable. But this mere form of expression, used not as a definition, does not maintain the contention that such contracts are embraced within the general terms 'every contract in restraint of trade.' The rudiments of the doctrine of contracts in restraint of trade are found in the common law at a very early date. The first case on the subject is reported in Yearbook 2, Henry V, folio 5, page 23, and is known as *Dier's case*. That was an action of damages upon a bond conditioned that the defendant should not practice his trade as a dyer at a particular place during a limited period, and it was held that the contract was illegal.

"The principle upon which this case was decided was not described as one forbidding contracts in restraint of trade, but was stated to be one by which contracts restricting the liberty of the subject were forbidden. The doctrine declared in that case was applied in subsequent cases in England prior to the case of Mitchell *v.* Reynolds, decided in 1711, and reported in 1 P. Wms., 181. There the distinction between general restraints and partial restraints was first definitely formulated, and it was held that a contract creating a partial restraint was valid and one creating a general restraint was not.

"The theory of partial and general restraints established by that case was followed in many decided cases in England, not, however, without the correctness of the difference between the two being in some instances denied and in others questioned, until the matter was set finally at rest by the House of Lords in Nordenfelt *v.* Maxim Nordenfelt Guns and Ammunition Co., reported in (1894) A. C., 535. In that case it was held that the distinction between partial and general restraint was an incorrect criterion, but that whether a contract was invalid because in restraint of trade must depend upon whether, on considering all the circumstances, the contract was found to be reasonable or unreasonable. If reasonable, it was not a contract in restraint of trade, and if unreasonable, it was.

"The decisions of the American courts substantially conform to both the development and ultimate results of the English cases. Whilst the rule of partial and general restraint has been either expressly or impliedly admitted, the exact scope of the distinction between the two has been the subject of discussion and varying adjudication. And although it is accurate to say that in the cases expressions may be found speaking of contracts as being in form in restraint of trade and yet valid, it results from an analysis of all the American cases, as it does from the English, that these expressions in no way imply that contracts which were valid because they only partially restrained trade were yet considered as embraced within the definition of contracts in restraint of trade. On the contrary, the reason of the cases, where contracts partially restraining trade were accepted and hence held to be valid, was because they were not contracts in restraint of trade in the legal meaning of those words.

"This court has not only recognized and applied the distinction between partial and general restraints, but has also decided that the true test whether a contract be in restraint of trade is not whether in a measure it produces such effect, but whether under all the circumstances it is reasonable. (Oregon Steam Nav. Co. *v.* Winsor, 87 U. S., 20; 20 Wall., 64, 68 (22:315, 318); Gibbs *v.* Consolidated Gas Co., 130 U. S., 396, 409 (32:979, 984).) As it is unnecessary here to enter into a detailed examination of the cases I append in the margin a reference to decisions of some of the State courts and to several writers on the subject of contracts in restraint of trade, by whom the doctrine is reviewed and the authorities very fully referred to.[a]

"It follows from the foregoing statement that at common law contracts which only partially restrain trade, to use the precise language of Maule, justice, in Rannie *v.* Irvine (7 Man. and G., 977), were '*an exception engrafted upon that rule*'—that is, the rule as to contracts in restraint of trade—'*and that the exception is in furtherance of the rule itself.*' I submit also, manifestly, that the further development of the doctrine by which it was decided that if a contract was reasonable it would not be held to be included within contracts in restraint of trade, although such contract might in some measure produce such an effect, was also an exception to the general rule as to the invalidity of contracts in restraint of trade.

"The theory, then, that the words 'restraint of trade' define and embrace all such contracts without reference to whether they are reasonable, amounts substantially to saying that by the common law and the adjudged American cases, certain classes of contracts were carved out of and excepted from the general rule, and yet were held to remain embraced within the general rule from which they were removed. But the obvious conflict which is shown by this contradictory result to which the contention leads rests not upon the mere form of statement, but upon the reason of things.

"This will, I submit, be shown by a very brief analysis of the reasons by which partial restraints were held not to be embraced in contracts in restraint of trade, and by which ultimately all reasonable contracts were likewise decided not to be so embraced. That is to say, that the reasoning by which the exceptions were created conclusively shows the error of contending that the words 'contracts in restraint of trade,' continued to embrace those reasonable contracts which those words no longer described.

"It is perhaps true that the principle by which contracts in restraint of the freedom of the subject or of trade were held to be illegal was first understood to embrace all contracts which in any degree accomplished these results. But as trade developed it came to be understood that if contracts which only partially restrained the freedom of the subject or of trade were embraced in the rule forbidding contracts in restraint of trade, both the freedom of contract and trade itself would be destroyed. Hence, from the reason of things, arose the distinction that where contracts operated only a partial restraint of the freedom of contract or of trade they were not in contemplation of law contracts in restraint of trade.

"And it was this conception also which, in its final aspect, led to the knowledge that reason was to be the criterion by which it was to be determined whether a contract which in some measure restrained the freedom of contract and of trade was, in reality, when considered in all its aspects, a contract of that character or one which was necessary to the freedom of contract and of trade. To define, then, the words, 'in restraint of trade,' as embracing every contract which in any degree produced that effect would be violative of reason, because it would include all those contracts which are the very essence of trade, and would be equivalent to saying that there should be no trade, and therefore nothing to restrain.

"The dilemma which would necessarily arise from defining the words 'contracts in restraint of trade' so as to destroy trade by rendering illegal the contracts upon which trade depends, and yet presupposing that trade would continue and should not be restrained, is shown by an argument advanced, and which has been compelled by the exigency of the premise upon which it is based. Thus, after insisting that the word 'every' is all-embracing, it is said from the necessity of things it will not be held to apply to covenants in restraint of trade which are collateral to a sale of property, because not 'supposed' to be within the letter or spirit of the statute.

"But how, I submit, can it be held that the words 'every contract in restraint of trade' embrace all such contracts, and yet at the same time it be said that certain contracts of that nature are not included? The asserted exception not only destroys the rule which is relied on, but it rests upon no foundation of reason. It must either result from the exclusion of particular classes of contracts, whether they be reasonable or not, or it must arise from the fact that the contracts referred to are merely collateral contracts. But many collateral contracts may contain provisions which make them unreasonable. The exception which is relied upon, therefore, as rendering possible the existence of trade to be restrained is either arbitrary or it is unreasonable."

WHEN COVENANTS IN PARTIAL RESTRAINT OF TRADE ARE VALID (U. S. C. C. A., 1898).

Covenants in partial restraint of trade are generally upheld as valid when they are agreements (1) by the seller of property or business not to compete with the buyer in such a way as to derogate from the value of the property or business sold; (2) by a retiring partner not to compete with the firm; (3)

[a] Diamond Match Co. *v.* Roeber, 106 N. Y., 473 (60 Am. Dec., 464); Leslie *v.* Lorillard, 110 N. Y., 519, 533 (1 L. R. A., 456); Beal *v.* Chase, 31 Mich., 90, 518; National Benefit Co. *v.* Union Hospital Co., 45 Minn., 272 (11 L. R. A., 437); Ellerman *v.* Chicago Junction R. and U. S. Y. Co., 49 N. J. Eq., 215, 217; Richards *v.* American Desk and S. Co., 87 Wis., 503, 514; 2 Parsons Cont., 748, note; Angier *v.* Webber (1867), 92 Am. Dec., 751, note; Mitchell *v.* Reynolds, 1 Smith Lead. Case, 705, note, and supplemental note, 9th Am. ed. (1888), 716; Review of cases by A. M. Eaton in 4 Harv. L. Rev. (1890), 129; Patterson, Restraint of Trade (1891).

by a partner pending the partnership not to do anything to interfere, by competition or otherwise, with the business of the firm; (4) by the buyer of property not to use the same in competition with the business retained by the seller; and (5) by an assistant, servant, or agent not to compete with his master or employer after the expiration of his time of service.

Before such agreements are upheld, however, the court must find that the restraints attempted thereby are reasonably necessary (1, 2, and 3) to the enjoyment by the buyer of the property, good will, or interest in the partnership bought; or (4) to the legitimate ends of the existing partnership; or (5) to the prevention of possible injury to the business of the seller from use by the buyer of the thing sold; or (6) to protection from the danger of loss to the employer's business caused by the unjust use on the part of the emyloyee of the confidential knowledge acquired in such business. * * *

"It would be stating it too strongly to say that these five classes of covenants in restraint of trade include all of those upheld as valid at the common law." (Judge Taft in U. S. *v.* Addyston Pipe and Steel Co., 85 Fed. Rep., 281, 282.)

AN EXTRACT FROM THE JOINT TRAFFIC CASE (U. S. SUP. CT., 1898).

The formation of corporations for business or manufacturing purposes has never, to our knowledge, been regarded in the nature of a contract in restraint of trade or commerce. The same may be said of the contract of partnership. It might also be difficult to show that the appointment by two or more producers of the same person to sell their goods on commission was a matter in any degree in restraint of trade. (U. S. *v.* Joint Traffic Assn., 171 U. S., 505.)

CONTRACT OF SALE IN RESTRAINT OF TRADE OF LUMBER RULES (OHIO, 1898).

A manufacturer of lumber rules sells his business to a competitor and stipulates that he will not, directly nor indirectly, engage in the same business in the State nor in the United States for the period of twenty-five years. The supreme court of Ohio held such an agreement illegal, as it necessarily tends to create a monopoly.

"It is to the interest of the Republic," said the court, "that there should be, measurably, an equality in the fortunes of its citizens; and one of the best modes of accomplishing this, without the use of arbitrary means, is by encouraging separate and independent employments, and discouraging by law, and its administration in the courts, all tendencies to the concentration of property in the hands of the few—a condition in which there will be a constant unrest and dissatisfaction among the masses that can bode no good to the nation.

"It may be safely affirmed that free institutions can not long be maintained among a people where a few, possessed of great wealth, are the employers, and the many are mere laborers, wholly dependent on wages as a means of supporting themselves and families. These considerations and others of a like character constitute in great measure that sound public policy which looks with distrust upon all agreements in restraint of trade, and particularly such as may be used in the formation of monopolies and the control by a few of all individual pursuits." (Lufkin Rule Co. *v.* Fringeli, 57 Ohio St., 596.)

2. Illegal Combinations.

COMBINATION OF BOAT OWNERS (N. Y., 1848).

A large portion of the proprietors of boats on certain canals made an agreement to regulate the rates of freight and passage by a uniform scale. This scale was established by a committee selected from among the proprietors. It was provided that the proprietors' business should be divided in proportion to the number of boats employed by each proprietor, and also that members should not engage in similar business outside the association. This agreement was held illegal because it tended to increase prices and to prevent competition. The court said:

"The rule that contracts and agreements are void when contrary to public policy, when properly understood and applied, is one of the great preservative principles of a State. Sound morality is the corner stone of the social edifice. Whatever, therefore, disturbs that is condemned under that fundamental rule." (Stanton *v.* Allen, 5 Denio, 434.)

COMBINATION OF DEALERS IN COTTON BAGGING (LA., 1849).

Eight commercial firms in New Orleans holding a large quantity of cotton bagging entered into an agreement by which they stipulated that for three months no member should sell a bale except by a vote of the majority. It was held that the contract was "palpably and unequivocally a combination in restraint of trade, and to enhance the price in the market of an article of primary necessity to cotton planters. Such combinations are contrary to public order, and can not be enforced in a court of justice." (India Bagging Association *v.* Kock, 14 La. Ann., 168.)

COMBINATION OF COAL DEALERS (PA., 1871).

Five coal companies controlling the bituminous coal trade of northern Pennsylvania agreed to allow a committee to fix prices and rates of freight, and to fix proportion of sales by each. Competition was not destroyed, because the anthracite coal and Cumberland bituminous coal were sold in competition with this coal. The association was, nevertheless, held void, as in illegal restraint of trade and competition, and tending to injure the public. (Morris Run Coal Co. *v.* Barclay Coal Co., 68 Pa. St., 173.)

NOTE.—The judge in this case said that a combination between miners in a particular market, controlling the coal in that market, to hold up the price of coal in such market, is indictable at common law. (See 2 Whart. Crim. Law, sec. 1369.)

MONOPOLIES VOID AT COMMON LAW (U. S. SUP. CT., 1872).

"A monopoly is defined 'to be an institution or allowance from the sovereign power of the State, by grant, commission, or otherwise, to any person or corporation, for the sole buying, selling, making, working, or using of anything whereby any person or persons, bodies politic or corporate, are sought to be restrained of any freedom or liberty they had before or hindered in their lawful trade.'

"All such grants relating to any known trade or manufacture have been held by all the judges of England, whenever they have come up for consideration, to be void at common law as destroying the freedom of trade, discouraging labor and industry, restraining persons from getting an honest livelihood, and putting it into the power of the grantees to enhance the price of commodities. The definition embraces, it will be observed, not merely the sole privilege of buying and selling particular articles, or of engaging in their manufacture, but also the sole privilege of using anything by which others may be restrained of the freedom or liberty they previously had in any lawful trade, or hindered in such trade." (Slaughter-House Cases, Field's dissenting opinion, 16 Wall., 102.)

COMBINATION OF GRAIN DEALERS (ILL., 1875).

Five grain dealers in Rochelle, Ill., agreed to conduct their business as if independent of each other, but secretly to fix prices at which they would sell grain, and to divide profits in a certain proportion. This was held void, as in restraint of trade, and tending to create a monopoly. (Craft *v.* McConoughy, 79 Ill., 346.)

COMBINATION OF BOAT OWNERS (N. Y., 1877).

Rival and competing steamboat companies, organized under the laws of New York, acted together and entered into an agreement for the purpose of running the boats of their respective lines for joint account, thereby making a complete union of the interests of the companies. Such combination was held illegal under the section of the incorporation act, which provides that "no such company shall combine with any other company formed under this act for any purpose;" but that such combination was also illegal as creating a monopoly and was contrary to public policy. (Watson *v.* Harlem and N. Y. Nav. Co., 52 How., Pr., 348.)

COMBINATION OF SALT MANUFACTURERS (OHIO, 1880).

The salt manufacturers of a salt-producing territory in Ohio, with some exceptions, combined to regulate the price of salt by preventing ruinous competition between themselves, and agreed to sell only at prices fixed by a committee of their number. The supreme court of Ohio, in holding the contract void, said:

"The clear tendency of such an agreement is to establish a monopoly, and to destroy competition in trade, and for that reason, on the ground of public policy, courts will not aid its enforcement. It is no answer to say that competition in the salt trade was not in fact destroyed, or that the price of the commodity was not unreasonably advanced. Courts will not stop to inquire as to the degree of injury inflicted upon the public. It is enough to know that the inevitable tendency of such contracts is injurious to the public." (Central Ohio Salt Co. *v.* Guthrie, 35 Ohio St., 666.)

COMBINATION OF TOBACCO WAREHOUSEMEN (OHIO, 1884).

All the owners of tobacco warehouses in the city of Cincinnati entered into a written agreement, the object of which was to promote and protect the trade and harmonize their conflicting interests. They adopted the plan of pooling a portion of the receipts of the business. The owner of each warehouse was to make to the pool trustee on the first day of each month a sworn statement as to the amount of business done and pay to the pool so much per package. At the end of the year the pooled fund was to be distributed in proportion to the business ordinarily done by each warehouse.

The association fixed the rates for drayage, storage, and inspection. In holding the agreement invalid and the combination illegal, the court said: "Where agreements include all those engaged in any business in a large city or district, are unlimited in duration, and are manifestly intended, by the surrender of individual discretion, by the arbitrary fixing of prices, or by any of the methods to which the hope of gain makes human ingenuity so fruitful, to strangle competition outright and breed monopolies, the law, while it may not punish, will not enforce them." (Hoffman *v.* Brooks, 23 Am. Law Reg., 648.)

COMBINATION OF BOAT OWNERS (N. Y., 1886).

One steamship company agreed to pay to another certain sums of money as consideration for the others agreeing not to enter into competition upon a certain steamship route. This agreement was held illegal and void, and the stockholders in the former company could restrain the paying of the money. (Leslie *v.* Lorillard, 40 Hun., 392.)

COTTON-SEED OIL COMBINATION (TENN., 1888).

Four corporations manufacturing cotton-seed oil in Memphis formed a syndicate. They selected a committee to which it turned over the properties and machinery of each mill, to be managed and operated by this committee—the profits and loss to be shared in proportions agreed upon. The board of directors of the Hanaur Oil Works, one of the corporations in the syndicate, afterwards declared the agreement void, and brought action to secure possession of its property. The supreme court of Tennessee held that the contract between Hanaur and the other corporations was a contract of partnership between corporations, which, under its charter, the Hanaur Oil Works had no power to make, and it was therefore void. (Mallory *v.* Hanaur Oil Works, 86 Tenn., 598.)

COMBINATION OF STEAMBOAT OWNERS (KY., 1889).

Two owners of steamboats running on the Kentucky River made an agreement to keep up rates and divide net profits to prevent ruinous competition and reduced rates. The contract was held void. (Anderson *v.* Jett, 89 Ky., 375.)

COMBINATION OF LUMBER MANUFACTURERS (CAL., 1889).

A company owning certain sawmills leased all the mills it could and contracted with other mill owners to make a delivery to the corporation first named of a certain amount of lumber at a certain price, and also agreed not to manufacture and sell any lumber in certain specified counties, during the period covered by the agreement, to any other party under penalty of so many dollars per 1,000 feet so sold, which penalty was payable to the corporation first named. The purpose was to form a combination in order that the price of lumber might be increased and the amount manufactured limited. The combination was held illegal, and the agreement was held void as against public policy. (Santa Clara Valley M. and L. Co. *v.* Hayes, 76 Cal., 387.)

COMBINATION OF MANUFACTURERS OF MATCHES (MICH., 1889).

"The organization of a corporation for the purpose of controlling the manufacture and trade in matches, by getting all manufacturers of matches to enter into a combination, giving it the whole control of the business, and by buying out all others who might be competitors, is an unlawful enterprise, being an attempt to create a monopoly.

"*Monopoly in trade or in any kind of business in this country is odious to our form of Government.* It is sometimes permitted to aid the Government in carrying on a great public enterprise, or public work under governmental control, in the interest of the public. Its tendency is, however, destructive of free institutions, and repugnant to the instincts of a free people, and contrary to the whole scope and spirit of the Federal Constitution, and is not allowed to exist under express provision in several of our State constitutions. *Indeed, it is doubtful if free government can long exist in a country where such enormous amounts of money are allowed to be accumulated in the vaults of corporations, to be used at discretion in controlling the property and business of the country against the interests of the public and that of the people, for the personal gain and aggrandizement of a few individuals.*

"It is always destructive of individual rights, and of that free competition which is the life of business, and it revives and perpetuates one of the great evils which it was the object of the framers of our form of government to eradicate and prevent. It is alike destructive to both individual enterprise and individual prosperity, whether conferred upon corporations or individuals, and therefore public policy is, and ought to be, as well as public sentiment, against it. All combinations among persons or corporations for the purpose of raising or controlling the prices of merchandise, or any of the necessaries of life, are monopolies and intolerable, and ought to receive the condemnation of all courts." (Richardson *v.* Buhl, 77 Mich., 632.)

COMBINATION OF SUGAR REFINERIES (N. Y., 1889).

The general object of the organization of what was called the Sugar Refineries Company was to bring together the manufacturers of and dealers in sugar. It was to be governed by a board of 11 persons, was not intended to be a corporation, but a partnership of the trust form of combination, and

was designed to include the sugar business of the United States. The general company was to hold the stock of all its members, to transfer to them its stock in exchange, and to designate the dividend, which should be proportionately distributed to the holders of its shares.

The agreement closed with a provision for strict secrecy. Action in the nature of *quo warranto* was begun to dissolve the North River Sugar Refining Company because it was a party to this combination. This combination was held by Judge Barrett of the supreme court to be illegal, as contravening the State corporation law, and because generally it tended to monopoly and in restraint of trade. Said the judge:

"Any combination, the tendency of which is to prevent competition in its broad and general sense and to control, and thus at will enhance, prices to the detriment of the public, is a legal monopoly. And this rule is applicable to every monopoly, whether the supply be restricted by nature or susceptible of indefinite production. The difficulty of effecting the unlawful purpose may be greater in one case than in the other, but it is never impossible. Nor need it be permanent or complete. It is enough that it may be even temporarily and partially successful."

On appeal the appellate division of the supreme court affirmed the decision of Judge Barrett, and said:

"A manufacturing corporation which, instead of manufacturing its product and disposing of it to the public on what might be fair competitive prices, becomes a party to a combination, in part at least, designed to create a monopoly and exact from the public prices which could not be otherwise obtained, is liable to have its charter vacated and annulled for such subversion of the object for which it was created."

The court of appeals affirmed the decisions of the courts below, but wholly upon the general principles applicable to corporation law, and passed over "without either approval or disapproval" the argument urged that the defendant became part of an illegal monopoly. (People *v.* North River Sugar Refining Co., 5 Ry. and Corp. Law Journal, 56; 54 Hun., 354; 121 N. Y., 586.)

COMBINATIONS BETWEEN THOSE ENGAGED IN PUBLIC BUSINESS (U. S. SUP. CT., 1889).

"Innumerable cases, however, might be cited to sustain the proposition that combinations among those engaged in business impressed with a public or quasi public character, which are manifestly prejudicial to the public interest, can not be upheld. The law 'can not recognize as valid any undertaking to do what fundamental doctrine or legal rule directly forbids. Nor can it give effect to any agreement the making whereof was an act violating law. So that, in short, all stipulations to overturn, or in evasion of, what the law has established; all promises interfering with the workings of the machinery of the Government in any of its departments, or obstructing its officers in their official acts, or corrupting them; all detrimental to the public order and public good, in such manner and degree as the decisions of the courts have defined; all made to promote what a statute has declared to be wrong, are void.'" (Bishop on Contracts, sec. 546.)

In this case a gas company tried to disable itself by contract from the performance of public duties which it had undertaken. The court held that it could not make public accommodation or convenience subservient to its private interests. (Gibbs *v.* Cons. Gas Co., 130 U. S., 396.)

COMBINATION OF CANDLE MAKERS (OHIO, 1890).

Manufacturers of 95 per cent of a certain variety of candles in a certain portion of the United States organized an association. Its object was to increase the price and decrease the manufacture of candles in the territory covered by the agreement. The members were required to pay into the treasury 2½ cents per pound on every pound of candles disposed of on their own account within the territory.

No member was bound to operate his factory; and whether he did or not, he received at stated times his proportion of the profits of the pool, which was based upon the business that had been done by him in previous years, thus making it to the interest of each member to operate his factory when the price of candles was high and to remain idle when the price was low. The combination, on a suit by a member for his profits, was held to be contrary to public policy. "Its suit," said the Ohio supreme court, "is to recover its portion of the ill-gotten gains." (Emery *v.* Ohio Candle Co., 47 Ohio St., 320.)

COMBINATION OF MANUFACTURERS OF WOODENWARE (MICH., 1890).

Certain persons engaged in the manufacture and sale of woodenware contracted to sell to the Western Woodenware Association their assets and business and agreed, upon penalty, not to go into such business during the next five years. Contrary to this provision of the contract, such parties engaged in such business, whereupon the association filed a bill to enjoin them from continuing such business. In denying the relief sought and in holding the contract void as contrary to public policy, the court said that it was manifest that the association simply intended to take the parties in question out of the manufacturing business and close the shops; that it did not enter into the contracts for the purpose of carrying on the business. (Western Woodenware Assn. *v.* Starkie, 84 Mich., 76.)

ASSOCIATION OF GROCERYMEN (IOWA, 1891).

The grocerymen in a town, in order to avoid a trade in butter which was burdensome, agreed not to buy any butter or take it in trade except for use in their own families, so as to throw the business into the hands of one man who dealt in butter exclusively. The agreement was held invalid, because in restraint of trade and tending to create a monopoly. (Chapin *v.* Brown, 83 Iowa, 156.)

COMBINATION OF BISCUIT COMPANIES (U. S. C. C., 1891).

The American Biscuit and Manufacturing Company purchased the bakery business of a certain partnership and leased the premises, the vendors contracting to carry on the business for a certain time as agents of the American Company. After a time the vendors repudiated the contract, tendered back the stock of the American Company, and resumed business under the old name. The American Company filed a bill for an injunction and accounting and a receiver; but the court found that the American Company was engaged in an attempt to monopolize the biscuit industry and refused the prayer for relief. The court said:

"We are not satisfied that the complainant's business is legitimate. While the nominal purpose of the complainant's corporation, as stated in its charter, is the manufacture and sale of biscuit and confectionery, its real scope and purpose seems to be to combine and pool the large competing bakeries throughout the country into practically what is known and called a 'trust,' the effect of which is to partially, if not wholly, prevent competition, and enhance prices of necessary articles of food, and secure, if not a monopoly, a large control of the supply and prices in leading articles of breadstuffs." (Amer. Bis. and Mfg. Co. *v.* Klotz, 44 Fed. Rep., 721.)

COMBINATION OF MAKERS OF SPRING-TOOTH HARROWS (N. Y., 1891, 1897; U. S. C. C., 1896).

Several independent corporations organized the National Harrow Company under the laws of New York. It seems that this corporation was formed solely for the purpose of receiving assignments of the various patents under which the manufacturers were engaged in making harrows, and to grant licenses to the various manufacturers to continue to make the same kind of harrows they had previously made and to fix the price at which the harrows should be sold.

By the terms of the contracts it appeared conclusively that it was the purpose of the combination to restrict the right of the several manufacturers who should receive licenses to the manufacture of the same kind of harrows which they had previously made. The legality of this company was challenged in three cases. In all it was held to be a combination to control the price and production of an implement necessary to agriculture and therefore illegal. (Strait *v.* Nat. Harrow Co., 18 N. Y. Supp., 224; Nat. Harrow Co. *v.* Hinch, 76 Fed. Rep., 667; Nat. Harrow Co. *v.* Bement & Sons, 21 App. Div., 290.)

COMBINATION OF OWNERS OF COAL MINES (U. S. C. C., 1891).

The owners of coal mines in Kentucky entered into a contract of association with coal dealers in Nashville, by which they agreed that the mine owners should only sell to dealers who were members, and the members should only buy from mine owners who were members, and that the dealers should sell at certain fixed prices, of which the mine owner should receive a proportionate part, after payment of freight, and that prices might be raised by a vote of the association, in which case the addition to the price should be divided between the dealers and the mine owners. The contract recited that it was intended to establish and maintain the price of coal at Nashville. It was held to be an attempt to create a monopoly in the interstate trade in coal between Kentucky and Nashville, Tenn., and it was enjoined. (United States *v.* Jellico M. C. & C. Co., 46 Fed. Rep., 432.)

COMBINATION OF WIRE CLOTH MANUFACTURERS (N. Y., 1891).

Three corporations and two copartnerships, all engaged in the manufacture and sale of wire cloth, entered into a combination for the avowed object of regulating the price of their product. They formed an association and agreed to abide by certain schedules of prices, and engaged that they "will sell no cloth at less than the prices set forth," and to insure the observance of the agreement subjected themselves to a heavy penalty for its violation. In holding the combination illegal the court said:

"That such a contract is repugnant to public policy, and so unlawful, is a settled principle in the jurisprudence of this country. The people have a right to the necessaries and conveniences of life at a price determined by the relation of supply and demand, and the law forbids any agreement or combination whereby that price is removed beyond the salutary influence of legitimate competition." (De Witt Wire Cloth Co. *v.* N. J. W. C. Co., 14 N. Y. Supp., 277.)

ASSOCIATION OF CHICAGO STENOGRAPHERS (ILL., 1892).

Certain articles of association were entered into by only a part of the stenographers of Chicago to fix a schedule of prices, and prevent competition among their members and a consequent reduction of prices. This agreement was held void. The supreme court of Illinois said:

"A combination among a number of persons engaged in a particular business to stifle or prevent competition, and thereby to enhance or diminish prices to a point above or below what they would be if left to the influence of unrestricted competition, is contrary to public policy. Contracts in partial restraint of trade which the law sustains are those entered into by a vender of a business and its good will with its vendee, by which the vendor agrees not to engage in the same business within a limited territory, and the restraint, to be valid, must be no more extensive than is reasonably necessary for the protection of the vendee in the enjoyment of the business purchased." (More *v.* Bennett, 140 Ill., 69.)

AGREEMENT BETWEEN LUMBER DEALERS (U. S. D. C., 1892).

A number of lumber dealers agreed to raise the price of lumber 50 cents per thousand feet in advance of the market price. The court held that this agreement can not operate as a restraint upon trade, within the meaning of the antitrust act, unless such agreement involves an absorption of the entire traffic and is entered into for the purpose of monopolizing trade in that commodity with the object of extortion. (U. S. *v.* Nelson, 52 Fed. Rep., 646.)

COMBINATION OF MANUFACTURERS OF COTTON-SEED OIL (TEXAS, 1892).

Five owners of cotton-seed oil mills in Texas made an agreement not to sell at less than certain agreed prices. One guaranteed profits to the four others, and suit was brought on the guaranty. It was held void, as restraining trade and tending to a monopoly, even though the evidence failed to establish that it effected a monopoly. (Texas Standard Oil Co. *v.* Adoue, 83 Tex., 650.)

CONTRACT BETWEEN POWDER COMPANIES (CAL., 1892).

Four powder companies of California agreed that each should sell at a price to be fixed by a committee of their representatives, and should pay over to the others the profits on any excess of sales over a fixed proportion of the total sales. The contract was held void. (Vulcan Powder Co. *v.* Hercules Powder Co., 96 Cal., 510.)

COMBINATION OF INSURANCE COMPANIES NOT ILLEGAL AT COMMON LAW (TEXAS, 1893).

Fifty-seven foreign insurance companies doing business in Texas combined to establish uniform rates of insurance and of commissions to agents. The supreme court of Texas held that such combination was not illegal at common law. (Queen Insurance Co. *v.* Texas, 22 L. R. A. (Tex.), 483.)

COMBINATION OF COAL DEALERS (N. Y., 1893).

"If agreements and combinations to prevent competition in prices are or may be hurtful to trade, the only sure remedy is to prohibit all agreements of that character. If the validity of such agreement was made to depend upon actual proof of public prejudice or injury, it would be very difficult in any case to establish the invalidity, although the moral evidence might be very convincing."

In this case all the coal dealers in Lockport, N. Y., entered into a contract of association, forming a coal exchange to prevent competition by constituting the exchange the sole authority to fix the price to be charged by members for coal sold by them, and the price was thus fixed. The court approved a charge to the jury that even if this was merely a combination between independent coal dealers to prevent competition between themselves for the due protection of the parties to it against ruinous rivalry, and although no attempt was made to charge unreasonable or excessive prices, it was inimical to trade and commerce, whatever might be done under it, and was within the State statute making a conspiracy injurious to trade indictable. (People *v.* Sheldon, 139 N. Y., 251.)

COMBINATION AMONG BUYERS OF SHEEP (NEW YORK, 1893).

Certain dealers and brokers in sheep organized an association for the purpose of protecting their business interests from loss by unreasonable competition. By the terms of the agreement they were to pool their commissions, except such commissions as were to be paid to a certain butchers' association, and an agreement was entered whereby the dealers' association in shipping were to sell only to the butchers who were members of the butchers' association, and the butchers on their side were to buy only of the brokers belonging to the brokers' association.

The combinations and agreements were held illegal on the ground that

their purpose was to control the markets, fix prices, and destroy competition. Said the court:

"The real purpose and intent of the agreement was to suppress competition in an article of food, and as such agreements tend to enhance the price, they are regarded as detrimental to the public interest and forbidden by public policy. That such agreements are illegal and void has been settled by the decisions of the courts from the earliest times." (Judd *v.* Harrington, 139 N. Y., 105.)

COMBINATION OF BREWERS (TEX., 1894).

Certain persons and firms in a city combined for the control of the sale of beer and the cessation of competition *inter se*. The supreme court of Texas held that such combination is not void at common law as against public policy, although in restraint of trade, since beer is not an article of prime necessity, and its sale is closely restricted by public policy. But it was held that the combination was contrary to the Texas act of 1889 relating to conspiracies against trade. (Annheuser-Busch Brew. Assn. *v.* Houck, 27 S. W. Rep., 692.)

COMBINATION OF BREWERS (PENN., 1894).

Forty-five brewers in Philadelphia made an agreement to sell beer in Philadelphia and Camden at a certain price to be fixed by a committee of their number. Though beer could hardly be said to be an article of prime necessity like coal, yet, as it was an article of merchandise, the contract was held void, as in restraint of trade, and tending to a monopoly. (Nester *v.* Continental Brewing Co., 161 Pa. St., 473.)

A COMBINATION OF MILK DEALERS (N. Y., 1895).

A large number of milk dealers and parties engaged in the creamery and milk business in the State of New York organized a corporation called the Milk Exchange. The object of this organization was to fix the price at which milk should be purchased by the stockholders of the company, who were the dealers in question. It appeared that the exchange was the instrument of the retail dealers and used by them for the purpose of regulating the price of milk. The combination was held illegal as being in restraint of trade and contrary to public policy. The court of appeals said:

"It appears to us that a case is presented in which the jury might have found that the combination alluded to was inimical to trade and commerce, and therefore unlawful. It may be claimed that the purpose of the combination was to reduce the price of milk, and that, it being an article of food, such reduction was not against public policy. But the price was fixed for the benefit of the dealers, and not the consumers, and the logical effect upon the trade of so fixing the price by the combination was to paralyze the production and limit the supply, and thus leave the dealers in a position to control the market, and, at their option, to enhance the price to be paid by the consumers." (People *v.* Milk Exchange, 145 N. Y., 267.)

COMBINATION OF BLUESTONE PRODUCERS (N. Y., 1897).

The Union Bluestone Company agreed with 14 producers of bluestone to control the bluestone trade in the city of New York and increase the price of bluestone over the rates then prevailing in the market. The Union Company was to be the sales agent for the others for the purpose of controlling prices. The court held this agreement illegal, and said:

"It seems to me quite clear that this agreement between the wholesale dealers in bluestone, who then controlled 90 to 95 per cent of the manufactured stock sold in the State, was a contract inimical to trade and commerce, under the authority of People *v.* Sheldon (139 N. Y., 251) and the cases therein cited. It is true that the combination which was the subject of consideration in that case had for its object the prevention of competition between dealers in coal, which may be regarded as an article of necessity, in the ordinary sense, while there is no such need or demand for bluestone as to bring it within that category. Nevertheless, a production the sales of which within this State in a single year amount to $1,500,000 is sufficiently useful and important to the community to bring it within the operation of that rule of law which invalidates agreements to prevent competition in trade." (Cummings *v.* Union Bluestone Association, 44 N. Y. Supp., 787.)

COMBINATION OF LIVE STOCK AND COMMISSION MEN (U. S. SUP. CT., 1898).

An unincorporated voluntary association of commission men did business at the stock yards, received, bought, sold, and handled live stock received from different States and sold for shipment to different States and Territories. The court held this association is not illegal. (Hopkins *v.* United States, 171 U. S., 578.)

It was held that the Sherman Act did not apply, as they were not engaged in interstate commerce.

COMBINATION OF IRON PIPE MANUFACTURERS (U. S. C. C. A., 1898).

A number of companies manufacturing iron pipe in different States formed a combination whereby the territory in which they operated (comprising a large part of the United States) was divided into "reserved" cities and "pay" territory. The reserved cities were allotted to particular members of the combination, free of competition from the others, though provision was made for pretended bids by the latter at prices previously arranged. In the pay territory all offers to purchase pipe were submitted to a committee, which determined the price, and then awarded the contract to that member of the combination which agreed to pay the largest "bonus" to be divided among the others. *Held*, that this was an unlawful combination, both at common law and under the act of 1890, against trusts and monopolies.

"Contracts that were in unreasonable restraint of trade at common law were not unlawful in the sense of being criminal or as giving rise to an action for damages to one prejudicially affected thereby, but were simply void and not enforceable. The effect of the antitrust law of 1890 is to render such contracts, as applied to interstate commerce, unlawful in an affirmative or positive sense and punishable as a misdemeanor, and also to create a right of civil action for damages in favor of persons injured thereby, and a remedy by injunction in favor both of private persons and the public against the execution of such contracts and the maintenance of such trade restraints.

"No contractual restraint of trade is enforceable at common law unless the covenant embodying it is merely ancillary to some lawful contract (involving some such relations as vendor and vendee, partnership, employer and employee), and necessary to protect the covenantee in the enjoyment of the legitimate fruits of the contract, or to protect him from the dangers of an unjust use of those fruits by the other party. The main purpose of the contract suggests the measure of protection needed, and furnishes a sufficiently uniform standard for determining the reasonableness and validity of the restraints. But where the sole object of both parties in making the contract is merely to restrain competition, and enhance and maintain prices, the contract is void." (U. S. *v.* Addyston Pipe and Steel Co., 85 Fed. Rep., 271.)

COMBINATION OF COAL DEALERS (U. S. C. C., 1898).

A certain number of coal dealers in the city of San Francisco formed an unincorporated association for the purpose of controlling the prices of coal and the coal trade in that city. By contracts with importers and wholesale dealers the association controlled all the mines in California, adjoining States and Territories, and British Columbia, from which the city of San Francisco derived its supply of coal. The association sought to control not only the manner of handling, but the price of coal and coke, defining who were retail dealers, and imposing fines upon dealers found guilty of selling coal in violation of coal rates or rules.

The wholesale dealers agreed not to sell coal at trade rates to anyone not having an established yard, and not to sell coal at less than card rates to consumers except in special cases to be provided for by agreement, and they agreed to charge $2 per ton additional to retail dealers who were not members of the association. A schedule of rates was adopted for different classes of coal in San Francisco. The circuit court held the association to be illegal under the antitrust act, and said:

"It is claimed on the part of the defendants that the Coal Dealers' Association is a beneficial organization; that it protects the coal consumers from the dishonest methods of some of the coal dealers in giving short weights and in substituting lower grades of coal for better grades; and that it also protects the wholesale dealers in enabling them to collect their bills from the retail dealers. All this may be true, but it is clear that the power of the association extends much further, and that it has another purpose. It establishes arbitary rates for coal from which the dealer is not permitted to deviate in any particular. It stifles all competition between retail dealers, restricts trade within prescribed limits, and establishes a monopoly of the most odious character in an article of daily consumption and prime necessity." (U. S. *v.* Coal Dealers' Assn., 85 Fed. Rep., 252.)

COMBINATION OF MANUFACTURERS OF GLUCOSE (ILLINOIS, 1899).

The Glucose Sugar Refining Company secured option contracts upon various glucose plants. These option contracts ran to a Chicago trust company and provided that the vendor corporations should not engage in the handling or manufacture of glucose for certain terms of years within 1,000 miles of Chicago. Subsequently the several properties were duly transferred to the Glucose Sugar Refining Company. A stockholder in one of the vendor corporations, with its plant in Illinois, objected to the transfer of the plant and filed a bill to enjoin the same. The Illinois supreme court granted the relief prayed for, and said:

"The material consideration in the case of such combinations is, as a general thing, not that prices are raised, but that it rests in the power and discretion of the trust or corporation taking all the plants of the several corporations to raise prices at any time, if it sees fit to do so. It does not relieve the trust of its objectionable features that it may reduce the price of the article which it manufactures, because such reduction may be brought about for the express purpose of crushing out some competitor or competitors. In the case at bar, however, the proof shows, upon the completion of the new organization, and as soon as it began to operate the several plants conveyed to it, the price of glucose and its various products began to go up." (Harding *v.* Amer. Glucose Co., 182 Ill., 551.)

COMBINATION OF MANUFACTURERS OF SANITARY POTTERY WARE (N. J., 1899).

Eight manufacturers of sanitary pottery ware, who produced nearly all of that ware manufactured in this country, formed an association and agreed to regulate the price of such ware according to the vote of a majority of its members. *Held*, That, assuming that such ware has become a commodity of so great importance to public health and comfort that the public has an interest in its manufacture and sale, such a combination is opposed to public policy, as creating or tending to create a monopoly. Contracts among independent and unconnected manufacturers looking to the control of the prices of their manufacture by limitation of production, by restriction or distribution, or by express agreements are opposed to public interest and unenforceable. (Trenton Potteries Co. *v.* Oliphant, 46 L. R. A. (N. J.), 255.)

COMBINATION OF IRON-PIPE MANUFACTURERS (U. S. SUP. CT., 1899).

"A combination may illegally restrain trade by preventing competition for contracts and enhancing prices, although it does not prevent the letting of any particular contract.

"We have no doubt that where the direct and immediate effect of a contract or combination among particular dealers in a commodity is to destroy competition between them and others, so that the parties to the contract or combination may obtain increased prices for themselves, such contract or combination amounts to a restraint of trade in the commodity, even though contracts to buy such commodity at the enhanced price are continually being made. Total suppression of the trade in the commodity is not necessary in order to render the combination one in restraint of trade. It is the effect of the combination in limiting and restricting the right of each of the members to transact business in the ordinary way, as well as its effect upon the volume or extent of the dealing in the commodity, that is regarded." (Addyston Pipe and Steel Co. *v.* United States, 175 U. S., 211.)

COMBINATION RESTRICTING THE PRODUCTION OF WOODEN DISHES (U. S. C. C. A., 1899).

At a convention of manufacturers of wooden ware, in which 80 per cent of the production of the country was represented, a combination was formed for the purpose of restricting the production of wooden dishes throughout the country, and keeping up the price thereof. To this end it was expected and intended that all the factories would be brought under the control of a central organization, which was to regulate the prices. The articles to which the combination related were such as are in common use. *Held*, That a contract made in pursuance of such combination, by which a manufacturer was guaranteed a certain sum as dividends on his stock in the central company in consideration of the closing of his factory for a year, was contrary to public policy, and therefore unlawful, and would not be enforced by the courts. (Cravens *v.* Carter-Crume Co., 92 Fed. Rep., 479.)

COMBINATION OF DEALERS IN DRUGS (GEORGIA, 1902).

The druggists of Atlanta, Ga., formed a retailers' association to protect themselves from cutting prices by other druggists. They would write wholesalers not to sell to the cutters and would refuse to buy of the wholesalers if they did sell to the cutters. One of the cut-rate concerns brought suit for damages and to enjoin further injuries. The court held the Georgia antitrust act under which the suit was brought unconstitutional, but gave the plaintiff relief under common law, holding the association contrary to public policy and void. In this case the principal English decisions are ably reviewed. (Brown & Allen *v.* Jacobs, etc., Co., 57 L. R. A., Ga., 547.)

COMBINATION OF MANUFACTURERS OF RED CEDAR SHINGLES (U. S. C. C. A., 1902).

The manufacturers of and dealers in red cedar shingles in the State of Washington formed a combine for the purpose of controlling the production and the price of such shingles, which are made only in that State. But they are principally sold and used in other States. By this action mills were closed, production reduced, and prices arbitrarily increased. The court held this to be a combination in restraint of interstate commerce, and said:

"There can be no doubt that at common law it is an unlawful combination in restraint of trade. It has the effect to diminish production, abolish competition, and enhance prices. Its illegality is not relieved by the fact that it was induced by the keen competition and the unprofitable condition of the shingle-manufacturing business which existed before it was entered into, or by the fact that the prices fixed by the combination may have been reasonable. The antitrust act goes as far, if not farther, than the common

law, and declares unlawful all combinations in restraint of interstate trade." (Gibbs *v.* McNeeley, 118 Fed. Rep., 120.)

3. TRUSTS.

CHICAGO GAS TRUST (ILL., 1889).

The Chicago Gas Trust Company organized for the purpose of operating gas plants in the city of Chicago, and acquired a majority of the shares of the four gas companies then doing business in Chicago, thereby controlling the company. Quo warranto proceedings were filed to test the legality of the trust, and the court held that the trust tended to create a monopoly, and was therefore unlawful.

"It is the duty of the judiciary," said the court, "to refuse to sustain that which is against the public policy of the State, when such public policy is manifested by the legislation or fundamental law of the State. Public policy is that principle of the law which holds that no subject or citizen can lawfully do that which has a tendency to be injurious to the public or against the public good. This principle owes its existence to the very sources from which the common law is supplied. The common law will not permit individuals to oblige themselves by a contract either to do or not to do anything when the thing to be done or omitted is in any degree clearly injurious to the public." (People *v.* Chicago Gas Tr. Co., 130 Ill., 268.)

AMERICAN CATTLE TRUST (U. S. C. C., 1889).

Thirteen parties in the city of New York organized an association to encourage and develop the production, transportation, distribution, handling, and sale of cattle, sheep, hogs, and other animals. The object of the trust was to receive from the various owners and holders the stock of corporations engaged in the business described. The trustees were to hold the stock in trust for the original owners, and to issue in lieu thereof trust certificates; by this means it was expected to secure control of the various corporations engaged in live stock business. The legality of the trust came before the courts upon the filing of a bill by a party who had exchanged his stock in one of the constituent corporations for trust certificates, and who sought to get his original stock back, and the relief prayed for was granted. (Gould *v.* Head, 38 Fed. Rep., 886.)

DISTILLERS AND CATTLE FEEDERS' TRUST (NEB., 1890).

In 1887 certain parties interested in certain distilleries located northwest of the Ohio River formed an unincorporated association known as "The Distillers and Cattle Feeders' Trust," with its headquarters at Peoria, Ill., the object of which trust was to control the production of high wines, alcohol, spirits, and other liquors, and to regulate prices of same, and to control competition. The stock of the members was transferred to trustees of the general company which controlled the entire business. The court held that the trust agreement was in restraint of trade, tended to destroy competition and create a monopoly, and was therefore contrary to public policy and void. (State *v.* Neb. Dist. Co., 29 Neb., 700.)

AMERICAN PRESERVERS' TRUST (U. S. C. C., 1891).

Seven corporations located in different parts of the United States, engaged in the fruit-preserving business, formed an association. The trust agreement provided for a transfer of stock of the original corporations to a board of nine trustees, which should organize the fruit-preserving business. A Missouri corporation became a party to the trust and agreed to go out of the business for twenty-five years. The trust sought to enforce this agreement by an application for an injuction restraining the Missouri corporation from doing business contrary to the agreement. The prayer for injunction was denied upon the ground that the organization of the trust was contrary to law. (Amer. Preserv. Trust *v.* Taylor Mfg. Co., 46 Fed. Rep., 152.)

In another decision it was held by the Illinois supreme court that such a trust was a combination in restraint of trade and forbidden by public policy. (Bishop *v.* Amer. Preserv. Co., 157 Ill., 284.)

STANDARD OIL TRUST (OHIO, 1892).

It seemed that the Standard Oil Company had abused its corporate franchises by becoming a party to certain trust agreements that were against public policy. The trust agreements provided, generally, that a corporation should be organized in Ohio, New York, Pennsylvania, and New Jersey; that all assets and business of the parties to the trust agreements situated in each State should be transferred to the corporation organized in that particular State, and payment made therefor in the stock of the transferee company, which stock should be delivered to nine trustees, and no stock of any of said companies should ever be issued except to the trustees, to be held subject to the trust specified.

In return for the stock so delivered the trustees were to issue trust certificates of like value to the several stockholders. Complete power to manage the several companies was vested in the trustees. The court held the organization invalid, and said:

"Its object was to establish a virtual monopoly of the business of producing petroleum, and of manufacturing, refining, and dealing in it and all its products through the entire country, and by which it might not merely control the production, but the price, at its pleasure. All such associations are contrary to the policy of our State and void." (State *v.* Standard Oil Co., 49 Ohio St., 137.)

The CHAIRMAN. The time limited for general debate under the rule adopted by the House has expired.

Mr. LITTLEFIELD. Mr. Chairman, I move that the committee do now rise.

The committee accordingly rose; and Mr. LACEY having resumed the chair as Speaker pro tempore, Mr. BOUTELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 17 and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. FOSS, for three days, on account of sickness in his family.

To Mr. SAMUEL W. SMITH, for one week, on account of important business.

WITHDRAWAL OF PAPERS.

Mr. NEEDHAM, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of Merced Security Savings Bank, Fifty-seventh Congress, no adverse report having been made thereon.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker pro tempore signed the same.

H. R. 16604. An act making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1904;

H. R. 14899. An act to amend an act entitled "An act to incorporate the National Florence Crittenton Mission;"

H. R. 7007. An act for the relief of the representative of Maj. William Kendall;

H. R. 2441. An act for the relief of William M. Bird, James F. Redding, Henry F. Welch, and others;

H. R. 15198. An act defining what shall constitute and providing for assessments on oil-mining claims; and

H. R. 15747. An act directing the issue of a check in lieu of a lost check drawn by George A. Bartlett, disbursing clerk, in favor of Fannie T. Sayles, executrix, and others.

The SPEAKER pro tempore announced his signature to enrolled bills of the following titles:

S. 4722. An act for the erection of a building for the use and accommodation of the Department of Agriculture;

S. 475. An act to refer the claim of Joseph W. Parish to the Secretary of the Treasury for examination and payment of any balance found due;

S. 2450. An act to establish a fog bell and lens-lantern light on the southeastern end of Southampton Shoal, San Francisco Bay, California;

S. 3546. An act for the relief of L. A. Noyes;

S. 5212. An act granting to the State of California 640 acres of land in lieu of section 16, township 7 south, range 8 east, San Bernardino meridian, State of California, now occupied by the Torros band or village of Mission Indians;

S. 5505. An act adjusting certain conflicts respecting State school indemnity selections in lieu of school sections in abandoned military reservations;

S. 4222. An act authorizing the appointment of John Russell Bartlett, a captain on the retired list of the Navy, as a rear-admiral on the retired list of the Navy; and

S. 7124. To provide for the removal of persons accused of crime to and from the Philippine Islands for trial.

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bills of the following titles:

H. R. 159. An act providing for free homesteads on the public lands for actual and bona fide settlers in the north one-half of the Colville Indian Reservation, State of Washington, and reserving public lands for that purpose;

H. R. 647. An act for the relief of William P. Marshall;

H. R. 5756. An act for the relief of the officers and crew of the U. S. S. *Charleston*, lost in the Philippine Islands November 2, 1899;

H. R. 9503. An act to authorize the Oklahoma City and Western Railroad Company to construct and operate a railway through the Fort Sill Military Reservation, and for other purposes;

H. R. 16099. An act to cancel certain taxes assessed against the Kall tract;

H. R. 16330. An act to detach the county of Dimmit from the southern judicial district of Texas and to attach it to the western judicial district of Texas;

H. R. 16651. An act to fix the time for holding United States district and circuit courts in the northern and middle districts of Alabama;

H. R. 16724. An act to provide for an additional judge of the district court of the United States for the southern district of New York; and

H. J. Res. 184. Joint resolution requesting State authorities to cooperate with the Census Office in securing a uniform system of births and death registration.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 6881. An act for the relief of James L. Elmer—to the Committee on Claims.

S. 7223. An act providing for the interment of the remains of Marie Irene Donaldson and her daughter, Marie Irene Donaldson—to the Committee on the District of Columbia.

Senate concurrent resolution 64:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he hereby is, authorized and directed to cause to be made an examination and survey of the Delaware River at Philadelphia, with a view to extending the improvement thereof above Christian street as far as Allegheny avenue, and to submit plans and estimates for such improvement, the cost of the work herein directed to be paid from the amount available for the improvement of said river below Christian street—

to the Committee on Rivers and Harbors.

Mr. LITTLEFIELD. I move that the House do now adjourn.
The motion was agreed to.
And accordingly (at 5 o'clock and 40 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BOUTELL, from the Committee on the Post-Office and Post-Roads, to which was referred the bill of the Senate (S. 2644) to promote the circulation of reading matter among the blind, reported the same without amendment, accompanied by a report (No. 3657); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ESCH, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 11652) to amend section 2 of chapter 438 of volume 26, United States Statutes at Large, "An act to authorize the President of the United States to cause certain lands heretofore withdrawn from market for reservoir purposes to be restored to the public domain, subject to entry under the homestead law with certain restrictions," so that any isolated or disconnected tract or parcel thereof may be ordered into market and sold for not less than $1.25 per acre, reported the same without amendment, accompanied by a report (No. 3659); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6641) granting an increase of pension to Sophie S. Shaffer, reported the same without amendment, accompanied by a report (No. 3555); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6841) granting an increase of pension to Charles S. Boyington, reported the same without amendment, accompanied by a report (No. 3556); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6842) granting an increase of pension to Stephen R. Swett, reported the same without amendment, accompanied by a report (No. 3557); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6981) granting an increase of pension to Lorenzo P. Duncklee, reported the same without amendment, accompanied by a report (No. 3558); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6982) granting an increase of pension to Linda F. Moulton, reported the same without amendment, accompanied by a report (No. 3559); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6983) granting an increase of pension to Gilman B. Johnson, reported the same without amendment, accompanied by a report (No. 3560); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6984) granting an increase of pension to Maria A. Marden, reported the same without amendment, accompanied by a report (No. 3561); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6985) granting an increase of pension to George Cummings, reported the same without amendment, accompanied by a report (No. 3562); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 7060) granting an increase of pension to Ann M. Jackman, reported the same without amendment, accompanied by a report (No. 3563); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 7076) granting an increase of pension to Charles L. Pinkham, reported the same without amendment, accompanied by a report (No. 3564); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 7077) granting an increase of pension to Cyrus B. Norris, reported the same without amendment, accompanied by a report (No. 3565); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16201) granting an increase of pension to Jeffrey Hufford, reported the same with amendments, accompanied by a report (No. 3566); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13004) granting an increase of pension to Peter B. Rouch, reported the same with amendments, accompanied by a report (No. 3567); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17110) granting an increase of pension to Robert Tracy, reported the same with amendments, accompanied by a report (No. 3568); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3929) granting an increase of pension to Leman A. Brace, reported the same without amendment, accompanied by a report (No. 3569); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4087) granting a pension to Lemuel Kingsbury, reported the same without amendment, accompanied by a report (No. 3570); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4337) granting an increase of pension to Elizabeth Thompson, reported the same without amendment, accompanied by a report (No. 3571); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4429) granting a pension to Alvira Randall, reported the same without amendment, accompanied by a report (No. 3572); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4466) granting an increase of pension to Archibald McIntire, reported the same without amendment, accompanied by a report (No. 3573); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4544) granting an increase of pension to Phineas L. Squires, reported the same without amendment, accompanied by a report (No. 3574); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4760) granting an increase of pension to John Hamilton, second, reported the same without amendment, accompanied by a report (No. 3575); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4807) granting an increase of pension to Emmet C. Hill, reported the same without amendment, accompanied by a report (No. 3576); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4892) granting an increase of pension to John Doberrer, reported the same without amendment, accompanied by a report (No. 3577); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5006) granting a pension to Annie P. Pinney, reported the same without amendment, accompanied by a report (No. 3578); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5053) granting a pension to Deborah Edwards, reported the same without amendment, accompanied by a report (No. 3579); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5123) granting an increase of pension to James McMorrow, reported the same without amendment, accompanied by a report (No. 3580); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5507) granting an increase of pension to Jarrot F. Rigg, reported the same without

amendment, accompanied by a report (No. 3581); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5526) granting an increase of pension to Benjamin F. Cornman, reported the same without amendment, accompanied by a report (No. 3582); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5568) granting an increase of pension to Emma R. Cropsey, reported the same without amendment, accompanied by a report (No. 3583); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5953) granting a pension to Ann M. Green, reported the same without amendment, accompanied by a report (No. 3584); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5967) granting an increase of pension to Mary E. Craig, reported the same without amendment, accompanied by a report (No 3585); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5991) granting an increase of pension to William Barrett, reported the same without amendment, accompanied by a report (No. 3586); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6096) granting an increase of pension to Hester A. R. Landers, reported the same without amendment, accompanied by a report (No. 3587); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6191) granting an increase of pension to Samuel L. Thompson, reported the same without amendment, accompanied by a report (No. 3588); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6192) granting an increase of pension to Austin H. Patterson, reported the same without amendment, accompanied by a report (No. 3589); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6220) granting an increase of pension to Walter G. Tebbetts, reported the same without amendment, accompanied by a report (No. 3590); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6305) granting an increase of pension to James B. Taylor, reported the same without amendment; accompanied by a report (No. 3591); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6348) granting an increase of pension to Napoleon B. Stockbridge, reported the same with amendment, accompanied by a report (No. 3592); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6367) granting an increase of pension to Edmund P. Fox, reported the same without amendment, accompanied by a report (No. 3593); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6415) granting an increase of pension to Samuel J. Radcliffe, reported the same without amendment, accompanied by a report (No. 3594); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6431) granting an increase of pension to James Greenman, reported the same without amendment, accompanied by a report (No. 3595); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6437) granting a pension to Frederick S. Woodward, reported the same without amendment, accompanied by a report (No. 3596); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6530) granting an increase of pension to Austin L. Topliff, reported the same without amendment, accompanied by a report (No. 3597); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6563) granting an increase of pension to William A. Dougan, reported the same without amendment, accompanied by a report (No. 3598); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6586) granting an increase of pension to Othniel P. Parcher, reported the same without amendment, accompanied by a report (No. 3599); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6623) granting an increase of pension to Gilbert E. Bushnell, reported the same without amendment, accompanied by a report (No. 3600); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6631) granting an increase of pension to Mitchell Hunt, reported the same without amendment, accompanied by a report (No. 3601); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6632) granting an increase of pension to Frank Cleaves, reported the same without amendment, accompanied by a report (No. 3602); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6668) granting an increase of pension to Charles Graham, reported the same without amendment, accompanied by a report (No. 3603); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6703) granting a pension to Henrietta V. West, reported the same without amendment, accompanied by a report (No. 3604); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6731) granting an increase of pension to Benjamin N. Bond, reported the same without amendment, accompanied by a report (No. 3605); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6748) granting an increase of pension to Ann M. Haskell, reported the same without amendment, accompanied by a report (No. 3606); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6795) granting an increase of pension to Hannah J. Hopkins, reported the same without amendment, accompanied by a report (No. 3607); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6798) granting an increase of pension to Charles F. Sheldon, reported the same without amendment, accompanied by a report (No. 3608); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6845) granting an increase of pension to Martin G. Cushing, reported the same without amendment, accompanied by a report (No. 3609); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15730) granting an increase of pension to Hans A. Grove, reported the same with amendments, accompanied by a report (No. 3610); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17120) granting an increase of pension to Charles Shirar, reported the same without amendment, accompanied by a report (No. 3611); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4723) granting a pension to George A. Liston, reported the same with amendment, accompanied by a report (No. 3612); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16858) granting an increase of pension to James P. Foster, reported the same with amendments, accompanied by a report (No. 3613); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16996) granting an increase of pension to John Bougher, reported the same without amendment, accompanied by a report (No. 3614); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11739) granting an increase of pension to S. N. Northway, reported the same with amendments, accompanied by a report (No. 3615); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16374) granting

an increase of pension to Alonzo S. Bowden, reported the same without amendment, accompanied by a report (No. 3616); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16714) granting an increase of pension to Mary A. F. Gilmore, reported the same with amendments, accompanied by a report (No. 3617); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15645) granting a pension to Capt. Wilson French, reported the same with amendments, accompanied by a report (No. 3618); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11833) granting an increase of pension to Albanis L. Anderson, reported the same with amendments, accompanied by a report (No. 3619); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16712) granting an increase of pension to Josephine A. Rettig, reported the same with amendments, accompanied by a report (No. 3620); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4553) granting an increase of pension to Samuel S. Mitchell, reported the same with amendments, accompanied by a report (No. 3621); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 17119) granting an increase of pension to James Flannigan, reported the same with amendments, accompanied by a report (No. 3622); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5762) granting a pension to William H. T. Hostetler, reported the same with amendments, accompanied by a report (No. 3623); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17101) granting an increase of pension to Joanna Glaser, reported the same with amendments, accompanied by a report (No. 3624); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 11701) granting an increase of pension to John C. Wright, reported the same with amendments, accompanied by a report (No. 3625); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16696) to increase the pension of Freeling H. Amick, reported the same with amendments, accompanied by a report (No. 3626); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8061) granting a pension to Frances E. Wild, reported the same with amendments, accompanied by a report (No. 3627); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12822) granting an increase of pension to Michael O. Sullivan, reported the same with amendment, accompanied by a report (No. 3628); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3681) granting an increase of pension to Joseph A. Wilson, reported the same with amendment, accompanied by a report (No. 3629); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 17094) granting an increase of pension to Augustus L. Kidder, reported the same with amendments, accompanied by a report (No. 3630); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 17233) granting a pension to John Haynes, reported the same with amendment, accompanied by a report (No. 3631); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6101) granting an increase of pension to Amanda E. McQuiddy, reported the same with amendment, accompanied by a report (No. 3632); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14160) granting an increase of pension to Ira J. S. Holmes, reported the same with amendment, accompanied by a report (No. 3633); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1062) granting an increase of pension to E. P. Stearns, reported the same with amendments, accompanied by a report (No. 3634); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 14236) granting an increase of pension to William E. Chatfield, reported the same with amendments, accompanied by a report (No. 3635); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17026) granting a pension to Jerome W. Turner, reported the same with amendments, accompanied by a report (No. 3636); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10506) granting a pension to Frances E. Luse, widow of Jesse B. Luse, reported the same with amendments, accompanied by a report (No. 3637); which said bill and report were referred to the Private Calendar.

Mr. WHITE, from the Committee on Pensions, to which was referred the bill of the House (H. R. 16476) granting a pension to Katharine Rayle, reported the same with amendments, accompanied by a report (No. 3638); which said bill and report were referred to the Private Calendar.

Mr. WILEY, from the Committee on Pensions, to which was referred the bill of the House (H. R. 16351) granting an increase of pension to Austin P. Merrell, reported the same with amendments, accompanied by a report (No. 3639); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 2813) granting a pension to Emily Hawkins, reported the same with amendments, accompanied by a report (No. 3640); which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15962) granting a pension to Catharine T. R. Mathews, reported the same with amendments, accompanied by a report (No. 3641); which said bill and report were referred to the Private Calendar.

Mr. BOREING, from the Committee on Pensions, to which was referred the bill of the House (H. R. 16275) granting a pension to Isaac B. Price, reported the same with amendments, accompanied by a report (No. 3642); which said bill and report were referred to the Private Calendar.

Mr. WHITE, from the Committee on Pensions, to which was referred the bill of the House (H. R. 16755) granting an increase of pension to Fannie T. Fisher, reported the same with amendment, accompanied by a report (No. 3643); which said bill and report were referred to the Private Calendar.

Mr. PATTERSON of Pennsylvania, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15629) granting an increase of pension to Edward Tattersall, reported the same with amendments, accompanied by a report (No. 3644); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15665) granting an increase of pension to John H. Carr, reported the same with amendment, accompanied by a report (No. 3645); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 14091) granting a pension to Charles A. Warrick, reported the same with amendments, accompanied by a report (No. 3646); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6189) granting an increase of pension to Eli Potts, reported the same with amendment, accompanied by a report (No. 3647); which said bill and report were referred to the Private Calendar.

Mr. WHITE, from the Committee on Pensions, to which was referred the bill of the House (H. R. 16939) granting an increase of pension to Alexander T. Sullenger, reported the same with amendments, accompanied by a report (No. 3648); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 16077) granting a pension to Leighton M. Perveil, alias Charles H. Hunt, reported the same with amendments, accompanied by a report (No. 3649); which said bill and report were referred to the Private Calendar.

Mr. BOREING, from the Committee on Pensions, to which was referred the bill of the House (H. R. 17090) granting an increase of pension to James T. Price, reported the same with

amendments, accompanied by a report (No. 3650); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 16352) granting an increase of pension to Mary L. Stotsenburg, reported the same with amendments, accompanied by a report (No. 3651); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6229) granting a pension to Patrick W. O'Donnell, reported the same without amendment, accompanied by a report (No. 3652); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6413) granting a pension to Harold P. Waldo, reported the same without amendment, accompanied by a report (No. 3653); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6063) granting an increase of pension to Orson Nickerson, reported the same with amendment, accompanied by a report (No. 3654); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4029) granting a pension to Mary J. Parker, reported the same without amendment, accompanied by a report (No. 3655); which said bill and report were referred to the Private Calendar.

He also, from the same committee to which was referred the bill of the Senate (S. 4379) granting an increase of pension to George Davis, reported the same without amendment, accompanied by a report (No. 3656); which said bill and report were referred to the Private Calendar.

Mr. SULZER, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 5879) to remove the charge of desertion from the Army record of Eli Hibbard, reported the same without amendment, accompanied by a report (No. 3658); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. FOSS, from the Committee on Naval Affairs: A bill (H. R. 17288) making appropriations for the naval service for the fiscal year ending June 30, 1904, and for other purposes—to the Union Calendar.

By Mr. JENKINS: A bill (H. R. 17289) to provide public convenience stations in the city of Washington, D. C.—to the Committee on the District of Columbia.

By Mr. LANDIS: A bill (H. R. 17290) amending section 1379 of the Revised Statutes of the United States—to the Committee on Naval Affairs.

By Mr. NORTON: A bill (H. R. 17291) to provide that the Washington, Potomac and Chesapeake Railroad Company may extend its tracks in the District of Columbia—to the Committee on the District of Columbia.

Also, a bill (H. R. 17292) to amend an act entitled "An act to permit the Pinstch Compressing Company to lay pipes in certain streets in the city of Washington"—to the Committee on the District of Columbia.

By Mr. DE ARMOND: A joint resolution (H. J. Res. 263) to provide for the publication of the military laws of the United States—to the Committee on Printing.

By Mr. NORTON: A joint resolution (H. J. Res. 264) tendering the thanks of Congress to the members of Company H, Forty-third United States Volunteer Infantry—to the Committee on Military Affairs.

By Mr. SMALL: A concurrent resolution (H. C. Res. 84) providing for a Congressional committee to investigate the coal question—to the Committee on Rules.

By Mr. HENRY C. SMITH: A resolution (H. Res. 433) for an investigation of the Postal Telegraph and Cable Company—to the Committee on Rules.

By Mr. DAVIDSON: A joint resolution of the Wisconsin legislature relating to the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BELL: A bill (H. R. 17293) for the relief of David H. Moffat—to the Committee on Military Affairs.

By Mr. BLACKBURN: A bill (H. R. 17294) to correct the military record of Abraham C. Bryan—to the Committee on Military Affairs.

Also, a bill (H. R. 17295) for the relief of Asa Triplett—to the Committee on War Claims.

By Mr. CALDERHEAD: A bill (H. R. 17296) granting an increase of pension to Nathaniel Thayer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17297) granting an increase of pension to Joseph W. Fox—to the Committee on Invalid Pensions.

By Mr. CURRIER: A bill (H. R. 17298) granting an increase of pension to Clara E. Smith—to the Committee on Invalid Pensions.

By Mr. DRISCOLL: A bill (H. R. 17299) granting an increase of pension to John P. Jackson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17300) granting an increase of pension to John Barriger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17301) for the relief of Albert Edward Adam Engle—to the Committee on Military Affairs.

By Mr. GREENE of Massachusetts: A bill (H. R. 17302) for the relief of Joseph M. Simms, captain, United States Revenue-Cutter Service (retired)—to the Committee on Interstate and Foreign Commerce.

By Mr. LIVINGSTON: A bill (H. R. 17303) granting an increase of pension to A. W. Huffman—to the Committee on Invalid Pensions.

By Mr. LONG: A bill (H. R. 17304) granting an increase of pension to R. F. Nugent—to the Committee on Invalid Pensions.

By Mr. REEVES: A bill (H. R. 17305) granting a pension to Philander H. Graves—to the Committee on Invalid Pensions.

By Mr. SULZER: A bill (H. R. 17306) granting a pension to Catherine McGuinn—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BABCOCK: Papers to accompany House bill 16575, granting an increase of pension to James Whittey—to the Committee on Invalid Pensions.

By Mr. BARTLETT: Petition of Georgia Bankers' Association, favoring the repeal of the bankruptcy law—to the Committee on the Judiciary.

By Mr. BROWN: Petition of John R. Muir and others, of Aniwa, Wis., for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

Also, petition of Antigo Lodge, No. 151, Brotherhood of Railroad Trainmen, of Antigo, Wis., in favor of the passage of the safety-appliance bill—to the Committee on Interstate and Foreign Commerce.

By Mr. BURLESON: Petition of citizens of Taylor, Tex., for the extension of the free-delivery service to cities whose postal receipts are $5,000 or more per annum—to the Committee on the Post-Office and Post-Roads.

By Mr. DRAPER: Resolution of the Central Federation of Labor, of Troy, N. Y., favoring House bill 16457, in relation to gifts in connection with the sale of tobacco, cigars, etc—to the Committee on the Judiciary.

By Mr. GOLDFOGLE: Resolutions of Romania Lodge, No. 106, Congregation Sons of Israel People Keiden; Weinberg Lodge, No. 44, Chevra Aushe Molekoweska; Congregation Sharae Tfile Ausche Odessa, and Independent Family Benevolent Association, all of New York City, relating to methods of the immigration bureau at the port of New York—to the Committee on Immigration and Naturalization.

By Mr. GRAHAM: Petition of the Cigar Dealers' Association of America, Chicago, Ill., protesting against reduction of duty on cigars—to the Committee on Ways and Means.

Also, report of subcommittee, consisting of George Truesdell and 11 others, to a committee of 100 citizens of Washington, D. C., in relation to District finances and appropriations—to the Committee on the District of Columbia.

By Mr. GREENE of Massachusetts: Resolutions of the Massachusetts State Board of Trade, favoring the passage of the Elkins bill to increase the jurisdiction and powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. KERN: Resolutions of International Union of Flour and Cereal Mill Employees, of Belleville, Ill., indorsing the proposed eight-hour law—to the Committee on Labor.

By Mr. NEEDHAM: Resolutions of Pajaro Valley Fruit Growers' Association, of California, asking for the amendment of the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. OTJEN: Resolutions of Baron Hirsh Lodge, No. 159, Order of B'rith Abraham, of Milwaukee, Wis., relating to methods

of the Immigration Bureau at the port of New York—to the Committee on Immigration and Naturalization.

By Mr. PAYNE: Papers to accompany House bill granting a pension to Juliette Westbrook—to the Committee on Invalid Pensions.

Also, petition of George W. Randolph and other citizens of Palmyra, N. Y., against the repeal of the canteen law, and in relation to the sale of liquor in immigrant stations, Government buildings, etc.—to the Committee on Alcoholic Liquor Traffic.

By Mr. REEDER: Petitions of Lenora Quarterly Conference, of Norton County, and Logan Quarterly Conference, of Phillips County, Kans., in favor of legislation in restraint of the liquor traffic—to the Committee on Alcoholic Liquor Traffic.

By Mr. ROBB: Resolutions of a meeting of citizens of Desoto, Mo., in favor of Senate bill to provide letter carriers for free delivery in cities having a population of 5,000 and over—to the Committee on the Post-Office and Post-Roads.

By Mr. SHACKLEFORD: Petition of citizens of Camden County, Mo., urging the passage of House bill 16220, for the donation of public lands in Camden County for a court-house—to the Committee on the Public Lands.

Also, petitions of retail druggists of Russellville and Versailles, Mo., and vicinity, urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. STEELE: Sixty-six petitions of about 1,000 names from several States, for a reduction of the tax on alcohol to 70 cents per proof gallon—to the Committee on Ways and Means.

By Mr. YOUNG: Petition of the executive committee of the Interstate Commerce Law Convention, favoring the passage of the bill to increase the jurisdiction and powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

SENATE.

SATURDAY, *February 7, 1903.*

Prayer by Rev. J. F. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. QUAY, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved, there being no objection.

ENROLLED BILLS SIGNED.

A message from the House of Representatives by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 475) to refer the claim of Joseph W. Parish to the Secretary of the Treasury for examination and payment of any balance found due;

A bill (S. 2450) to establish a fog bell and lens-lantern light on the southeastern end of Southampton Shoal, San Francisco Bay, California;

A bill (S. 3546) for the relief of L. A. Noyes;

A bill (S. 4222) authorizing the appointment of John Russell Bartlett, a captain on the retired list of the Navy, as a rear-admiral on the retired list of the Navy;

A bill (S. 4722) for the erection of a building for the use and accommodation of the Department of Agriculture;

A bill (S. 5212) granting to the State of California 640 acres of land in lieu of section 16, township 7 south, range 8 east, San Bernardino meridian, State of California, now occupied by the Torros band or village of Mission Indians;

A bill (S. 5505) adjusting certain conflicts respecting State school indemnity selections in lieu of school sections in abandoned military reservations;

A bill (S. 7124) to provide for the removal of persons accused of crime to and from the Philippine Islands for trial;

A bill (H. R. 2441) for the relief of William M. Bird, James F. Redding, Henry F. Welch, and others;

A bill (H. R. 7007) for the relief of the legal representatives of Maj. William Kendall;

A bill (H. R. 14899) to amend an act entitled "An act to incorporate the National Florence Crittenton Mission;"

A bill (H. R. 15198) defining what shall constitute and providing for assessments on oil-mining claims;

A bill (H. R. 15747) directing the issue of a check in lieu of a lost check drawn by George A. Bartlett, disbursing clerk, in favor of Fannie T. Sayles, executrix, and others; and

A bill (H. R. 16604) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1904.

MEMORIAL ASSOCIATION OF THE DISTRICT OF COLUMBIA.

The PRESIDENT pro tempore. A few days since the Chair appointed members of the Memorial Association of the District of Columbia and in the name of one of them there was a mistake. The man appointed was named John M. Spofford. It should have been A. R. Spofford, and the Chair corrects that error.

CREDENTIALS.

Mr. BEVERIDGE presented the credentials of CHARLES W. FAIRBANKS, chosen by the legislature of the State of Indiana as Senator from that State for the term beginning March 4, 1903; which were read, and ordered to be filed.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented petitions of Cigar Makers' Local Union, No. 47, of Quincy; of Cigar Makers' Local Union, No. 118, of Peoria, and of Cigar Makers' Local Union, No. 99, of Ottawa, all of the American Federation of Labor, in the State of Illinois, praying for the enactment of legislation to prohibit the giving of presents, coupons, or promises of gifts with tobaccos and cigars; which were referred to the Committee on Finance.

He also presented petitions of the Trades Council of Elgin; of Local Union, No. 26, of Belleville; of Local Union, No, 134, of Chicago; of the Granite Cutters' National Union of Toulon, and of Local Union, No, 9, of Alton, all of the American Federation of Labor, in the State of Illinois, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. DEPEW presented a petition of the local board of Morrisania, Twenty-fourth district, Bronx Borough, of New York City, N. Y., praying that an appropriation be made to join that part of the Hudson River and Long Island Sound known as the Bronx Kills; which was referred to the Committee on Commerce.

Mr. MCCOMAS presented a petition of Boiler Makers and Iron-Ship Builders' Local Union No. 41, American Federation of Labor, of Baltimore, Md., praying for the passage of the ship-subsidy bill; which was ordered to lie on the table.

He also presented a petition of the Board of Trade of Baltimore, Md., praying for the establishment of a department of commerce; which was ordered to lie on the table.

He also presented the petition of W. L. Curley and sundry other citizens of Baltimore, Md., praying for the passage of the so-called pure-food bill; which was ordered to lie on the table.

Mr. DUBOIS presented a memorial of sundry citizens of Wallace, Idaho, remonstrating against the repeal of the desert-land law and the commutation clause of the homestead act; which was referred to the Committee on Public Lands.

Mr. FRYE presented the petition of Rev. H. N. Pringle and 8 other citizens of Eastport, Me., and the petition of Everett J. White and sundry other citizens of Machias, Me., praying for the enactment of legislation granting to the States power to deal with intoxicating liquors which may he shipped into their territory from other States; which were referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 7277) granting an increase of pension to Elbert H. Dagnall, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 16534) granting an increase of pension to James H. Durham, reported it without amendment, and submitted a report thereon.

Mr. BURTON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 9950) granting an increase of pension to Moses Whitcomb;

A bill (H. R. 15684) granting an increase of pension to Joseph R. Prentice;

A bill (H. R. 13240) granting an increase of pension to Nimrod F. Clark; and

A bill (H. R. 13239) granting an increase of pension to Ervin Thompson.

Mr. BURTON, from the Committee on Pensions, to whom was referred the bill (H. R. 5101) granting an increase of pension to Benjamin Contal, reported it with an amendment, and submitted a report thereon.

Mr. PETTUS, from the Committee on the Judiciary, to whom was referred the bill (H. R. 14512) to amend an act to add certain counties in Alabama to the northern district therein, and to divide the said northern district, after the addition of said counties, into two divisions, and to prescribe the times and places for holding courts therein, and for other purposes, approved May 2, 1884, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 7212) to amend an act to add certain counties in Alabama to the northern district therein, and to divide the said northern district, after the addition of said counties, into two divisions, and to prescribe the time and places for holding courts therein,

and for other purposes, approved May 2, 1884, reported adversely thereon; and the bill was indefinitely postponed.

Mr. MALLORY, from the Committee on the District of Columbia, to whom was referred the amendment submitted by himself on the 4th instant, proposing to appropriate $25,000 for grading, regulating, and macadamizing Albemarle street, in the District of Columbia, from Connecticut avenue to the Broad Branch road in Rock Creek Park, intended to be proposed to the District of Columbia appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the joint resolution (S. R. 153) to enlarge the scope of an act entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," approved March 2, 1893, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 21st ultimo, proposing to appropriate $75,000 to aid in the reconstruction of the building for the Homeopathic Hospital in the District of Columbia, intended to be proposed to the District of Columbia appropriation bill, reported it with an amendment, and moved that it be printed and, with the accompanying papers, referred to the Committee on Appropriations; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by Mr. DEPEW on the 3d instant, proposing to appropriate $25,000 for the purchase of a site and the erection and equipment of isolation buildings in the District of Columbia, intended to be proposed to the District of Columbia appropriation bill, reported favorably thereon, and moved that it be printed and, with the accompanying papers, referred to the Committee on Appropriations; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 24th ultimo, proposing to appropriate $25,000 for improving Sherman avenue, in the District of Columbia, from Florida avenue north, intended to be proposed to the District of Columbia appropriation bill, reported it with amendments, and moved that it be printed, and, with the accompanying papers, referred to the Committee on Appropriations; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 26th ultimo, proposing to appropriate $30,000 for paving Fourteenth street north of Whitney avenue, in the District of Columbia, intended to be proposed to the District of Columbia appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 26th instant, proposing to appropriate $100,000 for paving Sixteenth street from Morris street to Columbia road, and for grading and regulating Sixteenth street north of Columbia road, in the District of Columbia, intended to be proposed to the District of Columbia appropriation bill, reported favorably thereon, and moved that it be printed, and, with the accompanying paper, referred to the Committee on Appropriations; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 4th instant, proposing to appropriate $2,500 for grading and improving the property lately purchased for the Western High School, in the District of Columbia, intended to be proposed to the District of Columbia appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 5th instant, proposing to appropriate $15,000 for paving with asphalt Seventh street NW., from G street to K street, in the District of Columbia, intended to be proposed to the District of Columbia appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. ALLISON. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 16842) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1904, and for other purposes, to report it with sundry amendments, and to submit a report thereon. I ask that the bill may be placed upon the Calendar, and I give notice that on Monday I shall ask the Senate to take it up for consideration.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the bill (S. 2252) for the relief of Daniel H. Snyder, reported it with an amendment, and submitted a report thereon.

Mr. HOAR, from the Committee on the Judiciary, to whom were referred the following bills, reported them severally without amendment:

A bill (H. R. 14047) for the relief of the clerks of circuit and district courts of the United States; and

A bill (H. R. 12064) for the relief of Lebbeus H. Rogers and the administrators of William B. Moses, deceased.

CONNECTICUT RIVER BRIDGE.

Mr. BERRY. I am directed by the Committee on Commerce, to whom was referred the bill (S. 7185) to authorize the board of commissioners for the Connecticut bridge and highway district to construct a bridge across the Connecticut River at Hartford, in the State of Connecticut, to report it favorably with amendments.

Mr. PLATT of Connecticut. I ask unanimous consent that this bill may be considered now. It is to enable to be built across the river at Hartford, Conn., a bridge which is going to cost two or three million dollars, and unless the bill is passed at this session the construction of the bridge will be delayed for a year. It is a short bill.

Mr. HOAR. Before consent is given, I wish to ask a question, if I may have leave. Does the bill provide for a sufficient draw?

Mr. PLATT of Connecticut. It does. That matter has been attended to, and it is all entirely satisfactory.

The PRESIDENT pro tempore. The Senator from Connecticut asks unanimous consent for the present consideration of the bill just reported. It will be read in full to the Senate for its information.

The Secretary read the bill.

The PRESIDENT pro tempore. The amendments of the committee will be stated.

Mr. LODGE. Mr. President——

The SECRETARY. On page 1, line 6, before the word "bridge," insert the word "draw."

The PRESIDENT pro tempore. Did the Senator from Massachusetts rise to object?

Mr. LODGE. I have no objection if this amendment is adopted.

The PRESIDENT pro tempore. The bill is before the Senate as in Committee of the Whole, and the question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, page 3, line 6, after the word "bridge," to insert:

and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. HALE (by request) introduced a bill (S. 7284) providing for the restoration to the Navy list of certain officers, graduates of the United States Naval Academy, who have been heretofore honorably discharged under the act of Congress approved August 5, 1882; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. TALIAFERRO introduced a bill (S. 7285) authorizing, empowering, and directing the Commissioner of Fish and Fisheries to establish in the State of Florida, on the Gulf of Mexico, a station for the investigation of problems connected with the marine-fishery interests of the region; which was read twice by its title, and referred to the Committee on Fish and Fisheries.

Mr. MORGAN introduced a bill (S. 7286) for the relief of the estate of Samuel Ward, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. CULLOM introduced a bill (S. 7287) to remove the charge of desertion from the military record of Thomas Watts; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. TELLER introduced a bill (S. 7288) extending the time for making proof and payment for all lands taken under the desert-land laws by the members of the Colorado Cooperative Colony for a further period of three years; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. FORAKER introduced a bill (S. 7289) granting a pension to Charles A. Porter; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. McCUMBER introduced a bill (S. 7290) granting an increase of pension to Albanis L. Anderson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

AMENDMENTS TO BILLS.

Mr. GALLINGER submitted an amendment proposing to appropriate $15,000 for grading and macadamizing Illinois avenue from Albemarle street to Flint street, Brightwood Park, in the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. PATTERSON submitted an amendment intended to be proposed by him to the bill (S. 6357) relating to currency for the Philippine Islands; which was ordered to lie on the table and be printed.

Mr, PERKINS submitted an amendment proposing to appropriate $20,000 for continuing the work of improving the military reservation at the Presidio of San Francisco and improving other military reservations in the harbor of San Francisco, Cal., etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

ASSISTANT CLERK FOR COMMITTEE ON PRIVATE LAND CLAIMS.

Mr. TELLER submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Private Land Claims be, and it is hereby, authorized to employ an assistant clerk, at an annual salary of $1,800, to be paid from the contingent fund of the Senate, until otherwise provided for by law.

INCREASED PENSIONS FOR LOSS OF LIMBS.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4850) "to increase the pensions of those who have lost limbs in the military or naval service of the United States, or are totally disabled in the same," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 4, 5, and 7, and agree to the same.

On amendments numbered 1, 2, 3, 6, and 8 the committee of conference have been unable to agree.

J. H. GALLINGER,
P. J. McCUMBER,
JAS. P. TALIAFERRO,
Managers on the part of the Senate.

C. A. SULLOWAY,
W. A. CALDERHEAD,
ROBERT W. MIERS,
Managers on the part of the House.

Mr. GALLINGER. Mr. President, I should like to make an observation concerning this bill.

It is a bill that the Senate passed increasing the pensions of soldiers who lost limbs in the service of their country. The other House amended it in several important particulars. The amendments the Senate conferees have receded from are inconsequential. Three amendments made by the House, important in their nature, are still in disagreement.

The first amendment is one whereby the increases under the bill are denied to the soldiers who fought in the Spanish war and lost limbs as a consequence, thus making the increases applicable only to the soldiers who were on the roll previous to the Spanish war. It is a discrimination against the Spanish war soldiers only in this one particular. They now get the benefit of all our pension laws, but if the House proposition is agreed to they will be denied the benefit of the pension laws relating to this particular disability. The Senate conferees did not feel that that was a proper thing to do.

The second amendment relates to the rates, the House having reduced the rates in every particular from those named in the bill by the Senate.

The third amendment is of still greater importance. The House attached an amendment to the bill increasing the pensions from $12 to $30 per month of a considerable class of soldiers who are on the roll under the act of June 27, 1890, and who require the frequent and periodical attendance of another person. The amount of money that would be required to meet that additional appropriation can not readily be ascertained, the First Deputy Commissioner of Pensions estimating that it would probably amount to over $4,000,000. That may be an excessive estimate, but that it would take a very large amount of money out of the Treasury goes without the saying.

It is proper, I should suggest, that this proposed increase of pension is to a class of soldiers who were placed on the rolls without being required to prove any disability whatever as of service origin. The Senate conferees feel that there is no necessity for such legislation at the present time, and they likewise feel very strongly of opinion that this bill increasing the pensions of the maimed soldiers should stand by itself, and that they should be dealt with as a class.

I trust, Mr. President, that the report may be adopted, and then I shall ask for a further conference.

The report was agreed to.

Mr. GALLINGER. I move that the Senate further insist upon its disagreement to these amendments of the House, and ask for a further conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate at the further conference; and Mr. GALLINGER, Mr. McCUMBER, and Mr. TALIAFERRO were appointed.

BILLS AND DEBATES RELATING TO TRUSTS.

Mr. HOAR. I ask leave to introduce a resolution and have it referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The resolution was read, as follows:

Resolved, That the recent publication of the Department of Justice entitled "Bills and Debates in Congress Relating to Trusts," as corrected and indexed by the compiler, be made a Senate document; that 100 copies of the publication be printed for the immediate use of the Senate, and the compiler receive a compensation of —— dollars for the preparation of said index, to be paid from the contingent fund of the Senate.

The PRESIDENT pro tempore. The resolution will be referred to the Committee on Printing.

Mr. HOAR. The resolution, I think, will not require the expenditure of $500, so that it does not need to go to the Committee on Printing, but it will require an expenditure from the contingent fund.

The PRESIDENT pro tempore. The resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

COURTS-MARTIAL IN THE PHILIPPINES.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted by Mr. RAWLINS on the 27th ultimo, as follows:

Be it resolved by the Senate, That the Secretary of War is hereby directed to inform the Senate what courts-martial have been ordered and held in the Philippine Islands, and what judgments rendered by them in consequence of the dispatch sent by the Secretary of War to Major-General Chaffee referred to in the memorandum of the Secretary of War for the Adjutant-General under date of April 15, 1902; also what action was taken by the President or the Secretary of War on the judgment of any court-martial so ordered, either approving or disapproving the same.

Also, that the records in full of the several following courts-martial ordered and held in the Philippine Islands be communicated, to wit:

That on Brig. Gen. Jacob H. Smith.
That on Maj. Edwin F. Glenn, Fifth Infantry.
That on Lieut. Edwin A. Hickman, First Cavalry.
That on Lieut. J. H. A. Day, Marine Corps.
That on Maj. L. W. T. Waller, of the Marine Corps.
That on Lieut. Preston Brown, Second Infantry.
That on Capt. James A. Ryan, Fifteenth Cavalry.
That on Lieut. —— Cooke.
That on Lieut. Julian E. Gaiyot.
That on Lieut. N. E. Cook, of the Philippine Scouts.
That on Lieut. W. S. Sinclair, battalion adjutant, Twenty-eighth Infantry.

Also, any record or reports of investigations which may be on file in the War Department relating to the case of the so-called "Father Augustine," alleged to have been put to death by Cornelius M. Brownell, formerly a captain of the Twenty-sixth Volunteer Infantry, at Banate, island of Panay, province of Iloilo, in December, 1900; also any investigations made by the Department of Justice into the facts of such case, together with any legal conclusions reached thereon and reported to the War Department.

The PRESIDENT pro tempore. The pending question is on the motion made by the Senator from Massachusetts [Mr. LODGE] to refer the resolution to the Committee on the Philippines.

Mr. RAWLINS. I understood that there were some Senators who desired to speak upon the resolution, and while I am personally ready for a vote, perhaps it had better lie over and retain its place.

Mr. LODGE. My recollection agrees with that of the Senator from Utah. I supposed that there were one or two Senators who desired to speak upon the resolution.

Mr. RAWLINS. Yes.

Mr. LODGE. I ask that it may lie over.

The PRESIDENT pro tempore. The Senator from Utah asks that the resolution may lie over, retaining its place.

Mr. LODGE. Retaining its place, subject to call.

The PRESIDENT pro tempore. The Chair hears no objection, and it is so ordered.

MILITARY OCCUPATION OF PANAMA AND COLON, ETC.

Mr. MORGAN. Mr. President, yesterday a resolution was pending at the time of the call for the regular order.

The PRESIDENT pro tempore. It went to the Calendar at 2 o'clock.

Mr. MORGAN. It was not ordered to the Calendar by the President of the Senate.

The PRESIDENT pro tempore. The hour of 2 o'clock having arrived, it went to the Calendar under the rules.

Mr. MORGAN. The President did not order it to the Calendar.

The PRESIDENT pro tempore. It is now on the Calendar. It goes there anyway, without any order, when it has had its day in court.

Mr. HALE. At the termination of the morning hour I asked the incumbent of the chair if the resolution would go to the Calendar. The reply was that it would go to the Calendar, as I presume it did under the rule.

Mr. MORGAN. I did not hear any reply from the Chair. The Chair made no reply.

Mr. HALE. Whether I asked it or not, it would go, under the rules, to the Calendar at the end of the second day.

Mr. MORGAN. The point I state is that at the moment of time when the hour of 2 o'clock had arrived I called the Senator from Maine to order and the Chair observed that 2 o'clock having arrived that question between the Senators would go over, as I understood——

Mr. HALE. No.

Mr. MORGAN. So that the question of order has not been settled, and the resolution of course would not go over under the rules pending a proposition of that kind, as I contend.

I can easily, of course, reintroduce the resolution and have the matter brought forward, if I choose to do it, but I do not wish to occupy the time of the Senate in trifling with the subject. I want merely to get the action of the Senate upon this resolution, as to whether I am entitled as a Senator to the information that I seek, whether it is legitimate, and whether it is the duty of the Secretary of the Navy to furnish it.

I do not want to have the matter covered up in this way. It is not, in my judgment, becoming to the Senate of the United States to shrink from asking its officers for proper and legitimate information. I have never known it denied before. I want the Senate to take a vote on the resolution, as to whether I am entitled to have the information that I call for from the records of the Navy Department. I do not ask anything else at all.

I hope the Senator from Maine will withdraw any objection to the consideration of the resolution. I am ready for a vote on it.

Mr. HALE. If the Senator will allow me, there has been no undue pressure in regard to this matter. The rules are very clear. If at the end of the second day the morning hour expires, whatever is up and not acted upon goes to the Calendar. On that presumption I asked the question yesterday whether the resolution would go to the Calendar at the close of the morning hour, and it went to the Calendar.

Now, the Senator is undoubtedly entitled at any time to move to take up the resolution. It is on the Calendar, because the rules sent it there.

Mr. MORGAN. I know that.

Mr. HALE. I did not send it there; the rules sent it there; and the Senator can move at any time to take it up, and a majority of the Senate can take it up.

Mr. MORGAN. I understand that probably as well as the Senator from Maine, and I could avail myself of it, but I do not care to engage the Senate in a consideration of a motion of that kind when by the simplest process in the world we can take a vote on it now.

Mr. HALE. If the resolution comes up under any circumstances, either the motion pending or the one that will be made by me at once would be to refer the resolution to the Committee on Naval Affairs.

Mr. MORGAN. That is the motion which is pending. That is the question I want to have decided.

Mr. HALE. I do not understand that it is pending now. The resolution is on the Calendar.

Mr. MORGAN. That motion settles the question, because if it ever gets to that committee I presume it will never get out.

Mr. HALE. It would not probably get out in its present form, I think.

Mr. MORGAN. The Senator from Maine is a little incorrect in saying that no pressure has been brought about this business. I was taken off my feet while arguing this matter by a motion made legitimately under the rules of the Senate by one Senator and seconded by another, which under our rules closes the doors and takes the Senate into secret legislative session. When we came out of that session I was still on the floor and my resolution was still before the Senate.

So it is to be inferred, of course, that no adverse action was taken upon the resolution, and no affirmative action was taken on the Senator's motion to refer it. The motion stood in statu quo for an hour and a quarter back from the secret session. So pressure was brought, and the pressure failed to dislodge the resolution and it is before the Senate now.

The Chair rules that it goes to the Calendar. Now, I merely propose that we shall take a vote upon the resolution and see whether or not the Senate wants this information. The world wants it I know, and I want to give it, because I think it is my duty to call for it. It is in the Department. It is of record there, and I want to get it before the world and before the Senate.

Mr. HALE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Maine?

Mr. MORGAN. I yield.

Mr. HALE. The Senator can either move to take it up, which for some reason he is reluctant to do, or he can ask unanimous consent to take it up. I will not object, provided it is understood that at once a vote may be taken without further debate on my motion to refer the resolution to the Committee on Naval Affairs. The Senator can get a vote then.

Mr. MORGAN. I ask unanimous consent to take a vote on the motion to refer the resolution to the Committee on Naval Affairs.

The PRESIDENT pro tempore. The Senator from Alabama asks unanimous consent to take up for consideration the resolution from the Calendar. Is there objection? The Chair hears none, and the resolution is before the Senate; and the motion to refer, made by the Senator from Maine, is in order.

Mr. MORGAN. On that motion I ask for a vote by yeas and nays.

The yeas and nays were ordered.

Mr. BATE. Will the Chair please state the question?

Mr. TELLER. Can we know what the question is? Can the resolution be read?

The PRESIDENT pro tempore. It can be read, if the Senator desires it.

Mr. TELLER. I ask that it be read.

The PRESIDENT pro tempore. It will be read.

The Secretary read the resolution submitted by Mr. MORGAN on the 5th instant, as follows:

Resolved, That the Secretary of the Navy is directed to send to the Senate copies of all reports and of all correspondence in the Navy Department, with naval or other officers of the United States, on duty in the bays of Panama and Colon since April, 1902, which relate to the military occupation of said bays and the region between them, and the cities of Colon and Panama, by the forces of the United States; or that relate to the operation of military or police forces of Colombia, or of any insurgents that were in arms against the Government of Colombia in that region of country since April, 1902; or that relate to any measures of any officers of the United States to bring about the pacification of that region or any intervention by such officers to that end; or that relate to the terms and conditions of the surrender of insurgent forces in that quarter to the forces or authorities of the Republic of Colombia.

Mr. TELLER. I understand that the Senator from Alabama objects to this proposed reference. I should like to inquire whether he objects because he desires to speak on it now?

Mr. MORGAN. I want a vote. I do not wish to cut off any other Senator from speaking, but I have said all I want to say about it.

The PRESIDENT pro tempore. The Senator from Alabama demanded a vote by yeas and nays, and the yeas and nays have been ordered.

Mr. QUAY. I ask for information, as my attention was distracted while the resolution was being read. Does the resolution contain the ordinary clause, "if not inconsistent with the public interest?" Some of that correspondence might of necessity be confidential.

Mr. MORGAN. There is no such clause, I will say to the Senator, that I am aware of, which has ever been inserted in a resolution addressed to any Department of the Government except the Secretary of State. The heads of departments are mere clerks, and are required, and have always been required and directed to deliver to the Senate such records as their files contain if we saw proper to demand them. So I did not put that clause in because the inquiry is not addressed to the President.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Maine to refer the resolution to the Committee on Naval Affairs, on which the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary prceeded to call the roll.

Mr. DEPEW (when his name was called). I have a permanent pair with the Senator from Louisiana [Mr. MCENERY], and I will withhold my vote until he comes in.

Mr. ELKINS (when his name was called). I am paired with the junior Senator from Texas [Mr. BAILEY].

Mr. HEITFELD (when his name was called). I have a general pair with the senior Senator from New York [Mr. PLATT]. In his absence I withhold my vote. If he were present, I would vote "nay."

Mr. NELSON (when his name was called). I have a general pair with the Senator from Missouri [Mr. VEST], and withhold my vote.

Mr. QUARLES (when his name was called). I am paired with the senior Senator from Texas [Mr. CULBERSON], and therefore withhold my vote.

Mr. RAWLINS (when his name was called). I am paired with the Senator from Ohio [Mr. HANNA], and therefore I withhold my vote.

Mr. TALIAFERRO (when his name was called). I am paired with the junior Senator from West Virginia [Mr. SCOTT]. I do not see him in the Chamber, and I withhold my vote.

Mr. TURNER (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. WARREN]. As he is not present, I withhold my vote.

The roll call was concluded.

Mr. HARRIS. I am paired with the Senator from Wyoming [Mr. CLARK], and withhold my vote.

Mr. PLATT of Connecticut. I understand that my colleague [Mr. HAWLEY], who is absent, is paired with the Senator from Virginia [Mr. DANIEL], who is also absent.

Mr. DEPEW. The Senator from Idaho [Mr. HEITFELD] is paired with my colleague [Mr. PLATT], and I am paired with the Senator from Louisiana [Mr. MCENERY]. I suggest that those pairs be transferred, so that the Senator from Idaho and I can both vote.

Mr. HEITFELD. That is agreeable.

Mr. DEPEW. I vote "yea."

Mr. HEITFELD. I vote "nay."

Mr. FOSTER of Louisiana (after having voted in the negative). I inquire if the junior Senator from North Dakota [Mr. MCCUMBER] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. FOSTER of Louisiana. As I have a general pair with that Senator, I withdraw my vote.

Mr. CLAY. I was requested to state that the senior Senator from Texas [Mr. CULBERSON] is confined to his home by illness, and to announce that he is paired with the junior Senator from Wisconsin [Mr. QUARLES].

Mr. ELKINS. I suggest to the Senator from Florida [Mr. TALIAFERRO] that we transfer our pairs so that the junior Senator from Texas [Mr. BAILEY] will stand paired with my colleague [Mr. SCOTT].

Mr. TALIAFERRO. Very well.

Mr. ELKINS. I vote "yea."

Mr. TALIAFERRO. I vote "nay."

Mr. CLAPP. I announce my pair with the junior Senator from North Carolina [Mr. SIMMONS].

The result was announced—yeas 31, nays 18; as follows:

YEAS—31.

Alger,	Depew,	Gamble,	Millard,
Allison,	Dillingham,	Hale,	Perkins,
Beveridge,	Dolliver,	Hoar,	Platt, Conn.
Burnham,	Dryden,	Kean,	Proctor,
Burrows,	Elkins,	Kearns,	Quay,
Burton,	Fairbanks,	Kittredge,	Spooner,
Cullom,	Foraker,	Lodge,	Wetmore.
Deboe,	Gallinger,	McComas,	

NAYS—18.

Bacon,	Clark, Mont.	Mallory,	Taliaferro,
Bate,	Clay,	Martin,	Teller,
Berry,	Gibson,	Morgan,	Tillman.
Blackburn,	Heitfeld,	Patterson,	
Carmack,	Jones, Ark.	Pettus,	

NOT VOTING—39.

Aldrich,	Foster, La.	McLaurin, Miss.	Rawlins,
Bailey,	Foster, Wash.	McLaurin, S. C.	Scott,
Bard,	Frye,	Mason,	Simmons,
Clapp,	Hanna,	Mitchell,	Simon,
Clark, Wyo.	Hansbrough,	Money,	Stewart,
Cockrell,	Harris,	Nelson,	Turner,
Culberson,	Hawley,	Penrose,	Vest,
Daniel,	Jones, Nev.	Platt, N. Y.	Warren,
Dietrich,	McCumber,	Pritchard,	Wellington.
Dubois,	McEnery,	Quarles,	

So the resolution was referred to the Committee on Naval Affairs.

MAJ. WILLIAM CRAWFORD GORGAS.

Mr. PETTUS. Yesterday I reported the bill (S. 6895) to authorize the promotion of Maj. William Crawford Gorgas, surgeon in the Army of the United States, and I asked for its present consideration, but was turned off by an objection. I ask the indulgence of the Senate that the bill may be considered at this time. It is a very short one.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the President to nominate and, by and with the advice and consent of the Senate, to appoint Maj. William Crawford Gorgas, surgeon, United States Army, to the grade of assistant surgeon-general, United States Army, with the rank of colonel, the number in that grade of the Medical Department to be temporarily increased for that purpose during the time that he may hold that office.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH M. SIMMS.

Mr. LODGE. I ask unanimous consent to call up from the Calendar and have considered at the present time the bill (S. 6666) for the relief of Joseph M. Simms, captain, United States Revenue-Cutter Service (retired).

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that Capt. Joseph M. Simms, United States Revenue-Cutter Service (retired), having been promoted "for meritorious acts of public service and wounds received in the United States service, as appears upon the public records of the volunteer service of the Army and Navy and of the Revenue-Cutter Service," he shall hereafter receive the full retired pay of his rank.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADDITIONAL JUDGE IN THE INDIAN TERRITORY.

Mr. HOAR. I am instructed by the Committee on the Judiciary, to whom was referred the bill (S. 7069) for the appointment of an additional judge in the Indian Territory, to report it with amendments.

Mr. JONES of Arkansas. That is quite an important measure, and I ask unanimous consent that it may be considered at this time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments reported by the Committee on the Judiciary were, on page 1, in section 1, after the word "who," at the end of line 5, to strike out "shall be denominated associate justice of said southern district and;" so as to make the section read:

That the President of the United States, by and with the advice and consent of the Senate, shall appoint an additional judge for the southern district of the Indian Territory, who shall hold his office for the term of four years, and shall have the same compensation and authority as other judges of the United States courts in the Indian Territory, and shall be a member of the court of appeals for the Indian Territory.

The amendment was agreed to.

The next amendment was, on page 3, section 3, line 1, after the word "found," to insert "but this section shall not be applicable to suits of a local nature;" so as to make the section read:

SEC. 3. That persons residing in said southern district of the Indian Territory may be sued only in the division in which they reside and in the court therein nearest to such residence, unless there be more than one defendant in such action, and then such person may be sued in the district or division in which such codefendants or one of them reside or may be found; but this section shall not be applicable to suits of a local nature: *Provided*, That cases now pending in said southern district shall be tried in the division where pending, the same as if brought in said division.

The amendment was agreed to.

The next amendment was to strike out section 4, in the following words:

SEC. 4. That the marshal, attorney, clerk, United States commissioners, and constables of the said southern district shall continue to exercise their function throughout said southern district.

And in lieu thereof to insert:

SEC. 4. That the United States marshal, United States attorney, clerk of the district court, and the United States commissioners, and constables for the said southern district shall continue to exercise functions as heretofore.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COURTS IN KANSAS.

Mr. FAIRBANKS. I am instructed by the Committee on the Judiciary, to whom was referred the bill (H. R. 7642) providing for the holding of terms of the circuit and district courts of the United States at Kansas City, Kans., and for other purposes, to report it favorably with an amendment. It is a brief bill, and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment reported by the Committee on the Judiciary was to strike out all after the enacting clause and insert:

That terms of the circuit court and of the district court of the United States for the first division of the judicial district of Kansas, in addition to those now provided by law, shall be hereafter held at the city of Kansas City, Kans., on the second Monday of January and first Monday of October of each year, but a jury shall not attend said October term excepting upon the order of the court, and a grand jury shall not attend either of said terms except upon the order of the district court.

SEC. 2. That all acts and parts of acts so far as in conflict with the provisions of this act are hereby repealed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MONONGAHELA RIVER BRIDGE.

Mr. QUAY. I ask unanimous consent for the present consideration of the bill (H. R. 16975) to authorize the construction of a bridge across the Monongahela River, in the State of Pennsylvania, by the Eastern Railroad Company.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OWNERS AND OFFICERS OF BRIG OLIVE FRANCES.

Mr. HALE. I ask unanimous consent for the present consideration of the bill (S. 3034) for the relief of the owners and officers of the brig *Olive Frances*, and others on board said brig.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes that the claims of the owners and officers of the brig *Olive Frances*, of Machiasport, Me., and others on board the brig, for damages and losses sustained by reason of collision of the United States gunboat *Winooski*, on July 30, 1866, be referred for examination and adjudication to the district court of the United States for the district of Maine.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COURTS IN ALABAMA.

Mr. MORGAN. I ask unanimous consent for the present consideration of the bill (H. R. 14512) to amend an act to add certain counties in Alabama to the northern district therein, and to divide the said northern district, after the addition of said counties, into two divisions, and to prescribe the times and places for holding courts therein, and for other purposes, approved May 2, 1884.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD S. CRILL.

Mr. TALIAFERRO. I ask unanimous consent for the present consideration of the bill (H. R. 2422) for the relief of Edward S. Crill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Edward S. Crill, of Florida, $175, for rent of building for post-office in Palatka, Fla., for the third and fourth quarters of the year 1886.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MONUMENTS AND MARKERS ON GETTYSBURG BATTLEFIELD.

Mr. ALGER. I ask unanimous consent for the present consideration of the bill (H. R. 7) authorizing the Secretary of War to cause to be erected monuments and markers on the battlefield of Gettysburg, Pa., to commemorate the valorous deeds of certain regiments and batteries of the United States Army.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Gettysburg National Park Commission, under the supervision of the Secretary of War, to erect such monuments and markers of granite and bronze upon the battlefield of Gettysburg, in the State of Pennyslvania, as will fittingly designate the positions, indicate the movements, and commemorate the valorous services of the following batteries and regiments of United States Regulars upon the battlefield: Batteries E, G, H, I, and K, First United States Artillery; A, B, D, G, L, and M, Second United States Artillery; C, F, and K, Third United States Artillery; A, B, C, F, G, and K, Fourth United States Artillery; C, D, F, I, and K, Fifth United States Artillery; Second, Third, Fourth, Sixth, Seventh, Eighth, Tenth, Eleventh, Twelfth, Fourteenth, and Seventeenth Regiments of United States Infantry; First, Second, Fifth, and Sixth Regiments of Cavalry; and United States Engineers Detachment, etc.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ACCOUNTS OF ARMY OFFICERS.

Mr. COCKRELL. I ask unanimous consent for the present consideration of the bill (S. 5437) to authorize the settlement of the accounts of officers of the Army. It is very necessary that this bill should pass, so as to enable the heads of departments and accounting officers to adjust the accounts of Army officers.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, on page 2, in section 2, line 14, after the word "act," to strike out "which" and insert "of the accounts of any officer whose combined responsibility for public money and Government property;" so as to make the section read:

SEC. 2. That the accounts of military officers, whether of the line or staff, for Government property charged to them, shall be closed by the proper accounting officers whenever, in the judgment of the Secretary of War, it will be for the interest of the United States to do so: *Provided*, That such accounts originated subsequent to April 21, 1898, and prior to the 9th day of July, 1901: *Provided further*, That no settlement shall be made by the officers of the Treasury, under this act, of the accounts of any officer whose combined responsibility for public money and Government property shall exceed the sum of $5,000, and only of such officers of the Army in whose accounts there is no apparent fraud against the United States: *And provided further*, That this act shall remain in force for two years from and after its passage, and no longer.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. GALLINGER. Mr. President, the time has come for executing the unanimous-consent agreement relative to the consideration of pension bills, but, unless some Senator objects, I shall yield to the Senator from California [Mr. PERKINS] and the Senator from North Dakota [Mr. MCCUMBER] in order that they may ask for the consideration of certain bills.

PROTECTION OF WILD ANIMALS, ETC., IN FOREST RESERVES.

Mr. PERKINS. I ask unanimous consent for the present consideration of the bill (S. 6689) for the protection of wild animals, birds, and fish in the forest reserves of the United States.

The PRESIDENT pro tempore. The bill will be read to the Senate for its information, subject to objection.

The Secretary read the bill, as follows:

Be it enacted, etc., That the President of the United States is hereby authorized to designate such areas in the public forest reserves as should, in his opinion, be set aside for the protection of wild animals, birds, and fish, and be recognized as a breeding place therefor.

SEC. 2. That when such areas have been designated, as provided for in section 1 of this act, hunting, trapping, killing, or capture of wild animals, birds, and fish upon the lands and within the waters of the United States within the limits of said areas shall be unlawful, except under such regulations as may be prescribed, from time to time, by the Secretary of the Interior; and any person violating such regulations shall be deemed guilty of a misdemeanor, and shall, upon conviction in any United States court of competent jurisdiction, be fined in a sum not exceeding $1,000 or be imprisoned for a period not exceeding one year, or shall suffer both fine and imprisonment, in the discretion of the court.

SEC. 3. That it is the purpose of this act to protect from trespass the public lands of the United States and the wild animals, birds, and fish which may be thereon, and not to interfere with the operation of the local game laws as affecting private, State, or Territorial lands.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. RAWLINS. I should like to ask the Senator from California whether the lands referred to in the bill as being within forest reserves are subject to the exercise of this kind of power on the part of Congress?

Mr. PERKINS. Mr. President, this bill has the approval of the Interior Department. It was submitted to the Secretary of the Interior for his approval, and he has approved it. The report accompanying the bill is quite full, I will say to the Senator from Utah, and it interferes with no local State laws whatever.

I have received numerous letters, I will say to my friend from Utah, from representative citizens residing in the different States where these reserves are located, and they are all earnestly in favor of the enactment of such a bill as this into law.

Mr. RAWLINS. The purpose of the proposed law is, I think, all right, and if the committee has given the matter careful consideration I shall not object to the consideration of the bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT FARGO, N. DAK.

Mr. MCCUMBER. I ask unanimous consent for the present consideration of the bill (S. 7115) to provide for the erection of an addition to the public building in the city of Fargo, N. Dak.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds, with an amendment, on page 1, line 11, after the words "sum of," to strike out "one hundred and fifty" and insert "eighty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be erected a suitable addition to the public building at Fargo, N. Dak., including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States court, the post-office, and other governmental offices in said city; the cost of the said addition, including the said fireproof vaults, heating and ventilating apparatus, and elevators, and approaches, complete, not to exceed the sum of $80,000. Said addition to said public building shall be erected on the site belonging to the United States at Fargo, N. Dak.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CONSIDERATION OF PENSION BILLS.

Mr. GALLINGER. I now ask that the order of the Senate regarding the consideration of pension bills may be executed.

The PRESIDENT pro tempore. In accordance with the unanimous-consent agreement the unobjected pension bills on the Calendar will now be considered.

SUSAN E. DUNCAN.

The bill (H. R. 1531) granting an increase of pension to Susan E. Duncan was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "of" where it occurs the first time, to strike out the name "Suasn" and insert "Susan;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susan E. Duncan, widow of Alender P. Duncan, late lieutenant-colonel Fourth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

Mr. GALLINGER. As the amendment is simply to correct a typographical error, let it be disagreed to, and the error will be corrected when the bill is enrolled.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN R. CURRY.

The bill (H. R. 8254) granting an increase of pension to John R. Curry was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John R. Curry, late of Company D, One hundred and eighty-sixth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH C. GATES.

The bill (H. R. 9074) granting a pension to Elizabeth C. Gates was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth C. Gates, widow of Jacob Gates, late of Company G, Twenty-ninth Regiment Ohio Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ASA TARBOX.

The bill (H. R. 1423) granting an increase of pension to Asa Tarbox was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Asa Tarbox, late of Company F, Eleventh Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LAURA LEVENSELER.

The bill (H. R. 1014) granting a pension to Laura Levenseler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Laura Levenseler, the dependent and helpless daughter of Henry Levenseler, late of Company A, Twenty-second Regiment Massachusetts Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FREDERICK HART.

The bill (H. R. 714) granting an increase of pension to Frederick Hart was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frederick Hart, late of Company C, Twenty-second Regiment New York Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WINTHROP W. WOLCOTT.

The bill (H. R. 15473) granting an increase of pension to Winthrop W. Wolcott was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Winthrop W. Wolcott, late of Company E, Sixteenth Regiment Connecticut Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELVIRA M. COOPER.

The bill (H. R. 12524) granting an increase of pension to Elvira M. Cooper was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elvira M. Cooper, widow of George E. Cooper, late major and surgeon, United States Army, and to pay her a pension of $30 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS SHERRY.

The bill (H. R. 5460) granting an increase of pension to Thomas Sherry was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Sherry, late of Company K, Fourth Regiment Michigan Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MICHAEL CONLON.

The bill (H. R. 6332) granting a pension to Michael Conlon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Michael Conlon, father of John Conlon, late of Company D, Nineteenth Regiment United States Infantry, and to pay him a pension of $12 per month.

Mr. GALLINGER. In this bill there should be an amendment. In line 6 I move to insert the word "dependent" before the word "father," so as to read "dependent father."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

CHARLES P. BIGELOW.

The bill (H. R. 5450) granting a pension to Charles P. Bigelow was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles P. Bigelow, late acting assistant surgeon, United States Army, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH E. YEMANS.

The bill (H. R. 8626) granting an increase of pension to Sarah E. Yemans was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah E. Yemans, widow of Charles C. Yemans, late second lieutenant Company D, Twenty-fourth Regiment Michigan Volunteer Infantry, and to pay her a pension of $15 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GRAHAM M'CLOSSON.

The bill (H. R. 14388) granting an increase of pension to Graham McClosson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Graham McClosson, late of Company A, One hundred and tenth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ABEL FLEMING.

The bill (H. R. 7012) granting an increase of pension to Abel Fleming was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Abel Fleming, late of Company B, Fifth Regiment Illinois Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM F. RANDOLPH.

The bill (H. R. 11258) granting a pension to William F. Randolph was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William F. Randolph, late pilot, United States Navy, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FLETCHER DULING.

The bill (H. R. 14258) granting a pension to Fletcher Duling was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Fletcher Duling, late of Company D, Thirty-third Regiment, United States Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FREDERICK SHOVAR.

The bill (H. R. 15064) granting an increase of pension to Frederick Shovar was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frederick Shovar, late of Company I, One hundred and seventy-seventh Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH ROSENBARGER.

The bill (H. R. 15329) granting an increase of pension to Elizabeth Rosenbarger was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth Rosenbarger, widow of Philip Rosenbarger, late of Company A, Eighty-first Regiment Indiana Volunteer Infantry, and to pay her a pension of $20 per month in lieu of that she is now receiving: *Provided, however*, That in the case of the death of the helpless child, William Rosenbarger, on whose account the pension of Elizabeth Rosenbarger is increased, the pension of said Elizabeth Rosenbarger shall continue only at $8 per month from and after the date of death of said helpless child.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES M. MARSHALL.

The bill (H. R. 15661) granting an increase of pension to James M. Marshall was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James M. Marshall, late of Company A, One hundred and fourteenth Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOMER DAVIS.

The bill (H. R. 6161) granting an increase of pension to Homer Davis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Homer Davis, late of Company I, Second Regiment Indiana Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving, the same to be paid to him under the rules of the Pension Bureau as to mode and times of payment without any deduction or rebate on account of former alleged overpayments or erroneous payments of pension.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE HEINZMAN.

The bill (H. R. 305) granting an increase of pension to George Heinzman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George Heinzman, late captain Company B, Eighty-second Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES MASCHMEYER.

The bill (H. R. 4118) granting a pension to Charles Maschmeyer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles Maschmeyer, late of Captain Schwab's company, Provisional Enrolled Missouri Militia, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADA S. KAEMPFER.

The bill (H. R. 10672) granting a pension to Ada S. Kempfer was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "widow," to strike out the name "Kempfer" and insert "Kaempfer;" and in line 7, before the word "late," to strike out the name "Kempfer" and insert "Kaempfer;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ada S. Kaempfer, widow of Samuel O. Kaempfer, late assistant surgeon, Two hundred and eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $8 per month, such pension to cease upon proof that the officer is living.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Ada S. Kaempfer."

JULIA ANGLADA.

The bill (H. R. 11417) granting an increase of pension to Julia Anglada was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Julia Anglada, widow of John Anglada, late of U. S. S. *Constitution*, United States Navy, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH A. GERRY.

The bill (H. R. 15437) granting an increase of pension to Sarah A. Gerry was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah A. Gerry, widow of Madison Gerry, late of Company C, First Regiment New Hampshire Volunteer Heavy Artillery, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS E. PEABODY.

The bill (H. R. 15438) granting an increase of pension to Thomas E. Peabody was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas E. Peabody, late of Company A, First Regiment New Hampshire Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HIRAM S. THOMPSON.

The bill (H. R. 1689) granting an increase of pension to Hiram S. Thompson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hiram S. Thompson, late of Company F, Thirteenth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JANE P. CHESTER.

The bill (H. R. 15439) granting an increase of pension to Jane P. Chester was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jane P. Chester, widow of George F. Chester, late colonel One hundred and first Regiment New York Volunteer Infantry, and to pay her a pension of $30 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN SULLIVAN.

The bill (H. R. 2614) granting a pension to John Sullivan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Sullivan, late assistant surgeon Thirteenth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCIS N. BONNEAU.

The bill (H. R. 13826) granting an increase of pension to Francis N. Bonneau was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Francis N. Bonneau, late commander's clerk, United States Navy, war with Mexico, and to pay him a pension of $16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCES COWIE.

The bill (H. R. 15754) granting a pension to Frances Cowie was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frances Cowie, widow of George Cowie, late commander, United States Navy, and to pay her a pension of $30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN SMITH.

The bill (H. R. 15870) granting an increase of pension to John Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Smith, late of Troop A, Fifth Regiment United States Cavalry, and Company G, One hundred and twenty-fifth Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REUBEN F. CARTER.

The bill (H. R. 5898) granting an increase of pension to Reuben F. Carter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Reuben F. Carter, late of Company H, Fifth Regiment New Hampshire Volunteer Infantry, and Company G, Second Regiment United States Volunteer Sharpshooters, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. CHOATE.

The bill (H. R. 16153) granting a pension to George W. Choate was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Choate, late of Company M, Third Regiment New York Volunteer Infantry, war with Spain, and to pay him a pension of $30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GRACE A. NEGLEY.

The bill (H. R. 3504) granting an increase of pension to Grace A. Negley was announced as the next bill in order on the Calendar.

Mr. GALLINGER. Let the bill be passed over. I will make a statement occupying a moment at this time.

The House passed a bill for Mrs. Negley, widow of General Negley, at $50 per month, and one for Mrs. Sigel, widow of General Sigel, at $100 a month. The Committee on Pensions has a rule that no bill will be reported for a widow at a rate exceeding $50 per month. It has been suggested to me that an effort will be made on the floor to restore the rate to the widow of General Sigel, and in that case the friends of Mrs. Negley want to be heard. So I believe both of those cases had better be passed over.

The PRESIDENT pro tempore. The bill will be passed over.

JOHN MACFARLANE.

The bill (H. R. 15571) granting an increase of pension to John Macfarlane was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Macfarlane, late of the United States steamships *Vermont*, *New Hampshire*, *Philadelphia*, and *Para*, United States Navy, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JULIA A. COOK.

The bill (H. R. 4059) granting an increase of pension to Julia A. Cook was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Julia A. Cook, widow of Enos Cook, late of Company I, One hundred and forty-third Regiment New York Volunteer Infantry, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENJAMIN W. WALKER.

The bill (H. R. 16358) granting an increase of pension to Benjamin W. Walker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Benjamin W. Walker, late of Company B, First Regiment Rhode Island Volunteer Light Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID BROBST.

The bill (H. R. 14789) granting an increase of pension to David Brobst was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David Brobst, late of Company G, One hundred and first Regiment Indiana Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEONARD S. GROVE.

The bill (H. R. 14952) granting an increase of pension to Leonard S. Grove was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Leonard S. Grove, late of Company E, Eighth Regiment Maryland Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

IRA L. EVANS.

The bill (H. R. 7334) granting an increase of pension to Ira L. Evans was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ira L. Evans, late captain Company A, First Regiment Michigan Volunteer Sharpshooters, and to pay him a pension of $17 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time and passed.

ASA C. HILL.

The bill (H. R. 14604) granting an increase of pension to Asa C. Hill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Asa C. Hill, late of Company D, Bell's Regiment Texas Mounted Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the the third time, and passed.

JOHN T. KNOOP.

The bill (H. R. 14605) granting an increase of pension to John T. Knoop was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John T. Knoop, late of Company I, Forty-second Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. KNEPPLE.

The bill (H. R. 16465) granting an increase of pension to William H. Knepple was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Knepple, late of Company B, One hundred and ninety-fifth Regiment Ohio Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN G. NOWMAN.

The bill (H. R. 5167) granting an increase of pension to John G. Nowman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John G. Nowman, late of Company H, Twelfth Regiment Iowa Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JANE C. WELCH.

The bill (H. R. 15961) granting an increase of pension to Jane C. Welch was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jane C. Welch, widow of William W. Welch, late surgeon Fifty-third Regiment Illinois Volunteer Infantry, and to pay her a pension of $25 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SUSAN KENT.

The bill (H. R. 2812) granting a pension to Susan Kent was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Susan Kent, widow of John Kent, late of Captain Daniel's company, Florida Volunteers, Florida Indian war, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN B. ANDERSON.

The bill (H. R. 14168) granting a pension to John B. Anderson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John B. Anderson, late courier, Col. A. W. Doniphan's Regiment Missouri Volunteer Infantry, war with Mexico, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES T. LUNDY.

The bill (H. R. 14889) granting a pension to James T. Lundy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James T. Lundy, late of Company D, Second Regiment Florida Volunteer Cavalry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES S. WAINWRIGHT.

The bill (H. R. 16499) granting an increase of pension to Charles S. Wainwright was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles S. Wainwright, late colonel First Regiment New York Volunteer Light

Artillery and brevet brigadier-general, United States Volunteers, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ABEL WOODS.

The bill (H. R. 11790) granting an increase of pension to Abel Woods was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Abel Woods, late of Company E, Tenth Regiment Indiana Volunteer Cavalry, and to pay him a pension of $12 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN DINNEEN.

The bill (H. R. 16512) granting an increase of pension to John Dinneen, now known as John J. Davidson, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Dinneen, now known as John J. Davidson, late of Company G, Thirty-third Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARGARET BRENNAN.

The bill (H. R. 14687) granting a pension to Margaret Brennan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Margaret Brennan, widow of Robert Brennan, late of Captain Quinlan's Engineer Company, Sixty-ninth Regiment New York State Militia Volunteer Infantry, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HERMAN TUERCK.

The bill (H. R. 14963) granting an increase of pension to Herman Tuerck was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Herman Tuerck, late second lieutenant Company E, Twelfth Regiment Missouri Volunteer Infantry, and to pay him a pension of $100 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ERASTUS E. EDMUNDS.

The bill (H. R. 3578) granting an increase of pension to Erastus E. Edmunds was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Erastus E. Edmunds, late of Company H, Fifty-first Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES EVANS.

The bill (H. R. 13534) granting an increase of pension to James Evans was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Evans, late of Company D, Fifth Regiment United States Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RUDOLPH B. WEYENETH.

The bill (H. R. 15840) granting an increase of pension to Rudolph B. Weyeneth was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Rudolph B. Weyeneth, late of Company F, Third Regiment New York Volunteer Light Artillery, and Company C, Tenth Regiment Veteran Reserve Corps, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELISE SIGEL.

The bill (H. R. 15659) granting a pension to Elise Sigel was announced as the next bill in order on the Calendar.

Mr. GALLINGER. Let the bill go over.

The PRESIDENT pro tempore. The bill will go over.

FRANCIS A. TRADEWELL.

The bill (H. R. 16161) granting an increase of pension to Francis A. Tradewell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twelve" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis A. Tradewell, late of Captain Elmore's company, South Carolina Volunteers, Florida Indian war, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

THOMAS PARFITT.

The bill (H. R. 4807) granting an increase of pension to Thomas Parfitt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Parfitt, late of Company C, Fifty-fifth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN A. M. SEITZ.

The bill (H. R. 10953) granting an increase of pension to John A. M. Seitz was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John A. M. Seitz, late second lieutenant Company B, Sixty-second Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES K. CAMERON.

The bill (H. R. 13850) granting an increase of pension to Charles K. Cameron was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles K. Cameron, late of Company I, One hundred and sixty-first Regiment New York Volunteer Infantry, and to pay him a pension of $50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH A. LEEPARD.

The bill (H. R. 14120) granting an increase of pension to Sarah A. Leepard, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah A. Leepard, widow of Joseph Leepard, late of Company D, One hundred and twenty-seventh, and Company D, Two hundred and second regiments Pennsylvania Volunteer Infantry, and to pay her a pension of $20 per month in lieu of that she is now receiving: *Provided, however*, That in the event of the death of the helpless child, Letitia M. Leepard, on whose account the pension of Sarah A. Leepard is increased, the pension of said Sarah A. Leepard shall continue only at the rate of $8 per month from and after the date of death of said helpless child.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SOLOMON S. SHANER.

The bill (H. R. 15585) granting an increase of pension to Solomon S. Shaner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Solomon S. Shaner, late of Company D, Third Regiment Pennsylvania Reserve Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AARON YOUNG.

The bill (H. R. 9987) granting an increase of pension to Aaron Young was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Aaron Young, late of Company D, Twenty-fourth Regiment United States Colored Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JULIA E. JONES.

The bill (H. R. 16217) granting an increase of pension to Julia E. Jones was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Julia E. Jones, widow of James L. Jones, late second lieutenant Company C, Third Regiment Tennessee Volunteers, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILSON G. GRAY.

The bill (H. R. 16492) granting an increase of pension to Wilson G. Gray was considered as in Committee of the Whole. It

proposes to place on the pension roll the name of Wilson G. Gray, late of Company K, Third Regiment Arkansas Volunteer Cavalry, and to pay him a pension of $50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PETER BUCKLEY.

The bill (H. R. 7778) granting a pension to Peter Buckley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Peter Buckley, late of Company E, Eleventh Regiment New York Volunteer Infantry, and to pay him a pension of $10 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ENOCH DODD.

The bill (H. R. 16272) granting an increase of pension to Enoch Dodd was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Enoch Dodd, late of Company H, Seventh Regiment Connecticut Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GUSTAVUS W. PEABODY.

The bill (H. R. 16271) granting an increase of pension to Gustavus W. Peabody was considered as in Committee of the Whole. It proposes to place on the pension roll, the name of Gustavus W. Peabody, late of Company I, Tenth Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNIE W. COIT.

The bill (H. R. 16269) granting an increase of pension to Annie W. Coit was considered as in Committee of the Whole. It proposes to place on the pension roll, the name of Annie W. Coit, widow of James B. Coit, late major Fourteenth Regiment Connecticut Volunteer Infantry, and to pay her a pension of $25 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISAAC F. RUSSELL.

The bill (H. R. 1015) granting an increase of pension to Isaac F. Russell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaac F. Russell, late of Company H, Eighth Regiment Illinois Volunteer Cavalry, and to pay him a pension of $30 a month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH E. SMITH.

The bill (H. R. 12963) granting an increase of pension to Sarah E. Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah E. Smith, widow of Squie J. Smith, late of Company A, First Regiment New York Volunteer Cavalry, and to pay her a pension of $8 per month, such pension to cease upon proof that the soldier is still living.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANN GILBERT.

The bill (H. R. 16711) granting a pension to Ann Gilbert was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ann Gilbert, widow of Amos Gilbert, late seaman, United States Navy, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GUSTAVUS S. PERKINS.

The bill (H. R. 12991) granting an increase of pension to Gustavus S. Perkins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Gustavus S. Perkins, late acting first assistant engineer, United States Navy, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OZRO F. CHENEY.

The bill (H. R. 3516) granting an increase of pension to Ozro F. Cheney was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ozro F. Cheney, late of Company K, First Regiment Vermont Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JANE A. TILLINGHAST.

The bill (H. R. 12214) granting an increase of pension to Jane A. Tillinghast was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jane A. Tillinghast, widow of Albert G. Tillinghast, late first lieutenant Companies A and H, Fourth Regiment Rhode Island Volunteer Infantry, and to pay her a pension of $17 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN CORBETT.

The bill (H. R. 16058) granting a pension to John Corbett was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Corbett, helpless and dependent son of John Corbett, late of Company H, One hundred and eightieth Regiment Ohio Volunteer Infantry, and to pay him a pension of $12 per mouth.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENJAMIN H. DOWNING.

The bill (H. R. 10663) granting an increase of pension to Benjamin H. Downing was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Benjamin H. Downing, late first lieutenant Company E, Forty-ninth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WASHINGTON T. FILSON.

The bill (H. R. 5920) granting a pension to Washington T. Filson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Washington T. Filson, late captain independent company, Caldwell County, Mo., Home Guards, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARGARET FOX.

The bill (H. R. 5918) granting a pension to Margaret Fox was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Margaret Fox, widow of Eli Fox, late of Company I, One hundred and fifteenth Regiment Ohio Volunteer Infantry, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY TAYLOR.

The bill (H. R. 16032) granting an increase of pension to Henry Taylor was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Taylor, late of Company D, Seventy-third Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALMEDIA J. ROBISON.

The bill (H. R. 14811) granting a pension to Almedia J. Robison was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Almedia J. Robison, widow of Marion S. Robison, late second lieutenant Company H, Eighth Regiment Ohio Volunteer Infantry, war with Spain, and to pay her a pension of $15 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY J. SLUSSER.

The bill (H. R. 15211) granting a pension to Mary J. Slusser was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary J. Slusser, widow of Albert Slusser, late of Company I, Seventy-sixth Regiment Ohio Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. BRILL.

The bill (H. R. 1829) granting an increase of pension to George W. Brill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Brill, late of Company F, Twenty-sixth Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MAY E. BUNN.

The bill (H. R. 14407) granting a pension to May E. Bunn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of May E. Bunn, widow of George B. Bunn, late major and brigade surgeon, United States Volunteers, war with Spain, and to pay her a pension of $25 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JENNIE H. CRAMER.

The bill (H. R. 7851) granting an increase of pension to Jennie H. Cramer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jennie H. Cramer, widow of David Cramer, late of Company D, Forty-ninth Regiment Ohio Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CYRUS V. GORRELL.

The bill (H. R. 5511) granting an increase of pension to Cyrus V. Gorrell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Cyrus V. Gorrell, late of Company K, Seventy-fifth Regiment Indiana Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES BILLINGSLEY.

The bill (H. R. 2473) granting an increase of pension to James Billingsley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Billingsley, late of Company B, First Regiment West Virginia Volunteer Infantry, and to pay him a pension of $17 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH A. BUCKHOLZ.

The bill (H. R. 3569) granting an increase of pension to Joseph A. Buckholz was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph A. Buckholz, late of Company I, One hundred and eighth Regiment Ohio Volunteer Infantry, and Troop M, Second Regiment United States Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENJAMIN KNESTRICT.

The bill (H. R. 15864) granting an increase of pension to Benjamin Knestrict was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Benjamin Knestrict, late of Company E, Forty-ninth Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MICHAEL DEVINE.

The bill (H. R. 16321) granting a pension to Michael Devine was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Michael Devine, late of Company A, Eighteenth Regiment Ohio Volunteer Infantry, and to pay him a pension of $17 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS B. WILSON.

The bill (H. R. 3899) granting an increase of pension to Thomas B. Wilson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas B. Wilson, late of Company H, Twenty-fourth Regiment Indiana Volunteer Infantry, and D. Varner's Battalion Ohio and Indiana Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AURELIA M. POWER.

The bill (H. R. 7110) granting an increase of pension to Aurelia M. Power was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 10, after the word "receiving," to insert "and $2 per month additional on account of the minor child of said Benjamin F. Power until he reaches the age of 16 years;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Aurelia M. Power, widow of Benjamin F. Power, late first lieutenant Company C, One hundred and twenty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving and $2 per month additional on account of the minor child of said Benjamin F. Power until he reaches the age of 16 years.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MARTIN GREELEY.

The bill (H. R. 13297) granting a pension to Martin Greeley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martin Greeley, late of Company B, Ninth Regiment United States Infantry, and to pay him a pension of $8 a month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM LOWE.

The bill (H. R. 12019) granting an increase of pension to William Lowe was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Lowe, late of Company L, Twelfth Regiment Ohio Volunteer Cavalry, and to pay him a pension of $17 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PETER TUPER.

The bill (H. R. 1929) granting an increase of pension to Peter Tuper was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Peter Tuper, late of First Battery, Minnesota Volunteer Light Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY EHMKE.

The bill (H. R. 4266) granting an increase of pension to Henry Ehmke was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Ehmke, late of Company K, Ninth Regiment Minnesota Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY C. TROUT.

The bill (H. R. 13799) granting an increase of pension to Henry C. Trout was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry C. Trout, late of Company G, Eleventh Regiment Pennsylvania Reserve Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES P. CAMPBELL.

The bill (H. R. 15406) granting an increase of pension to James P. Campbell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James P. Campbell, late of Company D, Twenty-ninth Regiment Iowa Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES CLAYBOURN.

The bill (H. R. 15409) granting an increase of pension to James Claybourn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Claybourn, late of Company E, Twenty-fifth Regiment Missouri Volunteer Infantry, and to pay him a pension of $50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INEZ L. CLIFT.

The bill (H. R. 11596) granting an increase of pension to Inez L. Clift was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Inez L. Clift,

widow of William J. Clift, late lieutenant-colonel Fifth Regiment Tennessee Volunteer Cavalry, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OSCAR BREWSTER.

The bill (H. R. 4441) granting an increase of pension to Oscar Brewster was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Oscar Brewster, late of Company G, Fifth Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS MARTIN.

The bill (H. R. 12971) granting a pension to Thomas Martin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Martin, late of Company F, Third Regiment United States Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHESTER W. ABBOTT.

The bill (H. R. 15889) granting an increase of pension to Chester W. Abbott was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Chester W. Abbott, late of Company I, One hundred and third Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARRY F. LIBBY.

The bill (H. R. 16148) granting an increase of pension to Harry F. Libby was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Harry F. Libby, late of Company A, Third Regiment Illinois Volunteer Infantry, war with Spain, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH A. WILDER.

The bill (H. R. 13358) granting a pension to Elizabeth A. Wilder was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth A. Wilder, widow of Titus Wilder, late armorer, United States Navy, war with Mexico, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY NICHOLS.

The bill (H. R. 12410) granting an increase of pension to Mary Nichols was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Nichols, widow of Richard Nichols, late of Company F, Twenty-third Regiment Michigan Volunteer Infantry, and to pay her a pension of $20 per month, and $2 per month additional on account of a minor child of said soldier until such child shall have arrived at the age of 16 years: *Provided, however*, That in the case of the death of the helpless child, Bennett R. Nichols, on whose account the pension of Mary Nichols is increased, the pension of said Mary Nichols shall continue only at the rate of $8 per month from and after the date of death of said helpless child.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCES C. BROGGAN.

The bill (H. R. 15757) granting a pension to Frances C. Broggan was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "helpless," to strike out "the;" and in line 7, after the word "late," to strike out "a corporal in the" and insert "of;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frances C. Broggan, helpless and dependent daughter of Francis Broggan, late of Ordnance Corps, United States Army, and pay her a pension at the rate of $12 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

SABINA LALLEY.

The bill (H. R. 8617) granting a pension to Sabina Lalley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sabina Lalley, dependent mother of Patrick Lalley, late of Company B, Seventeenth Regiment Wisconsin Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. CHAMBERLIN.

The bill (H. R. 15472) granting an increase of pension to William H. Chamberlin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Chamberlin, late of Company K, First Regiment Wisconsin Volunteer Heavy Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JANE HALE.

The bill (H. R. 4153) granting a pension to Jane Hale was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jane Hale, widow of Samuel Hale, late of Company M, Fifth Regiment Michigan Volunteer Cavalry, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DENNIS COSIER.

The bill (H. R. 13999) granting an increase of pension to Dennis Cosier was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Dennis Cosier, late of Company K, First Regiment Michigan Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY WILLIAMS.

The bill (H. R. 9814) granting an increase of pension to Mary Williams was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Williams, widow of Francis C. Williams, late of Company H, Ninth Regiment United States Infantry, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AUGUSTA W. SEELY.

The bill (H. R. 14143) granting an increase of pension to Augusta W. Seely was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Augusta W. Seely, widow of Henry B. Seely, late lieutenant-commander, United States Navy, and to pay her a pension of $40 per month in lieu of that she is now receiving, and $2 per month additional on account of the minor child of said Henry B. Seely until she reaches the age of 16 years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GOTTLIEB KAFER.

The bill (H. R. 4183) granting an increase of pension to Gottlieb Kafer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Gottlieb Kafer, late of Company M, Fifth Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension of $17 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELI TITUS.

The bill (H. R. 15892) granting an increase of pension to Eli Titus was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eli Titus, late of Company C, One hundred and thirty-seventh Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LUTHER SCOTT.

The bill (H. R. 15839) granting an increase of pension to Luther Scott was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Luther Scott, late of Company H, Fortieth Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HUGH J. REYNOLDS.

The bill (H. R. 14251) granting an increase of pension to Hugh J. Reynolds was considered as in Committee of the Whole. It

proposes to place on the pension roll the name of Hugh J. Reynolds, late of Company G, Palmetto Regiment South Carolina Volunteer Infantry, war with Mexico, and to pay him a pension of $16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN S. CAMPBELL.

The bill (H. R. 11125) granting an increase of pension to John S. Campbell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John S. Campbell, late of Company G, Twelfth Regiment Indiana Volunteer Infantry, and to pay him a pension of $12 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADDISON ARNOLD.

The bill (S. 4812) granting a pension to Addison Arnold was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Addison Arnold, late of Company K, Third Regiment United States Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES H. POWELL.

The bill (H. R. 15084) granting a pension to James H. Powell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James H. Powell, late of Company A, Eleventh, and Company K, Tenth Regiments Tennessee Volunteer Infantry, and to pay him a pension of $8 per month and such higher rate of pension as he may hereafter be entitled to under existing laws, the same to be paid to him under the rules of the Pension Bureau as to mode and times of payment, without any deduction or rebate on account of former alleged overpayments or erroneous payments of pension.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES W. BRACKEN.

The bill (H. R. 15572) granting a pension to Charles W. Bracken was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles W. Bracken, late of Captain Highsmith's company, Texas Mounted Volunteers, war with Mexico, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HALVOR PAULSEN.

The bill (S. 6653) granting a pension to Halvor Paulsen was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 5, after the word "provisions," to insert "and limitations;" and in line 6, after the word "late," to strike out "a coxswain in the" and insert "of United States steamship *Minneapolis;*" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Halvor Paulsen, late of United States steamship *Minneapolis*, United States Navy, and pay him a pension at the rate of $24 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE BROWN.

The bill (H. R. 16162) granting an increase of pension to George Brown was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George Brown, late of Companies H and I, Fourth Regiment New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN DA SILVA.

The bill (H. R. 15841) granting an increase of pension to John Da Silva was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Da Silva, late ordinary seaman, United States Navy, war with Mexico, and musician, Seventieth Regiment New York Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE N. M'MURRY.

The bill (H. R. 15911) granting an increase of pension to George N. McMurry was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George N. McMurry, late of Company G, Second Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

JAMES A. HALE.

The bill (H. R. 15910) granting an increase of pension to James A. Hale was considered as in Committee of the Whole. It proposes to place on the pension role the name of James A. Hale, late of Company B, Second Regiment California Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FREDERICK W. DAMON.

The bill (H. R. 1923) granting an increase of pension to Frederick W. Damon was consieered as in Committee of the Whole. It proposes to place on the pension roll the name of Frederick W. Damon, late of Company G, Thirty-first Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SCOTT CASE.

The bill (H. R. 8288) granting an increase of pension to Scott Case was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Scott Case, late of Company C, Eleventh Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES M. CLEMENT.

The bill (H. R. 13519) granting an increase of pension to James M. Clement was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James M. Clement, late of Company E, Twelfth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

PETER JOHNSON.

The bill (H. R. 8287) granting an increase of pension to Peter Johnson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Peter Johnson, late of Company M, Fourth Regiment Illinois Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD WALSH.

The bill (H. R. 14391) granting an increase of pension to Edward Walsh was considered as in Committee of the Whole. It proposes to place on the pension roll the name Edward Walsh, late of Company A, Battalion Nineteenth Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PHILLIP MOONEY.

The bill (H. R. 14897) granting an increase of pension to Phillip Mooney was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Phillip Mooney, late of Company D, First Georgia Regiment Volunteer Infantry, war with Mexico, and to pay him a pension of $16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DELANIA PRESTON.

The bill (H. R. 15300) granting a pension to Delania Preston was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Delania Preston, widow of William G. Preston, late of Captain Wilson's company, Georgia Volunteer Infantry, Florida Indian war, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENJAMIN CARDWELL.

The bill (H. R. 15622) granting an increase of pension to Benjamin Cardwell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Benjamin Cardwell, late of Company K, First Regiment Alabama Volunteers, war with Mexico, and to pay him a pension of $16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DELITHA A. COOK.

The bill (H. R. 15693) granting an increase of pension to Delitha A. Cook was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Delitha A. Cook, widow of Zoroaster Selman Cook, late a sergeant of Company B, Seibel's battalion, Alabama Volunteers, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AUSTIN A. VORE.

The bill (H. R. 9107) granting a pension to Austin A. Vore was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Austin A. Vore, late of Company L, Eighth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MARGARET SNYDER.

The bill (H. R. 14845) granting a pension to Margaret Snyder was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "mother," to insert "dependent;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret Snyder, dependent mother of John Snyder, late of Company A, Twelfth Regiment Ohio Volunteer Cavalry, and Troop G, Seventh Regiment United States Cavalry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

JOHN SNODGRASS.

The bill (H. R. 15358) granting an increase of pension to John Snodgrass was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Snodgrass, late captain Company F, One hundred and thirty-ninth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HIRAM D. DEMING.

The bill (H. R. 13088) granting an increase of pension to Hiram D. Deming was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hiram D. Deming, late of Company G, Forty-fifth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN A. SMITH.

The bill (H. R. 1482) granting an increase of pension to John A. Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John A. Smith, late of Company G, Fourth Regiment Provisional Enrolled Missouri Militia, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH PALMER.

The bill (H. R. 15421) granting an increase of pension to Elizabeth Palmer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth Palmer, widow of Thomas J. Palmer, late of Company A, Second Regiment Missouri Mounted Infantry Volunteers, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN M. STANLEY.

The bill (H. R. 2675) granting an increase of pension to John M. Stanley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John M. Stanley, late of Company D, One hundred and fifty-first Regiment Indiana Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM W. PAINTER.

The bill (H. R. 13689) granting a pension to William W. Painter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William W. Painter, late of Company K, Forty-third Regiment Indiana Volunteer Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MICHAEL RADER.

The bill (H. R. 6889) granting an increase of pension to Michael Rader was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Michael Rader, late captain Company F, Forty-sixth Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEWIS WALTON.

The bill (H. R. 11199) granting a pension to Lewis Walton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lewis Walton, late corporal, ordnance detachment, United States Army.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BRIDGET AGNES TRIDEL.

The bill (H. R. 1377) granting an increase of pension to Bridget Agnes Tridel was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Bridget Agnes Tridel, widow of John T. Tridel, late of Company B, First Regiment Virginia Volunteers, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ENOS TURNER.

The bill (H. R. 15400) granting an increase of pension to Enos Turner was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "and," to strike out "war of the rebellion;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Enos Turner, late of Company D, United States Mounted Riflemen, war with Mexico, and Company F, One hundred and fifty-third Regiment Illinois Volunteer Infanry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

HERMAN J. MILLER.

The bill (H. R. 14814) granting a pension to Herman J. Miller was considered as in Committee of the Whole. It proposes to

place on the pension roll the name of Herman J. Miller, late of Company L, Eleventh Regiment Tennessee Volunteer Cavalry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL BURRELL.

The bill (H. R. 14302) granting an increase of pension to Samuel Burrell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel Burrell, late first lieutenant Company M, Fifth Regiment Illinois Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT H. MARICLE.

The bill (H. R. 14303) granting an increase of pension to Robert H. Maricle was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert H. Maricle, late of Company D, Fortieth Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHRISTIAN J. FLANAGAN.

The bill (H. R. 15997) granting an increase of pension to Christian J. Flanagan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Christian J. Flanagan, late captain Company H, Thirty-fifth Regiment Iowa Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BESSIE LEDYARD.

The bill (H. R. 15694) granting a pension to Bessie Ledyard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Bessie Ledyard, widow of John B. Ledyard, late of Company M, Fifth Regiment United States Volunteer Infantry, war with Spain, and to pay her a pension of $12 per month and $2 per month additional on account of each of the minor children of said John B. Ledyard until they reach the age of 16 years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNIE E. DOSS.

The bill (H. R. 15673) granting a pension to Annie E. Doss was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Annie E. Doss, widow of Sylvester Doss, alias Harry S. Doss, late pilot of the ram *Lancaster*, Mississippi Marine Brigade, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES MATTINGLY.

The bill (H. R. 16591) granting an increase of pension to James Mattingly was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Mattingly, late of Company D, Forty-sixth Regiment Illinois Volunteer Infantry, and to pay him a pension of $17 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY A. HINKLE.

The bill (H. R. 15550) granting a pension to Mary A. Hinkle was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary A. Hinkle, widow of Aaron H. Hinkle, late of Company I, One hundred and ninety-ninth Regiment Pennsylvania Volunteer Infantry, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY P. REYNOLDS.

The bill (H. R. 16053) granting an increase of pension to Henry P. Reynolds was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry P. Reynolds, late of Company G, One hundred and twenty-sixth Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY P. EVERTON.

The bill (H. R. 15206) granting a pension to Mary P. Everton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary P. Everton, widow of William Everton, late of Company L, Sixth Regiment Iowa Volunteer Cavalry, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the time, and passed.

ELISE SIGEL.

Mr. GALLINGER. There were two bills passed over granting pensions to Mrs. Elise Sigel and Mrs. Negley. I ask that they be now considered.

The bill (H. R. 15659) granting a pension to Elise Sigel was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elise Sigel, widow of Franz Sigel, late major-general, United States Volunteers, and to pay her a pension of $100 a month.

Mr. GALLINGER. The committee proposed to strike out "one hundred" and insert "fifty." I move as an amendment to the amendment of the committee to make the pension $75 per month.

The SECRETARY. In line 8, before the word "dollars," strike out the committee amendment "fifty" and insert "seventy-five."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

GRACE A. NEGLEY.

The bill (H. R. 3504) granting an increase of pension to Grace A. Negley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Grace A. Negley, widow of James S. Negley, late major-general, United States Volunteers, and to pay her a pension of $50 per month in lieu of that she is now receiving.

Mr. GALLINGER. In line 8, before the word "dollars," I move to strike out "fifty" and to insert "seventy-five."

The amendment was agreed to.

Mr. KEAN. I hope the Senator from New Hampshire will insist on the amendment which has just been made if the bill goes into conference.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. GALLINGER. There are a few bills on the table reported this morning from the Committee on Pensions. I should like to have them considered.

ELBERT H. DAGNALL.

The bill (S. 7277) granting an increase of pension to Elbert H. Dagnall was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elbert H. Dagnall, late of Capt. Samuel Bone's company, Georgia Volunteers, Creek Indian war, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BENJAMIN CONTAL.

The bill (H. R. 5101) granting an increase of pension to Benjamin Contal was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin Contal, late of Company K, Sixth Regiment United States Infantry, and captain of Company F, Ninth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

MOSES WHITCOMB.

The bill (H. R. 9950) granting an increase of pension to Moses Whitcomb was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Moses Whitcomb, late of Company E, One hundredth Regiment Indiana Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ERVIN THOMPSON.

The bill (H. R. 13239) granting an increase of pension to Ervin Thompson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ervin Thompson, late of Company E, Forty-first Regiment Wisconsin Volunteer Infantry, and Company D, Fiftieth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NIMROD F. CLARK.

The bill (H. R. 13240) granting an increase of pension to Nimrod F. Clark was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nimrod F. Clark, late of Company B, One hundred and thirty-third Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES H. DURHAM.

The bill (H. R. 16534) granting an increase of pension to James H. Durham was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James H. Durham, late of Twenty-second Battery Indiana Volunteer Light Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH R. PRENTICE.

The bill (H. R. 15684) granting an increase of pension to Joseph R. Prentice was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph R. Prentice, late of Company C, Nineteenth Regiment United States Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. GALLINGER. That ends the pension Calendar, Mr. President.

BILLS TO CORRECT MILITARY RECORDS.

Mr. COCKRELL. There are a few cases on the Calendar for the correction of military records. It will only take a few moments to dispose of them. There are different Senators interested in those bills, and I ask that they may be considered now, subject to objection.

The PRESIDENT pro tempore. The Chair hears no objection.

EDWARD T. LEWIS.

Mr. COCKRELL. I ask the Senate to proceed to the consideration of the bill (S. 2871) to correct the military record of Edward T. Lewis.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Military Affairs with amendments, in line 3, after the word "authorized," to strike out "and directed;" and in line 8, after the word "discharge," to insert "*Provided*, That no pay, bounty, or other emoluments shall accrue by virtue of the passage of this act;" so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to remove the charge of desertion now appearing on the records on file in his office against Edward T. Lewis, late a private of Company K, Seventy-seventh Regiment Pennsylvania Volunteers, and grant him an honorable discharge: *Provided*, That no pay, bounty, or other emoluments shall accrue by virtue of the passage of this act.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LEVI L. REED.

Mr. COCKRELL. I ask the Senate to proceed to the consideration of the bill (H. R. 10095) for the relief of Levi L. Reed.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Military Affairs with an amendment, in line 5, after the word "Cavalry," to insert "as of date July 31, 1865;" so as to makethe bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to issue an honorable discharge to Levi L. Reed, late of Company H, Fifth Regiment United States Cavalry, as of date July 31, 1865: *Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

CHARLES F. DEISCH.

Mr. COCKRELL. I ask the Senate to proceed to the consideration of the bill (S. 4907) to correct the military record of Charles F. Deisch.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Military Affairs with an amendment, in line 8, after the word "States," to insert "as of date April 4, 1864," so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to correct the military record of Charles F. Deisch, late a private in Company G, Thirteenth Regiment Ohio Volunteer Infantry, and to issue to said Charles F. Deisch an honorable discharge from the service of the United States as of date April 4, 1864.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH T. VINCENT.

Mr. COCKRELL. I ask the Senate to proceed to the consideration of the bill (S. 2205) to correct the military record of Joseph T. Vincent.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and to insert:

That Joseph T. Vincent, late first lieutenant and quartermaster, Fifty-ninth Regiment United States Colored Infantry Volunteers, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of said regiment on the 25th day of January, 1864, and shall be entitled to all the rights and benefits that are now or may hereafter be provided by law for honorably discharged officers: *Provided*, That the said Vincent shall not be entitled to any pay or allowances to which he was not entitled prior to the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SIMEON PERRY.

Mr. COCKRELL. I ask the Senate to proceed to the consideration of the bill (S. 6570) to correct the military record of Simeon Perry.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of War to correct the military record of Simeon Perry, late a private in Company H, Thirty-sixth Regiment Missouri Infantry Volunteers, which afterwards became Company A, Thirty-second Regiment Missouri Infantry Volunteers, by removing the charge of desertion and substituting therefor "Absented himself without proper authority and so remained from December 20, 1862, to May 58, 1863, when he enlisted in Company G, Eleventh Regiment Missouri Cavalry Volunteers, served faithfully, and was honorably discharged July 2, 1865," but no pay, bounty, or other allowance shall accrue by reason of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES W. HOWARD.

Mr. COCKRELL. I ask the Senate to proceed to the consideration of the bill (S. 6960) for the relief of Charles W. Howard.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It directs that Charles W. Howard shall be held and considered to have been honorably discharged, upon tender of his resignation on account of disability, from the military service of the

United States as a second lieutenant of the Second Regiment Missouri Artillery Volunteers, on the 10th day of December, 1863, and authorizes the Secretary of War to issue for Howard a certificate of honorable discharge in accordance with the terms of this act; but no pay or allowance shall become due or payable to any person by reason of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BUILDING FOR BUREAU OF ENGRAVING AND PRINTING.

Mr. FAIRBANKS. I ask unanimous consent for the present consideration of the bill (S. 7263) to provide for the purchase of a site and the erection of a building thereon, to be used for a laundry and stable for the Bureau of Engraving and Printing, and to provide for the erection of an addition to the Bureau of Engraving and Printing building on the ground now occupied by the laundry building and stable, and for other purposes.

The Secretary proceeded to read the bill.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. FAIRBANKS. I ask the Senator from Pennsylvania if he will not allow the unfinished business to be temporarily laid aside until the consideration of the pending public building bill is completed.

Mr. QUAY. Very well, if there will be no discussion upon it.

Mr. FAIRBANKS. There will be none, I think.

The PRESIDING OFFICER. The Senator from Indiana asks unanimous consent that the unfinished business be temporarily laid aside until the completion of this bill.

Mr. KEAN. I have no objection to that, Mr. President.

The PRESIDING OFFICER. The Chair hears no objection, and the Secretary will resume the reading of the bill.

The Secretary resumed and concluded the reading of the bill.

Mr. MASON. I think the substance of this bill was called to my attention a year or two ago. I wish to ask the chairman of the committee if in these condemnation proceedings there is no limit fixed to the amount that is to be paid.

Mr. FAIRBANKS. For the property that is to be acquired?

Mr. MASON. Yes.

Mr. FAIRBANKS. It is estimated by the Department that it will cost $15,000. It is comparatively cheap property.

Mr. HOAR. We can not fix a limit to condemnation.

Mr. MASON. I understand, but——

Mr. FAIRBANKS. The Department estimates that the land can be acquired by condemnation for about $15,000. No limit is fixed.

Mr. MASON. As I remember, there is a laundry and a large lot of machinery that will probably be destroyed. Is there provision made for condemning that?

Mr. FAIRBANKS. The stable and laundry are upon the property of the Government at the present time, and they must be moved in order to make room for the large addition that is to be built. It will be necessary to condemn land elsewhere for the purpose of erecting a new laundry and stable thereon.

Mr. MASON. This has no reference to the Government Printing Office?

Mr. FAIRBANKS. It is entirely different from the Government Printing Office. It has no reference to it.

Mr. MASON. I understand it.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CLERKS OF CIRCUIT AND DISTRICT COURTS.

Mr. HOAR. I ask leave of the Senator from New Jersey to allow me to put two bills on their passage, which will lead to no debate.

Mr. KEAN. I yield to the Senator from Massachusetts.

Mr. HOAR. I ask that the Senate proceed to the consideration of the bill (H. R. 14047) for the relief of the clerks of circuit and district courts of the United States. It is a bill reported this morning.

The Secretary read the bill, as follows:

Be it enacted, etc., That the accounting officers of the Treasury are hereby authorized and directed to reopen and restate the emolument accounts of the clerks of the circuit and district courts of the United States for the years 1891 to 1900, inclusive, where a balance against said clerks has been created contrary to the decision of the Comptroller of the Treasury dated July 29, 1901, and the decisions of the Supreme Court of the United States cited therein, and to settle the same in accordance with said decisions; and upon satisfactory proof, which shall be made under oath, of any balance due any of said clerks, to certify and pay such balance to them out of any money in the Treasury not otherwise appropriated.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. QUAY. I will make no objection to these or to several other bills which I understand are to be presented with the understanding that they elicit no discussion. I am very desirous to listen to the speech of the Senator from New Jersey, and he is exceedingly anxious to proceed with his remarks.

Mr. BEVERIDGE. I will state that if it was not for the same wish which I entertain in common with the Senator from Pennsylvania to hear the continuation of the remarks of the Senator from New Jersey, I should myself object to these bills. But I shall not do so for the same reason.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEBBEUS H. ROGERS AND OTHERS.

Mr. HOAR. I also ask for the consideration of the bill (H. R. 12064) for the relief of Lebbeus H. Rogers and the administrators of William B. Moses, deceased.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes Lebbeus H. Rogers and the administrators of William B. Moses, deceased, within thirty days after the passage of this act, to pay into the Treasury of the United States $12,000, being the principal sum named in the official bond of Henry W. Howgate upon which William B. Moses, deceased, and Rogers were sureties, and such payment, together with court costs in the suits against them, shall be received in full satisfaction and discharge of all obligations whatsoever of said parties to the United States thereunder, and in full satisfaction and discharge of all judgments entered against said Rogers or said administrators in favor of the United States upon the said bond, and the Secretary of the Treasury is authorized and directed, upon receiving such payment, to satisfy said judgments; and each of them, of record. But nothing herein contained shall be construed as affecting in any manner the liability of said Howgate or his legal representatives to the United States on said bond or otherwise.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CIVIL GOVERNMENT FOR GUAM.

Mr. FORAKER. I ask unanimous consent for the present consideration of two short bills, one to establish a civil government for Guam and the other for Tutuila. They are exactly alike. I ask the Senate first to proceed to the consideration of the bill (S. 6599) to provide a government for the island of Guam, and for other purposes.

The Secretary read the bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. HOAR. Mr. President, I think that Senators should have an opportunity to examine the bill. It is a very important matter as to the governmant of a distant people not represented on this floor. I object to the present consideration of the bill.

Mr. FORAKER. I do not object at all to the bill going over, if the Senator from Massachusetts desires that it shall, for it is an important bill in a certain sense; that is to say, it is a bill which provides a civil government for the island of Guam, and it fixes tariff duties which shall be imposed on articles going into that island, so as to raise revenue for the island.

Mr. HOAR. Does it also deal with the matter of extradition?

Mr. FORAKER. It does. I added a provision to the bill in relation to that as an amendment which I was about to offer.

Mr. HOAR. Of course, whatever opinion the Senator from Ohio or his committee may have in regard to the rightfulness of our government of foreign dependencies, I am sure that they would deal with a question like this in the most wise and humane fashion; I make no question about that at all; but I think the bill is important enough, if the Senator from Ohio does not object, to go over for to-day.

Mr. FORAKER. I have no objection to that. I call the Senator's attention to the fact that a similar bill has been reported as to the government of the island of Tutuila. There are two of these bills—one for Guam and one for Tutuila. They are exactly alike, except that the amendment as to extradition has been already printed as to only one of them. I intended to offer it as to the other when the bill was considered.

Mr. HOAR. If unanimous consent may be given that the Senator from Ohio may now offer his amendment, so that it will be printed, then let the bill go over.

Mr. FORAKER. The amendment is printed in this bill, and I

will ask that it may now be read for the information of the Senate. It will take only a moment to do it.

The PRESIDING OFFICER. The proposed amendment will be read.

Mr. QUAY. Mr. President, when that amendment has been read, I shall ask for the regular order.

The SECRETARY. It is proposed to add at the end of the bill the following as new sections:

SEC. 4. That the provisions of section 1014 of the Revised Statutes, so far as applicable, shall apply throughout the United States for the arrest and removal therefrom to said island of any fugitive from justice charged with the commission of any crime or offense against the United States within said island, and shall apply within said island for the arrest and removal therefrom to the United States of any fugitive from justice charged with the commission of any crime or offense against the United States. Such fugitive may, by any judge or magistrate of said island, and agreeably to the usual mode of process against offenders therein, be arrested and imprisoned, or bailed, as the case may be, pending the issuance of a warrant for his removal to the United States, which warrant it shall be the duty of a judge of the court of first instance seasonably to issue and of the officer or agent of the United States designated for the purpose to execute. Such officer or agent, when engaged in executing such warrant without said island, shall have all the powers of a marshal of the United States so far as such powers are requisite for the prisoner's safe-keeping and the execution of the warrant.

SEC. 5. That the provisions of sections 5278 and 5279 of the Revised Statutes, so far as applicable, shall apply to said island, which, for the purposes of said sections, shall be deemed a Territory within the meaning thereof.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. QUAY. I object, Mr. President.

Mr. SPOONER. To what do the sections of the Revised Statutes mentioned in the amendment refer?

Mr. FORAKER. Those are the statutes in regard to extradition.

The PRESIDING OFFICER. Objection is made to the consideration of the bill, and it goes over.

Mr. FORAKER. I understand that the Senator from Massachusetts simply wishes the bill to go over to afford an opportunity to examine it, and I do not object to that.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had on the 5th instant approved and signed the following acts:

An act (S. 1672) for the relief of Elisha A. Goodwin, executor of the estate of Alexander W. Goodwin;

An act (S. 5891) to authorize the President to appoint Brig. Gen. H. C. Merriam to the grade of major-general in the United States Army and place him on the retired list;

An act (S. 6104) to restore to the active list of the Navy the name of John Walton Ross;

An act (S. 5724) for the relief of Paymaster James E. Tolfree, United States Navy;

An act (S. 6034) raising the rank of Chief Engineer David Smith on the retired list of the Navy;

An act (S. 3317) authorizing the President to appoint Lieut. Robert Platt, United States Navy, to the rank of commander; and

An act (S. 5329) authorizing the President to appoint Lieut. Commander William P. Randall, retired, United States Navy, a commander on the retired list.

The message also announced that the President of the United States had on the 6th instant approved and signed the following acts:

An act (S. 111) for the relief of William J. Smith and D. M. Wisdom;

An act (S. 1206) for the relief of Frank J. Burrows;

An act (S. 1928) for the relief of G. H. Sowder:

An act (S. 3555) for the relief of William Dugdale;

An act (S. 903) for the relief of William D. Rutan;

An act (S. 3401) for the relief of H. Glafcke;

An act (S. 342) for the relief of the heirs of Aaron Van Camp and Virginius P. Chapin; and

An act (S. 3748) for the relief of M. L. Cobb, administrator of W. W. Cobb, deceased.

STATEHOOD BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. KEAN resumed the speech begun by him on the 4th instant. After having spoken for about one hour,

Mr. CLAY. Will the Senator from New Jersey yield to me?

Mr. KEAN. I yield to the Senator from Georgia.

PROPELLER TOW BOAT COMPANY.

Mr. CLAY. I ask unanimous consent that the bill (H. R. 11127) for the relief of the Propeller Tow Boat Company, of Savannah, be taken up.

The PRESIDING OFFICER. The Senator from Georgia asks unanimous consent that the unfinished business be temporarily laid aside for the consideration of the bill he has named. It will be read for information.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to the Propeller Tow Boat Company, of Savannah, $2,929.45, for the damage done the steam tugboat *Cynthia*, belonging to the said company, by the transport ship *Chester*, belonging to the United States, in the Savannah River on the 30th day of November, 1898, for which the United States is liable.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES F. WOODFORD.

Mr. WARREN. I ask the Senator from New Jersey to yield to me for a moment to call up a very short bill of the class which was passed this morning.

Mr. KEAN. I yield to the Senator from Wyoming.

Mr. WARREN. I ask unanimous consent for the present consideration of the bill (H. R. 8663) to remove the charge of desertion from the military record of Charles F. Woodford and grant him an honorable discharge.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Military Affairs with an amendment, after the word "discharge," at the end of line 7, to insert "as of date May 1, 1862;" so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to amend the military record of Charles F. Woodford, late a private of Company I, One hundred and first Regiment New York Volunteer Infantry, so as to remove the charge of desertion and grant him an honorable discharge as of date May 1, 1862: *Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

PROTECTION OF PUBLIC FOREST RESERVES.

Mr. DEPEW. I ask for the present consideration of the bill (S. 7123) for the protection of the public forest reserves and national parks of the United States.

The Secretary read the bill.

Mr. HOAR. What is the object of the measure, may I inquire from the Senator from New York?

Mr. DEPEW. At present in the national parks the game wardens have no power to make arrests.

Mr. HOAR. It relates only to national parks?

Mr. DEPEW. Yes, sir.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole. It provides that all persons employed in the forest reserve and national park service of the United States shall have authority to make arrests for the violation of the laws and regulations relating to the forest reserves and national parks, and any person so arrested shall be taken before the nearest United States commissioner, within whose jurisdiction the reservation or national park is located, for trial; and upon sworn information by any competent person any United States commissioner in the proper jurisdiction shall issue process for the arrest of any person charged with the violation of said laws and regulations; but nothing herein contained shall be construed as preventing the arrest by any officer of the United States without process of any person taken in the act of violating said laws and regulations.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STATEHOOD BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. KEAN resumed his speech. After having spoken, with interruptions, for half an hour, he said:

Mr. President, I have now concluded my discussion in regard to Mormonism and polygamy. I have some further remarks to submit upon the question of the agriculture of Arizona and New Mexico, but I should much prefer not to finish this evening if there is any other Senator who desires to take the floor. In about half an hour on Monday I think I shall be able to conclude.

[Mr. KEAN's speech will be published entire after it shall have been concluded.]

Mr. TELLER. Mr. President, the junior Senator from Indiana [Mr. BEVERIDGE] has referred to what I said about polygamy in Mexico. I did not say, and do not now say, that there is not polygamy in Mexico, but I say that I do not believe there is any polygamy there, notwithstanding what has been read by the Senator from New Jersey [Mr. KEAN]. I base that opinion upon the fact that the Mormons are not in a sparsely settled section of country, away from the Mexican settlements, but in the heart of one of the old States, one of the settled States of that country, where probably 95 per cent of the people are Catholics. Those that are not Catholics, with the exception of those in that Mormon settlement, are American Protestants. There is quite a large American population in Chihuahua composed of mining men and men of that character. While there ten years ago this last fall I had every opportunity to learn something about this Mormon settlement. They were supplying the town of Chihuahua, a rather flourishing town, composed almost entirely of Mexicans, with vegetables, butter, etc. There was then a good deal of discussion about the Mormon settlement among the American population. I do not believe it is possible for anybody to practice polygamy in a country that is Catholic. If the plain people did not interfere, I am sure the Catholic priesthood would.

Mr. KEAN. Will the Senator pardon me for a moment?

Mr. TELLER. Certainly.

Mr. KEAN. Does not the Senator know that the colony at Chihuahua of Mormons and polygamists is fostered by the Mexican Government?

Mr. TELLER. I do not believe that the Mexican Government fosters polygamy. The Mormons were encouraged, of course, to come in there by the Mexican Government——

Mr. KEAN. What were they when they were encouraged to come in there?

Mr. TELLER. And while there they were obeying the laws of Mexico.

Mr. KEAN. There is no law in Mexico against polygamy.

Mr. TELLER. The Senator says there is no law in Mexico against polygamy. Mr. President, there is no law in Colorado against polygamy, and yet if a man should take a second wife whilst his first wife was living we have got a law on bigamy that would put him in the penitentiary for it. They have the same law in Mexico and they have the same law in every other civilized country, so far as I know.

Mr. KEAN. Yes, Mr. President, we had such a law in the United States for a great many years, but it never was enforced in Utah, was it?

Mr. TELLER. We know there was a condition in Utah very different from that existing anywhere else.

Mr. KEAN. And so there is a different condition now in Mexico, as there is wherever there are Mormons.

Mr. TELLER. That is what the Senator is asserting; that is what he is attempting to prove. I said I did not believe it, and I want to repeat that the Senator has not produced anything that is evidence of it to me, although he has produced a statement to that effect, not his own, but sombody's else, and the reason I was trying to give why I did not believe it was that I knew the Mexican people have not tolerated and would not tolerate polygamy in their midst if they knew it. If polygamy is now being practiced there, it is being practiced secretly and not openly. The Senator is asserting that it is practiced openly. If the Senator means to say now that the Government of Mexico has invited those people there and has consented that they shall practice polygamy, he ought to produce some proof of it.

I do not think that this question of polygamy has the slightest thing to do with this discussion, and I want to say, without any offense, I hope, to anybody, that it is dragged in here simply that this debate may be prolonged. That is all there is about it. But I think it would be quite as creditable if Senators would take up and discuss some other phase of opposition which might have some foundation, for this absolutely has none.

Mr. KEAN. That may be the opinion of the Senator from Colorado, but it is not the opinion of everyone else.

Mr. TELLER. I would be willing to abide by the opinion of almost anybody whether the introduction and discussion of this question has not been for the purpose of delay.

Mr. SPOONER. Mr. President, I intend to take but a few moments, but I submit to the Senator from Colorado [Mr. TELLER] that what he has just said is a criticism which, on its face, is hardly a just one.

The proposition pending before the Senate for the admission of these Territories is not a trifling one; it is about as important a measure as the Senate was ever called to pass judgment upon.

Mr. TELLER. I agree to that.

Mr. SPOONER. We may make a mistake if we do not admit these Territories at this session of Congress; but if the Senate makes such a mistake as that, it is one which the next session of Congress can correct. Every Senator who stops to think about it realizes that these Territories once admitted into the Union are admitted into the Union forever; and if we make a mistake in that direction it is absolutely irrevocable.

What can be more important in considering the question whether a Territory shall be admitted into the Union as a State, to be represented by a Representative in the other House and represented in the Senate by two Senators, although with less than a population, confessedly, entitling them to a Representative in the House, than for the Senate with the utmost care to consider, as far as the evidence affords information for analysis, the character of the population, small as it is. It is proper for the Senate to consider and give great weight to the question of the illiteracy of the population of a Territory seeking admission into the Union as a State.

It is vitally important to inquire into and to consider the precise question which attracted the attention of the Senate yesterday, and is attracting the attention of the Senate briefly this afternoon—the number of the Mormon population in the Territory; the tenets of the Mormon Church as they exist to-day, whether they violate the laws of the United States or not; whether they shock, by any practices approved by the church, the sense of common decency of civilized mankind; what, in the light of the observations which were made here yesterday, is their obligation to the church. I know not what the fact may be, but no Senator can excuse himself for not stopping long enough to ascertain if it be possible whether the 7,000 Mormons—a large percentage, too, relatively, of the population in New Mexico and Arizona—owe an allegiance——

Mr. TELLER. I beg the Senator's pardon. There are not 7,000 Mormons in New Mexico.

Mr. BEVERIDGE. There are in Arizona.

Mr. SPOONER. In Arizona.

Mr. TELLER. There are not to exceed 500 in New Mexico.

Mr. SPOONER. There are 7,000 in Arizona, and they are rapidly increasing, I am informed. It is important to inquire whether they owe an obligation to the church which is inconsistent with unreserved allegiance to the Government. The Senator may think it is a trifling matter and intended only for delay, but with me it is not that; and when we are told here on this floor that the church in a State already admitted controls the State, leading one easily to the conclusion, I think, that that Territory, under the circumstances, was not ripe for admission, although she has contributed able Senators to this body—men of ability and eloquence—but when we are told that one can not become a candidate for the United States Senate if he be an apostle of the church or hold a high office in the church, even if he be the choice of the people of the State and desires to enter the public service, without first obtaining the consent of the hierarchy, it is legitimate to inquire at the threshold of this proceeding how far that domination is to bind the population in a Territory which seeks admission into the Union.

I do not care at this time to enter into a general discussion of this measure. I shall, I trust, have something to say about it before this bill reaches a vote. I never have uttered anything in this Senate in the twelve years I have had the honor to be a member of it for the purpose of obstruction, and I shall not do so now; but I for one feel that the information which has been brought before the Senate to-day, and the information which, in a frank and clear way, was given to the Senate day before yesterday afternoon, is not only information of importance in arriving at a proper conclusion on this subject, but information which ought to challenge the careful thought of members of this body. I shall refer to it hereafter, but I should hate to have my friend from Colorado, who is generally tolerant and charitable to his associates here, attribute to me in what I may hereafter say about that phase of this subject, a disposition to filibuster.

Mr. TELLER. Mr. President, I believe I am quite as capable of appreciating the importance of the question whether these Territories ought to be admitted as States as anybody else. I have not in the slightest degree minimized the importance of it. I did remark—and perhaps it was not entirely justifiable, for I doubt whether anyone has really any right in this body to reflect upon the motives of a Senator—that it seemed to me the debate had drifted on to a feature of it as to which nobody ought to have any particular fear, and as to which I do not have any myself.

Of course if I believed that the system of polygamy was tolerated by the Mormon Church, I should have a different feeling about it. I do not believe that there is any probability that the few thousand Mormons down in Arizona will dominate that State politically, religiously, economically, or in any other way, or that they will adopt any system of plural marriages or anything of that kind that would be offensive to the morals of this country. I will not say that Senators who say they are alarmed about it are not alarmed, because I have no right to say it, but it does not frighten me, Mr. President.

Mr. President, the question of the admission of a State is

important. The good faith of this country was pledged fifty-odd years ago to admit the people of New Mexico and Arizona into this Union. It is true, it may be presumed that we reserved to ourselves the right to do it when our judgment said they should come in, but we expected to take these people in. We never indicated to the Mexican Government, when we took that cession, that we were to wait until they were Americanized or until the majority of the population had become Americans. We said to them, "Your people shall be treated as our people. When there are enough of them we will admit them into the Union as we admit our people." Will the Senator deny that that was the spirit?

Mr. SPOONER. Yes, sir; I deny it——

Mr. TELLER. Wait a minute. That is not in the treaty, but will the Senator deny that that was the spirit of the treaty? What are we to do? "We take this cession. We take you in as part of ourselves. We are going to make a State of you." There were no Americans there then at all.

Mr. SPOONER. The treaty differed from the Louisiana treaty and other treaties.

Mr. BEVERIDGE. And every treaty.

Mr. SPOONER. And every treaty, in that it provided that they should be admitted into the Union at the proper time, to be judged of by Congress.

Mr. TELLER. Exactly.

Mr. SPOONER. That probably would be implied; it ought to be implied, anyway. We have admitted several States out of the territory that was acquired under the treaty of Guadalupe-Hidalgo.

Mr. TELLER. Certainly.

Mr. SPOONER. The Senator's own State.

Mr. TELLER. In part.

Mr. SPOONER. In part; Utah, Nevada, California. But, Mr. President, for myself I find no obligation in that treaty, and I certainly would not seek to imply one which binds my conscience to admit New Mexico into the Union as a State, with a population less than that of the unit of representation, especially if the elements which compose that population are not such, in my judgment, considering the general interest, as to entitle them to admission. It has been a great many years since that treaty was made; it has been a long time since it became a Territory, and I do not myself take very kindly to the claim of that portion of the people there who are Mexicans to come into the Union.

If they do not care enough about our institutions to learn the language of the country, if the business of the courts must be carried on through an interpreter, if an interpreter must sometimes go into the jury room in order that Americans and Mexicans may, by the use of interpretation, get at what the judge charged the jury or what the witnesses testified, or to explain the views of one set of jurors to another, I do not know how it may seem to the Senator, but it does not seem to me a good foundation for this everlasting status of statehood, with all the power and responsibility which it involves.

But I beg the Senator's pardon. I did not mean to take his time.

Mr. TELLER. Mr. President, I was saying I thought there was an obligation on us to admit these people as Spaniards and not as Americans. The Senator now intensifies the claim that these people are not to be admitted until they become Americans in the sense that they understand our language. There was nothing of that kind said, and it was not so understood. We admitted California with a large Spanish population, and we admitted the people to all the rights of citizenship.

I want now to say a word or two about those people for fear I may not have another chance, for I do not intend to assist what seems to me an unnecessary debate. On the last day before we adjourned, if I had had an opportunity, I would have made some remarks on the bill. But I am not going to do it now. I wish to say that the report of this committee and the speeches made on this floor have been slanderous and libelous as to that people whom you call the American-Mexican population. They are infinitely better than the people you are admitting from Europe to-day. You admitted more than 100,000 people from Europe last year who can not hold any relation, as a good citizen, to these people. Of the 500,000 people who came from Europe last year I will venture to say not 10 per cent of them are as good citizens as the people of New Mexico are.

I knew these people when there were 25,000 of them in Colorado, and when there were not 25,000 Americans in Colorado. I knew them in the war. I knew them when they had not forgotten the fact that they were a conquered people. I know that nowhere on this continent were men more anxious to preserve the integrity of the Union than the Spanish population of New Mexico and Colorado. They put into the field, in proportion to their population, more men than many of the States which are boasting of their devotion to American institutions. They fought our battles; they kept back the forces from the Confederate States that were invading and attempting to cut off communication between the Atlantic and the Pacific oceans.

Nobody ever appealed to them in a good cause that they did not respond; and if you had an election, you need only to say to those Mexican people, "The Government of the United States thinks it will promote its interest if you do this or that," and they are ready to do it. They are not at any time against the Government in any sense of the term. The tendency of the Mexican people is to be with the Government of the United States, and for the time being they consider very largely the Administration in power as the Government itself.

Mr. President, they have not learned the English language as some people might have done. They were a people having no opportunities of education in the days of Spanish or Mexican domination. We never did a thing for them. With all our boasts of what we have done in the United States for education, what did the General Government do for that dependency there? Those people maintained their language. Did you ever know a race that was worthy the consideration of mankind that did not have an attachment to the tongue which they had in their youth? The very fact that they have adhered to the Spanish tongue shows to me that they are a people who can be attached to principles and to government.

Mr. SPOONER. If my friend will permit me, I did not criticise the Mexicans for being attached to the Spanish tongue.

Mr. TELLER. The Senator said substantially, as I understood him, that if they did not learn the English tongue so that they could discharge the duties of citizenship in that language, he did not care whether they became entitled to full citizenship or not. That is what I understood the Senator to say.

Mr. SPOONER. No.

Mr. TELLER. If I misunderstood him, he can correct me.

Mr. SPOONER. I never criticised any man, Mexican or Spaniard, or otherwise, for being attached to his native tongue or for being attached to his native land. The United States is filled with men who came from other lands and who learned in their youth a language different from our language. They have made patriotic citizens of the United States. My State is full of them—Germans, Scandinavians, and others. They love the land whence they came, and they love the language of their childhood—the language their parents taught them. But their love of that has not at all deterred them from or delayed them in acquiring the language of the country which they have adopted and of the people among whom they have cast their lot and intend to live; and this inability or indisposition during such a great number of years on the part of the Mexicans to learn the English language has been to me good ground for hesitation in this matter.

Mr. TELLER. Of complaint?

Mr. SPOONER. I did not say complaint. It has been to me some ground for hesitation about admitting them to the Union at this time. They have inaugurated there now, it is said, a fairly good system of education. It is to be hoped they will acquire the English language. I hope certainly they will.

Mr. TELLER. They will.

Mr. SPOONER. I hope they will, so that that anomalous thing, which I never heard of until this debate came on, the occasion for an interpreter to go into the jury room in civil and in criminal cases in order to enable the members of the jury to confer with each other, will be unnecessary.

Mr. TELLER. Then the complaint of the Senator is not that——

Mr. SPOONER. I did not complain.

Mr. TELLER. Well, the criticism. The criticism of the Senator from Wisconsin is not, then, that they keep up the Spanish tongue, but that they do not learn ours.

Mr. SPOONER. Yes; that is in part it.

Mr. TELLER. Let me explain. Here was a population composed entirely of Spanish-speaking people. I will venture to say that when we took New Mexico there were not 10 Americans in all New Mexico. When I went to Colorado there was a population of 25,000 Mexicans, and I do not think there were 10 American-speaking people in that community. They were poor people. They were on the very inside of the continent. They were agriculturists. They were not miners to any considerable extent. They were cattle growers, sheep growers, and agriculturists in the ordinary sense of the term. They had not the means either of securing teachers in their midst or of sending their children away where they could be educated. The whole community spoke the language.

It is a written language. It is an old language. It is a beautiful language. Any man who can speak it and speak it well can express every sentiment and every thought of which he is capable as beautifully as in any other known language. It is copious; it is soft; and whether it be the forcible declarations of their statesmen or the sweet tones of the lover, it is equal to any other language in the world. And why should they abandon it?

Mr. SPOONER. Nobody has asked them to abandon it.

Mr. TELLER. No; but the Senator said they must learn the

English tongue. They are doing it now. They have been doing it ever since we gave them an opportunity, by changing our laws concerning the school lands, by which they might get some benefit from the school lands and get public schools. They are doing it as well as anybody can do it. But now they are to be made to wait.

Mr. President, these people are fit for citizenship and are citizens. They are fit for self-government, if any people anywhere are fit for it, and if it is republican doctrine—I do not speak of it in a political sense, but in the broad sense that we are a Republic—if it is republican doctrine that the people are to govern themselves, then these people are entitled by their numbers and by their ability and by every test that has ever been applied heretofore to govern themselves.

There are Senators sitting upon this floor from communities with less population than these Territories have, with less territory, and with no greater claim than these people can make; and yet you deprive these people of the right to vote, the right to become citizens of a State, and you hold out to them no kind of promise that at any time will they ever be anything more than dependents under a Territorial organization.

Mr. President, I lived fifteen years in a Territory. I know some of the disadvantages of Territorial life. I know the debasing influences on a man living where he does not govern himself. If you want to make citizens and men of these people you should give them their rights. Men who govern themselves grow in manhood and all the essentials and virtues of manhood, and men whom you deprive of those rights depreciate in those high qualities.

Does anybody doubt that they will maintain a good government in New Mexico? Does anybody doubt that they will maintain peace and order? Does anybody doubt for a moment that there will not be as much observance of law there as there is in Wisconsin or Colorado or anywhere else?

Mr. President, let us be fair. These people belong to a section of the country of which it is complained that it is likely to dominate and control. I am not speaking of the Mormons. We are told that the West is getting to have too much influence and to be too dominating, and that you can not admit a State like New Mexico, with 200,000 people, with representation equal to that of New York. I will venture to say that a fair census would make it three hundred and fifty or four hundred thousand.

I do not believe they have had a census which covers half the population. Take my own State, and I will venture to say that a correct census will put a hundred thousand more people on the list than we were credited with. But we are told that the 200,000 people in New Mexico are to offset in representation the State of New York. There are six New England States with less population than the States of New York or Pennsylvania, and they have 12 representatives on this floor.

Are you now, after a hundred years of America's existence, to apply to the people in the West rules that you did not apply in the East? Because a man has gone west of the Mississippi River, has he lost any of his American rights? Is he not just as much an American as if he were in New England? The State which I in part represent is filled with men from New England and New York, and they feel as I feel that we have laid down none of the rights, nor escaped any obligation, that you have, and that we are entitled to all of the consideration that you are.

After this long period of Territorial existence, when the population has reached a point which has justified you in taking in other States, you can not satisfy the American people by saying that you keep these Territories out because they have not a sufficient population. You are keeping them out because you are afraid of their influence. Shall it be maintained that New York is entitled to representation on this floor in proportion to its population? That is not the theory of this Government, and it is not the theory upon which it was established, and if it had been applied when the Government was organized, the union of this Government would never have existed.

You were compelled to give to Delaware, Rhode Island, Vermont, and New Hampshire the same representation in this Chamber that you gave to New York and Pennsylvania, and unless you are prepared to abandon the theory of equality of the States, which has made this country great, and the preservation of which is essential to its greatness and its future glory, you must base your objections on something besides the lack of population, when the Territory has enough to have at least one vote in the House of Representatives, and that is all it will be entitled to under the law.

Mr. President, I did not mean to say a word about this matter. I have said all I have said perhaps in a very crude way, but whatever the Senator may say for himself—and I am not going to impugn his motives nor his object—I can only say I, here, trying to do my duty as an American citizen, feel under an obligation, a constitutional obligation, a moral obligation, to give this people the right of statehood and full American citizenship, for I know what it will do for a struggling community in the West.

I know that when Colorado became a State, with a population not as large as that of New Mexico, every man in the State stood higher in his own estimation, and what was more important, or equally important, higher in the estimation of the rest of the country, than he did under Territorial existence. He had become a full-fledged American. He could participate in every act pertaining to the General Government as well as any citizen of any other section of the county, a privilege which has been denied to him and which you are denying now to a population equally entitled to it, equally capable of discharging the duties of citizenship with anybody in Wisconsin or New York or Massachusetts, or anywhere else.

Mr. SPOONER. Mr. President, I do not wish to prolong the discussion. I came accidentally into the debate this afternoon.

The Senator from Colorado [Mr. TELLER] has spoken with a great deal of feeling and undoubtedly with absolute sincerity. I congratulate the country on his speech, not so much for what he has said, but for the fact that he has spoken. This bill has been pending here a long time, and I believe the Senator is the first of the solid phalanx which has been behind it, as is asserted, on the other side of the Chamber, to break silence, and to advocate the passage of this bill.

Mr. TELLER. May I ask the Senator if he thinks the advocates of statehood are afraid to debate this question?

Mr. SPOONER. Oh, Mr. President, I do not say they are afraid to debate it, but I say they have not debated it. They have sat here for weeks in silence.

Mr. TELLER. I will ask the indulgence that I gave the Senator to let me say a word in his speech.

Mr. SPOONER. Certainly.

Mr. TELLER. We have not debated this subject because we wanted to get a vote.

Mr. SPOONER. Yes, I understand.

Mr. TELLER. Because we believe we know enough about it, and we believe that nothing we could say would change the minority in this Chamber, as I believe it is, and induce it to give us a vote.

I have on my table at home the resolutions of convention after convention, national Democratic and Republican. I have the speeches of Senators in this body who are going to vote in the negative here, advocating the admission of these very Territories into the Union as States, and if I should come here and read them and take two hours, it would not, in my judgment, make any difference in the vote, and I do not propose to be drawn into assisting in the delay that seems to me has been preconcerted and prearranged and studiously followed ever since I have been here for a week past.

Mr. McCOMAS. Before asking a question of the Senator from Colorado, I wish to make a statement. I do not impute to the Senator from Colorado any part in this debate except the good of the country and to express his sense of duty in respect to the proposition before the Senate. I assume the same motive applies to every Senator who discusses this proposition.

The Senator from Wisconsin was very much impressed that the Senator from Colorado had spoken. I am in doubt about one feature since the Senator has spoken. Why was he silent as to the absence in the bill for Arizona and New Mexico, and especially as to Arizona, of any restrictions upon bigamy or polygamy? The Senator, I know, desires to guard against such crimes. The Senator, I know, does not justify the violation of morals and the peace in the name even of religion; and while he well appreciates the sturdy qualities of Mormons as citizens, I know he wants to take no risks in that matter.

I should like now to ask the Senator whether he does not think that in respect of New Mexico and Arizona, or at least of Arizona, the time would be well spent in amending the bill by putting in a very strong provision on that subject, or is the Senator satisfied with the single empty line that now is found in the bill?

Mr. TELLER rose.

Mr. McCOMAS. I yield to the Senator.

Mr. TELLER. I will answer the Senator. If these people whom we propose to admit into the Union are capable of self-government, that is a question which they are capable of disposing of for themselves. You admit that there are in Arizona at least four men who dissent from the doctrine of polygamy to one who does not, if you insist that every Mormon is in favor of it, and that you will not pretend.

Now, I am one of those who believe that the States have something to do with maintaining government, and I believe that these people should come into the Union just as Wyoming came in. The Senator from Wyoming [Mr. WARREN] will bear me out in the statement that they did not have any such provision in the Wyoming constitution. You did not exact anything of that kind from us when we came into the Union. You did not exact it of the various other States that have come into the Union. And now you propose to apply it to these Territories, and you can

only excuse yourself upon the theory that when these States shall be admitted the people are incapable of handling that question.

I will trust the people of New Mexico, where there are not, in my judgment, Mormons enough to make any possible difference in the election one way or the other; and if they were all polygamists, they could make no considerable impression on that population. There are there a class of people who have observed the marriage relation in its purity and in its best sense, who have not yet got into the wild way of free and easy divorces, and who believe that the marriage relation once established shall be maintained—one wife and only one wife.

I will venture to say that if there is any attempt to establish polygamy in New Mexico, the New Mexican people will handle it. You do not need to put any bonds on them. The people of Arizona will handle it. You do not need to put any bonds on them. The people of Arizona are largely Americans. There is a population there that is more American in proportion than in New Mexico, and they are as capable and as able to take care of themselves as any other population on the American continent. I do not think there is any necessity of putting any provision against polygamy in these constitutions or any constitutions.

Mr. LODGE. Mr. President——

The PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. McCOMAS. I have not yielded the floor. I will yield for a question.

Mr. LODGE. No; I wish to make a motion to go into executive session.

Mr. McCOMAS. Only a moment, Mr. President.

Then I understand the Senator thinks it is unnecessary to put in even the mild provision already upon the bill?

Mr. TELLER. There need not be any mistake about that; I do.

Mr. McCOMAS. And it seems to be of little weight that, having lived for more than a half century under our institutions, nearly all the population having been born under the American flag, they have not learned our language in addition to their own language, which the Senator assures me is so facile and resourceful in talking serious matters, and love also. I have no doubt that is true. I never tried Spanish. The Mormon creed was established by those who speak English and it is a propaganda by missionaries who speak English. The population of Arizona in a half century, born and raised under this English-speaking Government, have not learned the language of that Government. It is unnecessary to defend or to exclaim the tendency of all men to love the mother tongue, because that is innate; it can not be helped. But the enterprise of citizenship has made the mass of those who have come to us from other fatherlands learn our tongue that they may know our institutions and laws.

These people, who are nearly all speaking Spanish, may not be able to compete with the propaganda of bigamy and polygamy of those Mormons in Mexico, who are so steadily increasing, and are not so small a proportion of the population as the Senator now thinks. A larger and relatively becoming larger and larger portion of that population are the Mormons of Arizona.

It does seem to me that if the mass of those people have not framed an English law to restrict that which under the name of religion is a crime and a sin against public morals, we are short of our duty, we are recreant to our trust, when we take a Territory of the United States and fashion it into statehood, if we fail to engraft upon the organic act that which in plain English prevents these people from being overrun on the north with the Utah settlement of Mormonism, with additions in Idaho and Wyoming, and even in Colorado, and on the south the increasing settlement of Mormons in Mexico, and, between the two, Arizona.

I say, Mr. President, in this matter we can not spend time better, if we are to make States out of such Territory now, first of all to do that which in Spanish they can not enact, but which in English it is our duty to make plain in the organic act when it is passed.

Mr. TELLER. Why can they not enact it in Spanish?

Mr. McCOMAS. Does not the Senator think that the organic law of a State in the American Union will sound better in the tongue of our statutes?

Mr. TELLER. Yes; and they will make their statutes in English, too.

Mr. LODGE rose.

Mr. McCOMAS. I yield to the Senator from Massachusetts.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 4 o'clock and 58 minutes p. m.) the Senate adjourned until Monday, February 9, 1903, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate February 7, 1903.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

First Lieut. William E. Reynolds, to be a captain of the Revenue-Cutter Service of the United States, to succeed George H. Gooding, retired.

Second Lieut. Charles E. Johnston, to be a first lieutenant in the Revenue-Cutter Service of the United States, to succeed William E. Reynolds, promoted.

Third Lieut. Joseph H. Crozier, to be a second lieutenant in the Revenue-Cutter Service of the United States, to succeed Charles E. Johnston, promoted.

PROMOTION IN THE NAVY.

Lieut. Commander Robert G. Denig, to be a commander in the Navy, from the 10th day of January, 1903, vice Commander Charles C. Cornwell, promoted.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 7, 1903.

APPOINTMENT IN THE ARMY.

General officer.

Col. Charles L. Davis, Fifth Infantry, to be brigadier-general, January 26, 1903.

COLLECTORS OF CUSTOMS.

William J. Grant, of New York, to be collector of customs for the district of Cape Vincent, in the State of New York.

William H. Daniels, of New York, to be collector of customs for the district of Oswegatchie, in the State of New York.

SURVEYOR OF CUSTOMS.

John A. Bassarear, of New York, to be surveyor of customs for the port of Greenport, in the State of New York.

POSTMASTERS.

FLORIDA.

John M. Jolley, to be postmaster at Daytona, in the county of Volusia and State of Florida.

MICHIGAN.

Roland Franklin, to be postmaster at Clio, in the county of Genesee and State of Michigan.

John Amesse, to be postmaster at Lake Linden, in the county of Houghton and State of Michigan.

Frank N. Green, to be postmaster at Olivet, in the county of Eaton and State of Michigan.

Frank P. Heath, to be postmaster at Plainwell, in the county of Allegan and State of Michigan.

Fred J. Mauren, to be postmaster at Portland, in the county of Ionia and State of Michigan.

Will H. Brunson, to be postmaster at St. Johns, in the county of Clinton and State of Michigan.

William Fitzgibbons, to be postmaster at Saranac, in the county of Ionia and State of Michigan.

Charles H. Loomis, to be postmaster at Sparta, in the county of Kent and State of Michigan.

Henry L. Hess, to be postmaster at Three Oaks, in the county of Berrien and State of Michigan.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February 7, 1903.*

The House met at 12 o'clock noon, and was called to order by the Clerk, Hon. ALEXANDER McDOWELL, who read the following:

WASHINGTON, D. C., *February 7, 1903.*

I hereby designate Hon. JOHN F. LACEY, of Iowa, as Speaker pro tempore for this day.

D. B. HENDERSON, *Speaker.*

Prayer was offered by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

SALARY OF JUDGES OF THE UNITED STATES COURTS.

Mr. JENKINS. Mr. Speaker, I present a conference report on the bill (S. 3287) to fix the salaries of certain judges of the United States courts, to be printed under the rule.

The following is the conference report and statement:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill S. 3287, "An act to fix the salaries of certain judges of the United States," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, 3, 4, 5, 6, 7, 9, 11, 12, 13, 14, 15, 16, 17, and agree to the same.

That the Senate recede from its disagreement to the amendment of the

House numbered 8, and agree to the same with an amendment as follows: In place of "six" insert "seven;" and the House agree to the same.

That the House recede from its amendment numbered 10.

JOHN J. JENKINS,
D. H. SMITH,
V. WARNER,
Managers on the part of the House.

GEORGE F. HOAR,
CHARLES W. FAIRBANKS,
GEORGE TURNER,
Managers on the part of the Senate.

STATEMENT.

To accompany conference report on S. 3287, "An act to fix the salaries of certain judges of the United States."

The Senate conferees agree to all of the amendments of the House with the exception of those relating to the salaries of the chief and associate justices of the court of appeals of the District of Columbia.

The bill as it passed the Senate gave the chief justice of this court $8,000 and the associate justices $7,500. The House amended the bill by giving the chief justice $6,500 and his associates $6,000.

The report of the conferees gives the chief justice $7,500 and his associates $7,000 a year.

The bill in all other particulars is as it passed the House.

JOHN J. JENKINS,
D. H. SMITH,
V. WARNER,
Managers on the part of the House.

ARMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, I am directed by the Committee on Military Affairs to report back from that committee the Senate amendments to House bill 16567, making appropriations for the support of the Army for the fiscal year ending June 30, 1904. The committee, by unanimous vote, have directed me to ask unanimous consent that the House disagree with all the amendments of the Senate and ask for a free conference with the Senate.

The SPEAKER pro tempore. The gentleman from Iowa, chairman of the Committee on Military Affairs, reports that that committee has directed him to report back the bill with Senate amendments and ask that the House disagree with all the amendments of the Senate and ask for a conference.

Mr. RICHARDSON of Tennessee. Mr. Speaker, when the bill was up the other day some objections were made, but I now understand the chairman of the committee to say that the committee has met this morning, and that the minority members agree that the bill shall be put in conference; that the House shall nonconcur in all of the Senate amendments and the bill go to conference.

Mr. BARTLETT. Mr. Speaker, I would like to ask the gentleman a question.

The SPEAKER pro tempore. Does the gentleman from Iowa yield to the gentleman from Georgia?

Mr. HULL. Yes.

Mr. BARTLETT. Is there an amendment to this bill increasing the pay and rank of retired officers?

Mr. HULL. There is; and the staff bill also contains that provision. It is on the two bills.

Mr. BARTLETT. Is there any probability that the House will have an opportunity to vote on that amendment?

Mr. HULL. The House will undoubtedly have an opportunity to vote on the amendment. It is the same provision that is in the staff bill, which is already in conference. It is also a part of the Army appropriation bill; but as to saying what action the committee will take, I can not say, nor can any other member say what action the committee will take.

Mr. BARTLETT. Perhaps I did not make myself plain. I intended to ask whether or not the House would have an opportunity to vote upon the amendment without voting up or down the entire conference report.

Mr. HULL. Mr. Speaker, as I said, it is impossible for any one member of the conference committee to pledge what it is going to do, but the report will go into the RECORD and be printed, and the chances are that there will be no agreement. The Senate may recede or the conferees may report amendments. The House always has it in its power to pass on the question, but the sooner it goes into conference the more time the House will have to consider these questions.

Mr. BARTLETT. Of course, we understand the regular routine way of passing conference reports and the power that the majority has over amendments. But frequently in the House the statement has been made that the House would not be deprived from voting upon a particular amendment of the Senate. I ask the gentleman if there is any probability that we may have the conference report come in and vote on that particular amendment?

Mr. HULL. The gentleman from Georgia realizes that this same provision is on a bill already in conference.

Mr. BARTLETT. I do.

Mr. HULL. I want to say to the House, however, that as far as I am concerned, if I shall be a member of the conferees on the part of the House, so far as I can I want to carry out the instructions of the Committee on Military Affairs in its action on these amendments.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa? [After a pause.] The Chair hears none, and it is so ordered.

By unanimous consent, the Speaker pro tempore appointed as conferees on the part of the House Mr. HULL, Mr. CAPRON, and Mr. HAY.

CHANGE OF REFERENCE.

By unanimous consent, the following changes of reference were made:

The bill (S. 5993) granting an increase of pension to James G. Davis—from the Committee on Pensions to the Committee on Invalid Pensions.

An act (S. 1631) granting an increase of pension to Edna K. Hoyt—from the Committee on Pensions to the Committee on Invalid Pensions.

TRUSTS.

The SPEAKER pro tempore. In pursuance of the special order, the House now resolves itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 17, and the gentleman from Illinois [Mr. BOUTELL] will take the chair.

The CHAIRMAN. The House is now in the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 17. Under the rule adopted, the Clerk will proceed with the reading of the substitute.

The first section of the committee substitute was read, as follows:

That every corporation which may be hereafter organized shall, at the time of engaging in interstate or foreign commerce, file the return hereinafter provided for, and every corporation, whenever organized, and engaged in interstate and foreign commerce shall file a return with the Interstate Commerce Commission for the year ending December 31, whenever, and at such time, as requested by said Commission, stating its name, date of organization, where and when organized, giving statutes under which it is organized, and all amendments thereof; if consolidated, naming constituent companies and where and when organized, with the same information as to such constituent companies, so far as applicable, as is herein required of such corporation; if reorganized, name of original corporation or corporations, with full reference to laws under which all the reorganizations have taken place, with the same information as to all prior companies in the chain of reorganization, so far as applicable, as is herein required of such corporation; amount of bonds issued and outstanding; amount of authorized capital stock, shares into which it is divided, par value, whether common or preferred, and distinction between each; amount issued and outstanding; amount paid in; how much, if any, paid in cash, and how much, if any, in property; if any part in property, describing in detail the kind, character, and location, with its cash market value at the time it was received in payment, giving the elements upon which said market value is based, and especially whether in whole or in part upon the capitalization of earnings, earning capacity, or economies, with the date and the cash price paid therefor at its last sale; the name and address of each officer, managing agent, and director; a true and correct copy of its articles of incorporation; a full, true, and correct copy of any and all rules, regulations, and by-laws adopted for the management and control of its business and the direction of its officers, managing agents, and directors. Nothing herein contained shall be construed as relieving any corporation from making, in addition to the foregoing, such returns as are now required by the "Act to regulate commerce," approved February 4, 1887, and all amendments thereof; but the provisions of this act, as to signing and making oath to returns and making answers on oath to written inquiries, shall be applicable to returns and such answers made under said act and amendments thereof.

So far as any return may be a duplicate of one already filed, that fact may be stated, and the details, which are in such case duplicates, need not be repeated. Upon its being made to appear to the satisfaction of the Commission that without fault on its part it is impracticable for such corporation to furnish any of the items aforesaid, it may, by a written order of said Commission, be excused from furnishing such item or items.

Said Commission shall cause to be prepared a blank return for the use of such corporations, containing the foregoing requirements, and shall make such rules and regulations as may, in its judgment, be necessary to carry out the purposes of this act. The president, treasurer, and a majority of the directors of such corporation shall make oath in writing on said return that said return is true. The treasurer or other officer of such corporation, having the requisite knowledge, shall answer on oath all inquiries that may be made in writing on the direction of said Commission in relation to said return. Any corporation failing to make such return, or whose treasurer or other officer shall fail to make the answers aforesaid, may be restrained, on the suit of the United States, from engaging in interstate commerce until such return is made. Suit may be brought in any district of the United States at the election of the Attorney-General.

Mr. LITTLEFIELD. I offer the following committee amendment:

Amend section 1, on page 7, in line 18, by inserting after the word "States" the words "where such corporations have a place of business:" so that it will read: "Suit may be brought in any district of the United States where such corporation has a place of business, at the election of the Attorney-General."

The amendment of Mr. LITTLEFIELD was read by the Clerk.

The amendment was agreed to.

Mr. DE ARMOND. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend by striking out the following words at the beginning of the substitute, to wit:

"That every corporation which may be hereafter organized shall, at the time of engaging in interstate or foreign commerce, file the return hereinafter provided for, and every corporation whenever organized and engaged in interstate or foreign commerce shall file a return with the Interstate Commerce Commission for the year ending December 31, whenever and at such time as requested by said Commission."

And insert the following in lieu thereof:

"That every corporation, whether now or hereafter organized and engaged or that may engage in interstate or foreign commerce, and having a capital of $100,000 or more, shall annually, during the month of January of

each year, unless the Interstate Commerce Commission from time to time substitute another date, make and file with said Commission for the preceding year a return and report."

Mr. DE ARMOND. Mr. Chairman, the object of this amendment, as is apparent from the reading of it, is to require that corporations now in existence, as well as those that may hereafter be formed, shall be required to make the returns provided in section 1. The reasons pro and con upon this subject were, I suppose, gone into sufficiently in the general discussion of the bill. I think myself that there is no reason for requiring of future corporations something not required of those now in existence. I believe that the whole reason for legislation on this subject is with reference to trusts now in being; that so far as the trusts of the future may be concerned, if we had none in the present there would certainly be no urgent occasion, if any occasion at all at this time, for legislation on this subject.

This provision also, in order to exempt the smaller corporations, places the limitation of $100,000 on the capitalization. That is not a necessary thing in the amendment nor a necessary thing in this proposed legislation. But it has been suggested that to make the requirement of all existing corporations might entail upon some of the smaller ones needless hardship, without any corresponding benefit to the public or to any individual. Trying to respect this judgment or sentiment of a number of gentlemen, and trying at the same time to frame the provision so that the great corporations of the day, more particularly the great trusts of the day, shall be required to make the returns which are to be exacted, under this section 1, of all corporations of the future, great or small, this amendment has been offered. I care to say nothing further about it.

Mr. OVERSTREET. Mr. Chairman, the clear purpose of the amendment, as offered by the gentleman from Missouri, is to compel a report in January of each year from every corporation in the United States doing an interstate-commerce business, regardless of the aggregate amount of such business. The purpose of the framers of this section was to steer between the two extremes of sentiment from which emanates the demand for this kind of legislation. On the one hand, there are those who think that nothing should be done; on the other, those who think, as thinks the gentleman from Missouri, that all corporations should be obliged to make annual reports setting forth the character and methods of their business.

We who framed this provision seek a more conservative avenue. We believe that the hundreds of thousands of corporations in this country doing a straightforward, legitimate business should not be antagonized, annoyed, and vexed by a requirement on the part of Congress that they make detailed reports of their business annually to anybody. We are opposed—certainly I am—to requiring by Congressional enactment the establishment of a bureau of information, which information should be left to commercial bodies to organize and distribute for the benefit of those who may desire the kind of information which such reports would bring. We believe that some power of discretion should be lodged in a properly authorized commission, which, when exercised, would bring forth a line of information that would disclose the proper basis of valuation for the capital stock of large corporations.

But we are just as earnestly opposed to exacting from smaller organizations such information as would either entail upon them disadvantages or give into the hands of their stronger competitors that kind of information which would enable them to crush smaller corporations out of existence.

Mr. THOMAS of Iowa. Is it not the purpose rather of an amendment of this kind to place existing corporations upon the same footing as corporations that are to be hereafter organized?

Mr. OVERSTREET. The same footing is recognized in the language of the proposed substitute, which is that if this bill should become a law the commerce commission could require at its option the reports specified in the first section of the bill, but it could recognize a reasonable discretion as to how far those reports should be exacted of all corporations. However, in order to discriminate against overcapitalization in the future, to repress as far as possible and check the effort to float stocks and bonds which are not based upon true valuations, we exact an initial report of corporations yet to be organized. The initial report will be the only report which will be so exacted of organizations yet to be organized, except that after they have entered interstate commerce they will be upon the same basis as existing corporations and subject to calls for reports upon request of the Interstate Commerce Commission.

Mr. GAINES of Tennessee. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. OVERSTREET. Just for a question.

Mr. GAINES of Tennessee. Did not the gentleman in his report to the Fifty-sixth Congress denounce "all corporations restraining interstate trade?"

Mr. OVERSTREET. Oh, I can not go back that far.

Mr. GAINES of Tennessee. Is the gentleman running away from what he said last Congress?

Mr. OVERSTREET. No; I am running away from nothing, not even the gentleman from Tennessee. [Laughter].

Mr. GAINES of Tennessee. Certainly; the gentleman is running from the Democrats and running with the trusts, as proved by what the gentleman said—swallowing literally what he said in the Fifty-sixth Congress.

Mr. OVERSTREET. The requirement for an initial report from corporations yet to be organized is to serve but one purpose, which is that they will by such report disclose the true basis of valuation of their capital stock. If they are unable to demonstrate by that initial report that such stock is based upon true value, they will be unable to float their stock upon an innocent public when it is not of proper valuation. The exaction of such a report will serve as a check against the organization of overcapitalized corporations.

Mr. GOLDFOGLE. Mr. Chairman, will the gentleman yield for a question?

Mr. OVERSTREET. Yes.

Mr. GOLDFOGLE. Is not the purpose of this publicity clause to reach existing trusts?

Mr. OVERSTREET. Oh, both.

Mr. GOLDFOGLE. Why should not corporations——

The CHAIRMAN. The time of the gentleman from Indiana has expired. The question is on the amendment offered by the gentleman from Missouri.

Mr. GOLDFOGLE. Mr. Chairman, I ask unanimous consent that I may be permitted to ask the question.

The CHAIRMAN. Under the rules debate on amendments is limited to five minutes debate on each side.

Mr. BARTLETT. Mr. Chairman, I move to strike out the last word of the amendment.

The CHAIRMAN. That would not be in order under the rules, except by unanimous consent. The question is on agreeing to the amendment offered by the gentleman from Missouri.

The question was taken; and on a division (demanded by Mr. DE ARMOND) there were—ayes 70, noes 96.

So the amendment was rejected.

Mr. THOMAS of Iowa. Mr. Chairman, I submit the following amendment, which I will send to the Clerk's desk and ask to have read.

The Clerk read as follows:

Strike out in line 4, page 5, the words "whenever organized, and" and insert the following:

"Heretofore organized and engaged in interstate and foreign commerce, and continuing therein, shall file such return with the Interstate Commerce Commission on or before the 31st day of December, 1903, and thereafter every corporation."

Mr. OVERSTREET. Mr. Chairman, I make the point of order against that amendment, that it is practically the same as the one just voted on.

Mr. THOMAS of Iowa. Mr. Chairman, I think it is entirely different.

Mr. FLEMING. Mr. Chairman, I would like to be heard on that amendment.

The CHAIRMAN. The gentleman from Iowa [Mr. THOMAS] has the floor.

Mr. THOMAS of Iowa. Mr. Chairman, I would ask the reading of the first ten lines of the section, with the amendment, so that we can get the context and understand the meaning of the bill with the proposed amendment.

The CHAIRMAN. Does the gentleman from Indiana wish to be heard on the point of order?

Mr. OVERSTREET. Mr. Chairman, I have no desire to discuss it. I think it is easier to defeat the amendment than to discuss the point of order.

The CHAIRMAN. The Chair overrules the point of order. The gentleman from Iowa is recognized.

Mr. THOMAS of Iowa. Mr. Chairman, I repeat my request—that the first ten lines of the section with the amendment be read, so that the bill with the amendment will be understood.

The CHAIRMAN. The Clerk will again report the amendment, as requested.

The Clerk read as follows:

Strike out in line 4, page 5, the words "whenever organized and" and insert the following:

"Heretofore organized and engaged in interstate and foreign commerce and continuing therein shall file such return with the Interstate Commerce Commission on or before the 31st day of December, 1903, and thereafter every corporation."

So that it will read:

"That every corporation which may be hereafter organized shall, at the time of engaging in interstate and foreign commerce, file the return hereinafter provided for, and every corporation heretofore organized and engaged in interstate and foreign commerce and continuing therein shall file such return with the Interstate Commerce Commission on or before the 31st day of December, 1903, and thereafter every corporation engaged in interstate or foreign commerce shall file a return with the Interstate Commerce Commission for the year ending December 31," etc.

Mr. THOMAS of Iowa. Mr. Chairman, the bill as reported and now before this committee provides in the first clause that every corporation hereafter organized and engaged in interstate and foreign commerce shall file the reports giving publicity to its organization and operations, as provided for by the bill. The purpose of this amendment is simply to place corporations engaged in interstate and foreign commerce heretofore organized in the same position as respects the giving of publicity, requiring existing corporations to file these reports on or before the 31st day of December, 1903.

I can see no just reason why in this legislation we should make a discrimination against corporations that are to be organized in the future. I believe it should be the policy rather to encourage the organization of new corporations to rise up in competition with those already established than to impose an impediment against them, as provided or proposed by the provisions of the pending measure as it now stands. The only purpose of this amendment is to place all corporations in the same category. If we should give a preference to any, I believe it should be a preference to encourage the organization of new corporations that will be built up and come in competition with those already formed.

Mr. STEPHENS of Texas. Will the gentleman yield for a question?

Mr. THOMAS of Iowa. Certainly.

Mr. STEPHENS of Texas. Does this apply to corporations heretofore organized?

Mr. LITTLEFIELD. Yes.

Mr. THOMAS of Iowa. This amendment applies entirely to corporations heretofore organized and aims to impose upon them the same obligations to give publicity to their operations that are required of corporations that are to engage in commerce in the future. In all other matters the amendment adopts the theory of the bill and requires all corporations hereafter engaged in interstate or foreign commerce, whether so engaged prior to or subsequent to the proposed act, to file their reports whenever demanded by the Interstate Commerce Commission. This removes the objections urged to the amendment proposed by the gentleman from Missouri [Mr. DE ARMOND] requiring them to file such reports annually. This amendment requires them to file subsequent reports only when demanded by the Interstate Commerce Commission. I submit, Mr. Chairman, that this imposes no unnecessary hardship or burden on any existing organization of this kind. It simply makes the provisions of the bill harmonious and enlarges its provisions so as to apply to all corporations engaged in interstate and foreign commerce alike. I can not conceive that there is any injustice in such requirement.

I feel justified in the assertion that no adequate reason has been presented for the discrimination made in the bill.

The demand in this country for trust legislation has grown up and crystallized into public opinion on account of the methods adopted by existing corporations, and not so much from the fear of those that are to come in the future. It is the purpose of this legislation to deal with existing combinations as they affect existing conditions, rather than to deal with matters that are still in anticipation.

By exercising proper control over them in their present purposes, we pave the way for such future control as the exigencies of the situation may require and as general experience in the unfolding of future conditions may point out.

The urgent necessity of the times is to adopt measures that will curb the growing power of corporate influence as we find it now to exist. When that is done the future will be easily taken care of.

Do the necessities growing out of our present conditions require that the search-light of publicity be turned on every infant industry that may, through corporate organization, attempt in the future to engage in interstate or foreign commerce, and at the same time keep the windows darkened with blinds down to prevent the sunlight from shedding a ray on the trusts and combines now in existence, except as it may be called for by the grace of the Interstate Commerce Commission? Consistency, it seems to me, would demand that the arrows be driven the other way, so that they might pierce and lay open to public view the condition and methods of the close and powerful corporations now in existence, rather than against those that may come in the future and attempt to establish themselves in competition with those already established.

I am ready to acknowledge that, as a principle of political economy in the enactment of measures for the suppression or control of trusts, when the objects to be attained are the destruction of existing monopolies and the fostering of competition, I am unable to discover the logic in a measure that in its operation may leave such combinations as the Standard Oil trust, the sugar trust, the steel trust, and like existing corporations in the dark and under cover and require every new corporation that may organize and attempt to establish a business in the future to come in competition with them to step out into the full light and make disclosure of all their affairs and subject them to the inspection of their powerful rivals already established in business. If that is logical ground, I am unable to comprehend it. If that is just to the new, struggling industry, I am unable to perceive it.

What the people want is competition and the suppression of monopoly. In all legislation of this kind it should be the especial object of Congress to enact such measures as will tend as much as possible to encourage and foster new enterprises to build up, and in doing so to give them at least an equal chance in every particular with those already established, and no impediment should be placed in their way that does not apply with equal force to those with whom they may be brought in competition. Prompted by these reasons and looking to the purposes that I have outlined, I have submitted the amendment that has just been read from the Clerk's desk.

Mr. LITTLEFIELD. Mr. Chairman, I desire to say that although this motion comes from my distinguished friend from Iowa [Mr. THOMAS], this amendment does not have the approval of the committee. It is substantially the proposition that the committee has already voted down by a large majority, except that it is vastly more drastic. The amendment that the House just voted down exempted all corporations of $100,000 of capital and less. This includes them all. Now, I do not desire to reargue a question that the House has already decided adversely to the contention and suggestion of my distinguished colleague upon the committee; and as this exhausts debate upon this amendment, I call for the question.

Mr. FLEMING. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Maine yield to his colleague on the committee, the gentleman from Georgia?

Mr. FLEMING. I desire to offer an amendment to the amendment.

Mr. LITTLEFIELD. And I make the point of order that that is not in order.

The CHAIRMAN. The Chair sustains the point of order, as it would be an amendment in the third degree.

Mr. GAINES of Tennessee. Will the gentleman yield a moment?

Mr. LITTLEFIELD. No; I do not yield at all.

Mr. GAINES of Tennessee. Does the gentleman approve this amendment offered by the gentleman from Iowa [Mr. THOMAS]?

Mr. LITTLEFIELD. Do I approve it?

Mr. GAINES of Tennessee. You; yes.

Mr. LITTLEFIELD. I say I do not. Has not the gentleman heard me make my statement?

Mr. GAINES of Tennessee. I want to be certain.

Mr. LITTLEFIELD. I have not had any difficulty heretofore in the use of the English language for the purpose of conveying my meaning.

Mr. GAINES of Tennessee. Well, but we want to hear it when you speak plainly; then we will know exactly how you stand, whether you are a "trust buster" or a trust lover.

Mr. LITTLEFIELD. The gentleman ought not to get disturbed so early in the game.

Mr. GOLDFOGLE. Why does the gentleman from Maine——

Mr. LITTLEFIELD. "The gentleman from Maine" declines to yield to a question from the gentleman from New York. I have already suggested that debate is closed on this amendment, and I call for the question. That is the answer of "the gentleman from Maine."

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Iowa [Mr. THOMAS].

The question being taken, the Chairman announced that the noes appeared to have it.

Mr. GOLDFOGLE demanded a division.

The committee divided; and there were—ayes 76, noes 91.

Accordingly the amendment was disagreed to.

Mr. FLEMING. I desire to offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Georgia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out, in line 4, page 5, the words "whenever organized and," and insert the following:

"Heretofore organized and engaged in interstate and foreign commerce, and continuing therein, having a capital of $100,000 or more, shall file such returns with the Interstate Commerce Commission on or before the 31st day of December, 1903, and thereafter every corporation——"

Mr. LITTLEFIELD. Mr. Chairman, I raise the point of order that that is in every essential particular the first amendment voted down by the committee, and therefore a repetition and not in order.

The CHAIRMAN. The Chair is constrained to overrule the point of order. The gentleman from Georgia [Mr. FLEMING] is recognized.

Mr. FLEMING. Do I understand the Chair to overrule the point of order? I suppose the Chair would. [Laughter.]

The CHAIRMAN. Now the question is on agreeing to the amendment.

Mr. FLEMING. I wish to be heard on the amendment

The CHAIRMAN. The Chair recognizes the gentleman from Georgia.

Mr. FLEMING. Now, Mr. Chairman, here is an opportunity for the House to vote upon the issue clear and distinct whether or not we intend to require corporations now in existence to make the same contributions to this much-vaunted publicity as we require of corporations hereafter formed. The gentleman from Maine argued, and with a great deal of force, that it would not be practicable to require all corporations of the United States to file such returns. In the manufacturing industries alone there are 40,743 of such corporations returned by the census for the last decade.

There are doubtless a hundred thousand corporations that would be embraced in the bill, and therefore, according to the gentleman from Maine, it would not be wise or practicable to require every one of these corporations, with small capitalization as well as large, to make returns; and that is what the House voted down a moment ago. The amendment now pending confines these returns to corporations having a capital stock of $100,000 or more. If it is the purpose of the House to deal fairly with the people on this question of competition, it does seem to me, Mr. Chairman, that there is no excuse for voting against this amendment. The whole theory of the bill is based upon the desire supposed to exist in Congress to restore competition and to maintain competition. It has no other foundation in logic or political economy but that.

Now, it is admitted that there are corporations in existence today exercising monopolistic power in certain branches of industry. You propose to stop it. But you require burdens to be placed upon all competitors that hereafter go into any line of business which you do not require for those already monopolizing the field. If there is a fearless and sincere desire to give competition, you should not put a burden upon the new corporation entering the field to compete with the trust already here. Gentlemen, you hold out hope, and then you blast it. You say that you want competition and publicity, and you put certain obstacles on the new corporation coming into the field. How are you to get competition if you do not put another combination of capital into the field? And if you wish to induce this other combination of capital to go into the field, why put burdens on its back which you will not put on the biggest trust already in existence?

Mr. Chairman, I had hoped that in the perfecting of this bill we might lay aside mere party politics. It must be a matter of intense regret to any patriotic man, whether on the floor or elsewhere, to see an amendment of this character, intended to perfect the bill, voted down by a mere party vote, when there are men on that side who I know are interested in perfecting the bill. I hope that men on the other side of the House who heretofore on some occasions have acted upon their own individual judgment will do so now. There is nothing sacred about the report of this committee; no party issue is involved in it. I can see nothing but false pride in the effort of men who have signed their names to the majority report in insisting upon their colleagues voting against an amendment of this character.

Mr. Chairman, I hope that the members on both sides of the House, without any reference to this aisle, will vote their convictions: and if there is a man over here who does not believe the amendment will perfect this bill, let him stand up and vote against it, and he will have my commendation at least.

Mr. LITTLEFIELD. Mr. Chairman, I hope I shall not be held responsible for what the gentleman from Georgia does or does not understand in relation to this or any other question. Now, this speech he has addressed to the House this morning is a very good speech, and I have heard it four times. I heard it three or four times in the committee, and he suggested these same plausible and very wise suggestions about perfecting this bill in the Judiciary Committee, and he did not succeed, although he is very eloquent and ingenious and able and distinguished, in impregnating that committee with the necessity for this amendment. Now, I do not know how he may have succeeded this morning. I just want to call attention to this fact, that the amendment of the gentleman from Missouri is as follows:

That every corporation which may be hereafter organized shall, at the time of engaging in interstate or foreign commerce, file the return hereinafter provided for, and every corporation whenever organized and engaged in interstate or foreign commerce shall file a return with the Interstate Commerce Commission for the year ending December 31, whenever and at such time as requested by said Commission.

The pith of that proposition is that existing corporations shall file returns. Now, what does the gentleman from Georgia propose in the amendment offered here? He proposes to amend the bill so that it shall read:

Corporations heretofore organized and engaged in interstate and foreign commerce and continuing therein, having a capital of $100,000 or more, shall file such return with the Interstate Commerce Commission, on or before the 31st day of December, 1903, and thereafter every corporation.

In essence exactly the same proposition.

Mr. FLEMING rose.

Mr. LITTLEFIELD. I will not yield.

Mr. FLEMING. Will not the gentleman yield for a question?

Mr. LITTLEFIELD. I have only five minutes. I want to state to the House just exactly what it is that disturbs my patriotic friend clear down to the end of his toes when he states that the bill must be perfected. The bill provides two things in relation to returns. As to existing corporations it vests the power to require returns, to be made at their discretion, in the Interstate Commerce Commission. They can call for returns from all corporations under the terms of this bill if they see fit. The majority of the committee assumed that that Commission will discharge its duties faithfully under this bill. If they do, we will have all the returns from existing corporations that are necessary for any and every legitimate purpose under the bill. Our Democratic friends desire to make this more drastic in this respect. This provision of the bill as it stands now, without any amendment, is exciting more opposition of those who are opposed to legislation regulating trusts or industrial combinations than all the other provisions of the bill put together. They are pouring out their vials of wrath on the bill as it reads, with the discretion vested in the Interstate Commerce Commission.

Now, the committee have heard this speech of the gentleman from Georgia over and over again, line upon line and precept upon precept, without the change of a jot or a tittle. The committee feel that they have given the House in this respect reasonable and conservative provisions. Now, I think the debate may be ended on this amendment until we get another one of the same character to discuss right away, over again.

Mr. WHEELER. Mr. Chairman, I desire to debate the amendment in opposition. If it is in order, I move to strike out the last word.

Mr. LITTLEFIELD. I doubt if it is. The gentleman from Georgia has been heard in its favor and I have been heard against it. I do not wish to cut off any debate.

The CHAIRMAN. The Chair will state to the gentleman from Kentucky that that would not be in order under the rule without unanimous consent.

Mr. THAYER. Mr. Chairman, I rise for the purpose of asking a question of the gentleman from Georgia. I want to ask the gentleman from Georgia if he would not be willing to amend his amendment by substituting $1,000,000 for $100,000 wherever it occurs?

Mr. LITTLEFIELD. The regular order, Mr. Chairman.

The CHAIRMAN. The regular order is called for, which is upon the amendment offered by the gentleman from Georgia.

The question was taken; and on a division (demanded by Mr. FLEMING) there were 74 ayes and 91 noes.

So the amendment was rejected.

Mr. THAYER. Mr. Chairman, all right-minded men who have given the subject any special thought are agreed that some legislation as that now pending is now, and right now, necessary for the regulation, control, and exposure of the great corporations commonly known as trusts. Perhaps I ought to exclude from this statement politicians who are forcibly reminded of the necessity of the sinews of war for carrying on national and State elections, and of the sources from which, during the last ten or twelve years, these sinews have come. Granted, then, that there is a general demand for action, and who will deny that there is when we remember that both political parties have time and again for these many years declared in their national and State conventions that something must be done, and done along this line?

Each party has endeavored to outdo the other in the promises made to the people and in the assurances contained in the resolutions solemnly passed at their various conventions. The only practical difference between the two great parties has been and is that one party means what it says, while the other does not, as is evidenced by the nonaction of the party in power these many years; but now, goaded to action by an outraged and long-suffering people, it is about making a feint of doing something, but only a feint. Nothing serious is intended, and no harm will come to the trusts—those supporters of the Republican party and the Republican machine. Nobody knows this better than the trusts themselves, otherwise the corridors of this Capitol would swarm with the representatives demanding that even this wee, homeopathic application should die "a-bornin'." But they are not here as they were in the last Congress, when there was some danger that legislation affecting trade with poor little Porto Rico might be enacted and

that the Congress of the United States would follow the recommendation of the late President McKinley when he declared that it was "our plain duty" to establish free-trade relations with Porto Rico.

The great trusts are usually good financiers. They spend no time, effort, or money when it is not necessary. They are entirely contented and satisfied that their interests will not be jeopardized or their business interfered with so long as they have "friends at court." Their well-recognized friend and apologist in the Senate has already announced that neither this bill nor any other antitrust bill will pass the Senate, save a little innocent, soothing lotion, soft and velvety as down itself, which may be attached to the commerce and labor bill just to take the "cuss" off the strenuous situation the Republicans find themselves in at the present time and to enable the trust-protected Republicans to claim that this little fatherless and motherless foundling was all that the Senate had time to rear at this session, as it had worn itself and tired itself out in talking against time for three whole months in its purpose to kill the statehood bill, to which, by the way, the party was unanimously committed in the last national convention. For these many months the mountains have been in travail, and only this little ridiculous mus is brought forth.

The President of the United States has declared to every listening throng he has addressed from platform and railroad station, from Massachusetts to Michigan, that these trusts must and should be controlled, regulated, and pinched.

The Attorney-General, in carefully prepared speeches delivered in the great business centers of the country, from Pittsburg to New York, assured the people that it was perfectly feasible and highly proper that restrictions should be placed upon these trusts which, in some measure, would control and tame them; and the Republican press, from Rockland to San Francisco, has proclaimed assurances that the illustrious son of Maine, that indomitable, rapid-firing Representative from the Pine Tree State, was to present to Congress a second Magna Charta, which should be in the form of an antitrust bill, and which would cure all the ills from which we are now suffering and have been suffering for the last ten years, which would cause the trust magnates to pause, to tremble, and repent. It was this masterpiece of thought and study that was to bring contentment to an anxious and long-suffering people. LITTLEFIELD was to bust the trusts.

I must confess, Mr. Chairman, that my heart failed me when I read this much-heralded bill, the product of the ingenuity, skill, and thought of the member from Maine. But disappointing and insufficient as it was to accomplish the purpose for which it was intended, it is after all a far better bill than the one which he was forced to substitute for it and which we are now considering. How it ever happened that the vigorous and indomitable gentleman ever became reconciled to the substitution of this bill for what we have been promised and have been waiting for all this time will, I presume, remain forever a state secret.

The original bill introduced by the gentleman from Maine made provision that all corporations should make returns, etc. This bill only provides that those corporations which shall hereafter be formed shall be required to make these returns unless the Interstate Commerce Commission requires them to do so. The steel trust is to go free, and any and all corporations hereafter formed must make the returns. Is not this a discrimination in favor of the gigantic trusts and against the little, honest ones yet to be formed? A little corporation formed to conduct a laundry business, for instance, must expose its every feature; yet the great sugar and oil trusts sail on undisturbed. Does anyone claim there is right and justice in this? The most conspicuously noxious feature of the trusts is overcapitalization. Lack of publicity for their operation and discrimination in prices to destroy competition are bad enough, but to my mind they do not approach the evil of overcapitalization. It is through and by reason of overcapitalization that these other evils come. This furnishes the temptation and necessity requires high prices for products. Otherwise how can dividends be declared on the watered stock?

The cry has gone forth all over the land seeking to restrain and expose the trusts, "Stop overcapitalization." Compel all corporations to do what they are obliged to do in Massachusetts—pay in, in money or property, every cent for which the corporation is capitalized. We expected this provision of all provisions would be contained in this bill, but the bill is most conspicuous by the absence of any such provision. This bill is a poor little weakling, shorn of the strength and power we expected it to contain, impotent to secure any good to the people, and harmless in in inflicting any practical restraint upon the trusts. The provision prohibiting rebates is the only one which will have any practical effect, and without this provision the entire bill would not rise to the dignity of a respectable protest against trusts.

Mr. SMITH of Kentucky. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend the first section of the substitute by inserting, just after the word "sale," in the fifth line, sixth page, the words "the amount of taxes paid for the preceding year."

Mr. LITTLEFIELD. Will the Clerk give me the line and page that amendment refers to?

The CLERK. Page 6, line 5.

Mr. SMITH of Kentucky. Mr. Chairman, the only purpose of this amendment is to require the corporations that make reports under the first section of this bill to report, among other things, the amount of taxes paid the preceding year. For myself I can not conceive of more important information concerning these organizations for the people and the public officials to have than to know how well they are bearing their part of the public burdens of the country. I believe it is important, and I trust that there will be no opposition to the adoption of this amendment.

Mr. LITTLEFIELD. Mr. Chairman, I think perhaps I ought to state to the committee the reasons why this amendment was not adopted by the Judiciary Committee. My idea of the elements to be required in these returns were elements that would disclose the financial condition of the corporation, determine its property, the value of its securities, and the amount that might be behind the capitalization. We could not see how the taxes paid by corporations had any legitimate connection with the question of its property, or its amount, or its character, or the amount behind the capital stock. Inasmuch as we did not feel like having anything in it not absolutely required that did not relate to that subject-matter we voted it down in committee. I do not think it is a very material proposition. Another thing, so far as they are taxed, that is public information anyway, and can be obtained by the inspection of the tax lists.

Mr. SMITH of Kentucky. I should like to ask the gentleman a question. If the taxes are paid either upon the cash value of the property or a given per cent of the cash value, this would be a most excellent way to ascertain what these concerns think their property worth?

Mr. LITTLEFIELD. I do not think there is any uniform rule in that respect. Upon some of the corporations in some of the States there is such a tax; in other States there is not. In some States the stock is taxed; in others they divide the property into different kinds for taxing purposes. In some States the franchise is taxed. I think my friend from Kentucky will be satisfied that there is no uniform information that can be obtained from the various States in this connection. That was one of the reasons on the part of the committee for drawing this provision as it is.

Mr. SMITH of Kentucky. The object of this provision is to make the information uniform by requiring these corporations to furnish reports to the Interstate Commerce Commission.

Mr. LITTLEFIELD. But the gentleman must realize that this bill does not impose any taxes, and we can not impose taxes of this kind. These taxes are imposed by the various States.

Mr. SMITH of Kentucky. I do not know any better way to ascertain the real valuation of the property of corporations than by ascertaining the amount of taxes that they pay.

Mr. LITTLEFIELD. That would be true provided the tax assessed upon real property and personal property were uniform everywhere, but the gentleman from Kentucky knows that such is not the case. I therefore feel inclined to ask the Committee of the Whole to vote it down.

[Mr. WOOTEN addressed the committee. See Appendix.]

Mr. LLOYD. Mr. Chairman, monopoly has sought control of the business interests from the early dawn of civilization and will probably strive for the mastery as long as there is trade amongst men. Human greed has been a forceful factor since Cain slew Abel and Esau, by fraud and deception, secured his brother's heritage. It does not follow that because there has ever been monopoly the people must to-day bow to its will and yield a submissive obedience to its power. Its known historic tyranny amongst all nations and in all times should serve as an incentive to this generation to repel its onward march and prevent its dominion.

Nothing is more humiliating than the apparent truckling disposition of the dominant party. The spirit of surrender to monopolistic influence is too plainly observed. The great speech of the gentleman from Maine is far different in tone and sentiment from that which he delivered in June, 1900, when another and much stronger trust bill was before the House for its consideration and he was advocating its passage. His speech now compared with that one is apologetic, as he terms it, conservative, and replete with the thought of trade supremacy and the necessity of avoiding any interference with it. He properly expresses concern for the great business interests of the country, but then insists that nothing should be done that would in any particular disturb its equilibrium or interfere with its methods. This kind of policy means little in the way of relief to the burdened masses. How

can monopolistic control be overcome without interfering with the business of the monopoly? Just as well talk of punishing the highway robber without taking his liberty or the murderer without personal restraint. The trade combination which injuriously affects the public must be broken up. Such laws must be enacted and enforced as will prevent their existence and drive out of business those associations or corporations engaged in the oppression of the people. I see no ground for apology for this course. The legitimate industry, thriving as much as may be, should applaud such action. Dishonest men are opposed to criminal statutes, the oppressor of mankind would have no punishment for tyranny, and the trade monopolist who injuriously affects his fellows would have no remedy for such action.

I appreciate the fact that the question of what shall be the remedy for trusts and how it shall be applied is not an easy one to answer. This has been a long-drawn contest, but the forces of monopoly have as nearly the mastery as ever before. This monstrosity of trade may, by certain methods, be restrained to-day, but to-morrow it may appear under a different guise, and another weapon of defense may be needed to overcome it. Shall gentlemen avoid the issue because of the difficulties of success? The more determined and concentrated effort should be made that the conflict may be the more decisive and the victory over the enemy of free people and equal opportunity may be more nearly complete.

The chairman of the Judiciary Committee asserted in his able address during this debate that—

> While there is intense feeling existing in the mind of our people to-day against monopolies I do not believe it to be my duty to denounce them or add to the present excitement. As I have said, these people are pursuing a lawful course, created and protected by the law.

A little later in the course of his address, when interrogated by the gentleman from New York [Mr. GOLDFOGLE] in regard to the existence of trusts, he made this statement in reply:

> I reiterate, for the benefit of the gentleman from New York, that there are no trusts in this country and that these great corporations are acting in a lawful manner, doing just exactly what every one of us would do.

This sentiment has been repeatedly expressed by the chairman of the national Republican committee, Mr. HANNA. Can anyone doubt that this is the real position of the Republican leaders to-day? Anything else is deceptive and hypocritical. I do not mean to say that every colleague across the aisle indorses their statement, nor that the masses of the party accept their position as correct, but the counselors of the organization, the directors of party action, fully concur in the view of this distinguished gentleman. The versatile statesman from Pennsylvania [Mr. SIBLEY] says:

> The day of individualism is past. Competition is destructive; it is war. Corporation of force is peace and the guaranty of greater prosperity.

If these forceful utterances are true, the people are wrong in their opposition to monopoly. They should turn their faces toward the giant industrial combinations and bid them God speed in their onward march until every business competitor shall be overcome, the power to fix the price both of labor and the commodities of life shall be absolute, and until there shall be complete subjection to their demand of capitalistic greed. If it be true that there is to be complete surrender to monopoly, then the language of Thomas Jefferson with reference to other nations would be equally applicable to our own people:

> This world is full of timid souls who prefer the calm of despotism to the tumult of liberty.

Mr. Chairman, what is needed at this hour is the "tumult of liberty," and an aroused and determined public sentiment, a forceful and defiant legislative body and Executive bent on the destruction of monopolistic greed, even if some giant corporate enterprise in open and persistent hostility to law, trampling upon the statutes, civil and criminal, with the greatest impunity, shall be made to suffer; yes, to close its doors, if need be.

If it be true that the day of individualism is past, then no longer can the mother look upon the bright urchin in whom her hopes are concentered and expect for him an equal chance in the race of preferment. She should realize that as an individual her boy shall never exist; that his ambitions must be subservient to the will of corporate influence; he must be the tool of their wielding and such factor in their upbuilding as his ability and usefulness to them will dictate. The sweetest hopes of the home of poverty and privation are to be blasted. The patriotic devotion to country and its institutions is to be set aside, and the teachings of such men as Washington and Madison are to be considered as the foolish vaporings of the past; but the new era of advanced thought and recognition of the monopolistic capital shall have full sway and government must be recognized as its pliant tool. Shall this monarchialistic doctrine triumph? Not while the people are citizens of a free Republic, nor labor recognizes that it is a part of the free manhood whose rights are vouchsafed under the Constitution, nor the power of resistance wells in the human breast, and the great masses are the producers of all that the monopoly controls.

I am not in sympathy with the timid conservatism which asserts itself in high places, parades the weakness of the Sherman antitrust law, refuses to enforce its provisions, and then declares the impotence of the Government to make it stronger. That the law should be improved and strengthened by legal enactment there is no question, but from the standpoint of the Executive it should be rigidly and determinately enforced in all of its provisions. If the criminal features as well as the civil remedies were applied and the oppressor of human rights punished as any other lawbreakers, then monopoly would call a halt and ask the terms of surrender. If this course were earnestly and vigorously pursued the defects in existing law would be plainly seen; the remedial legislation necessary to perfect the law would become apparent.

When gentlemen insist that the dominant party is winking at monopolistic domination and determined to do nothing that will seriously affect trusts, that party tries to shield itself behind some alleged Democratic weakness that may sometime or somewhere have asserted itself. This is no excuse for trifling. The Republican party is in complete control and has been for six years. It is responsible for the legislation and conditions existing, and any mistakes of Democracy in days gone by do not lessen the responsibility. It can not now complain because Democrats have urged each step that has been taken and has supported every proposition for immediate relief that has been voted upon in either branch of Congress during that period. Democrats insist that an opportunity should be given to pass a strong, forceful, and effective bill. Every man on that side of the Chamber knows full well that the minority will go as far as Republicans dare go in legislation to destroy the trusts and overcome their evil effects.

It is child's play to try to shift this burden. The dominant party has pledged itself in its platform and on the hustings to pass remedial legislation which will result in removing this oppression from the people. Never was a party more fortunate than the Republican party is now in having the power to carry into effect its pledges, because the opposite party will throw no impediments in the way, but will assist by voice and vote to uphold the majority in this reformatory work. But why this halting, doubting, uncertain, unstable position? Why do not Republicans act? The reason is plain. The cause is known to all. The Republican party is in league with the monopolists and is retained in power by their contributions. Can you expect relief from monopoly when those who are its beneficiaries are to control the legislation?

There may be a continuation of deceptive policy; but if so, the time will come when the people will rise in their sovereign power and place such persons at the helm of legislative and executive position as can be relied on to remember them when the city of Washington is reached.

What is the ground of complaint that the American people make? They say that monopolistic organization have fixed the prices of the products of toil and have control of those prices to-day; that they have fixed the compensation to labor, and that in addition to this they control the prices of articles of consumption. If this indictment be true, monopoly now has the reins of power.

The farmer and stock raiser places the fruits of his labor upon the market, whether of stock or grain, and receives the price fixed by monopoly, or nothing. He has no voice in determining the price. He takes the money which the syndicate gives him for his products and seeks to buy articles of consumption to meet the needs of the home, and again he is faced by the fixed price, not so much of the retail dealer as the few who have the monopoly and say what shall be the price to the public. The laborers in the mine and factory receive such wages as capital fixes, and then if labor combines to protect itself it is declared to be a monopoly and frowned upon with the utmost contempt.

When the laborer undertakes to buy the articles of daily consumption he meets the same fixed price as the farmer, and is forced to buy at that sum or do without. There is something wrong somewhere which permits monopolies to fix the selling price of nature's products, the wages of labor which produces wealth, and the price of the articles for consumption which enter into daily use. It may be claimed that the laws of trade and commercial intercourse demand that these conditions remain; that no system could be devised which would permit the producer to fix his own prices, the laborer to name the amount of his compensation, or the consumer to control the price of the commodities which he might buy. This may be, but if such is the fact, the necessity for fair and honest treatment from the power that does determine the rates of compensation is the more apparent. Human nature is the same everywhere. The monopolists of

the United States are what many of us would be if we occupied their places. Having the control of any article, they will make out of it whatever can be made. Here is the necessity for law.

It is the duty of Congress, so far as it may do so, to prevent any encroachments on the rights of the people. The products of the farm and mine should receive liberal consideration. Labor should be fully rewarded and consumption should not be compelled to pay tribute to greed. There is quite a disposition on the part of many to accept the proposition that combinations lower the price to the consumer, and therefore are beneficial to the masses. I am willing to concede that the monopolistic organizations could sell to the consumer at a less price than if such organizations were not in existence; but I certainly deny that any benefit accrues to the masses on account of the monopolies in existence. An investigation might give some light on this subject. Take, for example, the great beef monopoly, of which we have heard so much, that has so greatly increased the cost of living in the extraordinary price of beef to the consumer.

On January 2, 1902, according to the statistics set out by the Treasury Department, the price of family beef was $12.50 per barrel. On January 2, 1903, it was $17.50 per barrel, or an advance of 40 per cent in one year. The monopolistic advocate in explanation of this condition may say that cattle are scarce, and the prices higher than they were one year previously. But the same Government statistics give the price of cattle in the Chicago market January 4, 1902, as follows:

	Per 100 pounds.
Native steers	$7.75
Texas steers	4.95
Cows	5.25

while on January 3, 1903, the prices for the same classes of cattle were as follows:

	Per 100 pounds.
Native steers	$6.65
Texas steers	4.75
Cows	5.00

a marked decline in all grades of cattle and in the price of native steers of more than 14 per cent.

Let us take another monopoly which is often referred to as lowering the price of consumption to the world. I have reference to the Standard Oil Trust. The Government monthly statement to which I have referred furnishes the information that refined petroleum increased in price from 8.3 cents per gallon to 10.5 cents per gallon between January 1, 1902, and January 1, 1903, or an advance of nearly 5 per cent in one year. Examination will show that this grasping, overmastering power of monopoly is shown in nearly every trust organization which has been established. The more powerful the monopoly becomes the more exacting its demands will be, and the greater necessity exists for drastic legislation. If Congress would take hold of the monopolistic conditions with the same spirit as Emperor Zeno did in A. D. 483 this evil would soon be wiped out. The edict to which I refer was as follows:

> If anyone shall presume to practice a monopoly, let his property be forfeited and himself condemned to perpetual exile. And in regard to the principles of other professions, if they shall venture in the future to fix the price upon their merchandise and to bind themselves by agreements not to sell at a lower price, let them be condemned to pay 40 pounds of gold. Your court shall be condemned to pay 50 pounds of gold if it shall happen through avarice, negligence, or any other misconduct the provisions of this salutary constitution for the prohibition of monopolies and agreements among the different bodies of merchants shall not be carried into effect.

I do not believe that such extreme penalties need be fixed and enforced as were resorted to in that time, but that decree was a forceful illustration of what may be done to overcome the power of monopoly and to break down trust organizations.

I shall not take the time to analyze the provisions of the pending bill, but will call attention to the first section of it, which provides for the publication of the conditions of the corporations engaged in interstate and foreign commerce with reference to capital, stocks, bonds issued, and methods of business. Strange as it would appear to those concerned for effective legislation, this publicity feature is made to apply only to corporations or monopolies hereafter organized or created. Not only does this fail to require information as to existing corporations but it serves to protect them against those hereafter to be created. How farcical is this kind of publication! What a complete surrender to existing trusts in its framing! Whatever of good there might be in publication has been overcome by its limitation which makes application only to future corporations. The bill otherwise has a few features that tend to the benefit of the people, but nothing in it is a remedy for existing evils, and when enacted into law will only have the effect to slightly regulate the power of trusts.

Labor is the mainspring of commercial action. Labor in the sweat of the face tills the soil which produces a mighty volume of trade and sends the articles of commerce into every country and into every clime. Labor transports the products of farm to the market place. It may be drawn upon the greatest railways with the mightiest engines, but at the helm is a laborer holding the throttle and directing its movement. Labor in the manufacturing establishment, mill, or other place of transformation of these articles into those of consumption and use is indispensable. Wherever capital has been gathered it is the result of human labor. Around the festal board money may be lavishly spent, but in its spending is disseminated the sweat and brain of labor. Piled up in yonder Federal Treasury are hundreds of millions of dollars which are the result of labor's application. The young American with the profligacy of dissipation may throw to the winds the thousands which result from ancestral heritage, but every nickel thus expended is stamped with the monogram of labor and the sacrifice of the toiler.

Who should receive legislative favor—the laborers who have produced by their brain and brawn the prosperity of which Americans so proudly boast or those who are the holders of wealth and the recipients of labor's achievement? As for myself, I am concerned for the toiler. Capital cares for itself. It enters the secret councils of the committee rooms, confers with the legislator and insists upon recognition and consideration, brings the power of its influence in various ways, and forces its demands upon Congress. But in the shop, in the bowels of the earth, on the prairies and hillsides, at the post of duty everywhere, labor is engaged in forging the daily round that subsistence may be assured for those dependent upon his exertions. These in the garb of toil, with the dust, the smoke, and unpleasant environment of their vocations, with the patriotic devotion of the fathers, are dependent upon the honesty, integrity, and fairness of their representatives in Congress to see to it that their rights are protected and that they may have an equal opportunity before the law. But shall that constituency meet the increased price of consumption fixed by monopoly with the denial of a corresponding increase in the wages of labor and the price of nature's product without complaint? Must they see the monopolist lionized and toasted while he is oppressing labor and making its burdens more grievous? Must they see the real profits of their energy accepted as the gift of philanthropy and devotion to the best interests of mankind and the donor applauded for his generosity? Shall they observe Carnegie libraries and Rockefeller colleges and not complain that law has permitted, or by its provisions encouraged, the aggregate of such colossal fortunes as that such donations can be made out of annual income, when those whose labor produced them or purchases made them have no part or lot in their enjoyment?

While I shall support the pending bill, and every other measure that tends to bring relief from the oppression of monopoly which may be submitted by the majority, I condemn in the most positive way the rule forced upon this House which makes amendment impossible and prevents a record of any vote upon the various amendments presented. This rule is another of those deceptive steps to hide the perfidy of men to their constituents and to prevent an open and fair discussion of the necessary remedial legislation and a vote showing to the country the individual action on amendments proposed.

The question being taken on agreeing to the amendment of Mr. SMITH of Kentucky, there were on a division (called for by Mr. SMITH of Kentucky)—ayes 73, noes 84.

So the amendment was rejected.

Mr. SULZER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The Chair would state that——

Mr. PATTERSON of Tennessee. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman from New York moves to strike out the last word of the section.

Mr. PATTERSON of Tennessee. I wish to make a parliamentary inquiry.

Mr. SULZER. I hope that this will not come out of my time.

The CHAIRMAN. It will not.

Mr. PATTERSON of Tennessee. My parliamentary inquiry is this: I wish to offer a substitute for this section, and I want to know whether that motion will be in order after the pending motion is disposed of?

The CHAIRMAN. As the Chair understands, the gentleman from Tennessee wishes to offer a substitute for the entire section?

Mr. PATTERSON of Tennessee. Yes, sir.

The CHAIRMAN. The offering of a substitute for the entire section will be in order after all members have had an opportunity to first perfect the section.

Mr. PATTERSON of Tennessee. I want to give notice of that intention now.

The CHAIRMAN. The gentleman can offer his proposed substitute now and have it pending.

Mr. PATTERSON of Tennessee. I will send it to the Clerk's desk for that purpose.

The CHAIRMAN. The gentleman from New York [Mr. SULZER] will proceed. The proposed substitute of the gentleman from Tennessee will be read after the remarks of the gentleman from New York.

Mr. SULZER. Mr. Chairman, this so-called and much-heralded antitrust bill, stripped of all its tautology, pruned of its crudeness, and separated from its extraneous verbiage, seems to an uninitiated and unsophisticated individual like myself to be a very good bill to give the trusts the right to continue business at the old stand and keep on robbing the people all the time without let or hindrance unless, in their magnanimity, they see fit to tell the people the method of their scientific system of taking from the many for the benefit of the few and make such returns to the Government—true or false—regarding their affairs as they desire. It is an antitrust bill only in name. The friends of the trusts can vote for it with as much pleasure as the foes of monopoly. It will do no great good, and it will do no great harm. It may please some, especially those who say there are good and bad trusts and that we must go slow for fear of injuring a good monopoly.

Mr. Chairman, before the last election the gentleman from Maine [Mr. LITTLEFIELD], in all the glory of his greatness, perambulated around the country making speeches and posing as the great and only and original and simon-pure trust buster. He had introduced in this House a bill which to some extent would curb the power and the sway of the trusts, and it was entitled "A bill requiring all corporations engaged in interstate commerce to file returns with the Secretary of the Treasury, disclosing their true financial condition, and of their capital stock, and imposing a tax upon such as have outstanding capital stock unpaid in whole or in part."

That was a good title, and the bill, so far as it went, was a fairly effective measure. Now, sir, I notice that in the bill which the gentleman from Maine has reported from the Committee on the Judiciary as a substitute for his original bill he has struck out that title and practically presents to the House an entirely different bill from the bill which he introduced on December 2, 1901, before the last Congressional election. It is for all remedial purposes a new bill—a bill which, if it were enacted into law, would not do any harm to the trusts, and in my humble opinion would not remedy a single trust evil that the people complain about to-day.

The new title to the new bill is as follows: "A bill requiring corporations engaged in interstate commerce to make returns, prohibiting rebates and discriminations and the use of interstate commerce in attempts to destroy competition, and for other purposes."

That tells the story. This new bill does not require "all" corporations to make returns; only some; only those to be hereafter organized, and the word "true" is also eliminated, so that the next growth of monopolies can simply make such returns as they see fit—true or false, good, bad, or indifferent. And the new bill, too, if you will compare it with the original, is just as flimsy, just as insincere, and just as hypocritical; but, in my opinion, it goes a great way to change the law now on the statute books known as the antitrust law of 1890 in repealing by implication the civil and criminal penalties provided in that law.

I do not stand alone in this opinion. Several distinguished lawyers who have carefully investigated this proposed bill believe that if it should be enacted into law the Attorney-General of the United States and the United States district attorneys would be absolutely powerless to enforce the civil and criminal penalties under the antitrust act of 1890. If this be so the bill, weak and impotent as it is, may become the agency of nullifying the provisions of the only law we now have to prosecute and punish criminal monopolists and trust conspirators.

The bill is defective, but perhaps it was intended to be so for this very reason, and instead of being against the trusts is intended under the surface to really be for the trusts. This is a very serious matter, and this bill should not pass this House without a proviso that nothing contained in its provisions should be construed as amending or changing any of the provisions of the antitrust law of 1890.

The criminal trusts of the land are more opposed to the penal penalties of the act of 1890 than to any provisions contained in this bill. And in this respect I might say it seems strange that no Attorney-General since 1890 has ever had the temerity to enforce the criminal provisions of the act of 1890 against any violator of the law. Why? You all know the reason why. The trust magnates are too powerful.

And this new bill, so cleverly drawn, so cleverly worded, and so cleverly devised, not so much by the gentleman from Maine as by some distinguished trust lawyers, may have for its sole purpose the elimination of the criminal provisions of the statute of 1890. If that is so—if that is the latent intent of this new bill—then I can understand why the trusts are not opposed to it, and why every friend of the trusts here is in favor of it. [Applause on the Democratic side.] It is too bad that under the rule adopted a member can not amend this new bill, and I regret my friend from Maine did not stick to his original bill; but somehow, Mr. Chairman, these trust lawyers succeeded in changing the opinion of the great "trust buster" from Maine, so that he stands here to-day revealed in his true colors [laughter], not as a great "trust buster," but as a great trust advocate. [Laughter.]

I thought my friend from Maine was a true friend of the people and a real enemy of the criminal trusts; but alas! it seems otherwise. I am sorry for it; I am sorry for him and for myself, because my simple faith has been rudely shaken. [Laughter.] I thought the gentleman was sincere; that he meant all he said on the hustings; that he really was to be the agency through whom the overtaxed, hoodwinked, and oppressed people would secure their rights against the trusts and monopolies; but I was mistaken. [Laughter.]

I thought the gentleman was honest in all he said against the trusts and that the trust-owned and trust-controlled newspapers meant all they said about his heroic efforts to crush the trusts. I looked up to him; I wanted to follow him wherever he went to grapple with monopolies. I thought he would be bold and audacious as he pursued the octopus, but I am disappointed.

The gentleman does not go far; he does not rage against the iniquity of the monopolies; but, on the contrary, he seems very mild and rather apologetic, and even goes so far as to inform us that there were monopolies before the tariff, and before the Republican party, and before Christ, and before the Flood. It is all no doubt very wonderful—but quite beyond me.

The gentleman's new trust bill, so different from the gentleman's original antitrust bill, his remarkable speech yesterday, and his attitude here to-day have disconcerted his antitrust friends, mystified every foe of monopoly, and put every one of his true followers all at sea. Even his friend, the President, must stand aghast when he contemplates the gentleman's sudden change of front on this important question, and I hardly know what the President will do with this new bill if it ever passes the Senate and goes to the White House. [Applause.]

Mr. Chairman, we should be careful not to nullify any part of the antitrust law of 1890. That is a good law, and if it were enforced it would remedy most of the trust evils. In regard to that law and in this connection I want to read a letter recently written by former Senator George F. Edmunds, which confirms the position I maintain. The letter is as follows:

AIKEN, S. C., *January 2, 1903.*

DEAR SIR: Yours of the 27th ultimo has reached me here. The statement of Senator Vest contained in the slip you inclose is correct. I have not the CONGRESSIONAL RECORD or the Senate files to refer to, but I am sure on looking them up you will find that the bill reported by Mr. Sherman from the Finance Committee was not the one passed by Congress, but that the one passed by Congress was reported by the Judiciary Committee to which the Sherman bill, after it was reported from the Finance Committee and discussed and probably more or less amended, was referred for consideration; and that the bill reported by the Judiciary Committee and passed was in every essential respect entirely different from the Sherman bill, and was purely a substitute for it.

The Judiciary Committee was, I think, unanimously of the opinion that the bill it reported was, in respect of its general scope, an exercise of the whole constitutional power of Congress, which could only legislate for the freedom and regulation of commerce with foreign nations and among the several States; and I am of the same opinion still. The only difficulty with the bill we reported and which became law was the want of administration, that is to say, that the law was and is entirely capable of putting an end to such so-called trusts and such combinations as interfere with or restrain commerce among the States, etc., if the officers of the Government having charge of the enforcement of law understand their duty and are willing to do it, being, of course, supplied with sufficient means to put it into force.

If the famous Knight case had been instituted and carried forward with suitable allegations of the precise nature and history of the Knight affair, and had been supported, as it could have been, by adequate proof of the facts it set forth, I believe the Supreme Court of the United States would not have had the least difficulty in preventing the carrying on of the combination under consideration, and putting an end to it, as it can still do with similar ones. The bill of complaint in that case was unhappily not drawn in such a way as to present the question which now so much commands just public concern.

What is needed is not, so much, more legislation as competent and earnest administration of the laws that exist. I have no doubt that the present Attorney-General and his very able assistant will find easy means, if supplied with the necessary funds, to arrest the progress and undo the mischievous work of such great and injurious combinations as have so largely come into recent existence.

Very truly, yours,

GEO. F. EDMUNDS.

JOHN A. SLEICHER, Esq.,
110 Fifth Avenue, New York, N. Y.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SULZER. Mr. Chairman, I have not had and I could not get an opportunity during the general debate to say a word in regard to this bill, and I now ask unanimous consent that my time be extended.

The CHAIRMAN. The gentleman from New York asks unanimous consent that he may proceed. Is there objection?

There was no objection.

Mr. SULZER. I thank the House for its courtesy. As I have said before, and it can not be successfully denied, the law on the statute books against trusts is clear and plain, and the highest court in the land has passed on its validity and sustained the constitutionality of its provisions. The antitrust act of 1890 declares that every contract or combination in the nature of a trust in restraint of trade and commerce among the several States and Territories or with foreign nations is a conspiracy, illegal and void, and punishable by fine and imprisonment.

Under the law of our country trusts are criminal, and there is no distinction between a so-called good trust and a so-called bad trust, between a big trust and a little trust. Every trust is contrary to both the spirit and the letter of the law. To seriously contend otherwise as a legal proposition would be preposterous. If we did so, by analogy we might as consistently assert that there were good pirates and bad pirates. If robbery is criminal, it is immaterial, so far as the crime is concerned, whether the robbery is a big one or a little one. The violation of law is the same.

Under this antitrust act it seems to me every trust in the United States can be prosecuted for violation of law, the charter annulled, and the men behind it punished for conspiracy. Every trust by its very nature is in restraint of trade and commerce and in violation of this law.

If you will read the antitrust act of 1890 and the decisions of the United States Supreme Court in the trans-Missouri freight case and the Addyston Pipe Line case, the conclusion will be irresistible to the logical mind that the fault is not so much with the law as it is with the men who are sworn to enforce the law. The law so far as it goes is all right—the do-nothing Attorney-General is all wrong. The imperative mandate of the day is "Enforce the law, and every trust in the country will dissolve." Whenever the trusts have been brought before the courts, and their true character shown, they have been declared illegal.

In my opinion—and I say so advisedly—the Department of Justice under the present law can institute and successfully maintain actions against every trust doing business in the United States.

Nothing would be more welcome to the trusts than to change this law—especially its criminal penalties. These, it is true, have never been enforced, but some day the people may get an Attorney-General who will enforce them and if they are enforced a few trust magnates may have to go to jail, and that will be the end of the criminal trusts. One trust magnate behind the bars will be an object lesson that will do more good than all the speeches ever delivered here against the trusts.

Mr. Chairman, the gentleman from Maine [Mr. LITTLEFIELD] seems to me to be in an embarrassing position. He changed the title to his bill—he gave up his original bill—and substituted for it a weak, apologetic makeshift that will accomplish nothing or do great harm. Now, I want the members of this House to see how cleverly the trust lawyers amended the title of the original bill. If you will take the title of the original bill introduced by my friend from Maine, you will find it required "all" corporations to make "true" returns, and the trust lawyers some way or other induced the great trust buster from Maine to amend his bill so that it leaves out entirely "all" corporations and "true" returns. [Laughter on the Democratic side.] The entire bill—I mean the new trust bill—now before us is a hollow sham.

Mr. Chairman, I had an idea at one time that amounted to almost a conviction that my good-natured friend from Maine was as earnest, as honest, and as sincere a friend of the people and as bitter a foe and as intense an opponent of the trusts and monopolies as I am. [Laughter.] But I am compelled, reluctantly compelled, I regret to say, to be constrained to stand here to-day, after having carefully read the bill originally introduced into this House by the gentleman from Maine and the substitute bill prepared by the trust lawyers, which the gentleman from Maine substituted for his bill, and which he now offers us and stands sponsor for—I am reluctlantly constrained, I must confess, to say that this substitute, as a remedy to more effectually curb the power and the sway of the criminal trusts and monopolies, is seven pounds lighter than a straw hat. [Prolonged laughter.]

Mr. Chairman, now, another matter in this connection, somewhat personal, and I dislike exceedingly to refer to myself, but I must. [Laughter] I introduced a bill, an antitrust bill—a real antitrust bill—a bill that would do something and that meant something—a genuine trust-busting antitrust bill, in December, 1902, more than a year ago. I thought my bill, in my modest and humble way, was a better bill than the bill originally introduced by the gentleman from Maine. It was referred to the gentleman's committee. I went before the gentleman's committee and made a strong and, if I say it myself, I believe, an eloquent argument in favor of it. I thought at that time the gentleman from Maine liked my bill, perhaps not so much as he did his own creation, but I got the idea that we nearly agreed as to the necessary remedy.

A great many distinguished gentlemen who are opposed to trusts, representing labor organizations, representing the American Antitrust League, representing commercial bodies and other industrial enterprises, also went before the gentleman's committee and spoke long and earnestly and eloquently in favor of my genuine antitrust bill. The gentleman from Maine intimated substantially that my bill was a most excellent bill, but that he was just a little afraid that it went too far, perhaps, and might hurt the trusts just a little too much, but he in substance suggested that there were features in my bill regarding "publicity" which he thought ought to be incorporated in any bill which the committee reported. That was all very nice—and I thought so then.

And, Mr. Chairman, I am glad to stand up here and say that the gentleman from Maine, my friend, the erstwhile trust buster, did put into his bill some of the provisions of my bill, but they were the mild provisions of my bill which amount to little or nothing. [Laughter.] The gentleman from Maine studiously left out of this bill everything in my bill which would do something, which would amount to something, which would check and cure the trust evil, and which would more effectually curb the potential power and the autocratic sway of the trusts.

Now, another thing—and this is a good time to say it again, and I want to repeat it every chance I get, on behalf of my Democratic colleagues—that when the department of commerce bill was pending in this House I offered my antitrust bill as an amendment to one of the sections of that department of commerce bill, and every Democrat in this House voted for it, and every Republican in this House, including the great, the only, and the original trust buster, my good friend from Maine, voted against it. [Applause and laughter on the Democratic side.] I have noticed, however, that since the department of commerce bill has been pending in the Senate a farseeing and sagacious Senator contemplates amending that bill by incorporating in it an antitrust provision very similar to mine.

I hope the Senator will do so. He can have my antitrust bill in toto; and I believe it is the best bill ever introduced in this House to establish "publicity" regarding the trusts. I have no personal vanity in this matter. I am only a humble servant of the people, with mediocre ability; and being in the minority, I can not hope to do more than construct legislation. I can only prepare good bills; I can not pass them. Only Republicans can make laws nowadays. But I care not for the glory; all I want is to secure results for the people. [Laughter.]

Yes, Mr. Chairman, we witness quite a spectacle to-day. We see the eloquent former trust buster from Maine now the advocate of the octopus, the historian of monopolies, and the special pleader of the trusts. Perhaps it may be unconscious, but the fact can not be overlooked. And the Republican party, as represented on the floor of this House, has changed its position very materially on this question if you compare the promises made with the meager bill presented. My friends on the other side seem to be running away from the President. I believe the President is honest in his antagonism to the criminal trusts of the country. I believe he is sincere in his recommendations to check their apparent evils. I know he is a true American, and I believe the President wants this Congress to do something to curb the power of the trusts in the interest of the people.

The Republicans pretend that they do also, but you do not carry out your promises or the recommendations of your President. You wink at the exactions of the trusts while you throw a sop to the people in the nature of a futile bill like this that will be just about as effectual to remedy trust evils as a last year's bird's nest. It is apparent you are fooling the people again. You seem to glory in it, and they seem to like it. If it were not for the sadness of it all—the misery, the woe, the want, the poverty of it all—it would be to laugh. Every time I see the Republican elephant at his old tricks I am reminded of what P. T. Barnum facetiously said: "The people like to be humbugged." The Republican party has evidently copyrighted that remark, and on every occasion religiously lives up to it.

When will the people open their eyes and wake up? How much longer do they want to be humbugged? The President asks for and recommends antitrust legislation, the people all over the land plead for relief from the exactions of the trusts, and the sad experience of the past and the urgent exigencies of the present demand drastic legislation against monopolies and the rigid enforcement of existing laws. But what do you do? What you always do. Fool the people some more. When they ask for bread, you give them something you call bread, but which is really only a stone.

This bill now under discussion will accomplish nothing. It is a misfit, a makeshift, a miscarriage. Its ostensible purpose is to please the people and not displease the trusts. Its hidden object is to strike a deadly blow against the penal penalties of the antitrust act of 1890; and I believe, and I say, that if this bill, with all due respect to the legal ability of my friend from Maine, should

become a law in its present shape, it will go far to repeal, by implication, the criminal provisions of the antitrust law of 1890. Why not allow me or some one to amend the bill so that there will be no question about it?

Let me say in this connection that it is remarkable that no Attorney-General, under the provisions of the antitrust law of 1890, has ever instituted a single prosecution to enforce the criminal penalties of that act, and I believe, and I stand up here and assert and defy successful contradiction, that if the Attorney-General would enforce in one prosecution the criminal provisions of the antitrust act of 1890 and put one trust magnate behind prison bars for violation of law it would do more to effectually curb the power and the sway of the trusts than all of the oratory and all of the little pop-gun bills will ever be able to do.

I do not believe this bill that is now before this House, this so-called substitute bill, this bill which really does nothing, will be any more effectual, so far as the enforcement of any remedy is concerned, than if the gentleman from Maine should try to stop the progress of a mad elephant on the rampage with a putty blower. I do not believe this bill is going to accomplish what the country demands. I believe it is really liable to accomplish harm.

I think there ought to be some provision in this bill similar to that which the distinguished Senator from Massachusetts [Mr. HOAR] put in his bill—that nothing in this bill should in any way repeal any law now on the statute books against the trusts, so that no matter how the courts may construe this bill, if it becomes a law, there shall be nothing in it by which any part of the civil penalties or the criminal penalties of the act of 1890 shall be repealed or eliminated.

Now, Mr. Chairman, this bill is a mere makeshift. It is a mere sop to the people. It is what the Republicans always do. They talk all right at the moment. They talk all right during the crisis. They talk all right before the election, but after the crisis is passed, after the election is over, when they begin to legislate they legislate so as to do no injury to those who sustain them, to those who aid them, to those who make large contributions to their campaign fund in every political campaign. It can not be successfully denied, and it will not be truthfully denied, that every trust in this country, from the greatest to the smallest, in every Congressional, State, and national campaign, makes contributions, some great, some small, to the Republican campaign fund.

I want to say that on account of that fact the intelligent people of this country know that there will never be enacted into law by the Republican party any legislation that will do material harm or substantial injury to the great monopolies, to the great criminal trusts, and to the great corporate wealth of this country. [Applause on the Democratic side.]

Mr. SIMS. Mr. Chairman, I want to ask the gentleman a question.

Mr. SULZER. I can only yield a moment—only for a question.

Mr. SIMS. In view of the characterization which you have given this bill, why should any Democrat vote for it?

Mr. SULZER. In my opinion, and I speak only for myself, I care not whether the Democrats vote for this bill or against it. I think it is the poorest apology for antitrust legislation that the mighty legal mind of the gentleman from Maine could possibly devise, and I think it has made a great giant—a valiant trust fighter—look exceedingly small, almost a pigmy. [Laughter and applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. LITTLEFIELD. I suppose, Mr. Chairman, it is now in order for me to say that I very profoundly regret that I am obliged to subsist hereafter, both from a physical, material, mental, and political standpoint, under the supreme displeasure of my distinguished friend who represents Tammany on the floor of this House—not a trust buster, but a trust annihilator.

Now, it was suggested to me by a distinguished gentleman on the floor of this House that in the course of the speech I made yesterday, if I could find time, that I make a complimentary reference to a certain bill introduced here by a gentleman by the name of SULZER, of New York, on the 11th day of December, 1902. Well, now, having only one hour and twenty-one minutes, and being frequently interrupted, I did not reach that stage in my speech where I intended to make the complimentary reference to that bill offered by this gentleman.

Mr. SULZER. Do it now. [Laughter.]

Mr. LITTLEFIELD. So that its author found it necessary this morning to make, himself, the complimentary reference to that bill. [Laughter.]

Now, I have a word or two to say about that bill, because I was obliged in all good faith to say to the gentleman that while I was willing to suggest that he had introduced that bill, and that it contained some of the provisions contained in the bill introduced by myself at the first of the last session of Congress, about one year anterior to the time when he introduced his bill, but that there were some provisions in that bill to which I could not give my absolutely hearty assent.

Now, I very much regret that. The gentleman from New York this morning takes up this bill, which assumes that there is a trust somewhere. This makes it incumbent on me to make some reference to it, though I can not go fully into the details of it in five minutes. I suggest, in relation to the salient provisions of this measure, that it was drawn, as I understand, by an eminent antitrust lawyer and indorsed by a leading lawyer of the bar of New York. Now, that being the case, I am going to read a legal proposition in this bill which has been voted for twice on this floor by every one of our Democratic friends—I take it without reading it. Now I will read a paragraph of this bill.

The claim that any such testimony or evidence may tend to incriminate the person giving such evidence or testimony shall not be used against such person on the trial of any civil suit or criminal proceedings.

What does that mean?

Mr. SULZER. I will tell the gentleman, if he will yield to me.

Mr. LITTLEFIELD. One moment. That is not even common sense. It is not even common nonsense.

The "claim" that testimony would incriminate should not be used against the party testifying.

That provision in the bill simply discloses the fact that the man who drew it did not know how to use language to express a coherent idea. [Laughter.] It is a tale told by an idiot, full of sound and fury, signifying nothing. That is all I have to say in reply to the gentleman from New York.

Mr. SULZER rose.

Mr. LITTLEFIELD. Now, wait a moment.

Mr. SULZER. I thought you had concluded.

Mr. LITTLEFIELD. That is all I have to say so far as that section of the bill is concerned.

Mr. SULZER. Will the gentleman allow me to ask him a question?

Mr. LITTLEFIELD. I think the distinguished lawyer who drew it and the distinguished gentleman from New York, eminent as a legal luminary, had embraced an idea which he might have had in his mind and might think he thought, or that he thought. He probably intended to provide that the evidence given should not be used against the party giving it in any civil trial or criminal proceeding, and the witness should not, therefore, be excused from testifying. That would not have been worthy of a student in a law school, it would be so clearly unconstitutional, and I have here the authorities to establish the proposition. There are other provisions demonstrating that it is the most utterly preposterous and hysterical piece of legislation ever suggested in this or any other body. I can not go into the details.

Mr. MORRIS. Are these the complimentary remarks you referred to?

Mr. LITTLEFIELD. These are the complimentary references I intended to make. Now, a man that has brought in that kind of a bill, who brought it before the subcommittee, and made a speech upon and urged it, is pretty much like the young man that Lincoln spoke of when he described a speech a young man brought to him which he could not very well eulogize, and when the young man asked him what he thought about it he said that he "thought that for a man who liked that kind of a speech that was about the kind of a speech he would like." [Great laughter.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. LITTLEFIELD. And the man that likes that kind of a bill, it is about the kind of a bill he would like. [Renewed laughter.]

Mr. SULZER. Mr. Chairman, I move to strike out the last word, in order to reply to the gentleman from Maine.

The CHAIRMAN. One amendment is pending, on which debate has been exhausted.

Mr. SULZER. Mr. Chairman, I desire five minutes, and I ask unanimous consent for five minutes to reply to the gentleman from Maine.

The CHAIRMAN. The gentleman from New York asks unanimous consent that he may have five minutes. Is there objection?

Mr. SHACKLEFORD. I object.

The CHAIRMAN. The gentleman from Missouri objects.

Mr. GOLDFOGLE. Mr. Chairman——

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York, to strike out the last word.

Mr. SULZER. Mr. Chairman, I withdraw that amendment, and move to strike out the last two words.

The CHAIRMAN. The gentleman from New York moves to strike out the last two words.

Mr. SULZER. Mr. Chairman, just a few words in reply to the gentleman from Maine. In referring to my antitrust bill, the gentleman from Maine, it appears to me, makes an argument

exactly like a trust lawyer. He seems to have changed his mind in regard to it. I do not think his argument was very sound or very logical, and it even lacked the merit of being original.

But that is to be expected from the gentleman from Maine. He has flopped on the trust question, and we may now and hereafter look for all kinds of vagaries regarding this matter from the once great and only and original trust buster. [Laughter.]

The gentleman has pointed out in my antitrust bill only one defect, and that defect is in this provision: "The claim that any such testimony or evidence may tend to criminate the person giving such evidence or testimony shall not be used against such person on the trial of any criminal proceedings." The gentleman claims, as I understand him, that that provision is unconstitutional.

I know the gentleman is learned in the law, but with all due respect I take issue with him on that point. As a matter of fact, that provision is taken verbatim from law now on the statute book and it has been held constitional. It has been held over and over again that where a witness gives testimony incriminating himself as well as others, by the way of information or confession, that the district attorney representing the Government can extend the witness immunity. In many States the law does it. That is exactly what this provision does; so there is nothing to that objection.

Mr. GOLDFOGLE. Will the gentleman allow me a question?

Mr. SULZER. Yes. I have only a few minutes—it must be brief.

Mr. GOLDFOGLE. I only want to ask the gentleman one question. Is it not a fact that the bill as drawn now, with reference to the section you are discussing, nullifies the entire bill, and that all the trust magnates need to do is to let one of their coconfederates go upon the stand, and immediately upon his taking the stand he is absolved from all penalties?

Mr. SULZER. The gentleman is referring to the bill of the gentleman from Maine. Mr. Chairman, if that is the only provision of my antitrust bill that the gentleman from Maine can criticise, then his criticism is very weak, and very lame, and very impotent. I undertake to say that this antitrust bill introduced by me has been pending before this House for over a year, and no Republican has ever criticised it in any way, except to say that it was too drastic, or that the penalties were too severe. And why should not the penalties be severe?

If you are going to curb the power of the trusts and monopolies, if you want to stop their sway, if you want to regulate them, you have got to make the penalties fit the crime. This bill of mine makes the penalties fit the crime. Under the terms of the bill proposed here in this substitute so-called antitrust bill the penalties do not fit the crime; and if the bill were a law they are so impotent that if they were enforced they would not check one iota the criminal sway of the trusts.

The gentleman from Illinois [Mr. MANN], when my bill was offered as an amendment to the department of commerce bill, said it was crude, and subsequently admitted he had not read it, and the gentleman from Maine simply reiterates what the gentleman from Illinois said before in that respect.

Mr. SHACKLEFORD. Will the gentleman allow me a question?

Mr. SULZER. I can not yield. The gentleman from Maine simply reiterated what the gentleman from Illinois said several weeks ago. Mr. Chairman, I want to say that in my judgment, so far as this proposed substitute will prove to be an effectual remedy against the trusts, it amounts to nothing. It is throwing dust in the eyes of the people. Every trust lawyer in the country is laughing in his sleeve at our spending days here discussing this bill to curb the power of the trusts when they know that it will be absolutely impotent to do a single thing against the trusts.

If you want to do something against the trusts why did you not adopt the bill introduced by the gentleman from Maine originally? That would have done some good. That at least was a step in the right direction. Why did you take out the words "all corporations?" Why did you take out the words "true report?" No one on this floor has answered that question, and I would like to ask the gentleman from Maine when he takes the floor again to say why he struck out those words.

In conclusion, I want to say that as a trust buster the gentleman from Maine is a failure. He does not now seem to be a bit bigger than his party, and everybody knows his party is owned and controlled by the trusts. The gentleman from Maine talked much against the trusts, he labored hard for a long time, but, different from the mountain that labored, he did not even bring forth a small antitrust mouse. It is a pitiable case—a sad, sad ending of all his greatness. [Applause on the Democratic side.]

Mr. FLEMING. Mr. Chairman, I offer the following amendment at the end of section 1——

The CHAIRMAN. The Chair will ask the gentleman from Georgia to suspend while the Chair makes a statement. The Chair would like to ask the cooperation of the members of the committee in carrying out the spirit of the rule to give all members of the committee an opportunity to offer and discuss their amendments. The parliamentary situation, as the Chair understands it, is this: The substitute is in the nature of an amendment to the original bill. All amendments, therefore, are amendments in the second degree. No amendment to an amendment which would be in the third degree is in order. All amendments are entitled to one argument by the member proposing the amendment and to one argument in opposition. All other arguments or amendments to amendments are out of order. Formal amendments are in order and the same rule applies. The Chair will endeavor to recognize members according to the custom of the House, recognizing the members of the committee according to their seniority on the committee. After the members of the committee have been recognized for amendment, all other members will be recognized, alternating from one side of the House to the other, and each section when perfected by these amendments is then subject to a motion for a substitute. The Chair makes this statement in order that the business of the House may be expedited.

Mr. GOLDFOGLE. Mr. Chairman, I wish to make a parliamentary inquiry. I desire to ask whether the proposition just read has been offered in the nature of a substitute, or as an amendment?

The CHAIRMAN. The gentleman from Georgia has offered an amendment to section 1, which the Clerk will report.

Mr. GOLDFOGLE. The reason for asking this question is because I wished to be recognized for an amendment.

The CHAIRMAN. The present order is the perfection of section 1. The gentleman from Tennessee has sent to the Clerk's desk a substitute for the entire section, which will be voted upon when the section has been perfected by amendment. The amendment of the gentleman from Georgia will be read.

The Clerk read as follows:

Amend section 1 by adding:
"Any corporation which shall neglect or refuse to make such returns shall be deemed guilty of an offense against the United States, and, upon conviction thereof by a court of competent jurisdiction, shall be punished by a fine of not less than $500 nor more than $5,000."

Mr. FLEMING. Mr. Chairman——

Mr. LITTLEFIELD. Mr. Chairman, may I call the gentleman's attention to the fact that at the end of section 4, page 9, in the last paragraph of that section, he will find the penal provisions of this bill. I have an amendment which I propose to offer at that point which, I think, substantially covers the gentleman's idea. Will the gentleman be kind enough to look at the provision at the top of page 9?

Mr. FLEMING. I have glanced at that, and I have offered my amendment in the fear that this Committee of the Whole may never reach page 9.

Mr. LITTLEFIELD. Well, I will ask unanimous consent to introduce such a provision.

Mr. FLEMING. All I desire is that the substance of that amendment shall go into the bill, and if the gentleman in charge of the bill will agree——

Mr. LITTLEFIELD. I will do my best to reach it.

Mr. FLEMING. To accept the amendment, there is no reason why it should not come in right here. I have copied the language of the committee as it appears in section 9, but so as to apply to persons as well as corporations. Evidently the penalty ought to apply to corporations as well as persons; otherwise, my amendment follows the language used at the end of the fourth section.

Mr. LITTLEFIELD. But the gentleman will appreciate this fact, that the provision more properly appears in the portion of the bill defining the punishment of various offenses under the bill.

Mr. FLEMING. Suppose we should never reach section 4?

Mr. LITTLEFIELD. I will ask unanimous consent of the House before the committee rises to perfect that part of the section. That is the best I can do.

A MEMBER. Some one may object.

Mr. LITTLEFIELD. I will ask unanimous consent now for an amendment to go in at the point I have indicated.

Mr. FLEMING. I yield for that purpose. The gentleman's purpose is all right.

Mr. LITTLEFIELD. Then, if the committee please, I will ask unanimous consent to strike out, on page 9 of the bill, in line 1, the words "person who" and insert in lieu thereof the words "corporation which," and to insert, after the word "returns," at the end of the line, the words "any person who shall neglect or refuse to."

Mr. FLEMING. That will cover the purpose completely.

Mr. LITTLEFIELD. I ask unanimous consent to have that amendment made now.

The CHAIRMAN. The gentleman from Maine asks unanimous consent that section 4, on page 9, may be amended as he has stated.

Mr. FLEMING. I hope that consent will be given.

Mr. GOLDFOGLE rose.

The CHAIRMAN. The gentleman from Georgia [Mr. FLEMING] has the floor. Does he yield?

Mr. FLEMING. I do not.

Mr. LITTLEFIELD. I do not think the gentleman intends to object.

Mr. GOLDFOGLE. I rose for the purpose of asking unanimous consent, and I hope I shall not be placed in the position of objecting. I desired to ask a question of the gentleman this morning, and he three times declined to yield.

Mr. FLEMING. I will yield for a question if the gentleman wishes to ask one of the gentleman from Maine.

Mr. GOLDFOGLE. I will ask it of the gentleman from Georgia. The gentleman from Maine said that he would consent to strike out the word "person," in line 1, page 9, and insert "corporation." Now, I want to know whether the gentleman will accept as a substitute for his amendment an amendment inserting the words "any corporation or person?"

Mr. LITTLEFIELD. That is the effect of my proposition.

Mr. GOLDFOGLE. No; the gentleman said he would strike out the word "person" and insert "corporation." I wish to have inserted the words "corporation or person."

Mr. FLEMING. That would not make good grammatical sense in that connection. The gentleman from Maine has the amendment now in proper form.

Mr. LITTLEFIELD. I think I can explain to the gentleman from New York the effect of my proposed amendment. The section now reads:

Any person who shall neglect or refuse to make returns, etc.

The fact is that under the bill returns are not required of persons. Therefore I propose to strike out "person who" and to insert "corporation which," and then to insert after the word "returns" the words "any person who shall neglect or refuse to."

Mr. GOLDFOGLE. Why not say, then, "any corporation or officer thereof who shall refuse to make returns," so that we may either prosecute the corporation as a corporation or may prosecute the officers charged with the duty of making these returns?

Mr. FLEMING. Either the person or the corporation can be prosecuted under this bill.

Mr. LITTLEFIELD. I do not know that I have any objection to the suggestion of the gentleman from New York to insert the words "corporation or officer thereof."

Mr. FLEMING. The language first proposed by the gentleman from Maine is correct, and it would be best to leave it in that form.

Mr. LITTLEFIELD. I have no particular objection to the language "any corporation or officer thereof."

Mr. GOLDFOGLE. Why not say "any corporation which, or officer or agent thereof who, shall neglect or refuse," etc.? I want the language broad enough to reach anyone who may be required to make these returns and may fail to do so.

Mr. LITTLEFIELD. I can not agree to that. We do not require the agent of the corporation to make returns under the bill. The corporation, as a matter of fact, is the only entity upon whom the duty of making returns devolves, and it is the corporation only that can be in default, as a matter of fact.

Mr. GOLDFOGLE. There are officers and agents required by this bill to make certain returns and answer certain inquiries, and my purpose is to reach not only the corporations as an entity, but to reach the officers or agents who are required to attend upon the Commission or to make returns, or to make any other statements required by this bill.

Mr. LITTLEFIELD. Now, the language that I suggest for the amendment covers exactly the ground desired by the gentleman from New York. I drew it carefully for that specific purpose.

Mr. GOLDFOGLE. What can be the objection to inserting the word "agent?"

Mr. LITTLEFIELD. I do not think the word "agents" ought to go in there.

Mr. CANNON. Will my friend permit me? I think the word "notwithstanding" would be good to put in the bill, too. [Laughter.]

Mr. LITTLEFIELD. And also add the words "and to the contrary." Mr. Chairman, I am entirely frank with the gentleman from New York. If the gentleman will take my copy of the bill, with the amendment I suggest, and read it over carefully, I have no question that he will be satisfied with that result.

Mr. GOLDFOGLE. I will do that with pleasure.

Mr. FLEMING. This section is open to amendment when we reach it, and if there is any trouble about it it can be arranged then, if we ever reach it.

The CHAIRMAN. The Chair will put the request for unanimous consent.

Mr. LITTLEFIELD. Mr. Chairman, I would ask the gentleman from New York if that is satisfactory?

Mr. GOLDFOGLE. But the gentleman before suggested "any corporation or officer thereof who shall"—that is the amendment he suggested.

Mr. LITTLEFIELD. The amendment I suggest is "any corporation which," because it is the corporation. The duty is not imposed on any officer. It is the corporation. The corporation files the return and I impose the penalty upon the party upon whom the duty rests. There is no question about the legal scope of the amendment.

The CHAIRMAN. The gentleman from Maine asks unanimous consent that the amendment offered by the gentleman from Georgia may be incorporated into section 4, on page 9.

Mr. FLEMING. No, Mr. Chairman; not precisely as offered by me. The gentleman asks unanimous consent that the amendment read by himself should now be incorporated in that section.

Mr. LITTLEFIELD. The one sent by me to the desk.

The CHAIRMAN. The gentleman from Maine asks unanimous consent that section 4 on page 9 may be amended as the Clerk will report.

The Clerk read as follows:

On page 9, line 1, strike out the words "person who" and insert in lieu thereof the words "corporation which;" and insert after the word "return," in said line 1, the words "and any person who shall neglect or refuse to."

Mr. GOLDFOGLE. Mr. Chairman, let me call the attention of the gentleman from Maine to the omission of the words "or officer thereof." He agreed to accept those words and to insert them.

The CHAIRMAN. Is there objection to the request for unanimous consent made by the gentleman from Maine?

Mr. GOLDFOGLE. Mr. Chairman, I desire to know from the gentleman from Maine whether the words that we agreed to shall be inserted, namely, "or officer thereof."

Mr. LITTLEFIELD. No. I tried to make myself plain. I do not think the words "or officer thereof" ought to go in there. It disturbs the legislative draft; they are unnecessary and would be pure surplusage. The section is absolutely complete from a legal standpoint to accomplish the purpose the gentleman has in his mind.

Mr. FLEMING. Mr. Chairman, I hope the gentleman from New York will not raise any objection at this stage, but will let that much go in anyway.

Mr. GOLDFOGLE. But I can not see any objection to inserting the words I suggest.

Mr. FLEMING. But the gentleman from Maine sees no necessity for it. The gentleman from New York can offer an amendment when we reach the section, if we ever get there.

Mr. GOLDFOGLE. I do not want to discuss the amendment or to take up the time of the committee, but I understood the gentleman from Maine before to accept those words.

Mr. LITTLEFIELD. At first I took that suggestion, but on looking the section over, to be entirely frank with the gentleman from New York, I find they are entirely unnecessary. They add nothing to it except to import an element of confusion into the section. "Corporation" covers everything that can possibly be covered and it accomplishes the purpose of the gentleman from New York, and that is all I ought to be asked to do.

The CHAIRMAN. The Chair hears no objection to the request of the gentleman from Maine, and it is so ordered.

Mr. FLEMING. Mr. Chairman, I withdraw the amendment offered by myself.

The CHAIRMAN. The gentleman from Georgia withdraws his amendment.

Mr. HENRY of Texas. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Amend the substitute by adding the following:

SEC. —. That hereafter the following articles may be imported into the United States free of all duty:

"1. Steel rails, structural steel, tin plate, iron pipe, and other metal tubular goods; wire nails, cut nails, horseshoe nails, barb wire, and all other wire; cotton ties, plows, and all other agricultural tools and implements.

"2. Borax, borate of lime, and boracic acid.

"3. Paris green.

"4. Paper and pulp for the manufacture of paper.

"5. Salt.

"6. Plate glass and window glass."

Mr. LITTLEFIELD. Mr. Chairman——

Mr. CLAYTON. I move an amendment.

The CHAIRMAN. The gentleman from Maine is recognized.

Mr. LITTLEFIELD. I make the point of order that the proposed section is not in order. It is not germane to the section nor germane to the bill.

The CHAIRMAN. Does the gentleman from Maine wish to be heard?

Mr. LITTLEFIELD. I do not care to discuss it. There is not a suggestion in it that relates to anything except the revenue power of the Government, purely a taxing proposition. The amendment does not either directly or indirectly, by word or otherwise, refer even to a corporation, to the filing of a return, to publicity, or anything of that sort. This is an amendment to this section. This section relates entirely to publicity on the part of corporations, entirely independent of the question of the kind of business they are engaged in, and is based upon the commerce clause of the Constitution, and this proposed section is simply a proposition to amend the revenue law tacked onto this section.

Mr. HENRY of Texas. I offer the amendment in the form of a new section. The original bill had a tax provision in it, and this is a regulation of commerce between the States. This bill is supposed to operate under that provision of the Constitution. Commerce can be regulated by the exercise of the taxing power, and inasmuch as we are undertaking to regulate interstate commerce I think the amendment is entirely germane.

Mr. GAINES of Tennessee. Will the gentleman accept an amendment to put beef and coal on the free list?

Mr. HENRY of Texas. I will let the amendment stand as it is. I do not wish to disturb it. Coal is already on the free list.

Mr. GAINES of Tennessee. I mean beef and cattle.

Mr. HENRY of Texas. We are on the point of order now.

The CHAIRMAN. The Chair will state that this being a new section, the first business before the committee is the perfecting of section 1.

Mr. HENRY of Texas. I ask that it be considered as pending subject to the point of order.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that it may be considered as pending.

Mr. LITTLEFIELD. I reserve the point of order and I object to its being considered as pending. We will take this in accordance with its parliamentary rights, whatever they may be. I reserve all my rights under this proposed amendment, whatever they may be.

The CHAIRMAN. The Chair will state that the amendment, being in the nature of a separate section, will come up after the perfection of this section.

Mr. PATTERSON of Tennessee. I now call up my amendment.

Mr. GAINES of Tennessee. I desire to offer an amendment to this section before we leave it.

Mr. THAYER. Mr. Chairman——

The CHAIRMAN. The gentleman from Tennessee is recognized.

Mr. THAYER. I understood the gentleman from Maine [Mr. LITTLEFIELD] had the floor.

The CHAIRMAN. The gentleman from Maine yielded the floor.

Mr. THAYER. I did not understand that he yielded.

Mr. GAINES of Tennessee. I move to strike out the words "at the election of the Attorney-General," in line 18, page 7, and insert the language which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Tennessee offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 7, line 18, strike out the words "at the election of the Attorney-General" and insert "by any person, firm, corporation, or association, or by the Attorney-General of the United States in the name of and in behalf of the United States."

Mr. GAINES of Tennessee. Mr. Chairman, this language is taken almost literally from section 13 of the antitrust bill which passed the House of the Fifty-sixth Congress, June, 1900, and met an anticipated death at the hands of a Republican Senate; albeit that body had plenty time to have considered and passed that or some other similar bill if the Republicans had desired or dared to fight or outlaw their allies, the trusts.

Facing an election—the Presidential campaign of 1900—that bill was killed and the trusts continued the Republicans in power. "Existing" trusts are not to be molested in this pending bill. Only those "hereafter" organized are covered by this bill, that the "existing" trusts may not desert the Republicans next election.

Section 13 of this antitrust bill reported to the House May 19, 1900, and passed by the House in June, 1900, reads as follows:

SEC. 13. That any civil or criminal proceeding or prosecution authorized under this act in the name of or in behalf of the United States, or otherwise, may be begun and prosecuted by any person, firm, corporation, or association or by any officer of the United States, in the name of and on behalf of the United States.

You can easily see that my amendment is practically the same as this section, omitting the words covering "criminal proceedings or prosecutions," which that bill provided for, but which this bill in this section omits, as its friends do not want to hurt the trusts in that way. The report of the Judiciary Committee on the bill which passed the House in June, 1900, very correctly and truly sets forth the reason for section 13 of that bill, which changed the existing law—the antitrust act of June 2, 1890—which puts in the hands of the Attorney-General of the United States—then Mr. Griggs—the exclusive right to say when such suits can and can not be filed, though the people may differ with him in either event.

This I have always contended was wrong, a fatal defect and real weakness in this law. The people, I insist, and have always insisted, should have the right to enjoin or indict, without waiting to ask anyone, high or low, and in substance this report of May 19, 1900, so reads, as follows:

Complaint has been made that the right to enforce the provisions of the Sherman Act (June 2, 1890) was confined to the Department of Justice. As the end desired is thorough and effective enforcement of the law, irrespective of the source from which complaint comes, it has been thought proper to authorize any person, firm, corporation, or association to begin and prosecute proceedings thereunder. To accomplish this, section 13 is inserted in the bill.

Mr. Chairman, I have already read section 13, here alluded to. You can see I use in my amendment words of that section—to wit, "any person, firm, corporation, or association," etc.—and add "the Attorney-General of the United States," so as to cover the case as fully in this bill as did the gentleman from Indiana [Mr. OVERSTREET], who wrote this report in May, 1900, ably assisted by the gentleman from Maine [Mr. LITTLEFIELD].

If it was right and proper to have this section 13 in the antitrust bill in May and June, 1900, it is right and proper now to have it in this bill in substance, for the salient reasons then given still exist. But, Mr. Chairman, there is another and important reason why the "people" should be given the right to enforce this law.

This bill proposes to give the Attorney-General of the United States a great deal of new and heavy work to do; a great deal more than he has had heretofore, and certainly much more than he has done heretofore.

Give the people a chance. They will take the laboring oar in their own hands, and gladly, and thus do much of the work that will otherwise fall on the shoulders of the Attorney-General.

This bill, however, does not propose to burden the Attorney-General as much as the bill of May 19, 1900.

The pending measure provides—

That every corporation which may be hereafter organized shall, at the time of engaging in interstate commerce—

do so and so. It does not apply to any one or "all" existing corporations doing interstate business, but to corporations to be "hereafter" organized—"hereafter"—whereas the Overstreet bill, I will call it, reported May 19, 1900, provided—

SEC. 9. That every corporation, association, joint stock company, or partnership doing business in any State in the United States—

shall do so and so.

On this section 9 the report of the committee, at pages 1, 2, and 3, prepared by the gentleman from Indiana [Mr. OVERSTREET] and the gentleman from Maine [Mr. LITTLEFIELD], says:

To-day [May 19, 1900] combinations exist and control production and prices in many industries. Labor is affected, competition prevented, and industrial enterprise seriously injured.

The evil effects of trusts, monopolies, and combinations are most apparent and most disastrous where competition is destroyed and the field of trade and commerce left to the control of the concerns which by such illegal conduct have made themselves masters of production and price. To properly protect the field of competition against the ravages of monopolistic greed without obstructing the growth incident to honest energy, intelligence, and economy, as evidenced in the management of legitimate enterprises, the committee recommend an extension of the provisions of the act of July 2, 1890.

Section 9, for the purposes of interstate commerce, declares illegal all corporations, associations, joint stock companies, and partnerships when organized, owned, managed, or carrying on business for purposes declared illegal by the common law; that they may be perpetually enjoined and restrained from carrying on interstate commerce; they and their officers forbidden the use of the mails in furtherance of their illegal purposes, and their products forbidden interstate transportation.

By section 9 then "all" these concerns were to be outlawed; but by this bill, section 1, only those concerns not yet in existence—"hereafter organized"—are to be regulated; "all existing concerns doing the unholy work against the masses "should pass" unmolested under the present or Littlefield bill, but were outlawed under the Overstreet or Littlefield bill of May, 1900.

Were "all" these concerns "bad things" in 1900?

Are all these concerns "good things" in 1903?

The Republican party says "yes" to both questions, while the Democrats say "no," and still want "all" such trusts regulated.

Mr. Chairman, there is another and better reason why the people should have a chance to enforce this law. Attorney-General Knox, in a recent report, shows that he has filed only three suits under the act of June 21, 1890—one March 10, one May 10, and one October 15, 1902—just in front of an election, when "trusts" were in issue before the people. He has permitted three suits to be filed in the United States under the antitrust law of 1890, while he filed none under the law incorporated in the Wilson tariff law reenacted by the Dingley tariff law—not a single case.

Under Attorney-General Griggs, General Knox shows there were three injunction suits filed—one June 7, 1897; one December 16, 1897, and one May 8, 1897.

General Knox does not state that a single indictment was had in any of these six cases, not one. Here is his report, gentlemen; read it for yourselves.

I am not going outside of the record the Attorney-General has sent to Congress. I am sticking to the four corners of it. This is a poor showing, gentlemen, for the "Department of Justice"—out of "131 or 141 interstate trusts or combines in the United States," as found by the late Industrial Commission—and argues eloquently for my amendment that the people may be allowed to enforce this law, and that the labors of the Attorney-General of the United States be not unnecessarily increased.

I am talking for the sufferers of this country, the people of this country, the people who are to-day without food to eat, without coal to cook it, without coal to warm their little babes. Give the people, who suffer, the right to go into the court; give the people in California, in Maryland, in Tennessee, or in Maine—everywhere—who suffer, the right to go into the court to enjoin, indict, or sue for damages; have punishment meted out to the man who fails to obey the provisions of this act.

The Attorney-General may not want to go into court to prosecute. He may refuse to go into the court and enjoin or indict, and that clogs the machinery, blocks the people. He may do as he is doing now—nothing. There are many cases with a great many facts before him now, but he acts not. We should not permit him to go on in this way.

Now, the language of my amendment is taken from the language of the bill brought into this House and reported on by the gentleman from Indiana [Mr. OVERSTREET] and the gentleman from Maine [Mr. LITTLEFIELD], and will do that very thing. I want to give the people a chance in this bill to act when they want to act. I want to put it in the power of the Attorney-General of the United States regardless of who he is, whether Republican or Democrat, the right to do the same thing. That is all this amendment does.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LITTLEFIELD. Mr. Chairman, this amendment that the gentleman from Tennessee suggests may perhaps in terms be included in a section reported in a bill during last Congress. That bill was reported by the gentleman from Indiana [Mr. OVERSTREET], from whose report the distinguished gentleman from Tennessee has read. I have not had the pleasure this morning of examining with care that section of that bill or the report. My recollection of it, however, is that the provision to which my distinguished friend refers relates more particularly to suits for damages and penalties.

Mr. GAINES of Tennessee. "Civil or criminal proceeding or prosecution" is the language.

Mr. LITTLEFIELD. That all may be true. This provision which was reported in that bill was not suggested or urged by any gentleman upon the other side of the House as one which might well be a part of this measure. It is perhaps due to my Democratic colleagues on the committee to say that they did not feel called upon to urge the adoption of any such proposition. The committee had all these various bills, propositions, and suggestions against trusts under consideration, and on mature deliberation, at least at this session, on this bill we thought that this provision was not necessary.

In reference to my friend's suggestion about overloading the Department of Justice, it may be proper and fair to say this, that there are now pending before at least one or two committees propositions that will increase the personnel of the Department of Justice, and to place within its control much larger sums of money than they heretofore have had for the purpose of enforcing this particular legislation; so that I think no apprehension need be entertained on the part of anybody that there will be any difficulty in collecting these penalties. This is simply a penalty imposed upon officers and agents who are required to testify but do not answer the questions, and corporations where they do not make returns. It is clearly a criminal penalty, and for these reasons the committee did not feel, and it was not suggested to them that this provision, somewhat unusual in its character, was necessary to be adopted as a part of this bill. Therefore, I feel obliged, with all respect to my friend from Tennessee, to object to it.

Mr. GAINES of Tennessee. Will my friend let me read the language?

Mr. LITTLEFIELD. No; I do not think that will illuminate the situation. I understand the gentleman's proposition, and I have no doubt he suggested it in perfect good faith. I have been trying to give in a candid way the reasons the committee had for not incorporating any such provision in the bill. Therefore I think the committee ought to vote down the amendment offered by the gentleman from Tennessee. Now does the gentleman from Massachusetts wish to ask me a question?

Mr. THAYER. I did. I did not fully understand the amendment that was adopted on page 9. I understood the first part of it, but the last part of it I did not catch. I ask the gentleman from Maine if he thought what the effect would be to place a penalty on a corporation that refuses to testify——

Mr. GAINES of Tennessee. Mr. Chairman, I do not like to cut my friend from Massachusetts off.

Mr. THAYER. Then do not do it. [Laughter.]

Mr. GAINES of Tennessee (continuing). But I believe debate on this amendment is exhausted. I want to hurry along.

Mr. LITTLEFIELD. I have yielded to the gentleman from Massachusetts to ask a question in good faith.

Mr. SMITH of Kentucky. We will reach that in regular order.

Mr. LITTLEFIELD. I have yielded to the gentleman from Massachusetts, and it is a question between the gentleman from Massachusetts and myself.

The CHAIRMAN. The gentleman from Maine has the floor.

Mr. LITTLEFIELD. And I yield to the gentleman from Massachusetts for a question.

Mr. THAYER. I do this in the best of good faith, because I am in favor of the spirit of the amendment. I wanted to ask the gentleman whether he has considered whether that would go into operation by the language he has used. It may be the latter part of the amendment cures it, but I have not it at hand, so as to read it. You say any corporation which shall neglect to make return and attend and testify. Now, who is to be convicted?

Mr. LITTLEFIELD. I put in two amendments. I put in "corporation which," and then after the word "returns" I say "any person who shall neglect or refuse to attend or testify."

Mr. THAYER. Very well.

Mr. GILBERT. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Tennessee.

The question was taken, and the amendment was lost.

Mr. GILBERT. Now, Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Add to section 1 the following:

"Every act or transaction or contract made or entered into by any corporation, company, or association now or hereafter engaged in interstate or foreign commerce, which is or may be unlawful by the laws of the State which created the corporation or under whose laws such company or association may be organized, shall be unlawful in every other State or Territory, and such illegality may be pleaded in bar of any right or remedy sought by such corporation, company, or association in any of the courts of the United States."

Mr. LITTLEFIELD. Mr. Chairman, I raise the point of order that that amendment is not germane to the section.

The CHAIRMAN. The gentleman from Maine makes the point of order that the amendment is not germane.

Mr. GILBERT. One moment, Mr. Chairman. I do not want to take the attitude of usurping the functions of any members of the committee. Since I have prepared and sent that amendment to the desk I am informed that some members of the minority of the Judiciary Committee have prepared substantially the same amendment. But while I have the floor I want to take the privilege of saying that the gentleman from Maine yesterday in a very entertaining, but very unsound argument undertook to give the impression that trusts and monopolies were necessary incidents to civilization and that they had been found in the history of every age and of every country.

We all know perfectly well that during the reign of the Tudors and the Stuarts there were hundreds of monopolies created in England, but they were in every instance created by letters patent granted by the Crown, and were subsequently destroyed by law. I understand the corporations in this country now, and the monopolies that are denominated as trusts, are creatures of the law, and can be destroyed by the repeal of the pernicious laws under which they have been fostered. Several States of the Union, notably New Jersey and West Virginia, grant charters to corporations and insert in the charter that certain rights and franchises shall not be exercised within the State where they are chartered, and thus they are licensed as brigands to go abroad and depredate upon society in other States and communities.

The purpose of this amendment, if incorporated into the bill, will make every act and contract, and every transaction which is illegal by and under the law of the State which creates the charter, illegal everywhere in the United States. And it provides that that illegality may be pleaded in any of the courts of the United States in bar of any right or any remedy that the trusts may seek to enforce in any of these courts. Therefore I say that this amendment can not be objected to by a member upon this floor who in good faith means to control these trusts. [Applause.]

The CHAIRMAN. Does the gentleman from Maine wish to be heard on the point of order?

Mr. LITTLEFIELD. I understood that the gentleman withdrew the amendment.

Mr. GILBERT. Yes; I withdrew the amendment with the understanding that it would be offered in substance by some member of the committee.

Mr. LITTLEFIELD. That, of course, I do not know about.

Mr. DE ARMOND. Mr. Chairman, I move that all debate upon section 1 and amendments and substitutes therefor be closed in five minutes.

Mr. PATTERSON of Tennessee. I have a substitute pending, on which I should like to be heard.

The CHAIRMAN. The gentleman from Missouri [Mr. DE ARMOND] moves that all debate on the section and amendments thereto be closed in five minutes.

Mr. LITTLEFIELD. Has the gentleman taken charge of the bill?

The CHAIRMAN. The gentleman from Missouri has a perfect right to make that motion.

Mr. DE ARMOND. I will say to the gentleman from Maine that I do not think there is any suggestion that anybody is "taking charge of the bill," and there might be some reasons to suggest that not very much of anybody has had "charge of the bill." I wish to reach a point where amendments that we have prepared will be voted on, and I do not care to play into the hands of the gentleman from Maine or anybody else who may be disposed to fritter away time on this occasion.

Mr. LITTLEFIELD. Let me ask the gentleman, Does he undertake to intimate that "the gentleman from Maine" has been responsible for any of these delays?

Mr. DE ARMOND. I undertake to say that the suggestion of the gentleman that somebody was trying to "take charge of this bill" is entirely gratuitous, and the better sense of the gentleman from Maine and the better manners of the gentleman from Maine ought to make him aware of that fact.

Mr. LITTLEFIELD. I trust the gentleman knows that "the gentleman from Maine" did not intend to be personally offensive to the gentleman from Missouri. At, least if he does not appreciate that fact, the "gentleman from Maine" desires to so state.

The CHAIRMAN. The Chair will say that the motion to close debate is not debatable.

Mr. PATTERSON of Tennessee. I want an opportunity to offer and explain my substitute.

The CHAIRMAN. The motion to close debate takes precedence for the present.

Mr. DE ARMOND. I did not understand that my motion would prevent the gentleman from Tennessee from being heard on his amendment.

The CHAIRMAN. But the motion of the gentleman from Missouri was to cut off all debate on amendments——

Mr. DE ARMOND. Except the five minutes the gentleman from Tennessee would be entitled to on his substitute.

The CHAIRMAN. The question, then, is on the motion of the gentleman from Missouri, that debate on section 1 and all pending amendments and the substitute shall be closed in five minutes.

Mr. OLMSTED. I rise to a parliamentary inquiry. Will that cut off an opportunity to reply to the argument about to be made by the gentleman from Tennessee?

The CHAIRMAN. It will cut off everything but the five minutes' debate.

Mr. PATTERSON of Tennessee. Have I the floor for those five minutes?

The CHAIRMAN. Not until the question has been put on the motion of the gentleman from Missouri.

Mr. PATTERSON of Tennessee. I understood that the motion made by the gentleman from Missouri——

The CHAIRMAN. The Chair will state that he will recognize the gentleman from Tennessee to call up his substitute. The question is on the motion of the gentleman from Missouri that all debate on section 1 and on pending amendments and on the proposed substitute be closed in five minutes.

Mr. LITTLEFIELD. I will ask the gentleman from Missouri that he extend the time to ten minutes. I do not know what the amendment may be.

Mr. DE ARMOND. I have no objection; let that be done.

The CHAIRMAN. The question is now on the motion of the gentleman from Missouri, as modified, that debate on section 1 and the pending amendments and the proposed substitute be closed in ten minutes.

The motion of Mr. DE ARMOND was agreed to.

Mr. PATTERSON of Tennessee. I now call up the substitute, which I have already sent to the desk, for section 1.

The proposed substitute of Mr. PATTERSON of Tennessee was read, as follows:

That every corporation, joint stock company, or association, whose stockholders are not personally liable for its debts, which may hereafter be organized shall, as a condition precedent to engaging in interstate and foreign commerce, make and file with the Interstate Commerce Commission a report, under oath of its president, secretary, and treasurer, stating its name, date of organization, where and when organized, giving statutes under which it is organized and all amendments thereof; if consolidated, naming constituent companies and where and when organized, with the same information as to such constituent companies, so far as applicable, as is herein required of such corporation; if reorganized, name of original corporation or corporations, with full reference to laws under which all the reorganizations have taken place, with the same information as to all prior companies in the chain of reorganization, so far as applicable, as is herein required of such corporation; amount of bonds issued and outstanding; amount of authorized capital stock, shares into which it is divided, par value, whether common or preferred, and distinction between each; amount issued and outstanding; amount paid in; how much, if any, paid in in cash, and how much, if any, in property; if any part in property, describing in detail the kind, character, and location, with its cash market value at the time it was received in payment, giving the elements upon which said market value is based, and especially whether in whole or in part upon the capitalization of earnings, earning capacity, or economies, with the date and the cash price paid therefor at its last sale; the name and address of each officer, managing agent, and director; a true and correct copy of its articles of incorporation; a full, true, and correct copy of any and all rules, regulations, and by-laws adopted for the management and control of its business and the direction of its officers, managing agents, and directors.

Nothing herein contained shall be construed as relieving any corporation from making, in addition to the foregoing, such returns as are now required by the "Act to regulate commerce," approved February 4, 1887, and all amendments thereof; but the provisions of this act as to signing and making oath to returns and making answers on oath to written inquiries shall be applicable to returns and such answers made under said act and amendments thereof.

So far as any return may be a duplicate of one already filed, that fact may be stated, and the details which are in such case duplicates need not be repeated. Upon its being made to appear to the satisfaction of the Interstate Commerce Commission that without fault on its part it is impracticable for such corporation to furnish any of the items aforesaid, it may, by a written order of said Interstate Commerce Commission, be excused from furnishing such item or items.

Said Interstate Commerce Commission shall cause to be prepared a blank return for the use of such corporations, containing the foregoing requirements, and shall make such rules and regulations as may, in its judgment, be necessary to carry out the purposes of this act. The president, treasurer, and a majority of the directors of such corporation shall make oath in writing on said return that said return is true. The treasurer, or other officer of such corporation having the requisite knowledge, shall answer on oath all inquiries that may be made in writing on the direction of said Interstate Commerce Commission in relation to said return. Wherever the word "corporation" is used in this bill it shall include joint stock companies and associations where stockholders are not personally liable for its debts.

That if such corporation, joint-stock company, or association shall engage in interstate or foreign commerce without first complying with the terms and conditions above recited, or if any corporation now organized shall fail or refuse to make such report on the 31st day of July, 1908, to the Interstate Commerce Commission, then the interstate or foreign commerce in which these corporations or associations may hereafter engage shall be, and is hereby, declared unlawful.

And,

If it shall appear from the returns made to the Interstate Commerce Commission or from any information it may otherwise receive under the terms of this act that any corporation hereafter organized is overcapitalized, that the purpose of the organization is to control in the exercise of interstate commerce the prices of articles of common use, necessity, or consumption, then such corporation is forbidden to engage in interstate or foreign commerce, and all such business in which it may engage is hereby declared unlawful.

Mr. PATTERSON of Tennessee. Mr. Chairman, the purpose of this amendment is to make publicity mandatory upon the part of corporations doing an interstate business. As this bill was originally drawn publicity was mandatory. Now publicity can only be had when the Interstate Commerce Commission requests the returns to be made by a corporation, and no penalty whatever is attached for the failure to make such returns.

Mr. LITTLEFIELD. Mr. Chairman, will the gentleman excuse me just a moment? Is that the impression which the gentleman has of the pending bill, that there is no penalty imposed for failure to file a return?

Mr. PATTERSON of Tennessee. Let me get through, please. I decline now to be interrupted.

The CHAIRMAN. The gentleman from Tennessee prefers not to be interrupted.

Mr. PATTERSON of Tennessee. The penalty in the bill is, of course, that the Attorney-General may restrain these corporations after they are requested by the Interstate Commerce Commission to make these returns, and fail to do so; but there is nothing in the bill, from one end of it to the other, which is mandatory upon the question of publicity. If publicity is right, if publicity is a good thing, if publicity is the first step to trust regulation, then why not in the interests of the people make publicity mandatory upon the part of corporations doing an interstate business?

Now, Mr. Chairman, the second feature of this substitute is in relation to overcapitalization. On yesterday when the distinguished gentleman from Maine [Mr. LITTLEFIELD] was making his speech, I asked him, when he was speaking of the evils of overcapitalization, what remedy he had to offer, and that question the gentleman from Maine never answered. Now, I want to read from a speech by Attorney-General Knox at the Chamber of Commerce at Pittsburg, the speech being made on the commerce clause of the Constitution, and I want to say it is the most valuable contribution to the literature on the trust question that has yet been made in this country by any man. He says:

The conspicuous noxious features of trusts existent and possible are these: Overcapitalization, lack of publicity of operation, discrimination in prices to destroy competition, insufficient personal responsibility of officers and

directors for corporate management, tendency to monopoly, and lack of appreciation in their management of their relations to the people, for whose benefit they are permitted to exist.

Overcapitalization is the chief of these, and the source from which the minor ones flow. It is the possibility of overcapitalization that furnishes the temptations and opportunities for most of the others. Overcapitalization does not mean large capitalization or capitalization adequate for the greatest undertakings. It is the imposition upon an undertaking of a liability without a corresponding asset to represent it. Therefore overcapitalization is a fraud upon those who contribute the real capital, either originally or by purchase, and the efforts to realize dividends thereon from operations is a fraudulent imposition of a burden upon the public. When a property worth a million dollars upon all the sober tests of value is capitalized at five millions and sold to the public, it is rational to assume that its purchasers will exert every effort to keep its earnings up to the basis of their capitalization. When the inevitable depression comes, wages must be reduced, prices enhanced, or dividends foregone. As prices are naturally not increased but lowered in dull periods, it usually resolves itself into a question of wages or dividends.

While this condition may exist under any circumstances, it is exaggerated by overcapitalization in the illustrating case five to one. The overcapitalized securities enter into the general budget of the country, are bought and sold, rise and fall, and they fluctuate between wider ranges and are more sensitive in proportion as they are further removed from intrinsic values, and, in short, are liable to be storm centers of financial disturbance of far-reaching consequence. They also, in the same proportion, increase the temptation to mismanagement and manipulation by corporate administrators.

Now, I want to ask the gentleman from Maine what objection he has to a provision which will require all corporations hereafter organized that shall appear from the returns to be overcapitalized not to engage in interstate-commerce business? What objection can the gentleman have to that?

Mr. LITTLEFIELD. Does the gentleman wish an answer now, or will he wait and permit me to answer in my own time?

Mr. PATTERSON of Tennessee. I would prefer to have the gentleman answer in his own time.

That would interfere with no vested right of any stockholder or any right that a corporation may have in fraudulent stock. I think, however, Mr. Chairman, it ought to go further than that and apply to all corporations now organized, because there can be no vested right in fraud, and overcapitalization is fraud, according to the gentleman's own contention and the report of the Attorney-General. However, I limit this, so as to relieve it from the question of interference with vested rights, by having it apply only to those corporations which may hereafter be organized, so that if it should appear they are overcapitalized they shall not engage in interstate business.

Mr. Chairman, it would prevent a great corporation having no previous business from organizing, as the United States steel trust did, for the only purpose and for the express purpose of merging, combining, and coalescing kindred and rival industries into one mighty industrial unit. So I say in the interests of wise regulation, no vested right being involved at all, it is fair and just on behalf of the people to prevent these frauds that this provision relating to overcapitalization be passed into a law. Now, I know the committee have many amendments, and I do not want to take up the time that properly belongs to it in the discussion of this question, except to make the suggestions which I have.

Mr. LITTLEFIELD. Mr. Chairman, I have only a word with reference to prohibiting corporations overcapitalized from engaging in interstate commerce. I can simply repeat in substance——

Mr. PATTERSON of Tennessee. I say hereafter organized.

Mr. LITTLEFIELD. The question the gentleman asked me yesterday, as I remember it, was as to corporations overcapitalized engaging in interstate commerce.

Mr. PATTERSON of Tennessee. The question I asked was: "Hereafter organized?"

Mr. LITTLEFIELD. It may be that the gentleman used that expression; I do not remember that he did; it may be that he did. Well, then, I will make in substance the same reply that I made to my distinguished friend yesterday; that is, that this bill does not undertake to be to that degree drastic. Now, we fully well understand that if our friends on the other side had their way, they would make this bill so drastic in all of its features that no responsible persons would be willing to accept or approve of it, though I do not mean to say that my friend from Tennessee is not sincere and conscientious in his amendment.

Mr. PATTERSON of Tennessee. I want to ask you this question, if you will permit it: What vested right would be interfered with by passing a law forbidding overcapitalization by corporations hereafter to be organized?

Mr. LITTLEFIELD. There would not be any vested right; but let me give my friend this suggestion: From distinguished colleagues of the gentleman came the suggestion that when you undertook even to have publicity on the part of corporations hereafter organized, in a sense it was discriminating in favor of the existing corporations and rather tended to prevent the competition that they ought to receive.

Now, that may be entitled to some weight in connection with your suggestion. I do not make it. It came from good Democratic lawyers and good men, and it applies with vastly greater force to this suggestion you make here in this bill. Now, my friend's bill is in substance the same proposition that the House has voted down three or four times. I do not mean to say it is legally identical, but I mean in its essential purpose it is practically the same thing.

My friend is entirely in error when he says that this bill that is pending before the House does not impose any penalties upon corporations that fail to make returns. It may be that he was not present when, by unanimous consent this morning, a verbal amendment was made that accomplished that specific and precise purpose, so that the gentleman may, perhaps, not have known that fact. For these reasons, Mr. Chairman, without further taking the time of the committee, I see no reason why the debate should not now close upon this amendment and the question be taken. I hope the committee will vote down the substitute offered by the gentleman from Tennessee.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. CAPRON having taken the chair as Speaker pro tempore, a message from the President of the United States, by Mr. BARNES, one of his secretaries, announced that the President had approved and signed bills of the following titles:

On February 4, 1903:

H. R. 629. An act granting a pension to Caroline Fitzsimmons;

H. R. 2783. An act granting a pension to William Dixon;

H. R. 11197. An act granting a pension to the minor children of Daniel J. Reedy;

H. R. 11485. An act granting a pension to Julia McCarthy;

H. R. 12324. An act granting a pension to Cora E. Brown;

H. R. 12683. An act granting a pension to Sarah L. Bates;

H. R. 13233. An act granting a pension to William A. Nelson;

H. R. 14262. An act granting a pension to Harriet Robinson;

H. R. 14273. An act granting a pension to John H. Whidden;

H. R. 14836. An act granting a pension to Rebecca L. Chambers;

H. R. 15112. An act granting a pension to Matilda A. Marshall;

H. R. 15229. An act granting a pension to James T. Jackson;

H. R. 1617. An act granting an increase of pension to Margaret A. Osborn;

H. R. 3302. An act granting an increase of pension to Henry G. Wheeler;

H. R. 3907. An act granting an increase of pension to John A. Sare;

H. R. 4437. An act granting an increase of pension to Absalom Case;

H. R. 5007. An act granting an increase of pension to James W. Messick;

H. R. 5718. An act granting an increase of pension to James M. Blades;

H. R. 5792. An act granting an increase of pension to Andrew J. Reeves;

H. R. 7385. An act granting an increase of pension to John Kelley, second;

H. R. 7680. An act granting an increase of pension to David C. Yakey;

H. R. 7766. An act granting an increase of pension to John Huffman;

H. R. 7779. An act granting an increase of pension to William Belk;

H. R. 8152. An act granting an increase of pension to William S. Hutchinson;

H. R. 8175. An act granting an increase of pension to John W. Covey;

H. R. 8247. An act granting an increase of pension to Francis M. McCoy;

H. R. 8447. An act granting an increase of pension to John McArthur;

H. R. 8721. An act granting an increase of pension to Joseph Westbrook;

H. R. 9153. An act granting an increase of pension to John D. Binford;

H. R. 9734. An act granting an increase of pension to John P. Peterman;

H. R. 9658. An act granting an increase of pension to Robert Stewart;

H. R. 9776. An act granting an increase of pension to Alice A. Fitch;

H. R. 10214. An act granting an increase of pension to Henry Thomas;

H. R. 10219. An act granting an increase of pension to J. Banks Hunter;

H. R. 10757. An act granting an increase of pension to Lewis Fishbaugh;

H. R. 10826. An act granting an increase of pension to Josiah S. Fay;

H. R. 11280. An act granting an increase of pension to Henry J. Feltus;

H. R. 11694. An act granting an increase of pension to Dennis F. Andre;

H. R. 12215. An act granting an increase of pension to Henry M. Posey;
H. R. 12413. An act granting an increase of pension to William Zickerick;
H. R. 12563. An act granting an increase of pension to Horace Fountain;
H. R. 12701. An act granting an increase of pension to Milton Noakes;
H. R. 12812. An act granting an increase of pension to Otis T. Hooper;
H. R. 12877. An act granting an increase of pension to James N. Gates;
H. R. 13200. An act granting an increase of pension to Charles B. Greely;
H. R. 13262. An act granting an increase of pension to James M. Spencer;
H. R. 13353. An act granting an increase of pension to George Thompson;
H. R. 13463. An act granting an increase of pension to Hiram A. Hober;
H. R. 13472. An act granting an increase of pension to Lewis E. Wilcox;
H. R. 13839. An act granting an increase of pension to John W. B. Huntsman;
H. R. 13955. An act granting an increase of pension to Jesse A. McIntosh;
H. R. 13997. An act granting an increase of pension to Lyman A. L. Gilbert;
H. R. 14185. An act granting an increase of pension to Albert Blood;
H. R. 14256. An act granting an increase of pension to Jessie R. Dewstoe;
H. R. 14265. An act granting an increase of pension to Helen N. Packard;
H. R. 14373. An act granting an increase of pension to William H. Loyd;
H. R. 14751. An act granting an increase of pension to Regina F. Palmer;
H. R. 14913. An act granting an increase of pension to Ann M. Morrison;
H. R. 15063. An act granting an increase of pension to William R. Thompson;
H. R. 15069. An act granting an increase of pension to Daniel P. Marshall;
H. R. 15113. An act granting an increase of pension to John Murphy;
H. R. 15114. An act granting an increase of pension to Alonzo F. Canfield;
H. R. 15385. An act granting an increase of pension to Alfred J. Sellers;
H. R. 15396. An act granting an increase of pension to George H. Stone;
H. R. 15398. An act granting an increase of pension to Andrew W. Miller;
H. R. 15416. An act granting an increase of pension to William Thompson;
H. R. 15433. An act granting an increase of pension to William Heywood;
H. R. 15441. An act granting an increase of pension to Josiah Stackpole;
H. R. 15549. An act granting an increase of pension to John Wright;
H. R. 15648. An act granting an increase of pension to Lester H. Salsbury;
H. R. 15682. An act granting an increase of pension to Jared P. Hubbard;
H. R. 15729. An act granting an increase of pension to Abner M. Judkins;
H. R. 15789. An act granting an increase of pension to Benjamin Cooper;
H. R. 15874. An act granting an increase of pension to Rebecca R. Greer;
H. R. 15999. An act granting an increase of pension to William F. Loomis;
H. R. 16011. An act granting an increase of pension to Morton A. Leach; and
H. R. 16224. An act granting an increase of pension to William Montgomery.

On February 5, 1903:

H. R. 13679. An act to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898;
H. R. 623. An act granting a pension to Susan Kennedy;
H. R. 4923. An act granting a pension to William L. Whetsell;
H. R. 7130. An act granting a pension to Elizabeth Lowden;
H. R. 7815. An act granting a pension to Nancy A. Killough;
H. R. 9611. An act granting a pension to Maria M. C. Smith;
H. R. 11339. An act granting a pension to Augusta Blount;
H. R. 12902. An act granting a pension to Julia Lee;
H. R. 12981. An act granting a pension to Sarah A. Waltrip;
H. R. 13127. An act granting a pension to Nancy Works;
H. R. 13944. An act granting a pension to Margaret Ann West; and
H. R. 14837. An act granting a pension to John H. Roberts.

On February 6, 1903:

H. R. 10350. An act granting a pension to Rebecca Piper; and
H. R. 8238. An act for the relief of the heirs of Mary Clark and Francis or Jenny Clark, deceased, and for other purposes.

TRUSTS.

The committee resumed its session.

The CHAIRMAN. The question is on agreeing to the substitute for section 1 of the bill, offered by the gentleman from Tennessee.

The question being taken, the substitute was rejected.

Mr. HENRY of Texas. I offer my amendment, which is on the Clerk's desk, as an independent section.

The CHAIRMAN. The gentleman from Texas offers his amendment in the nature of a separate section, to follow section 1.

Mr. HENRY of Texas. To be section 2.

Mr. LITTLEFIELD. And I raise the point of order which I have already suggested.

The CHAIRMAN. The section has already been read. The gentleman from Maine makes the point of order against the section that it is not germane.

Mr. LITTLEFIELD. It is not in order until section 1 has been disposed of.

The CHAIRMAN. The Chair assumes that section 1 has already been disposed of.

Mr. HENRY of Texas. Yes; it has been disposed of.

Mr. LITTLEFIELD. Then I make the point of order that the amendment is not germane, for the reason that I stated to the Chair, and I should like the ruling of the Chair upon that point.

Mr. DE ARMOND. Mr. Chairman, the time is too short to discuss the point of order if these amendments are to be voted on. More than two-thirds of the time devoted to the five-minute rule and to amendments under that rule have already elapsed. We believe the amendment is in order, but for lack of time to discuss the pros and cons of it will have to submit it to the Chair in the way it is now presented, and ask for a prompt ruling upon it.

Mr. THAYER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from Massachusetts rises to a parliamentary inquiry and will state it.

Mr. THAYER. I want to know how it is that we have passed section 1? I have an amendment here which I wish to propose, and which I have been endeavoring to present.

The CHAIRMAN. If the gentleman from Massachusetts has an amendment to section 1, we can recur to that.

Mr. LITTLEFIELD. By unanimous consent.

The CHAIRMAN. No; the gentleman from Massachusetts can return by right to section 1. The Chair has stated that section 1 would be perfected by all gentlemen wishing to present amendments.

The Chair will first rule upon the point of order raised by the gentleman from Maine to the new section offered by the gentleman from Texas [Mr. HENRY]. The gentleman from Maine [Mr. LITTLEFIELD] makes the point of order that the section is not germane. The test which we must apply to determine whether this section is or is not germane is to be found in the second paragraph of section 7 of Rule XVI of the House:

> And no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

Now, as the time is short, the Chair will endeavor to give the reasons for his ruling very briefly.

The Chair understands that the two principal reasons for this rule are, first, to secure an orderly, logical, and serious consideration of measures pending before the committee. Second—and of still greater importance is this reason—the mover or author of a bill is entitled to have the subject presented in his bill considered in its logical entirety. Without this rule wholly irrelevant matter could be added to a bill by way of amendment, for it would oftentimes happen that an irrelevant amendment would be considered by members of the committee as of even greater importance than the subject-matter of the bill itself. This rule, as the Chair understands it, was adopted originally by parliamentary bodies especially to secure to the author or mover of a bill the logical consideration of the one subject, and the one subject alone, which he presents.

Now, the scope of the bill before the House is very plain and is set forth in the title to the original bill, which is as follows:

> Requiring all corporations engaged in interstate commerce to file returns with the Secretary of the Treasury, disclosing their true financial condition, and of their capital stock, and imposing a tax upon such as have outstanding capital stock unpaid in whole or in part.

A simple reading of the original bill and the substitute discloses that the bill and the substitute alike deal exclusively with the regulation of corporations engaged in interstate commerce.

The amendment offered by the gentleman from Texas is a plain, clear amendment of our revenue laws, having for its object the removal of the present duties on imports.

Now, it is not for the Chair to consider reasons which are solely argumentative in coming to a conclusion upon a question of this kind. It is not for the Chair to determine what would or what would not be the ultimate effect of this measure or of an amendment proposed to this measure. It is for the Chair simply to determine whether this amendment, repealing a portion of our revenue laws, is, under the language of the rule, a subject differing from that under consideration. Let us consider for a moment what would be the effect of holding in principle that this amendment is germane. If this amendment were germane, then any amendment adding to the import duty on any article would be germane. An amendment placing a tax on an article now on the free list would be germane; and in the same way the repeal of any portion of the internal-revenue taxes would be germane. The inclusion of other articles in the internal-revenue tax would be germane. So if we should open up this measure, which is a measure to regulate corporations engaged in interstate commerce, to an amendment of this nature, there would be no end to the variety of subjects which could be included in this bill.

The Chair is therefore of the opinion, from the general principles applicable to the question, that this amendment is not germane. If the Chair, however, had any doubt upon the subject, which it has not, that doubt would be removed by a decision upon a similar question, decided in the Fifty-first Congress by the late Speaker Reed. On May 1, 1890, Mr. David B. Culberson, of Texas, from the Committee on the Judiciary, called up and the House proceeded to the consideration of the Senate bill (S. 1) to protect trade and commerce against unlawful restraints and monopolies. The House having proceeded to its consideration, Mr. Joseph D. Sayers, of Texas, moved to amend the bill by adding as section 9, the following, which the Clerk will read.

The Clerk read as follows:

SEC. 9. That whenever the President of the United States shall be advised that a trust has been or is about to be organized for either of the purposes named in the first section of this act, and that a like product or commodity covered or proposed to be covered or handled by such trust, when produced out of the United States, is liable to an import duty when imported into the United States, he shall be, and is hereby, authorized and directed to suspend the operation of so much of the laws as impose a duty upon such product, commodity, or merchandise for such time as he may deem proper.

The CHAIRMAN. It will be observed that this was an amendment giving to the President of the United States power to suspend the import duties on certain articles of merchandise. It will be further observed that this was an amendment to the Sherman antitrust law, so called. Mr. Ezra B. Taylor, of Ohio, made the point of order that the amendment was not germane to the bill, relating as it did to the subject of revenue. Speaker Reed sustained the point of order, and the amendment was not received.

In accordance with these principles, which the Chair understands to be the fundamental principles underlying section 7 of Rule XVI, and in accordance with this decision of the late Speaker Reed, the Chair sustains the point of order.

Mr. DE ARMOND. Mr. Chairman, of course in view of the rapidity of the flight of time, and as there are many amendments which we think ought to be considered, and in view of the fact that the Chair has not decided exactly as those on this side would like, we regret that there is a limitation upon the general leave to print, so that it did not extend to the Chair as well as the House. [Laughter on the Democratic side.] In view of the number of amendments offered by the minority of the committee, and in order that they may be considered, I ask that the debate upon each amendment shall be limited to five minutes, two and a half minutes for and two and a half minutes against it.

Mr. LITTLEFIELD. I beg the gentleman's pardon.

Mr. DE ARMOND. My motion is that we now call up the amendments suggested by the minority, one after the other, that debate upon each be limited to five minutes, two and a half minutes for, and two and a half minutes against. We would like to have a vote upon them.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that the committee amendments may be taken up in their order——

Mr. DE ARMOND. The minority amendments.

The CHAIRMAN. The amendments offered by the minority be taken up in order, that the debate on each amendment be limited to two and a half minutes on a side. Is there objection?

Mr. OLMSTED. I object.

Mr. DE ARMOND. I move, Mr. Chairman, that that be the order.

The CHAIRMAN. The Chair would have to hold that the motion of the gentleman from Missouri would not be in order, altering the order of business of the House, according to the rules of the House.

Mr. CLAYTON. Mr. Chairman, I offer the following amendment as a separate section:

Amend the substitute by inserting the following:

"SEC. —. The President is hereby authorized, and it shall be his duty, whenever it shall be shown to his satisfaction that by reason, wholly or materially, of the existence of the tariff or customs duty upon any article, such article, or articles of its class and kind, are monopolized or controlled by any person, organization, or combination to the detriment of the public, by proclamation to remove or suspend such duty, in whole or in part, until the next assembling of Congress, or until the abuse prompting him to such action shall have ceased."

Mr. LITTLEFIELD. Mr. Chairman, inasmuch as this is clearly subject to the same point of order, I raise the point of order with reference to this amendment.

Mr. CLAYTON. Mr. Chairman, I do not desire to debate the point of order. If gentlemen on the other side of the Chamber want to perfect the bill to make effective legislation in dealing with monopolies, this amendment would go far in that direction; but I recognize the fact that the majority can uphold the ruling of the Chair, and I apprehend the Chair will rule as the Chair has before ruled, although I hope he will take back the ruling and overrule the point of order, so that we may do something to restrain the trusts.

Mr. OVERSTREET. Will the gentleman from Alabama yield to me for a question?

Mr. CLAYTON. Certainly.

Mr. OVERSTREET. Do I understand that it is the policy of the minority that the only effective way to regulate the so-called trusts is by modifying or repealing the tariff?

Mr. CLAYTON. Not by any means.

Mr. OVERSTREET. By what other method do you propose to regulate them?

Mr. CLAYTON. You go a step in that direction by sections 5, 6, 7, and 11 of this bill. You take such an effective step in that direction by these sections that I repeat the prediction here that your Republican Senate will never pass this bill with those provisions in it.

Mr. OVERSTREET. The gentleman means by perfecting the bill, perfecting it in the line of his proposed amendment, to strike down a portion of the present tariff law?

Mr. CLAYTON. To enact effective legislation against the trusts.

Mr. OVERSTREET. And your idea is that to proceed in the most effective line is to strike down a portion of the present tariff law?

Mr. CLAYTON. In other words, we use the interstate-commerce power——

Mr. OVERSTREET. And the only proper legislation would be in the line you have suggested?

Mr. CLAYTON. Not the only legislation; the gentleman must not put that word into my mouth. We will use both.

Mr. OVERSTREET. Will the gentleman answer this question? Is it the policy of the minority that it is not necessary to modify or repeal the present tariff law in regard to the regulation of the so-called trusts?

Mr. CLAYTON. I don't quite understand the gentleman's question.

Mr. OVERSTREET. Is it the policy of the minority that it is not necessary to attack the tariff law in order to reach some trusts?

Mr. CLAYTON. I think some of the trusts can be reached very effectively by a modification of the tariff law.

Mr. OVERSTREET. The gentleman does not agree with some of his colleagues on that side of the Chamber.

Mr. CLAYTON. I am not responsible for you or for some gentlemen on this side. I certainly do not agree with the statements by the gentleman from New York [Mr. SULZER] this morning that there is nothing in this bill. I say there is merit in this bill, and I congratulate the gentleman from Indiana [Mr. OVERSTREET] and the gentleman from Maine [Mr. LITTLEFIELD] and the gentleman from Massachusetts [Mr. POWERS] for putting into this bill sections 5, 6, 7, and 11. The first sections named penalized freight discriminations, and section 11 opens the courts of the country to anybody who has been discriminated against by the railroads, and authorizes him to go into the court and bring an action and recover all costs, threefold damages, and reasonable attorney's fees.

If the district attorney or the Attorney-General does not inaugurate the prosecution, the citizen can do it on his own motion. I say to you Republicans here and now that there is so much good in this bill that your party will never enact it into law. [Applause on the Democratic side.] Mr. Chairman, I do not desire to say anything more.

The CHAIRMAN. The Chair is prepared to rule. In accordance with the ruling of the Chair heretofore made, the Chair feels constrained to sustain the point of order.

Mr. HENRY of Texas. Mr. Chairman, I offer the following as an independent section.

The Clerk read as follows:

Amend by adding at the end of sections 5, 6, and 7 the following:

"Each day's violation of this act shall constitute a separate and distinct offense."

Mr. HENRY of Texas. Mr. Chairman, I desire to state under the bill as reported by the committee a corporation may violate this act for a day, or a month, or a year, or any number of years, and be punished only once. The amendment provides that each violation of the act shall constitute a separate and distinct offense, and that offenders shall be punishable for each day's violation. This is a provision which is almost universally inserted in penal statutes and acts of this character. I think that clearly it should be incorporated in this act—that where the corporation has violated the same it should be punished for each day during which it violates the law. I think the committee should amend this bill to that extent, and I ask the gentleman from Maine to accept the amendment.

Mr. LITTLEFIELD. I can not agree to do that, Mr. Chairman, because in the first place there are several sections to this act. So far as many of the sections of this bill are concerned—particularly sections 6 and 7—they provide simply what is the law today, and the language of the bill is superfluous. So far as section 1 is concerned we think that we have provided already most sufficient penalties. I do not think my friend from Texas would want to have each day's failure to file returns constitute a separate offense. If that is his conception of the matter, I am not able to agree with him.

Mr. HENRY of Texas. If the gentleman will consent, I will offer the amendment to sections 5, 6, and 7.

Mr. LITTLEFIELD. As to section 5, the provision would not be appropriate at all, because that applies to a continuing offense; every single rebate accepted is a separate offense.

Mr. HENRY of Texas. I beg leave to differ with the gentleman. I think that the amendment would be appropriate to section 5; but, if the gentleman assents, I will offer it only to sections 6 and 7.

Mr. LITTLEFIELD. Section 6 is of universal application. Let me remind the gentleman of the law in regard to prosecutions for nuisance, an analogous matter, I think, to such offenses as we are now considering. Never in any law prohibiting a nuisance—at least never in my section of the country—has it been provided that every separate day during which the nuisance continued should be regarded as a separate offense, because the prosecuting officer, if he sees fit, can lay the offense for each seperate day and accomplish the result. The committee does not think this amendment would be appropriate to some of these sections, and as to others it is entirely unnecessary. For this reason I do not feel at liberty to agree to it. The committee voted it down, and I hope the House will vote it down.

The question being taken on the amendment of Mr. HENRY of Texas, it was rejected, there being on a division (called for by Mr. HENRY of Texas)—ayes 67, noes 75.

Mr. SMITH of Kentucky. I desire to offer an amendment to come in as a separate section, which I ask the Clerk to read.

The Clerk read as follows:

Amend by adding the following section:

"SEC. —. Every corporation engaged in interstate commerce, wherever organized, shall be subject to the jurisdiction of the courts of any State in which it shall carry on business as it would be if created by such State, or as citizens thereof are subject to such jurisdiction."

Mr. SMITH of Kentucky. Mr. Chairman, I think it most important for us to give jurisdiction to the State court of any State in which these corporations may be engaged in interstate commerce; and in this view of the case I think the proposed amendment ought to be adopted.

Now, Mr. Chairman, in order to get along with this bill, I move that the debate upon this proposed section close in two minutes, and that the opposition to the amendment have those two minutes.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that on this amendment debate be closed in two minutes.

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Maine [Mr. LITTLEFIELD] for two minutes. [Laughter.]

Mr. LITTLEFIELD. I shall not occupy half a minute. I hope that the Committee of the Whole will vote this amendment down.

The amendment of Mr. SMITH of Kentucky was rejected.

Mr. TAWNEY. I offer as a new section the amendment which I send to the desk.

The Clerk read as follows:

SEC. —. That when two or more persons, firms, or corporations engaged in the production of articles or products and the sale of the same in States other than the State in which such products or articles are produced enter into an association, combination, or agreement fixing the price at which their products, or any of them, shall be sold, and offering to purchasers of such products a rebate or premium on the amount of their purchases from such persons, firms, or corporations on condition that all of the purchases of such purchasers for a given period shall be of the products specified by such persons, firms, or corporations, members of such association or combination or parties to such agreement, then and in such case such persons, firms, or corporations shall be deemed to have formed a conspiracy against trade, and upon conviction thereof shall be punished by a fine of not less than $5,000.

[Mr. TAWNEY addressed the committee. See Appendix.]

Mr. LITTLEFIELD. Mr. Chairman, I fully appreciate the practical difficulties disclosed in the suggestions made by the distinguished gentleman from Minnesota. I have examined the amendment submitted by him, and while I would not undertake to state with absolute positiveness as to the legal effect of a proposition which is submitted with opportunity for only five or ten minutes' consideration on a subject so complex as this, my judgment is that the section as he has it drawn would not be constitutional. I do not think it includes the interstate-commerce feature, under which we are obliged to operate.

Now, while I would not want to be bound by any suggestion I might make on the spur of the moment as to the legal situation disclosed by my friend's suggestion, I have very little doubt but that these conditions of which he speaks and which it seems to me, in substance, amount to an agreement or contract for the purpose of creating a monopoly in that particular line of trade, is such an agreement or contract as is now within the limitations and provisions of the Sherman antitrust law. Under these circumstances I feel that I am obliged to ask the committee to decline to adopt the amendment. I yield the balance of my time to the gentleman from Ohio, Mr. TAYLER.

Mr. TAYLER of Ohio. Mr. Chairman, I did not hear the text of the amendment offered by my friend from Minnesota, but I gather from the statement made by the gentleman from Maine something of its character. Nor did I ever hear, read, or see the communications which have just been read in the hearing of the committee. I have heard that such propositions have been made, and I only arise here in my place because it might be thought strange if I say nothing when an industry which is more largely concentrated in my district than in any other part of the country is attacked. I have no relation, professional or otherwise, with this association, and have no knowledge of this agreement or proposal save as I have received it from my friend Mr. TAWNEY.

I entirely agree with what has been said by the gentleman from Maine [Mr. LITTLEFIELD]. Whatever the character of this agreement is, it is such an agreement as is entered into and promulgated by many voluntary associations of producers in this country. It is not of the character of a trust, at which this legislation is directed. Concerns interested in it are themselves entirely independent of each other, and this is but one of the many perhaps futile efforts which from time to time are made by various industries in this country to secure unity or uniformity of prices. Whatever infirmity there is in this agreement or proposition as a matter of law, whatever injustice it may do, whatever impropriety there may be in it, can be attacked and overthrown by virtue either of the common law or of the Sherman antitrust statute.

Mr. WILLIAMS of Mississippi. Then why has it not been done?

Mr. TAYLER of Ohio. If it is a violation of the State law, then under the common law and under the laws of the several States it can be reached, and if in restraint of trade among the States, it can undoubtedly be reached by invoking the provisions of the Sherman antitrust act. It may be, as here contended, monopolistic in its character and tendency, but it does not in any sense present the difficulties that the questions now before this committee have presented to us and to the country.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Minnesota.

The question being taken, the amendment was rejected.

Mr. DE ARMOND. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by adding the following:

"SEC. —. That in addition to the grounds of bankruptcy now existing by law, a corporation shall have committed an act of bankruptcy, and shall accordingly be subject to proceedings to adjudge it an involuntary bankrupt and wind up its affairs and distribute its assets, first, whenever it shall have issued stock in excess of the fair, reasonable value of its property; or, second, whenever it shall have given or offered to any person, association, or corporation any privilege, preference, advantage, facilities, discount, or rebate denied to or withheld from any other person, association, or corporation; or, third, whenever directly or indirectly it shall have engaged in any conspiracy or entered into any combination, agreement, or understanding to monopolize or aid in monopolizing any product of general utility, or so much thereof as to affect injuriously the general welfare, or to stifle lawful competition, or to control or affect injuriously the price of or the market for any commodity in general use or demand; or, fourth, whenever it shall have effected or attempted to effect any consolidation, combination, cooperation, undertaking, or agreement with any other corporation, association, or person, contrary to any law of the United States or of any State in which it shall do or offer to do any business."

Mr. DE ARMOND. Mr. Chairman, I think that amendment ought to be adopted, but, of course, I can take no time in its discussion. I move that all debate upon that amendment be limited to one minute to those who may choose to oppose it.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that debate upon this amendment be limited to one minute.

Mr. LITTLEFIELD. I suppose the gentleman does not want any debate upon it, then, but simply a vote upon it.

Mr. DE ARMOND. Yes; that is all.

Mr. LITTLEFIELD. If that is the gentleman's wish, I will simply say this in the minute allowed—well, I will not make any suggestion on it. Of course, this is the gentleman's proposition, and all he wants is simply a vote upon it.

Mr. DE ARMOND. There is no time to debate it, of course, now.

Mr. LITTLEFIELD. That depends on whether you want to take the time.

Mr. DE ARMOND. We have not got it.

The CHAIRMAN. The question is on the amendment offered by the the gentleman from Missouri.

Mr. LITTLEFIELD. I have one minute.

A MEMBER. A half minute now.

The CHAIRMAN. The Chair did not submit the request. Is there objection to the request, that debate be limited to one minute?

There was no objection.

Mr. LITTLEFIELD. I have a whole minute now. I thought it was only half a minute. In that minute I simply wish to say this, that I have the most profound respect and admiration for the legal ability of my friend from Missouri, and the fact that he presents this amendment, which, in my judgment, is absolutely unconstitutional, does not in the slightest degree detract from that opinion that I entertain of his legal ability, for this reason: I have read his report, and I heard his speech yesterday. The report and the speech are both couched in that immaculate English that he always uses; but in his report and in his speech in no spot or place does he get himself up to the position of asserting that he even thinks this is constitutional. Now, for that reason I still entertain my respect for his legal opinion, and I am ready for a vote. I hope the amendment will be voted down.

[Here the hammer fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. DE ARMOND].

The amendment was rejected.

Mr. DE ARMOND. I offer the following amendment.

The CHAIRMAN. The gentleman from Missouri offers an amendment which the Clerk will report.

The Clerk read as follows:

SEC. —. That any property owned or manufactured under any contract or by any trust or combination or pursuant to any conspiracy forbidden by the laws of a State, and being in the course of transportation from such State to another State, the District of Columbia, a Territory, or a foreign country, or to such State from another State, the District of Columbia, a Territory, or a foreign country, shall be forfeited to the United States, and may be seized and condemned by like proceedings as are provided by law for the forfeiture, seizure, and condemnation of property imported into the United States contrary to law; and every person who shall, knowing that any property to be owned or manufactured in any of the ways above described, transport it, or cause or order, or contract for its transportation as above described, shall be deemed guilty of a misdemeanor, and, on conviction, be punished by a fine not exceeding $20,000, or by imprisonment not exceeding five years, or by both such fine and imprisonment: *Provided*, That nothing herein contained shall be held to interfere with any proceedings in a State court for the violations of any law thereof.

Mr. DE ARMOND. Mr. Chairman, I should be glad if there could be a vote upon that now without any discussion.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. DE ARMOND. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend by adding as a new section: "The facilities and instrumentalities of interstate commerce, as the terms are employed in this act, shall embrace the mails, the telegraph, and the telephone."

Mr. DE ARMOND. Mr. Chairman, I hope there may be a vote upon that without discussion.

The CHAIRMAN. The question is upon agreeing to the amendment offered by the gentleman from Missouri.

The question was taken; and the amendment was rejected.

Mr. CLAYTON. Mr. Chairman, I ask the adoption of this amendment.

The Clerk read as follows:

Amend by adding the following:

"SEC. —. There is hereby levied and shall be assessed and collected annually the following taxes on all corporations, whether domestic or foreign, doing business in the United States for profit or gain, and having a capital stock of $200,000 or more, at the rate of 10 per cent on its capital stock. The amount of the capital stock of any taxable corporation for the purposes of taxation shall be estimated according to its par value fixed by the charter, or by resolution of its board of stockholders or directors, and shall include all assets owned by such corporation which are reserved or funded or set aside for the benefit of its stockholders.

"SEC. —. Those corporations are exempt from taxation under this act whose income (or profits), after the payment of necessary expenses of operations and administration thereof, is devoted exclusively to purposes of charity or religion or benevolence, or to hospital, medical, surgical, or hygienic purposes; or to education, or the promotion of the useful arts; or to scientific purposes; or to literary or musical purposes; or to public entertainment.

"SEC. —. If any corporation liable to taxation under this act shall establish to the satisfaction of the Commissioner of Internal Revenue, by competent proof, under oath, that it is not engaged or about to be engaged in any way with any other corporation or person in any of the acts or combinations, conspiracies, agreements, or in any act or conduct that is prohibited in the act entitled 'An act to protect trade against unlawful restraints and monopolies,' approved July 2, 1890, or in the act entitled 'An act to provide revenue for the Government and to encourage the industries of the United States,' approved July 24, 1897, or an act entitled 'An act to regulate commerce, approved February 4, 1887, or this act, or any amendment of any of said acts, the said taxes of said corporation shall be remitted, except 1 per centum thereof, which shall be collected and paid into the Treasury of the United States.

"SEC. —. The Commissioner of Internal Revenue, under the direction of the Secretary of the Treasury, is charged with and is empowered to direct and enforce the execution of this act, and the Secretary of the Treasury shall make such regulations as are needful for such purpose. All laws applicable to the collection of internal-revenue taxes by the United States, whether civil or criminal, shall apply to corporations that are taxable under this act and to their officers and directors, and to the enforcing of the provisions hereof."

The CHAIRMAN. The question is on agreeing to the amend ment offered by the gentleman from Alabama.

Mr. CLAYTON. I ask for a vote on it now.

Mr. LITTLEFIELD. To take no time in debate?

Mr. CLAYTON. I do not want any time whatever. We have other amendments that we want to offer.

Mr. OLMSTED. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman from Pennsylvania makes the point of order against the amendment.

Mr. CLAYTON. Is it not too late, Mr. Chairman?

The CHAIRMAN. The Chair thinks not. The gentleman from Pennsylvania had arisen, and in the colloquy between the gentleman from Alabama and the gentleman from Maine he was not heard.

Mr. OLMSTED. I make the point of order that the amendment is not germane. Section 7 of Rule XVI makes it out of order to introduce an entirely new subject into a bill under color of an amendment.

The original bill proposes a tax upon corporations engaged in interstate commerce having unpaid capital stock outstanding. This bill relates entirely to corporations engaged in interstate commerce, and prohibits them from making unlawful discriminations or entering into unlawful or injurious combinations to control prices, etc. That is all right. It is also proper to control such corporations or trusts by way of taxation. But the gentleman from Alabama introduces an entirely new subject. This proposed amendment imposes a tax of 10 per cent on the entire capital stock of every corporation, big and little, in the United States, whether engaged in interstate commerce or not. It imposes an annual tax of 10 per cent upon the capital stock of every gas company, every street-railway company, every electric-light company, every water company, savings institution, bank, insurance company, newspaper printing corporation, and every other form of corporation, though not engaged in interstate commerce nor constituting a trust nor in any way violating the provisions of this act. Every little incorporated shoe factory, or cheese factory, or furniture or carriage factory would be called upon under the gentleman's amendment to pay this tax.

Little companies that are not trusts, but are trying to do business in competition with trusts, must, under this amendment, pay 10 per cent tax. Very few of the corporations I have named earn as much as 10 per cent per annum. This proposed tax would ruin them. It would bankrupt 50 small corporations in my district, not one of which has any relation to a trust. If the gentleman wishes to tax trusts only, let him offer an amendment to that effect, but this goes away beyond that and would practically dry up business done in opposition to trusts, as well as much that does not concern them at all. His proposition is too broad to be considered as an amendment, where debate is limited to five minutes upon either side. Let him offer it as an independent bill, so that full discussion may be had. As an amendment it is not germane to the pending bill, because it introduces a new subject affecting corporations not engaged in interstate commerce. The taxation of corporations which are not, in any sense of the word, trusts is not in order as an amendment to a purely antitrust bill.

The CHAIRMAN. In accordance with the principles heretofore laid down, the Chair sustains the point of order.

Mr. FLEMING. Mr. Chairman, I offer the following amendment. I call the attention of the gentleman in charge of the bill and say to him if he will consent to insert the word "person" after the word "corporation" in the section I will withdraw the amendment and save the time of the Clerk in reading, and then we can get a vote. Insert the word "person" before the word "corporation." That is all this amendment does. I copied the language from the bill and make it apply to persons as well as corporations.

Mr. LITTLEFIELD. Mr. Chairman, of course I think the gentleman from Georgia fully well understands, taking into account the action of the committee upon this very section and amendment, that he would hardly expect me to take the responsibility on the part of the committee of accepting this amendment. Of course the gentleman from Georgia well knows what my individual views are.

Mr. FLEMING. We have only four minutes.

Mr. LITTLEFIELD. Shall I answer your suggestion? The gentleman knows what my individual views are in relation to this proposition. This amendment was handed by me to the committee and discussed in the committee, and after a full discussion the committee declined to insert the word "person" in section 6; and with this situation in the committee the gentleman can see that I could not feel at liberty at this stage of the proceedings to agree to that amendment.

Mr. FLEMING. Mr. Chairman, it being understood from the statement of the gentleman from Maine and myself that the only effect of the amendment which I have offered is to insert the word "person" after the word "corporation" in section 6, I ask unanimous consent that the amendment may be considered as read, in order that we may have a vote.

Mr. OVERSTREET. The amendment has not been read.

Mr. PAYNE. We surely can not vote on an amendment which has not been read.

Mr. FLEMING. I am asking unanimous consent that it be considered as read.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend by inserting the following just after section 6:

"SEC. 7. That no person engaged in the production, manufacture, or sale of any article of commerce, or violating any of the provisions of section 5 of this act, or attempting to monopolize or control the production, manufacture, or sale thereof by driving out competition in any particular locality by discrimination in prices or by giving special privileges or rebates or otherwise in order to destroy competition therein in such locality, shall use, either directly or indirectly, any of the facilities or instrumentalities of interstate commerce, or in any way engage in interstate commerce for the purpose of aiding or facilitating, either directly or indirectly, such production, manufacture, or sale with such intent; nor shall any other person or corporation use any of the facilities or instrumentalities of interstate commerce or in any way engage in interstate commerce in buying, selling, or disposing of any such article of commerce for the purpose of enabling such first-mentioned corporation to engage or to continue to engage in such production, manufacture, or sale or control with such intent. Every person violating any of the provisions of this section shall be punished, on conviction, by a fine of not less than five hundred and not exceeding five thousand dollars."

Mr. FLEMING. I ask for a vote.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Georgia.

The question was taken; and the amendment was rejected.

Mr. SHALLENBERGER. Mr. Chairman, I offer the following amendment as a new section:

The Clerk read as follows:

That if any corporation engaged in foreign or interstate commerce at the passage of this act, or which may be organized subsequent to its passage, shall thereafter issue any stocks, bonds, or certificates of capitalization in excess of the actual cash value of the money or property or property rights owned by the said corporation, the above facts to be determined by the Interstate Commerce Commission, all such stocks, bonds, or evidences of capitalization issued in excess of actual values in possession of the aforesaid corporation shall be subject to an annual tax of 10 per cent of their face value, to be paid into the Treasury of the United States on the 30th day of June in each year, so long as the same shall remain issued and outstanding. If the taxes enumerated in this section shall remain unpaid for a period of sixty days after the same shall become due as herein provided, an action of debt may be maintained in the name of the United States against any corporation for the recovery thereof in any court of the United States having competent jurisdiction. The said tax is hereby made a first lien on all the property and estate of any corporation subject to the provisions of this act.

Mr. SHALLENBERGER. Mr. Chairman, in the time remaining to the committee I can not discuss this amendment in detail. I will state briefly that the amendment offered has for its object the preventing of fraudulent capitalization upon the part of corporations engaged in foreign or interstate commerce which may be hereafter organized. It places no charge or penalty upon any existing property right or business, but seeks to prevent the further loading of the back of labor by the issuance of fictitious and fraudulent stocks and bonds which, in my judgment, is the gravest menace to the continued prosperity of our people.

The distinguished and learned Senator from Massachusetts, Mr. HOAR, in a speech which he delivered in October last, said that there were a number of evils which surrounded and supported the trusts, but that the three cardinal sins of which the system is guilty are: Secrecy, destruction of competition, and fraudulent capitalization. Of course, the fundamental evil in the trust system is the exorbitant and unfair price which monopoly compels the public to pay for the products of labor or for the transportation thereof.

I believe that this evil rests for its support and is made possible because of the possession by monopoly of three special privileges which is in the province of the law of the land to take away from it. The first is the favoritism of the railroads, the second is an exorbitant tariff tax which destroys competition, and the third is the right which combinations in restraint of trade are permitted to exercise of issuing an unlimited amount of stocks and bonds, which have only value in them as the same shall be wrung from the consumer or from labor. This bill which we are considering proposes to correct the evil of secrecy by promoting publicity; it attempts to destroy the evil of railroad favoritism by prohibiting the giving or taking of rebates. But it makes no attempt whatever to prevent the fraudulent capitalization of corporations, which process of inflation has in recent years piled up more than $5,000,000,000 of debt which are in effect a mortgage upon the possibilities of the future under the most favorable conditions for extortion from the public, and which has accumulated in this country in the last five years more monopolistic corporations than in all the preceding history of the nation.

The chairman of the Judiciary Committee in his remarks yesterday stated that the overcapitalization of corporations was a grievous load and burden upon the interests of the country, but he makes no effort in this bill to remedy that evil. The modern trust is formed not so much for the purpose of earning profits in their operation. Waiting for labor to slowly earn and accumlate wealth is too slow a procedure for the modern millionaire. Trusts are builded by promoters and makers of such combinations for the immediate profit that may be made in unloading upon the investing public the millions upon millions of stocks and bonds which have no value except that they are able to convince the investor that under monopolistic conditions they can compel labor or capital to pay the interest and dividends upon them.

The problem of the future for this country is to properly adjust the rights of capital, of labor, and the consumer in the distribution of the wealth which labor alone produces, but when once the law permits the capitalizing of the utmost possibilities of profits which monopolistic extortion can wring from the public and permits the same to be sold to the public it prevents any regulation or reduction in the extortionate price for the products of labor or their transportation by the railroad companies. The moment you assail the special privilege of the tariff you are met with the cry that those privileges have been capitalized into profit and that labor is dependent upon them, and if the public protects itself then the managers must take the necessary earnings to pay interest upon the watered stock from the portion of labor. If you attempt to reduce railroad rates you are met with the cry at once that the profits of transportation under existing rates have been fully capitalized, and that to relieve the public means a grievous loss to the laborers who operate the railroads.

The greatest menace to the continuance of the prosperity of the country is the inflated securities which wind-blown and water-soaked corporations have unloaded upon the country, and whenever the inevitable readjustment comes, whether by protecting the interests of the consumer by legislation or by the natural evolution of business which always sooner or later lets out the inflation which monopoly has imposed by reason of its power, and an industrial panic takes place, the consumer will get the benefit thereof by reason of a reduction of the prices to their natural level, but labor will have to pay the price and penalty of it all.

There will never be any equitable adjustment of the rights of the consumer, of labor, and of capital so long as it is possible for monopoly to capitalize the possibilities of profit in plundering the public by the power of special privilege and under the shadow of law. [Applause on the Democratic side.] Mr. Chairman, I ask for a vote upon the amendment as offered.

Mr. LITTLEFIELD. What is the proposed amendment to—what section?

Mr. SHALLENBERGER. It is a new section, to come after section 1 and be numbered section 2.

Mr. LITTLEFIELD. But we have passed section 1 some time ago.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Nebraska.

Mr. LITTLEFIELD. Am I precluded, Mr. Chairman, from debate on this amendment?

A MEMBER. The time is up.

Mr. LITTLEFIELD. Oh, if the time is up, then I am content.

The question was taken; and the amendment was lost.

The CHAIRMAN. In accordance with the provision of the special order heretofore adopted, the time for the consideration of the bill under the five-minute rule has expired, and therefore the committee will rise in accordance with the provision of the rule.

The committee accordingly rose; and the Speaker pro tempore having resumed the chair, Mr. BOUTELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 17) requiring all corporations engaged in interstate commerce to file returns with the Secretary of the Treasury, disclosing their true financial condition, and of their capital stock, and imposing a tax upon such as have outstanding capital stock unpaid in whole or in part and, in accordance with the terms of the special order, he reported the same back with a pending amendment in the nature of a substitute to the bill, with the recommendation that it be adopted and that the bill do pass.

The SPEAKER pro tempore. The gentleman from Illinois, Chairman of the Committee of the Whole House on the state of the Union, reports that that committee has had under consideration House bill 17, and reports the same back with an amendment by way of a substitute. The question is upon agreeing to the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question now is upon the passage of the bill.

Mr. LITTLEFIELD. And on that, Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 246, nays 0, answered "present" 6, not voting 99; as follows:

YEAS—246.

Adams,	Douglas,	Landis,	Robinson, Ind.
Adamson,	Draper,	Latimer,	Rucker,
Alexander,	Driscoll,	Lawrence,	Russell,
Allen, Ky.	Eddy,	Lester,	Ryan,
Aplin,	Emerson,	Lever,	Scott,
Babcock,	Esch,	Lewis, Ga.	Shackleford,
Ball, Tex.	Evans,	Lewis, Pa.	Shallenberger,
Bankhead,	Feely,	Lindsay,	Shattuc,
Barney,	Finley,	Little,	Shelden,
Bartlett,	Fleming,	Littlefield,	Sheppard,
Bates,	Flood,	Lloyd,	Sibley,
Beidler,	Fordney,	Loudenslager,	Sims,
Bell,	Foster, Vt.	Lovering,	Skiles,
Benton,	Fowler,	McCall,	Slayden,
Bishop,	Gaines, Tenn.	McCleary,	Smith, Ill.
Boreing,	Gaines, W. Va.	McClellan,	Smith, Ky.
Boutell,	Gardner, N. J.	McLachlan,	Snodgrass,
Bowersock,	Gilbert,	McLain,	Snook,
Bowie,	Gill,	McRae,	Southard,
Brandegee,	Gillett, Mass.	Maddox,	Sperry,
Breazeale,	Glass,	Marshall,	Spight,
Brick,	Goldfogle,	Maynard,	Stark,
Bromwell,	Gooch,	Metcalf,	Steele,
Broussard,	Gordon,	Mickey,	Stephens, Tex.
Brown,	Graff,	Miller,	Stevens, Minn.
Brownlow,	Graham,	Minor,	Stewart, N. J.
Brundidge,	Green, Pa.	Mondell,	Stewart, N. Y.
Bull,	Greene, Mass.	Moody,	Storm,
Burgess,	Griffith,	Moon,	Sulloway,
Burk, Pa.	Griggs,	Morgan,	Sulzer,
Burke, S. Dak.	Grow,	Morris,	Sutherland,
Burkett,	Hamilton,	Moss,	Talbert,
Burleigh,	Haugen,	Mudd,	Tate,
Burleson,	Hay,	Mutchler,	Tawney,
Burnett,	Heatwole,	Naphen,	Tayler, Ohio
Burton,	Hedge,	Needham,	Taylor, Ala.
Butler, Mo.	Hemenway,	Nevin,	Thayer,
Butler, Pa.	Henry, Conn.	Norton,	Thomas, Iowa
Calderhead,	Henry, Tex.	Olmsted,	Thomas, N. C.
Caldwell,	Hepburn,	Otjen,	Thompson,
Cannon,	Hildebrant,	Overstreet,	Tirrell,
Capron,	Hill,	Padgett,	Trimble,
Cassel,	Hitt,	Palmer,	Underwood,
Cassingham,	Holliday,	Parker,	Vandiver,
Clayton,	Hooker,	Patterson, Pa.	Van Voorhis,
Coombs,	Howard,	Patterson, Tenn.	Wachter,
Cooper, Tex.	Hughes,	Payne,	Wanger,
Cooper, Wis.	Hull,	Perkins,	Warner,
Corliss,	Irwin,	Powers, Me.	Warnock,
Cowherd,	Jackson, Kans.	Powers, Mass.	Watson,
Cromer,	Jenkins,	Randell, Tex.	Weeks,
Crumpacker,	Jones, Va.	Ransdell, La.	Wheeler,
Currier,	Jones, Wash.	Reeder,	White,
Cushman,	Kahn,	Reeves,	Wiley,
Dahle,	Kehoe,	Reid,	Williams, Ill.
Davey, La.	Kern,	Rhea,	Williams, Miss.
Davidson,	Ketcham,	Richardson, Ala.	Woods,
De Armond,	Kitchin, Wm. W.	Richardson, Tenn.	Wooten,
Deemer,	Kleberg,	Rixey,	Young,
Dick,	Knapp,	Robb,	Zenor.
Dinsmore,	Kyle,	Roberts,	
Dougherty,	Lacey,	Robertson, La.	

NAYS—0.

ANSWERED "PRESENT"—6.

Brantley,	Hopkins,	Mann,	Sherman.
Haskins,	McCulloch,		

NOT VOTING—99.

Acheson,	Dayton,	Joy,	Prince,
Allen, Me.	Dovener,	Kitchin, Claude	Pugsley,
Ball, Del.	Dwight,	Kluttz,	Robinson, Nebr.
Bartholdt,	Edwards,	Knox,	Ruppert,
Bellamy,	Elliott,	Lamb,	Scarborough,
Belmont,	Fitzgerald,	Lassiter,	Schirm,
Billmeyer,	Flanagan,	Lessler,	Selby,
Bingham,	Fletcher,	Littauer,	Shafroth,
Blackburn,	Foerderer,	Livingston,	Showalter,
Blakeney,	Foss,	Long,	Small,
Bristow,	Foster, Ill.	Loud,	Smith, Iowa
Candler,	Fox,	McAndrews,	Smith, H. C.
Clark,	Gardner, Mass.	McDermott,	Smith, S. W.
Cochran,	Gardner, Mich.	Mahon,	Smith, Wm. Alden
Connell,	Gibson,	Mahoney,	Southwick,
Conner,	Gillet, N. Y.	Martin,	Sparkman,
Conry,	Glenn,	Mercer,	Swann,
Cooney,	Grosvenor,	Meyer, La.	Swanson,
Cousins,	Hanbury,	Miers, Ind.	Tompkins, N. Y.
Creamer,	Henry, Miss.	Morrell,	Tompkins, Ohio
Crowley,	Howell,	Neville,	Vreeland,
Curtis,	Jack,	Newlands,	Wadsworth,
Dalzell,	Jackson, Md.	Pearre,	Wilson,
Darragh,	Jett,	Pierce,	Wright.
Davis, Fla.	Johnson,	Pou,	

So the bill was passed.

Mr. BROWNLOW. On the roll call I responded "present." I am paired with my colleague from Tennessee, Mr. PIERCE, who is absent, sick. I understand that if he were present he would vote on the same side of the question that I would; therefore I desire to vote "aye."

The vote of Mr. BROWNLOW was recorded in the affirmative.

Mr. BARTLETT. I am paired with the gentleman from Ohio, Mr. GROSVENOR. I have voted for this bill because he authorized me to do so by making the statement that if he were here he would also vote in the affirmative.

The following pairs were announced:

For the session:

Mr. SHERMAN with Mr. RUPPERT.

Mr. DAYTON with Mr. MEYER of Louisiana.

Until further notice:

Mr. WM. ALDEN SMITH with Mr. FLANAGAN.

Mr. JACK with Mr. ROBINSON of Nebraska.

Mr. DWIGHT with Mr. NEVILLE.

Mr. BINGHAM with Mr. ELLIOTT.

Mr. DALZELL with Mr. HENRY of Mississippi.

Mr. DOVENER with Mr. MCCULLOCH.

Mr. HOPKINS with Mr. SWANSON.

Mr. HASKINS with Mr. FOX.

Mr. HENRY C. SMITH with Mr. JOHNSON.

Mr. LONG with Mr. NEWLANDS.

Mr. HOWELL with Mr. MCDERMOTT.

Mr. SHOWALTER with Mr. LATIMER.

For one week:

Mr. ACHESON with Mr. SPARKMAN.

For balance of week:

Mr. MERCER with Mr. BRANTLEY.

For this day:

Mr. PRINCE with Mr. LASSITER.

Mr. PEARRE with Mr. LAMB.

Mr. MARTIN with Mr. GLENN.

Mr. HANBURY with Mr. EDWARDS.

Mr. FOSS with Mr. DAVIS of Florida.

Mr. FLETCHER with Mr. COONEY.

Mr. SOUTHWICK with Mr. MIERS of Indiana.

Mr. FOERDERER with Mr. PUGSLEY.

Mr. CONNER with Mr. CONRY.

Mr. ALLEN of Maine with Mr. COCHRAN.

Mr. VREELAND with Mr. LIVINGSTON.

Mr. BRISTOW with Mr. BELLAMY.

Mr. BLACKBURN with Mr. MAHONEY.

Mr. DRISCOLL with Mr. PIERCE.

Mr. GILLET of New York with Mr. BILLMEYER.

Mr. DARRAGH with Mr. BELMONT.

Mr. SMITH of Iowa with Mr. CROWLEY.

Mr. COUSINS with Mr. CREAMER.

Mr. SCHIRM with Mr. WILSON.

Mr. BALL of Delaware with Mr. FOSTER of Illinois.

Mr. CONNELL with Mr. SHAFROTH.

Mr. LITTAUER with Mr. SWANN.

Mr. CURTIS with Mr. CLARK of Missouri.

Mr. WRIGHT with Mr. CLAUDE KITCHIN.

Mr. WADSWORTH with Mr. KLUTTZ.

Mr. BARTHOLDT with Mr. SMALL.

Mr. MORRELL with Mr. SELBY.

Mr. GARDNER of Michigan with Mr. POU.

Mr. JOY with Mr. MCANDREWS.

Mr. MAHON with Mr. SCARBOROUGH.

On this vote:

Mr. GARDNER of Massachusetts with Mr. CANDLER.

Mr. GROSVENOR with Mr. BARTLETT.

Mr. LESSLER with Mr. FITZGERALD.

The result of the vote was announced as above stated.

On motion of Mr. LITTLEFIELD, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER pro tempore. Without objection, the amendment to the title of this bill as proposed by the committee will be agreed to.

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

S. 4980. An act to incorporate the American Academy in Rome;

S. 5918. An act to amend section 1225 of the Revised Statutes, so as to provide for detail of retired officers of the Army and Navy to assist in military instruction in schools;

S. 6535. An act providing for the construction of light-house and fog-signal stations in Alaskan waters;

S. 6680. An act authorizing the President to reinstate Alexander G. Pendleton, jr., as a cadet in the United States Military Academy;

S. 6961. An act to authorize the construction of a bridge across the Missouri River between the city of Chamberlain, in Brule County, and Lyman County, in the State of South Dakota;

S. 7159. An act authorizing the Memphis, Helena and Louisiana

Railway Company to construct and maintain a bridge across St. Francis River, in the State of Arkansas; and

S. 7226. An act to authorize the Pittsburg, Carnegie and Western Railroad Company to construct, maintain, and operate a bridge across the Allegheny River.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4850) to increase the pension of those who have lost limbs in the military or naval service of the United States, or are totally disabled in the same.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 6773) to expedite the hearing and determination of suits in equity pending or hereafter brought under the act of July 2, 1890, entitled "An act to protect trade and regulate commerce against unlawful restraints and monopolies," "An act to regulate commerce," approved February 4, 1887, or any other acts having a like purpose that may be hereafter enacted.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 7. An act authorizing the Secretary of War to cause to be erected monuments and markers on the battlefield of Gettysburg, Pa., to commemorate the valorous deeds of certain regiments and batteries of the United States Army;

H. R. 2422. An act for the relief of Edward S. Crill;

H. R. 3502. An act for the relief of the estate of M. J. Grealish, deceased;

H. R. 14512. An act to amend an act to add certain counties into two divisions, and to prescribe the times and places for holding courts therein, and for other purposes, approved May 2, 1884;

H. R. 16646. An act to authorize the construction of a bridge across Bogue Chitto, in the State of Louisiana;

H. R. 16975. An act to authorize the construction of a bridge across the Monongahela River, in the State of Pennsylvania, by the Eastern Railroad Company;

H. R. 12064. An act for the relief of Lebbeus H. Rogers and the administrators of William B. Moses, deceased; and

H. R. 14047. An act for the relief of the clerks of circuit and district courts of the United States.

The message also announced that the Senate had agreed to the report of the committee of conference and had further insisted upon its disagreement to the amendments of the House of Representatives to the bill (S. 4850) to increase the pensions of those who have lost limbs in the military or naval service of the United States, or are totally disabled in the same, numbered 1, 2, 3, 6, and 8, had agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. MCCUMBER, and Mr. TALIAFERRO as the conferees on the part of the Senate.

The message also announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with deep sensibility the announcement of the death of Hon. JAMES M. MOODY, late a Representative from the State of North Carolina.

Resolved, That a committee of five Senators be appointed by the President pro tempore, to join the committee appointed on the part of the House of Representatives, to take order for superintending the funeral of the deceased.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

And that in compliance with the foregoing the President pro tempore had appointed as said committee Mr. PRITCHARD, Mr. SIMMONS, Mr. CLARK of Wyoming, Mr. DIETRICH, and Mr. HEITFELD.

The message also announced that the Senate had passed with amendment bill of the following title in which the concurrence of the House was requested:

H. R. 11544. An act to correct the military record of Thomas J. Morman.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 7145. An act granting an increase of pension to Rosetta E. Rafferty—to the Committee on Pensions.

THOMAS J. MORMAN.

The SPEAKER pro tempore laid before the House, with an amendment of the Senate, the bill (H. R. 11544) to correct the military record of Thomas J. Morman.

The amendment of the Senate was read.

Mr. HULL. I move that the House concur in the Senate amendment.

The motion was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. ELLIOTT indefinitely, on account of sickness.

To Mr. PRINCE for ten days, on account of sickness.

Mr. PAYNE (at 3.35 p. m.). I move that the House adjourn.

The motion was agreed to.

The SPEAKER pro tempore. In pursuance of a previous resolution, the House stands adjourned until to-morrow (Sunday) at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of appropriation for surveys in Alaska—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of appropriation for increased force in the General Land Office—to the Committee on Appropriations, and ordered to be printed.

A letter from the Attorney-General, transmitting a list of judgments rendered in the Court of Claims in Indian depredation cases—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. LACEY, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 16280) to open for settlement 505,000 acres of land in the Kiowa, Comanche, and Apache Indian reservations in Oklahoma Territory, reported the same with amendments, accompanied by a report (No. 3661); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BROMWELL, from the Committee on the Post-Office and Post-Roads, to which was referred the bill of the House (H. R. 16942) to prevent robbing the mail, to provide a safer and easier method of sending money by mail, and to increase the postal revenues, reported the same with amendments, accompanied by a report (No. 3662); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HEATWOLE, from the Committee on Printing, to which was referred the bill of the Senate (S. 4261) to provide for printing, and binding in cloth, additional copies of the first edition of Government documents and publications for distribution to the designated depository libraries in lieu of the sheep-bound copies of the document edition, so called, now supplied to said libraries, reported the same with amendments, accompanied by a report (No. 3663); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6024) granting a pension to Rebecca A. Glass, reported the same without amendment, accompanied by a report (No. 3664); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6356) granting an increase of pension to Adah I. Miller, reported the same without amendment, accompanied by a report (No. 3665); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 7166) granting an increase of pension to Fanny Farmer, reported the same without amendment, accompanied by a report (No. 3666); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 7202) granting an increase of pension to Fanny B. Orwan, reported the same without amendment, accompanied by a report (No. 3667); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 1087) granting a pension to Matthew W. Lincoln, reported the same with amendments, accompanied by a report (No. 3668); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 10760) granting a pension to Wallace L. Scott, reported the same with amendment, accompanied by a report (No. 3669); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 17298) granting an increase of pension to Clara E. Smith, reported the same without amendment, accompanied by a report (No. 3670); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. MUDD: A bill (H. R. 17307) to authorize the Anacostia, Surrattsville and Brandywine Electric Railway Company to extend its street railway in the District of Columbia—to the Committee on the District of Columbia.

By Mr. STEPHENS of Texas: A bill (H. R. 17308) providing for the trial of certain citizenship cases in the United States courts in the Indian Territory—to the Committee on the Judiciary.

By Mr. THOMPSON: A bill (H. R. 17309) to appropriate $100,000 for the relief of parties for property taken from them by military forces of the United States—to the Committee on War Claims.

By Mr. MANN: A bill (H. R. 17310) to establish a fish-hatching and fish-cultural station at Chicago, Ill.—to the Committee on the Merchant Marine and Fisheries.

By Mr. McRAE: A bill (H. R. 17311) authorizing the State of Arkansas to fix its western boundary—to the Committee on the Judiciary.

By Mr. POWERS of Maine (by request): A bill (H. R. 17312) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1903, and for prior years—to the Committee on Appropriations.

By Mr. LITTLE: A bill (H. R. 17313) authorizing the Court of Claims to resume consideration of the case of the Eastern Cherokees against The United States, and for other purposes—to the Committee on Indian Affairs.

By Mr. FEELY: A bill (H. R. 17314) to increase the limit of cost of the United States post-office at Oak Park, Ill.—to the Committee on Public Buildings and Grounds.

By Mr. SMITH of Illinois: A bill (H. R. 17315) for the further prevention of the spread of communicable diseases in the District of Columbia—to the Committee on the District of Columbia.

By Mr. GREEN of Pennsylvania: A bill (H. R. 17316) to increase the limit of cost of the United States post-office at Allentown, Pa.—to the Committee on Public Buildings and Grounds.

By Mr. GAINES of Tennessee: A bill (H. R. 17317) to prevent the exportation and sale of goods made in the United States at a less price than the same class and kind of goods are sold to the people of the United States—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 17318) to prevent the exportation through postal service of goods made in the United States sold, or to be sold, at a price less than the same goods, kind and quality, are sold in the United States—to the Committee on Interstate and Foreign Commerce.

By Mr. HEATWOLE: A concurrent resolution (H. C. Res. 85) for printing 19,000 copies of Review of the World's Commerce for the year 1902—to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BOREING: A bill (H. R. 17319) for the relief of James Denton—to the Committee on Claims.

By Mr. DICK: A bill (H. R. 17320) granting an increase of pension to Orin P. Stoffer—to the Committee on Invalid Pensions.

By Mr. GILLETT of Massachusetts: A bill (H. R. 17321) granting an increase of pension to William B. Kimball—to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 17322) for the relief of Mary Jane Pollard, widow of William Pollard, late second assistant engineer, United States Navy—to the Committee on Claims.

By Mr. LITTLE: A bill (H. R. 17323) to appropriate $2,010 to pay findings of Court of Claims to Constant P. Wilson, as administrator—to the Committee on War Claims.

By Mr. MOSS: A bill (H. R. 17324) granting a pension to Rebecca Cardwell—to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: A bill (H. R. 17325) granting an increase of pension to Clara Eugenia Kramer—to the Committee on Pensions.

By Mr. SOUTHARD: A bill (H. R. 17326) granting a pension to Julia E. Young—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER: Resolution of the board of supervisors of Erie County, Ky., in favor of the good-roads bill—to the Committee on Agriculture.

By Mr. COOMBS: Resolutions of City Front Federation, of San Francisco, Cal., favoring the repeal of the desert-land law—to the Committee on the Public Lands.

By Mr. HENRY of Connecticut: Petition of retail druggists of New Britain, Conn., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. LITTLE: Petition of full-blood Choctaw and Chickasaw Indians, praying an enabling act to permit them to remove to the Republic of Mexico—to the Committee on Indian Affairs.

By Mr. MUTCHLER: Resolutions of Lehigh Lodge, No. 403, of Easton, Pa., International Machinists, favoring the repeal of the desert-land law—to the Committee on the Public Lands.

By Mr. PADGETT: Paper to accompany House bill granting a pension to Alexander Bennett—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Indiana: Petition of Cigar Makers' Union No. 37, of Fort Wayne, Ind., favoring House bill 16457, relating to gifts in connection with the sale of tobacco and cigars—to the Committee on the Judiciary.

By Mr. RYAN: Resolutions of the board of aldermen of Erie County, N. Y., in favor of House bill 15369, known as the good-roads bill—to the Committee on Agriculture.

By Mr. SHACKLEFORD: Petitions of retail druggists of Boonville and Macks Creek, Mo., favoring the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. STEVENS of Minnesota: Protest of Crown of the West Lodge, No. 135, and Ramsey County Lodge, No. 331, Order of B'rith Abraham, of St. Paul, Minn., against the exclusion of Jewish immigrants at the port of New York—to the Committee on Immigration and Naturalization.

Also, petition of Charles T. Heller and other druggists, of St. Paul, Minn., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, resolutions of the St. Paul Chamber of Commerce against the removal of the dam at the mouth of the Minnesota River—to the Committee on Rivers and Harbors.

By Mr. WANGER: Resolutions of McKinley Lodge, No. 283, Order of B'rith Abraham, of Pottstown, Pa., relating to methods of the immigration bureau at the port of New York—to the Committee on Immigration and Naturalization.

By Mr. WILEY: Petition of Webster & Ruff, druggists, of Lapine, Ala., urging the passage of House bill 178, for the reduction of the tax on achohol—to the Committee on Ways and Means.

By Mr. ZENOR: Resolution of the Commercial Club of New Albany, Ind., for 9-foot draft of water in the Ohio River—to the Committee on Rivers and Harbors.

HOUSE OF REPRESENTATIVES.

SUNDAY, *February 8, 1903.*

The House met at 12 o'clock m.

Mr. WILLIAM J. BROWNING, Chief Clerk, called the House to order and read the following communication:

FEBRUARY 8, 1903.

I hereby designate as Speaker pro tempore for this day Hon. RICHARD WAYNE PARKER, of New Jersey.

D. B. HENDERSON, *Speaker.*

The Chaplain, Rev. HENRY N. COUDEN, D. D., offered the following prayer:

Almighty Father, whose spirit is everywhere present to uphold, strengthen, and guide Thy children in the discharge of the cares and responsibilities which must needs come to us in this earthly existence. We thank Thee for the holy Sabbath day, which takes us, if we will, out of the busy whirl and turmoil of life's activities, not only to quiet and rest, but to a contemplation of the larger relationships of life with Thee and our fellow-men. We thank Thee for whatever is great in men as financiers, as discoverers, as statesmen, as scholars or teachers of truth and righteousness, but above all we thank Thee for that full rounded-out character in men which lifts them above self in poise and nobility of soul. We bless Thee for all whom Thou hast raised up to be leaders of men, especially for the men of America who have wrought and woven into the fibers of our nation their characters, which make it strong and great; and as we gather here to-day, help us to call

to mind whatever was noble and pure and lofty in those whom we would honor by this sacred service, and let Thy loving arms be about those who are near and dear to them in the ties of kinship, to comfort and sustain them in that blessed hope of the immortality of the soul, through Jesus Christ our Lord. Amen.

The Journal of yesterday's proceedings was read and approved.

ORDER OF PROCEDURE FOR THIS DAY.

The SPEAKER pro tempore. The Clerk will read the order under which the proceedings of this day will be governed.

The Clerk read as follows:

On motion of Mr. GARDNER, of New Jersey, by unanimous consent,

Resolved, That the House meet on Sunday, the 8th day of February, 1903, at 12 o'clock noon, for the consideration of resolutions commemorative of the life, character, and services of the late Gen. WILLIAM J. SEWELL, a Senator of the United States from the State of New Jersey.

On motion of Mr. FLANAGAN, by unanimous consent, it was

Resolved, That when the House meets on Sunday, the 8th day of February, 1903, it shall consider appropriate resolutions memorial of the public services and life of Hon. JOSHUA S. SALMON, late a Representative from the Fourth Congressional district of New Jersey.

EULOGIES ON THE LATE SENATOR SEWELL.

Mr. GARDNER of New Jersey. Mr. Speaker, I offer the following resolution.

The Clerk read as follows:

Resolved, That this House has heard with sincere regret the announcement of the death of the Hon. WILLIAM JOYCE SEWELL, late a Senator of the United States from the State of New Jersey, and tenders to the family of the deceased the assurance of its profound sympathy with them in the bereavement they have been called upon to sustain, and the further assurance that this House recognizes the lofty patriotism and eminent abilities of the deceased and the value of his long and distinguished public service to his country.

Resolved, That the Clerk be directed to transmit to the family of Mr. SEWELL a certified copy of the foregoing resolution.

Mr. GARDNER of New Jersey. Mr. Speaker, before proceeding, I desire to ask unanimous consent for general leave to print on this resolution. It so comes about that at least five distinguished gentlemen who were to speak here to-day, Mr. DALZELL of Pennsylvania, Mr. GROSVENOR of Ohio, Mr. BINGHAM and Mr. ADAMS, of Pennsylvania, and Mr. MCDERMOTT of New Jersey, are either confined to their homes by sickness or are unavoidably absent. It is desirable that they, at least, should be able to place their tributes of respect upon the RECORD.

The SPEAKER pro tempore. The gentleman from New Jersey asks unanimous consent that general leave to print may be granted upon the resolution just read. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

[Mr. GARDNER of New Jersey addressed the House. See Appendix.]

Mr. MCCLELLAN. Mr. Speaker, many years ago, when a little boy, I was taken by my father to a session of the senate of the State of New Jersey. What particularly impressed my childish mind was the presence of the presiding officer. I can remember the respect and admiration I felt for him. I thought he was one whose example all might follow. A quarter of a century has passed since then, and during that time my first impression of WILLIAM J. SEWELL has grown stronger with the years. Although my lot has been cast in another State, I have always felt a Jerseyman's pride in her strong men, and a Jerseyman's love for those who have made her famous.

SEWELL occupied the seat of Jonathan Elmer, of John Rutherford, of Richard Stockton, and Jonathan Dayton. With such a parliamentary ancestry it would not have been surprising had he been lost in the shadow of his forebears; yet SEWELL stands out as the representative of all that has made New Jersey and that has made this great nation of ours what they are to-day.

Honesty and ability are the presupposed possessions of every man who enters the Senate, but in addition to these essentials SEWELL possessed a manhood and a manliness that were worthy of the best traditions of our history. A gallant soldier in the Army of the Potomac, with a dash and daring that came of his Irish blood, a masterful ruler of men in politics, he achieved success and fame through his own exertions and because he never compromised with his sense of right.

Although he was a militant partisan, he never permitted party prejudice to swerve him from the path of righteousness. No more splendid page is written in our history than that which contains the story of SEWELL'S moral courage in the Fitz-John Porter case. Undeterred by the fact that it had become a party issue, undaunted by the pressure of social and political friends, it was enough for him to believe that a great wrong had been done to a gallant soldier, and, taking his very political life in his hands, he fought the good fight through to victory. Those who knew the man expected nothing other from him. His fight in this particular case was but an incident in the battle he waged through life—a constant struggle of all that was just and honest and true—a struggle that is crowned to-day with the victory of the love and respect of all who knew him.

Mr. HULL. Mr. Speaker, it was not my good fortune to know General SEWELL previous to my entrance into Congress. While I had met him at great conventions, it was in such manner as to only acquire a casual knowledge of the man; but when I came here and he entered the Senate the lines of legislation threw us together so closely that I learned to know him well, to have a profound respect for his judgment, and to have an admiration and love for the man. The life and achievements of Senator SEWELL, as outlined by the gentleman from New Jersey [Mr. GARDNER] this morning, are the greatest tribute that can be paid to the genius of American institutions in affording such men from any country the opportunity to work out their own great destinies, as well as the greatest tribute to the Senator himself.

Coming to this country, as stated, a poor, unknown boy, entering the Army of the Union to battle for the life of the Republic and the perpetuation of free institutions, fighting his way up without any fictitious aids, rank by rank, step by step until, as stated, he left the Army of the United States at the close of the civil war with the high rank of brevet major-general—he achieved much of military glory. Then, turning to civil life with the same energy, the same integrity, the same courage, the same intelligence and high purpose, he carved for himself a place both in business and in politics that makes him stand unrivaled among the sons of New Jersey.

His life and his achievements, his accomplishments, his character, all leave an inspiration for the future, not only to the sons of New Jersey, but to the young men of the Republic wherever the history of the country is studied. To the Senate of the United States he brought a trained intellect, a thorough knowledge of politics and Government, and when he was on committees of conference, his judgment almost invariably was of such character, backed by such reason, that the conferees associated with him, almost without exception, yielded to his desires, his wishes, or his arguments.

Mr. Speaker, during this busy life in the Senate of the United States, at the head of a great railroad corporation, looking after multitudinous questions that affected those associated with him, both in politics and business, there never was a time when this great hearted Scotch-Irish American was not ready to turn aside from his busy pursuits to look after the interests of those who served their country with him during the days of the civil war. Most men in his position would have had enough to do to occupy them fully, either as president of that great corporation or as a Senator of the United States. Mr. SEWELL, however, attended to both, and then gave enough time to see to it that in the great homes that are built up by this generous Government to care for those who battled for the flag during the days of the rebellion their inmates were cared for, their wants supplied, and the best interests of the homes at all times advanced.

I regret that it was not my privilege to know him more in his home life. One evening I was a guest at his home for a short time, and I found there that the people of his neighborhood, the statesmen who were visiting his locality on that occasion, went to his house to spend of the evening the hours that were left in converse with this sage of New Jersey. There, too, through that gentleness, that hospitality, courtesy, and kindness which so pervaded his nature, as well as the ability with which he presented the different questions that came before us in our conversation, I learned to admire him in that place as I had learned to love and admire him in his public life. It is a great tribute to any American to say that his home life is perfect, and that is all that was needed, to my mind, to round out the splendid career of this great man. I am glad to be here to-day to listen to that part of the tribute of my friend from New Jersey [Mr. GARDNER] and to pay my tribute of respect, feeble as it may be, to this man who adopted our country and added renown and glory to her citizenship.

Mr. STEELE. Mr. Speaker, it was my good fortune to know Senator WILLIAM J. SEWELL well, the acquaintance beginning during the session of the Forty-seventh Congress, while he was serving as Senator and as a member of the Committee on Military Affairs, and I was a member of the House on the same committee, where we were thrown together quite frequently. It was only necessary to be with Senator SEWELL a very short time in order to be impressed with his superb qualifications as a business man. I came to know him better on account of our association as members of the Board of Managers of the National Soldiers' Homes from 1891 until his death. To those who did know him well it is not surprising to learn from his biography that, although he came to this country from another as a poor boy, he succeeded in every undertaking to the satisfaction of his friends and, no doubt, of himself.

He shipped as a boy, bound for the Pacific, and became the first officer before the end of the voyage. He enlisted as a private at the outbreak of the civil war, and closed his military

career as a major-general. Whether in military life or in business life, it was always the same with him; he landed at the head of every enterprise in which he was engaged, without regard to where he started. He was three times president of the senate of his State, and elected three times as a Senator of the United States. Six times was he chairman of the State delegation to the national conventions. He was one of the oldest members in continuous service of the Board of Managers of the National Soldiers' Homes at the time of his death. He served one year as its president, utterly refusing further election to this important office on account of pressing business engagements too numerously made to become a member of the board, notwithstanding the earnest desire of his fellow-members that he should do so. He showed great interest, in fact, unusual interest, in the philanthropic business of the board.

Senator SEWELL was a quiet, modest, and unobtrusive man, able, forceful, honest, and strong. He was held in the highest esteem by all whose fortune it was to know him. He was a faithful, loyal, and affectionate husband and father. He was loved and revered by his family. I attended his funeral and was not surprised to learn in what high esteem he was held by the citizens of New Jersey, and especially of those of the city of Camden, in which he lived, every business house, large or small, of whatever character, being absolutely closed. The memory of such men truly live after them.

Mr. STEWART of New Jersey. Mr. Speaker, death is regarded in the religions and poetry of all nations both as a destroyer and deliverer; as a sting as well as a blessing; as a consummation, and a sad interruption; as a curse and a benediction.

It requires faith unquestioned and profound to believe that death is other than a curse when it takes a beloved one in the heyday of youth, in the roseate hour of hope and promise; but we are in a measure satisfied when the grim messenger takes one from our ranks whose life work has been crowned, whose career ended, is brilliant and replete. Life then prolonged is but repetition, cumulative, and oftentimes monotonous.

The life of Senator SEWELL was complete, was crowned, was finished, full of useful labor and distinguished success.

Born in Ireland in lowly, middle rank, he succeeded by sheer merit and ability to reach the highest office in the nation eligible to the foreign born.

He was a commanding figure and power in his State, and a United States Senator of wonderful influence and prestige. In his adopted State he was a man of large affairs and influence, and his strength was always directed to increase its commercial, manufacturing, and agricultural interests, and New Jersey properly appreciates the efforts of Senator SEWELL in the development of her interests along these lines.

But it is as a soldier, courageous, daring, ever intrepid, that General SEWELL's enduring fame will largely rest.

The story of his soldier life, and his deeds of heroism read like a romance. Who will ever forget SEWELL at Chancellorsville and his brilliant achievements in that great battle?

General Sickles in his official report of the battle says:

> Charge after charge was made by this gallant brigade under Colonel SEWELL, Fifth New Jersey, upon whom the command devolved (after the loss of General Mott and Colonel Park, Second New York Volunteers, wounded) before it was withdrawn, terribly reduced and mutilated, from the part assigned it. Its stern resistance to the impulsive assaults of the enemy and the brilliant charges made in return were worthy of the "Old Guard." No soldier could refuse a tribute of admiration in remembrance of the last charge made. A small body, for a regiment, drove the enemy out of the rifle pits near Fairview before withdrawing and returned with 40 men, whose sole reliance in this charge was in the bayonet, every cartridge having been exploded moments before.

Such was SEWELL, the soldier.

SEWELL in appearance was essentially military, and his mind was in the mold of the hero. Always taciturn, his silence was as significant and sometimes as ominous as the sphinx, and filled you with apprehension that what he would do next might "make or unmake him quite."

His purpose was always lofty, never trivial; he loved his adopted country with a chivalrous and courtly devotion, and was always ready to immolate his services, his means, yes, life itself, on its altars.

General SEWELL was a polished gentleman, withal, not demonstrative but strongly and warmly attached to his friends, and as constant in his friendship as destiny. He believed friendship to be the "sweetener of life, the cement of the soul, the solder of society," nor was he unforgiving toward his enemies; his soul harbored no bitterness; it was gentle and kind and his whole bearing and conversation toward those he came in social or official contact tended to encourage and help.

SEWELL as has been said was a silent man, but when he spoke a kindly smile would often irradiate his stern face and his words would be low and sweet and full of friendly interest.

His memory comes to us not in a "robe of mourning and in a faded light," but in brilliant colors and colossal figures as a dignified statesman, a heroic soldier, a stately citizen, and a constant friend.

We are satisfied that time will add to the estimate of SEWELL's worth and services, and that a just posterity will regard his military exploits and civic employments at a much higher standard even than is so generously accorded by his contemporaries.

In these memorial services we note in halting words the life of those we think we know sufficiently to testify concerning.

Our lives are involved, too, most of us in a less conspicuous sense, but all amply within their limitations. We alone know surely our purpose and inspiration, but let us all sincerely hope that each of us in our public efforts, and in our private concerns and friendships, will be guided by the spirit General SEWELL was controlled by—a lofty and generous patriotism and unselfish devotion to duty, and a magnificent and enduring love of mankind.

In parting we salute the splendid and distinguished dead, while we abide a while in the shadow of the Great Mystery with the waiting and anxious living.

Mr. FOWLER. Mr. Speaker, now neither the birthplace nor the parentage of WILLIAM J. SEWELL interests us or those who shall come after us, beyond the simple matter of history.

But what he aspired to be, what he did, and what he was are matters of vast importance, since his life is a priceless heritage. Ours is an age of true hero worship in the largest and best sense of the term; and the life of WILLIAM J. SEWELL will long be an inspiration to every lad of New Jersey, where the potentiality of his personal influence will never cease if the secondary or reflected power of his soul shall be taken into the range of our contemplation.

What WILLIAM J. SEWELL did has been recounted elsewhere, and his achievements have also been reviewed here to-day; therefore, I shall pay my tribute of respect to this natural leader and chieftain of men by recalling those qualities and characteristics which, combining, it seems to me, made him what he was.

His purpose never slept. He knew as well as any man I ever met that one of the most striking differences between men in the race of life is the measure of determination. His determination was invincible. His energy was measured by his heart beats. He died like a warrior in the fury of battle, restless because he must rest.

Buoyed up and borne along by a God-like will, he clearly saw that—

> True ambition there alone resides
> Where Justice vindicates and Wisdom guides.
> Wouldst thou be famed? Have those high acts in view
> Brave men would act.

He clearly saw that all work is noble if nobly done, and every task was so nobly wrought by him that it was turned into a stepping-stone to a higher and broader plane of action, where duties multiplied and burdens heavier grew, only to bring new opportunities to his aspiring soul. Through well doing, from round to round, he mounted the ladder of fame and held his place with equal poise. As step by step he gained his vantage ground, he left no doubt in any mind that his "words were bonds." Indeed, there were those—

> Who scanned the actions of his daily life
> With all the industrious malice of a foe,
> And nothing met their eyes but deeds of honor.

Nor was his the honor, confined and measured by subtle speech whose terms fixed narrow bounds for his interpretation, but rather that which sounds in wisdom and knows no limitation except what justice makes. By every instinct he seemed to know that honor, indeed, is the finest sense of justice the human mind can frame; and being so happily and fortunately constituted he could—

> Poise the cause in justice's equal scale,
> Whose beam stands sure, whose rightful cause prevails.

Herein lay the wisdom of his party leadership more than in practice and experience, for the former was absolutely essential, while the latter could only be a helpful incident in such consummate success as his.

His life was one of many relationships, and he almost invariably, with unerring discernment, could detect the false and discover the true, and, realizing that a false friendship, like clambering vines, shades and rots the walls it covers, while true friendship brings to life the brightest sunshine and sweetest pleasures, he recognized and held as friends only tried and transparent characters.

No one ever charged him with disloyalty nor placed a limit to the measure of the support to which he was justly entitled. He never forgot a friend, and he requited every favor fourfold.

He was a stranger to the sense of ingratitude, and though he almost personified reserve in his military mien his heart was as tender as a child's.

These were the qualities which, uniting in his soul, made him a patriot of heroic mold.

Never shall I forget his patriotic words when his heart had been touched by the presentation of a token of friendship, upon which he discovered the name of his wife interwrought with his own.

Alluding to his love for that country which had made it possible for him to do so much for himself, with an emotion he only with the greatest difficulty could partly conceal, he expressed a profound regret, evidently most sincere, that it had not been his glorious fortune to fall in battle fighting for her cause. He said that this had been the one earnest desire of his life, and that when from political considerations, urged by his colleagues in the United States Senate, he could not accept the commission tendered him by President McKinley, he willingly and gladly laid both of his boys upon the altar of his country.

Of him it can be truly said:

My country claims me all, claims every passion,
Her liberty henceforth be all my thought,
Though with a brother's life cheaply bought,
For her mine own I'd willingly resign,
And say with transport that the gain was mine.

WILLIAM J. SEWELL possessed the will of a god, and was inspired by a noble ambition. He was wise, he was grateful, he was loyal, he was brave. "His integrity was as spotless as a star." His life was as pure as a bar of light. He loved his country, and the full measure of his devotion to her was not found in his own life nor in the priceless lives of his two sons which he gladly proffered, but in an earnest desire that his blood might be poured out on the battlefield in defense of her flag.

Mr. PARKER. Mr. Speaker, the life of WILLIAM JOYCE SEWELL was a romance. He was a little boy in an Irish town, where his father, an Englishman, held some office, I believe, in the internal revenue. His mother was one of the Irish gentry, but that boyhood was spent in poverty. As a youth he became a sailor amid the islands of the Pacific. Then he came here and was a soldier for the Union, decorated for bravery with a medal of honor, retired after four years as brigadier-general and brevet major-general, and still in his early manhood.

He began life anew as the captain of a freight yard. He rose in the same quick fashion to be superintendent and president of a railroad that was one of the great branches of the Pennsylvania system. Then, as a politician, first as State senator, he suddenly came into command of the political circles of his State—a command that was almost as military as that which he had exercised in the Army. Elected Senator of the United States amid a storm of opposition, defeated for his second term, he was finally reelected by acclamation, taking a place here at the head of the nation, where he was the trusted adviser of our wisest Presidents and carried the weight and strength of the man who is born to rule.

One fact alone will show this. The President wished to make him a major-general in the Spanish war. His associates could not spare him from the Senate and begged him to remain.

Such a life is a romance, but it is one that is not easy to tell. His nearest friends know how deeply he loved them, how thoroughly he trusted them, how loyal he was to them, how fully he felt for them, how eager he was to advance all those in whom he believed. But his nearest friends heard very little about himself. He was the lifelong soldier, who acted instead of talking, who decided instead of remembering, and who thought only for a purpose.

And yet all this kind of description tells very little about him, either to friends or to strangers. It tells very much more of his heart to know that in manhood he went back to the little Irish town where he had spent his boyhood, in order to go past and look at the house where his mother had lived, but without the heart to go in, because it was occupied by strangers. It tells something more to remember the more than brotherly affection which always prevailed between himself and his brother, Robert Sewell, the lawyer of New York, who had come here almost with him, where the two brothers had helped each other in their new country in the New World.

At the battle of Williamsburg he was a young captain of infantry. I think it was his first field. A fieldpiece and some ammunition had been captured from the other side. He took possession of it, like the sailor that he was—ready for everything—and with two or three men to help him was serving the piece against its former owners. At this time General Kearney rode up and asked him his name and his regiment. He said, "Do you belong to the artillery?" "No; to the infantry." "How did you come to serve the gun?" And when it was explained, he said, "Be kind enough to give General Kearney's compliments to your colonel and say to him that you are a gallant and efficient young officer whose conduct ought to be commended."

General SEWELL was prouder of this, his first commendation in his first battle, than perhaps of any other. The military phase of his character remained throughout his life. It was almost as a chief that he always received his friends in the receptions which were held by him, crowding his rooms at Trenton, whenever he went to the State capital. Within what he deemed to be his own sphere he disposed of all matters with military promptness and precision, and yet no one could be more regardful of the sphere of influence of others. His delicate deference to the wishes of representatives whose opinions differed from his own was as marked as his autocratic rule where he had the right. His sensitive honor was shown by the fact that as ex-senator of the State, and at one time ex-Senator of the United States, he always refused to exercise the privilege of going upon the floor.

He began his political career in New Jersey amid the most bitter opposition. Before his death he had conquered the respect and love of those who had been most opposed to him. He lived simply. He made no display. He was a magnate in railroad circles, but no one would have known it from his ways. He did his duty through life, never fearing to assume new work, until what he had to do in business, in statecraft, in charity among the old soldiers and elsewhere, finally overwhelmed him.

When he died the whole State went into mourning. His funeral was a spontaneous outburst of grief. For courage, loyalty, truth, and courtesy, whether as soldier, statesman, citizen, or man, the memory of WILLIAM JOYCE SEWELL is dear to his friends, who are found wherever his work was done, whether in war, in government, or in the pursuits of peace. Let us keep such memories green.

Blest is the land whose heroes still have life
Within the heart-world of their countrymen,
Inspiriting its youth to noble deeds
And love of what has made it free and great.

The SPEAKER pro tempore. Are there any further remarks? The question is upon the adoption of the resolutions.

The question was taken, and the resolutions were unanimously agreed to.

DEPARTMENT OF COMMERCE.

Mr. HEPBURN. Mr. Speaker, I desire to present a conference report, in order that it may be printed in the RECORD, upon the disagreeing votes of the two Houses on the Senate bill 569, to establish the department of commerce and labor.

The SPEAKER pro tempore. The gentleman from Iowa, chairman of the Committee on Interstate and Foreign Commerce, presents a conference report and asks that it may be printed in the RECORD. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 569) "to establish the department of commerce and labor," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with amendments as follows: Page 2, line 8 of the amendment, strike out all after the word "Congress" to the end of section 2 and insert in lieu thereof the following: "and the Auditor for the State and other Departments shall receive and examine all accounts of salaries and incidental expenses of the office of the secretary of commerce and labor, and of all bureaus and offices under his direction, all accounts relating to the Light-House Board, Steamboat-Inspection Service, Immigration, Navigation, Alaskan fur-seal fisheries, the National Bureau of Standards, Coast and Geodetic Survey, Census, Department of Labor, Fish Commission, and to all other business within the jurisdiction of the department of commerce and labor, and certify the balances arising thereon to the division of bookkeeping and warrants and send forthwith a copy of each certificate to the secretary of commerce and labor."

Page 3, line 15 of the amendment, insert, after the word "Establishment," the following: "the Steamboat-Inspection Service, the Bureau of Navigation, the United States Shipping Commissioners."

Page 4, line 3 of the amendment, strike out the word "Commissioner" and insert in lieu the word "Commission."

Strike out all of section 6 and insert in lieu the following:

"SEC. 6. That there shall be in the department of commerce and labor a bureau to be called the bureau of corporations, and a commissioner of corporations who shall be the head of said bureau, to be appointed by the President, who shall receive a salary of $5,000 per annum. There shall also be in said bureau a deputy commissioner, who shall receive a salary of $3,500 per annum and who shall in the absence of the commissioner act as and perform the duties of the commissioner of corporations, and who shall also perform such other duties as may be assigned to him by the secretary of commerce and labor or by the said commissioner. There shall also be in the said bureau a chief clerk and such special agents, clerks, and other employees as may be authorized by law.

"The said commissioner shall have power and authority to make, under the direction and control of the secretary of commerce and labor, diligent investigation into the organization, conduct, and management of the business of any corporation, joint-stock company, or corporate combination engaged in commerce among the several States and with foreign nations, excepting common carriers subject to 'an act to regulate commerce,' approved February 4, 1887, and to gather such information and data as will enable the President of the United States to make recommendations to Congress for legislation for the regulation of such commerce, and to report such data to the President from time to time as he shall require; and the information so obtained, or as much thereof as the President may direct shall be made public.

"In order to accomplish the purposes declared in the foregoing part of this section, the said commissioner shall have and exercise the same power and authority in respect to corporations, joint-stock companies, and combinations subject to the provisions hereof as is conferred on the Interstate Commerce Commission in said 'act to regulate commerce' and the amendments thereto in respect to common carriers so far as the same may be applicable, including the right to subpœna and compel the attendance and testimony of witnesses

and the production of documentary evidence and to administer oaths. All the requirements, obligations, liabilities, and immunities imposed or conferred by said 'act to regulate commerce' and by 'an act in relation to testimony before the Interstate Commerce Commission,' etc., approved February 11, 1893, supplemental to said 'act to regulate commerce,' shall also apply to all persons who may be subpœnaed to testify as witnesses or to produce documentary evidence in pursuance of the authority conferred by this section.

"It shall also be the province and duty of said bureau, under the direction of the secretary of commerce and labor, to gather, compile, publish, and supply useful information concerning corporations doing business within the limits of the United States as shall engage in interstate commerce or in commerce between the United States and any foreign country, including corporations engaged in insurance, and to attend to such other duties as may be hereafter provided by law."

Page 6, line 8, of the amendment, after the word "required," insert the words "by the secretary of commerce and labor."

Page 7, line 7, of the amendment, after the word "labor," insert the following: "*Provided*, That nothing contained in this act shall be construed to alter the method of collecting and accounting for the head tax prescribed by section 1 of the act entitled 'An act to regulate immigration,' approved August 3, 1882."

Page 8, line 2, of the amendment, after the word "in," insert the words "or by."

In lieu of section 10 of the amendment insert the following:

"SEC. 10. That all duties performed and all power and authority now possessed or exercised by the head of any executive department in and over any bureau, office, officer, board, branch, or division of the public service by this act transferred to the department of commerce and labor, or any business arising therefrom or pertaining thereto, or in relation to the duties performed by and authority conferred by law upon such bureau, officer, office, board, branch, or division of the public service, whether of an appellate or revisory character or otherwise, shall hereafter be vested in and exercised by the head of the said department of commerce and labor.

"All duties, power, authority, and jurisdiction, whether supervisory, appellate, or otherwise, now imposed or conferred upon the Secretary of the Treasury by acts of Congress relating to merchant vessels or yachts, their measurement, numbers, names, registers, enrollments, licenses, commissions, records, mortgages, bills of sale, transfers, entry, clearance, movements, and transportation of their cargoes and passengers, owners, officers, seamen, passengers, fees, inspection, equipment for the better security of life, and by acts of Congress relating to tonnage tax, boilers on steam vessels, the carrying of inflammable, explosive, or dangerous cargo on vessels, the use of petroleum or other similar substances to produce motive power, and relating to the remission or refund of fines, penalties, forfeitures, exactions, or charges incurred for violating any provision of law relating to vessels or seamen or to informer's shares of such fines, and by acts of Congress relating to the Commissioner and Bureau of Navigation, shipping commissioners, their officers and employees, Steamboat-Inspection Service and any of the officials thereof, shall be, and hereby are, transferred to and imposed and conferred upon the secretary of commerce and labor from and after the time of the transfer of the Bureau of Navigation, the shipping commissioners, and the Steamboat-Inspection Service to the department of commerce and labor, and shall not thereafter be imposed upon or exercised by the Secretary of the Treasury. And all acts or parts of acts inconsistent with this act are, so far as inconsistent, hereby repealed."

Page 10, line 12 of the amendment, strike out the words "or the Interstate Commerce Commission," and insert the following: "from the Department of State, the Department of the Treasury, the Department of War, the Department of Justice, the Post-Office Department, the Department of the Navy, or the Department of the Interior."

Page 11, line 6 of the amendment, after the word "act," insert the words "other than those of section 12."

And the House agree to the same.

W. P. HEPBURN,
JAMES R. MANN,
WILLIAM RICHARDSON,
Managers on the part of the House.

M. A. HANNA,
KNUTE NELSON,
A. S. CLAY,
Managers on the part of the Senate.

The statement of the House conferees is as follows:

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 569) to establish the department of commerce and labor, submit the following written statement in explanation of the effect of the action recommended in the accompanying conference report.

The substitute amendment of the House is agreed to with various amendments.

The first of these amendments is to strike out the provision in the House substitute in reference to the auditing of accounts and to insert in lieu thereof the following:

"The Auditor for the State and other departments shall receive and examine all accounts of salaries and incidental expenses of the office of the secretary of commerce and labor, and of all bureaus and offices under his direction, all accounts relating to the Light-House Board, Steamboat-Inspection Service, immigration, navigation, Alaskan fur-seal fisheries, the National Bureau of Standards, Coast and Geodetic Survey, Census, Department of Labor, Fish Commission, and to all other business within the jurisdiction of the department of commerce and labor, and certify the balances arising thereon to the division of bookkeeping and warrants, and send forthwith a copy of each certificate to the secretary of commerce and labor."

This language more nearly conforms with the present law upon the subject of auditing accounts.

The second amendment to the House substitute provides for the transfer from the Treasury Department to the department of commerce and labor of the Steamboat-Inspection Service, the Bureau of Navigation, and the United States shipping commissioners.

The third amendment agreed to is to insert the word "commission," instead of the word "commissioner," in the description "Fish Commission," the Commissioner of Fish and Fisheries being already included.

The fourth amendment agreed to inserts, after the word "required," in section 5, the words "by the secretary of commerce and labor," so as to provide that consular officers shall send reports, under the direction of the Secretary of State, as often as required by the secretary of commerce and labor.

The fifth amendment agreed to is to strike out all of section 6 of the House substitute and to insert in lieu thereof the following:

"SEC. 6. That there shall be in the department of commerce and labor a bureau to be called the bureau of corporations, and a commissioner of corporations who shall be the head of said bureau, to be appointed by the President, who shall receive a salary of $5,000 per annum. There shall also be in said bureau a deputy commissioner, who shall receive a salary of $3,500 per annum, and who shall, in the absence of the commissioner, act as, and perform the duties of, the commissioner of corporations, and who shall also perform such other duties as may be assigned to him by the secretary of commerce and labor or by the said commissioner. There shall also be in the said bureau a chief clerk and such special agents, clerks, and other employees as may be authorized by law.

"The said commissioner shall have power and authority to make, under the direction and control of the secretary of commerce and labor, diligent investigation into the organization, conduct, and management of the business of any corporation, joint stock company, or corporate combination engaged in commerce among the several States and with foreign nations excepting common carriers subject to 'An act to regulate commerce,' approved February 4, 1887, and to gather such information and data as will enable the President of the United States to make recommendations to Congress for legislation for the regulation of such commerce, and to report such data to the President from time to time as he shall require; and the information so obtained, or as much thereof as the President may direct, shall be made public.

"In order to accomplish the purposes declared in the foregoing part of this section, the said commissioner shall have and exercise the same power and authority in respect to corporations, joint stock companies, and combinations subject to the provisions hereof as is conferred on the Interstate Commerce Commission in said 'act to regulate commerce' and the amendments thereto in respect to common carriers, so far as the same may be applicable, including the right to subpœna and compel the attendance and testimony of witnesses and the production of documentary evidence and to administer oaths. All the requirements, obligations, liabilities, and immunities imposed or conferred by said 'act to regulate commerce' and by 'An act in relation to testimony before the Interstate Commerce Commission,' etc., approved February 11, 1893, supplemental to said 'act to regulate commerce,' shall also apply to all persons who may be subpœnaed to testify as witnesses or to produce documentary evidence in pursuance of the authority conferred by this section.

"It shall also be the province and duty of said bureau, under the direction of the secretary of commerce and labor, to gather, compile, publish, and supply useful information concerning corporations doing business within the limits of the United States as shall engage in interstate commerce or in commerce between the United States and any foreign country, including corporations engaged in insurance, and to attend to such other duties as may be hereafter provided by law."

The sixth amendment agreed to is to insert at the end of the first sentence in section 7 (which provides for the transfer of the Bureau of Immigration to the new department) the following: "*Provided*, That nothing contained in this act shall be construed to alter the method of collecting and accounting for the head tax prescribed by section 1 of the act entitled 'An act to regulate immigration,' approved August 3, 1882."

The seventh amendment agreed to is to insert the words "or by" in section 9, so as to include in the transfer "all officers, clerks, and employees now employed in or by any of the bureaus," etc., transferred to the new department.

The eighth amendment agreed to is to strike out all of section 10 and insert in lieu thereof the following:

"That all duties performed and all power and authority now possessed or exercised by the head of any executive department in and over any bureau, office, officer, board, branch, or division of the public service by this act transferred to the department of commerce and labor, or any business arising therefrom or pertaining thereto, or in relation to the duties performed by and authority conferred by law upon such bureau, officer, office, board, branch, or division of the public service, whether of an appellate or revisory character or otherwise, shall hereafter be vested in and exercised by the head of the said department of commerce and labor.

"All duties, power, authority, and jurisdiction, whether supervisory, appellate, or otherwise, now imposed or conferred upon the Secretary of the Treasury by acts of Congress relating to merchant vessels or yachts, their measurement, numbers, names, registers, enrollments, licenses, commissions, records, mortgages, bills of sale, transfers, entry, clearance, movements, and transportation of their cargoes and passengers, owners, officers, seamen, passengers, fees, inspection, equipment for the better security of life, and by acts of Congress relating to tonnage tax, boilers on steam vessels, the carrying of inflammable, explosive, or dangerous cargo on vessels, the use of petroleum or other similar substances to produce motive power, and relating to the remission or refund of fines, penalties, forfeitures, exactions, or charges incurred for violating any provision of law relating to vessels or seamen or to informer's share of such fines, and by acts of Congress relating to the Commissioner and Bureau of Navigation, shipping commissioners, their officers and employees, Steamboat-Inspection Service and any of the officials thereof, shall be, and hereby are, transferred to and imposed and conferred upon the secretary of commerce and labor from and after the time of the transfer of the Bureau of Navigation, the shipping commissioners, and the Steamboat-Inspection Service to the department of commerce and labor, and shall not thereafter be imposed upon or exercised by the Secretary of the Treasury. And all acts or parts of acts inconsistent with this act are, so far as inconsistent, hereby repealed."

The principal new matter inserted in section 10 as agreed to is for the purpose of transferring the present authority vested in the Secretary of the Treasury in regard to navigation and steamboat inspection service to the secretary of commerce and labor. The amendment enumerates various acts of Congress in which the Secretary of the Treasury is now named by that title, in order to more specifically transfer his present power to the secretary of commerce and labor.

The ninth amendment agreed to is to strike out of section 12 the words "or the Interstate Commerce Commission" and insert in lieu thereof the following:" From the Department of State, the Department of the Treasury, the Department of War, the Department of Justice, the Post-Office Department, the Department of the Navy, or the Department of the Interior." The effect of this amendment is to permit the President to transfer statistical or scientific work to the department of commerce and labor from any of the Departments named, but it does not permit him to transfer the Interstate Commerce Commission or the statistical work of the Department of Agriculture or the Interstate Commerce Commission.

The tenth amendment is to insert after the word "act," in line 3 of section 13, the words, "other than those of section 12." The effect of this amendment is to make section 12 of the act take effect immediately upon its passage.

W. P. HEPBURN,
JAMES R. MANN,
WILLIAM RICHARDSON,
Managers on the part of the House.

EULOGIES ON THE LATE HON. JOSHUA S. SALMON.

Mr. FLANAGAN. Mr. Speaker, I desire to offer the following resolutions:

The Clerk read as follows:

Resolved, That, in pursuance of the special order heretofore adopted, the House proceed to pay tribute to the memory of Hon. JOSHUA S. SALMON, late a member of the House of Representatives from the State of New Jersey.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a faithful and distinguished public servant, the House, at the conclusion of the memorial proceedings of this day, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk be, and is hereby, instructed to send a copy of these resolutions to the family of the deceased.

Mr. FLANAGAN. Mr. Speaker, conforming to a venerable usage of this House, a pious and proper custom, we devote a brief hour of to-day to the memory of one who, having played well his part, has passed from us. To me, as his successor, has fallen the duty and honor of outlining, for I may but briefly outline, the life history, the virtues, and public service of the late Hon. JOSHUA S. SALMON.

Mr. SALMON was born near Mount Olive, in Morris County, N. J., February 2, 1846, the son of Gideon and Jane Van Fleet Salmon. The family had been settled in Morris County for more than a century, William Salmon having removed there from Southold, on Long Island, early in the eighteenth century and having become possessed of large tracts in the vicinity of Schooleys Mountain.

The grandfather of William Salmon had sailed from England about 1640 with his two brothers. He founded Southold, Long Island. One of his brothers settled at Elizabeth, N. J., the other in Massachusetts.

The family was of Scotch origin, and an ancestor of the name is said to have been knighted by Robert Bruce for bravery on the field. During the progress of later wars the family had removed to Suffolk County, England.

JOSHUA SALMON received his formal education at the schools of Charlottesville, N. Y., and Schooleys Mountain, N. J. He found on attaining manhood that his whole bent was toward the law and articled himself as a clerk in the office of Charles E. Schofield, of Jersey City. Here he served his apprenticeship and, when opportunity and fortune served, he rounded his education by matriculating at the Albany Law School, whence he was graduated in 1873 with the degree of LL. B. In March of the same year he was admitted to practice in New York as attorney and counselor, and in November as attorney in New Jersey. Later he became a counselor at the New Jersey bar, and in 1894 an attorney and counselor of the Supreme Court of the United States.

Immediately on his admission as an attorney at the New Jersey bar he began the serious practice of his profession in Boonton, Morris County, N. J., where he lived and had his principal office to the time of his death.

Mr. SALMON possessed all of the qualifications of a successful practitioner, and his success was only limited by the field in which fate placed him. He was a hard student, and commanded a very complete knowledge of legal principles and precedents.

He was most conscientious in the preparation of a case, with a nice care for detail that made him a formidable adversary on the day of trial. He had naturally a logical and orderly mind, and his arguments, flowing in natural sequence, were clear, incisive, and convincing. His delivery was graceful, his voice resonant and pleasing.

Mr. SALMON was counsel in many very important cases, and in the well-known case of Miller et al. *v.* Speer et al. obtained a construction by the court of errors and appeals of the statute of descents which secured for his clients a large estate. In this case, tried in 1883, the opinion, I believe, of most of the eminent jurisprudents of the bar of New Jersey and of the lower courts had been opposed to his contentions, and on the trials of the cause he had arrayed against him the best talent of New Jersey.

In March, 1893, he was appointed by Governor Werts prosecutor of the pleas for Morris County. In that position he was very successful in securing the conviction of those he prosecuted. Two famous murder trials were those of the State against Bergeman and the State against Wilson. The former case was carried to the United States Supreme Court, which sustained the verdict obtained by Mr. SALMON. The latter case was carried to the court of errors and appeals, the verdict was sustained, and Wilson paid the death penalty.

Mr. SALMON filled a very large place in the life of the city of Boonton. In every good work, in every enterprise that would add to the comfort, the welfare, or the advancement of his fellow-citizens he played an active part. He was a director of the Boonton Bank from the time of its organization in 1890, the most influential member of the board of trustees of the library, and it was so of all other public enterprises.

He was active in matters political from the time of his admission to the bar. In 1876 he was elected to the city council and held office for six years. In 1877 he was elected to the State legislature, where he served on a number of important committees and won recognition on the floor. From 1880 to 1893 he was counsel to the board of chosen freeholders of Morris County, and was counsel to the town of Boonton and a number of townships of Morris County for most of the years from the time of his admission to the bar until death found him at his desk.

On the 6th of October, 1898, Mr. SALMON received the Democratic nomination for Representative of the Fourth Congressional district of New Jersey, and at the polls in November was elected by a handsome majority. In 1900 he was reelected and served with you during the first session of this Congress; served until the 6th day of May, 1902, when the hour struck and he was called suddenly from his work and his honors.

On October 13, 1869, Mr. SALMON married Deborah Virginia Emmons. Six children blessed their union. In March, 1892, Mrs. Deborah Salmon departed this life, and in April, 1893, Mr. SALMON wedded Mrs. Emma Mains Richards, who survives him. Mr. SALMON was a member of the Masonic Order (Arcana Lodge, No. 60, Free and Accepted Masons), and of the social organizations of his city and county. He was an active communicant of the Presbyterian Church and he held an honorable position in the social and religious life of Boonton.

JOSHUA SALMON won distinction in his profession, attained high honor in politics, and held an enviable social position, but it was his own character which will live most dearly in the memory of those who knew him. He possessed a gentle nature; he gave himself, his time, and effort freely and gladly; he could not tire in Christian charity. May he sleep peacefully, secure in the faith he held.

Mr. STEWART of New Jersey. Mr. Speaker, although my heart is full of sweet memories of the late JOSHUA S. SALMON, it was not until about fifteen minutes ago that I expected to take part in these memorial exercises, and my attempt will be a very imperfect but cordial tribute to the memory of the deceased gentleman.

I became acquainted with Congressman SALMON shortly after his appearance on the floor of this House. His reputation as a lawyer of ability and industry in his State I was familiar with. I saw him last alive on the evening of the last day of his short Congressional career. I had a pair with him. He was full of exultation, happy, cheerful, and hopeful, going home to try a case at the capital of his State, and expected to be back the following Tuesday. On that Tuesday he suddenly died. He was beloved by all who knew him; stately in physique, gentle, and kindly of heart, always on the alert to do some good, self-denying, absolutely just, and generous.

He was a man who invited your confidence; one you could lean upon and ask for guidance in any doubtful crisis. He was a very resourceful man, and a legislator of tact and wisdom. Although a party man, he was singularly without prejudice or bitterness, and rancor was not a part of his nature. He was of inestimable help in his party's counsels. In private life he was plain, honest, wholesome, and true. Modest, yet strong; retiring, yet insistent and persuading when his cause was just.

We are now so frequently reminded in this Chamber of the inexorable call of death that it has become to many of us a familiar figure, and not so dark and forbidding as portrayed by the poet:

Deep in a murky cave recess,
Laved by oblivion's listless stream, and
Fenced by shelving rocks and
Intermingled boughs of yew and
Cypress shade from all obtrusion
Of the busy noontide beams,
The monarch sits in unsubstantial majesty.

Rather do we after middle life regard death as an unseen but friendly hand that leads us through the deep valley of the shadows of eternity to our everlasting abiding place. In my mind's eye I can now see the sweet face of JOSHUA SALMON in the sunny region of eternity. A strong, true character on earth, he must be in the enjoyment of the reward that awaits the just made perfect. Our ranks are thinning fast, and on this gloomy Sunday we are reminded of the sad words of our great American poet:

All are scattered now and fled,
Some are married, some are dead;
And when I ask, with throbs of pain,
"Ah! when shall we all meet again?"
As in the days long since gone by,
The ancient timepiece makes reply—
"Forever—never!
Never—forever!"

Let us all emulate the virtues of our departed friend and ever remember his daily life of simplicity and gracious deeds. JOSHUA S. SALMON is not dead. He still lives essentially in the lives of those who knew and loved him. His dignity of character, sweetness of temper, Christian fortitude, and healthful and entertaining converse can not but be an abiding influence upon us for all time.

Mr. FOSTER of Vermont. Mr. Speaker, first impressions are usually the most lasting. We remember first occasions. The man who has rounded out a busy life and has reached the leisure

of old age frequently recalls with vividness the facts and incidents of his early life when the picture of his later years and his greater achievement grow dim. So it is with the new member. The men with whom he first comes in contact make a lasting impression upon him.

One of the first members whom I met and with whom I became acquainted upon entering this body on the 1st of December a year ago was the late member from New Jersey. I sat beside him in the Committee on Claims. I learned to respect him, to esteem him. His uniform courtesy, his readiness to give his assistance whenever occasion offered without waiting for it to be asked, his kindliness even when disagreeing with the other members of the committee endeared him to us all.

While he was a devoted member of the party to which I do not belong, I found him eminently fair on all occasions, eminently fair in his views upon all cases that were before that committee. He was not only fair but industrious, earnest, and faithful in the discharge of his duty, watchful of the interests of the Treasury of this great country of ours, and anxious to see that those who came before us had justice done them. He was honest and painstaking in all his work with us. He showed the result of his careful training and long experience in his chosen profession. The facts and the law in all the varied cases which we were called upon to examine were carefully investigated by him.

He exhibited a judicial fairness and earnest desire to get at the truth, wherever it might strike. He was quiet, unassuming, and unostentatious; yet earnest, independent, and tenacious of his judgment. He had the true spirit of the student, of the patient seeker after truth. He was a good listener, a logical reasoner, and a good debater.

And what was true of him in that committee was equally true of him on the floor of this House. It is not necessarily the noisiest man who is the most useful member of this body. This proposition is true everywhere:

The shallow murmur, but the deep are dumb.

It is probably true that to the great majority of the public they are the members of greatest service whose voices are most frequently heard, whose names are oftenest seen in print—the men who by their position as chairmen of the various committees naturally have charge on the floor of the House of the legislation that comes before us. But we who are familiar with the legislation that is enacted here, we who know how the work of this great legislative body is accomplished, fully appreciate the truth that the most useful member not infrequently is the man whose voice is seldom heard. He is the faithful builder, the man who exercises judgment in the forming and perfecting of measures in the committee; he is the man who by his investigation, by his research, his general intelligence and training, is able to shape the proposed legislation before it comes to the House for final action.

It may be truthfully said of this late member from New Jersey that he was one of the useful members of this House, a man belonging to that great host whose names are not less honorable because less honored by us here and by the world at large. His career was cut short without giving him an opportunity to gain that prominence in the House which his ability, his integrity, and his lovable nature were sure to win for him. In his death his family lost a good husband and father, this great Republic of ours a representative American, his State a high-minded, patriotic citizen, his district a conscientious and devoted Representative, and his party a resolute and steadfast supporter.

Mr. GRAFF. Mr. Speaker, I rise for the purpose of paying modest but sincere tribute to the memory of JOSHUA S. SALMON, of New Jersey. The circumstances of his death and the sudden demise of Mr. Otey, of Virginia, two days before—both having been colleagues upon the Committee on Claims, of which I was chairman—left a deep impression upon the minds and hearts of every member of that committee, and, indeed, caused a shock to all the members of the House. The twenty-fourth meeting of our committee was held on May 5, for the purpose of passing resolutions of condolence with the family and friends of Major Otey upon his demise. Mr. SALMON was appointed by the House as one of the Congressional escort to accompany the other members of the House appointed to attend the funeral of his colleague, Major Otey, upon the committee. Again, two days afterwards, on May 7, 1902, in the first session of the Fifty-seventh Congress, the committee met again, and I have the record of the committee now before me, and I read as follows:

Mr. GRAFF called attention to the fact of the death of two members of the Committee on Claims in as many days, and said that we all voiced the sentiment that Mr. SALMON was an amiable, conscientious man, careful in his conclusions, liberal to those who differed with him, and at all times a valuable member of the committee. He enjoyed the universal respect of all the members of the House.

Mr. MILLER, of Kansas, presented resolutions as follows, which were unanimously adopted:

"The Committee on Claims have heard with profound regret of the death of Hon. JOSHUA S. SALMON, of New Jersey, who was a valuable and efficient member of this committee: Therefore, be it

"*Resolved, by the Committee on Claims of the House of Representatives*, That in the death of Hon. JOSHUA S. SALMON, Representative from the State of New Jersey, the Committee on Claims have met with a great loss in being called upon to part with the services of Mr. SALMON. As a member of the Committee he was at all times faithful and earnest in the investigation of all matters presented, and we sincerely testify to his marked ability, his kind and genial manner. As members of the committee individually we all feel that we have lost in him a friend, and one who at all times was mindful of the wishes of others, and in this way he commanded the respect and confidence of all his associates.

"*Be it also resolved*, That as a further mark of respect the committee do now adjourn, and that these resolutions be spread upon the records of this committee and a copy thereof be transmitted to the family of the deceased."

While it is true, Mr. Speaker, that Mr. SALMON was not without honor received at the hands of the people among whom he lived and among whom he died, yet it remains that we are not here this afternoon to speak of a man whose fame resounded through the world. And for that reason, for the particular reason that Mr. SALMON was a fair type of the general level of American life, American character, American religious, moral, social, and political conditions, we are appropriately devoting this hour to his memory.

There was something else but humor in the quaint remark of Abraham Lincoln, that "God loves the plain people best because He made the most of them." He was proud to constantly enroll himself as one of them. JOSHUA S. SALMON did not rise so high above the general level of the community in which he lived that he was not a part of them. He was a true example of American life, an index of the general level; and this Government is not created for the purpose of giving a few opportunities to those who have been especially endowed by God with gifts for obtaining great victories in commerce, in science, in art, and in politics, but the great purpose of the Republic is the uplifting of the general mass of its citizenship.

The experiences through which JOSHUA S. SALMON passed were the experiences of the millions of the people of this country to-day. A farm boy, not having passed through the bitterest of poverty, yet labor and trial and deprivation were not strangers to his career. He had been born in the same county where his life had been developed and where his disappointments had been borne and where his victories had been won, and where finally the community in which he had lived and of which he was a part met to perform the last sad rites of his burial.

I rejoice, Mr. Speaker, that there are many men in the United States of the same moral temperament and type, of the same intellectual level, who have accomplished the same achievements, who have lived to realize the same aspirations as had JOSHUA S. SALMON. He loved nature. He said one day in the committee room that he and his wife had been accustomed all through their lives to make long journeys in his own county and the surrounding counties. He loved the hills and the valleys of New Jersey. He was one of those men who loved nature; who can see the existence and promise of God in the opening of the flower; who can see that there is a divine purpose and plan running through human experience in the logical creation of the plant life of the world. No man who loves the flowers, who loves the trees, who loves the earth and sky, can help but love the greatest product of God Almighty—his own children.

I understand that JOSHUA S. SALMON with the eyes of faith saw another world, but we may differ about the immortality of the soul. The only two evidences that we may have of it here are the evidences which faith finds in revealed religion, or, without the aid of the Divine Book, we may be able to gropingly and blindly reason it out by analogy; because, forsooth, it is the longing of every soul, and because the Father has provided water to slake the thirst, and food to satisfy the appetite, and perfume and beauty and music and all of the things of nature to satisfy the longings of every physical sense, that therefore an after life and immortality must indeed be a fact.

However we may differ about the immortality of the soul, we may be certain of another immortality, and that is the immortality of the influence of a life which has been lived. That influence, while it may grow imperceptible in a few years, is still moving on. The great lesson of this hour is that the influence of his clean and pure life is immortal, and goes on in the current of life a force as indestructible as the everlasting hills.

JOSHUA S. SALMON, living on the same level with his neighbors around about him, interchanged with them the mutual influences of the lives of each other, and, Mr. Speaker, while I had but two characteristic opportunities of viewing his life and of forming conclusions thereon, they were very useful. First I had an opportunity to see what manner of man he was from his demeanor in the performance of his duty in the some twenty-three or twenty-four meetings of the committee had during the first session of the Fifty-seventh Congress. Second, I had an opportunity to breathe in the spirit which prevailed at that little town of Boonton when the members of the House went there to pay their last respects to the departed.

All business had ceased; every man had given up his occupation; the town was silent, but throbbing with the respect the entire community felt for this modest, silent, Christian, patriotic man who so loved his home; and while no doubt he took pride in the various honors conferred upon him, the position of prosecutor of the common pleas court in Morris County, the position of a member of the assembly of the State of New Jersey, and finally the crowning position of honor as a member of this House, yet I believe that after all the greatest interest in his life was the interest he took in the affairs of the community in which he lived. He moved in but one direction. He did not seek opportunity to get into the RECORD that he might see his name frequently appear. He made no play for public favor, he scrambled not for public notice, but moved always in the same direction, and that was in the direction of what he conceived to be his duty.

So, then, from that standpoint and analysis of the life of JOSHUA S. SALMON, I say that we are justified in spending this brief hour in tribute to the memory of a man who stood as a fair type of the general level of American citizenship. He was a silent man. The silent forces of nature are the most powerful. Sound is not force. One of the greatest forces of nature is that silent one which draws the waters from the oceans, the rivers, the ponds, and the creeks of the world, and takes them to the heights from which the generous clouds distribute them to the waste places of the earth; and so this silent man could not do otherwise than by his life exert a powerful and uplifting influence for good in the community where he lived and patiently worked and died.

This man, who lived the satisfying life of content, is an example of the golden mean which is commended by Horace in the following lines:

He that holds fast the golden mean,
And lives contentedly between,
The little and the great,
Feels not the wants that pinch the poor,
Nor plagues that haunt the rich man's door,
Embittering all his state.

The tallest pines feel most the power
Of wintry blasts; the loftiest tower
Comes heaviest to the ground;
The bolts that spare the mountain's side
His cloud-capt eminence divide,
And spread the ruin round.

But the pagan poet, Horace, does not fulfill my purpose of illustration or give full expression to this man's life; and his translator, the Christian poet, Cowper, carries the thought to higher heights, which the life of Mr. SALMON typified.

And is this all? Can Reason do no more
Than bid me shun the deep and dread the shore?
Sweet moralist! afloat on life's rough sea,
The Christian has an art unknown to thee;
He holds no parley with unmanly fears;
Where duty bids he confidently steers,
Faces a thousand dangers at her call,
And, trusting in his God, surmounts them all.

And, as I believe, this man, not the slave of ambition, contented in his career, fearlessly followed the commands of duty and his God.

Mr. WILLIAMS of Mississippi. Mr. Speaker, what are all our little ambitions, our brief antics on the stage of life? It is no wonder that genius even, brought face to face with the vacant, cold clay tenement of a departed friend, realizing its own insignificance, exclaimed:

Oh! why should the spirit of mortal be proud?
Like a fleet-flitting meteor, a fast-flying cloud,
A flash of the lightning, a break of the wave,
He passes from life to his rest in the grave.

Mr. Speaker, few members of the Fifty-seventh Congress are apt to forget its horrible roll of death. Still fewer will forget the impressive coincidences in the deaths and funeral obsequies of Cummings of New York, Otey of Virginia, and SALMON of New Jersey—how the one died, how the second was appointed to accompany his remains home, and how he died before the funeral cortege was under way, and how the third was appointed as one of the committee to represent this House in paying its last sad debt of memorial observance at the grave of the second, and how the icy hand of that grim master of us all—Death—was laid on his shoulder, summoning him hence before that duty could be performed. On May 2 Amos Cummings, on May 4 Peter J. Otey, on May 5 J. S. SALMON passed away.

We have had much to remind us of those lines which Oliver Cromwell said "always chilled his bones:"

The glories of our blood and state
Are shadows, not substantial things;
There is no armor against fate,
Death lays his icy hands on kings;
Scepter and crown
Must tumble down,
And in the dust be equal made
With the poor crooked scythe and spade.

My service with Mr. SALMON taught me that he was self-made without the self-made man's pride; successful without haughtiness; self-reliant, but tolerant; knowing much, but willing and seeking to learn more. These are rare traits among men.

He was genial and kindly—in a word, followed Solomon's advice and "showed himself friendly"—as a consequence, "having friends." Hence, in a Republican county he could and did achieve Democratic victories. He was lovable personally, and in aiding him to compass his ends men forgot their politics and his.

Perhaps he knew more people by name and face than any other man in New Jersey. Certainly more people in Morris County, and probably a greater number in New Jersey called him by his given name than paid that tribute of personal affection to any other son of the Commonwealth.

He never forgot that the brightest intellect is, after all, but a poor halting substitute for work. He was therefore "diligent in business," and as a member of this House faithful in attendance and industrious—in his office in the discharge of committee duties and duties on the floor. When an old man dies, one "whose race is run," we easily reconcile ourselves to death.

If it be one who has "fought a good fight and kept the faith" we can even rejoice with him as he leaves the field of battle, which has been a field of victory achieved and duty finished. When a child dies we console ourselves with the reflection that pain, sorrow, suffering, labor have been spared it. Perhaps the saddest death is that of him in middle life, falling shattered like a statue whose outlines have nearly all appeared, but is still unfinished. Then it is that one can not help thinking or saying:

So many worlds, so much to do,
So little done, such things to be,
How know I what had need of thee,
For thou wert strong as thou wert true.

Truly, JOSHUA S. SALMON was strong and he was true.

In the prime of life, on the high tide of noble endeavor, at the beginning only of his usefulness in this body, death worked, in his taking off, disappointment to our well-founded expectations and shock to our loving hopes.

Nature hath nor thought nor pity for man. She is the Relentless Fate of the Greeks. But there is an Intelligence above nature, and in a kinder sense, and a more truly catholic spirit than the Dominican pronounced the sentence, "God will know His own."

"His peace passeth all understanding."

Mr. WARNER. Mr. Speaker, the members of this House, Representatives and Delegates, come from all parts of the United States, from Hawaii to Maine, from Porto Rico to Oregon.

They are the chosen champions of their parties—Republican, Democratic, and Populistic—and of the local interests of the districts they represent.

Each is ambitious and anxious to gain and retain the approbation of the people he represents, and each works hard, ably, and loyally for the benefit of his district and for his own political advancement.

Under such circumstances it would be but natural to presume there would be little kind feeling or genuine friendship among them, but such a presumption would be erroneous and do injustice to the members of this honorable body.

I doubt whether among an equal number of men, thrown together anywhere in the wide world, there can be found as kindly feeling, as sweet sympathy, and as genuine friendship as exists, regardless of political affiliations, among the members of the House of Representatives of the United States.

They may—and do—in the House, in caucus, and in committee fight fiercely for party advantage and party success, but when the vote is taken and the question is settled they are gentlemen and friends in the purest sense of the word.

During my service in this House I have never known of any instance where any member has manifested an unwillingness to personally favor or befriend a brother member, regardless of his politics, and no member has met with death or misfortune without causing the sorrow or receiving the sympathy of all his brother members.

I regret, and share in the sorrow of his family and friends, the death of any member, but in the death of JOSHUA S. SALMON I further feel I sustain a personal loss—the loss of an able adviser, a genial, kindly companion, and a valued friend.

I first met him when he came here as a member of the Fifty-sixth Congress, and I began to know him and appreciate him when we were associated as members of its Committee on the Revision of the Laws.

That committee, while he was one of its members, had referred to it, carefully considered, reported to the House, and had passed a bill covering 630 printed pages, making further provisions for a civil government of Alaska, known as the "Civil Code of the District of Alaska."

The committee was engaged a number of days in considering the bill section by section, line by line, and almost word by word, and, necessarily, its members were closely associated in their work and became well acquainted with each other.

Mr. SALMON was a quiet, unassuming gentleman, but it required only a short time of service with him on that committee for all his associates to appreciate his ability as a lawyer, his statesmanship, his patriotism, his honesty, his solid worth as a member and a man, and he grew on us from the first day of our acquaintance until his death. We soon came to know that when he proposed to make a suggestion it would be sound and advisable, and I do not remember one made by him that was not adopted.

He was not only a good lawyer, but an able legislator. He was careful, conservative and fearless, and, in my judgment, was guided solely by his sense of right and justice.

In addition to my association with him in committee and on this floor we lived during his service here at the same hotel and we spent many quiet, pleasant evenings together in social intercourse, and such intercourse only increased my respect for and my admiration of him, and I can not command language to adequately do justice to his character.

He was as gentle as a child and as firm as granite. He was refined, tender, and sympathetic, and seemed to wish all mankind well. I never heard him use a word that could not with propriety be used in any company.

He was of Scotch descent, his ancestors having come to this country about the year 1640, and it was easy to detect in him many traits of his sturdy Scotch ancestry.

He was a self-made man. All that he was, the position he achieved, was due to his own exertions and honest worth. He acquired a good education. Studied law and was admitted to the bar of his own State of New Jersey and of the United States of America. He practiced his profession to the credit of himself and the benefit of his clients and won the confidence, respect, and love of all who knew him. He served his people in the legislature of his State and in this House of Representatives, and always to their entire satisfaction, and while serving them here he laid down his burdens and went to receive the reward that always awaits such an honorably and well spent life.

While I knew him only a few years, I shall remember him and think of him and feel his influence as long as I live, and I humbly submit this brief tribute to his memory and worth.

Mr. RANSDELL of Louisiana. Mr. Speaker, while I was in New York City attending the funeral of Hon. Amos Cummings an evening paper announced the sudden and untimely death of Hon. JOSHUA S. SALMON, of New Jersey. A strange coincidence attended the demise of these two men and that of Hon. Peter Otey, of Virginia. After the death of Cummings, on May 2, 1902, Otey was wired, asking him to act as one of the Congressional escort, and an answer came on the 4th saying he was dead. Then SALMON was notified by wire to act as escort for Otey's remains, and on the 6th came word that he, too, had joined the silent majority and passed into the shade of the great valley of the grave. All three were stanch Democrats; all from the original 13 States which gave being to our immortal Union; all of great prominence in State and national councils; all men of strong individuality and great popularity, and their deaths in such quick succession—Cummings on the 2d, Otey on the 4th, and SALMON on the 6th—cast a deep gloom among their colleagues of the House and Senate and in all the public life of the Capitol.

I do not think such an occurrence ever happened before in the history of our country. Otey, pallbearer of Cummings, dies before the latter is buried, and SALMON, pallbearer to Otey, joins his colleague in the great congress of the other world ere his remains are laid in their last earthly home. All belonged to the minority which could so ill-afford to lose any of its members, and especially such shining lights. I felt consoled, as a party man, with the thought that the "Lord loveth whom he chasteneth," and the Democratic party was then receiving such severe punishment it must surely be in favor above.

What shall I say about the life and character of Mr. SALMON? To those who knew him better I must leave the task of writing his biography and shall give only a few impressions formed during the two years of our pleasant friendship. We were thrown together frequently at our hotel, and our wives were excellent friends, hence I had a good opportunity to know him. His last day in the House, the Saturday preceding his death on the following Tuesday, we were together all day, lunched together, and walked up from the Capitol to our hotel.

I remember well how much he talked about his wife, whom he loved devotedly. She was unwell at the time, and he was very solicitous about her. My wife had been similarly affected, and on describing how successful her doctor had been he insisted upon my writing him at once about Mrs. Salmon. I did so while he was sitting by me, as he was a man of action and did not believe in delay. Little did I dream then that the strong, hearty man, so full of vigor, bright thoughts, and love for wife and children, would in a few short hours be called to another world. I do not think he had any premonition of his fate, and yet a small occurrence would indicate it. He was to go to Boonton that evening for a stay of several days, Mrs. Salmon being then at home, and though he had never before called to say farewell when leaving Washington, on that occasion he stopped at my room to tell Mrs. Ransdell and myself good-bye. We thought nothing of it at the time, but coupled with the great shock of his death two days later the act seemed providential.

I feel it a privilege to have been with him that last day in our country's Capitol, and recalling now his conversation, I take pleasure in recording that his sentiments expressed that day were those of a Christian gentleman, a scholarly lawyer, a wise, conservative legislator, and, best of all, a fond father and loving husband. We had many such talks and all of them left on my mind a pleasant, healthful impression. And yet I do not mean to say he was a brilliant talker. In fact, he was at times prosy and prolix. In describing events in his life or telling anecdotes, of which he was very fond, he sometimes went into minute details, leaving nothing to the imagination, and bringing in many side issues which had only a vague connection with his subject. More than once have I heard Mrs. Salmon say: "Hurry up, Josh. Bring that story to a close." But when it did close there was something clean, wholesome, and witty in it which invariably brought a hearty laugh from his hearers. Like all good raconteurs, he enjoyed his own stories, and his laugh was as infectious as that of Private John Allen. In discussing legal questions Mr. SALMON was unusually clear and concise. No side issues were brought in them. Fresh and resonant as the tones of a bell came the ideas from bright mind and fluent tongue. His opinion on legal subjects was held in the highest esteem by his colleagues. I heard the chairman of his committee say of him that when they were reading aloud the dry provisions of the Alaskan code, every now and then Mr. SALMON would say, "Hold on, Mr. Chairman, let us read that over again," and the committee always cheerfully retraced their steps, for they knew he had a good suggestion to offer.

Mr. SALMON, while not in any sense a purist or a Puritan, was one of the most honest and examplary men I have ever known. His happiness consisted in doing his whole duty to his constituents and his country; in cheering and brightening by his own sunny nature the lives of all with whom he came in contact, from the humblest servitor in the Capitol to the proudest official; in delightful conversation and exchange of views with congenial friends, and in the sweet intercourse of an ideal home circle of six loving, happy children, and the best of earthly blessings—a good wife. My heart bled and still bleeds for that home, but I believe the heavenly Father, who doeth all things best, has wife and children in his keeping, and I also believe that the father and husband, though hidden to mortal eyes, still watches over his loved ones and aids them in their earthly journey.

Good-bye, my friend! While here I loved thee well and hope to meet thee some day in the valley beyond the river, where we can rest under the shade of pleasant trees and live again our happy days. Thy memory and the influence of thy pure, sweet life shall never pass from me, but I shall garner them in my holy of holies among the most precious treasures of my life.

The monarch may forget the crown
That on his head so late hath been;
The bridegroom may forget the bride
Was made his own but yester e'en;
The mother may forget the babe
That smiles so sweetly on her knee;
But forget thee will I ne'er, Glencairn,
And all that thou hast done for me.

Mr. NEVIN. Mr. Speaker, I arise to-day to lay a single flower upon the grave of my deceased friend, JOSHUA S. SALMON. It had never been my fortune to meet Mr. SALMON until after the opening of the Fifty-seventh Congress. We had been placed by Speaker HENDERSON upon the same committee, the Committee on Claims, and there I first met him and first learned to appreciate and to love him.

The Committee on Claims occupies in some respects a unique and peculiar position, in that the members of that committee, upon all matters that come before it, are judges and jurors. They pass not only upon the facts, but upon the law, and, to some extent, lacking the law, they sit as chancellors in equity to determine what claims, in fairness and in good conscience, should be allowed by the Government.

The chairman of that committee had assigned Mr. SALMON, Mr. FOSTER of Vermont, and myself upon the same subcommittee, and thus we three became more intimately acquainted with each other than we did even with the other members of that committee. But not alone in subcommittee were matters presented that tested the knowledge, the good judgment, and the fairness of Mr. SALMON. Each subcommittee reports to the whole committee, and each then expresses to the other his opinion of the matters brought before us, and I can say truthfully that whether in subcommittee or when we met as a whole, Mr. SALMON brought

to the consideration of the matters before us a thorough knowledge of the law, a complete comprehension of the facts, and an earnest desire to know the right and then to do it. I soon learned to respect him as a lawyer, as one who was thoroughly versed in the principles of the law; but beyond the mere letter of the law I found that there was grounded in him the principle of equity and of right, and that where a claim came before our committee, and especially where it was one resulting in a personal injury and he believed that the person injured had an equitable and just claim upon the Government, he unhesitatingly so expressed himself. And yet he was sincerely honest and conscientious, and more than once, yea, many times, when matters came before our subcommittee or in our committee as a whole in which he believed the Government was not responsible and should not respond in damages to the claims that were presented he openly and unhesitatingly said so, and no mere sympathy for the injured or feeling for the distressed ever induced him to recommend the payment of a dollar or a penny that he did not believe was right.

The more I knew him and the better I became acquainted with him the more I esteemed and regarded him, and although but a few short months had passed from the time I had made his acquaintance until he ceased to be one of our number, yet such was the estimation in which I held him that I would have unhesitatingly left to his judgment, to his fairness, and to his determination any matter of the highest importance I might have had of my own.

I do not know, Mr. Speaker, that I could say more than that though I occupied the rest of the day. It is strange that one so young as he, and in the full bloom, apparently, of health, for I had never heard an intimation from him that he was ailing in the slightest, should be taken from our midst. It is but a reminder of the old thought of the Persian poet, who lived many centuries ago, who, in speaking of life, said:

'Tis but a tent, where takes his one day's rest,
A Sultan to the realm of Death addrest:
The Sultan rises, and the dark Férrash
Strikes, and prepares it for another guest.

Of Mr. SALMON'S religious ideas or belief I know absolutely nothing, but I did know enough of Mr. SALMON to say that he had lived such a life, had been so true to his convictions of what he believed to be just and right, that to him in the future could only come the words, "Well done, thou good and faithful servant."

Mr. BALL of Texas. Mr. Speaker, it is fitting that upon the death of a brother member of this House his colleagues should gather to pay tribute to his memory and review his life, character, and services. It is appropriate also that the House has recently adopted the custom of meeting upon the holy Sabbath day for these occasions.

It is a sad fact, Mr. Speaker, that the grim reaper has invaded the ranks of the Fifty-seventh Congress with all too frequent tread and gathered into his embrace a larger percentage of its membership, perhaps, than that of any previous Congress. Within the two years nearly twenty members have answered the summons from the Maker of us all. Only two Sundays ago we pronounced eulogies upon the life and character of my colleagues from Texas, Mr. Sheppard and Mr. De Graffenreid, and that of Mr. Russell, late a member of this House from the New England State of Connecticut. Since then two other members of this House, Mr. Rumple of Iowa and Mr. Moody of North Carolina, have gone to their last reward.

Reference has already been made during these services to the fact that when the message from on high came for JOSHUA S. SALMON three members of the Fifty-seventh Congress then awaited sepulture at the same time—Mr. Cummings, of New York; Major Otey, of Virginia, and the friend whose earthly life we have met to-day to commemorate.

These occasions would be wasted, Mr. Speaker, if we did not stop a moment, in addition to paying tribute to the memory of our brother members, and find a lesson to be learned by the living—of the philosophy and the uncertainty of life, and of the certainty that death must come to us all.

It has been said by one of the speakers to-day that we are prepared for the death of the old; we can be in a measure prepared for the death of the very young, who are thereby spared the sorrows and vicissitudes of after life, but it is hard for us to reconcile ourselves to the death of those who are taken away in the flower of their usefulness. The life of such a one is sometimes pictured as a broken shaft; but, Mr. Speaker, when we have but a few years at best, and when as individuals we are only mere atoms in the sphere of human activity, is it for us to say when the proper time has come to die? Is it not a truth to be gleaned from all the addresses on this occasion that our brother left practically all that mortal man can hope to leave to prosterity and to his family—a life well rounded in its usefulness, beautiful in its simplicity and devotion to duty; a life that has left no stain upon his memory and that is a benediction and a consolation to his friends and his family?

Our dead friend was of Scotch ancestry, although for nearly three hundred years New England claimed the worthy stock of which he came as her own. It has been said by his successor, Mr. FLANAGAN, that one of the ancestors of our departed friend was knighted by Robert Bruce. Mr. Speaker, "we have no blue blood here, save the royal, ruddy drops which course from honest hearts to quicken healthy brains;" but we have a knighthood that is the birthright of every citizen of the United States, conferred upon everyone by the beneficence of the free government under which we live, the knighthood of equal rights and opportunities, and then we have a knighthood which each individual can confer upon himself; and JOSHUA S. SALMON conferred knighthood upon himself, because he always carried with him, wherever he went, in all the walks of life, upon his breast "the white flower of a blameless life."

Mr. Speaker, it was my privilege to know Mr. SALMON well, not only as a member of this House, but personally and socially. We were associated together upon the committee whose chairman [Mr. WARNER] has paid him such high tribute and such well-deserved encomium this afternoon. We lived together at the same hotel. I also bear witness to the fact that he was not only a valuable, faithful, efficient member of this House, an untiring and patient worker upon committees, but a man of high character and a Christian gentleman. Some one has said of another of New England's sons (I do not quote with exactness, but express the sentiment) that "In his composition the coarser clay of which men are made was tempered by the finer sort from which woman is fashioned, and thereby he became a yet more manly man." This can be truly said of our dead friend, for without thought of effeminacy we can say, he was a lovable man.

It was my sad privilege, along with the chairman of the Committee on Claims [Mr. GRAFF] and the gentleman from Missouri [Mr. LLOYD], who have added their tributes to-day, and others of the Congressional committee, to attend his funeral in the city of Boonton, and like them I am prepared to say that seldom does it come to any man to have showered upon him in death the tributes of respect and esteem that were everywhere evident upon that occasion. As has been said, every business had stopped, every house was closed, and the entire population of the city, old and young, rich and poor, attended the funeral services. From out the windows of nearly every establishment we caught glimpses of his portrait encircled with mourning emblems, to testify to the universal respect and esteem in which he was held. His had been a busy life, made up of good deeds, kind words and actions in the performance of his daily duty, and he had won the confidence and affection of all who knew him, regardless of political affiliations or conditions.

Only the evening before his death he had attended a meeting of the fire wardens and of the Holmes Library Association, thus showing how closely he had kept in touch, despite the high honors which had come to him, with the local institutions of his home people. He was a member and a trustee of the First Presbyterian Church of Boonton, a director in the national bank there, and in all the activities which went to make up the life of that little city he was the head and front and its most honored citizen.

As proof of the fact to which my friend from Illinois [Mr. GRAFF] has so eloquently referred, that he was a man of the plain people, who kept in close touch with that citizenship which goes to make up the glory of this Republic, I hold in my hand a tribute that was paid him by those of lowly walk in life. The Slavonic Band, of Boonton, in a letter addressed to his devoted wife, said:

To our deep sorrow we have learned of your almost unparalled loss of one who was a friend to us, strangers in this great land; one who was a friend to us poor working people, and always had a friendly word for us. How much was he to his beloved family! Believe us that we feel the loss with you, and as Christians think that this earthly trial is only a dream to which an awakening must follow, to meet again and never to part. We, as foster children of this country, knowing that the esteemed deceased was our fatherly friend, would like to have the honor to be allowed to render our services at his funeral if the arrangements would permit the same.

That was a tribute which speaks louder than any eulogy we can utter here to-day.

Others more familiar than I with his early career have spoken of the many positions of trust and honor filled by Mr. SALMON before his election to Congress. My acquaintance with him began only after that date. I do know that while here he came up to the full measure of a faithful public servant, and that when he was cut down, when only 56 years of age, in the full tide of his usefulness, we all felt that we had suffered an almost irreparable loss. The summons to him, "Come up higher," came so unexpectedly that it was hard for us to realize our loss. It came to him suddenly, for he had awakened at 7 o'clock in the morning, expressing his intention to go out and attend to some business,

and in one-half hour thereafter he was no more. Death had come suddenly, but it did not meet him unprepared, for all his life had been a preparation, so living here as to deserve a higher and better life. A score of years is as nothing in the sum of eternity. The great question is, when called to die, "Are you ready" to meet that Creator "from out whose hand the centuries fall like grains of sand?"

Our brother was ready; as others have borne witness, he was a devoted Christian. We heard his pastor, who knew him best in life, and who can speak better than I of his Christian experience and conduct, deliver an eloquent address over the bier of our departed friend in the church of which he was an honored member in life. I take these lines from his sermon upon that occasion:

In every line of activity which made for goodness and for help he was strongly and sincerely interested and engaged. And all because he believed that life was an opportunity given him by God which he must not fail to improve to the utmost. And this leads me to the lower depths of his nature. Believing that life was an opportunity, he knew that to make it effective there must be a belief in God, and early in his career he took opportunity to confess publicly and plainly by uniting with this church his faith in and dependence upon God. His faith in God and in Jesus Christ as God manifest in human form was the basis of his life of purpose, of his life of goodness, of his constant sense of his responsibility to God. He was a Christian man first of all, and this was the secret of his successful life.

In conclusion, Mr. Speaker, I can only add my profound conviction that our brother is now safely anchored "beyond the dark sea" awaiting the coming of his loved ones. Wife and children can find abiding consolation and hope in the assurance that it can be said of him that while here "he loved his fellowman" and served his Master, and that the blessing and promise which fell from the lips of Him whom he served, "Blessed are the pure in heart, for they shall see God," is the everlasting reward that comes to men like JOSHUA S. SALMON.

Mr. LLOYD. Mr. Speaker, a swift messenger bore the summons to quit this earthly existence to JOSHUA S. SALMON. The quick response separated him from every human tie and left the bitterest cup of grief for the family so suddenly bereft. As the sad news was carried to his friends there came this expression to the sorrowful message: "It can not be." His strong physique and apparent healthfulness was an earnest to everyone of many years of life and vigor. How strange the work of death! It respects no age nor condition. Those in the flower of youth, the power of manhood, or the decline of age yield alike to its determined sway. The unexpected call of Mr. SALMON to the Beyond in the midst of his usefulness and in the prime of his manhood is another forceful example of the uncertainty of life and the illustration of the fact that no one knows the time when the spark of existence may go out.

Mr. SALMON was a man of tranquil temper, considerate and thoughtful about everything with which he was connected. He was free from ostentation. He was plain, frank, and genial. It was my good fortune to be associated with him in committee work in this House. In this labor he showed himself to be painstaking and faithful to duty. The members of the committee will remember his superior advice, his analytical judgment, and practical suggestions. He was rather slow to assert himself—his perception was not so quick as some—but his comprehension of the subject exhibited his potential ability. He was observant of little things. After all, the sum of useful endeavor is measured by the aggregation of little things. By this standard he would measure far above the mediocre. He would stand amongst those whose lives are crowned with success and who have benefited the world by their contact with it.

The scene in Boonton, N. J., the home of Mr. SALMON, when the funeral escort appointed by Congress wended its way from the station to the comfortable and unpretentious residence where his body lay will not soon be forgotten. It was observed that the activities of business had ceased. Many stores were draped in mourning, the streets were lined with the sorrowing throng, who were concerned to pay the last tribute of respect to their honored townsman and personal friend. I remember as we waited near the doorway an old man with tears on his face and the marks of toil upon his person said to his associate standing by, "John, we have lost our best friend." In another group waiting near the church for the family to pass in I heard this expression: "Josh was the poor man's friend. He never forgot us."

When the congregation was seated in the church where the religious service was held I observed a uniformed body had prominent place. To my surprise it was the volunteer fire company of which he had been an active member; there not to contend against the flames and overcome them, but to lay the flower upon the bier and water it with the tears of their sorrow that their brother could no more respond to the alarm of fire and relieve the distress incident thereto. When the pastor made reference to the deceased, and spoke of his honor, integrity, and upright life, and commended his Christian character, it was plainly observant that Mr. SALMON held a warm place in the affections of those who knew him best, and was respected by all. He had touched humanity at many points. The banker and the day laborer, the professional man and the merchant, were alike the recipients of his favor and the beneficiaries of his life.

Mr. SALMON'S chief virtue was in his moral influence and Christian manhood. His life each day was an exhibition of the truthfulness of his profession. No one doubted him. He was a forceful exemplar of right living. His words and acts brought no reflection on Christianity. Think as we may about religion, discard the Bible if it is thought best and class it with profane history, belittle the work of the church and discourage individual devotion to the tenets of Christianity, but when the coffin shall hold the body, the funeral dirge shall be sung, and mother earth receive back its own, the greatest consolation that can come to the survivors is the hope of the resurrection and eternal union of loved ones where separations never take place and tears are never known.

A faithful wife and loving children survive Mr. SALMON. What a beautiful monument he has left them. A structure of his own hand. The heritage of a pure and upright life. The marble shaft erected over the grave by family and friends may crumble to earth and be forgotten, but the influence of his good deeds will continue like the waves of the mighty ocean, rolling on until they break upon the farther shore. His influence will tend to strengthen and encourage long after the body has turned to dust and the marks of recognition shall be effaced.

Our friend has gone, and his untimely taking reminds me of these words:

Death takes us unawares
And stays our hurrying feet,
The great design unfinished lies,
Our lives are incomplete.

[Mr. GARDNER of New Jersey addressed the House. See Appendix.]

Mr. FLANAGAN. Mr. Speaker, there are several members who have prepared eulogies on Mr. SALMON, but who are unable to be present to-day. I ask unanimous consent that they have permission to print their remarks in the RECORD.

The SPEAKER pro tempore. Unanimous consent is asked by the gentleman from New Jersey that members of the House have leave to print remarks upon the subject of these resolutions. Is there objection? [After a pause.] The Chair hears none.

The resolutions were then unanimously agreed to.

And then, in pursuance of the resolutions, the House (at 2 o'clock and 40 minutes p. m.) adjourned until to-morrow at 12 o'clock noon.

SENATE.

MONDAY, *February 9, 1903.*

Rev. A. H. GJEVRE, of the city of New York, offered the following prayer:

Almighty God and Heavenly Father, Thou art the giver of every good gift and of every perfect gift, for it cometh down from Thee, the Father of light, in whom there is no variableness or shadow of turning. This great and glorious country, the United States of America, is truly a gift of Thee. Thou hast made it a refuge and a home for millions of people who previously had no home, and Thou hast blessed us abundantly unto this day. But we need Thy blessing every day, O Lord, and we ask Thee to bless our country, and our people.

Bless our President and his family. Protect him from all danger and harm. Bless the Congress and all its members. Bless the members of the Senate, and let the spirit of love, of truth, and of wisdom rest on them and guide them and lead them to perform Thy glorious will, and work for the true welfare and progress of our country and our people. May they experience Thy love, Thy mercy, and Divine guidance through every day.

Hear us, O Lord, for we ask Thee in the blessed name of Jesus our Redeemer. Amen.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. MCCUMBER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

CHAPLAINS IN THE NAVY.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of the 23d ultimo, all correspondence relating to the pay and status of Navy chaplains that passed between the Secretary of the Navy and Navy chaplains from November 1, 1901, to the present time; which, with the accompanying

papers, was referred to the Committee on Naval Affairs, and ordered to be printed.

PHILIPPINE CURRENCY.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting a copy of a cable dispatch from the governor of the Philippine Islands, indicating the urgent necessity for legislation regarding the Philippine currency.

Mr. FORAKER. As the cablegram is not long, may it not be read?

There being no objection, the cablegram was read, as follows:

[Cablegram.]

MANILA, *February 5, 1903.*

SECRETARY OF WAR, *Washington, D. C.:*

Official ratio of Mexican dollars to United States currency now $2.66 to $1; total direct net loss to insular treasury from depreciation silver since January 1, 1902, $1,277,941.91.

All business suffering greatly from fluctuation and depreciation insular treasury—immense losses to merchants who have sold on credit. Failure to furnish relief at this session of Congress would create consternation throughout the islands; added to prevailing financial depression, loss animals by rinderpest and other contagious diseases, and resulting destitution, the political situation would become more difficult.

The adoption American money would enhance prices greatly and derange every form of business. Legislation making gold peso equal one-half American dollar as unit of value, peso and subsidiary minor coinage receivable for all public dues at the rate of 50 cents American money for 1 peso, with provision for issuance silver certificates based on deposit of new pesos, would furnish a currency as good as American money and much better adapted to needs of the islands. The Philippine Commissioners are unanimous in these views.

TAFT.

The PRESIDENT pro tempore. The communication will lie on the table and be printed, the bill being now on the Calendar.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 11544) to correct the military record of Thomas J. Morman.

The message also announced that the House had passed a bill (H. R. 17) requiring corporations engaged in interstate commerce to make returns, prohibiting rebates and discriminations and the use of interstate commerce in attempts to destroy competition, and for other purposes; in which it requested the concurrence of the Senate.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 16567) making appropriation for the support of the Army for the fiscal year ending June 30, 1904, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HULL, Mr. CAPRON, and Mr. HAY managers at the conference on the part of the House.

The message also communicated to the Senate resolutions passed by the House commemorative of the life and services of Hon. William Joyce Sewell, late a Senator from the State of New Jersey.

The message further communicated to the Senate resolutions passed by the House commemorative of the life and services of Hon. Joshua S. Salmon, late a Representative from the State of New Jersey.

PETITIONS AND MEMORIALS.

Mr. HOAR. I present a petition of sundry presidents and professors of various colleges of the United States, in aid of others presented heretofore, praying that a committee be appointed to inquire into the conditions of the Philippines, so that the American people may know the exact state of affairs in those islands. The petition is signed by the presidents of 9 colleges, by 37 college professors, and by 24 other citizens. I move that it be referred to the Committee on the Philippines.

The motion was agreed to.

Mr. PERKINS presented a petition of Local Union No. 9, United Cloth Hat and Cap Makers, American Federation of Labor, of San Francisco, Cal., praying for the passage of the so-called eight-hour bill; which was ordered to lie on the table.

He also presented a petition of the City Front Federation, of San Francisco, Cal., and a petition of Local Union No. 9162, Shipwrights and Caulkers, of San Francisco, Cal., praying for the repeal of the desert-land law and the commutation clause of the homestead act; which were referred to the Committee on Public Lands.

Mr. KITTREDGE presented a petition of Cigar Makers' Local Union No. 153, American Federation of Labor, of Sioux Falls, S. Dak., praying for the passage of the so-called eight-hour bill; which was ordered to lie on the table.

Mr. CLAY presented a petition of Local Union No. 439, United Brotherhood of Carpenters and Joiners, of Atlanta, Ga., praying for the repeal of the desert-land law and the commutation clause of the homestead act; which was referred to the Committee on Public Lands.

Mr. PLATT of New York presented a petition of the local board of Morrisania, borough of Bronx, of New York City, N.Y., praying for the improvement of that portion of the Hudson River and Long Island Sound known as Bronx Kills; which was referred to the Committee on Commerce.

He also presented petitions of Cigar Makers' Local Union No. 125, of Norwich; of Leopold Miller & Sons, of New York; of Cigar Makers' Local Union No. 210, of Rome; of Cigar Makers' Local Union No. 119, of Dansville; and of Cigar Makers' Local Union No. 106, of Ogdensburg, all of the American Federation of Labor, in the State of New York, praying for the enactment of legislation to prohibit the giving of presents, coupons, or promises of gifts with cigars and tobaccos; which were referred to the Committee on Finance.

He also presented a memorial of the Retail Cigar and Tobacco Dealers' Association of New York City, N. Y., remonstrating against a reduction of the tariff duties on cigars imported from Cuba; which was referred to the Committee on Finance.

He also presented a petition of the Board of Trade and Transportation of New York City, N. Y., praying for the enactment of legislation to secure a strength in both the ships and personnel of the Navy commensurate with the requirements of the United States Government; which was referred to the Committee on Naval Affairs.

He also presented a petition of Long Island Council, No. 114, Junior Order of American Mechanics, of Brooklyn, N. Y., praying for the enactment of legislation to restrict immigration; which was ordered to lie on the table.

He also presented petitions of Typographical Union No. 52, of Troy; of Typographical Union No. 19, of Elmira; of the Trades Assembly of Utica; of the Central Trades Council of Olean, and of Local Union No. 1, of New York City, all of the American Federation of Labor, in the State of New York, praying for the repeal of the so-called desert-land law and the commutation clause of the homestead act; which were referred to the Committee on Public Lands.

Mr. FOSTER of Washington presented a petition of the Woman's Study Club, of Tacoma, Wash., praying for the passage of the so-called eight-hour bill; which was ordered to lie on the table.

He also presented petitions of sundry citizens of Oysterville; of the Woman's Christian Temperance Union of Green Lake, and of Andrews Brothers, of Oysterville, all in the State of Washington, remonstrating against the repeal of the present anticanteen law; which were referred to the Committee on Military Affairs.

Mr. KEAN presented petitions of sundry citizens of Newark and Jersey City, in the State of New Jersey; of sundry citizens of Sharon, Bradford, Kane, Lockhaven, Erie, and Williamsport, in the State of Pennsylvania; of sundry citizens of Youngstown and Cleveland, in the State of Ohio; of sundry citizens of Boston, Worcester, Pittsfield, and Springfield, in the State of Massachusetts; of sundry citizens of Dunkirk, Rochester, and Syracuse, in the State of New York; of sundry citizens of Manchester, N. H., and of sundry citizens of Providence, R. I., praying for the appointment of a commission to investigate the condition of affairs in the Southern States growing out of the changed relations of the races since the war of the rebellion; which were referred to the Committee on Education and Labor.

Mr. DEPEW presented petitions of Local Union No. 151, of Binghamton; of Federal Labor Union No. 10076, of Ilion; of Cigar Makers' Local Union No. 81, of Peekskill; of Local Union No. 121, of Troy; of the International Brotherhood of Paper Makers of Ticonderoga; of Glass Bottle Blowers' Association No. 44, of Olean; of Cigar Makers' Local Union No. 132, of Brooklyn; of Laborers' Protective Union No. 8856, of Middletown; of Carpenters and Joiners' Local Union No. 340, of New York; of Local Union No. 46, of Buffalo; of the Central Associated Trades Council of Corning; of Local Union No. 313, of Brooklyn; of Carpenters and Joiners' Local Union No. 491, of Corinth; of Iron Molders' Local Union No. 130, of Sandy Hill; of the Trade and Labor Council of Poughkeepsie; of Local Union No. 9750, of Troy; of Cigar Makers' Local Union No. 370, of Jamestown; of the Fiber Pressmen's Local Union of Lockport; of Carpenters and Joiners' Local Union No. 369, of North Tonawanda; of Local Union No. 308, of Rochester; of Woodworkers' Local Union No. 90, of Jamestown; of Iron Molders' Local Union No. 109, of Geneva; of Federal Labor Union No. 9355, of Glens Falls; of Local Union No. 18, of Schenectady; of Journeymen Barbers' Local Union No. 150, of Troy; of Local Union No. 9781, of Wellsville; of Local Union No. 134, of Geneva; of Painters, Paperhangers, and Decorators' Local Union No. 357, of Dunkirk, and of Carpenters and Joiners' Local Union No. 1107, of Roversville, all of the American Federation of Labor; of Local Division No. 105, Brotherhood of Locomotive Engineers, of New York City; of Newburgh Lodge,

Brotherhood of Railroad Trainmen, of Newburgh, and of F. J. Brady, of White Plains, all in the State of New York, and of the Central Labor Union, American Federation of Labor, of Washington, D. C., praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented a petition of the American Chamber of Commerce of Paris, France, praying for the adoption in the United States of the metric system of weights and measures; which was referred to the Select Committee on Standards, Weights, and Measures.

REPORTS OF COMMITTEES.

Mr. PETTUS, from the Committee on the Judiciary, to whom was referred the bill (H. R. 16334) fixing terms of United States courts in Colorado, and for other purposes, reported it without amendment.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 6593) granting an increase of pension to Harry L. Graham;

A bill (H. R. 15733) granting an increase of pension to Martin G. Cole;

A bill (H. R. 15721) granting an increase of pension to Walter A. Porter; and

A bill (H. R. 16391) granting a pension to Ella F. Shandrew.

Mr. GALLINGER (for Mr. WELLINGTON), from the Committee on the District of Columbia, to whom was referred the bill (S. 6525) to amend an act entitled "An act to incorporate the Masonic Mutual Relief Association of the District of Columbia," reported it with an amendment, and submitted a report thereon.

He also, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 8023) granting an increase of pension to John Downing;

A bill (H. R. 6498) granting an increase of pension to John A. Whitman; and

A bill (H. R. 15558) granting an increase of pension to David A. Baldwin.

Mr. TURNER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 15617) granting an increase of pension to William Keith;

A bill (H. R. 9237) granting a pension to John Wallace;

A bill (H. R. 10869) granting an increase of pension to Michael K. Strayer;

A bill (H. R. 7895) granting an increase of pension to Sarah Bowen;

A bill (H. R. 14361) granting an increase of pension to Joseph M. Alexander;

A bill (H. R. 9570) granting an increase of pension to Isaac Gabrion;

A bill (H. R. 16445) granting an increase of pension to Luke Madden, alias John E. McDonald;

A bill (H. R. 12021) granting an increase of pension to Anson Lewis;

A bill (H. R. 16313) granting an increase of pension to James L. Davenport, alias Dexter Davis; and

A bill (H. R. 15618) granting an increase of pension to William O. Boughton.

Mr. TURNER, from the Committee on Pensions, to whom was referred the bill (H. R. 9072) granting an increase of pension to George W. Steffey, reported it with an amendment, and submitted a report thereon.

Mr. CARMACK, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 16381) granting an increase of pension to Lymus Wallace;

A bill (H. R. 4925) granting a pension to Joel Thomason;

A bill (H. R. 16697) granting a pension to Ellen Johnson;

A bill (H. R. 15748) granting an increase of pension to William Whitlock; and

A bill (H. R. 1027) granting a pension to Lavinia Cook.

Mr. CARMACK, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (H. R. 15391) granting a pension to Margaret Cotter; and

A bill (H. R. 16274) granting an increase of pension to Sallie H. Kincaid.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 700) granting an increase of pension to Eben Slawson; and

A bill (H. R. 14475) granting an increase of pension to David E. Lawton.

Mr. FOSTER of Washington, from the Committee on the District of Columbia, to whom was referred the amendment submitted by himself on the 29th ultimo, proposing to appropriate $5,000 for paving old Sixteenth street from Columbia road to Kenesaw avenue, in the District of Columbia, intended to be proposed to the District of Columbia appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. DEBOE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 6656) granting a pension to Samantha Yant;

A bill (H. R. 4632) granting an increase of pension to William P. Rhodes;

A bill (H. R. 5281) granting an increase of pension to Patrick Mahan;

A bill (H. R. 15466) granting an increase of pension to John H. Robson;

A bill (H. R. 15674) granting an increase of pension to John A. T. McPherson;

A bill (H. R. 14027) granting an increase of pension to Thomas J. Winfrey;

A bill (H. R. 1637) granting an increase of pension to John A. Spalding;

A bill (H. R. 16291) granting a pension to Laban McGahan;

A bill (H. R. 659) granting an increase of pension to Winfield Pierce;

A bill (H. R. 15746) granting an increase of pension to Daniel R. Lucas; and

A bill (H. R. 942) granting a pension to John R. Dougherty.

Mr. DEBOE, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (H. R. 2136) granting an increase of pension to Lawrence H. Rousseau; and

A bill (H. R. 14195) granting an increase of pension to David T. Towles.

Mr. BURTON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 3261) granting a pension to George R. Grubaugh;

A bill (H. R. 7710) granting a pension to Margaret Scanlon;

A bill (H. R. 15423) granting an increase of pension to Stephen B. Morehouse;

A bill (H. R. 3265) granting an increase of pension to Henry Pensinger;

A bill (H. R. 3353) granting an increase of pension to John H. Kehn;

A bill (H. R. 16073) granting an increase of pension to John H. Smith; and

A bill (H. R. 5876) granting an increase of pension to Jacob E. Richards.

Mr. BURTON, from the Committee on Pensions, to whom was referred the bill (H. R. 14592) granting an increase of pension to Benjamin F. Barrett, reported it with anamendment, and submitted a report thereon.

Mr. PLATT of Connecticut, from the Committee on Patents, to whom was referred the bill (S. 7194) authorizing the issuance of letters rogatory by the Commissioner of Patents, and providing for the execution of letters rogatory issued from foreign patent offices, reported it without amendment.

Mr. BLACKBURN, from the Committee on Pacific Islands and Porto Rico, reported an amendment proposing to appropriate $200,000 for payment to Liliuokalani, formerly Queen of the Kingdom of Hawaii, in full satisfaction and discharge of all claims or pretended claims, intended to be proposed to the sundry civil appropriation bill or to any other general appropriation bill, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

STATUES OF CHARLES CARROLL AND JOHN HANSON.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. McCOMAS on the 3d instant, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound of the proceedings in Congress upon the acceptance of the statues of Charles Carroll of Carrollton and John Hanson, presented by the State of Maryland, 16,500 copies, of which 5,000 shall be for the use of the Senate and 10,000 for the use of the House of Representatives, and

the remaining 1,500 copies shall be for the use and distribution of the Senators and Representatives in Congress from the State of Maryland.

The Joint Committee on Printing is hereby authorized to have the copy prepared for the Public Printer, who shall procure suitable copper-process plates to be bound with these memorials.

LILLIAN G. ELKINS.

Mr. GALLINGER. I am directed by the Committee on Pensions, to whom was referred the bill (S. 6048) granting a pension to Lillian G. Elkins, to report it favorably with an amendment; and as it is extremely important that the bill should be immediately passed, I ask for its consideration.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment was to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lillian G. Elkins, widow of Fred C. Elkins, late of Company C, Thirteenth Regiment United States Infantry, and Company D, Seventeenth Regiment United States Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ANDREW C. SMITH.

Mr. GALLINGER. I make the same request for the same reason in regard to the bill (S. 4922) granting an increase of pension to Andrew C. Smith, which I report back from the Committee on Pensions with amendments.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendments of the Committee on Pensions were, in line 6, after the word "late," to strike out "of company" and insert "musician;" and in line 8, before the word "dollars," strike out "fifty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew C. Smith, late musician, Twenty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 dollars per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. HARRIS introduced a bill (S. 7291) regulating the importation of breeding animals; which was read twice by its title, and referred to the Committee on Agriculture and Forestry.

Mr. MALLORY introduced a bill (S. 7292) granting an increase of pension to Alice M. Hickey; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McLAURIN of South Carolina introduced a bill (S. 7293) for the relief of the estate of Dedrick Stokein; which was read twice by its title, and referred to the Committee on Claims.

Mr. CULLOM introduced a bill (S. 7294) for the relief of Corning & Co.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. TELLER introduced a bill (S. 7295) to correct the record of Col. George M. Brayton, United States Army, retired; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. BEVERIDGE introduced a bill (S. 7296) granting an increase of pension to Lloyd Hickman; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 7297) granting an increase of pension to Hensley H. Kirk; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SPOONER introduced a bill (S. 7298) to fix the rank of certain officers in the Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. ALGER introduced a bill (S. 7299) for the relief of Arra M. Farnsworth; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. HOAR introduced a bill (S. 7300) further to provide for the care of dependent children in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. ALDRICH introduced a bill (S. 7301) to further provide for the safe-keeping of public money, and for other purposes; which was read twice by its title, and referred to the Committee on Finance.

Mr. BURTON introduced a bill (S. 7302) in relation to the conveyance and sale of railways, property, rights, and franchises in the Indian Territory; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. SIMMONS introduced a bill (S. 7303) for the relief of O. H. Perry, administrator of the estate of George W. Perry, late of the county of Craven, N. C.; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENTS TO BILLS.

Mr. TURNER submitted an amendment authorizing the sale of the timber upon the lands of the Tulalip Indian Reservation in the State of Washington, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. FOSTER of Washington submitted an amendment proposing to appropriate $21,000 for the management, protection, and improvement of Mount Rainier National Park, in the State of Washington, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Forest Reservations and the Protection of Game, and ordered to be printed.

Mr. BURROWS submitted an amendment proposing to increase the salary of the captain of the watch of the Agricultural Department from $1,000 to $1,200, intended to be proposed by him to the Agricultural appropriation bill; which was referred to the Committee on Agriculture and Forestry, and ordered to be printed.

Mr. DUBOIS submitted an amendment proposing to appropriate $234.21 to pay R. F. Pettigrew, administrator of the estate of F. W. Pettigrew, deceased, and Ernest J. Lacey, balance due on surveying contract No. 139, intended to be proposed by him to the general deficiency appropriation bill; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

Mr. JONES of Arkansas (by request) submitted an amendment proposing to appropriate $80,000 for the purchase of lots 75, 76, and 19, and the east 21 feet of lot 20, in square 624, in the District of Columbia, for the erection of suitable stables for the Government Printing Office, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committeed on Public Buildings and Grounds, and ordered to be printed.

Mr. GALLINGER submitted an amendment proposing to appropriate $18,664 for the purchase of land necessary to extend Euclid street, block 18, Meridian Hill, intended to be proposed by him to the District of Columbia appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on the District of Columbia.

Mr. LODGE submitted an amendment proposing to appropriate $75,000 for constructing a first-order light and fog signal on one of the ledges known as The Graves, on a granite tower, to mark the entrance to the new Broad Sound Channel in Boston Harbor, etc., intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. McCOMAS submitted an amendment intended to be proposed by him to the bill (S. 7142) for the allowance of certain claims reported by the Court of Claims, and for other purposes; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Claims.

Mr. FRYE submitted an amendment proposing to appropriate a sum equal to two years' pay of a district superintendent of the Life-Saving Service for the widow and children of the late Joseph W. Ethridge, late superintendent of the sixth life-saving district, who died from pneumonia contracted in the line of duty, and proposing to appropriate a like sum for the widow of the late John M. Richardson, late superintendent of the first life-saving district, who died from sickness incurred in the line of duty, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

SPECIAL POSTAL RATES.

On motion of Mr. FRYE, it was

Ordered, That leave be granted the Postmaster-General to withdraw from the files of the Senate the papers marked "Exhibits A, B, C, D," submitted by him in connection with Senate resolution No. 103, Fifty-seventh Congress, first session, dated February 4, 1902.

PHILIPPINE COMMERCE.

Mr. LODGE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed 1,000 copies of Senate Document No. 126, Fifty-seventh Congress, second session, entitled "Philippine Commerce," of which 500 copies shall be for the use of the Senate and 500 copies for the use of the War Department.

EXTENSION OF EIGHTH STREET NORTHWEST.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 3638) for the extension of Eighth street NW., or Wrights road, District of Columbia.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on the District of Columbia with an amendment, in section 1, page 1, line 11, before the word "subdivision," to strike out "Wright and Dole's" and insert "Todd and Brown's;" so as to make the section read:

That within six months after the passage of this act the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia, sitting as a district court, by petition particularly describing the lands to be taken, a proceeding in rem to condemn the land that may be necessary for the extension of Eighth street NW., otherwise known as Wrights road, District of Columbia, northward to Irving street, through lot 4 of Todd and Brown's subdivision, with the full width of said lot.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COURTS-MARTIAL IN THE PHILIPPINES.

Mr. QUAY. I move that the Senate proceed with the consideration of the omnibus statehood bill.

Mr. RAWLINS. The Senator from Tennessee [Mr. CARMACK] is prepared to submit some remarks on the resolution which I offered, calling for information concerning courts-martial in the Philippines, and I suggest to the Senator from Pennsylvania to defer his motion.

Mr. LODGE. The resolution went over, I will say to the Senator, subject to call, and the Senator from Tennessee has a right to call it up at any time.

Mr. QUAY. Certainly. I withdraw the motion.

MUSCLE SHOALS POWER COMPANY.

Mr. PETTUS. I ask the indulgence of the Senator from Tennessee and the unanimous consent of the Senate to call up House bill 16602. It is a bill merely extending the time in which work is to be done on the Muscle Shoals by a private company.

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Alabama?

Mr. CARMACK. Certainly.

The PRESIDENT pro tempore. The bill will be read to the Senate for its information.

The Secretary read the bill (H. R. 16602) to extend the time granted to the Muscle Shoals Power Company by an act approved March 3, 1899, within which to commence and complete the work authorized in the said act to be done by said company, and for other purposes; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COURTS IN COLORADO.

Mr. McCUMBER. I move that the pending business be temporarily laid aside——

The PRESIDENT pro tempore. If the Senator from North Dakota will pardon the Chair, a pending resolution was by unanimous consent laid on the table subject to call. The Senator from Tennessee has just given notice that he proposes to call it up in order to submit some remarks, and therefore the Chair will be obliged to recognize the Senator from Tennessee.

Mr. PATTERSON. There was a bill reported from the Committee on the Judiciary this morning establishing a term of the United States court in Montrose, Colo. I ask unanimous consent that it may be taken up and passed.

The PRESIDENT pro tempore. Does the Senator from Tennesse yield to the Senator from Colorado?

Mr. CARMACK. Certainly.

Mr. PATTERSON. I ask the Senate to proceed to the consideration of the bill (H. R. 16334) fixing terms of United States courts in Colorado, and other purposes.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LIFE-SAVING STATION AT CAPE NOME, ALASKA.

Mr. TURNER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Washington?

Mr. CARMACK. Certainly.

Mr. TURNER. I wish to call up a short bill in which the people of the Territory of Alaska are very much interested. I ask unanimous consent for the consideration of the bill (S. 6848) to establish a life-saving station at Cape Nome, Alaska.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Commerce with an amendment, to add at the end of the bill a new section, as follows:

SEC. 2. That the thirteenth life-saving district is hereby extended to include the coast of Alaska.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HOUSE BILL REFERRED.

The bill (H. R. 17) requiring corporations engaged in interstate commerce to make returns, prohibiting rebates and discriminations and the use of interstate commerce in attempts to destroy competition, and for other purposes, was read twice by its title, and referred to the Committee on the Judiciary.

ARMY APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 16567) making appropriation for the support of the Army for the fiscal year ending June 30, 1904, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. PROCTOR. I move that the Senate insist upon its amendments and agree to the conference asked by the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. PROCTOR, Mr. QUARLES, and Mr. COCKRELL were appointed.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE SALMON.

Mr. KEAN. Mr. President, I desire to give notice that on Saturday, February 14, after the conclusion of the exercises in commemoration of the life and character of Hon. CHARLES A. RUSSELL, late a member of the House, I shall submit resolutions commemorative of the life and character of JOSHUA S. SALMON, late a Representative from the State of New Jersey.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had on the 7th instant, approved and signed the following acts and joint resolution:

An act (S. 679) directing the issue of a check in lieu of a lost check drawn by Capt. E. O. Fechét, disbursing officer, United States Signal Service Corps, in favor of the Bishop Gutta Percha Company;

An act (S. 4832) for the relief of Col. H. B. Freeman;

An act (S. 5079) for the relief of George P. White;

An act (S. 5381) to correct errors in dates of original appointments of Capt. James J. Hornbrook and others;

An act (S. 6446) to provide for the construction of a bridge across Rainy River in Minnesota;

An act (S. 7063) permitting the building of a dam across the St. Croix River at or near the village of St. Croix, Polk County, Wis.; and

A joint resolution (S. R. 146) to extend the time for construction of the Akron, Sterling and Northern Railroad in Alaska.

The message also announced that the President of the United States had on this day approved and signed the following acts:

An act (S. 4722) for the erection of a building for the use and accommodation of the Department of Agriculture; and

An act (S. 7124) to provide for the removal of persons accused of crime to and from the Philippine Islands for trial.

COURTS-MARTIAL IN THE PHILIPPINES.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution, which will be stated.

The SECRETARY. A resolution submitted by Mr. RAWLINS, directing the Secretary of War to inform the Senate what courts-martial have been ordered and held in the Philippine Islands, etc.

Mr. CARMACK. Mr. President, I suppose that the Senate, following the suggestion of the Senator from Massachusetts [Mr. LODGE], will send the resolution to the Committee on the Philippines. I suppose also that every Senator thoroughly understands that you might as well write a letter to a dead man for information as to send a resolution of inquiry to that committee. Before this resolution goes to its grave, I wish, in the language of a distinguished Arkansas divine, to make a few remarks concerning the remains.

The Senator from Indiana [Mr. BEVERIDGE] the other day, when this resolution was in debate, asserted with an air of triumph that the inquiry made by the Philippines Committee had shown that the great majority of the officers and soldiers in the

Philippine Islands had been kindly and humane in their dealings with the natives, and he declared that I was very much disappointed because the result of that investigation had not put a brand of infamy upon the American Army.

This last remark, Mr. President, was wholly gratuitous and wholly mistaken. I have asserted that myself in every speech I have made upon the floor of the Senate. I have said over and over again that the great majority of the American Army abhorred the criminal practices which have brought shame and dishonor, not so much upon the American Army, which is the mere instrument, as upon the authors of that policy. The Senator's statement in that respect is absolutely true, but it is utterly irrelevant. I have some facts in mind to show how true and how irrelevant the Senator's statement is.

We had a number of witnesses before our committee who testified that the command to which they were attached occupied a district comprising five towns, one or more of which had a population of 12,000, and that in all this district there had not been one single act of violence committed by a single Filipino against a single American soldier, and the soldiers on their part were kind and just and generous in dealing with the natives.

There is a fact, Mr. President, to vindicate the assertion made by the Senator from Indiana, if an uncontroverted statement needs any vindication. But what does it signify so far as this controversy is concerned? The further fact is that by the order of the commanding officer all five of those towns and every house in them was laid in ashes and the people driven forth into the wilderness. How much good did it do these wretched Filipinos that the great majority of the soldiers were kindly and humane? How much good did it do them to know that the very men who applied the torch abhorred and detested the acts which they were compelled to commit?

I have another fact in mind, Mr. President, to substantiate the Senator's statement. General Smith in a letter over his own signature declared that the relations existing between his soldiers and the native Filipinos in Samar were of the friendliest character. He declared, in substance, that it was almost impossible to compel his soldiers to execute his brutal and inhuman policy. He said that the soldiers seemed to have a love of the little brown brothers ingrafted in their nature; that they looked upon them as little brown angels.

Mr. President, there, I say, is another fact to substantiate the statement made by the Senator from Indiana that a majority of the American soldiers were just and kind and humane in their dealings with the Filipinos. How much good did that do? How much good did that do the people when Smith issued his inhuman order to make Samar a howling wilderness, to practically exterminate the whole people, to kill even the little children above 10 years of age, and to kill all prisoners?

Sir, if we may believe the testimony brought out in the recent Glenn trial, his orders were executed with such brutal completeness that he actually doomed several thousand people to death by starvation after they had laid down their arms and become friendly to the United States.

Mr. President, how much good does it do to say that the American Army contained only the usual proportion of wicked and vicious men? Every man knows that every army contains a number of wicked and vicious men. How many men does it take to torture unarmed and helpless noncombatants? How many men does it take to burn a village, or a hundred villages? How many men does it take to sweep a whole district with fire after its armed defenders have been driven away?

Mr. President, we know, as I have said, that every army in the world contains enough wicked and vicious and lawless men to make its presence a hell upon earth if those men are not restrained by proper discipline. You may take the most peaceful community in this world, in a time of profoundest peace, when the people are long habituated to orderly government, and you dare not relax the rigor of your penal laws. You know that if you did so, that community would burst out into crimes of blood and violence.

How much more is that true of an army in time of war, habituated to scenes of death and violence. You may take the best army that ever trod the earth, send it to a distant and hostile country, subject it to the nerve-racking strain of a campaign in a tropical land, and let it be known throughout that army that crimes of violence will go unpunished, and who does not know the awful consequences that will ensue?

Let us suppose, Mr. President, that in an army invading a distant country you have a regular system of criminal violence in known, deliberate, scandalous violation of the laws of war; and though this is long continued and notorious, no effort whatever is made to suppress it, and that no criminal is ever brought to justice; let us suppose that the very officers, charged with the duty of enforcing discipline, are themselves the very worst offenders; let us suppose that the most brutal outrages go unnoticed and apparently unknown to the military authorities on the scene long after they have become a matter of common knowledge even to the people at home, 7,000 miles away; let us suppose that courts-martial obstinately refuse to punish or to adequately punish the most flagrant crimes; let us suppose when the facts of an atrocious murder are forced upon the attention of the military authorities, the crime proven, and the criminal known, it is all waved aside as a matter of no consequence, and that this action is approved by the government at home; let us suppose that at last a general officer should throw down all pretenses of discipline and should proclaim to his soldiers that the more bloody and cruel and ferocious they were the better he would be pleased—let us suppose that these conditions exist in the best army in the world, I ask would they not be utterly subversive of discipline, would they not demoralize that army, would they not result in a reign of blood and crime and violence?

Mr. President, the charge we make is that just these conditions have existed and just these consequences have ensued. Who can say that that is a charge against the honor of the great body of American soldiers?

But, Mr. President, you must add one more condition to make this statement complete. You must suppose that these crimes have been again and again brought to the attention of the governmental authorities at home; that respectful requests have been made for some action that would put an end to these abuses; that these requests are at first met with cynical indifference, and when the demands become more sharp and insistent they are met with spurious investigations, which discover no single fact, and with sweeping denials of charges which are afterwards proven beyond the possibility of doubt or denial; and when the facts are established so plainly that they can no longer be disputed, let us suppose that the governmental authorities, and those who speak for them, should turn with the bitterest imprecations upon those by whose efforts the truth has been revealed and should show in every possible way that they have a deeper hatred for the man who exposes than they have for the man who commits the crime—I ask if that would not demoralize the best army in the world? I ask if it would not operate as a license to all the wicked, degraded, depraved, and ruffian characters in that army?

Mr. President, it is a fact that we have had an organized system of torture in the Philippine Islands—torture practiced frequently upon helpless noncombatants, upon men against whom there was no scrap of evidence, against whom no charge was made—torture prolonged until the victims fainted from agony, only to be revived and tortured again, until they had made a confession of guilt or betrayed their countrymen, or by their long endurance of agony convinced their persecutors that they had no crime to confess and no knowledge to reveal, or else until, as in some cases, they died from the torture.

Mr. President, it is a further fact, that though this was notorious throughout the whole army, though it was continued for months and years, no effort was made to suppress it, and no single torturer was ever punished for the crime. It is a fact that men of high character and standing, representatives of leading Republican, Administration newspapers, went in person to the commanding general and told him that they had not only seen a perfect orgy of looting and plunder, but that they had seen wounded prisoners butchered before their very eyes, and, though he did not deny it, he ignored it.

It is further true that this fact was brought to the attention of the Secretary of War in a letter over the signature of Robert M. Collins, the chief agent and representative of the Associated Press in the Philippine Islands, and it did not suggest to him the propriety of any inquiry or any investigation.

Another fact. It was revealed by the publication of a soldier's letter in the United States that there had been a murder of prisoners of war after the battle of Caloocan. I want to say right here that this was one of the many cases that have occurred again and again where the most atrocious crimes remained unnoticed by the military authorities until they were accidentally revealed by the publication of a soldier's letter in the United States, and from the United States sent back to the Philippines.

In this case an investigation was ordered. The inspector-general of the district prosecuted that investigation and he reported that at least two—he did not know how many more—but at least two prisoners had been murdered, and the facts recited showed that there was strong reason to believe that it was done by the order of an American officer, Captain Bishop.

Mr. President, what was done with respect to that report? What followed that report? First, Mr. President, there was a great hue and cry raised and threats of prosecution against the soldier through whose letter the facts had been revealed; next, an attempt was made to stop all investigation by one of the principal heroes, one of the prime favorites of the War Department—General Funston—who lodged the complaint with General MacArthur that the inspector was showing too much zeal in seeking to uncover this crime; next, it was proposed to make a vicarious

sacrifice of a poor private soldier, one of the men who, under orders, had executed the prisoners; but when this was brought to the attention of the judge-advocate he saw that you could not kill even a private soldier or put him in the penitentiary without a trial, and he said that the soldier on that trial would bring out the fact that he acted under the orders of his superior officer, and that the facts developed would implicate too many others.

So, Mr. President, it was decided—it was officially decided—that there were so many engaged in this bloody business that it was better to wink at the crime of murdering prisoners of war than to expose the actual condition of affairs, and that lame and impotent conclusion was accepted by the War Department without a protest.

The Department itself had ordered an investigation of a charge that American officers had murdered prisoners of war. The answer came back that there had been so many men engaged in this practice it was too common a practice to bear investigation; and that answer seems to have been entirely satisfactory to our noble and generous and humane Secretary of War.

Mr. President, when, later on, in a sudden spasm of virtue, a court-martial did convict an officer of the crime of killing an unarmed and unresisting prisoner of war and had fixed upon him the disgracefully light punishment of five years in the penitentiary the President of the United States intervened in his behalf and commuted the punishment to a pecuniary fine and a slight reduction in his rank.

Mr. SPOONER. Will the Senator allow me to ask him a question?

The PRESIDING OFFICER (Mr. DUBOIS in the chair). Does the Senator from Tennessee yield to the Senator from Wisconsin?

Mr. CARMACK. I do.

Mr. SPOONER. Will the Senator please state what case that was and give the name of the officer?

Mr. CARMACK. That was the case of Lieut. Preston Brown.

Mr. SPOONER. Oh, yes.

Mr. CARMACK. Mr. President, I want to say when you talk about dishonoring the Army, that the man who does more than any other to dishonor the American Army is he who permits a cowardly convicted murderer to wear the uniform of an American soldier.

Mr. President, it is a fact that our court-martial trials over there are a travesty upon justice.

Mr. SPOONER. Will the Senator permit me to interrupt him again?

Mr. CARMACK. Yes, sir.

Mr. SPOONER. Does the Senator contend that the record shows that Lieutenant Brown was convicted by a court-martial of murder?

Mr. CARMACK. It does not say "murder."

Mr. SPOONER. No; but the Senator said "a cowardly murderer, a convicted murderer," as I understood him. Does the Senator contend that the record shows that Lieutenant Brown was convicted of murder?

Mr. CARMACK. He was convicted of this: He was convicted of killing an unarmed, unresisting, native Filipino prisoner of war in his charge; and I say that that is murder, whether they call it murder or not.

Mr. SPOONER. If that were true, it would be murder.

Mr. CARMACK. That is what he was convicted of; that was the very charge; it was the very language of the charge; and he was convicted of that—that is the record—of killing an unarmed, unresisting, native Filipino, a prisoner of war in his charge.

Mr. BATE. I wish to ask my colleague if the record shows that fact?

Mr. CARMACK. It does. I think I have quoted the exact language. I have it here, and it reads:

> Lieut. Preston Brown, charged with murdering "an unarmed, unresisting, native Filipino, name unknown, a prisoner of war in his charge," convicted of manslaughter, and sentenced to be dismissed from the service of the United States and confined at hard labor for five years.

I was saying, Mr. President, that our court-martial trials over there have been a travesty upon justice. We have had men convicted of torturing helpless prisoners of war by hanging them by the neck, and the punishment inflicted was a reprimand; of looting, plundering, and firing upon peaceable citizens—punished with reprimand; the most outrageous acts of violence committed upon women and children—punished with a small fine; rape and murder—punished with imprisonment.

Mr. President, I ask if these unpunished crimes, these insufficiently punished crimes, did not constitute a license to all of the criminal elements of the American Army? We have had over there innocent, friendly guides butchered in the most horrible manner without the form or semblance of a trial, and though the facts subsequently developed showed that they were innocent, that they were loyal, that they by their faithfulness had saved the lives of their very murderers, no man ever was punished for the crime. It has been shown in court-martial proceedings over there that natives were required to act as guides to betray their countrymen to American troops, and when they refused to do it their brains were beaten out with the butts of muskets. We have had repeated cases of indiscriminate firing upon peaceable citizens resulting in the killing and wounding of women and children, and the only record of any man ever having been punished for the offense is that of one officer who was reprimanded.

We have had a case brought to light, as so many others have been, through the letter of a soldier, where a number of soldiers surrounded a house, from which house there proceeded sounds of music and laughter. There was no body of armed insurgents there. It was a wedding party. And yet the soldiers fired in upon that peaceable wedding party, killing and wounding a number of women and children, and no man was ever punished for that. No notice was ever taken of it until the news had come back to the United States, having been accidentally revealed through the publication of a soldier's letter and forced upon the attention of the War Department, and, by that circuitous route, sent back to the Philippine Islands.

We have had towns and villages innumerable burned. We have had vast tracts of territory converted into a howling wilderness. Mr. President, when Smith issued his brutal and inhuman order, commanding his soldiers to practically kill everybody over 10 years of age, to murder all prisoners, to make the country a howling wilderness, I have no doubt that that shocked the conscience of a large majority of the American soldiers; but to every wicked, vicious, and depraved ruffian it said, "There is no more law; there is no more restraint; there is no more punishment for crime; you can do just as you please;" and, as I have said, there are enough bad men in every army to spread ruin and death and desolation in its path where no restraint is put upon them.

Mr. President, suppose when Lee invaded Pennsylvania, instead of issuing that humane, magnanimous order forbidding pillage and violence, he had said, "I want you to kill and burn; I want no prisoners; the more you kill and burn the better you will please me." Suppose Grant had issued such an order in the South; each of those great humane commanders would have burned a path of ruin and desolation as deep and as lasting as that of the Conqueror in Northumberland, and he would have left a memory to be execrated by the remotest descendants of the victims.

But, Mr. President, we have to deal not only with the ruffian element of our own Army, who are thus licensed to commit crime, but it is a fact that we turned loose upon those helpless people heathen Macabebe savages. It is a fact, not shown from the testimony of witnesses, but from the official reports of General MacArthur and of General Wheaton, that we turned loose upon those people heathen Macabebe savages, who carried on a perfect carnival of crime, plundering towns, murdering peaceable citizens, and ravishing women, and that the American commanders sought to conceal their crimes and protect them from punishment. It is admitted by General MacArthur and General Wheaton that when these men were employed and clothed with the uniform of the United States their propensity to murder and loot and ravish was well known, and after they had done all this they remained under the same commanders in the service of the United States! The excuse is made by General MacArthur that it was absolutely necessary to employ those savages in order to execute there the policy of the United States.

Mr. President, I have no charge to make against General MacArthur. I will accept as true the plea that the exigencies of the policy imposed upon our commanders did require that mediæval torture should be inflicted, that it did require that we should employ known murderers of men and ravishers of women and clothe them with the uniform of the United States. I will admit, for the sake of argument at least, that these things were necessary to execute this policy; but I say that it constitutes the strongest indictment that could be made against any policy that it requires that such things shall be done by men wearing the uniform of the American soldier.

Mr. President, such were the methods which prevailed in the Philippine Islands, and yet the President of the United States in a public speech declared that we should have been justified in being infinitely more severe. We have adopted mediæval tortures; we have adopted the Spanish reconcentrado policy; we have hunted men down like wild beasts and shot them if they preferred their own wasted country to the reconcentrado pens; we have made that country a howling wilderness; we have driven the people into the very jaws of famine, and yet the President of the United States calmly surveys the ruin he has wrought and, like another great imperialist, is astonished at his own moderation!

Mr. President, I say that we have a right to have the records of these courts-martial laid before the American Senate and given to the American people; and when we ask for them we are confronted with the pitiable excuse on the part of those who have

squandered hundreds of millions of dollars of the public money in this wicked policy and wasted four years in a bloody and devastating war that it would cost a dollar or two and would put the War Department to a little trouble.

Mr. President, we have seen enough in the newspapers with respect to the Glenn court-martial to make it important that the facts should be laid before the American people. I saw in a newspaper a report of some testimony taken in that trial. It was said that a number of natives were commanded to act as guides for American soldiers, and either because they would not or because they could not they were made to kneel and their skulls were beaten in with the butts of muskets, and no man has been punished for that crime.

I do not know whether those men were able to do what was commanded of them. I have it from a high official of the Philippines, recently in the city of Washington, that one peculiarity of the Filipino is that he knows very little of the geography of his country outside of his immediate neighborhood; that it had been the policy of Spain to keep them confined within their own neighborhoods, and that when the average Filipino got beyond that he was in a strange and unknown country. It may be, Mr. President, that these men were killed for not doing what they did not know how to do; but if they did know, and if they chose death rather than betray their countrymen, though their names are unknown and their graves are unmarked, they suffered martyrdom with as sublime a heroism as the most illustrious chieftain who ever died for the liberties of his country.

I do not know, Mr. President, whether Major Glenn was guilty of the murder of those men; I do not know that he had guilty knowledge of the act; but I know from newspaper reports of that trial that the crime was committed and that no man has been punished for it.

I know, further, that Major Glenn defended himself by citing the orders of General Chaffee and General Smith, and that he demanded that they should be brought before that court-martial to testify, so that he might confront them with his statements, and they did not come. I know he declared that the records of General Smith's brigade had been tampered with in order that they might not show the truth.

Mr. President, General Smith has been defended on the ground that his brutal order was not executed. If some of the testimony adduced in the Glenn trial by American officers is true, that order was executed with the most brutal and barbarous perfection. "Let them die," said General Smith, when told that several thousand people who had become friendly to the United States were starving to death in the mountains. "Let them die; the sooner they die the sooner we shall have peace."

Mr. President, there is the Brownell case. How does it happen, I want to ask, when we were assured by the President that he was going to conduct a most rigid investigation and was going to discover all of the crimes that had been perpetrated in the Philippine Islands—how does it happen that he never heard and never learned of the Brownell case, where a priest was tortured until he died? This man was tortured again and again until he fainted under the torture, and when he revived he was tortured the third time, when he died. I know that a complaisant physician who made the post-mortem examination in that case certified that this man did not die of the torture, but that he died of a broken heart—died from "mental anguish."

Mr. President, fortunately we know the meaning of the term "mental anguish" as it is used by the military authorities in the Philippine Islands, for when men were tried and convicted and reprimanded for torturing native Filipinos by hanging them by the neck they were found guilty of inflicting "mental anguish" upon their victims. You can fancy the "mental anguish" of a man who is hanging by his neck!

Mr. President, I do not know but that it would be a good idea to adopt some of these terms in our own law courts. It would not sound half so bad, and would rob death of a great deal of its terrors, if we would do so; if the judge, when he draws on his black cap to pronounce the sentence of death, should order that the prisoner at the bar should at such a time be taken to such and such a place and there suffer "mental anguish" in the neck until he is dead! [Laughter.]

I am not surprised that "mental anguish" is so fatal to people in the Philippine Islands. But, Mr. President, accept this statement as true and it at once destroys the pretense that this water torture is a gentle, humane, and persuasive method. It is said that this man was filled with agony and remorse; that as soon as he had been compelled to make his confession he felt that he was disgraced and dishonored, and he wanted to die and he prayed for death.

Mr. President, how great must have been the physical agony that could have extorted from such a man a confession which he would rather have died than reveal. I have no harsh words to say of Captain Brownell. I am willing to give all due weight to what has been said in his behalf by the Senator from Vermont [Mr. PROCTOR], who knows him well. But the fact is that he repeatedly applied the torture to this priest, and that the latter died under the torture; and I suppose the Senator from Vermont himself would admit that this act was, in general, a violation of the rules of civilized warfare, and in particular a violation of the specific rules laid down for the government of our army in the Philippine Islands—orders and rules which every American officer is supposed to understand and by which he is supposed to be guided unless he receives contrary instructions from his superior officer. If Captain Brownell of his own volition deliberately violated the rules of warfare by torturing this priest to death, he is guilty of an atrocious crime and he ought to have been punished.

I want to say that, in my judgment, Captain Brownell was doing his duty as a soldier in the sense that he was obeying the orders of his superior officers. I believe he was doing what he was sent there to do. I believe he was doing what Chaffee wanted him to do and knew he was doing. One of the most dastardly things in this whole business has been the attempt of the commanding officers to saddle all the odium and all the criminality of these acts upon subordinate officers and private soldiers when they themselves are responsible for the crimes.

Mr. LODGE. May I ask the Senator from Tennessee a question? Was General Chaffee in command at the date of this occurrence?

Mr. CARMACK. I am not right sure.

Mr. LODGE. My impression is that it was General MacArthur who was in command. I have not the date here.

Mr. CARMACK. I do not remember the date when it occurred.

Mr. President, there is one other case which does not concern the torture of a Filipino. It is the torture and the murder of an American soldier. I refer to the case of Private Richter, tortured and killed by Lieutenant Sinclair, who was afterwards acquitted. The effort has been made and the statement has gone forth, apparently emanating from the War Department, seeking to represent this man as a debauched, depraved, and degraded beast, who died while suffering mild and proper correction. I have here a statement which purports to have been taken from the records of this trial and which I believe is correct, and I will read it to the Senate.

The case of Private Edward G. Richter, who was put to death by torture while serving his country in a foreign land, is surrounded with details so horrible as to challenge human belief.

Prior to his enlistment in the United States Army young Richter was an honest and respected citizen of Syracuse, N. Y., possessing the confidence and esteem of all who knew him. A brief outline of the details in connection with the murder of this young soldier are as follows:

At Dasmarinas, Cavite Province., P. I., on the night of February 7, 1902, Lieut. William B. Sinclair, of Company I, Twenty-eighth Infantry, commanded his subordinate to remove Private Richter from his quarters and bind him, hand and foot, to the ground. There being no rope at hand Lieutenant Sinclair hastily procured one from his own quarters near by, and the man was bound as directed.

At this juncture the unfortunate soldier must have had a premonition of the horrible fate that awaited him, for he cried out to his comrades, "They are going to kill me." To prevent further outcry the lieutenant ordered a gag placed in the already helpless man's mouth. Next a stick of wood was brought, and with this the gag was pressed firmly into the mouth, apparently so as to effectually shut off the breath. But the torture did not cease here.

By the officer's order a cask of ice water was brought to the scene. Dipperful at a time, the water was slowly poured on the dying man's face. In the agonizing attempt to catch one last breath the bound man twisted and squirmed his poor, tortured frame as much as the cords which bound him would allow. According to witnesses this diabolical torture was continued for two hours and twenty minutes, even for a considerable time after the dying man's struggles had ceased. Lieutenant Sinclair was duly tried, charged with the murder of young Richter.

It has been my painful privilege to read the entire court-martial proceedings, covering some 20,000 words, and I give it as my own unbiased opinion that the testimony there adduced was sufficient to convict a hundredfold; but the accused officer was found "not guilty."

Absolutely the only atom of evidence presented at this trial which by any stretch of the imagination could be construed as unfavorable to Richter was to the effect that he was in a state of intoxication—which, if true, only adds to the enormity of the crime—and that he had used obscene language to the lieutenant who was torturing him. Also, that during the torture Richter had called upon his comrades to help save his life. But the testimony shows that even these frail charges were by no means concurred in by all the witnesses. There is not a word in the testimony to indicate that the boy at any time offered the slightest violence toward his so-called superiors. All in all, it is one of the most cowardly and revolting deeds that stains the whole calendar of crime.

The mother who had borne and reared her son to manhood is now passing her days in sorrow and grief. She has modestly asked the War Department to return to her the body of her boy and to furnish her with a copy of the court-martial proceedings which acquitted his murderer. Up to the present time both of these requests have been denied her.

Mr. President, I assert that in my opinion that is a true statement of what will be revealed by the records of that court-martial. I assert that it is not true that this man was a debased and degraded ruffian, but that he was a man of good standing and of good character. In my judgment the records of that court-martial, if they are laid before the Senate, will show that he was foully and brutally murdered; and we demand that the court-martial proceedings shall be made public; and we demand it not to defame the American Army, but to defend the honor and good name of a murdered soldier.

Mr. President, the plain truth is that Senators upon the other side of the Chamber know of the awful horrors that have been enacted in our Philippine war, but they do not care. The whole land has been blighted and ruined by fire and sword, with plague and famine following, like wolf and vulture, in the track of war. Perhaps nowhere in the world are there a people in a more pitiable plight than are the people of the Philippine Islands to-day. But we do not care. If any part of our own people had been thus afflicted Congress would have been called together in extraordinary session for their relief, large appropriations would have been instantly voted, and private charity would have poured out its bounties.

In this case it is not even a topic of conversation. It is not mentioned by Senators in private or in debate. It was absolutely ignored by the President in his annual message to Congress. He rhapsodized over the magnificent triumph of our American arms, but he had not one word of pity for our victims. No note of dolor was suffered to mingle with the victor's song. In his speech at Memphis the President declared that the people of the Philippine Islands had never been as orderly, as peaceful, and as prosperous as they are to-day. He declared that their progress in material well-being was absolutely astounding. Yet, Mr. President, at the very moment when he made that statement those people were actually and literally starving to death. At that very time the insular government was spending $15,000,000 to buy food to stay the advance of famine—$15,000,000 wrung from the people themselves; taxing starvation to feed famine. At that very time agriculture and all other forms of industry were paralyzed and prostrate, and the people were being driven, by sheer hunger, to brigandage and robbery, fighting no longer for liberty, but for bread. These were the actual facts as stated by Governor Taft in his report from the Philippine Islands.

Mr. President, if all the cereal crops of the United States should fail, if some plague should destroy nearly all the horses, the cattle, and the hogs in this country, the immense increase in the importation of food stuffs and of live stock that would ensue would not be regarded by any man as an evidence of prosperity in this country, but rather as the marks of a vast and overwhelming calamity. But in the Philippine Islands our President and our Secretary of War and our imperialist orators regard the food that is imported to feed the starving as showing the great commercial prosperity of a famine-stricken country. "The imports are so great and the people are so prosperous" because food is being sent there to feed the people who have no food at home, and which would not be sent there if the people were prosperous and if their crops had not been destroyed.

Mr. President, there is another aspect to this question besides that of mercy and humanity. I suppose it is vain to appeal upon that ground, but there is this practical aspect of the question. Mr. Roosevelt, in a speech made when he was governor of New York, said that our indifference to the welfare of the people of Alaska had made them prefer annexation to Great Britain, and the same condition would result, he said, if we showed a like indifference in the Philippine Islands. Governor Taft has told us that if our Government there is to be a success, if it is not to be a colossal and egregious failure, we must keep in office there the very best men, and he said it would be very difficult to get high-class men to remain in that country. He said that the opportunities and temptations for plunder and oppression would be very great, and that there must be a constant and most vigilant supervision on the part of the Government at Washington. How much vigilant supervision is exercised by the man who thinks that the country is enjoying the greatest prosperity when, as a matter of fact, it is actually starving to death?

The President has told us again and again that our war in the Philippine Islands was the most gentle, the most merciful, and the most humane ever waged in the history of this world. But we can not forget that the same President has told us that the people of the Philippine Islands were actually wallowing in luxury and fat content, when, as a matter of fact, they were perishing by the tens of thousands of plague and famine. How much confidence can you put in official information with respect to that unhappy country when the very source of information tells us that the people are the most prosperous people in the world, when, as a matter of fact, they are in the grip of famine and dying by the thousands and the tens of thousands, and when an appeal is lying right before this Congress to make an appropriation to keep this most prosperous people on earth from starving to death? The most prosperous people in the world! With torch and sword he had scattered plenty o'er a smiling land. He had made it a howling wilderness, but the most prosperous "howling wilderness" in the world.

Mr. President, the same vigilance that enabled the President to discover that these people were enjoying such marvelous prosperity, when they were starving to death, will enable him to discover that they are enjoying the best government in the world, when, as a matter of fact, they are being oppressed and plundered by carpetbag adventurers, and when they rise in insurrection against intolerable oppression that vigilance will enable him to see that it is simply the innate devilment and wickedness of the people.

Mr. President, I have heard it said again and again, "There is no use talking about this Philippine question, because the people of the United States do not care what is going on in the Philippines." Our experiment there will fail disgracefully and disastrously because we do not care. If you are to have good government there, if you are to have tolerable government there, you must care; you must exercise an eternal vigilance for the welfare of the people, for, Mr. President, the price of bad government will be discontent, will be hatred, and sooner or later it will be insurrection and war, to be put down at the cost of the blood and the treasure of the American people.

Mr. President, I do not know whether this country will ever come back to the old traditions of the past. I have seen a vast change in the ideals of those who now lead the dominant party. The President of the United States in his public utterances has repudiated his own most fundamental political conceptions as laid down in his books. An eminent Senator on the other side of the Chamber has declared that in his judgment the abolition of human slavery was a mistake. Perhaps that eminent Senator, whoever he may be, contemplated the opportunity for vast profits by the employment of slave labor in the Philippine Islands and cursed the shortsightedness of the Republican party in abolishing slavery. I do not know how that is.

The Senator from Wisconsin [Mr. SPOONER] in a speech made during the last campaign expressed a wish that the present occupant of the White House could be fixed in that position for twenty years, in order that he might resist such revolutionary and socialistic doctrines as found expression in the New York Democratic platform. But, Mr. President, those who have launched this country upon a new and strange and revolutionary policy abroad can not complain if others follow their revolutionary example. The fatal work is done, and the door is thrown open to all forms of revolution when you destroy the reverence of the people for the old conservative traditions of the past. Those who have trampled down the principles and traditions which forbid this country to become the ruler of subject races can not complain if others trample down those old principles and traditions which define the scope and purpose of our Government at home.

Mr. President, it is said that we can not retreat; that it would be cowardly for us to retreat. I do not believe that it is an act either of folly or of cowardice to retreat from the bog to the solid highway upon which we have thus far traveled to glory and with honor. I believe, I firmly believe, that time will demonstrate the folly of all this business, and I earnestly hope time will find some cure for the blunder we have made.

Mr. LODGE. I ask that the resolution may go over without prejudice.

The PRESIDENT pro tempore. The Senator from Massachusetts asks that the resolution may lie on the table. Does the Senator mean as before—subject to call?

Mr. LODGE. Yes; I think it would be better in that way.

The PRESIDENT pro tempore. That will obviate the necessity of its being laid before the Senate every morning. The Senator from Massachusetts asks unanimous consent that the resolution may lie on the table subject to call. Is there objection? The Chair hears none, and it is so ordered.

STATEHOOD BILL.

Mr. QUAY. I now renew my motion that the Senate proceed with the consideration of the omnibus statehood bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

The PRESIDENT pro tempore. The Senator from New Jersey is entitled to the floor.

Mr. ALGER. Will the Senator from New Jersey yield to me for a moment?

Mr. KEAN. Certainly.

ROBERT C. GREGG.

Mr. ALGER. I ask unanimous consent for the consideration of the bill (S. 5219) to grant an honorable discharge from the military service to Robert C. Gregg.

The PRESIDENT pro tempore. The Senator from Michigan asks unanimous consent for the consideration of a bill, which will be read to the Senate for information.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the Secretary of War to review and to revoke the

order dismissing Robert C. Gregg from the service as a first lieutenant of the Forty-ninth Regiment United States Volunteer Infantry, and to issue a certificate of honorable discharge for him to date from the 31st day of March, 1900.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the House to the following bills:

A bill (S. 149) to provide for holding terms of court in the district of Utah; and

A bill (S. 3287) to fix the salaries of certain judges of the United States.

SALARIES OF JUDGES.

Mr. HOAR submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3287) to fix the salaries of certain judges of the United States, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, 3, 4, 5, 6, 7, 9, 11, 12, 13, 14, 15, 16, and 17, and agree to same.

That the Senate recede from its disagreement to the amendment of the House numbered 8, and agree to the same with an amendment as follows: In place of "six" insert "seven," and the House agree to the same.

That the House recede from its amendment numbered 10.

GEORGE F. HOAR,
CHARLES W. FAIRBANKS,
GEORGE TURNER,
Managers on the part of the Senate.
JOHN J. JENKINS,
D. H. SMITH,
V. WARNER,
Managers on the part of the House.

The report was agreed to.

LOUISIANA PURCHASE EXPOSITION COMPANY.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Industrial Expositions, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State covering a statement showing the receipts and disbursements of the Louisiana Purchase Exposition Company for the month of December, 1902, furnished by the Louisiana Purchase Exposition Commission in pursuance of section 11 of the "Act to provide for celebrating the one hundredth anniversary of the purchase of the Louisiana Territory," etc., approved March 3, 1901.

THEODORE ROOSEVELT.

WHITE HOUSE, *February 9, 1903.*

STATEHOOD BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. KEAN addressed the Senate in continuation of the speech begun by him on the 4th instant, and having spoken, with interruptions, for nearly an hour,

Mr. PATTERSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from Colorado?

Mr. KEAN. Certainly.

[Mr. KEAN'S speech will be published entire after it shall have been concluded.]

Mr. PATTERSON. My attention was attracted to what appear to be suggestions from the Senator from Maine [Mr. HALE] that there are no good, substantial reasons for the admission of New Mexico, in connection with which he told an anecdote, the full import of which I did not gather, but I thought it would be quite apropos to read a very short extract from a speech by a very distinguished Republican, made at Las Vegas, N. Mex., on the 25th of June, 1899—made by the present occupant of the White House. It was at a reunion of the Rough Riders, and this is an extract taken from the speech which he made at that time, which was published in the Las Vegas Daily Optic. It was sworn to by the publisher of that paper as a correct report of his remarks. It is very short, and it may furnish an opportunity for further digression by Senators who oppose the admission of these Territories, as I take it that opportunities for digression are what they are mostly seeking for at this time. The extract I referred to is as follows:

I can not say how glad I have been to come here. I never was in New Mexico before, but I never felt like a stranger for one moment among you. [Applause.] I claim the same right that each of your sons claims of glory, and take pride in the name and fame of New Mexico. I am an American, as you are Americans, and you and I alike have the right to claim as our own every acre and rod of country from Maine to Oregon; from Florida to California. [Applause.]

It seems that a shower came up at about that time and the speaker said:

The heavens have been more than propitious so far and we must not complain of this shower. All I shall say is if New Mexico wants to be a State, you can count me in, and I will go to Washington to speak for you or do anything you wish.

Mr. KEAN. What was the date of that speech?

Mr. BATE. By whom was it delivered? The Senator should state that.

Mr. PATTERSON. It is an address delivered by Hon. Theodore Roosevelt, now President of the United States, at the Rough Riders' reunion, on Sunday—"the better the day, the better the deed"—June 25, 1899, at Las Vegas, N. Mex.

Mr. KEAN. That was not a speech in favor of the omnibus bill.

Mr. HALE. Does the President indicate in that rather large contract that he entered into that he had never been in New Mexico before?

Mr. PATTERSON. That is what he said.

Mr. HALE. He was a stranger?

Mr. PATTERSON. He was a stranger.

Mr. HALE. Speaking from his impressions?

Mr. PATTERSON. He was a stranger, but they did not take him in. [Laughter.]

Mr. KEAN. But they tried to.

Mr. GALLINGER. He took himself in.

Mr. PATTERSON. I am quite convinced that they could not play any gold-brick game on the honorable gentleman who was addressing that meeting; but I am inclined to think that President Roosevelt was not at all ignorant of the history of the country, nor of the part New Mexico had played in the country's history, nor of the part its men played in the war from which we emerged with so much glory, and I imagine also that he was not ignorant of the moral obligation that rested upon this country by virtue of the treaty——

Mr. KEAN. What moral obligation of the treaty?

Mr. PATTERSON. By which that great territory was annexed to the United States; nor, I take it, was a man, who had been so long connected with public affairs, ignorant of the section of the country and its conditions of which he was then an honored and invited guest, and I am inclined to think that at that time the President of the United States spoke his honest sentiments, sentiments that a majority both of the Senate and House of Representatives echoed.

This bill passed the House of Representatives by a tremendous majority, and there are those who say that if an opportunity was given in this body it would pass this body by a very decided majority. So we have the very condition of things that the parties to the treaty of Guadalupe-Hidalgo contemplated. Congress is now ready to admit these Territories if those who are opposing the measure will but give the Senate an opportunity to vote, so that the record made on this side of the Capitol may coincide with the record made on the other side.

Mr. HALE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from Maine?

Mr. KEAN. Certainly.

Mr. HALE. I only wish to say that I have no doubt that the President was sincere at the time that he made that speech. It does not disclose that he had made a thorough examination into the conditions of New Mexico; but with the impressions upon his mind, the feeling that animated him, he was in favor of the admission of New Mexico; but, Mr. President, there is nothing in that speech that indicates that the President at that time was in favor of the admission of New Mexico with bare, barren, sparsely populated Arizona tacked on it as a rider, and Oklahoma, with varying conditions, not in the slightest degree touching those of New Mexico, tacked on as another incident. There is nothing whatever in that speech that indicates that the President in any way then, there, or now was, or is, in favor of this omnibus bill, admitting all these Territories together.

If some enthusiastic person in the audience which the President addressed, some denizen of Arizona, who had strayed far enough away from that Territory to be present at the meeting which the President addressed, and thinking of his own region, instead of New Mexico, had arisen and asked the President whether he was in favor of the admission of New Mexico with Arizona attached, does the Senator believe that the President had enthusiasm enough at that time to have favored that proposition also?

The President was talking about a single bill for the admission of New Mexico standing upon her own merits, whatever they may be. One of the great objections that we have to it is that it is lumped together with other measures, and sought to be put

through as an omnibus bill. I know of no record of the President or of anybody who is opposing this bill which ever indicated that they would support such a proposition as is presented here by the minority.

Mr. BATE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from Tennessee?

Mr. KEAN. I yield to the Senator from Tennessee.

Mr. BATE. As a part of history, the Senator from Maine, I think, will find, if he will search the RECORD of the proceedings of the other House, that there were three separate bills there introduced and ready to be acted upon, which passed the committee, and that the House of Representatives gave an instruction or an order, which I think is in the RECORD, that the three bills should be united into an omnibus bill. The House has done that and put the bill in this shape. That is a Republican House, and Republicans voted for it.

Mr. HALE. Is there anything to hinder the Senate committee from separating them and putting each of these Territories in a separate bill?

Mr. BATE. I understand, sir, there was an order in the House that the different bills should be united in an omnibus bill.

Mr. HALE. Yes; but that does not bind the Senate.

Mr. BATE. Perhaps not; but has the minority here attempted to put those bills through separately; and if so, when? Has the minority proposed statehood for a single one of these Territories? I understand not, nor has there been any effort made to put a single one of them through or to give us a chance to vote upon the bill at all.

In reply to what the Senator from New Jersey said in reference to the speech of the President, I beg leave to read the closing words of what the President said, and let us see if he did not mean to assist New Mexico even at that time, if it were necessary. The closing words of the President's speech, addressing that audience in New Mexico, are:

All I shall say is, if New Mexico wants to be a State you can count me in, and I will go to Washington to speak for you or do anything you wish.

I think that is language plain enough and distinct enough to show what the President then desired to do. But whether he has changed his opinion or not is, I suppose, a mere matter of surmise, for I do not know what his position is now. I do not belong to his party and do not know what he thinks about this measure, nor do I know what his final action regarding it will be if the bill should come before him for the admission of these Territories; but there is the declaration of Colonel Roosevelt, now the President of the United States, and I have seen no recantation of it.

Mr. KEAN. Mr. President——

Mr. PATTERSON. Will the Senator yield to me for a few moments?

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from Colorado?

Mr. KEAN. I yield to the Senator from Colorado.

Mr. PATTERSON. With reference to the question that was before Colonel Roosevelt when he made his speech at Las Vegas, it is very true there was no proposition to lump three Territories together for admission as three separate States; but as I have listened to the objections to the omnibus bill from the other side of the Chamber, they have been concentrated almost exclusively upon New Mexico. New Mexico is the sore spot in the measure; and that, I discover, is chiefly by reason of the fact, until the Mormon bugaboo was started the other day, that the people speak Spanish, that the children play in Spanish, and that some of the business houses have Spanish signs over their doors to indicate——

Mr. KEAN. What did the Senator say—that the children play in Spanish?

Mr. PATTERSON. Yes; they play in Spanish. They leave school where they have been taught English during the day, and they have so much love for what we would term their mother tongue that they actually forget English for the time being and play tag and puss in the corner and games of that kind in the Spanish language, which of course is quite a disqualification for statehood, or it would be when they come in.

But, Mr. President, the main objections have been urged against New Mexico, and those objections have attacked the qualifications of the citizenship of New Mexico.

So far as Arizona is concerned, the chief objection has been to the lack of numbers and not the quality of the people. It is admitted that Oklahoma has a population sufficient, I think, for at least two members of Congress, nearly 400,000, a population that is composed of the very best blood and the very best people of the American race.

So when we show that a most distinguished statesman and a most distinguished Republican leader, one upon whom at that time the eyes of the Republican party were concentrating as a proper person at least to fill the great office of Vice-President of the United States, most heartily and enthusiastically pledged himself even to go to Washington for the purpose of securing the admission of New Mexico as a State in the Union, then the objections to the omnibus bill ought to vanish.

It is not at all unusual for States to be admitted into the Union in a group. That has been the practice ever since the adoption of our Constitution and the passage of the Ordinance of 1787. If the grouping of three Territories in one bill for admission as three States were at all unusual, then an objection based on that fact might carry some weight with intelligent Senators, but I submit to the Senate that it has been the exception to admit a State singly; that the usual course has been to group several States, admitting them either in one bill or at one session, it being understood that the admission of one was dependent upon the admission of another.

So I again suggest that that most emphatic and earnest and unqualified indorsement of New Mexico by the gentleman who is now President of the United States should carry conviction even to unwilling Republican minds.

Mr. QUAY and Mr. ELKINS addressed the Chair.

Mr. KEAN. Mr. President, I trust the Senator——

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from Pennsylvania?

Mr. KEAN. I yield.

Mr. QUAY. Mr. President, recurring to the suggestion of the Senator from Maine [Mr. HALE] that the proposition for the admission of the Territory of New Mexico as a State is an entirely different proposition from the omnibus bill, I ask the Senator from Maine whether, in the event there is an agreement for a division of the question and that a vote shall be taken as to the admission of each Territory separately, he and those who are acting with him in obstructing the passage of this bill through the Senate will agree to fix a day for a vote?

Mr. HALE. Oh, well, that is a non sequitur. But if the question were divided and it came separately, I should certainly vote for New Mexico quicker than I would for Arizona. I should like to have the opportunity of discriminating, and I think we ought to have it.

Mr. QUAY. There will be no opportunity to discriminate unless there is an opportunity to vote.

Mr. HALE. There will be an opportunity to discriminate when we do vote.

Mr. QUAY. When will we vote?

Mr. HALE. I can not tell the Senator. I am not in charge of the measure; I do not know. I will assure the Senator that I would rather vote for New Mexico than for Arizona.

Mr. QUAY. I should be very glad to have a date fixed for this discrimination, if it is ever to occur.

Mr. ELKINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from West Virginia?

Mr. KEAN. Before yielding to the Senator from West Virginia, I want to ask the Senator from Colorado a question. That is, whether he would give us the same assurances now on the admission of these Territories that he gave in the House of Representatives—in 1875, I think it was—when he was urging the admission of Colorado as a State in the Union.

Mr. PATTERSON. I was not then a member of the House of Representatives.

Mr. KEAN. Was not the Senator a Delegate?

Mr. PATTERSON. I was not a Delegate when Colorado was admitted into the Union. Mr. Jerome B. Chaffee was the Delegate from Colorado at that time.

Mr. KEAN. It must have been at a previous time. I made a mistake as to the date. I beg the Senator's pardon.

Mr. ELKINS. Mr. President——

Mr. KEAN. I yield to the Senator from West Virginia, although I had not quite completed reading from his remarks. I can do it after he has concluded.

[Mr. ELKINS addressed the Senate. See Appendix.]

Mr. CLAY. Mr. President, the Senator from New Jersey [Mr. KEAN] certainly does not desire to do an injustice to the people of New Mexico and Arizona, but the Senator has undoubtedly done them an injustice. The Senator has referred to the fact—and it has been referred to on this floor time and again—that the people of New Mexico and Arizona were in favor of polygamy; that they were ignorant; that they were repudiationists. It is perfectly legitimate to stand on the floor of this Chamber——

Mr. KEAN. I beg the Senator's pardon. I did not refer to them as repudiationists.

Mr. CLAY. In one moment I will yield to the Senator.

It is perfectly legitimate to stand on the floor of this Chamber and present proper arguments against the admission of these Territories to statehood, but to stand here and do an injustice to

those people, Mr. President, is an act which some day Senators will regret.

Now I yield to the Senator from New Jersey.

Mr. KEAN. I merely wish to call the attention of the Senator to the fact that I did not allude to those people as repudiationists.

Mr. CLAY. I did not especially refer to the Senator from New Jersey when I stated that those people had been spoken of as repudiationists, but it has been charged on this floor that the people of Arizona were repudiationists, and when an investigation was made it was demonstrated that they were in favor of the payment of their debts, but that Congress had done them an injustice in requiring them to pay bonds that were fraudulent, and which ought not to have been paid.

The Senator from New Jersey has said upon this floor that there was great danger in the admission of New Mexico to statehood, because of the large number of Mormons in that Territory. Why, Mr. President, if you will refer to the census report you will find in 1890 that, with a population of 180,000, there were only 456 Mormons in New Mexico.

Mr. KEAN. Will the Senator yield to me?

Mr. CLAY. With pleasure.

Mr. KEAN. The Senator is mistaken. I know perfectly well what the Mormon population in New Mexico is according to the census report, for I have it here. I call the Senator's attention to the statement which I made, which was that there were 400 and odd Mormons, I believe, in New Mexico.

Mr. CLAY. Four hundred and fifty-six.

Mr. KEAN. Four hundred and fifty-six. I made no extravagant statement as to the number of Mormons in New Mexico.

Mr. CLAY. I did not say that the Senator from New Jersey made an extravagant statement in regard to the number of Mormons in New Mexico, but the Senator stated that great danger was likely to come by reason of the Mormon population in that Territory, which is only 456.

Mr. KEAN. That was twelve years ago.

Mr. CLAY. And the best information that I can obtain at the present shows less than 1,300 Mormons there at the last census.

Mr. KEAN. It has considerably more than doubled.

Mr. CLAY. Yes. I will call the Senator's attention to the fact that in Idaho, by the census of 1890, there were 14,972 Mormons, and if you will examine the census returns as to the population of Utah you will find that there are 118,201 Mormons there, while there are only 456 in New Mexico and 6,500 in Arizona.

Mr. President, we ought not to do those people an injustice. The time may come—and it ought to come now—when we will admit those people to statehood, and we shall be ashamed of the treatment we have accorded to them during this debate. They are all American citizens; they can be classified among the best people of this Republic, and it is wrong to stand upon this floor and denounce them in the way they have been denounced.

I want to call the attention of my friend from New Jersey to a statement he made, for I do not believe he desires to do injustice to any one. He said that New Mexico and Arizona had never given an expression against polygamy. If the Senator had taken the trouble to read the history of New Mexico, he would have found that in 1889, when she adopted her constitution, she provided that polygamy should forever cease in that Territory; and I have that constitution before me. That constitution was adopted with practical unanimity, and we find that the Secretary of the Interior in submitting it to Congress said:

> Referring again to the constitutional convention held in 1889, I beg to submit its work herewith as an evidence of the character, ability, fairness, and broadness of the people who framed it, and who were representative New Mexicans. I submit it confidently, to compare favorably as a state document with any of the constitutions adopted by the older States, and earnestly invite your attention to the same as showing the qualities of mind and character of thought representative of the people of New Mexico upon this organic measure.

If the Senator would turn to the bill of rights in the constitution adopted by the Territory of New Mexico in 1889, he would find that the people whom he has charged with being polygamists provided in section 14 of their bill of rights, as follows:

> SEC. 14. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, is hereby guaranteed, and no person shall be rendered incompetent to be a witness or a juror on account of his opinions on matters of religious belief; but the liberty of conscience hereby secured shall not excuse acts of licentiousness or justify polygamous practices or other acts inconsistent with morality or the peace or safety of the state, nor permit any person, organization, or association, directly or indirectly, to aid or abet, counsel or advise any person to commit bigamy or polygamy or any other crime.

Now, mark you, Mr. President—

> Bigamy and polygamy are forever prohibited—

By this constitution adopted in 1889 by New Mexico and submitted to Congress. If the enabling act had been passed, New Mexico would have become a State. I understand now that the people of New Mexico are ready at this time to present this identical constitution to Congress. All they ask is an opportunity for statehood.

I did not rise for the purpose of making a speech, but I do believe it is wrong for a Senator to stand here and charge those people as being repudiationists, charge them with being polygamists, and charge them with being ignorant, when they are an intelligent, progressive, and enterprising people, who at no distant day will constitute States in this Union of which we shall all be proud.

Mr. KEAN. Mr. President——

Mr. NELSON. Will the Senator from New Jersey yield to me?

Mr. KEAN. I will yield to the Senator from Minnesota in a moment. Before yielding, however, I would like to say that I am not in the least disturbed by the remarks of the Senator from Georgia [Mr. CLAY]. I do not think that I charged the people of New Mexico wrongly. All I was contending for was a proper amendment to this omnibus statehood bill to prohibit polygamy. With the growing power of the Mormon Church, I think such a provision is necessary, and I think the Senator from Georgia will agree that it is necessary. I have looked through the statutes of Arizona, and all I could find on this subject was what I read on Saturday last. There may be other statutes, but I do not know of them. I was not aware until a little while ago of the provision of the constitution of New Mexico which the Senator has read, but I certainly did not charge that any statute had been passed in New Mexico that gave polygamy any standing whatever. What I complained of was that not sufficient attention had been given to this subject in the pending bill.

Now I yield to the Senator from Minnesota.

Mr. NELSON. Mr. President, I desire to make a brief statement to correct some of the misapprehensions under which Senators seem to labor. First of all, I was struck by the circumstance that the Senator from Colorado [Mr. TELLER], who is usually very correct in his statements, the other day called attention to the fact, as he claimed, that it was really New Mexicans that expelled the Confederates from New Mexico during the civil war. In that I think the Senator unwittingly did an injustice to his own State. As a matter of fact, and it is also a matter of history, it was a regiment from Colorado, a regiment of "Pike's Peakers," under the command of Colonel Slough and Major Chivington, that went into New Mexico and turned the tide of the Confederate invasion.

I wish to read very briefly in this connection from Bancroft's History of Arizona and New Mexico:

> Colorado's experience in the civil war has been elsewhere recorded in the volume devoted to that Territory. Here it must suffice to state that by the energetic efforts of Governor Gilpin and his associates a Union force was raised, which not only defeated all Confederate hopes at home, but was also able to go abroad and turn the scale in New Mexico. Two companies, which later became A and B of the Second Colorado Volunteers, were mustered in December, 1861, going to New Mexico in January, 1862. Company B, Capt. T. H. Dodd, served under Canby at Valverde, as we have seen, and Company A, Capt. J. H. Ford, remained at Fort Union.
>
> The First Regiment of Colorado Volunteers was commanded by Col. J. P. Slough, S. F. Tappan being lieutenant-colonel and J. M. Chivington major. The regiment was composed largely of "Pike's Peakers," the best of fighting material, intensely loyal to the Union, always eager to go to the front, but not taking kindly to the restraint of military discipline when there was no fighting to be done. Whole companies were often under arrest for mutiny, and an order to march to the relief of Canby, obtained by Major Chivington from General Hunter mainly with a view to prevent the disintregation of the regiment, was welcome to all. The troops left Denver in February; the different divisions united March 7 at the foot of the Raton pass. A march of 64 miles was once made in twenty-four hours, and the regiment arrived at Fort Union on the 11th-13th of March. Maj. G. R. Paul, colonel of New Mexico Volunteers, was in command of the post, but was ranked by Colonel Slough, who assumed command of the united forces.
>
> On March 22, Colonel Slough's army of 1,342 men, including 300 regular troops, marched from Fort Union toward Santa Fe, encamping at Bernal Spring on the 24th. On the 25th the advance of 400 men, half of them mounted, encamped near the old Pecos ruins, and a scouting party, under Lieutenant Nelson, captured 4 men of the enemy's picket, 5 miles farther west at Pigeon's rancho. Next morning Major Chivington advanced with all force; and about a mile beyond the rancho, at the mouth of the Apache Canyon proper, found a Texan battery posted, which opened fire. This was about 2 p. m. The Federal infantry deployed to the canyon slopes as skirmishers, advanced to the attack, the calvary remaining behind a spur in the ravine, with orders to charge when the battery showed signs of retreating. The battery presently fell back a mile or more, but Captain Howland failed to charge as ordered. The new position of the Texan guns was at a bend in the canyon, across a dry arroyo bed, supported by the infantry, strongly posted among the rocks and on the summits.
>
> Chivington repeated his former manuever, but dismounting Howland's and Lord's men to strengthen the infantry on the flanks, he left the cavalry charge to 100 Colorado horsemen under Captain Cook. After a sharp fight on the flanks the battery yielded and Cook dashed forward, his horsemen leaping the arroyo with a yell and charging through and through the enemy's ranks. Cook fell severely wounded, but Lieutenant Nelson took his place. The infantry, under Captains Downing and Wincoop, cooperated most effectively; the Texans were driven from the field, and the fight of Apache Canyon was won.

Mr. TELLER. Will the Senator allow me to correct him?

Mr. NELSON. Certainly.

Mr. TELLER. I never made any statement of the kind the Senator has attributed to me. I only claimed that the New Mexican soldiers had assisted in the expulsion of the Confederates. The New Mexicans had three regiments in that fight and Colorado had one regiment. I do not know who did the work, but I know it was well done. I have never claimed that the New Mexicans did all the work and that our soldiers did not do their share.

I want to say to the Senator that I am entirely familiar with that transaction. In the regiment from Colorado all of the officers were acquaintances and friends of mine, as were very many of the common soldiers; and I should like to say now, while upon the subject, that in that campaign a Colorado regiment of infantry made a march of over 60 miles in twenty-four hours, and went into that battle at the dawn of day, assisting General Canby with his New Mexican troops. I will not allow the Senator to put upon the record a statement that I claimed that the New Mexican soldiers did this work alone; for I made no such statement, and nothing which I said could be tortured into it.

Mr. NELSON. Mr. President, the most that can be claimed for the New Mexicans during the civil war was that they were to a large extent passive. The turning of the tide of the Confederate invasion of New Mexico was largely through the efforts of this regiment of Colorado Pike's Peakers, in connection with about 300 United States Regulars. But I will take no more time upon that subject. I only refer to it incidentally to show how sometimes we are prone to exaggerate and give credit where credit is not due.

Now, I want to call attention to some of the statements of the Senator from West Virginia [Mr. ELKINS], which were utterly wide of the mark. He claimed, in his remarks a moment ago, that there were over 300,000 people in New Mexico, and that three-fifths of them are now Americans. I have examined the last annual report of Governor Otero, of New Mexico, and the most he claims is 234,000, and out of that he says that the Spanish-Mexican population is 144,000 and the American population only 90,000. That shows that the Senator from West Virginia is entirely mistaken.

At the close of his speech the other day, and I had not the opportunity of being in the Chamber at that time, owing to the fact that I was engaged in committee work, the junior Senator from Ohio [Mr. FORAKER] referred to the character of the population in the State of Minnesota and took occasion to compare them with the population of New Mexico. It is true that in Minnesota we have a large foreign population; but a large proportion of that foreign population are English-speaking people. Out of a total foreign population of about 500,000 in Minnesota nearly 90,000 are English-speaking foreigners from Canada and the British Isles. They come over familiar with our language and they immediately become valuable members of the community. The remainder of our immigrants in Minnesota are either from Germany or the three Scandinavian countries—Denmark, Sweden, and Norway. Everyone who is at all familiar with the facts knows that there is no class of people coming to this country speaking another tongue who more rapidly learn the English language and become good American citizens. The first generation of children of these German and Scandinavian immigrants become thoroughly Americanized; they speak the English language, and in many instances never are able to learn the mother tongue of their parents; in fact, they frequently grow up without any knowledge of it.

Minnesota has been settled to a large extent by immigrants and the children of immigrants, and it is to-day one of the most prosperous and progressive States in the Union. In the matter of intelligence, in the matter of literacy, and in all that goes to make up a State it will compare favorably even with the State of Ohio, and there is no occasion to compare it with the Territory of New Mexico.

I find on looking at the census reports for 1890 that the percentage of illiteracy in the State of Ohio was 4.8 per cent, while in the State of Minnesota it was only 4.1 per cent. Compare that with New Mexico, with its 28.3 per cent, and the Senator from Ohio will see the difference as to the conditions existing in Minnesota and New Mexico.

As I have said, we have one of the most prosperous and progressive States in the Union. We have a school fund, which we have secured from the proceeds of the sales of the public lands given us by the United States, of over $15,000,000 invested in interest-bearing securities. Notwithstanding other States got as large a school land grant as we did, we have a greater school fund in the State of Minnesota than any State in this Union outside of the State of Texas.

We have in our State a State university with over 3,500 students and with a curriculum only second to that of a few of the leading institutions of learning. I think there are only three universities in all the United States that have a larger attendance of students than has the University of the State of Minnesota. We have connected with that university a school of practical agriculture, the leading and most eminent one of its kind in all this country, with an attendance of from seven to eight hundred students, where the sons and daughters of farmers are taught all that pertains to farming and the agricultural interests of the country.

We are the most progressive State in the way of regulating and controlling the great corporations of the country. We have in our State a board of railroad and warehouse commissioners, and we have given them what the Federal Government has refused to give to our own Interstate Commerce Commission, authority to fix transportation rates; and the rates which this board fixes are valid and binding until set aside by the courts.

We have in our State an elevator and warehouse law, by which railroad companies are required to permit warehouses and elevators to be built along their right of way. We have compelled the railroads where they intersect one another to put in Y's, so that loaded cars may be transferred from one intersecting railroad to another, and I doubt whether another State in the Union has such a law.

All this legislation, Mr. President, we have secured in the face of the opposition of the railroad companies and their friends. A large share of this liberal and broad-minded legislation, intended to protect the farmers and industrial classes of the country against the inroads of the great corporations, has been secured through the energy of the representatives of foreign birth in our legislature. The leader in the house of representatives of the Minnesota legislature for the last six or eight years, a man who is recognized by all elements as the leader of the house, and who has secured a great deal of the progressive legislation in that State, is a man who was born on the other side of the sea, in one of the Scandinavian countries.

Compare the record of the people of Minnesota with that of New Mexico. In 1878, after New Mexico had been a Territory of the United States since 1850, the legislature of the Territory, in defiance of the statutes of the United States, in defiance of all right and justice, passed a law to incorporate the Jesuit Society. Let me read the act. I read from Senate Miscellaneous Document No. 43, second session, Forty-fifth Congress:

An act to incorporate the Society of the Jesuit Fathers of New Mexico.

Be it enacted by the legislative assembly of the Territory of New Mexico:

SECTION 1. That Donato Gaspari, Rafael Baldasaré, Luis Gentilé, Salvador Personé, and Pascual Tomasine, of the counties of San Miguel, Mora, and Bernalillo, in the Territory of New Mexico, and all other persons who are now or in the future may associate themselves with them for the purposes hereinafter mentioned, be, and hereby are, created a body politic and corporate, in law and in fact; and they shall be known and called by the name, style, and title of that of the "Association of the Jesuit Fathers," and by this name may hereafter have perpetual succession, sue and be sued, plead and be impleaded, in any court of law or equity—

I call attention to this—

may hold and reserve to themselves and for their successors, either by grant, contract, sale, transfer, gift, testament, legacy, or in any other manner, lands, tenements, hereditaments, and all and every class of real or personal property, and may cede, contract, sell, and transfer the same, for the use and benefit of said Society of the Jesuit Fathers so incorporated; and singular and generally may do each and every thing that such corporation may and be legal for them to do, for the welfare, benefit, and advancement of said Society of the Jesuit Fathers hereby incorporated.

It is curious to see how this act was passed. I am reading from this same document—

Introduced by the Hon. Diego Archuleta January 11, 1878.

Read the first time, and, the rules being suspended, was read the second and third times, and passed the legislative council January 11, 1878.

JESUS M. SENA Y BACA,
Chief Clerk of the Legislative Council.

HOUSE OF REPRESENTATIVES.

Received January 11, 1878.

Received on the same day it passed the legislative council.

Read the first time, and, the rules being suspended, was read the second and third times, and passed.

It was passed under suspension of the rules in both houses. Here is a further indorsement:

An act to incorporate the Society of the Jesuit Fathers in New Mexico, introduced by Diego Archuleta January 11, 1878, read the first time, and, on a suspension of the rules, was read a second time, and the rules being further suspended, the act was read the third time, and passed the legislative council January 11, 1878.

This act was sent to the governor for his approval. The governor vetoed it, and here is his veto message. It is a very interesting document, and I want to call attention of Senators to it:

GENTLEMEN: I return to you with my objections "An act to incorporate the Jesuit Fathers in New Mexico."

For the purpose of obtaining for your information the best legal advice within my reach, I requested the attorney-general of the Territory, Hon. William Breeden, to prepare a careful opinion upon the law of the case. This opinion I make part of my message and lay it in full before you. Attorney-General Breeden says: "The bill, in my opinion, is clearly in violation of the said law of the United States."

This opinion I fully indorse, and if you pass this bill over General Breeden's opinion and my veto you will do so with your eyes open, in violation of your oaths of office and the laws of the United States. There are many other objections to the bill, a few only of which I will briefly notice.

It is difficult to decide whether the man who seeks to establish the society or the society which he seeks to establish is the worse. Both are so bad you can not decide between them. This Neapolitan adventurer, Gaspari, teaches publicly that his dogmas and assertions are superior to the statutes of the United States and the laws of the Territory. No doctrine or teaching can be more dangerous to good government than this, especially in New Mexico, where the mass of the people are ignorant. He also, by his writings and harangues, endeavors to excite animosities and to stimulate the people toward those lawfully exercizing civil authority over them to acts of violence. He comes here while the legislative assembly is in session and lobbies in the

most brazen and shameless manner to defeat needed and wholesome laws, and to force through bills antagonistic to the laws of the United States.

Two years ago he intruded himself into the lower house and remained within the bar and by the speaker's side till he forced the passage of this bill, but at that session it was defeated by an honest legislative council. He now presents himself again, and being fully informed that what he asks is contrary to the laws of the United States, urges you to violate your oaths and pass the bill.

The society which he seeks to establish in New Mexico is worthy of just such a leader. It has been denounced time and again by the head of the Catholic Church, and justly expelled from the most enlightened countries of Europe.

But apart from the bad character of the society and the dangerous character of its chief, the bill is especially objectionable because it does not require that the incorporators shall be citizens of the United States nor residents of New Mexico. The number who may hereafter associate with them is unlimited, and they might all be aliens and reside abroad.

Again, the bill permits these people to own, free of taxation, an unlimited amount of property. They are permitted to own all kinds of real and personal estate in all parts of the Territory, and are not subject to any supervision by the legislature nor required to pay anything toward the support of the government. The provisions of the bill are contrary to public policy and in direct violation of the laws of the United States, and can not receive my approval.

Then follows the opinion of the Attorney-General calling attention to the statutes of the United States and pointing out plainly that such legislation is directly in violation of the United States statutes.

Now, what do you think they did after that veto? I read from the same document:

There was taken up from the president's table and under consideration act No. 3, "To incorporate the Society of the Jesuit Fathers in New Mexico," submitted by his excellency the governor, with his objections and disapproval, and the said act having been read, the question was put, "Shall the act pass, notwithstanding the objections of his excellency the governor?" which resulted by a vote of the council in the passage of the act in the legislative council by a two-thirds vote of the members composing the legislative council, notwithstanding the objections and disapproval of his excellency the governor.

January 18, 1878.

JESUS M. SENA Y BACA,
Chief Clerk of the Legislative Council.

Sent to the house of representatives for its action, together with the objections of his excellency the governor, and returned from the house on the 19th day of January, 1878, having passed that body by a two-thirds vote, notwithstanding the objections and disapproval of his excellency the governor.

They passed the bill in both houses on the same day. It was sent to the governor, and after the governor had vetoed it and called their attention in his own veto and also in the letter of the Attorney-General to the fact that it was contrary to the laws of the United States, they passed it in both houses on the same day over the governor's veto.

That act came before Congress. Congress was compelled to pass an act annulling that law. It is an act passed in 1879, and is as follows:

Be it enacted, etc., That an act of the legislative assembly of the Territory of New Mexico entitled "An act to incorporate the Society of the Jesuit Fathers of New Mexico," which passed both houses of said legislative assembly on or about the 18th day of January, 1878, over the veto of the governor of said Territory, being in violation of section 1889 of the Revised Statutes of the United States, which declares "the legislative assemblies of the several Territories shall not grant private charters or especial privileges," said bill being a grant of a private charter or act of incorporation, with the "especial privileges" of an unlimited power to acquire, hold, and transfer all kinds of property, both real and personal, and the exemption from taxation of all the effects and property of said corporation be, and the same is hereby, disapproved and declared null and void.

This act was approved February 4, 1879.

All these things occurred when, or about the time when, my friend the Senator from West Virginia [Mr. ELKINS] was a delegate in Congress laboring to get that Territory admitted as a State in the Union.

I desire to ask the Senator from Ohio [Mr. FORAKER], who has taken pains to parade the figures of the foreign population of Minnesota and to compare them with those of New Mexico, if he can find in the legislative history of Minnesota, either as a Territory or a State, any instance of that kind of legislation. Our public school system in the State of Minnesota is equal to the very best in all of the United States. We are as progressive and as prosperous as any State in the Union, and no State can fairly say to us, not even the State of Ohio, that we occupy an inferior rank, except in population and wealth, in the galaxy of the American States.

Mr. FORAKER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from Ohio?

Mr. NELSON. Certainly.

Mr. FORAKER. Mr. President, the Senator from Minnesota asked me a question, and in the asking of the question said I had arraigned the State of Minnesota and paraded the fact that she has a large element of foreigners in her population. The Senator I know does not want to do me an injustice.

Mr. NELSON. Certainly not.

Mr. FORAKER. And does not want to misrepresent what I said.

In saying what I did about Minnesota I was answering an argument which had been made by the Senator. The Senator in addressing the Senate had alluded to the fact, and had cited the statistics to sustain him, that there was a large foreign population in New Mexico. I conceded that, and said in conceding it that that was not peculiar to New Mexico; that other communities which had been successful had a large element of foreigners in their population. And this is the language I employed in respect to Minnesota. The Senator, I know, will pardon me, in order that I may, in justice to myself, quote it. Before quoting it I will stop long enough to say that in all that the Senator has said in compliment of Minnesota he has not exceeded the compliments I passed upon Minnesota at that time and in that connection. What I said, referring to the Senator's argument that these people were disqualified for admission into the Union because of this large foreign element, was as follows:

Neither is it a disqualification that they are foreigners—

Referring to the Mexican and Spanish element—

Neither is it a disqualification that they are foreigners. We heard a large part of the Senate's time taken up in urging that these people ought not to come into the Union because they were not all American citizens. We have a number of communities in this country where the foreign element is very largely represented, and I am going to call attention to one. I refer to Minnesota. There is no State now in the Union where they have a more loyal, faithful, capable, creditable population than they have in Minnesota. That is not in spite of the fact that they have foreigners, but because the foreign element is sometimes a very valuable mixture.

One paragraph further:

Let me call your attention to what the statistics show as to the State of Minnesota. There is no better State in the Union, but what I call attention to shows that a representative of that State is the last one to question the fitness for statehood of a people on the ground that a large percentage of them are foreigners.

Then, giving the statistics, which I do not care to take the time now to repeat, I said:

Now, Mr. President, with that admixture of foreigners, as I said, they have had enough good sense to have built up a great Commonwealth, to have made a proud record for themselves, and to have sent to this body as their representative the distinguished Senator who has addressed us in opposition to the admission of New Mexico to statehood.

Then I was interrupted by a question, which, having answered, I proceeded as follows:

I regret to say that I am unable to answer that question. I did not think to look at that. But what I want to say is that Minnesota is one of the best States in this Union. Her population, as everybody knows, is an intelligent, patriotic, busy, and capable population. They have never made any mistake in selecting representatives to the Congress of the United States in either House, certainly not beyond the average number made by States as a rule. Their whole record is a creditable one, and I cite the fact that they have this foreign-born population to show that it does not follow because there are foreign-born citizens in the Territory of New Mexico that that Territory is disqualified for admission to statehood.

I might have cited the statistics as to my own State, Ohio (as the Senator has seen fit to do, but I did not care to parade the statistics as to my own State), to show that there was a large admixture of foreign element in the population of Ohio. It did not seem to me that it was necessary for me to make any defense of the people of Ohio because they had a large foreign population. I think every Senator here will concede that the population of my State is a creditable one, that they have made a creditable record in the history of this country, and that they have done their duty under any and all circumstances.

I did not refer to Minnesota except only because the Senator himself had challenged attention to that subject. The purpose I had in view, conceding that they had a foreign element of which we all have knowledge, was to show that it does not follow that they are disqualified for statehood. You have only to look to New York, to Massachusetts, as well as to Ohio and Minnesota, or to any and every other State of the Union, where you will find a large admixture of foreigners with the native-born population, to find that it has made a splendid population in the aggregate, and that the people of all the States are, notwithstanding that fact, doing their duty in a creditable way as citizens of the United States.

I was simply answering the argument the Senator made. I was not arraigning his people. I was not arraigning his State. I was complimenting his State. Every Senator I know is proud of the record Minnesota has made, and it is not to the discredit of Minnesota that she has this large foreign element in her population. I did not say they could not speak the English language. The Senator says that 25 per cent of the 500,000 can and do speak the English language. I supposed a larger percentage than that spoke the English language, although I did not stop to examine the statistics; but that is immaterial. We know the record they have made, and that is one we can all in good faith compliment.

Why I rose was simply to call the Senator's attention to the fact that I did not arraign Minnesota. I did not say one word to her discredit or in disparagement of her. I cite her record with pride, and I cite her deeds and her achievements with pride, as every other citizen might.

Mr. NELSON. The Senator is entirely wide of the mark. He built up an argument as a basis for his reference to Minnesota by claiming and insisting that I was opposed to the admission of

New Mexico because of its foreign population. They are not a foreign population. I never opposed the admission of New Mexico on the ground that its population is foreign born.

Mr. FORAKER. Mr. President——

Mr. NELSON. They have more native-born people there perhaps than in most of the Northwestern States.

Mr. FORAKER. Mr. President——

Mr. NELSON. The Mexicans and that class of people whom I think are unfit for State government are people who were born in and have lived in this country for generations, as did their ancestors ahead of them. They are not foreign born. I never attacked the people of New Mexico on the ground that they were foreigners. They are natives of this country. I simply criticised them for the fact that they had not become Americanized, notwithstanding the fact that they were born in this country, notwithstanding the fact that their fathers and their grandfathers and their great-grandfathers way back for generations were all born in this country they had not become Americanized as rapidly as the foreigners in our country of the first generation.

Mr. FORAKER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from Ohio?

Mr. NELSON. By and by.

Mr. FORAKER. I want to——

Mr. NELSON. Of the immigration that comes to Minnesota over 25 per cent are English-speaking people—Canadians and from the British Isles. The remainder that come are from the German countries, the northern countries of Germany, and from the three Scandinavian countries. They come there and they learn the English language as rapidly and as readily as any class of people who come here speaking a foreign tongue. You do not have to wait three or four or five generations before those people can speak the English language. They learn it themselves, so that they speak it quite well, and their children speak it.

They do not have interpreters in the courts to interpret the argument of counsel to a jury. They do not have interpreters in court to interpret the charge of the court to the jury. They do not publish the laws in the German or the Scandinavian or any other foreign language. They are to all intents and purposes an English-speaking people. They are Americanized; and that is my objection to the Mexican people; that although they are natives of this country, they have not become Americanized as the great mass and body of our people have.

Mr. FORAKER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from Ohio?

Mr. NELSON. Certainly.

Mr. FORAKER. I have not looked over the remarks of the Senator from Minnesota as they appear in the RECORD, but I sat on the other side of the Chamber near the Senator when he was making that part of the speech to which I refer, and if he did not say that one of his objections was that there was this large foreign element in the population of New Mexico, I misunderstood him. I understood him so to charge and so to insist.

Mr. NELSON. I never intended to charge anything of the kind.

Mr. FORAKER. It may come from the fact that the Senator was talking about the people not becoming Americanized. That is practically the same thing, I think. There is not a very broad distinction. I got that impression.

If the Senator has no objection to the population of New Mexico on the ground that they are foreigners, or if he insists there are no foreigners there, of course the point to which I was replying falls to the ground by his concession, and I have nothing more to say. But I retract nothing I said in that connection. What I said was justified by the remarks of the Senator from Minnesota, and what I rose to object to was simply his putting it into the RECORD that I had arraigned the State or the people of Minnesota. I had not done anything of the kind. I had complimented them quite as generously as the Senator himself has complimented them.

Mr. PATTERSON. Mr. President, the last effort of the Senator from Minnesota [Mr. NELSON] is to my mind the most conclusive evidence of both the necessity and the justice of the passage of this bill. Here are 200,000 people arraigned and assailed in this body at the national capital, and the things that are said against them, injurious to the last degree, must practically go unchallenged unless they are met by those who are not residents of the Territory, and who may not be presumed to have that knowledge of the procedure of the Territory and its people that those who live there have.

For the purpose of combating in some degree some things that the Senator from Minnesota imagined the Senator from Ohio [Mr. FORAKER] said about the foreign population of his State, the Senator from Minnesota recalls to the attention of the country an episode which occurred in New Mexico twenty-five years ago. Simply reading the measure and reciting the circumstances of its passage and its repeal by act of Congress would create the impression that there was something heinous committed by the people of New Mexico against the United States and American institutions.

What was it after all, Mr. President? The legislature of New Mexico passed a special act incorporating a religious body, and it was against the laws of the United States only in this respect, that the law creating the Territory of New Mexico, commonly known in Territories as the organic act, or the constitution of the Territory, prohibited the granting of charters by special act to any corporation whatsoever. The legislature of New Mexico had been induced to believe that they might incorporate by special act a religious body known as the Jesuit Fathers. It could not be done under its organic law. That, Mr. President, was the head and front of its offending.

There is nothing criminal or reprehensible in the incorporating of religious bodies. I will venture the assertion that in the Senator's own State the religious order known as the Jesuit Fathers has a corporate existence, organized under its general incorporation law. I imagine that whether a religious body is incorporated under a special or a general law makes no difference whatsoever so far as the public welfare is concerned.

Mr. President, why did not the Senator from Minnesota, if he desired to do justice to the people of New Mexico, in connection with that statement make the additional statement that in fifty years of Territorial life it was the only law enacted by the New Mexicans in their Territorial legislature which the Congress felt compelled to repeal? One of the strongest and most conclusive evidences of the capacity of a people for self-government is the peace and order they maintain within their borders and the character of the laws they enact. And this one charge by the Senator from Minnesota brings prominently before the people of the country the fact that so well are the people of New Mexico qualified for self-government that in fifty years, during all of which time they have elected their legislature, with its membership answering to the strange names he read, not a single law that that body has passed has received the censure of the Congress of the United States, and during all that time Congress had the right to repeal any law that the legislature of New Mexico enacted.

So we find, even from the report of the committee that went to the Territory seeking rather to evade testimony than to obtain it, that that Territory is lawfully inclined and peaceful, and that life and property are as safe in that Territory as in any other section of this Union. In addition to that we have now the unqualified and uncontradicted fact that in fifty years of legislative life, enacting their own laws, providing for their own rules, not a single law has been enacted by the legislature of that Territory which received the censure of Congress, and which was not permitted to remain upon the statute books so far as any act of Congress is concerned.

Flings are made, Mr. President, against the people of New Mexico because interpreters are used in the courts and occasionally an interpreter may be called to the jury room for the purpose of interpreting the evidence given on the trial and which was taken down in shorthand by the court stenographer. In Colorado, I believe that the legislature which is in session to-day is the only one that ever met and did not appoint interpreters to make easier the burdens and the labors of Spanish members who were elected to that body, that they might perform their duties the more intelligently. I think the laws of every legislature there up to the present time have by special act been printed in Spanish.

I recall, when I first went to the Territory of Colorado, making a canvass for Congress as early as 1874, and upon more than one occasion I addressed the audiences through an interpreter. The object of an interpreter is simply to give to those who listen a clear and comprehensive knowledge of that which the speaker says. It does not indicate that those who are not able to speak English are un-American or that they have not adapted themselves to the best of their ability to American institutions. It simply means that in the stress of life, in the efforts and the time necessary to earn the bread with which the breath of life is maintained, they have not had time to learn what to them is a difficult language to understand and to master.

So none of these objections, when they are summed up, go to the capacity or to the character of the citizenship or to the relation of the minds of the Mexican people to the American Government. They simply go to the proposition whether or not they can speak more than one language. I take it that in every community in New Mexico and wherever Spanish-speaking people are they have the Constitution of the United States and the constitution of their State or, if it is a Territory, the organic law printed in the language the people speak. I know that every volume of the statutes throughout that section of the country has in it, in the Spanish language, the Constitution of the United

States and of the State, in order that those who use the statutes and may not be able to speak the English language may have those instruments, so essential to American freedom and American liberty, and that they may be read and comprehended by them.

But what I desired to enforce above everything else was that in fifty years, with the exception of a single law which has been read by the Senator from Minnesota, not a single act has been passed by the New Mexican legislature which did not receive at least the quasi approval of Congress, because Congress was not called upon to repeal it.

It is a testimonial, Mr. President, to the patriotism, to the love of country, to the genius for government of the Mexican people. Instead of crowding them back, instead of denouncing and anathematizing them and holding them up in a degraded light to the American people, it should be the duty of Senators to extend to them the hand of fellowship and of help, and to give them credit for what they have accomplished and for what they are attempting to accomplish. If that was done there would be no such controversy as we have had here now for nearly six weeks over the admission of these people to statehood.

Mr. TELLER. Mr. President, the senior Senator from Minnesota [Mr. NELSON] seemed to think that I overlooked the services of the Colorado troops in Mexico. I want to read what I said. In speaking of these people on Saturday I said:

> I knew them in the war. I knew them when they had not forgotten the fact that they were a conquered people. I know that nowhere on this continent were men more anxious to preserve the integrity of the Union than the Spanish population of New Mexico and Colorado. They put into the field, in proportion to their population, more men than many of the States which are boasting of their devotion to American institutions. They fought our battles; they kept back the forces from the Confederate States that were invading and attempting to cut off communication between the Atlantic and the Pacific oceans.

Mr. President, that is strictly true. Early in the winter of 1862 General Sibley left Texas with a large force, probably from 4,000 to 6,000 men—nearer 5,000, perhaps, than either. I need not state that General Sibley was a West Point officer and a man thoroughly familiar with the Western country. He moved into New Mexico. He was met soon after he got into New Mexico by General Canby with three New Mexican regiments. General Canby's force was greatly inferior to that of General Sibley. These New Mexican forces under Canby held Sibley in check for some time, but being less in number, they were compelled gradually to retire toward the capital of New Mexico. The point for which Sibley had started was first to strike Fort Union, where the Government of the United States had then a very large quantity of munitions of war, amounting to many millions of dollars. The second point to which he was reaching was the continental stage line, to cut off communications with California.

We had in Colorado a regiment, raised the summer before in a very irregular manner, and it had been rejected by the General Government. It took the united efforts of all the people of Colorado for many months to get the Government of the United States to accept that regiment. Some time late in the fall or early in the winter the Government accepted it. The regiment was composed of about 1,000 men.

We had in addition to that a battery and about 120 cavalry. So we had in the Colorado force about 1,200 men.

The Government of the United States ordered a portion of those troops, and a portion of them only, to New Mexico to support Canby. About two-thirds of the troops were ordered into New Mexico. The officer in command reached a point not far from Fort Lyon where about 400 of the Colorado troops were stationed. The Colorado troops so stationed, and who were to be left in Colorado, insisted that if there was to be any fighting they had not enlisted to remain in the fort and that they would go to New Mexico with the rest, and in spite of the protest of the colonel, contrary to the designs of the General Government, they marched out with him to meet Canby.

Couriers from General Canby were sent up to the Colorado troops coming down to hurry their passage, stating that it was quite impossible with his inferior forces to hold the Confederate army in check, and, as I stated a few moments ago, the last day this infantry made a march of 52 miles, marching all day and all night, and in the early gray of the morning striking Sibley. They did not wait for any orders from Canby, but sailed into him, burnt his baggage train, which they struck first, and, with the aid of the New Mexicans and General Canby, routed General Sibley. Sibley having lost his baggage train, and having failed to reach the munitions of war at Fort Union, of course turned his face toward Texas.

Now, Mr. President, I should not have referred to this matter at all, but the statement made by the Senator might leave the inference that I had been careless, at least, in not giving to the people of Colorado the credit that they were entitled to receive. I only claimed that Canby had held in check until our troops got there, and that was all that could have been expected with the small number he then had.

Now, Mr. President, I do not care to debate this question. I am going to present some facts on some other occasion in connection with this debate, if the debate is to continue. I have some things I desire to say, and that I believe ought to be said, in defense of those of us who think the time has come when justice requires that these people should be admitted into the Union, and that, too, in spite of everything that has been written by the committee or spoken, so far as I know, by the opponents of the bill. But I shall not attempt to do that, Mr. President, to-night.

Mr. McCUMBER. Mr. President, there has been much injustice, it seems to me, done to these Mexicans in comparing them with other nationalities and drawing an odious comparison as to their ability to understand and read or write the English language. It appears to me that we ought to take into consideration one condition there that has never applied to any foreigners coming to any other section of the country. Let us remember this one fact and then apply it.

We simply removed the boundary line of Mexico a few hundred miles south. We had there a population that was practically Mexican. That population was segregated hundreds of miles from the rest of the populated section of the United States. We had to cross hundreds of miles of territory before we could reach their settlement not only on the east, but on the west. They were practically segregated from all the balance of the United States.

Now, let us suppose that we had placed Germans, Scandinavians, or any other foreign-speaking element in that same section, does any person claim that they would have learned the English language as readily and as properly as they have done in the State of Minnesota?

It must be remembered that the foreigners from Europe who have come to this country have not come as a body. They have come here gradually. They have been learning the English language gradually. They have come into a country where the English language was spoken, and necessity, which is the mother of invention, compelled them to learn the English language. For instance, Russians and that class of people coming to the State of North Dakota or Minnesota very readily learn the English language, but suppose we had had them all up in Alaska and segregated from the balance of the United States, does anyone claim that they would have adopted the English language readily? Suppose, if we could reach beyond our own borders, that we would extend our laws over a portion of Norway or Germany to-day, where the people are surrounded by those speaking their own language, does any person claim that then they would readily adopt a new language?

Yet this is exactly the condition of those people in New Mexico. They have never had an opportunity to understand the English language. They have never been brought enough in connection with the English-speaking classes to compel them to learn it. It seems to me that if we will take any population of a foreign-speaking element and place them in the same conditions that have surrounded this little band of Mexicans in a Territory so far from the English-speaking portion of the United States, the comparison with other people situated under the same conditions would be favorable to the Mexicans there. I simply speak of this, Mr. President, because it seems to me that the comparison does not do them justice.

Mr. QUAY rose.

Mr. NELSON. Will the Senator from Pennsylvania yield to me for a moment? I do not want to prolong the debate at this time. I simply desire to say to the Senator from Colorado [Mr. TELLER] that I had no intention to do him any injustice in this matter, and if I have misrepresented him I am sorry for it. I have the highest respect for the Senator from Colorado. I know he always means to be fair and right, and I certainly had no intention to do him any injustice.

Mr. TELLER. I do not myself think the Senator had any such intention.

Mr. QUAY. Mr. President, I rise to ask the unanimous consent of the Senate that a vote be taken upon this bill and the pending amendments at 2 p. m. on the 20th instant.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks unanimous consent that a vote be taken on the pending bill and all amendments then pending and all amendments then offered, without further debate, on the 20th day of February, at 2 o'clock in the afternoon. Is there objection?

Mr. KEAN. Mr. President, I think I should like to finish my remarks before a day is fixed for a vote.

Mr. QUAY. Do I understand the Senator from New Jersey to object?

The PRESIDENT pro tempore. The Senator from New Jersey did not say that he objected.

Mr. KEAN. I think——

Mr. McCOMAS. Mr. President, I object, because I should like to hear the conclusion of the speech of the Senator from New Jersey.

The PRESIDENT pro tempore. Objection is made.

EXECUTIVE SESSION.

Mr. GALLINGER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seventeen minutes spent in executive session the doors were reopened, and (at 5 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 10, 1903, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 9, 1903.

SECRETARY OF LEGATION.

Roger Sherman Gates Boutell, of Illinois, to be secretary of the legation of the United States at Berne, Switzerland, to fill an original vacancy.

ASSISTANT TREASURER.

Charles A. Bosworth, of Ohio, to be assistant treasurer of the United States at Cincinnati, Ohio. (Reappointment.)

COLLECTOR OF CUSTOMS.

George W. McCowan, of New Jersey, to be collector of customs for the district of Bridgeton, in the State of New Jersey. (Reappointment.)

UNITED STATES ATTORNEY.

Milton C. Elstner, of Louisiana, to be United States attorney for the western district of Louisiana. A reappointment, his term having expired December 19, 1902.

POSTMASTERS.

CONNECTICUT.

Charles C. Georgia, to be postmaster at Unionville, in the county of Hartford and State of Connecticut, in place of Charles C. Georgia. Incumbent's commission expired January 17, 1903.

Charles N. Hatch, to be postmaster at Bridgewater, in the county of Litchfield and State of Connecticut, in place of Charles N. Hatch. Incumbent's commission expired January 27, 1903.

ILLINOIS.

Marie Friendlich, to be postmaster at Mount Sterling, in the county of Brown and State of Illinois, in place of Jacob Friendlich, deceased.

James M. Joy, to be postmaster at Waverly, in the county of Morgan and State of Illinois, in place of James M. Joy. Incumbent's commission expired December 21, 1902.

INDIANA.

Frank B. Meyer, to be postmaster at Rensselaer, in the county of Jasper and State of Indiana, in place of Frank B. Meyer. Incumbent's commission expires March 2, 1903.

IOWA.

George W. Cook, to be postmaster at Guthrie Center, in the county of Guthrie and State of Iowa, in place of Charles Ashton. Incumbent's commission expired December 21, 1902.

A. J. Enbody, to be postmaster at Dunlap, in the county of Harrison and State of Iowa, in place of Richard H. Randall. Incumbent's commission expired January 12, 1903.

Barney Johnson, to be postmaster at Ida Grove, in the county of Ida and State of Iowa, in place of Anna Burns. Incumbent's commission expired December 21, 1902.

A. J. Vail, to be postmaster at New Sharon, in the county of Mahaska and State of Iowa, in place of Ross A. Nicholson, resigned.

KENTUCKY.

George M. Dickey, to be postmaster at Cynthiana, in the county of Harrison and State of Kentucky, in place of George M. Dickey. Incumbent's commission expires March 2, 1903.

LOUISIANA.

Amy C. Reiley, to be postmaster at Clinton, in the parish of East Feliciana and State of Louisiana, in place of George J. Reiley. Incumbent's commission expired January 10, 1903.

MASSACHUSETTS.

George Abbott, to be postmaster at East Douglass, in the county of Worcester and State of Massachusetts, in place of George Abbott. Incumbent's commission expired January 19, 1903.

Harding R. Barber, to be postmaster at Athol, in the county of Worcester and State of Massachusetts, in place of Harding R. Barber. Incumbent's commission expires February 15, 1903.

Alexander Grant, to be postmaster at Chicopee, in the county of Hampden and State of Massachusetts, in place of Alexander Grant. Incumbent's commission expires March 2, 1903.

Charles L. Stevens, to be postmaster at Clinton, in the county of Worcester and State of Massachusetts, in place of Charles L. Stevens. Incumbent's commission expires March 2, 1903.

Harry C. Thomas, to be postmaster at East Weymouth, in the county of Norfolk and State of Massachusetts, in place of Henry L. Lovell, removed.

William H. Twiss, to be postmaster at Ashland, in the county of Middlesex and State of Massachusetts, in place of William H. Twiss. Incumbent's commission expires February 15, 1903.

MICHIGAN.

Hiram E. Hardy, to be postmaster at Big Rapids, in the county of Mecosta and State of Michigan, in place of Hiram E. Hardy. Incumbent's commission expires February 15, 1903.

John N. McCall, to be postmaster at Ithaca, in the county of Gratiot and State of Michigan, in place of William A. Leet. Incumbent's commission expires March 3, 1903.

Frank C. Merrill, to be postmaster at Bay City, in the county of Bay and State of Michigan, in place of William McCloy, removed.

MISSISSIPPI.

Samuel R. Braselton, to be postmaster at Gulfport, in the county of Harrison and State of Mississippi, in place of Thomas A. Cleary, removed.

John H. Cook, to be postmaster at Ellisville, in the county of Jones and State of Mississippi, in place of John H. Cook. Incumbent's commission expired February 2, 1903.

NEW HAMPSHIRE.

Herbert Bailey, to be postmaster at Claremont, in the county of Sullivan and State of New Hampshire, in place of Herbert Bailey. Incumbent's commission expires March 2, 1903.

NEW YORK.

Thomas B. Gibson, to be postmaster at Walden, in the county of Orange and State of New York, in place of Thomas B. Gibson. Incumbent's commission expires February 15, 1903.

Frank W. Higgins, to be postmaster at Wellsville, in the county of Allegany and State of New York, in place of Frank W. Higgins. Incumbent's commission expired January 13, 1903.

John J. Hodge, to be postmaster at Oneida, in the county of Madison and State of New York, in place of John J. Hodge. Incumbent's commission expired January 28, 1903.

Everett I. Weaver, to be postmaster at Angelica, in the county of Allegany and State of New York, in place of Everett I. Weaver. Incumbent's commission expired January 13, 1903.

Seraph E. Wolcott, to be postmaster at Keeseville, in the county of Essex and State of New York, in place of Seraph E. Wolcott. Incumbent's commission expired January 13, 1903.

NORTH DAKOTA.

Michael B. De la Bere, to be postmaster at Sheldon, in the county of Ransom and State of North Dakota, in place of Maggie C. Doran, resigned.

Agatha G. Patterson, to be postmaster at Bismarck, in the county of Burleigh and State of North Dakota, in place of Agatha G. Patterson. Incumbent's commission expired February 1, 1902.

OHIO.

Van R. Sprague, to be postmaster at McArthur, in the county of Vinton and State of Ohio, in place of Van R. Sprague. Incumbent's commission expires February 10, 1903.

John L. Sullivan, to be postmaster at St. Marys, in the county of Auglaize and State of Ohio, in place of John L. Sullivan. Incumbent's commission expires March 2, 1903.

PENNSYLVANIA.

Ada U. Ashcom, to be postmaster at Ligonier, in the county of Westmoreland and State of Pennsylvania, in place of Ada U. Ashcom. Incumbent's commission expires March 3, 1903.

John F. Austin, to be postmaster at Corry, in the county of Erie and State of Pennsylvania, in place of John F. Austin. Incumbent's commission expires February 20, 1903.

Clark B. Bailey, to be postmaster at Elkland, in the county of Tioga and State of Pennsylvania, in place of Robert T. Wood. Incumbent's commission expires February 14, 1903.

Harold C. Carpenter, to be postmaster at Troy, in the county of Bradford and State of Pennsylvania, in place of William P. McCleery. Incumbent's commission expired May 11, 1902.

Henry Fuellhart, to be postmaster at Tidioute, in the county of Warren and State of Pennsylvania, in place of Cornelius P. Bucklin. Incumbent's commission expires March 3, 1903.

Warren B. Masters, to be postmaster at Jersey Shore, in the county of Lycoming and State of Pennsylvania, in place of Clayton E. Williamson. Incumbent's commission expired January 7, 1900.

Lucius Rogers, to be postmaster at Kane, in the county of McKean and State of Pennsylvania, in place of Lucius Rogers. Incumbent's commission expires February 21, 1903.

William W. D. Yerkes, to be postmaster at Ogontz, in the county of Montgomery and State of Pennsylvania, in place of William W. D. Yerkes. Incumbent's commission expired January 31, 1903.

RHODE ISLAND.

James T. Caswell, to be postmaster at Narragansett Pier, in the county of Washington and State of Rhode Island, in place of John H. Caswell. Incumbent's commission expired June 23, 1902.

WISCONSIN.

Ira P. Coon, to be postmaster at Plainfield, in the county of Waushara and State of Wisconsin, in place of Ira P. Coon. Incumbent's commission expired January 10, 1903.

William H. Johnson, to be postmaster at Berlin, in the county of Green Lake and State of Wisconsin, in place of William H. Johnson. Incumbent's commission expires February 13, 1903.

James W. Meiklejohn, to be postmaster at Waupun, in the county of Fond du Lac and State of Wisconsin, in place of James W. Meiklejohn. Incumbent's commission expired January 28, 1903.

WITHDRAWAL.

Executive nomination withdrawn February 9, 1903.

George J. Reiley, to be postmaster at Clinton, in the State of Louisiana.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 9, 1903.

SECRETARY OF LEGATION.

Roger Sherman Gates Boutell, of Illinois, to be secretary of legation at Berne, Switzerland.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

First Lieut. William E. Reynolds, to be a captain in the Revenue-Cutter Service of the United States.

Second Lieut. Charles E. Johnson, to be a first lieutenant in the Revenue-Cutter Service of the United States.

Third Lieut. Joseph H. Crozier, to be a second lieutenant in the Revenue-Cutter Service of the United States.

POSTMASTERS.

ALABAMA.

Walter S. Standifer, to be postmaster at Gadsden, in the county of Etowah and State of Alabama.

James T. Pitt, to be postmaster at Florence, in the county of Lauderdale and State of Alabama.

CALIFORNIA.

William G. Hawley, to be postmaster at San Jose, in the county of Santa Clara and State of California.

Thomas E. Byrnes, to be postmaster at San Mateo, in the county of San Mateo and State of California.

Lindley M. Baldwin, to be postmaster at Whittier, in the county of Los Angeles and State of California.

Felix L. Grauss, to be postmaster at Calistoga, in the county of Napa and State of California.

Edward G. Hall, to be postmaster at Healdsburg, in the county of Sonoma and State of California.

Frank B. Mackinder, to be postmaster at St. Helena, in the county of Napa and State of California.

Orlando J. Lincoln, to be postmaster at Santa Cruz, in the county of Santa Cruz and State of California.

Charles H. Dobble, to be postmaster at Palo Alto, in the county of Santa Clara and State of California.

ILLINOIS.

Andrew J. Pickrell, to be postmaster at Anna, in the county of Union and State of Illinois.

Charles F. Douglas, to be postmaster at Ashland, in the county of Cass and State of Illinois.

Albert W. Errett, to be postmaster at Kewanee, in the county of Henry and State of Illinois.

Clarence F. Buck, to be postmaster at Monmouth, in the county of Warren and State of Illinois.

Clark J. McManis, to be postmaster at Princeton, in the county of Bureau and State of Illinois.

Arthur P. Woodruff, to be postmaster at Savanna, in the county of Carroll and State of Illinois.

Henry K. Brockway, to be postmaster at Barrington, in the county of Cook and State of Illinois.

Warren M. Heath, to be postmaster at Libertyville, in the county of Lake and State of Illinois.

James Porter, to be postmaster at Martinsville, in the county of Clark and State of Illinois.

C. B. Crawford, to be postmaster at Genoa, in the county of Dekalb and State of Illinois.

William McMeekin, to be postmaster at Galva, in the county of Henry and State of Illinois.

Edward D. Cook, to be postmaster at Piper City, in the county of Ford and State of Illinois.

INDIANA.

David A. Shaw, to be postmaster as Mishawaka, in the county of St. Joseph and State of Indiana.

Robert W. Morris, to be postmaster at New Albany, in the county of Floyd and State of Indiana.

IOWA.

Abraham Wilkin, to be postmaster at Keosauqua, in the county of Van Buren and State of Iowa.

George Hardenbrook, to be postmaster at Maxwell, in the county of Story and State of Iowa.

Edward C. Brown, to be postmaster at Dewitt, in the county of Clinton and State of Iowa.

Gideon M. Gifford, to be postmaster at Elkader, in the county of Clayton and State of Iowa.

Ernest D. Powell, to be postmaster at Exira, in the county of Audubon and State of Iowa.

Stephen Tabor, to be postmaster at Independence, in the county of Buchanan and State of Iowa.

George W. Metcalf, to be postmaster at Lansing, in the county of Allamakee and State of Iowa.

William N. Oursler, to be postmaster at Odebolt, in the county of Sac and State of Iowa.

MARYLAND.

Ezra R. Zimmerman, to be postmaster at Emmitsburg, in the county of Frederick and State of Maryland.

MICHIGAN.

Joshua Braun, to be postmaster at Sebewaing, in the county of Huron and State of Michigan.

Frank C. Merrill, to be postmaster at Bay City, in the county of Bay and State of Michigan.

MINNESOTA.

Arthur W. Sheets, to be postmaster at Long Prairie, in the county of Todd and State of Minnesota.

John F. Wrabek, to be postmaster at New Prague, in the county of Lesueur and State of Minnesota.

Archibald J. Dewolf, to be postmaster at Windom, in the county of Cottonwood and State of Minnesota.

Frank Hagberg, to be postmaster at Winthrop, in the county of Sibley and State of Minnesota.

G. B. Bjornson, to be postmaster at Minnesota, in the county of Lyon and State of Minnesota.

Henry Tome, to be postmaster at Pine Island, in the county of Goodhue and State of Minnesota.

William Kaiser, to be postmaster at Faribault, in the county of Rice and State of Minnesota.

MISSISSIPPI.

Nevan C. Hathorne, to be postmaster at Columbia, in the county of Marion and State of Mississippi.

MISSOURI.

J. W. Jones, to be postmaster at Brookfield, in the county of Linn and State of Missouri.

HOUSE OF REPRESENTATIVES.

MONDAY, *February 9, 1903.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

THE JOURNAL.

The Journal of yesterday's proceedings was read.

The SPEAKER. Without objection, the Journal will be approved.

Mr. RICHARDSON of Tennessee. Mr. Speaker——

Mr. JENKINS. I desire to correct the RECORD. I joined with the other members of the conference committee in the report and statement as printed on pages 1893 and 1894 of the RECORD. My name is omitted from both the report and the statement. I desire it inserted.

The SPEAKER. In the absence of objection, the Journal will be corrected.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I rise to a question of order, and it relates to the approval of the Journal of the proceedings of the House on yesterday. I think it affects the integrity of our proceedings, and is, therefore, in that view of the case, a privileged matter. I find that yesterday, under the orders of the House——

The SPEAKER. The Chair will ask the gentleman whether what he is now saying relates to the request of the gentleman from Wisconsin [Mr. JENKINS]?

Mr. RICHARDSON of Tennessee. Not at all; it relates to another matter; but it refers to the approval of the Journal.

The SPEAKER. If there be no objection, then, the Journal will be corrected in accordance with the request of the gentleman from Wisconsin.

Mr. RICHARDSON of Tennessee. I supposed the Chair had submitted that question.

The SPEAKER. The Chair thought the gentleman was addressing himself to that question.

Mr. RICHARDSON of Tennessee. Not at all; what I am about

to say relates to another matter presented yesterday during the session of the House by the gentleman from Iowa [Mr. HEPBURN].

Mr. Speaker, I have no sort of interest in this matter except to preserve the integrity of our proceedings here, which I know the gentleman from Iowa is as anxious to do as any other member; and what I say shall not reflect upon him in any way.

But, sir, the House met on yesterday (being Sunday) for a special purpose; and that purpose is defined in an order which I will read, which appears on page 1918 of the RECORD, and was read yesterday when the House was called to order by the Speaker pro tempore. The order under which the House assembled is as follows:

On motion of Mr. GARDNER of New Jersey, by unanimous consent,
Resolved, That the House meet on Sunday, the 8th day of February, 1903, at 12 o'clock noon, for the consideration of resolutions commemorative of the life, character, and services of the late Gen. WILLIAM J. SEWELL, a Senator of the United States from the State of New Jersey.

And it further appears that subsequently on a previous day of this session this order was made:

On motion of Mr. FLANAGAN, by unanimous consent, it was
Resolved, That when the House meets on Sunday, the 8th day of February, 1903, it shall consider appropriate resolutions memorial of the public services and life of Hon. JOSHUA S. SALMON, late a Representative from the Fourth Congressional district of New Jersey.

Now, I say that under the special rule, the House assembled yesterday to pronounce eulogies on the life and character of General SEWELL, late a Senator, and Mr. SALMON, late a Representative; and, this being true, it was not in order—and unanimous consent could not have been given for the purpose, although it purports to have been given—to transact business. The business which I refer to as having been transacted yesterday was the presentation of a conference report by the gentleman from Iowa [Mr. HEPBURN]. It appears in the RECORD as if done by unanimous consent.

Mr. Speaker, I think that when we adopted the rule that these conference reports should be printed in the RECORD it meant that they should be presented on one day and printed in the RECORD of the next day. It certainly had in contemplation a legislative day. So that, in my opinion, under the special rule setting apart Sundays for eulogies alone, that report could not be presented; and, secondly, the report should be presented on a legislative day. For these two reasons this act of legislation should not, in my judgment, have taken place yesterday. Sunday is not a legislative day. In the law it is dies non, as I understand. It is not a legislative day under our rules.

If it be said that we sometimes, near the close of a session, legislate here on Sunday, I answer that we do not legislate on Sunday the calendar day. We sometimes extend the session over by recess from Saturday, and then, in that way, we sometimes legislate during the calendar day of Sunday. But that is done on the legislative day of Saturday. I do not believe there has ever been a case in which the House of Representatives adjourned on Saturday to meet on Sunday for legislative business. If so I have overlooked it. It has certainly never been done during my service in the House. But when it is necessary that we should meet on the calendar day of Sunday, near the closing of Congress, it is done under the legislative day of Saturday, and all business transacted at that time—by fiction, I grant you—is done as of Saturday and not Sunday.

Mr. Speaker, I think it wrong that we should meet here to legislate on Sunday. I do not think that was intended when we passed the special order in this case. I do not think when we agreed that we would meet on Sunday to perform this quasi religious service or pronouncing eulogies on deceased members that it was intended we should enter upon legislation. If this is true, then the effort to legislate on yesterday is void, and being void, the rule has not been complied with which requires that the conference report shall be printed in the RECORD. As I say, the language of the rule requiring conference reports to be printed in the RECORD does not declare that they shall be offered on a preceding day, but I think that is what is meant. Be that as it may, however, the proceedings would be void under the rules of the House, which prescribe that we assembled here for eulogies and not for legislation. If it be an error, the same mistake occurs in the Journal as in the RECORD, because the Journal says that the gentleman from Iowa presented this conference report, and that is the reason I objected to the approval of the Journal. I believe, Mr. Speaker, that the proper course will be for the gentleman from Iowa to withdraw the report and offer it this morning, let it be printed in the RECORD as of to-day, and come up for action to-morrow. If the gentleman does not desire to do that, however, I feel constrained to move to strike it out of the Journal.

The SPEAKER. Does the gentleman make the motion?

Mr. RICHARDSON of Tennessee. I hope to hear from the gentleman from Iowa. I prefer to relieve it of all question by letting it come up regularly, and there is no necessity for haste in the matter. I yield to the gentleman.

The SPEAKER. The Chair does not yield to him. The Chair is ready to rule upon the question. It has been held more than once that Sunday may be made a legislative day. There is no question on that point. It is a legislative day, if so made by the House.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I do not wish to interrupt the Chair, but——

The SPEAKER. The Chair does not wish to be interrupted. If the gentleman desires to say anything afterwards, the Chair will hear him again. Sunday was set apart for eulogies. There was no legislation transacted yesterday. The filing of this report under the rule was not legislation, but the House, by unanimous consent, permitted that to be done. This House is the omnipotent party in this Hall, subject only to the Constitution. It unanimously consented that this might be done. If the House had said, ever so emphatically, that nothing else should be done on Sunday but the pronouncing of eulogies, still it would be within the power of the House to change its mind, and it did change its mind and allowed the notations to be made under the rule. No one is hurt by this. The rule distinctly requires every report to be printed in order that due notice may be given to the House. The report was printed this morning. The House has had notice and is entirely qualified to intelligently proceed this morning to consider the conference report involved in that notation, if it so desires. The Chair sees no difficulty in the question whatever. If the gentleman has anything further which he desires to say, the Chair will be pleased to hear him.

Mr. RICHARDSON of Tennessee. If the Chair will indulge me just a moment. I have no desire to take up time in this matter. I had no intention of interrupting the Chair a moment ago.

The SPEAKER. The Chair will always give ample opportunity for gentlemen to be heard.

Mr. RICHARDSON of Tennessee. Yes. I have no interest in the matter beyond keeping the record as it should be. I call the attention of the Chair to the fact that for years we met on Friday nights for the purpose of considering pension legislation. Now, we did not enter upon general legislation on Friday night. I know it may be said that the rule was that we meet for the consideration of pension legislation and the removal of political disabilities and charges of desertion only; but that would not affect it, because, under the intimation of the Chair, the House is omnipotent when its meets, and when it met on Friday nights it could say, we will set aside the little word "only" and go on and legislate. But it was always held that we could not do that on Friday night.

The SPEAKER. The Chair thinks there is no doubt the House could have done so on Friday night. This is District of Columbia day, but the House can take up something else if it so desires.

Mr. RICHARDSON of Tennessee. If the Chair will indulge me further, I would ask what became of the Journal of Saturday? It was not read to-day.

The SPEAKER. It was read and approved yesterday.

Mr. RICHARDSON of Tennessee. But the RECORD does not so say—at least, the copy that I have.

The SPEAKER. The gentleman should remember that yesterday the House was equipped with everything, the Journal and RECORD, to officially carry on the business of the House, and the usual proceedings yesterday morning were had as they are had every morning.

Mr. RICHARDSON of Tennessee. On looking further, I find that the Journal of Saturday was read and approved yesterday.

The SPEAKER. It was read and approved in the usual way. The House was clothed with all the power essential to do business, and still the gentleman must not forget that no legislative act was done, if he is disturbed by the idea that what was done was legislation.

Mr. RICHARDSON of Tennessee. I wish to say with all respect to the Chair that if we transact any business it is legislation.

The SPEAKER. In a technical sense that might be so.

Mr. RICHARDSON of Tennessee. And the ordering of the printing of a conference report would be legislation. It seems to me, Mr. Speaker, we are getting upon dangerous ground if we concede that when we set apart Sunday for eulogies the House can meet here and go into all kinds of legislation. I do not think that was meant, and if that is meant I shall object to setting apart Sundays for eulogies. That day should not be converted into a day of general legislation.

The SPEAKER. The Chair will frankly say to the gentleman that when he first learned of this thing he was a little disturbed by it himself, until he looked into it and thought of it. The gentleman will remember, too, that any one member could have stopped the proceedings yesterday, if he had wished.

Mr. RICHARDSON of Tennessee. Oh, yes; he could do that at any time if a quorum was not present.

The SPEAKER. And this was always so on Friday nights when the House met then. The Chair thinks there is no difficulty about it.

Mr. RICHARDSON of Tennessee. Then I move to correct the Journal and RECORD by striking it out.

The SPEAKER. The gentleman moves to correct the Journal and the RECORD.

Mr. RICHARDSON of Tennessee. By striking it out of the RECORD.

The SPEAKER. Which motion does the gentleman make first? The question is first on the approval of the Journal.

Mr. RICHARDSON of Tennessee. My motion will go to the approval of the Journal of Saturday, at yesterday's meeting, and the insertion of the item of legislation, in publishing the report of the committee of conference made by the gentleman from Iowa [Mr. HEPBURN]. I would like to put it in that way in order not to make two motions.

The SPEAKER. It will involve a separate vote on each.

Mr. RICHARDSON of Tennessee. In order that it may not appear that I make two motions I am willing that they be treated as one.

The SPEAKER. The motion of the gentleman is to correct the Journal of yesterday in the matter of the admission of the report of the gentleman from Iowa, the conference report, and the statement.

The question being taken (on a division demanded by Mr. RICHARDSON of Tennessee) there were—ayes 80, noes 88.

Mr. RICHARDSON of Tennessee. I ask for the yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 125, nays 102, answered "present" 9, not voting 115; as follows:

YEAS—125.

Adamson,	De Armond,	Kleberg,	Robinson, Ind.
Allen, Ky.	Dick,	Knapp,	Rucker,
Aplin,	Dougherty,	Lamb,	Russell,
Bankhead,	Draper,	Lester,	Shackleford,
Bell,	Esch,	Lewis, Ga.	Shallenberger,
Bellamy,	Feely,	Little,	Sheppard,
Benton,	Finley,	Livingston,	Sims,
Bishop,	Fleming,	Lloyd,	Slayden,
Bowersock,	Flood,	Loud,	Small,
Bowie,	Foster, Vt.	Lovering,	Smith, Ky.
Breazeale,	Gaines, Tenn.	McCulloch,	Snodgrass,
Brundidge,	Gardner, Mich.	McDermott,	Snook,
Burgess,	Gilbert,	McLain,	Stark,
Burke, S. Dak.	Gill,	McRae,	Stephens, Tex.
Burleson,	Glass,	Maddox,	Storm,
Burnett,	Gooch,	Marshall,	Talbert,
Butler, Mo.	Gordon,	Mickey,	Tate,
Caldwell,	Green, Pa.	Moon,	Thayer,
Candler,	Greene, Mass.	Mutchler,	Thomas, Iowa
Cassel,	Griffith,	Needham,	Thomas, N. C.
Cassingham,	Griggs,	Norton,	Thompson,
Clark,	Hanbury,	Padgett,	Trimble,
Clayton,	Hay,	Patterson, Tenn.	Underwood,
Cooper, Tex.	Henry, Tex.	Pierce,	Vandiver,
Cooper, Wis.	Hooker,	Powers, Mass.	White,
Cowherd,	Jackson, Kans.	Randell, Tex.	Wiley,
Creamer,	Johnson,	Reid,	Williams, Ill.
Currier,	Jones, Va.	Rhea,	Williams, Miss.
Cushman,	Jones, Wash.	Richardson, Tenn.	Zenor.
Darragh,	Kehoe,	Rixey,	
Davidson,	Kern,	Robb,	
Davis, Fla.	Ketcham,	Robertson, La.	

NAYS—102.

Adams,	Dalzell,	Kahn,	Shattuc,
Allen, Me.	Davey, La.	Kyle,	Sibley,
Babcock,	Deemer,	Lacey,	Skiles,
Bartholdt,	Dovener,	Lessler,	Smith, Ill.
Bates,	Eddy,	Lewis, Pa.	Smith, H. C.
Beidler,	Emerson,	Littauer,	Southard,
Blackburn,	Fletcher,	Loudenslager,	Steele,
Boreing,	Fordney,	McCleary,	Stewart, N. J.
Boutell,	Fowler,	Mann,	Stewart, N. Y.
Brandegee,	Gardner, N. J.	Moody,	Sulloway,
Brick,	Gibson,	Morrell,	Sutherland,
Bromwell,	Gillett, Mass.	Morris,	Tawney,
Brown,	Grosvenor,	Moss,	Tayler, Ohio
Brownlow,	Hamilton,	Mudd,	Tirrell,
Bull,	Heatwole,	Nevin,	Van Voorhis,
Burkett,	Hedge,	Olmsted,	Wachter,
Burleigh,	Hemenway,	Otjen,	Wadsworth,
Burton,	Henry, Conn.	Overstreet,	Wanger,
Butler, Pa.	Hepburn,	Palmer,	Warner,
Cannon,	Hill,	Parker,	Warnock,
Capron,	Hitt,	Patterson, Pa.	Weeks,
Coombs,	Howell,	Payne,	Woods,
Corliss,	Hull,	Powers, Me.	Wright,
Cromer,	Irwin,	Reeder,	Young.
Crumpacker,	Jenkins,	Reeves,	
Dahle,	Joy,	Richardson, Ala.	

ANSWERED "PRESENT"—9.

Dayton,	Latimer,	McClellan,	Metcalf,
Haskins,	Lawrence,	Mahon,	Sherman.
Hildebrant,			

NOT VOTING—115.

Acheson,	Evans,	Lassiter,	Ruppert,
Alexander,	Fitzgerald,	Lever,	Ryan,
Ball, Del.	Flanagan,	Lindsay,	Scarborough,
Ball, Tex.	Foerderer,	Littlefield,	Schirm,
Barney,	Foss,	Long,	Scott,
Bartlett,	Foster, Ill.	McAndrews,	Selby,
Belmont,	Fox,	McCall,	Shafroth,
Billmeyer,	Gaines, W. Va.	McLachlan,	Shelden,
Bingham,	Gardner, Mass.	Mahoney,	Showalter,
Blakeney,	Gillet, N. Y.	Martin,	Smith, Iowa
Brantley,	Glenn,	Maynard,	Smith, S. W.
Bristow,	Goldfogle,	Mercer,	Smith, Wm. Alden
Broussard,	Graff,	Meyer, La.	Southwick,
Burk, Pa.	Graham,	Miers, Ind.	Sparkman,
Calderhead,	Grow,	Miller,	Sperry,
Cochran,	Haugen,	Minor,	Spight,
Connell,	Henry, Miss.	Mondell,	Stevens, Minn.
Conner,	Holliday,	Morgan,	Sulzer,
Conry,	Hopkins,	Naphen,	Swann,
Cooney,	Howard,	Neville,	Swanson,
Cousins,	Hughes,	Newlands,	Taylor, Ala.
Crowley,	Jack,	Pearre,	Tompkins, N. Y.
Curtis,	Jackson, Md.	Perkins,	Tompkins, Ohio
Dinsmore,	Jett,	Pou,	Vreeland,
Douglas,	Kitchin, Claude	Prince,	Watson,
Driscoll,	Kitchin, Wm. W.	Pugsley,	Wheeler,
Dwight,	Kluttz,	Ransdell, La.	Wilson,
Edwards,	Knox,	Roberts,	Wooten.
Elliott,	Landis,	Robinson, Nebr.	

So the Journal was corrected.

Mr. WACHTER. Mr. Speaker, I was present and listening, and did not hear my name called.

The SPEAKER. Was the gentleman listening when his name should have been called?

Mr. WACHTER. Yes, sir.

The SPEAKER. Call the name of the gentleman.

The name of Mr. WACHTER was called, and he voted "nay."

The following pairs were announced:

For the balance of the session:

Mr. SHERMAN with Mr. RUPPERT.

Mr. MCCALL with Mr. MCCLELLAN.

Mr. DAYTON with Mr. MEYER of Louisiana.

Until further notice:

Mr. DRISCOLL with Mr. SCARBOROUGH.

Mr. CURTIS with Mr. MCANDREWS.

Mr. BALL of Delaware with Mr. RANSDELL of Louisiana.

Mr. BINGHAM with Mr. ELLIOTT.

Mr. DWIGHT with Mr. NEVILLE.

Mr. JACK with Mr. ROBINSON of Nebraska.

Mr. HOPKINS with Mr. SWANSON.

Mr. HASKINS with Mr. FOX.

Mr. LONG with Mr. NEWLANDS.

Mr. GARDNER of Massachusetts with Mr. FOSTER of Illinois.

Mr. METCALF with Mr. WHEELER.

Mr. BRISTOW with Mr. MIERS of Indiana.

Mr. SHOWALTER with Mr. LATIMER.

For one week:

Mr. ACHESON with Mr. SPARKMAN.

Mr. MERCER with Mr. BRANTLEY.

For this day:

Mr. VREELAND with Mr. RYAN.

Mr. HILDEBRANT with Mr. MAYNARD.

Mr. WM. ALDEN SMITH with Mr. BELMONT.

Mr. BURK of Pennsylvania with Mr. WILSON.

Mr. GILLET of New York with Mr. BILLMEYER.

Mr. CONNELL with Mr. SHAFROTH.

Mr. SPERRY with Mr. WOOTEN.

Mr. SAMUEL W. SMITH with Mr. SWANN.

Mr. SCOTT with Mr. SPIGHT.

Mr. PRINCE with Mr. POU.

Mr. SCHIRM with Mr. PUGSLEY.

Mr. MONDELL with Mr. NAPHEN.

Mr. MINOR with Mr. MAHONEY.

Mr. MILLER with Mr. LASSITER.

Mr. MCLACHLAN with Mr. KLUTTZ.

Mr. LITTLEFIELD with Mr. SULZER.

Mr. LANDIS with Mr. HOWARD.

Mr. SOUTHWICK with Mr. HENRY of Mississippi.

Mr. WATSON with Mr. CLAUDE KITCHIN.

Mr. MARTIN with Mr. TAYLOR of Alabama.

Mr. HUGHES with Mr. WILLIAM W. KITCHIN.

Mr. HAUGEN with Mr. GOLDFOGLE.

Mr. GROW with Mr. LINDSAY.

Mr. GRAFF with Mr. GLENN.

Mr. FOSS with Mr. FLANAGAN.

Mr. FOERDERER with Mr. FITZGERALD.

Mr. EVANS with Mr. EDWARDS.

Mr. DOUGLAS with Mr. COONEY.

Mr. COUSINS with Mr. DINSMORE.

Mr. CONNER with Mr. CONRY.

Mr. ALEXANDER with Mr. BROUSSARD.

Mr. CALDERHEAD with Mr. BALL of Texas.
Mr. SMITH of Iowa with Mr. CROWLEY.
On this vote:
Mr. SHELDEN with Mr. COCHRAN.
Mr. BARNEY with Mr. BARTLETT.
Mr. MAHON with Mr. JETT.
Mr. STEVENS of Minnesota with Mr. LEVER.
The result of the vote was then announced as above recorded.

Mr. HEPBURN. Mr. Speaker, I desire as a parliamentary inquiry to ask the effect of this motion. As I understand, the gentleman moves to correct the RECORD by striking out the language that declares that this report was presented, that unanimous consent was given here, and that it was printed.

Mr. RICHARDSON of Tennessee. I call for the regular order.

The SPEAKER. This is a parliamentary inquiry.

Mr. HEPBURN. This is to strike that out. What is the effect of that—to say that it did not occur? I say that does not change the fact. It did occur. There are scores of men that know it, and gentlemen who have made this declaration have simply stated that which is untrue. That did occur. That did happen here in the House yesterday, and the Journal is correct

Mr. RICHARDSON of Tennessee. I rise to a point of order, that the gentleman is not making a parliamentary inquiry, surely.

Mr. LACEY. Mr. Speaker——

The SPEAKER. The Chair will answer. The Chair is ready to rule. We can not use all the day on this sort of business. The Chair admits that what has been done is proof of its having been done, as a fact. [Laughter.] The Journal has been corrected, and there is no proof that these were filed. [Laughter.] The Chair recognizes, and the gentleman, the Chair trusts, will recognize this. The Chair stated that he felt that there was perhaps a question about this, but there is no doubt of the legal right and of the exercise of it, and had no doubt at all, until the House has just spoken, that what was done was perfectly legal. Yet the sensitive feeling of every member, which feeling the Chair entertained, makes us all dislike to have a day that is set apart possibly used for another purpose. [Applause.] The Chair thinks that is the feeling of the House, and suggests that the gentleman bring in his report and his statement anew, and have it printed in sweet compliance with the decision of the House. [Laughter and applause.]

Mr. RICHARDSON of Tennessee. I desire to compliment the Chair on his answer to the parliamentary inquiry.

The SPEAKER. The question is on the approval of the Journal.

The question was taken, and the Journal was approved.

TERMS OF COURT IN DISTRICT OF UTAH.

Mr. JENKINS. Mr. Speaker, I present a conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes between the two Houses on Senate bill No. 149, to provide for holding terms of court in the district of Utah——

Mr. JENKINS. Mr. Speaker, I ask unanimous consent that the reading of the report be dispensed with, and the statement, which was printed in the RECORD, be read.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the reading of the report be dispensed with, and that only the statement be read. Is there objection? [After a pause.] The Chair hears none.

The statement of the House conferees was read, as follows:

The committee of conference agree that the House recede from its amendments to said act, and agree to the same with the following amendments:

Strike out the words "September, January, and" in line 6 of the Senate act, and insert after the word "April," in line 6, the following: "and November, and at Ogden City on the second Monday in March and September."

Insert in line 7, before the word "terms," the word "other," and insert after the word "at," in line 7, the following: "said Salt Lake City and."

Further amend line 7 by striking out the word "or," after the word "City" and before the word "other," and inserting the words "and at;" so that the said act when so amended will read as follows:

"That the State of Utah constitutes one judicial district, which is known as the district of Utah. Terms of the district court shall be held in Salt Lake City on the second Monday in April and November, and at Ogden City on the second Monday in March and September of each year: *Provided*, That other terms of said court may be held at said Salt Lake City and Ogden City and at other places in said district when deemed necessary by the judge."

JOHN J. JENKINS.
D. A. DE ARMOND.
RICHARD WAYNE PARKER.

The SPEAKER. The question is on agreeing to the conference report of the committee.

The question was taken, and the report was agreed to.

On motion of Mr. JENKINS, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

SALARIES OF JUDGES OF THE UNITED STATES COURTS.

Mr. JENKINS. Mr. Speaker, I call up another privileged report.

The SPEAKER. The gentleman from Wisconsin calls up another privileged report.

Mr. JENKINS. Mr. Speaker, I ask unanimous consent that reading of the report be dispensed with and that the statement only be read.

The SPEAKER. If there is no objection, that course will be pursued.

Mr. RICHARDSON of Tennessee. Reserving the right to object, if we could get order, I would like to know what it is.

The SPEAKER. The House will be in order.

Mr. RICHARDSON of Tennessee. May I ask, Mr. Speaker, of the gentleman what report this is, and if it is a unanimous report of the committee?

Mr. JENKINS. I will ask the Clerk to read the title of the bill.

The SPEAKER. The Clerk will report the title.

The Clerk read as follows:

A bill (S. 3287) to fix the salaries of certain judges of the United States.

The SPEAKER. If there be no objection, the statement only will be read.

Mr. JENKINS. I will say to the gentleman from Tennessee that this is a unanimous report from the conferees.

The SPEAKER. The Clerk will read the statement.

The statement was read, as follows:

To accompany conference report on S. 3287, "An act to fix the salaries of certain judges of the United States."

The Senate conferees agree to all of the amendments of the House with the exception of those relating to the salaries of the chief and associate justices of the court of appeals of the District of Columbia.

The bill as it passed the Senate gave the chief justice of this court $8,000 and the associate justices $7,500. The House amended the bill by giving the chief justice $6,500 and his associates $6,000.

The report of the conferees gives the chief justice $7,500 and his associates $7,000 a year.

The bill in all other particulars is as it passed the House.

D. H. SMITH,
V. WARNER,
Managers on the part of the House.

Mr. BARTLETT. Mr. Speaker, may I ask the gentleman a question?

Mr. JENKINS. I will yield to the gentleman.

Mr. BARTLETT. The gentleman will remember that the House struck out of the bill the provision which disallowed expenses of the judges while away from home. Did the Senate put it in or leave it?

Mr. JENKINS. That is left as it passed the House.

Mr. BARTLETT. Under this report the judge gets the increase of salary——

Mr. JENKINS. They get the increase of salary and the expenses now provided by law.

Mr. GAINES of Tennessee. Mr. Speaker, I would like to ask the gentleman a question.

Mr. JENKINS. Very well.

Mr. GAINES of Tennessee. I would like to have the gentleman state what the present law is with reference to paying the traveling expenses of the Federal judges. What expenses are paid now under the law?

Mr. JENKINS. Ten dollars a day.

Mr. GAINES of Tennessee. Does that cover railroad and steamboat transportation?

Mr. JENKINS. It covers all the expenses whatever they may be.

Mr. GAINES of Tennessee. Then if the judge is absent twenty days he gets twenty times $10 for being away on irregular work. Is that the law?

Mr. BARTLETT. Yes, that is the law.

Mr. GAINES of Tennessee. When the judge goes on his regular circuit what expenses are then paid?

Mr. JENKINS. Well, Mr. Speaker, I object to answering these questions, because that is not involved in this report.

Mr. GAINES of Tennessee. Mr. Speaker, just a moment. The gentleman is so well versed in the law and the machinery of his great committee that I wanted this information from him. I wanted to see, to be frank about it, whether the judges drew money for their traveling expenses and then ride on "passes," as I am told by railroad conductors that some of them do; and it is an outrage.

The conference report was then agreed to.

On motion of Mr. JENKINS, a motion to reconsider the last vote was laid on the table.

ADVANCES FROM THE TREASURY OF THE UNITED STATES FOR THE GOVERNMENT OF THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I now call up the bill (H. R. 16761) providing for advances from the Treasury of the United States for the support of the government of the District of Columbia. I ask unanimous consent that this bill be considered in the House as in Committee of the Whole.

Mr. PAYNE. May I ask the gentleman if that is the loan bill?

Mr. BABCOCK. It is.

Mr. PAYNE. I think it ought to go to the Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that this bill be considered in the House as in Committee of the Whole.

Mr. PAYNE. I object, Mr. Speaker.

Mr. BABCOCK. Then, Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of that bill, and, pending that motion, I would like to know if there is anyone here who is opposed to it with whom we can agree on a time for general debate.

The SPEAKER. The gentleman from Wisconsin moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering the bill H. R. 16761, and pending the motion seeks to arrive at an agreement as to general debate.

Mr. COWHERD. Mr. Speaker, I supposed the members of the committee who opposed the bill would probably have charge of the other side, and as this is an important bill and several gentlemen have asked to be heard upon it, I think probably we would get along faster if we let debate run for a little while and see how it is coming out, rather than to attempt to agree upon time now.

Mr. BABCOCK. I think one hour, Mr. Speaker, is all the committee wants in favor of the proposition. Would it not be better to fix it at two hours for general debate?

Mr. COWHERD. I would rather not agree on a time now. I only want a few minutes myself, and four or five gentlemen want to be heard, and one of them wants about a half an hour. Of course, the gentleman knows that when we get into debate it may happen that the first speaker will cover the whole ground and the rest may not care to be heard. Perhaps we will not take that much time. There is no disposition on our part to kill time.

Mr. BABCOCK. Well, Mr. Speaker, as it is impossible to come to an agreement, I withdraw the request.

The motion of Mr. BABCOCK was then agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. OLMSTED in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 16761) providing for advances from the Treasury of the United States for the support of the government of the District of Columbia; and the Clerk will read the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That until and including June 30, 1923, the Secretary of the Treasury is authorized and directed to advance, from time to time, on requisition of the Commissioners of the District of Columbia, in the manner now prescribed by law, out of any moneys in the Treasury not otherwise appropriated, such sums as may be required to meet the obligations of the District of Columbia on account of its share of the extraordinary expenses for municipal improvements authorized, or to be hereafter authorized, by Congress: *Provided*, That the total advances hereafter made under this act, taken in connection with those heretofore made under the acts of February 11, 1901, and July 1, 1902, shall not exceed the sum of $10,000,000, which said total sum, so advanced, shall be repaid to the Treasury of the United States within twenty years from July 1, 1903, out of the taxes and revenues collected for the support of the government of the District of Columbia, at the rate of $500,000 per annum of the principal, together with interest upon the deferred payments at the rate of 2 per cent per annum.

SEC. 2. That all acts or parts of acts in conflict with this act are hereby repealed.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. PALMER having taken the chair as Speaker pro tempore, a message in writing from the President of the United States was communicated to the House of Representatives by Mr. BARNES, one of his secretaries, who also informed the House that the President had approved and signed bills of the following titles:

On February 7, 1903:

H. R. 159. An act providing for free homesteads on the public lands for actual and bona fide settlers in the north one-half of the Colville Indian Reservation, State of Washington, and reserving the public lands for that purpose;

H. R. 5756. An act for the relief of the officers and crew of the U. S. S. *Charleston*, lost in the Philippine Islands November 2, 1899;

H. R. 8650. An act for the relief of the estate of Leander C. McLelland, deceased;

H. R. 9360. An act for the improvement and care of Confederate Mound, in Oak Woods Cemetery, Chicago, Ill., and making an appropriation therefor;

H. R. 16099. An act to cancel certain taxes assessed against the Kall tract;

H. R. 11139. An act granting a pension to Carter B. Harrison;

H. R. 12240. An act granting to Nellie Ett Heen the south half of the northwest quarter and lot 4 of section 2, and lot 1 of section 3, in township 154 north, of range 101 west, in the State North Dakota;

H. R. 13316. An act granting an increase of pension to Weden O'Neal; and

H. R. 16564. An act granting an increase of pension to James Hunter.

On February 9, 1903:

H. R. 16724. An act to provide for an additional judge of the district court of the United States for the southern district of New York.

ADVANCES FROM THE TREASURY OF THE UNITED STATES FOR THE GOVERNMENT OF THE DISTRICT OF COLUMBIA.

The committee resumed its session.

Mr. BABCOCK. Mr. Chairman, I send to the Clerk's desk, to be read for the information of the House, an amendment which I propose to offer at the proper time. The object of this amendment is to more clearly define this proposition and to remove some objections that have been raised to the bill just read by the Clerk. I ask for the reading of this amendment as part of my remarks.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to advance from time to time to the District of Columbia, in the manner now prescribed by law, out of any moneys in the Treasury not otherwise appropriated, such sums as may be required to meet the obligations of the District of Columbia on account of its share of the extraordinary expenses for municipal improvements heretofore specifically authorized or to be hereafter specifically authorized by Congress, and as appropriations therefor shall have been or may hereafter be made by Congress: *Provided*, That the total advances hereafter made under this act, taken in connection with those heretofore made under the acts of February 11, 1901, and July 1, 1902, shall not exceed the sum of $6,000,000, which said total sum so advanced shall be repaid to the Treasury of the United States from and after July 1, 1903, out of the taxes and revenues collected for the support of the government of the District of Columbia, at the rate of $500,000 per annum of the principal, together with interest upon the deferred payments at the rate of 2 per cent per annum.

SEC. 2. That all acts or parts of acts in conflict with this act are hereby repealed.

Mr. BABCOCK. Mr. Chairman, one difference between this and the original bill is that this fixes the limit at $6,000,000 instead of $10,000,000. That is not the primary object, however, which is this: The substitute states specifically that these advances are to be made only for moneys heretofore appropriated or that may be hereafter appropriated by Congress. Quite a number of my colleagues and others have conceived the idea that this was a proposition to loan the District $10,000,000 or to authorize the expenditure of $10,000,000 or less. Mr. Chairman, this proposition does not appropriate one dollar. It does not authorize the expenditure of a single dollar. It provides simply this: For instance, if Congress appropriates $10,000,000 in the current appropriation bill, the District's half would be $5,000,000 and the Government would be forthcoming with its $5,000,000; but if the District has but $4,500,000 ($500,000 less than its share of the total amount appropriated), it is provided that the Government may advance or loan to the District this deficit of $500,000 with interest at 2 per cent.

I think, Mr. Chairman, this is as clear a statement as I can make of the proposition.

Mr. CANNON. Will the gentleman allow me a question right there?

Mr. BABCOCK. Certainly.

Mr. CANNON. Does not my friend believe that this Congress or any of the Congresses that will assemble for the next twenty years will be quite competent to decide how much the Government should advance when the emergency arises? In other words, is it not true that when we die wisdom will not take its departure?

Mr. BABCOCK. Well, we hope not, Mr. Chairman. [Laughter.] Now, sir, in answer to the gentleman from Illinois, I will say that we have been passing practically acts of this character in every recent Congress. In 1901 I reported from the District Committee the law which you will find printed on page 1 of the report, providing that the Government shall advance to the District an indefinite amount—any sum whatever—$100,000,000 it might be, if Congress should so determine. That is the present law.

Now, sir, at the end of this fiscal year the District will be indebted to the Government in the sum of about $1,901,000. The appropriations that Congress has authorized—appropriations for great improvements which are in progress—I refer to extraordinary appropriations, such as for sewage disposal, the filtration plant, the municipal building, and the union depot, which all practically must be paid for within the next three years—amount to something over $4,000,000. The finances of the District of Columbia, thanks to the gentleman from Illinois, are now on such a basis that it can pay its current expenses and contribute to extraordinary expenses something like five or six hundred thousand dollars a year.

No gentleman on the floor of this House will say that these great improvements should be suspended, or that they should be strung along during a period of twelve or fifteen years, when they are absolutely demanded at the present time and necessary for

the health of the city and for the well-being and development of the capital. Now, this proposition simply authorizes the Government to advance whatever Congress may appropriate over and above the District revenues, and limits it to what will be the sum of the extraordinary expenses—$6,000,000.

Now, this eliminates the question of a municipal hospital, and other things of that kind that have been discussed, and which Congress will probably discuss at greater length hereafter. This brings the amount down to the amount of the expenditures that Congress has authorized—projects covered by the law to-day, and for which payment must be made. Every recent session of Congress either this committee or the Appropriations Committee in an appropriation bill has been called upon to enact practically this law, giving it a time limit.

Now, if you adopt this provision, you settle this proposition here, so far as these improvements are concerned, which have been already authorized, and you provide that the District shall reimburse the Treasury at the rate of half a million dollars a year and the interest on the whole sum advanced. It settles the finances of the District. When the Commissioners make a recommendation to Congress, they will know just what the revenues are. When the Appropriation Committee reports a bill, it will know what the revenues of the District are or what they will be, and when Congress acts upon it it can act intelligently. So it would seem to me that the thing to do, the proper thing to do, and to do now, is to settle this question and not necessitate having it up every session of Congress.

Mr. STEELE. Mr. Chairman, I would like to ask the gentleman a question.

Mr. BABCOCK. Certainly.

Mr. STEELE. What rate of interest is provided?

Mr. BABCOCK. Two per cent.

Mr. STEELE. Is it so guarded that the interest shall be added to the District's part of the expenses of the District of Columbia?

Mr. BABCOCK. Oh, absolutely. I want to say to the gentleman right there on that point that the District moneys are in the United States Treasury, and the only way to get them out is by an act of Congress presented through the Appropriation Committee here. The Commissioners can not spend one dollar without a warrant of law from Congress, and this simply provides that where the District is short in its part, its proportion, that the District be loaned that money, which is repaid by the District, with 2 per cent interest, out of its taxes and revenues collected.

Mr. STEELE. It is usually provided wherever expenses of the District are appropriated for, that one-half shall come out of the District fund. This would have to be all out of the District fund, in making the appropriations.

Mr. BABCOCK. Yes; but I understand that this law in itself is a warrant for the payment of principal and interest, and it states specifically where it shall come from.

Mr. ROBINSON of Indiana. Mr. Chairman, I would like to make an inquiry of the gentleman from Wisconsin, bearing upon the subject of the ability of the District to repay. In the report of 17 pages I do not find the information that I seek. What is the total valuation of the real and personal property in the District of Columbia?

Mr. BABCOCK. I can not give the gentleman the exact figure, as there is now a new assessment.

Mr. ROBINSON of Indiana. I do not find that statement in the report.

Mr. McCLEARY. I take it the answer the gentleman wants is the earnings, the income to be derived.

Mr. ROBINSON of Indiana. No; I wanted the total valuation of the entire property; and then I will ask the gentleman what proportion that valuation bears to the real value.

Mr. McCLEARY. It is two-thirds. The assessed valuation is two-thirds of the real value.

Mr. ROBINSON of Indiana. But I do not find this in the report, which would be a valuable source of information.

Mr. McCLEARY. The gentleman has the information now.

Mr. BABCOCK. It has been reported over and over again to the House by the Committee on Appropriations.

Mr. ROBINSON of Indiana. But it is not in this report of 17 pages.

Mr. BABCOCK. The total assessed value is about two hundred and sixty-six millions, including real and personal property.

Mr. ROBINSON of Indiana. Can the gentleman separate the real from the personal easily in his statement?

Mr. BABCOCK. I think so.

Mr. ROBINSON of Indiana. Or approximately.

Mr. BABCOCK. I think I have it right here. The value of the real property is $219,192,000, and of the personal property $46,666,000.

Mr. ROBINSON of Indiana. Then will the gentleman state to the House the amount of taxation per hundred dollars of valuation?

Mr. BABCOCK. One and one-half per cent.

Mr. ROBINSON of Indiana. Will the gentleman state further what proportion the valuation, as he has given it, of the personal and real estate in bulk, if he cares to give it in that way, is to the real value of the property in the District?

Mr. BABCOCK. It is suppposed to be two-thirds of the real value.

Mr. ROBINSON of Indiana. On page 3 of his report the gentleman gives the income of the District, and among other items we find $3,222,000 from taxes on real estate, and the tax on personal property is $500,000; licenses, $640,000; arrears of taxes, $150,000; miscellaneous, $700,000. In a general way, can the gentleman give information what that miscellaneous item of $700,000 includes?

Mr. BABCOCK. That comes from all other sources, from water taxes and different fixed incomes of the District, and for special assessments that have been levied. For instance, I will refer the gentleman to one matter. In the opening of new streets since the partial repeal of the highway act in 1898, the total amount expended is $1,710,889.17, and $466,139.44 has been charged up against the property as benefits.

Now, the District has to pay the entire amount of awards for the property taken, but the benefits assessed are charged up to the abutting property. Only $194,103.68 of the amount assessed as benefits has been paid, and there is still due the District $232,035.76 on account of the opening of the streets for benefits to adjacent property. That is an item that would go in under the head of miscellaneous.

Mr. ROBINSON of Indiana. Briefly, then, as I understand, the amount of benefits on street openings which under the law are paid by the District alone are a part of this miscellaneous of $700,000.

Mr. BABCOCK. That is one of the assets of the District now.

Mr. ROBINSON of Indiana. How long has the District had a personal-tax law?

Mr. BABCOCK. I think the District has had a personal-tax law ever since George Washington was here.

Mr. ROBINSON of Indiana. They have been assessing on personal property, then, since the beginning of the Government.

Mr. BABCOCK. Not on all personal property. They have assessed personal property all the time.

Mr. ROBINSON of Indiana. I thought a year ago we passed a law to tax personal property.

Mr. BABCOCK. The gentleman from Illinois [Mr. CANNON] can explain the details of that better. I understand that the courts held that the personal-property tax law on the statute books could not be enforced.

Mr. ROBINSON of Indiana. And if that is the law that has existed since the time of George Washington, of course that is not in force now.

Mr. BABCOCK. I yield to my friend from Illinois [Mr. CANNON].

Mr. CANNON. I will say to my friend that from 1878 up to the current fiscal year there was practically no tax upon personal property. Now, last winter there was an increase made for licenses, which is the largest increase that was made, other than grew out of the increased valuation of real estate, which was a matter of administration. It was valued at about two-thirds of its real value, in fact, for the current year. Now, there is no tax upon many kinds of personal property now. There are very liberal exemptions to start with. There is no tax on bonds, there is no tax on stocks, there is no tax on evidences of indebtedness or choses in action, and so on.

Mr. SIMS. Or money.

Mr. CANNON. Or money, even under the legislation that we had; but I think that the total personal tax amounts to about $500,000 and the total estimated tax for the coming fiscal year is $5,400,000. That is to say, about $600,000 from licenses.

Mr. BABCOCK. Six hundred and forty thousand dollars.

Mr. CANNON. Six hundred and forty thousand dollars from licenses and $500,000 from personal taxes and the balance from realty.

Mr. BABCOCK. Miscellaneous and realty.

Mr. CANNON. Miscellaneous and realty.

Mr. ROBINSON of Indiana. I want to submit to the gentleman from Wisconsin a proposition. If the District owed $22,000,000 in 1878, and up until the present time, in twenty-five years, has paid $9,000,000 of that, it would take thirty-three years to pay the balance of that sum. Now, if you increased that indebtedness, as proposed to-day, how soon would the District be out of debt? Will the District get out of debt in fifty-five years?

Mr. BABCOCK. Oh, yes; the gentleman should understand that the revenues of the District of Columbia are about 100 per cent greater than they were ten years ago.

Mr. ROBINSON of Indiana. But the increased appropriations and expenditures—how much greater are they now?

Mr. BABCOCK. They have grown as the revenues have grown.

Mr. ROBINSON of Indiana. And they will grow 300 per cent, will they not, if the gentleman's plan is adopted?

Mr. BABCOCK. The gentleman must recollect that here is the sewage-disposal plant, here is the water-filtration system, here is the municipal building, here is a union station, all projects that have never been considered before, and projects that will never be duplicated. The question is, Can we put the burden upon the people here now in the next three years to pay these extraordinary expenditures?

I want right here, Mr. Chairman, to call the attention of the gentleman to another fact, that the per capita tax paid in the city of Washington by its citizens for the present fiscal year is $17.98, against an average per capita tax in the 18 largest cities in the United States of $15.85.

Mr. PAYNE. Will the gentleman allow me to ask him a question?

Mr. COWHERD. Will the gentleman allow me to ask him a question?

The CHAIRMAN. To whom does the gentleman yield?

Mr. BABCOCK. I yield to the gentleman from New York.

Mr. PAYNE. What is the rate of taxation upon the assessment in these 18 cities of the United States? Has the gentleman those statistics?

Mr. BABCOCK. No; I have not them here. I wrote to some of the places. The assessment of the District of Columbia at one time was more than the whole West Side of Chicago, with its million of inhabitants.

Mr. PAYNE. I understand the rate is one and a half upon the assessed valuation, and the assessed valuation is two-thirds of the value of the property. That would be 1 per cent upon the value of the property. Does the gentleman know of any city in the United States where the total taxation of the city and county is lower than that—a rate of 1 per cent of the value of the property?

Mr. BABCOCK. I have just stated for the benefit of the House that the tax contributed averages only $15.85, as against $17.98 here. That is the answer.

Mr. PAYNE. That is the per capita tax. It does not make any difference to me if I am assessed on $10,000 worth of property what is the per capita tax in my city; the question is, What is the rate on the assessment? I want to ask another question of the gentleman in that connection. Is there any reason under heaven why Congress should not deal with the city of Washington just as any other city is dealt with in the United States—make up a budget of expenses from year to year and find out how much taxation it would require to meet those expenditures, and put the tax rate upon the assessment to meet the expenses that have to be met during the year?

Mr. BABCOCK. Well, I would say to the gentleman that he knows, as well as every other gentleman of the House, the city of Washington is called upon to pay extraordinary expenses which no other city in the United States is called upon to pay.

Mr. PAYNE. Yes; and the city receives extraordinary help more than any other city in the United States. And I will say that if he takes these ordinary expenses you will ascertain the fact that the tax rate is low when compared with other cities in the United States. You will see what the rate is; and I am talking of what the rate is. Why is it not better to meet these expenses just as they are met everywhere in the United States—make up your budget of the amount of expenditures so that your tax rate must be equal to the expenditures and make the levy upon the next year's assessment of the taxes?

Mr. BABCOCK. Is the gentleman through with his question? I want to say, Mr. Chairman, that I did not expect to call up the repeal of the law of 1878 this morning. Congress in its wisdom enacted that law. I think the gentleman was a member of the House at that time, and that has been the law which has governed the District of Columbia since then.

Mr. COWHERD. Will the gentleman allow me to ask him a question?

Mr. BABCOCK. I want to answer this short question of the gentleman from New York. [Laughter.] And now if the gentleman wants to go to work to legislate in accordance with that principle, that is another proposition. The District Committee has acted upon the theory that the laws should be carried out exactly as they are. I am showing the gentleman that the people of the District of Columbia contribute more per capita than in the average city of its size.

Mr. COWHERD. It is upon that point that I want to ask the gentleman a question, if he will yield to me.

Mr. BABCOCK. Of course there are cities where it is more. Boston, according to the statistics, bears a higher rate per capita than any other city in the United States.

Mr. COWHERD. Right there I want to ask the gentleman a question.

Mr. BABCOCK. I yield to the gentleman.

Mr. COWHERD. From what source does the gentleman gather his figures upon which he makes his per capita statement in the report?

Mr. BABCOCK. They were figures compiled by the Department of Labor.

Mr. COWHERD. I want to ask the gentleman if it is not true in the 18 cities he has cited, in 15 of them he has taken only the municipal tax and shows that it is less than in the District of Columbia, and that there are only three where there is included the city and county tax, which shows a very much higher rate—Boston, New York, and San Francisco?

Mr. BABCOCK. I will say to the gentleman that I was two or three weeks in securing them, or rather the Department of Labor was. I asked for as full a report as they could make, which the Department of Labor made a day or two since. I can get it and show it to the gentleman if he wishes it. I wished in connection with that to get everything that was contributed by the residents of a city in the shape of tax, because in the city of Washington we have practically the State, county, and all embodied in one tax; and in order to show in comparison with other cities I desired that they should have all these included. The Department of Labor say that the statement does include these figures and shows it all in detail. It was too long to read, but it is given at length in the report.

Mr. COWHERD. I know the gentleman does not want to mislead the House. I call attention to the fact that the Department of Labor reported on these matters in Bulletin 36.

Mr. BABCOCK. This is their report.

Mr. COWHERD. And by these figures it is shown that the municipal tax alone in 15 out of the 18 cities that he has stated is practically as large as the entire tax of Washington, and in the three cities that have a higher tax it is because the State tax and the municipal tax were all put in in one connection, so the Department of Labor was unable to make the computation.

Mr. BABCOCK. I can only say that in asking for the report on this subject I asked that it should be an exhaustive report, and I supposed that it covered every proposition the gentleman mentioned. I asked for all and I supposed I had been furnished it. I reserve the balance of my time.

Mr. COWHERD. Mr. Chairman, this proposition as it came originally from the committee meant an advance of $10,000,000 to the District, and eventually a like appropriation, of course, from the Treasury of the United States. Therefore it is a bill carrying $20,000,000, and if for no other reason than the magnitude of it, the proposition is entitled to consideration by the House. If I understand the amendment offered by the distinguished chairman of the committee, it is to limit the advance to $6,000,000, which means an equal appropriation from the Government Treasury, or a total appropriation of $12,000,000.

Mr. BABCOCK. I wish the gentleman would explain to the House that proposition of $12,000,000.

Mr. COWHERD. For every dollar advanced of this $6,000,000 the gentleman's bill provides for, which he speaks of as extraordinary expenses, there is to be a like appropriation from the Treasury of the United States. The fact is this bill as it came from the committee and as it came from the Commissioners is an attempt to commit the Government to a lot of projects, some of which Congress has never approved of.

Mr. BABCOCK. I am sure, Mr. Speaker, that the gentleman does not want to misrepresent the matter to the House. I stated specifically, when I asked to have this amendment read, that this sum would cover only what had been authorized.

Mr. COWHERD. The gentleman did not understand me. I said as it came from the committee.

Mr. BABCOCK. It will take every dollar to pay for the proposed improvements already authorized.

Mr. COWHERD. I said as it came from the committee and the Commissioners it included projects that had never been authorized. As I take it the gentleman's amendment—and this comes up hurriedly and has not been considered—the gentleman's amendment for $6,000,000 includes the advances for the projects he mentioned, but that necessitates a like appropriation from the Treasury of the United States; so it amounts to $12,000,000.

Mr. BABCOCK. Just a moment. The District has paid out $1,600,000 to open streets and the Government pays no part of it. If it had not been for the street-opening cases, the District, instead of being indebted to the Government $1,900,000, would be indebted only $300,000. Over $1,600,000 to-day has been paid by the District that has not yet come back; for practically all the indebtedness of the District is for that purpose to-day, and the Government has not contributed a dollar, and will not.

Mr. COWHERD. The gentleman refers to street openings. I want the House to remember this proposition, that it is now

asserted by the District of Columbia and their officers that the Government of the United States is indebted to the District, as the gentleman says, nearly $2,000,000.

In 1878 we relieved the people of the District of their reckless mismanagement by assuming one-half of the burden of $25,000,000, and I believe that when the ten or twenty years is up, these yearly payments having been passed and current years taking up current revenues, there will be the same unanimous sentiment in this District for us to relieve them of this obligation that there is to-day for them to create it, and the basis of it will be just what the gentleman now says, "You owed us the money at the time you made the advance."

That is one reason why I am opposed to any kind of a proposition that recognizes any particular amount of an advance to be made at this time. That is the reason why I am in favor of Congress holding in its own strong hand the entire situation, and making advances to the District as the District needs them.

Now, Mr. Chairman, I was going to take up the proposition as it appears to me, and that is this: Last year we increased the revenues of the District possibly $1,500,000 by personal property tax and saloon tax, and so forth. That means an increase of revenues of $3,000,000. A pretty big jump, gentlemen, for a city of this size—$3,000,000 in one year. The moment that increase comes, just at the time when the money is coming into the Treasury and the deficit decreasing, they come up here with a proposition to borrow $10,000,000.

Now, I do not say you never ought to borrow money. I do not say that other cities do not borrow money; they do. But this city is the one city in the United States that is so fortunately situated that it does not have to borrow money. The business man does not mortgage the future to meet his present needs unless the necessity demands it. This city does not have to mortgage the future, because this is the only city in this country that whenever extraordinary occasion demands extraordinary expenditures comes to the Congress of the United States and calls on the limitless resources of the nation to meet it, and Congress gives it that authority.

I appeal to you if the past has not shown a rule by which you may judge of the conduct of the future. I ask if it be not true that we have provided for necessary expenses of the government of the District of Columbia as they come up year after year, and when the District had not the money to meet them we permitted advances to be made from the National Treasury.

Suppose this increase of $3,000,000 in yearly revenues gives a surplus in the Treasury of a million and a half or two million dollars, why limit the returns to $500,000? Why not let the District do what any good business man would do, and pay the surplus on its indebtedness, whether $500,000 or $1,500,000, as it would do if the present arrangement were continued?

Now, Mr. Chairman, it seems to me that back of all this is still that feeling of resentment that ran like a wave over the District when the personal-property tax law passed this House of Representatives last year, and that, in addition to these expenditures proposed to be met, some gentlemen probably want to show that there is no necessity for that personal-property tax.

There could be no greater misfortune to this District or to any city than to have a large accumulation of money in the Treasury from year to year, inviting, as such a thing must do in any community, extravagant expenditures. And if this bill should pass, and the $3,000,000 that we raised last year should not be taken for extraordinary expenses, and should be more than enough for ordinary and current expenses, we shall either induce extravagance in the District or we shall come in here and take off the personal-property tax that we put on last year.

The gentleman from Wisconsin [Mr. BABCOCK] says that the people of this District are more heavily taxed per capita than the people of any other city. I challenge those figures, and I assert here, and make the assertion on an official report of the Bureau of Labor taken directly from the census statistics of the Twelfth Census, that the citizens of the District of Columbia are more lightly taxed—yes, by 50 per cent—than the citizens of any other municipality in the United States of 200,000 people. [Applause.]

Now, here are the figures, and these are official. They are printed in Bulletin 36.

Mr. McDERMOTT. Will the gentleman allow me a suggestion in the line of what he is now about to take up. My view is that the per capita tax, so far as it affects a bill of this kind, is of little consequence. I call the gentleman's attention to the fact that the budget for the District of Columbia for the last year was $8,462,000; that is the cost of the municipal government; and if the rate had been fixed as suggested by the gentleman from New York, there would have been a corresponding application of one-half of that amount. One-half of that $8,462,000, as I understand, was assessed upon property in the District of Columbia——

Mr. COWHERD. Oh, the gentleman misunderstands. The budget does not mean that the amount has been raised by taxation. There was $300,000 and more raised from water supply; there was $100,000 or more from special assessments. The gentleman can not take the entire budget——

Mr. McDERMOTT. How much was raised by taxation?

Mr. COWHERD. Last year, something over $3,000,000; this year, I understand, a little over five millions.

Mr. McDERMOTT. I challenge the gentleman to find any city in the world of 270,000 inhabitants where the municipal government cost $3,000,000 last year.

Mr. COWHERD. Well, I have here the return for the city of Newark, N. J. The total revenues of that city—I mean from all sources—amounted to $6,080,707.

Mr. McDERMOTT. I do not know where the gentleman gets his figures.

Mr. COWHERD. Newark, N. J., is just a little smaller in population than Washington, D. C.

Mr. McDERMOTT. The city of Newark does not raise for all taxes, State, county, and municipal, $3,000,000. I do not know where the gentleman gets his figures.

Mr. COWHERD. I take them from the report of the Bureau of Labor——

Mr. McDERMOTT. They are absolutely untrustworthy.

Mr. COWHERD. And that takes them from the statistics of the Twelfth Census of the United States.

Mr. McDERMOTT. No such tax was ever imposed in the city of Newark. Take Jersey City——

Mr. COWHERD. Jersey City raises $4,946,000.

Mr. McDERMOTT. It raises about $2,000,000, and I have aided in compiling many budgets of that city.

Mr. COWHERD. Is the gentleman giving the total rates?

Mr. McDERMOTT. I want to say the gentleman is giving the wrong figures.

Mr. COWHERD. Is the gentleman giving the total rates?

Mr. McDERMOTT. Yes.

Mr. COWHERD. The official figures are $4,940,313.

Mr. McDERMOTT. The gentleman who compiled them must have been an idiot, for it would have made a 6 per cent rate of taxation in that city.

Mr. COWHERD. I do not know whether the gentleman is an idiot or not. He was an officer of the United States. He says he takes the figures from the Twelfth Census.

Mr. McDERMOTT. He must have included every bond that was sold.

Mr. COWHERD. No, sir.

Mr. McDERMOTT. And every bond that had anything to do——

Mr. COWHERD. No, that excludes cash on hand at the beginning of the fiscal year, and loans. It takes in property taxed, liquor licenses, other licenses, fines, franchises, waterworks, electric lights, which is nothing, special assessments, docks, wharves, bridges, etc.

Mr. McDERMOTT. The tax rate over in Jersey City on ratables of ninety-five millions this year is 2.70. The gentleman can compute the whole thing if he wants to.

Mr. COWHERD. And the tax rate in the city of Washington is 1.50, and the gentleman from Wisconsin [Mr. BABCOCK] has figured that Newark, N. J., pays a tax per capita of 14.91 and that Washington pays a tax per capita of 17.98.

Mr. McDERMOTT. Simply because he does not know what he is talking about.

Mr. BABCOCK. The assessment is nearly three times as much.

Mr. COWHERD. The assessment here is only 60 to 65. I will ask the gentleman what his assessment is.

Mr. McDERMOTT. Where?

Mr. COWHERD. In Newark, N. J.

Mr. BABCOCK. Here it is two hundred and sixty-six millions.

Mr. McDERMOTT. Our constitution demands that it shall be made upon the full market value. As a matter of fact, it is made on 70 per cent.

Mr. COWHERD. Then the assessment is higher there than it is here.

Mr. McDERMOTT. It is not higher. They pay 2.70 on 70 per cent.

Mr. COWHERD. And here 1.50 on 60 per cent.

Mr. BABCOCK. And the roll is ninety-five millions. The roll of real estate alone here is two hundred and nineteen millions, and of real estate and personalty two hundred and sixty-six millions—nearly three times as much.

Mr. COWHERD. The gentleman was afraid to make his comparison in the tax paid in different cities on real and personal property, but he makes it on a per capita basis, because Washington City, having no labor class, can make the best possible showing when it is taken per capita. Taking it on property in Newark, N. J., it is 2.70 on 70 per cent valuation, but in Washington it is 1.50 on 65 per cent.

Mr. BABCOCK. The gentleman says the assessment is wrong.

Mr. McDERMOTT. You have about the same per capita in Jersey City that you have in Washington. It is practically less.

Mr. COWHERD. You mean for municipal purposes?

Mr. McDERMOTT. For municipal, State, and county.

Mr. COWHERD. No; you said 2.70, but here it is 1.50.

Mr. McDERMOTT. I know; but it has no possible relation to values. As I said last year, it is simply the result of the vagaries of your assessors.

Mr. COWHERD. The value on which they rest. They are assessed by an assessor in whom this House has shown confidence by putting in a particular provision in the bill to keep him in office. That gentleman made the assessment after a careful study of it, and after competent assistants had been furnished him by Congress. Now, there is no city in the Union where the people do not object to the assessment.

Mr. McDERMOTT. That is natural. Every man is going to complain if he is taxed.

Mr. WILLIAMS of Mississippi. I would like to ask the gentleman a question. Why is it that the committee does not bring in a bill simply to permit the District of Columbia to float its own bonds, if the real purpose of the legislation is to let posterity pay its part?

Mr. COWHERD. Well, I do not know why the District Committee has not considered such a proposition.

Mr. WILLIAMS of Mississippi. Is not that the proper way of accomplishing what is contended ought to be accomplished?

Mr. SMITH of Kentucky. It may be that that is not what they want to accomplish, however. [Laughter.]

Mr. COWHERD. That is probably the ordinary way, but we have a better way, because the District of Columbia, when it runs into debt, can only go into debt by an order of this Congress, and when this Congress says to the District, "You can go into debt two millions, or five millions," this Congress in the very bill advances the money and then takes it back just as soon as the District can afford to pay it.

So that the District does not suffer. It does not have to bond posterity. And I want to say right here that is the argument upon the streets and in the press, that posterity ought to pay some of this. I do not believe in bonding posterity unless you have to. Posterity will want to make its own improvements, and it is never satisfied with the improvements that the former generation made for it. It will have burdens enough to bear when posterity comes on the scene of action. [Applause.]

Mr. SMITH of Kentucky. Posterity will have troubles of its own.

Mr. COWHERD. Now, I just want to say one word in conclusion. I have taken more time than I intended. I want to controvert very strongly the statement of the gentleman from Wisconsin [Mr. BABCOCK] that the people here are taxed more heavily than in other municipalities. I do that because when I have made the same assertion once or twice before, my statement has been challenged. Nearly every man in the District with whom I have talked on this subject has complained as to the enormous taxation here.

I have gone over the 18 cities that the gentleman used in his report. I have taken the figures furnished in Bulletin No. 36 of the Department of Labor, and I find this to be true; I find that in 15 of those cities the per capita tax for municipal purposes alone is practically as much or more than the total taxes in the District of Columbia.

Mr. GILBERT. And, besides, in those cities they pay taxes on money and evidences of debt.

Mr. COWHERD. Yes; but I am talking about the total tax. The per capita tax in 15 of those cities under these statistics is equal to the total tax in the District of Columbia. In addition to that, in those cities they must pay a State tax and a county tax, must pay for the schools, the courts, and all the paraphernalia of State and county machinery as provided for, in addition to this tax that is equal to the total tax in the District of Columbia.

So, if the gentleman from Wisconsin had doubled the figures he gave, if he had said the per capita tax in the District of Columbia is about $18 and the per capita tax in other cities in the country is about $30, he would have been very near the truth. And if he will only look at this report, he will find that in New York, as he gives it, where the per capita tax is about $24, in San Francisco where the per capita tax is $25, and in Boston where it runs to over $30, it does so because the figures that he has used include the State and county tax on real and personal property. In the other cities, where he figures the per capita tax as less than in Washington, his figures include city tax only.

Now, Mr. Chairman, I want to say that it seems to me this is in the best possible shape it could be when it is in the hands of each Congress to legislate for the District in accordance with its current needs, and to advance to the District all the money it needs, and to compel the District the next year to return whatever money can be saved by economical management.

Mr. MUDD rose.

Mr. COWHERD. I have used more time than I intended to, and I should like to yield the floor.

Mr. MUDD. I should like to ask a question.

The CHAIRMAN. Does the gentleman yield to the gentleman from Maryland for a question?

Mr. COWHERD. I do.

Mr. MUDD. I want to get at the gentleman's position. Does he contend that the extraordinary objects and projects of improvement outside of the usual expenditures should be provided for or can be provided for out of current taxation?

Mr. COWHERD. Yes.

Mr. MUDD. Or that we should advance the money from time to time out of the National Treasury as the occasion may arise?

Mr. COWHERD. I contend that in large part they will be paid for out of current taxation. For instance, here is this sewage-disposal system, the work upon which has been going on for years, and every year the Committee on Appropriations has appropriated every dollar that was asked, as I understand it. This year they gave every single dollar. Here is the filtration plant, which will take three or four years—or at least a year or two—to complete. Here is the union depot, which we give them five years to complete. Here is the highway bridge, that the Commissioners guaranteed was to cost about $568,000, and for which they say now we will need a million dollars.

It will take several years to build that. Out of the current revenues, that we have increased this year $3,000,000, we will save a million or so each year that can be used in large part to pay these expenses, and what we can not meet in that way we will let the District draw from the General Government at 2 per cent.

Mr. MUDD. I ask the gentleman for information, because I thought, perhaps unconsciously, the gentleman contradicted himself. I understood him to say, in one part of his argument, that the annual taxes would pay for these projects, and I thought I understood him to say in another part of his argument that we should advance this money as we shall authorize the projects.

Mr. COWHERD. No; I do not say we shall advance the money. I say we will advance that part of it that can not be met out of the current taxation, out of the yearly revenue.

Mr. MUDD. The gentleman admits that we can not provide for all these things out of the annual revenues?

Mr. COWHERD. I do not admit that we can not provide for them. I say in large part they will be provided for out of the yearly revenues. I say that when we do not have sufficient revenue to meet them then we will make advances, but I deny that it is a good business proposition to make advances before you know that you will need them.

Mr. MUDD. You would make them from time to time, but not in a lump sum?

Mr. COWHERD. If it is necessary to make advances from time to time, make them when the necessity develops.

Mr. BABCOCK. While this matter is fresh in the minds of the committee I want to call their attention to this fact—that the gentleman from Missouri comes here and attacks official figures, the best that can be obtained, and which the Department of Labor has spent weeks in preparing.

Mr. COWHERD. The gentleman will permit me to say, with official figures from the same Bureau.

Mr. BABCOCK (continuing). And he presents, Mr. Chairman, nothing as a substitute for these figures. Now, I will show to the gentleman in just a moment his error, by showing the total amount of money raised from each one of the following cities. I hold in my hand a statement prepared by the Bureau of Labor; it has just been prepared. Taking cities like New Orleans, with 300,000 people, the total amount of revenue from property tax, franchise tax, liquor licenses and other licenses, fines, fees, and franchise grants, the city of New Orleans raises $3,849,000. Washington, with 290,000 people, raises $5,215,000. Where is your per capita tax there?

Mr. COWHERD. Does not the gentleman admit that New Orleans also raises in addition taxes for State and county purposes?

Mr. BABCOCK. This includes all property tax, both real and personal.

Mr. COWHERD. For municipal purposes.

Mr. BABCOCK. It covers everything contributed by the citizens of New Orleans.

Mr. COWHERD. For city purposes?

Mr. BABCOCK. This is the entire tax of New Orleans for all purposes. That is the report from the Department.

Mr. COWHERD. I wish the gentleman would put that report in the RECORD.

Mr. LANDIS. Does the gentleman from Wisconsin mean that that includes the county and State tax?

Mr. BABCOCK. That includes everything contributed in the way of taxes. Here is the city of Detroit, Mich., and if this

statement is not correct I hope some gentleman from Michigan will correct me. It has a population of about the same as New Orleans—300,000. They raise $4,221,026. Washington, with 290,000, raises $5,215,000 this year. Milwaukee, Wis., with a population of 297,500, almost the same—with 7,500 more people—raises $3,397,886. Now, then, these are the officials figures submitted from the Department of Labor. I do not want to misrepresent anything. I have tried to get the best information possible. That is the source it comes from, and that is the result.

Mr. COWHERD. Now will the gentleman yield to a question?

Mr. BABCOCK. Certainly.

Mr. COWHERD. The gentleman comes from the State of Wisconsin, the city of Milwaukee is in Wisconsin, and has a county organization in that city, has it not, and State? Now, then, the city of Milwaukee levies a tax for municipal purposes and the county levies taxes for State and county purposes, do they not?

Mr. BABCOCK. Yes, sir.

Mr. COWHERD. Now, I have the official report from the same Bureau of Labor, where it says in Bulletin 36, on cities and States, the receipts of the city from all sources, and it gives the property tax and liquor tax, etc., and then it goes on and gives the amount. Now, as to New Orleans and San Francisco it gives the State tax and the county tax; but when it comes to Milwaukee it gives only the tax for municipal purposes. Does the gentleman from Wisconsin say there is no State tax levied?

Mr. BABCOCK. There is very little State tax.

Mr. CANNON. The school tax.

Mr. COWHERD. And the total revenues of the city of Milwaukee in 1899—I take it that was the year, because this is dated 1900—included the property tax, the liquor tax, and the franchise, $4,349,656.

Mr. BABCOCK. Accept the gentleman's figures. That is all right. Four millions for a population of nearly 300,000——

Mr. COWHERD. And this does not include the State or county tax.

Mr. BABCOCK (continuing). And Washington, $5,215,000.

Mr. COWHERD. But out of that $4,000,000 you do not take care of the schools and the courts, and you do not take care of any State or county paupers, for which in nearly every State there is a tax. This is practically a municipal tax, and I think anybody will admit that. I now want to yield to the gentleman from Nebraska [Mr. BURKETT].

Mr. BURKETT. Mr. Chairman——

Mr. PERKINS. Will the gentleman allow me to ask a question of the gentleman from Wisconsin?

Mr. BURKETT. Certainly.

Mr. PERKINS. As I understand the gentleman, the entire expense to the city of Washington is from eight to ten million dollars per annum.

Mr. BABCOCK. The present appropriation bill as it passed the House carries $7,750,000, in round numbers.

Mr. OTJEN. Seven million six hundred and eighteen thousand dollars.

Mr. PERKINS. I would like to ask the gentleman why that is. I live in a city two-thirds the size of Washington, which is quite as well administered, has better water, is quite as well lighted, has an excellent police, and the entire expense of the city is a little over $2,000,000. Allowing for the difference in population, it would make the expense of the city of Washington about $3,000,000. Is it not possible that the expenses of Washington are too large, and that there is some extravagance in the city government? I do not see where the difference comes in.

Mr. BABCOCK. Mr. Chairman, I believe, so far as the municipal departments and the spending of the money appropriated is concerned, there has never been a criticism; not that any money was wasted, or that there was any fraudulent contracts.

Mr. PERKINS. Oh, no; but there may be extravagance without fraud.

Mr. BABCOCK. I understand, as far as that is concerned, that Washington has been an example for all the world in regard to municipal expenses. There are large expenditures here. This bill which passed the House carries two items amounting to twelve hundred and forty-seven thousand dollars for filtration plant and sewage disposal, and the gentleman has heard me state that the District has paid out seventeen hundred and ten thousand dollars for new streets. Those large items are extraordinary and not properly in the current expenses.

I admit that the criticism is true that the expense is large here, and it must necessarily be large. There is no city in the Union that has such wide streets; there is no city where practically all the streets are paved with asphalt. A large amount of money is necessarily expended on the streets.

Mr. PERKINS. Yes; but I do not see why it should be more than twice the rate of a well-administered city in the State of New York.

Mr. CANNON. Will the gentleman from New York allow me a suggestion? There is a million dollars of this expenditure for the sinking fund for the money that the United States and the District owe.

Mr. PERKINS. Yes; and in the expenditure of the city of Rochester there is between three and four hundred thousand dollars' interest on the public debt that makes a part of the two million. Of course, if my friend from Illinois assures me that there is no extravagance——

Mr. CANNON. Oh, no, no; my friend will not get me on that point. [Laughter.]

Mr. MUDD. Mr. Chairman, may I ask the gentleman from New York a question?

Mr. PERKINS. Certainly.

Mr. MUDD. Is the gentleman sure that his city as a municipality pays the expenses for courts, schoolhouses, and charitable institutions? Does not the State provide for those or some of them?

Mr. PERKINS. The city pays the expenses of the schools of the city.

Mr. MUDD. The gentleman might find many things of that sort that are not paid by his city which Washington City has to pay for exclusively.

Mr. PERKINS. Well, they would not amount to very much; they might amount to two or three hundred thousand dollars.

Mr. BURKETT. Mr. Chairman, I want briefly, in opposing this bill, to do so from the standpoint of its necessity. I am opposed to the passage of this bill because I believe it is unnecessary. It is not expedient to do it, and I believe it would be a bad precedent. I have listened to the arguments for the passage of this bill and I have read in the newspapers every day for a month or two of the necessity for its passage. I do not know what is behind all this. I confess I have never before seen business men so anxious to run into debt and to encumber their property as some of them seem to be in the city of Washington. There is no question but what we all want Washington to be a beautiful city. We are all just as anxious for that and equally so as the people of this District.

Since 1878 Congress has been especially charged with beautifying this District and city, and no one can say but that it has made wonderful progress along that line. We want to continue to build up and develop and beautify this District. Now, I am opposed to this bill for borrowing this money because it is unnecessary to borrow it. I listened to the statement of the gentleman from Wisconsin [Mr. BABCOCK] as to what the things were for which we needed this money. I have done more than that. I have gone into the report that he has filed—from 15 to 18 pages long—and I have read every single proposition, and yet am convinced that within the time that it is provided for in this bill that this money shall be paid back that we can have done three times as much permanent improvement on the money we shall have from the taxes from year to year.

The bill that passed the House the other day, just referred to, appropriated $7,617,000. The point has just been raised that it is an unusual amount. It was, but of that $7,617,000 one million seven hundred and odd thousand dollars was for permanent improvements. So we say that in that bill——

Mr. PERKINS. What sort of improvements?

Mr. BURKETT. I will read them to you.

Appropriations made in the District of Columbia appropriation bill in the nature of permanent improvements.

Books for library	$5,000
Permanent system of highways	2,500
Assessment and permit work	145,000
Paving roadways under permit system	10,000
Work on streets and avenues, per schedule	50,000
Opening alleys, widening streets	10,000
Construction of county roads	54,500
Main pipe sewers	50,000
Suburban sewers	50,000
Boundary sewer	40,000
Sewage-disposal system	25,000
Trunk sewer, western part Georgetown	22,000
B street and New Jersey avenue trunk sewer	400,000
Planting trees, parking commission	25,000
Placing fire alarm, telegraph, etc., underground	18,250
Filtration plant	600,000
Furniture, new school buildings	12,250
Pianos, schoolhouses	2,500
Fire escapes, schools	2,400
Fire alarms, schools	5,000
Business High School	75,000
Three new schoolhouses	140,000
New fire engine	30,000
Three new chemical engines	6,000
Aerial truck	3,500
Police court cells	3,000
Police court water-closets	1,000
Total	1,788,600

Mr. PERKINS. What is that $400,000 for?

Mr. BURKETT. B street and New Jersey avenue trunk sewer—part of the sewage-disposal system.

In short, in the bill of the other day we appropriated $1,788,600

for permanent improvements, according to the list that I have read.

Mr. PERKINS. How much of that went for street openings?

Mr. BURKETT. Well, there are items of $50,000 for streets and avenues, $10,000 for opening and widening alleys, $54,000 for county roads——

Mr. BABCOCK. None of that was for street openings.

Mr. BURKETT. No, sir.

In addition to this $7,617,000, we have a little over $3,000,000 left to spend here in the city, because our revenues available are $10,800,000. In the bill of the other day, as I say, we appropriated $7,600,000; and we have left over to-day $3,000,000 to improve the District with, to build the terminal, to make improvements here and there as they may be needed; in short, as the House can see, we have altogether for the coming year $5,000,000 to put into permanent improvements in this District. Now, sir, we propose in the present bill to pay this money borrowed back in twenty years.

Mr. BABCOCK. Five hundred thousand dollars a year.

Mr. BURKETT. Well, that would pay it in something like twelve years. Now, by the time this is to be paid back we shall have, according to the same proportion as now (because taxes will increase as the years go on and expenses increase), we shall have in twelve years, at the rate of $5,000,000 a year, $60,000,000 worth of permanent improvements, and we shall have every dollar paid for.

Now, in my judgment, that is the better way to do. Why, sir, in three or four years these permanent improvements which the gentleman from Wisconsin has specified will have been paid for, and before those improvements are completed we shall have, at the rate we are now going on, every dollar collected with which to pay for them.

Some one says that this will necessitate cutting down running expenses. Let me call the attention of the gentleman from New York to this point: We are collecting $10,000,000 annually, in round numbers—$5,000,000 from the city and $5,000,000 from the Government of the United States. Practically the $5,000,000 which the Government of the United States puts in is what we have every year for permanent improvements.

But some one says, "If you put in for permanent improvements $5,000,000 in the course of a year, that will cramp the city." It has been said here and in the press and on all sides that Congress has been niggardly with this District in its appropriations. But, sir, as I showed the other day on this floor, every single item necessary or important for the health of the city, or its development, or the education of the people or their protection within the District—every dollar of this kind that has been asked for was appropriated. I have a list here of the various purposes for which we made appropriations to the full extent of the estimates. This list, covering more than two pages, shows that we appropriated in all these cases exactly what the Commissioners asked for.

Estimates as granted—full estimates.

Street and avenue repairs	$200,000
Replacing sidewalks and curbs	10,000
Care of bridges	4,000
Construction and repair of bridges	15,000
Cleaning and repairing sewers	58,000
Main pipe sewers	50,000
Suburban sewers	50,000
Purchase and condemnation of right of way to put sewers	1,000
Automatic flushing tanks	1,000
Extension boundary line sewer	40,000
Continuing sewage disposal system	25,000
Trunk sewer	22,000
B street and New Jersey avenue sewer	400,000
Disposal city refuse	115,000
Public scales	200
Public pumps	4,000
Wires underground	18,950
Extension police-patrol system	5,000
4-dial, 4-number manual transmitter fire alarm	5,250
Washington Aqueduct	33,000
Filtration plant	600,000
School-teachers	951,775
Schoolhouse janitors and engineers	85,256
School rental	15,684
Repairs and changes in plumbing in school buildings	25,000
Repairs, heating, and ventilation	3,500
Furniture new school buildings	12,250
Pianos, schools	2,500
Text-books, school supplies	52,500
Flags for schools	1,000
Fire extinguishers and escapes, schools	2,400
Telephone and fire alarm, school	5,000
Columbia Institute Deaf and Dumb	10,500
Police contingent	30,000
Repairs, fire apparatus	7,500
New hose	9,000
Purchase fire horses	11,000
Rent fire department	300
New engine house	30,000
3 new chemical engines (asked five)	6,000
Aerial truck	3,500
Health department, C. H., including disinfecting service, emergency, drainage fund, adulteration of drugs, etc., Garfield and Providence hospitals, including isolating wards, etc	8,000
Court reports	$110
Police court (except raise of salaries), including witness fees, repairs, furniture, board, rental, and jury fees	17,700
Cells	3,000
Water-closets	1,000
Defending suits, Court of Claims	3,000
Interest and sinking fund	975,408
Emergency riot fund	8,000
Support of convicts	45,000
Court-house force and care	12,960
Support of prisoners	46,000
Washington Asylum, contingent	58,200
Support of inmates in reform schools	25,000
Girls' Reform School	6,765
Groceries and provisions, Girls' Reform School	10,000
Freedman's charities	21,500
ALL CHARITIES AS ESTIMATED.	
Board of Children's Guardians	8,600
Hospital for insane	229,300
Relief of poor	13,000
Transportation of paupers	2,000
District of Columbia Militia	17,000
Water department (except salaries)	29,706
Total	4,464,314

If there be no objection, I shall put this entire list in the RECORD without reading the whole, so that members may see that for all this score of items that I have gone over we appropriated every dollar that the Commissioners of the District asked us to appropriate. We have not scaled down the items in any particular.

Now, I also have a list here, which I will not go into at length, of the few items which we did not allow in full as asked for. I will state for example the first one. It is an item for repairs to county roads. One hundred thousand dollars was asked and we gave $80,000. Eighty thousand dollars was current law for the repair of county roads in this District, about 100 miles. It is possible that there are a little more than 100 miles, but in the examination it was stated 69 miles and afterwards corrected. All told, it is a little over 100 miles. For street sweeping we allowed current law. For cleaning off ice and snow we allowed current law. For the bathing beach we raised the estimate, and so on down through the list here. For the things that were necessary for the health, life, or protection of the people here in this District we gave them what they asked, and in these other items we gave what in the judgment of the committee they could use properly.

Now, I turn to this report of the gentleman from Wisconsin [Mr. BABCOCK], and I find that the $1,700,000 added to what the committee appropriated would leave, as they say, a deficit of $352,000. According to the report of the gentleman from Wisconsin, by adding all the things he says should be added, it would produce a deficit this year of only $352,000.

Mr. BABCOCK. Will the gentleman yield for a moment?

Mr. BURKETT. Yes.

Mr. BABCOCK. If the gentleman will read the report, he will find the report says that there is a portion only, and to that I wish to call the attention of the House—not all.

Mr. BURKETT. These are a portion. There are some in here, I want to say, that this House will probably never indorse or pass through. It will be cut down more than increase in that particular; but giving it as the gentleman puts it, and as do the Commissioners, the very highest possible estimate they have ever asked for, there is a deficit of only $352,000. Now, let me suggest another thing. The District owes to the United States on borrowed money $1,900,000 in round numbers. Six hundred thousand dollars of that is payable this year by the terms of the law.

In the estimate that we have made, which I have given you heretofore, we have figured on the District paying back this year one-third of that $1,900,000, or, in short, paying back $600,000. Yet they have come in here and instead of extending the time, if it is necessary, on this year's payment, they ask us to loan them $6,000,000 more, when all that is needed, according to their own statements, to make them come out even and $300,000 ahead, would be to defer this year's payment on what they borrowed in times past, when taxes were not as they are to-day.

Now, I am opposed to this proposition of letting this loan go through for another reason, and that is that it is very expensive to borrow money. Away back a good many years ago this District went into the money borrowing business. To-day they owe in round numbers $13,000,000 of bonded indebtedness. A few days ago I sent to the Treasury Department and had them figure up very carefully and accurately what that $13,000,000 which the District of Columbia borrowed was going to cost the District of Columbia by the time they paid it off.

After giving all the items, which I will not read through, but will insert in the RECORD, the final line is: "Total cost of the 3.65 per cent bonds, $37,883,579.61." In short, the $13,000,000 of improvements which the District made with that borrowed money is to cost the District, and they are paying for it to-day, over

$37,000,000, and in the bill we passed the other day we appropriated $900,000 for that purpose.

TREASURY DEPARTMENT, OFFICE OF THE TREASURER,
Washington, D. C., January 26, 1903.

Hon. E. J. BURKETT,
House of Representatives, Washington, D. C.

SIR: In answer to your request of the 16th instant relative to the cost, including the interest and final redemption, of the 3.65 per cent bonds of the District of Columbia, a reference to the laws under which these bonds were issued may be interesting.

Act of June 20, 1874 (18 Stat., 116), bonds issued for board of audit certificates	$13,743,250
Act of June 16, 1880 (21 Stat., 284):	
Bonds issued for board of audit certificates	684,400
Bonds issued for judgments of the Court of Claims	429,150
Act of August 13, 1894 (28 Stat., 277), bonds issued for additional interest at the rate of 2.35 per cent on board of audit certificates funded under the act of June 16, 1880, and for the redemption of 8 per cent certificates of indebtedness	112,500
Total issue to date	14,969,300

The act of June 16, 1880, provided that the total issue of the 3.65 per cent bonds should not exceed $15,000,000. The balance of $30,700 unissued will probably be absorbed in payment of judgments of the Court of Claims in cases now pending.

The bonds issued for board of audit certificates and for judgments of the Court of Claims carried interest from an early date, the greater part from August, 1874.

The bonds issued under the act of August 13, 1894, bore interest only from the interest period preceding the date of issue.

The total interest due and payable on these bonds, including the fiscal year 1903, was	$14,619,988.77
The bonds retired by the sinking funds amount to $1,989,900 and cost	2,292,318.84
Total cost to the close of the fiscal year 1903	16,912,307.61
Estimated sum to be appropriated for the fiscal year 1904, and annually thereafter to the date of maturity of the 3.65 per cent bonds, August 1, 1924, $975,408 for twenty-one and one-half years	20,971,272.00
Total prospective cost of 3.65 per cent bonds to the date of maturity	37,883,579.61

Respectfully,

ELLIS H. ROBERTS,
Treasurer of the United States,
Ex officio Commissioner Sinking Fund, District of Columbia.

Mr. SIMS. Mr. Chairman, the gentleman states that the District pays this all. Is he not mistaken? Does not the Government of the United States pay one-half of the borrowed money as well as one-half of the current expenses?

Mr. BURKETT. That is so by the terms of the undertaking of 1878, yes. Now, I want to add this in passing also. There is a limit of indebtedness beyond which a man should not go. My judgment is that a man should never go in debt to build a fine house. He can afford to go in debt to buy a farm, or his machinery, or the things with which he is going to do business, but he can not afford to go in debt to put on style. A city, when it is started out on the plains, must have certain things, and can afford to bond to pave a street, possibly; can afford to bond for waterworks or for electric lights, if necessary.

But I do not believe a city that is more than 100 years old, that has everyone of these necessary things, can afford to bond to beautify the city; in short, to put on the frills and the furls with borrowed capital. I do not believe that you and I, as guardians of the property of the people of this District, ought to permit them to go into debt for improvements of this character.

As I have said, there is a limit beyond which men and beyond which cities ought not to go into debt. I have here a report of the Department of Labor. I have gone through the list of 150 cities, and have found the limit of indebtedness that those cities have. I will say that it averages less than 5 per cent of the assessed valuation. That is the limit under the law.

Most of the towns in Pennsylvania, for instance, taking them as a whole, permit an indebtedness of 7 per cent of the assessed valuation. In Boston, Mass., they can not go into debt to exceed 2 per cent of their assessed valuation; Cambridge, Mass., 2½ per cent; Chicago, 5 per cent; Haverhill, 2 per cent; Indianapolis, Ind., 2 per cent, etc.; and, as I have figured it out, 5 per cent is a little more than the average indebtedness that the cities of this country permit themselves to contract by the laws passed by their councils or by the legislatures directly responsible to the people of those cities. That is the average; and of these 150 cities less than 15 have a larger per capita indebtedness than has Washington.

Now, I have taken the assessed valuation of the District of Columbia as it has been given to you by the chairman of this committee, and 5 per cent on that assessed valuation for the District of Columbia will figure out $13,292,000—within $200,000 of what we are already in debt, without counting the floating debt.

Mr. BABCOCK. Mr. Chairman——

Mr. BURKETT. In short, Washington is already in debt more than the average city of this country is permitted by its own laws and regulations to go into debt.

Mr. BABCOCK. Will the gentleman permit me?

Mr. BURKETT. Yes.

Mr. BABCOCK. In making that statement here of property valued at $219,000,000 the House should understand that that is only 46 per cent of the real-estate values of Washington. The Government owns 54 per cent of the real estate, so that, taking the gentleman's own rule, it would reduce the percentage rate more than one-half.

Mr. BURKETT. Now, here is another reason why I oppose the passage of this bill. As I have said, it is not necessary. As fast as these improvements are made we will have the money to pay for them. There may be a year or two when two or three extra things come in, when we will have to advance some out of the Treasury, just as we did last year.

Take it for example last year. Here came in a demand for a high-pressure water system. There came in a demand for the hurrying on of this filtration plant. There came in several of these things that had to be pushed, and pushed hard and quickly. What was the result? The Committee on Appropriations recommended, and the House and Congress appropriated, a large amount, advanced it out of the Treasury, and hurried that work on. Now, this year, as has been stated, the amount of the appropriation bill which passed the House was less than the amount carried last year. Why? Because we cut down the sinking fund appropriation this year $239,000. We cut down the appropriation for the high-pressure water system $200,000, and such items as that, and that is why it is decreased $800,000 for this year.

I say we will have the money just as fast as these improvements are made. This bridge will not be completed for five years. This railroad terminal will not be completed for five years. The filtration plant will probably be finished next year. It will take three or four years to finish up this sewer system that we have started, and we have given them every dollar they asked for, and we are pushing it just as hard as we can. We will have every dollar for them as fast as they are ready for it. We have enough this year and almost $1,000,000 to play on, in my judgment.

Here is the final reason why I am opposed to this loan, and why I am opposed to permitting this city to go further into debt, by way of bonded indebtedness or otherwise. We are not directly responsible to the people in this District. They do not vote for us. We and succeeding Houses never can feel the responsibility to the people here that we feel at home or that councilmen elected by the people of this District would feel toward them.

Precedent is a hard pusher. Whenever you establish a precedent for doing a thing you can always repeat the dose at the slightest provocation. If we establish a precedent now to permit them to borrow money without any more provocation than there is at present, time will go on and in years to come they will keep on increasing the indebtedness until they will confiscate the property of this District in time, or as the gentleman from Missouri [Mr. COWHERD] has prophesied, they will come in here on some great popular clamor and uprising in the District and will ask us to do exactly what we had to do once before, and that is absolutely to wipe out the indebtedness of the District by the appropriation of money from the Treasury of the United States.

I believe, gentlemen, in the face of these facts, that this bill ought not to pass. It is not necessary. We will have a surplus when the District appropriation bill has gone through this year, and in my judgment, estimating it carefully, with the things that are undertaken, we can make in the next five years $25,000,000 in permanent improvements. If we have to pay for all in one year that is now under contract there would not be more than half of this amount needed. In short, if all were completed next year, it would take but $7,000,000, and yet in the five years required for their completion we will have twenty millions to pay on the $7,000,000 worth of permanent improvements that have been suggested.

Mr. MUDD. I wish to ask the gentleman a question for information. Do I understand the gentleman to say that we will have twenty-five millions over the expenditures of the next five years?

Mr. BURKETT. Yes, sir.

Mr. MUDD. Twenty-five millions to be expended for extraordinary projects? Will we have five millions in excess of ordinary expenditures for each of these five years? Can the gentleman mean to say that?

Mr. BURKETT. I say that it costs $5,000,000, practically, in round numbers, for the mere running expenses of the District of Columbia, and we will have that other $5,000,000 for permanent improvements. There will be $5,000,000 this year to go into permanent improvements in this District, and if it does not cost any more than $5,000,000 the next year for the running expenses, that will be met by the tax levy and we will have $5,000,000 to go into permanent improvements every other year in the future.

Mr. MCCLEARY. Mr. Chairman——

The CHAIRMAN. Does the gentleman desire to speak for or against the bill?

Mr. McCLEARY. Against it.

The CHAIRMAN. The Chair will have to recognize the gentleman from Tennessee, a member of the committee.

Mr. SIMS. If anyone wants to address the committee in favor of the bill, I prefer they do so.

Mr. McDERMOTT. Mr. Chairman, I want to speak to a point that seems to be raised by everyone who opposes national aid to municipal government in the District of Columbia. We are told that the District is without representation. That is not its fault. If it had the representation, if it had political influence outside of this body, it might not find the difficulty that is found in obtaining exact justice. But it does seem as if it was the pleasure of Representatives from all parts of the United States to cry out that the District of Columbia having the Federal Government located here, it should pay all the taxes.

Last year it was asserted on the floor of this House that the District of Columbia should pay more than its apportioned share of the public burdens—in fact, all the municipal cost. Why? The District of Columbia pays out for her municipal government more than any other city of equal population in the Union. Why? Because the city is the national capital. You take the case of maintaining the police force in the District of Columbia. Why is it so great? Because you have to keep a police force here to guard United States property and to be ready for incursions that do not occur in any other city in the Union. You have to keep constantly on hand a larger police force than would be necessary in any other city of 270,000 inhabitants.

Take the avenues of this city. For one century we have been constructing upon the plan laid down by Major L'Enfant. What was the idea of that plan? That there should be a national city so constructed as to necessarily be expensive. What is the result? There has been a constantly recurring annual expenditure for maintenance that is not found in any other city in the United States. What other city maintains any such avenues? What other city maintains any such system of parks as the city of Washington?

Washington's municipal government is costly, not because of the private residents here. If they had control of the ordinary expenses of the municipal government they would not be called upon to maintain such avenues as they do to-day. They would not be called upon to expend so much on asphalt pavements in miles of wide streets. It is a beautiful city, but it is not a city of the residents of Washington. It was designed and built for the people of the United States, and the people of the United States occupy the same relative position to its beauty and its improvement that the French people do to the city of Paris, where it is enough to put up a sign, "This park belongs to the people of France," to prevent trespass upon public ground or desecration of public property by anyone who comes from the most remote part of the French Republic.

This city has been constructed on lines not for the financial benefit of the residents here. Its avenues, its magnificent streets, the immense outlay for asphalt pavements have not been solely for the citizens of Washington. It is true they get the incidental benefit of residence here, but the city was designed to be a national monument. Where else can you find a city where over 50 per cent of the value of the real estate is occupied by the National Government?

We know that ordinary taxation is on the theory that it excludes Government property from tax imposition. It is an elementary principle that tax on Government property shall not be imposed, but we can not apply that rule to the city of Washington, because the city itself is laid out, is constructed, and has been improved from the days of Washington and L'Enfant, not merely as a residence city, but as a monument to our national greatness.

As we go on in the march of that improvement I do not believe in imposing in any annual tax levy millions of dollars for novel and permanent improvement. It is not done in any other city in the world and should not be done here. The people of this District ask only for that which is accorded by every State legislature to cities desiring to make extensive and expensive improvements. Sound municipal policy has always, outside of this District, embraced plans for the graduation of the burdens of permanent improvements, and, whatever the fate of this bill, that policy is bound to find place in the government of the District of Columbia.

Mr. SIMS. Mr. Chairman, I have got no ill feeling toward the people of the District of Columbia. I certainly take as much pride in this, our national city, as anybody. At least, I think I do, and I take it that I do in its favor all that I ought to, in view of my responsibilities as a representative of the people. I have not come here to say a word that will embitter anybody against the people of the city of Washington. I have no hard feelings against the people of this District, who, by this bill, are seeking to lighten their already very light burdens as compared with the burdens of other cities. Therefore it does not call for anything bitter, for anything that is unpleasant, to be said in considering this bill. I only want to take a plain, fair, businessslike view of the matter.

Let us look at the facts. But before going into those facts in an orderly way, I want to notice a few things said in favor of this bill in the nature of a reply. My distinguished friend from New Jersey [Mr. McDERMOTT] speaks about the system of parks in Washington. They are the finest I know of anywhere, of which we are all proud. I think on account of that system that this city receives more benefit from its parks than any city in the United States or elsewhere. All of that benefit, if I am correctly informed, is a gift to the citizens of Washington. The parks, as I stated, and the public spaces are kept up entirely out of the Treasury of the United States, and do not cost any citizen of Washington one farthing; and although he has not the exclusive use of them, he has all the benefits of them that he wants. Washington has the best system of parks of any city in the world, as far as I know, and it does not cost the people of this city one cent.

Mr. McDERMOTT. But you should substract the value of those parks from the value of property assessed for revenues.

Mr. SIMS. Do the people of this city not appreciate the fact in their favor that there is not a neighborhood in this District that the poorest person in it can not go out and enjoy the shade and quiet of the parks that are kept up by all the taxpayers in the United States for their benefit, without one cent of cost to them in the way of taxes, and yet this is made a matter of complaint that they are so blest.

What next? They claim on account of this large amount of park area that is kept up at the Government expense that they are deprived of that much real estate for purposes of taxation.

Now, let us look at that for a moment. What would this city be worth if the parks and the site of government were out of it? Would all this land of the area now covered by this city be worth as taxable assets what the area inhabited by private persons is now worth? The parks absolutely add in value to all the rest of the property, and without it it would shrink very materially. And when I hear gentlemen get up here and say that 54 per cent of the area of this city is covered by parks, and that they are deprived of that much taxable property that they otherwise would have, then I must reply to them that 100 per cent of the area without the Government would not be worth, for taxation purposes, what they have now.

Why not take a common-sense view of this thing? We are glad to have the parks, and we are glad to have our constituents keep them up. I expect to continue to vote for it, but I am sorry that I have continually to hear the complaints on the part of the people, who have almost exclusive enjoyments of the parks that they are enjoying by having the blessings cast upon them at the expense of my constituents and yours, say because you have done this for them you must do more. I think there has enough been said about that. Let us look at the situation as it is.

Every member of this House may know, but it is well to recall that on account of its being the seat of government, that on account of requiring greater expenditures, broader streets, and all that kind of thing, the Government of the United States, or the taxpayers of the United States, pay one-half of all the burdens, except street extension. Every improvement that is made, one-half is paid by the taxpayers of the United States, while the enjoyment is almost exclusively by the people of the city of Washington. Just let a member go and try, as I have been for the last few days, to buy a lot on which to build a house, or to buy a house, and to get within the precincts of Sixteenth street or Connecticut avenue or Massachusetts avenue NW., and see what it will cost him to get it. It appears that the value of the property in those localities is so much enhanced by the contiguity of these parks that there is no loss of actual financial benefit, but on the contrary a greatly added value. We are all in favor of these parks, and I do not want a backward step taken.

While one-half of all improvements made in this city is paid by the Government, I have never known an improvement authorized that had not been asked for by the Commissioners of this District in behalf of the people. Take the case of the municipal building. Very great interest was manifested by the people of the District for a magnificent municipal building, but when they asked for that improvement, did they not know that half the expense of that structure would be borne by them?

When they asked us to tax our people for one-half of the whole cost of that structure, did they not know that the other half, according to the agreement that they had made, and according to simple justice, should be paid by them? Such improvements are granted on the application of citizens; and then they come here and say, "You have saddled us with the expense of this improvement beneficial to the citizens of the District; now loan us the money to pay our one-half of the expense; and require us to pay only one-half the interest that citizens ordinarily pay upon money which they borrow for like purposes; and give us twenty years

in which to pay the indebtedness." Now, does a proper spirit of liberality toward this District require that we should burden in this way the taxpayers of the United States at large?

I know it is claimed that a United States 2 per cent bond is worth more than par—is at a premium. I admit it. That bond carries with it certain banking privileges which adds to its value. But, sir, the United States could not to-day borrow at simple interest without issuing bonds, with the benefits attending those bonds, $100,000,000 at 2 per cent, I do not care what may be the solvency of the Government, sir. There is not a city in the United States to-day that can borrow money at 2 per cent. Yet, sir, when we thus pay one-half of the District expenses, we are asked to establish a permanent policy here of loaning money to this District at the rate of 2 per cent per annum. I ask, How does that look, when we consider the burdens of the citizens of the different States whom we represent?

Sir, this question has been so thoroughly ventilated heretofore, so far as the per capita taxation is concerned, that I do not think it worth while to go into it further. But when we come to impose these burdens upon your constituents and mine for the support of this District, we must look at the different forms of property of the different localities and the amounts at which they are assessed. The gentleman from Illinois [Mr. CANNON] has well and truly said that no bonds are taxed in this District; that the stock of no corporation is taxed in this District; that notes are not taxed; that mortgages are not taxed; that no evidence of indebtedness is taxed; that money is not taxed.

Now, when we come to compare the tax rate in Washington with the tax rate in other cities, we must make the comparison upon the basis of the same character of property and a similar assessment. I am not here to defend the theory of taxing evidences of debt. I believe that some of the taxation of this city is based upon a proper theory. The taxation of the gross receipts of corporations is, I think, correct; I advocate and defend it. But when you make a comparison between taxation imposed in Washington and some other city, you must bear in mind the character of property upon which this taxation is levied, taking into consideration both realty and personalty. Sir, if you would take the assessment roll of the District of Columbia, and consider the various kinds of personal properties which are taxed in other cities but not taxed here, you would probably bring the tax rate in this District down to $1 per hundred, even upon a two-thirds valuation.

Look at taxation in the different States. Why, sir, in a debate in this House several years ago the question was raised by some gentleman from Iowa in regard to the taxes paid for school purposes in his section. He stated, if I remember correctly, that the total taxation paid in his State upon the average was $4 or $5 per hundred—in other words, 4 or 5 per cent—and he undertook to draw a comparison to the disadvantage of the Southern States, because his section, as he claimed, paid an amount so much larger for school purposes.

But, sir, when you weigh the tax burden of different sections and compare it with the burden here, and bear in mind the fact that the taxation here is for municipal purposes alone, while in most localities in the States there is taxation for municipal, county, and State purposes, you must reach the conclusion that a tax rate of $1.50 in this District is extremely favorable to the citizens here. Take the State of Tennessee. There, when a man gives a note for borrowed money, taxes must be paid on that note, while the debtor pays taxes on the money owed. So on a vendor's lien note taxes must be paid, both note and the land for which it was given; so in the case of stock in corporations. The holder of the stock must pay taxes on it, while the corporation as such must pay taxes on the tangible property of the corporation.

You may say that this is double taxation. Granted. But I say when you undertake to compare the burden of people in other localities with the burdens borne by the people of this District you must make a reasonable, scientific, and just comparison. I do not know the city in the State of Tennessee in which the tax burden of the citizens will fall as low as $2 per hundred, yet we think we are bearing a very low and modest rate of taxation. I can say that I think it is a great advertisement for Washington City that the tax burden of her people under the existing system is lighter than the tax burden of any other city of the United States having 200,000 population.

Then why should we loan this money? Whose money is it that we will loan? It is the money of your constituent and my constituent. How does that constituent get the money which we loan? If he is delinquent and has to borrow, he has to pay from 6 to 10 per cent if he borrows straight; if he is delinquent in his taxes and does not pay them at the time appointed, damages are assessed equaling, perhaps, 25 per cent, and he must pay them. This committee comes in here and asks Congress to take the money out of the pockets of your constituent and my constituent and loan it to these people at a rate of 2 per cent interest. For a like loan your constituent and mine would have to pay from 4 to 6 per cent.

Now where is the justice in that? Where is the demand for it? Where is the plea for it? Where is the occasion that demands such a sacrifice of the interests of your constituent taxpayer and mine in order to further lighten the burdens of the taxpayers of the District of Columbia? I say this with no ill feeling toward these people. They have treated me nicely, and I like them. I wish I lived here, and then I would not have to pay taxes on my personal property, and by that I mean choses in action and things of that kind; but we have already adopted a precedent for it—and I take no credit for that, because I opposed it then—loaning even from one Congress to another at a rate of interest but one-half, at least, of what it would actually be if they had to borrow on their own bonds. Therefore I shall not oppose a loan in that way.

Are we not doing enough when we reenact from time to time, as emergency arises, proper legislation? Why should they borrow almost without limit, to be returned within twenty years, and at a rate of interest which the Government of the United States could not obtain if it were to borrow money as you or I or any city would have to borrow? I do not see any justice in this. I do not see anything that demands it. I think I have said enough on this matter. I opposed this bill when it came before the committee, notwithstanding every newspaper in the city published it as coming from the committee with a unanimous report, and has continued to do so ever since. Of course it is true that they might have regarded my opposition as amounting to nothing, but I feel it my duty to give this Congress the facts I have given them in this general way.

I am not going into details. That has been done already, and I do not want to consume the time of the committee and hold it here for further detail; but when your constituent and mine is taxed double what these people are and pay from double to three times the amount of interest on any money which he may borrow, why should we loan these people at the rate we do, to be paid within twenty years? I can not see why we should do so, and in not doing so I do not see that we prove recreant to the interests of the District or its citizens. Congress is practically the common council of the District of Columbia, and is in session practically all the time. Whenever an emergency has arisen in the past, it has never failed to come to the relief of the District. It will do so in the future, and let us have those who follow us in this House assume some of the responsibility.

I am not in favor of loaning money at all at 2 per cent. I would be in favor of raising the rate of taxation until they actually pay one-half of the burden, but the precedent has been established and I am willing to follow it. Cheap money means extravagance. With money at 2 per cent and the National Treasury to fall back on, extravagance will run riot in this city, and a debt will be piled up of such vast dimensions that some future Congress will be called on to assume it and take it bodily from the shoulders of the people of this District. Against such a condition of affairs I feel it is our duty to do all we can, and as a means to that end let us vote down this bill. "Sufficient unto the day is the evil thereof." Let the problems of the future be solved by the people of the future.

Mr. POWERS of Massachusetts. Mr. Chairman, I have listened very attentively to the debate this morning, and, unless I am greatly mistaken, there is an absolute misconception of the proposition that is before the House. I am going to take just a few minutes to state the proposition as I understand it. Here is the District of Columbia, a District 10 miles square, a trifle over one-half of the real estate in which is owned by the Government and the other half by the citizens residing in the District. There is no Territorial form of government. Congress controls this District absolutely.

The people, some 300,000 in number, residing in the District of Columbia have no political rights. They have not the political rights that we have conferred upon the Filipinos, because the Filipino, if he complies with certain qualifications, can vote and can organize his town and city government. These people can not do that. These people have not even the right to be represented upon this floor, in either Chamber of Congress. More than that, we tax these people. We fix the rate of taxation which they shall pay. We determine upon what improvements shall be made. We appoint officers who control them. We appoint the Commissioners who take charge of the affairs of the District, and the people have not a single word to say about it.

They have not the rights which the Territories of Oklahoma, Arizona, and New Mexico, and even Hawaii, have on this floor, because the Delegates from those Territories are entitled to come here to talk for the interests of those Territories. More than that, we have provided that they may establish their own Territorial form of government, and we have given to their people what may be termed self-government. Now, these people pay the tax which we say they shall pay. They pay the rate of taxation which we

say they shall pay. We determine what tax they shall pay, we take their money, and we put it into the United States Treasury, and we spend that money for them. We can make their tax rate any amount that we choose to make it.

The tax, as fixed by the laws now in force, amounts to about 1½ per cent. The assessed valuation is fixed by the officers of the United States Government, and not by the representatives of these people. Now this taxation, as appears in the report which you have before you, yields a revenue of about $5,000,000 per annum. If that revenue be sufficient, then there is no occasion for the passage of this bill. But one thing is important. These people have the right to know whether this tax is to be uniform or is not to be uniform. All that we seek to do in this bill is to provide that in the future when any great exigency arises in the way of any large expenditure, the United States Government shall carry on the debtor side some part of the obligation which we put on these people.

Is that loaning money? We have a perfect right, if we choose, Mr. Chairman, to say that next year, if the part which the people of the District should carry amounts to $10,000,000, that they shall pay the entire $10,000,000 in a single year. Do we want to do that? Do we want to carry out the proposition which was made by the gentleman from New York [Mr. PAYNE] to-day, of putting into the tax levy each year the amount which will cover what is necessary to take care of that part which the people of this District are called upon to pay? I say not. I want to ask the gentlemen of this House if, when you carry out any great improvement in your cities, you put it all in the tax levy? I want to ask my friends on the other side if, when they introduce in their municipalities sewerage or water systems or any other great municipal improvements, they put it all into the tax levy of a single year and make the people pay it?

What is the purpose of this proposition? The only purpose of it is to give some assurance to the people of the District of Columbia that the rate of taxation shall not be jumped from year to year until it becomes burdensome. So far as I am concerned, and so far as my opinion goes, I believe that it is the duty of Congress to do something for the development of the city of Washington. These people in Washington are finding no fault with the payment of a reasonable rate of taxation. The rate of taxation which they bear to-day is a rate as high as is paid by the citizens of my city in Massachusetts, and it is a rate higher than is paid by the citizens of the city of Boston.

Mr. SHATTUC. May I ask the gentleman a question?

Mr. POWERS of Massachusetts. I yield to the gentleman from Ohio.

Mr. SHATTUC. Do you pay taxes on bonds and stocks in Boston, or, under the law, ought you to pay a tax on bonds and stocks?

Mr. POWERS of Massachusetts. We do not pay any tax in Boston on stocks which are issued by domestic corporations. We pay upon all bonds, and we pay upon stocks that are issued by corporations created outside of the State.

Mr. SHATTUC. My judgment is that there is no city in the United States where the tax amounts to over 1 per cent on a par valuation of the property in that city. I know something about taxation, and I say that there is not a city in the United States, where they exempt bonds and exempt stocks, where the rate is 1 per cent on the par valuation. In other words, my judgment is that there is no city in the world that is as favored in the matter of taxes as Washington City is. There is not a city in the world that is so free from taxation as this. You ought to pass a law, I think, in favor of Congressmen, so that they could stay here. [Laughter.]

Mr. POWERS of Massachusetts. Now, my friend from Ohio can not have any controversy with me on that proposition. I believe that the people living in the District of Columbia should pay a fair and reasonable tax.

Mr. SHATTUC. Upon what do you base that?

Mr. POWERS of Massachusetts. A fair and reasonable tax may be said to be the average tax in cities of like size.

Mr. SHATTUC. I think that is fair.

Mr. POWERS of Massachusetts. Now, my friend will agree with me that it is the duty of Congress to see that these people are assessed a rate that is fair and equitable. I am not here to make any defense in behalf of the citizens of Washington, or in favor of low taxation. On the other hand, I believe they should pay a reasonable tax. I believe to-day under the present assessment they are paying a reasonable tax. But what I say is that, since they have no voice in fixing the rate of taxation which they shall pay, since they have no representative upon the floor of this House or upon the floor of the Senate, we ought to adopt at this time a policy which shall be in favor of making the tax uniform. By uniform I mean having it continue fair and reasonable. I maintain that the proposition that we shall put into the tax levy each year whatever sum we choose to assess these people in the way of taxes is unfair and unwise.

For one, while I am not a citizen of the city, I am interested in the growth of the city. Only a year ago we brought forward plans for the greater Washington, and they were sent throughout the country. They were approved. There was a national interest and a national pride in the development of Washington. People are coming to this city from all parts of the country. It has become the most important winter resort in America.

Only a year ago my distinguished predecessor, who served my district with distinction upon this floor, came to this city to make it his winter home, and he brought along with him a large amount of taxable property. He is a public-spirited gentleman, interested in the growth of this city, prepared to pay any reasonable tax. But I say he has a right to know whether his tax next year is to be a reasonable tax or not. I say he has a perfect right to know whether his tax is to be 3 per cent or 5 per cent, or whether he is to pay a tax of 1½ per cent, which is a fair and reasonable tax upon a fair and reasonable valuation. So I say that it is important it should be settled.

For one, Mr. Chairman, I would like to see the city of Washington become a city of art, a city of progress. I would like to see the capital city of this nation made a city to which wealthy men and wealthy women would resort. I would like to see the plan of greater Washington carried out. I read only a short time ago in a magazine article a statement that over $100,000,000 was expended every year abroad by American citizens who go there to study art and to visit the cities of the Old World. We, the wealthiest nation in the world commercially, have reached that stage where we can afford to have one city, at least, the national capital, so developed and improved as to induce our people to stay on this side of the Atlantic and allow them to expend their money here.

If you take the case of the French capital, the wisest investment the French ever made they made a generation ago when they converted that city into a center of art to which the American goes to spend his money. More than that. Take the example of the old Greek, he fully understood the wisdom of investments in art. For more than twenty centuries the world has been paying the Greek race tribute. All that is necessary to be carried out in Washington to make it a place the people will be proud of is to develop it along right lines. If you will adopt the policy such as the District Committee present here to-day, a policy which will undertake to make the taxes from year to year uniform in the city of Washington, people will come here from all parts of the country and all parts of the globe.

Mr. SIMS. Will the gentleman allow me to ask him a question?

Mr. POWERS of Massachusetts. I yield to the gentleman.

Mr. SIMS. Does the gentleman favor a policy on the part of the United States Government that will induce millionaires to leave their respective States and bring property now taxable in those States here and then exempt them from tax in this city on that kind of property?

Mr. POWERS of Massachusetts. I certainly do not. I have stated once at least, if not more than once, that I do not believe any citizen should be permitted to live here unless his property is fairly taxed. What I say is, that if the tax to-day is not a fair and reasonable tax then it is our duty to make it so. I am not advocating a refuge here for men who would escape from taxation.

Mr. SIMS. Is it fair that he should pay no tax on stocks, bonds, mortgages, and money in this city, when they are taxed everywhere else?

Mr. POWERS of Massachusetts. If that is true, it is not fair.

Mr. SIMS. That is the fact.

Mr. LANDIS. Will the gentleman yield to me for a moment?

Mr. POWERS of Massachusetts. Certainly.

Mr. LANDIS. The gentleman states that his friend who came here from Massachusetts a year ago brought with him a great deal of capital and is willing to bear his share of taxation.

Mr. POWERS of Massachusetts. Exactly.

Mr. LANDIS. Is it not true that if he brought all he possessed with him he will not contribute in the way of taxes in Washington more than one-half of what he contributed in Boston?

Mr. POWERS of Massachusetts. I do not understand that is so. I understand under the present levy of taxes the tax here in Washington is exactly the same, or nearly exactly the same, as the tax throughout Massachusetts, and some higher than in the city of Boston.

Mr. LANDIS. I desire to ask this question. Now, I intend to vote for this bill, but I do not take any stock in the claim continually made that the citizens of Washington are unduly taxed.

Mr. POWERS of Massachusetts. I made no such claim.

Mr. LANDIS. The other day two gentlemen were talking, one from Indiana and one from Washington. The Indiana man lived in a house the value of which was $6,000. The Washington man

lived in a house that he had recently bought and paid $14,000 for. The Indiana man's taxes were $150 a year. The Washington man's taxes were less than $75 a year. Now, that shows relatively the taxes that are paid by a man who lives in a little town in Indiana as compared with the taxes of a man who lives in Washington.

Mr. POWERS of Massachusetts. That is not the fault, Mr. Chairman, of the people of Washington. They do not tax themselves. We tax them. If our method is wrong, let us change it.

Mr. LANDIS. I know; but it shows that there is no excuse for this continual howl that we hear that the taxation in Washington is unfair and is out of proportion to the taxation of other people in the country.

Mr. POWERS of Massachusetts. I will say to the gentleman that I never heard the claim made by any citizen of Washington that the taxation here was unfair. On the other hand, from what I have seen of the citizens of Washington, they have expressed themselves as perfectly willing to bear their fair proportion of the taxes. The only thing that they have advocated is that the method of taxation should be, as far as practicable, uniform.

Mr. ROBINSON of Indiana. Will the gentleman allow me a question?

Mr. POWERS of Massachusetts. Certainly.

Mr. ROBINSON of Indiana. The gentleman complains that Americans go abroad to spend their money. I think his complaint is good.

Mr. POWERS of Massachusetts. I did not say that I had complained of it. I stated it was a fact. I did say that I thought it would be of more advantage to this country if they expended their money at home rather than abroad.

Mr. ROBINSON of Indiana. Let me suggest to the gentleman a remedy that is within the gentleman's power, as he is a member of the committee. Let him place the names of these people who go abroad and spend their money on the duplicate lists for the payment of taxes on personal property and he will remedy that defect immeasurably.

Mr. POWERS of Massachusetts. That brings up again the proposition that these people are not fairly taxed. Whose fault is it? It is not the fault of the people of Washington, because you do not allow them to tax themselves. If it is anybody's fault, it is the fault of Congress. If our system of taxation is not a uniform system, let us make it so. If the taxation to-day imposed on the people of Washington is not sufficiently high, let us reform it; but do not undertake to force upon the people of Washington a project which says to them: "Your taxes this year will be 1½ per cent, and next year we are going to set on foot some new improvements in Washington, and your taxes will be 5 per cent, because you must pay it out of the levy, and we will put it into the levy." I ask you if the people are not right when they say that if you put upon them these large burdens you shall allow them to be extended over a term of years?

I heard some one say that they saw no reason why you should burden posterity; that they ought to take care of their own debts as they go along. I would like to have this gentleman point to a single progressive municipality in the United States that has ever yet undertaken a great improvement that they did not issue bonds to pay for it and provide a sinking fund and extend it over a term of years?

Massachusetts has loaned its credit and money to municipalities in the metropolitan districts of Boston, in order to assist them in making permanent improvements. Those of you who have visited the State of Massachusetts and gone over our metropolitan district, covering a large area about Boston, upon territory of which are over a million people, may have noticed our magnificent park system.

How did we develop that? We have taken the land along our rivers and reclaimed it. We have taken the rivers and streams and preserved them, making them for all time great waterways within that State. How did we do it? Why, the Commonwealth of Massachusetts, in her wisdom, loaned to these municipalities some $14,000,000, which to-day they owe the Commonwealth of Massachusetts. That is the way to make permanent improvements. You do not make permanent improvements by placing on the people a burden that will drive them outside of the State.

I can not imagine a more foolish or more unwise policy than the policy which says to the people of Washington, and says to the American people, that whenever the Congress of the United States wants to carry out a great improvement in the city of Washington it will make the people of the District of Columbia pay in a single year one-half of that expense, even though that one-half of the expense be ten or fifteen million dollars. There is not a municipality in this country that undertakes any policy of that kind. The true policy is to start your improvements and carry the expense of those improvements in such a manner that it will not be a burden upon the people for any single year.

Now, what is this proposition? It provides that whenever the Congress of the United States feels that the amount of taxation which it is imposing upon citizens of this District is larger than ought to go into the tax levy it may advance some portion of that money in order that the burden upon the citizens here be not too heavy. Is that wise? Will anyone say that this policy differs from the policy of any municipality in America? Every municipality other than Washington, when it undertakes any great improvement, issues its bonds, provides a sinking fund, and takes care of those bonds when they mature at the expiration of the specified period—twenty or twenty-five years.

If it be true that the ordinary tax levy is going to take care of all these large improvements, then there is no harm in passing this bill, because we may not, perhaps, advance a cent under it. On the other hand, if it be true that the ordinary tax levy will not take care of the improvements, then there is every reason why we should pass the bill.

I have a feeling, Mr. Chairman, that some gentlemen on this floor misapprehend the situation. We come here from all parts of the country, and many of us, perhaps, have taken part in municipal affairs in our home towns. We all get together here and undertake to run the great city of Washington exactly as we would run our home town. But, sir, I can not overlook the fact that there are in the city of Washington less than 300,000 people, one-third of whom belong to the colored class, and are unable to pay in the same ratio as others the burdens of taxation. I can not overlook the fact that thousands and tens of thousands of clerks residing in Washington do not pay a single cent of taxation—not even a poll tax. And when I take into consideration these facts, and also that the citizens of Washington turn over to the Treasury of the United States more than $5,000,000 in a single year, it seems to me that they are doing somewhere near their duty as citizens who have no political rights. For these reasons I trust that this bill will pass. [Applause].

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LACEY having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 7123. An act for the protection of the public forest reserves and national parks of the United States;

S. 6599. An act to provide a government for the island of Guam, and for other purposes;

S. 6960. An act for the relief of Charles W. Howard;

S. 6570. An act to correct the military record of Simeon Perry;

S. 7263. An act to provide for the purchase of a site and the erection of a building thereon, to be used for a laundry and stable for the Bureau of Engraving and Printing, and to provide for the erection of an addition to the Bureau of Engraving and Printing building on the ground now occupied by the laundry building and stable, and for other purposes;

S. 6653. An act granting a pension to Halvor Paulson;

S. 4812. An act granting a pension to Addison Arnold;

S. 5437. An act to authorize the settlement of the accounts of officers of the Army;

S. 6689. An act for the protection of wild animals, birds, and fish in the forest reserves of the United States;

S. 3034. An act for the relief of the owners and officers of the brig *Olive Frances* and others on board of said brig;

S. 7115. An act to provide for the erection of an addition to the public building in the city of Fargo, N. Dak.;

S. 6666. An act for the relief of Joseph M. Simms, captain, United States Revenue-Cutter Service (retired);

S. 6895. An act to authorize the promotion of Maj. William Crawford Gorgas, surgeon in the Army of the United States;

S. 2205. An act to correct the military record of Joseph T. Vincent;

S. 7185. An act to authorize the board of commissioners for the Connecticut bridge and highway district to construct a bridge across the Connecticut River at Hartford, in the State of Connecticut;

S. 4907. An act to correct the military record of Charles F. Deisch;

S. 2871. An act to correct the military record of Edward T. Lewis; and

S. 7277. An act granting an increase of pension to Elbert H. Dagnall.

The message also announced that the Senate had passed with amendments bills of the following titles in which the concurrence of the House was requested:

H. R. 8663. An act to remove the charge of desertion from the military record of Charles F. Woodward;

H. R. 10095. An act for the relief of Levi L. Reed;

H. R. 5101. An act granting an increase of pension to Benjamin Contal;
H. R. 15659. An act granting a pension to Mrs. Elise Sigel and Mrs. Negley;
H. R. 15400. An act granting an increase of pension to Enos Turner;
H. R. 14845. An act granting a pension to Margaret Snyder;
H. R. 9107. An act granting a pension to Austin A. Vose;
H. R. 15911. An act granting an increase of pension to George N. McMurry;
H. R. 15757. An act granting a pension to Frances C. Broggan;
H. R. 7110. An act granting an increase of pension to Aurelia M. Power;
H. R. 16161. An act granting an increase of pension to Francis A. Tradewell;
H. R. 10672. An act granting a pension to Ada S. Kempfer;
H. R. 6332. An act granting a pension to Michael Conlon;
H. R. 3504. An act granting an increase of pension to Grace A. Negley; and
H. R. 7642. An act providing for the holding of terms of the circuit and district courts of the United States at Kansas, and for other purposes.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 8254. An act granting an increase of pension to John R. Curry;
H. R. 9074. An act granting a pension to Elizabeth C. Gates;
H. R. 1423. An act granting an increase of pension to Asa Tarbox;
H. R. 1014. An act granting a pension to Laura Levenseler;
H. R. 714. An act granting an increase of pension to Frederick Hart;
H. R. 15473. An act granting an increase of pension to Winthrop W. Wolcott;
H. R. 12524. An act granting an increase of pension to Elvira M. Cooper;
H. R. 5460. An act granting an increase of pension to Thomas Sherry;
H. R. 5450. An act granting a pension to Charles P. Bigelow;
H. R. 8626. An act granting an increase of pension to Sarah E. Yemans;
H. R. 14388. An act granting an increase of pension to Graham McClosson;
H. R. 7012. An act granting an increase of pension to Abel Fleming;
H. R. 11258. An act granting a pension to William F. Randolph;
H. R. 14258. An act granting a pension to Fletcher Duling;
H. R. 15064. An act granting an increase of pension to Frederick Shovar;
H. R. 15329. An act granting an increase of pension to Elizabeth Rosenbarger;
H. R. 15661. An act granting an increase of pension to James M. Marshall;
H. R. 6161. An act granting an increase of pension to Homer Davis;
H. R. 305. An act granting an increase of pension to George Heinzman;
H. R. 4118. An act granting a pension to Charles Maschmyer;
H. R. 11417. An act granting an increase of pension to Julia Anglada;
H. R. 15437. An act granting an increase of pension to Sarah A. Gerry;
H. R. 15438. An act granting an increase of pension to Thomas E. Peabody;
H. R. 1689. An act granting an increase of pension to Hiram S. Thompson;
H. R. 15439. An act granting an increase of pension to Jane P. Chester;
H. R. 2614. An act granting a pension to John Sullivan;
H. R. 13826. An act granting an increase of pension to Francis N. Bonneau;
H. R. 15754. An act granting a pension to Frances Cowie;
H. R. 15870. An act granting an increase of pension to John Smith;
H. R. 5898. An act granting an increase of pension to Reuben F. Carter;
H. R. 16153. An act granting a pension to George W. Choate;
H. R. 15571. An act granting an increase of pension to John Macfarlane;
H. R. 4059. An act granting an increase of pension to Julia A. Cook;
H. R. 16358. An act granting an increase of pension to Benjamin W. Walker;
H. R. 14789. An act granting an increase of pension to David Brobst;
H. R. 14952. An act granting an increase of pension to Leonard S. Grove;
H. R. 7334. An act granting an increase of pension to Ira L. Evans;
H. R. 14604. An act granting an increase of pension to Asa C. Hill;
H. R. 14605. An act granting an increase of pension to John T. Knoop;
H. R. 16465. An act granting an increase of pension to William H. Knepple;
H. R. 5167. An act granting an increase of pension to John G. Nowman;
H. R. 15961. An act granting an increase of pension to Jane C. Welch;
H. R. 2812. An act granting a pension to Susan Kent;
H. R. 14168. An act granting a pension to John B. Anderson;
H. R. 14889. An act granting a pension to James T. Lundy;
H. R. 16499. An act granting an increase of pension to Charles S. Wainwright;
H. R. 11790. An act granting an increase of pension to Abel Woods;
H. R. 16512. An act granting an increase of pension to John Dinneen;
H. R. 14687. An act granting a pension to Margaret Brennan;
H. R. 14963. An act granting an increase of pension to Herman Querck;
H. R. 3578. An act granting an increase of pension to Erastus E. Edmunds;
H. R. 13534. An act granting an increase of pension to James Evans;
H. R. 15840. An act granting an increase of pension to Rudolph B. Weyeneth;
H. R. 4807. An act granting an increase of pension to Thomas Parfitt;
H. R. 10953. An act granting an increase of pension to John A. M. Seitz;
H. R. 13850. An act granting an increase of pension to Charles K. Cameron;
H. R. 14120. An act granting an increase of pension to Sarah A. Leepard;
H. R. 15585. An act granting an increase of pension to Solomon S. Shaner;
H. R. 9987. An act granting an increase of pension to Aaron Young;
H. R. 16217. An act granting an increase of pension to Julia E. Jones;
H. R. 16492. An act granting an increase of pension to William G. Gray;
H. R. 7778. An act granting a pension to Peter Buckley;
H. R. 16272. An act granting an increase of pension to Enoch Dodd;
H. R. 16271. An act granting an increase of pension to Gustavus W. Peabody;
H. R. 16269. An act granting an increase of pension to Annie W. Colt;
H. R. 1015. An act granting an increase of pension to Isaac F. Russell;
H. R. 12963. An act granting an increase of pension to Sarah E. Smith;
H. R. 16711. An act granting a pension to Ann Gilbert;
H. R. 1299. An act granting an increase of pension to Gustavus S. Perkins;
H. R. 3516. An act granting an increase of pension to Ozro F. Cheney;
H. R. 12214. An act granting an increase of pension to Jane A. Tillinghast;
H. R. 16058. An act granting a pension to John Corbett;
H. R. 10663. An act granting an increase of pension to Benjamin H. Downing;
H. R. 5920. An act granting a pension to Washington T. Filson;
H. R. 5918. An act granting a pension to Margaret Fox;
H. R. 16032. An act granting an increase of pension to Henry Taylor;
H. R. 14811. An act granting a pension to Almedia J. Robison;
H. R. 15211. An act granting a pension to Mary J. Slusser;
H. R. 1829. An act granting an increase of pension to George W. Brill;
H. R. 14407. An act granting a pension to May E. Bunn;
H. R. 1531. An act granting an increase of pension to Susan E. Duncan.
H. R. 7851. An act granting an increase of pension to Jennie H. Cramer;
H. R. 5511. An act granting an increase of pension to Cyrus V. Gorrell;
H. R. 2473. An act granting an increase of pension to James Billingsley;

H. R. 3569. An act granting an increase of pension to Joseph A. Buckholz;
H. R. 15864. An act granting an increase of pension to Benjamin Knestrict;
H. R. 16321. An act granting a pension to Michael Devine;
H. R. 3899. An act granting an increase of pension to Thomas B. Wilson;
H. R. 13297. An act granting a pension to Martin Greeley;
H. R. 12019. An act granting an increase of pension to William Lowe;
H. R. 1929. An act granting an increase of pension to Peter Tuper;
H. R. 4266. An act granting an increase of pension to Henry Ehmke;
H. R. 13799. An act granting an increase of pension to Henry C. Trout;
H. R. 15406. An act granting an increase of pension to James P. Campbell;
H. R. 15409. An act granting an increase of pension to James Claybourn;
H. R. 11596. An act granting an increase of pension to Inez L. Clift;
H. R. 4441. An act granting an increase of pension to Oscar Brewster;
H. R. 12971. An act granting a pension to Thomas Martin;
H. R. 15889. An act granting an increase of pension to Chester W. Abbott;
H. R. 16148. An act granting an increase of pension to Harry F. Libby;
H. R. 13358. An act granting a pension to Elizabeth A. Wilder;
H. R. 12410. An act granting an increase of pension to Mary Nichols;
H. R. 8617. An act granting a pension to Sabina Lalley;
H. R. 15472. An act granting an increase of pension to William H. Chamberlin;
H. R. 4153. An act granting a pension to Jane Hale;
H. R. 13999. An act granting an increase of pension to Dennis Cosier;
H. R. 9814. An act granting an increase of pension to Mary Williams;
H. R. 14143. An act granting an increase of pension to Augusta W. Seely;
H. R. 4183. An act granting an increase of pension to Gottlieb Kafer;
H. R. 15892. An act granting an increase of pension to Eli Titus;
H. R. 15839. An act granting an increase of pension to Luther Scott;
H. R. 14251. An act granting an increase of pension to Hugh J. Reynolds;
H. R. 11125. An act granting an increase of pension to John S. Campbell;
H. R. 15084. An act granting a pension to James H. Powell;
H. R. 15572. An act granting a pension to Charles W. Bracken;
H. R. 16162. An act granting an increase of pension to George Brown;
H. R. 15841. An act granting an increase of pension to John Da Silva;
H. R. 15910. An act granting an increase of pension to James A. Hale;
H. R. 1923. An act granting an increase of pension to Frederick W. Damon;
H. R. 8288. An act granting an increase of pension to Scott Case;
H. R. 13519. An act granting an increase of pension to James M. Clement;
H. R. 8287. An act granting an increase of pension to Peter Johnson;
H. R. 14391. An act granting an increase of pension to Edward Walsh;
H. R. 14897. An act granting an increase of pension to Phillip Mooney;
H. R. 15300. An act granting a pension to Delania Preston;
H. R. 15622. An act granting an increase of pension to Benjamin Cardwell;
H. R. 15693. An act granting an increase of pension to Delitha A. Cook;
H. R. 15358. An act granting an increase of pension to John Snodgrass;
H. R. 13088. An act granting an increase of pension to Hiram D. Deming;
H. R. 1482. An act granting an increase of pension to John A. Smith;
H. R. 15421. An act granting an increase of pension to Elizabeth Palmer;
H. R. 2675. An act granting an increase of pension to John M. Stanley;
H. R. 13689. An act granting a pension to William W. Painter
H. R. 6889. An act granting an increase of pension to Michae Rader;
H. R. 11199. An act granting a pension to Lewis Walton;
H. R. 1377. An act granting an increase of pension to Bridget Agnes Tridel;
H. R. 14814. An act granting a pension to Herman J. Miller;
H. R. 14302. An act granting an increase of pension to Samuel Burrell;
H. R. 14303. An act granting an increase of pension to Robert H. Maricle;
H. R. 15997. An act granting an increase of pension to Christian J. Flanagan;
H. R. 15694. An act granting a pension to Bessie Ledyard;
H. R. 15673. An act granting a pension to Annie E. Doss;
H. R. 16591. An act granting an increase of pension to James Mattingly;
H. R. 15550. An act granting a pension to Mary A. Hinkle;
H. R. 16053. An act granting an increase of pension to Henry P. Reynolds;
H. R. 15206. An act granting a pension to Mary P. Everton;
H. R. 9950. An act granting an increase of pension to Moses Whitcomb;
H. R. 13239. An act granting an increase of pension to Ervin Thompson;
H. R. 13240. An act granting an increase of pension to Nimrod F. Clark;
H. R. 16534. An act granting an increase of pension to James H. Durham;
H. R. 15684. An act granting an increase of pension to Joseph R. Prentice;
H. R. 7012. An act granting an increase of pension to Abel Fleming; and
H. R. 16334. An act fixing terms of United States courts in Colorado, and for other purposes.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 16567) making appropriation for the support of the Army for the fiscal year ending June 30, 1904, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PROCTOR, Mr. QUARLES, and Mr. COCKRELL as the conferees on the part of the Senate.

The message also announced that the Senate had passed the following bills and resolution; in which the concurrence of the House was requested:

H. R. 11127. An act for the relief of the Propeller Tow Boat Company, of Savannah;
H. R. 13358. An act granting a pension to Ellzabeth A. Wilder;
H. R. 14388. An act granting an increase of pension to Graham McClosson;
H. R. 16602. An act to extend the time granted to the Muscle Shoals Power Company by an act approved March 3, 1899, within which to commence and complete the work authorized in the said act to be done by said company, and for other purposes; and

Senate concurrent resolution 63.

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound of the proceedings in Congress upon the acceptance of the statues of Charles Carroll, of Carrollton, and John Hanson, presented by the State of Maryland, 16,500 copies, of which 5,000 shall be for the use of the Senate and 10,000 for the use of the House of Representatives, and the remaining 1,500 copies shall be for the use and distribution of the Senators and Representatives in Congress from the State of Maryland.

The Joint Committee on Printing is hereby authorized to have the copy prepared for the Public Printer, who shall procure suitable copper-process plates to be bound with these memorials.

ADVANCES FROM THE TREASURY OF THE UNITED STATES FOR THE GOVERNMENT OF THE DISTRICT OF COLUMBIA.

The committee resumed its session.

Mr. BABCOCK. Mr. Chairman, I will now ask for the reading of the bill.

Mr. McCLEARY. Will the gentleman yield to me for five minutes?

Mr. BABCOCK. Certainly.

Mr. McCLEARY. Mr. Chairman, before this debate closes I should like to state briefly what the real question is; for there have been many questions discussed here that have nothing to do with the case.

The question before us, Mr. Chairman, is simply this: Shall we, in the closing hours of the Fifty-seventh Congress, only a few weeks remaining, undertake to determine the policy for the Congresses that are to come; or shall we leave each of those Congresses to determine its own method of solving its own problems?

Mr. Chairman, opposition to the pending proposition does not raise the question whether there shall be made the needed improvements in Washington or not. This Congress has done its duty, or will soon have accomplished its duty, in this connection.

The next Congress will determine what it deems wise in the matter of improvements.

Opposition to this bill does not raise the general question whether advances should be made from the public Treasury, if such advances should be needed; in other words, we who oppose this measure do not oppose advances as they may be required. Opposition to this bill does not imply any variableness in the rates of taxation, as feared by my friend from Massachusetts [Mr. POWERS].

Now, let us look at the propositions under consideration. The bill as reported called for advances amounting to $10,000,000, to be paid in twenty years. This morning the chairman of the committee proposes that instead of advancing $10,000,000, we shall advance only $6,000,000, to be repaid in 12 annual payments of $500,000 each. We think that when this gentleman takes another step onward he will reach the right position. He has gone from $10,000,000 of authorization to $6,000,000. Now, we say, let the authorization be reduced to naught. In other words, let us defeat this bill and leave to succeeding Congresses the solution of their own problems.

This bill, as I have just said, calls for an advance of $6,000,000, or the authorization of an advance. How do we know that that is the right amount? Our friends themselves have varied in their judgment within twenty-four hours. How do we know that this is the right amount? It may be too much, or it may be too little. They propose that when the advance is made it shall bear interest at 2 per cent. How do we know that that is the right rate to be paid?

It happens that to-day the current rate which the United States Government pays on its most recent obligations is 2 per cent. But before the period of time for which this proposed loan is to run shall have expired circumstances may have changed, so that the Government of the United States may have to pay 3 or 4 per cent for the money that it requires; or, on the other hand, it may be able to obtain money at the rate of 1½ per cent or 1 per cent. This bill provides for annual payments of $500,000 annually. How do we know that the District always pays that sum? And how do we know that it will not frequently be able to pay more?

In other words, the elements of the problem are too uncertain.

If this bill should be defeated, as in my judgment it ought to be, we shall simply be in this situation: That when the next Congress convenes and takes up the problem of the expenses of the District of Columbia, it will be in a position to say what those expenditures shall be; and if in its judgment more money is required than is provided by taxation, it can, in its own way, provide for that excess by an advance from the Treasury.

In other words, Mr. Chairman, none of the things that our friends fear will follow if this bill should fail. We simply leave to succeeding Congresses the problems which they will have to face.

We can not bind them if we would. Here in the hearings before the committee last year the President of the Board of Commissioners reminded us that over and over and over again Congresses have failed to do what preceding Congresses have set for them to do. It will be just the same in this case. In my judgment, Mr. Chairman, there is absolutely nothing to be gained by the passage of this bill except in a measure to tie or attempt to tie the hands of those who will succeed us.

My judgment is that we should vote this bill down and leave to the succeeding Congresses the solution of their problems in their own way.

Mr. BABCOCK. Mr. Chairman, I ask for the reading of the bill.

Mr. ROBINSON of Indiana. Mr. Chairman, I would like to be recognized.

The CHAIRMAN. The gentleman from Indiana is recognized.

Mr. ROBINSON of Indiana. Mr. Chairman, this attempt to charge upon the public Treasury the burdens of the District of Columbia, whether occasioned by a false policy, mismanagement, or extravagance, is not unique or unusual, we are told. Instances can be found where the Treasury has been burdened in a positive and comparative form, but when you want to see this principle invoked in a superlative degree, you can come to the District and not be disappointed.

It is sometimes said that the District suffers by not having a Delegate in Congress. If a Delegate were here who would fly in the face of the influences that claim unjustly to represent it, and represent the real property owners and resident taxpayers, it would be an improvement, for such one would bend his energies to direct the District policy in the channel of "pay as you go," and would give his attention less to appropriations and more to raising revenues.

Mr. LANDIS. Mr. Chairman, will the gentleman yield?

Mr. ROBINSON of Indiana. Yes.

Mr. LANDIS. The gentleman from Indiana states that he feels Washington should pay as it goes. Is that the way Fort Wayne, the beautiful city in which the gentleman lives, secured that splendid new court-house?

Mr. ROBINSON of Indiana. The gentleman misunderstood me. I said that if Washington had a Delegate on the floor of this House he could spend his energies not in the line of securing loans which the District could never repay, but in securing more revenues. And now I ask the gentleman if he approves the system of the District of Columbia, which permits gentlemen from his district and from mine and from others to come to Washington with their hundreds of thousands of dollars and, relieved from taxation here and from taxation at home, pay no tribute of taxes.

Mr. LANDIS. I do not. Neither do I have any sympathy whatever with that line of argument which the gentleman seems inclined to follow, that whatever improvements are made by the city of Washington should be paid for as we go along.

Mr. ROBINSON of Indiana. Oh, I do not think that could be done.

Mr. LANDIS. There is not a city in Indiana nor Ohio nor in any other State of this Union which has made any progress that has followed that policy.

Mr. ROBINSON of Indiana. Oh, I do not think that could be done.

The real taxpayers of the District have cause to complain, and many do complain, but they are not represented either here or in the business bodies and organizations that assume to represent them. The body of citizenship has no credentials in these guardian organizations.

On the other hand, promoters and real-estate boomers who want to profit on a sale, the laying out of an addition, the opening of a street, or establishment of a site, such are charter members.

Our friends are omnipresent with this scheme for the beautifying of the city and that for an additional appropriation, and all done in the name of the people of the District. I read an account the other day that the Capitol building is here and the White House a mile and a half away because a dispute between conflicting property interests resulted in a compromise that left them thus widely apart. This influence, that has always sought to impress itself on Congress, has a hoary origin and has progressed till to-day no scheme of appropriation, however wild, is left without promoters and defenders.

These early real-estate promoters and their descendants, basking in the sunshine of the Treasury, and taking refuge in its shadow for so long, never feel quite at home out of its presence, and while the taxpayers lament and continue to pay the bills (if they can not borrow from the United States), their pretended agents and wellwishers continue to try to load them down.

The people have the right to petition Congress and the District Commissioners, and ought to do it, to the end that more attention be paid to raising revenue and less to appropriations. Those people who would make a paradise of Washington should pay their share to do it. They invite the people of the world and of the whole United States to come here, and they do so, and these sojourners accept the hospitalities, so far as they are able to purchase them, and Washington thrives, and must thrive, as the evidence of all back in the country will be who come and are able to get away.

But Washington's future is linked with the proposition of promoters.

What is the proposition? Originally to borrow $10,000,000; now by amendment $6,000,000. Under the rule slightly modified each of our Territories and their cities could likewise borrow from the United States Treasury. All could use it.

Where is the merit of the proposition?

John Randolph once rose to his full height in the Senate and said: "I have found the philosopher's stone that turns everything it touches into gold." Said he, "Pay your debts as you go."

I commend the words of this sage to those who stand for this measure.

The District for years did not have and did not ask to have—aye, stubbornly resisted till a year ago—a fair tax on personal property. By this she invited citizens from my district and others, to get the profit, to come to Washington, and, permitted as they were, they loaned hundreds of thousands in our country and were freed from tax tribute there and here.

Let us view this matter in another phase. When one seeks to borrow we should know the ability and disposition to pay. I have looked in vain in this report for the total valuation of personal and real estate in the District. It is silent. It likewise is silent on the proportion the assessed value bears to the real value and also on the tax rate per hundred on valuation.

I understand there is a two-thirds valuation and a rate of $1.50 per hundred, but the report does not disclose this useful information. In the absence of this in the report let us resort to the rule of experience as the test of ability and willingness to pay. In

1878 the District had an indebtedness of $22,000,000, in round numbers. In twenty-five years she has reduced it $9,000,000, leaving yet due $13,000,000.

If it took twenty-five years to pay $9,000,000, it will take thirty-three years to pay $13,000,000; add to this the additional seventeen years to pay this contemplated loan of $6,000,000, and it makes fifty years in all, two generations that posterity is mortgaged, when it is not necessary for the usual necessary and legitimate expenditures in the District, and this in a municipality rather inclined to run in debt than to pay. More appropriations and more debt seems to be the war cry.

The gentleman from Wisconsin is the archangel of this misguided policy of heaping a mountain of debt on the people of the District. Then, in the dual capacity of guardian of the District and watchdog of the whole people's Treasury, he would make one hand wash the other and would loan the money of his whole constituency to his select friends of the District of Columbia. Can any business man stand on this proposition with the facts as presented here? Can any conservative legislator favor it? Can any economist see merit in it? I submit it to the candid judgment of the House.

Mr. BABCOCK. Mr. Chairman, I ask for the reading of the bill.

The CHAIRMAN. If there be no objection, the Clerk will proceed to read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That until and including June 30, 1923, the Secretary of the Treasury is authorized and directed to advance, from time to time, on requisition of the Commissioners of the District of Columbia, in the manner now prescribed by law, out of any moneys in the Treasury not otherwise appropriated, such sums as may be required to meet the obligations of the District of Columbia on account of its share of the extraordinary expenses for municipal improvements authorized, or to be hereafter authorized, by Congress: *Provided*, That the total advances hereafter made under this act, taken in connection with those heretofore made under the acts of February 11, 1901, and July 1, 1902, shall not exceed the sum of $10,000,000, which said total sum so advanced shall be repaid to the Treasury of the United States within twenty years from July 1, 1903, out of the taxes and revenues collected for the support of the government of the District of Columbia, at the rate of $500,000 per annum of the principal, together with interest upon the deferred payments at the rate of 2 per cent per annum.

Mr. BABCOCK. Mr. Chairman, I offer now the amendment that is in the hands of the Clerk as a substitute for the bill.

The CHAIRMAN. The Chair will state that the second section of the bill has not been read.

Mr. BABCOCK. I would say, simply to save time, that that is merely the repealing clause and it is a duplicate of the other. I will suggest to the gentleman that I will offer it as an amendment to the first section that has been read.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That the Secretary of the Treasury is authorized and directed to advance, from time to time, to the District of Columbia, in the manner now prescribed by law, out of any moneys in the Treasury not otherwise appropriated, such sums as may be required to meet the obligations of the District of Columbia on account of its share of the extraordinary expenses for municipal improvements heretofore specifically authorized or to be hereafter specifically authorized by Congress (and as appropriations therefor shall have been or may hereafter be made by Congress): *Provided*, That the total advances hereafter made under this act, taken in connection with those heretofore made under the acts of February 11, 1901, and July 1, 1902, shall not exceed the sum of $6,000,000, which said total sum so advanced shall be repaid to the Treasury of the United States from and after July 1, 1903, out of the taxes and revenues collected for the support of the government of the District of Columbia, at the rate of $500,000 per annum of the principal, together with interest upon the deferred payments at the rate of 2 per cent per annum.

"SEC. 2. That all acts or parts of acts in conflict with this act are hereby repealed."

Mr. BABCOCK. Mr. Chairman, I will state that this substitute for the bill has been prepared and offered to make the provisions as clear as possible as to what the bill does. It does not appropriate a dollar, it does not authorize the expenditure of a dollar, but provides that if Congress appropriates this money, then and in that case, where it appropriates more than the District revenues, the Secretary of the Treasury is authorized to advance such sum over and above the amount raised by the District, and provides that the sum shall be repaid at the rate of $500,000 per year, with interest at 2 per cent.

Mr. HEMENWAY. Will the gentleman right there permit a question?

Mr. BABCOCK. Certainly.

Mr. HEMENWAY. I have in my hand here the District appropriation bill reported by the Senate, which, if enacted into law, will carry an appropriation of $9,396,000. I want to ask the gentleman if there is a single item that the District of Columbia needs or has asked for that the Senate has not put on this bill? Can the gentleman think of a single item necessary to the improvement of the District of Columbia that the Senate has not included in this bill?

Mr. BABCOCK. Well, that does not mean that that will be enacted into law. I have known a good many amendments to be made at the other end of the Capitol that did not finally become law. I want to say to the gentleman that the Senate committee have not only added about $1,700,000 to the bill, when this committee estimated that there should be added $1,741,000, but they have authorized contracts for more than $1,000,000 besides.

Mr. HEMENWAY. But if the gentleman will permit, conceding that the bill as it passed the Senate passes the House, carrying $9,396,000, the gentleman having conceded that the Senate has put into this bill every item that the District has asked for, then I call the gentleman's attention to the fact that the District of Columbia still has a surplus of revenue. The estimated revenues for the current year in the District of Columbia is over $5,200,000.

Mr. BABCOCK. Last year they were $3,619,000.

Mr. HEMENWAY. For the current year the revenues will be $5,200,000.

Mr. CANNON. And for the coming year $5,400,000.

Mr. HEMENWAY. And for the coming year $5,400,000, as the chairman of the Committee on Appropriations [Mr. CANNON] states. Now, you take the receipts for the current year, $5,200,000, and let the Government add that much, and what have you got—$10,400,000, when the Senate only proposes $9,386,000. I want to say that in this bill the Senate proposes a larger appropriation for the District of Columbia than has ever been made in the history of the Government.

If the gentleman will permit, I want to make this statement in this connection. If the gentleman will take the appropriations heretofore made for the District of Columbia, what have we? In 1892, $5,500,000; they had required less than $3,000,000. Take the next year, 1894, $5,500,000; in 1895, $5,500,000; and so on down to 1898, when it was $6,000,000; in 1899, $6,500,000; in 1900, $6,000,000 and a little over, and in 1901, $7,500,000; in 1902, $8,500,000, and this year should the bill be increased to $9,300,000, as proposed by the Senate, yet the revenue for the current year in the District of Columbia will result in a surplus. So I ask the gentleman, in view of these facts, should we go and borrow money or authorize the District of Columbia to borrow money when they are already raising more money than necessary?

Mr. BABCOCK. Is the gentleman ready for an answer?

Mr. HEMENWAY. What is the answer?

Mr. BABCOCK. There are two items not in there, one of about $700,000 due on the advances from the Treasury.

Mr. HEMENWAY. Which are drawing 2 per cent interest. That item is in here and a provision to repay the money to the District is in here.

Mr. BABCOCK. Not under the same title at all.

Mr. HEMENWAY. The gentleman from Minnesota, chairman of the committee, informs me it is in here.

Mr. McCLEARY. It is in the House bill.

Mr. BABCOCK. Over $400,000 will also be required to open streets in the coming year. That is not in this bill.

Mr. HEMENWAY. Whatever has not been provided for can be cared for by Congress next year.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. MUDD. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Wisconsin be extended for five minutes.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent that the time of the gentleman from Wisconsin be extended. Is there objection? The Chair hears none.

Mr. HEMENWAY. I was going to ask that myself.

Mr. GROSVENOR. In that connection, if it will not interfere with the gentleman's argument, I would like to ask the gentleman from Indiana a question.

Mr. HEMENWAY. I have not got the floor.

Mr. GROSVENOR. The gentleman will yield for that purpose.

Mr. BABCOCK. I yield for that purpose.

Mr. GROSVENOR. It is shown here, in opposition to these advances of money, that the Senate has put a large addition on the appropriation bill, and that is used as an argument against the advances being made.

Mr. HEMENWAY. I did not catch the gentleman's statement on account of the noise here.

Mr. GROSVENOR. The gentleman from Indiana has reported that the Senate has put on to its bill a large addition; whether it is so I do not know.

Mr. HEMENWAY. It has done so.

Mr. GROSVENOR. A large increase has been made on the appropriation of the House bill, and that is used as an argument against the passage of this bill to make the advances?

Mr. HEMENWAY. Not at all.

Mr. GROSVENOR. That is what I want to ask.

Mr. HEMENWAY. If the gentleman will allow me to answer.

Mr. GROSVENOR. I will if the gentleman will allow this question at the same time. Is the Committee on Appropriations willing to recommend concurrence in the Senate amendment?

Mr. HEMENWAY. Evidently not; but say that the bill was

passed. This is the argument I am making, and I want the gentleman to understand it. Say that the House itself agreed to and passed the bill, giving every cent the Senate has put in, it would be $9,300,000, the largest bill ever passed for the District of Columbia, and still the revenues estimated for the current year for the District of Columbia is $5,215,000.

Mr. GROSVENOR. I notice that.

Mr. HEMENWAY (continuing). Or nearly a million dollars more than is necessary, the District paying half.

Mr. GROSVENOR. Then the fact that the Senate has put on this additional appropriation is not an argument against the passage of this bill?

Mr. HEMENWAY. The gentleman from Ohio seems to be unable to gather just what I have said, and I will try to put it to him in a simpler form. The District of Columbia will receive for the current year $5,215,000. The Government pays one-half of the expenses, which will be $5,215,000 more, which will make a total of $10,430,000. We make the appropriations and then the District of Columbia would have enough money to meet every dollar of the other expenses without borrowing a cent. For that reason, I say, we are opposed to borrowing money.

Mr. BABCOCK. I would like to ask the gentleman if he was ready to permit me to answer the question he asked some time since?

Mr. HEMENWAY. The gentleman from Wisconsin himself yielded to the gentleman.

Mr. BABCOCK. The gentleman from Ohio asked the gentleman from Indiana a question.

Mr. HEMENWAY. It has been asked and answered.

Mr. BABCOCK. I want to know if I may be permitted to answer the gentleman's question?

Mr. HEMENWAY. I am ready.

Mr. BABCOCK. I am ready to answer it, and satisfactorily to the gentleman himself, I think.

The CHAIRMAN. The gentleman from Wisconsin is entitled to the floor.

Mr. BABCOCK. Mr. Chairman, this is what I call juggling with figures. The proposition is plain and it is clear.

Mr. HEMENWAY. I read the figures from the gentleman's own report, and if there is any juggling with them he juggled them. [Laughter.]

Mr. BABCOCK. If the gentleman will permit me to answer the question. The proposition, as the gentleman states, is that the amount of revenue collected is $5,200,000. That is correct. But, Mr. Chairman, what the District pays to the Government is $671,000, which comes out of the District revenues, and what it pays for street openings, which will not be less than four or five hundred thousand dollars, comes out of the District revenues.

Mr. HEMENWAY. Right there, will the gentleman permit a question?

Mr. BABCOCK. I decline to be interrupted until I finish my answer. Now, Mr. Chairman, the House will see at once that practically $700,000 to be paid to the Government and $400,000 for street opening will have to come out of that, and deducting it from $5,200,000 leaves a revenue of $4,100,000, which doubled amounts to $8,200,000, and the Senate bill which the gentleman talks about appropriates $9,396,000, leaving a deficit of $1,300,000. Those are the figures, and they are correct.

Mr. HEMENWAY. Yes; but the gentleman is not correct. The $600,000 which the gentleman mentioned does not come out of that revenue. The District of Columbia does not have to pay it——

Mr. BABCOCK. Oh, I admit they will not be in default if they do not pay it for the present year. But the intention was that it was to be divided into three payments, and one made each year for the whole sum of the $1,900,000 and not paid all at one time. Now, the gentleman, by a stretch of the imagination, says that the District will not have to pay it until the three years have expired. Of course they would not if they waited until the three years had expired.

Mr. HEMENWAY. Will the gentleman permit me right there? Does the gentleman mean to say to the House that the money is due at this time?

Mr. BABCOCK. No; it is not.

Mr. HEMENWAY. Then why does the gentleman say it must be taken out?

Mr. BABCOCK. Because under the advance of $1,900,000 it was the intention to pay it in three equal amounts, commencing on the first year after July, 1903, so that it should run three years, and not pay it all at one time.

Mr. LITTLEFIELD. Is it proposed to be paid at all?

Mr. BABCOCK. It is proposed to be paid; it is the intention of the committee that it should be paid, and I think the chairman of the Committee on Appropriations will say that that was the intention of the legislation—that it was to be divided into three items.

Mr. CANNON. Does the gentleman want an answer at this point? The act passed on February 11, 1901, so provided; but the act approved July 1, 1902, will be satisfied and complied with if no dollar of this advance is repaid until three years from the 1st day of next July.

Mr. BABCOCK. I admit, Mr. Chairman, that the District will not be in default if it is not paid until three years from next July. I admit that this can be done, but it is not the intention. You put a burden of over $2,000,000 in one year upon the District and they can not stand it. That is only another method of juggling with the figures. Now, I want to ask some questions, and I want the attention of the House to certain things. These gentlemen have attempted to show that the revenues were swelling and growing so that the treasury of the District was fairly bursting. They talked about twenty-five millions and thirty millions and twelve millions surplus until I did not know whether they were talking about the District treasury or the pension appropriation bill. [Laughter.]

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. CANNON. I ask unanimous consent that the gentleman's time be extended five minutes.

Mr. BABCOCK. I only want time to complete one or two observations.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the time of the gentleman from Wisconsin be extended until he concludes his remarks. Is there objection?

There was no objection.

Mr. BABCOCK. The statement has been made by members of the committee on the floor of this House that the appropriation should be held within the revenues of the District, and that in order to provide for the extraordinary appropriations it was necessary to economize in certain other lines.

Mr. McCLEARY. Will the gentleman pardon me for an interruption?

Mr. BABCOCK. If the gentleman will permit, I want to finish this remark.

Mr. McCLEARY. I want to ask the gentleman if he really meant to say that any member on this floor ever declared that all the expenses should be met out of the current revenues, and that there should be no such thing as an advance, under any circumstances?

Mr. BABCOCK. Oh, no. Now, I want to call the attention of the House to one item that will show how far this thing reaches and what the influence is. A few years since the Committee on the District of Columbia reported a bill to this House for opening all blind alleys and streets.

Twice the President of the United States, in messages to Congress, has called attention to the deplorable conditions that exist in the very heart of our city in what are known as "blind alleys." In one alley here there are 300 people living; and that blind alley is without drainage or sewerage. Such places are simply fester spots, so much so that, as I say, the President of the United States, in messages to Congress, has twice called attention to them. A year ago the Commissioners of the District of Columbia asked for an appropriation of $100,000 to deal with this evil. There was no money appropriated. This year they asked for $25,000, and the Committee of the House gave them $10,000, which the Senate Committee has since increased to $25,000.

Now, what is the result? Under the present law these alleys can be opened without a dollar of expense to the District or to the Government—opened, paved, cleaned, and made decent and healthful. But, Mr. Chairman, not one single alley can be opened for less than $25,000. The money must be advanced to pay for the improvement, which becomes a charge upon the property by reason of benefits derived from the improvement, so that it all comes back ultimately. An appropriation of 10 cents might just as well be made as an appropriation of $10,000; and the Senate, having taken that view of the case, has increased the appropriation to $25,000.

Now, sir, another item. Recently the District of Columbia has bought a "poor farm"—260 acres, down the river—for the care of the District poor. In our part of the country every county has a "poor farm" which is self-supporting. But in the case of this "poor farm" for the District not a dollar of appropriation has been made for buildings, because the revenues would not permit such an expenditure.

Another matter to which I wish to call attention is the workhouse, for which an appropriation of $100,000 has been asked. It is desirable that a new wing should be constructed for this building, and the Senate has put in the bill a provision for that purpose.

Now, what does the Board of Charities report? They report a most deplorable condition in that workhouse. They say that eight or nine people are huddled together in a single room, two in a bunk, and under such circumstances crimes are committed

there day after day that I can not mention on this floor. Why, sir, for lack of additional facilities the condition of affairs there to-day is, I might say, worse than was the condition of the reconcentrado camps in Cuba. Yet the Congress is standing here to-day with their hands on the throttle valve and saying, "You shall not have the money to take proper care of the persons that you send to the workhouse." Sir, I could go on almost indefinitely with items of this kind. In order to take care of these extraordinary appropriations these things must be left unprovided for. Mr. Chairman, I do not believe that the Committee on Appropriations has tried to evade its duty. Some members may not see things as others see them. The matters I have referred to I have investigated—I have looked into them—and I know whereof I speak.

Mr. HEMENWAY. Mr. Chairman, the argument of the gentleman from Wisconsin does not apply to this bill, and I will tell you why. This bill appropriates for expenses of 1903. The estimate is for taxes for that year. Now, I read from the report of the gentleman from Wisconsin [Mr. BABCOCK], the chairman of the Committee on the District of Columbia, and from the report of Mr. Macfarland, president of the Board of District Commissioners. What do we find disclosed? That according to the expectation of the Commissioners the revenues of the District of Columbia for the fiscal year 1903 will exceed the following estimate:

Tax on real property	$3,225,000
Tax on personal property	500,000
Licenses	640,000
Arrears of taxes	150,000
Miscellaneous	700,000
Total	5,215,000

Now, the Senate committee, in reporting the bill to the Senate, provides for an expenditure of only $9,396,000. If that it is not enough, it is the duty of the gentleman from Wisconsin to go to the Senate committee and get them to raise the amount, because they can appropriate $10,430,000. We can pass in this Congress an appropriation bill carrying that amount, and the District of Columbia can meet its one-half of that expense and never borrow a single dollar. Now, whoever heard of such a proposition as this? They come in here and ask Congress to authorize the District of Columbia to borrow money to meet expenses for 1903 when they will absolutely have money in the Treasury that they will have no use for, unless they pay back to the Government a debt not due. Why, sir, if we have $10,000,000 in the Treasury and we appropriate only $9,336,000, that is all they can expend. I say the bill, as reported to the Senate, can have $1,000,000 added to it and yet the District have for the year 1903, without borrowing one cent, every dollar to take care of its one-half of the expenditures.

Mr. POWERS of Massachusetts. I should like to ask the gentleman a question.

Mr. HEMENWAY. Very well.

Mr. POWERS of Massachusetts. If it be true that the revenues are sufficient, then there will be no money loaned under the provisions of this bill?

Mr. HEMENWAY. There will be no necessity for it so far as the expenditures of 1903 are concerned.

Mr. POWERS of Massachusetts. And therefore no money will be loaned?

Mr. HEMENWAY. There will be no necessity for borrowing money, for the District can not expend more money than is appropriated; and if the bill now in the Senate were taken as reported, and the House agreed to every item, there would be an appropriation of only $9,396,000, while the revenues of the District in 1903 could stand a bill of $10,430,000, and then have money to pay every cent of its one-half of the expenditures.

Mr. POWERS of Massachusetts. The question I desire the gentleman to answer is this: If his contention is correct, then no loan will be made; the Government will not be called upon to make any advance under the provisions of this bill——

Mr. HEMENWAY. Not one cent. And therefore why pass this bill, when the figures—and there can be no doubt about them, because I take them from the report of the District Committee—show an ample amount of revenue to be received by the District in 1903, taking the expenditures at the amount fixed in the bill reported to the Senate, and everyone can see that we shall not pass a bill carrying any more than that amount. Yet the District of Columbia will have money to meet every dollar of it, and if you put a million dollars more on top of this appropriation, then the District of Columbia could pay every cent of its one-half without borrowing one cent from the Government.

Under the circumstances why pass a bill authorizing the Government to advance to the District money, when on the face of the figures we have here, prepared by the District Committee, and everybody concedes them to be correct, if anything too low, the District will have every dollar of money necessary to meet the expenses proposed by the appropriation bill? I can not see any sense in authorizing the District to borrow money from the Government when the figures on their face show that there is absolutely no necessity for borrowing any money.

Mr. BABCOCK. Mr. Chairman, I ask for a vote on the amendment. I think I have sufficiently answered the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken; and the Chair announced that the ayes seemed to have it.

Mr. COWHERD. Mr. Chairman, I call for a division.

Mr. SHATTUC. Mr. Chairman, what are we voting on?

The CHAIRMAN. The Chair will state that the question is on the substitute offered by the gentleman from Wisconsin to the first section of the bill.

Mr. CANNON. Mr. Chairman, I rise for a parliamentary inquiry. If the substitute should be adopted, then the vote would be upon the bill as amended, so that those of us who desire to vote against the bill can vote for the substitute or vote it down, and in either event we will then have a chance to vote against the bill.

The CHAIRMAN. Undoubtedly. The question now is on the adoption of the substitute amendment as offered by the gentleman from Wisconsin.

The question was taken; and on a division (demanded by Mr. COWHERD) there were—ayes 68, noes 95.

Mr. BABCOCK. Mr. Chairman, I ask for tellers.

The CHAIRMAN. Eighteen gentlemen standing, not a sufficient number; tellers are denied.

So the amendment was rejected.

Mr. COWHERD. Mr. Chairman, I now move to strike out the enacting clause of the bill.

The CHAIRMAN. The question is on the motion of the gentleman from Missouri to strike out the enacting clause of the bill.

The question was taken, and the motion was agreed to.

Mr. BABCOCK. Mr. Chairman, I move that the committee do now rise with the fragments of the bill [laughter] and report the same to the House.

The motion was agreed to.

Accordingly the committee rose; and Mr. GROSVENOR having taken the chair as Speaker pro tempore, Mr. OLMSTED, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 16761) providing for advances from the Treasury of the United States for the support of the government of the District of Columbia, and had directed him to report the same back with the recommendation that the enacting clause be stricken out.

The SPEAKER pro tempore. The question is on agreeing to the report of the Committee of the Whole House on the state of the Union.

The question was taken, and the report agreed to.

On motion of Mr. COWHERD, a motion to reconsider the last vote was laid on the table.

DEPARTMENT OF COMMERCE.

Mr. HEPBURN. Mr. Speaker, I desire to present a conference report, together with the statement of the conferees, on the bill (S. 569) to establish a department of commerce and labor, and ask that the same be printed in the RECORD, in accordance with the rules.

The SPEAKER pro tempore. The gentleman from Iowa submits the conference report, together with a statement of the conferees, which will be printed in the RECORD, in accordance with the rules.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 569) "to establish the department of commerce and labor," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with amendments as follows: Page 2, line 8 of the amendment, strike out all after the word "Congress" to the end of section 2 and insert in lieu thereof the following: "and the Auditor for the State and other Departments shall receive and examine all accounts of salaries and incidental expenses of the office of the secretary of commerce and labor, and of all bureaus and offices under his direction, all accounts relating to the Light-House Board, Steamboat-Inspection Service, Immigration, Navigation, Alaskan fur-seal fisheries, the National Bureau of Standards, Coast and Geodetic Survey, Census, Department of Labor, Fish Commission, and to all other business within the jurisdiction of the department of commerce and labor, and certify the balances arising thereon to the division of bookkeeping and warrants and send forthwith a copy of each certificate to the secretary of commerce and labor."

Page 3, line 15 of the amendment, insert, after the word "Establishment," the following: "the Steamboat-Inspection Service, the Bureau of Navigation, the United States Shipping Commissioners."

Page 4, line 3 of the amendment, strike out the word "Commissioner" and insert in lieu the word "Commission."

Strike out all of section 6 and insert in lieu the following:

"SEC. 6. That there shall be in the department of commerce and labor a bureau to be called the bureau of corporations, and a commissioner of corporations who shall be the head of said bureau, to be appointed by the President, who shall receive a salary of $5,000 per annum. There shall also be in said bureau a deputy commissioner, who shall receive a salary of $3,500 per annum and who shall in the absence of the commissioner act as and perform

the duties of the commissioner of corporations, and who shall also perform such other duties as may be assigned to him by the secretary of commerce and labor or by the said commissioner. There shall also be in the said bureau a chief clerk and such special agents, clerks, and other employees as may be authorized by law.

"The said commissioner shall have power and authority to make, under the direction and control of the secretary of commerce and labor, diligent investigation into the organization, conduct, and management of the business of any corporation, joint-stock company, or corporate combination engaged in commerce among the several States and with foreign nations, excepting common carriers subject to 'an act to regulate commerce,' approved February 4, 1887, and to gather such information and data as will enable the President of the United States to make recommendations to Congress for legislation for the regulation of such commerce, and to report such data to the President from time to time as he shall require; and the information so obtained, or as much thereof as the President may direct shall be made public.

"In order to accomplish the purposes declared in the foregoing part of this section, the said commissioner shall have and exercise the same power and authority in respect to corporations, joint-stock companies, and combinations subject to the provisions hereof as is conferred on the Interstate Commerce Commission in said 'act to regulate commerce' and the amendments thereto in respect to common carriers so far as the same may be applicable, including the right to subpœna and compel the attendance and testimony of witnesses and the production of documentary evidence and to administer oaths. All the requirements, obligations, liabilities, and immunities imposed or conferred by said 'act to regulate commerce' and by 'an act in relation to testimony before the Interstate Commerce Commission,' etc., approved February 11, 1893, supplemental to said 'act to regulate commerce,' shall also apply to all persons who may be subpœnaed to testify as witnesses or to produce documentary evidence in pursuance of the authority conferred by this section.

"It shall also be the province and duty of said bureau, under the direction of the secretary of commerce and labor, to gather, compile, publish, and supply useful information concerning corporations doing business within the limits of the United States as shall engage in interstate commerce or in commerce between the United States and any foreign country, including corporations engaged in insurance, and to attend to such other duties as may be hereafter provided by law."

Page 6, line 8, of the amendment, after the word "required," insert the words "by the secretary of commerce and labor."

Page 7, line 7, of the amendment, after the word "labor," insert the following: "*Provided*, That nothing contained in this act shall be construed to alter the method of collecting and accounting for the head tax prescribed by section 1 of the act entitled 'An act to regulate immigration,' approved August 3, 1882."

Page 8, line 25, of the amendment, after the word "in," insert the words "or by."

In lieu of section 10 of the amendment insert the following:

"SEC. 10. That all duties performed and all power and authority now possessed or exercised by the head of any executive department in and over any bureau, office, officer, board, branch, or division of the public service by this act transferred to the department of commerce and labor, or any business arising therefrom or pertaining thereto, or in relation to the duties performed by and authority conferred by law upon such bureau, officer, office, board, branch, or division of the public service, whether of an appellate or revisory character or otherwise, shall hereafter be vested in and exercised by the head of the said department of commerce and labor.

"All duties, power, authority, and jurisdiction, whether supervisory, appellate, or otherwise, now imposed or conferred upon the Secretary of the Treasury by acts of Congress relating to merchant vessels or yachts, their measurement, numbers, names, registers, enrollments, licenses, commissions, records, mortgages, bills of sale, transfers, entry, clearance, movements, and transportation of their cargoes and passengers, owners, officers, seamen, passengers, fees, inspection, equipment for the better security of life, and by acts of Congress relating to tonnage tax, boilers on steam vessels, the carrying of inflammable, explosive, or dangerous cargo on vessels, the use of petroleum or other similar substances to produce motive power, and relating to the remission or refund of fines, penalties, forfeitures, exactions, or charges incurred for violating any provision of law relating to vessels or seamen or to informer's shares of such fines, and by acts of Congress relating to the Commissioner and Bureau of Navigation, shipping commissioners, their officers and employees, Steamboat-Inspection Service and any of the officials thereof, shall be, and hereby are, transferred to and imposed and conferred upon the secretary of commerce and labor from and after the time of the transfer of the Bureau of Navigation, the shipping commissioners, and the Steamboat-Inspection Service to the department of commerce and labor, and shall not thereafter be imposed upon or exercised by the Secretary of the Treasury. And all acts or parts of acts inconsistent with this act are, so far as inconsistent, hereby repealed."

Page 10, line 12 of the amendment, strike out the words "or the Interstate Commerce Commission," and insert the following: "from the Department of State, the Department of the Treasury, the Department of War, the Department of Justice, the Post-Office Department, the Department of the Navy, or the Department of the Interior."

Page 11, line 6 of the amendment, after the word "act," insert the words "other than those of section 12."

And the House agree to the same.

W. P. HEPBURN,
JAMES R. MANN,
WILLIAM RICHARDSON,
Managers on the part of the House.

M. A. HANNA,
KNUTE NELSON,
A. S. CLAY,
Managers on the part of the Senate.

The statement of the House conferees is as follows:

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 569) to establish the department of commerce and labor, submit the following written statement in explanation of the effect of the action recommended in the accompanying conference report.

The substitute amendment of the House is agreed to with various amendments.

The first of these amendments is to strike out the provision in the House substitute in reference to the auditing of accounts and to insert in lieu thereof the following:

"The Auditor for the State and other departments shall receive and examine all accounts of salaries and incidental expenses of the office of the secretary of commerce and labor, and of all bureaus and offices under his direction, all accounts relating to the Light-House Board, Steamboat-Inspection Service, immigration, navigation, Alaskan fur-seal fisheries, the National Bureau of Standards, Coast and Geodetic Survey, Census, Department of Labor, Fish Commission, and to all other business within the jurisdiction of the department of commerce and labor, and certify the balances arising thereon to the division of bookkeeping and warrants, and send forthwith a copy of each certificate to the secretary of commerce and labor."

This language more nearly conforms with the present law upon the subject of auditing accounts.

The second amendment to the House substitute provides for the transfer from the Treasury Department to the department of commerce and labor of the Steamboat-Inspection Service, the Bureau of Navigation, and the United States shipping commissioners.

The third amendment agreed to is to insert the word "commission," instead of the word "commissioner," in the description "Fish Commission," the Commissioner of Fish and Fisheries being already included.

The fourth amendment agreed to inserts, after the word "required," in section 5, the words "by the secretary of commerce and labor," so as to provide that consular officers shall send reports, under the direction of the Secretary of State, as often as required by the secretary of commerce and labor.

The fifth amendment agreed to is to strike out all of section 6 of the House substitute and to insert in lieu thereof the following:

"SEC. 6. That there shall be in the department of commerce and labor a bureau to be called the bureau of corporations, and a commissioner of corporations who shall be the head of said bureau, to be appointed by the President, who shall receive a salary of $5,000 per annum. There shall also be in said bureau a deputy commissioner, who shall receive a salary of $3,500 per annum, and who shall, in the absence of the commissioner, act as, and perform the duties of, the commissioner of corporations, and who shall also perform such other duties as may be assigned to him by the secretary of commerce and labor or by the said commissioner. There shall also be in the said bureau a chief clerk and such special agents, clerks, and other employees as may be authorized by law.

"The said commissioner shall have power and authority to make, under the direction and control of the secretary of commerce and labor, diligent investigation into the organization, conduct, and management of the business of any corporation, joint stock company, or corporate combination engaged in commerce among the several States and with foreign nations excepting common carriers subject to 'An act to regulate commerce,' approved February 4, 1887, and to gather such information and data as will enable the President of the United States to make recommendations to Congress for legislation for the regulation of such commerce, and to report such data to the President from time to time as he shall require; and the information so obtained, or as much thereof as the President may direct, shall be made public.

"In order to accomplish the purposes declared in the foregoing part of this section, the said commissioner shall have and exercise the same power and authority in respect to corporations, joint stock companies, and combinations subject to the provisions hereof as is conferred on the Interstate Commerce Commission in said 'act to regulate commerce' and the amendments thereto in respect to common carriers, so far as the same may be applicable, including the right to subpœna and compel the attendance and testimony of witnesses and the production of documentary evidence and to administer oaths. All the requirements, obligations, liabilities, and immunities imposed or conferred by said 'act to regulate commerce' and by 'An act in relation to testimony before the Interstate Commerce Commission,' etc., approved February 11, 1893, supplemental to said 'act to regulate commerce,' shall also apply to all persons who may be subpœnaed to testify as witnesses or to produce documentary evidence in pursuance of the authority conferred by this section.

"It shall also be the province and duty of said bureau, under the direction of the secretary of commerce and labor, to gather, compile, publish, and supply useful information concerning corporations doing business within the limits of the United States as shall engage in interstate commerce or in commerce between the United States and any foreign country, including corporations engaged in insurance, and to attend to such other duties as may be hereafter provided by law."

The sixth amendment agreed to is to insert at the end of the first sentence in section 7 (which provides for the transfer of the Bureau of Immigration to the new department) the following: "*Provided*, That nothing contained in this act shall be construed to alter the method of collecting and accounting for the head tax prescribed by section 1 of the act entitled 'An act to regulate immigration,' approved August 3, 1882."

The seventh amendment agreed to is to insert the words "or by" in section 9, so as to include in the transfer "all officers, clerks, and employees now employed in or by any of the bureaus," etc., transferred to the new department.

The eighth amendment agreed to is to strike out all of section 10 and insert in lieu thereof the following:

"That all duties performed and all power and authority now possessed or exercised by the head of any executive department in and over any bureau, office, officer, board, branch, or division of the public service by this act transferred to the department of commerce and labor, or any business arising therefrom or pertaining thereto, or in relation to the duties performed by and authority conferred by law upon such bureau, officer, office, board, branch, or division of the public service, whether of an appellate or revisory character or otherwise, shall hereafter be vested in and exercised by the head of the said department of commerce and labor.

"All duties, power, authority, and jurisdiction, whether supervisory, appellate, or otherwise, now imposed or conferred upon the Secretary of the Treasury by acts of Congress relating to merchant vessels or yachts, their measurement, numbers, names, registers, enrollments, licenses, commissions, records, mortgages, bills of sale, transfers, entry, clearance, movements, and transportation of their cargoes and passengers, owners, officers, seamen, passengers, fees, inspection, equipment for the better security of life, and by acts of Congress relating to tonnage tax, boilers on steam vessels, the carrying of inflammable, explosive, or dangerous cargo on vessels, the use of petroleum or other similar substances to produce motive power, and relating to the remission or refund of fines, penalties, forfeitures, exactions, or charges incurred for violating any provision of law relating to vessels or seamen or to informer's share of such fines, and by acts of Congress relating to the Commissioner and Bureau of Navigation, shipping commissioners, their officers and employees, Steamboat-Inspection Service and any of the officials thereof, shall be, and hereby are, transferred to and imposed and conferred upon the secretary of commerce and labor from and after the time of the transfer of the Bureau of Navigation, the shipping commissioners, and the Steamboat-Inspection Service to the department of commerce and labor, and shall not thereafter be imposed upon or exercised by the Secretary of the Treasury. And all acts or parts of acts inconsistent with this act are, so far as inconsistent, hereby repealed."

The principal new matter inserted in section 10 as agreed to is for the purpose of transferring the present authority vested in the Secretary of the Treasury in regard to navigation and steamboat inspection service to the secretary of commerce and labor. The amendment enumerates various acts of Congress in which the Secretary of the Treasury is now named by that title, in order to more specifically transfer his present power to the secretary of commerce and labor.

The ninth amendment agreed to is to strike out of section 12 the words "or the Interstate Commerce Commission" and insert in lieu thereof the following:" From the Department of State, the Department of the Treasury,

the Department of War, the Department of Justice, the Post-Office Department, the Department of the Navy, or the Department of the Interior." The effect of this amendment is to permit the President to transfer statistical or scientific work to the department of commerce and labor from any of the Departments named, but it does not permit him to transfer the Interstate Commerce Commission or the statistical work of the Department of Agriculture or the Interstate Commerce Commission.

The tenth amendment is to insert after the word "act," in line 3 of section 13, the words, "other than those of section 12." The effect of this amendment is to make section 12 of the act take effect immediately upon its passage.

W. P. HEPBURN,
JAMES R. MANN,
WILLIAM RICHARDSON,
Managers on the part of the House.

RECORD OF DEEDS, ETC., IN INDIAN TERRITORY.

Mr. SHERMAN. Mr. Speaker, I desire to present a conference report, together with a statement of the conferees, on the bill (S. 5678) providing for record of deeds and other conveyances and instruments of writing in the Indian Territory, and for other purposes, and ask that the same be printed in the RECORD, in accordance with the rules.

The SPEAKER pro tempore. The gentleman from New York submits a conference report, together with the statement of the conferees, which will be printed in the RECORD, in accordance with the rules.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 5678) "providing for record of deeds and other conveyances and instruments of writing in the Indian Territory, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment; and the Senate agree to the same.

J. S. SHERMAN,
JOHN F. LACEY,
JOHN S. LITTLE,
Managers on the part of the House.

WM. M. STEWART,
O. H. PLATT,
JAMES K. JONES,
Managers on the part of the Senate.

The statement of the conferees is as follows:

The effect of this agreement is to accept the bill in the form in which it passed the Senate, defining the recording districts and places of record in Indian Territory.

ELI HIBBARD.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that the minority of the Committee on Military Affairs may have time within which to present their views on the bill (S. 5879) to remove the charge of desertion from the Army record of Eli Hibbard.

The SPEAKER pro tempore. The gentleman from Wyoming asks unanimous consent that the minority of the Committee on Military Affairs have leave to present a minority report on the bill (S. 5879) to remove the charge of desertion from the Army record of Eli Hibbard. Is there objection?

There was no objection.

HEIGHT OF BUILDINGS IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I desire to submit a conference report, together with the statement of the conferees, on the bill (H. R. 14050) to amend an act to regulate the height of buildings in the District of Columbia, and ask that the same be submitted in accordance with the rules.

The SPEAKER pro tempore. This will be printed in the RECORD in pursuance of the rules.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14050) to amend an act to regulate the height of buildings in the District of Columbia, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, and 4, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to amendment numbered 2, and agree to the same with an amendment as follows: In section 4, in line 4, after the words "in its front," add "but where the site of a proposed building confronts a public space or reservation formed at the intersection of two or more streets or avenues and the course of said streets or avenues is not interrupted by said public space or reservation, the allowable height of the building will be determined by the width of the widest street or avenue;" and the Senate agree to the same.

J. W. BABCOCK,
SYDNEY E. MUDD,
ADOLPH MEYER,
Managers on the part of the House.

J. H. GALLINGER,
THOMAS S. MARTIN,
Managers on the part of the Senate.

The statement of the House conferees is as follows:

The amendments of the Senate were prepared by the Commissioners of the District of Columbia with a view to making clear the provisions of law in relation to the height of buildings, to afford reasonable protection to property on residence streets against unusually high buildings. The limit of height on the wide business avenues is unchanged. There is no opposition on the part of property owners to the proposed legislation.

UNION STATION, DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I call up the conference report on the union station bill.

The SPEAKER pro tempore. The gentleman from Wisconsin calls up a conference report on the bill (S. 1425) to provide for a union railroad station in the District of Columbia.

Mr. BABCOCK. I ask that the statement be read, Mr. Speaker.

The SPEAKER pro tempore. The gentleman asks unanimous consent that the statement be read without the report. Is there objection?

There was no objection.

[For the text of the conference report, see page 1374.]

The Clerk read as follows:

The House recedes from its amendments Nos. 4, 42, and 47.

Nos. 4, 19, and 42 were clerical errors made by changing the name of the Baltimore and Potomac Railroad to the Philadelphia, Baltimore, and Washington where the road under its old name was referred to.

No. 47 was intended to clarify the language used in the bill in regard to the taking of property. The original expression is deemed best.

Amendment No. 1 corrects a clerical error by inserting a comma.

Amendment No. 7 changes the phraseology used in the bill from the "United States Reform School" to the proper term, "Reform School of the District of Columbia."

Amendment No. 14 corrects a clerical error by changing the word "company" to "companies."

Amendment No. 23 does not enlarge the scope of the bill in any particular, but merely corrects the phraseology so as to put beyond dispute the streets to be vacated, abandoned, and closed.

Amendment No. 27 is a correction of phraseology.

That a portion of amendment No. 57 which relates to the location of a station near the Long Bridge places it in the power of the Commissioners to locate such station at the point that shall be determined upon by them as the most convenient for the passenger travel which will use it.

The amendments on which the conference committee were unable to agree relate to that share of the cost of the elevation of grade crossings which is to be borne, respectively, by the railroads, and the Government, and the District of Columbia.

Mr. BABCOCK. Mr. Speaker, the report submitted by your conferees is a complete agreement, with the exception of two amendments adopted by the House. The Senate agrees to all of the House amendments with the exception of two, and the two relate to the compensation to the Pennsylvania and the Baltimore and Ohio Railroad companies. The forty or fifty amendments that have been disposed of were mostly formal, but at any rate the Senate agreed to all of them except these two. This report is an agreement, with the exception of these two items.

Now, Mr. Speaker, I ask that the House agree to the report of the conferees.

The conference report was agreed to.

Mr. BABCOCK. Now, Mr. Speaker, I move that the House further insist upon its amendments and ask for a further conference.

The SPEAKER pro tempore. The gentleman from Wisconsin moves that the House insist upon its disagreement and ask for a further conference.

Mr. MORRELL. Mr. Speaker, I move that the House instruct the conferees on the part of the House that they recede and concur in the Senate amendments.

The SPEAKER pro tempore. The gentleman's motion properly is to recede and concur.

Mr. MORRELL. That the House recede and concur.

Mr. BABCOCK. I think my motion covers the entire ground, and, according to the rulings of the Chair on previous occasions, that a negative vote will defeat it. In either case the motion is the same.

The SPEAKER pro tempore. The Chair thinks that the motion to recede and concur has precedence.

Mr. BABCOCK. I understood that the motion of the gentleman was to instruct the conferees.

The SPEAKER pro tempore. He has withdrawn that.

Mr. MORRELL. My motion is to recede and concur.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Pennsylvania that the House recede from its amendment and concur.

Mr. BABCOCK. Mr. Speaker, on that motion I should like to be heard.

The SPEAKER pro tempore. The gentleman from Pennsylvania has the floor.

Mr. CANNON. I do not understand that is the rule. As I understand it, the gentleman can not be taken off his feet.

The SPEAKER pro tempore. The Chair corrects himself, and agrees with the statement of the gentleman from Illinois. The gentleman from Wisconsin has the floor.

Mr. BABCOCK. Mr. Speaker, I would say in the first place that it is not practical to adopt the motion of the gentleman from Pennsylvania, even if it should be the unanimous judgment of the House to do so, for the following reasons: When the bill was amended in the House and went to the Senate an error was made in numbering the amendments. Amendment numbered 57 should

have been 57, 58, and 59, but in the hurry and rush they were not put in, and this bill must necessarily go back to conference, whatever may be the desire of the House, in order to correct these two sections. There are two sections numbered 13, one in the old bill and one in the new bill, entirely different matters. If we recede and concur in the Senate amendments we strike out of the bill a section 13, which provides for the joint use of the union station and leaves the original Senate bill. And so, while I have no objection and do not want to offer any impediment to the House getting to a vote to determine what it desires to do, it will have to be done by some other method.

The SPEAKER pro tempore. The Chair will state that it is very easy to solve that problem. The gentleman from Pennsylvania [Mr. MORRELL] can ask a separate vote on his motion to concur in the particular amendment that he desires to concur in, and then the other question will be left for the House to decide.

Mr. BABCOCK. Now, Mr. Speaker, if I can have the attention of the House for a moment, I will state the facts as they are. Originally when these two bills were passed, in 1901, one appropriated a million and a half dollars in money for the Baltimore and Ohio road and the other a like amount in real estate to the Pennsylvania railroad. Now, these amount in the aggregate to $3,000,000—$1,500,000 in amount of real estate to the Pennsylvania and $1,500,000 in cash to the Baltimore and Ohio road. This sum of $3,000,000 was contributed as one-half of the cost of the elevation of the tracks and abolishing grade crossings. Now, I want the House to bear this point in mind: That the District and General Government proposed to pay one-half of the cost of constructing the elevation, not the depot, not the freight yards, not the tunnels, but one-half of the cost of elevating the tracks above grade. That is the present law contained in the two bills passed in 1901.

Now, when the proposition came up, Mr. Speaker, for a union station, plans were submitted by the railroad companies locating the station at C street back here on Delaware avenue. Delaware avenue is the avenue on which the street cars leave the Capitol grounds, turning then on to C street. This is the location where the Senate stables are. These were the plans as filed originally by the railroad companies for the union station. The Senate in its wisdom passed a bill locating the depot two blocks further back on Massachusetts avenue. Tbe House committee objected to the Massachusetts avenue site, because it cost the District and the General Government $1,600,000 more than the C street site.

After much discussion and hearings on the bill in the House committee the proposition was made by certain members of the District Committee who were opposed to the whole idea, if this amount of $1,600,000 was divided (which is done) to go to Massachusetts avenue, $500,000 of it to each railroad, dividing it into three shares, the District taking the greater bulk or $600,000, that they would agree to the Massachusetts avenue site. The representatives of the railways, after they had first desired to locate at C street and filed plans accordingly, notified the committee that they would not build at C street unless obliged to do so by law.

The committee agreed to this proposition and brought it before the House, where the facts were stated as clearly as could be, and the House agreed with the committee and passed the bill. This took from the Baltimore and Ohio Railway $500,000 of the appropriation in the act of February 12, 1901, for it, and in this exchange of location we took back from the Pennsylvania Railroad real estate valued at $1,285,000. That is what they received in lieu of money in 1901. In the bill as passed by the House we took back the property and gave them a million dollars in lieu of it.

The House amendments cut down the amounts granted the roads to one million each, but the Senate insists upon the original provisions in the Senate bill, which is a million and a half dollars in cash to each road. Now, your House conferees felt bound by the action of their committee and of the House, and the further fact that in the new construction thus taken up by the different lines of road we found brought out this statement of facts. These are the figures presented by the railroads themselves and the statements made by the presidents of the roads. So if the figures are wrong, and I think in some cases they are pretty liberal, they are the official figures as agreed upon, giving all the different items not only by the Commissioners, but by the railroads.

We find further by locating at Massachusetts avenue the saving to the Baltimore and Ohio Railroad by this change, and having joined the Pennsylvania Railroad in the construction, is $1,340,383. This is saved the Baltimore and Ohio in its construction, and the House reduced the amount granted by $500,000 in our bill. Notwithstanding that, there is a net gain of $840,383. On the other hand, the Pennsylvania Railroad abandons its construction at its present site at Sixth street back to Virginia avenue, a short distance, and all other construction provided in 1901 is left as it is without any change at all. A tunnel is built that runs under First street, between the Capitol and the Library, which expense is shared jointly. The Pennsylvania joins the Baltimore and Ohio road in constructing the terminals and station, the viaduct on Delaware avenue, and the elevation outside of the city.

Now, under this bill, as one of the reasons why I opposed the Massachusetts avenue site is this: The elevation under the present law is about 24 feet. It cleared all the streets with plenty of room. This elevation, by going to Massachusetts avenue, is reduced on an average of 13 feet, so that instead of the streets going under the elevation on grade they are depressed from 8 to 15 feet, and one-half of the height of the elevation is saved. In other words, instead of building an elevation of 24 or 25 feet, the average elevation is from 11 to 13 feet. Instead of being built by one road it is built by two.

Then we abandon from C street to Massachusetts avenue two blocks of construction of 1,100 feet, moving the depot about two blocks. The estimated cost of that is $220,000. That does not have to be done at all. Also in these two blocks the land—perhaps I am not so familiar with it as the board of trade—they claim that the value of real estate is $600,000 saved by this change, but the estimated value of real estate for the union depot at Massachusetts avenue is a little over a million dollars, as compared with the Baltimore and Ohio depot alone at $1,250,000. So there is a saving of several hundred thousand dollars there.

Taking the figures of construction as given by President Loree, it shows a saving in construction of thirteen hundred and thirty thousand dollars. Now, Mr. Loree, in his figures brings in the additional cost of the station and tunnel that your committee does not agree to. In other words, the District and the Government never proposed to build a union station, or to build the terminal, or to build the freight yard. The public was dealing with the elevation, and endeavoring to pay one-half of the cost of elevating the tracks. So, if you pursue that policy, the saving, as I have stated, is thirteen hundred and thirty thousand dollars. The Pennsylvania road is put to more expense for the reason that they not only construct their own elevation but they come and join the B. and O.——

Mr. CANNON. Mr. Speaker, I ask for order. It is impossible to hear the gentleman from Wisconsin.

The SPEAKER pro tempore. The Chair would like to know who put this large plat or map in front of the Speaker's desk.

Mr. BABCOCK. That is the plan of the union station.

The SPEAKER pro tempore. We must have quiet here, and it is impossible for the Chair to preserve order with this large map cutting off his view. Let it be taken away and brought in when necessary.

Mr. BABCOCK. This statement of the Pennsylvania road, now the Philadelphia, Baltimore and Washington Railroad, submitted by President Cassatt, is as follows:

The expense under the act of February 12, 1901, is $4,392,656. The cost under the pending bill is $7,966,926. Now, in the item of cost under the pending bill one-half of the cost of the tunnel is $824,000; the additional cost of the station building is $778,000. The line to Magruder, which is the new cut-off, is $1,292,450, and one-half of the cost of the coach yard is $419,000, making $3,314,625 which is no part of the plan of the elevation. Deducting that from the cost in the present bill, it leaves $4,652,301 to be compared with the cost of $4,392,656 in the act of February 12, 1901, showing that it costs the Pennsylvania road $259,645 more than it would under the present law, as against the Baltimore and Ohio $1,340,383 less than under the present law.

Mr. OLMSTED. Will the gentleman allow me a question?

Mr. BABCOCK. Certainly.

Mr. OLMSTED. I understand from the gentleman's statement that this bill takes from the Pennsylvania road land to the value of $1,285,000, and also adds, according to the gentleman's figures, several hundred thousand dollars of expense; and for that amount of over a million and a half dollars the House bill allows them a million dollars. So the Pennsylvania road would be out of pocket, by the gentleman's own figures, a half a million dollars by the change.

Mr. BABCOCK. I have endeavored, Mr. Speaker, to make myself clear as to the difference in value of the real estate. It does not make any difference how they get at it, whether it was given to them fifty years ago or not; they took the real estate in lieu of a million and a half dollars in money under the last act, and if we take it back we must consider it on the same basis.

Mr. COWHERD. Yes; but in addition to the real estate you say they took under the last act they got a gift of a highway bridge and several other reservations in Washington.

Mr. BABCOCK. The part we are taking back was the original location.

Mr. OLMSTED. But with that land which the bill takes away from them they acquired Garfield Park and the highway bridge which they retain. But this land of the value of nearly a million and a half of dollars the bill takes away from them.

Mr. COWHERD. One million two hundred and eighty-five thousand dollars.

Mr. BABCOCK. Mr. Speaker, whatever may be the action of

the House on this conference report—whether we instruct the conferees to agree to the Senate bill or not—I think the bill should go back to conference, so that these particular sections may be perfected, for I can see great difficulty in perfecting them by any motion which may be made here to concur.

Mr. TAYLER of Ohio. I should like to ask the gentleman from Wisconsin a question, for I want to understand this matter, as we all do. I understand that under the act of 1901 the total cost of the improvements of these two railroad companies would amount to $9,992,000—I have added the two items together. Under the pending bill the amount of the improvements proposed and arranged for would be to the two companies $13,850,476, making nearly $4,000,000 more expense to the companies under this bill than under the provisions of the acts of 1901. Now, what I want to ask the gentleman is this: What do the railroad companies get in the way of effective and useful and profit-producing railroad property out of this expenditure of $13,850,000 which they would not have secured from the expenditure of $9,992,000?

Mr. BABCOCK. The Pennsylvania road gets a new line out of the city of Washington, which permits them to run into the depot directly, without going through a tunnel.

Mr. TAYLER of Ohio. Exactly; it permits them to get into the union station. But under the previous arrangement they could have run into their own station on the Mall.

Mr. BABCOCK. On their own line.

Mr. TAYLER of Ohio. Is there any additional usefulness in that to them?

Mr. BABCOCK. Does the gentleman mean in the station or in the new line?

Mr. TAYLER of Ohio. The station and the line. What advantage will there be over what they have or what they would have without this bill?

Mr. BABCOCK. This will enable them to shorten the time between Washington and New York about fifteen minutes—a very valuable consideration.

Mr. TAYLER of Ohio. The advantage, then, is in the saving of fifteen minutes?

Mr. BABCOCK. The improvement is in getting a beautiful union station; also in the tunnel that connects the five Southern roads with the Baltimore and Ohio system.

Mr. TAYLER of Ohio. In what respect does the gentleman differentiate the tunnel and an elevated track with respect to the public convenience and safety?

Mr. BABCOCK. The public has nothing to do with the tunnel; it is for the purpose of bringing the passenger traffic together. I am one of those who believe that two stations would be better than one station.

Mr. TAYLER of Ohio. Perhaps the railroad companies think so, too.

Mr. BABCOCK. Possibly.

Now, Mr. Speaker, I reserve the remainder of my time.

Mr. MORRELL. Mr. Speaker, I wish to ask a separate vote on the proposition that the House recede from amendments 39 and 41 and concur in those amendments.

The SPEAKER. The Clerk will read the two amendments to which the gentleman's motion refers.

The Clerk read as follows:

Amendment 39:
On page 18, in lines 21 and 22, strike out "five hundred thousand."
Amendment 41:
On page 19, in line 1, strike out "five hundred thousand."

Mr. MORRELL. Mr. Speaker, this simply affects the Pennsylvania railroad, and upon this motion I desire the previous question.

Several MEMBERS. Oh, no.

Mr. CANNON. The floor was not yielded to the gentleman for that purpose.

Mr. MORRELL. Mr. Speaker, it is possible, but it is not at all probable, that the railroad companies would accept the propositions embodied in this act if the House amendments to this act were adopted. Their rights under existing laws are such that it is optional with them to accept or reject this legislation. They have vested rights which the courts will uphold. They are not here in the attitude of mere supplicants at the mercy of this House.

Suppose we make it against their interest to accept this legislation, will they accept it? They certainly will not. Can we compel them to accept? We certainly can not. What, then, would be the result of insisting upon an unreasonable and unbusiness-like provision in this legislation? Would it not be, in effect, to defeat it, while in appearance we enacted it? Would it not be to revive the legislation of 1901, which this legislation professes to repeal? If it were the design of gentlemen who so persistently opposed the acts of 1901 because those acts would preclude the possibility of getting a union station without the assent of the railroads themselves—if it were their design, I say, to perpetuate those acts and nullify this one, they could not accomplish that design more surely than by insisting upon the House amendments which make the bill unacceptable to the railroad companies.

Everybody knows that the Pennsylvania Railroad and the Baltimore and Ohio Railroad were satisfied absolutely with the act of February 12, 1901, which granted them additional facilities at the terminals that they now occupy. It was only in deference to those who had a desire to beautify the city of Washington and enlarge on a new scale the Mall that the Pennsylvania Railroad agreed to remove its tracks to the new proposed site. In the same way everyone knows that the Baltimore and Ohio Railroad, in deference to that wish, expressed not only upon the part of those who had the duty of beautifying Washington in charge, but also in deference to all those interested in having a union terminal station, agreed to the proposition.

Gentlemen will remember that at the time the debate on this matter was in progress in the House the only cry was for a union station. The one cry was to not give these extra acres on the Mall to the Pennsylvania Railroad—do not give the additional facilities at C street to the Baltimore and Ohio—and why? Because that would absolutely eliminate the possibility of a union station in Washington. That question grew and grew and grew and that sentiment increased until out of deference to that sentiment it was agreed between the presidents of the two railroads and the Committee on the District of Columbia of the Senate that they would consider a proposition for a terminal station.

Never for one moment, when that proposition was under discussion, did they imagine that any portion of the amount of money which was to be given to each railroad would in any way, shape, or manner be lessened under this new agreement in view of the increased amounts of money to be expended by or the lessened facilities of the railroad companies under the union-station bill. On the contrary, that was taken for granted, and I consider that in the present instance they have an absolute contract and can insist on proceeding with their work under the legislation granted to them on February 12, 1901, if we do not in the present instance make every effort to meet them in this new bill—at least not deprive them of what we have already granted under the act of February 12, 1901. The amount asked to be restored is not large.

On the other hand, what have we in jeopardy? We have in jeopardy the realization of something for which every member of Congress and every citizen of the District and of the United States has long hoped and prayed for, viz, proper terminal facilities in Washington. It is not a time, Mr. Speaker, to be penny wise and pound foolish. We desire a station. The railroads have met us halfway—more than halfway. The Pennsylvania Railroad, to further this desire on the part of Congress and on the part of the District of Columbia, has been willing, according to its own statements, to spend over $3,000,000 extra. The Baltimore and Ohio Railroad in like manner is called upon to spend an extra amount of money, not so much perhaps as the Pennsylvania, but what is a contract with the Pennsylvania road is equally a contract with the Baltimore and Ohio Railroad, and I maintain can be equally enforced.

Mr. MUDD. I would ask the gentleman, Mr. Speaker, who made the contract.

Mr. MORRELL. There was no absolute written contract, except the contract that was entered into between the Baltimore and Ohio Railroad and the Pennsylvania Railroad and the Congress when those acts were passed, and what I maintain is that if this new legislation is not put in such shape as will be in justice acceptable to the railroads they can proceed under the legislation that was then granted to them on February 12, 1901.

Mr. HULL. Mr. Speaker, does the gentleman think that Congress can not change the terms of that last act and go ahead and enforce the contract in view of the act of Congress?

Mr. MORRELL. I should imagine there would be an equity to the railroads should they proceed under the act of February 12, 1901, which would put this matter into court, and we would perhaps for some years to come be without these terminal facilities which we so very much desire.

Mr. COWHERD. Mr. Speaker, may I ask the gentleman a question?

The SPEAKER. Does the gentleman yield?

Mr. MORRELL. One minute. I desire to go on for a moment, as far as the Baltimore and Ohio Railroad is concerned. The Baltimore and Ohio Railroad, perhaps, is not called upon to spend as large a sum of money as the Pennsylvania Railroad, according to the figures shown by the representatives of that road. Reference is made by the distinguished chairman of this committee to the lessened expense that they would be under by the viaduct being shortened the distance between C street and the Massachusetts avenue site and the reduction of 10 feet in height of the viaduct; but, Mr. Speaker, that reduction, which is but 10 feet, would be more than offset by the larger cuts which will be

necessary at the lower end of the line as it enters the District of Columbia.

We may not, perhaps, be called upon to pay for the facilities that the Baltimore and Ohio Railroad are deprived of in being obliged to move their freight sheds to Eckington from what is to-day the best freight terminal possible in Washington, and yet at the same time it must be taken into consideration when we are asking them voluntarily to surrender terminal facilities which were granted to them under the act of February 12, 1901, and with which they were perfectly satisfied.

Mr. Speaker, I reserve the balance of my time.

Mr. BABCOCK. Mr. Speaker, I yield five minutes to the gentleman from Maryland [Mr. MUDD].

Mr. MUDD. Mr. Speaker, I do not intend to undertake at this time a discussion of the merits of these alternative propositions, whether we shall give as a Government contribution to the expenditure of each of these two railroads one million of dollars or one million and a half of dollars.

The railroads are not a party to this controversy in its present position. The conferees have been appointed by the two Houses to confer over the matter of what we should give to these railroads. The House, unanimous in its action as to this branch of the bill, has declared in favor of giving them $1,000,000 apiece, and it reduced the amount from one million and a half because the adoption of the present site, which the railroad companies insisted upon and demanded, entails a cost upon the District and National governments of more than a million dollars more than the one preferred and at one time decided upon by the House committee.

Mr. Speaker, it is perhaps not a parliamentary or a proper thing to state just what took place in conference, and I do not intend to do so; but I undertake to say here to-day that there never has been any request from anybody having anything to do with these items of disagreement, with whom the House conferees ever talked or had the right to talk, for anything more than splitting the difference and giving each railroad a million and a quarter of dollars; so that if this House this afternoon shall vote to give each of these railroads a million and a half dollars it will simply vote to donate $500,000 out of the National and District treasury for this purpose. It is not asked for by anyone having a right to ask it under the present circumstances. I undertake to say that in twenty minutes, yes, in five minutes, after this measure goes back to conference, if it shall go, we can get an agreement, if the House conferees shall be willing to do so, by which at least $500,000 would be saved, as against the proposition now made by a member of the District Committee, my colleague from Pennsylvania [Mr. MORRELL].

All legislation is to some extent a matter of compromise. Compromise involves agreement, involves compact in some instances in a perfectly legitimate and honorable manner. When this bill was before the District Committee of the House for consideration, and these railroads came and told the committee that they would not build on the site which saved this Government more than a million dollars, we put them back where they asked to go, and unanimously agreed among ourselves that we would stand to this proposition, giving them a million dollars apiece only.

After having done that, when as I say the situation is open to us at this moment to get an agreement for a million and a quarter each, it seems to me a preposterous proposition that this House should be asked to repudiate its former action, to repudiate the action of its conferees, and to donate a half million dollars to these two railroads. I think I may say I know that we can get an agreement forthwith on a million and a quarter to each railroad. I say further that I think it is quite likely that we can secure the adoption of the House proposition.

I have every inclination, Mr. Speaker, to deal fairly and to deal liberally with these railroad companies in the legislation providing for the construction by them of a union depot in this city, but I can not commit myself to such a policy of stultification as to vote now for a return to the Senate proposition of a million and a half dollars to each. [Applause.]

Mr. BABCOCK. Mr. Speaker, I yield to the gentleman from Illinois [Mr. CANNON] five minutes.

Mr. CANNON. The gentleman from Missouri [Mr. COWHERD] is a member of the committee and desires to address the House.

Mr. BABCOCK. I yield to the gentleman from Missouri [Mr. COWHERD].

Mr. COWHERD. Mr. Speaker, I want to take the floor only for a few minutes on this proposition, and I ask of the House that I may proceed without interruption.

I want to say that in my opinion the union station is not jeopardized by a further disagreement on this measure, and that the only thing that is jeopardized on the issue now presented is the Treasury of the United States. [Applause.] The gentleman was right when he said that the opposition we made to the railroad bills of 1901 was to their taking that piece out of the Mall, and also the fact that we did not have a union station.

It is true further that I opposed any contribution to the railroads, but the utmost that anybody ever asked that the railroads should have was 50 per cent of the cost of elevation, and I have a book here issued since those bills passed, where the railroad commissioners of the States met and a report upon that subject was made by a committee that had investigated it, and on the strength of that report I say that 35 per cent is more nearly the average given by the States, where anything is given, than 50 per cent.

Now, on this proposition, let me show you what we have done for these two railroads; and I want the House to catch these figures. In this bill the gift in land to the Baltimore and Ohio Railroad is $1,464,280. We add to that a million dollars in money, or a total of $2,464,280.

In regard to the Pennsylvania Railroad, gentlemen must remember that we gave them the absolute title to that Long Bridge. They had the right to use the Long Bridge before, so long as they maintained a highway bridge for the people of this District and the adjoining State. We took that condition away absolutely and gave them the right to the highway bridge, and to-day we are faced with an appropriation of $996,000 to meet that gift that we made to the Pennsylvania road.

But aside from that I want you to remember that in the bill of two years ago the Mall was only a small part of the land given. They got 12 acres of Garfield Park and numerous streets and reservations in this city, all of which they retain, except the Mall, so that as this bill stands we give the Pennsylvania Railroad Company $1,786,476 worth of real estate belonging to the District and the Government here in the city of Washington. In addition to that we give them a million dollars in money.

Now let us see how the balance stands as between the railroads and the Government. You say we ought to pay 50 per cent of the cost of elevation. Well, everybody admits that this great union station is not to be a part of the cost of elevation. You have got two old shacks here now that would have to be torn down and rebuilt, whatever is done, and after this is over you will have one magnificent union station, serving all the roads that enter. Now the railroads are to spend $13,000,000, and of that $2,000,000 is given them by the Government.

So their expenses out of their own pockets are $11,000,000, of which $4,000,000 go into the depot itself. So that the total cost to the railroads to readjust the tracks and build the tunnel, and the Pennsylvania Railroad getting a new entrance into the city, that shortens the time between here and Baltimore and New York, the total cost for it all is $7,073,133; and the cost to the Government, when you include the value of the land given, the value of the contributions to the road, the cost of land purchased for the plaza, grades readjusted, damages, and the value of the bridge to be built, is $8,010,750.

The Government paying a million more for this change than the roads pay for everything when you take the depot out. Gentlemen talk about 50 per cent. There is more than 50 per cent of the total cost of all the improvements, the depot excepted, and I respectfully submit that this is a most liberal contribution and not another cent should be made.

Why, when the president or vice-president of the Pennsylvania road was before our committee—and it has been said that all cities give 50 per cent of the cost of elevation of the tracks and improvement of terminals—it developed that that road was to spend $50,000,000 in improving its terminals in New York. Do you know how much the city of New York was to contribute? Only a lease of a subway under the street, on which the road forever is to pay an annual rental.

I submit that not only the conferees ought to be sent back with a disagreement, but if they can not agree, and come back, they ought to be instructed not to consent to any additional gift to these roads, and the other branch of this legislative body ought to know that the House proposes to stand by its position in this measure. [Applause.]

I want to say here and now that in my humble judgment the railroad companies will be glad to accept the magnificent contribution that was made in the bill as it passed the House. [Loud applause.]

Mr. BABCOCK. I yield to the gentleman from Illinois.

Mr. CANNON. Mr. Speaker, I recollect when this bill passed the House. It passed the House, as reported from the District Committee, with this very amendment upon it. I was against the bill. I found myself in the minority. No question about the desire of members for a union depot; no question about the desire of the railroad companies to have it pass the House with the House amendment. Nay, nay, not a particle. When it passed the House with the House amendment, it went over to the Senate. That much had been obtained.

Now, I fancy the party desiring this legislation said let us go for the balance, and get the million reduction in the House amendment stricken out. That is the position. A wayfaring man, though a fool, could read as he ran. [Laughter.] Now, I have nothing against the railroads; I am for them. They are quite as much of interest to the people they serve as they are to themselves. I believe in good terminal facilities; and I want to ask my friend right here whether the bridge over the Potomac, the Garfield Park, and the other contributions are not in addition—and damages that the District pays—about $4,000,000 in cash. Is that right?

Mr. BABCOCK. Practically that.

Mr. CANNON. Practically $4,000,000 donation, plus the bridge across the Potomac, and Garfield Park, how many acres I do not know.

Mr. BABCOCK. Oh, no; that does not include the bridge across the Potomac.

Mr. CANNON. No?

Mr. BABCOCK. That included the cash contribution of $2,000,000, $1,600,000 damages for Massachusetts avenue site, and $170,000 damages in the lower part of the city near Virginia avenue; a total of $3,770,000.

Mr. CANNON. Precisely. In addition to that is the bridge. In addition to that is the donation at Garfield Park, or four millions in cash outside of these other things! Query: Is not that enough? I will ask my friend, a shrewd business man and a representative on this conference committee, in his judgment, if the House stands by the House amendment, will the conference committee come to an agreement?

Mr. BABCOCK. Well, Mr. Speaker, I am very glad to see that the gentleman from Illinois has changed his mind since we were discussing the other bill. [Laughter.]

Mr. CANNON. One thing at a time. This is the thing that we are now talking about. [Laughter.]

Mr. BABCOCK. Mr. Speaker, as one of the conferees on the part of the House, I hardly think it would be good taste for me to report to the House what might or might not be said in conference.

Mr. CANNON. I ask my friend's judgment. If the House stands firm, if this legislation is enacted with the House amendment on it, will it become a law and will it not be accepted gladly by the railroads? I want the gentleman's judgment on it.

Mr. BABCOCK. There is no question about that proposition—that the bill will become law as it is if the House stands by its proposition.

Mr. CANNON. Now, then, gentlemen, choose ye whom this day you will serve. [Laughter.] [Cries of "Vote!" "Vote!"]

The SPEAKER pro tempore. The question is on the motion of the gentleman from Pennsylvania to recede.

Mr. BABCOCK. Mr. Speaker, I would like to have that motion stated clearly.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Pennsylvania that the House recede from the two amendments which have been read by the Clerk.

Mr. MORRELL. Amendments 39 and 41.

Mr. BABCOCK. That is the contribution affecting the Pennsylvania Railroad.

The SPEAKER pro tempore. The Clerk will report them again; the Chair will not put any interpretation upon them.

The Clerk read as follows:

Amendment 39: On page 18 strike out the words "five hundred thousand."

Amendment 41, page 19, line 1, strike out the words "five hundred thousand."

The SPEAKER pro tempore. The question is on the motion to recede.

The question was taken; and on a division (demanded by Mr. MORRELL) there were—ayes 57, noes 107.

So the motion was lost.

Mr. BABCOCK. Now, Mr. Speaker, I ask the previous question on my motion to insist and ask for a further conference.

The SPEAKER pro tempore. The gentleman from Wisconsin demands the previous question on his motion to insist and ask for a further conference.

The motion was agreed to, and the previous question was ordered.

The SPEAKER pro tempore. The question now recurs to the motion of the gentleman from Wisconsin that the House further insist on all of its amendments and ask for a further conference.

The question was taken, and the motion was agreed to.

By unanimous consent, the Speaker pro tempore appointed the following conferees on the part of the House: Mr. BABCOCK, Mr. MUDD, and Mr. MEYER of Louisiana.

Mr. CANNON. Mr. Speaker, I move that the House do now adjourn.

LEAVE OF ABSENCE.

Pending the motion to adjourn, by unanimous consent, leave of absence was granted as follows:

To Mr. RANSDELL of Louisiana, for three days, on account of important business.

To Mr. MEYER of Louisiana, indefinitely, on account of sickness in family.

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bills of the following titles:

H. R. 16604. An act making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1904;

H. R. 15198. An act defining what shall constitute and providing for assessments on oil mining claims;

H. R. 14899. An act to amend an act entitled "An act to incorporate The National Florence Crittenton Mission;"

H. R. 7007. An act for the relief of the legal representatives of Maj. William Kendall;

H. R. 2441. An act for the relief of William M. Bird, James F. Redding, Henry F. Welch, and others; and

H. R. 15747. An act directing the issue of a check in lieu of a lost check drawn by George A. Bartlett, disbursing clerk, in favor of Fannie T. Sayles, executrix, and others.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 6773. An act to expedite the hearing and determination of suits in equity pending or hereafter brought under the act of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies."

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 11544. An act to correct the military record of Thomas J. Morman;

H. R. 7. An act authorizing the Secretary of War to cause to be erected monuments and markers on the battlefield of Gettysburg, Pa., to commemorate the valorous deeds of certain regiments and batteries of the United States Army;

H. R. 16646. An act to authorize the construction of a bridge across Bogue Chitto, in the State of Louisiana;

H. R. 3502. An act for the relief of the estate of M. J. Grealish, deceased;

H. R. 2422. An act for the relief of Edward S. Crill;

H. R. 14047. An act for the relief of the clerks of circuit and district courts of the United States;

H. R. 16975. An act to authorize the construction of a bridge across the Monongahela River, in the State of Pennsylvania, by the Eastern Railroad Company;

H. R. 14512. An act to amend an act to add certain counties in Alabama to the northern district therein, and to divide the said northern district, after the addition of said counties into two divisions, and to prescribe the times and places for holding courts therein, and for other purposes, approved May 2, 1884;

H. R. 8287. An act granting an increase of pension to Peter Johnson;

H. R. 8288. An act granting an increase of pension to Scott Case; and

H. R. 12064. An act for the relief of Lebbeus H. Rogers and the administration of William B. Moses, deceased.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 6535. An act providing for the construction of light-house and fog-signal stations in Alaskan waters—to the Committee on Interstate and Foreign Commerce.

S. 5918. An act to amend section 1225 of Revised Statutes, so as to provide for detail of retired officers of the Army and Navy to assist in military instruction in schools—to the Committee on Naval Affairs.

S. 4980. An act to incorporate the American Academy in Rome—to the Committee on Foreign Affairs.

S. 6680. An act authorizing the President to reinstate Alexander G. Pendleton, jr., as a cadet in the United States Military Academy—to the Committee on Military Affairs.

S. 5437. An act to authorize the settlement of the accounts of officers of the Army—to the Committee on Military Affairs.

S. 7115. An act to provide for the erection of an addition to the public building in the city of Fargo, N. Dak.—to the Committee on Public Buildings and Grounds.

S. 2205. An act to correct the military record of Joseph T. Vincent—to the Committee on Military Affairs.

S. 7123. An act for the protection of the public forest reserves and national parks of the United States—to the Committee on the Public Lands.

S. 6960. An act for the relief of Charles W. Howard—to the Committee on Military Affairs.

S. 6570. An act to correct the military record of Simeon Perry—to the Committee on Military Affairs.

S. 7233. An act to provide for the purchase of a site and the erection of a building thereon, to be used for a laundry and stable for the Bureau of Engraving and Printing, and to provide for the erection of an addition to the Bureau of Engraving and Printing building on the ground now occupied by the laundry building and stable, and for other purposes—to the Committee on Public Buildings and Grounds.

S. 6653. An act granting a pension to Halvor Paulson—to the Committee on Pensions.

S. 4812. An act granting a pension to Addison Arnold—to the Committee on Pensions.

S. 6689. An act for the protection of wild animals, birds, and fish in the forest reserves of the United States—to the Committee on the Public Lands.

S. 3034. An act for the relief of the owners and officers of the brig *Olive Frances* and others on board of said brig—to the Committee on Claims.

S. 7069. An act for the appointment of additional judge in the Indian Territory—to the Committee on the Judiciary.

S. 6666. An act for the relief of Joseph M. Simms, captain, United States Revenue-Cutter Service (retired)—to the Committee on Interstate and Foreign Commerce.

S. 6895. An act to authorize the promotion of Maj. William Crawford Gorgas, surgeon in the Army of the United States—to the Committee on Military Affairs.

S. 4907. An act to correct the military record of Charles F. Deisch—to the Committee on Military Affairs.

S. 2871. An act to correct the military record of Edward T. Lewis—to the Committee on Military Affairs.

S. 7277. An act granting an increase of pension to Elbert H. Dagnall—to the Committee on Pensions.

Senate concurrent resolution 63:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound of the proceedings in Congress upon the acceptance of the statues of Charles Carroll of Carrollton and John Hanson, presented by the State of Maryland, 6,500 copies, of which 5,000 shall be for the use of the House of Representatives, and the remaining 1,500 copies shall be for the use and distribution of the Senators and Representatives in Congress from the State of Maryland.

The Joint Committee on Printing is hereby authorized to have the copy prepared for the Public Printer, who shall procure suitable copper-process plates to be bound with these memorials—

to the Committee on Printing.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. NEEDHAM was given leave to withdraw from the files of the House without leaving copies the papers in the case of Charles D. Watson, Fifty-seventh Congress, no adverse report having been made thereon.

CHANGE OF REFERENCE.

By unanimous consent, the following change of reference was made: The bill (H. R. 16139) to authorize the Norfolk and Western Railroad Company to bridge the Tug Fork of Big Sandy River at certain points where the same forms a boundary line between the States of West Virginia and Kentucky, from the Committee on Rivers and Harbors to the Committee on Interstate and Foreign Commerce.

The SPEAKER pro tempore. The Chair will call the attention of the House to the fact that Mr. MEYER of Louisiana has notified the Chair that he was called away on account of sickness, and that he will not be present.

Mr. MORRELL. Mr. Speaker, I rose to my feet some moments ago and have been trying to get the attention of the Chair to offer a resolution to instruct the conferees who have just been appointed. I would like to have the resolution read.

Mr. BABCOCK. Mr. Speaker, in view of the fact that a telegram has been received from Mr. MEYER of Louisiana asking for indefinite leave of absence, I suggest the next member on the committee, Mr. LATIMER, be substituted for Mr. MEYER as a conferee.

The SPEAKER pro tempore. The Chair will postpone that matter until to-morrow morning.

Mr. MORRELL. Mr. Speaker——

The SPEAKER pro tempore. The Chair has no knowledge of what the gentleman from Pennsylvania has risen for.

Mr. CANNON. Mr. Speaker, I want to adjourn without any other business, as far as I am concerned. [Laughter.]

The SPEAKER pro tempore. Will the gentleman from Pennsylvania inform the Chair of his purpose in rising?

Mr. MORRELL. My resolution is to instruct the committee on conference appointed by the Chair on the part of the House.

Mr. CANNON. Why, Mr. Speaker, one-half of the House has gone home, and I insist on a vote upon my motion.

The question was taken, and the motion of Mr. CANNON was agreed to; accordingly (at 5 o'clock and 10 minutes p. m.) the House adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, the following executive communication was taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting a copy of a telegram from the governor of the Philippine Islands indicating the necessity of legislation regarding Philippine currency—to the Committee on Insular Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. DALZELL, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 2052) making Chester, Pa., a subport of entry, reported the same without amendment, accompanied by a report (No. 3677); which said bill and report were referred to the House Calendar.

Mr. GROSVENOR, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 16656) regulating the importation of breeding animals, reported the same without amendment, accompanied by a report (No. 3678); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WARNER, from the Committee on Revision of the Laws, to which was referred the bill of the House (H. R. 7949) to revise and codify the criminal and penal laws of the United States, reported the same with amendments, accompanied by a report (No. 3679); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1227) granting an increase of pension to Bowman H. Peterson, reported the same without amendment, accompanied by a report (No. 3671); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4287) granting an increase of pension to David N. Tolles, reported the same without amendment, accompanied by a report (No. 3672); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6576) granting a pension to Marcia B. Ferguson, reported the same without amendment, accompanied by a report (No. 3673); which said bill and report were referred to the Private Calendar.

He also, from the same committtee, to which was referred the bill (S. 6652) granting an increase of pension to Leander W. Cogswell, reported the same without amendment, accompanied by a report (No. 3674); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6843) granting an increase of pension to A. Paul Horne, reported the same without amendment, accompanied by a report (No. 3675); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6941) granting an increase of pension to James Monty, reported the same without amendment, accompanied by a report (No. 3676); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 17306) granting a pension to Catherine McGuinn, reported the same with amendment, accompanied by a report (No. 3680); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16314) granting

an increase of pension to Richard S. Howarth, reported the same with amendment, accompanied by a report (No. 3681); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11371) granting an increase of pension to Ferdinand Heiskell, reported the same with amendment, accompanied by a report (No. 3682); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7708) granting an increase of pension to Bridget Fallon, reported the same with amendment, accompanied by a report (No. 3683); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. LESSLER: A bill (H. R. 17327) providing for the sale of public lands belonging to the United States—to the Committee on the Public Lands.

By Mr. MARSHALL: A bill (H. R. 17328) to provide free mail transmission in the presentation for payment of executed vouchers for pension—to the Committee on the Post-Office and Post-Roads.

By Mr. APLIN: A bill (H. R. 17329) granting a pension of $12 per month to all soldiers and sailors serving one year in the war of the rebellion—to the Committee on Invalid Pensions.

By Mr. MONDELL: A bill (H. R. 17330) providing for the removal of the port of entry in the customs collection district of Alaska from Sitka, Alaska, to Juneau, Alaska—to the Committee on Ways and Means.

By Mr. CASSEL: A bill (H. R. 17331) to provide for the extension and enlargement of the public building at Lancaster, Pa.—to the Committee on Public Buildings and Grounds.

By Mr. CLAYTON: A bill (H. R. 17332) to authorize the Brunswick and Birmingham Railroad Company, a corporation, to construct and operate a bridge across the Chattahoochee River, at or near the city of Eufaula, Ala.—to the Committee on Interstate and Foreign Commerce.

By Mr. JENKINS: A joint resolution (H. J. Res. 265) providing for the printing of the bankrupt law, forms and rules in bankruptcy—to the Committee on Printing.

By Mr. GREENE of Massachusetts: A joint resolution (H. J. Res. 266) providing for a joint commission to investigate the policy of international navigation—to the Committee on the Merchant Marine and Fisheries.

By Mr. McRAE: A concurrent resolution of the general assembly of Arkansas relative to the western boundary of Arkansas—to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BLACKBURN: A bill (H. R. 17333) granting a pension to Hezekiah A. Wood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17334) granting a pension to Tilman H. McConry—to the Committee on Invalid Pensions.

By Mr. BRANTLEY: A bill (H. R. 17335) for the relief of B. C. Thompson—to the Committee on Claims.

By Mr. BURTON: A bill (H. R. 17336) granting an honorable discharge to Isaac P. Clark—to the Committee on Military Affairs.

By Mr. CURTIS: A bill (H. R. 17337) granting a pension to Jessie K. Sirlott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17338) granting a pension to James H. Hill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17339) granting a pension to Henry Webber—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17340) granting a pension to Harriet Neiswender—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17341) granting an increase of pension to Jonathan Hull—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17342) granting an increase of pension to Jacob Maear—to the Committee on Invalid Pensions.

By Mr. FOWLER: A bill (H. R. 17343) for the relief of William R. Tretheway—to the Committee on Claims.

By Mr. HULL (by request): A bill (H. R. 17344) to correct the record of Col. George M. Brayton, United States Army, retired—to the Committee on Military Affairs.

By Mr. LEWIS of Pennsylvania: A bill (H. R. 17345) granting an increase of pension to George M. Gibbons—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17346) granting an increase of pension to John Roth—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17347) for the relief of the legal representatives of John W. Shaw, deceased—to the Committee on War Claims.

By Mr. LONG: A bill (H. R. 17348) granting an increase of pension to John McGregor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17349) granting an increase of pension to William N. Reed—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17350) granting a pension to Lottie Bryant—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17351) for the relief of Frederick A. Miller—to the Committee on Military Affairs.

By Mr. MARSHALL: A bill (H. R. 17352) granting an increase of pension to Anson Heffron—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17353) to correct the record of Henry Lippincott, assistant surgeon-general United States Army—to the Committee on Military Affairs.

By Mr. HEPBURN: A bill (H. R. 17354) granting an increase of pension to Wesley J. Banks—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Petition of A. E. Brown and other citizens of Philadelphia, Pa., for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. ALEXANDER: Resolution of New York State Convention of Universalists, favoring the establishment of a laboratory for the study of the criminal, pauper, and defective classes—to the Committee on the Judiciary.

By Mr. BENTON: Petition of retail druggists of Aurora, Mo., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. BOREING: Petition of citizens of Leslie County, Ky., in favor of the good-roads bill—to the Committee on Agriculture.

By Mr. BURNETT: Petition of Carpenters and Joiners' Union No. 271, of Gadsden, Ala., for the repeal of the desert-land law—to the Committee on the Public Lands.

By Mr. BURTON: Protest of Jonathan Lodge, No. 91, Sons of Benjamin, of Cleveland, Ohio, against the exclusion of Jewish immigrants at the port of New York—to the Committee on Immigration and Naturalization.

By Mr. CALDERHEAD: Petition of Cigar Makers' Union No. 345, of Kansas City, Kans., favoring House bill 16457, relating to gifts in connection with the sale of tobacco and cigars—to the Committee on the Judiciary.

Also, petition of Cigar Dealers' Association, of Chicago, Ill., opposing any reduction in the duty on cigars coming from Cuba—to the Committee on Ways and Means.

By Mr. CONNELL: Petition of the Presbyterian congregation of Moosic, Pa., for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

Also, petition of Cigar Dealers' Association, of Chicago, Ill., protesting against the reduction of duty on cigars—to the Committee on Ways and Means.

Also, resolutions of the American Chamber of Commerce, of Paris, France, in favor of the adoption of the metric system in the United States—to the Committee on Coinage, Weights, and Measures.

By Mr. COOPER of Wisconsin: Resolution of Cigar Makers' Union No. 290, of Janesville, Wis., in favor of the passage of House bill 16457—to the Committee on Ways and Means.

By Mr. CURTIS: Petitions of retail druggists, of Everest, Tonganoxie, Topeka, Kelly, and Sabetha, Kans., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, resolutions of Carpenters and Joiners' Union, No. 499, of Leavenworth, Kans., for the repeal of the desert-land law—to the Committee on the Public Lands.

Also, resolutions of the Ministerial Alliance, of Leavenworth, Kans., asking for the passage of a bill to promote the efficiency of Army chaplains—to the Committee on Military Affairs.

Also, petition of citizens of Hiawatha, Kans., favoring an educational test for immigrants, etc.—to the Committee on Immigration and Naturalization.

Also, petition of Woman's Christian Temperance Union of Sabetha, Kans., in favor of legislation in restraint of the liquor traffic—to the Committee on Alcoholic Liquor Traffic.

By Mr. DARRAGH: Resolutions of Traverse City Lodge, No.

139, Order of B'rith Abraham, of Traverse City, Mich., relating to methods of the immigration bureau at the port of New York—to the Committee on Immigration and Naturalization.

By Mr. DOUGHERTY: Petition of A. M. Howard and other retail druggists of Excelsior Springs, Mo., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. HAMILTON: Petition of retail druggists of Van Buren County, Mich., favoring the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. HEDGE: Petition of Rand Lumber Company and others, of Burlington, Iowa, and vicinity for the repair of levee on the Mississippi River—to the Committee on Levees and Improvements of the Mississippi River.

By Mr. HOPKINS: Petition of 525 citizens of Sycamore, Ill., against the repeal of the anticanteen law—to the Committee on Military Affairs.

By Mr. HOWELL: Protest of the Woman's Christian Temperance Union of Gladstone, N. J., against the repeal of the anticanteen law—to the Committee on Military Affairs.

By Mr. LONG: Paper to accompany House bill 6086, for the relief of W. H. De Long—to the Committee on Claims.

Also, petition of Thomas W. Sweeney Post, No. 361, Grand Army of the Republic, Department of Kansas, favoring House bill 13986, relating to pensions—to the Committee on Invalid Pensions.

By Mr. MOODY: Petition of various churches and Christian organizations of Forest Grove, Oreg., in favor of legislation in restraint of the liquor traffic—to the Committee on Alcoholic Liquor Traffic.

By Mr. NAPHEN: Resolution of the common council of Boston, Mass., protesting against a depot for the light-house service on Castle Island—to the Committee on Interstate and Foreign Commerce.

By Mr. SHALLENBERGER: Papers in support of House bill 17067, to grant a medal to George W. Churchill—to the Committee on Military Affairs.

Also, petition of Ephraim Cassel and 23 other citizens of Republican City, Nebr., in support of the McCumber bill and in relation to the sale of liquor in immigrant stations, Government buildings, etc.—to the Committee on Alcoholic Liquor Traffic.

Also, petition of A. McMillen and other druggists of McCook, Nebr., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. HENRY C. SMITH: Petition of W. A. Clark and other druggists of Blissfield, Mich., favoring House bill 178—to the Committee on Ways and Means.

By Mr. SMITH of Kentucky: Paper to accompany House bill 15788, relating to the claim of G. W. Upton—to the Committee on War Claims.

SENATE.

TUESDAY, *February 10, 1903.*

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. MCCUMBER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

COMMERCIAL AND AGRICULTURAL ASSOCIATIONS.

The PRESIDENT pro tempore laid before the Senate a communication from the Interstate Commerce Commission, transmitting, in response to a resolution of July 1, 1902, certain information concerning the list of national, State, and local commercial organizations and also national, State, and local agricultural associations of the United States; which, with the accompanying papers, was referred to the Committee on Interstate Commerce, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4825) to provide for a union railroad station in the District of Columbia, and for other purposes; further insists upon its amendments numbered 39 and 41, and so much of amendment numbered 57 as relates to striking out of section 13 of the bill and the substitution of matter in lieu thereof, upon which the committee of conference were unable to agree; asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BABCOCK, Mr. MUDD, and Mr. LATIMER managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 7656) to amend section 1 of an act entitled "An act to amend sections 5191 and 5192 of the Revised Statutes of the United States, and for other purposes;" asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FOWLER, Mr. HILL, and Mr. TALBERT managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 15659) granting a pension to Elise Sigel, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. APLIN, Mr. HOLLIDAY, and Mr. NORTON managers at the conference on the part of the House.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 3504) granting an increase of pension to Grace A. Negley;

A bill (H. R. 5101) granting an increase of pension to Benjamin Contal;

A bill (H. R. 7110) granting an increase of pension to Aurelia M. Power;

A bill (H. R. 8663) to remove the charge of desertion from the military record of Charles F. Woodford and grant him an honorable discharge;

A bill (H. R. 9107) granting a pension to Austin A. Vore;

A bill (H. R. 10095) for the relief of Levi L. Reed;

A bill (H. R. 10672) granting a pension to Ada S. Kempfer; and

A bill (H. R. 15911) granting an increase of pension to George N. McMurray.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

A bill (S. 6773) to expedite the hearing and determination of suits in equity pending or hereafter brought under the act of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies;" "An act to regulate commerce," approved February 4, 1887, or any other act having a like purpose that may hereafter be enacted;

A bill (H. R. 7) authorizing the Secretary of War to cause to be erected monuments and markers on the battlefield of Gettysburg, Pa., to commemorate the valorous deeds of certain regiments and batteries of the United States Army;

A bill (H. R. 2422) for the relief of Edward S. Crill;

A bill (H. R. 3502) for the relief of the estate of M. J. Grealish, deceased;

A bill (H. R. 8287) granting an increase of pension to Peter Johnson;

A bill (H. R. 8288) granting an increase of pension to Scott Case;

A bill (H. R. 11544) to correct the military record of Thomas J. Morman;

A bill (H. R. 12064) for the relief of Lebbeus H. Rogers and the administrators of William B. Moses, deceased;

A bill (H. R. 14047) for the relief of the clerks of circuit and district courts of the United States;

A bill (H. R. 14512) to amend an act to add certain counties in Alabama to the northern district therein, and to divide the said northern district, after the addition of said counties, into two divisions, and to prescribe the times and places for holding courts therein, and for other purposes, approved May 2, 1884;

A bill (H. R. 16646) to authorize the construction of a bridge across Bogue Chitto, in the State of Louisiana; and

A bill (H. R. 16975) to authorize the construction of a bridge across the Monongahela River, in the State of Pennsylvania, by the Eastern Railroad Company.

PETITIONS AND MEMORIALS.

Mr. GALLINGER presented the petition of J. Bunyon Lemon, of Manchester, N. H., praying for the enactment of legislation granting to the States the power to deal with intoxicating liquors which may be shipped into their territory from other States, and also to prohibit the sale of intoxicating liquors in immigrant stations and in Government buildings; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Northeastern Suburban Citizens' Association of Langdon, D. C., praying for the adoption of an amendment to the Constitution of the United States respecting suffrage in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. PLATT of New York presented memorials of sundry citizens of New Hamburg and Poughkeepsie, in the State of New York, remonstrating against the enactment of legislation relative to the interstate transportation of live stock; which were referred to the Committee on Interstate Commerce.

He also presented a petition of the Woman's Christian Temperance Union of Fair Haven, N. Y., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of the W. H. Sawyer Lumber Company, of North Tonawanda, N. Y., praying for the establishment of a department of commerce and labor; which was ordered to lie on the table.

He also presented the petition of J. G. Ward & Sons, of Ravena, N. Y., praying for the passage of the so-called pure-food bill; which was ordered to lie on the table.

He also presented petitions of Lodge No. 115, of Brooklyn; of Lodge No. 288, of New York City; of Lodge No. 54, of New York City; of Lodge No. 49, of New York City; of Lodge No. 148, of Albany; of Lodge No. 291, of Brooklyn; of the Independent Family Benevolent Association of New York City, and of the congregation of Sons of Israel, People of Kadan, of New York City, all of the Order of B'rith Abraham, in the State of New York, praying for the enactment of legislation to modify the methods and practice pursued by the immigration officers at the port of New York; which were referred to the Committee on Immigration.

He also presented memorials of Seaburg & Johnson, of New York City; of the Employers' Association of Elmira; of the New York Continental Jewell Filtration Company, of New York City; of the Punxsutawney Iron Company, of Buffalo, and of the Campbell Knitting Mill Company, of Elmira, all in the State of New York, remonstrating against the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented petitions of Iron Molders' Local Union No. 130, of Sandy Hill; of the Carpenters and Joiners' Local Union No. 494, of Corinth; of Musical Union No. 134, of Jamestown; of Local Union No. 508, of Mohawk; of the Central Labor Union of Lockport; of Local Union No. 93, of Rochester, and of Local Union No. 401, of Brooklyn, all of the American Federation of Labor, and of Samuel A. Carlson, of Jamestown, all in the State of New York, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. KEARNS (for Mr. SCOTT) presented petitions of sundry citizens of Braxton County; of Thomas A. Anderson, of Sistersville, and of James Paull, of Wellsburg, all in the State of West Virginia, praying for the enactment of legislation granting to the States the power to deal with intoxicating liquors which may be shipped into their territory from other States; which were referred to the Committee on Interstate Commerce.

He also (for Mr. SCOTT) presented a petition of Local Union No. 488, American Federation of Labor, of Grafton, W. Va., praying for the passage of the so-called eight-hour bill; which was ordered to lie on the table.

Mr. GAMBLE presented the petition of T. B. Roberts and sundry other citizens of Armour, S. Dak., praying for the enactment of legislation relative to the importation of breeding animals; which was referred to the Committee on Finance.

He also presented a petition of Cigar Makers' Local Union No. 153, American Federation of Labor, of Sioux Falls, S. Dak., praying for the enactment of legislation to prohibit the giving of presents, coupons, or promises of gifts with cigars and tobaccos; which was referred to the Committee on Finance.

Mr. MASON presented the petition of N. F. Chamberlain & Co., of the United States, praying that an appropriation be made to complete the work of raising the wreck of the battle ship *Maine;* which was referred to the Committee on Naval Affairs.

Mr. DOLLIVER presented a petition of Twentieth Century Division, No. 555, Brotherhood of Locomotive Engineers, of Lake City, Iowa, praying for the passage of the anti-injunction and conspiracy bill; which was ordered to lie on the table.

He also presented a petition of Local Division No. 312, Amalgamated Association of Street Railway Employees, of Davenport, Iowa, and a petition of Local Union No. 869, American Federation of Labor, of Boone, Iowa, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. BURTON presented a petition of Carpenters and Joiners' Local Union No. 253, American Federation of Labor, of Argentine, Kans., praying for the repeal of the desert-land law and the commutation clause of the homestead act; which was referred to the Committee on Public Lands.

He also presented petitions of the Woman's Christian Temperance Union of Alma, of the congregation of the Friends' Church of Varck, of H. J. Shaver and sundry other citizens of Phillips County, of F. J. Simpson and sundry other citizens of Norton County, and of H. H. Reed and sundry other citizens of Smith County, all in the State of Kansas, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Government buildings; which were referred to the Committee on Public Buildings and Grounds.

Mr. HEITFELD. I present a joint resolution of the legislature of Idaho, relative to the repeal of the stone and timber act and the commutation clause of the homestead law. I ask that the joint resolution may be printed in the RECORD, and referred to the Committee on Public Lands.

There being no objection, the joint resolution was referred to the Committee on Public Lands, and ordered to be printed in the RECORD, as follows:

STATE OF IDAHO, OFFICE OF THE SECRETARY OF STATE.

I, Will H. Gibson, secretary of the State of Idaho, do hereby certify that the annexed is a full, true, and complete transcript of house joint memorial No. 1, by Flint, which was filed in this office on the 4th day of February, A. D. 1903, and admitted to record.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State. Done at Boise City, the capital of Idaho, this 4th day of February, A. D. 1903.

[SEAL.] WILL H. GIBSON, *Secretary of State.*

House joint memorial No. 1, by Flint.

Your memorialists, the legislature of the State of Idaho, in regular session, do protest against the repeal of the stone and timber act and the commutation clause of the homestead act, or against the passage of any laws depriving the people of the benefit of such acts as now existent.

And your memorialists will ever pray.

The secretary of the State of Idaho is hereby requested to forward this memorial to the Congress of the United States.

This house joint memorial passed the house of representatives on the 20th day of January, 1903.

JAMES F. HUNT,
Speaker of the House of Representatives.

This house joint memorial passed the senate on the 3d day of February, 1903.

JAMES M. STEVENS,
President of the Senate.

I hereby certify that the within house joint memorial No. 1 originated in the house of representatives of the legislature of the State of Idaho during the seventh session.

ROBERT M. McCRACKEN,
Chief Clerk of the House of Representatives.

State of Idaho. Received and filed February 4, 1903.

W. H. GIBSON,
Secretary of State.

Mr. WARREN. I present a joint resolution of the legislature of Wyoming, relative to the irrigation investigations by the United States Department of Agriculture. I ask that the joint resolution may be printed in the RECORD and referred to the Committee on Agriculture and Forestry.

There being no objection, the joint resolution was referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

THE STATE OF WYOMING,
OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA,
State of Wyoming, ss:

I, Fenimore Chatterton, secretary of state of the State of Wyoming, do hereby certify that the annexed has been carefully compared with the original enrolled joint resolution No. 3, senate, State of Wyoming, and is a full, true and correct copy of same and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Wyoming. Done at Cheyenne, the capital, this 6th day of February, A. D. 1903.

[SEAL.] FENIMORE CHATTERTON,
Secretary of State.

Enrolled joint resolution No. 3, senate, State of Wyoming. A joint resolution indorsing the irrigation investigation of the United States Department of Agriculture.

Be it resolved by the senate of the State of Wyoming (the house of representatives concurring), Whereas the irrigation investigations by the United States Department of Agriculture have proven to be of the greatest value to the arid and semiarid States; and

Whereas the rapid development of the West through irrigation enterprise has raised many questions which should be investigated at an early date; and

Whereas no other department of the Government is equipped to carry on this work to the best advantage: Therefore, be it

Resolved, That we earnestly request and urge the honorable representatives of the State of Wyoming in Congress to support the recommendations of the Secretary of Agriculture and the Director of the Office of Experiment Stations relative to these investigations; and be it further

Resolved, That a certified copy of these resolutions be sent to each of the Congressional delegation from this State, with the request that they urge these appropriations before Congress.

C. A. GUERNSEY,
President of the Senate.

J. S. ATHERLY,
Speaker of the House.

Approved February 6, 1903.

DE F. RICHARDS, *Governor.*

Mr. HALE presented a petition of Bangor Lodge, No. 143, Order of B'rith Abraham, of Bangor, Me., praying for the enactment of legislation to modify the methods and practice pursued by the immigration officers at the port of New York; which was referred to the Committee on Immigration.

He also presented a petition of sundry citizens of Bangor, Me., praying for an impartial enforcement of the law against all offending citizens and corporations and for the immediate creation of new statutes sufficient to establish the power of the law supreme over all parties and interests in the Commonwealth; which was referred to the Committee on the Judiciary.

Mr. HOAR presented resolutions of the legislature of the State of Massachusetts, relative to the preservation of Castle Island as

a part of the park system of the city of Boston; which were read, and referred to the Committee on Commerce, as follows:

COMMONWEALTH OF MASSACHUSETTS, *in the year 1903.*

Resolutions relative to the preservation of Castle Island as a part of the park system of the city of Boston.

Whereas the preservation of Castle Island as a part of the Boston park system is of great importance to the health and pleasure of the citizens of Boston and of the vicinity, and said island is an object of interest to visitors from all parts of the Commonwealth; and

Whereas it is proposed to place upon this island a depot for the Light-House Service, which will greatly interfere with the enjoyment of the island by the public: Therefore, be it

Resolved by the senate and house of representatives of the Commonwealth of Massachusetts in general court assembled, That the establishment of such a depot on Castle Island would be an injury to the people of this Commonwealth, and that our Senators and Representatives in Congress are requested to use every honorable means to preserve Castle Island for the enjoyment of the public, and to see that the light-house depot is placed elsewhere in Boston Harbor; and

Resolved, That a copy of these resolutions be sent to each of the Senators and Representatives in Congress from this Commonwealth.

HOUSE OF REPRESENTATIVES, *January 28, 1903.*

Adopted. Sent up for concurrence.

JAMES W. KIMBALL, *Clerk.*

SENATE, *February 3, 1903.*

Adopted in concurrence.

HENRY D. COOLIDGE, *Clerk.*

A true copy. Attest:

JAMES W. KIMBALL,
Clerk of the House of Representatives.

Mr. FAIRBANKS presented a petition of Marion Council, No. 3, Junior Order of United American Mechanics, of Marion, Ind., praying for the enactment of legislation to restrict immigration; which was ordered to lie on the table.

He also presented petitions of Local Union No. 7, of Indiana; of Local Union No. 833, of Blackburn, and of the Central Labor Union of Indianapolis, all of the American Federation of Labor, in the State of Indiana, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented a petition of Cigar Makers' Local Union No. 54, American Federation of Labor, of Evansville, Ind., praying for the enactment of legislation to prohibit the giving of presents, coupons, or promises of gifts with cigars and tobaccos; which was referred to the Committee on Finance.

He also presented a petition of the Medical Association of Central New York, of Rochester, N. Y., praying for the establishment of a laboratory for the study of the criminal, pauper, and defective classes; which was referred to the Committee on the Judiciary.

Mr. FRYE presented a petition of New England District Lodge, No. 7, Brotherhood of Boiler Makers and Iron-ship Builders, of Boston, Mass., praying for the passage of the ship subsidy bill; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. HEITFELD, from the Committee on Public Lands, to whom was referred the bill (S. 7288) extending the time for making proof and payment for all lands taken under the desert-land laws by the members of the Colorado Cooperative Colony for a further period of three years, reported it without amendment, and submitted a report thereon.

He also, from the Committee on the District of Columbia, to whom was referred the bill (S. 5463) for the extension of School street southward to Kenesaw avenue, and for other purposes, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 16361) granting an increase of pension to John W. Chancellor, reported it without amendment, and submitted a report thereon.

Mr. HARRIS, from the Committee on Military Affairs, to whom was referred the bill (S. 6580) to amend the act approved March 15, 1878, entitled "An act for the relief of William A. Hammond, late Surgeon-General of the Army," reported it with an amendment, and submitted a report thereon.

Mr. WARREN. I am directed by the Committee on Claims, to whom was referred the bill (S. 7142) for the allowance of certain claims reported by the Court of Claims, and for other purposes, to report it with an amendment and to submit a report thereon. As the bill is in the nature of an omnibus bill, I give notice that I will endeavor at the first opportunity to call it up and secure its passage.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

Mr. BURTON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 15422) granting an increase of pension to John Mosgrove; and

A bill (H. R. 15812) granting an increase of pension to Lucien B. Love.

Mr. BURTON, from the Committee on Forest Reservations and the Protection of Game, to whom was referred the amendment submitted by Mr. FOSTER of Washington on the 9th instant, proposing to appropriate $21,000 for the management, protection, and improvement of Mount Rainier National Park, in the State of Washington, intended to be proposed to the sundry civil appropriation bill, submitted a favorable report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. PRITCHARD, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 13323) granting an increase of pension to Mary E. Barger;

A bill (H. R. 15443) granting a pension to Eudora Wells;

A bill (H. R. 2264) granting an increase of pension to George H. Higgins;

A bill (H. R. 15964) granting an increase of pension to Michael Murphy;

A bill (H. R. 6719) granting an increase of pension to John H. Hall;

A bill (H. R. 15843) granting an increase of pension to Louis W. Rowe;

A bill (H. R. 13793) granting an increase of pension to Solomon A. Alexander;

A bill (H. R. 7312) granting an increase of pension to James Curley;

A bill (H. R. 14930) granting an increase of pension to William H. Houseal;

A bill (H. R. 16210) granting an increase of pension to John C. Collahan;

A bill (H. R. 7760) granting an increase of pension to Thomas Graham; and

A bill (H. R. 11616) granting an increase of pension to Isaac Harris.

Mr. PRITCHARD, from the Committee on Pensions, to whom was referred the bill (H. R. 15873) granting a pension to Minerva Murphy, reported it with amendments, and submitted a report thereon.

Mr. PLATT of New York. I report back favorably from the Committee on Printing the preamble and resolution relating to the proposed intercontinental railway through the three Americas, and I move that it be printed as a document.

The motion was agreed to.

Mr. FORAKER, from the Committee on Pacific Islands and Porto Rico, to whom was referred the bill (S. 7056) to provide for the disposition of church lands in Porto Rico, and for other purposes, reported it with an amendment, and submitted a report thereon.

Mr. NELSON, from the Committee on the Judiciary, to whom was referred the amendment submitted by Mr. CLAPP on the 14th ultimo, relating to the distribution of the sets of Federal Cases to the circuit and district courts of the United States, intended to be proposed to the sundry civil appropriation bill, reported it with amendments, submitted a report thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by Mr. CLAPP on the 14th ultimo, relating to the distribution of sets of the Federal Reporter among the officers of the United States Government, intended to be proposed to the sundry civil appropriation bill, reported it with amendments, submitted a report thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. VEST, from the Committee on Finance, to whom was referred the bill (H. R. 9063) to refund certain taxes paid by the Anheuser-Busch Brewing Association, of St. Louis, Mo., reported it with an amendment, and submitted a report thereon.

MAGGIE V. HOLSTEIN.

Mr. GALLINGER. I am directed by the Committee on Pensions, to whom was referred the bill (S. 7100) granting an increase of pension to Magdalena U. Holstein, to report it favorably with an amendment.

Mr. BEVERIDGE. Mr. President, I ask unanimous consent for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The amendment of the Committee on Pensions was to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Maggie V. Holstein, widow of Charles L. Holstein, late adjutant Twenty-second Regiment Indiana Volunteer Infantry, and captain and assistant adjutant-general, United States Volunteers, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Maggie V. Holstein."

MARY C. COUCH.

Mr. GALLINGER. I am directed by the Committee on Pensions, to whom was referred the bill (S. 7186) granting a pension to Mary C. Couch, to report it with an amendment. The senior Senator from Massachusetts [Mr. HOAR] is greatly interested in this bill, and I ask consent for its present consideration.

There being no objection, the bill was considered as in Committee of the Whole.

The amendment of the Committee on Pensions was to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary C. Couch, widow of Darius N. Couch, late major-general, United States Volunteers, and pay her a pension at the rate of $50 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CONGRESSIONAL DIRECTORY.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the following concurrent resolution of the House of Representatives, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That there be printed, and bound in cloth, 3,000 copies of a Congressional Directory which embraces the biographies of all members of Congress from the Continental Congress to the Fifty-seventh Congress, inclusive, compiled by O. M. Enyart; 2,000 copies for the use of the House of Representatives and 1,000 copies for the use of the Senate.

JOSEPH BART.

Mr. FOSTER of Washington. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 12411) granting an increase of pension to Joseph Bart, to report it favorably without amendment, and I ask for its immediate consideration.

There being no objection, the bill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph Bart, late of Company E, Twenty-first Regiment Wisconsin Volunteer Infantry, and to pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FLORIDA BREWING COMPANY.

Mr. JONES of Arkansas. I am directed by the Committee on Finance, to whom was referred the bill (H. R. 10678) for the relief of the Florida Brewing Company, to report it favorably without amendment, and I ask for its present consideration.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Commissioner of Internal Revenue to reopen and reconsider the claim of the Florida Brewing Company, of Tampa, Fla., for the refunding of $326.52, amount paid for stamps purchased from the collector of internal revenue at Jacksonville, Fla., and affixed to beer exported to Cuba during December, 1898, and January and February, 1899.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT EVANSTON, WYO.

Mr. WARREN. I am directed by the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 7201) to increase the limit of cost for the public building at Evanston, Wyo., to report it favorably with an amendment. The bill consists of but 6 lines, and I ask for its present consideration.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment of the Committee on Public Buildings and Grounds was, before the word "thousand," in line 8, to strike out "seventy-five" and insert "seventy-nine; "so as to make the bill read:

Be it enacted, etc., That the limit of cost for the purchase of a site and the erection thereon of a court-house and post-office building at Evanston, in the State of Wyoming, as fixed by act of Congress approved June 6, 1902, be, and the same is hereby, increased to $179,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WATER SUPPLY OF MONTROSE, COLO.

Mr. HANSBROUGH. I am directed by the Committee on Public Lands, to whom was referred the bill (H. R. 16731) permitting the town of Montrose, Colo., to enter 160 acres of land for reservoir and water purposes, to report it favorably, without amendment.

Mr. TELLER. This is a House bill, local in its nature, and I ask that it may be put on its passage.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROCHFORD CEMETERY ASSOCIATION.

Mr. GAMBLE. I am directed by the Committee on Public Lands, to whom was referred the bill (H. R. 12952) authorizing the Secretary of the Interior to issue patent to the Rochford Cemetery Association to certain lands for cemetery purposes, to report it favorably, without amendment, and I ask unanimous consent for its present consideration.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM W. SMITHSON.

Mr. MCCUMBER. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 10355) granting an increase of pension to William W. Smithson, to report it favorably without amendment, and I ask unanimous consent for its immediate consideration.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place on the pension roll the name of William W. Smithson, late sergeant and first lieutenant Companies K and C, One hundred and seventy-sixth Regiment New York Volunteer Infantry, and to pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COLORADO COOPERATIVE COMPANY.

Mr. TELLER. There was a bill reported this morning from the Committee on Public Lands giving an extension of time to complete some desert-land entries in Colorado by a cooperative association. It was reported favorably, and I desire to call it up, if there is no objection.

The PRESIDENT pro tempore. The Senator from Colorado asks unanimous consent for the present consideration of the bill (S. 7288) extending the time for making proof and payment for all lands taken under the desert-land laws by the members of the Colorado Cooperative Colony for a further period of three years. The bill will be read to the Senate for its information.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS AND DEBATES RELATING TO TRUSTS.

Mr. KEAN. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by the Senator from Massachusetts [Mr. HOAR] on the 7th instant, to report it with an amendment and to submit a report thereon. I ask unanimous consent for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution, which was read, as follows:

Resolved, That the recent publication of the Department of Justice entitled "Bills and Debates in Congress Relating to Trusts," as corrected and indexed by the compiler, be made a Senate document; that 100 copies of the publication be printed for the immediate use of the Senate, and the compiler receive a compensation of —— dollars for the preparation of said index, to be paid from the contingent fund of the Senate.

The amendment of the Committee to Audit and Control the Contingent Expenses of the Senate was to fill the blank before the word "dollars" by inserting "five hundred."

The amendment was agreed to.

The resolution as amended was agreed to.

COMMITTEE ON PRIVILEGES AND ELECTIONS.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. BURROWS on the 30th ultimo, reported

it without amendment, and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Privileges and Elections be, and it is hereby, authorized to employ an assistant clerk, to be paid from the miscellaneous items of the contingent fund of the Senate, at the rate of $1,440 per annum until otherwise provided by law.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Mr. MASON introduced a bill (S. 7304) granting bounty to certain soldiers of the war of the rebellion; which was read twice by its title.

The PRESIDENT pro tempore. The bill will be referred to the Committee on Military Affairs.

Mr. MASON. I wish to ask a question for information. I do not know whether the bill should go to the Committee on Military Affairs or to the Committee on Pensions. It proposes to grant a bounty to a certain class of soldiers who served two years.

The PRESIDENT pro tempore. The Chair thinks that it should go to the Committee on Military Affairs. The Chair will inquire of the Senator from New Hampshire whether the bill should go to the Committee on Pensions.

Mr. GALLINGER. It should go to the Committee on Military Affairs.

Mr. MASON. Very well. I present a paper to accompany the bill.

The PRESIDENT pro tempore. The bill and accompanying paper will be referred to the Committee on Military Affairs.

Mr. HALE introduced a bill (S. 7305) granting a pension to Helen L. Wiggin; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 7306) granting an increase of pension to Charles M. Johnson; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. DANIEL introduced a bill (S. 7307) to provide certain souvenir medallions for the benefit of the Thomas Jefferson Memorial Association of the United States; which was read twice by its title, and referred to the Committee on the Library.

He also introduced a bill (S. 7308) for the extension of Massachusetts avenue extended northward between Joliet street and Fairview Heights subdivision, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. BURTON introduced a bill (S. 7309) to amend an act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1896, and for other purposes; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WELLINGTON introduced a bill (S. 7310) to authorize the Anacostia, Surrattsville and Brandywine Electric Railway Company to extend its street railway in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. STEWART introduced a joint resolution (S. R. 165) to establish market stands in the city of Washington for farmers and others selling produce of their own raising; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a joint resolution (S. R. 166) to provide for the improvement of the wholesale market square in the city of Washington, D. C.; which was read twice by its title, and referred to the Committee on the District of Columbia, with the accompanying letter from the Commissioners of the District of Columbia, which was ordered to be printed.

Mr. WARREN introduced a joint resolution (S. R. 167) providing for a careful inquiry and report respecting the present operation of certain public-land laws; which was read twice by its title, and referred to the Committee on Public Lands.

AMENDMENTS TO BILLS.

Mr. PERKINS submitted an amendment proposing to appropriate $10,000 for the establishment in California of viticultural experiment stations, intended to be proposed by him to the agricultural appropriation bill; which was referred to the Committee on Agriculture and Forestry, and ordered to be printed.

Mr. PLATT of Connecticut submitted an amendment proposing to appropriate $20,000 for the purchase of machine guns for the use of vessels in the Revenue-Cutter Service, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. FORAKER submitted an amendment relative to the enforcement and carrying into effect of the requirements and objects of the "Act to promote the safety of employees and travelers upon railroads," approved March 2, 1893, and relating to the equipment of trains with power brakes, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BLACKBURN submitted an amendment authorizing the Secretary of the Navy to contract with the Holland Torpedo Boat Company for five of its most improved type of submarine torpedo boats of the *Adder* class, etc., intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. TELLER submitted an amendment proposing to appropriate $16,933.33 to be paid to Henry V. Lester, administrator of Thomas Barr, deceased, surviving partner of the firm of Stewart & Barr, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

Mr. SPOONER submitted an amendment proposing to extend the limit of cost of the post-office, court-house, and custom-house at Superior, Wis., from $225,000 to $300,000, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. CARMACK submitted an amendment intended to be proposed by him to the bill (S. 7142) for the allowance of certain claims reported by the Court of Claims, and for other purposes; which was referred to the Committee on Claims, and ordered to be printed.

MESSENGER FOR COMMITTEE ON COMMERCE.

Mr. PERKINS submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Commerce be, and it is hereby, authorized to employ a messenger, at an annual salary of $1,440, to be paid from the contingent fund of the Senate until otherwise provided for by law.

PORTLAND HARBOR (MAINE) IMPROVEMENT.

Mr. HALE submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he hereby is, authorized and directed to cause an examination and survey to be made of Portland Harbor, Maine, with a view to extending the channel from the present 30-foot contour through Fore River to the Boston and Maine Railroad passenger bridge, with a depth of 30 feet at mean low water;

Also with a view to extending the channel of 30 feet depth at mean low water from the present 30-foot contour to the Grand Trunk Railroad bridge at the entrance to Back Cove, and rectifying the same; and to submit estimates for each of the proposed improvements.

MESSENGER FOR COMMITTEE ON THE CENSUS.

Mr. QUARLES submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on the Census be, and it is hereby, authorized to employ a messenger, to be paid from the contingent fund of the Senate, at the rate of $1,440 per annum until otherwise provided by law.

DISTRIBUTION OF CHEROKEE LANDS.

Mr. PLATT of Connecticut. I ask to have printed as a Senate document a statement made on behalf of the Cherokee Indians relating to the rights of the intermarried citizens of the Cherokee Nation to share equally with native Cherokees in the final distribution of their lands.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Connecticut? The Chair hears none, and that order will be made. Does the Senator desire any reference of the document?

Mr. PLATT of Connecticut. I ask that it be referred to the Committee on Indian Affairs.

The PRESIDENT pro tempore. It will be so referred in the absence of objection.

Mr. PLATT of Connecticut. I desire to say that a bill has been reported on this subject, and I trust the clerks when they get the number of the document will have it referred to on the Calendar for convenience when the measure is taken up by the Senate.

COURTS-MARTIAL IN THE PHILIPPINES.

Mr. LODGE. If the regular order is completed, I ask that the resolution coming over be laid before the Senate, and if there is no further desire to speak on it I should like to have the motion to refer put.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted by Mr. RAWLINS on the 27th ultimo, as follows:

Be it resolved by the Senate, That the Secretary of War is hereby directed to inform the Senate what courts-martial have been ordered and held in the Philippine Islands, and what judgments rendered by them in consequence of the dispatch sent by the Secretary of War to Major-General Chaffee referred to in the memorandum of the Secretary of War for the Adjutant-General under date of April 15, 1902; also what action was taken by the President or the Secretary of War on the judgment of any court-martial so ordered, either approving or disapproving the same.

Also, that the records in full of the several following courts-martial ordered and held in the Philippine Islands be communicated, to wit:
That on Brig. Gen. Jacob H. Smith.
That on Maj. Edwin F. Glenn, Fifth Infantry.
That on Lieut. Edwin A. Hickman, First Cavalry.
That on Lieut. J. H. A. Day, Marine Corps.
That on Maj. L. W. T. Waller, of the Marine Corps.
That on Lieut. Preston Brown, Second Infantry.
That on Capt. James A. Ryan, Fifteenth Cavalry.
That on Lieut. —— Cooke.
That on Lieut. Julian E. Gaiyot.
That on Lieut. N. E. Cook, of the Philippine Scouts.
That on Lieut. W. S. Sinclair, battalion adjutant, Twenty-eighth Infantry.
Also, any record or reports of investigations which may be on file in the War Department relating to the case of the so-called "Father Augustine," alleged to have been put to death by Cornelius M. Brownell, formerly a captain of the Twenty-sixth Volunteer Infantry, at Banate, island of Panay, province of Iloilo, in December, 1900; also any investigations made by the Department of Justice into the facts of such case, together with any legal conclusions reached thereon and reported to the War Department.

Mr. LODGE. I renew the motion to refer the resolution to the Committee on the Philippines.

Mr. BURTON. Is the morning business through?

The PRESIDENT pro tempore. The morning business is concluded, except that this resolution is a part of the morning business. The Senator from Massachusetts moves the reference of the resolution to the Committee on the Philippines.

Mr. RAWLINS. I should like to have the yeas and nays on the motion.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. HARRIS (when his name was called). I am paired with the Senator from Wyoming [Mr. CLARK]. As he has not voted, I withhold my vote.

Mr. KITTREDGE (when his name was called). I have a general pair with the junior Senator from Colorado [Mr. PATTERSON]. If he were present, I should vote "yea."

Mr. MCCUMBER (when his name was called). I am paired with the junior Senator from Louisiana [Mr. FOSTER], who is absent. If he were present, I should vote "yea."

Mr. NELSON (when his name was called). I have a general pair with the Senator from Missouri [Mr. VEST], and withhold my vote.

Mr. QUARLES (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. The junior Senator from Florida [Mr. TALIAFERRO] is paired with the junior Senator from West Virginia [Mr. SCOTT]. We propose to transfer our pairs so that both the Senator from Florida and myself can vote upon this question. I vote "yea."

Mr. TALIAFERRO (when his name was called). I am paired with the junior Senator from West Virginia [Mr. SCOTT], but under the arrangement proposed by the Senator from Wisconsin, I will vote. I vote "nay."

The roll call was concluded.

Mr. DOLLIVER. I am paired with the senior Senator from Mississippi [Mr. MONEY]. I am informed that it is proper to transfer my pair to the junior Senator from New Jersey [Mr. DRYDEN]. If that is done, I desire to vote. I vote "yea."

Mr. DILLINGHAM. I have a pair with the senior Senator from South Carolina [Mr. TILLMAN]. If he were present, I should vote "yea."

Mr. BEVERIDGE (after having voted in the affirmative). I am paired with the senior Senator from Montana [Mr. CLARK]. I voted "yea." I find that the senior Senator from Montana is not here. Therefore I withdraw my vote.

The result was announced—yeas 36, nays 23; as follows:

YEAS—36.

Aldrich,	Dolliver,	Hansbrough,	Pritchard,
Alger,	Fairbanks,	Kean,	Proctor,
Allison,	Foraker,	Kearns,	Quarles,
Burnham,	Foster, Wash.	Lodge,	Quay,
Burrows,	Frye,	McComas,	Simon,
Burton,	Gallinger,	McLaurin, S. C.	Spooner,
Clapp,	Gamble,	Millard,	Stewart,
Cullom,	Hale,	Platt, Conn.	Warren,
Depew,	Hanna,	Platt, N. Y.	Wetmore.

NAYS—23.

Bacon,	Cockrell,	McEnery,	Simmons,
Bate,	Daniel,	Mallory,	Taliaferro,
Berry,	Gibson,	Martin,	Teller,
Blackburn,	Heitfeld,	Morgan,	Turner,
Carmack,	Hoar,	Pettus,	Wellington.
Clay,	Jones, Ark.	Rawlins,	

NOT VOTING—29.

Bailey,	Dillingham,	Kittredge,	Penrose,
Bard,	Dryden,	McCumber,	Perkins,
Beveridge,	Dubois,	McLaurin, Miss.	Scott,
Clark, Mont.	Elkins,	Mason,	Tillman,
Clark, Wyo.	Foster, La.	Mitchell,	Vest.
Culberson,	Harris,	Money,	
Deboe,	Hawley,	Nelson,	
Dietrich,	Jones, Nev.	Patterson,	

So Mr. RAWLINS's resolution was referred to the Committee on the Philippines.

ESTATE OF DARIUS B. RANDALL, DECEASED.

Mr. HEITFELD. I ask for the present consideration of the bill (S. 3622) to provide for the payment to the heirs of Darius B. Randall, deceased, for certain improvements relinquished to the United States for the use of the Nez Perce Indians.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay $3,161 to the heirs of Darius B. Randall, deceased, for certain improvements situated on the Nez Perce Indian Reservation relinquished by said deceased to the United States for the use of the Nez Perce tribe of Indians.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OLD POINT COMFORT IMPROVEMENT COMPANY.

Mr. PLATT of New York. I ask unanimous consent for the present consideration of the bill (S. 6212) to compensate the Old Point Comfort Improvement Company for the demolition and removal of the Hygeia Hotel property from the Government reservation at Old Point, Va.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to appropriate $135,000 to compensate the Old Point Comfort Improvement Company for the demolition and removal of the Hygeia Hotel property from the Government reservation at Old Point, Va., in accordance with plans which have been approved by the Secretary of War for improvements on the reservation.

Mr. PETTUS. Is there a report?

Mr. QUARLES. I should like to have the report read in that case.

The PRESIDENT pro tempore. The Secretary will read the report.

The Secretary read the report submitted by Mr. KEAN on the 4th instant, as follows:

The Committee on Claims, to whom was referred the bill (S. 6212) to compensate the Old Point Comfort Improvement Company for the demolition and removal of the Hygeia Hotel property from the Government reservation at Old Point, Virginia, respectfully submit the following report:

It seems that the Secretary of War, by order made on the 7th day of June, 1902, revoked the license under which the Hygeia Hotel and the buildings appurtenant thereto on the military reservation at Fort Monroe, Va., had been erected and maintained, and ordered the hotel company to remove said hotel and its appurtenant buildings within two months. The said order is hereto appended as a part of this report. This hotel property and the appurtenant buildings at the time said order was made were owned by the Old Point Comfort Improvement Company, which company had purchased the same from the Hygeia Hotel Company on the 17th day of April, 1901, paying therefor the sum of $100,000. Between the said 17th day of April, 1901, and the date of the said order made as aforesaid by the Secretary of War the Old Point Comfort Improvement Company expended in improvements on the said hotel property the sum of $20,958.39. These facts appear by the affidavit of William Butler Duncan, jr., the president of said company, made on the 19th day of June, 1902, which said affidavit is also made a part of this report.

The bill was referred by the Committee on Claims of the Senate to the Secretary of War for his investigation and report. The Secretary of War referred the bill to the Judge-Advocate-General for his report thereon. The letter of the Judge-Advocate-General, with the indorsement of the Secretary of War thereon, is filed herewith as a part of this report. It will be noted that both the Judge-Advocate-General and the Secretary of War report that the hotel company did not have under strict legal right a claim against the Government enforceable in court. The Secretary of War, however, reported that—

"In the sense of having a claim for the consideration of Congress, I think the company has one, and that it would be but fair and reasonable treatment for Congress to provide indemnity for the unexpected destruction of value made necessary by the resumption of possession by the United States."

Your committee have come to the same conclusion arrived at by the Secretary of War, and believe that the value of the property unexpectedly destroyed by the Government was the amount actually paid for it and expended on it by the claimant company shortly before it was ordered to be removed by the Secretary of War, viz, the sum of $120,958.39; and your committee recommend that the bill be amended by striking out the words "thirty-five thousand dollars" in line 3 and inserting in lieu thereof "$20,958.39;" and that so amended the bill do pass.

Appended hereto as a part of this report is a memorandum showing the various military orders and resolutions of Congress under which these improvements from time to time have been made. It will be noted that the first military order set out in the said memorandum is the order of Maj. Gen. John A. Dix, dated May 1, 1863. It is believed, however, that said order was but the authority for the continuance of a condition which had long existed, for it is very certain that the hotel had been maintained on the reservation during many years long before that time.

The reservation at Fort Monroe consists of 250 acres, and was ceded to the United States by the State of Virginia pursuant to an act of its general assembly passed March 1, 1821, for the purpose of fortification and other objects of national defense. While the Government in granting the license for the erection and maintenance of this hotel reserved the right to vacate the license at its pleasure without liability to any claim for damages, it is equally true that the Government by the long course of dealing has recognized property rights in the licensee and has authorized and invited expenditures of money, creating values which in equity and good conscience should not be destroyed without equitable compensation. The circuit court of the United States in passing on the question as to whether the mechanics who built one of the hotels at Fort Monroe could acquire thereon a mechanics' lien under the laws of Virginia most aptly stated the conditions existing at the place. It said:

"The land at Old Point Comfort, derived by the United States from Virginia, has come, under various influences, to contain a good many inhabitants. Fortress Monroe is, in the inclosed area, one of the largest fortresses known to exist. It has been made the seat of an artillery school of instruction, which brings together an unusually large number of soldiers, officers, and

their families. A very large hotel has been in operation there for many years, established first for the accommodation of army officers and their families, but grown since into a watering place and sanitarium for the general public. The eastern terminus of the Chesapeake and Ohio Railroad has been established on this land by the consent of Congress and of the State of Virginia. An electric railroad to Newport News of much importance has its eastern terminus on these grounds.

"Under the operation of these causes a considerable number of inhabitants find themselves sojourning, for longer or shorter periods, at Old Point Comfort upon land held by the United States."

It was necessary, in the nature of things, that some provision should be made at this point for the accommodation of persons not actually in the military service, but connected therewith or with persons who were in such service and stationed at the fort. While the proprietor of the hotel no doubt made a legitimate profit in the conduct of his business, it must be borne in mind that the maintenance of such a hotel on the reservation was also indispensable for the purposes of the Government and for the population necessarily on the Government reservation in connection with Government business there. The various licenses were granted in consideration of the necessities of the situation, and not purely for the benefit of the proprietor of the hotel. During the long period during which this hotel has been maintained and conducted, the proprietor of the hotel has been treated as the owner of the property, and has from time to time been assessed as such with a proper share of expenses necessary for maintenance of roads, for pavements, streets, lights, and general police, and for the maintenance of a sewer system. The property rights of the hotel company seem to have been specifically recognized in the act of Congress making appropriation for fortifications and other works of defense, approved on the 1st day of August, 1894, in which provision was made for a permanent system of sewerage on the Government reservation. Said act contained the following provision:

"For one-half of the cost of construction of a sewerage system for all the buildings at Fort Monroe, Va., $37,500: *Provided*, That the owners of the hotels and other nonmilitary buildings now at Fort Monroe, Va., shall bear one-half of the expense of construction of said sewer, and the Secretary of War be, and he is hereby, authorized and directed to equitably and justly apportion among, assess against, and collect from the said owners and to expend in the construction of the said sewer the moiety of the estimated cost thereof; and the Secretary of War is hereby further authorized to assess upon vessels using the wharf at Fort Monroe, Va., one-half of the actual cost of repairs rendered necessary by the ordinary wear and tear of said wharf, and any damage done to said wharf by any vessel shall be paid by the owner or owners of said vessels; and he is also authorized and directed from time to time to cause to be assessed upon and collected from the owners of nonmilitary buildings situated within the limits of the Fort Monroe Military Reservation, and from individuals or corporations engaged in business thereat, other than water navigation companies, one-half of such sum or sums of money as he may deem just, reasonable, and necessary for expenditure upon the repair and operation of such roads, pavements, streets, lights, sewerage, and general police as, in the opinion of the Secretary of War, should be constructed and maintained in order to protect the interests of the United States and the interests, health, and general welfare of the said nonmilitary interests now established or that may hereafter be established at Fort Monroe: *Provided further*, That all funds collected as above provided, or that may be received from other incidental sources, from and after this date, be, and are hereby, made special contingent funds, to be collected and expended for the above purposes in accordance with the rules and regulations to be prescribed by the Secretary of War, who will render annually to Congress a detailed account of all receipts and expenditures.

"And any unexpended balance of the appropriation for the construction of a sewerage system at Fort Monroe made by the sundry civil appropriation act approved March 2, 1889, is hereby covered into the Treasury."

Pursuant to this act the said Hygeia Hotel Company has been annually assessed, under the direction of the War Department, for a certain sum for sewerage, street, etc., and has as regularly paid the same.

The annual amount assessed for the above-named purpose was for 1895-96 $1,077.95. It has never been less than that sum, and for the past one or two years it has been $1,220.68 per year. The method of making this annual assessment is evidenced by a copy of the notice furnished the owners of the Hygeia Hotel on the 10th day of July, 1901, by Captain Townsley, quartermaster at Fort Monroe, hereto annexed, marked "No. 1."

In addition to this annual assessment by the United States against this property, the hotel company was called upon by the Government and did actually pay toward the construction of the system of sewerage, etc., the sum of $10,057.50, all of which will appear by reference to Document No. 42, United States House of Representatives, Fifty-fourth Congress, second session, copy of which is also hereto annexed, marked "No. 2."

It is apparent from the foregoing that the General Government has dealt with this hotel precisely as if it had been fee-simple property. It is impossible to consider its history without reaching the conclusion that it never was the purpose of the Government to order its removal or to otherwise interfere with its use, except to meet some great emergency, such as war, or some manifest necessity for the use of the property for distinctly military purposes, and that the parties in interest had the right to invest their money on that idea and with that understanding.

During the war with Spain it was frequently reported that the exigencies of the situation would require the removal of the hotel, but no such necessity arose. The owners of the property were by that very fact led to believe that they would be left in its undisturbed use and enjoyment. This was so true that only a few months before the order for its demolition was issued by the War Department, the property was sold to the claimant company, who entered into possession of it and made very extensive improvements. It transpires that the order for this removal was not only not necessitated by such an emergency as has been referred to, and that the hotel was not removed to make room for any extension of the fort, but was removed in order that a park might be made on the site whereon the hotel stood.

It must be inferred that it was the knowledge of this particular history of the property and the circumstances attending the order for this removal that the honorable Secretary of War was induced to recommend that the owners of this property should be compensated for it.

It may not be amiss to say that the cost of the hotel and appurtenant buildings was very considerable, as shown by the sale of the same a few years ago for over $300,000. Owing, however, to the shock which the locality sustained as a health resort by the conditions existing during the Spanish war, and especially in consequence of yellow fever which appeared about the same time at the Soldiers' Home in the vicinity, it was sold to the present owners for the very much smaller sum, which, together with the amount expended in improvements on it, constitute the basis of the present claim.

Hon. Elihu Root, Secretary of War, has recommended that, in view of the circumstances of this removal, compensation be made the owners.

Mr. ALLISON. May I ask if this report relates to the payment of a claim?

The PRESIDENT pro tempore. It relates to a claim, and the reading of the report, which is a very long one, has been called for.

Mr. ALLISON. It is manifest that the reading of the report will take considerable time, and I object to the further consideration of the bill.

The PRESIDENT pro tempore. The Senator from Iowa objects to the further consideration of the bill, and it will be returned to the Calendar.

AMERICAN EXHIBIT, SHANGHAI, CHINA.

Mr. McCUMBER. On the 26th day of January I gave notice that on the 10th day of February, after the routine morning business, I would address the Senate on the bill (S. 6125) for the erection and maintenance of an exposition building in the city of Shanghai, in the Empire of China, for the appointment of a commissioner in charge thereof, and for other purposes.

I did not know at that time that the statehood bill would have such persistency in holding its place before the Senate. As we have but a few weeks of the session left in which to consider general business and appropriation bills, it seems to me, Mr. President, that time should not be taken up in the consideration of the bill I have named, which I do not expect can be disposed of during this session.

I had proposed, therefore, this morning to ask that I might substitute the pure-food bill for the bill to which I have just referred, to be taken up for discussion during the remainder of the morning hour; but I am informed by the Senator from Iowa [Mr. ALLISON] that he has an appropriation bill which he desires to have considered immediately, and so I withdraw my notice of an intention to discuss the other bill this morning and will yield to the Senator from Iowa.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. ALLISON. Mr. President——

Mr. McCOMAS. I ask the Senator from Iowa to yield to me so that I may give a notice.

Mr. ALLISON. I will yield in a minute. I move that the Senate proceed to the consideration of the District of Columbia appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 16842) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1904, and for other purposes, which had been reported from the Committee on Appropriations with admendments.

Mr. ALLISON. I ask unanimous consent that the formal reading of the bill may be dispensed with, that it may be read for amendment, and that the amendments reported by the Committee on Appropriations may first be considered.

The PRESIDENT pro tempore. The Senator from Iowa asks unanimous consent that the formal reading of the bill may be dispensed with, that it be read for amendment, and that the amendments reported by the Committee on Appropriations shall first receive consideration. Is there objection? The Chair hears none, and that order is made.

Mr. ALLISON. I now yield to the Senator from Maryland.

EIGHT-HOUR LAW.

Mr. McCOMAS. I give notice that on Thursday morning next after the routine morning business—and I desire the attention of the Senator from Virginia [Mr. DANIEL]—I shall move to take up for consideration, not to interfere with the statehood bill, the bill (H. R. 3076) limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, or any Territory, or the District of Columbia, thereby securing better products, and for other purposes, which was reported from the Committee on Education and Labor with amendments. I shall only ask for the consideration of the bill until the regular order is taken up at 2 o'clock.

Mr. DANIEL. Mr. President, I hope very much that the request of the chairman of the Committee on Education and Labor [Mr. McCOMAS] will be favorably considered. The bill referred to by him is a very important one, which has passed the other House from session to session. It has now been put into such shape that it is hoped that it may be satisfactory to all concerned. Great labor has been expended upon the measure, and there are a great many people in the country interested in it. I think that it will be very gratifying to many people if the bill shall be considered and passed.

Mr. QUAY. I sympathize with the Senator from Maryland [Mr. McCOMAS] and the Senator from Virginia [Mr. DANIEL] in their anxiety for the speedy passage of the bill; but in view of the present condition of affairs in the Senate, I feel it to be my duty to say that I will interpose the statehood bill, and antagonize the other bill if it is called up until a day is fixed for a vote in the Senate on the statehood bill.

Mr. MASON. I ask the Senator from Pennsylvania to repeat the notice he gave or the request which he submitted. If he will do so, I shall be very much obliged, as I was unable to hear him owing to the confusion in the Chamber.

Mr. QUAY. I said that I would feel it to be my duty to antagonize any proposition to take up what is known as the eight-hour bill, sincerely anxious as I am for its passage, until after we fix a day for a vote upon the statehood bill.

Mr. McCOMAS. I suggest to the Senator——

The PRESIDENT pro tempore. The Secretary will proceed with the reading of the District of Columbia appropriation bill. There is nothing before the Senate except that bill.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. HALE. I call for the regular order, Mr. President.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 16842) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1904, and for other purposes.

Mr. TELLER. I submit at this time an amendment which I intend to propose to the District appropriation bill; and, as the bill is now pending, I do not desire to have the amendment printed, but I ask that it lie upon the table.

The PRESIDENT pro tempore. The amendment will be received and lie upon the table. The Secretary will proceed with the reading of the bill.

The Secretary proceeded to read the bill.

The first amendment reported by the Committee on Appropriations was, under the head of "General expenses," on page 2, line 17, after the word "each," to insert "temporary employment of additional assistant inspectors for such time as their services may be necessary, $2,400;" in line 19, after the word "dollars," to strike out "civil engineer or computer, $1,500," and insert "three civil engineers or computers, at $1,500 each;" in line 23, before the word "clerk," to strike out "two clerks, at $900 each," and insert "clerk," $1,200; clerk, $900; so as to read:

For executive office: For two Commissioners, at $5,000 each; Engineer Commissioner, $924 (to make salary $5,000); secretary, $2,160; 2 assistant secretaries to Commissioners, at $1,200 each; clerk, $1,500; clerk, $1,400; 3 clerks, at $1,200 each; clerk, $600; messenger, $600; 2 messengers, at $480 each; stenographer and typewriter, $720; 2 drivers, at $600 each; veterinary surgeon for all horses in the departments of the District government, $1,200; inspector of buildings, $2,750; principal assistant inspector of buildings, $1,600; 5 assistant inspectors of buildings, at $1,200 each; 5 assistant inspectors of buildings, at $1,000 each; temporary employment of additional assistant inspectors for such time as their services may be necessary, $2,400; 3 civil engineers or computers, at $1,500 each; clerk, $1,200; clerk, $900, etc.

The amendment was agreed to.

The next amendment was, on page 3, line 16, to increase the total appropriation for executive office from $70,664 to $76,364.

The anmedment was agreed to.

The next amendment was, on page 3, line 19, before the word "dollars," to strike out "three thousand five hundred" and insert "four thousand;" on page 4, line 10, after the word "dollars," to insert "temporary clerk hire, $1,000, of which sum $500 to be immediately available;" and in line 13, before the word "hundred," to strike out "forty-two thousand one" and insert "forty-three thousand six;" so as to make the clause read:

For assessor's office: For assessor, $4,000; assistant assessor, $2,000; assistant assessor, $1,600; 2 clerks, at $1,400 each; clerk, arrears division, $1,400; 4 clerks, at $1,200 each; draftsman, $1,200; 4 clerks, at $1,000 each; assistant or clerk, $900; clerk in charge of records, $1,000; 2 clerks, at $900 each; license clerk, $1,200; 2 clerks, at $1,000 each; inspector of licenses, $1,200; assistant inspector of licenses, $1,000; messenger, $600; 3 assistant assessors, at $3,000 each; clerk to board of assistant assessors, $1,500; messenger and driver, for board of assistant assessors, $600; temporary clerk hire, $1,000, of which sum $500 to be immediately available; in all, $43,600.

The amendment was agreed to.

The next amendment was, on page 5, line 17, to increase the appropriation for the salary of the auditor of the District of Columbia from $3,600 to $4,000; and on page 6, line 1, to increase the total appropriation for the maintenance of the auditor's office from $22,850 to $23,250.

The amendment was agreed to.

The next amendment was, on page 7, line 11, to increase the appropriation for the salary of the engineer of highways, engineer's office, from $2,750 to $3,000; on page 8, line 5, to increase the appropriation for the salary of the superintendent of sewers from $2,750 to $3,000; and in line 18, to increase the total appropriation for maintenance of the engineer's office from $67,012 to $67,512.

The amendment was agreed to.

The next amendment was, on page 10, line 12, before the word "thousand," to strike out "two" and insert "three;" in line 13, after the word "dollars," to insert "statistician, $1,400;" in line 14, before the word "dollars," to insert "two hundred;" in line 15, before the word "hundred," to strike out "six" and insert "one thousand two," and in line 16, before the word "hundred," to strike out "five thousand six" and insert "eight thousand eight;" so as to make the clause read:

Department of insurance: For superintendent of insurance, $3,500; examiner, $1,500; statistician, $1,400; clerk, $1,200; temporary clerk hire, $1,200; in all, $8,800.

The amendment was agreed to.

The next amendment was, on page 10, line 22, before the word "thousand," to strike out "thirteen," and insert "twenty," and in line 23, before the word "thousand," to strike out "seventeen," and insert "twenty-four;" so as to make the clause read:

For surveyor's office: For surveyor, $3,000; assistant surveyor, $1,800; for such additional employees as may be required, in accordance with the provisions of the act of Congress making the surveyor of the District of Columbia a salaried officer, $20,000; in all, $24,800.

The amendment was agreed to.

The next amendment was, on page 11, line 7, to increase the number of attendants at $480 each at the Free Public Library from two to three; in line 8 to increase the number of attendants at $360 each from two to three; in line 10 to increase the number of pages at $240 each from two to five, and in line 16 to increase the total appropriation for the maintenance of the Free Public Library from $18,440 to $20,000.

The amendment was agreed to.

The next amendment was, under the head of "Contingent and miscellaneous expenses," on page 12, line 9, after the word "charities," to insert "excise board, personal-tax board;" and in line 13, before the word "dollars," to strike out "thirty thousand" and insert "thirty-four thousand seven hundred;" so as to make the clause read:

For contingent expenses of the government of the District of Columbia, namely: For printing, checks, books, law books, books of reference, and periodicals, stationery; detection of frauds on the revenue; repairs of market houses; painting; surveying instruments and implements; drawing materials; binding, rebinding, repairing, and preservation of records; maintaining and keeping in good order the laboratory and apparatus in the office of the inspector of asphalt and cement; damages; livery, purchase, and care of horses and carriages or buggies not otherwise provided for; horseshoeing; fuel, ice, gas, repairs, repairs to pound and vehicles, and other general necessary expenses of District offices, including the sinking fund office, board of charities, excise board, personal-tax board, harbor master, health department, surveyor's office, sealer of weights and measures' office, police court, and department of insurance, $34,700; and the Commissioners shall so apportion this sum as to prevent a deficiency therein: *Provided*, That horses and vehicles appropriated for in this act shall be used only for official purposes.

Mr. ALLISON. I wish to modify the amendment just stated by inserting "seven" instead of "four," so as to make the total amount of the appropriation $37,700.

The PRESIDENT pro tempore. The amendment will be so modified in the absence of objection. The question is on concurring in the amendment as modified.

The amendment as modified was agreed to.

The reading of the bill was resumed. The next amendment of the Committee an Appropriations was, on page 13, line 1, before the word "fire," to strike out "or" and insert "of;" so as to make the clause read:

No part of the money appropriated by this act shall be used for the payment of premiums or other cost of fire insurance.

The amendment was agreed to.

The next amendment was, on page 13, line 14, to increase the appropriation for rent of office for department of insurance from $540 to $840.

The amendment was agreed to.

The next amendment was, on page 14, line 6, to increase the appropriation for livery of horse or horse hire for coroner's office, jurors' fees, removal of deceased persons, making autopsies, etc., from $1,200 to $2,000.

The amendment was agreed to.

The next amendment was, on page 14, after line 19, to insert:

For running and permanently marking the boundary line of the District between the present boundary-line monuments and to mark the limits of the District on the roads leading out of the District, $1,500.

The amendment was agreed to.

The next amendment was, on page 14, after line 24, to insert:

To enable the register of wills to continue the work of preparing a card index of the records of his office, $2,500.

The amendment was agreed to.

The next amendment was, on page 15, after line 2, to insert:

For printing permit books, applications, various forms of permits, and a file case for the applications, stub books, and other records in permit clerk's office, $500.

The amendment was agreed to.

The next amendment was, on page 15, after line 5, to insert:

The Commissioners of the District of Columbia are authorized hereafter, in their discretion, to grant leave of absence, not to exceed thirty days to any individual in any fiscal year, to regular employees appointed directly by the Commissioners and paid out of general appropriations, and whose service is continuous, but who receive per diem compensation.

The amendment was agreed to.

Mr. McCOMAS. I will ask the chairman of the Committee on

Appropriations, the Senator from Iowa [Mr. ALLISON], if he will not accept an amendment inserting these words:

Five hundred dollars to pay William S. Torbert for the preparation of an index to the code of the District of Columbia.

I have here a telegram from the court and the Bar Association of the District recommending Mr. Torbert as a most competent indexer. I understand he has very nearly prepared the index. It is well known that the present index of the code adopted by Congress is very deficient and almost unworkable. I have a statement here, which I shall not read, but may ask permission to print, from the leading lawyers of the bar, a request of the bar association, and a request of the court favoring the amendment, which I shall not read, but I trust the chairman of the committee will allow the amendment to go into the bill. As he well said to me, as the indexing has once been provided for, he did not feel like providing for another index unless it was a good one. Therefore I telegraphed to these gentlemen asking them to name a good indexer, and the gentleman I have named was suggested and he has been doing the work, which will be completed in a couple of months.

I hope the amendment I have suggested will be accepted by the Senator from Iowa.

Mr. ALLISON. We paid $500 for indexing the code last year, and the index turned out to be a very poor one. The committee think it wise to wait until we see what sort of an index we are going to have, and, if it be acceptable, it can be paid for next year.

Mr. MCCOMAS. The gentleman who is preparing the index, Mr. William S. Torbert, is a very careful and very accurate man. He is making the index at the instance of the Bar Association. If he does not complete it we do not have to pay him, and if he does complete it, and it be approved by the court and the Bar Association, the work will be paid for. I hope the Senator will consent that the amendment may be made.

Mr. ALLISON. I think it would be premature to provide for that work now.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was under the head of "Improvements and repairs," on page 15, line 23, to increase the appropriation for assessment and permit work from $145,000 to $175,000.

The amendment was agreed to.

The next amendment was, on page 16, line 7, to increase the appropriation for work on streets and avenues from $50,000 to $150,000.

The amendment was agreed to.

The next amendment was, on page 16, line 12, to increase the appropriation for the Georgetown schedule from $5,000 to $15,000.

The amendment was agreed to.

The next amendment was, on page 16, line 14, to increase the appropriation for the northwest section schedule from $15,000 to $41,000.

The amendment was agreed to.

The next amendment was, on page 16, line 16, to increase the appropriation for the southwest section schedule from $7,500 to $22,500.

The amendment was agreed to.

The next amendment was, on page 16, line 18, to increase the appropriation for the southeast section schedule from $10,000 to $30,000.

The amendment was agreed to.

The next amendment was, on page 16, line 20, to increase the appropriation for the northeast section schedule from $12,500 to $41,500.

The amendment was agreed to.

The next amendment was, on page 17, after line 5, to insert:

For paving S street NW., from North Capitol street to Second street, $14,600.

The amendment was agreed to.

The next amendment was, on page 17, line 10, before the word "cents," to strike out "seventy" and insert "eighty," and in line 19, before the words "per square yard," to strike out "$1.80" and insert "$2;" so as to make the clause read:

Under appropriations contained in this act no contract shall be made for making or relaying asphalt pavement at a higher price than $1.80 cents per square yard for a quality equal to the best laid in the District of Columbia prior to July 1, 1886, and with same depth of base: *Provided*, That these conditions as to price and depth of base shall not apply to those streets on which, in the judgment of the Commissioners, by reason of heavy traffic, poor foundation, or other causes, a pavement of more than ordinary strength is required, in which case the limit of price may be increased to $2 per square yard.

The amendment was agreed to.

The next amendment was, on page 17, line 24, to increase the appropriation for grading streets, alleys, and roads, from $8,000 to $10,000.

The amendment was agreed to.

The next amendment was, at the top of page 18, to insert:

Condemnation of streets, roads, and alleys: For purchase or condemnation of streets, roads, and alleys, $1,000.

The amendment was agreed to.

The next amendment was, on page 18, line 7, to increase the appropriation for opening, widening, and extending alleys and minor streets in the District of Columbia, from $10,000 to $25,000.

The amendment was agreed to.

The next amendment was, on page 18, after line 17, to insert:

For Rhode Island avenue NE., Fourth to Twelfth street, grade and macadam, provided that all the necessary land within the limits of this portion of Rhode Island avenue as projected be dedicated to public use, $15,000.

The amendment was agreed to.

The next amendment was, on page 18, after line 22, to insert:

For Rhode Island avenue, Florida avenue to First street, pave, $19,000.

The amendment was agreed to.

The next amendment was, at the top of page 19, to insert:

For Sixteenth street, Columbia road to Spring road, grade and improve, $25,000.

The amendment was agreed to.

The next amendment was, on page 19, after line 2, to insert:

For Sixteenth street, Morris street to Columbia road, pave, $25,000.

The amendment was agreed to.

The next amendment was, on page 19, after line 4, to insert:

For Twenty-second street, R to Decatur streets, pave, $2,500.

The amendment was agreed to.

The next amendment was, on page 19, after line 6, to insert:

For Twenty-second street, Decatur to S streets, improvement, $4,500.

The amendment was agreed to.

The next amendment was, on page 19, after line 8, to insert:

For Calfornia avenue, Columbia road to Phelps place, pave, $6,000,

The amendment was agreed to.

The next amendment was, on page 19, after line 10, to insert:

For Clifton street, Eleventh to Thirteenth, grade, $5,500.

The amendment was agreed to.

The next amendment was, on page 19, after line 12, to insert:

For Yale street, Thirteenth to Fourteenth, pave, $6,000.

The amendment was agreed to.

The next amendment was, on page 19, after line 14, to insert:

For Philadelphia street, Brightwood avenue to Eighth street, grade and macadam, $1,200.

The amendment was agreed to.

The next amendment was, on page 19, after line 17, to insert:

For Woodley road, Wisconsin avenue to Idaho avenue, grade and regulate, $2,500.

The amendment was agreed to.

The next amendment was, on page 19, after line 19, to insert:

For Kansas avenue, in Petworth subdivision, from Trenton to Utica streets, grading, regulating, and macadamizing, $2,000.

The amendment was agreed to.

The next amendment was, on page 19, after line 22, to insert:

For Twentieth street, Queen's Chapel to Brentwood road, grade and macadamize, $8,000.

The amendment was agreed to.

The next amendment was, on page 19, after line 24, to insert:

That upon the dedication of Milwaukee street through the subdivision of Fairview Heights, District of Columbia, the Commissioners of the District of Columbia are hereby authorized to abandon the portion of Massachusetts avenue bounded by blocks 6, 7, and 8 of Fairview Heights, except where said avenue is included within the plan for a permanent system of highways in that part of the District of Columbia lying outside of cities, and the portions of said avenue so abandoned shall revert to the owners of the lots abutting thereon.

The amendment was agreed to.

The next amendment was, on page 20, after line 9, to insert:

That in order to provide better grades and to save in the cost of grading and improving streets in Herman D. Walbridge's subdivision of Ingleside, the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to make the following change in the location of streets in said subdivision without cost to the District of Columbia or to the United States, namely, first, to shift the location of Nineteenth street south of Grant street so that it shall run in a southeasterly direction from the intersection of Nineteenth and Grant streets to Kenyon street, and, secondly, to abandon Grant street west of Nineteenth street, the old location of Nineteenth street south of Grant street, and Joliet street west of the new position of Nineteenth street, the land in such abandoned streets to revert to the adjacent owners of the property.

The amendment was agreed to.

The next amendment was, on page 20, after line 24, to insert:

For grading and macadamizing Fourteenth street from its present terminus to the northern limit of the Saul tract (or its junction with Piney Branch road) and for paying for such land as may be condemned hereunder for the use of the District of Columbia and the removal of houses or barns not donated, $49,000: *Provided*, That no portion of the said sum shall be expended until at least 85 per cent of all the land for the extension of said street to the north line of the Saul tract, according to the highway extension plans, be dedicated to the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 21, after line 10, to insert:

Condemnation proceedings shall be instituted by the Commissioners of the District of Columbia to condemn such portions or pieces of land as may not be donated, in accordance with sections 484 to 491, both inclusive, of the code of the District of Columbia and as herein set forth: *Provided, however*, That upon the acceptance of any dedication by the Commissioners of the District of Columbia the remaining portion of any parcel of land of any party or parties dedicating, or who may have heretofore dedicated, a portion thereof for the widening or opening of said Fourteenth street shall be exempt and exempted from assessment in respect to the cost of condemning any portion of said street and from any assessment or tax for benefits to such remaining land, or any portion thereof, for the condemning or opening, grading, or macadamizing of such highway, as hereby provided for.

The amendment was agreed to.

The next amendment was, on page 22, after line 2, to insert:

And the commissioners or jury to appraise, etc., shall assess upon owners not donating benefits as provided in said sections of the code, and including, if said sections do not, benefits to arise from the physical improvements provided for in this amendment; and in making their decision the commissioners, or jury, shall take into consideration whenever a part only is taken the benefit to the remainder of the tract, and shall give verdict accordingly; and whenever their decision is that the benefits exceed the damages, the amount of such excess shall be assessed against the remaining portion of the tract in the same manner that other special assessments are now made in the District of Columbia: *And provided further*, That the cost of securing the land necessary to complete said right of way shall be charged entirely to the revenues of the District of Columbia, and if the same shall exceed $7,000 the Commissioners of the District of Columbia may, in their discretion, reject the award or awards to that effect, and this appropriation shall revert to the Treasury of the United States, except $500, which shall be chargeable with the costs of the proceedings herein authorized.

The amendment was agreed to.

The next amendment was, on page 23, line 23, to increase the total appropriation for construction of county roads, from $54,500 to $225,700.

The amendment was agreed to.

The next amendment was, on page 25, line 5, to increase the appropriation for current work of repairs of county roads and suburban streets, from $80,000 to $100,000.

The amendment was agreed to.

The next amendment was, on page 25, after line 10, to insert:

For continuing the construction of the bridge across Rock Creek on the line of Connecticut avenue extended, $48,000. Said bridge shall be constructed of concrete on the general plan for a concrete bridge made by George S. Morrison, and found in Senate Document No. 96, Fifty-fifth Congress, second session, and shall cost complete, exclusive of appropriation herein and heretofore made, not to exceed $600,000, and shall be completed within four years from July 1, 1903; and the Commissioners of the District of Columbia are authorized to enter into a contract or contracts for the construction of said bridge within the time specified and within the limit of cost herein authorized, to be paid for from time to time as appropriations therefor may be made by law.

The amendment was agreed to.

The next amendment was under the head of "Sewers," on page 26, line 14, before the word "construction," to strike out "continuing" and insert "completing," and in line 16, before the word "twenty-five" to insert "one hundred and;" so as to make the clause read:

For completing construction of the sewage disposal system pumping station, and for machinery therefor, $125,000.

Mr. ALLISON. I move to amend the amendment by striking out the word "completing" and restoring the word "continuing."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was on page 26, line 21, after the word "dollars," to insert "to be immediately available;" in line 22, after the word "dollars," to insert "for Section C, $200,000," and in line 23, before the word "hundred," to strike out "four" and insert "six;" so as to make the clause read:

For constructing the B street and New Jersey avenue trunk sewer, namely: For section A, $200,000, to be immediately available; for section B, $200,000; for section C, $200,000; in all, $600,000.

The amendment was agreed to.

The next amendment was on page 26, after line 23, to insert:

Toward constructing outfall sewer and siphon, $150,000.

The amendment was agreed to.

The next amendment was under the head of "Streets," on page 28, line 1, to increase the appropriation for sprinkling, sweeping, and cleaning streets from $190,000 to $200,000.

The amendment was agreed to.

The next amendment was on page 28, line 24, after the word "construction" to insert "maintenance and repair;" so as to make the clause read:

Bathing beach: For the construction, maintenance, and repair of floating baths to be moored in the tidal reservoir or the water front of Washington.

The amendment was agreed to.

The next amendment was under the head of "Electrical department," on page 30, line 8, to increase the appropriation for general supplies, repairs, new batteries, and battery supplies, telephone rental and purchase, etc., in the electrical department from $14,000 to $15,000.

The amendment was agreed to.

The next amendment was, on page 30, line 14, to increase the appropriation for placing wires of fire-alarm telegraph and police telephone service underground in existing conduits, etc., from $18,950 to $43,950.

The amendment was agreed to.

The next amendment was, on page 31, line 2, to increase the appropriation toward rebuilding grounded and worn-out police-patrol circuits, including purchase of new boxes to replace old ones, etc., from $7,500 to $15,000.

The amendment was agreed to.

The next amendment was, on page 31, line 14, before the word "dollars," to strike out "thousand" and insert "and nineteen thousand seven hundred;" in line 17, before the word "dollars," to strike out "twenty" and insert "twenty-four;" in the same line, after the word "painting," to insert "and;" and in line 18, after the word "cleaning," to strike out:

Purchasing and expenses of erecting and maintaining new lamp posts, street designations, lanterns, and fixtures, under any expenditure provided for in this act. And during the fiscal year 1903, and annually thereafter, the price per annum prescribed by Congress for lighting each street lamp in the District of Columbia with gas or oil shall be construed to include the cost of the illuminating material used, lighting and extinguishing lamps, repairing, painting, cleaning, purchasing, and expense of erecting and maintaining lamp-posts, street designations, lanterns, and fixtures.

So as to make the clause read:

Lighting: For illuminating, lighting, extinguishing, repairing, and cleaning public lamps on avenues, streets, roads, and alleys; purchasing and expense of erecting and maintaining new lamp-posts, street designations, lanterns, and fixtures; moving lamp-posts, painting lamp-posts and lanterns; replacing and repairing lamp-posts and lanterns damaged or unfit for service; for rent or storeroom, cartage of material, livery and other necessary items and service, $219,700: *Provided*, That no more than $20 per annum for each street lamp shall be paid for gas and no more than $24 for oil, lighting, extinguising, repairing, painting, and cleaning.

The amendment was agreed to.

The next amendment was, on page 32, line 12, before the word "thousand," to strike out "fifteen" and insert "twenty-five;" in line 16, before the word "dollars," to strike out "twenty-seven" and insert "thirty," and in line 17, after the word "paragraph," to insert:

And provided further, That during the fiscal year, 1904, the illuminating power of the gas furnished by any gas-lighting company, person, or persons in the District of Columbia shall be equal to 22 candles, notwithstanding the requirements as to candlepower prescribed by section 3 of the act regulating the sale of gas in the District of Columbia, approved June 6, 1896.

So as to make the proviso read:

Provided further, That not more than $25,000 of said appropriation may be expended for lighting, extinguishing, repairing, painting, and cleaning public lamps of a higher candlepower than those provided for above, and not less than 60 candlepower, which lamps shall not cost to exceed $30 per lamp, and shall otherwise be subject to the restrictions of this paragraph: *And provided further*, That during the fiscal year 1904 the illuminating power of the gas furnished by any gas-lighting company, person, or persons in the District of Columbia shall be equal to 22 candles, notwithstanding the requirements as to candlepower prescribed by section 3 of the act regulating the sale of gas in the District of Columbia, approved June 6, 1896.

The amendment was agreed to.

The next amendment was, on page 33, line 3, before the word "dollars," to strike out "seventy-six thousand" and insert "eighty-two thousand five hundred;" and in line 5, before the word "dollars," to strike out "seventy-two" and insert "eighty-five;" so as to make the clause read:

For electric arc lighting, including necessary inspection, and for extensions of such service, not exceeding $82,500: *Provided*, That not more than $85 per annum shall be paid for any electric arc light burning from fifteen minutes after sunset to forty-five minutes before sunrise, and operated wholly by means of underground wire.

The amendment was agreed to.

The next amendment was, under the head of "Washington Aqueduct," on page 33, line 22, before the word "hundred," to strike out "six" and insert "eight;" and in line 23, after the word "expended," to insert:

Provided, That all contracts authorized under appropriations for the slow sand-filtration plant shall provide for the completion of the work on or before December 1, 1904.

So as to make the clause read:

For continuing work on a slow sand-filtration plant, and for each and every purpose connected therewith, including the preparation of plans, and for the purchase of such scientific books and periodicals as may be approved by the Secretary of War, $800,000, to be available immediately and until expended: *Provided*, That all contracts authorized under appropriations for the slow sand-filtration plant shall provide for the completion of the work on or before December 1, 1904.

The amendment was agreed to.

The next amendment was, on page 34, after line 3, to insert:

For preliminary surveys for additional conduit from Great Falls, $8,000.

The amendment was agreed to.

The next amendment was, on page 34, line 9, to increase the appropriation for the care and improvement of Rock Creek Park, from $2,500 to $20,000.

The amendment was agreed to.

The next amendment was, under the head of "Public schools," on page 34, line 19, after the word "each," to insert "one clerk, $900," and in the line 21, before the word "hundred," to strike

out "eighteen thousand six" and insert "nineteen thousand five;" so as to make the clause read:

For officers: For 7 members of the board of education, at $500 each, $3,500, not more than $1,750 of which shall be used during the first half of the fiscal year; 1 superintendent of public schools, $4,000; 2 assistant superintendents, at $2,500 each; 1 secretary, $2,000; 1 clerk, $1,400; 2 clerks, at $1,000 each; 1 clerk, $900; and 1 messenger, $720; in all, $19,520.

The amendment was agreed to.

The next amendment was, on page 34, line 24, to increase the number of teachers in the public schools from 1,346 to 1,347.

The amendment was agreed to.

The next amendment was, on page 35, line 3, to increase the number of supervising principals at $2,000 each from 11 to 12.

The amendment was agreed to.

The next amendment was, on page 35, line 7, to increase the appropriation for the salaries of five principals of high schools from $1,600 each to $1,800.

The amendment was agreed to.

The next amendment was, on page 35, line 9, to increase the appropriation for the salary of the principal of McKinley Manual Training School from $1,600 to $1,800.

The amendment was agreed to.

The next amendment was, on page 35, line 11, to increase the appropriation for the salary of the principal of Armstrong Manual Training School from $1,600 to $1,800.

The amendment was agreed to.

The next amendment was, on page 35, line 14, to increase the appropriation for the salaries of principals of Normal School No. 1 and Normal School No. 2 from $1,600 each to $1,800 each.

The amendment was agreed to.

The next amendment was, on page 35, line 17, to increase the appropriation for salaries of director of primary instruction, four heads of departments of high schools, and two grammar-school principals, from $1,500 each to $1,600 each.

The amendment was agreed to.

The next amendment was, on page 35, line 19, before the word "principals," to strike out "five" and insert "six;" and in line 21 to strike out "six" and insert "seven;" so as to make the clause read:

For six principals of buildings, and one head of department of English in Manual Training School No. 1, seven in all, at $1,300 each.

The amendment was agreed to.

The next amendment was, on page 36, line 5, before the word "high-school," to insert the word "and;" and in line 6, before the word "in," to strike out "and principal of building, three" and insert "two;" so as to make the clause read:

For director of primary work, and high-school teacher, two in all, at $1,100 each.

The amendment was agreed to.

The next amendment was, on page 37, line 12, to increase the total appropriation for salaries of teachers of public schools from $951,775 to $956,475.

The amendment was agreed to.

The next amendment was, on page 37, line 22, after the word "pupils," to strike out "not over 21 years of age;" so as to make the clause read:

For night schools for pupils, and teachers of night schools may also be teachers in the day schools, $6,000.

The amendment was agreed to.

The next amendment was, on page 40, line 2, to increase the appropriation for care of smaller buildings and rented rooms, including cooking and manual training schools wherever located, etc., from $4,676 to $5,500.

The amendment was agreed to.

The next amendment was, on page 40, line 12, to increase the appropriation for janitors and care of buildings and grounds from $85,256 to $86,080.

The amendment was agreed to.

The next amendment was, on page 40, after line 13, to insert:

For medical inspectors: For 12 medical inspectors of public schools, 4 of whom shall be of the colored race, at $500 each, $6,000: *Provided*, That said inspectors shall be appointed by the Commissioners only after competitive examination, and shall have had at least five years' experience in the practice of medicine in the District of Columbia, and shall perform their duties under the direction of the health officer and according to rules formulated from time to time by him, which shall be subject to the approval of the board of education and the Commissioners.

The amendment was agreed to.

The next amendment was, on page 41, line 12, to increase the appropriation for the purchase and repair of tools, machinery, material, and apparatus to be used in connection with instruction in manual training, etc., from $15,000 to $20,000.

The amendment was agreed to.

The next amendment was, on page 42, line 2, to increase the appropriation for contingent expenses, including furniture and repairs thereof, books, books of reference, and periodicals, etc., from $35,000 to $38,000.

The amendment was agreed to.

The next amendment was, on page 42, line 22, after the word "cable," to strike out the word "holds" and insert "poles," and in line 24, after the word "dollars," to insert "to be expended under the electrical department;" so as to make the clause read:

For extending the telephone system to the public school buildings within the fire limits, including the cost of the necessary wire, cable, poles, cross-arms, braces, conduit connections, manholes, telephone instruments, extra labor, and other necessary items, $5,000, to be expended under the electrical department.

The amendment was agreed to.

The next amendment was, to insert as a subhead at the top of page 43 the words "Buildings and grounds."

The amendment was agreed to.

The next amendment was, on page 43, line 6, before the word "thousand," to strike out "one hundred and seventy-five" and insert "two hundred and sixty-five;" so as to make the clause read:

Buildings and grounds: Toward the construction of a Business High School building, $75,000, and the Commissioners are hereby authorized to enter into contract for the construction of said building at a total cost not exceeding $265,000.

The amendment was agreed to.

The next amendment was, on page 43, after line 6, to insert:

For purchase of lot adjoining the McKinley Manual Training School on the south, $5,000.

The amendment was agreed to.

The next amendment was, on page 43, after line 8, to insert:

Toward the extension of the McKinley Manual Training School, $50,000; and the Commissioners are hereby authorized to enter into a contract for such extension at a total cost of $135,000.

The amendment was agreed to.

The next amendment was, on page 43, after line 13, to insert:

For purchase of lot 25, square 553, adjoining Armstrong Manual Training School, as a site for the erection of an addition to said school, $3,933.

The amendment was agreed to.

The next amendment was, on page 43, after line 17, to insert:

For purchase of lot adjoining Brent School, $8,300.

The amendment was agreed to.

The next amendment was, on page 43, after line 19, to insert:

For additional amount for reconstructing building at Seventh and G streets SE., $10,000; and the appropriation of $15,000 made by the District of Columbia appropriation act for the fiscal year 1902 is hereby continued available for the same purpose.

The amendment was agreed to.

The next amendment was, on page 44, line 4, before the word "thousand," to strike out "sixty" and insert "sixty-five;" so as to make the clause read:

For site for and toward the construction of one eight-room building, second division, $30,000; and the total cost of said building, including cost of site, under a contract which is hereby authorized therefor, shall not exceed $65,000.

The amendment was agreed to.

The next amendment was, on page 44, line 9, before the word "thousand," to strike out "sixty" and insert "sixty-five;" so as to make the clause read:

For site for and toward the construction of one eight-room building, sixth division, $30,000; and the total cost of said building, including cost of site, under a contract which is hereby authorized therefor, shall not exceed $65,000.

The amendment was agreed to.

The next amendment was, on page 44, line 11, to increase the appropriation for one four-room addition to the Takoma School from $20,000 to $27,000.

The amendment was agreed to.

The next amendment was, on page 45, line 19, before the word "dollars," to insert "four thousand;" in line 21, before the word "captains," to strike out "four" and insert "five;" on page 46, line 2, before the word "privates," to strike out "fourteen" and insert "twenty;" in line 3, after the word "crime," to strike out "three thousand three hundred and sixty" and insert "four thousand eight hundred;" in line 9, after the word "and," to strike out "forty" and insert "fifty;" in line 12, before the word "dollars," to strike out "twenty" and insert "eighty;" in line 15, before the word "dollars," to strike out "eight hundred and forty" and insert "nine hundred and sixty;" in line 25, before the word "drivers," to strike out "twenty-four" and insert "twenty-eight;" on page 47, line 3, before the word "dollars," to strike out "forty-three thousand one hundred" and insert "sixty-four thousand five hundred and twenty;" so as to make the clause read:

FOR METROPOLITAN POLICE.

For major and superintendent, $4,000; captain and assistant superintendent, $1,800; 5 captains, at $1,500 each; chief clerk, who shall also be property clerk, $2,000; clerk, $1,500; clerk, $900; 2 clerks, at $720 each; 4 surgeons of the police and fire departments, at $540 each; additional compensation for 20 privates detailed for special service in the detection and prevention of crime, $4,800, or so much thereof as may be necessary; 10 lieutenants, at $1,320 each; 35 sergeants, at $1,140 each; 350 privates, class 1, at $900 each; 250 privates, class 2, at $1,080 each; for 40 additional privates of class 1, who shall receive $780 per annum each; 3 telephone operators, at $600 each; 24 station keepers, at $960 each; janitor for police headquarters, $720; 13 laborers, at $600 each; laborer in charge of the morgue, $680; messenger, $700; messenger, $500; major

and superintendent, mounted, $240; captain, mounted, $240; 51 lieutenants, sergeants, and privates, mounted, at $240 each; 64 sergeants and privates, mounted, on bicycles, at $40 each; 28 drivers, at $600 each; and 3 police matrons, at $600 each; in all, $704,520.

Mr. ALLISON. I move to amend the amendment by striking out "twenty-eight," in line 25, page 46, and restoring "twenty-four;" and by changing the total in line 2, on page 47, by striking out "forty-three thousand one hundred" and inserting "sixty-two thousand one hundred and twenty."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 48, after line 7, to insert:

For roadway and protection wall along east side Seventh precinct station house, $800.

The amendment was agreed to.

The next amendment was, on page 48, after line 9, to insert:

For remodeling rooms in the Second, Fourth, Sixth, and Eighth precinct station houses, and erection of modern cells therein, $12,500.

The amendment was agreed to.

The next amendment was, on page 48, line 13, to increase the appropriation for miscellaneous expenses of the Metropolitan police from $41,385 to $54,685.

The amendment was agreed to.

The next amendment was, on page 48, line 23, before the word "thousand," to strike out "eight" and insert "nine;" so as to make the clause read:

House of detention: To enable the Commissioners of the District of Columbia to provide transportation and a suitable place for the reception, transportation, and detention of the children under 17 years of age and in the discretion of the Commissioners of girls and women over 17 years of age, arrested by the police on charge of offense against any law in force in the District of Columbia, or held as witnesses, or held pending final investigation or examination, or otherwise, $9,000, or so much thereof as may be necessary, etc.

The amendment was agreed to.

The next amendment was, under the head of "For the fire department," on page 49, line 4, after the word "dollars," to strike out "and this sum shall not be available to pay a chief engineer who has not had at least five years' experience as a member of some organized municipal fire department," and insert "assistant chief engineer, $1,500;" in line 8, before the word "assistant," to strike out "three" and insert "two;" and in line 19, before the word "hundred," to strike out "three" and insert "six;" so as to make the clause read:

For chief engineer, $2,000, assistant chief engineer, $1,500; 2 assistant chief engineers, at $1,200 each; clerk, $1,000; fire marshal, $1,200; machinist, $1,000; 26 foremen, at $1,000 each; 14 engineers, at $1,000 each; 14 firemen, at $900 each; 7 tillermen, at $900 each; 27 drivers, at $900 each; 186 privates, at $840 each; 26 watchmen, at $600 each; and 1 laborer at $480; in all, $264,620.

The amendment was agreed to.

The next amendment was, on page 49, line 23, to increase the appropriation for repairs and improvements to engine houses and grounds from $7,500 to $10,000.

The amendment was agreed to.

The next amendment was, on page 50, line 2, to increase the appropriation for fuel for the fire department from $4,500 to $6,000.

The amendment was agreed to.

The next amendment was, on page 50, line 5, to increase the appropriation for forage from $12,000 to $14,000.

The amendment was agreed to.

The next amendment was, on page 50, line 11, to increase the total appropriation for miscellaneous items for the fire department from $65,860 to $71,860.

The amendment was agreed to.

The next amendment was on page 50, after line 16, to insert:

For house and furniture for a chemical engine company to be located on land in Bennings, D. C., or its vicinity, donated to the District for such purpose, including cost of connecting said house with fire-alarm headquarters, $23,000.

The amendment was agreed to.

The next amendment was, on page 51, line 10, to increase the total appropriation for "Increase fire department" from $39,500 to $62,500.

The amendment was agreed to.

The next amendment was, under the head of "Health department," on page 51, line 19, before the word "dollars," to strike out "one thousand eight hundred" and insert "two thousand;" in line 21, before the word "hundred," to strike out "two" and insert "four;" on page 52, line 4, after the word "dollars," to insert "assistant pound master, $720;" in line 9, before the word "sanitary," to strike out "sanitary and food inspector, who shall be a veterinary surgeon, $900; six" and insert "seven;" and in line 14, before the word "dollars," to strike out "forty-six thousand nine hundred" and insert "forty-eight thousand and twenty;" so as to make the clause read:

For health officer, $3,500; chief inspector and deputy health officer, $1,800; 13 sanitary and food inspectors, at $1,200 each; sanitary and food inspector, who shall also inspect dairy products and shall be a practical chemist, $2,000; sanitary and food inspector, who shall be a veterinary surgeon and act as inspector of live stock and dairy farms, $1,400; inspector of marine products, $1,200; chief clerk and deputy health officer, $2,200; clerk, $1,400; 4 clerks, 2 of whom may act as sanitary and food inspectors, at $1,200 each; 2 clerks, at $1,000 each; clerk, $900; messenger and janitor, $600; pound master, $1,500; assistant pound master, $720; laborers, at not exceeding $40 per month, $1,920; ambulance driver, $480; 7 sanitary and food inspectors, 2 of whom shall be veterinary surgeons, to assist in the enforcement of the milk and pure-food laws and the regulations relating thereto, at $900 each; in all, $48,020.

The amendment was agreed to.

The next amendment was, on page 54, line 6, to increase the appropriation for the necessary traveling expenses of sanitary and food inspectors while traveling outside of the District of Columbia, etc., from $1,000 to $1,200.

The amendment was agreed to.

The next amendment was, on page 54, after line 7, to insert:

For the erection, completion, and equipment of quarantine buildings on the Washington Asylum grounds, $15,000.

The amendment was agreed to.

The next amendment was, on page 54, after line 10, to insert:

For erection and equipment of a stable for the smallpox hospital, including necessary grading and paving, $1,000.

The amendment was agreed to.

The next amendment was, on page 55, line 2, before the word "dollars," to insert "six hundred;" in line 7, before the word "dollars," to strike out "nine hundred" and insert "one thousand;" in line 9, after the word "assistant," to strike out "janitor" and insert "janitors;" and in line 11, before the word "hundred," to strike out "twenty thousand nine" and insert "twenty-two thousand two;" so as to make the clause read:

For the police court: For two judges, at $3,600 each; clerk, $2,000; two deputy clerks, at $1,500 each; two deputy clerks, at $1,200 each; deputy clerk, to be known as financial clerk, $1,500; three bailiffs, at $900 each; deputy marshall, $1,000; janitor, $540; engineer, $900; assistant janitors, $450; bailiff, $600; in all, $22,290.

The amendment was agreed to.

The next amendment was, on page 55, line 22, after the word "of," to strike out "jury" and insert "jurors;" so as to make the clause read:

For compensation of jurors, $8,000.

The amendment was agreed to.

The next amendment was, on page 56, after line 7, to insert:

For acquiring by purchase or condemnation additional ground in square No. 489, in the city of Washington, for a site for a new police-court building, $25,500, or so much thereof as may be necessary; for preparation of plans for said building, $2,500; in all, $38,000.

The amendment was agreed to.

The next amendment was, on page 57, line 1, before the word "dollars," to insert "four hundred," and in line 4, before the word "thousand," to strike out "twenty-two" and insert "twenty-six;" so as to make the clause read:

Justices of the peace: For 10 justices of the peace, at $2,400 each, and the further sum of $250 each for rent, stationery, and other expenses; in all, $26,500.

The amendment was agreed to.

The next amendment was, under the head of "Emergency fund," on page 58, line 9, after the word "cases," to strike out "of" and insert "constituting, in the judgment of the Commissioners, an;" so as to read:

To be expended only in case of emergency, such as riot, pestilence, public insanitary conditions, calamity by flood or fire, and of like character, and in all cases constituting, in the judgment of the Commissioners, an emergency not otherwise sufficiently provided for, $8,000.

The amendment was agreed to.

The next amendment was, under the head of "Charities and corrections," on page 59, line 16, before the word "dollars," to insert "two hundred;" in line 17, before the word "dollars," to strike out "eight hundred and forty" and insert "nine hundred;" in line 18, after the word "dollars," to insert "one inspector, $840;" in line 19, before the word "inspectors," to strike out "three" and insert "two;" and in line 22, before the word "dollars," to strike out "four hundred" and insert "seven hundred and eighty;" so as to make the clause read:

Board of Charities: For secretary, $3,000; clerk, $1,200; stenographer, $900; messenger, $300; one inspector, $840; two inspectors, at $720 each; traveling expenses, $400; four drivers, at $900 each; in all, $10,780.

The amendment was agreed to.

The next amendment was, under the subhead "Reformatories and correctional institutions," on page 60, line 8, before the word "dollars," to strike out "three hundred and fifty" and insert "four hundred and eighty;" in line 9, before the word "dollars," to insert "and sixty;" in line 11, after the word "each," to strike out "night watchman, five hundred and forty-eight dollars" and insert, "two night watchmen, at five hundred and forty-eight dollars each;" in line 21, before the word "dollars," to strike out "four hundred and eighty" and insert "six hundred;" in line 22, before the word "dollars," to strike out "four hundred and eighty" and insert "six hundred;" on page 61, line 6, after the word "dollars," to insert "laundryman, seven hundred and twenty dollars; two attendants at Old Men's Home, at three hundred

dollars each;" and in line 10, before the word "dollars," to strike out "twenty-seven thousand six hundred and eighteen" and insert "twenty-nine thousand nine hundred and sixteen;" so as to make the clause read:

For Washington Asylum: For intendant, $1,200; visiting physician, $1,080; resident physician, $480; matron, $600; clerk, $840; property clerk, $840; baker, $420; principal overseer, $1,200; 15 overseers, at $600 each; engineer, $600; assistant engineer, $480; second assistant engineer, $360; engineer at hospital for seven and one-half months, at $50 per month; 2 watchmen, at $365 each; 2 night watchmen, at $548 each; blacksmith and woodworker, $500; carpenter, $500; driver for dead wagon, $365; hostler and driver, $240; keeper at female workhouse, $300; keeper at female workhouse, $180; 2 female attendants at almshouse, at $150 each; hospital cook, $600; chief cook for almshouse and workhouse, $600; 2 assistant cooks, at $180 each; 3 assistant cooks, at $120 each; trained nurse, who shall act as superintendent of nursing, $600; graduate nurse, $365; graduate nurse, for receiving ward, $365; 6 orderlies, at $300 each; pupil nurses, not less than 15 in number, $1,140; registered pharmacist, who shall act as hospital clerk, $720; laundryman, $720; 2 attendants at Old Men's Home, at $300 each; in all, $29,916.

The amendment was agreed to.

The next amendment was, on page 61, line 16, before the word "dollars," to strike out "fifty-eight thousand two hundred" and insert "and services, sixty thousand;" so as to make the clause read:

For contingent expenses, including provisions, fuel, forage, harness and vehicles and repairs to same, gas, ice, shoes, clothing, dry goods, tailoring, drugs and medical supplies, furniture and bedding, kitchen utensils, and other necessary items and services, $60,000.

The amendment was agreed to.

The next amendment was, on page 61, after line 16, to strike out:

The unexpended balance of the appropriations heretofore made for erection of a workhouse for males is hereby made available for the construction of cells in the old workhouse for males.

And to insert:

For continuing the erection of a workhouse for males, $100,000, and the unexpended balance of the appropriations heretofore made for the erection of a workhouse for males is hereby made available for continuing the work herein provided.

The amendment was agreed to.

The next amendment was, on page 62, line 5, to increase the appropriation for the salary of the assistant superintendent at the Reform School from $900 to $1,200; in line 7, to increase the appropriation for teachers and assistant teachers from $5,040 to $5,700; in line 9, to reduce the number of foremen of workshops at $660 each from three to two; and in line 20, to increase the total appropriation for the maintenance of the Reform School from $16,452 to $16,752.

The amendment was agreed to.

The next amendment was, in the items for Reform School, on page 63, after line 8, to insert:

For new family building, including heating apparatus, $25,000.

The amendment was agreed to.

The next amendment was, on page 63, after line 10, to insert:

For furnishing the new building, $1,500.

The amendment was agreed to.

The next amendment was, in the items for Reform School for Girls, on page 64, after line 4, to insert:

For building and equipping brick building to be used to house men employees and for storerooms, $6,000.

The amendment was agreed to.

The next amendment was, under the subhead "Medical charities," on page 65, after line 14, to insert:

To aid in the reconstruction and completion of the building for the National Homeopathic Hospital, $75,000: *Provided*, That before any part of said amount is paid the Commissioners of the District of Columbia shall certify that the sum of $50,000 in money has been raised privately to be expended for the purpose of said reconstruction.

Mr. ALLISON. The committee desire to modify the amendment as printed by striking out, in line 16, "seventy-five," before "thousand," and inserting "fifty," and by striking out the proviso beginning in line 17; so as to make the paragraph read:

To aid in the reconstruction and completion of building for the National Homeopathic Hospital, $50,000.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, under the subhead "Child-caring institutions," on page 66, after line 22, to insert.

The Board of Children's Guardians is hereby directed to contract for the care and maintenance of 60 wards of the board at the Hart Farm School at the rate of $200 per annum each, and for this purpose the sum of $12,000 is hereby appropriated, and the Commissioners are required to report to Congress at the first regular session of the Fifty-eighth Congress a general plan for the future care of the delinquent and dependent children in the District of Columbia.

Mr. GALLINGER. Before this amendment is adopted, I should like to ask the chairman of the committee whether the language is precisely or substantially the same as was in the appropriation act of last year.

Mr. COCKRELL. No; it is a little more direct.

Mr. GALLINGER. I was hoping that it was.

Mr. COCKRELL. That allowed them and authorized them to do it. This directs them to do it.

Mr. GALLINGER. So the Senator from Missouri has no doubt in his mind, I take it, that those in authority will do precisely what this amendment contemplates?

Mr. COCKRELL. They will have to do it. There is no question about it.

Mr. GALLINGER. They did not seem to carry out the provision in the act of last year.

Mr. COCKRELL. They are now directed to do it, and they will have to do it.

Mr. GALLINGER. I am very glad to know that that is the case.

The amendment was agreed to.

The next amendment was, on page 67, line 7, to increase the total appropriation for Board of Children's Guardians from $54,600 to $66,600.

The amendment was agreed to.

The next amendment was, on page 67, after line 14, to strike out:

For the care and maintenance of children, under a contract to be made with the National Association for the Relief of Destitute Colored Women and Children, by the Board of Children's Guardians, not to exceed $9,900.

And to insert:

For the National Association for the Relief of Destitute Colored Women and Children, maintenance, including repairs, $9,900.

The amendment was agreed to.

The next amendment was, on page 68, after line 4, to strike out:

For the care and maintenance of children, under a contract made with the German Orphan Asylum by the Board of Children's Guardians, not to exceed $1,800.

And to insert:

For the care and maintenance of children in German Orphan Asylum, not to exceed $1,800.

The amendment was agreed to.

The next amendment was, under the subhead "Temporary Homes," on page 68, line 17, before the word "dollars," to strike out "and Spanish War Veterans, four thousand" and insert "five thousand five hundred;" and in line 18, after the words "District of Columbia," to insert "and ex-soldiers and sailors of the Spanish war shall also be admitted to the Home;" so as to make the clause read:

For Temporary Home for ex-Union Soldiers and Sailors, Grand Army of the Republic, $5,500, to be expended under the direction of the Commissioners of the District of Columbia, and ex soldiers and sailors of the Spanish war shall also be admitted to the Home.

The amendment was agreed to.

The next amendment was, under the head of "Water department," on page 72, line 11, after the word "dollars," to strike out "two clerks, at $1,400 each," and insert," clerk, $1,500; clerk, $1,400;" so as to make the clause read:

For revenue and inspection branch: For water registrar, who shall also perform the duties of chief clerk, $1,800; clerk, $1,500; clerk, $1,400; two clerks, at $1,000 each; chief inspector, at $936; eight inspectors; at $900 each; messenger, $600.

The amendment was agreed to.

The next amendment was, on page 72, line 19, to increase the appropriation for the salary of foreman of the distribution branch, water department, from $1,400 to $1,500, and in line 25, to increase the total appropriation for the maintenance of the distribution branch from $29,706 to $29,906.

The amendment was agreed to.

The next amendment was, on page 73, after line 5, to insert:

For introducing the card record system in the office of the water registrar, including cards, fixtures, labor, and other items necessary to install the same, $2,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 74, after line 9, to insert as a new section the following:

SEC. 3. That until and including June 30, 1904, the Secretary of the Treasury is authorized and directed to advance, on the requisition of the Commissioners of the District of Columbia, made in the manner now prescibed by law, out of any moneys in the Treasury of the United States not otherwise appropriated, such sums as may be necessary from time to time to meet the general expenses of said District, as provided by Congress, and to reimburse the Treasury for the portion of said advances payable by the District of Columbia out of the taxes and revenues collected for the support of the government thereof: *Provided*, That nothing contained herein shall be so construed as to require the United States to bear any part of the cost of street extensions, and all advances heretofore or hereafter made for this purpose by the Secretary of the Treasury shall be repaid in full from the revenues of the District of Columbia: *Provided*, That all advances made under this act not reimbursed to the Treasury of the United States on or before June 30, 1904, shall be reimbursed to said Treasury from time to time out of the surplus revenues of the District of Columbia, beginning July 1, 1904, together with interest thereon at the rate of 2 per cent per annum until so reimbursed; and all advances heretofore made under the act of February 11, 1901, and the act of July 1, 1902, and all other acts making appropriations for the government of the District of Columbia shall also be reimbursed from time to time out of said surplus revenues: *Provided*, That interest on advances made prior to

June 30, 1902, shall in the accounts of the District of Columbia with the United States be computed for the fiscal year 1903, and if not reimbursed shall be stated then as part of the principal sum and so charged annually in said accounts until reimbursed, and the same rule of computation shall apply to all advances made for the fiscal year 1904 and subsequent years, and said interest shall be so charged annually hereafter. The Auditor for the State and other Departments and the auditor for the District of Columbia shall each annually report the amount of such advances, stating each fiscal year separately, and also the reimbursements made under this section, and the balance due the United States, if any.

The amendment was agreed to.

The next amendment was, on page 76, line 4, to change the number of the section from 3 to 4.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. GALLINGER. The senior Senator from Colorado [Mr. TELLER] submitted an amendment which I should like to have offered now.

Mr. TELLER. It is an amendment relating to Euclid place.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. After line 24, page 23, insert:

For the purchase of land necessary to extend Euclid street, in block 18, Meridian Hill, $18,664, or so much thereof as may be necessary.

Mr. GALLINGER. I suggest that it should read "Euclid place" instead of "Euclid street." I made that mistake in drawing the amendment.

The PRESIDENT pro tempore. The amendment will be so modified. The question is on agreeing to the amendment as modified.

The amendment as modified was agreed to.

Mr. GALLINGER. I will ask the Senator from Iowa whether he has any amendments to offer?

Mr. ALLISON. I have no amendment to offer that I know of.

Mr. GALLINGER. I have two or three amendments which I should like to offer to the bill.

The PRESIDENT pro tempore. The committee amendments have been completed?

Mr. ALLISON. The committee amendments have been completed.

Mr. GALLINGER. I offer an amendment, and I wish to make a single observation concerning it.

Mr. QUAY. Mr. President, I think the regular order had better be formally laid before the Senate.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on equal footing with the original States.

Mr. COCKRELL. I ask unanimous consent that the unfinished business may be temporarily laid aside that the consideration of the appropriation bill may be proceeded with.

Mr. SPOONER. It is subject anyway to appropriation bills.

Mr. QUAY. There is no objection.

The PRESIDENT pro tempore. The Senator from Missouri asks unanimous consent that the unfinished business be temporarily laid aside that the consideration of the appropriation bill may be continued.

Mr. SPOONER. Mr. President, I rise to a parliamentary inquiry. Is not the unanimous-consent agreement in regard to the statehood bill subject to appropriation bills?

The PRESIDENT pro tempore. In the opinion of the Chair it is not. To proceed to the consideration of an appropriation bill is a privileged motion, but the privilege extends no further.

Mr. QUAY. There is no objection whatever to laying aside the pending order temporarily.

The PRESIDENT pro tempore. The Chair hears no objection to the request of the Senator from Missouri. The amendment proposed by the Senator from New Hampshire [Mr. GALLINGER] will be stated.

The SECRETARY. On page 26, after line 6, insert:

For continuing work on Arizona avenue sewer, $75,000.

Mr. ALLISON. Mr. President, I desire to say a word respecting the amendment.

The Committee on Appropriations considered the amendment very carefully, and for the reason that it will not be available after the sum is expended and that a considerable sum in addition will be required to finish this sewer, and it can not be used until it is finished, the committee thought it best to recommend larger appropriations for other sewers and to leave this entirely until next year, when we hope to recommend an appropriation sufficient to complete the sewer. It is a proper work, but money expended on it this year would be of no value until a further sum is expended next year. For that reason the committee did not recommend the sum estimated in the Book of Estimates.

Mr. GALLINGER. Mr. President, upon that statement I am inclined to withdraw the amendment, but before doing it I wish to emphasize the necessity for this work. It is in Tennallytown, where there are 2,000 people, and they have no sewerage system. Typhoid fever has prevailed there to a very considerable extent, and beyond a question because of the fact that they are without sewerage.

I trust that this very desirable improvement will be amply provided for next year. It ought to be done. I withdraw the amendment, however, upon the statement made by the chairman.

The PRESIDENT pro tempore. The Senator from New Hampshire withdraws the amendment.

Mr. GALLINGER. I offer an amendment proposing to appropriate $10,000 for grading and improving Wisconsin avenue.

I will say that the Commissioners have recommended this improvement, and I trust that the chairman of the committee will allow it to go into the bill for consideration by the committee of conference. It is a very desirable improvement.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. After line 19, page 19, insert:

For grading and improving Wisconsin avenue, $10,000.

Mr. ALLISON. I will not object to the amendment.

The amendment was agreed to.

Mr. GALLINGER. There is a section of the city which is in great need of an improvement. It is in the vicinity of the Sprague property, on the way from the Soldiers' Home, as Senators will recall. Citizens have made a very important contribution by dedicating streets to the District or to the Government. The Commissioners say:

Since the date of their previous report in this case the abutting property owners have donated for public use that portion of Cincinnati street between Central avenue and a point a short distance south of Cincinnati street, and also the whole of Cincinnati street between Fourth and Seventh streets, so that practically the whole of the land proposed to be improved is under the control of the Commissioners, as indicated on the inclosed plat. It is understood that arrangements have been completed also for the donation of the triangular area in Seventh street near Keokuk, whereupon a continuous right of way will be had from the Bunker Hill road by way of Seventh and Cincinnati streets to Fourth street NE.

I think this matter was not presented to the Committee on Appropriations—at least this dedication had not been made when I offered the amendment. The Committee on the District of Columbia favorably acted upon it and recommend it to the Committee on Appropriations. It calls for an appropriation of $7,500. I ask that it may be allowed. I hope the amendment may go into the bill for further consideration.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. After the word "dollars," in line 12, page 17——

Mr. GALLINGER. The line and page were very likely stated before the bill was reprinted. The clerks will put in the amendment at the right place.

The SECRETARY. At the top of page 19 insert:

To grade, regulate, and improve Seventh street NE., from Michigan avenue (Bunker Hill road) to Rhode Island avenue, and Cincinnati street NE., from Seventh street NE. to Fourth street NW., $7,500.

Mr. ALLISON. The Committee on Appropriations did not examine this question, their attention not having been called to it. So of course I can have no knowledge of such a specific character that would justify me in saying that the committee favor its going into the bill. I will not object to the amendment being placed in the bill for further consideration.

Mr. GALLINGER. That is all I ask.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. TELLER. On page 46, line 6, before the word "dollars," I move to strike out "thirteen hundred and twenty" and to insert in lieu thereof the words "fourteen hundred." The effect of this amendment will give to the lieutenants of police of this city, a limited number, $80 a year more than they are now receiving. That is all there is of it.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 46, line 6, before the word "dollars," strike out "one thousand three hundred and twenty" and insert in lieu thereof the words "one thousand four hundred."

The amendment was agreed to.

The PRESIDENT pro tempore. That changes the total. The clerks will change the total to correspond with the last amendment.

Mr. ALLISON. The clerks will, I hope, change the total.

Mr. MCCOMAS. On page 15, after line 2, I move to insert:

Five hundred dollars to pay William S. Torbert for the preparation of an index to the Code of the District of Columbia, this sum to be paid after such index shall have been approved by the court of appeals and by the supreme court of the District of Columbia.

Mr. ALLISON. I have only to repeat what I said before. This was not estimated for. This work has not been completed. The person who prepared the index before was paid $500, and he made a very imperfect index. I had hoped the Senator from Maryland would allow this matter to go over until the work is completed. I shall offer no objection to it, however.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. McCOMAS. Since I spoke to the Senator on this subject I have had a communication which makes just that statement. At that time I did not know it. I had a telegram saying that the "Court and Bar Association recommend William S. Torbert as indexer." The suggestion was very properly made as I thought. There was an index before, but it is a very bad one. It simply makes the code very useless as it is now. But I have now received a letter which really complies with the very reasonable suggestion of the distinguished chairman of the committee.

It seems that a Mr. William S. Torbert—and I know him well enough to know that he is a very painstaking, industrious man, well fitted to prepare digests and indexes—has been induced by some of the court and bar to prepare a new and a good index. Here is what some of the leading members of the bar—Mr. William F. Mattingly, Mr. A. S. Worthington, Mr. C. C. Cole, Mr. J. J. Darlington, and Mr. R. Ross Perry—say of this index:

> We, as members of the bar of the supreme court of the District of Columbia, desire to bring to your attention the necessity for a proper index to the Code of Laws for the District of Columbia, especially in view of the fact that a resolution is now pending in the Senate for the printing of 2,500 copies of the code.

I think I am right in saying that an order has already passed for the printing of those copies of the code. This is a necessary and proper provision now that they are to be printed. These leading men and the bar association and the court, I have no doubt, fully concur in this statement with the Senator from Iowa. They say:

> The present index is unsatisfactory, inaccurate, and incomplete, and of but little value.

Mr. President, if the index could be examined for a half hour it would be seen to be, what the Senator from Iowa has said, a very poor piece of work.

Now, that is the organic law of this District, and it is made inaccessible by a bad index. Who made it I do not know. I have tried to find out. It was probably given here to somebody in the Capitol who knows nothing about indexing and, it may be, wanted $500; but the work was very poorly done.

Mr. GALLINGER. Mr. President, just at that point I feel that I ought to say a word, inasmuch as the work was done under the direction of the Committee on the District of Columbia. The late Senator McMillan, who was a very careful man in all matters which came under his observation, and the very accomplished clerk of that committee are, I think, responsible for that work. They, I think, selected a gentleman whom they believed qualified to do the work. Now, I am not going to offer an opinion as to whether it was well done or poorly done, but it was not given to a clerk around the Capitol simply to give him a job.

Mr. McCOMAS. I did not mean to say that it was. I said that somebody wanted the money and made the index. Now, the late Senator from Michigan, or his clerk, the most efficient I ever knew in the history of Government work, would ordinarily do the best thing to do, but the man who made this index was not that accomplished and most useful chairman nor that very able clerk. The man who made the index made a very bad index. The proof is the index itself. It makes the code inaccessible to the people who need it and wish to know what is in it. Of course, the value of the code——

Mr. COCKRELL. I do not understand that there has been any objection made to the amendment. Why does not the Senator allow his amendment to be acted upon and have it passed at once, without any further discussion?

Mr. McCOMAS. I will not say a word further.

Mr. COCKRELL. I will make a point of order on it if he does not.

Mr. McCOMAS. I only hope that in conference this amendment will be retained, because the index ought to be in the copies of the code now being printed. I have nothing further to say, Mr. President.

The PRESIDENT pro tempore. Was a point of order raised?

Mr. COCKRELL. No; I did not make the point of order, if the Senator from Maryland would not discuss it further.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Maryland.

The amendment was agreed to.

Mr. FOSTER of Washington. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Washington will be stated.

The SECRETARY. On page 19, after line 4, it is proposed to insert:

> For paving old Sixteenth street from Columbia road to Kenesaw avenue, $5,000.

Mr. ALLISON. I hope the Senator from Washington will explain this amendment. I understand that it has been reported from the Committee on the District of Columbia and that it is to pave what is known as old Sixteenth street. I had supposed that the old Sixteenth street had been merged into the new Sixteenth street, and that we were providing for all there was of Sixteenth street. If there is a part of old Sixteenth street which it is desired to have paved, I wish the Senator from Washington would explain the necessity for it. I certainly had no knowledge that there was any portion of Sixteenth street not already provided for in the bill.

Mr. FOSTER of Washington. What was formerly Sixteenth street above this particular point is now termed old Sixteenth street. New Sixteenth street is provided for in the appropriations made for paving. There is a large number of people living on what is called old Sixteenth street, many houses have been erected there, and the residents on that street are extremely anxious that it shall be paved. Hence the favorable report which was made on the improvement. The amendment was referred to the Committee on the District of Columbia, which has authorized me to report in favor of it. I hope the Senator from Iowa will not object to its adoption.

Mr. ALLISON. I hope the Senator from Washington will furnish the facts upon which the conferees on the part of the Senate can defend this amendment if it is put into the bill. They have no knowledge of it now.

Mr. FOSTER of Washington. The principal facts in favor of the amendment are that a great many people live on the street, that new buildings are going up there, and those people are urging the improvement.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Washington.

The amendment was agreed to.

Mr. ALLISON. There is one other amendment which I desire to offer, which I send to the desk—to increase the compensation of the deputy collector of the district.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Iowa will be stated.

The SECRETARY. On page 5, line 4, after the words "deputy collector," it is proposed to strike out "one thousand eight hundred" and insert "two thousand;" so as to read:

> Deputy collector, $2,000.

The amendment was agreed to.

Mr. ALLISON. In the same clause, in line 12, I move to increase the total from "$19,400" to "$19,600."

The amendment was agreed to.

Mr. GALLINGER. Mr. President, for what I think is an adequate reason, and which I believe the chairman of the Committee on Appropriations understands, I will make the request that the further consideration of this bill be postponed until to-morrow morning. There is one matter which I feel quite confident I shall want to bring to the attention of the Senate in connection with this bill, but it will not be in shape for me to do so this afternoon.

Mr. ALLISON. Will it not suit the purpose of the Senator from New Hampshire to allow the bill to be reported to the Senate and the amendments which have been agreed to as in Committee of the Whole concurred in in the Senate?

Mr. GALLINGER. That will be entirely agreeable to me, Mr. President.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

The PRESIDENT pro tempore. The Senator from New Hampshire [Mr. GALLINGER] now asks that the bill lie over until to-morrow morning. Is there objection? The Chair hears none, and it is so ordered.

COURTS IN UTAH.

Mr. RAWLINS submitted the following report:

> The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 149) to provide for holding terms of court in the district of Utah, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:
>
> That the House recede from its amendments to said act, and agree to the same with the following amendments:
>
> Strike out the words "September, January, and," in line 6 of the said Senate act, and insert after the word "April," in line 6, the following: "and November and at Ogden City on the second Monday in March and September."
>
> Insert in line 7, before the word "terms," the word "other," and insert after the word "at," in line 7, the following: "said Salt Lake City and."
>
> Further amend line 7 by striking out the word "or," after the word "City" and before the word "other," and inserting the words "and at;" so that the said act, when so amended, will read as follows:
>
> "That the State of Utah constitutes one judicial district, which is known as the district of Utah. Terms of the district court shall be held in Salt Lake City on the second Monday in April and November and at Ogden City on the second Monday in March and September of each year: *Provided*, That other

terms of said court may be held at said Salt Lake City and Ogden City and at other places in said district when deemed necessary by the judge."

GEO. F. HOAR,
JO. C. S. BLACKBURN,
J. L. RAWLINS,
Managers on the part of the Senate.
JOHN J. JENKINS,
R. WAYNE PARKER,
D. A. DE ARMOND,
Managers on the part of the House.

The report was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had on the 9th instant approved and signed the following acts:

An act (S. 3546) for the relief of L. A. Noyes; and

An act (S. 6278) to extend the provisions of chapter 8, Title XXXII, of the Revised Statutes of the United States, entitled "Reservation and sale of town sites on the public lands," to the ceded Indian lands in the State of Minnesota.

The message also announced that the President of the United States had on this day approved and signed the following acts and joint resolution:

An act (S. 1471) for the relief of Henry G. Rogers;

An act (S. 2450) to establish a fog bell and lens-lantern light on the southeastern end of Southampton Shoal, San Francisco Bay, California;

An act (S. 4222) authorizing the appointment of John Russell Bartlett, a captain on the retired list of the Navy, as a rear-admiral on the retired list of the Navy; and

A joint resolution (S. R. 156) dedicating to the city of Columbus, in the State of Ohio, for uses and purposes of the public streets, part of the property conveyed to the United States by Robert Neil by deed dated February 17, 1863, recorded in Deed Book 76, page 572, etc., Franklin County records.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 569) to establish a department of commerce and labor.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 5678) providing for record of deeds and other conveyances and instruments of writing in Indian Territory, and for other purposes.

UNION RAILROAD STATION.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4825) to provide for a union railroad station in the District of Columbia, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreements of the amendments of the House numbered 2, 3, 5, 6, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 20, 21, 22, 24, 25, 26, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 40, 43, 44, 46, 48, 49, 50, 51, 52, 53, 54, 55, and 56, and agree to the same.

That the House recede from its amendments numbered 4, 42, 45, and 47.

Amendment numbered 1: That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with an amendment as follows: Between the words "railroads" and "properties," in said amendment, insert a comma; and the House agree to the same.

Amendment numbered 7: That the Senate recede from its disagreement to the amendment of the House numbered 7, and agree to the same with an amendment as follows: On page 3 of the act, line 22, strike out "United States Reform School" and insert "Reform School of the District of Columbia;" and the House agree to the same.

Amendment numbered 14: That the Senate recede from its disagreement to the amendment of the House numbered 14, and agree to the same with an amendment as follows: On page 7 of the act, line 3, strike out "company" and insert "companies;" and the House agree to the same.

Amendment numbered 19: That the Senate recede from its disagreement to the amendment of the House numbered 19, and agree to the same with an amendment as follows: In said amendment strike out "Philadelphia, Baltimore and Washington" and insert "Baltimore and Potomac;" and the House agree to the same.

Amendment numbered 23: That the Senate recede from its disagreement to the amendment of the House numbered 23, and agree to the same with an amendment as follows: On page 12 of the act, line 5, strike out beginning with "in the city of Washington" down to and including all of line 11, and in lieu thereof insert: "Also, in the city of Washington, the following-named streets are hereby vacated, abandoned, and closed, to wit, Ivy street, between South Capitol street and a point 220 feet east thereof; Second street NE., between N street and Delaware avenue, and, between the north side of M street and the south side of L street, so much of the bed of Delaware avenue as lies west of a line drawn parallel with the east building line of said avenue and 40 feet westerly therefrom;" and the House agree to the same.

Amendment numbered 27: That the Senate recede from its disagreement to the amendment of the House numbered 27, and agree to the same with an amendment as follows: At the end of the section strike out the period, and at the beginning of the new matter strike out "except" and insert ": *Provided*, That;" and the House agree to the same.

Amendment numbered 57: That the Senate recede from its disagreement to so much of the amendment of the House numbered 57 as involves striking out section 12 of the bill, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted to stand as section 12 insert the following:

"SEC. 12. That the Philadelphia, Baltimore and Washington Railroad Company shall establish and maintain a substation with suitable accommodation for passenger travel at a convenient location north of the Long Bridge and at a point to be approved by the Commissioners of the District of Columbia."

And the House agree to the same.

On amendments numbered 39 and 41, and on so much of amendment numbered 57 as relates to the striking out of section 13 of the bill and the substitution of matter in lieu thereof, the committee of conference have been unable to agree.

J. H. GALLINGER,
W. P. DILLINGHAM,
THOMAS S. MARTIN,
Managers on the part of the Senate.
J. W. BABCOCK,
SYDNEY E. MUDD,
ADOLPH MEYER,
Managers on the part of the House.

Mr. GALLINGER. Mr. President, I want to make a single observation. The conferees on this bill have agreed as to all matters in dispute except the one item of a proposed reduction on the part of the other House of the amount of money to be contributed by the Government and the District of Columbia to these two railroads. That matter is still in dispute.

I have supposed, Mr. President, that it was not the proper thing, in presenting a conference report, to state the action of the conferees when they were considering a matter of this kind, but inasmuch as certain statements were made on yesterday in another place, to the effect that if this matter went back to conference again there would be no difficulty in securing a recession by the conferees on the part of the Senate, I desire to put myself on record as saying that the conferees on the part of the Senate have never said anything or suggested anything which would warrant that statement. The matter goes back to conference with that point of disagreement absolutely open for further consideration.

The PRESIDENT pro tempore. The question is on agreeing to the report of the committee of conference.

The report was agreed to.

Mr. GALLINGER. I move that the Senate further insist upon its disagreement to the amendments which are still in disagreement, and agree to the conference asked for by the House of Representatives.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. GALLINGER, Mr. DILLINGHAM, and Mr. MARTIN were appointed.

ELISE SIGEL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 15659) granting a pension to Elise Sigel, and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. GALLINGER. I move that the Senate further insist on its amendment, disagreed to by the House of Representatives, and agree to the conference asked for by the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. GALLINGER, Mr. FOSTER of Washington, and Mr. TURNER were appointed.

PUBLIC BUILDING AT BRIDGEPORT, CONN.

Mr. FAIRBANKS. I am directed by the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 7245) amending the act of June 19, 1888, providing for the erection of a public building at Bridgeport, Conn., to report it favorably without amendment. It is a very brief bill, and it is important that it should be passed immediately, for the work of construction can not proceed on the building without the passage of a bill amending the existing law. I therefore ask unanimous consent for the present consideration of the bill.

The PRESIDENT pro tempore. The Senator from Indiana asks unanimous consent that the unfinished business may be temporarily laid aside, and that the Senate proceed to the consideration of the bill named by him, which will be read to the Senate in full for its information.

Mr. QUAY. Before the bill is laid before the Senate, I desire to say that, in view of the statement of the Senator from Indiana [Mr. FAIRBANKS], I shall not object to its consideration, but I shall object to the injection of any other bills into the belly of the statehood discussion.

The PRESIDENT pro tempore. The bill will be read for information, subject to objection.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that for the purpose of permitting the construction, upon lands now belonging to the United States, of the extension to the post-office building at Bridgeport, Conn., authorized by the act of Congress approved June 4, 1897, so much of the act of Congress entitled "An act for the erecting of a public building at Bridgeport, Conn.," approved June 19, 1888, as provides that "the site

purchased shall leave the building unexposed to danger from fire by an open space of at least 40 feet, including streets and alleys," shall be repealed.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NATIONAL-BANK RESERVES.

Mr. ALDRICH. I ask the Chair to lay before the Senate the amendments of the House of Representatives to House bill 7659.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 7659) to amend section 1 of an act entitled "An act to amend sections 5191 and 5192 of the Revised Statutes of the United States, and for other purposes," and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ALDRICH. I move that the Senate insist on its amendments disagreed to by the House of Representatives and agree to the conference asked for by the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. ALLISON, Mr. ALDRICH, and Mr. JONES of Arkansas were appointed.

DEPARTMENT OF COMMERCE.

Mr. HANNA submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 569) "to establish the department of commerce and labor," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with amendments as follows:

Page 2, line 8, of the amendment, strike out all after the word "Congress" to the end of section 2 and insert in lieu thereof the following: "and the Auditor for the State and other departments shall receive and examine all accounts of salaries and incidental expenses of the office of the secretary of commerce and labor and of all bureaus and offices under his direction, all accounts relating to the Light-House Board, Steamboat-Inspection Service, Immigration, Navigation, Alaskan fur-seal fisheries, the National Bureau of Standards, Coast and Geodetic Survey, Census, Department of Labor, Fish Commission, and to all other business within the jurisdiction of the department of commerce and labor, and certify the balances arising thereon to the division of bookkeeping and warrants and send forthwith a copy of each certificate to the secretary of commerce and labor."

Page 3, line 15, of the amendment, insert after the word "Establishment" the following: "the Steamboat-Inspection Service, the Bureau of Navigation, the United States Shipping Commissioners."

Page 4, line 3, of the amendment, strike out the word "Commissioners" and insert in lieu thereof the word "Commission."

Strike out all of section 6 and insert in lieu the following:

"SEC. 6. That there shall be in the department of commerce and labor a bureau to be called the bureau of corporations, and a commissioner of corporations who shall be the head of said bureau, to be appointed by the President, who shall receive a salary of $5,000 per annum. There shall also be in said bureau a deputy commissioner who shall receive a salary of $3,500 per annum, and who shall in the absence of the commissioner act as, and perform the duties of, the commissioner of corporations, and who shall also perform such other duties as may be assigned to him by the secretary of commerce and labor or by the said commissioner. There shall also be in the said bureau a chief clerk and such special agents, clerks, and other employees as may be authorized by law.

"The said commissioner shall have power and authority to make, under the direction and control of the secretary of commerce and labor, diligent investigation into the organization, conduct, and management of the business of any corporation, joint stock company, or corporate combination engaged in commerce among the several States and with foreign nations excepting common carriers subject to 'An act to regulate commerce,' approved February 4, 1887, and to gather such information and data as will enable the President of the United States to make recommendations to Congress for legislation for the regulation of such commerce, and to report such data to the President from time to time as he shall require; and the information so obtained, or as much thereof as the President may direct, shall be made public.

"In order to accomplish the purposes declared in the foregoing part of this section, the said commissioner shall have and exercise the same power and authority in respect to corporations, joint-stock companies, and combinations subject to the provisions hereof as is conferred on the Interstate Commerce Commission in said 'act to regulate commerce' and the amendments thereto in respect to common carriers so far as the same may be applicable, including the right to subpœna and compel the attendance and testimony of witnesses and the production of documentary evidence and to administer oaths.

"All the requirements, obligations, liabilities, and immunities imposed or conferred by said 'Act to regulate commerce' and by 'An act in relation to testimony before the Interstate Commerce Commission,' etc., approved February 11, 1893, supplemental to said 'Act to regulate commerce,' shall also apply to all persons who may be subpœnaed to testify as witnesses or to produce documentary evidence in pursuance of the authority conferred by this section.

"It shall also be the province and duty of said Bureau, under the direction of the secretary of commerce and labor, to gather, compile, publish, and supply useful information concerning corporations doing business within the limits of the United States as shall engage in interstate commerce or in commerce between the United States and any foreign country, including corporations engaged in insurance, and to attend to such other duties as may be hereafter provided by law."

Page 6, line 8, of the amendment, after the word "required," insert the words "by the secretary of commerce and labor."

Page 7, line 7, of the amendment, after the word "labor," insert the following: "*Provided*, That nothing contained in this act shall be construed to alter the method of collecting and accounting for the head tax prescribed by section 1 of the act entitled 'An act to regulate immigration,' approved August 3, 1882."

Page 8, line 25, of the amendment, after the word "in," insert the words "or by."

In lieu of section 10 of the amendment insert the following:

"SEC. 10. That all duties performed and all power and authority now possessed or exercised by the head of any executive department in and over any bureau, office, officer, board, branch, or division of the public service by this act transferred to the department of commerce and labor, or any business arising therefrom or pertaining thereto, or in relation to the duties performed by and authority conferred by law upon such bureau, officer, office, board, branch, or division of the public service, whether of an appellate or revisory character or otherwise, shall hereafter be vested in and exercised by the head of the said department of commerce and labor.

"All duties, power, authority, and jurisdiction, whether supervisory, appellate, or otherwise, now imposed or conferred upon the Secretary of the Treasury by acts of Congress relating to merchant vessels or yachts, their measurement, numbers, names, registers, enrollments, licenses, commissions, records, mortgages, bills of sale, transfers, entry, clearance, movements, and transportation of their cargoes and passengers, owners, officers, seamen, passengers, fees, inspection, equipment for the better security of life, and by acts of Congress relating to tonnage tax, boilers on steam vessels, the carrying of inflammable, explosive, or dangerous cargo on vessels, the use of petroleum or other similar substances to produce motive power, and relating to the remission or refund of fines, penalties, forfeitures, exactions, or charges incurred for violating any provision of law relating to vessels or seamen or to informer's shares of such fines, and by acts of Congress relating to the Commissioner and Bureau of Navigation, shipping commissioners, their officers and employees, Steamboat-Inspection Service and any of the officials thereof, shall be, and hereby are, transferred to and imposed and conferred upon the secretary of commerce and labor from and after the time of the transfer of the Bureau of Navigation, the shipping commissioners, and the Steam boatInspection Service to the department of commerce and labor, and shall not thereafter be imposed upon or exercised by the Secretary of the Treasury. And all acts or parts of acts inconsistent with this act are, so far as inconsistent, hereby repealed."

Page 10, line 12 of the amendment, strike out the words "or the Interstate Commerce Commission" and insert the following: "from the Department of State, the Department of the Treasury, the Department of War, the Department of Justice, the Post-Office Department, the Department of the Navy, or the Department of the Interior."

Page 11, line 6 of the amendment, after the word "act," insert the words: "other than those of section 12."

And the House agree to the same.

M. A. HANNA,
KNUTE NELSON,
A. S. CLAY,
Managers on the part of the Senate.

W. P. HEPBURN,
JAMES R. MANN,
WILLIAM RICHARDSON,
Managers on the part of the House.

The PRESIDENT pro tempore. Will the Senate agree to the conference report?

Mr. QUAY. Mr. President, I suggest to the Senator, who is the chairman of the committee of conference, and who submitted this report, that it is a report of exceeding importance, and, if it concurs with his better judgment, that he allow it to be printed and go over until to-morrow. I expect to vote with the Senator for the adoption of the report, but I should like first to know exactly what I am voting for.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks that the conference report may be printed and go over until tomorrow. Is there objection? The Chair hears none, and that order is made.

STATEHOOD BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. RAWLINS. I present a memorial of the governor and the legislature of the State of Utah bearing upon the statehood bill now pending, which I ask to have read.

The PRESIDENT pro tempore. The Senator from Utah asks that the memorial which he sends to the desk may be read. Is there objection? The Chair hears none, and the Secretary will read.

The Secretary read as follows:

Senate joint memorial, memorializing Congress to pass the omnibus statehood bill, admitting Arizona, New Mexico, and Oklahoma as States in the Union.

To the Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the governor and legislature of the State of Utah, respectfully memorialize the Congress of the United States of America to pass the bill now pending in Congress to admit the Territories of Arizona, New Mexico, and Oklahoma as States in the Union.

EDWARD M. ALLISON, Jr.,
President of the Senate.

THOMAS HULL,
Speaker of the House.

Approved this 2d day of February, 1903.

HEBER M. WELLS, *Governor.*

Mr. KEAN. Mr. President, I understand the Senator from Alabama [Mr. MORGAN] would like to proceed at this time. I have no objection to his doing so, and I gladly yield to him.

Mr. MORGAN. Mr. President, I do not like to interfere with the Senator from New Jersey [Mr. KEAN] in the delivery of his continuous speech, which has so far been interrupted with a few parentheses of somewhat protracted character; and I would much prefer, if the Senator will do so, that he should conclude his remarks before I speak, because he has said some things here that I

desire to answer, and I should like to have the benefit of all of the Senator's remarks before proceeding, if I could do so. I always feel uncomfortable in speaking in the time of another Senator for fear that I might possibly intrude upon his patience by the length of my own remarks, which are sometimes a little more protracted than other people like to have them. If the Senator from New Jersey will conclude his remarks——

Mr. KEAN. It is always a pleasure to listen to the Senator from Alabama.

Mr. MORGAN. Well, I know; but it might not be so great a pleasure if I had the opportunity of replying to all the Senator has said and intends to say. However, if the Senator is entirely satisfied for me to occupy the floor as in my own time, of course without depriving him of the privilege, I will proceed with what I have to say.

I have for a long time, Mr. President, been an interested student, I may say, of the situation of the country that is called the arid part of America—west of the Rio Grande River and the country extending to the north of it. When a proposition was brought in here for the admission of the State of Washington into the Union I was very heartily in favor of it. The ground upon which I took a stand in favor of the admission of Washington State was, first, that it was a national duty. It must have been a national contemplation or expectation when we adopted the Constitution of the United States and had the Northwestern Territory as a part of the assets, I may say, of the old government—the government of the Confederation—which were turned over to us, that we would extend to the people of the different Territories then acquired or thereafter to be acquired all of the rights that the Constitution provides as belonging to citizenship of the United States.

Those rights as they existed in the original thirteen States and were transferred into the constitutions of the other States that followed them, now to the number of forty-five, were peculiar. They were important. They had never existed in any other country but this in concrete form. And the aggregation of those rights in what we call statehood was considered by our fathers to be the highest reach of human endeavor in the direction of free republican government.

Those original States, formed out of the colonies, had exercised many of the powers of sovereignty before the Union was formed. They had exercised full powers of sovereignty for eleven years, through their representatives in the Congress of the Confederation—much broader powers of sovereignty, indeed, than were left to them after the Constitution was adopted. They had conjointly exercised fully the powers of sovereignty in making treaties with Indians, and also in having systems of coinage, and in exercising various of the attributes of absolute and unqualified sovereignty.

When they were congregated into the Union, first 10 of them and then 3 more, they formed a Constitution, which was intended thereafter to demark, to delimit, and to define all the privileges of American citizens, and the American citizen who does not enjoy all the fullness of that liberty can not be said to be an American citizen in the proper meaning of that term.

The thirteen original States, recently colonies of Great Britain, were required to give up to the Federal Government, which was to be located in the District of Columbia, certain of their sovereign powers, particularly those which related to dealings with foreign countries. But for the purpose of providing for themselves, under the separate sovereignties that they enjoyed, they had the unquestioned right to elect all their officers, legislative, judicial, and executive, and to choose them in their own manner, so that the manner of choice should be republican in form.

It was considered that this combination between the two great sovereign powers, the one residing in the States and the other in the Federal Government, was, for purposes of domestic security and enjoyment and for purposes of external or foreign protection and progress, the very acme, the highest possible reach of free republican government; and so, Mr. President, it has been all the time since.

When the State of Washington was applying for admission into the Union with a feeble rap at our doors, and expecting possibly to be turned away without being admitted into these high privileges and rights, I thought it was for our own security as a nation, for our own development, for the benefit of the people of Washington, and for the promotion of their happiness, that it should be admitted as a sovereign State into the American Union.

I further thought, Mr. President, and so expressed myself, I believe, that the State of Washington, situated at the extreme northwest of our possessions, and looking across Puget Sound upon the possessions of Great Britain, would form a bulwark in that quarter which not only would attract the attention of the world, but would give needed strength to our institutions, physical, political, and moral, and that that was the place of all others in the United States where it was most necessary that all the aggregated powers of statehood and Federal sovereignty should be combined into a sovereign State to be admitted into the American Union. For these reasons I took great pride and pleasure in my advocacy of the admission of Washington into the Union.

At that time the political situation in Washington was unsettled, and there were hopes of Democratic success in the coming Presidential elections which were somewhat flattering, and I was somewhat berated by my Democratic colleagues because I did not pay sufficient attention to the probable dominance in the State of the Republican ticket in national elections. Nevertheless, I got my consent to go on with what I believed to be a duty to the entire country that rose above what other gentlemen supposed was my duty to my party.

Following on after that, within nine months, I think it was, from the date of the admission of Washington, five other great States were admitted into the Union. Thereupon I, having stood my ground and having voted for all of them upon the principles which I thought ought to control my action, the admonitions that came from my party were a little more pointed and a little more severe, as if I were really assisting in transferring the power from the hands of the Democracy, as it was expected, into the hands of the Republican party. I still held to my course because I believed it to be right.

Since that time, Mr. President, I have been amply rewarded for what sagacity I possessed, in seeing gentlemen on this floor who are Democrats, coming from those Northwestern States, and now I do not remember that we have any Democrat on the floor from that northern section of the country—I am now speaking of the isothermal line that runs across our country, the line of ancient division in our politics—who does not come from the mountain region of the six States admitted within the period of nine months.

Now, my position with regard to Arizona and New Mexico and Oklahoma has not the slightest taint of politics in it. I desire the admission of these States into the Union for the practical reason, the economic reason, for the national reason, for the reason of state, that influenced my vote in favor of Washington and her five sister States, admitted into the Union from the Northwest. So the gentlemen who choose to follow me in my remarks or to read them hereafter, if they ever shall undertake to do so, must exonerate me on this occasion from any expected political gain to my party as influencing me in the slightest degree.

But, being free to act myself, Mr. President, I will not make accusation against the gentlemen who are trying to keep these Territories out of the Union that they are controlled by party considerations. At the same time, they will have to confront accusations of that kind, whether they are just or unjust, because the people believe that that is exactly what is going on; that this is a play of politics and nothing else put a play of politics; that there is no reason of statesmanship which excludes these States from admission into the Union, and that if they are excluded now, having waited some sixty years to get them into a condition that might possibly suit the refined ideas of certain gentlemen as to what a people ought to be to have the blessings of American liberty, no one knows how long they will have to wait, at the rate we have been going, provided those Senators have a correct idea of the degradation which they insist has been suffered in New Mexico and Arizona, by granting to these people Territorial government and permitting them to ravel down at the heel in the way that they have done in the last sixty years.

When will they get any better, and when will we be ready to admit them? I think it will come to a pass after a while where we will have to exclude States from the American Union and turn others outside of the Union because we can not find any material that is good enough for these exacting to associate with. I judge that will be the result.

Now, this debate has been going on here, some one said yesterday, for six weeks—I believe it is two months—sawing along in the most leisurely possible way that I think I have ever seen in the Senate, and the Democrats have been so silent about it that I am afraid they are nearly dumb for want of exercise in the use of their voice in speech. They have been locked in here by what I may call a peaceful political blockade.

Mr. TELLER. A pacific blockade.

Mr. MORGAN. A pacific political blockade. It has been conducted in the very best of humor. Scarcely a ripple has arisen on the surface to agitate anybody at all, but the blockade has been kept up, and we do not know when it is going to end. Whether we shall have to refer it to some Hague which we will ourselves constitute to settle when this thing is to end and what is to become of it I do not know. We are, like the British and Germans in Venezuela, being starved to death to gratify the arrogant pride of our own guardians, the leaders, it seems, of the Republican party in the Senate. The country is stopped from the exercise of its own Government, to make a capricious minority more disagreeably conspicuous.

Here is the Senate of the United States engaged upon propositions which Senators have undertaken to discuss to their utmost, bringing up every possible phase and circumstance that can be thought of connected with almost everybody in these three Territories, beginning with the people, running up through the magistrates and justices of the peace, and judges of the courts, and the sheriffs and constables, and the legislatures and local administrations, and all manner of things, getting even into the religion of the people out there and their alleged taint of Mormonism. They are going through and trying to instruct the people of the United States in a knowledge of the situation in Arizona and New Mexico and Oklahoma, about which the people know practically ten times as much as any Senator on this floor; wasting the time of the Government, which is said to be precious, and keeping us from engaging in that discussion of a real topic which is looming up behind this matter—the trusts—which have afflicted the people of this country to the extent almost of absolute starvation in many places and of actual freezing in many others.

The discussion of the trusts has been kept back, and will be kept back until it gets too late for us to have any that is fair or intelligent, and we will be forced to accept a proposition that is coming to us from the House, possibly without amendment, and without the opportunity of explaining our votes against it if we do not agree with it, when we know and the whole world knows that that trust bill is nothing more than a mush poultice put upon some little pimple for the purpose of soothing some slight pain, when the disease is a cancer of the whole body politic.

Mr. BEVERIDGE. Which trust bill?

Mr. MORGAN. The one that is coming to us.

Mr. President, the object of this long delay is not so much to defeat the statehood of these Territories. It is to defeat something else that lies behind it. It is utterly unjustifiable. There is no excuse for it, and so the people of the United States will pronounce when they get a chance to express their opinion upon it.

We have stood here in the presence of a solemn treaty duty for two months, after having stood in its presence for many years, and we have deliberately refused to perform it without having just cause or excuse. There is no substantial reason why these States should not be admitted into the Union. You may take Arizona or New Mexico and take all the Mexicans and all the Indians in those two Territories and replace them with negroes taken from Alabama and Mississippi and you will not have so enlightened a population as you have there now. Yet, I suppose that if Alabama or Mississippi or Louisiana were to ask for admission into the American Union now no objection would be made on account of the population, at least four-tenths of which in some of those States and a majority in others are negroes—uneducated, uninformed, incapable of participating intelligently in a republican and complex form of government.

In some of the Southern States the negroes are in the majority. So in Louisiana, so in Mississippi. What would become of those States, or Territories like them, if they were here asking to be admitted into the Union now, upon the basis of unfitness for participation in statehood? Who will not say that the Mexicans and the Indians in New Mexico and in Arizona are more intelligent, better fitted for participation in republican government than the negroes of Alabama, Mississippi, Louisiana, or South Carolina?

Mr. BEVERIDGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Indiana?

Mr. MORGAN. I do not want to be interrupted by the Senator.

Mr. BEVERIDGE. Then I will not interrupt the Senator.

The PRESIDENT pro tempore. The Senator from Alabama declines to yield.

Mr. MORGAN. I like to see the Senator on the floor, but he has been so much on it that I prefer to speak without being interrupted.

Mr. BEVERIDGE. I will not ask the Senator to yield.

Mr. MORGAN. Mr. President, we ought to have in this country, since we have got to be 125 years old or more under the Constitution, some sobriety of judgment and some respect for truth and facts, and we ought not to be led off by the demands of party requirements and under party alignment to do absurd and false things that are against the sentiment of the American people and are opposed to the Constitution of the United States.

Very little has been said about the basic fact which underlies our action here, and about the requirement of an obligation that rests upon us with a burden we can not possibly shake off if we have any possible self-respect. I propose to go into the subject of that duty; to ascertain where it comes from; to ascertain the measure of it, and to see if I can not persuade these gentlemen to join me in trying to perform it.

When we made the treaty of Guadalupe-Hidalgo with Mexico, by the terms of which we acquired vast territory to the west of us, which was done in 1848, we put into it the ninth article, which reads as follows:

> The Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican Republic conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States and be admitted at the proper time (to be judged by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States, according to the principles of the Constitution, and in the meantime shall be maintained and protected in the free enjoyment of their liberty and property and secured in the free exercise of their religion without restriction.

Three years later, when the Gadsden treaty came to be negotiated and we wanted more land down there, including a large portion of that which is now New Mexico and Arizona, we presented through our negotiators another stipulation which takes the place of the one I have just read, to make it more obligatory and broader. They say in that protocol:

> The American Government, by suppressing the ninth article of the treaty of Guadalupe-Hidalgo and substituting the third article of the treaty of Louisiana, did not intend to diminish in any way what was agreed upon by the aforesaid article 9 in favor of the inhabitants of the Territories ceded by Mexico. Its understanding is that all of that agreement is contained in the third article of the treaty of Louisiana. In consequence all the privileges and guarantees, civil, political, and religious, which would have been possessed by the inhabitants of the ceded Territories, if the ninth article of the treaty had been retained, will be enjoyed by them without any difference under the article which has been substituted.

Now, let us see what it was that we guaranteed in the third article of the treaty for the Louisiana Purchase, which is substituted for the ninth article in the treaty of Guadulupe-Hidalgo by a protocol that was three years younger than it:

> The inhabitants of the ceded territory shall be incorporated in the Union of the United States and admitted as soon as possible according to the principles of the Federal Constitution to the enjoyment of all the rights, advantages, and immunities of citizens of the United States; and in the meantime they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess.

This can mean nothing else than a pledge of their admission to statehood "in the Union of the United States)" and that they shall be admitted "as soon as possible," not as soon as it may be convenient in a Presidential election.

Now, what else can that mean, when we say in this protocol that we do not change anything in the ninth article of the treaty of Guadalupe-Hidalgo relating to the rights and liberties belonging to the people we took in there, and gave them the option of becoming citizens of the United States, and then we go and add to it what I have just read here from the third article of the treaty of Louisiana? Admitted to what? Citizenship. At the discretion of Congress as it was in the ninth article? No. The discretion is stricken out. It is a national obligation that they shall be admitted. Admitted to what? Statehood.

These very people comprised a part of one of the States of Mexico at the time they were admitted into our Union—the State of Sonora. The State of Sonora had its representatives in the National Congress of the Republic of Mexico. They had also their local government and governors elected by them. They had the right to the ballot, and there is not a male citizen 21 years of age in Mexico to-day—Indian, negro, white man, or Mexican—who is not entitled to vote in every election, and there never has been since the Republic was first established.

We took those people, citizens of a sovereign State of Mexico, with far greater powers of sovereignty than our States possess—very far greater—we bought them from Santa Anna; we paid him $10,000,000 additional for the Gadsden Purchase. But the question arose, What is to become of those people whom we were denationalizing and depriving of the liberties which they enjoyed under the Mexican constitution?

The treaty provided that they should have the option to remain in these Territories and own and keep their property under all circumstances. In addition to that, that they should have the option of becoming citizens of the United States or they should have the option of remaining citizens of Mexico. If they should prefer the last proposition, what they had to do is substantially what we required the people of Cuba to do. They shall register as Mexican citizens, that is all.

They expected to get as many liberties, as well secured by constitutional guaranties, under this Government as they had under Mexico. They had in Mexico all the blessings and benefits of statehood that we propose to extend to them. Was it our agreement that we should take them out of that statehood which they enjoyed in Mexico under a liberal constitution, where they were not sovereign in respect to foreign powers, but had all those rights and privileges which our States here enjoy; and, more, was it understood that we were to take these Mexicans out from under their constitutions, State and Federal, and transfer them to this lower condition of Territorial subordination and keep them there until it pleased the politicians of the United States, and in particular of New England, that they might come into the Union?

They could not deal with the United States personally. They were a conquered people. We made solemn promises to their

Government to protect all the rights and liberties they enjoyed by giving them the full powers of citizenship of States in our Union, and because they were impotent to force our compliance with our pledges we upbraid them and rebuke them with scorn and contempt, because they even dare to petition us.

Our political assurances are as strong as possible, but our performance is contemptuous refusal.

Did we promise them perpetual subordination, as Territories, that should receive all their officers as gifts from the President? No, sir; no such contemplation was in that treaty; just the reverse of it; and when we fail to execute in behalf of the Mexican citizens there this third article of the treaty of Louisiana we violate our obligations to the Government, to God, and to man. That is what we are doing here.

We are denying the privileges that we solemnly promised them in the treaty, and we talk about it, Mr. President, as twittingly as we would to a canary bird that sings its song in a cage. What we shall do with these people is a mere by-play. They are supposed to be in the same condition as the Indians that we found on this continent when we landed here, and we are treating them just as if they were aboriginal Indian tribes. We are treating them precisely as Massachusetts and Connecticut and all New England down to Rhode Island treated the Indians when they first landed there, as the occupants of a soil that God had set apart for His elect, and then they voted themselves to be the elect and proceeded to govern it. That is the situation.

We agreed to treat them as citizens of the United States, and kept the promise by treating them as we did the alleged savages.

It is true, Mr. President, that there is no one to confront us with a demand that we shall do this right to these Mexican people, because Mexico is not able to do it. But if we had acquired these people from Great Britain or from Germany, with this guaranty in their favor, and had waited fifty or sixty years and then announced our determination to admit them whenever it suited a certain political party and not before, an inquiry would be instituted here, Why have you violated the obligation of that treaty? Why have you done it? What do you mean by putting those obligations in the treaty and then turning on your heel and saying that you would not execute it until the politics of your party got to suit your tastes in this matter? But we are compelled by a minority to stand here and violate these obligations in a cowardly way because we think that Mexico can not compel us to comply with them. That is what we are doing.

Now, what is a treaty with a foreign country? The Constitution of the United States defines it to be the supreme law of the United States. I can think of no higher grade of legislative enactment than that. I can conceive no duty that is more obligatory upon the citizens and upon the States than to obey the supreme law enacted by the Congress of the United States and the laws that are declared supreme by the Constitution of the United States; and treaties are so expressly declared to be supreme.

Can we evade these, Mr. President? What are we doing when we take an oath to support the Constitution of the United States if we intend to except from it all the treaty obligations with foreign countries that do not suit us? What becomes of that personal duty?

I ask again, what is a treaty? I have given one definition that ought to satisfy any American mind as to what it is and the obligations that it imposes. I will go further and I will inquire into the manner in which it is negotiated. A treaty with a foreign power is negotiated by a separate constitutional department of the United States. It is not the President, it is not the Senate, it is not Congress. It is the President and the Senate cooperating together as a special tribunal, the Senate acting by a vote of two-thirds of the majority of a quorum, advising and consenting as to what shall be done in respect of the ratification of a treaty that the President has negotiated as a convenience of the diplomatic part of our Government and has brought to us and submitted with a view to its ratification. That is the tribunal—peculiar, separate, having powers of its own—that enacts supreme law on our part.

Who is the other party to the legislative procedure by which this becomes supreme law? The foreign government. It may be Santo Domingo or Haiti; it may be Cuba; it may be Mexico; it may be some other country. That country, acting according to its own laws, whatever they may be in respect of the creation of treaties, informs us of its willingness to consider a proposition for a treaty proposed by the President of the United States, and thereupon the plan of the negotiation is drawn up and concluded, and the President submits it to the Senate of the United States, where it must get a two-thirds majority of a quorum; otherwise we can not ratify it and it can not become a law. Then it is taken to the other contracting party, and, according to the laws of that government, whatever they may be, it is acted upon there.

So whatever those laws may be, Mr. President, we invite that foreign government to cooperate with the Senate of the United States in the enactment of a law which will be the supreme law of the United States, and which, if it is violated on the part of the other contracting party, will be made supreme law over them at the mouths of our cannon if they refuse to comply with it. The real sanction of every treaty is arms, war, and nothing else.

This majestic system of laws thus pronounced upon by the Constitution of the United States in cooperation with a foreign government does not have a marshal or a sheriff to enforce it or a hangman to execute it. It has the power of the Army any Navy behind it, and either of the contracting parties has a right to resort to that power whenever that treaty is broken.

We thus get some conception of what is meant by these obligations, their majesty, their importance, the imperious duty of obeying them.

What is the reason that Mexico can not say to us to-day, "Why is it that you have delayed so long in bringing these people into the Union?" "It is because these two Territories are full of Greasers—full of Mexicans," we answer. "Who were there when you bought that country and made this promise? These same Mexicans," Mexico replies. "These men are the children and the grandsons of the very men with whom you made this stipulation, and it was their representatives in the Government of Mexico who entered into this engagement."

Now, we come and answer Mexico upon a demand of that sort and say, "That country is all full of Greasers, Mexicans, Indians, and Mormons, and we are under no obligation to admit such people as those into our Union." Mexico again replies: "If you are under no obligation, why did you make it? Why did you undertake it, and what are you doing but preying upon the imbecility of these people to help themselves and the disposition of Mexico to keep peace with you, or else because she thinks that the sacrifice is not worth the dangers that she will have to encounter before she gets through." These are not actual situations, Mr. President, but they would be actual if justice was done to these people.

We can not answer for this matter entirely to ourselves, because it is a treaty obligation and two Governments are parties to that treaty, and the Government of Mexico has as much right to say that that treaty and our promises under it shall be enforced as we have. The world has the right to accuse us.

We have a great many treaties, Mr. President. Under the express language of the Constitution we have made and ratified by the Senate of the United States 365 treaties with Indian tribes in this country, besides a number of contracts that we have made with them of equal obligation on our part since we changed the laws so that the tribal relation of Indians should not longer be consulted in making contracts with them, and all dealings with them have become a matter of private and personal contract, subject to the ratification of the two Houses of Congress.

The 365 treaties that I refer to were ratified by the Senate. The House had not anything to do with them. Up to that period of time we regarded them as nationalities, subordinate of course, appended to our nationality, our great Republic, but at the same time endowed by our Constitution with sufficient power and right to make a treaty with us; and a treaty meant a treaty with them as well as it did with Mexico. So it had to be ratified by the Senate.

When, however, wars with the Indians had progressed to that extent that we could declare by law, as we did in effect in the law we then enacted, that tribal organization no longer existed so as to authorize them to enter into treaty relations with the United States, from that time forward we ceased to make treaties to be ratified by the Senate, and we took up the subject and ratified them by law, and since that time there have been at least another hundred contracts made with Indian tribes, they voting by majorities, etc.

Now, we have made no contract with any Indian tribe, by treaty or otherwise, that is more obligatory upon us than this engagement that we made with the Government of Mexico. This engagement when it was made was first in the form that inured to the individual Mexican citizen, leaving his political rights out of consideration and subject to be dealt with and disposed of by Congress. Then we changed that and adopted for the government of this situation the third article of the Louisiana treaty, as I have read it, changing their rights from personal rights into political rights, so as to bring them up in the United States to the same standard they occupied under their own Government of Mexico, where they had rights as citizens of States and rights as citizens of a Republic. This change was agreed to by Mexico. I do not know by which of the contracting parties it was demanded.

So, Mr. President, the obligation of this treaty is more binding upon us, more imperative, than the obligations of the treaties we made with the Indian tribes, these 365 treaties that the Senate has ratified or those that have since been made and which have

been adopted by acts of Congress, because the Mexicans were not under our power when we made it.

Now, Mr. President, are these trifling matters? Are these ordinary duties and privileges of legislation that we can kick off like an old shoe and go along quietly and suppose ourselves to be in the discharge of a duty? When we keep the Congress of the United States and the whole country for two months at a time in a state of mental anxiety and distress we refuse to do our duty and give no sufficient excuse for it. That is what we are doing.

All the political elections, resolutions, and conventions that will assemble from now until doomsday can not wash out this thing, Mr. President. Possibly it may carry elections; we do not know. But that is a poor atonement for a broken conscience and a wounded public spirit. An American Senator ought not to think of it for one second, especially when all political parties have pledged themselves to this plain duty.

What are these objections to statehood? Mr. President, if I were to go through the whole list I would have to take up everything imaginable and unimaginable that could be uttered in the form of an objection to admitting these people to statehood. To read these debates one would think, first of all, that they were entirely unfit, personally, physically, morally, mentally, and religiously, to keep company with the people in certain parts of the American Union. It could not be admitted for a second that they were fit people to keep company with the negroes in Alabama. Certainly not.

I represent the negroes in Alabama. If I were influenced by the same ideas these gentlemen have taken so much pains to speak about here, and who seem to feel the situation so sensitively, do you suppose, Mr. President, that I would ever permit the greasers from Mexico who made this treaty with us, who sold us this land, to come into the State of Alabama, or into our Union, and enjoy the rights of citizenship and associate with my constituents from Africa? How could I permit such a thing as that? It would offend the whole of my Congo constituency that such people coming from these degraded Territories into Alabama should presume to take their place by our side as citizens of the State and of the United States. They are such by the Constitution, but that is all a mere jest, an hallucination, that must have been put in there to deceive somebody. It was not a promise made in good faith, for the reason that it has not been kept. The best test whether a promise is made in good faith is whether it has been kept. I do not know of any other test that is as good as that. If we do not keep a promise, it must be because we never intended to keep it.

Here we are turning up our sanctified noses and refusing to admit to citizenship in the United States or to any sort of recognition the very men with whom we made that treaty. Many of those people were soldiers in arms, who fought us at Buena Vista, Palo Alto, and other places, preceding this great cataclysm in Mexico. New Mexico and Arizona, then a part of Sonora, furnished their quota of soldiers to the Mexican army, just as we were told here the other day by the Senator from Colorado [Mr. TELLER] of three Mexican regiments that went out from New Mexico and behaved with remarkable courage and sagacity and endurance during our great civil war. We were dealing with men then, and we are dealing with them or their descendants now, who bore the arms of Mexico in battle, and for whom Mexico felt the deepest grief on parting and undertook to provide by treaty with an honorable nation that their people should have privileges in the United States equivalent to those they left under their own banner.

Some of the brightest and best spirits, Mr. President, on the continent of America were amongst that class of people, even in New Mexico and Arizona. They are there now—men of great ability; men of courage, accomplishments, of fine taste and high knowledge of statesmanship and legislation, and a still higher knowledge of honor, a sentiment that they claim and are entitled to claim—something that is not to be laughed at, Mr. President, or thrown aside at will.

The Indians in New Mexico are spoken of as a thriftless, vagabond race, unfit for participation in civil government, who can not understand the ballot, and who do not know enough to go through a court as a witness with credit; who can not perform any of the functions of social life without a prompter or an interpreter—a set of people who are better off, to be taken care of by the Government of the United States, than they would be inside of a State where they would be required to take care of themselves.

We condemn them to political ostracism and fix no period in the future for their restoration to civil rights until it shall suit the policy of certain States or certain statesmen who aspire to the Presidency of the United States.

Senators forget, Mr. President, if they ever knew—and I do not think they ever knew—the differences in the tribes of Indians in this country. Do they not know that the Mexican Indians whom we obtained under these treaties have been always self-sustaining people and are yet, and have never drawn any support from the Government of the United States, unless it might be at some moment when dire distress and famine had come upon them in a way that would excite the commiseration and pity of the hardest heart?

Take the Arapaho and their old chief, Geronimo; and take the Zuñi and their houses built up in the cliffs, the cliff dwellers, and the Navaho. Go amongst them as we have been going amongst them for fifty years, and what do we find? We find the Arapaho and Navaho out grazing their flocks of sheep, shearing off the wool, dying it with most beautiful colors, making it into blankets that they can sell at from $15 to $20. We find them and the Zuñi gathering melons and harvests of grain and storing it away in receptacles that they have carved in the rocks, and they keep it there from year to year, sometimes having as much as two years' supply on hand at one time. We find them going out and digging a hole in the ground 3 feet deep, planting grains of corn in them, and getting the moisture of the soil in that way, so that when the corn is in full ear and tassel it is just a little above the top of the ground, and out of such a soil in such a country making a good support, and coming here with no petitions even for support.

If the balance of the American Indians had been as industrious and thrifty as these Navahos and Arapahoes and Zuñis this Government would have been saved millions upon millions of money, and we would have a much more stalwart and self-dependent Indian population than we have to-day.

They have set us a high example, Mr. President, in Indian life and in Indian progress. They have arts to which we are strangers; they have facilities of handiwork and hand decoration that put us to the blush. They have had the courage to stand there and battle with the hot winds of the desert and the colder winds of winter through ages and ages. We can not trace their history back to its fountain source.

There they are, a steadfast, honest, God-fearing people. When I say "God-fearing," Mr. President, I mean that they have a God of their own, and he is a very good one for an Indian—a good moral contrivance, with a code of justice and mercy. They show both genius and skill in the creation of their divinities. They worship them with profound devotion, and it has been that worship which has kept those people to their duty, which has kept them in the line which the Almighty intended everybody to go—that is, of self-preservation and hard, honest, good work. When they are ready to receive it, and when we have done our duty, they will read from the sacred Scriptures with joy what they now learn from nature "as through a glass darkly."

Mr. President, we have not been doing justice to the Indian tribes in the United States. We have in recent years been very benevolent toward them, since we got rich, and this Senate has been the theater of some splendid actions in their behalf. There was one distinguished Senator, who has recently gone to his long and honored rest, who for forty years in Congress toiled and worked with his brethren to get them to have some idea of compassion upon the Indian people and to provide some measures suited to their convenience, their growth, and their progress, and at last he was the man to break down the Indian wars.

It was not our knives, our guns, our torches, or even our whisky that broke down those nations and caused them to submit to the rule of temperance, peace, and prosperity; it was the good labors of a noble heart like Henry L. Dawes, aided as he has been in a most conspicuous manner by the senior Senator from Connecticut [Mr. PLATT]; but until those two great Senators got their hands and hearts together upon the work the knife, the cartridge, the torch, and the whisky jug were the weapons with which we always attacked the Indians all over this country. That has been changed. The homesteads which those Senators have caused the Indians to make, many of them, are blooming with prosperity and peace and contentment to-day. First one Indian went out, took his homestead, and made his selection upon the domains of a reservation where he had been located and kept in prison bounds, he and his tribe, for years and years together.

Then others came, and gradually this system has supplanted the old one, even in the estimation of the Indians themselves, until they have concluded it is best not to earn a living by hunting and by killing white people, but to earn it by cultivating the ground.

What has worked this great revolution in this land until now we never dream of such a thing as an Indian uprising? It is not because the Indian has changed his nature; it is not because he has become a coward; it is not because he has forgotten the enticements of the hunt or the foray, but it is because these men, and others working with them, have set such an example to the individual man that, seeing the better way, they follow it.

Mr. President, it is appropriate, just in point, for me to make some observations upon Indian characteristics at large and some slight allusion to the great currents of history that they have

been floating in and upon for near four hundred years. It has been about four centuries that we have been dealing with those people. In 1620, or about that time, was the first encounter we ever had with them of a belligerent nature—four hundred years, practically—and in that time far more has been told than I could tell, and far more could be told than ever will be told to their credit, because the facts have disappeared. But we have been the historians of the Indians.

They have written no books; they could not write a book; they had to rely upon us for their history, and the men who have engaged in campaigns with Indian warriors and in teaching them have collected volumes of tradition of which I was speaking a while ago, have studied them closely, and learned their history, which has been most intensely interesting always. They have given us books. I do not know any Indian history in the United States which has acquired a character for being either uncertain or unreliable. I therefore go to our own historians to find out what the Indians did and what they said and how they said it and what sort of characters they were, and I propose to take a little time to-day to do that.

But before proceeding to do this, Mr. President, I wish to draw attention to a contrast between our method of dealing with the Indians and that of the Spaniards. The Spaniards were much wiser in their dealing with the Indians than we have been. Perhaps they had better reasons for being so, inasmuch as there was not much of actual Spanish colonization upon either the Northern and Southern Hemispheres of America or in Central America. What they got and what they held they had to hold by the strength of local Indian power—a very different situation. What we got up in New England and everywhere we got by the sword; we drove the Indians back.

England could spread her population over this country with ships and reenforce her colonies. That plan they had begun at Plymouth Rock or in that vicinity, and it has pushed its way, carrying the Indians in a body before it, until now it has reached across the continent to the Pacific Ocean, and we have got the Indians huddled up in the interior of the country, in the arid lands chiefly. But the Spaniards, Mr. President, knowing that the empire conducted by them must have the support of the local population, began by giving to all the Indians their homesteads, their localities, and their rights. I do not remember any Spanish history—and I do not believe anybody can cite an instance—where a tribe of Indians was taken by the Spanish Government and removed from one location to another.

Now, if there is any Senator within the sound of my voice who will cite me to an instance of that kind, I shall be very much obliged to him. My reading has not shown me any such instance, and I do not believe it exists. When the Spaniards found the Indians in a particular locality, they allowed them to remain there; they set apart homes for them, protected them in their homes, and gave them all the rights of citizenship so far as their property was concerned. Voting did not amount to much, for the Spanish monarchy was not controlled by elections and voting. There was no voting done in that country.

But another thing took place. The Spaniards are the only people in the world who have ever been able to make the American Indian give up his natural dialect and adopt their language. You may begin at the northern boundary of Mexico, amongst the blackest and poorest of Indians in that country, and go down to Patagonia, all through South America and Central America, and you will not find an Indian in all that country who can not speak more or less Spanish, and who does not use that as his mother tongue really. The Spanish language diffused itself throughout all the tribes of this vast country lying between Mexico—which then reached up far north of California, if it did not reach to Oregon, and they say it did, and rightfully, too—clear down through both continents and through Central America to Patagonia.

We have tried to get the Indians to speak our language, but we have had no success. They have refused to do it. I have been myself in Indian schools. I have been on the Indian Committee for a long time. We used to take little excursions down into the Indian country. We visited those establishments that the Government has built. One of them was away out above Fort Reno, in what is now Oklahoma—a handsome boarding house where the children were all taken care of, boys and girls.

The Indians around there were living in tepees. There was not an Indian in all that country who had a house; they all lived under tents. We would see these little boys and girls go to the blackboards and write off exercises in English, do sums in arithmetic, and make maps, and the like of that, the English teachers telling them what to do, what particular exercise to engage in, until we supposed it was really so, that they understood the English language very well, quite well enough to converse in it fluently; but if we spoke in English to those same little fellows out of doors they would no more listen to us than if they had been a lot of pigs. Nothing could induce them to say a word of English. They despise it, and they never would speak it unless it was under the rod of the schoolmaster. So it was and so it is with the grown-up Indian.

I recollect on one occasion we went on one of these excursions, looking into the condition of the Indian tribes, and we went down to the Creek country. A large, fine-looking man came in, black as he could be, evidently negroid—either that or else he belonged to some of those Moorish North African families. He was introduced to us as the speaker of the house of representatives, and we were told that he spoke the English language fluently and understood every word, but he brought an interpreter with him and set the interpreter down by his side. We put questions to him and the interpreter had to translate them to him, although he knew just as well as the interpreter exactly what we said, but it had to be done before we could get anything out of him.

He would answer us through the interpreter again and would ask the interpreter to put his answer into English. This went on a good while, when some of us objected and said: "Why, here, you can speak the English language, and you ought to do it; it is hardly fair to have this rigmarole going on of having the interpreter interpret our questions to you and your answering him, and he interpreting the answer back to us, when you know every word we say." All he said in reply was just this: "Gentlemen, you will have to excuse me;" and we did have to excuse him. They will not speak the English language, the reason being that they have got a contempt and an abhorrence for the men who speak it. That is the only version of it. I have known many an Indian who knew how to speak English well who would not say a word of it.

It is quite different with Spanish. The Indians do not have that feeling toward the Spaniards; they do not feel as if the Spaniards had entered their country for the purpose of robbing them of their homes and driving them off; and that is the difference between the two.

Now, I want to read from an accepted historian some little parts of their history, not very extensive any of them. I want to show that these people that we say are unfit for statehood, unfit to participate in civil government, and all that, have the characteristics that belong to true republicans. When you educate them they are not only intelligent, but they are true, virtuous, and reliable. Such are their natural characteristics.

I wish to quote from Turner's Traits of Indian Character. These are very old writings, written away back in 1834 and 1836; not new inventions by any means.

In civilized life, where the happiness and, indeed, almost existence of man depends so much upon the opinion of his fellow-men, he is constantly acting a studied part—

Putting on, as the girls say—

The bold, peculiar traits of native character are refined away or softened down by the leveling influence of what is called good breeding, and he practices so many deceptions and affects so many generous sentiments for the purposes of popularity that it is difficult to distinguish his real from his artificial character.

The Indian, on the contrary, free from the restraints and refinements of polished life and, in a great degree, a solitary and independent being, obeys the impulses of his inclination or the dictates of his judgment, and thus the attributes of his nature, being freely indulged, grow singularly great and striking. Society is like a lawn where every roughness is smoothed, every bramble eradicated, and where the eye is delighted by the smiling verdure of a velvet surface. He, however, who would study nature in its wildness and variety must plunge into the forest, must explore the glen, must stem the torrent, and dare the precipice.

These reflections arose on casually looking through a volume of early colonial history, wherein are recorded with great bitterness the outrages of the Indians and their wars upon the settlers of New England. It is painful to perceive, even from these partial narratives, how the footsteps of civilization may be traced in the blood of the aborigines; how easily the colonists were moved to hostility by the lust of conquest; how merciless and exterminating was their warfare. The imagination shrinks at the idea—how many intellectual beings were hunted from the earth, how many brave and noble hearts of nature's sterling coinage were broken down and trampled in the dust!

Such was the fate of Philip of Pokanoket, an Indian warrior, whose name was once a terror throughout Massachusetts and Connecticut. He was the most distinguished of a number of contemporary sachems who reigned over the Pequods, the Narrhagansets, Wappanoags, and the other Eastern tribes, at the time of the first settlement of New England—a band of native, untaught heroes who made the most generous struggles of which human nature is capable; fighting to the last gasp in the cause of their country, without a hope of victory or a thought of renown. Worthy of an age of poetry, and fit subjects for local story and romantic fiction, they have left scarcely any authentic traces on the page of history, but stalk like gigantic shadows in the dim twilight of tradition.

I ask leave to insert in my remarks some further extracts from this work. I do not want to weary the Senate by reading them, but Senators can read them for themselves.

The PRESIDING OFFICER (Mr. MILLARD in the chair). The extracts referred to by the Senator from Alabama will be printed in the RECORD, in the absence of objection.

The extracts referred to are as follows:

When the Pilgrims (as the Plymouth settlers are called by their descendants) first took refuge on the shores of the New World from the religious persecutions of the Old, their situation was, to the last degree, gloomy and

disheartening. Few in number, and that number rapidly perishing away through sickness and hardships, surrounded by a howling wilderness and savage tribes, exposed to the rigors of an almost arctic winter and the vicissitudes of an ever shifting climate, their minds were filled with doleful forebodings, and nothing preserved them from sinking into despondency but the strong excitement of religious enthusiasm.

In this forlorn situation they were visited by Massasoit, chief sagamore of the Wampanoags, a powerful chief who reigned over a great extent of country. Instead of taking advantage of the scanty number of the strangers and expelling them from his territories, into which they had intruded, he seemed at once to conceive for them a generous friendship, and extended toward them the rites of primitive hospitality. He came early in the spring to their settlement of New Plymouth, attended by a mere handful of followers, entered into a solemn league of peace and amity, sold them a portion of the soil, and promised to secure for them the good will of his savage allies.

Whatever may be said of Indian perfidy, certain it is that the good faith and integrity of Massasoit have never been impeached. He continued a firm and magnanimous friend of the white men, suffering them to extend their possessions and to strengthen themselves in the land, and betraying no jealousy of their increasing power and prosperity. Such was Massasoit.

Shortly before his death he came once more to New Plymouth, with his son Alexander, for the purpose of renewing the covenant of peace and securing it to his posterity. At this conference he endeavored to protect the religion of his forefathers from the encroaching zeal of the missionaries, and stipulated that no further attempt should be made to draw off his people from their ancient faith. But, finding the English obstinately opposed to any such condition, he mildly relinquished the demand.

Almost the last act of his life was to bring his two sons, Alexander and Philip (as they had been named by the English), to the residence of the principal settler, recommending mutual kindness and covenants, and entreating that the same love and amity which had existed between the white men and himself might be continued afterwards with his children. The good old sachem died in peace, and was happily gathered to his fathers before sorrow came upon his tribe. His children remained behind, but experienced the ingratitude of white men.

His eldest son, Alexander, succeeded him. He was of a quick and impetuous temper and proudly tenacious of his hereditary rights and dignity. The intrusive policy and dictatorial conduct of the strangers excited his indignation, and he beheld with uneasiness their exterminating wars with the neighboring tribes. He was doomed soon to incur their hostility, being accused of plotting with the Narragansetts to rise against the English and drive them from the land. It is impossible to say whether this accusation was warranted by facts or was grounded on mere suspicions. It is evident, however, by the violent and overbearing measures of the settlers, that they had, by this time, begun to feel conscious of the rapid increase of their power and to grow harsh and inconsiderate in their treatment of the natives.

They dispatched an armed force to seize upon Alexander and to bring him before their court. He was traced to his woodland haunts and surprised at a hunting house, where he was reposing with a band of his followers, unarmed, after the toils of the chase. The suddenness of his arrest and the outrage offered to his sovereign dignity so preyed upon the irascible feelings of this proud savage as to throw him into a raging fever. He was permitted to return home on condition of sending his son as a pledge for his reappearance. But the blow his feelings had received was fatal, and before he reached his home he fell a victim to the agonies of a wounded spirit.

Mr. MORGAN. Now, Mr. President, I want to read from our historians some things that might possibly be called anecdotes. They are short statements of very important truths relating to the Indians, but they will serve, because the cases are perfectly authentic and the names are perfectly known, to show that in dealing with these people we have not treated them according to their natural characteristics and gifts, but we have treated them always as if they were not only inferiors, but as if they deserved to be kicked out of the world, and their homes, of course, taken away from them. They would not have deserved that if they had not had good lands, a pretty country, nice streams, magnificent forests, and good crop lands.

The first man to whom I call the attention of the Senate is the man for whom those beautiful mountains and the beautiful river beyond the Potomac were named—old Shenandoah.

This celebrated chief, whose life measured a century, died in 1816. He was well known in the wars which occurred while the United States were British colonies, and also in the war of the Revolution, as the undeviating friend of the Americans.

In his youth he was very savage and addicted to drunkenness, but by the force of reflection and the benevolent exhortations of a missionary to the tribe he lived a reformed man for more than sixty years and died in Christian hope.

In 1775 Shennandoh was present at a treaty made in Albany.

That treaty was made by Brandt.

At night he was exceedingly drunk, and in the morning found himself in the street, stripped of all his ornaments and every article of clothing. His pride revolted at his self-degradation, and he resolved never more to deliver himself over to the power "of strong water."

But Shenandoah remembered, as every other Indian has remembered, through his whole life that it was the white man who made the whisky. The Indian did not know how to make it. He could only die at the hands of the white man through that serpentine and insidious agent. That is the worst shame we have ever inflicted upon ourselves as well as upon the Indians.

Shenandoah's person was tall and muscular, but well made. His countenance was intelligent and beamed with all the ingenuous dignity of an Indian chief. In youth, he was brave and intrepid; in his riper years, one of the ablest counselors among the North American tribes. He possessed a strong and vigorous mind, and though terrible as the tornado in war, he was bland and mild as the zephyr in peace. With the cunning of the fox, the hungry perseverance of the wolf, the agility of the mountain cat, he watched and repelled—

What?

Canadian invasion. His vigilance once preserved from massacre the inhabitants of the then infant settlements of the German flats. His influence brought his tribe to assist the Americans in their war of the Revolution. His many friendly actions in their behalf gained for him among the Indian tribes the appellation of the "white man's friend."

To a friend who called to see him in his wane—he was then blind—he thus expressed himself:

"I am an aged hemlock—the winds of a hundred winters have whistled through my branches—I am dead at the top. The generation to which I belong have run away and left me. Why I live the Great Spirit alone knows. Pray to my Jesus that I may have patience to wait for my appointed time to die."

There is not a man, perhaps, in this Senate who could speak a prayer more intelligently or more touchingly than grand old Shenandoah spoke that prayer. He had been the friend of the white man, because he saw that the white man's road led to prosperity.

I will now read you the petition of Peter Harris to the legislature of South Carolina. I am trying to find what these men were thinking about and how they regarded the world around them, what opinions they formed of men and things as they went through in their careers.

The following touching petition from Peter Harris, one of the surviving remnants of the powerful Catawba Nation in South Carolina, was presented to the legislature of that State several years after the war of the Revolution:

To the council of South Carolina:

I am one of the lingering embers of an almost expired race. Our graves will soon be our habitation. I am one of the few stalks that still remain in the field, when the tempest of the revolution is past. I fought against the British for your sake. The British have disappeared, and you are free. Yet from me the British took nothing, nor have I gained anything by their defeat. I pursue deer for my subsistence; the deer are disappearing, and I must starve. God ordained me for the forest, and my habitation is the shade. But the strength of my arm decays and my feet falter in the chase. The hand which fought for your liberty is now open for your relief. In my youth I bled in battle that you might be independent, but let not my heart in my old age bleed for the want of your commiseration.

PETER HARRIS.

We may say that Peter Harris got somebody to write that. He may have done so; I do not know; but yet there were orators whose sayings were recorded by such men as Lewis Cass, De Witt Clinton, and others, who spoke quite as eloquently as this. But it was true. There was a man who, because he was an Indian, in his old age, like old Shenandoah, passed off out of the reach of history until some reason made it necessary, for the love of truth, and now permits me, to recall it here in the Senate of the United States. I thank God that it is my right, Mr. President, to speak a word for Shenandoah and Peter Harris in the midst of this august assembly.

The Indian sense of honor stood above every trait of his character. I knew it when I was a child. It was my fortune, Mr. President, to be thrown amongst the Indians for years when I was a boy from 8 to 12 years old, and I knew them well, particularly the Creeks and the Cherokees. I lived on the border line between the two, away far removed from any towns or settlements. I knew them in their homes. I knew them in a way that a boy knows a man when he begins to love him for his kindness, for his virtues, and for his goodness.

I am not a stranger to these people, and amongst them, from the very beginning of my experience, I saw, as everybody who ever had contact with them saw, that it was their personal integrity which they rested upon. Integrity was the Indian's standard of manhood, and he would put up with no man who deceived him and he would deceive no man except an enemy. With the man with whom he was engaged in a fight he would take the same liberties that our generals take in strategy and strict warfare, but beyond that he would not go.

I will read a little incident that occurred in the year 1824:

In the year 1824, while far in the interior of the country in surveying the initiatory ceremonies of the Indian Mertay—one of their mystic societies—we ourselves saw a Chippewa whose grave and serious demeanor attracted our attention. His appearance led to the inquiry whether any peculiarity in his situation impressed upon his deportment the air of seriousness—it was too evident to be mistaken. It was ascertained that he had killed a Pottawatomie Indian during the preceeding season, and the Pottawatomies had made the usual demand for his surrender.

On a representation, however, that he was deeply in debt and that his immediate death would cause much injustice to some of the traders, the injured tribe at length agreed to postpone his execution until another season; so that the products of his winter's hunt might be applied to the discharge of his debts. He had been successful in his exertions and had paid the claims against him. He was about to leave his friends and to receive—with the fortitude of a warrior—the doom which awaited him. He was now for the last time enjoying the society of all who were dear to him. No man doubted his resolution—no man doubted his fate. Instructions, however, were given to the proper officer to redeem his life at the expense of the United States.

That may be said to be an antiquated case. Some persons have not heard of such virtues amongst the modern Indians. The Senator from Indiana probably did not inquire amongst the Indians to find whether anything of that kind had occurred in Arizona or New Mexico. I know that such things have occurred in the Indian Territory. They are sworn to and proven by witnesses of the highest possible repute.

A young Indian was condemned to death for murder there. He was condemned to be shot. They shoot their murderers instead of hanging them. He took his case to the supreme court of the

Cherokee Nation. They have a supreme court consisting of three judges, who render written opinions, and they have all the paraphernalia of any State supreme court. The judges are men of ability. The judgment in his case was affirmed. The conviction stood. He was to die. They did not confine him. They discharged him on his own recognizance. They fixed the day of his death. They required him to attend on that day to be shot, and he came to Fort Gibson on that day in pursuance of that judgment and was executed.

Mr. President, what was that? It was not cowardice. It was not the expectation that he could not flee into the woods and escape his pursuers, nor was it the hope that some pity might spring up for him from some unexpected source. It was not that. He went there because he had given his word as a man that he would go and stand the ordeal, whatever it might be, and that word was worth more to him than all the world.

I can not conceive of a higher phase of human integrity than that, and I would risk that man as my boon companion and fellow-citizen with my life before I would risk many a white man I know of.

There is another case of that sort. I am a little particular about proving this fact, because I want to show that in the Indian character there is native integrity. Individuals may fail, of course, as we see amongst ourselves, but I want to show that that race of men have as characteristics high motives and proper ideas of the very highest capacities and the highest duties of mankind. No Indian ever broke a treaty, and few wars have occurred in the United States that have not been predicated by the Indians upon the very proposition that we broke some treaty. From the beginning, in the days of Philip, down to the present time that has been the question; and, Mr. President, we have suffered by it in history.

An Indian, some time since, guilty of the murder of Old Philip, another Indian, was taken into custody by the deputy sheriff in 1827 or 1828. He had been apprehended by his countrymen and taken to the nation, where he underwent his trial, was found guilty, and brought back to the spot where the crime was committed to undergo punishment.

On his arrival he was suffered to go at large till the day appointed for his execution, and during the interim appeared to enjoy himself as much as his comrades. On the appointed day he walked to the spot selected by himself, situated back of this town, decorated with ribands, and after digging his grave, danced around it, singing his death song.

From the Galena Advertiser, published, I suppose, when Galena was in a Territory many years ago, there is this extract:

There is no class of beings on earth who hold a pledge more sacred and binding than do the North American Indians. A sample of this was witnessed during the Winnebago war of 1827, in the person of Dek ker re, a celebrated chief of that nation, who, among four other Indians of his tribe, was taken prisoner at Prairie du Chien.

Colonel Snellin, of the Fifth Regiment of Infantry, who then commanded that garrison, dispatched a young Indian into the nation with orders to inform the other chiefs of Dek ker re's band that unless those Indians who were the perpetrators of the horrid murders of some of our citizens were brought to the fort and given up within ten days Dek ker re and the other four Indians who were detained as hostages would be shot at the end of that time. This awful sentence was pronounced in the presence of Dek ker re, who, though protesting his innocence of the outrage which had been committed by others of his nation, exclaimed that he feared not death, though it would be attended with serious consequences, inasmuch as he had two affectionate wives and a large family of small children who were entirely dependent on him for their support, but if necessary he was willing to die for the honor of his nation.

The young Indian had been gone several days, and no intelligence was yet received from the murderers. The dreadful day being near at hand and Dek ker re being in a bad state of health, asked permission of the colonel to go to the river to indulge in his long accustomed habit of bathing in order to improve his health. Upon which Colonel S. told him that if he would promise on the honor of a chief that he would not leave the town he might have his liberty, and enjoy all his privileges until the day of the appointed execution. Accordingly he first gave his hand to the colonel, thanked him for his friendly offer, then raised both his hands aloft and in the most solemn adjuration promised that he would not leave the bounds prescribed; and said "if he had a hundred lives he would sooner lose them all than forfeit his word or deduct from his proud nation one particle of its boasted honor." He was then set at liberty.

He was advised to flee to the wilderness and make his escape. "But no," said he. "Do you think I prize life above honor or that I would betray a confidence reposed in me for the sake of saving my life?" He then complacently remained until nine days of the ten which he had to live had elapsed; and nothing heard from the nation with regard to the apprehension of the murderers, his immediate death became apparent. But no alteration could be seen in the countenance of the chief. It so happened that on that day General Atkinson arrived with his troops from Jefferson Barracks, and the order for the execution was countermanded and the Indians were permitted to repair to their homes.

I will cite another authentic case:

In March, 1823, a Choctaw savage, calling himself Dr. Sibley, belonging to a wandering tribe of his nation in the Arkansas Territory, while in a state of intoxication stabbed to the heart another Indian, who instantly expired. This act called for revenge, founded on the lex talionis—that invariable custom of the aborigines. A brother of the deceased called upon Sibley and told him that he was come to take his life in atonement for the death of his brother. With the composure of a philosopher and the courage of a Roman, Sibley, readily and without a murmur, yielded assent, only desiring the execution might be postponed until the following morning. This was granted, the execution was postponed, and Sibley left at large under no restraint whatever.

When the morning came Sibley went out with the rest of the party and with perfect apathy aided in digging a grave for the murdered Indian. The work being finished, he calmly observed to the bystanders that he thought it large enough to contain two bodies, signifying at the same time a wish to be buried in the same grave. This, too, was granted; and the murderer deliberately took a standing position over the grave with outstretched arms, and giving the signal to fire, the brother drove a rifle ball through his heart, and he dropped into the hole he had assisted to make. Such are the wonderful workings of the human mind from impressions early instilled into it, as is the custom of savage life.

[We are told nothing here of the death song, but we are confident it must have taken place, as it is held indispensable under such circumstances.—Ed.]

I have read enough to show the intrepidity of these men, even to the sacrifice of their lives, in maintaining their word, and of course men who have such an idea as that of the strict faith of obligation naturally become aroused, indignant, and ferocious when they treat with a great neighbor and that neighbor, after being paid in full for all that he promises, turns his back on the Indian and scouts him and treats him as a usurper and as a man whose rights are to be taken from him just as may suit the neighbor's pleasure.

It is transactions of this kind which have kept in organization the great society of the most eminent men in the United States, and women, too, from the earliest stages of our history down to this date, who have their annual conventions in a place in New York, the name of which I do not remember for the moment, and who are headed by some of the bravest, ablest, truest, and some of the wealthiest men in America. What is it they are trying to do? To ameliorate the condition of the Indian. That has been their purpose always—to help the Indians along in civil life, so that they may follow, as they say, the white man's road and become accustomed to it in a way that will make them contented and happy.

These men have brought instance after instance in the history of Indians, perfectly authenticated, to the attention of this Government. I have been on the Indian Committee now for twenty-five years in this body, and have heard the story from year to year until I have become thoroughly convinced that much the larger part if not nearly all the wars we have engaged in with the Indians, which nnmber hundreds and hundreds of splendid battlefields, have been the result of the Indians attributing to us that we had broken faith with them in our treaties.

That is a terrible burden of accusation, Mr. President. I do not bring it. These American citizens, male and female, organizing themselves into committees, with annual meetings and meetings still more frequent than that, bring these complaints to us and urge them upon this body and upon the House and upon the President from year to year; and there must be something in all this worthy of our consideration, Mr. President.

Let me say something more about leading Indian chieftains.

Chief McIntosh lived in Alabama, what was then the great Mississippi territory. He was a very noted man. The McIntoshs and the McGillvarys and others of the Creek Indians there seem to have intermixed with the Scotch immigrants who came in, and all of those men became very distinguished. McIntosh was one of the first Indians in that tribe who ever sold any land to the United States, and the Indians were so suspicious of the United States at that time and so opposed to the mutilation of their domain that one of them killed McIntosh. It created, perhaps, the greatest excitement that ever occurred amongst the Muscokee tribe of Indians, then a very powerful body of men.

I read from Turner's books on Indian characteristics:

This address was pronounced by a chief, the leader of a party concerned in the murder of McIntosh, principal chief of the same nation with himself. McIntosh had been the prime instigator of forming a treaty with the United States, by which a portion of the Indian country was ceded to the States, a transaction which gave great umbrage to a numerous party in the Indian nation.

When I was a boy I heard of this great affair of McIntosh. The Indian who committed that crime—who killed McIntosh—makes this justification at a council of his tribe:

Brothers, McIntosh is dead. He broke the law of the nation—the law which he made himself. His face was turned to the white men who wished to take our land from us. His back was to his own people. His ears were shut to the cry of our women and children. His heart was estranged from us. The words of his talk were deceitful. They came to us like the sickly breeze that flies over the great river.

Brothers, McIntosh was brave. The deeds of his youth were valiant. But his heart became changed. He spoke the words of deceitfulness. He walked in crooked paths which his brothers knew not—paths which led down to death. He deceived us, and we slew him. The land is red with his blood and with the blood of his frends. Our vengeance is satisfied. We bury the hatchet of revenge. Let us obey the Great Spirit, that he may lead his children to the path of their wandering.

Who but a man who understood all the terrible blackness of treason to his tribe and to his God could have made that speech, and who but a great man could have made it? Brutus when he slew Cæsar could not have had imputed to him by the bard of the world prouder expressions and more eloquent language than that.

Joseph Brandt was a very highly educated man; for an Indian, he was remarkably well educated. He belonged to a Canadian tribe. But Joseph Brandt was the friend of the white man, and

he has planted upon the history of this country monuments for himself grander than any we will ever be able to build for him in marble, and yet Joseph Brandt's name has gone down with infamy to coming generations because he dared to fight for his own people. I wish to read an incident in his life:

At the battle of "The Cedars," 30 miles above Montreal, on the St. Lawrence, Colonel McKinstry—then a captain in Patterson's regiment of Continental troops—being twice wounded, was taken prisoner by the Indians. The intrepidity of McKinstry as a partisan had rendered him alike the object of their fears and unforgiving resentment. The British officers were too much in dread of their savage allies, on account of their vast superiority of numbers, to risk an interposition of their authority to prevent the horrid sacifice they saw preparing. Already had the devoted victim been bound to the tree and surrounded by the faggots intended for his immolation. Hope had fled, and, in the agony of despair, he uttered that mystic appeal which the Brotherhood of Masons never disregard.

He was a Freemason.

When, as if heaven had interposed for his preservation, the Chieftain Brandt understood him and saved him.

Brandt had been educated in Europe, and had there been initiated into the mysteries of Freemasonry. The advantages of education and his native strength of mind gave him an ascendancy over the uncultured sons of the forest that few other chiefs possessed. Situated as he was, the impending danger of a Masonic brother must have forcibly brought to mind his obligation to support him in the time of peril. His utmost endeavors were accordingly used, and they were, happily, successful in obtaining for him an immediate respite and an eventual ransom.

We can not suppose that a man like Brandt, who would do a thing of that sort, could go off for the mere sake of murder or mischief or arson or cruelty and perpetrate wrongs and hardships upon innocent people belonging to the white race. You can not suppose it. It is inconsistent with his character and his nature. But it was entirely consistent with the laws of war as they were understood by the Indians. They had their laws of war as we have ours. They practiced them. Yet in their practice they were scarcely more cruel than some of the practices we have inflicted upon people in the progress of their civilization in the Philippine Islands and elsewhere.

Here is a story told by General Knox. I am reading these things for the purpose of illustration and to bring the minds of Senators to an appreciation of the actual characteristics of these people.

In the city of NewYork, 1789, General Knox, then Secretary at War, gave a dinner to a number of Indians who had come on a mission from their nation to the President of the United States. A little before dinner was served up, two or three of the sachems, with their chief or principal men, ascended to a balcony which commanded a view of the city, the harbor, and Long Island.

They remained but a short time and returned apparently dejected—especially the chief. This was noticed by the Secretary, who said to him, "Brother, what has happened? You look sorry. Is there anything to distress you?" "I'll tell you, brother," said the chief. "I have been looking at your beautiful city, the great water, your fine country, and I see how you are situated. But I could not help reflecting that this fine country and that great water were once ours.

"Our forefathers lived here. They enjoyed it as their own domain. It was a gift from the Great Spirit to them and their children. At length the white people (meaning the Dutch) came in a great canoe and only requested permission to tie it to a tree, lest the waters should carry it away. We consented. They next said that some of their people were sick and they were desirous to land them under the shade of the trees. Their desire was granted. The ice now came and they could not go away. So they begged for a piece of ground on which to build a wigwam for shelter against the cold and storms of winter. This was also granted. They next asked for some corn, they promising to go away when the ice was gone. The corn was given. And when the ice was gone our fathers told them they must go away with their big canoe. But they pointed to their big guns around their wigwams and said they would stay there and we could not make them go away.

"Afterwards more came. They brought with them strong and maddening drink, of which the red people became very fond. They persuaded the red people to sell them some land. Finally, they drove them back, time after time, into the wilderness, far from the water and fish and oysters. They have destroyed the game. Our people have wasted away, and now we live miserably and wretched, while you are enjoying our fine and beautiful country. This makes me sorry, brother, and I can not help it."

Mr. President, that was the city of New York, where these people were located. The sale of a hundred acres in the heart of the city of New York to-day would yield more money to the United States than we paid out for every acre of ground we bought from the Indians east of the Mississippi River. If you will measure off a hundred acres in the city of San Francisco, it will sell for more money than enough to pay for every acre of ground that we have ever bought from the Indians from the Pacific to the crest of the Rocky Mountains.

It makes no difference whether our civilization has brought this about, what right have we to say that if we had conceded to these people the rights of human beings even, if we had won them by exhibiting before them our integrity and our sense of justice, that they would not have cooperated with us in these works as fully and freely and have done as much service or more service than the African negroes brought from the coast of Guinea?

No, sir; our policy was laid out in the wars of King Philip in New England. The first fight we had there was an outrage upon the Indians and a violation of plighted faith in return for hospitality. It spread and spread until Philip, the king of those tribes, had to take the matter in charge, and when he took it in charge then began all the methods of Indian warfare which have spread out through this country, and the result of every war of any prominence has been that the Indians must move from the ground where the battle was fought and yield it and their country to the white people.

The Mexicans when they had wars with the Indians did not do that. They allowed them to remain upon the ground where they lived, and learn their language and cultivate their good will, and that is the reason why Porfirio Diaz, who has 90 per cent of Indian blood in his veins, and why Juarez, who was a full-blooded Indian born of an ordinary family in Queretaro, was able to marshal those Indian forces against the powers of Europe and drive them from his coast.

And Castro, another Indian in Venezuela, has a hold upon those Indians who live at the foot of the Andes to such an extent that the pacific blockade is going to be more and more peaceful until it ceases, not because they have not the power to bombard those forts and destroy them, but because Germany and England combined will not dare to ascend those mountains and engage in a conflict with those Indians commanded by Castro. There is heroism and power in their character because there is integrity among them in respect of their national rights. I return to our Indians.

Captain Bryan was the commander of an excursion that went out to make some surveys and examinations among the Virginia military land lying in the territory northwest of the Ohio.

While engaged in completing a chain of surveys extending from the headwaters of Brush Creek to those of Paint Creek (now the central part of the State of Ohio) his provisions became scant, and at length entirely exhausted. He directed his hunter—who had been unsuccessful on a recent excursion—to make another attempt to procure subsistence, and to meet him at a particular point then designated, where, after closing the labor of the day, he should encamp with his chainmen and marker.

Toward evening the men became exhausted with hunger. They were in the heart of a solitary wilderness, and every circumstance was calculated to produce the greatest dejection of spirit. After making great exertions to reach the point designated, where they were to encamp upon their arrival, they met their hunter, who had been again unsuccessful. Feeling for himself and his comrades every emotion of a noble heart, he was alarmed for their situation. The hunter declared he had used every exertion in pursuit of game, but all his attempts were of no avail; that the whole forest appeared to him to be entirely destitute both of birds and beasts. Under these awful apprehensions of starvation, he knew that it would be a vain attempt to reach the settlement; he trembled, and shed tears.

Captain Bryan, at this critical juncture, felt his spirits roused at the reflection of their desperate situation; he thrust his Jacob's staff in the earth and ordered his men to prepare a camp and make a good fire; he seized the gun and ammunition of the unsuccessful hunter and darted forth in pursuit of game. The weather had become exceedingly cold, for it was in the depth of winter—every rivulet was bound in ice. He had not proceeded far before he was gratified with the cheering sight of three elks, making toward him. He succeeded in killing two, and shortly after a bear. He now called for his men and ordered his game to be carried to the camp. No one but those similarly situated can conceive the feelings excited on such an occasion.

But, perilous as the situation of the surveyor and his party might appear, there were others who were threatened with the like appalling distress. Three or four Indians, who had been out on a hunting excursion, hearing the report of Captain Bryan's gun, made immediately in that direction, and had arrived at the camp before Bryan returned. On his appearance there they informed him, as well as they could (some of them speaking a little English), of their wretched situation. They told him that for three days their whole party had subsisted on one skunk, and that was exhausted. They described the absence of the game, in the language of the hunter, as if "the whole forest was entirely destitute both of birds and beasts."

There came along a party of Indians, who were mistaken for enemies, and their approach was watched with very great caution. But after a while they made it known that they were very harmless, and Bryan determined that he would welcome them to his feast of venison and elk meat and bear. They told of their sufferings and described the difficulty of obtaining any meat by their hunting, and they were nearly starved.

They were informed by Captain Bryan that he had plenty for himself, his men, and themselves; desired them to fix their camp, make a good fire, and assist his men in flaying the bear and elks, which were now brought into camp, and then to cut, carve, and cook for themselves. Their very looks were expressive of joy—they now felt for a deliverance so unexpected; nor did they spare the provisions. Their hunger was such that as soon as one round was served, another, another, and another, in succession, was greedily devoured.

A fine-looking, tall, dignified savage then approached the surveyors' camp—rather young in appearance than otherwise. He very gracefully stepped up to Captain Bryan (who was now reposing in his camp on account of rheumatism occasioned by his recent exposure) and informed him that the old man in his camp was a chief; that he felt under great obligations to the Great and Good Spirit for so signal an interposition in their favor; that he was about to make a prayer and address the Good Spirit and thank Him; that it was the custom on such occasions for the Indians to stand up in their camp, and that his chief requested the captain and his men to conform in like manner by standing up in their camp.

The captain replied that his men would all conform and order should be observed, but as for himself his affliction would compel him to keep his seat, but this must not be construed into disrespect. The captain remarked to me that he was not himself a religious character, though a man of feeling.

The old chief raised himself upon his feet, as did those around him, and, lifting up his hands, commenced his prayer and thanksgiving in an audible voice. And such an address to Deity, on such an occasion—as far as I could understand him—I never before heard flow from mortal lips. The tone, the modulation of his voice, the gestures, all corresponded to make a very deep impression upon us.

In the course of his thanksgiving—as I gathered from the Indians—he recapitulated the doleful situation in which they were so recently placed, the awful horrors of starvation with which they were threatened, the vain attempts they had made to procure food, until He, the Great and Good Spirit,

had sent that good white man and had crowned his exertions with success, and so directed him and them to meet and to find plenty.

Who can fully describe the abundant overflowings of a grateful heart! He continued in his vehement strain for about half an hour, "when," remarked Captain B., "my own men, reflecting on their own recent situation, retrospecting what had taken place, and beholding the pious gratitude of a 'Child of the Forest,' feeling the same sensations, they were melted into tenderness—if not into tears."

The person who so gracefully addressed Captain Bryan in behalf of his Chief was Tecumseh

The young Indian who was wandering in the forest and came up to this party at that time and became an interposer for the sake of humanity was Tecumseh, the man who was sent by the Northern nations from the North down to the South to stir up the Creek and the Cherokee and other Indians to hostility. He succeeded with the Creek and Seminole and the Choctaw and Chickasaw to some extent.

Tecumseh had then become not only a great warrior but a great prophet. He told those Indians that on a certain day the sun would be darkened. He was an informed man and knew that an eclipse was to take place. He told them the sun would be darkened, and that it would be because the black banner of war had been spread by the Six Nations in the North, and it would be the signal for those Indians in the South to join him. The eclipse came and proved to the satisfaction of the Indians that he was a prophet.

An earthquake had occurred, a terrible earthquake, that sank more than half of a county in southeast Missouri. They asked him what was it that made that great commotion in the world and "shook the very body of the earth until we could not stand on our feet." What was it? He said it was the voice proclaimed by the Six Nations that peace had ended and war had begun.

Thus availing himself of these two natural phenomena, Tecumseh, with an eloquence and a power and an influence that few men have possessed, caused the Creeks to go into that bloody war, which, it seemed, was the opportunity of bringing to the front the greatest man who has lived in the United States, next to George Washington—Andrew Jackson. It required Jackson, with his intrepidity and skill and power of endurance and combination, to conquer those people.

Mr. President, I feel a greater interest in these things, because I lived upon the ground where Jackson fought his second battle. His first battle was at Tallahassee and his second at Talladega. I lived there upon the ground where he fought his battle, so I happen to have a knowledge of the situation. I knew about Tecumseh. I knew how that war had been started. I knew Opothle Yoholo, his great right-hand man, and Osceola, and other great Indians who were in his command.

So, Mr. President, I have not grown up with the impression that these were inferior men like the negro race, but that they were men of power and spirit, and that they showed their spirit in their work, their power in their arms, in war, and their honor and integrity on all occasions and under all conditions.

The Indian character has been illustrated by the examples I have read to the Senate. I will now read how Tecumseh appeared at Vincennes:

In the meantime—

Says the author—

we shall transcribe here some gratifying information derived from a Tennessee periodical published in the spring of 1826—

Their own periodical, published as far back as 1826—

Some curiosity having been expressed as to the laws of the Cherokee Nation, the following sketch of them may not be unacceptable to our readers:

They prohibit the introduction by white men of spirituous liquors into the nation.

As far back as 1826.

They have laws establishing and regulating turnpikes, prohibiting theft and rape; requiring white men if they take a Cherokee wife to be legally married to her, and then the property of the wife is not thrown into the hands of the husband but remains at her own disposal; nor do they permit one man to have more than one wife.

This shows the characteristics of those people in their legislation.

Now, we have what Tecumseh said illustrative of these views in an interview that he had at Vincennes:

It is said that, at the last conference at Vincennes, he found himself at the end of a long and animated speech unprovided with a seat. Observing the neglect, Governor Harrison directed a chair to be placed for him and requested him to accept it. "Your father," said the interpreter, "requests you to take the chair." "My father," replied the chief; "the sun is my father and the earth is my mother; I will repose upon her bosom," and saying this, he adjusted himself on the ground in the Indian manner.

A qualified remark has been made upon his courage; but the manner in which he conducted himself during the war is sufficient to establish the point beyond controversy.

The same may be said of the fearlessness shown in his visits to Vincennes and especially in the exposure of himself upon that occasion, though he must have perceived that he was feared, suspected, and even guarded by bodies of troops drawn out for that express purpose. It is very illustrative of the apparent diversity in the character of Eiskwatowa and his own in this respect that when the Delawares sent a deputation of chiefs to break up the prophet's settlement at Tippecanoe the latter would not deign to give them an interview, but dispatched his brother to them, whose threats or persuasions were sufficient to drive back the chiefs with strong indications of apprehension and terror.

When General Proctor began to prepare for retreating from Malden, Tecumseh, having learned his intention, demurred, and, in the name of all the Indians, delivered an animated speech. If the spirit which it manifests could have had its intended effect in inducing the General to fight before he retreated, the result must have been at least less inglorious to his cause.

Father, he began, listen to your children. You have them all now before you. The war before this our British father gave the hatchet to his red children, when our old chiefs were alive. They are now dead. In that war our father was thrown on his back by the Americans, and our father took them by the hand without our knowledge. We are afraid he will do so again this time.

Listen! When war (the last war) was declared, our father stood up and gave us the tomahawk and told us he was then ready to strike the Americans; that he wanted our assistance; that he would certainly get us our land back which the Americans had taken from us.

Listen! When we last met at the rapids, it is true, we gave you little assistance. It is hard to fight people who live like groundhogs (alluding to the American fortifications).

Father, listen! Our fleet has gone out; we know they have fought. We have heard the great guns [Perry's victory], but we know not what has become of our father with one arm [Commodore Barclay]. Our ships have gone one way, and we are astonished to see our father tying up everything and preparing to run away the other without letting his red children know of his intentions. You always told us you never draw your foot off British ground. But now, father, we see you are drawing back, and we are sorry to see our father doing so without seeing the enemy. We must compare our father's conduct to that of a fat dog, that carries its tail upon its back; but, when frightened, drops it between its legs and runs off.

Father, listen! The Americans have not beaten us by land; we are not sure that they have by water. We wish, therefore, to remain here and fight. If they defeat us, we will then retreat with our father.

Father! You have got the arms and ammunition which our Great Father sent for his red children. If you have an idea of going away, give them to us and you may go, and welcome, for us. Our lives are in the hands of the Great Spirit; we are determined to defend our lands, and, if it be His will, we wish to leave our bones upon them.

That was Tecumseh's speech at Vincennes. That is enough to show that he was a very much greater man than the Englishman whom he was speaking to.

Mr. President, my observations of the tribe of Creek Indians, whose language I spoke when I was a boy, extends from that time to the present state of their development, when they have a king or a ruler elected by themselves, a written constitution written by themselves. They have institutions of justice, a supreme court, circuit courts, judges of ordinary, magistrates, and a mounted constabulary that rides over the entire district.

They have several very handsome institutions of learning, endowed by themselves, furnished comfortably for schoolrooms, large buildings, in which there are pianos and blackboards and other appliances for the instruction of their children. Their native girls are required to produce nothing for their support but their clothing, which is a uniform. Their tuition is given to them free. Their books are provided for them, and their board is free. They educate their children in that way, following our example, but having their own institutions.

I have been inside of their schoolhouses, and they were models of neatness and excellence as schoolhouses.

These people have a regard for me because I can trace my life back to childhood and identify it with many of their Indians. I have told them the story of Arkeeche, the little son of Fosachfixico, who was an old Indian chief who lived upon a beautiful piece of land not more than a mile from the town where the land office was kept, and where quite a number, probably 700 or 800 people, of the white race were assembled to deal with them for their lands.

This little boy Arkeeche was hunting blackberries with me one day and he was bitten by a rattlesnake and died. Dr. Holman, a Presbyterian divine, a most noble, worthy, excellent, and amiable gentleman, came to see Forsachfixico, and spoke to him familiarly, for he knew him. He tried to administer some of the comforts of Christian consolation to him, and asked him if he did not believe in Jesus Christ.

He says, "Is that the man you speak of as your God?" "Yes." "Was he a white man?" "Yes; he was a white man." "Did the white men kill him?" "Yes; they killed him." "An Indian never killed his God. I have no faith in a white man's God if he killed him. An Indian can not kill his God. He never sees him. He sees the resemblance to him." "Well," says Mr. Holman, "we will not dispute about that. I have come here to sympathize with you. Are you not very sorry about losing Ar kee che?" "No; I am not sorry." "Are you mad?" "No; I am not mad." "How do you feel?" "I am damned 'shamed." "What makes you ashamed?" "That reptile, that snake, bit my beautiful Ar kee che, and the Great Spirit let him go, not because he hated Ar kee che, but because he wanted my boy."

Now, of course, a man raised under these ideas and learning the language of those people and finding them when he comes into the Senate of the United States appealing to him for justice can not very well meet the burden of that demand without explaining to his fellow-Senators the reasons that move him to demand justice for these people. They deserve it, whether we feel it or not.

There was Red Jacket. I want to read a speech Red Jacket made at Buffalo Creek. He was of the Northern Indians:

At a council of Indians held on Buffalo Creek in the spring of 1811, application was made for the purchase of their rights to certain reservations of lands lying within the territory, commonly called "the Holland purchase." The application was answered by a speech from a chief of the Seneca Nation named Sagoua Hah (i. e., The Keeper Awake), but whom the whites called Red Jacket. It was delivered with great emphasis, and which, together with another that follows it, may be accounted literary curiosities.

Brother!

We opened our ears to the talk you lately delivered to us at council fire. In doing important business it is best not to tell long stories, but to come to it in a few words. We therefore shall not repeat your talk, which is fresh in our minds. We have thoroughly considered it and the advantages and disadvantages of your offers. We claim your attention to our answer, which is not from the speaker alone, but from all the sachems and chiefs now around our council fire.

Brother!

We know that great men as well as great nations have different interests, have different minds, and do not see the same object in the same light, but we trust our answer will be agreeable to you and your employers.

Brother!

Your application for the purchase of our lands is, in our minds, very extraordinary; it has been made in a crooked manner; you have not walked in the straight path pointed out by the great council of your nation. You have no writings from your great father, the President. In making up our minds we have looked back and remember how the Yorkers purchased our lands in former times. They bought them, piece after piece, for a little money, paid to a few men in our nation and not to all our brethren, until our planting and hunting grounds have become very small; and if we sell them we know not where to spread our blankets.

Brother!

You tell us your employer has purchased of the council of Yorkers a right to buy our lands. We do not understand how this can be. The lands do not belong to the Yorkers; they are ours and were given to us by the Great Spirit.

Brother!

We think it strange that you should jump over the lands of our brethren in the East to come to our council fire so far off to get our lands. When we sold our lands in the East to the white people we determined never to sell those we kept—which are as small as we can live comfortably on.

Brother!

You want us to travel with you and look for new lands. If we should sell our lands and move off into a distant country toward the setting sun we should be looked upon in the country to which we go as foreigners and strangers, and be despised by the red as well as by the white men, and we should soon be surrounded by the white people who will there also kill our game, come upon our lands, and try to get them from us.

Brother!

We are determined not to sell our lands but to continue on them. We like them—they are fruitful and produce us corn in abundance for the support of our women and children and grass and herbs for our cattle.

Brother!

At the treaties for the purchase of our lands the white men, with sweet voices and smiling faces, told us they loved us, and that they would not cheat us, but that the King's children on the other side of the lake would cheat us. When we go on the other side of the lake theKing's children tell us your people will cheat us. These things puzzle our heads, and we believe the Indians must take care of themselves and not trust either in your people or in the King's children.

Brother!

At a late council we instructed our agents to tell you that we would not sell our lands, and we think you have not spoken to our agents, or they would have told you so, and we should not have met you at our council fire at this time.

Brother!

The white people buy and sell false rights to our lands, and your employers, have, you say, paid a great price for their rights. They must have a plenty of money to spend it in buying false rights to lands belonging to Indians. The loss of it will not hurt them. But our lands are of great value to us; and we wish you to go back with our talk to your employers and to tell them and the Yorkers that they have no right to buy and sell false rights to our lands.

Brother!

We hope you clearly comprehend the ideas we have offered. This is all we have to say.

Red Jacket went to war and the whole northern frontier, including Canada, felt the stroke when Red Jacket struck, for he was a great man. A man who speaks that way about his rights is bound to be a great man if he has got any manhood in him at all.

I could read many, many authenticated stories and speeches of these people, but I will not detain the Senate to do so.

Red Jacket made another speech at Albany, N. Y. He was the chief of the Seneca tribe, and in the last four or five days the Senate has been legislating about the Seneca tribe and their lands.

At a council held for the purpose of purchasing from his tribe the reservation commonly called the "Holland Purchase," Red Jacket made a shrewd and very able speech in opposition to the sale. The spirit and eloquence with which he invariably resisted the efforts of the priests to Christianize his tribe may be gathered from the following extract from one of his speeches, delivered at Albany:

Here he met with the priesthood, and spoke to them in his Indian way:

Brother!

Listen to what we have to say. These men (the priests) do us no good. They deceive everybody. They deny the Great Spirit whom we, and our fathers before us, have looked upon as our Creator. They disturb us in our worship. They tell our children they must not believe like our fathers and mothers, and tell us many things we do not understand, and can not believe. They tell us we must be like white people, but they are lazy and won't work, nor do teach our young men to do so. The habits of our women are worse than they were before these men came among us, and our young men drink more whisky. We are willing to be taught to read and write and work, but not by people who have done us so much injury.

Brother!

We wish you to lay before the council fire the wishes of your red brethren. We ask our brothers not to blot out the law which has made us peaceable and happy, and not force a strange religion upon us. We ask to be let alone and, like the white people, to worship the Great Spirit as we think best; we shall then be happy in filling the little space in life which is left us, and shall go down to our fathers in peace.

That was a protest, Mr. President, against an invasion that no ignorant race and scarcely any civilized race has ever yet been able to resist—the priesthood.

I have now closed with respect to the characteristics of these Indians, but I beg leave to call the attention of the Senate to a few names that you will remember, for they have become historical. They had no pen with which to write their own praises; they had to take them from the lips of their enemies. They forced the praises of the men whom they fought; and there can scarcely be a higher tribute to humanity or a higher achievement than that.

Black Hawk.
Brandt.
Canastogo.
Comanche.
Egeromont.
Ensamore.
Jim Fife.
George Sagamore.
George Guess.

He was a Cherokee. When I was a little boy George Guess was pointed out to me. He was then a middle-aged man, and I was told that he had invented an alphabet. He was a Cherokee and lived not far from my father's house, not more than 5 or 8 miles. He was a spare man, a rather ungainly looking Indian, and very dark. He had invented an alphabet, I think, of 48 characters, an alphabet not of letters, but of syllables. He syllabized the Cherokee language, much of which is guttural, hard to express in letters, and hard to spell.

This man's analysis ran through the whole course of the language. He was entirely without learning; he did not know the English alphabet or that of any other language. He adopted some of the English characters or very nearly so—the Roman characters of that alphabet. He is now known as Sequoia, and the big trees in California, the largest in the world, are named for George Guess, whose Indian name was Sequoia.

How did he happen to invent this alphabet?

Mr. CULLOM. If the Senator will allow me, several Senators have suggested that they desire an executive session.

Mr. MORGAN. In one moment, when I get through with this little narrative, I will yield.

How did George Guess happen to write that alphabet? After General Jackson's triumph at New Orleans, when the news came back and spread over the country as to how Jackson had assembled his forces at New Orleans, Guess said he did it by writing some characters on a paper. "I can do that; I can write characters which the Cherokees can read." And he wrote them. It is stated in a book which I have before me, and it was stated then, that a Cherokee youth in three days after he got hold of the characters of that alphabet could write a letter to his friends, so simple was it, so perfectly natural, so perfectly adapted to the syllabic pronunciation of the Cherokee language.

George Guess passed off in poverty, and his very place of burial is lost; nobody knows it; and yet no greater man lived in this country than George Guess, tried by the tests with which we measure human capacity.

When I saw him and looked at him and was told he had written an alphabet I could not quite well understand it. I tried to comprehend that he had written our alphabet, and was told that was not so. I could not comprehend how there could be two alphabets in the world. I doubt if he knew that there were others.

Now I yield to the Senator from Illinois.

EFFICIENCY OF THE ARMY.

Mr. CULLOM. Mr. President——

Mr. COCKRELL. Will the Senator from Illinois yield to me so that I may submit a conference report?

Mr. CULLOM. I yield to the Senator from Missouri for that purpose.

Mr. COCKRELL. I present the conference report on what is known as the staff bill.

The PRESIDENT pro tempore. The report will be read.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15449) to increase the efficiency of the Army, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 4.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In line 2, page 3 of the bill, after the word "emergency," insert the word "or;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the

Senate numbered 2, and agree to the same with an amendment as follows: After the word "or" of said amendment insert the word "of;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows:

After the word "and," in the second line of said amendment, insert the following: "by and with the advice and consent of the Senate;" and after the word "brigadier-general," in line 3 of said amendment, insert the following:

"And when the next vacancy occurs in the office of brigadier-general of the line, it shall not be filled, and thereafter the number of brigadier-generals of the line, exclusive of the Chief of Artillery, shall not exceed 14;" and the Senate agree to the same.

F. M. COCKRELL,
J. V. QUARLES,
J. B. FORAKER,
Managers on the part of the Senate.

J. A. T. HULL,
RICHARD WAYNE PARKER,
WM. SULZER,
Managers on the part of the House.

Mr. SPOONER. What is the language employed there as to the Secretary of War in the part we amended the other day?

Mr. COCKRELL. The way it reads now is:

That the chief of staff under the direction of the President or of the Secretary of War under the direction of the President.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 5 o'clock and 27 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 11, 1903, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 10, 1903.

CONSUL.

Richard M. Bartleman, of Massachusetts, now consul at Valencia, Spain, to be consul of the United States at Cadiz, Spain, vice John Howell Carroll, deceased.

AUDITOR FOR THE ISLAND OF PORTO RICO.

Regis H. Post, of New York, to be auditor of the island of Porto Rico, to succeed John R. Garrison, whose resignation has been accepted to take effect on April 30, 1903.

PROMOTION IN THE NAVY.

Lieut. Commander William P. Randall, United States Navy (retired), to be a commander in the Navy, on the retired list, from February 5, 1903, in accordance with the provisions of an act of Congress approved February 5, 1903.

PROMOTIONS IN THE ARMY.

Infantry Arm.

Maj. William B. Wheeler, Eighteenth Infantry, to be lieutenant-colonel, February 4, 1903, vice Hoyt, Tenth Infantry, detailed as assistant adjutant-general.

Capt. Henry Kirby, Tenth Infantry, to be major, February 4, 1903, vice Wheeler, Eighteenth Infantry, promoted.

APPOINTMENTS IN THE ARMY.

GENERAL OFFICERS.

To be brigadier-generals.

Col. Joseph P. Farley, Ordnance Department, vice Davis, to be retired from active service.

Col. Morris C. Foote, Twenty-eighth Infantry, vice Farley, to be retired from active service.

Lieut. Col. George W. Baird, deputy paymaster-general, vice Foote, to be retired from active service.

Col. Samuel M. Mansfield, Corps of Engineers, vice Baird, to be retired from active service.

Col. Tully McCrea, Artillery Corps, vice Mansfield, to be retired from active service.

Col. Eli L. Huggins, Second Cavalry, vice McCrea, to be retired from active service.

Col. Greenleaf A. Goodale, Seventeenth Infantry, vice Huggins, to be retired from active service.

Col. John V. Furey, assistant quartermaster-general, vice Goodale, to be retired from active service.

Col. Francis Moore, Eleventh Cavalry, vice Furey, to be retired from active service.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February 10, 1903.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

THE RECORD.

Mr. STEELE. Mr. Speaker, I call attention to a special order adopted on the 5th of February, wherein leave to print was given in the following words:

And that all members have leave for five days to print on the subjects of either of the bills referred to in this order.

Now, sir, on page 2006 of to-day's RECORD there begins a matter—I suppose it is called a speech—which amounts to vituperation and vilification of a successful candidate for membership of this House, and not one single word in the whole speech is directed to the subject in accordance with the order.

Now, to save what is in that speech, or any part of it, from going into the permanent RECORD, I ask unanimous consent that the whole speech, beginning on page 2006 and ending on page 2012, be stricken from the RECORD.

The SPEAKER. The gentleman from Indiana [Mr. STEELE] asks unanimous consent to strike from the RECORD of the proceedings of February 9 the speech of Hon. JOSEPH A. CONRY——

Mr. STEELE. I did not mention the gentleman's name.

The SPEAKER. But that statement will be necessary in order to make clear the motion of the gentleman from Indiana. The gentleman from Indiana asks unanimous consent to strike from the RECORD of the proceedings of February 9 the speech of Hon. JOSEPH A. CONRY as having been made in violation of the order of the House. Is there objection?

Mr. THAYER. Mr. Speaker, my colleague [Mr. CONRY] is not here this morning. I do not rise for the purpose of objecting to the motion of the gentleman from Indiana further than to suggest that it be made when my colleague can be present and can make his own statement with reference to the matter. I am as much surprised at the speech as anybody——

The SPEAKER. Without objection, this matter will go over to another day.

Mr. WILLIAMS of Mississippi. As the gentleman from Massachusetts [Mr. CONRY] is not here, I object to the motion of the gentleman from Indiana, in order that the matter may go over until the gentleman from Massachusetts is present.

The SPEAKER. Without losing its place—this is a matter of privilege—it will, if there be no objection, go over until a subsequent day. The Chair hears no objection.

APPOINTMENT OF A CONFEREE.

The SPEAKER. The Chair lays before the House a telegram, which will be read.

The Clerk read as follows:

NEW ORLEANS, LA., *February 9, 1903.*

Hon. ROBERT C. DAVEY,
Washington, D. C.:

Account serious illness my brother am detained here. Please ask leave absence for me.

ADOLPH MEYER.

The SPEAKER. Leave of absence was granted last evening to the gentleman from Louisiana [Mr. MEYER]. The absence of that gentleman causes a vacancy upon the conference committee on what are called the "terminal matters," and hence it is necessary that the Chair appoint another conferee. The next gentleman to the gentleman from Louisiana upon the committee is the gentleman from South Carolina [Mr. LATIMER], whom the Chair designates as a conferee in the place of the gentleman from Louisiana.

RECEIPTS AND EXPENDITURES OF LOUISIANA PURCHASE EXPOSITION COMPANY.

The SPEAKER laid before the House the following message from the President of the United States; which was read, and, with the accompanying documents, referred to the Committee on Industrial Arts and Expositions, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State, covering a statement showing the receipts and disbursements of the Louisiana Purchase Exposition Company for the month of December, 1902, furnished by the Louisiana Purchase Exposition Commission, in pursuance of section 11 of the "Act to provide for celebrating the one hundredth anniversary of the purchase of the Louisiana Territory," etc., approved March 3, 1901.

THEODORE ROOSEVELT.

WHITE HOUSE, *February 9, 1903.*

DEATH OF HON. THOMAS H. TONGUE.

Mr. MOODY. Mr. Speaker, I desire to ask the House to fix a time for memorial addresses upon the life, character, and services of Hon. THOMAS H. TONGUE, deceased, late a member of this body. For that purpose I ask unanimous consent for the present consideration of the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the House meet on Sunday, the 22d day of February, at 12 o'clock noon, for eulogies upon the life, character, and services of the Hon. THOMAS H. TONGUE, deceased, late a member of this House from the First Congressional district of Oregon.

There being no objection, the House proceeded to the consideration of the resolution; which was adopted.

CHARLES F. WOODFORD.

The SPEAKER laid before the House, with an amendment of the Senate, the bill (H. R. 8663) to remove the charge of desertion from the military record of Charles F. Woodford and grant him an honorable discharge.

The amendment of the Senate was read.

Mr. PAYNE. I move that the House concur in the Senate amendment.

The motion was agreed to.

LEVI L. REED.

The SPEAKER also laid before the House, with an amendment of the Senate, the bill (H. R. 10095) for the relief of Levi L. Reed.

The amendment of the Senate was read.

Mr. GREEN of Pennsylvania. I move that the amendment of the Senate be concurred in.

The motion was agreed to.

ELISE SIGEL.

The SPEAKER also laid before the House, with an amendment of the Senate, the bill (H. R. 15659) granting a pension to Elise Sigel.

The amendment of the Senate was read.

Mr. SULLOWAY. I move that the House nonconcur in this amendment, and ask for a conference with the Senate.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. APLIN, Mr. HOLLIDAY, and Mr. NORTON as conferees on the part of the House.

AMENDMENT OF REVISED STATUTES.

The SPEAKER also laid before the House, with amendments of the Senate, the bill (H. R. 7659) to amend section 1 of an act entitled "An act to amend sections 5191 and 5192 of the Revised Statutes of the United States, and for other purposes."

The amendments of the Senate were read.

Mr. FOWLER. I move that the House nonconcur in the amendments of the Senate, and ask a conference.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. FOWLER, Mr. HILL, and Mr. TALBERT as conferees on the part of the House.

GEORGE N. M'MURRAY.

The SPEAKER also laid before the House the bill (H. R. 15911) granting an increase of pension to George N. McMurray, with a Senate amendment, which was read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendment.

The SPEAKER. The question is on the motion of the gentleman from New Hampshire that the House concur in the Senate amendment.

The motion was agreed to.

AURELIA M. POWER.

The SPEAKER also laid before the House the bill (H. R. 7110) granting an increase of pension to Aurelia M. Power, with a Senate amendment, which was read.

Mr. SULLOWAY. Mr. Speaker, I move to concur in the Senate amendment.

The motion was agreed to.

ADA S. KAEMPFER.

The SPEAKER also laid before the House the bill (H. R. 10672) granting an increase of pension to Ada S. Kaempfer, with Senate amendments, which were read.

Mr. SULLOWAY. Mr. Speaker, I move concurrence in the Senate amendment.

The motion was agreed to.

AUSTIN A. VORE.

The SPEAKER also laid before the House the bill (H. R. 9107) granting a pension to Austin A. Vore, with a Senate amendment, which was read.

Mr. SULLOWAY. Mr. Speaker, I move concurrence in the Senate amendment.

The motion was agreed to.

BENJAMIN CONTAL.

The SPEAKER also laid before the House the bill (H. R. 5101) granting an increase of pension to Bejamin Contal, with a Senate amendment, which was read.

Mr. SULLOWAY. Mr. Speaker, I move concurrence in the Senate amendment.

The motion was agreed to.

GRACE A. NEGLEY.

The SPEAKER also laid before the House the bill (H. R. 3504) granting an increase of pension to Grace A. Negley, with a Senate amendment, which was read.

Mr. SULLOWAY. Mr. Speaker, I move concurrence in the Senate amendment.

The motion was agreed to.

OPENING OF LANDS IN OKLAHOMA TERRITORY.

Mr. BURKE of South Dakota. Mr. Speaker, I ask unanimous consent for leave to file the views of the minority on the bill (H. R. 16280) to open for settlement 505,000 acres of land in the Kiowa, Comanche, and Apache Indian reservations, in Oklahoma Territory.

The SPEAKER. The gentleman from South Dakota asks unanimous consent that the minority may file views on the bill H. R. 16280, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 16280) to open for settlement 505,000 acres of land in the Kiowa, Comanche, and Apache Indian reservations, in Oklahoma Territory.

The SPEAKER. Without objection, this request will be granted. [After a pause.] The chair hears none, and it is so ordered.

REGULATION OF COMMERCE BETWEEN STATES AND FOREIGN COUNTRIES.

Mr. THOMAS of Iowa. Mr. Speaker, I ask unanimous consent for reprint of the report, No. 3377, of the following bill.

The SPEAKER. The gentleman from Iowa asks unanimous consent for a reprint of the report of the bill, the title of which the Clerk will report.

The Clerk read as follows:

House bill 15331, to amend an act to limit the effect of regulations of commerce between the several States and with foreign countries in certain cases, approved August 8, 1890.

The SPEAKER. Without objection, this request will be granted.

Mr. THOMAS of Iowa. Mr. Speaker, I ask that 10,000 copies be printed, 5,000 for the use of the Judiciary Committee and 5,000 for the use of the House.

The SPEAKER. The gentleman makes the additional request that the reprint consist of 10,000 copies of this report, 5,000 for the House, and 5,000 for the Judiciary Committee. Is there objection?

Mr. HEATWOLE. Mr. Speaker, reserving the right to object, I would like to ask the gentleman what this bill is?

Mr. SULZER. Mr. Speaker, what is the title of the bill?

Mr. THOMAS of Iowa. Mr. Speaker, I would ask that the title of the bill be again reported to the House.

The SPEAKER. If there is no objection, the Clerk will again report the title of the bill.

The Clerk again reported the title of the bill.

Mr. PAYNE. Mr. Speaker, I would ask whether it is the bill or the report that the gentleman desires to have reprinted.

The SPEAKER. The request is that there be a reprint of the report. Is there objection?

Mr. RICHARDSON of Tennessee. Mr. Speaker, I desire to say to the gentleman that if this printing costs more than $500, it can not be ordered by the House by simple resolution.

Mr. THOMAS of Iowa. There are only two pages of the report.

Mr. RICHARDSON of Tennessee. If there are 10,000 copies to be printed it may cost more than that.

Mr. THOMAS of Iowa. There are only two pages to the report.

Mr. RICHARDSON of Tennessee. I have no objection to it.

Mr. STEELE. I should just like to ask the gentleman if he does not think he ought to have 8,000 copies for the use of the committee and only 2,000 for the House?

Mr. THOMAS of Iowa. No; I think not.

Mr. STEELE. Just so you can get along. [Laughter.]

The SPEAKER. Is there objection?

There was no objection.

EULOGIES ON THE LATE REPRESENTATIVE RUMPLE.

Mr. LACEY. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Iowa asks unanimous consent for the present consideration of the resolution, which will be reported by the Clerk.

The Clerk read as follows:

Resolved, That when the House meets on Sunday, the 22d day of February, it shall consider appropriate resolutions and hear eulogies upon the life, public services, and character of the Hon. JOHN N. W. RUMPLE, deceased, late a member of the House of Representatives from the Second Congressional district of the State of Iowa.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

DEPARTMENT OF COMMERCE AND LABOR.

Mr. HEPBURN. Mr. Speaker, I desire to call up the conference report on the disagreeing votes of the two Houses on the Senate amendments to the bill H. R. 569. I ask unanimous consent that the reading of the report be dispensed with and that the statement be read.

The SPEAKER. The gentleman from Iowa calls up a privileged report. The Clerk will report the title of the bill upon which this report is made.

The Clerk read as follows:

A bill (S. 569) to establish the department of commerce and labor.

The SPEAKER. The gentleman asks unanimous consent to omit the reading of the report, and that the statement only be read. If there is no objection this course will be pursued. The Clerk will read the statement.

The Clerk read the statement.

[For text of the conference report and statement see record of the House proceedings of February 9, 1903.]

Mr. HEPBURN. I yield five minutes to my colleague on the committee, the gentleman from Alabama [Mr. RICHARDSON].

Mr. RICHARDSON of Alabama. First, Mr. Speaker, I should like to know whether the gentleman from Iowa will allow a separate vote on section 6, which is known as the Nelson substitute.

Mr. HEPBURN. I think it is impossible to do that. I have no power to do so.

Mr. RICHARDSON of Alabama. By unanimous consent will you allow it?

Mr. HEPBURN. Oh, I think not. I think it had better go in the usual course.

Mr. RICHARDSON of Alabama. Will you be willing, if the report of the conferees is voted down, to instruct the conferees to leave out section 6, which is the Nelson substitute?

Mr. HEPBURN. Oh, I do not care to make any contracts or agreements of that kind.

Mr. RICHARDSON of Tennessee. I suggest to my colleague that if we vote down the conference report, then it would be in order to instruct the conferees; but you would first have to vote down the conference report.

Mr. RICHARDSON of Alabama. I understand that to be the parliamentary rule, and I ask, further, of my distinguished friend from Iowa [Mr. HEPBURN] that he allow me more than five minutes for the discussion of that substitute.

Mr. HEPBURN. How much time does the gentleman want?

Mr. RICHARDSON of Alabama. Not an unreasonable time. I should like an hour.

Mr. HEPBURN. I do not think we ought to do that.

Mr. RICHARDSON of Alabama. We were in conference a week on this question, and I would like very much to have that time allowed me to express my views fairly of what is known as the Nelson substitute.

Mr. HEPBURN. I would not be inclined to extend the time so as to give the gentleman all of my time. That is all of the time I have. I want to reserve a few minutes.

Mr. RICHARDSON of Alabama. I hope the gentleman will not be so uncharitable as to limit me to only five minutes.

Mr. HEPBURN. Oh, no; I have no desire to do that. I will yield to the gentleman thirty minutes.

The SPEAKER. The gentleman from Alabama is recognized for thirty minutes.

Mr. RICHARDSON of Alabama. Mr. Speaker, I regret very much that I was unable to agree with the distinguished conferees with whom I have been associated, representing the majority of this House, the gentleman from Iowa [Mr. HEPBURN] and the gentleman from Illinois [Mr. MANN], on the measure known as the Nelson substitute; but after a conference extending over several days I found myself in a position of radical difference with those gentlemen upon the natural, fair, and just construction that I think this substitute justly bears. I shall not resort, Mr. Speaker, to strained construction to arrive at the true meaning of the substitute. It speaks for itself in its own words.

I take this occasion, Mr. Speaker, to say that I do not believe that any Democrat can sustain himself before the people in opposition to a measure that proposes to give any relief against the evils of trusts and monopolies simply because it has a Republican origin or comes to us with a Republican stamp and Republican approval. I go still further than that. I do not believe that any Republican can hereafter give a satisfactory explanation to the people as to why he supported a measure that on its face claims to regulate and control trusts and monopolies and suppress their evils, when in fact the measure does not regulate and does not control, but leaves the trusts to the enjoyment of all their lawless powers and abundant opportunities to accumulate unparalleled wealth at the expense of the toiling masses of this country, as they have been doing with our people for years past.

I believe, Mr. Speaker, that the people of this country in all sections of the Union are sufficiently intelligent and sufficiently informed as to the workings, management, and effect of the evils of the trusts—and to know that they are not only a menace, but an actual injury to their interests—to place the responsibility where it properly belongs if we fail to grant the relief that they demand from the evils of these trusts. We may stand here on the floor of the House to our heart's content and applaud the fervid expressions on either side of the Chamber. The able and distinguished gentleman from Pennsylvania [Mr. DALZELL] may repeat, as he has heretofore stated on this floor, "To undertake to revise the tariff at this period of unparalleled prosperity would be the height of legislative madness." The distinguished gentleman from Pennsylvania [Mr. SIBLEY] only a few days since said in the presence of this House, in substance, that the Dingley schedules were so sacred and hallowed that they ought not to be touched by the hand of revision. He warned us to be careful, but he failed to suggest anything looking to the relief of the onerous burdens of the people.

These matters will all come before the people of this country very soon—to pass upon our honesty and sincerity and the opportunities we had to give relief, and whether we met or failed to come up to the full measure of our duties.

Now, Mr. Speaker, I dissent most earnestly and sincerely from this Nelson substitute. I believe it to be an ultra dilution of a homeopathic dose of so-called antitrust legislation. I believe it to be a travesty upon what its friends represent and claim to be its only virtue—publicity. Why do I say that? I am in no manner responsible for the studied efforts that you and I on both sides of this House fully understand are being made to make it appear that this Nelson substitute is hostile to the trusts, and especially to the Standard Oil Company. Gentlemen of this House will not be influenced by this consideration. They look at it for themselves. In my opinion, the trusts, the corporations, the combines, and all other monopolies of all characters and description have no reason to fear any harm from this Nelson substitute. I will now read section 6 in the House bill for which the Nelson amendment is a substitute, and will read also the Nelson substitute.

SEC. 6. That there shall be in the department of commerce and labor a bureau to be called the bureau of corporations, and the chief of said bureau shall be appointed by the President and shall receive a salary of $4,000 per annum. There shall also be in said bureau such clerks and assistants as may from time to time be authorized by law. It shall be the province and duty of said bureau, under the direction of the secretary of commerce and labor, to gather, compile, publish, and supply useful information concerning such corporations doing business within the limits of the United States as shall engage in interstate commerce or in commerce between the United States and any foreign country, and to attend to such other duties as may be hereafter provided by law.

This is the Nelson substitute:

Strike out all of section 6 and insert in lieu thereof the following:

"SEC. 6. That there shall be in the department of commerce and labor a bureau to be called the bureau of corporations, and a commissioner of corporations, who shall be the head of said bureau, to be appointed by the President, who shall receive a salary of $5,000 per annum. There shall also be in said bureau a deputy commissioner, who shall receive a salary of $3,500 per annum and who shall in the absence of the commissioner act as and perform the duties of the commissioner of corporations, and who shall also perform such other duties as may be assigned to him by the secretary of commerce and labor or by the said commissioner. There shall also be in the said bureau a chief clerk and such special agents, clerks, and other employees as may be authorized by law.

"The said commissioner shall have power and authority to make, under the direction and control of the secretary of commerce and labor, diligent investigation into the organization, conduct, and management of the business of any corporation, joint-stock company, or corporate combination engaged in commerce among the several States and with foreign nations, excepting common carriers subject to 'An act to regulate commerce,' approved February 4, 1887, and to gather such information and data as will enable the President of the United States to make recommendations to Congress for legislation for the regulation of such commerce, and to report such data to the President from time to time as he shall require; and the information so obtained, or as much thereof as the President may direct, shall be made public.

"In order to accomplish the purposes declared in the foregoing part of this section, the said commissioner shall have and exercise the same power and authority in respect to corporations, joint-stock companies, and combinations subject to the provisions hereof as is conferred on the Interstate Commerce Commission in said 'act to regulate commerce' and the amendments thereto in respect to common carriers so far as the same may be applicable, including the right to subpœna and compel the attendance and testimony of witnesses and the production of documentary evidence and to administer oaths. All the requirements, obligations, liabilities, and immunities imposed or conferred by said 'act to regulate commerce,' and by 'an act in relation to testimony before the Interstate Commerce Commission,' etc., approved February 11, 1893, supplemental to said 'act to regulate commerce,' shall also apply to all persons who may be subpœnaed to testify as witnesses or to produce documentary evidence in pursuance of the authority conferred by this section.

"It shall also be the province and duty of said bureau, under the direction of the secretary of commerce and labor, to gather, compile, publish, and supply useful information concerning corporations doing business within the limits of the United States as shall engage in interstate commerce or in commerce between the United States and any foreign country, including corporations engaged in insurance, and to attend to such other duties as may be hereafter provided by law."

There can be no question that this section 6, that the Nelson bill is a substitute for, provides for publicity. Does the substitute provide for publicity? Let us analyze it from a standpoint of plain common sense. It is before you, and you have read it. No law has ever been enacted yet that has not an aim and an end in it. What is this? I propound it to both sides of this House. The purpose and object of this measure or of this substitute is to enable the President of the United States to do what? To take, under the supervision of the secretary of commerce and labor, action against the trusts? No. It is to provide a way to gather such information and data as will enable the President of the United States to make recommendations to Congress for legislation. I say that this substitute has the same characteristic that the chased and pursued fawn instinctively possesses that is being hotly chased by the hunter. After being pursued through circuitous route, through the woods, over the hills, and through the valleys, it returns at evening to the place where it started. When all the conditions precedent are complied with and the President sees proper, he will, in the sweet by and by, ask Congress for legislation to regulate commerce trusts. We are to pass the Nelson substitute, and when the President gathers up the data, under the qualifications and limitations that I have explained, he is to come back to Congress and ask for additional legislation.

I say, Mr. Speaker, that condition is directly antagonistic and contrary to every declaration that has been made, and the threats that we have been regaled with in the morning papers at the breakfast table—at the dinner table—that if some legislation is not enacted by this Congress, the present Congress, that will enable us really to regulate the trusts and subordinate them to the laws of the country that an extra session of Congress will be held.

Now, Mr. Speaker—

The said commissioner shall have power and authority to make, under the direction and control of the secretary of commerce and labor, diligent investigation into the organization, conduct, and management of the business of any corporation, joint stock company, or corporate combination.

For what?

So as to enable the President of the United States to make recommendations to Congress for legislation.

Why not enact that legislation to-day? The country knows the conditions. Congress should act at this session. Why delay? What reason and occasion is there for us to ask the President of the United States to secure data about the great steel trust. Suppose he should find out in his investigation that the products now made and controlled by the steel trust are sold cheaper in Europe than they are to our home folks. If he should ascertain the fact that the steel trust last year exported fully ninety-three millions of their products to foreign countries, and, after paying expenses of transportation, sold these products cheaper to foreigners than to our own people, that would be no news, no startling intelligence. If he should further get data showing that in March of last year the beef trust sent abroad nearly $9,000,000 worth of American meats, and yet beef in April following sold at 14 cents a pound in London and brought 24 cents per pound in New York City, do we not all know that now? It is shown by current price lists. Why go to the superfluous and the meaningless task and delay of requiring the data about that which shows as plain as the sun above our heads? We know, and the country knows, the vast difference in the price in foreign markets and the price at home of plows, cultivators, wire nails, and other necessaries of life.

I say that this measure, with all due regard for the honesty, ingenuity, and ability of the conferees who framed and ratified it, is entitled to be characterized as a pretext and subterfuge; and if I do not characterize it as that, I will say, at least, that in my humble opinion it is but an echo and expression of the opinion of that great Republican who has announced the Republican policy relative to all antitrust legislation to be "stand pat," do nothing. This substitute comes up to the full measure of that policy. In that connection I beg leave to read a statement, and I consider it as a semiofficial Administration statement. It comes from the Evening Star, and it is about this Nelson substitute.

PUBLICITY FOR THE TRUSTS.

However, the chief interest in the action of the Commerce Committee is in the adoption of a sort of publicity feature for all corporations except railroads. The opinion prevails that if this amendment becomes law it will constitute about all the antitrust legislation which can be expected at this session of Congress, besides the paragraph in the legislative, executive, and judicial bill. The text of the section as perfected by the committee is as follows:

You will note the Star says significantly and somewhat authoritatively, "It will constitute about all the antitrust legislation which can be expected at this Congress," etc.

A "sort" of publicity! What does "sort" mean in the English language? Why, it means a "feint," it means a pretense, it means a stagger at something that you say you are going to do, but do not intend to do. It implies under the most charitable construction a doubt as to whether the thing claimed is there. All on earth that the friends claim for this substitute is a "sort" of publicity. It provides for no penalties.

Now, Mr. Speaker, let us go a little further in a fair and just analysis. I was glad, a few days since, when I saw a solid vote, a remarkable spectacle in the House of Representatives of the United States. The House—Republicans and Democrats—gave a solid vote for a real, genuine antitrust act—the Littlefield bill. I was glad that a united and solid Democratic vote stood for that measure, because it relieves us forever of the false and groundless charge that we are here simply as a party of objection, a party of obstruction. We have come and joined hands with the Republicans, who, after months of labor and toil and after many consultations of their ablest statesmen, reported the Littlefield bill, and said to them, we join you in this measure to relieve our country of the evils of the trust. It is true that the bill did not fully meet the requirements and demands of our side of the House, but it was a long step in the right direction.

Take this Nelson substitute and compare it in the matter of publicity with the first section of the Littlefield bill, which reads as follows:

That every corporation which may be hereafter organized shall, at the time of engaging in interstate or foreign commerce, file the return hereinafter provided for, and every corporation, whenever organized, and engaged in interstate or foreign commerce shall file a return with the Interstate Commerce Commission for the year ending December 31, whenever, and at such time, as requested by said Commission, stating its name, date of organization, where and when organized, giving statutes under which it is organized, and all amendments thereof; if consolidated, naming constituent companies and where and when organized, with the same information as to such constituent companies, so far as applicable, as is herein required of such corporation; if reorganized, name of original corporation or corporations, with full reference to laws under which all the reorganizations have taken place, with the same information as to all prior companies in the chain of reorganization, so far as applicable, as is herein required of such corporation; amount of bonds issued and outstanding; amount of authorized capital stock, shares into which it is divided, par value, whether common or preferred, and distinction between each; amount issued and outstanding; amount paid in; how much, if any, paid in cash, and how much, if any, in property; if any part in property, describing in detail the kind, character, and location, with its cash market value at the time it was received in payment, giving the elements upon which said market value is based, and especially whether in whole or in part upon the capitalization of earnings, earning capacity, or economies, with the date and the cash price paid therefor at its last sale; the name and address of each officer, managing agent, and director; a true and correct copy of its articles of incorporation; a full, true, and correct copy of any and all rules, regulations, and by-laws adopted for the management and control of its business and the direction of its officers, managing agents, and directors. Nothing herein contained shall be construed as relieving any corporation from making, in addition to the foregoing, such returns as are now required by the "Act to regulate commerce," approved February 4, 1887, and all amendments thereof; but the provisions of this act, as to signing and making oath to returns and making answers on oath to written inquiries, shall be applicable to returns and such answers made under said act and amendments thereof.

So far as any return may be a duplicate of one already filed, that fact may be stated, and the details, which are in such case duplicates, need not be repeated. Upon its being made to appear to the satisfaction of the Commission that without fault on its part it is impracticable for such corporation to furnish any of the items aforesaid, it may, by a written order of said Commission, be excused from furnishing such item or items.

Said Commission shall cause to be prepared a blank return for the use of such corporations, containing the foregoing requirements, and shall make such rules and regulations as may, in its judgment, be necessary to carry out the purposes of this act. The President, treasurer, and a majority of the directors of such corporation shall make oath in writing on said return that said return is true. The treasurer, or other officer of such corporation having the requisite knowledge, shall answer on oath all inquiries that may be made in writing on the direction of said Commission in relation to said return. Any corporation failing to make such return, or whose treasurer or other officer shall fail to make the answers aforesaid, may be restrained, on the suit of the United States, from engaging in interstate commerce until such return is made. Suit may be brought in any district of the United States at the election of the Attorney-General.

I ask the members of this House and the country to compare this diluted dose of antitrust legislation with sections 5, 6, 7, and 11 of the Littlefield bill which has some gist in it. The comparison exposes what this substitute is. It pales into absolute insignificance. Compare it with the eleventh section of the Littlefield bill which gives any injured citizen, regardless of the President of the country or anyone else, the right to go into the courts and complain of the workings of these trusts. These sections are as follows:

SEC. 5. That any person, carrier, lessee, trustee, receiver, officer, agent, or representative of a carrier, subject to the act to regulate commerce, who, or which, shall offer, grant give, solicit, accept, or receive any rebate, concession, facilities, or service, in respect to the transportation of any property, in interstate or foreign commerce, by any common carrier subject to said act, whereby any such property shall, by any device whatever, be transported at a less rate than that named in the tariffs published and filed by such carrier, as is required by said act to regulate commerce, or shall receive any advantage by way of facilities or service, shall be deemed guilty of a misdemeanor, and shall upon conviction thereof be subject to a fine of not less than $1,000.

SEC. 6. That no corporation engaged in the production, manufacture, or sale of any article of commerce, violating any of the provisions of section 5 of this act, or attempting to monopolize or control the production, manufacture, or sale thereof, in any particular locality, by discrimination in prices, or by giving special privileges or rebates or otherwise, in order to destroy competition therein, in such locality, shall use, either directly or indirectly, any of the facilities or instrumentalities of interstate commerce, or in any way engage in interstate commerce, for the purpose of aiding or facilitating, either directly or indirectly, such production, manufacture, or sale, with such intent; nor shall any other person or corporation use any of the facilities or instrumentalities of interstate commerce, or in any way engage in

interstate commerce, in buying, selling, or disposing of any such article of commerce, for the purpose of enabling such first-mentioned corporation to engage or to continue to engage in such production, manufacture, sale, or control, with such intent. Every corporation or person violating the provisions of this section shall be punished, on conviction, by a fine of not less than $500 and not exceeding $5,000.

SEC. 7. That any common carrier, lessee, trustee, receiver, or transportation company, engaged in interstate commerce, now subject to the provisions of said act to regulate commerce, knowingly transporting any property produced, manufactured, or sold in violation of the provisions of this act, or in violation of the provisions of "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890, in interstate commerce, shall be subject to a penalty of not less than $1,000, to be recovered by the United States, in any court of the United States having jurisdiction thereof, which suit may be brought in any district in which such common carrier, lessee, trustee, or receiver, or transportation company has an office or conducts business.

SEC. 8. That all prosecutions, hearings, and proceedings under the provisions of this act, and under the provisions of "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890, whether civil or criminal, no person shall be excused from attending and testifying, or from producing books, papers, contracts, agreements, and documents before the courts of the United States, or the commissioners thereof, or the Interstate Commerce Commission, or in obedience to the subpœna of the same, on the ground, or for the reason, that the testimony or evidence, documentary or otherwise, required of him, may tend to criminate him, or subject him to a penalty or forfeiture; but no person shall be prosecuted or subjected to any penalty or forfeiture for, or on account of, any transaction, matter, or thing concerning which he may testify or produce evidence, documentary or otherwise, before said courts, commissioners, or Commission, or in obedience to the subpœna of either of them, in any such case or proceeding.

Testimony of witnesses under the provisions of the act to regulate interstate commerce and amendments thereof, and of this act, before said Commission, or any member thereof, shall be on oath, and either of the members of said Commission may administer oaths and affirmations and sign subpœnas.

SEC. 11. That any person or corporation injured in business or property, by any other person or corporation, by reason of anything forbidden or declared to be unlawful by this act, may sue therefor in any circuit court of the United States in the district in which the defendant or defendants reside or are found, without respect to the amount in controversy, and shall recover threefold the damages sustained and the costs of suit, including a reasonable attorney's fee.

Now, Mr. Speaker—

To gather such information and data as will enable the President of the United States to make recommendations to Congress for legislation for the regulation of such commerce and to report such data to the President when, from time to time, as he shall require—

and the information so obtained, or as much thereof as the President may direct, shall be made public. I ask most solemnly, if anything is really contemplated by this substitute, why not require the President to turn over his information to his Attorney-General and require him to act at once? The cloven foot shows itself here.

I appeal to the honest construction that any man will give to the ordinary English language—what does that mean? "As much thereof as the President may direct shall be made public." He can suppress all data, every scintilla of information. He can hold it secret and stand pat and say and do nothing, and no law can move him. Is that publicity? Do you propose to put into the hands of one man the autocratic power to pass on the question that involves the great interests and welfare of all the people? What wonderful power do you place in one man's hands. It can be used in a most dangerous manner. Suppose Carroll D. Wright, whose Department has been transferred to the department of commerce and labor, should appeal to the President for data concerning the cost of transportation and the cost of producing coal.

The Department of Labor has been transferred to the department of commerce and labor. It is under the supervision of the secretary of that department. It is a part and parcel of this great new department of commerce that is to be established. Yet, if Mr. Wright, the Commissioner of Labor, should seek such information upon the vital matter of the costs of the transportation of coal in order to compare it with cost of production, he would be told that he would have to look elsewhere for his information, because the Nelson substitute "excepts common carriers" from its provisions. Then, again, if Commissioner Wright went to work and undertook to get up data and information, the President could forbid the publication "of the information so obtained, or as much thereof as the President may direct," because the Nelson substitute in its relation to "An act to regulate commerce" is limited by the words "subject to the provisions hereof"—that is the Nelson measure.

The Labor Department has had the right to gather its own statistics. There it is subjected to the crucible of the will of the President. I say that autocratic power placed in the hands of one man is against the spirit and policy of our free American institutions. I say, Mr. Speaker, that is a power that ought to be put in the hands of no man under our republican form of government. How do you or I know who is to be President? It is frequently said to me, "The President is honest and sincere." I am far above making any criticism of him. How do you know, how do I know, that the present incumbent will be the next President of the United States? We are not legislating for any man. Suppose a great trust magnate were to be made President under the power of this law. What investigation could follow; what inquiries could be made? How helpless the country would be.

Why, Mr. Speaker, that latter clause, "or so much thereof as the President may direct shall be made public," is not publicity. Does any man contend that it is publicity? Section 6 in the department of commerce bill provides that these matters of information should be published without restraint. It reminds me of what is said down in my section when a man wants to make a thing absolutely secure and safe; he says it is equal to a "stake and rider fence." That is defined down in our country to be a fence, horse high, bull strong, and pig tight; you can not get over it, nor under it, nor around it, nor through it.

That last clause, "or so much thereof as the President may direct shall be made public," is a stake and rider legal barrier or fence. [Laughter.] Suppose a man goes there and wants to make a complaint before the President. It would simply be a physical impossibility for the President to hear all the complaints that would be made. Not only that, this Nelson substitute provides that the President shall suggest the data that the commissioner of the bureau of corporations is to collect, and for fear he might collect some data that ought not to go to the public, the measure, as a matter of precaution to prevent accidents, says that "so much thereof as the President sees proper shall be made public." I know that it is an ordinary provision to say that certain duties shall be under the control of the secretary of a department. For the Secretary of the Interior to supervise the Director of Census or the Secretary of Agriculture to supervise gathering of farm statistics is a harmless provision. That is right; but this authority put in the position it is here, making barriers, is a different proposition. What are the barriers to investigation? The secretary of the department of commerce and labor has first to have his say at it. Next, the President may tell him what data he must get. Next, when the President gets that data and information about these trusts in his hands, holding them in the hollow of his hand, it is for him to say whether he will publish them or not.

There never was, in my judgment, in the history of this great Government of ours such an autocratic power placed in the hands of one man, placed there on a subject that concerns the welfare and the interests of all the people of this country. It can be used as an engine of power. I do not mean to say that it would be used with reckless disregard of the rights of the people for and in behalf of the trusts. We all know that the President has repeatedly said that there are "good trusts and bad trusts." Who should be the judge on such a question? It should not be one man. It should be the law, under the rules and regulations prescribed for eliciting truth. This is a government of law. I have always believed that the least left to the discretion of a public official is the best law for the rights and interests of the people.

Why should the Littlefield bill be doomed to a languishing death in place of this Nelson substitute? That is the question that we have got to answer before the people. 'Tis said that it will surely die.

I will refrain, Mr. Speaker, from entering into a discussion of the tariff question. Gentlemen have heard enough of such discussion already. I want to read something that the distinguished Secretary of War, Mr. Root, said in a speech to the Union League at New York on the night of February 6. I read it, Mr. Speaker, with much concern. It bears its significance when it comes from such a source.

Secretary Root congratulated the veterans of the club upon having "woven a thread into fabric of the great life of this country."

"There are," he added, "many problems coming up to-day on which the safety of this Government depends. There are to-day situations of possible evils for our country that call for devoted patriotism. First, division between the rich and the poor under which wealth controls legislation and poverty is trying to stir up a war of classes, but every good citizen should declare that never in this free land shall we have a war of classes."

Ought not the great Secretary to have supplemented that statement by saying that in order to prevent this deplorable war of classes we should undertake by law to curb the greed of the trust? That is what brought about this condition; it is what is leading us to this prophesied war of classes. What has made the division between the rich and the poor—made it so marked in our country in the past few years? Wealth controls legislation, and it behooves the Congress of the United States to recognize these conditions. It becomes us, as men who love the institutions of our country, to see to it that the great power of wealth shall not be used against the interests of the masses. No man has the right to denounce or impair the right of every man to acquire honest wealth. It is what we all strive for. Let every man have an equal and fair chance in the race of life for the goods of this world. Let us stand to, rechristen, and rededicate the great fundamental principles of our republican form of government, "equal rights to all and special privileges to none."

Mr. THAYER. I should like to ask the gentleman a question

Mr. RICHARDSON of Alabama. I will yield to the gentleman.

Mr. THAYER. I am not entirely conversant with the provisions of the act creating the Interstate Commerce Commission. I notice that this bill in section 6 confers upon the bureau of corporations, that is to be created, the same authority which is conferred upon the Interstate Commerce Commission relative to common carriers. Now, my friend, in your opinion, if this bureau should be appointed, would it have authority to get the information which in our antitrust bill we have directed to be obtained? For instance, could it inquire of a corporation whether it had had any rebate, whether it had sold to one party at a lower price than to another, whether it had overcapitalized? Could the inquiries be made to reach any of those important matters?

Mr. RICHARDSON of Alabama. In answer to the gentleman from Massachusetts I will say that if he will read the Nelson substitute closely he will see that he says "subject to the provisions of this act," which, in my humble judgment, makes inapplicable the provisions for the investigation of these trusts as is provided by the act to regulate commerce, and is one of the chief barriers that will stand in the way to prevent such investigation. It was placed there. I think, just to accomplish that purpose.

Mr. MANN. I hope the gentleman does not really believe that.

Mr. RICHARDSON of Alabama. Yes, I believe it; and if you will give me the time I can demonstrate it. What power can the Interstate Commerce Commission have to secure these returns if we make that Commission subject to the provisions of the Nelson substitute. This provision is, in my judgment, a carefully worded, well-considered, artistically framed device for preventing the accomplishment of the very thing that the people of this country are demanding to-day—the control and regulation of the trust.

Mr. GAINES of Tennessee. Does the Nelson substitute apply to existing corporations?

Mr. RICHARDSON of Alabama. In regard to this Nelson substitute, let me say, as was said by the distinguished gentleman from Indiana [Mr. OVERSTREET] the other day, that to leave out the Interstate Commerce Commission from the department of commerce would be like playing the great Shakespearean play without the character of Hamlet. Yet this Nelson substitute, though pretending to regulate these trusts and combinations and organizing a bureau of corporations, leaves out the railroad corporations; it does not embrace them at all; and I say that a law which in thus undertaking to regulate corporations leaves out the railroads does not only enact the great play of Hamlet with the part of Hamlet omitted, but it puts upon the boards a roaring farce.

Mr. Speaker, I am not an extreme advocate of what is known as tariff revision. I would not of my own free will disturb, nor do I believe that my party would disturb, the interests or the business of our country in any improper way. The people of this country are conservative. They have felt the evils of the trust, and they expect and are entitled to relief. The law that we may make here ought to meet the demands to protect competition, which is the surest way and the strongest instrumentality for breaking down and preventing monopoly. It should not only do that, but it should reduce the tariff reasonably to a moderate revenue basis, and especially upon those products that are controlled by the trusts. It should protect the small industries and corporations of this country against unjust rivalry and competition. Those are plain principles. It should prevent unjust and unlawful capitalization. The law should provide for reasonable publicity—such publicity as would not stimulate or allow an inquisitorial investigation. We want reasonable, just laws that apply to all alike.

The SPEAKER pro tempore (Mr. DALZELL). The time of the gentleman from Alabama has expired.

Mr. RICHARDSON of Alabama. Mr. Speaker, I ask the gentleman from Iowa to allow me five minutes more.

Mr. HEPBURN. I yield to my colleague on the committee five minutes more.

Mr. RICHARDSON of Alabama. I am much obliged to the gentleman.

The SPEAKER pro tempore. The gentleman from Alabama is recognized for five minutes.

Mr. RICHARDSON of Alabama. I say, too, Mr. Speaker, that the conservative sentiment which I have just enunciated comes from Republicans—leading Republicans of this country—as well as from Democrats. I read the language of one such:

> We Republicans of Iowa are all protectionists, but we insist that the tariff must be removed on articles in which monopoly has been established. We call upon Congress to place legislative obstacles in the way of the tendency of modern combinations to destroy competition. Competition is the fundamental law of industrialism, and we are not willing to have the tariff used in throttling or perpetuating it.

That comes from the distinguished governor of Iowa—Governor Cummins. It is a sentiment that pervades all sections of our country. We must have genuine work—no dodging behind the bush now.

I read again from the remarks of the distinguished Senator from Iowa [Mr. DOLLIVER]:

> For years we have been telling the people that we would do something toward broadening trade by means of reciprocity treaties. We have had the power in all branches of the Government, but we have done nothing. The Republican party has got to stop a lot of its conversation or to take up these treaties and some of the tariff schedules and do something toward satisfying expectations. The Republican party on this question is like a ship with all sail set and anchor fast. It is time to take in sail or pull in the anchor.

In common parlance, that means "shoot, Luke, or give up the gun." You have been aiming at the trusts long enough; fire now or give the Democrats the gun. That is what it means for 1904, and if you adopt this homeopathic, diluted concoction for the Nelson substitute the sentiments of Senator DOLLIVER, uttered in his own State, will come back to annoy you and harass you. Now, Mr. Speaker, as I understand the parliamentary situation of this matter, it is that the conference report will have to be voted down in order to reach this subdivision 6. I know there is great difficulty in that. I know there are gentlemen on both sides of this House who are interested in the establishment of the department of commerce and labor which this bill proposes to establish. I have frankly given my views upon the Nelson substitute.

I do not believe that anything good for the people against the trusts can come out of it. I was anxious to have and requested a separate vote on this substitute. This was declined or refused. I think that there is nothing whatever in it to alarm the trusts, and I do not think they are alarmed. The Republican party is responsible. No one should be allowed hereafter to say to us that we obstructed or hindered any legislation that promised or claimed to check the trusts. In that spirit I shall vote for the conference report. Surely no man who is honest and sincere in advocating the broad, conservative, legal, and just principles enunciated in the Littlefield bill can say for a moment that this Nelson substitute ought in justice to take the place of such a bill. If the Littlefield bill fails, then the people will answer in 1904.

Mr. Speaker, I ask unanimous consent for leave to extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Alabama asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. HEPBURN. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. BALL].

Mr. BALL of Texas. Mr. Speaker,

> The four first acts already past,
> A fifth shall close the drama with the day:
> Time's *rottenest* offspring is the last.

First. In the closing hours of the Fifty-sixth Congress the Republican party presented, as a means to destroy the trusts, a constitutional amendment to confer added power upon Congress. The Democrats opposed that amendment, insisting that there was ample constitutional power in the Congress of the United States to destroy every trust in the Union. The Republicans have receded from the position which they took at that time, and the President and a Republican Attorney-General are now agreed that Congress has the necessary power.

Second. We had in the closing hours of that Congress what was known as the Littlefield bill, which was a measure calculated at least to seriously embarrass the trusts. That went through this House with a whoop and died, because there were but four days, as all the members of Congress knew, in which the Senate could consider it, and it had been held back for that purpose.

Third. We had heralded in the newspapers during the past summer the fact that the eminent gentleman from Maine [Mr. LITTLEFIELD] was preparing a "trust buster" under the auspices and direction of the President of the United States, who had promised "to shackle the cunning of the trusts." After consultation with the powers that be the gentleman from Maine brought in a bill, and it was submitted in this House, and in the language, forceful but true, of the gentleman from Illinois [Mr. CANNON], when the committee brought that bill back they had "cut the dog's tail off right behind the ears."

Fourth. We had the emasculated Littlefield bill, which was passed in this House a few days ago with apparent seriousness and good faith, voted for by every member upon both sides of the Chamber, although its authors knew and the members upon that side of the House knew that it was not the intention of the Republican party at this session or any future session of Congress that even as mild a bill as that should become law or to pass any effective trust legislation.

Fifth. Mr. Speaker, we have had trumpeted from the White House the fact that the Administration has changed its programme; that it is now anxious to get through what is known as the Nelson bill and the Elkins bill which passed the Senate of the United States without any discussion or consideration whatever; and the newspapers are pretending to say that the Standard Oil Company

is sending in telegrams and protests against the passage of these homeopathic doses to the trusts.

Mr. Speaker, I do not believe that John D. Rockefeller has sent any message to any Senator of the United States, or anybody else, in opposition to these measures, which are hardly equal to a dose of "soothing sirup," much less calculated to destroy the trusts. These bills are mere makeshifts, a hippodrome, to help get the Administration out of the hole into which its pretended trust-destroying efforts have placed it. If the President is sincere he is powerless, because he finds behind him a subservient Republican party which is not honest in its efforts to destroy the trusts. It is now the purpose of the Republican party to rush through the Nelson and Elkins bills to deceive the public and cover up the Administration's failure to get through legislation proposed by it and defeated by the trusts. Vote down this report, because if you adopt it, and then the Elkins bill, there will be a flourish of trumpets that, over the opposition of the Standard Oil and other trust concerns, the Administration has secured trust legislation.

There is nothing in this amendment of any value whatever. It creates a bureau of corporations at a considerable expense to gather information for the President, who makes public such as he sees proper. It is, in fact, no legislation whatever. When passed the suppression of trusts will be as far off as ever. Vote down the conference report and instruct the conferees to insist upon an amendment containing at least the publicity features of the House bill passed a few days ago, which is being smothered at the other end of the Capitol. In this way only will it be possible to have any legislation of value passed at this session of Congress. [Applause.]

Mr. HEPBURN. Mr. Speaker, I yield five or ten minutes to the gentleman from Illinois [Mr. MANN], if he desires the time.

The SPEAKER pro tempore. The gentleman from Illinois is recognized for ten minutes.

Mr. MANN. I shall not use all the time that is allotted to me, Mr. Speaker, principally because my physical condition is such that I am not able to speak without great effort. The purpose of the House in inserting in the bill the section for the bureau of corporations is most fully justified by the Nelson amendment, which we have before us in the conference report. I may say, in reply to the suggestions which have been made by the gentleman from Alabama [Mr. RICHARDSON] and the gentleman from Texas [Mr. BALL] in reference to the so-called Nelson substitute, that the statements made by them are not borne out by the wording of the substitute; and I say, Mr. Speaker, without question that the Nelson substitute confers a greater power upon the commissioner of corporations to make investigations of so-called trusts than has been proposed in any other bill or in any other proposition brought before Congress. The objection was made by one of the gentlemen interested in trust legislation that the Nelson amendment was too drastic, that it went too far.

Mr. Speaker, it confers upon the Executive an absolute power to make complete investigation in reference to all phases, all conditions, all control of any corporation engaged in interstate commerce which the Secretary may desire to have investigated. That information and that investigation are public. It is true that the Nelson amendment does not propose to punish violations of any law which we create. The Nelson amendment proposes investigation in order to obtain information. I am not surprised, Mr. Speaker, that the other side of this House, which has always talked for trust legislation, now when it comes to the point where we can actually enact legislation, draws back afraid to put upon the statute books any legislation upon the subject. So long, Mr. Speaker, as the House is engaged in passing a bill, the gentlemen on the other side urge it. While the Senate is engaged in passing another bill, the gentlemen on the other side urge it; but when it comes to having the House and the Senate join in passing the same bill and the question is presented to the gentlemen, they hesitate and gag.

Mr. THAYER. Mr. Speaker——

The SPEAKER pro tempore. Does the gentleman from Illinois yield to the gentleman from Massachusetts?

Mr. MANN. Yes.

Mr. THAYER. I should like to ask the gentleman the question that I asked the gentleman from Alabama. Do you believe that if this bill passes you could, under the provisions of section 6, compel any officer of any corporation to reveal what is demanded of him in the antitrust bill, namely, whether they are overcapitalized; rebates, whether they have paid or received any, and the manner of the conduct of their business?

Mr. MANN. Mr. Speaker, I have hardly any belief on that. It is so plain that I think I may say I know if Congress has the constitutional authority under any circumstances to ask these questions of a corporation, that authority is conferred to the fullest extent by this bill upon the commissioner of corporations, and all the power Congress can confer upon anyone to make investigations of corporations is conferred upon the commissioner of corporations by the Nelson amendment.

Mr. THAYER. One question further.

Mr. MANN. Certainly.

Mr. THAYER. The only authority conferred in this bill is the authority that is conferred in the Interstate Commerce Commission in dealing with railroads and common carriers. Is there any provision in the statute to which this refers to compel a corporation to reveal the conditions I have stated?

Mr. MANN. Oh, well, the gentleman knows that the authority conferred upon the commissioner of corporations, in reference to these corporations, is that conferred upon the Interstate Commerce Commissioners now in reference to railway corporations. The authority is full and complete. The authority in the interstate-commerce act covers the question which the gentleman has asked about, and the authority conferred upon the Interstate Commerce Commissioners is absolutely as full as can be conferred by language.

Mr. THAYER. Why did they not put it in, then, in the same language as the language in the antitrust bill, so that something definite and substantial could be discerned?

Mr. MANN. Well, if the gentleman will notice, the antitrust bill refers to certain provisions in the act to regulate commerce. It never has been the custom of anybody to copy all of these provisions over again. The gentleman laughs and shakes his head. Perhaps he has not read the bill.

Mr. THAYER. Oh, yes, I have.

Mr. MANN. Perhaps the gentleman has not read the law. If he has read the law, then I suspect that he knows that the question he asks is answered completely by the law. The authority conferred upon the commissioner by the Nelson amendment is definite and certain. He will possess all the power which Congress has as to making investigations of corporations. The manner and method of exercising that power are now indicated by the interstate-commerce act. The language we have used is plain and unambiguous.

Mr. ROBINSON of Indiana. Mr. Speaker, may I not ask the gentleman in the interest of fairness to withdraw the statement he made against the Democratic side of the House upon this subject of trust legislation in view of the record of hypocrisy made by the other side in the Fifty-sixth Congress?

Mr. MANN. Well, Mr. Speaker, whenever I withdraw any statement made in reference to my friends on the other side on the basis of the truth of their claim of hypocrisy on this side I hope I may land in a lower and not an upper world. [Laughter.] We all have become used to the argument that is made by gentlemen on the other side, which simply is abuse. I never heard one of you make a speech upon the floor of this House in reference to trust legislation that did not denounce the Republicans as a band of robbers and thieves.

Mr. FLEMING. You have not been in your seat all the time, then.

Mr. MANN. I am glad to except the gentleman from Georgia, who is always fair and courteous in his language; and there are other exceptions, I am glad to say.

But your speakers usually say that the Republicans are a band of robbers and thieves. They say we act at the behest of the trusts. And yet I do not know a gentleman on that side of the aisle who believes it. There is no gentleman on that side who believes gentlemen on this side of the aisle are not actuated by purposes as honest, as noble, as truthful as theirs; and I would not claim that gentlemen on the Democratic side of the House are not earnest and sincere in their work against the trusts. They are now only seeking political capital. We are responsible for what we do; they are not held responsible for what they say. Mr. Speaker, I yield back the balance of my time to the gentleman from Iowa.

Mr. SMITH of Kentucky. May I ask the gentleman a question before he sits down?

Mr. MANN. Well, if it is a question in reference to the bill, I will take time to answer it; if it is a mere political question——

Mr. SMITH of Kentucky. I would like to know if the gentleman has ever seen me ask any other question since my service in this House?

Mr. MANN. I think that is true. The gentleman is sincere.

Mr. SMITH of Kentucky. What I want to know is if the gentleman does not think it would have been better to have required the commissioner of corporations to lay his report before Congress rather than before the President; because it is not so important, as I view the matter, that the President should be enabled to make recommendations as that Congress should be enabled to enact some intelligent effective legislation.

Mr. MANN. I would call the gentleman's attention to the fact that the commissioner of corporations is under the department of commerce and labor, which has a secretary, and the secretary is required to make an annual report, which of course means that

the statement that the commissioner of corporations makes in his report to the secretary would be included as a part of his report.

Mr. SMITH of Kentucky. In that same connection I apprehend that this provision of the amendment which says it shall lie in the discretion of the President as to what shall be made public of these reports would preclude the commissioner from laying before Congress what the official report developed in his investigation.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MANN. I wish I had time; I think I could explain that to the gentleman's satisfaction.

Mr. HEPBURN. I yield four minutes to the gentleman from Georgia, a member of the committee.

Mr. ADAMSON. Mr. Speaker, I do not like to appear in antagonism to my distinguished friend on the committee, the gentleman from Alabama, who was one of the managers on the part of the House. However, I do not desire that any vote that I may cast shall be construed into an indication of lack of knowledge that the provision discussed by the gentleman from Alabama, known as the Nelson substitute, is a delusion and a snare, a hollow mockery, thinner than thin air, weaker than water, the meanest sham, the most contemptible fraud and false pretense, because it seeks to deceive constituents who send members here.

But we are put upon notice, at least by the newspapers, which everybody knows are always truthful, that this is the only antitrust measure that the "trust busters" are going to permit to pass at all. I do not propose to go before the country in the attitude of opposing the only antitrust legislation that we are served with notice can be enacted. I shall not oppose the report of the managers on the part of the House on that account. I know the managers on the part of the House have been diligent and patient. I know something of the difficulties they encountered. I accept their report as the best that can be secured under the circumstances, and shall contribute with great pleasure to creating the department of commerce and labor by voting for the adoption of this report. [Applause.]

Mr. HEPBURN. Mr. Speaker, I move the adoption of the conference report, and on that demand the previous question.

Mr. BARTLETT. May I ask the gentleman one question before he demands the previous question?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. HEPBURN. I yield for a question.

Mr. BARTLETT. I desire to ask the gentleman if this report—and I have read it very carefully—in reference to insurance companies does anything more than to authorize the Commissioner to gather statistics in reference to insurance companies?

Mr. HEPBURN. Nothing in the world, so far as I understand.

Mr. BARTLETT. Then there is nothing in this measure that contravenes the votes of the House on that subject.

Mr. HEPBURN. All I mean to say is this, that it simply authorizes information being secured. Now, Mr. Speaker, I demand the previous question.

Mr. RICHARDSON of Tennessee. Will the gentleman allow me to ask him a question? I do not want to debate.

Mr. HEPBURN. I prefer not to yield.

The SPEAKER pro tempore. The gentleman declines to yield.

Mr. RICHARDSON of Tennessee. Does the gentleman decline to yield for a question?

Mr. HEPBURN. Yes, sir.

The SPEAKER pro tempore. The gentleman from Iowa asks for the previous question on agreeing to the conference report.

The question was taken; and the previous question was ordered.

The SPEAKER pro tempore. The question is on agreeing to the conference report.

Mr. HEPBURN. On that question, Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 252, nays 10, answered "present" 4, not voting 85; as follows:

YEAS—252.

Adams,	Bowersock,	Calderhead,	Currier,
Adamson,	Bowie,	Caldwell,	Curtis,
Alexander,	Brandegee,	Candler,	Cushman,
Allen, Ky.	Brantley,	Cannon,	Dalzell,
Allen, Me.	Breazeale,	Capron,	Darragh,
Aplin,	Brick,	Cassel,	Davey, La.
Bankhead,	Bromwell,	Cassingham,	Davidson,
Barney,	Brown,	Clark,	Davis, Fla.
Bartholdt,	Brownlow,	Clayton,	Deemer,
Bartlett,	Brundidge,	Conner,	Dick,
Bates,	Burgess,	Coombs,	Dinsmore,
Beidler,	Burke, S. Dak.	Cooper, Tex.	Dougherty,
Bell,	Burkett,	Cooper, Wis.	Douglas,
Bellamy,	Burleigh,	Corliss,	Dovener,
Billmeyer,	Burleson,	Cowherd,	Draper,
Blakeney,	Burton,	Creamer,	Eddy,
Boreing,	Butler, Mo.	Cromer,	Emerson,
Boutell,	Butler, Pa.	Crumpacker,	Esch,
Evans,	Howard,	Moody,	Sims,
Feely,	Hughes,	Moon,	Skiles,
Finley,	Hull,	Morgan,	Slayden,
Fitzgerald,	Irwin,	Morrell,	Smith, Ill.
Flanagan,	Jackson, Md.	Morris,	Smith, Iowa
Fletcher,	Jenkins,	Mudd,	Smith, Ky.
Flood,	Johnson,	Mutchler,	Smith, H. C.
Foerderer,	Jones, Wash.	Needham,	Snodgrass,
Fordney,	Joy,	Norton,	Snook,
Foster, Vt.	Kahn,	Olmsted,	Southard,
Fox,	Kehoe,	Otjen,	Sperry,
Gaines, Tenn.	Kern,	Overstreet,	Spight,
Gaines, W. Va.	Kleberg,	Padgett,	Stark,
Gardner, Mass.	Knapp,	Palmer,	Steele,
Gardner, Mich.	Kyle,	Parker,	Stephens, Tex.
Gardner, N. J.	Lacey,	Patterson, Pa.	Stevens, Minn.
Gibson,	Lamb,	Patterson, Tenn.	Stewart, N. J.
Gilbert,	Landis,	Payne,	Stewart, N. Y.
Gill,	Latimer,	Pearre,	Storm,
Gillett, Mass.	Lawrence,	Perkins,	Sulloway,
Glass,	Lessler,	Pou,	Sulzer,
Gooch,	Lever,	Powers, Me.	Talbert,
Gordon,	Lewis, Ga.	Powers, Mass.	Tate,
Graff,	Littauer,	Randell, Tex.	Tawney,
Graham,	Livingston,	Reeder,	Tayler, Ohio
Green, Pa.	Lloyd,	Reeves,	Taylor, Ala.
Greene, Mass.	Long,	Rhea,	Thayer,
Griffith,	Lovering,	Richardson, Ala.	Thomas, Iowa
Griggs,	McAndrews,	Richardson, Tenn.	Thompson,
Grosvenor,	McCleary,	Rixey,	Underwood,
Grow,	McCulloch,	Robb,	Van Voorhis,
Hamilton,	McDermott,	Roberts,	Wanger,
Hanbury,	McLachlan,	Robinson, Ind.	Warner,
Haugen,	McLain,	Rucker,	Warnock,
Heatwole,	McRae,	Russell,	Watson,
Hedge,	Maddox,	Ryan,	Weeks,
Hemenway,	Mahon,	Schirm,	Wheeler,
Henry, Conn.	Mann,	Scott,	White,
Henry, Miss.	Marshall,	Shallenberger,	Wiley,
Henry, Tex.	Martin,	Shattuc,	Williams, Ill.
Hepburn,	Metcalf,	Shelden,	Williams, Miss.
Hildebrant,	Mickey,	Sheppard,	Woods,
Hill,	Miller,	Sherman,	Wright,
Hitt,	Minor,	Showalter,	Young,
Hooker,	Mondell,	Sibley,	Zenor.

NAYS—10.

Ball, Tex.	Lester,	Reid,	Vandiver.
De Armond,	Little,	Robertson, La.	
Fleming,	Littlefield,	Shackleford,	

ANSWERED "PRESENT"—4.

Dayton,	Haskins,	Hopkins,	McClellan.

NOT VOTING—85.

Acheson,	Edwards,	Lindsay,	Shafroth,
Babcock,	Elliott,	Loud,	Small,
Ball, Del.	Foss,	Loudenslager,	Smith, S. W.
Belmont,	Foster, Ill.	McCall,	Smith, Wm. Alden
Benton,	Fowler,	Mahoney,	Southwick,
Bingham,	Gillet, N. Y.	Maynard,	Sparkman,
Bishop,	Glenn,	Mercer,	Sutherland,
Blackburn,	Goldfogle,	Meyer, La.	Swann,
Bristow,	Hay,	Miers, Ind.	Swanson,
Broussard,	Holliday,	Moss,	Thomas, N. C.
Bull,	Howell,	Naphen,	Tirrell,
Burk, Pa.	Jack,	Neville,	Tompkins, N. Y.
Burnett,	Jackson, Kans.	Nevin,	Tompkins, Ohio
Cochran,	Jett,	Newlands,	Trimble,
Connell,	Jones, Va.	Pierce,	Vreeland,
Conry,	Ketcham,	Prince,	Wachter,
Cooney,	Kitchin, Claude	Pugsley,	Wadsworth,
Cousins,	Kitchin, Wm. W.	Ransdell, La.	Wilson,
Crowley,	Kluttz,	Robinson, Nebr.	Wooten.
Dahle,	Knox,	Ruppert,	
Driscoll,	Lassiter,	Scarborough,	
Dwight,	Lewis, Pa.	Selby,	

So the conference report was agreed to.

The following pairs were announced:

For the session:

Mr. DAYTON with Mr. MEYER of Louisiana.

Mr. MCCALL with Mr. MCCLELLAN.

Until further notice:

Mr. TIRRELL with Mr. CONRY.

Mr. DRISCOLL with Mr. SCARBOROUGH.

Mr. BALL of Delaware with Mr. RANSDELL of Lousiana.

Mr. BINGHAM with Mr. ELLIOTT.

Mr. HOPKINS with Mr. SWANSON.

Mr. JACK with Mr. ROBINSON of Nebraska.

Mr. HASKINS with Mr. FOX.

Mr. VREELAND with Mr. WILSON.

For one week:

Mr. ACHESON with Mr. SPARKMAN.

For the day:

Mr. Samuel W. SMITH with Mr. KLUTTZ,

Mr. CONNELL with Mr. SHAFROTH.

Mr. GILLET of New York with Mr. JETT.

Mr. WM. ALDEN SMITH with Mr. BELMONT.

Mr. MERCER with Mr. NEWLANDS.

Mr. COUSINS with Mr. HAY.

Mr. SOUTHWICK with Mr. RUPPERT.

Mr. TOMPKINS of New York with Mr. LINDSAY.

Mr. TOMPKINS of Ohio with Mr. EDWARDS.

Mr. SUTHERLAND with Mr. PUGSLEY.

Mr. Moss with Mr. NEVILLE.

Mr. NEVIN with Mr. MAHONEY.
Mr. WADSWORTH with Mr. JACKSON of Kansas.
Mr. PRINCE with Mr. JONES of Virginia.
Mr. LOUDENSLAGER with Mr. NAPHEN.
Mr. LEWIS of Pennsylvania with Mr. GLENN.
Mr. KNOX with Mr. CLAUDE KITCHIN.
Mr. KETCHAM with Mr. WILLIAM W. KITCHIN.
Mr. HOWELL with Mr. GOLDFOGLE.
Mr. FOSS with Mr. FOSTER of Illinois.
Mr. DAHLE with Mr. COONEY.
Mr. BULL with Mr. CROWLEY.
Mr. WACHTER with Mr. WOOTEN.
Mr. BISHOP with Mr. MAYNARD.
Mr. BLACKBURN with Mr. COCHRAN.
Mr. BABCOCK with Mr. PIERCE.
Mr. BURK of Pennsylvania with Mr. BURNETT.
Mr. MILLER with Mr. SMALL.
For the vote:
Mr. LOUD with Mr. TRIMBLE.
Mr. HOLLIDAY with Mr. BROUSSARD.
Mr. FOWLER with Mr. BENTON.
Mr. BRISTOW with Mr. MIERS of Indiana.
Mr. DWIGHT with Mr. THOMAS of North Carolina.

The result of the vote was then announced as above recorded.

On motion of Mr. HEPBURN, a motion to reconsider the vote whereby the conference report was agreed to was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 6848. An act to establish a life-saving station at Cape Nome, Alaska;

S. 3638. An act for the extension of Eighth street northwest, or Wright's road, District of Columbia;

S. 4922. An act granting an increase of pension to Andrew C. Smith;

S. 5219. An act to grant an honorable discharge from the military service to Robert C. Gregg;

S. 6048. An act granting a pension to Lillian G. Elkins; and

S. 7186. An act granting a pension to Mary C. Smith.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3287) to fix the salaries of certain judges of the United States.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 16731. An act permitting the town of Montrose, Colo., to enter 160 acres of land for reservoir and water purposes;

H. R. 10678. An act for the relief of the Florida Brewing Company;

H. R. 10355. An act granting an increase of pension to William W. Smithson;

H. R. 12952. An act authorizing the Secretary of the Interior to issue patent to the Rochford Cemetery Association to certain lands for cemetery purposes; and

H. R. 12411. An act granting an increase of pension to Joseph Bart.

The message also announced that the Senate had passed without amendment the following resolution:

House concurrent resolution 57.

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound in cloth 3,000 copies of a Congressional Directory which embraces the biographies of all members of Congress from the Continental Congress to the Fifty-seventh Congress, inclusive, compiled by O. M. Enyart, 2,000 copies for the use of the House of Representatives and 1,000 copies for the use of the Senate.

PORT OF NIAGARA FALLS, N. Y.

Mr. PAYNE, from the Committee on Ways and Means, reported back with a favorable recommendation, the bill (H. R. 16885) to extend to the port of Niagara Falls, N. Y., the privileges of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement; which, with the accompanying report, was referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

TERMS OF UNITED STATES COURTS, KANSAS CITY, KANS.

The SPEAKER laid before the House, with amendments of the Senate, the bill (H. R. 7642) providing for the holding of terms of the circuit and district courts of the United States at Kansas City, Kans., and for other purposes.

The amendments of the Senate were read.

Mr. JENKINS. I move that the House concur in the Senate amendments.

The motion was agreed to.

RECORD OF DEEDS, ETC., IN INDIAN TERRITORY.

Mr. LACEY. I call up the conference report on bill (S. 5678) providing for record of deeds and other conveyances and instruments of writing in the Indian Territory, and for other purposes. I ask that the reading of the conference report, which has been printed in the RECORD, be dispensed with, and that only the statement of the House conferees be read.

Mr. RICHARDSON of Tennessee. Reserving the right to object, I wish to ask whether all the conferees have signed this report.

Mr. LACEY. They have. It is a unanimous report.

The SPEAKER pro tempore. Without objection, the statement only will be read.

The statement of the conferees was read, as follows:

The effect of this agreement is to accept the bill in the form in which it passed the Senate, defining the recording districts and places of record in Indian Territory.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 5678) "providing for record of deeds and other conveyances and instruments of writing in the Indian Territory, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment; and the Senate agree to the same.

J. S. SHERMAN,
JOHN F. LACEY,
JOHN S. LITTLE,
Managers on the part of the House.

WM. M. STEWART,
O. H. PLATT,
JAMES K. JONES,
Managers on the part of the Senate.

Mr. LACEY. Mr. Speaker, the House bill on this subject authorized the judges of the courts to divide the Territory for the purpose of making registration districts. The Senate bill specified the divisions of the Territory. The House conferees yield and accept the Senate bill, thereby agreeing to the divisions as embraced in that bill.

The question being taken, the report of the committee of conference was agreed to.

On motion of Mr. LACEY, a motion to reconsider the last vote was laid on the table.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. CANNON. I move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering House bill No. 17202, known as the sundry civil appropriation bill. Pending that motion, I will ask the gentleman from Arkansas [Mr. MCRAE] whether we can not now make some arrangement as to the duration of the general debate.

Mr. MCRAE. I think we on this side can agree to accept an hour, as I have applications for only a part of that time.

Mr. CANNON. Then I ask unanimous consent that general debate on this bill close in not exceeding two hours. I think I shall not want an hour for myself.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that general debate on the sundry civil appropriation bill in Committee of the Whole be closed in not exceeding two hours. Is there objection? The Chair hears none, and it is so ordered.

The motion of Mr. CANNON was then agreed to; and accordingly the House resolved itself into Committee of the Whole on the state of the Union (Mr. TAWNEY in the chair) and proceeded to the consideration of the bill (H. R. 17202) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes.

Mr. CANNON. I ask unanimous consent that the first reading of the bill be dispensed with.

There was no objection; and it was ordered accordingly.

Mr. CANNON. Mr. Chairman, I will detain the Committee of the Whole for only a few minutes touching this bill and some matters of especial interest to the committee and the House, to which I wish to call attention.

This bill is accompanied by Report No. 3427, which explains the bill, its new provisions, and its changes of existing law, where the same are recommended.

The bill by its recommendations carries in round numbers $78,000,000 upon estimates of $80,000,000, the recommendations being $8,000,000 less than the regular and supplemental estimates, and $17,000,000 in round numbers more than the appropriations for the current fiscal year.

The increases in the bill over current law are referred to in the report; and the merit of the same will no doubt be explained and debated, paragraph by paragraph, under the five-minute rule as we proceed with the consideration of the bill.

Your committee have put much labor upon the preparation of this bill and feel that, complying with legislation over which

they have no control—touching rivers and harbors, touching public buildings, touching light-houses and life-saving stations, and all along the line of public service—we could not recommend less than we have recommended from the standpoint of existing legislation and sound public policy. We have failed to recommend here and there appropriations that Congress has power to make under the rules of the House and the Senate upon general bills, because, in the judgment of the committee, appropriations here and there ought not to be made to the full limit proposed by the estimates.

Now, without further discussion of the bill, I crave the attention of the House to amendments that have been discussed by the Appropriations Committee, and which have been investigated at the last session and the present session of Congress; and while we have not reported in this bill items covering the matters to which I shall refer, I have it in mind—I think with the approval substantially of the committee, and certainly of my own judgment—to move at the appropriate places the items to which I now desire to call attention.

Mr. Chairman, the progress of the Republic is wonderful. If we stop to think about it, it overwhelms the individual and all of us. I am not an old man—I fancy I am not—but it is within my recollection as a boy, after I had begun to take some notice of public affairs as they were referred to in the few newspapers that we had away back in 1850, as a lad of 14, reading that Congress had authorized the extension of the Capitol building; then year after year progress was reported on the Dome, this wing, the other wing, and finally, as I recollect, there was substantial completion—not full completion—along in the early sixties, when my friend from Pennsylvania [Mr. GROW] presided over the House.

Mr. GROW. We did not have any roof on.

Mr. CANNON. The gentleman says that no roof was on. He will recollect with more accuracy than myself as to when the two wings of the Capitol were occupied. But at the time the extension of this Capitol was determined upon we had 23,000,000 people in the United States, 30 States—a population of 23,191,876, to be exact. The membership of the House, including Delegates, was 173. Each Representative represented 134,000 people. There were 36 committees of the House. The minimum membership of any committee was 3 and the maximum 9. The number of States represented in Congress was 31. In 1900 the population of the country was 76,000,000 plus. The membership of the next House, the Fifty-eighth Congress, will be 389, as against 173 a half century ago. Each Representative will represent 190,000 people. There are now 45 committees of the present House, as against 31 of the House of half a century ago. The minimum membership of the committee is 5 and the maximum 17, as against 9 of a half century ago.

The number of States now represented in Congress is 45. I don't know that it is necessary for me to say more touching the increase of population and the growth of the country, a country that had within its boundary and its institutions the material for everlasting differences and contention ripening ten years later in civil war—the greatest war, the most expensive war in blood and treasure, the most heroic war that was ever waged in the history of the race, involving an expenditure of $8,000,000,000 and a resulting expenditure in a pension roll of $140,000,000 a year. And the end is not yet.

To-day we have a reunited country with material progress such as it has never experienced before, such as the world never before saw. Then we had the great unsettled West, what is now the Middle West and what is now the West, reaching out to the Pacific coast, an unknown country, presumed at that time to be of but little value, a land of desert, of wild beasts and wild men, abounding substantially in agriculture alone, not much of railways, not much of river and harbor accommodations, not much of improvements of inland navigation—not necessary. Then we had Chicago, with 50,000 people, minus; now it is a city of nearly two million. New York had a comparatively small population; Cincinnati less than a hundred thousand. Nothing at San Francisco, while the thousands of prosperous villages that reach out along 200,000 miles of railway, trading places as they are, with elevators and factories, were not.

Mr. Chairman, no prophet could have foretold what has happened in that half century.

Now, to the gratification of all of us, however we may throw words and sentences back and forth for partisan advantage, which I do not deplore, because ours is a government through parties, after we have fought our partisan fight, there is no man in the House upon either side who is not glad and glories in the growth and greatness of his country, its material prosperity, its intellectual wealth. Without boasting, no population on earth can equal it. We are first in agriculture still, but in diversification of industry, through the enterprise and the industry and the cunning and the judicious use of capital, sometimes, perhaps, injudicious it appears as we try to solve some of the problems that present themselves, we leap forward in competition with all the world until this country of ours to-day, for capital, is many, many, many billions of dollars ahead of any nation on earth; and while we remain first in agriculture, as far as manufactures are concerned we have, by virtue of the skill of our people, an annual product more than equal to the combined product of Great Britain and France and Italy and Austria.

Now, I have thought proper, as an American citizen and as a member of the House of Representatives, to speak of this material condition, because in almost thirty years of public service I have seen the country grow. Here we have our Capitol, everybody proud of it, this great building of wonderful architecture, beauty, and excellence—we are proud to say, perhaps, the best capitol building on earth, everything considered. Yet, Congress by Congress and decade by decade, with the increase of members, it becomes more and more insufficient for the purposes of the Congress of the United States, enlarged as it has become in the legislation and the business of the whole country.

I never have been an advocate of extravagant expenditures. I have always believed that enough was as good as a feast. Yet, in common with every other member, from one Congress to another, I have had the feeling that something ought to be done to enable the people's representatives especially, because we are the large body, as well as the popular body, to be better equipped in the Capitol and about the Capitol for the transaction of our legislative duties. [Applause.] The salary of a member of Congress is the same now that it was some time ago, a little less by twenty-five hundred dollars a year than it was when I entered Congress thirty years ago. Five thousand dollars is a large sum; yes. I have always lived at a hotel. I have never been able to keep house, I felt, in justice to myself and my family, because that meant entertainment. It meant expenditures for rent, in the absence of money to buy a house. It meant living in the house, and if you did as others did who keep house, economical though you might be, without frills, it meant the taking of from three to five thousand dollars of the salary, and then living in a very plain way, quite as plain as we would in our respective homes where our citizenship is.

But I do not desire further to refer to the pay of members. I wish to say that, owing to the increase of the price of living and the increase in the duties of a member of Congress—which I think I can safely say, from personal experience for thirty years, have been multiplied at least by three—it becomes necessary to live somewhere, in a leased house or an old house, or at a hotel or a boarding house, and it becomes necessary for every member of Congress, in the performance of his business as he ought to, in justice to his constituents, to have, outside of the place where he sleeps and receives friends in a modest room or little parlor, an office—a place to put the help, a place to put his papers. Many members for many years have complained, "Why, I have to go here or there and lease an office. My constituents do not find me when they come, unless they find me at the House of Representatives or at my home. Why can not something be done," they say, "to enable Representatives in Congress, in the performance of their official duty, to be found by their constituents?"

Now, your committee have given that matter investigation, and in connection with the investigation they have been assisted by the Superintendent of the Capitol, a most praiseworthy, honorable, vigilant, competent official, with the knowledge that a first-class architect ought to have and the common sense and practicability that few architects do have. He serves this House; and the Committee on Appropriations set him to work over a year ago, and he investigated touching the cost of an office building that would accommodate the House.

It will be seen at once that an office building ought to be in the vicinity of the Capitol. You can not put it on this reservation without doing injustice to the architecture of the Capitol, and what is it—the perspective? My friend from Missouri [Mr. BENTON], who is an authority on the subject, nods his head, and I know I am right always when he does that. [Laughter.] So that it has necessarily to go off of this reservation.

Now, the Architect of the Capitol, in making his investigations under the consultation of the committee, concludes, and I think rightly so, that if an office building is constructed for committee rooms and offices for Representatives for official purposes, it ought to be somewhere on one of four blocks, commencing on this one toward which I point, which I will describe as the Congressional Hotel block, or the next one or the one that runs down to the corner where the cars turn as we begin to ascend the hill. You could not have it at the other end very well, north of the Senate, because that would not be convenient for us. You could not properly go farther away, either east or west, because it ought to be convenient to the Hall of the House of Representatives, and, in my judgment, from any of the four locations of which I have spoken it ought to be connected with this Capitol by a subway.

Now, this report was made in the last Congress. The Superintendent of the Capitol proposes three plans. The committee that investigated this matter believe that neither the lowest nor the highest one should be taken, but the one between; and devoting myself to that plan I will say that it is believed that a site can be procured at the outside for $750,000. It is believed that it can be procured for half a million dollars; but as the appropriation, in the event it is authorized, must be sufficient to cover the cost of condemnation, to enable the proceedings to be effective, we put in not exceeding $750,000 for a site and to begin building.

That plan requires an area of 81,500 square feet. I believe there are 43,000 square feet in an acre, so that it is a little less than 2 acres. If constructed on either of the large squares which I have just referred to, this requirement could be met with proper distance surroundings. The building would have a floor space of more than 136,000 square feet. It would be three stories high, with a subbasement. It would contain 96 rooms on each floor, and allowing for storage and heating purposes in the subbasement, will afford from 374 to 410 available rooms. I do not mean including that, but allowing for that there would be that many rooms left, 374 to 410. The subbasement would be well lighted by courts and suitable for storage purposes. The size of the office rooms would average 17 by 20 feet. Assuming that all materials can be contracted for and delivered promptly, it is believed the building can be finished in about two and one-half years after acquisition of site. It can be connected with the Capitol by a tunnel. Let the question of outside finish, whether to be of marble or granite, be settled by the proposed commission. These are little memoranda that I made from the report. Now, a building in the locality referred to should be a building that would fairly correspond with the Capitol in appearance. You can not put a cheap-John building there. It is right here at the Capitol.

This building can be completed with architecture that fairly corresponds with the Capitol—such as it ought to be—and with granite or marble finish, with 400 rooms for committee rooms and offices for official purposes with room for heating, if thought wise, subsequently to furnish the electricity for lighting and the steam to heat this Capitol as well, with a subbasement that would be sufficient for the folding room and the document room of the House. If any gentleman wants to know whether the books in our present document room ought to be placed somewhere else, and whether the room that is now occupied is fit for that purpose, just let him wander down there with or without a candle. He will need a candle in some places and will not need it in other, if he wanders down through the rooms.

Here, with rooms well designed and ventilated, with 400 rooms for committee rooms and offices, room for the document room, and large enough, if the Senate wanted to be accommodated, for the Senate, and accommodate it as well as the House for a document room. Now, that building, all complete, heating and light, and of the kind that I have described, to correspond, as it ought to, with the Capitol, can be built for $3,000,000, I am informed, covering, the court and all, about 2 acres of land. In addition to that, the site would have to be bought, for, I believe, about a half a million dollars, although we will propose $750,000, so as to cover it. Now, so much for the office building.

Mr. WATSON. That is $3,000,000 for the office building alone?

Mr. CANNON. Yes.

Mr. BOWIE. Is that in this bill?

Mr. CANNON. I will say to the gentleman that the bill does not contain this provision. I believe the Committee on Appropriations are substantially in favor of it; and I will be entirely frank with the House, I think we would have reported it had it not been that it is perfectly evident to everybody that it is subject to a point of order.

Mr. MORRIS. Would you allow us to move to suspend the rules? [Laughter.]

Mr. CANNON. Well, I am going to say that, after thinking the matter over thoroughly, I believe the consensus of opinion on both sides of the House favors the construction of such a building [applause] and I will move at the proper place in the bill to insert the provision to authorize it. [Applause.] I should be very glad if we take it up by unanimous consent. If somebody else had made the motion, I would not have felt at liberty to make the point of order, although I do make them, have got to do so in justice to the House, and make them substantially all along the line. But this is a matter that runs to the comfort of all the members and affects their efficiency as Representatives. Therefore I would be glad to take the opinion of the Committee of the Whole upon it, and shall be glad if it passes upon the bill.

Mr. RICHARDSON of Tennessee. Will the gentleman allow me to ask him a question?

Mr. CANNON. Yes.

Mr. RICHARDSON of Tennessee. I did not hear all the gentleman's remarks, but indorse the latter part of them. I ask him if this building should be alone for the use of the House of Representatives?

Mr. CANNON. The office building? Yes.

Mr. RICHARDSON of Tennessee. Will the gentleman give his assurance that the Senate will not claim an interest in it?

Mr. CANNON. I will say to the gentleman that we will specify that this is for the House. The Senate is a small body of 90, holding near one-half of this Capitol, the Supreme Court having a little room and space, and the Maltby Building, which was bought for the use of the Senate and is fairly well cared for. Then, too, if the House asks that an appropriation be made for an office building for its use, under the practice that obtains between the House and Senate, that whatever goes to the comfort and efficiency of the two bodies, respectively, lies in the discretion of the respective bodies, I do not think there will be any trouble.

Mr. RICHARDSON of Tennessee. What assurance can the gentleman give us that the building will be ready for use and occupation in the political lifetime of the present members?

Mr. CANNON. I am glad the gentleman asked that question. I stated it while he was out. It is understood that the title can be obtained in five months. Now, the Architect of the Capitol states that from the time the title is obtained, with authority to contract, that the building can be completed in two years and a half.

Now, then, I want to drop that and go to one other matter that I have in mind to offer for the consideration of the House. The Capitol building, the extension was designed by Mr. Walters, who died many years ago. You know what it is. It was never completed. The eastern projection, the size of which I will give you, by the original plan, was never built.

I will just read it. For proposed extension of the Capitol as authorized it will make a total of 108 feet. That is on the east of the old building to the wall of the extension; giving an addition of 352 feet north and south, with not less than 66 rooms, 33 for each House. It will also add to the floor space of the building, 65,247 square feet. If accommodations for the Supreme Court room are provided in this proposed extension, the number of rooms available added will be reduced to 55, instead of 66. Further, the size of these rooms will be about that of the room of the Committee on Appropriations, about 25 by 28 feet, corresponding to the rooms now in the House wing of the building.

The central extension would have 55 feet beyond the wall line of the present wing. Now, gentlemen will notice that the western extension has lately been put into committee rooms for the House and Senate. That was completed according to the original design. The corresponding extension on the east was never built. If gentlemen want to verify—if it needs any verification—if you will go out and look at the Dome on the east side, looking at the main wall of the building, you will see that the Dome extends 9 or 10 feet beyond the main wall to the east.

The whole plans are in existence. There is a drawing, which I do not care to bring in here, that was made by Mr. Walters when the original design was made, with complete plans in every respect for the extension of the building.

Now, I submit that the time has come, not only for an office building for the House, but for the completion of this Capitol. [Applause.] It will cost two and one-half million dollars to complete it. It can be completed in about the same time that it will take to build and complete the office building. If larger and increased room is wanted for the Senate, with or without the Maltby Building, it will give the Senate all the rooms that it will ever need. Because while this body will increase as the population increases, we have pretty nearly reached the limit as to the number of States of the Union. It would add to the architectural effect. It would give us the much-needed room for the transaction of business. But, say some, it costs a good deal. Yes; but, gentlemen, these new wings cost $8,000,000; and let me tell you something: The intelligent and patriotic and industrious service by every Congress for two years, well equipped from every standpoint and with every aid, would more than save the cost of the Capitol extension and the office building in appropriate legislation and appropriate legislation for the public service.

So it is really economy instead of extravagance. Now, in my judgment, a provision to finish the Capitol according to the original design would probably not be subject to a point of order. I have it in mind that this is the proper place in this bill to move an appropriation to commence with that work and authorize it by contract, because, as the gentleman from Tennessee asked, "How long will it take?" We want it in this life, and we can not build—build as fast as we can, we can not more than half keep up with the increase in population. A large expenditure? Yes; about three and one-half million, four million, six million dollars. Now, let us build the office building and put in the heating apparatus for the Capitol in the new office building, put in the mains that bring the heat and the steam and the electricity to this Capitol, clean out the old document room and get rid of the smells and

the foul ventilation that is offensive to everybody, our constituents as well as others, have the Capitol as it ought to be, a clean, healthy place with room enough in which to transact the public business, and do it as citizens do who transact much less business than we do on their motion, and be prepared for it.

Have we the money? Yes. I think this is the time for action. In my judgment, if action is not had at this session of Congress it is liable to go over a decade and possibly longer than that, and we go crippling along with our insufficient surroundings. We have got a very considerable surplus in the Treasury. You can prove by me that there are a great many people in the United States that want to relieve the Treasury of that surplus. [Laughter.] There is the river and harbor bill, the public buildings bill, in the main well done. But once in a while there is an unwise appropriation, but in the main pretty well held in hand. In the main the appropriations not justified are denied. But in my judgment, having the money and the wherewithal for these amendments, if they are adopted and enacted into law, no better expenditure of $6,000,000 in the next two and a half years can be made than would be covered by these amendments. [Applause.]

Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has sixteen minutes remaining.

Mr. McRAE. Mr. Chairman, I have very little criticism of the pending bill. It is exceptionally free from new legislation. It does not abound with increases of salaries for new offices. I believe it has no increases of salaries nor any new offices at all—no new legislation that is not beneficial, and none except along the lines of proper limitation upon expenditures.

There is one paragraph in the bill to which I will call attention, not for the purpose of adverse criticism, but in order that the committee may understand that the paragraph is here, and why. I refer to the paragraph which seeks to give $3,000,000 to relieve distress in the Philippines. I regret that it is necessary that we should make this appropriation, but it is a necessary result of the policy that we have adopted for these new possessions. Without regard to whether this country should have been annexed, these people are a part of our country and entitled to the protection of our flag, and it is as much our duty to relieve distress there as in any part of our country. We have many precedents for such appropriations.

Mr. ROBINSON of Indiana. Mr. Chairman, I would like to direct the gentleman's attention to the subject adverted to by him on page 111 of the bill. It is as follows:

> Philippine Islands: For the relief of the distress in the Philippine Islands, to be expended under the direction and in the discretion of the Philippine government in such proportions as they deem wise, in the direct purchase and distribution or sale of farm implements, farm animals, supplies, and necessaries of life, and through the employment of labor in the construction of government wagon roads, railroads, and other public works, to be immediately available, $3,000,000.

I certainly join with the gentleman in the regret for the necessity that makes this appropriation in his judgment and in the judgment of the committee necessary. I would like to ask him what was the opinion of the committee as to the theory upon which this sum of three millions to be granted to the Philippine Islands. Was it upon the theory that the granting of this for relief of the distress was to prevent disorder and trouble there to the military of our Government, or is it upon the theory of a pure gratuity in the line of relieving distress?

Mr. McRAE. The hearing before the committee consists of course principally of the statement of the Secretary of War or those of his Department who are familiar with the facts, the Philippine Commission, and they are all agreed that the people are in distress. Thousands of them are dying from disease, many of them suffering for food and clothing, and the appropriation is here for the purpose of relieving the distress and caring for the sick.

Mr. ROBINSON of Indiana. May I ask the gentleman how extensive the examinations of this committee were and how unanimous the evidence upon the proposition of the necessity for this large appropriation for the Philippine Islands?

Mr. McRAE. We have only one way of obtaining information from the Philippine Islands, which is through the Commission and the War Department. We have the statement of the Commission and the recommendation of the Secretary of War, and we accept those as true.

Mr. ROBINSON of Indiana. Is all the evidence in favor of it?

Mr. McRAE. Both concur in the statement that the distress exists and that the relief ought to be granted.

Mr. WILLIAMS of Illinois. I should like to ask the gentleman whether the hearings before the committee show the cause of this destitution?

Mr. McRAE. Sickness is the principal cause.

Mr. CANNON. Will my friend be willing to reserve the balance of his time and let me resume the floor and take the balance of my time? My colleague on the committee [Mr. GILLETT of Massachusetts] has to leave the House. I should like to yield the remainder of my time to him and he would like to talk now.

Mr. McRAE. Yes; I will do that.

Mr. CANNON. Very well. I yield the remainder of my time to the gentleman from Massachusetts [Mr. GILLETT].

The CHAIRMAN. The gentleman from Massachusetts is recognized for sixteen minutes.

Mr. GILLETT of Massachusetts. Mr. Chairman, that which entitles a member to a hearing in this House, on any subject, is long experience or long study of that subject, which the gentleman from Illinois [Mr. CANNON] so well exemplifies on this bill. I wish to impose a few remarks upon the committee from exactly the opposite ground, from the standpoint of a novice. I have just served my first term on the subcommittee framing one of these large appropriation bills, and I thought it would be pardonable to give to the House a few of the first impressions which the various hearings have produced on my mind. There were some of them quite startling.

I do not think I have any special disposition to be parsimonious in spending other people's money, and at the same time I think any member serving his first term on one of these subcommittees and listening to the hearings can not fail to be made conservative and to feel that the ordinary metaphor is seriously true which compares the public Treasury to a crib, to which innumerable applicants are constantly fighting for subsistence. And I am simply going to recount a few of the incidents in the hearings which especially surprised me, and which it seems to me would strike the House as extraordinary and instructive.

The first instance I will refer to is what seems to me an act of insubordination or disobedience, or perhaps it would be more fair to say indifference on the part of a great department to the command of Congress. In the last sundry civil bill Congress appropriated about $1,000,000 for the construction of certain prescribed buildings. This year the gentlemen who had charge of that construction came before our committee and asked, I think, $600,000 more for the completion of those very buildings for which the House last year appropriated over $1,100,000. They were asked why it was that they had not observed the orders of Congress and built those buildings which we specified for $1,100,000, and all they could say was that the money was not sufficient, that their plans were too large, and that they needed this $600,000 more to complete what we ordered last year to be done for $1,000,000. They had commenced on too grand a scale and had not been willing to reduce their expensive plans to the limitation imposed by Congress.

Now, what were we to do? We could not deny this appropriation, for here were the buildings, which were useless unless completed. We have no power over these officers, because we did not appoint them and we can not remove them, and if we should refuse to make this appropriation they would not be the sufferers, but the sufferers would be the innocent people for whom these buildings were planned. So we could simply do again what we did last year; that is, say that certain buildings should be erected for this money, and then wait and see whether in the next Congress they will again disobey our mandate and use up this $600,000 and still ask for more.

Mr. MAHON. Will the gentleman allow me to ask him a question?

Mr. GILLETT of Massachusetts. Certainly.

Mr. MAHON. Why did you not put it in your bill that the money shall not be used for any other purpose?

Mr. GILLETT of Massachusetts. It was put in the bill last year. It was specified that they should build a certain number of buildings, and they did not do it, because they started with such expensive plans that the money would not hold out. They ought, of course, to have changed to simpler plans. What can we do? How can we punish them? Whether that exemplifies a whole series of smaller acts which are constantly going on under the different departments, evading the purpose of Congress, I do not know, but I confess when there is one such glaring offense of this kind, involving hundreds of thousands of dollars, I can but suspect that in small ways there may be many appropriations we make which are diverted from their intended purpose.

Another case similar to this came before us. An appropriation was asked for of, I think, $20,000 or $30,000 to put in elevators in a building which was just finished. We asked, "Was not that elevator provided for in your plans of the building?" "Certainly." "Why did you not put it in?" "There was not money enough." "Why did you not make your plans so that the money appropriated would complete them?" There could be no answer. Of course the purpose was to make the building a little better than they could for the sum Congress appropriated and then trust to the good nature of subsequent Congresses to supply the deficiencies they left.

I understand that in some States there are laws making it a crime for an officer to exceed the authorized expenditures. I

incline to think it would have a very beneficial effect here. I know of one case, not in this bill, where Congress appropriated $20,000 to build a couple of houses, just alike. The Government official who had control of the building advertised for bids. He could not get anybody to build the two houses for less than $21,000 or $22,000. What did he do? Did he revise the architect's plans and make smaller buildings, to conform to the purpose of Congress? Oh, no; not at all. He wanted these particular buildings. So, inasmuch as no contractor would build them for $20,000, he went on and said: "I will build them by the day," regardless, apparently, of the limitation.

He went on by day labor and built one building, and by the time it was finished had spent about $15,000, and then he used up the rest of the $20,000 on the other building, and diverted to it some appropriations which belonged to an entirely different department; and then, when he found he could not finish the other building, even with that assistance, he came back to Congress, and we gave him an amount sufficient to complete the two buildings at an expense of about $25,000, I think. I do not know how common such systematic violations of our laws are, and I do not think this House is aware of them, and it is well that these extreme cases should come to your attention.

Now, these are cases of plain violation of our laws. There is another series of cases that is quite different, and that is the tendency of departments to come before Congress and get all the money they can, without any apparent thought of economy. One is a case before us in this bill. There is an appropriation for $2,000,000 for Army barracks. There was a similar appropriation last year, I think. There is an appropriation of about the same size in the Army bill of this year, and I believe was last year. I find our Army to be provided with barracks consists of about 57,000; about 20,000 of these are in the Philippines, leaving about 37,000 men in this country. About 14,000 of these are in the coast artillery, which leaves about 23,000 men in this country outside of the coast artillery. Yet the officers in the War Department report to us that there are barracks to-day in this country, outside of the coast artillery, for 31,000 men; and yet they want $4,000,000 more for barracks.

Now, undoubtedly many of these barracks are old and could be vastly improved. They have not the modern conveniences, and yet I question very much if, when we have existing barracks for 31,000, we ought to go on, when we have only an Army of 23,000 who need them, and spend millions of dollars every year providing new barracks. I found that one of these cases was right here at the Washington Barracks, and I thought I would go down and see what was being done. There is where they are going to build the new War College, which the present administration of the Army is so much interested in. I suppose each administration gets interested along different lines. I have no doubt that a War College is a most admirable institution; but perhaps a few years from now the administration of the Army will not care much about a War College and will be pursuing some new fad. But just now the War College is greatly in favor, and so I find they have gone down here to this point of land on the Potomac, where there are now barracks and officers' quarters for the engineers, and have decided to put this War College there.

There was apparently plenty of land for them at this end of the yard. The barracks and officers' quarters now occupy the extreme southern end of the point of land, and there is a large portion of land between there and the entrance, which is unoccupied; and naturally you would think that if they were going to put the War College there, they would put it at this end on the unoccupied ground. But no, they go down there and decide the War College must go where the ground is all covered with barracks and officers' quarters, and that they are going to raze to the ground all the present barracks and officers' quarters and make a new open field and put up their buildings for a War College. Then they are going to put up new barracks and new officers' quarters for the engineers at this end of the grounds now vacant.

I have no doubt the present officers' quarters and barracks are old and have not modern improvements. I suspect they are about as good as the men and officers would have in civil life, and I expect they would live fairly well as they are. And it looks to me like an instance where the Department, with undoubtedly the purest intentions and highest purpose, entirely disregards economy and only studies to get the very best results for themselves without regard to expense. They are going to tear down an army hospital only ten years old, apparently doing very good service, in order to carry out the wholesale plan of obliterating everything there and building up anew, and then they want several hundred thousand dollars from us for a new hospital to take its place.

There is another whole series of expenditures which attracted my attention, the appropriations for the Geological Survey and the Smithsonian Museum. I confess it does not seem to me that it is wise for this National Government to spend money simply for scientific researches which do not promise any direct material advantage. I should think gentlemen on the other side of the House might think it was unconstitutional for the Government to spend money for scientific research. At any rate, I think it is not wise and not the part or purpose of this Government to be spending money purely for scientific and educational purposes. We have a great Museum there.

That Museum seems to be of great interest to all of the people of the United States who come to the capital, and ought to be continued and kept up, and I think it ought to have a new building and be handsomely housed, but I do not see why it should cost $170,000 a year simply to take care of that Museum.

Then we appropriate $40,000 a year for investigations in ethnology. I have no doubt very learned results have been produced, of great value in that field of research, but I ask myself, Why should this Government be paying for it? There is, I believe, a theory that this money is spent to instruct Congress, and particularly the Indian Affairs Committee, how we should treat the Indians, but I doubt if members get their inspirations for that legislation from this department, and certainly the success of our legislation does not testify to its value. But however valuable it may be to the scholar, I do not think it is a proper object for Government support.

Then we appropriate $10,000 each year for studies in paleontology. Why should we study that? How does paleontology interest the Government of the United States? It means, I believe, a study of fossils. Now, if they would study the numerous fossils connected with the Government, and find out some way to eradicate them, I would make no criticism. [Laughter and applause.] But to spend $10,000 supporting some learned and excellent men in the study of fossils out in our West seems to me wrong. But it has gone on year after year and has become a regular practice.

There is another appropriation of $15,000 for astrophysical researches, or the effect of the sun on the earth. I have no doubt that it, too, is a most desirable result to have accomplished somewhere, but I do not see why the United States Government should appropriate money to carry it on. A most learned, and accomplished, and genial, and delightful gentleman is in charge of it, one whom we are all proud to see connected with the Government, and yet it seems to me the purpose of this Government is not to make these discoveries. We had a request for $25,000 for a collection of butterflies, which I have no doubt would still more adorn the collections of the Museum. I do not think we ought to spend much money to make these collections scientifically complete. They interest the public; let us keep it interesting and not try to make it scientifically perfect.

Now, the last Smithsonian report attracted my attention. I have no doubt it attracted the attention of every member, if you had as many letters from constituents asking for it as I have. I understand the reason was that soon after it was issued there appeared in the press all over the country a uniform and highly complimentary notice of that report, suggesting that we could furnish it on request, which brought to us all many more applications than we could comply with. I looked at the report, and I find that the report proper of the Director occupies 52 pages. Next come 100 pages of appendices, which relate to the business of the office. Then follow 600 pages of miscellaneous articles, reprinted from magazines and newspapers, profusely illustrated. This document is published by the Smithsonian Museum as a Government document. I do not think the publication of such books is a proper use of the privilege of the Institution. I do not think that this is any proper part of their report. I do not think it ought to be printed and distributed at public expense. It is undoubtedly interesting to our constituents. I notice, for instance, one article——

[Here the hammer fell.]

Mr. CANNON. I ask unanimous consent that the time for general debate may be extended for twenty minutes on each side.

There was no objection.

Mr. CANNON. I now yield to the gentleman from Massachusetts [Mr. GILLETT], reserving one minute.

Mr. GILLETT of Massachusetts. I only want a few minutes more.

Mr. CANNON. Take all the time you want. I have no other applications for time.

Mr. GILLETT of Massachusetts. This one article that attracted my attention was an article by Fournier, automobilist, giving an interesting account of the automobile races from Paris to Berlin. This is profusely illustrated by pictures of automobiles with the crowds along the way. What has that to do with our Smithsonian Institution or with the advancement of science? It seems to me all this ought to be struck out. It is interesting, of course, because it has all been printed in magazines, etc., before and has been tested. But it is not a proper part of a Smithsonian report, and I think such publications are an abuse.

In this way my attention has been attracted to various reports

which exemplify another abuse, the profuse indulgence in illustration, which ought to be stopped. For instance, here are the annual reports of the various Territories, and the one feature of them which I think is growing to be an abuse consists in the illustrations which they contain. I can not stop to describe the numerous pictures, but here are one or two. Here is the report of the Territory of Alaska, in which I find one illustration entitled "The Eskimo haymakers at Unalaska." It is a picture of 15 or 20 men with scythes, rakes, etc.—not particularly different from any other haymakers, but the picture tends, perhaps, to make up an interesting report. Sprinkled all through the report are illustrations—photographs, expensive, of course—absolutely useless, except to attract the eye and make the report, if possible, entertaining. Whether they succeed in that respect or not, they certainly make it expensive.

Here in the report from the Territory of Oklahoma is a group entitled "Picking cherries on an Oklahoma fruit ranch." It is a picture of some good-looking young women on ladders—such a group as you might see not only in Oklahoma, but in any other Territory or in any State of the United States.

In the report from the Territory of Hawaii I find a large-sized picture of a beautiful girl, and it is entitled "Hawaiian woman." This is gotten up at Government expense, with the object, doubtless, of attracting attention to Hawaii, and if this were a fair specimen of Hawaiian women I have no doubt it would stimulate a large immigration of young men.

Then, here in the report from the governor of New Mexico I find one picture entitled "Normal school basket-ball team, Silver City, 1901." It is a picture of a group of about a dozen plump and comely young women in bloomers; it is the great basket-ball team! I suppose the object is to show us that the West is rivaling the effete East in modern civilization, and that those people are well entitled to admission into the Union. Next year I presume we shall have pictured in this way the football team of the normal school, and then there can be no question of her title to statehood.

Now, here is a document which possibly some of you gentlemen have seen—the report of the Boundary Commission upon the boundary between the United States and Mexico. It is a beautiful album, containing nothing but a series of photographs—large photographs on handsome paper—making an elegant book. When you come to look at it you find that the first picture is of Boundary Stone Marked No. 1, and the next is Boundary Stone Marked No. 2, and so it goes on till the last, where we find Boundary Stone Marked No. 258. There is a separate photograph of each one of these boundary stones between the United States and Mexico. They have tried to make this interesting by putting in the mountains in the background, sometimes in one direction, sometimes in another; here they have the picture of a cactus tree, and here is a group of farmers; here is a horse; there is a cow. They tried to make variety, but the whole collection is simply a series of pictures of boundary stones. They might just as well have gotten up a series of pictures of the milestones along the Pennsylvania Railroad or the gravestones at Arlington Cemetery, decorated by an artist with a few accompanying objects. It must have cost thousands of dollars to make simply the photographic plates for this publication.

This publication you will be surprised to learn, emanates from that seat of economy and frugality and unselfishness—the United States Senate; it is printed as a Senate document. That particular abuse of course we can not check, but I think there ought to be some committee with the power to act as censors over the public printing and to cut out these useless, if ornamental, photographs, to restrict our printing to what it naturally should be. I must admit that the departments have large excuse for extravagant printing when they look at the printing of Congress. I presume the Smithsonian director would say, and say very truly, "My report is infinitely more interesting and useful than most of the reports of Congress which you are constantly publishing."

I will admit the truth of that retort. We are just as much to blame as they are. There ought to be in Congress some committee which should see to it that our reports are not printed as they are now—everything, either valuable or useless, of the same amount and of the same variety and same number—but that they ought to be in some way checked and prevented.

Mr. MANN. Mr. Chairman, will my friend permit a question?

Mr. GILLETT of Massachusetts. Certainly.

Mr. MANN. Does the gentleman not think that the grossest abuse in the matter of printing is permitting an extension of remarks in the RECORD and permitting members of Congress to print long speeches that were never delivered on the floor of the House, and to which every gentleman gives his consent?

Mr. GILLETT of Massachusetts. I do not. I differ from the gentleman there. I think that probably nine-tenths of the speeches delivered here—and I suppose the gentleman from Illinois will say that mine should be included among the rest—were better printed than delivered.

Mr. MANN. Oh, no; I would never make that remark about any of the gentleman's speeches.

Mr. GILLETT of Massachusetts. But I really think that the rule of allowing speeches to be printed is a great refuge, that it saves the time of this House and accomplishes just as much as if they were orally delivered. It seems to me that where the great abuses creep in are in these enormous numbers of documents which are filling up the whole Capitol and which I am sure are encumbering us very much to know what constituent would ever look at them, and which are, most of them, absolutely wasted. That is an enormous expense to the Government.

It seems to me that the whole subject of printing is one that requires investigation. I was particularly struck, when the Public Printer was before us, to find that here is the CONGRESSIONAL RECORD, one of the largest newspapers in the country, published daily, and yet there is not a typesetting machine in the whole Government Printing Office, with its splendid new building and modern equipment. It is all done by hand as it was years ago, whereas, I suppose, every other enterprising paper in the United States has these time-saving machines. Whether the public printing is as expensive or economical as we generally hear, I do not know. It is a subject much discussed and which, I think, ought to be investigated. It was called to my attention within a few days by another incident. A gentleman who was a member of one of the departments of the Government showed me two blank books and asked me if I could tell which was the better. I could not see much difference between the two. He replied that if he ordered one of them he could get it in the public market for 30 cents, and the other one would cost at the Government Printing Office $1.40.

Now, I have an impression that almost all Government business is transacted at about double the expense that it would be outside, but I did not suppose that any department of the Government was compelled to pay from four to five times as much as outside. That may be a mistake. There may be a vital difference in the two books which I did not see, but it corroborated to some extent much of the gossip which we hear about the expense of that department of the Government. Now, I wish to say, before sitting down, that most of these expenses of the departments, the scientific departments in particular, are not due to any malfeasance on their part or to any ill intentions on their part; are not due, perhaps, to extravagance. It is simply due to the fact that they are enthusiastic in their departments; that they see great possibilities which they can accomplish; that they see great advances to science and culture and civilization, and doubtless think we are sordid in demanding material returns for our money.

That enthusiasm is most commendable. It is only by such enthusiasm for this work that any department can be successfully carried on, and we can not expect that they will stint themselves when their imaginations see such possibilities, but it is for us, when they come to the question of appropriation, to look at it in the cold light of taxation and not to allow the enthusiasm of any department to run away with us. It is for us, looking at all the different departments of the Government, to say how much shall be given to each one and to try to make each appropriation commensurate with the results which are the best for the Government, and that is what the different departments do not do and probably can not be expected to do. That is probably what, owing to the constitution of humanity, we would not even want them to do. Therefore what this House ought to do, it seems to me, is to carefully scrutinize and suspect the estimates that come in, and ruthlessly cut them if we think they ought to be cut.

I suppose I ought not to reveal anything that goes on in a committee, but I think it is no betrayal of confidence to say that not once in all the framing of this bill was it suggested in the committee that there was any danger that any one item which we passed would be cut down by the House. The only danger in considering any item was whether the House might not make it larger. I think each member is too apt to look at his own particular district and wishes and not to weigh what the country as a whole requires.

Now, I thought before I had become petrified on the committee by service, before I had gotten quite accustomed to distributing $80,000,000 in a few days and throwing a hundred thousand dollars here and there, I would express the effect which is produced on me by hearing this testimony. I wish that the House could give more minute attention to it and observe how the different departments are each enthusiastically grasping for what money they can get, and then consider whether it is not the duty of this House to carefully retrench these annual expenditures. [Applause.]

Mr. MCRAE. Mr. Chairman, I wish to call attention to a matter which affects the western boundary of the State of Arkansas—a question recently brought to the attention of the public by the passage of a concurrent resolution through the general assembly

of the State of Arkansas. The claim is that Arkansas is entitled to a strip off of the east side of the Indian Territory 40 miles wide. In order that all of the facts as to why this strip of territory was attached to Arkansas Territory and how it was given to the Indians may be fully understood by Congress, by the people of Arkansas, by the people of the Indian Territory, and by others who may be interested, I desire to call attention to certain statutes and treaties relating to the organization of the Territories of Louisiana, Orleans, Missouri, and Arkansas, and affecting the boundaries of Arkansas, both as a Territory and State.

The act of March 20, 1804, provided for the organization of two Territories in Louisiana Territory, acquired from France, one to be called Orleans and the other the Territory of Louisiana.

SECTION 1. That all that portion of country ceded by France to the United States, under the name of Louisiana, which lies south of the Mississippi Territory, and of an east and west line to commence on the Mississippi River, at the thirty-third degree of north latitude, and to extend west to the western boundary of the said cession, shall constitute a Territory of the United States under the name of the Territory of Orleans.

* * * * * * *

SEC. 12. The residue of the province of Louisiana, ceded to the United States, shall be called the district of Louisiana. (2 Stat., 283.)

The act of June 4, 1814, provides:

That the Territory heretofore called Louisiana shall hereafter be called Missouri. (2 Stat., 743.)

The first section of the act of March 2, 1819, provided for the establishment of a separate Territorial government for the southern part of the Territory of Missouri, to be known as Arkansaw Territory, and I call attention to the fact that in this act the name is "Arkansaw," not "Arkansas:"

That from and after the 4th day of July next all that part of the Territory of Missouri which lies south of a line beginning on the Mississippi River, at 36° north latitude, running thence west to the river St. Francis, thence up the same to 36° 30′ north latitude, and thence west to the western Territorial boundary line, shall, for the purposes of a Territorial government, constitute a separate Territory and be called the Arkansaw Territory. (3 Stat., 493.)

By the act of March 6, 1820, the State of Missouri was admitted into the Union with the following boundary:

That the said State shall consist of all the territory included within the following boundaries, to wit: Beginning at the middle of the Mississippi River on the parallel of 36° north latitude; thence west along that parallel of latitude to the St. Francois River; thence up and following the course of that river, in the middle of the main channel thereof, to the parallel of latitude of 36° 30′; thence west along the same to a point where the said parallel is intersected by a meridian line passing through the middle of the mouth of the Kansas River where the same empties into the Missouri River; thence from the point aforesaid north along the said meridian line to the intersection of the parallel of latitude which passes through the rapids of the river Des Moines, making the said line correspond with the Indian boundary line; thence east from the point of intersection last aforesaid along the said parallel of latitude to the middle of the channel of the main fork of the said river Des Moines; thence down and along the middle of the main channel of the said River Des Moines to the mouth of the same where it empties into the Mississippi River; thence due east to the middle of the main channel of the Mississippi River; thence down and following the course of the Mississippi River, in the middle of the main channel thereof, to the place of beginning. (3 Stat., 545.)

The act of May 26, 1824, is the one to which I especially wish to call attention, because that is the one which extended the western boundary of the territory of the State of Arkansas 40 miles west:

That the western boundary line of the Territory of Arkansas shall begin at a point 40 miles west of the southwest corner of the State of Missouri, and run south to the right bank of the Red River, and thence down the river and with the Mexican boundary to the line of the State of Louisiana, any law heretofore made to the contrary notwithstanding. (4 Stat., 40.)

This extension was supported in the United States Senate by the distinguished Senator from the State of Missouri, Mr. Benton, and passed that body with very little opposition. Mr. Benton argued that the proper national policy was to make Arkansas strong—make her a first-class State, both for her own sake and that of the Union, and equal to all the exigencies of her advanced and frontier position. In the House the bill was advocated by Mr. Clay, who represented the hardships of the circumstances of the settlers. He said the new Territories were younger daughters of the common federative family and, as such, were entitled to an indulgent policy, and urged the policy of making Arkansas a strong State.

Mr. Conway, the Arkansas Delegate, remonstrated against 40,000 Indians turned in among the settlements of Arkansas to turn out those who had subdued the wilderness and were surrounded with improvements, the fruit of their own labor. He contended that the limits of the Territory should be removed farther to the west, to allow room for these Indians having a separate home from the whites and to give strength to Arkansas as a future frontier State.

This was a wise policy deliberately adopted, and it was a great misfortune to Arkansas when it was abandoned without the consent of her people or Congress.

I now refer to the treaty of Washington, made May 6, 1828, and found on page 311 of the seventh volume of Indian Treaties, which recklessly and unconstitutionally amputated the Territory in question:

ART. 1. The western boundary of Arkansas shall be, and the same is hereby, defined, viz: A line shall be run, commencing on Red River, at the point where the Eastern Choctaw line strikes said river, and run due north with said line to the river Arkansas, thence in a direct line to the southwest corner of Missouri. (7 Treaties, 311.)

In discussing the binding effect of this treaty, Mr. Benton said:

The proper objects of treaties were international interests, which neither party could regulate by municipal law, and which required a joint consent and a double execution to give it effect. Tried by this test—

Said he—

and this Indian Territory lost its supremacy. The subject was one of ordinary legislation, and especially and exclusively confined to Congress. It was to repeal a law which Congress had made in relation to Territories, and to reverse the disposition which Congress had made of a part of its territory. To Congress it belonged to dispose of territory, and to her it belonged to repeal her own laws.

The law of May 26, 1824, has never been repealed by Congress, unless the treaty of 1828 had that effect. On the question of the expediency of the treaty, Mr. Benton said:

The inexpediency of the treaty was in the question of crippling and mutilating Arkansas, reducing her to the class of weak States, and against all the reasons which had induced Congress for years before to add on 12,000 square miles to her domain, and to almost double the productive and inhabitable capacity of the Territory and future State by the character of the country added. I felt this wrong to Arkansas doubly, both as a neighbor to my own State and because, having a friendship for the Delegate as well as for his Territory, I had exerted myself to obtain the addition which had been thus cut off.

Thus crippled, mutilated, and shorn of a substantial part of her strength in the beginning of her Territorial life, it is not surprising that she has not at all times been "equal to all the exigencies of her advanced and frontier position." When we consider the fact that for eighty years she has had on her entire western border an unorganized Indian Territory, without government or law, and for most of the time the hiding place for criminals from all the States, it is no wonder that she has not increased in wealth and population as fast as other States with less natural resources.

With this unjust and illegal treatment on the part of the treaty-making power of the General Government, the people of Arkansas Territory naturally sought relief from Territorial servitude by securing statehood on any terms she could get it. Under the enabling act of June 15, 1836, she was admitted, but required to accept as her western boundary "the line described in the first article of the treaty between the United States and the Cherokee Nation." The following is the boundary, as described in that act, and which she was compelled to accept or remain a Territory and subject to still further reduction by treaty:

That the State of Arkansas shall be one, and is hereby declared to be one, of the United States of America, and admitted into the Union on an equal footing with the original States in all respects whatever; and the said State shall consist of all the territory included within the following boundaries, to wit: Beginning in the middle of the main channel of the Mississippi River, on the parallel of 36° north latitude; running from thence west with the said parallel of latitude to the St. Francis River; thence up the middle of the main channel of said river to the parallel of 36° 30′ north; from thence west to the southwest corner of the State of Missouri; and from thence to be bounded on the west, to the north bank of Red River, by the lines described in the first article of the treaty between the United States and the Cherokee Nation of Indians west of the Mississippi, made and concluded at the city of Washington on the 26th day of May, A. D. 1828, and to be bounded on the south side of Red River by the Mexican boundary line to the northwest corner of the State of Louisiana; thence east with the Louisiana State line to the middle of the main channel of the Mississippi River; thence up the middle of the main channel of the said river to the thirty-sixth degree of north latitude, the point of beginning. (5 Stat., 50.)

Having, however, accepted statehood, with the boundary fixed by the treaty of 1828, the State is estopped from asserting a legal claim to the territory in question. Yet, in view of the unjust and illegal method of wresting it from her, and considering the great injury inflicted upon the State by it, our people feel that they have a stronger and more equitable claim to it than any other State or Territory. They feel that Congress now has the opportunity and that it should right the wrong of 1828. The question of what shall be done with the Indian Territory is now being seriously considered by both branches of Congress. The political status of that country must soon be fixed by Congress. Treaties have been made, which provide for the abrogation of all Indian tribal governments in 1906. Various suggestions have been made for disposing of it. A Territorial government, single statehood for it and Oklahoma, and separate statehood for each, all have advocates, but none appear to satisfy both Congress and the people of the Territory.

I have lived all of my life in a district adjoining the Choctaw Nation, and from some acquaintance with them I am satisfied that a majority of the people of that country would be willing to be attached to Arkansas. The people of Arkansas would be glad to add to their State the whole of the Indian Territory, if in the wisdom of Congress it is thought best not to divide it. But whether the whole or a part is annexed, Arkansas promises the people who may come just and fair treatment under a system of laws not surpassed by any of her sister States.

We invite them to a State free from debt and one that is now entering upon an era of prosperity in agriculture, horticulture, manufacturing, mining, and railroad building unknown in the history of the State. The people of Arkansas are looking to the

future with hope and a resolution that insures success, but I earnestly desire to see her obtain at least the lands that once belonged to her so that she may become what Benton, Clay, and the other great men who aided in bringing her into the Union intended her to be—one of the greatest of the States of this great Union.

Mr. CANNON. How much time remains?

The CHAIRMAN. The gentleman used fourteen minutes of the twenty.

Mr. CANNON. I yield to the gentleman from South Dakota [Mr. BURKE].

Mr. BURKE of South Dakota. There is a bill pending in the House, reported favorably and unanimously by the Committee on Indian Affairs, for the ratification of a treaty with the Rosebud Indians in South Dakota, ceding something over 400,000 acres of land in Gregory County and opening the same to entry and settlement under the provisions of the homestead law. It is a bill of great importance to the people of my State as well as to the Indians, and I hope that it may receive consideration and be passed during the session of this Congress.

The legislature of South Dakota unanimously passed a memorial to Congress urging the passage of this bill, and a copy of the same was transmitted to me by the secretary of state and duly certified, as follows:

STATE OF SOUTH DAKOTA, DEPARTMENT OF STATE,
Secretary's Office.

UNITED STATES OF AMERICA,
State of South Dakota:

I, O. C. Berg, secretary of state of the State of South Dakota, do hereby certify that the attached instrument of writing is a true and correct copy of house joint resolution No. 7, passed by the legislature of 1903, as the same appears of record in this office, and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of South Dakota. Done at the city of Pierre this 29th day of January, 1903.

[SEAL.] O. C. BERG, *Secretary of State.*

A joint resolution by the House and Senate of the eighth legislative assembly of the State of South Dakota memorializing the Congress of the United States to ratify the existing treaty with the Rosebud (Sioux) Indians for a cession of all that portion of their reservation lying in the county of Gregory, S. Dak., and praying that provisions be made for opening said tract to homestead settlement.

Be it resolved by the House of Representatives (the Senate concurring), That whereas one James McLaughlin, a United States Indian inspector, did, on the 14th day of September, anno Domini 1901, make and conclude an agreement with the male adult Indians of the Rosebud Reservation, in the State of South Dakota, for a cession of certain described lands lying and being in Gregory County, S. Dak.; and

Whereas said body of land, comprising approximately 416,000 acres, is reputed to be fertile in soil and rich in all natural resources, needing only settlement and development to transform it into one of the choicest spots of our great State; and

Whereas in its present state the coveted land brings no revenue to the Indians, and they desire to cede it, as evidenced by their treaty; and

Whereas the acquisition of this territory to the taxable area of the State would mean the addition of thousands to our population and the enlargement of Gregory County, which is now so small it can not maintain a county government without an annual deficit, even with an excessive tax levy: Therefore, be it

Resolved, That we, in justice to both the Indians and our State, implore the Congress of the United States to hasten a ratification of the existing treaty and to provide ways and means for the early opening of this splendid body of land to homestead settlement, under such restrictions and conditions as they may deem wise.

The Commercial Club of Bonesteel, in Gregory County, where the land proposed to be opened to settlement is located, adopted resolutions favoring and praying for the passage of the Rosebud bill, which resolutions are herewith submitted.

RESOLUTION AND PETITION.

At a regular meeting of the Bonesteel Commercial Club, held on Friday evening, January 23, 1903, the following resolution was introduced and adopted by a unanimous vote:

RESOLUTION.

Whereas a treaty entered into by and between the United States and the Rosebud Indians for a cession of all their reservation land lying within the defined limits of Gregory County, S. Dak., is now pending in Congress awaiting a ratification by that body; and

Whereas we know said body of land to be fertile in soil, abundant in water supply, and rich in every natural resource, awaiting only settlement and development to make it one of the choicest portions of our great State; and

Whereas the present area of Gregory County is less than 150,000 acres, making a taxable territory altogether too small to sustain a county government without an excessive tax rate and an annual deficit in revenue; and

Whereas the opening of the land proposed to be ceded to the Government by the Rosebud Indians would enlarge Gregory County to a size contemplated by our State constitution and add thousands to its inhabitants besides materially increasing its assessment valuation; and

Whereas in its present state said tract of land is unused by the Indians and returns to them no profit or revenue, but on the contrary has proven a fruitful field for large stockmen who trespass upon its broad acres with thousands of head of cattle, much to the annoyance of the Indians and detriment to the nutritious grasses growing there; and

Whereas in its unsettled and undeveloped state it is a constant menace to the industrious and ambitious citizens of the settlement adjoining on the south and east by reason of the vast prairie fires that annually sweep across it and because of the rendezvous it affords for thieves and criminals; and

Whereas the existing treaty is fair in all its provisions and offers the Government an opportunity to add a magnificent body of land to its public domain at a minimum price; and

Whereas thousands of people are anxiously awaiting the opening of this tract, and justice to them and the settlement adjoining demands speedy action to that end; and

Whereas it is the judgment of this Commercial Club that opponents to the passage of the pending bill are not fully advised in the premises and are unconscious of the importance of the matter to the Indians and the State of South Dakota, as well as a waiting multitude of people: Therefore, be it

Resolved, That we urge Congressmen BURKE and MARTIN and Senators KITTREDGE and GAMBLE to relax no effort to secure a ratification of said treaty and the passage of a bill opening the land for settlement during the present session of Congress; that they be appealed to to labor, individually and collectively, as well as unceasingly, making any reasonable concessions as to conditions under which the same shall be opened for homestead settlement, in order to secure favorable consideration of the matter during the present Congress; and

Be it further resolved, That in view of the exigency of the situation and the incalculable benefits that will accrue to Gregory County and the entire State by the opening of these lands, that we respectfully request our honored governor, Charles N. Herreid, to go to Washington and lend his best energy and influence toward furthering the passage of the pending bill; and

Be it further resolved, That a copy of these resolutions be sent to Senators KITTREDGE and GAMBLE and Representatives BURKE and MARTIN, and a copy transmitted to the Hon. I. H. Welch, member of the legislature from this district, with a request that he present the same to Governor Herreid and appeal to him to heed its prayer.

We hereby certify that the above and foregoing resolution was unanimously adopted by the Bonesteel Commercial Club at their regular meeting held on Friday evening, January 23, 1903.

ED. HAAKINSON,
Acting President.

Attest:
J. D. KELLER,
Secretary.

Those resolutions were indorsed by about 200 citizens of Gregory County, who signed the following:

"We, the undersigned petitioners, hereby certify that we have read the above resolutions and heartily indorse its sentiment and prayer."

Mr. McRAE. I yield twenty minutes to the gentleman from Pennsylvania [Mr. GREEN].

Mr. GREEN of Pennsylvania. Mr. Chairman, I desire to present to the consideration of this House a matter of importance. It is the proposition as to whether it is not advisable at this time to purchase the Hermann Strecker collection of butterflies and moths, and the library belonging thereto. In introducing this subject I wish to have read by the Clerk, as a part of my remarks, the following communications:

First. A communication from the Secretary of the Treasury.

Second. A communication from the Secretary of the Smithsonian Institution, under whose jurisdiction the National Museum is.

Third. The Report of the Custodian of Lepidoptera of the National Museum.

I think careful attention to the reading of these reports will convince members that this is a matter of importance at the present time, because its acquisition will give to the National Museum a collection of butterflies and moths or lepidoptera greater than any in the Western Hemisphere and equal, perhaps, to any in the world. To-day the collection that the United States owns of this branch of science is small and incomplete, and the scientists of the National Museum testify to the fact that this collection of butterflies, which in itself is the largest in America, will unite with the present collection of that institution and will not only make a first-class collection, but one of the grandest in the world. That is the reason I say to you that it is important.

If the United States does not purchase this collection it will not in a century be able to have another opportunity to purchase a collection of this kind and make the museum collection one of the first in the world. This chance rarely, if ever, occurs. For fifty years this man has gathered his collection together, and if gentlemen of this House will read what the scientists say, I am satisfied they will be convinced that there is great propriety in incorporating into the present sundry civil bill the recommendations of the Secretary of the Treasury and of the people connected with this branch of science in the National Museum.

Mr. RICHARDSON of Tennessee. Where is this collection now?

Mr. GREEN of Pennsylvania. In the city of Reading, Pa. That is the reason, perhaps, why I have been asked by the scientists to present this matter to the consideration of the House.

The Clerk read as follows:

COLLECTION OF BUTTERFLIES AND MOTHS OF THE LATE HERMANN STRECKER.

Letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Smithsonian Institution submitting an estimate of appropriation for purchase of the butterflies and moths of the late Hermann Strecker.

June 18, 1902.—Referred to the Committee on Appropriations and ordered to be printed.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, June 17, 1902.

SIR: I have the honor to transmit herewith, for the consideration of Congress, copy of a communication from the Secretary of the Smithsonian Institution, of the 16th instant, submitting an estimate of appropriation, $25,000, for the purchase for the National Museum of the collection of butterflies and moths of the late Hermann Strecker, of Reading, Pa., together with his library relating to the same.

Respectfully,

L. M. SHAW,
Secretary.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SMITHSONIAN INSTITUTION.
Washington, June 16, 1902.

SIR: My attention has been called to the importance of securing for the National Museum the collection of Lepidoptera (butterflies and moths) of the late Hermann Strecker, of Reading, Pa., together with his library relating specially to these families of insects; and in view of the fact that it is impossible to acquire these from the regular appropriation of $10,000, provided for the purchase of specimens for the Museum, I respectfully request that the accompanying item be transmitted to Congress for insertion in the bill making appropriations for the fiscal year ending June 30, 1902.

Although the offer of this collection presents an opportunity which should not be lost to the Government, since its acquisition would place the National Museum in the very first rank in this branch of entomological science, it is not my wish that any provision for it shall prejudice what is hoped may be the favorable action of Congress in respect to the items for the Smithsonian bureaus in the sundry civil bill now in conference.

Very respectfully, yours,

S. P. LANGLEY, *Secretary.*

The SECRETARY OF THE TREASURY,
Washington, D. C.

ITEM.

For the purchase of the collection of Lepidoptera (butterflies and moths) of the late Hermann Strecker, of Reading, Pa., comprising about 100,000 specimens, together with his library relating to the Lepidoptera..... $25,000

NOTE.—Since the estimates for appropriations for the bureaus under the Smithsonian Institution were transmitted to Congress, the attention of the Institution has been called to the opportunity of securing, for addition to the National Museum, the collection of butterflies and moths brought together by the late Hermann Strecker, of Reading, Pa. The collection, which is now offered for sale for the sum of $25,000, embodies the results of a lifetime of labor and the expenditure of very considerable sums of money by this eminent specialist. It comprises about 100,000 specimens, all in an excellent state of preservation, and is one of the largest and finest private collections of butterflies and moths in the world. If purchased by the Government it would add materially to the value of this branch of the national collections, since it contains many specimens needed to supply deficiencies in the series, as well as about 400 types of mostly North American species, in many cases rare or obscure. The sum stated in the estimate covers also the purchase of an extensive library relating especially to this department of entomological science and containing many rare volumes, some of them unrepresented in any library at the nation's capital.

This collection of world-wide fame will probably go into private hands or into the custody of some foreign institution unless immediate provision is made by Congress for its purchase. The price asked is a very moderate one, and the acquisition of this valuable material would place the National Museum in the first rank in this branch of science in America.

SMITHSONIAN INSTITUTION,
Washington, U. S. A., January 13, 1903.

SIR: In my communication to you of the 6th instant I omitted to refer to a special item submitted to Congress, through the Secretary of the Treasury, on June 17, 1902, and printed as House Document No. 667, Fifty-seventh Congress, first session, but on which no action was taken during that session. It relates to the purchase for the National Museum of a collection of Lepidoptera brought together by the late Hermann Strecker, of Reading, Pa., a distinguished entomologist. While the aquisition of this collection is still regarded as of importance, I beg to repeat what was said in my former letter, that it is not my wish that any provision for it shall prejudice what is hoped may be the favorable action of Congress in respect to the items for the Smithsonian bureaus contained in the regular estimates for the sundry civil appropriation bill for 1904.

Very respectfully, yours,

S. P. LANGLEY,
Secretary.

Hon. JOSEPH G. CANNON,
Chairman Committee on Appropriations,
United States House of Representatives, Washington, D. C.

Report of custodian of Lepidoptera, United States National Museum, on "The Hermann Strecker collection of butterflies and moths, and library accompanying it."

For the purpose of furnishing accurate information of the subject, I examined the collection in Reading, Pa., December 27, 1902.

The specimens constituting it are particularly adapted for a union with the present collection in the National Museum.

So united the Smithsonian collection would be a credit to the institution, and not only the largest and best in America but one of the greatest in the world.

The United States has an opportunity of purchase which rarely, if ever, presents itself, and for this reason prompt and favorable action is urgent and desirable.

Description of collection.—The collection is remarkable for the perfection of the specimens composing it. The number in any way injured is insignificant, which, from the nature of its insects, is most unusual and shows great care in selection of specimens.

A careful estimate, without counting, places the number of specimens at 100,000. They are contained in eleven cabinets having about 1,000 dust-proof glass-covered drawers or boxes. They are handsomely and substantially mounted, and each specimen is neatly labeled with its name and locality, often with remarks. In many instances, where the under and upper sides differ widely, they are mounted to show both.

The collection could be removed to the National Museum without repacking and without danger of being injured in transportation.

The collection is remarkably full of rare and expensive specimens, especially from the oriental and occidental Tropics, which furnish the most beautiful specimens of Lepidoptera.

The South American States and the West Indies, Mexico, and Central America, as well as Africa with Madagascar, the East Indies and Asia with India, Siam, and the Malacca Peninsula; the Philippine Islands and Australia have contributed many specimens of their brilliant and curious moths and butterflies.

Types.—The collection contains upward of 400 type specimens—through the description of which by Mr. Strecker the scientific world received its first information of the existence of the species of insects. The British Museum values these type specimens at $5 apiece more than other specimens of the same kind.

Freaks and aberrations.—It is particularly rich in hermaphrodites, in which the male and female are combined in a single specimen, and in aberrations differing in color and form from the normal insect. Such specimens are very valuable and rarely ever to be duplicated.

Special specimens.—Quite a number of the specimens came from the noted exploring expeditions, those of Livingstone, Ross, and Peary, and such specimens could not be duplicated.

The *Colias boothii* is from the Ross expedition in search of Sir John Franklin in 1828—only nine specimens are known to exist. But five or six specimens of the *Parnassus acco* are known. Two superb specimens are in the collection; they come from the summit of the Himalaya Mountains, and $1,000 are said to have been offered for them.

Looking over the catalogues of the largest dealers you will find in this collection many specimens which are not on sale and can not be obtained at all, and you will also find specimens of about all the rare and expensive flies and moths listed, showing this is no common or average, but an exceptional collection.

Largest and best in United States.—Taken by itself the collection, in both quantity and quality, considered the best in the United States.

Edwards collection.—The Edwards collection in the American Museum of Natural History in New York may be compared with it, but many specimens are mutilated and in an inferior condition.

Neumoegen collection.—Another large American collection is the Neumoegen collection in the Brooklyn Institute, which has about 40,000 specimens and was purchased for $15,000. There are but few other large collections in this country.

Foreign collections.—The European collections are the largest and best in the world. Among them may be mentioned that of the British Museum, the Staudinger at Dresden, the Oberthur at Rennes, France, and the Tring at Tring, England.

A short list taken at random from recollection gives some idea of the character of the more valuable specimens:

	Unobtainable.	Cash value.
Ornithoptera rubidus	1	
Ornithoptera dohertyr, 1 male, $11.25; 1 female, $18.25		$29.50
Ornithoptera magellanus	1	
Ornithoptera miranda, 1 male, $18.50; 1 female, $12.50		31.00
Ornithoptera lydias, male, $50; female, $40		90.00
Ornithoptera crœsus, 3 pairs, at $23		69.00
Ornithoptera priamus, 3 pairs, at $16.25		48.75
Ornithoptera posudon	1	
Ornithoptera victoræ, 1 male, $100; 2 females, $40		140.00
Ornithoptera regis, 1 male		150.00
Ornithoptera tithonus, 1 pair		175.00
Ornithoptera trojana		75.00
Ornithoptera paradisea, 2 males	2	
1 female, $15		15.00
Papilio neumoegeni		25.00
Papilio androcles, at $10		20.00
Papilio dorcas	1	
1 pair Papilio zagraens, 1 male		8.00
1 female	1	
2 Papilio bachus		20.00
1 Papilio homerus, almost extinct	1	
3 Papilio antimicus, at $30		90.00
1 Prepona buckelgiana		30.00
1 Agrias claudias	1	
1 Agrias sardanopolis, at $20		40.00
2 Agrias amadon, at $15		30.00
2 Agrias amadon, female	1	
1 Agrias phalcidon		20.00
1 Agrias stuarte	1	
3 Agrias ugens, lat $16.25		48.75
1 drawer of zeuxidia, at $10, 14 flies		140.00
3 Morpho lecaba. (Mr. S. paid $125 for poorest one in 1901)		375.00
1 Morpho helena	1	
1 Morpho retinor		15.00
1 Cocinera hercules	1	
4 pairs Dynaster napoleon, at $40		160.00
3 drawers of Papilio turnus. All these flies are rare aberrations or freaks, some being half male and half female; others are half dark and half light. There is also a 5-winged fly.		
2 pairs Armandia litterdali, 2 females	2	
2 males, at $8.25		16.50
1 pair Papilio blumei		25.00
1 pair Papilio admantius, 1 male	1	
1 female		7.00
2 pairs Armandi thardinea, 2 females	2	
2 males, at $7.50		15.00
2 pairs Parnassus actius	4	
1 pair Parnassus charltonius	2	
4 pairs Parnassus romanovi	8	
1 pair Parnassus evermannii, male		15.00
3 males, at $15		45.00
1 pair Parnassus tibitanus		15.00
1 pair Parnassus poeta	2	
1 pair Acco. (Only 2 in America)		1,000.00
1 Colias boothii. (Only 9 known and has 1)	1	
1 Colias ladikensis	1	
Total	36	2,969.00

Price.—In my opinion the price asked—$25,000—is reasonable, as it is an average of from 20 to 25 cents a specimen, according to the value put upon the accompanying library and correspondence. Estimating the value of such collections is very difficult, but in a general way I find from an examination of the leading catalogues the average price of specimens which are on sale is from 70 cents to a dollar. Such prices would make this collection worth much more than the price asked. Seventy-five of the specimens are listed at $2,969. Thirty-six on the small list above can not be bought, and there are no doubt more that can neither be bought nor duplicated.

Library and correspondence.—Accompanying the collection is a library containing nearly 300 volumes treating of the subject, several of which are not found in any of the libraries at Washington, also manuscript letters from noted collectors and others said to number from four to five thousand. The principal works in this library are named below, and when given in the recent catalogues of dealers I have added prices.

List of books.

Names.	Number of volumes.	Date.	Price.
Canadian Entomologist	32		$32.00
Walker's British Museum			
Catalogue of Lepidoptera	35		
Westwood's Arcana Entomologica	2		17.00
Packard's Labrador Coast (author's copy)			
European Butterflies. (Berlin.)		1895	
Papilio	4		8.00
Boisduval's Madagascar Butterflies. (Paris.)		1830	5.00
Natural History of Known Insects (hand painted). (Berlin.)	11	1783	26.00
Boisduval's History of Insects. (Paris.)		1879	
Hagen's List of Entomological Works. (Leipzig.)		1862	3.50
Jardine's Entomological Library	5	1837	
Iris	11	1884 / 1889	30.00
Goeze Treatise on Entomology. (Leipzig.)	5	1777	
Amœnitates Academicæ. (London.)	8	1749	
Fabricius Entomology	6	1794	
Cuvier's Animal Kingdom	4		
American Naturalist			
Lepidoptera of Asia Minor. (St. Petersburg.)	2		
Davenport Academy Proceedings			
Lintner Reports of Entomology. (New York.)	12		
Entomological News	1–10		10.00
Entomological Society of Philadelphia. (Proceedings.)	10		
Buffalo Natural Sciences	3		
Genera Insectorum. (Fabricius.)	12	1779	
Morris Synopsis			
Packard's Guide		1867	
Harris's Injurious Insects. (Flint.)			
Esper's Foreign Butterflies. (Leipzig.)		1780	15.00
Newman Entomological Monthly	7	1857 / 1864	
Butterflies of South Africa. (Trimen, Cape Town.)		1872	
History of Insects. (Philadelphia.)		1865	
Encyclopedia Methodique, Articles on Lepid. (Paris.)		1819	
Edwards's Butterflies of North America			80.00
Descriptive Catalogue of Lepidoptera of India. (East Ind. Co.)		1850	
Lederer Noctuidæ of Europe. (Vienna.)		1857	
Cotton Insects		1878	
Glover's North American Entomology	6		
Staudinger's Exotic Butterflies. (Bayern.)		1892	35.00
Seba's Natural History. (Amsterdam.)	4	1834	
Hewitson's Exotic Butterflies. (London.)	5	1862 / 1866	
Felder's Lepidoptera. (Frigate Novaisa.)	2	1804 / 1868	90.00
Romanoff Memoirs of Lepidoptera. (St. Petersburg.)	9	1897	93.00
A. C. Wilhelm	2	1797	

Respectfully submitted.

HARRISON G. DYAR,
Custodian of Lepidoptera, U. S. National Museum.

JANUARY 19, 1903.

Mr. GREEN of Pennsylvania. Mr. Chairman, gentlemen who have listened to the report of the custodian of lepidoptera will see that he has gone into the matter of the examination of this collection with a great deal of care, and presents his views, which I suppose we must all defer to, as this is his specialty, not only as to the price of the collection, its character and compass, but as well that of the library connected with it.

I wish to emphasize his statement in two matters. One is that this is an opportunity that perhaps will never occur again to the United States to purchase a collection of this character.

Second, that if this collection is purchased it will make the department of lepidoptera in the National Museum better than any in the United States, and one of the finest in the world.

A few words on the history of this celebrated collection. Hermann Strecker, one of the most distinguished entomologists of the world, lived, and about two years ago died, in the city of Reading, Pa. For fifty years all his leisure time was spent in studying, collecting, and mounting butterflies and moths. Every dollar earned during these years, except so much as was required for the support of himself and small family in the most modest way, was invested in this collection. Before he died two of his desires with regard to the great collection representing the labor of his lifetime were:

First. That it should be preserved as a whole and not dismembered.

Second. That it should be disposed of to some great scientific institution, preferably the United States National Museum.

In deference to these two wishes of the distinguished scientist, this collection has been offered to the United States.

The price asked for it is admitted to be exceedingly small compared with its real value. From the statements made in the report above set forth it is worth twice or three times the amount asked.

It could be parceled out among collectors and a far greater amount of money realized than that asked for the collection entire.

Upward of 400 types or specimens from which the original descriptions known to the scientific world were taken are in this collection. For these the British Museum has a standing offer of a guinea apiece beyond the actual value of the specimens. This alone would amount to nearly $2,000. They could not be labeled for a like amount. Mr. Strecker bought the rarest specimens of each group, and comparing the specimens of his collection with the catalogues you find he has secured the rarest and most expensive flies. Many can never be duplicated.

This collection belongs in the National Museum, and Congress should not leave the opportunity slip by of purchasing it. It would be a great ornament as well as of great utility there, as well as in direct line with the recommendations of President Roosevelt.

THE NATIONAL MUSEUM.

The President, judging from the recommendations contained in both his messages, seems to have an entirely different idea of the utility of the functions of this great institution than that entertained by the Appropriation Committee of this body.

In the message of December 3, 1901, we find the following:

> The advancement of the highest interests of national science and learning and the custody of objects of art and of the valuable results of scientific expeditions conducted by the United States have been committed to the Smithsonian Institution. In furtherance of its declared purpose—for the "increase and diffusion of knowledge among men"—the Congress has from time to time given it other important functions. Such trusts have been executed by the institution with notable fidelity. There should be no halt in the work of the institution, in accordance with the plans which its Secretary has presented, for the preservation of the vanishing races of great North American animals in the National Zoological Park. The urgent needs of the National Museum are recommended to the favorable consideration of the Congress.

Again, in his second message, of December 2, 1902, we find the following:

> I again recommend to the favorable consideration of the Congress the plans of the Smithsonian Institution for making the museum under its charge worthy of the nation, and for preserving at the National Capital not only records of the vanishing races of men but of the animals of this continent, which, like the buffalo, will soon become extinct unless specimens from which their representatives may be renewed are sought in their native regions and maintained there in safety.

The speech made this afternoon by the gentleman from Massachusetts [Mr. GILLETT], a member of the House Appropriations Committee, voices the views of the controlling spirits of that committee, which I was, to my astonishment, first made aware of when I presented the report of the custodian of entomology, above referred to, and made a few remarks on the desirability of the purchase of this collection.

The first interrogation put to me by the chairman was as follows: Of what use is a collection of this kind to the Museum; they can not be eaten or worn; of what earthly use are they?

Following such a strictly utilitarian measure of any collection which would be desirable to be placed in this great institution, it will be many years before the hopes of the President and the people, that of making the Museum worthy of the nation, will be realized, if ever.

The British Museum was never founded and built up upon any such narrow ideas, nor that of any other great national scientific institution.

The great nations of the world are expected to furnish to the scientific world through their great collections of specimens in every department of science—collections great and expensive beyond the means of the scientist and the private scientific institution—knowledge which could not have been procured in any other way.

Every great nation has its great collections and collectors, and the United States has not in the past and must not in the future be an exception to this rule.

As in everything else, it must be in the very front rank of scientific investigation, and no opportunity should be lost to place it there.

Mr. MCRAE. I yield twenty minutes to the gentleman from Arizona.

Mr. GREEN of Pennsylvania. I ask unanimous consent to extend my remarks in the RECORD. I would like to have an extension of time.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

[Mr. SMITH of Arizona addressed the committee. See Appendix.]

Mr. MCRAE. Mr. Chairman, I yield ten minutes to the gentleman from Missouri [Mr. DE ARMOND].

Mr. DE ARMOND. Mr. Chairman, as I listened to the eloquent and instructive remarks of the chairman of the committee reporting this bill [Mr. CANNON], and followed him in happy revery as he went over his review of the history of the country,

marking its growth and progress, I thought how, notwithstanding the country has grown rapidly, marvelously, the growth of appropriations has outstripped the growth of the country; that extravagance, as marked by legislative action, has been even more rapid in its progress, more phenomenal in its achievements, than the growth of the country itself. And, Mr. Chairman, I could not help thinking while contemplating the picture painted by the eloquent gentleman from Illinois—and a very interesting picture it was, too, and is—how we may in the near future have to deal with other things calling upon the Treasury of the country and swelling tremendously the appropriations made by Congress.

This suggestion comes in part from a somewhat remarkable bill introduced at the other end of the Capitol, one having somewhat remarkable objects in view. I refer to the bill for pensioning the slaves, the black men and the black women of the South. This bill provides that every person, man or woman, who was a slave and has attained the age of 70 years shall be given upon its passage $500 and a pension of $15 a month so long as he or she shall live after that time; that those over 60 and not having attained the age of 70 shall be given $300 and pensioned at $12 a month; that those over 50 and under 60 shall have $100 and a pension of $8 a month, and that those who, perhaps, were infants in arms during the time of the war, those under 50, shall have a pension of $4 a month.

I do not know whether this bill is going to pass; I do not know whether it was designed or expected that it should pass. It is a curious piece, however, in the study of the passing drama of statesmanship and politics. It is rather a seductive picture held out for the black brother, North or South. It has attachments, too, that will reach not only the colored brother, but ought, if it were made a law, to be beneficial to some of those who hurried and scurried South shortly after the war and associated themselves, for purposes of their own, very greatly to their own profit and very greatly to the injury of the communities in which they dwelt, with the colored brother. There are vague passages in the bill under which and by which those who have "supported" the colored brother might get the pension in place of the colored brother. [Laughter.] I think they will not only take in the child who may have properly supported an aged father or an aged mother, but I believe the bill can be so expanded and so applied that it will take in these gentlemen—the carpetbaggers—who, in political association in the South, have, perhaps, not strictly supported the colored brother, but who claim they have supported him, and who certainly were supported by him. [Laughter.]

Possibly this bill is of more value as a piece of political maneuvering than as a piece of prospective legislation. It carries with it, it seems to me, to the broad nostrils in black the pleasant aroma of the barbecue, borne upon the swift breezes of anticipation. It carries with it the suggestion that our Uncle Samuel is not merely going to kill the fatted calf in order to afford a feast for his black children, but that he is going to slaughter the choicest of his flocks and herds. In this anticipation, in this pleasant looking forward, in this delightful sniffing of the breeze which bears in anticipation and in imagination the odor and flavor of this barbecued meat there appears to be something political. It seems to me that in comparison the "glad hand" is not in it. [Laughter.]

And then, what, in the estimation of the colored brother, is the pleasant smile in the drawing-room as against baked 'possum and taters in the kitchen? [Laughter.]

Of course the gentleman who introduced this bill, as we understand upon his own authority, is not and will not be a candidate for the Presidency. We understand upon the same authority, however, that there are no trusts; and so, putting the one statement with the other statement and drawing our own conclusions, we may wonder whether or not a certain play for the favor of the colored brother has not been met, and more than met, by another play for the favor of the same colored gentlemen. We know that when it comes to the nomination of a Presidential candidate by at least one of the great parties of this country the colored delegate is a very important factor—a factor to be played for, a factor to be dealt with, a factor to be bargained for; and there is nothing like making preparation in good time, so that the yearning of the colored brother may be directed in the proper channel, so that the colored brother may look to the proper source for relief and benefit when, in good time, his friends come into control. Of course, his friends have been in control for a great many years, but so far he has been living very largely upon promises.

Now, the old promise, the old suggestion of 40 acres and a mule, is entirely discounted, is out of sight and belittled, in view of the present promise of $500 and a pension of $15 a month.

I do not know how this is going to come out. I do not know what it is going to result in, but it does appear to me that upon the political checkerboard, where there seem to be rather more of the colored spots than is usual in the forming of checkerboards, a very interesting play is going on. Those of us who are not in the game, those of us who are not particularly interested in the result of the game, can watch it; and meantime, as we hear disclaimers from this source and that, we can put those disclaimers side by side with others and form our own conclusions as to what they are worth.

From one point of view, not of course from the political point, where, I judge, it appears very practical, but from certain points of view all this would seem to be almost farcical. But even these farces sometimes have a solemn side, and I can imagine how the old negroes of the South, male and female, will now be the prey of the sharks who, in order to "promote" legislation, in order to bring in the millennium, in order to hasten the coming of the good time promised in this bill—promised also otherwise and in other ways—will give up their small earnings from their scanty hoards, and then in their time of want will do as they have been doing these many years, as they long since learned to do, and as they long will do—turn to their natural and best friends, the white people of the South, for substantial relief, entirely free from the politician's frills and furbelows, which are designed simply to catch the colored voter and not to help him. [Applause on the Democratic side.]

Mr. McRAE. The gentleman may proceed with the reading of his bill.

Mr. CANNON. I wish to say a word and then we can proceed with the reading of the bill. I always listen to the gentleman from Missouri [Mr. DE ARMOND] with great pleasure. He can construct better sentences in colder blood than any man of my acquaintance, and I have listened this time with great pleasure to him while he talked about a bill that the newspapers state was introduced by request. I have never seen the bill. There is lots of that kind of thing done. It is substantially equivalent to a petition. The right of petition, the right of hearing, runs to all the citizens, great and small, wise and unwise, sane people and cranks. They have the right of hearing and petition, and the right to ask bills to be presented; but it is not necessary for me to refer to that.

While the gentleman was talking, it did seem to me that if he would listen to an exhortation that the gentleman and myself have heard the like of many times, of the importance of repentance and of individual forgiveness before one could be saved, and before one was entitled to be an evangelist, that possibly he would first have addressed himself to the beautiful condition that is to be found in the opposition party. I was going to say the Democratic party, but I would have to apologize to Cleveland and Olney and Hill and Bryan, and all the hosts, you know; not so many but what they are in a very decided minority. So I will not say Democratic party, because I would have them all bowing, you know, looking different ways. [Laughter.] I think the gentleman might first set his own house in order, before he goes off to chasing a will-o'-the-wisp and saying it belongs to other folks.

I am now ready to have the bill read.

Mr. RICHARDSON of Tennessee. Will the gentleman yield for a moment?

Mr. CANNON. Certainly.

Mr. RICHARDSON of Tennessee. To be serious about the matter.

Mr. CANNON. Yes.

Mr. RICHARDSON of Tennessee. The gentleman may not know that at this very moment companies are being formed and circulars are being sent out through the South, inviting the poor, ignorant colored people there to send their contributions to designing men who are seeking to build up fortunes out of this proposition; and I think the gentleman ought to join with us in saying, in order that the colored people of the South may not be misled and robbed, that there is no reason now why they should be sending their quarters and 50-cent pieces and dollars to any company or any combination of men anywhere with the expectation of advancing their chances to get pensions. I will say to the gentleman that that is being done now.

Mr. CANNON. My friend talks seriously about the matter. I was answering the gentleman from Missouri [Mr. DE ARMOND], who never lets an opportunity pass or an assault upon an opportunity to say what he has to say. But now, seriously, in reply to the gentleman, to every citizen of the Republic, rich or poor, black or white, ignorant or cultured, there is but one great guaranty that runs to each and all, and that is equality before the law, equality of opportunity, protection in person and property, and then each unit to work out his own salvation. [Applause.]

Mr. DE ARMOND. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Missouri?

Mr. CANNON. I always do.

Mr. DE ARMOND. I wish to repeat the suggestion made by the gentleman from Tennessee and the question which he asked—that is, whether the gentleman from Illinois is willing to join in the assurance suggested by the gentleman from Tennessee that these poor colored people in the South had better keep their money instead of frittering it away upon this pension bill—that as a matter of fact it is not intended seriously to pass the bill which has been introduced. If the gentleman can give that assurance, it may be worth a good deal to these poor colored people. If, upon the other hand, this legislation is likely to be enacted, it will perhaps be a source of great comfort to have that assurance from one so high in authority as he is. [Applause on the Democratic side.]

Mr. CANNON. The gentleman from Tennessee was in earnest.

Mr. DE ARMOND. I am in earnest, too. [Laughter on the Democratic side.]

Mr. CANNON. I am glad to be assured that the gentleman from Missouri is in earnest, for he himself hath said it. [Laughter.]

Mr. DE ARMOND. This matter raised by the gentleman from Tennessee, suggesting that the colored people of the South are now being fleeced out of their hard earnings and scanty hoard in order that some adventurers may be enriched, has nothing of levity about it. I do not think of anything more serious, and I do not see how the gentleman from Illinois can consider it as anything else than a decidedly serious matter. I think that the gentleman from Illinois might say something which might preserve maybe hundreds, maybe thousands, or tens of thousands of dollars for these poor people of what they can not afford to give away for nothing, and prevent a large number of adventurers from getting that for which they do nothing. If the gentleman has anything to say, I hope he will say it.

Mr. CANNON. Now, then, the gentleman, I understand, speaks of the matter seriously, and if necessary I will further seriously answer. As an individual Representative, and that is merely my best judgment, and as standing for my own action, along with other private Representatives who agree with me, I supposed that in reply to the gentleman from Tennessee, I had been entirely frank and had covered the ground. But it seems that I have given an answer even my very good friend from Missouri can not understand, and perchance some poor ignorant citizen with a black skin may be as unable to understand as my good friend from Missouri. [Laughter.] I say to him, courteously and in all candor, that in my judgment no such bill will pass; and if there be adventurers that would swindle the colored citizen, all things ought to be done by their brethren that surround them and citizens elsewhere that would instruct them to the contrary. It is known that swindling goes on in all our cities, North and South; the sharper and even the swindler is there, and once in a while even people that belong to the Anglo-Saxon race are swindled. I do not know that I can say anything in addition to what I have said. [Applause.]

The CHAIRMAN. The time of the gentleman from Missouri has expired.

The Clerk read as follows:

Greensboro, N. C., court-house, post-office, etc.: For completion of extension under present limit, $41,650.

Mr. CANNON. I offer the following amendment.

The Clerk read as follows:

On page 9, after line 21, insert the following:
"Rental of temporary quarters for the accommodation of certain Government officials at Greensboro, N. C., and for expenses incidental thereto, $3,000."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

Holyoke, Mass., post-office: For continuation of building under present limit, $33,750.

Mr. CANNON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 10, after line 16, insert:
"For the complete establishment of an immigrant station, and the erection of the necessary buildings at Honolulu, Hawaii, on land owned by the Government, adjoining the wharf known as Channel Wharf, and for each and every purpose connected therewith and necessary to complete said station in all of its details within the sum hereby appropriated, $30,000."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

Los Angeles, Cal., rent of buildings: For rental of temporary quarters for the accommodation of certain Government officials and all expenses incident thereto, and for electric current for power purposes, $9,700.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GILLETT of Massachusetts having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had further disagreed to the amendments of the House of Representatives to the bill (S. 4825) to provide for a union railroad station in the District of Columbia, and for other purposes, numbered 39 and 41, and so much of amendment numbered 57 as relates to the striking out of section 13 of the bill and the substitution of matter in lieu thereof, had agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. DILLINGHAM, and Mr. MARTIN as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 149) to provide for holding terms of court in the district of Utah.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4825) to provide for a union railroad station in the District of Columbia, and for other purposes.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 7659) to amend sections 5191 and 5192 of the Revised Statutes of the United States, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. ALLISON, Mr. ALDRICH, and Mr. JONES of Arkansas as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 15659) granting a pension to Elise Sigel, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. FOSTER of Washington, and Mr. TURNER as the conferees on the part of the Senate.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

Mr. RUSSELL. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Insert in line 15, page 13, after the word "dollars," the following:
"For the erection and completion of an addition to the public building at Tyler, Tex., the sum of $25,000."

Mr. CANNON. Mr. Chairman, I will have to make the point of order that it is not authorized.

Mr. RUSSELL. Will not the gentleman reserve the point of order and let me make this statement?

Mr. CANNON. Certainly.

Mr. RUSSELL. Mr. Chairman, a very great public necessity at Tyler, Tex., has suggested the amendment which I have just sent to the Clerk's desk. The public building at Tyler, Tex., was erected some twelve or fifteen years ago. Since that time there has been a very great increase in the public business there. The building was originally constructed to accommodate the post-office and Federal court at Tyler. It was sufficient at that time to meet the purposes for which it was then erected. Since that time the necessity for this amendment has been made manifest by the increase of public business, which has resulted not only from the development of the country, but from new legislation from Congress. A very large amount of the court business of eastern Texas is returnable to Tyler. The establishment of rural-delivery routes has very greatly increased the postal service to be performed there.

The rapid settlement of eastern Texas gives promise of a phenomenal development, at least, in the postal service, which will justify the adoption of the present amendment. I have received letters from the custodian of the public building at Tyler, from the district attorney of the district in which that town is situated, from the deputy marshal of the Federal court there, and from other Federal officials conversant with the facts, which justify me in making the statement that the present building needs an addition to make it sufficient for the public uses. If the point of order suggested by the distinguished chairman of the Appropriations Committee shall prevail, I shall feel myself justified in offering this amendment at every opportunity presented during the life of this Congress.

Mr. CANNON. Mr. Chairman, I do not controvert the statement of the gentleman from Texas at all. It may be a very apt and appropriate measure, and I presume it is, but we have so many public buildings here to be provided for that I am compelled to insist on the point of order.

Mr. RUSSELL. I ask unanimous consent that the matter may be passed over until I can present more data.

The CHAIRMAN. The amendment has been ruled out of order and there is nothing more to pass upon.

The Clerk read as follows:

Waco, Tex., court-house and post-office: For completion of extension under present limit, $75,000.

Mr. CANNON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 20, after line 9, insert the following: "For rental of temporary quarters for the accommodation of certain Government officials at Waco, Tex., and for expenses incidental thereto, $5,000."

The amendment was agreed to.

The Clerk read as follows:

Yerba Buena Island, California: For construction of an oil house at Yerba Buena Island, $8,000.

Mr. KAHN. Mr. Chairman, I offer the following amendment:

Insert after line 2, page 25, the following:
"Fog bell and lens-lantern light on the southeastern end of Southampton Shoal, San Francisco Bay, California: For establishing on the southeastern end of Southampton Shoal, San Francisco Bay, California, a fog bell and lens-lantern light, $30,000."

Mr. CANNON. Mr. Chairman, reserving the point of order, I think that legislation has been provided for.

Mr. KAHN. The bill has been signed by the President. This is in compliance with that bill.

Mr. CANNON. As I understand, this is in compliance with the law.

Mr. MADDOX rose.

The CHAIRMAN. For what purpose does the gentleman from Georgia rise?

Mr. MADDOX. I want to inquire if the gentleman from Illinois has withdrawn his point of order?

Mr. CANNON. No; I reserved the point of order for the purpose of ascertaining whether this was subject to a point of order. I asked the gentleman from California whether the legislation has been enacted. He says it has passed both Houses and has been signed by the President at this session of Congress. So, if that be true, no point of order would lie. I have some familiarity with the merit of this matter and I know that it is meritorious and appropriate, and if it has been authorized I have nothing further to say.

The amendment was considered, and agreed to.

Mr. PEARRE. Mr. Chairman, I ask unanimous consent to return to page 22, line 16, for the purpose of submitting an amendment to which I would like to call the attention of the chairman of the committee.

Mr. CANNON. Well, it is 5 o'clock.

Mr. PEARRE. I want to say to the gentleman that this is a very important matter, to which I called his attention a day or two ago, and since then I have received additional information.

Mr. CANNON. What does the item relate to?

Mr. PEARRE. The condition of the subtreasury in Baltimore city, where they have not room to transact their business.

Mr. CANNON. Well, we can take that up to-morrow. I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. GILLETT of Massachusetts having taken the chair as Speaker pro tempore, Mr. TAWNEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 17202, the sundry civil appropriation bill, and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 11596. An act granting an increase of pension to Inez L. Clift;

H. R. 12410. An act granting an increase of pension to Mary Nichols;

H. R. 14251. An act granting an increase of pension to Hugh J. Reynolds;

H. R. 14897. An act granting an increase of pension to Phillip Mooney;

H. R. 13088. An act granting an increase of pension to Hiram D. Deming;

H. R. 14391. An act granting an increase of pension to Edward Walsh;

H. R. 6889. An act granting an increase of pension to Michael Rader;

H. R. 16053. An act granting an increase of pension to Henry P. Reynolds;

H. R. 16358. An act granting an increase of pension to Benjamin W. Walker;

H. R. 714. An act granting an increase of pension to Frederick Hart;

H. R. 11417. An act granting an increase of pension to Julia Anglada;

H. R. 16217. An act granting an increase of pension to Julia E. Jones;

H. R. 1482. An act granting an increase of pension to John A. Smith;

H. R. 16591. An act granting an increase of pension to James Mattingly;

H. R. 1377. An act granting an increase of pension to Bridget Agnes Tridel;

H. R. 10953. An act granting an increase of pension to John A. M. Seitz;

H. R. 16272. An act granting an increase of pension to Enoch Dodd;

H. R. 2473. An act granting an increase of pension to James Billingsley;

H. R. 14604. An act granting an increase of pension to Asa C. Hill;

H. R. 15473. An act granting an increase of pension to Winthrop W. Walcott;

H. R. 3516. An act granting an increase of pension to Ozra F. Cheney;

H. R. 3569. An act granting an increase of pension to Joseph A. Buckholz;

H. R. 16153. An act granting an increase of pension to George W. Choate;

H. R. 15437. An act granting an increase of pension to Sarah A. Gerry;

H. R. 15438. An act granting an increase of pension to Thomas E. Peabody;

H. R. 1689. An act granting an increase of pension to Hiram S. Thompson;

H. R. 7012. An act granting an increase of pension to Abel Fleming;

H. R. 15300. An act granting a pension to Delania Preston;

H. R. 15206. An act granting a pension to Mary P. Everton;

H. R. 15870. An act granting an increase of pension to John Smith;

H. R. 15673. An act granting a pension to Annie E. Doss;

H. R. 14605. An act granting an increase of pension to John S. Knoop;

H. R. 4807. An act granting an increase of pension to Thomas Parfitt;

H. R. 13826. An act granting an increase of pension to Francis N. Bonneau;

H. R. 16465. An act granting an increase of pension to William H. Knepple;

H. R. 11790. An act granting an increase of pension to Abel Woods;

H. R. 15572. An act granting a pension to Charles W. Bracken;

H. R. 5167. An act granting an increase of pension to John J. Nowman;

H. R. 7334. An act granting an increase of pension to Ira L. Evans;

H. R. 16269. An act granting an increase of pension to Annie W. Coit;

H. R. 15571. An act granting an increase of pension to John Macfarlane;

H. R. 13297. An act granting a pension to Martin Greely;

H. R. 4059. An act granting an increase of pension to Julia A. Cook;

H. R. 14789. An act granting an increase of pension to David Brobst;

H. R. 9950. An act granting an increase of pension to Moses Whitcomb;

H. R. 15064. An act granting an increase of pension to Frederick Shovar;

H. R. 15421. An act granting an increase of pension to Elizabeth Palmer;

H. R. 15439. An act granting an increase of pension to John P. Chisler;

H. R. 14388. An act granting an increase of pension to Graham McClosson;

H. R. 5460. An act granting an increase of pension to Thomas Sherry;

H. R. 1929. An act granting an increase of pension to Peter Tuper;

H. R. 14120. An act granting an increase of pension to Sarah A. Leepard;

H. R. 16602. An act to extend the time granted to the Muscle Shoals Power Company by an act approved March 3, 1899, within

which to commence and complete the work authorized in the said act to be done by said company, and for other purposes;

H. R. 11127. An act for the relief of the Propeller Tow Boat Company, of Savannah; and

H. R. 16334. An act fixing terms of United States courts in Colorado, and for other purposes.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 3287. An act to fix the salaries of certain judges of the United States.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States, by Mr. BARNES, one of his secretaries, announced that the President had approved and signed bills of the following titles:

On February 9, 1903:

H. R. 288. An act for the relief of the Christian Church, of Henderson, Ky.;

H. R. 647. An act for the relief of William P. Marshall;

H. R. 16330. An act to detach the county of Dimmit from the southern judicial district of Texas and to attach it to the western judicial district of Texas;

H. R. 16651. An act to fix the time for holding the United States district and circuit courts in the northern and middle districts of Alabama; and

H. R. 16604. An act making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1904.

On February 10, 1903:

H. R. 9503. An act to authorize the Oklahoma City and Western Railroad Company to construct and operate a railway through the Fort Sill Military Reservation, and for other purposes.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 6048. An act granting a pension to Lillian G. Elkins—to the Committee on Pensions.

S. 4922. An act granting an increase of pension to Andrew C. Smith—to the Committee on Invalid Pensions.

S. 5219. An act to grant an honorable discharge from the military service to Robert C. Gregg—to the Committee on Military Affairs.

S. 3638. An act for the extension of Eighth street NW., or Wrights road, District of Columbia—to the Committee on the District of Columbia.

S. 6848. An act to establish a life-saving station at Cape Nome, Alaska—to the Committee on Interstate and Foreign Commerce.

S. 7186. An act granting a pension to Mary C. Couch—to the Committee on Invalid Pensions.

MEMORIAL SERVICES ON THE LATE REPRESENTATIVE MOODY.

Mr. KLUTTZ. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That when the House meets on Sunday, February 22, 1903, it shall consider resolutions memorial of the life and public services of Hon. JAMES M. MOODY, late a Representative from the Ninth Congressional district of North Carolina.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent for the present consideration of the resolution. Is there objection?

There was no objection.

The resolution was agreed to.

CHANGE OF REFERENCE.

By unanimous consent, the following change of reference was made:

S. 4908. An act to incorporate the American Academy in Rome—from the Committee on Foreign Affairs to the Committee on the Library.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. HILDEBRANT, for one week, on account of important business.

And then, on motion of Mr. PAYNE (at 5 o'clock and 5 minutes p. m.), the House adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting, with a favorable recommendation, a letter from the chief of division, Revenue-Cutter Service, relating to new revenue cutters—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

A letter from the Secretary of State, transmitting a communication from Mr. Samuel J. Barrows submitting a report on the International Prison Congress of 1900—to the Committee on the Judiciary, and ordered to be printed.

A letter from the Secretary of State, transmitting a copy of a communication from Mr. S. J. Barrows submitting a report relating to the prison systems of Europe—to the Committee on the Judiciary, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting report on the determination of the intersection of the true one-hundredth meridian with Red River—to the Committee on the Public Lands, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a draft of a proposed law relating to transcripts of land records—to the Committee on the Public Lands, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. JOY, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 16139) to authorize the Norfolk and Western Railway Company to bridge the Tug Fork of Big Sandy River at certain points where the same forms the boundary line between the States of West Virginia and Kentucky, reported the same with amendments, accompanied by a report (No. 3697); which said bill and report were referred to the House Calendar.

Mr. PAYNE, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 16885) to extend to the port of Niagara Falls, N. Y., the privileges of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement, reported the same without amendment, accompanied by a report (No. 3698); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. JOY, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 17155) to authorize the Pittsburg, Carnegie and Western Railroad Company to construct, maintain, and operate a bridge across the Allegheny River, reported the same with amendments, accompanied by a report (No. 3699); which said bill and report were referred to the House Calendar.

Mr. LOVERING, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 7043) to establish a light-house depot for the Second light-house district, Boston Harbor, Massachusetts, reported the same with amendment, accompanied by a report (No. 3700); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 17149) to authorize the board of commissioners of the Connecticut River bridge and highway district to construct a bridge across the Connecticut River at Hartford, in the State of Connecticut, reported the same with amendment, accompanied by a report (No. 3701); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6973) authorizing the city of Nome, a municipal corporation organized and existing under chapter 21, title 3, of an act of Congress, approved June 6, 1900, entitled "An act making further provision for a civil government for Alaska, and for other purposes," to construct a free bridge across the Snake River at Nome City, in the Territory of Alaska, reported the same without amendment, accompanied by a report (No. 3702); which said bill and report were referred to the House Calendar.

Mr. BURKE of South Dakota, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 16280) to open for settlement 505,000 acres of land in the Kiowa, Comanche, and Apache Indian reservations in Oklahoma Territory, submitted the views of the minority, to accompany report (No. 3661, part 2); which said views were referred to the Committee of the whole House on the state of the the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. CROWLEY, from the Committee on Invalid Pensions, to

which was referred the bill of the Senate (S. 3020) granting an increase of pension to Eliza E. Littlefield, reported the same without amendment, accompanied by a report (No. 3684); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6143) granting an increase of pension to Elvira C. Compton, reported the same without amendment, accompanied by a report (No. 3685); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 4443) granting an increase of pension to Thomas Bassett, reported the same with amendment, accompanied by a report (No. 3686); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5929) granting a pension to Margaret J. McCranie, reported the same without amendment, accompanied by a report (No. 3687); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6394) granting a pension to Evarts Ewing Munn, reported the same without amendment, accompanied by a report (No. 3688); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 7145) granting an increase of pension to Rosetta E. Rafferty, reported the same without amendment, accompanied by a report (No. 3689); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 7207) granting an increase of pension to May Mosher Chase, reported the same with amendment, accompanied by a report (No. 3690); which said bill and report were referred to the Private Calendar.

Mr. WHITE, from the Committee on Pensions, to which was referred the bill of the House (H. R. 14032) granting a pension to Gustav Jansen, reported the same with amendments, accompanied by a report (No. 3691); which said bill and report were referred to the Private Calendar.

Mr. PATTERSON of Pennsylvania, from the Committee on Pensions, to which was referred the bill of the House (H. R. 11546) granting a pension to Edward Bryan, reported the same with amendments, accompanied by a report (No. 3692); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 16212) granting an increase of pension to Sanders W. Johnston, reported the same with amendment, accompanied by a report (No. 3693); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 12090) granting a pension to Arvilla N. Stocker, reported the same with amendment, accompanied by a report (No. 3694); which said bill and report were referred to the Private Calendar.

Mr. BURGESS, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15573) granting a pension to Cynthia Thomas, reported the same with amendments, accompanied by a report (No. 3695); which said bill and report were referred to the Private Calendar.

Mr. SHERMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 11851) granting a life-saving medal to Hugh F. Doherty, reported the same without amendment, accompanied by a report (No. 3696); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. PUGSLEY: A bill (H. R. 17355) providing for the issue and circulation of a supplementary currency and for the deposit of public moneys with national banking associations—to the Committee on Banking and Currency.

By Mr. BELLAMY: A bill (H. R. 17356) for the erection of an equestrian statue to the memory of Maj. Gen. Robert Howe at Wilmington, N. C.—to the Committee on the Library.

By Mr. MOON (by request): A bill (H. R. 17357) recognizing the military service of and giving pensionable status, under all pension laws of the United States, to persons serving under United States officers as home guards, militia, or other provisional troops during the civil war—to the Committee on Invalid Pensions.

By Mr. BURKE of South Dakota: A bill (H. R. 17358) to authorize the construction of a bridge across the Missouri River between the city of Chamberlain, in Brule County, and Lyman County, in the State of South Dakota—to the Committee on Interstate and Foreign Commerce.

By Mr. DE ARMOND: A joint resolution (H. J. Res. 267) to provide for the publication of the military laws of the United States—to the Committee on Printing.

By Mr. FLYNN: A joint resolution (H. J. Res. 268) for the appointment of a public lands commission—to the Committee on the Public Lands.

By Mr. MOODY: A resolution (H. Res. 438) calling on the Secretary of War for certain reports—to the Committee on Rivers and Harbors.

By Mr. BULL: A resolution (H. Res. 439) for the relief of Elizabeth Norris, widow of Eppa Norris, late an employee of the House—to the Committee on Accounts.

By Mr. BLAKENEY: A resolution (H. Res. 440) providing for payment to Louis Trischmann for extra services rendered during the Fifty-seventh Congress—to the Committee on Accounts.

By Mr. CANNON: A resolution (H. Res. 441) relating to an amendment to H. R. 17202—to the Committee on Rules.

Also, a resolution (H. Res. 442) relating to an amendment to H. R. 17202—to the Committee on Rules.

Also, a resolution (H. Res. 443) relating to an amendment to H. R. 17202—to the Committee on Rules.

By Mr. EDWARDS: A joint resolution of the legislature of Montana, relative to an agreement with the Indians of the Crow Reservation—to the Committee on Indian Affairs.

By the SPEAKER: A concurrent resolution of the Commonwealth of Massachusetts, relative to Castle Island—to the Committee on Naval Affairs.

By Mr. MARSHALL: A resolution of the legislature of North Dakota, relative to the shipment of live stock—to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BARTLETT: A bill (H. R. 17359) granting a pension to Carrie Edwards—to the Committee on Invalid Pensions.

By Mr. BILLMEYER: A bill (H. R. 17360) granting a pension to Carrie Keefer—to the Committee on Pensions.

By Mr. BLACKBURN: A bill (H. R. 17361) granting a pension to Patrick E. Dancy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17362) granting a pension to L. L. Coffey—to the Committee on Invalid Pensions.

By Mr. BOREING: A bill (H. R. 17363) granting a pension to Joel Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17364) granting an increase of pension to Larkin Hubbard—to the Committee on Invalid Pensions.

By Mr. CONNER: A bill (H. R. 17365) granting a pension to Edwin Babcock—to the Committee on Invalid Pensions.

By Mr. GRIFFITH: A bill (H. R. 17366) granting an increase of pension to Dr. Fleetwood H. Sale—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17367) granting an increase of pension to Andrew Melton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17368) granting a pension to Dr. James H. Sale—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17369) granting a pension to Sarah F. Ditlinger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17370) granting a pension to Wilkerson E. Grubbs—to the Committee on Invalid Pensions.

By Mr. MICKEY: A bill (H. R. 17371) granting a pension to John A. Bussert—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17372) granting an increase of pension to Lewis R. Collins—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 17373) for the relief of the heirs at law of Sarah M. Rittenhouse, deceased, and others—to the Committee on the District of Columbia.

By Mr. PUGSLEY: A bill (H. R. 17374) granting a pension to Sara A. Wardell—to the Committee on Pensions.

By Mr. ROBERTSON of Louisiana: A bill (H. R. 17375) for the relief of C. E. Booty—to the Committee on War Claims.

Also, a bill (H. R. 17376) for the relief of H. Pierce—to the Committee on War Claims.

By Mr. STEPHENS of Texas: A bill (H. R. 17377) for the relief of the estate of William H. Edrington, deceased—to the Committee on War Claims.

By Mr. UNDERWOOD (by request): A bill (H. R. 17378) for the relief of A. C. Barton—to the Committee on War Claims.

By Mr. SNOOK: A bill (H. R. 17379) granting an increase of pension to Wesley B. Brown—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Resolutions of Will F. Stewart Post, No. 80, Grand Army of the Republic, of Uniontown, Pa., protesting against the erection of a statue of Gen. Robert E. Lee in the national grounds of the battle of Gettysburg—to the Committee on the Library.

By Mr. BUTLER of Pennsylvania: Petition of the chief burgess and councilmen of Clifton Heights Borough, Pennsylvania, favoring Senate bill 909, for the extension of the free-delivery service—to the Committee on the Post-Office and Post-Roads.

By Mr. CASSINGHAM: Papers to accompany House bill for the relief of Alexander D. Patton—to the Committee on Military Affairs.

By Mr. CALDERHEAD: Petition of Cigar Makers' Union No. 419, of Salina, Kans., favoring House bill 16457, relating to gifts in connection with the sale of tobacco and cigars—to the Committee on the Judiciary.

By Mr. GRAHAM: Resolution of Local Union No. 95, International Union of Steam Engineers, Pittsburg, Pa., urging the passage of House bill 3076, for an eight-hour law—to the Committee on Labor.

Also, resolution of Keystone Division, No. 293, Brotherhood of Locomotive Engineers, Allegheny, Pa., favoring Senate bill 3560, known as the Foraker safety-appliance bill—to the Committee on Interstate and Foreign Commerce.

By Mr. GREENE of Massachusetts: Resolutions of New England District Lodge No. 7, Boilermakers and Iron-ship Builders' Union, of Boston, Mass., in favor of the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. GRIFFITH: Papers to accompany House bill granting a pension to Wilkerson E. Grubbs—to the Committee on Invalid Pensions.

By Mr. JACKSON of Maryland: Petition of citizens of Cambridge, Md., asking for the passage of Senate bill 909, for the extension of the free-delivery system—to the Committee on the Post-Office and Post-Roads.

By Mr. LACEY: Resolution of the Sioux City Humane Society, protesting against the passage of the bill amending the law in relation to the shipment of live stock—to the Committee on Interstate and Foreign Commerce.

By Mr. LITTAUER: Resolution of Thomas Dickson Division, No. 171, Order of Railway Conductors, Mechanicsville, N. Y., in favor of House bill 15990, known as the safety-appliance bill—to the Committee on Interstate and Foreign Commerce.

By Mr. MARTIN: Resolution of the Bonesteel Commercial Club, of Gregory County, S. Dak., for the opening of the reservation land in Gregory County for homestead settlement—to the Committee on the Public Lands.

By Mr. MOON: Petition of Amos L. Griffith, of Marion County, Tenn., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. PAYNE: Petition of the Woman's Christian Temperance Union of Union Springs, N. Y., to prohibit liquor selling in Government buildings, etc.—to the Committee on Alcoholic Liquor Traffic.

By Mr. REEDER: Petitions of Methodist Episcopal Church conferences of Smith Center and Kensington, Smith County, Kans., to prohibit liquor selling in Government buildings, etc.—to the Committee on Alcoholic Liquor Traffic.

By Mr. RYAN: Resolutions of the Medical Association of Central New York, favoring the establishment of a laboratory for the study of the criminal, pauper, and defective classes—to the Committee on the Judiciary.

By Mr. SNOOK: Paper to accompany House bill granting an increase of pension to Wesley B. Brown—to the Committee on Invalid Pensions.

By Mr. SULZER: Resolution of the Medical Association of Central New York, favoring the establishment of a laboratory for the study of the criminal, pauper, and defective classes—to the Committee on the Judiciary.

By Mr. THOMAS of Iowa: Petition of citizens of Spirit Lake, Iowa, in favor of Senate bill 909, providing for the extension of the free mail delivery service—to the Committee on the Post-Office and Post-Roads.

By Mr. YOUNG: Petition of Ellicott Fisher, of Philadelphia, Pa., favoring the establishment of a department of commerce and industries—to the Committee on Interstate and Foreign Commerce.

SENATE.

WEDNESDAY, *February 11, 1903.*

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. QUAY, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved.

TRANSCRIPTS OF LAND RECORDS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting a draft of a proposed bill to authorize registers and receivers of local land offices to furnish transcripts of their records to individuals, etc., and recommending that it be enacted into a law; which, with the accompanying paper, was referred to the Committee on Public Lands, and ordered to be printed.

INTERNATIONAL PRISON SYSTEMS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of State, transmitting a letter from Mr. S. J. Barrows, commissioner for the United States on the International Prison Commission, forwarding a report prepared by Charles Richmond Henderson, D. D., professor of sociology in the University of Chicago, relating to the organization and regulation of modern prison systems of various countries of Europe and America; which, with the accompanying papers, was ordered to lie on the table, and be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 7226) to authorize the Pittsburg, Carnegie and Western Railroad Company to construct, maintain, and operate a bridge across the Allegheny River; and

A bill (S. 7159) authorizing the Memphis, Helena and Louisiana Railway Company to construct and maintain a bridge across St. Francis River, in the State of Arkansas.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 6332) granting a pension to Michael Conlon;

A bill (H. R. 7642) providing for the holding of terms of the circuit and district courts of the United States at Kansas City, Kans., and for other purposes;

A bill (H. R. 14845) granting a pension to Margaret Snyder;

A bill (H. R. 15400) granting an increase of pension to Enos Turner; and

A bill (H. R. 15757) granting a pension to Frances C. Broggan.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 16161) granting an increase of pension to Francis A. Treadwell, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LOUDENSLAGER, Mr. BROMWELL, and Mr. RICHARDSON of Alabama managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 3287) to fix the salaries of certain judges of the United States;

A bill (H. R. 714) granting an increase of pension to Frederick Hart;

A bill (H. R. 1377) granting an increase of pension to Bridget Agnes Tridel;

A bill (H. R. 1482) granting an increase of pension to John A. Smith;

A bill (H. R. 1689) granting an increase of pension to Hiram S. Thompson;

A bill (H. R. 1929) granting an increase of pension to Peter Tuper;

A bill (H. R. 2473) granting an increase of pension to James Billingsley;

A bill (H. R. 3516) granting an increase of pension to Ozra F. Cheney;

A bill (H. R. 3569) granting an increase of pension to Joseph A. Buckholz;

A bill (H. R. 4059) granting an increase of pension to Julia A. Cook;

A bill (H. R. 4807) granting an increase of pension to Thomas Parfitt;

A bill (H. R. 5167) granting an increase of pension to John J. Nowman;

A bill (H. R. 5460) granting an increase of pension to Thomas Sherry;
A bill (H. R. 6889) granting an increase of pension to Michael Rader;
A bill (H. R. 7012) granting an increase of pension to Abel Fleming;
A bill (H. R. 7334) granting an increase of pension to Ira L. Evans;
A bill (H. R. 9950) granting an increase of pension to Moses Whitcomb;
A bill (H. R. 10953) granting an increase of pension to John A. M. Seitz;
A bill (H. R. 11127) for the relief of the Propeller Tow Boat Company, of Savannah;
A bill (H. R. 11417) granting an increase of pension to Julia Anglada;
A bill (H. R. 11596) granting an increase of pension to Inez L. Clift;
A bill (H. R. 11790) granting an increase of pension to Abel Woods;
A bill (H. R. 12410) granting an increase of pension to Mary Nichols;
A bill (H. R. 13088) granting an increase of pension to Hiram D. Deming;
A bill (H. R. 13297) granting a pension to Martin Greely;
A bill (H. R. 13826) granting an increase of pension to Francis N. Bonneau;
A bill (H. R. 14120) granting an increase of pension to Sarah A. Leepard;
A bill (H. R. 14251) granting an increase of pension to Hugh J. Reynolds;
A bill (H. R. 14388) granting an increase of pension to Graham McClosson;
A bill (H. R. 14391) granting an increase of pension to Edward Walsh;
A bill (H. R. 14604) granting an increase of pension to Asa C. Hill;
A bill (H. R. 14605) granting an increase of pension to John S. Knoop;
A bill (H. R. 14789) granting an increase of pension to David Brobst;
A bill (H. R. 14897) granting an increase of pension to Phillip Mooney;
A bill (H. R. 15064) granting an increase of pension to Frederick Shovar;
A bill (H. R. 15206) granting a pension to Mary P. Everton;
A bill (H. R. 15300) granting a pension to Delania Preston;
A bill (H. R. 15421) granting an increase of pension to Elizabeth Palmer;
A bill (H. R. 15437) granting an increase of pension to Sarah A. Gerry;
A bill (H. R. 15438) granting an increase of pension to Thomas E. Peabody;
A bill (H. R. 15439) granting an increase of pension to John P. Chester;
A bill (H. R. 15473) granting an increase of pension to Winthrop W. Walcott;
A bill (H. R. 15571) granting an increase of pension to John Macfarlane;
A bill (H. R. 15572) granting a pension to Charles W. Bracken;
A bill (H. R. 15673) granting a pension to Annie E. Doss;
A bill (H. R. 15870) granting an increase of pension to John Smith;
A bill (H. R. 16053) granting an increase of pension to Henry P. Reynolds;
A bill (H. R. 16153) granting an increase of pension to George W. Choate;
A bill (H. R. 16217) granting an increase of pension to Julia E. Jones;
A bill (H. R. 16269) granting an increase of pension to Annie W. Coit;
A bill (H. R. 16272) granting an increase of pension to Enoch Dodd;
A bill (H. R. 16334) fixing terms of United States courts in Colorado, and for other purposes;
A bill (H. R. 16358) granting an increase of pension to Benjamin W. Walker;
A bill (H. R. 16465) granting an increase of pension to William H. Knepple;
A bill (H. R. 16591) granting an increase of pension to James Mattingly; and
A bill (H. R. 16602) to extend the time granted to the Muscle Shoals Power Company by an act approved March 3, 1899, within which to commence and complete the work authorized in the said act to be done by said company, and for other purposes.

CREDENTIALS.

Mr. DEPEW presented the credentials of THOMAS COLLIER PLATT, chosen by the legislature of the State of New York a Senator from that State for the term beginning March 4, 1903; which were read, and ordered to be filed.

Mr. QUARLES presented the credentials of JOHN C. SPOONER, chosen by the legislature of the State of Wisconsin a Senator from that State for the term beginning March 4, 1903; which were read, and ordered to be filed.

PETITIONS AND MEMORIALS.

Mr. FOSTER of Washington presented a memorial of the Humane Society of Clark County, Wash., remonstrating against the enactment of legislation relative to the interstate transportation of live stock; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Woman's Christian Temperance Union of Huntsville, Wash., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in immigrant stations and Government buildings; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Journeymen Tailors' Local Union No. 71, American Federation of Labor, of Seattle, Wash., praying for the passage of the so-called eight-hour bill; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Oak Harbor, Wash., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Spokane, Oak Harbor, and Oysterville, all in the State of Washington, remonstrating against the repeal of the present anticanteen law; which were referred to the Committee on Military Affairs.

Mr. BEVERIDGE presented a petition of the Central Labor Union of Indianapolis, Ind., and a petition of Local Union No. 277, United Mine Workers, of Turner, Ind., praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. GALLINGER presented a petition of sundry citizens of Littleton, N. H., praying for the enactment of legislation granting to the States power to deal with intoxicating liquors which may be shipped into their territory from other States; which was referred to the Committee on Interstate Commerce.

He also presented a petition of Daniel Webster Grange, No. 100, Patrons of Husbandry, of Webster, N. H., praying for the enactment of legislation to create in the Department of Agriculture a bureau to be known as the bureau of public roads, etc.; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Brookland Citizens Association, of Brookland, D. C., praying for the enactment of legislation authorizing a loan of $10,000,000 to the District of Columbia for permanent improvements; which was referred to the Committee on the District of Columbia.

Mr. BURNHAM presented a petition of Lafayette Council, No. 24, Order of United American Workmen, of Hill, N. H., praying for the passage of the immigration bill; which was ordered to lie on the table.

He also presented a petition of Local Union No. 931, United Brotherhood of Carpenters and Joiners, of Manchester, N. H., praying for the repeal of the desert-land law and the commutation clause of the homestead act; which was referred to the Committee on Public Lands.

He also presented a petition of Manchester City Lodge, No. 264, Order of B'rith Abraham, of Manchester, N. H., and a petition of the Granite State Lodge, No. 181, Order of B'rith Abraham, of Manchester, N. H., praying for the enactment of legislation to modify the methods and practices pursued by the immigration officers at the port of New York; which were referred to the Committee on Immigration.

He also presented a petition of the Chamber of Commerce of Boston, Mass., praying for the ratification of the Hay-Bond treaty with Newfoundland; which was referred to the Committee on Foreign Relations.

Mr. LODGE presented the petition of Rev. A. J. Marsh and 29 other members of the High Street Free Baptist Church, of Lynn, Mass., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in immigrant stations and Government buildings; which was referred to the Committee on Public Buildings and Grounds.

Mr. DILLINGHAM presented a petition of the Granite Cutters' National Union of Montpelier, Vt., praying for the passage of the so-called eight-hour bill; which was ordered to lie on the table.

He also presented a petition of sundry retail merchants of Ludlow, Vt., praying for the establishment of a parcels-post system;

which was referred to the Committee on Post-Offices and Post-Roads.

Mr. WARREN presented a petition of Cheyenne Lodge, No. 89, International Association of Machinists, of Cheyenne, Wyo., praying for the passage of the so-called eight-hour bill; which was ordered to lie on the table.

Mr. CULLOM presented a petition of Lodge No. 375, Brotherhood of Railroad Trainmen, of Chicago, Ill., praying for the passage of the so-called safety-appliance bill; which was referred to the Committee on Interstate Commerce.

He also presented a petition of Lodge No. 157, International Association of Machinists, of Springfield, Ill., and a petition of Carpenters and Joiners' Local Union No. 1087, American Federation of Labor, of Galena, Ill., praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. HOAR presented the petition of R. P. Cong, of New Galilee, Pa., praying for the repeal of the present Chinese-exclusion law; which was referred to the Committee on Foreign Relations.

Mr. FAIRBANKS presented a petition of the Commercial Club of New Albany, Ind., praying for the adoption of the metric system of weights and measures; which was referred to the Select Committee on Standards, Weights, and Measures.

He also presented a memorial of the Evansville Furniture Company, of Evansville, Ind., remonstrating against the passage of the so-called eight-hour bill; which was ordered to lie on the table.

Mr. McCOMAS presented a petition of Crown of Israel Lodge, No. 88, Order of B'rith Abraham, of Baltimore, Md., praying for the enactment of legislation to modify the methods and practice pursued by the immigration officers at the port of New York; which was referred to the Committee on Immigration.

He also presented the petition of George T. Gambrill, John W. Waldeck, and 42 other citizens of the State of Maryland, praying for the enactment of legislation to amend the internal-revenue law so as to reduce the tax on distilled spirits; which was ordered to lie on the table.

Mr. FRYE presented a petition of Washington Lodge No. 193, International Association of Machinists, of Washington, D. C., praying for the passage of the so-called eight-hour bill; which was ordered to lie on the table.

PROPOSED INVESTIGATION OF AFFAIRS IN THE PHILIPPINES.

Mr. HOAR. I present a petition of the presidents of 10 colleges and 11 college professors praying that a committee be appointed to inquire into conditions in the Philippine Islands so that the American people may know the exact state of affairs in those islands.

Mr. President, I ask leave to say that these petitions, of which this is one of a great number, represent the desire of a vast number of the highest educational institutions in this country, if their presidents and professors may be taken to represent them, and it seems to me that, without the slightest consideration of the differences of opinion as to the policy which has prevailed in the past in regard to that remote dependency, it would be a wise and admirable thing to establish a commission in which these petitioners themselves, who are men of high character and patriotism, should be represented, who would report to Congress the present conditions.

We are in the habit of granting like requests to persons interested in manufacture, in commerce, or in agriculture, and certainly men could be selected either by the Senate or by the President from these petitioners in whose absolute moderation, calmness, and sobriety, as well as veracity, the whole country would have confidence.

I move that the petition be referred to the Committee on the Philippines.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. SIMON, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 275) for the erection of additional buildings, workshops, prison walls, and wharf at the United States Penitentiary at McNeils Island, and for other purposes, reported it with amendments, and submitted a report thereon.

Mr. BARD, from the Committee on Fisheries, to whom was referred the bill (S. 6872) to establish on the coast of the State of California a station for the investigation of problems connected with the marine fishery interests of that region, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 7285) authorizing, empowering, and directing the Commissioner of Fish and Fisheries to establish in the State of Florida, on the Gulf of Mexico, a station for the investigation of problems connected with the marine fishery interests of the region, reported it without amendment, and submitted a report thereon.

Mr. BURNHAM, from the Committee on Claims, to whom was referred the bill (H. R. 4178) for the relief of Austin A. Yates, reported it without amendment, and submitted a report thereon.

Mr. CULLOM, from the Committee on Foreign Relations, reported an amendment proposing to appropriate $1,588.24 for full indemnity to the owners of the British schooner *Lillie*, damaged during the course of a disinfection by United States officials near Biloxi, Miss., intended to be proposed to the general deficiency appropriation bill, and moved that it be printed, and, with the accompanying papers, referred to the Committee on Appropriations; which was agreed to.

He also, from the same committee, reported an amendment proposing to appropriate $5,000 for payment to the Italian Government as full indemnity to the heirs of two of its subjects who were riotously killed and to one other who was injured in the State of Mississippi, intended to be proposed to the general deficiency appropriation bill, and moved that it be printed, and, with the accompanying papers, referred to the Committee on Appropriations; which was agreed to.

Mr. McLAURIN of South Carolina, from the Committee on Claims, to whom was referred the bill (H. R. 7792) for the relief of the legal representatives of John L. Young, reported it without amendment, and submitted a report thereon.

Mr. WARREN, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment:

A bill (H. R. 11205) for the relief of I. R. Harkrader; and

A bill (H. R. 8186) for the relief of John D. Chadwick.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 6540) granting an increase of pension to George W. Richardson, reported it with an amendment, and submitted a report thereon.

Mr. KITTREDGE, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

The bill (H. R. 6516) for the relief of Henry P. Montgomery, surviving executor of Granville Garnett, deceased; and

A bill (H. R. 5070) for the relief of Hamilton M. Sailors.

Mr. KITTREDGE, from the Committee on Claims, to whom were referred the following bills, submitted adverse reports thereon; which were agreed to, and the bills were indefinitely postponed:

A bill (S. 278) for the relief of A. Francis Learned;

A bill (H. R. 1748) for the relief of Julius E. Mugge; and

A bill (S. 3308) for the relief of Zac Hart.

Mr. PRITCHARD, from the Committee on Pensions, to whom was referred the bill (S. 4858) granting a pension to Mary E. Haren, reported it with amendments, and submitted a report thereon.

Mr. ALDRICH. I am directed by the Committee on Finance, to whom was referred the bill (S. 7301) to further provide for the safe-keeping of public money, and for other purposes, to report it with amendments.

I desire to give notice that at the earliest possible day I shall ask the Senate to proceed to the consideration of the bill.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

Mr. BURROWS, from the Committee on Privileges and Elections, to whom was referred the amendment submitted by Mr. PRITCHARD, on the 4th instant, proposing to pay the balance of salaries due certain Senators from the States of Alabama, Louisiana, North Carolina, South Carolina, Mississippi, Texas, etc., due them as Senators in the years 1867, 1868, 1869, 1870, etc., intended to be proposed to the general deficiency appropriation bill, reported adversely thereon; and the amendment was indefinitely postponed.

ELLEN C. ABBOTT.

Mr. BURROWS, from the Committee on Privileges and Elections, to whom was referred the following resolution, submitted by Mr. PRITCHARD December 5, 1901, reported adversely thereon; and it was postponed indefinitely:

Resolved, That the Secretary of the Senate be, and hereby is, authorized and directed to pay to Ellen C. Abbott, widow of Joseph C. Abbott, late a Senator from the State of North Carolina, $6,543.38, due him as a Senator of the United States in the Fortieth Congress, from the 4th of March, 1867, to the 24th of June, 1868, to be paid from the miscellaneous items of the contingent fund of the Senate.

DORA REVELS LEONARD.

Mr. BURROWS, from the Committee on Privileges and Elections, to whom was referred the following resolution, submitted by Mr. HAWLEY January 21, 1902, reported adversely thereon; and it was postponed indefinitely:

Resolved, That the Secretary of the Senate be, and hereby is, authorized and directed to pay to Dora Revels Leonard, administratrix of Hiram R. Revels, deceased, late a Senator from the State of Mississippi, $4,876.71, due him as a Senator of the United States in the Forty-first Congress, from the 4th of March, 1869, to the 23d of February, 1870, to be paid from the miscellaneous items of the contingent fund of the Senate.

JOHN POOLE AND OTHERS.

Mr. BURROWS, from the Committee on Privileges and Elections, to whom was referred the following resolution, submitted by Mr. PRITCHARD January 28, 1902, reported adversely thereon; and it was postponed indefinitely:

Resolved by the Senate of the United States of America, That the Secretary of the Senate be, and hereby is, authorized and directed to pay to John Poole, Mrs. Lela Poole Lessford, and to Mrs. Mary Poole Danforth, the heirs of the late John Poole, formerly a Senator from the State of North Carolina, the sum of $6,543.38, due him as a Senator of the United States in the Fortieth Congress, from the 4th of March, 1867, to the 24th of June, 1868, to be paid from the miscellaneous items of the contingent fund of the Senate.

JOHN S. HARRIS.

Mr. BURROWS, from the Committee on Privileges and Elections, to whom was referred the following resolution, submitted by Mr. CLARK of Montana January 31, 1902, reported adversely thereon; and it was postponed indefinitely:

Resolved by the Senate of the United States of America, That the Secretary of the Senate be, and hereby is, authorized and directed to pay to John S. Harris, formerly a Senator from the State of Louisiana, the sum of $6,543.38, due him as a Senator of the United States in the Fortieth Congress, from the 4th of March, 1867, to the 24th of June, 1868, to be paid from the miscellaneous items of the contingent fund of the Senate.

WILLIAM P. KELLOGG.

Mr. BURROWS, from the Committee on Privileges and Elections, to whom was referred the following resolution, submitted by Mr. MCENERY February 3, 1902, reported adversely thereon; and it was postponed indefinitely:

Resolved by the Senate of the United States of America, That the Secretary of the Senate be, and hereby is, authorized and directed to pay to William P. Kellogg, formerly a Senator from the State of Louisiana, the sum of $6,543.38, due him as a Senator of the United States in the Fortieth Congress, from the 4th of March, 1867, to the 24th of June, 1868, to be paid from the miscellaneous items of the contingent fund of the Senate.

ADELBERT AMES.

Mr. BURROWS, from the Committee on Privileges and Elections, to whom was referred the following resolution, submitted by Mr. PRITCHARD February 12, 1902, reported adversely thereon; and it was postponed indefinitely:

Resolved by the Senate of the United States of America, That the Secretary of the Senate be, and hereby is, authorized and directed to pay to Adelbert Ames, formerly a Senator from the State of Mississippi, the sum of $4,876.71, due him as a Senator of the United States in the Forty-first Congress, from the 4th of March, 1869, to the 22d of February, 1870, to be paid from the miscellaneous items of the contingent fund of the Senate.

ESTATE OF MORGAN C. HAMILTON.

Mr. BURROWS, from the Committee on Privileges and Elections, to whom was referred the following resolution, submitted by Mr. CULBERSON March 1, 1902, reported adversely thereon; and it was postponed indefinitely:

Resolved, That the Secretary of the Senate be, and hereby is, authorized and directed to pay to Robert A. Smith, surviving executor of Morgan C. Hamilton, deceased, late a Senator from the State of Texas, $5,356.16, due him as a Senator of the United States from the 4th of March, 1869, to the 30th of March, 1870, to be paid from the miscellaneous items of the contingent fund of the Senate.

HEIRS OF THOMAS J. ROBERTSON.

Mr. BURROWS, from the Committee on Privileges and Elections, to whom was referred the following resolution, submitted by Mr. MCLAURIN of South Carolina March 10, 1902, reported adversely thereon; and it was postponed indefinitely:

Resolved by the Senate of the United States of America, That the Secretary of the Senate be, and hereby is, authorized and directed to pay to J. Caldwell Robertson and Edwin W. Robertson, sole heirs of Thomas J. Robertson, formerly a Senator from the State of South Carolina, the sum of $6,543.38, due him as Senator of the United States in the Fortieth Congress, from the 4th of March, 1867, to the 24th of June, 1868, to be paid from the miscellaneous items of the contingent fund of the Senate.

HEIRS OF J. W. FLANAGAN.

Mr. BURROWS, from the Committee on Privileges and Elections, to whom was referred the following resolution, submitted by Mr. BAILEY March 12, 1902, reported adversely thereon; and it was postponed indefinitely:

Resolved by the Senate of the United States of America, That the Secretary of the Senate be, and hereby is, authorized and directed to pay to Webster Flanagan, James W. Flanagan, Mrs. Fannie Swan, Mrs. Emma Flanagan, Mrs. Marion Gates, R. B. Flanagan, and Mrs. Laura Stewart, or to their legal representatives, heirs of J. W. Flanagan, formerly a Senator from the State of Texas, $5,356.16, due him as Senator of the United States in the Forty-first Congress from the 4th of March, 1869, to the 29th of March, 1870, to be paid from the miscellaneous items of the contingent fund of the Senate.

WILLARD WARNER.

Mr. BURROWS, from the Committee on Privileges and Elections, to whom was referred the following resolution, submitted by Mr. PRITCHARD April 11, 1902, reported adversely thereon; and it was postponed indefinitely:

Resolved by the Senate of the United States of America, That the Secretary of the Senate be, and hereby is, authorized and directed to pay to Willard Warner, formerly a Senator from the State of Alabama, the sum of $6,543.38, due him as a Senator of the United States in the Fortieth Congress, from the 4th of March, 1867, to the 24th of June, 1868, to be paid from the miscellaneous items of the contingent fund of the Senate.

ESTATE OF JOSHUA HILL.

Mr. BURROWS, from the Committee on Privileges and Elections, to whom was referred the following resolution, submitted by Mr. HOAR April 18, 1902, reported adversely thereon; and it was postponed indefinitely:

Resolved, That there be paid out of the contingent fund of the Senate to the personal representatives of Joshua Hill, deceased, late a Senator of the United States fram the State of Georgia, $6,602.79, as Senator from March 4, 1867, the date upon which the vacancy he was elected to fill began, to July 29, 1868, from which date his compensation as Senator began.

ESTATE OF H. V. M. MILLER.

Mr. BURROWS, from the Committee on Privileges and Elections, to whom was referred the following resolution, submitted by Mr. CLAY April 22, 1902, reported adversely thereon; and it was postponed indefinitely:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized to pay to Hooper Alexander, administrator of the estate of H. V. M. Miller, deceased, late a Senator from the State of Georgia, $6,602.74, due him as a Senator of the United States from March 4, 1867, to July 28, 1868, to be paid from the miscellaneous items of the contingent fund of the Senate.

Mr. BURROWS. I submit a report to accompany the resolutions which have been indefinitely postponed.

The PRESIDENT pro tempore. The report will be printed.

Mr. BURROWS. The Senator from North Carolina [Mr. PRITCHARD] is not present and desires to submit minority views in relation to the resolutions. I trust that that right will be accorded to him at any time he may desire.

The PRESIDENT pro tempore. The Chair hears no objection, and the views of the minority may be submitted at any time.

CHARLES W. CARR.

Mr. MASON. I am directed by the Committee on Claims, to whom was referred the bill (H. R. 14164) for the relief of Charles W. Carr, to report it favorably without amendment. It involves but $83, and I ask unanimous consent for its present consideration.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay $83.71 to Charles W. Carr, former postmaster at Englewood, Ill., being the amount deposited by him to cover a deficiency arising in his office in the year 1894, which deposit was made to cover a loss caused by the payment by a clerk of two forged money orders.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE REGISTER OF THE UNITED STATES.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution, submitted by Mr. CLAPP on the 30th ultimo, reported it without amendment, submitted a report thereon, and it was considered by unanimous consent and agreed to:

Resolved, That the Secretary of the Senate be directed to procure for the use of the Senate 2,000 copies of the "Executive Register of the United States, 1789 to 1902," provided the price shall not exceed the sum of $1.25 per copy.

BILLS INTRODUCED.

Mr. HANSBROUGH introduced a bill (S. 7311) granting an increase of pension to Jefferson Hoover; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 7312) to authorize the abandonment of W street northeast, Washington, D. C.; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PROCTOR introduded a bill (S. 7313) to provide for the settlement of certain claims of officers and enlisted men of the Army for the loss or destruction, without fault or negligence on the part of said officers and men, of property belonging to them in the military service of the United States; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. CLAY introduced a bill (S. 7314) for the relief of the First Presbyterian Church, Dalton, Ga.; which was read twice by its title, and referred to the Committee on Claims.

Mr. BURNHAM (by request) introduced a bill (S. 7315) to amend an act to authorize the establishment of an academy and gallery of art in the District of Columbia; which was read twice by its title, and referred to the Select Committee on Industrial Expositions.

Mr. MCCOMAS introduced a bill (S. 7316) to refer to the Court of Claims the claim for the Monocacy; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENTS TO BILLS.

Mr. BURTON. On behalf of the Senator from Oregon [Mr. MITCHELL], who is not able to be present on account of illness, I submit an amendment to the general sundry civil appropriation bill.

The amendment, proposing to appropriate $500 to pay Harry

C. Robertson for extra services performed for the subcommittee of the Committee on the Pacific Islands and Porto Rico, intended to be proposed to the sundry civil appropriation bill, was referred to the Committee on Pacific Islands and Porto Rico, and ordered to be printed.

Mr. McCOMAS submitted an amendment intended to be proposed by him to the bill (S. 7142) for the allowance of certain claims reported by the Court of Claims, and for other purposes; which was referred to the Committee on Claims, and ordered to be printed.

MARKING OF GRAVES OF CONFEDERATE SOLDIERS.

Mr. COCKRELL. I ask for the adoption of an order to print additional copies of a report. There have been a great many applications for the document referred to, and it will cost only a few dollars.

The order was considered by unanimous consent, and agreed to, as follows:

Ordered, That there be printed for the use of the Senate 2,000 additional copies of Senate Report No. 2589, Fifty-seventh Congress, second session, being a report to accompany the bill (S. 6486) to provide for the appropriate marking of the graves of the soldiers of the Confederate Army and Navy, and for other purposes.

AMENDMENT OF BANKRUPTCY ACT.

Mr. NELSON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed for the use of the Senate 1,000 copies of public act No. 62, "An act to amend an act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898.

EMPLOYEES AT MALTBY BUILDING.

Mr. GALLINGER submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the engineer at the Maltby Building be paid at the rate of $1,440 per annum and the three firemen at the rate of $1,000 each per annum; and that the Sergeant-at-Arms of the Senate be, and he hereby is, authorized and directed to appoint a skilled laborer at the rate of $800 per annum; the above changes to take effect on the 1st day of July, 1903.

INDIAN RESERVATION LANDS.

Mr. PLATT of Connecticut. I ask that there may be printed as a Senate document the decision of the Supreme Court of the United States in the case of Lone Wolf, principal chief of the Kiowas, and others, appellants, *v.* Ethan Hitchcock, Secretary of the Interior, and others. It is a very important decision, affecting the title to Indian lands throughout the United States. The copies which can be had from the clerk of the Supreme Court are entirely exhausted, and there is a great demand for it.

The PRESIDENT pro tempore. The Senator from Connecticut asks unanimous consent that the opinion of the Supreme Court which he sends to the desk may be printed as a Senate document. Is there objection?

Mr. COCKRELL. Why not have 1,000 copies printed for the use of the Senate, or does the Senator wish to have copies sent to all the Departments?

Mr. PLATT of Connecticut. I think if it is printed as a document there will be enough copies.

Mr. STEWART. I am afraid not. There is a great demand for it.

Mr. COCKRELL. Let it be printed as a document and let 500 extra copies be printed for the Senate.

Mr. QUAY. I think we had better make the number of additional copies 1,000. It is a very remarkable decision. It is the Dred Scott decision No. 2, except that in this case the victim is red instead of black. It practically inculcates the doctrine that the red man has no rights which the white man is bound to respect, and that no treaty or contract made with him is binding. Is not that about it?

Mr. PLATT of Connecticut. I do not wish to discuss——

Mr. QUAY. I think we ought to have at least a thousand copies of the opinion printed for distribution outside of those for the use of the Senate.

Mr. PLATT of Connecticut. I do not wish to discuss the propriety of the decision at the present time.

Mr. STEWART. I think the Senator from Pennsylvania is mistaken. I think the converse of that proposition is true.

Mr. PLATT of Connecticut. All I ask is that it may be printed because there is such a demand for it. I am perfectly willing that my motion shall be modified so to have it printed as a Senate document, and that 1,000 additional copies be printed.

The PRESIDENT pro tempore. The Senator from Connecticut now asks that the opinion be printed as a Senate document, with 1,000 additional copies. Is there objection? The Chair hears none, and it is so ordered.

RECORD OF DEEDS, ETC., IN INDIAN TERRITORY.

Mr. STEWART submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 5678) "providing for record of deeds and other conveyances and instruments of writing in the Indian Territory, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment; and the Senate agree to the same.

WM. M. STEWART,
O. H. PLATT,
JAMES K. JONES,
Managers on the part of the Senate.

J. S. SHERMAN,
JOHN F. LACEY,
JOHN S. LITTLE,
Managers on the part of the House.

The report was agreed to.

LANDS IN ALASKA.

Mr. HANSBROUGH. The other day the bill (H. R. 12098) to amend section 1, of the act of Congress approved May 14, 1898, entitled "An act extending the homestead laws and providing for a right of way for railroads in the district of Alaska," was considered by the Senate and the bill was read through. There was a controversy over the proposed amendment. An agreement has been reached as to the amendment, and I ask unanimous consent for the present consideration of the bill.

The PRESIDENT pro tempore. The bill was before the Senate a few days ago as in Committee of the Whole and read at length, and certain amendments to the amendment reported as a substitute by the Committee on Public Lands were acted upon. Is there objection to its present consideration?

Mr. QUAY. I will not object if the bill does not elicit discussion and debate. If it does I shall be compelled to do so.

Mr. HANSBROUGH. I do not believe there will be any debate, Mr. President.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill, the pending question being on the amendment reported as a substitute by the Committee on Public Lands as amended.

Mr. HANSBROUGH. I have an amendment to offer to the amendment. On page 2, line 7, after the word "Interior," I move to strike out the remainder of the amendment down to and including the word "district," in line 11, and to insert:

And no indemnity, deficiency, or lieu land selections pertaining to any land grant outside of the district of Alaska shall be made, and no land scrip or land warrant of any kind whatsoever shall be located within or exercised upon any lands in said district.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

STATEHOOD BILL.

The PRESIDENT pro tempore. The morning business is closed. The Calendar under Rule VIII is in order.

Mr, QUAY. I move that the Senate proceed to the consideration of the statehood bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. MORGAN. Mr. President, when I was taken off the floor yesterday by an adjournment, I was mentioning the names of some of the prominent leading Indians in the United States who had participated in the great wars between them and the white people and also in the making of the 365 treaties that were ratified by the Senate before we changed the law in respect of dealing with these Indians in their tribal relations.

I had also asserted, and I think established, that every one of those wars on the part of the Indians had originated in an alleged breach of faith on the part of the United States toward them, guaranteed in those treaties.

I had also alluded to the fact, and established it by authority and by incidents which I read at my desk, that the characteristics of all of the tribes in the United States in their tribal actions were those of sincerity and honor in dealing with their enemies, whether they were white people or whether they were other bands of Indians.

The incidents which I cited showed that they were a chivalrous race of men, strong in their manhood, fertile in their fancies, eager in the pursuit of what they conceived to be their rights, and indomitable in their perseverance in the prosecution of their rightful demands as they understood them.

They were also a reverential people. There was not a band of Indians in the United States east of the Mississippi River of whom we have not very distinct records of the fact that they held themselves responsible to a superior being, the Great Spirit, as

he was called. It seemed to be an impression that they had everywhere, under all conditions, in every part of the country occupied by them, that there was a ruling spirit which was dominant over the affairs of men, both in their individual and in their national capacity.

They did not derive that impression from us, Mr. President. We found it here when we first reached these shores, and there is not a writer who speaks of any communication with the Indians who does not give instances in which in the most solemn manner they avowed their responsibilities to this high authority.

That authority, the Great Spirit, Mr. President, taught them uprightness of conduct in their dealing with their fellow-men, and they abominated theft, they punished it with ignominious punishment, whether it was private or whether it was public; and as to faith-keeping in respect of treaties, there was no people I ever read about who had a higher regard for national obligations and duties in the maintenance and observance of their treaty engagements.

Mr. President, it occurs to me that even the Senate of the United States might learn some lessons of value in respect of the obligations of treaties and in respect also of the solemnity that ought to attend their ratification and the duty we owe not to our country alone but the nations of the world in maintaining a high attitude in respect of treaty making and the careful consideration of subjects that enter into treaties with foreign countries.

I had referred to the fact that a treaty is an act of legislation between two countries, in which the Senate and the President participate as a peculiar tribunal, the Senate acting by a majority of two-thirds, and not without such a majority, in the ratification of the treaty, and that the other country acted according to its laws or constitutions, if it has constitutions; and that the two bodies, one foreign to us, the other peculiar under our Constitution, were the enactors of the supreme law of the land, the law that would ride down State constitutions, and so decided by the Supreme Court, and the law that is preeminent over all laws previously enacted with which they come in conflict, the effect of the treaty, as decided by the Supreme Court, being to repeal acts of Congress antecedent to its ratification which stand in the way of, or which contradict, or in anywise impugn the treaty itself.

I was referring to the distinguished men amongst the Indians who had entered into these engagements and who had defended their rights under them with arms. I mentioned the fact that they had no historians except ourselves, and we not being very much impressed with a sense of friendliness and love toward them after the many barbarous and savage wars which were conducted in this country, our own historians must give at least an account that we can afford to accept when they set forth, as they do on almost every occasion, the national virtues and the private virtues of this large body of men whom we have now swept out from the coast of the Atlantic back into the deserts of the West, not leaving them a place where they have a foothold, so far as I remember, except in one place, and that is a reservation in the State of New York for the Seneca tribe. Over that tribe we are now having litigation in the courts as to what their rights are, and we are legislating in respect of that tribe, so as to dispose of lands that we have conceded to them, without even consulting their wishes.

Now, Mr. President, the historians have dwelt upon this subject to such an extent that the names I will read from the list which I happen to have before me will indicate to every mind familiarly the importance of the men who have conducted Indian affairs in behalf of the Indians in the United States for the last three centuries.

Old Jethro, well known to the people of the Northwest.

Keokuk, equally as well known, a man of great ability and majestic character.

Kastaloge, another prominent man.

Logan. Who has not heard of Logan? What schoolbook history in America does not speak in the praises of Logan as a man of great ability and noble character and bearing, and one who, in his speeches, taught humanity, if he did not even teach Christianity, to the men who were dealing with him?

Colonel Lowry, an eminent Cherokee, whom I happened to know when I was a child, a man who had the reputation of great ability and excellent education.

Massasoit.

McGilvary.

Metacomet.

Miantanomah, for whom we have named one of our war ships.

The McIntoshes.

McQueen.

Musculatublee, the grand Choctaw chieftain.

Niniquet.

Opikancano, one of the leading men who used to pitch his tent upon the ground where we are now assembled in the Senate. His name has not lapsed so that the world has forgotten it. We understand the virtues of that great and powerful man. He is being celebrated now in some of our most acceptable historical novels as one of the leading characters among the Potowomacks.

Path Killer.

Pawgas.

Passacus.

Powhatan.

Pontiac.

Pocahontas, whose blood is now claimed as a sort of type of nobility among the first families of the grand old State of Virginia.

Red Jacket.

Major Ridge, of the Cherokee Nation, a man who was powerful and prominent in the great wars of the Cherokees, and who was the friend of the white people in those wars, even with the Creek Indians, their neighbors.

John Ross, an educated, refined, cultivated man, whom I also had the pleasure of knowing when I was a boy, who reared an elegant family of people, educated them in the highest style at different places in the United States as far back as 1832, 1835, and 1836.

Old Roundhead, who was another Cromwell.

Sussacus.

Shingis.

Sibone.

Tammany, for whom a great political society in the United States has been named, with its sachems and its other officials with Indian titles.

Tecumseh, of whom I have already placed incidents in the RECORD.

Weatherford.

White Thunder.

Micanopy.

Osceola.

David Vann.

Geronimo, to whom our Lieutenant-General is indebted for the brilliancy of his career in history.

Chief Joseph, of the lava beds.

Sitting Bull, who must be admitted to have been a great strategist and an able general.

Rain in the Face, one of his chief lieutenants.

Colbert, who had written his name upon the rocks of the Tennessee rivers at the shoals, about which we know so much and about which we have had so much legislation in this body and elsewhere.

McAllister, for whom an important mining town in the Choctaw Nation is named, a great merchant and a gentleman in every respect.

Quaua, a man who is commanding now the last remnant of the tribe of Comanche Indians, of which he was, I believe, the last chief in Texas.

Tustenreggee, a great Seminole warrior.

I now turn to another department—those lawyers of high distinction, Pleasant Porter, now belonging to the Creek Indian tribe in that nation; Elias Boudinot, whom we have known familiarly in these legislative Chambers, and R. B. Owen, well known to the Supreme Court of the United States and also to the Senate and House of Representatives.

I merely refer to these, Mr. President, as leading characters, distinctive men, but not all the distinctive men of the Indian tribes, by any means, to show that the Indians of all the great tribes in this country have been progressive and, at the same time, conservative men. If we had acted toward them as they claim to have acted toward us, in perfect good faith, much bloodshed would have been spared, rapine would not have occurred, and money would not have been expended in millions that we have wasted upon the Indian wars.

Mr. President, dealing with men like these, the question arises, What particular feature of our policy is it that they have antagonized in this way? Admitting, as we are bound to admit, that their antagonisms have been in good faith, because they have been fought out in front, and they have been fought out to the bitter end, what particular point of difference has there been between us and all these tribes? They allege violation on our part of our treaty obligations made with them, and I think I might easily challenge any gentleman in the Senate to-day to point out a single instance in which a war has been commenced by any Indian tribe against the people of the United States unless it was upon the allegation that we had violated our treaty engagements with them and that they were set at liberty to make such war as they were able to make.

Such men as I have mentioned, had they been possessed of the resources of the white man in education, in arms, in money, in food products, and such as that, would never have yielded all this vast region of country to us and have gone down until now the remnants of ten or twelve of the most noted tribes are collected in

what we call the Indian Territory, in the Cherokee Nation, or just to the north of it, in a corner of that region of country. Go into that part of the country and you will find there men who represent these nations, each one maintaining his distinctive title to the honors of his race, and they are engaged in the pursuit of agriculture and are prosperous.

One of the richest nations in the world per capita is situated in that northeastern corner of the Indian Territory. They have more money in the Treasury of the United States and in the value of their lands per capita than any people in the world. They have husbanded what they had as well as they could, and they have it now to rely upon for the maintenance of a glow in the embers so rapidly dying out through which their nations are being lost.

Take that grand old Indian whom we call Split Log, who is well known here. I believe he is a Delaware Indian. I forget his precise tribal connection. That man had a piece of land somewhere adjoining Kansas City and sold it for a considerable sum of money. He went down into this corner of the Cherokee Nation of which I speak with the remainder of his band, and there he turned to building a railroad.

Out of his own resources he built a railroad that I am told is about 100 miles long and perfectly equipped. Split Log has told me himself that he has machine shops for the repair of the machinery of that railroad which he built or had built, which are entirely run by Indians. He would not admit white men to go among them.

We see, Mr. President, in characteristics like these great capacity for good, and yet we see that these very people have been driven from their lands in every section of the country, until nothing remains of them except the memories that have been preserved in the names of the streams and the mountains. They implanted those beautiful names upon this continent and we all take pride in them.

We, Mr. President, have had our wars with each other of the most terrific character, and those wars arose out of alleged breaches of Constitutional rights, not treaty rights, but Constitutional rights. They even brought forth amendments to the Constitution of the United States at their close. In the fourteenth amendment there is the following:

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.

The Supreme Court decided that this applied only to negroes, and not to Indians, and great joy came to the States that held a majority in the Senate for the new company which they found in their citizenship, as it would seem from the exclusion of these Indians as being unfit for these great privileges and the admission of negro slaves to these high privileges.

Now, read by its four corners, the fourteenth amendment in the provision that I have quoted refers to "all persons born or naturalized in the United States;" but even our great Supreme Court found reasons for saying that that did not include the Indian tribes, and yet the Indians were born in the United States and they were subject to our jurisdiction—more subject to our jurisdiction in practice than any people have ever been.

We have enacted laws from time to time to confine the Indians in prison bounds on their reservations and to make it a highly penal offense that they should break away from their reservations and go out and exercise the liberties of citizenship. This is surely subjecting them to our jurisdiction. If they were so subject, then by the decree of the Supreme Court, for I can not call it a judgment, Indians can not be persons "born in the United States."

They must be things that were not born, but grew up like evil weeds.

No Indian court would ever have recorded such a decree under such a constitution against the white people or in favor of the negroes.

They are, in fact, incorporated in the bosoms of various States, and some of the States have been sufficiently kindly and indulgent to them to permit them even to vote. But, Mr. President, it was decided that the fourteenth amendment did not apply to them, because they were Indians. They are not citizens of the United States, and we have recently passed an enactment in the Dawes bill, and also in another bill, making all the Indians who select lands in severalty citizens of the United States and of the State in which they reside.

The Indians by and large in the Indian Territory have been made citizens of the United States by an enactment of Congress. So there are large bodies of them who are not recognized as citizens of the United States, yet they are subject to our jurisdiction and were born and raised in this country.

They came here, or were created here, before our fathers came; they occupied this country under a title which was derived from the Great Creator of the heavens and of the earth, but we denied it, and we reduced it to a mere right of occupancy, and we reduced them to a condition very far beneath that of the subjects of a monarchy, very far beneath even that of the free negroes who were imported as slaves from Africa and had been emancipated in the various States. We have degraded the Indians by every possible act that we could perform, and we have done it with injustice. There is no justice in it; there never was any justice in it. But that is their situation now.

Now, while we are pursuing this course toward them, Mr. President, we turn to the Indians who were in Arizona and New Mexico at the time we made the treaty of Guadalupe-Hidalgo and the subsequent Gadsden purchase treaty. We found them there; they were citizens of Mexico; they were voters in Mexico when they resided within States and many of them resided within Sonora.

We took them in that plight and attitude in which we found them, and we stipulated with the Mexican Government, a republic, and the Mexican senate or legislature ratified the stipulation, that they were citizens of the United States if they chose to be such simply by remaining in the Territory. So they are still citizens of the United States.

Thus the Arizona and New Mexico Indians stand upon a footing distinct from those who are excluded from the benefits of the fourteenth amendment by the decree of the Supreme Court. Our treaty obligation with them, therefore, must rise, if possible, even to a higher grade and degree of obligation than with the general mass of the Indians with whom we made treaties, afterwards disregarding them and driving them across the Mississippi or else into extinguishment.

I am here, Mr. President, for the purpose of asserting these treaty rights and insisting that the Senate of the United States shall respect them. I am aware, sir, that I am here in an atmosphere—I do not speak of the Senate particularly—but an atmosphere that pervades all the country, which is getting more and more tainted with the conception that a treaty, like a fort, is something that is made to be destroyed if it becomes inconvenient, something that is made to be broken, something that is made to be avoided and not observed.

One of the leading newspapers in Philadelphia, which has had some very earnest, and doubtless conscientious, views about a matter that we have been negotiating for some time, speaking of this subject, says:

[Philadelphia Inquirer.]

BUILD THE CANAL FIRST AND VOTE AFTERWARDS.

Here are some extracts from a letter signed by a correspondent, who describes himself as a Western lawyer, which appeared yesterday on the editorial page of a New York newspaper, and which are reproduced as an indication of the drift of public sentiment on the important subject to which the letter relates. The writer said:

"All the so-called Republics of Central and South America are under the deepest obligation to us for preventing European aggression upon their territory. Common decency would require Colombia to give us freely the narrow strip of land we ask. But for the announcement of President Monroe and our readiness to stand by his doctrine, the whole southern continent would long ago have been colonized by European powers. In return for this protection, Colombia is now attempting to "sandbag" us.

"We have assumed a species of sovereignty of these countries, and as long as they profited thereby they have gladly acquiesced, and it seems to me that we would be morally justified should we begin the canal at once, using such force as may be necessary, and submit the question of damages to some respectable tribunal, such as the one at The Hague, taking into consideration as an offset the benefits derived by Colombia from the construction of the canal; in short, exercise a sort of eminent domain over that territory."

This very well agrees with the opinions upon this question which are entertained by the Inquirer and which it has more than once, and no later than this week, taken occasion to express.

It is of momentous importance, not only to the United States, but to the whole world, that the isthmian canal be constructed along the best route available. Now, the great superiority of the Panama route over that by way of Nicaragua is not seriously disputed by any honest and instructed person, and it is intolerable that the rapacity or the ignorance or the merely mulish obstinacy of such a State as Colombia should be permitted to prevent the realization of a project in which all civilization is interested.

Individuals are not allowed to block the path of public improvement in the name of their rights, and the time has come and the occasion has arisen to apply to the obstructive government the same principle which is applied to the obstructive property holder, the principle that the interests of the majority must prevail.

It is reported now that the President is about to abandon negotiations with Colombia, giving his reasons to Congress in a special message, which is expected to be interesting, and that he will then turn to Nicaragua in compliance with the terms of the law under which he is acting. It is possible that Nicaragua may prove no more amenable to right and reason than Colombia. And then there is Costa Rica, which also must be reckoned with.

Difficulties may be encountered there. Suppose it proves no more practicable to arrange satisfactory terms for a Nicaragua Canal than it has been for one by way of Panama? Is the United States prepared to give the whole thing up?

No one will say so, and thus there is seen the possibility that the canal may have to be built in any case through the exercise of a superior force and through the denial of the right of an unprogressive government to obstruct the movement of civilization.

There is a good deal of nonsense talked about the inviolability of the rights of a sovereign State. Those rights depend upon consent, and may be abrogated morally by the manner of their use, and if it be objected that it is wrong to use force, the answer is that it is upon the use of force that the whole fabric of civilization is established.

Mr. President, teachings like that cause men of wisdom and

prominence and power, to say nothing of other men and the youth of the country, to feel that we have no obligations of honor in respect of making or keeping our engagements, and that whoever stands in the way of the desires or of the covetousness of the United States must give way.

It must be a low state of public opinion that seems to justify us or this great newspaper in the advocacy of doctrines like these, and treaty obligations are of no worth whatever if they are entered into under such conditions as are here mentioned, and with such reservations as are here alluded to—the reservation of the right of seizing a country without any treaty, or, after we have made a treaty, of putting our own construction upon it and doing what we please about it. We are admonished that the American system and American sentiment require that we shall push our adventures to any extremity, justifying the result by the supposed necessity.

I protest, Mr. President, against any such looseness of public opinion, and I protest against any such looseness of construction of our international duties and of our treaty engagements. urO treaty engagements made with Mexico in behalf of these Indians and in behalf of the Mexicans who were there at the time, are as solemn as any the Government of the United States ever entered into. They are plain, unquestionable, and are entitled to our respect; and the enforcement of them is all that is demanded in the bill that is before the Senate. They were not to be construed according to our caprice or our advantage.

I had intended, Mr. President, to address my remarks to some other propositions in connection with this subject, which are appropriate and very closely akin to what is now being considered, but I do not wish to excite any feeling or arouse any unpleasant sensibilities by reference to other parts of our history.

I will remark, however, that the people of the United States to-day are in an attitude of extreme delicacy, and I may say of extreme danger, lest we shall be induced by unwise counsels to convert ourselves into a nation of conquerors, draw the sword, fling away the scabbard, and march out among the nations of the earth, taking what we choose to appropriate.

We have next to us here the island of Santo Domingo, with two governments established, two Republics, which we have recognized and with whom we have treaties. The constituency of those Governments comprise as low a character of people as exist anywhere in the world except at Panama. Those people are the lowest.

It is asserted, Mr. President, upon what I think is good authority, for I have seen it repeated time and time again and never denied, that the people of that island, particularly those of Santo Domingo, are so depraved that they still maintain the practice of cannibalism.

They rise from that low degradation, until the upper classes there are considerably educated and somewhat refined; but that Republic represents the whole of those people, and in making a treaty with that Republic all of those people, by the negotiations of their representatives, have entered this Chamber upon their proposition for the ratification of treaties; we have conferred with them, and we have treated with them in making the supreme law both of Santo Domingo and of the United States.

Having done that, Mr. President, with people such as I have described and whose characteristics are well known, or better known to the Senate than they are to me, why is it that we disdain to execute a treaty that we have already made with Mexico because some of her population are said to be of low caste, ignorant, and untaught in the English tongue, uneducated in the knowledge of our institutions after sixty years of kindergarten instruction?

We decline to comply with and to execute solemn treaties we have made with Mexico upon grounds of this kind. Why did not such considerations enter at once and in the first instance into the making of the treaty with such people? Why did we not know that fact and ascertain and act upon it when we solemnly agreed that these men, brought in by the treaty of Guadalupe-Hidalgo and the Gadsden treaty, should not only be citizens of the United States, but that they should be incorporated into the American Union as States? That is the meaning of it. Why did not we consider all this at that time? The facts were before us.

But, then, Mr. President, we were in a state of agitation such as we are having now about other transactions with which we are connected that did not furnish to us a convenient opportunity for proper deliberation. Perhaps if we had thought the thing over more maturely we would not have admitted those people by solemn covenant into the rights of statehood; but we wanted that area through Arizona for the purpose of carrying, as we supposed we could do, a railroad between San Francisco and the eastern parts of our country, around the lower borders of the great mountains there, upon a plain.

That was our chief motive for it. We did not want to buy those arid deserts, of which we then knew nothing as to their power of production in agriculture. We did not even know of the mines of great treasure that were hid away in their mountains. But we wanted a railroad route, and we pressed the subject earnestly, and with a proposition to Santa Anna of $10,000,000, with which he expected to make himself the Emperor of Mexico.

The hasty action we took at that time is now repented of by the Senators who oppose statehood. Do they say we ought not to have made that treaty? That would impeach the treaty. Do they say these people are worse off now than they were at the time we took them in and made them a Territorial government? That would impeach the Territorial government and the wisdom of Congress. What do they say?

They say, not that those people have degenerated, but that after sixty years of trial they have not yet become fit for American citizenship in its full plenitude, citizenship of the United States, and also citizenship of a State, which is quite a different matter from that of citizenship of the United States—a much more important one to the individual man. That is the attitude of Senators.

Now, Mr. President, we ought either to cede these lands back to Mexico and give the people who occupied them at the time we acquired them the right of representation in Sonora and in the Republic of Mexico which they then had, or else we ought to obey our treaty and admit them into the Union as we promised to do, and give them the benefits of statehood.

Senators have said that when you have done this the act is irrevocable, and therefore it must not be done; that we must wait for a time—an indefinite number of years—before we shall get our consent that we will comply with our obligation made in 1848 and 1853.

We must wait upon it. How long does it take an honest man to comply with his contract? I need not ask any other question than just that to characterize this proceeding. Why did we make the contract if we did not intend to keep it? Have we kept it? No. According to indications here now we do not intend to keep it. We stand here and we impeach the honor of our own Government by claiming that it is a present duty to nullify—not to repeal, not to abrogate, but to nullify—a treaty we made in 1853, giving to these people positive and distinctive rights which we have continuously from that time to the present refused to them.

And yet every political party in the Union, when it has met in its quadrennial convention, has committed itself to the immediate admission of these States into the Union, but when they come to the test they find excuses on this side and the other for not having complied with their requirements.

I have argued all the excuses that have been urged, so far as I think it proper or necessary for me to do so, the arguments really having been exhausted by gentlemen on the other side and on this side of the question, for the arguments on the other side of the question have been of such a character that they have answered themselves, and need no reply. They come down now to the great moral proposition that some few of the people in Arizona and New Mexico are Mormons. That is a very striking argument when taken in connection with the fact that one of the twelve apostles, I think it is—is not Mr. Smoot an apostle?

Mr. KEAN. Mr. Smoot is, I believe.

Mr. MORGAN. Yes, one of the twelve apostles of the Mormon Church has been elected and certified to this body as a member of it. Mr. Smoot is a Republican.

I would never think, Mr. President, of opposing Mr. Smoot's admission into this body because he is one of the apostles of the Mormon Church or because he is a Republican. I believe if I had my choice of objections I would put it on the fact that he is a Republican, for religion in this country is protected by the Constitution, is intended to be free, provided it is not a cover for crime.

I will read something about religion in another quarter of America. I read from a concordat that is made an organic law:

ART. 34. A marriage contracted in conformity with the rites of the Catholic religion annuls ipso jure a purely civil marriage previously entered into with another person.

ART. 35. For purely civil effects the law recognizes the legitimacy of the children conceived previously to the annulment of the civil marriage, in accordance with the provisions of the last preceding article.

ART. 36. The man who, after having contracted a civil marriage, afterwards marries another woman according to the rites of the Catholic Church is required to provide subsistence to the woman and his children by her until she marries canonically.

If I had found that provision in the constitution of Mexico and happened to be in the Senate of the United States, I never would have voted for the admission of any part of Mexican territory into this Union subject to that provision.

Let us compare that with the Mormon doctrine. What is it? Here are a man and a woman who have united themselves to each other according to forms of law in the United States, a civil marriage, or who have had the ceremony performed by one of the bishops, we will say, of the Episcopal Church or of the Methodist Church, or by one of the greatest ministers of the Presbyterian

or the Baptist Church, and he read in the service which was performed on that interesting occasion, "whom God hath joined together let no man put asunder," as an admonition drawn from the sacred Scriptures, to stand as a warning to nations and to men that that sacred tie, bound at the altar, was not only respected of all men and of the angels in heaven, but that none of the powers of earth or hell should prevail against it.

There is no relation that belongs to any individual in society, I care not where he may be, that is so delicate, so necessary, so important, and so inviolable as the marriage contract voluntarily entered into by two persons capable of making it. Yet we find this act incorporated into the organic law of a republic, whereby it is stated:

A marriage contracted in conformity with the rites of the Catholic religion annuls ipso jure a purely civil marriage previously entered into with another person.

They may have been married elsewhere, or in that country by a civil officer, and yet when they approach the country where this law is paramount and is organic, they find that it annuls the marriage because it was not performed by a Catholic priest.

Then the law goes on to prescribe what shall be the fruits of this destruction of the contract, and makes a disposal of the family and of the children whenever either of those parties, for any reason whatever, chooses to say to the other, "Depart, for we stand here in the presence of a supreme law of a Republic which annuls the marriage between us. I propose to marry another woman," says the man, or "another man," says the woman, "and as for these little children of ours, we turn them over to the tender mercies of this law."

Mr. President, we are making treaties all around. I mentioned the treaty we have with Santo Domingo. We have treaties with Cuba. If such a law as I have quoted to-day was the organic law of Cuba, would she stand any chance of having a treaty ratified with her until she had repealed that law? Gentlemen speak of Mormonism, which is intended in its worst feature to spread the rights of matrimony over a number of females included in a family, not to destroy matrimony by an organic law that dissolves the marriage and sets the parties free from each other and bastardizes their issue. I will not ask you which is the worse system.

We are very anxious now to make a treaty with a country that has this provision in its organic law. We are anxious to get the exclusive control of a strip of territory in that country for purposes of our own. We are anxious that we shall have the right of carrying into that country laborers and engineers and officers and citizens who may desire to do business there, and yet when they arrive on that land, if we shall succeed in getting a foothold there, they are confronted by that law.

And while we are pressing with might and main every energy of this great Republic to accomplish these results, and while the President of the United States knows that he will be encountered with this act when he does accomplish this purpose, we go ahead with our treaty making.

And what do we intend when we have made such a treaty? Do we intend to submit to this law? We intend to put the heel of contempt upon that law and trample it under foot, and yet it is the organic law of Colombia. We are treating with these people with the intent and purpose of destroying that law without saying a word about it, or else we are treating with them under circumstances that will disgrace the United States.

I would not make a treaty with any nation that exists in this world to acquire temporary or permanent control of any part of its territory under the jurisdiction of the United States if that jurisdiction is to be exercised in conformity with that infamous statute. How did that get to be a part of the law of Colombia? By a concordat, which I hold in my hand, signed in 1888 by the President of Colombia and by Pope Leo XIII of Rome. Why was it that a law of that sort was imposed upon the people of Colombia by her authority?

Sir, do we forget the strife between the Church party and the Liberals in Mexico through which they had 62 Presidents in fifty years, with one continual uproar of insurrection, turmoil, and bloodshed, until a full-blooded Indian, Juarez, born in Guadalajara of a common Indian family, took up the task of expelling the power that had produced this commotion in Mexico, confiscated their vast estates accumulated at the expense of the Mexican people and Government, and drove the Jesuits and other orders out of that country?

He succeeded in his grand work, but he did not succeed until France and Austria had united their forces for the purpose of sustaining that church party in the domination of Mexico, out of which grew the empire of Maximilian, and were driven from Mexico.

This same war has been waged in every part of South America. It exists to-day in Venezuela, and it exists in a subdued form in Colombia. Recently it was flagrant and bitter. To-day it is smoldering in Colombia, ready to be fanned into a flame when opportunity offers.

Since 1898 Colombia has had no Congress. She has been at war with her own people, the church party arrayed on one side and the liberals on the other; and the bone of contention, the great controversy between them, has been these infamous three articles which I have just read.

In addition to those there are others almost quite as bad. Article 28 provides:

The Government shall return to religious bodies such of their sequestrated property as has no distinct destination; but if the owner does not come forward, or if he fills no ecclesiastical office, it may be sold and the proceeds applied to pious and benevolent objects, according to the most pressing needs of each diocese, the proceeding in such cases to be in accord with the ecclesiastical authorities.

The property of the church that had been confiscated in these wars Colombia agrees in this concordat shall be sold, and the proceeds shall be applied by the Government to what they call "benevolent purposes," under the direction of the priests.

I turn back to articles 11 and 12:

ART. 11. The Holy See will lend its support and cooperation to the Government for the establishment in Colombia of religious institutions, giving preference to those for charitable purposes, for missions, for the education of youth, and for general education, and to other works of public utility and beneficence.

ART. 12. Public education and instruction in universities, colleges, schools, and in other centers of instruction shall be organized and directed in conformity with the dogmas and moral teachings of the Catholic Church.

Article 13 provides:

Consequently, in such centers of instruction the respective diocesan bishops, either by themselves or by special delegation, shall exercise the right, in whatever concerns religion or morals, to inspect and revise the text-books in use in the same.

The archbishop of Bogotá shall prescribe the text-books relating to religion and morals to be used in the universities; and to insure uniformity of teaching on those subjects, said prelate, in connection with other bishops, shall choose the text-books for the other schools of official instruction.

The Government shall see that no lectures are delivered on literary, scientific, or general subjects in any branch of learning that inculcate ideas contrary to Catholic dogmas or calculated to lessen the respect due to the church.

I will mention in this connection that the Government of Colombia, in immediate acceptance and ordination of this concordat, enacted a series of very harsh laws for the purpose of punishing all persons who might in any respect or at any time venture an opinion which was considered to be a criticism upon the priesthood in Colombia or upon the dogmas and ordinances of the Catholic Church. These statutes are there. Any Senator can read them who wants to look at them.

ART. 14. If, in spite of the orders and precautions of the Government, the moral and religious teaching (in universities, colleges, etc.) shall not conform to Catholic doctrines, the respective diocesans may withdraw from the offending professors and masters the privilege of teaching in such branches.

I read from article 17:

All persons professing the Catholic religion desirous of contracting marriage, should have the ceremony performed according to the rites of the church.

The civil effects of marriage, in respect to the persons and property of the contracting parties and their descendants, can only be secured when the marriage is performed in accordance with the prescriptions of the council of Trent. This celebration shall be witnessed by the functionary who may be designated by law for the sole purpose of verifying the entry of the marriage in the civil registry. But in cases of marriage in articulo mortis, when this formality might be difficult of observance, it may be dispensed with, and other proof substituted.

It being the business of the contracting parties to secure the intervention of the civil functionary for the registry, the duty of the clergyman is limited to an admonition as to the requirements of the civil law.

Article 18:

In order to give marriages celebrated at whatever period, according to the prescriptions of the Council of Trent, civil effect, suppletory evidence of ecclesiastical origin will be given preference.

Article 19:

Matrimonial causes affecting the married relation, cohabitation, and the validity of espousals pertain exclusively to the ecclesiastical authority, the civil consequences of marriage to the temporal.

Do we propose that these laws shall affect our people in any port of Panama that we may occupy under concessions from Colombia?

That is what we agree to, if no exception is made that will secure to them a clear exemption from this concordat.

What have we done in the pressure for treaty relations that we have heretofore sought to prevent this degradation? I am not speaking of the treaty before the United States Senate now; I am speaking of that treaty which Mr. Hay pledged Mr. Concha in 1892 he was ready to sign, by command of the President, and Mr. Concha asserted he was ready to sign. I will put those agreements in my remarks without stopping to read them. That is the treaty of which I am speaking, and it did not save us from this concordat.

The matter referred to is as follows:

LEGACION DE COLOMBIA,
Washington, D. C., April 18, 1902.

SIR: Confirming the conclusions reached as the result of the conference held between yourself and Mr. Cromwell and adopting, as far as practicable, your valuable suggestions, I beg leave to hand you the concessionary

convention or treaty (in Spanish and in English), embodying the amendments agreed upon in the conference referred to.

My previous communication of March 31, 1902, proposing the concessionary convention or treaty in behalf of my Government, and the expository communications of myself and Mr. Cromwell, under the same date, apply equally to the inclosures.

Awaiting the pleasure of your excellency, I have the honor to renew the assurances of my high consideration.

J. V. CONCHA.

Hon. JOHN HAY,
Secretary of State of the United States, Department of State.

DEPARTMENT OF STATE,
Washington, April 21, 1902.

SIR: I have the honor to acknowledge receipt at your hands of a communication dated the 31st of March, 1902, and another of the 18th of April, inclosing a proposal of the Republic of Colombia for a concessionary convention or treaty between the Republic of Colombia and that of the United States of America respecting the completion, maintenance, operation, control, and protection of an interoceanic canal over the Isthmus of Panama.

I am directed by the President to inform you that I shall be ready to sign with you the proposed convention as soon as—

First. The Congress of the United States shall have authorized the President to enter into such an agreement; and

Second. As soon as the law officers of this Government shall have decided upon the question of the title which the New Panama Canal Company is able to give to all the properties and rights claimed by it and pertaining to a canal across the Isthmus and covered by the pending proposal.

Accept, sir, the renewed assurances of my highest consideration.

JOHN HAY.

Señor DON JOSE VICENTE CONCHA, etc.

[Translation.]

LEGATION OF COLOMBIA,
Washington, D. C., April 23, 1902.

SIR: I have the honor to acknowledge the reception of your excellency's communication of the 21st instant, by which you are pleased to inform me that you are authorized by the President of the United States to sign with the Republic of Colombia the treaty relative to the opening of the Panama Canal, and the other details connected with the said work, in accordance with the draft I submitted to the Government of the United States on the 18th instant, and that you will proceed to do so as soon as permission shall have been given by the Congress of this Republic and as soon as the official lawyers shall have given their opinion regarding the title of the new canal company for the transfer of its rights.

When the occasion to sign the above-mentioned treaty shall arise, I will present, according to usage, the full powers authorizing me to do so.

Accept, excellency, the sentiments of my high consideration.

JOSE VICENTE CONCHA.

Hon. JOHN HAY,
Secretary of State of the United States, Department of State.

Mr. MORGAN. In that treaty no exception was made in favor of the people of the United States who may go there to live, for ages to come, with respect to this concordat and these infamous laws which obtain in Colombia and control the marital relations and the education of the children.

We are to have joint tribunals, according to the treaty which Mr. Hay said he was ready to sign, judicial tribunals, comprised of Colombians and Americans, to be appointed I suppose under the acts of both of these Governments, for the purpose of deciding all questions that arise between Americans and Colombians, civil and criminal. When we get into the joint tribunal, with our two or three or five judges and they have theirs, Mr. President, they will be acting under this law in respect of all marriage rights and contracts and the rights of education of children and the right to establish Protestant schools in a canal belt.

Colombia will be found contending for their organic law, which is not displaced by any treaty. We will be contending for the Constitution of the United States, which goes with our people wherever we have the right of occupancy and possession, by treaty or otherwise. Who is to reconcile these things?

Who, Mr. President, can prevent the return of the hostilities that are apparently now suppressed and are said to be closed between that old Church party, who maintain these dogmas and these organic principles in their law, and the Liberal party, who have been fighting them in every country in America that ever belonged to Spain? They have been fighting them from 1812 down to the present time almost without any intermission, except when the Church party has been compelled to give way, to yield to superior power.

It has yielded to superior power in every country in South America except Venezuela and Colombia. It has yielded to superior power in all the States of Central America and in Mexico. The wars have ended. Peace has returned. Prosperity has attended the peaceful relations that have been established in all the Spanish-American States by the Liberal party, but the Liberal party is to-day crushed beneath the foot of the dictatorial and war power in Colombia, and we are treating with the Church party that is bound to this concordat.

Now, when we speak of Mormonism as existing among a few individuals in New Mexico and Arizona, and as a matter of religious faith, what are we to say in respect of ourselves when we are urging treaties upon a country that has this marriage-destroying concordat in its organic law?

Are we so poor in spirit or so intoxicated with the supposed advantages of a bargain or a speculation that we forget the duties we owe to our own people when such a temptation is presented?

Mr. President, is it not time that we should pause to reflect a little? Are we prepared to sacrifice every principle of religion and every principle of the Constitution of the United States to the demands of this priest of unrighteousness, that takes the marriage contract and tears it to pieces by an act of law, bastardizes the children, distributes the property, and when the children even of those who are married according to the ritual of that church and all others in Colombia are held subordinate to the priesthood in their instruction and in the text-books which they are to read, and when it is made a drastic and heavy penalty of the law that those shall suffer who undertake even to criticise this act or undertake to evade it in any respect?

Sir, if I were an American citizen speaking in a canal zone in Colombia to my own fellow-citizens at a place that belongs to us by occupancy under a treaty, I would be liable to punishment for the words I have dared to utter in the Senate in criticism of it. And yet we, driven by a feeling of ambitious covetousness, are rushing headlong, and our President of the United States is pledging us that we shall make an agreement with a country that has laws of this kind, without making an effort to escape their power.

Sir, we do not intend to obey those laws. We do not intend that they shall be of force. But we will make our treaty knowing that they are there and making no effort to remove them. What, then, are we doing? Subordinating our people to a very much worse condition than ever existed in Utah in respect to Mormonism and polygamy, certainly much worse than exists in these Territories now on that question of religious belief, with the reserved and concealed purpose of defying those laws after we have accepted them.

I abhor the idea of the Mormon Church and of polygamy. I admire the laws of the Cherokees, which I quoted yesterday, which as far back as 1826 prohibited polygamy, before we thought of doing so. I believe in the righteousness of the Indian laws on that subject, which we have adopted. I believe also in the rights of women to their property, which all the States of the Union now, I believe, have virtually adopted after the Cherokees in their enactment in their council, in 1826, proclaimed as law. They are the authors of it. They inspired the thought that made the woman independent of her husband in regard to the ownership of her own property.

It has been attempted here to show that the Mexican Government is winking at the immigration of Mormons into its territory and that they are practicing polygamy in Mexico. Such a thing as that, Mr. President, did not exist when this treaty was made; and if Mexico sees proper now to admit such a thing, and I do not believe a word of it, still we have no right of complaint.

When we brought these people into the United States we gave them the guaranties of our Constitution, and under the powers of that instrument we have abrogated Mormonism as a legal establishment or a church establishment in Utah and elsewhere. The polygamous features of it have been swept out by opposing statutes.

Now, while we are arguing here and objecting to this treaty on the ground that some of those people are still addicted to Mormonism in respect of their belief and not of the practice of polygamy, we are still here urging the acquisition of a country to the United States, and it is no less than an acquisition, at least for the period of a hundred years, where the law that I have been reading prevails.

Let us look over the whole field. Let us do justice to ourselves, our own institutions, and our own history, while we are considering this subject, and let not the Senate of the United States suppose that the people of the United States are going to listen to our clamors about Mormonism in New Mexico and Arizona when we are straining every nerve and using every power that we possess for the purpose of getting a treaty under which our people will be subjected to the horrible condition that is provided for in articles 24, 25, and 26 of the concordat with Pope Leo XIII.

The heart of the war in Colombia has been in those three articles. Take the testimony of Mr. Restrepo, who is known here and who was the agent of the insurrectionary forces in Colombia, and from Madrid published his opinions boldly to the world—to take his testimony, not only was this unholy union between church and state, then incorporated in this act of 1888, forced upon the Colombian people, but that, in the war which since that time has covered many a battlefield with dead Colombians, this concordat has been the cause of it.

Mr. Restrepo asserts that San Clemente, practicing upon the new Panama Canal Company, extracted from them, in April, 1900, a million dollars, which he stuck into his pocket, and now Marroquin, the present President, is going to get another—the man who imprisoned Silva, the minister to this country, when he returned to Colombia recently, because he could not make him obey his will. That is the situation there, and we are treating with him; we are anxiously pursuing a treaty engagement with him.

I say, Mr. President, if we have a mind to halt anywhere we

ought to halt right here in our dealings with countries that are thus affected, and see whether or not some mischievous consequences may not arise. But when we have made treaties that are honorable and just and are not affected by such conditions I appeal to the Senate of the United States, and I appeal to the people of the United States, to sustain me in my demand that we shall observe those treaties in good faith. If we admit these States into the Union because we have engaged to do it, and it is a duty we owe to those people and to our own obligations, we will have *done no more* and no less than our duty.

I ask the leave of the Senate to annex the concordat from which I read in my remarks as a part of them. It is very brief.

The PRESIDENT pro tempore. The Senator from Alabama asks unanimous consent to annex to his speech a certain concordat. Is there objection? The Chair hears none.

The paper referred to is as follows:

[Senate Document No. 95, Fifty-seventh Congress, second session.]

CONCORDAT BETWEEN COLOMBIA AND POPE LEO XIII.

The concordat between Colombia and Pope Leo XIII, promulgated February 24, 1888, and article 34 of law 30 of 1888 of said Republic of Colombia. January 19, 1903.—Ordered to be printed. Concordat between the Republic of Colombia and Pope Leo XIII.

Mr. Walker to Mr. Bayard.

No. 95.] LEGATION OF THE UNITED STATES,
Bogota, March 7, 1888. (Received April 6.)

SIR: As a subject which may be of interest to the State Department and important to some of our citizens coming to this country to reside, I have the honor to inclose herewith a copy, in Spanish, of the "Concordat" recently celebrated between the Holy See of Rome and the Colombian Government, with a careful translation.

In making this translation I regretted that I did not have access to the original Latin text in which it was drawn up and signed, but had to content myself with the Spanish translation, which in some of the articles is vague and ambiguous. The first clause of the seventeenth article is so much so that in my translation I was forced to be paraphrastic rather than literal.

As a part of the same subject I herewith transmit a copy, with translation, of law 20, passed by the legislative council on the 25th of February last, which virtually annuls all civil marriages celebrated at any time in the past, unless the ceremony was also performed canonically. The annulment of the marriage, however, does not illegitimatize the children of such marriage.

I am, sir, etc.,

JNO. G. WALKER.

[Inclosure 1 in No. 95.—Translation.]

CONCORDAT ENTERED INTO BETWEEN POPE LEO XIII AND THE REPUBLIC OF COLOMBIA.

[Concluded December 31, 1887. Ratified by the legislative council of Colombia February 24, 1888.)

In the name of the most holy and indivisible Trinity, the Supreme Pontiff, Leo XIII, and the most excellent Rafael Nuñez, President of the Republic of Colombia, by their respective representatives, to wit, on the part of His Holiness, the most eminent Monsignore Mariana Rampolla del Tindaro, cardinal presbyter of the most holy Church of St. Cecelia and papal secretary of state; and on the part of the Republic, His Excellency Joaquin Vélez, envoy extraordinary and minister plenipotentiary near the Holy See, who, after a mutual exchange of credentials, have concluded the following convention:

ART. 1. The Catholic, Roman, Apostolic is the religion of Colombia, the public authorities of which shall recognize it as an essential element of social order, and they bind themselves to protect it in all its rights and privileges, and to cause it and its ministers to be respected.

ART. 2. The Catholic Church shall be free and independent of the civil authority and shall freely exercise all its spiritual authority and jurisdiction, conforming in its administrative government solely to its own laws.

ART. 3. Canonical legislation shall be free of the civil, and shall form no part of the latter, but will be respected by the latter.

ART. 4. The church, represented by its hierarchical authorities, is recognized by the State as a true and legitimate entity, with capacity to exercise and enjoy all rights pertaining to such.

ART. 5. The church has the right of acquiring, possessing, and administering real and personal property, in accordance to general laws, and its lands and establishments shall be no less inviolable than those of the citizens of the Republic.

ART. 6. Ecclesiastical property may be taxed in the same manner and to the same extent as the property of private individuals, except edifices for public worship, theological seminaries, and the residences of the clergy, which are exempt from all taxation, occupation, or appropriation to other uses.

ART. 7. The secular and regular clergy shall not be required to perform public duties incompatible with their ministry and profession, and at all times shall be exempt from military service.

ART. 8. The Government shall enact such laws as will protect the sacerdotal dignity whenever, for any cause, a minister of the church may figure in criminal trials.

ART. 9. Diocesan bishops and parish priests may claim from the faithful the emoluments and ecclesiastical fees canonically and equitably established, either by the immemorial custom of the diocese or by the rules of religious services; and in order that such acts and obligations may produce civil effects, and that the temporal authority may lend its support, the bishops shall proceed in accord with the Government.

ART. 10. Competent ecclesiastical authority has the right in Colombia to establish religious orders of both sexes, to be governed by suitable constitutions. But in order to secure the enjoyment of the rights of a lawful corporation and the protection of the laws they must present to the civil authorities the canonical authorization issued by their ecclesiastical superior.

ART. 11. The Holy See will lend its support and cooperation to the Government for the establishment in Colombia of religious institutions, giving preference to those for charitable purposes, for missions, for the education of youth, and for general education, and to other works of public utility and beneficence.

ART. 12. Public education and instruction in universities, colleges, schools, and in other centers of instruction shall be organized and directed in conformity with the dogmas and moral teachings of the Catholic Church.

ART. 13. Consequently, in such centers of instruction the respective diocesan bishops, either by themselves or by special delegation, shall exercise the right, in whatever concerns religion and morals, to inspect and revise the text-books in use in the same.

The archbishop of Bogotá shall prescribe the text-books relating to religion and morals to be used in the universities; and to insure uniformity of teaching on those subjects said prelate, in connection with other bishops, shall choose the text-books for the other schools of official instruction.

The Government shall see that no lectures are delivered on literary, scientific, or general subjects in any branch of learning that inculcate ideas contrary to Catholic dogmas or calculated to lessen the respect due to the church.

ART. 14. If, in spite of the orders and precautions of the Government, the moral and religious teaching (in universities, colleges, etc.) shall not conform to Catholic doctrines, the respective, diocesans may withdraw from the offending professors and masters the privilege of teaching in such branches.

ART. 15. The Holy See has the right to fill vacancies in the archbishoprics and bishoprics, but the Holy Father, as an evidence of special deference and to the end of preserving perfect harmony between the church and the state, agrees that in filling such vacancies the previous consent of the President shall be obtained. To that end, when such vacancies occur, the President may recommend directly to the Holy See such ecclesiastics as in his judgment unite in themselves the gifts and qualifications necessary for the episcopal dignity; and the Holy See, on its part, before making the appointment, shall always communicate the names of the candidates for promotion in order to ascertain whether or not the President considers the candidates civilly or politically disqualified for such positions, vacancies in the bishoprics to be filled as soon as possible, and in no case to remain unfilled for more than six months.

ART. 16. The Holy See may erect new dioceses, or change the limits of those existing, whenever it is thought opportune and useful for the better care of souls, previously consulting the Government and admitting such suggestions as may be reasonable and just.

ART. 17. All persons professing the Catholic religion, desirous of contracting marriage, should have the ceremony performed according to the rites of the church.

The civil effects of marriage, in respect to the persons and property of the contracting parties and their descendants, can only be secured when the marriage is performed in accordance with the prescriptions of the council of Trent. This celebration shall be witnessed by the functionary who may be designated by law for the sole purpose of verifying the entry of the marriage in the civil registry. But in cases of marriage in articulo mortis, when this formality might be difficult of observance, it may be dispensed with and other proof substituted.

It being the business of the contracting parties to secure the intervention of the civil functionary for the registry, the duty of the clergyman is limited to an admonition as to the requirements of the civil law.

ART. 18. In order to give marriages celebrated at whatever period, according to the prescriptions of the Council of Trent, civil effect, suppletory evidence of ecclesiastical origin will be given preference.

ART. 19. Matrimonial causes affecting the married relation, cohabitation, and the validity of espousals pertain exclusively to the ecclesiastical authority, the civil consequences of marriages to the temporal.

ART. 20. The armies of the Republic shall enjoy the indulgence known as castrenses, to be regulated by the Holy Father in a separate act.

ART. 21. Following the divine offices there shall be offered up in all the churches of the Republic the following prayers: Domine salvam fac Rempublicam; Domine salvum fac Præsidem ejus et supremas ejus auctoritates.

ART. 22. The Government of the Republic recognizes in perpetuity as a consolidated debt the value of the redeemed annuities (censos) now in the treasury, and of the estates belonging to the church fraternities, charitable foundations, chapels, establishments for instruction and benevolence erected by the church, which at any time may have been inscribed in the public debt of the nation. This recognized debt is to bear interest without diminution at the annual rate of 4½ per cent, payable every six months.

ART. 23. The income arising from sequestrated benefices and tithings pertaining to charitable institutions, chapels, monasteries, and other separate foundations is recognized and shall be paid to those who have the right to receive them, or to their legal representatives. This payment shall be made without diminution, as is provided for in the last preceding article, to commence with year 1888. In case any such bodies have become extinct, the amounts due them by a previous arrangement with the Government shall be applied to pious and charitable objects, without in any case contravening the intention of the founders.

ART. 24. In view of the present condition of the national treasury of Colombia and the benefit derived by the church from the observance of this convention, the Holy See makes the following relinquishments:

(*a*) The value of the principal of the sequestered property belonging to the aforesaid extinct convents and religious bodies of both sexes, not included in the foregoing articles, and which has not in any manner been recognized. (*b*) Whatever is due to such extinct organizations for rents or interest already accrued, or in whatever manner resulting, from said sequestration previous to the 31st of December, 1887.

ART. 25. In consideration of the foregoing favor the Government of Colombia agrees to secure, in perpetuity, an annual net sum, hereby fixed at 100,000 Colombian dollars, to be increased when the said treasury is in a better condition, said payments to be applied to the uses of the dioceses, chapters, seminaries, missions, and such other civilizing works of the church, and in such manner as may be agreed upon between the high contracting parties.

ART. 26. The surviving members of the extinct religious communities shall continue in the enjoyment, for their maintenance and other necessities, of such revenues as may have belonged to them by virtue of previous laws and decrees.

ART. 27. In like manner shall be paid the rents and incomes set aside by anterior laws and decrees for the support of public worship in churches, chapels, and other religious places not included in article 22. If concerning this point there should be doubt or difficulty, the Government shall communicate with competent ecclesiastical authorities, to the end that a good understanding may be arrived at.

ART. 28. The Government shall return to religious bodies such of their sequestrated property as has no distinct destination; but if the owner does not come forward, or if he fills no ecclesiastical office, it may be sold and the proceeds applied to pious and benevolent objects, according to the most pressing needs of each diocese, the proceeding in such cases to be in accord with the ecclesiastical authorities.

ART. 29. The Holy See, in order to secure public tranquillity, declares, for its part, that persons who purchased ecclesiastical property during the past changes in Colombia, or who have redeemed annuities (censos) in the national treasury, according to the provisions of the civil law at the time in force, shall not be disturbed in any manner by the ecclesiastical authorities, a favor extended not only to those who performed the acts, but to those who, in the exercise of whatsoever functions, may have taken part in the same, in such manner that the first purchasers, as well as their legal successors and those who have redeemed annuities (censos), shall enjoy in peace and security such property, its products and emoluments, stipulating, however, that the Republic shall not in future repeat similar acts of seizure.

ART. 30. The Government of the Republic shall arrange with the respective diocesan bishops all that relates to cemeteries, reconciling the exigencies of their civil and sanitary character with the veneration due the sacredness of such places and with ecclesiastical prescriptions. In case of misunderstandings on such subjects they will be arranged between the Holy See and the Government.

ART. 31. Agreements between the Holy See and the Government of Colombia for fostering Catholic missions among the barbarous tribes shall not require the after approval of Congress.

ART. 32. The present convention repeals and renders null and void all laws, orders, and decrees, in whatsoever mode or period they were promulgated, in such parts as may contradict or are inconsistent with this convention, which shall remain the permanent law of the State.

ART. 33. The ratification of this convention shall take place within six months from the date of its signature, or sooner, if possible.

In faith whereof the said plenipotentiaries sign and seal this convention.

Done at Rome the 31st day of December, 1887.

M. CARDINAL RAMPOLLA.
JOAQUIN F. VÉLEZ.

NATIONAL LEGISLATIVE COUNCIL,
Bogotá, February 24, 1888.

Considering (1) that in the celebration of the foregoing convention the Government has acted within the powers conferred upon it by article 56 of the fundamental law of the Republic;

(2) That by this agreement, which satisfactorily and consistently settles all pending questions between the church and the state in conformity with the new national régime, and at the same time responds to imperious necessity and public well-being, which demanded the definition of the mutual relations between the civil and the ecclesiastical powers; and

(3) That its stipulations conform strictly to the provisions of articles 38, 41, 47, 53, 54, and 55 of the constitution.

It is decreed—

ART. I. That the forgoing convention is hereby approved and incorporated in the present law.

ART. II. The amount to be paid out of the treasury of the Republic to fulfill its obligations thereby created is hereby appropriated, and will be included in the budget of the present fiscal period.

Given at Bogotá this 24th day of February, 1888.

CARLOS CALDERON (R.),
President.
JOSÉ MARIA RUBIO (F.),
Vice-President.
ROBERTO DE NARVAEZ,
MANUEL BRIGARO,
Secretaries.

EXECUTIVE GOVERNMENT,
Bogotá, February 27, 1888.

Let it be published and executed.

RAFAEL NUÑEZ.

[L. S.]

(Countersigned:)

VICENTE RESTREPO,
Minister of Foreign Affairs.

[Inclosure 2 in No. 95.—Translation.—Extract from law 30, of 1888.]

ART. 34. A marriage contracted in conformity with the rights of the Catholic religion annuls ipso jure a purely civil marriage previously entered into with another person.

ART. 35. For purely civil effects the law recognizes the legitimacy of the children conceived previously to the annulment of the civil marriage, in accordance with the provisions of the last preceding article.

ART. 36. The man who, after having contracted a civil marriage, afterwards marries another woman according to the rites of the Catholic Church, is required to provide subsistence to the woman and his children by her until she marries canonically.

Mr. QUAY. Mr. President, if there is no Senator prepared to proceed with the debate, I should be glad to have a vote upon the bill.

Mr. PROCTOR. Will the Senator yield to me to ask for a change of reference?

Mr. QUAY. I yield to the Senator from Vermont.

IMPORTATION OF BREEDING ANIMALS.

Mr. PROCTOR. The bill (S. 7291) regulating the importation of breeding animals was introduced by the Senator from Kansas [Mr. HARRIS] and referred to the Committee on Agriculture and Forestry. I think it should properly go to the Committee on Finance. I ask that the Committee on Agriculture and Forestry be discharged from the further consideration of the bill and that it be referred to the Committee on Finance.

The PRESIDING OFFICER (Mr. SIMMONS in the chair). In the absence of objection, the change of reference requested will be made.

STATEHOOD BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. QUAY. Mr. President, while I have the floor I desire to ask the unanimous consent of the Senate that a final vote upon this bill and the amendments now pending or hereafter to be offered shall be taken on Saturday, the 21st day of February, at 2 o'clock p. m.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks unanimons consent that the final vote on this bill and on pending amendments and on amendments then offered may be taken without further debate on Saturday, at 2 o'clock p. m., the 21st day of February.

Mr. BEVERIDGE. Mr. President——

The PRESIDENT pro tempore. Is there objection?

Mr. PROCTOR. Mr. President, as the bill is before the Committee on Agriculture and Forestry in another form, I feel it to be my duty to object to the request.

The PRESIDENT pro tempore. The Senator from Vermont objects.

Mr. QUAY. I would be glad if the Senator from Vermont would inform me when the bill is likely to be reported from the Committee on Agriculture and Forestry.

Mr. PROCTOR. The Committee on Agriculture and Forestry is awaiting, I believe, the motion of one of its members, the Senator from Pennsylvania [Mr. QUAY].

MASONIC MUTUAL RELIEF ASSOCIATION.

Mr. WELLINGTON. I ask the unanimous consent of the Senate to call up the bill (S. 6525) to amend an act entitled "An act to incorporate the Masonic Mutual Relief Association of the District of Columbia."

The PRESIDENT pro tempore. The Senator from Maryland asks unanimous consent that the unfinished business be laid temporarily aside and that the Senate proceed to the consideration of the bill he has indicated.

Mr. QUAY. Mr. President, I feel it my duty to object to unanimous consent for the passage of any bill while the statehood bill is before the Senate. I will not object at any time during the morning hour before the statehood bill is taken up.

The PRESIDENT pro tempore. The Senator from Pennsylvania objects.

Mr. QUAY. I trust my friend from Maryland will pardon me for objecting to the bill.

Mr. WELLINGTON. The bill will take only a moment. I hope the Senator will withdraw his objection.

Mr. GALLINGER. It is still the morning hour.

Mr. QUAY. I will let this one go.

Mr. WELLINGTON. The Senator from Pennsylvania withdraws his objection.

The PRESIDENT pro tempore. The Chair hears no objection and the bill will be read.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on the District of Columbia with an amendment, on page 2, line 14, after the word "association," to insert the following proviso:

Provided, however, That upon all policies which shall be issued for a specified amount it shall be required to maintain a reinsurance reserve fund not less than that computed upon the American experience table of mortality at 4 per cent interest.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

VALDEMAR POULSEN.

Mr. KITTREDGE. I ask unanimous consent to submit a report from the Committee on Patents.

I am directed by the Committee on Patents, to whom was referred the bill (H. R. 13307) for the relief of Valdemar Poulsen, to report it favorably with an amendment, and I ask unanimous consent for its present consideration.

There being no objection, the bill was read, as follows:

Be it enacted, etc., That letters patent of the United States granted to Valdemar Poulsen, No. 661619, dated November 13, 1900, shall not be held invalid by reason of the lapse of more than seven months between the time of filing of his application for a patent in Denmark and the filing of his application for said United States patent; nor shall the lapse of said period of more than seven months debar him from the grant of a patent upon that portion of his invention which was divided out from his original application in this country under the rules of practice then prevailing in the Patent Office, but the patent which may be granted on said divisional application shall expire at the same time with the said letters patent No. 661619.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on Patents was to add at the end of the bill the following proviso:

Provided, That no person shall be held liable for any infringement of the patents herein referred to which may have occurred prior to the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

DEPARTMENT OF COMMERCE AND LABOR.

Mr. HANNA. Mr. President, I desire to call up the conference report on the bill (S. 569) to establish the department of commerce and labor, which was submitted by me on yesterday.

The PRESIDENT pro tempore. The Chair lays before the Senate the conference report on the bill referred to by the Senator from Ohio. This report has been read in full to the Senate. The question is on agreeing to the report.

The report was agreed to.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had on the 10th instant approved and signed the act (S. 916) for the relief of Clara H. Fulford.

FRANCIS A. TRADEWELL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 16161) granting an increase of pension to Francis A. Tradewell and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. GALLINGER. I move that the Senate insist upon its amendment and agree to the conference asked by the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. MCCUMBER, Mr. PRITCHARD, and Mr. TALIAFERRO were appointed.

STATEHOOD BILL.

Mr. QUAY. The regular order, Mr. President.

The PRESIDENT pro tempore. The Senator from Pennsylvania demands the regular order.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. KEAN. I understand that the Senator from New York [Mr. DEPEW] desires to proceed now, and I gladly yield to him.

Mr. DEPEW addressed the Senate. After having spoken a little more than two hours,

Mr. LODGE. Will the Senator from New York permit me?

The PRESIDING OFFICER (Mr. BURTON in the chair). Does the Senator from New York yield to the Senator from Massachusetts?

Mr. DEPEW. Certainly.

Mr. LODGE. I will ask the Senator from New York if he has any objection to my making a motion that the Senate proceed to the consideration of executive business?

Mr. DEPEW. I have none.

[Mr. DEPEW'S speech will be published entire after it shall have been concluded.]

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After forty minutes spent in executive session the doors were reopened and (at 4 o'clock and 53 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 12, 1903, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 11, 1903.

PROMOTIONS IN THE ARMY.

Infantry Arm.

Lieut. Col. Henry H. Adams, Eighteenth Infantry, to be colonel, February 10, 1903, vice Davis, Fifth Infantry, appointed brigadier-general.

Maj. Walter S. Scott, Twenty-seventh Infantry, to be lieutenant-colonel, February 10, 1903, vice Adams, Eighteenth Infantry, promoted.

Capt. Edgar W. Howe, Twenty-second Infantry, to be major, February 10, 1903, vice Scott, Twenty-seventh Infantry, promoted.

First Lieut. Edgar Ridenour, Sixteenth Infantry, to be captain, February 4, 1903, vice Kirby, Tenth Infantry, promoted.

PROMOTIONS IN THE NAVY.

Surg. John W. Ross, United States Navy (retired), to be a medical director on the active list of the Navy, as an additional number in that grade, not in line of promotion, from the 5th day of February, 1903, in accordance with the provisions of an act of Congress approved February 5, 1903.

Lieut. (Junior Grade) Robert Platt, United States Navy, to be a commander in the Navy, on the retired list, from the 5th day of February, 1903, in accordance with the provisions of an act of Congress approved February 5, 1903.

INDIAN AGENT.

Harry E. Wadsworth, of Wyoming, to be agent for the Indians of the Shoshone Agency in Wyoming, vice Herman G. Nickerson, resigned.

RECEIVER OF PUBLIC MONEYS.

Robley D. Harris, of Nebraska, to be receiver of public moneys at Sidney, Nebr., vice James L. McIntosh, jr., transferred in exchange to register of the land office at Sidney.

REGISTER OF LAND OFFICE.

James L. McIntosh, jr., of Nebraska, to be register of the land office at Sidney, Nebr., vice Robley D. Harris, term expired. Transfer from receiver of public moneys at Sidney.

POSTMASTERS.

CALIFORNIA.

A. Bradford, to be postmaster at Haywards, in the county of Alameda and State of California, in place of George A. Oakes. Incumbent's commission expired May 4, 1902.

Charles Harris, to be postmaster at Merced, in the county of Merced and State of California, in place of Francis M. Ordway. Incumbent's commission expired February 10, 1903.

Fred M. Kelly, to be postmaster at Needles, in the county of San Bernardino and State of California, in place of Fred M. Kelly. Incumbent's commission expired February 10, 1903.

Thomas E. Knox, to be postmaster at Livermore, in the county of Alameda and State of California, in place of Reuben Hunter. Incumbent's commission expired March 9, 1902.

Theodore W. Leydecker, to be postmaster at Alameda, in the county of Alameda and State of California, in place of Theodore W. Leydecker. Incumbent's commission expired January 31, 1902.

W. L. Williams, to be postmaster at Madera, in the county of Madera and State of California, in place of George G. Parsons. Incumbent's commission expired January 13, 1903.

COLORADO.

Hockley T. Hamill, to be postmaster at Georgetown, in the county of Clear Creek and State of Colorado, in place of Hockley T. Hamill. Incumbent's commission expires February 15, 1903.

CONNECTICUT.

William B. Bristol, to be postmaster at Stratford, in the county of Fairfield and State of Connecticut, in place of Sylvanus C. Dickinson. Incumbent's commission expired January 17, 1903.

Charles H. Dimmick, to be postmaster at Willimantic, in the county of Windham and State of Connecticut, in place of Charles H. Dimmick. Incumbent's commission expires March 3, 1903.

Nathaniel P. Noyes, to be postmaster at Stonington, in the county of New London and State of Connecticut, in place of Nathaniel P. Noyes. Incumbent's commission expires February 14, 1903.

Courtland C. Potter, to be postmaster at Mystic, in the county of New London and State of Connecticut, in place of Ebenezer P. Couch. Incumbent's commission expires February 15, 1903.

GEORGIA.

Robert L. Williams, to be postmaster at Griffin, in the county of Spalding and State of Georgia, in place of Robert L. Williams. Incumbent's commission expires February 15, 1903.

IDAHO.

Dora C. Hill, to be postmaster at Shoshone, in the county of Lincoln and State of Idaho. Office became Presidential January 1, 1903.

ILLINOIS.

Charles F. Douglass, to be postmaster at Ashland, in the county of Cass and State of Illinois, in place of Charles F. Douglas, to correct name.

Winfield S. Pinnell, to be postmaster at Kansas, in the county of Edgar and State of Illinois, in place of Winfield S. Pinnell. Incumbent's commission expired January 31, 1903.

IOWA.

Earl M. Cass, to be postmaster at Sumner, in the county of Bremer and State of Iowa, in place of Earl M. Cass. Incumbent's commission expires February 15, 1903.

George E. Comstock, to be postmaster at Fayette, in the county of Fayette and State of Iowa, in place of George E. Comstock. Incumbent's commission expired December 21, 1902.

INDIANA.

Stanley S. Tull, to be postmaster at Monon, in the county of White and State of Indiana, in place of Stanley S. Tull. Incumbent's commission expires February 15, 1903.

LOUISIANA.

H. C. Edwards, to be postmaster at Marksville, in the parish of Avoyelles and State of Louisiana. Office became Presidential January 1, 1903.

MAINE.

George H. Roberts, to be postmaster at Springvale, in the county of York and State of Maine, in place of George H. Roberts. Incumbent's commission expires February 14, 1903.

MASSACHUSETTS.

Frank E. Briggs, to be postmaster at Turners Falls, in the county of Franklin and State of Massachusetts, in place of Frank E. Briggs. Incumbent's commission expires March 3, 1903.

Stanley B. Dearborn, to be postmaster at Wakefield, in the county of Middlesex and State of Massachusetts, in place of Stanley B. Dearborn. Incumbent's commission expires March 2, 1903.

H. D. Hunt, to be postmaster at North Attleboro, in the county of Bristol and State of Massachusetts, in place of Frederick B. Byram. Incumbent's commission expires February 15, 1903.

Martin A. Minchin, to be postmaster at Braintree, in the county of Norfolk and State of Massachusetts, in place of Martin A. Minchin. Incumbent's commission expires February 14, 1903.

Harley Prentiss, to be postmaster at Reading, in the county of Middlesex and State of Massachusetts, in place of Harley Prentiss. Incumbent's commission expires February 14, 1903.

MICHIGAN.

Charles Bidwell, to be postmaster at Tecumseh, in the county of Lenawee and State of Michigan, in place of James W. Wightman. Incumbent's commission expires February 15, 1903.

MISSOURI.

Charles M. Alger, to be postmaster at Hannibal, in the county of Marion and State of Missouri, in place of Charles M. Alger. Incumbent's commission expired June 29, 1902.

Troy L. Crane, to be postmaster at Lees Summit, in the county of Jackson and State of Missouri, in place of Troy L. Crane. Incumbent's commission expired January 28, 1903.

Thomas J. C. Fagg, to be postmaster at Louisiana, in the county of Pike and State of Missouri, in place of Thomas J. C. Fagg. Incumbent's commission expired March 16, 1902.

William L. H. Silliman, to be postmaster at Clarksville, in the county of Pike and State of Missouri, in place of William L. H. Silliman. Incumbent's commission expired March 21, 1902.

W. W. Wagner, to be postmaster at Jefferson City, in the county of Cole and State of Missouri, in place of George F. Robinson. Incumbent's commission expired March 21, 1902.

Frank L. Wilson, to be postmaster at Bowling Green, in the county of Pike and State of Missouri, in place of Frank L. Wilson. Incumbent's commission expired January 12, 1902.

NEW JERSEY.

James E. Cook, to be postmaster at Manasquan, in the county of Monmouth and State of New Jersey, in place of James E. Cook. Incumbent's commission expired January 28, 1903.

NEW YORK.

John B. Alexander, to be postmaster at Oswego, in the county of Oswego and State of New York, in place of John B. Alexander. Incumbent's commission expired January 13, 1903.

Charles W. Harding, to be postmaster at Whitehall, in the county of Washington and State of New York, in place of Charles W. Harding. Incumbent's commission expires March 3, 1903.

John I. Traphagen, to be postmaster at Suffern, in the county of Rockland and State of New York, in place of John I. Traphagen. Incumbent's commission expires March 3, 1903.

John G. Williams, to be postmaster at Granville, in the county of Washington and State of New York, in place of John G. Williams. Incumbent's commission expired January 13, 1903.

NORTH CAROLINA.

John E. Albright, to be postmaster at Mount Airy, in the county of Surry and State of North Carolina, in place of Richard K. Marshall. Incumbent's commission expired May 6, 1902.

PENNSYLVANIA.

Thomas H. Bailey, to be postmaster at Mansfield, in the county of Tioga and State of Pennsylvania, in place of Judson A. Elliott. Incumbent's commission expired January 31, 1903.

Merrick Davidson, to be postmaster at Emlenton, in the county of Venango and State of Pennsylvania, in place of Merrick Davidson. Incumbent's commission expires March 3, 1903.

William W. Scott, to be postmaster at Sewickley, in the county of Allegheny and State of Pennsylvania, in place of William W. Scott. Incumbent's commission expires February 20, 1903.

Lily Watters, to be postmaster at Evans City, in the county of Butler and State of Pennsylvania, in place of Lilly Watters, to correct name.

Alfred E. Williams, to be postmaster at Plymouth, in the county of Luzerne and State of Pennsylvania, in place of Alfred E. Williams. Incumbent's commission expires March 2, 1903.

G. Clinton Williams, to be postmaster at Spring City, in the county of Chester and State of Pennsylvania, in place of G. Clinton Williams. Incumbent's commission expires February 14, 1903.

William W. Wren, to be postmaster at Boyertown, in the county of Berks and State of Pennsylvania, in place of William W. Wren. Incumbent's commission expired January 28, 1903.

TENNESSEE.

Gus A. McLane, to be postmaster at Lewisburg, in the county of Marshall and State of Tennessee, in place of Gus A. McLane. Incumbent's commission expired February 6, 1903.

TEXAS.

H. H. Andrew, to be postmaster at Dublin, in the county of Erath and State of Texas, in place of Stephen J. Weaver. Incumbent's commission expired March 31, 1902.

Harry Beck, to be postmaster at Hillsboro, in the county of Hill and State of Texas, in place of Harry Beck. Incumbent's commision expired January 10, 1903.

Edward Blanchard, to be postmaster at San Angelo, in the county of Tom Green and State of Texas, in place of Edward Blanchard. Incumbent's commission expired May 24, 1902.

R. G. Flato, to be postmaster at Shiner, in the county of Lavaca and State of Texas. Office became Presidential October 1, 1902.

Marion S. French, to be postmaster at Alvin, in the county of Brazoria and State of Texas, in place of Bert L. Osgood. Incumbent's commission expired December 20, 1902.

Thomas Hall, to be postmaster at Palestine, in the county of Anderson and State of Texas, in place of Thomas Hall. Incumbent's commission expired May 10, 1902.

Harry Harris, to be postmaster at Gatesville, in the county of Coryell and State of Texas, in place of Clarence L. Bush. Incumbent's commission expired January 10, 1903.

William H. Harvey, to be postmaster at Belton, in the county of Bell and State of Texas, in place of William H. Harvey. Incumbent's commission expired January 10, 1902.

James Larson, to be postmaster at Fredericksburg, in the county of Gillespie and State of Texas. Office became Presidential January 1, 1902.

J. S. Richard, to be postmaster at Itasca, in the county of Hill and State of Texas, in place of Gen. B. Clark. Incumbent's commission expired January 10, 1902.

Denny E. Walshe, to be postmaster at Grand Saline, in the county of Van Zandt and State of Texas. Office became Presidential July 1, 1902.

William J. Walters, to be postmaster at Hereford, in the county of Deaf Smith and State of Texas. Office became Presidential January 1, 1903.

VERMONT.

L. Downer Hazen, to be postmaster at St. Johnsbury, in the county of Caledonia and State of Vermont, in place of L. Downer Hazen. Incumbent's commission expired January 28, 1903.

WEST VIRGINIA.

James H. Dunn, to be postmaster at Sutton, in the county of Braxton and State of West Virginia, in place of James H. Dunn. Incumbent's commission expired January 24, 1903.

Obe A. Petty, to be postmaster at Charleston, in the county of Kanawha and State of West Virginia, in place of Obe A. Petty. Incumbent's commission expired January 24, 1903.

WISCONSIN.

Anah Crocker, to be postmaster at Spooner, in the county of Washburn and State of Wisconsin. Office became Presidential October 1, 1902.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 11, 1903.

ASSISTANT SECRETARY OF THE TREASURY.

Robert B. Armstrong, of Illinois, to be Assistant Secretary of the Treasury.

MARSHAL.

Charles K. Darling, of Massachusetts, to be United States marshal for the district of Massachusetts.

ASSAYER.

Frank M. Downer, of Colorado, to be assayer in charge of the mint of the United States at Denver, Colo.

MELTER.

Joseph W. Milsom, of Colorado, to be melter of the mint of the United States at Denver, Colo.

RECEIVER OF PUBLIC MONEYS.

Otis L. Atherton, of Russell, Kans., to be receiver of public moneys at Wakeeney, Kans.

POSTMASTERS.

CONNECTICUT.

Charles N. Hatch, to be postmaster at Bridgewater, in the county of Litchfield and State of Connecticut.

Charles C. Georgia, to be postmaster at Unionville, in the county of Hartford and State of Connecticut.

INDIANA.

Frank B. Meyer, to be postmaster at Rensselaer, in the county of Jasper and State of Indiana.

IOWA.

A. J. Enbody, to be postmaster at Dunlap, in the county of Harrison and State of Iowa.

George W. Cook, to be postmaster at Guthrie Center, in the county of Guthrie and State of Iowa.

Barney Johnson, to be postmaster at Ida Grove, in the county of Ida and State of Iowa.

H. J. Vail, to be postmaster at New Sharon, in the county of Mahaska and State of Iowa.

MASSACHUSETTS.

Lorenzo B. Crockett, to be postmaster at North Easton, in the county of Bristol and State of Massachusetts.

William H. Twiss, to be postmaster at Ashland, in the county of Middlesex and State of Massachusetts.

Harding R. Barber, to be postmaster at Athol, in the county of Worcester and State of Massachusetts.

Alexander Grant, to be postmaster at Chicopee, in the county of Hampden and State of Massachusetts.

Charles L. Stevens, to be postmaster at Clinton, in the county of Worcester and State of Massachusetts.

George Abbott, to be postmaster at East Douglass, in the county of Worcester and State of Massachusetts.

MICHIGAN.

Earl B. Hammond, to be postmaster at Vermontville, in the county of Eaton and State of Michigan.

Charles S. Collier, to be postmaster at Frankfort, in the county of Benzie and State of Michigan.

William R. Cook, to be postmaster at Hastings, in the county of Barry and State of Michigan.

Victor F. Huntley, to be postmaster at Manton, in the county of Wexford and State of Michigan.

Martin N. Brady, to be postmaster at Saginaw West Side, in the county of Saginaw and State of Michigan.

Archie R. McKinnon, to be postmaster at Shelby, in the county of Oceana and State of Michigan.

John N. McCall, to be postmaster at Ithaca, in the county of Gratiot and State of Michigan.

Hiram E. Hardy, to be postmaster at Big Rapids, in the county of Mecosta and State of Michigan.

MISSOURI.

August W. Enis, to be postmaster at Clyde, in the county of Nodaway and State of Missouri.

Moses M. Adams, to be postmaster at Seneca, in the county of Newton and State of Missouri.

Thomas M. Morsey, to be postmaster at Warrenton, in the county of Warren and State of Missouri.

David B. Ormiston, to be postmaster at Linneus, in the county of Linn and State of Missouri.

Thomas Sharp, to be postmaster at Wellsville, in the county of Montgomery and State of Missouri.

NEBRASKA.

John F. Nesbit, to be postmaster at Tekamah, in the county of Burt and State of Nebraska.

Lee Van Voorhis, to be postmaster at Crawford, in the county of Dawes and State of Nebraska.

Frank R. Stewart, to be postmaster at Randolph, in the county of Cedar and State of Nebraska.

Stephen E. Cobb, to be postmaster at Emerson, in the county of Dixon and State of Nebraska.

William T. Owens, to be postmaster at Loup, in the county of Sherman and State of Nebraska.

John F. Griffith, to be postmaster at Pawnee City, in the county of Pawnee and State of Nebraska.

NEW HAMPSHIRE.

Herbert Bailey, to be postmaster at Claremont, in the county of Sullivan and State of New Hampshire.

PENNSYLVANIA.

Howard E. Butz, to be postmaster at Huntingdon, in the county of Huntingdon and State of Pennsylvania.

John B. Griffiths, to be postmaster at Jermyn, in the county of Lackawanna and State of Pennsylvania.

W. W. Reber, to be postmaster at Lehighton, in the county of Carbon and State of Pennsylvania.

Nathaniel B. Miller, to be postmaster at North Clarendon, in the county of Warren and State of Pennsylvania.

James N. Weaver, to be postmaster at Sayre, in the county of Bradford and State of Pennsylvania.

Joseph S. Taylor, to be postmaster at Morrisville, in the county of Bucks and State of Pennsylvania.

Herman H. North, to be postmaster at Bradford, in the county of McKean and State of Pennsylvania.

William H. H. Lea, to be postmaster at Carnegie, in the county of Allegheny and State of Pennsylvania.

RHODE ISLAND.

James T. Caswell, to be postmaster at Narragansett Pier, in the county of Washington and State of Rhode Island.

ALASKAN BOUNDARY.

The injunction of secrecy was removed from a convention between the United States and Great Britain, signed on January 24, 1903, providing for the settlement of questions between the two countries with respect to the boundary line between the Territory of Alaska and the British possessions in North America.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February 11, 1903.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

HOUSE PENSION BILLS WITH SENATE AMENDMENTS.

The SPEAKER laid before the House bills of the following titles, with amendments of the Senate; which were respectively read, and, on motion of Mr. LOUDENSLAGER, concurred in:

A bill (H. R. 15757) granting a pension to Frances C. Broggan;

A bill (H. R. 6332) granting a pension to Michael Conlon;

A bill (H. R. 14845) granting a pension to Margaret Snyder; and

A bill (H. R. 15400) granting a pension to Enos Turner.

FRANCIS A. TRADEWELL.

The SPEAKER also laid before the House, with amendments of the Senate, the bill (H. R. 16161) granting an increase of pension to Francis A. Tradewell.

The amendments were read.

Mr. LOUDENSLAGER. I move that the House nonconcur with the amendment of the Senate and request a conference.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. LOUDENSLAGER, Mr. BROMWELL, and Mr. RICHARDSON of Alabama as conferees on the part of the House.

PITTSBURG, CARNEGIE AND WESTERN RAILROAD COMPANY.

The SPEAKER laid before the House a privileged bill entitled "A bill (S. 7226) to authorize the Pittsburg, Carnegie and Western Railroad Company to construct, maintain, and operate a bridge across the Allegheny River."

The bill was read.

Mr. DALZELL. A House bill identical in terms with this Senate bill has been favorably reported and is on the Calendar. I ask that this bill be put on its passage.

The bill was ordered to a third reading, read the third time, and passed.

MEMPHIS, HELENA AND LOUISIANA RAILWAY COMPANY.

The SPEAKER also laid before the House a privileged bill entitled "A bill (S. 7159) authorizing the Memphis, Helena and Louisiana Railway Company to construct and maintain a bridge across the St. Francis River, in the State of Arkansas."

The bill was read.

Mr. MCRAE. Mr. Speaker, this bill being identical in terms with a House bill now on our Calendar, reported favorably by the Committee on Interstate and Foreign Commerce, I ask that this bill be taken up and passed.

The bill was ordered to a third reading, read the third time, and passed.

On motion of Mr. MCRAE, a motion to reconsider the vote by which the bill was passed was laid on the table.

EFFICIENCY OF THE ARMY.

Mr. HULL. Mr. Speaker, I submit the report of the committee of conference on the bill (H. R. 15449) to increase the efficiency of the Army. I present this report under the rule, for publication in the RECORD, together with the statement of the House conferees.

The SPEAKER. The report and accompanying statement will be published in the RECORD, under the rule.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 15449) to increase the efficiency of the Army, having met, after full and free conference have agreed to recommend and do recommended to their respective Houses as follows:

That the Senate recede from its amendment numbered 4.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In line 2, page 3 of the bill, after the word "emergency," insert the word "or;" and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: After the word "or" of said amendment insert the word "of;" and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: After the word "and," in the second line of said amendment, insert the following: "by and with the advice and consent of the Senate," and after the word "brigadier-general," in line 3 of said amendment, insert the following: "and when the next vacancy occurs in the office of brigadier-general of the line, it shall not be filled, and thereafter the number of brigadier-generals of the line, exclusive of the chief of artillery, shall not exceed fourteen;" and the Senate agree to the same.

J. A. T. HULL,
RICHARD WAYNE PARKER,
WM. SULZER,
Managers on the part of the House.

F. M. COCKRELL,
J. V. QUARLES,
J. B. FORAKER,
Managers on the part of the Senate.

The statement is as follows:

The conferees on the part of the House on the Senate amendments on H. R. 15449, an act to increase the efficiency of the Army, make the following statement:

Amendment No. 1 of the Senate, striking out the exception as to the general officers serving with the line, is agreed to with an amendment. It puts the general officers on the same basis as all the other officers of the general staff, and makes it so that none of them can be redetailed without service with the line except in case of emergency or in time of war.

Amendment No. 2: The conferees agree to the Senate amendment by inserting the word "of" after the word "or;" so that it will read, "or of the Secretary of War under the direction of the President."

Amendment No. 3 makes the Chief of Artillery hereafter a brigadier-general. As agreed to in conference it provides that the number of brigadier-generals of the line do not increase, and reduces the number of brigadier-generals of the line, exclusive of Chief of Artillery, after a vacancy shall occur in the grade of brigadier-general to fourteen.

Amendment No. 4 is that provision of the bill as it passed the Senate embodied in section 6, and provided for the advance grade on retirement of certain officers who served during the civil war. The Senate recedes from its amendment on the ground that a provision is in the Army bill embodying the same principle.

J. A. T. HULL,
RICHARD WAYNE PARKER,
WM. SULZER,
Conferees on part of the House.

IMPORTATION OF BREEDING ANIMALS.

Mr. GROSVENOR. I call up a privileged bill, House bill 16656, regulating the importation of breeding animals.

The bill was read as follows:

Be it enacted, etc., That paragraph 473 of the act approved July 24, 1897, entitled "An act to provide revenue for the Government and to encourage the industries of the United States" (30 U. S. Stat. L., p. 194), shall be so amended as to read as follows:

"473. Any animal imported specially for breeding purposes shall be admitted free, whether intended to be so used by the importer himself or for sale for such purpose: *Provided*, That no such animal shall be admitted free unless pure bred of a recognized breed, and duly registered in the books of record established for that breed: *And provided further*, That certificate of such record and of the pedigree of such animal shall be produced and submitted to the customs officer, duly authenticated by the proper custodian of such book of record, together with the affidavit of the owner, agent, or importer that such animal is the identical animal described in said certificate of record and pedigree: *And provided further*, That the Secretary of Agriculture shall determine and certify to the Secretary of the Treasury what are recognized breeds and pure-bred animals under the provisions of this paragraph. The Secretary of the Treasury may prescribe such additional regulations as may be required for the strict enforcement of this provision. Cattle, horses, sheep, or other domestic animals straying across the boundary line into any foreign country, or driven across such boundary line by the owner for temporary pasturage purposes only, together with their offspring, may be brought back to the United States within six months free of duty, under regulations to be prescribed by the Secretary of the Treasury."

Mr. GROSVENOR. Mr. Speaker, this bill, I presume, will elicit no debate. The purpose of the bill is to change the existing law in regard to domestic animals imported for breeding purposes. The law as it now stands contains this provision:

Any animal imported specially for breeding purposes shall be admitted free.

The change which the bill proposes to make is by adding the words:

Whether intended to be so used by the importer himself or for sale for such purpose.

The Secretary of Agriculture and the Secretary of the Treasury both urge the passage of this bill. If it should become a law, it will simply place upon the statute books what, in the understanding of the people, has been the law until a recent decision made by a collector, which was upheld by one of the United States courts. The bill comes here by the unanimous report of the Committee on Ways and Means. I ask for a vote.

Mr. RICHARDSON of Tennessee. I understand the gentleman to say that the Committee on Ways and Means has reported this bill favorably.

Mr. GROSVENOR. Yes, sir; it is a unanimous report, as I have already stated.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. GROSVENOR, a motion to reconsider the last vote was laid on the table.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. CANNON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 17202, the sundry civil appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 17202) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes, Mr. TAWNEY in the chair.

The Clerk read as follows:

Repairs of light-houses: For repairing, protecting, and improving light-houses and buildings; for improvements to grounds connected therewith; for establishing and repairing day marks and pier head and other beacon lights, including purchase of land for same; for illuminating apparatus and machinery to replace that already in use; construction of necessary outbuildings, at a cost not exceeding $200 at any one light station in any fiscal year; and for all other necessary incidental expenses relating to these various objects, including the pay of officers and crews of light-house tenders and of clerks and other employees in the offices of the light-house inspectors and light-house engineers and at light-house depots, $700,000.

Mr. PEARRE. Mr. Chairman, I renew the request I made yesterday for unanimous consent to return to line 3 on page 3 of the bill, for the purpose of submitting an amendment.

Mr. CANNON. Mr. Chairman, I would prefer not to go back until we finish the reading of the bill. At that time I shall not object.

Mr. PEARRE. Then I withdraw my request at this time.

The CHAIRMAN. The gentleman withdraws his request and the Clerk will read.

The Clerk read as follows:

International exchanges: For expenses of the system of international exchanges between the United States and foreign countries, under the direction of the Smithsonian Institution, including salaries or compensation of all necessary employees, and the purchase of necessary books and periodicals, $26,000.

Mr. GILLETT of Massachusetts. Mr. Chairman, I move to strike out the last word. It has been brought to my attention this morning by a gentleman connected with the Smithsonian Institution that in some remarks I made yesterday, criticising a report of the Director because it contained a large number of popular articles which I thought had no relation to the Institution and which the United States ought not to be at the expense of printing and distributing, I did an injustice to the Institution because I stated that those articles were all reprints from popular magazines. That statement was based on testimony before the committee given by a gentleman representing the Institution and was in strict accord with that testimony. I am informed now that the testimony was mistaken. I do not wish to do any injustice, and therefore ask permission to correct what I said by printing in the RECORD a very brief statement of exactly what proportion of those articles are original and what are copied, which was furnished me from the Institution. I ask unanimous consent that that statement may be printed in the RECORD.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD by printing the statement which he sends to the Clerk's desk. Is there objection?

There was no objection.

The statement is as follows:

SMITHSONIAN INSTITUTION,
Washington, D. C., February 10, 1903.

Memorandum with regard to the sources of the papers published in the appendix to the Smithsonian report for the past five years.

Year.	Translations.	Transactions of learned societies; scientific journals.	Popular magazines.	Original contributions.
1897	6	20	5	6
1898	17	16	3	0
1899	7	18	4	1
1900	7	15	14	7
1901	5	22	9	15
Total	42	91	35	29

Of the very considerable number of articles from popular magazines in 1900, seven were from notable reviews of the century's science by the highest authorities, which appeared in the New York Sun and the New York Post, respectively, and which in this newspaper form would have been entirely

inaccessible after the date of their publication to the ordinary reader, and would not have been preserved in any form to which they could have been referred.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. SHATTUC having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

S. 7288. An act extending the time for making proof and payment for all lands taken under the desert-land laws by the members of the Colorado Cooperative Colony for a further period of three years;

S. 7201. An act to increase the limit of cost for the public building at Evanston, Wyo.;

S. 7100. An act granting an increase of pension to Maggie V. Holstein; and

S. 3622. An act to provide for the payment to the heirs of Darius B. Randall, deceased, for certain improvements relinquished to the United States for the use of the Nez Perce Indians.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two houses on the amendment of the House to the bill (S. 5678) providing for record of deeds and other conveyances and instruments of writing in Indian Territory, and for other purposes.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15449) to increase the efficiency of the Army.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 14164. An act for the relief of Charles W. Carr.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session

The Clerk read as follows:

For purchase of specimens to supply deficiencies in the collections of the National Museum, $10,000.

Mr. GREEN of Pennsylvania. Mr. Chairman, I offer the following amendment, which I will send to the desk and ask to have read:

The Clerk read as follows:

Page 46, after end of line 20, insert "and for purchase of Herman Stricker's collection of butterflies and moths, together with the apparatus belonging thereto, and his library relating to the same, $25,000."

Mr. CANNON. Mr. Chairman, on that I make the point of order.

Mr. GREEN of Pennsylvania. I would ask the gentleman to reserve the point of order until I can explain.

Mr. CANNON. Very well; I will reserve it.

Mr. GREEN of Pennsylvania. Mr. Chairman, this is an amendment presented in line with and explained by the remarks made by me on the subject yesterday, which are printed in to-day's CONGRESSIONAL RECORD. It is in the line of the recommendations made by the President in his last two messages. The President, and I think many members of the House and Senate, have an entirely different idea of what the National Museum should be from that of some of the members of the House Appropriations Committee, especially if their ideas are voiced by the gentleman from Massachusetts [Mr. GILLETT].

The President's idea is that this Institution should be made worthy of the great nation we are. Take, for examples, the British Museum or the museum of any large country in this world, and we find that large appropriations are made for the support of it and for the making of collections from which scientific knowledge is obtained. The little contributed by this Government during the last twenty years is as a drop in a bucket compared to that contributed by other countries. What are the results obtained from these scientific collections and the work of these institutions? Scientific knowledge has been increased more in the last twenty years than in all the ages which have preceded.

Now, I do not say that the purchase of the collection is a matter of supreme importance, but still I say it is important. I have no interest in the matter and care not one bit whether the House puts this amendment in the bill or not; but I do believe that it is my duty to call the matter to the attention of the House. It has been called to my attention probably because I represent the district within which this collection is now located; my assistance has been constantly asked by men connected with the National Museum. I have received, perhaps, a dozen communications on this subject and I feel that it is my duty to those people as well as to the people whom I represent to bring this matter before this body and ask its careful consideration.

That is all I care to do; but I do say that if we will stop to take into consideration the fact that in this particular department of science if this collection is bought it will make the collection in the hands of the National Government the greatest in this hemisphere, and one of the greatest in the world, that ought to be sufficient in itself to recommend the purchase of the collection at this time. And I further say that in my judgment this collection will be purchased by some institution in, perhaps, the coming year. This man desired that his collection should not be dismembered and scattered around and sold to different people, but that, if possible, it should go to the National Museum. That is one of the reasons why the owners of it now desire this to be presented, so that it could not be said in the future that this matter had not been fairly presented, and that the United States had not had a chance to purchase the collection in accordance with the wishes of the collector, who spent fifty years of his life in getting it together.

Mr. GILLETT of Massachusetts. Mr. Chairman, I am sorry that the views I expressed yesterday do not accord with those of my friend from Pennsylvania. I remember I mentioned this butterfly collection as one item most open to criticism, as illustrating the extravagance of the House. Now, I am quite in accord with what the gentleman says about the views of the President. I think our National Museum ought to be a great institution. It affords much interest and pleasure to visitors to Washington. I think we ought to have a new fine building for it, but I do not think we ought to buy every perfect collection of bugs or minerals which a scientist looks on as profitable, but which will not interest the great number of people in the United States.

I think the Museum ought to be popular in its character and not scientific, and I do think that $25,000 for a mere collection of butterflies is a preposterous expense. I think the name of the gentleman's constituent, Striker, illustrates very well the nature of this claim. Of course, the gentleman would be glad to strike the Government for his constituents. We undoubtedly, all of us, would be glad to do the same for our constituents, but I do not believe the House should spend $25,000 for this purpose.

Mr. GREEN of Pennsylvania. I should like to interrogate the gentleman.

Mr. GILLETT of Massachusetts. Certainly.

Mr. GREEN of Pennsylvania. The gentleman has entirely misunderstood the name. The name is Stricker. Stricker is no nearer to striker than black is to white.

Mr. GILLETT of Massachusetts. The name is not as pertinent as I thought, then.

Mr. GREEN of Pennsylvania. The name of the gentleman who owned this collection was Stricker; he is now dead, and his widow is the present owner. If the gentleman considers her a striker, I can assure him that he is entirely wrong. I also want to say that the gentleman is entirely wrong about another proposition recently advanced in his speech. He says we should keep the Museum as it is to-day and not increase or improve it. Those were the gentleman's words. He said we have a museum now and we have enough things there to amuse the public, and that is about all the good it is, but we should never increase it, we ought not to add to these collections. Such a proposition as that, I think, is ridiculous to any sane man.

If that is to be the policy of this Government you had better sell out your museum, shut it up, and stop contributing money to it each year. We must adopt some policy, either narrow or broad, in a matter of this kind. Where scientific knowledge is to be gained it stands to reason that private parties have not money enough and that educational institutions have not money enough to get all this expensive matter together, and make expensive experiments. It is a function of the Government, recognized by this Government and recognized by every government in the world, and I think if the gentleman who comes from Massachusetts, a State that is supposed to be enlightened and that usually, I think, is enlightened, will just consider this matter, and if he will talk about it with men of science, he will change his views radically. I hope he will do it soon.

The CHAIRMAN. The question is on the amendment of the gentleman from Pennsylvania [Mr. GREEN].

Mr. CANNON. Mr. Chairman, I think it is subject to the point of order.

The CHAIRMAN. Did the gentleman from Illinois make the point of order against it?

Mr. CANNON. I reserved the point of order, and I think I ought to make it.

The CHAIRMAN. The Chair sustains the point of order. It is clearly in violation of paragraph 2 of Rule XXI. The Clerk will proceed with the reading of the bill.

Mr. PEARRE. Mr. Chairman, I ask unanimous consent now to return to line 3, page 3, for the purpose of submitting an amendment.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent to return to line 3, page 3, for the purpose of submitting an amendment. Is there objection?

Mr. CANNON. Mr. Chairman, the gentleman on the full committee and on the subcommittee [Mr. GILLETT of Massachusetts] is familiar with this matter, and he has to go away after to-day, so I have no objection.

The CHAIRMAN. The Chair hears no objection. The Clerk will report the amendment.

The Clerk read as follows:

Insert in line 3, page 3, after the word "dollars," the following:
"For the erection of an addition to the quarters occupied by the subtreasury at Baltimore, Md., $5,000."

Mr. CANNON. I do not know, coming in that shape, but that it is subject to a point of order. I will say I will reserve it, and listen.

Mr. PEARRE. It seems to me, Mr. Chairman, that this is the part of the bill at which it ought to be offered, but as the gentleman reserves the point of order, that matter can be determined later. I trust the point of order will not be pressed if it be well taken.

This is a matter of great importance to the subtreasury at Baltimore city. It has been discovered recently that the quarters of the subtreasury are entirely inadequate, and the attention of Congress has been called to the matter by the Secretary of the Treasury, Mr. Shaw, in a communication to the Speaker of the House of Representatives. I desire to send to the desk and have read, not only that communication, but one upon the same subject from the Supervising Architect of the Treasury, Hon. James K. Taylor, which appear in the document which I send to the desk now.

The Clerk read as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, January 12, 1903.

SIR: I have the honor to transmit herewith, for the favorable consideration of Congress, copy of a communication from the Supervising Architect, of the 10th instant, submitting an estimate of appropriation in the sum of $5,000 to erect an addition to the quarters occupied by the subtreasury at Baltimore, Md., in the space between the present old court-house and the post-office and court-house building, and for changes in connection therewith.

Respectfully,

L. M. SHAW, *Secretary.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

TREASURY DEPARTMENT,
OFFICE OF THE SUPERVISING ARCHITECT,
Washington, January 10, 1903.

SIR: I have the honor to call your attention to the fact that the quarters occupied by the assistant treasurer of the United States at Baltimore, Md., are overcrowded and are entirely inadequate for the proper transaction of the public business.

While the subtreasury at Baltimore will be transferred to the new custom-house building, it is not probable that the transfer can be made within three or four years, and in the meantime some measure of relief should be afforded the officials in this office, either by renting additional quarters or by erecting a temporary addition to the present quarters, and it is believed that the most economical and the safest plan is to erect, in the space between the present old court-house and the United States post-office and court-house building, a temporary, plain, substantial, brick addition, to connect with the present quarters of the subtreasury, to accommodate the offices of the assistant treasurer and the bookkeepers. In this way the present cash room will be relieved, and the floor area, now occupied by the bookkeepers, will be available for the work of the cash room.

The estimated cost of the addition and necessary changes in connection therewith is $5,000, and as there is no appropriation available for carrying out this work, I respectfully recommend that this matter be brought to the attention of Congress, with the recommendation that an appropriation of $5,000 be made to erect an addition to the quarters occupied by the subtreasury at Baltimore, Md., in the space between the present old court-house and the post-office and court-house building, and for changes in connection with the same.

Respectfully,

J. K. TAYLOR,
Supervising Architect.

The SECRETARY OF THE TREASURY.

Mr. PEARRE. Now, Mr. Chairman, that is the communication and recommendation from the Secretary of the Treasury and the Supervising Architect of the Treasury. I also desire to submit and have read a communication from the former subtreasurer.

The Clerk read as follows:

EXHIBIT B.

NOVEMBER 1, 1900.

Hon. LYMAN J. GAGE,
Secretary of the Treasury, Washington, D. C.

SIR: I have the honor to ask your attention to the necessities of this office in the temporary quarters which have been assigned them in the old United States court-house in this city.

When the representatives of the Supervising Architect's Office first came to examine into the requirements of the various departments, he was advised that these quarters were insufficient in space, deficient in light, and entirely without ventilation. He nevertheless saw fit to recommend them, and preparations are in progress to construct a large vault there for the use of this office from material taken from the vault formerly used in the custom-house.

The floor space appropriated to the cash room is so contracted that the large and important business of the office will have to be transacted under great disadvantage; but there is not enough wall space by some 40 feet to accommodate the large filing and blank cases which are constantly in use. To remedy this, as the best that could be done under the circumstances, I asked for another small room in the building, which, though inconvenient of access, would at least afford shelter for the filing cases and cases of blanks, together with accumulated books, vouchers, etc.

The custodian of the building, who has allotted the space to the different officials of the Government service and who previously assigned to my use the room referred to, is so pressed to accommodate them all that he now informs me he will not be able to let me have it.

I deem it wise, therefore, to advise you thus early that such provision as has been made is entirely inadequate for the needs of this office, and to ask for such action on your part as shall secure for me suitable space for the proper conduct of the business under my charge.

Respectfully, yours,

JAMES M. SLOAN.
Assistant Treasurer United States.

Mr. PEARRE. Now, Mr. Chairman, I desire to submit two letters from the present subtreasurer of the United States in Baltimore upon the same subject, and ask that they be read at the desk.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. GILLETT of Massachusetts. Mr. Chairman, I ask unanimous consent that the gentleman's time may be extended five minutes.

Mr. PEARRE. That is all, until these can be read.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

OFFICE OF ASSISTANT TREASURER, SUBTREASURY SERVICE,
Baltimore, Md., January 31, 1903.

Hon. GEORGE A. PEARRE,
House of Representatives, Washington, D. C.

MY DEAR SIR: I beg to inclose House Document No. 272, being a letter from the Secretary of the Treasury to Congress, transmitting the report of the Supervising Architect as to the investigation of the condition of the quarters of the United States subtreasury at Baltimore. The move to secure more working space for this office is made by the Department, as this document shows, and it is positively necessary for the maintaining of the heretofore high standards of this office as to efficiency. The small force which we have have not adequate room in which to safely and with convenience perform their duties. If the force should be increased, which its pressing needs demand at once, then the inconvenience of our cramped quarters would be proportionately increased.

In 1871 the business of this office amounted, in round numbers, to about thirty millions; in 1901 it amounted to one hundred and twenty millions, and yet the appropriation by Congress for clerical force to handle this business was $140 less than it was in 1871. Men here have no holidays; they haven't time to get sick; when they do break down under the strain those who continue at work have to labor just so much harder. Public business is continually being held back, and sometimes held up, when it should be dispatched, and the financial interests of this city are hampered exceedingly because of our unavoidable condition.

The Treasury Department has induced the Finance Committee of the Senate to add three clerks to the appropriation for the next fiscal year, in order to relieve the situation in part; hence the increased working space (so necessary with our present force) becomes essential when we get the additional clerks.

In the four years which I will administer here I am anxious to keep the standard of excellence as high as, if not higher than, it has ever been during any previous period. I want to be able to so conduct the affairs here that my party, so generous to me, may benefit by the good impression made on the business community by this office during my incumbency. Therefore, with a high sense of my individual responsibilities, and also a burning desire to excel in my administration (more for my party's sake than my own), I appeal to you to exercise your good offices with Appropriations Committee, before which this matter is pending, feeling certain that I shall have your cordial and hearty support. It is the desire of the Department to have this added to the sundry civil bill, and if the delegation will all work together to that end, as I am sure they will, it will undoubtedly be accomplished. Thanking you in advance, I am,

Sincerely, yours,

A. LINCOLN DRYDEN,
Assistant Treasurer, United States.

SUBTREASURY SERVICE, OFFICE OF ASSISTANT TREASURER,
Baltimore, Md., February 3, 1903.

Hon. GEORGE A. PEARRE,
House of Representatives, Washington, D. C.

MY DEAR COLONEL: Your favor of the 3d instant is at hand, and after noting carefully the contents I make haste to reply. Now, I am also sorry that I did not write you sooner about the addition which ought to be made to the Baltimore subtreasury. I really did not desire to trouble you or the other members of the delegation, whose districts do not include any of the city of Baltimore, thinking that perhaps the city members of the delegation might be able to take care of the matter alone, as the situation affects city interests to the greatest extent. I thank you very much for the kindly interest that you manifest by so promptly giving me the present status of our case and the facts on which the Appropriation Committee seem to base their opposition. I am indeed sorry that the distinguished member of the committee from Massachusetts has seen fit to underestimate our serious need for more working space in this office, and that he has so quickly jumped at the conclusion that we can go along all right until this office shall be transferred to new quarters in the new custom-house building in course of construction.

I am amazed by the time stated by Mr. GILLETT in which, as you quote in your letter, he expects the custom-house to be completed, namely, two years; and hence our new quarters will be ready, according to him, in that space of time. By referring to House Document 272 (copy of which I send (Exhibit A) you with this letter), in the letter of the Supervising Architect transmitted to Congress by the Secretary on January 13, 1903, you will find that officer calling attention to the "entirely inadequate quarters" now occupied by the subtreasury at Baltimore, and also that the Supervising Architect states therein that the new custom-house building will not be ready for occupancy "within three or four years," and I may add that information comes to me from knowing ones here that the said building will not be ready to throw open for public business for five or six years.

Mr. GILLETT, whom you quote, seems to agree with the Supervising Architect as to the needs of this office, for on the morning when he made his hurried

call here he stated that we needed both additional space and force; but as to the time in which we shall be able to leave these inconvenient and, I may say, dangerous quarters and remove to the commodious one to be provided in the new building the estimate of the distinguished member of the committee, who walked into our office for a few minutes, differs materially from that of the Supervising Architect, who has made through his special representative a thorough and exact examination of our working space. The fact of the business is, those who know most about this matter predicted when this office was removed from the old custom-house to this building all the unsatisfactory things which we are now experiencing. My predecessor, ex-Assistant Treasurer Sloan, advised by the cashier, Mr. L. H. Nice (who has been with the office since its establishment in 1870), not only disagreed with the custodian of the old custom-house as well as the custodian of this building, but feeling the responsibilities of his position and knowing the requirements of this service, and well aware of the limited working space, filed his protest with the Secretary of the Treasury before the removal of the vaults was made. I beg to inclose copy of the letter of my predecessor to the Secretary. (Exhibit B.)

All that was feared by my predecessor before coming to these quarters has come to pass. This subtreasury has been in its present location since February, 1900, and the inadequate space, deficient light, and the lack of good ventilation are very apparent; and the latter certainly seems to have affected the health of every man in the office. To be called upon, as the force in this office is daily and has been for two or three years, to work over hours, sometimes into the night, to finish the business of this office accepted during the day, even if we were in comfortable quarters, with sufficient air and light, would be to require of faithful, expert men what is not, in my judgment, and never was, intended by a great and rich Government. But to require these extra duties and extra hours in quarters such as we endure here is to force involuntary service from those who may not be able, in their smothered indignation because of environments, to resign their positions.

I have taken the oath and am bonded to administer this office, and I am endeavoring to discharge the duties that devolve upon me, but I am frank to say that I have never been, in all my short experience, in such an embarrassing position, where I am compelled to place upon the altar of sacrifice the health and happiness of faithful and loyal officials to meet the demands of the public business, which is always seriously retarded.

The suggestion of the chairman of the Appropriation Committee that the office of the assistant treasurer be surrendered for the general work of the officials here and that the assistant treasurer take an office in another portion of the building or in a room outside of this building is entirely impracticable. In the first place, I am informed to-day by the custodian of the building that there is no other room available for this service. In the second place, if the assistant treasurer takes a room outside this building it would require an additional messenger's service and would break up that close contact with business of the subtreasury, which would be the height of unwisdom, according to all those who understand the subject.

I am sorry to have troubled you with this long communication, but you requested me to give you my views of the matter in the new light shed upon it by the chairman of the Appropriation Committee and Mr. GILLETT. It may not seem quite the proper thing for me to exhibit such persistence in further urging these necessities, but I would not be faithful to the high trust reposed in me, nor true to the great business interests that demand promptness and efficiency from this office, nor considerate of the efficient force under my charge here, did I not (although with little hope now of being heard) lift my voice for better conditions and to try to secure such relief as any intelligent investigation and examination would suggest and assure. I am anxious only to have present those necessary conditions which will make possible the efficient dispatch of all business presented to us for acceptance and thereby impress the community, who will be well served.

I am deeply anxious to be spared from the undesirable and unfortunate position which I will certainly be obliged to assume unless Congress comes to our relief, where the subtreasury will refuse to receive from the banks of Baltimore more than can be handled within the hours and in the manner now prescribed by the Department.

Feeling sure of your cordial cooperation in the endeavor to remedy our unpleasant situation, and knowing that whatever steps it may be wise to take you will take, I am,

Very sincerely, yours,

A. LINCOLN DRYDEN,
Assistant Treasurer United States.

Mr. PEARRE. Now, Mr. Chairman, I do not know that I can add anything to that which has been so well said by the public officials of the Government, the Secretary of the Treasury, the Supervising Architect of the Treasury, and the two subtreasurers of Baltimore, the former and the present. It is very evident—and I believe my brother will admit—that more room is required there, and that they must have it. The only question as existing between the gentleman and myself on this point is whether or not they will be able to get into the new custom-house building in Baltimore within a couple of years, or four or five years. I appeal to the experience of the House and of every man to justify the statement that in the construction of large buildings the estimates of the architect and the contractors themselves are almost always faulty, and that being the case, that the time for the completion of this building will be very much greater than anticipated. Therefore I respectfully submit that this appropriation, which is a small one, should be made.

The CHAIRMAN. Does the gentleman from Illinois insist on the point of order, or make the point?

Mr. CANNON. I think it is subject to a point of order. I have heard the letters read, and with all due respect to the valuable officer who displays great ability in writing an urgent letter in regard to that matter, it is subject to the point of order. I have already made similar ones and expect to have to make many similar ones before I get through with the bill. I will have to insist on the point of order.

Mr. PEARRE. I would suggest that the point of order is not well taken. Upon what ground is the point of order made? This is a public work already being in progress, and it is for the continuance of the work in that place.

Mr. CANNON. This is the fact about it: There is already a custom-house being constructed, which will be completed in three or four years—a great building. This is an old building, which is occupied temporarily. This is for an addition to that building. If you can build one at $5,000, you can build one at $5,000,000. I think it comes within the rule.

Mr. PEARRE. That is what you did at the Military Academy and what you did at the Naval Academy.

Mr. CANNON. No; I did not.

Mr. PEARRE. That was what was done.

Mr. CANNON. That is where there was a legislative provision.

Mr. PEARRE. I am so in the habit of attributing things to the gentleman that I perhaps ought not to have attributed that to him.

Mr. CANNON. Thank you.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MONDELL. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Page 60, at end of line 15, insert:

"For the purpose of making an investigation of the streams flowing from the Big Horn Mountains in northern Wyoming, with a view of determining the best location in the said region for the establishment of a fish hatchery, $1,000."

Mr. CANNON. Mr. Chairman, I will reserve the point of order on that.

Mr. MONDELL. Mr. Speaker, I hope the gentleman will not insist upon the point of order. There are several very beautiful mountain streams flowing from the Big Horn Mountains in Wyoming. There are several places suitable for the erection of fish hatcheries there. We have no fish hatchery in Wyoming, and we have more streams suitable for trout and other game fish than any of the States of the Northwest. We simply ask that an investigation be made of certain streams with a view of determining whether it is advisable to appropriate for and establish a fish hatchery in that region. Should the report indicate that there is not a suitable location, or that there is no necessity for the erection of such a hatchery in that vicinity, none would be erected. If the report is favorable, on the other hand, the erection of a fish hatchery would depend upon the future action of Congress.

Mr. CANNON. I think if it was a separate legislative proposition my desire to yield to the judgment of the gentleman from Wyoming is such that I suspect I should vote for the proposition; but it is clearly not in order on a general appropriation bill, and I shall have to insist on the point of order.

The CHAIRMAN (Mr. LACEY). The point of order is sustained.

The Clerk read as follows:

Miscellaneous objects, Treasury Department.

Mr. TAWNEY. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk:

The Clerk read as follows:

GOVERNMENT EXHIBIT, LOUISIANA PURCHASE EXPOSITION.

For the selection, purchase, preparation, transportation, arrangement, installation, safe-keeping, exhibition, and return of such articles, animals, and materials belonging to or used by the agricultural colleges and experiment stations, hereinafter referred to, as the Government board created by act of Congress approved March 3, 1901, as amended by act of June 28, 1902, may decide to exhibit as a part of the Government exhibit to show the progress of education and experimentation in agriculture, in mechanic arts, and animal husbandry at the Louisiana Purchase Exposition, to be held under authority of said act, of the colleges of agriculture and mechanic arts and agricultural experiment stations receiving the benefits of the acts of Congress of July 2, 1862, March 2, 1887, and August 30, 1890, $100,000, to be immediately available; which sum shall be expended for that purpose only, and for the authority of said Government board: *Provided*, That the Louisiana Purchase Exposition Company, at it its own cost and expense, shall furnish to said Government board adequate and suitable space in an appropriate building or buildings for the installation of said exhibit and its exhibition during the continuance of said exposition.

Mr. TAWNEY. Mr. Chairman, I will say that this matter has been carefully considered by the Committee on Industrial Arts and Expositions.

Mr. CANNON. As I understand, Mr. Chairman, this is the amendment that the gentleman's committee passed and sent to our committee?

Mr. TAWNEY. Yes.

Mr. LIVINGSTON. What is the amount carried?

Mr. TAWNEY. One hundred thousand dollars. It proposes an appropriation of $100,000 to defray the expenses of an exhibit by the agricultural colleges to be made in connection with the Government exhibit, including the work these colleges are doing in the matter of animal husbandry, and it will be made under the direction and control of the Government board appointed under authority of the act of March 3, 1901. The Committee on Industrial Arts and Expositions has considered the matter carefully, after hearing representatives of the Agricultural Department and others interested, and the committee authorized me, as its chairman, to report the same to the Committee on Appropriations, and I now offer it with the approval of that committee.

Mr. BARTLETT. Mr. Chairman, I am a member of the Committee on Industrial Arts and Expositions, of which the gentleman from Minnesota [Mr. TAWNEY] is chairman. I desire to say, representing the minority of that committee, that I was present at the hearing, and we found that it is necessary in order to provide for the exhibition of the progress of the agricultural colleges at this exposition, and of the work that has been done in those colleges, to provide the means for that purpose. The $800,000 that has been provided for the Government exhibit has been so apportioned out that this particular exhibit could not be shown unless this additional appropriation which is contained in the amendment should be made. For myself I am in favor of it, and think the appropriation ought to be made now. I make this statement that the gentlemen on this side may understand that the matter has been thoroughly investigated by the committee, and that there is no reason why the amendment should not be adopted.

The amendment was considered and agreed to.

Mr. TAWNEY. Now, Mr. Chairman, I offer the following amendment to follow the amendment just adopted.

The Clerk read as follows:

Insert at end of line 2, page 62:

"DISTRICT OF ALASKA EXHIBIT.

"To enable the inhabitants of the district of Alaska to provide and maintain an appropriate and creditable exhibit of the products and resources of that district at the Louisiana Purchase Exposition in the city of St. Louis, Mo., in 1904, and to erect and maintain on the site of said exposition a suitable building to be used for the purpose of exhibiting the products and resources of said district, the sum of $50,000, to be subject to the order of the Secretary of the Interior, who is hereby authorized to expend the same in such manner as in his judgment will best promote the objects for which said sum is appropriated, in accordance with rules and regulations to be prescribed by him."

Mr. TAWNEY. Mr. Speaker, this appropriation contemplates merely the erection of a building for the Alaskan exhibit and the maintenance of the exhibit while at the St. Louis Fair. The people of Alaska propose themselves to bear the expense of collecting the exhibit and transporting the same to St. Louis and the return of the same. This appropriation is recommended, too, by the Secretary of the Interior, and has also been considered by the Committee on Industrial Arts and Expositions, which committee has instructed me to present the amendment.

Mr. CANNON. This proposed appropriation is for $12,000?

Mr. TAWNEY. No; fifty thousand for the building and the care of the exhibit. The people of Alaska themselves are to pay all the expenses incident to the collection and transportation of the exhibit.

Mr. CANNON. This, then, is for the building only?

Mr. TAWNEY. For the building and for the care of the exhibit.

Mr. CANNON. Who pays the balance of the expense?

Mr. TAWNEY. The people of Alaska. I have here a letter from the Secretary of the Interior, which I will not stop to read, in which he states that it is the purpose of the people of Alaska to defray the expense of collecting and transporting the exhibit, and that all that is asked of Congress is an appropriation for the erection of a building in which to house and care for the exhibit while it is in St. Louis. The great expense of this exhibit will be in its collection, and this work the people of Alaska propose to do without Government aid.

I will say further that the reason Alaska is obliged to come to Congress for the purpose of securing an appropriation of this kind is that, as we all know, they have no legislative body, no Territorial government, and can not themselves make any public appropriation. Since the acquisition of Alaska that Territory has paid into the Treasury of the United States more than $9,000,000.

Mr. SULZER. The gentleman might go farther and say that the money raised by the people of Alaska goes into the Federal Treasury.

Mr. TAWNEY. I have just stated that the revenue derived by the General Government from Alaska aggregates something over $9,000,000. Mr. Chairman, I ask for a vote.

Mr. CANNON. Mr. Chairman, I should like to say a word. I suppose this amendment will be adopted. I am not inclined to vote against it. Sometimes I have seen good cases spoiled in court by being sustained by insufficient argument. I do not say that this is that particular case. I do not, however, put my support of this proposition upon the ground that the money collected in Alaska goes into the Treasury. The amendment is not defensible at all from that standpoint.

Nine million dollars, my friend says, is the amount which Alaska has paid into the Treasury of the United States. Now, Alaska was acquired, I believe, in the late sixties.

Mr. DALZELL. Eighteen hundred and sixty-seven.

Mr. CANNON. I am glad that it was acquired; I feel kindly toward that Territory and its people. I am glad of all that has been accomplished there, and hope much more will be accomplished. No government except such as we have had up there could have been, for the time being, possible. Nobody has stopped to ask how much has been expended by the Government while the nine millions have been coming in; and I do not care very much as to that.

Mr. TAWNEY. The average has been about $150,000 a year.

Mr. CANNON. Oh, much more than that.

Mr. TAWNEY. That is my information from the Secretary of the Interior.

Mr. CANNON. Much more than that. There are lots of things that are not counted. Why, sir, this bill makes an appropriation, for instance, for extending the light-house service, carrying, I believe, $200,000 or $300,000; such appropriations have been carried for several years, and they ought to be carried. Then, considerable revenue has been gotten from the seal business; but where we have gotten a cent, it has cost us a dollar. However, I am not objecting. I am willing that this exhibit be made, but I do not put it on the ground of the Alaskan revenues going into the Treasury.

Now, touching this exposition, I guess it is to be a great exposition. I hope so. It has $5,000,000 to start on. With the amendments that are to be adopted here there will be another million, making six million. Then, when we run through the account for rent and other expenses, it is reasonable to assume that such expenses will not fall short of another million dollars. And we can stand it. "In for a penny, in for a pound." I do not want to scold about this matter. But I hope that this is the last exposition for half a century to be held at the expense, in whole or in part, of the public Treasury.

The gentlemen of the Committee on Industrial Arts and Expositions have investigated this subject and moved this amendment. They had jurisdiction, and I accept their investigation and recommendation as proper so far as I am concerned. The sundry civil bill, which must pass, is, as we know, a carry-all; and it will doubtless carry this when it passes.

Mr. SIMS. Will the gentleman from Illinois kindly tell us what Alaska has cost us, exclusive of the purchase money?

Mr. CANNON. Oh, I could not do that without going into very great detail. I should have to take into consideration the Revenue-Cutter Service, the Marine-Hospital Service, the Army, and the Navy, and kindred services, and the diplomacy of the country, the settlement of international questions, the determination as to whether there was a closed sea up there inside of that wonderful body of islands. First and last, I do not know what that Territory has cost. I think it is amply worth all it has cost.

Mr. TAWNEY. Could the gentleman state how much the citizens of the United States have gotten out of Alaska as a result of our purchase and the opportunity thereby afforded them?

Mr. CANNON. Oh, not much, up to this point. Individuals, in my judgment——

Mr. TAWNEY. I am talking about individuals.

Mr. CANNON. The individual citizen, in my judgment, has paid out possibly as much money—I would guess it in that way—in the aggregate as those who have saved something. Still that is always the case in a new country. In time I think it will grow to be valuable, and it ought to be treated well.

Mr. TAWNEY. Mr. Chairman, just one word in reply to the gentleman from Illinois. The appropriation is not asked upon the ground of revenue paid into the Treasury of the United States from the Territory of Alaska. There is no question but that this Territory has proved a valuable acquisition to the territory of the United States. Nor can it be denied that the resources and products of that Territory are little known to the people of the United States or to the people of the world. I do not believe that there is a State or Territory capable of making a more creditable, more attractive, or a more interesting exhibit than the Territory of Alaska. That is one ground upon which the appropriation is asked. It is also asked on the further ground that at this exposition all the States and Territories will be represented by very large exhibits, and the people of the district of Alaska have no means of appropriating money or obtaining any official recognition at this great exposition except through Congress. If they had they would do as Arizona has done, as New Mexico and Oklahoma have done—make their own appropriation from their own treasury for their exhibit. Having no means of obtaining authority for the exhibit or the appropriation, they naturally come to Congress, which has exclusive jurisdiction. I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The question was taken; and the amendment was agreed to.

Mr. TAWNEY. Mr. Chairman, I have one more amendment, which I offer to follow the amendment just adopted.

The Clerk read as follows:

INDIAN TERRITORY EXHIBIT.

To enable the inhabitants of the Indian Territory to provide and maintain an appropriate and creditable exhibit of the products and resources of that Territory at the Louisiana Purchase Exposition in the city of St. Louis, Mo., in 1904, and to erect and maintain on the site of said exposition a suitable building to be used in exhibiting the products and resources of said Territory, the sum of $25,000, provided that the inhabitants of said Territory shall contribute and pay into the Treasury of the United States a like sum for that purpose; the whole, to wit, $50,000, to be subject to the order of the Secretary of the Interior, who is hereby authorized to expend the same in such manner as in his judgment will best promote the object for which the same is made available under this act, and in accordance with rules and regulations to be prescribed by him: *Provided*, That if the inhabitants of said Territory fail to so contribute and pay into the Treasury of the United States the sum of $25,000 on or before the 1st day of June, 1903, the sum hereby appropriated shall be turned back into the Treasury of the United States.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

Mr. GAINES of Tennessee. Mr. Chairman, I would like to ask the gentleman from Minnesota if there is any request made for this appropriation by the people of the Indian Territory.

Mr. TAWNEY. The people of the Indian Territory have requested this appropriation. The Secretary of the Interior has recommended it, and the people are so anxious to make an exhibit that they agree to pay into the Treasury of the United States, $25,000, an amount equal to the amount appropriated by this amendment.

Mr. GAINES of Tennessee. Who have agreed to that?

Mr. TAWNEY. The people of the Indian Territory.

Mr. GAINES of Tennessee. Yes; but what particular society or corporation or meeting?

Mr. TAWNEY. I do not know what particular person or society. I am advised by the Secretary of the Interior that responsible parties have made this offer. In the event that this amount is not paid into the Treasury by the 1st of June next, then this appropriation of $25,000 will lapse and they get nothing at all.

Mr. GAINES of Tennessee. Mr. Chairman, I want to be heard just a moment. I move to strike out the last word.

Mr. TAWNEY. And I would say further that the same reason for the people of the Indian Territory coming to Congress and asking this appropriation exists in this case as in the case of Alaska.

Mr. SHATTUC rose.

Mr. TAWNEY. Mr. Chairman, I yield to the gentleman from Ohio.

Mr. SHATTUC. How about an appropriation for Guam? [Laughter.]

Mr. TAWNEY. None has been requested. I now yield to the gentleman from Tennessee, if he desires to ask a question.

Mr. GAINES of Tennessee. I am through asking questions.

Mr. Chairman, the people of the Indian Territory, the gentleman from Minnesota says, are on all fours as to conditions and surroundings with Alaska. I take it that that is what he means.

Mr. TAWNEY. With respect to legislation.

Mr. GAINES of Tennessee. Yes; and we have been robbing them of their right to be represented here, to have a representative in this House, ever since we have had hold of them, all of which I protested against, and do now. They ought to have somebody here to be able to answer these questions that have been asked. We do know of conditions in the Indian Territory, because near us, but practically little of Alaska, and presume on her condition and legislate accordingly. Now, the gentleman says his resolution provides that if we appropriate this the "people" of the Indian Territory are to appropriate something.

In other words, we are trading with "we the people of the Indian Territory," an unorganized country, with no power to act save by petition, and that these people have not done in this matter. There is no society or organization, I take it, from what the gentleman says, that has requested this. There is no jury, there is no court. The governor, if they have one, has not asked for it; the preachers have not asked for it; the Indians have not asked for it; those who ask for statehood have not asked for it. Yet, Mr. Chairman, we are going along here, just throwing away the people's money like so much rotten corn—a large sum for Alaska; $3,000,000 to go to the Philippine Islands to "build railroads and government wagon roads" that we do not build for ourselves in our own country. And now we are going to throw a lot of "chicken feed" out into the Indian Territory and say to them, "If you will give something back to the United States you may have this." "You," an unorganized people. It looks to me as if we were going wild over this matter of throwing away the people's money, scattering it around as though sand from the sea, instead of taking this hard-earned money, gathered from the backs of the people of our country, if we take it at all, and making a substantial, lasting, useful improvement instead of expending it for a "show"—a fleeting joy, soon seen, then gone forever. I have objected to such appropriations, and do now; and I opposed the Alaska item.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. TAWNEY].

The question being taken, on a division (demanded by Mr. TAWNEY) there were—ayes 55, noes 4.

Accordingly the amendment was agreed to.

The Clerk read as follows:

Suppressing counterfeiting and other crimes: For expenses incurred under the authority or with the approval of the Secretary of the Treasury in detecting, arresting, and delivering into the custody of the United States marshal having jurisdiction dealers and pretended dealers in counterfeit money and persons engaged in counterfeiting Treasury notes, bonds, national-bank notes, and other securities of the United States and of foreign governments, as well as the coins of the United States and of foreign governments, and other felonies committed against the laws of the United States relating to the pay and bounty laws, including $2,000 to make the necessary investigation of claims for reimbursement of expenses incident to the last sickness and burial of deceased pensioners under section 4718 of the Revised Statutes, and for no other purpose whatever, $125,000: *Provided*, That no part of this amount be used in defraying the expenses of any person subpœnaed by the United States courts to attend any trial before a United States court or preliminary examination before any United States commissioner, which expenses shall be paid from the appropriation for "Fees of witnesses, United States courts:" *Provided further*, That the investigation of claims for the reimbursement of expenses of the last sickness and burial of deceased pensioners shall be at the instance and under the direction of the Secretary of the Treasury, and no part of any accrued pension shall hereafter be used to reimburse any State, county, or municipal corporation for expenses incurred by such State, county, or municipal corporation under State law for expenses of the last sickness or burial of a deceased pensioner.

Mr. MADDOX. I should like to ask the gentleman from Illinois if the proviso at the bottom of page 68, in the twenty-fifth line, is not new law?

Mr. CANNON. No; that is in the current law.

Mr. MADDOX. No change in that?

Mr. CANNON. No.

The Clerk read as follows:

Alaskan seal fisheries: For salaries and traveling expenses of agents at seal fisheries in Alaska, as follows: For one agent, $3,650; one assistant agent, $2,920; two assistant agents, at $2,190 each; necessary traveling expenses of agents actually incurred in going to and returning from Alaska, not to exceed $500 each per annum; in all, $12,950.

Mr. GAINES of Tennessee. I should like to ask the gentleman from Illinois who are these agents and for whom do they work? It says "traveling expenses of agents at seal fisheries in Alaska."

Mr. CANNON. I will say to the gentleman that the agents are provided for by law, officers of the United States, paid by the United States; but he asks me a very hard question when he asks for whom they are working. In theory they are working for the United States, and I must presume that they are so doing, for the best interests of the United States. There have been intimations from time to time that possibly they were working for the interests of the contractors.

Mr. GAINES of Tennessee. I knew that if there was anyone this side of Alaska who knew whom these gentlemen were working for it was the distinguished gentleman from Illinois. The bill does not state, and I do not think the report states, and I wanted to find out whether they were working for the Government as officials or whether they were working for some private firm.

Mr. CANNON. Well, I do not know. I never was in Alaska. I do not know who the agents are. Presumably they are performing their duties.

Mr. GAINES of Tennessee. Will the gentleman tell me what they do?

Mr. CANNON. Oh, they go up there on the Pribilof Islands where the seals come in at a certain season of the year, following their instincts, roaming around for pleasure and the perpetuation of the species, and so on, and when they come in there the people who have the contract are there for the purpose of killing certain designated seals. I think the killing applies to the males. This animal is polygamous in his habits. You can kill off a certain quantity of males of certain ages without endangering the perpetuity of the species. The skins are valuable, as we all know, and these agents are there, and their duty is to see that no seals are killed except those that may be killed under the contract.

Mr. GAINES of Tennessee. Then, if that is true, it would seem that the agents are working for the Government to protect the seals.

Mr. CANNON. Presumably; it is their duty to work for the Government.

Mr. LACEY. Mr. Chairman, I move to strike out the last word. The contention has been made that the parties engaged in protecting the salmon fisheries have been so inadequately supplied with funds that they have been compelled to enjoy the hospitality of those engaged in the business, and thus have not been able to point out the violations of the law, because it is a difficult thing for one enjoying the hospitalities of another to call attention to any infraction of the law on the part of his host. Now, I want to ask the gentleman if the committee has investigated the propriety of furnishing additional funds for those men,

so that they could travel independently and look after the protection of the fisheries in Alaska?

Mr. CANNON. They do not have to accept hospitalities. I do not know whether they do or not, but there is no necessity for their doing so. I will state that, with a few natives, and no great number of white people, and the fact that a few people are living in comparative solitude, with the absence of a population to make civilization, the absence of criticism, no eye to watch in this great space except the eye of the Almighty, I should think very likely that a man if he was at all inclined to lapse from vigilance might conclude up there, in the regions of ice, snow, and storm, that the Almighty was watching the warmer places on earth, and that they might be remiss. A man of high integrity would perform his duty. Whether all the officials have performed their duties under these conditions I do not know. There is no necessity or any propriety in any official of the Government accepting the hospitalities of anybody. The appropriations are sufficient.

Mr. SULZER. Mr. Chairman, in connection with what has just been said, I desire to say to the gentleman from Illinois [Mr. CANNON] and in his presence to the members of the committee and to the country what is known by many and should be known by all, and that is, that if the gentleman from Illinois had not objected last session to my bill "to encourage salmon culture in Alaska and for the protection of persons engaged in the production thereof," it would be unnecessary for him at this time to appropriate this money, because the people in Alaska engaged in this industry would have attended to the matter themselves. If that bill introduced by me had become a law, this money would have been saved this year and all the years to come. It is quite a large sum, and it will grow larger each year. My bill is intended to stop this drain on the Treasury.

Now, sir, let me read this bill, so that we will know exactly what it does.

Be it enacted, etc., That any person or persons who heretofore or hereafter may establish and maintain a hatchery for the artificial production of salmon in the district of Alaska shall be entitled to the exclusive right of all fish that such hatchery may produce in excess of the normal product of such stream for a distance of 1 mile in all directions in tide water from the mouth of the stream upon which such hatchery may be located.

SEC. 2. That when the average normal product of any stream on which a hatchery may be maintained shall have been taken within 1 mile of the mouth of said stream in any one year by any party or parties, then the remaining fish produced by said hatchery shall be the property of the owner or owners of said hatchery for a distance of 1 mile in all directions in tide water from the mouth of said hatchery stream, and for a further distance of 4 miles in all directions in tide water it shall be unlawful for any party or parties to take fish of the kind propagated by the hatchery for whose protection this law is enacted.

SEC. 3. That in case other streams producing salmon of the same kind as those produced by the hatchery so protected shall intervene within a distance of 5 miles, then the normal product of such intervening stream shall be included in and added to the normal product of such hatchery stream subject to the same conditions as are provided in section 2 of this act.

SEC. 4. That the provisions and immunities of this act shall apply to barren streams and lakes that shall have been stocked with fish from artificial hatcheries.

SEC. 5. That in case two or more persons shall maintain hatcheries on the same stream, or stock barren lakes or streams, such persons shall be entitled to their proportionate number of adult fish so produced, and each party shall file a sworn statement of his or their output of young fry with the nearest United States commissioner each year.

SEC. 6. That native Indians may at all times take sufficient fish for food or for drying for winter use as food for themselves or families, and fishing with the rod shall be open and free for all persons.

SEC. 7. That the Secretary of the Treasury is hereby authorized to grant leases in accordance with the foregoing sections of this act, for a period not to exceed twenty years from the time the product of their hatcheries shall return, to all persons producing satisfactory proof of having maintained hatcheries on any of the streams of Alaska not producing, in a normal state, more than 10,000 salmon of the kind propagated by said hatchery; such lease subject to renewal at the discretion of the Secretary of the Treasury: *Provided*, That before any such lease shall be granted the party or parties making application therefor shall accompany such application with proof sufficient to establish the normal product of such stream; and no person shall be entitled to more than one hatchery lease or the privilege of stocking more than three barren lakes or streams and being protected in the product thereof. Corporations owning and operating canneries shall be entitled to one hatchery franchise for each cannery so operated, and no more. All hatcheries that may have been started and maintained on streams producing more than 10,000 salmon of the kind propagated prior to the passage of this act shall be entitled to all immunities of hatcheries established on streams producing not more than 10,000, as provided in this section.

SEC. 8. That all rights and privileges granted by this bill are subject to the supervision and regulation and repeal by Congress.

This bill was introduced by me January 23, 1902, and unanimously reported by the committee on May 16, 1902. It would have passed this House long ago if it were not for the opposition of my friend from Illinois. I can not account for his antagonism to this bill. It is a worthy bill. The people in Alaska want it, and there is no good reason why it should not pass.

The purpose of the bill is to maintain and increase the normal product of salmon in Alaska. The destruction of the salmon fishery on the Atlantic coast demonstrates beyond any question that some steps are necessary to be taken to protect and preserve this great and valuable source of food supply on the Pacific coast, or it will ultimately meet the same fate.

The provisions of the bill will give the necessary protection and encouragement to private citizens to invest their capital and labor in the work of propagating young salmon, which are absolutely needed to replenish and increase the natural supply, which is now being steadily exhausted, and which unless some such action is taken by the Government will be finally exterminated. This law will not only keep up the present supply, but will enormously increase the normal supply.

The proposed law simply gives to parties a legal right to property they create from the wastes of nature at their own cost and without taking anything of value from the public domain. If they produce ten where nature produced but one, they surely should have the right to the increase. They also enrich the waters outside the protected zone by thousands of fish that will be public property.

No title in fee simple is asked, merely a lease that need not be renewed unless its continuation should seem just and proper.

The bill also provides that these leases shall be subject to repeal by Congress at any time, in case the public interests may demand.

No person or corporation will have a monopoly of any stream. All have equal rights, as provided in section 5. And no individual can have more than one franchise, or corporation more than one for each cannery actually operated. The rights of Indians are more than protected, as they have free access for food purposes to the artificial product, and in common with others to the normal product. Fishing with hook and line is free to all.

Limiting hatchery franchises to small producing streams will prevent clashing of interests, as streams producing 10,000 or less of the valuable redfish are considered of small value and are seldom fished by more than one party, while the large producers, running as high as 2,500,000, are fished by several persons and corporations. Those who have already maintained hatcheries on streams producing large numbers should be protected, in all fairness.

There are thousands of streams and lakes that are barren because of falls near tide water which no fish can pass on the upward passage. By stocking these streams with young fry, you reclaim a desert; yet this can be accomplished, and the commercial results of which would be enormous; to accomplish this, however, entails a considerable expense.

No policy will advance the settlement of Alaska more or as much as that provided for in this bill. Every industrious fisherman can, and many will, embark in salmon culture, and in connection with his hatchery will develop what there may be of agricultural resources that will never be utilized except in connection with some auxiliary industry. Nearly all the lands suitable for agricultural purposes are situated at the mouths of streams.

The 1 mile reserved to the propagator in many cases would not be sufficient protection, but a further reserve of 4 miles, as set forth in section 2 of the bill, from which all parties are excluded from taking fish of the kind propagated, will leave those which might be in transit free to pass on to their native streams unhindered, and if they are the product of the protected hatcheries they will go there also unhindered.

Fishing for all kinds of salmon, of a different species from those propagated, as well as other species of fish, is free and open to all.

Col. H. M. Kutchin, special agent of the Treasury Department for the Alaska salmon fisheries, says regarding this measure:

The bill is fair and equitable. I think that any man who is disposed to put in his time and money and effort, as Mr. Callbreath and others have, should be protected, and I think this bill does it fairly and well, and that it does not encroach upon the rights of anybody. It does not give anybody the exclusive rights of streams. There will probably be contentions, where there are two men on a stream, as to how many fish each produced and how many of the returning fish are his, but that can not be cared for in this particular bill. I think it is a good bill. So far as the preservation of fisheries is concerned, I think there should be a vital revision of law. There should probably be limitations as to the duration of the fishing seasons and the size of the pack.

Commander J. F. Moser, United States Navy, commanding United States Fish Commission steamer *Albatross*, examining into the fisheries of the Pacific coast, says in his report for 1900 to the Treasury Department, page 227:

Mr. Callbreath is positive that his fish will return, but he now believes the time has not yet arrived for the first output to mature. It is earnestly hoped he may realize all he anticipates, for the zeal and enthusiasm which he displays should meet with ample reward. In the meantime he is carrying on a very interesting experiment. If his fish return he will have demonstrated that salmon do return to the parent stream, he will have thrown much light on the age of fish, and he will have proved that a stream running a few fish can be made to yield abnormally. If this is demonstrated a law should be passed permitting the leasing of small streams for hatchery purposes and recognizing ownership in fish thus hatched. This would mean a great deal to southeastern Alaska, as it would draw settlers who could make a very good living by operating a hatchery and cultivating the little patches of land that are favorably located.

Now, Mr. Chairman, the gentleman from Illinois is opposed to this bill, and unless he withdraws his opposition it can not pass by unanimous consent, and I am afraid it will not be reached on the Calendar in its regular order ere this Congress adjourns. The

gentleman prides himself on being the watchdog of the Treasury. He is a poor watchdog, however. He is at times shortsighted. Sometimes he is penny wise and pound foolish, and that is this case. If my bill were a law these annual appropriations would cease and much money would be saved. His opposition to this meritorious bill can only be explained on the theory that he is either misinformed or needs to be informed, and I hope the information I shall give him to-day will be sufficient to convince him of his error, so that he will withdraw his opposition.

The gentleman I know is very wise, but I doubt if he knows it all. I have heard him several times on this floor talking about Alaska; that is, telling us what he knew, or rather, I should say, what he did not know about Alaska. It is all very amusing to hear him talk about Alaska. He knows so much about it—about the place that he has never seen or even read much about. In other words, when he demonstrates his remarkable lack of information in regard to that vast domain it is to laugh. He has never been there; he knows little about Alaska, and yet, week in and week out, whenever there is a bill before this House for the Alaskans—a bill that the people of that Territory want, a bill that should pass and become a law—the genial gentleman from Illinois rises up, in his peculiar way, with a know-it-all smile on his sunshiny face, and in a voice that is childlike and bland tells us all he does not know about Alaska. As a piece of farce comedy it is good acting, but it is not statesmanship and it is cruel and unjust to the good people of Alaska.

If the gentleman would only visit Alaska, if he would go there for a while and see what there is up there, if he would only acquaint himself with the people who live there and find out for himself their wants, I am satisfied he would not be heard in the next Congress objecting to necessary legislation that the people of Alaska demand and ought to have. Alaska is an anomaly in our sisterhood of States and Territories. She is neither a State nor a Territory. She is neither flesh, fowl, nor good red herring. Alaska to-day has no government. She has, I regret to say, absolutely no voice in her own affairs. The taxes that she pays and the money that she raises, all, every dollar, goes into the Federal Treasury. The people of Alaska want to govern themselves. They want home rule—Territorial government—and they should have it.

Now, Mr. Chairman, I say that the gentleman from Illinois does not understand this question, and he never will understand it unless he will take a day off and study. The salmon business is one of the great industries of Alaska. Southeastern Alaska furnishes nine-tenths of all the canned salmon in the world, and the total product from Alaska this year of canned salmon will amount to over $9,000,000; and yet the gentleman a little while ago did not want to give the people of Alaska a mere pittance of money to properly exhibit the products and resources of Alaska at the Louisiana Exposition to be held in St. Louis in 1904.

This bill I introduced, as I have previously stated, is for the protection of the salmon of Alaska and to prevent their extermination. It is well known by those who have studied this matter that unless there is some legislation to artificially propagate the salmon it is only a question of time when the salmon in Alaska will become extinct. Those who do this at their own expense should be protected.

The salmon industry is one of the great industries in Alaska. A great many canneries have been established there, are being established there, and will continue to be established. At the present time millions of dollars are invested. The product of these canneries is one of the most valuable products of the district and one of the great products of this country. It foots up every year into millions and millions of dollars. Besides the monetary question involved in this matter as an industry of the United States, the great point that I wish to make is this: I am in favor of protecting the fish and game of America, and I have always, since I have been a legislator, in my State and here in Washington, done all that I could to accomplish that purpose. It is a sad commentary on our civilization that by reason of our lack of judgment and foresight we have allowed the most valuable fish of the Atlantic to be exterminated, and we have allowed the larger wild animals of our country to become practically extinct.

Mr. Chairman, just a few words more. This bill is not in the interest of the canneries, although in my judgment it would help and not hurt the canneries. I am informed that they have no objection to it. After careful study, it is my opinion that if this bill should become a law it will do more to perpetuate and increase the salmon than anything else that we can do at this time. I say further, this bill gives no exclusive rights, no monopoly to anyone. It is a fair, just, and conservative bill, and ought to pass. If any member can suggest amendments that will improve it in any way I shall be glad to accept them. Another thing, this bill provides that nothing contained in it shall in any way prevent line or fly fishing by tourists, sportsmen, or persons who go to Alaska, or anyone in Alaska. It also provides that the Indians, or natives of Alaska, can catch the salmon for food, or for drying for winter use as food for themselves and their families. Hence, taking it all in all, I believe this bill is a very fair and a very just bill in the interest of one of our great industries, which, if not protected by a law similar to this bill, will ere long be destroyed, the greatest fish in the world exterminated, and one of the great staple diets of civilization eliminated.

That, sir, is all I care to say at this time in relation to this matter; but in order to prove to the gentleman from Illinois that the people of Alaska want this bill to pass and become a law, I wish to read as a part of my remarks some editorials in favor of the bill, taken from newspapers published in Alaska, together with some petitions, resolutions, and letters from citizens in Alaska, and all to the same effect.

The grand jury at Juneau, Alaska, on December 20, 1902, reported as follows:

GRAND JURY REPORT.

Hon. MELVILLE C. BROWN,
Judge of the United States District Court,
Division No. 1, District of Alaska:

May it please your honor:

We, the members of the grand jury, duly empaneled and sworn for the December term of the United States district court in and for the district of Alaska, division No. 1, begun and held at Juneau, December 1, 1902, having concluded all our labors, beg leave to submit the following report, and respectfully ask to be discharged from further attendance upon the court:

We have been in session nineteen days, during which time we have found true bills against 54 persons, and not true bills against 6 persons. The grand jury has earnestly endeavored to carry out the instructions of the court. We have investigated public gambling and other offenses within the jurisdiction of the court. This report will also touch upon some matters that have come to the notice of the grand jury which need reform, but which would not be covered by an indictment.

* * * * * * *

Believing the salmon fisheries of Alaska to be foremost among her great natural resources, we recommend that bill H. R. 9976, introduced by Mr. SULZER January 23, 1902, entitled "A bill to encourage salmon culture in Alaska, and for the protection of persons engaged in the production thereof," be enacted into a law at the present session of Congress; also that bill H. R. 14464, to amend the law relating to the salmon fisheries of Alaska, introduced by Mr. LACEY May 15, 1902, be enacted into a law at the present session of Congress; both of which bills, if enacted into law, will greatly assist in restoring the depleted streams and assuring a continuation of the full normal product of those streams not already depleted.

The grand jury wishes to thank the United States district attorney and his assistants and the United States marshal and his deputies for the aid they have rendered us during our investigation.

Unanimously adopted by the grand jury in session this 19th day of December, 1902.

J. T. MARTIN, *Foreman.*

Attest:
W. R. BENTLEY, *Secretary.*

I will now read the following letter from Governor John G. Brady:

DEPARTMENT OF THE INTERIOR,
DISTRICT OF ALASKA, OFFICE OF THE EXECUTIVE,
Sitka, Alaska, December 9, 1902.

Hon. WILLIAM SULZER, M. C.,
Washington, D. C.

DEAR SIR: Capt. John C. Calbreath, of Fort Wrangell, Alaska, has brought to my attention a bill (H. R. 9976, Fifty-seventh Congress, first session) to encourage salmon culture in Alaska, the same having been introduced by you.

The question of salmon culture has had attention in my annual reports since I have been governor, and I have advocated the multiplication of hatcheries, for the reason that we should be careful to put more salmon life into the streams than we take out of them, if we do not wish these streams to become depleted.

My own notion has been all along that the United States Government should assume complete control of the hatcheries and the streams and be responsible for all of the salmon culture, and tax the canneries for this business in proportion to the pack of each plant. In fact, to call to Washington Capt. Jefferson F. Moser, who no doubt is the best posted man on the salmon industry of Alaska, and let him suggest the details of the law which should be passed and then put him at the head of a commission to come here with his inspectors and enforce it. Of course, they should be supplied with all the conveniences for this purpose.

The market value of the pack for this year will no doubt exceed the purchase price of the Territory.

A question of such financial interest to this district and to the country at large should have the solicitous attention of Congress.

If nothing of this kind is to be undertaken, then the least that could be asked of Congress is that such enterprises as Mr. Calbreath has undertaken and fostered for so many years should have the protection of law.

I think the bill which you have introduced is eminently fair, and it is undoubtedly so to the natives, who are now complaining bitterly in places against the present methods of the cannery men.

I hope that the committees of both Houses who have the matter in hand will listen attentively to Mr. Calbreath and pass this measure, which will do him and others who undertake like enterprises substantial justice.

Respectfully, yours,

JOHN G. BRADY, *Governor of Alaska.*

[From Evening Journal, December 11, 1902.]

The Hon. H. M. Kutchin, agent of the Treasury Department in charge of the Alaska salmon inspection, estimates that the output of the Alaska canneries for 1902 will be 2,470,000 cases, or about 400,000 in excess of 1901. This, he estimates, represents about 37,000,000 salmon caught in Alaskan waters this year. Mr. Kutchin says there were nine more canneries operated this year than last.

[The Douglas Island News, December 31, 1902.]

We were shown to-day a copy of the Sulzer bill, introduced last winter, to "encourage salmon culture in Alaska, and for the protection of persons en-

gaged in the production thereof," and can say without hesitation that it meets our approval. The bill carefully guards against a monopoly of its immunities by the great corporations and will do more toward keeping up and increasing the supply of this great industry than any measure yet brought to our notice. The bill should be enacted into a law at this present session of Congress.

[Alaska Sentinel, Thursday, January 8, 1903.]

We have before us a copy of the Sulzer bill, introduced last winter to encourage salmon propagation in Alaska, and heartily indorse the measure, as do all others whom we have heard discuss the subject. If there is any virtue in artificial propagation, this seems a very inexpensive way, so far as the Government is concerned, without encroaching upon the rights of anyone. It will make 100 blades of grass grow where but 1 grew before, and, as regards the barren lakes and streams, where absolutely none grew before, and that, too, without costing the Government $1 or an acre of land, or granting any exclusive privileges to individuals or corporations except that which they create from nature's wastes. It will be carrying out the old Mosaic law that "He who buildeth a house shall dwell therein; and he who planteth a vineyard shall gather the fruit thereof." The Sentinel is pleased to know that so meritorious a measure as this originated in the brain of a Wrangell man (Capt. J. C. Callbreath). And we may add further that a man of his knowledge of the fishing industry is needed at the head of Alaska's fishing interests.

[Daily Alaska Dispatch, December 17, 1902.]

RECOMMEND THAT PIONEER HATCHERY RECEIVE JUSTICE—CHAMBER OF COMMERCE HONORED BY ADDRESS FROM PIONEER SALMON HATCHERY PROMOTER OF ALASKA.

The Chamber of Commerce at last evening's meeting indorsed the bill introduced by Congressman SULZER to encourage and protect private hatcheries in Alaska. The meeting was addressed by Mr. John Calbreath, the pioneer hatchery man, who related many interesting incidents regarding the salmon and its habits. Mr. Calbreath started his hatchery nearly eleven years ago. Season after season he has hatched his fry, carefully nursed the young fish for two seasons, and sent them to sea, promised by nature that at some future year they would return to reward the hand that raised them.

The age of the salmon is to Mr. Calbreath unknown, but years of patient toil has allowed him to freely estimate, and there will be keen disappointment if the first return is not realized next year. There is more than gold for this old gentleman in the solution of the question. It is the solution of a problem that injures no man, and will make the name of Calbreath famous wherever fish is known as food. This gray-haired old man will have solved the problem of making the ocean the growing ground for billions of salmon, and the Alaska creeks their kindergartens until they are strong enough to battle with their salt-water enemies.

A petition will be circulated this week for signers recommending the passage of the bill. If you believe in honesty being rewarded and recognition of a life's toil, sign.

Mr. Chairman, I will now read a letter from United States District Judge Brown, as follows:

DEPARTMENT OF JUSTICE,
UNITED STATES DISTRICT COURT,
FIRST DIVISION, DISTRICT OF ALASKA,
Juneau, December 26, 1902.

DEAR SIR: I have examined H. R. 9976, respecting the culture of salmon in Alaska. The bill seems to have been carefully and thoughtfully prepared with the view of encouraging the salmon industry in this district. While it is possible perhaps that corporations and combinations may take improper advantage of its terms, still the objects and purposes of the bill are clearly in the right direction. Indeed, the power of monopolies to injure the salmon industry generally or to monopolize the business under the bill seems to be fairly well guarded against by its terms.

This bill is in general favor among the people of Alaska, and, I have no doubt, will work great good. Should it later appear that corporations and combinations are formed whereby a monopoly of the salmon business should be effected, this can be easily remedied by future legislation.

My belief is that the bill should pass in its present form without delay, possible danger of monopoly under its terms being met by legislation when such dangers actually arise.

Very respectfully,

M. C. BROWN, *Judge.*

And in conclusion, Mr. Chairman, I read the following petitions and resolutions:

WRANGELL, ALASKA, *January 2, 1903.*

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

The undersigned citizens of the town of Wrangell, district of Alaska, having in view the preservation of the salmon fisheries of Alaska, would most respectfully pray your honorable body that the House bill No. 9976, introduced by Mr. SULZER January 23, 1902, and referred to the Committee on Territories, which committee unanimously reported the bill with an amendment, on May 16, 1902, with the recommendation that it do pass, be enacted into a law at the present session of Congress. Your petitioners believe that the above-named bill, if enacted into a law, will go far toward preserving the valuable salmon industry of Alaska from extinction, without any cost to the Government or infringement on private rights, or the possible creation of monopolies, and at the same time protect private parties in the fruits of their enterprise.

Erwin Farrer, master steamer *Ella Rohlffs*; Henry Farrer, fisherman; Al. Osborn, stem layer; L. J. Cole, lumberman; A. T, Spader, lumberman; Chas. Eagle, lumberman; F. H. Gray, naturalist; A. V. R. Snyder, editor Alaska Sentinel; F. W. Carlyon, merchant; A. J. Choquitte, fisherman; Floyd Burgess, fisherman; Chas. E. Weber, resident; John E. Sales, logger; Chas. H. Darwell, cooper; Edwin Hofstad, master; Edwin Gludecke, fisherman; L. M. Churchill, master steamer *Baranoff*; George Clark, attorney at law; Thomas C. McHugh, merchant; C. P. Cole, ship carpenter; Leo. C. Patenaude, resident; Geo. W. Card, lumberman.

J. T. Beardsell, resident fisherman; Jno. Finlayson, resident fisherman; C. A. McCulloch, resident bookkeeper; J. T. Hamilton, hotel manager; Mr. M. C. Marshall; Stephens Chernoff, Hotel Warck; Patrick Loftus, resident fisherman; Robert Reid, wharf owner; Donald Sinclair, merchant; Wm. Cook, laundry; E. P. Lynch; F. S. Willson, lumberman; Chas. A. Thompson, butcher; Richard Hofstad, fisherman; S. S. Kincaid, dairyman; Wm. M. Taylor, chief engineer steamer *Baranoff*; A. Vreatt, lumberman; Charles Borch, copper; J. C. Martindale, blacksmith; Thos. Dalgity, gasoline engineer; Adolf Engstrom, fisherman; F. Tierney, fisherman; Elmer Prescott, logger; J. B. Gallared. J. F. McLean, engineer; Gus. A. Lehner, fisherman; Harry Brice, clerk; C. H. Bryant, fisherman; C. H. Kinney, engineer; David Johnston, expressman; Geo. F. Scott, logger; Peter J. Choquette, resident logger; O. W. Stanton, Wrangell Drug Co.; J. F. Collins, steamship agent; L. B. McGee, carpenter; John E. Worden, postmaster; Geo. H. Barnes, logger; Fred. S. Johnston, secretary Fishermen's Union; H. Anderson, engineer; John Schuler, tinner; H. D. Campbell, merchant; W. C. Waters, merchant; L. R. Milligan, clerk; J. G. Grant, merchant; C. S. Hubbell, surveyor; Wm. G. Thomas, United States commissioner; I. Frohman, merchant; Y. M. L. Bitoux, engineer; Wm. Sillmer, fireman; Wm. D. Grant, deputy United States marshall; R. D. Crittenden, farmer; (Rev.) H. P. Cosser, minister of the Indian church, Wrangell; Tom Wilson, fireman and fisherman; M. F. Hopstad, miner resident.

Resolved, That it is the sense of this chamber that H. R. bill No. 9976, introduced by Hon. Mr. SULZER January 23, 1902, a copy of which was published in the Alaska Sentinel on January 8, 1903, be enacted into a law at the present session of Congress, to the end that our valuable salmon fisheries be preserved and increased, which we feel assured will result from a general system of private hatcheries located on the small producing streams. We can discover no possibility of a monopoly growing out of the provisions of the bill, as no individual or cannery can possess more than one hatchery franchise and no lease can control the exclusive right to a stream. And it is the further sense of this chamber that the Government should erect and maintain hatcheries on the large streams that may be suitable for extensive plants.

J. F. COLLINS, *President*,
J. E. WORDEN, *Secretary*,
Chamber of Commerce, Wrangel, Alaska.

To the honorable the Senate and House of Representatives of the United State of America in Congress assembled:

The undersigned citizens of the town of Sitka, district of Alaska, having in view the preservation of the salmon fisheries of Alaska, would most respectfully pray your honorable body that the House bill No. 9976, introduced by Mr. SULZER January 23, 1902, and referred to the Committee on Territories, which committee unanimously reported the bill with an amendment on May 16, 1902, with the recommendation that it do pass, be enacted into a law at the present session of Congress. Your petitioners believe that the above-named bill, if enacted into a law, will go far toward preserving the valuable salmon industry of Alaska from extinction, without any cost to the Government or infringement on private rights or the possible creation of monopolies, and at the same time protect private parties in the fruits of their enterprise.

Wm. L. Distin, United States surveyor-general and secretary; D. H. Jarvis, United States customs; J. F. Linnott, United States customs; Matthew Bridge, United States customs; Edward de Groff, United States commissioner; W. P. Miller, merchant; Roll Brothers, merchants; Alexander M. Archangelsky, hotel; George Kostrometinoff, merchant; P. J. Kostrometinoff, merchant; Bernard Hirst, merchant; Wm. A. Kelly, superintendent of schools.

UNITED STATES OF AMERICA,
District of Alaska, Division No. 1:

I, Edward de Groff, a United States commissioner in and for the district of Alaska, residing at Sitka, in said district, duly commissioned and sworn, do hereby certify that the signatures to the petition as above set forth are the bona fide signatures of the persons represented; that I am well acquainted with all of the signers to the above petition and with their signatures; and I further certify that the said signers to the above petition are well known to me to be officials and representative business men and property owners of this precinct, and that they signed the said petition after having read the same and knowing the contents thereof.

In witness whereof I have hereunto set my hand and affixed my official seal this 26th day of December, A. D. 1902.

EDWARD DE GROFF,
United States Commissioner.

DECEMBER 24, 1902.

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

The undersigned citizens of the cities of Douglas and Treadwell, district of Alaska, having in view the preservation of the salmon fisheries of Alaska, would most respectfully pray your honorable body that the House bill No. 9976, introduced by Mr. SULZER January 23, 1902, and referred to the Committee on Territories, which committee unanimously reported the bill with an amendment on May 16, 1902, with the recommendation that it do pass, be enacted into a law at the present session of Congress. Your petitioners believe that the above-named bill, if enacted into a law, will go far toward preserving the valuable salmon industry of Alaska from extinction, without any cost to the Government or infringement on private rights or the possible creation of monopolies, and at the same time protect private parties in the fruits of their enterprise.

Elmer E. Smith, druggist; H. R. Elliott, druggist; J. Jensen, hardware; H. R. Garner, M. D.; P. H. Fox, merchant; S. A. Jackson, missionary; E. S. Churchill; Chas. A. Fox, mining; Carl H. Erickson, merchant; E. L. Emslie, butcher; Frank Bach, merchant; V. L. Holt, principal of school; John Fensi, general merchant; V. C. Spaulding, prospector; J. Haho, cigar store; L. F. Kemmis, watchmaker; F. E. Vestal, barber; J. L. Miller, barber; Christ. Fox, merchant; J. Heuburn; R. R. Hubbard, postmaster and merchant; Walter Gould, salesman; Fred. P. Henson, salesman; Geo. Riedi, baker; M. J. O'Connor, merchant; W. L. Harrison, dentist; M. G. Beltzhoover, jeweler; I. B. McPherson, prospector; S. J. Bertram, restaurant; John Henson, boot and shoe maker; Chas. A. Hopp, mayor, and editor of Douglas Island News; M. C. Howell, engineer; Adam Hopp, harness maker; R. J. Willis, postmaster, Treadwell; T. M. Tubbs, Treadwell; Joseph MacDowell, general superintendent Alaska Treadwell Gold Mining Company; H. G. Slater, lumber manufacturer; W. C. Boyd, miner and property holder.

JUNEAU, ALASKA, *December, 1902.*

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

The undersigned, citizens of the city of Juneau, district of Alaska, having in view the preservation of the salmon fisheries of Alaska, would most respectfully pray your honorable body that the House bill No. 9976, introduced by Mr. SULZER, January 23, 1902, and referred to the Committee on the

Territories, which committee unanimously reported the bill with an amendment on May 16, 1902, with the recommendation that it do pass, be enacted into a law at the present session of Congress. Your petitioners believe that the above-named bill, if enacted into a law, will go far toward preserving the valuable salmon industry of Alaska from extinction, without any cost to the Government or infringement on private rights or the possible creation of monopolies, and at the same time protect private parties in the fruits of their enterprise.

Indorsed by the Alaska Chamber of Commerce this 16th day of December, 1902, at Juneau, Alaska.

GEO. F. FORREST, *President.*
H. SHATTUCK, *Secretary,*
And 72 others.

JUNEAU, ALASKA, *December, 1902.*

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

The undersigned, citizens of the city of Juneau, district of Alaska, having in view the preservation of the salmon fisheries of Alaska, would most respectfully pray your honorable body that the House bill No. 9976, introduced by Mr. SULZER January 23, 1902, and referred to the Committee on the Territories, which committee unanimously reported the bill with an amendment on May 16, 1902, with the recommendation that it do pass, be enacted into a law at the present session of Congress. Your petitioners believe that the above-named bill, if enacted into a law, will go far toward preserving the valuable salmon industry of Alaska from extinction, without any cost to the Government or infringement on private rights or the possible creation of monopolies, and at the same time protect private parties in the fruits of their enterprise.

H. Bowen, merchant; E. Valentine, jeweler; E. L. Pulver, jeweler; Harry C. Owen, barber; A. Crawford, storekeeper; Frank A. Brown, president Boston Group G. M. Co.; John Crawford & Co.; Oscar Foote, lawyer, Juneau, Alaska; T. J. D. Moler, attorney at law; A. W. Fox, stenographer; S. Garfinkle, merchandise; J. D. Abrams; E. F. Hinckley; W. C. Graham, cigar business; John A. Lamont, miner; James Thuman, miner; C. W. Babbenge, jeweler; H. J. Raymond, salesman; John McLaughlin, Wharfinger, P. C. Co.; Rev. Christian A. Roth, Protestant Episcopal Church; H. H. Sterling, bookkeeper, Alaska Treadwell G. M. Co.; C. W. Simmons, cashier First National Bank; J. J. Sharick, jeweler; Kaufman Bros., merchants; Richard P. Nelson, books, stationery, etc.; Homer Bunta, mess., Ala. Pacific Express Company; J. G. Davies, assayer; Chas. Goldstein, merchant; W. C. Irish, cashier; B. M. Behrends, banker and merchant.

H. J. Harrison, Murin Iron Works; John G. Heid, lawer; J. F. Malony, lawyer; Robt. L. Ball, druggist; Otto Haering; brewer; Jos. Andris; H. F. Ropp; J. W. Doran, druggist: Louis Levy, merchant; W. H. Hile, general manager Last Chance Gold Mining Company; H. H. Zumdieck, merchant, Ketchikan; M. A. Needham, fisherman; Col. William Winn, merchant; H. I. Larrison, cigar factory and fish hatchery; Christian Dorr, fishing and fish hatchery; Geo. F. Forrest, proprietor Juneau Iron Works; W. E. Crews, attorney at law; L. P. Shackleford, attorney at law; M. G. Rogers, butcher; H. Wheelock, owner of the Hotel Franklin; J. W. Frame, editor Record-Miner; Geo. E. Piggins, with Record-Miner; Jack Russell, editor Amusement; Jos. A. C. Brant, printer; Henry States, ex-United States commissioner, attorney at law; W. R. Bently, mining; H. A. Bishop, electric engineer; Jno. J. Gualtney, stamp mill; H. E. West, merchant; Charles Wells, blacksmith; Wm. M. Ebner, president Ebner Gold Mining Company; O. H. Adsit, mayor of Juneau; J. T. Hayne, Daily Dispatch; J. C. Cameron; B. F. Smythe, printer; Theo. W. Kashevaroff.

Mr. SULZER. Mr. Chairman, I ask unanimous consent to print in the RECORD a few letters and some data on this subject.

Mr. CANNON. Mr. Chairman, all of us are not so fortunate as the eminent gentleman from New York.

The CHAIRMAN (Mr. LACEY). Does the Chair understand the gentleman from Illinois to object?

Mr. CANNON. No; I am opposing his amendment [laughter], which I believe is to strike out the last word.

The CHAIRMAN. Then the request of the gentleman from New York [Mr. SULZER] to print certain letters and data as part of his remarks is granted.

Mr. CANNON. All of us, I will say again, are not so fortunate as the gentleman from New York. Our eyesight is not so long. Sorry for it. Perhaps we might blame it on God; but if we did it would not avail anything.

For his long eyesight, his long make-up every way, physically and mentally, he is not entitled to any credit. The Lord picked him out from the beginning, before anything was, and decreed that in the year of our Lord 1903 there should be such a member in the House of Representatives. [Laughter.] Well, God did a good job. [Laughter.] We are glad of it; but the gentleman does not want to flap his wings and crow, because he was not consulted about it. [Laughter.] Because some of us were not so very fortunate we are not to blame. I have sometimes thought, when the gentleman was discoursing about Alaska, about other places, about the world, that if he could only abide with the Alaskans that it would be better than the gospel. By his example and precept how he could build that civilization up. But the Alaskans can not have him; we need him here. [Renewed laughter.]

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. The gentleman from New York [Mr. SULZER] has read a lecture to the chairman of the Committee on Appropriations. I do not presume to rise here to defend him, as he is abundantly able to take care of himself. But there were other members of the House who had something to do with the defeat of the bill, the defeat of which seems constantly to annoy and to rankle in the bosom of the gentleman from New York [Mr. SULZER]. It was a bill having the title and denominated by him as a bill "for the protection of the salmon in Alaska," but a bill which some other members of the House, after carefully considering the same, and after investigation of the subject, and with some knowledge of the facts, thought a very thinly veiled attempt at placing the salmon fishery in Alaska in the hands of a few great corporations and making it, to the crack of doom, a great monopoly.

Of course, we differ in our views of these matters. The gentleman from New York says he considered the bill an exceedingly wise one and that he believed that it would encourage the propagation of salmon in Alaska; but inasmuch as it gave by its terms and by implication a few corporations the practical control of the salmon fishery of Alaska for all time to come, there were some of us who did not agree with the view of the gentleman from New York in regard to that matter. He does not seem to have been satisfied with the defeat of the measure, as on various occasions he has referred to it in the House since that time. The bill, in my opinion, was about as iniquitous and about as objectionable as any bill that has been presented to this Congress, and I am thankful that I had some small part in defeating it.

Mr. SULZER. Mr. Chairman, of course I am always interested, as a matter of education, to observe the gentleman from Wyoming [Mr. MONDELL] endeavor—mark, I say endeavor—to follow the gentleman from Illinois [Mr. CANNON]. [Laughter.] They are so alike, or perhaps I had better say so unlike. The apparent difference, the great difference, between the gentleman from Wyoming and the gentleman from Illinois, however, is that the gentleman from Illinois generally knows what he is talking about and the reason why he is talking, while the gentleman from Wyoming never knows what he is talking about or the reason why he is talking. [Laughter.]

As a matter of fact, I will inform the gentleman from Wyoming that the bill was not defeated and never has been defeated in this House. If I thought the gentleman from Wyoming could defeat the bill I think I would want it defeated. The record will show that the bill is on the Calendar, and I hope it will be reached before Congress adjourns. I am satisfied that if it is reached ere we adjourn it will be passed and passed by an overwhelming majority, notwithstanding the unintelligible opposition of the distinguished gentleman from Illinois and his very weak protégé, the gentleman from Wyoming. [Laughter.]

Now, the gentleman from Wyoming intimates, if I catch his meaning, that the bill would create a salmon trust, and that is the reason he is against it. A salmon trust, indeed! Why, sir, everybody here knows, who knows the gentleman at all, that if the bill created a salmon trust, or if it were favored by the Alaska canning trust, he would not be against it, but on the contrary would heartily be for it. [Laughter.] This bill is an antitrust bill. It creates no monopoly. It simply carries out a precept from that great authority to which the gentleman from Illinois adverted a little while ago, when he referred to the Bible.

I shall refer to that good Book, too—the Book of Books—and say that the laborer is worthy of his hire. If a man makes two blades of grass grow where one grew before, he is a philosopher. This bill provides that where one salmon grows now by nature, man by labor will make ten salmon grow—by building a hatchery and cultivating them; and in after years, when they come back to the place of their birth, after being out in the ocean for seven, or eight, or nine years, he shall have the right to catch a part of what he created, and be protected in that right.

That is about all the bill does. It is a good bill and should become a law. If it does, the people of Alaska, as the data I put in the RECORD show, will practically propagate and preserve the salmon for all time to come; and if something to accomplish this is not done, and quickly done, it is only a question of a few years when the salmon of Alaska will be exterminated, an industry which furnishes to the world nine-tenths of all the salmon consumed to-day destroyed, a staple article of diet eliminated, and thousands and thousands of American workmen thrown out of employment. [Applause.]

Mr. Chairman, I ask unanimous consent to print in the RECORD some data belonging to this matter.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

The President of the United States is hereby authorized, in case of threatened or actual epidemic of cholera, typhus fever, yellow fever, smallpox, bubonic plague, or Chinese plague, or black death, to use the unexpended balance of the sums appropriated and reappropriated by the sundry civil appropriation act approved June 28, 1902, or so much thereof as may be necessary, in aid of State and local boards, or otherwise, in his discretion, in preventing and suppressing the spread of the same; and in such emergency in the execution of any quarantine laws which may be then in force.

Mr. STEPHENS of Texas. I offer the amendment which I send to the desk.

The Clerk read as follows:

Insert, after line 6, page 73, the following:

"That the sum of $50,875.53 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of reimbursing the State of Texas the money paid out by it in the adjustment of claims relating to the transfer of Greer County from the State of Texas to the United States, as shown by Senate Document No. 571, Fifty-seventh Congress, first session, and also by the letter of the Secretary of the Interior accompanying said Senate document, said sum to be in full payment of all claims connected with said transaction."

Mr. CANNON. Mr. Chairman, I make a point of order against this provision.

Mr. STEPHENS of Texas. Will the gentleman kindly withhold the point of order until I can explain the proposition?

Mr. CANNON. Certainly.

Mr. STEPHENS of Texas. Mr. Chairman, in 1901 Congress passed an act providing that the Secretary of the Interior should adjust the accounts between the United States and the State of Texas relative to the transfer of Greer County to the United States. That county became an organized county of the State of Texas in 1886, and it remained such until 1896. A controversy arose between the United States and the State of Texas as to whether the county belonged to Oklahoma or the State of Texas, and the matter was referred to the Supreme Court of the United States, which court held that the territory belonged to the United States.

In 1901 the bill to which I have referred was passed by Congress and became a law. It provided that the Secretary of the Interior should investigate and balance the accounts between the State of Texas and the United States, and report the same to Congress. That report has been made and it is the Senate document referred to in the amendment just read. It shows that more than $50,000 has been spent by the State of Texas for public school purposes and for the court expenses of the county, and it further shows that the State suffered also a loss of more than $20,000 by reason of the fact that 17,000 acres of land which had been transferred to Greer County by the State of Texas for school purposes were lost to the State by the decision of the Supreme Court transferring the county to Oklahoma. It has also lost the schoolhouses, school furniture, and public buildings in that county which had been erected by the State. It is necessary now that we have the appropriation asked for by this amendment to refund this money to the State of Texas.

A bill covering this matter was introduced by me in June last and referred to the Committee on Claims, but has not been reported. I see no other method of presenting the matter to the House than by an amendment to this bill, and I hope that the gentleman from Illinois will not press his point of order, because this claim is just and should be paid.

Personally I have this also to state: In the district I represent there are numerous school-teachers interested in this claim. Every year, on the 1st of September, contracts are made in Texas with teachers for the purpose of carrying on the schools for the ensuing year.

During the year 1896, when this transfer was made from the State of Texas to Oklahoma, many school-teachers were carrying out their contracts with the State of Texas. After the decision of the court, which was adverse, as I have said, to the State, the State refused to pay these teachers, and they have been out of the use of their money from that time to the present, about six or seven years. It is only just and right that these teachers should receive their money, either from the State of Texas or the United States. But they do not expect our State to pay them for teaching after the Supreme Court had decided that the county belonged to the United States and not to the State of Texas.

Mr. CANNON. Mr. Chairman, I have listened to the gentleman from Texas carefully. I am not familiar with the matter to which he refers, and can not say whether the amount of taxes that had been collected by the State of Texas have been accounted for, etc.

Mr. STEPHENS of Texas. I will say to the gentleman that that has been done, and reported by the Secretary of the Interior.

Mr. CANNON. Judging from the statement of the gentleman, I should say off-hand that his amendment has merit. But, after all, it is a matter that rests within the jurisdiction of the Committee on Claims. I am compelled, acting for the committee on such a bill as this, to make points of order on many meritorious matters, because they do not belong on this general bill. If this were not done, bills of this kind would soon swell to such an amount that they would carry everything.

Mr. STEPHENS of Texas. Does not the gentleman think "we should be just before we are generous?" We are very generous to ourselves in providing for our use as Congressmen an office building, etc., in improving the Capitol building, and all that. Why, then, should we not adopt my amendment and pay these school-teachers, who have performed this labor and who have been out of their money for several years?

Mr. CANNON. After all, the gentleman's observation is plausible, but plausible only. All along I have had to make points of order upon different matters, many of which were eminently just, merely because we are compelled to preserve the real character and function of these bills; and the rules contemplate that we should do so. The gentleman understands, I presume, that such is the duty of the committee to the bill and to the House. Certainly my objection is not made with any personal reference to the gentleman from Texas.

Mr. STEPHENS of Texas. I appreciate the statement of the chairman of the committee and I know that the amendment is subject to a point of order, but I had hoped that he would not urge it against so meritorious a claim as I know this one to be.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

To provide flags for the east and west fronts of the center of the Capitol, to be hoisted daily under the direction of the Capitol police board, $100, or so much thereof as may be necessary.

Mr. CANNON. Mr. Chairman, in pursuance of the notice I gave in the general debate, I offer the following amendment, which I will ask to have read.

The Clerk read as follows:

On page 73, after line 22, insert:

"To acquire a site for, and toward the construction of, a fireproof building for committee rooms, folding room and other offices for the House of Representatives, and for necessary office rooms for members thereof, to be erected on one of the squares bounded by B street south, C street south, First street east, and First west, as the commission hereinafter provided shall determine, $750,000; and said building shall be constructed substantially according to the plans prepared under the provisions of an act of Congress approved March 3, 1901, with such modifications as may be found necessary or advantageous, and at a cost, exclusive of site, not to exceed $3,100,000, for any part or all of which sum contracts are authorized to be entered into. Said construction and letting of contracts, including the employment of all necessary skilled and other services, shall be under the control of the Superintendent of the Capitol Building and Grounds, subject to the direction and supervision of a commission, which is hereby created, to be composed of three members-elect to the House of Representatives of the Fifty-eighth Congress, to be appointed by the Speaker of the Fifty-seventh Congress. Vacancies occurring, by resignation or otherwise, in the membership of said commission, shall be filled by succeeding Speakers of the House.

"The commission herein authorized shall, within thirty days after their appointment, determine which of the squares above described shall be acquired and used for a site for the building herein provided for, and shall notify the Secretary of the Interior in writing of their determination, whereupon the Secretary of the Interior shall, within thirty days after the receipt of such notice, proceed in the manner prescribed for providing a site for an addition to the Government Printing Office in so much of the act approved July 1, 1898, as is set forth on pages 648 and 649 of volume 30 of the Statutes at Large, to acquire the square so determined upon; and for the purposes of such acquisition the Secretary of the Interior shall have and exercise all the powers conferred upon the Public Printer in said act."

Mr. STEPHENS of Texas. Mr. Chairman, I make the point of order against that amendment that it is new legislation.

Mr. CANNON. I confess that it is subject to the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. CANNON. Mr. Chairman, I offer the following amendment, which I will send to the desk and ask to have read.

The Clerk read as follows:

On page 73, after line 22, insert:

"Toward the extension and completion of the Capitol building, in accordance with the original plans therefor by the late Thomas U. Walter, with such modifications of the interior as may be found necessary or advantageous, and for each and every purpose connected therewith, $500,000; and the said construction shall be made under the direction of a commission composed of three Senators, to be appointed by the President of the Senate, and three members elect to the House of Representatives of the Fifty-eighth Congress, to be appointed by the Speaker of the House of Representatives of the Fifty-seventh Congress; and the Superintendent of the Capitol Building and Grounds, under the direction and supervision of said commission, is authorized to make contracts for said construction after proper advertisements and the reception of bids within a total sum not exceeding $2,500,000, including the sum herein appropriated, and said Superintendent, subject to the direction and approval of said commission, shall employ such professional and personal services in connection with said work as may be necessary. Any vacancy occurring by resignation or otherwise in the membership of the commission hereby created shall be filled by the presiding officer of the Senate or House, according as the vacancy occurs in the Senate or House representation on said commission."

Mr. STEPHENS of Texas. Mr. Chairman, I make the same point of order against that amendment as I did against the other.

Mr. CANNON. Mr. Chairman, as to that amendment I do not confess that the point of order is well taken.

The CHAIRMAN. The Chair will hear the gentleman from Texas on his point of order.

Mr. STEPHENS of Texas. The point I raise is that it is new legislation. It has not been provided for in any other act of Congress, and the fact that it is brought here at this time shows that it is new legislation—asking that this extension of the Capitol building be made. It is certainly new legislation.

Mr. CANNON. Mr. Chairman, there is a Capitol building and the original plan for the Capitol building was made by Mr. Walter a half century ago. The same are in existence. From time to time we have appropriated for its completion, even during my service. I am inclined to think that it is not subject to the point of order. It is a continuation of work in progress, I think, in the

language of the rules. I think this is such work. It is true that it provides some machinery. It says under whose supervision it shall be done.

Mr. STEPHENS of Texas. Will the gentleman yield for a question?

Mr. CANNON. Certainly.

Mr. STEPHENS of Texas. The gentleman will not insist that there is a Capitol building in process of construction now?

Mr. CANNON. Oh, yes; that is what I do insist.

Mr. STEPHENS of Texas. At the present time?

Mr. CANNON. Yes; and there has been for fifty years.

Mr. STEPHENS of Texas. Under existing law?

Mr. CANNON. As a fact.

Mr. STEPHENS of Texas. But as a legal question, as a matter of law?

Mr. CANNON. I will say to the gentleman that the Capitol never has been completed. The designs were made under the law and from time to time work has been done upon it which looks toward completion. Now, it does provide some machinery there, which I am inclined to believe is a mere incident by way of limitation of expenditure of money. It seems to me that is the only question. I want to state, however, that if the Chair has any doubt about it I am quite willing that it should be ruled out of order. I am aware that these rules should be strictly construed and any member can invoke them. My best opinion, however, is that it is not subject to the point of order.

Mr. LITTLE. Mr. Chairman, will the gentleman yield for a question?

Mr. CANNON. Certainly.

Mr. LITTLE. I wanted to inquire if the proposition pending has been considered by the Committee on Public Buildings and Grounds. I understand that we have such a committee.

Mr. CANNON. I am not aware of its ever having been so considered.

Mr. LITTLE. I did not know that that committee had capitulated.

Mr. CANNON. I will say to my friend that the Committee on Public Buildings and Grounds never did consider anything touching the Capitol. All appropriations for progress of work upon it have not been under the jurisdiction of that committee.

Mr. STEPHENS of Texas. Does not the gentleman think that when we spend such a vast sum of money the matter should be investigated by some committee of this House and reported in the regular way, instead of being attached to an appropriation bill, when there can be no consideration given to it?

Mr. CANNON. I will say to the gentleman that it is a matter that has been elaborately considered for two sessions of Congress by the Committee on Appropriations, and a report made by direction of Congress by the Superintendent of the Capitol. That report is upon our desks and is very exhaustive. It is indeed rare that any question involving an expenditure has received the exhaustive investigation that this proposition has received.

Mr. STEPHENS of Texas. Will the gentleman permit me?

Mr. CANNON. Certainly.

Mr. STEPHENS of Texas. Was it investigated by the same authority that investigated the different attachments made to the White House?

Mr. CANNON. No.

Mr. STEPHENS of Texas. Does not the gentleman think we wasted a great deal of money there unnecessarily?

Mr. CANNON. Well, if that were true, it could not be pleaded in set-off.

Mr. STEPHENS of Texas. It might be a warning, however.

Mr. CANNON. I am inclined to think, if you will except the office building, all the improvements of the White House have been apt. I do not mean in all their details. Nothing that is human is perfect. We will never have perfection anywhere until the millennium comes.

Mr. LITTLE. Do I understand the gentleman to maintain that the Committee on Appropriations have jurisdiction of this subject?

Mr. CANNON. Absolutely. It was referred to us by the action of the House, and here is the report.

Mr. LOUD. I speak of the jurisdiction of the committee under the rule.

Mr. CANNON. This is a work in progress, and the whole subject-matter has been referred to the committee by the action of the House.

Mr. LITTLE. By the action of the House?

Mr. CANNON. Yes.

Mr. LOUD. Will the gentleman yield to me one moment?

Mr. CANNON. Yes.

Mr. LOUD. Because the decision of this question may be of considerable importance in the future.

Mr. CANNON. Yes.

Mr. LOUD. Has the gentleman so carefully examined the law now upon the statute books providing for the construction of the Capitol that he is absolutely satisfied that the law now in existence would warrant further extension of this building?

Mr. CANNON. I will say to the gentleman that the construction of this Capitol stands almost by itself, as to these two wings. There never was a separate legislative act standing by itself that provided for it.

Mr. LOUD. Then, of course, an extension would not be in accordance with law.

Mr. CANNON. It commenced in 1850 by an appropriation upon the diplomatic appropriation bill, with authority to make plans, followed by appropriation after appropriation substantially the same, making progress, and under the authority given and the appropriation of money plans were made for the extension of the Capitol, embracing the western extension where the old library used to be, this where we are now, and the Senate extension. The plans gave an extension on the east similar to the western extension. That was never completed. The Dome has been completed; and, as proof of it, there the Dome stands, 9 or 10 feet over the wall. In addition to that, the plans are in existence. Now, if it is in order under the rule at all, it is in order because it is a work entered upon and not finished.

Mr. LOUD. Well——

Mr. CANNON. The gentleman recollects the exception as to public works in progress?

Mr. LOUD. The danger I want to call the attention of the gentleman to is as to public buildings. Somebody might contend that they are not completed, and in any appropriation bill you might carry a further appropriation of a very large amount of money. And I can not refrain from suggesting that the determination of this point of order shall go over until the bill is completed. It is a question of great importance to the House.

Mr. CANNON. I want to say to the gentleman that in all public buildings, as a rule, there is a limit fixed.

Mr. LOUD. But there never was a limit named for this in the statute.

Mr. CANNON. Precisely. In all public buildings, as a rule, there is a limit fixed, and whenever you exceed that limit you stop, because there is positive law. Here it is an appropriation in which there never was any limit, and a public work upon which there has been no limitation placed.

Mr. LOUD. Hence each appropriation is an act by itself.

Mr. CANNON. No, for the completion of a public work already in progress. Now, in my judgment this is not subject to the point of order, but I am entirely careless, so far as I am concerned, whether the point is sustained or whether it is not sustained.

Mr. RICHARDSON of Tennessee. Will the gentleman yield to me for a moment?

Mr. CANNON. Certainly.

Mr. RICHARDSON of Tennessee. I am informed that Mr. Cox, a very celebrated parliamentarian, on the question of the building of a new building at West Point held that the amendment was in order.

Mr. CANNON. I think such a ruling was made; but I do not care to resort to that ruling. Many rulings have been made crisscross. I put this upon the ground that, I say, in my judgment, it is not subject to the point of order; that it is a public work in progress, the cost of which was never limited as to expenditure, and has been entirely made under a law which has never been complied with, and the building never completed. Now, that is my best opinion about it. [Cries of "Rule!"]

Mr. LOUD. I ask unanimous consent, Mr. Chairman, that the determination of this point of order may go over until the bill is completed.

Mr. CANNON. I do not want to do that.

Mr. LOUD. I do not care for it myself, but in the future it may come to trouble you. For myself I shall not be in the next House.

Mr. CANNON. I want to dispose of these two matters before we go much further, one way or the other.

The CHAIRMAN. The Chair is ready to rule. Section 2 of Rule XXI provides:

> No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress; nor shall any provision changing existing law be in order in any general appropriation bill or in any amendment thereto.

The amendment offered by the gentleman from Illinois [Mr. CANNON] proposes to appropriate a certain sum for the completion of the Capitol building in accordance with the original plans and specifications and in accordance with existing law. That the construction of the building is incomplete is conceded, but the work necessary to its completion has been interrupted for a series of years. This interruption or delay, in the opinion of the Chair, does not operate so as to take this proposed amendment out of the

operation of the exception to the general rule just read, which is "unless in continuation of appropriations for such public works and objects as are already in progress." If the work incident to the completion of the building was now in progress no one would claim that this amendment would not come within the exception just mentioned.

On February 19, 1885, the House was in Committee of the Whole House on the state of the Union, considering the naval appropriation bill. A paragraph "For the completion of the *New York*, $400,000," had been reached when Mr. JOSEPH G. CANNON, of Illinois, made a point of order against it. The Chairman of the Committee of the Whole [Mr. Olin Wellborn, of Texas] ruled:

Now, the Chair must believe that the construction of this ship is a public work. The Chair also believes that it is in progress. The mere fact that this vessel, begun in 1865, is confessedly still incomplete, the Chair thinks, so far as this rule is concerned, does not show that that work is not now in progress. The fact that the actual construction is temporarily interrupted for want of appropriation or some other reason does not interfere with the idea that the work is in progress. The Chair therefore overrules the point of order.

In the opinion of the Chair, therefore, the amendment is not obnoxious to paragraph 2 of Rule XXI upon the ground that the appropriation is not in continuation of such public works as are already in progress.

But the point of order made by the gentleman from Texas goes further. It is claimed that the amendment is not in order because it involves new legislation or would be legislating upon an appropriation bill. It provides that the completion of the Capitol building as originally proposed shall be "under the direction of a commission composed of three Senators, to be appointed by the President of the Senate, and three members-elect of the House of Representatives of the Fifty-eighth Congress, to be appointed by the Speaker of the House of Representatives of the Fifty-seventh Congress, and the Superintendent of the Capitol Building and Grounds," and authorizes this commission to enter into contracts for the said construction "after proper advertisement," and also authorizes said commission to employ such professional and personal services in connection with said work as may be necessary, and then specifies how vacancies upon said commission hereafter occurring are to be filled.

This, in the opinion of the Chair, is legislation inhibited by the last paragraph of the clause of Rule XXI which the Chair has just read.

This question, almost identical in form, was decided on February 28, 1898, by the Chairman of the Committee of the Whole House on the state of the Union, Mr. SERENO E. PAYNE, and for the information of the committee I will read from paragraph 513, Parliamentary Practice of the House of Representatives of the United States, page 289:

Provided also for the appointment of a commissioner-general and other officials, with specified duties and salaries; authorized certain heads of departments to prepare exhibits under certain conditions and regulations, etc.

Mr. Levin I. Handy, of Delaware, made the point of order that this was legislation on an appropriation bill.

After debate, during which the act of 1897, in which the invitation of the French Government was accepted and a special commissioner was authorized to make report on the subject, was referred to as authority for the provisions of the section, the chairman ruled:

"The Chair thinks the act of 1897 is sufficient foundation for an appropriation, but not for legislation. The Chair is unable to see wherein it authorizes the office of commissioner-general or assistant commissioner from the reading of the law by the gentleman from Illinois. The rule in regard to the continuation of public works simply authorizes an appropriation in the continuance of public works and not the appointment of officers. * * * The rule would simply authorize an appropriation, but would not authorize legislation upon the subject in a general appropriation bill. There are in this paragraph several clauses which are distinctly new legislation, and if in a paragraph any clause or provision is out of order the point of order against the whole paragraph must be sustained. Of course, after the paragraph had gone out, it would be in order to offer any provision relating to the same subject which might be in order; but when the point is raised against the whole paragraph, and the paragraph contains a clause obnoxious to the rule, the whole paragraph must go out," etc.

The facts in the case just read being almost identical with the facts in the case now before it, the Chair is clearly of opinion, after a careful reading of the proposed amendment, that it proposes new legislation in connection with the proposed appropriation, which is not permissible under the rule, and that, therefore, the amendment is not in order.

Mr. CANNON. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. LACEY having assumed the chair as Speaker pro tempore, Mr. TAWNEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committeee had had under consideration the bill H. R. 17202, and had come to no resolution thereon.

HOUSE OFFICE BUILDING.

Mr. DALZELL. Mr. Speaker, I submit the following privileged report from the Committee on Rules.

The Clerk read as follows:

The Committee on Rules, to whom was referred House resolution No. 442, have had the same under consideration and report it herewith with the recommendation that it be agreed to.

The resolution was read, as follows:

Resolved, That it shall be in order to consider, as an amendment to the bill (H. R. 17202) making appropriations for sundry civil expenses, a provision for the acquisition of a site and toward the construction of a fireproof building for committee rooms, folding room, and other offices for the House of Representatives, and for the necessary office rooms for members thereof, to be used in the discharge of their official duties.

Mr. DALZELL. I ask for a vote, Mr. Speaker. This is a unanimous report from the Committee on Rules. [Cries of "Vote!"]

The question was taken; and the Speaker pro tempore announced that the resolution was agreed to.

Mr. STEPHENS of Texas. Division.

The House divided; and there were—ayes 140, noes 7.

Mr. STEPHENS of Texas. I ask for the yeas and nays.

The question was taken on ordering the yeas and nays.

The SPEAKER pro tempore. Nine gentlemen have arisen; not a sufficient number—the yeas and nays are refused; the ayes have it, and the resolution is agreed to.

Mr. STEPHENS of Texas. I make the point of no quorum.

Mr. FITZGERALD and others. Too late.

The SPEAKER pro tempore. The gentleman is too late in making that point.

EXTENSION OF CAPITOL BUILDING.

Mr. GROSVENOR. Mr. Speaker, I submit the following privileged report from the Committee on Rules:

The Clerk read as follows:

The Committee on Rules, to whom was referred the resolution of the House No. 443, have had the same under consideration and report it herewith with the recommendation that it be agreed to.

Resolved, That it shall be in order to consider as an amendment to the bill (H. R. 17202) making appropriations for sundry civil expenses a proposition to provide for the extension and completion of the Capitol building.

Mr. GROSVENOR. Mr. Speaker, I presume there will be no desire for debate on this motion. I therefore ask for a vote.

The question was considered; and the resolution was agreed to.

Mr. CANNON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. TAWNEY in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill.

Mr. CANNON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Insert on page 73, at end of line 22:

"To acquire a site for and toward the construction of a fireproof building for committee rooms, folding room, and other offices for the House of Representatives, and for necessary office rooms for members thereof, to be erected on one of the squares bounded by B street south, C street south, First street east, and First street west, as the commission hereinafter provided shall determine, $750,000; and said building shall be constructed substantially according to the plans prepared under the provisions of an act of Congress approved March 3, 1901, with such modifications as may be found necessary or advantageous, and at a cost, exclusive of site, not to exceed $3,100,000, for any part or all of which sum contracts are authorized to be entered into. Said construction and letting of contracts, including the employment of all necessary skilled and other services, shall be under the control of the Superintendent of the Capitol Building and Grounds, subject to the direction and supervision of a commission, which is hereby created, to be composed of three members-elect to the House of Representatives of the Fifty-eighth Congress to be appointed by the Speaker of the Fifty-seventh Congress. Vacancies occurring, by resignation or otherwise, in the membership of said commission shall be filled by succeeding Speakers of the House.

"The commission herein authorized shall, within thirty days after their appointment, determine which of the squares above described shall be acquired and used for a site for the building herein provided for, and shall notify the Secretary of the Interior in writing of their determination, whereupon the Secretary of the Interior shall, within thirty days after the receipt of such notice, proceed in the manner prescribed for providing a site for an addition to the Government Printing Office in so much of the act approved July 1, 1898, as is set forth on pages 648 and 649 of volume 30 of the Statutes at Large, to acquire the square so determined upon; and for the purposes of such acquisition the Secretary of the Interior shall have and exercise all the powers conferred upon the Public Printer in said act.

"The appropriations herein and hereafter made for said site and building shall be disbursed by the Secretary of the Interior."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. STEPHENS of Texas) there were 115 ayes and 6 noes.

Mr. STEPHENS of Texas. Tellers, Mr. Chairman.

The question of ordering tellers was taken.

The CHAIRMAN (after counting). Only three gentlemen rising, not a sufficient number, and tellers are refused. The ayes have it, and the amendment is agreed to.

Mr. CANNON. I offer the amendment which I send to the desk.

The Clerk read as follows:

Toward the extension and completion of the Capitol building in accordance with the original plans therefor by the late Thomas U. Walter, with such modifications of the interior as may be found necessary or advantageous, and for each and every purpose connected therewith, $500,000; and the said construction shall be made under the direction of a commission, composed of three Senators, to be appointed by the President of the Senate, and three Members-elect to the House of Representatives of the Fifty-eighth Congress, to be appointed by the Speaker of the House of Representatives of the Fifty-seventh Congress; and the superintendent of the Capitol building and *grounds*, under the direction and supervision of said commission, is authorized to make contracts for said construction after proper advertisements and the reception of bids, within a total sum not exceeding $2,500,000, including the sum herein appropriated, and said superintendent, subject to the direction and approval of said commission, shall employ such professional and personal services in connection with said work as may be necessary. Any vacancy occurring by resignation or otherwise in the membership of the commission hereby created shall be filled by the presiding officer of the Senate or House, according as the vacancy occurs in the Senate or House representation on said commission.

The question being taken, the amendment of Mr. CANNON was agreed to.

The Clerk read as follows:

For the Capitol: For work at Capitol, and for general and special repairs thereof, including wages of mechanics and laborers, and not exceeding $50 for the purchase of technical and necessary books, $362,950, to be immediately available.

Mr. CANNON. I offer the amendment which I ask the Clerk to read.

The Clerk read as follows:

In lines 16 and 17, on page 73, strike out "three hundred and sixty-two" and insert "two hundred and eighty-eight."

The amendment was agreed to.

The Clerk read as follows:

SURVEYING THE PUBLIC LANDS.

For surveys and resurveys of public lands, $325,000, at rates not exceeding $9 per linear mile for standard and meander lines, $7 for township, and $5 for section lines: *Provided*, That in expending this appropriation preference shall be given, first, in favor of surveying townships occupied, in whole or in part, by actual settlers and of lands granted to the States by the act approved February 22, 1889, and the acts approved July 3 and July 10, 1890, and, second, to surveying under such other acts as provide for land grants to the several States, except railroad land grants and such indemnity lands as the several States may be entitled to in lieu of lands granted them for educational and other purposes which may have been sold or included in some reservation or otherwise disposed of, and other surveys shall be confined to lands adapted to agriculture and lines of reservations, except forest reservations, and lands within boundaries of forest reservations, except that the Commissioner of the General Land Office may allow, for the survey and resurvey of lands heavily timbered, mountainous, or covered with dense undergrowth, rates not exceeding $13 per linear mile for standard and meander lines, $11 for township, and $7 for section lines, and in cases of exceptional difficulties in the surveys, where the work can not be contracted for at these rates, compensation for surveys and resurveys may be allowed by the said Commissioner, with the approval of the Secretary of the Interior, at rates not exceeding $18 per linear mile for standard and meander lines, $15 for township, and $12 for section lines: *Provided further*, That in the States of California, Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington, Wyoming, the Territories of Arizona and New Mexico, and the district of Alaska, there may be allowed, in the discretion of the Secretary of the Interior, for the survey and resurvey of lands heavily timbered, mountainous, or covered with dense undergrowth, rates not exceeding $25 per linear mile for standard and meander lines, $23 for township, and $20 for section lines, the provisions of section 2411, Revised Statutes of the United States, authorizing allowance for surveys in California and Oregon are hereby extended to all of the above-named States and Territories and district.

And of the sum hereby appropriated there may be expended such an amount as the Commissioner of the General Land Office may deem necessary for examination of public surveys in the several surveying districts, by such competent surveyors as the Secretary of the Interior may select, or by such competent surveyors as he may authorize the surveyor-general to select, at such compensation not exceeding $6 per day, and such per diem allowance in lieu of subsistence not exceeding $3, while engaged in field examinations, as he may prescribe, said per diem allowance to be also made to such clerks who are competent surveyors who may be detailed to make field examinations, in order to test the accuracy of the work in the field, and to prevent payment for fraudulent and imperfect surveys returned by deputy surveyors, and for examinations of surveys heretofore made and reported to be defective or fraudulent, and inspecting mineral deposits, coal fields, and timber districts, and for making by such competent surveyors fragmentary surveys and such other surveys or examinations as may be required for identification of lands for purposes of evidence in any suit or proceeding in behalf of the United States.

Mr. MONDELL. I offer the amendment which I ask the Clerk to read.

The Clerk read as follows:

After the word "reservations," in line 3, on page 79, strike out the words "except forest reservations, and lands within boundaries of forest reservations."

Mr. MONDELL. Mr. Chairman, the object of my amendment, in connection with another which I shall offer later, is to make it clear that all surveys of lands within forest reserves shall be made under the direction of the Commissioner of the General Land Office. In my opinion this return to former practice will be in the interest of the public service. For a great many years—from the foundation of the Government—the General Land Office has had to do with the survey of the public lands. The Commissioner of the General Land Office, under the law, is the custodian of all public-land survey records and all the plats of survey. I believe such work should continue under the Commissioner of the General Land Office; that all public-land surveys should be carried out under his supervision. I believe that the work will certainly be as well done as elsewhere, and, in my opinion, we shall have greater uniformity. There will be less difficulty in obtaining surveys of lands within forest reserves if these surveys are executed through the same channel and by the same means through and by which other public-land surveys are had.

Forest reservations are made from time to time, taking in large areas of public land, partly surveyed and partly unsurveyed. Wherever it shall be determined that land surveys should be extended over the lands within forest reservations, the same officers, the same force, the same means should be employed to survey these lands that are employed in the survey of lands without the boundaries of forest reservations.

I have had some personal experience with regard to these matters. I have had a considerable amount of difficulty, as have other members from the West, in getting necessary surveys within forest reservations for the purpose of determining the location of the homes of settlers. There has been some question as to just what bureau should undertake these surveys. In order that there may be no question, all public-land surveys should be executed by the same authority and through the same channel. Public surveys are well executed under the direction of the General Land Office, and lands within forest reservations that may require survey should be no exception to the general rule of survey by the General Land Office.

Mr. CANNON. Mr. Chairman, this amendment, as I understand, proposes to make this appropriation available for surveys of public lands in the forest reservations by striking out the exception.

Mr. MONDELL. It makes the appropriation available within the reservations as well as without.

Mr. CANNON. As I understand, there is no appropriation whatever for the surveys of the public lands in the forest reservations.

Mr. MONDELL. Will the gentleman allow me a moment?

Mr. CANNON. Certainly; I want the facts.

Mr. MONDELL. Later in the bill there is an appropriation of $130,000 for the survey of lands within forest reservations, under the direction of the Geological Survey. It will be found on page 85, in the second paragraph, and the Commissioner of the Land Office also has authority to make such surveys. I think such authority should rest only with the Commissioner of the General Land Office.

Mr. CANNON. Yes; but that in practice, as I understand, is only used in surveying boundaries.

Mr. MONDELL. Well, I will say to the gentleman if that is the practice, and I do not know absolutely that it is not, that may account for the fact that I and other members representing Western communities have found it practically impossible to get any surveys of lands within forest reservations, even in those cases where settlers lived upon the land prior to their being included in the forest reservations, and who are anxious to have their lands surveyed in order that they may make proof upon them and obtain a title.

Mr. CANNON. I think the policy has been, so far as the appropriation is concerned, not to appropriate anything for surveys in forest reservations, because they are not subject to homestead, and ought not to be, I submit, and therefore why survey them?

Mr. MONDELL. I will say, Mr. Chairman, that I can not quite agree with the gentleman from Illinois on that proposition, because the language of the paragraph on page 85 clearly gives the Geological Survey authority to make surveys of lands within forest reservations—that is, of lands included in forest reserves. It does not, as a matter of fact, specifically provide for the survey of the boundaries of forest reserves. It was evidently intended largely for this very purpose, and I wish to explain again, if I have not made myself clear, this condition of affairs, that in practically every forest reserve which has been established, some territory is included occupied at the time the reserve is set up by settlers who settled in advance of the public survey. They are entitled to have their land surveyed.

I have personally made a number of requests quite recently, and within the last year and a half, for surveys of this character, with regard to the propriety of which there can be no question, both from the standpoint of the interests of the Government and of the interests of the settlers; because it is to the interest of the Government that it shall be determined promptly who, if any, of the settlers on a reserve are as a matter of fact bona fide settlers and who are trespassers, and it is to the interest of the settler in those cases that he shall be able to make final entry on his land and obtain title. Perhaps I am intrenching on the gentleman's time?

Mr. CANNON. Oh, no; the gentleman has practical knowledge which I have not. I want to get at the facts, and I am listening to the gentleman.

Mr. MONDELL. My contention is that these surveys can be economically and more uniformly carried on and extended if they are all confined to one office in the Interior Department. I have no criticism to make of the surveys which the Geological Survey has executed under this provision, or of any of their work. They are doing a great work, but their work is generally along other lines. It is along the line of scientific and practical investigation—topographic, geologic, and hydrographic surveys—and it is not along the line of the ordinary public-land survey. The public-land office issues the manual under which the public-land surveys must be executed, whether they be executed by officers under the direction of the Geological Survey or executed by direction of the General Land Office.

Mr. LACEY. Mr. Chairman, does not the gentleman from Wyoming [Mr. MONDELL] misconstrue the lines that he seeks to strike out? The bill provides as follows:

And other surveys shall be confined to lands adapted to agriculture and lines of reservations, except forest reservations and lands within boundaries of forest reservations.

In other words, the other surveys shall be limited to agricultural lands and the boundaries of reservations, except forest reservations, which would be permitted, but this would permit surveys inside. In other words, the exception, instead of excluding the survey from the reservation, excludes forest reservations from the limitation just about provided for.

Mr. PAYNE. I think the gentleman from Iowa is right.

Mr. MONDELL. I do not so understand it. Later I propose to offer an amendment increasing the item for surveys under the Commissioner of the General Land Office and clearly limiting land surveys to that office. Now, if this language is perfectly clear, and I think there is some doubt on that score, why, of course, I do not want to strike it out, but I do not wish to have language in the bill which prevents surveys in forest reserves by the General Land Office.

Mr. LACEY. The suggestion was as to whether this exception must not be left in in order to accomplish the purpose the gentleman had in view.

Mr. CANNON. It seems to me that possibly that is so, but I want to ask the gentleman this question. He and I will both agree that in the absence of settlers prior to the creation of forest reservations there is no necessity for a survey. Now, if there is a settler here and there under the law, is there not such a thing as a deposit survey?

Mr. MONDELL. I think the deposit-survey system would scarcely apply in these cases. I think it is not generally practicable to carry out these surveys under the deposit system. The deposit system I think is a rather questionable one anyway in some regards, but I want to say that some surveys have been executed both by the Geological Survey and by the General Land Office.

Mr. CANNON. Does the gentleman apprehend that there is any danger, if there is no limitation, of the General Land Office or the Geological Survey surveying these lands except merely to ascertain the location of settlers?

Mr. MONDELL. No; but I will say to the gentleman that that sort of survey is required to a greater or less extent every year as further forest reservations are established and as demands increase from settlers in reserves established some time ago.

Mr. CANNON. I will make this proposition to the gentleman. The gentleman lives in that part of the country and knows about these matters, and the gentleman from Iowa [Mr. LACEY], chairman of the Public Lands Committee, is quite an expert. What does the gentleman say to passing this provision with leave to turn back?

Mr. MONDELL. That would be perfectly satisfactory to me.

Mr. MARTIN. Mr. Chairman, the subject under discussion is a very important one, and one of which I have some practical knowledge. To illustrate, the Black Hills Forest Reservation is about 1,000,000 acres. It is true, as the gentleman from Illinois says, that settlement is not allowed on forest reservations, but this applies only, of course, after the public proclamation making the reservation, and it is uniform in the establishment of these reservations to provide that settlers already upon the reservation may be permitted to complete their entries and obtain their titles. Now, on the particular reservation to which I refer, which is perhaps one of the most populous reservations in the country, there are some 400 settlers who were there before the reservation. A part of this land is already subdivided by local surveys. Now, for some two years an effort has been made to subdivide the remaining townships into sections, in order that these settlers might have an opportunity to enter their lands.

I am entirely in sympathy with the object the gentleman from Wyoming desires to accomplish, and think all the public lands should be surveyed as early and speedily as practicable. I think they ought all to be subdivided, as well the mineral as the agricultural lands, and facilitate the giving of title to them; but I think the gentleman from Wyoming is laboring under a misapprehension as to the effect of the amendment he offered. The provision which he moves to strike out by his amendment, as suggested by the gentleman from Iowa [Mr. LACEY], follows the clause "other surveys shall be confined to lands adapted to agriculture and lines of reservations," and reads "except forest reservations, and lands within the boundaries of forest reservations."

The bill as reported by the committee would permit the Commissioner of the General Land Office to survey these various forest reservations into the usual subdivisions without regard to whether the lands are agricultural in character or not. If we strike out that provision, I think we defeat the purpose the gentleman from Wyoming is seeking to accomplish. I think, therefore, the suggestion of the gentleman from Illinois, that the matter should be passed with leave to return to it if it be found necessary, would be the better course to take.

The CHAIRMAN. Does the gentleman from Wyoming withdraw his amendment?

Mr. MONDELL. I ask that the matter be passed for the present.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent that this part of the bill may be passed for the present without prejudice. Is there objection? [After a pause.] The Chair hears none.

Mr. JONES of Washington. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 78, in lines 12 and 13, strike out the words "three hundred and twenty-five thousand" and insert in lieu thereof the words "four hundred and fifty thousand."

The CHAIRMAN. The question is on the amendment of the gentleman from Washington.

Mr. CANNON. Just one word.

Mr. JONES of Washington. I want to say a few words about the amendment.

Mr. CANNON. I wish the gentleman would explain his views about it. Would the gentleman come down about the center, so that we can hear him?

Mr. JONES of Washington. I think probably there will be no trouble about hearing.

Mr. Chairman, the purpose of this amendment is to make provision for a larger amount that can be available for surveys in Alaska. The practice of the Department about this money appropriated for surveys, and it is a necessary practice, is to apportion the amount of money appropriated by the bill to the different public-land States for surveys. The demand for surveys is very great throughout the Western country, and for the apportionment of this money I believe the amount heretofore and regularly appropriated by the bill is $325,000. The Department makes an apportionment to each State, large or small. Last year the amount apportioned to the different States was, to Alaska $5,000, to Arizona $12,000, to California $13,000, to Colorado $6,000, Idaho $32,000, and so on among the different States, and the largest apportionment to any one State was Montana, $42,000. Now, if the amount appropriated is continued at $325,000, we have no reason to expect that there will be any larger sum appropriated for Alaska than last year, to wit, $5,000. In fact, the States having unsurveyed lands would object to any larger apportionment to Alaska than this.

Immigration to the Western country and settlement there make the demand for these surveys very great, so that the apportionment already made to the States is none too large. Consequently, if the amount of the appropriation is not increased, we can not ask that any greater sum than $5,000 be allowed for surveys in Alaska. Now, the condition of things up there is such that there is no encouragement for settlement or the taking up of lands in that Territory without surveys. We have the public-land laws extended to Alaska, we have the coal laws extended there, the homestead laws, and all the different public-land laws that are applicable to that Territory, and yet they amount to nothing because of the lack of surveys. The Commissioner of the Land Office, in his report, makes this statement with reference to Alaska:

The district of Alaska has been under control of Congress for thirty-four years. Extensive explorations have been made, vast sources of wealth developed, numerous permanent settlements made, embracing gold mines, fisheries, farms, lumber works, coal mines, schools, and mission stations, yet not a line of rectangular or systematic Government survey has yet been established.

We have extended by public statute the public surveys of the United States, and yet there has not been a single line of survey made under those laws, according to the Commissioner of the Land Office. That particular duty which the General Government owes to its frontiers is greatly in arrears. A large appropriation is past due and should be provided at the earliest practicable date.

Now, the Secretary of the Interior, in his estimate to Congress,

sent in an estimate of $325,000 for general surveys. He made no increased estimate for this year, but in a letter sent to the chairman of the Committee on Appropriations, under date of February 4, 1903, he sends in a further estimate and recommends that the amount to be provided for general surveys be increased to $400,000 for the purpose of making a provision of $75,000 for extending these surveys to Alaska, and this is what he says in this letter:

For the fiscal years ending June 30, 1901, 1902, and 1903, the sum of $5,000 was apportioned to Alaska from the general appropriation for each of said years.

So it appears from his report that during the last three years the amount of $5,000 is all that has been apportioned to Alaska. It appears that in the judgment of the Secretary of the Interior this is all he can apportion to Alaska with justice to other sections of the country, unless there is an increase made in the amount of the appropriation.

Under the apportionment of $5,000 for the year 1901 a contract was let by the surveyor-general for nearly the full amount ($4,950) of the apportionment. This contract was dated June 21, 1901, and action thereon was not taken until after the close of the fiscal year; hence said contract was necessarily charged to the fiscal year 1902 (having been approved during said year), and the apportionment for 1901 lapsed accordingly, not being available for contracting after the close of the year for which the appropriation was made.

No contracts have as yet been received from the surveyor-general under the apportionment of $5,000 made to Alaska for the fiscal year ending June 30, 1903.

It appears from the record that the deputy surveyor to whom said contract chargeable to the appropriation for the fiscal year 1902 was let made no returns of survey thereunder, and the contract has been canceled.

The time of Mr. JONES of Washington having expired, by unanimous consent, at the request of Mr. CANNON, it was extended five minutes.

Mr. LACEY. I should like to ask the gentleman whether he thinks that by simply increasing the aggregate amount it would accomplish the purpose as long as the limitations as to so much per mile remain in the law; whether any of this money could be expended in Alaska unless you also make a further amendment authorizing a larger expenditure on account of the increased cost of making surveys in that distant region.

Mr. JONES of Washington. I do not think so, and I have an amendment covering that.

Mr. LACEY. You will remember that one of the surveys that was provided for failed, because when the surveyor went to carry out his contract he found that the carrying of the stakes to the scene of the survey cost more, in the wages of the packers, than the entire amount of his contract, and he had to abandon it.

Mr. JONES of Washington. That is true.

Mr. LACEY. So that there should be an increase in the limit of price in Alaska.

Mr. JONES of Washington. I have an amendment suggested by the department covering that.

Mr. MONDELL. Was not that increased cost due to the fact that a particular sort of stake, an iron stake, was required?

Mr. LACEY. Regardless of that, surveying is very expensive there.

Mr. JONES of Washington. There are other things that enter into it, which I expect to explain on the other amendment.

I am of the opinion that a liberal appropriation should be made for surveys in Alaska, in order that the standard, township, and subdivisional surveys may be extended in different localities, so as to embrace lands desired to be entered under the homestead law, as authorized by the act of May 14, 1898, (30 Stat. L., 409), and to enable the survey of mission and other reservations.

He also recommends that the additional sum of $50,000 be appropriated for the purpose of surveying missions and school sites and matters of that kind taken up under existing law. All that this amendment contemplates, and all that we ask for, is that we should secure an additional amount of $75,000 for all these various purposes, and these estimates that the Secretary makes in his letter are estimates which cover all the various objects. As a matter of fact, the requirement of the service there for missions alone is estimated by the Commissioner of the Land Office as amounting to $50,000.

Now, then, it is said—I have heard it said on this floor—that there is no place in the United States, no place in the country, where a man can get a larger homestead than he can in Alaska at the present time. The idea seems to be that a man can go there and locate upon land, take just as much as he can inclose, because there is no other settler there, nobody to take it away from him. But the man who takes up land there under that condition of affairs does it just as he does in this country. He must notify the Secretary, and he must maintain his possession upon that land. If he leaves the land for any length of time he is liable to find some one in possession of his improvements and in possession of his land when he comes back. All the reports tend to show that considerable territory in Alaska is capable of very considerable agricultural development; that there can be a steady stream of immigration encouraged to go to that country.

It is not contemplated that we should survey all the country, but there certainly should be some of it surveyed. None has been surveyed as yet, and it seems to me that we are very conservative in asking the simple sum of $75,000 to make surveys in parts of the country where agriculture can be developed, where mining can be developed, so that the people who invest their money and their time and their means in taking up coal mines can have some assurance that they can get a title.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. CANNON. I hope the gentleman's time will be extended five minutes.

The CHAIRMAN. The gentleman from Illinois asks that the time of the gentleman from Washington be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. JONES of Washington. I want to call the attention of the members of this House to the difficulties even of securing surveys in this country. I received a letter the other day from a constituent of mine where the survey has been pending for fourteen years in the State of Washington. I have received many letters referring to different surveys where they have been pending in this country for five, seven, ten, twelve, and even fifteen years. What is the difficulty? The difficulty is that even when the appropriation that is provided in this bill is apportioned almost entirely to this country it is not a sufficient amount to carry on and complete in a reasonable time the surveys required even for this country, so that we may expect far greater difficulties in Alaska. We may expect far greater time required in Alaska for completing these surveys. We find that the expense is far greater, and as I said a moment ago, an amendment will be offered increasing the limit of cost for surveys in Alaska. This is absolutely necessary, and the question is simply presented to this committee whether or not you will say by your actions here that the public-land laws of this country have been and shall continue to be extended to Alaska, but we will not provide any means or any way by which they are made effective.

I believe it is the desire of this committee, I believe it is the desire of the chairman of this committee, to bring about means by which the people who may go to Alaska and into that country may secure title to their lands, and the only way that they can be secured is by providing the means whereby the surveys can be made. I trust the chairman of this committee will allow this amendment to be agreed to.

Mr. CANNON. Mr. Chairman, I am inclined to think, possibly, that the increase of $75,000 of this appropriation means more of an increase to the balance of the country than it does to Alaska. I have no objection if the balance of the country needs it, nor have I any objection to the money being devoted to the surveys in Alaska if that is needed. Yet, if I understand aright, there never has been a township surveyed in Alaska. Money has been apportioned, but the season is so short and the price for surveying so low that as a result not a single line has been run. Am I correct?

Mr. JONES of Washington. That is correct.

Mr. CANNON. There is no desire, I am quite sure, on the part of the House to in any way hamper this Territory of ours. Three or four years ago we created some land offices up there and appointed some registers and receivers. They got up there in the fullness of time and have got away. Some are on the Yukon and have not got back yet. I think it took the combined efforts of the Committees on Appropriations and Public Lands to get rid of the personnel of these land offices, and there is possibly a little old iron safe up there now with a lot of blank books; there was never any money or papers put in the safe and the books never had a scratch in them. I recollect a year or two ago that we were absolutely called upon, in justice and equity, to take from the Treasury money to pay the salaries of these land officers because they did not know for the best part of a year that they had been turned out of office.

Mr. LACEY. They said they did not know; but anyhow that was the condition.

Mr. JONES of Washington. Will the gentleman allow me a suggestion?

Mr. CANNON. Certainly.

Mr. JONES of Washington. There was no business for the land offices, because nobody could take up land for the very reason I have mentioned.

Mr. CANNON. There was nobody to take up the land, on the one hand——

Mr. JONES of Washington. I do not agree with the gentleman.

Mr. CANNON. And they did not want them, on the other. It was a little bit, I think, like the stream out in Kansas, where a man who had bought a mill said on examination that there was no dam on the mill site and no mill by a dam site. Is that right? [Laughter.]

Mr. CUSHMAN. That is correct.

Mr. STEPHENS of Texas. In the southwest corner of New Mexico there is a considerable amount of unsurveyed public land now in demand for actual settlement; besides, there is a mining district in there, and it is impossible for the miners to properly locate their mines without these surveys, so that the lack of surveys is keeping back the development and settlement of that portion of the Territory. It seems to me the proper policy is by promptly surveying all our public lands, to throw them open at the earliest possible moment for settlement.

Mr. CANNON. Well, "all" is a good deal. I think that as fast as our public lands are really needed for settlement they ought to be surveyed.

Now, there has been much exploration in Alaska. Why, sir, we have now, and have had for years, three or four parties up there spying out the land, making surveys, topographical, geological, etc.

Now, I do not suppose that much of this $75,000 will be spent in Alaska. Whatever is necessary to be spent in ascertaining the lines and surveying the land ought to be granted, and the surveys ought to be made. But care ought to be taken that we do not found an industry in Alaska—the surveying industry. I do not know that there is much danger of that; but the suggestion is worth something, because we did found a land-office industry up there.

I will ask the chairman of the Committee on Public Lands [Mr. LACEY] whether, in his opinion, this amount of $75,000 ought to be appropriated, and also whether, in his opinion, it is practicable to change the law on this subject; because the money might just as well not be appropriated unless we go ahead and change the law so as to safely expend it.

Mr. LACEY. Mr. Chairman, the Committees on the Public Lands in both the Senate and the House have been wrestling with this question as to surveys in Alaska, and have agreed to a proposition in general terms, not yet fully laid before both Houses, although it has passed the Senate and has come over to the House to-day, providing for special surveys, not the ordinary surveys, but special surveys, covering the localities in which homesteads may be located. And really the money should be expended in such localities, rather than in general surveys. Ultimately some amendment ought to be put upon this bill so that this appropriation, of whatever amount it may be, shall be available for carrying out this new plan of survey when it shall be authorized by law, as no doubt it will be, because such seemed to be the mind of this House when we had the matter before it the other day.

Mr. CANNON. The gentleman says, I understand, that the act he speaks of has not yet passed. It has gone to conference, I believe.

Mr. LACEY. The intention was to have it go to conference, probably to-day or to-morrow. This matter as to the use of this money ought to contemplate to some extent surveys of that character, because they will be the most necessary.

In reply to the gentleman from Illinois, I will say further that there ought to be a larger appropriation. If it is not needed it will not be used. This will not be like the case of the land offices in Alaska, which had to be occupied by officials, and the expense incurred, although there was no business for them to do. The Department will only make surveys which may seem necessary.

[Here the hammer fell.]

Mr. CANNON. Mr. Chairman, I ask an extension of time for five minutes.

There was no objection.

Mr. CANNON. Would not the gentleman from Iowa [Mr. LACEY] think it wise that this appropriation be made as it is and that then, when the House and Senate shall legislate, apt provision be included increasing the price for surveys and special surveys, and let such legislation cover the necessary appropriation?

Mr. LACEY. I think that the $400,000 asked for by the Department is not excessive, to begin with. As to the disposition of that part to be expended in Alaska, there ought, in my judgment, to be additional legislation, because if there should not be, I do not believe much use will be made of any allotment to be set apart to that district. I think that is about the situation.

Mr. CANNON. The gentleman, then, is of opinion that this amendment ought to be adopted, and that otherwise there should be no change in the law?

Mr. LACEY. Not at all. When the other bill comes in, the gentleman can make, possibly in conference between himself and the Senate conferees, an arrangement that will cover this modified form of survey which we are trying to arrange for the district of Alaska.

Mr. JONES of Washington. That only covers homesteads.

Mr. LACEY. It will cover also the coal lands.

Mr. JONES of Washington. That is, if we get such a law; but we may not.

Mr. LACEY. Well, if not, the surveys will not be needed.

Mr. JONES of Washington. There is no provision for a survey of these missions, which is urged here very strongly by the Commissioner of the Land Office, who sets out the necessity for the measure very forcibly, in addition to this other sum of $50,000. But if the gentleman thinks that can be covered in conference——

Mr. LACEY. I think the additional amount ought to be granted; but I have no idea that it will do any good after it is granted, unless there be some additional legislation, so as to enable the Land Department to use it. Contracts can not be made at the prices fixed by existing law. It takes a good deal of money to hire anything done in Alaska.

Mr. LIVINGSTON. I make this suggestion: Let the bill stand as it is, and when the legislation which has been spoken of has been perfected we can make an appropriation in the deficiency bill of $75,000, or more if necessary, to carry out that legislation.

Mr. JONES of Washington. We need it without that legislation.

Mr. LACEY. This amendment is prepared by the Land Office.

Mr. LIVINGSTON. That will perfect the legislation you refer to, and then the appropriation can come in the deficiency bill instead of this.

Mr. JONES of Washington. I do not think that would cover it.

Mr. LIVINGSTON. Why would it not?

Mr. MONDELL. It seems to me that this legislation should be considered entirely independent of the legislation which has been referred to by the chairman of the Committee on the Public Lands. This amount of money is needed for the ordinary and usual extension of the public-lands survey.

Mr. LIVINGSTON. Do I understand that you want $75,000 additional after you make the other arrangement?

Mr. MONDELL. The legislation in question is simply legislation which will allow and authorize and empower settlers upon public lands, agricultural in character, to make surveys or have surveys made at their own expense, as we now provide in the case of mineral lands. The necessity for that legislation will remain in a lessened degree, it is true, after this appropriation is made, but the necessity will surely remain when you think of the enormous extent of that great Territory and recall that the appropriation of $75,000 can provide but for the survey of a few tracts here and there.

Mr. LIVINGSTON. But I understand this to be the truth——

Mr. MONDELL. So that that legislation, in my opinion, does not conflict with this in any way, it does not relate to it in any way, and should not be considered in connection with this legislation. This is for the general extension of the survey. The other is a provision which gives the settler on agricultural lands in Alaska the poor privilege of paying for his own survey.

Mr. LIVINGSTON. The gentleman from Washington has asked for $75,000 additional for a specific purpose.

Mr. JONES of Washington. Yes.

Mr. LIVINGSTON. And the contention is, can you use that without further legislation? No; you can not.

Mr. MONDELL. Personally I am of the opinion that you can make use of it without a line of legislation; that the highest rates allowed in the bill for general surveys of Alaska will pay for the surveys there, if the Department does not insist, as I understand the Department did insist, in former survey contracts, upon certain unusual provisions with regard to the marking of the survey; but if it be thought that the maximum rate for surveys is not great enough it is easy enough to increase the maximum rate by one, two, three, or five dollars a mile, as may be deemed best. That is a very simple matter, but in my opinion the maximum rate is high enough now.

Mr. LIVINGSTON. That could not apply here in the ordinary surveys inside the States. It must apply to Alaska. Therefore it is dependent on this legislation spoken of as coming in the future.

Mr. MONDELL. It does not seem to me that it is related to it or dependent on it, because that legislation does not have anything to do with public-land surveys, but gives an entryman in Alaska opportunity to pay for his own survey and have his survey accepted in case he is not willing to wait until the public-land surveys are extended. It does not relate to the public-land surveys.

Mr. CANNON. Mr. Chairman, we have reported upon this bill every dollar that was estimated for by the Secretary of the Interior—$325,000. That is for surveys throughout the whole country. Now they come and move that amendment for $75,000 on account of Alaska. Hence I say that I do not want to oppose the appropriation. I would oppose any change of the law in respect to the rate here, and the gentleman from Iowa [Mr. LACEY] says if you do not change the law you need not appropriate the money. Now, if the gentleman from Iowa feels sure enough that he is going to change the law—that we can get at it—why, perhaps we would as well let the appropriation go and the amendment be adopted.

Mr. LACEY. I would state unless it can be successfully used

it will simply be covered back. There was an appropriation also to Alaska last year, and it was not used because under the limit they could not use it.

Mr. CANNON. I suggest to my friend to withdraw his amendment and change it so that it will read for Alaska.

Mr. LIVINGSTON. That will do.

Mr. JONES of Washington. What is the suggestion?

Mr. CANNON. Change it so as to provide that $75,000 of it be used in Alaska.

Mr. JONES of Washington. I have an amendment covering that point.

Mr. CANNON. Let the gentleman's amendment be adopted. Perhaps that is the safer way.

Mr. LIVINGSTON. Very well; let us have a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington.

The amendment was agreed to.

Mr. JONES of Washington. I offer another amendment.

The CHAIRMAN. The gentleman from Washington offers the following amendment, which the Clerk will report:

The Clerk read as follows:

Also, on page 80, amend by inserting after the words "United States," in line 24, the following:

"*And provided further*, That $75,000 of said sum, or so much thereof as the demand for surveys may warrant, be applied to the survey of public lands, mission, and other reservations in Alaska, such amount to continue available for contracting until the entire sum shall have been contracted."

Mr. CANNON. I must make the point of order against that.

Mr. JONES of Washington. Against the latter part?

Mr. CANNON. Well, it makes an indefinite appropriation and a continuing appropriation.

Mr. JONES of Washington. I ask the gentleman to reserve the point of order.

Mr. CANNON. Certainly.

Mr. JONES of Washington. I want to explain why I put the last provision in there. I am not so particular about that myself, but it is suggested by the Secretary of the Interior in his report; and on account of the distance to Alaska, and by reason of the fact that mail communication is the only means of communication that the Department has, that we have no telegraph or telephone lines or anything of that sort, he said we ought to provide that this amount shall be available until the contracts have been made; because a contract may be advertised for, bids may be received, they may be forwarded here to the Land Office at Washington, which takes two or three months, and by the time the Department here gets around to let the contract the year expires and the appropriation then is not available, and that is the reason he suggests this provision, that the amount shall continue available until contracted for. Now, I would suggest to the gentleman in charge of the bill that if a report comes in showing that the whole amount of this money has not been contracted for, then the appropriation in the subsequent bill need not be so large. I can really see no objection to it.

Mr. LIVINGSTON. Under the amendment as you have drawn it, if none of this amount could be used in Alaska it could all be used in other sections of the country.

Mr. JONES of Washington. Yes; that is true.

Mr. LIVINGSTON. Confine it to Alaska. Do not make it a continuing appropriation, and perhaps then there would be no objection to it.

Mr. JONES of Washington. You suggest confining it to Alaska?

Mr. LIVINGSTON. Yes. If it is not used, there will be another Congress next winter, and you can get another appropriation.

Mr. CANNON. I will say to my colleague that on second thought I am afraid to go to segregating. The gentleman from Texas [Mr. STEPHENS] may want to segregate for New Mexico. Other gentlemen may want to segregate and divide up this amount, whereas it has always been left heretofore to the Secretary of the Interior.

Mr. JONES of Washington. I was going to suggest that of course the Secretary of the Interior can apportion the $75,000 to Alaska, and I think that is all right.

Mr. CANNON. I think we had not better enter upon the practice of segregating.

Mr. LIVINGSTON. I want to suggest to my colleague, the chairman of the committee, that you will be compelled to segregate in this instance, because the rate paid for surveying must be different.

Mr. CANNON. Oh, we are not going to change the rate.

Mr. LIVINGSTON. If you are going to have any work done in Alaska that will have to be done.

Mr. CANNON. That depends on legislation yet to come.

Mr. JONES of Washington. I think that at these missions and other places they can utilize the appropriation under the present limit.

Mr. CANNON. I would oppose any change as to rate.

Mr. JONES of Washington. If the gentleman insists on his point of order, the other thing amounts to nothing, because the Secretary of the Interior can apportion the money to Alaska anyway.

Mr. STEPHENS of Texas. The present rate will be sufficient to do the work in New Mexico, because that is very near home, and the work is very necessary to the development of that country.

Mr. JONES of Washington. I withdraw the amendment. I think it is subject to the point of order.

The CHAIRMAN. The gentleman from Washington withdraws the amendment.

Mr. JONES of Washington. I desire to offer another amendment.

The Clerk read as follows:

On page 79 amend by striking out, in line 19, the words "and the district of Alaska," and by inserting after the word "lines," in line 25, "and in the district of Alaska there may be allowed by the Commissioner of the General Land Office for surveys and resurveys rates not exceeding $18 per linear mile for standard and meander lines, $14 for township, and $10 for section lines; and for the survey and resurvey of lands heavily timbered, mountainous, or covered with dense undergrowth there may be allowed by the said Commissioner rates not exceeding $35 per linear mile for standard and meander lines, $33 for township, and $30 for section lines."

Mr. CANNON. I must make the point of order on that. It is legislation.

Mr. JONES of Washington. If the gentleman will reserve it——

Mr. CANNON. Yes; I will. I do it not in a spirit of unfriendliness to the service at all, but I think the Committee on the Public Lands ought to exercise the jurisdiction and fix the limit.

Mr. JONES of Washington. The amendment is undoubtedly subject to the point of order, but I desire to call the attention of the members of the committee to the reasons submitted by the surveyor-general of Alaska, as to the necessity for an increased allowance for surveys in that Territory.

He says:

First. This Territory is remote from a base of supplies, and the cost of provisions is therefore considerably higher, even on the seacoast, than in the other surveying districts.

Second. As most of the lands to be surveyed are more or less remote from the coast, and as there have been no roads opened up in this country, all supplies for parties operating in the field will have to be transported to them by means of pack animals or by men employed for that purpose, and in either case the cost will be very heavy.

Third. The cost of labor is much higher than in the other surveying districts. The mining companies and other enterprises pay good wages to their employees, and laborers will not engage for this line of work for a less wage than can be obtained in other lines of service; and the expense of transporting assistants from Seattle or other points remote from the district would be so heavy as not to relieve the situation to any considerable extent.

Fourth. The climate of the coast region of this district is an obstacle to progress in making surveys in those localities. The humidity along the coast of Alaska is excessive. Cloudiness is the rule and not the exception during the greater portion of the summer months. There are many consecutive days when it is impossible to make either the solar or stellar observations required by the Manual of Surveying Instructions. This is a serious hindrance and is taken into account by surveyors when considering proposals to execute surveys where these conditions prevail.

Another detriment to obtaining bids at present rates is the shortness of the season in which surveying can be done. This is especially true of the interior regions. The summers in those localities are short and warm, pushing vegetation to maturity rapidly; but it soon passes away and is succeeded by very cold weather, during which it is impracticable to prosecute work in the field, and therefore in contracts of any considerable magnitude it would require two seasons to fulfill them, which would add heavily to the expense.

Furthermore, it is the purpose of this office to prohibit the use of wooden posts or other perishable material for marking the corners of surveys, and in some instances, because of inability to procure stones of the required size, it may be necessary to use iron pipes, which would add somewhat to the cost.

Experience has also shown the futility of endeavoring to obtain execution of surveys in Alaska by experienced deputies for the prices now allowed by law. In the spring of 1901 invitations for proposals to make a survey of base and meridian lines in the Copper River country were advertised and also mailed to quite a number of deputies in Alaska, but all except two declined to make a bid, assigning as reasons in most cases that the rates were too low and the risks too great. The two who submitted bids were, comparatively speaking, unacquainted with the difficulties likely to be encountered in carrying out the contract; and it may not be amiss to say that the one to whom the contract was awarded has not attempted to perform the work he contracted to do and manifests but little disposition to do so.

Taking all of the foregoing facts into consideration, I am constrained to believe it will cost at least 100 per cent more to execute a surveying contract in Alaska than in the other surveying districts, and I therefore respectfully recommend that rates for making public land surveys in Alaska be increased 100 per cent at least, or what I deem would be more advantageous to the Government, make provision for executing them at a per diem rate.

The CHAIRMAN. The point of order is sustained.

Mr. MONDELL. Mr. Chairman, I wish to return to the amendment offered by me a few moments ago, to line 3 on page 79, and to withdraw the amendment then offered, and offer in lieu thereof the following amendment:

After the word "except," in line 3, page 79, insert the words "in the case of."

The CHAIRMAN. The amendment offered a moment ago by the gentleman from Wyoming was withdrawn at that time. The Clerk will report the amendment of the gentleman.

The Clerk read as follows:

On page 79, line 3, after the word "except," insert the words "in the case of."

Mr. MONDELL. It has been suggested, Mr. Chairman, that the language which my amendment would have stricken out does provide for surveys within forest reservations. If that be true, I wish to make that language clearer, and I think the amendment now offered will have that effect.

Mr. CANNON. What does the chairman of the Committee on the Public Lands say about it?

Mr. LACEY. Mr. Chairman, the amount of surveys inside of these forest reservations will necessarily be small. A very large portion of the land held by private owners inside of the reservations has already been exchanged for land outside, and that land of course would not need to be surveyed. On the other hand, there are many homesteaders who have located on lands within the reservations prior to the setting apart of the reserves and have made farms there, and are entitled to have their boundaries established as they propose to remain within the reservation.

Their entry was legal; they do not wish to exchange their lands, and they have a right to remain. While they have the right to exchange, it is not compulsory on them, and there ought to be no objection to making these surveys of these comparatively few tracts. In many localities there is a very great deal of private land that is within these reservations. For instance, the town of Deadwood, I am told, is within a forest reservation, and many locations that have not been surveyed, and where these surveys are necessary, the limitation ought not to be there, because it is easy enough for the Department to prevent a misapplication of any of this money and to limit the surveys, so far as may be necessary.

Mr. MONDELL. The purpose of the language now offered is simply to make the intent of the bill, as interpreted by the gentleman from Iowa, clear. That is, that the Land Office shall have authority to survey lands within forest reservations.

Mr. LACEY. There will be a comparatively small amount, I think, that will have to be surveyed.

Mr. CANNON. Does the gentleman approve the provision?

Mr. MONDELL. I am giving no new authority but that which they now have, and I want to make the language clear.

Mr. LACEY. I think such surveys ought to be permitted, not ordered by law.

Mr. MONDELL. I am not changing any provision of the law.

Mr. CANNON. Vote!

The question was taken; and the amendment was agreed to.

Mr. MONDELL. Mr. Chairman, I now move to amend—I do not know just what the lines are—the sum now carried by the bill for public land surveys. I wish to increase the amount appropriated for surveys from $400,000 to $530,000.

Mr. CANNON. It has already been increased from $325,000 to $400,000.

Mr. MONDELL. My amendment is to increase it by $130,000 additional. The amendment as already adopted increases the amount to $400,000. I move to amend by striking out $400,000 and inserting in lieu thereof $530,000.

The CHAIRMAN. The committee has already agreed to that portion of the bill.

Mr. CANNON. We have passed it, and it has already been amended.

Mr. MONDELL. I do not understand we have passed the paragraph.

Mr. CANNON. I do not want to cut the gentleman off from an opportunity to take the sense of the committee. I do not believe in his amendment. I am willing by unanimous consent, so far as I am concerned, that he may be allowed to offer his amendment.

Mr. MONDELL. I do not wish to ask unanimous consent. I could not have offered this amendment until this time, because we have just closed the reading of this paragraph.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 78 strike out "four hundred" and insert "five hundred and thirty;" so that it will read "$530,000."

The CHAIRMAN. The question is on the amendment.

Mr. MONDELL. Now, Mr. Chairman, I will not take up the time of the committee to any considerable length in the discussion of my amendment. I simply say that if the amendment is adopted I will move at the proper time to strike out the second paragraph on page 85, which makes an appropriation of $130,000 for survey by the Geological Survey of lands within forest reservations. As I understand, the amendment just adopted makes it clear that the General Land Office can carry on necessary surveys within the forest reservations.

Now, Mr. Chairman, I do not think that both the Geological Survey and the General Land Office should be conducting these surveys. The surveys are necessary, clearly. There is no controversy upon that point. The General Land Office, as I said a moment ago, has charge of all land surveys of the Government, is the custodian of the maps and plats, and makes the maps of the Government land. They have the machinery to carry on this work. They issue the manual under which these surveys must be executed, and, in my opinion, these surveys can be more economically, more uniformly, and more properly executed if executed by one bureau of the Interior Department than if executed by two.

Mr. CANNON. Now, I hope the gentleman's motion will not prevail. We already have increased this appropriation from $325,000 to $400,000. The full estimate has been given, and then they come in with $75,000 more, and we give that. Now, the gentleman says that he will, on page 85, if this amendment of his is adopted, move to strike out the following words: "For continuation of the survey of the public lands that have been or may hereafter be designated as forest reserves, $130,000, to be immediately available." Now, I would have to antagonize that motion when he gets to it, because, whatever the language may be here, the Geological Survey, as I am informed, only surveys boundaries.

Mr. MONDELL. That is not altogether true, for they have surveyed considerable areas within the boundaries of forest reserves.

Mr. CANNON. I am quite willing when we get over here to make that available for boundaries only, but I do not think there is any necessity for further increasing this amount for the public survey. I think the Committee of the Whole has dealt quite liberally with that appropriation.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wyoming.

The question was taken, and the amendment was lost.

The Clerk read as follows:

The appropriation of $31,500 for the resurvey and reestablishment of the boundary line between the State of Colorado and the Territories of New Mexico and Oklahoma, contained in the act of Congress approved July 1, 1902, making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for prior years, and for other purposes, is hereby continued and made available until June 30, 1904.

Mr. MONDELL. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

On page 82, at the end of line 4, insert:

"Survey of the boundary line between Idaho and Montana—

"For the ascertainment, survey, marking, and permanent establishment of that portion of the boundary line between the States of Idaho and Montana from the intersection of the thirty-fourth meridian of west longitude from Washington with the Continental Divide; thence northwestwardly following said Continental Divide and the crest of the Bitter Root range of mountains to the intersection with the thirty-ninth meridian of west longitude from Washington, an estimated distance of 450 miles, including the expense of an examination of the survey in the field, the rate of compensation per mile to the surveyor to be fixed by the Secretary of the Interior, the same to include the cost of the preparation of the plats and field notes of the survey in triplicate, $50,000, to be immediately available."

Mr. MONDELL. Mr. Chairman, on the 17th of January the Secretary of the Treasury transmitted an estimate covering this item. I do not understand that the Committee on Appropriations have any special objection to the item, but the question was as to the urgency of the survey at this time. I have talked with those having knowledge of the condition as regards the public-land surveys, and I learn that there are a number of public-land surveys now under contract which can not be closed or completed until this, the last State boundary line in the Union to be run, shall have been established. There have been a number of surveys made in the past of public lands the completion of which was rendered impossible by the fact that the surveyors ran to a point, as near as they could tell, where they were approaching the State boundary and were compelled to discontinue the work because of the fact that the boundary had never been established.

People from Montana have informed me recently that, owing to discovery of mineral in the Mullen and Burke end of the Coeur d'Alene mining region, mines have been located along the summit of the range, about the point where it is understood the State line will finally be traced; and there is difficulty in establishing the exact location of mining claims, owing to the fact that the State boundary has never been established.

The newly elected member of the House from Montana, Mr. Dixon, who has personal knowledge of the situation, told me recently that there was a necessity for the survey, an immediate necessity, and he earnestly urged that the work be undertaken. I think that, in view of the necessity as regards the location of mining claims, the fact that the Government surveys are being extended toward this boundary in both directions, and that this is the only State boundary not marked and established, the survey should be completed at an early date.

Mr. CANNON. Mr. Chairman, this is the second or third time that this estimate has come to Congress for an appropriation to survey this boundary line. It was not reported favorably last year or, as I recollect, the year before last. It has to be surveyed

some time. We left it out again without any particular investigation, supposing that settlement had not gone far enough in that section of the country to require that expenditure. Since then I have talked with gentlemen and a number of others who seemed to think that it is important that the survey should be made, and reenforcing the somewhat urgent recommendation of the Secretary of the Interior for the past two years.

The amendment was considered and agreed to.

The Clerk read as follows:

For gauging the streams and determining the water supply of the United States, and for the investigation of underground currents and artesian wells, and the preparation of reports upon the best methods of utilizing the water resources, $100,000.

Mr. ADAMSON. Mr. Chairman, I move to amend the paragraph just read by striking out the word "one" and inserting the word "two," so as to make the amount of the appropriation $200,000.

Mr. Chairman, the appropriation made for this purpose by existing law, as I understand, is $200,000. That sum has been none too large, as I learn from gentlemen who have studied the question and who are interested in this very important subject. The value of these measurements and researches is very great, so that, instead of decreasing the appropriation for this purpose in the present bill, it seems to me it would have been better to increase it. But I have contented myself with moving to restore the amount appropriated by current law, and I hope, Mr. Chairman, that, considering the importance of the subject and the value to the public, in all portions of the country, of the service thus provided for, the amendment will be adopted.

Mr. CANNON. Mr. Chairman, the history of this appropriation is that at the last session the estimate was for $100,000. The Committee on Appropriations recommended the appropriation of the full amount of the estimate. On the floor of the House (the Senate afterwards concurring) the amount was increased to $200,000; and this year the estimate comes to us for $200,000. Your committee thought it would take the temper of the House at this time on the question whether we would not go back and give for this purpose all that was asked a year ago. But when I see my distinguished friend from Georgia [Mr. ADAMSON], who, I think, believes in this appropriation, and when I see the brethren all around me, a dozen of them, seeking recognition to offer an amendment of this kind—because many of them have told me that some gentleman has sent them this amendment—and judging from the number of letters that I have from various geologists scattered all through the country, and from distinguished citizens, not geologists, in my own State, and considering how important water is, especially in the valley of the Mississippi and its tributaries, and the Middle West, where half the year we have water sufficient for the geese, who multiply by the thousand [laughter], I suspect upon the whole that if I shall sit down and quit talking, after having made this strenuous opposition to this increase, it is very likely that many gentlemen will vote for the amendment and that it may be adopted. So far as I am concerned, having thus protested, and believing that $100,000 is quite enough, yet recognizing what seems to me to be the temper of the Committee of the Whole as manifested, I am ready for a vote. [Cries of "Vote!" "Vote!"]

The question being taken, the amendment of Mr. ADAMSON was agreed to.

The Clerk read as follows:

In all, for the United States Geological Survey, $1,026,570.

Mr. CANNON. I move to amend by inserting, after the word "million," in line 9, page 85, the words "one hundred and."

The amendment was agreed to.

The Clerk read as follows:

The Secretary of the Interior may authorize such expenditure as may be necessary, not exceeding $1,500, for rent of office accommodations in the city of Washington for the reclamation service, established by act approved June 17, 1902, entitled "An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands."

Mr. MONDELL. Mr. Chairman, I reserve a point of order on this paragraph. I wish to ask the chairman of the committee why the language adopted in this paragraph is used. I understand that the Geological Survey has to do with a large variety of public work—investigations under the Government. It has a building here for the purpose of carrying on the work of its various divisions and bureaus, and it rents some offices outside; and this rent account and the account for books and other publications, carried in the next paragraph, are ordinarily charged against the general appropriation. I do not quite understand why the room that may be required by any additional work laid upon the Geological Survey by reason of the passage of what is known as the irrigation act should lead to the singling out or separation in the appropriation bill of the expenses directly or indirectly traceable to that act.

Mr. LIVINGSTON. I suggest to the gentleman that the original act said "and other expenses." Under the original act all these expenses are chargeable to that fund.

Mr. MONDELL. I did not so understand. Does the gentleman understand that this sum is chargeable to the irrigation fund under the language of the act?

Mr. LIVINGSTON. Certainly.

Mr. CANNON. Mr. Chairman, I have no objection, so far as I am concerned, to the point of order being sustained and the whole paragraph going out. I am not hungering and thirsting to make this provision; but when I explain to the gentleman the necessity for putting it in, I think he will admit it at once.

Mr. MONDELL. I rose for the purpose of obtaining light.

Mr. CANNON. Twenty years ago it was found on investigation that from contingent funds and general appropriations the departments in Washington were in the habit of renting buildings according to their own sweet will, and sometimes that will was evidenced by somebody who wanted more room although he was already lost in space.

So let us enact legislation that no building should be rented in Washington unless expressly provided for by law and appropriation made therefor. Now, the irrigation act, with the enactment of which the gentleman had so much to do, set aside the proceeds of certain lands for reclamation of arid lands, and it provides that the Secretary of the Interior shall proceed to perform, survey, and so on. The expenses of irrigation and the utilization of that fund are payable from those proceeds, and as I understand it—the gentleman knows more about it than I do, however—the Secretary of the Interior in the exercise of his power put the expenditure, in part or altogether, of this fund under the Geological Bureau—entirely, my friend says. Now, in performing this work it is alleged that it is necessary to have an office in Washington, with some employees, and because of the provision of law that you can not rent offices in Washington unless expressly authorized they could not have that office here at all. If it were not for that law which we passed twenty years ago, we could have gone on and rented this building and paid for it from this fund.

Mr. MONDELL. I want to ask the gentleman if this provision for further office room could not have been made without any reference to the irrigation act.

Mr. CANNON. Oh, it could be paid from the general moneys in the Treasury, but the law does not contemplate that. The reclamation law contemplates that the expenses of administering that law shall be paid from the fund set aside for that purpose.

Mr. MONDELL. It does not seem to me, Mr. Chairman, that there is anything in the irrigation law that justifies this sort of expenditure. This is clearly to my mind new legislation, and I question whether it is wise legislation.

Mr. CANNON. Oh, I do not think so at all, but if the gentleman insists that it be new legislation, I have no objection to the point of order being sustained and having the paragraph go out. Then it leaves these surveys without offices in the District, and they would go on and administer it as best they could.

Mr. LIVINGSTON. In addition to that, Mr. Chairman, if my colleague, the chairman of the committee, will permit, if they should go further, and rent offices without authority under the law, instead of paying $1,500 they might be paying $5,000 out of that fund. There are two things accomplished by this clause. First, that under the law they may have the right to rent.

Mr. MONDELL. Under what law?

Mr. LIVINGSTON. Under the old law that they can not rent without express authority from Congress. This gives them authority and, in the second place, it limits them to $1,500; whereas, if you strike out that section and they should go on and rent without authority, which they might do, they might take $5,000 from that fund instead of $1,500.

Mr. MONDELL. My objection to this provision is simply this, that we have a law under which we are moving forward—not very rapidly, having not as yet entered upon any construction, but I believe carefully, wisely, and judiciously—toward the construction of some irrigation works. Now, those of us who are most directly interested in those irrigation works are anxious that the appropriation or the fund raised under the irrigation law shall not be frittered away paying expenses here in Washington, clerk hire, rent of buildings, books, etc. The amount available is not large when you take into consideration the importance of the project, and we are rather averse to having it reduced by expenditures of this character. We have very large river and harbor appropriations every year, and I will ask the gentleman, for information, if, should the Treasury Department desire additional rooms on account of river and harbor work, would you charge up the rent of those rooms to projects for river and harbor improvement, for instance?

Mr. CANNON. Well, if my friend asks me, I will say that the two cases are not similar. A law passed devoting the proceeds of the sale of certain lands to the reclamation of arid lands.

Before that those moneys went into the Treasury. The law provided for the reclamation of those lands and provided that it should be done under the Secretary of the Interior. Now that is a separate fund. There is no separate fund set aside for the improvement of rivers and harbors. Now, then, this expenditure, to utilize this money, is just as legitimate and necessary that you should make the surveys and should get ready with plans, as it is that you should have a spade to throw up the dirt to construct the dam, and I suspect, it being placed by the Secretary of the Interior under this bureau, that it is really necessary to have an office in the city of Washington. If my friend thinks not, I am perfectly willing that it should go out.

Mr. MONDELL. I will say I think there is probably no question as to the necessity for those accommodations.

Mr. LIVINGSTON. Will my friend permit me to refer him to the original act approved June 17, 1902? After reciting the expenditure of money it goes on and provides for the payment of all other expenditures provided for in this act, whatever the expenditures may be.

Mr. MONDELL. I will call the gentleman's attention to the fact that there is no such expenditure as this provided for in the act.

Mr. LIVINGSTON. Whatever may occur in the future, whatever expenses may come.

Mr. MONDELL. I had a little something to do with drawing the section that provides for expenditures under the irrigation act; and, if I recollect, we were particularly careful not to authorize this class of expenditures.

Mr. PAYNE. My friend does not mean to say that, does he?

Mr. MONDELL. I have said it.

Mr. PAYNE. The House were assured last June that this irrigation business would not cost anything; that it would be self-supporting, because every dollar of the expenditure was to come from the sale of the arid lands. I think my friend is mistaken in his recollection that this act was drawn with any reference to charging part of the expense of this irrigation upon the public Treasury otherwise than from the result of the sale of the lands.

Mr. MONDELL. I think none of the advocates of that measure ever suggested that office expenditures in Washington should be loaded upon the fund. We did say that as far as the examinations in the field were concerned, and labor in connection with construction, it should be borne by the fund. But we did have it in mind that there might be some expenditures of this character which we would not care to have the fund burdened with. That is why I object to this provision. But I am warned by gentlemen who are better versed in these matters than I that if I insist upon my point of order and the Chair shall sustain it, and I believe he would, then we are liable to find ourselves without accommodations for those engaged in the work of reclamation; that the reclamation force is liable to be set adrift like an orphan on the street, without a home or shelter for their heads.

In other words, this item simply holds us up, and while it is, in my opinion, clearly subject to a point of order, we shall have to accept it or else run the risk of having the work hampered or suspended, but I give notice that I shall oppose all extensions of expenditures of this kind chargeable to the irrigation fund.

Now, Mr. Chairman, as I am anxious to have the work go on, and it is threatened that the work will not go on if I insist on my point of order, I withdraw the same.

The CHAIRMAN. The gentleman withdraws the point of order and the Clerk will read.

The Clerk read as follows:

Miscellaneous objects, Department of the Interior.

Mr. HEPBURN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Iowa offers the following amendment, which the Clerk will report.

The Clerk read as follows:

Office of Commissioner of Railroads: For Commissioner, $4,500; 1 clerk, $1,000; 1 assistant messenger, $720; in all, $6,220: *Provided*, That the office of Commissioner of Railroads is hereby continued until the 30th day of June, 1904, when the same shall terminate and the duties of the Commissioner shall be transferred to the Secretary of the Interior, together with the records and files of the office.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

Mr. MADDOX. Mr. Chairman, I should like to hear the gentleman explain that amendment, and tell us what it means.

Mr. HEPBURN. Mr. Chairman, the office of Railroad Commissioner was terminated by an act of Congress passed a year ago. It was thought that during that time for which it was continued the business of the office could be completed. I understand that is not the case, and that it will take another year to conclude the business of the office in order that it may be turned over to the Secretary of the Interior in a proper manner.

The amendment was agreed to.

The Clerk read as follows:

Crater Lake National Park: For protection and improvement of the Crater Lake National Park, and repairing and extension of roads, to be expended under the supervision of the Secretary of the Interior, $2,000.

Mr. CANNON. Mr. Chairman, as it is about time for the committee to rise, and the gentleman from Washington [Mr. CUSHMAN] desires to offer an amendment, after which I will move that the committee rise, I ask unanimous consent that we move forward in the bill temporarily to line 9, page 87, to enable the gentleman to offer his amendment.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to move forward to page 87, line 9, in order that the gentleman from Washington may offer an amendment. Is there objection?

There was no objection.

Mr. CUSHMAN. I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Washington offers the following amendment, which the Clerk will report:

The Clerk read as follows:

On page 87, at the end of line 9, after the words "two thousand dollars," insert the following as a new section:

"Mount Rainier National Park: For the management, protection, and improvement of Mount Rainier National Park, construction of roads, bridges, fences, and trails therein, and the improvement of existing roads, $21,000, to be expended under the supervision of the Secretary of the Interior: *Provided*, That the surveys for roads and the work of construction thereof shall be performed under the supervision of an engineer officer of the Army, to be detailed for that purpose on the request of the Secretary of the Interior."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington.

Mr. CANNON. I want to offer a substitute for that amendment.

The Clerk read as follows:

On page 115, after line 22, insert:

"Mount Rainier National Park: To enable the Secretary of War to cause a survey to be made of the most practicable route for a wagon road into said park and toward the construction of said road after the survey herein provided for shall have been made, $10,000."

Mr. CANNON. I hope that the substitute will be accepted.

Mr. CUSHMAN. I accept the substitute.

Mr. CANNON. The gentleman accepts the substitute. I am ready for a vote.

The question was taken, and the substitute was agreed to.

The amendment as amended was agreed to.

The Clerk read as follows:

Yellowstone National Park: For the administration and protection of the Yellowstone National Park, to be expended by and under the direction of the Secretary of the Interior, $5,000.

Mr. LACEY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Strike out "five thousand" in line 15, page 86, after the word "Interior," and insert "seven thousand five hundred;" so as to read $7,500.

Mr. CANNON. As I understand, the object is keep for the buffalos or something of that kind?

Mr. LACEY. The increase of the amount, Mr. Chairman, is rendered necessary by the fact that in the last session of Congress an arrangement was made to try to restore the buffalo herd in the Yellowstone Park. Three bulls were got from the Goodnight herd and from other different herds, so as to secure new blood, and 18 cows from the Flathead agency herd. The herd that is in the park now are all pure blood and in very fine condition, with every prospect of being successfully maintained, and in order to be sure that the herd will be properly cared for this small additional appropriation of $2,500, making $7,500, was thought necessary by the Department and by Major Pitcher, the superintendent of the park. They asked for more.

The Secretary of the Interior asked for $30,000. The amount has been cut down to $5,000; but, from the best information I have been able to get, $2,500 will be sufficient to cover this exigency. There are about 23 wild buffaloes that are now in the park somewhere. They are very wild. They go to the tops of the mountains and keep out of range, and the attempt will be made to gather them in with the other herd, which is really domestic.

Mr. CANNON. If my friend will allow me, just to see if we can not agree about it.

Mr. LACEY. I thought that we had agreed about it.

Mr. CANNON. Well, I want to suggest that my friend modify his amendment, and after the word "Interior" insert the following language: "including $2,500 for maintenance of buffaloes;" and strike out "five thousand" and insert the words "seven thousand five hundred." In other words, I want to be dead sure that it goes to my friend's friend, the buffalo.

Mr. GREEN of Pennsylvania. I want to interrogate the gentleman.

Mr. LACEY. Well, I have no fear that the amount will go there. The amendment suggested is entirely satisfactory.

Mr. CANNON. The gentleman modifies his amendment.

Mr. LACEY. Some forage will probably be needed for a time, until the animals get used to their new surroundings and to tide them over severe snowstorms. There should be a sufficient sum to insure giving this little herd a fair chance, and I believe that in a few years a fine buffalo herd will be one of the most engaging features of the park.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. CAPRON having taken the chair as Speaker pro tempore, a message from the President of the United States, by Mr. BARNES, one of his secretaries, announced that the President had approved and signed bill of the following title:

On February 10, 1903:

H. R. 15747. An act directing the issue of a check in lieu of a lost check drawn by George A. Bartlett, disbursing clerk, in favor of Fannie T. Sayles, executrix, and others.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

After the word "Interior" insert "including $2,500 for maintenance of buffaloes, $7,500."

Mr. LACEY. It includes fencing, care for them, and hay.

Mr. GREEN of Pennsylvania. I do not think the gentleman understood my interrogation.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

The amendment as modified was agreed to.

Mr. CANNON. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. LACEY having resumed the chair as Speaker pro tempore, Mr. TAWNEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 17202, and had come to no resolution thereon.

HERMANN GAUSS.

Mr. HENRY C. SMITH. Mr. Speaker, I have a report from the Committee on Accounts which I am instructed to present.

The SPEAKER pro tempore. The gentleman from Michigan calls up the following privileged report from the Committee on Accounts.

The Clerk read as follows:

House resolution 416.

Resolved, That the Committee on Appropriations is authorized to provide in the general deficiency appropriation bill for the payment to Hermann Gauss of the sum of $500 for extra expert services to the Committee on Invalid Pensions, as assistant clerk of said committee by detail.

The SPEAKER pro tempore. The question is upon agreeing to the resolution.

Mr. MADDOX. Mr. Speaker, do I understand that is extra pay?

The SPEAKER pro tempore. Does the gentleman from Michigan yield to the gentleman from Georgia?

Mr. HENRY C. SMITH. Oh, yes. It has been done right along.

Mr. MADDOX. Mr. Speaker, I know it has been done right along, but we passed a law here some time back that this extra pay for services had to stop. I will say to the gentleman that it will take 180 votes to pass it this evening.

Mr. HENRY C. SMITH. I withdraw the resolution.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker pro tempore signed the same:

H. R. 4153. An act granting a pension to Jane Hale;
H. R. 15084. An act granting a pension to James H. Powell;
H. R. 15550. An act granting a pension to Mary A. Hinkle;
H. R. 14811. An act granting a pension to Almedia J. Robison;
H. R. 4266. An act granting a pension to Henry Ehmke;
H. R. 15406. An act granting an increase of pension to James P. Campbell;
H. R. 15840. An act granting an increase of pension to Rudolph B. Weyeneth;
H. R. 13534. An act granting an increase of pension to James Evans;
H. R. 3578. An act granting an increase of pension to Erastus E. Edmunds;
H. R. 10663. An act granting an increase of pension to Benjamin H. Downing;
H. R. 5450. An act granting a pension to Charles P. Bigelow;
H. R. 9074. An act granting a pension to Elizabeth C. Gates;
H. R. 15839. An act granting an increase of pension to Luther Scott;
H. R. 16148. An act granting an increase of pension to Harry F. Libby;
H. R. 2614. An act granting a pension to John Sullivan;
H. R. 14889. An act granting a pension to James T. Lundy;
H. R. 15754. An act granting a pension to Frances Cowie;
H. R. 14407. An act granting a pension to May E. Bunn;
H. R. 16321. An act granting a pension to Michael Devine;
H. R. 5918. An act granting a pension to Margaret Fox;
H. R. 14687. An act granting a pension to Margaret Brennan;
H. R. 12963. An act granting a pension to Sarah E. Smith;
H. R. 16058. An act granting a pension to John Corbett;
H. R. 8617. An act granting a pension to Sabina Lalley;
H. R. 7778. An act granting a pension to Peter Buckley;
H. R. 14258. An act granting a pension to Fletcher Duling;
H. R. 1014. An act granting a pension to Laura Levenseler;
H. R. 4118. An act granting a pension to Charles Maschmeyer;
H. R. 11258. An act granting a pension to William F. Randolph;
H. R. 1531. An act granting an increase of pension to Susan E. Duncan;
H. R. 8254. An act granting an increase of pension to John R. Curry;
H. R. 1423. An act granting an increase of pension to Asa Tarbox;
H. R. 12524. An act granting an increase of pension to Elvira M. Cooper;
H. R. 15661. An act granting an increase of pension to James M. Marshall;
H. R. 13999. An act granting an increase of pension to Dennis Cosier;
H. R. 1923. An act granting an increase of pension to Frederick W. Damon;
H. R. 11125. An act granting an increase of pension to John S. Campbell;
H. R. 7851. An act granting an increase of pension to Jennie H. Cramer;
H. R. 15409. An act granting an increase of pension to James Claybourn;
H. R. 14168. An act granting a pension to John B. Anderson;
H. R. 15211. An act granting a pension to Mary J. Slusser;
H. R. 5920. An act granting a pension to Washington T. Filson;
H. R. 16711. An act granting a pension to Ann Gilbert;
H. R. 2812. An act granting a pension to Susan Kent;
H. R. 14814. An act granting a pension to Herman J. Miller;
H. R. 13358. An act granting a pension to Elizabeth A. Wilder;
H. R. 12971. An act granting a pension to Thomas Martin;
H. R. 15694. An act granting a pension to Bessie Ledyard;
H. R. 11199. An act granting a pension to Lewis Walton;
H. R. 13689. An act granting a pension to William W. Painter;
H. R. 13850. An act granting an increase of pension to Charles K. Cameron;
H. R. 15892. An act granting an increase of pension to Eli Titus;
H. R. 5511. An act granting an increase of pension to Cyrus V. Gorrell;
H. R. 13240. An act granting an increase of pension to Nimrod F. Clark;
H. R. 15684. An act granting an increase of pension to Joseph R. Prentice;
H. R. 14302. An act granting an increase of pension to Samuel Burrell;
H. R. 5898. An act granting an increase of pension to Reuben F. Carter;
H. R. 16512. An act granting an increase of pension to John Dinneer, now John J. Davidson.
H. R. 16499. An act granting an increase of pension to Charles S. Wainwright;
H. R. 15961. An act granting an increase of pension to Jane C. Welch;
H. R. 9814. An act granting an increase of pension to Mary Williams;
H. R. 15864. An act granting an increase of pension to Benjamin Knestrict;
H. R. 13799. An act granting an increase of pension to Henry C. Trout;
H. R. 13239. An act granting an increase of pension to Ervin Thompson;
H. R. 3899. An act granting an increase of pension to Thomas B. Wilson;

H. R. 15585. An act granting an increase of pension to Solomon S. Shaner;
H. R. 14963. An act granting an increase of pension to Herman Tuerck;
H. R. 15358. An act granting an increase of pension to John Snodgrass;
H. R. 1015. An act granting an increase of pension to Isaac F. Russell;
H. R. 9987. An act granting an increase of pension to Aaron Young;
H. R. 14303. An act granting an increase of pension to Robert H. Maricle;
H. R. 15472. An act granting an increase of pension to William H. Chamberlin;
H. R. 16492. An act granting an increase of pension to Wilson G. Gray;
H. R. 4183. An act granting an increase of pension to Gottlieb Kafer;
H. R. 12991. An act granting an increase of pension to Gustavus S. Perkins;
H. R. 15622. An act granting an increase of pension to Benjamin Cardwell;
H. R. 13519. An act granting an increase of pension to James M. Clement;
H. R. 14952. An act granting an increase of pension to Leonard S. Grove;
H. R. 12019. An act granting an increase of pension to William Lowe;
H. R. 15910. An act granting an increase of pension to James A. Hale;
H. R. 8626. An act granting an increase of pension to Sarah E. Yemans;
H. R. 15329. An act granting an increase of pension to Elizabeth Rosenbarger;
H. R. 305. An act granting an increase of pension to George Heinzman;
H. R. 1829. An act granting an increase of pension to George W. Brill;
H. R. 15693. An act granting an increase of pension to Delitha A. Cook;
H. R. 6161. An act granting an increase of pension to Homer Davis;
H. R. 4441. An act granting an increase of pension to Oscar Brewster;
H. R. 14143. An act granting an increase of pension to Augusta W. Seely;
H. R. 16162. An act granting an increase of pension to George Brown;
H. R. 16032. An act granting an increase of pension to Henry Taylor;
H. R. 12214. An act granting an increase of pension to Jane A. Tillinghast;
H. R. 15889. An act granting an increase of pension to Chester W. Abbott;
H. R. 15997. An act granting an increase of pension to Christian J. Flanagan;
H. R. 15841. An act granting an increase of pension to John Da Salva;
H. R. 16271. An act granting an increase of pension to Gustavus W. Peabody; and
H. R. 2675. An act granting an increase of pension to John M. Stanley.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 149. An act to provide for holding terms of court in the district of Utah.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles, in which the concurrence of the House of Representatives was requested, were referred to their appropriate committees as follows:

S. 7100. An act granting an increase of pension to Maggie V. Holstein—to the Committee on Invalid Pensions.

S. 7201. An act to increase the limit of cost for the public building at Evanston, Wyo.—to the Committee on Public Buildings and Grounds.

S. 7288. An act extending the time for making proof and payment for all lands taken under the desert-land laws by the members of the Colorado Cooperative Colony for a further period of three years—to the Committee on the Public Lands.

S. 3622. An act to provide for the payment to the heirs of Darius B. Randall, deceased, for certain improvements relinquished to the United States for the use of the Nez Perce Indians—to the Committee on Claims.

CHANGE OF REFERENCE.

By unanimous consent, reference of the bill (S. 6881) for the relief of James L. Elmer was changed from the Committee on Claims to the Committee on Military Affairs.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. WHEELER, indefinitely, on account of important business.

To Mr. ALLEN of Maine, for two days, on account of important business.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of James W. Clift, administrator of estate of William Clift, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for publication of report of board on typhoid fever—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for National Home for Disabled Volunteer Soldiers—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting an estimate of deficiency in appropriation for the Interstate Commerce Commission—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Supervising Architect submitting an estimate of additional appropriation for laboratory, Marine Hospital—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Supervising Architect increasing the estimate of appropriation for rental of quarters at Los Angeles, Cal.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Attorney-General, transmitting a list of judgments rendered against the Government by circuit and district courts—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. KLEBERG, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 7288) extending the time for making proof and payment for all lands taken under the desert-land laws by members of the Colorado Cooperative Colony for a further period of three years, reported the same without amendment, acccompanied by a report (No. 3704); which said bill and report were referred to the House Calendar.

Mr. HULL, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 5918) to amend section 1225 of Revised Statutes so as to provide for detail of retired officers of the Army and Navy to assist in military instruction in schools, reported the same without amendment, accompanied by a report (No. 3705); which said bill and report were referred to the House Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 6231) authorizing Robert A. Chapman, of Alabama, his associates and assigns, to use the waters of the Coosa River, in Alabama, for the purpose of generating electricity, reported the same with amendments, accompanied by a report (No. 3706); which said bill and report were referred to the House Calendar.

Mr. DAVEY of Louisiana, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 6754) authorizing the city of Batesville, Ark., to draw

water from the pool of Dam No. 1, Upper White River, reported the same without amendment, accompanied by a report (No. 3707); which said bill and report were referred to the House Calendar.

Mr. FLETCHER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 7004) to extend the time for the completion of a bridge across the Missouri River, reported the same without amendment, accompanied by a report (No. 3708); which said bill and report were referred to the House Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 17052) to authorize the building of a railroad bridge across the Tennessee River at a point between Lewis Bluff, in Morgan County, Ala., and Guntersville, in Marshall County, Ala., reported the same with amendments, accompanied by a report (No. 3709); which said bill and report were referred to the House Calendar.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 17204) to authorize the construction of a bridge across the Arkansas River at or near Moors Rock, in the State of Arkansas, reported the same without amendment, accompanied by a report (No. 3710); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16989) to amend the act making appropriations for sundry civil expenses of the Government, and for other purposes, approved June 6, 1900, reported the same without amendment, accompanied by a report (No. 3711); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 16720) for establishing a light vessel near Healds Banks, off Galveston Harbor, Texas, reported the same with amendment, accompanied by a report (No. 3712); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. COOMBS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 17086) declaring the tunnels under the Chicago River an obstruction to navigation, and for other purposes, reported the same without amendment, accompanied by a report (No. 3746); which said bill and report were referred to the House Calendar.

Mr. HULL, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 5437) to authorize the settlement of the accounts of officers of the Army, reported the same without amendment, accompanied by a report (No. 3747); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CORLISS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 15376) for a light-house and fog signal on Rock of Ages, Lake Superior, reported the same without amendment, accompanied by a report (No. 3748); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 15377) for a light-house and fog signal on Middle Island, Lake Huron, reported the same without amendment, accompanied by a report (No. 3749); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HEATWOLE, from the Committee on Printing, to which was referred the bill of the House (H. R. 17276) to fix the salary of the Public Printer, reported the same without amendment, accompanied by a report (No. 3750); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15688) granting an increase of pension to Franklin Williams, reported the same with amendments, accompanied by a report (No. 3703); which said bill and report were referred to the Private Calendar.

Mr. SCHIRM, from the Committee on Claims, to which was referred the bill of the House (H. R. 16998) to pay the heirs of Thomas Latchford, reported the same with amendment, accompanied by a report (No. 3713); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15620) granting a pension to James Redshaw, reported the same with amendments, accompanied by a report (No. 3714); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17234) granting an increase of pension to David Flynn, reported the same with amendments, accompanied by a report (No. 3715); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6470) granting an increase of pension to S. H. King, reported the same with amendments, accompanied by a report (No. 3716); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 17296) granting an increase of pension to Nathaniel Thayer, reported the same with amendments, accompanied by a report (No. 3717); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 17297) granting an increase of pension to Joseph W. Fox, reported the same with amendment, accompanied by a report (No. 3718); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 966) granting an increase of pension to William Y. Turner, reported the same without amendment, accompanied by a report (No. 3719); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1335) granting a pension to Elizabeth Neal, reported the same without amendment, accompanied by a report (No. 3720); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1550) granting an increase of pension to Flavius Shanks, reported the same without amendment, accompanied by a report (No. 3721); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3722) granting an increase of pension to Fredericke W. Lillman, reported the same without amendment, accompanied by a report (No. 3722); which said bill and report were referred to the Private Calendar.

He also, from the same committtee, to which was referred the bill of the Senate (S. 3803) granting an increase of pension to Philip Caslow, reported the same without amendment, accompanied by a report (No. 3723); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4123) granting a pension to Eliza Gallagher, reported the same without amendment, accompanied by a report (No. 3724); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5205) granting an increase of pension to Grace E. Ash, reported the same without amendment, accompanied by a report (No. 3725); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5215) granting an increase of pension to Thomas L. Smith, reported the same without amendment, accompanied by a report (No. 3726); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5662) granting an increase of pension to Henry Sickels, reported the same without amendment, accompanied by a report (No. 3727); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5723) granting an increase of pension to Ole Hexom, alias Ole H. Olson, reported the same without amendment, accompanied by a report (No. 3728); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5734) granting an increase of pension to Elijah A. Woodward, reported the same without amendment, accompanied by a report (No. 3729); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5738) granting an increase of pension to William E. Fehrenback, reported the same without amendment, accompanied by a report (No. 3730); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5854) granting an increase of pension to Allen B. Evans, reported the same without amendment, accompanied by a report (No. 3731); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5874) granting an increase of pension to Catharine A. Russell, reported the same without amendment, accompanied by a report (No. 3732); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5993) granting an increase of pension to James G. Davis, reported the same without amendment, accompanied by a report (No. 3733); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6445) granting an increase of pension to John F. Briggs, reported the same without amendment, accompanied by a report (No. 3734); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6876) granting a pension to Lavinia F. Poiron, reported the same without amendment, accompanied by a report (No. 3735); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7182) granting an increase of pension to William H. McHenry, reported the same without amendment, accompanied by a report (No. 3736); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17305) granting a pension to Philander H. Graves, reported the same with amendments, accompanied by a report (No. 3737); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17247) granting a pension to Mary H. Rumple, reported the same with amendments, accompanied by a report (No. 3738); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17303) granting an increase of pension to A. W. Huffman, reported the same with amendments, accompanied by a report (No. 3739); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1631) granting an increase of pension to Edna K. Hoyt, reported the same without amendment, accompanied by a report (No. 3740); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2860) granting an increase of pension to Henderson Mercer, reported the same without amendment, accompanied by a report (No. 3741); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5641) granting a pension to Charlotte J. Closser, reported the same without amendment, accompanied by a report (No. 3742); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5830) granting an increase of pension to Andrew Jackson, reported the same without amendment, accompanied by a report (No. 3743); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 7176) granting an increase of pension to Jennie W. Rhoades, reported the same without amendment, accompanied by a report (No. 3744); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4919) granting an increase of pension to James M. White, reported the same without amendment, accompanied by a report (No. 3745); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4922) granting an increase of pension to Andrew C. Smith, reported the same without amendment, accompanied by a report (No. 3751); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 7100) granting an increase of pension to Maggie V. Holstein, reported the same without amendment, accompanied by a report (No. 3752); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 6342) granting a pension to Edwin M. Raymond, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. OTJEN: A bill (H. R. 17380) for the establishment of a fourth-order light and fog signal upon south end of breakwater, harbor of refuge, Milwaukee, Wis.—to the Committee on Interstate and Foreign Commerce.

By Mr. MUDD: A bill (H. R. 17381) providing for an additional circuit judge in the fourth judicial circuit—to the Committee on the Judiciary.

By Mr. MOODY: Joint resolution (H. J. Res. 269) providing for the transfer of certain military rolls and records from the Interior Department to the War Department—to the Committee on Military Affairs.

By Mr. ROBINSON of Indiana (by request): A joint resolution of the legislature of Idaho, relating to the stone and timber act—to the Committee on the Public Lands.

By Mr. NAPHEN: A resolution of the legislature of the Commonwealth of Massachusetts, opposing the location of a lighthouse depot on Castle Island—to the Committee on Military Affairs.

By Mr. GREENE of Massachusetts: A resolution of the legislature of the Commonwealth of Massachusetts, relative to Castle Island—to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. CONNELL: A bill (H. R. 17382) to correct the military record of John T. Doudican—to the Committee on Military Affairs.

By Mr. GRIFFITH: A bill (H. R. 17383) for the relief of Jacob H. Weikert—to the Committee on War Claims.

Also, a bill (H. R. 17384) granting an increase of pension to David Allen—to the Committee on Invalid Pensions.

By Mr. HEPBURN: A bill (H. R. 17385) granting an increase of pension to Jonathan R. Cox—to the Committee on Invalid Pensions.

By Mr. LEWIS of Georgia: A bill (H. R. 17386) for the relief of the legal representatives of Thomas W. Johnson, deceased—to the Committee on Claims.

By Mr. SMALL: A bill (H. R. 17387) granting a pension to Walter Gardner—to the Committee on Pensions.

By Mr. SIMS: A bill (H. R. 17388) for the relief of Edmund W. Williams, executor of the estate of Joseph R. Williams, deceased—to the Committee on War Claims.

By Mr. WILSON: A bill (H. R. 17389) granting a pension to Catherine M. Wonderly—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Resolutions of the legislative board of the Brotherhood of Railroad Trainmen of Pennsylvania, in favor of the Foraker safety-appliance bill—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the same, in favor of House bill 15990, known as the employers' liability bill—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the same, urging the passage of the Grosvenor anti-injunction bill—to the Committee on the Judiciaray.

Also, resolutions of the Philadelphia Association of Union ex-Prisoners of War, asking for the passage of bill for the relief of Union ex-prisoners of the civil war—to the Committee on Invalid Pensions.

By Mr. BULL: Resolutions of Lodge No. 119, International Association of Machinists, Newport, R. I., for the repeal of the desert-land law and the commutation clause of the homestead act—to the Committee on the Public Lands.

By Mr. BURKETT: Resolutions of the Missouri Valley Hardware Association, against the enlargement of the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. CRUMPACKER: Petitions of 158 pastors of churches, Sunday school officers and teachers, of Lafayette, Ind., and citizens of Jasper County, Ind., to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. DRAPER: Petition of the American Blind People's Higher Education and General Improvement Association, favoring the higher education of the blind—to the Committee on Education.

By Mr. FITZGERALD: Resolutions of the American Chamber of Commerce, of Paris, France, in favor of the adoption of the metric system in the United States—to the Committee on Coinage, Weights, and Measures.

By Mr. GOLDFOGLE: Resolutions of United Israel Lodge, No. 182, Order of B'rith Abraham, of New York City, N. Y., relating to methods of the Immigration Bureau at the port of New York—to the Committee on Immigration and Naturalization.

Also, resolution of the Medical Association of Central New York, favoring the establishment of a laboratory for the study of the criminal, pauper, and defective classes—to the Committee on the Judiciary.

By Mr. GRAHAM: Resolution of the Chamber of Commerce of Pittsburg, Pa., urging the passage of Senate bill 6498, for the purchase of land in Somerset County, Pa., for a military camp—to the Committee on Military Affairs.

Also, petition of the American Blind People's Higher Education and General Improvement Association, favoring the higher education of the blind, as provided in Senate bill 4038—to the Committee on Education.

By Mr. HOLLIDAY: Resolution of Local Union No. 70, International Union of Steam Engineers, Brazil, Ind., urging the passage of House bill 3076, for an eight-hour law—to the Committee on Labor.

By Mr. LINDSAY: Petition of the American Blind People's Higher Education and General Improvement Association, favoring Senate bill 4038—to the Committee on Education.

Also, resolution of the Medical Association of Central New York, favoring the establishment of a laboratory for the study of the criminal, pauper, and defective classes—to the Committee on the Judiciary.

Also, protest of Maccabee Lodge, No. 49, Order of Sons of Benjamin, Brooklyn, N. Y., against the exclusion of Jewish immigrants at the port of New York—to the Committee on Immigration and Naturalization.

Also, petition of Malt-Diastase Company, Brooklyn, N. Y., for a reduction of the tax on alcohol to 70 cents per proof gallon—to the Committee on Ways and Means.

Also, resolution of the National Army and Navy Spanish War Veterans' Association, of New York, favoring the passage of Senate bill 2172, for the payment of medical expenses of sick officers and enlisted men of the Army while absent from duty with leave or on furlough—to the Committee on Military Affairs.

By Mr. MARTIN: Resolutions of the Black Hills Mining Men's Association, of South Dakota, for the creation of an independent department of mines and mining—to the Committee on Mines and Mining.

By Mr. MICKEY: Petition of citizens and business men of the city of Quincy, Ill., for the improvement of the Upper Mississippi River—to the Committee on Rivers and Harbors.

By Mr. REEDER: Petition of the Stockton Quarterly Conference, Rooks County, Kans., in favor of legislation in restraint of the liquor traffic—to the Committee on Alcoholic Liquor Traffic.

By Mr. TIRRELL: Resolution of the Massachusetts State Board of Trade, favoring the passage of bills to increase the jurisdiction and powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. WILSON: Petition of sundry citizens of Brooklyn, N. Y., favoring antipolygamy amendment to the Constitution—to the Committee on the Judiciary.

Also, petition of retail druggists of Brooklyn, N. Y., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, petition of Stereotypers' Union No. 1, of New York City, favoring the repeal of the desert-land law—to the Committee on the Public Lands.

By Mr. YOUNG: Resolutions of the legislative board of the Brotherhood of Railroad Trainmen of Pennsylvania, in favor of House bill 15990—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the same organization, favoring Senate bill 3560, known as the Foraker safety-appliance bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the American Blind People's Higher Education and General Improvement Association, favoring the higher education of the blind, as provided in Senate bill 4038—to the Committee on Education.

SENATE.

THURSDAY, *February 12, 1903.*

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. BEVERIDGE, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved.

VETO MESSAGE—KATIE A. NOLAN.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying bill, referred to the Committee on Post-Offices and Post-Roads:

To the Senate:

I return herewith Senate bill No. 4308, entitled "An act for the relief of Katie A. Nolan."

Executive approval of this bill is withheld for the reason that it appears to be a duplication of legislation. The deficiency act of July 1, 1902, contained the following provision:

"To enable the Postmaster-General to pay Katie A. Nolan balance of salary due her as stamp clerk in the post-office at San Antonio, Tex., from July 1, 1889, to July 1, 1893, $800."

Under this provision of said act Katie A. Nolan, the beneficiary named in this bill, was paid $800 by the postmaster at San Antonio, Tex., by direction of the Postmaster-General, as shown by the records of the Post-Office Department.

THEODORE ROOSEVELT.

WHITE HOUSE, *February 11, 1903.*

SLOOP SALLY MARIAH.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel sloop *Sally Mariah*, John Sells, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 7185) to authorize the board of commissioners for the Connecticut bridge and highway district to construct a bridge across the Connecticut River at Hartford, in the State of Connecticut.

The message also announced that the House had passed a bill (H. R. 16656) regulating the importation of breeding animals; in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15429) to increase the efficiency of the Army.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 149) to provide for holding terms of court in the district of Utah;

A bill (H. R. 305) granting an increase of pension to George Heinzman;

A bill (H. R. 1014) granting a pension to Laura Levenseler;

A bill (H. R. 1015) granting an increase of pension to Isaac F. Russell;

A bill (H. R. 1423) granting an increase of pension to Asa Tarbox;

A bill (H. R. 1531) granting an increase of pension to Susan E. Duncan;

A bill (H. R. 1829) granting an increase of pension to George W. Brill;

A bill (H. R. 1923) granting an increase of pension to Frederick W. Damon;

A bill (H. R. 2614) granting a pension to John Sullivan;

A bill (H. R. 2675) granting an increase of pension to John M. Stanley;

A bill (H. R. 2812) granting a pension to Susan Kent;

A bill (H. R. 3578) granting an increase of pension to Erastus E. Edmunds;

A bill (H. R. 3899) granting an increase of pension to Thomas B. Wilson;

A bill (H. R. 4118) granting a pension to Charles Maschmeyer;

A bill (H. R. 4153) granting a pension to Jane Hale;

A bill (H. R. 4183) granting an increase of pension to Gottlieb Kafer;

A bill (H. R. 4266) granting a pension to Henry Ehmke;

A bill (H. R. 4441) granting an increase of pension to Oscar Brewster;

A bill (H. R. 5450) granting a pension to Charles P. Bigelow;
A bill (H. R. 5511) granting an increase of pension to Cyrus V. Gorrell;
A bill (H. R. 5898) granting an increase of pension to Reuben F. Carter;
A bill (H. R. 5918) granting a pension to Margaret Fox;
A bill (H. R. 5920) granting a pension to Washington T. Filson;
A bill (H. R. 6161) granting an increase of pension to Homer Davis;
A bill (H. R. 7778) granting a pension to Peter Buckley;
A bill (H. R. 7851) granting an increase of pension to Jennie H. Cramer;
A bill (H. R. 8254) granting an increase of pension to John R. Curry;
A bill (H. R. 8617) granting a pension to Sabina Lalley;
A bill (H. R. 8626) granting an increase of pension to Sarah E. Yemans;
A bill (H. R. 9074) granting a pension to Elizabeth C. Gates;
A bill (H. R. 9814) granting an increase of pension to Mary Williams;
A bill (H. R. 9987) granting an increase of pension to Aaron Young;
A bill (H. R. 10663) granting an increase of pension to Benjamin H. Downing;
A bill (H. R. 11199) granting a pension to Lewis Walton;
A bill (H. R. 11125) granting an increase of pension to John S. Campbell;
A bill (H. R. 11258) granting a pension to William F. Randolph;
A bill (H. R. 12019) granting an increase of pension to William Lowe;
A bill (H. R. 12214) granting an increase of pension to Jane A. Tillinghast;
A bill (H. R. 12524) granting an increase of pension to Elvira M. Cooper;
A bill (H. R. 12963) granting a pension to Sarah E. Smith;
A bill (H. R. 12971) granting a pension to Thomas Martin;
A bill (H. R. 12991) granting an increase of pension to Gustavus S. Perkins;
A bill (H. R. 13239) granting an increase of pension to Ervin Thompson;
A bill (H. R. 13240) granting an increase of pension to Nimrod F. Clark;
A bill (H. R. 13358) granting a pension to Elizabeth A. Wilder.
A bill (H. R. 13519) granting an increase of pension to James M. Clement;
A bill (H. R. 13534) granting an increase of pension to James Evans;
A bill (H. R. 13689) granting a pension to William W. Painter;
A bill (H. R. 13799) granting an increase of pension to Henry C. Trout;
A bill (H. R. 13850) granting an increase of pension to Charles K. Cameron;
A bill (H. R. 13999) granting an increase of pension to Dennis Cosier;
A bill (H. R. 14143) granting an increase of pension to Augusta W. Seely;
A bill (H. R. 14168) granting a pension to John B. Anderson;
A bill (H. R. 14258) granting a pension to Fletcher Duling;
A bill (H. R. 14302) granting an increase of pension to Samuel Burrell;
A bill (H. R. 14303) granting an increase of pension to Robert H. Maricle;
A bill (H. R. 14407) granting a pension to May E. Bunn;
A bill (H. R. 14687) granting a pension to Margaret Brennan;
A bill (H. R. 14811) granting a pension to Almedia J. Robison;
A bill (H. R. 14814) granting a pension to Herman J. Miller;
A bill (H. R. 14889) granting a pension to James T. Lundy;
A bill (H. R. 14952) granting an increase of pension to Leonard S. Grove;
A bill (H. R. 14963) granting an increase of pension to Herman Tuerck;
A bill (H. R. 15084) granting a pension to James H. Powell;
A bill (H. R. 15211) granting a pension to Mary J. Slusser;
A bill (H. R. 15329) granting an increase of pension to Elizabeth Rosenbarger;
A bill (H. R. 15358) granting an increase of pension to John Snodgrass;
A bill (H. R. 15406) granting an increase of pension to James P. Campbell;
A bill (H. R. 15409) granting an increase of pension to James Claybourn;
A bill (H. R. 15472) granting an increase of pension to William H. Chamberlin;
A bill (H. R. 15550) granting a pension to Mary A. Hinkle;
A bill (H. R. 15585) granting an increase of pension to Solomon S. Shaner;
A bill (H. R. 15622) granting an increase of pension to Benjamin Cardwell;
A bill (H. R. 15661) granting an increase of pension to James M. Marshall;
A bill (H. R. 15684) granting an increase of pension to Joseph R. Prentice;
A bill (H. R. 15693) granting an increase of pension to Delitha A. Cook;
A bill (H. R. 15694) granting a pension to Bessie Ledyard;
A bill (H. R. 15754) granting a pension to Frances Cowie;
A bill (H. R. 15839) granting an increase of pension to Luther Scott;
A bill (H. R. 15840) granting an increase of pension to Rudolph B. Weyeneth;
A bill (H. R. 15841) granting an increase of pension to John Da Salva;
A bill (H. R. 15864) granting an increase of pension to Benjamin Knestrict;
A bill (H. R. 15889) granting an increase of pension to Chester W. Abbott;
A bill (H. R. 15892) granting an increase of pension to Eli Titus;
A bill (H. R. 15910) granting an increase of pension to James A. Hale;
A bill (H. R. 15961) granting an increase of pension to Jane C. Welch;
A bill (H. R. 15997) granting an increase of pension to Christian J. Flanagan;
A bill (H. R. 16032) granting an increase of pension to Henry Taylor;
A bill (H. R. 16058) granting a pension to John Corbett;
A bill (H. R. 16148) granting an increase of pension to Harry F. Libby;
A bill (H. R. 16162) granting an increase of pension to George Brown;
A bill (H. R. 16271) granting an increase of pension to Gustavus W. Peabody;
A bill (H. R. 16321) granting a pension to Michael Devine;
A bill (H. R. 16492) granting an increase of pension to Wilson G. Gray;
A bill (H. R. 16499) granting an increase of pension to Charles S. Wainwright;
A bill (H. R. 16512) granting an increase of pension to John Dinneen, now John J. Davidson; and
A bill (H. R. 16711) granting a pension to Ann Gilbert.

PETITIONS AND MEMORIALS.

Mr. GALLINGER presented the petition of Mrs. S. C. Sawyer, of Littleton, N. H., and a petition of sundry citizens of Holter, N. H., praying for the enactment of legislation granting to the States power to deal with intoxicating liquors which may be shipped into their territory from other States; which were referred to the Committee on Interstate Commerce.

Mr. BURNHAM presented a petition of Daniel Webster Grange No. 100, Patrons of Husbandry, of Webster, N. H., praying for the establishment of a bureau of public roads, etc.; which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of Rev. J. Bunyan Lemon, of Manchester; of Rev. H. J. Rhodes, of Manchester, and of Mrs. S. C. Sawyer, of Littleton, all in the State of New Hampshire, praying for the enactment of legislation granting to the States power to deal with intoxicating liquors which may be shipped into their territory from other States; which were referred to the Committee on Interstate Commerce.

Mr. KEARNS. I present a joint memorial of the legislature of Utah relative to the pending bill proposing to admit the Territories of Arizona, New Mexico, and Oklahoma as States into the Union. I ask that the joint memorial may lie on the table and that it be printed in the RECORD.

There being no objection, the joint memorial was ordered to lie on the table, and to be printed in the RECORD, as follows:

Senate joint memorial memorializing Congress to pass the omnibus statehood bill admitting Arizona, New Mexico, and Oklahoma as States in the Union.

To the Senate and House of Representative of the United States of America in Congress assembled:

Your memorialists, the governor and legislature of the State of Utah, respectfully memorialize the Congress of the United States of America to pass the bill now pending in Congress to admit the Territories of Arizona, New Mexico, and Oklahoma as States in the Union.

EDWARD M. ALLISON, JR.,
President of the Senate.
THOMAS HULL,
Speaker of the House.

Approved this 2d day of February, 1903.

HEBER M. WELLS, *Governor.*

Mr. COCKRELL presented the petition of William Bailey, W. B. Austin, and sundry other members of the Woman's Christian Temperance Union of Huntsville, Mo., praying for the enactment

of legislation to prohibit the sale of intoxicating liquors in immigrant stations and Government buildings; which was referred to the Committee on Public Buildings and Grounds.

Mr. PENROSE presented petitions of Lodge No. 158, of Wilkesbarre; of Lodge No. 110, of Pittsburg; of Lodge No. 147, of Philadelphia; of Lodge No. 75, of Philadelphia, all of the Order of B'rith Abraham, in the State of Pennsylvania, and of Lodge No. 197, Order of B'rith Abraham, of St. Joseph, Mo., praying for the enactment of legislation to modify the methods and practice pursued by the immigration officers at the port of New York; which were referred to the Committee on Immigration.

He also presented petitions of 12 citizens of Friedensburg, of 23 citizens of Minersville, of 18 citizens of Hazleton, of 28 citizens of Dorrance, all in the State of Pennsylvania, and of 16 citizens of Boston, Mass., praying for the enactment of legislation to restrict immigration; which were ordered to lie on the table.

He also presented petitions of the Young Men's Christian Association of the Susquehanna University, Selinsgrove; of the congregation of the Methodist Church of Selinsgrove; of the congregation of the Presbyterian Church of Sunbury; of the Armstrong Trust Company, of Philadelphia; of M. F. Umstead, of Philadelphia; of sundry citizens of Bellevue and Allegheny; of sundry citizens of Philadelphia; of Capt. C. S. Davis Post, No. 148, Department of Pennsylvania, Grand Army of the Republic, of Selinsgrove; of 39 citizens of Factoryville; of the Woman's Christian Temperance Union of Millersville; of Rev. L. L. Overman, of Philadelphia; of Anna C. Boiver, of Philadelphia; of Ada Eyster, of Philadelphia, and of the congregation of the First Presbyterian Church of Rochester, all in the State of Pennsylvania, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Government buildings; which were referred to the Committee on Public Buildings and Grounds.

Mr. McCOMAS presented a petition of Samuel Dorf Lodge, No. 160, Order of B'rith Abraham, of Baltimore, Md., praying for the enactment of legislation to modify the methods and practice pursued by the immigration officers at the port of New York; which was referred to the Committee on Immigration.

Mr. FRYE presented a concurrent resolution of the legislature of Kansas, relative to the ratification of the Panama Canal treaty; which was referred to the Committee on Interoceanic Canals, and ordered to be printed in the RECORD, as follows:

STATE OF KANSAS, OFFICE OF THE SECRETARY OF STATE.

I, J. R. Burrow, secretary of state of the State of Kansas, do hereby certify that the following and annexed is a true and correct copy of the house concurrent resolution No. 11, passed by the legislature of the State of Kansas, and is now on file in this office.

In testimony whereof I have hereunto subscribed my name and affixed my official seal. Done at Topeka, Kans., this 7th day of February, 1903.

(SEAL.) J. R. BURROW,
Secretary of State.

House concurrent resolution No. 11. By Mr. Adams, of Butler.

Whereas the Panama Canal treaty is now pending in the Senate of the United States; and

Whereas the speedy construction of the isthmian canal is of the greatest importance to this country: Therefore, be it

Resolved by the house of representatives (the senate concurring herein), That our Senators be, and are hereby, instructed to vote and work for the ratification of the Panama Canal treaty, now pending in the United States Senate, and that a certified copy of this resolution be sent to each of our United States Senators, to the President of the Senate, and to the President of the United States.

The above resolution passed the house February 4, 1903. Was messaged to the senate February 4, 1903.

J. T. PRINGLE,
Speaker of the House.
W. P. MASON,
Chief Clerk of the House.

The above resolution was received by the senate February 4, 1903. Passed by the senate February 6, 1903. Messaged back to the house February 6, 1903.

D. J. HANNA,
President of the Senate.
C. M. SHELDON,
Secretary of the Senate.

REPORTS OF COMMITTEES.

Mr. FAIRBANKS, from the Committee on Public Buildings and Grounds, to whom was referred the amendment submitted by Mr. JONES of Arkansas on the 9th instant, proposing to appropriate $80,000 for the purchase of a site and the erection thereon of suitable stables for the Government Printing Office in the District of Columbia, intended to be proposed to the sundry civil appropriation bill, submitted a favorable report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. GALLINGER, from the Committee on Commerce, to whom was referred the amendment submitted by Mr. FRYE on the 9th instant, proposing to appropriate a sum equal to two years' pay of a district superintendent of the Life-Saving Service for the widow and children of the late Joseph W. Ethridge, superintendent of the Sixth life-saving district, who died from pneumonia contracted in the line of duty, and proposing to appropriate a like sum for the widow of the late John M. Richardson, superintendent of the First life-saving district, who died from sickness incurred in the line of duty, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be printed, and, with the accompanying papers, referred to the Committee on Appropriations; which was agreed to.

He also, from the Committee on Pensions, to whom was referred the bill (H. R. 12508) granting an increase of pension to James Jones, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 11388) granting a pension to William Vogan; and

A bill (H. R. 833) granting an increase of pension to George H. Van Deusen.

Mr. MALLORY, from the Committee on Commerce, reported the following amendments, intended to be proposed to the sundry civil appropriation bill, and moved that they be referred to the Committee on Appropriations and printed; which was agreed to:

An amendment providing for the establishment of a life-saving station at or near Half Moon Bay, south of Point Montara and near Montara Reef, California;

An amendment providing for the establishment of a life-saving station in the vicinity of Cape Flattery or Flattery Rocks, on the coast of the State of Washington:

An amendment providing for the establishment of a life-saving station at Cape Nome, Alaska, and extending the Thirteenth life-saving district to include the coast of Alaska;

An amendment proposing to increase the appropriation for establishing light-houses and fog signals in Alaskan waters from $200,000 to $350,000;

An amendment proposing to appropriate $50,000 for establishing a light-house and fog-signal station in Karquines Strait between San Pablo Bay and Suisun Bay, California;

An amendment proposing to appropriate $225,000 for the construction of a steam vessel of the first class for the Revenue-Cutter Service, to be stationed at Honolulu, Hawaii;

An amendment proposing to appropriate $40,000 for the establishment in the harbor of Oakland, Cal., of a depot for the Revenue-Cutter Service;

An amendment proposing to appropriate $100,000 for the establishment of a light-house depot for the Second light-house district in Boston Harbor, Massachusetts;

An amendment proposing to appropriate $30,000 for establishing a light and fog-signal station on the southeast end of Southampton shoal, San Francisco Bay, California;

An amendment proposing to appropriate $4,000 for the construction of a keeper's dwelling at Yaquina Head, Oregon, light station;

An amendment proposing to appropriate $4,500 for the construction of a keeper's dwelling at Cape Blanco light station, Oregon;

An amendment proposing to appropriate $5,000 for the construction of a dwelling for the light keeper at Grosse Isle, South Channel Range, light station, Detroit River, Michigan, and proposing to appropriate $3,500 for the construction of a light-keeper's dwelling at Grosse Isle, North Channel Range, light station, Michigan;

An amendment proposing to appropriate $90,000 for the construction and equipment of a first-class steam light vessel for Blunts Reef, off Cape Mendocino, California;

An amendment proposing to appropriate $15,000 to establish a fog-signal station and keeper's dwelling at Piedras Blancas light station, on the coast of California; and

An amendment proposing to appropriate $125,000 for the construction of a steam tender for the Twelfth light-house district.

Mr. SIMON, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 3635) to provide for the purchase of a site and the erection of a building thereon at Oregon City, in the State of Oregon, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 7051) to extend the limit of cost for the United States post-office building at Marblehead, Mass., reported it without amendment, and submitted a report thereon.

Mr. PENROSE, from the Committee on Commerce, to whom was referred the bill (S. 7243) to increase the efficiency and safety of the mercantile marine of the United States, and to appoint a commission to recommend to the Congress the revision of all laws of the United States relating to the construction, installation, and inspection of marine boilers and their appurtenances, and to suggest the enactment of such additional legislation as will effect improvement in construction of marine boilers and maintain uniformity of inspection of marine boilers in all portions of the United States and insular possessions, and to further provide a reciprocal recognition of boiler-inspection certificates between the several

maritime nations having marine-inspection laws, reported it without amendment, and submitted a report thereon.

Mr. BERRY. I desire to state that the report just made by the Senator from Pennsylvania from the Committee on Commerce is not unanimous, and that the minority of the Committee are not in favor of the passage of the bill.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

Mr. PATTERSON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 14938) granting a pension to Benjamin F. Wilson; and

A bill (H. R. 15387) granting an increase of pension to Lott Van Nordstrand.

Mr. MORGAN, from the Committee on Interoceanic Canals, to whom was referred the amendment submitted by Mr. TURNER on the 29th ultimo, proposing to appropriate $2,000 to enable the Committee on Interoceanic Canals to prepare a compilation of bills, reports, documents, and debates on the subject of an isthmian canal, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. HARRIS, from the Committee on Indian Affairs, to whom was referred the bill (S. 3214) to authorize the absentee Wyandotte Indians to select certain lands, and for other purposes, reported it with an amendment, and submitted a report thereon.

Mr. DEBOE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 9491) granting an increase of pension to John W. Brattain;

A bill (H. R. 4501) granting a pension to Sarah D. Lightfoot; and

A bill (H. R. 14217) granting an increase of pension to George M. Smith.

Mr. SPOONER, from the Committee on Finance, to whom was referred the bill (H. R. 13674) amendatory of sections 3339 and 3341 of the Revised Statutes of the United States, relative to internal-revenue tax on fermented liquors, reported it with an amendment.

Mr. PRITCHARD, from the Committee on Pensions, to whom was referred the bill (H. R. 15793) granting an increase of pension to George Skinner, reported it without amendment, and submitted a report thereon.

Mr. KITTREDGE, from the Committee on Claims, to whom was referred the bill (H. R. 6443) for the relief of Patrick Nolan, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. WARREN, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment:

A bill (H. R. 10921) for the relief of Charles A. Cutler; and

A bill (H. R. 1517) for the relief of Robert Brigham.

Mr. McCUMBER, from the Committee on Claims, to whom was referred the bill (H. R. 1937) for the relief of the owner or owners of the barge *Charlie*, reported it without amendment, and submitted a report thereon.

Mr. QUARLES, from the Committee on Public Buildings and Grounds, reported an amendment proposing to appropriate a sum not to exceed $306,000 to enlarge, remodel, extend, and improve the post-office and court-house building at Macon, Ga., etc., intended to be proposed to the sundry civil appropriation bill, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

COURTS IN NORTH CAROLINA.

Mr. BACON. I am instructed by the Committee on the Judiciary, to whom was referred the bill (H. R. 14764) to establish United States courts at Wilkesboro, N. C., to report it favorably without amendment, and I ask for its immediate consideration.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RANK OF CERTAIN ARMY OFFICERS.

Mr. WARREN. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 7298) to fix the rank of certain officers in the Army, to report it favorably without amendment, and I ask that it may be put on its passage. It is a very short bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That any second lieutenant of the United States Marine Corps who may have been appointed second lieutenant of artillery since the 2d day of February, 1901, and prior to the passage of this act, shall, in determining his lineal and relative rank, be entitled to the same credit for prior commissioned service as a lieutenant of volunteers appointed under the act entitled "An act to increase the efficiency of the permanent military establishment of the United States," approved February 2, 1901.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SENATE ELECTION CASES.

Mr. BURROWS, from the Committee on Privileges and Elections, reported the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House concurring), That there be printed 1,500 copies, in cloth, of the first volume of the new edition of the Senate Election Cases, compiled in pursuance of the resolution adopted by the Senate April 17, 1902, 500 copies to be for the use of the members of the Senate and 1,000 copies for the use of the members of the House of Representatives.

BILLS INTRODUCED.

Mr. PENROSE introduced a bill (S. 7317) to provide for a medal of honor roll, and to place the persons named thereon upon the retired list of the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (S. 7318) to provide for a medal of honor roll, and to place the persons named thereon upon the retired list of the Army;

A bill (S. 7319) to grant an honorable discharge from the military service to John McPherson (with the accompanying papers); and

A bill (S. 7320) to correct the record of Henry Lippincott, assistant surgeon-general, United States Army (with the accompanying papers).

Mr. PENROSE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7321) granting an increase of pension to Carrie Keefer (with the accompanying paper);

A bill (S. 7322) granting a pension to John C. Huntingdon (with the accompanying papers); and

A bill (S. 7323) granting an increase of pension to Thomas Harkison (with the accompanying papers).

Mr. PENROSE introduced a bill (S. 7324) for the relief of Mrs. Emaline Johns; which was read twice by its title, and referred to the Committee on Claims.

Mr. PLATT of New York introduced a bill (S. 7325) for the relief of Herbert Cushman; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BEVERIDGE introduced a bill (S. 7326) to prevent robbing the mail, to provide a safer and easier method of sending money by mail, and to increase the postal revenues; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. McENERY introduced a bill (S. 7327) for the relief of Louisa L. Bouillotte and Mrs. Lausa Minnie Price; which was read twice by its title, and referred to the Committee on Claims.

Mr. HALE introduced a bill (S. 7328) to authorize the appointment of Ricardo Iglesias as a midshipman in the United States Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. FRYE introduced a bill (S. 7329) to provide for the punishment of offenses upon the high seas; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Commerce.

Mr. HANSBROUGH introduced a bill (S. 7330) to authorize registers and receivers of United States land offices to furnish transcripts of their records to individuals; which was read twice by its title, and referred to the Committee on Public Lands.

AMENDMENTS TO BILLS.

Mr. PENROSE submitted an amendment proposing to establish the rank of staff sergeant-majors and staff quartermaster-sergeants in the Marine Corps, providing for appointments thereto, and making regulations in regard to their pay, allowances, etc., intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

He also submitted an amendment relative to the pay of midshipmen, warrant officers, paymasters' clerks, and mates of the United States Navy when serving on shore beyond seas, intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

He also submitted an amendment authorizing any State, county, city, or corporation to improve any navigable river, harbor, or waterway at its own expense and risk, and providing for the repayment of the cost thereof when such improvement is approved and accepted by the Secretary of War, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. GALLINGER submitted an amendment proposing to appropriate $100,000 for the erection of a building on the Garfield Memorial Hospital grounds for heating, cooking, laundry, and electric elevator purposes, and for the erection and furnishing of new surgical rooms with modern appliances, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. CLAPP submitted an amendment proposing to appropriate $3,000 for clerk hire in the office of the surveyor-general for the State of Minnesota, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HALE submitted an amendment intended to be proposed by him to the bill (S. 7142) for the allowance of certain claims reported by the Court of Claims, and for other purposes; which was referred to the Committee on Claims, and ordered to be printed.

Mr. HANSBROUGH submitted an amendment proposing to appropriate $152.45 for salary due A. E. Rose as receiver of the land office at St. Michaels, Alaska, from May 31 to July 7, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Public Lands, and ordered to be printed.

He also submitted an amendment proposing to appropriate $250 to reimburse R. C. Nichols for expenses incurred in taking furniture and supplies for the Peavy land office from Seattle, Wash., to Peavy, Alaska, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Public Lands, and ordered to be printed.

NAVIGATION LAWS OF THE UNITED STATES.

On motion of Mr. GALLINGER, it was

Ordered, That there be printed 1,000 additional bound copies of the Navigation Laws of the United States, edition of 1903, for the use of the Bureau of Navigation.

DEPARTMENT OF COMMERCE.

Mr. HANNA submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill (S. 539) to establish the Department of Commerce and Labor, the Committee on Enrolled Bills be authorized to insert in line 12, of the third paragraph of section 6, after the word "Interstate," the word "Commerce."

HOUSE BILL REFERRED.

The bill (H. R. 16656) to regulate the importation of breeding animals was read twice by its title and referred to the Committee on Finance.

ORDER OF BUSINESS.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

Mr. McCOMAS. I ask the Senator from Illinois to yield for just a moment to me.

Mr. CULLOM. I withdraw the motion for a moment.

Mr. McCOMAS. I had given notice that on to-day I would move to take up the bill (H. R. 3076) limiting the hours of daily service of laborers and mechanics employed upon work done for the United States or any Territory or the District of Columbia, thereby securing better products, and for other purposes. It is useless to antagonize the motion of the Senator from Illinois under the circumstances, and I give notice that at the earliest opportunity I shall renew that motion.

Mr. QUAY. In view of what has been stated by the Senator from Maryland, I desire simply to repeat the notice which I gave the other day, that I shall be compelled, when the Senator from Maryland makes a motion to proceed to the consideration of the eight-hour bill, to antagonize it with the statehood bill, unless the Senator from Maryland and those obstructionists with whom he is acting will agree to fix a day for voting on the statehood bill.

EXECUTIVE SESSION.

Mr. CULLOM. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five hours spent in executive session the doors were reopened, and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Friday, February 13, 1903, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 12, 1903.

PROMOTIONS IN THE NAVY.

Lieut. (junior grade) Rufus Z. Johnston, jr., to be a lieutenant in the Navy from the 4th day of January, 1903, vice Lieut. William S. Smith, promoted.

Chief Engineer David Smith, United States Navy (retired), to be a chief engineer in the Navy, on the retired list, with the rank of rear-admiral, from the 3d day of March, 1899, in accordance with the provisions of an act of Congress approved February 5, 1903.

Capt. John R. Bartlett, United States Navy (retired), to be a rear-admiral on the retired list of officers of the Navy, from the 9th day of February, 1903, in accordance with the provisions of an act of Congress approved February 9, 1903.

To be passed assistant surgeons in the Navy with the rank of lieutenant.

Harold H. Haas.
William H. Bucher.
Edgar Thompson.
Elon O. Huntington.
John B. Dennis.

To be passed assistant paymasters in the Navy with the rank of lieutenant.

George P. Dyer.
Robert H. Woods.
Robert H. Orr.
William A. Merritt.
Franklin W. Hart.
Harrison L. Robins.
Webb V. H. Rose.
William H. Doherty.
Charles Morris, jr.

ASSISTANT NAVAL CONSTRUCTOR.

Richard H. Robinson, to be an assistant naval constructor in the Navy, with the rank of lieutenant, from the 10th day of February, 1903.

ASSISTANT PAYMASTER IN THE NAVY.

Stewart E. Barber, a citizen of Maryland, to be an assistant paymaster in the Navy, from the 13th day of February, 1903, to fill a vacancy existing in that grade on that date.

SURVEYOR OF CUSTOMS.

John W. Madison, of New York, to be surveyor of customs for the port of Port Jefferson, in the State of New York, vice Theodore W. Wheeler, resigned.

APPRAISER OF MERCHANDISE.

Algernon S. Badger, of Louisiana, to be appraiser of merchandise in the district of New Orleans, in the State of Louisiana, vice Frank N. Wicker, deceased.

INDIAN COMMISSIONER.

William E. Stanley, of Kansas, to be a commissioner to negotiate with the Indians of the Cherokee, Choctaw, Chickasaw, Muscogee (or Creek), and Seminole nations, under the provisions of the act of Congress approved March 3, 1893 (27 Stats., p. 645), vice Henry L. Dawes, deceased.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 12, 1903.

ASSISTANT TREASURER.

Charles A. Bosworth, of Ohio, to be assistant treasurer of the United States at Cincinnati, Ohio.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

Arthur M. Beaupré, of Illinois, now secretary of legation and consul-general there, to be envoy extraordinary and minister plenipotentiary of the United States to Colombia.

SECRETARY OF LEGATION.

Alban G. Snyder, of West Virginia, to be secretary of legation and consul-general of the United States at Bogota, Colombia.

TERRITORIAL ASSOCIATE JUSTICE.

Clinton F. Irwin, of Illinois, to be associate justice of the supreme court of the Territory of Oklahoma.

CONSULS.

David R. Birch, of Pennsylvania, to be consul of the United States at Malaga, Spain.

Hugh Pitcairn, of Pennsylvania, now consul at that place, to be consul-general of the United States at Hamburg, Germany.

Richard M. Bartleman, of Massachusetts, now consul at Valencia, Spain, to be consul of the United States at Cadiz, Spain.

POSTMASTERS.

ARIZONA.

Kasper Hauser, to be postmaster at Willcox, in the county of Cochise and Territory of Arizona.

Benjamin Goldman, to be postmaster at Naco, in the county of Cochise and Territory of Arizona.

GEORGIA.

William T. Rudolph, to be postmaster at Thomaston, in the county of Upson and State of Georgia.

James F. Boughton, to be postmaster at Madison, in the county of Morgan and State of Georgia.

INDIAN TERRITORY.

David C. Blossom, to be postmaster at Atoka, in the Choctaw Nation, Indian Territory.

Charles B. Ramsey, to be postmaster at Davis, in the Chickasaw Nation, Indian Territory.

Samuel S. Cobb, to be postmaster at Wagoner, in the Creek Nation, Indian Territory.

KANSAS.

James M. Morgan, to be postmaster at Osborne, in the county of Osborne and State of Kansas.

George Delaney, to be postmaster at Axtell, in the county of Marshall and State of Kansas.

Thomas E. Thompson, to be postmaster at Howard, in the county of Elk and State of Kansas.

George J. Barker, to be postmaster at Lawrence, in the county of Douglas and State of Kansas.

Charles Smith, to be postmaster at Washington, in the county of Washington and State of Kansas.

KENTUCKY.

Lizzie Vanpel, to be postmaster at Morganfield, in the county of Union and State of Kentucky.

John M. Green, to be postmaster at Pineville, in the county of Bell and State of Kentucky.

James P. Hutcheson, to be postmaster at Owenton, in the county of Owen and State of Kentucky.

George M. Dickey, to be postmaster at Cynthiana, in the county of Harrison and State of Kentucky.

MISSOURI.

J. L. Fields, to be postmaster at Shelbina, in the county of Shelby and State of Missouri.

NEVADA.

William W. Booth, to be postmaster at Butler, in the county of Nye and State of Nevada.

NEW JERSEY.

Aaron P. Kachline, to be postmaster at Frenchtown, in the county of Hunterdon and State of New Jersey.

Benjamin B. Ogden, to be postmaster at Keyport, in the county of Monmouth and State of New Jersey.

NEW YORK.

John H. McIntosh, to be postmaster at Canton, in the county of St. Lawrence and State of New York.

Edward C. Fisk, to be postmaster at Mayville, in the county of Chautauqua and State of New York.

Benjamin E. Jones, to be postmaster at Nunda, in the county of Livingston and State of New York.

George R. Cornwell, to be postmaster at Penn Yan, in the county of Yates and State of New York.

George G. McAdam, to be postmaster at Rome, in the county of Oneida and State of New York.

Gilmore O. Bush, to be postmaster at Tuxedo Park, in the county of Orange and State of New York.

Levi M. Gano, to be postmaster at Watkins, in the county of Schuyler and State of New York.

Everett I. Weaver, to be postmaster at Angelica, in the county of Allegany and State of New York.

Seraph E. Wolcott, to be postmaster at Keeseville, in the county of Essex and State of New York.

John J. Hodge, to be postmaster at Oneida, in the county of Madison and State of New York.

Thomas B. Gibson, to be postmaster at Walden, in the county of Orange and State of New York.

Frank W. Higgins, to be postmaster at Wellsville, in the county of Allegany and State of New York.

NORTH CAROLINA.

John E. Crymes, to be postmaster at Waynesville, in the county of Haywood and State of North Carolina.

NORTH DAKOTA.

Harry Leighton, to be postmaster at Cavalier, in the county of Pembina and State of North Dakota.

Gustave B. Metzger, to be postmaster at Williston, in the county of Williams and State of North Dakota.

Agatha G. Patterson, to be postmaster at Bismarck, in the county of Burleigh and State of North Dakota.

Michael B. De la Bere, to be postmaster at Sheldon, in the county of Ransom and State of North Dakota.

OHIO.

Aaron Brining, to be postmaster at Versailles, in the county of Darke and State of Ohio.

Van R. Sprague, to be postmaster at McArthur, in the county of Vinton and State of Ohio.

John L. Sullivan, to be postmaster at St. Marys, in the county of Auglaize and State of Ohio.

SOUTH CAROLINA.

Alonzo D. Webster, to be postmaster at Orangeburg, in the county of Orangeburg and State of South Carolina.

TENNESSEE.

Norvell L. Scobey, to be postmaster at Newbern, in the county of Dyer and State of Tennessee.

William F. Millican, to be postmaster at Rockwood, in the county of Roane and State of Tennessee.

John T. Hale, to be postmaster at Trenton, in the county of Gibson and State of Tennessee.

VERMONT.

Stanley R. Bryant, to be postmaster at Windsor, in the county of Windsor and State of Vermont.

WEST VIRGINIA.

Obe A. Petty, to be postmaster at Charleston, in the county of Kanawha and State of West Virginia.

THE ALASKAN BOUNDARY.

The injunction of secrecy was removed from the proceedings of the Senate in connection with the consideration and ratification of a convention between the United States and Great Britain, signed on January 24, 1903, providing for the settlement of questions between the two countries with respect to the boundary line between the Territory of Alaska and the British possessions in North America.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February 12, 1903.*

The House met at 12 o'clock noon.

The Chaplain, Rev. HENRY N. COUDEN, D. D., offered the following prayer:

Our Father who art in heaven, we hallow Thy name and would glorify Thee in our lives. We thank Thee for Thy care over us as a nation and for the manifold blessings Thou hast bestowed upon us, especially in the great men "who have breathed their spirits into the institutions of our country; who have stamped their characters on the pillars of their age; who have poured their heart's blood into the channels of the public prosperity." We are forcibly reminded to-day of our beloved Lincoln, and we thank Thee for his intellectual powers, his warm, tender, loving heart, and that strong, rugged character which kept him amid the storms and conflicts of life to right, truth, and justice, "with malice toward none and charity for all." Help us to copy his virtues, that we may leave our tasks well done. Through Jesus Christ our Lord. Amen.

The Journal of yesterday's proceedings was read and approved.

BRIDGE ACROSS THE CONNECTICUT RIVER AT HARTFORD, CONN.

The SPEAKER laid before the House the bill (S. 7185) to authorize the board of commissioners for the Connecticut bridge highway district to construct a bridge across the Connecticut River at Hartford, in the State of Connecticut, which was privileged.

The Clerk read the bill at length.

Mr. HENRY of Connecticut. Mr. Speaker, is this the House bill that has been read?

The SPEAKER. It is the Senate bill that has been read.

Mr. HENRY of Connecticut. I move the passage of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

Mr. HENRY of Connecticut. Mr. Speaker, I move that the similar House bill lie on the table.

The SPEAKER. Without objection, the similar House bill will lie on the table.

There was no objection.

On motion of Mr. HENRY of Connecticut, a motion to reconsider the vote whereby the bill was passed was laid on the table.

EFFICIENCY OF THE ARMY.

Mr. HULL. Mr. Speaker, I call up the conference report on the bill H. R. 15449, an act to increase the efficiency of the Army, and I ask that the statement only be read.

The SPEAKER. The gentleman from Iowa calls up the conference report on the bill (H. R. 15449) and asks that the statement only be read and that the reading of the report be omitted. Is there objection?

There was no objection.

The Clerk read the statement, as follows:

The conferees on the part of the House on the Senate amendments on H. R. 15449, an act to increase the efficiency of the Army, make the following statement:

Amendment No. 1 of the Senate, striking out the exception as to the general officers serving with the line, is agreed to with an amendment. It puts the general officers on the same basis as all the other officers of the general staff, and makes it so that none of them can be redetailed without service with the line except in case of emergency or in time of war.

Amendment No. 2: The conferees agree to the Senate amendment by inserting the word "of" after the word "or," so that it will read, "or of the Secretary of War under the direction of the President."

Amendment No. 3 makes the Chief of Artillery hereafter a brigadier-general. As agreed to in conference, it provides that the number of brigadier-generals of the line do not increase, and reduces the number of brigadier-generals of the line, exclusive of Chief of Artillery, after a vacancy shall occur in the grade of brigadier-general, to fourteen.

Amendment No. 4 is that provision of the bill as it passed the Senate embodied in section 6, and provided for the advance grade on retirement of certain officers who served during the civil war. The Senate recedes from its amendment on the ground that a provision is in the Army bill embodying the same principle.

J. A. T. HULL,
RICHARD WAYNE PARKER,
WM. SULZER,
Conferees on part of the House.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 15449) to increase the efficiency of the Army, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 4.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In line 2, page 3 of the bill, after the word "emergency," insert the word "or;" and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: After the word "or" of said amendment insert the word "of;" and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: After the word "and," in the second line of said amendment, insert the following: "by and with the advice and consent of the Senate," and after the word "brigadier-general," in line 3 of said amendment, insert the following: "and when the next vacancy occurs in the office of brigadier-general of the line, it shall not be filled, and thereafter the number of brigadier-generals of the line, exclusive of the Chief of Artillery, shall not exceed fourteen;" and the Senate agree to the same.

J. A. T. HULL,
RICHARD WAYNE PARKER,
WM. SULZER,
Managers on the part of the House.

F. M. COCKRELL,
J. V. QUARLES,
J. B. FORAKER,
Managers on the part of the Senate.

Mr. SLAYDEN. Will the gentleman yield for a question?

Mr. HULL. Certainly.

Mr. SLAYDEN. Am I correct in understanding that the retirement feature, which was discussed so freely in the House, has been stricken out of the staff bill and is continued in the Army appropriation bill?

Mr. HULL. The Army appropriation bill has not yet been considered in conference, and no agreement come to on it. This is the only bill that we have had before us in conference so far, and in this bill as to the proposed retirement with advanced grade the Senate receded, so that it is entirely out of the bill.

Mr. SLAYDEN. This is the staff bill as it passed the House, substantially, the only difference being the promotion of the Chief of Artillery——

Mr. HULL. There are three amendments we agree to, two with amendments and one without amendment. The first amendment struck out the provision which allowed the general officers to serve without being sent back to the line for two years. The Senate cut that out and we agreed to it. It puts the general officers on the same basis with all the other officers of the general staff, and makes it so that none of them can be redetailed without service with the line except in the case of an emergency.

The next amendment was recommended by the Secretary of War in regard to the jurisdiction of the chief of staff by inserting the word "of" in the Senate amendment after the word "or," so that it will read "or of the Secretary of War under the direction of the President." The third amendment refers to the Artillery Corps and when the bill shall take effect.

The conference report was agreed to.

On motion of Mr. HULL, a motion to reconsider the last vote was laid on the table.

HERMANN GAUSS.

Mr. HENRY C. SMITH. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. HENRY C. SMITH. By direction of the Committee on Accounts I present the following privileged report.

The Clerk read as follows:

House resolution 416.

Resolved, That the Committee on Appropriations is authorized to provide in the general deficiency appropriation bill for the payment to Herman Gauss of the sum of $500 for extra and expert services to the Committee on Invalid Pensions as assistant clerk of said committee by detail.

Mr. MADDOX. Mr. Speaker, I would like to be heard in opposition to this resolution.

Mr. HENRY C. SMITH. I did not understand the gentleman.

Mr. MADDOX. I would like to have a few minutes to be heard on this report.

Mr. HENRY C. SMITH. How much time does the gentleman want?

Mr. MADDOX. Twenty minutes.

Mr. HENRY C. SMITH. Can not the gentleman get along with ten minutes?

Mr. MADDOX. I could get along without saying anything, but I would like to have twenty minutes.

Mr. HENRY C. SMITH. I should be glad to yield to the gentleman ten minutes, if that will be satisfactory.

Mr. MADDOX. The gentleman himself has an hour, and I think I ought to have some time; I have something of interest to say upon this subject.

Mr. HENRY C. SMITH. Personally, I should be glad to grant the time to the gentleman, but I am obliged to go away very soon, and I would be glad to have it as short a time as the gentleman can get along with.

Mr. MADDOX. Twenty minutes will not be much longer. I want to call the attention of the House to the acts of Congress.

Mr. HENRY C. SMITH. All right.

The SPEAKER. The gentleman from Michigan [Mr. HENRY C. SMITH] yields twenty minutes to the gentleman from Georgia [Mr. MADDOX].

Mr. MADDOX. Mr. Speaker, the resolution now before the House provides for the payment of $500 extra to a clerk in the Invalid Pensions Committee. Who this clerk is I do not know. He may deserve this amount for all I know. But the fact to which I want to call the attention of the House, especially of those members who were here a year ago, is that at that time there was developed here a state of facts which, if not a scandal, was certainly no credit to the House of Representatives—a state of facts growing out of this very practice of allowing extra pay for services in this House. Gentlemen who were members at the time to which I refer will bear me out in that statement.

Mr. HENRY C. SMITH. Will the gentleman permit me to make a suggestion?

Mr. MADDOX. Certainly.

Mr. HENRY C. SMITH. This man is not on the pay roll of the House——

Mr. MADDOX. I understand that.

Mr. HENRY C. SMITH. And the law to which the gentleman refers does not apply to this gentleman. He is detailed by the Commissioner of Pensions to sit in the Committee on Invalid Pensions to protect as well the Government as to make fair report of the condition of special pension bills.

Mr. MADDOX. If he is sent here to take care of the interest of the Government, I should say that he is a mighty poor expert, judging from some of the pension cases which we have to consider here.

Now, let me ask a few questions. In the first place, what does this man receive from the Pension Office? What is his salary?

Mr. HENRY C. SMITH. I am not certain as to that. I will ask the gentleman from New Hampshire [Mr. SULLOWAY], the chairman of the committee, to answer that question. I think he is familiar with the facts.

Mr. SULLOWAY. His salary, as I understand, is $1,200; I do not know with certainty, but I presume that such is the case.

Mr. MADDOX. The gentleman "presumes" that such is his salary.

Mr. HENRY C. SMITH. He is a regular examiner, and the gentleman tells me that the regular pay——

Mr. MADDOX. How long has he been serving here as an expert in your committee?

Mr. HENRY C. SMITH. Personally, I know that since I have been here—in the Fifty-sixth Congress and in this Congress—he has been on duty, and I believe for some years previous.

Mr. MADDOX. Does he do any work at all in the Pension Office?

Mr. HENRY C. SMITH. I understand that he does while Congress is not in session. By act of Congress he is detailed here during the sessions of Congress to look after special pension bills.

Mr. MADDOX. What I want to get at is this: What does he do during the vacation of Congress?

Mr. HENRY C. SMITH. Well, when not employed here——

Mr. MADDOX. Is it not the fact——

Mr. HENRY C. SMITH. When not employed in looking after

his duties here he performs the duties of an examiner in the Pension Bureau.

Mr. MADDOX. Is it not a fact that since he has been appointed here under an act of Congress he has not served a day in the Pension Office?

Several MEMBERS. Oh, no.

Mr. HENRY C. SMITH. That is not the fact. And I want to say further to the gentleman that this clerk has been allowed one or two stenographers to assist him, and he has worked day and night during the Fifty-sixth and the Fifty-seventh Congresses—even on the Sabbath day, right along—to keep up with the work. There is not a more faithful officer in the United States than Mr. Gauss; and the same may be said of Mr. Porter, who occupies a similar position in connection with the Committee on Pensions.

Mr. MADDOX. I do not know this gentleman, so far as that is concerned.

Mr. HENRY C. SMITH. It is evident the gentleman from Georgia does not know what this clerk does, nor does he know the man; if he did, he would not make any objection to this resolution.

Mr. MADDOX. Now, listen to me a moment and answer this question: How many clerks have you in that Pension Committee?

Mr. HENRY C. SMITH. I am not informed as to that. The gentleman from New Hampshire [Mr. SULLOWAY] can answer.

Mr. SULLOWAY. We have one clerk and an assistant, where there used to be five.

Mr. MADDOX. How about the two stenographers who have been waiting on this gentleman? Who pays them?

Mr. SULLOWAY. There is only one stenographer proper. The clerk and assistant clerk are both typewriters.

Mr. MADDOX. And they are waiting on——

Mr. SULLOWAY. The gentleman will pardon me a moment further. Mr. Gauss has been detailed from the Pension Bureau. He is on the pay roll at the Bureau as an examiner. His business here is, when papers come up, to go through them and analyze them. In one instance there was evidence to the extent of more than a million words. If the gentleman from Georgia had undertaken to examine those papers, I think he would have needed four weeks to go through them and satisfy himself. Now, this gentleman, by means of his knowledge acquired at the Bureau—his experience—goes through and analyzes such papers, and in a comparatively brief time he is able to make report upon them. During this Congress he has made 1,650 reports.

Mr. MADDOX. I do not want to have any more of my time consumed. I have now from the gentleman all the information I want. As I started out in my remarks to say, I do not know this gentleman; I do not know what duties he performs. I made that statement to begin with, but I do state that out of this very business grew a scandal, and we had to stop in the midst of the consideration of an appropriation bill in this House to appoint a committee of investigation, the chairman of which was the present Secretary of the Navy, and that committee was appointed to investigate just such things as we are now embarked upon in giving an extra allowance or extra pay to this man.

Mr. HENRY C. SMITH. Will the gentleman permit a question?

Mr. MADDOX. No; I do not want the gentleman to take up my time.

Mr. HENRY C. SMITH. Just one question.

Mr. MADDOX. I will yield for that. I will ask the gentleman if he is on the Committee on Accounts?

Mr. HENRY C. SMITH. Yes; and I report this by authority of the Committee on Accounts.

Mr. MADDOX. Then I have something for the gentleman to which I particularly wish to call the attention of the House. Go ahead and I will answer the question.

Mr. HENRY C. SMITH. The committee to which the gentleman refers, upon which Mr. Moody served, was in reference to a bill concerning the employees of the House, was it not?

Mr. MADDOX. I so understand.

Mr. HENRY C. SMITH. This man is not an employee of the House.

Mr. MADDOX. I understand where the gentleman can not be considered on the roll of the House, but at the same time this man was in that same batch, I guess.

Mr. HENRY C. SMITH. No; not at all.

Mr. MADDOX. At the same time of the extra payment.

Mr. HENRY C. SMITH. He is not an employee of the House.

Mr. MADDOX. He is an employee of the House by detail now. There is no question about that, according to the gentleman's own statement; by enactment of the House he is an employee. The proposition that we laid down then and the one that this House decided upon was that we would fix the salaries of these men and they would receive no more extra pay. No man can deny that, and we laid down certain rules which I wish to have read, and I do not want to take up further time, except I want this House to hear those rules as they are read.

The SPEAKER. The gentleman declines further to yield.

Mr. WILLIAMS of Illinois. Will the gentleman allow a suggestion?

Mr. MADDOX. Mr. Speaker, I send these rules to the desk and I want the Clerk to read them.

The SPEAKER. The gentleman sends to the desk a document which the Clerk will read in the time of the gentleman.

Mr. MADDOX. Mr. Speaker, these are the rules laid down by the House of Representatives controlling the employees of this House, and I ask the members of this House to listen to them and see what is required of the Committee on Accounts.

The Clerk read as follows:

Hereafter employees of the House of Representatives under the Clerk, Sergeant-at-Arms, Doorkeeper, and Postmaster shall only be assigned to and engaged upon the duties of the positions to which they are appointed and for which compensation is provided, except that in cases of emergency or congestion of public business incident to the close of a session of Congress or other like cause an employee or employees may be assigned or required to aid in the discharge of the duties of any other employee or employees, and in the discretion of the Doorkeeper not more than one folder may, if necessary, be assigned to do clerical work under the direction of the foreman of the folding room, but all assignments made hereunder shall be without additional compensation and shall not constitute the basis of a claim therefor.

It shall not be lawful to appoint or employ in any position under the House of Representatives more than one person at any one time, or to require or permit any such person to divide with another any portion of his salary or compensation while so employed.

It shall not be lawful to require or permit any person in the employ of the House of Representatives to sublet to another the discharge of any portion of the duties of the position to which he is appointed.

No person shall be appointed or employed as a page in the service of the House of Representatives who is under 12 years or more than 18 years of age; but this provision shall not apply to chief pages, riding pages, and telephone pages.

The Clerk, Sergeant-at-Arms, Doorkeeper, and Postmaster shall make certificate each month to their respective pay rolls, stating whether the persons named in such pay rolls and employed in their respective departments have been actually present at their respective places of duty and have actually performed the services for which compensation is provided in said pay rolls, and in each case where a person carried on such pay roll has been absent and has not performed the services in whole or in part for which payment is proposed, the reason for such absence and for such nonperformance of services shall be stated.

The violation of any of the foregoing provisions of law shall, upon ascertainment thereof, be deemed to be cause for removal from office.

It shall be the duty of the Committee on Accounts of the House of Representatives from time to time to inquire into the enforcement or violation of any of the foregoing provisions of law; and for this purpose they are hereby authorized to send for persons and papers, and to administer oaths; and they shall report to the House at least once every session their compliance with the duty herein imposed.

Mr. MADDOX. Mr. Speaker, I desire to say to the House that I have not volunteered to regulate the affairs of this House so far as these employees are concerned, but that investigating committee of which I spoke did not die with the last Congress; that is, the Fifty-sixth Congress. There was another one appointed, of which I am a member, and I feel that the duty devolves upon me to call the attention of this House to this question of extra pay for extra services. Gentlemen will see by what has been read—the law which was passed by this Congress—that it requires the Doorkeeper, the Sergeant-at-Arms—in fact, all of these departments—to make a report monthly when they make out their pay rolls; and it is the duty of the Committee on Accounts to see that these men make out these pay rolls and that these rules are complied with.

Now, the question is, Has the Committee on Accounts required all these reports to be made? So far as this single individual is concerned, whose case we are considering to-day, I do not know whether he deserves the extra pay or not. The question is whether he comes within the purview of the law, simply being detailed from the Pension Office to this House. That is a question I think the Representatives should decide for themselves. But this is the time when this question of extra pay begins. This is the time when these scandals begin to germinate, and I deem it my duty as a member of that committee to put the House on notice with respect to these extra payments which we may look for in the future. That is all I desire to say.

Mr. HENRY C. SMITH. Mr. Speaker, I yield one minute to the gentleman from Missouri [Mr. SHACKLEFORD].

Mr. SHACKLEFORD. Mr. Speaker, I desire to say that I am in thorough accord with what the gentleman from Georgia [Mr. MADDOX] has said as a general rule, but from personal observation I know that this particular individual earns very much more than it is proposed to give him here. Rules or no rules, I think that this particular clerk should have that amount which is asked for in this resolution. I believe that everybody who has been to that office will say that he is the most faithful and hardworked employee about this Capitol.

Mr. BENTON. Does the gentleman refer to Mr. Gauss?

Mr. SHACKLEFORD. Yes. I say that he is always faithful, courteous, and ready to do his duty, and to my certain knowledge he earns every dollar here proposed to be paid him.

Mr. HENRY C. SMITH. Mr. Chairman, I yield two minutes to the gentleman from Illinois, Mr. WILLIAMS.

Mr. WILLIAMS of Illinois. I wish to say that while I am in entire sympathy with the rule which the gentleman from Georgia [Mr. MADDOX] had read, and am in thorough accord with his position in reference to extravagance in public expenditures, I am satisfied the gentleman for whom this extra pay is asked does not come within this rule. As I understand it, he is detailed from the Pension Bureau. Of course he gets his salary there, but I am satisfied that his labors with the Committee on Invalid Pensions, and I have had some occasion to know something about them, are much greater than they would be at the Pension Bureau—that he very often devotes twice as much time to work on that committee during the twenty-four hours as he would be required to serve at his desk in the Pension Bureau. I am quite confident that that statement is correct.

Not only that, but his efficiency and thorough knowledge enable him to be of great service to the members of that committee. I do not suppose there is a member on that committee, though many of them have served for years, but who would admit at once that this gentleman has a much more thorough knowledge of the questions that arise there than any member of the committee, and that knowledge enables him to give information to the House touching pension bills which otherwise it would not be likely to secure. I should like very much to see him receive reasonable pay for his extra work. I do not know what that would be, but I think he is entitled to reasonable compensation for such extra service in addition to that which he receives as a clerk of the Pension Bureau.

Mr. HENRY C. SMITH. I yield two minutes to the gentleman from Ohio [Mr. BROMWELL].

Mr. BROMWELL. Mr. Speaker, in the absence of the Chairman of the Committee on Pensions [Mr. LOUDENSLAGER], I feel that I ought to say something to the House upon this proposition, because a similar resolution, I am informed, will be reported for the clerk detailed to assist the Pension Committee. I have been a member of that committee for eight years, and therefore think I am qualified to speak as to the services rendered by the clerk detailed from the Pension Bureau to assist it. He is something more than a mere clerk. He is something more than a mere writer of reports and an indexer of claims. He comes to that committee with a special knowledge of all the legislation upon the subject of pensions from the beginning of the Government.

This knowledge is required, for our committee handles not only the civil war pension cases, but all the pension cases of all the other wars—the Indian wars, the Mexican war, and the Spanish war, and the war of 1812. This clerk is to the Committee on Pensions what the expert parliamentary clerk is to the Speaker of this House. He is ready at all times to furnish information, accurate and correct, for the use of that committee in regard to existing laws. Not only that, but he takes every case that comes before that committee, every bill that is sent to that committee. It is indexed by him, and is briefed from all the papers on file, and a statement of the case in detail is rendered to the subcommitteeman who has charge of that particular claim.

In addition to that, when the bill has been passed upon in the committee and has been ordered to be reported, this detailed clerk prepares the report which is submitted to the House, subject, of course, to the approval of the subcommitteeman having the bill in charge. It has frequently happened within my knowledge that in order to get these reports prepared and upon the Calendar in time for action by this House this clerk has to work many hours beyond the time usually allotted to clerical work.

Mr. MADDOX. Will the gentleman allow me to interrupt him?

Mr. BROMWELL. Certainly; with pleasure.

Mr. MADDOX. It was stated on the floor by the chairman of the Committee on Invalid Pensions that this gentleman whose case is now before the House asking for $500 additional only drew $1,200. I have just sent out and asked him, and he says his salary is $2,000 a year.

Mr. BROMWELL. Well, I made no statement as to the salary.

Mr. MADDOX. I was just taking the time of the gentleman to make that statement. His salary is $2,000 a year.

Mr. BROMWELL. If a mistake has been made, it is proper to correct it. But whether it is $1,200 a year or $2,000 a year, I want to say to this House that this gentleman is entitled to extra compensation. As soon as the House adjourns on the 4th of March he will report back to the Pension Bureau, and there he will earn his salary, whether it is $1,200 or $2,000, until the next session of Congress. When that session opens, he will return here for the long session.

Now, this matter of extra compensation is not a new one. It has gone on for twelve or fourteen years, and this House has allowed this extra compensation in recognition of services that these two expert clerks have rendered. They are not involved in any of the scandal that has aroused the House, because they are not on the pay roll of the House. They are upon the pay roll of the Pension Bureau, and their salaries are paid out of the allowance made that Bureau, and neither one of these cases can come within the rule which the gentleman from Georgia has had read. That applies only to the officers of the House borne on the roll of the House. I state from my personal knowledge of the expert clerk of the Pensions Committee during the last eight years that this additional $500 is but a small compensation for his services.

Mr. HENRY C. SMITH. I now yield five minutes to the gentleman from Indiana [Mr. HEMENWAY].

Mr. HEMENWAY. Mr. Chairman, the law read at the request of the gentleman from Georgia does not apply to these cases. You take Mr. Gauss, who serves as a clerk to the Committee on Invalid Pensions, and it must be evident to all that that man has to work almost night and day during a session of Congress to prepare these reports. He is a man of extraordinary ability, one who is worth probably from $3,000 to $4,000 a year, and he is detailed from the Pension Office to do this particular work. Now, it would be a great hardship for a man who works in the Pension Office from 9 until 4 to be detailed and work here almost continuously. The same is true of Mr. Porter, the clerk of the Committee on Pensions. These men must be men of extraordinary ability. They must understand their business. They are of great benefit to the members of these two committees, and for one I think these extra allowances ought to be made, and I hope the House will allow them.

Mr. TAWNEY. Will the gentleman allow me to ask him a question?

Mr. HEMENWAY. Certainly.

Mr. TAWNEY. You reported this provision which has been just read in respect to the payment of extra allowances to the employees around the House. Do you consider that these men come under that provision?

Mr. HEMENWAY. They do not, in my judgment.

Mr. HENRY C. SMITH. Now, Mr. Speaker, I yield one minute to the gentleman from New York [Mr. SULZER], and then I will ask for a vote.

Mr. SULZER. Mr. Speaker, in that one minute I simply desire to say, with all due respect, that I am constrained to differ with my good friend from Georgia [Mr. MADDOX], whom I generally follow in these matters. In this case I think he is wrong. In my opinion, Mr. Gauss is one of the most efficient, one of the most industrious, and one of the hardest worked men in this House. His services are indispensable. If any employee is fairly and justly entitled to extra compensation for untiring additional work, it is he. The work he does is simply invaluable. He has reported over 1,650 bills and written the reports on them during this session of the House. We all know the time it takes to do that. His services to the members and the committee are continuous and indefatigable. He works for us night and day during the time Congress is in session, and he does it cheerfully, conscientiously, and always good naturedly. I say that the work Mr. Gauss does entitles him to additional compensation, that the amount asked for is reasonable, and I hope the House will give it. I shall vote for the resolution with much pleasure, because it is just and fair and proper, and a slight recognition of our appreciation of the great and magnificent work he has done.

Mr. HENRY C. SMITH. Now, Mr. Speaker, I ask for a vote.

The question was taken, and the resolution was agreed to.

D. S. PORTER.

Mr. HENRY C. SMITH. Now, Mr. Speaker, I have another, concerning Mr. Porter, from the Committee on Pensions, precisely like the one just passed.

The SPEAKER. The gentleman also calls up another privileged report, which the Clerk will read.

The Clerk read as follows:

House resolution 417.

Resolved, That the Committee on Appropriations is authorized to provide in the general deficiency appropriation bill for the payment to D. S. Porter of the sum of $500 for extra and expert services to the Committee on Pensions as assistant clerk of said committee by detail.

Mr. MADDOX. Mr. Speaker——

Mr. GAINES of Tennessee. I would like to ask the gentleman a question.

Mr. HENRY C. SMITH. I yield to a question to the gentleman from Tennessee.

The SPEAKER. The gentleman from Georgia first addressed the Chair.

Mr. HENRY C. SMITH. I yield to the gentleman.

Mr. MADDOX. I want about three minutes.

Mr. HENRY C. SMITH. I yield three minutes to the gentleman from Georgia.

Mr. GAINES of Tennessee. And then you will answer my question?

Mr. MADDOX. I wanted to say to the gentlemen that while

differing with me they did not, it seems to me, know what they were differing about. Now, another thing that is singular that has grown out of this debate is that these gentlemen do not know the value of this man's services. They said that they understood his salary was $1,200.

Mr. BROMWELL. May I interrupt the gentleman?

Mr. MADDOX. I sent out and inquired of him myself.

Mr. BROMWELL. May I interrupt the gentleman?

Mr. MADDOX. I have only three minutes.

Mr. BROMWELL. There was no statement made as to the salary of Mr. Porter at all.

Mr. MADDOX. I am not talking about him.

Mr. BROMWELL. You are talking about this other case. Mr. Porter gets $2,000 as an expert clerk.

Mr. MADDOX. I was talking about the clerk to the Committee on Invalid Pensions. It was said that he only got $1,200 a year; and the idea is that this man is not upon the pay roll of the House, that he deserves this pay, and he is entitled to it. Of course gentlemen voted for it on the idea that he was drawing $1,200 a year, and the $500 would make his salary up to $1,700 a year instead of $2,500. That shows that you do not know anything about it. You do not know what you are talking about. Now, here is a man, and the statement is made to the House that he is drawing $1,200 a year in the Department; and when we examine into it it is found that he is getting $2,000 in the Pension Department—and you are making it $2,500, and the House was agreeing to it, thinking it was making it $1,700. That is the status of affairs, exactly. If he is entitled to $2,500, I am in favor of giving it to him straight—straight; and we ought not to have these extra payments and extra allowances. We ought to make it permanent law. If this gentleman is to be hired and it is believed that he is entitled to $2,500, if you gentlemen say you are in favor of it. I will vote for it.

Mr. HEMENWAY. If the gentleman will pardon me, I understand it has been the custom for twenty years to give these two clerks extra pay.

Mr. MADDOX. Then I say that makes it all the more necessary that we should give it to them by a permanent law.

Mr. HEMENWAY. I agree to that.

Mr. HENRY C. SMITH. Now, Mr. Speaker, I want to say a word in reply to what the gentleman from Georgia has said.

Mr. WILLIAMS of Illinois. Will the gentleman from Michigan yield to me?

Mr. HENRY C. SMITH. If the gentleman will just wait a moment.

Mr. WILLIAMS of Illinois. I simply wanted to say that the objection to the suggestion by the gentleman from Georgia is this. That the services may not be the same at each session of Congress, and they might grow much less. You can not tell. Another thing you may not always have as efficient an expert as you have now. I can testify as to the efficiency of each of these gentlemen; they are most excellent men for this work.

Mr. HENRY C. SMITH. That is the very argument, Mr. Speaker, I was about to make in reply to the gentleman from Georgia. It is not a question of what the salaries of these men are while they are at work in the Bureau of Pensions. It is when the expert is detailed to do certain work here. The evidence before the Committee on Accounts showed the nature of that work, which is important to the committee for the protection of the Government, and he furnishes very valuable assistance to the members of Congress and assistance to the Committee on Invalid Pensions. After the Committee on Accounts had heard that proof it was not a question of whether he should receive extra pay, but what would be a fair compensation for the extraordinary services rendered in this House. In the Pension Bureau he works certain limited hours, and that is the end of it; but in the Committee on Invalid Pensions he works sufficient time to do what is necessary to do, and the committee are in favor of this resolution, and so reported it. Now, I yield to the gentleman from Tennessee.

Mr. GAINES of Tennessee. This gentleman, as I understand it, is regularly employed in the Pension Bureau?

Mr. HENRY C. SMITH. Yes.

Mr. GAINES of Tennessee. When he was employed, did he not, under the law, have this very work in view?

Mr. BROMWELL. Oh, no.

Mr. HENRY C. SMITH. He has a salary in the Bureau of Pensions, and by act of Congress he is detailed to the Committee on Pensions.

Mr. GAINES of Tennessee. He took the office with the salary that he had when he assumed the duties, and when he assumed the duties he had this work in view under the law. He assumed the office knowing that this work was to be done, and now after he does it he comes and asks extra pay.

Mr. HENRY C. SMITH. Oh, nothing of the kind; he is doing nothing in the Pension Office now. The chairman of the Committee on Pensions asked to have him detailed here under an act of Congress.

Mr. GAINES of Tennessee. That was his duty in anticipation when he assumed the office.

Mr. BROMWELL. The gentleman is entirely wrong.

Mr. HENRY C. SMITH. Now, Mr. Speaker, I ask for a vote.

The question was considered, and the resolution was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. CUSHMAN, for two days, on account of important business.

To Mr. DEEMER, for the remainder of the week, on account of illness.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. CANNON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. TAWNEY in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 17202, the sundry civil appropriation bill, and the Clerk will proceed with the reading of the bill.

The Clerk read as follows:

Sequoia National Park: For the protection and improvement of the Sequoia National Park and the construction and repair of bridges, fences, and trails, and extension of roads, to be expended under the supervision of the Secretary of the Interior, $10,000.

Mr. NEEDHAM. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Insert in line 25, page 86, after the word "dollars," the words "to be immediately available."

The amendment was agreed to.

The Clerk read as follows:

Crater Lake National Park: For protection and improvement of the Crater Lake National Park, and repairing and extension of roads, to be expended under the supervision of the Secretary of the Interior, $2,000.

Mr. JONES of Washington. Mr. Chairman, I move to strike out the last word. I want to ask the chairman of the committee some questions. On yesterday afternoon an amendment was adopted, in the nature of a substitute, for the amendment offered by my colleague in reference to the Rainier National Park, authorizing the Secretary of War to survey a road into that park, and appropriated $10,000 for that purpose and for the purpose of constructing the road. Now, that was adopted late in the afternoon, just before the adjournment, and we did not have a chance to consider the effect of it. That does not make any appropriation for the park itself. The park is entirely and exclusively under the control of the Secretary of the Interior. The law reads in this way:

That said public park shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be to make and publish, as soon as practicable, such rules and regulations as he may deem necessary or proper for the care and management of the same.

The law requires him to look after the management of the park and after trespassers, and no appropriation is made covering a matter of that sort. The Secretary of the Interior sent a recommendation for an estimate to the committee and asked for $3,000 for that purpose, and I desire to call the attention of the gentleman from Illinois, the chairman of the committee, to what he says in his report. He says:

No regulations for the government of the park "for the preservation from injury or spoliation of all timber, mineral deposits, natural curiosities, or wonders within said park, and their retention in their natural condition," as required by the regulations, have been promulgated by the Department, as no appropriation has been made by Congress for the management of the reservation, and no superintendent could therefore be appointed to enforce such regulations. * * *

Considerable interest having been manifested by the public in this park during the year, and a privilege for the transportation of tourists over the roads therein having been granted, it became necessary, in the interest of the Government, to have a representative of the Department therein. Accordingly, the forest superintendent for the State of Washington was placed in charge thereof temporarily. This assignment, however, can not be continued for any length of time without serious interference with the proper performance of the duties of this officer in the enforcement of the regulations of the forestry service in the State. Proper steps have been taken looking to the early survey and marking of the park boundaries. I have, therefore, submitted to Congress, through the proper channels, an estimate of an appropriation of $3,000 for the management, protection, and the construction of necessary roads and trails in the Mount Rainier National Park during the ensuing fiscal year. It is earnestly recommended that favorable action be had thereon.

I wish to state that this forest superintendent has under his charge more than 6,000,000 or 7,000,000 acres of forest land in the State of Washington. As the Secretary of the Interior says,

it is practically impossible for him to give any attention to this park. His principal office is at Tacoma, a great many miles away; and he has to look after three or four different reservations in the State. I submit that the purpose of the law can not be carried out without some provision being made under which the Secretary of the Interior may select a superintendent, such as is provided for the park in the preceding paragraph. I ask the gentleman whether he can not consent to an amendment providing that the Secretary may take charge, as contemplated by the law, of this reservation. The substitute authorizes the Secretary of War to make a survey and construct a road to the park, but, as I said, it makes no provision for the care of the park itself.

[Here the hammer fell.]

Mr. CANNON. Mr. Chairman, I think it is well enough for us to conclude the reading of the bill without acting on this question; and in the meantime the gentleman can examine the subject, and I can also give it a little additional examination. It seems to me that if this park of which the gentleman speaks is to be improved we had better commence right. Our experience in the Yellowstone Park—and perhaps in other parks, but especially in the Yellowstone—has been with a dual jurisdiction under the Secretary of the Interior and the Secretary of War, which was not satisfactory. I do not mean to criticise the Interior Department; but Congress many years ago practically put the improvement and control of that park under the War Department. There is now in the Yellowstone Park a troop of cavalry; and from these, under proper discipline and control, better results can be obtained than by employing civilians under the Interior Department. In times of peace a troop of cavalry assigned for duty in Mount Rainier Park will not weaken the Army; and with the Engineer Corps to do the surveying and the construction of the roads, we shall, upon the whole, get better results.

The CHAIRMAN. The time of the gentleman from Washington [Mr. JONES] has expired.

Mr. CANNON. I should like to say one word further, if I may be indulged.

The CHAIRMAN. By unanimous consent, the gentleman will proceed.

Mr. CANNON. I think we had better look over this matter; and as we have already passed the paragraph, we can return to it later as well as now.

Mr. JONES of Washington. That will be satisfactory.

Mr. STEELE. I should like to ask one question. What is the distance from the place where this road starts to the park?

Mr. JONES of Washington. The road contemplated by the Department will be about 24 miles long, through a forest reservation. The national park is surrounded entirely by a forest reservation.

Mr. STEELE. What is meant by making a survey for this road; to see whether they can get to the park by the contemplated road?

Mr. JONES of Washington. They want to determine the best line on which the road can be constructed—to lay it out.

Mr. STEELE. Do they suppose that it will take $10,000 to find which is the best route to the park?

Mr. JONES of Washington. Oh, no; the substitute provides for the survey, and after that has been made the balance of the appropriation will be used in the construction of the road.

Mr. STEELE. That is what I wanted to ascertain.

The Clerk read as follows:

For general repairs and improvements, $25,000.

Mr. CANNON. I offer the amendment which I send to the desk.

The Clerk read as follows:

After line 23 insert: "For the following, under Government Hospital for the Insane, to be immediately available."

The amendment was agreed to.

The Clerk read as follows:

To enable the Secretary of the Interior, in his discretion and after due investigation, to install an electrical fire-alarm apparatus in the buildings at the Government Hospital for the Insane, or in such parts thereof as in his judgment may be required for the protection of the lives of the inmates of the institution from fire, and for the greater security of the buildings from destruction or damage by fire, $25,000, or so much thereof as may be necessary.

Mr. BARNEY. I move to amend the paragraph just read by inserting after the word "install," in line 21, page 89, the words "or place."

The amendment was agreed to.

The Clerk read as follows:

Watervliet Arsenal, Watervliet, N. Y.: For introducing steam heat in barracks and hospital building, $5,000.

Mr. SLAYDEN. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend by inserting after line 18, page 92, the words: "San Antonio Arsenal: New storehouse of enlarged capacity, $76,556."

Mr. SLAYDEN. Mr. Chairman, in drafting this amendment I have taken exactly the language submitted by the Chief of Ordnance with the approval of the Secretary of War. In support of this amendment I wish to read from the Book of Estimates the following quotation from the report of the Chief of Ordnance:

This building is very much needed for the safe storage of rifles, carbines, revolvers, and the equipment of the infantry, cavalry, and artillery soldier, together with the horse equipments for cavalry needed by troops serving in that region, and also for issues to the militia supplied from that point, as well as for the reserve supply of war material required to meet emergencies that might arise. In addition to the above, the building will provide space, not now available, but much needed, for storage of miscellaneous supplies required for issue to the adjacent fortifications of the Gulf coast.

WILLIAM CROZIER,
Brigadier-General, Chief of Ordnance.

That is signed by William Crozier, Chief of Ordnance. Now, Mr. Chairman, the buildings at the arsenal at Fort Sam Houston, in the Department of Texas, are old and obsolete, tumbled down, and greatly in need of being repaired radically or replaced by new buildings. I myself had the honor of urging upon the Chief of Ordnance, General Crozier, that he go and personally see to the necessities of this arsenal. He made that personal inspection only a week or two before this Congress met, and this recommendation is based upon his own investigation.

That arsenal is not merely situated at the headquarters of the Department of Texas, but is in such reasonable proximity to the seacoast that it will serve as a distributing center to the seacoast protection fortifications; also for serving the various posts—and there are several of them—on the Mexican border. Previous reports of the Chiefs of Ordnance say that nowhere within the territory of the United States has any arsenal ever been found which is so well adapted to the preservation of most of the horse equipments and paraphernalia used in the Army, both in the cavalry and artillery. The necessity for it is manifest. It is urged by these gentlemen who have charge of equipping and providing our Army for the occasions of active campaigning, is strongly recommended by the Chief of Ordnance, has the approval of the Secretary of War, and I sincerely hope that the distinguished gentleman who presides over this committee will permit the items to go unchallenged.

Mr. CANNON. Mr. Chairman, I crave the attention of the committee while I submit a few facts about arsenals and about Army posts, barracks and quarters, etc. To start with, our project of seacoast defenses makes it necessary that in addition to the expenditure already swelling up to a hundred millions we appropriate from twenty-five to fifty millions more before it is complete, for guns and their emplacement. We have at each place to furnish barracks and quarters, officers' quarters, drill grounds, and a complete Army post to house the artillery forces that equip the guns, in order that, in the fullness of time, if we ever get into war, we will be enabled to use them in the public defense. It is impossible to tell how much is to be expended of this new expenditure for Army posts.

I guess I am within the limit when I say, first and last, thirty millions, making up between $150,000,000 and $200,000,000 for seacoast defenses. They begin away up in the State of Washington at the entrance to Puget Sound, on the Columbia River, go on down to San Francisco, San Diego, then around to the Gulf coast, Galveston, New Orleans, soon to be followed by perhaps one or two other places on the Texas coast where harbors are being made, then on to Florida, South Carolina, Georgia, North Carolina, Norfolk, Baltimore, Washington, the Delaware, Philadelphia, and so on up the line to the coast of Maine—necessary expenditures for the public defense, needed, or believed to be needed now. Throughout the interior of the country, as emigration went westward and you had troubles with the Indians, Army posts upon the frontier were established.

Now, the Indian question is about settled, so far as war is concerned, and it is the hardest matter imaginable to get away from an Army post; it is like an office, almost impossible to discontinue when once made and it is almost impossible to get away from an Army post when it is once established or an arsenal when it is once established. Public service would be subserved if of the Army posts in the interior we could get away from two-thirds of them. We would do a great work, but of course ours is a representative government, and when one of us gets an arsenal or gets an Army post, the people like to have it kept and we imagine the necessity for it. Now, come to the question of arsenals. The whole thing has been revolutionized by difference in modes of warfare and the growth of the country, and the most of the arsenals now existing for which appropriations are submitted, and which the general appropriation covers as far as repairs are concerned, are worse than useless to the public service. Now, let me tell you what arsenals are required, as I understand it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. Mr. Chairman, I ask unanimous consent that I may be permitted to proceed for five minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. CANNON. I think I can get through in five minutes. The Government is engaged in equipping the cavalry. This work is done at two arsenals. One is the Benicia Arsenal, on the Pacific coast, the only arsenal, I believe, on that coast. Some of this work is done there. That is 3,000 miles away from the Atlantic coast, and it has seemed to your committee that it is proper that the Benicia Arsenal on the Pacific coast is justifiable, but not more than that.

Now, at Rock Island there is a great arsenal that has cost $12,000,000. I wish we had the money to-day, and with the changed condition of the public defense we could construct for $6,000,000 much more and much better that is desirable than was constructed for the whole expenditure of $12,000,000. But it is an island up there in the Mississippi, with this great plant, and used for two purposes—for equipment for artillery, saddles, harness for artillery, and so on. It would be quite sufficient without Benicia; but Benicia is on the Pacific coast, and some of that work is done there. Also at Rock Island there is a small-arms factory, which has just been equipped at great expense. Now, there is another small-arms factory at the great arsenal at Springfield, Mass. That is fully equipped. I wish that we were rid of Springfield or rid of Rock Island. If so, I would not vote to found another one. But we have them both fully equipped. In addition to that we have great quantities of people who make small arms, fully equipped, who could produce them for the Government in time of stress. But in time of stress even these two arsenals are quite sufficient to meet the public demands.

Then we have the arsenal at Watervliet. That is a gun factory, where they do assembling and work upon the high-power guns. Then you have here a gun factory at the navy-yard. The forgings and so on are done by private parties, mostly at Bethlehem. That factory is very well equipped with a great plant, and we get our forgings for less money than we could make them.

Then there is the Frankford Arsenal, over here at Philadelphia, thoroughly equipped for small ammunition. They put up the small ammunition there.

Now, I undertake to say, after full investigation, that these are all the arsenals that the public service needs.

There are a great many arsenals that in the development of the country it was supposed we needed. There is one at Indianapolis. And speaking respectfully of the Indiana delegation, I have had quite a hard time, or the Committee on Appropriations has had, and perhaps the Committee on Military Affairs has had as well in former years, to keep from making large expenditures at Indianapolis. The Government had no need for it. There was a valuable plat of ground right there in the city, as the city had grown out, and finally Congress waked up and the Indiana delegation then saw the propriety of those grounds being disposed of, and a disposition of them was authorized. I can not recollect all these arsenals. There is one at Schuylkill, Pa. There is no use on earth for it. It ought to be disposed of. There is one at Columbia, Tenn. There is no use for it on earth. There is one at Pittsburg, Pa. There is no manner of use for it. It is an expense to the Government.

Mr. DALZELL. It has been abandoned as an arsenal.

Mr. CANNON. Well, my friend says it has been abandoned as an arsenal. Certainly; but still there is the cost of maintenance. At Augusta, Ga., there is another in the same list. There is one in New Jersey; one at St. Louis, Mo.; one at San Antonio, Tex.; one at Kennebec, Me. I suppose there are as many more, if I could refresh my recollection. Now, what is this proposition? With a great expenditure being made for high-power guns and for a post for the seacoast defenses for that splendid city of Galveston, that has been destroyed by the sea, and yet which is to be a great city, from its location, and this expenditure is required. Now, here is the charming city of San Antonio, inland, and here comes my friend. I am not quarreling with him. If we could swap places and he could be from Illinois and in charge of this bill, and I could be from Texas, I apprehend that I should be arising in my place and offering this amendment of $70,000 to build a storehouse.

Mr. SLAYDEN. If the gentleman will permit me, I know he would, because then he would be advised of the necessity. [Laughter.]

Mr. CANNON. Precisely; I understand. But what is the necessity of a storehouse for an arsenal at San Antonio any more than at Pittsburg, or any more than at those other points? If it were utilized for manufacturing, it would have to be very differently equipped, if utilized by land and by sea. With our 200,000 miles of railway, it is indicated that we should have a few plants as perfect as possible, and then in a short time the supplies can be distributed. Now, I submit to my friend that, as I believe from investigation, this appropriation ought not to be made. My friend says, "Ah, but we got an estimate." Why, yes; there is no trouble about an estimate. How do they arise? Why, the man who is in charge of a post or in charge of an arsenal; that is his specialty. He lives there, and he meets the good friends, and properly so. They think something else ought to be done; and we all magnify our present surroundings.

He starts an estimate, and it comes up to the commander and it is blessed, and it comes up to the Quartermaster-General and to the Chief of Ordnance and it is blessed again, and pro forma blessed by the Secretary of War, and then the law requires the Secretary of the Treasury to send it up in the shape of an estimate. I will tell you about estimates. I have had some experience; not as much, I apprehend, as many gentlemen who are listening to me. Somebody said once, some years ago, he would make a wager that he could get a petition to hang the governor or lieutenant-governor—I think General Palmer was governor at that time, and afterwards Senator—and the wager was taken. He drew up his petition, signed it himself, and every member and senator, and that is 203, signed it, and he won his wager.

Mr. SMITH of Arizona. Are you certain they did not read it?

Mr. CANNON. Well, I do not think General Palmer needed hanging, and still, whether he did or not, he was entitled to trial. [Laughter.] So it runs, a lively Representative or Senator, that is lively and persists and pushes, to get rid of him they give an estimate, and throw the responsibility upon Congress. That is an easy way of getting rid of a persistent, pestiferous Representative.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. A moment more. I submit that we ought not to spend this $70,000 for this storehouse and make further improvements at that or any of these arsenals other than the ones I have mentioned. I would be glad to know, without having conversed with the gentleman about it, what the chairman of the Committee on Military Affairs, who has had much more Army experience than I have, and he knows about the public service—I would be glad to ask him his views about it.

Mr. SLAYDEN. Mr. Chairman, if I were not conscious of the fact that the merit of this proposition would win it, if I could command the same attention which is always granted the distinguished gentleman from Illinois, so that my cause might be properly put before the House, I should throw up the sponge now, because I admit that I am decidedly outclassed in the debate. But, sir, I want the House to understand, as the gentleman himself has admitted, that it is stamped with the approval of the military officers, who have technical knowledge of the situation. The Chief of Ordnance himself personally investigated it, and after personal investigation he recommends that this item be kept in. The gentleman addresses his argument to certain types of arsenals, certain manufacturing arsenals, and stated that we had no need of others, perhaps, than those at Rock Island, Benicia, and at Springfield. I think I quote him correctly in that. The plant at San Antonio is not intended to serve any such purpose as those arsenals. But there is a great military division of this Government known as the Department of Texas. Its headquarters are at the city of San Antonio, and in the arsenal at that place there are stored the necessities for the equipment of the Army.

Mr. Chairman, if we were to always have peace there would be no need for an arsenal nor would there be need for an Army; but it behooves us in time of peace to prepare for emergencies that may come. Now, the city of San Antonio happens to be the headquarters of the Department of Texas and its large field of military operation. This arsenal is located more than 1,200 miles from Rock Island, more than forty-eight hours away by express trains, and three to four weeks by ordinary freight carriage. It is necessary that the equipment of arms and leather goods and supplies of that sort should be kept in the arsenal to be distributed here and there in Texas and on the Gulf coast. It is merely intended to maintain a great storage arsenal there. San Antonio is about 150 miles from the frontier of Mexico and about 150 miles from the Gulf of Mexico. It is quite certain, sir, at least to my mind it seems clear, that if we are to have any military disturbances in the near future they will be to the south of us.

The importance of that country diplomatically and commercially is going to increase very greatly. We are going to expend a large sum of money in the construction of a canal connecting the Pacific and the Atlantic oceans. The dangers of proximity are not to be overlooked. Increasing social, business, and political intercourse with the people of the Central and South American countries makes it necessary for us to maintain a means of quick military equipment in the South. The Southwest has no other arsenal than this. It is almost as near to San Diego and the Pacific coast as Rock Island is to the Gulf of Mexico.

Mr. Chairman, I submit that gentlemen who have technical knowledge and who have personally investigated, who have no interest in the matter but the promotion of the interests of the

Government and the maintenance of the efficiency of the Army, are better entitled to have their opinions respected by this House than even the eminent gentleman from Illinois, however great may be his abilities, when he has no personal knowledge of it. I would be very glad if, after this Congress adjourns, he would take time to visit the State of Texas and acquaint himself with the dimensions of that great State and, by personal investigation, with the military necessities which he talks about so positively upon the most casual investigation. I hope, Mr. Chairman, and I believe that if the House will consider this amendment carefully and fairly it will go into the bill.

Mr. HULL. Mr. Chairman, I have no personal knowledge as to this particular appropriation, but I do want to very cordially indorse what the gentleman from Illinois has said as to the multiplication of arsenals over the country. I should imagine from the remarks of the gentleman from Texas [Mr. SLAYDEN] that this appropriation is more for a storehouse than for an arsenal. I understood the gentleman to say that it is a great place to keep supplies and equipments of cavalry.

Mr. SLAYDEN. Will the gentleman yield?

Mr. HULL. Yes.

Mr. SLAYDEN. With the permission of the gentleman, I want to state that in the amendment I have offered it says storehouse. There has been one there for more than fifty years. As a military strategic point of importance San Antonio is noted in the history of our country. It was a place of importance in the Mexican war, and also when it was proposed to interfere with Maximilian in Mexico, when another army was rendezvoused there and an arsenal established, and it is not proposed to do anything new.

Mr. HULL. I understand that. The amount that is necessary, it seems to me, can be assigned out of the appropriation for barracks and quarters for the different posts.

Mr. SLAYDEN. I want to say to the gentleman that there is an arsenal there established by law, and that this is a part of it and has no proper connection with the appropriations for posts and barracks.

Mr. HULL. I am of the opinion that in the military bill and in the bill now under consideration there are appropriations for barracks and quarters and that these bills make larger appropriation for that purpose than any Congress for the last twenty years. I will ask the chairman of the Committee on Appropriations if that is not true.

Mr. CANNON. That is true.

Mr. HULL. If that is so and this is simply a storehouse, it seems to me the gentleman from Texas, or any gentlemen representing arsenals that are not real arsenals, but only part of a post, if it is necessary for these different posts to have storehouses, can get an assignment out of those appropriations. In other words, we appropriate the money in gross in the appropriation bill. In the Army appropriation bill we give $4,750,000, and in this bill an aggregate of nearly $2,000,000 to barracks and quarters.

Mr. CANNON. Twelve hundred thousand in the special appropriation and a special provision of about a million more.

Mr. HULL. The total appropriation is so large that it does seem to me that if the Department recognizes the necessity at any post for a good storehouse, they can assign the money and have plenty to carry on the Government business without crippling any of these interests. I am not going to express an opinion as to whether this storehouse is needed or not. Upon that point I yield to the superior wisdom of the gentleman from Texas, but it seems to me that if it is needed, that the large appropriations carried in the two bills, the sundry civil and the military bills, there ought to be no trouble in securing that amount of money.

Mr. SLAYDEN. Mr. Chairman, the gentleman knows that that is an arsenal established by law, and that this item, being specific and necessarily for the arsenal and not for a post, is bound to come in under a specific appropriation.

Mr. HULL. I do not understand that there is any manufacturing there. My understanding is that it is not so much an arsenal as it is a storehouse—a storehouse to keep supplies and equipment for the Department of Texas.

Mr. SLAYDEN. And ordnance stores.

Mr. HULL. Yes; I suppose you might call saddles ordnance stores, and at the same time they have storehouses at every post where they keep saddles. I can see no reason why every department—the Department of Texas, the Department of the Lakes, and the Department of Missouri, and all these places—can not have the storehouse on the same line for the use of the department; and it seems to me, if this is necessary, that ample power is given to the Secretary of War in the allotment of these funds to provide exactly for what the gentleman from Texas desires.

Mr. SLAYDEN. The ally of the distinguished gentleman from Illinois, the chairman of the Committee on Military Affairs, insists on confusing posts with arsenals. All that I have to say about that is that the item was recommended by the Chief of Ordnance, and it can not come from the appropriation for posts and barracks. It is necessary for an arsenal that has been established for sixty years, and I hope the House will give me the item.

The question was taken; and on a division (demanded by Mr. SLAYDEN) there were—ayes 44, noes 48.

Mr. SLAYDEN. Mr. Chairman, I do not question the Chairman's knowledge of figures, but this vote is so close I shall have to demand tellers.

Tellers were ordered; and the Chairman appointed as tellers the gentleman from Texas [Mr. SLAYDEN] and the gentleman from Illinois [Mr. CANNON].

The House again divided; and the tellers reported that there were—ayes 66, noes 71.

So the amendment was lost.

Mr. SLAYDEN. Mr. Chairman, I have another amendment which I desire to offer—to insert on page 92, after the pending paragraph, the following:

San Antonio Arsenal, new boundary fence, $10,500.

All I have to say in support of this amendment is that it has been recommended by the Chief of Ordnance, after personal investigation upon the ground.

Mr. CANNON. And all I have to say is that if it is necessary to make any repairs there the general appropriation for such purposes is available.

The question being taken, the amendment of Mr. SLAYDEN was rejected.

Mr. SLAYDEN. I desire to offer one more amendment:

Amend by inserting on page 92, after the pending paragraph, these words: "San Antonio Arsenal: New storehouse for lumber and unserviceable ordnance stores, $8,000."

In connection with this item, Mr. Chairman, I should be glad if members of the House would read the language of the Chief of Ordnance in making the estimate and recommending this appropriation. Those stores are now protected by a temporary shed, made by taking the old roof from an abandoned building and setting it upon some posts, temporarily placed, for protecting the property of the Government Certainly the generous chairman of the Committee on Appropriations will admit the necessity of an item like this.

Mr. CANNON. If this work be necessary, the general appropriation will be available. As to the stores that have been abandoned, it seems to me the quickest and best proceeding is to destroy them and get rid of them. They will never be of any use to the service. What is the use of expending money in taking care of them?

Mr. SLAYDEN. Possessing a certain value, they have to be taken care of until they can be disposed of.

Mr. CANNON. I think the general appropriation is available for this purpose, if such an expenditure be justifiable. But I am against the amendment, because I do not think we ought to spend any more money on these things which ought to be abandoned.

The question being taken, the amendment of Mr. SLAYDEN was rejected.

The Clerk read as follows:

Executive Mansion: For care, repair, and refurnishing of Executive Mansion, $60,000, to be expended by contract or otherwise, as the President may determine.

Mr. GAINES of Tennessee. Mr. Chairman, I should like to ask the chairman of the committee [Mr. CANNON] why the appropriation embraced in this item is so much in excess, as I am informed and believe it is, of what has been appropriated for this purpose heretofore. My information is that the amount last year was $25,000; now the proposed expenditure is $110,000. Why should there be such a difference between the expenses last year and the expenses for the incoming year?

Mr. CANNON. Mr. Chairman, the appropriation for the current year is $25,000, with a very considerable deficiency appropriation to follow, the exact amount I do not recollect. The committee looked into this matter very carefully. As the gentleman is aware, there have been during the present year very large improvements made to the Executive Mansion. In addition to that, a building has been constructed under the authority of Congress for executive offices. Now, for the enlargement of the Executive Mansion and for the support of the building, and for the officering of the new offices, there is required an additional expenditure.

These estimates were made very thoroughly and very closely by the present superintendent of public buildings and grounds, Colonel Bingham, who, after full investigation, has recommended as necessary the sum embraced in this item.

Mr. GAINES of Tennessee. Will the gentleman kindly inform me what this expense is supposed to cover?

Mr. CANNON. Oh, it covers fuel; it covers light; it covers necessary people to care for the buildings; it covers the necessary increase of employees. As the gentleman is aware, the

Executive Mansion, as well as the new office building, is, like department buildings, officered and cared for at the expense of the General Government.

Mr. GAINES of Tennessee. Mr. Chairman, we all know, of course, that as we expand and enlarge as a Republic expenses increase. I have sought to get from our encyclopedia of information, the gentleman from Illinois, some information as to what this appropriation covers; what does it pay for? What items? We are asked very often what this item covers; in other words, whether the President pays any part of the expenses pertaining to the White House. I have before me an official letter received a few moments ago from Colonel Bingham, transmitted by him to the Secretary of War, and through the Secretary of the Treasury sent to the committee, in which I find this language:

The last appropriation for making repairs and furnishing the Executive Mansion was $25,000. It has since been necessary to ask for $10,000 in addition thereto for the current year on the general deficiency bill, which makes a total of $35,000; and changes may have yet to be made in tank and filter.

Now, then, it goes on a little further, but I have not time to read it all. I continue:

More help will be needed in the laundry, owing to the large family which occupies the White House and the large amount of entertaining done by the President, which increases the use of table linen, etc.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. GAINES of Tennessee. Mr. Chairman, I ask unanimous consent that I may be permitted to proceed for five minutes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. GAINES of Tennessee. I read further, Mr. Chairman:

7. As the conservatory of the old house has been abolished a considerable amount of expense for labor and hauling is necessary to decorate the house, which now has to be done from the propagating gardens, a mile away.

The former estimate for labor and incidentals connected with the winter entertainments at the White House must have a considerable increase, because the President is doing a large amount of entertaining. Also owing to the abolition of the conservatories and greenhouses, flowers have, from time to time, to be purchased for the winter entertainments beyond what can now be furnished by the propagating gardens.

On page 2 they are shown to amount to $110,264—an "increased estimate." Mr. Secretary Root says as follows:

Improvement and care of grounds	$9,400
Repairs, fuel, etc., Executive Mansion	80,000
Lighting, etc., Executive Mansion	20,864
Total	110,264

Enlarging the White House, as I have already stated, of course necessarily increased expense follows, but I can not get myself up to that pitch of generosity with public funds to feel that we are justified in expending $110,000 in this way as against $25,000 last year.

I can not agree to appropriate public funds to that amount to provide for the contingency referred to by General Bingham when he says that the President is doing a large amount of entertaining, and hence this money is needed. If this has been the case heretofore, then I want what I say to apply all along down the line, clear down to Andrew Jackson, if you please. I say that this Government ought not to be called upon to take the tax money of this country and pay for this continuous, endless chain of entertainments.

I have been informed that General Bingham is no longer to enjoy the high distinction of being a charming adjunct to the White House entertainments. He is a gentleman so far as I know, a man of integrity I presume. Why he leaves the White House I do not know. I am dealing with his words.

Mr. Chairman, with the gilt-edge record for reform and retrenchment of the distinguished son of Illinois [Mr. CANNON] it does look to me as if we ought to distinguish ourselves in seeing that there is retrenchment along these lines. We have already expended $600,000 in changing the old White House into the new White House, and I for one wish that it had not been done. I loved the old place. I wanted it kept in statu quo. I wanted it made an office for the President and, if need be, go out on some splendid hillside and build a President's mansion.

I opposed the proposition to expend $600,000 in that way, and with anguish, with absolute pain, I regret that we have a tunnel on one side of the White House and a coal house on the other, also some other affair that I think detracts from the beauty of the old White House, a spot which is sacred to every true American, a spot of sunshine which I would have ever linger unfaded. [Applause.]

[Here the hammer fell.]

Mr. CANNON. Mr. Chairman, it is so easy to criticise and find fault. It is so remarkably easy to get up and occupy five or ten minutes and then run the time up longer in criticism of something. The last Congress authorized this expenditure at the Executive Mansion. It seemed to me it was wise then and it seems to me now that it was wise. It may be that the eminent architect who planned it and under whose direction it was executed made mistakes. Architects are prone to make mistakes, and after all you can not do any great public work without some mistakes. I have no great pride myself in most of them, and I have sometimes thought that I would gladly contribute to help raise a million dollars to assassinate large portions of them. [Laughter.]

I am not here to defend them, but I am glad that the White House was overhauled. I am not so very glad that that office building was erected. We were entitled to a better building for the money, but I think there was too much architect, so far as that building is concerned. Now, the President of the United States is elected sometimes by one party and sometimes by the other. Most of the times he has been elected the Republicans have elected him, and when the Republicans have not elected him, in the last analysis the Democrats have been sorry that they did not, in the end. [Laughter.] Let that be as it may, he is our President, and after all the entertainments at the White House are our entertainments.

Eighty millions of people, the richest nation on earth, growing, waxing great and strong from every standpoint. And if you will consider the fact that our expenditures mount up to nearly $700,000,000 a year, and if you will take this bagatelle for the expenditure at the White House, for all the people, our White House, our entertainments, I think my friend when he gets down upon the hustings in the Nashville district will not find many admiring constituents who will agree with him in his criticisms of that expenditure. If I had to follow him I would say, however, that through all the Presidential terms there have been more or less men in the House or the Senate of a criticising mind.

I was walking with an eminent citizen one day, a Representative of the State of Tennessee then in Congress, who told me that he was here during Jackson's Administration. As we walked along to the rear of the White House, south of the White House, that passageway then being open, he said: "Stop a minute, Mr. CANNON. Do you notice any peculiarity in this landscape here?" "Why," said I, "it is very beautiful. It is covered with green turf, splendid to the eye. I am glad it was made that way. Why do you ask it?" Said he, "It was made that way in Jackson's time and under Jackson's direction." "Well," I said to him, "Old Hickory did a pretty good job." "Yes," he said, "but do you know that all through a Presidential campaign the shape of this landscape here was a matter of attack in the opposition papers all over the country, and they said that the President had caused that landscape to be made there in similitude to the form of his mistress." "Why," said I, "you surprise me and astound me." "Oh, well, it only shows," he said, "how some of the American people at times and under certain conditions run amuck." I just wanted to call the attention of my criticising friend to the fact that he did not invent this line of criticism.

Mr. GAINES of Tennessee. Will my friend yield for a moment?

Mr. CANNON. Yes.

Mr. GAINES of Tennessee. Did your friend who was walking down Pennsylvania avenue with you inform you that during any term of Andrew Jackson the expenses of the White House increased from $25,000 in one year to $110,000 the next year?

Mr. CANNON. Nay, nay; he did not.

Mr. GAINES of Tennessee. Well, I come from his district——

Mr. CANNON. And I will inform the gentleman that during Jackson's Administration there were less than 15,000,000 people in the United States. It was before the day of railroads. Now there are almost 80,000,000 of us, and I will inform him that we pay for pensions alone to the defenders of the Republic almost five times as much as the total expenditures under Jackson's Administration.

Mr. VANDIVER. Will the gentleman yield for a moment?

The time of Mr. CANNON having expired, by unanimous consent it was extended five minutes.

Mr. CANNON. I will take just enough time to answer my friend's question.

Mr. VANDIVER. Referring to the office building connected with the White House, will the gentleman inform us how much it has cost?

Mr. CANNON. I do not know precisely what it has cost. I believe $60,000 was appropriated. How much of it was expended I do not know.

Mr. VANDIVER. I do not wish to be understood as objecting to it at all. I think, in fact, it ought to have been built, and a much better one built.

Mr. CANNON. So do I.

Mr. VANDIVER. But just in that connection, having taken a brief survey of it, I should like to ask the gentleman from Illinois for which purpose he thinks it is best suited—a Presidential executive office or a carriage barn or a chicken coop?

Mr. CANNON. Well, I will refer the gentleman to the architect who, I understand, planned it. I believe his name is McKim.

I think he is one of the three created by the Senate to get up this parking plan, you know, generally. I do not care about defending that thing. It can not be defended.

Mr. FITZGERALD. I have no desire to criticise the increased expenditures for entertainment or for living at the White House; but although it may seem indelicate to criticise the President or to insinuate that the king—or the President—can do wrong in this country, it does seem appropriate to call attention in a very emphatic manner to what has occurred in the alleged improvements on the White House grounds. In the last session of Congress some $600,000 were set aside to improve the White House and to erect an office building. I have yet to find a single member of this House who can justify the expenditure of $65,000 for the erection and furnishing of what is called the "Executive office" on the White House grounds.

Some $475,445 have been expended in remodeling and improving the Executive Mansion. I call the attention of the chairman of the committee to a dispatch contained in the New York papers to-day, and which merits some attention from this House. In connection with the removal of Colonel Bingham as superintendent of public buildings and grounds in this District the New York papers of to-day charge that one of the reasons assigned for his removal or transfer is the fact that he is holding up certain vouchers because the work has been done in an improper manner.

If that be true, it is something, it seems to me, that the gentleman and his committee should take notice of. I would put the newspaper dispatch in the RECORD were it not for the fact that it also refers to certain matters that it does not seem appropriate to bring in here. The White House in its present shape disappoints men who have been longest in this city. In round numbers it has cost $600,000 to remodel the White House and to put up the office building, and the reason for the disappointment, in my opinion, comes from the manner in which this improvement was authorized. I have always been strongly opposed to giving any executive officer, no matter how exalted the position he holds, the right to expend, without limitation or without restraint of any kind, the public moneys of the United States. [Applause on the Democratic side.] The White House improvements and the Executive building is an emphatic argument in favor of discontinuing that method of legislation.

The item now before the committee is for something more than "care" of the White House. The language of the provision is:

For care, repair, and refurnishing of Executive Mansion, $60,000, to be expended by contract or otherwise, as the President may determine.

I ask the gentleman in charge of this bill how much repair, how much refurnishing, is to be done in the coming fiscal year at the White House after $600,000 has been expended putting it into shape? If this money is to be used merely for the care of the White House, it should be so stated; and at the risk of giving offense even to the President, or to some of his friends, I will state that in my opinion it is not proper to give him authority to expend as he may please any part of this money for the refurnishing or repair of this building. I see in the New York papers——

The CHAIRMAN. The time of the gentleman has expired.

Mr. RYAN. I ask unanimous consent that the time of my colleague may be extended five minutes.

The CHAIRMAN. The gentleman asks that the time of his colleague may be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD. The New York papers state to-day that one of the reasons for the removal of Colonel Bingham is the fact that he is—I will read just this portion of the article—the other part refers to matters which in my opinion ought not to be brought into this debate:

The reason of Colonel Bingham's fall from grace has been his persistent opposition to the plans and methods of reconstructing the White House. At present certain vouchers are held up because the superintendent of public buildings and grounds is not satisfied with the character of the work and demands that certain defects be remedied. This has irritated the Secretary of War, who recommended the architects, and Colonel Bingham's friends have known that in consequence he would soon be assigned to active duty.

While I can not pride myself upon the fact that I am included in the circle known as Colonel Bingham's friends, a statement like that in the public press, affecting the improvements made at the White House under the personal supervision of the President of the United States, should not be permitted to go unchallenged in this House.

Mr. GRAHAM. Will the gentleman permit me to interrupt him? Will he be fair enough to state that it is at his own request that this officer has has been transferred and with no ill feeling whatever?

Mr. FITZGERALD. I know that public officials are often inclined to make that statement whenever their superiors are under suspicion of coercing them. In fact, it is well understood that gentlemen under such circumstances are expected to do it.

Mr. RICHARDSON of Tennessee. Especially Army officers.

Mr. FITZGERALD. What could an Army officer of the United States who has incurred the displeasure of his superior officers do but to accept the inevitable and go wherever it is suggested he go? He knows his limitations. He is in the service of the United States, and we know from experience that a man can not afford to antagonize those who are in power and in control.

Mr. BROMWELL. If the gentleman will permit me, I suppose he is aware that the engineer officers of the United States Army have only limited tours of duty in particular locations, at the end of which they are changed to other locations, and that in the course of transferring officers it has come to Colonel Bingham's time to be sent to another location.

Mr. FITZGERALD. The circumstances surrounding this transfer are the most emphatic answer that can be made to the suggestion of the gentleman. Here is this charge, which reflects, in my humble judgment, upon the President of the United States. I am not in a position to speak for the President or for the Administration. There may not be anything in this charge, but such a charge ought not to remain uncontradicted. Such charges can be prevented by removing the cause of them, and that is to take from the President the discretion of expending this money as he pleases. I would be sorry to confess that it was the taste of the President of the United States that was responsible for the present monstrosity on the White House grounds. [Applause.]

Mr. COCHRAN. Mr. Chairman, the item under consideration raises a question of importance. The amount involved is not large, and even were it very much larger, if necessary to the comfort or to the convenience of the President it would be ungrudgingly expended. The taxpayers of this country are disposed to provide for their public servants emolument sufficient to guarantee to them a generous living, and something more, and respectable surroundings at this capital. Unquestionably the people take pleasure in lavishly maintaining their Chief Executive in that exalted social station which becomes the Chief Magistracy of this great Republic. But, Mr. Chairman, the tendency to vulgar display in society, found everywhere, is rampant in this capital, and official circles are not exempt from it. This tendency needs no help at our hands, and in so far as we recognize anything that promotes it we propagate an unmixed evil.

The attempt to imitate and follow the fashions of the courts of Europe in official circles here has grown, and grown, and grown, until we hear it urged that in order to insure the maintenance of the pace set by it in official circles public servants must be prepared to spend enormous sums in entertaining. We are told that this or that public official can not live on the salary he is now receiving, although that salary is far greater than it was during the civil-war period, when living was far more expensive than now. I am of the opinion that some of our officials are underpaid, but I am not prepared to sanction salaries based upon the exactions of a social life reflecting the luster and ambitions of the suddenly rich or the prodigally extravagant people who have little on hand except what we call "social functions."

Social life at the capital fifty years ago and until recently offered to the world an example of refinement and culture of which no American was ashamed, and I do not think that the numerous frills and follies that have been added have improved matters. I am not favorably impressed with the all-pervading odor of flunkyism which now goes current as the only patent of gentility. [Applause.]

It is true that many things heretofore unknown are now deemed essential to comfort. There has been a great improvement in the standard of living and in the facilities for the ornamentation of our homes. The effects are seen everywhere, and they are something to be thankful for. The people are in the enjoyment of these blessings, and they are entirely willing to provide them for their servants.

They know that the members of the Congress can not get on as well with the salary they now receive as those who went before them could on a smaller salary. But the fact that the standard of living has changed does not justify the expenditure of forty or fifty thousand dollars of public money annually in empty display in the President's household or anywhere else.

At the President's receptions, up to forty years ago, the doors of the White House were thrown open to everybody in sight. In whatever apparel they happened to wear, rich and poor alike were admitted. This method was necessarily abandoned. The increased population of the great capital was a sufficient reason for its abandonment. Now it is impossible to accommodate the great number the President would desire to invite to his household. I do not believe that prodigal expenditures and lavish display at White House functions are in good taste. I do not

believe the small number of people who attend them are impressed by it. They go there to honor the Chief Magistrate.

When our constituents visit us here, or when citizens of a State having a Cabinet officer or justice of the Supreme Bench accept an invitation to his house, they go and probably pay tribute to his honorable station with no thought or admiration of the flunkyism which has crept into the social life of the capital. [Applause.]

It is not palatable to the average American citizen to be told that in Washington the exactions of society become such that no man can accept high office unless he can live at a pace set by those who have money to burn. I do not believe that official salaries or allowances or the methods of living and entertaining in official circles should be based on this scale of living. Public officials of high and low degree should simplify social customs at the national capital instead of demanding an increase in salaries. [Applause.]

The CHAIRMAN. The time of the gentleman from Missouri has expired

Mr. CANNON. Just a word, Mr. Chairman, and then I shall ask to continue the reading of the bill.

Answering the gentleman from New York, the engineer officer now superintendent of public buildings and grounds was detailed under the Administration of President McKinley. He has occupied his present position over six years. His predecessor was another member of the Engineer Corps, General Wilson. He was there four years. Colonel Bingham, I think—indeed, I feel quite sure—has been there longer on detail than any engineer officer who ever held this place. He says that he goes away at his own request. The gentleman from New York, to make his intimation good, insists that he lies. Well, the gentleman and Colonel Bingham will have to settle it.

Now, as to holding up vouchers. The expenditures for changes and improvements at the White House were made under the general direction of the President. He had the power to have the expenditures made and the accounts kept by the superintendent of public buildings and grounds or any other living person. He chose the superintendent of public buildings and grounds; he kept the accounts. I happen to know from conversations with the superintendent of public buildings and grounds that the President was very glad indeed to have him perform this duty, and that the superintendent of public buildings and grounds was pleased to perform it. So that "mare's nest" disappears.

Whether the contractor has complied with his contract or not I do not know. If he has not, he will not be paid; if he has, he ought to have his money.

Mr. COCHRAN. Will the gentleman say whether, as a matter of fact, there is a conflict of opinion between Colonel Bingham and the Secretary of War as to the propriety of approving certain vouchers?

Mr. CANNON. In my judgment, no. The Secretary of War has nothing to do with their approval.

Mr. COCHRAN. If the Secretary of War has sought to have something to do with their approval and has been irritated because he has not been able to have something to do with their approval, that would lend some color to the language of the gentleman from New York, would it not?

Mr. CANNON. So far as I know or believe, the conflict exists in the gentleman's imagination or the imagination of somebody else. In a short session of Congress, to cut the whole matter short, I have enough to do to attend to the public business and matters that come before us regularly rather than spend my time in chasing down the suppositions of some beloved friend and brother who sends a dispatch that fills so much space in an honored newspaper. They have got to make the newspapers every day. I am not abusing them.

Now, one word as to the idea of my good friend——

Mr. FITZGERALD. The gentleman from Illinois has stated that I have "intimated" that Colonel Bingham "lied." I hope he will withdraw that statement.

Mr. CANNON. I just wanted to say what the fact was—that to make his position good he must insist that Colonel Bingham had not been candid when he stated the reason why he was transferred. I will put it that way; that is more diplomatic. [Laughter.]

Now, I want to say just one word more, because I want to finish this bill to-day.

The CHAIRMAN. The Chair will state that there is no question before the committee. This discussion is proceeding by unanimous consent.

Mr. CANNON. I thought there was an amendment pending.

Mr. GAINES of Tennessee. If the gentleman from Illinois will yield to me. I desire to offer an amendment.

Mr. CANNON. Heaven forfend! [Laughter.] Now, the gentleman from Tennessee objects to the language, "sixty thousand dollars, to be expended by contract or otherwise, as the President may determine." But, after all, the language ought to be in that form. If it were provided that the contract should be given to the lowest bidder, it might happen that somebody that ought not to be admitted to the White House at all might come there in the guise of making repairs—somebody who might have evil designs. Therefore, for the expenditure of appropriations of this kind, looking to the comfort of the Chief Magistrate and for the benefit of all the people, language of this kind has always been adopted in all Administrations, and for a cause.

Now, to my friend from Missouri [Mr. COCHRAN] I want to say only a word. I do not think he and I can prevent people from entertaining at their own expense as they choose. The entertainments at the White House at the expense of the Government I do not think are subject to criticism. Some years ago a friend of mine from Chicago introduced to me an Englishman—a man of the middle class, a merchant—who called on me and presented the letter of introduction. It was during a short session of Congress. He said to me, "I have only one desire to gratify before I go away. I would like to see the President of this great Republic, if it is possible for me to do so. I can not stay here longer than ten days." "Well," said I, "is that all you want?" "Yes," said he, "I would go right away, well satisfied, if I could just be presented to the President." I said that I was in quite a hurry that morning. He came to my hotel. I sent for my daughter, who was there, and I said, after introducing the gentleman, "Helen, I must go to the Capitol. Will you be kind enough to accompany this gentleman to the White House and introduce him to the President?" She said, "Certainly, I will, papa," and that introduction was over in fifteen minutes! [Laughter.] He was a citizen of Great Britain, who had never had the pleasure of being introduced to the sovereign of his own country, but that is the way we do things in this country. [Applause.] And, gentlemen, we need not call on our imagination in respect to this matter. There is not a constituent of any man in the hearing of my voice who can not go to his Representative and be presented to the Chief Executive of the greatest, most powerful, freest, best Government on earth. I do not think we are in great danger of putting on frills; we are getting along first rate. [Applause and laughter.]

Mr. GAINES of Tennessee. Mr. Chairman, I offer the following amendment, which I will send to the desk.

The CHAIRMAN. The gentleman from Tennessee offers the following amendment, which the Clerk will report.

The Clerk read as follows:

On page 96, line 4, strike out the word "sixty" and insert the word "forty-six."

Mr. GAINES of Tennessee. Mr. Chairman, I desire the indulgence of the committee to state the facts upon which I base this amendment. Here is a letter of General Bingham, contained in a report of Mr. Root. I read a part of it a few moments ago. Here is what he says:

The following is a rough estimate of the expenses above referred to, and is below, rather than above, the actual needs:

1 assistant electrician, at $60 per month	$720
1 plumber, at $1,000 per year	1,000
1 head fireman, at $65 per month	780
2 assistant firemen, at $55 per month each	1,320
2 extra house servants (laborers), at $50 each per month	1,200
2 extra laborers in laundry, at $25 per month each	600
Hauling and handling flowers and plants	2,000
For extra labor, hauling, sundries of all kinds, for the large functions in winter and for increased entertainments in the White House throughout the year	5,000
For purchase of extra flowers beyond what can be supplied by the gardens	1,500
Total	14,120

General Bingham further says: "The above amounts to about $15,000, which, added to the $35,000 found necessary during the past year, makes a total of $50,000, and the appropriation should be $60,000, to cover all contingency," that unused being covered back into the Treasury.

Now, Mr. Chairman, it is needless for me to say that this report does not in effect arraign the management of the White House with a long line of extravagance. It does say that the President is doing a large amount of entertaining, that we have destroyed the flower house adjoining the White House, where we used to go and listen to the dulcet strains of far-off music, looking at the unplucked buds! [Laughter.]

Flowers must now be hauled a mile from the propagating garden, and others bought out in the city, when entertainments are given. Some of the work done—the improvements, so called—is bungling and painfully unattractive, very costly, and reflects credit on no one. After the President's office—this new little headquarters—had been about finished on the west, and the tunnel on the east side was about complete, some one came along and said, "Where is your coal house?" The reply was, "I forgot

that;" and then the coal house was put between the White House and this new office of the President.

So the coal house is now between the White House and where the President has his office. Just think of such an architect as that! I can go down into my district and pick up some carpenter down there, whether he votes the Republican or the Democratic ticket, and particularly if he votes the Democratic ticket, who can plan and erect a better addition to the White House than this and at less cost, I dare say.

Now, I subtract the $14,120 from the $60,000 and offer my amendment accordingly. The President's salary has been increased to $50,000 since the days of President Grant, whose predecessors were paid $25,000 annually—Lincoln, Jackson, and all. Yet here, on the anniversary of the birthday of Lincoln, we are asked to countenance this extravagance. I have never heard that Lincoln was ever accused of extravagance. The architect wrought cruel changes that now force General Bingham to ask for extra appropriations to cover, a most notable change being the substitution of a coal cellar for the beautiful and useful conservatory. These extras are asked for "because the President is doing a large amount of entertaining," says General Bingham. This is one of the causes.

Mr. Chairman, with the greatest respect to the distinguished occupant of the White House, I say that we ought at least to go back and conduct the White House along the frugal lines upon which the lamented McKinley, if you please, conducted it when he was President and Mr. Roosevelt was Vice-President, when Cleveland was there, and their long line of predecessors.

Where is this going to stop, this coming in here and calling upon the people of the country to pay their tax money in extra amounts, for what? For having things that are extravagant, things that are unnecessary, things unheard of for more than a century of this glorious Republic. Shall we sit here with such a document as this General Bingham's letter before us (which, by the way, I did not see until a few moments ago, when I sent to the document room and got it), and agree to any such extravagance as this? I for one can not possibly agree to this bold-faced expenditure for an extravagance, practically denominated as such, certainly proved to be such, by General Bingham.

[Here the hammer fell.]

Mr. CANNON. Mr. Chairman, I want to say just a word. This estimate of $60,000 is the amount that was made and regularly transmitted. We sent for the gentleman and examined him. This examination is here. That is the amount that is required, and that is all the answer I desire to make to the argument of the gentleman from Tennessee.

Mr. SIMS. Mr. Chairman, a moment ago the gentleman from Illinois [Mr. CANNON], the distinguished chairman of the committee, in commenting upon the question whether improvements to the White House should be let out by contract or otherwise, referred to the fact that possibly if it was let out by contract dangerous characters might be admitted into the White House in the vicinity of the President. I want to ask the gentleman if he thinks anything could be more dangerous from the standpoint of a designing anarchist who is seeking an opportunity to take the life of the President than to put him down there in that little underground affair, which reminds one of a Western dugout—almost a chicken coop—called the Executive offices, just south of the Cabinet room, where the President himself sits, exposed by open windows? It would not take an expert anarchist very long to shoot the President through one of those windows.

Mr. Chairman, we spent much time last winter in passing a law to protect the President from the assaults of anarchists, and we now have built a place in which to put him that invites their attention. I say it is most remarkable, when we are trying to protect the President, that we should place him in so exposed a position and give those seeking his life so good an opportunity to get in their work. Now, does the gentleman think a contractor could be more dangerous to the life of the President than forcing him to stay all the time where he does when attending to the business of the country?

Mr. CANNON. This appropriation has always run this way for a wise reason. I have stated one of the reasons. I do not care to multiply words, and I ask for a vote on the amendment.

Mr. WADSWORTH. Does the gentleman know what percentage the architect got on these improvements?

Mr. CANNON. Oh, I do not know. I have no knowledge. I think 5 per cent is the usual amount.

Mr. WADSWORTH. I understood it was 10 per cent. The gentleman has no definite information.

Mr. CANNON. I have no knowledge about it, and, great heavens, I have no patience with the architect!

I ask for a vote.

The amendment was rejected.

Mr. GAINES of Tennessee. Mr. Chairman, in order that everyone who desires may know exactly what I have been quoting from here, I ask unanimous consent to print in the RECORD the report containing the letter of General Bingham.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to print in the RECORD the report from which he read a moment ago. Is there objection?

There was no objection.

The report is as follows:

[House Doc. No. 321, Fifty-seventh Congress, second session.]

BUILDINGS AND GROUNDS IN AND AROUND WASHINGTON, D. C.

Letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting revised estimates of appropriation for buildings and grounds in and around Washington. January 26, 1903.—Referred to the Committee on Appropriations and ordered to be printed.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, January 24, 1903.

SIR: I have the honor to transmit herewith, for the consideration of Congress, copy of a communication from the Secretary of War of the 23d instant, submitting revised estimates of appropriations under "Buildings and grounds in and around Washington in charge of the Chief of Engineers," aggregating $110,264, in lieu of estimates for like objects on pages 254 and 255 of the Book of Estimates for 1904, aggregating $59,764.

Respectfully,

L. M. SHAW,
Secretary.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

WAR DEPARTMENT,
Washington, January 23, 1903.

SIR: I have the honor to forward herewith, for transmission to Congress, increased estimates of appropriations pertaining to buildings and grounds in and around Washington in charge of the Chief of Engineers, to replace like estimates submitted in the Book of Estimates for the fiscal year ending June 30, 1904, as follows:

Improvement and care of public grounds	$9,400
Repairs, fuel, etc., Executive Mansion	80,000
Lighting, etc., Executive Mansion, etc	20,864
Total	110,264

Very respectfully,

ELIHU ROOT,
Secretary of War.

The SECRETARY OF THE TREASURY.

OFFICE OF PUBLIC BUILDINGS AND GROUNDS,
Washington, January 21, 1903.

GENERAL: 1. At the request of Hon. JOSEPH G. CANNON, chairman of the Committee on Appropriations, House of Representatives, made this day, I have the honor to forward herewith certain increased estimates pertaining to the White House and the grounds of same for the fiscal year ending June 30, 1904, to take the place of corresponding estimates submitted with annual report dated July 19, 1902, with the following remarks explanatory of the necessity for the increased estimates. Mr. Cannon has signified a desire that these revised estimates be sent at once through the regular channels, so that they may reach him not later than Thursday, January 22, 1903.

2. As a preliminary, it is proper to call attention to the fact that the annual report of this office (including estimates for the second following fiscal year) is required to be submitted not later than July 20. The estimates so submitted are not considered by Congress until about six months later (and generally more); and in six months circumstances change very materially, making it absolutely necessary in this case for the public service to ask for the increased estimates herewith submitted for the White House.

3. In June last, at the close of the last session of Congress, provision was made for the expenditure of large sums of money for remodeling the White House and for building a new building for the offices of the President. Within three weeks of that time estimates were submitted by this office for the ensuing year.

It was impossible at that time to do more than to submit the usual estimates, based on the experience of past years. Now, seven months later, circumstances have changed very materially. The White House has been changed so materially that an entirely new estimate is needed, with no past experience as a guide, and with the separate building for the offices of the President to be also provided for.

4. The recent changes of the White House have resulted in a building far more expensive to keep up than formerly. The architects have not yet fully completed their work, and it will certainly be the end of February before all workmen are completely out of the house. It will be impossible to give accurate estimates of the cost of running the new house until the workmen are out of the way and a whole year elapsed thereafter, because it takes a whole year for the house to be put through its various uses.

5. The last appropriation for "Care, repair, and refurnishing of the Executive Mansion" was $25,000. It has since been found necessary to ask for $10,000 in addition thereto for the current year on the general deficiency bill, which makes a total of $35,000, and changes may yet have to be made in the tank and filter.

The character of the new fittings and furnishings of the White House is such that repairs and replacing of ordinary wear and tear, of accidents, will be much more expensive than before. For instance, it will be much more expensive to replace the specially designed silver door knobs and escutcheons, the various glass knobs, the silver and gilt hinges, curtain fixtures, window fixtures, etc.

6. The hard-wood floors and tiling all over the house will require much extra labor to keep in order.

The plumbing system, which is much more extensive than before, will require the entire services of a plumber, who must also look after the new office building, which contains much plumbing.

The electrician who has charge of the electric machinery, motors, pumps, fans, and over 2,200 incandescent lights, all the bell and telephone wiring, etc., must have an assistant because he has also to care for the new office building.

During a part of the year there must be three men—one on duty all of the time to look after the fires, as the heating is more intricate than before, involving one boiler for hot water and another for steam, and various other fires in the office building, in the laundry, etc.

More help will be needed in the laundry, owing to the large family which occupies the White House and the large amount of entertaining done by the President, which increases the use of table linen, etc.

7. As the conservatory of the old house has been abolished, a considerable amount of expense for labor and hauling is necessary to decorate the house, which now has to be done from the propagating gardens, a mile away.

The former estimate for labor and incidentals connected with the winter entertainments at the White House must have a considerable increase, because the President is doing a large amount of entertaining. Also owing to the abolition of the conservatories and greenhouses, flowers have, from time to time, to be purchased for the winter entertainments beyond what can now be furnished by the propagating gardens.

8. The following is a rough estimate of the expenses above referred to, and is below rather than above the actual needs:

1 assistant electrician, at $60 per month	$720
1 plumber, at $1,000 per year	1,000
1 head fireman, at $65 per month	780
2 assistant firemen, at $55 per month each	1,320
2 extra house servants (laborers), at $50 each per month	1,200
2 extra laborers in laundry, at $25 per month each	600
Hauling and handling flowers and plants	2,000
For extra labor, hauling, sundries of all kinds, for the large functions in winter and for increased entertainments in the White House throughout the year	5,000
For purchase of extra flowers beyond what can be supplied by the gardens	1,500
Total	14,120

9. It is impossible to make this estimate complete, but, as will be seen, the above amounts to about $15,000, which, added to the $35,000 found necessary during the past year, makes a total of $50,000, and the appropriation should be $60,000 to cover all contingencies. It is of course understood that any amounts not found necessary are returned to the Treasury.

10. Under the heading "Maintenance of White House grounds within the iron fence," the former appropriation was $1,000. This was at a time when the services of the entire force of gardeners and laborers used in the White House conservatories were available. As the conservatories have been abolished and the force above referred to is no longer available for this use, it is necessary to increase this estimate to $4,000.

11. Under the heading "Lighting the Executive Mansion and public grounds:"

(*a*) The number of lights in the house has been increased two and a half times, now numbering over 2,200.

(*b*) The new electric motor takes two and a half times the current formerly used, and there is an electric dish warmer in the pantry, which consumes considerable current.

(*c*) Under the new plumbing system it is necessary to run an electric pump almost all day.

(*d*) In addition to all the above, which is in the White House itself, there is the lighting of the new Executive office building, of which I have not now the exact figures, but which very materially increases the amount of current used.

The former appropriation for this purpose was $12,500, instead of which $20,000 will now be required.

12. The item for fuel, which has heretofore been $3,000, will now require $8,000, because of the increased number of fires and the increased quantity of fuel required to heat the new Executive office, which is a separate building.

13. Out of the material of the former conservatories, which were torn down, I have constructed at the propagating gardens as much greenhouse as was possible. These houses are not yet completed, and it will take a year before the plants in them can be overhauled and reorganized and made available for use at the Executive Mansion.

Hence the item for "Repairs to conservatory and greenhouses" is still necessary, and the sum asked for, namely, $3,000, will be sufficient, except that it is necessary to insert the word "reerection," so that this amount will be available for the utilization of the material brought away from the now destroyed conservatories.

Very respectfully, your obedient servant,

THEO. A. BINGHAM,
Colonel, United States Army, Major, Corps of Engineers.

Brig. Gen. G. L. GILLESPIE,
Chief of Engineers, United States Army, Washington, D. C.

Estimates of appropriations required for the service of the fiscal year ending June 30, 1904, by the Chief of Engineers.

Detailed objects of expenditure, and explanations.	Estimated amount which will be required for each detailed object of expenditure.	Total amount to be appropriated under each head of appropriation.	Amount appropriated for the current fiscal year, ending June 30, 1903.
BUILDINGS AND GROUNDS IN AND AROUND WASHINGTON IN CHARGE OF THE CHIEF OF ENGINEERS.			
Improvement and care of public grounds—			
For improvement, care, and maintenance of grounds of Executive Departments. (Act June 28, 1902, vol. 32, p. 460, sec. 1.)	$1,000		
For improvement and maintenance of Executive Mansion grounds within iron fence (increase of $3,000 submitted). (Same act.)	4,000		
For the employment of an engineer by the officer in charge of public buildings and grounds	2,400		
For purchase and repair of machinery and tools for shops at the nursery. (Same act.)	2,000	$9,400	$6,400
Repairs, fuel, etc., Executive Mansion—			
For care, repair, and refurnishing of the Executive Mansion, to be expended by contract or otherwise as the President may determine (increase of $35,000 submitted). (Act of June 28, 1902, vol. 32, pp. 460-461, sec. 1.)	60,000		
For fuel for the Executive Mansion, President's office building, greenhouses, and stable (increase of $5,000 submitted). (Same act.)	8,000		

Estimates of appropriations required for the service of the fiscal year ending June 30, 1904, by the Chief of Engineers—Continued.

Detailed objects of expenditure, and explanations.	Estimated amount which will be required for each detailed object of expenditure.	Total amount to be appropriated under each head of appropriation.	Amount appropriated for the current fiscal year, ending June 30, 1903.
BUILDINGS AND GROUNDS, ETC.—continued.			
Repairs, fuel, etc., Executive Mansion—Continued.			
For care and maintenance of conservatory and greenhouses (increase of $2,000 submitted). (Same act.)	$9,000		
For reerection of and repairs to conservatory and greenhouses. (Same act.)	3,000	$80,000	$38,000
Lighting, etc., Executive Mansion, etc.—			
For gas, pay of lamplighters, gas fitters, and laborers; purchase, erection, and repair of lamps and lamp-posts; purchase of matches and repairs of all kinds; stoves, fuel, and lights for office and office stable, for watchmen's lodges, and for greenhouses at the nursery (increase of $7,500 submitted). (Act June 28, 1902, vol. 32, p. 461, sec. 1.)	20,000		
Provided, That for each 5-foot burner not connected with a meter in the lamps on the public grounds not more than $20 shall be paid per lamp for gas, including lighting, cleaning, and keeping the lamps in repair, under any expenditure provided for in this act; and said lamps shall burn every night on the average from forty-five minutes after sunset to forty-five minutes before sunrise; and authority is hereby given to substitute other illuminating material for the same or less price, and to use so much of the sum hereby appropriated as may be necessary for that purpose.			
For lighting six arc electric lights in Executive Mansion grounds within the iron fence, 366 nights, at not exceeding $72 per light per annum (same act)	432		
For lighting six arc electric lights at the propagating gardens, 366 nights, at not exceeding $72 per light per annum (same act)	432	20,864	13,364
		110,264	57,764

NOTE.—The necessity for the increase in certain of the foregoing items over those for the present year, and for the change in the wording of certain items, is explained in the accompanying letter, dated January 21, 1903, of Col. Theo. A. Bingham, U. S. Army, in charge of Public Buildings and Grounds.—(*G. L. Gillespie, Brig. Gen., Chief of Engineers, U. S. Army.*)

OFFICE CHIEF OF ENGINEERS, U. S. ARMY,
January 22, 1903.

Respectfully submitted to the Secretary of War.

G. L. GILLESPIE,
Brig. Gen., Chief of Engineers, U. S. Army.

The Clerk read as follows:

Improving Mouth of Columbia River, Oregon and Washington: For continuing improvement in accordance with the approved or modified project, as authorized, $1,000,000.

Mr. CURTIS. Mr. Chairman——

The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert in line 13, page 108, after the word "dollars," the following:

"To continue the work of repairing and renewing the revetments on the Kansas bank of the Missouri River, in Elwood and Belmont bends, near the city of St. Joseph, Mo., the sum of $40,000, or so much thereof as may be necessary, to be immediately available."

Mr. BURTON. Mr. Chairman, I shall be compelled to make the point of order on that. The conclusive reason against it is that in this bill there is no jurisdiction over that subject. There is another reason, that this is not authorized by law.

Mr. CURTIS. Mr. Chairman, I do not believe the chairman of the Committee on Rivers and Harbors will insist upon his point of order. I do not believe the amendment is subject to a point of order, because it is for the continuation of a public work, and no one knows better than the gentleman from Ohio that work has been done on the Missouri River at this very point. He knows, no doubt, as does the Chair, that it has been frequently held that where work has been suspended for a short time an amendment to resume the work was not subject to a point of order.

Each year since 1884 work has been done on the Missouri River at the point covered by this amendment. In the last appropriation bill $175,000 was appropriated to continue improvements on the Missouri River from Sioux City, Iowa, to the mouth of the

river. It will be admitted by the gentleman that even as late as December last work was done on the Missouri River at this very point. I desire to call the attention of the Chair to a ruling made during the second session of the Fifty-fourth Congress (CONGRESSIONAL RECORD, p. 1261). It was held that the repair of a bridge built at Government expense is the continuation of a public work.

In the Forty-eighth Congress, second session, it was held that the completion of a naval vessel, although the work has been long interrupted, is the continuation of a public work. (See RECORD, Forty-eighth Congress, second session, pp. 1913, 1914.) That being true, surely this point of order is not well taken.

The CHAIRMAN. Will the gentleman from Kansas inform the Chair as to whether there was any limit of cost fixed when the work was originally authorized?

Mr. CURTIS. None whatever. I will state further, and I hope it will be considered by the committee when the vote is taken on this amendment, that the Missouri River Commission recommend in their report that the work at this point be continued. They say:

These revetments have received a large amount of repair work and renewals, and at the present time stand in need of a considerable amount of repair.

If this river should cut through at this point, it would be attended with disastrous results to the interests of St. Joe and have a far-reaching and detrimental effect on navigation. If the work is not continued at this point, there is great danger of the river breaking through the revetments and doing great damage to property and detrimental to navigation.

Mr. SHACKLEFORD. I was temporarily out of the House and did not hear this amendment. Is this an amendment offered to the bill for the purpose of improving some part of the Missouri River?

Mr. CURTIS. Yes, sir. Will the Clerk report the amendment again?

The amendment was again reported.

Mr. CURTIS. It is to continue the work of repairing the revetments of the Missouri River in Ellwood and Belmont bends of the Missouri River, near the city of St. Joe.

Mr. SHACKLEFORD. Does not the gentleman think it is a pretty dangerous practice to say that we should have no appropriation for that river, and then that we should give appropriations to certain favored spots and leave the balance of the river to suffer?

Mr. CURTIS. I do not think this is a favored spot; if it was, the gentleman from Ohio would not have made the point of order against the amendment. I want to say, further, I do not believe in the practice of opposing amendments of this kind. Amendments which provide for the protection of property and assist navigation should be agreed to.

Mr. SHACKLEFORD. The point I make is, why select out certain favored spots for certain favored people and neglect the balance of the 2,000 miles of the river? I think that is not consistent.

Mr. CURTIS. I was not one of the favored. In fact, there are no favored people.

Mr. SHACKLEFORD. It should be brought here with the balance of the river. A few people selected may get favors, and there ought not to be such a preference.

Mr. CURTIS. I would suggest that the gentleman prepare and offer an amendment.

The CHAIRMAN. The Chair would ask the gentleman from Kansas if this work is under contract?

Mr. CURTIS. No, sir. It was until last year in charge of the Missouri River Commission. This Commission was abolished in the last river and harbor bill. Now the work is under the charge of the War Department. There is a commissioner, Mr. Chittenden, located, I believe, at Sioux City, Iowa, who has charge of the work on the Missouri River from Sioux City, Iowa, to the mouth.

Mr. SHACKLEFORD. From Sioux City to the mouth?

Mr. CURTIS. Yes.

Mr. REEVES. Will the gentleman permit me to ask him a question?

Mr. CURTIS. Yes, sir.

Mr. REEVES. Is there any existing project now under contract that you now seek to have the amendent offered for——

Mr. CURTIS. There was $175,000 appropriated to continue the improvements on the Missouri River between Sioux City and its mouth, and work was done at the point covered by this amendment as late as December, 1902.

Mr. REEVES. The gentleman did not permit metoconclude my question. But I want to suggest to the gentleman, since he has answered me, that there is no project that this amendment would be applicable to, and where there is no project upon which the appropriation has been made the point of order must necessarily be good.

Mr. BURTON. Mr. Chairman, a question of such importance is involved here that unless the mind of the Chair is made up I should like to be heard briefly.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. BURTON. The appropriations in this sundry civil bill are made in pursuance of authorizations contained in preceding river and harbor bills. The very phraseology here at the beginning makes this clear:

Toward the construction of works on harbors and rivers, under contract and otherwise, and within the limits authorized by law, namely.

Then it goes on: For works authorized by the river and harbor act of 1896; then by the river and harbor act of 1899; then by the river and harbor act of 1902. The phraseology of these authorizations is practically the same in all. I will read one in our last bill:

Improving harbor at Gloucester, Mass.: For continuing improvement, $75,000: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be necessary in accordance with the approved project, to be paid for as the appropriations may from to time be made by law, not to exceed in the aggregate $227,083.

The $75,000 is an appropriation; the $227,083 is an authorization. Every one of the items in this bill is one for which an authorization was made and a limit fixed in some previous river and harbor bill. This is by no means a new question. In the Congress which was in session on the 5th of May, 1900, an amendment was proposed as to this river by the gentleman from Missouri [Mr. SHACKLEFORD]. The amendment was in these words:

Insert the following:

"Improving the Missouri River at Jefferson, Mo., continuing improvement, $50,000; at Overton, Mo., continuing improvement, $50,000."

The chairman of the Committee on Appropriations [Mr. CANNON] raised the point of order that on the sundry civil bill such an amendment could not be placed, and that point of order was sustained. The limit of this character of appropriation was also very clearly stated so far back as the Fifty-second Congress. It appears in the RECORD for the second session, page 1065.

This was a case where the point of order was raised to all of the class of appropriations contained in this bill. It was claimed that no river and harbor appropriation should go on the sundry civil bill, but the Chair ruled that if the provision authorized a specific amount previously authorized in a river and harbor bill, you could put it on the sundry civil bill.

The Chair would say if the Appropriations Committee should bring in a bill having an item or paragraph declaring in the usual language of the river and harbor bills that so much money should be appropriated for improving a river or harbor, without a law previously made authorizing and requiring the appropriation, the Committee on Appropriations would not have jurisdiction to bring in such a measure. In other words, it would not have jurisdiction unless the appropriation of money for that river or that harbor had been previously authorized by law and required to be met as an obligation of the Government.

Now, not only is this the case, but this amendment is contrary to the law. We had some discussion about the Missouri River when the last river and harbor bill was passed. We abolished the Missouri River commission. Instead of making appropriations for specific points on the river the bill contained a provision for appropriating $175,000 in one sum with this direction. I will read the provision, or so much of it as is necessary.

Improving the Missouri River from Sioux City, Iowa, to the mouth of the river, continuing improvement, $175,000. Said sum to be expended in such manner and in such localities as the Secretary of War may direct.

Then it goes on to speak of the different localities at which surveys are to be made. Under this provision the Secretary of War can appropriate any part, even all of it, for this locality if it is worthy, but the law was changed and the change provided a very different method. First, there was the abolition of the commission and, second, the abandonment of specific appropriation for this place or any other place. I can hardly exaggerate the injustice that would be done by enacting this provision. It is in the same class with thirty or forty which have been brought to the attention of the Committee on Rivers and Harbors, all of which we have felt compelled to reject at this session, because we could not bring in one and do justice without bringing in thirty or forty others. So this is not in accordance with good policy and is clearly contrary to the provisions in the law.

Mr. CURTIS. I desire to call the attention of the Chairman to the wording of the item of this bill on page 107:

For continuing improvement for the mouth of the Mississippi River to St. Paul, Minn., $400,000.

The item in the last bill read as follows:

For improving the Missouri River from Sioux City, Iowa, to the mouth of the river, continuing improvement.

Now, the gentleman forgets to call attention of the Chair to the fact that in this very item the Secretary of War is required to cause examinations to be had at St. Joe with a view to ascertain what improvements, if any, are necessary for navigation. This would indicate that appropriations of this very kind would be asked for.

Mr. BURTON. The gentleman does not want the House to

misunderstand him. There is a radical difference between his amendment and this appropriation of $400,000, to which he refers; that is one-third of $1,200,000 authorized in the preceding bill.

Mr. CURTIS. But it does not say so.

Mr. BURTON. It is not necessary to say so. It is expected the House can look back at the preceding bill.

Mr. CURTIS. The House may look back to the preceding bills for each session since 1884 and will find that appropriations have been made in almost this same language, except providing for a commission, to make improvements on the Missouri River from Sioux City to its mouth.

Mr. BURTON. I think the gentleman entirely misunderstands the law in regard to this matter. The appropriation of which he speaks was one in which $400,000 cash was appropriated; and there was an authorization of $1,200,000 besides the $400,000. This $400,000 is in pursuance of that authorization. Your appropriation of $175,000 is final; it is appropriated in cash; it is not coupled with any authorization.

Mr. CURTIS. If that argument is sound, then every time we make an appropriation that appropriation is final. The gentleman from Ohio knows that it has been repeatedly held by the Chair that if an item is contained in an appropriation bill from session to session and then is left out by the committee, an amendment to restore the item is not subject to a point of order.

Mr. BURTON. That may be; but still it should be reported in a proper manner.

Mr. CANNON. Mr. Chairman, this is a matter of so much importance that if the Chair is not ready to rule, I should like to be heard in favor of the point of order.

The CHAIRMAN. The Chair is ready to rule. Upon the facts conceded in the discussion on this point of order it is clear to the Chair that if the item proposed in this amendment had been originally included in the pending appropriation bill as it came from the Committee on Appropriations it would not have been in order, on the ground that the Committee on Appropriations under the rules of the House has no jurisdiction of the subject-matter of this amendment. The Chair therefore sustains the point of order.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. DALZELL having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bill of the following title; to which the concurrence of the House was requested:

S. 6525. An act to amend an act entitled "An act to incorporate the Masonic Mutual Relief Association of the District of Columbia."

The message also announced that the Senate had passed with amendments, bills of the following titles in which the concurrence of the House was requested:

H. R. 12098. An act to amend section 1 of the act of Congress approved May 14, 1898, entitled "An act extending the homestead laws and providing for a right of way for railroads in the district of Alaska;" and

H. R. 13307. An act for the relief of Valdemar Poulsen.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 14764. An act to establish United States courts at Wilkesboro, N. C.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 16161) granting an increase of pension to Francis A. Tradewell, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MCCUMBER, Mr. PRITCHARD, and Mr. TALIAFERRO as the conferrees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the House to the bill (S. 569) to establish the department of commerce and labor.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

Senate concurrent resolution 65.

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill (S. 569) to establish the department of commerce and labor the Committee on Enrolled Bills be authorized to insert, in line 12 of the third paragraph of section 6, after the word "Interstate," the word "Commerce."

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Philippine Islands: For the relief of the distress in the Philippine Islands, to be expended under the direction and in the discretion of the Philippine government in such proportions as they deem wise, in the direct purchase and distribution or sale of farm implements, farm animals, supplies, and necessaries of life, and through the employment of labor in the construction of government wagon roads, railroads, and other public works, to be immediately available, $3,000,000.

Mr. CANNON. I offer the amendment which I send to the desk.

Mr. LOUD. I desire to reserve a point of order on the paragraph.

Mr. JONES of Kentucky. I wish to make a point of order against this section.

Mr. LOUD. Mr. Chairman, I do not think I shall insist upon the point of order, but I made it, or, rather, reserved it, in order that we might hear some explanation of this matter.

Mr. CANNON. I do not think that the paragraph is subject to a point of order. Of course we can not proceed to perfect the paragraph by amendment or to discuss its merits while the point of order is pending.

Mr. LOUD. I desired to reserve the point of order so that the gentleman might have an opportunity to explain the paragraph. Of course he will not assume for a moment that the paragraph is not subject to a point of order. I do not think he can contest that question.

Mr. CANNON. Well, I certainly shall not contest it unless the point of order is made.

Mr. JONES of Virginia. I ask whether the gentleman from California [Mr. LOUD] has made a point of order against this item?

The CHAIRMAN. The Chair understood the gentleman to reserve the point of order.

Mr. CANNON. I think he now withdraws the point of order.

Mr. JONES of Virginia. Well, I renew the point.

The CHAIRMAN. The Chair will hear the gentleman from Virginia on the point of order.

Mr. JONES of Virginia. The point is this: That there is no law authorizing this expenditure. This is new legislation, pure and simple—absolutely so.

Mr. WILLIAMS of Illinois. I suppose that before the point of order is decided we might agree upon a reasonable time for discussion of the item, with opportunity to amend it. If there be opportunity for discussion and amendment, no one, I think, is disposed to insist on the point of order. All that is desired is reasonable time for discussion and amendment.

Mr. CANNON. I have an amendment which I propose to submit, and I have no objection to a reasonable time for discussion.

Mr. JONES of Virginia. What would the gentleman regard as "reasonable time?"

Mr. WILLIAMS of Illinois. I suggest that the amendment of the gentleman from Illinois be read for information, pending the point of order.

The CHAIRMAN. The proposed amendment will be read.

The Clerk read as follows:

On page 111, line 24, strike out "railroads," and on page 112, in line 2, insert, after the word "dollars," the words:

"And the governor of the Philippines shall submit to the Secretary of War a statement of all expenditures hereunder."

Mr. CANNON. That is the amendment I propose to offer. If any gentleman wishes to insist on the point of order, and if the amendment is subject to the point of order, that will dispose of the question. If, however, the point of order be withdrawn, I shall be quite willing for any reasonable discussion upon the proposition. I apprehend that we need have no difficulty in agreeing about that.

Mr. JONES of Virginia. I will say to the gentleman from Illinois that I have an amendment which I propose to offer and which is almost identical in language with that of the gentleman just read. I will read what I propose to offer, so that the gentleman may see what the difference is.

I propose that on page 111, line 24, the word "railroads," and on page 112, line 1, the words "and other public works" be stricken out, and propose further to add the following language to the section instead of that offered by the gentleman from Illinois:

And provided, That said Philippine Government through the governor of the Philippines shall submit annually to Congress, and oftener if so required by the President of the United States, an itemized statement or report showing in detail the manner in which the expenditures herein contemplated have been made.

That covers exactly the provision of the gentleman from Illinois, but it is somewhat fuller, and I think we ought to have a detailed report.

Mr. CANNON. I have no objection to a complete report of the expenditure of this money.

Mr. JONES of Virginia. Then I will say frankly to the gentleman that I propose another amendment, inasmuch as it is not proposed now by the committee that the Government shall enter upon the building of railroads, that this appropriation should be reduced from three millions to one million, or at least a million and a half.

Mr. CANNON. Well, of course it would be subject to all amendments which are germane, but my friend will see at once that if the point of order is well taken, that disposes of the whole

question. Now, if the gentleman does not desire to press his point of order, I am quite ready to negotiate with him as to any reasonable discussion, and of course the section will be subject to all amendments which are germane.

Mr. JONES of Virginia. Would not the gentleman be willing also to negotiate as to the amendment he is going to propose, the amendment which is in line with the amendment that I propose to offer?

Mr. CANNON. Oh, any amendments that are germane could be offered. I have no pride in mine.

Mr. WILLIAMS of Illinois. Let the gentleman reserve his point of order.

Mr. JONES of Virginia. That is not the question. The question is whether or not we might not agree on this amendment. Does not the gentleman think that the amount ought to be reduced?

Mr. CANNON. No, I do not, from the best information that we can get. I do not know that the whole amount will be expended, but I suspect that it would be. I think it ought not to be reduced, considering the condition of the Philippines. As to the matter of accounting and striking out the word "railroads," I do not know that it is anticipated to build any railroads. Possibly there may be something in and about the Army posts or elsewhere. I have no objection to striking it out, but I think the wagon roads and other public improvements ought to remain, because I believe it is desirable from every standpoint that the people who are to receive this relief should invariably earn it where it is possible. That was the course followed in Porto Rico.

Mr. JONES of Virginia. I would say to the gentleman frankly that I myself would not insist upon this point of order provided the gentleman is willing to strike out the words "and other public works."

Mr. CANNON. I think those words ought to stay there. There may be harbor improvements—anything, I would say to my friend, which would tend toward public improvement where the recipient of this charity would earn it rather than receive it for nothing is desirable. It is much better for the recipient and it is better for the government of the Philippines.

Mr. JONES of Virginia. I understand that, but my idea is that the government of the Philippines should furnish that money. This is a purely charitable appropriation, absolutely so.

Mr. CANNON. Considering the situation and under all the conditions and revenues of the Philippines, they are not prepared to relieve themselves.

Mr. JONES of Virginia. I would like to ask the gentleman how much time he would be willing to allow for the discussion.

Mr. CANNON. How much time does the gentleman want?

Mr. JONES of Virginia. Gentlemen on our side think there ought at least to be an hour and a half set aside for the discussion of this item.

Mr. CANNON. That would be three-quarters of an hour to a side.

Mr. JONES of Virginia. Yes.

Mr. CANNON. I am perfectly willing to agree to that.

Mr. JONES of Virginia. I will say to the gentleman, then, that I will not insist on the point of order. Of course I can not speak for all gentlemen on our side, for I have not conferred with them.

Mr. CANNON. The gentleman then withdraws his point of order, and I will offer the amendment and that will take it beyond the point of order.

Mr. JONES of Virginia. With the understanding that the gentleman will ask that an hour and a half be allowed for discussion.

Mr. CANNON. Yes; one-half hour on this side and one-half on the gentleman's side. Mr. Chairman, I ask unanimous consent that an hour and a half be set aside for debate on this proposition, one-half thereof to be under the control, I will say, of myself, and one-half under the control of the gentleman from Virginia.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that an hour and a half be set aside for general debate on the pending proposition, one-half to be controlled by himself and the other half by the gentleman from Virginia.

During the submission of the foregoing request by the Chairman the following occurred:

Mr. GREEN of Pennsylvania. Will that take it beyond the point of order, a reserved point of order?

Mr. JONES of Virginia. Oh, yes.

Mr. CANNON. Yes.

Mr. GREEN of Pennsylvania. Then I will raise the point of order.

Mr. ROBB. It is too late.

The CHAIRMAN (continuing). Is there objection to the request? [After a pause.] The Chair hears none, and it is so ordered.

Mr. GREEN of Pennsylvania. But, Mr. Chairman, I raised the point of order on this matter in time, before the Chairman put the request.

The CHAIRMAN. The Chair did not hear the gentleman.

Mr. GREEN of Pennsylvania. Well; I said it loud enough.

The CHAIRMAN. Before submitting the request of the gentleman from Illinois, when the gentleman from Virginia withdrew his point of order——

Mr. GREEN of Pennsylvania. And I raised the point of order in time, immediately after the gentleman withdrew it. I submit I have some rights.

The CHAIRMAN. The Chair did not understand the gentleman to make any point of order.

Mr. GREEN of Pennsylvania. The Chair can give me those rights now, whether he understood it or not. The Chair is here to rule according to the parliamentary procedure of this body, and when I make this point of order——

The CHAIRMAN. The gentleman will take his seat until the Chair makes his statement. The Chair understood the gentleman from Pennsylvania to ask the gentleman from Illinois if that would cut off the right to reserve the point of order.

Mr. GREEN of Pennsylvania. I can not understand the Chair.

The CHAIRMAN. And thereupon the gentleman from Illinois answered that it would, and nothing more was said. The Chair submitted to the committee the request of the gentleman from Illinois, and there was no objection, and it was so ordered; and then the gentleman from Pennsylvania raised the point of order.

Mr. GREEN of Pennsylvania. Mr. Chairman——

The CHAIRMAN. That is an exact statement of the facts.

Mr. GREEN of Pennsylvania. I have no doubt that the Chair did not hear the point of order that I raised, but nevertheless my statement is entitled to verity when it is not denied by anybody here, whether the Chair heard it or not, that I raised the point of order in time, and I am certainly not contending for any more than the rights which every member has on this floor, to have accorded to him what the rules give him. When I make that statement I certainly should not be cut off in this manner.

Mr. CANNON. If the gentleman will allow me, I heard the gentleman. He did not persist. The Chair, I apprehend, did not hear him and the action was had. Now, I ask unanimous consent that the order may be vacated, so that the gentleman, if he desires to make the point of order on this provision, shall have the opportunity to do so.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the order just made be vacated. Is there objection?

There was no objection.

Mr. GREEN of Pennsylvania. Now, Mr. Chairman, I raise the point of order, and I would say that I know so little about the reasons which have actuated this committee to put this matter into this bill that I ask that this debate proceed under a reserved point of order.

Mr. CANNON. I will not consent to that.

Mr. GREEN of Pennsylvania. I think I am entitled to know why this is put in here. If it is right I want to agree to it.

Mr. CANNON. Precisely.

Mr. BROMWELL. If it is not right, then vote it down.

Mr. GREEN of Pennsylvania. I lose my right.

The CHAIRMAN. The Chair will hear the gentleman from Pennsylvania on the point of order.

Mr. CANNON. The gentleman has every right, if he can get a majority of the committee with him, to exclude this, to amend it, to reject it, or do anything else; but I am not going on here for an hour and a half discussing the merits of this proposition, and then have the gentleman make his point of order.

Mr. GAINES of Tennessee. Mr. Chairman, the gentleman has already proposed an amendment to his own bill. There is no testimony in the hearings here that I have been able to find after diligent search for a couple of days.

The CHAIRMAN. The gentleman from Tennessee is not in order.

Mr. GAINES of Tennessee. We would like to know some reason for it.

Mr. GREEN of Pennsylvania. I should like to interrogate the gentleman in charge of the bill.

The CHAIRMAN. The Chair will hear the gentleman from Pennsylvania on the point of order.

Mr. GREEN of Pennsylvania. I desire to say that if the gentleman will change his amendment so as to strike out after the words "necessities of life," I do not think this will be so objectionable; but there are, I believe, two honest and cogent reasons why that should not be put in this appropriation bill.

Mr. STEELE. I call for the regular order.

Mr. CANNON. The gentleman may be right about that. If so, the House would vote with him. I do not think he is right.

Mr. GREEN of Pennsylvania. The chairman of the committee knows that the House does not vote right according to my views of right, but according to his views of right.

Mr. CANNON. After all, the committee is bigger than both of us.

Mr. GREEN of Pennsylvania. But I do not claim to have the same power over the committee as the gentleman from Illinois. I think that should be added to the gentleman's amendment. Otherwise, I shall insist on my point of order.

Mr. CANNON. The gentleman can exercise his rights. I will not quarrel with him about it.

Mr. HEPBURN. Regular order.

The CHAIRMAN. The Chair overrules the point of order.

Mr. CANNON. Mr. Chairman, I now ask, in fairness to the gentleman from Virginia, if he still desires general debate——

Mr. JONES of Virginia. Of course we still desire it.

Mr. CANNON. I ask unanimous consent that there may be an hour and a half of general debate, to be divided equally, the gentleman from Virginia to control one-half and myself one-half.

Mr. JONES of Virginia. I will say to the gentleman that some of my friends who are on the Insular Committee are urging me to ask that the gentleman make it two hours.

Mr. CANNON. I would rather not. We will have the five-minute discussion after that.

Mr. JONES of Virginia. I will not insist. I would be glad if the gentleman——

Mr. CANNON. I hope to finish the bill to-night. I am going to ask the committee to sit until we finish it. It will be 5 o'clock at the end of the hour and a half.

Mr. JONES of Virginia. Very well.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that one and a half hours be devoted to debate on this paragraph, one half of the time to be controlled by himself and the other half to be controlled by the gentleman from Virginia [Mr. JONES]. Is there objection?

Mr. GAINES of Tennessee. Mr. Chairman——

The CHAIRMAN. The gentleman from Tennessee. For what purpose does the gentleman rise?

Mr. GAINES of Tennessee. I reserve the right to object. I want a little consultation over the matter.

The CHAIRMAN. The gentleman from Tennessee objects.

Mr. CANNON. Then I ask for the reading of the amendment.

The Clerk read as follows:

On line 24, page 111, strike out the word "railroads;" and, on page 112, in line 2, after the word "dollars," insert:

"And the governor of the Philippines shall submit to the Secretary of War a statement of all expenditures hereunder."

Mr. CANNON. Mr. Chairman——

Mr. JONES of Virginia. Will the gentleman permit me to call his attention to one fact?

Mr. CANNON. Yes.

Mr. JONES of Virginia. This amendment directs that this money shall be expended under the direction of the Philippine governor.

Mr. CANNON. Yes.

Mr. JONES of Virginia. The Secretary of War is not mentioned anywhere in this at all. Now, I fail to see how the Secretary of War can make a report unless the Philippine government renders an account of its expenditures under this appropriation.

Mr. CANNON. Then I ask for the reading of the text as it would be if amended.

The CHAIRMAN. The Clerk will report the text as it will be if the amendment is adopted.

The Clerk read as follows:

In line 24 of page 111 strike out "railroads;" and on page 112, in line 2, after the word "dollars," insert "and the governor of the Philippines shall submit to the Secretary of War a statement of all expenditures hereunder;" so as to read:

"And necessaries of life, and through the employment in the construction of Government wagon roads and other public works, to be immediately available, $3,000,000, and the governor of the Philippines shall submit to the Secretary of War a statement of all expenditures hereunder."

Mr. CANNON. Now, I think that meets my friend's criticism. I want to call the attention of the committee very briefly to what has moved the Committee on Appropriations, I believe almost unanimously, I think perhaps quite so, to report this appropriation. Governor Taft makes a report as to the condition of the Philippines which is abstracted in substance—and I have read both—in a communication from the Secretary of War, and I will ask the Clerk to read, commencing with the word "President," on page 11, and ending at page 12.

The Clerk read as follows:

WAR DEPARTMENT, *Washington, January 6, 1903.*

The PRESIDENT:

I have the honor to transmit herewith the third annual report of the Philippine Commission, covering the year ending October 1, 1902. This report is in compliance with the third paragraph of the instructions to the Philippine Commission, dated April 7, 1900, and with section 86 of the act entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," approved July 1, 1902.

Accompanying the report, and transmitted with it, are the acts of the Philippine Commission, from and including act No. 425, enacted July 2, 1902, to and including act No. 493, enacted October 27, 1902.

Section 86 of the act of Congress above cited requires that these laws shall be reported to Congress. All of the laws enacted by the Commission prior to that act have already been reported to Congress.

I beg to ask special consideration of the recommendations of the Commission, all of which have my hearty approval.

It seems to me that the conditions resulting from the destruction by rinderpest of 90 per cent of the carabaos, the draft animals of the islands, and the consequent failure of the rice crop, followed by an epidemic of cholera, are so serious and distressing as to call for action by Congress beyond that for which the Commission specifically ask.

The removal under the laws of Congress of export duties on goods shipped from the Philippines to the United States has materially reduced the revenues of the island, while the duties collected in the United States upon importations from the Philippines, which under the same laws were to be turned over to the Philippine treasury, and were expected to make good the deficit, have amounted to practically nothing. At the same time the decline in the price of silver, the evils of a fluctuating currency, and the impoverishment of the people, have reduced the government revenues when they are most needed for relief of the people.

I think the occasion for relief in the Philippines is now greater than it was in Cuba when Congress appropriated $3,000,000 for the payment of the Cuban soldiers out of the Treasury of the United States, or than it was in Porto Rico when hundreds of thousands of dollars were contributed by the people of the United States, and more than a million of dollars paid out of the National Treasury for the relief of the sufferers from the hurricane of August, 1899.

An appropriation of not less than $3,000,000 for the relief of the distress in the Philippine Islands from the causes which I have mentioned would be in harmony with the course pursued by Congress toward the people of the other Spanish islands and practical evidence of the sincere interest that the people of the United States take in the welfare of the Philippine people and of the kindly and generous treatment which they are to receive. Previous experience indicates that such an appropriation could be made the most useful by giving the Philippine government discretion to apply it, in such proportions as they deem wise, in the direct purchase and distribution or sale of supplies, or through the employment of labor in the construction of Government wagon roads, railroads, or other public works.

Very respectfully,

ELIHU ROOT,
Secretary of War.

Mr. CANNON. Mr. Chairman, how much time have I yet?

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. Well, I will ask unanimous consent for five minutes more. I think I can say all I want to in that time.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that he proceed for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. CANNON. This recommendation tells the story. It is an abstract of a report made by Governor Taft. Gentlemen understand about the currency trouble that they have had in the Philippines. They understand, further, that they have had almost a continuous state of war and brigandage for a number of years. It also appears from this report that the rinderpest had attacked the cattle or carabaos, the draft animals used in the Philippines, being the only draft animals they have, and that 90 per cent of them have been destroyed.

It appears, further, that they have had an epidemic of cholera throughout the archipelago, and that in round numbers 100,000 lives have been lost from this epidemic. From the Philippine revenues rice in limited quantity, large quantities, has been purchased and distributed to those who were suffering. As the time approaches to make the new crop they are without draft animals, they have largely advanced in price, and have to be brought from other countries, and there is a condition of suffering there that justifies the appropriation of this $3,000,000. That is all I want to say about that.

I want to say further that the Secretary of War recommends that, considering the experience we had in Cuba and Porto Rico, as follows:

Previous experience indicates that such an appropriation could be made most useful by giving the Philippine government direction to apply it in such proportion as they deem wise in the construction of railroads, the distribution or sale of supplies, or through the employment of labor in the construction of government wagon roads, railroads, or other public works.

There was over a million dollars expended from the Treasury for the relief of the hurricane sufferers in Porto Rico, a large part of which was expended in the employment of the people relieved.

It seemed to your committee that that was a good way to make the expenditure. Wherever you are compelled to give something for nothing it is apt to have a pauperizing effect, and if these people who are seeking this relief are able to work and willing to work, it is a correct way to spend the money and save the self-respect of those who are able to work to care for those who are unable to work, and also furnishes draft animals and supplies for those who are starving in some instances and can not make their crops without this advance.

We appropriated $3,000,000 for Cuba at one time under conditions not so serious as these that now exist in the Philippines. We have expended over a million dollars for the hurricane sufferers in Porto Rico. Now, that is all the story and covers the ground so far as your committee had the facts in their possession.

Mr. WILLIAMS of Illinois. Mr. Chairman, I do not suppose

there is a member in this House who desires to oppose an appropriation of whatever amount that is absolutely necessary to relieve the distress in the Philippine Islands. But I am afraid that the distinguished chairman of the Committee on Appropriations, who is usually extremely cautious in his protection of the National Treasury, has permitted himself to be a little overreached in this case by parties who are interested in this appropriation. The very fact that this provision was first incorporated in the language we find here, including the construction of railroads, is proof that this appropriation was not originally intended for the sole purpose of relieving the distress in the Philippines.

I have no doubt but that they have distress there, and very great distress, but I have some impression—I do not know whether I got it at the hearings before the Committee on Insular Affairs or not—that there was a desire some time ago on the part of the Philippine government that the United States Government should advance a few millions to the islands as a loan to be used in developing the islands, and thereby giving employment to the people; and I would be glad to know from the chairman of the Committee on Appropriations whether when this proposition was first advanced it was not intended to make it merely a loan to the government of the Philippine Islands for the purpose of advancing public work and the development of these islands.

Mr. CANNON. Does the gentleman want an answer now?

Mr. WILLIAMS of Illinois. I would be glad if the gentleman would answer it now.

Mr. CANNON. So far as I have any knowledge of it, I answer no. I have read the abstract that covers the report of Governor Taft. The committee at one time discussed whether they would make it reimbursable, but we thought not, as we did not do it in Porto Rico and Cuba. We thought that in the condition of the public revenues of the Philippine Islands we had better devote it to the end in view.

Mr. WILLIAMS of Illinois. If it is to be used for a similar purpose to that appropriated for Porto Rico, there can be no objection, but if there is such great necessity for the appropriation of such a large sum as $3,000,000 out of the Treasury of the United States to be sent to the Philippine Islands to be used in the construction of public highways and other public works, which, as a matter of course, will greatly advance the interests there of certain American corporations and speculators with large holdings in the islands, I say if there is such great necessity for it to relieve the people there from immediate distress, why is it that the Commissioners of the Philippine government have made no request for such an appropriation? If they have, I have not been able to find it in their report.

I desire to call the attention of the committee to the further fact that ought to be remembered in this connection. If this is for the immediate relief of the distressed, brought about in part, as they claim, from cholera in the Philippine Islands, and which was going on at the time that the report of the Philippine Commission was made, which dates back to last October, if there was so great a necessity for the appropriation to relieve the people as there was in the case of Porto Rico, why is it that this appropriation has not been made before now? Why is it that they have allowed nearly three months to expire since Congress convened without urging an appropriation, which they now claim is to relieve the people from a condition of great distress which existed as far back as October?

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. ROBINSON of Indiana. Mr. Chairman, I ask that the time of the gentleman be extended ten minutes.

The CHAIRMAN. The gentleman from Indiana asks that the time of the gentleman from Illinois be extended ten minutes. Is there objection?

There was no objection.

Mr. WILLIAMS of Illinois. I do not know, Mr. Chairman, that I shall consume all that time. I was saying that if there is such a great necessity for this appropriation to relieve the suffering in the islands, and this report, which only comes up to the 1st day of last October and submitted and, I believe, published in November, why is it that we have had no communication from the Commissioners since that time showing the conditions in the islands and the necessity for this appropriation now? They make no such request. It is the request of the Secretary of War, and I am free to say that I do not know whether it comes from the fact that there is great distress in the islands, or whether it comes from other certain influences at work in the Philippine Islands which would be glad to see $3,000,000 donated by the Government for building public works and public improvements in the islands. If it is going to the immediate relief of the suffering, I say why have not the Commissioners themselves made some request? Why have the authorities asking for this appropriation made no effort to secure any evidence as to the condition of these people since last October? If it required $3,000,000 then, perhaps it will require $6,000,000 now, or perhaps much less. I say that the circumstances surrounding this request are at least suspicious in some respects.

Now, it was first intended—and I am glad that my colleague has proposed his amendment, for I think it does away with a good deal of the objection to this provision—but it was originally intended that this money should be used not only to construct public highways, but to build railroads; and, strange as it may seem, there was no provision put in here authorizing them to buy the material with which to construct such railroads, unless it comes under the language "supplies," and it would hardly be embraced there, for that speaks of the necessities of the people—farming implements, etc. I suppose it was at first the intention simply to get these roads ready for the tracks—the railroad iron—and then turn them over to some corporation to build. I can hardly understand what was intended by the provision as it first stood, but it shows that there is something more they are after here than the immediate relief of the people.

If we are not to build railroads out of this appropriation of $3,000,000—having stricken out the provision for railroads, the provision requiring their construction—it necessarily follows that we may strike out a large amount of the appropriation itself.

But so far as this appropriation may go to the immediate relief of those people, I have no objection to it. I think we are under a greater moral obligation to relieve those people in their distress than we were to relieve the people of Porto Rico; for in Porto Rico the distress was due to natural causes—to cyclones, to the storms of nature—while in the Philippine Islands much of the distress is due to the storms of American greed and American destruction that have swept all over that country. We have destroyed their houses; we have destroyed their beasts of burden; we have destroyed their property; we have destroyed their opportunity of earning a livelihood in the islands; and I feel that we are under a great moral obligation to appropriate whatever amount is necessary for their immediate relief.

But is it going to be any great relief to simply appropriate money to be expended in the construction of such public works over there as parties interested would themselves construct without this appropriation? I say, let us limit this expenditure to those things which are actually necessary—to the purchase of necessary food and clothing for the relief of the suffering, and even go further, and purchase necessary farming implements and farming animals, in order that the people may be able to plant and cultivate their crops. But I can not think that even the amount of $3,000,000 should be appropriated for that purpose. At least, there is no evidence of that fact, and it is not asked for by the Commission.

Now, Mr. Chairman, I repeat, that if there were such great necessity for this appropriation there ought to have been a better showing before the Committee on Appropriations in favor of the item now under consideration. What have you in support of the proposition? You have nothing upon which to base this appropriation except the bare communication of the Secretary of War, stating that we ought to make an appropriation of $3,000,000, and claiming that it is in accordance with the appropriation made to Porto Rico and to Cuba. And yet he says that in this case it should be left to the unlimited discretion of the Philippine Commission to expend these $3,000,000 in the construction of public highways, railroads, and other public works, without making any report of their action either to the President, the Secretary of War, or Congress. We knew what the money appropriated for Porto Rico was to be used for, and in this case we do not. I repeat. there is no request anywhere from the Commissioners of the Philippine government for this appropriation. The scheme originated with the Secretary of War or the influences which prompted him.

I have no doubt that this donation will be hailed with great joy by every corporation in the islands; but I say that as we are appropriating the money of our own people, as this money is to be taken from their taxes and sent to the Philippine Islands, we are justified in appropriating only so much as may be necessary for relieving the immediate distress of the people, and only for the purpose of such relief—supplying them with those things which are absolutely necessary to enable them to go on and sustain themselves. To give them work for a few months at small wages, will leave them, perhaps, in the same condition when the work is completed.

While I do not at this time desire to offer an amendment, I shall wait until the item is further discussed; and unless we get more and better evidence of the necessity of appropriating $3,000,000 for the people of the Philippine Islands, and more assurance that when appropriated the money will be expended, not merely to further the interests of certain American corporations and American syndicates in those islands, but for the immediate benefit and relief of the natives from the distressing conditions which we ourselves in a large part are responsible for—until

better evidence than we now have is at hand on that subject, I shall vote to reduce the appropriation, though I shall stand ready at any time to help increase it when necessary for relieving those in destitution.

One word more. The sad picture drawn by the President and the Secretary of War in their communication to Congress, in which they make an appeal for this appropriation, is in very strong contrast with that beautiful picture that has been so frequently drawn by the President of the United States upon the stump in his glittering descriptions of the wonderful prosperity and comfort and happiness which the American sword has carried everywhere among the people of the Philippine Islands. [Loud applause.]

[Here the hammer fell.]

Mr. BENTON. Mr. Chairman, the speech of my friend from Illinois [Mr. WILLIAMS] is in some measure a criticism of the Committee on Appropriations. When this question first came before the committee I stated in reply to a question by the chairman that I was opposed to the whole miserable business connected with the Philippines. And I was and I am; but there is no use of discussing politics in this connection. We are facing a situation. After I gave the matter some thought, this was the conclusion at which I arrived: Those people are not responsible for the conditions that surround them. We are responsible to them for conditions. The report of the Philippine Commission indicates that the beasts of burden in the island of Luzon, the carabaos, in large numbers have died; that farming, rice raising, is at a standstill.

The people need more of these animals, and they will have to be brought from the neighboring islands, and the prices have quadrupled. In a large number of places the seed rice will have to be brought to the island of Luzon; and while our information was not full, I finally assented to this appropriation because I thought it was in the interests of humanity, that these people ought to be fed and clad, and that seed ought to be brought to them from the neighboring islands; that the homes ought to be restocked with this beast of burden that they use. I confess that this is a slipshod appropriation; that we had very little testimony—in fact, none except the report of the Commission—and I thought all this appropriation ought to be used for the purposes I have indicated.

It was at my own request that the chairman of the committee has offered this amendment, so that the parties who distribute this money shall make a report to some American authority indicating what they have done with it. I had no idea that it was the intention of the Commission to build railroads with this money when their report was made. My idea was, and is now, that it ought to be for the use alone of the people who are destitute—to help feed and clothe them until they can get on their feet. I think the amendment of the chairman of our committee pretty effectually covers it, and for the reasons I have indicated alone I have agreed to this appropriation. I do not say this in the spirit of apology, but in the spirit of explanation, and to my side of the House.

Mr. JONES of Virginia. Mr. Chairman, I desire to offer an amendment to the amendment which has been offered by the gentleman from Illinois. I would like to amend his amendment by striking out, on page 112, line 1, the words "and other public works;" and on page 112, line 1, by striking out the word "three" and inserting in lieu thereof the words "one and a half."

The Clerk reported the amendment as follows:

Page 112, strike out the words "and other public works," line 1; and in the same line strike out the word "three" and insert the words "one and a half;" so as to read "one and a half million dollars."

Mr. CANNON. That is offered as an amendment to the amendment I offer.

Mr. JONES of Virginia. Yes. Mr. Chairman, I do not question for a moment the statement made here, that there is widespread distress and destitution in the Philippine Islands. I do not, however, believe that all of this destitution and distress is due to the fact that 90 per cent of the work animals in the Philippines have been destroyed by the rinderpest. But, Mr. Chairman, admitting for the sake of argument that such is the case, I think that if the amendment offered by the chairman of the committee is adopted, it ought to be after it has been amended as suggested by me.

The amendment of the chairman of the committee simply strikes out the word "railroads" and leaves in the paragraph as originally drawn the words "and other public works," so that if the word "railroads" only should be stricken out, the paragraph would read "in the construction of Government wagon roads and other public works."

Now, I believe that the Philippine government would have, or at least that it would exercise, if it desired to do so, the right to build railroads under that language. I believe that the language employed here could be made to bear that construction, and that the striking out of the word "railroads" does not materially affect the paragraph as it now stands. But, Mr. Chairman, if it be true, as I suppose will be contended, that the Philippine Commission would not have the right to construct railroads if that word is stricken out, then surely it is not necessary that the appropriation should be $3,000,000. If the railroads are not really to be built, then there is no reason for the expenditure of such a sum of money as $3,000,000.

I believe that if this appropriation is made the larger part of the money will not be expended in direct disbursements to the people for their needs. I apprehend that it would be expended for "other public works." If that be so, surely, Mr. Chairman, there ought to be a provision in this bill requiring the Philippine government to refund that money to the United States. It ought to be in the form of a loan and not in the form of a gift. If it is to be used to enable the people of the Philippines to construct public works, they should be required to return it.

We have been told over and over again, Mr. Chairman, within the past four years that these islands were immensely rich. We have been told that their resources were almost inexhaustible. We have been told that instead of being a charge upon the people of the United States they would be a source of wealth and great profit to them. I can understand how some visitation of providence may temporarily have deprived them of the ability to earn their bread; but if it is true that the islands are as rich as we have been told that they are, then surely there is no reason why we should give them money to be expended in permanent public works and not for the purpose of relieving their immediate necessities.

Certainly, if they are as rich in resources as we are told they are, so much of the money appropriated as is to be used for public works, and not dispensed as a charity to destitute individuals, should be returned to the United States.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JONES of Virginia. I ask unanimous consent that I may have five minutes more.

Mr. CANNON. I hope that will be given.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that he be allowed to proceed for five minutes more. Is there objection?

There was no objection.

Mr. JONES of Virginia. Mr. Chairman, if this money is not to be expended in permanent improvements, if it is not to be expended for railroads, then there is no necessity for so large an amount as $3,000,000. If $3,000,000, in other words, is sufficient to relieve the immediate necessities of the people, and also to enable the commissioners to build railroads and other public works, then if we eliminate from the uses that it is to be applied to, the railroad building, the amount of the appropriation should be correspondingly reduced.

Therefore I hope that the gentleman from Illinois, if he earnestly desires that this money shall not be expended in the construction of railroads, will adopt the first suggestion which I have made, and that is to strike out the words "and other public works," because unless that is done under that language the Philippine Commission can build railroads if they so desire. So that if it really be the purpose of the gentleman to prevent the Philippine Commission from building railroads he should not object to the employment of such words as will make plain and clear his intention. I submit, therefore, that unless the words "and other public works" are stricken out the amendment of the gentleman should provide that any part of this appropriation expended in any way other than for the purpose of relieving the destitution of the people should be returned to the United States Government.

So far as it may be necessary to expend this money in relieving the immediate and pressing necessities of the people of that island, I am willing that they shall have it as a matter of pure charity, and that they shall not be required to return it. But if it is to be expended, or part of it, in public improvements, then I submit that the Philippine government ought to make it good to the United States. If no part of it is to be expended in building railroads and in making public improvements, then, Mr. Chairman, I submit that a million and a half dollars will be amply sufficient to relieve the distress of which we are told.

But I rather imagine that is contemplated, indeed, that it is really the purpose of the gentleman that a large part of the $3,000,000 shall be expended in public works, such as harbor improvements, and that that is why he will not consent to accept my amendment. I understand, of course, that such expenditures would give employment to labor; but the government would be the gainer thereby and to that extent should reimburse the United States. The inauguration of the policy of donating money to the Philippine government for public works, is an admission on the part of those who inaugurate it that the treasury of that government will never be in a condition to return the money to the people of the United States.

And if it will never be in that condition, why, I ask any

rational man, should we longer hold the islands? If there is never to be any prospect that they can, out of their own revenues, provide for the public improvements and public works that are necessary to their welfare, the sooner we give them their independence the better it will be for us. If their revenues are never to be sufficient for that purpose, and the United States Government is to be eternally called upon to furnish the money to construct public buildings, dig out harbors, and perchance, build railroads, the sooner we part company with them the better. It is bad enough that we must buy the indigent inhabitants work animals, when the rinderpest kills such as they may have; bad enough to have to provide them with the necessaries of life. That, however, I am willing to do under existing circumstances. I am not willing to vote money to be expended in public works.

Mr. ROBINSON of Indiana rose.

Mr. CANNON. How much time does the gentleman from Indiana want?

Mr. ROBINSON of Indiana. In view of the fact that the gentleman from Illinois did not ask for general debate, I should like to have about fifteen minutes.

Mr. CANNON. Let us compromise on ten, and I will take five, and then I will ask for a vote.

Mr. ROBINSON of Indiana. I understood that the gentleman from Illinois was to ask unanimous consent for general debate.

Mr. CANNON. Well, I did; but objection was made.

Mr. ROBINSON of Indiana. Oh, I beg the gentleman's pardon.

Mr. CANNON. Now I will ask unanimous consent to close the debate upon this paragraph and all amendments in fifteen minutes—ten minutes to the gentleman and five minutes to myself.

Mr. WILLIAMS of Illinois. Mr. Chairman, if the gentleman will permit——

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to close debate on the paragraph and pending amendments in fifteen minutes, ten minutes to be given to the gentleman from Indiana and five minutes to himself.

Mr. WILLIAMS of Illinois. I object, Mr. Chairman, until——

The CHAIRMAN. The gentleman from Illinois objects.

Mr. CANNON. Mr. Chairman, I move that all debate be closed in fifteen minutes on this paragraph and all amendments thereto.

Mr. ROBINSON of Indiana. Will not the gentleman make that longer than that, so that we can have consideration of this amendment? I do not think that there is any factional opposition to it.

Mr. CANNON. I will make it twenty minutes.

Mr. ROBINSON of Indiana. That is not as much time as you proposed in the beginning.

Mr. CANNON. But my friend must understand there was objection.

Mr. ROBINSON of Indiana. I did not think the objection would interfere with your liberality.

The CHAIRMAN. The gentleman from Illinois moves that all debate on the pending paragraph and amendments be closed in twenty minutes.

Mr. WILLIAMS of Illinois. I desire to amend that and make it thirty minutes.

Mr. ROBINSON of Indiana. I hope the gentleman will accept that amendment.

The CHAIRMAN. The gentleman from Illinois [Mr. WILLIAMS] moves as an amendment that the time be thirty minutes.

Mr. STEELE. I move to amend that by making it five minutes.

Mr. CANNON. I think twenty minutes will be sufficient.

The CHAIRMAN. The amendment of the gentleman from Indiana will be in the third degree, which is not in order.

Mr. STEELE. Then I wish the amendment to be voted down.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois.

Mr. RICHARDSON of Tennessee. The gentleman had better accept thirty minutes, and it will save the time of having a vote by tellers.

Mr. STEELE. Well, we do not want to save time.

Mr. CANNON. Well, I ask unanimous consent to close all debate in thirty minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to close debate upon the paragraph and all amendments thereto in thirty minutes. Is there objection?

Mr. GAINES of Tennessee. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GAINES of Tennessee. Will that leave open an opportunity, or have I now the right to move to strike out all after the words "construction of wagon roads, etc.?" I do not hear the words of the amendment of the gentleman from Illinois or the gentleman from Virginia [Mr. JONES], but I understand they both allow this money to be expended in public improvements simply to give employment to these people and not because needed; hence I object to both.

The CHAIRMAN. That motion would not be in order now.

Mr. GAINES of Tennessee. But if the request is granted, amendments may be offered after the thirty minutes.

The CHAIRMAN. They can be offered at the end of the thirty minutes, but can not be debated.

Mr. GAINES of Tennessee. They can be offered at the end of thirty minutes.

The CHAIRMAN. But not debated.

Mr. ROBINSON of Indiana. Let me suggest that the time be equally divided.

The CHAIRMAN. The Chair hears no objection, and it is so ordered. The gentleman from Indiana.

Mr. ROBINSON of Indiana. Mr. Chairman, we approach the subject of this legislation impressed with its importance and with a desire, conservatively, to do all that need be done for the relief of a distressing situation.

The results of insular government is seen in this proposition to vote $3,000,000 from the United States Treasury for the relief of the people in the Philippine Islands.

I regret the necessity that, in the opinion of the Secretary of War, justifies his recommendation to Congress to vote this amount. It is unfortunate for the nation and for all our people.

Could not this result of our government in the Tropics have been foreseen? True, but can the end be foretold?

This is a distress measure, but with the ever-recurring causes for additional appropriations they may be ever present with us.

True we appropriated for reindeers in Alaska, for calamity and flood sufferers, and such like, but the sums were moderate in comparison and the occasions were such as are not likely to occur again. But here we have the seeds of a policy as to insular possessions which, if persevered in, will cast in the shadows our Indian policy from the first years of our government till now, and about which so much criticism has been heard.

These conditions are upon us. The story of ruin and want are vividly told by the Philippine Commission and the Secretary of War. Can we resist this appeal for aid when we are measurably responsible for it and have been led into a condition that invites it? There are various schools of thought, it seems, when it comes to the causes for industrial stagnation in the Philippines.

Many gentlemen state, and the chairman of the Insular Committee [Mr. COOPER] within a few weeks stated on this floor, that great industrial distress has come to the Philippines because of the failure of Congress to give the islands a stable currency. It is difficult, of course, for us to determine with nicety, so far away, how much distress is attributable to money disorders and how much comes from disease and death to man and to animal life. This difficulty only accentuates our misfortunes.

Is this $3,000,000 an opening wedge, a forerunner of appropriations for like purposes in years to come? In a proper construction of the McEnery resolution, which passed the Senate in 1899 as an interpretation of the Spanish treaty by which we acquired the Philippines, can be found a solution of the difficulties that now are brought so clearly to our attention. I send it to the Clerk's desk.

The Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That by the ratification of the treaty of peace with Spain it is not intended to incorporate the inhabitants of the Philippine Islands into citizenship of the United States, nor is it intended to permanently annex said islands as an integral part of the territory of the United States; but it is the intention of the United States to establish on said islands a government suitable to the wants and conditions of the inhabitants of said islands to prepare them for local self-government, and in due time to make such disposition of said islands as will best promote the interests of the citizens of the United States and the inhabitants of said islands.

Mr. ROBINSON of Indiana. I presume that I am recognized for ten minutes. I would like to ask the gentleman if time will be yielded to my colleague on the committee, the gentleman from Illinois [Mr. WILLIAMS]?

Mr. CANNON. I will ask unanimous consent that the time of the gentleman may be extended so that he may have ten minutes altogether.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the time of the gentleman from Indiana may be extended by five minutes, so that he may have ten minutes.

Mr. ROBINSON of Indiana. I only ask that because my colleague on the Insular Committee [Mr. WILLIAMS of Illinois] desires to have five minutes, and I do not want to occupy more than ten minutes.

Mr. CANNON. That will be five minutes for the gentleman from Illinois.

Mr. ROBINSON of Indiana. All right.

Mr. Chairman, this lamentable condition prevails in the Philippine Islands, and we must do something. To make a loan would set a dangerous precedent, and all of our Territories would come and ask for money, and we would be the bankers of our Territories and colonial possessions.

I am inclined to think, if facts of fabulous wealth are as they

have been stated, that it would be better to loan than to give, even in their distress. For years we were told that the Philippine land was rich, and that the richness of field and mine afforded a great field for American industry. Now, here they come to us as supplicants for three millions of money to relieve them from a distress that the richness of that country and wealth of its inhabitants can not relieve.

The Philippine Commissioners report that leprosy abounds; that 30,000 lepers are in the islands and 100 cases in Manila alone. Will we not be asked to appropriate for them? Cholera in the Philippine Islands with a record from March 23, 1902, to November 1, of that year, of 107,250 cases and 69,983 deaths, being a mortality rate of 65.25 per cent; and Governor Taft's last report predicts 100,000 deaths from cholera alone. Bubonic plague in the Philippine Islands with a death rate of 199 in 1900 and 432 in 1901 in Manila alone.

Will we in the future be asked to appropriate for these? The report says that "smallpox existed in the islands from time immemorial, and was one of the most prominent causes of death among the Filipinos at the date of the American invasion."

Hog and chicken cholera, the report says, existed contemporaneously with the rinderpest. This is the result and misfortune that is upon us—islands where man and beast are afflicted with all the diseases that flesh is heir to. I hold in my hand an article from the North American Review of recent date, by Brewster Cameron, delegate to Washington from the allied chambers of commerce of the Philippine Islands, and will give some excerpts:

To promote the permanent welfare of the Philippines it is necessary, first, that we should have an absolutely stable currency.

* * * * * * *

A stable currency is the only relief from this deplorable condition of affairs, which is being misconstrued by the natives as a conspiracy to increase the cost of the necessaries of life to the poor.

* * * * * * *

Every consideration of trade and commerce, political expediency, and national honor demands that Congress should give a stable currency to the Philippines, * * * such a stable currency as has given a stupendous impetus to every business interest in the United States.

This writer and representative, throughout a long article, sets forth the cause of distress, but carefully avoids giving his sanction to any money system except in his language "such a stable currency as has given a stupendous impetus to every business interest in the United States," which implies American money.

This "accredited representative" covers another subject of vital concern to us in this legislation.

He says:

A Filipino business house in the city of Manila owns several plantations. On one of these plantations they have for years employed 30,000 Filipino laborers. They had 12,000 carabaos, of which all but 50 were swept away within the past year.

And further—

Prior to the passage of the Philippine act the owners of this plantation could have mortgaged it (75,000 acres) to a corporation for the money required to restock it with carabaos, but as the Philippine act limits the holdings of any corporation to 2,500 acres it is now impossible for the owners to do so. * * *

Under the most favorable circumstances, with laws encouraging to agriculture, it will require approximately five years fully to revive the agricultural industry. Under the present law, which has paralyzed every agricultural interest in the islands, the development of the Philippines will be indefinitely delayed.

* * * * * * *

The present law, as stated above, limits the ownership of land by corporations to 2,500 acres. It is known to everyone who has made even a superficial study of the business that a 2,500-acre plantation will not furnish enough cane to operate economically a modern sugar-milling plant. Under the operations of this unfortunate law, men who are rich in lands, but without money, have been unable to get corporate interests to equip their plantations with modern sugar plants.

* * * * * * *

It is a misfortune not only to the Filipino people, but to the people of the United States, that any law should indefinitely delay the agricultural and industrial development of the Philippines; and corporations have become such an essential element in conducting large business affairs in modern times that it is impossible to secure the necessary amount of capital to develop the islands except through corporations.

This new light gives a limitation on corporation expansion as a fruitful cause of present distress. How, by an appropriation of $3,000,000 without carefully guarding its expenditure, do you prevent it from going to the corporations? From this view point they are the life in the islands. You will not find any agricultural industries in the Philippine Islands save the kind that we have in the Hawaiian Islands—great landed estates. The burden of their complaint to-day is that a large measure of distress comes because land holdings are limited to 2,500 acres, whereas they want from ten to twenty and a hundred thousand acres. How will you prevent these sums appropriated from going to the great corporations, which in a business way seem to control, unless you guard this appropriation as the amendment of the gentleman from Virginia [Mr. JONES] designs to guard it?

Mr. Chairman, whether this distress comes from the failure to give them a stable currency, or whether it comes from diseases in the island, or is the result of war, or from all these conditions, it is conceded that we must do something. Guard this appropriation against the unworthy and make it what the Government wants it to be—a distress measure. So far should we go and no further. Our people are unfortunate enough in being compelled by the colonial policy of the Government to grant this aid, without adding the loss that would come from diverting it into channels that it is not intended to go.

Mr. Chairman, I had the Clerk read the Senate resolution to show how clear our way is outlined and how easy our course would have been if we had paralleled in the Philippines our course in Cuba.

We gave to Cuba her liberty and gave her a God speed on her way as a Republic. Cuba does not come in distress or as a mendicant asking for alms. The only aid she asks is that which will be of equal benefit to us.

Our action toward Cuba may be followed with profit and advantage in the Philippine Islands. [Applause.]

Mr. CRUMPACKER. Mr. Chairman, whether we made a good bargain or a bad bargain in negotiating for the Philippine Archipelago cuts no figure in this discussion. The proposition to vote $3,000,000 to the people of the Philippine Archipelago is one simply for the relief of a condition of destitution that is the result of a succession of misfortunes for which this Government is no more responsible than it was for the hurricane in Porto Rico, or for the condition of destitution that existed in the island of Cuba, or for the plagues of Egypt in the days of Pharaoh.

When we first obtained control of the Philippine Archipelago there was a condition of insurrection, of practical anarchy. The administration of this Government in the Philippines is an open book, and it is a matter of recent history. But by a succession of misfortunes, particularly the rinderpest, whereby practically all of the beasts of burden in the Philippine Islands were destroyed, and a condition of poverty and destitution exists, such as appeals to the sense of magnanimity and charity of every citizen of this country. There is no need of undertaking to disguise the legislation under consideration or of attempting to construe it into a loan or a business proposition; it is a proposition to relieve destitution, pure and simple, a charitable act. I have listened to the criticisms made by various speakers on the measure, and I think none of them possess a particle of merit.

The amount of the appropriation was fixed upon, as I understand, after a careful examination and thorough consideration of the situation by the Committee on Appropriations. That committee advised itself by the best means obtainable and concluded that $3,000,000 ought to be appropriated to relieve the present exigency.

The provision contained in the bill, that the money may be used for the direct relief of the people in the way of purchasing supplies or, in the discretion of the Philippine Commission, in employing labor for the construction of public works, is a wise provision. The apprehension of the gentleman from Virginia [Mr. JONES] that the term "public works" would be so construed as to embrace "railroads" is utterly without foundation.

The construction of railroads in our politics, in our civilization, is not by any manner of means regarded as the execution of a public work. But the term "railroads" will be stricken from the provision; and if the amendment of the gentleman from Virginia should prevail, it would prevent the Philippine government from using any part of this money in the construction of schoolhouses, of public buildings, or in the improvement of rivers and harbors, or for the securing of many other conveniences for the benefit of the people of those islands that might be obtained and at the same time afford relief to the destitute.

Mr. WILLIAMS of Illinois. If the provision had remained as originally drawn, and the Philippine government had constructed railroads out of this appropriation, would not those railroads have been public works under the Philippine government?

Mr. CRUMPACKER. In my judgment, if the provision had remained as it was originally drawn it would not have conferred upon the Philippine government authority to construct railroads as public enterprises. I do not believe that under existing law the government of the Philippine Islands has any such power. I do not believe that Congress has conferred upon that government the power to build, own, and operate railroads, and if it had not done so, then, with the provision as it originally stood, there would be no authority on the part of the Philippine government to use any of the money to be appropriated in the construction of railroads.

Mr. JONES of Virginia. It is true, is it not, that the Secretary of War recommended that money should be used in that way?

Mr. CRUMPACKER. I do not know; I am not familiar with the recommendations——

Mr. JONES of Virginia. The chairman of the committee read a statement from the report, to that effect—that the Secretary of War had so recommended.

Mr. CRUMPACKER. I am not familiar with the recommendations of the Secretary of War.

Mr. JONES of Virginia. That statement was read here.

Mr. CRUMPACKER. This provision does not confer upon the insular government authority to do anything which it would not otherwise have authority, except to disburse the relief fund.

I am discussing now simply the question of the power of the insular government to build, own, and operate railroads without express authority from Congress to do so; and I take the position that the government there has no such power, and that this bill confers no such power.

Mr. JONES of Virginia. If this bill declared that the government there could, in its discretion, use this money in the construction of railroads, would not such a provision confer the power?

Mr. CRUMPACKER. I think not; not in view of the manner the provision was written in the bill.

I believe it would be a grave mistake to reduce this appropriation a single dollar; and I believe it would be a more serious mistake to adopt the amendment of the gentleman from Virginia, and deny to the insular government the right to use this fund in the employment of idle laborers upon necessary public works—enterprises which would go to the benefit of all the people of those islands. Such an amendment as the gentleman proposes would practically convert the provision into a charitable fund to be doled out by some public benefactor without regard to the real welfare of the people.

Mr. ROBINSON of Indiana. Would not the gentleman be in favor of requiring that in the case of each expenditure there should be given the name of the person receiving the money and the purpose to which it was applied?

Mr. CRUMPACKER. I do not know that I would go into such details as that. That is an aspect of the proposition that I have not considered. The amendment of the gentleman from Illinois [Mr. CANNON] requires the governor of the archipelago to submit to Congress a detailed statement of the expenditures, and that is a sufficient protection to the people both of this country and the Philippines.

[Here the hammer fell.]

Mr. WILLIAMS of Illinois. Does the gentleman from Illinois [Mr. CANNON] desire to use any of his time now?

Mr. CANNON. I should like to close the debate.

Mr. WILLIAMS of Illinois. How much time does the gentleman expect to occupy?

Mr. CANNON. About ten minutes.

Mr. WILLIAMS of Illinois. If the gentleman wishes to yield time to anyone else, I shall be glad to have him do so now.

Mr. CANNON. I want to close the debate.

Mr. WILLIAMS of Illinois. Does the gentleman desire to use all of his time in closing?

Mr. CANNON. I hardly think I shall; but I may do so.

Mr. WILLIAMS of Illinois. Mr. Chairman, I am heartily in favor of the amendment offered by the gentleman from Virginia [Mr. JONES] to strike out the language "and other public works." While that language may not be so construed as to include railroads, yet it might be.

There is no question that a great deal of this money would be used in the construction of public works in cities and towns—in building street railways, electric-light plants, and various improvements of that kind, which would necessarily enhance greatly the value of property in such city or town and its vicinity; and if this appropriation be made in the terms contained in the bill it is easy to imagine the great scramble that there would be among those who have large interests in those cities and the surrounding country to have this money, or a part of it, expended so as to advance their interests; and in that way much, if not most, of the money would probably be used where the most of the Americans reside—where the most of American capital is invested—while, on the other hand, if we strike out the words "other public works" a large portion of this appropriation would be distributed along the public highways and among the agricultural classes, who stand in greater need of it. For this reason I think the language should be stricken out.

Now, while I have great faith in this Commission, yet when I see in their recommendation to Congress that they desire that a single corporation or a single individual in the Philippine Islands shall be allowed to own 25,000 acres of land I can not agree that all their sympathy is with the common people who are now suffering such distress in that country. This appropriation, I want to say, if made for public works, will be a very sad commentary indeed upon the flattering promises and statements made by a great many distinguished gentlemen in this country as to the wonderful resources, valuable lands, fine timbers, and precious metals of those islands.

If they are all that those who favored their annexation have claimed for them, if they are so inviting to American capital and American investments, why is it necessary to appropriate out of the money raised by taxes from the people of our own country millions of dollars in order to carry on public works which the capital there in the islands ought to conduct? I say, Mr. Chairman, as I said in the beginning, that the word "public works" ought to be stricken out. This appropriation ought to be reduced and limited to such expenditures as are necessary for those who are in distress in the islands, in need of the necessaries of life, that more of these animals which they use in planting and cultivating their crops may be purchased, and more of such things as are required by the natives.

I was desirous to see the chairman of the Committee on Appropriations consent that this appropriation should be reduced. Since a part of the objects for which it was to be expended is to be stricken out, it seems to me it necessarily follows that it might be reduced, and knowing, as I do, that the chairman of the committee is acting in the best of good faith in this matter and would not want to appropriate a single dollar for the purpose of aiding any private enterprise, but solely for the benefit of those who are in actual distress, I still hope that he will consent to a reduction of the amount of this appropriation, and if it becomes necessary hereafter to appropriate further from the Treasury of the United States to relieve the inhabitants of those islands from the great distress which we, in years gone by, have spent millions and hundreds of millions in bringing upon them, I for one stand ready at any time to appropriate for such a righteous purpose. [Applause on the Democratic side.]

[Here the hammer fell.]

Mr. CANNON. Mr. Chairman, just a few words in closing this debate, and then I will ask for a vote. What is this proposition? It is for the relief of distress in the Philippine Islands. How is it to be expended? Under the direction and discretion of the Philippine government, Governor Taft, Commissioner Wright, and the other Commissioners, in such proportions as they deem wise, in the purchase and distribution of farm implements, animals, supplies, necessaries of life. What else? And through the employment of labor in the construction of government wagon roads or other public works. There is the whole story. But gentlemen flap their wings and say, "We told you that these people would cost something, and you said it was a rich land, so you have got now to relieve distress." I call the attention of my honorable colleague to the fact that in my State and in his, in the district which he represents, in the presence of great floods, his constituents and my fellow-citizens have been relieved.

Mr. WILLIAMS of Illinois. Yes; but they were furnished the necessaries of life.

Mr. CANNON. Precisely, and at the expense of the public Treasury—without work, and it was well done. It would have been better done if they had been given work, because there would have been no element of pauperization in it.

Mr. WILLIAMS of Illinois. I would ask my colleague one other question. The bill as amended will provide that this money, a part of it, may be expended in employing them on public works.

Mr. CANNON. Yes.

Mr. WILLIAMS of Illinois. Where is the material to come from with which to construct these public works unless out of this appropriation?

Mr. CANNON. Spades and earth and harbors and roads and anything else that will coax the people to work for that which they receive, and thereby, that far, preserve their manhood. [Applause on the Republican side.] I am not afraid to trust Governor Taft, and I call the attention of other friends whose districts are along the Ohio River, in States upon both banks, along the Mississippi, and away up in the Red River district of the North, to the fact that relief has been given there, and yet this is a God-favored land. I call attention further to the fact that in the early settlements of this continent, in the days of the colonies, there was year after year of starvation with our ancestors. Yet it was a great land.

Now, what is the fact in respect to the Philippine Islands? Ninety per cent of the animals that are used for farming over there are dead. What else? They have had cholera. A hundred thousand of those 10,000,000 people are dead from that epidemic in the last ten months. What else? They have had almost four years of war and brigandage, and now at last have order and a degree of civil and military government under the Army and under the Taft Commission. I will not stop here to bring up what has happened in other days. I will not stop here to say what has been said on this floor in former Congresses in the House and in the Senate. I will not stop to charge that such criticism as came from that side and the similar side in the Senate, perchance, continued the war and helped to bring about a part of this condition. That is not necessary. That is past, and although your political handbooks teemed with cries of imperialism there was not one of you who was brave enough, when you met your patriotic citizens in the last campaign, to act up to that handbook and your criticisms in the House and in the Senate during the last session of Congress—not one. [Applause on the Republican side.]

Yes, willing to do it; think maybe it had better be cut down to a million and a half; but so afraid that the words "public works" might enable Taft, while he was keeping them from becoming paupers and preserving their manhood, to do some work that might be to the benefit of some rich man or some corporation. you would rather nothing should be done. My heavens! I would rather they would carry bricks a hundred feet and carry them back again, if they are able, and render some equivalent if they are able to do it, than to have it for nothing. And gentlemen are afraid of railroads. I struck out railroads, because I knew that to some of my friends railroads were like water to a mad dog.

I do not think you can build any railroads with this appropriation. I think the gentleman from Indiana is right upon that proposition. However, I would be glad if by a liberal grant of land—and nearly all the lands in the Philippine Islands are public lands—and by all proper encouragement, private capital could be invested and a railroad could split open every island of the archipelago. Then civilization would go on at a greatly accelerated pace. I am not afraid of the development of the country or the construction of railroads, but we can take care of that. First, the Commission reports this condition and the recommendation comes. I have a letter in addition to that from Governor Taft, written within the last two months, showing that the condition is quite up to the report and probably worse. I have not had it read. The report is sufficient. Other gentlemen have received letters to the same effect. I ask this side of the House and that side of the House to stop haggling and criticising and splitting hairs, and I ask them to vote down the amendment of the gentleman from Virginia, and adopt the amendment I had the honor to offer, striking out the railroads and providing for a report to the Secretary of War. Let us move on, then, with the consideration of the bill. I am ready for a vote. [Applause on the Republican side.]

Mr. ROBINSON of Indiana. Mr. Chairman, I want to ask the gentleman's interpretation of the distress existing over there. Here is one case to which I call his attention:

A Filipino business house in the city of Manila owns several plantations. On one of these plantations they have for years employed 30,000 Philippine laborers. They had about 12,000 carabaos, of which all but 50 were swept away within the past year.

Would these people obtain part of this appropriation?

Mr. CANNON. I do not know whether they would or not, but they would or would not in the sound judgment of Governor Taft and the Commission, either by gift or sale. We made it broad enough and gave them plenary discretion in the premises. I do not know about the case to which the gentleman refers. If it was apt to give it to them and it would relieve more distress that way than any other, or to sell to them, I have no doubt that Governor Taft and the Commission would properly perform their duty.

The CHAIRMAN. The Chair will state that debate on the paragraph is now closed.

Mr. McRAE. Mr. Chairman, I ask unanimous consent to say just a few words.

Mr. CANNON. I hope consent will be granted. The gentleman is a member of the subcommittee that prepared this bill.

Mr. McRAE. A couple of minutes will do me.

The CHAIRMAN. The gentleman asks unanimous consent that he be allowed to proceed for two minutes. Is there objection?

There was no objection.

Mr. McRAE. Mr. Chairman, I hope the amendment to reduce this appropriation will not be adopted. It ought to be voted down. The limitations proposed by the chairman of the committee are entirely proper, and with those limitations I hope that this side of the House will be satisfied and will support this appropriation. I regret that we have to do it, as all of us must regret it, but this is a distress call for relief. The only medium through which we could get information—the Commission and the Secretary of War—have emphasized the necessity for this relief, and we can not afford, in the face of such distress like this, I say to my friends on this side, to refuse our support, and I hope that both sides of this House will give the relief asked for by those who are in a position to know what is needed.

Mr. WILLIAMS of Illinois. As the gentleman is on the committee, I should like to ask him this question: Has any request ever come from the Commissioners of the Philippine Islands for this appropriation?

Mr. McRAE. I understand it has, and that emphatically.

Mr. WILLIAMS of Illinois. I have not been able to find it.

The CHAIRMAN. The time for debate has expired. The question is on the amendment to the amendment offered by the gentleman from Virginia [Mr. JONES].

The question being taken, on a division demanded by Mr. JONES of Virginia, there were—ayes 21, noes 56.

Accordingly the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Illinois [Mr. CANNON].

The amendment was agreed to.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose, and Mr. DALZELL having taken the chair as Speaker pro tempore, a message from the President of the United States, by Mr. BARNES, one of his secretaries, announced that the President had approved and signed bill and joint resolution of the following titles:

On February 11, 1903:

H. J. Res. 184. Joint resolution requesting State authorities to cooperate with Census Office in securing a uniform system of birth and death registration; and

H. R. 14899. An act to amend an act entitled "An act to incorporate The National Florence Crittenton Mission."

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For continuing the establishment in the vicinity of Manilla, P. I., of a military post, including the construction of barracks, quarters for officers, hospital, storehouses, and other buildings, as well as water supply, lighting, sewerage, and drainage necessary for the accommodation of a garrison of two full regiments of infantry, two squadrons of cavalry, and two batteries of artillery, to be immediately available, $1,000,000.

Mr. JONES of Virginia. Mr. Chairman, I make a point of order against that paragraph. My point of order is that there is no existing law authorizing this expenditure. I do not know of any act of Congress which provides for the establishment of a military post in the Philippine Islands. My recollection of the matter is that there was in some appropriation bill an item of this sort, appropriating $500,000 for a military post in the Philippines, but that it went out on a point of order, and that the gentleman from Illinois then offered an amendment of an entirely different character, not an amendment providing for the establishment of a military post. Unless there is some subsequent act of Congress which the gentleman can cite me to, I think that this point is well taken.

Mr. CANNON. I read as follows:

For the establishment in the vicinity of Manila, Philippine Islands, of a military post, including construction of barracks, quarters for officers, hospital, storehouses, and other buildings, as well as water supply, lighting, sewerage, and drainage, necessary for the accommodation of a garrison of two full regiments of infantry, two squadrons of cavalry, and two batteries of artillery, to be available until expended, $500,000.

Expressly established. The appropriation not limited, and it is a continuation.

Mr. JONES of Virginia. Am I to understand that the item passed the House in the form of the amendment introduced and that it was changed in the Senate?

Mr. CANNON. I do not recollect about that. It is the law.

Mr. JONES of Virginia. The gentleman knows very well, and I know he does not want to be disingenuous about this. I think the gentleman does remember distinctly that the $500,000 reported by his committee went out on a point of order, and that he introduced it as an amendment in another form and that he afterwards criticised the Democrats for not wanting to vote, as he alleged, to provide for the comfort of our soldiers in the Philippines. The gentleman can not have forgotten this.

Mr. CANNON. I recollect that was on a bill pending in the House. I thought that they ought to be criticised; and when they bared their skin, to be switched a little, I did switch them twice to the best of my ability; but this is like I have read.

The CHAIRMAN. The Chair is of opinion that the paragraph is in order, and therefore overrules the point of order.

Mr. GAINES of Tennessee. Mr. Chairman, the President, December 2, 1902, said to Congress:

No policy ever entered into by the American people has vindicated itself in more signal manner than the policy of holding the Philippines.

We have just passed a provision appropriating three millions to remove distress of the people in the Philippine Islands. We are now appropriating $1,000,000 to build a military post. Four million at a clip—because "holding the Philippines." As to what else this bill carries, or will carry before we get through with it, I do not know. It is hard to tell.

This reminds me of a conversation, almost a prophecy, that I had with the governor of Ceylon, Mr. Ridgeway, the well-known and able governor of the Crown colony of Ceylon, said to be one of the best-regulated colonies that England has. I wrote it out a few minutes after it occurred.

I shall read my notes:

On August 23, 1901, I called on the governor of Ceylon, Mr. Ridgeway. He said: "I see your Congressional party is going to the Philippines to investigate conditions there." "Yes," I replied; "not as a committee, but as individual members of Congress."

The governor then said:

"What," asked he, "are you going to do with them—give them autonomy, home rule, or hold them as, what we call, a crown colony? I do not see what you want with them; they will be a great nuisance to you, an everlasting and

unprofitable expense, and force you to police and protect it with a large army and navy at an enormous expense of money, life, and tropical disease, and your people will soon get tired of all that.

"Then, your Constitution is in direct conflict with colonialism, your form of government is opposed to colonies, and your people will never mix with them. Instead of being a source of strength to you, it really weakens your Government; this spreading out of your territory in this way lessens your strength in war, and lays you open to wars and all sorts of complications you would otherwise avoid.

"Why, if any war against the United States arose with, say, England or any strong country on this part of the globe, these islands would be first attacked; we would just go right over and take them. These islands are incapable of self-defense. You must defend them all the time, and as they are so far away from the base of supplies they amount to a weakness to your country, a constant menace and nuisance.

"You are not, as England is, cramped for room for your people; you have lots."

Now, I have a similar statement, Mr. Chairman, from a distinguished English military officer—a colonel.

Mr. CANNON. Will the gentleman allow me to ask him a question?

Mr. GAINES of Tennessee. Certainly.

Mr. CANNON. Is he reading from Genesis or Revelations or Job?

Mr. GAINES of Tennessee. I observe it is a revelation to the gentleman from Illinois. [Laughter.] Nothing unusual, either.

Now, Mr. Chairman, I am not criticising this million-dollar item. It is a necessity. It is understood they need this. Our boys are there rotting, and our people must go there because we are "holding the Philippines," and we are now paying for the "holding."

Now, here is this governor of Ceylon, whose prophecy is almost literally fulfilled, although it has been to a tenfold greater ratio than he portrayed it.

It is a prophecy which I had made in protesting against our colonialism—"holding the Philppine Islands." Read Governor Taft's letter, read Secretary Root's report, and then read Governor Ridgeway's words, and see how they tally.

Now, this measure is giving the government over there the power to build "government roads," a thing that the gentleman has not favored so far for our own people; but is giving them the opportunity there of building government roads. For what? To put the people to work.

Now, I have here an official document from Governor Taft, part of the last war report, showing that there was built 32 miles of road, such as the Benguet road, and that it cost $116,000 of United States money to do so. They made a "wagon way," the report says, and worked six months. It cost them that amount of money to build 32 miles of wagon road which is nothing more than a mere pathway; and this was one road only. That is the way they build roads in the Philippine Islands—to put the people to work.

Now, we ought to give them a homestead and we ought to open up the 70,000,000 acres that the Government has of public lands in the Philippine Islands. Let us give them that mule—and I believe we have all heard about that mule—and really give them a mule, and really give them a farm and tools and seed, food and raiment, really give them something to do and put them at it. Do not adopt our unfortunate Indian policy. The church, the United States, and a few rich men in the Philippine Islands own the land. The masses have no land. Give it to them and at once. They are an agricultural people.

Now, Mr. Chairman, we have got to build a big navy there.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES of Tennessee. I move to strike out the last two words.

Mr. CANNON. I object.

Mr. GAINES of Tennessee. Just a moment. The present naval bill carries, I am told, $30,000,000 increase, caused by "holding to the Philippine Islands"—going to the other side of the world.

Mr. CANNON. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TAWNEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 17202, the sundry civil appropriation bill, and had come to no resolution thereon.

AMENDING SECTION 3394, REVISED STATUTES, RELATING TO TOBACCO.

Mr. STEELE, from the Committee on Ways and Means, submitted a privileged report on House bill 16457, to amend section 3394 of the Revised Statutes of the United States, relating to tobacco; which was ordered printed, and referred to the Committee of the Whole House on the state of the Union.

ORDER OF BUSINESS.

Mr. SULLOWAY. Mr. Speaker, as gentlemen are well aware, to-morrow is set aside for business on the Private Calendar under the rule. I am informed that it is desired by members on both sides to go on with the business that has been under consideration to-day, the sundry civil bill, and I ask unanimous consent that Saturday be substituted for to-morrow for business on the Private Calendar.

The SPEAKER. The gentleman from New Hampshire asks that Saturday be substituted for to-morrow for business on the Private Calendar. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

DEPARTMENT OF COMMERCE AND LABOR.

The SPEAKER laid before the House a concurrent resolution of the Senate; which the Clerk read, as follows:

Senate concurrent resolution 65.

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill (S. 569) to establish the department of commerce and labor the Committee on Enrolled Bills be authorized to insert in line 12 of the third paragraph of section 6, after the word "interstate," the word "commerce."

The resolution was agreed to.

On motion of Mr. HEPBURN, a motion to reconsider the vote whereby the motion was agreed to was laid on the table.

VALDEMAR POULSEN.

The SPEAKER laid before the House the bill (H. R. 13307) for the relief of Valdemar Poulsen with a Senate amendment.

The Senate amendment was read.

Mr. SULZER. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

On motion of Mr. SULZER, a motion to reconsider the last vote was laid on the table.

EXTENDING HOMESTEAD LAWS IN ALASKA.

The SPEAKER laid before the House the bill (H. R. 12098) to amend section 1 of the act of Congress approved May 14, 1898, entitled "An act extending the homestead laws and providing for a right of way for railroads in the district of Alaska," with a Senate amendment, which was read.

Mr. LACEY. Mr. Speaker, I ask unanimous consent that the amendment of the Senate be nonconcurred in, and that the House ask for a conference.

Mr. LOUD. Mr. Speaker, I do not desire to insist on a point of order, although I think the bill is subject to a point of order.

Mr. LACEY. There is no doubt about that.

Mr. LOUD. I ask the gentleman from Iowa to let the bill go over. It is a very long amendment, affecting some of our people, and I ask that it be allowed to go over.

The SPEAKER. Without objection, the bill will go over.

Mr. LACEY. And retaining its place upon the Speaker's table.

The SPEAKER. It will retain its place upon the Speaker's table.

There was no objection.

BRIDGE ACROSS THE MISSOURI RIVER IN SOUTH DAKOTA.

The SPEAKER laid before the House the bill (S. 6961) to authorize the construction of a bridge across the Missouri River between the city of Chamberlain, in Brule County, and Lyman County, in the State of South Dakota.

The Clerk read the bill at length.

The bill was ordered to be read a third time, was read the third time, and passed.

REGULATION OF COMMERCE WITH FOREIGN NATIONS AND AMONG THE STATES.

Mr. SHACKLEFORD. Mr. Speaker, I understand that the report on the bill S. 7053, the so-called Elkins bill, has been filed, and I desire in behalf of the minority to submit the minority views.

The SPEAKER. The gentleman has a right to do that, and it will go on the same Calendar with the majority report.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 16534. An act granting an increase of pension to James H. Durham;

H. R. 7110. An act granting an increase of pension to Aurelia M. Powers;

H. R. 10678. An act for the relief of the Florida Brewing Company;

H. R. 16731. An act permitting the town of Montrose, Colo., to enter 160 acres of land for reservoir and water purposes;

H. R. 3504. An act granting an increase of pension to Grace A. Negley;

H. R. 10095. An act for the relief of Levi L. Reed;

H. R. 8663. An act to remove the charge of desertion from the

military record of Charles F. Woodford and grant him an honorable discharge;

H. R. 5101. An act granting an increase of pension to Benjamin Contal;

H. R. 15911. An act granting an increase of pension to George N. McMurry;

H. R. 12952. An act authorizing the Secretary of the Interior to issue patent to the Rockford Cemetery Association to certain lands for cemetery purposes;

H. R. 9107. An act granting a pension to Austin A. Vore;

H. R. 10355. An act granting an increase of pension to William W. Smithson;

H. R. 12411. An act granting an increase of pension to Joseph Bart;

H. R. 7642. An act providing for the holding of terms of the circuit and district courts of the United States at Kansas City, Kans., and for other purposes;

H. R. 10672. An act granting an increase of pension to Ada S. Kaempfer;

H. R. 15400. An act granting an increase of pension to Enos Turner;

H. R. 14845. An act granting a pension to Margaret Snyder;

H. R. 6332. An act granting a pension to Michael Conlon;

H. R. 15757. An act granting a pension to Frances C. Broggan; and

H. R. 14164. An act for the relief of Charles W. Carr.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 7185. An act to authorize the board of commissioners for the Connecticut bridge and highway district to construct a bridge across the Connecticut River at Hartford, in the State of Connecticut;

S. 7159. An act authorizing the Memphis, Helena and Louisiana Railway Company to construct and maintain a bridge across St. Francis River, in the State of Arkansas;

S. 5678. An act providing for the record of deeds and other conveyances and instruments of writing in the Indian Territory, and for other purposes; and

S. 7223. An act to authorize the Pittsburg, Carnegie and Western Railroad Company to construct, maintain, and operate a bridge across the Allegheny River.

LEAVE TO PRINT.

By unanimous consent, at the request of Mr. HENRY of Texas, Mr. WOOTEN was given five days longer than the five days heretofore fixed for printing remarks on the trust bill, he being unavoidably absent.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. GIBSON was given leave to withdraw from the files of the House, without leaving copies, the papers in the case of John H. Roberts, Fifty-seventh Congress, no adverse report having been made thereon.

Mr. GARDNER of Massachusetts, by unanimous consent, was given leave to withdraw all papers from the House Committee on Invalid Pensions connected with the bill S. 5931, the bill having passed the Senate and not having been adversely reported upon in the House.

And then (at 5 o'clock and 17 minutes), on motion of Mr. PAYNE the House adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the sloop *Sally Mariah*, John Sells, master, against The United States; to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of John H. Vaught, administrator of estate of John Sullivan, against The United States; to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of A. J. Williford, administrator of estate of Lavina Williams, against The United States; to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of R. Gray Williams, administrator of estate of Israel Cobourn, against The United States; to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of G. D. Hearn, administrator of estate of William McK. Hall, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Asa Atkins, administrator of estate of James M. Atkins, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Duncan Darroch, administrator of estate of Daniel Darroch, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the treasurer of the Washington, Alexandria and Mount Vernon Railway Company, transmitting the report for the year ended December 31, 1902—to the Committee on the District of Columbia, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. GRAHAM, from the Committee on the Territories, to which was referred the bill of the House (H. R. 16505) to so amend section 64 of "An act to provide a government for the Territory of Hawaii" as to remodify certain sections of the election law of said Territory, reported the same with amendments, accompanied by a report (No. 3762); which said bill and report were referred to the House Calendar.

Mr. COOPER of Texas, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 17157) authorizing the Secretary of Agriculture to gather statistics relating to the production of cotton and wheat, and raising revenue to defray the expense thereof, reported the same with amendments, accompanied by a report (No. 3763); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 16278) to authorize the construction of a telephone line from the mainland to Plum Island, thence to Washington Island, Wisconsin, in aid of the preservation of life and property, reported the same with amendments, accompanied by a report (No. 3764); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the Senate (S. 7053) to further regulate commerce with foreign nations and among the States, reported the same with amendments, accompanied by a report (No. 3765); which said bill and report were referred to the House Calendar.

Mr. STEELE, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 16457) to amend section 3394 of the Revised Statutes of the United States, relating to tobacco, reported the same with amendment, accompanied by a report (No. 3766); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 4812) granting a pension to Addison Arnold, reported the same without amendment, accompanied by a report (No. 3755); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6373) granting an increase of pension to Joseph D. Lockhart, reported the same without amendment, accompanied by a report (No. 3756); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6653) granting a pension to Halvor Paulsen, reported the same with amendment, accompanied by a report (No. 3757); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to

which was referred the bill of the Senate (S. 7186) granting a pension to Mary C. Couch, reported the same without amendment, accompanied by a report (No. 3758); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 7277) granting an increase of pension to Elbert H. Dagnall, reported the same without amendment, accompanied by a report (No. 3759); which said bill and report were referred to the Private Calendar.

Mr. MONDELL, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 5879) to remove the charge of desertion from the army record of Eli Hibbard, submitted the views of the minority, to accompany report (No. 3658, part 2); which said views were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. ROBERTSON of Louisiana: A bill (H. R. 17390) to authorize the construction of a bridge across Bogue Chitto, in the parish of Washington, State of Louisiana—to the Committee on Interstate and Foreign Commerce.

By Mr. HAY: A bill (H. R. 17391) to fix the rank of certain officers of the Army—to the Committee on Military Affairs.

By Mr. SHOWALTER: A bill (H. R. 17392) to provide for the purchase of a site upon which to erect a post-office building at Butler, in the State of Pennsylvania—to the Committee on Public Buildings and Grounds.

By Mr. LACEY: A bill (H. R. 17393) to authorize registers and receivers of United States land offices to furnish transcripts of their records to individuals—to the Committee on the Public Lands.

By Mr. BRANTLEY: A bill (H. R. 17394) for survey and estimate of cost of improving St. Marys River, Georgia—to the Committee on Rivers and Harbors.

By Mr. STEPHENS of Texas: A bill (H. R. 17395) requiring mail carriers on star routes to take all mail deposited in roadside boxes and mail it in the nearest post-office along the route—to the Committee on the Post-Office and Post-Roads.

By Mr. BARTLETT: A resolution (H. Res. 445) to pay to Mrs. John L. Sheppard the sum of $35.47—to the Committee on Accounts.

By Mr. MONDELL: A joint resolution of the legislature of Wyoming, indorsing the irrigation investigation of the United States Department of Agriculture—to the Committee on Agriculture.

By Mr. GARDNER of Massachusetts: A resolution by the Commonwealth of Massachusetts, relative to Castle Island—to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. GIBSON: A bill (H. R. 17396) granting an increase of pension to James W. Hall—to the Committee on Invalid Pensions.

By Mr. JOY: A bill (H. R. 17397) granting an increase of pension to Ida J. Peixotto—to the Committee on Pensions.

By Mr. THOMAS of North Carolina: A bill (H. R. 17398) for the relief of Eleanor B. Cayton—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BURKETT: Petition of the United Presbyterian Church of Dunbar, Nebr., for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. CANNON: Resolutions of the Trades and Labor Council and of Cigar Makers' Union No. 80, both of Danville, Ill., favoring House bill 16457, relating to gifts in connection with the sale of tobacco and cigars—to the Committee on Ways and Means.

By Mr. CAPRON: Resolutions of the Central Trades and Labor Union and Freight Handlers' Union No. 7556, of Providence, R. I., for the repeal of the desert-land law and the commutation clause of the homestead act—to the Committee on the Public Lands.

By Mr. CONNELL: Resolutions of the legislative board of the Brotherhood of Railroad Trainmen of Pennsylvania in favor of the passage of the Foraker safety-appliance bill—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the same, in favor of House bill 15990, known as the employers' liability bill—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the same, urging the passage of the Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. DALZELL: Resolutions of the Chamber of Commerce of Pittsburg, Pa., favoring increased trade relations with Canada—to the Committee on Ways and Means.

Also, resolutions of the same, favoring the purchase of military camp site at Somerset, Pa.—to the Committee on Military Affairs.

Also, resolutions of Philadelphia Association of Union ex-Prisoners of War, asking for additional pension legislation—to the Committee on Invalid Pensions.

Also, resolutions of Pittsburg Lodge, No. 110, Sons of Benjamin, Pittsburg, Pa., against the exclusion of Jewish immigrants at the port of New York—to the Committee on Immigration and Naturalization.

By Mr. DAYTON: Petition of 20 citizens of Fairmont, W. Va., for the improvement of the Ohio River—to the Committee on Rivers and Harbors.

By Mr. DOUGLAS: Resolution of the Maritime Association of the Port of New York, in reference to House bill No. 16876, to provide a United States naval reserve—to the Committee on Naval Affairs.

By Mr. DRAPER: Circular of National Convention of Insurance Commissioners, relating to the need of legislation to deny use of United States mails to unworthy and unauthorized insurance companies—to the Committee on the Post-Office and Post-Roads.

By Mr. ESCH: Resolutions of the American Chamber of Commerce, of Paris, France, in favor of the adoption of the metric system in the United States—to the Committee on Coinage, Weights, and Measures.

By Mr. GIBSON: Petition of James W. Hall, of Company L, Second Tennessee Cavalry Volunteers, for a pension—to the Committee on Invalid Pensions.

By Mr. GILL: Petition of 26 citizens of Hamilton, Ohio, for the improvement of the Ohio River—to the Committee on Rivers and Harbors.

By Mr. GRAHAM: Petition of National Convention of Insurance Commissioners, relating to the need of legislation to deny the use of United States mails to unworthy and unauthorized insurance companies—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the legislative board of the Brotherhood of Railroad Trainmen, favoring the Foraker safety appliance bill—to the Committee on Interstate and Foreign Commerce.

By Mr. JACK (by request): Petition of W. F. Pauley and 4 other druggists of Apollo, Pa., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, petition of the Woman's Christian Temperance Union of Glen Campbell, Pa., for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings, etc.—to the Committee on Alcoholic Liquor Traffic.

Also, petition of the Woman's Christian Temperance Union of Apollo, Pa., in favor of an amendment to the Constitution defining legal marriage to be monogamic, etc.—to the Committee on the Judiciary.

Also, petition of the United Presbyterian Congregation of Freeport, Pa., in support of the McCumber bill and in relation to the sale of liquor in immigrant stations, Government buildings, etc.—to the Committee on Alcoholic Liquor Traffic.

By Mr. McCLEARY: Petition of citizens of the Second Congressional district of Minnesota and letter of C. E. Hamilton, of Bellingham, Minn., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, petition of E. J. Phelps, of Minneapolis, Minn., in favor of the good-roads bill—to the Committee on Agriculture.

By Mr. MORRELL: Resolutions of the legislative board of the Brotherhood of Railroad Trainmen of Pennsylvania, in favor of House bill 15990, known as the employers' liability bill; also favoring the Foraker safety-appliance bill—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the same, favoring the Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. NEVILLE: Petitions of Connell Brothers, R. L. Phelps, and other citizens of Daws County, Nebr., protesting against leasing of public lands—to the Committee on the Public Lands.

Also, petition of Frank Iams and other citizens of Howard County, Nebr., urging the passage of House bill 16656—to the Committee on Ways and Means.

By Mr. REEDER: Petition of Methodist Episcopal Church conference of Beloit circuit, Kansas, to prohibit liquor selling in

Government buildings, etc.—to the Committee on Alcoholic Liquor Traffic.

By Mr. HENRY C. SMITH: Petition of citizens of Plymouth, Mich., in favor of Senate bill 909, providing for the extension of the free mail delivery service—to the Committee on the Post-Office and Post-Roads.

Also, resolution of Joseph R. Smith Post, No. 76, Grand Army of the Republic, Monroe, Mich., favoring the passage of House bill 10784, for a monument to the soldiers who fell in the battle of River Raisin in the war of 1812 and 1813—to the Committee on the Library.

By Mr. STARK: Resolutions of the Blue Valley Division, No. 343, Order of Railway Conductors, Fairbury, Nebr., in favor of the Foraker safety-appliance bill—to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER: Petition of Woman's Christian Temperance Union and citizens of Angelica, N. Y., against repeal of the anti-canteen law—to the Committee on Military Affairs.

By Mr. THOMAS of North Carolina: Paper to accompany House bill relating to the claim of Mrs. Eleanor B. Cayton—to the Committee on War Claims.

By Mr. YOUNG: Resolution of legislative board of the Brotherhood of Railroad Trainmen of Pennsylvania, favoring Senate bill 3560, known as the Foraker safety-appliance bill—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Philadelphia Maritime Exchange, favoring a survey for a 30-foot channel improvement for the Delaware River at Philadelphia—to the Committee on Rivers and Harbors.

SENATE.

FRIDAY, *February 13, 1903.*

General WILLIAM BOOTH, of the Salvation Army, offered the following prayer:

O Lord God, our Heavenly Father, maker, sustainer, and governor of all things, we, Thy servants, the work of Thy hands, come into Thy presence this morning to supplicate Thy blessing upon ourselves, upon those dependent upon us, and the world round about us.

We acknowledge before Thee our obligations for all the good things that we enjoy. Thy goodness and Thy mercy have followed each one of us all the days of our lives, and are flowing around us at the present moment. Thou hast not only made us, but fed us and clothed us and housed us and befriended us and provided ways and means by which, though we may have fallen from Thy sight and given ourselves up to the doing of things that have brought down upon ourselves the exposure to Thy just displeasure, yet Thou hast made a wonderful way and a wonderful contrivance by which we can be regulated, can be saved, and can be rescued from the circumstances in which we find ourselves. Thou hast made salvation and happiness, goodness and truth and love possible to us here and possible to us in the world to come.

We thank Thee, we adore Thee, we worship Thee. We not only acknowledge our obligation, but we desire to make some suitable response to it. In what we feel in our innermost hearts, in what we think about these matters, no response can be accepted by Thee but what is to be satisfactory to our own conscience and our own judgment here and hereafter by the rendering of ourselves up as willing sacrifices and the carrying out of Thy wishes and the doing of Thy blessed will.

We thank Thee that Thou hast made it possible for each one of us, when we pray as individuals, to feel the light and truth and power of Thy holy Spirit, and that through the sacrifices of our Lord we may not only see what we ought to do, but be directed through it not only to begin but to finish, that we may have satisfaction in the last moments of earth and not be discouraged.

And now, Lord, we pray for this great nation, for this great heart of hearts of this mighty country—the very center of its activities; the place where it exercises its power and its strength. We pray for Thy blessings on this great nation. We thank Thee for all Thy goodness to it, and we pray that Thy blessing may be continued to it, and that through Thy loving-kindness it may be not only great and capable of promoting the highest possible degree of happiness and well-being of its own people, but that it may by Thy great grace be made a great power in the world, and make a glorious stand for righteousness and truth and peace and happiness among the nations.

To this end we pray for Thy servant who at the present time is placed at its head; for him and for his family and for all associated with him; that he may have wisdom and benevolence and courage to enable him to discharge the great and solemn duties that have devolved upon him.

We pray Thy blessing for the men who sit in this and the adjacent Chamber, that the men here will reason, that the men here will think, that the men here will plan, that the men here will seek only compliance in those measures and opinions which are wisest and best. Oh, may they seek Thy wisdom, and may they rely on Thy great arm, and may the results of their deliberations end in the direction of Thy glory and the good of mankind. Remember the peoples that are more or less influenced by them, and while they are considering matters that are for the welfare of this great people, may they not only consider those who are so circumstanced and environed as to be able to secure those conditions of life that are essential to health and morality and religion, but may they remember those who have perhaps, properly speaking, no representative to voice their sorrows and their toils and their cares. Remember, in Thy infinite mercy, these poor and lost members of the community, and may Thy blessing be upon us all.

May we do our work, may we do it well, may we do it with satisfaction to our own consciences and satisfaction to our laws, so that when we meet again we shall meet in the center of the government of the universe before the great throne, and we may have the satisfaction of hearing Thee say to us individually and to those we love, our families, wives, and children, "Well done, good and faithful servants, enter thou into the joy of Thy Lord." For Jesus Christ's sake, our Saviour, who saves us now and all the time, and evermore. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved, if there be no objection. It is approved.

Mr. BACON. Mr. President, I ask that the prayer which was delivered in this Chamber this morning may be included in the RECORD of to-day's proceedings.

The PRESIDENT pro tempore. It will be done.

WASHINGTON, ALEXANDRIA AND MOUNT VERNON RAILWAY.

The PRESIDENT pro tempore laid before the Senate the annual report of the Washington, Alexandria and Mount Vernon Railway Company for the fiscal year ended December 31, 1902; which was referred to the Committee on the District of Columbia, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 6961) to authorize the construction of a bridge across the Missouri River between the city of Chamberlain, in Brule County, and Lyman County, in the State of South Dakota.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 13307) for the relief of Valdemar Poulssen.

The message further announced that the House had agreed to the concurrent resolution of the Senate to correct an error in the enrollment of the bill (S. 569) to establish the department of commerce and labor.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 5678) providing for the record of deeds and other conveyances and instruments of writing in the Indian Territory, and for other purposes;

A bill (S. 7159) authorizing the Memphis, Helena and Louisiana Railway Company to construct and maintain a bridge across St. Francis River, in the State of Arkansas;

A bill (S. 7185) to authorize the board of commissioners for the Connecticut bridge and highway district to construct a bridge across the Connecticut River at Hartford, in the State of Connecticut;

A bill (S. 7226) to authorize the Pittsburg, Carnegie and Western Railroad Company to construct, maintain, and operate a bridge across the Allegheny River;

A bill (H. R. 3504) granting an increase of pension to Grace A. Negley;

A bill (H. R. 5101) granting an increase of pension to Benjamin Contal;

A bill (H. R. 6332) granting a pension to Michael Conlon;

A bill (H. R. 7110) granting an increase of pension to Aurelia M. Powers;

A bill (H. R. 7642) providing for the holding of terms of the circuit and district courts of the United States at Kansas City, Kans., and for other purposes;

A bill (H. R. 8663) to remove the charge of desertion from the military record of Charles F. Woodford and grant him an honorable discharge;

A bill (H. R. 9107) granting a pension to Austin A. Vore;

A bill (H. R. 10095) for the relief of Levi L. Reed;
A bill (H. R. 10355) granting an increase of pension to William W. Smithson;
A bill (H. R. 10672) granting an increase of pension to Ada S. Kaempfer;
A bill (H. R. 10678) for the relief of the Florida Brewing Company;
A bill (H. R. 12411) granting an increase of pension to Joseph Bart;
A bill (H. R. 12952) authorizing the Secretary of the Interior to issue patent to the Rockford Cemetery Association to certain lands for cemetery purposes;
A bill (H. R. 14164) for the relief of Charles W. Carr;
A bill (H. R. 14845) granting a pension to Margaret Snyder;
A bill (H. R. 15400) granting an increase of pension to Enos Turner;
A bill (H. R. 15757) granting a pension to Frances C. Broggan;
A bill (H. R. 15911) granting an increase of pension to George N. McMurry;
A bill (H. R. 16534) granting an increase of pension to James H. Durham; and
A bill (H. R. 16731) permitting the town of Montrose, Colo., to enter 160 acres of lands for reservoir and water purposes.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented a petition of the Maritime Association of the Port of New York, praying for the enactment of legislation providing for the enrollment and organization of a United States naval reserve; which was referred to the Committee on Naval Affairs.

He also presented petitions of Local Union No. 93, of Rochester; of Local Union No. 71, of Rochester; of Theatrical Protective Union No. 1, of New York; of Local Union No. 153, of Auburn, and of Local Union No. 434, of Brooklyn, all of the American Federation of Labor, in the State of New York, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented petitions of sundry citizens of Yonkers, Poughkeepsie, Mount Kisco, New York, Rochester, Naples, Utica, Waverly, Brooklyn, Union Springs, Olean, Herkimer, Cazenovia, and Goldens Bridge, all in the State of New York; of sundry citizens of Port Deposit, Md.; of sundry citizens of Dorchester, Lowell, Somerville, Boston, and Fall River, all in the State of Massachusetts; of sundry citizens of Long Branch City and Bordentown, in the State of New Jersey; of sundry citizens of Winsted, Conn.; of sundry citizens of Ada, Ohio; of sundry citizens of Ionia and Port Huron, in the State of Michigan; of sundry citizens of Milton Mills, N. H., Saco, Me., Clear Lake, Iowa, Nebraska City, Nebr., Fayette, Iowa, Baldwin, Kans., and Kinsey, Ala.; of sundry citizens of Jacksonville, Fairbury, and Henry, in the State of Illinois; of sundry citizens of Providence, R. I.; of sundry citizens of Philadelphia, Wilkesbarre, Sayre, and Williamsport, in the State of Pennsylvania; and of sundry citizens of Dunkirk, Indianapolis, and South Bend, in the State of Indiana, praying for the enactment of legislation to recognize and promote the efficiency of chaplains in the Navy; which were referred to the Committee on Naval Affairs.

Mr. FOSTER of Washington presented a memorial of sundry citizens of the State of Washington, remonstrating against the enactment of legislation relative to the interstate transportation of live stock; which was referred to the Committee on Interstate Commerce.

Mr. DRYDEN presented the memorial of Rev. Henry S. Butler, of Blairstown, New Jersey, and the memorial of William R. James and sundry other members of the Woman's Christian Temperance Union, of Hoboken, N. J., remonstrating against the repeal of the present anticanteen law; which were referred to the Committee on Military Affairs.

He also presented the memorial of George W. Harper, of Princeton, N. J., remonstrating against the enactment of legislation relative to the interstate transportation of live stock; which was referred to the Committee on Interstate Commerce.

He also presented a petition of Local Council No. 104, Daughters of Liberty, of Morristown, N. J., praying for the passage of the immigration bill; which was ordered to lie on the table.

He also presented the petition of Edward H. Holmes, of Montclair, N. J., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in immigrant stations; which was ordered to lie on the table.

He also presented petitions of Morris Lodge, No. 447, International Association of Machinists, of Dover; of Silk City Lodge, No. 188, International Association of Machinists, of Paterson, and of Local Union No. 193, Metal Polishers, Buffers, Platers, Brass Molders, and Brass Workers, of Jersey City, all in the State of New Jersey, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented the memorial of C. B. Coles & Son, of Camden, N. J., remonstrating against the passage of the so-called eight-hour bill; which was ordered to lie on the table.

He also presented petitions of P. S. Van Anglen, and of E. B. Voorhees, of New Brunswick, in the State of New Jersey, and of John Lucas & Co., of Philadelphia, Pa., praying for the passage of the pure-food bill; which were ordered to lie on the table.

He also presented petitions of Henry Hellegers, of Passaic; of Silk City Lodge, No. 188, International Association of Machinists, of Paterson, and of Local Union No. 325, United Brotherhood of Carpenters and Joiners, of Paterson, all in the State of New Jersey, praying for the repeal of the desert-land law and the commutation clause of the homestead act; which were referred to the Committee on Public Lands.

He also presented petitions of J. P. Ammerman, of Delaware; of J. W. Paul, of Haddon Heights; of J. L. Rusbridge, of Haddon Heights; of W. C. Gorman, of Montclair; of F. Gordon Smith, of Montclair, and of the Young Men's Christian Association of Montclair, all in the State of New Jersey, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in immigrant stations and Government buildings; which were referred to the Committee on Public Buildings and Grounds.

He also presented the petition of William C. Cole, of Moorestown, N. J., praying for the enactment of legislation granting to the States power to deal with intoxicating liquors which may be shipped into their territory from other States; which was referred to the Committee on Interstate Commerce.

Mr. HOAR presented a petition of sundry citizens of the United States, praying for the adoption of certain amendments to the Chinese-exclusion law; which was referred to the Committee on Immigration.

He also presented a petition of sundry presidents and professors of colleges in the United States, praying that a committee be appointed to inquire into conditions in the Philippines, so that the American people may know exactly what is the state of affairs in those islands; which was referred to the Committee on the Philippines.

Mr. DANIEL presented the petition of Charles W. Straughan, of Virginia, praying that an investigation be made into the operations of the civil-service law, relative to appointments in the Government Printing Office; which was referred to the Committee on Civil Service and Retrenchment.

REPORTS OF COMMITTEES.

Mr. PRITCHARD, from the Committee on Privileges and Elections, submitted the views of the minority dissenting from the adverse report of the majority of that committee on the various resolutions referred to the committee for the payment of unpaid balance of salary due certain former Senators, the terms of some of whom began on March 4, 1867, and of others on March 4, 1869, and assenting to the various favorable reports heretofore made by the Committee on Privileges and Elections and the Committee to Audit and Control the Contingent Expenses of the Senate upon similar resolutions; which was ordered to be printed to accompany report No. 2996.

Mr. BURTON, from the Committee on Pensions, to whom were referred the following bills, reported each with an amendment, and submitted reports thereon:

A bill (S. 7246) granting a pension to Caroline Weinheimer; and
A bill (H. R. 11271) granting a pension to Louisa Gregg.

Mr. BURTON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 8165) granting an increase of pension to Oscar M. Peck;
A bill (H. R. 13945) granting an increase of pension to Edward T. Durant;
A bill (H. R. 6617) granting an increase of pension to Hugh Cool;
A bill (H. R. 12638) granting an increase of pension to John W. Day; and
A bill (H. R. 7736) granting an increase of pension to Albert W. Allen.

Mr. BURTON, from the Committee on Pacific Islands and Porto Rico, to whom was referred the amendment submitted by himself (for Mr. MITCHELL) on the 11th instant, proposing to appropriate $500 to pay Harry Robertson for extra clerical services performed for that committee, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. ALGER, from the Committee on Military Affairs, to whom was referred the bill (H. R. 917) for the relief of Henry Cook, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the

bill (S. 1341) to amend the record of Maj. John Murphy, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the amendment submitted by Mr. PERKINS on the 7th instant, proposing to appropriate $20,000 for continuing the work of improving the reservation at the Presidio of San Francisco, and improving other military reservations in the harbor of San Francisco, intended to be proposed to the sundry civil appropriation bill, submitted a favorable report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. HANSBROUGH, from the Committee on the District of Columbia, to whom was referred the bill (S. 7283) to amend an act entitled "An act to permit the Pintsch Compressing Company to lay pipes in certain streets in the city of Washington," approved May 19, 1896, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the amendment submitted by himself on the 12th instant, proposing to appropriate $100,000 for the erection of a building on the Garfield Memorial Hospital grounds for heating, cooking, laundry, and electric elevator purposes, and for the erection and furnishing of new surgical rooms, reported it with an amendment and moved that it be printed, and, with the accompanying paper, referred to the Committee on Appropriations: which was agreed to.

He also, from the same committee, to whom was referred the bill (S. 7278) for the further prevention of the spread of communicable diseases in the District of Columbia, reported it with amendments, and submitted a report thereon.

He also, from the Committee on Pensions, to whom was referred the bill (H. R. 16368) granting an increase of pension to Eliza M. Hutchinson, reported it without amendment, and submitted a report thereon.

Mr. PETTUS, from the Committee on Military Affairs, to whom was referred the bill (S. 6380) to amend an act approved March 3, 1899, entitled "An act to amend an act entitled 'An act to reimburse the governors of States and Territories for expenses incurred by them in aiding the United States to raise and organize and supply and equip the Volunteer Army of the United States in the existing war with Spain,' approved July 8, 1898," etc., and for other purposes, reported it without amendment, and submitted a report thereon.

Mr. FORAKER, from the Committee on Military Affairs, to whom was referred the bill (H. R. 11879) to correct the military record of Michael Mullet, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4198) for the relief of Theodore F. Northrop, reported it with amendments, and submitted a report thereon.

Mr. FOSTER of Louisiana, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 11696) to quitclaim all interest of the United States of America in and to lot 4, square 1113, in the city of Washington, D. C., to William H. Dix, reported it with amendments, and submitted a report thereon.

Mr. TURNER, from the Committee on Pensions, to whom was referred the bill (H. R. 13386) granting a pension to Wallace Ziegler, reported it with an amendment, and submitted a report thereon.

Mr. TELLER, from the Committee on Claims, to whom was referred the amendment submitted by himself on the 10th instant, proposing to appropriate $16,933.33 to be paid to Henry V. Lester, administrator of Thomas Barr, deceased, surviving partner of the firm of Stewart & Barr, etc., intended to be proposed to the general deficiency appropriation bill, submitted a favorable report thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. STEWART, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 15804) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1904, and for other purposes, reported it with amendments.

He also, from the Committee on the District of Columbia, to whom was referred the bill (S. 4726) to regulate the practice of veterinary medicine in the District of Columbia, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 20th ultimo, proposing to appropriate $100,000 for the reconstruction and completion of the old Providence Hospital building, etc., intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed: which was agreed to.

Mr. DEBOE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 3026) granting a pension to Martha J. Bishop; and

A bill (H. R. 8812) granting an increase of pension to Henry Staff.

Mr. DEBOE, from the Committee on Pensions, to whom was referred the bill (H. R. 14398) granting an increase of pension to David M. Shopstaugh, reported it with an amendment, and submitted a report thereon.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom was referred the bill (H. R.12602) granting an increase of pension to Amanda Burke, reported it without amendment, and submitted a report thereon.

Mr. DUBOIS, from the Committee on Indian Affairs, to whom was referred the bill (S. 4402) for the relief of the Omaha National Bank, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (H. R. 7361) for the relief of C. W. Colehour, reported it without amendment, and submitted a report thereon.

Mr. FRYE, from the Committee on Commerce, reported an amendment proposing to appropriate $70,000 for the construction of a sailing vessel with auxiliary steam power for the use of the Revenue-Cutter Service, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be printed, and, with the accompanying paper, referred to the Committee on Appropriations; which was agreed to.

SADIE THOME.

Mr. KEAN. I am directed by the Committee on Foreign Relations, to whom was referred the bill (S. 6931) for the relief of Sadie Thome, to report it favorably without amendment, and I ask for its present consideration.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The preamble recites that S. W. Thome, late consul of the United States at Asuncion, Paraguay, South America, lost his life at his post of duty on the 19th day of March, 1897.

The bill proposes to pay to Sadie Thome, the widow of S. W. Thome, $1,500, being the amount of salary for one year.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

MILITARY OCCUPATION OF PANAMA AND COLON, ETC.

Mr. HALE. I report back from the Committee on Naval Affairs with an amendment the resolution offered by the Senator from Alabama [Mr. MORGAN], and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution, which was read, at follows:

Resolved, That the Secretary of the Navy is directed to send to the Senate copies of all reports and of all correspondence in the Navy Department with naval or other officers of the United States on duty in the bays of Panama and Colon since April, 1902, which relate to the military occupation of said bays and the regions between them, and the cities of Colon and Panama, by the forces of the United States; or that relate to the operation of military or police forces of Colombia or of any insurgents that were in arms against the Government of Colombia in that region of country since April, 1902; or that relate to any measures of any officers of the United States to bring about the pacification of that region or any intervention by such officers to that end; or that relate to the terms and conditions of the surrender of insurgent forces in that quarter to the forces or authorities of the Republic of Colombia.

The amendment of the Committee on Naval Affairs was, in line 1, to strike out the words "Secretary of the Navy is directed to" and insert "President is requested, if not incompatible with the public interests, to."

Mr. MORGAN. Under the pressure for the consideration of the Panama Canal treaty, and with my hopelessness of getting the information in any other way, I consent to the amendment.

The amendment was agreed to.

The resolution as amended was agreed to.

BILLS INTRODUCED.

Mr. FAIRBANKS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7331) granting a pension to Malinda Householder (with the accompanying papers);

A bill (S. 7332) granting an increase of pension to Jeremiah Lockwood (with the accompanying paper); and

A bill (S. 7333) granting an increase of pension to Charles Brick.

Mr. FORAKER introduced a bill (S. 7334) to correct the military record of Esau Henkle; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. COCKRELL introduced a bill (S. 7335) for the relief of Harriet L. Young, administratrix of the estate of Solomon Young,

deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. TILLMAN introduced a bill (S. 7336) for an addition to the public building at Greenville, S. C.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. FRYE introduced a bill (S. 7337) to amend the act of December 21, 1898, entitled "An act to amend the laws relating to American seamen, for the protection of such seamen, and to promote commerce," in respect to allotments; which was read twice by its title, and referred to the Committee on Commerce.

Mr. BERRY introduced a bill (S. 7338) to authorize the construction of a bridge across the Arkansas River at or near Moors Rock, in the State of Arkansas; which was read twice by its title, and referred to the Committee on Commerce.

Mr. McLAURIN of Mississippi introduced a bill (S. 7339) to indemnify G. W. Hardy, of Scott County, Miss., for homestead land, by granting other lands in lieu thereof; which was read twice by its title and referred to the Committee on Public Lands.

Mr. LODGE introduced a bill (S. 7340) for the relief of Horace P. Williams; which was read twice by its title and referred to the Committee on Claims.

AMENDMENTS TO BILLS.

Mr. COCKRELL submitted an amendment intended to be proposed by him to the bill (S. 7142) for the allowance of certain claims reported by the Court of Claims, and for other purposes; which was referred to the Committee on Claims, and ordered to be printed.

Mr. PLATT of New York submitted an amendment proposing to increase the salary of the foreman of printing in the Government Printing Office to $3,000, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CLARK of Wyoming submitted an amendment proposing to appropriate $10,000 for payment to William P. Wood for services rendered the United States, as recommended by the First Comptroller of the Treasury Department, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. FORAKER submitted an amendment proposing to appropriate $125,000 for the construction of a steam vessel to be used as tender in the light-house service of Porto Rico, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. ELKINS submitted an amendment proposing to increase the salary of the foreman of printing in the Government Printing Office to $3,000 per annum, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CARMACK submitted an amendment proposing to appropriate $63,620.59 for payment of the award made by the Secretary of the Navy to N. F. Palmer & Co., for losses and damages incurred in the construction of the engines, boilers, etc., of the cruiser *Maine*, intended to be proposed by him to the naval appropriatin bill; which was referred to the Committee on Naval Affairs and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the bill (S. 7142) for the allowance of certain claims reported by the Court of Claims, and for other purposes; which was referred to the Committee on Claims, and ordered to be printed.

Mr. BURROWS submitted an amendment proposing to increase the salary of the superintendent of the fish station at Northville, Mich., from $1,500 to $2,000, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Fisheries, and ordered to be printed.

He also submitted an amendment relating to the rate of postage on periodical publications entered to the second class of mail matter when deposited for local delivery by letter carriers, intended to be proposed by him to the Post-Office appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. KITTREDGE submitted an amendment directing the payment to the Sioux Indians residing at Flandreau, in the State of South Dakota, the share of said Indians in the principal permanent fund appropriated and placed to the credit of the Sioux Nation of Indians by the act of Congress approved March 2, 1889, intended to be proposed by him to the Indian appropriation bill; which was ordered to lie on the table, and be printed.

Mr. PLATT of Connecticut submitted an amendment proposing to appropriate $250,000 to begin the construction of a new building for the United States National Museum, in the District of Columbia, and limiting the total cost of such building to $3,500,000, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PENROSE submitted an amendment proposing to appropriate $90,000 for the construction of a suitable light vessel to replace the Five Fathom Bank light-vessel off Delaware Bay, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. BLACKBURN submitted an amendment intended to be proposed by him to the bill (S. 7142) for the allowance of certain claims reported by the Court of Claims, and for other purposes; which was ordered to lie on the table, and be printed.

He also submitted an amendment relative to an increase in the number of pharmacists in the Navy, intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

He also submitted an amendment relative to an increase in the number of warrant machinists in the Navy, intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. McCUMBER submitted an amendment intended to be proposed by him to the bill (S. 7142) for the allowance of certain claims reported by the Court of Claims, and for other purposes; which was ordered to lie on the table, and be printed.

Mr. WELLINGTON submitted an amendment authorizing the Postmaster-General to put into operation an experimental parcels-post system between Washington and Richmond, or Washington and Philadelphia, or between Washington and all of these cities, etc., intended to be proposed by him to the Post-Office appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

RECEIPTS AND EXPENDITURES IN CUBA.

Mr. PLATT of Connecticut submitted the following concurrent resolution; which, with the accompanying letter from the Secretary of War, was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed 2,000 copies of the report of the War Department on the receipts and expenditures in Cuba during its occupation by the United States; 1,000 copies for the use of the House of Representatives, 750 copies for the use of the Senate, and 250 copies for the use of the War Department.

CUBAN CONSTITUTIONAL CONVENTION.

Mr. PLATT of Connecticut submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed 3,000 copies of the English translation of the proceedings of the Cuban constitutional convention; 1,700 copies for the use of the House of Representatives, 1,200 copies for the use of the Senate, and 100 copies for the use of the War Department.

CIVIL ORDERS IN CUBA.

Mr. PLATT of Connecticut submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed in English and Spanish 1,700 copies of the civil orders issued during the occupation of Cuba by the United States; 1,000 copies for the use of the House of Representatives, 500 copies for the use of the Senate, and 200 copies for the use of the War Department.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE CUMMINGS.

Mr. DEPEW. Mr. President, I wish to announce that to-morrow afternoon, after the other eulogies of deceased members of the other House, I shall offer resolutions in commemoration of the life and character of my late colleague in the House of Representatives, AMOS J. CUMMINGS.

ANHEUSER-BUSCH BREWING ASSOCIATION.

Mr. VEST. I ask the Senate to consider the bill (H. R. 9063) to refund certain taxes paid by the Anheuser-Busch Brewing Association, of St. Louis, Mo. It is a mere routine matter. It will lead to no debate.

The Secretary read the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. QUAY. I do not desire to object to the passage of the bill called up by the Senator from Missouri, but I wish merely to say that as soon as it is disposed of I shall move to take up the statehood bill.

The PRESIDENT pro tempore. The Chair will recognize the Senator from Pennsylvania.

Mr. LODGE. I simply should like to ask about how much the bill carries?

Mr. ALDRICH. Nine hundred dollars.

Mr. LODGE. I did not hear it stated in the language of the bill.

The PRESIDENT pro tempore. Nine hundred and eighty-six dollars is the amendment.

Mr. LODGE. I have no objection to the consideration of the bill.

Mr. VEST. Nine hundred and eighty-six dollars is the amount. The bill was drawn by the Commissioner of Internal Revenue and reported unanimously by the Committee on Finance. It passed the House in the same way, giving this amount, but it was not named in the text of the bill, and the Committee on Finance inserted it.

There being no objection, the bill was considered as in Committee of the Whole.

The amendment of the Committee on Finance was, on page 2, line 2, after the word "amount," to insert "not to exceed in the aggregate $986.32;" so as to make the bill read:

Be it enacted, etc., That the Commissioner of Internal Revenue be, and is hereby, authorized and directed to reopen and consider all claims of the Anheuser-Busch Brewing Association for the refunding of 7½ per cent discount upon the taxes paid upon fermented liquors in storage or in transit June 14, 1898, any statute of limitation to the contrary notwithstanding, and to allow such portion of said claim as shall be shown to him to have been illegally collected in excess of the amount required by law; and the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, such amounts, not to exceed in the aggregate $986.32, as shall be certified by the Commissioner of Internal Revenue to have been illegally collected from the Anheuser-Busch Brewing Association as tax on fermented liquors in storage or in transit June 14, 1898.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

STATEHOOD BILL.

Mr. QUAY. Mr. President, I move that the Senate proceed to the consideration of the statehood bill.

The motion was agreed to.

The PRESIDENT pro tempore. The bill is before the Senate as in Committee of the Whole.

Mr. ALLISON. I ask the Senator from Pennsylvania to allow this bill to be informally laid aside so that I may call up the District of Columbia appropriation bill.

The PRESIDENT pro tempore. The Senator from Iowa asks that the unfinished business be temporarily laid aside in order that the Senate may proceed with the District of Columbia appropriation bill.

Mr. QUAY. I have no objection, Mr. President.

The PRESIDENT pro tempore. The Chair hears no objection.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The Senate resumed the consideration of the bill (H. R. 16842) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1904, and for other purposes.

The PRESIDENT pro tempore. The bill is in the Senate, and all the amendments proposed up to the present time have been agreed to.

Mr. GALLINGER. I am directed by the Committee on the District of Columbia to offer an amendment to the pending bill.

The PRESIDENT pro tempore. The amendment will be read to the Senate.

The SECRETARY. On page 30, at the end of line 8, insert the following proviso:

Provided, That the provision in the act of June 30, 1898 (30 Stat., 538), fixing charges for the use of single or grounded wire telephones in the District of Columbia be, and the same is hereby, repealed.

Mr. ALLISON. I hope the Senator from New Hampshire will briefly state the object of the amendment proposed by him.

Mr. GALLINGER. Mr. President, in 1898 a provision was attached to an appropriation bill fixing certain charges for the use of telephones in the District of Columbia. The Chesapeake and Potomac Telephone Company took the ground that the charges fixed by Congress were so low as to be confiscatory. The question was appealed to the supreme court of the District of Columbia, and it was there held that the contention of the company was well grounded. It was then carried to the court of appeals of the District of Columbia by the dissatisfied citizens, which court decided, as I understand it, I have not looked it up recently, that inasmuch as this company was a foreign corporation and did not hold a charter from the District of Columbia, it practically had not any rights in the District, and that Congress could do with it as it pleased. From that court it was further appealed to the Supreme Court of the United States, which court remanded the question to the supreme court of the District of Columbia for the ascertainment of certain technical points involved in the controversy. The matter is now before the same court that had jurisdiction of it in the first instance.

A considerable amount of money has been expended by citizens' associations in prosecuting this case before the courts, and those people—and when I say those people, I mean practically all the citizens of the District—have come to the conclusion that it is time to stop litigation. The management of the telephone company has changed. It has gone into new hands. It has gone into the hands of honorable and progressive men, who desire to give this community the best possible service. The rates have been very materially reduced. In 1898 the average rates were $98 and now they are $53.

A hearing was had before a subcommittee of the Committee on the District of Columbia, which is in print, and it was there agreed by the two parties in interest that a recommendation should be made that the provision on the appropriation act of 1898 ought to be repealed.

Mr. President, in this connection I wish to read a single paragraph from a statement made by Mr. A. A. Birney, who was the attorney for the Citizens' Association. With him were associated Mr. Henry F. Woodard and Mr. John J. Hemphill, who concurred in Mr. Birney's statement. Mr. Birney said:

The act of 1898 was never satisfactory to anyone. Its author did not intend that it should become a law in the form in which it was presented by him to the House of Representatives, and it has been always regarded by the association as wholly inadequate to the situation. It does not at all cover the ground, and, if it is to stand, it should be added to by further provisions.

The association also recognizes that since the passage of this act of 1898 local conditions have greatly changed. Improvements in methods have been introduced, and average rates of charges have been lessened. In view of these changes the act of 1898 is yet more unsatisfactory, and in the light of information not accessible in 1898 the justice of the act has become more doubtful. The association also finds that many of its supporters in 1898 are now apparently satisfied with the treatment accorded them by the telephone company, and are unwilling to give further financial or moral support to the continuance of litigation.

The association has never wished to do injustice to this company, and under existing circumstances is willing to withdraw its opposition to the proposed act of repeal and rely upon the sense of justice of Congress to see to it hereafter that a proper inquiry be made into what are fair rates and to compel them.

This statement is signed by Arthur A. Birney, Henry F. Woodard, and John J. Hemphill, attorneys for the association.

In addition to that there were four suburban associations who had joined in this litigation, and all their officers have written letters saying that they are not only willing but desirous that the law shall be repealed.

Now, Mr. President, I am not representing anyone in this matter, but my judgment is very clear that inasmuch as this question has been before the courts for five years and the parties who have been prosecuting it have now come to the conclusion that they will do nothing further about it, it ought not to hang over this corporation any longer.

The telephone company is expending a million of dollars in the city of Washington at the present time. It has taken down, at its own expense, all the poles and wires that were strung through the alleys of this District, that Congress compelled it to place in those alleys, and it is pushing forward with great rapidity the conduit system to all parts of the District. In 1898 the telephone company had 2,500 subscribers, and now it has 9,000 subscribers, and so far as I know there is not a single complaint coming to Congress or being made in the public press that the company is not doing the fair thing by the people of the District of Columbia.

I wish simply to add, Mr. President, that the gentlemen representing this company at the present time have said to me personally that they will welcome an inquiry at the beginning of the next session of Congress into all subjects connected with the management of this corporation if any complaints exist; and I will say in behalf of the Committee on the District of Columbia, for which I speak in this matter, that if there is any complaint whatever at the beginning of the next session of Congress and I am alive I shall myself offer a resolution of inquiry, and have the Committee on Appropriations or the Committee on the District of Columbia take up the question and thoroughly investigate it and make a report to Congress recommending legislation, if it be deemed advisable to have legislation.

I trust, Mr. President, I have made the matter clear. I have endeavored to do so in as few words as possible. I will be glad to answer any question that any Senator may feel disposed to propound.

Mr. HOAR. Has the Senator from New Hampshire the opinion of the Supreme Court before him?

Mr. GALLINGER. I have not.

Mr. TILLMAN. Mr. President, if the Senator from New Hampshire will be kind enough, I will thank him to inform us what harm can come to the telephone company to wait until the next session. The question is now, as I understand it, in litigation.

Mr. GALLINGER. Yes.

Mr. TILLMAN. The act of Congress limiting the prices to be paid for telephones has never gone into effect for the reason that it was contested in the courts, and there has been since then, as I understand it, a consolidation of the rival corporations.

Mr. GALLINGER. No, there was only one corporation, I will say to the Senator, at that time.

Mr. TILLMAN. There was only one?

Mr. GALLINGER. There have never been two telephone corporations in this District since I have been a member of this body.

Mr. TILLMAN. What was that legislation about the laying of conduits which came before us some five or six years ago, when the streets were being dug up by a thousand men and an effort was made to stop the telephone company from digging ditches through the asphalt?

Mr. GALLINGER. That was an electric lighting company, I will say to the Senator, which afterwards merged into the existing electric lighting company, as I prophesied it would be, for a consideration.

Mr. TILLMAN. I have the two mixed. But the point on which I wish to ask the Senator is, what harm would come to the telephone company to leave this matter alone until the next session, when the District Committee or some other committee interested or whose business it will be can take the matter up and investigate it, and if this is an onerous and burdensome provision of the law we can then repeal it, and if it is not we can then let it alone? It seems to me that nothing in the way of damage can come to the telephone company by a continuance of this statute on the books, and we might let the company alone for this session. The matter came up before the subcommittee of the Appropriations Committee and we did not have time to deal with it.

Mr. GALLINGER. I will frankly answer the Senator's question. I will say, in the first place, to the Senator that it was an electric-light company and not a telephone company which dug up the streets upon the pretense that they would give better and cheaper service. Some of us opposed it. I opposed it very strenuously, but we were overruled, and the company in due time sold out to the existing company, and the gentleman who promoted it took a trip to Europe as a consequence, and remained abroad a year or thereabouts. It was a very profitable venture, but, as usual, it sold out to the then existing company.

A few years ago, perhaps two years ago, a telephone company which was in opposition to the existing company, offered to give service at a very low rate. The Committee on the District of Columbia did not look favorably upon their proposition and did not give them charter rights. They went to another city, where they did get recognition, and since then they have gone out of business as usual, finding that they could not possibly carry on business at the rates they offered here.

The Senator's question is a proper question, and I will answer it with great frankness. The burden that is upon this company at the present time is this. The gentlemen who united in prosecuting this suit have been required to pay only the statutory rate, that is, the rate fixed by Congress, and there is a suspense account against them on the books of the company. That, however, is an inconsequential thing. But the Comptroller of the Treasury, a gentleman who has great power—I believe Comptrollers have greater powers than all the rest of the officials of the Government, greater than the legislators, as the Senator from Massachusetts [Mr. HOAR] very properly suggests—has held this company up and insisted that the Government should pay only the statutory rate. Not only that, but they have required all sorts of things of this company in the matter of putting in switchboards, in the matter of extending their lines to the house of a secretary or possibly a clerk connected with a Government department, and the company has a suspense account against the Government, and rightfully so, too. They have not refused to do the service for the Government; they might have refused to do it, but they have done it, and they have received compensation at a rate which, if it were universal, would bankrupt them in a year. They would like very much to get that burden off their shoulders, and it ought not to lie upon them. If this suit is not to be prosecuted—and everybody has abandoned it and advised that the law should be repealed—this company should have fair treatment and the Government should be required to pay a fair compensation for the service that the company is now rendering satisfactorily to every citizen of the District of Columbia.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield to the Senator from South Carolina?

Mr. GALLINGER. Certainly. The Senator has the floor.

Mr. TILLMAN. If the existing legislation is onerous and burdensome it ought to be repealed; but as we have no proof of that, the question which I asked, and which I have not yet been entirely satisfied about, is what harm can come by leaving the statute stand until next winter, when Congress will reconvene and the Committee on the District of Columbia can take the whole thing up and allow a reasonable amount of time for everybody to be heard?

Mr. GALLINGER. Mr. President, the answer to that is, that the committee have taken it up, have given hearings, and have come to a conclusion, and it would not make any difference to us if the matter should remain before us for five years. The committee have considered it and are fully satisfied that this thing ought to be done.

Mr. TILLMAN. Has the Senator any figures showing how much there is owing to this company by the Government on this suspense account as between the rates paid by individuals and the rates which the Government has enforced from the company?

Mr. GALLINGER. The Senator from New Hampshire has not, and it would not make any difference to the Senator from New Hampshire whether it was a large or a small amount. If it is a matter of justice, the amount is not of importance.

Mr. TILLMAN. If the amount is not large enough to make it a burden on the company to do without the money, I thought it might be let alone; but, if the Senator and his colleagues on the committee are entirely convinced and satisfied, I do not feel called upon to oppose their position or to take any action. While, of course, the amendment is subject to a point of order, I will not make it.

Mr. BERRY. I should like to ask the Senator from New Hampshire a question. I ask the Senator if the law of 1898 be repealed, will there then be any law on the statute book which puts any restraint upon or regulates in any way the charges of the telephone company in this District?

Mr. GALLINGER. I will answer the Senator frankly; no.

Mr. BERRY. There would be none?

Mr. GALLINGER. The matter would be in precisely the same condition as it is now; but inasmuch as there is nobody prosecuting these suits and nobody desires the continuance of the law, no harm can come from its repeal.

Mr. BERRY. If the Senator will permit me, I remember very distinctly—I do not see the Senator from Maine [Mr. HALE] in his seat, but I think he could verify what I say—when this matter was pending here in 1898 the complaint was universal throughout the District of the overcharges of this company. A provision regulating its charges came from the House of Representatives, as I remember it, probably in the sundry civil appropriation bill, or it may have been in the District of Columbia appropriation bill, but at any rate it was before the Appropriations Committee. There was a contest in the committee regarding it, and there was also a contest on the floor of the Senate. The Senator from Maine led the fight in favor of the passage of the House provision which regulated the telephone charges, and, I repeat, it was shown and was understood that this company was charging much more than it ought to charge for its service—that the charges were unreasonable—and on that showing the amendment was carried on a yea-and-nay vote in the Senate and is now on the statute book.

As I understand, the telephone company went into the courts and have been in the courts from that time to the present, but the question has never been finally settled by the courts as to whether the law was properly passed or whether it was valid. Now, the Senator proposes on this appropriation bill to repeal that law and to put nothing in its place.

If the telephone charges in the light of the present situation are greater than they ought to be, ought not the matter to be thoroughly investigated and a law passed fixing rates beyond which the company should not be permitted to go in making these charges? In other words, if you repeal the existing law, there will be nothing whatever on the statute book to prevent this company going back to the old rates and charging for their services whatever they please.

That is about the situation as I remember it. If I am wrong in my recollection of the facts, the Senator from Maine will correct me.

Mr. GALLINGER. Mr. President——

Mr. BLACKBURN. Will the Senator from New Hampshire yield to me for a moment?

Mr. GALLINGER. Certainly.

Mr. BLACKBURN. Mr. President, in answer to the question propounded by the Senator from Arkansas [Mr. BERRY], I will say that I am somewhat familiar with the legislation proposed to be repealed. The Senator, as far as he went, has stated the facts, but he did not go far enough to state them all, and I am sure his reason for failing to do so was that he did not know them all.

This question is not a new one, Mr. President. It has been before one Congress after another. This is not the first Congress it has been before, as the acting chairman of the Committee on the District of Columbia [Mr. GALLINGER] will testify.

The effort which was made to involve the telephone company doing business in this District was made by a party of rivals who were here seeking from Congress a charter. Whether they were seeking it in good faith or not it is not for me to say. They might have thought that they wanted to come into competition as a rival telephone company in the District; they might possibly have purposed to use that franchise, if Congress had granted it, simply as a club with which to extort their own terms of compromise from the existing corporation. I may have my opinion,

and, if I have, it is not to the credit of that proposed rival company, and that opinion is based upon substantial grounds.

However that may be, Congress had fixed arbitrarily—and I appeal to the acting chairman of the Committee on the District of Columbia to bear out this statement—Congress had fixed arbitrarily the rates beyond which this company should not go in the conduct of its business in this District. The company did not defy Congress; the company, as might the Senator from Arkansas or any other citizen, simply availed itself of the right which belongs to every citizen in this country, however humble, an appeal to the courts of the country, and asked to have determined whether these arbitrarily fixed rates were not, in practice, confiscation of that company's property. That matter went to the courts, where it still is, and it is likely to stay there time out of mind now, because the only parties who have inaugurated this effort to fix arbitrary rates upon the company doing this business have quit and abandoned the contest and are here to-day asking you to do just what the chairman of the committee proposes to do.

Mr. TILLMAN. Mr. President——

Mr. BLACKBURN. If the Senator will allow me——

Mr. TILLMAN. I just want to get a little light on that very point.

Mr. BLACKBURN. Very well.

Mr. TILLMAN. After the enactment of the statute which it is now proposed to repeal, did not the telephone company itself go into court and ask relief?

Mr. BLACKBURN. I can not state any more plainly than I have already done——

Mr. TILLMAN. Who has abandoned the suits? Was it not the contention of the company that their property would be practically confiscated under the operations of the law?

Mr. BLACKBURN. I am sorry that I am not a sufficient master of the English language to make myself comprehended by the Senator from South Carolina.

I will state again—and I trust that I will make myself understood by everybody now—that these arbitrary rates were fixed by Congress without investigation, without the consent of the company to be affected, and without any inquiry as to their reasonableness, at the earnest solicitation of the men who were trying to establish a rival corporation. That was what I said.

Mr. BACON. If the Senator will permit me a moment——

Mr. BLACKBURN. I should like to be permitted to answer one question before another comes.

Mr. BACON. Very well.

Mr. BLACKBURN. I always yield with pleasure to the Senator from Georgia, but I do not want to mix two questions up before I dispose of the first question which has been propounded.

Mr. BACON. Very well; I shall not interrupt the Senator.

Mr. BLACKBURN. I will yield to the Senator in one moment.

Continuing the statement, for the benefit of the Senator from South Carolina [Mr. TILLMAN], I say that the only parties who ever did move in the direction of the passage of the bill fixing the rates upon this company were the parties who have now abandoned their purpose of getting a charter, and here appear as advocating the repeal of this arbitrary fixed rule.

Now I will yield to the Senator from Georgia.

Mr. BACON. Mr. President, I desired to ask the Senator a question on that particular point. It so happened that I was a member of the District Committee at the time the law referred to was passed, and, as a member of that committee, I was present at a number of hearings—when citizens of the District appeared before the committee, not members of the company to which the Senator alludes, but citizens of Washington in great numbers appeared before the committee—and urged with earnestness that there should be a limitation fixed by law upon the charges made by this company.

If the Senator will pardon me a moment further——

Mr. BLACKBURN. Well.

Mr. BACON. I was present on a subcommittee which heard the application of the company which desired to have a charter in this District authorizing them to conduct a telephone business, and if there was ever any application by that company, or proposed company, at the time of the passage of the law in question, asking that there should be a limitation fixed upon the price of telephone service, I have no recollection of it, although, as I have said, I was a member of the subcommittee. But I do recollect with the utmost distinctness that the application was made, and urged most earnestly, by great numbers of citizens of the city of Washington, who had no connection whatever with the proposed new organization. That was the condition of affairs.

Mr. BLACKBURN. I yielded to the Senator with the understanding that he wanted to ask me a question. If he has done so, I have not yet heard the question.

Mr. BACON. I will ask the question now.

Mr. BLACKBURN. Very well.

Mr. BACON. Where does the Senator get the information that the act which was passed was instigated, and solely instigated, as stated by the Senator, by those who proposed to go into an organization for the construction of a new telephone system in the District?

Mr. BLACKBURN. I am very glad to answer the Senator's question, though I am trespassing upon the rights of the Senator from New Hampshire [Mr. GALLINGER].

Mr. GALLINGER. I yield to the Senator with pleasure.

Mr. BLACKBURN. I will say to the Senator from Georgia [Mr. BACON] that I got that information by the process of absorption. [Laughter.] There was not a man in this Senate or in this city, except the Senator from Georgia, who at that time did not know that the only people who were moving to fix these arbitrary rates of charges upon the Chesapeake and Potomac Telephone Company were the men who proposed to get an adverse rival charter.

Mr. BACON. The Senator is entirely wrong about that.

Mr. BLACKBURN. There was not, so far as I know, a messenger, a doorkeeper, a barber, or a page about either House of Congress who did not know what I have stated to be a fact.

Mr. BACON. Now, will the Senator permit me?

Mr. BLACKBURN. If the Senator wants to make a speech, I insist that he do it in his own time and not in mine.

Mr. BACON. I shall not insist.

Mr. BLACKBURN. I am willing to yield for a question, but I do not want to have the Senator from Georgia and myself making two speeches at the same time, and running them into one.

Mr. BACON. I shall not ask to be heard now, Mr. President.

Mr. BLACKBURN. Well, I thought the Senator was asking to be heard.

Mr. BACON. No; your objection is sufficient.

Mr. BLACKBURN. I want to be entirely courteous. I want to yield for questions, but not for argument. I would rather each Senator would make his own argument.

Now, Mr. President, I want to say further that the stockholders—I am not talking now about the proposed incorporators of the new telephone company—but I say that the subscribers to the contemplated stock of the new company are represented here to-day withdrawing all opposition to the proposition of the Senator from New Hampshire [Mr. GALLINGER], and favoring the repeal of that law.

I want to say to the Senator from Arkansas [Mr. BERRY] that since the time at which that arbitrary fixing of rates was established this company has been reorganized, and certainly once, and I am quite sure more than once, has changed its schedule of charges, and that they are lower, materially lower to-day than they were at the time Congress undertook to fix those rates.

Mr. GALLINGER. If the Senator will permit me, not only is that the fact, but the quality of the telephone service has been much improved. The system as to which Congress legislated does not now exist.

Mr. BLACKBURN. It is not here now.

The condition that obtained at the time of the passage of the act fixing the rates is no more the condition which obtains in reference to this telephone company in the District to-day than it is the condition of any telephone company in any country town west of the Rocky Mountains.

I want to say a word in answer to the suggestion of the Senator from Arkansas, who said if we repeal this law we turn this company loose without any restrictions or limitations. If the Senator has a telephone company, as I doubt not he has, in the capital city of his State, I ask him if there is any fixed rate upon that company's business? Is it the rule to fix rates beyond which charges of telegraph and telephone companies in this country shall not go? I apprehend not. The exception to the rule was established by this Congress when it undertook to fix the maximum rates for this company, and fixed them at a figure that the company claims would result in the confiscation of its property; and in proof of its contention and its earnestness and its honesty, it appealed to the open courts of the country to protect it from confiscation.

The question has been asked by the Senator from South Carolina [Mr. TILLMAN], Why pass this amendment now; why not wait until a new Congress comes in, for another year or another decade? The Senator from New Hampshire has told you of the necessity for immediate action. This Government requires this company to do to-day in this city what no telephone company on earth was ever required to do before—it requires this company to go and establish new lines.

The wires of the company are now underground. At the time of the passage of the law fixing the rates there was not an inch of telephone wire underground in the city of Washington; yet to-day the Government extorts from this company service that no private citizen could get from this or any other telephone company here or anywhere else on earth. It requires them to go and establish new stations, new lines of wire, in order, forsooth, that some

clerk in some Department may have a telephone in his private residence, and at such rates as the beneficiary himself sees fit to prescribe. It is not fair dealing; there is nothing honest about it. It is extortion, it is blackmail that the Government is levying upon a helpless company. These are the facts.

I beg pardon of the Senator from New Hampshire for having taken so much of his time.

Mr. GALLINGER. Mr. President——

Mr. BERRY. Will the Senator from New Hampshire yield to me?

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield to the Senator from Arkansas?

Mr. GALLINGER. With pleasure. I want to answer one question which the Senator propounded a moment ago; perhaps he will ask me another, and I will answer both at the same time.

Mr. BERRY. Very well.

Mr. President, I want to say that, so far as I was concerned, and the committee of which I was a member, which reported this House proposition to the Senate, there was no proposed rival company which came before us or made any claim in regard to the matter. The complaint, as stated by the Senator from Georgia [Mr. BACON], as was stated on this floor by the Senator from Maine [Mr. HALE] in that debate, and also by a number of other Senators, came from citizens of this District—the persons who were using this telephone service.

Not only that, Mr. President, but those who opposed the passage of the bill at that time admitted again and again that the charges were unreasonably high, and only insisted that the House provision put them so low that it would be impossible for the company to go on with their business and supply the service. It was never insisted for one moment by anyone that these charges were not out of proportion to the service rendered, but it was insisted that the limitation fixed by the House was so low that the company could not continue its business. That was the argument, and, notwithstanding the recollection of the Senator from Kentucky [Mr. BLACKBURN], the complaints came from citizens of this District, from the people who use the service. But the Senator says that there was a rival company, and that every page and every employee about the Capitol knew it. I did not know it. They never appeared before the Committee on Appropriations.

A few words more. The Senator says that the regulation of those rates ought not to be made in this city, as other cities in the country have never done it. In other cities of the country there are rival telephone companies; at least there were in some cities of which I have knowledge. As I understand the Senator from New Hampshire, the District government here declines to permit any other company to compete with the existing one. They will not grant charter privileges or permit any company to come in here and compete. Yet the Senator from Kentucky says that it is blackmail and an outrage to undertake to fix or define charges beyond which this company shall not go.

Mr. BLACKBURN. No; I did not. I made no such statement.

Mr. BERRY. I beg the Senator's pardon if I misunderstood him.

Mr. BLACKBURN. I said the practice now in vogue upon the part of the Government officials, even down to clerks in the departments, demanding of this company to furnish them telephones on separate lines to their residences at such rates as they saw fit to fix was nothing short of robbery and blackmail. That is what I said.

Mr. BERRY. Mr. President, I know nothing about what any clerks or officials of the departments are doing; but I do say that while this company, and it alone, is permitted to do telephone business here without competition, Congress has the right, and ought to exercise that right, to fix a limitation beyond which this company shall not charge for its service. If this law be repealed, the Senator from New Hampshire has admitted there will be no restraint upon the company whatever.

The Senator from Kentucky says that the company has reduced its rates. I do not know how much the rates have been reduced, whether the reduction has been large or small, but I apprehend that the enactment of that law, although the question has been litigated in the courts, has had something to do with the reduction of the rates, if they have been reduced.

But the Senator says that this proposed rival company, whose motives he does not state, but he leaves the inference that they were not of the highest, now come in and with the old company ask that the law fixing rates be repealed. Well, that ought not to affect Congress. If there was such a company, whose purposes were such as the Senator intimated they were, then I do not think their request here ought to influence any Senator upon this floor one way or the other.

I say again, that to attempt in an appropriation bill to repeal this law, as the Senator from New Hampshire proposes to do, and put nothing in its place, leaving no limitation whatever upon the charges that may be made, is legislation that ought not to take place in the Senate of the United States.

Mr. GALLINGER. Mr. President, I will make a very brief and very frank additional statement, and then will, so far as I am concerned, let this matter rest.

I agree with the Senator from Arkansas [Mr. BERRY] that Congress has an absolute right to regulate, and, if there is a grievance, it ought to legislate, to define and control the rates of service on the part of the telephone company in the District of Columbia. Not only do I go that far, but I say to the Senator from Arkansas if I am permitted to live another year and am associated with the Committee on the District of Columbia, as I probably shall be, that if there is any complaint in this District concerning the charges of the existing telephone company I will move for an investigation, a thorough investigation, with a view of ascertaining the facts, and, if necessity exists, regulating the charges that this telephone company shall make for their service.

Mr. HEITFELD. Will the Senator allow me?

Mr. GALLINGER. Certainly.

Mr. HEITFELD. I ask the Senator would it not be well for us first to investigate before we repeal the law and, if it be found that this law is a burden, then to repeal it?

Mr. GALLINGER. We think we have investigated sufficiently. The committee have been in session. The subcommittee—and I was not a member of it—was composed of the junior Senator from Vermont [Mr. DILLINGHAM], a very careful and very conscientious man; the senior Senator from Florida [Mr. MALLORY], and one other Senator whose name I do not recall. They came to a unanimous conclusion that this thing ought to be done. They submitted it to the committee this morning, and the committee indorsed its findings.

Mr. President, it is a matter of gratification to me to say that before this repeal was asked by those representing the telephone company at the present time a very high officer in that company, almost a year ago, said to me that they would welcome an investigation by Congress, but they wanted it to be a thorough investigation, not a snap judgment; but they would want their methods of business to be thoroughly inquired into, and I know we shall have no opposition from that source if an inquiry shall be deemed necessary.

Mr. President, the Senator from Kentucky [Mr. BLACKBURN]—and I want his attention—I think is chronologically wrong in his statement of the case that when this legislation was put on an appropriation bill, as we propose to put the repeal—and I think the Senator from Arkansas [Mr. BERRY] will agree that it is quite as proper to do so now as it was then—there was not at that time a contention for a new company. That came afterwards. But the same gentlemen who urged this legislation in 1898 were the attorneys for the new company, and some of them, I understand, stockholders in the new company that they undertook to force in. That is, I think, a correct statement as to that matter.

Mr. President, the gentleman who was at the head of the telephone company in 1898 is not now with them. He died a little time ago, and I am going to say nothing against him, but it is a fact that the telephone company, as it was managed in 1898, was exceedingly offensive to all the citizens of this District. They could not get a civil reply from the officers of the company when they presented their grievances, and there was universal indignation in this District, in which we here shared, and so this legislation was enacted. Senators will recall the fact that Mr. Birney, who represents these gentlemen in conjunction with Mr. Woodard and Mr. Hemphill, said, at the hearing a few days ago, that the act of 1898 was never satisfactory to anyone. He is a leading lawyer, and has been representing these men. The author of the provision in the law did not intend that it should become a law in the form in which it was presented by him to the House of Representatives, and it has always been regarded by the Telephone Subscribers' Association as inadequate.

Mr. President, this company has changed hands; it has gone into the possession of gentlemen, progressive men, men who realize that the only way they can make money is to treat their patrons fairly and generously. They have installed a conduit system, expending a million dollars up to the present time; they have reduced the rates of measured service from 10 cents to 3 or 5 cents; and they have reduced the average rates from $98 to $53. They say to me frankly that they want to reduce them still further, and I have no doubt they mean to do that very thing. They are men who are going to give this community the very best possible service, and after they have done that they say, "if you are not satisfied with our service, then have a committee of investigation raised and let us go into this matter, let us open our books to you, let us present our case to you, and if there is a

substantial grievance then legislate against it." I think that is all we ought to ask.

There is a burden placed upon this company at the present time that is not fair, that is oppressive. It is wrong in principle. We ought to remove it from them, and when every person representing every interest, when all the people who found fault in 1898 are here saying, "We agree with you that this law ought to be repealed," I do not think that a Senator ought to insist that the views of the committee, unanimously reached, and the views of citizens, unanimously expressed, ought not to be carried into effect.

Mr. President, I want to be entirely frank; I have no relations with these gentlemen. I never saw the president of the company but once in my life, and that was a few days ago. I am simply making an appeal for what I think is equal and exact justice as between man and man, and I trust that the amendment may go on the bill.

Mr. HEITFELD. Mr. President, I desire to say to the Senator from New Hampshire that, although there is a unanimous report here in favor of the amendment, the entire committee is not satisfied with the amendment. As a member of the committee I am opposed to it. I was not present in the committee this morning, and consequently did not register my opposition to it, but the Senator from New Hampshire knows that I am opposed to this amendment.

Mr. GALLINGER. Of course I would not put the Senator from Idaho in a false position. The Senator was not present at the committee meeting this morning, but the meeting was very full; and I have had reason heretofore to think that the Senator was not fully satisfied with the amendment.

Mr. BACON. Mr. President, as I stated before, I was a member of the Committee on the District of Columbia at the time of the passage of the law in question, and while it came direct from the Committee on Appropriations, it had been considered in the District Committee prior to the time when it was laid before the Appropriations Committee.

I have no special design in now addressing the Senate except most distinctly to take issue with the statement of the Senator from Kentucky [Mr. BLACKBURN] that this legislation was at the sole instigation of those who were interested in a proposed rival enterprise. I asked the distinguished Senator where he got that information, and his reply was that he got it by absorption. And relying upon that novel mode of acquiring information, he proceeded in the same connection to say that the information thus secured by him was so definite and so reliable and so undoubtedly true that it was within the knowledge of all the subordinate employees of the Senate, and is to override the definite and positive knowledge, as stated by me to him at the time, that the objectors to the then schedule of rates were not confined to and were not principally prominent among those who proposed to institute or inaugurate a rival enterprise; but that, as a member of the committee and a member of the subcommittee, I stated in my place that the objections came from the citizens at large, who protested against what is now stated by the Senator from New Hampshire himself to have been the extortionate rates then charged by the telephone company.

Mr. President, it is not an easy matter to get legislation of this kind. If I recollect aright, it was not only in the Fifty-fifth Congress, when this law was passed, but in the Fifty-fourth Congress that there were the most earnest representations by the citizens of this city of the unjust charges which were being made by the telephone company, and legislation, the purpose of which was to bring telephone rates down to a proper basis, was then attempted and defeated.

I am not going to detain the Senate, but I want to make a suggestion. I will state further, however, that the Senator from Kentucky is equally wrong in his statement that the law was passed without investigation. It was passed after investigation, not only in one Congress, but in two Congresses, in one of which, if I recollect aright, the Senator from Kentucky was a member of the Senate and in another of which he was not a member.

Mr. BLACKBURN. Will the Senator let me ask him a question right here?

Mr. BACON. With great pleasure.

Mr. BLACKBURN. Will the Senator be kind enough to tell me the telephone rates of what city, either on this or any other continent, they were guided by in fixing the rates stated in the provision which it is now sought to repeal?

Mr. BACON. That was five years ago, and I do not recall, but I do remember most distinctly the fact that there was before the committee a most elaborate presentation of evidence as to rates in other cities. I can not recall the figures.

But I am passing from that, and I am coming to the concession, for the sake of the argument, that the present law is an unjust one in its rates. I do not know whether it is or not, because I do not even remember what the rates are. But if we concede the proposition that the present rates are improper, ought the law to be repealed or ought it be modified? That is the question. If the rates are improper, I grant you there ought to be a concession on the part of the Government and the rates ought to be made proper. But a contention that the rates are improper, that the company is not allowed that which is a proper compensation, does not bring as its consequence a determination on the part of Congress that no rates should be fixed. If they are improper rates, there should be proper rates, and if the present law is an unjust one to the telephone company the remedy is not by repeal of the law, but by an examination to ascertain what is justice and have law express justice and mete it out to these people.

Mr. President, if I remember correctly, this is not a District of Columbia corporation. I think I am accurate in my recollection.

Mr. MALLORY. It is a New York corporation.

Mr. BACON. I am informed by the Senator from Florida that it is a New York corporation. I did not remember. I was under the impression that it was a Maryland corporation. But possibly the Senator from Florida is correct. It matters not.

This is not a District of Columbia corporation, and it has the power to prevent the District of Columbia from chartering a company here. It has—I do not use it in any invidious or offensive sense, but in a practical business sense—and it always will have a monopoly of the telephone business here. I am not prepared to say but that it is better that it should have a monopoly. I do not believe it is practicable to have two telephone companies in successful operation in the same community, covering the same territory, because it is necessary that there should be continuous communication. Accepting that as a fact, not only that it is a monopoly, but that it is a proper monopoly, an unavoidable monopoly, and one we know is going to continue, the question before Congress is, Is it one, that being the case, which should be regulated by law, or is it one which should be turned loose without legal restraint to do as it pleases upon the assurance that it is now doing well?

If it is now doing well, it is very much to its credit, and I am gratified to hear it; I do not know anything about its rates; but that is no reason why, in the face of the known difficulty of instituting and carrying through legislation in a case of this kind, we should repeal a law upon the statute books and say that we will wait and give the company an opportunity to show what they will do, and if they afterwards begin to oppress the people, then we will endeavor to put a checkrein upon them. My idea is that the present law should be allowed to remain until we can so modify it as to remove injustice, and if the statements, as I understand them to be made, are correct that the law is not now being enforced, in the meantime there will be no hardship upon these people.

If it were true that under this law the company were being oppressed, that under this law they were made to render service at a less compensation than they are entitled to, then there would be reason for sudden and prompt action.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Georgia yield to the Senator from New Hampshire?

Mr. BACON. With pleasure.

Mr. GALLINGER. The Senator evidently did not understand clearly my statement. My statement was that they are being oppressed so far as the Government is concerned. Let me cite an illustration to the Senator. Suppose we had legislated that street railroad companies should carry passengers at a fare of 2 cents. Suppose the company went into court, and that the litigation lasted five years, and that the Government during that time had held up the companies, insisting that they should carry all Government employees at 2 cents. Would not the Senator concede that the company had had a burden placed upon it from which it ought to be relieved?

Mr. BACON. I would; and I quite agree with the Senator that if the Government is exacting telephone service of this company at improper rates it ought to be changed.

Mr. GALLINGER. Yes.

Mr. BACON. But that is no reason why the law should be absolutely repealed. It is as easy for the Committee on the District of Columbia to come into the Chamber and say what is a correct rate and to have the Government do justice as it is to say "this is at present an incorrect rate, and therefore we will not have any rate at all."

Mr. GALLINGER. If the Senator will permit me, he, of course, knows that any attempt to regulate a Comptroller would be pretty nearly a hopeless task.

Mr. BACON. I do not agree with the Senator. If the Committee on the District of Columbia were to come in and say that upon investigation they found the rates to be too low and that the

Government is now enjoying the service of the telephone company at a less rate than affords proper compensation, I believe Congress would say, "That being the case, put it at what is right." I do not believe the Government desires to exact from the telephone company service at a less rate than is proper.

Mr. GALLINGER. It may not desire to do it, but it is doing it.

Mr. BACON. Very well; if it is doing it, the Senator from New Hampshire, as head of the Committee on the District of Columbia, I submit to him, has not taken the course which should be taken in this matter. He should come into the Senate——

Mr. WELLINGTON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Maryland?

Mr. BACON. In one moment.

The Committee on the District of Columbia should come into the Senate and point out where the injustice is, and ask that it be corrected. I have had occasion when I was upon the Committee on the District of Columbia to note and to state in this Chamber that in the city of Washington there were intrenched more impregnable monopolies—and this is one of them—than in any other city I know of in the United States. And I did not think it to the credit of the Congress of the United States that that was the fact.

Mr. GALLINGER. Will the Senator permit me?

Mr. BACON. Certainly.

Mr. GALLINGER. I confess that I doubt very much whether a committee of this Congress could ever determine the exact amount that ought to be paid to any corporation for its service, but the Senator will note the fact that in 1898 there were 2,500 telephones in operation here, and now there are 9,000. The citizens have voluntarily taken 6,500 additional telephones, satisfied with the rates that the company, under its new management, is exacting from them.

Mr. BACON. What guaranty does the Senator have that those rates will be continued?

Mr. GALLINGER. The guaranty the Senator has is the simple guaranty that this company could not afford to do anything different.

Mr. BACON. It afforded to do it before.

Mr. GALLINGER. It afforded to do it before because it had free rein and the question had never been raised. The Senator knows, as a businesss man, that the company could not afford to increase its rates beyond the present point if this law is repealed. There would be a feeling of indignation in this community and in both Houses of Congress which would not be to the advantage of this corporation.

Mr. BACON. The Senator must not assume that I know it. On the contrary, I have the other opinion.

Mr. GALLINGER. I appeal to the Senator's business judgment; that is all.

Mr. BACON. My business judgment is not that way. It may not be to my credit——

Mr. GALLINGER. I would not question that.

Mr. BACON. But nevertheless it is a fact. I have seen in this community a great exhibition of indignation. I have seen the committee room thronged with citizens of the District, not simply those who desired to be interested in a proposed new enterprise, but thronged with citizens of this District protesting against the rates that were then charged by the telephone company, with the manifestation of the greatest indignation, and not the slightest concession was made in consequence thereof by the telephone company. And no concession was ever made until a law was passed which fixed the rates, which may have been too low, but which still showed the intention of the Government to control in this matter.

Mr. GALLINGER. Will the Senator permit me to make an observation?

Mr. BACON. With pleasure.

Mr. GALLINGER. Those gentlemen who were there—and I remember them very well, because I sat on the committee with the Senator from Georgia, and he was so useful a member that we all regretted that he left the committee——

Mr. BACON. I am very much obliged to the Senator from New Hampshire.

Mr. GALLINGER. They were represented by Mr. Birney, Mr. Woodard, and Mr. Hemphill—Mr. Hemphill being an exmember of Congress from the State of South Carolina. They were their attorneys, they were their representatives, and through those same gentlemen they all now say that they are satisfied with the present status and want this law repealed. It seems to me, if the Senator heard me——

Mr. BACON. I beg pardon.

Mr. GALLINGER. I said those gentlemen were represented by Mr. Birney, Mr. Woodard, and Mr. Hemphill.

Mr. BACON. No; my recollection is not in accord with that of the Senator from New Hampshire. I recollect distinctly when those gentlemen were there trying to get a new telephone charter, but the occasion to which I refer was when the citizens were there protesting individually in their own interest and in the interest of their fellow-citizens against what they charged to be extortionate rates and what the Senator himself says to-day were extortionate rates.

Mr. GALLINGER. The Senator is right and he is wrong. These citizens have always been represented by Mr. Birney, Mr. Woodard, and Mr. Hemphill.

Mr. BACON. That may be true.

Mr. GALLINGER. They have been their attorneys.

Mr. BACON. They were not the only parties who appeared there, however.

Mr. GALLINGER. They have been their representatives in all the hearings and in all this litigation. Now they come here through these same gentlemen who then represented them and say, "We want this thing done." That is all I care to say about it.

Mr. DUBOIS. Mr. President——

Mr. BLACKBURN. Let me say a word before the Senator from Idaho starts.

Mr. DUBOIS. Certainly.

Mr. BLACKBURN. It is not to be denied, Mr. President, that the gentlemen who appeared here asking for a charter for a rival telephone company to do business in the District of Columbia were not the only people who originally sought to secure a reduction of the rates charged by the existing company. We all know that. There is not a city in the world, I take it, where as a rule people who are paying for a service—whatever service—can not be found ready to ask for a reduction of rates. That is human nature, and it is true the world over. There were a large number of citizens here who were seeking to get a reduction of rates from the telephone company, and honestly seeking it.

But what I said, and say now, is that the only people who brought this trouble upon the company were the people who were seeking a rival charter in order to do one of two things—either to come into competition with this company or else to extort money from the company.

Now we know that the establishment of two telephone companies in one town can not redound to the benefit or to the saving of the people who use the telephone service. Upon the contrary, it simply doubles the cost, because you do not have and can not have and never did and never will have complete communication throughout the city or the circuit if there are two companies doing business there unless you have two telephones in your business house or in your residence.

Mr. ALLISON. Mr. President, I desire to say only a word upon this question.

The amendment proposed by the Committee on the District of Columbia was first called to my attention during the progress of the debate upon the District bill. My judgment at the moment was that it ought not to be projected upon an appropriation bill, and I think I so stated to the Senator who is at the head of that committee, for the reason that it was likely to lead to discussion, not only here, but elsewhere. But I was willing that these people should have an opportunity of discussing this question, and the more I have looked into the matter the more I am inclined to the view entertained by the Committee on the District of Columbia as respects the propriety of getting rid of this question at the present time by repeal of existing provision.

I remember very well what occasioned the putting on of the provision which it is now proposed to repeal. There was here—the Senator from Arkansas stated the facts correctly—a feeling of deep disgust with the then existing telephone company. They seemed to pay no regard whatever to the wishes and desires of the people of the District. It was impossible for a person of ordinary means to secure a telephone because of the exorbitant charges. They did not seem to understand, what I believe most of these companies now understand, that by the reduction of rates they enlarge the sphere of usefulness of the telephone and thus increase their own profit.

The provision which it is now proposed to repeal is one that did not originate in the Senate. It originated in the House of Representatives. It came to the Senate five years ago, in 1898, upon an appropriation bill. It came here as the result of a special rule of the House of Representatives, as I remember it, which authorized its Committee on Appropriations to offer it as an amendment on an appropriation bill. Otherwise it would not have been in order.

Now, when it came here on the bill, and the bill itself was referred to the Committee on Appropriations, we undertook to consider the question, then as now having very little time to consider it, and then as now feeling that it was not a proper subject for the consideration of the Appropriations Committee. But we made such investigation as we could concerning it, covering a day or two.

There was a wide difference of opinion in the Committee on Appropriations as to what should be done. I believed then, and so expressed myself, I think, on the floor at the time, that this provision was one which could not be enforced because it was not in sufficient detail to give the telephone company proper play. The committee itself recommended to the Senate, as I remember, that it strike out the provision, but when the matter came into the Senate, as the Senator from Arkansas will remember very well, the committee was overwhelmed by the arguments then made and by the votes of the Senate.

Mr. BACON. Will the Senator permit me just a moment in order that I may add to the statement he has made as to the history of this case?

Mr. ALLISON. Certainly.

Mr. BACON. It is true, as stated by the Senator, that this provision came from the House and went to the Appropriations Committee, but that would be misleading if the Senator would have us understand that that was the origin of the proposition.

The matter had been agitated in the Fifty-fourth Congress, and also in that Congress, which was the Fifty-fifth, and there had been some most elaborate hearings before the Committee on the District of Columbia. So when it came into the Senate, as the Senator now says, from the Committee on Appropriations, the debate, so far as concerns its volume, was really taken away from the Committee on Appropriations and was indulged in by the Senate at large.

Mr. ALLISON. I did not mean to say that it was a new question when brought here. It was not a new question even to the Committee on Appropriations, because it had been presented the year before, and the Committee on the District of Columbia had been examining into the question for a year or two, as I very well remember. We insisted that it should have a scheme or a plan here for the regulation of the telephones and a list of charges for their use; but that was not done, and we were confronted then with this provision which came from the House.

Mr. President, the provision, which is now a part of the statutes, I think has shown itself to be impracticable in its administration, and therefore it is that I for one am willing to allow it to be repealed, especially in the view of what the Senator from New Hampshire has said, and more than once said, in this debate—that there is no complaint in the District as respects the repeal of this clause. The proposition to repeal it has been known for more than a week, and I have heard no complaint. Especially do I take that position in view of the fact, as the Senator from New Hampshire has stated, that the Committee on the District of Columbia, upon the first complaint, will take up this question and deal with it by and large.

Mr. JONES of Arkansas. Will the Senator from Iowa allow me to ask him a question?

Mr. ALLISON. Certainly.

Mr. JONES of Arkansas. I understood him to say that in operation this provision has been practically a failure, or words to that effect. Did I understand the Senator correctly in that respect?

Mr. ALLISON. Well, I said what I believed, that the provision is not properly applicable to the use of the telephone in this District.

Mr. JONES of Arkansas. That it is practically inoperative, as I understand?

Mr. ALLISON. That it is practically inoperative, as has been shown from the fact——

Mr. JONES of Arkansas. That was my impression; but I thought it came from the fact that the telephone company paid no attention whatever to the act of Congress. Is that correct?

Mr. ALLISON. I think very largely so.

Mr. JONES of Arkansas. I do not understand the necessity of repealing a law when the party whom it is intended to regulate pays no attention to it as the law stands now.

Mr. GALLINGER. If the Senator will permit me, the company went into the courts, just as the Senator from Arkansas would have done if he had been in its place.

Mr. JONES of Arkansas. They went into the courts. What was the result of going into the courts?

Mr. GALLINGER. They went into the courts to get their rights.

Mr. ALLISON. I have not in my mind all the details of the court proceedings, but the telephone company, as I understand, went into the courts upon the ground that the compensation provided in the statute was wholly inadequate. Testimony was taken upon that question for some months. Finally, it was decided by the judge who heard the case that the compensation was inadequate, and that the court had a right to say whether or not Congress could fix an inadequate compensation for the service.

The case was appealed to the supreme court of the District of Columbia, I think, and the supreme court of the District of Columbia held that the Congress of the United States had a right to fix the compensation for the use of telephones; and whether it was adequate or inadequate was a matter for the judgment of Congress and not for the judgment of the court. Am I right?

Mr. MALLORY. If the Senator will permit me, I will correct him. I have the decision before me.

Mr. ALLISON. Certainly.

Mr. MALLORY. The case in the supreme court of the District of Columbia was decided in favor of the company. The court refused a permanent injunction. The case is that of the Chesapeake and Potomac Telephone Company *v.* Manning. The court refused to grant a permanent injunction. The court of appeals of the District of Columbia overruled the supreme court of the District of Columbia, and ordered them to hear the case again.

The case was then taken to the Supreme Court of the United States, which overruled the court of appeals and sent it back to the supreme court of the District of Columbia to take further action in the matter looking to an ascertainment, so far as we can gather from the decision, as to whether or not the rates were reasonable.

Mr. ALLISON. I thank the Senator from Florida for correcting me. I said the Supreme Court when I meant the court of appeals. The court of appeals reversed the court below.

Mr. JONES of Arkansas. I should like to ask the Senator from Iowa one more question in this connection. Will the effect of this repeal be to increase the rates for telephone service in the District?

Mr. ALLISON. Mr. President, I hope not. From what I have been able to hear within a day or two there is a promise in writing—I saw it somewhere—that if the company were rid of the incubus of this law the rates in the District would be still further considerably reduced.

Mr. JONES of Arkansas. Then what is the necessity of repealing the law if the company is going to reduce the rates below those fixed by law?

Mr. ALLISON. The Senator must understand that I am not distressed about the repeal of this law.

Mr. JONES of Arkansas. I want to understand the facts.

Mr. ALLISON. I am only suggesting what I believe, that the law is of no value on the statute books and that its repeal will do no harm, especially as we have the promise, not only of the company to reduce rates, but also the promise of the able Committee on the District of Columbia that they will take up this question and deal with it; and they have a right to deal with it. This company has no charter in the District of Columbia. It has no right here except a right of property which comes with an investment of money. We have absolute control. We can fix rates here as we choose to fix them, save only that they must not be confiscatory in their nature and must be reasonable.

Mr. JONES of Arkansas. And for that reason I understand the Senator wants to remove all restrictions and allow the company to do what it pleases.

Mr. ALLISON. Well, Mr. President, the Senator from Arkansas can gather as he wishes the reasons I am endeavoring to give for my own consent——

Mr. JONES of Arkansas. I wish to say only——

Mr. ALLISON. For my own consent that this provision may be now repealed in view of the surrounding circumstances; and when the Senator assumes in any way that I am interested in having this repeal made for any special purpose I hope to disabuse him of that.

Mr. JONES of Arkansas. Mr. President——

Mr. ALLISON. I was against bringing this matter to the attention of the Senate in the form in which it is being brought. The amendment is out of order and this debate is out of order, except by consent; any Senator can stand upon this floor if he chooses and make the point of order against the amendment. But I do not choose to make the point of order, because I believe that these people should have a fair hearing and a fair consideration of this question. While it may inconvenience the telephone company for six or nine months, in view of the vacation of Congress, I do not think it is a very great matter whether we put it on or leave it off of this bill.

Mr. JONES of Arkansas. I wish to disclaim any intention to reflect upon the Senator from Iowa.

Mr. ALLISON. I am sure the Senator did not intend to do so.

Mr. JONES of Arkansas. I had no idea of doing anything of that sort. I merely wanted to find out the theory on which this subject was proposed. I think after the Senator gets through with his remarks, as he suggests that the amendment is out of order, I will make that point.

Mr. ALLISON. Very well. I will say to the Senator in brief that this statute is impracticable of enforcement. It has been said by the company, as has been so well stated by the Senator from New Hampshire, that under the circumstances they are compelled, not by law, but by the fact that the Government asks it of them, to furnish telephone service for which they are not adequately paid, and therefore they want to have the law repealed

now, in order to have a just settlement. That is the only reason I can see why it should be done. It will help no user of the telephone to have the law stand until next year.

Mr. JONES of Arkansas. I think that is exactly true, because I do not think the slightest attention is paid to the law as it now stands.

Mr. BERRY. Will the Senator from Iowa permit me one question?

Mr. ALLISON. Certainly.

Mr. BERRY. Is the reason why they want to have the law repealed because the Government pays now according to the rate fixed in the law of 1898 and they want to get rid of that so as to make the Government pay what other people pay? Is that it?

Mr. ALLISON. No, sir; I do not understand that to be the case.

Mr. BERRY. Is it not true that the Government does not now pay except according to that law? Is that correct?

Mr. ALLISON. I do not know. The Senator from New Hampshire will know.

Mr. BERRY. That is what I understand, and I simply ask for information.

Mr. ALLISON. I have not made the investigation. I do not know.

Mr. BERRY. As I understood the Senator from New Hampshire, the Government holds the law to be a valid law and pays accordingly, and they furnish the service at that rate to the Government, but to no one else.

Mr. ALLISON. That is not the whole of the case, as I understand it.

Mr. GALLINGER. It is not the whole of it.

Mr. ALLISON. We have provided that the conduits shall be placed under ground not only as respects the telephones, but as to the electric lighting, etc. They are expending now large sums of money upon underground conduits, and they are being asked to make exceptions of various kinds, which they say they can not do at this rate.

I did not expect when I rose to come into the defense of this question, because I am not familiar with it. I have only gathered enough from this debate, with my confidence in the Committee on the District of Columbia and their judgment, to believe that no harm will come from this repeal. I do not take the pessimistic view my friends from Arkansas take of this subject, but I am willing to consent that this matter shall be discussed and debated, and that the law shall be repealed if on the whole it is thought wise to do so.

I have not made the point of order as I could have done on the amendment for the reason that I thought there were sufficient arguments in favor of dealing with the question in this bill to justify our giving half an hour to it.

Mr. MALLORY. Mr. President, I was a member of the subcommittee to which this matter was referred, and which gave a hearing to the citizens of the District of Columbia who were interested in the subject. The facts elicited at that hearing were substantially as follows: That this law was practically a dead letter; that a suit had been instituted soon after the enactment of the law to enforce it, and that it was carried through the different courts in the District of Columbia—the supreme court and court of appeals—to the Supreme Court of the United States, and by that court, after a somewhat lengthy consideration and opinion, it was sent to the supreme court of the District of Columbia for further action, and it will probably be some years yet before the question involved is finally decided.

Appearing before the subcommittee were a number of gentlemen who professed to be, and I believe they were in fact, representatives of the association in the District of Columbia which had assumed the burden of carrying on this legislation. It was that association which was responsible for the long legal fight which had culminated in the case finally being sent back to the supreme court of the District of Columbia. The subcommittee were assured by the attorneys of that association that in their judgment it was best for all concerned that the act should be repealed.

The committee had no further evidence before it than the statement of these gentlemen, who had been for some time interested in seeing the law put into effect, and such facts as it could gather from the decision of the Supreme Court of the United States in the case entitled Chesapeake and Potomac Telephone Company *v.* Manning, United States Supreme Court Reports, volume 186, page 246.

The act which is sought to be repealed was undoubtedly a very crude piece of legislation. It was in the shape of a proviso, and in the following language:

Provided, That from and after the passage of this act it shall be unlawful for any person or any telephone company doing business in the District of Columbia to charge or receive more than $50 per annum for the use of a telephone on a separate wire; $40 for each telephone, there being not more than two on a wire; $30 for each telephone, there being not more than three on a wire, and $25 for each telephone, there being four or more on the same wire.

That is the sole verbiage of the act, without reference as to the quality of the telephone, as to the costliness of the particular instruments, as to whether there are any improvements from year to year in the system of telephones, or without reference to anything of that kind, but a hard and fast rule laid down that these particular tariff rates should be enforced, and no others.

Mr. President, the committee were also impressed with the fact that while these rates may be just and reasonable they were not fixed by Congress after a careful and considerate estimate of what they should be. The Supreme Court in its decision, in referring to that fact, says:

So, while we may not infer from the mere fact that the committees of investigation never completed their work that Congress acted unadvisedly, yet, as each body authorized a full investigation by a committee, and before a report was received from such committee took the action which it did, it is fairly open for consideration whether the general language found in this proviso is not subject to some limitations or qualifications.

In other words, we have it not on the memory of a Senator or a member of the House of Representatives, but a part of the record of a case in the Supreme Court to the effect that at the time this proviso was passed there was before Congress no report whatever, no information in an official way, as to whether these rates were reasonable or just.

It is now contended by the telephone company that these rates are unreasonable and are, as has been said here, confiscatory. With those facts before the committee, knowing as we do that this telephone company is in the District of Columbia simply on sufferance, that every right and privilege it possesses is subject to the right of repeal by Congress whenever Congress chooses to say so, and we can to-morrow, if we choose, wipe them out of existence in the District of Columbia—knowing those facts and bearing in mind that the only ones who are deeply interested in having the law carried out appeared before us and told us that they thought it was to the best interests of the citizens of this city that the law should be repealed, the subcommittee considered that they were justified in making the recommendation to the full committee which they did. That was the only motive which influenced the members of the subcommittee.

Mr. DUBOIS. Mr. President, I do not think the fact that the attorneys who were anxious to have this legislation carried into effect have changed their minds and now want the law repealed is in the least conclusive upon us. The honorable gentleman who was on the subcommittee, the Senator from Florida, admits in his argument that that was the controlling consideration in his mind.

I recollect that at the last session of Congress, when there was a bill to reduce the duty on Cuban sugar, the House put an amendment on that bill which made the sugar trust pay a portion of the reduction, or struck off the differential, and the beet-sugar men were the chief advocates of what the House did.

The beet-sugar men insisted that the striking out of existing law of the differential duty on sugar should be a part of the act reducing the duty on Cuban sugar. Now the same beet-sugar men are here saying that the bill ought to be passed without mention of the differential. This proves that some arrangement has been made between the sugar trust and these particular beet-sugar men making the arrangement satisfactory to those gentlemen; but it does not touch the point in controversy at all, and I imagine that it is not satisfactory to the producers of the beet and the consumers of sugar.

So the fact that the men who were anxious for the law are now agreeable to its nonenforcement and its repeal I do not think is conclusive at all; and that seems to be about the best argument for its repeal.

However, I have no particular opinion on this subject. I rose to ask the Senator from New Hampshire a question.

Mr. GALLINGER. With pleasure.

Mr. DUBOIS. I understood the Senator to say that the rates had been something like $90 a year, and that they had been reduced to something like $52 or $53.

Mr. GALLINGER. The average rates?

Mr. DUBOIS. Yes. Now, is there any restriction as to the number of messages which can be sent annually by one who pays this annual rent?

Mr. GALLINGER. Not except those who have the measured service. Those who have the measured service, of course, can send as many messages as they please, and they pay for each message. Those who have a telephone in the house at a stipulated price of course can send just as many messages as they choose.

Mr. DUBOIS. I wished to find out, if I could, if those who pay $53 a year have an unlimited service?

Mr. GALLINGER. I understand it so. I will not say that it is exactly $53 a year, but the average rate has been reduced from $98 to $53, almost one-half, and they have an unlimited service, beyond a question.

Mr. HOAR. When was that done?

Mr. GALLINGER. They have gradually reduced it during the last two years.

Mr. DUBOIS. I had understood that they were restricted to 600 messages a year, or about two messages a day.

Mr. GALLINGER. I will say to the Senator that there is a $36 rate where the users are restricted, as I remember it, to 600 messages a year, and on additional messages I think they pay from 3 cents to 5 cents. I am not sure as to the amount. It was 10 cents, and it has been reduced to 3 cents or 5 cents.

Mr. DUBOIS. Really the reason why I rose was to find out by a comparison which we can understand, and which can be instituted, the cost of the service in this District and the cost of similar service in other cities.

Mr. GALLINGER. That is the very thing I have tried to say will be done at the next session of Congress—if some of us live—if there is a demand for it, and I say to the Senator that I pledge my personal efforts to make it a very thorough inquiry.

Mr. DUBOIS. I should think, under the existing condition, we ought to be furnished with some comparison as to the charges here and in other cities of somewhat similar size.

Mr. GALLINGER. I have no doubt, from what knowledge I have of it——

Mr. DUBOIS. I beg pardon. I want to ask further if the people who are restricted to 600 messages a year have to pay anything more—and if so, how much—for messages beyond the number of 600, or 2 a day?

Mr. GALLINGER. The charge is either 3 cents or 5 cents, I am not sure which, for outgoing messages; not for incoming messages, but outgoing messages.

Mr. DUBOIS. I will say to the Senator from New Hampshire that I have no disposition to oppose the measure. I would really like to have some information more definite than we have.

Mr. GALLINGER. I should like very much, Mr. President, to have the junior Senator from Vermont [Mr. DILLINGHAM], who was chairman of the subcommittee, make a brief statement concerning this matter; but before doing so, I want simply to call attention to the point which perhaps I did not make sufficiently clear.

There was not only one association in the District of Columbia interested in this question, but some six associations. There were the Business Men's Association of Washington, the Brightwood Avenue Citizens' Association, the Mount Pleasant Citizens' Association, the Northeast Washington Citizens' Association, and the Citizens' Northwest Suburban Association. I wish simply to read what Mr. Crounse, who was chairman of the telephone committee of the Citizens' Northwest Suburban Association, says in behalf of that association, and I hope it will be listened to:

CITIZENS' NORTHWEST SUBURBAN ASSOCIATION,
Washington, D. C., February 10, 1903.

DEAR SIR: Replying to your inquiry of this morning concerning the telephone service in our section as supplied by your substation recently installed at Somerset Heights, I would say it is entirely satisfactory both as to efficiency and rates charged.

There is perhaps no part of the District of Columbia in which prompt telephone service is so necessary as in the northwestern suburbs, where residents are widely scattered and the public utilities, including transportation and police and fire protection, are less adequate than within the city limits. Since the installation of the substation at Somerset Heights we have been able to connect our houses, at moderate rates, with the fire and police departments and with local and city physicians, as well as with our places of business in town, and thus the chief objections to suburban residence have been removed. We hope that the establishment of this service will do much to develop our section, and I desire to express our appreciation of your cooperation in this direction.

Very truly, yours,
W. L. CROUNSE,
Chairman Telephone Committee
Citizens' Northwest Suburban Association.

That is an association representing a very large class of citizens who were up in arms five years ago, and now they are absolutely satisfied not only with the service but with the rates this corporation is giving them.

Now, Mr. President, I very much desire that the junior Senator from Vermont, who was absent when I took the floor, shall make a statement. Had he been in his seat I would have asked him to make the first statement upon this subject, he having been the chairman of the subcommittee which heard the citizens and those representing the telephone company in a recent hearing. I trust the Senator will make his statement.

Mr. DILLINGHAM. Mr. President, the statement should be very brief.

It appeared from the testimony taken by the subcommittee that at the time of the enactment of the law this litigation was inaugurated and went into the supreme court of the District of Columbia. The decision there was appealed from, and it has gone through each one of the courts until it has reached the Supreme Court of the United States, and the Supreme Court of the United States has sent the case back with instructions to take further evidence. The court there has held substantially, as was stated to the committee, that "there was a superior kind and an inferior kind or class, and in each of these classes there were several subclasses or grades. The law was not clear on the subject, and the trial court had not taken these facts into consideration. It therefore sent the case back for further inquiry as to which of these kinds of equipment Congress intended the rates to apply, and also whether or not the rates fixed were reasonable for the kind of equipment to which it might be found to apply." Now, that sends the case back, so that the petitioners are in substantially the same position they were when the litigation began some time ago.

Under these considerations, and in view of the fact that since that time the telephone company has entirely altered its system of charges and placed it to a very large extent upon the amount of business done from each one of the stations, the petitioners found themselves unable to proceed under the law in a way satisfactory to themselves, and so by conferring with the company they concluded that it would be best to withdraw all the litigation and allow the law to be repealed, with the distinct understanding that if when Congress assembles next winter the relations existing at that time between the telephone company and the citizens of Washington were not entirely satisfactory, the Committee on the District of Columbia would take this matter up in earnest and see that legislation was inaugurated which would fully protect the patrons of the company.

The attorneys for the Telephone Subscribers' Association appeared before us, and with them a large number of their clients, private citizens, proprietors of hotels and other business places, and everybody in the room assented to the proposition which was made both by the attorneys and by the company. In the statement made by the attorneys for the association to the committee they used the following language concerning the law now in force:

The act of 1898 was never satisfactory to anyone. Its author did not intend that it should become a law in the form in which it was presented by him to the House of Representatives, and it has been always regarded by the association as wholly inadequate to the situation. It does not at all cover the ground, and if it is to stand it should be added to by further provisions.

The association also recognizes that since the passage of this act of 1898 local conditions have greatly changed. Improvements in methods have been introduced, and average rates of charges have been lessened.

That presents an entirely new condition at this time, a condition that differs from the one which existed when the law was enacted. They found difficulty in attempting to enforce this new law with the new conditions, and, therefore, they were strongly of the opinion that the law should be repealed and that it should be left to the discretion of the Committee on the District of Columbia whether a new law should be proposed at the next session of Congress. They all expressed themselves satisfied with the administration of the affairs of the company at this time.

Concerning the question of the Senator from Idaho [Mr. DUBOIS] as to rates, it did appear that a rate had been fixed for private residences calling for the payment of $36 annually. In that particular case the number of messages sent out was limited to 600 annually, with the privilege of sending more by paying from 3 to 5 cents upon each message. It further appeared that the average rate of charges for telephones has decreased since the act of 1898 from $98 per annum to $56 per annum, and that it is now based upon the equitable system of charging for the 'phone upon the basis of the business done through that particular station.

Mr. HEITFELD. Mr. President, I make a point of order against the amendment that it is general legislation.

The PRESIDING OFFICER. The Chair sustains the point of order. The bill is in the Senate and open to amendment. If there be no further amendments, the question is, Shall the amendments be engrossed and the bill be read the third time?

Mr. TELLER. I wish to offer an amendment, to come in on page 19, after line 24, which I send to the Chair.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 19, after line 24, insert:

For Connecticut avenue extended, grade and macadamize, $10,000.

Mr. TELLER. I wish to say that that is a matter which was overlooked by the committee. It has been the custom for some time to do certain work on Connecticut avenue, and we have heretofore appropriated $10,000. The estimate is for $25,000. The matter was entirely overlooked by the committee. I believe the amendment has the approval of the chairman of the committee. I make this statement because it is a little out of order to come in now with the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Colorado [Mr. TELLER].

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had on the 12th instant approved and signed the following acts:

An act (S. 661) authorizing the restoration of the name of

Thomas H. Carpenter, late captain, Seventeenth United States Infantry, to the rolls of the Army, and providing that he be placed on the list of retired officers; and

An act (S. 3287) to fix the salaries of certain judges of the United States.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 569) to establish the department of commerce and labor;

A bill (H. R. 14764) to establish United States courts at Wilkesboro, N. C.; and

A bill (H. R. 15449) to increase the efficiency of the Army.

THE ALASKAN BOUNDARY.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Appropriations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report by the Secretary of State with an accompanying draft of an act making an appropriation to carry out on the part of the United States the provisions of the convention between the United States and Great Britain, concluded January 24, 1903.

In order that there may be no delay in the appointment and assembling of the tribunal provided for in the convention, I ask for the matter the favorable consideration of the present Congress.

THEODORE ROOSEVELT.

WHITE HOUSE, *February 13, 1903.*

THE PHILIPPINE ISLANDS.

Mr. QUAY. I call for the regular order.

Mr. DIETRICH. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Nebraska?

Mr. DEPEW. I yield to the Senator.

Mr. DIETRICH. Mr. President, I rise to ask permission to submit a number of observations bearing upon the future welfare of the Philippine Islands. They are somewhat extensive, and realizing the pressure of important pending legislation at this time, I do not feel justified in asking for the privilege of giving them all orally.

I am advocating, Mr. President, the inauguration of a policy for the protection and development of the interests and industries of the Philippine Islands, more especially those which do not and can not compete with industries of the United States. We are importing annually between $150,000,000 and $200,000,000 of duty-free products which could be supplied by the Philippine and other island possessions, and I contend that it is unfair, unbusinesslike, and unpatriotic to admit, without duty, from other countries, products which could be grown or manufactured in our own possessions.

For many years the customs tariffs of the United States have been so arranged as to afford protection to our home industries, both of the farm and factory, and because of that policy we are the most prosperous nation on the face of the earth. We are now importing coffee, india rubber, hemp, sisal grass, gutta-percha, copra, cacao, dyewoods, and other products of the field and forests, amounting annually to the value of from $150,000,000 to $200,000,000, all of which are now on the free list, and in consequence we have little to trade under reciprocal arrangements unless we trade off detrimentally one American industry for another.

Now that we have island possessions capable of producing these $150,000,000 to $200,000,000 of products which come into the United States duty free, there should be an additional incentive for us to change the policy of the past by placing a duty on these articles, thus encouraging their production in our own island possessions. We must give the same measure of protection to the producers and manufacturers of our island possessions as we do to our own people in the United States. As an illustration of what this past policy has cost the American Government I cite the case of Brazil. The principal Brazilian products which come to us are coffee, india rubber, gutta-percha, cacao, etc., all of which come in free of duty. In 1900 we imported $55,204,311 of duty-free Brazilian products, and of this amount $33,905,059 was coffee and $17,876,128 was rubber, these two articles thus constituting nearly $53,000,000 of the $55,000,000 worth of imported nondutiable Brazilian products. The duty on the rubber, which was 50 per cent ad valorem, was taken off in December, 1870; the duty on coffee, which was 5 cents per pound prior to 1870, was then reduced to 3 cents, and was finally abolished in 1872.

Immediately after we took the duty off of coffee Brazil put on an export and other taxes, approximating the duties we had been collecting, consequently our revenue on coffee was transferred from our Treasury to the Brazilian treasury, and our people were not helped one iota.

In 1871 we paid Brazil 9¾ cents per pound for 257,472,708 pounds of coffee, collecting 3 cents per pound duty, thereby turning $7,724,181.24 into our Treasury, making the coffee cost our importers 12¾ cents per pound, duty paid. In 1872 we paid Brazil 15¾ cents; in 1873, 14 9/10 cents; in 1874, 19 cents, and in 1875, 15 7/10 cents per pound, showing that putting coffee upon the free list did not decrease the cost of coffee to the American consumer, but coffee constantly advanced in price.

During our twenty-eight years of free-trade coffee we have lost in revenue on Brazilian coffee alone the enormous sum of $304,869,852.84 and made the Brazilian treasury richer by practically that amount of money. For twenty years prior to free coffee and free rubber the total balance of trade in favor of Brazil was but a fraction over $12,000,000 a year. Since our free coffee and free rubber period began the balance of trade against us has so increased that for the whole period of twenty-eight years it has averaged over $45,000,000 a year. In other words, during the twenty-eight-years' period of free coffee and rubber Brazil has sold us products to the value of $1,611,688,716 and has purchased during the same period only $285,521,500.46 of American products, or less than 18 per cent of our purchases from Brazil, thus creating in twenty-eight years a balance of trade against the United States amounting to the enormous sum of $1,328,167,670.

Had our legislators been wise they would not have listened to the siren song of free trade, which has produced such disastrous results to our commercial relations with Brazil and the loss of hundreds of millions to our Treasury, but we should have placed a high duty on coffee and other products and kept such duties in force except by special arrangements for trade concessions, and that the countries from whom we purchased should not collect an additional export or other tax by which they would absorb such reduction.

Now that we have island possessions that can produce all of this coffee, rubber, cacao, copra, dyewoods, spices, and other tropical products, I am in favor of placing a protective tariff on them against the rest of the world. This proposition will cause opposition by the coffee, rubber, and other trusts who have their money invested in foreign countries. In spite of opposition which might arise we should do that which is best for our own people and the people of the Philippine islands, for they are our own people.

The system of peonage and practical slavery which has existed and now exists in the Philippine Islands, in Cuba, and in other Spanish possessions, is due to the fact that the Spanish Government encouraged the building up of vast sugar and tobacco estates. The continuation of this system should be discouraged, and for this reason I am opposed to the granting to either individuals or corporations any larger tracts of land in the Philippines than we have already provided for.

The cause of the Cuban war and the uprising of the Filipino people against Spain was because of the vast estates upon which people were simply held as peons or slaves, and to grant these franchises of great tracts of land would only perpetuate and increase this system, which is so obnoxious and detrimental to the welfare of the masses of the people.

Both the great tobacco and sugar estates of the Philippines have been so conducted that the great mass of laborers on them never saw any money from one year's end to the other. The pittance which they received for their labor was given in merchandise from the company's stores. In fact, they were always kept in debt and thus held in semislavery.

Last year we passed an act authorizing the Philippine Commission to sell not to exceed 1,024 hectares, equal to about 2,500 acres of land to a single corporation, and that is certainly enough land to be held by one set of individuals.

We limited the amount of land that could be taken up by a single individual to about 40 acres, because the Philippine soil is so much more productive than American soil that the 2,500 acres of Philippine land, which corporations can hold under the present law, is equal in productiveness to 10,000 acres of American soil.

For the specific purposes of doing away with great Philippine estates which have enabled the owners to hold the Filipino people in practical slavery and which caused the uprising in the islands, the last session of Congress authorized the Philippine Commission to issue bonds to the value of several millions of dollars, the proceeds from the sale of which were to be used for the exclusive purpose of purchasing the friar estates and turning them back into the public domain, and I quote that part of the act which refers to it:

"AUTHORITY FOR THE PHILIPPINE ISLANDS GOVERNMENT TO PURCHASE LANDS OF RELIGIOUS ORDERS AND OTHERS AND ISSUE BONDS FOR PURCHASE PRICE.

"SEC. 63. That the government of the Philippine Islands is hereby authorized, subject to the limitations and conditions prescribed in this act, to acquire, receive, hold, maintain, and convey

title to real and personal property, and may acquire real estate for public uses by the exercise of the right of eminent domain.

"SEC. 64. That the powers hereinbefore conferred in section 63 may also be exercised in respect of any lands, easements, appurtenances, and hereditaments which, on the 13th of August, 1898, were owned or held by associations, corporations, communities, religious orders, or private individuals, in such large tracts or parcels and in such manner as in the opinion of the Commission injuriously to affect the peace and welfare of the people of the Philippine Islands. And for the purpose of providing funds to acquire the lands mentioned in this section, said government of the Philippine Islands is hereby empowered to incur indebtedness, to borrow money, and to issue and to sell at not less than par value, in gold coin of the United States of the present standard value or the equivalent in value in money of said islands, upon such terms and conditions as it may deem best, registered or coupon bonds of said government for such amount as may be necessary, said bonds to be in denominations of $50 or any multiple thereof, bearing interest at a rate not exceeding 4½ per cent per annum, payable quarterly, and to be payable at the pleasure of said government after dates named in said bonds not less than five nor more than thirty years from the date of their issue, together with interest thereon in gold coin of the United States of the present standard value or the equivalent in value in money of said islands; and said bonds shall be exempt from the payment of all taxes or duties of said government, or any local authority therein, or of the Government of the United States, as well as from taxation in any form by or under State, municipal, or local authority in the United States or the Philippine Islands. The money which may be realized or received from the issue and sale of said bonds shall be applied by the government of the Philippine Islands to the acquisition of the property authorized by this section, and to no other purposes.

"SEC. 65. That all lands acquired by virtue of the preceding section shall constitute a part and portion of the public property of the government of the Philippine Islands, and may be held, sold, and conveyed, or leased temporarily for a period not exceeding three years after their acquisition by said government on such terms and conditions as it may prescribe, subject to the limitations and conditions provided for in this Act: *Provided*, That all deferred payments and the interest thereon shall be payable in the money prescribed for the payment of principal and interest of the bonds authorized to be issued in payment of said lands by the preceding section and said deferred payments shall bear interest at the rate borne by the bonds. All moneys realized or received from sales or other dispositions of said lands or by reason thereof shall constitute a trust fund for the payment of principal and interest of said bonds, and also constitute a standing fund for the payment of said bonds at their maturity. Actual settlers and occupants at the time said lands are acquired by the Government shall have the preference over all others to lease, purchase, or acquire their holdings within such reasonable time as may be determined by said government."

Were we to increase the amount of land which can be held by corporations we would be going back to the very conditions which caused the trouble and to get out of which we authorized the above issue of government bonds.

I do not imagine for one moment that the friars are any worse landlords than are other people under similar conditions. I did not vote for the measure primarily to get rid of the friars, but to get rid of the principle of great landed estates.

Nonresident landlordism nearly wrecked Ireland, Cuba, New Zealand, Queensland, and New South Wales, where the governments have recently condemned and are still condemning large estates and cutting them up and selling them in small parcels.

In the light of this history we can not afford to inaugurate our administration of the affairs of 8,000,000 of people by making them slaves to our great tobacco and sugar and other corporations.

Especially should such a system be condemned in the case of the Philippines, where so many avenues of industry are open wherein the people remain independent, each family tilling its own land and not being subject to the tender mercies of corporations owning and operating vast landed estates.

It is admitted by all who are familiar with the subject that the Filipinos who devote their energies to the culture and gathering of hemp, rubber, gutta-percha, coffee, cacao, copra, and other Philippine specialties earn far more money than do those who are enslaved on the great tobacco and sugar estates, and we should foster and encourage the development of these independent industries, which will also furnish us with those things which we can not produce, rather than to enslave the Filipino people in the production of competitive American products.

In the development of the island by constructing railroads, it will be much wiser for the Filipino government to give a guaranty of a small rate of interest than it will be to grant to corporations or individuals these great tracts of lands.

By encouraging the sugar industry of the Philippines we would commit a triple injustice.

First. To the sugar industry of the United States by increasing competition and arresting the full and early development and the consequent economies in the cost of production, which will only come by development.

Second. By making semislaves of the Filipinos instead of helping to make them a free and independent people.

Third. To those who invest in Philippine sugar plants, which in time must inevitably be swept from the face of the earth by the ever-increasing skill of the American farmer and the American sugar manufacturer of the temperate zone.

Congress in its wisdom at the last session passed a national irrigation act which, unless nullified by other legislation, will solve the sugar question of the United States, by enabling us to produce from our now arid and useless plains the sugar which we now import.

These lands are far removed from the great centers of population, and thus in their development their farmers are restricted to the production of such high-priced commodities as can bear the expense consequent upon long-haul transportation.

Sugar beets are to be their "ready money" crop, because the sugar will stand the necessary heavy freight rates to put it into the great Eastern centers of population.

Another reason why our duty should be to protect the sugar industry of the United States is because upon the lands where we can grow sugar beets and sugar cane, we can not produce hemp, coffee, rubber, and articles of that kind, and these very articles that we can not produce in the United States are the articles which are the most profitable to the producers in the Philippine Islands.

Let us, by protection, encourage the Filipino people to supply us with the $70,000,000 worth of coffee which we annually import, the $27,000,000 worth of rubber and gutta-percha, the $17,000,000 worth of sisal grass, the $6,500,000 worth of cacao, the $3,500,000 worth of cabinet woods, the $2,250,000 worth of copal, the $1,000,000 worth of copra, the $1,000,000 worth of indigo, and the various other tropical products which she can grow and which we import to the combined value of about $200,000,000 a year, and exchange with them our products, dollar for dollar, as nearly as possible, and not continue the unstatesmanlike policy which we are now pursuing with Brazil, viz, buying 82 per cent more than we sell.

If we maintain the open-door policy of the Philippines as to imports and exports, which is demanded by not only Spain but all other nations, we should place an export tariff upon all raw materials, whether exported to the United States or any other country, and all products and manufactured and finished articles to be exported free of duty, except such articles as we produce in the United States, viz, sugar, tobacco, and citrus fruits. The object of this policy is to encourage the manufacture of all raw material, which can be produced in the Philippines which we do not ourselves produce, into the finished article ready for the markets of the world. If we do not adopt such a policy for the Philippines the raw materials will be taken to countries other than the United States, where cheap labor will convert it into the finished article to be sold in competition with such articles manufactured in the Philippines and the United States. For that reason I suggest that we place a heavy export duty upon raw material, so as to collect a revenue and encourage the manufacturing industry in the Philippines by our own people, who are entitled to the same care and protection as are the people of the United States.

But if we do not maintain the open-door policy, then we should collect for revenue an export tax upon all raw materials, and also a specific differential tax upon materials destined for all other countries than the United States, in order to equalize the difference between the cheap labor of those countries and the high-priced labor in the United States.

As an illustration, I will take the two products hemp and copra. Copra is the dried fruit of the cocoanut and is largely exported to Germany and France and the oil extracted and used for various purposes. By placing a heavy export tax upon copra and not upon the oil extracted from copra, refining establishments will be located in the Philippine Islands, and the oil will be exported to the various countries in place of the raw material.

What is true of copra would be of hemp. By placing a heavy export tariff upon raw hemp, and not upon the finished article, manufacturing industries would be established in the Philippine Islands to convert the raw hemp into rope, cordage, and other hemp products. That would give employment to the Filipino people and increase the internal welfare, so that within a few years the same system of taxation can be adopted in the Philippine Islands as we now have in the United States.

It is not for us to waste our time upon the things that have occurred in the Philippines in the past, but we must unite our

energies and give our best thoughts for the upbuilding of those people in the future.

I submit the following tables and data, which have been prepared with great care by the expert, Mr. Truman G. Palmer, and which are a digest of the various annual reports of the Philippine commissions, of the hearings before the Senate and House committees, and of other public documents relating to the subject, and ask that the matter be printed in the RECORD.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nebraska?

Mr. GALLINGER. What is the request?

The PRESIDING OFFICER. The request of the Senator from Nebraska is that the tables and other matter which he has prepared may be printed in the RECORD with his remarks.

Mr. GALLINGER. I have no objection to that.

The PRESIDING OFFICER. In the absence of objection that order will be made.

The matter referred to is as follows:

IN GENERAL.

Considering the future welfare of the Philippine Islands, and of American industries which are engaged in producing commodities common to both countries, American statesmen are charged with a grave responsibility, far-reaching in its effect.

The Philippine Commission, looking to the immediate development and exploitation of those islands, repeatedly appeals to the American Congress for practical free trade in everything the islands can produce, and for permission to sell to great corporations vast tracts of land for the production of competitive crops. These are questions which should be carefully weighed by our legislators.

AMERICAN AGRICULTURAL EXPORTS AND IMPORTS.

The United States is a great agricultural country, exporting approximately $850,000,000 of agricultural products annually. On the other hand, we yearly import something over $400,000,000 worth of agricultural products.

POSSIBILITY OF REDUCING AMERICAN AGRICULTURAL IMPORTS.

Some of these agricultural imports are from the temperate zone, and under the efficient management of our present Secretary of Agriculture we are in a fair way of cutting these imports down to $200,000,000 to $250,000,000 a year, unless the efforts of the Department should be blocked by unwise legislation covering our newly acquired island possessions.

By producing at home all of our tobacco, sugar, and citrus fruits our annual agricultural imports will be reduced by from $80,000,008 to $100,000,000, and this the Secretary of Agriculture expects soon to accomplish.

Of our other agricultural imports, it is possible to produce another $100,000,000 worth in the temperate zone, leaving $200,000,000 to $250,000,000 worth which must ever be procured from tropical countries.

NEW CONDITIONS.

Now that we have acquired tropical possessions, the question for our legislators to decide is whether it be the wise course to stimulate in them the production of those things which we can produce at home, or to encourge them to produce the $200,000,000 to $250,000,000 worth of purely tropical products which we can never hope to produce.

The following table shows in the first column the value of certain tropical products which were brought into the United States during the fiscal year ending June 30, 1902, none of which can ever be produced in the United States; the second column shows the Philippine exports of like commodities during the same period, while the last column shows the value of Philippine exportations of similar products, taking the largest export year that the writer has any knowledge of:

Some Philippine specialties which can not be grown in the United States.

	United States importations year ending June 30, 1901–2.	Philippine exports year ending June 30, 1902.	Philippine exports.	Year.
Coffee	$70,919,257	$2,879	a$1,953,815	1888
India rubber and gutta-percha	27,094,622	182,312	182,312	1902
Manila hemp	10,355,381	15,841,316	15,841,312	1902
Sisal grass and other fibers	17,018,315	178,120	178,120	1902
Copra and cocoanuts	1,017,326	1,002,245	4,462,920	1888
Copal	2,288,573	73,010	109,936	1901
Other gums	4,537,136	68,792	68,792	1902
Cabinet wood, unmanufactured	3,400,957	72,480	72,480	1902
Shells	563,284	101,444	173,988	1901
Cacao or cocoa	6,642,717	241	2,203	1900
Indigo	1,035,980	8,806	23,317	1900
Total	144,873,556	17,548,447	23,069,195	

a 14,056,229 pounds, figured at 13.9 cents per pound, the average United States import price for 1888.

From the above table it will be seen that we imported last year nearly $150,000,000 worth of tropical products, of which the Philippines during the same period exported over $17,000,000 worth, and in their best years have exported over $23,000,000 worth.

The American market for these products, already large and constantly increasing, will ever be open to these Philippine specialties, which are acknowledged to be more profitable to the grower than are the crops which we also produce.

DUTY FREE.

All of the above Philippine products already enter our markets absolutely free of duty, and hence any further general reduction in our tariff on Philippine productions can not affect the expansion of these industries.

OTHER PHILIPPINE SPECIALTIES DUTIABLE.

There are other industries in the Philippines of considerable importance, such as the production of ylang-ylang oil, of which they exported $70,553 worth last year; straw hats, of which they exported $181,162 worth last year, and many others of minor importance, which would be greatly stimulated by giving them free access to our markets, and which would not interfere with any American industry, as we can not produce them.

COMPETITIVE PRODUCTS.

The following table covers the three Philippine products which are also grown in the United States.

By the act of March 8, 1902, we now collect but 75 per cent of the regular tariff rates on these commodities, and the full amount of the revenue so collected is remitted to the Philippine government.

Products common to both countries.

	United States importations, year ending June 30, 1902.	United States production, year ending June 30, 1902.	Philippine exportations.	Year.
Sugar and molasses	$60,109,603.55	a$98,071,120.00	b$18,159,879.00	1893
Tobacco and cigars	18,756,035.56	283,076,546.00	2,452,367.00	1902
Oranges and lemons	4,105,858.36	8,549,863.00	.....	.....
Total	82,971,497.47	389,697,529.00	.....	

a 1901–2 crop at 5 cents per pound.

b For the year 1895, 261,519 tons at 0.031 cent per pound, the average price paid in foreign countries; 1901–2 exports were 67,000 tons, valued at $2,770,575.

AMERICAN INVESTMENT IN THE PRODUCTION OF THE ABOVE-NAMED ARTICLES.

In the production of the above-named products the people of the United States, relying upon the good faith of the promises and past policy of Congress to afford ample protection against similar products grown by cheap labor in other portions of the world, have invested their money as follows:

In the cane-sugar industry of Louisiana, Texas, and other Southern States	$100,000,000
In 52 beet-sugar factories, located in eleven States from New York to California	50,000,000
In cane and beet sugar farming implements and machinery (United States Census) on 40,000 farms	33,651,170
In 24,567 cigar and cigarette factories located in 52 States and Territories (United States Census)	67,706,493
In tobacco-farming implements and machinery on 106,272 farms (United States Census)	8,150,980
In 102,814 acres of orange, lemons, and other subtropical fruits (United States Census), mostly in California and Florida, estimated at $750 per acre	77,110,500
Total	336,619,143

The above list does not include the 2,481 plug and chewing tobacco factories located in 35 States, with an invested capital of $124,089,891, as the bulk of these is supposed to be in the tobacco trust, which naturally favors the free admission of its raw material; nor does it include the investment of the American Sugar Refining Company, which would be the greatest beneficiary, and as was shown last year, expended large sums of money in an endeavor to secure the introduction of cheaper raw material with which to operate its refineries.

Neither does it include the investment of several millions of dollars of tobacco growers in special buildings for the caring of that product, no figures on the same being available.

CAUSE FOR APPREHENSION IN THE AMERICAN SUGAR INDUSTRY.

The American sugar cane and sugar beet growers and the American manufacturers of sugar have grave cause for apprehension if the tariff on Philippine sugar is further reduced. In 1901 American farmers raised 1,685,688 tons of beets, for which they received from the sugar manufacturers an average of $4.50 per ton. From these beets the factories extracted an average of 219 pounds of sugar per ton. (See Senate Doc. No. 316, Fifty-seventh Congress, first session, p. 36.) In other words, the farmers received $2.05 for each 100 pounds of sugar which the factories extracted from their beets. To this must, of course, be added the expense of putting the beets through the factory, expense of management, insurance, interest, packages, freight, etc., to arrive at the present cost of producing the sugar.

The Government reports, as elsewhere given, show that the largest

sugar company in the Philippines estimate the entire cost of production, including interest on the investment, at 62½ cents per 100 pounds, and give the figures to show that the cost of production on the entire 21,999 acres which they had in cane, including interest on the investment, was 95 cents per 100 pounds. Comparing this cost, only possible with cheap labor such as the Philippines enjoy, is what causes apprehension in the American sugar industry.

AMERICAN CIGAR MAKERS' APPREHENSION.

Again it is the cheap labor of the Philippines which causes apprehension among the proprietors and artisans of the 24,000 American cigar manufactories. In Manila there are 31 cigar and cigarette factories, which employ 12,168 people. The average wage rate of all these employees, including superintendents and foremen, is 37½ cents per day. (See part 1, House Doc. No. 315, Fifty-sixth Congress, second session.) The average daily wage of all the employees in the 24,000 American cigar and cigarette factories (U. S. Census) is $1.36⅔ per day, or nearly four times the Philippine wage rate for the same class of labor.

In Manila, owing to cheap labor, a fair cigar is to be had at retail at 1 cent each, and it is a foregone conclusion that a further material lowering of our rates of duty on Philippine cigars would eventually flood this country with them, and thus close up many of our American factories.

APPREHENSION OF AMERICAN CITRUS FRUIT INTERESTS.

In the Philippines orange trees grow wild and fruit abundantly without any cultivation whatever, hundreds of tons being exported to China annually.

In both California and Florida the expense of maintaining an orchard is large. In California the annual expense for labor and water is $40 to $65 per acre.

Cheap labor, free trade, and refrigerator boats from the Philippines would eventually bring serious, if not disastrous, consequences to the American citrus fruit industry.

If the industries above were the most flourishing and profitable industries of the Philippines, our proper course with them and with our home industries might be in doubt. Such, however, is not the case.

PROFITS IN HEMP GATHERING.

American officers and other Americans in the Philippines are a unit in stating that their most profitable crop is hemp, at the gathering of which the natives are able to make from $2 to $5 per day. This statement would seem to be substantiated by the following figures:

Exports of hemp, fiscal year 1902	$15,841,316
Other agricultural exports	4,818,257
Total agricultural exports	20,659,573

COFFEE.

Army officers, and other Americans now in the Philippines, state that the Philippine coffee is equaled only by the finest Mocha. On account of the borer, an insect enemy of horticulture the world over, the Philippine exports of coffee have dwindled from nearly $1,000,000 worth in 1888 to $2,879 worth in 1902. Under the direction of the scientists of our Department of Agriculture, there is no reason why the coffee plantations of the Philippines should not rival those of near-by Java.

RUBBER AND GUTTA-PERCHA.

Forests of india-rubber and gutta-percha trees abound in the islands, the 1902 exportation from the wild trees being valued at nearly $200,000. The method of gathering is brutal, but one-thirty-fifth to one-fortieth of the gum being saved. Planters of rubber trees estimate a profit of $150 to $200 an acre per annum, thus presenting a more inviting field than that which is secured by scores of American companies, which are investing in similar enterprises in Mexico and Central and South America.

COPRA AND COCOANUTS.

In 1888 the islands exported $4,462,920 worth of copra and cocoanuts. They grow wild; planted in orchard form they come into bearing in eight to ten years and yield a crop worth on the average $100 an acre a year for a century, no cultivation whatever being necessary after the groves are planted.

OTHER PHILIPPINE SPECIALTIES.

The gathering of sisal grass, copal, and other gums, indigo, dye woods and cabinet woods, and the planting of cocoa, which grows wild, not to mention minor products, all offer inviting fields to the natives, who are no longer kept in subjugation by Spain.

LABOR INDEPENDENT.

The fact that the Philippine Islands have a population of 8,000,000 people, 5,500,000 of which are civilized Christians, is also worthy of consideration in this connection. To be sure, little effort is necessary to sustain life in a tropical country, but the more generally the people are engaged in industrial pursuits the more contented will they be. This being the case, the question naturally arises as to what condition is best for them. To engage in the production of any of the articles above mentioned, such as coffee, rubber, hemp, sisal grass, cocoanuts, copal, cocoa, etc., does not require the investment of a large amount of capital, and in producing these articles practically every man can be his own master.

Legislation, which will stimulate the Filipino people to engage in the extension of these industries will do more than anything else to make of them a self-respecting, wealthy people, and at the same time afford ample opportunity for the profitable investment of American capital, which, with the consequent skill it will bring, will assist them in their efforts.

LABOR—SERVILE OR SEMISLAVE.

The history of tropical cane-sugar production throughout the world has demonstrated the fact that a tropical sugar estate blasts all other classes of industry located near it. It is also a fact that civilization blasts a tropical cane-sugar estate.

The plea of tropical sugar planters has ever been for vast quantities of cheap labor, and one of the main causes of transferring 67 per cent of the sugar production of the world from the Tropics to the Temperate Zone during the past sixty years has been the abolition of slavery in the Tropics. Were the Philippine Islands to be exploited for the production of sugar, the condition of servility and semislavery, which for many years has existed with the Chinese and Japanese laborers of Hawaii, and with plantation laborers generally on tropical sugar estates, will doubtless be reproduced in the Philippine Islands. From the ratification of our reciprocity treaty with Hawaii in 1876 to the time when those islands came under the American flag, the Hawaiian sugar planters made enormous fortunes, as they could operate with contract cooly labor and sell their product duty free in our protected market. The purported object of the treaty with Hawaii was to "build up happy prosperous homes amongst the natives of those islands," but the boon which we intended for the natives was wholly absorbed by the Hawaiian sugar planters, who introduced semislave conditions.

Notwithstanding the fact that the average production of cane per acre in the Hawaiian Islands is 34 tons as against 11 tons in Louisiana, where 4 of the 11 tons are used for replanting (see 1900 census), and that the average value of the sugar product per acre in Hawaii is $286 as compared with $53 in Louisiana, Hawaii no sooner came under the American flag and our Chinese and contract labor laws than her sugar planters petitioned Congress to allow them to import contract Chinese cooly labor on the ground that the planters were unable to pay a competitive wage rate and make any money.

Take the West Indies, Mexico, Central and South America, British India, Java, the Philippines, Africa, and Hawaii, which produce 95 per cent of the tropical sugar of the world, and in no place except where American influence has been felt do the laborers receive the wage rate of American school children who work during vacation. It is this very civilizing influence of America which has placed the Hawaiian planter where he says he can not produce sugar at a profit unless allowed to import cheap contract Chinese cooly labor.

The question is whether this nation will lend its influence to making a serf of the Filipino laborer for the time being, or will try and make him an independent, self-respecting, landed proprietor for all time.

BEET VERSUS CANE SUGAR.

Never in the history of the world have the Tropics been able to transfer a Temperate Zone industry to their shores. In the fight for supremacy the nervous activity of the Northern laborer and skilled artisan has always come out victorious, and it is not to be believed that the eventual outcome of the battle between the two zones in the matter of sugar production will reverse the rule. Be this as it may, the stimulation of the industry in both countries, each of which has enough well-defined sugar land to supply the world, can not but bring serious consequence to one or the other. Either the cheap labor of the Philippines will ruin the American sugar industry, or the scientific farmers of America will run the Philippine product out of our market. One result or the other is inevitable in due course of time, and this result would cause the loss of millions of dollars, and the consequent business depression.

The most serious immediate loss in the stimulation of Philippine sugar production would arise from the fact that such stimulation would unquestionably result in making capital hesitate to enter the home field of beet-sugar production, and thus delay the time when the economies, which can only come by the enlargement of the industry, will enable the American farmer and manufacturer of sugar to sell to the American people a home-grown product at the lowest world price.

The honorable Secretary of Agriculture does not believe that any country on the face of the globe will be able to eventually produce sugar as cheaply as it will be produced in semi-arid America. The honorable Secretary further believes that when Congress passed the national irrigation bill, Congress assured the final production of all of our sugar within our own borders, even should there be eventual free trade on sugar with every country on the face of the earth.

A century ago Europe started the production of sugar from beets at a cost of $1 per pound. To-day the best factories of Europe are

producing it at a cost of 2 cents per pound. Fourteen years ago the United States started the production of beet sugar at a cost of 8 to 12 cents per pound. By 1897 the cost had been reduced to 5 cents per pound, and during the past five years it has been still further reduced to 3 to 4 cents per pound, while the output has increased 600 per cent in five years and 220 during the past year.

The Philippines are about to start in on an era of industrial development, the eventual success or failure of which, as well as the rapid development of our home industries, is in the hands of our American statesmen in Congress.

If stimulated to become the slaves of American investors in Philippine sugar estates, a day of reckoning will surely overtake them.

If stimulated to become independent producers of the $200,000,000 worth of agricultural products which we must ever buy from the tropical countries, their future market, prosperity, and happiness will be assured.

DISTANCE AND FREIGHT RATES, GEOGRAPHICALLY AND COMMERCIALLY.

In considering the commercial advantages and disadvantages of the Philippine Islands, one of the first requisites is to locate the archipelago commercially, as well as geographically.

Geographically these islands are 7,000 miles removed from the United States, and but a short distance from China, Japan, and Australia, to the first named of which they sell the greater portion of many of their products.

Commercially the Philippines, while almost a part of China, are but 15 cents per hundred from San Francisco, and 15 to 37 cents from our Atlantic ports.

It costs 25 cents per 100 pounds to ship sugar from the Missouri River to Chicago, and hence commercially the Philippines are only about half as far from San Francisco as Omaha is from Chicago.

The following freight-rate tables are from the report of Mr. Edward W. Harden, Special Commissioner of the United States to the Philippine Islands, pages 25 and 26:

Freight rates from Manila to the United States and Great Britain.

[Per English ton of 2,240 pounds.]

Year.	United States.		Great Britain.					
	Maximum.	Minimum.	Maximum.			Minimum.		
			£	s.	d.	£	s.	d.
1877	$10.00	$7.00	4	5	0	2	12	0
1878	8.00	4.00	3	0	0	1	15	0
1879	12.00	4.00	4	5	0	2	0	0
1880	10.00	5.00	4	0	0	3	2	6
1881	13.00	8.00	4	0	0	3	10	0
1882	10.00	7.00	4	0	0	2	15	0
1883	7.50	6.00	4	0	0	2	15	0
1884	6.00	4.00	3	0	0	2	7	6
1885	6.00	4.00	3	0	0	2	0	0
1886	4.50	3.00	2	2	6	1	15	0
1887	6.00	3.50	2	0	0	2	10	0
1888	8.00	5.00	3	0	0	2	0	0
1889	8.00	5.00	5	5	0	2	15	0
1890	5.75	5.50	3	12	0	2	12	6
1891	5.75	5.50	4	0	0	3	0	0
1892	5.00	4.00	3	7	6	2	5	0
1893	4.75	3.75	2	16	0	2	0	0
1894	5.00	4.00	2	12	6	2	10	0
1895	5.75	4.00	3	3	6	1	17	6
1896	5.25	3.25	2	10	0	1	2	6
1897	4.50	3.00	2	0	0	2	0	0

Freight rates from the United States and Great Britain to Manila.

[Per English ton of 2,240 pounds.]

Year.	United States.		Great Britain.					
	Maximum.	Minimum.	Maximum.			Minimum.		
			£	s.	d.	£	s.	d.
1877	$14.00	$7.00	8	7	6	1	12	6
1878	9.00	3.00	2	5	0	0	15	0
1879	12.00	3.50	2	15	0	1	5	0
1880	12.00	8.00	2	17	6	1	17	0
1881	14.00	8.00	2	15	0	0	15	0
1882	13.00	8.00	3	2	6	1	10	0
1883	10.50	8.00	2	17	6	1	12	6
1884	8.00	5.00	1	17	6	1	7	6
1885	9.25	5.00	1	12	6	1	0	0
1886	6.50	3.00	1	10	0	1	0	0
1887	6.00	5.50	1	10	0	1	0	0
1888	9.00	6.00	1	15	0	1	12	6
1889	11.00	5.50	2	2	6	0	15	0
1890	6.50	5.00	1	13	6	0	15	0
1891	7.00	6.25	1	10	0	1	5	0
1892	6.50	5.00	1	12	6	1	0	0
1893	5.25	4.50	1	17	6	1	10	0
1894	6.00	5.00	1	10	0	1	7	6
1895	7.00	5.00	1	10	0	1	2	6
1896	6.25	4.00	1	5	0	1	3	9
1897	6.00	4.25	1	10	0	1	0	0

COMMERCE AND INDUSTRY OF THE PHILIPPINE ISLANDS—IMPORTS AND EXPORTS.

The following tables from pages 1241 and 1244 of the June, 1902, summary of "Commerce of the Philippine Islands," show the total imports and exports of the islands and the quantity of goods bought from and sold to each country, and the percentage of trade controlled by each country:

IMPORTS.

Country.	1900.		1902.	
	Value.	Per cent.	Value.	Per cent.
United States	$1,657,701	8	$4,035,243	12.6
Hongkong	2,639,620	12.8	1,820,109	5.7
United Kingdom	3,946,459	19.2	5,523,161	17.2
Germany	1,210,067	6	2,356,548	7.3
France	485,684	2.4	1,524,523	4.7
Spain	2,091,207	10	2,388,542	7.4
Switzerland	215,990	1	882,651	2.7
China	5,608,444	27.7	4,300,959	13.4
Japan	260,101	1.3	922,719	2.9
British East Indies	1,191,574	5.8	2,995,192	9.3
French East Indies	.....	.....	3,244,329	10.1
Australasia	544,440	2.6	522,861	1.6
Other countries	660,149	3.2	1,625,005	5.1
Total	20,601,436	100	32,141,842	100

EXPORTS.

United States	$3,522,160	17.8	$7,691,743	32.3
Hongkong	2,686,168	13.6	3,183,482	13.3
United Kingdom	6,225,209	31.5	8,282,979	34.6
France	1,392,439	7	955,828	4
Spain	1,226,475	6.2	868,528	3.6
China	1,458,729	7.4	462,946	1.9
Japan	1,032,462	5.2	925,767	3.8
British East Indies	938,470	4.8	670,819	2.8
Australasia	564,490	2.9	437,840	1.8
Other countries	704,466	3.6	447,747	1.9
Total	19,751,068	100	23,927,679	100

Class of exports and export duty collected.

Products of—	1900.		1902.	
	Value.	Per cent.	Value.	Per cent.
Agriculture	$17,257,904	87	$20,659,573	86
Manufactures	1,535,976	8	2,088,114	9
Forest	23,923	.....	222,849	1
Mining	.....	.....	3,657	.....
Miscellaneous	933,265	5	953,486	4
Total exports	19,751,068	100	23,927,679	100
Total export duty collected	567,656	.....	927,978	.....

Minor exports of the Philippine Islands for the fiscal year ending June 30, 1902.

[All major exports given in preceding pages.]

	Total value of exports.	Country taking greatest amount of exports.	
		Country.	Amount.
Animals:			
Horses and mules	$2,393	British East Indies	$1,878
Cattle	21	do	21
All other	60	do	60
Animal products	67	Hongkong	65
Books, maps, and engravings	1,876	United States	1,525
Chemicals, drugs, and dyes, not including indigo.	250	Hongkong	250
Earthen, stone, and china ware	643	British East Indies	568
Bags	720	Hongkong	720
Cordage	11,552	British East Indies	11,511
Miscellaneous manufactured fibers	5,598	do	3,029
Fish:			
Cod, haddock, etc	2	do	2
Trepang	7,338	do	7,338
All other	7,862	do	4,942
All nuts but cocoanuts	617	Hongkong	305
All other green, dried, or preserved nuts.	484	do	465
Glue	10,111	do	9,211
Glass and glassware	3,280	China	2,308
Hides and skins:			
Other than fur skins	22,119	Hongkong	20,868
All other	54,633	do	29,596
Horns, bones, and hoofs	3,439	do	1,746
Iron and steel:			
Iron ore	418	British East Indies	318
Scrap iron	2,276	Hongkong	2,226
Manufactures of	12,629	United States	5,500
Leather	12,748	Hongkong	12,748
Metal, compositions and manufactures of.	25,991	do	24,800
Oils:			
Cocoanut oil	14	Germany	10
Ylang-ylang	70,553	France	55,186
All other	2,945	Germany	1,929
Provisions, comprising meat and dairy products:			
Salted or pickled	2	British East India	2
All other	390	Hongkong	532
Rice husks	6	Spain	6
Straw, manufactures, hats, etc	181,162	United States	105,658
Seeds	3,054	Hongkong	3,054

Minor exports of the Philippine Islands, etc—Continued.

	Total value of exports.	Country taking greatest amount of exports.	
		Country.	Amount.
Silk manufactures	$438	Germany	$180
Salt	419	British East Indies	242
Soap	137	China	69
Spices	64	British East Indies	64
Spirits:			
Distilled	577	Hongkong	473
Wines	186	Japan	132
Vegetables:			
Beans and dried pease	71	Hongkong	71
All other	134	do	96
Zinc and spelter	2,820	do	2,820
All other articles, n. e. s.	836,315	do	648,234

INCREASING BUSINESS OF THE ISLANDS.

That business in the islands has continued to prosper and develop since American occupation is shown by the following extracts from the reports of the Commission. At the present time, however, owing to the disturbance of monetary conditions, the death of a large portion of the carabaos from rinderpest, and of the horses from surra, there is a temporary depression. The islands have been devastated by the rinderpest before, however, and each time have quickly recovered their normal condition.

[From first Taft report, November 30, 1900, p. 160.]

"The increase in the commerce of the islands since the American occupation, and the consequent increase in the revenues, has been phenomenal. This can not be regarded otherwise than as gratifying evidence of the general confidence which our administration has assured."

[From second Taft report, October 15, 1901, p. 123.]

"These exhibits show that during the period of American occupancy the volume of business has been about four times as great as during normal conditions under Spanish control, notwithstanding the disturbed conditions which have existed during the greater period of American occupancy so far as customs received can show the amount of business transacted, but substantially the same results are also shown by considering the number of vessels cleared and entered, tonnage of vessels, and the value of property imported and exported." * * *

[Page 128.]

"This year has been one of unusual industrial activity, large numbers of industries having been started, and large increases in the amounts of the income tax on salaries, due to the increase of salaries and number of employees, are noted."

[From testimony before Philippine Committee, January to June, 1902, p. 198.]

"Some idea of the enormous business being done here at present can be had from the fact that in the town of Legaspi alone over $1,000,000 change hands every thirty days.

* * * * * * *

"[Governor TAFT.] The business in the Philippines with America has never been better than it is now, and a continuation of the condition which prevailed when duties were collected under the Dingley Act would not have a bad effect upon the business, but if changed would present an opportunity to better the business. Do you see what I mean?"

RECOMMENDATIONS AND VIEW POINTS OF THE PHILIPPINE COMMISSION.

The following are the latest official recommendations of the Philippine Commission, made under date of November 1, 1902, on pages 9 and 10 of its report:

"1. The establishment of a gold standard in these lands upon the plan recommended by the Commission in its report of last year, and of banking corporation empowered to issue circulating bank notes under proper safeguards.

"2. The reduction of at least 75 per cent of the Dingley rates of duties upon goods imported into the United States from the Philippine Islands.

"3. An amendment of the Philippine act so that the limit upon lands which may be sold to or held by individuals or corporations from the public domain shall be increased from 1,024 hectares to 25,000 acres or, in the alternative, so that the government shall be given the power to lease for sixty years upon competitive bidding tracts from the public land aggregating in any individual or corporate lessee not more than 30,000 acres.

"4. That the Philippine act be amended by repealing the limitation which forbids an individual or corporation from holding an interest in more than one mining claim.

"5. That all bonds issued by the insular government under the authority of the Philippine act shall be free from State, county, and municipal taxation in the United States.

"6. That an amendment be made to the Chinese-exclusion act, giving power to the government by law to admit a fixed and limited number of Chinamen into the Philippine Islands, who are certified to be skilled laborers, on the bond of the employer that for every Chinese skilled laborer employed he will employ aFilipino apprentice, and that he will return the Chinese skilled laborer thus introduced within five years after his admission to the country, and that he shall pay a head tax of not exceeding $50 for each Chinaman so admitted, to the insular government, to meet the expenses incident to the enforcement of these restrictions."

In considering these petitions the American people should not be misled by believing that those making the recommendations are occupying the dual position of trying to protect the interests of both the Philippines and the United States.

On the contrary, both Governor Taft and Vice-Governor Wright frankly state that they are working solely for the interests of the Philippines, Governor Taft even refusiug to state that he "would not knowingly advocate any policy that would injure the industries of the United States."

Governor Taft states that they "are asking for as much as they can get, and thus their recommendations should receive the same careful consideration and scrutiny which would be given to requests from an ambassador of a foreign land.

On page 153 of the hearings before the Philippine Committee, Governor Taft said:

"Our recommendations are based upon our views of the needs of the Philippine Islands and the benefit to the trade of those islands. We are asking as much as we can get, because the more we get the better we think it will be for the islands. The effect upon the policy of the United States and particular interests in the United States that will be affected we have very little knowledge of and desire to express no opinion. I hope that explanation——

"Senator PATTERSON. You would not knowingly advocate any policy that would injure the industries of the United States—your own country?

"Governor TAFT. I do not think I would. We do not approach it from the standpoint of those interests, however."

On December 9, 1902, Vice-Governor Luke E. Wright was before the Philippine Committee, and said (p. 3):

"Of course, I do not think it proper for me to go into the question of the soundness of a policy of that sort. That is a matter, of course, for Congress, with which I have nothing to do. I am simply presenting to this committee the situation as it appears to the governor and the Philippine Commission, looking, of course, primarily, at what is best for the Filipino people. That is what you sent us there for—to develop and improve the condition of those people—and we are trying to do it."

On page 23 of the 1901 report of the Philippine Commission, Governor Taft says:

"TARIFF RELATIONS WITH THE UNITED STATES.

"If Congress will reduce by 50 per cent the United States duties on tobacco, hemp, sugar, and other merchandise coming from these islands it is certain that the trade between them and the United States under the new tariff will increase by leaps and bounds."

On page 166 of the Philippine Committee hearings, Governor Taft says:

"The planters say they will not be much affected by a reduction of 50 per cent; that it will need 75 per cent to aid the sugar interests. Of course, that is to be taken with the same 'grain of salt' that I presume Congress uses in considering the statements of witnesses testifying in behalf of particular interests. I should not say that 50 per cent would not aid them considerably.

"The tobacco interest would doubtless be aided to some extent by a 50 per cent reduction, and naturally more by 75 per cent, but considerations of the character I have referred to are our chief interest. I do not think the amount of sugar raised there now will very materially affect the market here, but that is a question on which we are not experts and I practically know nothing about it."

What will become of the Philippine sugar is demonstrated by the following figures of exports to the United, when it is considered that since these shipments were made we have granted the Philippines a 25 per cent reduction from our tariff rates, these shipments being made when paying the full Dingley tariff:

	Pounds.
1900	311,782
1901	4,747,555
1902	11,521,215

Considering the fact that all revenues collected by the United States Government on the importations of Philippine products are turned back to the Philippine treasury, the following statement of Mr. Buencamino, from page 410 of the hearings before the Insular Committee, gives an insight to the situation:

"Mr. PATTERSON. Do the Filipinos desire free trade with this country?

"Mr. BUENCAMINO. The sugar and tobaceo producers desire free trade.

"Mr. PATTERSON. Does the great mass of the people desire it?

"Mr. BUENCAMINO. No; because the mass of the people has seen that the Government gives the money to the Filipino, and the money is necessary there because there are many ruins to repair."

If, in addition to their own frank admissions, any evidence were needed to show that our Philippine Commissioners are working solely in the interest of those islands, the following paragraph from page 7, of the Commission's last report, November 1, 1902, would supply it:

"We think that a 50 per cent reduction will not give any substantial relief, and that nothing short of 75 per cent will accomplish a useful purpose. It is a mistake to suppose that the severance of these islands from Spain has made no difference in the markets to which their tobacco and sugar growers may look. On the contrary, with the separation from Spain the sugar and tobacco growers have been deprived of markets which were of great assistance to them, and it seems only fair and just that the United States should substitute its own markets for the Spanish markets."

The above misstatement of fact is but an echo of what was heard last year from similar officers in relation to Spain's former West Indian possession and has even less foundation, as is shown by the figures.

It is not for one moment to be supposed that this was a willful misstatement, but that it was a misstatement and is exceedingly misleading is a fact, nevertheless.

From page 1405 of the November, 1902, Monthly Summary of Commerce and Finance, Treasury Department, I reproduce the following figures concerning the Spanish imports of sugar from the Philippines and alongside of the Spanish imports give Willett & Gray's figures of the total Philippine exports, the Spanish imports being in metric tons of 2,204.6 pounds, the Philippine exports in long tons (2,240 pounds):

Year.	Philippine sugar exports.	Spanish imports of Philippine sugar.	Year.	Philippine sugar exports.	Spanish imports of Philippine sugar.
1883	212,719	7,421	1892	246,941	2,844
1884	122,925	8,648	1893	261,519	2,829
1885	203,491	4,162	1894	194,319	3,987
1886	185,799	5,281	1895	230,923	5,299
1887	179,149	4,403	1896	229,914	3,618
1888	185,308	4,579	1897	202,093	2,752
1889	218,926	5,841	1898	177,695	299
1890	147,526	3,273	1899	93,054	2
1891	166,414	1,870	1900	62,744	.....

From page 40 of Bulletin No. 14, Trade of the Philippine Islands, by Mr. Frank H. Hitchcock, chief section of foreign markets, Department of Agriculture, it appears that from 1888 to 1892 the Philippines averaged to sell to the Continent of Europe just 1.97 per cent of their sugar exports, and from 1893 to 1897, 1½ per cent.

From this it would appear that we had not robbed the Philippines of any considerable market for their sugar, Governor Taft to the contrary notwithstanding.

In regard to tobacco, from the fact that Spain for many years compelled the Filipinos to raise tobacco and sell it to the Spanish authorities at a price fixed by those authorities, it would not be strange if that market was now closed to the Filipino product.

Such, however, is not the case. In fact, Europe is to-day taking a greater percentage of the total Philippine exports of tobacco than it did under the Spanish régime.

Mr. Hitchcock does not give the figures for Spain alone, but bunches the Continent of Europe. The following Philippine tobacco export figures from 1888 to 1897 are from Mr. Hitchcock's book (p. 41). The figures for 1900 to 1902 are from pages 1364 to 1365 of the June, 1902, Monthly Summary of Commerce of the Philippine Islands, Bureau of Insular Affairs, War Department:

Year.	Total exports.	Exports to continent of Europe.
	Pounds.	*Pounds.*
1888	20,555,550	20,209,464
1889	20,728,134	19,338,690
1890	18,183,234	17,741,778
1891	19,998,834	19,066,452
1892	25,936,968	25,362,504
1893	23,507,328	21,870,840
1894	18,666,816	17,214,438
1895	23,015,994	22,219,782
1896	20,295,144	19,061,964
1897	31,577,670	25,034,472
1900	14,010,356	11,515,451
1901	17,929,100	17,788,788
1902	21,044,615	20,470,810

Average per cent to Europe:	
1888–1892	96.51
1893–1897	90.94
1900	82.1
1901	99.2
1902	97.2
Average yearly per cent to Europe 1900 to 1902	92.8

One and one-half per cent loss in the Spanish market for sugar and 7 per cent gain in the European market for tobacco is the sole warrant for the statement published by the Philippine Commission that "with the separation from Spain the sugar and tobacco growers have been deprived of markets which were of great assistance to them, and it seems only fair and just that the United States should substitute its own markets for the Spanish markets."

AREA, OWNERSHIP, AND CHARACTER OF LAND.

"The total amount of land in the Philippine Islands is approximately 29,694,500 hectares, or 73,345,415 acres. Of this amount, it is estimated that about 2,000,000 hectares, or about 4,940,000 acres, are owned by individuals, leaving in public lands 27,694,500 hectares, or 68,405,415 acres. The land has not been surveyed, and these are merely estimates. Of the public lands there are about twice or three times as much forest land as there is waste land. The land is most fertile and for the greater part naturally irrigated. There was a very great demand for this land, but owing to the irregularities, frauds, and delays in the Spanish system the natives generally abandoned efforts to secure a good title and contented themselves with remaining on the land as simple squatters, subject to eviction by the State. In 1894 the minister for the colonies reported to the Queen of Spain that there were about 200,000 squatters on the public lands, but it is thought by employees in the forestry bureau, who have been in a position to know, that there are fully double that number." (Report of Philippine Commission, January 23, 1901, p. 33.)

ARABLE LAND.

In the report of the hearings before the Philippine Committee (pp. 645 and 835) Governor Taft and General Hughes testify that it is safe to say that one-half of the public domain, or about 33,000,000 acres, is susceptible of cultivation and becoming good agricultural land.

On page 712, Governor Taft said:

"We have resources, of course, for a very large population, if we compare it either with Japan or Java. The Philippine Islands are a little less in area than the Japanese Islands, but I think they have very much more arable land—very much more rich soil."

Much of this land is covered by virgin forests of valuable woods, and when cleared becomes the richest kind of agricultural land.

INCREASE IN LAND VALUES.

The following is from pages 674–675 of the record of the hearings before the Senate Philippine Committee:

"Senator CULBERSON. Did you make any inquiry in reference to the relative value of land when you first went there and when you were about to leave?

"General HUGHES. I did, because I made it one of the ways of measuring the opinion of the people themselves as to our progress. That was my object in making the inquiries. I wanted to see whether in the opinion of the owners or of the purchasers we had made any progress as measured by values of real estate.

PERCENTAGE OF INCREASED VALUES.

"Senator CULBERSON. What percentage of increase would you say, generally speaking, there had been?

"General HUGHES. It is perfectly safe, I think, to say it is double throughout the pacified territory."

POLICY OF SALE OF PUBLIC LANDS.

PLAIN INTENTION TO ENORMOUSLY STIMULATE THE PRODUCTION OF SUGAR.

The land laws of the United States limit the acquirement of public lands to 160 to 320 acres to a single individual. Of the 65,000,000 acres of arable Philippine land, 60,000,000 acres are owned by the Government. The Philippine Commission appealed to Congress for permission to sell great tracts of this land to corporations, and July 1, 1902, an act of Congress was approved whereby the Commission was authorized to sell as high as 2,500 acres to individual corporations, and corporations were restricted to the ownership of that amount, either directly or indirectly.

Even this liberal law does not seem to meet the demands of the sugar estate exploiters, and the Commission now asks that the limit be raised to 20,000 acres, all for the purpose of developing great sugar estates to be owned by nonresidents and operated by cheap servile labor. In the following extract from his testimony before the Insular Committee (1902), page 202, Governor Taft disclaims a desire to build up corporate principalities in the Philippines, but nevertheless asks for permission to follow in the footsteps of Cuba, which is notoriously a country of nonresident principality owners:

WOULD DUPLICATE CUBAN CONDITIONS.

"Then with respect to the selling of large tracts, if the islands are to be developed in the sugar industry, the limitation upon the number of acres that can be sold to any one company ought to be determined with reference to the cost of the plant. I observe that the law limits it to 5,000 acres. I should think that land can be sold at auction with the minimum price, but without bringing about an abuse I think the limit might be raised to the limit of the sugar plantations in Cuba that are profitably worked, for while

there is no desire on the part of the Commission to have that kind of exploitation which will lead to the ownership of principalities in the islands by a corporation, the Commission recognizes that the development of the islands, the moral improvement and education of the people, will be greatly aided by the investment of capital there. Now, capital is not philanthropic. It goes where it can make money, and if the limit is fixed so low in the acquisition of land that no capital can be induced to go, why, the power of selling a tract of that size will do no good at all."

WANT 20,000-ACRE SUGAR PLANTATIONS.

[From Governor Taft's testimony before the Insular Committee, p. 274.]

"Mr. WILLIAMS of Illinois. You think the Commission should have power to lease lands without limit as to quantity, do you; that is, large tracts?

"Governor TAFT. I think I said we ought to have the power to lease large tracts, but I did not mean that to be without limitation.

"Mr. WILLIAMS of Illinois. If you had such a limitation, what would you suggest?

"Governor TAFT. With reference to the sugar lands, I understand in Cuba there are plantations of 20,000 acres. The limitation inserted in this bill was 5,000 acres. I think that is too small.

"Mr. WILLIAMS of Illinois. What number would you suggest?

"Governor TAFT. Twenty thousand acres might be a fair limitation; that is, for sugar lands.

"Mr. WILLIAMS of Illinois. For other lands?

"Governor TAFT. I think 5,000 acres might be a fair limitation for tobacco lands.

"Mr. WILLIAMS of Illinois. Do you think there should be any limitations as to time or that we should leave that to the Commission?

"Governor TAFT. For lease, ninety-nine years."

WOULD GIVE 25,000,000 ACRES TO AMERICAN CORPORATIONS.

[From testimony of Mr. Buencamino before the Insular Committee, p. 443.]

"Mr. WILLIAMS of Illinois. You are in favor of American corporations holding large tracts of Filipino land?

"Mr. BUENCAMINO. As there are 50,000,000 acres of uncultivated land, 25,000,000 could be given to American corporations in order that capital may come into the country, and the remaining 25,000,000 acres could be reserved for Filipino inhabitants as well as Americans."

RICHER LANDS THAN IN HAWAII OR THE UNITED STATES.

"Mr. WILLIAMS of Illinois. Do you state there are 50,000,000 acres of good agricultural land?

"Mr. BUENCAMINO. Yes, sir; and better lands than those of Honolulu or in the United States."

AGRICULTURAL FRANCHISES FOR SUGAR, RICE, COCOANUTS.

[From testimony before Philippine Committee, p. 173.]

"Senator BURROWS. Aside from railroads, what advantages would franchises be in the development of the islands—I mean, in other lines of industry?

"Governor TAFT. A franchise to an agricultural company—I know of a number—accompanied by the right to purchase something of the public domain, would bring a great deal of capital to the islands, if we can judge from the statements made to us by those who are interested.

"Senator BURROWS. For what purpose?

"Governor TAFT. For the raising of sugar, for the raising of rice, cocoanuts. I do not know that there is any proposition for the raising of hemp. There is for the raising of cotton and for the raising of tobacco."

ALREADY DEMANDING ADMITTANCE OF COOLY LABOR TO CULTIVATE LARGE TRACTS.

[From testimony before Philippine Committee, p. 183.]

"Senator RAWLINS. In connection with your recommendation with respect to granting franchises and parting with lands in large tracts, say of 5,000 acres, which will be put in sugar, say——

"Governor TAFT. To be correct, we have not recommended any particular number of acres. We think there ought to be the right to sell at public auction large quantities of land, and I think the bill fixes the limit at 5,000 acres.

"Senator RAWLINS. That would make the condition similar to what it is in Hawaii, where companies, in order successfully to cultivate the land, would demand labor from China or some other source?

"Governor TAFT. That is quite probable, for they are already demanding it.

"Senator RAWLINS. They are already demanding it and exerting their influence to obtain it, and you know the fear among the people of the United States, especially in the West where the beet-sugar industry is being developed."

LARGE AREA WANTED FOR SUGAR ESTATE.

[From testimony before Philippine Committee, p. 184.]

"Governor TAFT. I am not at all sure that 5,000 acres is large enough. We did not form any definite view. There is a company represented by Mr. King; I think it is of San Francisco—I call it a company; he said he had a number of very wealthy men interested with him—which sent him to Mindanao to look over the field. He went there, and he stated to me that the company which he expected to form intended to establish headquarters at Parangparang, in Mindanao, and to establish direct steam communication between this part of Mindanao and San Francisco, and that in order to carry out the plan they had, it would be necessary that they acquire quite large tracts of land. I do not think he mentioned the amount, but I think he had in his plan somewhere between 5,000 and 10,000 acres.

"Senator ALLISON. Intending to colonize it?

"Governor TAFT. Yes, sir. I think he had done something of that sort in California, he said, and then had sold out his interest, and he intended to establish, I am not sure whether he said sugar refineries there, but at any rate, sugar plantations, and to establish direct communication with the United States. Of course, nothing would develop the islands more than such a plan."

WANT ALL THEY CAN GET.

[From testimony before Philippine Committee, p. 185.]

"Senator RAWLINS. Do you think it proper for us to legislate so as to encourage that kind of industry in the islands, when later, on account of competition with like industries in the United States, we may think it necessary to discourage it and possibly destroy it?

"Governor TAFT. If you ask me as a general question whether it is well to encourage it and then discourage it, I should say no.

"Senator RAWLINS. That is the very question.

"Governor TAFT. Of course these questions are usually settled by compromise, so as to injure home industries as little as possible and encourage new industries as much as possible. I do not profess to state the opinion of the Commission on such a question. We are doing the best we can to develop the islands, and we want to get from Congress and all opposing interests as much as we can."

POLICY IN DISPOSING OF LANDS.

"Senator RAWLINS. I want to go a step further. Do you think it wise, in enacting a law, to dispose of these lands in any way that would lend encouragement to or extend the influence of those who would desire the introduction of Chinese labor to subserve their purposes in the islands?

"Governor TAFT. What we want to do is to develop the islands, and certainly the attraction of capital, by offering what will return a reasonable profit, is our policy, and the sale of lands in tracts sufficiently large to attract capital is an essential part of that plan."

WANT LARGE AREAS FOR SUGAR DEVELOPMENT.

[From testimony before Philippine Committee, p. 252.]

"Senator CULBERSON. I notice that in this paragraph you seem to recommend that the Government shall sell lands in large bodies?

"Governor TAFT. Yes, sir.

"Senator CULBERSON. I will ask you if you do not think it would be better, particularly with reference to agricultural land, that it be sold in comparatively small bodies, and to what we in the Southwest call actual settlers, so as to develop the country, and not only sold in small bodies, but sold to individuals rather than to corporations not engaged in agricultural business?

"Governor TAFT. I do not think so. Of course we want a homestead law and a preferential sale to actual settlers, but in order to develop the country in agriculture, to which the country is best adapted, there ought to be large tracts open to purchase, which will attract capital.

"For instance, take the sugar industry. We hope that may be largely developed, but it needs a very heavy investment of capital, and unless it can control large tracts capital will not come in."

DANGER THAT LANDOWNERS WILL ALSO OWN THE PEOPLE.

[From Governor Taft's testimony before Philippine Committee, p. 253.]

"The objection suggested by Senator CULBERSON is of course an objection that is a very serious one, but we want to attract capital. We want to make it profitable for men to go there, so that they shall invest capital and develop the country. On the other hand, we do not want to give to corporations or to any set of men such control over the available land of the islands that they shall own not only the land, but shall own the people on it; and that is the danger in the Philippine Islands.

"The limitation in the bill is 5,000 acres. We express no opinion as to what limitation there ought to be."

CORPORATE HOLDINGS OF 5,000 ACRES TOO RESTRICTED.

[From testimony before Philippine Committee, p. 4.]

"Senator BURROWS. Do you know of any movement to secure large holdings of land in the Philippines, or such holdings as are permitted under existing law, for the purpose of developing the sugar industry?

"General WRIGHT. I do not. The fact is that the limitations you have imposed upon the granting of public lands to individuals or corporations (5,000 acres) will prevent any large sugar industries from being established in the Philippine Islands, in my opinion."

FEAR OF SUDDEN AND EXCESSIVE EXPLOITATION.

[From testimony before the Philippine Committee, p. 268.]

"Senator CARMACK. General MacArthur says:

"'In this connection it may not be improper to state that one of the greatest difficulties attending military efforts to tranquillize the people of the archipelago arises from their dread of sudden and excessive exploitation, which they fear would defraud them of their natural patrimony and at the same time relegate them to a status of social and political inferiority.'

"Again, he says:

"'If a spirit of Philippine speculation should seize the public mind in the United States and be emphasized by means of grants, concessions, and special franchises for the purpose of quick exploitation, the political situation and permanent interests of all concerned might be seriously jeopardized.'

"Governor TAFT. That is the danger of too sudden exploitation."

POPULATION AND CIVILIZATION.

POPULATION.

Governor Taft and others familiar with the subject place the total population of the Philippines at between eight and nine million people, of whom five to six millions are civilized Christians, a million to a million and a half belong to non-Christian or infidel tribes, the balance being Moros or Mohammedans. (See Taft's statement, Senate hearings before Philippine Committee, p. 39.)

Comparison with the density of our own population is the only means by which a comprehensive idea of this condition can be arrived at.

The area of the United States, not including Alaska and Hawaii, is 3,025,600 square miles, inhabited by a population of 76,303,387 people, or 25.6 persons per square mile.

The Philippines cover an area of 114,062 square miles and are populated with 8,500,000 people, or 74.5 to the square mile, or about three times as many people per square mile as we have in the United States.

But ten States in the Union are as densely populated as are the Philippines.

The following list of States, together with the population per square mile, as given by the 1900 census, will afford any American a means of comparing the density of the Philippine population with that of his own State.

Total population of Philippine Islands	8,500,000
Or per square mile	74.5
Civilized and Christianized population of Philippine Islands	5,500,000
Or per square mile	48.2
Population of the United States, not including Alaska and Hawaii, per square mile	25.6
Rhode Island	407
Massachusetts	349.9
New Jersey	250.3
Connecticut	187.5
New York	152.6
Pennsylvania	140.1
Maryland	120.5
Ohio	102
Delaware	94.3
Illinois	86.1
Indiana	70.1
Kentucky	53.7
Tennessee	48.4
Virginia	46.2
New Hampshire	45.7
Missouri	45.2
South Carolina	44.4
Michigan	42.2
Iowa	40.2
North Carolina	39
West Virginia	38.9
Wisconsin	38
Georgia	37.6
Vermont	37.6
Alabama	35.5
Mississippi	33.5
Louisiana	30.4
Arkansas	24.7
Maine	23.2
Minnesota	22.1
Kansas	18
Nebraska	13.9
Indian Territory	12.6
Texas	11.6
Oklahoma Territory	10.3
Florida	9.7
California	9.5
Washington	7.7
Colorado	5.2
South Dakota	5.2
North Dakota	4.5
Oregon	4.4
Utah	3.4
Idaho	1.9
Montana	1.7
New Mexico	1.6
Arizona	1.1
Wyoming	.9
Nevada	.4

EXTENT OF CIVIL GOVERNMENT.

From the many conflicting reports which are spread from time to time concerning affairs in the Philippines few people are able to arrive at any definite conclusion as to how far the establishment of civil government has progressed:

When before the House Insular Committee early in 1902, Governor Taft said (pp. 170–174):

"But, as a matter of fact, of the provinces of the Christian Filipinos the proportion of those which are organized civilly to those unorganized is as 31 is to 3 or 4. We have not organized the Moro provinces.

* * * * * * *

"I think it is true now that there are upward of 750—I think it is as high as 800—towns that are organized in those several provinces."

In Governor Taft's last report, made under date of November 1, 1902, and submitted to Congress in January, 1903, he says on page 18:

"Civil government was completely established in the Filipino provinces throughout the archipelago in July of this year, and since that time an American soldier has not been called upon once to discharge his weapon."

EDUCATION.

Concerning the education of these people, Governor Taft stated to the Insular Committee in January, 1902 (see p. 179 of hearings):

"The Filipino people—and now I refer only to the Christian tribes—may be divided roughly into one-tenth who speak Spanish, and therefore may be regarded as intelligent and educated, though of course in that one-tenth there is a very great difference, and into 90 per cent who do not speak Spanish, whose only education, if they have any, is limited to a knowledge of the local dialect or language, and to a knowledge of reading or writing to the extent of being able to sign their names and spell out the catechism."

SALARIES OF NATIVE TEACHERS.

Concerning the salaries paid to native teachers (p. 193, Insular Committee hearings), Governor Taft said:

"The salaries paid them were ridiculously low, as low in many instances as $5 Mexican a month, and hardly ranging above $15 a month, Mexican, and rarely going to $20 Mexican—little more than the salary one pays a cochero."

AMERICAN TEACHERS.

"There are in the islands now, or were when I left (there are more now, and probably will be about a thousand), 835 American teachers. They were distributed among 345 towns in the islands. That represents a little less than half of all the towns in the islands. I believe the towns in the islands number between 900 and 1,000. Those teachers, as reflecting on the question of tranquillity, situated in 445 towns, are in 200 towns which are ungarrisoned and in 245 towns which are garrisoned."

SEVEN HUNDRED PER CENT INCREASE IN SCHOOL ATTENDANCE.

Later on in the same hearing Mr. Buencamino made a statement (p. 386) covering the great increase of school attendance since American occupation. He said:

"We have now 7,500 public schools in the islands, with 1,200 American teachers, the remainder being Filipinos. Two hundred thousand children attend these public schools and 20,000 adults attend the night schools. * * * Under the Spanish Government the number of schools never exceeded 600. There were never over 30,000 children who attended the schools when they did attend. Consequently the condition of public education is a very satisfactory one."

With American teachers scattered about in several hundred ungarrisoned towns, the following statement by Governor Taft is significant (before Insular Committee, January, 1902):

"A crowd of ladrones or insurrectos came down in Tayabas and took away, among other things, an American teacher, but they took him into the mountains and returned him in a hammock the next day uninjured, and that is the only instance of an attack of any sort upon a teacher."

From the above statements it would seem that with the exception of the Moros and wild mountain tribes the people of the Philippines had been pacified and civil government established amongst them.

LABOR IN THE PHILIPPINES.

The question as to labor conditions in the Philippines interests more American people than all other Philippine conditions combined.

There is scarcely a laborer, a skilled artisan, or a farmer in America whose welfare is not liable to be affected adversely by hasty or unwise tariff legislation concerning the products of this island possession.

With 65,000,000 acres of fertile, arable land, 60,000,000 acres of which belong to the Government, it is of interest to the American people to know what that vast area is going to produce, who is going to perform the necessary labor, and at what wage rate.

When through irrigation we open up to civilization our vast stretches of unpopulated Western deserts and make them blossom, we create conditions which invite home seekers from our more densely populated districts of the Eastern States and furnish work at a higher wage rate than that which prevails in the East.

The Philippines present quite the reverse condition, for they are already swarming with people.

Given a vast territory of extremely fertile soil, densely populated, the next question is, Will those people work?

If they will not work, the spectacle of a powerful, supposedly sane nation paying $20,000,000 for even a Garden of Eden, if populated with eight to nine million drones and savages, over whom it assumes the costly privilege of civil government, forms as dark a picture of public policy as was ever painted by the most extreme pessimist.

In the past large numbers of them have worked in the fields on their hands and knees for 8 to 10 cents per day, planting and harvesting crops without the use of an agricultural implement of any kind except a wood-pointed plow, as will be seen from the following, taken from the July (1901) Summary of Commerce of the Philippine Islands, issued by the War Department. The quotation refers to sugar-plantation work.

"The work at the plantations is carried on in very crude fashion. The big water buffalo is employed to haul a wood-pointed plow through the soil, and two or more natives guide the plow, and they make hard work of it. A few American plows for these plantations would be very acceptable. There are no shovels, hoes, picks, or other tools available, and the natives may be seen by the dozen on their hands and knees turning and preparing the soil with their hands or with little bamboo sticks."

As to the compensation received for such back-aching labor, the following from the same authority gives the figures which prevailed prior to American occupation:

"One of the advantages possessed by the Filipino sugar planter is that he can hire help very cheaply. The average farm hand will work for 10 cents per day and board himself. Native boys may be hired still cheaper. The Chinese coolies overrun the farming sections, and they are first-rate laborers, steady and reliable, working for about 8 cents per day."

Alive to his opportunities, the Filipino laborer was quick to demand advances in his wage rate, and he now gets from 20 to 25 cents per day. As a result of this, labor employers of the Philippines are clamoring for the introduction of contract Chinese cooly labor, by the introduction of which they would hope to reinstate the old wage rate of 8 to 10 cents per day.

From the issuance of the first report of the Philippine Commission conflicting statements have been given as to the efficiency of the native laborer; but enough has been said in his favor and enough is known of his past work to convince any fair-minded person that he is now a fairly good laborer, that he is apt and imitative, and that with modern tools in his hands he will be more than dangerous when engaged in producing those things which we produce in the United States with well-paid labor.

Under another heading will be found statements concerning native and Chinese labor, selected from the various Philippine Commission reports from the first or Schurman-Worcester report of January, 1900, to the last Taft report of November, 1902, which was presented to Congress January 7, 1903; also from the hearings before the Philippine and Insular committees of the Senate and House, comprising in all some 17 volumes of over 10,000 pages.

The following figures as to class of population in the Philippines are from House Document No. 171, Fifty-seventh Congress, first session.

In 1876 there were but 378 foreigners and 30,797 Chinamen throughout the island; in 1879, 592 foreigners and 39,054 Chinamen.

The following table shows that, notwithstanding the Chinese-exclusion laws, the number of Chinamen in the Philippines is on the increase:

Population of Manila.

[From report of Manila board of health.]

	January, 1901.	June, 1902.
Spaniards	2,382	
Other nationalities	961	
Foreigners		7,852
Total	3,343	7,852
Americans	8,461	9,722
	11,804	17,574
Chinese	51,567	60,680
Natives	181,361	223,900
Total	244,732	302,154

WAGE RATES OF MANILA.

The following tables, showing the wage rates paid in various lines of industry in Manila, are taken from the Bulletin of the Department of Labor for January, 1901. (House Doc. No. 315, part 1, Fifty-sixth Congress, first session, pp. 29 to 42.)

Concerning the figures given the Department says:

"In the matter of rates of wages the instructions required, among other things, that the data should be secured directly from the pay rolls or other accounts of the employing establishments; that the occupations should be reported as specifically as possible, with full explanation if the occupation names were new to American usage; that the exact rates paid by the employer and the whole number of persons employed at each of such rates should be given; that where payment was made by the month, week, piece, or otherwise than by the day, the number of working days per month or week, or the average daily earnings at piecework should be given, in order that wages might all be upon a comparable day basis, and that any other explanation should be given which might be necessary to put the data collected upon a basis comparable with data for like occupations in the United States."

The figures given by the Department cover 664 establishments, employing a total of 20,239 people, at an average daily wage rate as follows:

166 whites, at an average daily wage rate of $1.67
15,976 natives, at an average daily wage rate of ..... .40½
4,097 Chinese, at an average daily wage rate of ..... .28 1/10

The Department simply published the first table, arranged according to industries. The tables following are derived from this main table.

As will be seen, the average daily wage rate of all the employees, white, native, and Chinese, is a fraction under 40 cents per day.

The cost of living is higher in Manila than in any other portion of the archipelago, and its wage rate is naturally the highest which prevails in any city in the islands.

Agricultural labor is always cheaper than the labor in cities, where it costs more to live. In July, 1901, the War Department published the statement that native agricultural laborers were to be had in the Philippines at 10 cents per day and Chinese laborers at 8 cents per day.

If the American Government should greatly reduce the tariff on Philippine products entering the United States which compete with similar products raised in the United States by labor which commands a wage rate many hundred per cent in excess of that of the Philippines, the American exploiter of those islands will possess an advantage which may bear bitter fruit to the labor and capital engaged in similar industries in the United States.

Rates of wages in Manila, April and May, 1900.

ALCOHOL DISTILLERY (7 ESTABLISHMENTS).

Occupations.	Employees.	Nationality.	Sex.	Hours per day.	Rate of wages.
Masters	1	Chinese	M.	12	$1.00 day.[a]
	3	White	M.	8	100.00 month.
	3	White	M.	8	75.00 month.
	1	Native	M.	8	30.00 month.
Foremen	3	White	M.	8	50.00 month.
Workmen	12	Native	M.	8	.75 day.
	57	Native	M.	8	.50 day.
	2	Chinese	M.	12	.50 day.
	78	Native	M.	8	.37½ day.
	4	Chinese	M.	12	.37½ day.[a]
	32	Native	M.	8	.25 day.
	52	Chinese	M.	8	.25 day.
	6	Chinese	M.	12	.25 day.[a]
	1	White	M.	8	40.00 month.
	2	White	M.	8	30.00 month.
	2	Native	M.	8	30.00 month.
	8	Native	M.	8	22.50 month.
	4	Native	M.	12	22.50 month.
	8	Native	M.	8	20.00 month.
	39	Native	M.	8	15.00 month.
	6	Native	M.	12	15.00 month.
	10	Native	M.	12	10.00 month.
	32	Native	M.	8	9.00 month.
	49	Native	M.	8	7.50 month.
	5	Native	M.	12	7.50 month.
	15	Chinese	M.	8	6.00 month.
	8	Native	M.	8	4.00 month.

[a] Also 3 meals and room.

ARMS REPAIRING (1 ESTABLISHMENT).

Master	1	White	M.	8	$2.00 day.
Workmen	1	Native	M.	8	.50 day.
	1	Native	M.	8	.25 day.

Rates of wages in Manila, April and May, 1900—Continued.

BAKERY (12 ESTABLISHMENTS).

Occupations.	Employees.	Nationality.	Sex.	Hours per day.	Rate of wages.
Masters	2	White	M.	12	$40.00 month.[b]
	2	White	M.	12	35.00 month.[b]
	1	White	M.	12	30.00 month.[b]
	6	Native	M.	12	15.00 month.[b]
	1	Chinese	M.	12	15.00 month.[a]
Workmen	4	Native	M.	12	9.00 month.[b]
	24	Native	M.	12	8.00 month.[b]
	4	Chinese	M.	12	8.00 month.[a]
	58	Native	M.	12	6.00 month.[b]
	62	Native	M.	12	5.00 month.[b]
	6	Chinese	M.	12	5.00 month.[a]
	16	Native	M.	12	4.00 month.[b]
	5	Chinese	M.	12	4.00 month.[a]

BARBER SHOP (43 ESTABLISHMENTS).

Masters	1	White	M.	10	$1.00 day.
	4	Native	M.	10	.50 day.
	1	Chinese	M.	10	.50 day.[a]
	9	White	M.	10	30.00 month.
	1	Native	M.	8	15.00 month.
	27	Native	M.	10	15.00 month.
Workmen	18	Native	M.	10	.25 day.
	1	Chinese	M.	10	.25 day.[a]
	1	Chinese	M.	10	.12½ day.[a]
	10	White	M.	10	15.00 month.
	13	White	M.	10	12.50 month.
	9	Native	M.	10	9.00 month.
	4	Native	M.	8	8.00 month.
	87	Native	M.	10	7.50 month.

BARREL FACTORY (1 ESTABLISHMENT).

Master	1	Chinese	M.	10	$1.00 day.[a]
Workmen	4	Chinese	M.	10	.50 day.[a]
	6	Chinese	M.	10	.25 day.[a]
	4	Chinese	M.	10	.15 day.[a]

BICYCLE REPAIRING (4 ESTABLISHMENTS).

Masters	1	White	M.	8	$2.00 day.
	1	White	M.	8	1.50 day.
	2	Native	M.	8	1.00 day.
Apprentice	1	Native	M.	8	.12½ day.
Workmen	6	Native	M.	8	.50 day.
	3	Native	M.	8	.25 day.

BLACKSMITH AND VETERINARY (1 ESTABLISHMENT).

Master	1	White	M.	8	$40.00 month.
Workmen	8	Native	M.	8	15.00 month.
	4	Native	M.	8	9.00 month.

BOOKBINDING (4 ESTABLISHMENTS).

Masters	4	Native	M.	8	$1.00 day.
Workmen	7	Native	M.	8	.50 day.
	7	Native	M.	8	.37½ day.
	7	Native	M.	8	.25 day.
	2	Native	M.	8	.12½ day.
Workwomen	2	Native	F.	8	.12½ day.

BRANDY STOREHOUSE (1 ESTABLISHMENT).

Master	1	White	M.	8	$50.00 month.
Workmen	4	Native	M.	8	15.00 month.
	2	Native	M.	8	9.00 month.
	2	Native	M.	8	5.00 month.
Workman (child)	1	Native	M.	8	2.00 month.

BREWERY (1 ESTABLISHMENT).

Master	1	White	M.	8	$150.00 month.
Foreman	1	Native	M.	8	30.00 month.
Workmen	10	Native	M.	8	22.50 month.
	80	Native	M.	8	15.00 month.
	20	Native	M.	8	10.00 month.
	60	Native	M.	8	8.00 month.
	16	Native	M.	8	5.00 month.
Workwomen	30	Native	F.	8	5.00 month.

CARPENTER SHOP (14 ESTABLISHMENTS).

Masters	11	Chinese	M.	10	$0.50 day.[a]
	3	Chinese	M.	10	15.00 month.[a]
Apprentices	7	Chinese	M.	10	.12½ day.[a]
	1	Chinese	M.	10	.10 day.[a]
	4	Chinese	M.	10	.05 day.[a]
Apprentices (children)	4	Chinese	M.	10	.07½ day.[a]
	6	Chinese	M.	10	2.00 month.[a]

[a] Also 3 meals and room. [b] Also 3 meals.

Rates of wages in Manila, April and May, 1900—Continued.

CARPENTER SHOP (14 ESTABLISHMENTS)—continued.

Occupations.	Employees.	Nationality.	Sex.	Hours per day.	Rate of wages.
Workmen	1	Chinese	M.	10	$0.42½ day.[a]
	34	Chinese	M.	10	.37½ day.[a]
	112	Chinese	M.	10	.25 day.[a]
	58	Chinese	M.	10	.12½ day.[a]
	4	Chinese	M.	10	.10 day.[a]
	8	Chinese	M.	10	11.00 month.[a]
	4	Chinese	M.	10	10.00 month.[a]
	4	Chinese	M.	10	9.00 month.[a]
	10	Chinese	M.	10	8.00 month.[a]
	6	Chinese	M.	10	6.00 month.[a]
	6	Chinese	M.	10	5.00 month.[a]
	6	Chinese	M.	10	4.00 month.[a]

CARPENTERS, HOUSE (8 ESTABLISHMENTS).

Masters	3	Chinese	M.	8	$1.50 day.[a]
	5	Chinese	M.	10	1.00 day.[a]
Workmen	31	Chinese	M.	8	.50 day.[a]
	45	Chinese	M.	10	.50 day.[a]
	34	Chinese	M.	8	.37½ day.[a]
	86	Chinese	M.	10	.37½ day.[a]
	63	Chinese	M.	8	.25 day.[a]
	119	Chinese	M.	10	.25 day.[a]
	6	Chinese	M.	8	.15 day.[a]
	12	Chinese	M.	10	.15 day.[a]
	20	Chinese	M.	8	.12½ day.[a]

CARRIAGE FACTORY (7 ESTABLISHMENTS).

Masters	1	Native	M.	8	$1.00 day.
	1	White	M.	8	75.00 month.
	2	White	M.	8	50.00 month.
	1	Native	M.	8	50.00 month.
	1	Native	M.	8	40.00 month.
	1	Native	M.	8	30.00 month.
Apprentices	12	Native	M.	8	.25 day.
	6	Native	M.	8	.12½ day.
	6	Native	M.	8	4.00 month.
	4	Native	M.	8	3.00 month.
Blacksmiths	6	Native	M.	8	.75 day.
	4	Native	M.	8	.62½ day.
	6	Native	M.	8	30.00 month.
	1	Native	M.	8	22.50 month.
	4	Native	M.	8	20.00 month.
	4	Chinese	M.	8	15.00 month.
	2	Native	M.	8	9.00 month.
	4	Native	M.	8	8.00 month.
	4	Native	M.	8	5.00 month.
Blacksmiths' helpers	8	Native	M.	8	.37½ day.
	12	Native	M.	8	15.00 month.
Carpenters	10	Native	M.	8	.62½ day.
	4	Native	M.	8	.50 day.
	10	Native	M.	8	30.00 month.
	26	Native	M.	8	18.00 month.
	7	Chinese	M.	8	15.00 month.
	10	Native	M.	8	9.00 month.
Cloth workers	3	Native	M.	8	.62½ day.
	2	Native	M.	8	.50 day.
	6	Native	M.	8	22.50 month.
	2	Native	M.	8	17.50 month.
	8	Native	M.	8	15.00 month.
	2	Native	M.	8	12.50 month.
	6	Native	M.	8	6.00 month.
Leather workers	3	Native	M.	8	.75 day.
	2	Native	M.	8	.50 day.
	5	Native	M.	8	22.50 month.
	1	Native	M.	8	20.00 month.
	6	Native	M.	8	15.00 month.
	1	Native	M.	8	9.00 month.
	2	Native	M.	8	8.00 month.
Painters	8	Native	M.	8	.75 day.
	2	Native	M.	8	.50 day.
	6	Native	M.	8	22.50 month.
	6	Native	M.	8	15.00 month.
	4	Native	M.	8	8.00 month.
	10	Native	M.	8	7.50 month.
	4	Native	M.	8	6.00 month.
	4	Native	M.	8	5.00 month.
Workmen	14	Native	M.	8	7.50 month.

CARRIAGE REPAIRING (6 ESTABLISHMENTS).

Masters	6	Native	M.	8	$1.00 day.
Apprentices	2	Native	M.	8	.25 day.
	2	Native	M.	8	.12½ day.
Blacksmiths	8	Native	M.	8	.50 day.
Blacksmiths' helpers	2	Native	M.	8	.37½ day.
	6	Native	M.	8	.25 day.
Carpenters	18	Native	M.	8	.50 day.
	6	Native	M.	8	.37½ day.
Carpenters' helpers	4	Native	M.	8	.25 day.
Cloth workers	6	Native	M.	8	.50 day.
Leather workers	6	Native	M.	8	.50 day.
Painters	9	Native	M.	8	.50 day.
Workmen	4	Native	M.	8	.50 day.
	4	Native	M.	8	.37½ day.
	10	Native	M.	8	.25 day.
	3	Native	M.	8	.20 day.
	2	Native	M.	8	.15 day.

[a] Also 3 meals and room.

Rates of wages in Manila, April and May, 1900—Continued.

CART FACTORY (3 ESTABLISHMENTS).

Occupations.	Employees.	Nationality.	Sex.	Hours per day.	Rate of wages.
Masters	3	Chinese	M.	10	$15.00 month.[a]
Workmen	4	Chinese	M.	10	11.00 month.[a]
	3	Chinese	M.	10	10.00 month.[a]
	2	Chinese	M.	10	9.00 month.[a]
	4	Chinese	M.	10	8.00 month.[a]
	5	Chinese	M.	10	7.50 month.[a]
	4	Chinese	M.	10	6.00 month.[a]
	7	Chinese	M.	10	5.00 month.[a]

CHOCOLATE FACTORY (7 ESTABLISHMENTS).

Masters	7	Chinese	M.	10	$1.00 day.[a]
Workmen	22	Chinese	M.	10	.50 day.[a]
	29	Chinese	M.	10	.25 day.[a]

CIGAR AND CIGARETTE FACTORY (31 ESTABLISHMENTS).

Masters	1	White	M.	8	$2.50 day.
	4	Native	M.	8	2.00 day.
	8	Native	M.	8	1.50 day.
	4	Native	M.	8	1.00 day.
	2	White	M.	8	150.00 month.
	2	White	M.	8	100.00 month.
	3	White	M.	8	75.00 month.
	1	White	M.	8	50.00 month.
	3	Native	M.	8	50.00 month.
	2	Native	M.	8	40.00 month.
	1	Native	M.	8	25.00 month.
Apprentices	18	Native	F.	8	.12½ day.
	370	Native	F.	8	.10 day.
	2	Native	F.	8	2.50 month.
Box fillers	86	Native	M.	8	.37½ day.
	280	Native	M.	8	.25 day.
	8	Native	M.	8	11.00 month.
	8	Native	M.	8	7.50 month.
Box finishers	36	Native	M.	8	.37½ day.
	80	Native	M.	8	.25 day.
	268	Native	F.	8	.25 day.
	8	Native	M.	8	11.00 month.
	6	Native	M.	8	7.50 month.
Cigarette makers	80	Native	M.	8	.37½ day.
	1,826	Native	F.	8	.25 day.
	88	Native	F.	8	7.50 month.
Cigarette packers	505	Native	F.	8	.25 day.
	17	Native	F.	8	7.50 month.
Cigar rollers	298	Native	M.	8	0.75 day.
	52	Native	M.	8	.62½ day.
	1,220	Native	M.	8	.50 day.
	85	Native	F.	8	.50 day.
	202	Native	M.	8	.37½ day.
	3,873	Native	F.	8	.37½ day.
	724	Native	F.	8	.25 day.
	20	Native	M.	8	15.00 month.
	48	Native	M.	8	11.00 month.
	8	Native	F.	8	9.00 month.
	16	Native	M.	8	7.50 month.
	12	Native	F.	8	7.50 month.
Engineers	1	Native	M.	8	1.50 day.
	1	Native	M.	8	30.00 month.
Foremen	1	Native	M.	8	1.50 day.
	4	White	M.	8	75.00 month.
	6	White	M.	8	50.00 month.
	1	White	M.	8	40.00 month.
Sorters	346	Native	M.	8	.37½ day.
	12	Native	M.	8	11.00 month.
Workmen	226	Native	M.	8	.50 day.
	142	Native	M.	8	.37½ day.
	647	Native	M.	8	.25 day.
	334	Chinese	M.	8	.25 day.
	116	Chinese	M.	8	.20 day.
	8	Native	M.	8	.15 day.
	2	Native	M.	8	15.00 month.
	46	Native	M.	8	7.50 month.

CIGAR-BOX FACTORY (2 ESTABLISHMENTS).

Masters	1	White	M.	8	$50.00 month.
	1	White	M.	8	45.00 month.
Workmen	60	Native	M.	8	.50 day.
	82	Native	M.	8	.37½ day.
	22	Chinese	M.	8	.37½ day.
	21	Native	M.	8	.25 day.
	44	Chinese	M.	8	.25 day.

COCOANUT-OIL FACTORY (1 ESTABLISHMENT).

Master	1	Native	M.	8	$50.00 month.
Workmen	2	Native	M.	8	20.00 month.
	15	Native	M.	8	15.00 month.
	26	Native	M.	8	11.00 month.
	12	Native	M.	8	7.50 month.
	18	Chinese	M.	8	6.00 month.

[a] Also 3 meals and room.

Rates of wages in Manila, April and May, 1900—Continued.

COMB MAKING (1 ESTABLISHMENT).

Occupations.	Employees.	Nationality.	Sex.	Hours per day.	Rate of wages.
Master	1	Chinese	M.	10	$0.50 day.[a]
Workmen	2	Chinese	M.	10	.25 day.[a]

CONFECTIONERY (19 ESTABLISHMENTS).

Masters	6	Chinese	M.	8	$0.37½ day.[a]
	1	White	M.	8	50.00 month.[a]
	1	White	M.	8	50.00 month.[b]
	4	White	M.	8	50.00 month.[c]
	1	White	M.	8	40.00 month.[c]
	1	White	M.	8	30.00 month.[c]
	2	Native	M.	8	17.50 month.
	2	Native	M.	8	15.00 month.
	1	Native	M.	8	15.00 month.[c]
Apprentice (child)	1	Chinese	M.	8	.10 day.[a]
Scullions	2	Chinese	M.	8	4.00 month.[a]
	2	Native	M.	8	4.00 month.[c]
	2	Native	M.	8	3.00 month.[b]
	3	Native	M.	8	3.00 month.[c]
Workmen	26	Chinese	M.	8	.25 day.[a]
	13	Chinese	M.	8	.10 day.[a]
	4	Chinese	M.	8	15.00 month.[a]
	6	Native	M.	8	15.00 month.[c]
	4	Chinese	M.	8	10.00 month.[a]
	2	Native	M.	8	9.00 month.
	8	Native	M.	8	9.00 month.[c]
	6	Native	M.	8	8.00 month.
	1	Native	M.	8	8.00 month.[c]
	4	Native	M.	8	7.50 month.
	4	Native	M.	8	7.00 month.[b]
	11	Native	M.	8	6.00 month.
	4	Chinese	M.	8	6.00 month.[a]
	2	Native	M.	8	6.00 month.[b]
	37	Native	M.	8	6.00 month.[c]
	10	Native	M.	8	4.00 month.
	2	Native	M.	8	4.00 month.[c]
Workwomen	4	Native	F.	8	6.00 month.
	6	Native	F.	8	6.00 month.[c]

COPPER FOUNDRY (3 ESTABLISHMENTS).

Masters	3	Chinese	M.	10	$0.50 day.[d]
Workmen	17	Chinese	M.	10	.25 day.[d]
	9	Chinese	M.	10	.12½ day.[d]

DENTIST (4 ESTABLISHMENTS).

Masters	1	White	M.	8	$4.00 day.
	2	Native	M.	8	4.00 day.
	1	Native	M.	8	3.00 day.
Workmen	3	Native	M.	8	1.00 day.
	1	Native	M.	8	.75 day.
	4	Native	M.	8	.50 day.

ELECTRIC-LIGHT PLANT (1 ESTABLISHMENT).

Electrician	1	White	M.	12	$150.00 month.
Electrician, assistant	1	White	M.	12	50.00 month.
Engineer	1	White	M.	12	100.00 month.
Engineer, assistant	1	Native	M.	12	40.00 month.
Workmen	8	Native	M.	12	22.50 month.
	6	Native	M.	12	15.00 month.
	10	Native	M.	12	11.00 month.
	5	Native	M.	12	8.00 month.
	22	Native	M.	12	6.00 month.
	16	Native	M.	12	5.00 month.

ESSENCE DISTILLERY (1 ESTABLISHMENT).

Master	1	White	M.	8	$40.00 month.
Workmen	2	Native	M.	8	15.00 month.
	2	Native	M.	8	7.50 month.

FURNITURE FACTORY (16 ESTABLISHMENTS).

Masters	1	Chinese	M.	10	$0.50 day.[a]
	1	Chinese	M.	10	25.00 month.[a]
	2	Chinese	M.	10	22.50 month.[a]
	6	Chinese	M.	10	20.00 month.[a]
	3	Chinese	M.	10	17.50 month.[a]
	1	Chinese	M.	8	15.00 month.[a]
	2	Chinese	M.	10	15.00 month.[a]
Apprentices	5	Chinese	M.	10	2.00 month.[a]
Apprentices (children)	4	Chinese	M.	8	3.00 month.[a]
	4	Chinese	M.	10	2.00 month.[a]
	6	Chinese	M.	10	1.50 month.[a]

[a] Also 3 meals and room.
[b] Also 3 meals.
[c] Also 2 meals.
[d] Also meals and room.

Rates of wages in Manila, April and May, 1900—Continued.

FURNITURE FACTORY (16 ESTABLISHMENTS)—continued.

Occupations.	Employees.	Nationality.	Sex.	Hours per day.	Rate of wages.
Workmen	6	Chinese ..	M.	10	$0.37½ day.[a]
	4	Chinese ..	M.	10	.25 day.[a]
	2	Chinese ..	M.	10	.12½ day.[a]
	24	Chinese ..	M.	10	15.00 month.[a]
	15	Chinese ..	M.	10	12.50 month.[a]
	12	Chinese ..	M.	10	11.00 month.[a]
	2	Chinese ..	M.	8	10.00 month.[a]
	28	Chinese ..	M.	10	10.00 month.[a]
	22	Chinese ..	M.	10	9.00 month.[a]
	14	Chinese ..	M.	10	8.00 month.[a]
	2	Chinese ..	M.	8	7.50 month.[a]
	20	Chinese ..	M.	10	7.50 month.[a]
	31	Chinese ..	M.	10	6.00 month.[a]
	14	Chinese ..	M.	10	5.00 month.[a]
	2	Chinese ..	M.	10	4.50 month.[a]
	10	Chinese ..	M.	10	4.00 month.[a]

GUITAR FACTORY (2 ESTABLISHMENTS).

Masters	2	Native....	M.	8	$1.00 day.
Workmen	3	Native....	M.	8	.50 day.
	6	Native....	M.	8	.37½ day.
	7	Native....	M.	8	.25 day.

HANDSAW MILL (16 ESTABLISHMENTS).

Masters	16	Chinese ..	M.	10	$1.00 day.[a]
Workmen	165	Chinese ..	M.	10	.50 day.[a]
	240	Chinese ..	M.	10	.25 day.[a]
	80	Chinese ..	M.	10	.15 day.[a]

HARNESS FACTORY (11 ESTABLISHMENTS).

Masters	3	Native....	M.	8	$1.00 day.
	2	White	M.	8	50.00 month.
	2	Native....	M.	8	30.00 month.
	3	Native....	M.	8	25.00 month.
	1	Native....	M.	8	22.50 month.
Apprentice (child)	1	Native....	M.	8	2.00 month.
Workmen	2	Native....	M.	8	.75 day.
	9	Native....	M.	8	.50 day.
	9	Native....	M.	8	.37½ day.
	7	Native....	M.	8	.25 day.
	14	Native....	M.	8	20.00 month.
	10	Native....	M.	8	17.50 month.
	20	Native....	M.	8	15.00 month.
	29	Native....	M.	8	12.50 month.
	8	Native....	M.	8	11.00 month.
	4	Native....	M.	8	10.00 month.
	3	Native....	M.	8	9.00 month.
	16	Native....	M.	8	8.00 month.
	12	Native....	M.	8	7.50 month.
	16	Native....	M.	8	6.00 month.
	10	Native....	M.	8	5.00 month.

HAT AND PARASOL FACTORY (1 ESTABLISHMENT).

Master, hat department	1	White	M.	8	$100.00 month.
Master, parasol department	1	White	M.	8	75.00 month.
Apprentices	16	Native....	F.	8	4.00 month.
Engineer	1	White	M.	8	50.00 month.
Workmen	4	White	M.	8	40.00 month.
	8	White	M.	8	30.00 month.
	18	Native....	M.	8	22.50 month.
	32	Native....	M.	8	19.00 month.
	20	Native....	M.	8	15.00 month.
Workwomen	42	Native....	F.	8	22.50 month.
	154	Native....	F.	8	15.00 month.
	26	Native....	F.	8	10.00 month.
	38	Native....	F.	8	7.50 month.

HAT FACTORY (7 ESTABLISHMENTS).

Masters	4	White	M.	8	$40.00 month.
	2	Native....	M.	8	30.00 month.
	1	Native....	M.	8	25.00 month.
Workmen	4	Native....	M.	8	.50 day.
	10	Native....	M.	8	.37½ day.
	7	Native....	M.	8	.25 day.
	18	Native....	M.	8	15.00 month.
	4	Native....	M.	8	10.00 month.
	2	Native....	M.	8	8.00 month.
	8	Native....	M.	8	7.50 month.
	2	Native....	M.	8	6.00 month.
	4	Native....	M.	8	5.00 month.
Workwoman	1	Native....	F.	8	4.00 month.

HAT REPAIRING (16 ESTABLISHMENTS).

Masters	1	Native....	M.	8	$1.00 day.
	15	Native....	M.	8	.50 day.
Workmen	4	Native....	M.	8	.50 day.
	29	Native....	M.	8	.37½ day.
	45	Native....	M.	8	.25 day.
	2	Native....	M.	8	.12½ day.
Workwomen	5	Native....	F.	8	.15 day.
	8	Native....	F.	8	.12½ day.

[a] Also 3 meals and room.

Rates of wages in Manila, April and May, 1900—Continued.

HORSESHOEING (5 ESTABLISHMENTS).

Occupations.	Employees.	Nationality.	Sex.	Hours per day.	Rate of wages.
Masters	5	Native....	M.	8	$1.00 day.
Workmen	12	Native....	M.	8	.50 day.
	3	Native....	M.	8	.37½ day.
	17	Native....	M.	8	.25 day.

ICE FACTORY (2 ESTABLISHMENTS).

Masters	2	White	M.	8	$100.00 month.
Engineers	2	White	M.	8	62.50 month.
Engineers, assistant	4	Native....	M.	8	30.00 month.
Workmen	10	Chinese ..	M.	8	.25 day.
	12	Native....	M.	8	15.00 month.
	11	Native....	M.	8	11.00 month.
	19	Native....	M.	8	9.00 month.
	40	Native....	M.	8	7.50 month.

INK FACTORY (2 ESTABLISHMENTS).

Masters	1	White	M.	8	$1.00 day.
	1	Native....	M.	8	.75 day.
Workmen	3	Native....	M.	8	.37½ day.
	1	Native....	M.	8	.25 day.

IRON FOUNDRY (4 ESTABLISHMENTS).

Masters	2	White	M.	8	$75.00 month.
	1	Native....	M.	8	50.00 month.
	1	Chinese ..	M.	10	15.00 month.[a]
Apprentices	8	Chinese ..	M.	8	.10 day.
	8	Native....	M.	8	3.00 month.
Blacksmiths	10	Chinese ..	M.	8	.37½ day.
	68	Native....	M.	8	15.00 month.
	4	Chinese ..	M.	10	15.00 month.[a]
Blacksmiths' helpers	20	Native....	M.	8	10.00 month.
	4	Chinese ..	M.	10	9.00 month.[a]
	8	Native....	M.	8	7.50 month.
Engineers	2	White	M.	8	40.00 month.
	1	Native....	M.	8	30.00 month.
Filers	50	Native....	M.	8	15.00 month.
	3	Chinese ..	M.	10	7.50 month.[a]
Ladlers	10	Chinese ..	M.	8	.37½ day.
	23	Chinese ..	M.	8	11.00 month.
	4	Chinese ..	M.	10	11.00 month.[a]
Molders	20	Chinese ..	M.	8	.25 day.
	52	Native....	M.	8	12.50 month.
	40	Native....	M.	8	10.00 month.
	46	Chinese ..	M.	8	10.00 month.
	8	Chinese ..	M.	10	10.00 month.[a]
Polishers	54	Native....	M.	8	15.00 month.
	4	Chinese ..	M.	10	9.00 month.[a]
Workmen	22	Chinese ..	M.	8	.25 day.
	6	Native....	M.	8	12.50 month.
	4	Native....	M.	8	11.00 month.
	22	Native....	M.	8	7.50 month.
	40	Chinese ..	M.	8	7.50 month.
	12	Chinese ..	M.	10	7.50 month.[a]
	26	Chinese ..	M.	8	6.00 month.

IRON WORKS (14 ESTABLISHMENTS).

Masters	14	Chinese ..	M.	10	$1.00 day.[a]
Apprentices (children)	2	Chinese ..	M.	10	.07½ day.[a]
Blacksmiths	44	Chinese ..	M.	10	.50 day.[a]
Blacksmiths' helpers	53	Chinese ..	M.	10	.37½ day.[a]
Workmen	88	Chinese ..	M.	10	.25 day.[a]

LAUNDRY (8 ESTABLISHMENTS).

Masters	1	White	M.	8	$1.00 day.
	3	Native....	M.	8	.50 day.
	4	Chinese ..	M.	10	.50 day.[a]
Workmen	2	Native....	M.	8	.50 day.
	6	Chinese ..	M.	10	.37½ day.[a]
	10	Native....	M.	8	.25 day.
	30	Chinese ..	M.	10	.25 day.[a]
Workwomen	30	Native....	F.	8	.25 day.

LITHOGRAPHING (4 ESTABLISHMENTS).

Masters	2	White	M.	8	$150.00 month.
	1	Native....	M.	8	100.00 month.
	1	Native....	M.	8	50.00 month.
Apprentices	2	Native....	M.	8	2.00 month.
Apprentices (children)	4	Native....	M.	8	3.00 month.
Engineers	1	Native....	M.	8	30.00 month.
	1	Native....	M.	8	25.00 month.
Foreman	1	Native....	M.	8	100.00 month.
Workmen	5	Native....	M.	8	45.00 month.
	6	Native....	M.	8	40.00 month.
	15	Native....	M.	8	30.00 month.
	17	Native....	M.	8	22.50 month.
	29	Native....	M.	8	15.00 month.
	1	Native....	M.	8	12.50 month.
	17	Native....	M.	8	11.00 month.
	7	Native....	M.	8	10.00 month.
	10	Native....	M.	8	9.00 month.
	16	Native....	M.	8	7.50 month.
	6	Native....	M.	8	6.00 month.

[a] Also 3 meals and room.

Rates of wages in Manila, April and May, 1900—Continued.

MACHINE SHOP (1 ESTABLISHMENT).

Occupations.	Employees.	Nationality.	Sex.	Hours per day.	Rate of wages.
Master	1	Native	M.	8	$1.50 day.
Workmen	4	Native	M.	8	.75 day.
	8	Native	M.	8	.50 day.
	6	Native	M.	8	.37½ day.
	4	Native	M.	8	.25 day.

MARBLE WORKS (2 ESTABLISHMENTS).

Masters	1	White	M.	8	$1.50 day.
	1	White	M.	8	40.00 month.
Workmen	4	Native	M.	8	.75 day.
	2	Native	M.	8	.37½ day.
	4	Native	M.	8	15.00 month.
	2	Native	M.	8	10.00 month.

MILLINERY (3 ESTABLISHMENTS).

Mistresses	1	White	F.	10	$4.00 day.
	2	Native	F.	10	2.00 day.
Apprentices	10	Native	F.	10	.10 day.
Workwomen	16	Native	F.	10	.50 day.
	12	Native	F.	10	.25 day.

MUSICAL INSTRUMENT REPAIRING (1 ESTABLISHMENT).

Master	1	Native	M.	8	$1.00 day.
Workmen	4	Native	M.	8	.50 day.
	2	Native	M.	8	.25 day.

PAINTING PICTURES (1 ESTABLISHMENT).

Master	1	White	M.	8	$5.00 day.
Workmen	2	Native	M.	8	1.00 day.
	2	Native	M.	8	.50 day.
	2	Native	M.	8	.37½ day.
	2	Native	M.	8	.25 day.

PERFUME FACTORY (1 ESTABLISHMENT).

Master	1	White	M.	8	$50.00 month.
Workmen	2	Native	M.	8	.50 day.
Workwomen	2	Native	F.	8	.25 day.

PHOTOGRAPHY (11 ESTABLISHMENTS.)

Masters	1	Chinese	M.	8	$1.00 day. [a]
	1	White	M.	8	45.00 month. [b]
	1	Native	M.	8	45.00 month. [b]
	1	White	M.	8	40.00 month. [b]
	1	Native	M.	8	30.00 month.
	1	White	M.	8	30.00 month. [c]
	2	Native	M.	8	30.00 month. [c]
	1	White	M.	8	30.00 month. [b]
	3	White	M.	8	25.00 month. [c]
	1	Native	M.	8	25.00 month. [c]
Workmen	2	Chinese	M.	8	.75 day. [a]
	4	Chinese	M.	8	.50 day. [a]
	2	Chinese	M.	8	.25 day. [a]
	2	Native	M.	8	30.00 month. [b]
	2	Native	M.	8	22.50 month. [b]
	1	Native	M.	8	20.00 month. [b]
	1	Native	M.	8	18.00 month. [b]
	1	Native	M.	8	17.50 month. [b]
	7	Native	M.	8	15.00 month. [c]
	5	Native	M.	8	15.00 month. [b]
	1	Native	M.	8	14.00 month. [c]
	2	Native	M.	8	13.00 month. [c]
	2	Native	M.	8	12.50 month.
	2	Native	M.	8	12.50 month. [c]
	5	Native	M.	8	12.50 month. [b]
	2	Native	M.	8	10.00 month. [c]
	3	Native	M.	8	10.00 month. [b]
	2	Native	M.	8	9.00 month.
	9	Native	M.	8	9.00 month. [c]
	3	Native	M.	8	9.00 month. [b]
	4	Native	M.	8	8.00 month. [b]
	4	Native	M.	8	7.50 month. [c]
	3	Native	M.	8	6.00 month.
	5	Native	M.	8	6.00 month. [c]
	5	Native	M.	8	6.00 month. [b]
	1	Native	M.	8	5.00 month. [c]
	1	Native	M.	8	5.00 month. [b]
	1	Native	M.	8	4.00 month.
	3	Native	M.	8	4.00 month. [c]
	1	Native	M.	8	4.00 month. [b]

PIANO FINISHING (4 ESTABLISHMENTS).

Masters	2	White	M.	8	$4.00 day.
	1	White	M.	8	3.00 day.
	1	Native	M.	8	2.00 day.
Workmen	1	White	M.	8	1.00 day.
	5	Native	M.	8	.75 day.
	6	Native	M.	8	.50 day.
	1	Native	M.	8	.37½ day.

[a] Also 3 meals and room. [b] Also 2 meals. [c] Also 3 meals.

Rates of wages in Manila, April and May, 1900—Continued.

PRINTING (10 ESTABLISHMENTS).

Occupations.	Employees.	Nationality.	Sex.	Hours per day.	Rate of wages.
Master	1	White	M.	8	$30.00 month.
Apprentices	2	Native	M.	8	.12½ day.
	1	Native	M.	8	.10 day.
Compositors	12	Native	M.	8	1.00 day.
	4	Native	M.	8	.75 day.
	4	Native	M.	8	.62½ day.
	24	Native	M.	8	.50 day.
	33	Native	M.	8	.37½ day.
	39	Native	M.	8	.25 day.
	4	Native	M.	8	.12½ day.
	16	Native	M.	8	17.50 month.
	26	Native	M.	8	15.00 month.
	12	Native	M.	8	12.50 month.
	4	Native	M.	8	11.00 month.
	22	Native	M.	8	9.00 month.
	15	Native	M.	8	6.00 month.
Engineers	3	Native	M.	8	1.00 day.
	4	Native	M.	8	.75 day.
	1	White	M.	8	62.50 month.
	1	White	M.	8	50.00 month.
	1	White	M.	8	40.00 month.
Workmen	7	Native	M.	8	.37½ day.
	1	Native	M.	8	20.00 month.
	1	Native	M.	8	18.00 month.
	1	Native	M.	8	17.50 month.
	5	Native	M.	8	15.00 month.
	5	Native	M.	8	7.50 month.

PRINTING AND LITHOGRAPHING (1 ESTABLISHMENT).

Master	1	White	M.	8	$150.00 month.
Apprentices	14	Native	M.	8	2.00 month.
Compositors	8	Native	M.	8	22.50 month.
	18	Native	M.	8	10.50 month.
	26	Native	M.	8	10.00 month.
	31	Native	M.	8	7.50 month.
Engineer	1	Native	M.	8	45.00 month.
Foremen	2	Native	M.	8	45.00 month.
Workmen	2	Native	M.	8	30.00 month.
	4	Native	M.	8	25.00 month.
	7	Native	M.	8	15.00 month.
	72	Native	M.	8	7.50 month.
	26	Native	M.	8	6.00 month.
	8	Native	M.	8	4.00 month.

RAZOR GRINDING (1 ESTABLISHMENT).

Master	1	White	M.	8	$1.00 day.
Workman	1	Native	M.	8	.37½ day.

SCULPTURING (1 ESTABLISHMENT).

Master	1	Native	M.	8	$5.00 day.
Workmen	4	Native	M.	8	1.00 day.
	2	Native	M.	8	.75 day.
	2	Native	M.	8	.50 day.
	2	Native	M.	8	.25 day.

SEWING-MACHINE REPAIRING (1 ESTABLISHMENT).

Master	1	White	M.	8	$2.00 day.
Workmen	2	Native	M.	8	.50 day.

SHIRT FACTORY (7 ESTABLISHMENTS).

Masters	2	White	M.	8	$1.00 per day.
	2	Native	M.	8	22.50 month.
	1	Native	M.	8	20.00 month.
	2	Native	M.	8	17.50 month.
Workmen	8	Native	M.	8	.50 day.
	4	Native	M.	8	15.00 month.
	16	Native	M.	8	12.50 month.
	4	Native	M.	8	10.00 month.
	8	Native	M.	8	9.00 month.
	4	Native	M.	8	6.00 month.
Workwomen	8	Native	F.	8	.25 day.
	26	Native	F.	8	7.50 month.
	8	Native	F.	8	6.00 month.
	8	Native	F.	8	5.00 month.
Workwomen (children)	4	Native	F.	8	.10 day.

SHOE FACTORY (31 ESTABLISHMENTS).

Masters	1	White	M.	8	$1.50 day.
	1	Native	M.	8	1.00 day.
	1	Native	M.	8	.75 day.
	14	Chinese	M.	10	.50 day. [a]
	14	Chinese	M.	10	15.00 month. [a]
Apprentices	2	Chinese	M.	10	.10 day. [a]
	4	Chinese	M.	10	2.00 month. [a]
Apprentices (children)	19	Chinese	M.	10	.10 day. [a]
	2	Chinese	M.	10	.07½ day. [a]
	7	Chinese	M.	10	2.00 month. [a]

[a] Also 3 meals and room.

Rates of wages in Manila, April and May, 1900—Continued.

SHOE FACTORY (31 ESTABLISHMENTS)—continued.

Occupations.	Employees.	Nationality.	Sex.	Hours per day.	Rate of wages.
Workmen	7	Native	M.	8	$0.50 day.
	8	Chinese	M.	10	.40 day.[a]
	9	Native	M.	8	.37½ day.
	60	Chinese	M.	10	.37½ day.[a]
	20	Chinese	M.	10	.35 day.[a]
	4	Chinese	M.	10	.30 day.[a]
	4	Native	M.	8	.25 day.
	47	Chinese	M.	10	.25 day.[a]
	4	Chinese	M.	10	.20 day.[a]
	4	Chinese	M.	10	.18¾ day.[a]
	8	Chinese	M.	10	.12½ day.[a]
	40	Chinese	M.	10	10.00 month.[a]
	6	Chinese	M.	10	9.00 month.[a]
	18	Chinese	M.	10	8.00 month.[a]
	28	Chinese	M.	10	7.50 month.[a]
	14	Chinese	M.	10	6.00 month.[a]
	28	Chinese	M.	10	5.00 month.[a]
	2	Chinese	M.	10	4.50 month.[a]
	2	Chinese	M.	10	4.00 month.[a]
	1	Chinese	M.	10	3.00 month.[a]
Workwomen	2	Chinese	F.	10	3.00 month.[a]

SILVERSMITHS (29 ESTABLISHMENTS).

Masters	2	Native	M.	8	$2.00 day.
	2	Native	M.	8	1.50 day.
	22	Native	M.	8	1.00 day.
	1	White	M.	8	50.00 month.
	2	Native	M.	8	30.00 month.
Apprentice	1	Native	M.	8	.25 day.
Workmen	7	Native	M.	8	1.00 day.
	7	Native	M.	8	.75 day.
	48	Native	M.	8	.50 day.
	1	Native	M.	8	.37½ day.
	15	Native	M.	8	.25 day.
	6	Native	M.	8	22.50 month.
	3	Native	M.	8	15.00 month.

SLIPPER FACTORY (43 ESTABLISHMENTS).

Masters	8	Native	M.	8	$1.00 day.
	1	Chinese	M.	10	.62½ day.[a]
	34	Chinese	M.	10	.50 day.[a]
Apprentices	4	Native	F.	8	.12½ day.
	2	Chinese	M.	10	.07½ day.[a]
	6	Chinese	M.	10	.05 day.[a]
Apprentices (children)	4	Chinese	M.	10	.10 day.[a]
	20	Chinese	M.	10	.07½ day.[a]
	6	Chinese	M.	10	.05 day.[a]
Workmen	3	Native	M.	8	.75 day.
	32	Native	M.	8	.50 day.
	25	Native	M.	8	.37½ day.
	103	Chinese	M.	10	.37½ day.[a]
	23	Native	M.	8	.25 day.
	197	Chinese	M.	10	.25 day.[a]
	10	Chinese	M.	10	.20 day.[a]
	81	Chinese	M.	10	.15 day.[a]
	4	Native	M.	8	.12½ day.
	10	Chinese	M.	10	.12½ day.[a]
	48	Chinese	M.	10	.10 day.[a]
Workmen (children)	2	Native	M.	8	.10 day.
	8	Chinese	M.	10	.10 day.[a]
Workwomen	32	Native	F.	8	.25 day.
	8	Chinese	F.	10	.17½ day.[a]
	3	Native	F.	8	.12½ day.
	2	Chinese	F.	10	.12½ day.[a]

SOAP FACTORY (22 ESTABLISHMENTS).

Masters	1	Native	M.	8	$0.75 day.
	20	Chinese	M.	10	.50 day.[a]
	1	White	M.	8	62.50 month.
Apprentices (children)	2	Chinese	M.	10	.10 day.[a]
	2	Chinese	M.	10	.07½ day.[a]
Foreman	1	White	M.	8	30.00 month.
Workmen	3	Native	M.	8	.37½ day.
	74	Chinese	M.	10	.37½ day.[a]
	4	Native	M.	8	.25 day.
	83	Chinese	M.	10	.25 day.[a]
	15	Chinese	M.	10	.15 day.[a]
	34	Chinese	M.	10	.12½ day.[a]
	4	Native	M.	8	15.00 month.
	6	Native	M.	8	10.00 month.
	5	Native	M.	8	7.50 month.
	4	Native	M.	8	6.00 month.

SODA-WATER FACTORY (16 ESTABLISHMENTS).

Masters	2	White	M.	8	$50.00 month.
	3	White	M.	8	40.00 month.
	2	White	M.	8	30.00 month.
	2	Native	M.	8	30.00 month.
	5	Native	M.	8	25.00 month.
	1	Chinese	M.	10	20.00 month.[a]
	1	Chinese	M.	10	19.00 month.[a]
Workmen	2	Native	M.	8	.75 day.
	2	Native	M.	8	.25 day.
	1	White	M.	8	22.50 month.
	62	Native	M.	8	15.00 month.
	20	Chinese	M.	8	15.00 month.

[a] Also 3 meals and room.

Rates of wages in Manila, April and May, 1900—Continued.

SODA-WATER FACTORY (16 ESTABLISHMENTS)—continued.

Occupations.	Employees.	Nationality.	Sex.	Hours per day.	Rate of wages.
Workmen	10	Native	M.	8	$12.50 month.
	14	Native	M.	8	11.00 month.
	6	Chinese	M.	10	11.00 month.[a]
	54	Native	M.	8	10.00 month.
	6	Chinese	M.	10	10.00 month.[a]
	51	Native	M.	8	7.50 month.
	10	Chinese	M.	8	7.50 month.
	10	Chinese	M.	10	7.50 month.[a]
	36	Native	M.	8	6.00 month.
	10	Chinese	M.	10	6.00 month.[a]
	8	Native	M.	8	5.00 month.
	5	Chinese	M.	8	5.00 month.
	8	Chinese	M.	10	5.00 month.[a]
	31	Native	M.	8	4.00 month.
	16	Chinese	M.	10	4.00 month.[a]
	6	Chinese	M.	10	3.00 month.[a]
Workwomen	15	Native	F.	8	6.00 month.

STEAM SAWMILL (1 ESTABLISHMENT).

Master	1	White	M.	8	$75.00 month.
Engineer	1	Native	M.	8	30.00 month.
Workmen	1	White	M.	8	30.00 month.
	34	Native	M.	8	15.00 month.
	24	Native	M.	8	10.00 month.
	37	Native	M.	8	7.50 month.

STEEL ENGRAVING (2 ESTABLISHMENTS).

Masters	2	Native	M.	8	$1.00 day.
Workmen	2	Native	M.	8	.50 day.

SUGAR REFINERY (1 ESTABLISHMENT).

Master	1	White	M.	8	$75.00 month.
Engineer	1	White	M.	8	62.50 month.
Workmen	2	Native	M.	8	30.00 month.
	20	Native	M.	8	15.00 month.
	10	Native	M.	8	9.00 month.
	10	Chinese	M.	8	7.50 month.

TAILOR SHOP (97 ESTABLISHMENTS).

Masters	6	Chinese	M.	10	$0.50 day.[a]
	3	White	M.	8	50.00 month.
	1	Native	M.	8	50.00 month.
	5	White	M.	8	40.00 month.
	1	Native	M.	8	30.00 month.
	22	Native	M.	8	22.50 month.
	40	Native	M.	8	20.00 month.
	7	Native	M.	8	17.50 month.
	11	Native	M.	8	15.00 month.
	1	Chinese	M.	10	15.00 month.[a]
Apprentices	2	Native	M.	8	3.00 month.
	2	Native	F.	8	3.00 month.
	3	Native	M.	8	2.00 month.
Apprentices (children)	4	Native	F.	8	.12½ day.
	2	Native	F.	8	3.00 month.
	1	Native	M.	8	2.00 month.
	4	Chinese	M.	10	2.00 month.[a]
Workmen	4	Native	M.	8	.50 day.
	14	Native	M.	8	.37½ day.
	16	Native	M.	8	.25 day.
	28	Chinese	M.	10	.25 day.[a]
	2	Native	M.	8	.12½ day.
	2	White	M.	8	22.50 month.
	8	Native	M.	8	22.50 month.
	4	Native	M.	8	20.00 month.
	12	Native	M.	8	17.50 month.
	67	Native	M.	8	15.00 month.
	56	Native	M.	8	12.50 month.
	43	Native	M.	8	11.00 month.
	161	Native	M.	8	10.00 month.
	40	Native	M.	8	9.00 month.
	27	Native	M.	8	8.00 month.
	129	Native	M.	8	7.50 month.
	4	Native	M.	8	7.00 month.
	34	Native	M.	8	6.00 month.
	13	Native	M.	8	5.00 month.
	8	Native	M.	8	4.00 month.
Workwomen	17	Native	F.	8	.25 day.
	4	Native	F.	(b)	.25 day.
	4	Native	F.	8	.15 day.
	6	Chinese	F.	10	.15 day.[a]
	18	Native	F.	8	.12½ day.
	6	Native	F.	(b)	.12½ day.
	4	Chinese	F.	10	.12½ day.[a]
	4	Native	F.	8	.10 day.
	4	Native	F.	10	.10 day.
	6	Native	F.	8	.07½ day.
	2	Native	F.	8	12.50 month.
	32	Native	F.	8	7.50 month.
	28	Native	F.	8	6.00 month.
	41	Native	F.	8	5.00 month.
	9	Native	F.	8	4.00 month.
	17	Native	F.	8	3.00 month.

[a] Also 3 meals and room.

[b] Not reported.

Rates of wages in Manila, April and May, 1900—Continued.

TIN SHOPS (24 ESTABLISHMENTS).

Occupations.	Employees.	Nationality.	Sex.	Hours per day.	Rates of wages.
Masters	1	White	M.	8	$2.00 day.
	4	Native	M.	8	30.00 month.
	1	Chinese	M.	10	15.00 month.[a]
	17	Chinese	M.	10	12.50 month.[a]
	1	Chinese	M.	10	10.00 month.[a]
Apprentices	2	Native	M.	8	4.00 month.
	2	Chinese	M.	10	3.00 month.[a]
	2	Chinese	M.	10	2.00 month.[a]
Apprentices (children)	8	Chinese	M.	10	2.00 month.[a]
	11	Chinese	M.	10	1.50 month.[a]
Workmen	2	Chinese	M.	10	.75 day.
	4	Native	M.	8	20.00 month.
	6	Native	M.	8	15.00 month.
	2	Native	M.	8	12.50 month.
	2	Native	M.	8	10.00 month.
	3	Native	M.	8	9.00 month.
	18	Chinese	M.	10	9.00 month.[a]
	3	Native	M.	8	8.00 month.
	64	Chinese	M.	10	7.50 month.[a]
	2	Native	M.	8	6.00 month.
	40	Chinese	M.	10	6.00 month.[a]
	11	Chinese	M.	10	5.00 month.[a]
	16	Chinese	M.	10	4.00 month.[a]

TRUNK FACTORY (20 ESTABLISHMENTS).

Masters	2	Chinese	M.	10	$1.00 day.[a]
	18	Chinese	M.	10	.50 day.[a]
Apprentices	3	Chinese	M.	10	.10 day.[a]
Apprentices (children)	14	Chinese	M.	10	.10 day.[a]
	8	Chinese	M.	10	.07½ day.[a]
Workmen	8	Chinese	M.	10	.50 day.[a]
	37	Chinese	M.	10	.37½ day.[a]
	116	Chinese	M.	10	.25 day.[a]
	10	Chinese	M.	10	.20 day.[a]
	9	Chinese	M.	10	.15 day.[a]
	24	Chinese	M.	10	.12½ day.[a]
	15	Chinese	M.	10	.10 day.[a]

UNDERTAKERS (3 ESTABLISHMENTS).

Masters	3	Native	M.	8	$1.50 day.
Coachmen	10	Native	M.	8	.75 day.
	8	Native	M.	8	.50 day.
	4	Native	M.	8	.37½ day.
	12	Native	M.	8	.25 day.
Workmen	3	Native	M.	8	.25 day.

WATCH MAKING (6 ESTABLISHMENTS).

Masters	3	Native	M.	8	$1.00 day.
	1	White	M.	8	40.00 month.
	1	White	M.	8	40.00 month.[b]
	1	White	M.	8	30.00 month.[b]
Apprentice	1	Native	M.	8	.25 day.
Workmen	3	Native	M.	8	.50 day.
	2	Native	M.	8	15.00 month.

WATCH REPAIRING (22 ESTABLISHMENTS).

Masters	1	White	M.	8	$1.50 day.
	13	Native	M.	8	1.00 day.
	3	Chinese	M.	8	1.00 day.[a]
	1	Chinese	M.	10	1.00 day.[a]
	3	White	M.	8	50.00 month.
	1	White	M.	8	40.00 month.
Workmen	4	Native	M.	8	.75 day.
	21	Native	M.	8	.50 day.
	3	Chinese	M.	8	.50 day.[a]
	1	Chinese	M.	10	.50 day.[a]
	1	Native	M.	8	20.00 month.
	2	Native	M.	8	17.50 month.

WAX-CANDLE FACTORY (7 ESTABLISHMENTS).

Masters	7	Chinese	M.	10	$0.50 day.[a]
Apprentices (children)	4	Chinese	M.	10	.07½ day.[a]
Workmen	39	Chinese	M.	10	.25 day.[a]
	6	Chinese	M.	10	.20 day.[a]
	10	Chinese	M.	10	.15 day.[a]
	6	Chinese	M.	10	.12½ day.[a]
Workmen (children)	12	Chinese	M.	10	.10 day.[a]

WOOD, BONE, AND HORN ENGRAVING (4 ESTABLISHMENTS).

Masters	3	Chinese	M.	8	$0.50 day.[a]
	1	Chinese	M.	10	.50 day.[a]
Workmen	7	Chinese	M.	8	.25 day.[a]
	2	Chinese	M.	10	.25 day.[a]

[a] Also 3 meals and room. [b] Also meal.

WAGE RATES IN MANILA.

The following tables were compiled from the preceding United States Government tables and show the total number of whites, natives, and Chinese who are employed at each of the rates therein given:

Number and wage rate.

WHITE EMPLOYEES.

[Employed by the month.]

Number.	Rate.	Total.	Number.	Rate.	Total.
13	$12.50	$162.50	30	$50.00	$1,500.00
10	15.00	150.00	5	62.50	312.50
2	22.50	45.00	13	75.00	975.00
3	25.00	75.00	9	100.00	900.00
29	30.00	770.00	6	150.00	150.00
22	40.00	880.00	—		
2	45.00	90.00	144		6,010.00

[Employed by the day.]

Number.	Rate.	Total.	Number.	Rate.	Total.
7	$1.00	$7.00	4	4.00	16.00
4	1.50	6.00	1	5.00	5.00
4	2.00	8.00			
1	2.50	2.50	—		
1	$3.00	$3.00	22		47.50

NATIVE EMPLOYEES.

[Employed by the month.]

Number.	Rate.	Total.	Number.	Rate.	Total.
22	$2.00	$44.00	1	$14.00	$14.00
1	2.50	2.50	993	15.00	14,895.00
44	3.00	132.00	103	17.50	1,802.50
114	4.00	456.00	2	18.00	36.00
200	5.00	1,000.00	81	20.00	1,620.00
354	6.00	2,124.00	174	22.50	3,915.00
8	7.00	56.00	16	25.00	400.00
902	7.50	6,765.00	65	30.00	1,950.00
162	8.00	1,296.00	16	40.00	640.00
211	9.00	1,899.00	9	45.00	405.00
415	10.00	4,150.00	8	50.00	400.00
213	11.00	2,343.00	2	100.00	200.00
197	12.50	2,462.50	—		
2	13.00	26.00	4,315		49,033.50

[Employed by the day.]

Number.	Rate.	Total.	Number.	Rate.	Total.
57	$0.05	$2.85	377	$0.75	$282.75
6	.07½	.45	100	1.00	100.00
98	.10	9.80	16	1.50	24.00
88	.12½	11.00	9	2.00	18.00
19	.15	2.85	1	3.00	3.00
13	.20	2.60	2	4.00	8.00
4,768	.25	1,192.00	1	5.00	5.00
5,118	.37½	1,919.25	—		
1,925	.50	962.50	1,1661		4,589.67
73	.62½	45.62			

CHINESE EMPLOYEES.

[Employed by the month.]

Number.	Rate.	Total.	Number.	Rate.	Total.
17	$1.50	$25.50	57	$11.00	$627.00
40	2.00	80.00	32	12.50	400.00
14	3.00	42.00	90	15.00	1,350.00
57	4.00	228.00	3	17.50	52.50
4	4.50	18.00	1	19.00	19.00
85	5.00	425.00	7	20.00	140.00
160	6.00	960.00	2	22.50	45.00
204	7.50	1,530.00	1	25.00	25.00
50	8.00	400.00	—		
60	9.00	540.00	1,026		8,327.00
142	10.00	1,420.00			

[Employed by the day.]

Number.	Rate.	Total.	Number.	Rate.	Total.
16	$0.05	$0.80	545	$0.37½	$204.37
44	.07½	3.30	8	.40	3.20
306	.10	30.60	1	.42½	.42
149	.12½	18.62	278	.50	139.00
143	.15	21.45	1	.62½	.63
8	.17½	1.40	2	.75	1.50
4	.18½	.74	33	1.00	33.00
146	.20	29.20	3	1.50	4.50
1,360	.25	340.00	—		
4	.30	1.20	3,071		840.93
20	.35	7.00			

SUMMARY OF ABOVE TABLE.

[Showing highest, lowest, and average wages paid by the day and month for each class.]

Whites:	
Employed by the day—	
Number of whites employed by the day	22
Lowest daily wage rate	$1.00
Highest daily wage rate	$5.00
Average daily wage rate	$2.16
Daily wage rate at which the greatest number (7) are employed	$1.00
Employed by the month—	
Number of whites employed by the month	144
Lowest monthly wage rate	$12.50
Highest monthly wage rate	$150.00
Average monthly wage rate	$41.73
Monthly wage rate at which the greatest number (30) are employed	$15.00
Total by day and month—	
Total number of whites employed	166
Average wage rate of all, per month	$43.64
Average wage rate of all, per day	$1.67
Natives:	
Employed by the day—	
Number of natives employed by the day	11,661
Lowest daily wage rate	$0.05
Highest daily wage rate	$5.00
Average daily wage rate	$0.39½
Daily wage rate at which greatest number (5,118) are employed	$0.25
Employed by the month—	
Number of natives employed by the month	4,315
Lowest monthly wage rate	$2.00
Highest monthly wage rate	$100.00
Average monthly wage rate	$11.36
Monthly wage rate at which greatest number (993) are employed	$15.00
Total by day and month—	
Total number of natives employed	15,976
Average wage rate of all, per month	$10.53
Average wage rate of all, per day	$0.40½
Chinese:	
Employed by the day—	
Number of Chinese employed by the day	3,071
Lowest daily wage rate	$0.05
Highest daily wage rate	$1.50
Average daily wage rate	$0.27½
Daily wage rate at which greatest number (1,360) are employed	$0.25
Employed by the month—	
Number of Chinese employed by the month	1,026
Lowest monthly wage rate	$1.50
Highest monthly wage rate	$25.00
Average monthly wage rate	$8.11
Monthly wage rate at which greatest number (204) are employed	$7.50
Total by day and month—	
Total number of Chinese employed	4,097
Average wage rate of all per month	$7.36
Average wage rate of all per day	$0.28 3/10
Whites, natives, and Chinese:	
Total number employed (whites, 166; natives, 15,976; Chinese, 4,097)	20,239
Total wages paid per month	$206,749.10
Average monthly wage per person	$10.21
Average daily wage per person	$0.39 28/100

EXTRACTS FROM LAST PHILIPPINE COMMISSION REPORT CONCERNING LABOR.

[Taft Commission, November 1, 1902.]

THE LABOR QUESTION.

Page 21: "The complaint of the American and foreign merchants in these islands that the labor to be had here is altogether inadequate has become acute, and the chambers of commerce representing the American, Spanish, English, German, and other foreign interests have sent a representative to the United States to invite an amendment to the present Congressional legislation which extends the Chinese-exclusion act—applicable to the United States—to these islands on the ground that it is necessary to admit Chinese for the business development of this country. On the other hand, it is quite apparent from the declarations of the Federal party and other political organizations in the Philippines, and from the vigorous manifesto of the only labor organization in the islands, that there will be much opposition on the part of the Filipino people to the further admission of the Chinese."

* * * * * * *

MANILA LABOR ORGANIZATION STRONGLY OPPOSES ADMISSION OF CHINESE.

Page 22: "The labor organization in the city of Manila is very much opposed to the introduction of Chinese labor, and their declarations upon this point will find ready acquiescence in the minds of all Filipinos with but few exceptions. The truth is that from a political standpoint the unlimited introduction of the Chinese into these islands would be a great mistake. I believe the objection on the part of the Filipinos to such a course to be entirely logical and justified.

DEVELOPMENT OF ISLANDS BY CHINESE WOULD BE AT EXPENSE OF FILIPINO PEOPLE.

"The development of these islands by Chinamen would be at the expense of the Filipino people, and they may very well resent such a suggestion."

* * * * * * *

Page 23: "I do not think it would be just to the Filipinos, or a proper course for America in the development of this country, to do more than to extend to the Commission the power to admit, upon reasonable restrictions, a certain limited number of skilled Chinese laborers, who may contribute to the construction of buildings and the making of other improvements, and who at the same time by their labor may communicate to Filipino apprentices the skill which the Filipinos so easily acquire."

* * * * * * *

Page 24: "I am myself by no means convinced that Filipino labor may not be rendered quite useful."

* * * * * * *

Page 24: "A just view of the future of labor in these islands can not be taken without considering the dependent condition of the Filipino laborers in Spanish times. Much of the labor was then forced, and there was not a single circumstance that gave dignity to it. The transition from such conditions to the one where the only motive is gain must necessarily be attended with difficulty; but when the laborer shall come to appreciate his independence, when he shall know that his labor is not to be a badge of peonage and slavery, when American influences shall make him understand the dignity and importance attaching to labor under a free government, we may expect a great change for the better in the supply and character of labor."

LATEST EXPERIENCES WITH FILIPINO LABOR.

In the above report Governor Taft says (p. 23): "I append as exhibits (F^1 and F^2) to my report the report of Major Aleshire and Captain Butt, in the Quartermaster's Department of the United States Army, who have had large numbers of Filipino laborers under their control, and who have been quite successful in making them useful."

"Exhibit F^1," under the title "Filipino as a laborer," occupies pages 159 to 167, inclusive, and is devoted to reports of the labor situation by J. B. Aleshire, major and quartermaster, United States Army, in charge Army transport service; F. H. Grant, captain and quartermaster, United States Army, assistant to officer in charge Army transport service; H. W. French, captain of infantry, quartermaster, United States Army, assistant to the officer in charge Army transport service; W. B. Moses, in charge native labor and river stevedores, under direction of Maj. J. B. Aleshire, quartermaster, United States Army.

"Exhibit F^2," referred to in the governor's report, is headed "Philippine labor," and occupies pages 169 to 176 of the same report of the Commission. These pages are given up to reports by Archibald W. Butt, captain and quartermaster, United States Army, in charge of land transportation; "Extract copy of annual report for the fiscal year ending June 30, 1902, forwarded to the chief quartermaster, Division of the Philippines, Manila, P. I.," certified to by Archibald W. Butt; J. E. Cole, superintendent land transportation; C. F. Lane, superintendent of shops; G. W. Davis, major-general, United States Army, commanding.

From the reports of the above-mentioned officers I append herewith quotations showing that without exception these employers of natives and Chinese report in favor of the Filipino laborers. These men employ several thousand laborers, have employed both classes, and are able to judge by comparison. From these reports it would not only seem that the importation of Chinese contract laborers is unnecessary, but the further and more important fact is established that the native Filipinos, who number between eight and nine million, need but little training to become effective laborers in the various classes of industry.

This being the case, should they be employed in the production of commodities which are also produced in the United States, they will become a menace to American labor and to those American industries with which they compete.

NATIVE CARPENTERS GET 30 TO 50 CENTS PER DAY.

[From report of N. M. Holmes, engineer, United States Philippine Commission, concerning the work of construction of the Benguet road, January to June, 1902, p. 153.]

"*Labor.*—We pay 5 cents Mexican per hour and work nine hours per day (22½ cents gold per day). A capitas, or native overseer, is paid 60 cents Mexican per day (30 cents gold). Sawyers, when using our saws and four men to a saw, get 60 cents per day. When two men bring a saw and work two men to the saw, they get 1 peso per day (50 cents gold) and file their own saws. Native carpenters get from 60 cents to $1 Mexican per day (30 to 50 cents gold)."

NO DIFFICULTY IN SECURING GOOD FILIPINO LABOR.

[Filipino as a laborer, from report of J. B. Aleshire, major and quartermaster, United States Army, in charge of Army transport service, p. 161.]

"All coal, except that required for launches and steam lighters, was handled by contract at a stipulated price per ton, or by Chinese labor employed by this office at 75 cents United States currency per day, and double rate for extra time and night and Sunday work. In view of the high wages demanded by the Chinese and the cost by contract, the employment of Filipino labor for the handling of coal was commenced July 1, 1901. * * * This labor did well from the first, and while only a small proportion of the coal work

was done by Filipinos during the month of July, 1901, they handled more than one-half of the coal in October and have practically handled all coal since December, 1901.

"The quantity of coal handled each month by contractors, Chinese labor, and Filipino labor, with the cost in each case, the number of Chinese and Filipinos employed by this office, the rate of pay, number of days employed, the average number of tons handled per man per day, and cost per ton are shown in the comparative statement herewith inclosed, marked 'A.' From this statement it will be noted that the cost per ton was less and the average per man per day greater with Filipino labor than with Chinese labor or contract."

In conjunction Major Aleshire submits the following answers to inquiries from the governor:

"7. There is no difficulty in securing good labor.

"8. The laborer works from 7 a. m. to 12 m. and from 1.30 p. m. to 5.30 p. m., and under emergencies whenever required, with no extra pay for Sunday or night work.

"9. This labor is very efficient.

"10. Chinese labor was formerly employed for the handling of coal, but has been abandoned and replaced by Filipino labor, which, by practical tests during several months, averaged more tons per man per day and at a much lower rate per ton. I prefer the Filipino labor employed by this office to Chinese.

"11. The attendance of Filipino laborers has been and is excellent. They do not absent themselves after Sundays, holidays, or fiestas, nor during any such days, should they be notified in advance that they will be required for work. Their physical strength is much improved and they are capable of doing as much and as hard work as any laborers we have had in the Orient."

FILIPINO LABOR MORE EFFICIENT THAN CHINESE.

[From report from F. H. Grant, captain and quartermaster, United States Army, assistant to officer in charge Army transport service, p. 164.]

"It is my experience that Filipino labor is much more satisfactory in every way than Chinese labor; it is not so expensive and we can accomplish more in a day with natives than can be accomplished in the same time with an equal number of Chinese.

"It is my opinion, as well as of our stevedores, that 15 of our native laborers will discharge or load more freight in one day than any equal number of Chinese that have ever worked for this department."

ALL HEAVY WORK PERFORMED BY NATIVE LABOR.

[From report of H. W. French, captain of infantry, quartermaster, United States Army, assistant to officer in charge Army transport service, p. 165.]

"But few Chinese are employed in this department from which comparison may be drawn. These are employed, moreover, in loading and unloading small packages from the wagons at the storeroom. All the heavy work is performed by Filipinos. * * * It is earnestly hoped the Filipino labor of this department may not be supplemented by Chinese."

FILIPINO LABOR IS CHEAPER AND BETTER THAN CHINESE.

[From report of Adam Nedar, Army transport service, p. 165.]

"The employment of Filipino labor at 50 cents gold per day and only one hour for dinner, and who will work nights and Sundays if necessary at same rate of wages and load as much or more coal per day.

"When I worked Filipino labor in Cavite yard at 50 cents gold per day, they averaged 2 tons per man and sometimes from 2¾ to 3 tons, according to distance. Chinese never averaged over 1¾ to 2½ tons per man per day. * * *

"My opinion is that the Filipino labor is the cheapest and the best."

NATIVE LABOR SUPERIOR TO CHINESE.

[From report by W. B. Moses, in charge native labor and river stevedores, under direction of Maj. J. B. Aleshire, quartermaster, United States Army, p. 166.]

"I further state that my experience with labor has proved to me that in many ways the native laborers are superior to Chinese laborers, provided the natives are handled in a proper manner.

"The majority of the native laborers employed by this department at the present time under my supervision (500 to 1,000) have been so employed for the past year, and I have never had any trouble in getting these men to work Sundays, holidays, and late at night when it has been necessary for work to be done."

ABUNDANCE OF STEADY FILIPINO LABORERS.

[From report of Archibald W. Butt, captain and quartermaster, United States Army, in charge land transportation, p. 170.]

"While the American wheelwright gets $85 per month, the native started with $14, until now there are four of them who have received a salary of $30 per month. Their work is of the finest order, and the foreman of the wheelwright shop is undertaking to break in and train up additional Filipino laborers on account of their constancy in work and the good class of work they turn out. * * *

"All work in the paint and trimming shops is exclusively done by native laborers under a white foreman." * * *

Page 171: "Forage weighs heavy and is hard to handle. The smallest bale of hay weighs 125 pounds and the compressed bales weigh 260 pounds. The oats average 100 pounds per sack. All hay in this department is piled to great heights. The Filipino takes the lighter bale on his shoulders and carries it over a hundred feet in the air, never putting it down until it reaches the point where it is to be laid, returning for another trip and continuing with little show at skulking. In the case of the larger bales two handle them, or else they are passed from hand to hand. This labor gets 50 cents gold per day." * * *

"I became thoroughly convinced on assuming charge of this department that the Filipinos were entitled to the labor of these islands as far as it was possible to give it. I have made every effort—at times it seemed almost a sacrifice—to advance this cause. My efforts in this direction, however, have more than repaid me for the experiment, as I am not only able to get all the labor I want, but have seen the Filipino develop from what might be termed a shiftless laborer to a constant worker. As long as he was paid by the day, and his work was uncertain, it mattered little to him whether he laid off a day or two, or even three, within a week. He is now paid by the month, and under no conditions is this rule broken." * * *

Page 172: "Take the number of men employed regularly for the month of September, which were 643, and the working days at 26, the total number of days is 16,718 for the month, against time lost, 583 days. This shows a percentage of time lost of 3½ per cent, or an attendance of 96½ per cent. The number of emergency or extra laborers is not included in this percentage."

Page 172: "Owing to the fact that the civil governor asked most particularly about the constancy of Filipino labor, these figures have been carefully made and are fully reliable." * * *

Page 173: "It may be of interest at this point to note that the native labor is capable of the most expert workmanship in many branches of the Quartermaster's Department. While they do not make good teamsters, solely by reason of the fact that they do not possess the necessary strength to handle the Army mule and draft horse, yet as painters, carpenters, saddlers, trimmers, etc., they excel, and while the American occupation has raised the price of native labor, still it remains at a very low figure when compared with other labor in the islands. * * *

"I am convinced that under the direction of American foremen native labor is capable of attaining the greatest excellence in the branches above enumerated. * * *

"In this connection it may be well to call attention to the excellent work of the Filipinos as carpenters when working with skilled American labor and under its supervision. For a time an effort was made to secure Filipino carpenters, but, this being impracticable, unskilled labor was employed, and very little instruction was needed to make it efficient with the saw, the plane, and the level. * * *

"One hears a great deal of the necessity of introducing Chinese labor into these islands to meet the demands. It has been my experience that any labor which can be performed by the Chinese can be performed equally well by the Filipinos. The latter, moreover, have marked advantages over the Chinese, inasmuch as they are more amenable to discipline, more imitative in their methods, more enthusiastic in their work for the work itself, and more easily assimilated by American workmen.

"While most of the coal is unloaded in this office by Chinese labor, employed by contractors, yet all the loading of coal from this office is done by Filipino workmen at 40 cents gold per day. I have studied carefully the efficiency of these two classes in this particular work, and I unhesitatingly pronounce in favor of the Filipino. The Filipinos are certainly far superior to the Chinese in loading and unloading forage. Moreover, they show adaptability in handling the live stock and in workmanship in the repair and saddlers' shops, which I do not believe can even be equaled by the Chinese labor in these islands. I have dwelt at some length on the efficiency of Filipino labor, which as yet is in its infancy in expert work, for the reason that I have to handle a vast amount of it, and have studied it to an extent where I think my opinion may be of some value."

FILIPINO LABOR HIGHLY SATISFACTORY.

[From report of J. E. Cole, superintendent land transportation.]

Page 174: "*Filipinos as laborers.*—I would respecftully state that they (Filipinos) have proven highly satisfactory, and it is remarkable, out of the large number employed, how few are absent during the month. The percentage is less than 5 per cent.

"*Native laborers versus Chinese.*—Since my arrival in the Philippines I have had no experience with Chinese labor, yet during the ten months I was in China with the China relief expedition I had to use Chinese labor exclusively in the same capacity as I now use Filipino help, and for this work I prefer the Filipino, as he is quicker to pick up a thing, and at the same time takes more interest, consequently more pains, with his work."

NATIVES STEADY, INDUSTRIOUS MECHANICS.

[From report of C. F. Lane, superintendent of shops, p. 175.]

"In reply to a question as to what I think of the efficiency of the Filipino laborers, I have the honor to report that I have ever found them as mechanics to be steady and industrious. The blacksmiths,

wheelwrights, saddlers, painters, trimmers, and carpenters in this department will average in skill with any class of mechanics, taking them as we pick them up. Their attendance averages 95 per cent."

NATIVES SHOW ADAPTABILITY TO WORK.

[From report of Archibald W. Butt, captain and quartermaster, United States Army, in charge land transportation.]

"The paint shop is now run entirely by native labor, with the exception of one American foreman, and in every branch in which they have been trained with patience and earnestness they have shown an adaptability at the work which is surprising."

WAGES PAID.

[From report of Robert McGregor, captain of Engineers, United States Army, city engineer of Manila, p. 177.]

"5. Q. What are the wages which are paid by them to each class of laborers?

"A. Ordinary laborers are paid $1, 80 cents, 70 cents, and 60 cents per day, local currency. A few assistants to janitors get 50 cents and 40 cents." (50, 40, 35, 30, 25, 20 cents gold.)

WAGE RATE.

[From report of J. H. Rice, lieutenant, Ordnance Department, United States Army, commanding, absence Chief Ordnance officer.]

"5. Wages paid are as follows, in United States currency (p. 257):

Laborers, at 40 cents per day	95
Saddlers, 1 at 80, 5 at 64, 1 at 56, 2 at 50, 2 at 48 cents per day, according to ability	11
Carpenters, 1 at $1.25, 2 at $1, 2 at 88, 5 at 80, 17 at 64, 1 at 48 cents, according to ability	28
Painters, 1 at 80, 1 at 64 cents, according to ability	2
Engineers, 1 at 80, 1 at 50 cents, according to ability	2
Armorers, 1 at $1, 6 at 80, 1 at 72, 5 at 64, 14 at 50 cents per day, according to ability	27
Machinists, 1 at $1, 4 at 80, 1 at 64, 1 at 50 cents per day, according to ability.	7
Blacksmiths, 1 at $1, 1 at 80, 2 at 50 cents per day, according to ability	4
Tinners, 1 at 88, 1 at 80, 2 at 64 cents per day, according to ability	4
Molders, 1 at $1, 1 at 50 cents per day	2
Storehouse assistants, at 50 cents per day	6
Storehouse assistant, at 80 cents per day	1
Foreman of laborers, at 80 cents per day	1
Janitor, at 48 cents per day	1
Total employed	191

LACK OF AGRICULTURAL IMPLEMENTS AND DEPLORABLE SYSTEM OF CULTIVATION.

[From Report of Philippine Commission, January, 1900, vol. 4, p. 7.]

"The poor state of production in which the archipelago stands with relation to other countries depends further upon the deplorable systems of cultivation followed by its farmers. In the Philippines there is scarcely known, much less employed, a single one of the thousand well-perfected agricultural machines the use of which in other countries is general, even among agriculturists least skillful. By reason of this all work is done in an imperfect manner, because in no other manner can work be done with the antiquated implements which are here used. * * *

"The unenlightened method of cultivation of the fields employed is purely brutal, it being recognized that to till the soil, with proper fruit, there is more need of work with the head than with the hands. In a word, there is in the archipelago no system of agriculture, properly so called, and the greater part of the people have no idea of what agriculture really means. In a land like the Philippines, in which in every direction there grow spontaneously plants of commercial and industrial value, and of the best quality, how easy it would be to subject them to a cultivation which would greatly improve and proportion the products to a greater number of industries, which would give occupation to many hands in addition to those directly employed in agriculture."

PHILIPPINE HEMP AND OTHER FIBER PRODUCTIONS.

The Philippine Islands are unique in that nature has granted them a copyright on their principal, most profitable, and most prolific crop, and I venture to assert that no other country in the world ever had showered upon it so valuable an agricultural blessing.

Manila hemp can be produced in no other portion of the world.

Manila hemp grows wild throughout a great portion of the archipelago.

Manila hemp affords the greatest return for the effort expended of any industry of the archipelago.

Manila hemp responds to cultivation, which doubles the profit.

Manila hemp can be produced at a profit at one-third of present prices, or for less than one-half the cost of cheaper and unsatisfactory substitutes. The world annually uses approximately $100,000,000 worth of substitutes, hence the market is inexhaustible.

Manila hemp is immune from insect pests or damage by weather conditions.

Manila hemp is grown and harvested without the use of machinery and hence practically no capital is necessary to engage in the business.

Manila hemp forms 65 per cent of the total exports of the islands and over 75 per cent of the agricultural exports. If ever there was a farmer absolutely independent of corporations or other combinations for the production and sale of his product, it is the Filipino hemp producer, who lays his most profitable, copyrighted specialty on the wharf where the buyers of the world are at his feet.

Of the total Philippine exportations of 180,265 tons of hemp for the year ending June 30, 1902, the United States took 56,455 tons, for which we paid $186.97 per ton, or a total of $10,555,381, as against $162.66 per ton for 43,748 tons the previous year.

Our total importations of hemp, sisal grass, and other fibers for the year ending June 30, 1902, amounted in value to $28,436,614.62. (See Nos. 15 and 16, Commerce and Navigation, p. 57.)

The "average price of fair current manila" for the past ten years has been $128.80 per ton, as per the annual statement of Walter H. Hindley & Co., hemp importers, of London and New York. (See chart in July, 1901, Monthly Summary of Commerce of the Philippines, War Department.)

Of sisal grass and other cheaper substitutes for hemp the islands exported $178,120 worth during the past year. During the same period the United States imported 89,592 tons of sisal grass, for which we paid an average of $133.53 per ton, or a total of $11,963,284.

It would thus seem that the possibilities for the profitable culture of fibers in the Philippines were unlimited.

In discussing the removal of the Philippine export tax on hemp, Governor Taft stated to the Senate Philippine Committee (page 150):

"I do not think, with reference to hemp exportation, that anything that would be done would change the amount of the exports from the Philippines. Hemp is always in demand, and all that they can raise they can sell. The effect of the tariff, if changed very much, will be greater in sugar and tobacco."

HEMP THE MOST PROFITABLE CROP.

In his testimony before the Philippine Committee, December 9, Gen. Luke E. Wright, vice-governor of the Philippines, was asked (page 3):

"Now, General, I quite agree with you as to the general policy, that that is the way to do. The chief product of those islands, I suppose, is sugar.

"General WRIGHT. No; hemp is the most profitable."

HEMP FLOURISHES IN VALLEYS AND ON MOUNTAIN SIDES.

"General HUGHES. I can speak for only a very small fraction of the archipelago, but in the hemp country, you understand, the mountain does not interfere with growing hemp. They will grow it on a place where they have to hold on probably in digging up the ground to plant it. It is not a product that requires low ground. They grow it on walls so steep that you can scarcely climb; though it is steep, it is susceptible of cultivation, and it yields a fine crop."

SPECIAL ADVANTAGES IN HEMP CULTURE.

[From Monthly Summary of Commerce with the Philippines, June, 1902, p. 1245.]

"Musa textilis (manila hemp), or abaca, as it is called by the natives, for which the islands have long been noted, and which has never been successfully cultivated elsewhere, is the most important export product, one which may be depended upon to furnish a regular annual yield, is practically immune from damage by insects or hurricane, is very seldom affected by drought, and with the exception of occasional weeding requires no attention after reaching maturity."

COULD PRODUCE HEMP AT A PROFIT AT ONE-THIRD PRESENT PRICES.

[From testimony of Neal MacLeod before Philippine Commission in Manila—Schurman-Worcester Report, January 1900, vol. 2, p. 49.]

"Q. You state that the wealth of the country would increase fourfold under a good American government? Wherein would that increase of wealth be manifest?

"A. In the production of sugar, hemp, tobacco, and coffee. * * *

"Q. And you think the price could be lowered?

"A. Yes; we could produce hemp in these islands at one-third of what is paid for it in the markets to-day, at a profit.

"Q. How would you effect that economy in production?

"A. By increasing the labor. There are forests of wild hemp that have not been touched."

LABORERS MAKE $4 TO $5 PER DAY.

In his annual report to the Philippine Commission, under date of January 11, 1902, Mr. J. G. Livingston, governor of the province of Sorsogan, says, page 459 of Senate Hearings:

"The existing price of hemp in this province is so high that an industrious man earns, if he works well, $4 to $5 Mexican per day."

BEST PAYING AGRICULTURAL INDUSTRY IN THE PHILIPPINES.

[From testimony of William A. Daland before Schurman-Worcester Commission, January, 1900, vol. 2, p. 171.]

(Mr. Daland is an American, and has lived in the Philippines nearly twenty years.)

"Q. Are there not Europeans who have extensive hemp-producing interests here now?

"A. There are one or two of them left. There were a number of them (Spaniards), but they have mostly died off.

"Q. Do you think there is any future for that sort of thing here?

"A. Certainly there is.

"Q. What would you think, as a commercial speculation, of a man going into hemp planting extensively?

"A. If he has money, he will always make money. * * *

"Q. Under what conditions can he get labor at present?

"A The old condition was that the man who cleaned the hemp got half of what it was sold for. * * *

"Q. At the present time what are the best agricultural industries here from a financial standpoint; sugar, hemp, tobacco, I suppose, are the main things?

"A. Hemp."

[Extract from article by Edward W. Harden, special commissioner of the United States. Treasury Doc. No. 2076.]

"The principal industry of the Philippine Islands, as shown in the money return, is in the production of hemp. The southern part of Luzon Island, and other islands to the south, are given up largely to the production of hemp, of which practically all is shipped to other countries to be manufactured. For the year 1897, according to the most reliable figures which could be obtained, the export value of the hemp raised in the Philippine Islands was a little more than $18,000,000 silver. It is the industry which supports a large proportion of the population of those Islands, where it is extensively grown, and, according to the opinion of those most familiar with the trade, there is no danger of an overproduction and a consequent decrease in the selling price of this product. Manila hemp is used in the manufacture of cordage of a superior class. For ships' purpose it is superior to any other material, considering its cost and wearing qualities.

"The cultivation of hemp, while carried on extensively in the Philippine Islands, is conducted in a most primitive manner. It is found nowhere else in the world, and while it is now extensively cultivated, and large amounts of land are planted in it, it is still found growing wild in certain portions of the islands, and in quantities which make it worth while to gather it for shipment. Hemp, or 'abaca' as it is called in the Philippine Islands, is a product of a species of the plantain tree. In its wild state it grows to a height of 8 to 12 feet, but under cultivation it grows to a height of 15 or 20 feet with a trunk from 8 to 12 inches in diameter. The stock of this tree is in appearance something like the banana plant, merely a collection of fibrous leaves, which are closely joined together, and which can be easily cut with a single blow of a sharp knife. The tree is allowed to mature, which requires about three years, this being dependent upon the soil and the elevation of the land upon which it is planted above the sea level. When the tree has attained the proper age it is cut down and divided into long strips, which are put under a large knife, weighted with a lever, and under which the strips are drawn. This separates the stalk and juice from the fiber, and the latter is then spread out upon the ground to dry.

"This work is all done at the plantations, and after the abaca or hemp is sufficiently dried it is gathered up and taken in bullock carts to the nearest waterway and shipped to some port where it is made into bales ready for export.

"The production of hemp is carried on extensively by natives, by Spaniards, and by foreigners. The natives who are engaged in the business extensively are for the most part half-castes, or mestizos—the ordinary native of full blood lacking both energy and capital to carry on the production of hemp, except in a limited way. The export business is practically all in the hands of foreigners, mostly English, Belgian, and German houses. The following table gives the amount of hemp exported for the twenty years ended with 1897:

Hemp, or abaca.

Year.	Maximum prices.	Minimum prices.	Exportation (in piculs).a
1877	$6.50	$5.00	630,536
1878	5.625	5.00	667,378
1879	8.50	4.75	647,959
1880	18.485	5.625	800,936
1881	11.1825	7.50	868,904
1882	11.375	9.1875	707,344
1883	11.315	9.25	746,870
1884	10.25	8.00	815,618
1885	9.25	6.75	834,260
1886	9.3125	6.00	743,364
1887	11.25	7.50	1,029,946
1888	17.00	7.75	1,322,858
1889	17.125	12.50	1,137,142
1890	14.50	8.625	1,012,310
1891	11.00	8.25	1,271,094
1892	10.875	8.125	1,581,016
1893	10.00	7.875	1,282,942
1894	9.125	6.75	1,591,962
1895	9.315	6.4375	1,664,590
1896	7.75	6.1875	1,531,786
1897	7.55	6.125	1,804,576

a A picul is equal to 140 pounds avoirdupois.

Philippine exports of hemp.

Year.	Tons.	Value.
1900	75,476	$11,398,943
1901	109,231	14,453,110
1902	108,265	15,841,316

"In the opinion of those who are largely interested in the hemp industry there is a great future for this product. There are vast tracts of uncultivated land in those parallels of latitude where it flourishes with the greatest vigor, and all that is needed is capital and enterprise to open it up. The fact that there is a constantly growing demand for hemp will probably serve to keep prices up, even though the production is largely increased. The preparation of hemp for the market is carried on in an exceedingly crude manner, and experiments have been made, so far without any very great degree of success, to perfect machinery which will make the cost of its preparation smaller, and which will effect a considerable saving in the number of people employed on a plantation.

"In preparing hemp for shipment the fiber is packed in bales in compresses similar to those in use in early days for baling cotton in the Southern States. There are no compresses worked by steam, and the baling of hemp is a slow and tedious process. A compress built on the plans of those now used at the principal ports from which cotton is shipped in the Southern States would serve a double purpose; it would make the baling of hemp a much shorter process than under the present system, and would enable much larger quantities to be put in the holds of steamers, thereby reducing the freight charges. In the opinion of exporters in Manila this is something that is very much needed in the islands.

"There would also seem to be room for the establishment of a plant for the making of cordage. There is practically no rope manufactured in the Philippine Islands. During the year 1897 the total exports of hempen rope and cable amounted to only 4,029 piculs, as compared with exports of 3,468 during the preceding year.

"The larger portion of the hemp grown in the Philippine Islands is exported from Manila. As shown in the table preceding, the exports for 1897 were 1,804,576 piculs. The exports to the several countries which are large users of hemp were as follows:

	Piculs.
United States (Atlantic coast)	733,004
United States (Pacific coast)	51,900
Great Britain	728,344
Europe (continent)	28,596
Australia	38,058
Singapore and India	12,468
China and Japan	51,300

HEMP PRODUCERS UNIVERSALLY PROSPEROUS (GOVERNOR TAFT'S REPORT).

[Report of Philippine Commission, November 1, 1902, p. 19.]

Hemp.—"The picture that I have given of the depressed condition of agriculture and the tendency to ladronize in the Tagalog provinces and in some of the Visayan provinces does not apply to those provinces in which hemp is the chief product. They are wealthy and prosperous, and while their food costs them more than it used to, they have money enough with which to make improvements, and schoolhouses are being built, roads are being constructed, machinery—agricultural and of other kinds—is being introduced, and there is every evidence of a decided forward movement."

[From the report of the secretary of the interior to the Philippine Commission for the year ending August 31, 1902, p. 300.]

"*Fiber investigations.*—But two vegetable fibers are at present exported from the Philippines, namely, abaca and maguey, the latter in insignificant quantities. The value of abaca is 62.5 per cent of the total value of the exports of the archipelago. Fifty-two fiber-producing plants are at present known to exist here, and others doubtless remain to be discovered. The investigation of the fiber-producing plants and the best means of cultivating those plants which produce fibers of commercial importance has begun, and a preliminary report on the commercial fibers of the Philippines will soon be issued in pamphlet form."

[From report of John W. Gilmore, expert in fiber investigations, Report of the Philippine Commission, p. 603.]

"As a result of these investigations it has been learned that at present only manila hemp and maguey are exported, the former amounting to a valne of $14,453,110, or 62 per cent of the total exports, but the latter only in very small quantities. It may be said in passing, too, that the production of manila hemp seems to be capable of considerable improvement, both in quantity and quality, as the margin between the cost of production and the selling price is quite broad and the methods of production are primitive."

[From report on the abaca or manila hemp soils of the Philippines, by Clarence W. Dorsey, soil physicist, Report of the Philippine Commisssion, p. 643.]

"The area of the archipelago where the successful cultivation of abaca is carried on, roughly speaking, lies between the parallels 6° and 14° north latitude and the meridians 121° and 126° east of Greenwich. In southern Luzon the principal abaca-producing provinces are Ambos Camarines, Albay, including the island of Catanduanes, and Sorsogon. The islands Mindoro, Marinduque, Masbate, Samar, Biliran, Leyte, Cebu, Panay, Negros, Bohol, and Mindanao produce greater or less quantities of abaca fibers. In addition the plant is grown on a large number of smaller islands which lie near some of those just mentioned. * * *

"So important is this fiber industry to the Philippines that every effort should be made to improve it by all possible means, whether it be improving the market conditions, spreading the industry and improved methods of cultivation, or improvement by selection of new and better varieties of plants. It should be the effort of everyone connected with the industry to add whatever he may to make it of still greater value to the archipelago." * * *

Page 649: "Growing in its wild state from central Luzon to southwestern Mindanao, the abaca almost without exception chooses for its habitat the slopes of mountains and hills, where the natural conditions are conducive to a moist and cool atmosphere." * * *

Planting abaca.—"Holes are dug at intervals of a few feet, and the suckers of offshoots of old plants are set out. Suckers are generally used in starting a new plantation, on account of the length of time needed for the plant to mature from seed. Generally, at the time of planting, sweet potatoes are planted to prevent the land from washing and to offer some shade and protection to the tender plants. Frequently rice and even sugar cane are planted for the same purpose, although sweet potatoes are generally preferred. Three years are usually required for the plants to arrive at maturity. After the plants once come to maturity the fields can be cut over every few months, the usual way being to cut the ripe plants twice a year. Only the larger stalks are cut from each bunch of stalks, as in this way but little injury is done to the remaining stalks. * * * Little cultivation is practiced other than to destroy with the bolo the dense growth of weeds and grass that springs up every two weeks."

[From report of F. Lamson-Scribner, chief of insular bureau of agriculture, Report of the Philippine Commission, Nov. 1, 1902, p. 659.]

"Among the many important plant resources of the Philippines, the most valuable at the present time is manila hemp or abaca, a fiber produced nowhere else in the world in commercial quantities. The value of the hemp exported from the islands during the twelve months ending June 30, 1901, was $14,453,110, and the amount exported from Manila alone for the two years ending June 30, 1902, was nearly 100,000 tons, valued at over $13,000,000. There is a constantly increasing demand for manila hemp, and the world's supply of this fiber is practically limited to these islands. An industry of such paramount importance should receive careful consideration at the hands of the Government, and every possible effort should be made to encourage abaca culture and to enlarge the productive area."

FORESTRY.

CABINET WOODS.

The following table shows the Philippine exports, American imports, and American imports from the Philippines of cabinet woods:

Year.	Philippine exports.	American imports.	American imports from Philippines.
1900	$24,267	$2,487,815.00	
1901	39,558	2,993,111.87	
1902	72,480	3,400,957.69	$783

The chief of the forestry bureau of the Philippines reports between 600 and 700 species of timber, of which he places 12 species under the "superior group" or cabinet woods, many of them unknown in any other portion of the globe.

DYEWOODS.

Of dyewoods the chief reports 17 varieties. The United States importations of dyewoods for the past three years have been as follows:

1900	$894,862
1901	1,093,535
1902	935,546

GUMS AND RESINS.

The Philippine exports of gums already form quite an industry. The following tables are self-explanatory:

COPAL.

Year.	Exports of Philippines.	Imports of United States.	United States imports from Philippines.
1900		$2,622,406	
1901	$109,936	1,944,056	
1902	73,010	2,288,579	$906

OTHER GUMS.

1900		$3,912,641.25	
1901	$15,444	3,912,031.07	
1902	67,099	4,537,136.00	$806

The following extract is from the first report of the Taft Philippine Commission (p. 54):

"FORESTRY.

"The timber of the Philippine Archipelago forms one of its most important natural sources of wealth. The timber-producing trees have been classified in order of their commercial value, as follows: Superior group, 12 species; first group, 17 species; second group, 49 species; third group, 74 species; fourth group, 200 species; fifth group, 33 species; total species, 385. It is certain that there still remain more than 50 species not yet classified. Included in this list are very hard woods, capable of taking a beautiful polish; woods that resist climatic influences and are proof against the attacks of white ants; woods especially suited to use for sea piling, on account of their imperviousness to the attacks of *Teredo navalis*, or for railroad ties, because they last extremely well when placed in the ground; in short, there are woods for every imaginable use.

"There is a great variety of trees yielding valuable gums, and rubber and gutta-percha are abundant in Mindanao and Tawitawi. At least 17 dyewoods are produced within the limits of the archipelago, while other trees yield valuable essential oils or drugs. It has been estimated by the present head of the Forestry Bureau, from such data as he has been able to secure, that there are not less than 40,000,000 acres of forest lands in the archipelago."

Page 56: "The present monthly collections of revenue from forest products are about $8,000 Mexican. This sum should be largely increased in the near future. If the statements of the chief of the Foresty Bureau are correct, the forests of the Philippine Islands are more extensive and more valuable than those of India."

Page 57: "It is believed that nine-tenths of the timber standing in many of the forests of these islands might be removed with great profit to the government and actual improvement to the forests, inasmuch as this would give opportunity for rapid growth to the trees left standing."

PINE TIMBER.

The following is from the annual report of Mr. William H. Brown, governor of the province of Abra, under date of January 12, 1902 (see p. 463, Hearings before the Senate Committee on the Philippines):

"On these mountains I found fortunes for many men; not in gold, not in silver, nor in any other metal, but in pine! pine! pine! Lumbermen from Maine—and I have spent many a day in the pine woods of Maine—would stand with open mouths gazing in admiration at the splendid trees that towered scores of feet about our heads; trees that took three men to encircle them, thousands and hundreds of thousands of them."

QUANTITIES OF FOREST PRODUCTS TAKEN FROM PUBLIC LANDS DURING THE FISCAL YEAR ENDING JUNE 30 1902.

[From report of the secretary of the interior to the Philippine Commission, for the year ending August 31, 1902, p. 286.]

"There have been taken from the public lands of the Philippines during the fiscal year ending June 30, 1902, 3,637,392 cubic feet of timber, 3,808,870 cubic feet of firewood, 247,947 cubic feet of charcoal, 20,685 pounds of rattan, 2,256,458 pounds of dyewoods, 312,154 pounds of tan bark, 1,082,235 pounds of gum mastic, 282,996 pounds of rubber (of superior quality), 373,331 pounds of gutta-percha (of low grade), 9,181 gallons of vegetable oils, 113,905 pounds of pitch, and 20,685 pounds of cinnamon.

"The total revenue derived from these products was $348,073.08 Mexican."

THE FORESTS OF THE PHILIPPINE ISLANDS.

[From report of the chief of the forestry bureau for the period from July 1, 1901, to September 1, 1902, p. 470.]

"The area of the Philippine Islands, as given by various Spanish engineers, runs between a little less than 70,000,000 to a little more than 73,000,000 acres. The forest area was estimated by Fernando Castro in 1890 at about 48,112,920 acres. This estimate includes all woodland, public and private. The area of private woodlands held under a good title is far below 1,000,000 acres. * * *

"There are between 600 and 700 native-tree species of which there is some information, but there is great confusion in both scientific and popular names of tree species, which it will take much time to correct." * * *

Page 471: "In the total of forty-odd million of woodland we find at the very least 20,000,000 acres of virgin forest. We find virgin forests in the provinces of Cagayan, Isabela, Nueva Viscaya, and in that part of Tayabas formerly known as Principe and Infanta; in fact, the entire east coast of Luzon, south to Atimonan, is a virgin forest. The above-mentioned forests in Luzon will aggregate an area of at least 3,000,000 acres.

"The above is a conservative estimate, and any change made later will undoubtedly be to increase the estimate instead of reducing it.

"There is much merchantable timber left in the provinces of Tayabas, Camarines, parts of Bulacan, and Bataan.

"The islands of Mindoro and Paragua, each containing an area of more than 2,000,000 acres, are covered with a dense stand of virgin timber.

"Mindanao, with an area of 23,000,000 acres, contains more than 10,000,000 acres of virgin forest. Samar and Leyte, both large islands, are heavily timbered. * * *

"We have a number of woods which will attract fine-furniture makers, of which may be mentioned narra, tindalo, camagon, calamansanay, tucan-calao, and alintatao. These varieties are found all over the islands. We find also eleven different oaks, cedar in abundance, teak, and many other species awaiting investigation to bring out their value.

"At this time no more than a mere mention will be made of the fact that there are large areas in the southern islands of this group where gutta-percha and a good quality of rubber are found. (See appended report of Dr. Schurman and statistics of forest products used during the year.) The islands are rich in other gums, in a great variety of valuable dyewoods, and other forest products that time and enterprise will develop. * * *

"It would be difficult at this time to even approximate the present value of the timber on public lands in the Philippines. Statistics of this office show that several hundred varieties of native woods are brought to market in the islands and are disposed of at a fair price. The government charges for the past year on this great variety of woods averaged a little over 6 cents Mexican per cubic foot Spanish. This charge has continued to remain between 5 and 10 per cent of the market price of timber in Manila.

"It will be safe to assume an average stand of about 3,500 cubic feet English, or 4,600 cubic feet Spanish, although the valuation surveys give double this estimate of merchantable timber (over 20 inches in diameter) on each acre of the 20,000,000 acres of virgin forests in these islands.

"At the above valuation of 6 cents per cubic foot, it is evident that the value to the Philippine government of the above timber is more than $100 gold per acre. By removing this timber under the supervision of forestry officials, each forest tract will gradually improve in value, and while realizing the large sum mentioned, the value per acre of public timber land will eventually approach its true and permanent value, which will be much nearer $200 gold per acre than $100; i. e., after the great mass of mature and overmature timber is removed, the revenue from the sale of the annual increase of growth of public timber will, under careful supervision, bring to the state a fair interest on the valuation per acre as given above.

"The remaining public woodland, about 28,000,000 acres, will average in value not less than one-half the value as given for the virgin forest. A small part of this remaining woodland will be taken up as mineral land and for agricultural purposes. After three centuries of civilization in the islands, we find but 6,000,000 acres improved out of a total area of 63,000,000 acres. It will be safe to assume that the forestry bureau will have at least 20,000,000 of the 28,000,000 acres to protect and improve for many years to come. This area, added to the 20,000,000 acres of virgin forest, will give to the state an area of 40,000,000 acres of valuable woodland.

"By diverting the efforts of the timber cutters to the virgin forests, and by a rigid protection of the remaining woodland, the value of the total area will, in about thirty years, reach a value undreamed of to-day by those not familiar with what rational forestry is capable of accomplishing.

"The United States market is not considered in this proposition. The Philippine market will be strong for many years. The Chinese market is always strong, and always will be, as all of lowland China is without timber. The Philippine construction timber is considered by many engineers in China the best timber to be had in the Orient. Strong as has been the Chinese market for timber in the past, the future promises even better, as there are indications that foreign enterprise and capital are securing concessions which will awaken that vast Empire."

INDIA RUBBER AND GUTTA-PERCHA.

Anong the most important United States importations are rubber and gutta-percha, neither of which can be grown in any part of the United States. The 1902 importations of crude rubber and gutta-percha were valued at $27,094,622.58.

The steadily increasing use of these articles in various industries, and especially in the world's phenomenal electrical development, has rendered it almost impossible to supply the demand, especially for gutta-percha. In fact, the demand for gutta-percha, which is found in but limited quantities and in only a few East India Islands, is far beyond the supply, and it is a subject of great concern to the electrical world, no satisfactory substitute having been found for this rapidly disappearing article.

As for rubber, the more common and less valuable article of the two, scores of American companies have been organized with millions of dollars of capital to develop rubber plantations in Mexico and in Central and South America.

In the Philippine Islands both varieties of trees grow wild, and the planters of rubber trees estimate a profit of $150 to $200 per acre at present prices.

The forestry bureau of the Philippines is one of the important government bureaus of the civil government, and already has a staff of 83 men.

In the second Taft report of the United States Philippine Commission (vol. 2), pages 335 to 355 are devoted to the subject of rubber and gutta-percha. In addition to this the subject is further elucidated by the publication of 36 full-page half-tone engravings covering the various phases of the subject.

From these pages it is seen that the Commission believes that this industry will be one of the most important and remunerative of the islands, and will yield enormous profits to capital. Already 38 licenses have been granted looking to its development.

On page 333 Albert McCabe, the acting chief of the bureau, reports that in July, 1901, there was taken from the wild trees on public lands 28,750 pounds of rubber, and in August, 19,452 pounds of rubber and 46,911 pounds of gutta-percha.

On page 338 it is stated, in regard to gutta-percha, that by the present wasteful process of ringing the trees "only one thirty-fifth to one-fortieth of the entire yield can be secured."

The following is reproduced from page 47 of the Report of the United States Philippine Commission, issued under date of October 15, 1901:

"The starting of rubber and gutta-percha plantations in these islands is a project which can in no sense be considered in the light of experiment, in view of what is already known, and which might well attract the attention of American capitalists. The cost of planting cleared ground with rubber seeds has proved to be but $2 an acre. The first good harvest should be in about six years, but it is said to be practicable to plant double the number of trees needed per acre and at the end of three years cut out half of them, the rubber secured from the trees cut being sufficient to pay all expenses up to date. Planters estimate a return of from $150 to $200 per acre from the rubber crop after the trees have reached maturity at the prices which at present prevail."

The Monthly Summary of Commerce of the Philippine Islands for January, 1902, page 653, says, concerning the vast undeveloped island of Mindanao:

"Mindanao is celebrated for its forests of gum, gutta-percha, and rubber trees, but little use has ever been made of them as yet."

Inasmuch as a vast amount of American capital is now going into this industry in revolutionary Latin republics, it must be a question of but a short time when much of it will be diverted to the Philippine Islands, where cheap labor in abundance is to be found under the Stars and Stripes.

QUANTITIES OF FOREST PRODUCTS TAKEN FROM PUBLIC LANDS DURING THE FISCAL YEAR ENDING JUNE 30, 1902.

[From report of the secretary of the interior to the Philippine Commission for the year ending August 31, 1902, p. 226.]

"There have been taken from the public lands of the Philippines during the fiscal year ending June 30, 1902, * * * 282,996 pounds of rubber (of superior quality), 363,331 pounds of gutta-percha (of low grade)."

RUBBER AND GUTTA-PERCHA.

[From report of the secretary of the interior to the Philippine Commission for the year ending August 31, 1902. Annual Report of the War Department, Vol. X, part 1, p. 284.]

"Dr. Sherman made an unsuccessful attempt to reach Sibutu, the westernmost island of the Sulu Archipelago, but was informed that neither rubber nor gutta-percha grew there. Tawitawi was found to produce both in large quantities. He reports gutta-percha plentiful in certain parts of Mindanao, but did not find rubber, although the Moros assured him that it grew about the headwaters of the Rio Grande. Numerous samples of rubber and gutta-percha were secured. Dischopsis gutta, the tree from which is obtained the finest gutta-percha known, was not met with, but other trees of the same genus were found.

"The gutta-percha of the southern Philippines is of fair to poor quality, containing a considerable amount of dirt and resin, but a method has been worked out in the government chemical laboratory for the extraction from it of chemically pure gutta, equal in every way to the best gutta heretofore put upon the market, which, before the supply was exhausted, brought $700 (Mexican) a picul in the Singapore market. The crude gutta-percha from which our pure gutta is extracted costs from $30 to $70 (Mexican) per picul in the Mindanao market. The purifying process involves the loss of about 50 per cent of the original mass."

GUTTA-PERCHA.

[From report of Penoyer L. Sherman, inspector forestry bureau, to chief of forestry bureau, Report of the Philippine Commission, November 1, 1902, page 515.]

"The number of gutta-percha trees, as well as the great extent of country containing them, shows conclusively the ideal conditions

which Tawi-tawi and Mindanao present for the growth of these valuable and fast-disappearing trees. Many of the places I visited certainly equaled or rivaled the sites chosen by the Dutch and English for large plantations of gutta-percha trees in Java and Singapore. The soil, climate, and natural conditions generally seem all that could be desired."

Quantities of forest products taken from the public lands of the Philippines during the fiscal year ending June 30, 1902.

[From report of George P. Ahern, chief of the forestry bureau, Report of the Philippine Commission, November 1, 1902, page 516.]

Product.	Quantity.	English equivalent.
Timber (maderas)	4,760,985 cubic feet	3,637,392 cubic feet.
Firewood (lenas)	107,900 cubic meters	3,808,870 cubic feet.
Charcoal (carbon)	7,024 cubic meters	247,947 cubic feet.
Rattan (bejuco)	150 piculs	20,685 pounds.
Dyewoods (sibucao and tintorea)	16,363 piculs	2,256,458 pounds.
Tan bark (cascalote)	2,264 piculs	312,154 pounds.
Gum mastic (almaciga)	7,848 piculs	1,082,235 pounds.
Rubber (goma elastica)	2,050.7 piculs	282,996 pounds.
Gutta-percha (guta-percha)	2,705.3 piculs	373,331 pounds.
Vegetable oils (balao)	35,181 liters	9,181 gallons.
Pitch (breas)	826 piculs	113,905 pounds.
Cinnamon (canela)	150 piculs	20,685 pounds.

World's statistics of rubber and gutta-percha.

[From report of George P. Ahern, chief of the forestry bureau, Report of the Philippine Commission, November 1, 1902, p. 523.]

WORLD'S ANNUAL PRODUCTION OF RUBBER.[a]

	Long tons.
Brazil, Pern, etc. (Para)	22,500
Brazil, Ceara, etc	4,700
Brazil (Mangabeira)	3,250
Bolivia	1,500
Rest of South America	2,300
Total South America	34,250
Central America and Mexico	2,500
Total America	36,750
East and West Africa	24,500
India and Burma	400
Ceylon	7.5
Java, Borneo, etc	1,000
Total	62,657.5

WORLD'S ANNUAL CONSUMPTION OF RUBBER.[a]

	Long tons.
America (United States and Canada)	20,000
United Kingdom, etc., except Canada	22,500
Continent of Europe	20,000
Total	62,500

Rubber imports, exports, and manufactures of the United States.

[From report of George P. Ahern, chief of the forestry bureau, Report of the Philippine Commission, November 1, 1902, p. 524.]

IMPORTS.

Source.	Quantity (short tons).	Value (gold).
Brazil	17,398	$16,919,707
United Kingdom (reexports)	3,782	4,241,959
Belgium (reexports)	2,576	3,311,776
Portugal (reexports)	1,049	1,159,234
Germany (reexports)	837	794,534
Central America	634	673,534
Ecuador	336	335,764
Rest of Europe (France and Holland)	301	335,639
British East Indies	281	247,993
Rest of South America	265	255,064
Rest of North America	199	180,539
Total, fiscal year 1901	27,638	28,455,383
Total, fiscal year 1900	24,700	31,376,857
Total, fiscal year 1891	16,860	17,853,280
Average, ten fiscal years, 1891-1900	19,880	21,134,600

EXPORTS.

Total, fiscal year 1901	1,653	$2,302,109
Total, fiscal year 1900	1,876	2,760,046
Average, five fiscal years, 1895-1899	1,326	1,433,000

MANUFACTURES.

Consumption of crude india rubber (net imports), tons	25,985
Value (gold)	$26,153,274
Average value per ton	$1,006
Manufactures:	
Seven States, Twelfth Census	$87,172,694
All States, estimated total	$100,000,000
Approximate value per ton	$4,000
Eleventh Census	$42,853,757
Exports of manufactures, 1901	$3,246,663
Imports of manufactures, 1901	$478,663
Net exports of manufactures	$2,767,970
Net consumption (estimated)	$97,232,030

[a] Adapted from India Rubber, Gutta-Percha, and Balata, by William T. Braunt, 1900, p. 89.

Imports and exports of gutta-percha, gutta-inferior, and india rubber at Singapore, Straits Settlements, during the calendar year 1901.

[From report of George P. Ahern, chief of the forestry bureau, Report of the Philippine Commission, November 1, 1902, p. 525.]

IMPORTS.

GUTTA-PERCHA.

	Quantity.	Value, Mexican.	Average value per picul.
	Piculs.		
Sumatra	28,778	$4,418,385	$153.53
Dutch Borneo	17,061.5	3,502,210	205.27
British Borneo	6,281	1,137,640	181.12
Sulu Archipelago	1,966.5	150,299	76.43
Java	624.5	72,775	116.63
Philippines	105	8,550	81.43
Total, including all others	59,331	9,889,583	166.67
Dutch possessions	46,866.5	7,957,975	160.82
British possessions	7,175	1,248,025	173.94
American possessions	2,071.5	158,849	76.69
	Short tons.		
Calendar year 1901	3,955	[a] 4,826,117	1,120.25
Calendar year 1900	4,938	----------	----------

GUTTA-INFERIOR.

	Piculs.		
Sumatra	868.5	$7,090	$8.02
Dutch Borneo	117,786	886,796	7.36
British Borneo	26,603	200,557	7.54
Java	95	1,852	19.40
Total, including all others	149,396.5	1,109,015	7.42
Dutch possessions	119,119.5	878,938	7.39
British possessions	26,603	200,557	7.54
	Short tons.		
Calendar year 1901	9,959.8	[a] 541,199	54.00
Calendar year 1900	7,842	----------	----------

INDIA RUBBER.

	Piculs.		
Sumatra	210	$26,000	$123.80
Dutch Borneo	63.5	6,771	106.60
British Borneo	473.8	53,924	113.70
Java	20	3,460	173.00
Total, including all others	773.8	90,642	117.14
Dutch possessions	294.5	36,391	123.50
British possessions	473.8	53,924	113.80
	Short tons.		
Calendar year 1901	51.6	[a] 44,233	857.00

EXPORTS.

GUTTA-PERCHA.

	Piculs.		
United Kingdom	55,777	$12,233,356	$219.30
France	7,793.7	1,374,189	176.30
Germany	5,383	330,042	61.31
United States	2,797.5	226,605	81.00
Belgium	247.5	23,155	93.55
Italy	180.9	20,080	111.00
Japan	6	330	55.00
Netherlands	5	1,000	200.00
Total, including all others	73,815.9	14,427,589	195.00
	Short tons.		
Calendar year 1901	4,921	[a] 6,272,865	1,274.00
Calendar year 1900	6,493	----------	----------
Average 12 years, 1885-1896	2,890	1,966,596	680.48

GUTTA-INFERIOR.

	Piculs.		
United Kingdom	9,487	$173,533	$18.30
France	9,651	108,488	11.24
Germany	11,176	182,511	16.33
United States	121,303.8	929,570	7.66
Belgium	1,122	10,762	9.50
Italy	125	875	7.00
Japan	3	70	23.33
Total, including all others	153,001.8	1,406,919	9.20
	Short tons.		
Calendar year 1901	10,200	[a] 611,704	59.97
Calendar year 1900	6,395	----------	----------

INDIA RUBBER.

	Piculs.		
United Kingdom	939	$102,653	$109.32
Germany	40.8	8,075	197.91
United States	11	1,500	136.36
Japan	172.5	25,295	146.63
Total, including all others	1,188.8	139,745	117.55
	Short tons.		
Calendar year 1901	79.3	[a] 60,772	766.36

[a] Gold value.

COPRA AND COCOANUTS.

The following figures show the exports of copra and cocoanuts from the Philippines, the total importations of the same, unprepared, by the United States, from all countries, and the United States importations from the Philippines:

Year.	Exports of Philippines.	Imports of United States.	Imports of United States from Philippines.
1900	$1,692,897	$986,711.61	----------
1901	2,663,350	1,117,269.40	$4,450
1902	1,002,243	1,017,626.97	7

From the following official statement coming from the War Department it would certainly seem that cocoanut growing in the Philippine Islands presented a seductive avenue for the profitable investment of a large amount of American capital.

COPRA.

[From Monthly Summary of Commerce of the Philippine Islands, issue of January, 1902, Division of Insular Affairs, p. 653.]

"Copra is a good, steady commodity in any of the southern islands. A small cluster of cocoanut trees is sufficient to keep a native family in the lap of luxury. The tree has to be planted and guarded against the browsing of cattle for the first four or five years of its life. After that, nature and the Chinese trader will do the rest. At the age of 8 or 10 years the tree begins to bear. It can be relied on to produce on an average 100 nuts a year. In good seasons it will bear 4 crops a year, from 40 to 60 or 80 nuts a crop. The nuts sell on the trees at a peso a hundred. This is clear profit, for no cultivation is needed. Two hundred trees can be grown to the acre, almost assuring an annual income of $100 gold. The life of a tree is in the neighborhood of a century. Thus it can be seen that the position of a proprietor of a large and flourishing grove of cocoanut trees is almost a sinecure. The wear and tear on the human system of sitting in the shade and watching the copra crop mature is so small as to be almost inconsiderable. The chief effort is to get the grove started. The secret of success is to plant as many cocoanuts as possible the first year, and follow this up with as many plantings as can be successfully controlled. Land values do not cut much of a figure in Mindanao, apparently; a gentleman whose business keeps him in touch with the land valuations all over the islands is our authority for saying that land can be bought in Mindanao for from $5 to $20 an acre."

In Mr. Harden's 1898 report as special commissioner of the United States, page 24, he says:

"Copra is a growing industry in the Philippine Islands. It is only during the last few years that there have been any shipments of copra, and the increase of the trade in this has been remarkable. For the year just ended the estimated value of the copra shipped from the various ports is $4,462,920 silver. The total exports for 1897 were 808,416 piculs, as compared with 607,531 piculs for 1896. Shipments to the various countries were as follows:

	Piculs.
Europe (Continent)	748,981
Great Britain	57,614
Singapore and India	1,697
China	124

"Copra is dried cocoanut, and it is used largely in the manufacture of soaps. During the year 1897 the copra industry has been exceptionally prosperous, more than 200,000 piculs having been exported from Manila alone. The first shipments of copra were in 1892, when 5,000 piculs were exported. The Caroline Islands produced most of the copra formerly exported from the islands, being shipped in small schooners to Manila and transhipped from there. Now, however, it is produced in nearly all of the islands of the group, and it is estimated that the next year's shipments will amount to 1,000,000 piculs."

AGRICULTURAL OPPORTUNITIES IN THE PHILIPPINES.

[From report of the secretary of the interior to the Philippine Commission for the year ending August 31, 1902, p. 302.]

Cocoanuts.—"There are very large areas of government lands admirably adapted to the cultivation of cocoanuts. Cocoanut trees come to bearing in from five to seven years, reaching the bearing stage more slowly as the altitude increases. The trees can be grown readily and with comparatively little danger of loss. Under existing conditions the minimum annual profit from a fairly good bearing tree is $1 Mexican, and frequently two or three times this amount is realized. The ground under the trees is now either allowed to grow up with brush or is kept clear by hand. The growth of underbrush injures the soil and leads to the loss of falling nuts, while clearing by hand is quite expensive. The use of mowing machines would result in a great saving in the cost of labor necessary to keep the ground clear and gather the nuts. Other crops, such as Indian corn and alfalfa, can be grown between the rows of cocoanut trees while the latter are maturing, and used to fatten hogs, which always bring a good price in the Philippine market. The demand for copra in these islands is greatly in excess of the supply and is steadily increasing, while cocoanut oil now sells readily in Manila at $1.25 Mexican per gallon."

COFFEE.

One of the most important commodities imported into the United States is coffee, of which we are unable to produce a pound.

The United States importations during the past three years have been as follows:

Year.	Quantity (pounds).	Value.
1900	787,902,361	$52,468,041.28
1901	855,674,759	62,860,205.27
1902	1,090,636,832	70,919,257.31

As will be seen by the following figures and statements, the entire central portions of some of the Philippine Islands are adapted to the production of coffee, that they produce a superior article only equaled by the best Mocha, and that in the past they have exported large quantities of this valuable product.

A few years ago the borers invaded the coffee plantations and, owing to the fact that the people were devoid of the necessary agricultural science to check the ravages of this pest, the bulk of the plantations were devastated.

In near-by Java millions of dollars find profitable investment in the production of a coffee not equal to that of the Philippines, much of it being shipped to the United States, and with an unlimited American market, coupled with the fact that we are unable to grow a pound of coffee, this industry in the Philippines is worthy of the attention of capital.

[From report of Edward W. Harden, special commissioner of the United States.]

"Coffee was an important industry until a few years ago, and large coffee plantations have been established in various parts of Luzon and other islands of the group. In 1891 an insect made its appearance on the coffee plantations, which destroyed the plants, and practically all of the big coffee plantations have now been abandoned. During the year 1897 exports of coffee were only 2,236 piculs, but this was an increase of 804 piculs over the shipments of the preceding year. Efforts have been made to stop the ravages of the insect which has destroyed the coffee plantations, but so far with only partial success. It is believed that a careful study by experts would discover a means of killing the insects and that the coffee industry would once more assume its old-time proportions. For the year 1897 the value of the coffee exported from the Philippine Islands was only $96,100. When the industry was at its height shipments were made of more than $4,000,000 in a single year. The shipments of coffee to the various countries were as follows:

	Piculs.	Pounds.
Europe (Continent)	1,969	275,660
China and Japan	246	34,400
Australia	12	1,684
Singapore and India	9	1,260
Total	2,236	313,040

Exports of coffee from the Philippine Islands.

[From Monthly Summary, Treasury Department, July, 1901, p. 131.]

	Pounds.		Pounds.
1885	12,028,640	1892	2,988,425
1886	15,744,053	1893	641,252
1887	10,885,483	1894	1,326,942
1888	14,056,229	1898	2,513
1889	13,681,039	1899	75,647
1890	9,855,703	1900	28,725
1891	6,251,365	1901 (to May 1)	54,319

In the report of the Schurman Philippine Commission, vol. 2, p. 16, January, 1900, Mr. Edwin H. Warner was asked:

"Q. What about coffee? Haven't the Batangas plantations been pretty well cleaned out by the borer?

"A. Yes; there is a place called Orbera where they are planting it. All the center of the island is given over to it."

In the same report, vol. 4, p. 12, is the following statement as to coffee:

"*Coffee.*—Coffee was until a short time ago a very widely distributed product, which was found in the provinces of Laguna, Tayabas, Cavite, and especially in Batangas, which was the chief center of its production. Philippine coffee may be compared to that of Java and Martinique, but there are some localities where, according to experts, it is produced equal to that of Mocha. The statistics of the years 1887 and 1888 give a production of coffee in

all the islands of 115,000 piculs, some 100,000, valued at 2,000,000 pesos, being exported, half of this exportation going to Spain and the rest to China, British India, and Japan.

"In order that Philippine coffee may compete in the markets of the world with similar American products it only lacks perfection in shelling and polishing, which deficiencies can be easily remedied by apparatus suitable for correcting those defects.

"For some time past the production of coffee has been diminishing to such a degree that during the year 1893 only 374 piculs of this valuable article were exported. The cause of the decadence is the destruction caused in the plants by an insect of the genus *Xylotrechus* and by a fungus of the genus *Peromospera*."

The following is from the Monthly Summary, Treasury Department, June, 1902, page 1246:

"*Coffee.*—Despite the ravages occasioned by worms a few years since, which so discouraged coffee planters, the growing of coffee, which in the past frequently stood third in importance as one of the principal articles of export, may again become one of the most profitable industries of the Philippines. That it may be highly remunerative has been fully demonstrated in the vicinity of Lipa in Batangas Province."

[From the annual report of William F. Pack, governor of the province of Benguet, January 18, 1902. Hearing before the Philippine Committee, 1902, p. 2418.]

"Coffee is the only production in excess of consumption of the province, and the surplus is small, having never been over 600 cabanas, and this year being about 400. It is, however, of a remarkable fine grade, being a good-sized berry, perfectly clean, without blight, and possessing a flavor equaled only by a combination of the best Mocha and Java."

[From report of the secretary of the interior to the Philippine Commission for the year ending August 31, 1902, p. 303.]

"An especially fine coffee is grown in the mountain regions of Benguet and Bontoc and in the province of Lepanto. The bushes yield heavy crops, and the unhulled coffee at present sells readily in Manila at $35 Mexican per cavan for consumption in these islands or for shipment to Spain. Coffee bushes come to bearing in Benguet in three years. There is no region in the United States which has a more healthful or delightful climate than is afforded by the Benguet highlands, where a white man can perform heavy field labor without excessive fatigue or injury to his health."

[From report by Oswald A. Steven to Philippine Commission, report of November 1, 1902, p. 633.]

"Coffee can be grown on most of the islands of the group where there are timbered gulches or ravines, and up to an elevation of 2,000 feet. Coffee in these islands lately had a setback from a scale; the native grower just "dropped it," but the manager of a modern farm will be able to rid himself of the scale, but must have the right location to grow the coffee.

"After an education in this commodity it is only a question of time when coffee can be a large export, for the soil, climate, and conditions are just suited to it. The most expensive part of the raising of coffee is the labor, and here in the Philippine Islands this item is reduced to a minimum."

Page 634: "The machinery required for the proper marketing of coffee is so simple and cheap that it figures very little in the expense, and even the poorer natives here could raise and market a choice coffee if shown how. The principal and most important part in the whole process is the grading or classing of the berry, but it is essential that high elevations be secured for best results."

COCOA OR CACAO.

For the year ending June 30, 1902, there was imported into the United States crude cocoa to the value of $6,642,717, and of the prepared article $297,619.59.

Unable to produce a pound of this article at home, the large American consumption insures a perpetual market for such countries as are adapted to its production.

COCOA IN THE PHILIPPINE ISLANDS.

[From report of the secretary of the interior to the Philippine Commission for the year ending August 31, 1902, p. 303.]

"*Cacao.*—Mr. Lyon, the expert tropical agriculturist of the agricultural bureau, informs me that in no other country has he seen climate and soil so favorable to cacao growing as in Mindanao. The cacao now produced in that island is of superior quality and is nearly all bought up for shipment to Spain, where it brings an especially high price. There are numerous other regions in the islands where cacao can be raised to great advantage, but it is hardly too much to say that there is not to-day a cacao plantation in the archipelago, the Filipinos having almost invariably contented themselves with planting a few scattering bushes, which are left practically without care, to be swamped by brush and preyed upon by insects. Proper harvesting and curing methods are not employed. The fruits are torn from the bushes, injuring the bark and leaving the way open for the attacks of injurious insect pests."

SUGAR.

PRODUCTION IN THE PAST.

Ten years ago the Philippine Islands exported 261,519 tons of sugar, an amount equal to the estimated crop of all the 43 American beet-sugar factories for the season of 1902–3.

By reason of almost constant revolution, death of water buffaloes by rinderpest, and other misfortunes, the exports have steadily decreased, reaching low-water mark in 1900–1901, somewhat recovering in 1901–2.

On page 12, volume 4, of the report of the Philippine Commission for January, 1900, still other reasons are given for the decline of sugar exports, as follows:

"*Sugar.*—For a long period this was the chief article of export and one of the principal Philippine products. Afterwards the demand for and production of hemp grew in importance until it was placed at the head of our exportations, while with rare turns of rising, the demand for Philippine sugar diminished. In the period from 1889 to 1893 the average sugar exportation amounted to about 11,500,000 pesos.

"Three enemies, as cruel as persistent, mainly conspire to kill the exportation of Philippine sugar, and they are: Beet-root sugar, high freights, and the bad curing of sugar.

"The very impure Philippine sugars contain great quantities of dregs and of vegetable acids already in a state of fermentation, which occasions a great loss of crystallizable saccharine substances in the refineries."

Exports of sugar from Philippine Islands.

Calendar year.	Tons (2,240 pounds each).	Calendar year.	Tons (2,240 pounds each).
1880	181,520	1891	166,414
1881	210,161	1892	246,941
1882	153,247	1893	261,519
1883	212,719	1894	194,319
1884	122,925	1895	230,923
1885	203,491	1896	229,914
1886	185,799	1897	202,093
1887	179,149	1898	177,695
1888	185,308	1899	93,054
1889	218,926	1900	62,744
1890	147,536	1901	55,390

POSSIBILITIES OF EXPANSION.

The sugar-producing capacity of the islands is almost beyond the power of mind to conceive.

With 65,000,000 acres of arable land, much of which is eminently adapted to sugar culture; populated with 8,000,000 people, 6,500,000 of whom are civilized Christians, accustomed to working, if at all, for 8 to 10 cents per day, the human mind scarcely realizes the extent to which this industry might be developed.

Perhaps the nearest approach to an estimate of the islands' sugar possibilities is contained in the following extract from Governor Taft's testimony before the Insular Committee, page 265:

"Mr. MOODY. Are the islands in respect to soil and climate and labor conditions capable of indefinite extension along the line of the production of sugar?

"Governor TAFT. Yes, sir.

"Mr. MOODY. So that it is another place where the sugar of the world can be produced?

"Governor TAFT. Yes. I have no doubt that there is enough land there, if the sugar was properly cultivated, to raise—well, I do not know how much Cuba can raise, but if conditions favor us we are going to be a great sugar-producing archipelago, if I can use the word 'we' in that editorial sense. * * *

"Mr. HITT. It is said by experts on the Hawaiian and Philippine and Cuban lands that the Philippine lands are as good as the Cuban lands.

"Governor TAFT. Yes, sir."

[From testimony of Gen. Luke E. Wright, vice-governor of the Philippine Islands, in hearing before the Committee on the Philippines of the United States Senate, in relation to affairs in the Philippine Islands, Washington, D. C., December 9, 1902.]

COOLY LABOR NECESSARY (P. 4).

"Senator BURROWS. Do you know to what extent that industry can be developed in the Philippines—the sugar industry?

"General WRIGHT. The sugar industry, in my opinion, can not be very largely developed in the Philippine Islands. Of course it can be increased considerably, but it can not be made a rival to other countries which produce sugar on a large scale so long as the present policy of the United States is continued as to the exclusion of Chinese cooly labor from that country. In other words, the native Filipino laborer is largely engaged in raising rice and food products aside from sugar, and in gathering hemp

and copra, and there is not a very great amount of labor there available for sugar raising on a large and profitable scale.

"Senator BURROWS. Then do I understand that owing to labor conditions the development of the sugar industry would be retarded?

"General WRIGHT. It would be slow.

"Senator BURROWS. And it would be necessary to admit cheap labor, Chinese labor, in order to make it profitable?

"General WRIGHT. Yes, sir."

COULD BE DEVELOPED INDEFINITELY (P. 4).

"Senator BURROWS. If that cheap labor were admitted, to what extent might that industry be developed?

"General WRIGHT. Oh, indefinitely. The islands are very rich, and both climate and soil favor the production of sugar on a large scale. There is no doubt about that.

* * * * * * *

ACREAGE PRODUCTION EQUAL TO THAT OF HAWAII (P. 5).

"Senator DUBOIS. Do you know how much sugar they can produce per acre as compared, we will say, with Hawaii?

"General WRIGHT. By the same methods of intensive farming as are used in Hawaii?

"Senator DUBOIS. Yes.

"General WRIGHT. I should say they would produce as much. I am inclined to think the soil in the Philippines is fully as good, and probably better.

"Senator DUBOIS. That is about three times as much as we can produce per acre in Louisiana.

"General WRIGHT. I can not speak, of course, from personal knowledge on that subject. I was talking to a gentleman who was examining the island of Negros, which is a sugar-producing island. He came from Hawaii and was familiar with the sugar industry there. He thought that Negros was a better island than any of the Hawaiian Islands, as to soil and everything."

YIELD.

From the report of L. Locsin, governor of Occidental Negros, under date of March 8, 1902, page 1791, Hearings before Senate Committee on Philippines.

"The land is very fertile in the plains of the north and the south and in the interior. A hectare (2.471 acres) of land requires an outlay of 75 pesos for the planting, cultivation, and treatment of the cane, and produces on the average 75 piculs of sugar, 40 piculs being the minimum and 200 piculs the maximum, depending on the nature of the soil. Under the present system experts estimate that there is a loss of 45 per cent in the treatment of the sugar cane."

Taking the above basis it will be seen that the 2.471 acres yield an average of 10,500 pounds of sugar (75 piculs of 140 pounds each), or a fraction over 4,200 pounds per acre. This is a fraction under the yield of Cuba, which was given by various witnesses before the Committee on Ways and Means last winter as 2½ tons. In the above statement, however, it should be noted that the governor says that under the present system there is a loss of 45 per cent in the treatment of the cane. With modern machinery the extraction in the Philippines would show a greater tonnage per acre than even in Cuba.

AGRICULTURAL METHODS.

To one who has observed the vast amount of skillful labor which is required to grow sugar beets, the following description of how the field labor is performed in the Philippines is suggestive. If under the present manner of tilling the soil they are able to produce sugar at a cost of 62½ to 95 cents per 100 pounds, the adoption of American farm machinery should certainly enable them to produce it at a cost far below what has ever been dreamed of.

[From Monthly Summary of Commerce of the Philippine Islands, War Department, July, 1901, p. 12.]

"The work at the plantations is carried on in very crude fashion. The big water buffalo is employed to haul a wood-pointed plow through the soil, and two or more natives guide the plow, and they make hard work of it. A few American plows for these plantations would be very acceptable. There are no shovels, hoes, picks, or other tools available, and the natives may be seen by the dozens on their hands and knees turning and preparing the soil with their hands, or with little bamboo sticks."

[From same publication, October, 1901, p. 310.]

"The grower does not take any pains in cultivating the plant. He lets it grow wild, and the only time he shows any interest is when harvest time comes."

WAGE RATE PAID ON SUGAR HACIENDAS.

[From statement of Brig. Gen. Robert P. Hughes, under date of February 26, 1902. (Hearings before the Senate Committee on Philippines, p. 535.)]

"Senator HALE. Do you mean to convey the idea that the haciendas were burned by the owners themselves or by the dissatisfied employees?

"General HUGHES. By the dissatisfied employees.

"Senator CARMACK. On account of the nonpayment of wages or inadequate wages?

"General HUGHES. The inadequate wages. The ordinary wages, if paid regularly and promptly, which seemed to satisfy the native was 1 peso a week—a peso being 50 cents of our money. If he got that, he seemed to be content, but he needed that to buy his rice. He had to have it."

The wage rate above stated is 8⅓ cents per day, and corresponds with the following from the July, 1901, issue of the Monthly Summary of Commerce of the Philippine Islands, War Department, page 12:

"One of the advantages possessed by the Filipino sugar planter is that he can hire help very cheaply. The average farm hand will work for 10 cents per day and board himself. Native boys may be hired still cheaper. The Chinese coolies overrun the farming sections, and they are first-rate laborers, steady and reliable, working for about 8 cents per day."

SUGAR-MANUFACTURING PLANTS.

The average sugar-manufacturing plant of the Philippine Islands is perhaps as crude as any similar plants to be found in the world, either now or during the past century.

That they have been able to produce sugar at a cost of 62½ to 90 cents per hundred with such crude apparatus, no agricultural implements, and with a loss of 45 per cent of the sugar indicates what may be expected as to cost of production under modern equipment, labor-saving implements, and cheap labor.

[From Report of Philippine Commission, January, 1900, vol. 4, p. 51.]

"In the manufacture of sugar the best methods are not generally employed. The natives extract the juice by means of mills of stone, wood, or iron, these being called trapiches. The juice is then collected and boiled in kettles, a little lime being added to purify it. When the boiling has reached a certain point, which is recognized by those who are expert, it is passed on to a second kettle, where the boiling is continued until it reaches a certain temperature. It is then poured into conical molds, which are placed upright, so that the molasses may drain off. These molds are placed over small jars, where they remain until the sugar has formed, it now being free from molasses. It will be seen, therefore, that there is great opportunity for improvement in these methods. In Negros and Pampanga there are many iron mills worked by animal power, water, or steam."

[From statement of Brig. Gen. Robert P. Hughes, under date of February 26, 1902, pp. 534-535, Hearings before the Senate Committee on Philippines.]

"In Negros there was a great deal in the papers of the burning of sugar haciendas. I can not recall what the total number was when it was finally stopped, but I can remember distinctly that in one report the number stated was 52. The burning of haciendas as read in this country would probably appear to be a good deal of a loss. When you come to look at it out there on the ground, it was usually nothing more than an old shack, set up on posts, with a nipa roof over it, and some old crude material for a grinding machine. The whole thing, plant and all, would not cost over $1,500."

[From Commerce of the Philippine Islands, War Department, June, 1902.]

"The sugar estates are as a rule quite small, the mills in many instances primitive concerns, consisting of two cylinders rotated by buffalo power; the process of manufacture is of the crudest and is poorly conducted, and as a consequence the raw sugar is necessarily of inferior grade. The transportation to market is made over rough roads by means of bullock carts."

[From Commerce of the Philippine Islands, War Department, November, 1901, p. 419.]

"The large sugar estates of Luzon and Negros possess nothing but the most antiquated machinery. Yet even with these sugar is grown to advantage and marketed at a profit."

[From Commerce of the Philippine Islands, War Department, July, 1901, p. 13.]

"*Buildings.*—The regulation sugar mill is constructed of bamboo, but very many are made of stone and roofed with sheet metal or with nipa. There was great destruction of the sugar mills by native troops during the war, and in most instances only the roofing burned off, leaving the walls standing. The nipa stuff burned so quickly that often the heat failed to be severe enough to damage the machinery greatly. Hundreds of these partly burned mills have been restored for active service by replacing the roof and cleaning and overhauling the machinery. Quite a number of Americans have been able to buy these deserted mills at ridiculously low prices, and they are making a good thing out of the investment. The old animal traction machines are usually exchanged for new devices, but even with the old apparatus money is made. The American owner hires an experienced Filipino or Spanish overseer to manage things, and he usually does well.

* * * * * * *

"*Markets.*—Prices are low, usually 2 or 2½ cents per pound, but the cost of production is also small, so that profits are good.

Nearly all of the sugar planters, refiners, and candy makers of the islands with whom I met appeared to flourish. I know that many of the planters have their servants and wheeled vehicles and their bank accounts. I would not advise anyone to act hastily, but from personal experience I can state that quite a number of the discharged soldiers and others who purchased sugar plantations and works on the islands at low values are making money on their investments, even with the old types of machinery and crude implements. They hire native labor, which is so cheap that the wage scale is not very costly at the end of the month, while often the product is quite large. But American modern machinery for cultivating the soil, grinding, and refining should be introduced. There is a good future for the sugar industry in the islands."

COST OF PRODUCTION.

It should also be noted that the above-mentioned 4,200 pounds of sugar costs to grow and manufacture 75 pesos, or $37.50 gold, which is a trifle under nine-tenths of 1 cent per pound. With modern machinery this cost should certainly be very greatly reduced. The writer also says that the first three grades of sugar, running from 83 to 89 degrees, are "quoted in the markets of Negros and Iloilo at prices ranging from 3 pesos to 5½ pesos." In other words, this sugar, the cost of which is less than nine-tenths of 1 cent a pound, is sold at 1½ to 2¾ cents per pound in the markets named. The governor says:

"These prices are nearly always high and constant prior to the grinding season and low and variable during the harvest time."

And he adds the following significant statement:

"It will appear from the above that a farmer engaged in the cultivation of the sugar cane who works with his own capital is never a loser; but one who has to pay high interest on loans seriously risks his property and his credit. Small loans are made at from 20 to 30 per cent, and the Iloilo companies, while they appear to loan at 15 per cent, really make considerable additional profit out of the stipulations which they insert in the contract of loan. These stipulations compel the debtor to sell his crops to his creditor, or through his agency on a commission basis of so much per cent, to order through his agency the goods needed on the estate, also on a commission basis, to transport the sugar in the creditor's boats," etc.

The Philippine Sugar Estates Development Company, Limited, which bought the lands of the Philippine friars, and is the largest producer on the islands, filed a protest with the Philippine Commission against the contemplated action of this Government, of dispossessing the friars and making some other disposition of their property. The protest and other papers relating to the same are reproduced on pages 2352 et seq. of the Hearings before the Senate Philippine Committee. On pages 2364–2365 appears the following:

"A trial and an experiment was made on the estate of Calamba, as follows: Four areas, equal to 400 square meters, were measured out and planted in the usual way with cane. It produced 160 arrobas, equal to 1,904 kilos, of cane, which, milled in an ordinary mill, gave 20 arrobas, or 3 piculs, of 65-degree current sugar. The hectare, or 2½ acres, tried produced 91.25 piculs of raw sugar. The land selected for the purpose was not of the best, as the padres desired to arrive at the truth of what the average land could actually produce.

"Taking the value of a picul of sugar at $3 Mexican, 91.25 piculs produce in value $273.75. The cost of cultivation, viz, interest on capital invested, laid out in carabaos, building, machinery, labor, milling, etc., panned out $160 per 2½ acres, or $1.75 per picul of sugar, leaving a net profit of $113.75."

From the above it appears that on an experimental tract, not of their best land, the cost of production and manufacture, including interest on the capital invested, was $1.75 Mexican per picul (140 pounds) of sugar, or 0.875 cent, which is equal to 0.625 cent per 100 pounds.

In the statement of this company (page 2365) it gives a table covering the entire sugar production on their lands in 1896, when they belonged to the friars. The table is as follows, omitting the column of rents paid to the padres, which does not concern the statement as to cost of production:

Location.	Acres.	Production.	Value.
		Piculs.	
Calamba	12,680	301,880	$905,640
Santa Rosa	6,767	164,676	494,028
Binan	2,552	62,000	5,312
Total	21,999	528,556	1,586,268

Their experimental tract of 2½ acres produced 91.25 piculs of sugar, or 5,110 pounds per acre, about 2½ tons, which is the average in Cuba.

The average yield of their entire 21,999 acres in 1896, as per above table, was 3,363 pounds per acre.

Their entire expense, including interest on the investment, for growing cane on the 2½ acres and manufacturing it, 5,110 pounds of sugar, was $160 Mexican for the 2½ acres, or $64 per acre Mexican, equal to $32 gold.

Of course their expense per acre was not as great in working up the 3,363 pounds of sugar which they produced from each of their 21,999 acres as in working up the 5,110 pounds per acre off of their 2½ acres, but figuring that it was the same, we get the following results:

Acres in cane	21,999
Total expense of culture, manufacture, and interest on investment, at $32 gold per acre	$703,968
Value of product in gold ($1,586,268 silver)	$793,134
Net profit of operation (in gold)	$90,166
Total production in piculs of 140 pounds	528,556
Total production in pounds	73,997,840
Total cost per 100 pounds (in gold)	$0.95
Average selling price per 100 pounds (in gold)	$1.07
Net profit per 100 pounds (in gold)	$0.12

(From Monthly Summary of Commerce of the Philippine Islands, issue of February, 1902, Division of Insular Affairs, p. 766.)

Sugar.—According to the figures given above, sugar can be made in the Philippines at about one-third the cost of Hawaiian sugar—an item of considerable importance.

[From Report of Philippine Commission, January, 1900. Testimony of Edwin H. Warner, vol. 2, p. 16.]

"Q. What you mean is we want to open up to Bulacan and the hill country?

"A. Yes; so they could get supplies into Manila.

"Q. What would that country produce?

"A. Sugar, coffee, and rice.

"Q. How is sugar as a business proposition at present?

"A. Bright; they get the best prices.

"Q. When times are normal, for instance, not at present, as it is to-day, but in normal times, would it justify a man going into the business?

"A. It would pay him handsomely. Labor is going to be higher in this country than it has ever been before. The Indian on an estate is getting a less wage to-day than he ever did before; but things will eventually adjust themselves, so that he will get back to his old scale of living."

[From testimony of Neil MacLeod.]

"Q. Is sugar raising a profitable investment under the conditions that have existed for the last three or four years?

"A. Very profitable for people who look after their own interests and have Europeans in charge to keep the natives from pilfering, and to keep them at their work."

[From report of investigations in the islands of Cebu and Negros with the view to the selection of a site for a model sugar estate, by Oswald A. Steven. (Report of the Philippine Commission, p. 633.)]

"Upon receipt of my commission as special agent of the Interior Department, dated February 10, 1902, and also your letter of instructions, dated February 11, 1902, I proceeded, as per your instructions, to the islands of Cebu and Negros for the purposes of examining lands on these two islands and to select a suitable site for a model sugar estate experimental farm, and later, as per your telegram, to combine therewith an industrial school. * * *

"*Sugar.*—The tendency of the sugar planter in the Philippines is to grow sugar on the low, level lands, where the soil is largely the same over the entire islands, namely, a black, heavy soil or a brown loam. With an abundance of level land the planter has not been compelled to cultivate the higher mountain lands nor a different soil from that he is conversant with, but immediately following the natural increase in the cultivation of lands to sugar, from modern methods of agriculture and machinery, demonstrating the immense profits from the proper cultivation of sugar, these other soils and elevations will be brought under cultivation, and a cane seed especially adapted for such soil or elevation will have to be primarily grown by the experimental station, and hence the actual necessity for varied soils and elevations."

Pages 634, 635.: "Adjoining and in the vicinity of a model sugar estate there should be enough farms now raising sugar whose cane could be ground at the model mill, the returns from which, being carried to the credit of the mill, would pay off the indebtedness of the mill and farm in five and a half years at present prices of sugar and under present conditions.

"These mentioned requirements, together with the fact of suitable soil as to quality and depth, is what I am certain is necessary to the site upon which is built a model sugar mill and experimental station.

"Such locations, each of about 700 hectares, with Government land in the interior at the rear of such land, is at San Carlos, and for a second choice Bais.

"At both of these places I made a proposition as follows: That the sugar planters, or residents of the pueblo, would purchase such specified vacant land in their vicinity and deed it to the Government; also give rights of way for railroads over their plantations, which part of said road running over their land they should maintain to the satisfaction of the manager of the model farm; also that such plantations should contract with the model mill for the grinding of all their cane for a term of ten years from date of erection of mill, at a percentage of proceeds in sugar not to exceed 50 per cent; also that they, the planters, would enter into an agreement to keep their lands grown to cane during the term of ten years, and that such planters would cut their cane and supply it to the cars on track, at the written request or demand of the manager of the mill; then, and in the case of legally agreeing to perform these items of agreement, I would advise the agricultural department of the Philippine Islands to cause to be cultivated such lands deeded in all modern methods, and to erect such modern buildings, machinery, etc., for the extraction of sugar, and to enter into all agreements as a party thereto.

"Such mills to be not less than a 50-ton mill per day, with all the very latest appliances; also that the department should and would introduce and propagate new seed cane, beneficial to the lands of the islands, and sell the same after production, and would in every way advance and benefit by progressive methods the sugar and other industries; and that such land, if at any time the department decided to sell the same, should be first offered to previous owners of the land, at a price equal to the highest price offered, before being sold to other parties.

"As an assistance from a financial standpoint, in the matter of comparison between production now and what will be raised, I offer the following, which is correct, and based upon present prices, both here and in the United States:

Present.

	1,000	hectares of land.
	75	piculs sugar to 1 hectare.
	75,000	piculs, at 4½ pesos per picul.
	4½	
	337,500	pesos. Deduct transportation to Iloilo, at 25 cents per picul:
	18,750	pesos.
Leaving	318,750	pesos, gross.

Future.

	2,500	acres.
	40	tons of sugar cane per acre.
	8)100,000	tons of cane, 8 of which to 1 of sugar:
	12,500	tons of sugar, at $65 gold, San Francisco.
	65	
	$812,500	
	43,750,	from which deduct transportation to San Francisco at $3.50 per ton:
	$768,750	multiplied by 2 equals 1,537,500 pesos, gross.

"If I were looking for a site for the establishment of a mill for commercial purposes alone, there are other places, namely, Isabela and Carbancalan, with their surrounding country, that are far better adapted for earning money alone, and which would be the finest investments in the sugar world; but I hold to the fact that you are wanting the lands suitable for diversified industries, with all possible natural advantages, and which will yet be revenue producers."

TOBACCO.

As regards the exportations of tobacco from the Philippines, they are gradually increasing, especially cigars, a fair quality of which is sold at 1 cent each. The total exportations of tobacco, cigars, and cigarettes during the past three years have been as follows:

1900	$2,182,022
1901	2,217,728
1902	2,501,367

These exportations are largely to oriental countries, very little of their tobacco having been imported into the United States, though with the recent reduction of tariff it is thought that Philippine tobacco and cigars will reach here in considerable quantities.

The tobacco industry of the United States is not only extensive, but widely distributed, there being no less than 43 States which are now producing tobacco. Of these 43 States, 21 had a tobacco acreage in 1900 in excess of 1,000 acres each, the total acreage under tobacco cultivation being 1,101,433, which produced 868,163,275 pounds, the farm value of which was $56,993,003.

Eighteen States produced over 1,000,000 pounds each, 8 States produced over 20,000,000 pounds each, and 3 States over 100,000,000 pounds each, the value of this tobacco ranging from 2 cents to $2 per pound.

The internal revenue collected from tobacco in 1900 amounted to $59,220,007.34. The average annual United States exports of tobacco from 1894 to 1898 were 279,675,076 pounds, valued at $23,751,026.

Our exports of tobacco were made to the following countries, the first five arranged in the order of the amount taken by them:

Great Britain,	Belgium,
Austria,	Holland,
Italy,	Africa,
France,	Mexico,
Spain,	Central America,
Germany,	West Indies,
Canada,	China,
Switzerland,	Japan.

The 1901–2 imports of tobacco amounted to 24,146,628 pounds, valued at $16,331,535. Our importations of tobacco are largely in cigars and the finer grades of tobacco for manufacturing into cigars. By the success of recent experiments conducted by the Department of Agriculture we are in a fair way to entirely cut out the importation of these finer grades of tobacco.

AMERICAN-GROWN HIGH-GRADE WRAPPERS.

To the uninitiated, the tobacco experiments constantly being made by the skilled corps of scientists of the Department of Agriculture are little known or appreciated.

The matters of soil analyses, seed beds, cultivation, fertilization, insects, diseases, pruning, topping manipulation, sweating, fermentation, sorting, grading, baling, and a multitude of other things which affect the yield, the grain, the color, the aroma, and the burning qualities of the leaf, all receive the closest attention of the best experts in the world.

In the United States we now produce tobacco of the farm value of over $80,000,000, a manufactured value of over $283,000,000, and from internal revenue turn into the United States Treasury $60,000,000 a year. The net internal-revenue receipts from tobacco from 1863 to 1801, inclusive, have amounted to the enormous sum of $1,270,461,623.18.

Our exports of tobacco now amount in value to over $26,000,000 annually, while our imports of unmanufactured leaf tobacco amount to but $16,000,000 worth. These imports are divided between filler and wrapper tobacco for cigars, the former coming largely from Cuba, and the latter from the island of Sumatra.

A few years ago the present Secretary of Agriculture, the Hon. James Wilson, determined that, if possible, we should grow in the United States all the tobacco we consume. He dispatched one of his tobacco scientists to the island of Sumatra to study their soil, climate, and processes for a year. On the return of this scientist the Secretary started a search for the American soil corresponding most closely with the Sumatra soil which produced their finest grades of tobacco. It was found in the Connecticut Valley and in Florida. Experimental stations were established in Connecticut with the purpose of producing the Sumatra climate. An acre of ground was tented over with mesh wire and cheese cloth, supported by posts 9 feet high, the cloth running down to the ground on all sides. Under this tent the Sumatra tobacco grew to perfection, and brought $2 a pound, as compared with a few cents a pound for tobacco grown near by in the open air.

The expense of production was about $700 per acre, but the next year planters covered 36 acres, and this year 1,000 acres will be covered.

The Secretary of Agriculture is firmly convinced that within five to eight years we shall be growing all of the $6,000,000 worth of Sumatra leaf which we are now annually importing.

Not content with the success which attended the efforts of his experts in growing our wrapper tobacco, the Secretary has since had his experts investigating the possibilities of producing the fine Cuban filler tobacco. Favorable soils were discovered in Ohio and Texas, which last year produced such satisfactory results that the Secretary confidently predicts that within a very few years we shall not be obliged to send a dollar abroad for tobacco, but will produce at home the very choicest grades.

It would thus seem that within a comparatively short time the American market for foreign tobacco will be a thing of the past.

The following tables show the extent to which the home industry has grown:

AMERICAN TOBACCO FARMS.

[From vol. 2, Agriculture, United States Census, 1900, p. 526.]

Number of farms	308,317
Acres in cultivation	1,101,483
Pounds produced	868,163,275
Pounds produced in 1890	472,661,157
Number of States producing	43
Value of 1900 crop	$56,983,003.00
Value per acre	$51.74
Value per acre of all other crops	$10.04
Value per acre of all cereals	$8.02
Farm value of 1902 crop	$80,000,000.00

Acreage of States growing over 1,000 acres each.

States.	Acres.	States.	Acres.
Kentucky	384,805	Indiana	8,219
North Carolina	208,023	West Virginia	5,129
Virginia	184,334	Missouri	4,361
Tennessee	71,849	Massachusetts	3,826
Ohio	71,422	Georgia	2,304
Maryland	42,911	Illinois	2,242
Wisconsin	33,830	Florida	2,056
Pennsylvania	27,760	Arkansas	1,887
South Carolina	25,993	Texas	1,443
New York	11,307	Alabama	1,141
Connecticut	10,119		

Twenty-two other States, each with less than 1,000 acres.

Manufactures of tobacco.

[From vol. 3, United States Census, Manufactures, 1900.]

Number of manufacturers	15,252
Capital employed	$124,089,871
Number of wage-earners	142,277
Total wages	$49,852,484
Value of product	$283,076,546

Cigars and cigarettes.

Number of establishments	14,539
Capital	$67,706,493
Officials and clerks	4,470
Salaries	$4,712,786
Average number of wage-earners	103,462
Total wages	$40,925,596
Miscellaneous expenses	$31,436,701
Cost of materials	$57,946,020
Value of product	$160,223,152

NOTE.—Evidently only about 50 per cent of the cigar manufacturers of the United States reported to the Census Bureau. The number of cigar factories, as per the account of the Commissioner of Internal Revenue (see Annual Report for 1900, p. 41), was 27,366.

Chewing and smoking tobacco.

Number of establishments	437
Capital invested	$43,856,570
Officials and clerks	3,368
Salaries	$3,884,071
Wage-earners, average number	29,161
Total wages	$7,109,821
Cost of materials	$35,038,287
Value of products	$103,754,362

PHILIPPINE VERSUS AMERICAN WAGES.

From the foregoing figures it will be seen that there are 107,932 persons employed in the American cigar and cigarette factories, and that the total amount paid for their services was $45,638,382. This is an average of $422.84 each per annum, or $1.36⅔ per day for three hundred and nine working days.

From the United States Government figures published elsewhere under wage rates in Manila it will be seen that there are 31 cigar and cigarette factories in Manila, which employ 12,168, as is shown by the Government figures. These Manila employees receive a daily wage of 35½ cents, or a fraction over 25 per cent of what is paid for labor in the same class of establishments in the United States.

TOBACCO.

[From report of Edward W. Harden, special commissioner of the United States, Treasury Document No. 2076, November, 1898.]

"Tobacco leaf, cigars, and cigarettes have formed a considerable item in the exports of the Philippine Islands. Until the year 1882 the Spanish Government had a monopoly of the tobacco industry, and much of the discontent that existed up to that time among the natives was due to the tobacco monopoly laws which were on the statute books and the rigorous manner in which the officials enforced them. The natives in those sections where tobacco could be produced advantageously were compelled to plant a certain amount of land in tobacco, and the entire product of the islands was required to be delivered to the Government warehouses, where payment was made at prices arbitrarily fixed by the Spanish Government. Each unmarried native who cultivated tobacco was required to set out 4,000 plants each year, and each married man was required to set out double that number. There were Government inspectors who supervised the planting, cultivation, and harvesting of the crop, and who also required that it be packed in a certain way and shipped at a certain time to the Government warehouses.

"The natives were not permitted to use the tobacco which they grew. Penalties were provided for those who smoked cigars or cigarettes, and it was not an uncommon thing for a native engaged in the raising of tobacco to be put in jail for smoking a few leaves which he had raised himself, and which he had rolled into a crude cigar or made into a cigarette. According to the evidence of foreigners, inspectors often arrested natives on a charge of smoking their own tobacco when, as a matter of fact, the charge was entirely unfounded. The price paid by the Government for tobacco under the monopoly was about one-half what is now paid. During a good portion of the time the monopoly was in force, particularly the latter part, payment was made in scrip, redeemable at the option of the Government. For a number of years this scrip was paid with a fair degree of promptitude, but after a time payment was deferred for so long a period that it often sold for one-third of its face value. Speculators did a good business in buying this scrip from the natives at from 10 to 40 per cent of its face value, and some of the fortunes made by officeholders, it is claimed, came from this system.

"The injustice worked through the tobacco monopoly in the Philippine Islands became so great, and the natives had become so incensed over the unjust treatment accorded them, that finally the Spanish Government was compelled to end the monopoly. An investigation was made and a royal edict was issued under which the monopoly ended in December, 1882. The cultivators of leaf tobacco were freed from Government supervision on July 1 of that year. The tobacco business is now conducted as any other industry in the islands, and large manufactories have been erected for the making of cigars and cigarettes. This is one of the important industries of Manila, which practically controls the manufacture and export of tobacco, and where a great many people are constantly employed in the factories. From its monopoly of the tobacco industry the Spanish Government derived a revenue which, for several years preceding the ending of the monopoly, averaged about $4,000,000 a year. The number of officials employed in this branch of the service alone exceeded 400. The cutting off of this source of revenue proved so serious a blow to the finances of the islands that it was found necessary to increase taxes in other ways. License fees were increased, the cedula personales, or head tax, was considerably increased, and an export tax on leaf and manufactured tobacco was put in force.

"The cigars manufactured in Manila are sold for a very small price. The average price lists of the various manufacturers in Manila show a range of from $10 to $75, silver, a thousand. The ordinary cigar of Manila, of fair quality, sells for about $2, silver, a hundred, or less than 1 cent apiece figured on our money basis. There is very little tobacco and few cigars shipped from the Philippines to the United States. Freight charges, customs dues, and internal-revenue taxes make the cost of the cigars so high that they can not compete with our domestic cigars. In China, Japan, and India, Manila cigars are used almost exclusively, and there is a constant increase in the export of both leaf and manufactured tobacco.

"Exports of tobacco leaf during the year 1897 were considerably in excess of those of 1896. The total exports for the year were 309,585 quintals of 46 kilograms, or 101.42 pounds to the quintal (30,789,590 pounds), as compared with exports of 198,978 for 1896, or an increase of 110,607 quintals. Principal shipments were as follows:

	Quintals.
Europe (continent)	245,436
Great Britain	51,635
Singapore and India	9,734
China and Japan	2,748
Australia	32

"Of the shipments to the continent of Europe nine-tenths went to Spain. Of the shipments of tobacco to Great Britain only one-fifth was for consumption in that country, the remainder being manufactured and reshipped to Portugal, Sweden, and other European countries.

"Shipments of cigars during the year 1897 showed a falling off as compared with the shipments for the preceding year, owing to the fact that many of the operatives in Manila having joined the ranks of the insurgents. The total shipments of cigars for the year 1897 were 169,465,000, as compared with 194,136,000 for 1896, a decrease of 24,671,000. Principal shipments were as follows:

China and Japan	58,420,000
Singapore and India	37,310,000
Europe (continent)	30,500,000
Great Britain	24,230,000
Australia	16,300,000
United States and Canada (Atlantic)	2,490,000
United States (Pacific)	183,000

[From report of Schurman-Worcester Philippine Commission, January, 1900, vol. 4, p. 51.]

"This is without doubt the principal Philippine industry which, on account of the excellence and cheapness of its products, can compete with those of more advanced nations. In general it may be said that the tobacco industry since the abolition of the monopoly has increased in all regions to an extraordinary degree, both in the quantity and quality of the product. As a result the Habana methods of gathering and curing the leaf and manufacturing the product have become popular throughout the country. A full knowledge of the fermentation or preparation of the leaf is still lacking, or perhaps this work is carried out under poor conditions, so that the leaf does not have the aroma and strength of the Habana. In many parts of the islands the manufacture of tobacco is carried on with modern machinery. More women are employed in the tobacco factories than men.

"The samples of manufactured tobacco shown in the general exposition of the Philippine Islands in 1887 indicated great advances in the manufacture of this product. The beautiful containers in which this tobacco was exhibited followed the models of those used in Cuba.

"The General Tobacco Company of the Philippines has a factory in operation near Manila known by the name 'Flor de la Isabella.' This building has 12,000 square meters of floor space and gives employment to 4,000 persons, almost all women. This factory uses the best of selected tobacco from Isabela and Cagayan. The cigarette machines in this factory are worked by steam. All of the containers used are made here and all the labels are printed here. The factory communicates with the Pasig River by a canal crossing the company's land, which was opened at the company's own expense. The company owns in the province of Isabela two important plantations, which produce tobacco of a superior grade, due to the vigilance shown in cultivating and gathering. In all the towns in tobacco-producing regions of the Philippines the company has agents, these being dependent upon a central agent in each province."

[From Schurman-Worcester Philippine Commission Report, p. 12, vol. 4.]

"Philippine tobacco represents now substantial wealth and a flattering future, because the tobacco business rests upon a solid basis, which is the excellence of the leaf, only excelled in the whole world by the justly celebrated Habana tobacco. For the present, limiting ourselves to the prepared leaf or leaf tobacco, we shall say that from 552,000 pesos' worth exported in 1884 the exportation during the past five years has risen to about 2,000,000 pesos, without counting the value of manufactured tobacco, which is considerable.

"These figures and this gradual increase observed in the exportation of our tobacco in the midst of the general crisis through which almost all the producing countries have been passing, overwhelmed with stocks larger than the demands of universal consumption, offer a legitimate and very pleasing outlook for the Philippines, because they clearly demonstrate that the only reason for this increased demand for our tobacco is its marked superiority."

[From Report of the Taft Philippine Commission, October 15, 1901, vol. 1, p. 49.]

"On the recent trip of the Commission up the Cagayan Valley, in Luzon, inquiry was made as to what percentage of the tobacco lands of that region was under cultivation, and we were informed that practically all the good lands were cultivated. We inquired what constituted good tobacco lands, and were told that those lands fertilized annually by the river were considered good because they were thus annually fertilized and never became exhausted. Upon asking as to lands not annually overflowed, we were informed that they were not considered valuable, as they would only produce tobacco for about twelve years without enrichment. There can be no reasonable doubt that judicious use of fertilizers on ground which grows sugar cane and other valuable products would be far more than repaid by increased crops."

[From statement of Governor Taft before Insular Committee, 1902, Record, p. 168.]

"There are some large haciendas there also. The Tobacalera has a large plantation there, and there are 60,000 acres owned by the Augustinian Order, conveyed to it by a recent governor-general; but there are a large number of small tobacco-land owners, and on their land they raise two successive crops of corn, the corn ripening in two and one-half months, and then the seventh month is used for tobacco on the same land."

[From the report of William H. Johnston, governor of the Province of Isabela, January, 1902, hearings before the Philippine Committee, p. 1519.]

"The one industry of the people is the culture of tobacco, once enforced by the Spanish Government, and now so thoroughly natural to the people that they neglect other crops which would, with tobacco, render life more endurable to them. They cultivate some corn, and in Cordon alone a little rice, but the planting of other articles of food would cheapen the cost of life and enhance its enjoyment. For some years it has been customary for the large tobacco companies to bring Ilocanos to their haciendas under contract to remain thereon for periods of years. There have been many questions between these tenants and the administrators of the haciendas, with a tendency of the former to escape the burden of their contracts by leaving the haciendas.

"While the private landowner may frequently sell his tobacco at a price better than that paid on the hacienda, where the old Spanish tariff is still maintained, his expenses are greater. But with the advent of American civil government most of the tenants believe they should become private landowners; and their right to choose their own road to perdition con not be denied, although it is little understood by the European agents in control of the haciendas. In addition to the haciendas, all companies employ many buyers of tobacco and each Chinese storekeeper buys tobacco. The Spanish tobacco buyers attempt to keep the purchase price down to the old tariff ordered by Spain and this year have refused to buy tobacco until it has been arranged by the owner in lots according to its classification. The Chinese have generally bought tobacco regardless of arrangement, but it is charged that they loan money at such exorbitant rates of interest that they can offer their debtors liberal terms in order to extinguish a debt which is represented largely by interest.

$60 GOLD PER ACRE PROFIT ON TOBACCO.

[From Taft Philippine Commission Report of October 15, 1901, p. 209.]

"*Don Rafael Maramag, presidente of Ilagan.*—Replying to questions, he stated the principal products of Isabela to be tobacco, corn, and palay, the tobacco being the most important resource of the province. The tobacco crop was very good this year. The land was mostly in small holdings of from 1 to 1½ hectares. He thought a hectare of tobacco land would produce, in an ordinary season, about 60 bales of tobacco, which, at the present price of $6.50 per bale, would bring about $195 gold. Of this about $300 Mexican would be profit. (A hectare equals 2½ acres. $300 Mexican is equal to $150 gold. This shows a profit of $60 gold per acre.)"

Cigar, cigarette, and tobacco factories, with production for calendar year 1901.

[From Annual Report of the Commissioner of Internal Revenue.]

Location.	Number of cigar factories.	Number of cigars produced.	Number of cigarette factories.	Number of cigarettes produced.	Number of tobacco factories.	Pounds of tobacco produced.
Alabama	69	6,831,098			1	305,864
Alaska	4	357,425				
Arkansas	32	1,748,550			2	1,205
Arizona	11	1,695,530				
California	461	68,573,156	9	31,694,750	17	256,110
Colorado	181	18,978,982	2	68,060	22	66,357
Connecticut	329	47,449,063	6	2,962,200	43	34,124
Delaware	36	7,722,988				
District of Columbia	61	3,270,075				
Florida	331	170,558,715	17	1,074,100	10	22,263
Georgia	63	4,553,539			5	8,189
Hawaii	4	236,725				
Idaho	17	1,096,165				
Illinois	2,278	294,004,283	23	15,166,850	320	13,378,616
Indiana	729	93,643,028	1	10,000	72	622,074
Indian Territory	15	594,800				
Iowa	609	94,613,072			92	643,484
Kansas	247	25,987,497			42	65,630
Kentucky	272	62,655,292			115	37,779,038
Louisiana	104	73,246,893	12	94,704,710	53	2,221,780
Maine	76	8,408,909				
Maryland	596	472,579,776	7	951,698	32	23,200,030
Massachusetts	586	136,595,189	21	12,559,105	25	254,503
Michigan	1,006	205,280,210			119	8,430,032
Minnesota	453	69,592,556		11,800	64	135,145
Mississippi	4	65,525				
Missouri	787	86,564,429	1	11,000	65	85,771,441
Montana	51	4,123,050	1	100,000	23	17,289
Nebraska	226	22,526,178			35	57,564
Nevada	3	195,825				
New Hampshire	67	9,959,574	1	5,500	4	2,696
New Jersey	808	197,998,865	8	1,080,300	47	35,376,171
New Mexico	7	778,482		460,440	6	24,545

Cigar, cigarette, and tobacco factories, with production for calendar year 1901—Continued.

Location.	Number of cigar factories.	Number of cigars produced.	Number of cigarette factories.	Number of cigarettes produced.	Number of tobacco factories.	Pounds of tobacco produced.
New York	5,597	1,462,302,009	186	1,683,260,804	402	16,357,200
North Carolina	30	16,231,985	2	108,796,600	132	56,170,603
North Dakota	42	2,403,718			11	16,165
Ohio	1,858	677,549,169			178	25,314,940
Oklahoma	68	3,758,512				
Oregon	57	5,065,417			19	12,596
Pennsylvania	4,686	1,831,288,468	56	24,404,030	228	9,529,751
Rhode Island	66	13,273,056				
South Carolina	10	446,779			7	5,361
South Dakota	56	6,373,126				
Tennessee	64	8,430,448			50	12,290,467
Texas	133	16,491,585	3	748,319,610	19	57,444
Utah	31	3,088,898				
Vermont	55	2,766,209				
Virginia	178	464,727,083	6	2,426,920		
Washington	98	8,655,129			111	38,567,135
West Virginia	126	95,226,000			23	5,088,383
Wisconsin	899	103,217,452	2	42,100	90	7,284,241
Wyoming	10	858,525				
Total	24,567	6,914,675,012	364	2,728,153,697	2,484	379,363,427
For calendar year 1900	27,366	5,568,603,517	308	3,258,716,305	2,539	360,911,538
For calendar year 1899	28,523	4,912,341,077	276	3,744,975,403	2,561	354,567,603

CITRUS FRUIT.

In the census year 1899 there were in bearing in the United States 9,916,387 orange and lemon trees, which produced 7,048,237 boxes of fruit. This fruit, together with other subtropical fruit, the latter of little importance, was valued at $8,549,863, while the value of all imports of oranges and lemons was $4,105,858.36 in 1902.

It will thus be seen that we are now producing about two-thirds of the citrus fruit which we consume, and when Florida regains her former position we will be able to supply at home the entire American consumption.

Acre for acre, American citrus-fruit orchards represent more value in land, trees, and labor in bringing them into bearing than any other soil, and once in bearing the expense of maintenance is exceedingly large.

In the Philippines the trees grow wild, receive no care, and yet produce fruit in such quantities as to be shipped out by the hundreds of tons.

Should that fruit be allowed free access or approximately free access to our markets, it is perhaps but a question of time when the adoption of American horticultural skill, aided by cheap labor, immunity from frost, and refrigerator boats would enable the Philippine producers to drive the California and Florida producers out of business.

[From preliminary report on the work of the bureau of agriculture in cooperation with the military department in Batangas Province, by W. J. Boudreau, Report of the Philippine Commission, November 1, 1902, p. 641.]

"I have made inquiries in regard to the chief agricultural products and find that at present the only articles exported from Batangas in any quantities are sugar and oranges; but the people have absolutely no conception of horticulture, and although hundreds of tons of oranges are exported the industry could be greatly extended and the profits increased if the natives could be educated to the point of pruning their trees and otherwise taking care of their orchards. Improved varieties from Japan would also contribute much to the welfare of the people."

[From report of the secretary of the interior to the Philippine Commission for the year ending August 31, 1902, p. 304.]

"*Citrus fruit.*—Excellent native oranges are produced in the province of Batangas, in the Calamianes Islands, and elsewhere. The trees, which are often large and vigorous, seldom receive any care, nor has any systematic effort been made to improve the quality of the fruit, which sells readily at a good price. There is every reason to believe that improved citrus fruits can be successfully introduced."

CITRUS FRUIT AND TEA.

In addition to agricultural products already being exported and which are elsewhere treated separately, may be mentioned tea, lemons, oranges, and bananas.

The first Taft report says in regard to tea:

"Attention is especially called to this product; grows well in highlands, but aroma not yet tested; Chinese or Japanese needed to prepare the crop."

In the record of the testimony before the Philippine Committee appears the annual report of Mr. William F. Peck, governor of the province of Benguet, from which I quote:

"Rice is raised in large quantities; with the camote form the principal products of the Igorrotes of Benguet. The climate and the soil here, however, will produce anything that can be grown in the Temperate Zone.

"On the government property are growing and fruiting now the coffee and the tea, the lemon, orange, and banana. All States vegetables can be grown here, and I have plucked and eaten as delicious strawberries here as ever I did in America."

MINING.

Several valuable minerals have been discovered in the islands, including gold, copper, iron, and coal, but the extent of the deposits have not been ascertained.

The only mineral of which large deposits are said to have been discovered and shipments of any quantities have been made is copper.

The shipments of copper from the Philippines—not stated whether copper ore, ingots, or old copper—have been as follows during the past three years:

Year.	Pounds.	Value.
1900		$35,230
1901	244,635	24,439
1902	205,707	18,935

The value of United States importations of unmanufactured copper during the past three years have been as follows:

Year.	Value.
1900	$15,107,713.98
1901	20,223,610.52
1902	24,865,300.58

In his first report, page 48, Governor Taft says:

"*Mineral wealth and the mining industry.*—Present indications are that the near future will bring a great change in the mining industry. According to the chief of the mining bureau, there are now some twelve hundred prospectors and practical miners scattered through the different islands of the archipelago. Of these, probably 90 per cent are Americans. They are for the most part men of good character. They are pushing their way into the more inaccessible regions, furnishing their own protection, and doing prospecting of a sort and to an extent never before paralleled in the history of the Philippine Islands. The result is that our knowledge of the mineral resources of the group is rapidly increasing. When all due allowance is made for prospectors' exaggerations, it is not too much to say that the work thus far done has demonstrated the existence of many valuable mineral fields. The provinces of Benguet, Lepanto, and Bontoc in particular form a district of very great richness.

"*Copper.*—In the province of Lepanto, at Mancayan and Suyoc, there are immense deposits of gray copper and copper sulphide, and running through this ore are veins of gold-bearing quartz, which is more or less disintegrated, and in places is extremely rich. This copper ore has been assayed, and the claim is made that it runs on the average 8 per cent copper, while gold is often present in considerable quantities. The deposits are so extensive as to seem almost inexhaustible."

When before the House Committee on Insular Affairs (1902), Governor Taft said, page 203:

"The mineral resources of the islands are great. There is said to be a copper vein that is as large as any in the world up here [indicating on the map]. It is estimated that there are about

1,500 American prospectors in the islands. They are an excellent body of men, and they have gone all over the islands."

PROTEST OF THE CHINESE MINISTER.

[From letter by Mr. Wu Ting-fang to the Secretary of State, under date of September 12, 1899. Senate Document No. 397, Fifty-sixth Congress, first session, p. 4.]

CHINESE.

"Having been officially informed of the existence and enforcement of the military order of September 26, 1898, applying the Chinese-exclusion laws of the United States to the Philippine Islands, I now present to you, and through you to the President and Congress of the United States, the most earnest and solemn protest of the Imperial Chinese Government against the existence and enforcement of the order as contrary to international law and comity, in violation of the spirit of existing treaties, and in utter disregard of the friendly relations which should exist between the two Governments."

EXTRACTS FROM FIRST PHILIPPINE COMMISSION REPORT.

[Schurman-Worcester Commission, January 31, 1900.]

EXAMPLE OF PHILIPPINE WAGE RATE (VOL. 1, P. 54).

The following is a statement of the annual expenses of a pueblo of about 20,000 people:

	Per year.
Secretary, at $8 per month	$96
First writer, at $6 per month	72
Two second writers, at $4 per month	96
Third writer, at $3 per month	36
Two alguaciles, at $2 per month	48
Total	348
Six cuadrilleros (rural police), at $1.25 per month	90

OPPOSED TO CHINESE (VOL. 1, P. 151).

Comment of the Commission on an extract from report of Señor Norzaray, formerly governor-general, on giving up his command in the Philippines:

"This is the most interesting part of the paper of Señor Norzaray, in that he strongly argues that it would be better for Spain to be impoverished by taking energetic and saving measures against the Chinese than that the Philippines should be ruined by foreign commercial absorption."

CHINESE POPULATION OF THE ISLANDS (VOL. I, P. 153).

There are about 40,000 Chinese in the archipelago, of whom 22,000 or 23,000 live in Manila.

CHINESE WOULD COME IN BY HUNDREDS OF THOUSANDS (VOL. I, P. 154).

If Chinese immigration to the islands were unrestricted, it is thought that many hundreds of thousands of Chinese would come to them.

After peaceful American occupation labor would be in great demand, especially for the mines, in which the islands are rich.

NATIVES ARE STRONGLY OPPOSED TO THE CHINESE.

It is sufficient to say that the great majority of the natives are strongly opposed to Chinese immigration. It has sometimes been said that the natives hate the Chinese for their virtues, but this is not true. There are as many wicked and vicious Chinese pro rata as there are natives. The Chinese are notorious gamblers, and there are many criminals among them.

It can not be doubted, we think, that the chief reason for the prevailing and pronounced antipathy for the Chinese grows out of labor competition. The Chinese keep prices down and are in many respects better laborers than the natives, who are inclined to indulge in gentlemanly vices and to take time for pleasure, and who love dress and display. * * *

PEOPLE WHO DO NOT EMPLOY CHINESE DO NOT WANT THEM.

There was considerable evidence taken by the Commission at Manila to the effect that the Chinese should be excluded. The people who employ Chinese in business want them to come in, but those who do not employ them are opposed to their admission. There was testimony before us to the point that the Chinese take out of the country everything they can; that they spend little in the country because they live on little; that they intermarry with the Filipino women, and that they produce a race which does not furnish good citizens; that many of the great troubles of the islands are caused by Chinese and their descendants. Most of the witnesses concur in stating that it would not be advisable to let the Chinese come into the country without restriction. The natives do not like them, and their presence frequently causes trouble.

NATIVES BUILT THE ONLY RAILROAD IN THE ISLANDS.

It was stated before us that the natives built the railroad to Dagupan. The production of rice along its tributary territory has increased nearly 100 per cent, owing to the opening of the country through which the railroad went. We believe that in many parts of the archipelago the native is quite capable of developing his own country.

CHINESE DROVE OUT NATIVE SKILLED ARTISANS.

Some years ago nearly all the artisans, such as carpenters, stone masons, builders, and bricklayers, were natives; now they are nearly all Chinese. You can hardly find a native carpenter or bricklayer.

CHINAMAN USEFUL BUT A GREAT DRAIN ON THE COUNTRY (VOL. 2, P. 17).

[From testimony of Edwin H. Warner.]

Q. I would like to know your ideas about what restriction ought to be placed upon bringing Chinese into this country, if any. You are a business man here, and I would like to know your opinion from a business man's standpoint.

A. It is a very difficult problem, that. The first thing that you have got to take into consideration is that in this province you will find that the Chinese are very unpopular; on the other hand, in other provinces they are popular. The Chinaman is very useful so far as Manila goes—that is, from a business standpoint. He is a very useful man because he does most of the cooly work.

Q. That same remark would apply to Iloilo and Cebu? I mean the general desirability of admitting him there.

A. If you take the Chinaman here as a rule, he is a very good distributer of merchandise; that is to say, they have had the whole of the import business; that has all been in the hands of the Chinese. On the other hand, the Chinese are a great drain on the country.

Q. You mean they do not add to the wealth of the islands?

A. No; they invest nothing here.

NEVER SHORT OF FILIPINO LABOR (VOL. 2, P. 18).

Q. I want to know whether you think well of them; whether it would be necessary to have them here. Suppose the mines were opened up and railroads built, and large undertakings in the plantations started, would it be practicable to get native labor that would be able to run these things without the Chinese?

A. We have a mine in Bulacan, and we were never short of men.

Q. You used Indians entirely?

A. These Tagalogs. When the railway was built there was never a lack of laborers, and they used natives. In some parts of the islands there is a shortage of labor.

NATIVES NOT LAZY, BUT HARD WORKING.

Q. I have read in books that the natives are lazy, and that if you started a large industry you might any day find yourself short of laborers. How is that?

A. No; some of these men have been working for ten years and have never missed a day. They are the most docile men to work.

Q. Is that true of the Visayan as well as of the Tagalog provinces?

A. Yes.

Q. How is it at Tarlac? Is it easy to get laborers there?

A. Yes; sometimes it is easy, and at other times it is difficult.

Q. The Bohol natives have a pretty good reputation for industry, have they not?

A. Yes; and the Ilocos people. In the harvest time they go down south and take in all the crops.

Q. They are a very hard-working people?

A. Yes; and then they go up north and do the same.

Q. I have been told that you could not get natives to do cooly work, such as unloading steamers, etc.

A. Oh, yes, you can.

Q. Do any Chinese women come here?

A. No; they are not allowed to. That is the trouble.

Q. That promotes a half-breed population?

A. Yes.

Q. What kind of citizens do they make?

A. The Chinese half-breeds are causing all the trouble.

WOULD GIVE CHINESE FREE ENTRANCE (VOL. 2, P. 34).

[From testimony of Neil MacLoud.]

Q. Was there any sentiment against their coming and going?

A. They did all the cooly work and the natives had no chance, because the natives did twice the work the Indio would do.

Q. They supplanted the Indians in hard work?

A. Yes.

Q. Should the Chinese be excluded, in your opinion, from this island?

A. They should not be excluded; they should be allowed free entrance.

Q. Wherever the Chinese go in the world they supplant everyone else. You go to Singapore and you find 20,000 or 30,000 of them there; you go to Colombo and you find the same thing. They undersell everybody, and they work cheaper than any other person; and after they have made a certain amount of money they return to China. Under this statement do you think the Chinese should be allowed to come in without restriction?

A. He should not be excluded; but I think special legislation is wanted to let a large number of Chinese in. They should be obliged to work in the fields or do cooly work, and licenses for trading Chinese should be restricted.

Q. Have the Chinese who have come here in the past developed into traders?

A. A great many of them have. As soon as they get a few dollars, if they are coolies they develop into something else.

Q. How many of them?

A. In Manila now a very few, according to what used to be. Eighty thousand here in Manila.

Q. Is that the normal number?

A. We have had half a million Chinamen here in my time.

Q. What, here in Manila?

A. In Manila and the provinces. We have had 120,000 here in Manila and half a million all over the islands.

Q. You have had 120,000 in Manila?

A. Yes, in Manila alone, in my time.

Q. In what years?

A. The sixties and seventies. I am quite an old stager here.

Q. Any Portuguese?

A. Very, very few.

Q. If the Visayan natives will do their work, and the natives of the northern and southern sections of Luzon will do the work in those sections, you would need Chinese only to take the place of these Tagalogs; isn't that so?

A. Yes.

Q. Isn't it quite likely that the Tagalogs will become industrious under new legislative and industrial conditions?

A. Yes, if you keep them in place and at work—as long as they are kept at work. I think after you have read this paper which I handed you, you will be able to ask me some questions relating to the Chinese question. Of course I am talking of going ahead with work on roads and railroads. You have got to make roads where they do not now exist, and you have to make railroads where they do not exist. This is the finest country for railroads that I ever saw.

EASY TO GET ALL NATIVE LABORERS NEEDED (VOL. 2, P. 115).

[From testimony of Adolph Von Bosch.]

NOTE.—Mr. Von Bosch is a Belgian and has lived in the island for ten years past. He speaks French, German, Italian, Spanish, New Greek, Holland Dutch, and Tagalog.

Q. In your own experience, have you had serious trouble in getting on with the native workmen? Have you had any difficulty in getting the right sort of labor?

A. I have never had the slighest trouble with anyone.

Q. Are you able to get all the help you want?

A. If I only say I want to go anywhere, there are 40 men ready to go.

WAGE RATE $60 TO $100 MEXICAN, $30 TO $60 GOLD, A YEAR.

Q. How much a month or year do your woodcutters average in wages?

A. A woodcutter would not earn more than between $60 and $100 Mexican a year, and that would be paid him in part in dry goods, gin, cigars, and rice.

ACTUAL COST OF LABOR $15 TO $30 A YEAR.

Q. And this sum which you have mentioned is what the dry goods, etc., would actually cost you?

A. Oh, no; there is 50 per cent profit for me on that. Of course, if you want the truth I will tell you. That profit is on dry goods and cigars and manufactured goods, but not on rice. The profit on dry goods and cigars is 50 per cent.

Q. I wanted to know if this statement you made as to the value of the earnings of the natives was the actual cost to you or to them.

A. No; that refers to the value of his work.

CHINESE ARE NOT HONEST AS MERCHANTS (VOL. 2, P. 178).

[From testimony of Señor Legarda, capitalist and native of Manila.]

Q. You are pretty well acquainted with the Chinese, I suppose?

A. Yes, sir.

Q. You have been here a long time?

A. Yes, sir.

Q. What kind of citizens do they make?

A. In the commercial competition in which they enter they cause a loss in all the objects which they have anything to do with.

Q. What do you mean by that—cause a loss? Do they undersell other people?

A. They discredit the products. They adulterate the products.

Q. You think they are not honest merchants?

A. I think not.

CHINESE ARE GOOD LABORERS.

Q. How are they with regard to labor, whether they work well or not?

A. Oh, yes; they work better than the Indian.

Q. How are they as agricultural laborers?

A. Very good; but they do not engage in that because they get greater remuneration in business.

Q. Are there many of them who labor on farms and plantations?

A. None; they are all engaged in commerce.

* * * * * * *

FILIPINOS WOULD DO THE WORK, BUT AT GREATER COST (VOL. 2, P. 179).

Q. Would not the Filipino work if the Chinese were not here?

A. Yes; but labor would be a little more dear. The Indian would not do everything that the Chinaman does.

Q. Wouldn't he do it by degrees if there wasn't anybody else to do the work?

A. Yes; little by little.

FILIPINO SENTIMENT OPPOSED TO CHINAMEN.

Q. What is the general sentiment of the Filipinos as regards the Chinese?

A. Terribly against the Chinese.

Q. Then if the Chinese were excluded from coming here, leaving those here who are here now, you think the Filipinos would approve of it?

A. I believe so; yes, indeed, it would be a very good political measure.

NATIVES SHOULD NOT BE IMPROVED OFF THE FACE OF THE EARTH (VOL. 2, P. 179).

[From testimony of Charles Ilderton Barnes, partner in the firm of Warner, Barnes & Co., exporters, resident of Manila for twenty-four years.]

Q. You think, then, that there are laborers enough already in the country to meet immediate demands in the development of the country and the building of roads and railways?

A. I think so, unless there are more people killed than I know of. I think so. You know the native in the interior, where he is not contaminated by bad influences, is not a bad sort of man; he is pretty honest. You don't generally lose much money with the natives, which is not usual with the Spanish and mestizos. I think he ought to have a chance to populate these islands, and we should not "improve" him off the face of the earth with some combination of Chinese and natives, which we know does not produce a very satisfactory result.

CHINESE SHOULD BE LET IN AS BEASTS OF BURDEN.

[From testimony of H. L. Higgins, engineer and general manager of the railway company—road 122 miles long—resident of Manila since 1887.]

Q. Will you give us your views on the Chinese question, whether they ought to be admitted or not, and why? We have taken a good deal of proof on that subject.

A. If the Chinese come in here and are allowed to trade they will simply spoil everything. If admitted here the same as in Java, under the contract system of three years, and used more or less as beasts of burden for cooly labor, then it will be all right for contract work. It will be all right if they could be brought in here for contract work.

Q. And then sent out when the contract was complied with.

A. Yes; because it is just a question now whether the Indian will work, or, if he does work, whether he won't ask exorbitant wages, wages in excess of the amount that his labor is worth.

ADMISSION OF CHINESE WOULD COMPEL NATIVES TO WORK FOR ALMOST NOTHING.

Q. If there were no Chinese here would the Filipinos work?

A. The Chinese are good workers, and of course if they came here the Filipino people would find their bread was being taken away from them, and they would be compelled to work for almost nothing.

* * * * * * *

NATIVES BUILT THE RAILROAD.

Q. How was your road built—by Chinese labor?

A. No; Indian labor. We tried the Chinese on one section, and they didn't do good work. They would not work in water. The Indian will work in water better than a Chinaman.

WAGE RATE 16½ CENTS A DAY.

Q. Did you have any difficulty with the wages of your laborers?

A. No; our general wages ran up to about 32½ cents a day Mexican (16½ cents American).

Q. Do you feed the men in addition to that?

A. No; just pay them at the end of the week.

Q. Will the Indian do as much work as the Chinaman in the same time?

A. On a day wage they will; on piecework the Chinaman works like a slave, but put him on day work and he won't do anything.

NATIVES WOULD MURDER THE CHINESE.

[From testimony of Jose Camps, vol. 2, p. 342, coffee planter and hotel keeper.]

Q. In your opinion, what action ought to be taken in regard to the Chinese coming here?

A. I think you will find that in the provinces you will have to treat the question in a different way. For instance, in the province of Cavite it would be too much responsibility to protect him against the natives. The natives would murder him.

Q. You are now speaking of agricultural laborers?

A. I am speaking of agricultural laborers.

* * * * * * *

CHINESE DRIVE NATIVES OUT (VOL. 2, P. 344).

Q. They (the natives) do the lighterage work?

A. Yes.

Q. And they drive the carabaos?

A. In the last ten years the Chinese have been steadily forcing them out of that business and getting it for themselves. Previously, when I first came here, every carabao driver was a native; now more than half are Chinese.

ADVENTUROUS AMERICAN EXPLOITATION SHOULD BE PREVENTED (VOL. 2, P. 352).

[From testimony of Dr. Frank S. Bourns, practicing physician.]

Q. Do you think the idea of exploiting this country for the benefit of adventurous Americans ought to be discouraged?

A. Entirely.

* * * * * * *

WOULD NOT ADMIT THE CHINESE—NATIVE HAS HIGHER ASPIRATIONS (VOL. 2, P. 367).

Q. What is your opinion as to the admission of the Chinese?

A. I do not believe that the Chinese should be allowed to come in here without restriction.

Q. You can go on and state your restrictions, please, Doctor. It is a serious question, and one in which I am greatly interested, on account of my very long residence in China and my great desire not to do any injustice to these people. What restrictions do you recommend?

A. We have promised the Filipinos that we will establish a government here for the Filipinos. Just at the present time there are some difficulties on the labor question in the provinces on account of the erroneous ideas that the Filipinos have in their heads as to what liberty is. They consider it a license, and that equality means that the laboring man is as good as the employer—false notions which I think can be gotton out of their heads in a comparatively short time. I believe that the result of our presence here will be to raise the price of labor to a point where it will be worth while to the Filipino to apply himself to work, and that he will be better contented than he is now, and that we should not, therefore, admit without restriction labor which tends rather to make the Filipino's wages less than they are at present or than they have been. Then, too, we know that the Chinaman does not leave his money in this country. His object is to acquire money and return to China, so that it is taken out of the country immediately. He is more frugal than the native, although the native is ordinarily able to get along with a very small amount. The native has higher aspirations than the Chinaman; he does like to live well if he can. I believe, therefore, if by our policy we can better the condition of the Filipino workingman that it would make him so much more contented with American rule.

Q. You believe he would work if the Chinaman were not here?

A. Yes, I do. There would be some difficulty for some months.

Q. You believe, then, that the labor question has the same aspects here as at home?

A. Yes. I do not place the Chinaman on as high a plane as I do the native.

Q. Don't you think our contiguity to China would result in bringing over many thousands or millions of them, if they were not restricted as to their coming?

A. Yes, I do.

ALL MANUAL LABOR PERFORMED BY NATIVES (VOL. 2, P. 417).

[From testimony of Senor Luzuriaga, resident of Bacolod, island of Negros.]

Q. In that island (Negros) do the Chinese do manual labor, or are they shopkeepers?

A. No, sir; all the manual labor there is done by natives. The Chinese are shopkeepers. Some of them are plantation owners. In Iloilo, some Chinese are day laborers, but they were brought by contract from China.

WOULD ADMIT 4,000,000 CHINESE IN ORDER TO BRING NATIVES TO THEIR SENSES AND MAKE THEM WORK FOR A "REASONABLE LIVING WAGE" (VOL. 2, P. 451).

[From Exhibit 5.]

There is room for three to four millions of Chinese comfortably, while only about 200,000 are the present estimate. Chinese coolies and the buffalo are two essentials. The place can not get on without them, and were there any roadmaking, railway, or agricultural work being done, at least a million of Chinese would be absorbed right off, and the next year another million, and so on until the population be half Chinese—to make the natives come to their senses and work for a reasonable "living wage."

* * * * * * *

CHEAP LABOR THE LIFEBLOOD OF THE PHILIPPINES.

As before said, cheap labor is the lifeblood of this country, and the natives being few (only 8,000,000), and these few being disinclined to work, there is no solution of the difficulty except a free admission of Chinese labor, and the Chinaman is the most industrious and most economical of known Asiatics.

EXTRACTS FROM SECOND PHILIPPINE COMMISSION REPORT, TAFT COMMISSION, OCTOBER 15, 1901.

THE LABOR PROBLEM (VOL. 1, P. 27).

The Commission is not prepared to make recommendations in regard to the admission of Chinese as laborers. It is very difficult to secure good labor in the islands, especially skilled labor. Labor such as is secured is irregular, poor, and much more expensive for work done than in the United States. There is not the slightest danger of pauper competition in these islands with the laborers of the United States. How much of the difficulty is due to unsettled conditions and how much is inherent in the race we can not say, but we think the tranquilizing of the provinces will certainly make labor better and easier to get, though it will long be unsatisfactory when measured by American standards. Throughout the archipelago wages have doubled and in many cases trebled since 1898. In too many instances the immediate result of doubling the wage is to induce the laborer to work just half as many days.

LABOR IN THE PROVINCES.

The following items are taken from testimony given before the Commission on its trip through the various islands of the archipelago:

LABOR 12½ CENTS TO 25 CENTS GOLD PER DAY (P. 72).

Señor Gaspar Zerbito, presidente of Masbate, said that day laborers in the interior towns got from 25 to 50 cents per day, including food, while in Masbate they were paid 1 peso per day, without food. Stated that this had been the wage in Masbate since American occupation. It was formerly 25 to 50 cents, with food. The food consisted of rice and fish, worth about 10 cents a day.

LABOR 25 CENTS GOLD PER DAY (P. 73).

Señor Pedro de Jesus, presidente of Milagros, stated that the people of his town gained a livelihood by agriculture and by fishing. The daily wage was 50 cents per day, with food. Daily wage before Americans came was 30 cents.

LABOR 12½ CENTS GOLD PER DAY.

Señor Josa de la Rosa, of Magdalena: People live mostly on tubers, which they raise. Cut wood for their own use only. Had no cattle there since the plague. Daily wage, 25 cents Mexican, same as formerly.

LABOR 25 CENTS GOLD PER DAY.

Señor Valentin Caparina, presidente of San Augustin: Daily wage, 50 cents, with food. Wages before miners came, 25 cents.

LABOR, 25 CENTS GOLD PER DAY.

Senor Perfecto Asuero, presidente of Mandaon: Cattle raising was principal industry, but most had died by disease. They raise corn, tobacco, "canotes," and cut fire wood. Exported some fire wood, also some tobacco. Daily wage 50 cents, with food. Had been that for five years. Before that was 25 cents. Increase caused by coming of vessels into that port.

LABOR, 20 CENTS GOLD PER DAY.

Senor Vidal, at Capiz: The speaker said that the daily wages in Capiz was about 40 cents Mexican per day. He thought, in view of the hard times, and if the work was continuous, laborers could be had for 25 cents Mexican per day.

POLICEMEN RECEIVE $3 PER MONTH.

Señor Andriano Enriquez, of Carcar (p. 152): He said his town now had 30 policemen on salary and 130 militiamen who served without pay. Their policemen received about 6 pesos per month.

SUGAR PLANTERS PAY 20 TO 30 PER CENT INTEREST.

Señor Aniceto Clarin, of Loay (p. 159): He said most of the sugar planters borrowed money on their property; pay 20 to 25 per cent, and some as high as 30 per cent interest on their money.

INTEREST RATE 2 PER CENT PER MONTH.

Señor Enugdio Acebedo, of Palo (p. 165): Being asked what rate of interest the people paid on money, he said about 2 per cent a month.

LABOR 25 TO 37.5 CENTS GOLD PER DAY.

Señor Juan Calenzoga, presidente of Baybay (p. 166): Referring to the daily wage of laborers, he said it varied according to the class of work. In Tacloban, ordinary laborers got 50 cents Mexican per day with food, and 75 cents Mexican without. They had been receiving this wage since American occupation; before that it was 40 cents.

LABOR 25 CENTS GOLD PER DAY.

Señor Fulgencio Contreras, of Nueva Caceres (p. 181): He said that during Spanish times day labor was paid 20 cents per day, while now it was 50 cents.

LABOR 25 CENTS GOLD PER DAY.

Señor Eduardo Nepomuceno, presidente of Boac: Being asked the daily wage in Marinduque, the speaker said it was 50 cents.

LAND VALUES $1.20 TO $3 GOLD PER ACRE.

Señor Angel Lopez, presidente of Bacnotan (p. 227): Inquiry developed that the value of sugar, tobacco, and rice lands in the province ranged from 60 to 150 pesos per hectare, such land having increased greatly in value during the past year.

WAGE RATE 50 CENTS PER DAY.

The "joural" or day's wage in Isabela was $1 Mexican. There was a little sugar raised in the province, but they had no mills. The average life of good tobacco land was about twelve years, although good river-bottom land would sometimes last twenty years without fertilizing. * * * The price of labor had gone up from 50 cents per day to its present price $1, at which latter figure there was a good supply.

EXTRACTS FROM TESTIMONY BEFORE THE INSULAR COMMITTEE, JANUARY TO JUNE, 1902.

PRESSED TO ADMIT CHINESE.

Governor TAFT (p. 182). We are pressed to admit the Chinese in order that those who invest capital may have a class of labor on which they may rely. The skilled laborer among the Filipinos does not meet the demand in the islands. There were a good many Chinamen, but that supply has been now exhausted, and the merchants, people who desire to invest capital, are pressing the Commission to admit skilled labor. I received a letter from General Wright yesterday morning, stating that the Commission recommended to Congress the conferring on it of discretionary power to admit, temporarily, skilled labor under such restrictions that it shall only serve until, by industrial schools and other ways, the skilled labor among the Filipinos may be increased. The Filipino is skillful with his hands, and there is not the slightest difficulty in his learning to be a carpenter, brick or stone mason, machinist, or engineer.

SHORT OF LABOR (P. 247).

Mr. WILLIAMS of Illinois. Could the railroads be constructed by native labor?

Governor TAFT. I hope so. I have doubts about it. We have had a great deal of difficulty in securing enough labor to construct the Benguet wagon road from Pozoubio to Baguio. That is a road we are very much interested in, because the wagon road must be constructed before the railroad is constructed, in order to carry the material for the road, and we have not succeeded in getting as much labor as we wanted.

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CHINESE DRIVE FILIPINOS OUT OF BUSINESS.

Governor TAFT. So far as the importation of Chinese is concerned, the chief hostility of the natives is not to the Chinese laborers, but to the Chinese traders. The Chinese laborer after he has been in the islands, if he is not restricted, in six months becomes a trader, and he is greatly more successful in trading and more economical in living than the Filipino, and he drives the Filipino out of business by competition, and, as a consequence, there is a very deep feeling in the islands against him as a trader.

I have a letter from General Wright on the subject which seems to be now under consideration by the commercial bodies in Manila with reference to the temporary admission of skilled Chinese labor and of cooly labor for particular work, and I shall be glad at the next session if I may submit that correspondence. The lack of skilled labor is a very serious one in the development of the islands. General Wright thinks it possible, and I agree with him, that they might be let in temporarily. He incloses a communication from a shipbuilding firm, in which the firm says that if they could admit Chinese skilled labor they would establish at once a shipbuilding establishment, and that it would be the means of educating the Filipinos by apprenticeship in skilled labor. We hope to do a great deal of that by the manual training schools which we are establishing, but there is to-day a great dearth of skilled labor in the islands.

* * * * * * *

Then I beg to have the privilege of reading from General Wright's letter, which I received about a week ago or less than a week ago, and which may be more useful to the Committee on Foreign Affairs, and yet which bears generally upon the power of the Commission. He says:

"I take it for granted that among the important topics of discussion between you and the authorities at Washington will be the insular policy as to the exclusion or admission of Chinese. It is a subject which we have discussed frequently and upon which I believe we are agreed. I think it well to say, however—in view of the multiplicity of subjects upon which you have to deal, that you may not overlook it—that, in my judgment, it is extremely important that, should it be the policy of the Executive and Congress to continue the exclusion of Chinese from the United States by treaty and legislation as heretofore, it is very important that these laws should not be enforced in their entirety here. The Filipino laborer, as he is, can not be relied upon at this time for steady work.

"I think it very probable that under American administration, as his horizon broadens and his wants increase, his disposition to work, in order to gratify those wants and better his condition, will increase proportionately. But that is a work of time and education. It is very doubtful if to-day any large public work could be successfully carried to completion without great delay and increased expenses with Filipino laborers alone. The number of Filipino mechanics and other skilled laborers are extremely few and confined to a small number of trades.

"So, then, if railroads and other works of internal improvement are to be constructed, and shipyards, manufactures, etc., are to spring up in these islands, reliable labor becomes a necessity. Without it but little real progress can be made for a long time to come. I do not mean by this statement to say that we ought to throw the Philippine ports open to the free immigration of Chinese, for I do not believe that this ought to be done. I do mean, however, to assert that our ports here should not be hermetically sealed against them, and that either Congress should itself provide, or, what would be better, give the government established here the authority to provide, for their admission under proper limitations.

"These limitations may be made stringent enough to require their removal whenever the necessity for their importation ceases to exist. Persons or corporations requiring the use of either skilled or unskilled laborers might be required to give bond and security for their return to China after a specified time or on demand of the government here.

"Inclosed I send you a communication from Messrs. Cameron & McLaughlin on this subject, which seems to me to state the case fairly well and which is worth perusal. A few days since I had a visit from a Mr. Twentyman, who is the managing director of the great shipbuilding firm of Boyd & Farnham, of Shanghai, who was brought in by Messrs. Cameron & McLaughlin.

"He stated that he was very much impressed with Manila as the site for a great shipbuilding and repairing establishment, and that he would be glad, either alone or in conjunction with American capitalists, to build one here if he were assured that he might bring in Chinese skilled labor, and that he was willing to do so under any reasonable guaranty as to their return. I understand there are several other industries awaiting the action of our Government with reference to the Chinese-labor question."

The letter from Cameron & McLaughlin, with the permission of the committee, I will read:

"MANILA, P. I., *January 3, 1902.*

"Hon. LUKE E. WRIGHT,

"*Acting Governor, Philippine Islands, Manila, P. I.*

"SIR: We beg to respectfully submit for your consideration the fact that there is a great scarcity of mechanics and skilled laborers in these islands, and it is doubtless within your personal knowledge that this circumstance precludes the possibility of any new industrial enterprise being successfully undertaken here on a large scale. Skilled American workmen are, unfortunately, unable to endure the great strain of physical labor in this enervating climate, and the law prohibits the importation of skilled labor from China. Those who are anxious to open up any new business in the Philippines which involves the employment of any considerable number of skilled laborers are therefore placed at great disadvantage, as compared with Singapore, Hongkong, and competing ports in China.

"As American citizens representing American interests here, and being identified with the development of these islands and interested in everything appertaining to their welfare, and being desirous of seeing Manila become the foremost city of the Far East, commercially and industrially, we earnestly and most respectfully place this before you, and trust that you will consider the advisability of submitting a special report on the subject to His Excellency the President of the United States, through the honorable Secretary of War, to the end that a recommendation may be made to Congress to authorize skilled labor to be admitted from China into the Philippines, under such restrictions upon the employers who introduce such labor as will enable the collector of customs at Manila to safeguard all of the provisions of the Congressional act herein proposed.

"In view of the great scarcity of artisans and mechanics in these islands, we beg to respectfully represent that it would unquestionably be in the interests of the public generally if it might be admissible to introduce skilled labor from China under reasonable restrictions. In no other way can the people of these islands, notably the people of Manila, compete with other cities of the Far East in industrial and manufacturing enterprises.

"There is but little skilled labor in these islands, and what there is is very imperfect. By the introduction of skilled labor from Singapore and Hongkong a tremendous impetus would be given to trade, and the benefit to all the people of the Philippines would be felt immediately.

"With artisans here of the highest skill, all work requiring trained mechanics could be performed better and cheaper, and in time these skilled artisans could instruct a class in the Philippines who would be capable to do the work; that is to say, apprentices could be obtained here from among the natives to assist the skilled

workmen brought here at the start, and these apprentices would thus learn the various trades and in this way these islands would in a few years furnish all the skilled mechanics and artisans that the growing industries would require."

FILIPINOS MAKE ADMIRABLE SKILLED WORKMEN.

I may interject here that there is no doubt about the capacity of the Filipino to make an admirable skilled workman. His manual skill is capable of the highest development. That is shown both by carving, by the few instances that there are of skilled carving among the Filipinos, and by work that you can pick up here and there that has been done by the Filipino:

"The insular Philippine government would in this way be practically establishing a great manual training school, without cost to the people, for the education and instruction of the rising generation in the industries and trades, and would thus, in so far as the manufacturing industries in these islands are concerned, be doing precisely what the government is now doing so well, but at large expense, in the matter of general education—that is, fitting the native for the higher degrees and responsibilities of citizenship.

"Until some general provision is made for the introduction of skilled labor from China it will be impossible for any company or syndicate, however great its capital, or even for the insular government, with all its resources, to economically and successfully undertake any great private or public work, such as the building of steam railways on a large scale in a limited time, with a view to the early development of the immense natural resources of these islands. Without this skilled labor it would in like manner be impossible to institute any great shipbuilding enterprise or other project that would result in the expenditure of large sums of money, which would require the employment of labor on a scale sufficiently large to speedily result in the general betterment of the conditions of all the people.

"It is a well-known fact that a number of men have visited Manila during the past year, chiefly from the United States, but some from other countries, with the object of establishing industrial enterprises in this city to convert the hard woods and other native products of these islands into manufactured articles, and supply the demand for such goods in China and other countries in the Far East. It is an unfortunate fact that while Manila has all the natural advantages desired in a manufacturing town it has been impossible for any of these great enterprises to be undertaken, simply because of the inability to secure skilled artisans here or to bring them in from China. It is manifestly most unfortunate for the prestige and supremacy of Manila as a commercial and manufacturing city that no authority has been vested in the governor of these islands to authorize the introduction of skilled labor from China in cases where it is obviously advantageous to every interest of the government and the people of the Philippines.

"It is well known to every person who has had occasion to investigate the subject that the Philippine Islands do not possess the skilled labor that is necessary to carry out any public or private work of considerable magnitude. To undertake this with the unskilled workmen who are now here would mean a question of many years to perform a work which could readily be done by skilled Chinese workmen in as many months.

"In so small a matter as that of repairing the little coasting vessels that ply in the interisland trade the annual loss is very large, owing to the detention of ships in docks arising from want of skilled labor. The ships that can be most successfully operated in the trade of these islands are those of very light draft. Many of these can not safely cross the rough China Sea for repairs. The time lost here in waiting for repairs, due wholly to lack of skilled labor, represents a loss to the shipowners of the islands of hundreds of thousands of dollars annually. This loss in turn must be made good, in part at least, by the merchants and others who use the ships, and consequently is a tax upon the industries and commerce of the islands, and ultimately becomes a burden upon the people generally.

"There is also the extra cost of insurance in sending a small vessel to Hongkong for repairs, it being at least 6 per cent of the value of the boat each way, or equivalent to 12 per cent of the entire value of the vessel for insurance both ways, which is a large item. Even at these high rates, which is a great burden on the shipping interests in the Philippines, the marine companies do not wish to insure these small boats to cross the China Sea.

"In view of the foregoing statement of facts, which are largely within your personal knowledge, we respectfully request that you will present the matter to the consideration of the Congress of the United States, with the recommendation for the necessary legislation to import skilled labor from China into the Philippines when in the opinion of the civil governor of these islands the introduction of such labor is necessary to promote the public welfare, or under some such general law as Congress in its wisdom may deem it expedient to enact.

"CAMERON & McLAUGHLIN."

The general view of the Commission is against the introduction of Chinese labor. That is, as I have already explained to the Committee on Foreign Affairs, as a political question the feeling of the people is against the introduction of the Chinaman, because he goes into trade and becomes a competitor in trade and drives out the Filipino engaged in the same trade. The motives, therefore, of the Commission, from a political standpoint, are strong to exclude the Chinese. I think, therefore, that they might be trusted, if Congress will do so, with the right to allow, temporarily, the introduction of Chinese skilled labor, and perhaps even of unskilled labor—although upon that point I am not so certain; General Wright has suggested it—under restrictions for the removal of the Chinese—such restrictions as the Commission may impose—for I am sure Congress may be certain that the power will not be abused in the direction of too general admission of the Chinese.

The CHAIRMAN. What are the principal classes of laborers who would come in under that definition of skilled laborer?

Governor TAFT. Carpenters, bricklayers, stone masons, and machinists.

The CHAIRMAN. Would there not be a great demand for the admission of common laborers?

Governor TAFT. Yes; there would.

The CHAIRMAN. And if you permit skilled labor to come in for the benefit of one class of capitalists——

Governor TAFT. You would have to allow it for all.

The CHAIRMAN. I was going to say that it would be difficult to say that the man who wished to build railroads should not be allowed to employ unskilled labor.

Governor TAFT. No; I think there might be a distinction between the skilled and the unskilled labor, because there is unskilled labor in the islands. There is no doubt about that.

The CHAIRMAN. Do you think that could be employed advantageously in the building of railroads.

Governor TAFT. I think that after the capitalists became accustomed to the peculiarities of that labor they might make it useful. I say so because I have talked with a good many quartermasters who have had a great many Filipinos under them, and some quartermasters are much more successful in securing steady labor from the Philippine Islands than are others, showing that it is a matter of tact and of understanding the Filipino nature.

The CHAIRMAN. Do you think that the receipt of regular wages at a fair rate, and better than they have been accustomed to receive, would tend to induce the Filipino to become a laborer on railroads?

Governor TAFT. I think it would help. Of course, the difficulty with a laborer is this: You get 1,200 men working on a railroad and pay them off on Saturday night, and you will not get more than about 300 or 400 Monday morning; they would not come, probably, until Tuesday or Wednesday. Itis that lack of constancy in labor that is the difficulty with Filipino unskilled labor, but I think they can be trained.

I am not discouraged about unskilled labor, though the capitalists and the merchants in Manila would not agree with me about that. I think that the unskilled-labor market has not been given a fair chance. The unsettled conditions of the country have prevented there being a fair test throughout the country. It is trying upon one used to the regularity of American labor or the regularity of Chinese labor; but nevertheless I do not despair at all of securing Filipino unskilled labor. But, of course, skilled labor is out of the question. The supply does not exist, and we can only hope to bring it about by manual-training schools and such a system as that.

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Governor TAFT. We of the Commission are very much opposed to the general introduction of Chinese labor. We would want to avoid the charge, made in the insurgent proclamations which have been used, that we expected to use the Chinese to exploit these islands, and, in fact, turn them over to people from China for the purpose of development.

The CHAIRMAN. Would you please outline the provision of law that you would like passed touching that subject?

Governor TAFT. I can state generally that what I should like would be that the Chinamen should be excluded altogether from entering United States ports from the Philippine Islands. I mean that the Congressional act should be made to apply to the Philippines as if it were foreign country with reference to the Chinese, and then that there be given to the Commission power to allow the introduction of skilled labor, at least, under such restrictions as would secure the removal of that skilled labor as admitted under restrictions within a reasonable time. But it is a matter the details of which would be difficult here to draw, and I think it might be trusted to the Commission or to the legislative body that succeeds the Commission.

Mr. PATTERSON. Let me ask you is there any prospect for white labor to come to those islands?

Governor TAFT. No, sir. In Benguet and Bontoc, and possibly in some of the other mountain regions, white labor might be employed. That labor would be mining labor only. The climate in Benguet, Lepanto, and Bontoc is such that American labor could work in the sun as well as the natives could.

Mr. HITT. What is the proportion of the 200,000 or 250,000 of them (Chinese) who are unskilled, or coolie laborers, now—not when they came?

Governor TAFT. I suppose half of them are unskilled laborers.

Mr. HITT. They all were when they came?

Governor TAFT. Yes, sir.

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Mr. HITT. You do not know the value of the Filipino on the sugar plantations—whether he is worth anything?

NATIVES GATHER ALL THE SUGAR CANE.

Governor TAFT. No, I do not; but I know all the reaped sugar cane that is cut on the Philippine Islands is cut by Filipinos and that the Chinese do not work in the fields.

Mr. HITT. Is he effective; can he stand the heat between the rows?

Governor TAFT. Oh, yes.

Mr. HITT. How does he do in the rice fields, where it is so wet?

Governor TAFT. He does very well indeed.

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Mr. HITT. Are not the Chinese considered more successful and efficient than the Filipinos for rice planting?

Governor TAFT. They are not generally used in the Philippine Islands. I would say, of course, that the Chinaman is a very fine laborer if he is taught what to do.

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The CHAIRMAN. Out of those 150,000 in the islands, you said 75,000 probably are coolies. What are the balance?

Governor TAFT. They are divided between the skilled laborers and the tradesmen; I should think the tradesmen were greatly in the majority.

The CHAIRMAN. How many thousands are skilled laborers?

Governor TAFT. That would only be a guess. I could not say; I should think the number of skilled laborers is small; I should doubt if they exceeded 5,000, although that is only a guess.

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Mr. HAMILTON. There have been uprisings of the Filipinos against the Chinese and, in the past, large numbers of Chinese have been massacred, have they not?

Governor TAFT. That was long before we came there.

Mr. HAMILTON. Yes; I know.

Governor TAFT. I believe there have been disturbances of that sort.

CHINESE THE ENEMY OF FILIPINO LABOR.

[Excerpts from translation of a letter from Mariano Frias, of Cavite, to Mr. Felipe Buencamino.]

Tell the truth, and nothing but the truth, and show that the country, without deserving it, has several bitter enemies—the friars, the Chinese, and even the Spaniards. These are those who desire that the Filipinos should be divided; for, should they agree, good-bye to the good dinners and bargains.

Chinese immigration is highly prejudicial to the country, and although the lack of labor is now evident, that is not because of the natives, but the lack of encouragement, equity, and especially a certain amount of despotism and lack of confidence with which the Philippine employees are usually treated. The failure of the gang of laborers organized and sent by you to Abra or Benguet finds an explanation in this.

In the arsenal of this port it is observed that, little by little, salaries are being reduced, and that they will continue to be reduced, without doubt, to the level of that of the laborers of the varadero of Canacao. The equality in the salaries of this institution has its raison d'être in the change of the permanent character of the employment of those who prove their qualifications, which is not the case in the arsenal with regard to the Philippine laborers, while the Chinese or natives of Macao never suffered any change and are better established than anybody else.

EXTRACTS FROM TESTIMONY BEFORE THE PHILIPPINE COMMITTEE, JANUARY TO JUNE, 1902.

CHINESE AND FILIPINO LABOR (P. 96).

Senator HALE. Do you think it is a possibility or a probability that in expending this large amount of money on public works you will be driven to the necessity of bringing in Chinese?

Governor TAFT. That is what the contractors say.

Senator HALE. You think it may come to that?

Governor TAFT. I hope not. Some of the quartermasters in the Army—Captain Butt, particularly—think it is possible by care to secure labor and teach it constancy. But if you talk with the business man in Manila, who is usually not very friendly toward the Filipino, he scouts the idea; and I think possibly you have already had a petition from the American Chamber of Commerce of Manila to allow the entrance of Chinese because the labor of the Filipinos is so unsatisfactory.

HAS BECOME A POLITICAL QUESTION IN THE PHILIPPINES.

Senator CARMACK. Is there not considerable prejudice among the Filipinos against the introduction of Chinese?

Governor TAFT. Yes, sir. It is a political question as well as an industrial question. It is one upon which the Commission has made no recommendation, because it is such a delicate question.

CHINESE WORK FOR $6 TO $7.50 GOLD PER MONTH.

The Chinaman comes into the country and labors, say, at 12 silver dollars a month and 15 silver dollars a month. Out of that, the local saying is, he saves $16 to $18. At any rate, he is not not there for more than three or four months before he has capital enough out of what he has earned to set up a store, and when he sets up a store the Filipino who has a store next to him is driven out of business.

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DEMAND FOR MORE CHINAMEN CAUSED BY INCREASED WAGE RATE (P. 99).

I think the picture painted of the abundance of Filipino carpenters and mechanics in Manila is altogether fanciful, for the reason that there is the greatest demand for them in Manila now, and while there are some, almost all of the skilled mechanics are Chinamen, and the effect is this: The supply of Chinamen is limited by the exclusion law and the demand for building is increasing, and as a consequence the salaries of skilled Chinamen who are in Manila has doubled or trebled since I have been there. That is pretty conclusive proof that the statement that there are many carpenters and machinists available among the Filipinos has no foundation.

BITTER AGAINST THE CHINESE.

[From annual report of Mariano Frias, governor of the province of Cavite, January 14, 1902.]

The province of Cavite, by reason of the industriousness of its inhabitants, supplies the arsenal and shipyards of Cañacao with a good contingent of hard-working and intelligent workmen, and would furnish more if these establishments would throw out altogether the Chinese workmen, who in everything and everywhere make ruinous competition in the country. They are mere parasites in the country which nurtures them; they spend very little, and consume only the products of their mother country. While it is true that as storekeepers and merchants the Chinese sell and manufacture cheaper than the natives, they do not trade with good faith—they manufacture in a slipshod way, badly, and unsubstantially, and they doctor and adulterate everything.

This is why they prefer a retail business to any other industry; the simple transactions of buying and selling give them better opportunities for the exercise of fraud and their inveterate tendencies toward adulteration. They live huddled up in little pigsties; they are not remarkable for cleanliness, culture, or morality, and under the Spanish rule frequent attempts were made to prevent their immigration by the imposition of heavy taxes, contributions, and burdens in favor of the state, but these were borne without complaint. Past history shows that the Chinese, who were well received on account of their reputation for industriousness and submissiveness, have risen up against the government. In the revolution of 1896 they played a double game, and in the recent insurrection their behavior was no better. For them these islands are but a mine whence they extract money with which to enrich their own country, and if they wished to possess themselves of the archipelago all they would have to do would be to stretch forth their hands and take it.

MORO LABOR IN MINDANAO (P. 184).

Governor TAFT. In Mindanao, I am told by gentlemen who have gone down there, and who have looked into the question, that they can get Moro labor sufficient to run their sugar plantations. I do not know how true that is. That is their judgment; but I concur with the suggestion of the Senator that there will be constant pressure on us, because of the lack of industry of the Filipinos, to let in a race which is the most industrious in the world, I suppose—the Chinese. We have resisted that up to this time, and, so far as I know, we do not intend to yield to it if we have the power.

CHINESE IMMIGRATION TO THE ISLANDS (P. 265).

Senator CARMACK. I wish to ask you whether you think it will be necessary to throw open the doors to Chinese immigration in order to secure a supply of efficient and helpful labor for the development of the country?

Governor TAFT. I am profoundly hopeful that it will not be. Pressure has been brought to bear upon the Commission to recommend such a policy. In certain parts of the archipelago the admission of Chinese labor without permission to trade, keeping him a laborer, and requiring those who bring him in to take him out again, may possibly aid, and would doubtless aid, in the development of islands like Mindanao, where the population is

scarce, but in Luzon, in Panay, in Negros, in the thickly populated islands, I am now hopeful that we can gradually give the people a motive for labor and that they can be so encouraged that their labor will be more efficient than it now is.

EFFECT ON PHILIPPINES OF CHINESE IMMIGRATION (P. 267).

Senator CARMACK. How will the people of the Philippines be affected by the importation of Chinese labor? I wish to call your attention in this connection to a statement from General MacArthur's last report, in which, speaking of the Chinese, he says:

"Such a people, largely endowed as they are with inexhaustible fortitude and determination, if admitted to the archipelago in any considerable numbers during the formative period which is now in progress of evolution, would soon have direct or indirect control of pretty nearly every productive interest, to the absolute exclusion alike of Filipinos and Americans.

"This view is stated with considerable emphasis, as unmistakable indications are apparent of organized and systematized efforts to break down all barriers, with a view to unrestricted Chinese immigration, for the purpose of quick and effective exploitation of the islands, a policy which would not only be ruinous to the Filipino people, but would in the end surely defeat the expansion of American trade to its natural dimensions in what is obviously one of its most important channels."

Do you think that is a correct statement of the effect of unrestricted Chinese immigration into the Philippines?

Governor TAFT. I think the effect of unrestricted Chinese immigration into the Philippines, as there said, would absorb nearly all the smaller avenues of trade. Just what effect it would have upon the labor problem is a little more difficult to say. Whether by creating a spirit of competition it would induce the Filipino laborer to do better than he does now I can not say. It is altogether conjectural.

FILIPINO OPPOSITION TO CHINESE IMMIGRATION.

Senator CARMACK. Are not the better class of Filipinos, those who are supporting the United States in the Philippine Islands, very much opposed to Chinese immigration?

Governor TAFT. Yes, sir; they all are.

Senator CARMACK. All of them?

Governor TAFT. The Tabacalera Company, which I think I have already mentioned as the largest company in the Philippine Islands, has been quite urgent to have us allow them to bring in Chinese skilled laborers with a view to the construction of warehouses and some other buildings connected with their tobacco plantations, saying they could not get Filipino skilled labor. And so with Spanish and foreign interests; and I have seen in the newspapers the petitions of American merchants in Manila, I think, for the admission of Chinese coolies.

OBSTACLES TO PACIFICATION OF THE ISLANDS.

Senator CARMACK. Is it not true that one of the great obstacles to the pacification of the islands has been, and is, the fear of bringing Chinese labor to the country, and the fear of sudden and excessive exploitation, and the belief that the United States want the islands purely for purposes of such exploitation?

Governor TAFT. Certainly there has been, if one can judge by the proclamations of the insurgents and by the statements of insurgent leaders, a very considerable attempt to make the public believe that that is the purpose of the Americans; and from that fact you may infer that a great many people have thought so. Now, with respect to the effect of Chinese importation, possibly that goes with it.

Senator CARMACK. What is that?

LABOR CONDITIONS IN THE ISLANDS (P. 643).

Senator DUBOIS. Yes, sir. Yesterday I presented to the Senate and had read an appeal from the American Chamber of Commerce of Manila. I think almost every Senator received the same appeal.

The CHAIRMAN. It was presented to the Committee on Immigration, too.

Senator DUBOIS. I will not read it all unless you desire me to, but it says:

"Tobacco, hemp, and sugar plantations are only partially cultivated by reason of insufficiency of manual laborers. There are at present people in the city of Manila who came here for the purpose of investing in plantations, and to cultivate them upon lines in advance of the primitive ideas now in vogue. Investors are compelled to either leave these islands or await such time as laborers can be secured. This being the situation at present, without this legislation the Philippine Islands can not be properly developed."

The legislation they ask for is the repeal of the laws of Congress in regard to Chinese immigration, so that cooly labor shall be allowed to enter the Philippine Islands.

(P. 646.) Senator DUBOIS. Our bill provides for franchises. We invite capital over there. You are a pretty robust American yourself. Americans will go there with capital. They will want some labor. They are not going to sit around and theorize and wait for the development of the Filipino mind. They want action for their money. Where are they going to get their labor? What labor is there for them?

General HUGHES. I should not be surprised if they could get the negro from America. I have looked into this matter. They can get labor from Japan without any trouble at all.

Senator DUBOIS. They can get the Japanese. There is no restriction against them.

General HUGHES. They can get millions, of course, from China.

JAPANESE THE BEST LABOR FOR THE ISLANDS (P. 647).

Senator DUBOIS. What labor will they turn to, naturally? What labor must they have and will they have? What is the best labor for them?

General HUGHES. The best man is the Japanese.

Senator DUBOIS. He is even more imitative than the Chinaman?

General HUGHES. He is a very much quicker man.

Senator DUBOIS. And more imitative?

General HUGHES. Yes.

Senator DUBOIS. Now, if it be not the Japanese, would it be the Chinese?

A CHANCE FOR AMERICAN NEGROES.

General HUGHES. I am very much in earnest about giving the darky a chance, and I will tell you why. The darky troops whom they sent to Samar mixed with the natives at once. Wherever they came together they became great friends. When I withdrew the darky company from Santa Rita I was told that the natives even shed tears over their going away. I know they begged me to leave them.

WHAT LABOR WILL THE ISLANDS GET?

Senator DUBOIS. Let me ask you a question which you can answer directly. What labor do you think they will get there, white labor being excluded?

General HUGHES. And you also want the Japanese left out?

Senator DUBOIS. No. What labor will they get?

Senator PATTERSON. Outside of white labor?

Senator DUBOIS. White labor being excluded.

General HUGHES. I hope Japanese. They have a good deal of Chinese labor there now.

Senator DUBOIS. What do you believe?

General HUGHES. I have no doubt that will increase.

The CHAIRMAN. It is now restricted. The Chinese are shut out.

General HUGHES. But you can not keep them out.

Senator DUBOIS. I am coming to that, if you will allow the General to answer my question, if he will. White labor being excluded, what labor is going there?

General HUGHES. I think it is mainly Chinese.

DEMAND OF MANILA CHAMBER OF COMMERCE (P. 648).

Senator DUBOIS. Do you not think the demand which the chamber of commerce makes represents the true sentiment of the Americans over there, and will represent the true sentiments of the Americans who go over there with capital, which is a demand that we remove the restriction and allow Chinese labor to come in? Do you not think that that demand will be incessant and peremptory?

General HUGHES. It is my opinion at present that there will be a demand for labor. I do not believe it will be nearly so great as they imagine. There is a great deal of labor in the Philippine Islands to-day that is not being utilized because they can not get the work. We never had any trouble at all in getting men whenever we said we wanted them, or in getting all we wanted. I remember one case at a sand spit at the island of Bohol, where there was nothing in sight apparently, except four or five fishermen, and our boat had gotten high and dry, 300 yards from the water, and we wanted it dragged down. The quartermaster simply held up his hand and called for men, and we had 35 in less than fifteen minutes.

Senator DUBOIS. The meeting of the chamber of commerce was held on the 3d day of January of this year. The petition states:

"The American Chamber of Commerce, of Manila, P. I., respectfully represents to your honorable body that by authority and under instruction of resolution adopted at a full meeting of this chamber held on the 3d day of January this chamber does petition and earnestly request the enactment of laws by Congress allowing cooly labor to enter the Philippine Islands under such restrictions and laws as the Philippine Commission may from time to time enact."

In your judgment, does that reflect the sentiment of all Americans over there?

General HUGHES. The trouble is this, Mr. Senator. Have you the list of the names of the signers of the petition? The reason I ask is that when I was there the chamber of commerce was composed almost entirely of British subjects. They are notoriously indifferent to our interests; in fact they have actually opposed us by their actions, if not in intent.

Senator DUBOIS. This is signed by F. E. Green, president.

General HUGHES. I do not know him.

Senator DUBOIS. That sounds like an American name, and it is also signed by Roger ap C. Jones, secretary.

General HUGHES. I should like before I acknowledge that as the sentiment of American interests to go over the names of those who belong to the chamber of commerce, because, as I tell you, when I left there it was mainly composed of foreigners. I do not suppose there were three Americans in it, and our interests would not have been considered in any action that commercial establishment took.

LABOR THAT WOULD GO TO THE ISLANDS (P. 649).

Senator DUBOIS. Leaving that out, then what labor do you think would go there?

General HUGHES. There is no doubt it would be Chinese if it can get there.

Senator DUBOIS. And the demand will be incessant on the part of capitalists who go there to remove the restrictions and to allow Chinese labor to go there?

General HUGHES. I do not know whether it will be in case you send Americans. As I said we never have had trouble in getting all the labor we want, and the English planters in Negros, and the Swiss, and the rest of them, Spaniards excepted, did not seem to have any trouble at all. I know they bothered me to death to let hundreds of men come from Panay for their harvest.

FEELING OF FILIPINOS TOWARD CHINESE.

The CHAIRMAN. I should like to ask one question in this connection. It has been stated to us from various sources, and most recently by Governor Taft, that there is a very great feeling of hostility among the Filipinos toward the Chinese; that they dislike them.

General HUGHES. That has been carried in some parts of the districts of the Visayas to an extreme extent. In one village—I think in Billiran, which is an island belonging to the province of Leyte—the natives took out all the Chinamen of the town and sacked them up with some rocks and sunk them. In another village of the same province—at least one of their large towns in population, although it looks like a village—they petitioned me to stop the Chinamen from keeping stores, doing any mercantile business, alleging that they, the natives, could not compete with them in that business.

LABORERS WILL BE FAITHFUL WITH PROPER MASTERS (P. 669).

Senator BEVERIDGE. These are the common laboring people?

The CHAIRMAN. Then you think they are faithful to their engagements?

General HUGHES. I think, with proper masters, there will be no earthly trouble with the natives. The trouble to-day is with the system of presidentes, who have been masters absolute.

The CHAIRMAN. One moment. I wish to make clear what you are saying, in which I am very much interested. You are constantly referring to a class——

General HUGHES. The tao, the laboring man.

The CHAIRMAN. The peasant class?

General HUGHES. Yes.

Senator BEVERIDGE. The common people.

EMPLOYMENT OF TAOS (P. 671).

General HUGHES. I employed a great many of them from time to time. In Manila I think I had possibly as high as 900 or 1,000 at one time.

The CHAIRMAN. How did you get them—directly?

General HUGHES. That was in the city. I could get those through agents; that is, I would appoint a foreman to go and get them. But when I got to the Visayas and wanted men, I had to go usually for the first time to the presidente. I tried at different times to get them directly; just to notify them that I wanted so many men for such work—building a road or building a bridge—and I could not get them. But by going to the presidente and simply saying to him, "I want 250 able-bodied men for such a work," he would herd them in in a couple of hours. We would make a roll of them, and at the end of the week we would pay them. We would have the necessary change, and every man got his week's pay. After that took place there was no trouble whatever.

FILIPINO LEADERS INIMICAL TO AMERICANS (P. 672).

The taos are really the power of the nation, and when you get them broken away from their leaders, who at present dominate everything, there will be no trouble in those islands.

The CHAIRMAN. After you had paid them, they would come voluntarily themselves.

General HUGHES. We could get two for every one we wanted.

ADAPTABILITY OF FILIPINOS (P. 706).

Senator DUBOIS. In your judgment, if American capitalists went there and took lands in order to have them produce, as we do here, would the Filipinos, under the direction of the Americans, cultivate the lands satisfactorily from our point of view?

Mr. BARROWS. I am inclined to the opinion that the Filipino would. I think some of the most trying part of his labor could be relieved by the application of machinery. He is very successful in the handling of machinery and in learning how to handle it, and I am inclined to think he would be able; and I do not know——

Senator HALE. You mean agricultural machinery?

Mr. BARROWS. Yes, sir. I think he could handle agricultural machinery. They handle the steam rollers in making roads and they are very adept in handling launch machinery—small engines.

Senator DUBOIS. Do you think they would perform the labor instead of Chinese or Japanese?

The CHAIRMAN. Agricultural labor?

Senator DUBOIS. Agricultural labor.

CHINESE NOT AGRICULTURISTS IN THE ISLANDS (P. 707).

Mr. BARROWS. I have only a feeling, but that feeling is that the Chinese will not prove in those islands a very good agricultural laborer. My experience has been that he keeps out of the sun, and that the man who plows the rice fields and who prepares the land for the planting of cane and who does the burdensome work in the hot sun is the Filipino.

PRESENT LABOR CONDITIONS (P. 712).

Senator DUBOIS. It will take time to bring about those conditions, however. If you were to go over there and establish a factory now, do you think you could get Filipino labor? Take 5,000 acres of land and suppose you wanted to put it in sugar.

Mr. BARROWS. I imagine I would have difficulty in getting the labor I wanted, and that I would be requesting the introduction of cheap labor, looking at the matter purely from the financial view. But our whole treatment has been to regard the Filipino himself; to look to what is the best course for him; how we can give him the best opportunities for enlightenment and material improvement, and on those grounds I would pronounce against the introduction of Chinese labor.

GREAT MASS OF FILIPINO AGRICULTURISTS (P. 831).

Senator PATTERSON. Yes. General, you state that the great bulk of Filipino people are farmers—are connected with the land and tilling the soil?

General OTIS. Yes, sir; in small holdings, which, in many cases, are owned by large proprietors.

Senator PATTERSON. They have families?

General OTIS. Yes.

LABOR IN THE ISLANDS (P. 834).

They say that the following legislation for the Philippine Islands is urgently needed; that this request is—

"For the immediate passage of laws for the admission of cooly labor, as the native labor is inadequate and insufficient for the development of the resources of the islands."

Is that true, in your opinion?

General OTIS. The native labor is limited, but I should say that the introduction of cooly labor would be very unwise.

Senator DUBOIS. They say that "the native labor is inadequate and insufficient for the development of the resources of the islands."

General OTIS. How great the work of development that they contemplate is I do not know. I was obliged to apply the Chinese-exclusion law, with some modifications. I allowed every Chinaman who had ever lived there, who had ever been a resident there, even temporarily, to return; but they came in in such large numbers, and the Filipinos became so excited, and they came to me making so many complaints, that I finally, as a matter of protection, was obliged to apply the Chinese-exclusion law, with modifications, and it still prevails. I do not think the present Commission has modified it in any way.

RAPID EXPLOITATION (P. 835).

General OTIS. Well, there is a great amount of land there. All the valleys and slopes can be cultivated, no doubt.

Senator DUBOIS. That would make 30,000,000 acres of public land which are susceptible of being improved as agricultural land. We have in contemplation the civil bill for the Philippines. In that bill we propose to grant franchises; we intend to throw open this public land in tracts as large as 5,000 acres; we propose to invite American capital to go to the Philippine Islands and develop them. Suppose some American takes up 5,000 acres of land and wants to put it in sugar, for instance. Is this statement true here that the native labor would be inadequate and insufficient for the development of those lands?

General OTIS. I should say yes—a rapid development.

Senator DUBOIS. You take one of our American capitalists. If he goes over to the Philippines and puts his money in business—you know what an American capitalist is—or an American manufacturer or agriculturist on a large scale, would they be content with Philippine labor?

General OTIS. That would be difficult, no doubt.

Senator DUBOIS. Would it not be totally insufficient, as these people say?

General OTIS. For rapid development they could not find the labor at the present time, although I will say that at the present time over there they have no difficulty in the tobacco and hemp districts in getting what labor is at present necessary. There is a large tobacco district north of Luzon. They have their own settlements there, and they pay the men so much for the cultivation of the soil and give them a certain percentage. They are very happy and they get along very nicely. Of course the Chinaman is a much better laborer than the Filipino. We have employed Filipinos mostly in the work we have had, but when we had to rebuild the railroad we were obliged to take Chinamen.

NO EXCLUSION LAW AGAINST JAPANESE.

Senator DUBOIS. The Japanese, of course, could come in. There is no exclusion law against them?

General OTIS. No.

Senator DUBOIS. Would the Japanese be as satisfactory as the Chinese cooly labor?

General OTIS. They would be very satisfactory, I think.

Senator DUBOIS. The Japanese would be as satisfactory as the Chinese cooly?

General OTIS. They affiliate with the Filipino.

Senator DUBOIS. And stand the climate well?

General OTIS. Yes; they stand the climate well.

PETITION FOR REPEAL OF EXCLUSION LAW.

Senator DUBOIS. Now, this is the second petition that has come from the American Chamber of Commerce insisting that Congress shall remove the restrictions in regard to Chinese cooly labor, and in addition to that, in the Hawaiian Islands they are pressing us constantly to allow Chinese and Japanese labor to come in; they say that otherwise they can not cultivate their sugar fields. Do you not think that when this American Chamber of Commerce is augmented by these capitalists, whom we induce to go over there to put in their capital, that the demand will be incessant on us to allow Chinese cooly labor to come it?

General OTIS. I think you will receive constant demands from these companies. You see, it is for their pecuniary benefit, and I have no doubt you will get demands constantly.

FILIPINO LABOR (P. 838).

General OTIS. And also Filipino labor. Now, some of those large establishments are carried on entirely by Filipino labor to-day. Take the cigar manufacturers, for instance.

Senator DUBOIS. How many hands do they employ?

TOBACCO INDUSTRY.

General OTIS. Oh, I suppose there are 10,000 people employed in the tobacco industry in Manila at the present time. The Filipinos came to me after I had been there for a short time and they wished to know if they could establish a tobacco manufactory. I had quite a long conversation with them, and I replied that they could, but to keep all the stock in the hands of the Filipinos; not to let the Europeans or anybody else outside have any of the stock. They went to work and built up quite a large establishment, and I suppose that stock to-day is worth 200 or 300. They employ 300 or 400 men.

Senator DUBOIS. That work is not nearly so heavy, however, as the work in woolen mills and cotton factories, and is not so constant?

General OTIS. I think there is a great deal of Chinese labor in the islands at the present time; a good deal of Filipino labor. All the work on the railroads is done by Filipinos. All the officials are Filipinos except a few of the most important officers.

COMPETITION WITH AMERICAN LABOR (P. 841).

Senator DUBOIS. Now, we intend to exploit those islands; that is our object. To do that we must have a good deal of labor if our capital goes over there. Now, when they raise their sugar, do you mean to say that that sugar will not come in competition with our sugar? Do you mean that the laborers raising that sugar in the Philippine Islands will not be in competition with our laborers here who are raising sugar.

General OTIS. It depends entirely on whether you keep up the present tariff provisions; if we have free and unlimited trade it might come in competition with our sugar interests in this country.

AMERICAN GETS $40; FILIPINO DOES SAME WORK FOR $15 (P. 1377).

Senator DUBOIS. I do not know whether I understood you correctly yesterday or not, but if I did you thought that under some conditions the Filipinos could do the labor which will necessarily have to be performed in the archipelago.

General MACARTHUR. You understood me correctly, Senator.

Senator DUBOIS. I think you said that there were some 400 in Manila working under Americans, and they received steady wages, and their self-interest was appealed to, and under those conditions they worked like Americans?

General MACARTHUR. Precisely so.

Senator DUBOIS. Well, what does a Filipino consider good wages?

General MACARTHUR. I think they were receiving $15 gold, although I could not be certain on that, for labor that Americans were receiving $40 gold for. They considered that good wages. In making a statement of that kind, that is offhand and from recollection.

The CHAIRMAN. Is that $15 gold a month?

General MACARTHUR. Yes.

Senator DUBOIS. Fifteen dollars a month, I understood.

General MACARTHUR. I would like to have that stated together—the Filipinos got $15 a month gold; the Americans got $40 for the same labor.

Senator DUBOIS. The Filipino, then, in this particular labor that you were speaking about, where there were 400 employed, were content to receive one-third of what the Americans got?

General MACARTHUR. They were at that time; that was such a tremendous increase from anything they had known before.

Senator DUBOIS. Were they doing as good work as the Americans or about one-third as good?

General MACARTHUR. Not as good, but more than one-third as good, I should say. The 400 men that I had particular reference to were employed in the corral in the management of horses and transportation, and in that capacity they were rendering very good work indeed. The unit of relative value there would be very much above one-third or even one-half from the nature of the work.

Senator DUBOIS. Of course that was an isolated and unusual case of labor.

FILIPINOS CAN DO THE WORK (P. 1379).

Senator DUBOIS. These lands under this bill which we are now considering are to be leased or sold in tracts of not less than 5,000 acres. That is the bill that we are considering.

The CHAIRMAN. Not exceeding 5,000 acres?

Senator DUBOIS. Not exceeding 5,000 acres.

General MACARTHUR. You mean the undeveloped public lands?

Senator DUBOIS. The undeveloped public lands; yes. Now, it is a reasonable supposition that if Americans go over there to cultivate those lands, to put them into sugar, in organizing companies they will take 5,000-acre tracts. Suppose they should take them in large tracts, can the Filipinos do the farm labor and cultivate those lands?

General MACARTHUR. I think so. They can do it to the extent of necessity so far as the public interest requires; most decidedly.

Senator DUBOIS. Can they do it to the satisfaction of the Americans who go over there?

General MACARTHUR. Not to the satisfaction of the American or European exploiters; no. But they can do it to the limit of necessity and the beneficial interests of the nation, both American and Philippine.

Senator DUBOIS. And knowing the enterprise of our capitalists, if they go over there, and put their money in, they will want returns for it, and they will want labor which is satisfactory to them. Will the Filipinos, in your opinion, perform this labor to their satisfaction?

General MACARTHUR. They will perform the labor. Whether it will be to the satisfaction of those people you describe I do not know. From my own point of view I deprecate the idea advanced in your question, that we are going to sell public lands there in blocks of 5,000 acres, with a view to rapid exploitation. That I should regard as disastrous both to American and Filipino interests, absolutely.

Senator DUBOIS. That is in the bill which we are considering, which is going to pass.

General MACARTHUR. Well, I should answer your question with a modification stating that the Filipinos would furnish the labor.

Senator DUBOIS. Would not?

General MACARTHUR. Would. They would have to be paid to do it, though, on the basis of American labor.

Senator DUBOIS. What would the Filipino farm hands charge for their labor?

General MACARTHUR. They would charge what they could get, and if that kind of work was undertaken they would charge a great deal; they would charge about what they do in Montana, probably.

Senator DUBOIS. They would charge what farm hands would in Montana?

General MACARTHUR. Yes.

Senator DUBOIS. Do you think these American capitalists would employ them?

General MACARTHUR. I do not think they would.

Senator DUBOIS. You know the Filipinos and their capacity for work. Do you think they would employ these Filipino hands?

General MACARTHUR. I do not think they would.

DANGEROUS EXPLOITATION (P. 1380).

Senator DUBOIS. Then, they would not open up the land?

General MACARTHUR. Then that would be a good fortune to everybody concerned.

If the Senator will allow me for a moment, I can illustrate what I mean by referring to the experience of the Dutch in Java. Although I consider the experience of the Dutch in Java a very good example of what not to do, still under the process of what they call the culture system they raised the population of that island from about 3,000,000 in 1816 to about 25,000,000 in 1895. That was the process of exploitation carried to the verge of almost a mania, but in respect of that system the Dutch have exceeded all other nations, and if our purpose is simply to exploit and breed people for the purpose of labor we can produce the population in the Philippines as rapidly as the Dutch did in Java.

The culture system I suppose is well understood to the members of the committee. It was the device of a military man who went there to organize that island after it was turned back to Holland in consequence of the termination of the Napoleonic wars. He devised this system, which has had the most remarkable results, probably, of any industrial system which was ever invented. It consisted in contracting the land, providing the labor, and promising to take the crops. It resulted in what we know, or did know some time ago, as Old Government Java coffee. They took all that crop. They would contract with a respectable, educated, representative Dutchman; that is, a Hollander. They would give him his land. They would insure him his labor, and they would contract to take his crop.

Now, in the process of a little more than eighty years we find the population of that island raised from about 3,000,000 to 25,000,000. Of course these laborers did not come into existence instantly because the exploiters wanted them; but the power was constant, the force applied was constant, and the result was absolutely certain. And the laborers came, and there they are to-day; and although they are there in large masses, they are the most doleful, somber people on the face of the earth. Although regulated with justice, still they are simply human machines, without a single psychological emotion.

Senator DUBOIS. That was a government exploitation, not a private exploitation. You say these Filipinos work, though, for $15 a month gold, which was much more than they ever received before, and that they were content, and that the Americans for the same labor got $40 a month gold. Now, why would the laborers on the islands—not the laborers in the city, but scattered around throughout the islands—demand the same wages that the Montana farm hand would demand?

General MACARTHUR. Simply because they would become permeated with the American idea, which they are taking up very rapidly.

Senator DUBOIS. If they were content to work in Manila, where there is more of the American idea, of course, than there is in the country, for two-thirds less than the wages the Americans received, why should they demand, out in the country districts and places outside of Manila, as much wages as the man in Montana gets?

General MACARTHUR. I do not say they do now. They would under your process of forcing things.

Senator DUBOIS. There is no process of forcing.

General MACARTHUR. I think about 4 pesos was what laborers were paid when we first went in there, and we are now paying them nearly 30 pesos.

Senator DUBOIS. It is not a question of forcing them at all. I, for instance, go over there under this bill, if it becomes a law, and buy land and want laborers. I ask them to go to work for me, and there must be plenty of field labor, because there are 7,000,000 or 8,000,000 people over there.

General MACARTHUR. Undoubtedly.

Senator DUBOIS. And there must be plenty of them, and they have never received anything. Now, why would they demand as much as a Montana man?

General MACARTHUR. I do not know that they would. I only say this: That if you put your exploitation ahead of the labor market you would have to pay in proportion thereto to get your men. If you wanted men in the field more than somebody wanted them in the shop, you would have to pay more to get them. You would get them, but you would have to pay for them. If you followed the Dutch method of waiting to get a larger population by waiting for the birth rate to increase and thereby multiply the labor market, you would get the same result, but in a longer time.

FILIPINOS MAKE GOOD FACTORY HANDS (P. 1383).

Senator PATTERSON. In industrial pursuits they would make good mill hands, you think?

General MACARTHUR. I think so.

The CHAIRMAN. How is it in the cigarette and cigar factories?

General MACARTHUR. The cigarette and cigar factories are full of the Filipino women.

The CHAIRMAN. The labor in those factories is Filipino labor, and not Chinese labor?

General MACARTHUR. Almost exclusively Filipino labor, I think. It is quite a sight to see the hands leaving the factories in Manila.

The CHAIRMAN. They are, of course, skilled operatives?

General MACARTHUR. Yes; I do not think there is a question about the power of the Filipino to reach any standard of excellence in almost any direction you want to develop.

Senator BEVERIDGE. It is a question of development, of evolution?

General MACARTHUR. That is all.

Senator PATTERSON. Now, in respect to the labor of the Filipinos as you were describing it in response to questions by Senator DUBOIS, you spoke of the employment of some 400 Filipinos?

General MACARTHUR. These were the men employed in our quartermaster's corral in the city of Manila.

Senator PATTERSON. And those are under favorable circumstances?

General MACARTHUR. Undoubtedly. Our officers watch them and protect them against unnecessary interferences from outsiders.

Senator PATTERSON. And the wage they get there is a better wage than they get outside of that employment as a rule?

General MACARTHUR. It is about the standard they get everywhere now, I think; but it was very much higher than the standard when we entered the town,

Senator PATTERSON. Then, under the most favorable auspices at the present time, a Filipino is willing to work for one-third of what the American is willing to work for?

General MACARTHUR. I should say so offhand; yes.

STATEHOOD BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. DEPEW resumed the speech begun by him on Wednesday last. After having spoken, with interruptions, for over three hours,

REPRESENTATIVES OF JOHN L. YOUNG.

Mr. TILLMAN. I do not know whether it is the desire of the Senator from New York to go on with his eloquent speech to-night; but if he is tired, as I suppose he is, and we are about to adjourn—I do not know the programme of the boss [laughter]—I have a little House bill which I am very anxious to get through the Senate, which will take but a moment, if the Senator from New York will kindly yield. I do not want, however, to interfere with him, but could he not get more ammunition by to-morrow?

Mr. DEPEW. Mr. President, I certainly trust the bill to which the Senator from South Carolina refers will be passed.

Mr. TILLMAN. Will the Senator kindly give way to me to ask for its consideration?

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from South Carolina?

Mr. DEPEW. I do.

Mr. TILLMAN. I ask unanimous consent for the present consideration of the bill (H. R. 7792) for the relief of the legal representatives of John L. Young.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to the legal representatives of John L. Young, of Union, S. C., $1,471.18, for services rendered the United States in carrying the mails in 1860 and 1861.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. DEPEW. Mr. President——

Mr. QUAY. I inquire of the Senator from New York whether he will yield for a motion to adjourn.

Mr. DEPEW. I yield to the Senator from Pennsylvania.

[Mr. DEPEW's speech will be published entire after it shall have been concluded.]

Mr. LODGE. I hope that we may have a short executive session, if the Senator from Pennsylvania has no objection.

Mr. QUAY. Very well; I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After thirteen minutes spent in executive session the doors were reopened, and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned, the adjournment being until to-morrow, Saturday, February 14, 1903, at 1 o'clock p. m.

NOMINATIONS.

Executive nominations received by the Senate February 13, 1903.

ATTORNEYS.

John J. Boyce, of California, to be United States attorney for the district of Alaska, to be assigned to division numbered one, in the place of Robert A. Friedrich, deceased.

William B. Sheppard, of Florida, to be United States attorney for the northern district of Florida, vice John Eagan, deceased.

Marcus C. McLemore, of Texas, to be United States attorney for the southern district of Texas. A reappointment, his term having expired February 12, 1903.

MARSHALS.

George H. Green, of Texas, to be United States marshal for the northern district of Texas. A reappointment, his term having expired December 19, 1902.

Vivian J. Fagin, of Ohio, to be United States marshal for the southern district of Ohio. A reappointment, his term expiring March 1, 1903.

ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE PHILIPPINE ISLANDS.

John T. McDonough, of New York, vice James F. Smith, resigned.

SURVEYORS OF CUSTOMS.

Amor Smith, jr., as surveyor of customs for the port of Cincinnati, in the State of Ohio, vice Lewis Voight, sr., whose term of office will expire March 3, 1903.

Will Barnes, jr., as surveyor of customs for the port of Albany, in the State of New York. (Reappointment.)

POSTMASTER.

OHIO.

Elias R. Monfort, to be postmaster at Cincinnati, in the county of Hamilton and State of Ohio, in place of Elias R. Monfort. Incumbent's commission expires March 3, 1903.

WITHDRAWAL.

Executive nomination withdrawn February 13, 1903.

John T. McDonough, of New York, to be an associate justice of the supreme court of the Philippine Islands, vice James F. Smith, resigned, sent to the Senate February 9, 1903.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 13, 1903.

PROMOTIONS IN THE NAVY.

Lieut. Commander Robert G. Denig, to be a commander in the Navy from the 10th day of January, 1903.

Lieut. Commander William P. Randall, United States Navy (retired), to be a commander in the Navy, on the retired list, from February 5, 1903.

Lieut. (Junior Grade) Michael J. McCormack, to be a lieutenant in the Navy from the 1st day of January, 1903.

Pay Inspector James A. Ring, to be a pay director in the Navy from the 10th day of December, 1902.

Pay Inspector Reah Frazer, to be a pay director in the Navy from the 19th day of January, 1903.

Assistant Engineer Julius A. Kaiser, retired, to be a passed assistant engineer in the Navy, on the retired list, from the 13th day of October, 1868.

Surg. John W. Ross, United States Navy (retired), to be a medical director on the active list of the Navy from the 5th day of February, 1903.

Lieut. (Junior Grade) Robert Platt, United States Navy, to be a commander in the Navy, on the retired list, from the 5th day of February, 1903.

APPOINTMENTS AND PROMOTIONS IN THE ARMY.

To be captains.

First Lieut. Harry O. Williard, Second Cavalry, July 8, 1902.

First Lieut. Lucius R. Holbrook, Fourth Cavalry, July 15, 1902.

First Lieut. John P. Wade, Second Cavalry, July 25, 1902.

First Lieut. Elvin R. Heiberg, Sixth Cavalry, July 25, 1902.

First Lieut. Stephen M. Kochersperger, Second Cavalry, July 30, 1902.

First Lieut. Ola W. Bell, Third Cavalry, August 22, 1902.

First Lieut. Abraham G. Lott, Eighth Cavalry, September 13, 1902.

First Lieut. Edward L. King, Eleventh Cavalry, October 4, 1902.

First Lieut. Samuel F. Dallam, Fifth Cavalry, October 29, 1902.

First Lieut. William Kelly, jr., Fourth Cavalry, November 22, 1902.

First Lieut. John Robertson, Sixth Infantry, June 28, 1902.

First Lieut. James V. Heidt, Sixth Infantry, July 4, 1902.

First Lieut. Charles S. Lincoln, Twenty-fourth Infantry, July 8, 1902.

First Lieut. Patrick H. Mullay, Fourteenth Infantry, July 10, 1902.

First Lieut. Robert McCleave, Second Infantry, July 15, 1902.

First Lieut. Monroe C. Kerth, Twenty-third Infantry, July 17, 1902.

First Lieut. Lambert W. Jordan, jr., First Infantry, July 30, 1902.

First Lieut. William F. Nesbitt, Sixth Infantry, September 24, 1902.

First Lieut. James B. Gowen, Sixteenth Infantry, October 3, 1902.

First Lieut. Harvey W. Miller, Thirteenth Infantry, October 7, 1902.

First Lieut. Thomas F. Maginnis, Eleventh Infantry, October 11, 1902.

First Lieut. Daniel G. Berry, First Infantry, October 18, 1902.

First Lieut. Harold Hammond, Ninth Infantry, October 21, 1902.

First Lieut. Ralph E. Ingram, Fifth Infantry, November 8, 1902.

First Lieut. Robert C. Davis, Seventeenth Infantry, to be captain, November 28, 1902.

First Lieut. Joseph F. Janda, Eighth Infantry, to be captain.

Cavalry Arm.

Capt. John Bigelow, jr., Tenth Cavalry, to be major, December 8, 1902.

First Lieut. George T. Summerlin, Fourth Cavalry, to be captain, December 8, 1902.

First Lieut. Charles T. Boyd, Fourth Cavalry, to be captain, January 16, 1903.

Lieut. Col. Richard H. Pratt, Fifteenth Cavalry, to be colonel, January 24, 1903.

Maj. Frederick K. Ward, First Cavalry, to be lieutenant-colonel, January 24, 1903.

Capt. Eben Swift, Fifth Cavalry, to be major, January 24, 1903.

First Lieut. Henry C. Whitehead, Tenth Cavalry, to be captain, January 24, 1903.

Infantry Arm.

Capt. Edward Chynoweth, Seventeenth Infantry, to be major, December 5, 1902.

First Lieut. Alvan C. Read, Thirteenth Infantry, to be captain, December 5, 1902.

Albert Blackmore Hatfield, at large, to be second lieutenant, January 27, 1903.

Corps of Engineers.

Maj. James B. Quinn, Corps of Engineers, to be lieutenant-colonel, January 29, 1903.

Capt. Edward Burr, Corps of Engineers, to be major, January 29, 1903.

Infantry Arm.

Capt. Edward H. Plummer, Tenth Infantry, to be major, December 31, 1902.

First Lieut. Ira C. Welborn, Ninth Infantry, to be captain, December 29, 1902.

First Lieut. David E. W. Lyle, Fourteenth Infantry, to be captain, December 30, 1902.

First Lieut. Alexander E. Williams, Second Infantry, to be captain, December 31, 1902.

First Lieut. Romulus F. Walton, Tenth Infantry, to be captain, January 9, 1903.

First Lieut. Charles W. Exton, Twentieth Infantry, to be captain, January 10, 1903.

First Lieut. David P. Wheeler, Twenty-second Infantry, to be captain, January 27, 1903.

Cavalry Arm.

Lieut. Col. Charles L. Cooper, Fourteenth Cavalry, to be colonel, January 30, 1903.

Maj. Alexander Rodgers, Fourth Cavalry, to be lieutenant-colonel, January 30, 1903.

Capt. James Lockett, Fourth Cavalry, to be major, January 30, 1903.

First Lieut. William D. Chitty, Third Cavalry, to be captain, January 30, 1903.

Second Lieut. James P. Castleman, from the Infantry Arm to the Cavalry Arm, September 9, 1902, with rank from August 15, 1902.

Second Lieut. Emmet R. Harris, from the Artillery Corps to the Cavalry Arm, September 26, 1902, with rank from June 12, 1902.

Second Lieut. Adam F. Casad, from the Cavalry Arm to the Artillery Corps, September 26, 1902, with rank from June 12, 1902.

To be second lieutenants, with rank from October 17, 1902.

CAVALRY ARM.

Sergt. Arthur Roy Jones, Troop F, Fourth Cavalry.
Corpl. Albert Hecker Mueller, Troop G, Second Cavalry.
Sergt. Le Roy Danby Lewis, Troop L, First Cavalry.
First Sergt. James Wilmer Devall, Troop H, Twelfth Cavalry.
Sergt. Allan Francis McLean, Troop D, Fourth Cavalry.
First Sergt. Herman Stahlschmidt Dilworth, Troop A, Eighth Cavalry.
Sergt. David Bell Talley, Troop D, Eighth Cavalry.
Corpl. Orson Leon Early, Troop B, First Cavalry.

ARTILLERY CORPS.

Sergt. Offnere Hope, Twenty-fourth Company, Coast Artillery.
First Sergt. Franc Lecocq, Eighty-seventh Company, Coast Artillery.
First Sergt. John O'Neil, Seventy-fourth Company, Coast Artillery.
Sergt. Thomas Edward Murtaugh, One hundred and tenth Company, Coast Artillery.

INFANTRY ARM.

Sergt. Gulielmus Villard Heidt, One hundred and eighteenth Company, Coast Artillery.
Private Samuel James Sutherland, Company E, Twenty-second Infantry.
Corpl. Edmund Berkeley Iglehart, Troop I, Thirteenth Cavalry.
Sergt. Emory Sherwood Adams, Company G, Second Infantry.
Corpl. Ralph Willard Drury, Company E, Fourteenth Infantry.
Sergt. John Carlyle Fairfax, Company D, Eleventh Infantry.
Corpl. Fred Charles Miller, Company C, Fourteenth Infantry.
Sergt. Walter Joseph Büttgenbach, Sixtieth Company, Coast Artillery.
Sergt. Charles Leslie Mitchell, Forty-first Company, Coast Artillery.
Battalion Sergt. Maj. Alfred Brandt, Second Battalion, Tenth Infantry.
Sergt. Robert John West, Company D, First Infantry.
Sergt. Seeley Arthur Wallen, Company I, Fifth Infantry.
Corpl. Eugene Chester Ecker, Company A, Fifth Infantry.
Battalion Sergt. Maj. Morton Russell, Third Battalion, Sixteenth Infantry.
Corpl. Odiorne Hawks Sampson, Company C, Twelfth Infantry.
Hosp. Steward Charles Gates Sturtevant, United States Army.
Corporal Albert Hardman, One hundred and fifteenth Company, Coast Artillery.
Private John Sanborn Hamilton, Company E, Fourteenth Infantry.
Sergeant Win Fernleigh Kutz, Company G, Fifth Infantry.
Sergeant William Edger Holliday, Thirty-fifth Company, Coast Artillery.
Sergeant Frank Blair Kobes, Company E, Tenth Infantry.
Sergeant Norman Harry Davis, Troop C, Eighth Cavalry.
Private Jesse Morton Holmes, Company G, Second Infantry.
Sergeant Maynard Ames Wells, Forty-seventh Company, Coast Artillery.
Sergeant James Andrew Roane, Company K, Seventeenth Infantry.
Sergeant Joseph Hines Hall, Eighteenth Battery, Field Artillery.
Sergeant Hans Oscar Olson, Troop C, Eighth Cavalry.
Corporal Charles Augustine Thuis, Fifty-first Company, Coast Artillery.
Corporal Claremont Aymar Donaldson, Company B, Twenty-ninth Infantry.
Sergeant Franklin Thomas Burt, One hundred and eighteenth Company, Coast Artillery.
Private Rutherford Scott Hartz, Fourth Battery, Field Artillery.

To be second lieutenants.

CAVALRY ARM.

Harold B. Johnson, of Illinois, late corporal, Troop A, First Cavalry, August 14, 1902.

ARTILLERY CORPS.

Malcolm Peters Andruss, of New York, October 16, 1902.

INFANTRY ARM.

Deshler Whiting, of New York, late private, Company G, Sixty-fifth New York Volunteers, and corporal, Company M, Forty-second Infantry, United States Volunteers, September 23, 1902.
George Audley Derbyshire, of Virginia, late first lieutenant, Porto Rico Provisional Regiment of Infantry, October 28, 1902.
Townsend Whelen, of Pennsylvania, late second lieutenant, First Pennsylvania Volunteers, October 28, 1902.
John Riordan Doyle, of Pennsylvania, October 28, 1902.
Charles S. Hamilton, at large, late sergeant, One hundred and eighteenth Company, Coast Artillery, October 28, 1902.
Oscar Kemp Tolley, of Maryland, October 28, 1902.
Robert Patten Updike, of Minnesota, October 28, 1902.
Jennings Cropper Wise, of New York, October 28, 1902.
David Roy Gump, of Missouri, late corporal, Artillery Corps October 28, 1902.
Joseph Fulton Ware, of Virginia, October 28, 1902.
Harry Lightfoot Jordan, of Virginia, October 28, 1902.
Dean Halford, of New York, October 28, 1902.
Ralph Willcox Kingman, at large, October 28, 1902.
Donald Davie Hay, of Pennsylvania, October 28, 1902.
Philip Graeme Wrightson, of Illinois, October 28, 1902.
George Watkins Ewell, of Kentucky, October 28, 1902.
Bowers Davis, at large, October 28, 1902.
Henry Wyatt Fleet, of Indiana, October 28, 1902.
Francis Henry Burr, of Vermont, October 28, 1902.
John Chowning Ashburn, of Ohio, October 28, 1902.
Robert Truman Phinney, of Vermont, October 28, 1902.
Charles E. T. Lull, of New Jersey, October 28, 1902.
Hugh Marsh Kelly, of Kentucky, October 28, 1902.
John Wesley Hyatt, of Virginia, October 28, 1902.
Horatio Knight Bradford, of the District of Columbia, October 28, 1902.
Charles Haynes Mason, of Minnesota, November 3, 1902.
Second Lieut. John V. Spring, jr., from the Artillery Corps to the Cavalry Arm, with rank from October 18, 1902.

INFANTRY ARM.

Nicholas W. Campagnoli, of New Mexico, to be second lieutenant, December 2, 1902.
John Gordon Macomb, at large, to be second lieutenant, December 5, 1902.
Lewis Worthington Moseley, at large, to be second lieutenant, December 27, 1902.

Medical Department.

Robert Lewis Richards, of California, contract surgeon, United States Army, to be assistant surgeon with the rank of first lieutenant, January 22, 1903.

Judge-Advocate-General's Department.

First Lieut. Henry M. Morrow, Ninth Cavalry, to be judge-advocate, with the rank of major, January 27, 1903.

Infantry Arm.

Maj. William B. Wheeler, Eighteenth Infantry, to be lieutenant-colonel, February 4, 1903.
Capt. Henry Kirby, Tenth Infantry, to be major, February 4, 1903.

To be brigadier-generals.

Col. Joseph P. Farley, Ordnance Department.
Col. Morris C. Foote, Twenty-eighth Infantry.
Lieut. Col. George W. Baird, deputy paymaster-general.
Col. Samuel M. Mansfield, Corps of Engineers.
Col. Tully McCrea, Artillery Corps.
Col. Eli L. Huggins, Second Cavalry.
Col. Greenleaf A. Goodale, Seventeenth Infantry.
Col. John V. Furey, assistant quartermaster-general.
Col. Francis Moore, Eleventh Cavalry.

Infantry Arm.

Lieut. Col. Henry H. Adams, Eighteenth Infantry, to be colonel, February 10, 1903.
Maj. Walter S. Scott, Twenty-seventh Infantry, to be lieutenant-colonel, February 10, 1903.
Capt. Edgar W. Howe, Twenty-second Infantry, to be major, February 10, 1903.
First Lieut. Edgar Ridenour, Sixteenth Infantry, to be captain, February 4, 1903.

POSTMASTERS.

CONNECTICUT.

Courtland C. Potter, to be postmaster at Mystic, in the county of New London and State of Connecticut.
Nathaniel P. Noyes, to be postmaster at Stonington, in the county of New London and State of Connecticut.
William B. Bristol, to be postmaster at Stratford, in the county of Fairfield and State of Connecticut.
Charles H. Dimmick, to be postmaster at Willimantic, in the county of Windham and State of Connecticut.

MAINE.

George H. Roberts, to be postmaster at Springvale, in the county of York and State of Maine.

MASSACHUSETTS.

Martin A. Minchin, to be postmaster at Braintree, in the county of Norfolk and State of Massachusetts.
H. D. Hunt, to be postmaster at North Attleboro, in the county of Bristol and State of Massachusetts.
Harley Prentiss, to be postmaster at Reading, in the county of Middlesex and State of Massachusetts.

Frank E. Briggs, to be postmaster at Turners Falls, in the county of Franklin and State of Massachusetts.

Stanley B. Dearborn, to be postmaster at Wakefield, in the county of Middlesex and State of Massachusetts.

NEBRASKA.

B. W. McLucas, to be postmaster at Fairbury, in the county of Jefferson and State of Nebraska.

PENNSYLVANIA.

Ada U. Ashcom, to be postmaster at Ligonier, in the county of Westmoreland and State of Pennsylvania.

William W. D. Yerkes, to be postmaster at Ogontz, in the county of Montgomery and State of Pennsylvania.

Harold C. Carpenter, to be postmaster at Troy, in the county of Bradford and State of Pennsylvania.

William W. Scott, to be postmaster at Sewickley, in the county of Allegheny and State of Pennsylvania.

TEXAS.

Joseph M. Gurley, to be postmaster at Greenville, in the county of Hunt and State of Texas.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February 13, 1903.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

AMERICAN REGISTER TO STEAMSHIP BEAUMONT.

Mr. LITTLEFIELD. Mr. Speaker, I ask leave until Monday to file minority views upon the bill (H. R. 16734) granting an American register to the foreign-built steamship *Beaumont.*

The SPEAKER. Is there objection to the request of the gentleman from Maine [Mr. LITTLEFIELD]? The Chair hears none, and leave is granted.

REGULATION OF INTERSTATE AND FOREIGN COMMERCE.

Mr. DALZELL. I submit a privileged report, which I send to the desk, from the Committee on Rules.

The report was read, as follows:

The Committee on Rules, to whom was referred the resolution providing for consideration of the bill S. 7053, have had the same under consideration, and herewith report the following in lieu thereof:

Resolved, That immediately upon the adoption of this resolution the House shall proceed to debate for a period not exceeding one hour the bill (S. 7053) to further regulate commerce with foreign nations and among the States, with the amendments thereto recommended by the Committee on Interstate and Foreign Commerce, as set forth in their report (No. 3765) on the said bill; and at the end of the debate a vote shall be taken on the said amendments and on the bill to its final passage, without intervening motion.

Mr. DALZELL. I ask for the previous question on the adoption of this resolution.

The previous question was ordered.

The SPEAKER. The gentleman from Pennsylvania [Mr. DALZELL] is recognized for twenty minutes.

Mr. DALZELL. Mr. Speaker, I do not propose at this time to occupy the attention of the House at any length. The House is familiar with the provisions of the bill known as the Elkins bill—a bill which originated in the Senate, which passed that body, and has been favorably reported, with several amendments, by the Committee on Interstate and Foreign Commerce of this House. The purpose of this rule is to bring before the House for immediate consideration that bill, with the amendments recommended by the committee.

Inasmuch as this is merely one phase of the antitrust legislation that has been so thoroughly debated, it was not thought advisable or necessary that there should be any protracted debate at this late day of the session, and therefore the limit of debate has been fixed at one hour, at the end of which time a vote is to be taken upon the amendments recommended by the committee and upon the passage of the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. RICHARDSON of Tennessee. Mr. Speaker, by the presentation of this rule the House is brought to the question whether the rule shall be adopted without protest, that is, whether we shall consent that this rule shall pass without objection. It ties the hands of every member so that we can not offer any kind of amendment to modify or add to the bill in any shape or fashion. I do not believe that we ought to be confronted with such a rule at this time. The effect of the rule will be to bring us, after one hour's debate, to a vote upon the bill presented by the committee, with such amendments as that committee, or a majority of the committee, shall offer, without any opportunity to offer other amendments.

Now, I assert that there is no such emergency in this House as to require a rule of this kind. I take it that we shall all vote for this bill. For myself, at any rate, I am prepared to say that I shall vote for it. But, while that is true, I do not think there ought to be denied to us the right to propose amendments in order to make the bill more effectual for the suppression of the great evil in this country that we are all crying out against.

Mr. Speaker, I do not know that we can vote down this rule; but if we could vote it down, we might so amend it as to permit a fair consideration of the measure, with the privilege to members on both sides of the Chamber to offer such amendments as they may deem necessary, and which are shown to be necessary by the conditions existing in the country.

Mr. Speaker, I shall ask this side of the House to join with me in the effort to vote down the rule in order that we may amend the bill—in order that amendments may be permitted to be offered. As I have said, we can not have that opportunity under the rule as now framed, which absolutely prevents anyone from offering a motion to recommit the measure in order that there may be tendered from this side of the House, or from the other side, a better bill than the one now pending.

For these reasons, I think the rule should be voted down. I yield ten minutes of my time to my colleague on the Committee, the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, I agree with what my colleague, the gentleman from Tennessee [Mr. RICHARDSON], has said in reference to his position on this bill and the rule provided for its consideration. I am in favor of the Elkins bill. That bill provides for the punishment of railroad or other transportation companies that give rebates to certain corporations. I believe that the granting of such rebates by our great transportation companies is one means of fostering the trusts, and therefore I favor the Elkins bill as far as it goes, but it does not go far enough.

Mr. COCHRAN rose.

The SPEAKER. Does the gentleman from Alabama [Mr. UNDERWOOD] yield to the gentleman from Missouri [Mr. COCHRAN]?

Mr. UNDERWOOD. If the gentleman wishes to ask a question, I will yield.

Mr. COCHRAN. This bill, among other things, provides that imprisonment, wherever now prescribed as part of the penalty for violation of the existing laws on this subject, shall be abolished. Now, I want to inquire of the gentleman whether he approves of that feature of the bill?

Mr. UNDERWOOD. I do not.

Mr. COCHRAN. That, in my judgment, is the salient and the all-important feature of the measure.

Mr. UNDERWOOD. It is of course an important feature, and that is the reason I am opposed to this rule. But I believe that the bill as a whole is better than no bill at all. I believe it will to some extent benefit the people of this country if this Elkins bill should be passed. But I say that the bill not only does not go far enough, but that the amendments offered to the bill in this House weaken its effect, and the result is that as it comes before the House it is not as good a bill as when it came from the Senate. But we are helpless. The ingenuity of man could not conceive a more drastic rule than the one that is presented to this House to-day. It is impossible for us as individual members on the floor of this House, or for this side of the House as a party, to offer an amendment, to offer a motion to recommit, or to change a word or a syllable of this bill. If this rule is adopted, we are required to accept this bill as it is handed to us by the Republican members of the Interstate and Foreign Commerce Committee or vote it down entirely.

Now, I say that we should endeavor to attempt to defeat the rule, but if we fail in that regard, if we are unable to defeat this rule, if we are forced to vote for this bill as it is in order to advance this legislation, then I say it is wise for us to accept what we can get, and for this reason: We are not charged with the responsibility of legislation on this question before the country. The Republican party and the Republican members of the Interstate and Foreign Commerce Committee in this instance bear that responsibility. Not only that, they have said to the country, by bringing in this rule and adopting it, if they do, that they absolve us not only of any duty or any responsibility in this matter, but absolve us of any ability to help ourselves or help the country. They come here and tie our hands, shackle us, and then say that this is all the legislation they will give. Now, under those circumstances they bearing the responsibility, they bringing in these rules in reference to trust legislation, where we can not offer as amendments or through a motion to recommit propositions that we believe would be of benefit to the country in wiping out the trusts and benefiting the people, I say, then, let the responsibility rest with them.

Let them go to the country, and if the legislation which they propose at this session of Congress, if the legislation which they pass through this House, is not effective in bringing about the results that the people of the United States demand then they can not charge any responsibility for its failure to this side of the

Chamber. They have prevented us from offering any relief; they have taken the entire responsibility, and when they go before the people in the next Presidential election they can not say that we have hampered them in their legislation. We have taken the position that they should have free hands to work. We agree with what the Republican party says ought to be done. Their President and their committees on the floor of this House say that the great trusts of this country should be regulated. We agree to that proposition. You say you know how to regulate them. We say your remedy is not effective, but knowing that your remedy is not effective, and yet believing that it may aid to some extent in the attempt to regulate the trusts, we are willing to give you free hands, and never by our votes or our actions have we hampered your legislation in this matter. If you fail, the failure must be charged to you and to you alone. If you succeed, then we have endeavored to help you toward success. But if this does not produce the effect that you say it will produce by the time of the next Presidential election, then you must take the entire responsibility before the country of that failure, knowing that you have stood here with absolutely free hands to enact any legislation that you might see fit.

Now, you come here with a bill to-day and you propose to regulate the trusts by not allowing the great transportation companies of the country to grant them rebates. So far, so good. Why do you not want them to grant rebates to the trusts? Because you say by that means they have built up and fostered the trusts of this country. Why not go a step further? It is well known to you that many of the great trusts of this country are fed on the protective tariff rates, that many of the great trusts of this country sell their goods in foreign countries for less than they receive at home for the same goods. Many of the great trusts of this country would not exist to-day if it had not been for the tariff law, which protects them against foreign competition and turns thousands of dollars into their treasuries.

Now, if you are willing to regulate the trusts, to diminish their profit, to give some chance to the toiling masses of the people of this country by not allowing these trusts to receive rebates from the great transportation companies of the country, why are you not willing to allow us to offer an amendment or amendments to this bill by which we could cut off the tariff duties that are placed on trust-made goods? Is it because your constituencies do not want it? If I read the history of the times correctly, it seems to me that at a not far distant day in the past I have heard a clamor from the constituencies on that side of the House as well as on this side of the House, to cut down the tariff rates that to-day protect the great trusts of the United States. Why are you not willing to do so? Why do you force us here to a vote on this bill without an opportunity to offer such an amendment to the country, if you earnestly desire to regulate the trusts and prevent the great amassing of capital in their treasury? It would be only necessary to allow a simple amendment. If it is proper to take from their earnings by cutting off their rebates, why is it not just as proper to take from their earnings by requiring them to sell to the citizens of the United States their products at the same price and at the same rate they sell them to foreign citizens and countries beyond the sea?

Mr. Speaker, I yield back the balance of my time.

Mr. RICHARDSNN of Tennessee. Mr. Speaker, how much time did the gentleman from Alabama consume?

The SPEAKER. The gentleman from Alabama consumed the ten minutes which were granted to him. The gentleman from Tennessee has seven minutes remaining.

Mr. DALZELL. Mr. Speaker, I yield three minutes to the gentleman from Iowa [Mr. HULL].

Mr. HULL. Mr. Speaker, the discussion of the rule by the gentleman from Alabama [Mr. UNDERWOOD] is to my mind the best indication I have ever heard of the wisdom of the Committee on Rules in bringing it in. What the country wants now is legislation on the lines of this bill.

No one claims that this legislation is going to be perfect; but it is a step in the direction of the regulation of these great corporations, a step that the country expects the Congress to take and that the Congress is ready to take. The discussion of the tariff, Mr. Speaker, that is suggested by the gentleman from Alabama [Mr. UNDERWOOD] has been had on other measures and is certainly not necessary at this time. We are in the closing hours of the session. We have on this side the responsibility of legislation, and I am glad, for one, that the Committee on Rules has brought in a rule that will enable this House to vote at once on a measure which has been before the members for weeks, which has passed one body, which has been considered by one of the strongest committees of the House and is presented to us in such manner that the House, in my judgment, should take it as presented by the committee and close at least this step in the discussion of the regulation of these great corporations. Let us do something and not merely talk about it.

Mr. LITTLEFIELD. Mr. Speaker, will the gentleman yield a moment to me?

Mr. DALZELL. Are you going to speak for the rule or against it?

Mr. LITTLEFIELD. I am going to make an inquiry of the committee in reference to a suggested amendment to this bill.

Mr. DALZELL. I can not yield to the gentleman for that purpose. I trust the gentleman on the other side will use the balance of his time now.

Mr. RICHARDSON of Tennessee. Does the gentleman propose to close the debate in one speech?

Mr. DALZELL. I propose to say a few words only and leave to my colleague on the committee the closing of the debate.

Mr. RICHARDSON of Tennessee. If the gentleman is going to have two speeches, he ought to use a little more of his time now.

Mr. DALZELL. How much time have I, Mr. Speaker?

The SPEAKER. The gentleman from Pennsylvania has sixteen minutes remaining.

Mr. DALZELL. I yield to the gentleman from Illinois [Mr. CANNON] five minutes, or as much as he desires.

Mr. CANNON. Mr. Speaker, I do not want five minutes. I think I can say all I desire in two.

This is the 13th day of February. This Congress expires on the 4th of March. The supply bills substantially have not been enacted. Some of them, and the most difficult, are not yet through the House. The Republican party is in power in the House and the Senate. The House, the large body, the popular body, does business when a majority of its members so desire. I do not speak in criticism of what takes place in another place, but it is legitimate for me to say that the business of another body is done by unanimous consent. There is a public sentiment in the country, and in my judgment a just and wise public sentiment, that desires legislation upon certain matters. This bill, with the amendments upon which this rule will operate, is one of them.

In my own judgment, if legislation can be enacted and enforced by apt provision, accompanied by apt appropriation, that will dissolve a real or alleged, and in my judgment a real, copartnership in many instances between the great shippers and the common carriers, so that each citizen engaged in interstate commerce, letting the unit rest upon the carload, can get the same rates that a man does who is a larger shipper, I believe that would be the great thing to do, and if that legislation is had and can be enforced, I believe it will be more powerful to solve the abuses of which we complain, and of which the country complains, than any other. [Applause on the Republican side.]

This bill goes a long way, as I believe, in that direction. We can get this legislation. In the other body, where it is by unanimous consent, I am not so sure how far we can go. Let us clinch this, and then if we can go further and get something that is desirable we have that opportunity. Take that and render sure what we can get and clinch it, and then move on to further conquests, if something further is desirable. [Applause on the Republican side.]

Mr. LITTLEFIELD. Mr. Speaker, I should like to make an inquiry of the gentleman from Illinois just for a moment.

Mr. CANNON. I have not much time.

The SPEAKER. The gentleman from Illinois has half a minute remaining.

Mr. LITTLEFIELD. Then I should like to inquire of the gentleman from Illinois whether the committee having the bill in charge would agree to unanimous consent, in case the rule is adopted, to strike out the word "willful" in the second line? The bill now provides that "willful" failure upon the part of a common carrier subject to the act to file and publish the tariff of rates and charges, and the "willful" failure to strictly observe, etc.——

Mr. CANNON. I have only half a minute.

Mr. DALZELL. If this is coming out of my time, I object.

The SPEAKER. It is coming out of the half minute of the gentleman from Illinois.

Mr. CANNON. Now, in reply to the gentleman——

Mr. LITTLEFIELD. Let me finish my question, please.

The SPEAKER. The time of the gentleman from Illinois has expired. [Laughter.]

Mr. CANNON. I can not even answer the gentleman's question. My time has expired.

Mr. RICHARDSON of Tennessee. I yield to the gentleman from Maine one minute to continue his inquiry of the gentleman from Illinois.

Mr. LITTLEFIELD. I will continue it, then, in the time of the gentleman from Tennessee, if I can not be allowed to do so in the time of the gentleman from Pennsylvania. I will say the gentleman whose name this bill bears in another body stated that the word "willful" ought to be stricken out of this bill, and ought not to be in it. Now, I want to perfect the bill, if it is

going to pass, and I simply ask the committee if they will, in accordance with the suggestion of the distinguished gentleman, by unanimous consent, strike out the word "willful;" that is, if they fail to do the thing required of them to do by publishing the list of rates and filing them that the Government will not be compelled to show that the failure was "willful."

Mr. CANNON. Well, does my friend desire me to answer the question?

Mr. LITTLEFIELD. Yes.

Mr. CANNON. Now, then, the distinguished Senator the gentleman refers to in another body can voice his views—a very considerable Senator, but I have never heard of him as a great lawyer. I say again——

Mr. RICHARDSON of Tennessee. I did not yield to the gentleman from Illinois. I only yielded a minute.

Mr. CANNON. Well, then, I hope——

Mr. RICHARDSON of Tennessee. I yielded a minute for an answer. [Laughter.]

The SPEAKER. The time of the gentleman has expired.

Mr. DALZELL. I hope the gentleman will use the balance of his time.

Mr. RICHARDSON of Tennessee. I suppose the gentleman has only one speech in closing.

Mr. DALZELL. I want to say a few words, and yield to my colleague on the committee.

Mr. RICHARDSON of Tennessee. I think the rule is that the gentleman ought to conclude in one speech and not two.

The SPEAKER. There is no rule on the subject.

Mr. RICHARDSON of Tennessee. This is the custom.

Mr. DALZELL. I trust the gentleman will not be technical.

Mr. RICHARDSON of Tennessee. I am not technical, but it is not usual to close with two speeches. The gentleman understands that. It is only fair play that he should have the speech in closing, and that ought to be the last.

Mr. DALZELL. I must insist on the gentleman going on. I have the right to conclude after that whether in one speech or in two.

Mr. RICHARDSON of Tennessee. I have six minutes. I yield five minutes to the gentleman from Missouri.

Mr. DE ARMOND. I would like to hope, Mr. Speaker, that there could be found in this House, upon the other side of it, enough of gentlemen, fair minded and sincere, to defeat the adoption of this rule. There is no danger in the world that this measure may fail of consideration. There is no question of consideration at this time; the question is how it should be considered. There is no question about the passage of the measure; the question is whether it should be passed with amendment, if amendment ought to be made, or whether the opportunity for amendment shall be denied. A few days ago this House passed, by unanimous vote, another bill upon the same subject, and the minority of this committee has recommended that some of the provisions of that bill be attached to this bill. Now, why ought there not to be opportunity to do it if the House sees proper to do it? It will not do to say that to amend this bill will be to delay or defeat its passage, because the committee recommend amendments, and presumably they will be adopted. Everybody knows, although we have been informed by the gentleman from Illinois that the 13th day of February is here, that there will be found abundant time in which to do a great many things between this 13th day of February and the 4th day of March, a considerable portion of which ought not to be done.

Now, what good reason is there, if gentlemen desire to deal fairly, frankly, and honestly with this question, to deny all opportunity for amendment?

I will be glad to hear somebody state one. Gentlemen say that the country is demanding legislation; and some of them perhaps might be understood, from what they say, as asserting that the country is demanding this legislation. I deny that; and there is no evidence in the world that it is true. The country is not demanding this legislation. This legislation will bring about no good that the people were promised, and because it is to be no good is the reason why some are urging it. [Applause on the Democratic side.]

What is there in this bill that is calculated to add to the value of the law already on the statute books? The great object of this bill is to repeal remedial legislation. It is not adding to it a particle by its provisions about rebates. The provision against rebates and discriminations is weak and puerile as compared with the provisions of the interstate-commerce law as now existing. The provisions of this bill take away a part of the penalties to be enforced and imposed for the violation of that law—the imprisonment. That is made plain and distinct. There never was a better instance in the world, there will not be one furnished in long years, of the deliberate, premeditated attempt to bunco the people of the country than this effort to pass through with hot haste this bill. Gentlemen know that the bill can not bear consideration in the light, with an opportunity to amend. Gentlemen could not oppose and would not oppose or reject these amendments if they were brought to a vote. It would be a stultification for everyone who voted for these propositions on the bill which passed the House a little while ago; and can you afford to deny this House an opportunity to consider any of them, so that they may be attached to this bill?

Who can doubt the purpose, who can be in error as to the animus of this kind of legislation? It is a mere demagogue's play. I do not use the word from choice. I do not select it to be offensive, but I know of no other that will properly designate or characterize the attempt at stifling legislation instead of legislating. The gentleman from Illinois has suggested that the reputed author of this bill—I say reputed author—is not esteemed as a great lawyer. Yet he is esteemed as great in some other things, and those things are to find their vindication in this process of legislating without consideration. [Applause on the Democratic side.]

Mr. DALZELL. Does that exhaust the time on the other side, Mr. Speaker?

The SPEAKER. The gentleman from Tennessee has one minute remaining.

Mr. DALZELL. How much time have I?

The SPEAKER. The gentleman has eleven minutes.

Mr. DALZELL. I yield three minutes to the gentleman from Indiana [Mr. OVERSTREET].

Mr. OVERSTREET. Mr. Speaker, those members of the House who undertook in a straightforward way to reach some conclusion by way of legislation upon this problem sought to accomplish three things, and when I say three things I mean that all who pursued the study in a careful manner followed that same channel of thought. The first of these propositions was a measure to expedite cases now pending in order that we might have the judgment of the Supreme Court upon some of these problems. That bill has passed and I think it is now a law. The second proposition was some measure of publicity through which great corporations might be compelled to disclose certain methods of doing business, and especially those things upon which rests the valuation of their capital stock. The third proposition was the effort against discriminatory practices in rebates, existing between great shippers and carriers.

The second proposition, that of publicity, has appeared in a bill which passed this body on last Saturday. It also appeared in the bill providing for the department of commerce, different in some respects, but at all events seeking that same line of publication.

The chief and most material part of this bill now under consideration directly affects the discriminatory practice in rebates. That proposition, substantially in the same language in which it appears in this bill, appeared in the bill which passed this body on last Saturday, and appeared also in the bill understood to have been framed by the Attorney-General of the United States. Mr. Speaker, I believe in practical legislation. If we have this same provision substantially in three different bills, now having control of one of them, it is the part of wisdom, in my judgment, to take advantage of this opportunity and pass this measure. I still believe, Mr. Speaker, that the bill we passed last Saturday is the better bill of the two.

That bill we have already passed, and whether it is ignored or favorably considered by the other branch of Congress I do not know. I believe in view of the near approach of the day of adjournment of this Congress and the ability we now have to pass the same provision in this bill we ought not to neglect this opportunity, but to pass the bill with the amendments suggested by the committee which has had it under consideration. [Applause on the Republican side.]

Mr. DALZELL. Will the gentleman from Tennessee use his minute now?

Mr. RICHARDSON of Tennessee. Not if the gentleman from Pennsylvania is to close with two speeches.

The SPEAKER. There is no rule on that subject.

Mr. RICHARDSON of Tennessee. I appeal to the Chair that there has been a universal rule, if not written into the rule, the universal practice, to close with only one speech.

The SPEAKER. Does the gentleman from Tennessee wish to occupy his time?

Mr. RICHARDSON of Tennessee. Not now.

Mr. DALZELL. Is the gentleman to occupy his remaining minute?

Mr. RICHARDSON of Tennessee. I reserve my minute, Mr. Speaker.

The SPEAKER. The gentleman from Pennsylvania has eight minutes remaining.

Mr. DALZELL. Mr. Speaker, inasmuch as I desire my colleague, the gentleman from Ohio, to be heard, I shall not stop longer than to say this. My colleagues on the other side of the House, instead of giving a reason why the rule should not be adopted, have given most conclusive reasons why it should be

adopted. They say, "We are all for the bill; this bill, whether good or bad, is a bill for which we all intend to vote; it ought to be considered and ought to be passed." Now, I call attention to the fact that the House has adopted the previous question on the adoption of this resolution, and, therefore, to vote down this rule would be to set aside altogether the consideration of this bill and make the regular order the consideration of the sundry civil bill. Therefore, if we want this legislation we must pass this rule.

Now another thing. As the gentleman from Indiana has well said, we have already enacted into law two-thirds of the anticipated trust legislation, and that is an abundant reason, a cogent reason, a dominant reason why we should now, when we have it in our power, enact a third proposition and put it on the statute book, whatever may become of the other legislation, and complete the legislation proposed for the control of trusts.

I now yield the balance of my time to the gentleman from Ohio [Mr. GROSVENOR].

Mr. RICHARDSON of Tennessee. Mr. Speaker, in the one minute that I have remaining, all I have to say in answer to the gentleman from Pennsylvania [Mr. DALZELL] is that if we vote down this rule there will be no serious difficulty in the way of having another rule. The gentleman seems to think that if we vote down this rule and do not take up the Senate bill to be acted on in the manner which the rule prescribes, we lose the opportunity to pass the bill. Why, sir, the machinery of the House of Representatives is oiled and ready. The Committee on Rules could have a rule here in two minutes and a half to meet the case. [Applause on the Democratic side.] Our "machinery" is all right; there need be no trouble about having a proper rule. We could have here in less than two minutes and a half a rule by which the bill might come before the House and be properly considered, with proper opportunity for amendment, and be passed in less than an hour. Why, sir, if you will let us offer amendments to the bill, we will willingly give away the hour for debate; in that case we do not want any hour's debate upon it. [Applause on the Democratic side.] I am content now that the gentleman from Ohio [Mr. GROSVENOR] shall proceed.

The SPEAKER. The gentleman from Ohio [Mr. GROSVENOR] is entitled to five minutes.

Mr. GROSVENOR. Mr. Speaker, I regret very much that in the consideration of a matter of so much importance, and one that does not involve legitimately any question of political advantage one way or the other, we should find ourselves constantly impeded in the progress of this legislation by efforts to gain political advantage. Political or personal advantage ought not to be a dominant consideration as affecting the question of supporting this rule. I very much fear, Mr. Speaker, that the effect of the defeat of this rule at this particular time would be to throw into a chaotic condition the whole system of antitrust legislation which has not been already concluded by the action of the Republican party. Though we might permit the other side of the House to write into this bill whatever measures they have suggested, they would vote against the rule reported by a Republican committee; and they would discredit the act while passing through the House, and would proclaim to the country, as the gentleman from Alabama has said, there is nothing in this legislation. Happily for the judgment of the people of this country, the country believes there is much in this legislation. The people of the country are looking to this House and to this hour; and they will not lightly discriminate between the men who want to put their quibbles into a bill of this character in order that they may have something to come out of the result.

It is said, Mr. Speaker, that the language of this bill——

Mr. SHACKLEFORD rose.

The SPEAKER. Does the gentleman from Ohio yield to the gentleman from Missouri?

Mr. GROSVENOR. I have not time to be interrupted.

Mr. Speaker, it is said that the language of this bill is faulty in this—that in the second line of the second page the word "willfully" is embodied. Let me give an illustration of the position which gentlemen are taking upon that question. A railroad company charged with the duty of filing its statement places it, we will suppose, in the mail, thus doing what it can to send it to the various places required by law; but there occurs a railroad accident, a fire, a mob—various things may happen so that this statement does not reach the place intended. Now, in that case, gentlemen on the other side say that the officers of the railroad company, thus failing by no fault of its own to make these returns, shall be subjected to fine and imprisonment because of such failure. I undertake to say—and I stake my reputation as a lawyer on this statement—that the word "willfully" in this connection means "purposely," and would be so construed by every court in the United States; and when you have indicted an individual for having willfully failed and neglected to do a prescribed duty under the law, he ought to have the opportunity to show that the failure was not willful, because of the surrounding circumstances, because of the accident, it might be, that caused the failure.

Now, Mr. Speaker, we have reached a point in this legislation where we must do something or fail to do it. We have here embodied in three acts—the two acts already passed, as stated by the gentleman from Indiana, and the third, the one which I now hold in my hand—the concentrated judgment of the best ability we can bring to bear in the two Houses of Congress. Shall we now open the door? Shall we lay open to a contest between the Senate and the House of Representatives this whole question, and under a proceeding requiring unanimous consent in one branch of Congress give to one man or half a dozen men the opportunity to prevent any of this legislation?

I do not undertake to say whether this legislation is sufficiently drastic or not. I do undertake to say that in passing these three measures we make three great strides toward carrying out the purpose of the people of this country. And I do undertake to say that our duty is very plain here this morning; that the duty laid upon us can not be shifted or turned aside by any question of throwing open the opportunity of amendment upon this bill.

The gentleman from Tennessee [Mr. RICHARDSON] has been, as usual, general in his statement. What amendment does he propose to put upon this bill? He does not tell us.

Mr. RICHARDSON of Tennessee. The Littlefield bill, which we have passed.

Mr. GROSVENOR. The gentleman would put into this bill "the Littlefield bill," and any Tom, Dick, and Harry's bill, in order to stir up any kind of trouble anywhere, if he can only disturb the peace. [Laughter and applause on the Republican side.] I hope we may vote unanimously for this resolution.

The SPEAKER. The time allowed for debate under the previous question has expired. The question is on agreeing to the report of the Committee on Rules.

The question was put.

The SPEAKER. In the opinion of the Chair, the ayes have it.

Mr. RICHARDSON of Tennessee. I call for a division.

The question being again taken, there were—ayes 134, noes 95.

Mr. RICHARDSON of Tennessee. I ask for tellers.

Mr. DALZELL. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 140, nays 110, answered "present" 4, not voting 97; as follows:

YEAS—140.

Adams,	Darragh,	Howell,	Palmer,
Alexander,	Dick,	Hull,	Parker,
Aplin,	Dovener,	Irwin,	Payne,
Ball, Del.	Draper,	Jack,	Pearre,
Barney,	Eddy,	Jenkins,	Powers, Me.
Bartholdt,	Emerson,	Jones, Wash.	Powers, Mass.
Bates,	Esch,	Ketcham,	Reeder,
Bishop,	Evans,	Knapp,	Reeves,
Blackburn,	Fletcher,	Lacey,	Scott,
Blakeney,	Fordney,	Landis,	Shattuc,
Boreing,	Foster, Vt.	Lawrence,	Shelden,
Boutell,	Fowler,	Lessler,	Showalter,
Bowersock,	Gaines, W. Va.	Lewis, Pa.	Sibley,
Brandegee,	Gardner, Mass.	Long,	Skiles,
Brick,	Gardner, N. J.	Loud,	Smith, Ill.
Bromwell,	Gibson,	Loudenslager,	Smith, Henry C.
Brown,	Gill,	McCall,	Southard,
Brownlow,	Gillet, N. Y.	McLachlan,	Sperry,
Burk, Pa.	Gillett, Mass.	Mahon,	Steele,
Burke, S. Dak.	Graff,	Mann,	Stevens, Minn.
Burkett,	Graham,	Marshall,	Stewart, N. J.
Burleigh,	Greene, Mass.	Martin,	Sulloway,
Burton,	Grosvenor,	Mercer,	Sutherland,
Butler, Pa.	Hamilton,	Metcalf,	Tawney,
Calderhead,	Hanbury,	Miller,	Thomas, Iowa
Cannon,	Haskins,	Minor,	Van Voorhis,
Capron,	Haugen,	Mondell,	Wadsworth,
Conner,	Heatwole,	Moody,	Wanger,
Coombs,	Hedge,	Morgan,	Warner,
Cromer,	Hemenway,	Morris,	Warnock,
Crumpacker,	Henry, Conn.	Moss,	Watson,
Currier,	Hepburn,	Needham,	Weeks,
Curtis,	Hill,	Olmsted,	Woods,
Dahle,	Hitt,	Otjen,	Wright,
Dalzell,	Holliday,	Overstreet,	Young.

NAYS—110.

Adamson,	Cassingham,	Griffith,	Lindsay,
Allen, Ky.	Clark,	Griggs,	Little,
Bankhead,	Clayton,	Hay,	Livingston,
Bartlett,	Cochran,	Henry, Tex.	Lloyd,
Bell,	Cooper, Tex.	Hooker,	McAndrews,
Bellamy,	Cowherd,	Howard,	McClellan,
Belmont,	Crowley,	Jackson, Kans.	McCulloch,
Benton,	Davey, La.	Johnson,	McLain,
Billmeyer,	Davis, Fla.	Kehoe,	McRae,
Bowie,	De Armond,	Kern,	Maddox,
Brantley,	Dinsmore,	Kitchin, Claude	Maynard,
Breazeale,	Dougherty,	Kitchin, Wm. W.	Mickey,
Brundidge,	Feely,	Kleberg,	Miers, Ind.
Burgess,	Finley,	Kluttz,	Moon,
Burleson,	Fitzgerald,	Lamb,	Padgett,
Burnett,	Fleming,	Latimer,	Pugsley,
Butler, Mo.	Gaines, Tenn.	Lester,	Randell, Tex.
Caldwell,	Gilbert,	Lever,	Reid,
Candler,	Glass,	Lewis, Ga.	Rhea,

Richardson, Ala.	Scarborough,	Spight,	Underwood,
Richardson, Tenn.	Shackleford,	Stark,	Vandiver,
Rixey,	Sheppard,	Stephens, Tex.	White,
Robb,	Sims,	Sulzer,	Wiley,
Robertson, La.	Slayden,	Swann,	Williams, Ill.
Robinson, Ind.	Small,	Tate,	Williams, Miss.
Rucker,	Smith, Ky.	Thayer,	Zenor.
Russell,	Snodgrass,	Thomas, N. C.	
Ryan,	Snook,	Thompson,	

ANSWERED "PRESENT"—4.

Acheson,	Cooper, Wis.	Fox,	Hopkins.

NOT VOTING—97.

Allen, Me.	Flood,	McCleary,	Shallenberger,
Babcock,	Foerderer,	McDermott,	Sherman,
Ball, Tex.	Foss,	Mahoney,	Smith, Iowa
Beidler,	Foster, Ill.	Meyer, La.	Smith, Samuel W.
Bingham,	Gardner, Mich.	Morrell,	Smith, Wm. Alden
Bristow,	Glenn,	Mudd,	Southwick,
Broussard,	Goldfogle,	Mutchler,	Sparkman,
Bull,	Gooch,	Naphen,	Stewart, N. Y.
Cassel,	Gordon,	Neville,	Storm,
Connell,	Green, Pa.	Nevin,	Swanson,
Conry,	Grow,	Newlands,	Talbert,
Cooney,	Henry, Miss.	Norton,	Tayler, Ohio
Corliss,	Hildebrant,	Patterson, Pa.	Taylor, Ala.
Cousins,	Hughes,	Patterson, Tenn.	Tirrell,
Creamer,	Jackson, Md.	Perkins,	Tompkins, N. Y.
Cushman,	Jett,	Pierce,	Tompkins, Ohio
Davidson,	Jones, Va.	Pou,	Trimble,
Dayton,	Joy,	Prince,	Vreeland,
Deemer,	Kahn,	Ransdell, La.	Wachter,
Douglas,	Knox,	Roberts,	Wheeler,
Driscoll,	Kyle,	Robinson, Nebr.	Wilson,
Dwight,	Lassiter,	Ruppert,	Wooten.
Edwards,	Littauer,	Schirm,	
Elliott.	Littlefield,	Selby,	
Flanagan,	Lovering,	Shafroth,	

So the resolution was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. SHERMAN with Mr. RUPPERT.

Mr. DAYTON with Mr. MEYER of Louisiana.

Mr. DEEMER with Mr. MUTCHLER.

Mr. MORRELL with Mr. GREEN of Pennsylvania.

Until further notice:

Mr. HUGHES with Mr. TRIMBLE.

Mr. MILLER with Mr. EDWARDS.

Mr. PATTERSON of Pennsylvania with Mr. ROBINSON of Nebraska.

Mr. STORM with Mr. RANSDELL of Louisiana.

Mr. WM. ALDEN SMITH with Mr. WHEELER.

Mr. TIRRELL with Mr. CONRY.

Mr. BINGHAM with Mr. ELLIOTT.

Mr. HOPKINS with Mr. SWANSON.

Mr. SOUTHARD with Mr. NORTON.

Mr. ACHESON with Mr. SPARKMAN.

Mr. BEIDLER with Mr. FOX.

Until Wednesday:

Mr. KYLE with Mr. GLENN.

For the day:

Mr. ROBERTS with Mr. SELBY.

Mr. TAYLER of Ohio with Mr. TAYLOR of Alabama.

Mr. SOUTHWICK with Mr. TALBERT.

Mr. SMITH of Iowa with Mr. SHALLENBERGER.

Mr. SCHIRM with Mr. POU.

Mr. PRINCE with Mr. PIERCE.

Mr. MUDD with Mr. PATTERSON of Tennessee.

Mr. LITTAUER with Mr. NAPHEN.

Mr. KAHN with Mr. MAHONEY.

Mr. JOY with Mr. MCDERMOTT.

Mr. FOERDERER with Mr. WOOTEN.

Mr. DRISCOLL with Mr. LASSITER.

Mr. DOUGLAS with Mr. HENRY of Mississippi.

Mr. CUSHMAN with Mr. GOLDFOGLE.

Mr. COUSINS with Mr. CREAMER.

Mr. STEWART of New York with Mr. GORDON.

Mr. BULL with Mr. FLANAGAN.

Mr. BRISTOW with Mr. COONEY.

Mr. WACHTER with Mr. BALL of Texas.

Mr. SAMUEL W. SMITH with Mr. JETT.

Mr. CONNELL with Mr. SHAFROTH.

Mr. BABCOCK with Mr. NEWLANDS.

Mr. CORLISS with Mr. WILSON.

Mr. DWIGHT with Mr. FOSTER of Illinois.

Mr. HILDEBRANT with Mr. BROUSSARD.

Mr. VREELAND with Mr. FLOOD.

Mr. GARDNER of Michigan with Mr. JONES of Virginia.

For the vote:

Mr. MCCLEARY with Mr. NEVILLE.

Mr. DAVIDSON with Mr. GOOCH.

The result of the vote was announced as above recorded.

Mr. HEPBURN. Mr. Speaker, as I understand the rule, one hour is to be devoted to debate.

The SPEAKER. Not exceeding one hour.

Mr. HEPBURN. I ask unanimous consent that that time be equally divided, and controlled by the gentleman from Missouri [Mr. SHACKLEFORD] and by myself.

The SPEAKER. The gentleman can easily arrange that, as he controls the hour.

Mr. HEPBURN. Very well. I will yield, then, to the gentleman from Missouri [Mr. SHACKLEFORD].

The SPEAKER. The Clerk, however, should read the bill, unless the reading is dispensed with.

The Clerk began the reading of the bill.

Mr. SHACKLEFORD. I ask unanimous consent that we waive the reading of the bill.

The SPEAKER. The gentleman asks unanimous consent that the reading of the bill be waived. Is there objection?

There was no objection.

Mr. HEPBURN. I yield thirty minutes to the gentleman from Missouri [Mr. SHACKLEFORD].

The SPEAKER. The gentleman from Missouri is recognized to control thirty minutes of the time.

Mr. SHACKLEFORD. Mr. Speaker, I yield two minutes of that time to my colleague [Mr. COCHRAN].

Mr. COCHRAN. Mr. Speaker, at the outset somebody should state precisely the effect of the proposed legislation upon that already on the statute book, and I desire to enter my protest against the enactment of a law so important, so vitally affecting existing legislation that, in my judgment, it will open wider and wider the meshes through which heretofore the corporations have escaped any punishment whatever under existing laws, with no effect on the part of the gentlemen in charge of it to state precisely how it will affect and change existing statutes.

In my opinion this law exempts the officials of railroad companies entirely from punishment. No matter what may be done by the railroad managers and agents, under this bill only the corporation can be proceeded against. You can not find in it a line under which the managers of a railroad company can be indicted or punished. It reenacts in part existing legislation and, in my opinion, repeals the provisions of the interstate-commerce law imposing penalties on corporation officials. It visits punishment solely upon the corporation, so that henceforth it will be impossible under this law to indict the officer responsible for the illegal acts of the corporation.

In the next place, it makes the persons receiving rebates equally guilty with the corporations conceding them, and we are told that this changes existing law. A mere glance at the interstate-commerce law is sufficient to convince anyone who will take the pains to look at it that this is only a reenactment of a law already on the statute books. So are all the features of this bill that deserve support, but it contains matter that weakens instead of strengthening the laws heretofore enacted. It was intended to have this effect. It is a fraud. It was designed to prevent the punishment of offenses committed by the managers of the corporations.

By far the most objectionable feature of the bill is the repeal of the statute authorizing the imprisonment of violators of the interstate-commerce law. For one, I will not vote for a law the most salient provisions of which aim at relieving the lawless railroad managers from the penalties imposed by existing statutes.

I am astounded that a law so sweeping in its aims should be brought in here by a committee, with nothing in the report recommending its passage to advise the House or the country as to its effect upon existing statutes.

Never has so brazen, so shameless an attempt been made to impose upon the country a measure so reprehensible. It will be swallowed by the majority in the House, not because it is in any sense responsive to the demands of the people for the control of the monopolies, but because the newspapers have said that it has the approval of the White House and is in line with the policy of party leaders who have no desire to interfere seriously with trusts and monopolies, but who thus make a false pretense of obedience to the popular demand for reform legislation.

I desire to direct particular attention to the fact that as the bill passed the Senate it provided that—

> Anything done or omitted by a corporation common carrier subject to the interstate-commerce law, "which if done by any director or officer thereof," * * * "would constitute a misdemeanor" under said act or this act shall be held to be a misdemeanor committed by such corporation,"

and then goes on to provide that the offending corporation so convicted shall be "subject to the penalties provided by the interstate-commerce law or this act in reference to such persons, except such penalties as are herein changed."

The House committee brings in an amendment inserting in line 9 of page 1 of the bill, after the word "shall," the word "also." Thus amended, the bill reads that—

> Anything done or omitted by a corporation common carrier subject to the interstate-commerce law which, if done by any officer or director thereof, * * * would constitute a misdemeanor under said act or under this act shall "also" be held to be a misdemeanor committed by such corporation.

Is there any doubt that but for this House amendment this miserable measure, the aim of which is to cripple existing laws on the subject, would have exempted the officers and agents of the railroads from all the penalties provided by the interstate-commerce law?

Read this provision as it passed the Senate, keeping in view the sweeping repeal of all laws inconsistent with this bill, which forms its last section, and consider it in connection with sections 10, 11, and 12 of the interstate-commerce law, and whatever may be your opinion as to other questions involved you will be forced to the conclusion that it was the intention of its author to relieve the officials and agents of the corporations of the penalties imposed by existing laws for lawlessness in the conduct of the business of common carriers.

Does the insertion of the word "also" in the bill so change it as to thwart this purpose? I do not believe that it does. This bill was intended to exonerate lawlessness from punishment. It certainly repeals the law prescribing fine or imprisonment as the penalty for violation of the interstate-commerce law, and substitutes a fine as the only penalty. This alone is sufficient to condemn it.

[Mr. SHACKLEFORD addressed the committee. See Appendix.]

Mr. SHACKELFORD. I yield the balance of my time to the gentleman from Georgia [Mr. BARTLETT].

Mr. BARTLETT. I yield the time to the gentleman from New York [Mr. SULZER].

Mr. SULZER. Mr. Speaker, observing that the gentleman from Maine [Mr. LITTLEFIELD] is with us this morning—and I am glad he is here, because I want to avail myself of this opportunity to call his attention, and incidentally the notice of the members of this House, to what the gentleman from Maine said last Saturday on the floor of this House when his so-called antitrust bill was pending. On page 1903 of the RECORD the gentleman from Maine, referring to my antitrust bill, which his committee did not report, says:

Now, that being the case, I am going to read a legal proposition on this bill, which has been voted for twice on this floor by every one of our Democratic friends—I take it without reading it. Now, I will read a paragraph of this bill:

"The claim that such testimony or evidence may tend to criminate the person giving such evidence or testimony shall not excuse such person from testifying, but such testimony shall not be used against such person on the trial of any criminal proceeding."

What does that mean?

Mr. SULZER. I will tell the gentleman, if he will yield to me.

Mr. LITTLEFIELD. One moment. That is not even common sense. It is not even common nonsense.

"The 'claim' that testimony would incriminate should not be used against the party testifying."

That provision in the bill simply discloses the fact that the man who drew it did not know how to use language to express a coherent idea. It is a tale told by an idiot, full of sound and fury, signifying nothing. That is all I have to say in reply to the gentleman from New York.

Now, Mr. Speaker, on the same day after the gentleman from Maine had concluded his remarks I replied to him as follows, and I quote from the CONGRESSIONAL RECORD at pages 1903, 1904:

Mr. Chairman, just a few words in reply to the gentleman from Maine. In referring to my antitrust bill, the gentleman from Maine, it appears to me, makes an argument exactly like a trust lawyer. He seems to have changed his mind. I do not think his argument was very sound or very logical, and it even lacked the merit of being original.

But that is to be expected from the gentleman from Maine. He has flopped on the trust question, and we may now and hereafter look for all kinds of vagaries regarding this matter from the once great and only and original trust buster. [Laughter.]

The gentleman has pointed out in my antitrust bill only one defect, and that defect is in this provision: "The claim that such testimony or evidence may tend to criminate the person giving such evidence or testimony shall not excuse such person from testifying, but such testimony shall not be used against such person on the trial of any criminal proceeding." The gentleman claims, as I understand him, that that provision is unconstitutional.

I know the gentleman is learned in the law, but with all due respect I take issue with him on that point. As a matter of fact, that provision is taken verbatim from law now on the statute book and it has been held constitutional. It has been held over and over again that where a witness gives testimony incriminating himself as well as others, by the way of information or confession, that the district attorney representing the Government can extend the witness immunity. In many States the law does it. That is exactly what this provision does; so there is nothing to that objection.

At that time, sir, it seemed to me that the gentleman from Maine was as precipitous as he was severe; but I overlooked it because I knew how excited the gentleman was and the great load, the tremendous responsibility, he was staggering under in trying to pass his own bill—a bill that would do the trusts about as much harm as the great volume of words he hurled at this side of the House.

Well, Mr. Speaker, we have before us now another so-called antitrust bill, namely, Senate bill No. 7053, entitled "An act to further regulate commerce with foreign nations and among the States."

This bill unanimously passed the Senate on the 3d day of February, 1903. On the 4th day of February, 1903, it was referred to the Committee on Interstate and Foreign Commerce of this House, and favorably reported yesterday, and is now before us for discussion only—remember I say for discussion only, because under the rule just adopted by the Republican majority this side of the House is prohibited from amending the bill in the slightest particular.

Now, sir, I will call the attention of the House, especially the attention of my friend from Maine, to page 6, line 6, of this bill now before us, which reads as follows:

The claim that such testimony or evidence may tend to criminate the person giving such evidence shall not excuse such person from testifying or such corporation producing its books and papers, but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may testify or produce evidence, documentary or otherwise, in such proceeding.

That provision, as anyone can see, is almost word for word the same as the provision in my antitrust bill. [Laughter.] Now, the gentleman from Maine called that provision unconstitutional. He even went further and said that it was not "common sense;" that it was not even "common nonsense;" and, continuing, said in conclusion that it was the "tale of an idiot, full of sound and fury, signifying nothing." I wish at this time to make the comparison; but, then, Thackeray once said "Comparisons are odious," and perhaps I have said all I should say when I call the attention of the gentleman from Maine and of the members of this House to the provision contained in this bill now under consideration and in my bill and show that the language of both is the same, word for word. [Applause and laughter on the Democratic side.]

Mr. MANN. Mr. Speaker, I think that reflects great credit on the Senate.

Mr. SULZER. And the gentleman might add on myself, but I am modest in the matter. However, in this connection I will now read from the CONGRESSIONAL RECORD, at page 1902, what I said last Saturday in further answer to my friend from Maine:

And, Mr. Chairman, I am glad to stand up here and say that the gentleman from Maine, my friend, the erstwhile trust buster, did put into his bill some of the provisions of my bill, but they were the mild provisions of my bill which amount to little. [Laughter.] The gentleman from Maine studiously left out of this bill everything in my bill which would do something, which would amount to something, which would check the trust evil and more effectually curb the potential power and the autocratic sway of the trusts.

Now, another thing—and this is a good time to say it again, and I want to repeat it every chance I get, on behalf of my Democratic colleagues—that when the department of commerce bill was pending in this House I offered my antitrust bill as an amendment to one of the sections of that department of commerce bill, and every Democrat in this House voted for it, and every Republican in this House, including the great, the only, and the original trust buster, my good friend from Maine, voted against it. [Applause and laughter on the Democratic side.] I have noticed, however, that since the department of commerce bill has been pending in the Senate a farseeing and sagacious Senator contemplates amending that bill by incorporating in it an antitrust provision very similiar to mine.

I hope the Senator will do so. He can have my antitrust bill in toto; and I believe it is the best bill ever introduced in this House to establish "publicity" regarding the trusts. I have no personal vanity in this matter. I am only a humble servant of the people, with mediocre ability; and being in the minority, I can not hope to do more than construct legislation. I can only prepare good bills; I can not pass them. Only Republicans can make laws nowadays. But I care not for the glory; all I want is to secure results for the people. [Laughter.]

So much for the facts, Mr. Speaker, by way of comparison, and the record will speak for itself. I know the gentleman from Maine does not relish it, but hereafter he should, in the words of Davy Crockett, "be sure he is right before he goes ahead."

What, sir, will the gentleman from Maine do now? Will he vote for this bill containing this, as he calls it, unconstitutional provision; that, as he says, is not "even common sense;" that, as he terms it, "is the tale of an idiot, full of sound and fury, signifying nothing," or will he vote against it, or will he run away from it, as he did on another bill the other day? What does the gentleman from Maine think about it all now? Does he still think it is "nonsense" and "unconstitutional?" Does he still say it is "a tale of an idiot?"

Let him answer, and let me say to him that he is not the only great lawyer in Congress. There are others. This bill passed the Senate unanimously. Does the gentleman from Maine want us to believe there are no lawyers in the Senate? It was reported unanimously from the Senate Committee on Commerce. Does the gentleman from Maine want us to believe the distinguished Senators on that committee can not tell the difference between a well-settled provision of law and the "tale of an idiot?" Now, who are the Senators on the Senate Committee on Commerce? Here they are. I will read them:

William P. Frye, of Maine.	John P. Jones, of Nevada.
Stephen B. Elkins, of West Virginia.	George C. Perkins, of California.
Knute Nelson, of Minnesota.	George G. Vest, of Missouri.
Jacob H. Gallinger, of New Hampshire.	James H. Berry, of Arkansas.
Boies Penrose, of Pennsylvania.	George Turner, of Washington.
Marcus A. Hanna, of Ohio.	Thomas S. Martin, of Virginia.
William E. Mason, of Illinois.	Alexander S. Clay, of Georgia.
Chauncey M. Depew, of New York.	Stephen R. Mallory, of Florida.

A great committee—a great list of names—including some very great lawyers, with all due respect to the gentleman from Maine and his childish expression of a hasty opinion to the contrary notwithstanding.

Yes, Mr. Speaker, the gentleman from Maine may know it all, but I am inclined to think he is in error in regard to this proposition of law. As he said, a law student should know better. I am sorry for him. I sympathize with him. I regret to see him in his present predicament. But to go on. After the bill passed the Senate and came to this House the Speaker referred it to the Committee on Interstate and Foreign Commerce, and that committee passed on it and reported it favorably with this same provision in it. Let me read the names of this House committee. They are:

William P. Hepburn, of Iowa.
Loren Fletcher, of Minnesota.
James S. Sherman, of New York.
Irving P. Wanger, of Pennsylvania.
Charles F. Joy, of Missouri.
John B. Corliss, of Michigan.
James F. Stewart, of New Jersey.
James R. Mann, of Illinois.
William C. Lovering, of Massachusetts.
Frank L. Coombs, of California.
Emmett Tompkins, of Ohio.
Robert C. Davey, of Louisiana.
William C. Adamson, of Georgia.
Robert W. Davis, of Florida.
Dorsey W. Shackleford, of Missouri.
William H. Ryan, of New York.
William Richardson, of Alabama.

Some great names there, names of able lawyers. Will the gentleman from Maine deny it? No; I think not. The trouble with the gentleman from Maine in this matter is that he is so absorbed with his own bill that he can see no good in any other bill.

The gentleman should be broader and more liberal and more charitable. Of course, we all know he is great—very great, and continually contemplates on it—but there are just a few others, and there were a few here before he came to Congress, and they are still with us. The gentleman from Maine should give credit to whom credit is due. His bill is not the only pebble on the beach. In fact, some good lawyers in Congress do not think it is constitutional, and some eminent antitrust people think it is not an antitrust bill, but, on the contrary, a good bill for the trusts. I spoke briefly about the bill when it was before this House. The opinion I then expressed has since been confirmed. Let me read from the New York World of the 11th instant, as follows:

Representative LITTLEFIELD, of Maine, the author of the antitrust bill which passed the House last Saturday, went to the White House to-day. He asked the President to use his influence in securing the passage of the Littlefield bill by the Senate.

The President refused to do so. He told Mr. LITTLEFIELD that his antitrust bill was of no particular value; was unconstitutional, and was entirely too drastic, and that he would not indorse it.

Mr. LITTLEFIELD was greatly surprised, and left the White House in no good humor. He went to the Capitol and undertook to organize a revolt among the Republicans against the adoption of the conference report on the Department of Commerce bill, which would include the Nelson publicity amendment. He had the promises of several Republicans, but when the report came up to-day and Mr. HEPBURN demanded a record vote, all the Republicans weakened.

Now, that is too bad. Think of the President—who ought to know—telling the gentleman from Maine his bill was unconstitutional! I sympathize with the gentleman. It is really pitiable. But let me read from the New York American—a great antitrust newspaper—from the issue of February 11, 1903:

The Judiciary Committee of the Senate will in a few days proclaim to the country that the Littlefield bill is unconstitutional!

My, my, just think of that! And now let me read an extract from an editorial in the Philadelphia Inquirer of yesterday, as follows:

The Littlefield bill, which is now before the Senate, will fall by the wayside; but that measure is long and complicated.

Long and complicated, indeed! If it is, then it must be like some of the logic of the gentleman whose name it fictitiously bears. But now, to cap the climax of the humiliation of my friend, let me read some resolutions adopted at a largely attended meeting of the American Antitrust League in this city on the 11th day of February, 1903. The resolutions are as follows:

Whereas there are now pending in Congress certain bills which purport to be antitrust bills, alleged to be for the purpose of regulating and controlling the so-called trusts; and

Whereas after a careful examination of these pending bills to regulate trusts we are forced to the conclusion that the so-called Littlefield bill, H. R. No. 17, is a most vicious bill in that it proposes amendments to the existing antitrust law which will emasculate the criminal clauses of the antitrust act of 1890, and thus enable the trusts to escape just punishment for their offenses; and

Whereas the so-called Elkins bill (S. 7053) is clearly intended to still further weaken the effectiveness of the antitrust act of 1890, in that it abolishes the imprisonment penalties and tends to prevent the securing of evidence by making the giver and receiver of rebates equally guilty; and

Whereas the Sulzer bill (H. R. 15927) is a measure which proposes practical steps for a better enforcement of the law against trusts: Therefore

Resolved, That we denounce the Littlefield bill (H. R. 17) and the Elkins bill (S. 7053) as not being antitrust bills, but really protrust bills, intended solely to enable the trusts to escape just punishment for their offenses; and be it further

Resolved, That we indorse the Sulzer bill (H. R. 15927) as the best measure proposed for publicity as to the workings of the trusts, which, if enacted into law and properly enforced, would lead to the destruction of the most oppressive trusts in the country.

H. B. MARTIN, *Chairman*,
WM. L. DEWART, *Secretary*,
Joint Committee American Antitrust League and D. A. 66, K. of L.

Mr. Speaker, these resolutions speak for themselves. I need say no more. But in justice to myself and in behalf of the antitrust bill I introduced I want to have the RECORD tell its story, and——

Mr. HEPBURN. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. SULZER. I only have a few minutes left. If the gentleman will give me some of his time I will be glad to answer his questions. I ask the gentleman if he will give me some of his time?

Mr. HEPBURN. No.

Mr. SULZER. Then I decline to yield.

Mr. HEPBURN. I want to ask the gentleman a question.

Mr. SULZER. Do it in your own time. I decline now to yield. I started out to call the attention of this House and the country to the sad and sorrowful spectacle the gentleman from Maine has made of himself. He said that I had put all the Democrats on record on two different occasions in favor of this "tale of an idiot, full of sound and fury, signifying nothing." Now, let us see what he and his colleagues will do about it.

The gentleman from Iowa [Mr. HEPBURN], who is a great lawyer, keeps the language I referred to in this bill now before us and asks all the Republicans, including the gentleman from Maine, to vote for it, and is going to put every Republican in this House, as the Senator from West Virginia [Mr. ELKINS] put every Senator in the Senate, on record in favor of this "tale of an idiot, full of sound and fury, signifying nothing." [Laughter and applause on the Democratic side.]

[Here the hammer fell.]

Mr. SULZER. Mr. Speaker, one word more. Let the gentleman from Iowa explain that to the gentleman from Maine, and I am content, and the next time the gentleman from Maine will know more law.

The SPEAKER. The time of the gentleman has expired.

Mr. HEPBURN. Mr. Speaker, I have no disposition to enter into any dispute with the gentleman from Maine as to the choice of language he may have made in characterizing the gentleman from New York. [Laughter.] I would not have used that language in reference to him myself, but——

Mr. SULZER. The gentleman is too good a lawyer.

Mr. HEPBURN. Since the gentleman from Maine has seen fit deliberately to do so, I will allow those two gentlemen to continue the contest to their contentment.

Mr. SULZER. Let me ask the gentleman a question as to whether he agrees——

The SPEAKER. Does the gentleman yield to the gentleman from New York?

Mr. HEPBURN. Oh, yes; I will yield.

Mr. SULZER. The gentleman has lots of time. He has thirty minutes.

Mr. HEPBURN. Do not talk about it, but let the gentleman ask his question.

Mr. SULZER. Very well; I want to know, regarding this language taken from my bill and put into the Senate bill, and now before this House, whether the gentleman agrees that that provision is what the gentleman from Maine characterized it, as a "tale of an idiot, full of sound and fury, signifying nothing."

Mr. HEPBURN. Well, Mr. Speaker, I do not know in the first place if the gentleman did use that language in regard to this language.

Mr. SULZER. He did, and it is——

The SPEAKER. The gentleman from New York will be in order.

Mr. HEPBURN. I know this, that the gentleman's claim for authorship is not very well founded, because of the fact that that language is the law now.

Mr. SULZER. That is what I said the other day in reply to the gentleman from Maine.

Mr. HEPBURN. And this language has been the law for years, and he is pluming himself upon having discovered the exact phraseology that will make the octopus responsible. That language is in the law and it has been for years.

Mr. SULZER. Will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. HEPBURN. I decline to yield.

Mr. SULZER. Just for a minute?

Mr. HEPBURN. No.

The SPEAKER. The gentleman declines to further yield.

Mr. SULZER. I want to call his attention to the fact that I said the other day just what he says now in regard to this matter. We agree, but we differ from the gentleman from Maine.

The SPEAKER. The gentleman is out of order.

Mr. HEPBURN. Mr. Speaker, I am prepared to believe that the gentlemen on that side of the House will vote for any proposition. You intend to vote for this bill. You have denounced it in the bitterest terms. Every one of you will vote for it. You denounced the bill that the honorable gentleman from Maine [Mr. LITTLEFIELD] introduced and that bears his name. Every one of you voted for it. You would do it again, if it came up.

You vote for anything. Why, that side of the House the other day voted——

Mr. SULZER. Will the gentleman yield?

The SPEAKER. The gentleman has declined to yield.

Mr. HEPBURN. I have declined to yield.

The SPEAKER. There is no use in repeating it when a gentleman declines to yield. It only leads to unseemly proceedings in the House.

Mr. HEPBURN. You gentlemen voted for a proposition—every one of you—under which it would have been possible to have fined the Pennsylvania Railroad for a single act the sum of $8,000,000.

Mr. SULZER. We wanted to make the punishment fit the crime.

Mr. HEPBURN. You not only did that, but in the same section you voted for language that you proposed to make the law under which that railroad corporation could be fined the sum of $16,000,000. You have voted for that kind of idiocy. You have not stopped at anything, if you simply labeled it antitrust or called it antioctopus. This provision that we are now considering, as has already been said, completes the legislation that many persons in this country, not all, think will be necessary in order that the law should control the subject of trusts. I am not sure that this legislation is the best possible. I am not sure that the two other propositions that are already enacted are the best possible, but they are the best attainable under the circumstances, and that is all that we will be required by our constituents to accomplish.

Mr. FITZGERALD. Will the gentleman yield?

Mr. HEPBURN. I prefer not to yield. I do not know that gentlemen should criticise the House or the Republicans of the House for endeavoring to secure this legislation. It is good; possibly not the best. The evidence of its being good is that you will vote for it. But you say we are abandoning something. Not so. Who here has abandoned the provisions of the bill that we voted for a few days ago? It is now in process of enactment into legislation. We have done our part. Whether or not all the good that you gentlemen say would be accomplished by that measure will be accomplished is dependent upon another body. The responsibility rests upon it; not upon us. Now, for fear, possibly, that that may not become legislation, here is another proposition that we offer to you. We offer it to you because it is a certainty. It has already passed that body where danger may lurk toward that which we have passed. Do you prefer to have nothing? If you can not have the bill that the House voted upon a few days ago, is it not better to take this, even according to your own assertions that it is vastly inferior to that which has already been done?

I am not prepared to yield to the proposition. I believe that this accomplishes much. What has been the great difficulty in the way of administering the interstate-commerce law? Where has the trouble originated? Mind you, that in sixteen years, with all of the broad provisions making criminal the acts that we reprobate, no single successful prosecution has been waged against a malefactor; not one. There has been no conviction. Why? Simply because the Interstate Commerce Commission could not make the proofs. The knowledge that was essential to conviction was locked in the minds of a comparatively few people.

The prosecutions were almost invariably against that class, and the community of kindly feeling, the close relations that existed prevented one member of that class from testifying against his fellows, and hence it has been that prosecutions have failed. They refused to testify, because the punishment would fall upon the individual and might be for long periods of imprisonment. Hence the witnesses would not and could not be made to testify. We are trying to remedy that difficulty. In consonance and in harmony with the oft-repeated recommendation of the Interstate Commerce Commission we propose what? To make the individual less culpable? No; the gentleman from Missouri to the contrary notwithstanding. That gentleman has failed to read the law, or else he must have purposed a misstatement of the law. I say that there is no repeal from first to last in all this legislation——

Mr. COCHRAN. Mr. Speaker——

The SPEAKER. Does the gentleman yield to the gentleman from Missouri?

Mr. HEPBURN. I prefer not to yield.

Mr. COCHRAN. The gentleman ought not to refer to "the gentleman from Missouri" if he does not want to yield.

Mr. HEPBURN. I ought to refer to the gentleman from Missouri at any time when he deliberately misstates a proposition.

Mr. COCHRAN. I brand that as a deliberate lie. I did not deliberately misstate the question.

Mr. HEPBURN. Then ignorantly. The gentleman can take either proposition. I say that there is no repeal of the present statute making culpable and responsible criminally the individual under the interstate-commerce law. But in addition we make the corporation liable criminally. The subordinate is now under the law, and to that we add by this statute the culpability and criminality of the master, the corporation.

Mr. THAYER. But do you relieve on the subject of imprisonment?

Mr. HEPBURN. We repeal the matter of imprisonment, and we do away with it in harmony with the advice of the Interstate Commerce Commission, repeated over and over and over again.

Mr. THAYER. But you do it, just the same.

Mr. HEPBURN. Yes, sir; we do it. There is no punishment by imprisonment under this law, but penalties are continued from $1,000 fine to $20,000. Another difficulty in the way of the proper administration of the law is in relation to the constant giving of rebates. The burden of complaint that has been made in the weeks and months of investigation that has taken place before the Committee on Interstate and Foreign Commerce has been against discrimination. Not one man, of all the scores from every part of this broad Union that have appeared before us to testify upon this subject of interstate commerce, has alleged that rates are exorbitantly high.

On the contrary, many men have said over and over again that many of the rates at many periods were too low. What they have objected to is the discrimination as to commodity, discrimination as to place, discrimination as to persons—mainly as to persons—in the rebates that are paid. Under the present law the man who pays the rebate—not the corporation, but the individual who pays—is the one who is criminally responsible. The man who solicits, who persuades, who tempts this traffic, that man is not held responsible; but the only man held responsible is he who could or would testify. Now, under this law it is made criminal to solicit, to receive, equally with the offer of the gift. This is wise, and in my humble judgment it will stop discriminations; and if we stop discriminations, then clearly the major portion of the evils complained of cease to exist.

But again, this law which gentlemen tell us amounts to nothing—this law which my colleague from Missouri condemns so bitterly—he will vote for. You can not probably prevent him voting for it without you keep him by violence out of the House. He will want to vote for it so badly and have his constituents know that he did that on that side of the House gentlemen will demand the yeas and nays, for legislatively they are in a bad fix just now. They voted against the rule, and the supposition will be they are against the measure, and will have to call the yeas and nays in order to right themselves, and I think they will do it, although I may be mistaken.

Mr. THAYER. Mr. Speaker——

The SPEAKER. Does the gentleman yield to the gentleman from Massachusetts?

Mr. HEPBURN. I have indicated in the presence of the gentleman several times that I prefer not to yield.

Mr. THAYER. I did not know but that you might change your mind.

Mr. HEPBURN. I have not. If there is any person in the world that could persuade me it would be the gentleman from Massachusetts; but he can not, under the circumstances.

Mr. Speaker, this bill gives to the Commission among other aids toward the enforcement of the law the right to appeal to the equity side of the court. I regard that as invaluable. I think that that provision is of the utmost importance. I remember only a few months ago I had an interview with a distinguished jurist from the city of San Francisco, who said to me that among the methods that were in use for the purpose of preventing outrages of discrimination and other outrages under the interstate commerce law none had been so formidable as this; that where the pleader understood his business, knowing how to draft a bill in equity and search the conscience of his adversary and would require him to answer under oath, such a proceeding invariably could be successful, and in his court in every instance but one had been successful. We have added that feature to the law, so that the right will no longer be in dispute.

One other change that I wish to speak of, proposed by the committee, is this: In the bill as originally framed, the initiative of all suits was in the hands of the Interstate Commerce Commission, and they were under the control and direction or subordinate to the Department of Justice. Your committee thought that that was not the best course, and we changed this bill in order to conform with the statute as it now is, and to allow the head of the Department of Justice still to preserve the discipline of his Department by having control over all of his subordinates.

The Attorney-General, at the instance of the Commission, will institute these suits. The Attorney-General will, at their instance, require the diligent service of all of his subordinates, and under another provision enacted by this House he has now the means to expend $500,000 to employ the best of legal talent; and employing all these other means of preparing cases for trial

entitles us to believe that we will have in that class of investigation a much larger measure of success.

Mr. FLEMING. Will the gentleman permit me a question?

Mr. HEPBURN. I have said half a dozen times that I preferred not to be interrupted, but I will yield to the gentleman.

Mr. FLEMING. I wanted to ask the gentleman if he did not think it would be better to insert on page 6, line 9, after the word "corporation," the word "from."

Mr. HEPBURN. The gentleman called my attention to that, and I have given it a careful examination. I think it is not necessary. The sense is complete as it is now, and I am perfectly content with it.

Mr. FLEMING. The sense is not complete. The defect is patent.

Mr. HEPBURN. Mr. Speaker, much complaint has been made on the part of gentlemen on the other side because a larger opportunity for discussion has not been given to them. The general features of debate are the same under this bill as under the other. As they have been pursued by gentlemen on that side, the particular features of the bill under consideration have in no instance, or but seldom, been discussed. They have discussed the general subject, and they have done that amply. Under a bill that was pending a little while ago they had five hours for discussion, and they had three full hours for the purpose of securing amendments, and every conceivable one that the ingenuity of man could conjure up was offered before this House, secured its attention and their votes, and were voted down by the majority.

It was well conceived that further discussion of that kind would not be productive of good; and as we are near the end of the life of this Congress, and as every man, I take it, in good faith wants the best legislation he can get, and as there are difficulties still in the way of this bill or of another that we may pass before it reaches the status of law, it is wise to give all of the time possible—to give all of the time for avoiding those emergencies, those pitfalls of legislation and of legislative procedure that may stand in the way of a great measure like this.

I believe that in these three measures that have been before this House we have struck that happy medium with regard to these vexed questions that will produce the least of individual injury and the most of public good. That is what we all want. I take it that there can be no legislation of vigor, no legislation that can produce results such as we desire, without falling harmfully somewhere where no one wants it to fall—without falling harmfully somewhere upon the innocent, who ought not to be the victim of law, but under the three measures referred to we will have the least of harm and the most of good. [Applause.]

Mr. Speaker, I ask for a vote.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will submit them in gross. The Chair hears no demand.

The amendments were agreed to.

The bill was ordered to be read a third time, and was read the third time.

The SPEAKER. The question now is on the passage of the bill.

Mr. WILLIAMS of Illinois. Mr. Speaker, I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 250, nays 6, answered "present" 3, not voting 92; as follows:

YEAS—250.

Adams,	Burleigh,	Eddy,	Haskins,
Adamson,	Burleson,	Emerson,	Haugen,
Alexander,	Burnett,	Esch,	Hay,
Allen, Ky.	Burton,	Evans,	Heatwole,
Aplin,	Butler, Mo.	Feely,	Hedge,
Ball, Del.	Butler, Pa.	Finley,	Hemenway,
Barney,	Calderhead,	Fitzgerald,	Henry, Conn.
Bartholdt,	Caldwell,	Fleming,	Henry, Tex.
Bartlett,	Candler,	Flood,	Hepburn,
Bates,	Cannon,	Fordney,	Hill,
Bell,	Capron,	Foster, Vt.	Hitt,
Bellamy,	Cassingham,	Fowler,	Holliday,
Belmont,	Clark,	Fox,	Howard,
Benton,	Clayton,	Gaines, Tenn.	Howell,
Bishop,	Conner,	Gaines, W. Va.	Irwin,
Blakeney,	Coombs,	Gardner, Mass.	Jack,
Boreing,	Cooper, Wis.	Gardner, N. J.	Jackson, Kans.
Boutell,	Cowherd,	Gibson,	Jackson, Md.
Bowersock,	Cromer,	Gilbert,	Jenkins,
Bowie,	Crowley,	Gill,	Johnson,
Brandegee,	Crumpacker,	Gillet, N. Y.	Jones, Wash.
Brantley,	Currier,	Gillett, Mass.	Kahn,
Breazeale,	Curtis,	Gooch,	Kehoe,
Brick,	Dahle,	Gordon,	Ketcham,
Bromwell,	Dalzell,	Graff,	Kitchin, Claude
Broussard,	Darragh,	Graham,	Kitchin, Wm. W.
Brownlow,	Davey, La.	Greene, Mass.	Kleberg,
Brundidge,	Davis, Fla.	Griffith,	Knapp,
Burgess,	Dick,	Griggs,	Lacey,
Burk, Pa.	Dinsmore,	Grosvenor,	Lamb,
Burke, S. Dak.	Dougherty,	Hamilton,	Landis,
Burkett,	Draper,	Hanbury,	Latimer,
Lawrence,	Miller,	Roberts,	Stephens, Tex.
Lessler,	Minor,	Robertson, La.	Stevens, Minn.
Lester,	Mondell,	Robinson, Ind.	Stewart, N. J.
Lever,	Moody,	Rucker,	Sulloway,
Lewis, Ga.	Moon,	Russell,	Sutherland,
Lewis, Pa.	Morgan,	Ryan,	Swann,
Lindsay,	Morris,	Scarborough,	Talbert,
Little,	Moss,	Scott,	Tate,
Livingston,	Mudd,	Shackleford,	Tawney,
Lloyd,	Needham,	Shallenberger,	Taylor, Ala.
Long,	Olmsted,	Shattuc,	Thayer,
Loudenslager,	Otjen,	Shelden,	Thomas, Iowa
Lovering,	Overstreet,	Sheppard,	Thomas, N. C.
McAndrews,	Padgett,	Showalter,	Thompson,
McCall,	Palmer,	Sibley,	Underwood,
McCleary,	Parker,	Sims,	Vandiver,
McClellan,	Payne,	Skiles,	Van Voorhis,
McCulloch,	Pearre,	Slayden,	Wanger,
McLachlan,	Pou,	Small,	Warner,
McLain,	Powers, Me.	Smith, Ill.	Warnock,
McRae,	Powers, Mass.	Smith, Iowa	Watson,
Maddox,	Pugsley,	Smith, Ky.	Weeks,
Mahon,	Randell, Tex.	Smith, H. C.	White,
Mann,	Reeder,	Snodgrass,	Wiley,
Marshall,	Reeves,	Snook,	Williams, Ill.
Martin,	Reid,	Southard,	Williams, Miss.
Maynard,	Rhea,	Southwick,	Woods,
Mercer,	Richardson, Ala.	Sperry,	Young,
Metcalf,	Richardson, Tenn.	Spight,	Zenor.
Mickey,	Rixey,	Stark,	
Miers, Ind.	Robb,	Steele,	

NAYS—6.

Cochran,	Glass,	Kluttz,	Neville.
De Armond,	Hooker,		

ANSWERED "PRESENT"—3.

Acheson,	Dayton,	Hopkins.

NOT VOTING—92.

Allen, Me.	Dovener,	Knox,	Schirm,
Babcock,	Driscoll,	Kyle,	Selby,
Ball, Tex.	Dwight,	Lassiter,	Shafroth,
Bankhead,	Edwards,	Littauer,	Sherman,
Beidler,	Elliott,	Littlefield,	Smith, S. W.
Billmeyer,	Flanagan,	Loud,	Smith, Wm. Alden
Bingham,	Fletcher,	McDermott,	Sparkman,
Blackburn,	Foerderer,	Mahoney,	Stewart, N. Y.
Bristow,	Foss,	Meyer, La.	Storm,
Brown,	Foster, Ill.	Morrell,	Sulzer,
Bull,	Gardner, Mich.	Mutchler,	Swanson,
Cassel,	Glenn,	Naphen,	Tayler, Ohio
Connell,	Goldfogle,	Nevin,	Tirrell,
Conry,	Green, Pa.	Newlands,	Tompkins, N. Y.
Cooney,	Grow,	Norton,	Tompkins, Ohio
Cooper, Tex.	Henry, Miss.	Patterson, Pa.	Trimble,
Corliss,	Hildebrant,	Patterson, Tenn.	Vreeland,
Cousins,	Hughes,	Perkins,	Wachter,
Creamer,	Hull,	Pierce,	Wadsworth,
Cushman,	Jett,	Prince,	Wheeler,
Davidson,	Jones, Va.	Ransdell, La.	Wilson,
Deemer,	Joy,	Robinson, Nebr.	Wooten,
Douglas,	Kern,	Ruppert,	Wright.

So the bill was passed.

The following additional pairs were announced:

For the balance of the day:

Mr. Foss with Mr. PATTERSON of Tennessee.

On this vote:

Mr. LITTLEFIELD with Mr. SULZER.

Mr. BROWN with Mr. BANKHEAD.

Mr. DOVENER with Mr. COOPER of Texas.

Mr. GROW with Mr. KERN.

Mr. WRIGHT with Mr. BILLMEYER.

The result of the vote was announced as above stated.

On motion of Mr. HEPBURN, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

S. 7298. An act to fix the rank of certain officers in the Army;

S. 7245. An act amending the act of June 19, 1888, providing for the erection of a public building at Bridgeport, Conn.; and

S. 6931. An act for the relief of Sadie Thome.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 7298. An act to fix the rank of certain officers in the Army—to the Committee on Military Affairs.

S. 6931. An act for the relief of Sadie Thome—to the Committee on Claims.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 15449. An act to increase the efficiency of the Army; and

H. R. 14764. An act to establish United States courts at Wilkesboro, N. C.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 569. An act to establish the department of commerce and labor.

CHESTER, PA., A SUBPORT OF ENTRY.

Mr. DALZELL. I call up a privileged bill—the bill (H. R. 2052) making Chester, Pa., a subport of entry.

The bill was read, as follows:

Be it enacted, etc., That Chester, in the State of Pennsylvania, be, and is hereby, constituted a subport of entry in the customs collection district of Philadelphia, Pa.

Mr. DALZELL. Mr. Speaker, this is a unanimous report from the Committee on Ways and Means. The bill is privileged under the rules.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. DALZELL, a motion to reconsider the last vote was laid on the table.

SALARIES OF GOVERNMENT OFFICERS AND EMPLOYEES.

Mr. CANNON. I send to the desk, with a request that it be printed as a House document, a letter from the Secretary of the Treasury.

Mr. RICHARDSON of Tennessee. May the title of this document be read by the Clerk?

The Clerk read as follows:

A letter from the Secretary of the Treasury, with inclosures, concerning Government salary tables to be used in payment of salaries of all officers and employees of the Government.

The SPEAKER pro tempore (Mr. OLMSTED). The gentleman from Illinois requests an order of the House that this letter be printed as a House document. In the absence of objection, that order will be made.

There was no objection.

SUNDRY CIVIL APPROPRIATION BILL.

On motion of Mr. CANNON, the House resolved itself into Committee of the Whole House on the state of the Union (Mr. TAWNEY in the chair) and resumed the consideration of the bill (H. R. 17202) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes.

The Clerk read as follows:

For the purchase of about 845 acres of land lying south of the Fort Snelling Military Reservation, for use as a target range, at not exceeding $100 per acre; also for purchase of the improvements thereon, at not exceeding $25,000; in all, $110,000, or so much thereof as may be necessary.

Mr. CANNON. I offer the amendment which I send to the desk.

The Clerk read as follows:

On page 112, in lines 21 and 22, strike out the words "at not exceeding $100 per acre."

The amendment was agreed to.

The Clerk read as follows:

For construction, including heating and plumbing, of a three-story and basement storehouse at Schuylkill Arsenal, Philadelphia depot of the Quartermaster's Department, $125,000.

Mr. CALDERHEAD. I offer the amendment which I send to the desk.

The Clerk read as follows:

After the word "dollars," in line 12 on page 113, insert:
"For construction of a 100-bed hospital at Fort Riley, Kans., $100,000."

Mr. CALDERHEAD. Mr. Chairman, I think that if the Committee on Appropriations had understood the situation at Fort Riley this provision would have been reported in the bill. I think the committee has overlooked the fact that at Fort Riley there has been established by act of Congress a school for drill and practice of cavalry and artillery. All the other schools of this kind have been established by administrative orders from the War Department. In the present case the act of Congress establishing this school provided for its maintenance. The construction of the work at Fort Riley has been going on from time to time since 1887. There are, I think, more than a million dollars' worth of buildings there—all modern buildings, with all the modern improvements. The hospital for that entire post contains only two wards and accommodates only 36 beds. The surgeon of the post and the post commander, and also the surgeon of the department and the department commander of that department, have recommended this appropriation. The Quartermaster-General recommended it in his estimates for the year. I think this recommendation was probably overlooked by the committee or this item would have been inserted in the bill.

Under that order of the War Department, and upon consultation with the officers of the adjacent States, provision has been made for an annual assemblage at Fort Riley of the militia of the several States adjacent to Kansas. At the annual encampment last year about 15,000 men were encamped there for five weeks in addition to 2,000 stationed at the post. During that encampment the sick were cared for in temporary buildings, sometimes in tents, and were very poorly accommodated.

Sir, in a post of 2,000 or 2,400 men there is usually necessity for from 60 to 100 beds for the ordinary use of the post alone. The building which is now in use for hospital purposes there has been standing a good many years. It is utterly insufficient for this purpose. It can be used for other purposes at the post. So that there is no loss by the disuse of the present building.

But the chief argument in favor of this provision is that it is a matter of necessity for the work of completing the post according to the original plan as intended by the act of Congress which established this post.

Mr. CANNON. Mr. Chairman, it is at all times an ungracious duty, if it be a duty—and it seems to me so in this case—to antagonize amendments which are from time to time offered to this bill. I know quite well that the gentleman from Kansas [Mr. CALDERHEAD] knows that so far as he is concerned personally I would sooner not object to the appropriation than to object to it. It is true that an estimate is submitted for this appropriation. A great many estimates have been submitted which have not been recommended. It is true that a post is established by law at Fort Riley and that it is a great military reservation, and a beautiful one, established many many years ago. There has been a very large expenditure at Fort Riley and also a large expenditure of money at Fort Leavenworth. Fort Riley is some distance out from the Missouri River, on the line, or at least near the line, of a railroad.

Mr. CALDERHEAD. The main line of the Union Pacific.

Mr. CANNON. It is very true that from the appropriation for barracks and quarters the Secretary of War, in his discretion, has made very considerable, and I believe is making very considerable, improvements in the shape of barracks and quarters and otherwise at Fort Riley. I believe it is used to assemble for instruction of cavalry arms, and is perhaps desirable also for other purposes in connection with a militia, or will be. Now, I want to call the attention of the House to this fact, that the appropriation for barracks and quarters of $1,200,000 in this bill, in the general appropriation, is available for this purpose in the discretion of the Secretary. I want to call attention also to the fact that the appropriation of four millions and three-quarters, I believe, for barracks and quarters in the Army appropriation act, which has passed the House and will no doubt be enacted into law, is available for this purpose up to $20,000. Now, from those two appropriations I think a sufficient hospital can be erected at Fort Riley. In a general way, I know there is a hospital at Fort Riley now. I do not recollect how many beds there are, but suffice it to say it is large enough for the administration of a hospital. It accommodates all the surgeons and assistants necessary and accommodates the nurses and various and divers other people—I think possibly 30 or 40 beds besides.

Mr. CALDERHEAD. Thirty-six beds.

Mr. CANNON. The gentleman says 36 beds. I am under the impression that if there could be something less for the employees there would be more room for beds; but it is a hospital built of stone and can be added to, and here is an appropriation of $1,200,000 to abandon the hospital and build an entire new one, or here is an appropriation of $4,750,000 on the Army bill which can be used to build any building or any addition to any building at a cost not to exceed $20,000 the first appropriation without limit—and the second appropriation limited only to $20,000. I have an impression that if any additional hospital is needed there, hands down, $20,000 is enough. I do not criticise the gentleman for offering this amendment. I have no doubt on earth that if I represented his district I should offer it. Ours is a representative Government, and yet, from the standpoint of public service, with the large expenditures being made there from these two general appropriations for additional barracks and every purpose necessary in the discretion of the Secretary of War, I think, with the liberal general funds we give, we better leave it in the discretion of the Secretary for the coming fiscal year. That is all I want to say.

Mr. CALDERHEAD. Mr. Chairman, what the gentleman has just said is not quite sufficient to satisfy me, and it would hardly satisfy himself if he were required to analyze it. It is not a political question at all in the Fifth district of Kansas as to whether there will be a stone laid in Fort Riley or not.

Mr. CANNON. Oh, I do not think so at all.

Mr. CALDERHEAD. And will probably not be while I represent that district. The Surgeon-General of the Army recommends this as necessary at that post, and in doing so uses this language:

That Congress be asked for a special appropriation of $100,000 to erect a modern hospital for 100 beds at Fort Riley, Kans. This is considered necessary on account of the increased garrison and the fact that it is proposed to have a large camp of instruction or for assembling volunteers upon the Fort

Riley Reservation. It is not believed that the present hospital can be enlarged in a satisfactory manner and with economy, but when the new hospital building is completed the old hospital can be utilized for other purposes.

The post surgeon remarks: "The large amount of sickness at this post with small hospital accommodations is felt more at the present, and patients can be accommodated only by overcrowding all available wards and rooms. With the contemplated increase of the post, especially with additional large summer encampment, more room will constantly be needed for hospital accommodations at this post.

"I believe under these circumstances that the hospital at Fort Riley should be large enough to comfortably accommodate a hundred patients, with necessary Hospital Corps attendants. Even with the present comparatively small garrison, the daily average number of patients in this hospital had been about 60; a hundred-bed hospital would not, in my opinion, be too large for this post to provide for its needs as enlarged."

The post commander states: "It is evident that the hospital accommodations at this post are entirely inadequate and will be more so as the strength of the garrison is increased, as it is almost certain to be in the near future.

"If the necessary money can be had, I would recommend that a new hospital with all the modern improvements and conveniences be erected, using the present hospital building for the hospital corps and for everything else not pertaining to the hospital proper.

"The erection of a number of temporary buildings may be a necessity, and on that ground alone may be tolerated; but they are unsightly and objectionable for many reasons, some of which, such as their combustibility, discomfort during the long hot summers usual in this part of the country, etc., need only to be mentioned to be appreciated."

The chief surgeon of the Department states: "The necessity for increasing the hospital accommodations at Fort Riley is evident. While a frame structure was built as a temporary measure, yet I am not in favor of continuing that plan, which was adapted to meet an emergency.

"I fully concur in the views of the post commander as to the propriety of erecting a large new hospital sufficient for the prospective needs of the command, and believe also that it would be more economical in the end, as well as far better adapted for administrative purposes."

The department commander also approves the construction of a new hospital, the necessity for which is quite evident, and it is considered that a modern hospital as is herein asked for should be erected, the estimated cost of which is $100,000.

It will be impossible to erect this building from the regular appropriations of the Department, and it is therefore respectfully requested that if possible a special appropriation for the purpose be made.

Now, it is evident enough that a hospital of the kind that the post needs and that the Surgeon-General thinks it needs can not be erected for $20,000, and if it can not be erected for $20,000 then not a dollar of these $4,000,000 about which the gentleman speaks so eloquently can be used for that purpose at all. Twenty thousand dollars of it might be used for the erection of a temporary building, but that is not what would be needed at Fort Hamilton or at Fortress Monroe or any of the old forts that were established by act of Congress. There never was a minute of time spent debating about whether $200,000 should be used at Fort Hamilton two years ago, and there never was a minute of time spent debating about whether $110,000 should be appropriated to buy a target range at Fort Snelling.

And yet it is not thirty minutes since the item appropriating $110,000 to buy a rifle range was read in silence here in the Committee of the Whole. Here is a matter that is imperative. Here is a matter at a permanent post of the Army, where never less than a full regiment of cavalry and a full regiment of artillery will be encamped, and where continually additional troops will be brought from other forts for the purpose of drill and practice in field movements. Here is one of the largest reservations that the Government has for that purpose, 15,000 acres, and not a dollar necessary for the purchase of a rifle range or any other territory for the drill of the troops. Here is an improvement that is necessary now, and that if it were not necessary now at such a post as this must evidently become necessary if the post is to remain a permanent post. There is no evidence, either in the condition of the Army or of the Army post or of the temper of the War Department, that the post will ever be abandoned.

The time of Mr. CALDERHEAD having expired, by unanimous consent, at the request of Mr. CANNON, it was extended five minutes.

Mr. CALDERHEAD. I only wish a few minutes. I agree with some things that the eminent chairman of this committee [Mr. CANNON] said yesterday concerning the number of military posts that are in existence that are not necessary. It would be right difficult for me to say why a military post should be necessary in the State of Iowa at all, with her peace-loving inhabitants and the location in the heart of the country, protected by all the other eighty millions of people that live in it. I see no necessity for it there. And yet it is not two years since, at a town that no other member of the House is able to name now, you appropriated $400,000 for a post, and there was not two minutes' discussion about it. No man in the House knows whether there is a brick or stone or frame building upon that location or not.

I am speaking for this matter now as a measure which has been earnestly recommended by the Surgeon-General and by the general commanding the Department of Missouri, speaking for a permanent building for a permanent post; not as a matter that can be of any special benefit to myself or to the district I live in, but as a matter of necessity for the proper care of the troops that will be maintained there. It was decided that a school for drill and practice of the Army was proper and necessary when the original act passed to establish this post.

Not far away from us, at Fort Leavenworth, is a reservation, I think, of 1,200 or 1,500 acres. It is a beautiful post, and has historic memories connected with it. It has been designated by the War Department as a training school for infantry and cavalry in field movements. It is a delightful parade ground, but it has not the area for field movements that Fort Riley has. Yet within the last two years three times the amount of money which is now asked for has been expended upon buildings at that place. This hospital is a necessity at this place, and if this matter had been considered, I think, as I am now presenting it, there would have been no question about the committee putting it in the bill.

Mr. SIMS. I rise to ask to have printed in the RECORD as a part of my remarks an editorial taken from the New York Sun of this date, which does not bear upon this bill, but bears upon the bill that has just been considered.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to print as a part of his remarks an editorial from the New York Sun. Is there objection?

There was no objection.

The paper referred to is as follows:

THEODORE ROOSEVELT'S GREATEST SERVICE TO HIS COUNTRY.

What is now called "the President's programme" of legislation for Federal suppression of business appears to be nothing more or less than this:

The rejection of all the more radical measures proposed by Senators or Representatives, or judiciary committees, or unofficial sociologists, or even by Attorney-General Knox.

The elimination of every plan or proposal which by the utmost strain of courtesies of language can be described as a real sure-enough trust buster.

The progressive refinement of the original demands of strenuous conviction down to the point where the passage of the Elkins antirebate bill and the enactment of the department of commerce bill, with its mildly statistical bureau of information, are regarded as "satisfactory" by the President.

Let no candid person withhold from Mr. Roosevelt the immense credit that belongs to him for his present efforts, between 11 o'clock and noon, to undo, as far as possible, the mischief wrought in the darkness and unwisdom of the early hours of the morning. Consider what it is he is now doing for the cause of sanity and constitutional government! He had delivered on the stump a series of speeches which could scarcely be distinguished from Mr. Bryan's utterances on the same subject. He had inspired by suggestion the great mass of incendiary measures that are piled high in the document room of the Capitol, like a harmless monument in memory of his initial mistake. He had spurred on Mr. LITTLEFIELD to a rivalry which resulted in that statesman's discomfiture and disgust. He had even set ablaze the sociological imagination of the venerable Mr. HOAR. He had carried the white plume of Rooseveltian leadership far to the front of the attack on the foundations of business confidence and national prosperity. He had done all this and much more in the emotional earnestness of his misunderstanding of his mission and duty at Washington.

But so soon as the President clearly perceived the disastrous potentialities of the forces he had invoked and the true direction and significance of the movement he had inaugurated—and he has apparently had the wit to perceive the same before it was too late—no foolish consideration of personal consistency or pride of individual opinion prevented him from facing squarely about and bracing himself with all the force of his will to withstand the onset of the revolutionists.

We accordingly find him now employing the enormous power of his office to check the raid upon the United States Constitution; to allay the dangerous sentiment aroused by the speeches of last summer; to defeat the plans of the radical experimenters and innovators. The measure of the conservative influence Mr. Roosevelt is now exerting may be found in the circumstance that his programme includes even the repudiation, as unconstitutional, of the bill drawn by poor Mr. LITTLEFIELD to meet the suggestions so elaborately conveyed to the Judiciary Committee by the President's legal adviser, the Attorney-General.

May it prove that Mr. Roosevelt is not too late in his revised conception of the Presidential mission!

More power to his elbow! He is now attempting, under disadvantageous conditions, the greatest service it has yet been his privilege to render to the nation. The ride up San Juan Hill was nothing to this masterly retreat to the cover of common sense.

Mr. CANNON. Mr. Chairman, just a single word and then I will be ready for a vote. The gentleman is correct. The appropriation for $4,750,000 is only available at Fort Riley or the other forts, first, for repairs and maintenance; second, for the construction of additions to buildings or the construction of new buildings not exceeding in cost $20,000. That is correct. My friend emphasized that. But my friend—and that is just as I would have done if I had been making his speech—did not emphasize the fact that the appropriation in the sundry civil bill for barracks and quarters for $1,200 may be used, every dollar of it, in building hospitals, one or a dozen, at Fort Riley or Fort Leavenworth, or anywhere else, without limit as to cost. That is a general appropriation. If it be important for this hospital, the Secretary has discretion. The gentleman says that we have just read past a provision to buy 800 acres of land at Fort Snelling for a rifle range.

A full hearing and the necessity for the appropriation to be made by provision of law before it could be bought, and at that great post it seemed to be necessary, because it is the post near St. Paul and Minneapolis, which is always to remain a post, as it always has been, and as they could not use the general fund for that purpose, therefore a special appropriation was made. Fort Riley was authorized almost a generation ago. There was a large expenditure of money, and it is a magnificent reservation—my friend says 15,000 acres—somewhere about the central or western part of Kansas, and another at Leavenworth. Senator Plumb, as I recollect, had much to do with the selection of the location of

this site and was a very strong friend of it during his time. Somebody else came in as Secretary of War, and Fort Riley went into innocuous desuetude.

Under the present practice, in the discretion of the War Department, Fort Riley again bloomed, and very considerable—I was about to say large—expenditures were made, not by special appropriation, but from the general appropriation for barracks and quarters. My friend says the prospective use would require a large hospital. I submit, on the other hand, two-thirds of the posts we have now could be dispensed with, and I wish we could wash our hands of them from the changed conditions. My friend very well says there is not much danger to the public peace in Iowa, nor is there much danger to the public peace in Kansas. In fact I believe I would rather cast my lot in Kansas than Iowa. I have said all I want to about it. The committee is in possession of it, and I am content with a vote.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Kansas.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. CALDERHEAD. Division.

The committee divided; and there were—ayes 10, noes 19.

So the amendment was rejected.

The Clerk read as follows:

Chickamauga and Chattanooga National Park: For continuing the establishment of the Chickamauga and Chattanooga National Park; for the compensation and expenses of two civilian commissioners; maps, surveys, clerical and other assistance, messenger, office expenses, and all other necessary expenses; foundations for State monuments; mowing; historical tablets, iron and bronze; iron gun carriages; for roads and their maintenance, and for the purchase of land already authorized by law, $40,000.

Mr. MADDOX. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

After line 16 insert the following:

"*Provided further*, To enable the Secretary of War, through the commissioners of the Chickamauga and Chattanooga National Park, to improve the road from Crawfish Springs, Ga., through the Widow Davis's Cross-Roads and Bailey's Cross-Roads, to Stevens's Gap, a distance of 12 miles, $25,000."

Mr. CANNON. Mr. Chairman, to that amendment I make the point of order that it is for the improvement of a road or roads not owned by the United States, but in the State of Tennessee or Georgia, one or both, and not authorized by law.

Mr. MADDOX. Mr. Chairman, I hope the gentleman will reserve his point of order.

Mr. CANNON. Oh, yes; I will reserve the point of order.

Mr. MADDOX (continuing). And let me see if I can not persuade him to accept the amendment.

Mr. CANNON. I will reserve the point of order, if the gentleman desires.

Mr. MADDOX. Mr. Chairman, I send to the desk and ask to have read a letter written by General Boynton to Senator CLAY, of Georgia.

The Clerk read as follows:

CHICKAMAUGA AND CHATTANOOGA
NATIONAL PARK COMMISSION,
Washington, January 3, 1903.

DEAR SIR: In reply to your inquiries concerning the historical importance of the road from Crawfish Springs to Stevens Gap in connection with the establishment of the Chickamauga and Chattanooga National Military Park I have the honor to say that this was the road over which and along which the main operations of the Union Army preceding the battle of Chickamauga took place, and which is indicated upon the map herewith inclosed by dotted lines in blue, the distance being 12 miles.

The corresponding road over which and along which the operations of the Confederate army took place previous to the battle of Chickamauga is indicated upon the map by the red line on the east side of Pigeon Mountain, extending from Lee and Gordon Mills to Lafayette, a distance of 13 miles.

As the line of the preliminary operations of the Confederate army has already been improved, it would seem entirely appropriate that the corresponding line of operations of the Union Army should also be improved. These preliminary operations of both armies were of an exceedingly interesting character and had most important bearings upon the results of the campaign.

In view of the annual maneuvers which are now contemplated from the national park as a general rendevous for portions of the Regular Army and the National Guard of most of the States south of the Ohio and the Potomac and east of the Mississippi, it would seem advisable to have one important road along the main line of both Confederate and Union operations. The completion of the line now in question would accomplish this. This would leave various unimproved branch roads running from these main lines of operations into the numerous theaters of detached engagements, and thus leave abundant lines of rough roads for practice over ordinary country lines of travel.

The right of way over this road has already been ceded to the United States by the State of Georgia. It is believed that this road can be completed for the sum suggested in your proposed amendment.

Very respectfully,

H. V. BOYNTON.

Hon. ALEXANDER S. CLAY,
United States Senate, Washington, D. C.

Mr. MADDOX. Now, Mr. Chairman, it will be seen by this communication that the road from Lafayette, Ga., where General Bragg marshaled his forces to march to the plains of Chickamauga, has already been improved. Where General Rosecrans marshaled his troops, at Stevens Gap, and marched from that place to the battlefield, has not been improved, and this amendment simply asks that what has been done for the Confederates on that side be done for the Federals on the other. I do trust that the gentleman from Illinois will not insist upon the point of order. The State of Georgia has already ceded its rights to this road to the Federal Government, and this Commission ought to have something to do. If I remember correctly—in fact, I have the figures here that the gentleman himself furnished me at the last session of this Congress—we appropriated $50,000 for that Commission, and it was shown in your own statement that $25,000 of that sum was paid in salaries. Now I see you make an appropriation of $40,000 this session. I apprehend there will be no falling off in the salaries, and that these are still to be paid. If that is true, there is $15,000 left. If $25,000 have been paid out for salaries, with the addition of this sum of $25,000 this road can be built and these people will have something to do. I am satisfied this House would grant it if the gentleman will waive the point of order.

Mr. CANNON. Mr. Chairman, I only want to say that it takes two to make a bargain. The State of Georgia can not throw the burden on the United States to improve their roads by merely ceding them unless the United States accepted them, and probably then can not. Now, on that wonderful march of Sherman from Atlanta to the sea I understand there were a good many roads, and if there is any trouble about giving this Commission employment, why there is a thousand miles in Illinois that we could cede.

Mr. MADDOX. I can not hear the gentleman.

The CHAIRMAN. Does the gentleman yield to the gentleman from Georgia?

Mr. CANNON. Oh, he just wants me to talk a little louder. I will not be responsible for the marking of one road or the improvement of 12 miles on one road near Chickamauga Park that the United States does not own.

I will say to the gentleman that in this matter of improving roads I have half a dozen in mind. I am compelled to insist on the point of order.

Mr. MADDOX. I would like to say that this construction has no connection with General Sherman's march to the sea; that was before he got there.

Mr. CANNON. That was a wonderful march; quite as important and quite as interesting, and why not preserve that road?

Mr. MADDOX. While it was a wonderful march, it was nothing compared with the battle of Chickamauga. There was nothing in this century, nor in the last, nor in the one behind it, to compare with it.

Mr. CANNON. Well, I will let the gentleman settle that with the Gettysburg people.

Mr. MADDOX. I am willing to talk with them. I happened to be down there on this side with one or two others. This is a matter that I have presented to the House at the request of others, that you do for the Union army what you have done for the Confederate army. If the gentleman from Illinois insists on his point of order of course I can not help it.

Mr. CANNON. I am compelled to insist upon it.

The CHAIRMAN. Under the rules the Chair is compelled to sustain the point of order.

The Clerk read as follows:

Artificial limbs: For furnishing artificial limbs and apparatus, or commutation therefor, and necessary transportation, to be disbursed under the direction of the Secretary of War, $152,000.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word. I want to ask the gentleman from Illinois if the language in this provision covers soldiers in the recent war, the Spanish war, and the Philippine trouble, or war, if you can call it a war. Do they have a right to have artificial limbs given them under this provision?

Mr. CANNON. I am under the impression that it covers them. I can not answer certainly. If the law allows it the appropriation would be available. If the law does not allow it the law ought to be amended, if such be the sense of Congress. I can tell on a little investigation.

Mr. GAINES of Tennessee. I am sure no one in this House, or out of it, would object to putting legislation in this bill extending this privilege to them if there is any doubt about it. I hope the gentleman will investigate the question in time for us to insert an amendment so as to make it applicable to soldiers of the late wars. I have made inquiry on this side and no one seems able to tell me whether it does apply to soldiers in the recent war or not.

Mr. CANNON. Upon investigation I find that it does apply to the soldiers in the Spanish war.

The Clerk read as follows:

For the completion of said Battle Mountain Sanitarium, and for each and every purpose connected therewith, including all buildings necessary in the discretion of and approved by the Board of Managers of the National Home for Disabled Volunteer Soldiers; and the said board shall cause to be procured plans for all buildings authorized herein and in the act of May 29,

1902, establishing said sanitarium, based upon accurate estimates, and cause the same to be constructed within said estimates, and cause to be furnished all other needful objects authorized herein or by said act, to the end that said sanitarium shall be completed and ready for occupancy and operation in all of its details within the sums herein and heretofore appropriated for the establishment of said sanitarium, $350,000.

Mr. MARTIN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

After line 17, on page 132, insert "for the purpose of acquiring additional land in connection with the site heretofore donated by the people of Hot Springs, S. Dak., for a national sanitarium for disabled volunteer soldiers, which may be acquired either by purchase or condemnation, $10,000.

The amendment was considered and agreed to.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. OLMSTED having taken the chair as Speaker pro tempore, a message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. BARNES, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On February 12, 1903:

H. R. 2441. An act for the relief of William M. Bird, James F. Redding, Henry F. Welch, and others;

H. R. 7007. An act for the relief of the legal representatives of Maj. William Kendall;

H. R. 11858. An act for the relief of William E. Anderson; and

H. R. 15198. An act defining what shall constitute and providing for assessments on oil-mining claims.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For president of the Board of Managers, $4,000; secretary of the Board of Managers, $2,000; general treasurer, who shall not be a member of the Board of Managers, $4,000; inspector-general, $3,000; assistant general treasurer and assistant inspector-general, $2,500; 2 assistant inspectors-general, at $2,500 each; clerical services for the offices of the president and general treasurer, $10,500; messenger service for president's office, $144; clerical services for managers, $3,900; agents, $1,800; for traveling expenses of the Board of Managers, their officers and employees, $15,000; for outdoor relief, $1,000; for rent, stationery, telegrams, and other incidental expenses, $6,000; in all, $58,844.

Mr. CANNON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 133, line 11, strike out "ten thousand five hundred" and insert in lieu thereof the words "twelve thousand."

In lines 18 and 19 strike out the words "fifty-eight thousand eight hundred and forty-four" and insert in place thereof the words "sixty thousand three hundred and forty-four."

The amendments were agreed to.

Mr. CANNON. I also offer the following amendment.

The Clerk read as follows:

On page 133, after line 17, insert "appropriation herein or that may hereafter be made for the construction of buildings or appurtenances at any Branch National Home for Disabled Volunteer Soldiers shall be available immediately after the passage of the act containing the same."

The amendment was agreed to.

The Clerk read as follows:

State or Territorial Homes: For continuing aid to State or Territorial Homes for the support of disabled volunteer soldiers, in conformity with the act approved August 27, 1888, including all classes of soldiers admissible to the National Home for Disabled Volunteer Soldiers, $950,000: *Provided*, That one-half of any sum or sums retained by State Homes on account of pensions received from inmates shall be deducted from the aid herein provided for.

Mr. CRUMPACKER. Mr. Chairman, I desire to make a point of order against the proviso in the paragraph just read. The act of August 27, 1888, requires the Federal Government to appropriate $100 each for every member of a State Soldiers' Home who is eligible for admission into a National Military Home. The law is without limitation or qualification. This paragraph purports to appropriate $950,000 in pursuance of that law, presumably $100 for each inhabitant of a State Soldiers' Home eligible for admission into a National Home.

The proviso undertakes to take from the various State Soldiers' Homes a portion of a fund which they may legitimately avail themselves of. The proviso is not a limitation. The paragraph appropriates a fixed sum of $100 each for every member of the State Soldiers' Homes in accordance with the original law, and then the proviso says that certain funds received by various State Soldiers' Homes shall be placed to the credit of the Federal Government on that account, and therefore it is new legislation. I believe it is obnoxious to the rule. The original law is very clear and plain, and this is clearly new legislation. It is clearly an attempt by this bill to take from the State Soldiers' Homes funds that legitimately belong to them.

Mr. CANNON. Mr. Chairman, there is an act of Congress, if I recollect aright, that provides or rather authorizes an appropriation from the National Treasury of $100 a year to each member of the State Homes. Now, then, for a number of years back this proviso has been upon appropriation bills. I might perhaps rest there and say that the law for the current year is sufficient to avoid the point of order. But I will place my position upon what seems to me to be the true ground. In fact, some of the States reserve the pensions of soldiers, or a portion thereof, for the benefit of the State Homes, whereas the United States pays $100 per member in the State Home toward his maintenance. The cost in round numbers for maintaining a member of the State Home in the National Home is about $125.

Now, this is a limitation. We have a right in appropriating this money to place a limitation upon its expenditure. It is equitable that we should do so; otherwise the State could take half the soldier's pension or all of it and dedicate it to the general use of the Home, and still get the $100. That is not equitable. Under the power to limit the use of the money from one year to another, this provision has for many years run in the annual bills. We might refuse to appropriate anything. The law gives $100, but we could withhold all appropriation. That is a familiar position to the Chair. Or we can give the appropriation with such limitations as seem to us proper. We might provide, if we chose, that one-half of this money should be devoted to food——

The CHAIRMAN. Will the gentleman allow the Chair a question? Does the gentleman say that this proviso is now the law?

Mr. CANNON. I say that for many years this proviso has been upon each annual bill.

The CHAIRMAN. Is it not, then, permanent law?

Mr. CANNON. Well, for the purposes of the rule, it has been held that the law for the current year is sufficient to authorize a provision in an appropriation bill for the coming year. That has frequently been held.

In addition to that, however, I take the broader ground that as Congress can not be compelled to make appropriations, we can place limitations upon the money we may choose to appropriate. If the Chair will follow me, I will read the language of the bill:

'*Provided*, That one-half of any sum or sums retained by State homes on account of pensions received from inmates shall be deducted from the aid herein provided for.

In other words, in one case $100 is to be paid, but where $5 a month or $5 a year is deducted by reserving that proportion of the pension, then we appropriate only $95, or whatever else may be the proper sum. It is a matter of computation.

Now, it is entirely competent for us, instead of appropriating $100, to appropriate $50, or to affix any other condition that we see proper by way of condition upon the appropriation for the year. In this instance it amounts to an appropriation of less than $100, the amount to be ascertained, namely, one-half of the amount that has been retained by the State home from the pension of the member of that home, in which case the $100 appropriation is cut by just that much. How much I can not tell; but in law that is certain which may be made certain, and when you come to the payment of the money and the approval of the voucher this is rendered certain.

Mr. CRUMPACKER. Mr. Chairman, I submit that the position of the gentleman from Illinois is not at all tenable. In the first place, the object of the rule is to prevent legislation on appropriation bills. When Congress has enacted a law which is clear and unequivocal and unconditional in terms, authorizing an appropriation, that should be the guide of the committee and of the House in determining questions of order arising upon an appropriation bill.

Now, the mere fact that in times past appropriation bills may have had this same proviso does not operate to repeal or change the law in any way. Each appropriation bill is only an appropriation for the fiscal year to which it applies; and for that one year, for instance, the appropriation is made with the priviso. But we are appropriating now for a new year. The original law is the basis of the authority, and the original law prescribes the duty of Congress to make the appropriation. So that I do not think there is anything in the two, three, or four precedents that may have been established in appropriation bills in the past to justify this provision.

There is nothing clearer to my mind than that this is not a limitation. The Chair is doubtless familiar with the technical distinction between conditions and limitations. This is an appropriation, on its face, for $100 each for all the inmates of the various State Soldiers' Homes that are eligible to the National Military Homes. Then it is provided that certain funds, of which the State Homes have a right to avail themselves under the law, shall be applied in the reimbursement of expenditures under this appropriation. An appropriation of $100 for each inmate, to be expended this way or that way, would be, perhaps, a proper limitation; or an appropriation of a less sum than that required by law would not be obnoxious to the rule against legislation. But where the appropriation is made for the full sum, the proviso is equivalent to legislating that State Homes shall not take more than

one-half of the pensions of members—over $8 a month, for instance—when there is no law to prohibit them from taking that sum.

If it is contrary to the policy of the Federal Government to permit the State Soldiers' Homes to take any portion of the pensions of members, there ought to be legislation to prevent it. This is an attempt to legislate halfway on the question. It is legislation, and it is new legislation, preventing the State Soldiers' Homes from taking more than one-half of the pensions above a certain rate of soldiers who are sheltered and protected and subsisted in those institutions. That is the effect of the bill.

Mr. GILLETT of Massachusetts. If this is legislation, then of course the same provision last year was legislation.

Mr. CRUMPACKER. Yes.

Mr. GILLETT of Massachusetts. Then, if last year was legislation, why is it not now established law?

Mr. CRUMPACKER. Just for this reason. There may be legislation upon a particular appropriation. It may not be permanent and continuing and running legislation. It is legislation, nevertheless, for the fiscal year to which this appropriation applies, and if this provision was in the appropriation bill last year it was legislation for that year only. It was legislation as far and as long as the appropriation bill continued to be operative.

The CHAIRMAN (Mr. TAWNEY). The Chair will say that this paragraph appropriates or authorizes the payment of a certain sum of money in continuing aid to State or Territorial Homes for the support of disabled volunteer soldiers, in conformity with the act approved August 27, 1888, which is now the law. This proviso, in the judgment of the Chair, is clearly a limitation upon that appropriation. It says that "one-half of any sum or sums retained by State Homes on account of pensions received from inmates shall be deducted from the aid herein provided for." This, in the judgment of the Chair, is clearly a limitation in the paragraph on the appropriation which precedes the proviso. Under the rule of the House, and uniformly followed—and, as has been said, this rule has become the parliamentary law of the Committee of the Whole—this proviso being a limitation, it is clearly in order. In view of the statement of the gentleman from Indiana [Mr. CRUMPACKER], in which he invokes the legal distinction between limitations and conditions, I will read from the precedents an opinion given by the late Mr. Dingley, as Chairman of the Committee of the Whole, in which he says that "in order to be considered as a limitation or restriction a provision must prohibit the use of the money for some purpose already authorized by law." This proviso in effect prohibits the payment of so much of the appropriation as may be equivalent to the amount deducted by these State institutions from the pensions received by inmates thereof. The Chair therefore thinks that the point of order is not well taken, and overrules the same.

Mr. CRUMPACKER. Mr. Chairman, I invite the attention of the House to the paragraph of the bill under consideration which carries an appropriation for the maintenance of soldiers in the State and Territorial Homes. That paragraph is as follows:

State or Territorial Homes: For continuing aid to State or Territorial Homes for the support of disabled volunteer soldiers, in conformity with the act approved August 27, 1888, including all classes of soldiers admissible to the National Home for Disabled Volunteer Soldiers, $950,000: *Provided*, That one-half of any sum or sums retained by State Homes on account of pensions received from inmates shall be deducted from the aid herein provided for.

The motion I made is to strike out the proviso which takes from State Homes one-half of all pension moneys that may have been withheld from those who are admitted as members in those institutions and turns it into the Federal Treasury. A number of years ago Congress began the construction of national military homes for the support and maintenance of disabled volunter soldiers of the various wars of the Republic. There are now quite a number of such institutions in various parts of the country, distributed geographically so as to meet the convenience of those who may find it necessary to take advantage of this generous provision of the Government.

It was a most creditable thing to do, and these splendid institutions, which are standing monuments of the gratitude of the people, now furnish comfort and shelter to thousands and thousands of those of our citizens who contributed so much in time and sacrifice for the preservation of the country. It is but the amplification of the magnanimous policy of the Government toward those who bore the brunt of battle and gave so much of their energy and substance for the common good.

This country pays in pensions to its soldier citizens upward of $140,000,000 a year, several times as much as is paid by all of the other nations of the earth combined for this purpose, and yet in the distribution of this vast fund to the benefactors of the country, the individual allowances in many instances are so small that they do not provide the comforts and even the necessaries of life, and where the recipients have no other means of support it is necessary that some provision be made for their maintenance. It would be a lasting reproach to the Government to permit any of its gallant defenders to be cared for in the common almshouses of the country. Hence the policy of establishing and maintaining national soldiers' homes.

The function of administering public benefactions generally belongs to the States rather than the nation, but the surviving soldiers of the wars of the Republic are justly regarded as wards of the nation. They have a just claim upon the whole country, that in their declining years they be saved from want and destitution. While the pension appropriations are very large, and, as a rule, are equitably distributed, in a great many cases, for technical reasons, worthy claimants do not receive that which they are justly entitled to. It is impossible to distribute so vast a fund among so large a number and do exact justice to all. It is the policy of the Government, however, to come as near complete justice and equity in bestowing pensions as is possible, and the system is being gradually improved.

The National Military Homes are objects of pride and congratulation on the part of all. They are well provided, well managed as a rule, and everything is done that is possible to add to the comfort and happiness of those who take refuge therein in their decrepit and declining years.

It was my privilege recently to visit the National Home located at Marion, in the State of Indiana, for which that State is indebted chiefly to my colleague [Mr. STEELE]. It is a magnificent institution, indeed, located upon a beautiful site, with surroundings and appointments well-nigh perfect; good food, comfortable shelter, and efficient hospital service are afforded; church service, entertainments, music, and literature are supplied, and everything is done that can reasonably be expected to make the institution as pleasant and home-like as possible.

National Military Homes admit only honorably discharged volunteer soldiers and those who find it necessary to avail themselves of this beneficent provision of the Government, if they are married and have families, are compelled to leave their wives and families on the outside. Upon my visit to the Home at Marion I saw upward of 2,000 grim and grizzled veterans of the civil war who were marching down the western slope of the hill to meet the last great enemy of mankind, and the picture was one of mingled inspiration and pathos. There were 2,000 men, advanced in years, who, thirty-five years ago were the very pride and flower of American manhood—then the strength and the glory of the Republic, now its helpless wards—marching on with hope and facing the future with sublime confidence. I was profoundly reminded of the fact that the great remnant of that once splendid army is rapidly fading away and in few more years it will live only in the memory and in the affections of a grateful posterity.

While that Home, as a type of others, seemed to be perfect in all of its appointments, and is perhaps as good a substitute for a home as it is possible for the Government to provide, yet it is not home in the real sense. In it there are only men—a monotony of men. Many of them have wives and children living on the outside, and perhaps struggling with poverty and illfortune as best they may. Those Homes provide for the physical comfort of their members as well as it can be done, but people advanced in years need something besides food, clothing, and shelter. The companionship of the wife with her tender care and sympathy is an essential thing in a real home, and no Government can supply a substitute for it.

To meet this aspect of the situation and to prevent the severing of real home ties and the separation of man and wife, the various States several years ago began the construction of State Homes into which honorably discharged volunteer soldiers could be admitted with their wives, and widows of dead comrades were likewise made eligible. For the purpose of encouraging the construction of State Homes of this character, in August, 1888, Congress passed a law providing that the Federal Government should contribute to the States $100 a year for every soldier who was supported in a State Home and who was eligible for admission in one of the National Military Homes. In pursuance of this law, and with the expectation of receiving the benefit of the provision contained therein, the State of Indiana, among others, constructed a Home on the banks of the Wabash River in Tippecanoe County, in the district which I have the honor to represent in this House. It is a magnificent institution, beautifully located, arranged upon the cottage plan, and it now has a membership of about 500 men and 350 women. It is most efficiently managed, and everything possible is done to promote the comfort and happiness of those who find shelter within its portals.

It was a noble conception. In the Indiana Home aged veterans, with their wives, find support and maintenance. They live together in cottages, many of which are built by the various counties of the State, and are a comfort and a solace to each other in their declining years. The tender hand of the wife decorates and

adorns the rooms and the homes and gives the whole institution an air of refinement and affection that comes more nearly fulfilling the requirements of a real home than it is possible to otherwise be. Besides, there are a number of widows of deceased soldiers in the institution who loan to it the refining and helpful influence of their womanhood. It is an institution in which every citizen of the State of Indiana feels a patriotic pride. I speak of this Home particularly because I know more about it personally, and I regard it as a type of State Homes generally.

Mr. STEELE. Mr. Chairman, I would like to ask my colleague a question.

The CHAIRMAN. Does the gentleman yield?

Mr. CRUMPACKER. I do.

Mr. STEELE. In the National Homes the pensions are not withheld from the soldiers?

Mr. CRUMPACKER. I understand not.

Mr. STEELE. In the State Homes many of the soldiers are receiving in excess of $12 a month?

Mr. CRUMPACKER. Yes; some, perhaps.

Mr. STEELE. The cost of maintaining a man in a National Home now, with everything so very high, is $141.57?

Mr. CRUMPACKER. Yes.

Mr. STEELE. In the State Homes, if you deduct $240 a year from the man who is drawing a $20 a month pension or $144 a year from the man who is drawing about the average pension, there would be $240 a year or $144 a year go to the State Homes, deducting all the pension?

Mr. CRUMPACKER. Yes; upon that hypothesis.

Mr. STEELE. Is it fair to the veterans in the State Homes that those great institutions should be made unpopular by deducting from them the pensions they receive to pay their own keep while there are no such deductions in the National Homes?

Mr. CRUMPACKER. I expect to discuss that aspect of the question presently. In order to assist in defraying the expenses of maintaining wives and widows of soldiers most of the States require soldiers admitted to State Homes to turn over to the Home fund a portion of the pensions they receive from the Federal Government. Twenty-seven of the States of the Union have State Soldiers' Homes, and of this number twenty-one receive some portion of the soldier's pension or pay, and six allow the soldier to dispose of his full pension as he chooses. Those requiring a portion of the pension are California, Colorado, Idaho, Indiana, Kansas, Massachusetts, Michigan, Minnesota, Montana, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Vermont, Washington, Wisconsin, and Wyoming.

The States which require nothing from the soldier as a condition of admittance are Connecticut, Illinois, Iowa, Missouri, Nebraska, and Oregon.

It is one-half of this fund that is accumulated from the pensions of soldiers in State Homes that the proviso in the paragraph of the bill which I have read requires to be turned over to the Federal Treasury.

I am not here to advocate the policy of taking from the soldier who is a member of either a State or National Home, any portion of the pension that is paid him in part compensation for sacrifices he made for the common welfare. If the matter were for me to decide, I would most likely say that the entire pension should be given to the soldier, to be used for his own benefit in the manner which he deems best for himself, but notwithstanding any views I may have personally in relation to this policy, it is true that twenty-one out of twenty-seven States that maintain Soldiers' Homes do take a portion of the pension money of the soldiers, and the question now is, Should this fund thus created out of the money that belongs to the members of the Homes, be expended for the comfort and welfare of the soldiers of the Homes or shall one-half of it be taken by the Federal Government and put into the common Treasury for the benefit of all the people? That is the question raised by the motion to strike out the proviso of the paragraph contained in the bill. The Indiana Home, I understand, requires each soldier upon entrance to turn over to the management all of his pension above the sum of $8 a month to be used for the benefit of the Home and for the support of soldiers' wives and widows. Nothing at all is exacted of soldiers' widows who may be drawing pensions.

As a rule, soldiers who are maintained in either State or national Homes draw comparativaly small pensions. Men who receive above $12 a month maintain themselves outside of those institutions, as a general thing. While soldiers' homes are excellent institutions, they are not resorted to as a matter of choice, and men prefer the independence of individual homes and individual life as long as they can afford it. In the Indiana Home there are now about 500 men and 350 women on the rolls. The average attendance of men for the fiscal year ending June 30, 1902, however, was 330.5. This was the basis upon which the Federal Government made its appropriation of $100 each for the members of that institution. Leaves of absence and furloughs are granted, so that the average attendance is much below the regular registration. The amounts of pensions withheld by the management of the Indiana institution for that year was $10,025.24.

A provision in the sundry civil appropriation bill for the year 1902 required the managers of the State Homes to turn over one-half of that fund to the Federal Government, and in pursuance of that provision $5,012.62 were turned into the Federal Treasury to be used for general purposes. With an average attendance of 330.5, the amount withheld from each soldier was $2.52 a month, showing that the average pension of the men in the Indiana Home is but $10.52 a month. This is the average. Of course some receive more and contribute a larger share to the common fund and others receive less and contribute nothing.

According to the report of the Boards of Managers of National Homes for the year 1892, the average cost of maintaining members in the various National Homes for that year was $141.57 each. The Government pays $100 each for soldiers living in State Homes, and in Indiana the pension fund withheld amounted to $30.33 each, not counting the wives and widows, so that with the appropriation under the act of 1888 and the pension fund the State receives $10 less than the cost of maintaining soldiers in National Homes, and a great deal more than that less than it costs to maintain the soldiers in the State Homes. This is upon the hypothesis that the State of Indiana received the entire fund that is withheld from the pensions. In turning one-half of that fund over to the Federal Government, the State received from the appropriation under the law of 1888 and one-half of the pension fund $115.16—about $26 less than it costs the Federal Government to support soldiers in its own Homes, to say nothing of the maintenance of the soldiers' wives and widows.

We are told, Mr. Chairman, that the law prohibits the managers of National Military Homes from withholding any part of the pensions of members of those institutions. I concede that this is the law, but at the same time there is such a broad discretion vested in the various Boards of Managers of National Homes that they do require every soldier who enters those institutions to assign and turn over three-fourths of his entire pension to his wife and family, if he have a wife and family, leaving him only one-fourth of his pension to be expended for his own benefit. This, I understand, is a general rule at all of the national homes.

Instead of excluding the wife of the soldier and taking from him three-fourths of his pension for her support at some distant point, the State of Indiana admits the wife and takes from the soldier on an average of $2.52 a month—less than one-fourth of his pension—to help support her in the institution, so he can have the privilege of her help and companionship. The soldier is allowed $8 a month to use for his own benefit at his own pleasure. If the average pensions of members of National Homes are the same as those of the State Homes, the member of the National Home who has a wife is allowed only $2.50 a month for his personal use, and the balance goes to his wife.

There are over 10,000 veterans of the civil war living in the various States Homes and about 8,000 wives and widows of veterans. The States are more liberal in the matter of granting to the members of the various Homes the use of pensions for their own personal benefit than are the Managers of the National Homes. The States support 10,000 veterans, who were defenders and are now wards of the nation, for which they receive from the Federal Government $100 each per annum—$41.57 per capita less than it would cost the Federal Government to maintain them. Besides they support and maintain in comfort 8,000 wives and widows of soldiers, for which the Federal Government does not contribute a single cent.

My contention is that as long as the State Homes take any portion of the pensions of the veterans who inhabit those Homes the fund should be used entirely to promote the comfort and happiness of the members of the Homes, and no part of it should be paid back to the Federal Government for the purpose of paying salaries of Congressmen, for rivers and harbors, public buildings, etc. The policy of saying to the State that if you withhold $2 a month from a soldier who is sheltered and made comfortable in your institution, you shall pay $1 a month of that small fund into the Federal Treasury is a kind of pinching off policy which borders very close upon "cheese-paring." This fund is not large in any particular institution. It did aggregate last year, however, $5,012.62 in the Indiana Home, and I submit that that fund, if properly used, might have contributed very materially to the comfort and happiness of many weary and pain-racked veterans in that institution.

Mr. HEMENWAY. Will the gentleman yield for a question?

Mr. CRUMPACKER. I will gladly.

Mr. HEMENWAY. There is nothing in the law that requires the State Homes to retain one cent of the soldiers' pensions.

Mr. CRUMPACKER. Nothing at all.

Mr. HEMENWAY. It is wholly optional with the management of the State Home as to whether or not any portion of the pension is retained.

Mr. CRUMPACKER. Yes; that is true.

Mr. HEMENWAY. Then this legislation does not in any way affect the retention of pensions by the State Homes.

Mr. CRUMPACKER. The Indiana State Home takes all above $8 a month and uses it for the maintenance of the institution, and this bill says, "You shall divide this fund with the General Government." Those who vote against the proposition to strike out the proviso vote to saddle that much more tax upon their respective States.

Mr. HEMENWAY. Yes; but any legislation passed by Congress does not require the State to retain one dollar of the soldiers' pensions.

Mr. CRUMPACKER. Of course not.

Mr. HEMENWAY. In other words, the State can give the soldier every cent of his pension or keep a portion of it.

Mr. CRUMPACKER. Yes.

Mr. HEMENWAY. But the Government says, "If you do retain any portion of it one-half shall go back to the Government to offset the $100."

Mr. CRUMPACKER. That is just what I am complaining about. The Government ought not to take the small pittance, for instance, of $1 a month, which is saved from a soldier who draws $10 a month, in order that his wife may live with him and get the comforts of a State Soldiers' Home. Who gets the benefit of the half of this fund which the Government takes away? The soldier, or his wife or widow? No. It goes into the Federal Treasury for the benefit of all the people. The State accumulates the fund out of the soldiers' pensions, and the soldier has the right to insist that it shall be expended exclusively for the benefit of himself and comrades and their wives and widows. If a veteran who draws $10 a month is living in a State Home with his wife, the State institution requires him to contribute $2 a month of his pension for the support of the institution as part compensation for the companionship of his wife. The proviso requires one-half of that small sum to be turned back to the Federal Treasury, and that is what I am seeking to defeat by my motion to strike out the proviso. My contention is that the fund belongs to the soldiers and should be used for their benefit.

Mr. HEMENWAY. I will say, as far as I am concerned, that I believe the State ought not to retain one cent of the soldier's pension; but if it does, it ought to pay back one-half of what it retains, because $100 is the cost of keeping the soldier.

Mr. CRUMPACKER. I beg to say to my colleague that I am not an advocate of the policy of taking any part of the soldier's pension for the purpose of maintaining him, but I do insist that if it is taken in accordance with the policy of three-fourths of the States which maintain Soldiers' Homes, it should be expended for the exclusive benefit of the soldier. The gentleman is mistaken in his estimate of the cost of maintaining soldiers in National Military Homes. The reports of these various institutions show that the average cost last year was $141.57 per capita. The expenses of living was somewhat more last year than it had been theretofore, but the average cost for the last ten years has been above $135 per capita in Soldiers' Homes, and the Government pays the States only $100 for each soldier in the State institutions.

The function of disbursing charities, as a general thing, belongs to the States, and the States should be encouraged in maintaining charitable and benevolent institutions. In the course of nature the National Homes will in a few years be depopulated. The residuum of our citizenship from which those institutions are recruited is growing smaller and smaller every year, and in a few more years it will disappear forever. Then those splendid institutions will become useless and will crumble and decay, while, on the other hand, the State, with its various needs and responsibilities, can make a proper use of Soldiers' Homes after they cease to be needed for the maintenance of veterans and their wives and widows.

Therefore I believe that the Federal Government ought to maintain a policy that will encourage States in providing for the comfort and happiness of soldiers not only as a matter of economy, but as a matter of local gratitude. It brings the subject of the sacrifice of the soldiers closer to the people, and the maintenance fund is paid by a direct tax, and the various taxpayers know that in making their contributions a portion of it goes toward making life more comfortable and endurable for those who have such strong claims upon the gratitude and bounty of the country.

The policy of taking one-half of the small funds saved by State institutions from soldiers' pensions is not a commendable one, to say the least, and I therefore hope that the proviso in the bill to which my motion is directed will be stricken out.

Mr. CANNON. Mr. Chairman, I would like just for a minute to call the attention of the committee to what this proposition does. There are National Homes and State Homes. That provision of law passed many years ago. We appropriate a hundred dollars a year from the National Treasury to the respective States for every soldier that the State cares for in the Soldiers' Home. That is a donation that is made, if you choose to call it that, from the National Treasury. Where the soldier is cared for in the National Home he is completely supported. I said a little bit ago it was $100 or $125 a year, what it has been heretofore; but with the increase in the cost of living, provisions, etc., the gentleman says it is now $141.57. Now, then, here and there the State retains a part of the pension of the soldier in the State Homes for the benefit of the Home—in many of them. Indiana is one; Illinois does not; Pennsylvania does not; New Jersey does not; New York does not.

Now the gentleman says we will take the $100 in Indiana to the State. Now, mind you, this goes to the State for every member that is in the State Home. If the member in a State Home has not a wife, or if you choose, as many of them have not, near relatives, and is getting $20 a month pension from the United States, we will take half his pension. Well, now, assume it is $20 a month that he receives. That is $240 a year. Now, the State of Indiana takes $120 of that man's pension and receives $100 from the National Treasury. That is $220. The man has no wife. Now, I have heard much of bitter complaint on the part of soldiers who have been members in the Indiana Home at that provision. The gentleman says it is for the purpose of enabling the State of Indiana to care for the man's wife and his children in a cottage at the Indiana Home. If the State of Indiana sees proper to do that, and I am not criticising this matter, it sets the pace for New York, Illinois, Pennsylvania, New Jersey, and nearly all the other States, by taking money from the National Treasury, $100 a year plus $120 if the soldier is getting $20 a month, to carry out this particular policy. Now, that may be a wise policy. If so, let Congress take it in hand, and legislate for all the States and all the members of the State Homes.

Mr. CRUMPACKER. I desire to ask the gentleman a question.

Mr. CANNON. Yes.

Mr. CRUMPACKER. Now, the gentleman says that his idea, as I understand it is, that it is not a proper thing to do to withhold this sacred fund from the soldiers, but if the States will whack up with the Government it will be all right. Is that the attitude the gentleman occupies?

Mr. CANNON. No, no. My attitude is this. Let the provision to pay the pension and to pay the Soldiers' Homes be uniform. Now, then, I say again I have heard much bitter complaint——

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. CANNON. I would like to have five minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that his time may be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. CANNON. I have heard much of bitter complaint from members of the Indiana Home who have no wives that half of their pensions are retained, if you choose, if that is the amount, or the whole of it, as the case may be, whatever amount it is. What for? At the same time Indiana is being paid $100 for the keep of the soldier. There is no uniformity. Now, Congress for many years has put this provision on here, and said to the States if you do retain half of this man's pension money we will pay you $100 less the amount you retain. I think we had better let it alone. I am ready for a vote.

Mr. CRUMPACKER. I desire to say just a word. The gentleman used an extreme case for the purpose of illustration. He took the case of a soldier who drew a pension of $20 a month for the purpose of showing that the State of Indiana, for instance, withheld $12 a month, or $150 a year, approximately. I doubt if there is a member of the Indiana Home that draws $20 a month.

Mr. CANNON. I used that merely as an illustration, whether much or little.

Mr. CRUMPACKER. As a practical proposition, members of this House know that men drawing $20 a month maintain themselves outside of Soldiers' Homes as a rule. The average of the pensions in the Indiana Home will not run much above $10 a month, and the amount that is withheld by the State Soldiers' Homes will not cover the difference between the cost of maintenance and the amount appropriated by the Federal Government. If it is the policy of the Federal Government that pension moneys shall not be withheld in any State Soldiers' Home or National Home, let that policy be expressed in a law where it can be taken up and considered in the proper way and not in an appropriation bill like this. In the next place, the gentleman said in the National Homes the soldiers got all the pension. They do not.

Mr. CANNON. I beg the gentleman's pardon; here is the law.

Mr. CRUMPACKER. I appeal for vindication to my colleague, Governor STEELE.

Mr. CANNON. And I appeal to the law.

Mr. CRUMPACKER. But, regardless of the law, there is such a broad discretion in the governing and managing boards of the various National Homes that they do take three-quarters of the pension from every man that enters within the portals of those institutions for the purpose of maintaining their families. That if what is done in Indiana to-day; three-quarters of all the members of the National Homes——

Mr. CANNON. Now, we can not afford to disagree about the law and the fact. John A. Logan, when he was a Senator, led the fight in the Senate that changed this law, by which it was provided that the members of the Home shall have their pension, and that is the law. Now, then, if there is some regulation by which these people who have families are coerced, so that before they are admitted they part with a portion of their pensions to their families, it is a regulation that stands outside of the law. But there is no regulation by which a man that has no family shall have his pension decreased to support somebody else's family.

Mr. CRUMPACKER. No; but we have in our State a regulation providing that a man who has no family shall have $8 a month, a good home, comfortable food, and hospital facilities, and all that sort of thing, and if he has a pension of $12 or $14 we say, "In order for you to get the benefit of the Home you must surrender all above $8 a month, so that we may maintain the Home for the benefit of the widows and wives of your comrades." Now, the Home in Lafayette is popular and it is full. If this regulation were so burdensome, members would not remain there. They would go to Marion, or to other National Homes. I think there is nothing in the gentleman's argument.

Mr. CANNON. If my friend will allow me. There happens to be a Branch Home near my home, and it is a matter of weekly and sometimes daily occurrence that soldiers in the Indiana Home, some from Illinois, come and ask me, thinking I have the power to get them into a National Home—to get them in. "Well," I say, "where is your discharge?" And when you come to find the discharge you will find that the National Board of Managers make a regulation that no member of the State Home shall be admitted until after he has been discharged for six months. Otherwise the National Home would be overburdened and the State Home depleted.

Mr. CRUMPACKER. Does the gentleman know of any inhabitants of the Home in his town who are dissatisfied with the place and are seeking for admission elsewhere?

Mr. CANNON. I am speaking of the regulation they have been compelled to make.

Mr. CRUMPACKER. I am speaking of the illustration that the gentleman gave of the dissatisfaction of soldiers from the Indiana Home.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana to strike out the proviso on page 134.

The question was taken, and on a division (demanded by Mr. CRUMPACKER) there were—5 ayes and 27 noes.

So the amendment was lost.

Mr. CANNON. Mr. Chairman, I offer the following amendment to correct a total.

The Clerk read as follows:

On page 133, in lines 20 and 21, strike out the words "seven hundred and sixty-nine eight hundred and eight," and insert "seven hundred and eighty-one thousand three hundred."

Mr. STEELE. On examining the records, I find the cost of maintenance in the National Home to be $141.57 instead of $144, and this includes everything—traveling expenses, buildings, fuel, subsistence, etc.

The question being taken on the amendment of Mr. CANNON, it was agreed to.

The Clerk read as follows:

Insular and Territorial affairs: For defraying the necessary expenses incurred in the conduct of insular and other territorial matters and affairs within the jurisdiction of the Department of Justice, including the payment of necessary employees at the seat of government or elsewhere, to be selected and their compensation fixed by the Attorney-General, and to be expended under his direction, $25,000.

Mr. GAINES of Tennessee. I move to amend by striking out the last word. Mr. Chairman, according to my recollection, this Insular Bureau grew up during the recent Spanish war, or possibly during the Philippine war. It is a product of our recent wars, and it seems to me that after these wars are over the Insular Bureau should be abandoned, because we should have no further need for it. It is an increasing burden, as I will show, even in peace.

I read the following from the report of the hearings before the subcommittee of the Committee on Appropriations of the House, 1903, at page 180, under the same heading found in this bill—"Territorial and insular affairs:"

Insular and Territorial affairs.

Expended for a portion of the fiscal year 1902 ..... $5,259.11
Expended to December 29, 1902, for the fiscal year 1903..... 6,430.07

The payments made up to December 29, 1902, for the fiscal year 1903, as above shown, represent only a portion of the expense for the first six months of the current fiscal year. The present pay roll of employees in this Bureau, excluding all expenses, is $19,000 per annum, and it therefore seems apparent that the amount estimated for the fiscal year 1904 is not too large and certainly will be needed.

The estimate for the Bureau of Insular and Territorial Affairs is a regular annual estimate for a new bureau in process of economical and careful development. Persons have been employed only as absolutely needed, and the business is constantly increasing.

Estimated expense for current fiscal year $25,000.00

Mr. Chairman, here is a bureau that was created, as I have said, according to my recollection, during the wars and because we had a war, created under and by the Secretary of War. And yet in time of peace this bureau is not only in existence, but it is an increasing expense, and it is spoken of as "a new bureau in process of economical and careful development." We are carefully and economically developing this bureau—cultivating it—putting Uncle Sam's pap to its mouth, as it were, every day—in time of peace, although, as I have said, this is a war production and the war is over.

Here is another expense, Mr. Chairman, of "holding to the Philippines," as the President said in his message to Congress of December 2. In that message he congratulated us upon our policy of "holding" them; congratulated us, to use his own words, on "holding to the Philippines." We appropriated $4,000,000 yesterday of the people's money gathered from taxation in this country from our own people because we are "holding to the Philippines;" and here is a sum of $25,000—an increase from $6,000 or $8,000 appropriated last year.

This new bureau, as I have said, is a war production, an outgrowth of the War Department. Yet this great Committee on Appropriations, headed by the great economist that we all love to listen to, and whom very often we follow upon these questions, has provided in the bosom of this bill for the continuation of this bureau. It is continued here in time of peace. It is a new bureau which, according to the language of the report, is "in process of economical and careful development." And we give it $25,000 this year. This is another of the natural offsprings and expensive adjuncts—as I take it gentlemen on the other side will say—a necessary outgrowth and appendage of the policy of "holding the Philippines," which we have not tried at any time to turn loose.

These Philippine expenses and conditions there remind me of a conversation I had in Ceylon, August 22, 1901, with an English army officer, Colonel Vershoyle, who said:

I have been twenty-seven years in the English army, in two of England's wars, now in charge of the Boer camp, Ceylon. I wonder that you are embarking in colonialism. Why, the Philippine Islands will weaken you. They will be a nuisance, a heavy expense, lay you open to all sorts of trouble, force you to keep a large army and navy there. Why, if we, or any other nation over here were to get into trouble with you, the first place of attack would be the Philippine Islands. England can put 50,000 soldiers in there in a week.

It is too far from your base of supplies to ever strengthen you, from a military point, and hence a source of weakness, and the money or trade you get out of it will not pay in the long run.

I asked, "Why do you speak this way, and yet England expands?"

"Why, sir," he said, "we do not want to expand. Nobody does. We got into the expanding business and we can not stop. Some little nation will tread on our toes over here somewhere on the line—do some devilment—and we have to go over there and fix it up with our guns and take and rule the country to get rid of the trouble. You see we do not do so because we want to, but can not help ourselves. We have got more territory now than we can get along well with. This sort of policy is just what causes the downfall of all countries—Rome, for instance."

The CHAIRMAN. Without objection, the pro forma amendment of the gentleman from Tennessee will be considered as withdrawn.

There was no objection.

The Clerk read as follows:

For printing and binding the Annual Report of the Secretary of Agriculture, as required by the act approved January 12, 1895, $300,000, or so much thereof as may be necessary.

Mr. RICHARDSON of Tennessee. I offer the amendment which I send to the desk.

The Clerk read as follows:

After line 15, on page 153, insert the following:

"Whenever any document or report containing illustrations shall be ordered printed by Congress, such illustrations shall not be printed unless the order to print so specifies; and the heads of the Executive Departments, and the heads of bureaus, not connected with the departments, before transmitting their annual reports to Congress, shall cause the same to be carefully examined, and shall exclude therefrom all matters, including engravings, maps, drawings, and illustrations, except such as they shall certify in their letters transmitting such reports to be necessary and relate entirely to the transaction of public business; and in no case shall the Public Printer permit the insertion in any document, report, or other Government publication, except those emanating from the Patent Office, of any diagram, photogravures, half-tone, or other picture or illustration, unless express authorization has been given in writing, with the reason therefor, by the head of the Executive Department by which such document, report, or publication is

issued; and if the same is issued by any bureau or division not immediately under and a part of any Executive Department, then such authorization therefor must be first given by the Secretary of the Interior."

Mr. MANN. I reserve a point of order on that amendment.

Mr. RICHARDSON of Tennessee. I will say to the gentleman from Illinois that I submitted this amendment to the chairman of the Committee on Appropriations; and I think when the gentleman shall hear the reasons for the amendment he will withdraw his point of order. I do not mean to reflect personally on anyone.

In my judgment this is in the interest of good legislation. There is a growing abuse in this matter of printing illustrations, pictures, diagrams, etc., in these reports.

As an evidence of that, if any gentleman will take the trouble to get the report of the Director of the Mint for 1902, and it is only a sample, he will find 50 pages of that report made up of pictures, etc. Some of these pictures are half-tones, some are diagrams of different kinds, and add very materially to the cost of the document. I have taken the trouble to inquire in this one report of this year what the cost is of inserting these 50 pages of illustrations. Under the rule, there are 1,025 copies of this report printed. The cost of printing 1,025 copies with these illustrations is $1,696.20. The cost of printing the report, which is all we want, without illustrations is $1,126.50, an increase by reason of the pictures of $569.44, and that in this one report of the Director of the Mint. I will here publish the letter from the Public Printer on this subject:

GOVERNMENT PRINTING OFFICE,
OFFICE OF THE PUBLIC PRINTER,
Washington, D. C., February 13, 1903.

Hon. JAMES D. RICHARDSON,
House of Representatives.

SIR: In compliance with your request by telephone this morning, I have the honor to give below a statement showing the cost of printing the report of the Director of the Mint for 1902, both with and without illustrations:

1,025 copies, with illustrations, including the cost of engraving -----	$1,696.20
1,025 copies, without illustrations, would have cost-----------	1,126.56

Respectfully,

F. W. PALMER,
Public Printer.

I undertake to say that there is not a single picture in there that is worth a solitary cent to any legislator or to any private citizen. One of the pictures, as I remember it now, is the picture of a lamp-post that stands on one of the streets in Philadelphia in front of the new mint building constructed there. That picture takes up a whole page, and it cost the Government Printing Office, as I was assured, not less than $5. There is nothing on the page except the picture of a lamp-post in front of the mint in Philadelphia, and in the whole report there are 50 pages of these illustrations, the cost of which is more than one-third of the entire cost of the publication.

Last year I called attention to the report of the Commissioner of Pensions, which contained illustrations of the interior of the Pension building, a not very handsome structure, as we all know, when viewed from the outside. When it was decorated, however, and pictures taken of the inside, some of them were quite pretty. This is an abuse which is growing. We ought to stop it. This amendment simply provides that when it is necessary to publish illustrations the head of the Executive Department—the Secretary of State, for instance, or the Secretary of the Treasury, as the case may be—that wishes the publication shall simply certify to the Public Printer that it is necessary that these illustrations should go into the publication. I think no gentleman ought to object to the amendment. I do not admit that it is a change in existing law. It is a limitation upon this amount that we are appropriating for public printing.

I do not think that it is subject to the point of order made by the gentleman from Illinois [Mr. MANN], but if it were, I submit to the gentleman that he should not insist upon the point of order, but that we ought to economize to the extent provided for in this amendment. Mr. Chairman, the publication of these documents is a growing evil. The President of the United States in his annual message referred to it. I simply remind you of that fact. He urged upon the heads of these departments and the chiefs of these bureaus and the heads of divisions the desirability of reducing the amount of public printing. This matter of pictures, of course, was not in contemplation by the President when he referred to the mere publication of documents, but this is an evil that we can suppress without interfering with the privilege of printing.

Now, this expense of printing is one that is growing very rapidly. Only a few years ago I had the honor to be the chairman of the Committee on Printing, and served, I think, six or eight years as chairman of that committee. For that reason I became more or less familiar with the Government Printing Office. I have here an estimate that shows the amount appropriated only a few years ago, and the amount appropriated at this time by this bill. This bill itself carries between $6,000,000 and $7,000,000, while only a few years ago the bill carried only a little over $2,000,000. It is growing, and will continue to grow, and if we do not pass this amendment or some similar amendment to stop this abuse, there is no telling to what extent this matter of expense in printing will go. I cite one instance of the case where a man was sent to a far-away possession of ours—not the farthest—to take the census of the United States, and one of the first things he did in his report sent back was to insert his own photograph, so a whole page was taken up in the report to show us the face of the man who was taking the census.

Mr. WILLIAMS of Mississippi. If the gentleman will excuse me, there are also photographs of all our school-teachers, or nearly all, that we sent there.

Mr. RICHARDSON of Tennessee. Certainly. It is an abuse of a privilege that ought to be restrained. I think that the gentleman from Illinois [Mr. MANN] will not insist upon the point of order. I know the chairman of the Committee on Appropriations will not do so, because I conferred with him and called his attention to the fact that I desired to offer this amendment.

Mr. CANNON. Mr. Chairman, I will say to my friend that he is correct in that statement. I have examined his amendment with some care, and for many years the Committee on Appropriations, having in charge these growing expenditures for public printing, have talked about the necessity for legislation which would restrict it. The gentleman from Tennessee [Mr. RICHARDSON] has considerable knowledge in respect to the subject, and when he prepared this amendment and submitted it to me it commended itself to my judgment and approval, and so far as I am concerned, I have nothing to say against it from either the standpoint of the point of order or the standpoint of limitation.

Mr. MANN. Mr. Chairman, it was impossible from a mere hearing of the reading of the amendment to understand just how far it goes, but it is not quite possible for me to understand how you are going to permit illustrations in one book and forbid them in another without leaving it to the discretion of somebody.

Mr. RICHARDSON of Tennessee. The amendment leaves it to the discretion of the head of the department. It says that if the head of the department sees fit to insert them they can be inserted.

Mr. MANN. That may make a very great deal of difference. There may be a book that is gotten up for the very purpose of being illustrated.

Mr. RICHARDSON of Tennessee. I will say to the gentleman that if it is a part of the work there is no difficulty at all when it goes down there for the head of the department to certify that the illustrations are necessary.

Mr. MANN. I can understand how there might be a very great deal of difficulty in passing the accounting officers of the Government. Here is a book on the Diseases of the Horse, filled with illustrations of one sort and another, and I apprehend that under the gentleman's amendment the Secretary of Agriculture would be compelled to certify as to each of these illustrations. The gentleman nods his head in the negative. How else will you reach it? The Secretary of Agriculture puts in a certificate that the illustrations in this book ought to be published. It is under his jurisdiction now. He is the one who is responsible now.

Mr. RICHARDSON of Tennessee. Well, I submit to the gentleman that the amendment is not liable to that construction; but it would be no hardship for him to certify that illustrations numbered 1, 2, 3, 4, 5, and 6, and so on, should be inserted. The Public Printer would respect that certification, I have no doubt; but the gentleman will remember that the only way to reach the evil is by making the law general. Take the report I refer to—of the Director of the Mint—and you will find that in a publication of perhaps 150 pages there are 50 pages of pictures such as I have indicated.

Mr. MANN. I am perfectly willing to admit the gentleman's contention that a very large number of illustrations are published which ought not to be published, pictures of people, and so forth, particularly pictures of officials themselves who have to do with the publication. I do not condone that, but it seems to me it is far better to have that, and have other illustrations which are necessary to be published, than to have none at all, and I am afraid of the result of this.

I think an amendment of this sort ought to be presented where members of the House have an opportunity to consider it, although I have very great confidence in the opinion of the gentleman from Tennessee, and particularly in reference to matters of printing. It seems to me that the House ought to have a chance to consider a proposition of this sort, and I suppose it would be privileged, coming from the Committee on Printing.

Mr. RICHARDSON of Tennessee. No; it would not be.

Mr. MANN. Why not?

Mr. RICHARDSON of Tennessee. Resolutions that relate to printing for the two Houses are privileged, but resolutions for printing for the Departments are not.

Mr. MANN. It would be privileged to the extent that it relates to the printing of documents for the House or Senate.

Mr. RICHARDSON of Tennessee. I will say to the gentleman that there is very little abuse in that. It is in the departmental publications that the abuse arises.

Mr. MANN. Most of them are sent to us to be printed as Senate or House documents.

Mr. RICHARDSON of Tennessee. They are sent to us after they are printed.

Mr. MANN. They are sent to us and printed as House or Senate documents.

Mr. RICHARDSON of Tennessee. I call attention to the fact that this bill provides for this $6,000,000 to be used in printing, and we do not see the publications in manuscript. They come to us printed before we see them.

I insist upon a vote upon the amendment, because I have drawn it with all the care I can give it; and I will say to the gentleman that I did not draw it without submitting it to the intelligent late foreman of printing and the present chief clerk in the Government Printing Office. The amendment was drawn in his office, by my request and direction, at the Government Printing Office, so that the gentleman may depend upon my assurance that the amendment is carefully drawn.

Mr. MANN. I am perfectly satisfied that the gentleman himself believed it to be carefully drawn; but I have seen so many things of that sort go through where the gentleman who proposed them believed them to be carefully drawn, and it developed afterwards that they did not meet the approval of many of the members of Congress, that it seems to me I have the right to see a proposition of that sort in advance before we are compelled to vote upon it. For that reason I am disposed, if I have the power, to insist upon the point of order.

Mr. RICHARDSON of Tennessee. I submit in addition to what I have already said that it is not subject to a point of order, for it is simply a limitation upon the expenditure of the amount appropriated; and I will say to the gentleman that passing it here does not make it a law. It has got to be considered elsewhere. It will have to go to conference, probably. I do not insist on the language, specially, that I have used, although it is the best I could command. I hope the amendment will be agreed to, because I know the abuse we are liable to in these publications.

The CHAIRMAN. The Chair is ready to rule. The amendment the gentleman from Tennessee proposes is to regulate the printing of certain illustrations in public documents. The gentleman himself states that there is no regulation or law to regulate the publication of these illustrations at the present time. In this amendment it is proposed that whenever, either this year or the next fiscal year, or whenever any document or report containing illustrations be ordered printed. this shall apply. It has no reference to the present appropriation or any future appropriation. The Chair thinks it is not a limitation upon the appropriation carried in this bill, and is, therefore, legislation. The Chair sustains the point of order.

Mr. RICHARDSON of Tennessee. I ask the gentleman if he will not withdraw the point of order, in view of the manifest necessity of this amendment?

Mr. MANN. Well, Mr. Chairman, if the necessity for the amendment had been so manifest, it might properly have been presented to the House before the hour of 5 o'clock, when the committee is about to reach a final vote upon this bill. I am not criticising the gentleman for presenting it at this time; and until we can be better informed, I shall have to insist upon the point of order.

Mr. RICHARDSON of Tennessee. I think I can modify the amendment so as to remove the difficulty and bring it within the rules.

Mr. CANNON. I think the gentleman can modify it if he chooses, so that it will be a limitation for this year.

Mr. RICHARDSON of Tennessee. I understand the suggestion of the chairman of the Committee on Appropriations, and I am perfectly willing that he shall make that modification, as he has the amendment, so that it shall be a limitation, in order that it may be brought within the rules. I will ask the chairman of the committee to suggest the words that make a limitation such as he chooses that will bring it within the rule.

Mr. CANNON. By unanimous consent, I ask that we continue the reading of the bill and return in a few minutes to this.

Mr. RICHARDSON of Tennessee. All right.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to pass this portion of the bill and to continue the reading of the remainder of the bill, with the privilege of returning to this paragraph hereafter. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

To enable the Public Printer to comply with the provisions of the law granting thirty days' annual leave to the employees of the Government Printing Office, $300,000, or so much thereof as may be necessary.

Mr. RICHARDSON of Tennessee. Mr. Chairman, I desire to offer an amendment. Before the amendment is read, Mr. Chairman, if I may be permitted a few words about this amendment, I frankly concede that it is subject to a point of order, and if it is made by any gentleman in the House, of course the amendment will go out. I think there is a necessity for it. I believe it is a proper amendment; I believe it ought to be the law, and for that reason I have offered it. It relates to the salary of the Public Printer. I ask the Clerk to read the amendment.

The Clerk read as follows:

Insert on page 154, after line 6, the following words, namely: "The annual salary of the Public Printer hereafter shall be $6,000."

Mr. RICHARDSON of Tennessee. Now, Mr. Chairman, I desire to say that I have never before offered an amendment to raise a salary in this House.

Mr. CANNON. I just want to say that I reserve the point of order. I do not think I shall make it, so far as I am concerned; but I merely reserve it, if any gentleman desires to make it.

Mr. RICHARDSON of Tennessee. Let it be reserved, and if any gentleman insists, it is subject to the point of order.

Mr. Chairman, I desire to say that I have never, in my experience in the House, offered a bill—that I remember—increasing the salary of any officer; not that I thought it was not proper and just at times to do so, and I have frequently voted for them if the necessity required; still I have never introduced or offered a measure increasing a salary until I offered it in this case. I introduced the bill increasing this salary several days ago. It has been referred to the Committee on Printing; it has been unanimously reported by the committee favorably.

Now, with that statement, Mr. Chairman, permit me to say that when the salary of the Public Printer was fixed at $4,500 he did not have more than 2,200 employees. There are in the Government Printing Office now more than 4,000 employees. The salary was fixed at that sum when he expended $2,000,000 or a little over for public printing. This bill itself carries $6,300,000, and the public printing will be nearly $7,000,000 for the next year, in my opinion. More than three times over the amount of work has been increased, and more than double the number of employees. Mr. Chairman, I do not believe that $4,500 is enough to secure the best man known to the printers and bookbinders' trades in the United States for the office of Public Printer, and for that reason I think the salary ought to be fixed at $6,000.

It is a matter of economy in the line of the amendment I introduced a moment ago. That amendment was in the interest of economy; it was intended to reduce and would reduce by thousands and tens of thousands of dollars the expenses of public printing. This amendment is in the same line—that of economy in public printing. In order to get and keep an efficient and competent Public Printer and get more work and better results it is necessary to pay a larger salary.

Mr. GILLETT of Massachusetts. Will the gentleman allow a question?

Mr. RICHARDSON of Tennessee. Certainly.

Mr. GILLETT of Massachusetts. Does the gentleman from Tennessee mean to imply that we have not a competent and efficient Public Printer now?

Mr. RICHARDSON of Tennessee. No, sir; I am glad the gentleman asked that question. The present Public Printer is an efficient public officer. He commenced to be the Public Printer twelve or fourteen years ago, when there were a little over 2,000 employees in the office. To-day he handles between four and five thousand employees with a corresponding increase in the expenditures for public printing that I have mentioned. I think the Public Printer at present is an efficient man, but if he were to die and we were called upon to choose some man to take charge of this establishment at the present salary, I doubt if you could get the best man. For that reason I have offered this amendment to make the salary $6,000, and I know that is not extravagant. We have the largest government printing office in the world, and it is growing all the time.

Mr. GILLETT of Massachusetts. Mr. Chairman, I renew the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. FLEMING. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

On page 91, after line 17, insert:

"Augusta Arsenal, Augusta, Ga.: For necessary connection with sewer system of the village of Summerville, Ga., provided that no other or further charge shall be made against the United States for the future use of said sewer system, $3,000.

The CHAIRMAN. The Chair will state to the gentleman from Georgia that his amendment does not relate to that part of the bill which has just been read. The part that his amendment relates to has been passed, and without unanimous consent we can not return to it.

Mr. FLEMING. I understand that, Mr. Chairman, but the

chairman of the Appropriations Committee investigated this and suggested that I wait until this stage and then ask unanimous consent to return.

Mr. CANNON. What is the page?

Mr. FLEMING. Page 91.

Mr. CANNON. Mr. Chairman, I shall not antagonize the gentleman's request to return by unanimous consent to consider the amendment he has offered. This estimate was for the sum of $20,000. I think the War Department had confidence in the Ordnance Department, and I was under the impression that the arsenal at Augusta ought to be discontinued; but on a full inquiry and investigation the gentleman in charge of the Ordnance Department says that considering the seacoast defense and the service, the fact that he has already abandoned several arsenals, that it is necessary at least for the present and immediate future to retain this arsenal for storage purposes, and so forth. If that is done I think the connection could be made with this sewer system. While this is not the amount estimated, the general in charge said that upon investigation that he had conducted he was satisfied that this amount was reasonable.

Mr. FLEMING. Mr. Chairman, I do not care to discuss this amendment unless some objection is made to it. It has been investigated at the War Department, and the chairman of the Committee on Appropriations is in favor of it.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to return to page 91 of the bill to offer the amendment which has been read. Is there objection? [After a pause.] The Chair hears none.

The question on the amendment offered by Mr. FLEMING was considered, and the amendment was agreed to.

Mr. LAMB. Mr. Chairman, I ask unanimous consent to return to page 18, line 10, for the purpose of inserting an amendment, which I will send to the desk.

The CHAIRMAN. The Chair will state that there is one more paragraph of the bill to be read.

Mr. CANNON. I thought the reading of the bill had been completed.

The CHAIRMAN. There is one more paragraph.

Mr. CANNON. Let the last paragraph be read.

The Clerk proceeded and completed the reading of the bill.

Mr. McRAE. Mr. Chairman, I ask unanimous consent to return to page 24 for the purpose of offering an amendment that does not involve an appropriation, but a change in the paragraph.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent to return to page 24. Is there objection? [After a pause.] The Chair hears none.

The Clerk read the amendment, as follows:

Insert the following between lines 6 and 7 on page 24:
"That so much of the sundry civil act approved June 6, 1900, as relates to the removal of the quarantine station at Brunswick, Ga., in words as follows:
"'The quarantine station, Brunswick, Ga.: For removal of station, purchase of site, erection of buildings, and equipment of station, $20,000,' be amended so as to read:
"'The quarantine station, Brunswick, Ga.: For removal of station, purchase of site, erection of buildings, and equipment of station, or, in the discretion of the Secretary of the Treasury, for the purchase of the site of the present station and the improvement thereof by the erection of buildings and otherwise, $20,000.'"

Mr. CANNON. Mr. Chairman, the gentleman from Arkansas called my attention to this amendment, and I am satisfied that there is no objection to it.

The amendment was agreed to.

Mr. OVERSTREET. Mr. Chairman, I ask unanimous consent to return to page 112 for the purpose of offering an amendment.

The CHAIRMAN. The gentleman from Indiana [Mr. OVERSTREET] asks unanimous consent to return to page 112 for the purpose of offering an amendment, which the Clerk will read.

The Clerk read as follows:

After line 10, on page 112, insert:
"For additional amount necessary for purchase of land for a military post at or near Indianapolis, Ind., and for necessary expenses incident to the appraisal and sale of the arsenal property in said city, $30,000, or so much thereof as may be necessary."

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. OVERSTREET. I now offer the amendment which has just been read.

Mr. ZENOR. I raise a point of order upon the amendment, and should be glad to hear some explanation of it from my colleague.

Mr. OVERSTREET. Mr. Chairman, technically, I should imagine that the point of order is properly taken; yet there are such equities in favor of this amendment that it seems to me quite probable that when properly understood they would secure a withdrawal of the point of order.

Under a statute of about a year ago the military reservation known as the arsenal at Indianapolis was ordered sold. Under direction of the War Department an appraisement was effected; and that appraisement, after careful examination, was fixed at $154,000. The same statute which directed the sale of that arsenal property directed the Secretary of War to invest in other lands adjacent to Indianapolis an amount of money equal to that realized from the sale of the arsenal, and that land was to be used for a military post.

The Secretary of War has had two different boards examine the land, and has fixed upon a site. He has been unable to make a swap of one of these tracts of land for the other. The land which he has selected for an Army post will bring $180,000 or $181,000 in round numbers. In view of the probability that the arsenal property may not bring an amount equal to that which the purchase of the new site will require (the sale of the arsenal property having been fixed for March 16), he now asks that he may have this additional sum, on which he may draw should the occasion arise. I can see no good reason for objecting to this proposition, and I believe the amendment should be adopted.

The CHAIRMAN. Is there any law authorizing the purchase of this site?

Mr. OVERSTREET. The same law which authorized the sale of the arsenal authorized the purchase of a site. But I will say to the Chair that it directed that an amount of money equal to that which the arsenal property should bring at the sale be invested in other lands in that same vicinity for the purposes of a post. The sale has been authorized and it will occur on the 16th of March next. The Secretary fears that the amount of the appraisement will be the "upset" bid, and if that should prove true, then it will not realize by about $27,000 what the site for the purpose of the Army post will require, so that he asks this additional sum as a leeway. If the sale brings as much as the new site will require, then none of this money will be drawn upon.

The CHAIRMAN. Then the effect of this amendment, from the standpoint of the point of order, would be to increase the limit of cost of the original purchase?

Mr. OVERSTREET. That is what it would practically amount to. I trust that my colleague will not insist on his point of order.

Mr. ZENOR. How much land is there in this tract upon which the arsenal at Indianapolis was located?

Mr. OVERSTREET. About 80 acres.

Mr. ZENOR. What is the estimated value of those 80 acres?

Mr. OVERSTREET. One hundred and fifty-four thousand dollars; and this is all it is worth.

Mr. ZENOR. Will my colleague state whether it is expected that that amount will be realized at the sale?

Mr. OVERSTREET. I doubt whether any more will be realized.

Mr. ZENOR. As I understand, the law under which these proceedings have been taken for the sale of the arsenal and the reinvestment in the purchase of land for a military post confines the investment of that sum to the amount realized from the sale of the arsenal property.

Mr. OVERSTREET. I said that technically such is the fact; but the Secretary has been unable to simply swap the two tracts.

Mr. ZENOR. Where is this land proposed to be purchased by the Government located with reference to the city of Indianapolis?

Mr. OVERSTREET. The Secretary, after careful investigation, having two different military boards visit the property for the purpose of the investigation, has determined upon the purchase of 1,833 acres about 8 miles from the center of the city of Indianapolis.

Mr. ZENOR. Of whom was this Army board composed—of residents of Indiana?

Mr. OVERSTREET. The Army board was composed entirely of officers of the United States Army.

Mr. ZENOR. Now, let me ask my colleague whether these 1,833 acres of land which it is proposed to purchase for this military post are not assessed upon the assessment book of the county of Marion for about $30 an acre.

Mr. OVERSTREET. I do not know what the assessment is, but I will say this, that all assessments are lower than the actual value.

Mr. ZENOR. Precisely.

Mr. OVERSTREET. I know that my friend desires to have this located in his own district, but the board decided otherwise.

Mr. ZENOR. These 1,833 acres are located in a broken, hilly country, are they not, and are not even very valuable for farming purposes?

Mr. OVERSTREET. Oh, no; the Adjutant-General, on the other hand, and other officers of the Department have advised me that the land lies in such a way as to make a most admirable Army post, and they so regard it.

Mr. ZENOR. I will ask the gentleman to state if the market value of the land situate and located in the same section in which it is proposed to invest this money is not to-day no more than $50 an acre, the very best of it.

Mr. OVERSTREET. I think the gentleman is mistaken.

Mr. ZENOR. Mr. Chairman, I have information that it is not worth over $30 an acre.

Mr. OVERSTREET. I will say that I presume the gentleman's information emanates from a circular letter which has been forwarded to members of the Indiana delegation. I received one. That letter touches upon the valuation of this land. The letter was written by constituents of mine, a reputable real-estate firm which had other lands to sell to the Department, but did not succeed in disposing of them.

Mr. ZENOR. I am very glad to have the indorsement of my colleague as to the gentlemen.

Mr. OVERSTREET. Gentlemen of the committee can draw their own conclusion as to the criticism raised by that firm. I will say that I have no criticism to pass upon any of the acts of the War Department, either in its course of conduct in reference to the proposed sale or in the manner of arriving at the selection of the site. It has been gone about in the ordinary way pursued by the Department.

Mr. ZENOR. Just one more question. Does the gentleman think that the 1,833 acres are necessary to constitute this military post at Indianapolis? Is not that acreage far in excess of the actual needs for that purpose?

Mr. OVERSTREET. That was entirely left to the Department. I had no consultation with them whatever.

Mr. ZENOR. I will ask my colleague whether he knows if that number of acres, 1,833, is the amount of land agreed upon?

Mr. OVERSTREET. It has been agreed upon, and so ordered by the Secretary of War.

Mr. ZENOR. And is located about 8 miles from the city of Indianapolis?

Mr. OVERSTREET. Yes.

Mr. GILLETT of Massachusetts. Mr. Chairman, I rise to a parliamentary inquiry.

Mr. ZENOR. I will ask further whether land in that part of the country is selling at $100 an acre?

The CHAIRMAN. The gentleman from Massachusetts will state his parliamentary inquiry.

Mr. GILLETT of Massachusetts. I will ask if this dialogue is pertinent to the point of order that is pending?

The CHAIRMAN. A point of order is pending.

Mr. OVERSTREET. I trust that my colleague will not insist upon his point of order.

Mr. ZENOR. Mr. Chairman, I ask unanimous consent to make a statement. I will not insist upon the point of order.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to make a statement. Is there objection?

There was no objection.

Mr. ZENOR. Mr. Chairman, I desire to make a statement in regard to this proposed amendment of my colleague, and I will determine as to whether or not I shall press this point of order. I think, however, that it is well taken. I understand that the proposition to secure the location of an Army post at Indianapolis, Ind., originated with the Indianapolis people about a year ago. They conceived the idea of selling the Government reservation and arsenal located thereon, at that city, and procure the reinvestment of the proceeds thereof in the purchase of other lands at or near that site. This argument addressed to the Committee on Military Affairs and the Secretary of War prevailed as against the claims of other parts of my State, notably the southern part, and that committee reported a provision in the appropriation bill of last year authorizing the Secretary of War to sell said arsenal and grounds and deposit the proceeds in the United States Treasury. It further appropriated said money and authorized the Secretary of War to purchase other lands in that county at or near the arsenal site for a military post, but not to exceed the amount of such proceeds. He, the Secretary, was expressly limited by the provisions of the law to the proceeds of the sale of the arsenal property.

Having succeeded in successfully competing with other parts of the State for the Army post, and largely upon the ground that it would cost the Government nothing beyond the small expense incidental to a sale of the arsenal property and reinvestment of the proceeds in the purchase of other lands for a suitable site for such post, and having secured what they now consider the permanent establishment of this post, they, at the first opportunity, and, it seems to me, in breach of good faith, come to Congress and tell us that they want to buy 1,830 acres of land for this proposed site, and they lack money enough to do this. They say they can realize for the arsenal property $154,000, but they want $181,000, and are short $30,000.

They now propose to go beyond the limit fixed in the law and expend $30,000 more than they first said they wanted or needed. But this is not the serious objection—the most objectionable—to this proposition. They have, as they say, taken an option upon, or have had an examination and appraisement made, of the land they propose to buy, and that this consists of eighteen hundred and thirty-three acres, about 8 or 9 miles from Indianapolis, and propose to pay for this land the enormously high price of $100 per acre, or $181,000 to $184,000 for the same. Mr. Chairman, this is, in my judgment, from information now in my possession from reliable parties, citizens of Indianapolis, an outrageous price—more than the land is worth by double. I have letters and other data from a reputable firm of business men in that city saying that this land is situate in a rough, hilly, and broken country, and is not worth at the highest price over $45 or $50 per acre.

I have information which I understand to come from reputable gentlemen in Indianapolis, and the gentleman from Indiana [Mr. OVERSTREET] has just admitted that these gentlemen are reputable. These statements and letters have been sent to me as well as to other members, perhaps, of the Indiana delegation, and are to the effect that this property which is now sought to be purchased by the Government is assessed upon the assessment books of the county of Marion for a little more than $30 an acre—an average of $30.43 per acre.

I have in my possession a list, said by these gentlemen to be taken from the assessment books and duplicates of Marion County, of 2,300 acres of land, all lying in the sections from which it is said these 1,833 acres proposed to be purchased by the Government are to be selected, and the average assessed value of these lands is $30.43 per acre. Well, they say—my colleague [Mr. OVERSTREET] says—these assessments are too low, they are very much under their fair cost value. Let us admit that. Let us assume that they are not assessed for more than two-thirds of their value, and it will certainly not be contended that the assessor of Marion County would so far forget his duty as to put lands at less than two-thirds of their value for taxable purposes when his oath required him to assess them at their fair cash value. Then we have lands worth $45 per acre—and at this price the lands would be worth only $82,485—showing that at this price they still have money enough to pay for these lands at a fair price and have a balance ramaining of $71,515 for other improvements in the way of buildings and equipments.

I understand that the lands are not worth to exceed $45 an acre at the outside. They are valued at not more than $30.43 or $30.44 an acre, I think, on the assessment books; and certainly the assessor of that county did not so far forget his duty that he put an appraisement value on real estate in the county of Marion at less than one-half of what it is really worth. If such be the fact, then it is a great injustice to other people living in the southern part of Indiana, whose real estate usually is appraised at its fair cash value and in but few instances as low as three-fourths of what it is worth.

Now, supposing that it is one-half of what it is worth or two-thirds of what it is worth, taking this 1,833 acres and putting it at $45 an acre, at one-third more than the value as fixed by the assessor of Marion County, the total 1,833 acres amounts to $82,000. Yet they come in here with a proposition that the Government shall pay $180,000 for this 1,833 acres. Put it at the highest and say that it is worth $50 an acre. And I say I have statements and letters from entirely trustworthy people that this real estate is not worth to exceed $45 per acre, and, further, that real estate is advertised in the papers of Indianapolis, located in the same community and in the hands of real-estate agents in Indianapolis, and offered at $50 an acre, 150 acres of better land in many respects than this which is proposed to be purchased, and that land can not be disposed of.

It seems to me that it is but fair to the members of this House that before they vote upon this proposition, before they authorize the purchase of this real estate at this enormously high price, they should consider this proposition, first, that it is in excess of any provision of law or authority conferred upon the Secretary of War. The law expressly confined this cost for the location and establishment of a military post at Indianapolis to the proceeds of the sale of that arsenal, which will amount to $154,000. Yet it is proposed to buy this real estate at what seems to me to be this enormously excessive price.

That is all I have to say. I shall not press the point of order, but let the House determine whether or not this expenditure shall be made.

The CHAIRMAN. The gentleman withdraws his point of order. The question is on the amendment offered by the gentleman from Indiana [Mr. OVERSTREET].

The question being taken, on a division (demanded by Mr. OVERSTREET) there were—ayes 44, noes 35.

Accordingly the amendment was agreed to.

Mr. JONES of Washington. Mr. Chairman, I suggest that we return to page 87, with reference to the provision for the Mount Rainier National Park. I desire to submit an amendment that I trust will be agreed to.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to return to page 87 for the purpose of offering an amendment, which the Clerk will report.

The Clerk read as follows:

Add to the amendment already adopted as a substitute amendment the following:

"And for protection and improvement of said park, and repairing and extension of roads and trails, to be expended under the supervision of the Secretary of the Interior, $3,000."

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

Mr. CANNON. It was on page 115 of the bill that the other amendment was agreed to.

Mr. JONES of Washington. I thought it was page 87.

The CHAIRMAN. It is on page 115. The Chair understood the gentleman to say page 87.

Mr. JONES of Washington. I understood it was page 87 where the other amendment was adopted.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington to return to page 115?

Mr. CANNON. I will say to my friend that I do not want to have that amendment adopted. It is entirely independent of the former amendment.

Mr. JONES of Washington. Let me say to the gentleman that it was understood we could go back, and therefore I did not ask unanimous consent to do it.

Mr. CANNON. Oh, well, I will not interpose any objection to going back, but let us hear the amendment read again, and let us in that same connection hear read the amendment that we did adopt.

The CHAIRMAN. The Chair hears no objection to the request of the gentleman from Washington. The Clerk will now report the amendment, together with the amendment previously adopted by the Committee of the Whole.

The Clerk read as follows:

Mount Rainier National Park: To enable the Secretary of War to cause a survey to be made of the most practicable route for the establishment of a road into said park, and toward the construction of said road after the survey herein provided for shall have been made, $10,000.

Add to the amendment just read the following:

"And for protection and improvement of said park, and repairing and extension of roads and trails, to be expended under the supervision of the Secretary of the Interior, $3,000."

Mr. JONES of Washington. I suggest to the gentleman that that is the language of the appropriation for the improvement of Crater Lake, National Park, on page 87.

Mr. CANNON. I do not want to turn both these departments in there. It should be done, if at all, under the authority of the Secretary of War. In other words, there is no economy in turning both these departments in there. We are caring for the park substantially by details from the Army.

Mr. JONES of Washington. Let me suggest that the gentleman misunderstands the situation. In the act organizing this park it says that the control of it shall be exclusively in the Secretary of the Interior; so that we can not without new legislation put the Secretary of War in there. The substitute amendment has nothing to do with the park. That substitute amendment simply says that under the direction of the Secretary of War he can survey a road into the park. Now, that simply takes it to the park. There are 24 miles through the forest reservation before you get to the park that will be surveyed under that provision. Now, I have investigated the matter, and I find that while the Secretary of War continues to detail soldiers to the different national parks, they are there by virtue of separate acts passed by Congress authorizing the Secretary of the Interior to request the Secretary of War to detail troops, and when these troops are detailed the officer in command is the acting superintendent of the park, under the Secretary of the Interior. Now, that is the situation in reference to these other parks. This is not an attempt to give the Secretary of War any new power. It simply makes provision for what the Secretary of the Interior requests and earnestly recommends in his report. The park can not be cared for or looked after without the $10,000 provision. That has nothing to do with the park itself.

Mr. CANNON. Well, in other words, it is to give somebody salaries where there is no improved park. I will submit to my friend, why not enlarge the survey and let us have a report?

Mr. JONES of Washington. Report on what?

Mr. CANNON. On what the roads will cost, and so on, and so on. In other words, there is nothing at Mount Rainier Park now.

Mr. JONES of Washington. The main object is to get somebody to look after the park, and the Secretary, as I read yesterday, has had to put the forest superintendent of Washington there temporarily in charge, but this interferes with his work, and the Secretary recommends the appropriation for this park so that it may be looked after. I hope the gentleman will not object.

Mr. CANNON. It does not lie with me, but with the committee, to let this matter in.

Mr. JONES of Washington. But if the gentleman does not object the committee will not object.

Mr. CANNON. I do not believe it is wise.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington.

The question was taken, and the Chairman announced that the ayes appeared to have it.

Mr. MADDOX. Division.

The committee divided, and there were—ayes 33, noes 27.

Mr. BALL of Texas. Tellers, Mr. Chairman.

The CHAIRMAN. The gentleman from Georgia demands tellers.

Mr. MADDOX. I did not make the demand for tellers, Mr. Chairman; but I do make the demand for a quorum.

The CHAIRMAN. The Chair will count.

Mr. JONES of Washington. Mr. Chairman, I withdraw this amendment. I see there is a disposition to make the point of no quorum.

The CHAIRMAN. The gentleman withdraws his amendment.

Mr. JONES of Washington. I ask now, Mr. Chairman, to return to page 24 for the purpose of offering an amendment.

The CHAIRMAN. The gentleman asks unanimous consent to return to page 24 for the purpose of offering an amendment which the Clerk will report.

Mr. MADDOX. I did not withdraw my point of no quorum, Mr. Chairman.

Mr. CANNON. Well, the gentleman withdrew the amendment; and I will say to the gentleman from Georgia I think with this amendment and probably one by the gentleman from Virginia that we can conclude the bill.

Mr. RICHARDSON of Tennessee. I shall insist on my amendment, which I have here, and the authorities.

Mr. CANNON. I think we can dispose of it in a very few minutes. I would like to finish the bill to-night. If we do not do it in fifteen minutes, I will move that the committee rise.

The CHAIRMAN. Does the gentleman from Georgia insist on the point of no quorum?

Mr. MADDOX. I would not insist upon the point of no quorum, but I am informed by gentlemen behind me that they are going to demand a quorum when we rise and a yea-and-nay vote on the question of the amendment submitted by the gentleman from Indiana. After hearing the statement of my colleague on the left, I think we may just as well quit now.

Mr. CANNON. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. TAWNEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 17202, the sundry civil appropriation bill, and had come to no resolution thereon.

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bills of the following titles:

H. R. 14512. An act to amend an act to add certain counties in Alabama to the northern district therein, and to divide the said northern district, after the addition of said counties, into two divisions, and to prescribe the times and places for holding courts therein, and for other purposes, approved May 2, 1884;

H. R. 7. An act authorizing the Secretary of War to cause to be erected monuments and markers on the battlefield of Gettysburg, Pa., to commemorate the valorous deeds of certain regiments and batteries of the United States Army;

H. R. 16975. An act to authorize the construction of a bridge across the Monongahela River, in the State of Pennsylvania, by the Eastern Railroad Company;

H. R. 16602. An act to extend the time granted to the Muscle Shoals Power Company by an act approved March 3, 1899, within which to commence and complete the work authorized in the said act to be done by said company, and for other purposes;

H. R. 16334. An act fixing terms of United States courts in Colorado, and for other purposes;

H. R. 14047. An act for the relief of the clerks of circuit and district courts of the United States;

H. R. 11544. An act to correct the military record of Thomas J. Morman;

H. R. 11127. An act for the relief of the Propeller Towboat Company, of Savannah;

H. R. 12064. An act for the relief of Lebbeus H. Rogers and the administrators of William B. Moses, deceased;

H. R. 2422. An act for the relief of Edward S. Crill;

H. R. 3502. An act for the relief of the estate of M. J. Grealish, deceased;

H. R. 16646. An act to authorize the construction of a bridge across Bogue Chitto, in the State of Louisiana;

H. R. 2473. An act granting an increase of pension to James Billingsley;

H. R. 16272. An act granting an increase of pension to Enoch Dodd;
H. R. 10953. An act granting an increase of pension to John A. M. Seitz;
H. R. 1377. An act granting an increase of pension to Bridget Agnes Tridel;
H. R. 16591. An act granting an increase of pension to James Mattingly;
H. R. 1482. An act granting an increase of pension to John A. Smith;
H. R. 16217. An act granting an increase of pension to Julia E. Jones;
H. R. 16053. An act granting an increase of pension to Henry P. Reynolds;
H. R. 11417. An act granting an increase of pension to Julia Anglada;
H. R. 16358. An act granting an increase of pension to Benjjamin W. Walker;
H. R. 6889. An act granting an increase of pension to Michael Rader;
H. R. 14391. An act granting an increase of pension to Edward Walsh.
H. R. 714. An ant granting an increase of pension to Frederick Hart;
H. R. 13088. An act granting an increase of pension to Hiram D. Demming;
H. R. 14251. An act granting an increase of pension to Hugh J. Reynolds;
H. R. 14897. An act granting an increase of pension to Phillip Mooney;
H. R. 12410. An act granting an increase of pension to Mary Nichols;
H. R. 8287. An act granting an increase of pension to Peter Johnson;
H. R. 8288. An act granting an increase of pension to Scott Case;
H. R. 7334. An act granting an increase of pension to Ira L. Evans;
H. R. 5167. An act granting an increase of pension to John G. Nowman;
H. R. 4059. An act granting an increase of pension to Julia A. Cook;
H. R. 13826. An act granting an increase of pension Francis N. Bonneau;
H. R. 15064. An act granting an increase of pension to Frederick Shovar;
H. R. 14789. An act granting an increase of pension to David Brobst;
H. R. 14388. An act granting an increase of pension to Graham McClosson;
H. R. 15421. An act granting an increase of pension to Elizabeth Palmer;
H. R. 15571. An act granting an increase of pension to John McFarland;
H. R. 16269. An act granting an increase of pension to Annie W. Coyt;
H. R. 15473. An act granting an increase of pension to Winthrop W. Wolcott;
H. R. 5460. An act granting an increase of pension to Thomas Sherry;
H. R. 3516. An act granting an increase of pension to Ozro F. Cheney;
H. R. 11596. An act granting an increase of pension to Inez L. Clift;
H. R. 9950. An act granting an increase of pension to Moses Whitcomb;
H. R. 15439. An act granting an increase of pension to Jane P. Chester;
H. R. 1929. An act granting an increase of pension to Peter Tuper;
H. R. 14120. An act granting an increase of pension to Sarah A. Leepard;
H. R. 14604. An act granting an increase of pension to Asa C. Hill.
H. R. 1689. An act granting an increase of pension to Hiram S. Thompson;
H. R. 7012. An act granting an increase of pension to Abel Fleming;
H. R. 15870. An act granting an increase of pension to John Smith;
H. R. 14605. An act granting an increase of pension to John T. Knoop;
H. R. 4807. An act granting an increase of pension to Thomas Parfitt;
H. R. 16465. An act granting an increase of pension to William H. Knepple;
H. R. 11790. An act granting an increase of pension to Abel Woods;
H. R. 15437. An act granting an increase of pension to Sarah A. Gerry;
H. R. 15438. An act granting an increase of pension to Thomas E. Peabody;
H. R. 3569. An act granting an increase of pension to Joseph Buckholz;
H. R. 15673. An act granting a pension to Annie E. Doss;
H. R. 15572. An act granting a pension to Charles W. Bracken;
H. R. 13297. An act granting a pension to Martin Greeley;
H. R. 15300. An act granting a pension to Delania Preston;
H. R. 15206. An act granting a pension to Mary P. Everton;
H. R. 16153. An act granting a pension to George W. Choate;
H. R. 5920. An act granting a pension to Washington Fison;
H. R. 14168. An act granting a pension to John B. Anderson;
H. R. 15211. An act granting a pension to Mary J. Slusser;
H. R. 2812. An act granting a pension to Susan Kent;
H. R. 13358. An act granting a pension to Elizabeth A. Wilder;
H. R. 12971. An act granting a pension to Thomas Martin;
H. R. 15694. An act granting a pension to Bessie Ledyard;
H. R. 11199. An act granting a pension to Lewis Walton;
H. R. 15084. An act granting a pension to James H. Powell;
H. R. 15550. An act granting a pension to Mary A. Hinkle:
H. R. 14811. An act granting a pension to Almedia J. Robison;
H. R. 4153. An act granting a pension to Jane Hale;
H. R. 5450. An act granting a pension to Charles P. Bigelow;
H. R. 9074. An act granting a pension to Elizabeth C. Gates;
H. R. 11258. An act granting a pension to William F. Randolph;
H. R. 4118. An act granting a pension to Charles Maschmeyer;
H. R. 13689. An act granting a pension to William W. Painter;
H. R. 1014. An act granting a pension to Laura Levenseler;
H. R. 14258. An act granting a pension to Fletcher Buling.
H. R. 7778. An act granting a pension to Peter Buckley;
H. R. 8617. An act granting a pension to Sabina Lalley;
H. R. 16058. An act granting a pension to John Corbett;
H. R. 12963. An act granting a pension to Sarah E. Smith;
H. R. 14687. An act granting a pension to Margaret Brennan;
H. R. 5918. An act granting a pension to Margaret Fox;
H. R. 16321. An act granting a pension to Michael Devine;
H. R. 14407. An act granting a pension to Mary E. Bunn;
H. R. 15754. An act granting a pension to Francis Cowie;
H. R. 14889. An act granting a pension to James T. Lundy;
H. R. 2614. An act granting a pension to John Sullivan;
H. R. 16711. An act granting a pension to Ann Gilbert;
H. R. 14814. An act granting a pension to Herman J. Miller;
H. R. 4441. An act granting an increase of pension to Oscar Brewster;
H. R. 6161. An act granting an increase of pension to Homer Davis;
H. R. 1829. An act granting an increase of pension to George W. Brill;
H. R. 305. An act granting an increase of pension to George Heinzman;
H. R. 11125. An act granting an increase of pension to John S. Campbell;
H. R. 2675. An act granting an increase of pension to John M. Stanley;
H. R. 16271. An act granting an increase of pension to Gustavus W. Peabody;
H. R. 15841. An act granting an increase of pension to John Da Silva;
H. R. 15997. An act granting an increase of pension to Christian J. Flanagan;
H. R. 1923. An act granting an increase of pension to Frederick W. Damon;
H. R. 14143. An act granting an increase of pension to Augusta W. Seely;
H. R. 16162. An act granting an increase of pension to George Brown;
H. R. 16032. An act granting an increase of pension to Henry Taylor;
H. R. 12214. An act granting an increase of pension to Jane A. Tillinghast;
H. R. 14409. An act granting an increase of pension to James Claybourn;
H. R. 7851. An act granting an increase of pension to Jennie H. Cramer;
H. R. 1531. An act granting an increase of pension to Susan E. Duncan;
H. R. 8254. An act granting an increase of pension to John R. Curry;
H. R. 1423. An act granting an increase of pension to Asa Tarbox;
H. R. 12991. An act granting an increase of pension to Gustavus S. Perkins;

H. R. 15622. An act granting an increase of pension to Benjamin Cardwell;

H. R. 15519. An act granting an increase of pension to James M. Clement;

H. R. 14952. An act granting an increase of pension to Leonard S. Grove;

H. R. 12019. An act granting an increase of pension to William Lowe;

H. R. 15910. An act granting an increase of pension to James A. Hale;

H. R. 8626. An act granting an increase of pension to Sarah E. Yemans;

H. R. 15329. An act granting an increase of pension to Elizabeth Rosenbarger;

H. R. 12524. An act granting an increase of pension to Elvira M. Cooper;

H. R. 15661. An act granting an increase of pension to James M. Marshall;

H. R. 13999. An act granting on increase of pension to Dennis Cosier;

H. R. 4266. An act granting an increase of pension to Henry Ehmke;

H. R. 15406. An act granting an increase of pension to James P. Campbell;

H. R. 15840. An act granting an increase of pension to Rudolph B. Weyeneth;

H. R. 13534. An act granting an increase of pension to James Evans;

H. R. 10663. An act granting an increase of pension to Benjamin H. Downing;

H. R. 3578. An act granting an increase of pension to Erastus E. Edmunds;

H. R. 15889. An act granting an increase of pension to Chester W. Abbott;

H. R. 5898. An act granting an increase of pension to Reuben F. Carter;

H. R. 14302. An act granting an increase of pension to Samuel Burrell;

H. R. 15684. An act granting an increase of pension to Joseph R. Prentice;

H. R. 13240. An act granting an increase of pension to Nimrod F. Clark;

H. R. 5511. An act granting an increase of pension to Cyrus V. Gorrell;

H. R. 15892. An act granting an increase of pension to Eli Titus;

H. R. 12850. An act granting an increase of pension to Charles K. Cameron;

H. R. 15864. An act granting an increase of pension to Benjamin Knestrict;

H. R. 9814. An act granting an increase of pension to Mary Williams;

H. R. 15961. An act granting an increase of pension to Jane C. Welsh;

H. R. 16499. An act granting an increase of pension to Charles S. Wainwright;

H. R. 15585. An act granting an increase of pension to Solomon S. Shaner;

H. R. 16512. An act granting an increase of pension to John Dinneen, now known as John J. Davidson;

H. R. 3899. An act granting an increase of pension to Thomas B. Wilson;

H. R. 13239. An act granting an increase of pension to Irvin Thompson;

H. R. 13799. An act granting an increase of pension to Henry C. Trout;

H. R. 4183. An act granting an increase of pension to Gottlieb Kafer;

H. R. 16492. An act granting an increase of pension to Wilson G. Gray;

H. R. 14303. An act granting an increase of pension to Robert H. Maricle;

H. R. 15472. An act granting an increase of pension to William H. Chamberlain;

H. R. 9987. An act granting an increase of pension to Aaron Young;

H. R. 1015. An act granting an increase of pension to Isaac F. Russell;

H. R. 15358. An act granting an increase of pension to John Snodgrass;

H. R. 14963. An act granting an increase of pension to Herman Tuerck;

H. R. 16148. An act granting an increase of pension to Henry F. Libby;

H. R. 15839. An act granting an increase of pension to Luther Scott; and

H. R. 15693. An act granting an increase of pension to Delitha A. Cook.

CONVENTION BETWEEN THE UNITED STATES AND GREAT BRITAIN.

The SPEAKER laid before the House the following message from the President of the United States: which was ordered printed, and referred to the Committee on Appropriations.

The Clerk read as follows:

To the Senate and House of Representatives:

I transmit herewith a report by the Secretary of State, with an accompanying draft of an act making an appropriation to carry out on the part of the United States the provisions of the convention between the United States and Great Britain concluded January 24, 1903.

In order that there may be no delay in the appointment and assembling of the tribunal provided for in the convention, I ask for the matter the favorable consideration of the present Congress.

THEODORE ROOSEVELT.

WHITE HOUSE, *February 13, 1903.*

LEAVE TO PRINT.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that all members may have leave to print for five days on the bill S. 7053, that the House considered this morning.

The SPEAKER. The gentleman from Alabama asks unanimous consent for general leave to print for five days upon the bill that passed to-day, known as the Elkins bill.

Mr. STEELE. Mr. Speaker, I shall object, unless the remarks are confined to the subject under discussion.

Mr. UNDERWOOD. I said remarks upon this bill.

The SPEAKER. The gentleman from Alabama amends his request so that remarks must apply to the bill which has been under consideration. Is there objection? [After a pause.] The Chair hears none.

LEAVE OF ABSENCE.

By unanimous consent, Mr. MICKEY was granted leave of absence for five days on account of important business.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 45 minutes p. m.) the House adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, the following executive communication was taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury with inclosures concerning Government salary tables to be used in payment of the salaries of all officers and employees of the Government—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HOPKINS, from the Select Committee on the Census, to which was referred the bill of the House (H. R. 15807) providing for the taking of the statistics of cities by the Census Bureau every two years, reported the same with amendments, accompanied by a report (No. 3767); which said bill and report were referred to the House Calendar.

Mr. GILLET of New York, from the Committee on Public Buildings and Grounds, to which was referred the bill of the House (H. R. 17237) removing fire limit on post-office grounds at Bridgeport, Conn., reported the same without amendment, accompanied by a report (No. 3768); which said bill and report were referred to the House Calendar.

Mr. DALZELL, from the Committee on Rules, to which was referred the resolution of the House (H. Res. 446) for the consideration of S. 7053, reported in lieu thereof H. Res. 447, accompanied by a report (No. 3769); which said resolution and report were referred to the House Calendar.

Mr. SMALL, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 9685) to amend chapter 7 of the United States Revised Statutes, reported the same with amendments, accompanied by a report (No. 3770); which said bill and report were referred to the House Calendar.

Mr. CORLISS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 9974) to legalize and permit the maintenance of certain dams in and bridges over the St. Joseph River, in Elkhart and St. Joseph counties, State of Indiana, reported the same with amendments, accompanied by a report (No. 3772); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. FORDNEY, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 16734) to provide an American register for the steamer *Beaumont*, reported the same without amendment, accompanied by a report (No. 3771); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. PALMER: A bill (H. R. 17399) to provide for the organization of corporations to engage in commerce with foreign nations and among the several States—to the Committee on the Judiciary.

By Mr. MOODY: A bill (H. R. 17400) to ratify an agreement with the Indians of the Klamath Indian Reservation, in Oregon, and making appropriations to carry the same into effect—to the Committee on Indian Affairs.

By Mr. McCLEARY: A joint resolution (H. J. Res. 270) providing for the editions to be printed of the annual and special reports of the Librarian of Congress—to the Committee on Printing.

By Mr. McCLELLAN: A concurrent resolution (H. C. Res. 86) for printing 40,000 copies of American Library Association Catalogue of Five Thousand Best Books—to the Committee on Printing.

By Mr. HEPBURN: A resolution (H. Res. 446) for the consideration of S. 7053—to the Committee on Rules.

By Mr. DALZELL, from the Committee on Rules: A resolution (H. Res. 447) for the consideration of S. 7053 in lieu of H. Res. 446—to the House Calendar.

By Mr. FOSS: A resolution (H. Res. 448) relating to consideration of H. R. 17288—to the Committee on Rules.

By Mr. EVANS: A resolution (H. Res. 449) to pay D. P. Thomas for extra services as messenger—to the Committee on Accounts.

By Mr. McCALL: A resolution of the legislature of the Commonwealth of Massachusetts relative to Castle Island—to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BURTON: A bill (H. R. 17401) granting an increase of pension to John Wilson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17402) granting an increase of pension to James B. Wilson—to the Committee on Invalid Pensions.

By Mr. CALDWELL: A bill (H. R. 17403) for the relief of Lorenzo Browning—to the Committee on War Claims.

By Mr. CLAYTON: A bill (H. R. 17404) granting a pension to Mary Shiver—to the Committee on Pensions.

Also, a bill (H. R. 17405) granting a pension to Amanda Skinner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17406) granting a pension to Georgia Ann Vaughan—to the Committee on Pensions.

By Mr. GIBSON: A bill (H. R. 17407) granting a pension to Lillie P. Hinman—to the Committee on Pensions.

Also, a bill (H. R. 17408) granting a pension to Frank J. Winninger—to the Committee on Pensions.

Also, a bill (H. R. 17409) granting a pension to Sarah Ramsey—to the Committee on Pensions.

By Mr. PAYNE: A bill (H. R. 17410) granting a pension to Jane E. Sutfin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17411) granting an increase of pension to William H. Clark—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 17412) for the relief of James H. Forsythe, executor of the estate of William Forsythe—to the Committee on Claims.

By Mr. SOUTHARD: A bill (H. R. 17413) granting an increase of pension to Kate O'Connor—to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: A bill (H. R. 17414) granting a pension to Patrick Dawson—to the Committee on Invalid Pensions.

By Mr. TATE: A bill (H. R. 17415) for the relief of the estates of J. J. Findley and Samuel Stephens—to the Committee on War Claims.

By Mr. GIBSON: A bill (H. R. 17416) granting an increase of pension to Joseph Jones—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Resolution of Brotherhood of Locomotive Engineers, Division 565, of New Castle, Pa., favoring Senate bill 3560, known as the Foraker safety-appliance bill—to the Committee on Interstate and Foreign Commerce.

By Mr. BABCOCK: Petition of the mayor, common council, and 200 citizens of Lancaster, and common council of Richland Center, Wis., asking for the passage of Senate bill 909, for the extension of the free-delivery system—to the Committee on the Post-Office and Post-Roads.

By Mr. BROWNLOW: Petition of Thomas Bradshaw, administrator of the estate of Thomas Patterson, deceased, of Grainger County, Tenn., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of John Mathis, of Hamblin County, Tenn., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. BULL: Resolution of Electrical Workers' Union No. 268, of Newport, R. I., in favor of the passage of the anti-injunction bill—to the Committee on Labor.

By Mr. BURNETT: Paper to accompany House bill 14903, granting an increase of pension to James A. Martin—to the Committee on Invalid Pensions.

Also, affidavit to accompany House bill 16354, relating to the claim of E. A. Gilleland—to the Committee on Claims.

By Mr. CAPRON: Resolutions of Providence City Lodge, No. 143, Order of B'rith Abraham, of Providence, R. I., relating to methods of the immigration bureau at the port of New York—to the Committee on Immigration and Naturalization.

By Mr. DINSMORE: Paper to accompany House bill to correct the military record of Charles Phillips—to the Committee on Military Affairs.

By Mr. DRAPER: Resolution of the board of supervisors of the State of New York, urging the passage of House bill 15369, for the creation of a bureau of public roads to provide a system for the permanent improvement of the public highways—to the Committee on Agriculture.

By Mr. ESCH: Petition of retail druggists of Fairchild, Neillsville, Loyal, and Greenwood, Wis., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. GARDNER of Massachusetts: Resolutions of Salem Lodge, No. 270, Order of B'rith Abraham, against the exclusion of Jewish immigrants at the port of New York—to the Committee on Immigration and Naturalization.

By Mr. GIBSON: Paper to accompany House bill granting a pension to Lillie P. Hinman, of Knox County, Tenn.—to the Committee on Pensions.

By Mr. GRAHAM: Petition of the National Press Association, urging the passage of a law that second-class matter, when deposited for local delivery by letter carriers, shall be subject only to the pound rate of postage, to be prepaid as that is now prepaid—to the Committee on the Post-Office and Post-Roads.

By Mr. GRIFFITH: Resolution of Local Union No. 127, International Union of Steam Engineers, Columbus, Ind., urging the passage of House bill 3076, for an eight-hour law—to the Committee on Labor.

By Mr. HAY: Petition of Samuel Loyd, of Shenandoah County, Va., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of Abraham Miller, of Rockingham County, Va., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of John Early, of Rockingham County, Va., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of William C. Simmers, of Rockingham County, Va., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of Daniel Miller, of Augusta County, Va., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. LINDSAY: Resolution of the board of supervisors of the State of New York, in favor of House bill 15369, known as the good-roads bill—to the Committee on Agriculture.

Also, resolutions of Meyerbeer Lodge, No. 115, Sons of Benjamin, Brooklyn, N. Y., against the exclusion of Jewish immigrants at the port of New York—to the Committee on Immigration and Naturalization.

By Mr. PUGSLEY: Resolutions of the Medical Association of Central New York, favoring the establishment of a laboratory for the study of the criminal, pauper, and defective classes—to the Committee on the Judiciary.

Also, resolution of Cigar Makers' Union No. 81, of Peekskill, N. Y., in favor of the passage of House bill 16457—to the Committee on Ways and Means.

Also, resolutions of local board of Morrisania, Twenty-fourth district, borough of the Bronx, New York City, in relation to the improvement of the Bronx Kills—to the Committee on Rivers and Harbors.

By Mr. REEDER: Petition of Methodist Episcopal Church conference of Cawker City, Kans., to prohibit liquor selling in Government buildings, etc.—to the Committee on Alcoholic Liquor Traffic.

By Mr. RYAN: Resolutions of the convention of supervisors of New York State, in favor of the Brownlow good-roads bill—to the Committee on Agriculture.

By Mr. THOMPSON: Petitions of retail druggists of Roanoke. Wetumpka, Alexander City, Letohatchee, Haynesville, and Fort Deposit, Ala., in favor of House bill 178, for the reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. YOUNG: Petition of the National Fraternal Press Association, in relation to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

SENATE.

SATURDAY, *February 14, 1903.*

The Senate met at 1 o'clock p. m.

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. LODGE, and by unanimous consent, the further reading was dispensed with.

RECEIPTS AND EXPENDITURES IN THE PHILIPPINES.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of War, transmitting a statement of the receipts and expenditures in the Philippine Islands from August 20, 1898, to June 30, 1902, etc. There is a very large number of papers accompanying the communication and the Chair suggests that they be referred to the Committee on the Philippines without printing and with an order to print. There being no objection, it will be so ordered.

BUILDING FOR THE DEPARTMENT OF AGRICULTURE.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of Agriculture, transmitting a letter from the Supervising Architect of the Treasury submitting an estimate of appropriation necessary to carry into effect the law authorizing the erection of a new building for the Department of Agriculture, approved February 9, 1903; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

REGULATION OF COMMERCE.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 7053) to further regulate commerce with foreign nations and among the States.

The amendments of the House of Representatives were:

On page 1, line 9, after "shall" to insert "also;"
On page 4, line 23, to strike out "it shall be authorized to present;"
On page 4, line 23, after "petition" to insert "may be presented;"
On page 5, line 18, after "States" to insert "whenever the Attorney-General shall direct, either of his own motion or upon the request of the Interstate Commerce Commission;"
On page 6, line 11, after "person" to strike out "corporation;"
On page 6, line 13, after "he" to strike out "or it;" and
On page 6, line 14, after "proceeding" to insert:
"*Provided*, That the provisions of an act entitled 'An act to expedite the hearing and determination of suits in equity pending or hereafter brought under the act of July 2, 1890, entitled "'An act to protect trade and commerce against unlawful restraints and monopolies,'" "'An act to regulate commerce,'" approved February 4, 1887, or any other acts having a like purpose that may be hereafter enacted, approved February —, 1903,' shall apply to any case prosecuted under the direction of the Attorney-General in the name of the Interstate Commerce Commission."

Mr. CLAPP. On behalf of the Committee on Interstate Commerce, I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE CRUMP.

Mr. BURROWS. Mr. President, I desire to give notice that at the close of eulogies to-day upon the life and character of AMOS J. CUMMINGS, late a Representative from the State of New York, I shall submit resolutions commemorative of the life and character of ROUSSEAU O. CRUMP, late a Representative from the State of Michigan.

STATEHOOD BILL.

Mr. QUAY. Mr. President, I desire to give notice that at the daily session of the Senate hereafter, during the present Congress, immediately after the conclusion of the morning business, I will move to proceed to the consideration of what is known as the statehood bill. I give the notice in order that I may not come in conflict with notices by others Senators.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 2052) making Chester, Pa., a subport of entry; and
A bill (H. R. 6714) for the relief of Alexander S. Rosenthal.

PETITIONS AND MEMORIALS.

Mr. GALLINGER presented a petition of the Woman's Christian Temperance Union of Dover, N. H., praying for the enactment of legislation granting to the States power to deal with intoxicating liquors which may be shipped into their territory from other States; which was referred to the Committee on Interstate Commerce.

Mr. MCCUMBER presented a petition of the National Live Stock Association, of Kansas City, Mo., praying for the adoption of an amendment to the bill relative to the interstate transportation of live stock; which was referred to the Committee on Interstate Commerce.

Mr. PLATT of Connecticut presented a petition of sundry citizens of New Haven, Conn., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Government buildings; which was referred to the Committee on Public Buildings and Grounds.

Mr. FAIRBANKS presented a petition of Local Union No. 127, International Union of Steam Engineers, of Columbus, Ind., praying for the passage of the so-called eight-hour bill; which was ordered to lie on the table.

He also presented a petition of Local Union No. 33, Cigar Makers' International Union, of Indianapolis, Ind., praying for the enactment of legislation granting to the States power to deal with intoxicating liquors which may be shipped into their territory from other States; which was referred to the Committee on Interstate Commerce.

Mr. BURTON presented a petition of the Ministerial Alliance, of Leavenworth, Kans., praying for the enactment of legislation to recognize and promote the efficiency of chaplains in the Army; which was referred to the Committee on Military Affairs.

He also presented the petitions of C. E. Jewell and sundry other citizens of Osborne County; of E. E. Booker and sundry other citizens of Mitchell County; of F. H. Quitland and sundry other citizens of Smith County, and of C. W. Talmadge, of Rooks County, all in the State of Kansas, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Government buildings; which were referred to the Committee on Public Buildings and Grounds.

STATEHOOD BILL.

Mr. GALLINGER. Mr. President, I present the address of Hon. W. B. Childers, retiring president of the New Mexican Bar Association, delivered at the seventeenth annual session at Santa Fe, N. Mex., January 12, 1903; also a letter from ex-Governor Prince, published in a recent issue of the New York Tribune, and a brief editorial from the World-Herald, of Omaha, Nebr., of Friday, January 23, 1903, in reference to the admission of the Territories to statehood. I ask that the papers may be printed as a document.

Mr. BEVERIDGE. Mr. President, I do not know that I shall make any objection to the request, but I hope the Senator will not press it now, because if editorials and articles of that kind are going to be put in the RECORD or printed as a document, then it will necessarily require the printing of other editorials. I hope the Senator will not press the request right now.

Mr. GALLINGER. I wish the Senator would object or not. I shall press the request. I ask that the order be made.

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent that the papers to which he refers be printed as a document.

Mr. BEVERIDGE. I do not know that I will object later in the day, but just at the present moment I shall object, because I want to talk with the Senator about it.

Mr. GALLINGER. Then I move that the papers be printed as a document. I will say——

Mr. BEVERIDGE. I am perfectly willing for the Senator to have the papers printed as a document if he is not willing to withhold his request long enough for us to have a conversation about it. I do not think I shall then object, but——

Mr. GALLINGER. I will say that these papers are entirely respectful and such papers as I would like to have the privilege of sending to some of my constituents. I have never raised an objection to a respectful request to have any respectful matter

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